ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

FILE COPY

DEC 08 2015

COUNTY OF MAUI
DEPARTMENT OF PLANNING
November 19, 2015

Ms. Jessica Wooley, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Ms. Wooley:

SUBJECT: MAUI PLANNING COMMISSION (COMMISSION) FINDING OF NO SIGNIFICANT IMPACT (FONSI) ON FINAL ENVIRONMENTAL ASSESSMENT (EA) ON THE PROPOSED NANI LOA CONDOMINIUM HOTEL DEVELOPMENT, LOCATED AT 2505 SOUTH KIHEI ROAD, KIHEI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-9-020:032 (EA 2015/0004)

With this letter, the Department of Planning (Department), on behalf of the Commission, hereby transmits the Final EA and FONSI (Final EA-FONSI) for the above-referenced project for publication in the next available edition of *The Environmental Notice*. The Commission made the FONSI determination at its November 10, 2015 meeting.

The Department, on behalf of the Commission, has included copies of comments and responses that it received during the thirty (30) day public comment period on the Commission's Draft EA-FONSI.

Enclosed is a completed OEQC Publication Form, two (2) copies of the Final EA-FONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

Thank you for your interest in this matter. If you have any questions, please call Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

RECEIVED
'15 NOV 23 P3:21
OFC OF ENVIRONMENTAL QUALITY CONTROL

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

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DEC 08 2015

July 2015 Revision

APPLICANT ACTION SECTION 343-5(e), HRS PUBLICATION FORM

RECEIVED
'15 NOV 24 P4:15
OFC. OF ENVIRONMENTAL QUALITY CONTROL

Project Name	**NANI LOA CONDOMINIUM HOTEL**
HRS §343-5 Trigger(s):	**Community Plan Amendment**
Island:	**MAUI**
District:	**WAILUKU**
TMK:	**(2) 3-9-020:032**
Permits:	**Building, Grading, Special Management Area, Community Plan Amendment**
Approving Agency:	**Maui Planning Commission, County of Maui** c/o Department of Planning, 2200 Main Street, Suite 315, Wailuku, Hawaii 96793 Mr. William Spence, Director, (808) 270-7634
Applicant:	**Victory Development Inc.** 30 East Lipoa Street, Suite 4-109, Kihei Hawaii 96753 Mr. Greg Walker, (808) 875-0646
Consultant:	**Chris Hart & Partners, Inc.** 115 North Market Street, Wailuku, Hawaii 96793 Mr. R. Raymond Cabebe, (808) 242-1955

Status (check one only):

__DEA-AFNSI
Submit the approving agency notice of determination/transmittal on agency letterhead, a hard copy of DEA, a completed OEQC publication form, along with an electronic word processing summary and a PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov; a 30-day comment period ensues upon publication in the periodic bulletin.

_X_FEA-FONSI
Submit the approving agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and a PDF copy (send both summary and PDF to oeqchawaii@doh.hawaii.gov; no comment period ensues upon publication in the periodic bulletin.

__FEA-EISPN
Submit the approving agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov; a 30-day consultation period ensues upon publication in the periodic bulletin.

__Act 172-12 EISPN
Submit the approving agency notice of determination on agency letterhead, an OEQC publication form, and an electronic word processing summary (you may send the summary to oeqchawaii@doh.hawaii.gov. NO environmental assessment is required and a 30-day consultation period upon publication in the periodic bulletin.

__DEIS
The applicant simultaneously transmits to both the OEQC and the approving agency, a hard copy of the DEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the DEIS (you may send both the summary and PDF to oeqc@doh.hawaii.gov); a 45-day comment period ensues upon publication in the periodic bulletin.

__FEIS
The applicant simultaneously transmits to both the OEQC and the approving agency, a hard copy of the FEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the FEIS (you may send both the summary and PDF to oeqc@doh.hawaii.gov); no comment period ensues upon publication in the periodic bulletin.

__ Section 11-200-23 Determination
The approving agency simultaneous transmits its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS to both OEQC and the applicant. No comment period ensues upon publication in the periodic bulletin.

__Statutory hammer Acceptance
The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it failed to timely make a determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and that the applicant's FEIS is deemed accepted as a matter of law.

__Section 11-200-27 Determination
The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is not required. No EA is required and no comment period ensues upon publication in the periodic bulletin.

__Withdrawal (explain)

Summary (Provide proposed action and purpose/need in less than 200 words. Please keep the summary brief and on this one page):

The applicant is proposing to develop a hotel condominium complex on 1.438 acres of land community planned for Multi-family and zoned for Hotel use in the Kihei District, Maui County. The proposed project consists of 39 units in one 3-story building (Building 1) with 11 units and one 4-story building (Building 2) with 28 units. The design has 6 floor plans, ranging from 780 square feet to 1,462 square feet of either two or three-bedroom units. All living units are served by exterior walkways and each have a private lanai from approximately 110 to 300 square feet. The lower floors of both buildings are used for parking. The EA is triggered by the proposed Community Plan Amendment from Multi-Family to Hotel.

HRS 343 FINAL ENVIRONMENT ASSESSMENT
IN SUPPORT OF APPLICATIONS FOR
COMMUNITY PLAN AMENDMENT
AND
SPECIAL MANAGEMENT AREA USE PERMIT

NANI LOA CONDOMINIUM HOTEL

2505 South Kihei Road
Kihei, Maui, Hawaii
Tax Map Key: (2) 3-9-020:032

Prepared for:
Victory Development Inc.
30 E. Lipoa Street, Suite 4-109
Kihei, Hawaii 96753
Phone: (808) 875-0646

Prepared by:
Chris Hart & Partners, Inc.
Landscape Architecture & City and Regional Planning
115 North Market Street
Wailuku, Hawaii 96793
Phone: (808) 242-1955
Facsimile: (808) 242-1956

OCTOBER 2015

HRS 343 FINAL ENVIRONMENT ASSESSMENT
IN SUPPORT OF APPLICATIONS FOR
COMMUNITY PLAN AMENDMENT
AND
SPECIAL MANAGEMENT AREA USE PERMIT

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Facsimile: (808) 242-1956

OCTOBER 2015

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I. PROJECT INFORMATION

A. PREFACE

The applicant, Victory Development Inc., is proposing a development on a parcel identified as Tax Map Key (2) 3-9-020:032, Kihei, Maui, Hawaii (**See**: Figures No. 1 "Regional Location Map", & No. 2 "Tax Map"). This parcel was originally part of the adjoining parcel (TMK (2) 3-9-020:003) which contains the 180-unit Kihei Kai Nani development. According to Maui County Real Property records, the 1.438 acre parcel was "dropped" from TMK (2) 3-9-020:003 in 1969. A perpetual easement through the Kihei Kai Nani parcel to South Kihei Road for "roadway, sanitary sewer, utility and other purposes" was granted to the subject land-locked parcel in 1972. Kihei Kai Nani was constructed in 1970.

This Final Environmental Assessment has been prepared in support of a Special Management Area (SMA) Use Permit and a Community Plan Amendment (CPA) for the proposed project.

Land Use History. The subject property is located in what was known as the "Kamaole Superblock" in the *Kihei Civic Development Plan* (Maui County 1970), designated for high density hotel development. The property was designated **Hotel** in the *Kihei-Makena Community Plan* (July 1985). In the March 1998 update of the *Kihei-Makena Community Plan*, the property's designation was changed to **Multi-Family**.

In 1994, a Special Management Area (SMA) Use Permit application (SM1 94/0013) was approved by the Maui Planning Commission for a 48-unit condominium project. The project was never constructed and the SMA Use Permit was closed in 2003.

In 2009, an SMA Use Permit application (SM1 2009/0003) was submitted to the Maui Planning Department for the development of a 32-unit hotel condominium project. The Draft Environmental Assessment (EA) in support of the project was published for public comment in compliance with Hawaii Revised Statutes (HRS) Chapter 343 since the applicant is requesting a Community Plan Amendment (CPA). Several studies were prepared to assess the potential environmental impacts associated with the project. Due to the economic downturn in the latter part of the past decade, the original applicant was unable to pursue completion of the project, but continued to refine the project plans. The recent improvement in the economy has encouraged the applicant to resubmit this updated Draft EA document.

B. PURPOSE OF THE REQUEST

The proposed Nani Loa Hotel Condominium project will consist of 39 two- and three-bedroom units within two (2) buildings: one two-story and one three-story over ground level parking.

The subject property is located within the Special Management Area (SMA); therefore, an SMA Use Permit is required.

In order to develop the project as a Hotel Condominium and to satisfy the consistency requirement of the SMA, the request also includes a Community Plan Amendment (CPA) from (MF) Multi-Family to (H) Hotel. The CPA triggers compliance with Hawaii Revised Statutes (HRS) Chapter 343. As such, preparation of this Environmental Assessment is required. **Note**: The subject property is County zoned H-2 Hotel District.

The *Socio-Economic Forecast, The Economic Projections for the Maui County General Plan 2030* (County of Maui, June 2006) projects that Maui County will need 25,713 "visitor units" by 2030 based on the expected increase in visitor arrivals (baseline projection). In 2010, the Kihei-Makena region was projected to have 8,121 visitor units (43.7% of Maui Island total). By 2030, the region is projected to have 12,500 units (48.6% of Maui Island total), or an increase of 4,379 visitor units. With 39 units, the proposed Nani Loa Hotel Condominium represents about 0.89% of this projected increase.

C. PROJECT PROFILE

Proposed Project:	39-unit Hotel Condominium
No. of Buildings:	2
Stories:	3 and 4
Height:	35 feet and 45 feet
Project Address:	2505 South Kihei Road Kihei, Maui, Hawaii
Project TMK:	(2) 3-9-020:032
Parcel Size:	1.438 acres
Existing Land Use:	Vacant
Access:	South Kihei Road, via a perpetual easement through the Kihei Kai Nani Condominium property
Estimated Value:	$13,000,000.00

D. IDENTIFICATION OF THE APPLICANT/OWNER

Owner:	Victory Development Nani Loa LLC
Address:	30 E. Lipoa Street, Suite 4-109 Kihei, Hawaii 96753
Applicant:	Victory Development Inc.
Address:	30 E. Lipoa Street, Suite 4-109 Kihei, Hawaii 96753
Phone:	(808) 875-0646
Contact:	Mr. Greg Walker

E. CONSULTANTS

Land Use Planner & Landscape Architects:	Chris Hart & Partners, Inc. 115 North Market Street Wailuku, Maui, Hawaii 96793
Phone:	Voice: (808) 242-1955 Facsimile: (808) 242-1956
Contact:	Mr. Jordan E. Hart, President
Civil Engineer:	Otomo Engineering Inc. 305 South High Street, Suite 102 Wailuku, Hawaii 96793
Phone:	(808) 242-0032
Contact:	Mr. Stacy Otomo
Traffic Engineer:	Phillip Rowell and Associates 47-273 'D' Hui Iwa Street Kaneohe, Hawaii, 96744
Phone:	(808) 239-8206
Contact:	Mr. Phillip Rowell
Archaeological and Cultural Consultant:	Scientific Consultant Services, Inc. 711 Kapolei Blvd. Suite 975 Honolulu, HI 96813
Phone:	Voice: (808) 597-1182 Facsimile: (808) 597-1193
Contact:	Mr. Michael Dega, PhD.

F. ACCEPTING/APPROVING AGENCY

Agency:	Maui Planning Commission c/o Department of Planning, County of Maui 250 South High Street Wailuku, Maui, Hawaii 96793
Phone:	(808) 270-7735
Facsimile:	(808) 270-7634
Contact:	Mr. William Spence

G. MAJOR LAND USE, DEVELOPMENT AND CONSTRUCTION APPROVALS

1. Grading and Grubbing Permit approval from the Department of Public Works (DPW).
2. Building Permits for future structures from the DPW.
3. Demolition Permit from DPW.
4. Special Management Area Use Permit by the Maui Planning Commission, via the Department of Planning.
5. Community Plan Amendment approval by the Maui County Council.

H. CONSULTATION WITH AGENCIES & PRIVATE INTERESTS

Pre-Consultation. The following agencies and individuals/organizations responded to requests for comments prior to submittal of the Draft EA (**See**: Appendix "A", "Pre-Consultation Agency Comments" and Appendix "B", "Community Consultation")

COUNTY OF MAUI

1. Department of Housing and Human Concerns
2. Department of Parks & Recreation
3. Department of Planning
4. Police Department

STATE OF HAWAII

1. Department of Education
2. Department of Health

3. Department of Land & Natural Resources
    a. Engineering Resources
    b. Land Division
4. Department of Transportation
5. Office of Hawaiian Affairs

FEDERAL

1. Department of the Army

OTHER

1. Maui Electric Company
2. Neighboring Property Owners and Registered Lessees within 500 feet
3. Kihei Community Association
4. Kihei Kai Nani Owners' Association Board

Draft Environmental Assessment (EA), March 2009. The Draft Environmental Assessment (EA), dated March 2009, was published on August 8, 2009 by the State Office of Environmental Quality Control (OEQC) for public comment. The Draft EA was distributed for agency comments and also reviewed by Maui Planning Commission on August 11, 2009. The following agencies responded (**See**: Appendix "C", "Previous Draft EA Agency Comments"):

COUNTY OF MAUI

1. Department of Housing and Human Concerns
2. Fire Department
3. Department of Parks & Recreation
4. Department of Planning
    a. Maui Planning Commission
3. Police Department
5. Department of Public Works
6. Department of Water Supply

STATE OF HAWAII

1. Department of Accounting and General Services
2. Department of Health
3. Department of Land & Natural Resources
    a. Aquatic Resources Division
    b. Engineering Resources
    c. Historic Preservation Division

OTHER

1. Hawaiian Telcom

Draft Environmental Assessment (EA), February 2015. The Draft Environmental Assessment (EA), dated February 2015, was published on May 8, 2015 by the State Office of Environmental Quality Control (OEQC) for public comment. The Draft EA was distributed for agency comments, reviewed by Maui Planning Commission on June 9, 2015, and the Urban Design Review Board on August 4, 2015. The following agencies responded (**See**: Appendix "J", "Draft EA Agency Comments & Responses"):

COUNTY OF MAUI

1. Department of Environmental Management
2. Department of Finance
3. Department of Housing & Human Concerns
4. Department of Planning
    a. Maui Planning Commission
5. Police Department
6. Department of Public Works
7. Department of Water Supply

STATE OF HAWAII

1. Department of Accounting and General Services
2. Department of Health
3. Department of Land & Natural Resources
    a. Historic Preservation Division

FEDERAL

1. Department of Army
   a. U.S. Army Corps of Engineers
2. Department of the Interior
   a. Fish and Wildlife Service

The project was presented at the regular meeting of the Maui Planning Commission on June 9, 2015. The meeting was open for public testimony and there were twelve (12) testifiers. Members of the Maui Planning Commission asked questions and provided comments (**See**: Appendix "K"). As required, the notice of application for Special Management Area Use Permit was published in the Maui News on August 26, 2015. Also as required, the notice of application for Community Plan Amendment was mailed out August 20, 2015.

Fifty-six (56) letters or emails from private citizens were received with comments on the Draft EA (**See**: Appendix "L").

Victory Development hosted a Community Informational Meeting at the Kai Ani Village property on September 16, 2015. Nine hundred (900) invitations were mailed to neighbors within 500 feet of the project. We received three (3) phone calls, two (2) letters, one (1) fax, and eleven (11) emails with questions and/or comments. The meeting was hosted by the representatives of Victory Development with twenty-three (23) people in attendance. A slide presentation was conducted by Mr. Raymond Cabebe, of Chris Hart & Partners, Inc., and questions were fielded by Mr. Greg Walker and Mr. Todd Leibl, of Victory Development. The proceedings are documented in Appendix "M".

II. DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION

A. PROPERTY LOCATION AND DESCRIPTION

The Nani Loa Project is located in the Kamaole area of Kihei, on the island of Maui, *Mauka* of South Kihei Road, and the existing Kihei Kai Nani Hotel Condominium Project. The parcel gains access to South Kihei Road via a Perpetual Easement through the Kihei Kai Nani Project (**See**: Figure No. 3, "TMK Parcel Map", Figure Nos. 4.1 & 4.2 "Photographs", & Appendix "D", "Deed & Perpetual Easement"). There are vacation condominium developments abutting to the west (Kihei Kai Nani) and abutting to the south (Kihei Akahi). **Note**: The subject parcel was originally part of the Kihei Kai Nani development. To the north and to the east, are vacant parcels zoned for hotel development. The Hale Pau Hana condominium is located across South Kihei Road. Major landmarks in the area are Kamaole Beach Park II to the west along the coastline across South Kihei Road and the recently dedicated Kihei Police Station to the northeast across Piilani Highway.

B. LAND USE DESIGNATIONS

See: SMA Application, "Zoning and Flood Confirmation".

State Land Use Classification:	Urban
Maui Island Plan:	Urban Growth
Kihei-Makena Community Plan:	MF Multi-Family (**See**: Figure No. 5, "Kihei-Makena Community Plan")
County Zoning:	H-2 Hotel District (**See**: Figure No. 6, "County Zoning")
Flood Zone Designation:	"X", outside (**See**: Figure No. 7, "Flood Map")
Special Designations:	Special Management Area (SMA) (**See**: Figure No. 8, "SMA Map")

C. ALTERNATIVES

1. No Action

No development would result in an undeveloped parcel.

Analysis. The parcel has been designated by community plan and county zoning for dense urban development within the urbanized area of Kihei. Infill development of the urbanized area is consistent with the land use policies implemented by the State of Hawaii through State Land Use Designation and by the County of Maui through the Community Planning Process and County Zoning Designation.

Dissuading the development of infill parcels designated for dense development within the urban core of Kihei will result in sustained development pressures in areas outside the urban core, as alternative locations for development will continue to be sought. Discouraging centralized infill development encourages decentralized and sprawling development straining infrastructure and services.

2. Development as a Single Family Project

Uses permitted in the Residential District are permitted uses within the Hotel District. A single family dwelling development would require a subdivision or condominium action to create separate lots.

Analysis. Since an SMA permit would require land use consistency, a Community Plan Amendment (to Single Family Residential) as well as a Change in Zoning (to R-1, R-2, or R-3) would be required. Major infrastructure improvements would be required such as an access road with curb, gutter and sidewalks, sewer and water laterals, individual water meters, fire hydrants, and other underground utilities. With the highest level of Residential density, "R-1", approximately nine (9) lots would be the maximum possible. Even with *ohana* units, the density would not be financially viable or compatible with surrounding existing and potential developments.

3. Development as Multi-Family Project

Under the parcel's current land use designation, the applicant could pursue an SMA permit to develop the project as a Multi Family development without the requirement for additional land use entitlements.

Analysis. There is an increased demand for hotel units caused by a number of factors. The first is the trend towards conversion of hotel units into timeshare units. The

second is the sinking inventory of County Zoned and Community Planned Hotel parcels. The anticipated need for Hotel Units is discussed in detail in the November 2006, Land Use Forecast, Island of Maui, Maui County General Plan 2030, prepared by Plan Pacific, Inc., for the County of Maui.

From a historical perspective, the subject parcel was at one time part of the adjacent Kihei Kai Nani Hotel Condominium Project originally constructed in 1970. The subject parcel was envisioned to eventually become an extension of Kihei Kai Nani.

A maximum building height of forty-five (45) feet is allowed within the Kihei-Makena Community Plan area for Multi-Family Projects. The Multi-Family height restriction negatively impacts the design of a proper roof when accommodating the quantity of units required making the project feasible. Providing adequate parking for the project was also a significant consideration for the project site.

According to the Kihei-Makena Community Plan, building heights for Hotel development may be gradually increased to seventy-five (75) feet further from the shoreline. The proposed Nani Loa Project will have a maximum height of approximately forty-five (45) feet from finish grade (fifty (50) feet from existing grade) which is consistent with the heights of neighboring Hotel development including the Kihei Akahi Project.

A Kihei-Makena Community Plan designation of Hotel will allow for architectural design flexibility from height restrictions to facilitate the design of a more aesthetically pleasing and financially feasible project.

4. Development as Resort Commercial

Uses permitted in the B-R Resort Commercial District are "activities and services oriented towards the needs of the transient visitor." (MCC 19.22.010) Although uses are visitor related, the district supports independent business use as the primary focus.

Analysis. Since an SMA permit would require land use consistency, a Community Plan Amendment (to Commercial) as well as a Change in Zoning (to B-R) would be required. Uses could be compatible with surrounding existing and potential developments, but would likely raise concerns and opposition from neighbors. Uses include restaurants, bars, coffee shops, art galleries, and theaters, among other uses providing goods and services to transient visitors. Building height would be limited to two-stories, creating a low profile building envelope. However since the parcel is landlocked, the lack of through traffic (vehicular or pedestrian) would not be conducive to the operation of successful business activities.

5. **Highest & Best Use**

The maximum height for the H-2 Hotel District is twelve (12) stories. Maximum lot coverage is thirty-five percent (35%) and maximum floor area-lot area ratio is one hundred fifty percent (150%). This alternative would provide a unit density that would be double the preferred alternative.

Analysis. The proposed project (preferred alternative) has a more conservative configuration: four (4) stories maximum, lot coverage is thirty-four percent (34%), and floor area-lot area ratio is seventy-three percent (73%). This allows for a lower height, less dense, and more attractive site layout and building design with less impact to the environment. Additionally, the Kihei-Makena Community Plan states that, "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." Because of the project's location within the Special Management Area, development of a twelve (12) story structure is not possible due to the lack of conformity with the Kihei-Makena Community Plan.

D. DESCRIPTION OF PROPOSED ACTION (PREFERRED ALTERNATIVE)

The applicant is proposing to develop a hotel condominium complex on 1.438 acres of land community planned for Multi-family and zoned for Hotel use. The proposed project consists of 39 units in one 3-story building (Building 1) with 11 units and one 4-story building (Building 2) with 28 units and (**See**: Figure Nos. 9.1 – 9.13). The design has 6 floor plans, ranging from 780 square feet to 1,462 square feet of either two or three-bedroom units. (**See**: Figure Nos. 9.2 and 9.3). All living units are served by exterior walkways and each have a private lanai from approximately 110 to 300 square feet. The lower floors of both buildings are used for parking.

The proposed project meets the zoning requirements of the H-2 ~~Apartment~~ Hotel District:

	H-2 Hotel District Regulations	**Proposed**
Stories	12	4 maximum
Lot Coverage	35%	34%
Floor Area Ratio	150%	73%

	H-2 Hotel District Regulations	Proposed
Parking	2 stalls/unit	83 stalls

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

The six living unit plans are configured as follows (**See**: Figure Nos. 9.2 & 9.3 "Unit Plans"):

Plan	Living Area (sq. ft.)	Lanai Area (sq. ft.)	Bedroom	Bath
1	963	110	2	2
2	922	200	2	2
3	963	201	2	2
4	1462	302	3	3.5
5	837	183	2	1.5
6	780	215	2	1

The unit plans are provided within each building by floor as follows:

Plan	1	2	3	4	5	6	Floor Totals
BLDG. 1							
Floor 2	0	2	2	0	1	1	6
Floor 3	0	2	2	1	0	0	5
BLDG. 2							
Floor 2	2	2	2	0	2	2	10
Floor 3	2	2	2	0	2	2	10
Floor 4	2	2	2	2	0	0	8

TOTALS	6	10	10	3	5	5	**39**

The exterior building materials will consist of board and batten siding, with lap siding at the upper floor areas, standing seam metal roofing with aluminum handrails at the lanais. The 4-story building height is 45 feet (50 feet above existing grade) and the 3-story building height is 35 feet (40 feet above existing grade) where 75 feet is recommended for hotel development in the Kihei-Makena Community Plan (**See**: Figure Nos. 9.4 - 9.7 "Elevations").

Common Area. The common area will include a swimming pool, spa, covered recreational facilities, BBQ, exercise room, manager's office and two elevators-one at each building.

Parking. The project provides the required two (2) parking stalls per living unit (**See**: Figure No. 9.1 "Site Plan"). Four (4) of the parking stalls are ADA (Americans with Disabilities Act) compliant. Eighty-three (83) stalls will be provided; forty-five (45) garages (assigned), and thirty-eight (38) uncovered stalls (one assigned to office manager with the remainder unassigned). Automobile and pedestrian access to the project site will be from South Kihei Road through a perpetual easement on the Kihei Kai Nani property.

Required parking for the proposed project is determined as follows:

Description	Area (sq. ft.)	Units	Ratio	Stalls Required
Hotel/Condo Units	N/A	39	2 stalls/unit	78
Office	240	N/A		
Restrooms	288	N/A		
Total Area	528	N/A	1 stall/500 sq. ft.	1
Total Stalls Required				**79**
Total Stalls Provided				**83**

Note: Common areas, such as swimming pool & deck area, lounge area, community kitchen, and owner storage room, are for the exclusive use of the owners & guests; therefore, no parking stalls are required for these uses, pursuant to the Planning Director's August 5, 2005 Memorandum regarding "Designated Number of Parking Spaces for Hotels and Apartments". Since eighty-three (83) stalls are provided, there will be four (4) excess stalls.

One electric vehicle charging station stall is included in the eighty-three (83) stalls. In addition, four (4) loading stalls will be provided.

ADA (Americans with Disabilities Act) Features. In conjunction with properly marked ADA compliant parking stalls, the designated disability entrance will have direct access to the elevator. All common areas are ADA compliant including the restrooms, with proper railings, clear travel widths, and sidewalk ramps. Final plans will be reviewed for compliance with the State Disability and Communication Access Board (DCAB) rules.

Landscape Design. Perimeter landscape planting is provided as required buffer parking areas from adjacent parcels (**See**: Figure No. 10 "Landscape Concept Plan"). Plantings will be a combination of native and climate adapted (Zone 3) species. An automatic irrigation system will be installed with drip emitters (where appropriate), rain sensors, and will be "R-1 ready" when recycled water becomes available. Landscape buffers, provided along the property lines of the entire property, meet or exceed requirements:

Landscape Buffers (feet)		
Building 1	**Required**	**Proposed**
Front (west)	4.4	12
Side & rear (north, south, east)	3	3
Building 2		
Front (west)	5.6	6
Side & rear (north, south, east)	3	3

Dense shrubs, such as Naio and/or A'ali'i, are proposed to be planted along the common boundary with Kihei Kai Nani along with shade trees. Eighteen (18) large canopy shade trees are distributed throughout the site.

A detailed plan will be submitted with the Landscape Planting Plan application for approval prior to the final compliance report.

Infrastructure. The proposed project will require on-site support infrastructure. On-site infrastructure will include asphalt paved driveways, parking lots, as well as water, sewer, drainage, electrical, and telephone system improvements (**See**: Figure No. 9.1 "Site Plan").

Workforce Housing. As required by Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC), the applicant will enter into a residential workforce housing agreement with the County of Maui to establish compliance with the said chapter. Currently, the applicant is required to offer for sale or rent to qualified families an equivalent of twenty-five percent (25%) of the proposed units either onsite or offsite, pay an in-lieu fee, provide improved or unimproved land, or obtain residential workforce housing credits. The method will be determined prior to the applicant entering into the workforce housing agreement. Compliance with the terms of the agreement must occur prior to approval of building permits, as required by MCC Chapter 2.96. The DHHC prepares the Affordable Sales Price and Rent

Guidelines annually, based on the Median Family Income (MFI) established by the U.S. Department of Housing and Urban Development (HUD). The MFI for 2014 was $75,800.

Sustainability. Careful consideration has been made toward green building and higher energy and water efficiency by incorporating the following sustainable concepts into the design:

- The project site is within a half mile (10 minute average walking time) of public transportation, shopping, beach parks, schools, and other basic services indicating very good community connectivity. This, along with the network of sidewalks in the neighborhood, encourages pedestrian access to goods and services.
- Ample bicycle rack storage is provided to encourage an alternative mode of transportation. The project will maintain "complex owned" bikes for use by residents and guests as alternate mode of transportation.
- Roof mounted photovoltaic solar panels are proposed to be installed and sized to generate sufficient power for common areas (**See**: Figure No. 9.12 "Features"). Any proposed photovoltaic system is subject to MECO approval based on electrical grid conditions at the time of Project construction.
- An electric vehicle charging station will be located near Building No. 2's entrance (**See**: Figure No. 9.12 "Features").
- Outdoor water conservation (**See**: "Landscape Design" above).
- Indoor water conservation will be attained with WaterSense fixtures.
- Storm water managed with sub-surface retention system (**See**: Subsection III.D.3. "Drainage").
- Low E, high efficiency windows with sound reduction glass will be utilized.
- Each unit will be cooled with individual split air conditioning systems.
- All bedrooms and family rooms will have ceiling fans.
- Radiant barrier roofs with upgraded insulation will be provided throughout.
- The project is an in-fill development surrounded on all sides by current and future vacation condominium developments where the goods, services, and amenities, as well as major components of infrastructure, are already in place.

Schedule. Construction is anticipated to begin once all of the required State and County Permits have been issued. It is anticipated that full build-out of the site will require approximately twenty-four (24) months to complete.

III. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Land Use

Existing Conditions. The subject property is located within South Kihei, on the leeward facing shore of Maui where the weather is dry, sunny, and desirable for visitors. A patchwork of existing multi- and single-family residences, commercial, and resort developments characterize South Kihei. Development in the region generally occurs in a linear pattern between the shoreline and Piilani Highway, a four-lane principal arterial road from Mokulele Highway to Mapu Place/Kilohana Street. South Kihei Road is a two-lane major urban collector road that provides service along the shoreline to residential, commercial, and condominium resort areas. Zoning and Community Plan Designations throughout South Kihei are predominantly in support of commercial, resort, and multi- and single-family residential uses. Commercial uses are concentrated within regional shopping centers including Pi'ilani Village Shopping Center, Azeka's Place I & II, as well as, in smaller commercial developments located along South Kihei Road, in the vicinity of the Kamaole Beach Parks. In the Kamaole Beach Park II area, Dolphin Plaza, Kamaole Beach Center, Rainbow Mall, Kamaole Shopping Center and the Kai Nani Shopping Center provide convenience stores, eateries, coffee shops, other shopping opportunities and services within a half mile of the project site which is easily walkable. The Pi'ilani Village Shopping center is situated approximately two miles north of the subject site and is accessible from both Pi'ilani Highway and South Kihei Road. The center serves a regional market and includes such tenants as Safeway, Starbucks, Hilo Hattie, and Super Cuts, as well as, various restaurants and other services.

The subject property is bound to the south and west by existing condominium hotel developments, and to the north and east by land community planned multi-family and zoned for hotel use. The proposed development can be characterized as an urban infill project and is in character with the established land use pattern of the area (**See**: Figure No. 9.11). The subject property is located in what was known as the "Kamaole Superblock" in the *Kihei Civic Development Plan* (Maui County 1970), designated for high density hotel development.

The Community Plan map presents an illustration of the range of potential future land uses planned within the immediate area (**See**: Figure No. 5 "Community Plan Map").

The following is a description of zoning, community plan designations, and existing land uses adjacent to the subject property:

North:	Zoning: (H-2) Hotel District Community Plan: Multi-Family State Land Use: Urban Existing uses: vacant, proposed Aloha Villages Residential Condominium
South:	Zoning: (H-2) Hotel District Community Plan: Hotel State Land Use: Urban Existing uses: Kihei Akahi, 240-unit condominium hotel.
East:	Zoning: (H-2) Hotel District Community Plan: Multi-Family State Land Use: Urban Existing uses: vacant.
West:	Zoning: (H-2) Hotel District Community Plan: Hotel State Land Use: Urban Existing uses: Kihei Kai Nani 180-unit condominium hotel.

Potential Impacts and Mitigation Measures. The proposed hotel condominium project is located within an area that is zoned for Hotel uses. The community plan for multi-family residential uses. Existing land development in the area largely reflects this settlement pattern. In the context of the Kihei-Makena Community Plan, the project is consistent with existing land use patterns in the area.

2. Climate

Existing Conditions. The climate in the South Maui region is influenced by persistent north-northeasterly trade winds. Kihei is located on the dry leeward side of South Maui. Average annual temperature in South Maui is 80°F. Average monthly temperatures vary by about 20 degrees between the coolest and warmest months. Rainfall at the subject property averages 15 inches per year with the highest average monthly rainfall, less than three inches, occurring between November and March.

It has been recognized by the Federal and State governments that global climate change may have specific impacts on Hawaii, including sea level rise, ocean acidification, increased severity of storms and coastal hazards, and drought. In order address the impacts of climate change, §226-109 of the Hawaii Revised Statutes (HRS) establishes climate change priority guidelines. The guidelines relative to this project are:

> *(5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;*

and,

> *(6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;*

Potential Impacts and Mitigation Measures. The proposed Nani Loa Hotel Condominium project is located approximately 1,000 feet from the shoreline; therefore, it will not have a direct impact on shoreline resources such as reefs and beaches. Alterations to the existing drainage way through the property will be minimal, preserving a natural landscape feature. The proposed project will indirectly reduce greenhouse gas (GHG) emissions, which are known to accelerate the effects of climate change, by encouraging alternate modes of transportation, providing bicycle storage facilities, being located approximately 1,200 feet from a public bus stop, and within walking distance of goods and services.

3. Topography and Soils

Existing Conditions. The project site is currently vacant and covered with grass and weeds. The elevations on the project site ranges from 54 feet above mean sea level (AMSL) at the northeast corner to 34 feet AMSL at the midpoint of the west boundary, averaging about a 9.0% slope.

According to the "Soil Survey of Island of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972), " prepared by the United States Department of Agriculture Soil Conservation Service, the soil within the project site is classified as Puuone sand (PZUE) and Dune Land (DL). Puuone sand is classified as having rapid permeability above the cemented layer, slow runoff, and a moderate to severe hazard of wind erosion. Dune Land consists of hills and ridges of sand-sized particles drifted and piled by the wind (**See**: Figure No. 11 “Soils Map”).

Potential Impacts and Mitigation Measures. Due to neighboring developments and vegetation, soils on the project site are generally stabilized. The topographic and soil

analysis suggests that the proposed land uses are suitable for the site, including grading, paved parking, buildings, utility connections, and landscaping.

4. Flood and Tsunami Zone

Existing Conditions. According to Panel Number 1500030588F dated September 19, 2012 of the Flood Insurance Rate Map (FIRM), prepared by the United States Federal Emergency Management Agency, the project site is situated within Zone "X". Zone "X" is an area determined to be outside of the 0.2% annual chance floodplain (**See**: Figure No. 7, "Flood Insurance Rate Map").

Potential Impacts and Mitigation Measures. Since an existing drainage way runs through the project site, the proposed site layout locates the two main buildings on the higher points of the site. The subject development is located outside of the flooding hazard area and therefore is not prone to flood and tsunami related hazards. A subsurface drainage system will be designed and sized to accommodate the increase in surface runoff volume from a 50-year, 1-hour storm created by the proposed project plus an additional 20 percent of the increase in runoff (**See**: Section III.D.4, "Drainage").

5. Terrestrial Biota (Flora And Fauna)

Existing Conditions. The existing vegetation on the subject property primarily consists of common grasses, weeds, kiawe trees, and various shrubs. In the vicinity of the property line abutting the Kihei Kai Nani complex, fifteen (15) trees were identified in an Inspection Report (October 3, 2015) prepared by Ernest Rezents of Tree & Landscape Decisions LLC (**See**: Appendix "N"). The inspection, conducted on September 29, 2015, also identified a hedge, consisting of natal plum, Christmas berry, and haole koa running along the Kihei Kai Nani property boundary.

No known rare, endangered, or threatened species of flora were discovered on the subject property. Avifauna typically found in the area includes the Northern Cardinal, House Finch and gray and Black Francolin. Mammals common to this area include cats, dogs, rats, mice, and mongoose. No known rare, endangered, or threatened species of fauna have been observed on the subject property. The following excerpt is from the Archaeological Assessment Report for the project site (**See**: Appendix "E", "Archaeological Assessment Report"):

> *… extensive land alteration is apparent throughout the area, probably in association with the construction of the surrounding condominiums. Multiple sand piles were present throughout and modern debris including milled wood and metal pieces were observed in*

some of the piles. A recent road extends west from the neighborhood to the east onto the south side of the project. This road may have been made as an access for the construction of a fence associated with the ongoing development to the north. The north side of the drainage appears to have been graded extensively, probably as a staging area. Vegetation in this part of the project is sparse and does not have as dense of a grass growth as on the south side, as the project area is primarily sand and therefore will have no known impact on native or otherwise sensitive flora and fauna. (p. 9)

Potential Impacts and Mitigation Measures. Of the fifteen (15) trees analyzed by the Inspection Report (Rezents 2015), seven (7) were considered transplantable, but would either be too costly, too large, or unhealthy to do so. Three (3) of the trees are categorized as invasive species. All others are recommended to be replaced with another tree. The project proposes to plant eighteen (18) large canopy shade trees, fourteen (14) palms, and eight (8) dwarf plumeria trees (**See**: Figure No. 10 "Landscape Concept Plan").

The U.S. Fish & Wildlife Service reviewed the project and determined that there is "no critical habitat in the vicinity of the project area." The agency did recommend several measures to mitigate potential impacts on listed threatened or endangered species that are present in the vicinity:

1. Woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).
2. A qualified biologist will survey construction areas prior to initiation of work for Blackburn's sphinx moth and its host plants. Survey will be conducted during wettest portion of year (November – April) or after significant rain.
3. Any lights associated with the project will be cut-off, equipped with motion sensor, or shielded to prevent attraction of seabirds. Outdoor lighting will be "dark sky" compliant.
4. Educational information shall be provided to occupants and visitors about sea turtles on the beach, their protected status, and safe viewing guidelines.

There are no known significant habitats of rare, endangered or threatened species of flora and fauna located on the subject property. Thus, rare, endangered, or threatened species of flora and fauna will not be impacted by the proposed project.

6. Air Quality

Existing Conditions. Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of the natural background and emissions from many pollution sources. The impact of land development activities on air quality in a

proposed development's locale differs by project phase (site preparation, construction, occupancy) and project type. In general, air quality in Kihei is considered relatively good. Non-point source emissions (automobile) are not significant to generate a high concentration of pollutants. The relatively high quality of air can also be attributed to the region's exposure to wind, which quickly disperses concentrations of emissions. Between the months of March and November, Kihei may be subject to the effects of sugar cane burning prior to harvesting. People with respiratory health issues can be affected. The Hawaii State Department of Health has determined that levels of smoke and ash released by this practice are below National Ambient Air Quality Standards (NAAQS) thresholds (*Sugar Cane Burning on Maui*, DOH, Clean Air Branch, April 9, 2013). The South Kihei area is currently in attainment of all criteria pollutants established by the Clean Air Act, as well as the State of Hawaii Air Quality Standards. In December 2009 the EPA determined that greenhouse gases (GHG) in the atmosphere endanger the welfare of current and future generations.

Potential Impacts and Mitigation Measures. During construction, there will be air quality impacts attributed to short-term construction related activities. A Best Management Practices (BMP) plan will be implemented which will include, but not be limited to:

- Providing an adequate water source prior to start-up of construction for use in dust control;
- Landscaping and rapid covering of bare areas, including slopes, beginning with the initial grubbing and grading phase;
- Controlling of dust from shoulders, project entrances and other access roads;
- Providing adequate dust control measures during weekends, after hours and prior to daily start-up of construction activities;
- Controlling of dust from debris hauled away from the project site; and,
- Erecting a dust fence to shield the adjacent project sites.

The increase in the number of residents may result in a slight increase in the volume of traffic in the region, which would increase vehicular emissions such as carbon monoxide. However, this increase is not considered significant when compared to the overall number of vehicles in Kihei and in consideration of existing ambient conditions. Thus, the proposed project is not anticipated to be detrimental to local air quality or contribute significantly to GHG emissions.

7. Noise Characteristics

Existing Conditions. The noise level is an important indicator of environmental quality. In an urban environment, noise is due primarily to vehicular traffic, air traffic, heavy machinery, ventilation and air-conditioning equipment. Ramifications of various sound levels and types may impact health conditions and an area's aesthetic appeal. Noise levels in the vicinity of the project area are generally low. Traffic noise along South Kihei Road is the predominant source of background noise in the vicinity of the subject property.

Potential Impacts and Mitigation Measures. In the short-term, the proposed project could generate some adverse impacts during construction. Heavy construction equipment, such as bulldozers, front-end loaders, and material-carrying trucks and trailers, will be the dominant source of noise during the construction period. To minimize construction related impact to the surrounding property owners, the developer proposes to limit construction activities to normal daylight working hours, and to adhere to the State Department of Health's noise regulations for construction equipment. The applicant has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

In the longer-term, additional traffic will be generated by the project; however, relative to existing noise conditions in the area, the noise impacts should be minimal.

8. Archaeological/Historical Resources

Existing Conditions. Scientific Consultant Services (SCS), Inc. conducted an Archaeological Inventory Survey on 1.438 acres of undeveloped land in south Kīhei, Kama`ole Ahupua`a, Wailuku District, Maui Island, Hawai`i [TMK: (2) 3-9-20:032] for Victory Development, Inc. (**See**: Appendix "E", "Archaeological Assessment Report").

Survey & Excavation - Fieldwork was conducted February 13 and 15, 2007 by SCS archaeologist Tomasi Patolo, B.A., under the direction of Michael Dega, Ph.D., Principal Investigator. The work included a 100 percent systematic pedestrian survey and mechanical subsurface testing (excavation) all of which yielded negative results.

The project area was subjected to a pedestrian survey prior to the subsurface testing. No surface archaeological remains were observed; extensive land alteration was apparent throughout the area, probably in association with the construction of the surrounding condominiums. A total of four backhoe trenches were excavated during subsurface testing: three of the trenches were excavated south of the naturally occurring drainage swale and one was excavated on the north side. Archaeological monitoring was recommended due to the moderate possibility of inadvertent discovery of Native Hawaiian burials.

Potential Impacts and Mitigation Measures. The above referenced Inventory Survey was reviewed by State Historic Preservation Division (SHPD). SHPD has indicated that it will support the Inventory Survey's findings after an archaeological monitoring plan is submitted, reviewed, and accepted.

"An Archaeological Monitoring Plan for the Nani Loa Hotel Condominium Project" (Dagher & Dega, January 2015) was prepared by Scientific Consultant Services and submitted to SHPD in January 2015 (**See**: Appendix "F", "Archaeological Monitoring Plan"). The plan details monitoring conventions, methodology, analysis, and reporting procedures. The ~~approved~~ plan was approved by SHPD on June 16, 2015 and will be implemented during ground disturbance work for the proposed project.

9. Visual Resources

Existing Conditions. The project site is currently undeveloped, with various trees, including kiawe and a portion of landscape planted trees from the neighboring Kihei Kai Nani Condominium complex encroaching onto the project site. Because of the existing drainage way, which runs through the project site, the subject parcel is at a lower elevation than surrounding parcels.

The *Maui Scenic Coastal Resources Study* (Environmental Planning Associates, August 1990) describes the Maalaea to Makena region as such:

> *This is an area of sweeping and spectacular views of the ocean, Haleakala, and the West Maui Mountains. The area is one of contrast, with respect to the flat plain between the two main mountains; the wetlands at Kealia versus the dry kiawe lands of Kihei and Makena; the bright blue of the ocean, white clouds, and the varying shades of green and brown on land.*

The report identifies one "distinctive" view of the West Maui Mountains along Piilani Highway in the vicinity of the project (**See**: Figure No. 12 "Scenic Map"). The study defines the impact description as such:

> *"Distinctive" suggests a highly visually impactive scene, and "Noteworthy" suggests a scene that is significant but not distinctive in its visual impact.*

This view is not adjacent to the project site.

Potential Impacts and Mitigation Measures. There are no significant public views occurring across the subject property that will be affected by the development. The site is currently undeveloped, with portions heavily vegetated with large kiawe trees, bordering developed parcels to the west with three-story buildings and to the south with a six-story building, containing no unique scenic resources (**See**: Figure No. 13 "Site Section").

Mauka views from South Kihei Road are not affected since the project site is approximately 850 feet from the road. *Makai* views from the future North-South connector road, currently under construction, should not be affected due to the relatively low profile of the project. From Piilani Highway, *makai* views towards the project site are blocked by residential development.

Since the project is not near the shoreline, it does not affect any public coastal views and does not significantly impact public view corridors, or the visual character of the site and its immediate environs.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Population and Housing

Existing Conditions. Maui County has experienced relatively strong population growth during the past decade with the 2010 resident population expanding to 154,834, a 20.9% increase over the 2000 population of 128,241 (*Census 2010*, U.S. Census Bureau). Growth is projected to continue with the year 2020's resident population projected to reach 174,450.

Likewise, Kihei-Makena experienced high growth rates as the population grew to 27,270 in 2010 up from 22,870 in 2000 (*Census 2010*, U.S. Census Bureau). The anticipated 2020 population of the Kihei-Makena region is projected to reach 31,578.

Potential Impacts and Mitigation Measures. Using the average Kihei household size from the 2010 Census (U.S. Census Bureau, 2010), the proposed project may increase the population of the immediate South Kihei area by approximately 96 persons. This represents approximately 2.2% of the projected growth in resident population for the Kihei-Makena region between 2010 and 2020. As noted in the project description, in compliance with Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC), the applicant will enter into a residential workforce housing agreement with the County of Maui. As such, the proposed project will directly or indirectly provide support for workforce housing.

2. Economy

Existing Conditions. The Kihei-Makena economy is based primarily upon the visitor industry. Visitor accommodations are located along the shoreline along with various support facilities, multi-family, and single-family residential developments. Kihei and Wailea have developed into important visitor destination anchors. Makena is

significantly less developed. Much of the regions economic activity is derived directly or indirectly from tourism. In addition to tourism, high technology promises to be an increasingly important component of the Kihei-Makena economy. Most existing and projected employment in high technology will occur at the Maui Research and Technology (R&T) Park located in North Kihei, which is likely to become a major employment center. The establishment of a Kihei high school adjacent to the R&T Park will create additional employment within Kihei. Countywide, unemployment has decreased from a decade high of 9.5% in 2009 to a rate of 4.9% in 2013 (U.S. Bureau of Statistics, July 2013). Full employment in an economy generally occurs at a rate of approximately 5%.

Potential Impacts and Mitigation Measures. In the short term, the project will generate construction phase economic impacts. They include employment, income, and expenditure impacts that are created by on-site and off-site construction employment, on-site and off-site trade/transportation/service employment, and manufacturing employment in support of construction.

In the long term, the project is expected to directly generate employment related to sales, management, security, maintenance, and other related opportunities. It is estimated that this will result in approximately 17 full time equivalent (FTE) jobs.

3. Cultural Resources

Existing Conditions. A *Cultural Impact Assessment Report* (CIA) was prepared by Ms. Leann McGerty and Mr. Robert L. Spear of Scientific Consultant Services Inc. (November 2007) for the project site (**See**: Appendix "G"). The CIA identifies the *ahupua'a* as Kama'ole, an area noted for, as is much of Kihei, bountiful fishing. However, it is noted that "there is little specific information pertaining directly to Kihei where the proposed project is located (Clark 1980)." The report goes on to say:

> *Presently, Kihei refers a six-mile section along the coast from the town of Kihei to Keawakapu. Scattered amongst the agricultural and habitation sites were places of cultural significance to the kama'aina of the district including at least two heiau. In ancient times, there was a small village at Kalepolepo based primarily on marine resources. It was recorded the blustery Kaumuku Winds would occasionally arrive with amazing intensity along the coast (Wilcox 1921)*

Potential Impacts and Mitigation Measures. The CIA did not identify any cultural resources, i.e. medicinal plants, shoreline resources, religious sites that will be impacted by the project. Nor are there cultural sites in the immediate vicinity of the subject property that require access through the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural

practices or gatherings taking place on the subject property or in the immediate vicinity of the subject property.

The *CIA* concludes that:

… it is reasonable to conclude that Hawaiian rights related to gathering, access or other customary activities will not be affected and there will be no direct adverse effect upon cultural practices or beliefs on Parcel 32.

C. PUBLIC SERVICES

1. Recreational Facilities

Existing Conditions. Kihei-Makena has a reputation as a recreational destination, particularly for ocean related activities. Ocean sports and recreation available in the region include golfing, swimming, fishing, surfing, scuba diving, snorkeling, sailing, and kayaking. According to the *South Maui Region Parks & Open Space Master Plan* (Chris Hart & Partners, 2003), there were 27 County parks in South Maui providing approximately 189 developed acres of parkland, of which there are 15 beach parks, 7 neighborhood parks, 1 community park, 3 district complexes, and 1 community complex. Beach parks within a half mile of the project site include Charlie Young Beach, and Kamaole Beach Parks I, II, & III.

Potential Impacts and Mitigation Measures. The owners of the project will comply with the requirements for Parks and Playgrounds, pursuant to Maui County Code Section 18.16.320, in order to satisfy park assessment requirements. Thus, the proposed project is not anticipated to impact public recreational facilities in the region.

2. Police and Fire Protection

Existing Conditions. There are two fire stations serving this community. The nearest fire station is the Kihei Fire Station located at 11 Wamahaihai Street at Kalama Park, which is about 1.3 miles north of the subject site. This station is equipped with a l,500-gallon pumper, and is staffed by one captain and five firefighters per twenty-four hour shift. Fire flow requirements are addressed in Section III.D.1.

Patrol officers on assignment previously provided police services for the Kihei-Makena district from the police sub-station at Kihei Town Center approximately 1.3 miles away. The recently completed Kihei Police Station is located on a 10-acre site approximately 1.2 miles to the northeast. The new station is staffed with approximately 100 police officers and civilians.

Potential Impacts and Mitigation Measures. In the context of the overall projected population growth for the Kihei-Makena region, the proposed project will not result in an overall significant increase in population and is in relative close proximity to fire and police services; thus, the proposed project is not anticipated to have an adverse impact upon existing police and fire protection services.

3. Schools

Existing Conditions. The South Maui region is serviced by both private and public schools, which provide education from preschool through high school. Public schools in the region include two (2) elementary and one (1) intermediate. Kihei is within the Maui High School (located in Kahului) district. The first phase of the new Kihei public high school is projected to open in 2020. Students also have the option of attending Kihei Charter School for grades Kindergarten through 12. There are five (5) private schools, including one (1) high school.

Public school enrollment figures:

School	Capacity	School Year 2014-15
Kihei Charter	N/A	526
Kihei Elementary	957	874
Kamalii Elementary	830	533
Lokelani Intermediate	646	553
Maui High School	1,563	1,931

Note that only Maui High School is over capacity. The proposed Kihei high school, currently scheduled to open in 2020, will alleviate this condition.

Potential Impacts and Mitigation Measures. Occupants of the thirty-nine (39) units may be visitors or residents. Using State Department of Education data multipliers for school aged children and assuming 100% residential occupancy, the proposed project potentially would increase the student population of the affected schools by the approximate amounts:

Grades	Students (100% residents)
K-5	5.1
6-8	1.6
9-12	2.0

In the context of the overall projected population growth for the Kihei-Makena region, the proposed project will not result in an overall significant increase in population; thus, the proposed project is not anticipated to have an adverse impact upon existing educational facilities. The project may be subject to State education impact fees; such fees will be paid when the applicability and amount is determined.

4. Medical Facilities

Existing Conditions. The Wailuku based Maui Memorial Medical Center provides centralized medical services for the Island. Medical and dental offices are located in Kihei and Wailea to serve the Makena region's residents.

Potential Impacts and Mitigation Measures. In the context of the overall projected population growth for the Kihei-Makena region, the proposed project will not result in an overall significant increase in population; thus, the proposed project is not anticipated to have an adverse impact upon existing medical facilities.

5. Solid Waste

Existing Conditions. Only two landfills are currently operating on Maui, the Central Maui Landfill in Puunene, and the Hana landfill. Residential solid waste collection is provided by the County and taken to the Central Maui Landfill, which also accepts waste from private refuse collection companies.

Potential Impacts and Mitigation Measures. Based on the Residential Waste Generation Rate (2.3 tons per household per year) determined by the *Integrated Solid Waste Management Plan* (Maui County, February 17, 2009 update), the Nani Loa Project will generate approximately 89.7 tons of waste annually. Approximately 5.5% of this total is recycled, leaving 84.8 tons entering the land fill. An area for collection of recycled waste will be provided. Construction debris generated by the construction of the project will be reused or recycled when practicable or disposed at a construction and demolition waste landfill. Solid waste collection for the proposed project will be contracted to a private collection company. Green waste from the site will be either mulched on site or deposited at the Central Maui landfill's green waste recycling facility. It is envisioned that some of the green waste may also be used as mulch for other projects in South Maui. During construction the applicant will incorporate a job site recycling plan in order to reduce the amount of construction related waste generated by the project.

D. INFRASTRUCTURE

The *Preliminary Engineering Report for Nani Loa* was prepared by Otomo Engineering, Inc. (July 2014), which analyzes existing infrastructure systems accessible to the subject property and probable improvements to accommodate the proposed development. The report addresses water, sewer, drainage, roadway, electrical, and telephone systems (**See**: Appendix "H").

1. Water

Existing Conditions. Domestic water and fire flow for the proposed project will be provided by the County's Central Maui water system. There is an existing 12-inch waterline on South Kihei Road which can provide service for the project. The parcel is served by an existing 2-inch water meter.

Storage for the project area is provided by the 2.0 million gallon concrete Kamaole tank at an elevation of 311.5 feet, located above Piilani Highway, approximately 3,800 feet to the east of the project site.

Potential Impacts and Mitigation Measures. According to the "Domestic Consumption Guideline" in the Water System Standards for Department of Water Supply (DWS), the average daily demand for a hotel unit is 560 gallons per day (gpd). Therefore, the total average daily domestic demand is estimated at 21,840 gpd. The existing 2-inch meter provides 160 gallons per minute (gpm).

The fire flow demand for H-2 District is 2,000 gpm for a 2-hour duration and maximum spacing for fire hydrants is 250 feet. The *Preliminary Engineering Report for Nani Loa* (Otomo, July 2014) states that fire hydrants will be installed (**See**: Appendix "H").

The irrigation system will be designed to accept R-1 recycled water when it becomes available in this area of Kihei.

As part of the building permit process, domestic water and fire flow calculations will be provided to determine the adequacy of the existing water system, in accordance with the rules of the Department of Water Supply.

2. Sewer

Existing Conditions. According to the Wastewater Reclamation Division, County of Maui, as of August 27, 2013, the KWRF has a capacity of 8.0 million gallons per day

(mgpd), with a remaining capacity of approximately 1.2 mgpd, after the allocated and existing flows are accounted for.

The *Preliminary Engineering Report for Nani Loa* (Otomo, July 2014) states:

> *There is an existing 8-inch sewer stub out within the project site which connects to the existing sewerline in the perpetual easement over the Kihei Kai Nani project site. The sewerline traverses down the driveway and parking area of the Kihei Kai Nani and connects to the existing 24-inch sewer main on South Kihei Road, which transports sewer to the existing sewer pump station located in Kalama Park. Wastewater collected from the Kihei area is transported to the Kihei Wastewater Treatment Plant located above Piilani Highway and south of the Elleair Maui Golf Course.*

The County assesses sewer fees for the treatment plant facility expansion. These fees will be paid at building permit application submittal.

Potential Impacts and Mitigation Measures. In accordance with County of Maui Wastewater Flow Standards, the *Preliminary Engineering Report for Nani Loa* (Otomo, July 2014) determined that the proposed development will generate approximately 9,945 gallons per day of wastewater, which can be adequately serviced by existing treatment facilities (**See**: Appendix "H").

3. Drainage

Existing Conditions. According to Maui County's 1997 Drainage Master Plan, the drainage area for the drainage way, traversing through the project site and on to the Kihei Kai Nani property, contains 307 acres *mauka* of Piilani Highway with a 100-year flow of 544 cubic feet per second (cfs) at the highway (**See**: Figure No. 14 "Regional Drainage Map"). Additional runoff enters the drainage way *makai* of Piilani Highway resulting in a total of 660 cfs at the headwall along the *makai* boundary of the project site.

The existing 50-year, 1-hour storm runoff from the project site is estimated at 1.973 cubic feet per second (cfs). The *Preliminary Engineering Report for Nani Loa* (Otomo, July 2014) (**See**: Appendix "H") describes the existing conditions thusly:

> *There is an existing drainageway traversing through the middle of the site. Presently, runoff in the drainageway flows toward the westerly boundary of the site into an existing 2'-0" x 7'-6" concrete box culvert and outlets below the existing planter at mauka end of the parking lot for the Kihei Kai Nani. The runoff sheet flows through the existing parking area toward South Kihei Road. According to the Drainage Master Plan for Kihei, Maui, Hawaii, August 1997, prepared by Norman Saito Engineering*

Consultants, Inc., the 100-year flow in the existing drainageway is 660 cfs at the existing 2'-0" x 7'-6" concrete box culvert.

The U.S. Army Corps of Engineers review the project and determined that:

> *… the proposed project would not result in the work and/or the discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands, subject to the Corps' regulatory jurisdiction.*

As a result, the U.S. Army Corps of Engineers determined that a Department of the Army (DA) permit is not required (**See**: Appendix "J").

Potential Impacts and Mitigation Measures. After the development of the proposed project, it is estimated that the 50-year storm runoff will be 5.86 cfs, a net increase of 4.209 cfs. The proposed drainage system is described in the *Preliminary Engineering Report for Nani Loa* (Otomo, July 2014):

> *Onsite runoff will be intercepted by grated catch basins located within the paved parking and landscape areas. The runoff will be conveyed to an onsite subsurface drainage system, which will be located in the pavement and landscaped areas. The subsurface drainage system consists of a perforated drainline embedded in crushed rock which will be wrapped with a layer of filter fabric. Surface runoff entering the perforated pipe will be allowed to infiltrate into the ground. The subsurface drainage system will be designed and sized to accommodate the increase in surface runoff volume from a 50-year, 1-hour storm created by the proposed project plus an additional 20 percent of the increase in runoff.*

In addition, wherever possible, surface and roof runoff will be directed to landscape areas.

There will be no additional runoff sheet flowing from the project site onto the Kihei Kai Nani property, to other adjoining properties, or to South Kihei Road. This is in accordance with Chapter 4, "Rules for the Design of Storm Drainage Facilities in the County of Maui". Note that an additional twenty percent (20%) of the increase in runoff will be retained onsite. As such, storm water runoff generated by the proposed project will not negatively impact existing drainage infrastructure.

Grating will be installed at the inlet structure of the drainage way to prevent larger debris from flowing downstream.

Although a DA permit is not required, the U.S. Army Corps of Engineers recommended the use of Best Management Practices (BMP) to avoid adverse impacts to aquatic resources during construction. The BMP plan will include, but not limited to:

1. Minimize time of construction.
2. Retain existing ground cover until latest date to complete construction.

3. Early construction of drainage features.
4. Use temporary area sprinklers in non-active construction areas when ground cover is removed.
5. Use temporary berms and cut-off ditches, where needed, for control of erosion.
6. Sod or plant all cut and fill slopes immediately after grading work has been completed.
7. Install silt screens wherever appropriate.

4. Roadways

Existing Conditions. Although Maui has a public bus system, the private automobile is the primary source of transportation. The roadway system in the Kihei region has right-of-way widths that vary with each roadway. Roads in the area are paved with asphaltic concrete along with concrete curbing and sidewalks.

Major roadways in the vicinity of the proposed project are South Kihei Road and Piilani Highway, running north-south. Kealii Alanui Road to the north and Keonekai Road are the nearest connector roads running east-west. The North-South Collector Road connecting Kealii Alanui and Keonekai is currently under construction. The project site is a land locked parcel with a perpetual access easement through the Kihei Kai Nani property to South Kihei Road, a two-lane, two-way County roadway. South Kihei Road has a posted speed limit 30 miles per hour with concrete curb, gutters, sidewalks, and bike lanes on both sides. There are on street parking stalls on the *makai* side.

Public Transportation. The Kihei Islander Route #10 of the Maui Bus system, Maui's only public transportation system, has nearby stops on South Kihei Road at Kamaole Shopping Center (0.2 miles) and at Kamaole Beach III (0.4 miles).

Parking. A total of eighty-four (84) parking stalls will be provided onsite.

Potential Impacts and Mitigation Measures. A Traffic Impact Assessment Report (TIAR) was prepared by Rowell and Associates (December 2014) (**See**: Appendix "I"). The TIAR evaluates the following intersections in terms of overall Level of Service (LOS), without and with the proposed expansion project:

Intersection	Overall LOS Without		Overall LOS With	
	AM	PM	AM	PM
South Kihei Road at Kealii Alanui Drive	A	A	A	A

South Kihei Road at Kamaole Shopping Center Side Street	A	C	A	C
South Kihei Road at Kihei Kai Nani	A	A	A	A
South Kihei Road at Keonekai Road	A	A	A	A

All of these intersections are unsignalized, except for South Kihei Road at Kealii Alanui Drive. The "AM" peak hours are between 7:00 AM and 9:00 AM. "PM" peak hours are between 3:30 PM and 5:30 PM. The proposed project is estimated to generate a total of 24 trips during the AM peak and 28 trips during the PM peak.

Morning Peak (AM). Although the overall AM LOS of all of the intersections is "A" according to the TIAR, the westbound left movement at South Kihei Road and Keonekai Road operates at "D" with or without the project, which are categorized as "Long traffic delays" (25.1 to 35.0 seconds). However, these delays are not long enough to affect the intersection's overall LOS, according to the TIAR. The TIAR documents 870 total vehicles per peak hour through the Kihei Kai Nani/South Kihei Road intersection (96% through traffic on South Kihei Road) and projects an increase to 1,010 vehicles by the year 2020. The Nani Loa project is expected to add 24 trips during the morning peak hour.

Afternoon Peak (PM). The overall PM LOS for all of the intersections is "A", except for at South Kihei Road and Kamaole Shopping Center Side Street intersection which is "C". The westbound left, through & right movements at this intersection have a LOS of "F" with or without the project. The TIAR notes that this LOS is due to proposed developments behind Rainbow Mall and Kamaole Shopping Center. The westbound left at Keonekai Road and South Kihei Road also has a PM LOS of "F" with or without the project. The delays are not long enough to affect the overall LOS "A" of the intersection. The TIAR documents 1,144 total vehicles per peak hour through the Kihei Kai Nani/South Kihei Road intersection (95% through traffic on South Kihei Road) and projects an increase to 1,327 vehicles by the year 2020. The Nani Loa project is expected to add 28 trips during the afternoon peak hour.

Since the proposed project does not degrade the LOS at any of the intersections, no mitigation is recommended. However, the Maui County Department of Public Works (DPW) recommends that options are considered for the Kihei Kai Nani/South Kihei Road intersection to improve exit movements (**See**: Appendix "J"). The applicant is considering installing a "southbound auxiliary lane" by restriping South Kihei Road with the approval of DPW.

5. **Electrical, Telephone, Cable and Data Systems**

Existing Conditions. Existing overhead utility lines are located on the *makai* side of South Kihei Road. The installation of electrical, telephone and cable TV systems for the project will be coordinated with Maui Electric Company, Verizon Hawaii, and Hawaiian Cablevision during the building permit process.

Potential Impacts and Mitigation Measures. Proposed electrical, telephone, cable TV, and data systems distribution lines will be install underground from South Kihei Road. The proposed project will not have any adverse impact upon the existing electrical or telephone systems that will serve the subject property.

IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE LAW

Hawaii Revised Statutes (HRS) Chapter 205. This statute, relating to the Land Use Commission, establishes four major land use districts into which all lands in the State are placed. These districts are designated Urban, Rural, Agricultural, and Conservation. The subject property is within the Urban District. The proposed hotel condominium development is permitted within the Urban District.

HRS Chapter 343. Since the proposed project proposes a Community Plan Amendment, compliance with the provisions of Hawaii Revised Statutes (HRS) Chapter 343 is triggered.

B. COUNTY OF MAUI 2030 GENERAL PLAN

The *Countywide Policy Plan* (CPP) was adopted by the Maui County Council on March 19, 2010 and provides a long-term vision, principles, goals, policies, and objectives directed toward improving living conditions in the County. The CPP provides the policy framework for the development of the *Maui Island Plan* and the nine Community Plans. The following Themes, Objectives and Policies are applicable to the proposed project:

A. PROTECT THE NATURAL ENVIRONMENT

Goal: *Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.*

Objective No. 3: *Improve the stewardship of the natural environment.*

Policies:

c. Evaluate development to assess potential short-term and long-term impacts on land, air, aquatic, and marine environments.

d. Reduce air, noise, light, land, and water pollution, and reduce Maui County's contribution to global climate change.

Analysis. The stormwater treatment system is designed to remove pollutants in addition to retaining discharge from the site generated by the project. The system will retain an additional twenty percent (20%) of stormwater generated by the project. During construction, best management practices will minimizes air, stormwater, and groundwater contamination.

F. STRENGTHEN THE LOCAL ECONOMY

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

Objective No. 3: *Support a visitor industry that respects the resident culture and the environment.*

Policies:

f. Encourage resident ownership of visitor-related businesses and facilities.

n. Recognize the important contributions that the visitor industry makes to the County's economy, and support a healthy and vibrant visitor industry.

Analysis. The proposed project will provide opportunities for resident ownership and will help to fill the projected need of approximately 4,400 visitor units within the Kihei-Makena by 2030.

C. MAUI ISLAND PLAN

The 2030 update to the General Plan of the County of Maui was approved by the Maui County Council and signed into law by the Mayor of Maui County on December 20, 2012. The *Maui Island Plan* (MIP) is used to determine the appropriateness of

discretionary development proposals. The subject property is located within the Urban Growth Boundary (UGB) for Kihei. "The UGB denotes the areas within which urban-density development requiring a full range of services, such as new multi-user sewer and water, is supported in accordance with applicable land use laws." (MIP, page 8-4) The following Goals, Objectives and Policies of the December 2009 Maui Island Plan are applicable to the proposed project:

POPULATION

Goal:	
1.1	***Maui's people, values, and lifestyles will thrive through strong, healthy, and vibrant island communities.***
Objective:	
1.1.1	***Greater retention of island residents by providing viable work, education, and lifestyle options.***
Policies:	
1.1.1.b	*Expand housing, transportation, employment, and social opportunities to ensure residents are able to comfortably age within their communities.*

Analysis. The proposed project is providing opportunities for employment in the short-term (approximately 75 construction related and 10 in administration and sales) and long term (approximately 11 workers).

ECONOMIC DEVELOPMENT

TOURISM

Goal:	
4.2	***A healthy visitor industry that provides economic well-being with stable and diverse employment opportunities***
Objective:	
4.2.1	***Increase the economic contribution of the visitor industry to the island's environmental well-being for the island's residents' quality of life.***
Policies:	
4.2.1.d	*Provide a rich visitor experience, while protecting the island's natural beauty, culture, lifestyles, and aloha spirit.*

Analysis. The proposed project will help to fill the projected need of approximately 4,400 visitor units within the Kihei-Makena by 2030.

ENERGY

Goal:	
6.10	***Maui will meet its energy needs through local sources of clean, renewable energy and through conservation.***
Objective:	
6.10.1	***Reduce fossil fuel consumption: using the 2005 consumption as a baseline, reduce by 15% in 2015; 20% by 2020; and 30% by 2030.***
Policies:	
6.10.1.a	*Support energy efficient systems, processes, and methods in public and private operations, buildings and facilities.*

Analysis. The proposed project will have excellent community connectivity with many basic services within walking distance (half mile or approximately 10 minute walk). Bicycle racks are incorporated in the project, which will encourage an alternative transportation mode, reducing fossil fuel consumption.

D. KIHEI-MAKENA COMMUNITY PLAN

Nine community plan regions have been established in Maui County. Each region's growth and development is guided by a community plan, which contains objectives and policies in accordance with the Maui County General Plan. The purpose of the community plan is to outline a relatively detailed agenda for carrying out these objectives.

The subject property is located within the Kihei region. The Kihei-Makena Community Plan was adopted by ordinance No. 2641 on March 6, 1998. The subject property has a MF Multi Family designation (**See**: No. 5, "Kihei-Makena Community Plan"). The applicant is requesting a Community Plan Amendment to change the designation from *MF Multi Family Residential* to *H Hotel* in order to be consistent with the existing County H-2 Hotel District zoning. This Draft Environmental Assessment examines any impacts this amendment might have on the immediate area.

The following Kihei-Makena Community Plan goals, objectives, and policies are applicable to the proposed action:

Goal: Land Use. A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructure and community needs while preserving and enhancing the unique character of Ma'alaea, Kihei, Wailea and Makena as well as the region's natural environment, marine resources and traditional shoreline uses.

Objectives and Policies:

c. 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.

g. Encourage the establishment of single-family and multi-family land use designations which provide affordable housing opportunities for areas which are in close proximity to infrastructure systems and other urban services.

Analysis. Section III.C and D of this report addressed the impact that the proposed project would have upon existing public infrastructure, facilities, and service systems. Based upon the analysis, public infrastructure and services currently have adequate capacity to serve the development and will therefore not be significantly impacted by the project. As discussed, the developer will contribute the pro rata share required by the State and County for roadways, sewer, water, and park facilities and services in order to minimize the incremental impact of the subject development upon public finances. Thus, the necessary infrastructure, public facilities, and services will be available prior to and/ or concurrent with development of the site.

In regards to Policy No. g, the proposed project is required to comply with Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC).

Goal: Environment. Preservation, protection, and enhancement of Kihei Makena's unique and fragile environmental resources.

Analysis. As described in Section III.A of this report, Kihei's unique and fragile environmental resources, including its shoreline, near and off-shore water quality, drinking water, visual resources, archeological resources, and endangered species of flora and fauna, will not be impacted by this project.

Goal: ***Housing and Urban Design. A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.***

Objectives and Policies

(a) Provide an adequate variety of housing choices and range of prices for the needs of Kihei's residents, especially for families earning less than the median income for families within the County, through the project district approach and other related programs. Choices can be increased through public/private sector cooperation and coordinated development of necessary support facilities and services.

(e) Implement the principles of xeriscaping in all future landscaping.

Analysis: As discussed, in the project will comply with Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC). Thus, the proposed development does serve the community's objective of providing for an adequate variety of housing choices and range of prices for the needs of Kihei's residents by either providing housing and/or contributing to a funding source for future or existing housing. In addition, the proposed landscaping plans incorporate the principles of xeriscaping into the design.

Goal: ***<u>Physical and Social Infrastructure</u>. Provision of facility systems, public services and capital improvement projects in an efficient, reliable, cost effective, and environmentally sensitive manner which accommodates the needs of the Kihei-Makena community, and fully support present and planned land uses, especially in the case of project district implementation. Allow no development for which infrastructure may not be available concurrent with the development's impacts.***

<u>Transportation</u>

Objectives and Policies:

(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.

(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.*

Analysis. As discussed in the Traffic Impact Analysis Report (Rowell, June 2014) (**See**: Appendix "I"), the proposed development will increase the number of vehicles traveling along the approach and departure routes to the proposed project. However, this increase in traffic represents a very small percentage of the overall current level of traffic serviced by these roadways. The proposed project will not significantly change the current level of service along these roadways. It should be noted, that the proposed project is situated within the already urbanized area of Kihei. As discussed, the project represents an infill development on land that is zoned for the proposed land use and within an area that is proximate to urban infrastructure systems and facilities. Thus, from a regional land use perspective, the proposed project is not representative of "sprawl" type development patterns that are typically inefficient and place heavier burdens on regional infrastructure and services.

Goal: Drainage

Objectives and Policies

(a) *Design drainage systems that protect coastal water quality by incorporating best management practices to remove pollutants from runoff. Construct and maintain, as needed, sediment retention basins and other best management practices to remove sediments and other pollutants from runoff.*

(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.*

(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.*

Analysis. As discussed in the *Preliminary Engineering Report for Nani Loa* (**See**: Appendix "H" Otomo, July 2014), the increase in impervious surfaces created by the project will result in increased runoff estimated at 4.209 cfs. If not contained and filtered this increase in runoff could impact nearshore water quality. Thus, the increased runoff will be intercepted by grated catch basins located within the paved parking and landscape areas. These facilities will not only keep the post development peak flow volumes at predevelopment levels, but will also serve as sedimentation traps and filters to prevent sediments or pollutants from migrating into the coastal waters. The system will be designed to retain an additional twenty percent (20%) for a total of 5.051 cfs. Thus, the proposed project is consistent with the community's goal to insure that new development will not adversely affect the marine environment and/or nearshore and offshore water quality.

C. Planning Standards

3. Urban Design Standards

a. Building Form

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.

Analysis. The proposed development is located approximately 1,000 feet from the shoreline *mauka* of an existing development. Building 1 has a height of 35 feet above finish grade, and approximately 40 feet above existing grade. Building 2 has a height of 45 feet above finish grade, and approximately 50 feet above existing grade. This well below the maximum height of 75 feet for inland resort development recommended in the Community Plan. Public *mauka/makai* vistas and coastal resources are not impacted.

E. MAUI COUNTY ZONING

The property is situated within the County of Maui's H-2 Hotel District (**See**: Figure No. 6). The proposed project is an allowable use within the hotel district and meets the district's development standards.

V. SPECIAL MANAGEMENT AREA OBJECTIVES AND POLICIES

The subject project is located within the Special Management Area (SMA). As such, the proposed improvements require an SMA Use Permit. Pursuant to Chapter 205A, Hawaii Revised Statutes, and the Rules and Regulations of the Planning Commission of the County of Maui, projects located within the SMA are evaluated with respect to SMA objectives, policies, and guidelines. This section addresses the project's relationship to applicable coastal zone management considerations, as set forth in Chapter 205A and the Rules and Regulations of the Planning Commission.

A. RECREATIONAL RESOURCES

Objective: Provide coastal recreational resources accessible to the public.

Policies:

(A) Improve coordination and funding of coastal recreation planning and management; and

(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- *(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
- *(ii) Requiring placement of coastal resources having significant recreational value, including but not limited to surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or require reasonable monetary compensation to the state for recreation when replacement is not feasible or desirable;*
- *(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
- *(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
- *(v) Ensuring public recreational use of county, state, and federally owned or controlled shoreline lands and waters having standards and conservation of natural resources;*
- *(vi) Adopting water quality standards and regulating point and non-point sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*

(vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing;

(viii) Encourage reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, county planning commissions; and crediting such dedication against the requirements of Section 46-6, HRS.

Analysis. The project site is located approximately 1,000 feet from the shoreline; therefore the proposed project will not have a direct impact on the public's use or access to the shoreline area.

B. HISTORICAL/CULTURAL RESOURCES

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

Policies:

(a) Identify and analyze significant archeological resources;

(b) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(c) Support state goals for protection, restoration, interpretation, and display of historic structures.

Analysis. As discussed in Section III.A.7 of this report, an archaeological monitoring plan was prepared ~~for approval~~ and approved by the State Historic Preservation Division (**See**: Appendix "F" "Archaeological Monitoring Plan"). If any historical and/or cultural resources are discovered during construction, appropriate measure will be taken.

C. SCENIC AND OPEN SPACE RESOURCES

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

Policies:

(a) Identify valued scenic resources in the coastal zone management area;

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

(c) Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources; and

(c) *Encourage those developments that are not coastal dependent to locate in inland areas.*

Analysis. As discussed in Section III.A.8 of this report, numerous scenic resources have been identified in the Central Maui area, which are identified and discussed in the *Maui Scenic Coastal Resources Stud*y (Environmental Planning Associates, August 1990). However, the proposed project will not impact any distinctive or noteworthy views in the Kihei area (**See**: Figure Nos. 12 "Scenic Map" & 13 "Site Section").

D. COASTAL ECOSYSTEMS

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

Policies:

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

(b) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;

(c) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

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

Analysis. The project is located approximately 1,000 feet from the shoreline. Additional storm runoff generated by the proposed project will be filtered of pollutants and retained onsite. Therefore, the proposed project is not anticipated to have a significant impact on the coastal ecosystem.

E. ECONOMIC USES

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

Policies:

(a) Concentrate coastal dependent development in appropriate areas;

(b) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located,

designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area;

(c) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:

(i) Use of presently designated locations is not feasible;

(ii) Adverse environmental impacts are minimized; and

(iii) The development is important to the State's economy.

Analysis. The proposed project will not involve nor have a direct impact on coastal dependent development. Due to the distance of the proposed project from sensitive coastal areas, adverse impacts to the coastal zone management area are not anticipated.

F. COASTAL HAZARDS

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

Policies:

(a) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and non-point source pollution hazards;

(b) Control development in areas subject to storm wave, tsunami, flood, erosion, subsidence, and point and non-point pollution hazards;

(c) Ensure that developments comply with requirements of the Federal Flood Insurance Program;

(d) Prevent coastal flooding from inland projects; and

(e) Develop a coastal point and nonpoint source pollution control program.

Analysis. As discussed in Section III.A.3 of this report, the project site is situated within Zone "X", an area determined to be outside of the 0.2% annual chance floodplain and is located approximately 1,000 feet from the shoreline. Thus, hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution is <u>not</u> expected to be significant.

G. MANAGING DEVELOPMENT

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

Policies:

(a) Use, implement, and enforce existing laws effectively to the maximum extent possible in managing present and future coastal zone development;

(b) Facilitate timely processing of applications for development permits and resolve overlapping of conflicting permit requirements; and

(c) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the public to facilitate public participation in the planning process and review process.

Analysis. The applicant is committed to bringing the development of the subject property into compliance with all applicable State and County requirements. Opportunity for review of the proposed action is provided through the County's Special Management Area (SMA) permitting process.

H. PUBLIC PARTICIPATION

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

Policies:

(a) Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program.

(b) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal-related issues, developments, and government activities; and

(c) Organize workshops, policy dialogues, and site-specific medications to respond to coastal issues and conflicts.

Analysis. In conjunction with the submittal of the Special Management Area application, a notice of application will be published in the Maui News. The publication describes the proposed project and solicits any issues or concerns that need to be addressed through the permitting process. A number of governmental agencies have also been consulted and copies of this application will be circulated to various agencies by the Department of Planning. During the scheduled public hearings, the public will have an opportunity to review and comment on the proposed project. Landowners located within 500 feet of the project will be notified of the scheduled public hearing dates. Landowners located within 500 feet of the project were also invited to an informational meeting held on September 16, 2015 (**See**:

Appendix "M"). Public hearing dates and location maps will also be published in the Maui News on two separate occasions. The public will be allowed to participate in the public hearing portion of the Maui Planning Commission's review process.

I. BEACH PROTECTION

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

(a) Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;
(b) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
(c) Minimize the construction of public erosion-protection structures seaward of the shoreline.

Analysis. As previously noted the project site is approximately 1,000 feet from the shoreline and will not have direct physical impact upon any public beaches.

J. MARINE RESOURCES

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

Policies:

(a) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
(b) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
(c) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;
(d) Assert and articulate the interest of the state as a partner with federal agencies in the sound management of the ocean resources within the United States exclusive economic zone;
(e) Promote research, study, and understanding of ocean processes, marine life, and other ocean development activities relate to and impact upon the ocean and coastal resources; and
(f) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Analysis. Development of marine and coastal resources is not in the scope of the project.

VI. ENVIRONMENTAL ASSESSMENT SIGNIFICANCE CRITERIA

Since the proposed project involves a Community Plan Amendment, an Environmental Assessment is required by Chapter 343, Hawaii Revised Statutes (HRS). A Finding Of No Significant Impact (FONSI) is anticipated and therefore an Environmental Impact Statement (EIS) will not be required for the proposed action. In accordance with Title 11, Department of Health, Chapter 200 and Subchapter 6, §11-200-12, Environmental Impact Statement Rules, and based on the detailed analysis contained within this document, the following conclusions are supported.

1. **The proposed action will *not* result in an irrevocable commitment to loss or destruction of natural or cultural resources.**

   Analysis. As documented in this report, the proposed project will take appropriate mitigative measures to prevent the loss or destruction of any natural or cultural resource (**See**: Section III).

2. **The proposed action will *not* curtail the range of beneficial uses of the environment.**

   Analysis. The subject property is within the State's Urban District and is zoned for hotel uses and community planned for multi-family residential development. The property is vacant and adjacent to developed and undeveloped properties with similar land use designations. There are no significant environmental or natural resources on the property.

   The project proposes enhancement of an existing drainageway that receives stormwater from upland areas. The project proposes to capture all stormwater generated by the project plus an additional twenty percent (20%) which will result in protection of nearshore waters from erosion-borne sediment and pollutants. Based upon existing development on neighboring properties, it is unlikely the proposed project will result in significant changes to the environment. Thus, the proposed action will not curtail the range of beneficial uses of the environment.

3. **The proposed action will *not* conflict with State or County long-term environmental policies and goals as expressed in Chapter 344, HRS, and those which are more specifically outlined in the Conservation District Rules.**

   Analysis. The project is being developed in compliance with the State's long-term environmental goals. As documented in this report, appropriate mitigation measures will be implemented to minimize the potential for negative impacts to the environment, including near and off-shore coastal waters. The project will not have

any impact on flora and fauna, and is not expected to have a negative impact on archaeological or cultural resources.

4. **The proposed action will *not* substantially affect the economic or social welfare and activities of the community, county or state.**

   Analysis. Short-term economic impacts will result from the increase in activity associated with the construction of the project. Long term impacts include increased direct and indirect employment opportunities. Impacts on the socio-economic environment will be minimal (**See**: Section III.B).

5. **The proposed action will *not* substantially affect public health.**

   Analysis. There are no special or unique aspects of the project that will have a direct impact on public health.

6. **The proposed action will *not* result in substantial secondary impacts.**

   Analysis. The proposed project triggers the Maui County residential workforce housing requirements. As noted in the Project Description, the project will comply with Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC). As such, the proposed development will provide workforce housing by either providing housing and/or contributing to a funding source for future or existing housing.. In the short term, increased activity at the site during the construction phase may result in a marginal increase in traffic. In the long term, the project will generate additional traffic and associated noise and air pollution. However, as analyzed in Section III of this report, the increase in the level of these impacts is minimal and will not substantially impact the environment.

   Based on existing development in the project vicinity, the proposed improvements are not expected to cause any secondary effects that would significantly impact the coastal area.

7. **The proposed action will *not* involve substantial degradation of environmental quality.**

   Analysis. Mitigation measures will be implemented during the construction phase in order to minimize negative impacts on the environment, especially with regards to construction runoff. The design of the proposed project has incorporated mitigation measures to minimize impacts to nearshore water quality that could arise from an increase in runoff generated on the site as a result of the project (**See**: Section III.D.3 for a discussion of drainage). Other environmental resources such as endangered

species of flora and fauna, air and water quality, and archeological resources will not be significantly impacted by the subject project.

8. **The proposed project will not produce cumulative impacts and does *not* have considerable effect upon the environment or involve a commitment for larger actions.**

   Analysis. The proposed project does not involve a commitment for larger action on behalf of the applicant or any public agency. The subject property is State and County zoned and community planned for urban development, and as such, is part of the planned future growth of the region. As described in this report, the project will not significantly impact public infrastructure and services including roadways, drainage facilities, water systems, sewers and educational facilities. In addition, the project is not anticipated to induce an overall significant increase in population growth and will therefore not produce considerable effect on the environment nor require a commitment for larger actions by governmental agencies.

9. **The proposed project will *not* affect a rare, threatened, or endangered species, or its habitat.**

   Analysis. As described in Section III.A.6 of this report, there are no rare, threatened, or endangered species of flora and fauna at the project site.

10. **The proposed action will *not* substantially or adversely affect air and water quality or ambient noise levels.**

    Analysis. As described in Section III of this report, there is a potential for negative impacts to air or water quality and ambient noise levels related to short-term construction activities. Air, noise and dust impacts will be mitigated through implementation of standard mitigation measures as identified previously in this report. It is not anticipated that there will be significant long-term impacts to air or water quality and ambient noise levels due to the operation phase of the development.

11. **The proposed action will *not* substantially affect or be subject to damage by being located in an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone areas, estuary, fresh waters, geologically hazardous land or coastal waters.**

    Analysis. According to Panel No. 15003-0264E of the Flood Insurance Rate Map, September 25, 2009, prepared by the United States Federal Emergency Management Agency (FEMA), the project site is situated primarily in flood zone X. The applicant proposes to leave the existing drainage way as is and retain onsite all storm runoff generated by the project plus an additional 20 percent (i.e. 120% of post development

runoff will be retained on site). The proposed project, therefore, should not be affected by flood hazard, or have an adverse impact on downstream neighbors with regard to flood hazard potential.

12. The proposed action will *not* substantially affect scenic vistas or view planes identified in county or state plans or studies.

Analysis. As described in Section III.A.10 of this report, there will be no significant change in the project's overall effect on *mauka* or *makai* (to and along the shoreline) views from public roadways; therefore, the proposed project is not expected to have any significant adverse effects on visual resources. Figures Nos. ~~9.1 – 9.4~~ 4.1 – 4.2, "Site Photographs", No. 12 "Scenic Map", and No. ~~10, "Concept Master Plan"~~ 13, "Site Section" document the project's potential impacts on visual resources.

13. The proposed action will not require substantial energy consumption

Analysis. As previously noted, the project proposes to utilize photovoltaic solar panels and will be installing an electric vehicle charging station to reduce the use of fossil fuels. In addition, low E, high efficiency windows and radiant barrier roofing will be installed to reduce cooling costs. It is not anticipated that any increase in energy consumption resulting from build-out of the project will be significant within the context of existing levels of power consumption or vehicular energy usage in the region, and on Maui.

VII. FINDINGS AND CONCLUSIONS

This ~~Draft~~ Final Environmental Assessment, in support of Special Management Area (SMA) Use Permit and Community Plan Amendment (CPA) applications, examines the environmental and socio-economic impacts associated with the applicant's proposed Nani Loa Hotel Condominium on a 1.44 acre site located in Kihei, Maui, Hawaii.

The proposed development is not anticipated to result in significant environmental impacts to surrounding properties, nearshore waters, natural resources, and/or archaeological and historic resources on the site or in the immediate area. Public infrastructure and services including roadways, sewer and water systems, medical facilities, police and fire protection, parks, and schools are adequate to serve the project and are not anticipated to be significantly impacted by the project. Anticipated requirements for fire protection infrastructure improvements will be met. The proposed project is not anticipated to negatively impact public view corridors and is not anticipated to produce significant adverse impact upon the visual character of the site and its immediate environs. The proposed Nani Loa Hotel Condominium project will help to fill the projected need for approximately 4,400 additional visitor units within the Kihei-Makena by 2030.

The subject property is situated within the State's Urban District and the Maui Island Plan Urban Growth Boundary, Community Planned for Multi-Family use and is County zoned H-2 Hotel District. As such, the CPA is intended to provide land use consistency. Therefore in that context, the proposed use will be in conformance with State and County land use plans and policies including Chapter 205A, HRS, as well as the Kihei-Makena Community Plan Land Use Map.

Based on the foregoing analysis and conclusion, the proposed Nani Loa Hotel Condominium project will not result in significant impacts to the environment, is consistent with the requirements of HRS Chapter 343, and a Finding of No Significant Impact (FONSI) is ~~anticipated~~ warranted.

VIII. REFERENCES

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FIGURES

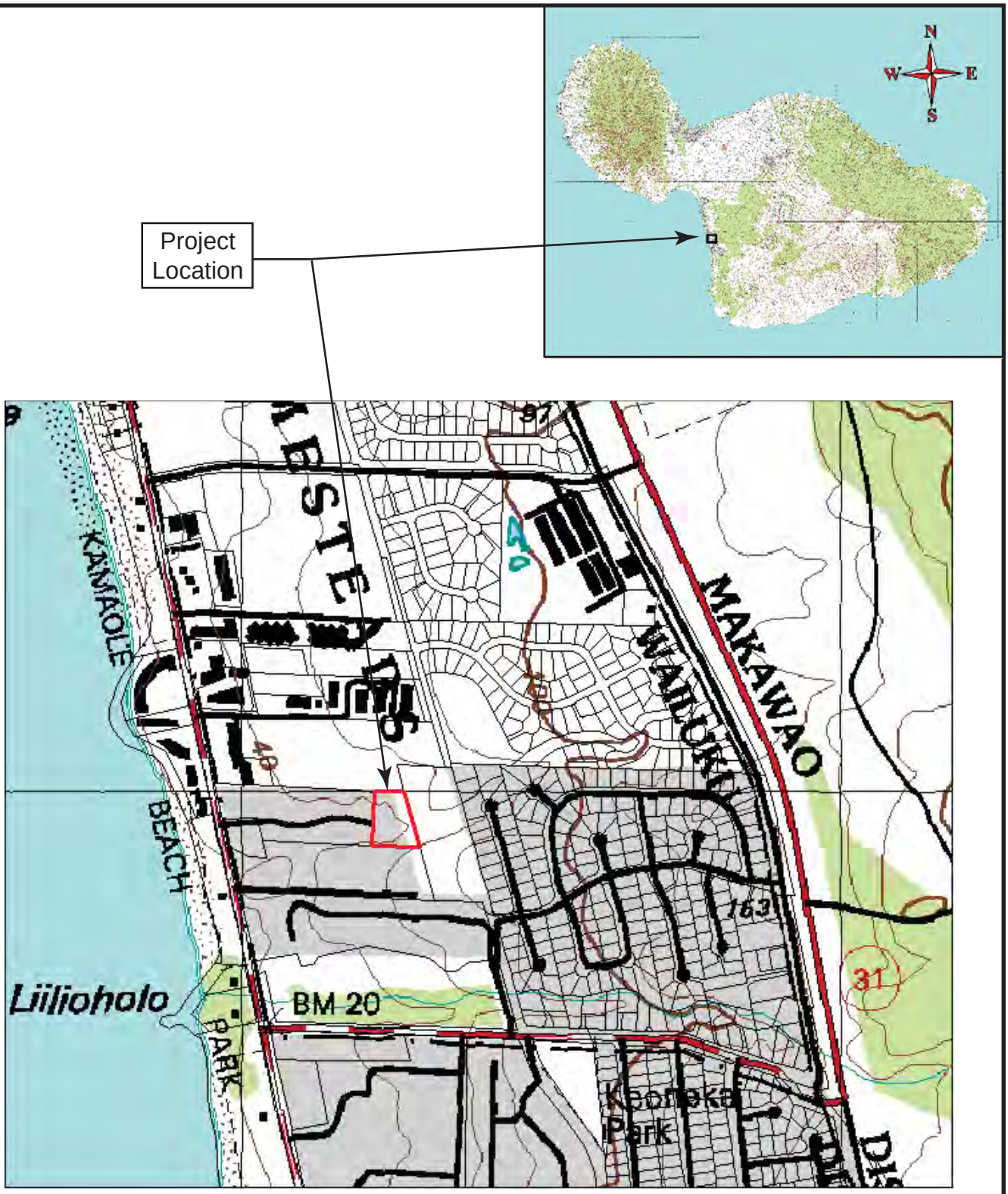


FIGURE 1

Not to Scale	FEBRUARY 2015
REGIONAL LOCATION MAP **Nani Loa Hotel Condominium**	CHRIS HART & PARTNERS, INC.

PROJECT SITE

DEPARTMENT OF THE TAX COMMISSIONER		
TAXATION MAPS BUREAU		
STATE OF HAWAII		
TAX MAP		
SECOND		DIVISION
ZONE	SEC.	PLAT
3	9	20
CONTAINING		PARCELS

FIGURE 2

Parcel 32
Not to Scale

FEBRUARY
2015

TAX MAP

Nani Loa Hotel Condominium

CHRIS HART & PARTNERS, INC.

Source: Google Earth, Image Date: 4/2/2013

FIGURE 3

Parcel 28
Not to Scale

FEBRUARY
2015

AERIAL MAP

Nani Loa
Hotel Condominium

CHRIS HART & PARTNERS, INC.

Photo 1: Looking northwest across South Kihei Road toward the Hale Pau Hana condominium. Driveway to Kihei Kai Nani and proposed project site at lower right. (9/25/14)

Photo 2: Looking south down South Kihei Road at driveway apron to Kihei Kai Nani and proposed project site. Kamaole II Beach Park at right. (9/25/14)

PHOTO KEY

Photo 3: Looking northeast across South Kihei Road at the entrance to Kihei Kai Nani and project site. Parking lot for Kai Nani Center at right. (9/25/14)

Photo 4: Looking west down Kihei Kai Nani driveway and parking lot. (9/25/14)

Photo 5: Six story Kihei Akahi Condominium building south of the project site. (9/25/14)

Photo 6: Looking across 8.396 acre parcel to the north of the proposed project site. The Aloha Village project is proposed on this site. (3/13/14)

FIGURE 4.1

Date of photos as noted	FEBRUARY 2015
PHOTOGRAPHS Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

Photo 7: Looking east up Kihei Kai Nani driveway towards project site. (9/25/14)

Photo 8: Looking east across project site. (9/25/14)

PHOTO KEY

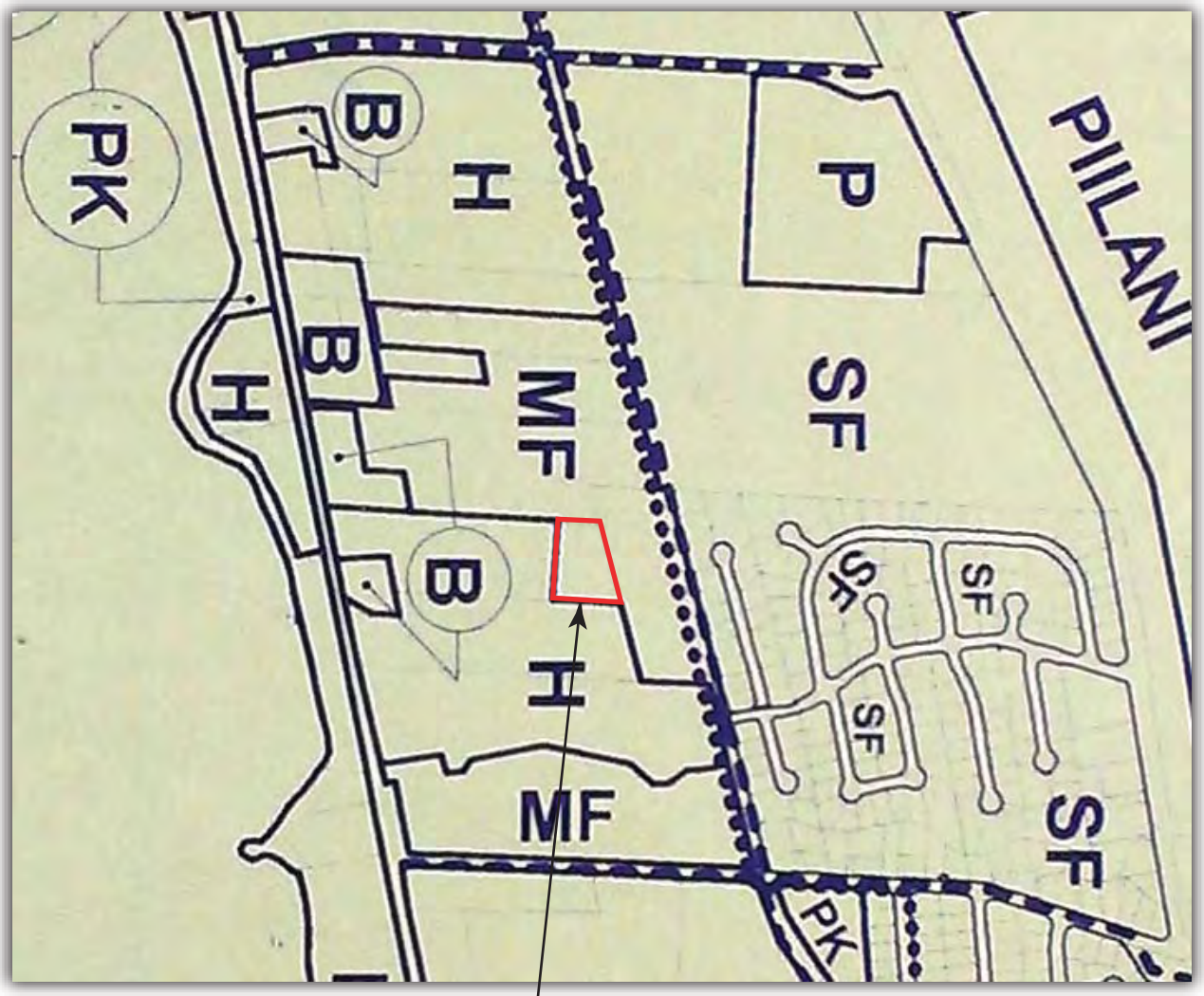
Photo 9: Looking north across proposed project site. (3/13/14)

Photo 10: Looking west across project site. (3/13/14)

Photo 11: Looking southwest across project site. Six-story Kihei Akahi building in the distance. (3/13/14)

FIGURE 4.2

Date of photos as noted	FEBRUARY 2015
PHOTOGRAPHS Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.



LEGEND

SF	Single Family
MF	Multi-family
H	Hotel
B	Commercial
BMF	Business Multi-family
BI	Business/Industrial
SBR	Service Business/Residential
LI	Light Industrial
HI	Heavy Industrial
A	Airport
AG	Agriculture

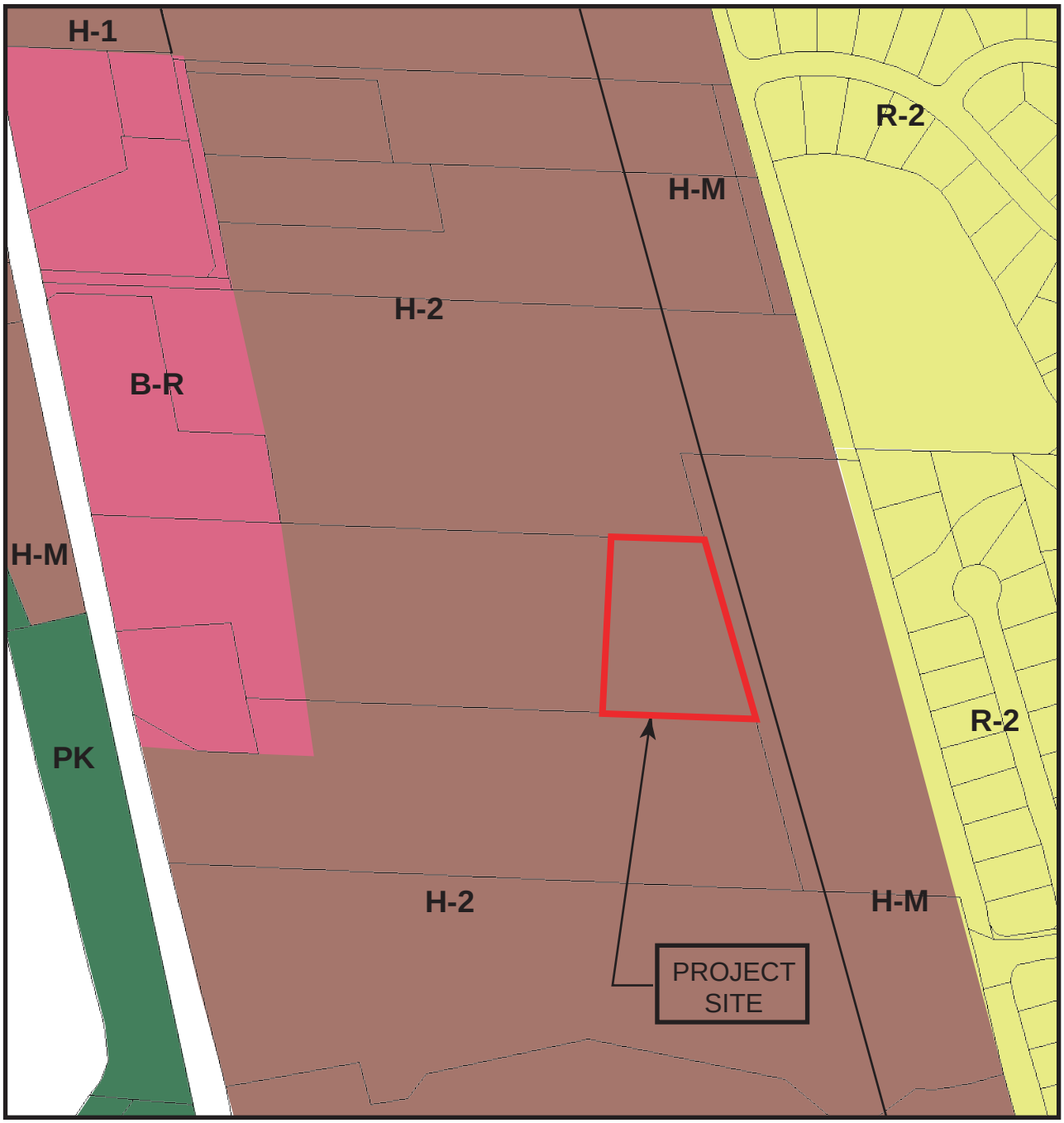
PROJECT SITE

FIGURE 5

FEBRUARY 2015

KIHEI -MAKENA COMMUNITY PLAN
Nani Loa Hotel Condominium

CHRIS HART & PARTNERS, INC.



LEGEND

- R-2 Residential
- H-1 Hotel
- H-M Hotel
- H-2 Hotel
- B-R Resort Commercial
- PK Park

FIGURE 6

Not to Scale

OCTOBER 2015

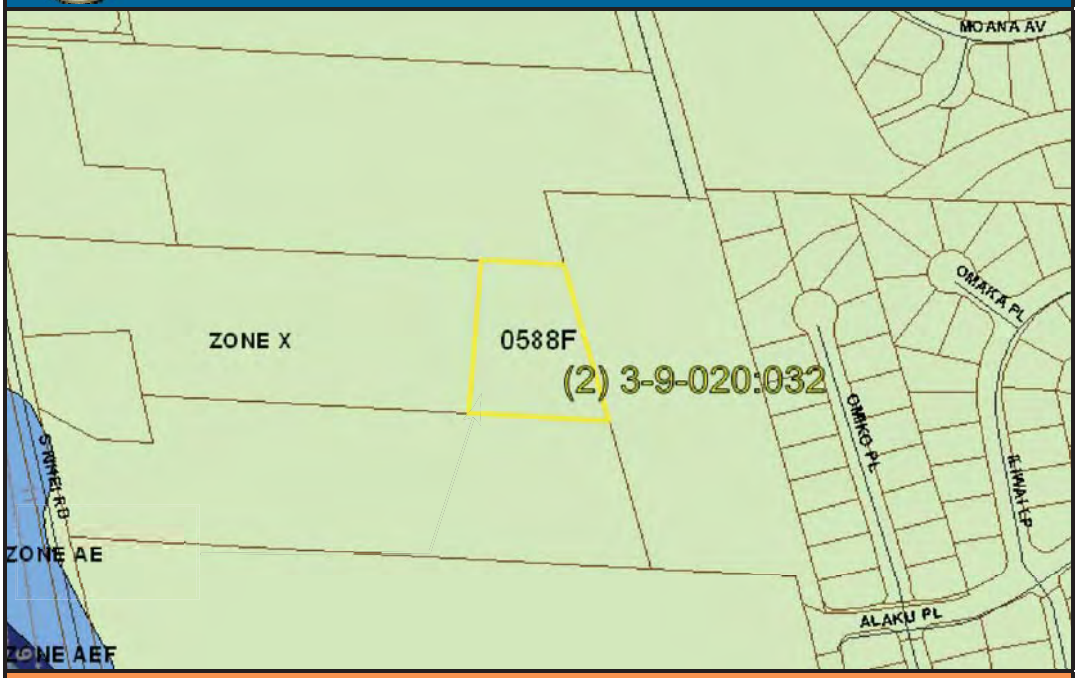
MAUI COUNTY ZONING MAP

Nani Loa Hotel Condominium

CHRIS HART & PARTNERS, INC.

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) 3-9-020-032
PARCEL ADDRESS:	2505 S KIHEI RD KIHEI, HI 96753
FIRM INDEX DATE:	SEPTEMBER 19, 2012
LETTER OF MAP CHANGE(S):	NONE
FEMA FIRM PANEL(S):	1500030588F
PANEL EFFECTIVE DATE:	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.

FIGURE 7

Not to Scale
FEMA Flood Insurance Map

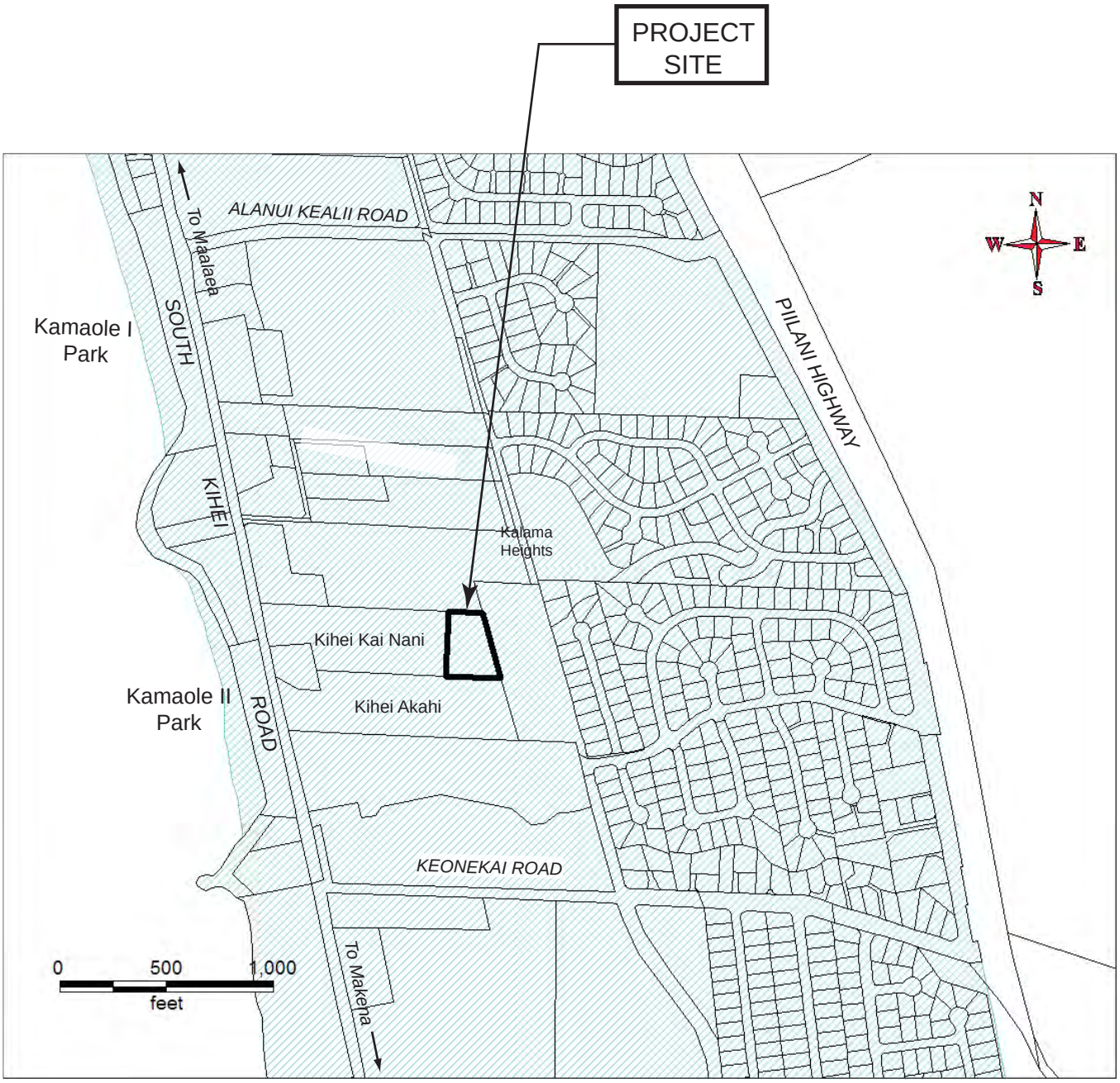
FEBRUARY 2015

FLOOD MAP

Nani Loa Hotel Condominium

CHRIS HART & PARTNERS, INC.

FEMA Panel 1500030588F (9/19/2012)



Special Management Area
(SMA)

SMA

FIGURE 8

Scale as shown	FEBRUARY 2015
SPECIAL MANAGEMENT AREA MAP **Nani Loa Hotel Condominium**	CHRIS HART & PARTNERS, INC.

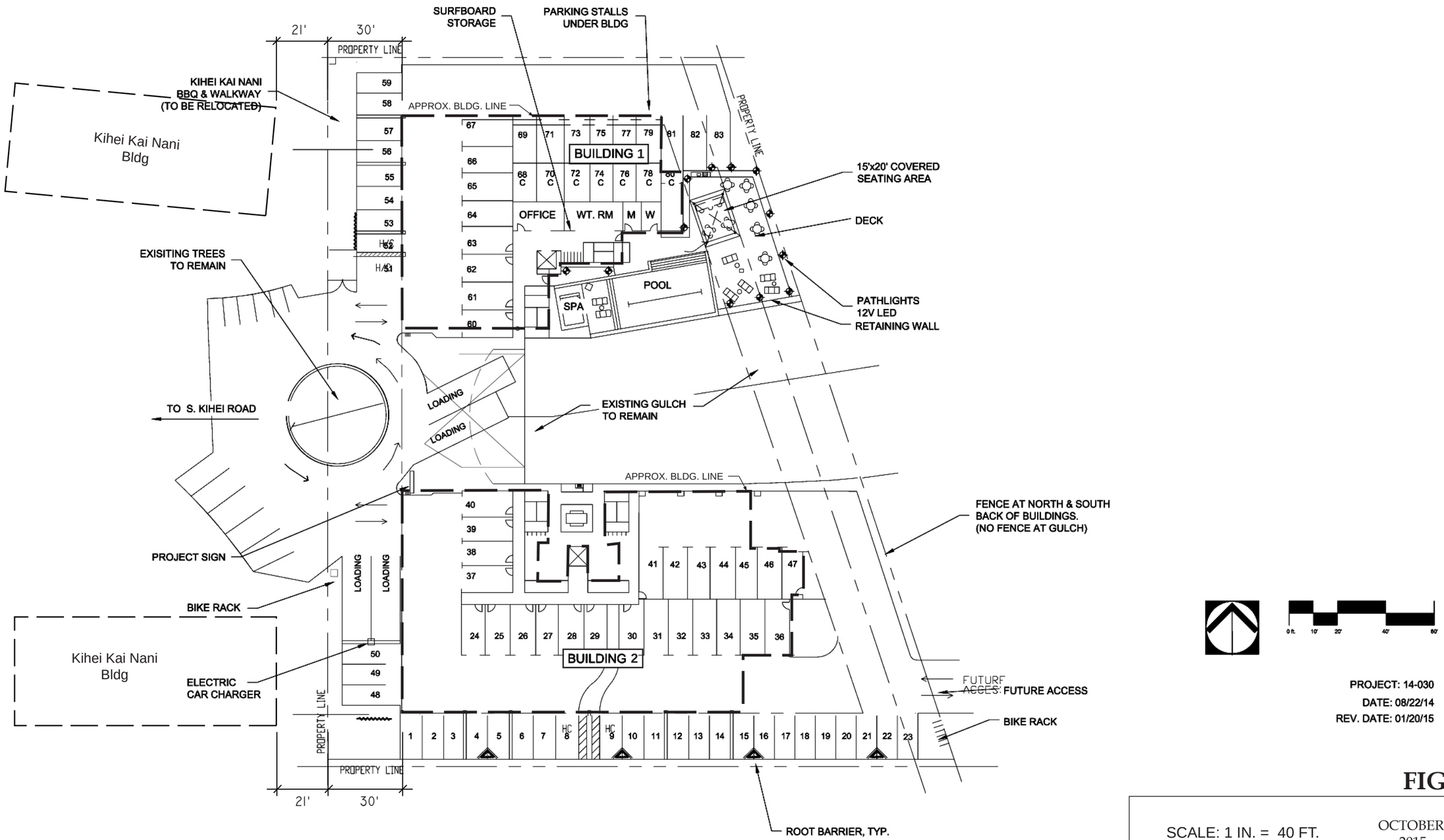


FIGURE 9.1

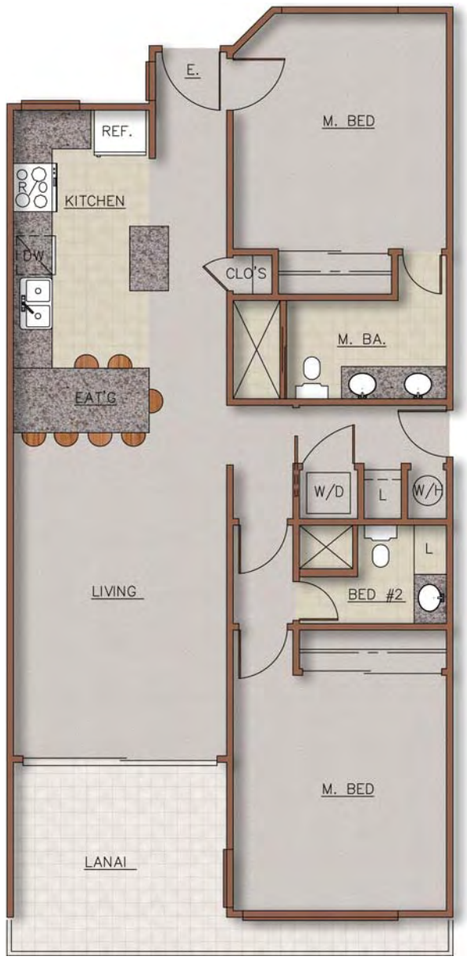
SCALE: 1 IN. = 40 FT.

OCTOBER 2015

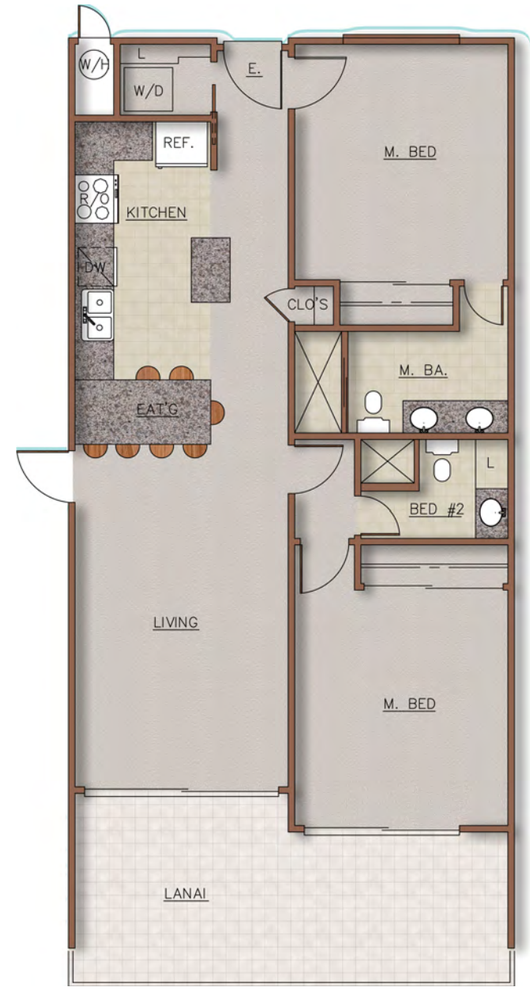
SITE PLAN

Nani Loa Condominium Hotel

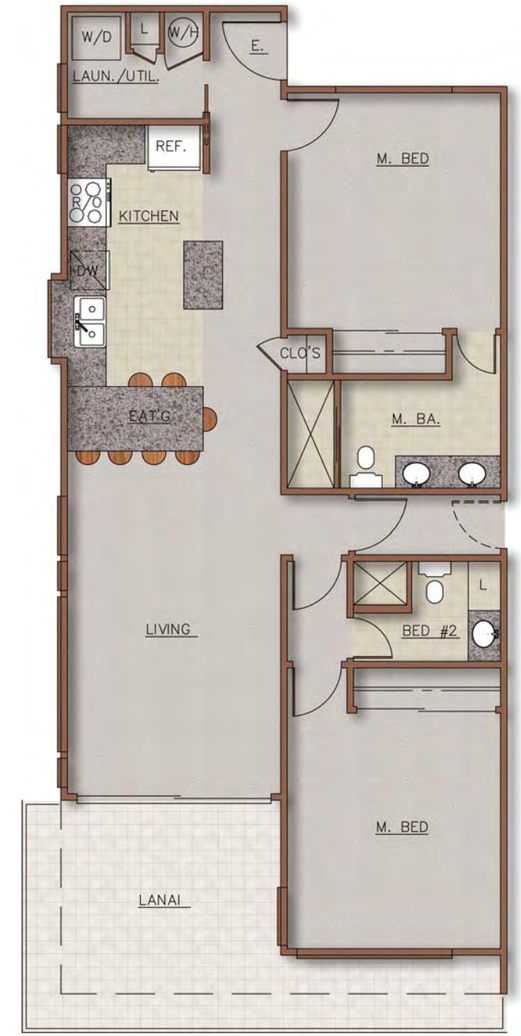
CHRIS HART & PARTNERS, INC.



PLAN 1
963 SF



PLAN 2
922 SF



PLAN 3
963 SF

FIGURE 9.2

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

FEBRUARY
2015

UNIT PLANS

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

PLAN 4
1,462 SF

PLAN 5
837 SF

PLAN 6
780 SF

FIGURE 9.3

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

FEBRUARY 2015

UNIT PLANS

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

EAST

WEST

FIGURE 9.4

SCALE: 1/16" = 1'-0"	FEBRUARY 2015	CHRIS HART & PARTNERS, INC.
BLDG. 1 ELEVATIONS Nani Loa Condominium Hotel		

Hawaii — JERRY F. NARDINI, AIA, ASID Architect
J. F. NARDINI ARCHITECT
Residential & Commercial
1327 S KIHEI RD. #3-102 KIHEI, HAWAII, 96753 — Telephone (808) 875-0846 Fax (808) 875-0847

NORTH

SOUTH

FIGURE 9.5

Hawaii
JERRY F. NARDINI, NCARB
Architect
J. F. NARDINI ARCHITECT
Residential & Commercial
1367 S KIHEI RD. #3-102
KIHEI, HAWAII, 96753
Telephone (808) 875-0846
Fax (808) 875-0871

SCALE: 1/16″ = 1′-0″

FEBRUARY 2015

BLDG. 1 ELEVATIONS

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

EAST

WEST

FIGURE 9.6

SCALE: 1/16″ = 1′-0″

FEBRUARY
2015

BLDG. 2 ELEVATIONS

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

NORTH

SOUTH

FIGURE 9.7

Hawaii
JERRY F. NARDINI, NCARB
Architect
J. F. NARDINI ARCHITECT
Residential & Commercial
1367 S KIHEI RD. #3-102
KIHEI, HAWAII, 96753
Telephone (808) 875-0846
Fax (808) 875-0871

SCALE: 1/16″ = 1′-0″

FEBRUARY 2015

BLDG. 2 ELEVATIONS

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

FIGURE 9.8

Looking Southeast	FEBRUARY 2015
PERSPECTIVE RENDERING Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

FIGURE 9.9

Looking Southwest	FEBRUARY 2015
PERSPECTIVE RENDERING Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

FIGURE 9.10

Looking Northwest	FEBRUARY 2015
PERSPECTIVE RENDERING Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

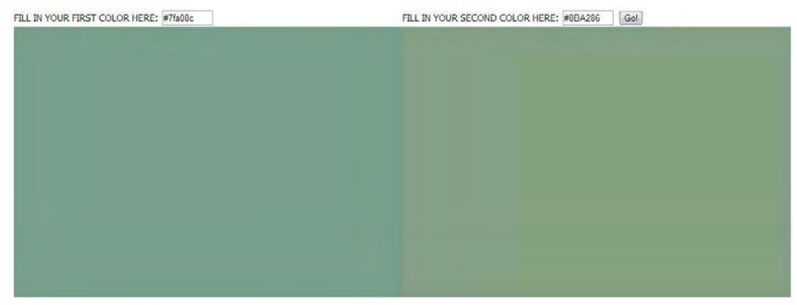
FIGURE 9.11

Looking West	FEBRUARY 2015
PROJECT AERIAL Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

Roof Solar Photo-voltaic Panels

Electric Vehicle Charging Station

Building Colors



Railing Colors

FIGURE 9.12

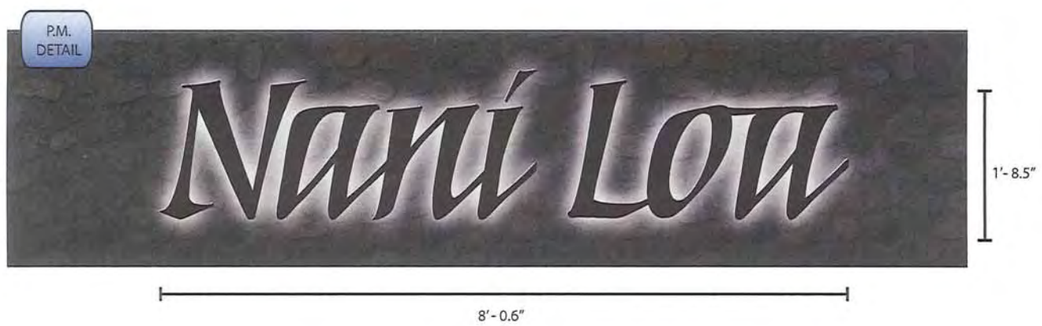
FEBRUARY
2015

FEATURES

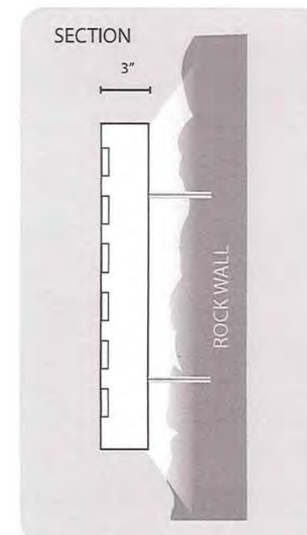
Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

Nani Loa
Halo Letter Sign



Reverse "Halo" lit LED illuminated
Channel Letter Pin Mounted on



Pacific SIGN & DESIGN INCORPORATED
An Architectural & Environmental Graphics Company Since 1985
325 HUKILIKE ST. SUITE 8, KAHULUI, HI. 96732 • LIC. C-20664
Phone 808-877-2141 • Fax 808-877-0694
pacsignmaui@yahoo.com www.pacificsignhawaii.com

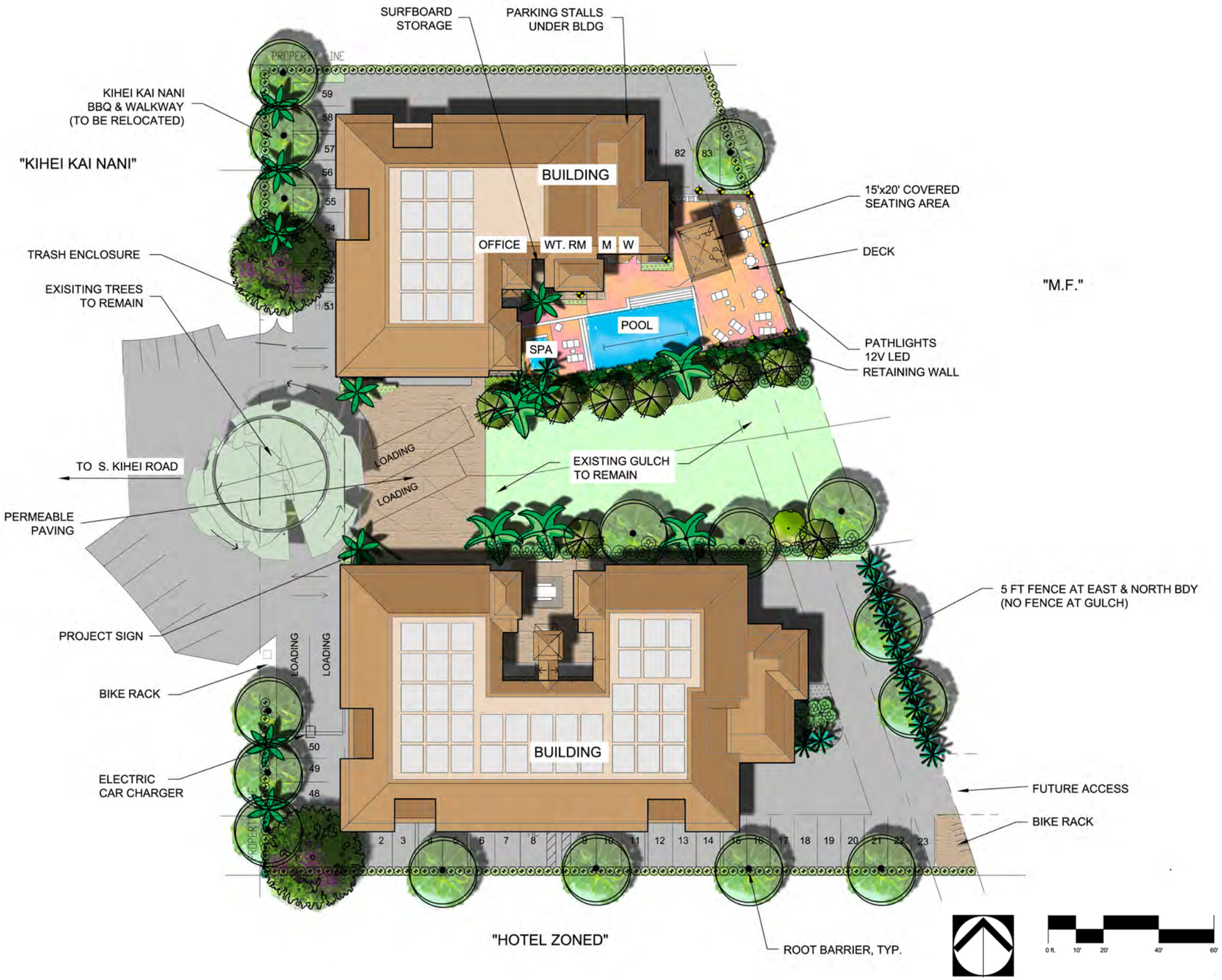
FIGURE 9.13

FEBRUARY
2015

GROUND SIGN

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.



PLANT LEGEND

Symbol	Common Name
TREES AND PALM	
	SHADE TREES:
	Hong Kong Orchid Tree (2" Cal., 6' Planted Ht.)
	Milo - Native (2" Cal., 6' Planted Ht.)
	Geiger
	Dwarf Plumeria
	PALM TREES:
	Coconut Palm
	Areca Palm
	Joannis Palm
	MacArthur Palm - Multi-stem
SHRUBS AND GROUNDCOVER	
	SHRUBS:
	Beach Vitex - Native
	Naio / A'ali'i Red / Green Ti - Native Queen Emma Lily
	GROUNDCOVER:
	Firecracker
	Ilima Papa - Native
	Ice Plant - Native
	12-volt downward-shielded path lights, LED

Notes:

1. All tree locations are approximate & will be adjusted in field by landscape contractor and have 8'-0" clear to all utilities.
2. All street trees to have 10'-0" of rootbarrier installed at back of curb and 10'-0" at sidewalk edge.
3. All landscape material to be watered using an automatic irrigation system.
4. Irrigation system will include a Rain Sensor to avoid over watering.
5. Irrigation system will be designed so as to be compatible with all Reclaimed Water rules and regulations.
6. Irrigation will be via Drip Irrigation (excluding lawn area).
7. Install 18" Maintenance strip with cinder around all buildings.

PROJECT: 14-030
DATE: 08/22/14
REV. DATE: 06/05/15
01/20/15

FIGURE 10

Scale: 1 inch = 40 feet

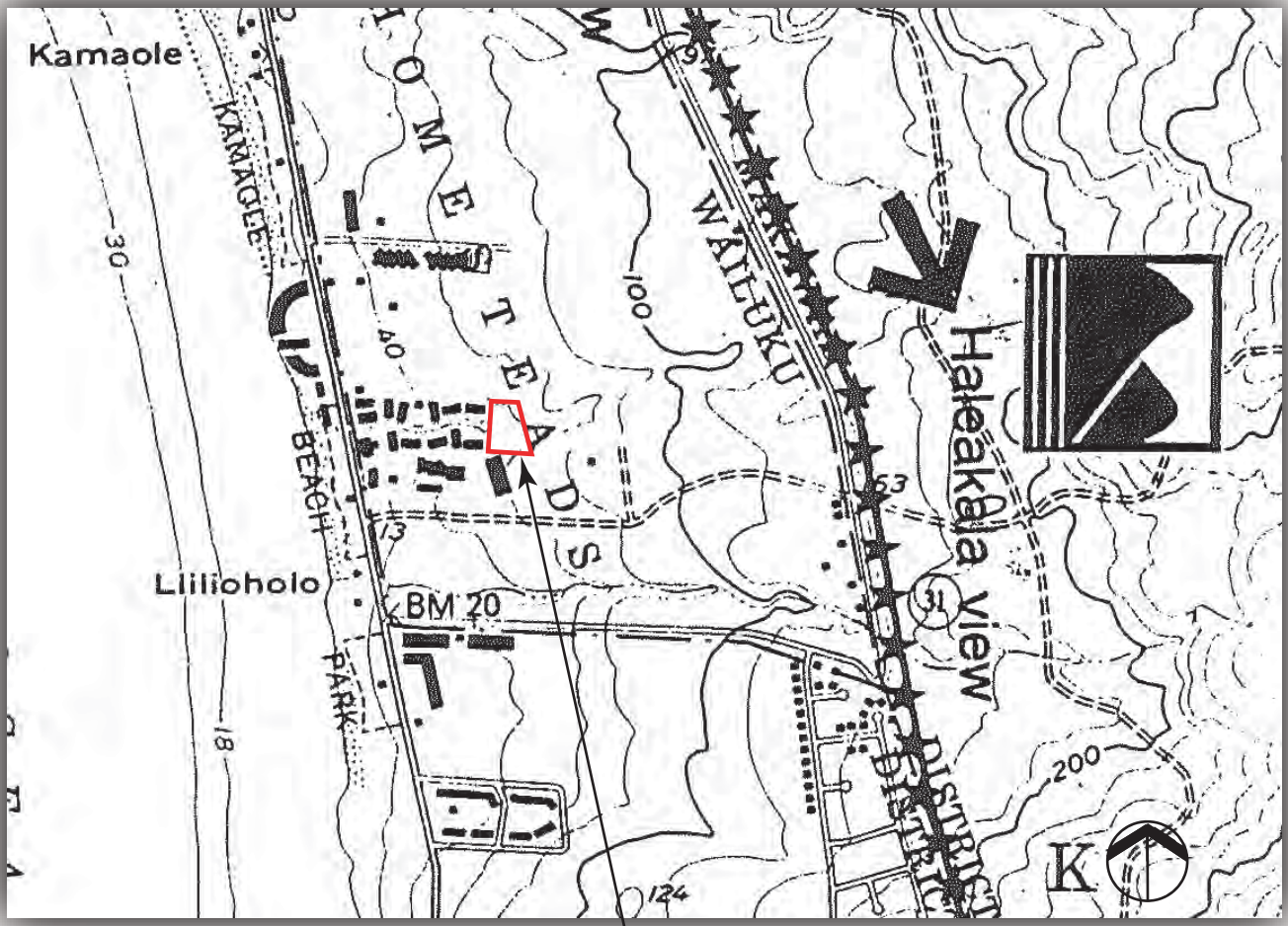
OCTOBER 2015

LANDSCAPE CONCEPT PLAN
Nani Loa Condominium Hotel

CHRIS HART & PARTNERS, INC.

FIGURE 11

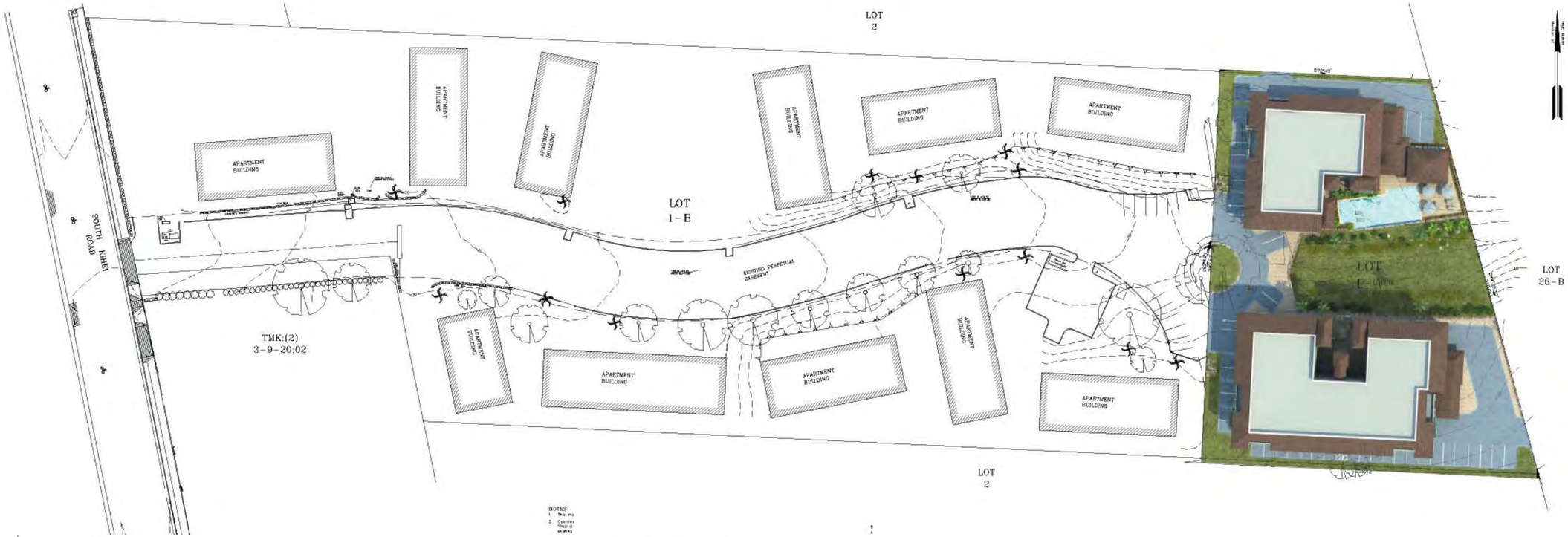
Scale as shown	FEBRUARY 2015
SOILS MAP **Nani Loa Hotel Condominium**	CHRIS HART & PARTNERS, INC.

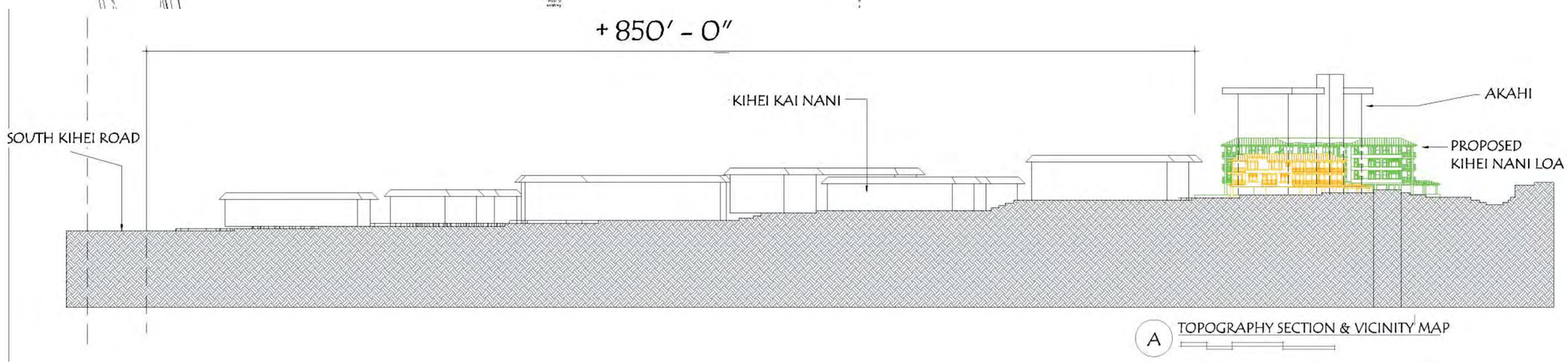


PROJECT SITE

FIGURE 12

Not to Scale	FEBRUARY 2015
SCENIC MAP **Nani Loa Hotel Condominium**	CHRIS HART & PARTNERS, INC.





A TOPOGRAPHY SECTION & VICINITY MAP

FIGURE 13

Scale: As shown	FEBRUARY 2015
SITE SECTION Nani Loa Condominium Hotel	CHRIS HART & PARTNERS, INC.

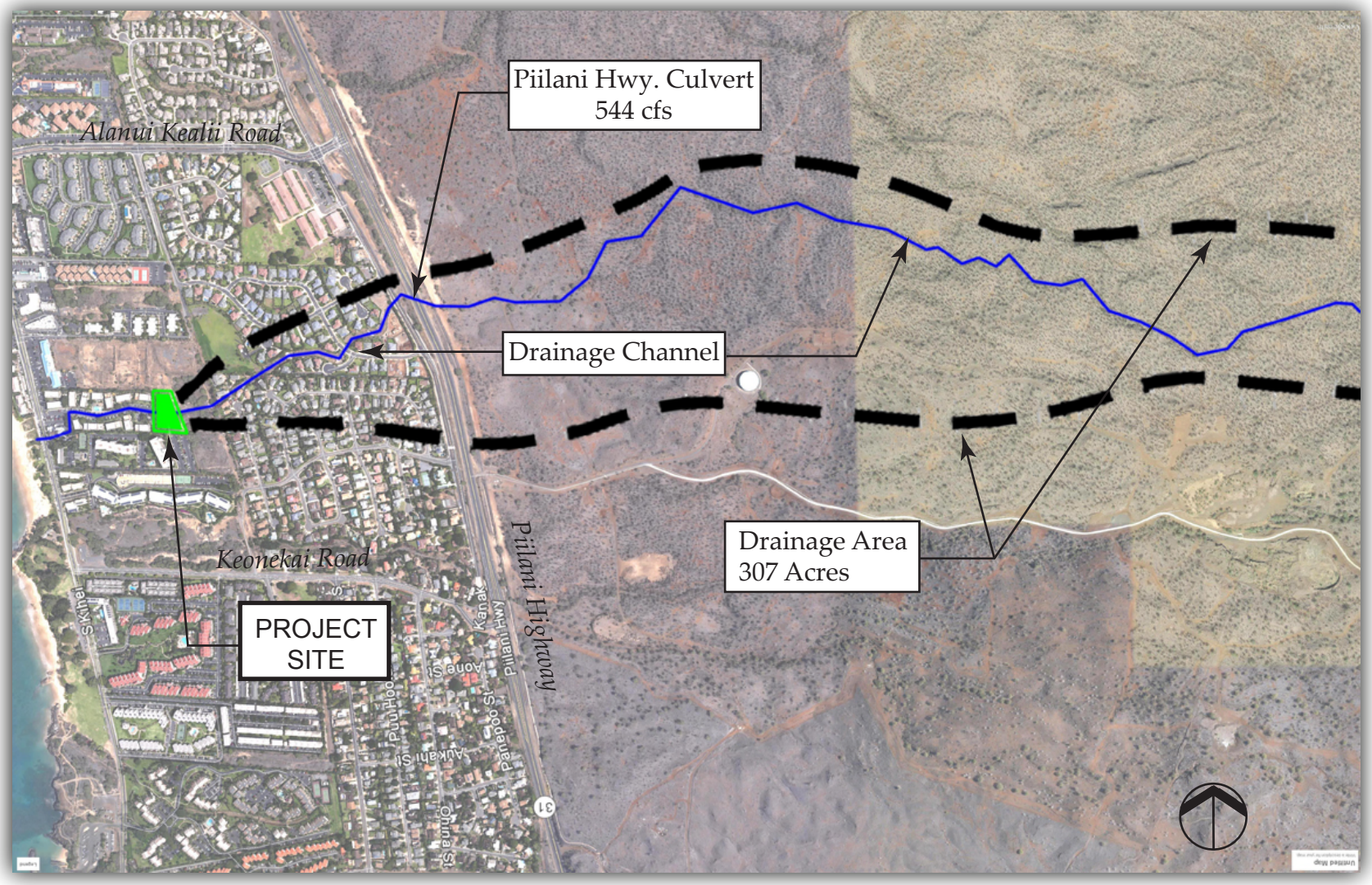


FIGURE 14

Not to Scale	OCTOBER 2015
REGIONAL DRAINAGE MAP **Nani Loa Hotel Condominium**	CHRIS HART & PARTNERS, INC.

APPENDICES

APPENDIX A
Pre-Consultation Agency Comments & Responses

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

June 26, 2008

Regulatory Branch

File Number POH-2007-294

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

Dear Mr. Davis:

We have received your August 20, 2007, request for early consultation comments in preparation of a Draft Environment Assessment (EA) for the proposed Nani Loa Residential Condominium Project located in Kihei, Maui, Hawaii (TMK: (2) 3-9-020: 032). The file number assigned POH-2007-339 should be referred to in future correspondence with us.

We recommend that the draft EA address whether any potential waters of the U.S., as represented by the presence of perennial, intermittent or ephemeral streams or wetlands, are in, adjacent to or flow through, the land parcel subject to development. The EA should also disclose whether any streams or other aquatic resources that may occur within the land parcel have an existing direct or indirect surface water connection to the Pacific Ocean.

Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained for the discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide extending shoreward to the mean high water mark.

We appreciate the opportunity to provide comments on the proposed development project and associated EA. Should you have any questions, please contact Ms. Joy Anamizu of my staff at (808) 438-7023 or at *joy.n.anamizu@usace.army.mil*. For additional information about our Regulatory Program, visit our web site at http://www.poh.usace.army.mil/EC-R/EC-R.htm.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch

RECEIVED
JUL 07 2008
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: Jordan

CHRIS HART & PARTNERS INC.

January 6, 2009

Mr. George P. Young, P.E.
Chief, Regulatory Branch
Department of the Army
US Army Engineer District, Honolulu
Fort Shafter, Hawaii 96858-5440

Subject: Response to Pre-Consultation Comments for a Draft Environmental Assessment (EA) for the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui. TMK: (2) 3-9-020: 032. ***POH-2007-339***

Dear Mr. Young:

Thank you for your pre-consultation letter dated June 26, 2008 (**See** Enclosed: Pre-Con letter from the Department of the Army dated June 26, 2008).

The Nani Loa Condominium Project was inactive for a period of time while project architects were changed and the project was re-designed. The architectural revisions to the project do not change the relevant components of the project. Nani Loa remains a 32 unit Hotel project on 1.44 acres.

The EA for the Nani Loa Hotel Condominium Project will discuss the information that has been requested in the attached June 26, 2008 letter. We provide responses to your comments as follows:

1st Comment:
"We recommend that the EA address whether any potential waters of the U.S., as represented by the presence of perennial, intermittent or ephemeral streams or wetlands, are in, adjacent to or flow through, the land parcel subject to development. The EA should also disclose whether any streams or other aquatic resources that may occur within the land parcel have an existing direct or indirect surface water connection to the Pacific Ocean."

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

1st Comment Response:
The EA will discuss the presence of an intermittent seasonal stream that flows through the project site. No other streams or aquatic resources are known to occur within the project site.

2nd Comment:
"Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained for the discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344)."

2nd Comment Response:
The proposed project does not intend to discharge dredged and/or fill material into the waters of the U.S., or jurisdictional wetlands.

3rd Comment:
"Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403)."

3rd Comment Response:
No work relating to the proposed project will occur in, or is anticipated to affect navigable waters of the U.S.

In conclusion, thank you for your comments on the proposed Nani Loa Hotel Condominium Project. We look forward to further communication following the submittal of the consolidated application reports for the proposed EA, CPA & SMA. Please contact Jordan Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President, ASLA
Landscape Architect & Planner

Enclosure: (1)
Pre-Con letter from the Department of the Army dated June 26, 2008

CC: Mr. Tim Piasky
Project File (06-060)

LINDA LINGLE
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

STATE OF HAWAI'I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI'I 96804

OFFICE OF BUSINESS SERVICES

RECEIVED
SEP 11 2007

September 10, 2007

Mr. Christopher L. Hart, President
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawai`i 96793

Attention: Mr. Jordan Hart

Dear Mr. Hart:

Subject: Early Consultation on Nani Loa Residential Condominium
Kihei, Maui, TMK: 3-9-20:32

The Department of Education (DOE) has reviewed your request for early consultation on a proposed 32-unit residential project called the Nani Loa Residential Condominium (Project).

The 2007 Legislature passed a bill establishing school impact fees. The bill became Act 245 and is in the process of being implemented. Under this new law, we believe the Project will be required to pay an impact fee. We currently do not know the amount of the fee per residential unit, but we should have a better idea after the Project's Environmental Assessment (EA) is circulated.

It would be very useful if the EA includes detailed information on the size of the housing being proposed for the Project. To estimate the student impact of the Project, we will need to know the number of bedrooms anticipated in each type of housing and the general price range for various housing types.

Thank you for this opportunity to offer our early comments. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at (808) 733-4862.

Sincerely yours,

Duane Y. Kashiwai
Public Works Administrator
Facilities Development Branch

DYK:jl

CHRIS HART
& PARTNERS INC.

January 22, 2008

Mr. Duane Y. Kashiwai, Public Works Administrator
State Department of Education,
Office of Business Services
P.O. Box 2360
Honolulu, Oahu, Hawaii 96804

Subject: Response to pre-consultation comments for the
Nani Loa Residential Condominium Projects
Kihei, Maui, TMK: (2) 2-9-020: 032
For an Environmental Assessment (EA), Community Plan Amendment (CPA) & Special Management Area (SMA)

Dear Mr. Kashiwai:

Thank you for your comment letter for the proposed Nani Loa Residential Condominium Project dated September 10, 2007 (**See** enclosed: DOE Pre-consultation comment letter dated September 10, 2007). The following responses to comments are provided for your consideration:

1st Comment:
"The 2007 Legislature passed a bill establishing school impact fees. The bill become Act 245 and is in the process of being implemented. Under this new law, we believe the project will be required to pay an impact fee. We currently do not know the amount of the fee per residential unit, but we should have a better idea after the project's Environmental Assessment (EA) is circulated"

1st Response:
The applicant will follow the evolution of impact fees pursuant to compliance with Act 245 and will look for further information through the EA comment process.

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET · WAILUKU, MAUI, HAWAII 96793-1706 · PHONE 808-242-1955 · FAX: 808-242-1956

2nd Comment:
"It would be very useful if the EA includes detailed information on the size of the housing being proposed for the Project. To estimate the student impact of the Project, we will need to know the number of bedrooms anticipated in each type of housing and the general price range for various housing types."

2nd Response:
The Nani Loa Consolidated Application Report for the processing of an EA, CPA and SMA will include a discussion of the proposed size of units, including unit bedroom counts. The Nani Loa Application Report will include a discussion of the general price range for proposed unit sale.

In conclusion, we appreciate your comments for the proposed Nani Loa Residential Condominiums and look forward to further communication with the submittal of the consolidated application reports for the proposed EA, CPA & SMA.

Thank you for your consideration. Please contact Jordan E. Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosure: (1)
DOE Pre-consultation comment letter dated September 10, 2007

CC: Mr. Tim Piasky
Project File (06-060)

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

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

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

August 28, 2007

cc: Jordan
06/040

Mr. Jordan Hart
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawai`i 96793

Dear Mr. Hart:

Subject: **Proposed Nani Loa Residential Condominium Project**
TMK: (2) 3-9-020: 032

Thank you for the opportunity to participate in the pre-consultation process for the proposed Nani Loa Residential Condominium Project. The following comments are offered:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is 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.

3. HAR, Chapter 11-46 sets maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment. The attenuation of noise from these sources may depend on the location and placement of these types of equipment. This should be taken into consideration during the planning, design, and construction of the building and installation of these types of equipment.

It is strongly recommended that the Standard Comments found at the Department's website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html 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.

Sincerely,

Herbert S. Matsubayashi
District Environmental Health Program Chief

c: EPO

CHRIS HART
& PARTNERS INC

January 6, 2009

Mr. Herbert S. Matsubayashi
District Environmental Health Program Chief
State of Hawaii, Department of Health
Maui District Health Office
54 High Street
Wailuku, Maui, Hawaii 96793-2102

Subject: Response to Pre-Consultation Comments for a Draft Environmental Assessment (EA) for the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui.
TMK: (2) 3-9-020: 032.

Dear Mr. Matsubayashi:

Thank you for your pre-consultation letter dated August 28, 2007 (**See** Enclosed: Pre-Con letter from the Hawaii State Department of Health dated August 28, 2007).

The Nani Loa Condominium Project was inactive for a period of time while project architects were changed and the project was re-designed. The architectural revisions to the project do not change the relevant components of the project. Nani Loa remains a 32 unit Hotel project on 1.44 acres.

We provide responses to your June 26, 2008 comments by letter as follows:

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

1st Comment Response:
The Clean Water Brach will be contacted in order to obtain an NPDES permit for the Nani Loa Condominium Project.

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115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

2nd Comment:
"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."

2nd Comment Response:
A noise permit will be obtained prior to the commencement of work.

3rd Comment:
"HAR, Chapter 11-46 sets maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment. The attenuation of noise from these sources may depend on the location and placement of these types of equipment. This should be taken into consideration during the planning, design and construction of the building and installation of these types of equipment."

3rd Comment Response:
The project will locate stationary equipment appropriately in order to comply with HAR, Chapter 11-46.

Standard comments at the Department of Health website will be reviewed, and all comments applicable to the project will be adhered to.

In conclusion, thank you for your comments on the proposed Nani Loa Hotel Condominium Project. We look forward to further communication following the submittal of the consolidated application reports for the proposed EA, CPA & SMA. Please contact Jordan Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President, ASLA
Landscape Architect & Planner

Enclosure: (1)
Pre-Con letter from the Hawaii State Department of Health dated August 28, 2007

CC: Mr. Tim Piasky
Project File (06-060)

LINDA LINGLE
GOVERNOR

BARRY FUKUNAGA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

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

IN REPLY REFER TO:

STP 8.2600

August 27, 2007

RECEIVED
AUG 31 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning

cc: Jordan 06/060

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

Dear Mr. Hart:

Subject: Nani Loa Residential Condominium Project
Pre-Consultation
TMK: 3-9-020: 032

Thank you for your transmittal requesting our review of the subject project.

The developer of the subject project should provide a traffic assessment report. The traffic report should cover impacts to the local streets and the Piilani Highway intersections expected to be used by occupants and users of the subject project. The report should also include the traffic mitigation measures necessary to address any impacts from the project.

We appreciate the opportunity to provide comments.

Very truly yours,

BARRY FUKUNAGA
Director of Transportation

CHRIS HART & PARTNERS INC.

January 7, 2009

Mr. Brennon Morioka, Director
State Department of Transportation
869 Punchbowl Street
Honolulu, Oahu, Hawaii 96813-5097

Subject: Nani Loa Hotel Condominium Project **Response to Pre-Consultation Comments** for an Environmental Assessment (EA), Community Plan Amendment (CPA) & Special Management Area (SMA) Permit. Located at 2505 South Kihei Road, Kihei, Maui. TMK: (2) 3-9-020:032

Dear Mr. Morioka:

Thank you for your comment letter for the proposed Nani Loa Residential Condominium Project dated August 27, 2007 (See Enclosed: Hawaii SDOT Pre-Consultation letter dated August 27, 2007).

The Nani Loa Condominium Project was inactive for a period of time while project architects were changed and the project was re-designed. The architectural revisions to the project did not change the relevant components of the project. Nani Loa remains a 32 unit residential project on 1.44 acres.

The following responses to comments are provided for your consideration:

1st Comment:
"The developer of the subject project should provide a traffic assessment report. The traffic report should cover impacts to the local streets and the Piilani Highway intersections expected to be used by occupants and users of the subject project."

Response:
The applicant has contracted a traffic engineering consultant and will include a traffic assessment report in the EA, CPA & SMA application report. The traffic assessment report will discuss impacts to impacted local roadways.

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

2nd Comment:
"The report should also include the traffic mitigation measures necessary to address any impacts from the project."

Response:
The project's traffic assessment report will include traffic mitigation measures necessary to address any impacts from the project.

In conclusion, thank you for your comments on the proposed Nani Loa Condominium Hotel Project. We look forward to further communication following the submittal of the consolidated application reports for the proposed EA, CPA & SMA. Please contact Jordan Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosures: (1)
Hawaii SDOT Pre-Consultation letter dated August 27, 2007

CC: Mr. Tim Piasky
Project File (06-060)

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

SEP 21 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning

September 11, 2007

HRD07_3177

Christopher L. Hart, President
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, HI 96793

Dear Mr. Hart:

Re: Environmental Assessment for the proposed Nani Loa Residential Condominium Project at Kamaole, Kihei, Maui, Hawai'i
Tax Map Key (2) 3-9-020:032

The Office of Hawaiian Affairs (OHA) is in receipt of your August 17, 2007 letter initiating consultation for an Environmental Assessment (EA) for the above project, which will involve the construction of new condominium units, a swimming pool, pedestrian court and associated infrastructure.

OHA has no comments at this time, but requests assurances that as this project moves forward, should historic properties, cultural deposits or human skeletal remains be inadvertently discovered during ground disturbance, all work will immediately cease, and the appropriate agencies notified pursuant to applicable laws. OHA also recommends a comprehensive review and discussion of any previous archaeological or cultural reports in and around the subject project area.

Please contact our Maui Island Community Resource Coordinator, Ms. Thelma Shimaoka at (808) 873-3364. Ms Shimaoka may be able to identify individuals who should be contacted and of particular cultural and historic sites or protected traditional and cultural practices which should be considered.

Thank you for initiating consultation at this early stage and we look forward to the opportunity to review and provide comment on the forthcoming EA. Should you have any questions, please contact Keola Lindsey, Lead Advocate-Culture at (808) 594-1904.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

C: Thelma Shimaoka, OHA- Community Resource Coordinator, Maui
140 Hoohana Street, Kahului, HI 96732

CHRIS HART & PARTNERS P.C.

January 7, 2009

Mr. Clyde W. Namu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
Honolulu, Oahu, Hawaii 96813

Re: Response to Pre-Consultation Comments for an Environmental Assessment (EA) for the proposed Nani Loa Hotel Condominium Project at Kamaole, Kihei, Maui, Hawai'i.
TMK: (2) 3-9-020: 032

Dear Mr. Namu'o:

Thank you for your comment letter for the proposed Nani Loa Residential Condominium Project dated September 11, 2007. The following responses are provided for your consideration:

1st Comment:
"OHA has no comments at this time, but requests assurances that as this project moves forward, should historic properties, cultural deposits or human skeletal remains be inadvertently discovered during ground disturbance, all work will immediately cease, and the appropriate agencies notified pursuant to applicable laws."

1st Comment Response:
The applicant is currently in the pre-consultation phase of the Environmental Assessment (EA), Community Plan Amendment (CPA) and Special Management Area (SMA) Permitting process. An archaeological study and report will be included in the Draft EA, which will be sent to your office for review and comment. Should any historical properties, cultural deposits, or human remains be found during ground-disturbing activities, work will be immediately halted and the appropriated agencies consulted.

2nd Comment:
"OHA also recommends a comprehensive review and discussion of any previous archaeological or cultural reports in and around the subject project area.

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

2nd Comment Response:
In meeting the requirements of the EA and SMA review process, the applicant has retained the services of consultant who will prepare an Archaeological Report for the project site, based on pre-consultation with the Department of Land and Natural Resources, State Historic Preservation Division. The applicant has also retained the services of a consultant who will prepare a Cultural Impact Assessment Report for the project site.

In conclusion, thank you for your comments for the proposed Nani Loa Hotel Condominiums and look forward to further communication with the submittal of the consolidated application reports for the proposed EA, CPA & SMA. Please contact Jordan Hart at (808) 242-1955 for any further information.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosure: (1)
Office of Hawaiian Affairs, Pre-Consultation Letter; September 11, 2007

CC: Mr. Tim Piasky
Project File (06-060)

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
INTERIM 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

RECEIVED
SEP 07 2007

September 5, 2007

cc: Jordan 06/060

Chris Hart & Partners
115 N. Market Street
Wailuku, Hawaii 96793

Attention: Mr. Jordon Hart

Gentlemen:

Subject: Pre-Consultation for the Proposed Nani Loa Residential Condominium Project, Kamaole, Maui, Tax Map Key: (2) 3-9-20:32

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 comment.

Other than the comments from Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
INTERIM 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

August 20, 2007

'07 AUG 22 PM 02:20 ENGINEERING

MEMORANDUM

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
x Engineering Division
__Div. of Forestry & Wildlife
__Div. of State Parks
__Commission on Water Resource Management
x Office of Conservation & Coastal Lands
x Land Division – Morris Atta
- NDLO

FROM: Russell Y. Tsuji
SUBJECT: Pre-Consultation for the Proposed Nani Loa Residential Condominium Project
LOCATION: Kamaole, Maui, Tax Map Key: (2) 3-9-20:32
APPLICANT: Chris Hart & Partners, Inc. on behalf of Tim Piasky

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

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 my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: [signature]
Date: 8/31/07

RECEIVED
LAND DIVISION
2007 AUG 31 P 3:21
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/RYT
Ref.: PreConNaniLoaReCondoKamaole
Maui.367

COMMENTS

( ) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ___.

(X) Please take note that based on the map provided the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone C. The National Flood Insurance Program does not have any regulations for developments within Zone C.

( ) 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 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. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

( ) Mr. Mario Antonio at (808) 241-6620 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 Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Date: 8/31/07

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor

VANESSA A. MEDEIROS
Director

LORI TSUHAKO
Deputy Director

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

September 10, 2007

RECEIVED
SEP 12 2007
CHRIS HART & PARTNERS

cc: Jordan ok/ok

Mr. Jordan Hart
Chris Hart & Partners
115 Market St.
Wailuku, Hawaii 96793

Dear Mr. Hart:

SUBJECT: Proposed Nani Loa Residential Condominium Project, TMK (2) 3-9-020:032

We have reviewed your August 17, 2007 early consultation letter and enclosures for the subject project and would like to offer the following comments:

1. Victory Development Nani Loa, LLC, is proposing to develop 1.44 acres of land for the construction of a 32-unit residential condominium.

2. Since the proposed project will involve the construction of five or more units, the project is subject to the requirements of Chapter 2.96, Maui County Code (MCC).

3. Section 2.96.080A, MCC, states that before final subdivision approval or issuance of a building permit, the developer shall enter into a residential workforce housing agreement with the County of Maui that sets forth the detailed terms and conditions of compliance with the residential workforce policy.

Thank you for the opportunity to comment.

Sincerely,

Vanessa A. Medeiros

VANESSA A. MEDEIROS
Director of Housing and Human Concerns

xc: Assistant Housing Administrator

CHRIS HART
& PARTNERS INC.

January 22, 2008

Ms. Vanessa A. Medeiros, Director
Department of Housing and Human Concerns
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Subject: **Proposed Nani Loa Residential Condominium Project, TMK: (2) 3-9-020: 032**

Dear Ms. Medeiros:

Thank you for your comment letter for the proposed Nani Loa Residential Condominium Project dated September 5, 2007 (**See** enclosed: DHHC, Pre-Consultation Comment Letter dated September 5, 2007). The following responses to comments are provided for your consideration:

1st Comment:
"Victory Development Nani Loa, LLC, is proposing to develop 1.44 acres of land for the construction of a 32-unit residential condominium."

Response:
The applicant is proposing to develop a 32-unit residential condominium project on 1.44 acres of land.

2nd Comment:
"Since the proposed project will involve the construction of five or more units, the project is subject to the requirements of Chapter 2.96, Maui County Code (MCC)."

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CITY AND REGIONAL PLANNING
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Response:
The applicant acknowledges that the Nani Loa Project is subject to the requirements of Chapter 2.96 of the Maui County Code (MCC) "Residential Workforce Housing Policy".

3rd Comment:
"Section 2.96.080A, MCC, states that before final subdivision approval or issuance of a building permit, the developer shall enter into a residential workforce housing agreement with the County of Maui that sets forth the detailed terms and conditions of compliance with the residential workforce policy."

Response:
The applicant acknowledges that an agreement for participation with the requirements of Section 2.96 must be executed prior to final subdivision approval.

In conclusion, we appreciate your comments for the proposed Nani Loa Residential Condominiums and look forward to further communication with the submittal of the consolidated application reports for the proposed EA, CPA & SMA.

Thank you very much for your consideration. Please direct any comments you may have by phone, or in writing, to Jordan Hart of this office at (808) 242-1955.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosures: (1)
DHHC, Pre-Consultation Comment Letter dated September 5, 2007

CC: Mr. Tim Piasky
Project File (06-060)

CHARMAINE TAVARES
Mayor

TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2 , Wailuku, Hawaii 96793

September 5, 2007

RECEIVED
SEP 12 2007
CHRIS HART & PARTNERS
Engineers Architects Planners

cc: Jordan 06/060

Mr. Jordan Hart, Planner
Chris Hart & Partners, Inc.
1955 Main Street; Suite 200
Wailuku, Hawaii 96793-1706

SUBJECT: Nani Loa Residential Condominium Project, TMK: (2)3-9-020:032, Kihei, Maui, Hawaii

The proposed 32 unit condominium project will be subjected to Maui County Code, Title 18.16.320, regarding park assessment fees. Our Department is requiring the applicant to satisfy the parks and playground requirement with a cash contribution in lieu of providing land in perpetuity. The current parks and playgrounds assessment fee rate for Kihei – Makena Community Plan area is $17,510.00 per lot in excess of three (3). This rate is effective until June 30, 2008, therefore the parks and playgrounds assessment fee for the project is 29 units x $17,510.00 = $507,790.00. Be advised that the applicant is required to satisfy the applicable parks and playgrounds requirements at the current rate at the time of final subdivision approval.

Should you have any questions please contact me or Tammy Osurman, Capital Improvement Project Coordinator at (808) 270-7388.

Sincerely,

TAMARA HORCAJO
Director, Parks and Recreation

xc: Patrick Matsui, Chief of Planning and Development
DSA, subdivisions

TH:to

CHRIS HART & PARTNERS INC.

January 7, 2009

Ms. Tamara Horcajo, Director
County of Maui, Dep. of Parks & Rec.
700 Hali'a Nakoa Street, Unit 2
Wailuku, Maui, Hawaii 96793

Subject: Response to Environmental Assessment (EA) Pre-Consultation for Nani Loa Hotel Condominium Project, 2505 South Kihei Road, Kihei, Maui, Hawaii.
TMK: (2) 3-9-020: 032,

Dear Ms. Horcajo:

Thank you for your comment letter on the proposed Nani Loa Hotel Condominium Project, dated September 5, 2007 (**See** Enclosed: Letter from Department of Parks and Recreation dated September 5, 2007).

The Nani Loa Condominium Project was inactive for a period of time while project architects were changed and the project was re-designed. The architectural revisions to the project did not change the relevant components of the project. Nani Loa remains a 32 unit residential project on 1.44 acres.

The Nani Loa Residential Project will comply with all current county requirements, including applicable Parks Assessment Fees for residential development.

In conclusion, we appreciate your comments and look forward to further communication following the submittal of the consolidated Environmental Assessment, Community Plan Amendment and Special Management Area Use Permit Application reports for the Nani Loa Hotel Condominium Project. Thank you for your consideration. Please contact Jordan Hart a (808) 242-1955 for any further information.

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115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

Sincerely yours,

Christopher L. Hart
President, ASLA
Landscape Architect & Planner

Enclosed: (1)
Letter from Department of Parks and Recreation dated September 5, 2007

CC: Mr. Tim Piasky
Project File (06-060)

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

COLLEEN M. SUYAMA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

SEP 20 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning
cc Jordan
06/060

September 14, 2007

Mr. Jordan Hart
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawai'i 96793

Dear Mr. Hart:

SUBJECT: PRE-CONSULTATION COMMENTS IN PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED NANI LOA RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT TMK: (2) 3-3-020:032, KIHEI, ISLAND OF MAUI, HAWAII (EA 2007/0012)

The Maui Planning Department (Department) has reviewed your letter dated August 17, 2007, requesting preconsultation and provides the following comments in preparation of the Draft Environmental Assessment (EA).

1. As your letter notes, "A previous Special Management Area (SMA) Permit was approved for a forty-eight (48) unit project" for the same site on September 4, 1996. If you have not done so already, you could make a "Request to Access a Government Record" and review the files to help you identify appropriate topics for review in a Draft EA, as well as substantial, if in some cases somewhat dated, information on these topics. I expect that a planner in the Department who is assigned to review a preliminary Draft EA for the proposed new project will be reviewing those same files for information during her or his review.

2. The Department has a copy of a letter sent by Patricia Ross to your firm dated July 15, 2007. You may have received other recent comments in response to your June 22, 2007 letters to neighboring property owners. Ms. Ross' letter and other comments you may have received have hopefully identified most of the initial community concerns to be encountered by the proposed project. All of them which can be construed as the normal appropriate subject matter of a Draft EA should be fully addressed within it. Even where they may

not be so construed, it will be important for you to find some other means to address them. In a similar light, have you solicited input from the Kihei Community Association?

3. Should you wish to provide an outline of topics you propose to be addressed in the Draft EA, Department staff should be willing to review such a list and provide any appropriate supplemental comments.

Thank you for your cooperation. Should you require further clarification, please contact Staff Planner Jeffrey Dack, AICP, at jeffrey.dack@co.maui.hi.us, or at 270-6275.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

xc: Colleen M. Suyama, Deputy Planning Director
Clayton I Yoshida, Planning Program Administrator
Jeffrey P. Dack, Staff Planner

JSH:JPD:bv

EA File
General File

K:\WP_DOCS\PLANNING\EA\2007\0012_NaniLoaResCondo\preconsultation.wpd

CHRIS HART
& PARTNERS INC.

January 22, 2008

Mr. Jeffery Hunt, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui, Hawaii 96793

Subject: Response to Pre-Consultation Comments for a Draft Environmental Assessment (EA). **Nani Loa Residential Condominium Project**
Located at TMK: (2) 3-9-020: 032,
Kihei, Island of Maui, Hawaii (EA 2007/0012)

Dear Mr. Hunt:

Thank you for your comment letter for the proposed Nani Loa Residential Condominium Project dated September 14, 2007 as well as our pre-consultation meeting on September 12, 2007 (**See** enclosed: PlnDpt Pre-consultation comment letter dated September 14, 2007). The following responses to your written comments are provided for your consideration:

1st Comment:
"As your letter notes, "A previous Special Management Area (SMA) Permit was approved for a forty-eight (48) unit project." for the same site on September 4, 1996. If you have not done so already, you could make a "request to Access a Government Record" and review the files to help you identify appropriate topics for review in the Draft EA as well as substantial, if in some cases somewhat dated, information on these topics. I expect that a planner in the Department who is assigned to review a preliminary Draft EA for the proposed new project will be reviewing those same files for information during her or his review."

Response:
Chris Hart & Partners (CH&P) has conducted a preliminary review of the County Records for the Parcel. A further review will be conducted to include issues encountered in the attempt to previously develop the

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project site. Comment will be made on the relevance of issues as well as proposed measures to mitigate potential impacts.

2nd Comment:
"The Department has a copy of a letter sent by Patricia Ross to your firm dated July 15, 2007. You may have received other recent comments in response to your June 22, 2007 letters to neighboring property owners. Ms. Ross' letter and other comments you may have received have hopefully identified most of the initial community concerns to be encountered by the proposed project. All of them which can be construed as the normal appropriate subject matter of a Draft EA should be fully addressed within it. Even where they may not be so construed, it will be important for you to find some other means to address them. In a similar light, have you solicited input from the Kihei Community Association?"

Response:
CH&P has collected several telephone comments, as well as written comments from neighboring property owners notified in the pre-consultation process. Written letters as well as transcribed telephone comments will be included in the Draft EA. Issues of concern from Public Agencies, as well as private citizens will be referenced and addressed in the Draft EA for the Nani Loa project. This material will include the July 15, 2007 letter from Ms. Patricia Ross.

CH&P has made contact with the Kihei Community Association (KCA) regarding this project and is moving forward with scheduling the first meeting for the Nani Loa Project.

3rd Comment:
"Should you wish to provide an outline of topics you propose to be addressed in the Draft EA, Department staff should be willing to review such a list and provide any appropriate supplemental comments"

Response:
As discussed in our pre-consultation meeting with Planning Department Staff on September 12, 2007, CH&P has prepared a list of standard issues which must be addressed as part of the EA and SMA process. As referenced above, CH&P will also discuss further issues of interest identified through the pre-consultation process.

In conclusion, we thank you for your consideration and appreciate your comments on the proposed Nani Loa Residential Condominium Project. Please contact Jordan E. Hart at (808) 270-1563 for further information.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosure: (1)
PlnDpt Pre-consultation comment letter dated September 14, 2007

CC: Mr. Tim Piasky
Project File (06-060)

POLICE DEPARTMENT
COUNTY OF MAUI

CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

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

THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

September 6, 2007

RECEIVED
SEP 12 2007
Community Development
Landscape Architecture & Planning
cc: Jordan 06/060

Christopher L. Hart, President
Chris Hart & Partners, Inc.
1955 Main Street, Suite 200
Wailuku, HI 96793-1706

Dear Mr. Hart:

SUBJECT: Pre-Consultation for the proposed Nani Loa Residential Condominium Project; TMK No.: (2) 3-9-020:032

Thank you for your letter of August 17, 2007, requesting comments on the above subject.

We would like to defer any comments and/or recommendations until a Special Management Area Permit has been submitted for this project.

Thank you for giving us the opportunity to comment on this project.

Very truly yours,

AC Wayne T. Ribao

Assistant Chief Wayne T. Ribao
for: Thomas M. Phillips
Chief of Police

c: Jeffrey Hunt, Maui County Planning Department

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461

RECEIVED
NOV - 7 2007
CHRIS HART & PARTNERS
Landscape Architecture + Planning

cc: Jordan
06/0200

November 5, 2007

Mr. Jordan Hart
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, Hawaii 96793

Dear Mr. Hart,

Subject: Pre-Consultation for the proposed
Nani Loa Residential Condominium Project
Kamaole, Kihei, Maui, Hawaii
TMK: (2) 3-9-020:032

Thank you for allowing us to comment on the pre-consultation phase of the proposed subject project, which was received on August 21, 2007.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objection to the project at this time. However, in addition to an electrical line extension, upgrades to our substation, transmission, and/or distribution system may be necessary to accommodate this project's anticipated load demand. We highly encourage the developer's electrical consultant to submit its electrical demand requirements and project time schedule as soon as practical so that service can be provided on a timely basis.

In addition, may we suggest that the developer and/or their consultant make contact with Sage Kiyonaga of our Demand Side Management (DSM) group at 872-3283 to review potential energy conservation and efficiency opportunities for their project.

Should you have any other questions or concerns, please call Kim Kawahara at 871-2345.

Sincerely,

Neal Shinyama
Manager, Engineering

NS/kk:lh
cc: Sage Kiyonaga – MECO DSM

CHRIS HART & PARTNERS INC.

January 7, 2009

Mr. Greg Kauhi, Manager, Engineering
Maui Electric Company, Ltd.
PO Box 398
Kahului, Maui, HI 96733-6898

Subject: Response to Pre-Consultation Comments for a Draft Environmental Assessment (EA). For the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui.
TMK: (2) 3-9-020: 032

Dear Mr. Kauhi:

Thank you for your pre-consultation letter dated November 5, 2007 (**See** Enclosed: Pre-Con letter from MECO dated November 5, 2007).

The Nani Loa Condominium Project was inactive for a period of time while project architects were changed and the project was re-designed. The architectural revisions to the project did not change the scale or relevant components of the project. Nani Loa remains a 32 unit residential project on 1.44 acres.

The developer will make contact with MECO to review potential energy conservation and efficiency opportunities.

We look forward to further communication following the submittal of the consolidated application reports for the proposed EA, CPA & SMA. Please contact Jordan Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President, ASLA
Landscape Architect & Planner

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Enclosure: (1)
Pre-Con letter from MECO dated November 5, 2007

CC: Mr. Tim Piasky
Project File (06-060)

APPENDIX B
Community Pre-Consultation

List of Pre-Consultation Activities for the Nani Loa Hotel Condominium Project

- February 22, 2007:
  - Meeting with Planning Department Staff.

- June 22, 2007:
  - Neighbor Pre-Consultation Letter Issued.
    - Applicant responses with various dates.

- August 17, 2007:
  - Agency Pre-Consultation Letters Issued.
    - Applicant responses with various dates.

- September 13, 2007:
  - Meeting with Planning Department Staff.

- May 20, 2008:
  - Meeting with KCA Planning & Review Committee.

- September 9, 2008:
  - Meeting with KCA General Membership & Neighbors within 500 feet of project site.

- April 29, 2008:
  - Meeting with Kihei Kai Nani Owner's Association Board.

CHRIS HART & PARTNERS

MEETING MINUTES

PROJECT:	Nani Loa Residential Condominium Project	MEETING DATE:	May 20, 2008
LOCATION:	KCA Office (Kihei, Azeka I)	SUBJECT:	***Pre-Consultation Meeting for EA/CPA/CIZ***

ATTENDEES:
KCA: Michael DiBella, Don Couch, Tom Douma, Barney Eiting, Laura Marzkel, Jon Miller
CH&P: Chris Hart, Jordan Hart

Meeting began at approximately 12:10 PM.

Presentation by Chris Hart:

- Beginning the presentation with the evolution of the Nani Loa Project site and condominium development in the Kihei area.

- Discussion of the State Land Use Designation of Urban, Community Plan Amendment (M-F to H), H-2 Hotel Zoning Designation. Review of other land designations, including the SMA. Review of land use maps, architectural renderings and site photographs.

Questions & Comments by KCA Planning Committee:

- Prefer that trees not be included in the drainage channel running *mauka* to *makai* through project site.
    - It would be preferred that trees be focused around perimeters of project.
    - It was recommended that the drainage channel include an "armored spill-over" to allow drainage in the event that the culvert is clogged during a storm event.

- Access plan for heavy equipment to project site during construction phase was questioned.
    - Comment was made that access via the North-South Collector from South of the Project Site might not be appropriate due to the current state of the Alaku Place access road, North off of Keonekai Road.

- The potential to encounter blue rock should be considered as a noise impact during the construction phase of the project.
    - The soil types within the project site are Dune Land (DL) and Puuone Sand (PZUE), both are sandy type soils (**See**: attached Soil Map Figure).

- Requirements for fencing of drainage channel should be explored.

- LEED certification for project should be considered.
  - CH&P stated that resource conserving policies and features of LEED certification can be installed by the applicant without participating in the LEED certification process.

- The Committee would prefer central AC over individual systems.

- Pedestrian access to the project abutting the south property boundary (Kihei Akahi) was requested to be included. Possibly a gate through the existing fence/wall to enhance connectivity and potential emergency ingress/egress.

- The following amenities were requested to be included in the project:
  - Pool area restrooms
  - Pool area showers
  - BBQ pit
  - Bicycle locking/parking
    - Preferably out of sun and in secure area

- Concern for storage areas by potential residents was raised.
  - CH&P indicated that unit designs contained storage areas. Residents will also be provided enclosed garages.

- Electronic copies of latest renderings were requested via Email by Don Couch and Tom Douma.
  - CH&P completed this transmittal 2008-05-20.

The meeting was concluded at approximately 2:00 PM with cordial conversation following. A copy of the attendance list is enclosed.

Meeting Notes Respectfully
Prepared By:

2008.05.21

Jordan E. Hart

Enclosures: (2)
Attendance list from KCA Planning Committee Meeting Dated May 20, 2008
Soil Map Figure, May 2008

KIHEI COMMUNITY ASSOCIATION
2008 PLANNING & REVIEW COMMITTEE MEMBERS

DATE: 5/20/2008

Bertram III, Joe	
Couch, Don	
DiBella, Michael	
Douma, Tom	
Eiting, Barney	
Frazier, David	Excused Absent
Marzke, Laura	
Miller, Jon	

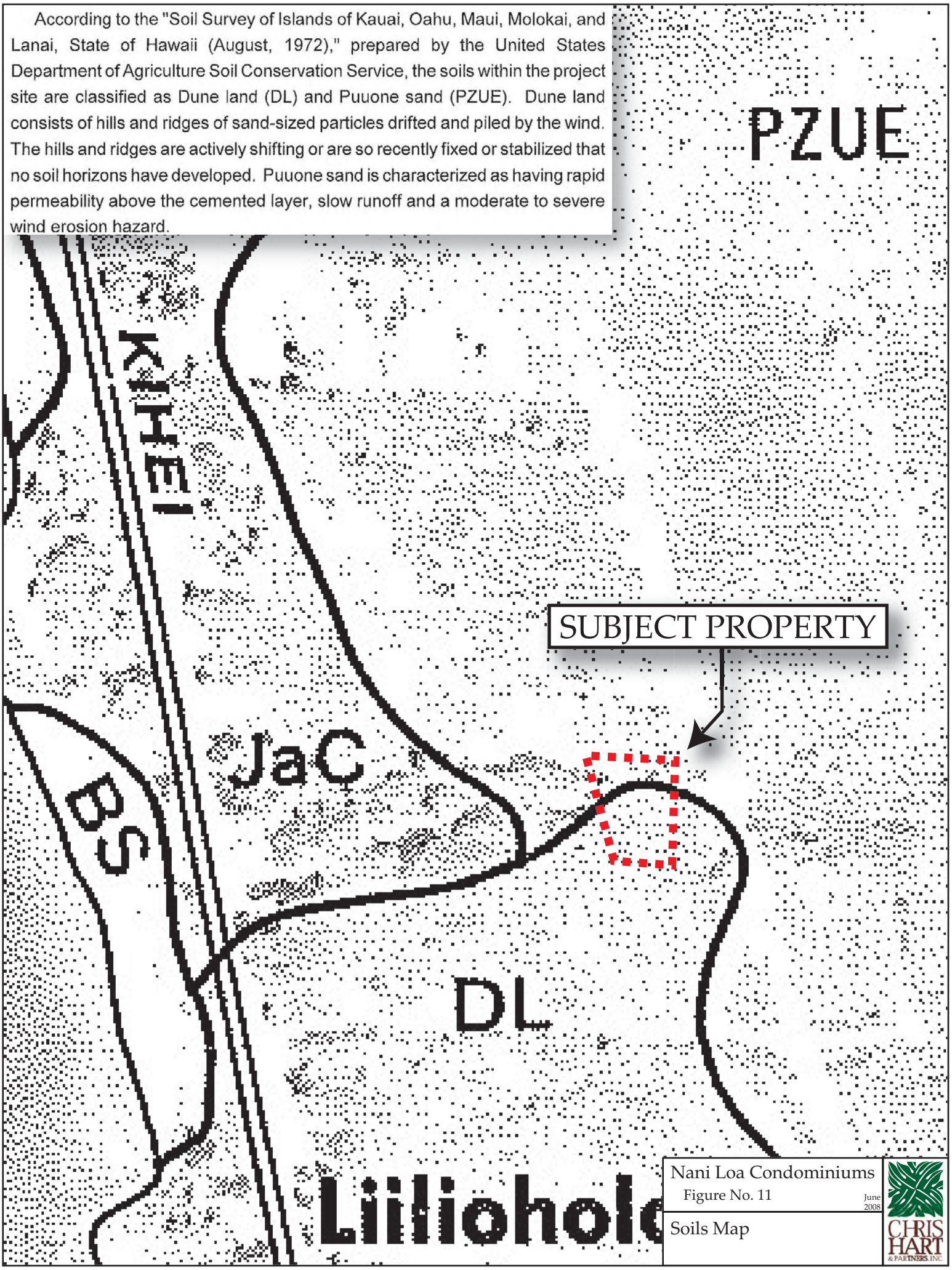
GUESTS:

Mauro Fiz

CHARLS HAR

JORDAN HAR

According to the "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972)," prepared by the United States Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Dune land (DL) and Puuone sand (PZUE). Dune land consists of hills and ridges of sand-sized particles drifted and piled by the wind. The hills and ridges are actively shifting or are so recently fixed or stabilized that no soil horizons have developed. Puuone sand is characterized as having rapid permeability above the cemented layer, slow runoff and a moderate to severe wind erosion hazard.



Nani Loa Condominiums

Figure No. 11

June 2008

Soils Map

CHRIS HART & PARTNERS, INC.

CHRIS HART
& PARTNERS INC.

June 17, 2008

Mr. Michael DiBella
Kihei Community Association
P.O. Box 662
Kihei, Maui, Hawaii 96753

Regarding: Nani Loa Residential Condominium Project, located at 2505 South Kihei Road, TMK No. (2) 3-9-020: 032, Kihei, Maui, Hawaii.

Dear Mr. ~~DiBella~~ Michael:

This letter is a response to comments received during a KCA Planning and Design Committee Meeting on May 20, 2008 (**See:** "2008-05-20, Meeting Minutes, KCA Planning Committee")

- Prefer that trees not be included in the drainage channel running *mauka* to *makai* through project site.
    - It would be preferred that trees be focused around perimeters of project.

Response:
Shade Trees and Ornamental Shrubs will be strategically placed throughout the project as well as along the perimeter of the drainage and retention area because it is our position that trees will not only prevent erosion, but will contribute to storm water retention through direct absorption and by collecting moisture on leaves and branches to help offset peak flows of stormwater.

The City of Honolulu, Hawaii, Municipal Forest Resource Analysis, November 2007 states the following:

> "Honolulu's inventoried municipal trees intercept rain, reducing stormwater runoff by 35 million gal annually, with an estimated value of $350,104. **Citywide, the average tree intercepts 798 gal of stormwater each year**, valued at $7.99 per tree."

(http://www.fs.fed.us/psw/programs/cufr/products/2/psw_cufr724_HNLMFRA.pdf)

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE 808-242-1955 • FAX: 808-242-1956

- It was recommended that the drainage channel include an "armored spill-over" to allow drainage in the event that the culvert is clogged during a storm event.

  Response:
  The Project's Engineering Consultant will assess the site and provide a solution to any drainage issues, which will be technically acceptable to the County of Maui, Department of Public Works.

- Access plan for heavy equipment to project site during construction phase was questioned.
  - Comment was made that access via the North-South Collector from South of the Project Site might not be appropriate due to the current state of the Alaku Place access road, North off of Keonekai Road.

    Response:
    The Applicant will seek to mitigate the impacts of the construction phase, as much as possible. The Applicant will communicate with abutting property owners to identify the best construction staging and access strategy for the Nani Loa Project.

- The potential to encounter blue rock should be considered as a noise impact during the construction phase of the project.
  - The soil types within the project site are Dune Land (DL) and Puuone Sand (PZUE), both are sandy type soils (**See**: attached Soil Map Figure).

    Response:
    The applicant will be conscious of the impacts of the construction phase on neighboring properties and seek to mitigate impacts through construction management.

- Requirements for fencing of drainage channel should be explored.

  Response:
  The Project Architect and Engineering Consultant will identify requirements for fencing around the drainage channel.

- LEED certification for project should be considered.
  - CH&P stated that resource conserving policies and features of LEED certification can be installed by the applicant without participating in the LEED certification process.

    Response:
    As stated during the May 20th meeting, energy conservation measures will be designed into the project. The Applicant is open to including LEED features in the project but does not plan to encumber the project with the cost and time associated with the LEED accreditation process.

- The Committee would prefer central AC over individual systems.

    Response:
    The Applicant is interested in providing the most energy efficient cooling system feasible. The units within the Nani Loa Project will <u>not</u> be served by individual AC systems.

- Pedestrian access to the project abutting the south property boundary (Kihei Akahi) was requested to be included. Possibly a gate through the existing fence/wall to enhance connectivity and potential emergency ingress/egress.

    Response:
    The Applicant is open to providing pedestrian access to neighboring properties and will contact neighboring property owners to assess their interest in such a connection for convenience and unforeseen emergency events.

- The following amenities were requested to be included in the project:
  - Pool area restrooms
  - Pool area showers
  - BBQ pit
  - Bicycle locking/parking
    - Preferably out of sun and in secure area

    Response:
    The Applicant intends to develop the project with pool area restrooms, pool area showers, a BBQ pit and a protected bicycle locking/parking facility.

- Concern for storage areas by potential residents was raised.
  - CH&P indicated that unit designs contained storage areas. Residents will also be provided enclosed garages.

    Response:
    Storage is available for future residents both within units and within ground level enclosed garage areas.

- Electronic copies of latest renderings were requested via Email by Don Couch and Tom Douma.
  - CH&P completed this transmittal 2008-05-20.

    Response:
    This request has been completed.

In conclusion, we thank the KCA Planning and Design Committee for taking the time to review and provide comment on the Nani Loa Residential Condominium Project. We trust that our responses adequately address the Committee's concerns for the Nani Loa Project and look forward to meeting with the KCA General Membership. Please contact Jordan Hart at 270-1563 for further information.

Sincerely yours,

Christopher L. Hart
President
ASLA, Landscape Architect & Planner

Enclosures (1):
2008-05-20, Meeting Minutes, KCA Planning Committee

CC: Mr. Tim Piasky
Project File (06-060)

MEETING MINUTES

PROJECT:	Nani Loa Residential Project	DATE:	September 9, 2008
LOCATION:	Kihei Community Center	SUBJECT:	***Meeting with Neighboring Property Owners Within 500 Feet and the KCA***

PROJECT TEAM ATTENDEES: Todd Libel , Tim Piasky, Howey Kihune, Stacy Otomo, Chris Hart, Jordan Hart

Meeting began at approximately 6:30 PM.

Presentation by Chris Hart:

- Beginning the presentation with the chronology of the project site. Historic relationship between the Kihei Kai Nani (KKN) parcel and project site.

- Discussion of features of proposed project, existing conditions on and around the project site.

- Discussion of Maui hotel moratorium which occurred in 1991, and impact to community plan designation of the project site, resulting in the change from Hotel to Multifamily.

- Discussion of the land use entitlement process for the project.

- The prevailing height restriction is imposed by the Kihei Makena Community Plan, for Makai Resort Development which is seventy-five (75) feet.

6:35 – Conclusion of Presentation by Chris Hart

Discussion:

- It was asked how drainage will be addressed. KKN has an existing storm water drainage issue which begins mauka of the Nani Loa Project Site, runs through the Project Site, down through the KKN parking lot and makai. Residents have seen significant damage to the parking lot/access of KKN as well as South Kihei Road during past storm events. The concern for construction phase erosion impacts was raised.
    - It was stated by the Project Team that the Applicant is aware of previous storm events and impacts, and has engaged the services of a Civil Engineering Consultant, Stacy Otomo. The Project's Civil Engineering Consultant will design

a storm water mitigation plan which must be reviewed and approved by all required federal, state and county agencies, prior to the approval of the project as a whole.

- It was stated by the Project Team that the Nani Loa Project will retain 100% of the increase in storm water runoff resulting from development of the project site, which is the current requirement. Nani Loa will also retain an additional 20% of the increase in runoff resulting from development, beyond current requirement of 100%.
- It was stated by the Project Team that a plan outlining Best Management Practices for the prevention of construction phase erosion impacts will be drafted, and reviewed by the County of Maui Department of Public Works prior to issuance of a Grading and Grubbing Permit for the project.

- It was requested that the Nani Loa Project propose a 2-story structure above ground level parking. The density of the project was requested to be reduced.
  - It was stated by the project team that the additional floors and associated opportunity for additional units are necessary to make development of the project economically feasible.

- Residents of KKN stated that they would have liked to have had the parcel purchased by KKN in the past to control development of the parcel, but were unable to organize the purchase.

- It was stated by that neighboring property owners would prefer to have the density of the project reduced. It was stated that some KKN residents did not want the Hotel Condominium Use to occur at the project site.
  - It was also stated by the project team that an SMA Permit for the development of a 48 unit project was approved for the project site as recently as, 1994 but was not constructed. It was stated that the Nani Loa Parcel had been Community Planned Hotel and is Zoned Hotel District, and that it was subdivided off of the KKN at the time of construction.

- Residents voiced concerns over construction related impacts; particularly important to owners who operate short term rentals within KKN units for use by visitors. Short term visitor rentals are expected be impacted by construction phase activities.
  - It was stated by the Project Team that the applicant has been in contact with the property owner to the East to pursue an agreement to allow construction access through the "Yamani" parcel.

- Concerns over traffic impacts to South Kihei Road resulting form the project were raised. Concerns were raised over the availability of right-of-way on South Kihei Road in the vicinity of the project site, in order to provide a left turn pocket into the project entrance. Concerns were raised over Fire Department and emergency services access.
    - It was stated by the Project Team that the Applicant would include a Traffic Impact Assessment Report in the project's EA.
    - It was stated by the Project Team that proposed mitigation measures would be assessed and approved by the State Department of Transportation and Maui County Departments of Public Works and Fire & Public Safety prior to project approvals.

- Concerns were raised over the availability of water for the project.
    - It was stated by the Project Team that the Applicant plans to proceed into the land use entitlement process to assess the availability of water from the Maui County Department of Water Supply. It was further stated that the project will require an SMA Permit and Building Permits, where the availability of water will be verified.
    - It was stated by the Project Team that the Applicant will likely need to upgrade utilities within the existing easement from South Kihei Road to the Project Site as part of the propose action.

- It was asked if the Nani Loa Project would participate with the Residential Workforce Housing Policy.
    - It was stated by the Project Team that the Nani Loa Project would be contacting the Department of Housing & Human Concerns in order to prepare a Workforce Housing Agreement.

- Residents wished to verify that neighbors from the single-family residents east of the project site were informed of the Nani Loa Project and meeting.
    - It was stated by the Project Team that all neighboring property owners within 500 feet of the project site received information on the project and a meeting notice. Residents of the area in question were in attendance.

The meeting was concluded at approximately 8:40 PM with cordial conversation following. A copy of the attendance list is enclosed.

Meeting Notes Respectfully
Prepared By:

Jordan E. Hart

Enclosures: (1)
KCA Attendance list from Community Meeting Dated September 8, 2008

KCA

Kihei Community Association

1	Name Pat Ross	Phone Email 875-0502	
2	Name Bill Ross	Phone Email	
3	Name Jean Brandin	Phone Email 879-2421	
4	Name Howie Kitang	Phone Email	
5	Name Jean Newman	Phone 879-8166 Email	
6	Name Everett Newman	Phone Email	
7	Name Clair Schwartz	Phone 879-4450 Email	
8	Name Carole Eiserloh	Phone 879-6056 Email ceiserloh@yahoo.com	
9	Name Arthur Eiserloh	Phone 879-6056 Email eiserloh@yahoo.com	
10	Name Gina Ventura	Phone Email 8752032	
11	Name Jill Moe	Phone Email	
12	Name Karen Grafe	Phone Email 874-5625	
13	Name Wetton Kalani	Phone Email wkalani@gmail.com	
14	Name Sheryl Luke-Kalani	Phone Email sherylluke@gmail.com	
15	Name STEVE GOLDSMITH	Phone 879-7576 Email ZGSTEVE@yahoo.com	

PLEASE NOTE: The information above may be provided to the presenter upon request!

KCA

Kihei Community Association

NON-MEMBERS

16	Name Jefferson Stillwell	Phone	
		Email	
17	Name Diana Hayes	Phone	
		Email	
18	Name Dick Hayes	Phone	
		Email	dickanddiane@comcast.net
19	Name LINDA EWING	Phone	
		Email	
20	Name MARTIN CUTHER	Phone	
		Email	martin@destinationmaui.net
21	Name Ethel Belway	Phone	
		Email	ebmaui@hotmail.com
22	Name BARRY EWING	Phone	
		Email	BEEYRE@AOL.COM
23	Name RAY VANWAGNER	Phone	
		Email	Ray@VANWAGNER@Hotmail.com
24	Name Liz Libby	Phone	
		Email	lizlibby@shaw.ca
25	Name Ralph Libby	Phone	
		Email	rlibby@megsonfitzpatrick.com
26	Name Janet Rinner	Phone	
		Email	janrineer@aol.
27	Name Mike Rinner	Phone	"
		Email	
28	Name Hans J Schlegel	Phone	250-9116
		Email	
29	Name Jason + Jacki Caterina	Phone	
		Email	268-3962
30	Name PATRICIA Stillwell	Phone	
		Email	879 5654

PLEASE NOTE: The information above may be provided to the presenter upon request!

KCA

Kihei Community Association

NON-MEMBERS

31	Name GARY JAMES	Phone 520-668-8663 Email gdo.james@ATT.NET
32	Name Takeshi MATSUKATA	Phone Email tmatsu.hnl@gmail.com
33	Name Anne Montgomery	Phone Email grandma26@hawaii.rr.com
34	Name	Phone Email
35	Name	Phone Email
36	Name	Phone Email
37	Name	Phone Email
38	Name	Phone Email
39	Name	Phone Email
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43	Name	Phone Email
44	Name	Phone Email
45	Name	Phone Email

PLEASE NOTE: The information above may be provided to the presenter upon request!

RECEIVED
SEP - 5 2008
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
C.C. Jordan
06/060

Harry C. Davis
29 Mosswood Court
Novato, CA 94947
(415) 892-3952 (Home)
(415) 488-4720 (Work)

September 4, 2008

Mr. Christopher L. Hart, President
Landscape Architecture
115 N. Market Street
Wailuku, HI 96793-1706

RE: Community Meeting for the Nani Loa Residential Condominium Project
At 2505 South Kihei Road, Kihei, Maui, Hawaii

Dear Sirs:

My comments are submitted by letter since I will not be on Maui at the time of your meeting.

As the owner of Unit 203, Building 1 located in the front of the Kihei Kai Nani complex, I am opposed to the development of the subject parcel without the addition of a rear access road for safety reasons. Further, I oppose any further development until the owners of the restaurant complex next door reduce the noise they send into the lower Kai Nani units and replace the landscaping they recently removed while renovating their parking lot (See the enclosed letters to the Maui County Planning Department).

Access Road

There needs to be an alternate route to exit out of the Kai Nani parking lot in case of an emergency. Fire trucks barely fit into the existing front driveway. A fire in one of the lower units could block the exit access out of the above units.

This complex is at sea level. There should be a road at the back of the new development to ensure that residents can escape in the event of an emergency. The front entrance to the Kai Nani is narrow, noisy, and already congested. At present, the County can not insure the safety of everyone who would have to exit onto South Kihei Road in an emergency. South Kihei Road would be grid-locked with all of the existing residences let alone a new development. Further, there should be an exit out of both properties that does not lead to sea level. An access road located behind the new development should become part of the County infrastructure as an alternate route in and out of the parking lots.

Restaurant Noise

There are issues of noise coming from the restaurant building next door that should be addressed before any more development is allowed behind the existing Kai Nani residences. The lower Kai Nani units are already subject to several sources of noises that are generated by the restaurants such as vehicles, delivery trucks with loud compressors, loud fan noises, and breaking glasss. The back property should not be developed until these noises are reduced. Any further development at present will only add to the noise and traffic endured by the lower units. The recent removal of the landscaping between the restaurants and the Kai Nani has only made these matters worse.

Sincerely,

Harry C Davis

Harry C. Davis

2 encls.

County of Maui
Planning Commission

FROM: Kihei Kai Nani Association of Apartment Owners.
2495 South Kihei Road
Kihei , Hawaii 96753

Concerning: Parking Lot Violation Correction at 2511 South Kihei Rd. by
Fred's Mexican Café

Dear Sir,
The Kihei Kai Nani Association of Condo Owners are very concerned about the parking lot construction that is occurring to correct the parking violation served on Fred's Mexican Café at 2511 South Kihei Road, Kihei Hi. by the Planning Department.

The construction includes removing the trees and bushes that borders their upper and lower portions of their property. The bushes were planted as an agreement between KKN and the shopping center to block the lights of the cars as they park in their upper parking lot, which faces ten of our condos at Kihei Kai Nani The bushes also act as a natural fence to insure some security for our property. The two large trees and bushes that were remove also blocked or muffled the noise from the air conditioners, the exhaust fans, loud customers, refrigerator trucks, garbage trucks and the dumping of the glass bottles in the dumpsters at the shopping center. Removal of the trees and bushes has now increased noise, increased the constant annoyance of headlights shining in 10 condo living rooms and increased security problems by removing a natural fence.

We are requesting that a planning inspector come out and inspect the project before the work is completed. They are presently building a 3 foot rock wall to hold back the soil and blacktop because of the height difference of the upper and lower parking lot. While the 3 foot wall may prevent the soil and upper parking lot blacktop from falling down; it will not prevent the cars from driving right over the elevation difference and land on top of cars parked in the lower portion on our side. (a picture of a recent incident is enclosed). To access Fred's lower parking lot cars have to enter Kihei Kai Nani's driveway.

The association would like to request that they build the rock wall higher or install a solid wood fence on top of the small rock wall to prevent or stop the cars in the upper parking lot from causing an accident, block the car lights, reduce noise from the shopping center and increase security for our complex. The fence or wall would stop patrons who have been drinking from jumping over the wall to the lower portion of the parking lot. Changing the height of the wall would be less expensive to correct now rather then wait until the project is complete. Our owners are very concerned and would appreciate your attention to this matter.

Regards,
Ethel Belway
President, KKN Board of Directors

Harry C. Davis
29 Mosswood Court
Novato, CA 94947
(415) 892-3652

July 17, 2008

Mr. Jeffrey Hunt, Director
County of Maui Department of Planning
250 South High Street
Wailuku, HI 96793-2155

RE: Correction of Parking Lot Violation at 2511 South Kihei Road, Moose's Restaurant and Fred's Mexican Cafe

Dear Mr. Hunt:

Please reference the enclosed letter to the Planning Commission from Ethyl Belway, the President of the Kihei Kai Nani Board of Directors. It requests Planning Commission intervention to require the construction of a solid fence or wall between the two properties located at 2495 and 2511 South Kihei Road and identifies noise issues caused by the restaurants at the 2511 commercial property location.

As the owner of Unit 203 in Building 1, the Kihei Kai Nani Building located directly north of the restaurant, I support her request for a solid fence or wall between the properties. I further request the Planning Commission require the property owner at 2511 S. Kihei Road to do the following to preserve the residential character of the Kihei Kai Nani complex and to mitigate noises generated by the restaurant activities:
(1) provide some landscaping along the property line, including preserving the existing ocean views of the units in Building 1,
(2) reduce the noise directed at Building 1 by the large HVAC vent on the restaurant building possibly by venting the noise in a different direction, and
(3) reduce the noise caused by delivery trucks by requesting that delivery trucks drivers turn off engines and refrigerator compressors during deliveries.

Further, I request that the Planning Commission not approve any future requests by the adjacent commercial property owner at 2511 that would permanently increase noise directed toward the Kihei Kai Nani Residential complex.

Wire Fence v. Solid Fence or Rock Wall

The round holes left on the top of the three foot rock wall recently constructed indicate the intent to install a wire fence possibly a steel chain link fence on the top of the wall. This is not adequate for the reasons explained in Ethyl Belway's letter. An open fence will allow the lights of the vehicles parking in the restaurant parking lot to shine into the lower units of KKN Building 1 and will do nothing to reduce the noise from vehicles and

patrons using the restaurant parking lot. I support the request for either a higher rock wall or wood fence on top of the existing rock wall.

Replacement of Landscaping Removed During Construction

Two large trees and a hedge which landscaped the property line between the two properties were removed during construction and replaced with one tree placed at the entrance of the Kai Nani driveway. Because the Kai Nani is unable to landscape its side of the property line, the result is that there is now no landscaping at all between the two properties. Owners of the units in Building 1 now have unobstructed views into the restaurant parking lot along with the restaurant garbage area, receptacles for used bottles, and trucks making deliveries to the restaurants. An additional 6-foot fence is not going to do much to improve this eyesore. Furthermore, the one replacement tree planted at the entrance to the Kai Nani property will block the beach and water views enjoyed by the Building 1 owners since the construction of the Kani complex several decades ago.

I request that you require some landscaping as a remedy to this situation and replacement of the one tree planted with a lower growing endemic planting such as a white hibiscus shrub which will not block the existing views from Building 1 units. I suggest that the hedge that existed between the two properties could be replaced by building a higher rock wall with a hollowed out top and planting a shrub in top of the wall.

Exhaust Fans, Air conditioner Noise

Unit 203 and the other condos in Building 1 are subject to a loud "roaring" noise that comes off the roof of the restaurant building probably from the very large HVAC exhaust vent that has a cap angled at 45 degrees that points the exhaust directly at KKN Building 1. The noise goes on all day and until late at night (midnight). The noise impedes the use of the lanais in Building 1. I request that you require the restaurant property owners to mitigate this noise possibly by turning the cap to another direction so the noise is not directed at Building 1.

Refrigerator Delivery Trucks

I request that you require mitigation of the noise of refrigerated delivery trucks that leave engines and compressors operating during deliveries to the restaurants. They sit in the parking lot directly opposite Building 1 with engines and loud compressors running for up to 30-minutes at a time. There may be several of them a day. Why can't the restaurant complex request the drivers to shut them off. They might post a sign in the driveway.

I spoke with a driver. He told me that whether the refrigeration can be shut off during deliveries by the driver is up to the company. Some like Budweiser will not allow it. Some will.

Summary

The above are not complaints directed at the restaurants themselves. We bought the unit with a restaurant next door. They have no control over the garbage truck noise, loud patrons, or vehicle noise. The noise they make by dumping bottles probably would be present at any restaurant. We are asking that they do some landscaping replacement and mitigate the fan noise and the refrigerator truck noise that they do have control over.

Thank you for your help in proving a remedy for this situation.

Sincerely,

Harry C Davis

Harry C Davis

CHRIS HART
& PARTNERS INC.

January 8, 2009

Harry C. Davis
29 Mosswood Court
Navato, CA 94947

Subject: Response to Comments on the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui.
TMK: (2) 3-9-020: 032

Dear Mr. Davis:

Thank you for your comments received by letter, dated September 4, 2008 (**See**: Attached Letter from Harry C. Davis dated, September 4, 2008.) I apologize for the delay in providing responses to your comments. Please be assured that your comment letter and this response will be included as part of the Draft Environmental Assessment (EA) Report which will be submitted to the County of Maui and State of Hawaii.

We provide responses to your comments as follows:

1st Comment:
"I am opposed to the development of the subject parcel without the addition of a rear access road for safety reasons."

1st Comment Response:
The applicant has been in contact with the property owner of the "Yamani" parcel directly East of the Nani Loa Project site, for the purpose of gaining a an additional access rout. The "Yamani" parcel identified as TMK: (2) 3-9-020: 004, abuts the future North South Collector Road. The applicant will continue to discuss the possibility of obtaining access through the "Yamani" parcel to the future North South Collector Road with the property owner.

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET • WAILUKU, MAUI, HAWAII 96793-1717 • PHONE 808-242-1955 • FAX: 808-242-1956

2nd Comment:
"Further, I oppose any further development until the owners of the restaurant complex next door reduce the noise they send into the lower Kai Nani units and replace the landscaping they recently removed while renovating their parking lot."

2nd Comment Response:
Please note the restaurant complex referred to in your letter is not associated with the Nani Loa Project, and that the Nani Loa Hotel Condominium Project will be above and remote from the "lower Kai Nani units".

In conclusion, we thank you for your comments on the proposed project. Please contact Jordan Hart at (808) 242-1955 for further information.

Sincerely yours,

Christopher L. Hart
President, ASLA
Landscape Architect & Planner

Enclosure: (1)
Letter from Harry C. Davis dated, September 4, 2008

CC: Mr. Tim Piasky
Project File (06-060)

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JUL 20 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning

cc: Jordan
06/040

Chris Hart & Partners Inc.
115 N. Market Street
Wailuku, Hi 96793-1706

7/15/07

Re: Nani Loa Residential Condominium Project
TMK No: (2) 3-9-020:032 at 2505 So. Kihei Road

Response to Letter to Neighboring Property Owners of June 22, 2007.

As the owner of Kihei Kai Nani condominium #363, Building 8, Ross Family Trust, Patricia L. Ross, Surviving Trustee, I object to the efforts to seek an amendment to the Kihei Makena Community Plan(CPA) from (MF) Multi- Family to (H) Hotel.

This Designation in the Kihei/Makena Community Plan was obtained with the assistance of former Mayor, Linda Lingle, and the Kihei Community Association and numerous local owners. Hotel designation would allow construction of 6 to 12 stories buildings under much less restrictive conditions. Impact on the "Super-Block", a shared driveway with Kihei Kai Nani through their parking lot, conjestion on South Kihei Road, over-development in Kihei, a HOTEL on approx. 1 and a third acres? etc. all led to the designation. WHY THE REQUEST FOR CHANGE???

The 2 types of MULTIPLE FAMILY (MF): A-1: two stories or 30 feet from ground level, not to exceed 25% of the lot area, and ground areas not to exceed 40% of the lot area. Set back-15 feet, side yards,10',1 to 2 stories.

THIS IS THE PROJECT GUIDELINES JOE SUGARMAN USED

FOR ALOHA VILLAGES IMMEDIATELY NEXT TO KIHEI KAI NANI (NORTH SIDE) FOR 2 STORIES, 84 UNITS ON 9 ACRES, AND RECEIVED SUPPORT OF KIHEI KAI NANI RESIDENTS.

A-2 APARTMENT DISTRICT: Height limit, 4 stories, Lot coverage 35%. Ground floor not to exceed 90% of lot area in the floor area/lot area ratio. Set back 20' for 3 to 4 story buildings, 15' side yards.

I respectfully request that the County Decision Makers visit the site prior to any hearing, to observe the large drainage channel bisecting the property and the restricted ingress and egress.

Thank you,

Patricia L. Ross, Trustee

Patricia L. Ross, Trustee
2495 So. Kihei Road #363
Kihei, Hi. 96753

cc: Planning Commission

CHRIS HART
& PARTNERS INC.

January 8, 2009

Ms. Patricia Ross
PO BOX 1056
Cedar Glen, California 92312

Subject: Response to Comments on the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui.
TMK: (2) 3-9-020: 032

Dear Ms. Ross:

Thank you for your comments received by letter, dated July 20, 2007 (**See**: Attached Letter from Patricia L. Ross dated, July 20, 2007.) I apologize for the delay in providing responses to your comments. Please be assured that your comments will be taken into consideration, and that the attached letter and this response will be included as part of the Draft Environmental Assessment (EA) Report which will be submitted to the County of Maui and State of Hawaii.

Thank you very much for providing comment on the above referenced project. Please direct any comments you may have by phone, or in writing, to Jordan Hart of this office at (808) 242-1955.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosures: (1)
Letter from Patricia L. Ross dated, July 20, 2007

CC: Mr. Tim Piasky
Project File (06-060)

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CHRIS HART & PARTNERS P.C.

March 20, 2009

Ms. Patricia Ross
PO BOX 1056
Cedar Glen, California 92312

Subject: Response to Comments on the **Nani Loa Hotel Condominium Project** Located at 2505 South Kihei Road, Kihei, Maui. TMK: (2) 3-9-020: 032

Dear Ms. Ross:

Thank you for your comments received by letter, dated July 20, 2007 (**See**: Attached Letter from Patricia L. Ross dated, July 20, 2007.)

I apologize for the delay in providing responses to your comments. Please be aware that your comments and concerns regarding over-development in Kihei have been taken into consideration by Victory Development.

The Nani Loa Project is seeking a Community Plan Amendment, which is a trigger for an HRS 343 Environmental Assessment. The Project site is also located within the Special Management Area which will require an SMA Permit for development. The potential impact of the project as well as proposed mitigation measures, will therefore be analyzed through a variety of technical studies and these studies will be reviewed by County, State and Federal Agencies and will be publically available for further comments by private individuals. Note that your letter and this response will also be included in the Draft Environmental Assessment (EA) Report and the Special Management Area (SMA) Use Permit Application Report. The existing drainage way which passes through the project site is being taken into consideration in project design and subsequent agency review.

Existing land use designations for the Nani Loa Project site are as follows:

State Land Use District Boundary:	Urban
Kihei-Makena Community Plan:	Multi Family (MF)
County Zoning:	H-2 Hotel District
Other Designation:	Special Management Area (SMA)

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Please note, a previous project, at the same location, consisting of 48 units and related improvements did receive an SMA Permit for the development in 1994. The Nani Loa Project is proposing less density than has been previously approved for the project site.

The project is seeking a Community Plan Amendment from Multi Family (MF) to Hotel (H), for the purpose of allowing the option of rental use for less than six months. The Multi Family height limitations also negatively impacted the design of a proper roof when accommodating the quantity of units required making the project feasible. Additionally, an analysis of view impacts will be included in the Draft EA and SMA Reports.

The Nani Loa Project is proposed as follows:

Building Height	56'-11"
Floors	4
Buildings	2
Number of Units	32
Parking Stalls	82

We believe that the reduced density and architectural design will create a project appropriate to its location and in harmony with nearby developments such as the existing Kihei Akahi located directly South of the project site, which is a six (6) story structure and is at a higher elevation than the project site.

Thank you very much for providing comment on the above referenced project. For further information, please contact Jordan Hart at (808) 242-1955.

Sincerely,

for Christopher L. Hart
President
Landscape Architect & Planner

Enclosures: (1)
Letter from Patricia L. Ross dated, July 20, 2007

CC: Mr. Tim Piasky
Project File (06-060)

Jordan Hart
115 N. Market St.
Wailuku
Hi. 96793

RECEIVED
JUL - 9 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning

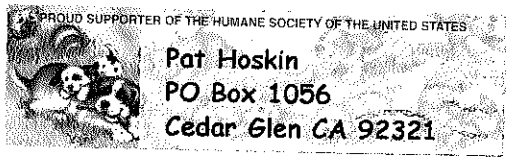
Dear Mr Hart:

My name is Pat Hoskin. I own Kihei Kai Nani unit 163. I have several concerns over the development in your letter.
1) I would like to know if you have the permits to have the units vacation rentable.
2) I would like to know exactly what you are going to do with the currant landscaping at Kihei Kai Nani which may be on your property.
3) I assume your property owners will be using our driveway for egress, how many cars are you going to allow per unit?
4) How is the water situation on Maui going to be effected?
5) I would like information as to which governmental agency I can write to concerning your application to obtain an amendment to the Kihei Makena Community Plan.
6) I have concerns over the increased noise to our association caused by the car traffic to your condominiums.

Are you going to send me a letter with these questions answered?

Thank You,
Pat Hoskin
P.O. Box 1056
Cedarglen
Ca. 92321

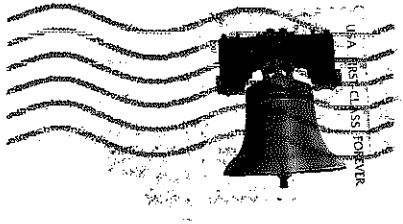
Pat Hoskin



Pat Hoskin
PO Box 1056
Cedar Glen CA 92321

SAN BERNARDINO CA 924

06 JUL 2007 PM 4 T



Jordan Hart
115 N. Market St
Wailuku
Hi.

RECEIVED
JUL - 9 2007
CHRIS HART & PARTNERS

96793

96793+1717 C005

RECEIVED
AUG - 3 2007
CHRIS HART & PARTNERS
Landscape Architecture & Planning
Jordan 06/040

July 31, 2007

Christopher L. Hart
115 N. Market St.
Wailuku, Maui
Hawaii 96793-1706

Dear Sir:

Thank you for responding to my questions. I still would like more information regarding the exact landscaping on the west side of the property for the proposed Nani Loa Project.
My unit is in the building directly adjacent to the west property line on the north side of the complex at Kihei Kai Nani. There are some very nice trees next to my building and next to building 9, but on your property. I would like them to remain standing to keep a visual distance and sound barrier from your projected buildings. I really dread the noise from the vehicles entering and leaving your property. I also think there will be a lot of foot traffic due to walking to the beach. I would like you to be specific as to how far into your property will the parking area, pool, and buildings be located from the west property line it would be in my interest to have a lot of landscaping using the existing trees and have the built structures be as far from the west line as possible. I intend to retire, downsize and live in my condominium full time during the 2008 year.

Thank You,
Pat Hoskin
Owner unit 163

CHRIS
HART
& PARTNERS INC.

January 22, 2008

Ms. Pat Hoskin
PO BOX 1056
Cedar Glen, California 92312

Regarding: Response to Second Comment Letter for Pre-Consultation on the proposed Nani Loa Residential Condominium Project, at 2505 South Kihei Road, Kihei, Maui, Hawaii.
TMK No.: (2) 3-9-020: 032

Dear Ms. Hoskin:

Thank you for providing further input for the proposed Nani Loa Residential Condominium Project on July 31, 2007 (**See** enclosed: Neighbor Comment Letter, FROM – Pat Hoskin, dated July 31, 2007). I apologize for the delay in responding to your comments. The following responses to your comments are provided for consideration:

1st Comment:
"I still would like more information regarding the exact landscaping on the west side of the property for the proposed Nani Loa Project.
My unit is in the building directly adjacent to the west property line on the north side of the complex at Kihei Kai Nani. There are some very nice trees next to my building and next to building 9, but on your property. I would like them to remain standing to keep a visual distance and sound barrier from your projected buildings."

1st Response:
At this time, the Landscape Planting Plan is not completed for the Nani Loa Project. The Landscape Plan is being prepared by Chris Hart & Partners and will be available for review at an upcoming meeting with the Kihei Kai Nani's Owners Association prior to the submittal of the project

LANDSCAPE ARCHITECTURE
CITY AND REGIONAL PLANNING
115 N. MARKET STREET · WAILUKU, MAUI, HAWAII 96793-1706 · PHONE 808-242-1955 · FAX: 808-242-1956

to the County of Maui for review. The Landscape Planting Plan will depict in detail the landscape planting proposed for the project.

Chris Hart & Partners (CH&P) has made contact with a representative of the Owners Association and will be scheduling a meeting date. Adequate notice to Owners Association Members, and residents within 500 fee of the project site will be provided prior to this meeting.

Because of the topography of the project site, grading will be required prior to construction of the Nani Loa Project. Site grading will likely require the removal of existing trees on the project site. As stated in our previous letter, Victory Development Nani Loa LLC., would not be opposed to allowing the Kihei Kai Nani Owners Association to take possession of any trees existing on the project site that are not designated for use in the Nani Loa Landscape Planting Plan. Removed trees could then be transplanted onto the Kihei Kai Nani property to maintain a barrier between the existing Kihei Kai Nani and the proposed Nani Loa Project.

2nd Comment:
"I really dread the noise from the vehicles entering and leaving your property. I also think there will be a lot of foot traffic due to walking to the beach."

2nd Response:
As noted previously, the parcel which is proposed for the Nani Loa Project was subdivided from the Kihei Kai Nani parcel, prior to the sale of any Kihie Kai Nani units. At that time, the owner of the Kihei Kai Nani parcel created a Perpetual Easement for access though the Kihei Kai Nani parking lot/driveway. Though the Perpetual Easement has not been in use, it has existed for approximately thirty-four (34) years (recorded November 13, 1972).

It should be anticipated that vehicle and pedestrian access will pass though the Perpetual Easement to South Kihei Road; however, there is no reason to anticipate that the noise generated from future residents of the Nani Loa Project will be greater than noise generated by an equal number of residents of the existing Kihei Kai Nani.

3rd Comment:
"I would like you to be specific as to how far into your property will the parking area, pool, and buildings be located from the west property line it would be in my interest to have a lot of landscaping using the existing trees and have the built structures be as far from the west line as possible."

3rd Response:
Plans for the Nani Loa Project are currently being re-evaluated by the project developer and architect. The project design proposed for construction will be available for review and comment at the above referenced community meeting.

In conclusion, we appreciate your input regarding the proposed Nani Loa Residential Condominium Project and hope that you will find our responses acceptable. Furthermore, we hope that you will find the proposed project consistent with the Urban pattern of development that exists in the immediate area, including the Kihei Kai Nani, Kihei Akahi and Maui Banyan.

For further information, please contact Jordan E. Hart at (808) 270-1563.

Sincerely yours,

Christopher L. Hart
President
Landscape Architect & Planner

Enclosures: (1)
Neighbor Comment Letter, FROM – Pat Hoskin, dated July 31, 2007

CC: Mr. Tim Piasky
Project File (06-060)

Destination Maui, Inc.:
Martin Cutler, Property Management Representative
Phone: (808) 244-9021
Fax: (808) 243-9883
Email: martin@destinationmaui.net

I received a phone call from Martin Cutler of Destination Maui, Inc., a property management company. Mr. Cutler stated that he is the property manager for Kihei Kai Nani. Mr. Cutler was under the impression that CH&P was owner and developer of the Nani Loa project site. I informed him that we are not. Mr. Cutler asked if Victory Development would like to be contacted by him directly, I stated that I would need to check with Victory Development.

Mr. Cutler had the following comments:
Dirt & debris including trash came down from the Nani Loa project site, lot 1-A into the Kihei Kai Nani, after the large storm that recently occurred on Maui.

Mr. Cutler had the following questions regarding storm runoff & debris.

How will the property owner fix the existing mess from the previous rain storm?

This includes debris caught in the Kihei Kai Nani drainage system at the east end of the property nearest lot 1-A.

How the property owner prevent the situation from occurring again?

I stated that there were no ground disturbing activates occurring on the site currently, but that there was a construction site nearby with a large amount of exposed soil. Mr. Cutler stated that he is sure that debris didn't come from the construction site and was sure debris came from lot 1-A.

Mr. Cuter had further questions regarding shared maintenance of the Kihei Kai Nani access driveway:

If the project is built and gains access through the existing Kihei Kai Nani Driveway.

How will the future residents participate with Kihei Kai Nani residents for the maintenance of the access driveway?

January 21, 2008
Comments Received by:
Jordan E. Hart

APPENDIX C
Previous Draft EA Agency Comments

09/9741

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
Comptroller

SANDI YAHIRO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
LAND SURVEY DIVISION
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

Response refer to:
Ma-226(09)

'09 AUG 27 P12:34

August 25, 2009

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMORANDUM

TO: Jeffrey S. Hunt, AICP, Planning Director
Maui County Planning Department

ATTN.: Joseph M. Prutch, Staff Planner

FROM: Reid K. Siarot, State Land Surveyor
DAGS, Survey Division

SUBJECT: EA 2009/0001, CPA 2009/0001 and SM1 2009/0003
TMK: 3-9-20: 32
Project Name: Nani Loa Hotel Condominiums
Applicant: Chris Hart & Partners, Inc. for Victory Development Hawaii, LLC

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey has no objections to the proposed project.

Should you have any questions, please call me at 586-0390.

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EPO-09-127

September 1, 2009

09 SEP -4 P12:50

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Joseph M. Prutch, Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Prutch:

SUBJECT: EA 2009/0001, CPA 2009/001 & SM1 2009/0003
Application for Environmental Assessment Community Plan Amendment and Special Management Area Permit for Nani Loa Hotel Condominiums
Kihei, Maui, Hawaii
TMK (2) 3-9-020: 032

Thank you for allowing us to review and comment on the subject document. We have no comments at this time. We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist). The Hawaii State Department of Health, Built Environment Working Group, recommends that State and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

If there are any questions about these comments please contact Jiacai Liu with the Environmental Planning Office at 586-4346.

Sincerely,

KARL K. MOTOYAMA, ACTING MANAGER
Environmental Planning Office

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
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

September 5, 2009

'09 SEP -9 P12:02
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

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

Attention: Mr. Joseph M. Prutch, Staff Planner

Ladies and Gentlemen:

Subject: Nani Loa Hotel Condominiums

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 Division of Aquatic Resources for their review and comment.

The Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Charlene E. Unoki
for Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
DIVISION
2009 SEP -4 P 3:23
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES: 2561	
DIRECTOR	
COMM. FISH.	
AQ RES/ENV	
AQ REC	
PLANNER	
STAFF SVCS	
RCUH/UH	
STATISTICS	
AFRC/FED AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
TECH ASST	✓
Return to:	
No. Copies	
Copies to:	
Due Date:	

August 17, 2009

MEMORANDUM

TO: **DLNR Agencies:**
x Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
x Engineering Division
__Div. of Forestry & Wildlife
__Div. of State Parks
__Commission on Water Resource Management
x Office of Conservation & Coastal Lands
__Land Division –
x Historic Preservation

RECEIVED
AUG 18 2009
AQUATIC RESOURCES

FROM: Morris M. Atta
SUBJECT: Nani Loa Hotel Condominiums
LOCATION: Island of Maui
APPLICANT: Chris Hart & Partners

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 2, 2009.

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 my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed:
Date: 2 Sept. 09

DIVISION OF AQUATIC RESOURCES - MAUI
DEPARTMENT OF LAND & NATURAL RESOURCES
130 Mahalani Street
Wailuku, Hawai'i 96793
September 1, 2009

To: Alton Miyasaka, Aquatic Biologist

From: Skippy Hau, Aquatic Biologist

Subject: Nani Loa Hotel Condominiums
Kihei, Maui TMK (2) 3-9-020:032 (DAR 2231)
(Comments to Morris Atta (Land) by September 2, 2009)

I reviewed the information provided in the CD and would like to comment that the finding of no significant impact still lacks information on the "cumulative impact" on the current demand on water and sewer services. What is the current status of the Mokuhau well? The Water Department is requesting to treat more surface water for the Central Water System. A preliminary decision will be restoring flow to Na Wai Eha Streams in the future.

Can the Water Department handle an increase of 17,920 gallons per day from this development which was based on 2002 water system standards? Can the wastewater system address the 4.6 MGD from this development based on 1993 wastewater flow standards? Are these standards valid for our current weather which seems to be experiencing a third year of drought.

The preliminary drainage determination that development will be responsible for an increase of 3.89 cfs to a total drainage of 5.86 cfs. Does the proposed landscape and excavation of the property address all on site drainage? Will there be any drainage runoff flowing down to adjoining properties?

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
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

'09 SEP -4 P12:54

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

September 3, 2009

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

Attention: Mr. Joseph M. Prutch, Staff Planner

Ladies and Gentlemen:

Subject: Nani Loa Hotel Condominiums CPA 2009/0001, EA 2009/0001, SM1 2009/0003

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 comment.

Other than the comments from Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Historic Preservation will be submitting comments through a separate letter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

for Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
LAND DIVISION
2009 AUG 31 A 10:40
DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

'09 AUG 18 AM 10:54 ENGINEERING

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 17, 2009

MEMORANDUM

TO: **DLNR Agencies:**
x Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
x Engineering Division
__Div. of Forestry & Wildlife
__Div. of State Parks
__Commission on Water Resource Management
x Office of Conservation & Coastal Lands
__Land Division –
x Historic Preservation

FROM: Morris M. Atta
SUBJECT: Nani Loa Hotel Condominiums
LOCATION: Island of Maui
APPLICANT: Chris Hart & Partners

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 2, 2009.

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 my office at 587-0433. Thank you.

Attachments

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: _____
Date: 8/28/09

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD\MorrisAtta
REF.: EASMANaniLoaHotelCondo
Maui. 472

COMMENTS

(X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone C. The Flood Insurance Program does not have any regulations for developments within Zone C.**

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is 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 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. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

( ) 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 Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: _____
ERIC T. HIRANO, CHIEF ENGINEER

Date: 8/28/09

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

December 28, 2009

Mr. Joseph M. Prutch
Staff Planner
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawai‘i 96793
joseph.prutch@mauicounty.gov

LOG NO: 2009.3458
DOC NO: 0912PC72
Archaeology

SUBJECT: Chapter 6E-42 Historic Preservation Review –
Nani Loa Hotel Condominium Environmental Assessment (EA 2009/0001), Community Plan Amendment (CPA 2009/0001), and Special Management Area Use Permit (SM1 2009/0003) Applications
Kama‘ole Ahupua‘a, Wailuku District, Island of Maui
TMK: (2) 3-9-020:032

Thank you for the opportunity to comment on the aforementioned project, correspondence for which we received on August 19, 2009. Please accept our apologies for the lengthy delay in commenting.

Based on the submitted information, the project involves the development of 32 two and three bedroom residential units in two four-story buildings, along with ground level parking, swimming pool, shade pavilion, walkways, administrative offices and associated infrastructure. The 1.44 acre subject parcel is situated at 2505 S. Kihei Road in Kihei.

A search of our records indicates that an archaeological assessment (archaeological inventory survey resulting in an absence of culturally significant and/or historic properties) was conducted of the proposed project area by Scientific Consultant Services, Inc. in 2007, for which a report was accepted by this office in April of 2008 (SHPD LOG NO: 2007.1207/DOC NO: 0804PC32). Even though no historically significant resources were identified, precautionary archaeological monitoring was recommended for future ground altering disturbance in the area. However, we have not yet received the monitoring plan which will need to be reviewed and accepted by this office prior to such work taking place.

Therefore, until the monitoring plan for the proposed project has been submitted to, reviewed and accepted by the SHPD, we **cannot** agree that the proposed project will have no effect on historic properties.

If you have any questions or comments regarding this letter, please contact the SHPD's Lead Maui Archaeologist, Ms. Patty Conte (Patty.J.Conte@hawaii.gov).

Aloha,

Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: Jordan Hart: jhart@chpmaui.com
Jeff Hunt, Director, Dept. of Planning, FAX (808) 270-7634

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor

LORI TSUHAKO
Director

JO-ANN T. RIDAO
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

2009 SEP 24 PM 2 03
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMORANDUM

TO: Joseph M. Prutch, Staff Planner
Department of Planning

FROM: Lori Tsuhako, Director
Department of Housing and Human Concerns

DATE: September 24, 2009

SUBJECT: Draft Environmental Assessment, Community Plan Amendment Application and Special Management Area Permit Application For Nani Loa Hotel Condominiums at TMK (2) 3-9-020: 032, Kihei, Maui, Hawaii (CPA 2009/0001) (EA/2009/0001) (SM1 2009/0003)

The Department has reviewed the Draft Environmental Assessment, Community Plan Amendment Application and Special Management Area Permit Application for the above subject project and would like to offer the following comments:

1. We concur with the applicant's statement that the subject project will be subject to Chapter 2.96, Maui County Code, and that the proposed subject project will be required to provide 16 Residential Workforce Housing units.

2. The Residential Workforce Housing Agreement for the subject project needs to not only be finalized but also fully executed and recorded at the Bureau of Conveyances prior to the issuance of Final Subdivision Approval or Building Permits.

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

cc: Housing Division

CHARMAINE TAVARES
Mayor

TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

(808) 270-7230
ax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2 , Wailuku, Hawaii 96793

'09 AUG 31 A10:49

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

August 24, 2009

MEMO TO: Joseph M. Prutch, Staff Planner
Department of Planning

FROM: Tamara Horcajo, Director

SUBJECT: **NANI LOA HOTEL CONDOMINIUMS**
2505 South Kihei Road
TMK (2) 3-9-020: 032
EA and SMA Permit Application

We have reviewed the Environmental Assessment and Special Management Area permit applications for the proposed 32 unit condominium and offer the following comments.

The Department will require the applicant to satisfy the parks assessment requirement with a cash contribution in lieu of land. The current park assessment fee rate for the Kihei Community Plan Area is $16,075.00 per unit in excess of three (3). Since the 3-unit exemption has not been used, the parks and playground assessment fee for the subject development is (32 minus 3) units times $16,075.00 or $466,175.00. The rate used in the Draft EA dated March 20, 2009 references the 2009 rate which expired on June 30, 2009.

Be advised that the aforementioned rate and fees are valid until June 30, 2010 and are subject to change thereafter. The applicant is required to pay the applicable park assessment fees at the time of building permit issuance.

Should you have any questions or concerns please contact me or Patrick Matsui, Chief of Parks Planning & Development at 270-7931.

xc: Patrick Matsui, Chief of Parks Planning and Development
TM: PTM: bks

09/10130

CHARMAINE TAVARES
Mayor

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

MICHAEL M. MIYAMOTO
Deputy Director

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

RALPH 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
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

September 11, 2009

'09 SEP 15 A9:49

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMO TO: JEFFREY S. HUNT, A.I.C.P., PLANNING DIRECTOR

FROM: MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS

SUBJECT: NANI LOA HOTEL CONDOMINIUMS FOR VICTORY DEVELOPMENT HAWAII, LLC; KIHEI, MAUI, HAWAII; TMK: (2) 3-9-020: 032 EA 2009/0001, CPA 2009/0001 AND SM1 2009/0003

We reviewed the subject application and have the following comments:

1. We note that the center of the Nani Loa Hotel Condominiums property will be designed to convey the storm water flow. We would recommend caution about landscape planting within this area that could potentially be uprooted/broken off such that the landscape debris would clog the inlet of the two foot (2') by seven foot six inch (7' 6") box culvert. This would result in storm water overtopping the box culvert and causing greater damage to the property and possibly flowing into the underground parking area.

2. The applicant shall be responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code and rules and regulations.

3. As applicable, construction plans shall be designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standard Details for Public Works Construction, 1984, as amended.

4. As applicable, worksite traffic-control plans/devices shall conform to Manual on Uniform Traffic Control Devices for Streets and Highways, 2003.

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5. In the Traffic Impact Report on Page 3, Section B, second sentence, reference is made that the proposed development will be completed and occupied by Year 2007. As the report was developed in 2006, the data and analysis need to be updated to the current proposal.

   The base data for the Traffic Impact Report is dated May, 2006 making the information three (3) years of age. Please demonstrate that the data is still applicable.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MMM:jc
xc: Highways Division
Engineering Division
S:\LUCA\CZM\Draft Comments\nani_loa_hotel_condominiums_ea_cpa_sm1_39020032_jc.wpd

CHARMAINE TAVARES
Mayor

JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

September 11, 2009

Mr. Joseph M. Prutch, Staff Planner
Department of Planning
County of Maui
250 South High Street
Wailuku HI 96793

Re: I.D.: EA 2009/0001, CPA 2009/0001, SM1 2009/0003
TMK: 3-9-020:032
Project Name: Nani Loa Hotel Condominiums

Dear Mr. Prutch:

Thank you for the opportunity to comment on this application.

Source Availability and Consumption
The project area is served by the Central Maui System. The main sources of water for this system are the designated Iao aquifer, Waihee aquifer, and the Iao tunnel and Iao-Waikapu Ditch from the designated Na Wai Eha. New source development projects include Maui Lani Wells, Waikapu South well and Waiale Surface Water Treatment Plant. A 2-inch meter has been issued to serve the project site. Water use for the project once built out would be about 17,900 gpd based on per unit standards. However, water use in Kihei tends to be higher than system standards. There is currently no additional source available to accommodate new customers according to system standards on the Central Maui System. Should larger or additional meter be needed, the Department may delay issuance of meters until new sources are on line. Domestic and irrigation calculations to verify meter adequacy will be required in the building permit process. The Department will not issue temporary construction meters for Central Maui projects.

System Infrastructure
The property is served by one fire hydrant, a 12 inch waterline and a 6-inch waterline at 820 feet distance along South Kihei Road. Fire flow, domestic and irrigation calculations will be required in the building permit process where system requirements will be determined.

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)

Printed on recycled paper

Conservation

We are pleased to note the application material proposes to adapt the following conservation measures in landscaping: use of drought-tolerant landscape plant species consistent with the Maui County Planting Plan and Xeriscaping concepts, including the use of efficient irrigation systems zoned to match the ET requirements of the plant species, drip irrigation wherever possible, rain sensor specified for each irrigation controller, automatic controllers and capacity to utilize reclaimed R-1 water when available. We recommend that the proposed conservation measures as well as the measures listed below be made a condition of the subject permits.

Use Non-potable Water: Use brackish or reclaimed water from the Kihei Wastewater Facility for dust control during construction.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. The applicant should establish a regular maintenance program.

Pollution Prevention

In order to protect ground and surface water sources, we encourage Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction. To supplement BMPs as required to meet state and county regulations, we recommend that the mitigation measures below be a condition of the subject permits.

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4 Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.

Should you have any questions, please contact our Water Resources and Planning Division at 244-8550.

Sincerely,

Jeffrey K. Eng, Director
emb

c: engineering division
attachments:
A Checklist of Water Conservation Ideas for the Condominiums

Nani Loa Hotel Condo EA CPA SM.wpd

A Checklist of Water Conservation Ideas for Condominiums

COOLING

Cooling Towers

Cooling Towers are used to reject heat from air conditioning systems. In a cooling tower, a circulating stream of warm water contacts an air flow, causing evaporation of a portion of the water. When this water evaporates, the water which remains behind is cooled. The cooled water then circulates through a cooling system, warms and then returns to the tower.

- ☞ Understand Your System: Prepare an inventory of each cooling tower you have, its cooling capacity, and the equipment or processes that it serves
- ☞ If you purchase chemicals for the treatment of the recirculating cooling tower water, have the chemical vendor explain the purpose and action of each chemical.
- ☞ Have your chemical vendor provide a written report of each service call, and be sure that the vendor explains the meaning of each analysis performed,as well as the test results.
- ☞ Tell your chemical vendor that water conservation is a priority, and ask about alternatives that may reduce the amount of water bled-off from the towers.
- ☞ Have vendors bid for your facility's water cooling tower water treatment. Require a predetermined minimum level of water efficiency. Have them provide figures showing projected annual water and chemical consumption and costs.
- ☞ Consider incorporating sulfuric acid to reduce carbonate scale and achieve significantly higher cycles of concentration. If you use sulfuric acid, be sure to observe appropriate safety precautions.
- ☞ Ozone is another alternative that can help remove dissolved minerals and act as a biocide. Again, observe the appropriate safety precautions.
- ☞ If available, use reclaimed water as a source of cooling tower make-up water.
- ☞ Blow-down water is the release of some of the circulating water to remove suspended and dissolved solids left behind as pure water evaporates from the system. Re-use blow down where possible for non-potable uses.

Evaporative Coolers

Evaporative coolers lower air temperature by increasing the humidity of incoming air being drawn into a building. The air's ambient or "dry bulb" temperature is lowered when the air absorbs water vapor. After a short period of operation, the recirculating air in the cooler reaches wet bulb temperature, which is theoretically the lowest temperature to which the entering air may be cooled. Some evaporative coolers have recirculation pumps.

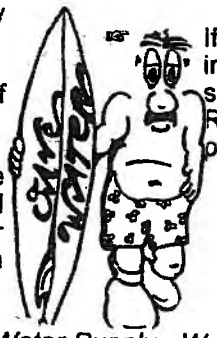
All evaporative coolers require either a small amount of bleed-off or regular cleaning to maintain and prevent damage to the coolers pads. The principle opportunity for conservation in evaporative cooling is to reduce the amount of water bled-off, and to reuse that water wherever possible.

- ☞ Be sure your coolers have pumps to recirculate the water. This decreases water consumption and increases cooling efficiency.
- ☞ Check to make sure you are not bleeding off an excessive amount of water. For a typical small cooler, anything more htan a few gallons per hour may be excessive.
- ☞ Pipe the bleed-off water from your coolers to help water a landscaped area!

Eliminate Once Through Cooling!

Some coolers pass water through the equipment only once, and then discard it. "Single pass" technology is not good for two reasons. First, these single pass coolers use too much water! Secondly, they do not cool as effectively, because the water does not cool to wet bulb temperature. This type of cooling is illegal under Maui County Codes! Make sure your air conditioners, ice makers and other cooling systems are not single pass models!

- ☞ Replace single-pass cooling models with air-cooled or recirculating models
- ☞ Connect to a recirculating cooling water loop. Or retrofit models to be recirculating.
- ☞ If a piece of equipment can not be replaced immediately, remember, it is illegal to dump single pass cooling water into the sewer system. Re-use this water for landscaping or other non-potable uses.



For More Information Contact the Maui County Board of Water Supply - Water Resources & Planning Division @ 243-7199

A Checklist of Water Conservation Ideas for Condominiums

PLUMBING MEASURES FOR EACH UNIT

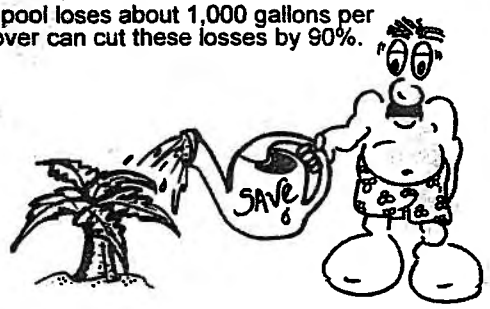
- Replace toilets with Ultra Low Flush Models, or retrofit with low flow flappers. Contact the Maui County Board of Water Supply at 243-7199 or the Wastewater Division at 243-7417 for more information.
- Retrofit faucets with aerators, or consider alternative faucet types such as self closing or, automatic sensor controlled faucets.
- Replace showerheads with low flow models. Contact the Maui County Board of Water Supply at 243-7199, or the Public Works Wastewater Division at 243-7417 to find out how you can get these!
- Check for leaks! Check for leaks! Check for leaks! Do dye tablet or food coloring tests in toilets to check for hidden leaks. Check for dripping faucets indoors and out!

COMMON LAUNDRY AREAS

- Efficient washing machines can save up to 20 gallons per load. These also save on energy. If you are replacing laundry facilities don't even consider anything but the new horizontal axis models. These not ony save up to 40% of water used, but deliver even more substantial energy savings - up to 65%!
- Water boilers also require blow-down, or bleed-off, just like air conditioners. Monitor total dissolved solids, and blow down only when necessary!
- Avoid excessive filter or softener back flush. Back flush only when needed.

NON-LANDSCAPED AREAS OUTDOORS

- Never hose your sidewalks and driveways. This is a complete waste of water, and a hose can use 25 gallons in just 5 minutes. Remember: A broom is best.
- Check for leaks! Note the number of outdoor faucets on the outsides of buildings. Make a list and check every one regularly.
- Cover Pools and Jacuzzis when not in use. An average sized pool loses about 1,000 gallons per day. A pool cover can cut these losses by 90%.



EDUCATION

- Knowledge is power. Educate people about how they can help to save water at your building or facility. You may be surprised at how willing people are to chip in, once they know what to do!

LANDSCAPES

- Understand your system: Develop a schematic of all water entry points. Know where your faucets, time clocks, solenoids, booster pumps, sprinklers, bubblers, valves, pipes and etc. are located.
- Make a checklist of system elements and check each one regularly for leaks! Finding and repairing leaks can lead to big savings, especially in irrigation systems!
- Use turf only where actually necessary. Avoid turf except in picnic or active play areas.
- Choose the right plants. Native plants appropriate for your region are best. These save water, because they are adapted to survive on the natural rainfall of the area. Besides saving water, they also help to avoid the spread of invasive alien plant species which can destroy native ecosystems. And they contribute to the true Hawaiian sense of place.
- Avoid over-watering! Use soil moisture over-rides and rain-shutoffs on all automated systems. Reset controllers at least once per month to account for changing evapotranspiration.
- Zone your plants. This means that plants with similar water needs should be grouped together. This avoids wasting water, overwatering some plants and under-watering others.
- Never water during the heat of the day. The best time to water is just around sunrise. Evenings are also acceptable. Once the sun comes up, the evapotranspiration rate soars, and much of your water is wasted.
- Having your soil tested also helps you to learn what type of watering is needed. Clay soils take from ¼ to ½" of water per hour before water starts running off and being wasted. Sandy soils require somewhat more frequent, shorter watering.
- Mulch, compost or other organic material will help soils hold moisture, keep the ground from overheating and discourage weeds. Loosening the soil while you add the organic matter will also help keep your lawn healthier
- Root feeder or water aerator probes around trees and bushes will help to direct water where it is needed. You can also build a watering basin in the soil around the base of your plants to help the water soak in deeply.

For More Information, Contact the Maui County Board of Water Supply - Water Resources & Planning Division @ 243-7199

Jordan Hart

From: Joseph Prutch [Joseph.Prutch@co.maui.hi.us]
Sent: Wednesday, October 21, 2009 1:08 PM
To: Jordan Hart
Subject: Fwd: EA 2009/0001, CPA 2009/0001 & SM1 2009/0003 Nani LoaHotel Condominiums

Comment from Fire Dept.

Joe Prutch, Staff Planner
Maui County, Current Planning
250 South High Street
Wailuku, HI 96793
office: (808) 270-7512
fax: (808) 270-1775
joseph.prutch@mauicounty.gov

>>> Paul Haake 10/21/2009 1:01 PM >>>
Joseph,

On this subject, the Dept. of Fire & Public Safety has no comment at this time. We do reserve the right to comment on any building permit processed for this parcel (2) 3-9-020:032.

Sorry for the delay.

Thanks,

Captain Paul Haake
Fire Prevention Bureau
244-9161 ext. 22
244-1363 fax

POLICE DEPARTMENT
COUNTY OF MAUI

CHARMAINE TAVARES
MAYOR

OUR REFERENCE

YOUR REFERENCE

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

GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

September 2, 2009

'09 SEP -4 A9:52

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMORANDUM

TO : JOSEPH M. PRUTSCH, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : I.D. : EA 2009/0001, CPA 2009/0001, & SM1 2009/0003
TMK : (2) 3-9-020: 032
Project Name : Nani Loa Hotel Condominiums
Applicant : Chris Hart & Partners, Inc. for victory Development Hawaii, LLC

____ No recommendation or comment to offer.

__x__ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

AC Wayne Ribao

Assistant Chief Wayne Ribao
For: GARY A. YABUTA
Chief of Police

Enclosure

COPY

I CONCUR WITH OFC. HICKLE'S COMMENTS. AC W. [illegible] 9/1/09

TO : **GARY YABUTA, CHIEF OF POLICE, COUNTY OF MAUI**

VIA : **CHANNELS** Capt. [illegible] 08/01/09

FROM : **BRAD HICKLE, POLICE OFFICER III, DISTRICT VI KIHEI**

SUBJECT : **APPLICATION FOR ENVIRONMENTAL ASSESSMENT (EA), COMMUNITY PLAN AMENDMENT (CPA) & SPECIAL MANAGEMENT AREA PERMIT (SMA) FOR THE NANI LOA HOTEL CONDOMINIUMS**

APPLICANT INFORMATION:

The application was prepared by Chris Hart and Partners, Inc. on behalf of the owners, Victory Development Nani Loa, LLC.

The applicant is proposing the development of 32 residential units in two buildings with ground level parking, swimming pool, shade pavilion, walkways and administrative office.

The proposed property is an undeveloped parcel of land bearing the tax map key number of TMK (2)3-9-020: 032. The property is located mauka of the Kihei Kai Nani and will have a physical address of 2595 South Kihei Road.

IMPACT ON POLICE:

The development of any undeveloped property in the south Maui area will have some impact on Police services in south Maui.

Although I do not believe this 32 residential unit hotel condominium will have a great impact on Police services, I do believe this development combined with the many other developments in South Maui will have a measurable impact.

We are already seeing an increase in the number of cases that officers are assigned to in just the past few years. Police calls for service are increasing and response times are slower than they routinely have been only a few years ago. Cases are assigned and handled on a priority level basis and the general public will feel the affect's on a variety of levels if new developments continue to be built. Clearly the new developments, the increase in population and the lack of trained Police officers available to the public are all factors which will determine the impact on Police services in the South Maui area.

RECOMMENDATIONS:

In an attempt to take a more proactive approach to reducing crime and criminal activities in the South Maui area we are recommending the applicant use "best practices" in Crime Prevention Through Environmental Design (CPTED) when developing this property.

CPTED is the framework whereby the design of buildings, proper placement of lighting and use of foliage are combined to discourage crime and criminal activities on your property.

To discover more about the application of the CPTED principals refer to the National Criminal Justice Reference Service web site at, http: www.ncjrs.org.

I further recommend that this application be returned to Mr. Joseph PRUTCH, Staff Planner for the County of Maui Department of Planning for final review and disposition in this matter.

Respectfully Submitted,

Officer Brad Hickle E-9966
08/28/09 14:45 hours

COMMENTS:

CONCUR WITH OFF. B. HICKLE'S CONCERNS. IN ADDITION, I WOULD LIKE TO STATE THAT THIS DEVELOPMENT'S POPULATION DENSITY AND "FLAG-LOT" DESIGN WILL MAKE IT DIFFICULT FOR EMERGENCY SERVICES VEHICLES TO QUICKLY ACCESS ON THE ONE ROAD COMING FROM SOUTH KIHEI ROAD.

T. Rethwum #7440
8/28/09

POLICE DEPARTMENT
COUNTY OF MAUI

CHARMAINE TAVARES
MAYOR

OUR REFERENCE

YOUR REFERENCE

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

GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

September 2, 2009

MEMORANDUM

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DEPARTMENT OF PLANNING

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Assistant Chief Wayne Ribao
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Chief of Police

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T. Rustrum #7440
8/28/09

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

RECEIVED

AUG 19 2009

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: Jordan
061060

COUNTY OF MAUI
DEPARTMENT OF PLANNING

August 14, 2009

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

Dear Mr. Hart:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT (DEA) FOR THE PROPOSED NANI LOA HOTEL CONDOMINIUMS ON 1.44 ACRES, AT 2505 SOUTH KIHEI ROAD, KIHEI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-9-020:032 (EA 2009/0001)

At its regular meeting on August 11, 2009, the Maui Planning Commission (Commission) reviewed the above-referenced document and provided the following questions:

1. Does the hotel zoning allow for taller buildings than the Multi-Family zoning?

2. Does the hotel zoning allow for short term rentals?

3. Please clarify if the project is a residential condominium or a condominium hotel?

4. Are you running a full service hotel in any way, shape or form? Further, for a full service hotel there is a certain number of employees per room, would there be substantially less employees per room in your condominium proposal?

5. Would the hotel zoning allow this project to be a timeshare? If so, any plans to do so?

6. Does the Workforce Affordable Housing Ordinance apply to this project? If so, how?

7. Are you going to retain all surface runoff generated by the development on-site?

8. How will you deal with the "Show me the Water" bill?

9. Have you considered renewable energy generation, especially since you have beautiful south facing roofs? If so, would you use this to generate electricity?

Should you require further clarification, please contact Staff Planner Joseph Prutch via email at joseph.prutch@mauicounty.gov or by telephone at 270-7512.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Joseph M. Prutch, Staff Planner
EA Project File
General File

JSH:JMP:ma
K:\WP_DOCS\PLANNING\EA\2009\0001_NaniLoaCondos\MPCcommentsDEA.wpd

APPENDIX D
Deed and Perpetual Easement

THIS DOCUMENT HAS BEEN RECORDED IN THE
BUREAU OF CONVEYANCES AS DOCUMENT
NO 2006-027147 AND/OR LAND COURT
DOCUMENT NO. ON THIS 18th
DAY OF April 2006
BY
Old Republic Title & Escrow of Hawaii

LAND COURT SYSTEM REGULAR SYSTEM

After Recordation, Return By Mail (XXX) Pickup ( ) To:

Victory Development Nani Loa, LLC
25 N. Santa Anita Ste. A
Arcadia, CA 91006

Escrow No. 6824003472-JW
Total Pgs. 12

TMK No. (2) 3-9-020-032

WARRANTY DEED

THIS DEED, made this 10th day of April 2006, by ACTIF INVESTMENTS, LLC, a Hawaii limited liability company, whose address is 737 Bishop Street, Suite 1455, Honolulu, Hawaii 96813, hereinafter called the "Grantor", in favor of VICTORY DEVELOPMENT NANI LOA, LLC, a Hawaii limited liability company, whose address is 25 N. Santa Anita, Ste A.,Arcadia, California 91006 , hereinafter called the "Grantee",

W I T N E S S E T H :

That in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, as Tenant in Severalty, all of the Grantor's right, title and interest in and to that certain property described in Exhibit "A" attached hereto and made a part hereof.

And the reversions, remainders, rents, issues and profits thereof and all the estate, right, title, and interest of the Grantor, both at law and in equity, therein and thereto;

And the reversions, remainders, rents, issues and profits thereof and all 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 buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therein, unto the Grantee, in fee simple.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may be specifically set forth herein; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein. The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee and the Grantee's heirs, personal representatives, successors, successors in trust and assigns.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals, partnerships, trustees or corporations, and their and each of their respective heirs, personal representatives, successors, successors in trust and assigns, according to the context thereof.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed these presents on the day and year first above written.

ACTIF INVESTMENTS, LLC, a Hawaii
Limited liability company

By: WELTON KALANI
Its Managing Member

"Grantor"

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 10th day of April, 2006, before me personally appeared WELTON KALANI, to me known (or proven to me) to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Audra A. Palomares

Audra A. Palomares
Notary Public, State of Hawaii
First Judicial Circuit

My commission expires: 4-10-2009

AUDRA A. PALOMARES NOTARY PUBLIC STATE OF HAWAII

ACTIF INVESTMENTS, LLC, a Hawaii
Limited liability company

By: JACOB THORP
Its Managing Member

"Grantor"

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 10th day of April, 2006, before me personally appeared JACOB THORP, to me known (or proven to me) to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

AUDRA A. PALOMARES NOTARY PUBLIC STATE OF HAWAII

Audra A. Palomares

Notary Public, State of Hawaii
First Judicial Circuit

My commission expires: 4-10-2009

ACTIF INVESTMENTS, LLC, a Hawaii
Limited liability company

By: FRANCIS LEE
Its Managing Member

"Grantor"

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 10th day of April, 2006, before me personally appeared FRANCIS LEE, to me known (or proven to me) to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

AUDRA A. PALOMARES NOTARY PUBLIC STATE OF HAWAII

Audra A. Palomares

Notary Public, State of Hawaii
First Judicial Circuit

My commission expires: 4-10-2009

ACTIF INVESTMENTS, LLC, a Hawaii
Limited liability company

By Actif, Inc., a Hawaii corporation,
Its Managing Member

By: JACOB THORP
Its Vice President

"Grantor"

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 10th day of April, 2006, before me personally appeared JACOB THORP, to me known (or proven to me) to be the person described in and who executed the foregoing instrument, and acknowledged that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

AUDRA A. PALOMARES NOTARY PUBLIC STATE OF HAWAII

Audra A. Palomares

Audra A. Palomares
Notary Public, State of Hawaii
First Judicial Circuit

My commission expires: 4-10-2009

EXHIBIT "A"

PARCEL I:

All of that certain parcel of land (portion of the land described in and covered by Land Patent Grant Number 10070 to Kaina Hamili) situate, lying and being at Kamaole, District of Kula, Island and County of Maui, State of Hawaii, being LOT 1-A, of the "KAMAOLE HOMESTEADS", and thus bounded and described as per survey of Tatsumi Imada, Registered Professional Land Surveyor, dated April 30, 1969, to-wit:

Beginning at a point on 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

4,738.13 feet South
19,577.63 feet West

and running by azimuths measured clockwise from true South:

1.	272°	43'	00"	162.00	feet along land owned by Louise Gibson to a point;
2.	344°	39'	30"	313.04	feet along land owned by Yoshiu Yamane to a point;
3.	92°	44'	00"	259.12	feet along Lot 2 to a point;
4.	182°	44'	00"	297.54	feet along Lot 1-B to the point of beginning and containing an area of 1.438 acres, more or less.

PARCEL II:

A perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A, over, under and along the following described parcel of land, subject to the reservation of rights, powers and privileges for the use and benefit of Lot 1-A, as set forth in Deed dated November 13,

1972, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8780, page 220:

"All of that certain easement being a portion of Land Patent 10070 to Kaina Hamili and also being a portion of Lot 26-B of Kamaole Homesteads, situate at Kamaole, Kula, Maui, Hawaii.

Beginning at a point on the Southwesterly corner of this easement and on the Easterly side of Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being:

4,894.21 feet South
20,411.14 feet West

and running by azimuths measured clockwise from true South:

1.	168°	35'	00"	44.35	feet along Kihei Road to a point;
2.	265°	44'	40"	200.77	feet to a point;
					Thence along an arc of a curve to the right with a radius of 271.45 feet, the chord azimuth and distance being:
3.	275°	00'	30"	87.40	feet to a point;
4.	284°	16'	20"	63.23	feet to a point;
					Thence along an arc of a curve to the left with a radius of 317.00 feet, the chord azimuth and distance being:
5.	269°	09'	10"	165.37	feet to a point;
6.	254°	02'	00"	130.80	feet to a point;
					Thence along an arc of a curve to the right with a radius of 184.00 feet, the chord azimuth and distance being:
7.	273°	59'	00"	125.56	feet to a point;
					Thence along an arc of

a curve to the left with a radius of 73.00 feet, the chord azimuth and distance being:

8. 287° 31' 00" 16.32 feet to a point;

Thence along an arc of a curve to the left with a radius of 37.00 feet, the chord azimuth and distance being:

9. 258° 16' 30" 28.71 feet to a point;

10. 272° 44' 00" 29.35 feet to a point;

11. 2° 44' 00" 153.77 feet along Lot 1-A to a point;

Thence along an arc of a curve to the left with a radius of 141.00 feet, the chord azimuth and distance being:

12. 168° 51' 14" 26.56 feet to a point;

13. 73° 27' 00" 18.00 feet to a point;

Thence along an arc of a curve to the left with a radius of 123.00 feet, the chord azimuth and distance being:

14. 118° 44' 30" 173.06 feet to a point;

15. 74° 02' 00" 130.80 feet to a point;

Thence along an arc of a curve to the right with a radius of 378.00 feet, the chord azimuth and distance being:

16. 89° 09' 10" 197.19 feet to a point;

17. 104° 16' 20" 63.23 feet to a point;

Thence along an arc of

a curve to the left with a radius of 210.45 feet, the chord azimuth and distance being:

18. 95° 17' 58" 65.65 feet to a point;

19. 168° 35' 00" 17.14 feet along land owned by Laura R. Burdick, to a point;

20. 85° 44' 40" 195.24 feet along same to the point of beginning and containing an area of 1.178 acres, more or less."

Being all the property described in Deed dated _____, recorded on _____, in the Bureau of Conveyances of the State of Hawaii as Document No. _____.

SUBJECT, HOWEVER, to the following:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.

2. Terms, provisions, conditions and reservation of rights as set forth in that certain instrument dated June 25, 1969, recorded in the Bureau of Conveyances of the State of Hawaii Liber 6581, page 314, as restated in instrument dated August 13, 2002, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-165763.

Amendment thereof by instrument dated December 15, 1969, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 6821, page 433.

3. Any facts, rights, interests or claims which a correct survey would show.

END OF EXHIBIT "A"

MAP SHOWING RESURVEY OF

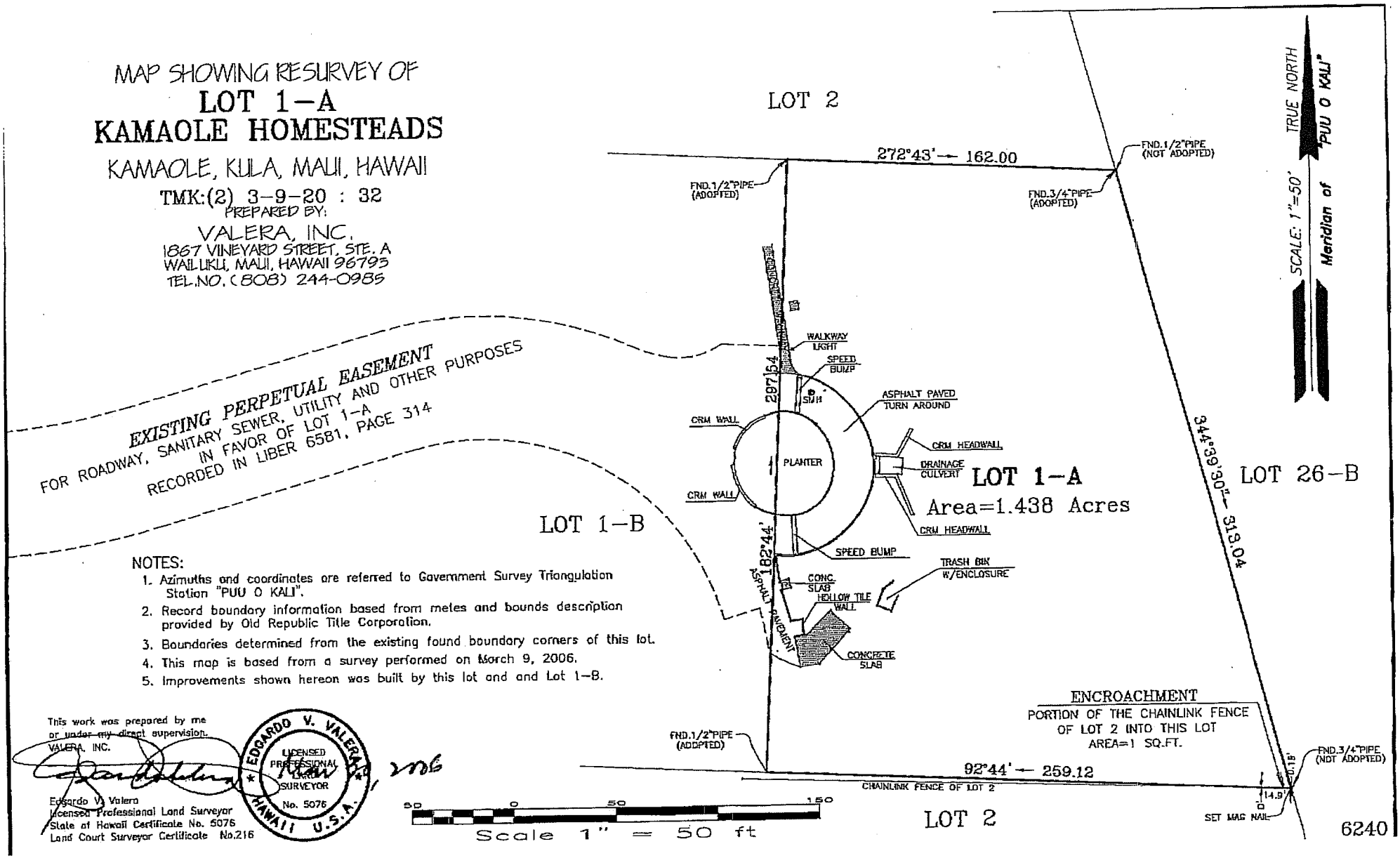
LOT 1-A
KAMAOLE HOMESTEADS

KAMAOLE, KULA, MAUI, HAWAII

TMK:(2) 3-9-20 : 32

PREPARED BY:

VALERA, INC.
1867 VINEYARD STREET, STE. A
WAILUKU, MAUI, HAWAII 96793
TEL.NO. (808) 244-0985



NOTES:

1. Azimuths and coordinates are referred to Government Survey Triangulation Station "PUU O KALI".
2. Record boundary information based from metes and bounds description provided by Old Republic Title Corporation.
3. Boundaries determined from the existing found boundary corners of this lot.
4. This map is based from a survey performed on March 9, 2006.
5. Improvements shown hereon was built by this lot and and Lot 1-B.

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

EDGARDO V. VALERA
LICENSED PROFESSIONAL LAND SURVEYOR
No. 5076
HAWAII U.S.A.

2006

Edgardo V. Valera
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
Land Court Surveyor Certificate No.216

6240

APPENDIX E
Archaeological Assessment Report

SCS Project Number-787-1

AN ARCHAEOLOGICAL ASSESSMENT REPORT FOR A 1.438-ACRE LOT IN SOUTH KIHEI KAMA`OLE AHUPUA`A, WAILUKU DISTRICT ISLAND OF MAUI, HAWAI`I [TMK: (2) 3-9-020:032]

Prepared by:
Shayna L. Cordle
and
Michael F. Dega, Ph.D.

March 2007

Prepared for:
Victory Development, Inc.
161 Wailea Ika Place, Suite A-105
Wailea, Hawai`i 96753

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INTRODUCTION

Scientific Consultant Services (SCS), Inc. conducted an Archaeological Inventory Survey on 1.438 acres of undeveloped land in south Kīhei, Kama`ole Ahupua`a, Wailuku District, Maui Island, Hawai`i [TMK: (2) 3-9-20:032] for Mr. Tim Piasky, P.E. of Victory Development, Inc. (Figures 1, 2, and 3). Fieldwork was conducted February 13 and 15, 2007 by SCS archaeologist Tomasi Patolo, B.A., under the direction of Michael Dega, Ph.D., Principal Investigator. The work included a 100 percent systematic pedestrian survey and mechanical subsurface testing (excavation) all of which yielded negative results.

The Kīhei area, in general, was once the location of a traditional Native Hawaiian settlement. An Archaeological Inventory Survey was conducted on the parcel due to the potential for the inadvertant discovery of human remains and traditional or historic cultural deposits. Previous archaeological work conducted in the vicinity of the parcel has documented agricultural sites, habitation loci, and burials (Tome and Dega 2002). However, because no cultural materials were located on the property, SHPD required an abbreviated Inventory Survey report called an Archaeological Assessment.

ENVIRONMENTAL SETTING

The project area is an undeveloped lot located in Kīhei, Kama`ole Ahupua`a, Wailuku District (traditional district of Kula). The project area's west perimeter is marked by Kihei Kai Nani Condominium Complex. The south is delineated by a chain link fence marking the northeast border of the Kihei Akahi Condominium Complex and the north side is bounded by an ongoing development. The east is bordered by an area containing *kiawe* (*Prosopis pallida*) and grass.

The middle section of the project is occupied by a natural drainage. The entire project area is characterized by west north western gentle slopes towards the area of the drainage. The project area is higher along the south side of the drainage and the slope is more moderate than in the north side. The project area is located 238.0 m (meters) *mauka* the ocean. The elevation varies between 9.5 m amsl (above mean sea level) in the drainage swale to 16.5 m amsl in the southeastern and 14.1 m amsl in the northeastern sections of the property. Geologically, the project area is located on the lowermost portion of the Kula Dissected Uplands, the vast network of leeward slopes and drainages of the dormant Haleakala volcano that comprises East Maui. The Kula Dissected Uplands are a gently sloping transitional landscape between the steeper volcanic highlands to the east and the narrow coastal strip to the west. The Kula district ranges

Figure 1: United States Geological Survey Quadrangle (Waiakoa) Map Showing Project Area Location.

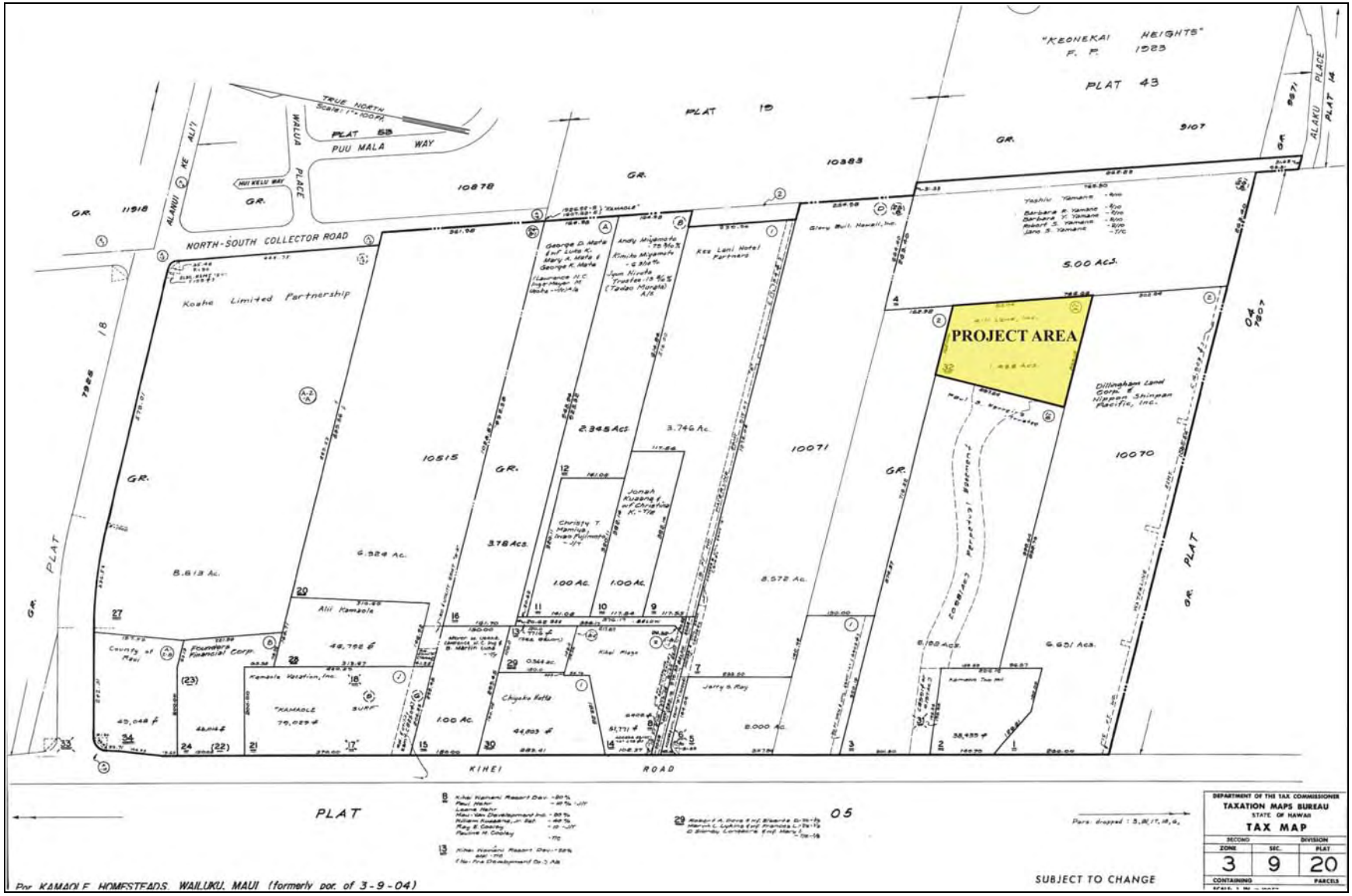

Figure 2: Tax Map Key [TMK] of Subject Parcel Showing Project Area.

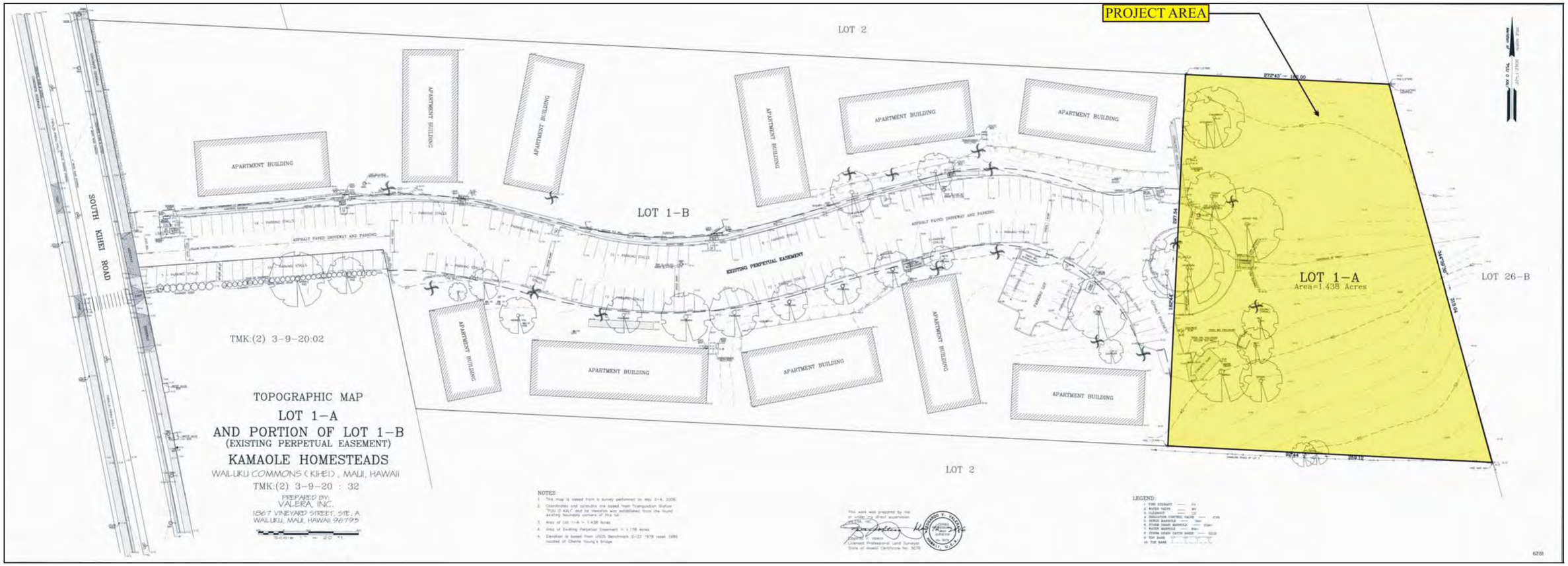

Figure 3: Topographic Map of Lot 1-A (Parcel 32) and 1-B (Parcel 3) Showing Project Area.

from farm and pasture lands to extremely hot and arid region lacking permanent streams. The subject parcel itself is situated at the transition of two major environmental zones, the coast and the so-called 'barren zone' (see below). The area receives between 22 and 33 centimeters of annual rainfall (Armstrong 1983).

According to Foote *et al.* (1972), soils in the project area consist of Jaucas sand (lower portion of parcel) and Puuone sand (upper portion of the site). Jaucas sands are well-drained, calcareous soils occurring in narrow strips along coastal plains. The project area contains Jaucas sand (JaC) with slopes ranging from 0 to 15 percent (*ibid*: 48). Permeability is runoff and runoff is slow. Puuone sands occur as sand hills and dunes near the ocean. The project area contains Puuone sands (PZUE) with 7 to 30 percent slopes, rapid permeability, and slow runoff (*ibid*: 117). Both of these soils develop in material derived from coral and shells. Both were traditionally used for a variety of purposes by Native Hawaiians, including as habitation sites and burial grounds.

Vegetation on this hot and dry parcel is dominated by xerophytic flora including *kiaw*e, lowland shrubs, and grasses. Vegetation in the area consisted predominantly of grass and *`ilima* (*Sida fallax*). Isolated *koa haole* (*Leucaena leucocephala*) is present as well. The border along the west contains monkey pod (*Pithecellobium saman*), *milo* (*Thespesia populnea*), banyan (*Ficus microcarpa*), and coconut (*Cocos nucifera*) and other exotic trees and plants; all these area part of the landscaping for the Kihei Kai Nani Condominium Complex. Additional plant species include *`uhaloa* (*Waltheria americana*), Indian pluchea (*Pluchea indica*) and various grasses and small (unidentified) weedy plants. It is worth noting that photographs from the previous survey by Xamanek Researches (Frederickson *et al.* 1990) show a much more heavily-vegetated landscape.

BACKGROUND

Kama`ole Ahupua`a is one of the hottest and driest parts of Maui, particularly the lower slopes and coastal area in which the subject parcel is located. While upland portions of Kula and Kama`ole Ahupua`a were well known for cultivation of sweet potatoes and other crops in traditional times, the coast and near-coastal inlands were less favorable for planting (Handy and Handy 1972). Fishing was certainly an important component of the traditional subsistence economy in Kama`ole Ahupua`a, and oral history identifies the entire coastal area from Kīhei south to Mākena as particularly favorable fishing grounds (Handy and Handy 1972). Sterling

(1998) lists several offshore fishing grounds known to locals in pre-Contact times, and several fishponds are known from the area (Colin *et al.* 2000).

Archaeological and historical evidence suggests that pre-Contact settlement in Kama`ole *Ahupua`a* generally followed Cordy's (1977, 2000) model of three main environmental zones—coastal, transitional/barren, and upland—each with broadly different resources, climates, and potential for human habitation. The upland zone, 335 to 380 meters above mean sea level, was the most densely populated of the area, mainly due to a greater amount of rainfall and agricultural potential. The coast was less densely populated, and the so-called 'barren zone' consisting of inland areas receiving less than 10 cm of rain annually, was essentially devoid of permanent settlement. As stated above, the subject parcel is situated at the transition of these two latter environmental zones. The distribution of *heiau* (place of worship, shrine), in particular, is consistent with this general settlement model, with most shrines in Kula located in the uplands, fewer at the coast, and none in the barren zone (Walker 1931; Kolb *et al.* 1997). Radiocarbon dating in Kula suggests low intensity occupation of the coast prior to A.D. 1200 with more permanent settlement occurring between A.D. 1200 and 1400.

Starting in the mid-nineteenth century, commercial activities around Kīhei have transformed parts of the coast and upland zones; there has been less impact in the barren zone until very recently. From the 1840s to the 1860s, whaling was based in Kalepolepo (Kīhei). By the 1870s, the Irish potato industry moved to the `Ulupalakua area (Colin *et al.* 2000). After 1900 or so, upland areas of Kula down to the Kīhei area came under intensive sugar cane cultivation; other lands were used as pasture lands for ranching (Cox 1976). During World War II, coastal reaches of Kula were used for military training. The area continued to grow until the 1970s when Kīhei and neighboring coastal areas experienced rapid development of commercial and residential projects associated with the tourism industry.

There are no Land Commission Awards for the subject property or for any surrounding parcels. This may imply that the land in and around the project area was not formally settled at the time of the Great *Māhele* (division) in 1848. If so, this is consistent with the barren zone model of pre-Contact settlement. The subject parcel was, however, a part of L. P. Grant 10071 to William Kuaana, Jr., Kama`ole Homesteads (Kīhei), Kula, Maui, Hawai'i.

Previous archaeological studies in areas surrounding to the subject parcel have not yielded very much evidence of human settlement. Several large-scale archaeological surveys in the barren zone near the project area have recorded only small, temporary habitation or

temporary use sites (*e.g.*, Walton 1972; Cox 1976; and Cordy 1977). Other studies in the barren zone of Kama`ole Ahupua`a reached similar results (Mayberry and Haun 1988; Hammatt and Shideler 1990). Archaeological Reconnaissance, Data Recovery, and Archaeological Inventory Surveys on nearby parcels in similar topographic settings have yielded a limited amount of evidence of pre-Contact temporary habitation and temporary use sites (Hammatt and Shideler 1989, 1992; Tome and Dega 2002, 2003). Historic artifacts related to ranching activities were also recovered in these nearby parcels. Significantly, no evidence of permanent habitation, agricultural features, or burial grounds was recovered in these studies.

According to McEldowney (2003), an Archaeological Inventory Survey on the adjacent parcel [TMK: 3-9-20:007] by Frederickson *et al.* (1990) did not meet the State Historic Preservation Division's (SHPD) minimal standards because it did not adequately investigate the subsurface deposits. Frederickson *et al.* (1990) recorded only one surface feature, a circular arrangement of boulders and cobbles associated with a basalt outcrop. However, as stated above, subsequent construction activities in the 1990s thoroughly remodeled the parcel through major earthmoving activities. An additional Inventory Survey was conducted by SCS in 2003 (Monahan 2003) which yielded negative results; therefore, the Inventory Survey was changed to an Archaeological Assessment.

Based on this background information, the expectation was that few, if any, surface features representing pre-Contact or Historic period activities would remain on the parcel. There was a possibility of finding subsurface deposits such as burials, which are known to occur throughout the Hawaiian Islands in sand dune deposits such as the Puuone sands located in the upper portion of the site.

METHODOLOGY

SCS archaeologist Tomasi Patolo, B.A. conducted a systematic pedestrian survey of the entire project area during February 2007. The objectives of the pedestrian survey were to identify and document any and all historical and archaeological features and to assess the nature and extent of landscape modification. All aspects of the work were photographed and sketched to create a sketch map of the parcel (Figures 4, 5, 6, and 7). Four Stratigraphic Trenches (ST) were positioned at random in order to sample the entire subject parcel and were mechanically excavated using a backhoe. All excavation was monitored by the SCS archaeologist. Excavated sediments were not screened because of the very low probability of finding intact subsurface deposits. All trenches were photographed upon completion. One representative excavation wall

Figure 4: Photograph Depicting an Overview of the North Side of the Project Area.

Figure 5: Photograph Depicting the Central Part of the Project Area Showing Natural Drainage, View to the East.

Figure 6: Photograph Depicting the South Side of the Drainage, View to the East/ Southeast.

in each trench was sketched to illustrate soil stratigraphy. Soil and sediments were described in accordance with standard archaeological procedure (U.S. Department of Agriculture Soil Survey Staff 1951, 1962; Munsell 1951).

Laboratory work, conducted at SCS facilities in Honolulu, consisted of digitally drafting field maps and sketches and digitizing all photographs and maps for archival purposes. Field notes have been maintained and all documentation pertaining to this project is curated at SCS facilities in Honolulu.

FINDINGS

PEDESTRIAN SURVEY RESULTS

The project area was subjected to a pedestrian survey prior to the subsurface testing. No surface archaeological remains were observed; extensive land alteration was apparent throughout the area, probably in association with the construction of the surrounding condominiums. Multiple sand piles were present throughout and modern debris including milled wood and metal pieces were observed in some of the piles. A recent road extends west from the neighborhood to the east onto the south side of the project. This road may have been made as an access for the construction of a fence associated with the ongoing development to the north. The north side of the drainage appears to have been graded extensively, probably as a staging area. Vegetation in this part of the project is sparse and does not have as dense of a grass growth as on the south side, as the project area is primarily sand.

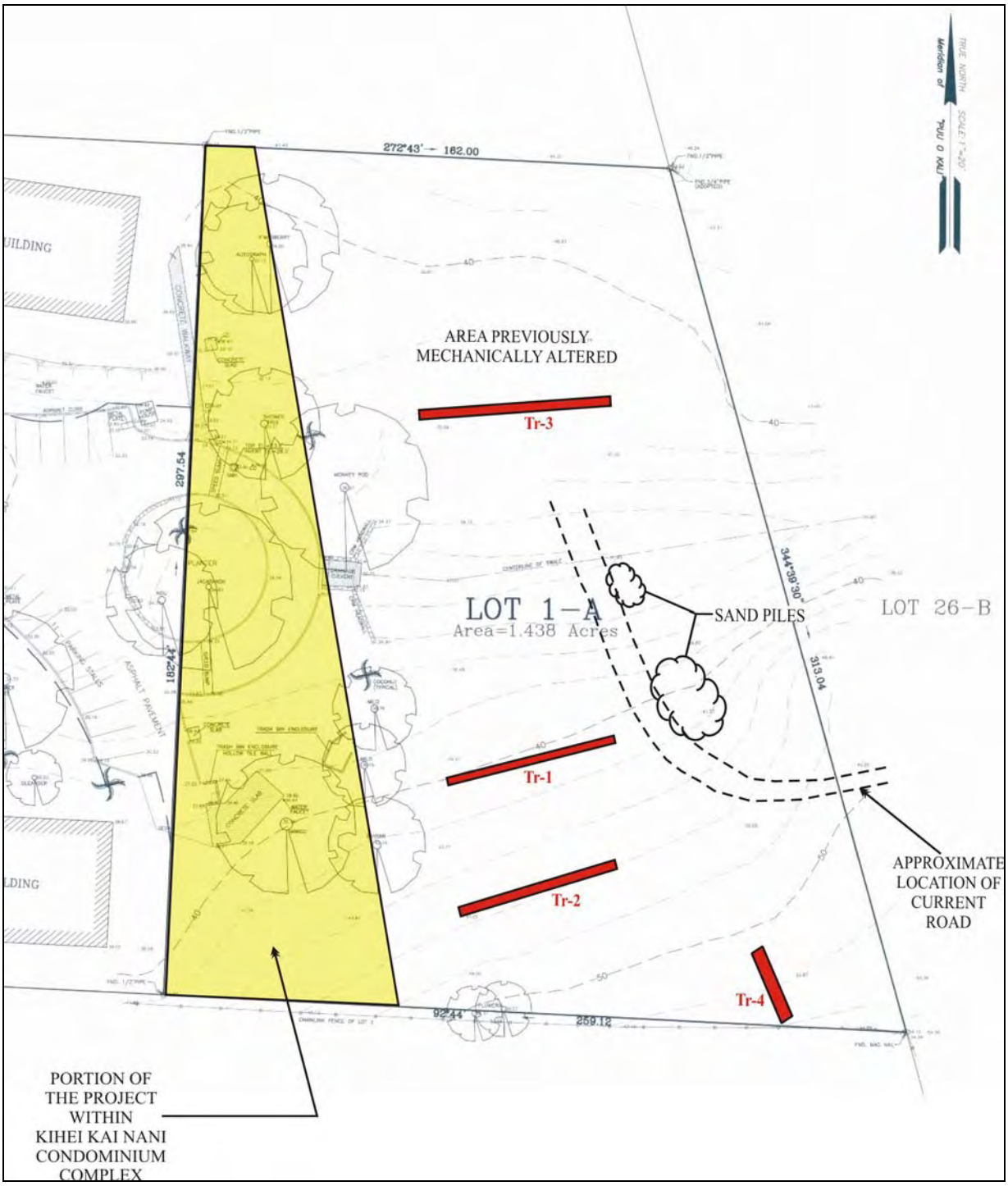

Figure 7: Plan View Map of Subsurface Work Conducted on the Project Area.

SUBSURFACE EXCAVATION

A total of four backhoe trenches were excavated during subsurface testing: three of the trenches were excavated south of the naturally occurring drainage swale and one was excavated on the north side (Table 1) (see Figure 7).

Table 1: Stratigraphic Trench Designation Dimensions and Area Excavated.

Stratigraphic Trench No.	Length (m)	Width (m)	Depth below surface (mbs)	Area (m^2)	Volume (m^3)	Findings
1	18.3	0.7–0.8	1.24	13.725	17.019	Culturally Sterile
2	17	0.8	1.5	13.6	20.4	Culturally Sterile
3	20.5	0.8	1.2	16	19.2	Culturally Sterile
4	7	1	1.56	7	10.92	Extensive land alteration prominent, modern fill dominates stratigraphy extending to 1.28 mbs, numerous plant remains; Culturally Sterile

STRATIGRAPHIC TRENCH 1 (ST-1)

ST-1 was placed to the south of the drainage swale on the subject parcel at an elevation of approximately 12.2 m amsl. ST-1 measured 18.3 m long by 0.7–0.8 m wide; the trench terminated at a depth of 124 centimeters below surface (cmbs). Five strata were present (Figures 8, 9, and 10):

- Layer I (0 to 34–64 cmbs) was a loose, light yellowish brown (2.5 Y 6/3) granular sand with few rocks and roots (5%).
- Layer II (34–80 cmbs) was loose, light yellowish brown (2.5 Y 6/4) sand with very few roots (1%) and no rocks.
- Layer III (56–86 cmbs) was loose, yellow (2.5 Y 7/6) sand that contained few roots (<1%) and no rocks. This layer had a smooth boundary.
- Layer IV (82–98 cmbs) was a slightly compact light olive brown (2.5 Y 5/4) silty sand.
- Layer V (85–124 cmbs) consisted of hard and compacted, pale yellow (2.5 Y 7/4) sand. There were no roots and very few rocks.

STRATIGRAPHIC TRENCH 2 (ST-2)

ST-2 was placed to the south of the drainage swale and south of ST-1 on the subject parcel, at an elevation of approximately 14.0 m amsl. ST-2 measured 17.0 m long by 0.8 m

Figure 8: Photograph Depicting an Overview of Stratigraphic Trench-1. View to West

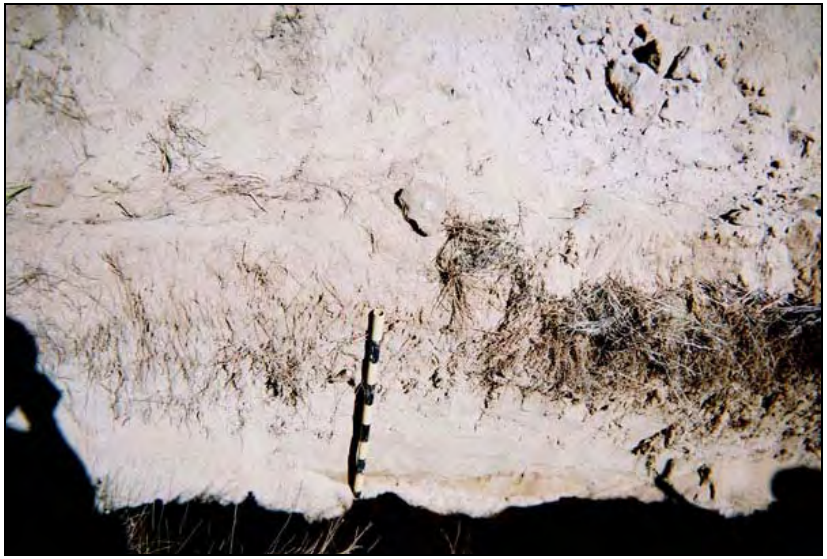

Figure 9: Photograph Depicting Representative Profile of Stratigraphic Trench-1; North Wall Face.

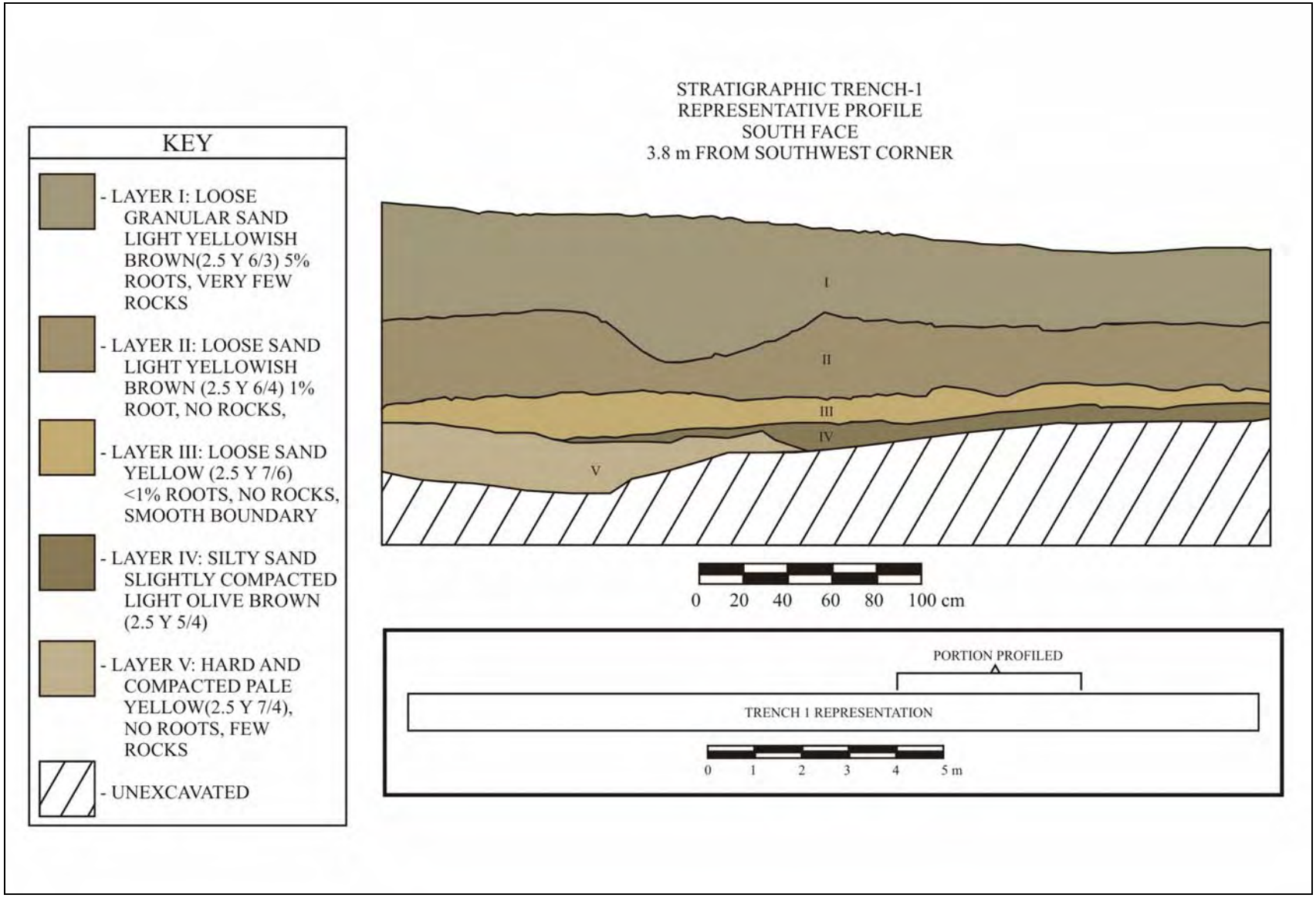

Figure 10: Representative Profile of Stratigraphic Trench-1.

wide; the trench terminated at a depth of 150 cmbs. Five strata were observed (Figures 11, 12, and 13):

- Fill (0–21 cmbs) was a loose, pale yellow (2.5 Y 7/4) silty sand fill composed of crushed gravel and coral with about two percent root structure. This fill layer had a smooth boundary.
- Layer I (0–30 cmbs) consisted of loose, yellow (2.5 Y 7/6) sand, with some roots (10%) and very few gravel rocks.
- Layer II (20–74 cmbs) was a loose, pale yellow (2.5 Y 7/4) sand that contained less than one percent roots and no rocks. This layer had a smooth boundary.
- Layer III (61–82 cmbs) was composed of loose, pale yellow (2.5 Y 8/3) sand. No rocks or roots were observed in this layer; the boundary was slightly wavy.
- Layer IV (68–115 cmbs) was very hard-packed pale yellow (2.5 Y 8/2) sand, sandstone-like, with no roots or rocks.

STRATIGRAPHIC TRENCH 3 (ST-3)

ST-3 was placed to the north of the drainage swale at an elevation of 10.85 m amsl. ST-3 measured 20.5 m long by 0.8 m wide; the trench terminated at a depth of 120 cmbs. Three strata were (Figures 14, 15, and 16) present:

- Fill (0–31 cmbs) consisted of very fine, gray (10 YR 5/1) sand.
- Layer I (0–42 cmbs) was a very pale brown (10 YR 7/4) sand, with some large cobbles and small boulders.
- Layer II (22–120 cmbs) consisted of very hard, light yellowish brown (10 YR 6/4) sand, which resembled sandstone.

STRATIGRAPHIC TRENCH 4 (ST-4)

ST-4 was placed to the south of the drainage swale, in the southeast corner of the lot, running north-south. This trench sat between the elevations of approximately 15.4 m–16.5 m amsl. ST-4 measured 7.0 m long by 1.0 m wide; the trench was terminated at a depth of 156 cmbs and relayed the presence of five strata (Figures 17, 18, and 19).

- Layer I (0–56 cmbs) consisted of loose, light yellowish brown (2.5 Y 6/3), granular sand and crushed coral and contained some roots (10%).
- Fill (45–85 cmbs) consisted of very fine, gray (10 YR 5/1) sand with crushed coral.
- Layer II (41–138 cmbs) was a yellow (2.5 Y 7/6), semi-compact sand with plant remains.

Figure 11: Photograph Depicting an Overview of Stratigraphic Trench-2. View to West.

Figure 12: Photograph Depicting Representative Profile of Stratigraphic Trench-2; South Wall Face.

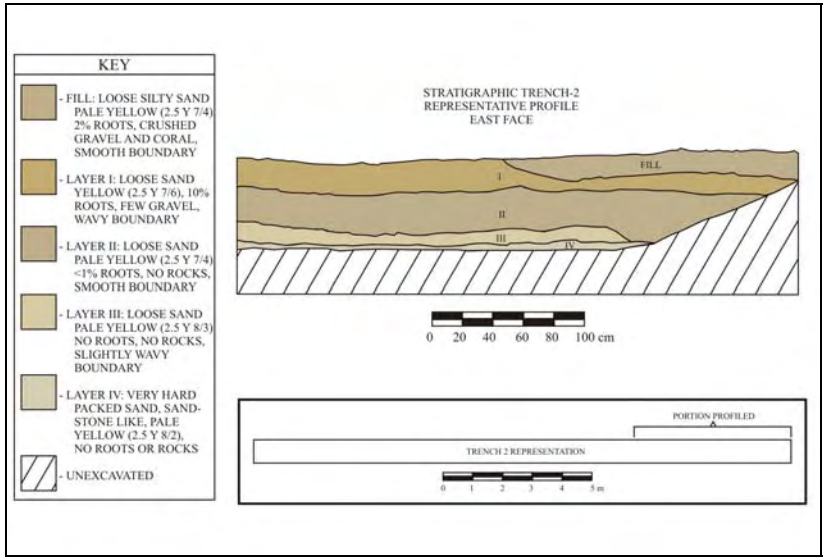

Figure 13: Representative Profile of Stratigraphic Trench-2.

Figure 14: Photograph Depicting an Overview of Stratigraphic Trench-3. View to Northeast.

Figure 15: Photograph Depicting Representative Profile of Stratigraphic Trench-3; North Wall Face.

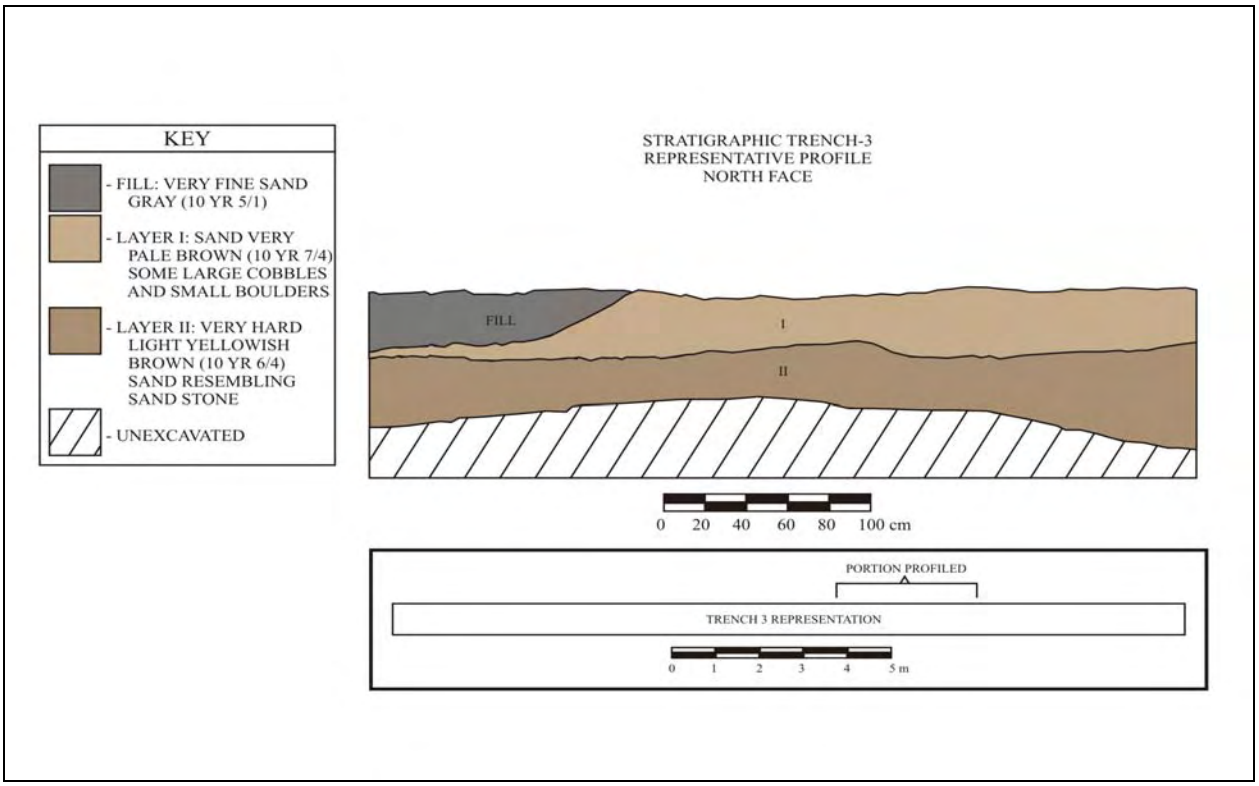

Figure 16: Representative Profile of Stratigraphic Trench-3.

Figure 17: Photograph Depicting an Overview of Stratigraphic Trench-4. View to Southeast.

Figure 18: Photograph Depicting Representative Profile of Stratigraphic Trench-4; East Wall Face.

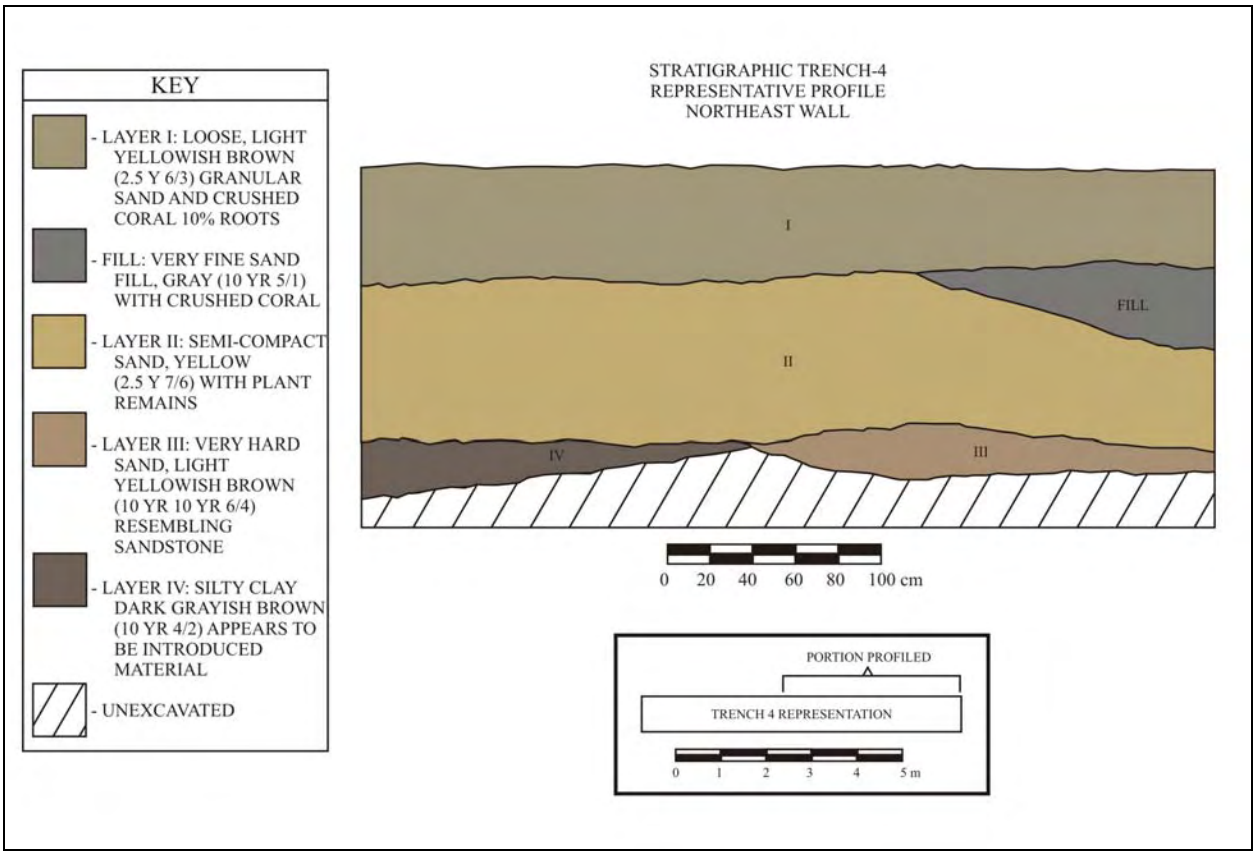

Figure 19: Representative Profile of Stratigraphic Trench-4.

- Layer III (119–156 cmbs) was composed of a very hard, light yellowish brown (10 YR 6/4) sand that resembled sandstone.
- Layer IV (126–156 cmbs) consisted of a dark grayish brown (10 YR 4/2) silty clay which appeared to have been introduced material.

CONCLUSIONS AND RECCOMMENDATIONS

Although subsurface testing did not yield any cultural material or human remains, Monitoring is recommended due to the remaining moderate probability of an inadvertent discovery of Native Hawaiian burials within the sandy substrate. Scientific Consultant Services, Inc. recommends that the Archaeologist(s) conducting the Archaeological Monitoring cease monitoring (following consultation with SHPD) at a point when no less than 1/3 of the total project area's 1.438 acres has been excavated with negative findings. The 1/3 (or greater) amount of earth moved should be distributed evenly enough across the project area that a fair representation of the subsurface matrix will have been sampled.

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APPENDIX F
Archaeological Monitoring Plan

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STATE PARKS

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June 16, 2015

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LOG NO: 2015.02156
DOC NO: 1506JP13
Archaeology

Aloha Dr. Dega:

SUBJECT: Chapter 6E-42 Historic Preservation Review- Maui County
Revised Archaeological Monitoring Plan for the Proposed Nani Loa Hotel Condominium
Kama‘ole Ahupua‘a, Wailuku District, Island of Maui
TMK (2) 3-9-020:032

Thank you for the opportunity to review the revised plan titled *An Archaeological Monitoring Plan for the Nani Loa Hotel Condominium Project, Kama‘ole Ahupua‘a, Wailuku District, Island of Maui, Hawai‘i [TMK (2) 3-9-020:032]* by Dagher and Dega (Revised Draft May 2015). We received the submittal on June 1, 2015.

An archaeological assessment survey for 1.438 acres documenting no historic properties has been accepted by our office (*Log 2007.1207, Doc 0804PC32*). Archaeological monitoring was recommended for the development of the approximate 1.44 acre parcel. In a letter dated December 28, 2009, we reviewed the Environmental Assessment (EA 2009/0001), Community Plan Amendment (CPA 2009/0001), and Special Management Area Use Permit (SM1 2009/0003) applications for the development of 32 two- and three-bedroom residential units in two four-story buildings, ground level parking, swimming pool, shade pavilion, walkways, administrative offices, and associated infrastructure. We continued to request archaeological monitoring (*Log 2009.3458, Doc 0912PC72*). Updated reviews for the current project include an EA 2015/0004, SM1 2015/0004, and CPA 2015/0002 (*Log 2015.01616, Doc 1505JP25 and Log 2015.01623, Doc 1505JP24*).

The subject archaeological monitoring plan details procedures for the development of one four-story building and one three-story building containing 39 units for the property owned by Victory Development Nani Loa LLC. We reviewed the original draft plan and requested revisions (*Log 2015.00081, Doc1505JP21*). The submittal includes the requested cover sheets and changes.

The monitoring plan now meets the requirements of Hawai‘i Administrative Rule §13-279 and is accepted. 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. Inadvertent discoveries of significant cultural remains (apart from human burials) will be handled in accordance with the guidelines specified in Hawai‘i Administrative Rule (HAR) §13-279-5 (5) through (6) for monitoring and procedures for inadvertent discoveries as described in HAR §13-280-3. Inadvertent discoveries of human skeletal remains will be handled in accordance with Hawai‘i Revised Statutes Chapter 6E-43.6 and HAR §13-300-40.

We continue to request that our Maui office is informed, in writing, of the initiation and completion of the upcoming construction monitoring project. Written updates and consultation may be necessary.

Please contact Jenny Pickett at (808) 243-5169 or Jenny.L.Pickett@hawaii.gov if you have any questions or concerns about this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

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SCS Project Number 1684-AMP-1

AN ARCHAEOLOGICAL MONITORING PLAN FOR THE NANI LOA HOTEL CONDOMINIUM PROJECT KAMA`OLE AHUPUAʻA, WAILUKU DISTRICT ISLAND OF MAUI, HAWAI`I [TMK: (2) 3-9-020:032]

Prepared by:
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January 2015
DRAFT

Prepared for:
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HAWAII

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INTRODUCTION

At the request of Greg Walker, Scientific Consultant Services, Inc. (SCS) has prepared this Archaeological Monitoring Plan (AMP) in advance of all construction related activities associated with the construction of the Nani Loa Hotel Condominiums Project. The Nani Loa Hotel Condominiums will consist of one four-story building and one three-story building containing thirty-nine (39) units. The 1.9438-acre property is owned by Victory Development Nani Loa LLC., and is located in Kīhei, Kama`ole Ahupua`a, Wailuku District, Island of Maui [TMK: (2) 3-9-020:032] (Figures 1and 2).

Archaeological Monitoring will ensure that identified significant cultural resources are sampled, documented, and evaluated for their historical significance, per State Historic Preservation Division (SHPD rules and regulations. This Monitoring program will also ensure that if human skeletal remains are identified during subsurface work, appropriate and lawful protocol is followed concerning the Inadvertent Discovery of Human Remains (pursuant to Hawaii Administrative Rules §13-300-40a-c).

The following text provides more detailed information on the reasons for monitoring, potential site types to be encountered during excavation, monitoring conventions and methods for both field and laboratory work, and curation and reporting.

ENVIRONMENTAL SETTING

PROJECT AREA LOCATION

The current project area is located in the village of Kīhei, Kama`ole Ahupua'a, Wailuku District, Island of Maui [TMK: (2) 3-9-020:032], on the southeastern coast of the island of Maui. The currently vacant and undeveloped 1.9438 acre project area is situated approximately 0.25 miles inland between 40 and 50 feet above mean sea level (AMSL) (see Figures 1 and 2). The project area is located in a residential and commercial area and is currently vacant and undeveloped.

RAINFALL AND CLIMATE

Kamaole Ahupua`a in the Wailuku District, is located on the dry, leeward (southeastern) coast of Maui Island. In the summer and early fall rainfall ranges from approximately 2 to 4 inches. Temperatures during these months range from the low 60s° F to the high 90s° F. Rainfall

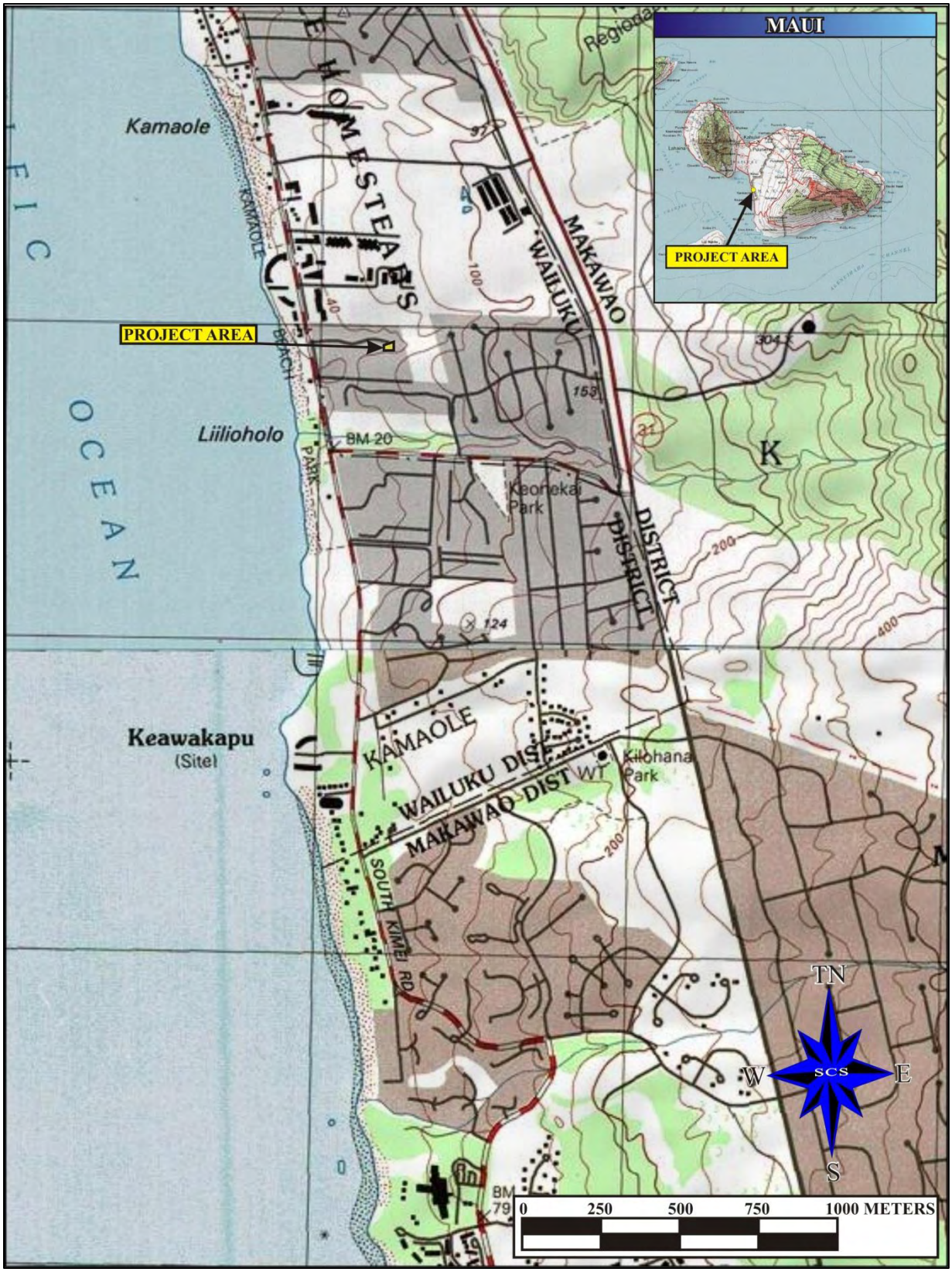

Figure 1: USGS Quadrangle (Puu O Kali 1992) Map Showing Project Area.

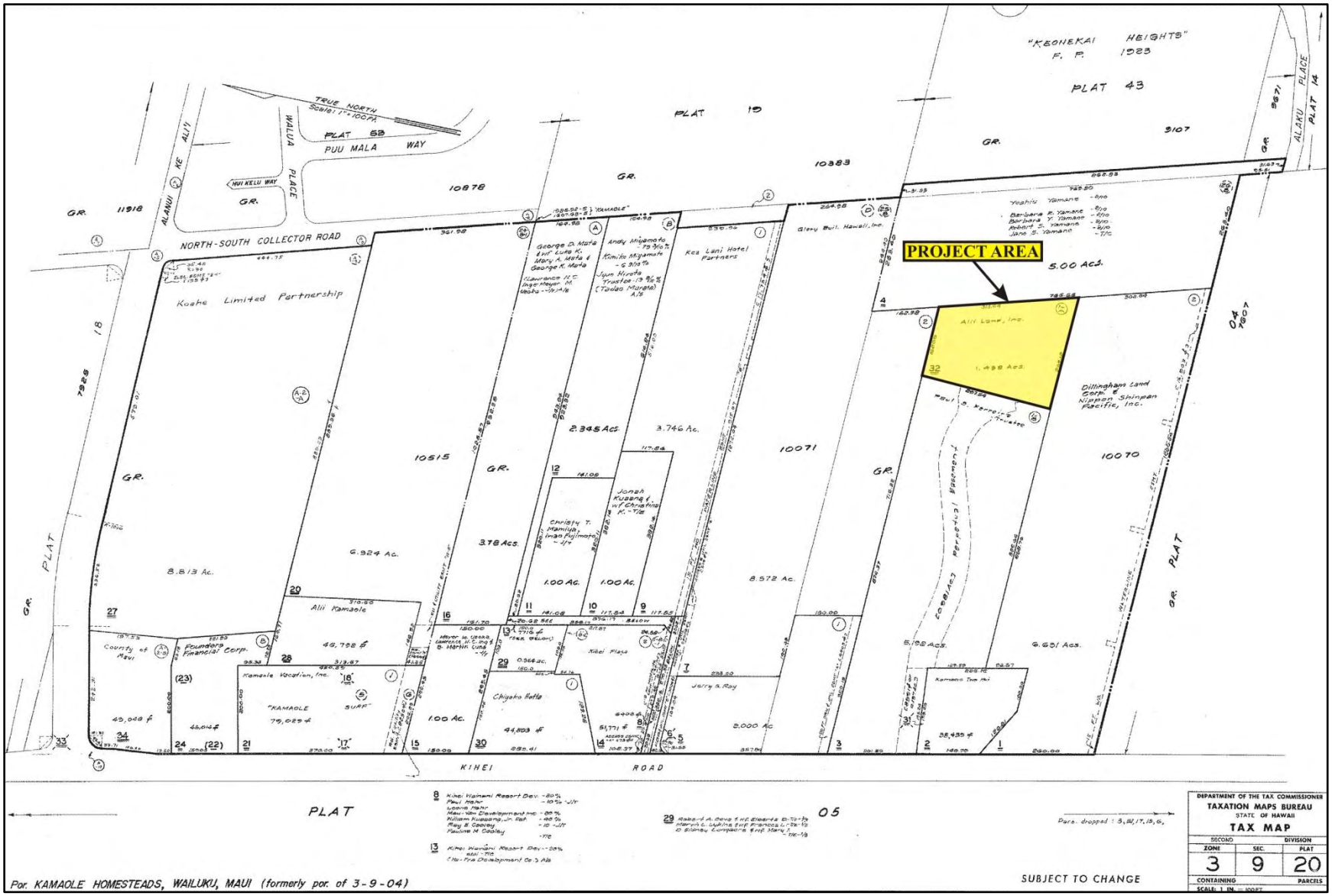

Figure 2: Tax Map Key [TMK: (2) 3-9-020] Showing Project Area.

during the winter months ranges from approximately 10 to 20 inches and temperatures range from the high 50s°F to the high 80°s F (Armstrong 1983: 62, 64).

SOILS

According to Foote *et al*. (1972: Sheet Number 108), soils within the project area are of the Dune land (DL) Soil Series (Figure 3). Dune land soils consist of aeolian deposits of sand-size particles of coral and sea shells that, over time, have formed ridges and hills. Dune lands occur in the coastal regions of the islands of Maui and Kaua`i at elevations between sea level and 150 feet above mean sea level (amsl). Dune lands are "actively shifting or so recently fixed or stabilized" that soil horizons have not developed (*ibid*: 29). Dune lands are frequently used as recreational areas, wildlife habitats, and as a source of liming materials (*ibid*).

TRADITIONAL SETTLEMENT PATTERNS

PRE-CONTACT PERIOD (PRE-1778)

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua`a*. During pre-Contact times, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinaruma*) and *mai`a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *`uala* (sweet potato, *Ipomoea batatas*) were produced. This was the typical agricultural pattern seen during traditional times on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (A.D. 1200–1400, Kirch 1985). According to Handy, there was "continuous cultivation on the coastal region along the northwest coast" of Maui. He writes:

> On the south side of western Maui the flat coastal plain all the way from Kīhei and Ma`alaea to Honokahua, in old Hawaiian times, must have supported many fishing settlements and isolated fishermen's houses, where sweet potatoes were grown in the sandy soil or red lepo [soil] near the shore. For fishing, this coast is the most favorable on Maui, and, although a considerable amount of taro was grown, I think it is reasonable to suppose that the large fishing population, which presumably inhabited this leeward coast, ate more sweet potatoes than taro with their fish…[1940:159].

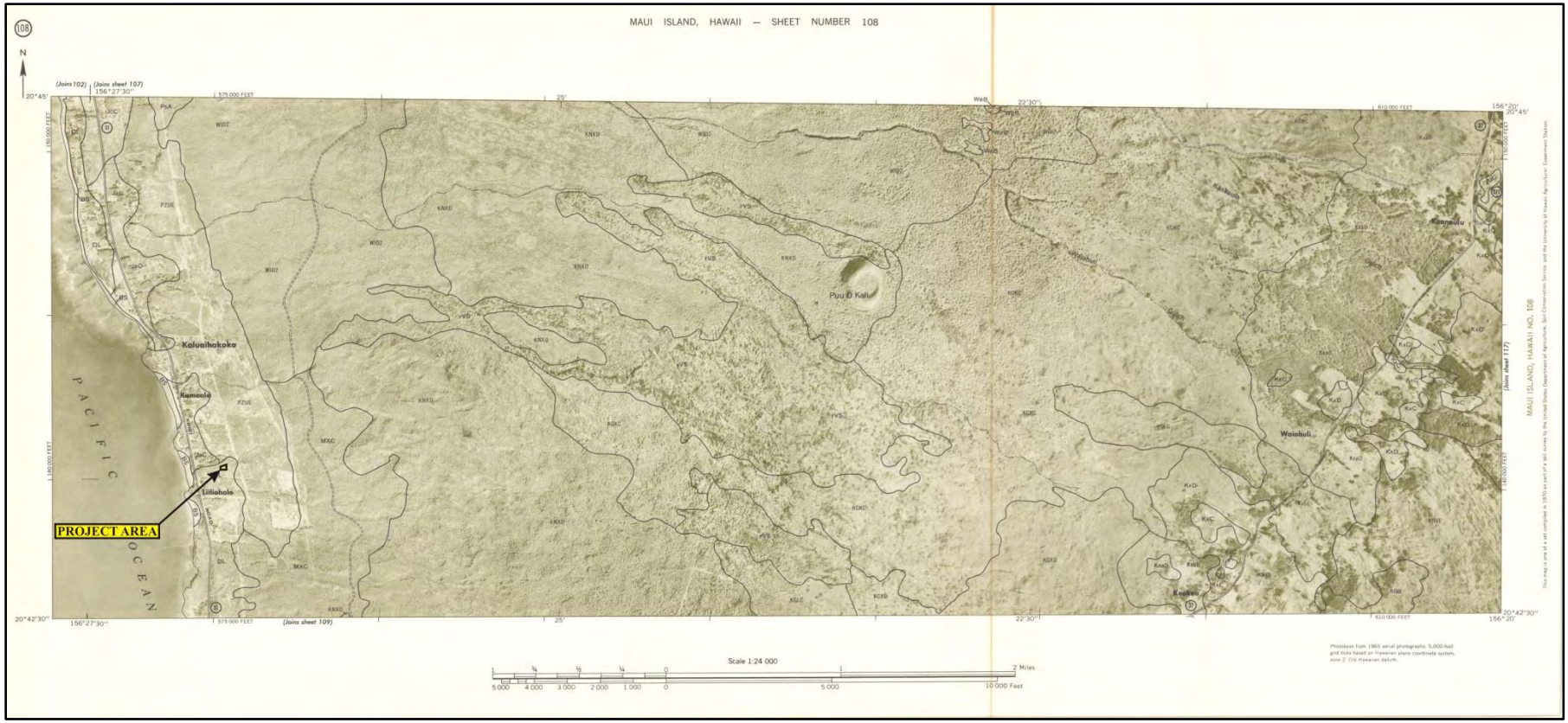

Figure 3: USDA Soil Survey Map (Foote *et al.* 1972: Sheet 108) Showing Soil Type within Project Area.

In the uplands of the Kula district, at elevations higher than *c.* 1,000 feet above mean annual sea level, traditional agriculture was based on dryland field systems. Handy and Handy (1972:488) write:

> The great bulk and altitude of Haleakala makes its southern flank practically a water less desert, and the southeast and west flanks relatively dry, so that there were no lo`i (pond fields) cultivation at all. The arid country below the west and south slopes of Haleakala, including Kula, Honua`ula, Kahikinui, and Kaupo, were dependent on sweet potato.

Handy and Handy (1972:131) also describe the planting methods in the drier sections of Kula:

> Where potatoes are planted in crumbling lava with humus, as on eastern Maui and in Kona, Hawaii, the soil is softened and heaped carelessly in little pockets and patches using favorable spots on slopes the crumbling porous lava gives ample aeration without much mounding.

There is little specific information pertaining directly to Kīhei, which was originally a small area adjacent to a landing built in the 1890s (Clark 1980). Presently, Kīhei refers to a six-mile section along the coast from the town of Kīhei to Keawakapu. Scattered amongst the agricultural and habitation sites were places of cultural significance to the *kama`āina* of the district including at least two *heiau*. In ancient times, there was a small village at Kalepolepo directly based upon marine resources. Occasionally, it has been recorded; the blustery Kaumuku Winds would arrive with amazing intensity along this coast (Wilcox 1921).

There were several fishponds in the vicinity of Kīhei; Waiohuli, Kēōkea-kai, and Kalepolepo Pond (also known by the ancient name of Kō`ie`ie Pond; Kolb *et al*. 1997). Constructed on the boundary between Ka`ono`ulu and Waiohuli Ahupua`a, these three ponds were some of the most important royal fishponds on Maui. The builder of Kalepolepo and two other ponds (Waiohuli and Kēōkea-kai) has been lost in antiquity, but they were reportedly rebuilt at least three times through history, beginning during the reign of Pi`ilani (1500s; *ibid*; Cordy 2000).

Oral tradition recounts the repairing of the fishponds during the reign of Kiha-Pi`ilani, the son of the great chief Pi`ilani, who had bequeathed the ponds to Umi, ruler of Hawai`i Island. Umi's *konohik*i (land manager) ordered all the people from Maui to help repair the walls of Kalepolepo's fishponds. A man named Kikau protested that the repairs couldn't be done without the assistance of the *menehune* who were master builders (Wilcox 1921:66-67). The *konohiki* was furious and Kikau was told he would die once the repairs had been made. Kēōkea-kai was the first to be repaired. When the capstone was carried on a litter to the site, the *konohiki* rode proudly on top of the rock as it was being placed in the northeast corner of the pond. When it was time for repairs on Waiohuli-kai, the *konohiki* did the same. As the last pond, then known as Ka`ono`ulu-kai, was completed, the *konohiki* once again rode the capstone to its resting place. Before it could be put into position, the capstone broke throwing both the rock and *konohiki* into the dirt. The workers reportedly said "*Ua konohiki Kalepolepo, ua eku i ka lepo*," or, "the manager of Kalepolepo, one who roots in the dirt" (*ibid*: 66). That night a tremendous storm threw down the walls of the fishponds. The *konohiki* implored Kikau to help him repair the damage. Kikau called the *menehune* who rebuilt the walls in one night. Umi sent for Kikau who lived in the court of Waipi`o valley from then on. The region of Kēōkea-kai and Ka`ono`ulu-kai fishpond became known as Kalepolepo fishpond (*ibid*).

The Kalepolepo fishponds were rebuilt by Kekaulike, chief of Maui in the 1700s, at which time it supplied *`ama`ama* (mullet) to Kahekili II. Again, it was restored by Kamehameha I when he ruled as governing chief over Maui and for the last time in the 1840s when prisoners from Kaho`olawe penal colony were sent to do repairs (Kamakau 1961; Wilcox 1921). At this time, stones were taken from Waiohuli-kai pond for the reconstruction of Kalepolepo. It was here at Kalepolepo that Kamehameha I reportedly beached his victorious canoes after subduing the Maui chiefs. The stream draining into Kealia pond (north of the project area) became sacred to royalty and *kapu* to commoners (Stoddard 1894).

Trails extended from the coast to the mountains, linking the two for both economic and social reasons. A trail known as the *alanui* or "King's trail" built by Kihapi`ilani, extended along the coast passing through all the major communities between Lāhainā and Mākena, including Kīhei. One trail, named "*Kekuawaha`ula`ula*" or the "red-mouthed god", extended from Kīhei inland to Kēōkea. Another, the Kalepolepo trail, began at the Kalepolepo fishpond and continued to upland Waiohuli. These trails were not only used in the pre-Contact era, but were expanded to accommodate wagons bringing produce to the coast in the 1850s (Kolb *et al*. 1997:61).

POST-CONTACT (POST-1778)

Early records, such as journals kept by explorers, travelers and missionaries, and Hawaiian traditions that survived long enough to be written down, as well as archaeological investigations, have assisted in the understanding of past cultural activities. Unfortunately, early descriptions of this portion of the Maui coast are brief and infrequent. Captain King, Second Lieutenant on the *Revolution* during Cook's third voyage briefly described what he saw from a vantage point of "eight or ten leagues" (approximately 24 miles) out to sea as his ship departed the islands in 1779 (Beaglehole 1967). He mentions Pu`u Ōla`i south of Kīhei and enumerates the observed animals, thriving groves of breadfruit, the excellence of the taro, and almost prophetically, says the sugar cane is of an unusual height. Seen from this distance and the mention of breadfruit suggest the uplands of Kīpahulu-Kaupo and `Ulupalakua were his focus.

In the ensuing years, La Pérouse (1786), Nathaniel Portlock and George Dixon, (also in 1786), sailed along the western coast, but added little to our direct knowledge of Kīhei. During the second visit of Vancouver in 1793, his expedition becalmed in the Ma`alaea Bay close to the project area. (A marker commemorating this visit is located across from the Maui Lu Hotel). He reported:

> The appearance of this side of Mowee was scarcely less forbidding than that of its southern parts, which we had passed the preceding day. The shores, however, were not so steep and rocky, and were mostly composed of a sandy beach; the land did not rise so very abruptly from the sea towards the mountains, nor was its surface so much broken with hills and deep chasms; yet the soil had little appearance of fertility, and no cultivation was to be seen. A few habitations were promiscuously scattered near the waterside, and the inhabitants who came off to us, like those seen the day before, had little to dispose of [Vancouver 1984:852].

Archibald Menzies, a naturalist accompanying Vancouver stated, "…we had some canoes off from the latter island [Maui], but they brought no refreshments. Indeed, this part of the island appeared to be very barren and thinly inhabited" (Menzies 1920:102). According to Kahekili, then chief of Maui, the extreme poverty in the area was the result of the continuous wars between Maui and Hawai`i Islands that causing the land to be neglected and human resources wasted (Vancouver 1984:856).

THE MĀHELE

In the 1840s a drastic change in the traditional land tenure resulted in a division of island lands and a system of private ownership based on western law. While it is a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers,

Kauikeaouli (Kamehameha III) was forced to establish laws changing the traditional Hawaiian society to that of a market economy (Daws 1968:111; Kuykendall Vol. I, 1938:145 footnote 47, 152, 165-6, 170; Kame`eleihiwa 1992:169–70, 176).

Among other things, the foreigners demanded private ownership of land to insure their investments (Kuykendall Vol. I, 1938:138, 145, 178, 184, 202, 206, 271; Kame`eleihiwa 1992:178; Kelly 1998:4). Once lands were made available and private ownership was instituted, native Hawaiians including the *maka'āinana* (commoners) were sometimes able to claim the plots they were cultivating and living on, if they had been made aware of the foreign procedures required in which to claim them (*kuleana* lands, LCAs). This land division, or Māhele, occurred in 1848. The awarded parcels were called Land Commission Awards (LCA). If occupation could be established through the testimony of witnesses, the petitioners were issued a Royal Patent number and could then take possession of the property (Chinen 1961:16). No LCAs were located on or near the present project area.

It is suggested that Kekau`ōnohi (granddaughter of Kamehameha I), was the land owner of the Kula District prior to the Māhele (Kame`eleihiwa 1992). After the Māhele, Kauikeaouli (Kamehameha III) retained ownership of some portions of Kula as government lands. The nearest LCA awards occur directly on the Kalepolepo Village coastline and include house lots, potato gardens, taro lands, and pastures (Colin *et al*. 2000). There are no Land Commission Awards (LCA) for the subject property, which implies that the land was either not formally settled at the time of the Māhele or that residents and those with access to the parcel did not formally claim their land under the foreign system Waihona Aina 2013). The land is on or adjacent to Grant 10257/10287 according to the TMK Map (see Figure 2).

As Western influence grew, Kalepolepo in Kīhei became an important provisioning area. Europeans were now living or frequently visiting the coast and several churches and missionary stations were established. A Mr. Halstead left medical school on the East coast of the continent to become a whaler and, after marrying the granddaughter of Issac Davis, settled in Kalepolepo on land given him by Kamehameha III (Kolb *et al*. 1997). His residence and store situated at Kalepolepo landing was known as the Koa House having been constructed of *koa* logs brought from the uplands of Kula. The store flourished due to the whaling and potato industry and provided an accessible port for exported produce. Several of Hawai`i's ruling monarchs stayed at the Koa House, including Kauikeaouli (Kamehameha III), Kamehameha the 1V, Lot Kamehameha (V), and Lunalilo. Wilcox, giving a glimpse of the surroundings before abandonment, stated, "…Kalepolepo was not so barren looking a place. Coconut trees grew

beside pools of clear warm water along the banks of which grew taro and ape…" (1921:67). However, by 1887 this had changed. Wilcox (1921)continues:

> …the Kula mountains had become denuded of their forests, torrential winter rains were washing down earth from the uplands, filling with silt the ponds at Kalepolepo…ruins of grass huts [were] partly covered by drifting sand, and a few weather-beaten houses perched on the broad top of the old fish pond wall at the edge of the sea, with the Halstead house looming over them dim and shadowy in the daily swirl of dust and flying sand…"

As early as 1828, sugar cane was being grown on Maui (Speakman 1981:114). Sugar was established in the Makawao area in the late 1800s and by 1899, the Kīhei Plantation Company (KPC) was growing cane in the plains above Kīhei. The Kīhei Plantation was absorbed by the Hawaiian Commercial and Sugar Company (HC&SC) in 1908, and they continued cultivating what had been the KPC fields into the 1960s. A 200-foot-long wharf was constructed in Kīhei at the request of Maui plantation owners and farmers and served inter-island boats for landing freight and shipping produce to Honolulu (Clark 1980). In 1927, Alexander and Baldwin became the agents for the plantation (Condé and Best 1973). A landing was built at Kīhei (meaning "cape" or "cloak"; Pukui *et al.* 1974) around 1890. A 1929 map of Maui shows the vicinity of Kīhei landing as a destination for the HC&SC railroad, extending through an underdeveloped terrain.

Ranching was also present in Kula prior to the 1840s (Land Court Awards, State Archives). Large sections of Crown Land were leased for grazing cattle, and, by the 1880s, lower Kula consisted primarily of pastureland for ranching. Archaeological evidence of ranching is present near the subject parcel. In 1888, Edwin H. Baily, Lorrin A. Thurston, W.H. Baily, and Henry P. Baldwin met in Honolulu and purchased Maui ranch lands owned by Charles Alexander for $50,000. The resulting ranch included 33,817 acres with 400 to 500 acres set aside for corn cultivation. Coastal activity remained concentrated in Kalepolepo from the mid 1800s through the early 1900s. Kīhei in coastal Kula was known as a dry, dusty place but Haleakalā Ranch was able to utilize the lands for cattle (Donham 1990). Sugar cultivation continued through the 1970s in the upland areas of the Kula District and down to the Kīhei region. During WWII, the coastal section of Kīhei was used for amphibious training. The area continued to steadily grow until the 1970s when Kīhei and the neighboring coastal areas underwent rapid and prolonged development for residential and commercial projects associated with the tourism industry.

PREVIOUS ARCHAEOLOGICAL RESEARCH

Much of coastal Kīhei was originally developed in the 1970s, prior to the implementation of SHPD requirements in relation to the protection of cultural, historical and archaeological properties of significance. In perhaps direct relation to the early constructed development of coastal Kīhei, previous archaeological studies in the general vicinity of the current subject parcel have yielded only modest evidence of human settlement.

No previous archaeological studies have occurred in the current project area. However, a substantial number of archaeological investigations have been conducted over the past few years near the present project area in the Kīhei-Makena area of Maui. Archaeological studies have been conducted in both upland and coastal Wailuku/Makawao Districts (see Chaffee and Dega 2011). Table 1 presents an overview of projects conducted in the general project area (Makena-Kīhei). Figure 4 shows many of these project locations. A summary of more relevant project are then presented.

Several projects have been conducted near the current project area. In 2000, Fredericksen (2001) conducted monitoring of a waterline replacement project being conducted by the County of Maui Board of Water Supply to the north of the current project area along both Halama Street and Alanui Street. Two site remnants were recorded along Halama Street. Site Number 50-50-09-5003 appears to be an extension of a pre-Contact occupation layer previously identified during an Inventory Survey (Fredericksen and Fredericksen 2001) and was noted near the northern end of Halama Street. A previously unidentified site remnant was seen near the southern extent of the Halama Street waterline installation trench and was designated as State Site 50-50-09-5060. Both State Sites 50-50-09-5003 and -5060 were interpreted to be probable habitation areas. Cultural material observed at Site 5060 included fire cracked rocks (FCR), scattered coral; trace amounts of charcoal flecking, and some shell midden. One urchin spine abrader tip was recovered from the site.

Table 1: List of Sample Archaeological Projects by Ahupua`a Location in Chronological Order. (Note: These are provided as a guide and given their ubiquity, are not cited in the References section).

Location	Report
Kama`ole Ahupua`a	Sinoto 1978
	Keau 1981
	Neller 1982
	Leidemann 1989
	Hammatt and Shideler 1989
	Sinoto 1989
	Fredericksen *et al.* 1989
	Fredericksen *et al.* 1990
	Hammatt and Shideler 1990
	Sinoto 1990
	Kennedy 1991
	Fredericksen *et al.* 1991
	Rotunno-Hazuka and Pantaleo 1991
	Kennedy *et al.* 1992
	Hammatt and Shideler 1992
	Fredericksen *et al.* 1994
	Mayberry and Haun 1998
	Haun 1998
	Fredericksen and Fredericksen 1999
	Calis 2001
	Tome and Dega 2002
Keokea Ahupua`a	Cox 1976
	Brown 1989
	Brown *et al*. 1989
	Donham 1990b
	Kennedy and Breithaupt 1991
	Hibbard 1995
	Hammatt and Shideler 2000
	Fredericksen 2001
	Fredericksen and Fredericksen 2001
Waiohuli Ahupua`a	Cordy 1977
	Miura 1982
	Kennedy 1986
	Watanabe 1987
	Riford 1987
	Kennedy 1988
	Donham 1989
	Donham 1990a
	Fredericksen *et al.* 1993
	Fredericksen *et al.* 1994
	Hibbard 1994
	Fredericksen and Fredericksen 1995a
	Fredericksen and Fredericksen 1995b
	Dunn and Spear 1995
	Chaffee *et al.* 1997
	Sinoto *et al.* 1999
	McDermott and Hammatt 2000
	Kikiloi and Hammatt 2000
	McGerty *et al.* 2000
	McDermott 2001
	Sinoto *et al.* 2001

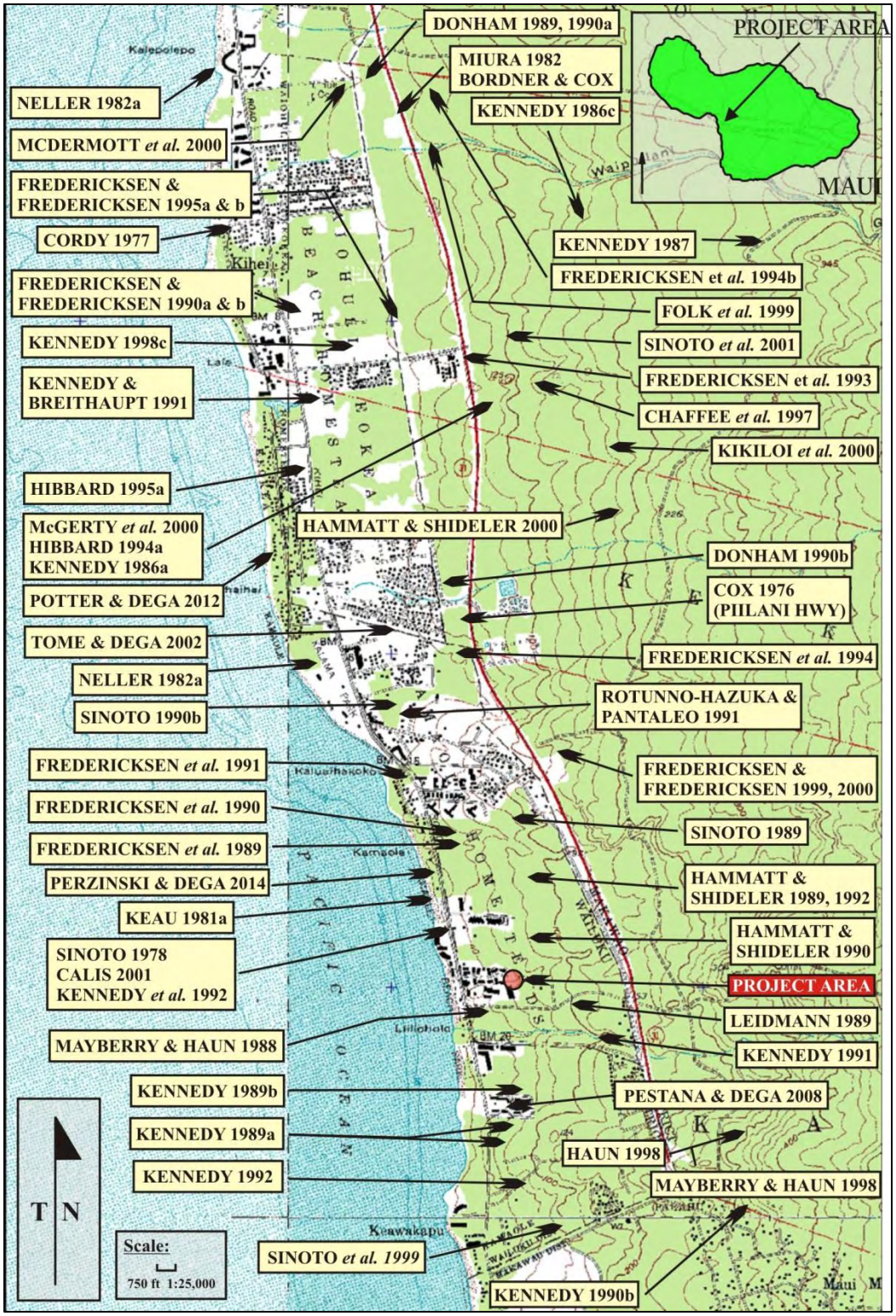

Figure 4: USGS Quadrangle (Puu O Kali 1992) Map Showing Previous Archaeological Work Conducted in the Vicinity of the Project Area.

In the south portion of Kīhei, in the Makena/Makena-Kīhei transition area, isolated, traditional-period habitation deposits (in both intact and remnant condition) occur along the coastal stretch (see Tome and Dega 2002) as do Proto-historic/historic site remnants. For instance, during Archaeological Inventory Survey of TMK: (2) 2-1-007: 008 (Roberts *et al*. 2000), two walls and three terraces were documented (State Site 50-50-09-4818), both interpreted to be associated with temporary occupation of the coastal area. Remnant subsurface deposits yielding small concentrations of midden and charcoal, also reminiscent of temporary use areas, were identified and dated to early historic times (Roberts *et al*. 2000:38). Such remnants often occur beneath existing fill or natural layers. Surface survey was also completed on the same coastal parcel by Lee-Greig (2002). Historic walls associated with State Site 50-50-09-4818 were identified and three new sites, comprising State Site 50-50-09-5182 (human burial), State Site 50-50-09-5414 (cultural deposit), and State Site 50-50-09-5413 (agricultural complex) were also identified (see Lee-Greig 2002).

Scientific Consultant Services, Inc. conducted Monitoring in the Waiohuli-Keokea Beach Lots (Potter and Dega 2012), to the north of the current project area, in a similar subsurface environment. No historic properties were documented during the study. All sediments observed in the project area were a mixture of previously disturbed silty sand and a natural deposit of beach sand. SCS is also in the process of conducting Monitoring across the street from the current parecel (see Dagher and Spear 2014), in Kamaole Beach Park I and Kamaole Beach Park II [TMK: (2) 3-9-005:030 por. and 3-9-005:029 por.]. To date, no historic properties have been identified.

PROJECT AREA EXPECTATIONS

The project area is located in Dune land deposits (Foote *et al.* 1972 Sheet Number 108). Thus, there is a moderate to high probability of the inadvertent finding of traditional Native Hawaiian burials due to the presence of sandy beach deposits which known to contain such evidence throughout the Hawaiian Islands (Kirch 1985). In addition, there is a moderate to high probability of finding subsurface evidence of traditional Native Hawaiian activities including: hearths, postholes, midden deposits, and other occupation debris (*e.g.*, stone tool waste, discarded fishing gear).

MONITORING CONVENTIONS AND METHODOLOGY

This AMP has been prepared in accordance with DLNR-SHPD rules governing standards for Archaeological Monitoring (13-279). Archaeological monitors will adhere to the following guidelines during monitoring:

1. A qualified archaeologist familiar with the project area and the results of previous archaeological work conducted in the general area will monitor all ground altering construction activities along the road corridor. If significant deposits or features are identified and additional field personnel are required, the archaeologist will notify the contractor or representatives before additional personnel are brought to the site.

2. One archaeological monitor will be present for each piece of ground altering machinery within both natural and disturbed contexts. We propose herein, however, given the potential that disturbance is high in the corridor and unlikely to reveal significant cultural deposits, that full-time monitoring be implemented from the commencement of the project. However, after a certain length of time and ground altering work, if no significant historic properties or artifacts, etc. are discovered, the full-time monitoring revert to intermittent or on-call monitoring. The time frame of implementing the change is proposed at two weeks of full-time work, then discussions with the SHPD on an intermittent visitation schedule.

3. If features or cultural deposits are identified during Monitoring, the on-site archaeologist will have the authority to temporarily suspend construction activities at the significant location so that the cultural feature(s) or deposit(s) may be fully evaluated and appropriate treatment of the cultural deposit(s) is conducted. The SHPD will be contacted to establish feature significance and potential mitigation procedures. Treatment activities primarily include documenting the feature/deposit by plotting its location on an overall site map, illustrating a plan view map of the feature/deposit, profiling the deposit in three dimensions, photographing the finds—with the exception of human burials, collecting any artifacts and/or significant soil samples, and triangulating the finds. Construction work and/or back-filling of excavation pits or trenches will only continue in the sample location when all documentation has been completed.

4. Control stratigraphy in association with subsurface cultural deposits will be noted and photographed, particularly those containing significant quantities or qualities of cultural materials. If deemed significant by SHPD and the contracting archaeological firm, these deposits will be sampled.

5. In the event that human remains are encountered, all work in the immediate area of the find will cease; the area will be secured from further activity until burial protocol has been completed. The SHPD Maui-island archaeologist and SHPD-Maui Island Culture History branch will both be immediately contacted about the inadvertent discovery of human remains on the property. Notification of the inadvertent discovery will also be made to the Maui/Lanai Islands Burial Council by the SHPD.

A determination of the minimum number of individuals (MNI), age(s), and ethnicity of the burial(s) will be ascertained in the field. Rules outlined in Chapter 6e, Section 43 shall be followed. Profiles, plan view maps, and illustrative documentation of skeletal parts will be recorded to document the burial(s). The burial location will be identified and marked. If a burial is disturbed during trench excavations, materials excavated from the vicinity of the burial(s) will be manually screened through 1/8-inch wire mesh screens to recover any displaced skeletal material. If the remains are to be removed, the work will be in compliance with HRS 6.E-43.6, Procedures Relating to the Inadvertent Discovery of Human Remains after approval from all parties (SHPD, Burial Council).

6. To ensure that contractors and the construction crew are aware of this Archaeological Monitoring Plan and possible site types to be encountered on the parcel, a brief coordination meeting will be held between the construction team and monitoring archaeologist prior to initiation of the project. The construction crew will also be informed as to the possibility that human burials could be encountered and how they should proceed if they observe such remains.

7. The archaeologist will provide all coordination with the contractor, SHPD, and any other group involved in the project. The archaeological firm will coordinate all monitoring and sampling activities with the safety officers to ensure that proper safety regulations and protective measures meet compliance. Close coordination will also be maintained with construction representatives in order to adequately inform personnel of the possibility that open archaeological units or trenches may occur in the project area.

8. As necessary, verbal reports will be made to SHPD and any other agencies as requested. The contracting archaeologist will notify the SHPD vis written document when the work commences.

LABORATORY ANALYSIS

All samples collected during the project, except human remains, will undergo analysis at the SCS laboratory in Honolulu. In the event that human remains are identified, the SHPD will be immediately consulted per their disposition (remain in place or re-locate).

Photographs, illustrations, and all notes accumulated during the project will be curated at the Honolulu laboratory. All retrieved artifact and midden samples will be thoroughly cleaned, sorted, and analyzed. Significant artifacts will be photographed, sketched, and classified (qualitative analysis). All metric measurements and weights will be recorded (quantitative analysis). These data will be presented in tabular form within the final monitoring report. Midden samples will be minimally identified to major class (*e.g.*, bivalve, gastropod mollusk, echinoderm, fish, bird, mammal). All data will be clearly recorded on standard laboratory forms,

which also include number and weight (as appropriate) of each constituent category. These counts will also be included in the final report.

Should any samples amenable to dating be collected from a significant cultural deposit, they will be prepared in the SCS laboratory and submitted for specialized radiocarbon analysis. While primary emphasis for dating is placed on charcoal samples, we do not preclude the use of other material such as marine shell or nonhuman bone materials. SCS will consult with SHPD and the client if radiocarbon dates are deemed necessary.

All stratigraphic profiles will be drafted for presentation in the final report. Representative plan view sketches showing the location and morphology of identified sites/features/deposits will be compiled and illustrated.

CURATION

The archaeological firm will curate all recovered materials (except human remains, which would remain on-site in a secure area) until a permanent, more suitable curation center is identified. The land owner (County of Maui) may request to curate all recovered cultural materials once analysis has been completed.

REPORTING

An Archaeological Monitoring report documenting the project findings and interpretation, following SHPD guidelines for Archaeological Monitoring reports, will be prepared and submitted 180 days after the completion of fieldwork. This time line is requested to account for any radiocarbon age determinations (typically 30–45 days), if necessary.

If cultural features or deposits are identified during fieldwork, the sites will be evaluated for historical significance and assessed under State and Federal Significance Criteria. The Archaeological Monitoring report will be drafted until accepted by SHPD and will be submitted to both SHPD and to the client.

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APPENDIX G
Cultural Assessment Report

SCS Project Number 878-CIA-1

A CULTURAL IMPACT ASSESSMENT REPORT OF 1.438 ACRES OF LAND IN KAMA`OLE AHUPUA`A, WAILUKU DISTRICT, MAUI ISLAND, HAWAI`I [TMK 3-9-020:32]

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November 2007

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INTRODUCTION

Scientific Consultant Services (SCS), Inc. has been contracted by Victory Development Hawaii, LLC. to conduct a Cultural Impact Assessment of 1.438 acres of land in Kama`ole Ahupua`a, Wailuku District, Maui Island, Hawai`i [TMK: 3-9-020:32] (Figure 1 and 2). According to documents received, the construction of condominiums named the Nani Loa, is proposed.

The Constitution of the State of Hawai`i clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of native Hawaiians. Article XII, Section 7 requires the State to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua`a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (2000). In spite of the establishment of the foreign concept of private ownership and western-style government, Kamehameha III (Kauikeaouli) preserved the peoples traditional right to subsistence. As a result in 1850, the Hawaiian Government confirmed the traditional access rights to native Hawaiian *ahupua`a* tenants to gather specific natural resources for customary uses from undeveloped private property and waterways under the Hawaiian Revised Statutes (HRS) 7-1. In 1992, the State of Hawai`i Supreme Court, reaffirmed HRS 7-1 and expanded it to include, "native Hawaiian rights...may extend beyond the *ahupua`a* in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner" (Pele Defense Fund v. Paty, 73 Haw.578, 1992).

Act 50, enacted by the Legislature of the State of Hawaii (2000) with House Bill 2895, relating to Environmental Impact Statements, proposes that:

> ...there is a need to clarify that the preparation of environmental assessments or environmental impact statements should identify and address effects on Hawaii's culture, and traditional and customary rights...[H.B. No. 2895].

Act 50 requires state agencies and other developers to assess the effects of proposed land use or shoreline developments on the "cultural practices of the community and State" as part of the HRS Chapter 343 environmental review process (2001). Its purpose has broadened, "to promote and protect cultural beliefs, practices and resources of native Hawaiians [and] other

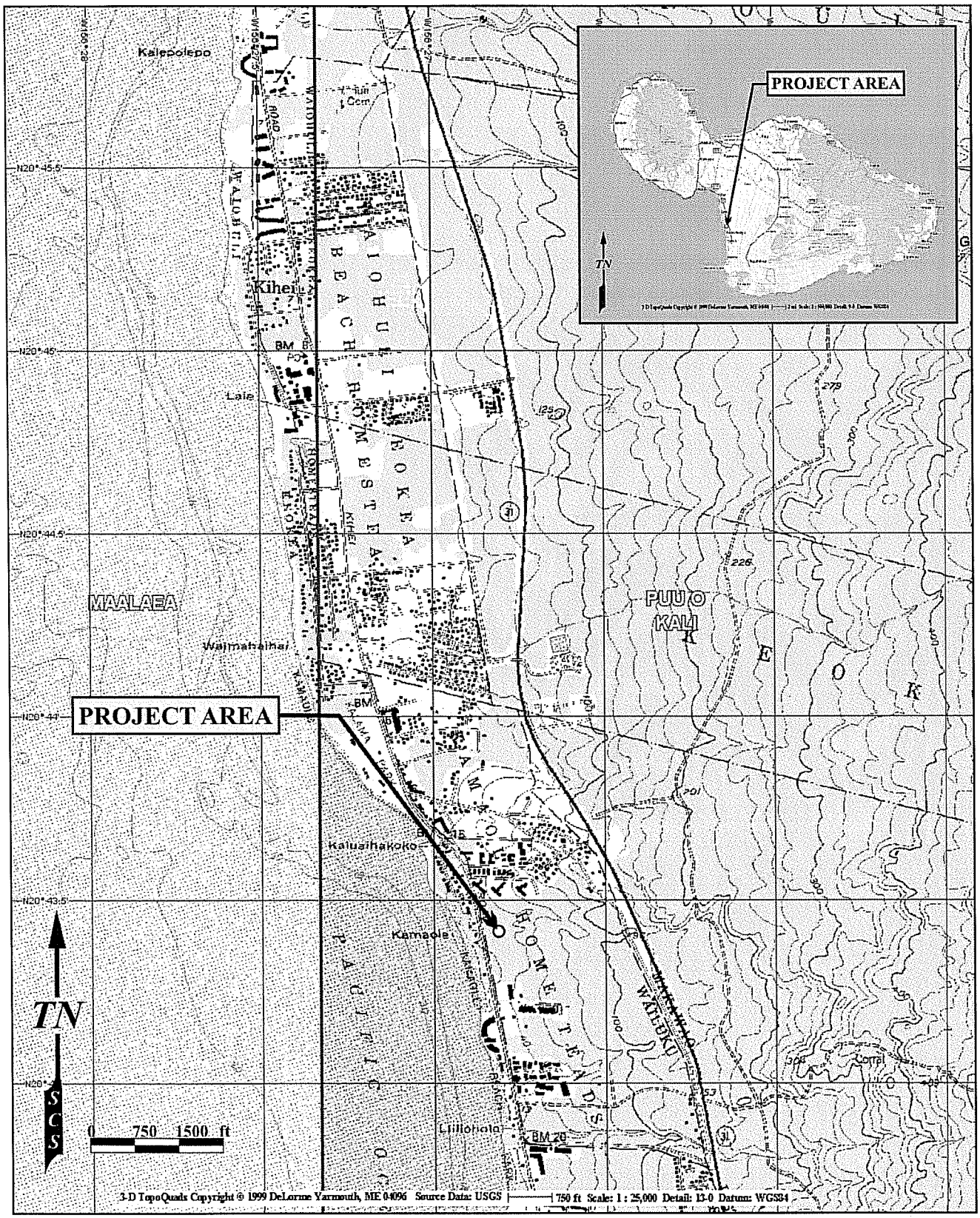

Figure 1: USGS Quadrangle Map Showing the Project Area.

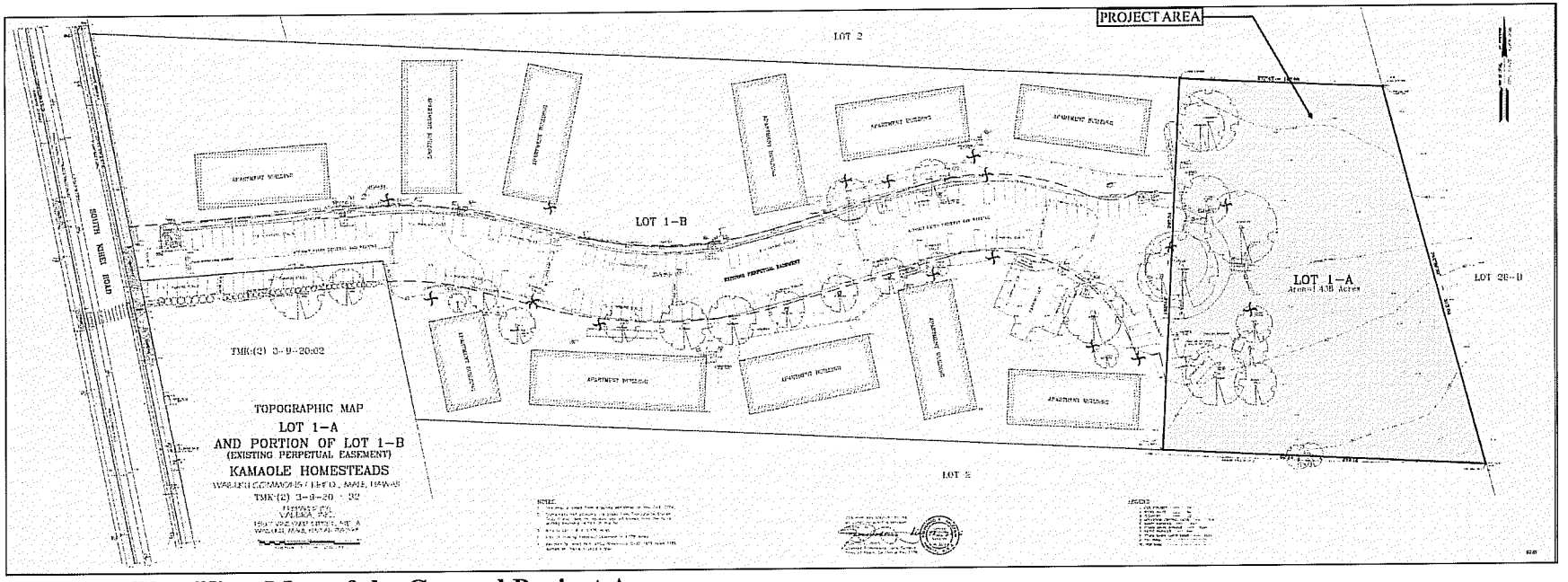

Figure 2: Plan View Map of the General Project Area.

ethnic groups, and it also amends the definition of 'significant effect' to be re-defined as "the sum of effects on the quality of the environment including actions that are...contrary to the State's environmental policies...or adversely affect the economic welfare, social welfare, or cultural practices of the community and State" (H.B. 2895, Act 50, 2000). Thus, not only are properties evaluated for impact to Native Hawaiians, but also for other ethnic groups as well.

Act 50 requires an assessment of cultural practices to be included in the Environmental Assessments and the Environmental Impact Statements, and to be taken into consideration during the planning process. The concept of geographical expansion is recognized by using, as an example, "the broad geographical area, e.g. district or *ahupua`a*" (OEQC 1997). It was decided that the process should identify 'anthropological' cultural practices, rather than 'social' cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice.

According to the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control (OEQC 1997):

> The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religions and spiritual customs. The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both manmade and natural which support such cultural beliefs.

This Cultural Impact Assessment involves evaluating the probability of impacts on identified cultural resources, including values, rights, beliefs, objects, records, properties, and stories occurring within the project area and its vicinity (H.B. 2895, Act 50, 2000).

METHODOLOGY

This Cultural Impact Assessment was prepared in accordance with the methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 1997). In outlining the "Cultural Impact Assessment Methodology", the OEQC state:

> ...information may be obtained through scooping, community meetings, ethnographic interviews and oral histories...[1997].

This report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, its cultural resources, and its practices and beliefs. This Cultural Impact Assessment was prepared in accordance with the methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 1997). The assessment concerning cultural impacts should address, but not be limited to, the following matters:

(1) a discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints of limitations with might have affected the quality of the information obtained;

(2) a description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken;

(3) ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained;

(4) biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area;

(5) a discussion concerning historical and cultural source materials consulted, the institutions and repositories searched, and the level of effort undertaken, as well as the particular perspective of the authors, if appropriate, any opposing views, and any other relevant constraints, limitations or biases;

(6) a discussion concerning the cultural resources, practices and beliefs identified, and for the resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site;

(7) a discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area, affected directly or indirectly by the proposed project;

(8) an explanation of confidential information that has been withheld from public disclosure in the assessment;

(9) a discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs;

(10) an analysis of the potential effect of any proposed physical alteration on cultural resources, practices or beliefs; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place, and;

(11) the inclusion of bibliography of references, and attached records of interviews which were allowed to be disclosed.

Based on the inclusion of the above information, assessments of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

ARCHIVAL RESEARCH

Archival research focused on a historical documentary study involving both published and unpublished sources. These included legendary accounts of native and early foreign writers; early historical journals and narratives; historic maps and land records such as Land Commission Awards, Royal Patent Grants, and Boundary Commission records; historic accounts, and previous archaeological project reports.

INTERVIEW METHODOLOGY

Interviews are conducted in accordance with Federal and State laws and guidelines. Individuals and/or groups who have knowledge of traditional practices and beliefs associated with a project area or who know of historical properties within a project area are sought for consultation. Individuals who have particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area are invited to share their relevant information. Often people are recommended for their expertise or can be located by visiting the area. Organizations, such as Hawaiian Civic Clubs, the Island Branch of Office of Hawaiian Affairs, historical societies, Island Trail clubs, and Planning Commissions are invited

to contribute their input and suggest further avenues of inquiry, as well as specific individuals to interview.

If knowledgeable individuals are identified, personal interviews are sometimes taped and then transcribed. These draft transcripts are returned to each of the participants for their review and comments. After corrections are made, each individual signs a release form, making the information available for this study. When telephone interviews occur, a summary of the information is often sent for correction and approval, or dictated by the informant and then incorporated into the document. Key topics discussed with the interviewees vary from project to project, but usually include: personal association to the *ahupua`a*, land use in the project's vicinity; knowledge of traditional trails, gathering areas, water sources, religious sites; place names and their meanings; stories that were handed down concerning special places or events in the vicinity of the project area; evidence of previous activities identified while in the project vicinity.

In this case initial letters, briefly outlining the development plans along with maps of the project area, were sent to organizations whose jurisdiction includes knowledge of the area with an invitation for consultation. Consultation was sought from the Maui Branch of the Office of Hawaiian Affairs, Community Resource Coordinator; the Office of Hawaiian Affairs, O`ahu; the Cultural Resources Commission for the Maui Planning Department; Cultural Historian for the State Historic Preservation Division, and the Central Maui Civic Club. Based on this research, an assessment of the potential effects on cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

PROJECT AREA AND VICINITY

The project area is an undeveloped lot located in Kīhei, Kama`ole Ahupua`a, Wailuku District (traditional district of Kula). The project area's west perimeter is marked by Kihei Kai Nani Condominium Complex. The south is delineated by a chain link fence marking the northeast border of the Kihei Akahi Condominium Complex and the north side is bounded by an ongoing development. The east is bordered by an area containing *kiawe* (*Prosopis pallida*) and grass (Figure 3).

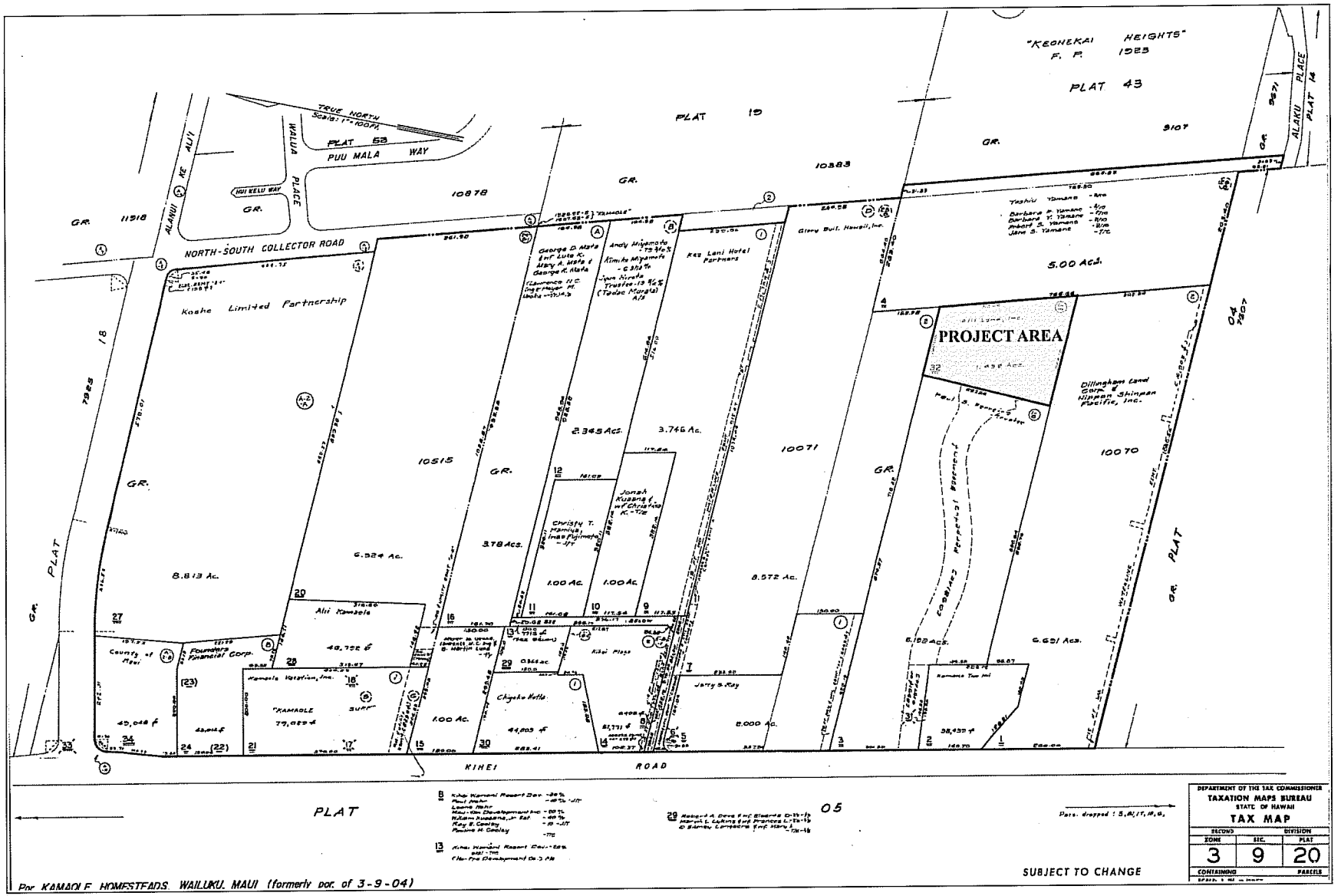

Figure 3: Tax Map Key [TMK] Showing Project Area Location.

CULTURAL HISTORICAL CONTEXT

The island of Maui ranks second in size of the eight main islands in the Hawaiian Archipelago. The Island was formed by two volcanoes, Mount Kukui in the west and Haleakalā in the east. The younger of the volcanic features, Haleakalā, soars 2,727 m (10,023 feet) above sea level and embodies the largest section of the island. Unlike the amphitheater valleys of West Maui, the flanks of Haleakalā are distinguished by gentle slopes. Although it receives more rain than its counterpart in the east, the permeable lavas of the Honomanū and Kula Volcanic Series prevent the formation of rain-fed perennial streams. The few perennial streams found on the windward side of Haleakalā originate from springs located at low elevations. Valleys and gulches were formed by intermittent water run-off. The environment factors and resource availability heavily influenced pre-Contact settlement patterns. Although an extensive population was found occupying the uplands above the 30-inch rainfall line where crops could easily be grown, coastal settlement was also common (Kolb *et al.* 1997). The existence of three fishponds at Kalepolepo, north of the project area, and at least two *heiau* have been identified near the shore.

The literature confirms the presence of a stable population relying mainly on coastal and marine resources. Agriculture may have been practiced behind the dune berms in low-lying marshland or in the vicinity of Kealia Pond. It is suggested that permanent habitation and their associated activities occurred from A.D. 1200 through the present in both the uplands and coastal region (*Ibid.*).

PAST POLITICAL BOUNDARIES

Traditionally, the division of Maui's lands into districts (*moku*) and sub-districts was performed by a *kahuna* (priest, expert) named Kalaiha`ōhia, during the time of the *ali`i* Kaka`alaneo (Fornander places Kaka`alaneo at the end of the 15th century or the beginning of the 16th century [Fornander 1919–20, Vol. 6:248]). Land was considered the property of the king or *ali`i `ai moku* (the *ali`i* who eats the island/district), which he held in trust for the gods. The title of *ali`i `ai moku* ensured rights and responsibilities to the land, but did not confer absolute ownership. The king kept the parcels he wanted, his higher chiefs received large parcels from him and, in turn, they distributed smaller parcels to lesser chiefs. The *maka`āinana* (commoners) worked the individual plots of land.

In general, several terms, such as *moku*, *ahupua`a*, *`ili* or *`ili`* *āina* were used to delineate various land sections. A district (*moku*) contained smaller land divisions (*ahupua`a*) that customarily continued inland from the ocean and upland into the mountains. Extended household groups living within the *ahupua`a* were therefore able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua`a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111). The *`ili `āina* or *`ili* were smaller land divisions next in importance to the *ahupua`a* and were administered by the chief who controlled the *ahupua`a* in which it was located (Lyons 1875:33; Lucas 1995:40). The *mo`o`āina* were narrow strips of land within an *`ili*. The land holding of a tenant or *hoa `āina* residing in an *ahupua`a* was called a *kuleana* (Lucas 1995:61). The project area is located in Kama`ole Ahupua`a, meaning literally "childless" (Pukui *et al.*:81).

TRADITIONAL SETTLEMENT PATTERNS

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua`a*. During pre-Contact times, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture, which included pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinaruma*) and *mai`a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *`uala* (sweet potato, *Ipomoea batatas*) were produced. This was the typical agricultural pattern seen during traditional times on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (A.D. 1200–1400 [Kirch 1985]). According to Handy, there was "continuous cultivation on the coastal region along the northwest coast" of Maui. He wrote:

> On the south side of western Maui the flat coastal plain all the way from Kihei and Ma`alaea to Honokahua, in old Hawaiian times, must have supported many fishing settlements and isolated fishermen's houses, where sweet potatoes were grown in the sandy soil or red lepo [soil] near the shore. For fishing, this coast is the most favorable on Maui, and, although a considerable amount of taro was grown, I think it is reasonable to suppose that the large fishing population, which presumably inhabited this leeward coast, ate more sweet potatoes than taro with their fish...[1940:159].

WAHI PANA (LEGENDARY PLACES)

There is little specific information pertaining directly to Kīhei where the proposed project is located (Clark 1980). Presently, Kīhei refers a six-mile section along the coast from the town

of Kīhei to Keawakapu. Scattered amongst the agricultural and habitation sites were places of cultural significance to the *kama`āina* of the district including at least two *heiau*. In ancient times, there was a small village at Kalepolepo based primarily on marine resources. It was recorded the blustery Kaumuku Winds would occasionally arrive with amazing intensity along the coast (Wilcox 1921).

There were several fishponds in the vicinity of Kīhei; Waiohuli, Kēōkea-kai, and Kalepolepo Pond (also known by the ancient name of Kō`ie`ie Pond; Kolb *et al.* 1997). Constructed on the boundary between Ka`ono`ulu and Waiohui Ahupua`a, these three ponds were some of the most important royal fishponds on Maui. The builder of Kalepolepo and two other ponds (Waiohuli and Kēōkea-kai) has been lost in antiquity, but they were reportedly rebuilt at least three times through history, beginning during the reign of Pi`ilani (1500s; *ibid*; Cordy 2000).

Oral tradition recounts the repairing of the fishponds during the reign of Kiha-Pi`ilani, the son of the great chief Pi`ilani, who had bequeathed the ponds to Umi, ruler of Hawai`i Island. Umi's *konohiki* (land manager) ordered all the people from Maui to help repair the walls of Kalepolepo's fishponds. A man named Kikau protested that the repairs couldn't be done without the assistance of the *menehune* who were master builders (Wilcox 1921:66-67). The *konohiki* was furious and Kikau was told he would die once the repairs had been made. Kēōkea-kai was the first to be repaired. When the capstone was carried on a litter to the site, the *konohiki* rode proudly on top of the rock as it was being placed in the northeast corner of the pond. When it was time for repairs on Waiohuli-kai, the *konohiki* did the same. As the last pond, then known as Ka`ono`ulu-kai, was completed, the *konohiki* once again rode the capstone to its resting place. Before it could be put into position, the capstone broke throwing both the rock and *konohiki* into the dirt. The workers reportedly said "*Ua konohiki Kalepolepo, ua eku i ka lepo*," or, "the manager of Kalepolepo, one who roots in the dirt" (*ibid*:66). That night a tremendous storm threw down the walls of the fishponds. The *konohiki* implored Kikau to help him repair the damage. Kikau called the *menehune* who rebuilt the walls in one night. Umi sent for Kikau who lived in the court of Waipi`o valley from then on. The region o Kēōkea-kai and Ka`ono`ulu-kai fishpond became known as Kalepolepo fishpond (*ibid*).

The Kalepolepo fishponds were rebuilt by Kekaulike, chief of Maui in the 1700s, at which time it supplied *`ama`ama* (mullet) to Kahekili II. Again, it was restored by Kamehameha I when he ruled as governing chief over Maui and for the last time in the 1840s when prisoners from Kaho`olawe penal colony were sent to do repairs (Kamakau 1961; Wilcox 1921). At this time, stones were taken from Waiohuli-kai pond for the reconstruction of Kalepolepo. It was here at Kalepolepo that Kamehameha I reportedly beached his victorious canoes after subduing

the Maui chiefs. The stream draining into Kealia pond (north of the project area) became sacred to royalty and *kapu* to commoners (Stoddard 1894).

Trails extended from the coast to the mountains, linking the two for both economic and social reasons. A trail known as the *alanui* or "King's trail" built by Kihapi`ilani, extended along the coast passing through all the major communities between Lāhainā and Mākena, including Kīhei. One trail, named "*Kekuawaha`ula`ula*" or the "red-mouthed god", extended from Kīhei inland to Kēōkea . Another, the Kaleplepo trail, began at the Kalepolepo fishpond and continued to upland Waiohuli. These trails were not only used in the pre-Contact era, but were expanded to accommodate wagons bringing produce to the coast in the 1850s (Kolb *et al.* 1997:61).

HISTORIC PERIOD

Early records, such as journals kept by explorers, travelers and missionaries, Hawaiian traditions that survived long enough to be written down, and archaeological investigations have assisted in the understanding of past cultural activities. Unfortunately, early descriptions of this portion of the Maui coast are brief and infrequent. Captain King, Second Lieutenant on the *Revolution* during Cook's third voyage briefly described what he saw from a vantage point of "eight or ten leagues" (approximately 24 miles) out to sea as his ship departed the islands in 1779 (Beaglehole 1967). He mentions Pu`u Ōla`i south of Kīhei and enumerates the observed animals, thriving groves of breadfruit, the excellence of the taro, and almost prophetically, says the sugar cane is of an unusual height. Seen from this distance and the mention of breadfruit suggest the uplands of Kīpahulu-Kaupo and `Ulupalakua were his focus.

In the ensuing years, LaPérouse (1786), Nathaniel Portlock and George Dixon, (also in 1786), sailed along the western coast, but added little to our direct knowledge of Kīhei. During the second visit of Vancouver in 1793, his expedition becalmed in the Ma`alaea Bay close to the project area. (A marker commemorating this visit is located across from the Maui Lu Hotel). He reported:

> The appearance of this side of Mowee was scarcely less forbidding than that of its southern parts, which we had passed the preceding day. The shores, however, were not so steep and rocky, and were mostly composed of a sandy beach; the land did not rise so very abruptly from the sea towards the mountains, nor was its surface so much broken with hills and deep chasms; yet the soil had little appearance of fertility, and no cultivation was to be seen. A few habitations were promiscuously scattered near the waterside, and the inhabitants who came off to us, like those seen the day before, had little to dispose of [Vancouver 1984:852].

Archibald Menzies, a naturalist accompanying Vancouver stated, "...we had some canoes off from the latter island [Maui], but they brought no refreshments. Indeed, this part of the island appeared to be very barren and thinly inhabited" (Menzies 1920:102). According to Kahekili, then chief of Maui, the extreme poverty in the area was the result of the continuous wars between Maui and Hawai`i Island causing the land to be neglected and human resources wasted (Vancouver 1984:856).

THE GREAT MĀHELE

In the 1840s, traditional land tenure shifted drastically with the introduction of private land ownership based on Western law. While it is a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kauikeaouli (Kamehameha III) was forced to establish laws changing the traditional Hawaiian economy to that of a market economy (Kame`eleihiwa 1992:169–70, 176; Kelly 1983:45, 1998:4; Daws 1962:111; Kuykendall 1938 Vol. I:145). The Great *Māhele* of 1848 divided Hawaiian lands between the king, the chiefs, the government, and began the process of private ownership of lands. The subsequently awarded parcels were called Land Commission Awards (LCAs). Once lands were thus made available and private ownership was instituted, the *maka`āinana* (commoners), if they had been made aware of the procedures, were able to claim the plots on which they had been cultivating and living. These claims did not include any previously cultivated but presently fallow land, *`okipū* (on O`ahu), stream fisheries, or many other resources necessary for traditional survival (Kelly 1983; Kame`eleihiwa 1992:295; Kirch and Sahlins 1992). If occupation could be established through the testimony of two witnesses, the petitioners were awarded the claimed LCA and issued a Royal Patent after which they could take possession of the property (Chinen 1961:16). No LCAs were located near the present project area.

Traditionally, Kama`ole was a part of the Kula District. Kauikeaouli (Kamehameha III) retained ownership of some portions of his Kula lands including Kama`ole Ahupua`a (Kame`eleihiwa (1992). The nearest LCA awards occur directly on the Kalepolepo Village coastline to the north, and include house lots, potato gardens, some taro lands, and pastures (Colin *et al.* 2000).

As western influence grew, Kalepolepo in northern Kīhei became an important provisioning area. Europeans were now living or frequently visiting the coast and several churches and missionary stations were established. A Mr. Halstead left medical school on the East coast of the continent to become a whaler and after marrying the granddaughter of Issac Davis, settled in Kalepolepo on land given him by Kamehameha III (Kolb et al. 1997). His

residence and store situated at Kalepolepo landing was known as the Koa House having been constructed of *koa* logs brought from the uplands of Kula. The store flourished due to the whaling and potato industry and provided an accessible port for exported produce. Several of Hawai`i's ruling monarchs stayed at the Koa House, including Kauikeaouli (Kamehameha III), Kamehameha the 1V, Lot Kamehameha (V), and Lunalilo. Wilcox, giving a glimpse of the surroundings before abandonment, stated: "...Kalepolepo was not so barren looking a place. Coconut trees grew beside pools of clear warm water along the banks of which grew taro and ape..." (1921:67). However, by 1887 this had changed. Wilcox continues:

> ...the Kula mountains had become denuded of their forests, torrential winter rains were washing down earth from the uplands, filling with silt the ponds at Kalepolepo...ruins of grass huts [were] partly covered by drifting sand, and a few weather-beaten houses perched on the broad top of the old fish pond wall at the edge of the sea, with the Halstead house looming over them dim and shadowy in the daily swirl of dust and flying sand..." [1921]

As early as 1828, sugar cane was being grown on Maui (Speakman 1981:114). Sugar was established in the Makawao area in the late 1800s and by 1899, the Kihei Plantation Company (KPC) was growing cane in the plains above Kīhei. The Kihei Plantation was absorbed by the Hawaiian Commercial and Sugar Company (HC&SC) in 1908, and they continued cultivating what had been the KPC fields into the 1960s. A 200-foot-long wharf was constructed in Kīhei at the request of Maui plantation owners and farmers and served inter-island boats for landing freight and shipping produce to Honolulu (Clark 1980). In 1927, Alexander and Baldwin became the agents for the plantation (Condé and Best 1973). A landing was built at Kīhei (meaning "cape" or "cloak"; Pukui *et al.* 1974: 110) around 1890. A 1929 map of Maui shows the vicinity of Kīhei landing as a destination for the HC&SC railroad, extending through an underdeveloped terrain.

Coastal activity remained concentrated in Kalepolepo from the mid 1800s through the early 1900s. Kīhei in coastal Kula was known as a dry, dusty place but Haleakalā Ranch was able to utilize the lands for cattle (Donham 1990). Sugar cultivation continued through the 1970s in the upland areas of the Kula District and down to the Kīhei region. During WWII, the coastal section of Kīhei was used for amphibious training. The area continued to steadily grow until the 1970s when Kīhei and the neighboring coastal areas underwent rapid and prolonged development for residential and commercial projects.

SUMMARY AND CULTURAL ASSESSMEMNT

The "level of effort undertaken" to identify potential effect by a project to cultural resources, places or beliefs (OEQC 1997) has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected by the project or who know its history, research identifying sensitive areas and previous land use, holding meetings in which the public is invited to testify, notifying the community through the media, and other appropriate strategies based on the type of project being proposed and its impact potential. Sending inquiring letters to organizations concerning development of a piece of property that has already been totally impacted by previous activity and is located in an already developed industrial area may be a "good faith effort". However, when many factors need to be considered, such as in coastal or mountain development, a good faith effort might mean an entirely different level of research activity.

In the case of the present parcels, letters of inquiry were sent to organizations whose expertise would include the project area. Consultation was sought from the Maui Branch Office of Hawaiian Affairs, Community Resource Coordinator; the Office of Hawaiian Affairs, O`ahu; the Maui Planning Department Cultural Resources Commission; the Central Maui Hawaiian Civic Club; and the State Historic Preservation Division Cultural Historian.

Additionally, historical and cultural source materials were also consulted, extensively used, and can be found listed in the References Cited portion of the report. Such scholars as Kamakau (1961), Thrum (1908, 1916 1917), Fornander (1919, 1969), Walker (1930), Kuykendall (1938), Beckwith (1940), Chinen (1961), Handy and Handy (1972), Puku`i *et al.* (1974), Kelly (1983, 1998), and Kame`eleihiwa (1992) have contributed, and continue to contribute, to our knowledge and understanding of Hawai`i, past and present. The works of these and other authors were consulted and incorporated in the report where appropriate. Land use document research was supplied by the Waihona `Aina Data base (2005).

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which cultural practices take place is a requirement of the OEQC (No. 10, 1997). The passing of Act 50 in April 2000 mandates the assessment of impacts on cultural practices by the proposed project. As stated earlier, this includes the cultural resources of the different groups comprising the multi-

ethnic community of Hawai`i. Cultural resources can include sites, behaviors, values, beliefs, rights and stories, among other things.

The project area does not appear to have been used for traditional cultural purposes within recent times. Based on historical research and the lack of response from the Maui Branch of the Office of Hawaiian Affairs, Community Resource Coordinator; the Office of Hawaiian Affairs, O`ahu; the Cultural Resources Commission for the Maui Planning Department; Cultural Historian for the State Historic Preservation Division, and the Central Maui Civic Club, it is reasonable to conclude that Hawaiian rights related to gathering, access or other customary activities will not be affected and there will be no direct adverse effect upon cultural practices or beliefs on Parcel 32. Visual impact would appear to be minimal based on the location of the project area. Because there were no activities identified on Parcel 06, there were no adverse effects.

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APPENDIX H
Preliminary Engineering Report

PRELIMINARY ENGINEERING REPORT

FOR

NANI LOA

Kihei, Maui, Hawaii

T.M.K.: (2) 3-9-020: 032

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PRELIMINARY ENGINEERING REPORT
FOR
NANI LOA
T.M.K.: (2) 3-9-020: 032

1.0 INTRODUCTION

The purpose of this report is to provide information on the existing infrastructure which will be servicing the proposed project. It will also evaluate the adequacy of the existing infrastructure and anticipated improvements which may be required for the proposed project.

The subject parcel is identified as T.M.K.: (2) 3-9-020: 032 and encompasses an area of 1.438 acres. It is also Lot 1-A of the Kamaole Homesteads. The project site is bordered by the ongoing construction of the Aloha Village project to the north, vacant land to the east, Kihei Akahi the south, and the Kihei Kai Nani to the west.

The development plan includes one three-story building with 11 units and one four-story building with 28 units, a swimming pool, and an outdoor barbeque area and restrooms. Associated improvements include grading, paved parking areas, utility connections, and landscaping.

2.0 EXISTING INFRASTRUCTURE

2.1 ROADWAYS

Piilani Highway is the primary road linking Kihei, Wailea, and Makena to other areas on Maui. Piilani Highway is a four-lane highway, which is owned and maintained by the State.

South Kihei Road is a two-lane, County-owned roadway, which runs parallel to Piilani Highway along the coastline. South Kihei Road

serves most of the commercial and residential communities in the Kihei region.

The proposed North-South Collector Road is located between Piilani Highway and South Kihei Road, approximately 250 feet east of the project site. Portions of this roadway are improved and the County of Maui is in the planning stages of improving additional sections of the North-South Collector Road.

Ke Alii Alanui Road, Kanani Road, Keonekai Road and Kilohana Drive are the nearby roadways running in the east-west direction in the vicinity of the project site. Kanani Road, Ke Alii Alanui and Kilohana Drive are signalized at its intersections with Piilani Highway. With the exception of Kilohana Drive, these roadways are owned by the County.

There is a perpetual access and utility easement in favor of the subject property from South Kihei Road through the Kihei Kai Nani property. The easement traverses through the existing driveway and parking area of the Kihei Kai Nani, which currently provides access to the subject property.

2.2 DRAINAGE

The elevation on the site ranges from elevation 54 feet above mean sea level at the northeasterly corner of the site to 34 feet above mean sea level at the midpoint of the westerly boundary, averaging approximately 9.0%.

There is an existing drainageway traversing through the middle of the site. Presently, runoff in the drainageway flows toward the westerly boundary of the site into an existing 2'-0" x 7'-6" concrete box culvert and outlets below the existing planter at mauka end of the parking lot for the Kihei Kai Nani. The runoff sheet flows

through the existing parking area toward South Kihei Road. According to the *Drainage Master Plan for Kihei, Maui, Hawaii*, August 1997, prepared by Norman Saito Engineering Consultants, Inc., the 100-year flow in the existing drainageway is 660 cfs at the existing 2'-0" x 7'-6" concrete box culvert.

According to Panel Number 150003 0588F of the Flood Insurance Rate Map, September 19, 2012, prepared by the United States Federal Emergency Management Agency, the project site is situated in Flood Zone X, which represents areas outside the 0.2% annual chance floodplain.

According to the "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972)," prepared by the United States Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Dune land (DL) and Puuone sand (PZUE). Dune land consists of hills and ridges of sand-sized particles drifted and piled by the wind. The hills and ridges are actively shifting or are so recently fixed or stabilized that no soil horizons have developed. Puuone sand is characterized as having rapid permeability above the cemented layer, slow runoff and a moderate to severe wind erosion hazard.

It is estimated that the existing 50-year, 1-hour storm runoff from the project site is 1.973 cfs, corresponding to a runoff volume of 1,539 cubic feet.

2.3 SEWER

There is an existing 8-inch sewer stubout within the project site which connects to the existing sewerline in the perpetual easement over the Kihei Kai Nani project site. The sewerline traverses down the driveway and parking area of the Kihei Kai Nani and connects to the existing 24-inch sewer main on South Kihei Road, which

transports sewer to the existing sewer pump station located in Kalama Park. Wastewater collected from the Kihei area is transported to the Kihei Wastewater Treatment Plant located above Piilani Highway and south of the Elleair Maui Golf Course.

2.4 WATER

Domestic water and fire flow will be provided by the County's water system. There is an existing 12-inch waterline along South Kihei Road, which can adequately provide service for the project.

Storage for the project area is provided by a 2.0 million gallon concrete tank, known as the Kamaole tank at an elevation of approximately 311.5 feet. It is located above Piilani Highwway, approximately 3,800 feet to the east of the project site.

The source for the water system is the Mokuhau wells located in Happy Valley.

2.5 ELECTRIC, TELEPHONE, AND CABLE TV

The existing electrical distribution system on South Kihei Road is overhead and on the Makai side of South Kihei Road. All of the electrical, telephone, and cable TV distribution systems in the adjoining developed properties have been installed underground.

3.0 ANTICIPATED INFRASTRUCTURE IMPROVEMENTS

3.1 ROADWAYS

Access for the proposed project will be from the existing concrete and paved driveway for the Kihei Kai Nani. These improvements are located within the existing perpetual access and utility easement.

The Traffic Impact Assessment Report, prepared by the Phillip Rowell and Associates in June 2014 concluded that no mitigation is recommended. The report found that the proposed Nani Loa development is not expected to have a significant impact on traffic operations in the project vicinity. The critical traffic movements at the intersections in the project vicinity (South Kihei Road at Kihei Kai Nani and South Kihei Road at Keonekai Road) are anticipated to operate at similar levels of service with or without the project traffic.

3.2 DRAINAGE

After the development of the proposed project, it is estimated that the 50-year, 1-hour storm runoff will be 5.86 cfs, a net increase of 4.209 cfs. The corresponding increase in runoff volume will be 686 cubic feet (2,225 cubic feet – 1,539 cubic feet). Onsite runoff will be intercepted by grated catch basins located within the paved parking and landscape areas. The runoff will be conveyed to an onsite subsurface drainage system, which will be located in the pavement and landscaped areas. The subsurface drainage system consists of a perforated drainline embedded in crushed rock which will be wrapped with a layer of filter fabric. Surface runoff entering the perforated pipe will be allowed to infiltrate into the ground. The subsurface drainage system will be designed and sized to accommodate the increase in surface runoff volume from a 50-year, 1-hour storm created by the proposed project plus an additional 20 percent of the increase in runoff.

The drainage design criteria will be to minimize any alterations to the natural pattern of the existing onsite surface runoff and reduce the quantity of runoff sheet flowing from the project to the downstream properties. The proposed drainage system will be designed in accordance with Chapter 4, “Rules for the Design of Storm Drainage Facilities in the County of Maui.”

3.3 SEWER

The proposed 39-unit apartment complex will generate approximately 9,945 gallons of wastewater daily. The onsite sewerage collection system will be designed to accommodate this flow. At the present time, the existing collection and transmission systems, pumping facilities and treatment plant have the capacity to handle the anticipated wastewater generated by the project.

According to the Wastewater Reclamation Division, County of Maui, as of August 27, 2013, the KWRF has a capacity of 8.0 million gallons per day (mgd). The average flow into the KWRF is 3.5 mgd and the allocated capacity is 6.805 mgd. The remaining capacity at the KWRF is approximately 1.2 mgd.

The onsite sewer system will consist of a gravity flow system which will connect to the existing 8-inch sewerline on within the perpetual access and utility easement and to the 24-inch sewerline on South Kihei Road.

The subject project is located within the Kihei Assessment Area 7. At the present time, the County is assessing sewer fees of $210.00 per apartment unit for the collection system upgrade and $1,185.75 per apartment unit for the treatment plant facility expansion.

3.4 WATER

In accordance with the Department of Water Supply's Domestic Consumption Guidelines for multi-family residential development, the average daily demand for the 39-unit apartment is approximately 21,840 gallons per day. Fire flow demand for multi-family residential development is 2,000 gallons per minute for a 2-hour duration. Fire hydrants will be installed with a maximum spacing of 250 feet.

As part of the building permit process, domestic water and fire flow calculations will be provided to determine the adequacy of the existing water system, in accordance with the rules of the Department of Water Supply.

3.5 ELECTRIC, TELEPHONE, AND CABLE TV

The proposed electrical, telephone and cable TV distribution systems in the subject development will be installed underground from South Kihei Road. Interior project lighting will be provided as approved by the Department of Planning.

APPENDIX A

HYDROLOGIC CALCULATIONS

Hydrologic Calculations

Purpose: Determine the increase in onsite surface runoff due to the development of the project site based on a 50-year, 1-hour storm.

A. Determine the Runoff Coefficient (C):

EXISTING CONDITIONS:

Infiltration (Medium)	=	0.07
Relief (Rolling)	=	0.03
Vegetal Cover (Good)	=	0.03
Development Type (Open)	=	0.15
C	=	0.28

DEVELOPED CONDITIONS:

ROOF AREAS:

Infiltration (Negligible)	=	0.20
Relief (Hilly)	=	0.06
Vegetal Cover (None)	=	0.07
Development Type (Roof)	=	0.55
C	=	0.88

PAVED AREAS:

Infiltration (Negligible)	=	0.20
Relief (Flat)	=	0.00
Vegetal Cover (None)	=	0.07
Development Type (Pavement)	=	0.55
C	=	0.82

LANDSCAPE AREAS:

Infiltration (Medium)	=	0.07
Relief (Flat)	=	0.00
Vegetal Cover (Good)	=	0.03
Development Type (Open)	=	0.15
C	=	0.25

DEVELOPED CONDITIONS:

Paved Area = 0.569 Acres

Roof Area = 0.510 Acres

Landscaped Area = 0.359 acres

WEIGHTED C = 0.70

B. Determine the 50-year 1-hour rainfall:

i_{50} = 2.5 inches

Adjust for time of concentration to compute Rainfall Intensity (I):

Existing Condition:

T_c = 13 minutes

I = 4.901 inches/hour

Developed Condition:

T_c = 6 minutes

I = 6.133 inches/hour

C. Drainage Area (A) = 1.438 Acres

D. Compute the 50-year storm runoff volume (Q):

Q = CIA

Existing Conditions:

Q = (0.28)(4.901)(1.438)

= 1.973 cfs

Developed Conditions:

Q = (0.69)(6.133)(1.438)

= 6.182 cfs

The increase in runoff due to the proposed development is 6.182 - 1.973 = 4.209 cfs. The increase in runoff volume due to the proposed development is 2,225 cubic feet – 1,539 cubic feet = 686 cubic feet.

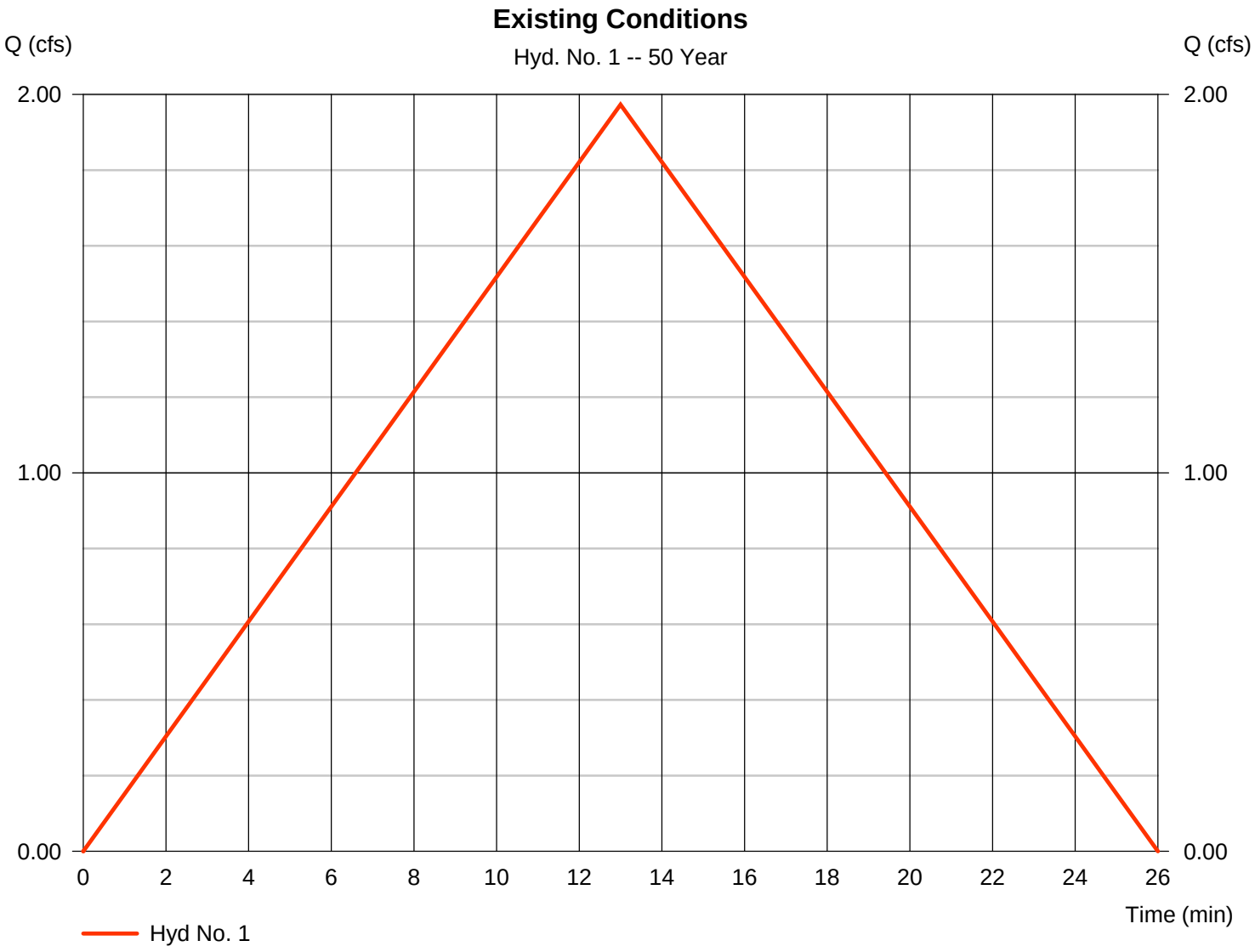
Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2014 by Autodesk, Inc. v10.3 Wednesday, 07 / 9 / 2014

Hyd. No. 1

Existing Conditions

Hydrograph type	=	Rational	Peak discharge	=	1.973 cfs
Storm frequency	=	50 yrs	Time to peak	=	13 min
Time interval	=	1 min	Hyd. volume	=	1,539 cuft
Drainage area	=	1.438 ac	Runoff coeff.	=	0.28
Intensity	=	4.901 in/hr	Tc by User	=	13.00 min
IDF Curve	=	2-5.IDF	Asc/Rec limb fact	=	1/1



Hydrograph Report

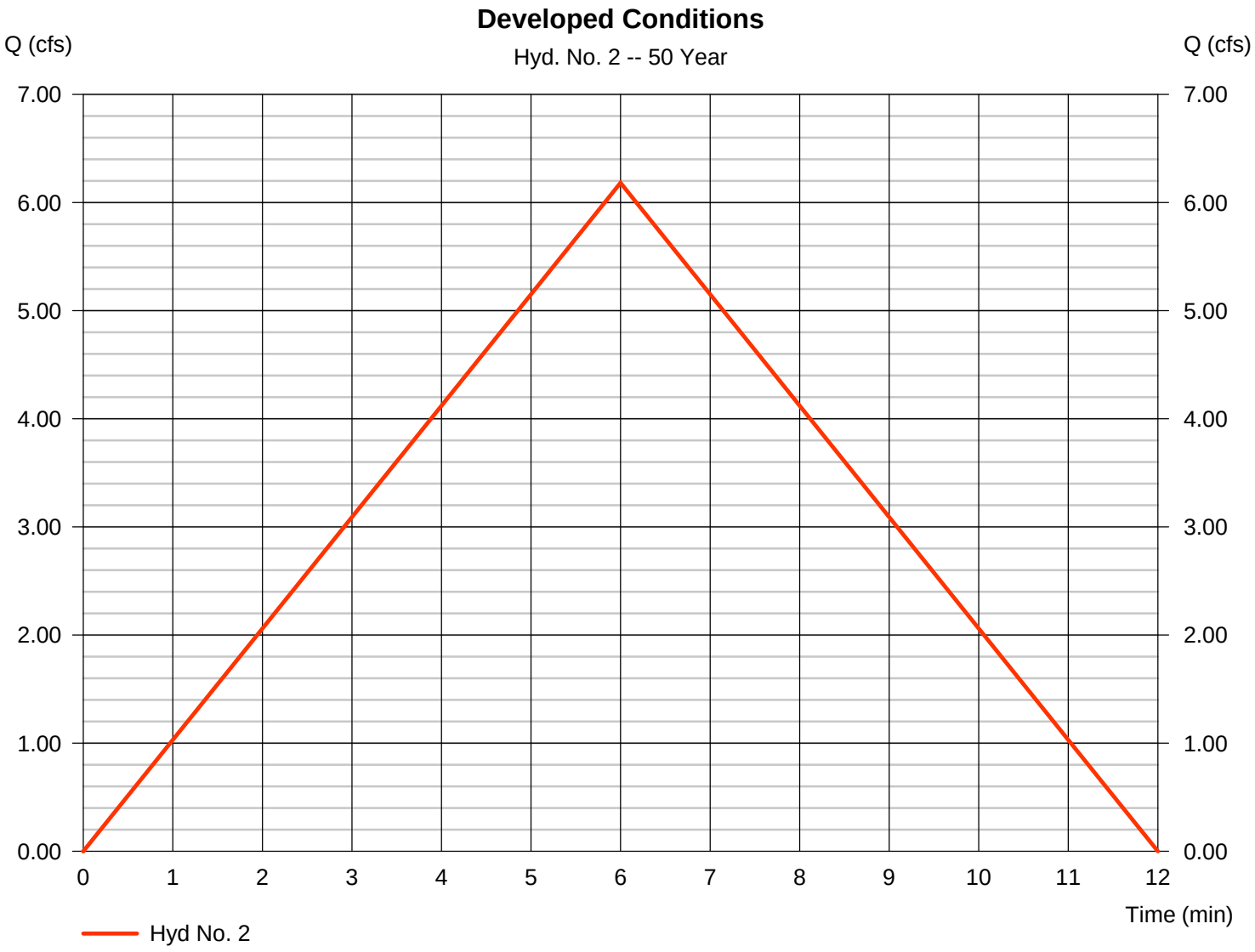
Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2014 by Autodesk, Inc. v10.3 Wednesday, 07 / 9 / 2014

Hyd. No. 2

Developed Conditions

Hydrograph type	=	Rational	Peak discharge	=	6.182 cfs
Storm frequency	=	50 yrs	Time to peak	=	6 min
Time interval	=	1 min	Hyd. volume	=	2,225 cuft
Drainage area	=	1.440 ac	Runoff coeff.	=	0.7*
Intensity	=	6.133 in/hr	Tc by User	=	6.00 min
IDF Curve	=	2-5.IDF	Asc/Rec limb fact	=	1/1

* Composite (Area/C) = [(0.510 x 0.88) + (0.359 x 0.25) + (0.569 x 0.82)] / 1.440



APPENDIX B

WATER DEMAND CALCULATIONS

WATER DEMAND CALCULATIONS

Per 2002 Water System Standards:

Average Daily Demand (ADD) = 560 gallons per unit or 5,000 gallons per acre

ADD = (560 gallons/unit) x (39 units) = 21,840 gallons per day

ADD = (5,000 gallons/acre) X (1.438 acres) = 7,190 gallons per day

Average Daily Demand is 21,840 gallons (Greater of the two consumption)

APPENDIX C

WASTEWATER CALCULATIONS

WASTEWATER CALCULATIONS

Per the 1993 Wastewater Flow Standards:

Wastewater Contribution for a Multi-Family Unit is 255 gallons/day/unit

Contribution = (39units) x (255 gallons/unit/day) = 9,945 gallons per day

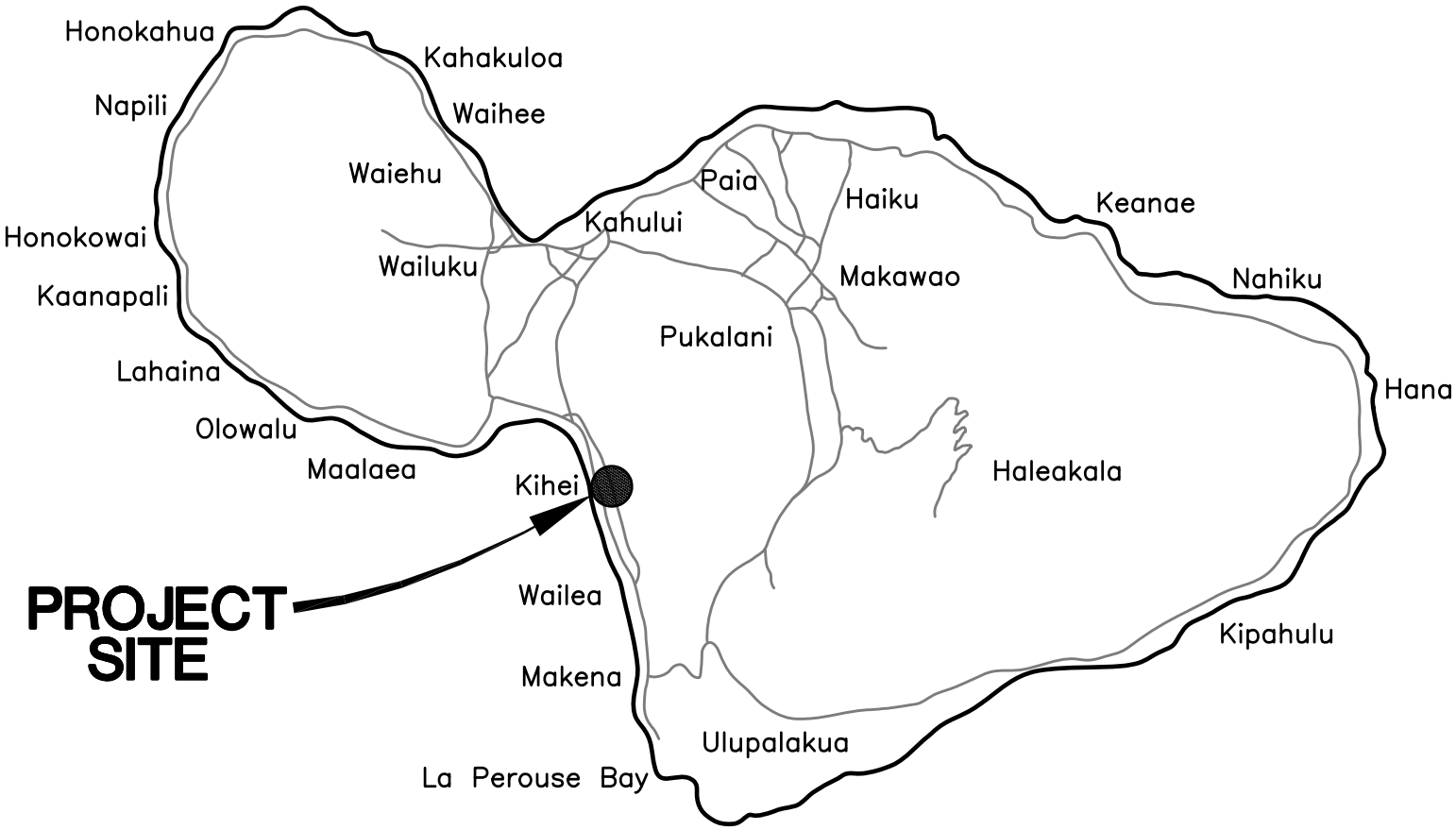
EXHIBITS

1 Location Map

2 Vicinity Map

3 Soil Survey Map

4 Flood Insurance Rate Map

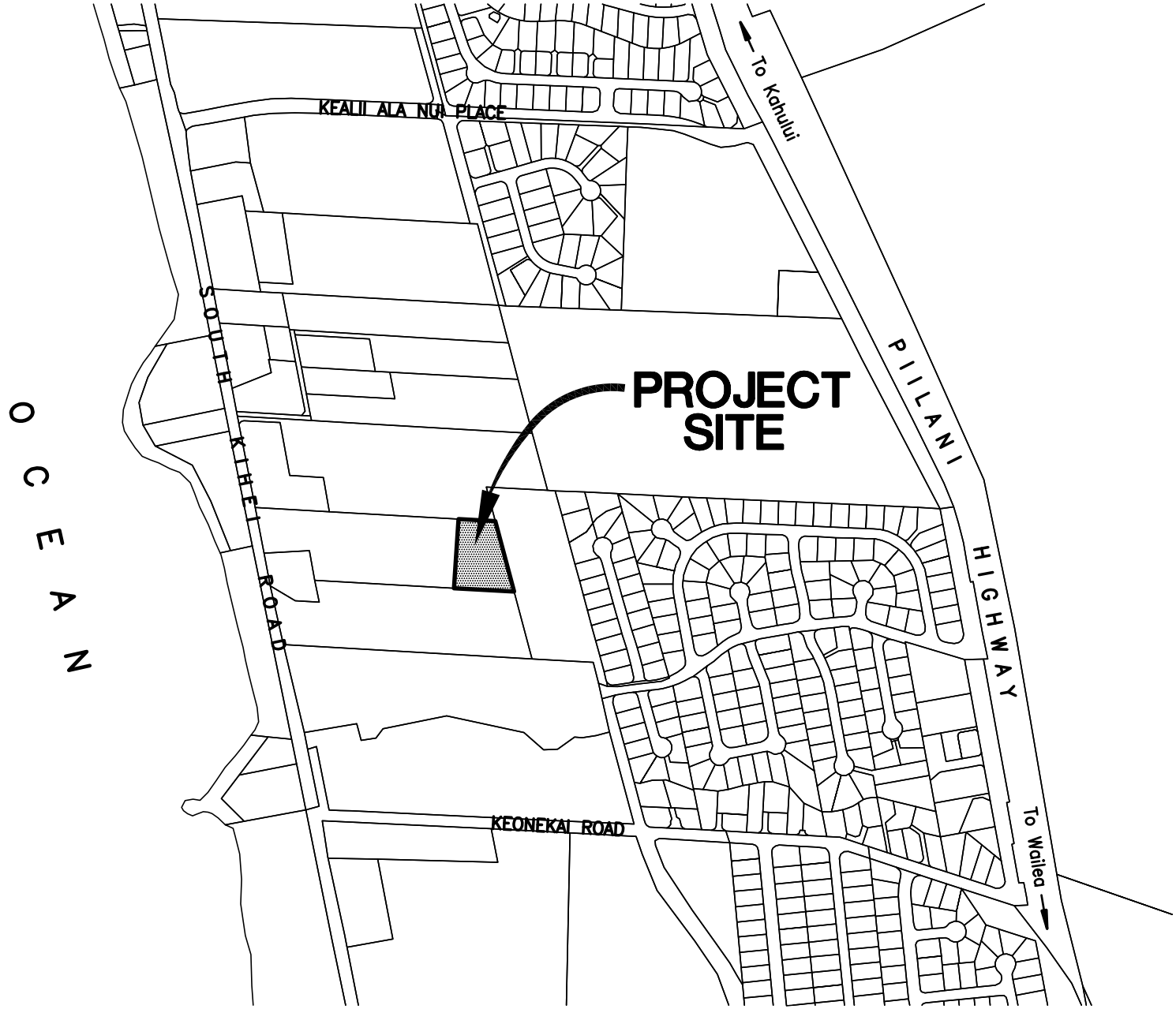


N

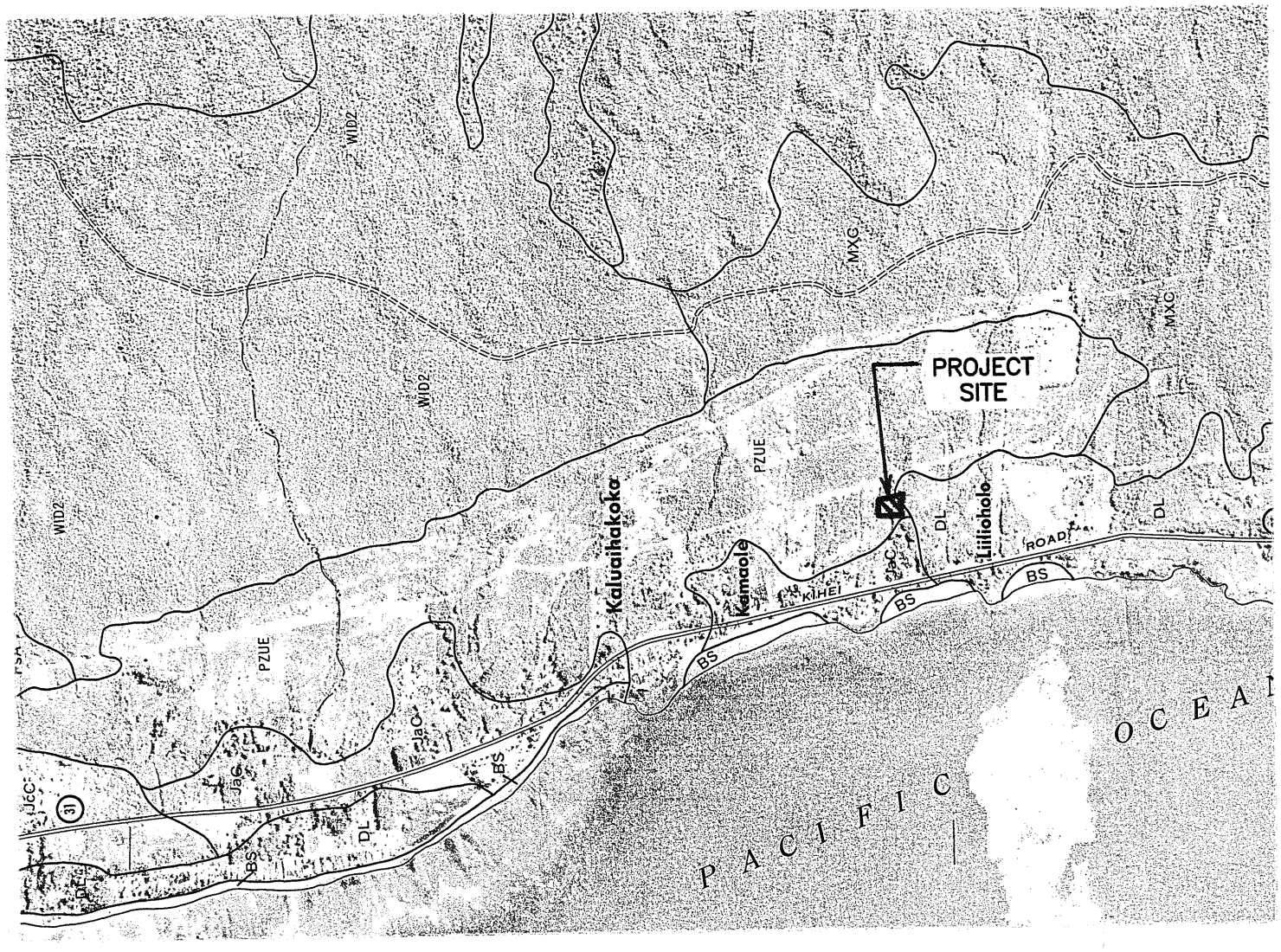
ISLAND OF MAUI

NOT TO SCALE

LOCATION MAP
EXHIBIT 1



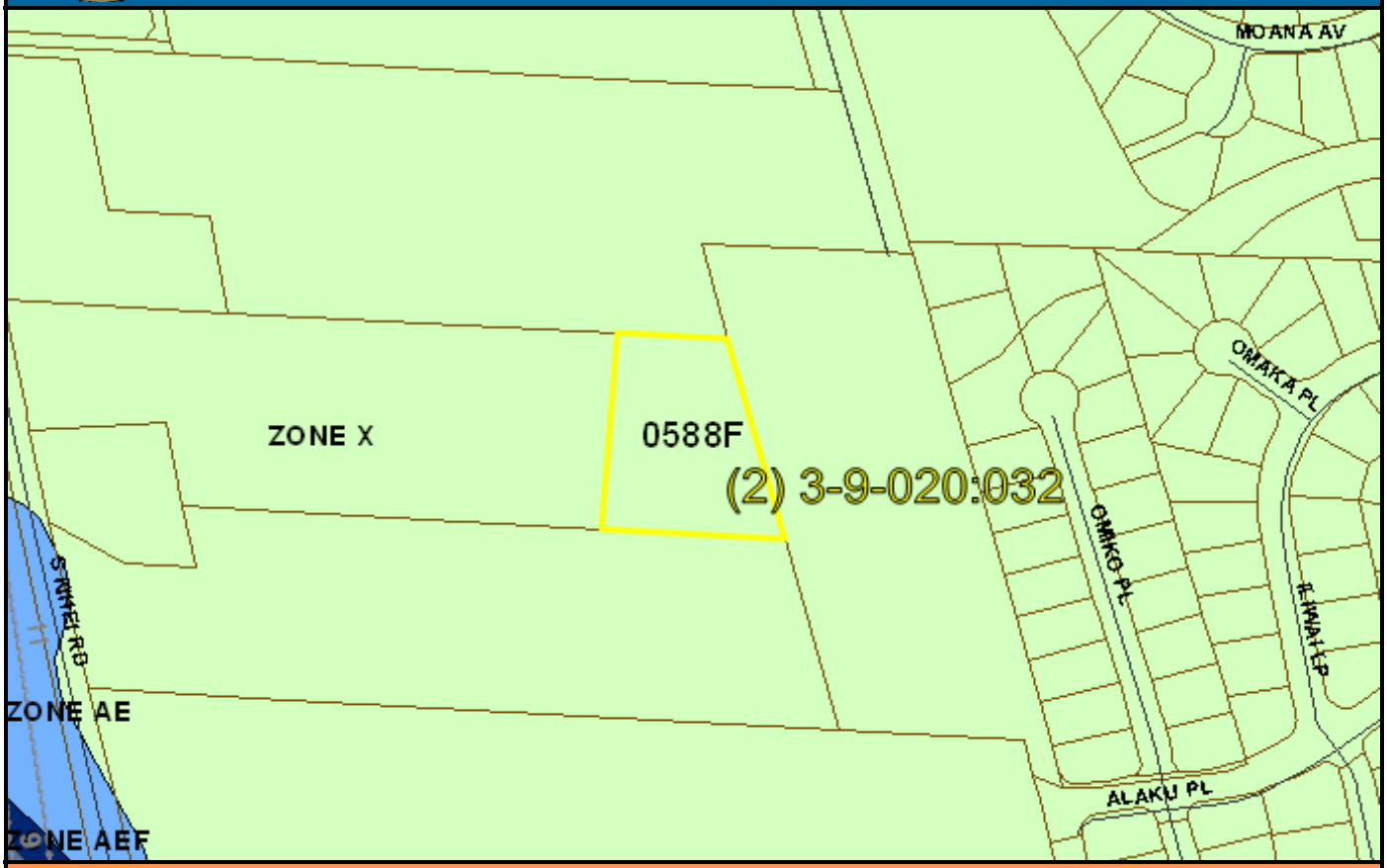
VICINITY MAP
EXHIBIT 2



SOIL SURVEY MAP
EXHIBIT 3

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) 3-9-020-032
PARCEL ADDRESS:	2505 S KIHEI RD KIHEI, HI 96753
FIRM INDEX DATE:	SEPTEMBER 19, 2012
LETTER OF MAP CHANGE(S):	NONE
FEMA FIRM PANEL(S):	1500030588F
PANEL EFFECTIVE DATE:	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.

EXHIBIT 4

FLOOD INSURANCE RATE MAP

APPENDIX I

Traffic Impact Analysis Report

Phillip Rowell and Associates
47-273 'D' Hui Iwa Street Kaneohe, Hawaii 96744 Phone: (808) 239-8206 FAX: (808) 239-4175 Email:prowell@hawii.rr.com

December 30, 2014

Victory Development, Inc.
c/o Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Maui, HI 96793

Attn: Raymond Cabebe

Re: **Traffic Impact Assessment Report**
Nani Loa Condominiums, 2505 South Kihei Road, Kihei, Maui, Hawaii

Dear Raymond:

Phillip Rowell and Associates have completed the following Traffic Impact Assessment Report (TIAR) for Nani Loa Condominiums, a proposed multi-family residential project in Kihei. The report is presented in the following format:

A. Project location and Description
B. Purpose and Objective of Study
C. Study Approach
D. Description of Existing Roadways and Intersections
E. Existing Peak Hour Traffic Volumes
F. Public Transportation
G. Level-of-Service Concept
H. Existing (2014) Levels-of-Service
I. Existing Deficiencies
J. 2020 Background Traffic Conditions
K. Project Trip Generation
L. Background Plus Project Projections
M. Traffic Impact Assessment
N. Mitigation
O. Summary and Recommendations

A. Project location and Description

The proposed action is the construction of 39 multi-family residential condominiums. The project is located at the east end of the driveway of Kihei Kai Nani. The address is 2505 South Kihei Road. The site is currently vacant.

A site plan is provided as Attachment A. Access and egress will be provided by the existing Kihei Kai Nani Driveway.

B. Purpose and Objective of Study

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

C. Study Approach

1. A preliminary trip generation analysis was performed to determine the scope of the traffic analysis required and the intersections to be studied. This analysis estimated that the project could generate 24 trips during the morning peak hour and 28 trips during the afternoon peak hour. Therefore, the scope of work should be consistent with an "access location and design review." The study area includes the following intersections:

    a. South Kihei Road at Kealii Alanui
    b. Nani Loa Driveway Entrance and Exit
    c. South Kihei Road at Keonekai Road
    d. South Kihei Road at Kamaole Shopping Center Side Street

2. A field reconnaissance was performed to confirm existing roadway cross-sections, intersection lane configurations, right-of-way controls, traffic control devices, bus stops and surrounding land uses.

3. Existing weekday morning and afternoon peak hour traffic volumes for the study intersections were obtained from manual traffic counts of the study intersections. The intersections were counted manually because turning movement volumes are required to perform the level-of-service analysis. Public schools were in session during the counts.

4. A level-of-service analysis of the study intersections was performed using the methodology described in the *Highway Capacity Manual* (HCM). The purpose of this analysis was to identify any existing traffic operating deficiencies.

5. A list of other known development projects within and adjacent to the study area that will impact traffic conditions at the study intersections was compiled. Estimated peak hour traffic volumes that the other know development projects will generate were estimated from data provided in the traffic impact studies for each project. Future traffic projections including traffic generated by the other known development projects but without project generated traffic at the study intersections were estimated.

6. A level-of-service analysis of future traffic conditions, including traffic generated by the other known developments, at the study intersections without project generated traffic was performed. This analysis was performed to estimate traffic operating levels-of-service and identify any operational deficiencies that may exist whether the proposed project is constructed or not. This process insures that any required mitigation improvements will be assessed against the appropriate project.

7. Peak hour traffic volumes that the proposed project will generate were estimated using procedures described in the *Trip Generation Handbook* [1] and data provided

[1] Institute of Transportation Engineers, *Trip Generation Handbook*, Washington, D.C., , p. 7-12

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

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

D. Description of Existing Roadways and Intersections

Attachment B is a schematic drawing indicating the right-of-way controls and lane configurations of the study intersections.

Existing Roadways

Within the study area, South Kihei Road is a two-lane, two-way, major County roadway, generally with a north-south orientation. There are sidewalks, curbs and gutters along both sides. There is also a bicycle lane along both sides. Unmetered parallel parking is allowed along the west side of the street. The posted speed limit along South Kihei Road is generally 20 miles per hour.

Keonekai Road is a two-lane, two-way roadway with an east-west orientation approximately 1,155 feet south of the Kihei Kai Nani Driveway. Keonekai Road connects South Kihei Road and Piilani Highway.

The Kamaole Shopping Center side street is a two-lane, two-way roadway approximately 600 feet north of Kihei Kai Nani driveway. The roadway runs along the north side of Kamaole Shopping Center. This roadway provides access from South Kihei Road to Kihei Regency Apartments, the shopping centers and retail development along both side of the street. This roadway will also provide access to two new residential developments planned for the vacant parcels in the area.

Kealii Alanui is a two-lane, two-way roadway with an east-west orientation approximately 570 feet north of the Shopping Center side street. Kealii Alanui connects South Kihei Road and Piilani Highway. Parking is allowed along both sides. Kealii Alanui also provides access to Kamalii Elementary School which is located in the southwest quadrant of the intersection of Kealii Alanui at Kanakanui Road.

Existing Intersections

The intersection of South Kihei Road at Kihei Kai Nani is an unsignalized T-intersection. The northbound and southbound approaches are South Kihei Road and are the uncontrolled approaches. Kihei Kai Nani is the westbound approach and is the STOP sign controlled approach. All approaches are one lane each. There is a cross-walk across the north leg of the intersection.

The intersection of South Kihei Road at Keonekai Road is an unsignalized T-intersection. The northbound and southbound approaches are South Kihei Road and are the uncontrolled

[2] Institute of Transportation Engineers, *Trip Generation, 8th Edition*, Washington, D.C., 2008

approaches. Keonekai Road is the westbound approach and is the STOP sign controlled approach. The northbound approach is an optional through or right turn lane. The southbound approach has a separate left turn lane and a through lane. The westbound approach has a left turn lane and a right turn lane. There are cross-walks across the east and south legs of the intersection.

The intersection of South Kihei Road at the Kamaole Shopping Center side street is a four-way, STOP sign controlled intersection. The northbound and southbound approaches are South Kihei Road and are the uncontrolled approaches. The eastbound and westbound approaches are STOP sign controlled. The eastbound approach is the exit from the Kamaole Nalu and the westbound approach is the side street along the north side of the Kamaole Shopping Center. The northbound, eastbound and westbound approaches are each one lane, an optional left turn, through or right turn lane. The southbound approach has one left turn lane and an optional through or right turn lane. There are cross-walks across the east and south legs of the intersection.

The intersection of South Kihei Road at Kealii Alanui is a four-way, signalized intersection. The northbound and southbound approaches are South Kihei Road and the westbound approach is Kealii Alanui. There is no eastbound approach. The west leg to the intersection is the entrance to the beach park. The northbound approach has one left turn lane, one through lane and one right turn lane. The southbound approach is one left turn lane and an optional through or right turn lane. The westbound approach is one left turn or through lane and one right turn lane. There are pedestrian cross-walks across the north, east and south legs of the intersection.

E. Existing Peak Hour Traffic Volumes

Current weekday peak hour traffic volumes at the study intersections were obtained from manual traffic counts. The intersections of South Kihei Road at Kihei Kai Nani and South Kihei Road at Keonekai Road were counted during March and April, 2014. The two remaining intersections were counted during September, 2014. The AM and PM peak hour counts are summarized on Attachment B. The traffic counts include mopeds, motorcycles, buses, trucks and other large vehicles.

The traffic counts were performed between 7:00 AM and 9:00 AM and between 3:30 PM and 5:30 PM on either a Tuesday or Thursday.

Pedestrians

Since pedestrian traffic along South Kihei Road is heavy, pedestrians at the intersections of South Kihei Road at Kihei Kai Nani and South Kihei Road at Keonekai Road were counted concurrently with the vehicular counts. Bicyclists were counted as pedestrians. The pedestrian counts determined that approximately 245 pedestrians use the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians use the intersection during the afternoon peak hour. The count also determined that approximately 223 pedestrians use the intersection of South Kihei Road at Keonekai Road during the morning peak hour and 130 use the intersection during the afternoon peak hour.

F. Public Transportation

A review of Maui Bus routes determined that at the time this report is being written, the Maui Bus operates Route 10, the Kihei Islander along South Kihei Road. This route connects Wailea Iki Drive

in Wailea with Queen Kaahumanu Shopping Center in Kahului. There are bus stops at Keonekai Road and at Kamaole Shopping Center.

G. Level-of-Service Concept

Signalized Intersections

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

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

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

Table 1 Level-of-Service Definitions for Signalized Intersections(1)

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

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

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

Unsignalized Intersections

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

Table 2 Level-of-Service Definitions for Unsignalized Intersections(1)

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

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

H. Existing (2014) Levels-of-Service

The existing levels-of-service of the signalized study intersection of South Kihei Road at Kealii Alanui are summarized in Table 3. Volume-to-capacity ratios, delays and levels-of-service are shown for the overall intersection and each lane group. Even though level-of-service is defined by the delay, the volume-to-capacity ratios are shown as this is a factor in determining whether the traffic signal timing is a factor in estimating the level-of-service of a particular lane group.

Table 3 Existing (2014) Levels-of-Service - Signalized Intersections

Intersection and Movement	AM Peak Hour[1]			PM Peak Hour[2]		
	V/C[3]	Delay[4]	LOS[5]	V/C	Delay	LOS
South Kihei Road at Kealii Alanui	Cycle Length = 60 Seconds[5]			Cycle Length = 60 Seconds		
	0.36	***8.6***	***A***	***0.37***	***8.7***	***A***
Westbound Left & Thru	0.34	25.6	C	0.33	27.8	C
Westbound Right	0.09	24.1	C	0.06	26.1	C
Northbound Left	0.00	0.0	A	0.01	4.1	A
Northbound Thru	0.25	7.3	A	0.36	6.8	A
Northbound Right	0.06	6.1	A	0.07	4.9	A
Southbound Left	0.14	2.5	A	0.09	2.6	A
Southbound Thru & Right	0.30	3.3	A	0.35	5.3	A

NOTES:
(1) See Appendix C for Level-of-Service Worksheets for existing AM peak hour traffic conditions.
(2) See Appendix D for Level-of-Service Worksheets for existing PM peak hour traffic conditions.
(3) Volume-to-Capacity ratio.
(4) Delay in seconds per vehicle.
(5) Level-of-Service calculated using the operations method described in *Highway Capacity Manual*. Level-of-Service is based on delay.
(6) Traffic signal cycle length estimated by timing the traffic signal during peak hours.

The conclusions of the level-of-service analysis of the signalized intersection are that the intersection operates at Level-of-Service A during both peak periods. The westbound approach lane groups operate at Level-of-Service C and the lane groups along South Kihei Road operate at Level-of-Service A.

Unsignalized Intersections

The results of the level-of-service analysis of the unsignalized study intersections are summarized in Table 4. For the unsignalized intersections, delays and levels-of-service of the controlled lanes groups are shown. The *Highway Capacity Manual* does not estimated delays or levels-of-service of uncontrolled lane groups. Also shown in the table are the estimated queue lengths for the controlled lane groups. The queue lengths shown in the table are estimated vehicles using an average vehicle length of 25 feet.

Table 4 Existing (2014) Levels-of-Service - Unsignalized Intersections

Intersection, Approach and Movement	AM Peak Hour[1]			PM Peak Hour[2]		
	Delay [3]	LOS [4]	95th Queue[5]	Delay	LOS	95th Queue
South Kihei Road at Kihei Kai Nani	***0.5***	***A***	***NC[6]***	***0.8***	***A***	***NC***
Westbound Left & Right	15.1	C	<1	16.8	C	<1
Northbound Thru & Right	Uncontrolled Lane Group[7]			Uncontrolled Lane Group		
Southbound Left & Thru	0.2	A	<1	0.6	A	<1
South Kihei Road at Keonekai Road	***2.9***	***A***	***NC***	***3.1***	***A***	***NC***
Westbound Left	19.0	C	<1	34.7	D	<2
Westbound Right	10.8	B	<1	14.6	B	<1
Northbound Thru & Right	Uncontrolled Lane Group			Uncontrolled Lane Group		
Southbound Left	8.1	A	<1	9.3	A	<1
Southbound Thru	Uncontrolled Lane Group			Uncontrolled Lane Group		
South Kihei Road at Shopping Center Side Street	***1.3***	***A***	***NC***	***4.7***	***A***	***NC***
Eastbound Left, Thru & Right	15.1	C	<1	14.8	B	<1
Westbound Left, Thru & Right	12.6	B	<1	41.9	E	<4
Northbound Left, Thru & Right	0.1	A	<1	0.1	A	<1
Southbound Left	8.0	A	<1	8.8	A	<1
Southbound Thru & Right	Uncontrolled Lane Group			Uncontrolled Lane Group		

NOTES:
(1) See Appendix C for Level-of-Service Worksheets for existing AM peak hour traffic conditions.
(2) See Appendix D for Level-of-Service Worksheets for existing PM peak hour traffic conditions.
(3) Delay in seconds per vehicle.
(4) LOS denotes Level-of-Service.
(5) 95th percentile queue in vehicles.
(6) NC = Not calculated
(7) Levels-of-service are not calculated for uncontrolled lane groups.

The conclusions of the level-of-service analysis of the unsignalized intersection are:

1. The overall intersection of South Kihei Road at Kihei Kai Nani operates at Level-of-Service A during both peak hours. The southbound approach of South Kihei Road operates at Level-of-Service A and the westbound approach of Kihei Kai Nani operates at Level-of-Service C.

2. The overall intersection of South Kihei Road at Keonekai Road operates at Level-of-Service A during both peak hours. The left turn from southbound South Kihei Road to eastbound Keonekai Road operates at Level-of-Service A. The westbound right turn from Keonekai Road to northbound South Kihei Road operates at Level-of-Service B. The westbound left turn from Keonekai Road to southbound South Kihei Road operates at Level-of-Service C during the morning peak hour and Level-of-Service D during the afternoon peak hour. As the overall intersection operates at Level-of-Service A, the delay of the westbound left turn in not long enough to affect the overall intersection level-of-service.

3. The overall intersection of South Kihei Road at the shopping center side street operates at Level-of-Service A during both peak hours. The eastbound approach operates at Level-of-Service C during the morning peak hour and Level-of-Service B during the afternoon peak hour. The westbound approach operates at Level-of-Service B during the morning peak hour and Level-of-Service E during the afternoon peak hour. The northbound and southbound approaches operate at Level-of-Service A during both peak hour. Since the overall intersection operates at Level-of-Service

A, the delay of the westbound approach is not long enough to affect the overall intersection level-of-service.

I. Existing Deficiencies

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

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

Using the above standards, no existing deficiencies were identified at the study intersections.

J. 2020 Background Traffic Conditions

Horizon Year

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

For projects that will generate less than 500 peak hour trips, the suggested horizon year is the "anticipated opening year, assuming full build out and occupancy."[6] Otherwise, the horizon year should be at least five years after completion of the study project.

Since a completion date for the project is unknown and since it is understood that the permitting process may take several years, a horizon year of 2020 was selected for this TIAR. This should be approximately five years after completion of the project.

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[4] Institute of Transportation Engineers, *Transportation Impact Analyses for Site Development: A Recommended Practice*, 2006, page 60.

[5] Transportation Research Board, *Highway Capacity Manual*, Washington, D.C., 2000, p. 16-35.

[6] Institute of Transportation Engineers, *Transportation and Land Development*, Washington, D.C., 2002, page 3-13

Background Traffic Growth

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

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

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

where F = Growth Factor
i = Average annual growth rate, or 0.016
n = Growth period, or 5 years

This growth factor was applied to all traffic movements except turning movements into and out of Kihei Kai Nani driveway.

Related Projects

The second component in estimating background traffic volumes is traffic generated by other development projects, also referred to as related projects. Related projects are defined as those projects in the immediate vicinity of the study project that would significantly impact traffic in the study area. Related projects are typically projects that are under construction or have been approved for construction, but often includes adjacent vacant parcels that have a high probability of being developed within the design period. Related projects may be development projects or roadway improvements.

Five projects were identified that will have a direct impact on the study intersections. These projects and the estimated number of peak hour trips generated by each are summarized in Table 5. Traffic generated by these projects was assigned to the appropriate traffic movements at the study intersections.

Table 5 Trip Generation Summary of Related Projects

			AM Peak Hour			PM Peak Hour		
	Related Project	Description	Total	In	Out	Total	In	Out
A	Cove Beach Villas	32 Condos	25	4	21	28	19	9
B	Kalama Heights	40 Condos	25	4	21	28	19	9
C	Alahele Subdivision	48 Single Family + 48 Ohana	63	18	45	81	51	30
D	Aloha Mansions	180 Condos	83	14	69	97	65	32
E	Kamaole Heights	150 Condos	71	12	59	84	56	28
	Totals		267	52	215	318	210	108

[7] Kaku Associates, *Maui Long Range Land Transportation Plan*, October 1996

Cove Beach Villas

Cove Beach Villas will be located along the south side of Kanani Road across from the existing Kalama Heights Senior Housing project. Cove Beach Villas will consist of 32 condominium units. The traffic assignments for the project were obtained from the TIAR[8] for the project.

Expansion of Kalama Heights Senior Housing

This project will be located along the north side of Kanani Road between Kanoe Street and the existing Kalama Heights Senior Housing project. The expansion will consist of 40 condominium units. The traffic assignments for the project were obtained from the TIAR[9] for the project.

Alahele Subdivision

The Alahele Subdivision, also known at the Fairbanks Subdivision, is located along the west side of Piilani Highway and north of Auhana Road. The project will consist of 48 single-family units and 48 ohana units. The traffic assignments for the project were obtained from the TIAR[10] for the project.

Aloha Mansions

Aloha Mansions is a multi-family residential development to be located between the Kamaole Shopping Center and the future North-South Collector Road. The proposed action is the construction of 150 to 180 condominium residential units. A completion date was not available. Access to and egress from the project will be via the roadway along the north side of the shopping center and the North-South Collector Road. The TIAR is currently being prepared.

Kamaole Heights

Kamaole Heights is also a multi-family residential development to be located between the Kamaole Shopping Center and the future North-South Collector Road. The proposed action is the construction of 150 condominium residential units. A completion date was not available. Access to and egress from the project will be via the roadway along the north side of the shopping center and the North-South Collector Road. The TIAR is currently being prepared.

Traffic from these projects was assigned to the appropriate traffic movements at the study intersections. Background growth and trip assignments of the other known projects were added to 2020 background peak hour traffic projections. The resulting 2020 background traffic projections are summarized on Attachment D. These projections assume that the peak hours of all the other known projects coincide with the existing peak hours. The result is a worst-case condition.

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[8] Phillip Rowell and Associates, *TIAR for Cove Beach Villas*, April 2003

[9] Phillip Rowell and Associates, TIAR for Expansion of Kalama Height Senior Housing Project, August 2013

[10] Phillip Rowell and Associates, *TIAR for Alahele Subdivision*, April 2014

K. Project Trip Generation

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

The proposed action is the construction of 39 multi-family residential units. For this traffic study, it is assumed that the units will be condominiums. *Trip Generation* defines condominiums as follows:

> *Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure*.[13]

Trip Generation provides rates and equations to estimate the number of peak hour trips during the peak hours of the adjacent street and the peak hours of the generator, which may or may not coincide. The AM peak hour of the adjacent street is typically between 7:00 AM and 9:00 AM and PM peak hour is between 4:00 PM and 6:00 PM, typical commute hours. *Trip Generation* does not note the peak hours of the generators. The trip generation rates and equations are based on the number of condominium/townhouse units proposed. For this project, the trip generation equations for the adjacent street have been used so that the trip generation estimates will be concurrent with the peak hours of the adjacent street.

The trip generation rates used for the trip generation analysis and the results are summarized in Table 6. The trip generation analysis estimated that the project will generate a total of 24 trips during the morning peak hour and 28 trips during the afternoon peak hour.

Table 6 Trip Generation Analysis

Period & Direction		Condominiums (Land Use Code 230)		
		Trips per Unit or Percent(1),(2)	Units	Trips
AM Peak Hour of Adjacent Street	Total	Ln(T) = 0.80Ln(X) + 0.26	39	24
	Inbound	17%		4
	Outbound	83%		20
PM Peak Hour of Adjacent Street	Total	Ln(T) = 0.82Ln(X) + 0.32		28
	Inbound	67%		19
	Outbound	33%		9

Notes:
(1) Source: Institute of Transportation Engineers, *Trip Generation 8th Edition*, 2008, pages 389 and 390.
(2) T=trips, X=number of dwelling units

[11] Institute of Transportation Engineers, *Trip Generation Handbook*, Washington, D.C., 2004, p. 7-12

[12] Institute of Transportation Engineers, *Trip Generation, 8th Edition,* Washington, D.C., 2003

[13] Institute of Transportation Engineers, *Trip Generation, 8th Edition*, Washington, D.C., 2003, page 387

Project trips were distributed and assigned based on existing traffic patterns as estimated from the traffic counts. The trip distribution pattern based on existing traffic patterns in the study area is summarized in Table 7. The resulting traffic assignments are shown as Attachment E.

Table 7 Trip Distribution

To/From	AM Peak Hour		PM Peak Hour	
	Inbound	Outbound	Inbound	Outbound
S. Kihei Road North	50%	40%	70%	65%
S. Kihei Road South	35%	50%	20%	25%
Keonekai Road	15%	10%	10%	10%
Totals	100%	100%	100%	100%

L. Background Plus Project Projections

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

M. Traffic Impact Assessment

The traffic impacts of the project was assessed by analyzing the changes in traffic volumes and levels-of-service at the study intersections.

Changes in Total Intersection Volumes

An analysis of the project's share of 2020 background plus project intersection approach volumes at the study intersections is summarized in Table 8. The table summarizes the project's share of total 2020 peak hour approach volumes at each intersection. Also shown are the percentages of 2020 background plus project traffic that is the result of background growth and traffic generated by related projects. The conclusions of this analysis are:

1. At the intersection of South Kihei Road at Kealii Alanui, project generated traffic will represent 0.6% of the morning peak hour traffic and 0.9% of the afternoon peak hour traffic.

2. At the intersection of South Kihei Road at Kihei Kai Nani, project generated traffic will represent 2.4% of the morning peak hour traffic and 2.1% of the afternoon peak hour traffic.

3. At the intersection of South Kihei Road at Keonekai Road, project generated traffic will represent 1.2% of the morning peak hour traffic and 0.6% of the afternoon peak hour traffic.

4. At the intersection of South Kihei Road at Kamaole Shopping Center side street, project generated traffic will represent 0.7% of the morning peak hour traffic and 1.1% of the afternoon peak hour traffic.

Table 8 Analysis of Project's Share of Total Intersection Approach Volumes (1)

Intersection	Period	Existing	2020 Background	2020 Background Plus Project	Background Growth		Project Traffic	
					Trips	Percent of Total Traffic (2)	Trips	Percent of Total Traffic (2)
South Kihei Rd at Kealii Alanui	AM	963	1181	1188	218	18.4%	7	0.6%
	PM	1121	1368	1381	247	17.9%	13	0.9%
South Kihei Rd at Kihei Kai Nani	AM	870	1010	1034	140	13.5%	24	2.3%
	PM	1144	1327	1355	183	13.5%	28	2.1%
South Kihei Rd at Keonoekl Rd	AM	892	1039	1051	147	14.0%	12	1.1%
	PM	1261	1465	1474	204	13.8%	9	0.6%
South Kihei Rd at Shopping Center Side Street	AM	775	978	985	203	20.6%	7	0.7%
	PM	1158	1416	1432	258	18.0%	16	1.1%

Notes:
(1) Volumes shown are total intersection approach volumes or projections.
(2) Percentage of total 2015 background plus project traffic.

Level-of-Service Analysis

The level-of-service analysis was performed for "without project" and "with project" conditions. The incremental difference the two conditions quantifies the impacts of the project generated traffic. The results of the level-of-service of the signalized study intersection is summarized in Table 9. Volume-to-capacity ratios, delays and levels-of-service are shown for the overall intersection and each lane group. Even though level-of-service is defined by the delay, the volume-to-capacity ratios are shown as this is a factor in determining whether the traffic signal timing is a factor in estimating the level-of-service of a particular lane group.

The level-of-service analysis concluded that the intersection will operate at Level-of-Service A during both peak hour, without and with project traffic. The westbound lane groups will operate at Level-of-Service C and the northbound and southbound lane groups along South Kihei Road will operate at Level-of-Service A. There is no change in the level-of-service of any lane group as a result of project traffic. The results are also consistent with the existing levels-of-service discussed previously in this report.

Table 9 2020 Levels-of-Service - Signalized Intersections

Intersection and Movement	AM Peak Hour						PM Peak Hour					
	Without Project[1]			With Project[3]			Without Project[2]			With Project[4]		
	V/C[5]	Delay[6]	LOS[7]	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS
South Kihei Road at Kealii Alanui	Cycle Length = 60 Seconds[8]						Cycle Length = 60 Seconds					
	0.43	***8.7***	***A***	***0.45***	***8.5***	***A***	***0.47***	***8.8***	***A***	***0.47***	***8.9***	***A***
Westbound Left & Thru	0.39	24.0	C	0.38	22.1	C	0.36	28.5	C	0.37	28.6	C
Westbound Right	0.11	22.3	C	0.11	20.6	C	0.08	26.7	C	0.08	26.7	C
Northbound Left	0.00	0.0	A	0.00	0.0	A	0.01	3.8	A	0.01	3.8	A
Northbound Thru	0.35	8.0	A	0.37	8.4	A	0.42	6.5	A	0.42	6.6	A
Northbound Right	0.07	6.0	A	0.07	6.3	A	0.08	4.4	A	0.08	4.4	A
Southbound Left	0.20	2.8	A	0.20	2.9	A	0.13	3.1	A	0.13	3.1	A
Southbound Thru & Right	0.31	3.2	A	0.31	3.4	A	0.44	5.8	A	0.44	5.9	A

NOTES:
(1) See Appendix H for Level-of-Service Worksheets for 2020 background AM peak hour traffic conditions without project.
(2) See Appendix I for Level-of-Service Worksheets for 2020 background PM peak hour traffic conditions without project.
(3) See Appendix J for Level-of-Service Worksheets for 2020 background AM peak hour traffic conditions without project.
(4) See Appendix K for Level-of-Service Worksheets for 2020 background PM peak hour traffic conditions without project.
(5) Volume-to-Capacity ratio.
(6) Delay is in seconds per vehicle.
(7) Level-of-Service calculated using the operations method described in *Highway Capacity Manual*. Level-of-Service is based on delay.
(8) Traffic signal cycle length is the existing cycle length which is estimated by timing the traffic signal during peak hours.

The results of the level-of-service analysis of the unsignalized intersections are summarized in Table 10. Shown are the delays and levels-of-service of the overall intersection and each controlled lane group. The methodology for unsignalized intersections does not estimate delays and levels-of-service for uncontrolled movements. Also shown in the table are the estimated queue lengths without and will project generated traffic. The queue lengths shown in the table are estimated ve icles using an average vehicle length of 25 feet.

Table 10 2020 Levels-of-Service - Unsignalized Intersections

	AM Peak Hour						PM Peak Hour					
	Without Project(1)			With Project(3)			Without Project(2)			With Project(4)		
Intersection & Lane Group	Delay (5)	LOS (6)	95th Queue(7)	Delay	LOS	95th Queue	Delay	LOS	95th Queue	Delay	LOS	95th Queue
S. Kihei Rd at Kihei Kai Nani	***0.5***	***A***	***NC***	***0.9***	***A***	***NC***	***0.8***	***A***	***NC***	***1.2***	***A***	***NC***
Westbound Left & Right	17.2	C	<1	18.4	C	<1	20.1	C	<1	21.6	C	<1
Northbound Thru & Right	Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group		
Southbound Left & Thru	0.2	A	<1	0.2	A	<1	0.6	A	<1	1.0	A	<1
S. Kihei Road at Keonekai Rd	***3.5***	***A***	***NC***	***3.5***	***A***	***NC***	***4.3***	***A***	***NC***	***4.4***	***A***	***NC***
Westbound Left	25.2	D	<2	25.8	D	<2	54.6	F	<2	55.8	F	<2
Westbound Right	11.3	B	<1	11.3	B	<1	17.7	C	<2	17.9	C	<2
Northbound Thru & Right	Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group		
Southbound Left	8.3	A	<1	8.3	A	<1	9.8	A	<1	9.8	A	<1
Southbound Thru	Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group		
S. Kihei Rd at Shopping Center Side Street	***3.2***	***A***	***NC***	***3.2***	***A***	***NC***	***26.6***	***C***	***NC***	***30.2***	***C***	***NC***
Eastbound Left, Thru & Right	19.4	C	<1	19.5	C	<1	19.9	C	<1	20.4	C	<1
Westbound Left, Thru & Right	18.1	C	<2	18.3	C	<2	229.8	F	<11	261.9	F	<12
Northbound Left, Thru & Right	0.1	A	<1	0.1	A	<1	0.1	A	<1	0.1	A	<1
Southbound Left	8.2	A	<1	8.2	A	<1	9.5	A	<	9.5	A	<1
Southbound Thru & Right	Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group			Uncontrolled Lane Group		

NOTES:
(1) See Appendix H for Level-of-Service Worksheets for 2020 background AM peak hour traffic conditions without project.
(2) See Appendix I for Level-of-Service Worksheets for 2020 background PM peak hour traffic conditions without project.
(3) See Appendix J for Level-of-Service Worksheets for 2020 background AM peak hour traffic conditions without project.
(4) See Appendix K for Level-of-Service Worksheets for 2020 background PM peak hour traffic conditions without project.
(5) Delay is in seconds per vehicle.
(6) Level-of-Service calculated using the operations method described in *Highway Capacity Manual*. Level-of-Service is based on delay.
(7) 95th percentile queue in vehicles.
(8) NC = Not Calculated

The conclusions of the level-of-service analysis of the unsignalized intersections are:

1. The overall intersection of South Kihei Road at Kihei Kai Nani will operate at Level-of-Service A, without and with project traffic. The eastbound approach will operate at Level-of-Service C, without and with project traffic, and the southbound left and through lane group will operate at Level-of-Service A, without and with project traffic. There is no change in the level-of-service of queue of any lane group as a result of project generated traffic.

2. The overall intersection of South Kihei Road at Keonekai Road will operate at Level-of-Service A, without and with project traffic. The left turn from westbound Keonekai Road to southbound South Kihei Road will operate at Level-of-Service D during the morning peak hour and Level-of-Service F during the afternoon peak hour, without and with project traffic. The right turn from westbound Keonokai Road to northbound South Kihei Road will operate at Level-of-Service B during the morning peak hour and Level-of-Service C during the afternoon peak hour, without and with project traffic. The southbound left turn will operate at Level-of-Service A during both peak hours, without and with project traffic. There are no changes in the level-of-service or queues of any lane group as a result of project traffic. Lastly, the delay of the westbound left turn from Keonokai Road is not long enough to affect the level-of-

service of the overall intersection as the overall level-of-service is Level-of-Service A.

3. The overall intersection of South Kihei Road at the shopping center side street will operate at Level-of-Service A during the morning peak hour and Level-of-Service C during the afternoon peak hour. During the morning peak hour, the eastbound and westbound approaches will operate at Level-of-Service C and the northbound and southbound approaches along South Kihei Road will operate at Level-of-Service A. The westbound approach will operate at Level-of-Service C during the morning peak hour and Level-of-Service F during the afternoon peak hour, without and with project traffic.

   As the level-of-service of the westbound lane group is F without project traffic, the poor level-of-service is the result of the additional traffic generated along the leg of the roadway by the two multi-family residential developments along this roadway. This was confirmed by performing a level-of-service analysis of the intersection without traffic generated by these two projects. The analysis concluded that the westbound approach of the intersection will operate at Level-of-Service B during the morning peak hour and Level-of-Service C during the afternoon peak hour. Any mitigation required at this intersection should be assessed against these other development projects. An assessment of the impacts of installing a left turn refuge lane for westbound left turns onto southbound South Kihei Road concluded that the left turns would operate at Level-of-Service D. The conclusion is that the poor level-of-service can be mitigated when these two project move forward.

N. Mitigation

Based on the standards discussed in Section I, no mitigation is recommended.

O. Summary and Recommendations

1. The proposed action is the construction of 39 residential condominium units. The project is located at the east end of the driveway of Kihei Kai Nani. The address is 2025 South Kihei Road. The site is currently vacant.

2. Access and egress will be via the existing Kihei Kai Nani driveway.

3. The trip generation analysis estimated that the project will generate a total of 24 trips during the morning peak hour and 28 trips during the afternoon peak hour.

4. The level-of-service analysis of 2020 background plus project conditions concluded the following:

   a. The overall intersection of South Kihei Road at Kealii Alanui will operate at Level-of-Service A during both peak hour, without and with project traffic. The westbound lane groups will operate at Level-of-Service C and the northbound and southbound lane groups along South Kihei Road will operate at Level-of-Service A. There is no change in the level-of-service of any lane group as a result of project traffic. The

results are also consistent with the existing levels-of-service discussed previously in this report.

b. The overall intersection of South Kihei Road at Kihei Kai Nani will operate at Level-of-Service A, without and with project traffic. The eastbound approach will operate at Level-of-Service C, without and with project traffic, and the southbound left and through lane group will operate at Level-of-Service A, without and with project traffic. There is no change in the level-of-service of queue of any lane group as a result of project generated traffic.

c. The overall intersection of South Kihei Road at Keonekai Road will operate at Level-of-Service A, without and with project traffic. The left turn from westbound Keonekai Road to southbound South Kihei Road will operate at Level-of-Service D during the morning peak hour and Level-of-Service F during the afternoon peak hour, without and with project traffic. The right turn from westbound Keonekai Road to northbound South Kihei Road will operate at Level-of-Service B during the morning peak hour and Level-of-Service C during the afternoon peak hour, without and with project traffic. The southbound left turn will operate at Level-of-Service A during both peak hours, without and with project traffic. There are no changes in the level-of-service or queues of any lane group as a result of project traffic. Lastly, the delay of the westbound left turn from Keonekai Road is not long enough to affect the level-of-service of the overall intersection as the overall level-of-service is Level-of-Service A.

d. The overall intersection of South Kihei Road at the shopping center side street will operate at Level-of-Service A during the morning peak hour and Level-of-Service C during the afternoon peak hour. During the morning peak hour, the eastbound and westbound approaches will operate at Level-of-Service C and the northbound and southbound approaches along South Kihei Road will operate at Level-of-Service A. The westbound approach will operate at Level-of-Service C during the morning peak hour and Level-of-Service F during the afternoon peak hour, without and with project traffic.

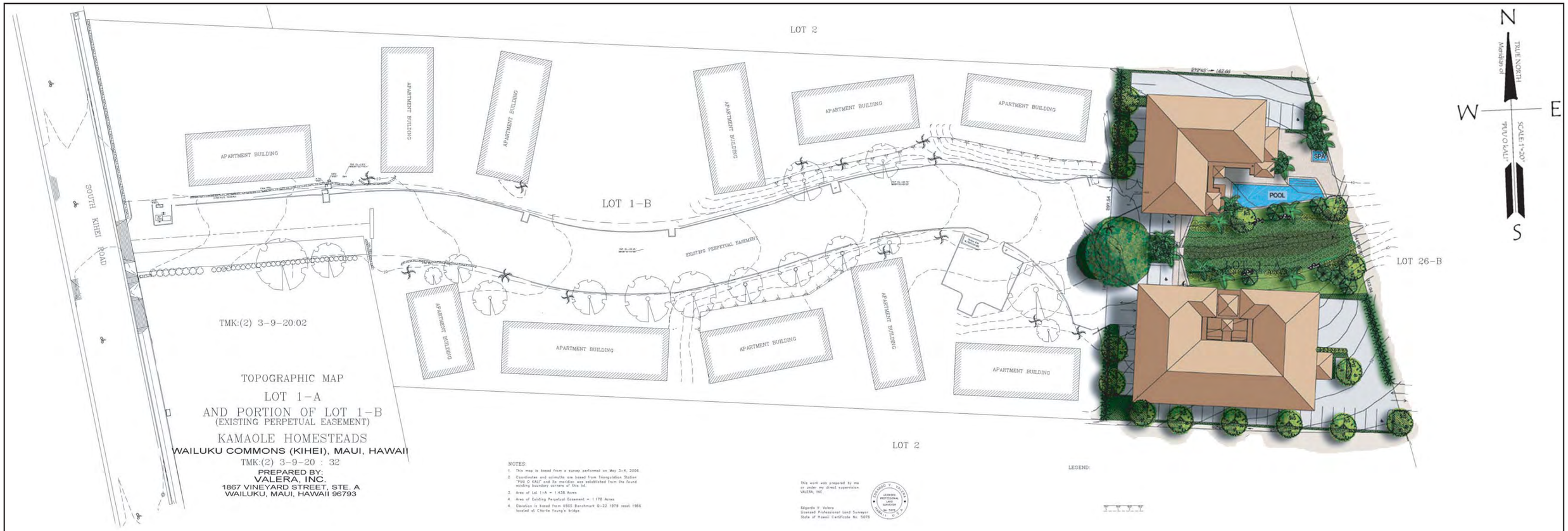
As the level-of-service of the westbound lane group is F without project traffic, the poor level-of-service is the result of the additional traffic generated along the leg of the roadway by the two multi-family residential developments along this roadway. This was confirmed by performing a level-of-service analysis of the intersection without traffic generated by these two projects. The analysis concluded that the westbound approach of the intersection will operate at Level-of-Service B during the morning peak hour and Level-of-Service C during the afternoon peak hour. Any mitigation required at this intersection should be assessed against these other development projects. An assessment of the impacts of installing a left turn refuge lane for westbound left turns onto southbound South Kihei Road concluded that the left turns would operate at Level-of-Service D. The conclusion is that the poor level-of-service can be mitigated when these two project move forward.

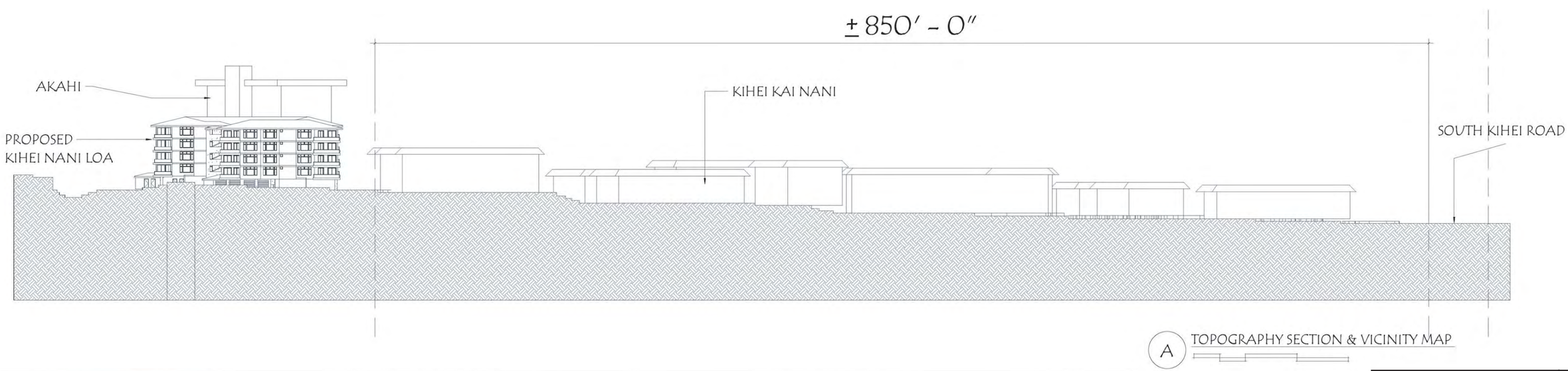
Respectfully submitted,
PHILLIP ROWELL AND ASSOCIATES

Phillip J. Rowell, P.E.
Principal

PHILLIP JAMES ROWELL
LICENSED PROFESSIONAL ENGINEER
No. 6676 - C
HAWAII U.S.A.
EXPIRATION DATE: 30 APRIL 2016
THIS WORK WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION

Attachment A
Project Site Plan
(Provided By Chris Hart & Partners, Inc.)





A TOPOGRAPHY SECTION & VICINITY MAP

VICTORY DEVELOPMENT HAWAII

Victory Development Nani Loa, LLC
161 Wailea Ike Place, Suite A-105
Wailea, Hawaii 96573
(808)-875-0646

KIHEI NANI LOA

2505 South Kihei Rd.

SECTION LAYOUTS

08/25/08

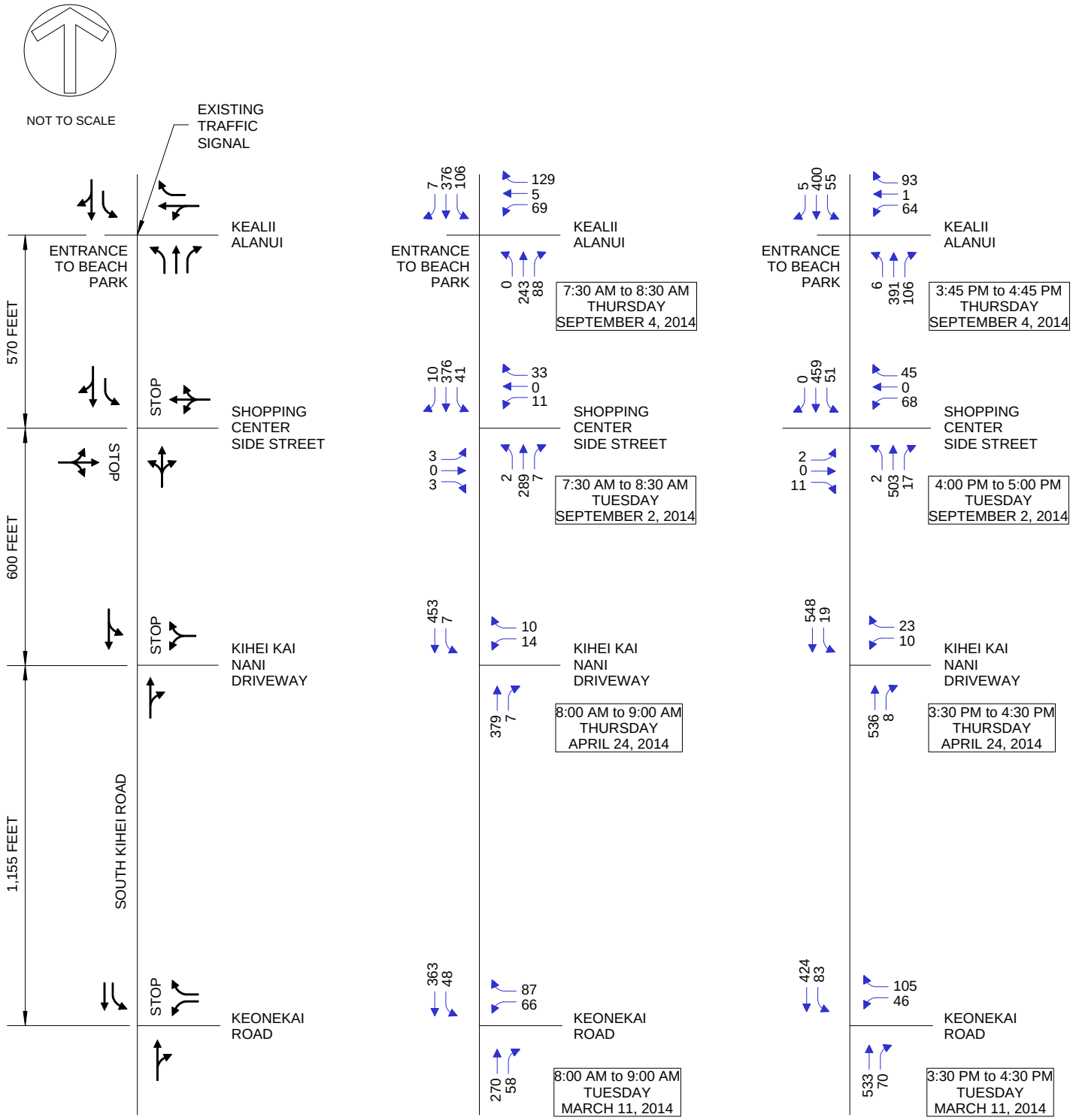
A04

Sheet Number:

Nani Loa Hotel Condominiums
Figure No. 12g
March 2009

Architectural Plans

CHRIS HART & PARTNERS, INC.



EXISTING LANE CONFIGURATIONS AND RIGHT-OF-WAY CONTROLS

AM PEAK HOUR TRAFFIC VOLUMES

PM PEAK HOUR TRAFFIC VOLUMES

NOTE

1. ALL DISTANCES WERE SCALED FROM AN AEREAL PHOTOGRAPH.

Attachment B
EXISTING INTERSECTION LANE CONFIGURATIONS AND RIGHT-OF-WAY CONTROLS AND EXISTING (2014) PEAK HOUR VOLUMES

Attachment C
Level-of-Service Worksheets for Existing (2014) AM Traffic Volumes

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Frt					1.00	0.85		1.00	0.85	1.00	1.00	
Flt Protected					0.96	1.00		1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1779	1583		1863	1583	1770	1857	
Flt Permitted					0.96	1.00		1.00	1.00	0.53	1.00	
Satd. Flow (perm)					1779	1583		1863	1583	981	1857	
Volume (vph)	0	0	0	69	5	129	0	243	88	106	376	7
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	75	5	140	0	264	96	115	409	8
RTOR Reduction (vph)	0	0	0	0	0	121	0	0	41	0	1	0
Lane Group Flow (vph)	0	0	0	0	80	19	0	264	55	115	416	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					8.3	8.3		35.8	35.8	46.5	46.5	
Effective Green, g (s)					8.3	8.3		35.8	35.8	46.5	46.5	
Actuated g/C Ratio					0.13	0.13		0.57	0.57	0.74	0.74	
Clearance Time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0		3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					235	209		1062	902	811	1375	
v/s Ratio Prot								0.14		0.02	c0.22	
v/s Ratio Perm					0.04	0.09			0.06	0.09		
v/c Ratio					0.34	0.09		0.25	0.06	0.14	0.30	
Uniform Delay, d1					24.8	23.9		6.8	6.0	2.5	2.7	
Progression Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Incremental Delay, d2					0.9	0.2		0.6	0.1	0.1	0.6	
Delay (s)					25.6	24.1		7.3	6.1	2.5	3.3	
Level of Service					C	C		A	A	A	A	
Approach Delay (s)		0.0			24.7			7.0			3.1	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.6	HCM Level of Service	A
HCM Volume to Capacity ratio	0.36		
Actuated Cycle Length (s)	62.8	Sum of lost time (s)	8.0
Intersection Capacity Utilization	37.6%	ICU Level of Service	A
Analysis Period (min)	15		

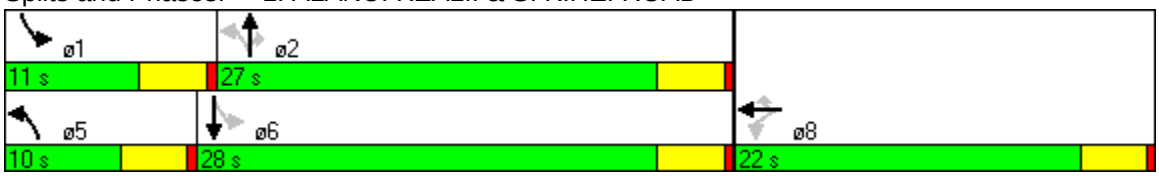
c Critical Lane Group

Lane Group	WBT	WBR	NBT	NBR	SBL	SBT	ø5
Lane Configurations							
Volume (vph)	5	139	243	88	106	376	
Lane Group Flow (vph)	80	151	264	96	115	417	
Turn Type		Perm		Perm	pm+pt		
Protected Phases	8		2		1	6	5
Permitted Phases		8		2	6		
Detector Phases	8	8	2	2	1	6	
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0	8.0	20.0	8.0
Total Split (s)	22.0	22.0	27.0	27.0	11.0	28.0	10.0
Total Split (%)	36.7%	36.7%	45.0%	45.0%	18.3%	46.7%	17%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lag	Lag	Lead	Lag	Lead
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	Max	Max	None	Max	None
v/c Ratio	0.32	0.43	0.25	0.10	0.15	0.30	
Control Delay	19.1	5.6	8.8	2.7	3.4	3.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	19.1	5.6	8.8	2.7	3.4	3.9	
Queue Length 50th (ft)	21	0	43	0	8	35	
Queue Length 95th (ft)	51	37	92	19	23	80	
Internal Link Dist (ft)	1300		706			540	
Turn Bay Length (ft)							
Base Capacity (vph)	486	542	1061	943	778	1375	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.16	0.28	0.25	0.10	0.15	0.30	

Intersection Summary

Cycle Length: 60
Actuated Cycle Length: 58.4
Natural Cycle: 50
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	66	87	270	58	48	363
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	72	95	293	63	52	395
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	824	325			357	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	824	325			357	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	78	87			96	
cM capacity (veh/h)	328	716			1202	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	72	95	357	52	395
Volume Left	72	0	0	52	0
Volume Right	0	95	63	0	0
cSH	328	716	1700	1202	1700
Volume to Capacity	0.22	0.13	0.21	0.04	0.23
Queue Length 95th (ft)	20	11	0	3	0
Control Delay (s)	19.0	10.8	0.0	8.1	0.0
Lane LOS	C	B		A	
Approach Delay (s)	14.3		0.0	0.9	
Approach LOS	B				

Intersection Summary			
Average Delay	2.9		
Intersection Capacity Utilization	34.7%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	14	10	379	7	7	453
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	15	11	412	8	8	492
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	923	416			420	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	923	416			420	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	95	98			99	
cM capacity (veh/h)	297	637			1140	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	26	420	500
Volume Left	15	0	8
Volume Right	11	8	0
cSH	382	1700	1140
Volume to Capacity	0.07	0.25	0.01
Queue Length 95th (ft)	5	0	1
Control Delay (s)	15.1	0.0	0.2
Lane LOS	C		A
Approach Delay (s)	15.1	0.0	0.2
Approach LOS	C		

Intersection Summary			
Average Delay	0.5		
Intersection Capacity Utilization	39.4%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	3	0	3	11	0	33	2	289	7	41	376	10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	3	0	3	12	0	36	2	314	8	45	409	11
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh)												
Upstream signal (ft)											786	
pX, platoon unblocked												
vC, conflicting volume	861	829	414	823	831	318	420			322		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	861	829	414	823	831	318	420			322		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	99	100	99	96	100	95	100			96		
cM capacity (veh/h)	254	294	638	282	294	723	1140			1238		

Direction, Lane #	EB 1	WB 1	NB 1	SB 1	SB 2
Volume Total	7	48	324	45	420
Volume Left	3	12	2	45	0
Volume Right	3	36	8	0	11
cSH	364	520	1140	1238	1700
Volume to Capacity	0.02	0.09	0.00	0.04	0.25
Queue Length 95th (ft)	1	8	0	3	0
Control Delay (s)	15.1	12.6	0.1	8.0	0.0
Lane LOS	C	B	A	A	
Approach Delay (s)	15.1	12.6	0.1	0.8	
Approach LOS	C	B			

Intersection Summary			
Average Delay	1.3		
Intersection Capacity Utilization	41.0%	ICU Level of Service	A
Analysis Period (min)	15		

Attachment D

Level-of-Service Worksheets for Existing (2014) PM Traffic Volumes

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frt					1.00	0.85	1.00	1.00	0.85	1.00	1.00	
Flt Protected					0.95	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1775	1583	1770	1863	1583	1770	1860	
Flt Permitted					0.95	1.00	0.51	1.00	1.00	0.44	1.00	
Satd. Flow (perm)					1775	1583	945	1863	1583	814	1860	
Volume (vph)	0	0	0	64	1	93	6	391	106	55	400	5
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	70	1	101	7	425	115	60	435	5
RTOR Reduction (vph)	0	0	0	0	0	89	0	0	43	0	0	0
Lane Group Flow (vph)	0	0	0	0	71	12	7	425	72	60	440	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					8.1	8.1	43.5	42.1	42.1	49.9	45.3	
Effective Green, g (s)					8.1	8.1	43.5	42.1	42.1	49.9	45.3	
Actuated g/C Ratio					0.12	0.12	0.65	0.63	0.63	0.75	0.68	
Clearance Time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					215	192	633	1174	998	674	1261	
v/s Ratio Prot							0.00	0.23		c0.01	c0.24	
v/s Ratio Perm					0.04	0.06	0.01		0.07	0.06		
v/c Ratio					0.33	0.06	0.01	0.36	0.07	0.09	0.35	
Uniform Delay, d1					26.9	26.0	4.1	5.9	4.8	2.6	4.5	
Progression Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2					0.9	0.1	0.0	0.9	0.1	0.1	0.8	
Delay (s)					27.8	26.1	4.1	6.8	4.9	2.6	5.3	
Level of Service					C	C	A	A	A	A	A	
Approach Delay (s)		0.0			26.8			6.4			5.0	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.7	HCM Level of Service	A
HCM Volume to Capacity ratio	0.37		
Actuated Cycle Length (s)	66.8	Sum of lost time (s)	12.0
Intersection Capacity Utilization	38.3%	ICU Level of Service	A
Analysis Period (min)	15		

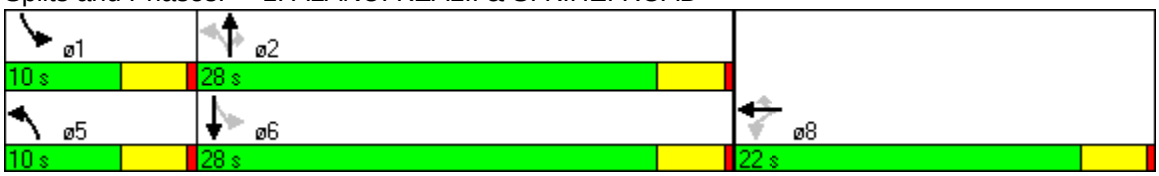
c Critical Lane Group

Lane Group	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations							
Volume (vph)	1	93	6	391	106	55	400
Lane Group Flow (vph)	71	101	7	425	115	60	440
Turn Type		Perm	pm+pt		Perm	pm+pt	
Protected Phases	8		5	2		1	6
Permitted Phases		8	2		2	6	
Detector Phases	8	8	5	2	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	8.0	20.0	20.0	8.0	20.0
Total Split (s)	22.0	22.0	10.0	28.0	28.0	10.0	28.0
Total Split (%)	36.7%	36.7%	16.7%	46.7%	46.7%	16.7%	46.7%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lead	Lag	Lag	Lead	Lag
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	Max	Max	None	Max
v/c Ratio	0.30	0.34	0.01	0.36	0.11	0.10	0.33
Control Delay	18.7	6.0	4.3	8.5	2.3	3.5	5.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	18.7	6.0	4.3	8.5	2.3	3.5	5.9
Queue Length 50th (ft)	19	0	1	74	0	4	37
Queue Length 95th (ft)	46	31	3	147	20	14	152
Internal Link Dist (ft)	1300			716			540
Turn Bay Length (ft)							
Base Capacity (vph)	467	491	500	1172	1038	574	1320
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.15	0.21	0.01	0.36	0.11	0.10	0.33

Intersection Summary

Cycle Length: 60
Actuated Cycle Length: 64.5
Natural Cycle: 50
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	46	105	533	70	83	424
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	50	114	579	76	90	461
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1259	617			655	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1259	617			655	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	71	77			90	
cM capacity (veh/h)	170	490			932	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	50	114	655	90	461
Volume Left	50	0	0	90	0
Volume Right	0	114	76	0	0
cSH	170	490	1700	932	1700
Volume to Capacity	0.29	0.23	0.39	0.10	0.27
Queue Length 95th (ft)	29	22	0	8	0
Control Delay (s)	34.7	14.6	0.0	9.3	0.0
Lane LOS	D	B		A	
Approach Delay (s)	20.7		0.0	1.5	
Approach LOS	C				

Intersection Summary			
Average Delay	3.1		
Intersection Capacity Utilization	50.2%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	10	23	536	8	19	548
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	11	25	583	9	21	596
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1224	587			591	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1224	587			591	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	94	95			98	
cM capacity (veh/h)	194	510			984	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	36	591	616
Volume Left	11	0	21
Volume Right	25	9	0
cSH	341	1700	984
Volume to Capacity	0.11	0.35	0.02
Queue Length 95th (ft)	9	0	2
Control Delay (s)	16.8	0.0	0.6
Lane LOS	C		A
Approach Delay (s)	16.8	0.0	0.6
Approach LOS	C		

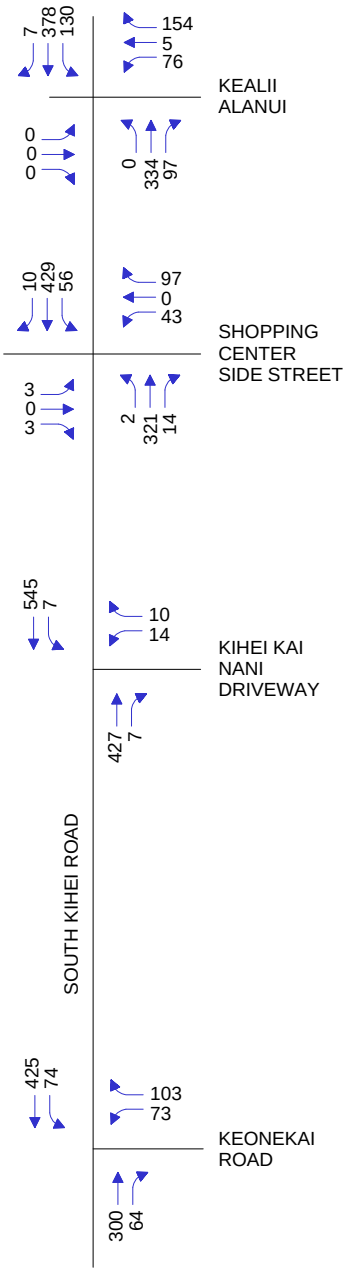
Intersection Summary			
Average Delay	0.8		
Intersection Capacity Utilization	54.2%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	2	0	11	68	0	45	2	503	17	51	459	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	0	12	74	0	49	2	547	18	55	499	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh)												
Upstream signal (ft)											796	
pX, platoon unblocked	0.99	0.99	0.99	0.99	0.99		0.99					
vC, conflicting volume	1219	1179	499	1182	1170	556	499			565		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1221	1181	495	1184	1171	556	495			565		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	98	100	98	52	100	91	100			94		
cM capacity (veh/h)	135	178	570	154	180	531	1060			1007		

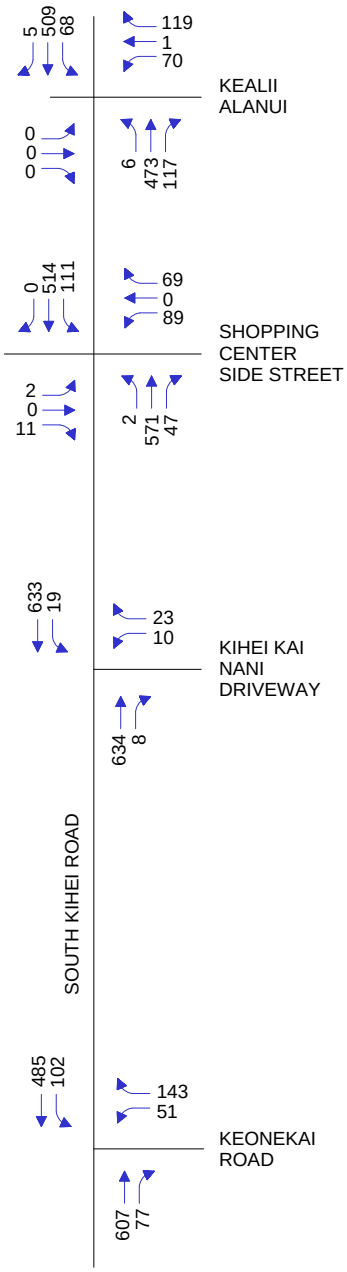
Direction, Lane #	EB 1	WB 1	NB 1	SB 1	SB 2
Volume Total	14	123	567	55	499
Volume Left	2	74	2	55	0
Volume Right	12	49	18	0	0
cSH	381	215	1060	1007	1700
Volume to Capacity	0.04	0.57	0.00	0.06	0.29
Queue Length 95th (ft)	3	78	0	4	0
Control Delay (s)	14.8	41.9	0.1	8.8	0.0
Lane LOS	B	E	A	A	
Approach Delay (s)	14.8	41.9	0.1	0.9	
Approach LOS	B	E			

Intersection Summary			
Average Delay	4.7		
Intersection Capacity Utilization	59.9%	ICU Level of Service	B
Analysis Period (min)	15		

NOT TO SCALE



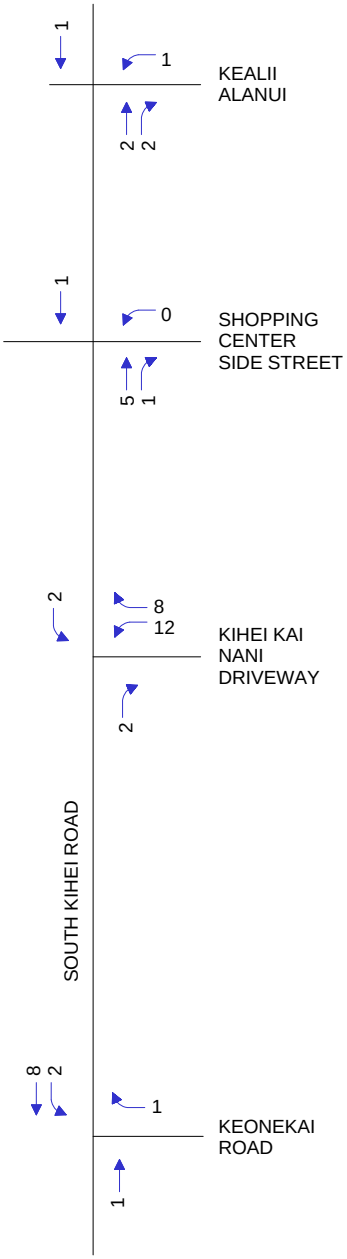
AM PEAK HOUR
TRAFFIC PROJECTIONS



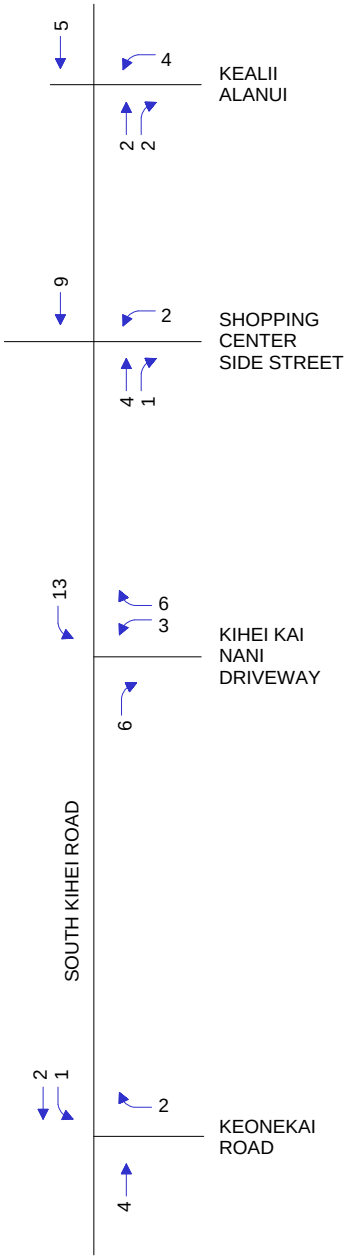
PM PEAK HOUR
TRAFFIC PROJECTIONS

Attachment E
2020 PEAK HOUR TRAFFIC PROJECTIONS
WITHOUT PROJECT GENERATED TRAFFIC

NOT TO SCALE



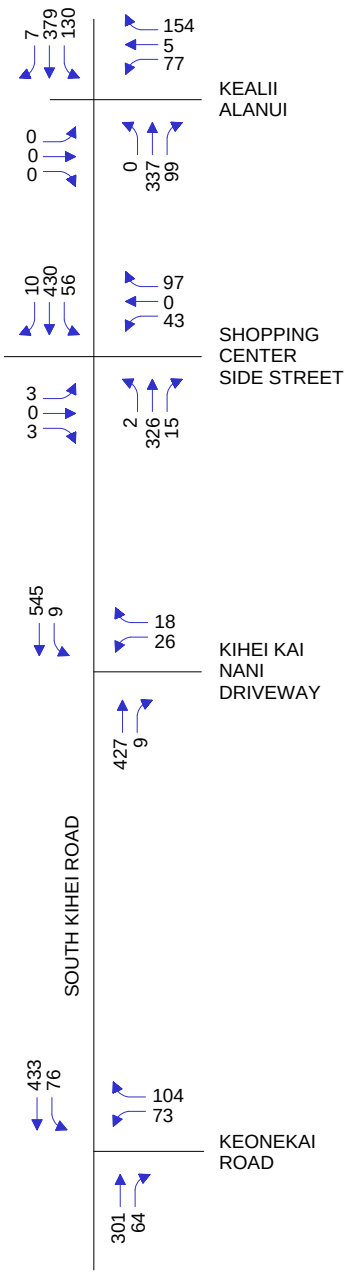
AM PEAK HOUR
TRIP ASSIGNMENTS



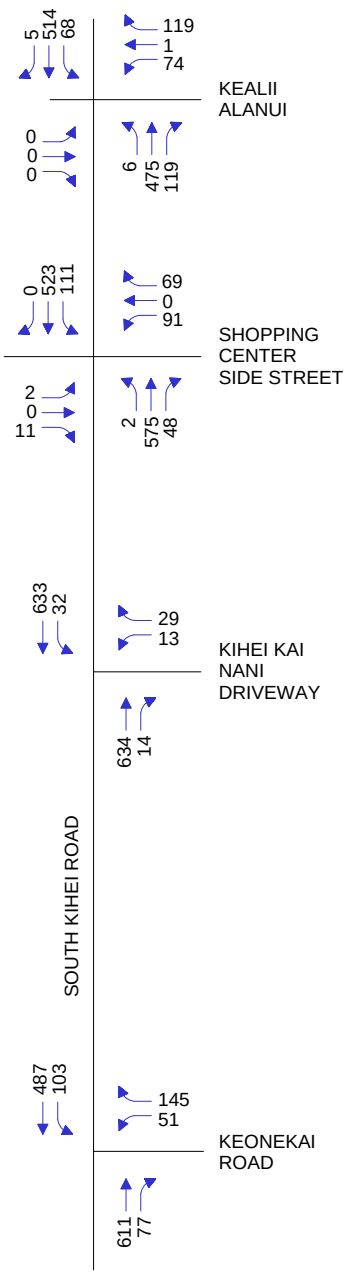
PM PEAK HOUR
TRIP ASSIGNMENTS

Attachment F
PROJECT TRIP ASSIGNMENTS

NOT TO SCALE



AM PEAK HOUR
TRAFFIC PROJECTIONS



PM PEAK HOUR
TRAFFIC PROJECTIONS

Attachment G
2020 PEAK HOUR TRAFFIC PROJECTIONS
WITH PROJECT GENERATED TRAFFIC

Attachment H

Level-of-Service Worksheets for 2020 Background AM Traffic Projections Without Project Generated Traffic

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Frt					1.00	0.85		1.00	0.85	1.00	1.00	
Flt Protected					0.95	1.00		1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1779	1583		1863	1583	1770	1857	
Flt Permitted					0.95	1.00		1.00	1.00	0.45	1.00	
Satd. Flow (perm)					1779	1583		1863	1583	832	1857	
Volume (vph)	0	0	0	76	5	154	0	334	97	130	378	7
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	83	5	167	0	363	105	141	411	8
RTOR Reduction (vph)	0	0	0	0	0	146	0	0	47	0	1	0
Lane Group Flow (vph)	0	0	0	0	88	21	0	363	58	141	418	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					7.3	7.3		31.7	31.7	41.9	41.9	
Effective Green, g (s)					7.3	7.3		31.7	31.7	41.9	41.9	
Actuated g/C Ratio					0.13	0.13		0.55	0.55	0.73	0.73	
Clearance Time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0		3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					227	202		1032	877	711	1360	
v/s Ratio Prot								c0.19		0.02	c0.23	
v/s Ratio Perm					0.05	0.11			0.07	0.12		
v/c Ratio					0.39	0.11		0.35	0.07	0.20	0.31	
Uniform Delay, d1					22.9	22.1		7.1	5.9	2.6	2.6	
Progression Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Incremental Delay, d2					1.1	0.2		0.9	0.1	0.1	0.6	
Delay (s)					24.0	22.3		8.0	6.0	2.8	3.2	
Level of Service					C	C		A	A	A	A	
Approach Delay (s)		0.0			22.9			7.6			3.1	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.7	HCM Level of Service	A
HCM Volume to Capacity ratio	0.43		
Actuated Cycle Length (s)	57.2	Sum of lost time (s)	12.0
Intersection Capacity Utilization	39.3%	ICU Level of Service	A
Analysis Period (min)	15		

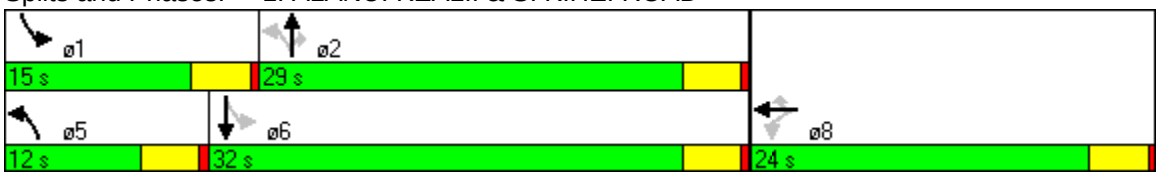
c Critical Lane Group

Lane Group	WBT	WBR	NBT	NBR	SBL	SBT	ø5
Lane Configurations							
Volume (vph)	5	154	334	97	130	378	
Lane Group Flow (vph)	88	167	363	105	141	419	
Turn Type		Perm		Perm	pm+pt		
Protected Phases	8		2		1	6	5
Permitted Phases		8		2	6		
Detector Phases	8	8	2	2	1	6	
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0	8.0	20.0	8.0
Total Split (s)	24.0	24.0	29.0	29.0	15.0	32.0	12.0
Total Split (%)	35.3%	35.3%	42.6%	42.6%	22.1%	47.1%	18%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lag	Lag	Lead	Lag	Lead
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	Max	Max	None	Max	None
v/c Ratio	0.34	0.45	0.34	0.11	0.23	0.30	
Control Delay	20.7	5.7	10.0	2.8	3.8	3.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	20.7	5.7	10.0	2.8	3.8	3.9	
Queue Length 50th (ft)	24	0	65	0	11	37	
Queue Length 95th (ft)	59	41	141	21	28	83	
Internal Link Dist (ft)	1300		736			540	
Turn Bay Length (ft)							
Base Capacity (vph)	520	581	1077	960	641	1391	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.17	0.29	0.34	0.11	0.22	0.30	

Intersection Summary

Cycle Length: 68
Actuated Cycle Length: 56
Natural Cycle: 50
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	73	103	300	64	74	425
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	79	112	326	70	80	462
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	984	361			396	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	984	361			396	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	69	84			93	
cM capacity (veh/h)	257	684			1163	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	79	112	396	80	462
Volume Left	79	0	0	80	0
Volume Right	0	112	70	0	0
cSH	257	684	1700	1163	1700
Volume to Capacity	0.31	0.16	0.23	0.07	0.27
Queue Length 95th (ft)	32	15	0	6	0
Control Delay (s)	25.2	11.3	0.0	8.3	0.0
Lane LOS	D	B		A	
Approach Delay (s)	17.1		0.0	1.2	
Approach LOS	C				

Intersection Summary			
Average Delay	3.5		
Intersection Capacity Utilization	37.8%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	14	10	427	7	7	545
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	15	11	464	8	8	592
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1076	468			472	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1076	468			472	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	94	98			99	
cM capacity (veh/h)	241	595			1090	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	26	472	600
Volume Left	15	0	8
Volume Right	11	8	0
cSH	321	1700	1090
Volume to Capacity	0.08	0.28	0.01
Queue Length 95th (ft)	7	0	1
Control Delay (s)	17.2	0.0	0.2
Lane LOS	C		A
Approach Delay (s)	17.2	0.0	0.2
Approach LOS	C		

Intersection Summary			
Average Delay	0.5		
Intersection Capacity Utilization	44.3%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	3	0	3	43	0	97	2	321	14	56	429	10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	3	0	3	47	0	105	2	349	15	61	466	11
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh)												
Upstream signal (ft)											816	
pX, platoon unblocked												
vC, conflicting volume	1060	962	472	952	960	357	477			364		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1060	962	472	952	960	357	477			364		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	98	100	99	80	100	85	100			95		
cM capacity (veh/h)	164	242	592	228	243	688	1085			1194		

Direction, Lane #	EB 1	WB 1	NB 1	SB 1	SB 2
Volume Total	7	152	366	61	477
Volume Left	3	47	2	61	0
Volume Right	3	105	15	0	11
cSH	257	425	1085	1194	1700
Volume to Capacity	0.03	0.36	0.00	0.05	0.28
Queue Length 95th (ft)	2	40	0	4	0
Control Delay (s)	19.4	18.1	0.1	8.2	0.0
Lane LOS	C	C	A	A	
Approach Delay (s)	19.4	18.1	0.1	0.9	
Approach LOS	C	C			

Intersection Summary			
Average Delay	3.2		
Intersection Capacity Utilization	58.6%	ICU Level of Service	B
Analysis Period (min)	15		

Attachment I

Level-of-Service Worksheets for 2020 Background PM Traffic Projections Without Project Generated Traffic

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frt					1.00	0.85	1.00	1.00	0.85	1.00	1.00	
Flt Protected					0.95	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1775	1583	1770	1863	1583	1770	1860	
Flt Permitted					0.95	1.00	0.42	1.00	1.00	0.40	1.00	
Satd. Flow (perm)					1775	1583	780	1863	1583	745	1860	
Volume (vph)	0	0	0	70	1	119	6	473	117	68	509	5
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	76	1	129	7	514	127	74	553	5
RTOR Reduction (vph)	0	0	0	0	0	113	0	0	43	0	0	0
Lane Group Flow (vph)	0	0	0	0	77	16	7	514	84	74	558	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					8.3	8.3	45.9	44.9	44.9	49.9	46.9	
Effective Green, g (s)					8.3	8.3	45.9	44.9	44.9	49.9	46.9	
Actuated g/C Ratio					0.12	0.12	0.67	0.66	0.66	0.73	0.69	
Clearance Time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					216	193	539	1227	1042	590	1279	
v/s Ratio Prot							0.00	0.28		c0.01	c0.30	
v/s Ratio Perm					0.04	0.08	0.01		0.08	0.09		
v/c Ratio					0.36	0.08	0.01	0.42	0.08	0.13	0.44	
Uniform Delay, d1					27.5	26.6	3.8	5.5	4.2	3.0	4.8	
Progression Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2					1.0	0.2	0.0	1.1	0.2	0.1	1.1	
Delay (s)					28.5	26.7	3.8	6.5	4.4	3.1	5.8	
Level of Service					C	C	A	A	A	A	A	
Approach Delay (s)		0.0			27.4			6.1			5.5	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.8	HCM Level of Service	A
HCM Volume to Capacity ratio	0.47		
Actuated Cycle Length (s)	68.2	Sum of lost time (s)	12.0
Intersection Capacity Utilization	44.4%	ICU Level of Service	A
Analysis Period (min)	15		

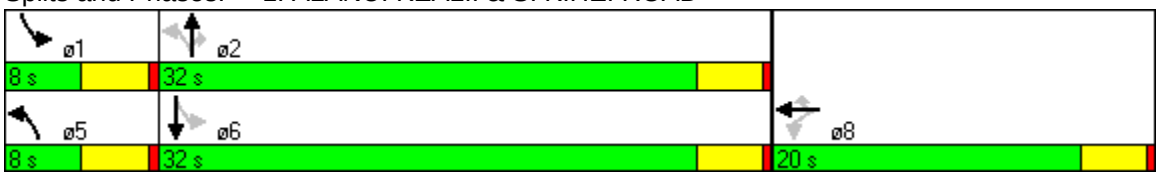
c Critical Lane Group

Lane Group	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations							
Volume (vph)	1	119	6	473	117	68	509
Lane Group Flow (vph)	77	129	7	514	127	74	558
Turn Type		Perm	pm+pt		Perm	pm+pt	
Protected Phases	8		5	2		1	6
Permitted Phases		8	2		2	6	
Detector Phases	8	8	5	2	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	8.0	20.0	20.0	8.0	20.0
Total Split (s)	20.0	20.0	8.0	32.0	32.0	8.0	32.0
Total Split (%)	33.3%	33.3%	13.3%	53.3%	53.3%	13.3%	53.3%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lead	Lag	Lag	Lead	Lag
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	Max	Max	None	Max
v/c Ratio	0.32	0.40	0.02	0.42	0.12	0.15	0.42
Control Delay	20.1	6.2	4.2	7.9	1.9	3.8	6.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.1	6.2	4.2	7.9	1.9	3.8	6.1
Queue Length 50th (ft)	21	0	1	87	0	5	53
Queue Length 95th (ft)	52	36	3	172	19	16	193
Internal Link Dist (ft)	1300			736			540
Turn Bay Length (ft)							
Base Capacity (vph)	420	473	414	1230	1088	498	1343
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.18	0.27	0.02	0.42	0.12	0.15	0.42

Intersection Summary

Cycle Length: 60
Actuated Cycle Length: 65.7
Natural Cycle: 55
Control Type: Semi Act-Uncoord

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	2	0	11	89	0	69	2	571	47	111	514	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	0	12	97	0	75	2	621	51	121	559	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh)												
Upstream signal (ft)											816	
pX, platoon unblocked	0.96	0.96	0.96	0.96	0.96		0.96					
vC, conflicting volume	1526	1476	559	1462	1451	646	559			672		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1547	1496	540	1482	1469	646	540			672		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	97	100	98	0	100	84	100			87		
cM capacity (veh/h)	67	102	520	87	106	471	987			919		

Direction, Lane #	EB 1	WB 1	NB 1	SB 1	SB 2
Volume Total	14	172	674	121	559
Volume Left	2	97	2	121	0
Volume Right	12	75	51	0	0
cSH	256	135	987	919	1700
Volume to Capacity	0.06	1.27	0.00	0.13	0.33
Queue Length 95th (ft)	4	266	0	11	0
Control Delay (s)	19.9	229.8	0.1	9.5	0.0
Lane LOS	C	F	A	A	
Approach Delay (s)	19.9	229.8	0.1	1.7	
Approach LOS	C	F			

Intersection Summary			
Average Delay	26.6		
Intersection Capacity Utilization	85.9%	ICU Level of Service	E
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	10	23	634	8	19	633
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	11	25	689	9	21	688
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1423	693			698	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1423	693			698	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	93	94			98	
cM capacity (veh/h)	146	443			899	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	36	698	709
Volume Left	11	0	21
Volume Right	25	9	0
cSH	274	1700	899
Volume to Capacity	0.13	0.41	0.02
Queue Length 95th (ft)	11	0	2
Control Delay (s)	20.1	0.0	0.6
Lane LOS	C		A
Approach Delay (s)	20.1	0.0	0.6
Approach LOS	C		

Intersection Summary			
Average Delay	0.8		
Intersection Capacity Utilization	58.6%	ICU Level of Service	B
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	51	143	607	77	102	485
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	55	155	660	84	111	527
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1451	702			743	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1451	702			743	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	56	65			87	
cM capacity (veh/h)	126	438			864	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	55	155	743	111	527
Volume Left	55	0	0	111	0
Volume Right	0	155	84	0	0
cSH	126	438	1700	864	1700
Volume to Capacity	0.44	0.35	0.44	0.13	0.31
Queue Length 95th (ft)	49	39	0	11	0
Control Delay (s)	54.6	17.7	0.0	9.8	0.0
Lane LOS	F	C		A	
Approach Delay (s)	27.4		0.0	1.7	
Approach LOS	D				

Intersection Summary			
Average Delay	4.3		
Intersection Capacity Utilization	55.6%	ICU Level of Service	B
Analysis Period (min)	15		

Attachment J
Level-of-Service Worksheets for 2020 Background AM Traffic Projections
With Project Generated Traffic

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Frt					1.00	0.85		1.00	0.85	1.00	1.00	
Flt Protected					0.95	1.00		1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1779	1583		1863	1583	1770	1857	
Flt Permitted					0.95	1.00		1.00	1.00	0.44	1.00	
Satd. Flow (perm)					1779	1583		1863	1583	811	1857	
Volume (vph)	0	0	0	77	5	154	0	337	99	130	379	7
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	84	5	167	0	366	108	141	412	8
RTOR Reduction (vph)	0	0	0	0	0	145	0	0	51	0	1	0
Lane Group Flow (vph)	0	0	0	0	89	22	0	366	57	141	419	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					7.1	7.1		28.3	28.3	38.3	38.3	
Effective Green, g (s)					7.1	7.1		28.3	28.3	38.3	38.3	
Actuated g/C Ratio					0.13	0.13		0.53	0.53	0.72	0.72	
Clearance Time (s)					4.0	4.0		4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0		3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					237	210		987	839	689	1332	
v/s Ratio Prot								c0.20		0.02	c0.23	
v/s Ratio Perm					0.05	0.11			0.07	0.12		
v/c Ratio					0.38	0.11		0.37	0.07	0.20	0.31	
Uniform Delay, d1					21.1	20.4		7.3	6.1	2.8	2.8	
Progression Factor					1.00	1.00		1.00	1.00	1.00	1.00	
Incremental Delay, d2					1.0	0.2		1.1	0.2	0.1	0.6	
Delay (s)					22.1	20.6		8.4	6.3	2.9	3.4	
Level of Service					C	C		A	A	A	A	
Approach Delay (s)		0.0			21.1			7.9			3.3	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.5	HCM Level of Service	A
HCM Volume to Capacity ratio	0.45		
Actuated Cycle Length (s)	53.4	Sum of lost time (s)	12.0
Intersection Capacity Utilization	39.5%	ICU Level of Service	A
Analysis Period (min)	15		

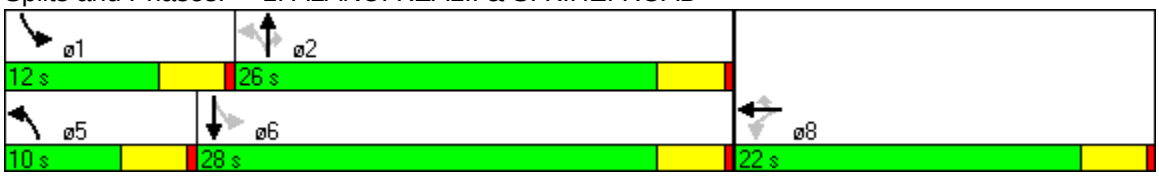
c Critical Lane Group

Lane Group	WBT	WBR	NBT	NBR	SBL	SBT	ø5
Lane Configurations							
Volume (vph)	5	154	337	99	130	379	
Lane Group Flow (vph)	89	167	366	108	141	420	
Turn Type		Perm		Perm	pm+pt		
Protected Phases	8		2		1	6	5
Permitted Phases		8		2	6		
Detector Phases	8	8	2	2	1	6	
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	20.0	20.0	8.0	20.0	8.0
Total Split (s)	22.0	22.0	26.0	26.0	12.0	28.0	10.0
Total Split (%)	36.7%	36.7%	43.3%	43.3%	20.0%	46.7%	17%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lag	Lag	Lead	Lag	Lead
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	Max	Max	None	Max	None
v/c Ratio	0.33	0.44	0.35	0.12	0.23	0.31	
Control Delay	19.1	5.5	10.5	2.9	4.0	4.1	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	19.1	5.5	10.5	2.9	4.0	4.1	
Queue Length 50th (ft)	23	0	66	0	10	37	
Queue Length 95th (ft)	55	39	138	21	28	84	
Internal Link Dist (ft)	1300		696			540	
Turn Bay Length (ft)							
Base Capacity (vph)	509	572	1034	927	629	1364	
Starvation Cap Reductn	0	0	0	0	0	0	
Spillback Cap Reductn	0	0	0	0	0	0	
Storage Cap Reductn	0	0	0	0	0	0	
Reduced v/c Ratio	0.17	0.29	0.35	0.12	0.22	0.31	

Intersection Summary

Cycle Length: 60
Actuated Cycle Length: 52.2
Natural Cycle: 50
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	3	0	3	43	0	97	2	326	15	56	430	10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	3	0	3	47	0	105	2	354	16	61	467	11
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage veh)												
Upstream signal (ft)											776	
pX, platoon unblocked												
vC, conflicting volume	1067	970	473	959	967	362	478			371		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1067	970	473	959	967	362	478			371		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	98	100	99	79	100	85	100			95		
cM capacity (veh/h)	162	240	591	226	241	682	1084			1188		

Direction, Lane #	EB 1	WB 1	NB 1	SB 1	SB 2
Volume Total	7	152	373	61	478
Volume Left	3	47	2	61	0
Volume Right	3	105	16	0	11
cSH	254	421	1084	1188	1700
Volume to Capacity	0.03	0.36	0.00	0.05	0.28
Queue Length 95th (ft)	2	41	0	4	0
Control Delay (s)	19.5	18.3	0.1	8.2	0.0
Lane LOS	C	C	A	A	
Approach Delay (s)	19.5	18.3	0.1	0.9	
Approach LOS	C	C			

Intersection Summary			
Average Delay	3.2		
Intersection Capacity Utilization	58.6%	ICU Level of Service	B
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	26	18	427	9	9	545
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	28	20	464	10	10	592
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1081	469			474	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1081	469			474	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	88	97			99	
cM capacity (veh/h)	239	594			1088	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	48	474	602
Volume Left	28	0	10
Volume Right	20	10	0
cSH	316	1700	1088
Volume to Capacity	0.15	0.28	0.01
Queue Length 95th (ft)	13	0	1
Control Delay (s)	18.4	0.0	0.2
Lane LOS	C		A
Approach Delay (s)	18.4	0.0	0.2
Approach LOS	C		

Intersection Summary			
Average Delay	0.9		
Intersection Capacity Utilization	45.9%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	73	104	301	64	76	433
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	79	113	327	70	83	471
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	998	362			397	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	998	362			397	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	68	83			93	
cM capacity (veh/h)	251	683			1162	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	79	113	397	83	471
Volume Left	79	0	0	83	0
Volume Right	0	113	70	0	0
cSH	251	683	1700	1162	1700
Volume to Capacity	0.32	0.17	0.23	0.07	0.28
Queue Length 95th (ft)	33	15	0	6	0
Control Delay (s)	25.8	11.3	0.0	8.3	0.0
Lane LOS	D	B		A	
Approach Delay (s)	17.3		0.0	1.2	
Approach LOS	C				

Intersection Summary			
Average Delay	3.5		
Intersection Capacity Utilization	38.0%	ICU Level of Service	A
Analysis Period (min)	15		

Attachment K
Level-of-Service Worksheets for 2020 Background PM Traffic Projections
With Project Generated Traffic

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frt					1.00	0.85	1.00	1.00	0.85	1.00	1.00	
Flt Protected					0.95	1.00	0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)					1775	1583	1770	1863	1583	1770	1860	
Flt Permitted					0.95	1.00	0.41	1.00	1.00	0.40	1.00	
Satd. Flow (perm)					1775	1583	772	1863	1583	742	1860	
Volume (vph)	0	0	0	74	1	119	6	475	119	68	514	5
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	80	1	129	7	516	129	74	559	5
RTOR Reduction (vph)	0	0	0	0	0	113	0	0	44	0	0	0
Lane Group Flow (vph)	0	0	0	0	81	16	7	516	85	74	564	0
Turn Type				Perm		Perm	pm+pt		Perm	pm+pt		
Protected Phases					8		5	2		1	6	
Permitted Phases				8		8	2		2	6		
Actuated Green, G (s)					8.4	8.4	45.9	44.9	44.9	49.9	46.9	
Effective Green, g (s)					8.4	8.4	45.9	44.9	44.9	49.9	46.9	
Actuated g/C Ratio					0.12	0.12	0.67	0.66	0.66	0.73	0.69	
Clearance Time (s)					4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Vehicle Extension (s)					3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)					218	195	533	1225	1041	587	1277	
v/s Ratio Prot							0.00	0.28		c0.01	c0.30	
v/s Ratio Perm					0.05	0.08	0.01		0.08	0.09		
v/c Ratio					0.37	0.08	0.01	0.42	0.08	0.13	0.44	
Uniform Delay, d1					27.5	26.5	3.8	5.5	4.2	3.0	4.8	
Progression Factor					1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2					1.1	0.2	0.0	1.1	0.2	0.1	1.1	
Delay (s)					28.6	26.7	3.8	6.6	4.4	3.1	5.9	
Level of Service					C	C	A	A	A	A	A	
Approach Delay (s)		0.0			27.4			6.1			5.6	
Approach LOS		A			C			A			A	

Intersection Summary

HCM Average Control Delay	8.9	HCM Level of Service	A
HCM Volume to Capacity ratio	0.47		
Actuated Cycle Length (s)	68.3	Sum of lost time (s)	12.0
Intersection Capacity Utilization	44.8%	ICU Level of Service	A
Analysis Period (min)	15		

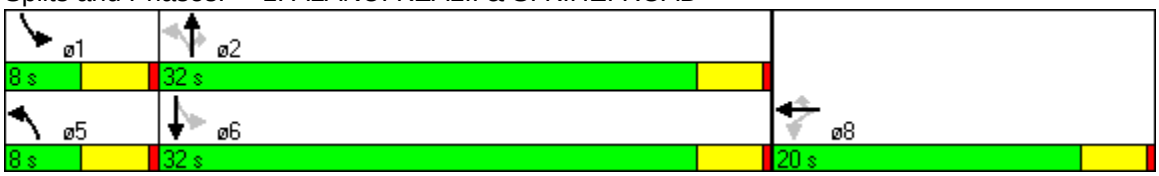
c Critical Lane Group

Lane Group	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Configurations							
Volume (vph)	1	119	6	475	119	68	514
Lane Group Flow (vph)	81	129	7	516	129	74	564
Turn Type		Perm	pm+pt		Perm	pm+pt	
Protected Phases	8		5	2		1	6
Permitted Phases		8	2		2	6	
Detector Phases	8	8	5	2	2	1	6
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	20.0	20.0	8.0	20.0	20.0	8.0	20.0
Total Split (s)	20.0	20.0	8.0	32.0	32.0	8.0	32.0
Total Split (%)	33.3%	33.3%	13.3%	53.3%	53.3%	13.3%	53.3%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lead/Lag			Lead	Lag	Lag	Lead	Lag
Lead-Lag Optimize?			Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	Max	Max	None	Max
v/c Ratio	0.33	0.39	0.02	0.42	0.12	0.15	0.42
Control Delay	20.1	6.1	4.2	8.0	1.9	3.8	6.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.1	6.1	4.2	8.0	1.9	3.8	6.2
Queue Length 50th (ft)	22	0	1	88	0	5	55
Queue Length 95th (ft)	53	36	3	174	19	16	197
Internal Link Dist (ft)	1300			716			540
Turn Bay Length (ft)							
Base Capacity (vph)	421	474	408	1227	1086	496	1340
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.19	0.27	0.02	0.42	0.12	0.15	0.42

Intersection Summary

Cycle Length: 60
Actuated Cycle Length: 65.7
Natural Cycle: 55
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: ALANUI KEALII & S. KIHEI ROAD



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	2	0	11	91	0	69	2	575	48	111	523	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	0	12	99	0	75	2	625	52	121	568	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		TWLTL			TWLTL							
Median storage veh)		0			3							
Upstream signal (ft)											796	
pX, platoon unblocked	0.92	0.92	0.92	0.92	0.92		0.92					
vC, conflicting volume	1540	1491	568	1477	1465	651	568			677		
vC1, stage 1 conf vol	810	810		655	655							
vC2, stage 2 conf vol	730	682		822	810							
vCu, unblocked vol	1585	1532	533	1517	1504	651	533			677		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)	6.1	5.5		6.1	5.5							
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	98	100	98	64	100	84	100			87		
cM capacity (veh/h)	108	142	505	271	294	468	956			915		

Direction, Lane #	EB 1	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	14	99	75	679	121	568
Volume Left	2	99	0	2	121	0
Volume Right	12	0	75	52	0	0
cSH	323	271	468	956	915	1700
Volume to Capacity	0.04	0.36	0.16	0.00	0.13	0.33
Queue Length 95th (ft)	3	40	14	0	11	0
Control Delay (s)	16.6	25.7	14.1	0.1	9.5	0.0
Lane LOS	C	D	B	A	A	
Approach Delay (s)	16.6	20.7		0.1	1.7	
Approach LOS	C	C				

Intersection Summary			
Average Delay	3.2		
Intersection Capacity Utilization	82.5%	ICU Level of Service	E
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	13	29	634	14	32	633
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	14	32	689	15	35	688
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1454	697			704	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1454	697			704	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	90	93			96	
cM capacity (veh/h)	138	441			893	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	46	704	723
Volume Left	14	0	35
Volume Right	32	15	0
cSH	262	1700	893
Volume to Capacity	0.17	0.41	0.04
Queue Length 95th (ft)	15	0	3
Control Delay (s)	21.6	0.0	1.0
Lane LOS	C		A
Approach Delay (s)	21.6	0.0	1.0
Approach LOS	C		

Intersection Summary			
Average Delay	1.2		
Intersection Capacity Utilization	69.4%	ICU Level of Service	C
Analysis Period (min)	15		

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	51	145	611	77	103	487
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	55	158	664	84	112	529
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1459	706			748	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1459	706			748	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	55	64			87	
cM capacity (veh/h)	124	436			861	

Direction, Lane #	WB 1	WB 2	NB 1	SB 1	SB 2
Volume Total	55	158	748	112	529
Volume Left	55	0	0	112	0
Volume Right	0	158	84	0	0
cSH	124	436	1700	861	1700
Volume to Capacity	0.45	0.36	0.44	0.13	0.31
Queue Length 95th (ft)	49	41	0	11	0
Control Delay (s)	55.8	17.9	0.0	9.8	0.0
Lane LOS	F	C		A	
Approach Delay (s)	27.7		0.0	1.7	
Approach LOS	D				

Intersection Summary			
Average Delay	4.4		
Intersection Capacity Utilization	55.9%	ICU Level of Service	B
Analysis Period (min)	15		

APPENDIX J

Draft EA Agency Comments & Responses

STATE AGENCIES	Date
DAGS	4/21/2015
Dept. of Health, Honolulu	6/4/2015
Dept. of Health, Maui	5/11/2015
COUNTY AGENCIES	
Dept. of Environmental Management	5/4/2015
Dept. of Finance	4/21/2015
Dept. of Housing & Human Concerns	5/4/2015
Dept. Public Works	7/1/2015
Dept. of Water Supply	4/24/2015
Police Department	5/7/2015
FEDERAL AGENCIES	
U.S. Fish & Wildlife	7/11/2015
U.S. Army Corps of Engineers	8/17/2015

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Mr. Reid K. Siarot, State Land Surveyor
State of Hawaii
Department of Accounting and General Services
Survey Division
PO Box 119
Honolulu, HI 96810

Dear Mr. Siarot:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your memorandum dated April 21, 2015 and for confirmation that no Government Survey Triangulation Stations or Benchmarks are affected by the proposed project. The Applicant confirms that Survey has no objections to the proposed project.

If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

15/2063

COUNTY OF MAUI
DEPT. OF PLANNING CURRENT
APR 27 2015
RECEIVED

DAVID Y. IGE
GOVERNOR

DOUGLAS MURDOCK
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
Ma-083(15)

April 21, 2015

MEMORANDUM

TO: William R. Spence, Director
Department of Planning, County of Maui

ATTN: Paul Fasi, Staff Planner

FROM: Reid K. Siarot, State Land Surveyor
DAGS, Survey Division

SUBJECT: Nani Loa Condominium Hotel
Applicant: Victory Development Inc.
Permit Nos.: EA 2015/0004, SM1 2015/0004, CPA 2015/0002
TMK: 3-9-20:32

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey has no objections to the proposed project.

Should you have any questions, please call me at 586-0390.

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Mr. Alec Wong, Chief
State of Hawaii
Department of Health
Clean Water Branch
P.O. Box 3378
Honolulu, HI 96801

Dear Mr. Wong:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 4, 2015, our responses to your numerated comments are provided below.

Comment 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 1 1-54-8).

Response 1. During upstream storm events, the gulch that traverses the property from east to west is a pass through for upstream storm waters which eventually out flows to the ocean. According to the Division of Aquatic Resources (DAR), DLNR, all streams in the Kihei district are classified as non-perennial. This gulch is not identified as a stream in the Commission on Water Resources Management (CWRM) or the DAR databases. The criteria in HAR 11-54 may not apply to this gulch, however this project does not proposed to alter the existing gulch except to improve the existing culvert intake. Any additional storm runoff generated by the project will be contained onsite with underground retention structures.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Comment 2. *You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NO1 Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee ($1,000 for an individual NPDES permit or $500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: https://eha-cloud.doh.hawaii.gov/epermit/. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.*

Response 2. If necessary, an NPDES permit shall be obtained prior to construction activities.

Comment 3. *If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.*

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401 (a)(l), 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. By letter dated August 17, 2015, the U.S. Army Corps of Engineers has determined that "the proposed project location is absent of waters of the U.S., and activities related to the proposed project would not result in the work and/or the discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands, subject to the Corps' regulatory jurisdiction." As a result a Department of Army permit is not required.

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. The project intends to comply with requirements in HAR, Chapters 11-54 and 11-55.

***Comment** 5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:*

a. *Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.*

b. *Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.*

c. *Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.*

d. *Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.*

e. *Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.*

Response 5. As previously noted and as discussed in more detail in the Draft EA, any stormwater generated by the project will be retained onsite in subsurface drainage system consisting of perforated drain pipes surrounded by crush rock wrapped in filter fabric. The drainage system will be designed to and sized to accommodate runoff from a 50-year 1-hour storm which will be allowed to filter into the ground to recharge groundwater. As required, inlets will be filtered to prevent pollutants and contaminants from entering the system.

Also as described in the Draft EA, the landscape planting plan includes use of native and climate adapted Zone 3 plants, drip irrigation, rain sensors, and will be "R-1 ready" when recycled water becomes available.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

15/2981

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV RECEIVED

15 JUN -8 P4:10

In reply, please refer to
EMD/CWB

06009PJF.15

June 4, 2015

Mr. Clayton I. Yoshida
Planning Program Administrator
Department of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Mr. Yoshida:

SUBJECT: Draft Environmental Assessment for Nani Loa Condominium hotel Kihei, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated April 16, 2015, requesting comments on your project. 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. You 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/2013/05/Clean-Water-Branch-Std-Comments.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. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).

For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee ($1,000 for an individual NPDES permit or $500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: https://eha-cloud.doh.hawaii.gov/epermit/. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) 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.

5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:

   a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects

natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g., minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.

c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.

d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.

e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

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

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

JF:ay

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

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

Dear Ms. Kitkowski:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of May 11, 2015, our responses to your numerated comments are provided below.

Comment 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.*

Response 1. The Applicant will contact the Clean Water Branch to determine if a NPDES permit will be required for the Project prior to any construction activities.

Comment 2. *Project must comply with Hawaii Administrative Rules (HAR), Chapter 11-10, "Public Swimming Pools."*

Response 2. The subject project will comply with HAR, Chapter 11-10, "Public Swimming Pools."

Comment 3. *The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in HAR, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808-586-4700.*

Response 3. During construction, if it is anticipated that noise level for Class B zoning district will exceed the Chapter 11-46 parameters, a noise permit will be obtained.

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www.chpmaui.com

Comment 4. *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.*

Response 4.

Clean Air Branch. The Best Management Practices (BMP) plan for air quality control will be implemented during construction as detailed in the Draft EA.

Clean Water Branch. A BMP plan for erosion control, which will be included in the Final EA, will be implemented during construction. As previously noted, an NPDES permit will be obtained prior to construction, if necessary.

Solid and Hazardous Waste Branch. As detailed in the Draft EA, waste disposal will be in compliance with State regulations.

All other standard comments do not appear to apply to this project.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

15-2403

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

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

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV RECEIVED

15 MAY 11 P1:45

May 11, 2015

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

Attn: Paul Fasi

Dear Mr. Spence:

Subject:	**Nani Loa Condominium Hotel**
Applicant:	**Victory Development Inc.**
Permit No.:	**EA 2015/0004, SM1 2015/0004, CPA 2015/0002**
TMK:	**(2) 3-9-020:032**
Project Location:	**2505 South Kihei Road, Kihei, Hawaii 96753**
Project Description:	**39-Unit Hotel/Condominium**

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. Project must comply with Hawaii Administrative Rules (HAR), Chapter 11-10, "Public Swimming Pools."

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

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

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski
District Environmental Health Program Chief

c EPO

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Mr. Kyle Ginoza, Director
County of Maui
Department of Environmental Management
2050 Main Street, Suite 1C
Wailuku, HI 96793
Attention: Mr. Michael Miyamoto

Dear Mr. Ginoza:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your memorandum dated May 4, 2015, our responses to your numerated comments are provided below.

Wastewater Reclamation Division:

Comment A. *Although wastewater system capacity is currently available as of the date of this letter, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.*

Response A. The Applicant understands that wastewater system capacity is currently available but cannot be ensured until the issuance of the building permit.

Comment B. *Wastewater contribution calculations are requited before building permit is issued.*

Response B. The Applicant will provide wastewater contribution calculations as required before building permit issuance.

Comment C. *Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees. The property is located in Kihei Sewer Service Area 7.*

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Response C. The Applicant will pay required assessment fees for the treatment plant expansion costs in accordance with the ordinance setting forth the fees for Kihei Sewer Service Area 7, the service area in which the project is located.

***Comment D**. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.*

Response D. The Applicant will fund any necessary off-site improvements to collection system and wastewater pump stations.

***Comment E**. Show or list minimum slope of new sewer laterals.*

Response E. The Applicant will show or list minimum slope of new sewer laterals when submitting plans for building permits.

***Comment F**. Plans should show the installation of the proposed/existing single service lateral, and a property sewer service manhole near the property line.*

Response F. The Applicant will show the installation of the proposed/existing single service lateral as well as a property sewer service manhole located near the property line on the plans when submitting for building permits.

***Comment G**. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.*

Response G. The Applicant will indicate, on the plans, the ownership of each easement and which party the easement is in favor of when submitting for building permits. The Applicant also understands that the County will not accept sewer easements that traverse private property.

***Comment H**. Provide a copy of the Bureau of Conveyances recorded sewer easement documents for the private sewerline to be installed/installed within the adjacent property to service the subject property.*

Response H. Attached is a copy of the "Kihei Kai-Nani, Phase One Restated Declaration of Condominium Property Regime" recorded with the State Bureau of Conveyances (Doc. No. 2002-165763) which describes the easement for utility purposes on TMK parcel (2) 3-9-020:003 in favor of Lot 1-A (the subject Nani Loa property).

***Comment I**. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)*

Response I. Kitchen facilities within the proposed project will comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)

Comment J. *Non-contract cooling water and condensate should not drain to the wastewater system.*

Response J. The Applicant will ensure that non-contact cooling water and condensate will not drain to the wastewater system.

Solid Waste Division:

The Applicant acknowledges that all solid waste issues have been addressed and there are no comments.

Thank you again for providing us with your memorandum. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Project File 13-075

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
5/4/2015

AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Nani Loa Condominium Hotel		
APPLICANT:	Victory Development Inc.		
PERMIT NO:	EA 2015/0004, SM1 2015/0004, CPA 2015/0002		
TMK:	(2) 3-9-020:032		
STREET ADDRESS:	2505 South Kihei Road, Kihei, HI 96753		
PROJECT DESCRIPTION:	39-Unit Hotel/Condominium		
SECURITY CODE:			

☒ COMMENTS/RECOMMENDATIONS ☐ NO COMMENTS

WASTEWATER RECLAMATION DIVISION COMMENTS

a. Although wastewater system capacity is currently available as of the date of this letter, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.

b. Wastewater contribution calculations are required before building permit is issued.

c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees. The property is located in Kihei Sewer Service Area 7.

d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.

e. Show or list minimum slope of new sewer laterals.

f. Plans should show the installation of the proposed/existing single service lateral, and a property sewer service manhole near the property line.

g. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.

h. Provide a copy of the Bureau of Conveyances recorded sewer easement document for the private sewerline to be installed/installed within the adjacent property to service the subject property.

i. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)

j. Non-contact cooling water and condensate should not drain to the wastewater system.

☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS

SOLID WASTE DIVISION COMMENTS

Solid waste issues are addressed.

Signed:

R-652 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
SEP 19, 2002 08:02 AM

Doc No(s) 2002-165763

/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

62 1/1 Z2

LAND COURT SYSTEM ✓ REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: [X] MAIL [ ] PICKUP

Robert E. Rowland Attorney at Law
A Law Corporation
P. O. Box 455
Kahului, Hawaii 96733

Total Number of Pages: 62

KIHEI KAI-NANI, PHASE ONE
RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME

WHEREAS, by Declaration of Horizontal Property Regime dated June 25, 1969 recorded in the Bureau of Conveyances of the State of Hawaii in Liber 6581, Page 314, together with Condominium Map No. 142, the Horizontal Property Regime known as ASSOCIATION OF APARTMENT OWNERS OF KIHEI KAI-NANI, PHASE ONE, INC. was created by S. George Fukuoka and Masaru Yokouchi, as the "Owners", and Paul S. Ferreira, as the "Developer"; and

WHEREAS, attached to said Declaration and filed therewith were the By-Laws of the Association of Owners of the Kihei Kai-Nani, Phase One; and

WHEREAS, said Declaration and By-Laws were amended by instruments dated December 15, 1969, recorded in Liber 6821 on Page 433; dated September 4, 1973, recorded in Liber 9479 on Page 59; dated --/--/--, recorded in Liber 11496 on Page 138; dated --/--/--, recorded in Liber 11572 on Page 260; dated May 22, 1980, recorded in Liber 14773 on Page 358; dated --/--/--, recorded in Liber 16243 on Page 7; dated January 30, 1987, recorded in Liber 20347 on Page 703; dated April 26, 1993, recorded as Document No. 93-079282; dated September 28, 1994, recorded as Document No. 94-169083; dated January 25, 1997, recorded as Document No. 97-024906; dated January 25, 1997, recorded as Document No. 97-024999; dated

July 24, 1998, recorded as Document No. 98-118055; dated August 17, 2000, recorded as Document No. 2000-116977; dated January 14, 2002, recorded as Document No. 2002-022995; and dated June 6, 2002, recorded as Document No. 2002-109684; and

WHEREAS, said Declaration and the By-Laws attached thereto are hereby restated by resolution adopted by the Board of Directors pursuant to §514A-82.2(a), Hawaii Revised Statutes, to set forth all of the above cited amendments to: Declaration - Section 1 "Description of the lands", Section 2 "Description of the buildings", Section 5 "Reservation of Rights, Powers and Privileges for the Use and Benefit of Lot 1-A", Section 8 "Purpose of Buildings and Restrictions as to Use", and Section 17 "Alteration of Project"; and By-Laws - Article I, Section 2 "Place of Meetings", Section 5 "Notice of Meetings", Section 8 "Proxies and Pledges", Section 10 "Order of Business"; Article II, Section 1 "Number and Qualifications", Section 2 "Powers", Section 3 "Election and Term", Section 4 "Vacancies", Section 5 "Removal of Directors", Section 7 "Regular Meetings", Section 8 "Special Meetings"; Article III, Section 9 "Architectural and Improvement Review Committee"; Article IV, Section 1 "Management", Section 2 "Managing Agent"; Article V, Section 1 "Assessments", Section 3 "Use of Project", Section 4 "House Rules", Section 8 "Abatement and Enjoinment of Violations by Apartment Owners", Section 9 "Fines or Penalties for Violations"; and Article VI, Section 5 "Owners May Incorporate"; and

WHEREAS, said Declaration and By-Laws are hereby restated as the Declaration of Condominium Property Regime and By-Laws by resolution adopted by the Board of Directors pursuant to §514A-82.2(b), Hawaii Revised Statutes, to conform with the provisions of Hawaii Revised Statutes Chapter 514A;

NOW, THEREFORE, pursuant to §514A-82.2(c), Hawaii Revised Statutes, BE IT RESOLVED that the aforesaid restated Declaration of Condominium Property Regime and the By-Laws attached hereto, shall be, and hereby are, adopted as the Declaration of Condominium Property Regime and By-Laws for Kihei Kai-Nani, Phase One.

Portions of said Declaration so restated solely for purposes of information and convenience pursuant to §514A-82.2(b), Hawaii Revised Statutes, are: Section 4 "Common Elements", Section 13 "Common Expenses", Section 20 "Amendment of Declaration", Section 23 "Association Registration", Section 24 "Restatement Of Declaration", and Section 25 "Arbitration Of Disputes".

Portions of said By-Laws so restated solely for purposes of information and convenience pursuant to §514A-82.2(b), Hawaii Revised Statutes, are: Article I, Section 5 "Notice of Meetings", Section 8 "Proxies and Pledges", Section 11 "Accounting", Section 12 "Administrative Provisions"; Article II, Section 1 "Number and Qualifications", Section 5 "Removal of Directors", Section 7 "Regular Meetings", Section 12 "Conflict of Interest", Section 13 "Compensation", Section 14 "Board Meetings Generally"; Article III, Section 1 "Designation", Article IV, Section 1 "Management"; Article V, Section 1 "Assessments", Section 5 "Expenses of Enforcement"; and Article VI, Section 1 "Amendment".

Said restated Declaration and the By-Laws correctly set forth without change the corresponding provisions of the Declaration of Horizontal Property Regime and By-Laws, as amended, and said restated Declaration of Condominium Property Regime supersede the original Declaration of Horizontal Property Regime and the By-Laws, and all prior amendments thereto.

In the event of any conflict, the restated Declaration and the By-Laws attached thereto shall be subordinate to any cited statute, ordinance, rule or regulation and to the original Declaration of Horizontal Property Regime and all prior amendments thereto.

The Restated Declaration of Condominium Property Regime, including the attached By-Laws is hereby adopted this 13 day of August, 2002.

ASSOCIATION OF APARTMENT OWNERS
OF KIHEI KAI-NANI, PHASE ONE, INC.

By Lawrence F. Lowery
Print Name LAWRENCE F. LOWERY
Its President

By
Print Name JOSÉ F. PLACENCIA
Its TREASURER

64985

STATE OF California)
) SS:
COUNTY OF San Mateo)

On this 13th day of August, 2002, before me appeared Lawrence F. Lowery, to me personally known, who, being by me duly sworn, did say that he is the President of the ASSOCIATION OF APARTMENT OWNERS OF KIHEI KAI-NANI, PHASE ONE, INC., a Hawaii nonprofit corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

ROBBI HOLLON
Commission # 1263400
Notary Public - California
San Mateo County
My Comm. Expires Jun 2, 2004

Robbi Hollon
Notary Public, in and for said County and State

Print Name: Robbi Hollon

My commission expires: 6-2-2004

STATE OF California)
) SS:
COUNTY OF San Mateo)

On this 13th day of August, 2002, before me appeared Jose F. Placencia, to me personally known, who, being by me duly sworn, did say that he is the Treasurer of the ASSOCIATION OF APARTMENT OWNERS OF KIHEI KAI-NANI, PHASE ONE, INC., a Hawaii nonprofit corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

ROBBI HOLLON
Commission # 1263400
Notary Public - California
San Mateo County
My Comm. Expires Jun 2, 2004

Robbi Hollon
Notary Public, in and for said County and State

Print Name: Robbi Hollon

My commission expires: 6-2-2004

KIHEI KAI-NANI, PHASE ONE

RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME

KIHEI KAI-NANI, PHASE ONE
RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME

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64985

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KIHEI KAI-NANI, PHASE ONE

RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME

WHEREAS, S. GEORGE FUKUOKA of 477 High Street, Wailuku, Maui, and MASARU YOKOUCHI of 2229 Keanu Street, Wailuku, Maui, hereinafter called the "Owners" are the owners in fee simple of certain lands hereinafter described, and PAUL S. FERREIRA, of 311 Nakoa Drive, Wailuku, Maui, hereinafter called the "Developer", will construct thereon a fee-simple condominium project to be known as the Kihei Kai-Nani, Phase One, in accordance with plans recorded in the Bureau of Conveyances at Honolulu, Hawaii, as Condominium Map No. 142, which map is incorporated herein by reference, and the Developer will sell apartment units in the project together with undivided fee-simple interests in the said lands in accordance with this Declaration and all amendments hereto, the By-Laws adopted for this Condominium Property Regime, (to reflect the redesignation in 1988 of "Horizontal" Property Regime to "Condominium" Property Regime) and all applicable laws, ordinances, rules and regulations;

NOW, THEREFORE, the Owners and the Developer submit the said lands and all improvements to be constructed thereon to the provisions of the Condominium Property Act, Chapter 514A of the Hawaii Revised Statutes, as amended, and hereby create a Condominium Property Regime with respect to said lands and project, and in furtherance thereof make the following declarations which shall constitute covenants running with the land and shall bind and benefit the Owners and the Developer, their successors and assigns, and all subsequent owners of any and all interests in the lands and the project, which interests shall be owned, held, used, enjoyed, improved, occupied, conveyed, mortgaged, encumbered, rented, leased, sold and transferred subject to said declarations.

1. Description of the lands.

All of that certain parcel of land, being a portion of Land Patent 10070 to Kaina Hamili and being also a portion of Lot 26-B of Kamaole Homesteads, situate Kamaole, Kula, Maui, Hawaii.

Beginning at a point on the Northwesterly corner of this parcel of land and on the Easterly side of Piilani Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu O Kali" being:

4,696.69 feet South

20,451.02 feet West

and running by azimuths measured clockwise from true South:

1.	272°	43'	00"	874.37	feet along land owned by Louise Gibson to a point;
2.	2°	44'	00"	297.54	feet along Lot 1-A to a point;
3.	92°	44'	00"	599.64	feet along Lot 2 to a point;
4.	168°	35'	00"	129.59	feet along land owned by Laura R. Burdick to a point;
5.	85°	44'	40"	195.24	feet along same to a point;
6.	168°	35'	00"	201.50	feet along the Easterly side of Piilani Highway to the point of beginning and containing an area of 5.192 Acres.

SUBJECT, HOWEVER, to the reservation of a perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A, being a portion of Land Patent 10070 to Kaina Hamili and being also a portion of Lot 26-B of Kamaole Homesteads, over, across, under and along the following described area:

All of that certain easement being a portion of Land Patent 10070 to Kaina Hamili and also being a portion of Lot 26-B of Kamaole Homesteads, situate Kamaole, Kula, Maui, Hawaii.

Beginning at a point on the Southwesterly corner of this easement and on the Easterly side of Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu-o-Kali" being:

4, 894.21 feet South

20,411.14 feet West

and running by azimuths measured clockwise from true South:

1.	168°	35'	00"	44.35	feet along Kihei Road to a point;
2.	265°	44'	40"	200.77	feet to a point:
					Thence along an arc of a curve to the right with a radius of 271.45 feet, the chord azimuth and distance being:
3.	275°	00'	30"	87.40	feet to a point;
4.	284°	16'	20"	63.23	feet to a point;
					Thence along an arc of a curve to the left with a radius of 317.00 feet, the chord azimuth and distance being:
5.	269°	09'	10"	165.37	feet to a point;
6.	254°	02'	00"	130.80	feet to a point;
					Thence along an arc of a curve to the right with a radius of 184.00 feet, the chord azimuth and distance being:
7.	273°	59'	00"	125.56	feet to a point;
					Thence along an arc of a curve to the left with a radius of 73.00 feet, the chord azimuth and distance being:
8.	287°	31'	00"	16.32	feet to a point;
					Thence along an arc of a curve to the left with a radius of 37.00 feet, the chord azimuth and distance being:
9.	258°	16'	30"	28.71	feet to a point;
10.	272°	44'	00"	29.35	feet to a point;
11.	2°	44'	00"	153.77	feet along Lot 1-A to a point;
					Thence along an arc of a curve to the left with a radius of 141.00 feet, the chord azimuth and distance being:
12.	168°	51'	14"	26.56	feet to a point;
13.	73°	27'	00"	18.00	feet to a point;
					Thence along an arc of a curve to the left with a radius of

123.00 feet, the chord azimuth and distance being:

14.	118°	44'	30"	173.06	feet to a point;
15.	74°	02'	00"	130.80	feet to a point;

Thence along an arc of a curve to the right with a radius of 378.00 feet, the chord azimuth and distance being:

16.	89°	09'	10"	197.19	feet to a point;
17.	104°	16'	20"	63.23	feet to a point;

Thence along an arc of a curve to the left with a radius of 210.45 feet, the chord azimuth and distance being:

18.	95°	17'	58"	65.65	feet to a point;
19.	168°	35'	00"	17.14	feet along land owned by Laura R. Burdick to a point;
20.	85°	44'	40"	195.24	feet along same to the point of beginning and containing an area of 1.178 Acres.

SUBJECT FURTHER HOWEVER to an easement for pedestrian and vehicular ingress and egress in favor of Alii Land, Inc., said easement area being described as follows:

Portion of Road and Utility Easement across Lot 1-B for access and utility purposes.

All of that certain easement being a portion of Land Patent Grant 10070 to Kaina Hamili and also a portion of Lots 26-B and Lot 1-B of Kamaole Homesteads, situate Kamaole (Kihei), Kula, Maui, Hawaii.

Beginning at a point on the southwesterly corner of this easement, on the easterly side of Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu-o-Kali" being:

4,894.21 feet South

20,411.14 feet West

and running by azimuths measured clockwise from true south:

1.	168°	35'		44.35	feet along the easterly side of Kihei Road to a point;
2.	265°	44'	40"	195.24	feet through Lot 1-B to a point;

3. 348° 35' 44.35 feet through same to a point;

4. 85° 44' 40" 195.24 feet along Parcel 31 of Tax Map Key 3-9-20 to the point of beginning and containing an area of 8,591 square feet.

(prior amendment dated September 4, 1973, recorded in Liber 9479, Page 59)

2. Description of the buildings.

Kihei Kai-Nani, Phase One will include six 2-story buildings and seven 3-story buildings, constructed principally of concrete and concrete hollow-tile block. The 2-story buildings are numbered 1, 2, 3, 5, 7 and 13. The 3-story buildings are numbered 4, 6, 8, 9, 10, 11 and 12.

Buildings 1, 2, 3 and 7 will be identical and will contain 12 apartment units in each building, six on the first floor, and six on the second floor.

Buildings 5 and 13 will be identical and will contain 8 apartment units in each building, four on the first floor, and four on the second floor.

Buildings 4, 6, 8, 9, 10 and 11 will be identical and will contain 16 units in each building, six on the first floor, six on the second floor, and four on the third floor.

Building 12 will contain 20 units, eight on the first floor, eight on the second floor, and four on the third floor.

All apartment units in Kihei Kai-Nani, Phase One will include a bedroom, a bathroom, a kitchenette, a living area, a foyer and a lanai. The apartments will be numbered as follows:

	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR
Bldg. 1	100, 101, 102, 103, 104, 105	200, 201, 202, 203, 204, 205	
Bldg. 2	106, 107, 108, 109, 110, 111	206, 207, 208, 209, 210, 211	
Bldg. 3	112, 113, 114, 115, 116, 117	212, 213, 214, 215, 216, 217	
Bldg. 7	152, 153, 154 155, 156, 157	252, 253, 254, 255, 256, 257	

	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR
Bldg. 5	124, 125, 126, 127	224, 225, 226, 227	
Bldg. 13	128, 129, 130, 131	228, 229, 230, 231	
Bldg. 4	118, 119, 120, 121, 122, 123	218, 219, 220, 221, 222, 223	318, 319, 320, 321
Bldg. 6	146, 147, 148, 149, 150, 151	246, 247, 248, 249, 250, 251	346, 347, 348, 349
Bldg. 8	158, 159, 160, 161, 162, 163	258, 259, 260, 261, 262, 263	360, 361, 362, 363
Bldg. 9	170, 171, 172, 173, 174, 175	270, 271, 272, 273, 274, 275	372, 373, 374, 375
Bldg. 10	164, 165, 166, 167, 168, 169	264, 265, 266, 267, 268, 269	366, 367, 368, 369
Bldg. 11	140, 141, 142, 143, 144, 145	240, 241, 242, 243, 244, 245	340, 341, 342, 343
Bldg. 12	132, 133, 134, 135, 136, 137, 138, 139	232, 233, 234, 235, 236, 237, 238, 239	334, 335, 336, 337

All apartment units will be as shown on said Condominium Map as "Typical First Floor Plan, Type E", and "Typical 2nd and 3rd Floor Plan, Type E."

All apartment units will contain a total living area of approximately 723 square feet, except that each end unit will contain an additional 14 square feet, or a total living area of approximately 737 square feet.

Also, apartment units 321, 334, 337, 343, 349, 360, 366 and 372, will include the adjacent sun decks of approximately 1400 square feet as shown on said Condominium Map, in addition to the aforesaid living area. (prior amendment dated September 4, 1973, recorded in Liber 9479, Page 59)

3. Apartment Unit Definition and Boundaries.

Each apartment unit shall be a separate freehold estate, and shall include: the air space within the boundary walls, floors, ceiling, and the exterior edge of lanais or the exterior glass line where no lanais occur; all walls and partitions which are not load-bearing; doors, door frames, windows, window frames; all paint, wall paper, tile, stain or other finishing on the interior surfaces of the boundary walls, floors, ceilings and lanais; and all carpets, drapes, furniture, appliances and fixtures originally installed.

The apartment units shall not be deemed to include the floors, ceilings, or any load bearing walls, although area calculations are based on centerline measurements, nor any pipes, wires, ducts, cables, conduits, chases or other utility or service lines running in or through an apartment unit and installed, designed or utilized to serve more than one unit, the same being deemed common elements.

4. Common Elements.

All remaining portions and appurtenances of the project shall constitute a single freehold estate, herein called the "Common Elements", including but not limited to the following:

(a) The above-described lands in fee simple, subject to the above-mentioned perpetual easement appurtenant to and in favor of Lot 1-A.

(b) The foundations, columns, girders, beams, supports, load-bearing walls, floor slabs, ceilings, roofs, roof coverings, stairs, stairways, stair railings, roads, driveways, sidewalks, entrances and exits and all paint or other covering on the exterior surfaces of the buildings, all surfacing and paint markings in the roads, driveways and parking spaces.

(c) All yards, trees, plants, grass, landscaping, swimming pool, swimming pool equipment, and Building No. 14, recreational facilities, refuse facilities, and the enclosures around them.

(d) All parking spaces shown on the Condominium Map.

(e) All machines, motors, pumps, compressors, fans, gears, pulleys, cables, tanks, and other apparatus of any nature installed, designed or utilized to serve more than one apartment unit.

(f) The sewer treatment plant, and all pipes, wires, ducts, cables, conduits, chases or other utility or service lines installed, designed, or utilized to serve more than one apartment unit, and all appurtenant equipment, installations and apparatus, for power, light, telephone, hot and cold water, gas, sewer, radio and television reception.

(g) Any and all other parts of the buildings and any and all real and personal property and property interests of any nature appurtenant to the foregoing items, or useful, necessary or convenient to the existence, maintenance or operation of the same.

(h) Designation of additional areas to be common elements or subject to common expenses shall require the approval of ninety percent of the apartment owners. (Hawaii Revised Statutes "HRS" § 514A-92.1)

5. Reservation of Rights, Powers and Privileges for the Use and Benefit of Lot 1-A.

The Owners and the Developer reserve to themselves, their respective successors and assigns, in perpetuity and for the use and benefit of Lot 1-A and all owners, occupants, lessees and tenants of Lot 1-A and all buildings and other improvements hereafter constructed thereon at any time, and all portions thereof, and their respective guests, invitees, licensees and business visitors, the following rights and powers:

(a) To construct any and all types of buildings and improvements on Lot 1-A, such as hotels, apartments and condominium apartments.

(b) To enter the above-described easement area whenever necessary or desirable and install, repair, maintain and replace therein, all pipes, wires, ducts, cables, conduits, chases or other utility or service lines necessary, useful or desirable for the use or benefit of Lot 1-A and all buildings and improvements constructed thereon.

(c) To use any and all common elements of the Kihei Kai-Nani, Phase One located or installed within the above-described easement area, including without limitation all roads, driveways, sidewalks, pipes, wires, ducts, cables, conduits, chases, and other utility and service lines. (prior amendment dated January 25, 1997, recorded as Document No. 97-024906)

Provided, however, that so long as such use shall continue, the owners, occupants, lessees and tenants of Lot 1-A shall contribute to and pay a proportionate share of all costs of repair and maintenance of the facilities so used. In the event apartments or condominium apartments are constructed on Lot 1-A, the proportionate share shall be the ratio of the total number of apartments on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One. In the event a hotel is constructed on Lot 1-A, the proportionate share shall be the ratio of the total number of hotel rooms on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One.

Provided, further, that during the construction of any and all buildings and improvements on Lot 1-A, all roads, roadways and sidewalks in the easement area may be used by contractors, sub-contractors, tradesmen, material suppliers and their agents, servants and employees, including without limitation, heavy equipment, trucks and private vehicles, at all times necessary or convenient for such construction and no claim, demand or charge shall be made for such use, except for the repair of actual damages caused by such use, if any; nor shall any claim, demand or charge be made for any nuisance created by such construction or the

abatement thereof. (prior amendment dated December 15, 1969, recorded in Liber 6821, Page 433)

(d) To subdivide and sell, lease, assign, pledge, mortgage, or otherwise dispose of, or encumber, in any manner, by any form of document or instrument, in any amounts and for any reason or purpose, Lot 1-A and all buildings and improvements constructed thereon, together with all rights, powers, privileges and easements appertaining thereto, including all rights, powers and privileges and easements reserved in this Declaration.

6. Limited Common Elements.

Certain parts of the common elements, herein called the "Limited Common Elements", are hereby designated and set aside for the exclusive use of specified apartment units, and such apartment units shall have easements appurtenant thereto for the use of such limited common elements, as follows:

(a) The entrances and stairways and stairway landings shall be appurtenant to and for the exclusive use of the apartments which they serve, and the sundecks on Buildings 4, 6, 8, 9, 10 and 12 shall be appurtenant to and for the exclusive use of the apartments which they adjoin.

7. Percentage of Undivided Interests in Common Elements.

Each apartment unit shall have appurtenant thereto an undivided interest in the common elements, subject to the reservations of easement and rights, powers and privileges stated hereinabove, as specified and established herein for such, and known as the "common interest." The percentage appurtenant to each apartment unit shall be the basis for the determination and allocation of common assessments and expenses and profits to be shared by the owners of the respective apartment units, for voting in the Association of Owners, and for all other related purposes. The common interest appurtenant to each apartment unit shall be .556%.

8. Purpose of Buildings and Restrictions as to Use.

All buildings are intended for residential use and shall be used for no other purpose, in accordance with the terms of this Declaration, the By-Laws of the Association of Apartment Owners, and the House Rules, as they exist or as they may be amended from time to time, and each owner shall also observe, comply with and perform all applicable laws, ordinances and rules and regulations of all governmental agencies; provided that any apartment owner may at any time rent or lease his apartment or any part thereof for income purposes individually or in concert with any other apartment owner or owners, subject, however, to the restriction that the term of any such rental agreement or lease shall not exceed sixty (60) days unless the rental agreement or lease includes a provision that the landlord may terminate the rental agreement or lease upon the delivery of thirty (30) days prior written notice. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

9. Easements and Rights of Entry.

In addition to any easements herein designated in the limited common elements, the apartments and common elements shall have and be subject to the following easements:

(a) Each apartment unit shall have appurtenant thereto, nonexclusive easements: in the common elements designed for such purposes, for ingress to, egress from, and the support, maintenance and repair of such unit; in the other common elements, for use according to their respective purposes, subject always to the exclusive use of the limited common elements as provided herein; and in all other apartment units and limited common elements for support.

(b) If any part of the common elements now or hereafter encroaches upon any apartment unit or upon any portion of the common elements, a valid easement for such encroachment and the maintenance thereof, so long as such encroachment continues, shall exist. In the event any part of any building shall be damaged or partially or totally destroyed and then repaired or rebuilt, minor encroachments by or into any part of the common elements shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

(c) The Association of Apartment Owners shall have a right of entry, to be exercised by its Board of Directors or the Managing Agent, to enter any apartment unit or any limited common element from time to time during reasonable hours, for maintenance or repairs necessary to prevent damage to any other unit or any common element.

10. Alteration and Transfer of Common Interests.

The common interests and easements appurtenant to each apartment shall have a permanent character, shall not be altered without the consent of all owners of apartments affected thereby as expressed in an amendment to this Declaration duly recorded, shall not be separated from such apartment and shall be deemed to be conveyed or encumbered with such apartment even though not expressly mentioned or described in the conveyance or other instrument.

The common elements shall remain undivided, and no right shall exist to partition or divide any part thereof except as provided in the "Condominium Property Act," as amended.

11. Association of Apartment Owners.

The administration of the buildings and all common elements shall be vested in the Association of Apartment Owners, whose members shall include all of the owners of the apartment units, in accordance with the By-Laws of the Association attached hereto and incorporated herein. All owners of apartment units shall automatically become members of the Association upon acquiring title to their units and shall remain members of the Association so long as they shall retain such title. Membership in the Association shall automatically terminate whenever an owner loses title to his apartment unit or units; provided, however, that to the extent and for such purpose, including the exercise of voting rights, as shall be provided in the lease of any apartment unit filed with the Board of Directors of the Association, the lessee of such

apartment may be deemed to be the owner thereof. Specifically, but without limitation, the Association shall:

1. Make, build, maintain and repair all fences, sewers, drains, roads, curbs, sidewalks and parking areas which may be required by law to be made, built, maintained and repaired upon or adjoining or in connection with or for the use of the project or any part thereof.

2. Keep all common elements of the project in a strictly clean and sanitary condition, and observe and perform all laws, ordinances, rules and regulations now or hereafter made by any governmental authority for the time being applicable to the project or the use thereof.

3. Well and substantially repair, maintain, amend and keep all common elements of the project, with all necessary reparations and amendments whatsoever in good order and condition except as otherwise provided herein, and maintain and keep said land in a neat and attractive condition and all trees, shrubs and grass thereon in good cultivation, and replant the same as may be necessary, and repair and make good all defects in the common elements of the project herein required to be repaired by the Association, of which notice shall be given by any owner of his agent, within 30 days after the giving of such notice.

4. Before commencing or permitting construction of any improvement or any project, obtain a bond or certificate thereof naming as Obligee collectively all apartment owners as their interests may appear, in a penal sum not less than 100 percent of the cost of such construction and with a corporate surety authorized to do business in Hawaii, guaranteeing completion of such construction free and clear of all mechanics' and materialmen's liens.

12. Managing Agent.

Management of the apartment units, common elements and limited common elements shall be conducted for the Association of Apartment Owners by a responsible Managing Agent who shall be appointed by the Association in accordance with the By-Laws. The Managing Agent is hereby authorized to receive services of legal process in all cases provided in said Condominium Property Act. The initial Managing Agent shall be Valley Isle Realty, Inc., whose principal place of business and post office address is 2049 Wells Street, Wailuku, Maui, Hawaii 96793.

13. Common Expenses.

All charges, costs and expenses whatsoever incurred by the Association for or in connection with the apartment units, common elements and limited common elements, including without limitation the operation thereof, management, maintenance, repair, replacement, restoration and any additions and alterations thereto, any labor, services, materials, supplies and equipment therefore, any liability whatsoever for loss or damage arising out of or in connection with any accident, fire or nuisance thereon, and any premiums for hazard and liability insurance herein required shall constitute common expenses for which all apartment owners shall be severally liable in proportion to their respective common interests. The Association of Owners

shall from time to time assess the common expenses against all the apartments in their respective proportionate shares, and the unpaid amount of such assessments against any apartment which may be foreclosed by the Association or Managing Agent as provided by said Condominium Property Act, provided that 30 days' prior written notice of intention to foreclose shall be mailed, postage prepaid, to all persons having any interest in such apartment as shown in the Association's record of ownership.

The Association shall have the power to bid in such apartment at foreclosure sale and to acquire, hold, lease, mortgage and convey such apartment. Suit to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the same.

No apartment owner may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the common elements or by abandonment of his apartment. Subject to such terms and conditions as may be specified in the By-Laws, any apartment owner may, by conveying his apartment and his common interest to the Board of Directors on behalf of all other apartment owners, exempt himself from common expenses thereafter accruing. (HRS § 514A-92)

14. Compliance with Declaration and By-Laws.

All apartment owners, their tenants, families, servants, agents and guests, and any other persons who may in any manner use the project, shall be bound by and comply strictly with the provisions of this Declaration, the By-Laws of the Association of Owners and all agreements, decisions and determinations of the Association as lawfully made or amended from time to time, and failure to comply with any of the same shall be grounds for an action to recover sums due, for damages or injunctive relief, or both, maintainable by the Association, its board, or Managing Agent on behalf of the Association or, in a proper case, by any aggrieved apartment owners.

15. Insurance.

The Association of Owners, at its common expense, shall at all times keep all buildings and improvements insured against loss or damage by fire with extended coverage in an insurance company authorized to do business in Hawaii in an amount as near as practicable to the full replacement cost thereof without deduction for depreciation, in the name of the Association as trustee for all apartment owners and mortgagees according to the loss or damage to their respective apartments and appurtenant common interests and payable in case of loss to such bank or trust company authorized to do business in Hawaii as the Association shall designate for the custody and disposition as herein provided of all proceeds of such insurance, and from time to time upon receipt thereof cause to be deposited promptly with the Secretary of the Association true copies of such insurance policies or current certificates thereof, without prejudice to the right of each apartment owner to secure additional insurance for his apartment for his own benefit. In every case of such loss or damage all insurance proceeds shall be used as soon as reasonably possible by the Association for rebuilding, repairing or otherwise reinstating the building in a good and substantial manner according to the original plan and elevation thereof or such modified plans conforming to laws and ordinances then in effect as shall be first

approved as herein provided, and the Association at its common expense shall make up any deficiency in such insurance proceeds.

16. Maintenance and Reserve Fund.

The Association of Owners shall establish and maintain a Maintenance and Reserve Fund by the assessment of payments by all apartment owners in monthly installments of their respective proportionate shares of such reasonable annual amount as the Board may estimate as adequate to cover each apartment owner's obligations to provide for utilities, insurance, maintenance, and repair of the common elements and other expenses of administration of the project, including fees and salaries for the Managing Agent, Resident Manager and other employees, which shall be deemed conclusively to be a common expense of the project. The fund may include reserves for contingencies. The amounts of assessment may from time to time be increased or reduced in the discretion of the Association. The proportionate interest of each apartment owner in said Fund cannot be withdrawn or separately assigned but shall be deemed to be transferred with such apartment even though not expressly mentioned or described in the conveyance thereof. In case the Condominium Property Regime hereby created shall be terminated or waived, any portion of said Fund remaining after full payment of all common expenses of the Association shall be distributed to all apartment owners in their respective proportionate shares except for the owners of any apartments then reconstituted as a new condominium property regime.

17. Alteration of Project.

Restoration or replacement on or appurtenant to the project of any building, swimming pool or other facility or construction or structural alteration or addition to any such structure different in any material respect from said Condominium Map of the project, shall be undertaken by the Association or any apartment owners only pursuant to an amendment of this Declaration, duly executed by or pursuant to the affirmative vote of all the apartment owners and accompanied by the written consent of the holders of all liens affecting any of the apartments, and in accordance with complete plans and specifications therefore first approved in writing by the Association of Owners, and promptly upon completion of such restoration, replacement or construction the Association shall duly record or file of record such amendment together with a complete set of floor plans of the project as so altered, certified as built by a registered architect or professional engineer. The mansard roof, a common element, has been changed architecturally from a curved to a single linear pitch design. (prior amendment dated January 14, 2002, recorded as Document No. 2002-022995)

18. Uninsured Casualty.

In case at any time or times any common elements or limited common elements shall be substantially damaged or destroyed by any casualty not herein required to be insured against, whether to rebuild, repair or restore the same shall be determined by vote of seventy-five percent (75%) of the apartment owners. Any such approved restoration shall be completed diligently by the Association at its common expense, according to the original plan and elevation

thereof or such other plan first approved as provided herein. The apartment owners shall be solely responsible for any restoration of their respective apartments so damaged or destroyed.

19. Service of Process.

Service of process in cases provided in Chapter 514A of the Hawaii Revised Statutes, as amended may be made upon any officer of the Association of Owners who may have a residence or place of business in the County of Maui or the Managing Agent.

20. Amendment of Declaration.

Except as otherwise provided herein or in said Condominium Property Act this Declaration may be amended by affirmative vote or written consent (HRS § 514A-11(11)) of seventy-five percent (75%) of the apartment owners and shall be effective only upon the recording of an instrument setting forth such amendment and vote duly executed by such owners or by the proper officers of the Association.

Provided, however, that any amendment which may affect the rights, powers, privileges and easements reserved herein and appurtenant to or in favor of Lot 1-A and the Owners and Developer and their respective successors and assigns shall not be effective unless first approved in writing by the Owners and Developer or such successors and assigns.

21. Attached By-Laws Made a Part Hereof.

The By-Laws of the Association of Owners, a true copy of which is attached hereto, is incorporated herein and made a part of this Declaration.

22. Definitions.

"Project" wherever used herein shall mean the Kihei Kai-Nani, Phase One, the Condominium Property Regime created by this Declaration and all amendments hereto, the land and improvements herein described and all apartment units and all common elements and limited common elements therein, and all easements and other property rights of any and all nature appurtenant to the foregoing.

"Condominium Property Act" wherever used herein shall mean Chapter 514A of the Hawaii Revised Statutes, as amended, as the same now exists or hereafter may be amended. The terms "majority" or "majority of apartment owners" wherever used herein means the owners of apartments to which are appurtenant more than fifty percent (50%) of the common interests, and any specified percentage of the apartment owners means the owners of apartments to which are appurtenant such percentage of the common interests.

Wherever the context requires herein the singular shall include the plural and vice versa and the use of any gender shall include all genders.

23. Association Registration.

The Association shall register with the Real Estate Commission as provided in Section 514A-95.1, Hawaii Revised Statutes, as amended, and to comply with all requirements and impositions therein set forth. (HRS § 514A-95.1)

24. Restatement Of Declaration.

The Association may at any time restate this Declaration, the By-Laws or other Exhibits to this Declaration to set forth all amendments thereof or to conform with Chapter 514A, Hawaii Revised Statutes, or any other statute, ordinance, rule or regulation enacted by any governmental authority. Such restated Declaration and/or By-Laws shall be approved by resolution adopted by the Board of Directors and shall be as fully effective for all purposes as if adopted by the vote or written consent of the apartment owners. Such document restated pursuant to this Paragraph shall identify each portion so restated and shall contain a statement that such portions have been restated solely for purposes of information and convenience, identify the statute, ordinance, rule, regulation, or prior amendment, implemented by the amendment, and that in the event of any conflict, the restated Declaration or By-Laws shall be subordinate to the cited statute, ordinance, rule, regulation, original Declaration or By-Laws and all prior amendments. It shall further state that the restated Declaration or By-laws correctly set forth without change the corresponding provisions of the Declaration or By-Laws, as amended, and that upon recordation thereof in the Bureau of Conveyances, the restated Declaration or By-Laws shall supersede the original Declaration or By-Laws and all prior amendments thereto. (HRS § 514A-82.2)

25. Arbitration Of Disputes.

As, and to the extent, and in the manner, provided for in Part VII of Chapter 514A, Hawaii Revised Statutes, as amended, at the request of any party, any dispute concerning or involving one or more apartment owners and the Association, Board of Directors, Managing Agent or one or more other apartment owners relating to the interpretation, application or enforcement of the Condominium Property Act, this Restated Declaration, the Restated By-Laws or the administrative rules and regulations adopted in accordance with the By-Laws shall be submitted to mediation and/or arbitration. The arbitration of appropriate disputes shall be conducted, unless otherwise agreed by the parties, in accordance with the rules adopted by the Real Estate Commission and the provisions of Chapter 658 Hawaii Revised Statutes. (Part VII, HRS Chapter 514A)

RESTATED BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF THE KIHEI KAI-NANI, PHASE ONE

65019

RESTATED BY-LAWS OF THE
ASSOCIATION OF APARTMENT OWNERS OF
THE KIHEI KAI-NANI, PHASE ONE

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RESTATED BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF THE KIHEI KAI-NANI, PHASE ONE

The following By-Laws shall apply to the condominium project known as THE KIHEI KAI-NANI, PHASE ONE, (herein called "project") situate at Kamaole, Kula, County of Maui, State of Hawaii, as described in and created by the Restated Declaration of Condominium Property Regime (herein called the "Declaration") to be filed in the Bureau of Conveyances of the State of Hawaii at Honolulu contemporaneously herewith, and to all present and future owners, tenants and occupants of any apartments of the project and all other persons who shall at any time use the project:

ARTICLE I

MEMBERSHIP

Section 1. Qualification. All owners of apartment units shall automatically become members of the Association upon acquiring title to their units and shall remain members of the Association so long as they shall retain such title. Membership in the Association shall automatically terminate whenever an owner loses title to his apartment unit or units; provided, however, that to the extent and for such purpose, including the exercise of voting rights, as shall be provided in the mortgage or lease of any apartment unit filed with the Board of Directors of the Association, the mortgagee or lessee of such apartment may be deemed to be the owner thereof.

Section 2. Place of Meetings. Meetings of the Association will be held at the address of the condominium project, or elsewhere within the state, as determined by the Board of Directors. (prior amendment dated May 22, 1980, recorded in Liber 14773, Page 358)

Section 3. Annual Meetings. The first annual meeting of the Association shall be held as soon as practicable after recording of the Declaration and these By-Laws upon the call of at least ten percent (10%) of the apartment owners. Thereafter the annual meetings of the Association shall be held within three months after the end of each accounting year.

Section 4. Special Meetings. Special meetings of the Association may be held at any time upon the call of the President or a petition signed by at least twenty-five percent (25%) of the apartment owners and presented to the Secretary.

Section 5. Notice of Meetings. The secretary shall give written or printed notice of each annual and special meeting to every owner according to the Association's record of ownership at least fourteen days before the dates set for such meeting (prior amendment dated May 22, 1980, recorded in Liber 14773, Page 358) and shall contain at least: the date, time, and place of the meeting, the items on the agenda for the meeting, and a standard proxy form authorized by the Association, if any. (Hawaii Revised Statutes ("HRS") § 514A-82(b)(3))

Section 6. Quorum. The presence at any meeting in person or by proxy of a majority of apartment owners shall constitute a quorum, and the acts of a majority of the apartment owners at any meeting at which a quorum is present shall be the acts of the Association except as otherwise provided herein. The term "majority of apartment owners" herein means the owners of apartments to which are appurtenant more than fifty percent (50%) of the common interests as established by the Declaration, and any other specified percentage of the apartment owners

means the owners of apartments to which are appurtenant such percentage of the common interests.

Section 7. Voting. Voting shall be on a percentage basis, and the percentage of the total vote to which each apartment is entitled shall be the percentage of the common interests assigned to such apartment in the Declaration. Votes may be cast in person or by proxy by the respective apartment owners as shown in the record of ownership of the Association. An executor, administrator, guardian or trustee may vote in person or by proxy at any meeting of the Association the percentage of vote for any apartment owned by controlled by him in such capacity, whether or not the same shall have been transferred to his name in the Association's record of ownership, provided that he shall first present evidence satisfactory to the Secretary that he owns or controls such apartment in such capacity. The vote for any apartment owned of record by two or more persons may be exercised by any one of them present at any meeting in the absence of protest by the other or others, and in case of protest each cotenant shall be entitled to only a share of such vote in proportion to his share of ownership in such apartment.

Section 8. Proxies and Pledges.

(a) The authority given by an apartment owner to another person to represent him at meetings of the Association shall be in writing signed by such owner and filed with the secretary, and shall be valid for the meeting to which the notice pertains and its adjournment only. (prior amendment dated May 22, 1980, recorded in Liber 14773, Page 358)

(b) A proxy, to be valid, must:

(i) Be delivered to the Secretary of the Association or the Managing Agent, if any, no later than 4:30 p.m. on the second business day prior to the date of the meeting to which it pertains;

(ii) Contain at least the name of the Association, the date of the meeting of the Association, the printed name and signature of the person or persons giving the proxy, the apartment or apartments for which the proxy is given, and the date that the proxy is given; and

(iii) Contain boxes wherein the owner has indicated that the proxy is given:

(A) For quorum purposes only;

(B) To the individual whose name is printed on a line next to this box;

(C) To the Board of Directors as a whole and that the vote be made on the basis of the preference of the majority of the Board; or

(D) To those directors present at the meeting and the vote to be shared with each board member receiving an equal percentage. (HRS § 514A-83.2(a))

(c) A proxy shall only be valid for the meeting to which the proxy pertains and its adjournments, may designate any person as proxy, and may be limited as the apartment owner desires and indicates; provided that no proxy shall be irrevocable unless coupled with a financial interest in the unit. (HRS § 514A-83.2(b))

(d) (i) If the Board of Directors intends to use Association funds to distribute proxies, including the standard proxy form referred to in Section 5 above, it shall post notice of its intent to distribute proxies in prominent locations within the project at least thirty (30) days prior to its distribution of proxies; provided, that if the Board receives within seven (7) days of the posted notice a request by an owner for use of Association funds to solicit proxies accompanied by a statement, the Board shall mail to all owners either: (A) a proxy form

containing the names of all owners who have requested the use of Association funds for soliciting proxies accompanied by their statement; or (B) a proxy form containing no names, but accompanied by a list of names of all owners who have requested the use of Association funds for soliciting proxies and their statements. The statement shall not exceed 100 words, indicating the owner's qualifications to serve on the Board and reasons for wanting to receive proxies. (HRS § 514A-82(b)(4))

(ii) A managing agent or resident manager employed by the Association shall not solicit any proxies for his use nor shall he cast any proxy vote at any Association meeting except for the purpose of establishing a quorum. (HRS § 514A-82(b)(4))

(iii) Neither the Board of Directors nor a member of the Board shall use Association funds to solicit proxies except for the distribution of proxies as set forth above in Section 8(d)(i); provided that this shall not prevent an individual member of the Board from soliciting proxies as an apartment owner under Section 8(d)(i). (HRS § 514A-83.2(c))

(iv) Nothing in this section shall affect the holder of any proxy under a first mortgage of record encumbering an apartment or under an agreement of sale affecting an apartment. (HRS § 514A-83.2(d))

(e) A copy, facsimile, telecommunication, or other reliable reproduction of a proxy may be used in lieu of the original proxy for any and all purposes for which the original proxy could be used; provided that any copy, facsimile, telecommunication, or other reproduction shall be a complete reproduction of the entire original proxy. (HRS § 514A-83.2(d))

(f) The proxy form prepared by the Association also shall contain a box wherein the owner may indicate that the owner wishes to obtain a copy of the annual audit

report. (HRS § 514A-96)

(g) The Board of Directors shall not adopt any rule prohibiting the solicitation of proxies or distribution of materials relating to Association matters on the common elements by apartment owners; provided the Board of Directors may adopt rules regulating reasonable time, place, and manner of such solicitations or distributions, or both. The Board of Directors may prohibit commercial solicitations. (HRS § 514A-83.3)

Section 9. Adjournment. Any meeting of the Association may be adjourned from time to time to such place and time as may be determined by majority vote of the apartment owners present, whether or not a quorum be present, without notice other than the announcement at such meeting. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted by a quorum at the meeting as originally called.

Section 10. Order of Business. All Association and Board of Directors meetings shall be conducted in accordance with Robert's Rules of Order, or other accepted rules for the conduct of the meeting. (prior amendment dated May 22, 1980, recorded in Liber 14773, Page 358) The order of business at all meetings of the Association shall be as follows:

(a) Roll call
(b) Proof of notice of meeting
(c) Reading of minutes of preceding meeting
(d) Report of officers
(e) Report of committees
(f) Election of directors
(g) Unfinished business
(h) New business

Section 11. Accounting.

(a) The Association shall conduct an annual audit of the Association financial accounts and no less than one annual unannounced verification of the Association's cash balance by a public accountant.

(b) The Board of Directors shall make available a copy of the annual audit to each owner at least thirty (30) days prior to the annual meeting which follows the end of the fiscal year. The Board shall provide upon all official proxy forms a box wherein the owner may indicate that the owner wishes to obtain a copy of the annual audit report. The Board shall not be required to submit a copy of the annual audit report to the owner if the proxy form is not marked. If the annual audit has not been completed by that date, the Board shall make available:

(1) An unaudited year end financial statement for the fiscal year to each owner at least thirty (30) days prior to the annual meeting; and

(2) The annual audit to all owners at the annual meeting, or as soon as the audit is completed, whichever occurs later.

(c) If the Association's fiscal year ends less than two (2) months prior to the convening of the annual meeting, the year to date unaudited financial statement may cover the period from the beginning of the Association's fiscal year to the end of the month preceding the date on which notice of the annual meeting is mailed. (HRS § 514A-96)

Section 12. Administrative Provisions.

(a) The Board of Directors or managing agent will maintain or cause to be maintained accurate and complete books of account and other financial records in accordance with recognized accounting practices. The records shall include, without limiting the generality of the foregoing, detailed and accurate records in chronological order of all receipts and expenditures of the Association, specifying and itemizing all expenses paid or incurred in connection with the maintenance, repair, restoration and replacement of the common elements and any other expenses incurred, all vouchers authorizing payment of such expenses and monthly statements showing the total current delinquent amount of unpaid assessments for

common expenses. All records and the vouchers authorizing the payments and statements affecting the common elements of the project shall be kept at the project or at such other convenient place within the State of Hawaii as the Board shall designate. (HRS § 514A-85(a) and (b))

(b) (i) The Association's most current financial statement and minutes of the Board of Directors' meetings, once approved, shall be available to any owner at no cost or on twenty-four (24) hour loan, at a convenient location designated by the Board of Directors. (HRS § 514A-83.5(a))

(ii) Financial statements, general ledgers, the accounts receivable ledger, accounts payable ledgers, check ledgers, insurance policies, contracts, and invoices of the Association for the current and prior year and delinquencies of ninety (90) days or more shall be available for examination by owners at convenient hours at a place designated by the Board; provided:

1. That the Board may require owners to furnish to the Association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interests of the Association or its members or both; and

2. That owners pay for administrative costs in excess of eight (8) hours per year.

3. Copies of these items shall be provided to any owner upon the owner's request, provided that the owner pay a reasonable fee for duplicating, postage, stationery, and other administrative costs associated with handling the request. (HRS § 514A-83.5(c))

(iii) Owners shall also be permitted to view proxies, tally sheets, ballots, owners' check-in lists, and the certificate of election for a period of thirty (30) days following any Association meeting; provided:

1. That the Board may require owners to furnish to the Association a duly executed and acknowledged affidavit stating that the information is requested in good faith for the protection of the interest of the Association or its members or both; and

2. That owners pay for administrative costs in excess of eight (8) hours per year.

Proxies and ballots may be destroyed following the thirty day period. Copies of tally sheets, owners' check-in lists, and the certificates of election from the most recent Association meeting shall be provided to any owner upon the owner's request, provided that the owner pay a reasonable fee for duplicating, postage, stationery, and other administrative costs associated with handling the request. (HRS § 514A-83.5(d))

(iv) Owners may file a written request with the Board to examine other documents. The Board shall give written authorization or written refusal with an explanation of the refusal within thirty (30) calendar days of receipt of the request. (HRS § 514A-83.5(e))

(c) No employee of the Association shall engage in selling or renting apartments in the project except Association owned apartments, unless such activity is approved by an affirmative vote of sixty-five percent (65%) of the owners. (HRS § 514A-82(b)(8))

(d) (i) The Board of Directors shall prepare and adopt an annual operating budget and distribute it to the apartment owners. At a minimum, the budget shall include the following:

(1) The estimated revenues and operating expenses of the Association;

(2) Information as to whether the budget has been prepared on a cash or accrual basis;

(3) The total replacement reserves of the Association as of the date of the budget;

(4) The estimated replacement reserves the Association will require to maintain the property based on a reserve study performed by the Association;

(5) A general explanation of how the estimated replacement reserves are computed; and

(6) The amount the Association must collect for the fiscal year to fund the estimated replacement reserves.

(ii) The Association shall assess the apartment owners to fund a minimum of fifty percent (50%) of the estimated replacement reserves or fund one hundred percent (100%) of the estimated replacement reserves when using a cash flow plan. For each fiscal year, the Association shall collect the amount assessed to fund the estimated replacement for that fiscal year reserves, as determined by the Association's plan, except:

(1) The Association may fund the estimated replacement reserves in increments after January 1, 1993 and prior to January 1, 2000; and

(2) The Association may fund in increments, over three years, estimated replacement reserves which have been substantially depleted by an emergency.

(iii) The Association shall compute the estimated replacement reserves by a formula which is based on the estimated life and the estimated capital expenditure or major

maintenance required for each part of the project. The estimated replacement reserves shall include:

(1) Adjustments for revenues which will be received and expenditures which will be made before the beginning of the fiscal year to which the budget relates; and

(2) Separate, designated reserves for each part of the Project for which capital expenditures or major maintenance will exceed $10,000. Parts of the Project for which capital expenditures or major maintenance will not exceed $10,000 may be aggregated in a single designated reserve.

(iv) No Association or director, officer, managing agent, or employee who makes a good faith effort to calculate the estimated replacement reserves for the Association shall be liable if the estimate subsequently proves incorrect.

(v) The Board may not exceed its total adopted annual operating budget by more than twenty percent (20%) during the fiscal year to which the budget relates, except in emergency situations. Prior to the imposition or collection of an assessment under this paragraph, the Board shall pass a resolution containing written findings as to the necessity of the extraordinary expense involved and why the expense was not or could not have been reasonably foreseen in the budgeting process, and the resolution shall be distributed to the apartment owners with the notice of assessment.

(vi) The requirements of this Section 12(d) shall override any other requirements in the Declaration, these By-Laws, or any other Association document relating to preparation of budgets, calculation of reserve requirements, assessment and funding of reserves, with the exception of:

(1) any provisions relating to the repair and maintenance of property,

(2) any requirements in the Declaration, these By-Laws, or any other Association documents which require the Association to collect more than fifty percent (50%) of reserve requirements; or

(3) any provisions relating to upgrading the common elements, such as additions, improvements, and alterations to the common elements.

(vii) Subject to the procedures of Section 5 of ARTICLE V and any rules adopted by the Hawaii Real Estate Commission, in the event the Board of Directors fails to comply with this Section 12(d), any apartment owner may enforce compliance by the Board. In any proceeding to enforce compliance, if the Board has not prepared an annual operating budget and reserve study, the Board shall have the burden of proving it has complied with this Section 12(d).

(viii) As used in this Section 12(d):

"Capital expenditure" means an expense which results from the purchase or replacement of an asset whose life is greater than one year, or the addition of an asset which extends the life of an existing asset for a period greater than one year.

"Emergency situation" means any of the following:

(1) An extraordinary expense required by an order of a court;

(2) An extraordinary expense necessary to repair or maintain any part of the Project for which the Association is responsible where a threat to personal safety on the Project is discovered;

(3) An extraordinary expense necessary to repair any part of the Project for which the Association is responsible that could not have been reasonably foreseen by the Board in preparing and distributing the annual operating budget;

(4) An extraordinary expense necessary to respond to any legal or administrative proceeding brought against the Association that could not have been reasonably foreseen by the Board in preparing and distributing the annual operating budget; or

(5) Necessary for the Association to obtain adequate insurance for the property which the Association must insure.

"Major maintenance" means an expenditure for maintenance or repair which will result in extending the life of an asset for a period greater than one year.

"Replacement reserves" means funds for the upkeep, repair, or replacement of those parts of the Property including, but not limited to roofs, walls, decks, paving, and equipment, which the Association is obligated to maintain. (HRS § 514A-83.6)

(e) (i) Minutes of meetings of the Board of Directors and the Association shall include the recorded vote of each Board member on all motions except motions voted on in executive session.

(ii) Minutes of meetings of the Board of Directors and the Association shall be approved at the next succeeding meeting; provided that for Board of Directors meetings, no later than the second succeeding meeting.

(iii) Minutes of all meetings shall be available within seven (7) calendar days after approval and unapproved final drafts of the minutes of a meeting shall be available within sixty (60) days after the meeting; provided that the minutes of any executive

session may be withheld if their publication would defeat the lawful purpose of the executive session. (HRS § 514A-83.4)

(iv) Availability of Minutes. The minutes of the meetings of the Association for the current and prior year shall be available for examination by apartment owners at convenient hours at a place designated by the Board. (HRS § 514A-83.5(b))

(f) The Resident Manager or Managing Agent or Board of Directors shall keep an accurate and current list of members of the Association and their current addresses and the names and addresses of the vendees under an Agreement of Sale, if any. The list shall be maintained at a place designated by the Board of Directors and a copy shall be available at cost to any member of the Association as provided in the House Rules or, in any event, to any member who furnishes to the managing agent or the Board of Directors an affidavit stating that the list will be used by the owner personally and only for the purpose of soliciting votes or proxies or providing information to other owners with respect to Association matters and that the list will not be used or furnished to any other person for any other purpose. (HRS § 514A-83.3)

ARTICLE II

BOARD OF DIRECTORS

Section 1. Number and Qualifications. The affairs of the Association shall be governed by a Board of Directors composed of seven (7) (prior amendment dated July 24, 1998 recorded as Document No. 98-118055) persons, each of whom shall be the sole owner, co-owner, a spouse of an owner, vendees under an agreement of sale, or an officer of any corporate owner of an apartment. The partners in a general partnership shall be deemed to be owners of an apartment for this purpose. All candidates for Board positions must be up-to-date in payment of all fees and assessments due the Association. (prior amendment dated January 30, 1987, recorded in

Liber 20347, Page 703) The Directors shall serve without compensation. (prior amendment dated May 22, 1980, recorded in Liber 14773, Page 358) A resident manager shall not be qualified to serve on the Board of Directors. (HRS § 514A-(a)(14)) There shall not be more than one representative on the Board of Directors from any one apartment. HRS § 514A-82(a)(12)) Each member of the Board of Directors shall owe the Association a fiduciary duty in the performance of the director's responsibilities. (HRS § 514A-82.4)

Section 2. Powers. The Board of Directors shall have all powers necessary for the administration of the affairs of the Association and may do all such acts and things therefore as are not by law, the Declaration or these By-Laws directed to be exercised or done only by the apartment owners. No expenditure shall be made of any capital project in excess of $10,000 in any fiscal year without first receiving the approval of a simple majority of the apartment owners. (prior amendment undated but recorded March 29, 1982 in Liber 16243, Page 7)

Section 3. Election and Term. Election of directors shall be by non-cumulative (prior amendment dated June 6, 2002, recorded as Document No. 2002-109684) voting by secret ballot at each annual meeting and any special meeting called for the purpose. Directors shall hold office for a period of three years and until their respective successors have been elected, subject to removal as herein provided, except that at the first annual meeting one-third for two years and one-third for three years.

Section 4. Vacancies. Vacancies in the Board of Directors caused by any reason other than removal of a director by the Association shall be filled by vote of a majority of the remaining directors, even though they may constitute less than a quorum, and each person so elected shall be a director until his successor is elected at the next annual meeting of the Association. Death, incapacity or resignation of any director, or his failure to attend two board

meetings in any twelve-month period following the election or appointment to the board (unless, in the judgment of the Board, the failure to attend was caused by a justifiable emergency), or his ceasing to be the sole owner or co-owner of an apartment, shall cause his office to become vacant. (prior amendment undated but recorded March 29, 1982 in Liber 16243, Page 7)

Section 5. Removal of Directors. At any regular or special meeting of the Association duly called, any one or more of the directors may be removed with or without cause by vote of a majority of apartment owners and a successor may then and there be elected to fill the vacancy thus created. Any director who is over forty-five (45) days past due in payment of any fees or assessments due the Association must forfeit his position on the Board and a successor may then and there be elected to fill the vacancy thus created (ARTICLE II, Section 4. will apply in filling this vacancy). (prior amendment dated January 30, 1987, recorded in Liber 20347, Page 703) Any director whose removal has been proposed by the apartment owners shall be given an opportunity to be heard at such meeting. If such removal and replacement is to occur at a special association meeting, the call for such meeting shall be by the President or by a petition to the Secretary or managing agent signed by not less than twenty-five percent (25%) of the apartment owners as shown in the Association's record of ownership; and provided further that if the Secretary or managing agent shall fail to send out the notices for the special meeting within fourteen (14) days of receipt of the petition, then the petitioners shall have the authority to set the time, date and place for the special meeting and to send out the notices for the special meeting in accordance with the requirements of the By-Laws. (HRS § 514A-82(b)(1))

Section 6. Annual Meeting. An organizational meeting of the Board of Directors shall be held at the place of and immediately following each annual meeting of the Association, and no notice shall be necessary to any directors in order validly to constitute such meeting,

provided that a majority of the whole Board shall be present. At such meeting the Board shall elect the officers of the Association for the ensuing year.

Section 7. Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Directors, but at least one such meeting shall be held during the first six months and the last six months of each calendar year. Notice of regular meetings of the Board shall be given to each director, personally or by mail at the address on record at the Managing Agent's office, at least fourteen days prior to the date of such meeting. (prior amendment undated but recorded March 29, 1982 in Liber 16243, Page 7) Whenever practicable, notice of all Board meetings shall be posted by the managing agent or a member of the Board in prominent locations within the project seventy-two (72) hours prior to the meeting or simultaneously with notice to the Board of Directors. (HRS § 514A-82(b)(9))

Section 8. Special Meetings. Special Meetings of the Board of Directors may be called by the President on at least eight hours' notice to each director, given personally or by telephone or wireless message, which notice shall state the time, place and purpose of such meeting. Special meetings of the Board shall be called by the President or secretary in like manner and with like notice on the written request of at least two directors. A vote given by telephone or wireless message by a director and confirmed subsequently in writing, shall be counted as though the director had been present at the special meeting. (prior amendment undated but recorded June 21, 1976, recorded in Liber 11496, Page 138)

Section 9. Waiver of Notice. Before or at any meeting of the Board of Directors any director may in writing waive notice of such meeting, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board

shall be a waiver of notice to him of such meeting. If all the directors are present at any meeting of the Board, no notice thereof shall be required, and any business may be transacted at such meeting.

Section 10. Quorum of Board. At all meetings of the Board of Directors a majority of the total number of directors established by these By-Laws shall constitute a quorum for the transaction of business, and the acts of a majority of the directors present at any meeting at which a quorum is present shall be the acts of the Board. If less than a quorum shall be present at any meeting of the Board, a majority of those present may adjourn the meeting from time to time. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

Section 11. Fidelity Bonds. The Board of Directors shall require that all officers, employees and agents of the Association handling or responsible for its funds, shall furnish adequate fidelity bonds. The premiums on such bonds shall be paid by the Association.

Section 12. Conflict of Interest. A Director shall not vote on any Board meeting on any issue in which he has a conflict of interest. A director shall not cast any proxy vote at any Board meeting. (HRS § 514A-82(a)(13)) A director who has a conflict of interest on any issue before the Board shall disclose the nature of the conflict of interest prior to a vote on that issue at the Board meeting, and the minutes of the meeting shall record the fact that a disclosure was made. (HRS § 514A-82(b)(5))

Section 13. Compensation. Directors shall not expend Association funds for their travel, directors' fees, and per diem, unless owners are informed and a majority approve of these expenses. (HRS § 514A-82(b)(10)) Members of the Board of Directors may expend Association funds, which shall not be deemed to be compensation to the directors, to educate and

train themselves in subject areas directly related to their duties and responsibilities as directors; provided that the approved annual operating budget includes these expenses as separate line items. These expenses may include registration fees, books, videos, tapes, other educational materials, and economy travel expenses. Except for economy travel expenses within the State of Hawaii all other travel expenses incurred shall be subject to the requirements of this section. (HRS § 514A-82(b)(12))

Section 14. Board Meetings Generally.

(a) All meetings of the Board of Directors shall be open to all owners, and owners who are not directors may participate in any deliberation or discussion unless a majority of a quorum of the Board votes otherwise. The Board of Directors, with the approval of a majority of a quorum, may adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters or pending or threatened litigation or orders of business of a similar nature. The nature of any and all business to be considered in executive session shall first be announced in open session. (HRS § 514A-83.1) The Association at its expense shall provide all Board members with a current copy of the Association's Declaration, By-Laws, house rules, and, annually, a copy of the Hawaii Condominium Property Act with amendments. (HRS § 514A-82(b)(11))

(b) Minutes of meetings of the Board of Directors and the Association for the current and prior year shall be available for examination by owners at convenient hours at a place designated by the Board. The minutes shall include the recorded vote of each Board member on all motions except those voted on in executive session. Copies of meeting minutes shall be provided to any owner upon the owner's request provided that the owner pay a reasonable fee for

duplicating, postage, stationery, and other administrative costs associated with handling the request. (HRS § 514A-83.5(b))

ARTICLE III

OFFICERS

Section 1. Designation. The principal officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer, all of whom shall be elected by, and in the case of the President from, the Board of Directors. The Board may appoint an assistant treasurer, an assistant secretary and such other officers as in its judgment may be necessary. An owner shall not act as an officer of an Association and an employee of the managing agent employed by the Association. (HRS § 514A-82(b)(7))

Section 2. Election and Term. The officer of the Association shall be elected annually by the Board of Directors at its annual meeting and shall hold office at the pleasure of the Board.

Section 3. Removal. Any officer may be removed either with or without cause by vote of a majority of the members of the Board of Directors, and his successor elected, at any regular meeting of the Board or any special meeting called for such purpose.

Section 4. President. The President shall be the chief executive officer of the Association and shall preside at all meetings of the Association and of the Board of Directors. Subject to the control of the Board he shall exercise general supervision and direction over the management and conduct of the business and affairs of the Association. He shall also have such other powers and duties as may be provided by these By-Laws or assigned to him from time to time by the Board.

Section 5. Vice-President. The Vice-President shall assume and perform the duties of the President in the absence or disability of the President or whenever the office of President is

vacant. He shall also have such other powers and duties as may be assigned to him from time to time by the Board.

Section 6. Secretary. The Secretary shall attend and keep the minutes of all meetings of the Association and of the Board of Directors, give all notices thereof as provided by these By-Laws, maintain and keep a continuous and accurate record of ownership of all apartments, have charge of such books, documents and records of the Association as the Board may direct, and in general perform all the duties incident to the office of Secretary.

Section 7. Treasurer. The Treasurer shall supervise the Managing Agent's custody of all funds of the Association, maintenance of accounts and records thereof and preparation of financial reports thereof.

Section 8. (deleted because of statutory requirements as described above in Article I, Section 11)

Section 9. Architectural and Improvement Review Committee. The Board may establish an Architectural and Improvement Review Committee composed of not less than three and not more than five members appointed by the Board on an annual basis. The purpose of the Architectural and Improvement Review Committee will be to assist the Board in its review of proposals by apartment owners to make additions or alterations to the common elements and limited common elements. The members of the Committee shall consist of apartment owners, one of whom shall be a director, and a representative of the Managing Agent. The Committee may promulgate guidelines to facilitate the review process provided that such guidelines are approved by the Board and are consistent with the Condominium Property Act, the Declaration, these By-Laws and the House Rules for the project. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

ARTICLE IV

ADMINISTRATION

Section 1. Management. The Board of Directors shall at all times manage and operate the project and have such powers and duties as may be necessary or proper therefore including without limitation the following:

(a) Supervision of its immediate management and operation;

(b) Maintenance, repair, replacement and restoration of the common elements and any additions and alterations thereto;

(c) Purchase, maintenance and replacement of any equipment and provision of all water and utility services required for the common elements;

(d) Provision at each apartment of all water, sewer, electricity and such other utility services and utilities as the Board shall deem necessary either at the expense of such apartment or as a common expense as determined by the Board;

(e) Employment, supervision and dismissal of such personnel as may be necessary for the maintenance and operation of the project;

(f) Preparation at least 60 days before each fiscal year of a proposed budget and schedule of assessments for such year;

(g) Collection of all installments of assessments levied and payment of all common expenses authorized by the Board;

(h) Purchase and maintenance in effect of all policies of hazard and liability insurance for the project required by the Declaration and such other insurance and bonds as may be required or authorized by the Declaration or the Board;

(i) custody and control of all funds of the Association, maintenance of full and accurate books of account and records of such funds and preparation of regular financial reports thereof; and

(j) Notification of all persons having any interest in any apartment according to the Association's record of ownership of delinquency exceeding 45 (prior amendment dated January 30, 1987, recorded in Liber 20347, Page 703) days in the payment of any assessment against such apartment.

(k) To borrow money on behalf of the Association to be used by the Association for the repair, replacement, maintenance, operation, or administration of the common elements of the project, or the making of any additions, alterations, and improvements thereto. The cost of such borrowing, including, without limitation, all principal, interest, commitment fees, and other expenses payable with respect to such borrowing, shall be a common expense of the project; provided that owners representing fifty percent (50%) of the common interest and apartments give written consent to such borrowing, having been first notified of the purpose and use of the funds. (HRS § 514A-82.3)

(l) Notwithstanding any other language contained in the Declaration, these By-Laws, or the House Rules, the Board shall make reasonable accommodations to the provisions of these By-Laws, the Declaration, the House Rules, or any other regulations or restrictions of the project, if those accommodations become necessary to afford a handicapped person equal opportunity to use and enjoy the project premises. (42 U.S.C. § 3604(f)(3)(B))

(m) Upon the approval of the Owners of seventy-five percent (75%) of the common interests appurtenant to the Apartments, to change the use of the common elements. (HRS § 514A-13(d)(1))

(n) To lease or otherwise use for the benefit of the Association those common elements which are not actually used by any of the apartment owners for an originally intended special purpose, as determined by the Board of Directors; provided that unless the approval of the Owners of seventy-five percent (75%) of the common interest appurtenant to the Apartments is obtained, any such lease shall not have a term exceeding five years and shall contain a provision that the lease or agreement for use may be terminated by either party thereto on not more than sixty days written notice. (HRS § 514A-13(d)(2))

(o) To lease or otherwise use for the benefit of the Association those common elements not falling within subparagraph (n) above, upon obtaining: (A) the approval of the Owners of seventy-five percent (75%) of the common interests appurtenant to the Apartments, including all directly affected Owners and all Owners of Apartments to which such common elements are appurtenant in the case of limited common elements, and (B) approval of all mortgagees of record on Apartments with respect to which Owner approval is required by (A) above, if such lease or use would be in derogation of the interest of such mortgagees. (HRS § 514A-13(d)(3))

Section 2. Managing Agent. The Board of Directors may (prior amendment dated August 17, 2000, recorded as Document No. 2000-116977) employ a responsible Managing Agent to manage and control the project subject at all times to direction by the Board, with all the administrative functions set forth specifically in the preceding Section 1 and such other powers and duties and at such compensation as the Board may establish. (prior amendment undated but recorded June 21, 1976, recorded in Liber 11496, Page 138)

Section 3. Representation. The President or Managing Agent, subject to the direction of the Board of Directors, shall represent the Association or any two or more apartment owners

similarly situated as a class in any action, suit, hearing or other proceeding concerning the Association, the common elements or more than one apartment, and on its or their behalf may institute, defend, intervene in, prosecute and settle any such actions, suits and proceedings, without prejudice to the rights of any apartment owners individually to appear, sue or be sued. Every Managing Agent shall also be the agent of the respective lessees under any apartment leases filed with the Board for the collection, custody and payment of all rent, taxes, assessments and other charges thereunder payable to their lessors.

Section 4. Execution of Instruments. All checks, drafts, notes, acceptances, conveyances, contracts and other instruments shall be signed on behalf of the Association by such person or persons as shall be provided by general or special resolution of the Board of Directors or, in the absence of any such resolution applicable to such instrument, by the President or Vice-President and by the Treasurer or Secretary.

ARTICLE V

OBLIGATIONS OF APARTMENT OWNERS

Section 1. Assessments.

(a) All apartment owners shall pay to the Managing Agent in advance on the first day of each and every month the owner's lease rent, together with the monthly installment of assessments against their respective apartments for common expenses of the project in accordance with the Declaration including but not limited to real property taxes, fire and liability insurance and utilities. Payment will be considered late by the twentieth (20th) day of the month and a late charge of five percent (5%) of the outstanding balance will be levied monthly. If the account becomes forty-five (45) days delinquent, a demand letter will be sent by the Association's attorney and legal action of lien and foreclosure will be initiated. With respect to

any lease of any apartment filed with the Board of Directors, each owner shall make the foregoing payments in the event the lessee shall fail to do so, notwithstanding any provisions of the lease making such payments payable by the lessee of such apartment.

(b) If an owner shall at any time rent or sublease his apartment and shall thereafter be in default in the payment of any common expense or special assessment for which his apartment is liable, the Board of Directors may, at its option, and so long as such default shall continue, demand and receive from such sub-tenant of the owner the rent due or becoming due from such sub-tenant to the owner up to an amount sufficient to pay all of such unpaid common expense or special assessment, including interest, and any such payment of rent to the Board of Directors by the sub-tenant shall be sufficient discharge of such sub-tenant, as between such sub-tenant and the owner to the extent of the amount so paid; such demand for, or acceptance of, such rent from any sub-tenant shall not be deemed to be a release or discharge of any of the obligations or duties owned by the owner. If the Board of Directors shall make such demand upon any sub-tenant as aforesaid, such sub-tenant shall not have the right to question the right of the Board of Directors to make such demand, but such sub-tenant shall be obligated to make such payments to the Board of Directors, with the effect as aforesaid. (prior amendment dated January 30, 1987, recorded in Liber 20347, Page 703)

(c) No apartment owner shall withhold any assessment claimed by the Association. An apartment owner who disputes the amount of an assessment may request a written statement clearly indicating:

(1) The amount of common expenses included in the assessment, including the due date of each amount claimed;

(2) The amount of any penalty, late fee, lien filing fee, and any other charge included in the assessment;

(3) The amount of attorneys' fees and costs, if any, included in the assessment;

(4) That under Hawaii law, an apartment owner has no right to withhold assessments for any reason;

(5) That an apartment owner has a right to demand mediation or arbitration to resolve disputes about the amount or validity of the Association's assessment, provided the apartment owner immediately pays the assessment in full and keeps assessments current; and

(6) That payment in full of the assessment does not prevent the owner from contesting the assessment or receiving a refund of amounts not owed.

Nothing in this section shall limit the rights of an owner to the protection of all fair debt collection procedures mandated under federal and state law.

An apartment owner who pays the Association the full amount claimed by the Association for any accrued and unpaid assessment for common expenses may file in small claims court or require the Association to mediate to resolve any disputes concerning the amount or validity of the Association's claim. If the apartment owner and the Association are unable to resolve the dispute through mediation, either party may file for arbitration under Section 25 of the Declaration, provided that an apartment owner may only file for arbitration if all amounts claimed by the Association are paid in full on or before the date of filing. If the apartment owner fails to keep all assessments current during the arbitration, the Association may ask the arbitrator to temporarily suspend the arbitration proceedings. If the apartment owner pays all assessments

within thirty days of the date of suspension, the apartment owner may ask the arbitrator to recommence the arbitration proceedings. If the owner fails to pay all assessments by the end of the thirty day period, the Association may ask the arbitrator to dismiss the arbitration proceedings. The apartment owner shall be entitled to a refund of any amounts paid to the Association which are not owed. (HRS § 514A-90(c) and (d))

Section 2. Maintenance of Apartments. Every apartment owner shall at all times well and substantially repair, maintain, amend and keep his apartment, including without limitation all internal installations therein such as water, electricity, gas, telephone, sewer, sanitation, air conditioning, lights and all other fixtures and accessories belonging to such apartment and the interior decorated or finished surfaces of all walls, floors and ceilings of such apartment, with all necessary reparations and amendments whatsoever in good order and condition except as otherwise provided by law or the Declaration, and shall be liable for all loss or damage whatsoever caused by his failure to perform any such work diligently, and in case of such failure after reasonable notice to perform shall reimburse to the Association promptly on demand all expenses incurred by it in performing any such work authorized by the Board of Directors or the Managing Agent. Every apartment owner and occupant shall reimburse the Association promptly on demand all expenses incurred by it in repairing or replacing any uninsured loss or damage to the common elements or any furniture, furnishings and equipment thereof caused by such owner or occupant or any person under either of them and shall give prompt notice to the Managing Agent of any such loss or damage or other defect in the project when discovered.

Section 3. Use of Project.

(a) All apartments are intended for residential use only, provided that any apartment owner may at any time rent or lease his apartment or any part thereof for income

purposes, individually or in concert with any other apartment owner or owners.

(b) All common elements of the project shall be used only for their respective purposes as designed.

(c) No apartment owner or occupant shall place, store or maintain in the halls, lobbies, stairways, walkways, grounds or other common elements of similar nature any furniture, packages or objects of any kind or otherwise obstruct transit through such common elements.

(d) Every apartment owner and occupant shall at all times keep his apartment in a strictly clean and sanitary condition and observe and perform all laws, ordinances, rules and regulations now or hereafter made by any governmental authority or the Association for the time being applicable to the use of the project.

(e) No apartment owner or occupant shall make or suffer any strip or waste or unlawful, improper or offensive use of his apartment or the project nor alter or remove any furniture, furnishings or equipment of the common elements.

(f) No apartment owner or occupant shall erect or place in the project any building or structure including fences and walls, nor make any additions or alterations to any common elements of the project, nor place or maintain thereon any signs, posters or bills whatsoever, except in accordance with approval by the Board of Directors, its appointed Architectural and Improvement Review Committee, and in accordance with plans and specifications including detailed plot plan, prepared by a licensed architect if so required by the Board and also approved by a majority of apartment owners (or such larger percentage required by law or the Declaration) including all owners of apartments thereby directly affected. A legal improvements agreement, in the most current form authorized and approved by the Board

(hereinafter referred to as a "Legal Improvements Agreement"), must be signed by all parties involved. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

(g) No apartment owner or occupant shall decorate or landscape any entrance, hallway, planting area or lanai appurtenant to his apartment except in accordance with standards therefore established by the Board of Directors, its appointed Architectural and Improvement Review Committee, or specific plans approved in writing by the Board. A Legal Improvements Agreement must be signed by all parties involved. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

(h) All apartment owners and occupants shall exercise extreme care about making noises and in the use of musical instruments, radios, televisions, and amplifiers that may disturb other occupants.

(i) No garments, rugs or other objects shall be hung from the windows or facades of the project. Only standing or wall racks on lanais may be used for swimwear and towels. (prior amendment dated January 30, 1987, recorded in Liber 20347, Page 703)

(j) No rugs or other objects shall be dusted or shaken from the windows of the project or cleaned by beating or sweeping on any hallway or exterior part of the project.

(k) No refuse, garbage or trash of any kind shall be thrown, placed or kept on any common elements of the project outside of the disposal facilities provided for such purpose.

(l) No livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project, no pets will be allowed except for those owners who presently have pets, they will be allowed to keep their pets until such time as they are either removed from the premises or die, the apartment owners and occupants in their respective apartments who have pets, shall not keep, breed or use them therein for any commercial purpose nor allow them on

any common elements except in transit when carried or on leash, provided that any such pet causing a nuisance or unreasonable disturbance to any apartment owner or occupant shall be permanently removed therefrom promptly upon notice given by the Board of Directors or Managing Agent. (prior amendment dated July 30, 1976, recorded in Liber 11572, Page 260)

(m) No apartment owner or occupant shall without the written approval of the Board of Directors and its appointed Architectural and Improvements Review Committee (prior amendment dated January 25, 1997, recorded as Document No. 97-024999) install any wiring for electrical or telephone installations, television antenna, machines or air-conditioning units, or other equipment or appurtenances whatsoever on the exterior of the project or protruding through the walls, windows or roof thereof. A Legal Improvements Agreement must be signed by all parties involved. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

(n) Nothing shall be allowed, done or kept in any apartments or common elements of the project which would overload or impair the floors, walls or roofs thereof, or cause any increase in the ordinary premium rates or the cancellation or invalidation of any insurance thereon maintained by or for the Association.

(o) In order to maintain a resort environment at Kihei Kai-Nani, no owner through their own effort or that of their rental agent shall enter into a rental agreement that would be of 60 days or longer duration that does not contain a month-to-month clause. (prior amendment dated April 26, 1993, recorded as Document No. 93-079282)

Section 4. House Rules. The Board of Directors, at any regular or special meeting duly called, may adopt, amend or repeal any supplemental rules and regulations governing details of the operation and use of the common elements not inconsistent with any provision of law, the

Declaration or these By-Laws. (prior amendment undated but recorded March 29, 1982 in Liber 16243, Page 7)

Section 5. Expenses of Enforcement.

(a) In any suit to foreclose a lien against any owner of an apartment, the Association may be represented through its Manager or Board in like manner as any mortgagee of real property. The Manager or Board acting on behalf of the apartment owners, shall have the power to bid for and acquire any such apartment at the foreclosure sale. Suit to recover a money judgment for unpaid common expenses shall be maintainable with all costs and reasonable attorney's fees without foreclosing or waiving the lien securing the same.

(b) All costs and expenses, including reasonable attorneys' fees, incurred by or on behalf of the Association for:

(1) Collecting any delinquent assessments against any owner's apartment;

(2) Foreclosing any lien thereon; or

(3) Enforcing any provision of the Declaration, By-Laws, House Rules, and Chapter 514A Haw. Rev. Stat.; or the rules of the real estate commission; against an owner, occupant, tenant, employee of an owner, or any other person who may in any manner use the Property shall be promptly paid on demand to the Association by such person or persons; provided that if the claims upon which the Association takes any action are not substantiated, all costs and expenses, including reasonable attorneys' fees, incurred by any such person or persons as a result of the action of the Association, shall be promptly paid on demand to such person or persons by the Association.

(c) If any claim by an owner is substantiated in any action against the Association, any of its officers or directors, or its Board of Directors to enforce any provision of the Declaration, By-Laws, House Rules, or Chapter 514A Haw. Rev. Stat., then all reasonable and necessary expenses, costs, and attorneys' fees incurred by an owner shall be awarded to such owner; provided that no such award shall be made in any derivative action unless:

(1) The owner first shall have demanded and allowed reasonable time for the Board of Directors to pursue such enforcement; or,

(2) The owner demonstrates to the satisfaction of the court that a demand for enforcement made to the Board of Directors would have been fruitless.

If any claim by an owner is not substantiated in any court action against the Association, any of its officers or directors, or its Board of Directors to enforce any provision of the Declaration, By-Laws, House Rules, or Chapter 514A Haw. Rev. Stat., then all reasonable and necessary expenses, costs, and attorneys' fees incurred by the Association shall be awarded to the Association, unless the action was filed in small claims court or prior to filing the action in a higher court the owner has first submitted the claim to mediation, or to arbitration under Section 25 of the Declaration, and made a good faith effort to resolve the dispute under any of those procedures. (HRS § 514A-94)

Section 6. Record of Ownership. Every apartment owner shall promptly cause to be duly recorded or filed of record the lease, agreement of sale, assignment or other conveyance to him of such apartment or other evidence of his title thereto and shall file the same together with any other evidence of his title as may be required by the Association with the Board of Directors and the Secretary shall maintain all such information in the record of ownership of the Association.

Section 7. Mortgages. Any apartment owner who mortgages his apartment or any interest therein shall notify the Board of Directors of the name and address of his mortgagee, and also of the release of such mortgage, and the Secretary shall maintain all such information in the record of ownership of the Association. The Board of Directors at the request of any apartment unit owner, may release to any mortgagee or prospective purchaser of any apartment or interest therein, the amount of any assessments against such apartment then due and unpaid.

Section 8. Abatement and Enjoinment of Violations by Apartment Owners. The violation or breach of any provision of the Declaration, these By-Laws, or the House Rules, shall give the Board, the Managing Agent, or the Resident Manager the right in addition to any other rights set forth in these By-Laws:

(a) To enter any apartment during reasonable hours in which, or as to which, such violation or breach exists and summarily to abate and remove, at the expense of the defaulting apartment owner, any structure, thing or condition that may exist therein in violation of the Declaration, these By-Laws, or the House Rules, and the Board shall not thereby be guilty of any trespass; or

(b) To enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach, and all costs thereof, including attorneys' fees, shall be paid by the defaulting apartment owner on demand. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

Section 9. Fines or Penalties for Violations. The violation by any apartment owner, tenant, employee, or guest of the apartment owner or tenant of any of the covenants, conditions and restrictions set out in the Declaration, these By-Laws or the House Rules shall give the Board the right, in addition to any other rights given in these By-Laws, to assess a reasonable

penalty or monetary fine against the apartment owner or tenant concerned, and, at its discretion, to establish a schedule of fines and other penalties to be imposed. the Board may authorize the Managing Agent and/or the Resident Manager, if any, to impose such fines and penalties. The Board shall be empowered to collect any unpaid fines in the same manner as provided herein, the Declaration, and by law for unpaid assessments. All fines imposed pursuant to this Section shall constitute a lien against such owner's apartment which may be foreclosed in the same manner as a lien for common assessments. Any person so fined or penalized may appeal that fine or penalty pursuant to such procedures as established by the Board and set forth in the House Rules. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

ARTICLE VI

MISCELLANEOUS

Section 1. Amendment. These By-Laws may be amended at any time by the vote or written consent of sixty-five percent (65%) of all owners; provided that any proposed by-laws with the rationale for the proposal may be submitted by the Board of Directors or by a volunteer owners' committee. If submitted by that committee, it shall be accompanied by a petition signed by not less than twenty-five percent (25%) of the owners as shown in the Association's record of ownership. The proposed by-laws, rationale, and ballots for voting on any proposed by-law shall be mailed by the Board of Directors to the owners at the expense of the Association for vote or written consent without change within thirty (30) days of the receipt of the petition by the Board of Directors. The vote or written consent required to adopt the proposed by-law shall not be less than sixty-five percent (65%) of all owners; provided that the vote or written consent must be obtained within one hundred twenty (120) days after mailing. In the event that the by-law is duly adopted, then the Board shall cause the by-law amendment to be recorded in the Bureau of

Conveyances of the State of Hawaii. The volunteer owners' committee shall be precluded from submitting a petition for a proposed by-law which is substantially similar to that which has been previously mailed to the owners within one year after the original petition was submitted to the Board. The foregoing shall not preclude any owner or voluntary owners committee from proposing any by-law amendment at any annual Association meeting. (HRS § 514A-82(b)(2)) No amendment to the By-Laws shall be effective until set forth in an amendment to the Declaration duly recorded in the Office of the Registrar of Conveyances, State of Hawaii. (HRS § 514A-81)

Section 2. Indemnification. The Association shall indemnify every director and officer and his executors and administrators against all expenses reasonably incurred by or imposed on him in connection with any action, suit or proceeding to which he may be made a party by reason of being or having been a director or officer of the Association, except in relation to matters as to which he shall be finally adjudged in such action, suit or proceeding to be liable for negligence or misconduct; and in the absence of such final adjudication, indemnification shall be provided only in connection with such matters as to which the Association is advised by its legal counsel that the person to be indemnified committed no such breach of duty. The foregoing right of indemnification shall not be exclusive of any other rights to which such person may be entitled.

Section 3. Subordination. These By-Laws are subordinate and subject to all provisions of the Declaration and any amendments thereto and the Condominium Property Act (Chapter 514A of the Hawaii Revised Statutes, as amended), which shall control in case of any conflict. All terms herein (except where clearly repugnant to the context) shall have the same meaning as in the Declaration or said Condominium Property Act.

Section 4. Interpretation. In case any provision of these By-Laws shall be held invalid, such invalidity shall not render invalid any other provision hereof which can be given effect. Whenever the context requires herein the singular shall include the plural, and vice-versa and the use of any gender shall include all genders.

Section 5. Owners May Incorporate. All of the rights, powers, obligations, and duties of the Association imposed hereunder may be exercised and enforced by a nonprofit membership corporation, formed under the laws of the State of Hawaii for the purpose herein set forth by the Association. The formation of the corporation shall in no way alter the terms, covenants, and conditions set forth herein, and the Articles of Incorporation and the By-Laws of the corporation shall be subordinated hereto and controlled hereby. Any action taken by the corporation which is in violation of any or all of the terms, covenants, or conditions contained herein shall be void and of no effect. (prior amendment dated September 28, 1994, recorded as Document No. 94-169083)

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Mr. Danny Agsalog, Director
County of Maui
Department of Finance
200 South High Street, 2nd Floor
Wailuku, HI 96793

Attention: Mr. Lewis dela Cruz

Dear Mr. Agsalog:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your memorandum dated April 21, 2015 confirming that the Department of Finance has no comment.

If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

AGENCY NAME	Dept. Finance	PHONE	

Agency Transmittal – **NANI LOA CONDOMINIUM HOTEL (EA 2015/0004, SM1 2015/0004, CPA 2015/0002)**

NO COMMENT			
Signed:	L. de la Cruz	Dated:	4/21
Print Name:	Lewis dela Cruz	Title:	Appraiser

COMMENT/RECOMMENDATION BOX			
Signed:		Dated:	
Print Name:		Title:	

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

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

Attention: Housing Administrator

Dear Ms. Reimann:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of May 1, 2015, our responses to your numerated comments are provided below.

***Comment 1**. No Exemptions*

Response 1. The Applicant understands that the Project will not be granted any Residential Workforce Housing exemptions.

***Comment** 2. The subject project is subject to comply with the requirements set forth in Chapter 2.96, Maui County Code.*

Response 2. The Project will comply with the Residential Workforce Housing requirements set forth in Chapter 2.96, as amended.

***Comment** 3. The applicant is required to enter into Residential Workforce Housing agreement prior to final subdivision approval or issuance of building permit for the subject project. Please see page 13 of Draft EA.*

Response 3. The Applicant will enter into a Residential Workforce Housing agreement prior to final subdivision approval or the issuance of any building permits for the Project.

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Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

2289

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

JO-ANN T. RIDAO
Director

JAN SHISIHIDO
Deputy Director

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

Date: May 1, 2015

To: Paul Fasi, Staff Planner

From: Wayde T. Oshiro, Housing Administrator

Subject: **Draft Environmental Assessment (DEA)**
Residential Workforce Housing Policy; Ord 3418
Chapter 2.96, MCC; effective 12/5/2006

Project Name **NANI LOA CONDOMINIUM HOTEL**
Applicant **Victory Development Inc.**
Subject I.D. **EA 2015/0004, SM1 2015/0004, CPA 2015/0002**
TMK: **(2)-3-9-020:032**
Street Address: 2505 South Kihei Road, Kihei, HI 96753
Determination:

☐ **Not-Applicable**
Does not meet applicability as set forth in 2.96.030(A), MCC

☑ **Applicable**
☑ **No Exemptions**

☐ **Exemptions: (2.96.030)**
- ☐ B.1. An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter.
- ☐ B.2. A development subject to a change in zoning condition that requires affordable or residential workforce housing.
- ☐ B.3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006)
- ☐ B.4. A building permit application submitted prior to the effective date of this chapter.
- ☐ B.5. A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code.
- ☐ B.6. A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.

Additional Comments:

☑ **See comments below** ☐ **See Attachment(s)**
☐ **We have NO comment**

1. The subject project is subject to comply with the requirements set forth in Chapter 2.96, Maui County Code. 2. The applicant is required to enter into Residential Workforce Housing agreement prior to final subdivision approval or issuance of building permit for the subject project. Please see page 13 of Draft EA.

Reviewed By: Wayde T. Oshiro — 5/4/2015
Wayde T. Oshiro, Housing Administrator — Date

ADA (Americans with Disabilities Act) Features. In conjunction with properly marked ADA compliant parking stalls, the designated disability entrance will have direct access to the elevator. All common areas are ADA compliant including the restrooms, with proper railings, clear travel widths, and sidewalk ramps. Final plans will be reviewed for compliance with the State Disability and Communication Access Board (DCAB) rules.

Landscape Design. Perimeter landscape planting is provided as required buffer parking areas from adjacent parcels (See: Figure No. 10 "Landscape Concept Plan"). Plantings will be a combination of native and climate adapted (Zone 3) species. An automatic irrigation system will be installed with drip emitters (where appropriate), rain sensors, and will be "R-1 ready" when recycled water becomes available. A detailed plan will be submitted with the Landscape Planting Plan application for approval prior to the final compliance report.

Infrastructure. The proposed project will require on-site support infrastructure. On-site infrastructure will include asphalt paved driveways, parking lots, as well as water, sewer, drainage, electrical, and telephone system improvements (See: Figure No. 9.1 "Site Plan").

Workforce Housing. As required by Chapter 2.96 "Residential Workforce Housing Policy", Maui County Code (MCC), the applicant will enter into a residential workforce housing agreement with the County of Maui to establish compliance with the said chapter. Currently, the applicant is required to offer for sale or rent to qualified families an equivalent of twenty-five percent (25%) of the proposed units either onsite or offsite, pay an in-lieu fee, provide improved or unimproved land, or obtain residential workforce housing credits. The method will be determined prior to the applicant entering into the workforce housing agreement. Compliance with the terms of the agreement must occur prior to approval of building permits, as required by MCC Chapter 2.96. The DHHC prepares the Affordable Sales Price and Rent Guidelines annually, based on the Median Family Income (MFI) established by the U.S. Department of Housing and Urban Development (HUD). The MFI for 2014 was $75,800.

Sustainability. Careful consideration has been made toward green building and higher energy and water efficiency by incorporating the following sustainable concepts into the design:

- The project site is within a half mile (10 minute average walking time) of public transportation, shopping, beach parks, schools, and other basic services indicating very good community connectivity. This, along with the network of sidewalks in the neighborhood, encourages pedestrian access to goods and services.

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 22, 2015

Mr. David Goode, Director
County of Maui
Department of Public Works
200 South High Street, Room No. 434
Maui, HI 96793

Attention: Ms. Rowena M. Dagdag-Andaya

Dear Mr. Goode:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of July 10, 2015, our responses to your numerated comments are provided below.

***Comment 1**. Page 17, Section O.4: We recommend deleting this section (O.4.a, O.4.b, O.4.c, and O.4.d). The entire discussion is restated word-for-word from the conclusion of Section M.*

Response 1. The Applicant will consider revising the Traffic Impact Assessment Report (TIAR) as recommended.

***Comment 2**. Page 17, Section O: Include a recommendation that a Southbound auxiliary lane from South Kihei Road into the project's driveway should be considered in the project's final design to maintain through traffic on South Kihei Road.*

Response 2. The Applicant will consider installing a "Southbound auxiliary lane" which is understood to be a left turn storage lane into the Kihei Kai Nani driveway. However, the Traffic Impact Assessment Report (TIAR) notes that the delay for that movement, with or without the project, is one (1) second or less. In addition, at least one on-street parking stall will have to be eliminated.

***Comment 3**. Page 17, Section O: Include a recommendation that improvements be considered on South Kihei Road to improve the ability from traffic to exit the project.*

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Response 3. The Applicant will explore options for South Kihei Road improvements to enhance exits from the Kihei Kai Nani driveway.

***Comment 4**. Page 17, Section M.3, Paragraph 1: Second sentence states Eastbound (EB) and Westbound (WB) approaches operate at LOS C. The third sentence states that WB approaches operate at LOS C during AM and LOS F during PM. Please review and confirm.*

Response 4. The second sentence is prefaced by "During the morning peak hour, …" The third sentence is redundant in regards to the AM WB approach, but was restated to compare it to the PM peak hour LOS.

***Comment** 5. Page 11, Section J, Related Projects: Alahele Subdivision (1 mile north), Kalama Heights Senior Housing (.9 mile north), and Cove Beach Villas (.9 mile north). Please provide an exhibit supporting the reasons as to why these related projects have a significant impact to traffic in the Nani Loa project area. Supporting exhibits may include a table or graphic that identify the intersections in the vicinity of the Nani Loa project and the anticipated total traffic being contributed by these related projects.*

Response 5. The exhibits and supporting reasons will be provided by the Applicant under separate cover in the form of a revised final traffic report.

***Comment** 6. We suggest that the applicant identify opportunities for connectivity to the north and to the east of the project area that encourage multi-modal (bicycle and/or pedestrian) transportation options.*

Response 6. The Applicant will explore opportunities for connectivity with neighboring property owners to the north and east.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

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

July 10, 2015

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **HAWAII REVISED STATUTES, CHAPTER 343 DRAFT ENVIRONMENTAL ASSESSMENT IN SUPPORT OF APPLICATIONS FOR COMMUNITY PLAN AMENDMENT AND SPECIAL MANAGEMENT AREA USE PERMIT FOR NANI LOA HOTEL CONDOMINIUM; TMK: (2) 3-9-020:032 EA 2015/0004, SM1 2015/0004, CPA 2015/0002**

RECEIVED
JUL 14 2015
DEPT. OF PLANNING
COUNTY OF MAUI

We reviewed the subject application and have the following comments:

1. Page 17, Section O.4: We recommend deleting this section (O.4.a, O.4.b, O.4.c, and O.4.d). The entire discussion is restated word-for-word from the conclusions of Section M.

2. Page 17, Section O: Include a recommendation that a Southbound auxiliary lane from South Kihei Road into the project's driveway should be considered in the project's final design to maintain through traffic on South Kihei Road.

3. Page 17, Section O: Include a recommendation that improvements be considered on South Kihei Road to improve the ability for traffic to exit the project.

4. Page 17, Section M.3, Paragraph 1: Second sentence states Eastbound (EB) and Westbound (WB) approaches operate at LOS C. The third sentence states that WB approaches operate at LOS C during AM and LOS F during PM. Please review and confirm.

5. Page 11, Section J, Related Projects: Alahele Subdivision (1 mile north), Kalama Heights Senior Housing (.9 mile north), and Cove Beach Villas (.9 mile north). Please provide an exhibit supporting the reasons as to why these related projects have a significant impact to traffic in the Nani Loa project area. Supporting exhibits may include a table or graphic that identify the intersections in the vicinity of the Nani Loa project and the anticipated total traffic being contributed by these related projects.

6. We suggest that the applicant identify opportunities for connectivity to the north and to the east of the project area that encourage multi-modal (bicycle and/or pedestrian) transportation options.

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

DCG:RMDA:da
xc: Highways Division
Engineering Division
S:\DSA\Engr\CZM\Draft Comments\39020032_nani_loa_htl_condo_ea_sm1_cpa.wpd

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Mr. David Taylor, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, HI 96793

Dear Mr. Taylor:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of April 24, 2015, our responses to your numerated comments are provided below.

Comment 1. *The applicant's estimate of the average daily water demand for the project determined by using County of Maui, Department of Water Supply Water System Standards dated 2002, is 21,840 gpd. The maximum daily demand is estimated at 32,760 gpd.*

Response 1. The Applicant confirms that the estimated average daily water demand for the Project is 21,840 gpd, and the maximum daily demand is estimated at 32,760 gpd.

Comment 2. *During the building permit process, the applicant will be required to submit domestic, irrigation, and fire flow calculations, approved and stamped, by a licensed architect or engineer, to determine proper meter sizing and other water system requirements.*

Response 2. The Applicant will submit domestic, irrigation, and fire flow calculations, approved and stamped by a licensed architect or engineer, during the building permit process to determine proper meter sizing and other water system requirements.

Comment 3. *Although the project is not in a wellhead protected area (WHPA), DWS recommends that the applicant implement appropriate construction mitigation measures to ensure the protection of Kamaole aquifer.*

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Response 3. The Applicant will implement appropriate construction mitigation measures to ensure the protection of Kamaole aquifer.

***Comment 4**. The DWS recommends the following conservation measures for implementation in the project.*

Indoor Conservation Measures:

- *Use EPA WaterSense labeled plumbing fixtures*
- *Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.*
- *Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.*
- *Install showerheads with a flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).*
- *Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi.*
- *Laundry facilities and/or individual unit machines must use Energy Start Labeled washers.*

Outdoor Conservation Measures:

- *Use Smart Approved WaterMark irrigation products. Examples include ET irrigation controllers, drip irrigation, and water saving spray heads.*
- *Avoid plant fertilizing and pruning that would stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible.*
- *Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.*
- *Dust control: Reclaimed water for dust control is available from the Kihei and Kahului Wastewater Treatment plants at a reasonable cost. It should be considered as an alternative source of water for dust control during construction.*

Response 4. The Applicant will follow the recommended conservation measures for implementation on the subject project as follows:

Indoor Conservation Measures:

- The project will utilize WaterSense labeled plumbing fixtures.
- Indoor fixtures such as showerheads, toilets, lavatories, and urinals are already flow reduction devices. All other water fixture will have flow reducers and faucet aerators.
- All toilets will have dual-flush capability not to exceed 1.28 gallons per minute (gpm).
- All showerheads will have a flow rate of 1.5 gpm at 60 psi or less.
- All bathroom sink faucets will have a flow rate of 1 gpm at 60 psi or less.
- Laundry facilities will have Energy Star labeled washers.

Outdoor Conservation Measures:

- Smart Approved WaterMark irrigation products will be utilized.

- Plant fertilizing and pruning will be planned to prevent excessive growth, and watering will occur in the early morning or evening to limit evaporation. No turf is proposed.
- All landscape plantings will be Plant Zone 3 climate-adapted plants some of which are native plants. Note that no invasive alien species are being utilized.
- Reclaimed water will be utilized for dust control during construction.

Thank you again, for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

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

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
MAY - 5 2015
RECEIVED

April 24, 2015

Mr. Paul F. Fasi, Staff Planner
County of Maui, Department of Planning
2200 Main Street, Ste. 315
Wailuku, HI 96793

Dear Mr. Fasi:

RE: Project: Nani Loa Condominium Hotel
Applicant: Victory Development Inc.
Address: 2505 South Kihei Road, Kihei, HI 96753
Description: 39-Unit Hotel/Condominium
TMK: (2) 3-9-020:032
Permit No.: EA 2015/0004, SM1 2015/0004, and CPA 2015/0002

Thank you for the opportunity to offer the following comments on the referenced project.

Source Availability and Consumption
The water source for the project is the Iao aquifer; the site is served by the Department of Water Supply's (DWS) Central Maui Water System.

The applicant's estimate of the average daily water demand for the project determined by using County of Maui, Department of Water Supply *Water System Standards* dated 2002, is 21,840 gpd. The maximum daily demand is estimated at 32,760 gpd.

System Infrastructure
The site is served by a 12-inch waterline and a 2-inch water meter on South Kihei Road. Storage for the site is provided by the 2.0 million gallon Kamaole Tank.

During the building permit process, the applicant will be required to submit domestic, irrigation, and fire flow calculations, approved and stamped, by a licensed architect or engineer, to determine proper meter sizing and other water system requirements.

Pollution Prevention
Although the project site is not in a wellhead protection area (WHPA), DWS recommends that the applicant implement appropriate construction mitigation measures

to ensure the protection of the Kamaole aquifer.

Conservation
The DWS recommends the following conservation measures for implementation in the project.
Indoor Conservation Measures:

- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.
- Install showerheads with a flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).
- Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi. Laundry facilities and/or individual unit machines must use Energy Star labeled washers.

Outdoor Conservation Measures:

- Use Smart Approved WaterMark irrigation products. Examples include ET irrigation controllers, drip irrigation, and water saving spray heads.
- Avoid plant fertilizing and pruning that would stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible.
- Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.
- Dust control: Reclaimed water for dust control is available from the Kihei and Kahului Wastewater Treatment plants at a reasonable cost. It should be considered as an alternative source of water for dust control during construction.

Should you have any questions, please contact Arnold Y. Imaye, Staff Planner, at Arnold.Imaye@co.maui.hi.us or at (808) 463-3110.

Sincerely,

Dave Taylor, P.E., Director
ayi
c: DWS Engineering Division
DWS Water Resources & Planning

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 9, 2015

Police Chief Tivoli S. Faaumu
County of Maui
Police Department
55 Mahalani Street
Wailuku, HI 96793

Dear Chief Faaumu:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter dated May 7, 2015, our response to your comments are provided below.

***Comment 1**. According to the TIAR, there should be no negative impacts on area roadways. The size of the project will not significantly increase the population, and the impact on police services should be minimal. It should be noted, however, that there are multiple other projects in the planning and development stages that when combined will significantly increase the population of the Kihei District.*

Response 1. The Applicant anticipates the Project will have no negative impacts on area roadways, as stated in the TIAR, and there will be no significant population increase impacting police services as a result of the Project. The Applicant further acknowledges the Department's concern about the combined effects on the Kihei population from the multiple proposed projects.

If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

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www.chpmaui.com

15-2407

POLICE DEPARTMENT

COUNTY OF MAUI

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

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

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

May 7, 2015

MAY 11 2015
RECEIVED

MEMORANDUM

TO: PAUL F. FASI, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAUUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO. : EA 2015/0004, SM1 2015/0004, CPA 2015/0002
TMK : (2) 3-9-020:032
Project Name : Nani Loa Condominium Hotel
APPLICANT : Victory Development Inc.

____ No recommendation or comment to offer.

_X_ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Victor K. Ramos
For: TIVOLI S. FAAUMU
Chief of Police

Attachment

Concur
Victor K. Ramo
Assistant Chief
5/7/15

TO	:	**TIVOLI FAAUMU, CHIEF OF POLICE, COUNTY OF MAUI**
VIA	:	**CHANNELS**
FROM	:	**EMILY KIBBY, COMMUNITY POLICE OFFICER, KIHEI DISTRICT**
SUBJECT	:	**DRAFT ENVIRONMENTAL ASSESSMENT FOR NANI LOA CONDOMINIUM HOTEL**

This To-From is in response to the Draft Environmental Assessment (Draft EA) submitted on behalf of the applicant Victory Development Inc. The plan was prepared by Chris Hart & Partners, Inc. The proposed project is a hotel condominium consisting of 39 two- and three-bedroom units within two buildings, located at 2505 S. Kihei Road.

IMPACT ON POLICE

The draft EA estimates that this project will not significantly affect or increase the population on Maui, in the context of the overall projected population growth.

TRAFFIC IMPACT

Phillip Rowell and Associates prepared a Traffic Impact Assessment Report (TIAR) for this proposed project. The TIAR concludes that the project is not anticipated to have adverse traffic impacts on any of the nearby intersections, including; South Kihei Road at Kamaole Shopping Center side street, South Kihei Road at Kai Nani, South Kihei Road at Keonekai Road, and South Kihei Road at Alanui Ke Alii. According to the TIAR, the proposed project will generate 24 trips during the morning peak hour and 28 trips during the afternoon peak hour.

CONCLUSION

According to the TIAR, there should be no negative impacts on area roadways. The size of the project will not significantly increase the population, and the impact on police services should be minimal. It should be noted, however, that there are multiple other projects in the planning and development stages that when combined will significantly increase the population of the Kihei District.

Respectfully Submitted,

#14572

Emily KIBBY #14572
Community Police Officer
Kihei District
5/4/15 @ 1030 Hours

Concur. Minimal impact as of this writing.
Capt.
5/6/15

5/5/15 @ 1930 hrs

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 22, 2015

Ms. Michelle Bogardus, Island Team Leader
United States Department of the Interior
Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, HI 96850

Attention: Mr. Jon Sprague

Dear Ms. Bogardus:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter dated July 11, 2015 regarding the subject project. We acknowledge your statement that there is no critical habitat in the vicinity of the project area. Our responses to your comments regarding the 6 listed species in the vicinity of the project area are provided below.

Hawaiian hoary bat *(Lasiurus cinereus semotus).*

Response. As recommended, woody plants greater than 15 feet tall will not be removed or trimmed during the Hawaiian hoary bat breading season (June 1 to September 15) to prevent any unattended young left in "nursery" trees and shrubs from being inadvertently harmed or killed. Additionally, barbed wire will not be used for fencing as part of the proposed action to prevent any bats from becoming entangled while they forage.

Blackburn's sphinx moth *(Manduca blackburni).*

Response. As recommended, a qualified biologist will survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to work initiation. The surveys will be conducted during the wettest portion of the year (usually November-April or several weeks after a significant rain) and

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immediately prior to construction pursuant to the Service's recommendation. Additionally, the surveys will include searches for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage) and any host plants identified will not be cut or disturbed.

Hawaiin Petrel ***(Pterodroma phaeopygia sandwichensis) and*** **Newell's Shearwater** ***(Puffinus auricularis newelli).***

Response. To help prevent these seabirds from being attracted to the project lights, any lights associated with the project will be cut-off, equipped with a motion sensor, or shielded so that the light cannot be seen from above. Outdoor lighting will be "dark sky" compliant. Additionally, although night-time construction activities are not anticipated, they will be avoided between September 1 and December 15, the most vulnerable time period for fledgling seabirds.

Hawksbill sea turtle ***(Eretmochelys imbricate).***
Green sea turtle ***(Chelonia mydas).***

Response. Since the project is not adjacent to beaches, there will be no ocean or beach-directed lighting, no staging of equipment on the beach, and no driving of equipment on the beach. Furthermore, the final EA will take into account increased pedestrian and vehicular traffic associated with the condominiums and, when occupied, the Nani Loa Hotel Condominium will provide educational information to occupants and visitors about sea turtles on the beach, their protected status, and safe viewing guidelines.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850

RECEIVED
JUL 15 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
JUL 11 2015
CL: Raymond
131075

In Reply Refer To:
01EPIF00-2015-TA-0342

Mr. Raymond Cabebe
Landscape Architecture
115 North Market Street
Wailuku, Hawaii 96793

Subject: Technical Assistance for the Proposed Nani Loa Hotel Condominium Draft Environmental Assessment, Maui

Dear Mr. Cabebe:

The U.S. Fish and Wildlife Service (Service) received your correspondence on July 2, 2015, requesting comments on a draft environmental assessment (DEA) for a proposed two-building condominium complex at 2505 South Kihei Road, Maui, Hawaii (Portion of Tax Map Key [TMK] number: [2] 3-9-020: Parcel 032). The proposed action includes constructing 39 two- and three-bedroom units within two buildings, as well as associated utilities and paving for a short driveway and 83 parking stalls on the 1.438 acre parcel. The property is an undeveloped lot in south Kihei with a history of heavy disturbance. The lot is approximately 900 feet away from the beach front and separated by a previously built condominium complex (Kai Nani). The soil substrate is predominantly sand and its vegetation dominated by non-native weed species including grasses and kiawe (*Prosopis pallida*). Adjoining properties consist of undeveloped land and residential homes.

Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Project, there are 6 listed species in the vicinity of the project area: the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), Blackburn's sphinx moth (*Manduca blackburni*), hawksbill sea turtle (*Eretmochelys imbricata*), and Hawaiian Petrel (*Pterodroma phaeopygia sandwichensis*), and the threatened Newell's Shearwater (*Puffinus auricularis newelli*) and green sea turtle (*Chelonia mydas*). There is no critical habitat in the vicinity of the project area. The Service recommends the following measures to avoid and minimize project impacts to these listed species:

Hawaiian hoary bat

The Hawaiian hoary bat is known to occur across a broad range of habitats throughout the State of Hawaii. This bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the Hawaiian hoary bat breeding season (June 1 to September 15), there is a risk that young bats that cannot yet fly on their own could inadvertently be harmed or killed. As

a result, the Service recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. The Service, therefore, recommends that barbed wire not be used for fencing as part of this proposed action.

Blackburn's sphinx moth

The Blackburn's sphinx moth could potentially be in the vicinity of the proposed project area. Adult moths feed on nectar from native plants, including beach morning glory (*Ipomoea pes-caprae*), iliee (*Plumbago zeylanica*), and maiapilo (*Capparis sandwichiana*); larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and native aiea (*Nothocestrum latifolium*). To pupate, the larvae burrow into the soil and can remain in a state of torpor for up to a year (or more) before emerging from the soil. Soil disturbance can result in death of the pupae. The Service recommends that a qualified biologist survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to work initiation. We recommend these surveys be conducted during the wettest portion of the year (usually November-April or several weeks after a significant rain) and immediately prior to construction. Surveys should include searches for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage). Any host plants of Blackburn's sphinx moth identified should not be cut or disturbed.

Seabirds

Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may transit over the project area when flying between the ocean and upland breeding colonies. Many bird species are known to strike objects, such as antennas or guywires, protruding above surrounding vegetation. In Hawaii, seabirds are attracted to lights and are known to collide with buildings, light poles, wires, and other tall objects. Any lights associated with the project should be cut-off, equipped with a motion sensor, or shielded so that the light cannot be seen from above. Additionally, we recommend that night-time construction activities be avoided between September 1 and December 15, the most vulnerable time period for fledgling seabirds.

Sea Turtles

The hawksbill turtle and green sea turtle (collectively known as sea turtles) may utilize the beach near the proposed action area for nesting and basking. While the property is not directly on the beach, it is close by and there will likely be some increase in the number of pedestrians on and vehicles driving near local beaches. Turtle nests and hatchlings are susceptible to human disturbance and predation by feral mammals such as small Indian mongoose, cats, and dogs. Adult sea turtles may also come ashore to bask during the day and may be disturbed by pedestrian use. The beach front near the proposed project has the potential to provide nesting and basking habitat for these species. To maintain viable turtle habitat in the proposed action area, we recommend no ocean or beach-directed lighting, no staging of equipment on the beach, and no driving of equipment on the beach. We also recommend that final EA take into account increased pedestrian and vehicular traffic associated with the condominiums. When occupied, the Nani Loa Hotel Condominium should provide educational information to occupants and visitors about sea turtles on the beach, their protected status, and safe viewing guidelines.

Implementation of these measures will minimize but does not ensure that take of listed species associated with this proposed action will be fully avoided. Thank you for your efforts to conserve listed species and native habitats. Please contact Fish and Wildlife Biologist Jon Sprague (808)-792-9573 or jonathan_sprague@fws.gov, if you have any questions or for further guidance.

Sincerely,

Michelle Bogardus
Island Team Leader
Maui Nui and Hawaii Island

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

September 22, 2015

Ms. Michelle R. Lynch, Chief
Department of the Army
Honolulu District U.S. Army Corps of Engineers
Fort Shafter
Honolulu, HI 96858-5440

Attention: Ms. Joy Anamizu

Dear Ms. Lynch:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002) (DA) File Number POH-2007-00294

Thank you for your letter of August 17, 2015 and for the determination that a Department of Army (DA) permit is not required for the proposed project. As recommended in your letter, a Best Management Practices (BMP) plan will be implemented to minimize adverse impacts to aquatic resources. The BMP plan will include, but not limited to:

1. Minimize time of construction.
2. Retain existing ground cover until latest date to complete construction.
3. Early construction of drainage features.
4. Use temporary area sprinklers in non-active construction areas when ground cover is removed.
5. Use temporary berms and cut-off ditches, where needed, for control of erosion.
6. Sod or plant all cut and fill slopes immediately after grading work has been completed.
7. Install silt screens wherever appropriate.

The applicant will comply with all other Federal, State, or local statutes, ordinances, and regulations.

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www.chpmaui.com

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

August 17, 2015

SUBJECT: No Permit Required for the Nani Loa Residential Condominium Hotel project (TMK 239020032) located at 2505 South Kihei Road, Kihei, Maui Isle, Hawaii. DA File No. POH-2007-00294.

Chris Hart & Partners
Attn: Mr. Raymond Cabebe
115 N. Market Street
Wailuku, Hawaii 96793

Dear Mr. Cabebe:

We have received your request letter, dated June 30, 2015, for comments for draft environmental assessment (EA) for the above-subject project. Department of the Army (DA) file number POH-2007-00294 has been assigned this project. Please reference this number in all future correspondence concerning this project.

We have reviewed the preliminary project planning information submitted pursuant to our authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)(Section 10) and Section 404 of the Clean Water Act (33.U.S.C. 1344)(Section 404). Section 10 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the U.S. prior to conducting the work. Section 404 requires that a DA permit be obtained for the discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands, prior to conducting the work.

Based on our review of the information you provided and available resources, we determined the proposed project location is absent of waters of the U.S., and activities related to the proposed project would not result in the work and/or the discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands, subject to the Corps' regulatory jurisdiction. A **DA permit is not required for the proposed project.**

Although a DA permit is not required, we recommend use of Best Management Practices to avoid and minimize adverse impacts to aquatic resources. It is your responsibility to ensure that your project complies with all other Federal, State, or local statutes, ordinances and regulations.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this permit determination, please contact Ms. Joy Anamizu at (808) 835-4308 or via e-mail at joy.n.anamizu@usace.army.mil . You are encouraged to provide comments on your experience with the Honolulu District

Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

Michelle R. Lynch
Chief, Regulatory Office

Enclosure

Cc via email w/encl:
State, CZM Program (J. Nakagawa)
State, DOH-CWB (Branch email)

APPENDIX K
Maui Planning Commission Comments

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Mr. William Spence, Director
Maui Planning Department
2200 Main Street, Suite 315
Maui, HI 96793

Attention: Mr. Paul Fasi

Dear Mr. Spence:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 18, 2015 documenting the Maui Planning Commission's comments on the subject project. Our responses to your numerated comments are provided below.

***Comment 1**. The developer should work with the AOAO to mutually agree upon a plan to route the utilities through the existing easement or seek another route via the adjoining property owner(s);*

Response 1. Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the *Kihei Kai-Nani Declaration of Condominium Property Regime*, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a:

> *... perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ...*

Declaration No. 5 details the "Rights, Powers and Privileges" of the owner of Lot 1-A (**See**: Attachment No. 1). It is an inconvenience for the owners of KKN, but the current owner of Lot 1-A (the Nani Loa project site) has no other choice but to utilize its only existing option for utility access. The owner will continue to work with the KKN AOAO and make a best faith effort to minimize the impacts of installing utility lines through the easement.

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www.chpmaui.com

***Comment** 2. The developer should try to pursue and secure a permanent mauka access via the North/South Collector Road for construction and permanent egress and ingress;*

Response 2. Victory Development Inc. has communicated with the owner of the property to the north and has a verbal understanding for construction access through that property via the North-South Collector Road (Liloa Drive).

***Comment** 3. Show the design of the drainage way through the residential area east of the project site;*

Response 3. Attached is a map showing the 307 acre drainage area from where storm water flows into the gulch that eventually drains through the project site, Kihei Kai Nani, and eventually to the ocean (**See**: Attachment No. 2).

***Comment** 4. Show details on what Best Management Practices (BMPs) will be implemented to mitigate flooding during construction phase;*

Response 4. To control erosion during the site development period, the following measures will be implemented, but not limited to:

1. Minimize time of construction.
2. Retain existing ground cover until latest date to complete construction.
3. Early construction of drainage features.
4. Use temporary area sprinklers in non-active construction areas when ground cover is removed.
5. Use temporary berms and cut-off ditches, where needed, for control of erosion.
6. Sod or plant all cut and fill slopes immediately after grading work has been completed.
7. Install silt screens wherever appropriate.

***Comment** 5. What will happen to the "old growth" trees along the property line;*

Response 5. In the vicinity of the property line abutting the Kihei Kai Nani complex, fifteen (15) trees were identified in an Inspection Report (October 3, 2015) prepared by Ernest Rezents of Tree & Landscape Decisions LLC (**See**: Attachment No. 3). The inspection, conducted on September 29, 2015, also identified a hedge, consisting of natal plum, Christmas berry, and haole koa running along the Kihei Kai Nani property boundary. Of the fifteen (15) trees analyzed by the Inspection Report (Rezents 2015), seven (7) were considered transplantable, but would either be too costly, too large, or unhealthy to do so. Three (3) of the trees are categorized as invasive species. All others are recommended to be replaced with another tree. The project proposes to plant

eighteen (18) large canopy shade trees, fourteen (14) palms, and eight (8) dwarf plumeria trees.

Comment 6. *Show on the site plan the distance between existing buildings and distance to new buildings and what is facing the existing building, e.g., is a balcony or lanai or window facing the existing building;*

Response 6. The distances between the buildings on the Kihei Kai Nani property range from 22 feet to 57 feet, with the average being approximately 33 feet. The nearest distance to the proposed Nani Loa buildings is 51 feet (**See**: Attachment No. 4). The units facing Kihei Kai Nani have lanai and windows, however a landscape buffer with Milo, Geiger, and/or Hong Kong Orchid trees and dense native shrubbery (Naio or A'ali'i) will be provided between the properties. The existing buildings have jalousie windows facing the proposed project.

Comment 7. *What is the comprehensive lighting plan going to look like; and*

Response 7. The proposed lighting plan is attached along with the proposed fixtures, which are "Dark Sky" compliant (**See**: Attachment No. 5). The parking lot and building wall lights are fully shielded and adjustable.

Comment 8. *How to improve the (drainage) water quality flow through the project so it's "clean" upon exiting.*

Response 8. According to the project civil engineer, the project site is too small to construct a detention/settling basin, however the Moana Subdivision, upstream of the project site has an existing detention basin. This basin settles some of the silt coming from the mauka drainage area. Grating can be installed at the inlet structure on the Nani Loa site to prevent large debris from flowing downstream.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachments: Planning Letter 6/18/15
1 through 5

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Clayton Yoshida
Project File 13-075

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI

DEPARTMENT OF PLANNING

June 18, 2015

RECEIVED
JUN 22 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: Raymond
13/025

Mr. Raymond Cabebe
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Cabebe:

SUBJECT: MAUI PLANNING COMMISSION (MPC) COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT (EA) PREPARED FOR THE PROPOSED NANI LOA CONDOMINIUM HOTEL DEVELOPMENT, LOCATED AT 2505 SOUTH KIHEI ROAD, KIHEI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-9-6-020:032 (EA 2015/0004)

On June 9, 2015, the MPC reviewed the above-referenced project. After due consideration and discussion, the MPC made the following comments:

1. The developer should work with the AOAO to mutually agree upon a plan to route the utilities through the existing easement or seek another route via the adjoining property owner(s);

2. The developer should try to pursue and secure a permanent mauka access via the North/South Collector Road for construction and permanent egress and ingress;

3. Show the design of the drainage way through the residential area east of the project site;

4. Show details on what Best Management Practices (BMPs) will be implemented to mitigate flooding during construction phase;

5. What will happen to the "old growth" trees along the property line;

6. Show on the site plan the distance between existing buildings and distance to new buildings and what is facing the existing building, e.g., is a balcony or lanai or window facing the existing building;

7. What is the comprehensive lighting plan going to look like; and

8. How to improve the (drainage) water quality flow through the project so it's "clean" upon exiting.

If you have any questions please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808) 270-7814.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Project File
General File

WRS:PFF:ls
K:\WP_DOCS\PLANNING\EA\2015\0004_NaniLoaCondominiumHotel\MPC DEA Comments LTR.doc

ATTACHMENT 1

(g) Any and all other parts of the buildings and any and all real and personal property and property interests of any nature appurtenant to the foregoing items, or useful, necessary or convenient to the existence, maintenance or operation of the same.

(h) Designation of additional areas to be common elements or subject to common expenses shall require the approval of ninety percent of the apartment owners. (Hawaii Revised Statutes "HRS" § 514A-92.1)

5. Reservation of Rights, Powers and Privileges for the Use and Benefit of Lot 1-A.

The Owners and the Developer reserve to themselves, their respective successors and assigns, in perpetuity and for the use and benefit of Lot 1-A and all owners, occupants, lessees and tenants of Lot 1-A and all buildings and other improvements hereafter constructed thereon at any time, and all portions thereof, and their respective guests, invitees, licensees and business visitors, the following rights and powers:

(a) To construct any and all types of buildings and improvements on Lot 1-A, such as hotels, apartments and condominium apartments.

(b) To enter the above-described easement area whenever necessary or desirable and install, repair, maintain and replace therein, all pipes, wires, ducts, cables, conduits, chases or other utility or service lines necessary, useful or desirable for the use or benefit of Lot 1-A and all buildings and improvements constructed thereon.

(c) To use any and all common elements of the Kihei Kai-Nani, Phase One located or installed within the above-described easement area, including without limitation all roads, driveways, sidewalks, pipes, wires, ducts, cables, conduits, chases, and other utility and service lines. (prior amendment dated January 25, 1997, recorded as Document No. 97-024906)

Provided, however, that so long as such use shall continue, the owners, occupants, lessees and tenants of Lot 1-A shall contribute to and pay a proportionate share of all costs of repair and maintenance of the facilities so used. In the event apartments or condominium apartments are constructed on Lot 1-A, the proportionate share shall be the ratio of the total number of apartments on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One. In the event a hotel is constructed on Lot 1-A, the proportionate share shall be the ratio of the total number of hotel rooms on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One.

Provided, further, that during the construction of any and all buildings and improvements on Lot 1-A, all roads, roadways and sidewalks in the easement area may be used by contractors, sub-contractors, tradesmen, material suppliers and their agents, servants and employees, including without limitation, heavy equipment, trucks and private vehicles, at all times necessary or convenient for such construction and no claim, demand or charge shall be made for such use, except for the repair of actual damages caused by such use, if any; nor shall any claim, demand or charge be made for any nuisance created by such construction or the

abatement thereof. (prior amendment dated December 15, 1969, recorded in Liber 6821, Page 433)

(d) To subdivide and sell, lease, assign, pledge, mortgage, or otherwise dispose of, or encumber, in any manner, by any form of document or instrument, in any amounts and for any reason or purpose, Lot 1-A and all buildings and improvements constructed thereon, together with all rights, powers, privileges and easements appertaining thereto, including all rights, powers and privileges and easements reserved in this Declaration.

6. Limited Common Elements.

Certain parts of the common elements, herein called the "Limited Common Elements", are hereby designated and set aside for the exclusive use of specified apartment units, and such apartment units shall have easements appurtenant thereto for the use of such limited common elements, as follows:

(a) The entrances and stairways and stairway landings shall be appurtenant to and for the exclusive use of the apartments which they serve, and the sundecks on Buildings 4, 6, 8, 9, 10 and 12 shall be appurtenant to and for the exclusive use of the apartments which they adjoin.

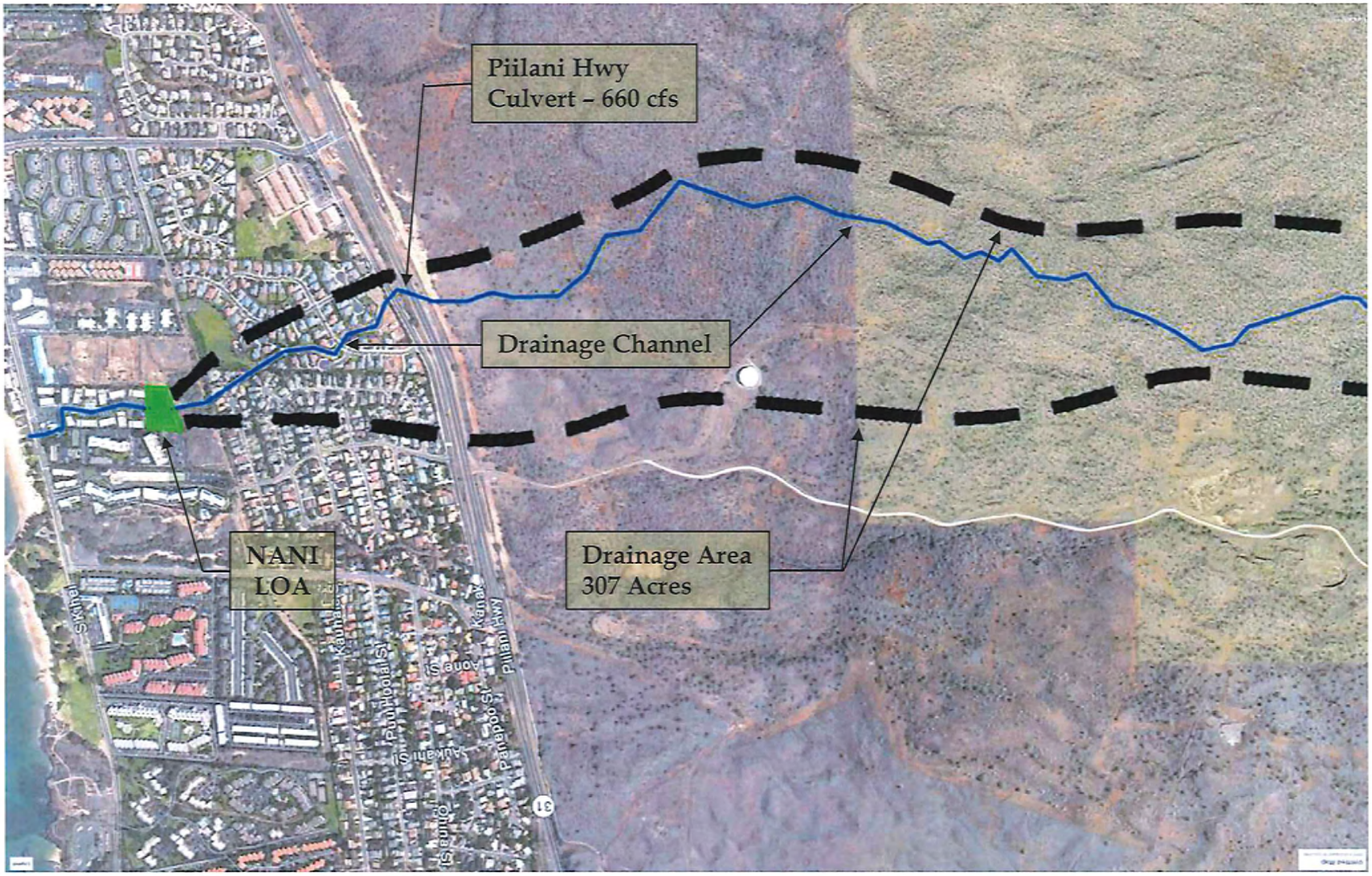
7. Percentage of Undivided Interests in Common Elements.

Each apartment unit shall have appurtenant thereto an undivided interest in the common elements, subject to the reservations of easement and rights, powers and privileges stated hereinabove, as specified and established herein for such, and known as the "common interest." The percentage appurtenant to each apartment unit shall be the basis for the determination and allocation of common assessments and expenses and profits to be shared by the owners of the respective apartment units, for voting in the Association of Owners, and for all other related purposes. The common interest appurtenant to each apartment unit shall be .556%.

8. Purpose of Buildings and Restrictions as to Use.

All buildings are intended for residential use and shall be used for no other purpose, in accordance with the terms of this Declaration, the By-Laws of the Association of Apartment Owners, and the House Rules, as they exist or as they may be amended from time to time, and each owner shall also observe, comply with and perform all applicable laws, ordinances and rules and regulations of all governmental agencies; provided that any apartment owner may at any time rent or lease his apartment or any part thereof for income purposes individually or in concert with any other apartment owner or owners, subject, however, to the restriction that the term of any such rental agreement or lease shall not exceed sixty (60) days unless the rental agreement or lease includes a provision that the landlord may terminate the rental agreement or lease upon the delivery of thirty (30) days prior written notice. (prior amendment dated January 25, 1997, recorded as Document No. 97-024999)

ATTACHMENT 2



Drainage Map

CHRIS HART & PARTNERS, INC.

ATTACHMENT 3

Tree & Landscape Decisions LLC
808 Makawao Ave.
Makawao, HI 96768-8936
(808)572-8663

October 3, 2015

Mr. David Sereda
Chris Hart and Partners
115 Market St.
Wailuku, Maui, HI
96793

Dear Mr. Sereda,

I was at the Kihei Kai Nani property in Kihei, Maui on September 29, 2015 to determine the health and transplant possibility for trees located along the back end of the property. These trees will be impacted by the development of the neighboring Nani Loa property.

The hedge between the two properties consists of natal plum, *Carissa grandiflora*, Christmas berry, *Schinus terebinthifolius*, and some haole koa, *Leucaena leucocephala* .

My tree inspection started from the north end and terminated on the south end along the property line between the two properties

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
1	Autograph tree, *Clusia rosea*	14" at 54" above ground. Some decay of trunk and stems from bad pruning cuts, but minor.	Dead branches need to be removed if tree remains in place.	Tree would require major pruning to transplant. Tree is not a keeper if impacted by construction. If not impacted, suggest that deadwood be removed and tree be kept in place.
2	Rainbow shower, *Cassia x nealiae*	29" at 15" above ground. Some minor trunk decay but seems to be walled off.	Large branch removals in the past. Many water sprouts from branches. Canopy with many beautiful blooms.	Tree is rather large for transplanting. Losing it is a major loss of environmental benefits and beauty. If removed, plant a replacement.

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
3	Coconut, *Cocos nucifera*	Crooked trunk with many spike injuries.	Good	Tree is transplantable but costs would be high due to its height. Residents might like a replacement. If so, plant a dwarf type of coconut.
4	Monkey pod, *Samanea saman*	26" at 54" above ground. 2" subtracted for bark. Trunk is healthy.	Dead branches in canopy need to be removed. Otherwise, good.	Tree can be transplanted, but it is rather large for doing so. A field stock replacement would be a good replacement.
5	Kiawe, *Prosopis pallida*	12" at 54" above ground.	A large tree with very thorny branches.	An invasive species. Replacement with an ornamental tree is recommended.
6	Beach heliotrope, *Tournefortia argentea*	12" trunk diameter below fork. Roots are close to hardscape. Very difficult to transplant.	Canopy with extensive decay and water sprouts.	Recommend removal and replace with an ornamental tree somewhere on property.
7	Hong Kong orchid, *Bauhinia blakeana*	Double trunk tree. Trunk below fork is 6".	Tree is transplantable but survival is in doubt. Tree is weak. Ground is very dry.	Replace with another tree and plant elsewhere. Hong Kong orchid is a beautiful flowering tree.
8	Hong Kong orchid, *Bauhinia blakeana*	Single trunk tree. Trunk is 6" in diameter measured at 12" above ground	Tree is transplantable but survival is in doubt. Tree is very weak. Irrigation?	Replace with another tree and plant elsewhere. Beautiful flowering tree.

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
9	Coconut tree, *Cocos nucifera*	Tree is about 35 feet tall.	Fronds appear to be in good health.	Tree is transplantable but costly to do. Suggest that 2 or 3 broadleaf trees be planted as replacements. If residents like the tree for its fruit, then plant another coconut elsewhere.
10	Milo tree, *Thespesia populnea*	About 30" diameter trunk consisting of multiple stems. Many surface roots.	Canopy and growth is thick.	Tree should not be kept because it is too difficult to move. It is like a "thicket". Wood can be used for crafts. Replace with young specimens.
11	Milo tree, (Photo) *Thespesia populnea*	Tree is fallen over and has trunk decay.	Dry area.	Tree is not a keeper. Wood may be usable by carvers. Replace young specimens.
12	Chinese banyan, *Ficus microcarpa*	Lower trunk is a collection of many stems.	Scrubby growth. This is not a desirable specie.	Replace with another tree.
13	Hong Kong orchid, *Bauhinia blakeana*	Trunk is 6" in diameter when measured at 6" above ground.	Tree consists of three stems and has a severe lean.	Tree is not a keeper. A replacement is recommended
14	Mango, *Mangifera indica*	Trunk of 24" in diameter measured at 24" above ground.	Some dead wood in canopy. Tree is rather large for transplanting. Residents have enjoyed the fruit.	Recommend that if tree is removed, that it be replaced. Plant a Rapoza, or Pope, or Keitt mango tree.
15	Rainbow shower, *Cassia x nealiae*	Diameter is 20" at 4 feet above ground. Trunk cavity from old branch removal.	Too big to transplant. Trunk decay.	If space is available. Suggest that another be planted on the property.

Conclusions:

The Kihei Kai Nani property is planted with many attractive trees. Trees make the property inviting and increase property values. However the Nani Loa development's access road will impact a number of Kihei Kai Nani trees. Tree relocations and replacement tree plantings should be considered. Of course this would depend on available space. Research has proven that trees improve people's mental health and well being and that the "benefits are in the canopy". It is important that if tree replacements are planted that above and below ground space is available.

Thank you for asking me to help.

Sincerely,

Ernest H. Rezents
ASCA, Registered Consulting Arborist # 380, and
ISA, Certified Arborist WE2135A, and
ISA, Tree Risk Assessment Qualification

www.maui-arborist.com

Appendix:

1. Photographs..... Pages ..... 5 & 6
2. Arborist's Disclosure ..... page..... 7

Map of property with the trees marked is attached.

Photograph # 1 Autograph tree.

1. Aerial roots. These could be cut off at source.
2. Decay (limited penetration) from where branch broke off some time ago. Stump could be cut off closer to trunk.
3. Circling root that needs to be cut.

Photograph # 2

Rainbow shower tree.

1. Lower branch could be removed. At least lighten its weight to avoid it ripping off.
2. Healthy tree.

Photograph # 3

1. Coconut
2. Monkeypod
3. Kiawe
4. Beach Heliotrope, double trunk. Roots impacting curbing.
5. Hong Kong orchid.
6. Hong Kong orchid.

Photograph # 4

Double trunk beach heliotrope.

1. Surface roots impacting the concrete curbing.
2. Not possible to save this tree.

Photograph # 5.

1. Fallen over milo tree.
2. Tree is not a keeper.

Arborist Disclosure Statement

1. Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard with the recommendations of the arborist, or seek additional advice.

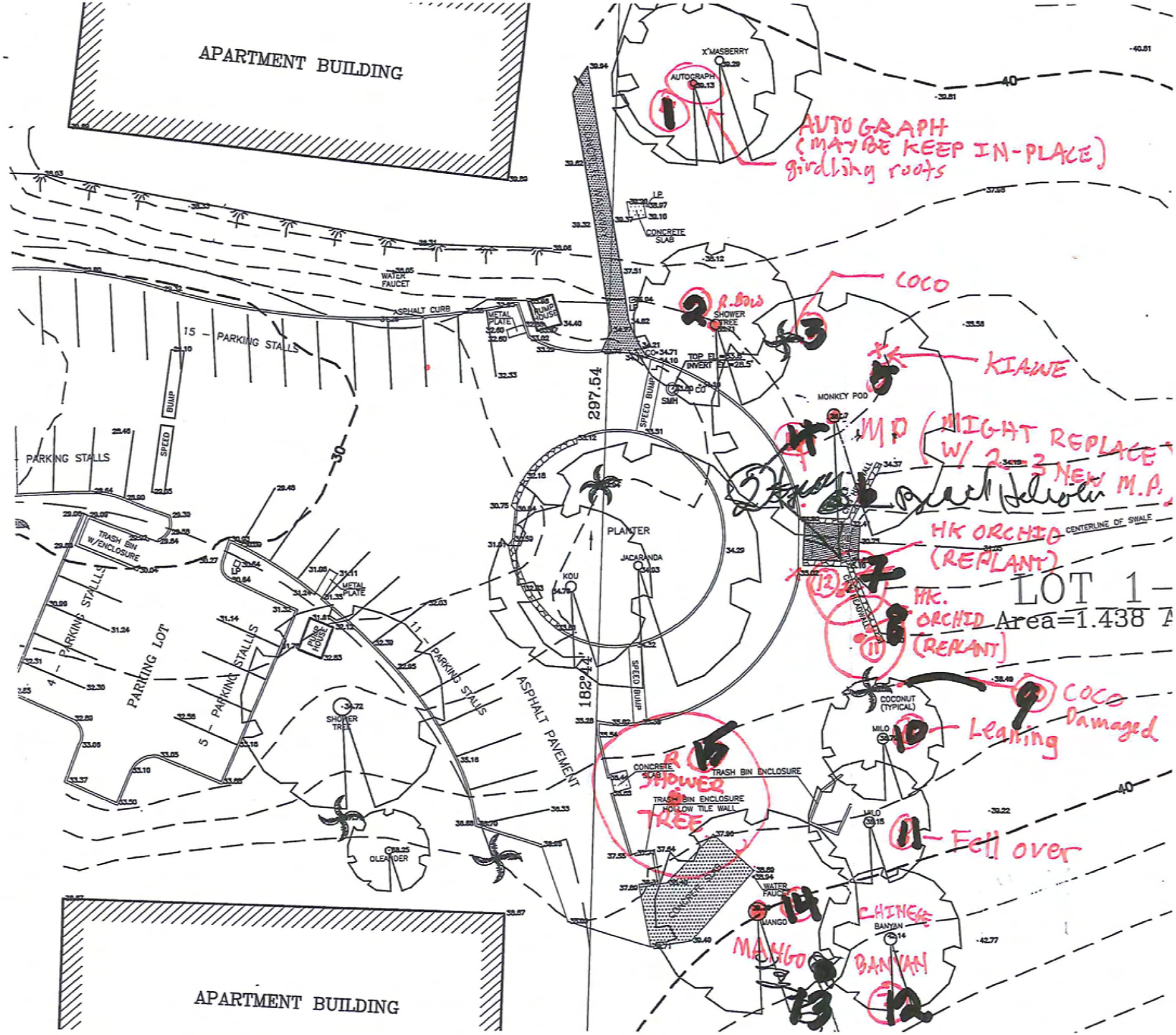
2. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

3. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

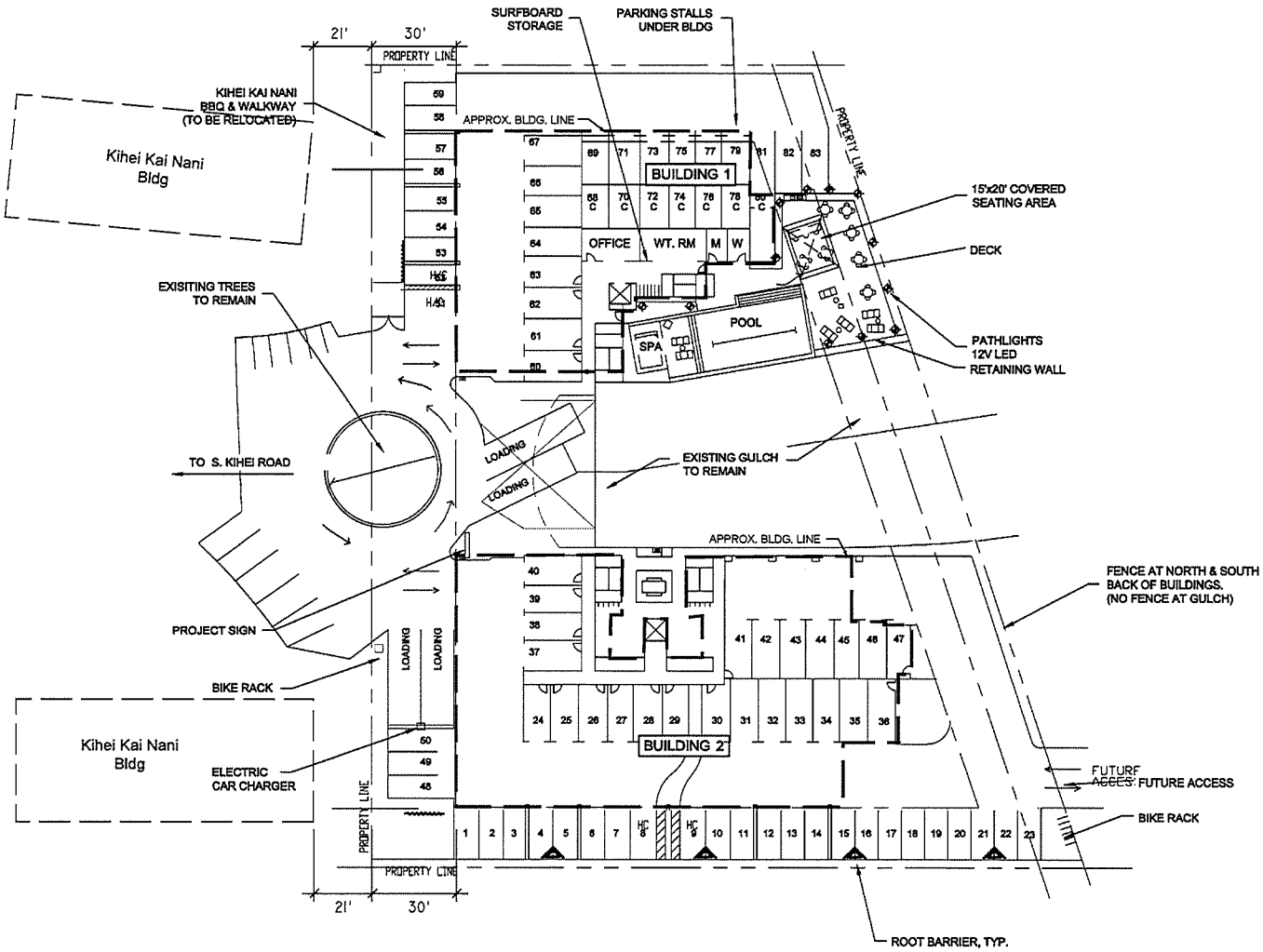
4. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

5. This report and any values expressed herein represent the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

6. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.


APARTMENT BUILDING
X'MASBERRY
AUTOGRAPH
AUTOGRAPH (MAYBE KEEP IN-PLACE) girdling roots
CONCRETE SLAB
WATER FAUCET
ASPHALT CURB
15 - PARKING STALLS
PUMP HOUSE
METAL PLATE
SPEED BUMP
297.54
R. BOW
SHOWER TREE
COCO
KIAWE
MONKEY POD
MP (MIGHT REPLACE W/ 2-3 NEW M.P.)
PARKING STALLS
PLANTER
JACARANDA
KOU
HK ORCHID (REPLANT)
HK. ORCHID (REPLANT)
LOT 1
Area=1.438 A
CENTERLINE OF SWALE
TRASH BIN W/ENCLOSURE
PARKING LOT
4 - PARKING STALLS
5 - PARKING STALLS
11 - PARKING STALLS
ASPHALT PAVEMENT
182°42'
COCONUT (TYPICAL)
COCO Damaged
MILO
Leaning
TRASH BIN ENCLOSURE
HOLLOW TILE WALL
R SHOWER TREE
Fell over
OLEANDER
MANGO
CHINESE BANYAN

ATTACHMENT 4



PROJECT: 14-030
DATE: 08/22/14
REV. DATE: 01/20/15

FIGURE 9.1

SCALE: 1 IN. = 40 FT.

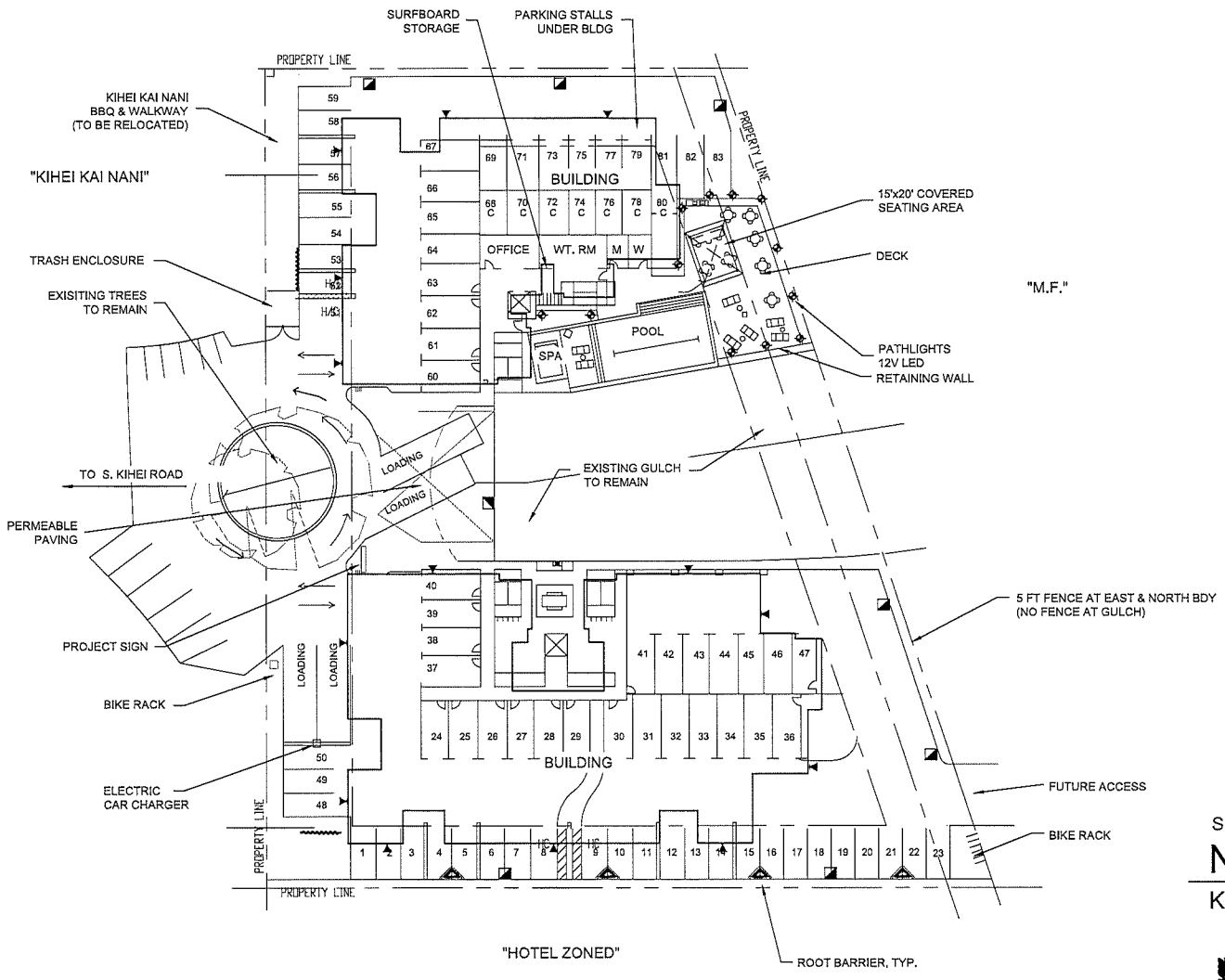
OCTOBER 2015

SITE PLAN

Nani Loa Condominium Hotel

CHRIS HART & PARTNERS INC.

ATTACHMENT 5



LIGHTING LEGEND

Parking Lot Light
Kim Lighting
'Structural' LED, Dark Sky Compliant 12-ft. h.

Building Wall Light
Kim Lighting
'Wall Director'
LED, Dark Sky Compliant

Pathway Light
Kim Lighting
'Traditional', 3 LED Dark Sky Compliant, 24"

Recessed Can Ceiling Light
For outdoor corridors, lanais, covered common area, & stairwells
Hubbell Lighting
'Retroficient' Prescolite
LED, Dark Sky Compliant

Project Sign Lighting
Backlit Pinned Lettering

*All Lighting Locations are Approximate

SITE PLAN & LIGHTING PLAN

Nani Loa Condominium Hotel

KIHEI, MAUI, HAWAII

CHRIS HART & PARTNERS

SCALE: 1"=20'-0"
PROJECT: 14-030
DATE: 08/22/14
REV. DATE: 06/05/15
01/20/15

APPENDIX L
Private Interests Comments & Responses

No.	Date	Media	Name
1, 56, 62	5/14/2015	Letter	Bob & Gymme Frank
2	5/14/2015	Email	Lynn McIntyre
3	5/14/2015	Email	Lynne Lidie
4, 19, 59	5/14/2015	Email	Stephanie Lowe
5, 35	5/15/2015	Email	Milton Pyle, Jr.
6	5/15/2015	Email	Robert Lowe
7	5/15/2015	Email	John & Becky Jeffs
8	5/15/2015	Email	Carla Pew
9	5/19/2015	Email	Ralph & Jeanne Nawatzki Kopp
10	5/14/2015	Letter	David & Mary Reader
11	5/20/2015	Email	Liz & Kirk Burdeny
12	5/20/2015	Email	Tom Cannon & Rick Baring
13, 33, 69	5/23/2015	Email	Karl & Vicky Drexhage
14, 64, 67	5/26/2015	Email	Bill & Laurie Armstrong
15, 32, 75	5/22/2015	List	Pat Hoskin
16	5/29/2015	Email	Barry Ewing
17	6/3/2015	Letter	Patricia & Jeff Stillwell
18	6/3/2015	Letter	Bette Belanger
20, 71	6/3/2015	Email	Nancy Kuchle
21	6/1/2015	Email	Joseph D'Antonio
22	6/4/2015	Letter	Andrew & Margaret Tickner
23	6/4/2015	Email	Laurie Salvador
24	6/4/2015	Letter	Carole & Lothar Eiserloh
25	6/5/2015	Email	John Longmire
26	6/5/2015	Email	Pamela Truffa
27	6/4/2015	Email	Renee Drury
28, 39	6/5/2015	Email	Connie Magnuson
29	6/6/2015	Letter	Ethel Belway
31	5/31/2015	Letter	Sam Matza
34, 68	7/30/2015	Email	June Ventura
36	8/4/2015	Email	Robert & Margarita O'Brien
37	8/4/2015	Email	Pat & Jim Weber
38	8/1/2015	Email	Melodie Miller
40	8/2/2015	Email	Darryl Symonds
41	8/3/2015	Email	Stephanie Hedden/Jay Peterson
42	8/2/2015	Email	Bill Barrow
43	8/2/2015	Email	Vincent Arrisi/John Watts
44	8/3/2015	Email	Tom Mitchell/Kathy Parks
45	8/3/2015	Email	Gerry & Violet Schmid
46	8/3/2015	Email	Craig Sullivan
47	8/3/2015	Email	Timothy Novotny
48, 70	8/3/2015	Email	Carol & Bill Rhode
49	8/3/2015	Email	Darlene Tunney Rosene
50	8/3/2015	Email	Kathy Watson
51	8/3/2015	Email	Paul Evans
52	8/3/2015	Email	Richard Woo
53	8/3/2015	Email	Richard & Diana Hayes
54	8/3/2015	Email	Robert & Carol Grosse
55	8/3/2015	Email	Debra Powers
57, 66	8/25/2015	Email	Carolyn Samson
58	8/25/2015	Email	Rich & Peg Tuott
60	8/28/2015	Email	Berney Coleman
61	8/31/2015	Email	Anthony Kathol
63	9/10/2015	Fax	Robert & Arlene Nicholas
65	9/15/2015	Email	Barbara & Michael Gach
72	8/27/2015	Phone	Monton Roeksbutr
73	9/3/2015	Phone	Jean Erdahl
74	9/17/2015	Email	Gary & Laurie James
76	9/30/2015	Email	Carol Nowlin
77	10/4/2015	Email	Mark & Becky Thoman

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Mr. Bob & Ms. Gymme Frank
Kihei Kai Nani
2495 South Kihei Road #160
Kihei, Maui, HI 96753

Dear Mr. & Ms. Frank:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letters of May 14, May 22, and September 2, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **South Kihei Road congestion.**

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.
It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff

from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

5. Fire access.

A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

8. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Raymond Cabebe

for Jordan E. Hart, President

Attachment
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

May 14, 2015

Mr. Raymond Cabebe
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, HI 96753

RE: Proposed Nani Loa

Dear Mr. Cabebe,

As you know, many things have changed along the Kamaole Beaches 1, 2 & 3 area of South Kihei from the time it was first proposed, 21 years ago, building condo's on the lot 1A to today which has greatly impacted the 2 lanes of South Kihei Road.

For example, the Rainbow Mall, Dolphin Plaza and the Kamaole Mall, hundreds of homes and condo's on either side of Alanui Ke Ali'i as well as timeshare condo's, Kamaole Beach Club and World Mark had not been built. Also, there was no Maui Kamaole, Kihei Shores, Regency Club, Maui Banyon or Kihei Boat Ramp. Present day, in order to turn left out of Kihei Kai Nani onto So. Kihei Road we pray for a tourist in the crosswalk. That is if it's not raining and the driveway isn't flooded.

Building 39, 1, 2 and 3 bedroom condo's in the drainage area of lot 1A could be the proverbial straw. Please improve the infrastructure of this area before allowing more projects like Nani Loa. Thank you for your consideration.

Bob & Gymme Frank
The Frank Family of 160
Kihei Kai Nani
2495 So. Kihei Rd
Kihei – Maui, HI 96753

Pictures included

Cc: Alan Arakawa
William Spence
Betts Ballinger

Parking Lot - Kihei Kai Nani Drive way - run off water

May 15, 2015 Parking Lot - Lots of cars.

May 22, 2015

Mr. William Spence
Dept. of Planning
250 So. High St
Wailuku, HI 96793

RE: Proposed Nani Loa

Dear Mr. Spence,

Our prior letter was directed to
copy to you. That letter only noted diffic
Per your offices request here is
Nani Loa and exercising the 40 year old e
Water: The KKN water pressure
the same time. There was some new wa
at the time, Ethel Belway, it was incomp
well as the portion of lot 1A that we hav
Mr. Scott English of the Fire De
a wide enough unobstructed driveway a
is curvy and in some places slightly unde
Sewer: KKN is in the process of
office-laundry) and 180 condominium un
Kelly Ford, Maui Sewer and Drai
"It will take at least (2) to (3) years to dra
project."
Apparently, like many aging Ma
in India with a much lower metallurgy qu
that our aging pipes could accept waste
tubs and showers from the 1, 2 and 3 b
dishwashers, laundry machines and ba
Designated status: The current
1A with different plans since 1969, belie
the zoning to "Multiple Family" Apartme
Please review the many reasons
relating to what is now called lot 1A befo
Thank you for your consideration.

Cc: Alan Arakawa
Raymond Cabebe
Jordan Hart
Bette Ballinger
Ethel Belway
Scott English
Kelly Ford

HONOLULU HI 968
22 MAY 2015 PM 5 L

RECEIVED
MAY 26 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Jordan Hart
Chris Hart and Associates
115 N. Market St.
Wailuku, HI 96793

96793-1715

Robert Frank
4850 Makena Alanui, E106
Kihei, HI 96753

May 22, 2015

Mr. William Spence
Dept. of Planning
250 So. High St
Wailuku, HI 96793

RE: Proposed Nani Loa

Dear Mr. Spence,

Our prior letter was directed to Mr. Cabebe of Chris Hart and associates as your office requested, with a copy to you. That letter only noted difficulties accessing South Kihei Road from the Kihei Kai Nani driveway.

Per your offices request here is a few of the other issues concerning the inappropriateness of building the Nani Loa and exercising the 40 year old easement.

Water: The KKN water pressure is currently stressed when too many people in Buildings 8 and 9 shower at the same time. There was some new water line work done in the past years but according to the board president at the time, Ethel Belway, it was incomplete. KKN dug 2 wells to have enough water to maintain our grounds as well as the portion of lot 1A that we have been maintaining for 40 years.

Mr. Scott English of the Fire Dept. said his office will be reviewing any building plans to make sure there is a wide enough unobstructed driveway and appropriate water pressure for the additional units. Our KKN driveway is curvy and in some places slightly under minimum.

Sewer: KKN is in the process of examining all the plumbing pipes in each of our 14 buildings (including our office-laundry) and 180 condominium units.

Kelly Ford, Maui Sewer and Drain Service Inc. said, "The only way to remedy pipe failure is replacing it"... "It will take at least (2) to (3) years to draft plans and specifications, bid work, permits etc.... for the Kihei Kai Nani project."

Apparently, like many aging Maui complexes, our cast iron pipes are thought to have been manufactured in India with a much lower metallurgy quality than pipes built in the USA. They feel this makes it very questionable that our aging pipes could accept waste from Nani Loa proposed 39 kitchens and estimated 60 plus, lavys, toilets, tubs and showers from the 1, 2 and 3 bedroom units proposed. That is 320 drains not counting probable, dishwashers, laundry machines and bar sinks.

Designated status: The current developers of the Nani Loa, and there have been many different owners of 1A with different plans since 1969, believe they have H2 status. Just after 1995, the Kihei Community Plan changed the zoning to "Multiple Family" Apartments. This was to reduce density.

Please review the many reasons documented in the Maui County Planning Dept. files over the years, relating to what is now called lot 1A before allowing it to be changed back to H2 status.

Thank you for your consideration.

Bob Gymme Frank

Bob & Gymme Frank
The Frank Family of 160
Kihei Kai Nani
2495 So. Kihei Rd.
Kihei, Maui, HI 96753

Cc: Alan Arakawa
Raymond Cabebe
Jordan Hart
Bette Ballinger
Ethel Belway
Scott English
Kelly Ford

9-2-15

Jordan Hart
Chris Hart & Partners
115 N. Market St.
Wailuku Maui, Hawaii 96793

RECEIVED
SEP - 8 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: Raymond + Jordan
13/075

Dear Mr. Hart,

Thank you for your invitation to the community informational meeting for Nani Loa. As family owners of 160 at the Kai Nani we have been following this project with great interest.

What is your developers plan to never infringe or interfere with us or our neighbors or their guests egress and parking while they build?

What is their plan to never disrupt our electricity or our water during their construction? Will we always be able to shower, brush and flush?

Are they posting a bond to reimburse any of us for lost income? Many of our owners depend on rental income. Construction on Maui could take up to two years. We have 180 units mostly in rental programs. Will the developers bond be adequate?

These are some of the things we hope will be addressed in addition to the flooding and South Kihei Rd. congestion we have previously written you about.

Again, it was a pleasure meeting you last May and discussing this proposed project.

Bob Gymme Frank

Cc: Raymond Cabebe
William Spence
Betts Ballinger
Carol Eiserloh
Victory Development

Bob & Gymme Frank
The Frank Family of 160
Kihei Kai Nani
2495 So. Kihei Rd.
Kihei - Maui, HI 96753

(2)

Raymond Cabebe

To: Lynn McIntyre
Cc: rm@kknaoao.com; jim.wright@cls.ab.ca; planning@mauicounty.gov
Subject: RE: Objection to Victory Development Special Management Area
Attachments: KKN CPR Declaration No.5.pdf; DrainageMap.pdf

Dear Ms. McIntyre,

Thank you for your email of May 14, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing

pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

5. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998

update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Lynn McIntyre [mailto:lmcintyr@ucalgary.ca]
Sent: Thursday, May 14, 2015 11:23 AM
To: planning@mauicounty.gov
Cc: rm@kknaoao.com; Lynn McIntyre <lmcintyr@ucalgary.ca>; jim.wright@cls.ab.ca
Subject: Objection to Victory Development Special Management Area

Dear William Spence, Maui County Planning Director

We are writing to raise strong objection to the issuing of a SMA (Special Management Area) permit to Victory Development to build a hotel/condominium complex on land locked Lot 1-Aa. We are owners of a unit at Kihei Kai Nani (Building 12- Unit 235) where we already encounter heavy traffic congestion as we walk across S Kihei Rd to enjoy Kam II beach and the sunset wall. We are concerned that this unit will greatly increase traffic at the location and cause danger to residents and guests walking on KKN grounds as users of the new property access their units. One solution would be make the necessary provision for the Nani Loa complex to be accessed through easements that connect with the new North-South Collector Road from Ali Nui Ke Alii to Keonekai Road.

Of greater concern is flooding and other water issues. New Year's Eve 2014 already showed the devastating effect of a pipe break leading to rapid flooding of the KKN complex from above. Building in Lot-A which is a gulley can only lead to more water run off problems. Heavy rain water will funnel rainwater into Lot 1-A and onward to our parking lot and buildings. In addition, Maui is projecting a water shortage and further building can only exacerbate the problem.

Also of concern is the huge impact on KKN owners during construction. The sharing of utility corridors and necessary upgrades will also be highly disruptive to our property owners.

The green space provided by 1-A is home to many species. I (Lynn) saw an Erckel's francolin at the edge of the site. The gulley is clearly an important home for some of Maui's rare species.

The planning department has many years' worth of objections to the development of Lot 1A on file since the new owner acquired it in 2006. These documents provide as sound arguments today as they did when filed.

We urge the planning department to reject this request and to consider maintaining the zoning that the special management permit would undo.

Yours sincerley,

Lynn McIntyre and Jim Wright
Kihei Kai Nani owners Building 12-235

(3)

Raymond Cabebe

To: Lynne Lidie
Cc: planning@mauicounty.gov
Subject: RE: Lot 1-A Victory Development
Attachments: KKN CPR Declaration No.5.pdf

Dear Ms. Lidie,

Thank you for your email of May 14, 2015, our responses to your comments are provided below.

1. Traffic through KKN property
Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. South Kihei Road congestion.
The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.
With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.
Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Lynne Lidie [mailto:llidie@yahoo.com]
Sent: Thursday, May 14, 2015 3:01 PM
To: planning@mauicounty.gov
Subject: Lot 1-A Victory Development

Dear Mr. Spence,

As a homeowner and long-time Maui patron I am deeply concerned about the proposed development of lot 1-A in Kihei. My biggest concern is the increased traffic that will result from adding condominiums that only have access through the Kihei Kai Nani driveway. South Kihei road is very congested already and exiting the Kihei Kai Nani complex can be quite challenging, even when making a right hand turn. With Fred's Mexican Restaurant, 808 Restaurant, and the 808 Deli, all very popular, successful businesses, the traffic is constantly flowing in and out of the driveway directly next to Kihei Kai Nani's driveway. In addition, a very popular beach is located directly across the street from KKN's driveway with both locals and tourists crossing the street causing cars to have to stop all the way down South Kihei Road. During certain times of the day I have to drive past my normal exit on Piilani Highway so that I can approach the KKN complex from Wailea so that I don't have to make a left hand turn into my own complex.

I have been coming to Kihei Kai Nani since it was one of the first condominium's on a dirt road. The changes I have seen have been both positive and negative, however, adding another high rise condominium complex in this particular area with no other access for traffic would be nothing but negative.

Please do not make the mistake of congesting South Kihei Road with more cars at Kihei Kai Nani. More cars would turn South Kihei Road into a parking LOT, as opposed to a ROAD with access to many successful businesses and beaches.

Thank you for your help.

Sincerely,
□Lynne Lidie
Concerned Home Owner
949-280-2930

Sent from my iPhone

(4)

Raymond Cabebe

To: Stephanie Lowe
Cc: planning@mauicounty.gov
Subject: RE: Kihei Nani Loa BAD IDEA
Attachments: KKN CPR Declaration No.5.pdf

Dear Ms. Lowe,

Thank you for your email of May 14, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Stephanie Lowe [mailto:edenanani@yahoo.com]
Sent: Thursday, May 14, 2015 3:53 PM
To: planning@mauicounty.gov
Subject: Kihei Nani Loa BAD IDEA

Dear Sirs,
I am an Owner at the Kihei Kai Nani, and feel very troubled at this infringement on my vacation rental property. This will completely destroy the appeal to our Vacation renters if you begin construction on the Kihei Nani Loa. The quietness is what is so appealing to our renters, and the invasion on our driveway easement would be the final straw. Nobody wants construction, going on during vacation, and worse yet the traffic flow through our parking lot to So Kihei Rd consistently after completed.
I understand Maui would love the tax dollars, but this is defeating your objective.
It is a turn off that nobody would want to visit. Don't destroy a great thing. Leave the Kihei Kai Nani property alone.

Mahalo,
Stephanie Lowe,Edena Nani LLC
Owner/Kihei Kai Nani 269

Raymond Cabebe

To: Milton Otto; planning@mauicounty.gov
Subject: RE: Possible New Development
Attachments: DrainageMap.pdf

Dear Mr. Pyle,

Thank you for your letter of May 15, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

   a. Left turns out.

   With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the

Also, the crosswalk (is easy to identify-the one with no flashing lights) is a very busy crosswalk, from Fred's to Kam II.

4. Infrastructure. The new development would use KKN's already fragile sewer system. KKN is currently in the process of checking and repairing the 45 year old cast iron sewer drains. I do not know if it can stand any more capacity.

Thank you for your time.

Sincerely;

Milton Pyle, Jr.

(6)

Raymond Cabebe

To: Robert Lowe
Cc: planning@mauicounty.gov
Subject: RE: proposed condominium complex behind Kihei Kai Nani
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Lowe,

Thank you for your email of May 14, 2015, our responses to your comments are provided below.

1. South Kihei Road congestion.
The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

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b. Pedestrian crossing.
Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

2. Traffic through KKN property
Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Construction.
Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.
The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.
Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.
A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Effects on rental business.
The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Robert Lowe [mailto:lifeisgood21357@yahoo.com]
Sent: Thursday, May 14, 2015 4:11 PM
To: planning@mauicounty.gov
Subject: proposed condominium complex behind Kihei Kai Nani

To Mr. William Spence: I am voicing my extreme oppositition to this planned condominium complex. This plan, if implemented, will have an extremely adverse affect on those of us in the Kihei Kai Nani complex. The additional traffic this will bring is unacceptable. The traffic in South Kihei during most of the day is already at a level that is unsafe for pedestrians trying to cross the street to access Kam II beach. The addition of more condos to this immediate area is unwise. In addition, the construction traffic through Kihei Kai Nani, as well as the constant construction noise, on a daily basis, would be extremely detrimental to those who live and/or vacation at the complex. I feel in your effort to create more tax revinues you are "paving paradise to put up a parking lot". One of the primary reasons my wife and I were drawn to Maui is because we are 'turned off' by the overcrowding of Oahu. We don't want or need another Waikiki. We love Maui, but if this proceeds we will start vacationing on the Big

Island. I think you will find many others with the same sentiment. I ask you to please not ruin Maui for us with this development.

Robert Lowe
owner
Kihei Kai Nani #269
253-350-0711

9

Raymond Cabebe

To: John Jeffs
Cc: planning@mauicounty.gov
Subject: RE: Maui water and animal concerns

Dear Mr. Jeffs,

Thank you for your email of May 15, 2015, our responses to your comments are provided below.

1. **Infrastructure.**
   a. Water.

   The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

   i. Irrigation source.

   Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:
   - Plantings will be a combination of native and climate adapted (Zone 3) species.
   - An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

2. **Lot 1-A.**
   a. Habitats

   The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

3. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: John Jeffs [mailto:kiheikainani166@gmail.com]
Sent: Friday, May 15, 2015 2:23 PM
To: planning@mauicounty.gov
Subject: Maui water and animal concerns

Hello,
we have recently heard about an article in the Maui News. we understand there is a new development possibly being built across the street from Kam II that experts say may make a shortage of water on Maui and there are also wildlife species that may be endangered because of overbuilding.
we enjoy going to Maui and are saddened to hear it might be spoiled soon with the development. Please don't spoil Maui.
John and Becky Jeffs

--
John and Becky Jeffs
"Come Find Your Aloha!"
http://www.vrbo.com/389912

Check out the Location on Google Maps

(B)

Raymond Cabebe

To:	Carla Pew
Cc:	planning@mauicounty.gov
Subject:	RE: Submitting Comment of Proposed Lot 1-A Project in South Kihei
Attachments:	KKN CPR Declaration No.5.pdf

Dear Ms. Pew,

Thank you for your email of May 15, 2015, our responses to your comments are provided below.

1. Traffic through KKN property
Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. South Kihei Road congestion.
The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.
With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.
Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Safety.
The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Carla Pew [mailto:tutucarla@hawaii.rr.com]
Sent: Friday, May 15, 2015 10:06 PM
To: planning@mauicounty.gov
Subject: Submitting Comment of Proposed Lot 1-A Project in South Kihei

Aloha, Mr. Spence,

I am writing concerning the proposed new hotel/condo complex in the area of Kamaole II Beach in South Kihei (Lot 1-A).

As someone who drives down South Kihei Road almost everyday, I know from personal experience that the traffic is already highly congested much of the time in the area of the proposed project. Many pedestrians cross to get to Kam II beach right in front of the proposed entrance to the proposed project, and the traffic is often stopped and backed up for several blocks.

I am certainly not opposed to new development in the Kihe area, but it shouldn't be allowed if the access to the project is off of South Kihei Road—there is already too much traffic between Alanui Ke Ali'i and Keonekai Road!

Also, since I know several people who live in the Kihei Kai Nani condo complex, I have entered that parking lot many times. The driving lane is narrow; there are often pedestrians walking across the driveway going to/from parked cars, and the area is highly congested. To allow access to the new project through a crowded and busy parking lot just doesn't make sense. If this project is to be built, it needs a more direct access from the side or the read of the property.

So I don't oppose the project outright; it is just that the proposed access from South Kihei Road through a parking lot that is already heavily used is just not good planning. The owner of the lot needs to find an alternate access to his project site.

Mahalo,
Carla Pew
267 Kulipuu Place
Kihei

9

Raymond Cabebe

To: R & J Nawatzki (Kopp); planning@mauicounty.gov
Cc: Bette Belanger; Earl Behrendt; Barry Ewing; Liz the Wiz and Chuck Voigt; Florence Blanchard; joe; Milt and Charlotte; Patricia Hoskin; Jim & Pat Weber; Patrick Corcoran; Violet Schmid; Earl Behrendt; Dave Gallaway; John Longmire; Mark Wadlow; andy.tickner@ticknerconstruction.com; Carole Eiserloh; Betty Ventura; billkefauver@aol.com; Allison Taylor
Subject: RE: Lot 1 - A adjacent to 2495 S. Kihei Rd
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Nawatzki,

Thank you for your email of May 19, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30

Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

3. Private views.

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

As such, the owner is proposing to develop consistent with the County's land use guidance system.

4. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

5. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable

to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

6. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

7. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

9. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

10. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: R & J Nawatzki (Kopp) [mailto:rjandc@telus.net]
Sent: Tuesday, May 19, 2015 9:45 AM
To: planning@mauicounty.gov
Cc: Bette Belanger <belangerblue@gmail.com>; Earl Behrendt <mauiearl@gmail.com>; Barry Ewing <bee4re@aol.com>; Liz the Wiz and Chuck Voigt <voigtus@yahoo.com>; Florence Blanchard <gypsygenes2@gmail.com>; joe <maccallie@sbcglobal.com>; Milt and Charlotte <mopyle@msn.com>; Patricia Hoskin <pattylou9@gmail.com>; Jim & Pat Weber <jimpatweber@juno.com>; Patrick Corcoran <irish_one3@yahoo.com>; Violet Schmid <violetschmid@gmail.com>; Earl Behrendt <popabehr@comcast.net>; Dave Gallaway <dgallaway@sasktel.net>; John Longmire <rm@kknaoao.com>; Mark Wadlow <maui-condo@embarqmail.com>; andy.tickner@ticknerconstruction.com; Carole Eiserloh <ceiserloh@yahoo.com>; Betty Ventura <kokuat@maui.net>; billkefauver@aol.com; Allison Taylor <dmi@destinationmaui.net>
Subject: Lot 1 - A adjacent to 2495 S. Kihei Rd

Dear Planning Staff,
re: Lot 1-A (mauka 2495 S. Kihei Rd) / Development Proposal

As a long time owner of a 1 BR condo in Kihei Kai Nani, 2495 S. Kihei Rd, may we ask that you might consider reducing the proposed development to 2-4 detached residences, or no more than 4 – 8 townhouses.

In this way the ambience enjoyed by KKN for decades would be less disturbed, making for a more neighbourly relationship. Of course, our preference is that Lot 1-A could be left as is, in view of traffic, noise, water, and safety considerations.

Mahalo,
Ralph and Jeanne Nawatzki
2495 S. Kihei Rd #255

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

David & Mary Reader
2531 South Kihei Road #C-403
Kihei, Maui, HI 96753

Dear Mr. & Ms. Reader:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of May 14, 2015, our responses to your comments are provided below.

1. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

2. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachment
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

15/2627

David B. & Mary D. Reader
2531 S. Kihei Rd. C-403
Kihei HI 96753

May 14, 2015

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV-RECEIVED

15 MAY 20 A11 :25

Mr. William Spence, Planning Director
Maui County Planning Commission
c/o Department of Planning
250 S. High St
Wailuku, HI 96753

RE: Nani Loa Plan by Victory Development, Kihei

We are full-time residents of Kihei Akahi for many years and can claim first-hand knowledge of the area involved for the proposed development. The draft environmental assessment claiming "no significant impact" as it would relate to traffic is incorrect. We ask you to please make your own evaluation.

Perhaps the traffic analysis was completed on a Sunday morning in May. We can attest that from late October to the end of April the area from Keonekai Road to the Rainbow Mall is often completely gridlocked. How can it not be ! In a distance of only 500 feet there are three entrances to popular condo complexes. There is also a driveway entrance to Moose's/Fred's. From December until April it has frequently taken us 10 minutes to creep from Keonekai northbound on South Kihei Road to reach our Kihei Akahi access, a distance of only 300 feet. That is, if we can make the right turn from Keonekai with traffic backed up to Kamaole Sands. Furthermore, consider there is less than 200 feet between the new flashing crosswalk at our driveway entrance to the unsignaled crosswalk just north near the Kihei Kai Nani driveway. The very popular Moose/Fred's effects major traffic delays caused by scores of vehicles (including delivery and trash trucks backing in) entering and exiting their driveway, a mere 25 feet from the proposed Nani Loa easement access. With the proximate crosswalk there, and jaywalking, the result is very frequent delayed access and egress for Kai Nani, significantly impacting north-south traffic flow.

If the proposed development is to gain approval, we plead with you to make access only to the new collector road from Keonekai to Alanui Ka Alii with a fence sealing off the end of the Kihei Ka Nani property. The easement using the existing driveway (not roadway) through that property is insufficient anyway to support any additional traffic load accessing South Kihei Road. Let's also remember the need to keep our visitors happy. Maui "No Ka Oi " does not translate "gridlock." They have that back home.

Thank you for considering our comments.

David Reader

Mary Reader

(11)

Raymond Cabebe

To:	Liz Burdeny
Cc:	planning@mauicounty.gov
Subject:	RE: Kihei Kai Nani Owner Concerns
Attachments:	KKN CPR Declaration No.5.pdf

Dear Ms. Burdeny,

Thank you for your email of May 20, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

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3. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and take measure to ensure the safety of residents and visitors.

5. **South Kihei Road congestion.**

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a. Left turns out.

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b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Liz Burdeny [mailto:admissions@collegeofmassage.com]
Sent: Wednesday, May 20, 2015 11:59 AM
To: planning@mauicounty.gov
Subject: Kihei Kai Nani Owner Concerns

Attention: William Spence, Maui County Planning Director

After reading the article in the Maui News dated May 12th, 2015 I felt it necessary to correspond with you. As an owner at Kihei Kai Nani, my husband, children and I are very concerned with the current plans regarding the use of the easement along our access way from South Kihei Road.

As you are aware, Kihei Kai Nani is an established resort area that has buildings on either side of this easement. The speed limit for driving on this access is strictly enforced at 5 mph and for good reason. Our children (and my soon to be grandchildren) along with many others, cross this easement numerous times during the day to get to the our pool area, laundry facilities, etc. This, along with the dust, dirt, etc., that we will continually be inhaling as a direct result of the construction necessary to turn this easement into a fully trafficked road, is of grave concern to my family.

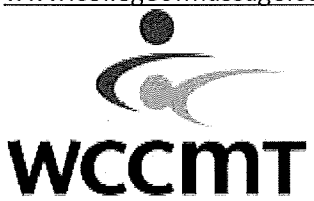
We are also concerned with the amount of traffic that will be utilizing the entrance way to our family-oriented resort as a result of the easement becoming a fully functioning road. This section of S. Kihei Road is already extremely busy and somewhat dangerous as people are utilizing the crosswalk from the beach to access not only Kihei Kai Nani but, Fred's, Moose's and numerous other shops and restaurants. Additional traffic would not only increase the danger to our families and visitors but, would also have a negative impact on those establishments.

It is our hope that the development of the easement area will be reconsidered. While we understand that future development of this area is felt to be necessary, we implore you to reconsider not only the development itself but, at the very least, the use of this easement as the entrance way to this new development. There are other accessible routes that would not impact our families and the establishments around our area.

Thank you so much for you consideration of this matter, I would welcome any feedback to our family's concerns.

Best regards,
Liz & Kirk Burdeny

Liz Burdeny
Admissions Coordinator
West Coast College of Massage Therapy
Phone: 604-520-1844 Ext 232
Fax: 604-520-1831
Email: admissions@collegeofmassage.com
Web: www.collegeofmassage.com



West Coast College of MASSAGE Therapy

(12)

Raymond Cabebe

To: tompcannon@comcast.net
Cc: Rick Baring; planning@mauicounty.gov
Subject: RE: Nani Loa Condominium Hotel
Attachments: DrainageMap.pdf

Dear Mr. Cannon,

Thank you for your email of May 20, 2015, our responses to your comments are provided below.

1. **Infrastructure.**
   a. Water.

   The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

   i. Irrigation source.

   Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:
   - Plantings will be a combination of native and climate adapted (Zone 3) species.
   - An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

2. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: tompcannon@comcast.net [mailto:tompcannon@comcast.net]
Sent: Wednesday, May 20, 2015 5:49 AM
To: planning@mauicounty.gov
Cc: tompcannon@comcast.net; Rick Baring <rbaring@comcast.net>
Subject: Nani Loa Condominium Hotel

Good morning,

This message is for William Spence, Maui County Planning Director.

We are owners of a condominium at Kihei Kai Nani mauka of Kamaole Beach Park II. It is our understanding that a development behind Kihei Kai Nani is in permit process at this time called Nani Loa Condominium Hotel. Some issues should be addressed before giving them permission to develop the property. Our biggest concerns are water availability on Maui, traffic congestion in front of Kihei Kai Nani and flash floods flowing down the mountain through Kihei Kai Nani.

1) We have heard for sometime that there will be a shortage of water on Maui. To add more condos is not very forward thinking.
2) Traffic in high season in front of Kihei Kai Nani along South Kihei Road is ridiculous. There is bumper to bumper traffic driving by North and South, bikes, people walking and running, skate

boards, a heavily used crosswalk and businesses on both sides of Kihei Kai Nani with a steady stream of traffic driving in and out of their parking lots. You are at the mercy of cars driving by on South Kihei Road to let you drive in or out of Kihei Kai Nani. This does not affect intersections in either direction. This is the congestion in between the intersections on South Kihei Road. Adding additional condos in this area will only make the traffic more congested.

3) Numerous times Kihei Kai Nani has been flooded by water running down the mountain. With additional paving and less ground space for water to be absorbed we are afraid the flood waters running through Kihei Kai Nani will only become more prevalent. Extremely good drainage will need to be installed above and below Nani Loa Condominium Hotel to accommodate the amount of water that comes flowing down the hillside.

Thank you for addressing these matters prior to giving Nani Loa Condominium Hotel permission to build!

Tom Cannon & Rick Baring
2495 South Kihei Road Unit 110
Kihei, HI 96753-8625
425-770-1176

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Pat Hoskin
2495 South Kihei Road #163
Kihei, Maui, HI 96753

Dear Ms. Hoskin:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letters of May 22, June 2, and September 17, 2015, our responses to your comments are provided below.

1. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

2. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

3. Trash location.

The trash enclosure for the project is located at the north side of the driveway entrance. Like KKN, the enclosure is adjacent to the parking area driveway which will be accessed by private disposal trucks.

4. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.

- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

5. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

6. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.
It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

7. Driveway Circle.

Approximately half of landscape circle at the top of the Kihei Kai Nani driveway lies within the proposed project site and is proposed to remain as is.

8. Private views.

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

9. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

10. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

11. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

12. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Raymond Cabebe

for Jordan E. Hart, President

Attachments
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

List of concerns for lot 1-A

1. Setback from our property:
   I attended a KCA meeting on Tuesday May 19, 2015; and the architects (Nishikawa) showed a 15 setback on the plans for the new Kihei Charter School on Lipoa. I would like to have a 15 foot set back from our backline as my condominium is the closest to your property.

2. Parking:
   a. Parking for the workers during construction. I do not think they should be able to park in our lot and I wonder what you are going to do about that.

   b. Parking when the units are completed. We do not want the owners of the proposed units parking on our property to go to the beach, taking up our spaces.

3. Smoking- we voted to have a no smoking condominium complex. We do not want the workers smoking wherever they want on our property. We would like to know the intent of the owners toward a non smoking property.
4. Services
   a. Refuse service: Where are your dumpsters going to be placed?
   b. Our refuse container are concealed when possible, are you willing to do that if they face our complex?
5. Ultilities
   a. Irrigation water: we have our own wells which we own and have nothing to do with your property. What are you going to do for irrigation water?
   b. Fresh water: We obviously have fresh water. Do you plan to hook into our lines with your own meters? Are you making a parallel line to S. Kiehi Rd. from your complex, and if you are going to dig up our parking lot what are you going to do at night to provide the same ~~about~~ amount of spaces? In the high season every spaces is used.
   c. Sewage: We obviously have a sewage line. I assume you want to hook into it. I have no idea if our mainline is large enough for the added

water. If you have to dig up our parking lot what are you going to do at night to provide the same amount of spaces?

d. Electricity and Cable: Are the lines above or underground and will that affect our complex?

e. Air conditioning:
If the air conditioning is inside each unit then will there be compressors making noise and where will those be located?

6. Light blocking walls or landscaping:
   a. You are proposing two driveways, concerning the south one, the cars leaving your complex at night, will have lights going directly into my lanai.
   b. On the north one, the driveway will first be heading into my bedroom and then be parallel to my wall and be noisy at all times of day and will have lights going in and out at night. OBVIOUSLY I AM CONCERNED.

   I will be the most affected after years of peace and quiet. I want to know how you can design the driveways to not have this terrible effect on my unit. I would like to be assured of landscaping which would be tall and thick to block out the cars going and coming.

   c. Is there any way you can avoid removing the rainbow shower tree nearest me on your property?
   d. What is the landscaping to be on the north side of the property? Is there going to be a fence continuing up from our fence?
7. Current circle of plants which is half yours.
   a. In your drawings the circle or turn around is shown smaller than it is, you only own half of it; you can not change our half, so why is it smaller in your drawings? You can not remove all the trees from inside the turn around as you only own half of it.
   b. Are you starting your parking stalls from inside the turn around for the north building?
8. Your drawings:
   a. In your drawing you show plants to the west side of the building near me. I live in Building 8. Are those the existing ones or new ones?

b. On the drawing of the building by Building 9 of ours you show our parking spots, but not the corner of the building which does exist, so how close is that driveway to Building 9?

RECEIVED
JUN - 4 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

June 2, 2015

Dear Planning Commission of Maui County:

My name is Patricia Hoskin. I own unit 163 of Kihei Kai Nani. This is the lower unit of Building 8 which is 10 feet from the east property line to lot 1-A now called Nani Loa Hotel Condominium development.

CC: Raymond 13/075

Here is my List of concerns for lot 1-A development.

1. Setback from our property:
   I attended a KCA meeting on Tuesday May 19, 2015; and the architects (Nishikawa) showed a 15 foot setback on the plans for the new Kihei Charter School on Lipoa. I would like to have a 15 foot setback of Nani Loa development from our eastline, as my condominium is the closest to the property.
2. Parking:
   a. Parking for the workers during construction. I do not think they should be able to park in our lot during construction, and I would like that issue addressed.
3. Services
   a. Refuse service: Where are the dumpsters going to be placed? I cannot find any indicated on the plans.
   b. Our refuse containers are enclosed when possible. Can the county require enclosed waste containers, if they are adjacent to our complex?
4. Utilities
   a. Fresh water: The developers have a water meter. The information I have received allows me to believe the developers do not have a water line to their property from the meter on S. Kihei Rd. If they are going to dig up our parking lot, what are they going to do at night to provide the same amount of spaces for the owners and guests? In the high season every space is used.
   b. Sewage: Our main sewage line is 45 years old. If the developer intends to join it, I do not think it will be able to handle the additional wastewater of 39 units each having at least two bathrooms, dishwasher and clothes washers. What will they do at night to provide the same amount of parking spaces for our association?

c. Electricity and Cable: Are the lines above or underground, and how will that affect our complex?
d. Air conditioning:
   If the air conditioning is inside each unit will there be compressors making noise and where will those be located?

5. Light blocking walls and landscaping:
   a. The developer proposes two driveways. Concerning the south one, the cars leaving their complex at night, will have lights going directly into my lanai.
   b. Concerning the north driveway, cars on the driveway will be heading toward my bedroom and then driving parallel to the end of the building. Cars will be noisy at all times of day and will have lights going in and out at night. OBVIOUSLY I AM CONCERNED. After speaking to Hart and Company, I have learned the situation will only be worse than I imagined, and that approximately 20% of the parked cars will be facing my unit or unit 175. This means at night these cars not only will be noisy but will have their lights directly into the bedrooms and living rooms of units 163, and 175.

I will be the most affected after years of peace and quiet. I want to know how you can design the driveways to not have this terrible effect on my unit. I would like to be assured of landscaping which would be tall and thick or a wall to block out the cars going and coming. There is a list of plants to block light and sound available on the Maui County Planting Plan. I suggested to Hart and Company at least two of these species, but they could not confirm those plants will be used or that they would be as a hedge. They are proposing planters of palms which certainly will not block the light and sound which will affect me.

c. Is there any way you can avoid removing the rainbow shower tree nearest me on your property? I did notice on the Kihei Community Association's checklist that they value large mature trees which we have. The proposed plan, described lot 1-A as being only Kiawe and did not list the valuable mango tree, two rainbow shower trees, two coconut palms, a monkeypod and an autograph tree which are all at least 35 years old and support quite a bird community. These trees are

beautiful and represent what good there is on the property, whatever development should be designed around them and not just mowing them down for cement. Trees prevent erosion, and help hold back flood waters. We experienced two floods in the recent past and removing these trees will only make more water available for flooding.

d. What is the landscaping to be on the north side of the property? Is there going to be a fence continuing east from our north fence? Is the fence going to be landscaped with vegetation? The plan shows plants in containers. I suggest hedge on drip lines which would be more appropriate to block light and sound.

6. Turn around circle of plants and trees which is half owned by developer:
   a. In the drawings the circle or turn around is shown smaller than it is, the developer only own half of it. The developer cannot change our half, so why is it smaller in the drawings?
   b. Is the developer starting the parking stalls from inside the turn around for the north building? The size of the turn around is determine by the fire department.
7. Interference with mauka and makai views.
   a. I have owned here since 2005. I have enjoyed a wonderful view of Haleakala especially in the morning when it looks glorious. I will not be able to see
   b. The property owners to the east of us have a view of the ocean which your structures would block. Also, owners in Kihei Akahi would have their views blocked.
8. Access to property:
   a. I am aware that the lot 1-A has an easement through our driveway. On the drawings, a future easement to the east is shown, it would seem to me, that now that the connector road is almost complete, bringing in trucks and construction equipment would be better from the connector road than up our driveway which will interfere with the traffic on S. Kihei Rd.
   b. The developer's traffic assessor chose to take pictures off season and in early morning. If a person went out at high season at noon you would get a more realistic traffic problem. When the developer digs up the driveway for the water line and is taking construction trucks in and out;

where is dirt going to be placed? Where are we to park? How are people including construction trucks going to make the left turn without impeding traffic. We do not have a protected left turn lane, to do so would mean to remove the beach parking by Kameole 2 Beach.

c. We have 185 parking spaces. The project will add 83 more spaces. This is approximately a 45% increase in traffic going into and out of our driveway with no protected left turn lane on S. Kihei Rd. during peak season. It will be a traffic nightmare for those wanting to leave the property or return especially at midday.

9. Classification:

Apparently the zoning and community plan are not in agreement. So I am asking you to not approve the change and to keep the community plan in place for residential and not hotel.

Mahalo,

Patricia Hoskin --- pattylou9@gmail.com
2495 S. Kihei Rd. #163
Kihei, Hi.96753
8743965

Pat Hoskin
2495 S Kihei Rd
Kihei HI 96753

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Chris Hart & Partners, Inc
115 N. Market St.
Wailuku
Hi 96793

Sept 17, 2015

Jason Medeiros, Committee Member representing Kihei

Dear Mr. Medeiros:

My name is Patricia Hoskin. I own unit 163 at Kihei Kai Nani. I am a full time, senior aged, resident. I strongly object to the proposed amendment to the Kihei Makena Community Plan which would allow the Nani Loa Development to change from the Multi Family Classification to the classification of H2. I am referring to tax key number (2) 3-9-020:032.

You and fellow commissioners are the custodians of the environment. The Kihei Makena Community Plan was written in 1998 after much consideration, and devoted time by many community members. This change would not only allow this developer to build towers, but make their units vacation rentable.

This public trust should not be taken lightly. The public trusts you to guard the community plans and be sure they are followed. This plan took a long time to develop because of the input of a variety of citizens. At this time you are considering an amendment for the benefit of one developer. This should not be done. This will set a precedent such that, the two developers who own to the east and north of Nani Loa will also be requesting exemptions. The result will be that there will not be a Kihei Makena Community Plan; there would be a Kihei Makena Community Plan with Exemptions.

Sincerely,

Patricia Hoskin 2495 S. Kihei Rd. #163, Kihei, Hi. 96753

(16)

Raymond Cabebe

To: Barry Ewing; planning@mauicounty.gov
Subject: RE: Victory Development project Kihei Nani Loa
Attachments: DrainageMap.pdf

Dear Mr. Ewing,

Thank you for your email of May 29, 2015, our responses to your comments are provided below.

1. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

2. **Infrastructure.**

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

3. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Barry Ewing [mailto:bee4re@aol.com]
Sent: Friday, May 29, 2015 7:08 AM
To: planning@mauicounty.gov
Subject: Victory Development project Kihei Nani Loa

Dear Mr. Spence,
The impact of this project would be devastating to the already strained traffic in that area. There is no need for this project and where are they going to come up with the water, that I know you know is already at a short supply.
Covering more space with concrete is going to add to the current flooding problems along Kihei road. The county has allowed all of the building from Piilani Hwy to the ocean with no underground storm drainage, so everyone on the Kai side is suffering with above ground run off and flooding.
I urge you to not approve this project!!!
Sincerely,
Barry Ewing

BARRY EWING (R)S
Coldwell Banker Island Properties
34 Wailea Gateway Pl. A-207
Wailea, Hi. 96753
808-268-4604

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Ms. Patricia Stillwell
227 Kamakoi Loop
Kihei, Maui, HI 96753

Dear Ms. Stillwell:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 3, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.
   It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the

property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

5. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and take measure to ensure the safety of residents and visitors.

6. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

7. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

8. **Density.**

a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachment
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

15/2484

Patricia STILLWELL

Stillwell
227 Kamakoi Loop
Kihei, HI 96753
(808) 879-5654
stillys@hawaii.rr.com
www.kiheivacationcondo.com

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
JUN - 9 2015
RECEIVED

June 3, 2015

Will Spence
Maui Planning Commission
Department of Planning
2200 Main St., Ste. 315
Wailuku, HI 96753

Greg Walker
Victory Development, Inc.
30 East Lipoa St., Ste. 4-109
Kihei, HI 96753

R. Raymond Cabebe
Chris Hart & Partners
115 N. Market St.
Wailuku, HI 96753

Re: Community Plan Amendment, Nani Loa Condominium Hotel, Kihei. TMK: (2) 3-9-020-032

In response to the developer's request for a community plan amendment from multi-family to hotel, we submit the following for your consideration as to why we object.

1. The subject property is in a gulch that dissects pretty much the middle of the property. Kihei Kai Nani, a condo project built in the early 1970's just makai of subject property was also built in the gulch with the center running down the driveway. A portion of Moana Estates, mauka of subject property, was also partially built in the gulch. When do we learn that there are serious consequences to building in gulches and that it is not wise or prudent?

During heavy rains we have witnessed firsthand the torrent of water that rushes down the Kihei Kai Nani driveway, crosses South Kihei Road and flows into the ocean at Kamaole beaches. The beaches have been so contaminated at times that they had to be closed for several days. Ground floor units at Kihei Kai Nani have been flooded, the pool has overflowed and filled with mud, cars have nearly washed down the drive. This is nature doing its thing. To further complicate the situation, when the portion of the new collector road was built east of subject property, large pipes were added serving to collect water from the gulch, mainlining it under the new road where it will exit with even more force and strength than if left to permeate the soil in a wider and more natural state. The flooding can only be more severe.

When the Community Plan was updated 17 years ago, we knew a lot less about building in vulnerable areas than we do today. To say that further grading, hard surfaces, a paved parking lot, utility connections and buildings are suitable for this site, is to overlook the significant impact the development will have on the adjacent condos, South Kihei Road (a main traffic artery), the surrounding commercial businesses and the nearby ocean and reefs.

2. The other significant impact this project will create is increased traffic and danger to pedestrians. The traffic study did not address the dangerous conditions that exist currently at the end of the Kihei Kai Nani driveway. This driveway currently serves as ingress/egress to the 180 unit condo project and will be the only ingress/egress to serve this additional 81 bedroom condo project. At the South Kihei Road end of the driveway there is another driveway just 15 feet south that feeds the parking lot for 4 restaurants, offices and a retail shop. In addition, between the two driveways, there is an unsignalized, unlit and extremely busy crosswalk that leads to Kamaole Beach 2. Parking is available on the makai side of S. Kihei Road so pedestrians dart across the road at all times of day and night to reach the restaurants as the parking lots are seriously inadequate to serve the number of patrons that frequent the area. This is one busy and very dangerous cluster of activity compressed into a few highly inadequate square feet of space. Turning left out of the driveway now can be harrowing during peak season causing traffic back up on S. Kihei Road in both directions. None of this was noted in the traffic study.

3. The granting of a community plan amendment is premature at this time without further investigation. A full Environmental Impact Statement is warranted to address all of the significant impacts this project will have on the ocean environment, the surrounding properties, particularly Kihei Kai Nani, water, drainage and sewer services and pedestrian and vehicular traffic and safety.

Respectfully submitted,

Patricia Stillwell

Jefferson Stillwell

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

3. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

6. Private views.

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

As such, the owner is proposing to develop consistent with the County's land use guidance system.

7. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building. Landscaping will screen headlights.

8. Trash location.

The trash enclosure for the project is located at the north side of the driveway entrance. Like KKN, the enclosure is adjacent to the parking area driveway which will be accessed by private disposal trucks.

9. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

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a. Gulch/drainage channel.

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It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

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a. Unit per acre.

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12. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

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hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

13. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and take measure to ensure the safety of residents and visitors.

14. Fire access.

A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachments
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Ms. Bette Belanger, President
Kihei Kai Nani AOAO
2495 South Kihei Road
Kihei, Maui, HI 96753

Dear Ms. Belanger:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 3, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Bette Belanger, President
Kihei Kai Nani AOAO
2495 S. Kihei Road
Kihei, HI 97653

June 3, 2015

Maui County Planning Commission
County of Maui, Department of Planning
250 S. High Street
Wailuku, HI 96753

Dear Members of the Planning Commission:

As president of the Kihei Kai Nani AOAO, I represent the owners of 180 units. Approximately 10% of the owners are full-time residents, part- time residents consist of about 12% and the remaining use their units for vacation rentals. The proposed development of Lot 1-A will have a huge impact on owners—both financial and personal. I would like to address several points in the Environmental Assessment submitted by Victory Development. My comments and concerns, as they relate to the section numbers of report, are listed below:

I. B. PURPOSE OF REQUEST
As stated in the EA report, the 1998 county plan, which was changed to allow multi-family housing, is in conflict with the current H-2 zoning for Lot 1-A. County zoning should have been changed at that time.

III. A. 3. TOPOGRPHY AND SOILS
The report describes Lot 1-A as mostly Kiawe trees, weeds and grass. It fails to mention there are some magnificent 45-year old trees, including two Shower trees, a large prolific Hayden Mango tree, an Autograph tree, a gigantic Monkey Pod tree, two coconut palms, a Jacaranda tree, Hibiscus bushes and other flowering bushes and plants. All will be destroyed with the development.

III A. 7. NOISE CHARACTERISTICS
The report does state that the project could generate some adverse impact. That is an understatement. Two years of construction will involve tearing up the entire length of our driveway and parking area probably more than once, having cement and dump trucks and other equipment driving in and out several times a day, and will undoubtedly have a detrimental impact during construction on people who live or vacation at KKN.

A loss of income (and tax revenue) will be the result for many owners. When construction of the neighboring Aloha Village began in the early 2000's, several Kihei Kai Nani owners experienced a drop of nearly 50% in their rental business which took years to recover. That project, which was never completed, was next door to KKN. Imagine the impact of such a project using the center of our driveway.

III. A. 9. VISUAL RESOURCES
The report states there are no significant public views that will be affected. However, many KKN units currently have a clear view of Mt. Haleakaka. That view will be lost with this development.

Light (and noise) from cars entering and leaving Nani Loa will impact owners of end units in the buildings next to the Lot 1-A property. Cars will be parking just 25 feet from these units and headlights will shine directly into their bedroom and living room windows. There needs be a wall to block obtrusive lights.

III. C. 5. SOLID WASTE
Figure 9.1 it does not show an area where trash will be located. There currently is not enough room for garbage trucks to navigate the circle on our property. Where will the trash be located on Nani Loa property?

III. D. 1. WATER
Lot 1-A has a 2" water meter; however the water line to their property has not been installed. The report refers to the "existing water system." A water meter with no water line is not a "water system."
Our driveway has only 20 ft. of space between the parking stalls on either side of the driveway which, in some places, does not accommodate a car and large truck passing each other. To add to the congestion, pedestrians typically walk down the middle of the parking lot on their way to the beach. How will the developer maintain egress to our property, as well as parking for our residents and guests while digging a trench to install a water line?

III D. 2. SEWER
Our 45 yr. old sewer line was not built to accommodate an additional 39 units with 2 or 3 bathrooms, washers and dishwashers. We are already experiencing age failure in some of our cast iron pipe inside our buildings, and we expect the sewer main is not far behind. The additional volume will hasten the end of life of our sewer line. We are asking that the developer do a study to determine the capacity and condition of our sewer line before tying into it. Again, we need to know the developer's plans for maintaining our parking spaces and driveway during the construction of their sewer, water, electrical, phone and data lines.

III D. 3. DRAINAGE
While the developer's plan to mitigate drainage problems sounds good on paper, it is doubtful that those efforts will do much in the event of another storm like we had in 2007 and 2011 when Kihei Kai Nani experienced flooding of the swimming pool as well as several ground floor units from muddy storm water runoff from Lot 1-A. In fact, the recent paving of the N-S collector road and installation of a 48" culvert will cause even more water to be directed through Lot 1-A. Add to that buildings and pavement (amounting to land coverage of 73%) the absorption of runoff into the ground will be further diminished and the storm water will ultimately run across our property and into the ocean.

III. D. 4. ROADWAYS
The traffic analysis is very misleading in stating that the additional traffic resulting from Nani Loa will have little impact. The entrance to KKN is probably the most congested and dangerous spot on S. Kihei Rd. There is also an entrance to a parking lot that serves four restaurants (Fred's, Moose's, 808 and 808 Deli) and a gift shop, a bicycle path, a sidewalk, and a crosswalk to Kam II Beach— all within a distance of just 90 ft. The photos presented in the traffic report were taken on Sept. 25, when tourism is at its lowest time of year, and the photos appear to have been taken early in the morning. The traffic engineer should conduct his analysis between Thanksgiving and April when S. Kihei Rd. traffic is typical—*very* congested. It can be difficult to turn out of our driveway and nearly impossible to make a left hand turn. Also, there are 22 parking stalls located on the KKN side of the fence between the restaurants (which belongs Fred's) that contribute to the cars leaving our driveway.

The report states that Nani Loa will have 83 parking spaces which could increase traffic from our driveway by 45%. There is no left turn lane into KKN and no room to put one in. Traffic often backs up for blocks in both directions during high tourist season. Oftentimes the "only" way to turn into KKN from S. Kihei Rd. is when a pedestrian walks across the crosswalk, or the driver of an oncoming car waves at you to turn. Additionally, the circle at the end of KKN where the entrance into Nani Loa will be built is inadequate for a fire truck to navigate or turn around.

CONCLUSION

The Environmental Assessment report presented by Victory Development has been carefully crafted to show the Nani Loa project in a favorable light. It addresses the required points such as how the project will impact the land, the animals, the air, the ocean and overall community. However, it avoids any mention of the "human impact" on its closest neighbors—the residents and owners of Kihei Kai Nani.

We know from past experience, with the construction of Aloha Villages to the north of our property, that rental business dropped significantly. Many of our owners bought during the height of the real estate boom and depend on rentals to pay their mortgages. This project will be so disruptive it could cause owners to lose their property. Trying to sell units during construction will be nearly impossible.

Unfortunately for us, the original developer of KKN (over 45 years ago) knew that if he ever wanted to sell that land-locked piece of property he would need to grant an easement through KKN to Lot 1-A. He also developed, what we have learned actually belongs to Lot 1-A, by planting trees and grass, installing a car wash and sidewalk, BBQ grill and trash receptacle that appear to belong to KKN. His actions lead unsuspecting buyers to believe that KKN owned that piece of property. If the county had been diligent in reviewing the developer's plans at that time they probably would not have allowed using Lot 1-A property that way. In fact, had the county taken the responsible action at that time, they should not have allowed the project to be built over a known gulch and in a floodplain.

I would like to suggest a possible solution to this dilemma. At the time the easement through KKN was granted, plans for a North-South collector road probably did not exist. But times have changed, and the road behind our properties is near completion. Access from the N-S collector road would be much preferred option for everyone; however there is another piece of land that blocks access to that road.

The county has an opportunity to take corrective action by the use of eminent domain, establishing a right-of-way, conditions to development, or whatever means are available to provide access and easement from the N-S Collector Road. I believe the county is in a position to facilitate an arrangement that would be in the best interest of all parties concerned and would prevent the destruction of our driveway and adverse consequences to the KKN owners.

Regards,

Bette A. Belanger, President
Kihei Kai Nani AOAO

cc: Victory Development
Chris Hart and Partners, Inc.

To Mr. William Spence, Mr. Fasi and Members of the Planning Commission:

We would like to comment on the proposed Nani Loa development at Lot 1A: My husband and I are long time owners of two condos at Kihei Kai Nani, located in building 9, which is adjacent to the proposed development. We reside in one unit and use the other as a vacation rental. We want to address the Environmental Assessment Report provided by Victory Development, as we have serious concerns about the accuracy of the report, as well as its conclusions.

I.B. There is a conflict between the county zoning designation of H2 and the Maui Community Plan of 1998, which labels it as Multifamily Housing. Since when is the need for more hotels greater than the need for family housing?

III. A. 3. Although the report claims that the property is covered in Kiawe, grass and weeds, it omits the fact that more than 20% of the 1.43 acres is landscaped with stunning old growth trees, planted by the original owner 45 years ago. There are 2 blooming Golden Shower trees, a giant Monkey Pod, a very prolific Hayden Mango tree, 2 coconut palms, an Autograph tree, a Jacaranda and a variety of flowering plants including multicolored Hibiscus. They have all been maintained by Kihei Kai Nani. The trees also provide a home for myriads of birds from the tiny Mejiro to to the Hawaiian Owl (Pueo). Where will they go when the trees are destroyed by Victory Development?

III. A. 7. The report states that construction could cause some adverse impact. This is a serious understatement. Because of the easement, 24 months of construction will have a serious and devastating effect on those living or renting at Kihei Kai Nani. The economic impact to the nearly 80% of owners who rent their units as vacation rentals may cause some owners to lose their property. Tearing up of our curving driveway to install 1000 feet of water line as well as utility lines, will limit use of the driveway, endanger both adults and children who use the driveway as a walkway to our pool and office, South Kihei Road and Kamaole beaches, and interfere with parking as well as ingress and egress from the property. In addition, the noise and dirt generated by construction trucks moving up and down our driveway, and the noise of construction will make renting impossible for an extended period of time. Loss of income to owners will also mean loss of income to the state and county TA and GET taxes.

III. A. 9. The report states that no significant public views will be affected. This ignores the fact that many units have a clear view of Haleakala. This will be lost with development. Further, due to the close proximity of Lot 1A parking to KKN buildings 8 and 9, headlights will shine directly into bedroom and living room windows in end units. No provision has been made to build a wall to block the lights.

III.C. 5. There is no mention of the location of the refuse dumpster. We are concerned that the location will be detrimental to the privacy and quiet of KKN residents.

III. D. 1. Although there is a 2" water meter located at the front of KKN property, **there is NO 1000 foot water line to the Nani Loa.** Our curving driveway is only 20 feet wide between the parking stalls. Digging a trench for water and utility lines, will seriously interfere with fire department entry as well as KKN owner and renter access to parking spaces and ingress and egress of the property.

III. D. 2. Victory anticipates using the KKN sewer, which is 45 years old. We question the ability of our sewer, which serves 180 units, and office and laundry room now, to accommodate the added waste from 78+ bathrooms as well as dishwashers & washing machines

III. D. 3. KKN experienced major floods in 2007 and 2011 from water gushing down from the gulch on Lot 1A. Our pool, office and several units were flooded, then the muddy debris filled water exited our property and flowed onto Kamaole 2 beach. We are not convinced that the Nani Loa drainage plan will contain and reduce the flow of water into KKN and the sea. In fact, we are concerned that the 73% coverage of their property with buildings and parking may add to the flooding problem.

III. D. 4. The traffic photo, taken on September 25 early in the morning, completely misrepresents reality. KKN's entry is adjacent to the Kai Nani Shopping Center entry, where 4 restaurants are open from morning till night. In addition, Moose's and Fred's have 22 parking spaces at our property entry, so there is constant in and out passage of cars. From November through April, high season traffic is so heavy that frequently the only way drivers can make a left turn entering or exiting the KKN property is when a pedestrian is using the crosswalk to Kamaole 2 beach. The addition of 39+ vehicles from the Nani Loa development will substantially add to the congestion. Finally, the entry to the Nani Loa, behind the circle, appears to be inadequate for a fire truck to navigate.

We believe Victory Development's report is designed to show Nani Loa favorably. However, it omitted the profound impact it will have on the owners and renters at Kihei Kai Nani. It misrepresented the landscaping features at the Nani Loa entrance, ignored the need to bring in a 1000 foot water line, tearing up our driveway for an extended period, made light of the reduction of storm water intrusion and gave a false impression of their traffic impact. Finally, the zoning and Maui plan conflict has not been resolved in a manner that meets the needs of the community.

Respectfully yours,
Carole and Lothar Eiserloh, owners 374 and 375
June 4, 2015

21

Raymond Cabebe

To: Joseph D'Antonio
Cc: planning@mauicounty.gov
Subject: RE: Nani Loa Condominium Hotel - Public Comment

Dear Mr. D'Antonio,

Thank you for your email of June 01, 2015, our responses to your comments are provided below.

2. South Kihei Road congestion.
The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.
With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.
Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Joseph D'Antonio [mailto:jdantonio1@gmail.com]
Sent: Monday, June 01, 2015 1:24 PM
To: planning@mauicounty.gov
Subject: Nani Loa Condominium Hotel - Public Comment

To Whom It May Concern,

I am writing in response to a Maui News article on May 12th regarding a proposed Hotel-Condominium in south Kihei, Nani Loa Condominium Hotel. The project would be by Victory

Development and will be accessed through an easement with Kai Nani condominiums to South Kihei Road.

The article refers to congested South Kihei Road, yet the "traffic assessment determined that the proposed project will not impact traffic at nearby intersections." This proposed development will include 39 units. How is it possible that an additional 39 units in one of the most congested areas of South Kihei Road not have an impact? I travel between two residences in that section of South Kihei Road and the traffic is often heavy, bumper to bumper or at a standstill. There are many visitors that cross the road from the many condo complexes, thereby stopping traffic. Additional units are going to make a bad situation worse.

The intersection of South Kihei Road and Keonekai is particularly difficult to get across, if making a left turn from Keonekai onto South Kihei Road towards Wailea. Today, I was trying to exit a driveway from 808 Deli that is next door to the Kai Nani condo driveway (this is the driveway the proposed development will use). It was approximately 11:30 am and I was behind three vehicles trying to get onto S. Kihei Road. They weren't trying to get across two lanes of traffic to turn left, but merge into traffic going south. It was a long wait as the traffic was steady.

I urge the Planning Department to study this traffic situation in more detail and development traffic mitigation measures for this area. This is a quality of life situation for those living and visiting this area.

Your prompt attention to this issue will be appreciated.

Mahalo,

Joseph D'Antonio
25 Kuli Puu Street
Kihei, HI 96753

2619 S. Kihei Road, B402
Kihei, HI 96753

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Mr. Andrew & Margaret Tickner
Kihei Kai Nani
2495 South Kihei Road #170
Kihei, Maui, HI 96753

Dear Mr. & Ms. Tickner:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 4, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

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3. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

5. **Infrastructure.**
   a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

6. **Fire access.**

A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

7. **Tsunami exit.**

The proposed property is approximately 800 feet from the tsunami evacuation zone. In an emergency, the occupants could make a mauka exit on foot through the vacant property to the east.

8. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and take measure to ensure the safety of residents and visitors.

9. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachment
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

June 4, 2015

County of Maui

Planning Dept

Mr. William Spence, Mr. Paul Fasi and Staff

Re: Proposed Nani Loa Project

Gentlemen:

The Elephant in the Room--Khei Kai Nani is a beautiful hideout. But, in reality, we are just one huge bottleneck. I am NOT, as you stated, in a panic mode. Not just yet, but I am very annoyed by the lack of concern for our plight. In the spirit of cooperation, I request an onsite meeting ASAP, so we can discuss our concerns before you start making your decisions and setting up requirements.

I suspect you don't have to, and I know you don't want to meet and admit that your acceptance of the project is going to very uncomfortable for use, but I request it anyway.

Please image 180 existing cars on property. Our road is very narrow already. At busy times driving in and out is a real challenge. Utility trenching would paralyze us completely for weeks on end. Sympathy for our mess has little value to you, but I want you to know and admit that it will be extreme.

Now, let's add 50+ concrete trucks loaded to the gunnels. Now, better yet, let's image this is your front lawn they are driving over and not mine. Is your wife upset? Well, guess what, so is mine. And, yes, I am making this personal as your decisions are going to seriously affect our lives here.

To your credit "in fill properties" are good things. The County pays you well, I hope, based on your years of education and dedication. Your job is to create and promote clean and beautiful properties. The tax rolls go up. The businesses are happy. The mayor looks like a hero. Everyone is happy. Good job. But that growth is painful to those who live in the war zone. When completed and beautified, I have faith that other than the added traffic, we will all be pleased. BUT, I do not exaggerate the mess that will

dominate our complex, so please don't downplay our concerns. Please use your considerable education to help us find new, high tech, low impact solutions to soften our future.

I am not asking you to deny construction; as progress is inevitable, but I am asking that you use your considerable powers to first take care of your longstanding tax payers.

I know we are at odds. Your goals vs. our goals. We offer you no huge permit fees and engineering costs to pay the piper, BUT don't forget that you work for us also.

Extreme Bottleneck Alert--Please make every effort to avoid utility upgrades and construction traffic up the middle of our only access. High tech solutions and County cooperation will be strongly requested/required by us all.

Suggestions to Soften the Burden

Sewer—clean and sleeve the existing main line. From every opportunity we have had to inspect it, it is in very serviceable condition. Add a high tech holding tank for the new property that saves and then drains only in off peak hours. "Sewer line time share." That more than doubles the capacity of the existing line—with no trenching.

Water Supply—bring their water lines in from the collector road. Not up from South Kihei Road. There is an existing 2-inch meter at South Kihei Road, but it has no piping in place through our property as it has not been trenched the thousand feet or so up our driveway. We also believe that the 25-foot utility easement required to accommodate the new water and sewer lines is inadequate according to the Water and Fire Depts.

Fire Dept.—their access will be non-existent during construction/trenching. Avoid this at all costs.

Electrical and Cable Subfeeds—bring them from the property above.

Egress from East Properties for Construction—if, with you help, we can cooperate with the adjacent property owners, most of the trucks will drive over undeveloped land. In spite of what your SMA engineer state, the traffic on South Kihei Road during construction will triple daily usage. Though inconvenienced but maybe compensated, those owners will soon want to joint-venture our wastewater

lines and flood control swales, and might be persuaded to cooperate. Let's all plan for the long term for once.

Tsunami Emergency Escape Route—Consider taking this opportunity to create another route out rather than everyone down to South Kihei Road.

In conclusion, I hope you serve us well on this contentious situation. I have been told not to make this too personal. But the truth is, while all of your studies imply little or no impact, I want you to know, that will not be the case here at Kihei Kai Nani. So I share my politically incorrect thoughts to get them on record.

Sincerely,

Andrew Tickner and Margaret Tickner

Maui Ohana and Long Time Owners of Unit 170 – Kihei Kai Nani

Owner of Tickner Construction in California

(23)

Raymond Cabebe

To: Laurie Salvador
Cc: planning@mauicounty.gov
Subject: RE: Jun 9 planning meeting Lot 1-A and Kihei Kai Nani submissions
Attachments: KKN CPR Declaration No.5.pdf; DrainageMap.pdf

Dear Ms. Salvador,

Thank you for your email of June 4, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. **Infrastructure.**
   a. Water.

   The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

      i. Irrigation source.

      Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:
      - Plantings will be a combination of native and climate adapted (Zone 3) species.
      - An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

   b. Sewer.

   Victory Development intends to install its own sewer line to serve the project.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Laurie Salvador [mailto:laurie@salvador-davis.com]
Sent: Thursday, June 04, 2015 10:09 AM
To: planning@mauicounty.gov
Subject: Jun 9 planning meeting Lot 1-A and Kihei Kai Nani submissions

I am an owner at Kihei Kai Nani. I have serious concerns about the development of Lot 1-A and how it will impact the traffic flow, infrastructure and flood issues over our common property. I urge the committee to allow us time to have an independent planner review the application and provide possible alternate solutions. Our driveway is simply too small to accommodate our current owners and guests, never mind heavy equipment and the traffic from 38 more homes. The outflow on to Kihei Road is congested at the best of times; imagine if there was an emergency and this was the only route out for over 200 homes!
Laurie Salvador

Laurie Salvador, Notary Public
SALVADOR, DAVIS & CO.,
Notaries Public
#101-9830 Second St.
Sidney BC Canada V8L 3C6
Ph: 250-656-3951 ext 229
Fax: 250-655-0878

Wills*Powers of Attorney*Representation Agreements*Purchase or Sale of Property
Notarizations*Easements*Executorship Services

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CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

October 22, 2015

Mr. Lothar & Ms. Carole Eiserloh
Kihei Kai Nani
2495 South Kihei Road #374 & 375
Kihei, Maui, HI 96753

Dear Mr. & Ms. Eiserloh:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of June 4, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

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www.chpmaui.com

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

3. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

6. Private views.

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

As such, the owner is proposing to develop consistent with the County's land use guidance system.

7. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building. Landscaping will screen headlights.

8. Trash location.

The trash enclosure for the project is located at the north side of the driveway entrance. Like KKN, the enclosure is adjacent to the parking area driveway which will be accessed by private disposal trucks.

9. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

10. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.
It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

11. Density.

a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

12. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak

hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

13. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and take measure to ensure the safety of residents and visitors.

14. Fire access.

A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

for Jordan E. Hart, President

Attachments
CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

To Mr. William Spence, Mr. Fasi and Members of the Planning Commission:

We would like to comment on the proposed Nani Loa development at Lot 1A: My husband and I are long time owners of two condos at Kihei Kai Nani, located in building 9, which is adjacent to the proposed development. We reside in one unit and use the other as a vacation rental. We want to address the Environmental Assessment Report provided by Victory Development, as we have serious concerns about the accuracy of the report, as well as its conclusions.

I.B. There is a conflict between the county zoning designation of H2 and the Maui Community Plan of 1998, which labels it as Multifamily Housing. Since when is the need for more hotels greater than the need for family housing?

III. A. 3. Although the report claims that the property is covered in Kiawe, grass and weeds, it omits the fact that more than 20% of the l.43 acres is landscaped with stunning old growth trees, planted by the original owner 45 years ago. There are 2 blooming Golden Shower trees, a giant Monkey Pod, a very prolific Hayden Mango tree, 2 coconut palms, an Autograph tree, a Jacaranda and a variety of flowering plants including multicolored Hibiscus. They have all been maintained by Kihei Kai Nani. The trees also provide a home for myriads of birds from the tiny Mejiro to to the Hawaiian Owl (Pueo). Where will they go when the trees are destroyed by Victory Development?

III. A. 7. The report states that construction could cause some adverse impact. This is a serious understatement. Because of the easement, 24 months of construction will have a serious and devastating effect on those living or renting at Kihei Kai Nani. The economic impact to the nearly 80% of owners who rent their units as vacation rentals may cause some owners to lose their property. Tearing up of our curving driveway to install 1000 feet of water line as well as utility lines, will limit use of the driveway, endanger both adults and children who use the driveway as a walkway to our pool and office, South Kihei Road and Kamaole beaches, and interfere with parking as well as ingress and egress from the property. In addition, the noise and dirt generated by construction trucks moving up and down our driveway, and the noise of construction will make renting impossible for an extended period of time. Loss of income to owners will also mean loss of income to the state and county TA and GET taxes.

III. A. 9. The report states that no significant public views will be affected. This ignores the fact that many units have a clear view of Haleakala. This will be lost with development. Further, due to the close proximity of Lot 1A parking to KKN buildings 8 and 9, headlights will shine directly into bedroom and living room windows in end units. No provision has been made to build a wall to block the lights.

III.C. 5. There is no mention of the location of the refuse dumpster. We are concerned that the location will be detrimental to the privacy and quiet of KKN residents.

III. D. 1. Although there is a 2” water meter located at the front of KKN property, **there is NO 1000 foot water line to the Nani Loa.** Our curving driveway is only 20 feet wide between the parking stalls. Digging a trench for water and utility lines, will seriously interfere with fire department entry as well as KKN owner and renter access to parking spaces and ingress and egress of the property.

III. D. 2. Victory anticipates using the KKN sewer, which is 45 years old. We question the ability of our sewer, which serves 180 units, and office and laundry room now, to accommodate the added waste from 78+ bathrooms as well as dishwashers & washing machines

III. D. 3. KKN experienced major floods in 2007 and 2011 from water gushing down from the gulch on Lot 1A. Our pool, office and several units were flooded, then the muddy debris filled water exited our property and flowed onto Kamaole 2 beach. We are not convinced that the Nani Loa drainage plan will contain and reduce the flow of water into KKN and the sea. In fact, we are concerned that the 73% coverage of their property with buildings and parking may add to the flooding problem.

III. D. 4. The traffic photo, taken on September 25 early in the morning, completely misrepresents reality. KKN's entry is adjacent to the Kai Nani Shopping Center entry, where 4 restaurants are open from morning till night. In addition, Moose's and Fred's have 22 parking spaces at our property entry, so there is constant in and out passage of cars. From November through April, high season traffic is so heavy that frequently the only way drivers can make a left turn entering or exiting the KKN property is when a pedestrian is using the crosswalk to Kamaole 2 beach. The addition of 39+ vehicles from the Nani Loa development will substantially add to the congestion. Finally, the entry to the Nani Loa, behind the circle, appears to be inadequate for a fire truck to navigate.

We believe Victory Development's report is designed to show Nani Loa favorably. However, it omitted the profound impact it will have on the owners and renters at Kihei Kai Nani. It misrepresented the landscaping features at the Nani Loa entrance, ignored the need to bring in a 1000 foot water line, tearing up our driveway for an extended period, made light of the reduction of storm water intrusion and gave a false impression of their traffic impact. Finally, the zoning and Maui plan conflict has not been resolved in a manner that meets the needs of the community.

Respectfully yours,
Carole and Lothar Eiserloh, owners 374 and 375
June 4, 2015

(25)

Raymond Cabebe

To: rm@kknaoao.com; planning@mauicounty.gov; Darlene Kim
Cc: 'Bette Belanger'; 'Larry Lowery'; 'Carole Eiserloh'; 'Jose Placencia'; 'Andy Tickner'; 'Mark Wadlow'; 'Jamie Marusich'; 'Susan Gregory'; 'Nancy Price'; 'Patricia Hoskin'
Subject: RE: Kihei Kai Nani Site Manager
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Longmire,

Thank you for your email of June 05, 2015, our responses to your comments are provided below.

1. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

2. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

3. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: John Longmire [mailto:rm@kknaoao.com]
Sent: Friday, June 05, 2015 10:42 AM
To: planning@mauicounty.gov; Darlene Kim <DKim@chpmaui.com>
Cc: 'Bette Belanger' <belangerblue@gmail.com>; 'Larry Lowery' <larry@biglittlebooks.com>; 'Carole Eiserloh' <carolede@gmail.com>; 'Jose Placencia' <plangolf@aol.com>; 'Andy Tickner' <andytickner@sbcglobal.net>; 'Mark Wadlow' <condoinmaui@gmail.com>; 'Jamie Marusich' <mjmarusich@hotmail.com>; 'Susan Gregory' <susang@destinationmaui.net>; 'Nancy Price' <nancy@destinationmaui.net>; 'Patricia Hoskin' <pattylou9@gmail.com>
Subject: Kihei Kai Nani Site Manager

Aloha Maui Planning Commission,

I am writing regarding the future development of the property above us, Lot 1-A. My main concern is the safety of our owners, guests and staff during the construction phase, and the negative financial impact. As you may know our property is in a big horseshoe shape, with the parking lot in the center, this is most commonly used as a walk way, and it's very narrow, the space between cars is only 20 feet. Even if Victory Development reasonably hires staff to man our parking lot, we are ultimately reasonable for all activity and safety on property, we may have to help guest and owners move their cars when the big trucks drive through, we have to relocate dumpsters, BBQ's, benches at the top of our property. We have a very small staff, all with a full schedule, so I would have to hire an additional person to deal with parking lot, noise complaints, clouds of dust, relocation, etc.

Once word gets out about the surrounding construction , as it's our obligation to notify all owners and guests, we are sure to see a drastic reduction in occupancy, this may result in the layoff of housekeeping and related staff. Loss of revenue, will impact owners, forcing some to sell or even default, the ripple effect may take a long time to recover from. I have been at the Kihei Kai Nani for many years, we experienced the impact of neighboring construction before, in 2005 we had a major construction, grading project, going on next to us, behind the Kamaole Shopping Center, the financial and physical impact was very bad, during this period our occupancy was cut in half, and many long time return guests never returned. My wish is that Victory Development can gain partial access from above, if there is anything we can do to assist with this, please let me know. **Also I have not received any notification from the County of Maui, regarding this project? The developer is the only one who has kept us up to speed.**

*The Kihei Kai Nani has 13 buildings.
*180 units.

*average occupancy year round 350 people walking and driving around property, on any given day.

Your Kokua is greatly appreciated,

John Longmire
Site Manager
Kihei Kai Nani
2495 S. Kihei Road
Kihei, HI 96753
808-870-3893 cell
808-879-1430 office
rm@kknaoao.com
www.kknaoao.com

(20)

Raymond Cabebe

To: Pamela Truffa
Cc: planning@mauicounty.gov
Subject: RE: Proposed Condo Project on Lot 1-A Kihei
Attachments: KKN CPR Declaration No.5.pdf

Dear Ms. Truffa,

Thank you for your email of June 05, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

   a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The County has determined there is a sufficient amount of water to supply this project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Pamela Truffa [mailto:ptruffa1@gmail.com]
Sent: Friday, June 05, 2015 11:20 AM
To: planning@mauicounty.gov
Subject: Proposed Condo Project on Lot 1-A Kihei

Dear William Spence,

I am an owner in Kihei Kai Nani, building 9 which is in front of the above proposed complex to be built.

Respectfully I ask you to consider the concerns I have as well as the other owners. Progress and development is inevitable, but there is plenty of unused land in Kihei that is not landlocked and won't disrupt the quality of life and livelihood of our owners. Due to having an access easement through our property and a utility easement through our parking lot, it will cause great hardship for the full time residents as well as guests. Actually, the

rental income and GE TA taxes we pay will be non-existent, as we won't be able to rent our units during construction. This will actually cause me in particular to lose my condo. If I don't have rental income, I can't meet the bills. After the construction, we'll be left with a very business thruway on our property. Adding all those cars, maintenance vehicles, recycle and trash trucks and on and on will take all the enjoyment we had living and having guests on our property.

A couple other items I'd like you to consider is additional traffic on South Kihei Rd, especially that portion. It is VERY busy already regardless of what some of the reports say. With the shopping center, the condos already there, Fred's and the crosswalk to Kam 11 beach, there is a lot of congestion. I challenge you to hang out for the day and witness it first hand.

Another area of concern is that local experts on water quality and conservation are saying there is going to be a water shortage in Maui. As I am sure you know, Kihei is the dryer side of the island and most likely will experience a water shortage before other areas of the island. I am from California and trust me a water shortage is not pretty.

I hope you will give strong consideration to our situation and find in our favor not to approve the SMA permit application for Victory Development to build on this lot.

Respectfully yours,

Pamela M Truffa
2495 S Kihei Rd, Unit 175
Kihei, HI 96753
619 992-7546

(27)

Raymond Cabebe

To: Renee' Drury
Cc: planning@mauicounty.gov
Subject: RE: RE:
Attachments: KKN CPR Declaration No.5.pdf

Dear Ms. Drury,

Thank you for your email of June 4, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

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a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

6. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Renee' Drury [mailto:reneelandbilld@msn.com]
Sent: Friday, June 05, 2015 9:16 AM
To: planning@mauicounty.gov
Subject: RE:

From: reneelandbilld@msn.com
To: planning@mauicounty.gov
Subject:
Date: Thu, 4 Jun 2015 23:46:37 -0700

My name is Renee Drury and I live at Kihei Kai Nani Condos on South Kihei Road. We love everything about our location, and love it even more when it's slow, as the traffic, getting in and out of our place can be a nightmare. We have had damage to our car, even a hit and run with lots of damage, just too many cars coming and going. The thought of more traffic would be a real mistake with all the businesses so close to us. NO more traffic PLEASE, causing back ups, it will cause nothing but problems and a real dangerous climate. Also removal of the wonderful beautiful trees, flowers and old foliage would be a sin. What about the problems removing all the foliage holding things together after years and years of growth. Think of all the noise and the impact it will have on not only the people unable to rent their condos but how upset

the tourists will be with all the noise and mess. Many of the tourists come back every year and have for years. Please put yourself in the place of all the owners here at KKN. They bought in good faith and are asking only to be treated fairly and only want what is fair to all. The county, if not fair with everyone, could open up a can of worms and who knows the problems a wrong decision could make. PLEASE THINK OF THE SAFETY FACTOR. One death on a dangerous road could have a huge impact on everyone and what about doing the right thing. Safety first is most important. A good fair thought out decision is what we all need and is the way to go. Thank you for your time and understanding. Renee Drury

(28)

Raymond Cabebe

To: Connie
Cc: planning@mauicounty.gov
Subject: RE: Kihei Kai Nani and Development of Lot 1-A
Attachments: KKN CPR Declaration No.5.pdf; DrainageMap.pdf

Dear Ms. Magnuson,

Thank you for your email of June 5, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by

7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

6. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Connie [mailto:traveler332003@yahoo.com]
Sent: Friday, June 05, 2015 5:39 AM
To: planning@mauicounty.gov
Subject: Kihei Kai Nani and Development of Lot 1-A

Members of the Planning Commission,

I am writing in regards to the proposal for the development of Lot 1-A. I am the owner of one of the condos in this complex. In reviewing the information provided, I am greatly concerned about the impact that moving forward with this development as proposed will have on us both personally and financially.
We purchased the condo for our retirement. We currently use the condo personally for our vacation and the remaining time it is used as a vacation rental in order for us to be able to afford to be an owner and prepare for retirement. The development and access requested through our property for the development of Nani Loa will be devastating. It will hugely impact our ability to rent our unit to vacationers visiting Maui and cause us a tremendous financial hardship. We are reliant on that income to support our owning the unit and our eventual move there for retirement. The impact that this development will have could destroy our plans completely.

This development will have a considerable impact for the long term with increasing traffic in an area already heavy with vehicle and pedestrian traffic. It will increase the noise through the complex disturbing owners and guests. It will also stress other systems such as water, waste, and drainage.

What is being proposed is completely unacceptable. As an owner and tax payer, I ask that you please consider an alternate solution that will not impact the property owners at Kihei Kai Nani.

Connie Magnuson
KKN 242

15-3005

Sam Matza
PO Box 505
Kihei, HI 96753

May 31, 2015

COU
DEPT OF PLANNING
CURRENT DIV-RECEIVED

15 JUN 10 A8:58

To: William Spence
Planning Director
Maui Planning Commission
c/o Dept of Planning
250 South High St
Wailuku, 96793

Dear Mr Spence

I am writing as a long time owner at Kihei Akahi and a full time resident of Kihei.

It is with great concern that I write, as I have become aware of the Environmental Notice and potential approval of the project by Victory Development project Nani Loa Condominium Hotel (I believe it is called).

While I have seen other Victory Development projects and believe they provide a quality product, I am strongly opposed to any further development in this part of Kihei. There is far too great a density now, for both driving and general access to business and recreation in the area. Despite the construction of the current North South bypass road, which will provide a small relief during high season months it is but a small relief to the current traffic congestion. Adding more units to the area will essentially re-create the current problem.

It appears to me there is little good to local residents and businesses that can come from this project, and a great deal of potential downside. Businesses that are full up during the season now will not gain anything, condo owners who operate rentals currently still have capacity even in high season, so who actually benefits?

The small tax revenue which the County may receive is not likely to offset the additional hardships to current residents, and potential costs to local services support the increased population.

Please do not allow this project to go forward. Please, at the very very minimum, allow the North South road to be built and go through a high season and evaluate the project with more accurate information. Please do not do this to the current residents who need to live with this daily.

Thank you

Sincerely

Sam Matza
808-214-6029

(85)

Raymond Cabebe

To:	Milton Otto
Cc:	planning@mauicounty.gov
Subject:	RE: Victory Developement
Attachments:	Possible New Development; DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Pyle,

Thank you for your emails of May 15 and July 30, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

   a. Left turns out.

   With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

   b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. **Infrastructure.**
   a. Sewer.

   Victory Development intends to install its own sewer line to serve the project.

5. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Milton Otto [mailto:mopyle@msn.com]
Sent: Thursday, July 30, 2015 7:57 PM
To: planning@mauicounty.gov
Subject: Victory Developement

Please be aware of the fact that all of us here at Kihei Kai Nani are strongly opposed to any access by Victory Development through our development.

A meeting is scheduled for Aug 4th to address this issue.

They do have an easement as far as I understand for water, electric, etc. But they have no access for construction.

If you allow this company to get this approval, Kihei Kai Nani will be unlivable for at least two to three years.

Please make Victory Development get access from a neighboring property.

Sincerely:

Milt Pyle

Sent from Mail for Windows 10

5

Raymond Cabebe

From: Milton Otto <mopyle@msn.com>
Sent: Friday, May 15, 2015 5:25 AM
To: planning@mauicounty.gov; Milton Otto
Subject: Possible New Development

Attn: William Spence, Maui County Planning Director

This email is in regard to Victory Developments planned complex on Lot 1-a behind Kihei Kai Nani.

I believe this is a bad idea for the following reasons:

1.Water runoff. This will further exasperate our existing problem with water runoff down our main access. the following video shows how bad this can be.

https://www.youtube.com/watch?v=NKLLFpc8X_c (this video has some background music if you want to turn down your speakers first)

https://www.youtube.com/watch?v=DVyve2SiXx0 The circle is exactly where the new development will be.

2. Safety. We have a very small sidewalk going up the length of KKN. Due to this a lot of people walk up the main road. Any additional traffic will result in more possibilities of accident/injuries.

It would be especially bad the 2+ years of building.

3. More traffic. Our particular stretch of S. Kihei Rd is probably the most congested along the entire stretch of road. It is at capacity now.
Also, the crosswalk (is easy to identify-the one with no flashing lights) is a very busy crosswalk, from Fred's to Kam II.

4. Infrastructure. The new development would use KKN's already fragile sewer system. KKN is currently in the process of checking and repairing the 45 year old cast iron sewer drains. I do not know if it can stand any more capacity.

Thank you for your time.

Sincerely;

Milton Pyle, Jr.

36

Raymond Cabebe

To: bobmob
Cc: planning@mauicounty.gov
Subject: RE: Agenda Item, Victory Development
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. O'Brien,

Thank you for your email of August 1, 2015, our responses to your comments are provided below.

1. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

2. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

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Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: bobmob [mailto:robrien463@gmail.com]
Sent: Saturday, August 01, 2015 10:44 AM
To: planning@mauicounty.gov
Subject: Agenda Item, Victory Development

This is a petition that the SMA use permit for the Victory Development be declined. This project proposal would create numerous hardships during construction and after completion for the Kihei Kai Nani Complex.
.
Please distribute to all Board members

Thank you for considering our request.
Kihei Kai Nani owners unit 227

(37)

Raymond Cabebe

To: Jim Weber
Cc: planning@mauicounty.gov
Subject: RE: Kihei Nani Loa Development
Attachments: KKN CPR Declaration No.5.pdf; DrainageMap.pdf

Dear Mr. Weber,

Thank you for your email of August 1, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

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3. **Flooding.**
   a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. **Infrastructure.**
   a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

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Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Jim Weber [mailto:jimpatweber@yahoo.com]
Sent: Saturday, August 01, 2015 12:56 PM
To: planning@mauicounty.gov
Subject: Kihei Nani Loa Development

Maui Planning Director William Spence and UDRB members,

Re: Kihei Nani Loa Proposed Development

Concerns which we think you will be considering are traffic, water supply and flooding caused by construction and future runoff.

We would like to share a real traffic study from real owners in Kihei Kai Nani. We know traffic is now a problem and will make the crosswalk on Kihei Road even more dangerous with 83 more cars driving through our complex's narrow driveway and on to Kihei Road. We know people who have been hit in that crosswalk. From Dec.21 to Apr.1 we now cannot make a left hand turn out of our development to go toward Wailea. Drivers make a right on to Kihei Road and then make a U turn to go toward Wailea. You will be adding 83 more cars to this 'bumper car' area with 180 vehicles now coming out

of KKN, crowds coming to eat right next to our exit at Fred's and Moose McGillycuddy's Taco Tues., Hamburger Wed., Pasta Thurs., Fish Fri., Steak Sat., and Fajita Sun.

We are concerned about Maui's water supply and wish you would listen to those experts. We have yet to hear any real recommendations from planning for a sustainable water supply system for the island. It appears that all new developments are approved without any real concern regarding the island's water supply.

We are also concerned about the future flooding that will be caused by your approval of this development. We are located in a watershed that runs through the proposed Nani Loa lot and down our driveway and veers left behind the businesses in front of our complex. We are concerned that the proposed development will further reduce the natural adsorption of water from the uplands above our complex. It will surely increase the amount of water which we currently have to deal with during stormy weather. The removal of trees and vegetation will definitely exasperate the drainage problem. As you are well aware new developments mauka of Kihei Road in north and south Kihei have significantly increased flooding in properties along Kihei Road.

Finally we question the developer's ability to complete their project without shutting down our complex for many months (years?). Our driveway is also our parking lot and covers our water supply line and sewer lines. Many of our owners are **full time residents who would be displaced** because of necessary water shutoff, sewer shutoff and inaccessible parking spaces during the development process. Other owners provide visitor serving short time rentals which could not be rented during the development process.
Please do not diminish/destroy our little piece of Maui.

Pat and Jim Weber
Owners – Kihei Kai Nani #133

Jim & Pat Weber
1833 Dolphin Drive
Aptos, CA 95003
831-662-2481

38

Raymond Cabebe

To: ohana@melodiemiller.com
Cc: planning@mauicounty.gov
Subject: RE: URGENT: Urban Design Review Board - Meeting 8.4.15 for Lot 1-A Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Miller,

Thank you for your email of August 2, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a

commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: ohana@melodiemiller.com [mailto:ohana@melodiemiller.com]
Sent: Sunday, August 02, 2015 8:51 AM
To: planning@mauicounty.gov
Subject: URGENT: Urban Design Review Board - Meeting 8.4.15 for Lot 1-A Victory Development

Dear William Spence,

I am an owner at Kihei Kai Nani and would like to formally express my concerns regarding the design aspects under review at the
upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development.

I own Kihei Kai Nani unit 267 which is at the very back of the complex and the aspects of the new design proposal will cause a devastating impact to my location and enjoyment of the property.

Particularly the fact that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replace with buildings and parking spaces.

I know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees,
and Haden mango tree, turning the open space into a parking lot. The magnificent old trees will be replace with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities,
including a water line, fire line and sewer line, as well as the other utilities needed, I would like to know what is planned. I understand these factors figure into the design review, I would like to know what options have been arranged.

Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will perminately destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Mahalo,

Melodie Miller
2495 S.Kihei Road #267 Building 10
Kihei, Maui 96753
720.281.4557
Owner since 2003

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Raymond Cabebe

To:	Connie
Cc:	planning@mauicounty.gov
Subject:	RE: Kihei Kai Nani and Development of Lot 1-A
Attachments:	Kihei Kai Nani and Development of Lot 1-A; DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Magnuson,

Thank you for your emails of June 5 and August 1, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

3. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by

7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

6. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Connie [mailto:traveler332003@yahoo.com]
Sent: Saturday, August 01, 2015 4:23 PM
To: planning@mauicounty.gov
Subject: Kihei Kai Nani and Development of Lot 1-A

William Spence and Members of the Planning Commission,

I am writing in regards to the proposal for the development of Lot 1-A. I am the owner of one of the condos in this complex. In reviewing the information provided, I am greatly concerned about the impact that moving forward with this development as proposed will have on us both personally and financially.
We purchased the condo for our retirement. We currently use the condo personally for our vacation and the remaining time it is used as a vacation rental in order for us to be able to afford to be an owner and prepare for retirement. The development and access requested through our property for the development of Nani Loa will be devastating. It will hugely impact our ability to rent our unit to vacationers visiting Maui and cause us a tremendous financial hardship. We are reliant on that income to support our owning the unit and our eventual move there for retirement. The impact that this development will have could destroy our plans completely.

This development will have a considerable impact for the long term with increasing traffic in an area already heavy with vehicle and pedestrian traffic. It will increase the noise through the complex disturbing owners and guests. It will also stress other systems such as water, waste, and drainage.

What is being proposed is completely unacceptable. As an owner and tax payer, I ask that you please not supporting this development proposal that will devastatingly impact the property owners both financially and the livability at Kihei Kai Nani immediately and for years to come.

Connie Magnuson
KKN 242

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Raymond Cabebe

From: Connie <traveler332003@yahoo.com>
Sent: Friday, June 05, 2015 5:39 AM
To: planning@mauicounty.gov
Subject: Kihei Kai Nani and Development of Lot 1-A

Members of the Planning Commission,

I am writing in regards to the proposal for the development of Lot 1-A. I am the owner of one of the condos in this complex. In reviewing the information provided, I am greatly concerned about the impact that moving forward with this development as proposed will have on us both personally and financially.
We purchased the condo for our retirement. We currently use the condo personally for our vacation and the remaining time it is used as a vacation rental in order for us to be able to afford to be an owner and prepare for retirement. The development and access requested through our property for the development of Nani Loa will be devastating. It will hugely impact our ability to rent our unit to vacationers visiting Maui and cause us a tremendous financial hardship. We are reliant on that income to support our owning the unit and our eventual move there for retirement. The impact that this development will have could destroy our plans completely.

This development will have a considerable impact for the long term with increasing traffic in an area already heavy with vehicle and pedestrian traffic. It will increase the noise through the complex disturbing owners and guests. It will also stress other systems such as water, waste, and drainage.

What is being proposed is completely unacceptable. As an owner and tax payer, I ask that you please consider an alternate solution that will not impact the property owners at Kihei Kai Nani.

Connie Magnuson
KKN 242

(40)

Raymond Cabebe

To: Darryl Symonds
Cc: planning@mauicounty.gov
Subject: RE: Concerned owner of Kihei Kai Nani and the proposed development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Symonds,

Thank you for your email of August 2, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse

effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Infrastructure.

a. Sewer.

Victory Development intends to install its own sewer line to serve the project.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Milton Otto [mailto:mopyle@msn.com]
Sent: Friday, May 15, 2015 5:25 AM
To: planning@mauicounty.gov; Milton Otto <mopyle@msn.com>
Subject: Possible New Development

Attn: William Spence, Maui County Planning Director

This email is in regard to Victory Developments planned complex on Lot 1-a behind Kihei Kai Nani.

I believe this is a bad idea for the following reasons:

1.Water runoff. This will further exasperate our existing problem with water runoff down our main access. the following video shows how bad this can be.

https://www.youtube.com/watch?v=NKLLFpc8X_c (this video has some background music if you want to turn down your speakers first)

https://www.youtube.com/watch?v=DVyve2SiXx0 The circle is exactly where the new development will be.

2. Safety. We have a very small sidewalk going up the length of KKN. Due to this a lot of people walk up the main road. Any additional traffic will result in more possibilities of accident/injuries.

It would be especially bad the 2+ years of building.

3. More traffic. Our particular stretch of S. Kihei Rd is probably the most congested along the entire stretch of road. It is at capacity now.

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Darryl Symonds [mailto:drsymonds62@gmail.com]
Sent: Sunday, August 02, 2015 8:41 AM
To: planning@mauicounty.gov
Subject: Concerned owner of Kihei Kai Nani and the proposed development

Dear William Spence,

I am an owner at Kihei Kai Nani and would like to formally express my concerns regarding the design aspects under review at the upcoming Urban Design Review on 4Aug2015 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development. I own Kihei Kai Nani unit 10-367, which is at the back of the complex, and the aspects of the new design proposal will cause a devastating impact to my location and enjoyment of the property.

In particular, is the fact that the Victory Development proposed design will cover 73% of Lot 1-A if developed under their current plan of buildings and parking. At the present time the lot is a beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space; all other open space will be replaced with buildings and parking spaces. The gulch is only a narrow passage between Kihei Kai Nani and Lot 1-A.

The design aspect of Lot 1-A by Victory Development would destroy the current landscape barrier between Kihei Kai Nani along with the currently open landscape of Lot 1-A. The development of Lot 1-A by Victory Development will tear down many magnificent trees that are over 45 years old, including a money pod, several shower trees, and a Haden mango tree, all in order to turn the open space into a parking lot.

The proposed design by Victory Development places building locations in close proximity to our buildings at Kihei Kai Nani and that will impinge on the privacy of the Kihei Kai Nani owners.

All these are design aspects that are not in the best interest of the residents of the 180 units at Kihei Kai Nani residents nor the Maui landscape.

I understand that the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line, sewer line, and other required utilities. Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned that if they are granted easement to travel across the quiet Kihei Kai Nani driveway it would turn the driveway into a road and eliminate up to 90 of the 185 parking spaces. We need every parking space for the 180 units for the guests and residents at Kihei Kai Nani. Further, I believe the use of the driveway as an avenue for construction will endanger guests and full time residents. All of this will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

I am aware that previously the planning commission required Victory Development to further mitigate the water run off created during rain storms from Lot 1-A into and through the Kihei Kai Nani complex. There is no evidence that this mitigation has been completed. This remains of great concern to me because run off during storms creates a roaring river down to the ocean from Lot 1-A. I request that this design aspect be addressed during the Urban Design Review Board meeting, along with the aspects of the new design being proposed by Victory Development.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board to not allow the current design aspect proposal to pass as it will permanently destroy the beautiful landscape and enjoyment of Kihei Kai Nani for all of its owners and guests. I urge you to please not let this design proposal pass.

Thank you for your time.

Sincerely,
Darryl

Darryl Symonds
Owner since 2005
2495 S.Kihei Road #10-367
Kihei, Maui 96753
619-386-9305

41

Raymond Cabebe

To: Stephanie Hedden; planning@mauicounty.gov
Subject: RE: Please protect Kihei Kai Nani!
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Hedden,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

2. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

3. **Density.**

a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

4. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

5. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

6. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

7. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was

maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

9. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

10. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Stephanie Hedden [mailto:kkn368@gmail.com]
Sent: Monday, August 03, 2015 4:44 AM
To: planning@mauicounty.gov
Subject: Fwd: Please protect Kihei Kai Nani!

---------- Forwarded message ----------
From: **Stephanie Hedden** <kkn368@gmail.com>
Date: Mon, Aug 3, 2015 at 7:29 AM
Subject: Please protect Kihei Kai Nani!
To: planning@maui.county.gov

Dear Mr. William Spence:

My husband, Jay Peterson and I are owners at Kihei Kai Nani and would like to formally express our concerns regarding the design aspects under review at the upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development.

We own Kihei Kai Nani unit 368 which is at the very back of the complex and the aspects of the new design proposal will cause a devastating impact to our location and enjoyment of the property.

We are especially concerned about our ability to rent and therefore continue to own our condo. The disruption and noise that will occur if construction access and/or continued daily access is allowed through the driveway, parking and heart

of Kihei Kai Nani will make rentals very challenging which will ultimately be devastating to us individually as owners and to the overall success of the complex as a whole.

Of great concern is the fact that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replace with buildings and parking spaces.

Apparently the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. It is important that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees, and Haden mango tree, turning the open space into a parking lot.
The magnificent old trees will be replaced with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

Additionally, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents, rental units nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed. As these factors figure into the design review, we hope that options have been arranged.

Since Victory Development is requesting zoning for condominium hotel, we are greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests, residents and place a huge financial hardship on those of us who rely on the ability to rent our condos. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Zoning is not yet approved for development of Lot 1-A. We urge the Urban Design Review Board to reject the current design aspect proposal as it would be devastating to destroy the beautiful landscape, enjoyment and success of Kihei Kai Nani.

We urge you consider all other options. Please help protect the owners and property of Kihei Kai Nani!

Thank-you for your time and attention to this important matter.

Stephanie Hedden
Jay Peterson
Owners Kihei Kai Nani #368

(42)

Raymond Cabebe

To: Bill Barrow
Cc: planning@mauicounty.gov
Subject: RE: Hearing by the Urban Design Aug 4 Lot 1-A
Attachments: DrainageMap.pdf

Dear Mr. Barrow,

Thank you for your email of August 2, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

3. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5

Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Bill Barrow [mailto:billbarrow@seanet.com]
Sent: Sunday, August 02, 2015 1:21 PM
To: planning@mauicounty.gov
Subject: Hearing by the Urban Design Aug 4 Lot 1-A

To William smith
Urban design committee
Owner of Unit 119 KKN Which has been flooded several times in the last several years
I don't understand how you can review a design on a maybe future zoning of the property . H2 The plan should not be reviewed if that is the case.
If reviewed the design should be reviewed on the current zoning of the property MF .
The lot coverage of 73 % of the property does not meet the current zoning requirements
Water retention and slopes are an important element of any plan Does the plan address how the developer is going to control the water flow that comes down the hill and crosses the subject property. ? Does the plan take into consideration the 100 year storm . ?
Bill Barrow
Owner of Unit 119 KKN

Bill Barrow
Managing Broker Since 1963
Coldwell Banker McKenzie
299 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-6125 Direct Line

(206) 842-1733 Office
(206) 842-6826 Fax

(43)

Raymond Cabebe

To: VTA Hotmail; planning@mauicounty.gov
Subject: RE: Lot 1A Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Arrisi,

Thank you for your email of August 2, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.

It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: VTA Hotmail [mailto:vincentarrisi@hotmail.com]
Sent: Sunday, August 02, 2015 9:11 AM
To: planning@mauicounty.gov
Subject: Lot 1A Victory Development

Dear William Spence,

I am an owner at Kihei Kai Nani and would like to formally express my concerns regarding the design aspects under review at the
upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development.
The land is under zoning consideration for condo hotel development.
I own Kihei Kai Nani unit 267 which is at the very back of the complex and the aspects of the new design proposal will cause a devastating impact to my location and enjoyment of the property.

Particularly the fact that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replace with buildings and parking spaces.

I know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees, and Haden mango tree, turning the open space into a parking lot.
The magnificent old trees will be replace with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities,
including a water line, fire line and sewer line, as well as the other utilities needed, I would like to know what is planned. I understand these factors figure into the design review, I would like to know what options have been arranged.

Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will perminately destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Thank you.

Owner since 2004

Vincent Arrisi & John Watts
2495 S.Kihei Road #142
Kihei, Maui 96753
908/872/4827

(44)

Raymond Cabebe

To: KATHY
Cc: planning@mauicounty.gov
Subject: RE: URGENT: Urban Design Review Board - Meeting 8.4.15 for Lot 1-A Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. and Ms. Parks,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
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   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a

commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
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Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

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8. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: KATHY [mailto:tomnkathy@msn.com]
Sent: Monday, August 03, 2015 7:16 AM
To: planning@mauicounty.gov
Subject: URGENT: Urban Design Review Board - Meeting 8.4.15 for Lot 1-A Victory Development

Dear William Spence,

We have been owners at Kihei Kai Nani since 1977 and are extremely concerned regarding the design aspects under review at the upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development. The land is under zoning consideration for a condo hotel.

We hear that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replaced with buildings and parking spaces.

We know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. We would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees, and Haden mango tree, turning the open space into a parking lot. The magnificent old trees will be replaced with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed, We would like to know what is planned. We understand these factors figure into the design review, and we would like to know what options have been arranged.

Since Victory Development is requesting zoning for a condominium hotel, we am greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, and every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property. We are also worried about what 2 years of noisy construction will do to our lovely environment.

Since zoning is not yet approved for development of Lot 1-A, we urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will perminately destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Thank you for your attention.
Tom Mitchell & Kathy Parks
Kihei Kai Nani #222

(95)

Raymond Cabebe

To: Gerry Schmid; planning@mauicounty.gov
Subject: RE: VICTORY DEVELOPMENT Use Permit for the Nani Loa Special Condominium Hotel project
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Schmid,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

2. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

3. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible.

4. **Infrastructure.**

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

5. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

6. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Gerry Schmid [mailto:schmidgv@gmail.com]
Sent: Monday, August 03, 2015 7:05 AM
To: planning@mauicounty.gov
Subject: VICTORY DEVELOPMENT Use Permit for the Nani Loa Special Condominium Hotel project

Planning Department Conference Room
1st Floor, Kalana Pakui Building
250 South High Street
Wailuku, Hawaii 96793

ATTN: Members: Hunton Conrad (Chair), Frances Feeter (Vice-Chair), Robert Bowlus, Demetreos Callinicos, David Green, Raymond Phillips, David Sereda, Fiona van Ammers
Alternate Members: Peter Jacobsen, Gray Ringsby, Robert Spilker, Gerard Steiner

Re: VICTORY DEVELOPMENT requesting a Special Management Area Use Permit for the Nani Loa Condominium Hotel project

Dear Planning Commission:

With regard to the Victory Development request, my wife and I are owners of 3 units in the Kihei Kai Nani Condominium complex. We are 65 years old and would be detrimentally impacted by the proposed construction process needed for their 39-unit hotel condominium project and related improvements on approximately 1.438 acres of land at TMK: 3-9-020:032, Kihei, Island of Maui.

As you may know, the site of the proposed construction is landlocked, contains a gulch, and contractors would have to bring in a WATER LINE, FIRE LINE, SEWER LINE AND OTHER UTILITIES, possibly up our 1000 foot driveway, which is only 20' wide. The disruption to our vacation rentals would be massive for the estimated 2 year building time period and the traffic after completion would be greatly increased, making it less attractive to our guests to stay in our units. In addition, the driveways are not designed for the heavy equipment that would have to traverse them and they would suffer damage from the trucks, causing additional assessments to all of our condo owners in order to repair them.

Furthermore, water runoff during and after the construction would make our entire complex even more undesirable to our guests who stay with us for relaxing vacations. We have numerous repeat guests and in all probability, we would lose their business.

As retirees, we rely on this income and the losses caused by the Victory project would be devastating. In addition, other owners in the Kihei Kai Nani complex would suffer the same fate.

We therefore request that you do not approve the continuation of this project. Thank you very much for your consideration.

Gerry & Violet Schmid

4B

Raymond Cabebe

To: Craig Sullivan
Cc: planning@mauicounty.gov
Subject: RE: Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Sullivan,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a

commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Craig Sullivan [mailto:sully@parkwestgc.com]
Sent: Monday, August 03, 2015 7:27 AM
To: planning@mauicounty.gov
Subject: Victory Development
Importance: High

Dear Mr. William Spence,

I am one of the owners at Kihei Kai Nani and would like to formally express my concerns regarding the design aspects under review at the upcoming Urban Design Review meeting on 8.4.15 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development.

I own Kihei Kai Nani unit 337 which is I the middle of the complex and the aspects of the new design proposal will cause a devastating impact to the entire complex financially and in regards to the enjoyment of the property that the owners, families, guests experience and neighbors/community currently.

In particular the fact that the design aspect proposed will cover approximately 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Is their a current environmental impact report? If not one should be required. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, that is simply insufficient. With the curt amount of open space being replaced with buildings and parking spaces. This development will be a blithe on the community.

I know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern as well because run off during storms creates a flooding issue all the way down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well and in an environmentally impact report with a fair amount of attention to polluting and potential/future pollution to our complex, our community, our beaches and our ocean.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot 1-A by Victory Development will tear down 10 beautiful 45 year old trees including a money pod, shower trees, and Haden mango tree, turning the open space into a parking lot. These magnificent old trees will be replace with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would also have an adverse impact on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to the buildings in our condominium. All of these design aspects are not in the best interest of the Kihei Kai Nani residents, adjacent property owners, the community at large or the Maui landscape that we all love and enjoy. Maybe a better use of this land would be as a nature preserve.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed, I would like to know what is that plan? I understand these factors figure into the design review, I would like to know what options are bing proposed please?

Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned that if they are granted easement to travel across the quiet Kihei Kai Nani property this would in fact destroy Kihei Kai Nani and its 180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact not only the Kihei Kai Nani complex it will also have a devastating financial effect on the current/future owners and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will perminately destroy the owners equity and future equity growth, beautifully landscape grounds and enjoyment of Kihei Kai Nani for the owners, guests and our community.

Thank you for your help in this matter.

Owner for more than 20 years....

Craig Sullivan
2495 S. Kihei Road unit 337

Kihei, Maui 96753

Regards,

Craig Sullivan
Sent from my iPhone

(47)

Raymond Cabebe

To: Timothy Novotny
Cc: planning@mauicounty.gov
Subject: RE: Victory development of Lot 1-A
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Novotny,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. Effects on rental business.
The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.
In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

2. Traffic through KKN property
Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. South Kihei Road congestion.
The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.
With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1

seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.
Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

4. Infrastructure.
a. Water.
The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.
Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:
• Plantings will be a combination of native and climate adapted (Zone 3) species.
• An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.
Victory Development intends to install its own sewer line to serve the project.

5. Trash location.
The trash enclosure for the project is located at the north side of the driveway entrance. Like KKN, the enclosure is adjacent to the parking area driveway which will be accessed by private disposal trucks.

6. Fire access.
A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Timothy Novotny [mailto:judenovotny@yahoo.com]
Sent: Monday, August 03, 2015 8:27 AM
To: planning@mauicounty.gov
Subject: Victory development of Lot 1-A

To Members of the Maui County Planning Commission,

I am the owner of one of the condos in the Kihei Kai Nani complex. The proposal that is being considered for development is outrageous and will impact our lives greatly in the enjoyment of our home and with the tremendous financial burden it will cause. We are able to afford this property because of the vacation rental income we currently receive. It is our plan to retire and become permanent residents in a few years in our condo.

The actions outlined in the development plan will, without a doubt, hugely impact our ability to rent our condo to Maui vacationers and provide us with the needed income to own this property.

This development will also impact our lives completely while we are there part time now and when we permanently reside there. Traffic alone will be a huge inconvenience. This is a very populated area with the shopping plaza next door, the beach access across the street, several restaurants clustered together and other large complexes including Kihei Akahi, Maui Banyan and others all in close proximity. There is a great amount pedestrian traffic and it is already congested now just trying to make a left turn into the Kihei Kai Nani driveway. Traffic backs up for blocks. It will increase the noise, and impact everything from trash collection, water and waste systems to accessibility from emergency vehicles. It is a grossly unfair situation for us as home owners, small business owners and taxpayers for both. We would ask that this proposal be denied and an alternative situation be determined. Thank you for your consideration.

Sincerely,
Timothy Novotny

48

Raymond Cabebe

To: crwolf@juno.com
Cc: planning@mauicounty.gov
Subject: RE: Re: Urban Design Review on 8-4-15 of Lot 1-A by Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. & Ms. Rhode,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
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b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a

commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
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Front & Rear	22.5	30
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Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

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8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: crwolf@juno.com [mailto:crwolf@juno.com]
Sent: Monday, August 03, 2015 9:11 AM
To: planning@mauicounty.gov
Cc: crwolf@juno.com
Subject: Fw: Re: Urban Design Review on 8-4-15 of Lot 1-A by Victory Developmen t

August 3, 2015

Dear William Spence,

We are owners at Kihei Kai Nani and would like to formally express our concerns regarding the design aspects under review at the upcoming Urban Design Review on 8-4-15 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development. We own Kihei Kai Nani unit 224.

Particularly the fact that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replace with buildings and parking spaces.

I know that previously the planning commission required Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the current open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees, and Haden mango tree, turning the open space into a parking lot. The magnificent old trees will be replaced with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All of these are design aspects are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed, we would like to know what is planned. We understand these factors figure into the design review, I would like to know what options have been arranged?

Since Victory Development is requesting zoning for condominium hotel, we are greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This proposal would turn the driveway into a road. This would eliminate 90 parking spaces that are needed by guests and residents. Every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, we urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will permanently destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Thank you.

Owner since 2002

Carol & Bill Rhode
2495 S.Kihei Road #224
Kihei, Maui 96753
303-530-0415
crwolf@juno.com

September 16, 2015

To: Planning Commission County Council

From: Bill & Carol Rhode
2495 S. Kihei Road, #224
Kihei, HI 96753

Re: Victory Development H2 Status on Nani Loa Project

To Whom It May Concern:

We want to express our concern about the Victory Development project H2 status on Nani Loa Project. We do NOT want this to become H2. Our concerns are about our complex and what this would do to all of us at Kihei Kai Nani. One concern is, What would happen in the event of a tsunami and people having to rush to get out of this complex? What will this do to our complex when construction takes place? How would fire equipment be able to get through?
We strongly oppose this project.

Sincerely,

Carol Rhode

Bill & Carol Rhode
crwolf@juno.com
303-359-5735

(49)

Raymond Cabebe

To: Darlene
Cc: planning@mauicounty.gov
Subject: RE: Lot 1-A Victory Developers
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. & Ms. Rhode,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

3. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

4. Environmental Impact Statement

The Environmental Assessment was prepared in compliance with Hawaii Revised Statutes Chapter 343 "Environmental Impact Statements."

5. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

7. Construction.

The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Darlene [mailto:darzline@yahoo.com]
Sent: Monday, August 03, 2015 9:39 AM
To: planning@mauicounty.gov
Subject: Lot 1-A Victory Developers

Dear William Spence,

As a long-time owner of condominium number 270 in the Kihei Kai Nani complex I have many concerns and questions about the projected development plans.

History shows an extreme issue of water drainage via the gulch from the area in question. I am writing this as Hurricane Guillermo's status is being constantly monitored for impact in 48-72 hours.

Memories of the raging flow of water down through the Kihei Kai Nani driveway from the gulch are foremost in my mind as another named storm approaches.

Common sense is defied by plans to pave 73% of Lot 1-A.

Are plans in existence to mitigate this huge problem of water flow??

Has the zoning been changed to permit what development is proposed?

Is there a current environmental impact report?

What alternative ACCESS plans have been proposed for the construction process/equipment/utilities?

Sacrificing the driveway and environs of the Kihei Kai Nani complex is not a far-sighted, safe option.

Thank you for your attention to my concerns.

Sincerely,

Darlene Tunney Rosene
Unit 270

Kihei Kai Nani
2495 So. Kihei Road
Kihei, Hawai'i
96753

Sent from my iPhone

(59)

Raymond Cabebe

To: Kathy Watson; planning@mauicounty.gov
Subject: RE: LOT 1A
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Watson,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

   a. Left turns out.

   With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

   b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

3. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

5. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

6. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

7. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Kathy Watson [mailto:kwatson0321@gmail.com]
Sent: Monday, August 03, 2015 8:42 AM
To: planning@mauicounty.gov
Subject: LOT 1A

Dear Planning Comission,

Please consider the impacts of development of the 1A area behind Kihei Kai Nani. Over the past several years, numerous developments in the Kihei area have impacted existing residences and the environment. I am requesting that you share the following information with the public during the meeting in which you are considering permits.

1. Flooding. How will flood waters be controlled or diverted so that existing properties are not negatively impacted?
2. Traffic Safety. The Kam II area is extremely busy with foot traffic, mopeds, service vehicles, and tourists. The new crossing lights at the beaches have helped a lot to increase awareness.How do you plan to divert construction traffic away from S.Kihei road to ensure public safety in this very busy beach area?
3. Impacts on existing properties. New construction requires infrastructure for utilities, sewer, water, parking, walk ways, and easements, etc. What are the plans to ensure existing properties are negatively impacted by construction of such ifrastructure? How will owners be compensated for loss of rentals, construction dirt, noise, truck traffic, damage to road, limited parking, etc.
4. Loss of equity. The construction process often causes devaluation of adjacent properties. Will the developer be required to compensate adjacent property owners should their property be sold for a lesser value due to noise, dirt, truck traffic, etc?
5. Parking. Will the developer be required to ensure that the same amount of parking be available during and after construction? How? Please be able to explain the plans to ensure existing businesses and residences are not negatively impacted by loss of parking spaces

I look forward to listening to how you will address these concerns at the upcoming meeting

Sincerely,
Kathryn M. Watson
Resident, Owner, KKN
S.Kihei Kam II Area

(51)

Raymond Cabebe

To: Paul Evans
Cc: planning@mauicounty.gov
Subject: RE: Urban Design Review on 8.4.15 of Lot 1-A by Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Evans,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Lot 1-A.**
   a. Trees, plantings.

   The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

   b. Habitats

   The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

2. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

   a. Parking.

   The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

   b. Noise.

   Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

   c. Nuisance.

   A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

3. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway,

sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. South Kihei Road congestion.

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a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

5. Density.

a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

6. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

7. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

8. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the

County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

9. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

10. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

c. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

11. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Paul Evans [mailto:paul.evans.171@gmail.com]
Sent: Monday, August 03, 2015 11:16 AM
To: planning@mauicounty.gov
Subject: Fwd: Urban Design Review on 8.4.15 of Lot 1-A by Victory Development

---------- Forwarded message ----------
From: **Paul Evans** <paul.evans.171@gmail.com>
Date: Mon, Aug 3, 2015 at 3:14 PM
Subject: Urban Design Review on 8.4.15 of Lot 1-A by Victory Development
To: planning@maui.county.gov

Dear William Spence,

I am an owner at Kihei Kai Nani and would like to express my concerns regarding the design aspects under review at the upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development. I own Kihei Kai Nani unit 171 which is at the very back of the complex and the new design proposal will cause a huge permanent negative impact to my location.

Currently the area feels like a park setting, with beautiful trees and birds, and is a nice quiet retreat which is what most of my guests look for when visiting Maui. The project as proposed would destroy the natural environment of the area, and result in a long period of noisy construction and impact to the Kihei Kai Nani owners. The resulting project would also result in significant traffic in the area, and a much higher population density. The design of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. This is not in the best interest of the Kihei Kai Nani residents. The lot to be built on is very congested and in a flood zone, and the idea of crowding the proposed buildings onto this lot just because it can be done is not acceptable.

The idea of running utiities through the Kihei Kai Nani driveway and allowing construction trucks to run through the property is not acceptable since it would have a huge impact on the enjoyment of the property by owners and guests during the construction period. This is a driveway, not a road.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass.

Thank you.

Owner since 2007

Paul Evans
2495 S.Kihei Road #171
Kihei, Maui 96753
587.438.8527

52

Raymond Cabebe

To: Richard Woo
Cc: laura@kiheikainani.com; planning@mauicounty.gov
Subject: RE: Urban Design Review on 8.4.15 of Lot 1-A by Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. Woo,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
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Royal Mauian	48.2

   b. Lot coverage

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Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

3. **Flooding.**
   a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue

line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

5. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

6. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

7. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

8. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

9. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

From: Richard Woo [mailto:woo.richard@yahoo.com]
Sent: Monday, August 03, 2015 12:58 PM
To: planning@mauicounty.gov
Cc: laura@kiheikainani.com
Subject: Urban Design Review on 8.4.15 of Lot 1-A by Victory Development

Dear Maui Planning Commission / William Spence

I am an owner of one of the condos at Kihei Kai Nani. I have owned this property for many years. Though I do not live on the island permanently, Kihei is my second home.
My family and guest love the condo unit because it is building 8, the very last building on the north side of Kihei Kai Nani. When we purchased this unit, we choose this unit because it was at the back of the complex. There is no traffic or traffic noise from South Kihei Road. I have always assumed that the lot 1-A would never be developed because of it being land locked. And if it was ever developed, they would make an accessible road through the back side.

Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, 73% of Lot 1-A will be developed with buildings and parking. Only the gulch will remain as open space, which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replaced with buildings and parking spaces.

I know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot-A by Victory Development will tear down 10 magnificent 45 year old trees including a money pod, shower trees, Haden mango tree and turning the open space into a parking lot. The magnificent old trees will be replaced with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

As well, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed, I would like to know what is planned. I understand these factors figure into the design review, I would like to know what options have been arranged.

My unit faces Aloha Village (north of Kihei Kai Nani). The developer started construction many years ago and abandoned the project. Thanks to that developer / development, I have a perfect view of dirt. I am also unable to leave my windows open (that faces Aloha Village) on windy days (which is usually every afternoon) due to the dirt being blown into my unit from the developer removing all the vegetation.
If lot 1-A is allowed to be developed and using Kihie Kai Nani as a thoroughfare, I cannot imagine how much dirt and noise that will create. In which case all my windows and doors will have to be closed all the times.

Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has 180 units and 185 parking spaces. This

proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will permanently destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Thank you.

Richard Woo
2495 S.Kihei Road #361
Kihei, Maui 96753

(52)

Raymond Cabebe

To: dickndiane@comcast.net
Cc: planning@mauicounty.gov
Subject: RE: Urban Design Review/Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. & Ms. Hayes,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

4. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

5. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.

It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

6. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

7. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

8. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

9. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: dickndiane@comcast.net [mailto:dickndiane@comcast.net]
Sent: Monday, August 03, 2015 11:37 AM
To: planning@mauicounty.gov
Subject: Urban Design Review/Victory Development

Dear William Spence,

We are deeply concerned owners of Kihei Kai Nani unit #250. We would like to express our thoughts and feelings to the upcoming Urban Design Review on 8/4/15 of Lot 1-A by Victory Development. It has come to our understanding that the land is under zoning consideration for condo hotel development. Changing the zoning would have a devastating impact on the Kihei Kai Nani complex, no matter where your unit is located, as well as the already over crowded S. Kihei Rd.

Sometime through the many years of owning our Kai Nani unit we learned of the easement rights through our driveway if the land were ever to be built on behind our complex. We had complete belief and confidence that the political community would have the environmental impact and concerns first and foremost in their decision making. We truly believed we had nothing to fear. Suddenly that has all changed.

The idea that 73% of that open space , Lot 1-A land would be covered with buildings and pavement isn't Maui Island environmentally minded. We are very close to the best beaches in Maui county, and the trees and birds and natural vegetation add to the islands charm and beauty. The 10 trees that would be destroyed have been there for 45 years. The Haden mango tree has the best mangos we've ever eaten and they are enjoyed by the whole complex. To replace them with the minimum requirement is truly disturbing. This area is also a potential flood problem, we hope that issue is being taken into account as well.

It is our understanding that the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including water line, fire line, as well as other utilities needed than through our driveway. We would like to believe that the planning commission would also require the new residents of the property to use new access road. If the residents were to only use the Kihei Kai Nani driveway as well as all the residents at Kai Nani it would only make the driveway more dangerous than it already is. There is a high amount of foot traffic going across the driveway, to double the traffic would mean making it a road and putting in a stop light. The easements rights of long ago where based on population and traffic conditions at that time.

Since zoning is not yet approved for development of Lot 1-A , we urge the Urban Design Review Board not to allow the current design aspect proposal to pass. It would permanently destroy the peace and enjoyment of Kihei Kai Nani for us owners and guests.

Thank you for your consideration.
Owner since 2002

Richard and Diana Hayes

(54)

Raymond Cabebe

To: Carol Grosse; planning@mauicounty.gov
Subject: RE: Lot 1-A Victory Development
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr. & Ms. Grosse,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

   b. Lot coverage

   Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

   c. Floor area ratio.

   Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff.

It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

c. Open space.

Lot 1-A has been vacant for several decades, however it has been identified as infill development and historically designated for development. Following are the current land use designations:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

4. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

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8. **Safety.**

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Carol Grosse [mailto:cgrosse@charter.net]
Sent: Monday, August 03, 2015 2:13 PM
To: planning@mauicounty.gov
Subject: Lot 1-A Victory Development

August 3, 2015

Dear Mr. William Spence,

We own a condo at the Kihei Kai Nani resort and would like to formally express our concerns regarding the design aspects of Lot 1-A by Victory Development under review at the upcoming Urban Design Review meeting on 8.4.15. The land is under zoning consideration for condo hotel development.

The new design proposal will have a devastating impact on the entire complex.
The proposed design aspect , if developed under the current plan, will cover approximately 73% of Lot 1-A with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Is there a recent environmental impact report? One should definitely be required. Under the current plan, only the gulch, which is a narrow passage between Kihei Kai Nani and Lot 1-A, will remain as open space.

Previously the planning commission required Victory Development to further mitigate the water run-off problem created during rain storms. During rain storms a torrent of water flows from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that any mitigation has been planned or accomplished. This is of great concern because run off during storms creates a flooding issue all the way down to the ocean from Lot 1-A. We hope that you will consider this design aspect at the Urban Design Review Board meeting. It should also be included in an environmental impact report with attention to potential future pollution to the Kihei Kai Nan resort, the beaches and the ocean.

The design aspect of Lot 1-A by Victory Development would destroy the landscape barrier between the Kihei Kai Nani resort and Lot 1-A. The development of Lot 1-A by Victory Development will tear down 10 beautiful 45 year old trees including a money pod, shower trees, and a Haden mango tree, turning the open space into a parking lot. These magnificent old trees will be replaced with the minimum required by the Urban Design Review Board.

The Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed. What is the plan for this and what options are being proposed?

Victory Development is requesting zoning for a condominium hotel. We are concerned that if they are granted permission to use the Kihei Kai Nani narrow parking lot as a road to bring in construction equipment across the Kihei Kai Nani property, this would in fact destroy the Kihei Kai Nani resort and its 180 units and 185 parking spaces. This proposal would eliminate 90 parking spaces that are need by guests and residents. Every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact not only the Kihei Kai Nani resort complex but on the Kihei community as a whole.

A change in zoning is not yet approved for development of Lot 1-A. We urge the Urban Design Review Board to consider some much needed changes to the current design aspect proposal. Thank you for your help in this matter.

Kihei Kai Nani owners for more than 10 years....

Robert and Carol Grosse
2495 S. Kihei Road unit 257
Kihei, Maui 96753

55

Raymond Cabebe

To: dpowers123@aol.com
Cc: planning@mauicounty.gov
Subject: RE: Victory Development Lot1-A
Attachments: DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Powers,

Thank you for your email of August 3, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
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34%	35%	35%

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Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Flooding.**
   a. Gulch/drainage channel.

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effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

3. Lot 1-A.

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

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Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

5. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

7. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

8. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: dpowers123@aol.com [mailto:dpowers123@aol.com]
Sent: Monday, August 03, 2015 3:05 PM
To: planning@mauicounty.gov
Subject: Victory Development Lot1-A

Dear Mr. Spence,

As an owner at Kihei Kai Nani, I would like to formally express my concerns regarding the design aspects under review at the upcoming Urban Design Review on 8.4.15 of Lot 1-A by Victory Development. The land is under zoning consideration for condo hotel development. I own unit 175, which is at the very back of the complex. The aspects of the new design proposal will cause a devastating impact to my location and enjoyment of the property, particularly the fact that the design aspect proposed will cover 73% of Lot 1-A, if developed under the current plan, with buildings and parking. Currently the lot is beautiful open space full of birds and natural vegetation. Under the current plan, only the gulch will remain as open space which is a narrow passage between Kihei Kai Nani and Lot 1-A, with all other open space replaced with buildings and parking spaces.

I know that previously the planning commission did require Victory Development to further mitigate the water run off problem created during rain storms, causing water flow coming from Lot 1-A down thru the Kihei Kai Nani complex. There is no evidence that this has been completed. This is of great concern because run off during storms creates a roaring river down to the ocean from Lot 1-A. I would like that design aspect to be addressed at the Urban Design Review Board meeting as well.

The design aspect of Lot 1-A by Victory Development would also destroy the current landscape barrier between Kihei Kai Nani and the currently open landscape of Lot 1-A. The development of Lot 1-A by Victory Development will tear down 10 forty-five year old trees including a money pod, shower trees,
and Haden mango tree, turning the open space into a parking lot. These magnificent old trees will be replaced with the minimum required by the Urban Design Review Board. Please do not let this design proposal pass.

Also, the design aspect of the building locations would impinge on the privacy of Kihei Kai Nani owners, with the closeness of the proximity to our buildings. All these are design aspects that are not in the best interest of the Kihei Kai Nani residents nor the Maui landscape.

Since the Planning Commission has required Victory Development to seek other methods of bringing in construction trucks and utilities, including a water line, fire line and sewer line, as well as the other utilities needed, I would like to know what that plan is. I understand these factors figure into the design review, I would like to know what options have been arranged.

Since Victory Development is requesting zoning for condominium hotel, I am greatly concerned if they are granted easement to travel across the quiet Kihei Kai Nani driveway. Kihei Kai Nani has
180 units and 185 parking spaces. This proposal would turn the driveway into a road, eliminating 90 parking spaces that are need by guests and residents, every unit needs a parking space. Use of the driveway as an avenue for construction will endanger guests and full time residents. This will cause a negative impact on the Kihei Kai Nani complex and all future enjoyment of the property.

Since zoning is not yet approved for development of Lot 1-A, I urge the Urban Design Review Board not to allow the current design aspect proposal to pass as it will perminately destroy the beautiful landscape and enjoyment of Kihei Kai Nani for the owners and guests.

Thank you,
Debra Powers

2495 S.Kihei Road #175
Kihei, Maui 96753
760 518 8490

58

Raymond Cabebe

From: Raymond Cabebe
Sent: Friday, September 11, 2015 4:14 PM
To: 'Rich and Peg Tuott'
Subject: RE: Nani Loa Condominium Hotel

Rich,

Access to the proposed project is by the perpetual easement through the Kihei Kai Nani driveway.

R. Raymond Cabebe, LEED® AP BD+C
Land Planner
CHRIS HART & PARTNERS, INC.
115 N. Market Street
Wailuku, Maui, Hawaii 96793
voice: 808.242.1955 x556
facsimile: 808.242.1956
direct: 808.270.1556
www.chpmaui.com

From: Rich and Peg Tuott [mailto:rptuott@hotmail.com]
Sent: Tuesday, August 25, 2015 2:47 PM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Subject: Nani Loa Condominium Hotel

Good afternoon,

What is the access route to get to the new hotel? Is it the perpetual easement that connects to the Kai Nani Center parking lot?

Thanks,

Rich Tuott

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

5. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

6. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

7. **Private views.**

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

As such, the owner is proposing to develop consistent with the County's land use guidance system.

8. **Lot 1-A.**

a. Trees, plantings.

The owner will be engaging an arborist to assess the existing trees on Lot 1-A. Where possible, appropriate tree species, as determined by the Maui County Planting Plan, will be relocated on the site.

b. Habitats

The U.S. Fish and Wildlife (USF&W) Service has reviewed the project and recommends several measures to mitigate potential impacts on listed threatened or endangered species in the vicinity. These measures will be implemented, although the USF&W Service has determined that there is "no critical habitat in the vicinity of the project area."

9. **Driveway Circle.**

Approximately half of landscape circle at the top of the Kihei Kai Nani driveway lies within the proposed project site and is proposed to remain as is.

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Stephanie Lowe [mailto:edenanani@yahoo.com]
Sent: Wednesday, August 26, 2015 10:08 PM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Subject: Nani Loa Project concerns

ATTN: Raymond Cabebe, Chris Hart and Partners

Aloha,

I am an owner at the Kihei Kai Nani, and did receive a recent letter regarding your upcoming Info Meeting Sept 16 pertaining to the Nani Loa Project.

I am sure it is of no surprise to you that owners at the KKN are troubled by the project and its negative impact on the KKN.
Since I live on the Mainland, I will not be able to be present on Sept 16 for questions and answers we may have. I would like to know:
1) Has it been resolved that the Nani Loa will NOT use the Easement in our parking lot during construction, and that an alternative entrance has been designated for residents of the Nani Loa instead of using the So Kihei Rd as originally planned?
2) The 3 and 4 floored construction does directly and negatively affect our view of Haleakala and to our visitors.
3) The extra plumbing demands are a concern in how they comingle with the KKN
4) water runoff and flooding
5) Destroying vegetation, 45+ year Mango tree and native bird habitat which is such a delight to our visitors
6) destroying our Roundabout, and greatly increasing the noise and traffic factor.

I understand "progress" is inevitable in society, but if the Entrance through our parking lot easement would be completely avoided and our roundabout, vegetation, bird habitat stay untouched, it would go a long way in making goodwill with the owners of the KKN rather than strife, resentment and negative impact environmentally, financially and emotionally.

Mahalo,
Stephanie Lowe/Edena Nani LLC
Owner KKN unit 269

(4)

Raymond Cabebe

From: Stephanie Lowe <edenanani@yahoo.com>
Sent: Thursday, May 14, 2015 3:53 PM
To: planning@mauicounty.gov
Subject: Kihei Nani Loa BAD IDEA

Dear Sirs,
I am an Owner at the Kihei Kai Nani, and feel very troubled at this infringement on my vacation rental property. This will completely destroy the appeal to our Vacation renters if you begin construction on the Kihei Nani Loa. The quietness is what is so appealing to our renters, and the invasion on our driveway easement would be the final straw. Nobody wants construction, going on during vacation, and worse yet the traffic flow through our parking lot to So Kihei Rd consistently after completed.
I understand Maui would love the tax dollars, but this is defeating your objective.
It is a turn off that nobody would want to visit. Don't destroy a great thing. Leave the Kihei Kai Nani property alone.

Mahalo,
Stephanie Lowe,Edena Nani LLC
Owner/Kihei Kai Nani 269

(A)

Raymond Cabebe

From: edenanani <edenanani@yahoo.com>
Sent: Wednesday, June 03, 2015 7:41 PM
To: planning@mauicounty.gov
Subject: NO to Kihei Nani Loa
Attachments: 2015-06-03 To Owners From Bette Belanger. Letter written to County Email only.pdf

Dear Sirs,
There is a proposed building project called Kihei Nani Loa, and as an owner at the Kihei Kai Nani, I am greatly concerned about this irresponsible indeavor.
To destroy our property, eliminate our rental and tax revenue under the guise that they are meeting a need to build more facilities for tourism is outrageous.
I urge you to look closely at the plans they propose and not be fooled by the song and dance.
The storm drainage, plumbing, noise, sewage and beauty would all be impacted negatively.
I respectfully ask you to put a halt on it, and listen to the wisdom of our President/AOAO, that deeply understand the impact.
I have attached a letter speaking of these matters.
Warmest Mahalo,
Stephanie Lowe
Owner unit 269, KIHEI KAI NANI
edenanani@yahoo.com

Sent from my Samsung Galaxy Tab® S

(60)

Raymond Cabebe

To: Berney Coleman
Cc: Raymond Cabebe
Subject: RE: Nani Loa

Dear Mr. Coleman,

Thank you for your email of August 28, 2015, our responses to your comments are provided below.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Berney Coleman [mailto:bcoleman48@gmail.com]
Sent: Friday, August 28, 2015 9:45 AM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Subject: Nani Loa

Aloha,

I got your letter regarding the Nani Loa project. I was wondering if there was a website or someway I could see the renderings of the proposed project as I will not be able to attend.

Mahalo,

Berney Coleman
Kihei Akahi
808-276-8910

(6)

Raymond Cabebe

To: Anthony Kathol
Cc: Raymond Cabebe
Subject: RE: Submitted Questions for Community Informational Meeting (September 16, 2015)

Dear Mr. Kathol,

Thank you for your email of August 31, 2015, our responses to your comments are provided below.

1. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

2. **Infrastructure.**
   a. Water.

   The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

      i. Irrigation source.

      Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:
      - Plantings will be a combination of native and climate adapted (Zone 3) species.
      - An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

   b. Sewer.

   Victory Development intends to install its own sewer line to serve the project.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Anthony Kathol [mailto:akathol@gwtc.net]
Sent: Monday, August 31, 2015 12:35 PM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Subject: Submitted Questions for Community Informational Meeting (September 16, 2015)

Dear Mr. Jordan Hart via Raymond Cabebe,

I am in receipt of your letter from your company dated August 17, 2015. Questions are being submitted by myself in response to the proposed Nani Loa Condominium Hotel project since I will not be able to attend the scheduled meeting on Wednesday, September 16, 2015.

I received a response from you via Email on October 28, 2014, in regards to my questions that I submitted to you prior to purchasing a condo within the Kihei Kai Nani complex. Since then I have purchase a condo unit in Building 10 that is located within the adjacent complex to the proposed project area. Personally, I have no objections to the project. You were responsive to my questions and was done in a professional manner; however, I consistently receive feedback from members of our association who dislike the project because the impacts it may have on our ability to rent out our properties during the project's construction phase and the harmful environmental effects it may have on the footprint of the property and the surrounding adjacent properties.

The following are my questions in regards to the proposed project:

1. Your response to my Email said that in order to mitigate the storm runoff from the property, the county standard is "to retain 100% of the increase in runoff resulting from development." If this is the county standard, where will the total retention pond be constructed in relationship to the Kihei Kai Nani complex and what will that area look like (in square feet)? I assume the size of the pond will be dependent upon what year design rainfall intensity curve is selected in calculating the peak overland flow. Have you chosen your intensity curve that will be used to size the retention pond? What is the intensity curve that you will use to make the determination of the retention pond size? As you know, additional runoff will be contributed as a result of the proposed development.

The basis for my question revolves around the idea that if storm runoff is captured in a total retention pond, there will be water that is contained. Is it possible that there will be stagnant water in this pond over the course of days/weeks after a downpour has occurred and the runoff has been collected? Could there be algae blooms on this pond that may create displeasing aesthetics/odor and create a potential harbor for mosquito breeding in an high concentrated area of tourists that may potentially be exposed to West Nile virus? How do the owners of the project propose to handle any stagnant water that may be a result of runoff activity?

2. In regards to the water and sewer infrastructure for the project, is it your intention to connect the Hotel project to the existing water and sewer mains currently within the premises of the Kihei Kai Nani complex? If so, does the project have sufficient funds whereas a joint partnership between the association and the project could potentially pool financial resources such that both could upgrade the current existing water and sewer collection mains within the Kihei Kai Nani complex for the benefit of both the association and the Nani Loa Condominium Hotel project?

To my knowledge, the current infrastructure was built in the 1970s and it is to my understanding that the current water and sewer infrastructure is in need of upgrade in the near future. If the Hotel project is going to impact the association by contributing additional sewer flow in the main line and tapping off an existing water main (if this is your intention), I see it as a win-win situation for both the association and the Hotel project to work together to benefit both parties. The upgraded water and sewer infrastructure may be the ticket to win over support from the association for the Hotel project. After all, we will be neighbors and therefore, both the Hotel and Kihei Kai Nani complex would be benefiting from the improvements if made now rather than at a later date when costs will be higher. I would hope this could be entertained by the owners of the Hotel project. A contribution in making improvements to the existing water and sewer mains could be used to persuade those opposed to the project. The costs of making the upgrades now would be offset by the association reducing HOA fees and special assessments in the future if there is a partnership and/or agreement worked out to make these necessary improvements. The costs could be shared based on a pro-rata share of the amount of water planned to be delivered to the Hotel project as well as the amount of sewer generated. To me, this is a common sense approach in how two parties could equally benefit when pooling each others resources.

There will always be those who dislike a project, but if there is a way to gather enough support by taking the approach that I have described above, then both parties win.

Best wishes in obtaining your SMA Use Permit & Community Plan Amendment by the County of Maui.

Sincerely,

Anthony G. Kathol, P.E.
Commander (Ret.), US Public Health Service
Owner, KKN 10-165

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Raymond Cabebe

To:	Stephanie Lowe
Cc:	Raymond Cabebe
Subject:	RE: Nani Loa Project concerns
Attachments:	Kihei Nani Loa BAD IDEA; NO to Kihei Nani Loa; DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Lowe,

Thank you for your emails of May 14, June 3, and August 26, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

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October 22, 2015

Mr. Robert & Arlene Nicholas
25 Ballard Ave
Kettle Falls, WA 99141

Dear Mr. & Ms. Nicholas:

RE: Comment responses for the Draft Environmental Assessment (DEA) for the Nani Loa Condominium Hotel Project, Kihei, Maui, Hawaii; TMK: (2) 3-9-020: 032; (EA 2015/0004) (SM1 2015/0004) (CPA 2015/0002)

Thank you for your letter of September 10, 2015.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.
In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

Thank you again for providing us with your letter. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Todd Leibl
Mr. Greg Walker
Mr. Paul Fasi
Project File 13-075

(64)

Raymond Cabebe

To: Bill Armstrong
Cc: Raymond Cabebe
Subject: RE: Nani Loa Hotel Condominium
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Armstrong,

Thank you for your email of September 14, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Bill Armstrong [mailto:singnrev@hawaii.rr.com]
Sent: Monday, September 14, 2015 9:02 AM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Subject: Nani Loa Hotel Condominium

I am an owner at Kihei Kai Nani. We are going off island today 9/14/15, so we will not be able to make your meeting. We just want to go on record we are against zoning change.

We realize this project is going to happen because this is what always happens in Maui. Little by little builders are ruining our little piece of paradise.

If this goes through we just want to ask that the KKN and all of the owners do not suffer from the 1% with the money to build things that change everything. Please use the new road above for all of the construction and future traffic this project will bring. South Kihei road is already a disaster most of the year for drivers, cyclist, walkers not to mention all the commercial trucks.

I don't think you realize the future outcome if this goes though the KKN.

Please use your heads and think about the people already paying taxes to the county year after year. There needs to be a compromise.

Thank you for listening and we are sorry to not being able to attend the meeting.

Bill and Laurie Armstrong
870 Malulani St. Kihei 96753

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Raymond Cabebe

To: Michael Reed Gach; don.couch@mauicounty.us
Cc: planning@mauicounty.gov
Subject: RE: Kihei Multi Family Housing for Nani Loa Development
Attachments: KKN CPR Declaration No.5.pdf

Dear Mr. Gach,

Thank you for your email of September 15, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Infrastructure.**
   a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

3. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

5. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Michael Reed Gach [mailto:mrgach@att.net]
Sent: Tuesday, September 15, 2015 1:31 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Subject: Kihei Multi Family Housing for Nani Loa Development

Don Couch, Chairman of the Council Planning Committee
William Spence, Director Maui Planning Commission
Jason Medeiros, Commission Member for Kihei

We are writing to urge you to keep Nani Loa, the Lot1A, directly behind Kihei Kai Nani (KKN) a Multi Family (MF) housing per the Kihei-Makena Community Plan of 1998.

Our concerns as KKN owners are how to maintain easement rights through our property, bringing in all their utility lines up our driveway, including a water line, fire line, sewer lines, electric, and cable, tearing up our drive way for the 2 years required to build. This would seriously hurt our KKN property economically.

We urge the Maui County Planning Commission to resist access through our KKN property and instead approach the Lot1A from the N-S Collector Road, which will soon be open.

Please do not grant Nani Loa a H2 status. This would allow another developer to build up to 96' high! If Lot 1A received a H2 status, the Aloha Villages could request the same status for their over 8 acres, putting too much congestion in the area.

Mahalo for your consideration,

Barbara & Michael Gach
Owners at Kihei Akahi &
Owners at Kihei Kai Nani
South Kihei Residents

(66)

Raymond Cabebe

To: Carolyn Samson; planning@mauicounty.gov; don.couch@mauicounty.us
Subject: RE: 2495 S. Kihei Rd.
Attachments: proposed Nani Loa Condominium; DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Ms. Samson,

Thank you for your email of August 25 and September 15, 2015, our responses to your comments are provided below.

1. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

2. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood

this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. Flooding.

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

5. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

6. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

7. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible.

8. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

9. **Setbacks.**

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30

Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Carolyn Samson [mailto:carolynlsamson@gmail.com]
Sent: Tuesday, September 15, 2015 9:07 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Subject: 2495 S. Kihei Rd.

I am an owner at Kihei Kai Nani, and am writing you to protest the upcoming request to rezone Lot 1A to H2-Hotel. Their only access is through our property. That means our property could be unusable for the entire time of their building process. It means they could build up to 96' high building. I also protest your allowing anything to be built on that land locked property.... Now when it rains all the rain off comes rushing down our driveway, at one point flooding our swimming pool with mud. Plus, the property is so small that any of these extraordinary plans are untenable. Extensive run off plans have not been proposed. Imagine our small driveway being inundated with the kind of traffic that will ensue with both construction and subsequent occupancy. The whole project will impact our investment and our ability to rent our units.

Carolyn Samson
KKN, unit 349

57

Raymond Cabebe

From: Carolyn Samson <carolynlsamson@gmail.com>
Sent: Tuesday, August 25, 2015 9:11 AM
To: Raymond Cabebe
Subject: proposed Nani Loa Condominium

I am an owner at Kihei Kai Nani, and am writing to express my opposition to the plans to develop the lot behind KKN. I will not be on Maui to attend the Community Informational Meeting, and want my opinion expressed.

1. the building site is much too small for the plans for two buildings, one 3 and one 4 story
2. the access is through KKN, and such a large project will be very disruptive to our condominium. It is tight in the driveway now, and large trucks will be overwhelming and also ruinous to our driveway.
3. when it rains, the water runs down the draw in amazing quantities, often causing flooding. With the removal of all the vegetation on that lot, the situation will be exacerbated.
4. the noise of the construction will impact our ability to rent our units and make life miserable for occupants of our 180 units.
5. 39 units are proposed. The addition of this much additional traffic will be more than a nuisance to KKN.

Carolyn Samson
unit 349

67

Raymond Cabebe

To: Laurie Armstrong; planning@mauicounty.gov
Subject: RE: Lot 1 A
Attachments: New condo in Kihei; Nani Loa Hotel Condominium; Lot 1 A; DrainageMap.pdf; KKN CPR Declaration No.5.pdf

Dear Mr and Ms. Armstrong,

Thank you for your emails of May 26 and September 14, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Alternate access.**

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

3. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

4. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is

expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

5. Effects on rental business.

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Laurie Armstrong [mailto:lolomaui@hawaii.rr.com]
Sent: Monday, September 14, 2015 5:39 PM
To: planning@mauicounty.gov
Subject: Lot 1 A

Please do not allow the zoning change for that Victory Development are requesting. You will be ruining the area and every owner of all the condos and homes in the area will suffer.

Thank you,
Bill and Laurie Armstrong
870 Malulani St. Kihei Hawaii
96753

(14)

Raymond Cabebe

From: Laurie Armstrong <lolomaui@hawaii.rr.com>
Sent: Tuesday, May 26, 2015 9:11 AM
To: planning@mauicounty.gov
Subject: New condo in Kihei

I am just writing you for the second time to remind you we do not need another condo complex in Kihei that can only be entered and exited from S. Kihei road.

If you would like to stay at our condo at Kihei Kai Nani for a couple of days in the winter to experience the traffic, it is a horrible idea.

Thank you,

Bill and Laurie Armstrong
875-0145

(64)

Raymond Cabebe

From: Bill Armstrong <singnrev@hawaii.rr.com>
Sent: Monday, September 14, 2015 9:02 AM
To: Raymond Cabebe
Subject: Nani Loa Hotel Condominium

I am an owner at Kihei Kai Nani. We are going off island today 9/14/15, so we will not be able to make your meeting. We just want to go on record we are against zoning change.

We realize this project is going to happen because this is what always happens in Maui. Little by little builders are ruining our little piece of paradise.

If this goes through we just want to ask that the KKN and all of the owners do not suffer from the 1% with the money to build things that change everything. Please use the new road above for all of the construction and future traffic this project will bring. South Kihei road is already a disaster most of the year for drivers, cyclist, walkers not to mention all the commercial trucks.

I don't think you realize the future outcome if this goes though the KKN.

Please use your heads and think about the people already paying taxes to the county year after year. There needs to be a compromise.

Thank you for listening and we are sorry to not being able to attend the meeting.

Bill and Laurie Armstrong
870 Malulani St. Kihei 96753

(68)

Raymond Cabebe

To:	Bettie
Cc:	planning@mauicounty.gov
Subject:	RE: Lot 1A
Attachments:	KKN CPR Declaration No.5.pdf; Re. Nani Ioa Project in Kihei

Dear Mr. and Ms. Ventura,

Thank you for your emails of July 30 and September 14, 2015, our responses to your comments are provided below.

1. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

a. Loss of equity.

In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

2. **Infrastructure.**

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

3. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. Traffic through KKN property

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5. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

6. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

7. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

8. South Kihei Road congestion.

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expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Bettie [mailto:kokuat@hawaii.rr.com]
Sent: Monday, September 14, 2015 8:42 PM
To: planning@mauicounty.gov
Subject: Lot 1A

Mr. William Spence, Director Maui Planning Commission

It is with great urgency that I am writing to you today to appeal to the commission to turn down the change in land use code for this property..Right now as it stands, the owners at Kihei Kai Nani stand to loose our peace and serenity should they even be allowed to build.. The contractor could take up to 2 years to build this property..We own 2 units at the Kihei Kai Nani that are used as a tourist rental..We have had these units for some 20 years and have many regulars come back each year..Disrupting their stays I fear would have them asking for their money back and they would go elsewhere..We depend on these rentals to pay the mortgages on the units. I ask that they find a different avenue to get their utilities etc. on the property.. We also ask that it not be changed to H2 as the height limits go up and the amount of units go up..More traffic, more congestion more noise..Please help us keep Maui Maui..we dont need another Waikiki.. Aloha and thankyou for any considerations towards our appeals.. June 'Bettie ' Ventura and Victor Ventura

34

Raymond Cabebe

From: Bettie <kokuat@hawaii.rr.com>
Sent: Thursday, July 30, 2015 9:36 PM
To: planning@mauicounty.gov
Subject: Re. Nani loa Project in Kihei

I am an owner of 2 units at the Kihei Kai Nani Complex...2495 S. Kihei Rd. You will be considering the permit for an SMA for Victory..Lot 1A.
I would like to put my no vote into this permit that you are considering..First off we are a small complex which is primarily rented to tourist through out the year. We depend on this income to pay our expenses and mortgages. Giving this company a go ahead would put our complex in jeopardy.. they will need to put in sewer, water, electric right up our driveway..Think of the confusion this will bring.. There are lots of elderly, young kids who walk up and down this road way all the time.. How dangerous this would all be..Having big construction trucks going up and down. This will not just be an overnight project..
It is projected to take 2 years..Think of the loss of rental revenue to us and taxes to be paid to the county and state should we loose our rentals because of construction. I ask as a local homeowner and property owner at the Kihei Kai Nani that you deny this permit to Victory..
Aloha and thankyou,

June Ventura
810 W. Kuiaha Rd
Haiku , Maui Hi. 96708
808-575-2032

68

(69)

Raymond Cabebe

To:	Vicky Drex; planning@mauicounty.gov; don.couch@mauicounty.us
Cc:	ceiserloh@yahoo.com
Subject:	RE: Victory request for zoning change
Attachments:	DrainageMap.pdf; KKN CPR Declaration No.5.pdf; Attention Mr. William Spence, County planning office; Victory proposed development

Dear Mr. & Ms. Drexhage,

Thank you for your emails of May 23, July 30, and September 15, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

2. **Construction.**

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

3. **Flooding.**

a. Gulch/drainage channel.

The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to

dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. Fire access.

A request was made of the Department of Fire and Public Safety to review the project, but has not responded thus far. It is anticipated that the Fire Prevention Bureau will ensure that proper access and adequate fire protection are provided.

5. South Kihei Road congestion.

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

6. Zoning/Community Plan conflict.

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

Thank you again for providing us with your emails. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Vicky Drex [mailto:vickydrex@comcast.net]
Sent: Tuesday, September 15, 2015 6:38 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Cc: ceiserloh@yahoo.com
Subject: Victory request for zoning change

We are residents at Kihei Kai Nani (KKN) and we would request that the planning commission maintain the MF zoning for lot 1A.

Our fears are that other neighboring properties would also request similar zoning change, resulting in more hotels in an area that is already severely impacted.

Sent from my iPad

(13)

Raymond Cabebe

From: karl drexhage <vikarl@comcast.net>
Sent: Saturday, May 23, 2015 6:32 PM
To: planning@mauicounty.gov; john kkn
Cc: Karl Drexhage; drexhage, vicky
Subject: Attention Mr. William Spence, County planning office

William Spence, 23 May 2015

We are property owners at Kihei Kai Nani at 2495 S. Kihei Rd since 2002. We split our time between Maui and California. We tend to be here during winter, spring, and autumn. Our concern on the SMA you are reviewing, is that this development will only impact the traffic and parking problem we now have on the property.

During winter we cannot turn left on S. Kihei Rd due to grid lock. The only exit we have is to turn right on S. Kihei Rd. and turn right onto to Alanui Ke'alii, make a u turn and turn left on S. Kihei Rd. to go south on S. Kihei Rd. In the event the condominium project proceeds and each condo is occupied with full time residents, it would mean an increase in traffic of some 80 cars per day, and if the units are vacation rental it would mean an increase of 40+ cars per day going in and out of the property.

Parking on KKN property has been a continued problem for us. KKN property is being used by over flow parking fron the public using Kam II beach, and restaurants south of KKN. Parking for the Beach is limited to approx 30 spaces on Kihei Rd., spaces not for public use are taken by Life Guard, cross walk, bridge spaces (9 spaces).

KKN property shares the right side of the driveway with the restaurants next door, including Mouse's, Freds, 808 Deli, and 808 Bistro. The total parking spaces for these businesses consist of 22 spots on the KKN driveway, parking adjacent to the restaurants consists of approx 45 spaces, (note that the majority of these spaces are for "compact" vehicles (approx 27). Only two handicap spaces (2 of total 67) are available. The parking spaces are shared by customers as well as many of the employees.

Respectively submitted,

Karl and Vicky Drexhage 2495 S. Kihei Rd. #204

(33)

Raymond Cabebe

From: karl <vikarl@comcast.net>
Sent: Thursday, July 30, 2015 5:29 PM
To: planning@mauicounty.gov
Subject: Victory proposed development

We are residents at Kihei Kai Nani and are very concerned about the proposed development by Victory. Issues that concern us include the impact of the added traffic for our access, impact of construction to our property, impact of flood control to our property, making emergency vehicles access more difficult, impact of increased noise from the high density of the complex, and overall feeling that the combined density of existing KKN units and Victory's proposed structures will make our neighborhood much less desireable for us residents and visitors.

The proposed development would significantly endanger the quality of our life at KKN.

Karl & Vicky Drexhage
2495 S. Kihei Rd. #204
Kihei, HI 96753
Tele 808 280 1898
Email vikarl@comcast.net

Sent from my iPhone

Raymond Cabebe

To: Jordan Hart; Raymond Cabebe
Cc: Todd Leibl; Greg Walker
Subject: RE: Nani Loa, Neighbor Call
Attachments: Kihei Kai Nani; KKN CPR Declaration No.5.pdf

Dear Ms. Kuchle,

Thank you for your email of June 03 and phone call on August 24, 2015, our responses to your comments are provided below.

1. **South Kihei Road congestion.**

The Traffic Impact Assessment Report (TIAR) documents existing traffic conditions and, using data from other future developments, predicts future traffic conditions in the year 2020. Traffic counts done at the KKN intersection with South Kihei Road during peak morning and afternoon hours documented 870 vehicles in the morning and 1,144 vehicles in the afternoon. With other developments in the region, it is expected that by the year 2020, this will increase to 1,010 in the morning and 1,327 in the afternoon. The Nani Loa project is expected to add 24 trips in the morning and 28 trips in the afternoon.

a. Left turns out.

With the high level of traffic passing through this intersection, it is understandable that left turns are difficult. According to the TIAR, the project would increase exit delay times by 7% during both the morning peak hour (from 17.2 seconds to 18.4 seconds) and the afternoon peak hour (from 20.1 seconds to 21.6 seconds). Victory Development is agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

2. **Infrastructure.**

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.

- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

3. Construction.

Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

a. Parking.

The project will be phased to allow for on-site parking during construction. Construction parking will not be allowed on the KKN property.

b. Noise.

Construction will be conducted during daylight hours. The developer will coordinate with KKN regarding the timing of construction. A noise permit will be obtained if and when necessary.

c. Nuisance.

A Best Management Practices (BMP) plan will be implemented for dust and erosion control. Measures will include minimizing time of construction, planting immediately after grading work, keeping bare areas sprinkled, and using temporary berms and silt screens, where needed.

4. Traffic through KKN property

Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

5. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible.

Thank you again for providing us with your email and comments. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

From: Jordan Hart
Sent: Monday, August 24, 2015 1:44 PM
To: Raymond Cabebe <RCabebe@chpmaui.com>
Cc: Todd Leibl <Todd@victorydevelopmentinc.com>; Greg Walker <Greg@victoryrealtymaui.com>
Subject: Nani Loa, Neighbor Call

Hello Ray,

I received a call from Nancy Kuchle (TMK 2390200030170).

Ms. Kuchle received the notice of neighbor meeting. She will not be able to attend because she lives in Kentucky; however she stated the following:

- She owns a ground floor unit
- She is concerned about construction phase impacts, specifically traffic
- She was not previously aware of the access easement
- She would prefer access from one of the abutting undeveloped parcels during construction

Jordan E. Hart

Attachments: ()

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Maui, Hawaii
96793-1706

www.chpmaui.com
Direct: (808) 270-1563
Fax: (808) 242-1956
Email: jhart@chpmaui.com

(20)

Raymond Cabebe

From: Nancy Kuchle <kuchlern@gmail.com>
Sent: Wednesday, June 03, 2015 9:55 AM
To: planning@mauicounty.gov
Subject: Kihei Kai Nani

Dear Mr. Spence, My name is Nancy Kuchle. I am the proud owner of one condo in the beautiful resort of KKN. I am vehemently opposed to any new resort to build in the rear of the KKN. The traffic on Kihei Road is very heavy and getting worse each year. As a whole, Maui is overbuilt now. Someday the water is going to run dry and the sewers overflow. The first time we arrived on Maui was in November of 1982. Maui was perfect then, but is now crowded and sometimes not as pleasant as it was in the 1980s.
I hope this email makes a difference. Mahalo and Aloha, Nancy Kuchle, Owner

71

73

Raymond Cabebe

From: Raymond Cabebe
Sent: Friday, September 11, 2015 4:44 PM
To: 'jerdahl63@gmail.com'
Subject: Nani Loa Condominium Hotel
Attachments: 14-030 Landscape Color Concept Plan (06-05-15).pdf

Attached is the Concept Landscape Plan that shows the location of the proposed buildings.

The entire Draft Environmental Assessment for the Nani Loa project can be found here: http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2010s/2015-05-08-MA-5E-DEA-Nani-Loa-Condominium-Hotel.pdf

The plans start at page 72.

R. Raymond Cabebe, LEED® AP BD+C
Land Planner

CHRIS HART & PARTNERS, INC.
LANDSCAPE ARCHITECTURE
CITY & REGIONAL PLANNING

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(74)

Raymond Cabebe

To: Gary James
Cc: planning@mauicounty.gov
Subject: RE: Victory Development/Nani Loa Project
Attachments: DrainageMap.pdf

Dear Mr. & Ms. James,

Thank you for your emails of September 17, 2015, our responses to your comments are provided below.

1. **Zoning/Community Plan conflict.**

The property is County zoned H-2 Hotel, which is the highest density hotel zoning (12 stories, 150% floor area ratio). All surrounding properties are H-2 or H-M Hotel zoned. The Kihei-Makena Community Plan designation is Multi-Family as are the properties to the north and east. KKN to the west and Kihei Akahi to the south are zoned and community plan designated Hotel. Historically, the surrounding area was known as the "Kamaole Superblock" in the Kihei Civic Development Plan (1970) intended for high density hotel development. The hotel designation for the parcel, the smallest of the surrounding properties, was maintained in the 1985 Kihei-Makena Community Plan, but was changed to Multi-Family in the 1998 update. The Community Plan Amendment will allow the community plan designation to revert back to its original designation to be consistent with County zoning and surrounding uses.

2. **Density.**
   a. Unit per acre.

In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
Nani Loa (proposed)	27.1
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Kihei Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

b. Lot coverage

Lot coverage is the ratio of building foot print to lot area. The building footprints total 21,168 square feet and the lot area is 62,639 square feet (1.438 acres) which results in a lot coverage ratio of 34%.

Nani Loa	H-2 Hotel	A-2 Apartment
34%	35%	35%

c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

3. **Flooding.**
   a. Gulch/drainage channel.

   The drainage channel that runs through the property is approximately 60 to 70 feet wide and 160 feet long. According to the County's 1997 Drainage Master Plan, this channel serves 307 acres mauka of Piilani Highway. The attached map shows the drainage area and the flow of water (blue line) to the proposed project site. By the County's drainage standards, the project is required to dispose of the increased runoff generated by the project so as not to create any additional adverse effects to adjacent or downstream properties. As required, the increased runoff will be retained onsite with an underground drainage system. In addition, Victory Development has made a commitment to retain 20% more of the increase which will improve the existing conditions. Based on County standards, the project will be doing more than its fair share to mitigate the storm runoff. It is unfortunate that the developer of KKN in the 1970s chose to design an above ground surface drainage scheme, but the project cannot control runoff from upstream. However, Victory Development will retain the storm flows generated by the proposed project plus an additional 20 percent.

4. **Effects on rental business.**

The developer acknowledges that most of the KKN units are rentals and an important source of income for many. The developer will make every effort to minimize construction impacts to all neighboring properties. The developer has met with the KKN board several times and is willing to work out concerns and timing of construction. Some strategies to limit impacts are to schedule construction during slower season, phase construction, and the concurrent installation of utility lines.

   a. Loss of equity.

   In their experience as real estate brokers, Victory Development notes that valuations tend to rise when neighboring properties are improved.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

-----Original Message-----
From: Gary James [mailto:g.d.james20@gmail.com]
Sent: Thursday, September 17, 2015 12:48 PM
To: planning@mauicounty.gov
Subject: Victory Development/Nani Loa Project

To William Spence, Jason Madeiros, Don Couch,

We thought that The Kihei-Makena Plan of 1998 settled the zoning for lot 1-A (the lot directly behind Kihei Kai Nani) as Multi Family . Now Victory Development ,Inc. is asking for a change in the zoning to H-2. Reasonable men would not try to build such a large project on approximately 11/2 acres of land especially land with known drainage problems.

Do were really need another Hotel/Condominium in Kihei? We own unit 373 at Kihei Kai Nani and we have it rented as a long term rental. What we enjoy about Kihei is the fact that local people live and play here. Please keep lot 1-A zoned Multi Family.

Thank You.

Sincerely,

Laurie and Gary James

Sent from my iPad

(76)

Raymond Cabebe

To: Paul Fasi; Raymond Cabebe
Subject: RE: Kihei Kai Nani Lot 1-A proposed project
Attachments: KKN CPR Declaration No.5.pdf

Dear Ms. Nowlin,

Thank you for your email of August 2, 2015, our responses to your comments are provided below.

1. **Traffic through KKN property**
Victory Development Inc., as the successor owner of Lot 1-A, location of the proposed Nani Loa project, has an existing perpetual access easement through the Kihei Kai-Nani (KNN) property, according to the Kihei Kai-Nani Declaration of Condominium Property Regime, originally dated June 25, 1969 and most recently restated on August 13, 2002. The declaration designates a "perpetual easement for roadway, sanitary sewer, utility and other purposes, appurtenant to and in favor of Lot 1-A ..." Declaration No. 5 details the "Rights, Powers and Privileges" of the owners of Lot 1-A (See: Attachment). It is understood this is viewed as an inconvenience for the owners of KKN, however the current owner of Lot 1-A, Victory Development, has no choice but to utilize its only legal access to a public roadway which is clearly identified in the KKN ownership documents. In regards to access during construction, Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

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The Developer must build the project as presented to the County. If there are substantial changes, the project must be reviewed again by the County.

3. **Density.**
   a. Unit per acre.
   In terms of unit density, the proposed project has a 27.1 units per acre ratio. This is reasonable when compared to other developments in the area:

Complex	Unit per Acre
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Nani Loa	H-2 Hotel	A-2 Apartment
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c. Floor area ratio.

Floor area ratio is the ratio of total building floor area to lot area. The building floor areas total 45,937 square feet which results in a floor area ratio of 73%.

Nani Loa	H-2 Hotel	A-2 Apartment
73%	150%	90%

4. Infrastructure.

a. Water.

The project has a water meter and as-built drawings indicate that the previous owner extended the water line to the project site. Once a property obtains a meter, water capacity is allocated by the County, who has determined there is sufficient water to supply the project. The latest low flow technology will maximize water efficiency and, as a result, the project will likely be more efficient than older developments.

i. Irrigation source.

Potable water will be utilized initially. The system will be designed to accept R-1 recycled water when it becomes available. Other water conservation measures:

- Plantings will be a combination of native and climate adapted (Zone 3) species.
- An automatic irrigation system, with rain sensors, will be installed with drip emitters (where appropriate).

b. Sewer.

Victory Development intends to install its own sewer line to serve the project.

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a. Left turns out.

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agreeable to re-striping South Kihei Road to provide a left turn storage lane into the Kihei Kai Nani driveway, if it is approved by the County.

b. Pedestrian crossing.

Heavy traffic volume does makes pedestrian crossing at this intersection challenging. By Hawaii law, drivers are obligated to stop for pedestrians in sidewalks and crosswalks. A flashing pedestrian crossing light is installed at this crosswalk. The TIAR documented 245 pedestrians using the intersection of South Kihei Road at Kihei Kai Nani during the morning peak hour and 135 pedestrians during the afternoon peak hour.

6. Setbacks.

Both building setbacks exceed minimum requirements. In addition, landscape buffers meet or exceed minimum requirements:

Setbacks (feet)		
Building 1	**Required**	**Proposed**
Front & Rear	17.5	30
Side	15	28
Landscape buffer front	4.4	12
Landscape buffer side & rear	3	3
Building 2		
Front & Rear	22.5	30
Side	15	22
Landscape buffer front	5.6	6
Landscape buffer side & rear	3	3

Since both mauka Kihei Kai Nani buildings are offset 21 feet from the Nani Loa boundary, the proposed project buildings are 51 feet from the nearest building on the Kihei Kai Nani property. Parking is 33 feet away from the north building and 27 feet from the south building.

7. Private views.

Public views are protected within the Special Management Area (SMA). Although the parcel has been vacant for decades, the parcel is designated as follows:

State Land Use:	Urban
Maui Island Plan:	Urban Growth
Community Plan:	Multi-Family
County Zoning:	H-2 Hotel

As such, the owner is proposing to develop consistent with the County's land use guidance system.

8. Alternate access.

The site plan allows for future access at the southeast corner, should an easement become feasible. Victory Development has a verbal understanding with the property owner to the north for construction access through that property via the North-South Collector Road (Liloa Drive).

9. Safety.

The developer acknowledges that the project will generate more traffic through the KKN property and will take measures to ensure the safety of residents and visitors.

Thank you again for providing us with your email. If you have any questions, please contact Raymond Cabebe at 808-242-1955 or rcabebe@chpmaui.com, or me.

Sincerely yours,
Jordan E. Hart, President

>>> Carol Nowlin <cnowlin56@gmail.com> 9/30/2015 2:16 AM >>>
http://www.kknaoao.com/kknaoao/images/stories/new_condo_proposed_for_south_kihei_may-2015.jpg

William Spence
Maui County Planning Director

Mr. Spence,

My parents purchased a condo in Kihei Kai Nani, Building 9, Unit 271 in 1974. We live in California, so this has been their home away from home, as well as rental property for many years. My mother has since passed away. My 97 year old father and I were just there a few weeks ago, during the hot spell, and were able to attend a presentation by Victory Development. I will refer to them as "the boys" in this correspondence. The boys put on a great presentation. It would be a beautiful complex IF they had their own entrance/exit, water, sewage, etc. The fact that they are being allowed to build on a lot intended for single/multi-family residences baffles me. I am still not clear on why the county thinks that this will not impact our complex. Getting into KKN from S. Kihei Road can be a challenge during peak season. With many pedestrians and cars, our biggest concern is that it will become a traffic nightmare and impact the community. They have no other option but to use our driveway, as this lot is landlocked and has easement rights. My father was on the KKN board at a point where they attempted to purchase this lot for tennis courts, etc. As soon as they showed interest, the price skyrocketed. There are many rumors flying around, one of them being that "the boys" are in cahoots with someone higher up and have no intention of actually building this. That they are just going for the H-2 zoning so they can sell the lot off to a hotel chain, make the BIG bucks and get out from under all the controversy that has surrounded this project. That being said, I would like to request, from you, that you consider this. If in fact this project is approved and is given H-2 zoning, is it possible to make it a contingency that "the boys" must actually build this monstrosity and cannot sell it as a re-zoned lot. That if they put it on the market, it instantly reverts back to a residential zoning. That the only way they retain H-2 is if they build. We would rather live with a 4 and 5 story complex than a high-rise hotel. If they get this re-zoned, who knows who they could sell it to undeveloped...Marriott, Hyatt, etc.? It's only one acre..it can't go out, it can only go up.

I find it interesting that there are "environmental" impact reports,

but no "human" impact reports.

Imagine owning a unit in KKN? This is our worst nightmare. Please put yourself in our shoes. There are many young families who stay here. Kids are always running out in our driveway. Our speed limit is 5mph, which in my opinion is too high. I personally snake my way down the driveway, expecting someone to jump out from between cars...and they do. I will be in town October 6-14, to attend our KKN board meeting on the 14th. There are almost 200 units in our complex, but very few owners are able to attend. I know I am speaking for the mass when I say that in our best interest, we wish this would go away and leave our little grass shacks in peace. Please feel free to reply at your earliest convenience as we have been instructed to contact you.

Respectfully, Carol Nowlin 650-464-5826 cnowlin56@gmail.com

Please forgive me if you have received several copies of this. I use gmail and this was sent from my Mac email. Apologies.

APPENDIX M
Community Meeting (9/16/2015) Report

CHRIS HART & PARTNERS

MEMORANDUM

To: File (Job No. 13-075)
Date: September 16, 2015
Subject: Neighborhood Informational Meeting for the Nani Loa Condominium Hotel

Purpose:
This meeting was to inform neighbors of the proposed development of the Nani Loa Condominium Hotel on TMK: 3-9-020:032 and the Draft Environmental Assessment submitted by the Victory Development in support of SMA Use Permit and Community Plan Amendment applications. Victory Development is proposing to construct a 39-unit condominium hotel with parking and other amenities.

Mail Out & Responses:
A letter, dated August 17, 2015, was mailed to all neighboring property owners within 500 feet (900), inviting them to a presentation at the Pool Pavilion on the Kai Ani Village property from 6:00 PM to 8:00 PM on Wednesday, September 16, 2015. (**See**: Attachments "Community Meeting Invitation", "Owners Within 500 Feet") The letter summarized the proposed actions and provided location map and a tax map. Owners were encouraged to submit requests for additional information by telephone, fax, or email, if unable to attend the meeting. 17 requests/comments were received by email, fax, or phone call (**See**: "Correspondence Received").

Informational Meeting:
The meeting was hosted by Mr. Greg Walker and Mr. Todd Leibl of Victory Development and Mr. Raymond Cabebe of Chris Hart & Partners, Inc., planning consultant for the project. Mr. Marty Cooper, project architect, was also in attendance.

There were twenty-three (23) attendees (**See**: "Sign In Sheet"). Based on their addresses, at least 5 attendees were from Kihei Akahi, and at least 10 were from Kihei Kai Nani (KNN). At least 4 live at in the residential subdivision makai of the project.

After a brief introduction by Mr. Walker, a slide presentation that covered the background, proposed improvements, design elements and other project information was shown (**See**: "Presentation"). The presentation highlighted the density of the project in comparison to neighboring properties and the how stormwater flows from 307 acres mauka of Piilani Highway. Questions were fielded after the presentation.

Following are the comments and concerns:

1. Traffic with trucks and machinery through Kihei Kai Nani during construction.
2. Access to North-South Collector Road (N-S Road) during and after construction.
3. Past proposed projects for Lot 1-A.
4. Project will cause more noise and traffic.
5. Condition of Kihei Kai Nani driveway.
6. Differences between Community Plan Multi-Family and County H-2 zoning.
7. Construction phasing, BMP plans, and scheduling.
8. A gentleman from Kihei Akahi expressed that he did not want the added traffic and noise that the project will cause.
9. A gentleman from Kihei Kai Nani acknowledged that in the past Kihei Kai Nani had the opportunity but did not acquire Lot 1-A.

Mr. Walker and Mr. Leibl spoke about the following:

- Victory Development, their roots on Maui, and about their successful development of Kai Ani Village.
- At this time the Applicant is about 95% certain that they will be able to obtain construction access through one of the properties to the east or the north to the North-South Collector Road.

- Permanent access across properties to the east and north will be difficult to obtain because of cost and unknown development plans.
- Acknowledgment that KNN and Kihei Akahi owners were also business owners and are worried about loss income and de-valuation of their property. Victory Development will work with the AOAO to minimize the construction impacts. In their experience as real estate brokers, Victory Development noted that valuations tend to rise because of improvements to neighboring property.
- Acknowledgment that utilities will have to be installed through the perpetual easement, but, in order to minimize impacts, will phase it, time it during slow season, and try to have all installations done at once.
- Questions about building height was clarified.
- Distances between existing and proposed buildings were clarified.

The attendees were thanked for their participation and the meeting was adjourned at 7:30 PM.

CHRIS HART
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 17, 2015

Dear Neighboring Property Owner:

SUBJECT: Community Informational Meeting for the proposed **Nani Loa Condominium Hotel** - situated at 2505 South Kihei Road, Kihei, Maui, TMK (2) 3-9-020:032 (1.438 acre)

Victory Development Inc. has applied to the County of Maui for a Special Management Area (SMA) Use Permit and Community Plan Amendment for the proposed 39-unit Nani Loa Condominium Hotel and would like to share their plans with you (**See Attached:** *Location Map* and *Tax Map*).

On behalf of Victory Development, Inc., Chris Hart & Partners, Inc. is cordially inviting you to a Community Informational Meeting:

Where: **Pool Pavilion on the Kai Ani Village property**
1367 South Kihei Road, Kihei, Maui, Hawaii
Date: **Wednesday, September 16, 2015**.
Time: **6:00 PM to 8:00 PM**

The project site is located in the State *Urban* District, is designated for *Multi-Family Residential* use by the Kihei-Makena Community Plan, and is Maui County zoned *H-2 Hotel District*. The property is currently vacant and bordered to the south and west by vacation rental developments.

If you have any questions, concerns, or just curious, please plan to attend this Community Informational Meeting where a presentation of the Nani Loa Condominium Hotel plans will be shared and an opportunity will be provided to have your questions answered or concerns recorded. Light refreshments will also be provided.

If you are unable to attend, you may mail your questions to the address on the bottom of this page, email to rcabebe@chpmaui.com, or fax to (808) 242-1956. Should you require additional information, please call Raymond Cabebe or me at (808) 242-1955.

Respectfully,

Jordan E. Hart, President
Land Planner

Attachments (2)
c: Victory Development Inc.

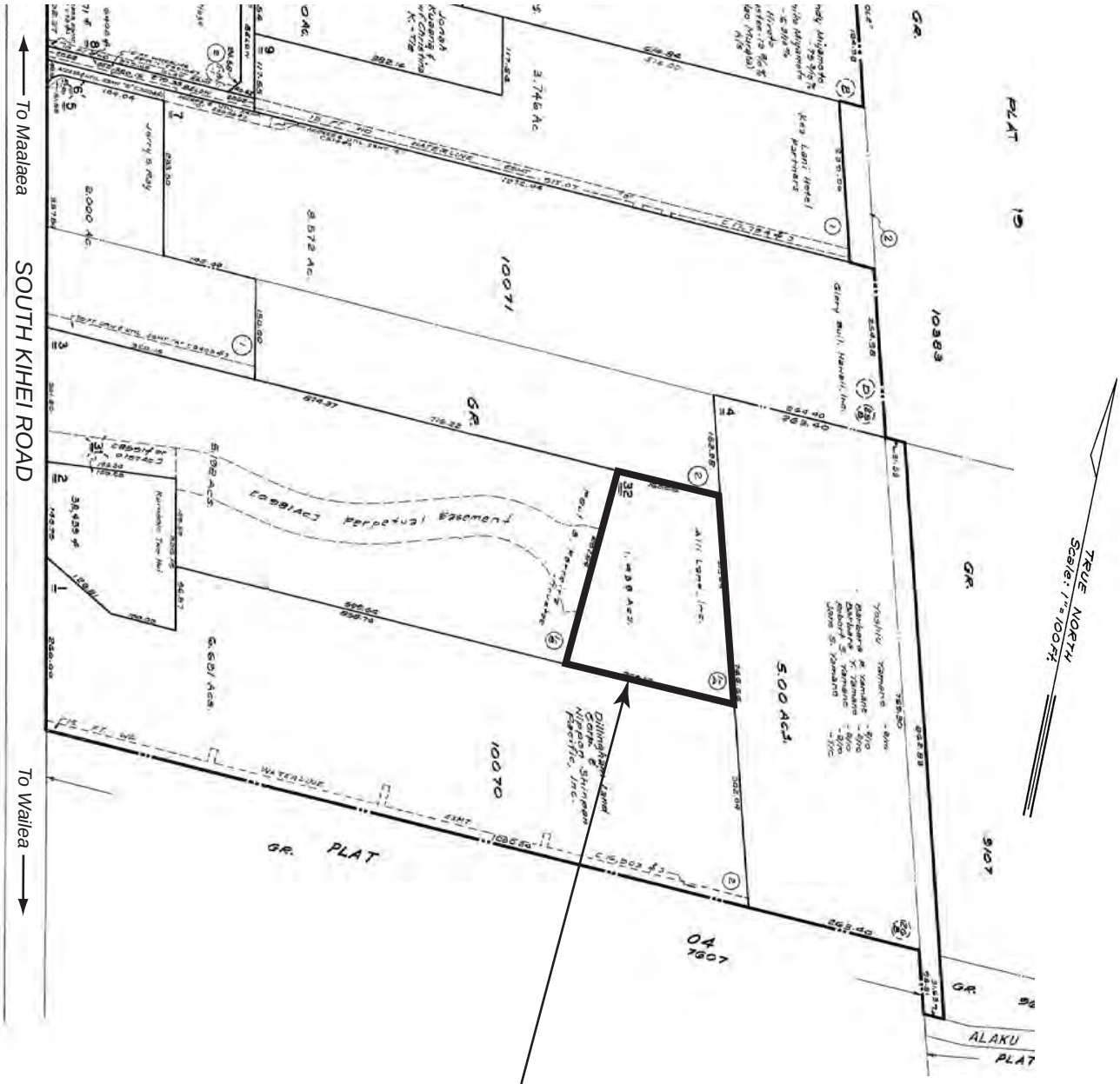
115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

LOCATION MAP

JUNE
2015

NANI LOA CONDOMINIUM HOTEL
TMK: (2) 3-9-020:032 Kihei, Maui, Hawaii
2505 South Kihei Road

CHRIS HART & PARTNERS, INC.



Parcel 32
Not to Scale

FEBRUARY
2015

TAX MAP

Nani Loa
Hotel Condominium

CHRIS HART & PARTNERS, INC.

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050001	ADAK INVESTORS	14802 OTSEGO ST		SHERMAN OAKS CA 91403	
2390040050002	GOLD CREEK DEVELOPMENTS LTD	C/O MARK ISAAKS	22565-125A AVE	MAPLE RIDGE BC V2X 9Z5	CANADA
2390040050003	BABAZADEGHAN,MEHDY MIRIN		1899 SAN PABLO DR	SAN MARCOS CA 92078	
2390040050004	LEONE,EDWARD/DIANA REVOC TRUST		21700 CALERO CREEK CT	SAN JOSE CA 95120	
2390040050005	GUTHMILLER,MARY THELMA	16626 SE LAKE HOLM RD		AUBURN WA 98092	
2390040050006	MORIMOTO,ICHIRO ETAL	ASTON-MAUI BANYAN, ACCT DEPT	2155 KALAKAUA AVE, SUITE 500	HONOLULU HI 96815	
2390040050007	BROCK STONE II FAMILY LIMITED PTNSHP	C/O CRAIG GIRABER	5509 34TH AVE SE	OLYMPIA WA 98503	
2390040050008	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050009	MACDONALD,DANIEL HUGH		2695 FORTRESS DR	PORT COQUITLAM, BC V3C 6A8	CANADA
2390040050010	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050011	MCKELLAR,MARK WILLIAM		5780-149 STREET	SURREY, BC V3S 8W4	CANADA
2390040050012	COOK,DONALD JAMES	10778 PETER ANDERSON RD		BURLINGTON WA 98233	
2390040050013	PERWIN,JACQUES	2575 S KIHEI RD APT B201		KIHEI HI 96753	
2390040050014	GUTHMILLER,MARY THELMA	16626 SE LAKE HOLM RD		AUBURN WA 98092	
2390040050015	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050016	TME ENTERPRISES, LLC	C/O VICTORIA ISABEL WOOD REVOC TRUST	1640 S PACIFIC ST, #7	OCEANSIDE CA 92054	
2390040050017	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050018	SULLIVAN,ADAM	C/O TAYLOR,LISA	PO BOX 1152	BRADFORD L3Z 2B5	CANADA
2390040050019	JUDD,DENNIS L		PO BOX 307	SEBASTOPOL CA 95473	
2390040050020	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050021	TAYLOR,STEVEN DANIEL		946 FALAISE CRESCENT	VICTORIA, BC V8Y 1A3	CANADA
2390040050022	CHEN,XIAOLI	PO BOX 305		GOSHEN MA 01032	
2390040050023	STINE,RICHARD C	2575 S KIHEI RD UNIT F-201		KIHEI HI 96753	
2390040050024	LINDQUIST,SANDRA LYNN	111 OGDEN DR		OREGON CITY OR 97045	
2390040050024	LOWE,JOHN KEITH	C/O LINDQUIST,EDWARD H/SANDRA LYNN	11 OGDEN DRIVE	OREGON CITY OR 97045	
2390040050025	KENT,SIDNEY WOMACK JR	279 HAMAKUA DR		KAILUA HI 96734	
2390040050026	POPOVICI,NICHOLAS A		2150 WYOMING AVE N W	WASHINGTON DC 20008	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050027	STAM,JEAN	250 SW 196 PL		SEATTLE WA 98166	
2390040050028	KAC PROPERTIES LLC	2575 S KIHEI RD F206		KIHEI HI 96753	
2390040050029	PAHLAD,RAYMOND ROHISH		2295 HARRISON DR	VANCOUVER, BC V5P 2P7	CANADA
2390040050030	ALBRECHT,BLAKE NEAL		202 VIA PASQUAL	REDONDO BEACH CA 90277	
2390040050031	FARWIG,STEVEN ANDRE	71 POAILANI PL		KIHEI HI 96753	
2390040050032	PLITT,ANTHONY TERRENCE	2575 S KIHEI RD G104		KIHEI HI 96753	
2390040050033	BALDWIN,VERNON		PO BOX 229	CABRI, SK S0N 0J0	CANADA
2390040050034	GUGLIUZZA,MARC L & SHEILA M TRUST	MARC & SHEILA GUGLIUZZA, TTEES	4641 GRAND AVE	WESTERN SPRINGS IL 60558	
2390040050035	GREGORY,MILFORD JOSEPH		120 THISTLE WAY	STRATHMORE, ALBERTA T1P1C7	CANADA
2390040050036	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050037	HARRIMAN,EARL		BOX 16, SITE 20, RR2	STRATHMORE, ALBERTA T1P 1K5	CANADA
2390040050038	FERRER,GUILLERMO E		29 SEARLES RD	GROTON NY 13073	
2390040050039	MCKAGUE,JUDY DOREEN	MCKAGUE,JUDY ETAL	2089 138A ST	SURREY, BC V4A 9X4	CANADA
2390040050040	PRITCHARD,VINCENT P	PRITCHARD,VINCENT ETAL	15275 SHERIDAN DR	PITT MEADOWS, BC V3Y 2T9	CANADA
2390040050041	BARTHOLOMEW,LUCINDA MARIE	2881 S KIHEI RD UNIT 30		KIHEI HI 96753	
2390040050042	RICE,ROBERT NELSON TR		830 KOLU ST	WAILUKU HI 96793	
2390040050043	SMITH,BRADLEY HOWARD TRUST	31914 LUPIN PL		LAGUNA BEACH CA 92651	
2390040050044	RICE,ROBERT NELSON TR		830 KOLU ST	WAILUKU HI 96793	
2390040050045	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050046	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050047	3D INVESTMENTS LLC	468 N CAMDEN DR STE 300		BEVERLY HILLS CA 90210	
2390040050048	ROSE,DAVID LINDSAY		128 HIDDEN VALLEY MANOR NW	CALGARY ALBERTA T3A 5V6	CANADA
2390040050049	KOBAYASHI,ROY JUNICHI	KOBAYASHI,ROY J/IKUKO	3540 CORNWALL CT	RICHMOND, BC V7C 5M7	CANADA
2390040050050	GUGLIUZZA,MARC L & SHEILA M TRUST	4641 GRAND AVE		WESTERN SPRINGS IL 60558	
2390040050051	ROTHSTEIN,ELLEN B AND DAVID F TR	4943 WILKINSON AVE		VALLEY VILLAGE CA 91607	
2390040050052	KLEIBER,ANDREW		1029 VIA DELA PAZ, UNIT 125	PACIFIC PALISADES CA 90272	
2390040050053	ACHEATEL,JACK R		7518 SOUTHBY DR	CANOGA PARK CA 91304	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050054	KATO,SACHIHIDE	ASTON AT THE MAUI BANYAN	2155 KALAKAUA AVE #500	HONOLULU HI 96815	
2390040050055	KINGMAN VENTURES LLC	10700 ALEXANDER FALLS AVE		BAKERSFIELD CA 93312	
2390040050056	SALOKA,KEVIN JAY		310 BEULAH CIR,#A	ANCHORAGE AK 99504	
2390040050057	EGRET INVESTMENT CO LTD		302-12033 RIVERSIDE WAY	RICHMOND, BC V6W 1K6	CANADA
2390040050058	THOMPSON,JEFFREY R & CHERIE A TR	THOMPSON,JEFFREY/CHERIE TRS	415 6TH ST	TUSTIN CA 92780	
2390040050059	LULOW,SUSAN	2575 S KIHEI RD APT G-401		KIHEI HI 96753	
2390040050060	PETERSON,DOUGLAS G TR	PETERSON,DOUGLAS G TRS	2575 S KIHEI RD,#G-405	KIHEI HI 96753	
2390040050061	0679542 B C LTD		13710-94A AVE UNIT 103	SURREY BC V3V 1N1	CANADA
2390040050062	JACOBS,RANDALL III		10225 MAIN TREE DR	ANCHORAGE AK 99507	
2390040050063	PETERSON,DOUGLAS G TR	PETERSON,DOUGLAS G TRS	2575 S KIHEI RD,G-405	KIHEI HI 96753	
2390040050064	WOODALL,WILLIAM MARK	2089 138A ST	SURREY, BC	V4A 9X4	CANADA
2390040050065	RINTOUL,RICK D		10438 32 A AVENUE	EDMONTON T6J 4H9	CANADA
2390040050066	DEMCHUK,WASIL/ANNA TRUST		300 HILLCREST BLVD	MILLBRAE CA 94030	
2390040050067	RASH,KENNETH FRANKLIN	OFSTEAD,SCOTT LUCANUS	1611 EDGEWOOD AVE SW	SEATTLE WA 98116	
2390040050068	PEZZELLA,S & M SURVIVOR'S TRUST	19902 BUCKHAVEN LN		SARATOGA CA 95070	
2390040050069	POULTER,GENE RAYMOND TRS	2575 S KIHEI RD APT G501		KIHEI HI 96753	
2390040050070	SMITH-KERLIN FAMILY REV TRUST	218 BALTIMORE AVE		HUNTINGTON BEACH CA 92648	
2390040050071	NAKAYAMA,KEIKO	ATTN: OKAMURA,GEORGE	PO BOX 235278	HONOLULU HI 96823	
2390040050072	SHULAR,KURT W	127 PORTICO PL		NEWNAN GA 30265	
2390040050073	CYMRU REALTY INC		2916 UNIVERSITY PL NW	CALGARY AB T2N2 4H5	CANADA
2390040050074	SNIDER,DAVID THOMAS	2575 S KIHEI RD #G 506		KIHEI HI 96753	
2390040050075	WILLIAMS,MARGARET ANN		5711 POOL CANYON CV	AUSTIN TX 78734	
2390040050076	EDDY,MICHAEL & SHERYL TRUST		2575 S KIHEI RD #G508	KIHEI HI 96753	
2390040050077	STINE,LARRY W AND SUSANNE G TRUST	1838 SHERMAN HILL RD NW		POULSBO WA 98370	
2390040050078	LEE,META TJAN	1188 BISHOP ST STE 1703		HONOLULU HI 96813	
2390040050079	HASHIMOTO,MITSUYOSHI	ASTON AT THE MAUI BANYAN	2155 KALAKAUA AVE #500	HONOLULU HI 96815	
2390040050080	RICHMOND,JOSEPH		3063 BLANE WAY	NAPA CA 94558	
2390040050081	WATSON,PHILIP G	2900 HIGHLAND CT		ARCATA CA 95521	
2390040050082	CLARK,EDMUND V	2575 S KIHEI RD Q-102		KIHEI HI 96753	
2390040050083	RITSCHER,APRIL	23715 SHEILA ST		MONROE WA 98272	
2390040050084	2575 KIHEI ASSOCIATES LLC	PO BOX 661096		LOS ANGELES CA 90066	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050085	FLEMINGS,LISSA CLARK		2575 S KIHEI RD #H-107	KIHEI HI 96753	
2390040050086	MUMMA,DAVID J		P O BOX 367	KIHEI HI 96753	
2390040050087	DOWD,JOHN J	DOWD,JOHN J/TINA	325 ELM ST	LEHIGHTON PA 18235	
2390040050088	LAW,ROBERT A	C/O ANDY LAW	10149 SASKATCHEWAN DR, APT#1401	EDMONTON, AB T6E 6B6	CANADA
2390040050089	HEINZ FAMILY TRUST	DIETER & LEE ANNE HEINZ, TTEES	1114 ALDER GROVE CR	ORANGE CA 92865	
2390040050090	CASEY,JEANNE MARIE		P O BOX 34	NEW CASTLE CO 81647	
2390040050091	COASTAL BLUE HI H113, LLC	1406 S CRAIN HWY STE 202		GLEN BURNIE MD 21061	
2390040050092	FARMER FAMILY TRUST	PO BOX 809		KIHEI HI 96753	
2390040050093	MACPHERSON,CHERYL ANN	10816 NW 7TH ST		VANCOUVER WA 98685	
2390040050094	SHAPIRO,LEONARD H		7830 80TH PL, SE	MERCER ISLAND WA 98040	
2390040050095	PREITAUER,STEVEN AND MARIE	7141 ORIOLE LN		NIWOT CO 80503	
2390040050096	NISWENDER,IDA R. FAMILY TRUST	C/O DANIEL SEIDEL	1776 LOIS LANE	SANTA CRUZ CA 95062	
2390040050097	DUDICK,KATHLEEN	PO BOX 790806		PAIA HI 96779	
2390040050098	IZUO,CLARENCE TOSHITSUGU TRUST		44-148 NANAMOANA ST	KANEOHE HI 96744	
2390040050099	HAWKSLEY FAMILY TR	C/O HAWKSLEY,DEREK/MARGARET	438 TAYBERRY LN	BRENTWOOD CA 94513	
2390040050100	MB208 LLC	ATTN: WENDY Y S THAYER, MGR	8103 S SPRUCE CT	CENTENNIAL CO 80112	
2390040050101	COASTAL BLUE HI H309, LLC	672 OLD MILL RD PMB 311		MILLERSVILLE MD 21108	
2390040050102	WOODALL,WILLIAM MARK	103-8411 200TH ST	LANGLEY, BC	V2Y 0E7	CANADA
2390040050103	COASTAL BLUE HI H211 LLC		672 OLD MILL ROAD, PMB #311	MILLERSVILLE MD 21108	
2390040050104	WRIGHT,RONALD HERBERT	WRIGHT,RONALD H/LINDA L	2575 S KIHEI RD,#H-212	KIHEI HI 96753	
2390040050105	TUOTT,RICHARD G	1731 CRESCENT CIR		ANCHORAGE AK 99508	
2390040050106	DANLEY,ROBERT L JR	450 HARRISON AVE		COLLINGSWOOD NJ 08107	
2390040050107	J G DUTRA & SON		4568 THORNTON AVE	FREMONT CA 94536	
2390040050108	YAMAGUCHI,MICHAEL S	18925 113TH WAY SE		RENTON WA 98055	
2390040050109	LOUDEN,PETER JAMES	2434 73RD AVE SE		MERCER ISLAND WA 98040	
2390040050110	HOESCHEN,SCOTT D		19652 DRYBROOK LN	HUNTINGTON BEACH CA 92646	
2390040050111	COASTAL BLUE HI H305 LLC		672 OLD MILL RD, PMB #311	MILLERSVILLE MD 21108	
2390040050112	MITCHELL FAMILY TRUST	MITCHELL,DOUGLAS & LINDA TTEES	200 DOUGLAS DR	SOQUEL CA 95073	
2390040050113	DR DEREK PREVOST INC	75 PEVERIL AVENUE	VANCOUVER, BC	V5Y 2L3	CANADA

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050114	LINDSEY,ANTHONY LANCE	3170 25TH ST		SAN FRANCISCO CA 94110	
2390040050115	COASTAL BLUE HI H309, LLC	1406 S CRAIN HWY STE 202		GLEN BURNIE MD 21061	
2390040050116	CATANIA,FRANCIS V	CATANIA,FRANCIS V/JEE	11A GREENLAWN DR	FAIRFIELD CT 06825	
2390040050117	TURGEON,THOMAS A	C/O TURGEON,THOMAS A/NATALIE	5692 SILVERTHORN PL	SHOREVIEW MN 55126	
2390040050118	CGSW HUI	ATTN: WENDY YS WONG	8103 S SPRUCE COURT	CENTENNIAL CO 80112	
2390040050119	CASANO,JOSEPH PAUL	CASANO,JOSEPH P/WARENNE P	3008 SILVER ESTATES	SAN JOSE CA 95135	
2390040050120	GOODMAN,STEVEN MARTIN	10102 EDWARD AVE		BETHESDA MD 20814	
2390040050121	CYMRU REALTY INC		2916 UNIVERSITY PL NW	CALGARY AB T2N 4H5	CANADA
2390040050122	BROOKS,CHARLES E TR	C/O CHARLES BROOKS	4370 AHOPUEO ST	KALAHEO HI 96741	
2390040050123	MONTGOMERY,GLENN HUGH		121 DEER RIVER PL, S E	CALGARY,ALBERTA T2J 6Y6	CANADA
2390040050124	BELL,KENNETH H		5873 MARINE DR	WEST VANCOUVER, BC V7W 251	CANADA
2390040050125	GOTTSHALK INTER-VIVOS TRUST	GOTTSHALK,ROBERT/JUNE TRS	26 SERNA	RANCHO SANTA MARGARITA CA 92688	
2390040050126	OPAROWSKI,STANLEY MICHAEL		13882 LAKE WILDWOOD DR	PENN VALLEY CA 95946	
2390040050127	KIM,YONG	53 MARINA BLVD		SAN RAFAEL CA 94901	
2390040050128	CELIA,THERESA		156 RAVENHILL RD	ORINDA CA 94563	
2390040050129	LEONE FAMILY TRUST	LEONE,JOSEPH M/JOANNE E TRS	1820 GAVIN CIR	AUBURN CA 95603	
2390040050129	LEONE,JOANNE E		1820 GAVIN DR	AUBURN CA 95603	
2390040050130	FRANKS/JOSSERAND FAMILY TRUST	7909 MAKAAOA PL		HONOLULU HI 96825	
2390040050131	LISKAY,LAURENCE CARL	9 VIENNA		LAGUNA NIGUEL CA 92677	
2390040050131	LISKAY,R MICHAEL	3560 NE 46TH AVENUE		PORTLAND OR 97213	
2390040050132	HOWDESHELL,JAMES ROBERT		3620 INDIAN CREEK CT	PLACERVILLE CA 95667	
2390040050133	KHORGE,TED/LOREN LIVING TRUST	KHORGE,TED B/LOREN A TRS	268 MARVILLA CIR	PACIFICA CA 94044	
2390040050134	MB CONDO, LLC	1111 SW BELMONT LN		TOPEKA KS 66604	
2390040050135	INUKAI,MASAYOSHI		#314 1-2-8 KOSHIENGUCHI	NISHINOMIYA HYOGO 663-8113	JAPAN
2390040050136	OAS,DANIEL REIDAR	6429 MOODY OAKS LN		ALEXANDRIA LA 71301	
2390040050137	CALCASOLA,PETER	C/O ROPER & FURLEY INVESTMENTS LTD.	123 BEECHMONT CRES SASKATOON SK	S7V 1C6	CANADA
2390040050138	BAER,ANDREA	2575 S KIHEI RD #H504		KIHEI HI 96753	
2390040050139	NAGEL,JOHN CHARLES	1412 ISABELLA ST		WILMETTE IL 60091	
2390040050140	BARTLES,ERNEST W	2575 S KIHEI RD APT H506		KIHEI HI 96753	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050141	PIETSCH,JAMES C	C/O ONE TEE LLC	C/O BARBARA WADE 7887 E. BELLEVIEW AVENUE, #810	ENGLEWOOD CO 80111	
2390040050142	PARKER,PAUL H	PARKER,PAUL/NANCY	2815 PALM DR	BILLINGS MT 59102	
2390040050143	JANSA HOLDING CORPN		905-1680 BAYSHORE DR	VANCOUVER, BC V6G 3H6	CANADA
2390040050144	SCHUSTER,PATRICIA A.	27387 BLUE LAKE DR NW		ZIMMERMAN MN 55398	
2390040050145	ANDREWS,MICHELE L		311-6223 31ST AVE NW	CALGARY ALBERTA T3B 3X2	CANADA
2390040050145	PANAJOTT,STEPHEN P		151 CLEARWATER RUN SW	CALGARY,ALB T3Z 3T9	CANADA
2390040050146	SCHMITT,THOMAS	8887 MAJESTIC PRINCE CT		LAS VEGAS NV 89178	
2390040050147	JOWETT,ROBERT G REVOC LIVING TRUST	2575 S KIHEI RD APT H-513		KIHEI HI 96753	
2390040050148	STONE,ROBERT LITTLE	STONE,ROBERT/BETTY	61 FAIRWAY DR	EDMONTON AB T6J 2C2	CANADA
2390040050149	AVERY,CECIL HENRY	C/O AVERY,CECIL/LESLIE	8472 EL PESCADAR LN	LA PALMA CA 90623	
2390040050150	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050151	MAYES,DAVID WILLIAM		107-10000 FISHER GATE	RICHMOND, BC V6X 3W8	CANADA
2390040050152	ENGINEERS INVESTMENT COMPANY	16750 16TH AVE NW		SEATTLE WA 98177	
2390040050153	GUILLERMO,JIMMY CRISTOBAL	26909 46TH AVE S		KENT WA 98032	
2390040050154	DOWD,JOHN J	DOWD,JOHN J/TINA	325 ELM ST	LEHIGHTON PA 18235	
2390040050155	SEABROOK,CHRISTOPHER		88-45918 KNIGHT RD	CHILLIWACK BC V2R 3X4	CANADA
2390040050156	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050157	LEONE,JOSEPH M	1820 GAVIN CIR		AUBURN CA 95603	
2390040050158	LOOMER,SCOTT EUGENE		PO BOX 2037	KAHULUI HI 96733	
2390040050159	FEKETE,CATHERINE	2575 S KIHEI RD APT P-201		KIHEI HI 96753	
2390040050160	MOORE FAMILY LIVING TRUST	PO BOX 371420		MONTARA CA 94037	
2390040050161	KOBAYASHI,HIDEKAZU	KOBAYASHI,HIDEKAZU/NANCY	422-6-715 TOKIWA, KAMAKURA	KANAGAWA-KEN 248 0022	JAPAN
2390040050162	STONE FAMILY TRUST	2512 S BALA DR		TEMPE AZ 85282	
2390040050163	CAHALAN,KATHLEEN M TR		10968 1/2 NATIONAL BLVD	LOS ANGELES CA 90064	
2390040050164	PACHNER,ROBERT JOEL	10616 FRANK DANIELS WAY		SAN DIEGO CA 92131	
2390040050165	PAINTER LIVING TRUST	C/O PAINTER,WILLIAM S II/VALERIE	3815 E FRIESS DR	PHOENIX AZ 85032	
2390040050166	OAS,DANIEL REIDAR	6429 MOODY OAKS LN		ALEXANDRIA LA 71301	
2390040050167	HUDSON,RONALD K		APT 704 - 1395 ELLIS ST	KELOWNA, BC V1Y 1Z9	CANADA
2390040050168	LARSON,FAMILY TRUST	LARSON,JOHN & BARBARA TRS	4232 MORNING STAR DR	HUNTINGTON BEACH CA 92649	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050169	ELASH,PAUL DAVID		1312-4TH ST	ESTEVAN, SASKATCHEWAN S4A 2S6	CANADA
2390040050170	ALOR INVESTMENTS LTD		7643 BURRIS ST	BURNABY VSE 1Z2	CANADA
2390040050171	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050172	CLUNES,ROBERT F	CLUNES,ROBERT/JOANNE	15704 133RD ST NW	EDMONTON, AB T6V 1E5	CANADA
2390040050173	AKERS,JAMES ROBERT AND JEAN B 1982 TRUST	2575 S KIHEI RD #P-305		KIHEI HI 96753	
2390040050174	SAGE,TOM AND JUNE FAMILY TRUST	4644 LASHEART DR		LA CANADA FLINTRIDGE CA 91011	
2390040050175	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050176	YANKOWSKI & TOPOLINSKI FAMILY TRUST	C/O YANKOWSKI,LYNN D/TOPOLINSKI,GAYLE TTEES	2575 S KIHEI RD P-308	KIHEI HI 96753	
2390040050177	STABEN FAMILY TRUST	551 NW MIRADOR PL		CORVALLIS OR 97330	
2390040050178	JOHANSEN,STEVEN MURRAY	M/M STEVEN JOHANSEN	8431 SUMMER PL	PRINCE GEORGE, BC V2K 4Z8	CANADA
2390040050179	PARGAMENT,ERIC MITCHELL	2575 S KIHEI RD UNIT P401		KIHEI HI 96753	
2390040050180	POPOVICI,NICHOLAS A		2150 WYOMING AVE NW	WASHINGTON DC 20008	
2390040050181	OEPKES,GRANT E		6602 PETUNIA PL	CARLSBAD CA 92011	
2390040050182	DWYER,BRUCE M	DWYER,BRUCE M ETAL	524 WOODBRIDGE ST	SAN LUIS OBISPO CA 93401	
2390040050183	CAPESTANY,WILLIAM D	CAPESTANY,WILLIAM D/COLLEEN C	31011 39TH AVE S W	FEDERAL WAY WA 98023	
2390040050184	HOFSTETTER,TRAVIS E	PO BOX 3646		WENATCHEE WA 98807	
2390040050185	BOWDEN TRUST	MCCLURE,NOBUKO B TRS	69 EAST LOOP DR	CAMARILLO CA 93010	
2390040050186	BARNETT,RAYMOND M TRUST	BARNETT, RAYMOND M TTEE	3 FRUIT TREE RD	RANCHO PALOS VERDES CA 90275	
2390040050187	DWYER,BRUCE M		524 WOODBRIDGE ST	SAN LUIS OBISPO CA 93401	
2390040050188	KINGMAN VENTURES LLC	C/O ON KING LAU/THU HONG THI TRAN/ON MAN LAU/CHIU YIN LAU	10700 ALEXANDER FALLS AVE	BAKERSFIELD CA 93312	
2390040050189	KOVACS,DEBRA ANNE		9849 204 STREET	LANGLEY, BC V1M 0A6	CANADA
2390040050190	CLARK,EDMUND V	2575 S KIHEI RD Q102		KIHEI HI 96753	
2390040050191	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050192	BLAIS,GERALD		634 RUE LAUZON	MONT-SAINT HILAIRE, QC J3H 2N4	CANADA
2390040050193	DAVIES,PETER GLYN		11004-64A AVE	DELTA, BC V4E 1E3	CANADA
2390040050194	DELL'ACQUA FAMILY TRUST	DELL'ACQUA,LUIGI JR	2546 N TRAIL CT	CHULA VISTA CA 91914	
2390040050195	LAWRENCE,JAMIE LYNN	78 AUOLI DR		MAKAWAO HI 96768	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050196	D'ANDREA,RONALD J		5842 DEVON DR	ROCKLIN CA 95765	
2390040050197	BROWN FAMILY TRUST	30803 WYATT DR		HARRISBURG OR 97446	
2390040050198	DOWD,JOHN J	DOWD,JOHN J/TINA	325 ELM ST	LEHISHTON PA 18235	
2390040050199	COASTAL BLUE HI Q201 LLC	PMB #311	672 OLD MILL RD	MILLERSVILLE MD 21108	
2390040050200	CONNER FAMILY TRUST 1993	RALPH,EARLINE CONNER TTEE	35 KAI LA PL	KIHEI HI 96753	
2390040050200	CONNER,GARY & MICHELLE TRUST		1947 NW NICKERNUT CT	REDMOND OR 97756	
2390040050201	BAYS-KRAJEWSKA TRUST	4657 CALLE MAR DE ARMONIA		SAN DIEGO CA 92130	
2390040050202	VU,KIM K		6164 FINLAYSON DR	YELLOWKNIFE, NT X1A 3L8	CANADA
2390040050203	SENETCHKO,CLARENCE ANDREW		1141-116 ST	EDMONTON, ALBERTA T6J 6X5	CANADA
2390040050204	YAMAGUCHI,MICHAEL		18925 113TH WAY SE	RENTON WA 98055	
2390040050205	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050206	CLUNES,ROBERT F	ROBERT & JOANNE CLUNES	15704-133 ST	EDMONTON, ALBERTA T6U1E5	CANADA
2390040050207	ELADNANI,OSMAN ABDULLA	535 KENOLIO RD		KIHEI HI 96753	
2390040050208	MONTGOMERY,ANNE M FAMILY TRUST	MONTGOMERY,ANNE M TRUSTEE	2575 S KIHEI RD #Q210	KIHEI HI 96753	
2390040050209	ALBERTA LTD	RICHARD SCHULTZ	BOX 925	BANFF, ALBERTA TIL IA9	CANADA
2390040050210	NARIYAMA,TOSHIKO		3-12-11 KOHAMA	SUMINOE-KU OSAKA 559-0001	JAPAN
2390040050211	POPOVICI,NICHOLAS A	C/O POPOVICI,NICHOLAS/BRIGITTE	2150 WYOMING AVE NW	WASHINGTON DC 20008	
2390040050212	POPOVICI,NICHOLAS A		2150 WYOMING AVE N W	WASHINGTON DC 20008	
2390040050213	RAZNY,ANTHONY M	RAZNY,ANTHONY M ETAL	1765 WHISPERING COURT	ADDISON IL 60101	
2390040050214	GUGLIUZZA,MARC L/SHEILA M TRUST	4641 GRAND AVE		WESTERN SPRINGS IL 60558	
2390040050215	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050216	FLETCHER FAMILY TRUST	C/O DORIS FLETCHER	6707 LEPINE COURT SW	CALGARY AB T3E 6G4	CANADA
2390040050217	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050218	BARTH,EDWARD F		465 VALLEY VIEW DR	FAIRBANKS AK 99712	
2390040050219	CAMPBELL,HUGH ROBERT	C/O M/M HUGH R. CAMPBELL	234 DELGADA RD.	VICTORIA BC V9C 3W2	CANADA
2390040050220	WILSON,DUANNE R		2139 DOUGLASBANK CRESCENT SE	CALGARY AB T2Z 2C2	CANADA
2390040050221	PETERSON,DAVID STUART	C/O DAVID STUART & JENNIFER SUE PETERSON	246 DELLBROOK AVE	SAN FRANCISCO CA 94131	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050222	STEINMETZ,DALE & MARILYN TRUST	2575 S KIHEI RD Q-404		KIHEI HI 96753	
2390040050223	MITCHELL,RICHARD A.		PO BOX 147	WILLITS CA 95490	
2390040050224	ALLBRITTON,RICHARD KEITH	11156 SE 66TH CT		NEWCASTLE WA 98056	
2390040050225	MCELVEEN,EVERETT DAVID	C/O MCELVEEN, EVERETT DAVID ET AL	2 CREEKSIDE TERRACE	LAKE OSWEGO CA 97035	
2390040050226	KENT, DONALD D/GLADYS F		5812 N E 265TH ST	RIDGEFIELD WA 98642	
2390040050227	PALMER,JAMES H	874 GROTON LN		BARTLETT IL 60103	
2390040050228	C.I. KASEI CO LTD	ASTON AT THE MAUI BANYAN	2155 KALAKAUA AVE #500	HONOLULU HI 96815	
2390040050229	FINCH HOLDINGS LTD		611 FOREST LN	EDMONTON, AB T6R 2C4	CANADA
2390040050230	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050231	MOORE,KENNETH D	2575 S KIHEI RD T103		KIHEI HI 96753	
2390040050232	SHUMAR TRUST		102 CONTRADA FIORE DRIVE	HENDERSON NV 89074	
2390040050233	LETOFSKY,MORTON HIRSCH	3114 EASTWOOD CT		BOULDER CO 80304	
2390040050234	U S NATIONAL BANK ASSOC TTEE	C/O SIMONOT,ROGER	PO BOX 1965	KIHEI HI 96753	
2390040050235	APPLEYARD,GREGORY		BOX 58 SITE RR2	STRATHMORE, ALBERTA T1P 1K5	CANADA
2390040050236	DUHOUX,DOMINIQUE		212 ST PATRICK ST #4	OTTAWA, ON K1N 5K3	CANADA
2390040050237	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050238	ALLEN,LANA GRACE		2092 TURNBERRY LANE	COQUITLAM BC V3E 3N2	CANADA
2390040050239	DENNIS,JOSEPH W		515-14 AVE NE	CALGARY ALBERTA T2E 1E8	CANADA
2390040050240	OKAWA,MASAYUKI		38750 LITCHFIELD CR	FREMONT CA 94536	
2390040050241	GRETENER,NICHOLAS		32 BRENNER PL NW	CALGARY T2L 1Z2	CANADA
2390040050242	FARWIG,STEVEN A	71 POAILANI PL		KIHEI HI 96753	
2390040050243	MCCRACKEN,REX	C/O SHOGREN,BRYAN/KENDRA	67 COMSTOCK TRAIL	EAST HAMPTON CT 06424	
2390040050244	HINDSON,ROBERT M		3458 DALHART ST	SIMI VALLEY CA 93063	
2390040050244	WAGNER,HEIDI L		1451 MAJESTIC PINES BOX 3531	MAMMOTH LAKES CA 93546	
2390040050245	TAYLOR,STEVEN DANIEL		946 FALAISE CRESCENT	VICTORIA, BC V8Y 1A3	CANADA
2390040050246	MAUI BANYAN VACATION CLUB	C/O CONSOLIDATED RESORTS MANAGEMENT	7200 LAS VEGAS BLVD SO	LAS VEGAS NV 89119	
2390040050247	MORGAN,THOMAS J	1800 43RD ST W		BILLINGS MT 59102	
2390040050248	STEERE,PAUL JOSEPH	7039 NE 161ST ST		KENMORE WA 98028	
2390040050249	STOGRYN,GLENN KENNETH	STOGRYN,GLENN/CARRIE	6808-82 AVE	EDMONTON ALBERTA T6B 0E7	CANADA

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390040050250	BOLTON,JEFFREY	1065 BALMORAL LN		ROSWELL GA 30075	
2390040050251	STEED,JAMES J	5352 N ELKCAM BLVD		BEVERLY HILLS FL 34465	
2390040050252	CUSATOR,STEWART		16 AUSTIN CRES	ST ALBERT, AB T8N 3B5	CANADA
2390040050253	LINDSEY,CARLOS G TRUST	14437 VISTA DEL LAGO BLVD		WINTER GARDEN FL 34787	
2390040050254	CROWLEY,JEFFREY J		7601 EL VERANO DR	BAKERSFIELD CA 93309	
2390040050255	CEPENDA,DONALD P.	C/O M/M DONALD P. CEPENDA	9193 TRUMAN ROAD	HALF MOON BAY, BC V0N 1Y2	CANADA
2390040050256	LEVEY,LIVING TRUST	C/O GIESEA,JEFFREY	173 MOLEHULEHU LOOP	KAHULUI HI 96732	
2390200010001	BRILL,TYLER JAMES WILLAIM		8959 BAY RIDGE DR SW	CALGARY,ALBERTA T2V 3N1	CANADA
2390200010002	BRILL,BEVERLEY ALBERTA		66 SOMME BLVD SW	CALGARY, AB T2T 6K6	CANADA
2390200010003	J B GORDON OILFIELD CON CO	C/O GORDON, JOHN B	116 LAURIER DRIVE	EDMONTON ALBERTA TSR SP6	CANADA
2390200010004	BARRA,MARY LOU	526 IIWI WAY		WAILUKU HI 96793	
2390200010005	EMCON SERVICES INC		105 1121 MCFARLANE WY	MERRITT, BC V1K 1B9	CANADA
2390200010006	PONCIN,BRUCE CHARLES ETAL		28875 BIG BASIN WY	BOULDER CREEK CA 95006	
2390200010006	PONCIN,JOHN CHARLES REVOC LIVING TRUST	2531 S KIHEI RD APT #A106		KIHEI HI 96753	
2390200010007	SUNSET MAUI PROPERTIES		8959 BAY RIDGE DR, SW	CALGARY, AB T2V 3N1	CANADA
2390200010008	SORENSON,ROGER D	4918 SWEETWOOD DR		EL SOBRANTE CA 94803	
2390200010008	WULBERN,RICHARD H III AND GERRYANN L TR	4509 SUNSET OAKS DR		PARADISE CA 95969	
2390200010009	AOAO OF KIHEI AKAHI	C/O DESTINATION MAUI INC	P O BOX 4579, DEPT 43	HOUSTON TX 77210	
2390200010010	BAZIUK,LINDA J		#720 - 3130 - 66 AVENUE S.W.	CALGARY, ALBERTA T3E 5K8	CANADA
2390200010010	PETROS,NICK		124 GLENHILL DR	COCHRANE, ALBERTA T4C 1H2	CANADA
2390200010011	MOCKFORD,SCOTT		11 EVERGREEN CLOSE	ST ALBERT, ALBERTA T8N 6E2	CANADA
2390200010012	ENOS,TRUST	ENOS,JOE	PO BOX 222	WALNUT GROVE CA 95690	
2390200010013	BENEDICT,SHELLEY RENEE	7797 N 1ST ST STE 101		FRESNO CA 93720	
2390200010014	RAAP,DAWN J TRUST	1905 BAJA VISTA WAY		CAMARILLO CA 93010	
2390200010015	WELDON,RICHARD CHAPMAN		#8 14025 NICOWYND PL	SURREY BC V4P 1J2	CANADA
2390200010016	NUDELMAN,SEMLER J	4559 NE 75TH AVE		PORTLAND OR 97218	
2390200010017	ALEXANDER,GREGORY SCOTT BRUCE		3209 MCLEOD ROAD	WEST KELOWNA, BC V4T 1A6	CANADA
2390200010018	GIBSON,EDWARD CRAIG	524 MEADOW OAKS		EL PASO TX 79932	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010019	GRAY,LEILANI		4201 SILVERADO TRAIL	CALISTOGA CA 94515	
2390200010020	KIHEI HOLDINGS	C/O CYRIL POMEROY	109-3060 NORLAND AVE	BURNABY BC V5B 3A6	CANADA
2390200010021	WALSH,PHYLLIS	2010 MT ZION DR		GOLDEN CO 80401	
2390200010022	EDWARDS,DOUGLAS ANDREW	C/O EDWARDS,DOUGLAS/IRENE	1500 HOLLYRIDGE TERRACE	VICTORIA, BC V8N 5Z9	CANADA
2390200010023	KOCHEL,DAVID R	704 COQUINA LN		VIRGINIA BEACH VA 23451	
2390200010024	STINSON,THOMAS ROBERT	STINSON,THOMAS/JANICE	9219 HAYWARD ST	MISSION B C V4S1J1	CANADA
2390200010025	LYONS,LEON S		1781 HALAMA ST	KIHEI HI 96753	
2390200010026	RUSSELL,KATHLEEN ANN		8940 IRIS COURT	WESTMINSTER CO 80031	
2390200010027	FORAN,ALTON PATRICK	6792 HITCHINGPOST CIR		HUNTINGTON BEACH CA 92648	
2390200010028	PIRKEY,MARIE ELLA REVOC TRUST	2531 S KIHEI RD #C110		KIHEI HI 96753	
2390200010029	DAVIS,RYAN T	C/O ELLISON,CHRISTINE	555 KAUKAHI STREET #C-322	KIHEI HI 96753	
2390200010030	JEKK ENTERPRISES LLC	517 ROLLING HILLS LN		DANVILLE CA 94526	
2390200010031	HOLM,W JOHN		2024 37TH ST NW	GIG HARBOR WA 98335	
2390200010032	MILLIGAN, WILLIAM J E ETAL		5288 MEADFIELD RD.	W VANCOUVER, B.C. V7W 3C4	CANADA
2390200010033	NASH,RICHARD G.		148 OAKFIELD PL SW	CALGARY, ALBERTA T2V 0J2	CANADA
2390200010034	MUNOZ,STEVEN E	MUNOZ,STEVEN E ETAL	336 PREWETT DR	FOLSOM CA 95630	
2390200010035	AOYAGI,GORDON A	2712 FERDINAND AVE		HONOLULU HI 96822	
2390200010036	BROWN,GREGORY T		PO BOX 284	BRECKENRIDGE CO 80424	
2390200010037	SHO BIZ TRUST	BONHOLZER,JAMES R ETAL	2531 S KIHEI RD #C-209	KIHEI HI 96753	
2390200010038	MATZA,SAMUEL A	PO BOX 505		KIHEI HI 96753	
2390200010039	LEAR,PERRY JOHN	1907 GARNETT WAY	EDMONTON, AB	T5T 6W1	CANADA
2390200010040	MCGILL,LINDA LIVING TRUST		2894 MARA DR	COQUITLAM, BC V3C 5E4	CANADA
2390200010041	BOEGE,BRUCE	3360 AKALA DR		KIHEI HI 96753	
2390200010041	BOEGE,LAURA N LIV TRST	19 NEWBURY NECK RD		SURRY ME 04684	
2390200010042	SMOES,KYLE	C/O ALOHA VACATIONS	11047 PINECREEK CT	ALLENDALE MI 49401	
2390200010043	HAMILTON,ROBERT LORNE		9860 149TH STREET	SURREY BC V3H 8H6	CANADA
2390200010044	MUELLER FAMILY 2004 TRUST	MUELLER,RICHARD & MARY TRUSTEES	P O BOX 2222	KIHEI HI 96753	
2390200010045	ANDERSON,THOMAS E	2464 MEADOWLARK CIR		WEST SACRAMENTO CA 95691	
2390200010046	SAWA,RALPH		P O BOX 1960	MELVILLE SASKATCHEWAN S0A 2P0	CANADA
2390200010047	PORTER TRUST	PORTER,HAROLD/JOAN TTEE	2531 S KIHEI RD, #C-219	KIHEI HI 96753	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010048	SPENCER,SANDRA L	2531 S KIHEI RD APT C-220		KIHEI HI 96753	
2390200010049	SKILLICORN,JACK L	PO BOX 2745		CARMEL CA 93921	
2390200010050	NORTHRIP,CHARLES	1900 ALASKAN WAY 306		SEATTLE WA 98101	
2390200010051	WILLIAMS,DAVID F		202 PATTERSON VIEW SW	CALGARY, ALBERTA T3H 3J9	CANADA
2390200010052	BAKER,JOHN RICHARD	BAKER,JOHN/JOAN	12745 W CERCADO LN	LITCHFIELD PARK AZ 85340	
2390200010053	TOWER,KEITH C		1128 COMMERCIAL ST	LEAVENWORTH WA 98826	
2390200010054	RASCHE,SCOTT ALAN	2531 S KIHEI RD #C-306		KIHEI HI 96753	
2390200010055	SODEN,LAURENCE L	PO BOX 61328		FAIRBANKS AK 99706	
2390200010056	BLACH,TRUST	BLACH,JAMES P & ELIZABETH H TRUSTEES	217 N CYPRESS AVE	SANTA CLARA CA 95050	
2390200010057	CONWAY,KEVIN	C/O CONWAY,KEVIN & GAYLA	PO BOX 5094	FRESNO CA 93755	
2390200010058	HUTCHINGS,JOHN E		232 PURDUE AVE	KENSINGTON CA 94708	
2390200010059	KHALSA,GURU KAR S	GURU KAR S KHALSA (EXCHANGER)	PO BOX 328	BOLINAS CA 94924	
2390200010060	HALSTEAD,NEAL EDWARD		162 PATRICK VIEW SW	CALGARY AB T3H 3B1	CANADA
2390200010061	YU,RODERICK TIENG	503-588 BROUGHTON ST	VANCOUVER, BC	V6G 3E3	CANADA
2390200010062	PEZZOLI,JEAN ANN REVOC LIVING TRUST	2531 S KIHEI RD C-314		KIHEI HI 96753	
2390200010063	SODEN, LAURENCE L/MARGARET D		PO BOX 61328	FAIRBANKS AK 99706	
2390200010064	MESSENGER,MILDRED LUCILLE	1798 SW ALBERCA LN		PORT SAINT LUCIE FL 34953	
2390200010065	AGNEW,L J		1777 S BURLINGTON BLVD, STE 502	BURLINGTON WA 98233	
2390200010066	CARRIE,BRUCE JAMES		14639 17 A AVENUE	SURREY, BC V4A 7P8	CANADA
2390200010067	MAURER,TR 1992	RONALD E MAURER TRS ETAL	6288 LA CUMBRE RD	SOMIS CA 93066	
2390200010068	PARTI,ARTIE	2531 S KIHEI RD UNIT C320		KIHEI HI 96753	
2390200010069	CANTARA,LAURIER J		PO BOX 1169	CHARLTON CITY MA 01508	
2390200010070	CHRISTENSEN,LIVING TR		14812 SE 170TH ST	RENTON WA 98058	
2390200010071	READER,MARY D TRUST		2531 S KIHEI RD #C-403	KIHEI HI 96753	
2390200010072	MCNEW,VIRGINIA R FAMILY TRUST	2531 S KIHEI RD APT C-404		KIHEI HI 96753	
2390200010073	RIVERA,MARIO M	1149 MILWAUKEE ST		DENVER CO 80206	
2390200010074	COLEMAN,BERNARD H JR TRUST	140 UWAPO RD #52-104		KIHEI HI 96753	
2390200010075	HEINO,RALPH V JR	978 KUPULAU DR		KIHEI HI 96753	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010076	SKOGSTAD,GERALD M	SKOGSTAD,GERALD & PATRICIA	1516 EASTERN DR	PORT COQUITLAM, BC V3C 2S7	CANADA
2390200010077	DAVIES,KEVIN W		10350 SLATFORD PL	MAPLE RIDGE, BC V2W 1G3	CANADA
2390200010078	WILLIAMSON,PAUL GREGORY		11002 STATE ROUTE 162 E	PUYALLUP WA 98374	
2390200010079	BEU,FAM TR/SURVIVOR'S TR	C/O BEU,JOAN	3140 VISTA GRANDE	CARLSBAD CA 92009	
2390200010080	GUIDA,JOHN MICHAEL	1866 NELSON RANCH LOOP		CEDAR PARK TX 78613	
2390200010081	DARTNELL,BRIAN		352 WEST 20TH AVE	VANCOUVER, BC V5Y 2C6	CANADA
2390200010082	HEINO,RALPH V JR	978 KUPULAU DR		KIHEI HI 96753	
2390200010083	SCOTT,JANE B REVOC LIVING TRUST	3410 BANCROFT		MISSOULA MT 59801	
2390200010084	FERGUSON,GEORGE WILLIAM		1618 NW 198TH	SHORELINE WA 98177	
2390200010085	THOMAS,DOLORES A TRUST		135 ENSENADA AVE	NEWBURY PARK CA 91320	
2390200010086	LAWRENCE,DONALD ROBERT		5911-103 AVE	EDMONTON, AB T6A 0T5	CANADA
2390200010087	1089353 ALBERTA LTD	ATTENTION: MICK MCNULTY	1121 WENTWORTH VIEW SW	CALGARY, AB T3H 3K3	CANADA
2390200010088	TEETZ,TERENCE WILLIAM	915 94TH ST SE		EVERETT WA 98208	
2390200010089	NUTT, CLIFFORD T TRUST ETAL		2480 S KIHEI RD 507	KIHEI HI 96753	
2390200010090	CRAWFORD,WILLIAM M	CRAWFORD,WILLIAM/MARILYN	PO BOX 356	MANCHESTER WA 98353	
2390200010091	BIRCH,JACQUELINE FAYE	ATTN MR J BIRCH	#104-1960 WATERLOO	VANCOUVER, BC V6R 3G6	CANADA
2390200010092	LEE,GARY & AMY Y TRUST		10516 SE 233RD PL	KENT WA 98031	
2390200010093	RIVERA,MARIO MANRESA	1149 MILWAUKEE ST		DENVER CO 80206	
2390200010094	TRAROP,DARLENE L		2531 S KIHEI RD #C506	KIHEI HI 96753	
2390200010095	HANSON,NEIL H		P O BOX 731101	PUYALLUP WA 98373	
2390200010096	KHALSA,GURU KAR S	GURU KAR S KHALSA (EXCHANGER)	PO BOX 328	BOLINAS CA 94924	
2390200010097	THORNE,JAMES ARNOLD	198 RIVERSIDE CLOSE S E	CALGARY,ALBERTA	T2C 3N4	CANADA
2390200010098	MUNOZ,STEVEN EUGENE	336 PREWETT DR		FOLSOM CA 95630	
2390200010099	ROMAN LIVING TRUST	2858 PUU HOOLAI ST		KIHEI HI 96753	
2390200010100	HENRIKSEN,CRAIG OLE	23245 FLEMING ST		FARMINGTON MI 48335	
2390200010101	BARTAKKE,RAJANI DIDI	C/O BARTAKKE,MANOHAR/BERYL	1991 SOLARIDGE CT	RESTON VA 20191	
2390200010102	BETZ, MARGA R ETAL		720 FIRST ST NW	CALGARY ALBERTA T2M2R6	CANADA
2390200010103	DARTNELL,BRIAN		352 WEST 20TH AVENUE	VANCOUVER,BC V5Y 2C6	CANADA
2390200010104	FOLDES,JULIAN	2983 S HOLGUN WAY		CHANDLER AZ 85286	
2390200010105	MAIN,SHIRLEY ANN		2004-1155 BEACH AVE	VANCOUVER BC V6E 1V2	CANADA
2390200010106	REMKUS, THOMAS R/JOAN A		929 LAKEWOOD CT	BARRINGTON IL 60010	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010107	HRYNKOW,JOHN	MR & MRS JOHN HRYNKOW ETAL	588 VICTORIA MANOR, SHERWOOD PARK	ALBERTA, T8A 4N1	CANADA
2390200010108	QUEALY,ROBERT S		1313 WASHINGTON ST APT 314	BOSTON MA 02118	
2390200010109	RILEY FAMILY TRUST	BRYAN & SUZANN RILEY, TTEES	780 ROSEBAY WAY	TEMPLETON CA 93465	
2390200010110	LIKNESS,JAY	C/O LIKNESS,JAY/JUDY L	18566 W LK DESIRE DR S.E.	RENTON WA 98058	
2390200010111	HEDRINGTON,JAMES A		7811 49TH PL WEST	MUKILTEO WA 98275	
2390200010112	REMKUS, THOMAS/JOAN		929 LAKEWOOD CT	BARRINGTON IL 60010	
2390200010113	CARPENTER,ALLEN BRUCE	10919 LAKEWOOD BLVD STE 100		DOWNEY CA 90241	
2390200010113	CARPENTER,ARTHUR M JR	5267 SHOSHONE AVE		ENCINO CA 91316	
2390200010114	WILLIAMS REVOC TRUST	LISA WILLIAMS	425 CLAREMONT WAY	MENLO PARK CA 94025	
2390200010115	HAGEN PROPERTIES LLC	4700 SPRING ST STE 202		LA MESA CA 91942	
2390200010116	BENSON REVOC TRUST	BENSON,SELMA TTEE	206 BAGNALL AVE	PLACENTIA CA 92870	
2390200010117	ELDRIDGE,BETTY D TRUST	2781 CAMINITO MERION		LA JOLLA CA 92037	
2390200010118	KUSESKI,ROGER	1728 EDDY CT		LONGMONT CO 80503	
2390200010119	KORBIN,WILLIAM	4824 CAMINITO ATILADO		SAN DIEGO CA 92130	
2390200010120	ROMAN LIVING TRUST	ROMAN,RICHARD A/GLORIA M	2858 PUUHOOLAI ST	KIHEI HI 96753	
2390200010121	FALK,DONALD R/MARY JANE TRUST	FALK,DONALD R/MARY JANE TRS	2531 S KIHEI RD APT C613	KIHEI HI 96753	
2390200010122	MEALEY,RICHARD J TRUST	KIHEI AKAHI	2531 S. KIHEI ROAD #C-614	KIHEI HI 96753	
2390200010123	AH-SUE,PIERROT C		74 JARED DR	NORTH BRUNSWICK NJ 08902	
2390200010124	ALBER,HARRY F TRUST	DONALD ALBER, TTEE	10799 NE OLD CREOSOTE HILL RD	BAINBRIDGE IS WA 98110	
2390200010125	HARRIS,THOMAS E		13502 SW 248TH ST	VASHON WA 98070	
2390200010126	MARY KATHLEEN MCCARTNEY TRUST	MCCARTNEY,MARY K TTEE	P O BOX 994	KIHEI HI 96753	
2390200010127	HARRIS,MARIAN E		13502 SW 248TH ST	VASHON WA 98070	
2390200010128	KEYES,CHARLES D		9824 MIDDLE MEADOW RD	ELLICOTT CITY MD 21043	
2390200010129	DEMETRAS,ANDREA LEE TRUST	186 HOLOLANI ST		PUKALANI HI 96768	
2390200010130	BASTIEN,WAYNE G H		436 E QUEEN ST	N VANCOUVER V7N 4E6	CANADA
2390200010131	BEDROSIAN,WILLIAM TOD	835 KLEIN WAY		SACRAMENTO CA 95831	
2390200010132	YARISH,CHRISTOPHER GORDON		202 TUSSLEWOOD GROVE,NW	CALGARY,AB T3L 2Y4	CANADA
2390200010133	GLENN,WILLIAM E	1993 S KIHEI RD APT 21	PMB243	KIHEI HI 96753	
2390200010134	ROSS,ROBERT J	C/O ROSS,ROBERT/JULIE ET AL	P O BOX 2968	FRIDAY HARBOR WA 98250	
2390200010135	LOHMAN,ANNETTE O'LEARY TRUST	LOHMAN,ANNETTE O'LEARY TRS	4643 JOSIE AVE	LAKEWOOD CA 90713	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010136	RYDER,STEVE EDWARD	12923 14A AVE	SURREY,BC	V4A 1H6	CANADA
2390200010137	O'DELL,WILLIAM/BARBARA TR		115 DAVIS LANE	PENNGROVE CA 94951	
2390200010138	RIDGEWAY,G LEE FAMILY TR		3101 OAK CLIFF CIRCLE	CARMICHAEL CA 95608	
2390200010139	SMITH,KRYSTAL D	38 KAI MAKANI LOOP APT #Q101		KIHEI HI 96753	
2390200010140	WRIGHT,PAULA	PO BOX 1431		KIHEI HI 96753	
2390200010141	KELLY & PHILIPPE'S VACATION RENTALS LLC	2754 PUU HOOLAI ST		KIHEI HI 96753	
2390200010142	SCHUR,GARY ALAN	3224 ALICE DR		NEWBURY PARK CA 91320	
2390200010143	HALVORSON,HAROLD KEITH	HALVORSON,HAROLD/DELLA	BOX 54	BRACKENDALE, BC V0N 1H0	CANADA
2390200010144	CARR, JOHN D/MARY L		RR1 5735-TAKALA RD	LADYSMITH BC V0R 2E0	CANADA
2390200010145	GACH,MICHAEL REED	C/O REED, BARBARA/MICHAEL	2198 AUINA PL	KIHEI HI 96753	
2390200010146	ERDAHL,JEANNE		2915 200TH AVE SE	SAMMAMISH WA 98075	
2390200010146	KIHEI OHANA LLC	C/O ERDAHL,JEANNE	2915 200TH AVENUE SE	SAMMAMISH WA 98075	
2390200010147	PATTERSON,DAVID G	PATTERSON,DAVID/LORINDA	3831 FURROW CREEK RD	ANCHORAGE AK 99516	
2390200010148	MONTEE,SHAWN T	C/O BOBBY WOLFORD	22014 W BOSTIAN	WOODINVILLE WA 98072	
2390200010149	BADDING,JOHN A		805 KENTFIELD CT	CAMERON PARK CA 95682	
2390200010150	MCMANUS,PATRICIA R		916 CLOUTIER DR #701	WINNIPEG MB R3V 1W9	CANADA
2390200010151	CEROVECKI,FRANJO		1928 31ST ST S W	CALGARY ALBERTA T3E 2M9	CANADA
2390200010152	BRADY,DAVID R TRUST	BRADY,DAVID R TRS	7707 W 65TH ST	BEDFORD PARK IL 60501	
2390200010153	KWAN FAMILY TRUST U/A 5/8/04	KWAN,KEVIN/JACQUELINE TRS	528 SKYLINE BLVD	SAN BRUNO CA 94066	
2390200010154	LYNCH,PAUL A	615 E WEBER DR UNIT 2023		TEMPE AZ 85281	
2390200010155	SNIDER,DREW DAVIES		103-1399 BARCLAY ST	BC, V6E 1H6	CANADA
2390200010156	0803084 B C LTD	ATTN: GRAHAM WHITECROSS	BOX 2146	MERRITT, BC V1K 1B8	CANADA
2390200010157	WAN,CORDIA Y	601 N CHANDLER AVE APT Q		MONTEREY PARK CA 91754	
2390200010158	SCHANZENBACH,DENNIS		P O BOX 86	CHEWELAH WA 99109	
2390200010159	MOORE,EMMA LOUISE		1628 E LAKE SAMMAMISH PL SE	SAMMAMISH WA 98075	
2390200010160	BANNON,DWIGHT A	90 HILLENDALE DR		ASHLAND OR 97520	
2390200010161	WEIRICH,DANIEL	143 IKEA PL		MAKAWAO HI 96768	
2390200010162	LEWIS,STEPHEN D	129 E MAIN ST		MOREHEAD KY 40351	
2390200010163	CHANG,MING CHENG	260 VALLE VISTA DR		DANVILLE CA 94526	
2390200010163	DARE,ALEXANDER ALBERT	59 JESSICA CT		ALAMO CA 94507	
2390200010163	FUJIMOTO,GEORGE S		1649 SUTTER ST	SAN FRANCISCO CA 94109	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010163	GIACOSA,EDITH E L TRUST	C/O DARE, CALVIN & LINDA	59 JESSICA COURT	ALAMO CA 94507	
2390200010163	KASHIMA,K P NAKIA		3033 SACRAMENTO ST	SAN FRANCISCO CA 94115	
2390200010163	ONO,JAMES N	2531 S KIHEI RD OFC		KIHEI HI 96753	
2390200010163	PRICE,ARTHUR V/MILDRED Y REVOC TRUST	25675 TIERRA GRANDE		CARMEL CA 93923	
2390200010163	UYEDA,JENNIFER M		1484 PATIO DR	CAMPBELL CA 95008	
2390200010163	WADA,HENRY & MARY MARITAL TRUST	314 SAILFISH ISLE		FOSTER CITY CA 94404	
2390200010164	GALLAWAY,DAVID GORDON		PO BOX 893	ESTEVAN, SASKATCHEWAN S4A 2A7	CANADA
2390200010165	RIVERA,MARCELO TR OF 2012		15644 POMERADO RD STE 300	POWAY CA 92064	
2390200010166	HOVE,BRIAN ERIC	3801 W 40TH AVE UNIT A		ANCHORAGE AK 99517	
2390200010167	KOHLHASE,FAMILY TRUST		3722 W LAWTON ST	SEATTLE WA 98199	
2390200010168	PROTZMAN,COLLEEN J TRUST	11205 NE 94TH ST		KIRKLAND WA 98033	
2390200010169	HERTZ,RICHARD J	14 CARDINAL DR		MOORESTOWN NJ 08057	
2390200010170	WEIRICH,DANIEL DAVID	143 IKEA PL		MAKAWAO HI 96768	
2390200010171	MOTH,DANIEL	232 BELMONT AVE E-406		SEATTLE WA 98102	
2390200010172	SCHLEICH, KARL/JOAN C		192 KING DRIVE	PRINCE GEORGE V2M4V4	CANADA
2390200010173	SEARLE,ROBERT W	PO BOX 185	SATURNA, BC	V0N 2Y0	CANADA
2390200010174	MAUI HIDEAWAY	PO BOX 5093		AUBURN CA 95604	
2390200010175	FRIEDMAN,MICHAEL L		11562 LOIS CROSS DR	JACKSONVILLE FL 32258	
2390200010176	CORREA,JORGE	127 BOBOLINK WAY		HERCULES CA 94547	
2390200010177	THORMAN,MARK	198 MEHANI CIR		KIHEI HI 96753	
2390200010178	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010179	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST, STE 107	KIHEI HI 96753	
2390200010180	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010181	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010182	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010183	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010184	TARASENKO,MATTHEW PATRICK	2695 S KIHEI RD UNIT #2-105		KIHEI HI 96753	
2390200010185	BARKER,JOHN CHARLES	PO BOX 1833		MAKAWAO HI 96768	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010186	LA FLECHE,ROCK JOSEPH JR	2531 S KIHEI RD D310		KIHEI HI 96753	
2390200010187	CROWLEY,SHAWN		8503 19TH AVE NW	SEATTLE WA 98117	
2390200010188	BROWN,NANCIE G TR		2531 S KIHEI RD #D-312	KIHEI HI 96753	
2390200010189	TARKIAINEN, REINO/MARILYN		20895 SW LEBEAU	SHERWOOD OR 97140	
2390200010190	PMB PROPERTIES LTD		55 BAYVIEW DR SW	CALGARY, AB T2V 3N9	CANADA
2390200010191	ROCKS AND SAND, LLC	ATTN ROXANNE SIENKIEWICZ	6515 E UNION AVE, #360	DENVER CO 80237	
2390200010192	WEIRICH,DANIEL DAVID	143 IKEA PL		MAKAWAO HI 96768	
2390200010193	SAMOCKI,KIMBERLY L		14006 LAKE UNDERHILL RD	ORLANDO FL 32828	
2390200010194	HARRIS,THOMAS E		13502 SW 248TH ST	VASHON WA 98070	
2390200010195	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010196	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010197	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010198	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010199	KIHEI TIMESHARE OWNERS ASSN	C/O PMI MAUI	115 E LIPOA ST STE 107	KIHEI HI 96753	
2390200010200	MAURER,TRUST 1992	RONALD & KATHLEEN MAURER TRS	6288 LA CUMBRE RD	SOMIS CA 93066	
2390200010201	ZIMMERMAN,ELMER D E		7326 OLD STAMP MILL RD	VERNON B C V1H 1N2	CANADA
2390200010202	VOERG, WILLIAM P/DOLORES M		2531 S KIHEI RD, APT D410	KIHEI HI 96753	
2390200010202	VOERG,WILLIAM P	C/O VOERG,WILLIAM/DOLORES	PO BOX 52	WEST CAMP NY 12490	
2390200010203	BERTHIAUME,CAROLE		604-138 RUE DE MAISONNEUVE	QUEBEC, PQ G1R 2C3	CANADA
2390200010204	SMITH,ALICE J TRUST	3114 OLD MILITARY RD		CENTRAL POINT OR 97502	
2390200010205	REAL ESTATE TRUST AGREEMENT	PO BOX 79		NAPOLEON MO 64074	
2390200010206	D'PETE, JAMES/VIRGINIA		67 MALAPARDIS RD	WHIPPANY NJ 07981	
2390200010207	LAVACAN HOLDINGS INC		16003 PATRICIA DR	EDMONTON, ALBERTA T5R 5N3	CANADA
2390200010208	SHANNON, FRANK E/SHARLENE W		32056 PACIFIC COAST HWY	MALIBU CA 90265	
2390200010209	JOHNSTON,VICKY G		P O BOX 1983	KIHEI HI 96753	
2390200010210	KARTES,LEISELOTTE TRUST		2531 S KIHEI RD D507	KIHEI HI 96753	
2390200010210	KARTES,LIESELOTTE	C/O SILVIA I RODAK, TTEE	615 CHURCH STREET	HILTON NY 14468	
2390200010211	TAYLOR,STEPHEN A R		3831 BLENKINSOP RD	VICTORIA, BC V8P 3P2	CANADA

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200010212	REMKUS,THOMAS R LVG TR		929 LAKEWOOD CT	BARRINGTON IL 60010	
2390200010213	TAYLOR,STEPHEN A R		3831 BLENKINSOP RD	VICTORIA, BC V8P 3P2	CANADA
2390200010214	VAN FOSSEN FAMILY TRUST	LELAND & SHARON VAN FOSSEN, CO-TTEES	3951 BALCOM RD	SAN JOSE CA 95148	
2390200010215	FISHER FAMILY TRUST-2010	C/O EUGENE FISHER,TRUSTEE	201 OCEAN AVE #301B	SANTA MONICA CA 90402	
2390200010216	WOLFE,DEETTE	2531 S KIHEI RD APT D508		KIHEI HI 96753	
2390200010217	ZAGER FAMILY TRUST	ZAGER, CRAIG & TERRI TTEES	PO BOX 10051	ZEPHYR COVE NV 89448	
2390200010218	BREITKREUZ,BERND M		3980 BLUEBIRD RD	KELOWNA, BC V1W 1X6	CANADA
2390200010219	PIATOK,TAMMY SARA	11 EL DORADO DR		MERCER ISLAND WA 98040	
2390200010220	CESARIO,FRANK J/ELIZABETH TR	2531 S KIHEI RD APT D-512		KIHEI HI 96753	
2390200010221	HACKER,RUSSELL/JO ANN TRUST	HACKER, RUSSELL/JO ANN TRUSTEES	1214 ST JOSEPH AVE	LOS ALTOS CA 94024	
2390200010222	LANE-FEIGE,DIANE EILEEN		4520 WEST 11TH AVE	VANCOUVER, BC V6R 2M4	CANADA
2390200010223	ORNELLAS FAMILY TRUST	ATTN: RODNEY W ORNELLAS	17708 S CORTNER AVE	CERRITOS CA 90703	
2390200010224	NELSON,JOHN H		2232 CAMINITO PAJARITO UNIT 115	SAN DIEGO CA 92107	
2390200010225	YEOW,BETTY KHIM-CHOO		3843 CARNAVON WAY	LOS ANGELES CA 90027	
2390200010226	REMKUS,JOAN A LOVING TR	REMKUS,THOMAS & JOAN TRS	929 LAKEWOOD CT	BARRINGTON IL 60010	
2390200010227	MCLARDY,JAMES CHARLES		21262 83RD AVE	LANGLEY, BC V2Y 2C5	CANADA
2390200010228	ANISSIMOV,BORIS		3619 HIGHLAND AVE	REDWOOD CITY CA 94062	
2390200010229	CHAMOUN,LUCILIA	54 MAKA HOU PL		WAILUKU HI 96793	
2390200010230	JORDAN, JAMES E/EVELYN M		3400 ULLSMORE AVE	RICHMOND B C V7C 1S1	CANADA
2390200010231	PONCIN,JOHN CHARLES REVOC LIVING TRST	2531 S KIHEI RD APT #A106		KIHEI HI 96753	
2390200010232	BURY,ALTA LIVING TRUST	C/O ALTA BURY, TTE	8 MADEIRA CT	DURHAM NC 27713	
2390200010233	GEM ELECTRONICS OF MONMOUTH INC	400 W HARLEM		MONMOUTH IL 61462	
2390200010234	ERDAHL,JEANNE W		2915 200TH AVE SE	SAMMAMISH WA 98075	
2390200010235	WERTH,STEVEN & TERRI FAMILY TRUST	925 MIRAMAR DR		VISTA CA 92081	
2390200010236	TARKIAINEN,MARILYN J	20895 SW LEBEAU RD		SHERWOOD OR 97140	
2390200010237	WIGGINS,FAMILY TRUST	WIGGINS,E.V./SYLVIA TRS	10147 BONNY DR	CUPERTINO CA 95014	
2390200010238	KLEIN TRUST		NICOLAAS MAESSTRAAT 69-HS	1071 PR AMSTERDAM	NETHERLANDS
2390200010239	EVERETT,SUSAN L	1798 NE RIVER RD		LAKE MILTON OH 44429	
2390200010240	WHITE,TIMOTHY GAVIN	2531 S KIHEI RD D616		KIHEI HI 96753	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030001	AOAO KIHEI-KAI NANI PH I	C/O DESTINATION MAUI INC	P O BOX 4579, DEPT 43	HOUSTON TX 77210	
2390200030002	BARROW,WILLIAM E TRUST		10779 BILL POINT CREST NE	BAINBRIDGE IS WA 98110	
2390200030003	BALCAR,LIVING TRUST	C/O BALCAR,FERDINAND V/JANA	3065 E VIKING RD	LAS VEGAS NV 89121	
2390200030004	EWING,BARRY E		2495 S KIHEI RD #121	KIHEI HI 96753	
2390200030005	HORKULAK,LAURA J		450 BUTCHARD DR	EDMONTON, ALBERTA T6R2N8	CANADA
2390200030006	BENNETT,DAVID PAUL	4268 VANGARD DR		LOMPOC CA 93436	
2390200030007	BEHRENDT FAMILY TRUST	BEHRENDT,EARL & MARY TTEES	9567 SOARING OAKS DR	ELK GROVE CA 95758	
2390200030008	KROME,JOHN D		1539 MCMAHON RD	LAKEPORT CA 95453	
2390200030008	MARTIN,DAVID L	2495 S KIHEI RD UNIT 219		KIHEI HI 96753	
2390200030009	GAVRILOVIC,DUSAN	3522-148TH ST, SE		MILL CREEK WA 98012	
2390200030010	ROEKSBUTR,MONTON	9371 LOQUAT DR		RIVERSIDE CA 92508	
2390200030011	MITCHELL,THOMAS CAMERON		5631 SANDERLING WAY	BLAINE WA 98230	
2390200030012	ARMSTRONG,WIILIAM E TRUST	870 MALULANI ST		KIHEI HI 96753	
2390200030013	KINGSLEY,ELVINA E	19425 SE 20TH ST 149		CAMAS WA 98607	
2390200030014	BOTTEMILLER,RICHARD DALE	2020 WILDWOOD LN		ANCHORAGE AK 99517	
2390200030015	CHAMBERS,BRAD & NANCY TRUST	2495 S KIHEI RD APT 321		KIHEI HI 96753	
2390200030016	CHAMBERS,BRAD & NANCY TR		2495 S KIHEI RD APT 321	KIHEI HI 96753	
2390200030017	BEATON,SAMUEL ALEXANDER	SAMUEL BEATON & LEA JACKSON	12748 WARNOCK RD	MADEIRA PARK, BC V0N 2H1	CANADA
2390200030018	MAUI KIHEI CONDO RENTALS LLC	167 MOROSS RD		GROSSE POINTE MI 48236	
2390200030019	RIZZO REAL ESTATE INC	C/O GLENN RIZZO	1034 GREENHORN RD	YREKA CA 96097	
2390200030020	RIZZO,FAMILY TR/SEP PROP OF ROBERT RIZZO	C/O ROBERT G RIZZO	1034 GREENHORN RD	YREKA CA 96097	
2390200030021	RHODE,WILLIAM M		6494 JAY RD	BOULDER CO 80301	
2390200030022	SHEETZ,TERRY TRUST	74 PONANA ST		KIHEI HI 96753	
2390200030023	FLOYD, ROBERT W/EILEEN H		6525 GLIDDEN LN	SAN DIEGO CA 92111	
2390200030024	O'BRIEN,FAMILY TRUST	O'BRIEN,ROBERT/MARGARITA	P O BOX 124	COLFAX CA 95713	
2390200030025	VACATION INT'L LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030026	HARMON,JAMES L TRUST	2929 ALEXANDER RD		LAGUNA BEACH CA 92652	
2390200030027	DEAN,MARGARET A 1997 TRUST	527 HEATHER PL		WEED CA 96094	
2390200030028	MILLER,MAURISA	849 ALMAR AVE STE C		SANTA CRUZ CA 95060	
2390200030029	PERPALL-BOWMAN FAMILY TRUST	BOWMAN,WILLIAM & PERPALL, SUZANNE TTEES	913 HAN ST	SOUTH LAKE TAHOE CA 96150	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030030	FOX,MICHAEL GERALD TERRANCE		14310-128A ST	EDMONTON AB T6V 1E1	CANADA
2390200030031	TAMURA,KEIKO	200 W 54TH ST APT 6K		NEW YORK NY 10019	
2390200030032	SCHUTZER,FAMILY TRUST		2126 HILLCREST RD	REDWOOD CITY CA 94062	
2390200030033	HAWTHORNTHWAITE,IRENE		13595 CEDAR RD	LADYSMITH BC V9G 1H5	CANADA
2390200030034	SCHWAULD RENTAL LLC	PO BOX 187		EAGLE CREEK OR 97022	
2390200030035	HAYES,FAMILY REVOC LIVING TRUST		P O BOX 589	REDWOOD ESTATES CA 95044	
2390200030036	STARK,FELIX OSCAR	STARK,FELIX/EMILIE	6207-93 AVE	EDMONTON, ALTA T6M 0W4	CANADA
2390200030037	EFR CONDOMINIUM SER INC	C/O GLOVER,BOB	959 TUDOR AVE	N.VANCOUVER,BRITISH COLUMBIA V7R 1X6	CANADA
2390200030038	LOWTHER,JOHN JEROME		2480 MCNEILL AVE	VICTORIA B C V8S2Z4	CANADA
2390200030039	KIHEI GREAT ESCAPE MGMT INC		504-1521 GEORGE ST	WHITE ROCK, BC V4B 4A4	CANADA
2390200030040	SAMSON,DAVID R	PO BOX 2901		OLYMPIA WA 98507	
2390200030041	RINEER,MICHAEL/JANET LIVING TRUST	2495 S KIHEI RD APT 152		KIHEI HI 96753	
2390200030042	TROESH-WORRELL,MICHAEL L		100 A HOHANI PL	HAIKU HI 96708	
2390200030043	VENTURA,VICTOR R FAMILY TR	ROBERT & JUNE VENTURA TRS	810 W KUIAHA RD	HAIKU HI 96708	
2390200030044	MCCULLOUGH,JOSEPH		16 VIA LOMA	LAGUNA BEACH CA 92677	
2390200030045	CHIU,DORIS M REVOC TRUST	PO BOX 4124		KAHULUI HI 96733	
2390200030046	BLANCHARD, WILLIAM/FLORENCE A TR	BLANCHARD,WILLIAM/FLORENCE A TRS	2495 S KIHEI RD #157	KIHEI HI 96753	
2390200030047	MAUI KIHEI CONDO RENTALS, LLC	167 MOROSS RD		GROSSE POINTE MI 48236	
2390200030048	SCHMID,GERALD C	SCHMID,GERALD/VIOLET	1132 S CURSON AVE	LOS ANGELES CA 90019	
2390200030049	OEPKES,GRANT E		6602 PETUNIA PL	CARLSBAD CA 92009	
2390200030050	KOPP,RALPH V NAWATZKI	5450 8-B AVENUE	DELTA, BC	V4M1V6	CANADA
2390200030051	GALLAWAY,DAVID GORDON	P O BOX 662		NOONAN ND 58765	
2390200030052	GROSSE FAMILY TRUST	ATTN: ROBERT AND CAROL GROSSE	1369 SAN MARCOS ST	SAN LUIS OBISPO CA 93401	
2390200030053	MAGICAL MAUI CONDOMINIUM	CHARLES D EMMONS	1047 NW 196TH ST	SHORELINE WA 98177	
2390200030054	BELANGER,BETTE A	2495 S KIHEI RD APT 159		KIHEI HI 96753	
2390200030055	FRANK,AMELIA LYNN	1 A COOPER PL		BRONX NY 10475	
2390200030055	FRANK,DAVID	4850 MAKENA ALANUI APT E106		KIHEI HI 96753	
2390200030056	CHAN,KEVIN L		2039 28TH AVE	SAN FRANCISCO CA 94116	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030057	LAU,MICHAEL ROBERT	5742 ATHENOUR CT		PLEASANTON CA 94588	
2390200030058	HOSKIN,PATRICIA LOU	2495 S KIHEI RD #163		KIHEI HI 96753	
2390200030059	LORENZ,EVELYN L		2695 S KIHEI RD #6-203	KIHEI HI 96753	
2390200030060	CORCORAN,PATRICK J & LEONA A REV TRUST		19866 CALLE LAGO	WALNUT CA 91789	
2390200030061	HURD,NICHOLAS N	2495 S KIHEI RD 260		KIHEI HI 96753	
2390200030062	PRATT,BRIAN JOHN		2081-182 ST	SURREY BC V3S 9V9	CANADA
2390200030062	PRATT,ELDON EDWARD HAMILTON		165 MIDDLE BENCH RD N	PENTICTON,BC V2A 8S6	CANADA
2390200030063	AM ISLAND PROPERTIES LLC	PO BOX 820		BROWNSVILLE OR 97327	
2390200030064	DEMCHUK,WASIL/ANNA 1988 TR		300 HILLCREST BLVD	MILLBRAE CA 94030	
2390200030065	ELLIS,EDWARD	ELLIS,EDWARD/ARLENE	4650 MARGUERITE ST	VANCOUVER, BC V6J 4G8	CANADA
2390200030066	WOO,FAMILY TRUST	C/O WOO, RICHARD & VIVIEN	2640 TROUSDALE DR	BURLINGAME CA 94010	
2390200030067	BRAID,GILBERT WALTER W		101-9830 SECOND ST	SIDNEY, BRITISH COLUMBIA V8L 3C6	CANADA
2390200030068	PYLE,MILTON OTTO JR		64-551 BECKY CT	BEND OR 97701	
2390200030069	TICKNER,ANDREW C		286 MERLIN CT	BENICIA CA 94510	
2390200030070	EVANS,PAUL MICHAEL		8 SCIMITAR CIRCLE NW	CALGARY,ALBERTA T3L 2C8	CANADA
2390200030071	CEDERBERG,DELBERT G & ELAINE C FAMILY TR	2730 E 50TH AVE		ANCHORAGE AK 99507	
2390200030072	PELL,DOUGLAS M		P O BOX 91258	LOS ANGELES CA 90009	
2390200030073	MEGID,WAEL	28808 ELM CT		SAUGUS CA 91390	
2390200030074	TRUFFA,RICHARD	2463 S KIHEI RD C16 054		KIHEI HI 96753	
2390200030075	TUNNEY FAMILY TRUST	161 PADDOCK RD		SHELL BEACH CA 93449	
2390200030076	BAUER,JOHN C TRUSTEE	525 ALMER RD APT 206		BURLINGAME CA 94010	
2390200030077	PAGE,RICHARD JAMES		5280-3RD AVE	DELTA, BC V4M 1E7	CANADA
2390200030078	SCHIEBER,VALERIE J	2495 S KIHEI RD APT 273		KIHEI HI 96753	
2390200030079	SANFORD,DENNIS A TRUST		1493 VIA LADERA RD	RAINBOW CA 92026	
2390200030080	SMITHTON, ROBERT L/ZOYA L		P O BOX 1856	ROSS CA 94957	
2390200030081	GOSSMAN,SANDRA M		PO BOX 2025	DALY CITY CA 94017	
2390200030082	JAMES,FAMILY TRUST	JAMES, GARY & LAURIE TRS	11060 E ROGER RD	TUCSON AZ 85749	
2390200030083	EISERLOH,LOTHAR N & CAROLE DE ANGELIS TR	2495 S KIHEI RD APT 374		KIHEI HI 96753	
2390200030084	EISERLOH,LOTHAR N & CAROLE DE ANGELIS TR		2495 S KIHEI RD APT 374	KIHEI HI 96753	
2390200030085	BELWAY,EDWARD L AND ETHEL M TRUST	PO BOX 1581		KIHEI HI 96753	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030086	KATHOL,ANTHONY G TRUST	PO BOX 165		MARTIN SD 57551	
2390200030087	JEFFS,JOHN	225 BARBER RD	KELOWNA BC	V1X 3V3	CANADA
2390200030088	KIHEI VACATION LAND INC		P O BOX 556	WILSONVILLE OR 97070	
2390200030089	VACATION INT'L LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030090	CHAN,KEVIN L		2039 28TH AVE	SAN FRANCISCO CA 94116	
2390200030091	LOWERY,LAWRENCE F/CAROL M 1991 REV TRUST	650 DIABLO RD		DANVILLE CA 94526	
2390200030092	ABBIO,CAROLINE		372 CHESTNUT AVE	NEW WINDSOR NY 12553	
2390200030093	MRAKIC,DRAGINJA TRUST		6652 SPERLING AVE	BURNABY, BC V5E 2V7	CANADA
2390200030094	ROWLAND,JAY C	2495 S KIHEI RD UNIT 267		KIHEI HI 96753	
2390200030095	PLACENCIA,JOSE F		401 ARLINGTON ROAD	REDWOOD CITY CA 94062	
2390200030096	EDENA NANI LLC	18339 SE 259 CT		COVINGTON WA 98042	
2390200030097	REINKING,WENDELL WALTER JR	2495 S KIHEI RD APT 366		KIHEI HI 96753	
2390200030098	FETTINGER,ALICIA	C/O MS ALICIA FETTINGER, ET AL	5564 MT ACONIA WY	SAN DIEGO CA 92111	
2390200030099	PETERSON,JAY	1204 TORO CANYON RD		SANTA BARBARA CA 93108	
2390200030100	DOUGLASS,ROBERT S	3115 MONTEREY ST		SAN MATEO CA 94403	
2390200030101	TANJI,HENRY KIYOSHI	165 WALKER AVE		WAHIAWA HI 96786	
2390200030102	DON CARY MANAGEMENT SERVICES, LTD		33 LAFONDE CRESENT	ST ALBERT ALBRT T8N2N7	CANADA
2390200030103	MAKAMAKA OLA HALE, LLC		60 WORTMAN ST	SOMERSET NJ 08873	
2390200030104	VENTURA,VICTOR R FAMILY TR	VICTOR & JUNE VENTURA TRS	810 W KUIAHA RD	HAIKU HI 96708	
2390200030105	KLEHR,HEINZ AND ILSE A TRUST	C/O EL HODIRI,MOHAMMED A	2803 STRATFORD RD	LAWRENCE KS 66049	
2390200030106	SCHWARZ,GEORGE		330 LAFAYETTE ST #7	NEW YORK NY 10012	
2390200030107	SULLIVAN,JOHN PETER	49 PUTZEL AVE		GUILFORD CT 06437	
2390200030108	JONES,ALLAN D	C/O JONES,ALLAN/VIRGINIA	11510 E CALLE DEL VALLE	TUCSON AZ 85749	
2390200030109	NOVOTNY,TIMOTHY JUDE	2432 11TH AVE S		MINNEAPOLIS MN 55404	
2390200030110	MCGOWAN,JOHN B	7045 ALLEN PLACE DR		FORT WORTH TX 76116	
2390200030111	ANISSIMOV,BORIS		3619 HIGHLAND AVE	REDWOOD CITY CA 94062	
2390200030112	MCHENRY,JOHN E	MCHENRY,JOHN ETAL	1240 NW RICHMOND BEACH RD	SHORELINE WA 98177	
2390200030112	SEARS,KATHLEEN	9707 WHARF ST		EDMONDS WA 98020	
2390200030113	STILLWELL,FAMILY REV TR	227 KAMAKOI LOOP		KIHEI HI 96753	
2390200030114	REPETTI,MARY E. TRUST	104 VICTORIA LN		APTOS CA 95003	
2390200030115	BUCHANAN,MICHAEL R	BUCHANAN,MICHAEL R/CLARE M	1672 BAILEY DR	RIPON CA 95366	

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030116	BASKURT FAMILY TRUST		1218 S STREET	ANCHORAGE AK 99501	
2390200030117	DANIEL,JUDY L 2009 TRUST	788 S KING ST		HONOLULU HI 96813	
2390200030118	WEBER FAMILY TRUST	WEBER,JAMES J/PAT M TRS	1833 DOLPHIN DR	APTOS CA 95003	
2390200030119	KIHEI PROPERTIES #134	C/O JAMES BLACK	6541 BELLHURST LN	CASTRO VALLEY CA 94552	
2390200030120	SAKUMA, JOHN M/MABEL Y		611 PIO DR	WAILUKU HI 96793	
2390200030121	COWLING CONTRACTOR LTD	#20 WILLOW WAY	EDMONTON ALBERTA	T5T 1C8	CANADA
2390200030122	FELLER,CHRISTIAN RALPH		2200 PINECREST AVE	COQUITLAM,BC V3J 6T6	CANADA
2390200030123	HERLE,WILFRED		11713 QUAIL RIDGE PL	OSOYOOS, BC V0H 1V4	CANADA
2390200030124	WATSON,ROBERT E	WATSON,ROBERT/KATHRYN	644 OAKLAND AVE	DE KALB IL 60115	
2390200030125	COOPER,BARRY K	C/O YANG,JI	2600 WATERVALE WAY	SAN RAMON CA 94582	
2390200030126	RAMOS,OSWALDO SEANZ TRUSTEE	47 320 MAHAKEA RD		KANEOHE HI 96744	
2390200030127	GROENKE,GARY		821 SADDLE ST	COQUITLAM,BC V3C 3N3	CANADA
2390200030128	WRIGHT,JAMES ROSCOE JR		20 ARBOUR ESTATES LANDING NW	CALGARY, AB T3G 3Z9	CANADA
2390200030129	VILUS,STANKO		2755 WEST 11TH AVE	VANCOUVER BC V6K 2L8	CANADA
2390200030130	KESSLER,KARL W/DONNA M TRUST	KESSLER,KARL W/DONNA M, CO-TRS	12840 ATHERTON RD	ANCHORAGE AK 99516	
2390200030131	MARTIN,EDWARD G	3711 E OLD STONE CIRCLE N		CHANDLER AZ 85249	
2390200030132	MARUSICH,MICHAEL J	3950 KALAI WAA ST UNIT E201		KIHEI HI 96753	
2390200030133	MORROW,ROBERT G	C/O MORROW,DAVID J	3185 W 15TH AVE	VANCOUVER, BC V6K 3A7	CANADA
2390200030134	DOSSANTOS,CLOVIS	2495 S KIHEI RD UNIT 335		KIHEI HI 96753	
2390200030135	MCGOWAN,JOHN B	7045 ALLEN PLACE DR		FORT WORTH TX 76116	
2390200030136	SULLIVAN,FAMILY TRUST		130 PEARL AVE	NEWPORT BEACH CA 92662	
2390200030137	YANG,JI	2600 WATERVALE WAY		SAN RAMON CA 94582	
2390200030138	BAUGHAN,MELANIE JO	4310 ULUMALU PL		HAIKU HI 96708	
2390200030139	PRASKA,JESSICA L	19291 E POWERS PL		AURORA CO 80015	
2390200030140	KIRCHNER,LESLEE PATRICIA	C/O LINARES,FERNANDO HERREROS, REVOCABLE LIVING TRUST	CALLE HERMANO APPOLINAR 23	CANARIAS 38300	SPAIN
2390200030141	JELSING,MARK G		14723 219TH AVE NE	WOODINVILLE WA 98077	
2390200030142	VACATION INTL LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030143	MEGID,WAEL	28802 ELM CT		SANTA CLARITA CA 91390	
2390200030144	GACH,MICHAEL REED	C/O GACH, BARBARA/MICHAEL	2198 AUINA PL	KIHEI HI 96753	
2390200030145	WHITE,STEPHEN L	446 KAWAIHAE ST APT 112		HONOLULU HI 96825	
2390200030146	KERN,JEFFREY L	KERN,JEFFREY/CINDY	2495 S KIHEI RD #1-101	KIHEI HI 96753	

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2390200030147	MPCTL SELF DIRECTED IRA LLC	3090 DOWNING PL		PORT ORCHARD WA 98366	
2390200030148	COLBURN,ANDREW S 2006 TRUST	1701 BROADWAY #418		VANCOUVER WA 98663	
2390200030149	VACATION INTL LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030150	WADLOW,TRUST		18 UPENA LANE, E104	KIHEI HI 96753	
2390200030151	SCHMID,GERALD C	1132 S CURSON AVE		LOS ANGELES CA 90019	
2390200030152	SCHMID,GERALD C	1132 S CURSON AVE		LOS ANGELES CA 90019	
2390200030153	SALISBURY,JANE ANN REVOC TRUST	C/O SALISBURY,GARY R/JANE A	505 W LAUREL COURT	LOUISVILLE CO 80027	
2390200030154	DAVIS FAMILY TRUST	29 MOSSWOOD CT		NOVATO CA 94947	
2390200030155	DREXHAGE,KARL A TRUST	2495 S KIHEI RD STE 204		KIHEI HI 96753	
2390200030156	D'ANNUNZIO,MICHAEL ALFRED	C/O D'ANNUNZIO,MICHAEL M/M	6736 36TH AVE SW	SEATTLE WA 98126	
2390200030157	CASTLEY,WARREN DAVID ALLAN		711 BLYTHWOOD DR	N VANCOUVER, BC V7N 2N8	CANADA
2390200030158	BISKIS,STEPHEN D		151 KEONEKAI RD	KIHEI HI 96753	
2390200030159	FISHER,CHARLES/JEANNE 1990 TRUST	3695 BRANDY ROCK WAY		REDWOOD CITY CA 94061	
2390200030160	JOHNER,LYNN VIVIAN		12411 JASPER AVE	EDMONTON, AB T5N 3K9	CANADA
2390200030161	CANNON,TOM P		16007 67TH LANE, NE #2	KENMORE WA 98028	
2390200030162	VACATION INTL LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030163	LYMER,BRENT	10659 HABERSHAM CT		LAS VEGAS NV 89183	
2390200030164	KERN,JEFFREY L	2495 S KIHEI RD APT #2-207		KIHEI HI 96753	
2390200030165	TURNER,CAROLYN		P O BOX 2006	PARKER CO 80134	
2390200030166	VACATION INTL LTD TRUSTEE		1417 116TH AVE NE	BELLEVUE WA 98004	
2390200030167	DERER,JEFF DAVID		308 22ND STREET EAST	NORTH VANCOUVER, BC V7L 3C7	CANADA
2390200030168	BRUTON,ELANIE		4775 OTTER POINT RD	RR2 SOOKE, BC V9Z 0K6	CANADA
2390200030169	AWE,DONNA J LIVING TRUST	1305 SKYLINE DR		TILLAMOOK OR 97141	
2390200030170	KUCHLE,NANCY SUE TRUST	1128 CORAM ST		COVINGTON KY 41011	
2390200030171	PETERSON,RITA	C/O RITA SHOCKLEY	92-5076 LIMOKELE ST	KAPOLEI HI 96707	
2390200030172	VERMONT,OLGA REVOC TRUST		2372 21ST AVE	SAN FRANCISCO CA 94116	
2390200030173	HARRIS,ROGER E	8742 GARFIELD AVE		HUNTINGTON BEACH CA 92646	
2390200030174	NICHOLAS,ROBERT/ARLENE TR	25 BALLARD AVE		KETTLE FALLS WA 99141	
2390200030175	TAJA INVESTMENTS LTD		13-1131 BARCLAY ST	VANCOUVER V6E1G8	CANADA

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TMK	Owner	C/O	Street	City State Postal Code	Country
2390200030176	TAJA INVESTMENTS LTD		19B-199 DRAKE ST	VANCOUVER,BC V6Z 2T9	CANADA
2390200030177	MULLEN,IAN	2014 FERN ST #F		HONOLULU HI 96826	
2390200030178	PULEO,SHERREL	2495 S KIHEI RD APT #215		KIHEI HI 96753	
2390200030179	JONES,HOWARD T AND GLORIA LEE TR	17 LAUMAEWA LOOP		KIHEI HI 96753	
2390200030180	QUEALEY,STEVEN M	18615 W 88TH AVE		EDMONDS WA 98026	
2390200040000	ALAKU POINTE LP		342 - 4TH AVE SE	CALGARY, AB T26 1C9	CANADA
2390200070001	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070002	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L 2L9	CANADA
2390200070003	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070004	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070005	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070006	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070007	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070008	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070009	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070010	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070011	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070012	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070013	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070014	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070015	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070016	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070017	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070018	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070019	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070020	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070021	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070022	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070023	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070024	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070025	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070026	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070027	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070028	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070029	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200070030	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070031	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070032	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070033	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070034	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070035	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070036	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070037	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070038	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070039	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070040	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070041	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070042	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070043	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070044	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070045	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070046	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070047	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070048	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070049	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070050	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070051	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070052	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070053	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070054	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070055	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070056	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070057	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070058	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070059	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070060	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070061	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070062	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070063	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070064	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070065	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200070066	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070067	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070068	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070069	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070070	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070071	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070072	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070073	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070074	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070075	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070076	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200070077	NOKAOI DEVELOPMENT LP	ATTN DENNIS BLAIN	75 LYNX MEADOWS DR	CALGARY, AB T3L-2L9	CANADA
2390200090001	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090002	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090003	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090004	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090005	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090006	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090007	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090008	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090009	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090010	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090011	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090012	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090013	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090014	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090015	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090016	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090017	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090018	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090019	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090020	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090021	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090022	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090023	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090024	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200090025	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090026	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090027	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090028	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090029	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090030	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090031	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090032	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090033	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090034	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090035	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090036	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090037	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090038	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090039	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090040	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090041	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090042	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090043	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090044	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090045	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090046	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090047	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090048	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090049	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090050	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090051	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090052	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090053	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090054	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090055	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090056	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090057	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090058	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090059	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090060	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200090061	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090062	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090063	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090064	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090065	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090066	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090067	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090068	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090069	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090070	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090071	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090072	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090073	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090074	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090075	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090076	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090077	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090078	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090079	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090080	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090081	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090082	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090083	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090084	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090085	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090086	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090087	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090088	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090089	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090090	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090091	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090092	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090093	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090094	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090095	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090096	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	

PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT PROPERTY

TMK	Owner	C/O	Street	City State Postal Code	Country
2390200090097	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090098	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090099	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390200090100	KIHEI REGENCY LLC	17992 COWAN		IRVINE CA 92614	
2390430840000	WOLFE,KENT A AND CYNTHIA J TRUST	2561 OMIKO PL		KIHEI HI 96753	
2390430850000	KLINKHAMMER,ULRICH RUDOLF	49 BURLWOOD DR		SAN FRANCISCO CA 94127	
2390430860000	JAHNS,ALAN REID		2545 OMIKO PLACE	KIHEI HI 96753	
2390430870000	GRIMES,MARK K		2539 OMIKO PLACE	KIHEI HI 96753	
2390430880000	STOCKHUS,JOE & LINDA TRUST	C/O STOCKHUS,ROBERT/LINDA	1012 WHITEOAK DR	SAN JOSE CA 95129	
2390430890000	SHAMBRA,NICHOLAS A	2525 OMIKO PL		KIHEI HI 96753	
2390430900000	ROGERS,TORI MICHELLE	2515 OMIKO PL		KIHEI HI 96753	
2390430910000	NYKA LTD	C/O KENICHI NIIZEKI	4-19-10 MEJIRO, TOSHIMA-KU	TOKYO 171-0031	JAPAN
2390430920000	GOLINO,REYNALDO A REV LIV TRUST	2510 OMIKO PL		KIHEI HI 96753	
2390430930000	NIEDERHAUSER,MARCEL	C/O NIEDERHAUSER, MARCEL/CHERYL ANN	54-9 HONMOKU-MOTOMACHI	NAKA-KU YOKOHAMA 231-0822	JAPAN
2390430940000	MAYALL,ZACHARY H	2526 OMIKO PL		KIHEI HI 96753	
2390430950000	SALKIN,LEONARD ELLIOT		2536 OMIKO PL	KIHEI HI 96753	
2390430960000	JACKSON,STEPHEN LUCAS	PO BOX 8523		NIKISKI AK 99635	
2390430970000	ROBINSON,TRUST		4 CORTE LAS SOMBRAS	GREENBRAE CA 94904	
2390430980000	MITCHAM,MATTHEW PRESTON		2556 OMIKO PL	KIHEI HI 96753	
2390430990000	ALFORD,GARETH G T		2562 OMIKO PL	KIHEI HI 96753	
2390431000000	MOLANDER,PETER	2570 OMIKO PL		KIHEI HI 96753	
2390431010000	GREENE,SANDRA MARIE	2576 OMIKO PL		KIHEI HI 96753	
2390431020000	BREEN,DONALD JOHN		2582 OMIKO PL	KIHEI HI 96753	
2390600930000	COUNTY OF MAUI	200 S HIGH ST		WAILUKU HI 96793	

Raymond Cabebe

From: Rich and Peg Tuott <rptuott@hotmail.com>
Sent: Tuesday, August 25, 2015 2:47 PM
To: Raymond Cabebe
Subject: Nani Loa Condominium Hotel

Follow Up Flag: FollowUp
Flag Status: Flagged

Good afternoon,

What is the access route to get to the new hotel? Is it the perpetual easement that connects to the Kai Nani Center parking lot?

Thanks,

Rich Tuott

Raymond Cabebe

From: Berney Coleman <bcoleman48@gmail.com>
Sent: Friday, August 28, 2015 9:45 AM
To: Raymond Cabebe
Subject: Nani Loa

Aloha,

I got your letter regarding the Nani Loa project. I was wondering if there was a website or someway I could see the renderings of the proposed project as I will not be able to attend.

Mahalo,

Berney Coleman
Kihei Akahi
808-276-8910

Raymond Cabebe

From: Stephanie Lowe <edenanani@yahoo.com>
Sent: Wednesday, August 26, 2015 10:08 PM
To: Raymond Cabebe
Subject: Nani Loa Project concerns

ATTN: Raymond Cabebe, Chris Hart and Partners

Aloha,

I am an owner at the Kihei Kai Nani, and did receive a recent letter regarding your upcoming Info Meeting Sept 16 pertaining to the Nani Loa Project.

I am sure it is of no surprise to you that owners at the KKN are troubled by the project and its negative impact on the KKN.
Since I live on the Mainland, I will not be able to be present on Sept 16 for questions and answers we may have. I would like to know:
1) Has it been resolved that the Nani Loa will NOT use the Easement in our parking lot during construction, and that an alternative entrance has been designated for residents of the Nani Loa instead of using the So Kihei Rd as originally planned?
2) The 3 and 4 floored construction does directly and negatively affect our view of Haleakala and to our visitors.
3) The extra plumbing demands are a concern in how they comingle with the KKN
4) water runoff and flooding
5) Destroying vegetation, 45+ year Mango tree and native bird habitat which is such a delight to our visitors
6) destroying our Roundabout, and greatly increasing the noise and traffic factor.

I understand "progress" is inevitable in society, but if the Entrance through our parking lot easement would be completely avoided and our roundabout, vegetation, bird habitat stay untouched, it would go a long way in making goodwill with the owners of the KKN rather than strife, resentment and negative impact environmentally, financially and emotionally.

Mahalo,
Stephanie Lowe/Edena Nani LLC
Owner KKN unit 269

Raymond Cabebe

From: Carolyn Samson <carolynlsamson@gmail.com>
Sent: Tuesday, August 25, 2015 9:11 AM
To: Raymond Cabebe
Subject: proposed Nani Loa Condominium

I am an owner at Kihei Kai Nani, and am writing to express my opposition to the plans to develop the lot behind KKN. I will not be on Maui to attend the Community Informational Meeting, and want my opinion expressed.

1. the building site is much too small for the plans for two buildings, one 3 and one 4 story
2. the access is through KKN, and such a large project will be very disruptive to our condominium. It is tight in the driveway now, and large trucks will be overwhelming and also ruinous to our driveway.
3. when it rains, the water runs down the draw in amazing quantities, often causing flooding. With the removal of all the vegetation on that lot, the situation will be exacerbated.
4. the noise of the construction will impact our ability to rent our units and make life miserable for occupants of our 180 units.
5. 39 units are proposed. The addition of this much additional traffic will be more than a nuisance to KKN.

Carolyn Samson
unit 349

Raymond Cabebe

From: Jordan Hart
Sent: Thursday, August 27, 2015 11:36 AM
To: Raymond Cabebe
Cc: Greg Walker
Subject: Nani Loa - Neighbor Comment, Monton Roeksbutr

Hello Ray,

I got a call form Monton Roeksbutr (951-768-9341), owner of Kihei Kai Nani unit 221 bldg 4.:

Monton was concerned about construction access. He anticipates damage to the asphalt surface and impacts to visitors who will affect the revenue of KKN unit owners.

Monton would like to see construction access happen from one of the undeveloped lots.

I explained where we are in the review and approval process.

Monton asked about unit types and pricing. I provided Greg's contact information.

Jordan E. Hart

Attachments: ()

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Maui, Hawaii
96793-1706

www.chpmaui.com
Direct: (808) 270-1563
Fax: (808) 242-1956
Email: jhart@chpmaui.com

Raymond Cabebe

From: Anthony Kathol <akathol@gwtc.net>
Sent: Monday, August 31, 2015 12:35 PM
To: Raymond Cabebe
Subject: Submitted Questions for Community Informational Meeting (September 16, 2015)

Dear Mr. Jordan Hart via Raymond Cabebe,

I am in receipt of your letter from your company dated August 17, 2015. Questions are being submitted by myself in response to the proposed Nani Loa Condominium Hotel project since I will not be able to attend the scheduled meeting on Wednesday, September 16, 2015.

I received a response from you via Email on October 28, 2014, in regards to my questions that I submitted to you prior to purchasing a condo within the Kihei Kai Nani complex. Since then I have purchase a condo unit in Building 10 that is located within the adjacent complex to the proposed project area. Personally, I have no objections to the project. You were responsive to my questions and was done in a professional manner; however, I consistently receive feedback from members of our association who dislike the project because the impacts it may have on our ability to rent out our properties during the project's construction phase and the harmful environmental effects it may have on the footprint of the property and the surrounding adjacent properties.

The following are my questions in regards to the proposed project:

1. Your response to my Email said that in order to mitigate the storm runoff from the property, the county standard is "to retain 100% of the increase in runoff resulting from development." If this is the county standard, where will the total retention pond be constructed in relationship to the Kihei Kai Nani complex and what will that area look like (in square feet)? I assume the size of the pond will be dependent upon what year design rainfall intensity curve is selected in calculating the peak overland flow. Have you chosen your intensity curve that will be used to size the retention pond? What is the intensity curve that you will use to make the determination of the retention pond size? As you know, additional runoff will be contributed as a result of the proposed development.

The basis for my question revolves around the idea that if storm runoff is captured in a total retention pond, there will be water that is contained. Is it possible that there will be stagnant water in this pond over the course of days/weeks after a downpour has occurred and the runoff has been collected? Could there be algae blooms on this pond that may create displeasing aesthetics/odor and create a potential harbor for mosquito breeding in an high concentrated area of tourists that may potentially be exposed to West Nile virus? How do the owners of the project propose to handle any stagnant water that may be a result of runoff activity?

2. In regards to the water and sewer infrastructure for the project, is it your intention to connect the Hotel project to the existing water and sewer mains currently within the premises of the Kihei Kai Nani complex? If so, does the project have sufficient funds whereas a joint partnership between the association and the project could potentially pool financial resources such that both could upgrade the current existing water and sewer collection mains within the Kihei Kai Nani complex for the benefit of both the association and the Nani Loa Condominium Hotel project?

To my knowledge, the current infrastructure was built in the 1970s and it is to my understanding that the current water and sewer infrastructure is in need of upgrade in the near future. If the Hotel project is going to impact the association by contributing additional sewer flow in the main line and tapping off an existing water main (if this is your intention), I see it as a win-win situation for both the association and the Hotel project to work together to benefit both parties. The upgraded water and sewer infrastructure may be the ticket to win over support from the association for the Hotel project. After all, we will be neighbors and therefore, both the Hotel and Kihei Kai Nani complex would be benefiting from the improvements if made now rather than at a later date when costs will be higher. I would hope this could be entertained by the owners of the Hotel project. A contribution in making improvements to the existing water and sewer mains could be used to persuade those opposed to the project. The costs of making the upgrades now would be offset by the association reducing HOA fees and special assessments in the future if there is a partnership and/or agreement worked out to make these necessary improvements. The costs could be shared based on a pro-rata share of the amount of water planned to be delivered to the Hotel project as well as the amount of sewer generated. To me, this is a common sense approach in how two parties could equally benefit when pooling each others resources.

There will always be those who dislike a project, but if there is a way to gather enough support by taking the approach that I have described above, then both parties win.

Best wishes in obtaining your SMA Use Permit & Community Plan Amendment by the County of Maui.

Sincerely,

Anthony G. Kathol, P.E.
Commander (Ret.), US Public Health Service
Owner, KKN 10-165

fax

AmericanWest Bank

Kettle Falls Branch
PO Box 519
Kettle Falls WA 99141
(509)738-2393 *phone*
(509) 738-2130 *fax*
www.awbank.net

Pages (including cover sheet) 2

TO: Chris Hart + Partners FROM: AWB Arlene Nichols
FAX: 808-242-1956 FAX: 509-738-2130
PHONE: PHONE: 509-738-2393
SUBJECT: Robert + Arlene Nichols DATE: 9/10/15
CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

COMMENTS:

RECEIVED
SEP 10 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: Raymond
13/075

This facsimile transmission may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by phone or return fax and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

9/10/15

Chris Hart + Partners Inc

re- Community Inf. meeting
proposed Nani Loa Condo

We have had our unit for 29 years and don't believe what this project will do to our property.
Please "count" our no "vote" for this development.

Robert + Arlene Nicholas #3-117
25 Ballard Ave
Kettle Falls, Wa 99141

slnick@gmail.com

FAX (808) 242-1956

9-2-15

Jordan Hart
Chris Hart & Partners
115 N. Market St.
Wailuku Maui, Hawaii 96793

RECEIVED
SEP - 8 2015
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Cc: Raymond + Brian
13/075

Dear Mr. Hart,

Thank you for your invitation to the community informational meeting for Nani Loa. As family owners of 160 at the Kai Nani we have been following this project with great interest.

What is your developers plan to never infringe or interfere with us or our neighbors or their guests egress and parking while they build?

What is their plan to never disrupt our electricity or our water during their construction? Will we always be able to shower, brush and flush?

Are they posting a bond to reimburse any of us for lost income? Many of our owners depend on rental income. Construction on Maui could take up to two years. We have 180 units mostly in rental programs. Will the developers bond be adequate?

These are some of the things we hope will be addressed in addition to the flooding and South Kihei Rd. congestion we have previously written you about.

Again, it was a pleasure meeting you last May and discussing this proposed project.

Bob & Gymme Frank

Cc: Raymond Cabebe
William Spence
Betts Ballinger
Carol Eiserloh
Victory Development

Bob & Gymme Frank
The Frank Family of 160
Kihei Kai Nani
2495 So. Kihei Rd.
Kihei - Maui, HI 96753

Raymond Cabebe

From: Bill Armstrong <singnrev@hawaii.rr.com>
Sent: Monday, September 14, 2015 9:02 AM
To: Raymond Cabebe
Subject: Nani Loa Hotel Condominium

I am an owner at Kihei Kai Nani. We are going off island today 9/14/15, so we will not be able to make your meeting. We just want to go on record we are against zoning change.

We realize this project is going to happen because this is what always happens in Maui. Little by little builders are ruining our little piece of paradise.

If this goes through we just want to ask that the KKN and all of the owners do not suffer from the 1% with the money to build things that change everything. Please use the new road above for all of the construction and future traffic this project will bring. South Kihei road is already a disaster most of the year for drivers, cyclist, walkers not to mention all the commercial trucks.

I don't think you realize the future outcome if this goes though the KKN.

Please use your heads and think about the people already paying taxes to the county year after year. There needs to be a compromise.

Thank you for listening and we are sorry to not being able to attend the meeting.

Bill and Laurie Armstrong
870 Malulani St. Kihei 96753

Raymond Cabebe

From: Michael Reed Gach <mrgach@att.net>
Sent: Tuesday, September 15, 2015 1:31 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Subject: Kihei Multi Family Housing for Nani Loa Development

Don Couch, Chairman of the Council Planning Committee
William Spence, Director Maui Planning Commission
Jason Medeiros, Commission Member for Kihei

We are writing to urge you to keep Nani Loa, the Lot1A, directly behind Kihei Kai Nani (KKN) a Multi Family (MF) housing per the Kihei-Makena Community Plan of 1998.

Our concerns as KKN owners are how to maintain easement rights through our property, bringing in all their utility lines up our driveway, including a water line, fire line, sewer lines, electric, and cable, tearing up our drive way for the 2 years required to build. This would seriously hurt our KKN property economically.

We urge the Maui County Planning Commission to resist access through our KKN property and instead approach the Lot1A from the N-S Collector Road, which will soon be open.

Please do not grant Nani Loa a H2 status. This would allow another developer to build up to 96' high! If Lot 1A received a H2 status, the Aloha Villages could request the same status for their over 8 acres, putting too much congestion in the area.

Mahalo for your consideration,

Barbara & Michael Gach
Owners at Kihei Akahi &
Owners at Kihei Kai Nani
South Kihei Residents

Raymond Cabebe

From: Carolyn Samson <carolynlsamson@gmail.com>
Sent: Tuesday, September 15, 2015 9:07 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Subject: 2495 S. Kihei Rd.

I am an owner at Kihei Kai Nani, and am writing you to protest the upcoming request to rezone Lot 1A to H2-Hotel. Their only access is through our property. That means our property could be unusable for the entire time of their building process. It means they could build up to 96' high building. I also protest your allowing anything to be built on that land locked property.... Now when it rains all the rain off comes rushing down our driveway, at one point flooding our swimming pool with mud. Plus, the property is so small that any of these extraordinary plans are untenable. Extensive run off plans have not been proposed. Imagine our small driveway being inundated with the kind of traffic that will ensue with both construction and subsequent occupancy. The whole project will impact our investment and our ability to rent our units.

Carolyn Samson
KKN, unit 349

Raymond Cabebe

From: Laurie Armstrong <lolomaui@hawaii.rr.com>
Sent: Monday, September 14, 2015 5:39 PM
To: planning@mauicounty.gov
Subject: Lot 1 A

Please do not allow the zoning change for that Victory Development are requesting. You will be ruining the area and every owner of all the condos and homes in the area will suffer.

Thank you,
Bill and Laurie Armstrong
870 Malulani St. Kihei Hawaii
96753

Raymond Cabebe

From: Bettie <kokuat@hawaii.rr.com>
Sent: Monday, September 14, 2015 8:42 PM
To: planning@mauicounty.gov
Subject: Lot 1A

Mr. William Spence, Director Maui Planning Commission

It is with great urgency that I am writing to you today to appeal to the commission to turn down the change in land use code for this property..Right now as it stands, the owners at Kihei Kai Nani stand to loose our peace and serenity should they even be allowed to build.. The contractor could take up to 2 years to build this property..We own 2 units at the Kihei Kai Nani that are used as a tourist rental..We have had these units for some 20 years and have many regulars come back each year..Disrupting their stays I fear would have them asking for their money back and they would go elsewhere..We depend on these rentals to pay the mortgages on the units. I ask that they find a different avenue to get their utilities etc. on the property.. We also ask that it not be changed to H2 as the height limits go up and the amount of units go up..More traffic, more congestion more noise..Please help us keep Maui Maui..we dont need another Waikiki.. Aloha and thankyou for any considerations towards our appeals.. June 'Bettie ' Ventura and Victor Ventura

Raymond Cabebe

From: Vicky Drex <vickydrex@comcast.net>
Sent: Tuesday, September 15, 2015 6:38 AM
To: planning@mauicounty.gov; don.couch@mauicounty.us
Cc: ceiserloh@yahoo.com
Subject: Victory request for zoning change

We are residents at Kihei Kai Nani (KKN) and we would request that the planning commission maintain the MF zoning for lot 1A.

Our fears are that other neighboring properties would also request similar zoning change, resulting in more hotels in an area that is already severely impacted.

Sent from my iPad

September 16, 2015

To: Planning Commission County Council

From: Bill & Carol Rhode
2495 S. Kihei Road, #224
Kihei, HI 96753

Re: Victory Development H2 Status on Nani Loa Project

To Whom It May Concern:

We want to express our concern about the Victory Development project H2 status on Nani Loa Project. We do NOT want this to become H2. Our concerns are about our complex and what this would do to all of us at Kihei Kai Nani. One concern is, What would happen in the event of a tsunami and people having to rush to get out of this complex? What will this do to our complex when construction takes place? How would fire equipment be able to get through?
We strongly oppose this project.

Sincerely,

Carol Rhode

Bill & Carol Rhode
crwolf@juno.com
303-359-5735

Raymond Cabebe

From: Jordan Hart
Sent: Monday, August 24, 2015 1:44 PM
To: Raymond Cabebe
Cc: Todd Leibl; Greg Walker
Subject: Nani Loa, Neighbor Call

Hello Ray,

I received a call from Nancy Kuchle (TMK 2390200030170).

Ms. Kuchle received the notice of neighbor meeting. She will not be able to attend because she lives in Kentucky; however she stated the following:

- She owns a ground floor unit
- She is concerned about construction phase impacts, specifically traffic
- She was not previously aware of the access easement
- She would prefer access from one of the abutting undeveloped parcels during construction

Jordan E. Hart

Attachments: ()

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Maui, Hawaii
96793-1706

www.chpmaui.com
Direct: (808) 270-1563
Fax: (808) 242-1956
Email: jhart@chpmaui.com

SIGN IN PLEASE

Nani Loa Condominium Hotel
Community Informational Meeting
Wednesday, September 16, 2015

	NAME	STREET ADDRESS
1	Virginia McNew	2531 So. Kihei Rd C-404 Kihei Hi 96753
2	Richard Meadley	2531 S. Kihei Rd Kihei 96753 C614
3	M. Betz	C-514 2531 So Kihei Rd. 96753
4	John C. Bauer & Carol	#271 " " " " " "
5	Darlene Turney Rowe	2495 So. Kihei Rd Kihei, HI 96753
6	Patrizia Hoskin	2495 S. Kihei Rd #163 Kihei Hi 96753
7	Marin Pomainville	2533 Omiko Place Kihei 96753
8	Jeff + Cindy Kerr	2495 S. Kihei Rd 2-207 1-101 Kihei, HI 96753
9	Fred & Sue Whittaker	" # 346 + 348
10	Sharon Magoon	2526 Omiko Pl

SIGN IN PLEASE

Nani Loa Condominium Hotel

Community Informational Meeting

Wednesday, September 16, 2015

	NAME	STREET ADDRESS
11	PATRICIA & Jefferson STILLWELL	227 Kamakoi Lp Kihei 96753
12	MAX CRADDOCK & MELANIE BAUGHMAN	4310 ULUMALU PL, HAIKU, HI 96708
13	MIKE MORAN	KCA
14	Carole & Lothar Eberlich	2495 S. Kihei Rd
15		
16		
17		
18		
19		
20		

NANI LOA CONDOMINIUM HOTEL

Draft Environmental Assessment

COMMUNITY MEETING

SEPTEMBER 16, 2015

CHRIS HART & PARTNERS, INC.

Presentation Outline

- Introduction
- Existing Site & Land Use
- Proposed Structures
- Design Elements
- Project Information
- Conclusion

Team

Victory Development/Kai Ani Development - Applicant

- Greg Walker
- Todd Leibl

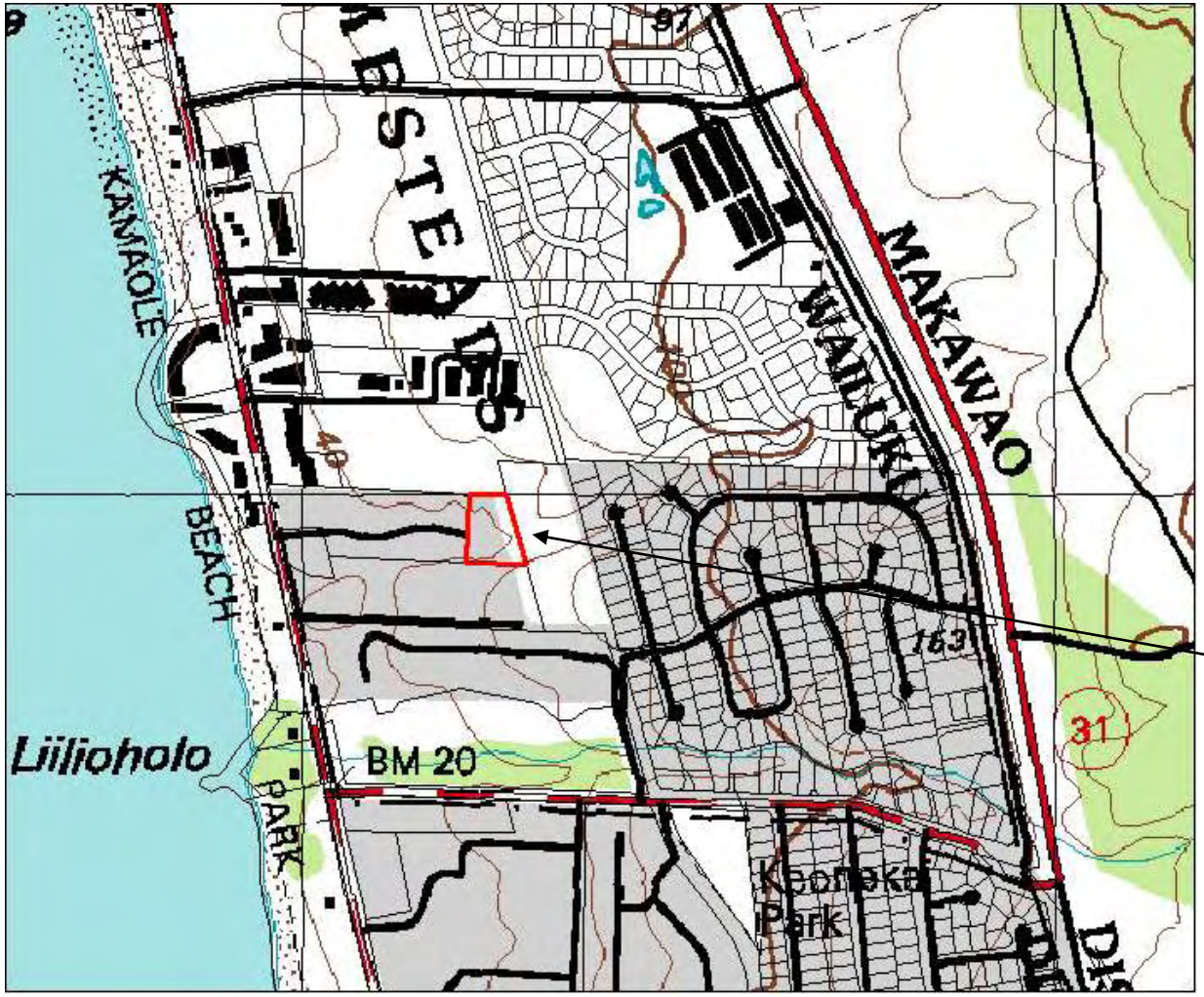
Chris Hart & Partners- Landscape Design & Planning Consultant

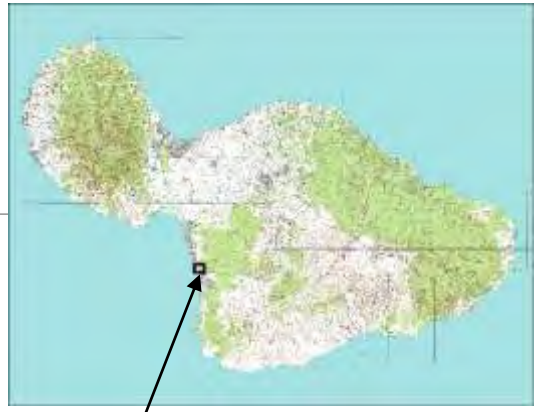
- Jordan Hart
- Raymond Cabebe

Permits

- Community Plan Amendment
  - Multi Family to Hotel
  - Final approval by Maui County Council
- Special Management Area Permit
  - Approval by Maui Planning Commission

Location Map

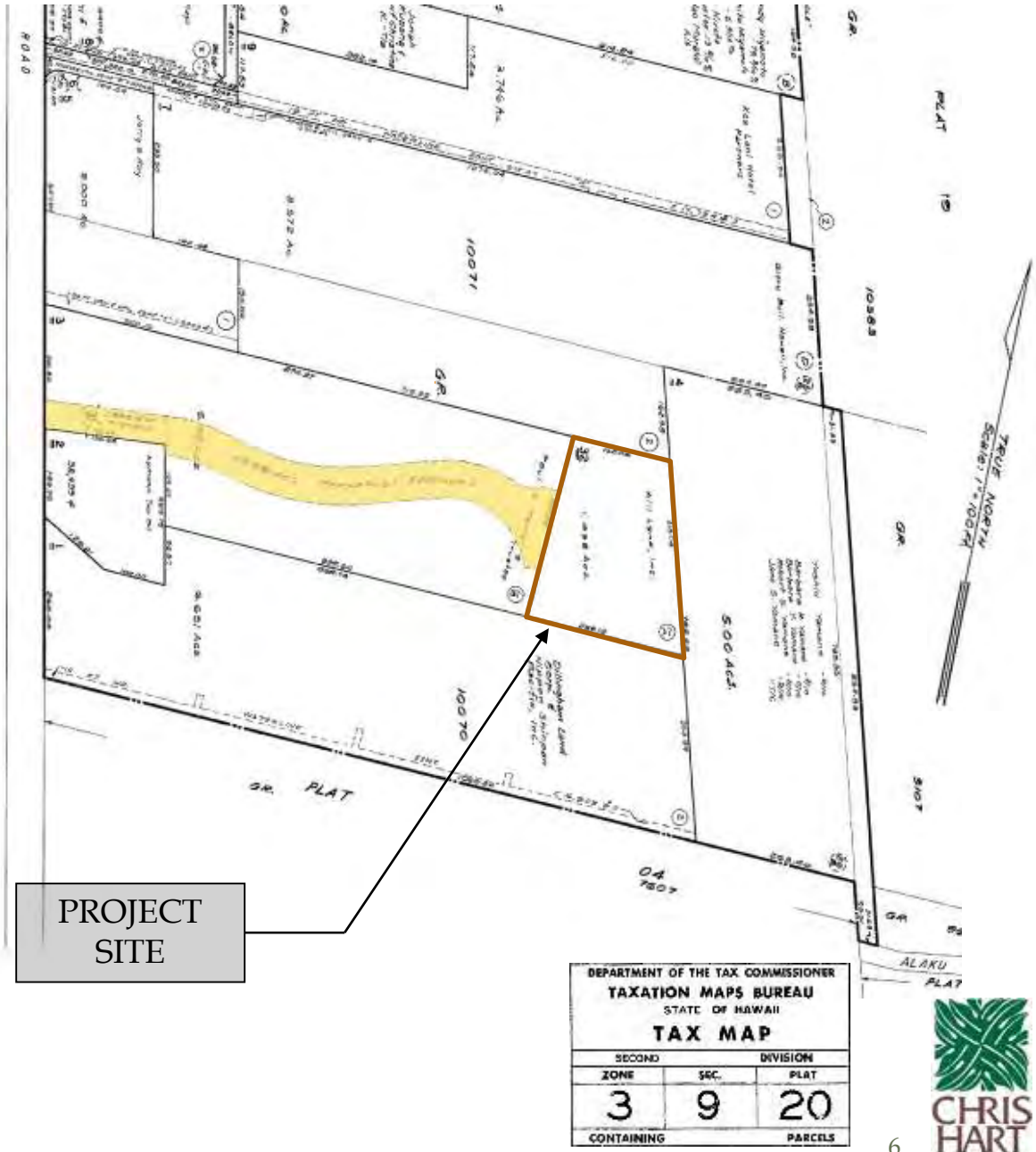




PROJECT LOCATION

Tax Map

- Parcel 32
- 1.438 ac.



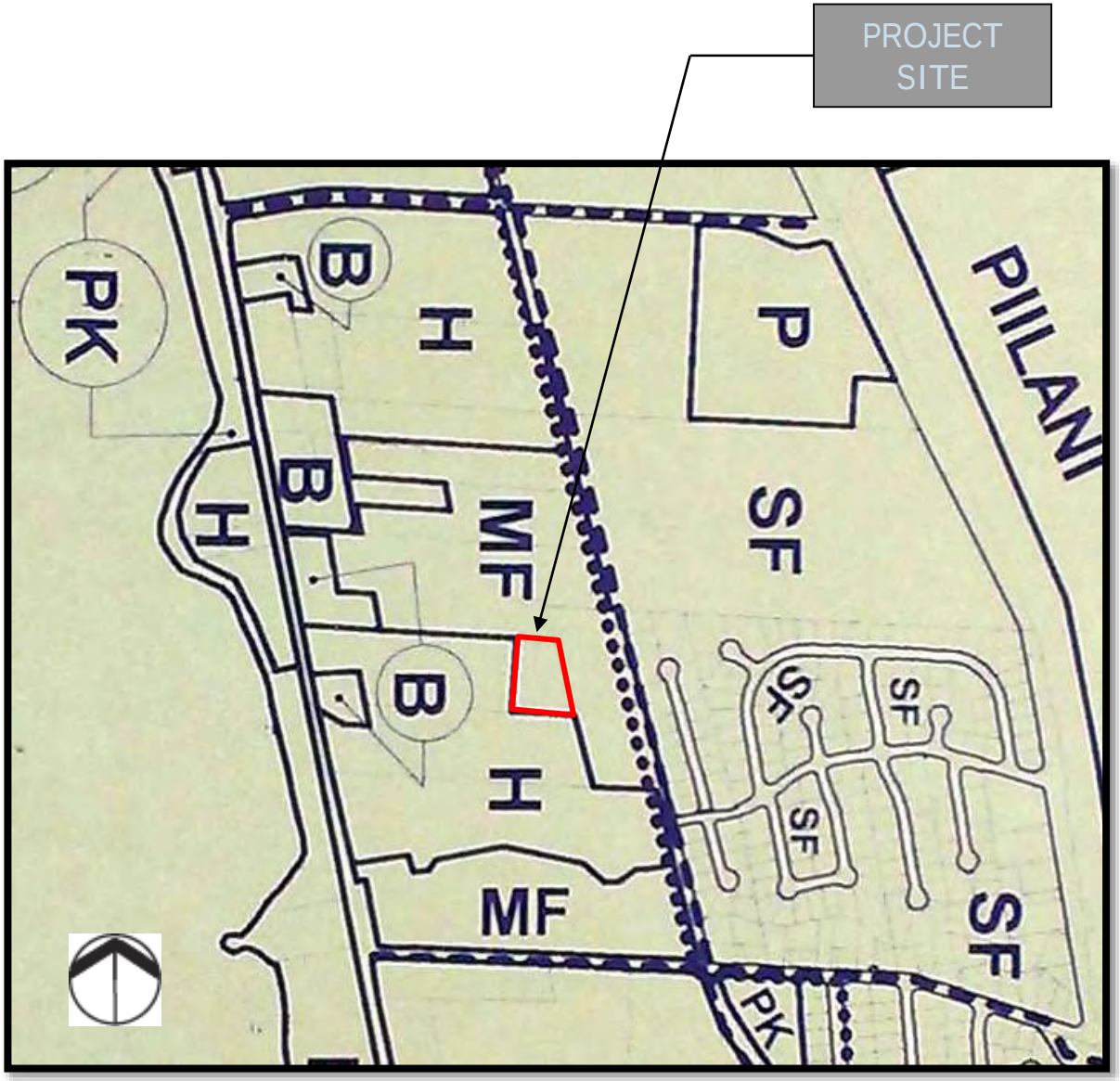
Aerial Map

PROJECT SITE
Aloha Villages (future)
North South Collector Road
North-South Collector Road
Kihei Kai Nani
South Kihei Road
Kihei Akahi
Kihei Banyan
Google earth

Community Plan Map

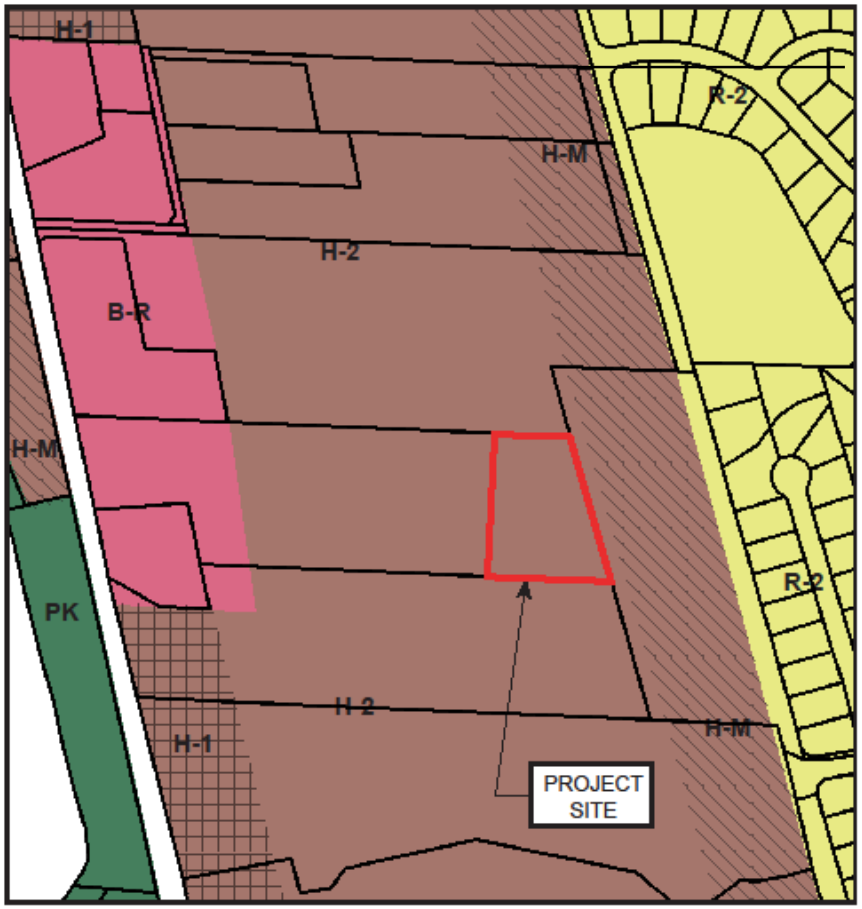
State Land Use:
Urban

Kihei-Makena Community Plan:
Multi-Family



Zoning Map

County Zoning:
H-2 Hotel District



LEGEND

- R-2 Residential
- H-1 Hotel
- H-M Hotel
- H-2 Hotel
- B-R Resort Commercial
- PK Park

MAUI COUNTY ZONING MAP

Not to Scale

Project Aerial

1. Looking across South Kihei Road towards entrance to Kihei Kai Nani. Driveway to Kai Nani Center at right.

2. Looking down Kihei Kai Nani driveway & parking lot towards South Kihei Road.

3. Looking west towards existing box culvert outlet on Kihei Kai Nani driveway.

4. Looking west towards vacant Nani Loa property.

5. Looking southwest across project site. Kihei Akahi in the background.

6. Looking north across project site. Kihei Regency Apartments in the distance.

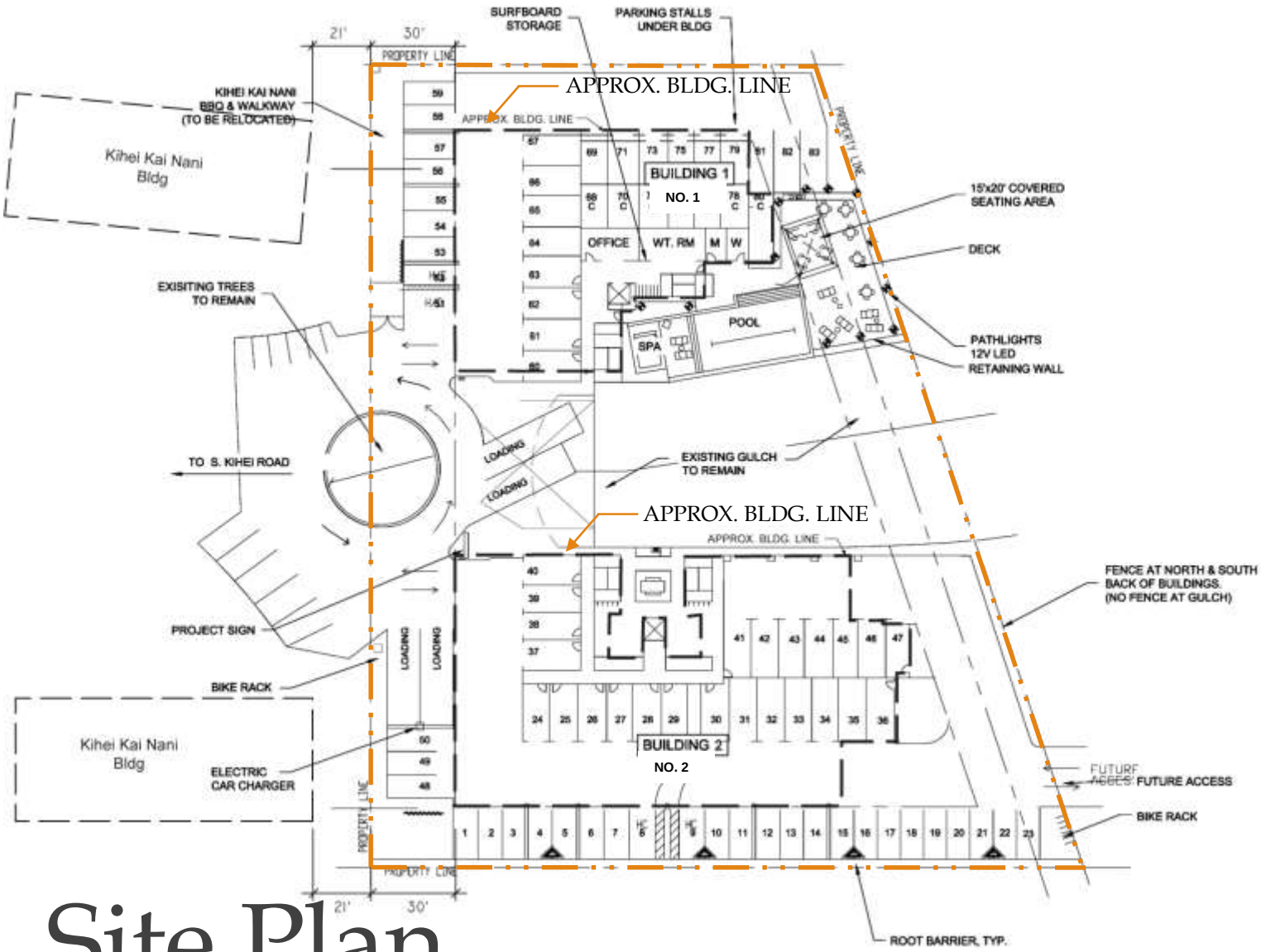
7. Looking west towards project site from future North-South Collector Road (under construction).

8. Looking east across project site from Kihei Kai Nani.

2. Approach to site.

Project Overview

- 39 Condo Hotel Units
- 2 Buildings (3-story & 4-story)
  - 2- & 3-bdrm configurations;
  - 1 to 3.5 baths;
  - Lanai.
- Common Areas
  - Swimming Pool/Spa;
  - Deck/Lounge area;
  - BBQ areas;
  - Fitness room;
  - Restrooms;
  - 83 parking stalls.



PROJECT: 14-030
DATE: 08/22/14
REV. DATE: 01/20/15

Site Plan

Landscape Plan

Queen Emma Lily

Ilima Papa

Naio

Firecracker

A'ali'i

Ice Plant

Beach Vitex

Plantings

Geiger tree

Areca Palm

Joannis Palm

Coconut Palm

Milo Tree

Hong Kong Orchid

MacArthur Palm

Dwarf Plumeria

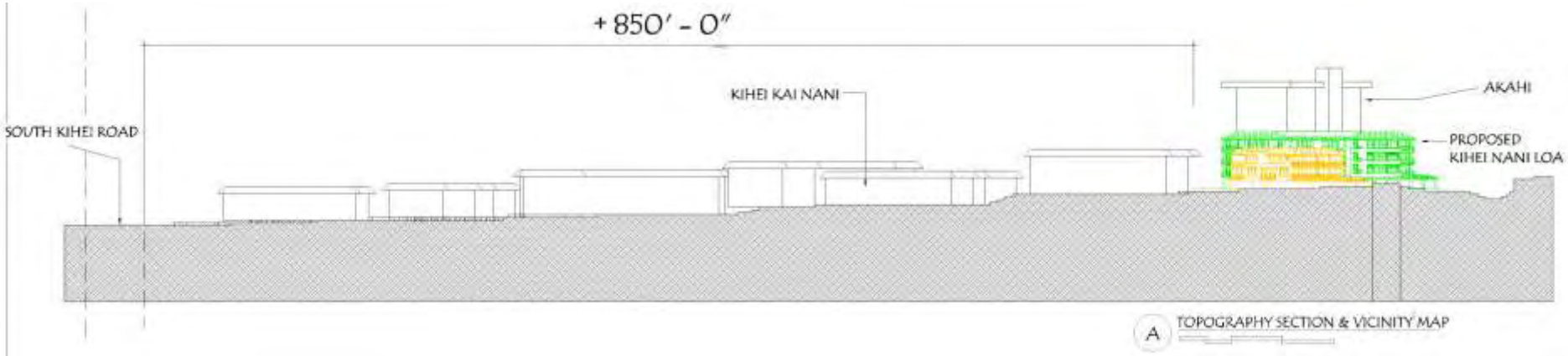
Plantings

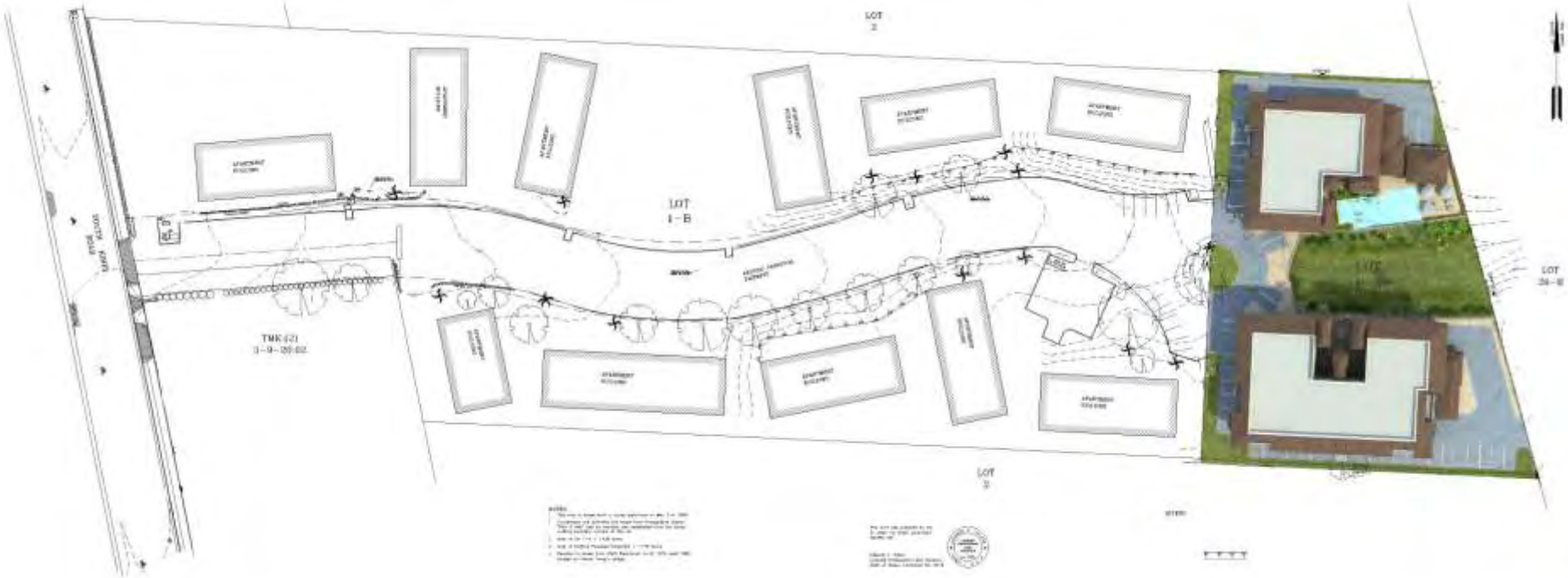
Project Aerial

Density

Resort	Units per Acre
Nani Loa (proposed)	**27.1**
Kihei Kai Nani	34.7
Kihei Akahi	35.9
Maui Banyan	29.5
Hale Pau Hana	43.5
Royal Mauian	48.2

	Nani Loa	H-2 Zoning	A-2 Zoning
Lot Coverage Ratio	**34%**	35%	35%
Floor Area Ratio	**73%**	150%	90%





Site Section

Elevations

BUILDING NO. 1

NORTH

SOUTH

Elevations

BUILDING NO. 1

EAST

WEST

Elevations

BUILDING NO. 2

NORTH

SOUTH

Elevations

BUILDING NO. 2

EAST

WEST

Looking Southeast

Looking Southwest

Looking Northwest

Building Colors

Railing Colors

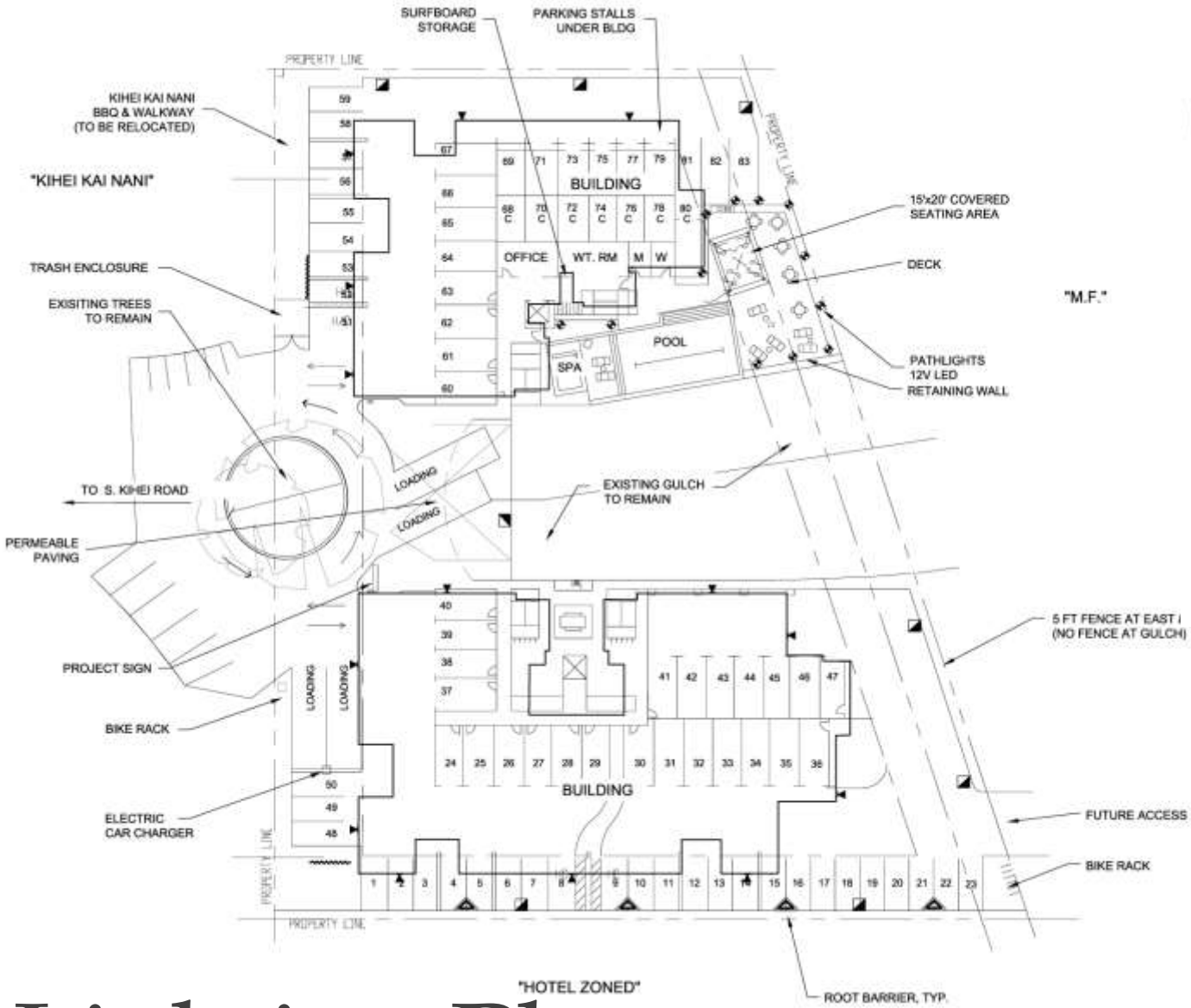
Reverse "Halo" lit LED illuminated Channel Letter Pin Mounted on

Pacific SIGN & DESIGN INCORPORATED

An Architectural & Environmental Graphics Company Since 1985

Ground Sign

CHRIS HART & PARTNERS, INC.



LIGHTING LEGEND

Parking Lot Light
Kim Lighting
'Structural' LED, Dark Sky Compliant 12-ft. h.

Building Wall Light
Kim Lighting
'Wall Director'
LED, Dark Sky Compliant

Pathway Light
Kim Lighting
'Traditional', 3 LED Dark Sky Compliant, 24"

Recessed Can Ceiling Light
For outdoor corridors, lanais, covered common area, & stairwells
Hubbell Lighting
'Retroficient' Prescolite
LED, Dark Sky Compliant

Project Sign Lighting
Backlit Pinned Lettering

*All Lighting Locations are Approximate

SCALE: 1"=20'-0"
PROJECT: 14-030
DATE: 08/22/14
REV. DATE: 08/05/15
01/20/16

Lighting Plan

Outdoor Lighting Fixtures

Utilities

Water

- Irrigation system will be designed to accept R-1 when available.
- Existing 2 inch meter.
- Domestic demand: 21,840 GPD.

Sewer

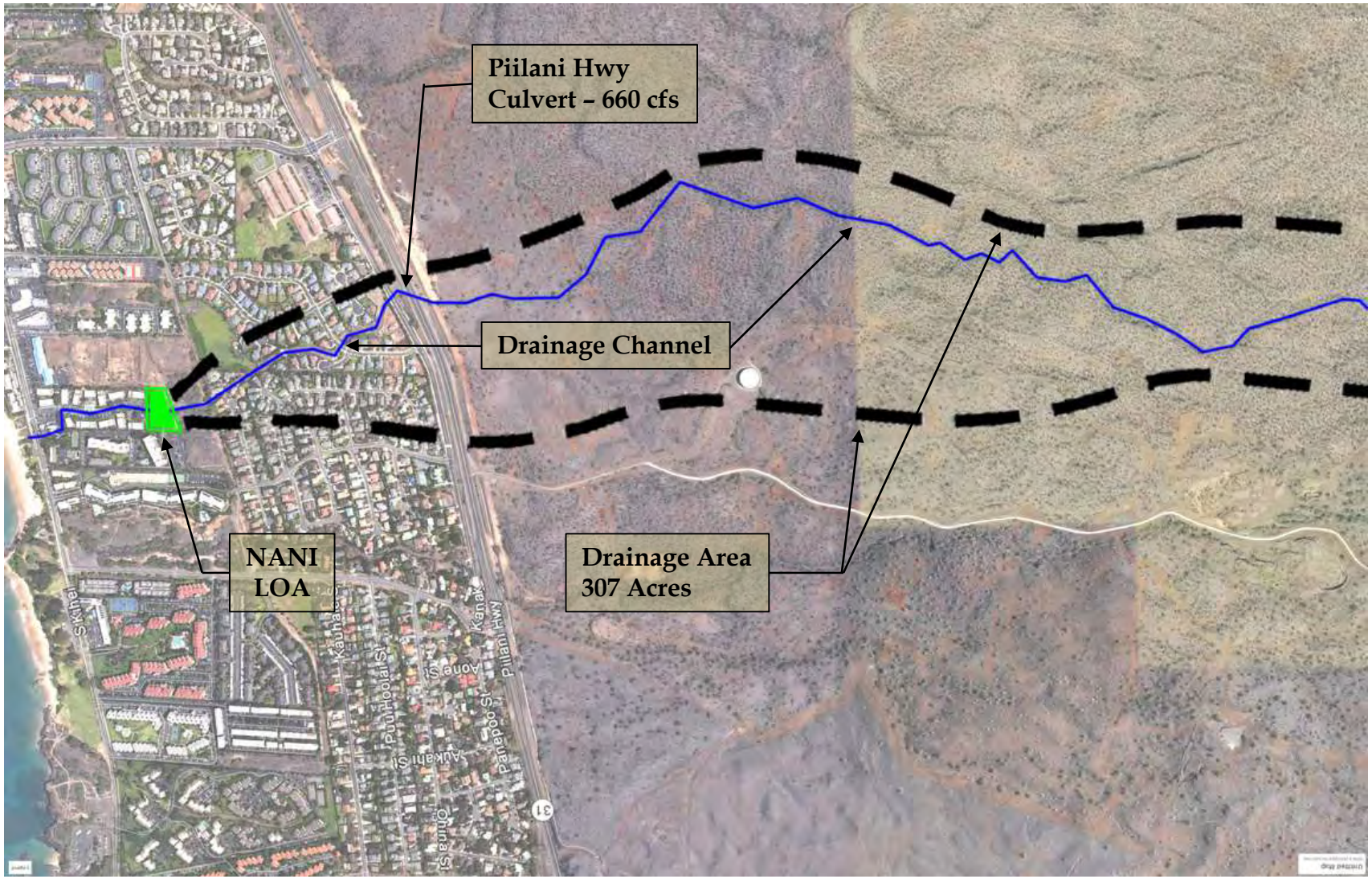
- Estimated wastewater 9,945 GPD.
- KWRF has remaining capacity of approx. 1.2 MGPD.

Drainage

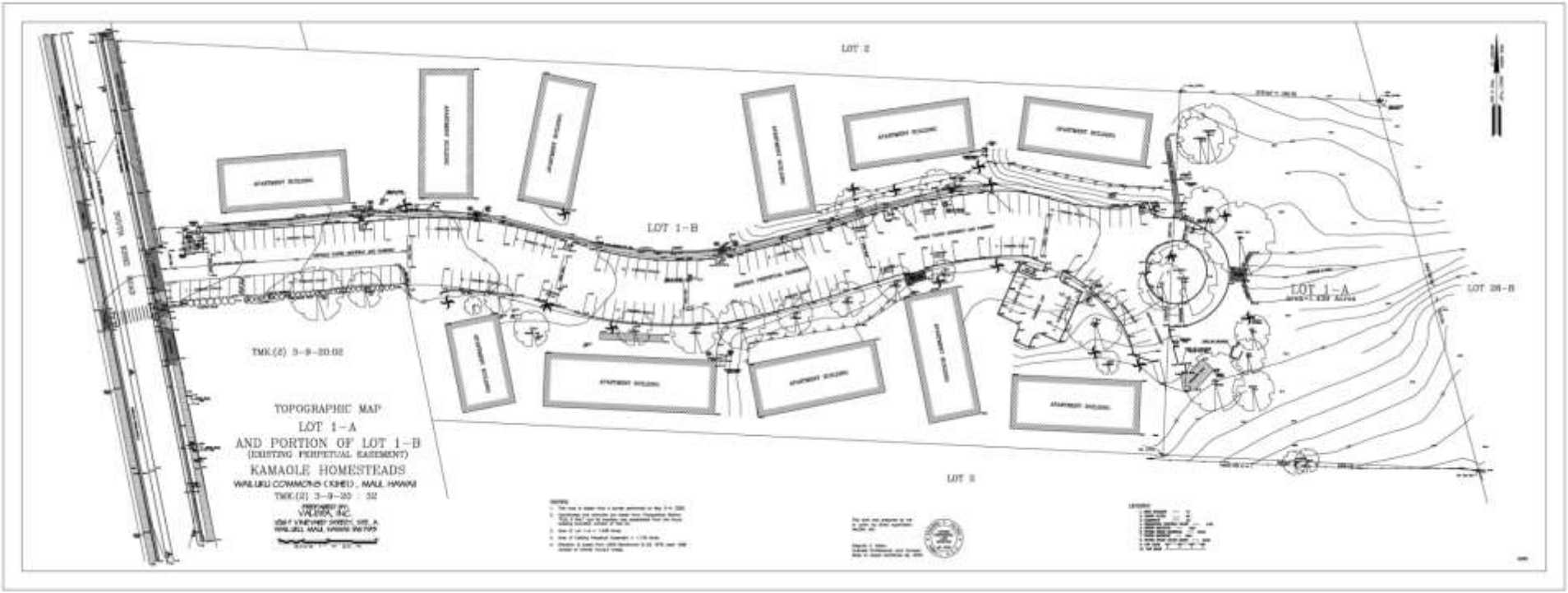
- Net storm water increase of 4.209 cfs.
- Post development runoff plus 20% (5.051 cfs total) to be contained by subsurface retention system.
- Existing runoff reduced from 1.973 to 1.131 cfs.

Roadway

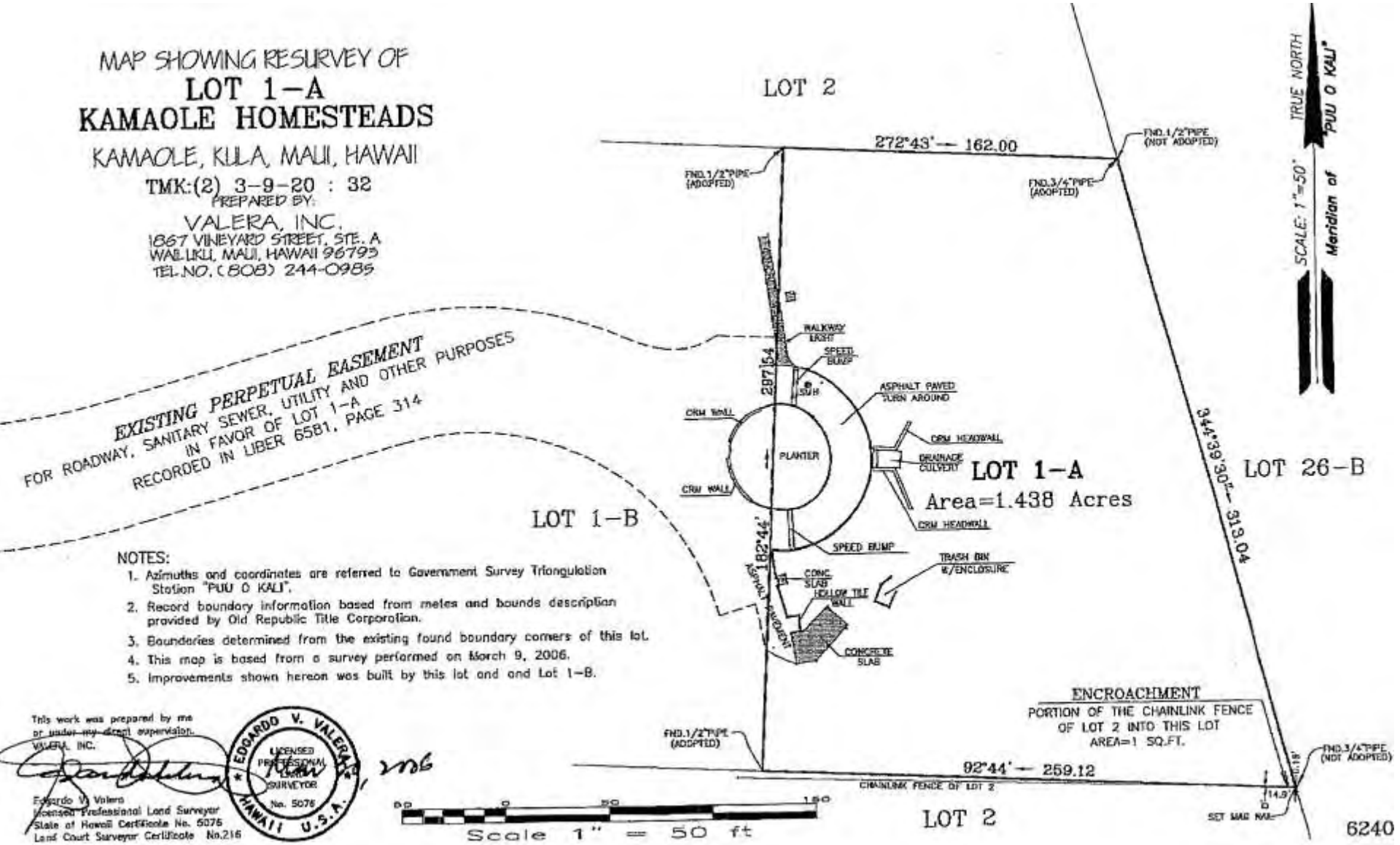
- Access to South Kihei Road through Kihei Kai Nani perpetual easement.



Drainage Map


LOT 2
LOT 1-B
LOT 1-A
LOT 2A-B
LOT 3
TMK:(2) 3-9-20:02
TOPOGRAPHIC MAP
LOT 1-A
AND PORTION OF LOT 1-B
(EXISTING PERPETUAL EASEMENT)
KAMAOLE HOMESTEADS
WAILUKU COMMONS (KIHEI), MAUI, HAWAII
TMK:(2) 3-9-20 : 32

Topo Survey



Boundary Survey

Sustainability Features

- Roof mounted PV Panels
  - Reduce energy demand from MECo.
- Electric Car Charging Station

CHRIS HART & PARTNERS, INC.

Sustainability Features

Community Connectivity

Within half mile of parks, shopping, school, medical center, public transportation.

CHRIS HART & PARTNERS, INC.

Sustainability Features

In-Fill Development

- Sidewalk Network;
- Major infrastructure in place;
- Nearby Public Services.

Alternative Transportation

- Bus stops at Kamaole Shopping Center St. (0.2 miles) & Kamaole Beach III (0.4 miles);
- Secure bike storage.

CHRIS HART & PARTNERS, INC.

Sustainability Features

- Water Conservation
  - Native & climate adapted plant species;
  - Automatic irrigation with drip emitters;
  - Rain sensors;
  - "R-1" ready;
  - WaterSense fixtures;
  - Sub-surface stormwater retention.
- Energy Conservation
  - Low E, high efficiency windows;
  - Open corridors for natural air flow;
  - Ceiling fans & split air systems for climate control;
  - Radiant barrier roofs.

Outreach

- Meetings:
  - October 2014
    - Kihei Kai Nani Site Manager & AOAO Board President
    - Presentation to Kihei Kai Nani Board
  - December 2014
    - Kihei Kai Nani AOAO Board President
  - April 2015
    - Shared updated plans with Kihei Kai Nani Site Manager & AOAO Board President
  - May 2015
    - KCA Design Committee
  - September 2015
    - Community Meeting – Property Owners within 500 Feet

Review

- June 2015 – Maui Planning Commission
  - Draft Environmental Assessment (EA) Review
- August 2015 – Urban Design Review Board
  - Design Review
- Future
  - Final EA – Maui Planning Commission
  - SMA Review – Maui Planning Commission
  - Community Plan Amendment – Maui County Council

Nani Loa Condominium Hotel

Mahalo

APPENDIX N
Tree Inspection Report

Tree & Landscape Decisions LLC
808 Makawao Ave.
Makawao, HI 96768-8936
(808)572-8663

October 3, 2015

Mr. David Sereda
Chris Hart and Partners
115 Market St.
Wailuku, Maui, HI
96793

Dear Mr. Sereda,

I was at the Kihei Kai Nani property in Kihei, Maui on September 29, 2015 to determine the health and transplant possibility for trees located along the back end of the property. These trees will be impacted by the development of the neighboring Nani Loa property.

The hedge between the two properties consists of natal plum, *Carissa grandiflora*, Christmas berry, *Schinus terebinthifolius*, and some haole koa, *Leucaena leucocephala* .

My tree inspection started from the north end and terminated on the south end along the property line between the two properties

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
1	Autograph tree, *Clusia rosea*	14" at 54" above ground. Some decay of trunk and stems from bad pruning cuts, but minor.	Dead branches need to be removed if tree remains in place.	Tree would require major pruning to transplant. Tree is not a keeper if impacted by construction. If not impacted, suggest that deadwood be removed and tree be kept in place.
2	Rainbow shower, *Cassia x nealiae*	29" at 15" above ground. Some minor trunk decay but seems to be walled off.	Large branch removals in the past. Many water sprouts from branches. Canopy with many beautiful blooms.	Tree is rather large for transplanting. Losing it is a major loss of environmental benefits and beauty. If removed, plant a replacement.

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
3	Coconut, *Cocos nucifera*	Crooked trunk with many spike injuries.	Good	Tree is transplantable but costs would be high due to its height. Residents might like a replacement. If so, plant a dwarf type of coconut.
4	Monkey pod, *Samanea saman*	26" at 54" above ground. 2" subtracted for bark. Trunk is healthy.	Dead branches in canopy need to be removed. Otherwise, good.	Tree can be transplanted, but it is rather large for doing so. A field stock replacement would be a good replacement.
5	Kiawe, *Prosopis pallida*	12" at 54" above ground.	A large tree with very thorny branches.	An invasive species. Replacement with an ornamental tree is recommended.
6	Beach heliotrope, *Tournefortia argentea*	12" trunk diameter below fork. Roots are close to hardscape. Very difficult to transplant.	Canopy with extensive decay and water sprouts.	Recommend removal and replace with an ornamental tree somewhere on property.
7	Hong Kong orchid, *Bauhinia blakeana*	Double trunk tree. Trunk below fork is 6".	Tree is transplantable but survival is in doubt. Tree is weak. Ground is very dry.	Replace with another tree and plant elsewhere. Hong Kong orchid is a beautiful flowering tree.
8	Hong Kong orchid, *Bauhinia blakeana*	Single trunk tree. Trunk is 6" in diameter measured at 12" above ground	Tree is transplantable but survival is in doubt. Tree is very weak. Irrigation?	Replace with another tree and plant elsewhere. Beautiful flowering tree.

No.	Species	Trunk Diameter and Condition of Tree	Canopy	Comments
9	Coconut tree, *Cocos nucifera*	Tree is about 35 feet tall.	Fronds appear to be in good health.	Tree is transplantable but costly to do. Suggest that 2 or 3 broadleaf trees be planted as replacements. If residents like the tree for its fruit, then plant another coconut elsewhere.
10	Milo tree, *Thespesia populnea*	About 30" diameter trunk consisting of multiple stems. Many surface roots.	Canopy and growth is thick.	Tree should not be kept because it is too difficult to move. It is like a "thicket". Wood can be used for crafts. Replace with young specimens.
11	Milo tree, (Photo) *Thespesia populnea*	Tree is fallen over and has trunk decay.	Dry area.	Tree is not a keeper. Wood may be usable by carvers. Replace young specimens.
12	Chinese banyan, *Ficus microcarpa*	Lower trunk is a collection of many stems.	Scrubby growth. This is not a desirable specie.	Replace with another tree.
13	Hong Kong orchid, *Bauhinia blakeana*	Trunk is 6" in diameter when measured at 6" above ground.	Tree consists of three stems and has a severe lean.	Tree is not a keeper. A replacement is recommended
14	Mango, *Mangifera indica*	Trunk of 24" in diameter measured at 24" above ground.	Some dead wood in canopy. Tree is rather large for transplanting. Residents have enjoyed the fruit.	Recommend that if tree is removed, that it be replaced. Plant a Rapoza, or Pope, or Keitt mango tree.
15	Rainbow shower, *Cassia x nealiae*	Diameter is 20" at 4 feet above ground. Trunk cavity from old branch removal.	Too big to transplant. Trunk decay.	If space is available. Suggest that another be planted on the property.

Conclusions:

The Kihei Kai Nani property is planted with many attractive trees. Trees make the property inviting and increase property values. However the Nani Loa development's access road will impact a number of Kihei Kai Nani trees. Tree relocations and replacement tree plantings should be considered. Of course this would depend on available space. Research has proven that trees improve people's mental health and well being and that the "benefits are in the canopy". It is important that if tree replacements are planted that above and below ground space is available.

Thank you for asking me to help.

Sincerely,

Ernest H. Rezents
ASCA, Registered Consulting Arborist # 380, and
ISA, Certified Arborist WE2135A, and
ISA, Tree Risk Assessment Qualification

www.maui-arborist.com

Appendix:

1. Photographs..... Pages ..... 5 & 6
2. Arborist's Disclosure ..... page..... 7

Map of property with the trees marked is attached.

Photograph # 1 Autograph tree.

1. Aerial roots. These could be cut off at source.
2. Decay (limited penetration) from where branch broke off some time ago. Stump could be cut off closer to trunk.
3. Circling root that needs to be cut.

Photograph # 2

Rainbow shower tree.

1. Lower branch could be removed. At least lighten its weight to avoid it ripping off.
2. Healthy tree.

Photograph # 3

1. Coconut
2. Monkeypod
3. Kiawe
4. Beach Heliotrope, double trunk. Roots impacting curbing.
5. Hong Kong orchid.
6. Hong Kong orchid.

Photograph # 4

Double trunk beach heliotrope.

1. Surface roots impacting the concrete curbing.
2. Not possible to save this tree.

Photograph # 5.

1. Fallen over milo tree.
2. Tree is not a keeper.

Arborist Disclosure Statement

1. Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard with the recommendations of the arborist, or seek additional advice.

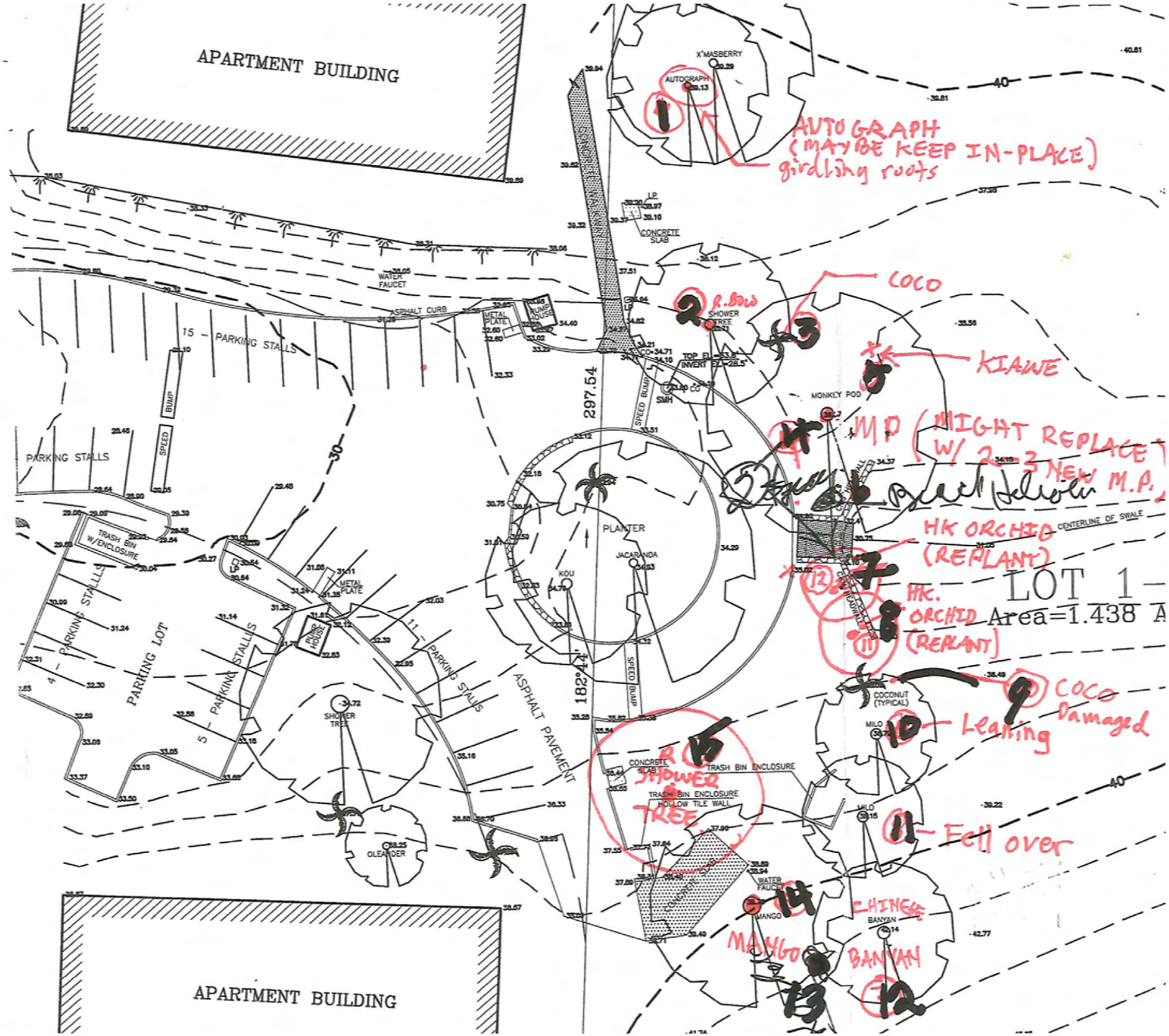
2. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

3. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

4. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

5. This report and any values expressed herein represent the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

6. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.


APARTMENT BUILDING
X'MASBERRY
AUTOGRAPH
AUTOGRAPH (MAYBE KEEP IN-PLACE) girdling roots
CONCRETE SLAB
WATER FAUCET
ASPHALT CURB
PUMP HOUSE
METAL PLATE
15 - PARKING STALLS
PARKING STALLS
BUMP
SPEED
SHOWER TREE
R. BOLD
COCO
KIAWE
MONKEY POD
MP (MIGHT REPLACE W/ 2-3 NEW M.P.)
297.54
SPEED BUMP
SMH
PLANTER
JACARANDA
KOU
HK ORCHID (REPLANT)
HK. ORCHID (REPLANT)
CENTERLINE OF SWALE
LOT 1
Area=1.438 A
TRASH BIN W/ENCLOSURE
4 - PARKING STALLS
PARKING LOT
5 - PARKING STALLS
11 - PARKING STALLS
ASPHALT PAVEMENT
182.47
COCO
Damaged
Leaning
COCONUT (TYPICAL)
MILO
CONCRETE SLAB
TRASH BIN ENCLOSURE
TRASH BIN ENCLOSURE HOLLOW TILE WALL
R. SHOWER TREE
Fell over
OLEANDER
MANGO
CHINESE BANYAN
BANYAN
APARTMENT BUILDING