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Landscape Architecture  
City & Regional Planning  
June 23, 2014

2014 JUN 27 A 8:38

LAND USE COMMISSION  
STATE OF HAWAII

Mr. George P. Young, P.E.  
Chief, Regulatory Branch  
U.S. Army Engineer District, Honolulu  
Fort Shafter, HI 96858-5440

Dear Mr. Young,

RE: Comments on the Environmental Impact Statement Notice (EISPN) for the  
Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-  
174. POH 2013-00172

Thank you for your letter of October 8, 2013. The proposed project will not involve placement or discharge of dredged and or fill material into the Kulanihakoi Gulch. (Note: the previously proposed Kaonoulu Market Place (POH 2009-00306) planned to discharge stormwater into Kulanihakoi Gulch, and the ARMY required a DA permit at that time, however the project has changed and the new plan will not discharge or effect Kulanihakoi Gulch.)

The Applicant acknowledges that there is a minor unnamed tributary of Kulanihakoi Gulch on the subject property. The Applicant has not been able to further document the tributary as it has no name and does not appear to be a navigable water of the U.S. The tributary is not subject to the ebb and flow of the ocean tide, and does not meet the criteria of a wetland, therefore we anticipate that a DA permit is not required for the proposed project.

On behalf of the Applicant the State Land Use Commission will send your Branch a copy of the forthcoming Draft Environmental Impact Statement (EIS), for further review and comment.

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

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Oródenker, Executive Officer, DBEDT  
Project File 13-029



CHRIS  
HART  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

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

Dear Mr. Asuncion,

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

Thank you for your letter of October 23, 2013. In responding to your comments on the EISPN, we would like to note the following.

*Comment 1: Due to the proposed project's proximity to Kulanihako Gulch, there may be coastal nonpoint pollution impacts from the project site. We recommend your review of the Hawaii Watershed Guidance (August 2010), which provides a summary and links to management measures that may be implemented to minimize coastal nonpoint pollution impact. Specifically, the sections on Watershed Protection (p. 121) and Site Development (p. 122) may be useful when developing the section dealing with drainage in the Draft EIS.*

The Hawaii Watershed Guidance document can be viewed on-line or downloaded at [http://hawaii.gov/dbedt/czm/initiative/nonpoint/HI Watershed Guidance Final.pdf](http://hawaii.gov/dbedt/czm/initiative/nonpoint/HI_Watershed_Guidance_Final.pdf).

**Response 1:** The Applicant will review the provided information in preparation of the drainage sections for the forthcoming Draft EIS. Copies of this guidance document have also been provided the appropriate project consultants for their review and consideration.

*Comment 2. Additionally, when developing the drainage section of the Draft EIS, specifically with regard to stormwater, please review the Office of Planning's Stormwater Impact Assessment, to identify and evaluate information on hydrology (i.e., proximity to drainage ways,*

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*stream channels, sensitive ecosystems in receiving waters), stressors (i.e., water quality and pollutants), sensitivity of resources (i.e., aquatic resources and riparian resources), and management considerations.*

*This guidance document will assist in integrating stormwater impact assessment within your review process. The appendices of the guidance document include a list of data resources, best management practice techniques, and a review checklist that may be useful. The Stormwater Impact Assessment guidance document can be viewed online or downloaded at [http://files.kauaii.gov/dbedt/op/czm/initiative/stormwater\\_impact/final\\_stormwater\\_impact\\_assessments\\_guidance.pdf](http://files.kauaii.gov/dbedt/op/czm/initiative/stormwater_impact/final_stormwater_impact_assessments_guidance.pdf).*

**Response 2:** The Applicant has reviewed the provided Stormwater Impact Assessment information and copies of this guidance document have also been provided to the appropriate project consultants for their review and consideration. The forthcoming Draft EIS will provide information on hydrology, identify sensitive resources, and provide management or mitigation considerations.

*Comment 3. Land Ownership and Project Applicant. Page 4. The document includes this statement: "The Applicant is the owner of the parcels comprising the project." The Applicant listed on the Executive Summary is Piilani Promenade North LLC, and Piilani Promenade South, LLC. However, page 5 of the EISPN indicates that the Applicant owns parcels 16, 170-174, and further states that the project comprises 75 out of the 88 acres within the Petition area. The remaining 13 acres are owned by Honua'ula Partners and are not part of the project area. [Docket No. A94-706 Kaonoulu Ranch] From previous Land Use Commission actions on this Petition, i.e., Motion to Show Cause hearings, Honua'ula Partners proposed to develop the multi-family apartment units on the Petition area. It is not clear from the document whether the studies for this project will also include these apartment uses.*

**Response 3:** The Draft EIS and the associated technical studies will include the non-project apartment uses to be located in the future on the adjacent 13-acre parcel owned by Honua'ula Partners solely for impact analysis and as background information. The Applicant has pending a Motion to Amend before the Land Use Commission, which motion seeks, *inter alia*, to bifurcate and assign a separate Land Use Commission Docket Number that applies solely to the 75 acres owned by Applicant. Any approvals and additional necessary studies for the 13 acres owned by Honua'ula Partners will be handled separately by Honua'ula Partners.

*Comment 4. Workforce Housing. The EISPN briefly describes that the project will include workforce housing. The Draft EIS should include additional information regarding the breakdown for the number of affordable units and anticipated housing prices. It should be clarified whether the 200 multi-family apartments are within the Honua'ula parcel or a new proposal not*

*previously mentioned in A94-706. Potential impacts and mitigation measures for the 200 apartments proposed for the project area, including traffic and other infrastructure both on and off-site should be included. The Petitioner plans to construct the apartments on two of the parcels encompassing the project area, parcels no. 169 and 16. The Draft EIS should indicate whether additional subdivision actions are proposed for the Petition area.*

**Response 4:** The Draft EIS will include additional information regarding the breakdown for the number of affordable units and anticipated housing prices, as well as the potential impact and mitigation measures related thereto. The 200-multi family units referenced in the EISPN are within Parcel 16, and are different than those planned for the Honua'ula parcel. At some point in the future on the adjacent 13-acre parcel (Parcel 169) owned by Honua'ula Partners there will be additional multi-family units constructed, if Honua'ula Partners determines to proceed with that development.

*Comment 5. Project Schedule. The Draft EIS should include a project timetable for the development and infrastructure. The timetable should also include information on projections for the number of apartment units to be constructed per year and/or the floor area/square footage for each type of use, such as business, commercial, and light industrial.*

**Response 5:** To the extent such information is available, the Draft EIS will include a project timetable for development and infrastructure including projections on the number of apartment units to be constructed per year and/or the floor area/square footage for each type of use, such as business, commercial, and light industrial.

*Comment 6. Sustainability and Resource Use. The Hawaii State Plan sets out priority guidelines and principles for sustainability, as codified in HRS 5226-1 08, Sustainability. In addition, Act 286, Session Laws of Hawaii 2012, set forth new priority guidelines in the Hawaii State Plan related to climate change adaptation. The Draft EIS should include a section that describes sustainable design and development measures the project will incorporate or consider in development of the project. A commitment to sustainable development practices will support State energy initiatives and the Administration's New Day priorities to move toward clean energy, energy independence, and a green economy. The Draft EIS should also quantify the current energy use and projected energy requirements of the project, and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources. The Draft EIS should also discuss what measures could be taken to promote the use of alternative transportation modes, including identification of existing or planned county bus service in the area, and how the project will link into planned pedestrian paths and bikeways.*

**Response 6:** The Draft EIS will include a discussion on the new priority guidelines in the Hawaii State Plan related to climate change adaptation. To the extent such information is available; the Draft EIS will provide a section on infrastructure including electrical

systems. The Draft EIS will describe energy use, conservation measures and projected electrical demand. The Draft EIS will include a Transportation section which includes a discussion of alternative transportation options and providing connection opportunities from the project to adjacent uses.

*Comment 7. Access easements. A timeframe for obtaining the access easements and a discussion of progress in acquiring the easements should be provided.*

**Response 7:** To the extent such information is available; the Draft EIS will include a timetable for obtaining the access easements and a discussion of progress in acquiring the easements.

*Comment 8. Previous Actions. The Draft EIS should include a section on previous government permits and actions and approvals obtained previously on the Petition area, including the aforementioned A94-704, and actions leading to the current preparation of this EISPN document. Specifically, the document should clarify that the original Petition was approved for a light industrial subdivision, and describe in detail the subsequent approvals and project changes that led to the Order to Show Cause proceedings, and the preparation of this EISPN before the Land Use Commission.*

**Response 8:** The Draft EIS will include a section on previous government permits and actions and approvals obtained previously on the Petition area, including the aforementioned A94-704, and actions leading to the current preparation of this EISPN document.

*Comment 9. Traffic. The Traffic Impact Analysis Report (TIAR) should include all residential units within the Petition area, including the residential units within the Honua'ula lot.*

**Response 9:** The Draft EIS will include a TIAR that analyzes the residential units within the Petition area, as well as, solely for the purposes of impact analysis, the residential units within the 13 acres owned by Honua'ula.

*Comment 10. Maps. All maps should be to scale. In addition, if applicable, all maps should include a legend and the North arrow.*

**Response 10:** The Draft EIS will include maps drawn to scale with legend and north arrow included when applicable.

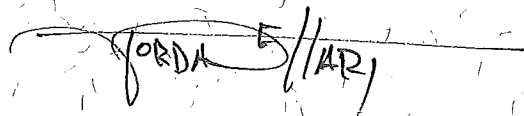
Mr. Leo Asuncion, Jr., Acting Director  
Office of Planning  
State of Hawaii  
Piilani Promenade EISPN  
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*Comment 11. Community Consultation. The Draft EIS should describe any consultation with the community regarding the proposed project.*

**Response 11:** The Draft EIS will include a list of consulted community groups.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "JORDAN E. HART", written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodener, Executive Officer, DBEDT  
Project File 13-029



June 23, 2014

Mr. Mike Moran, President  
Kihei Community Association  
P.O. Box 662  
Kihei, HI 96753

Dear Mr. Moran,

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

Thank you for your letter of October 14, 2013. In response to your enumerated comments we would like to note the following.

*Comment 1. Please include in the draft EIS that this signifies limited rainfall at the site, and therefore the applicant's landscape design shall emphasize drought tolerant vegetation to limit irrigation required.*

**Response 1.** The Applicant is aware that the project site receives limited rainfall. The landscape design for the project will utilize drought-tolerant plant species and other water conservation measures. In addition the project will be using non-potable water for all irrigation uses.

*Comment 2. Please include in the draft EIS that the applicant will design the development to take advantage of and enhance these views that are crucial to our tourist industry and therefore to our economy.*

**Response 2.** The Draft EIS will include a section on Visual Resources. The proposed project will be designed to be mindful of open space views on the *mauka* side of Pi'ilani Highway. Building height limits for the Pi'ilani Promenade will be limited to 60 feet.

*Comment 3. Please include in the draft EIS an analysis of the potential jobs created by the*

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*project and identify potential mitigations that the applicant can use to provide long term employment that will maximize living wage jobs compared to the typical minimum-wage retail positions.*

**Response 3.** The Draft EIS will include an Economic Impact Analysis and Public Fiscal Assessment which will quantify the effect the proposed project is expected to have on the local and State economy.

*Comment 4. Please include in the draft EIS potential mitigations that the applicant will include such as completely off-road bus turnouts or full-size bus stops within their site design.*

**Response 4.** The Draft EIS will include a section on Public Transportation to address the location of public transportation within the Pi ilani Promenade project site. In connection with the future occupancy and use of the project, the Applicant will meet with the Maui Dept. of Transportation to discuss the possibility of establishing bus stops within the project site.

*Comment 5. The TIAR should define the current traffic conditions without the project. It should then provide a cumulative traffic projection and its impacts from the fully developed project and all the Kihei road systems both existing and proposed from the fully developed project. The traffic analysis for the fully developed project should include the traffic from all of the approved developments to date and those that would be likely in the next 20 years. The TIAR should at least include the following approved developments: The Makena Developments (3700+/- units), Honua'ula, Wailea Resort, Maui Research and Technical Park, Kihei Downtown Center, Kihei High School, Honua'ula Affordable Housing, Kihei Mauka, No & Kihei Housing, Kaiwahine Village, Pulehu Nui Industrial Area, Entitled South Maui Infill Projects, and Partly Entitled South Maui Infill Projects.*

*The traffic Impact Analysis should assume the complete upcountry highway and include mitigation required for the improvement of the intersections of Kaonoulu Street and the Pi ilani Highway and of Kaonoulu Street and South Kihei Road.*

*Please include in the TIAR the mitigation that the design of roadways within the development as well as public roads impacted by the development will meet the Hawaii State criteria for Complete Streets (providing for pedestrian and bicycle traffic in addition to motorized vehicles), the Kihei Road Design Standards\* and the Green Streets criteria.\*\* Analyze roadway intersections with the intent to use roundabouts and mini roundabouts in lieu of signalized and stop sign intersections to conform to with Kihei-Makena Community Plan goals and implementing actions*



*for a pedestrian oriented, walkable community.*

**Response 5.** The Draft EIS for the Piilani Promenade will include a TIAR for the proposed project. The TIAR will include an analysis of existing conditions and projected traffic impacts from the proposed project and surrounding developments. The Draft EIS will also describe the proposed pedestrian and bicycle network.

**Comment 6.** *Analyze the compliance of the project with the following section of the Kihei Design Guidelines:*

*New developments shall provide measures for pedestrian and biking safety and deemphasize the automobile. Roadway standards have been developed by the KCA for use in new developments that provide for a narrowing of roadway widths thereby reducing traffic speed and creating a smaller scale and sense of place suitable for small towns and neighborhoods. (The complete Roadway Standards are available upon request). All roadways shall have street shade trees and planted separations between walkways and the street curbs. Roadways shall incorporate tree planted bulb out areas where parallel parking is included. Neighborhood roads should provide connectivity to adjacent neighborhoods. Crosswalks through roadways should be slightly elevated as a table; a change in texture and color from asphalt is preferred. Neighborhood developments should not place garage door entrances in front yards near the streetscape and should incorporate front porches and or high visibility of streetscape from homes. Privacy walls at streetscape are discouraged. \*\*\**

**Response 6.** The Draft EIS will analyze and discuss the proposed project in relation to the above-referenced section of the Kihei Design Guidelines.

**Comment 7.** *Please include in the draft EIS the mitigation that all utilities on or crossing the site will be placed underground.*

**Response 7.** All onsite utility systems serving the Piilani Promenade will be placed underground.

**Comment 8.** *Please discuss the cumulative effects per the Hawaii State Office of Planning document Storm Water Impact Assessments from the storm runoff and propose mitigation to lessen the impacts downstream and the summary of actions stipulated in the South Maui Watershed Plan II. \*\*\*\**

**Response 8.** The Draft EIS will describe the cumulative and secondary impacts of the proposed project including storm water runoff.

*Comment 9. Please analyze the compliance of the project with the following section of the Kihei Design Guidelines:*

*Open Space Drainage Ways and Flood Control Major natural drainage ways shall remain undeveloped with a significant buffer to provide for visual open space and connectivity of neighborhoods to beaches, parks, schools, and commercial areas for pedestrians and bikers. Drainage ways left in a natural state or with native vegetation will aid in abating the serious flood problem that Kihei faces as a result of uncontrolled development. Detention and/or retention basins that may be required for maintaining the control of on-site runoff generated from proposed developments shall be substantially completed in their construction and improved with landscape and native vegetation prior to significant clearing, grubbing, grading, and building construction on the site. \* \* \**

**Response 9.** Kulanihakoi Gulch lies south of and adjacent to the project site. This large, natural drainageway will remain in its existing state and no water will be diverted or discharged into the gulch. Underground drainlines and detention basins will control and capture onsite runoff generated from the proposed development. The underground detention basins will be constructed concurrently with other major infrastructure systems for the project.

*Comment 10. Please include in the report the cumulative impact of all identifiable future developments be included, specifically for Kihei High School and for Maui Technology Park additions. This development along with other increases in water demand in Kihei will cause further degradation of our aquifers with increased salinity. The mitigation for the rising salinity levels should be addressed.*

**Response 10.** The Draft EIS will include a section on cumulative impacts and will discuss the cumulative effect that readily identifiable future development could have on water source and availability.

*Comment 11. Please include in the draft EIS either specific plans to change the project land use to comply with the Kihei-Makena Community Plan or, if the project land use is to be as proposed, to apply for an amendment to the Community Plan and to apply for a change in zoning from Light Industrial to the proposed Commercial and Residential uses.*

k. Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway. These areas should limit retail business or commercial activities to the extent they are accessory or provide service to predominate light industrial use.

The proposed design does not meet these requirements. New design guidelines should be developed as part of the Community Plan amendment. The published Kihei Design Guidelines currently support this type of development as follows:

*Commercial and High Density Developments:*

Developments should orient building fronts toward the streetscape with parking in the rear or side of buildings away from the streetscape and pedestrian access ways. Wide sidewalks at streetscapes with ample canopy on buildings should be incorporated. Streetscapes and Sidewalks should include benches and shade trees. Buildings should have a comfortable scale relationship with the streetscape and sidewalks. Buildings at streetscapes are preferred to be three stories maximum with a massing progression of setting back the third level from the lower two. Mixed use buildings are highly encouraged in order to integrate the residential community into commercial neighborhoods. There should be a transition in scale of buildings and their appearance as commercial areas meet residential areas. Commercial zoned lots adjacent to residential shall be limited to two stories and incorporate residential style massing and detailing. Village type commercial areas encouraging pedestrian activity and walk ability within the community are given preference. Signage and building design should be geared toward the pedestrian and slow speed traffic not high speed traffic. \*\*\*

**Response 11.** Your comments regarding the Kihei Makena Community Plan ("KMCP") are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance to the Kihei-Makena Community Plan. The forthcoming Draft EIS will include an analysis of how the proposed project meets the goals and objectives, and complies with the KMCP, including those sections cited in your letter. In addition, the Draft EIS will discuss, as a possible alternative, the amendment of the KMCP in the "unresolved issues" section of the Draft EIS.

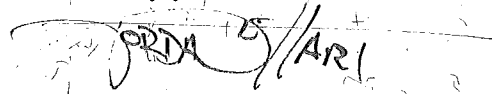
As will be more extensively discussed in the Draft EIS, the Piilani Promenade supports the Kihei Design Guidelines. The project's non-vehicular transportation strategy includes: 1) compact and mixed-use development patterns, 2) integrating pedestrian-oriented streets, street trees, sidewalks, and traffic calming, 3) both striped and separated bike lanes in appropriate locations, 4) supporting connectivity to adjacent developments including Kihei High School and land uses mauka of Piilani Highway.

Mr. Mike Moran, President  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
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In addition, transportation demand management measures include: 1) encouraging alternate work schedules and off-peak hours for employment generators; 2) supporting park and ride, ridesharing, carpooling and van pooling; and 3) the Applicant will meet with the Maui Dept. of Transportation to discuss the possibility of establishing bus stops within the project site.

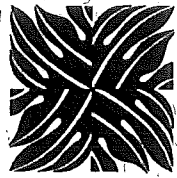
Thank you again, for providing us with your letter. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "JRM 5/ARI", is written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Ordenker, Executive Officer, DBEDT ✓  
Project File 13-029



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Landscape Architecture  
City, & Regional Planning

June 19, 2014

2014 JUN 27 A 8:39

LAND USE COMMISSION  
STATE OF HAWAII

Ms. Lila Sherman  
172 Ahaaina Way  
Kihei, HI 96753

Dear Ms. Sherman,

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

Thank you for your e-mail of October 23, 2013 providing comments on the proposed  
project. In responding to your comments, we would like to note the following.

A copy of the Draft EIS will be provided to you when it becomes available. The Draft EIS  
will evaluate potential impacts to the environment, including those identified in your  
letter, and will also include a discussion of the Kihei-Makena Community Plan.

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

Sincerely yours,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodener, Executive Officer, DBEDT  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

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June 23, 2014

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LAND USE COMMISSION  
STATE OF HAWAII

South Maui Citizens for Responsible Growth  
4320 E. Waiola Loop  
Kihei, HI 96753

Dear Mr. Hyde,

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

Thank you for your email letter of October 23, 2013. The following responses to your comments are provided below:

*1. The Proposed Action described in the EISPN does not comply with the 1998 Kihei Makena Community Plan (KMCP); the KMCP has the Force and Effect of Law and must be amended if the Proposed Action is to Proceed; All LUC Decisions and Orders Must Conform to the Hawaii State Plan (HRS 205-16); The Hawaii State Plan Includes County General and Community Plans*

**Response 1:** Your comments regarding the Kihei Makena Community Plan ("KMCP") are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance to the Kihei-Makena Community Plan. The forthcoming Draft EIS will include an analysis of how the proposed project meets the goals and objectives, and complies with the KMCP, including those sections cited in your letter. In addition, the Draft EIS will discuss, as a possible alternative, the amendment of the KMCP in the "unresolved issues" section of the Draft EIS.

*2. The Proposed Action Described in the EISPN is Inconsistent with Light Industrial Zoning; a Change in Zoning is Required*

**Response 2:** Your comments regarding the Maui County Zoning are duly noted. The

Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance with the Maui County Zoning. The forthcoming Draft EIS will include an analysis of the project's compliance with the Maui County Zoning Ordinance. The proposed mix of Apartment, Retail, Commercial and Light Industrial uses are permitted uses under Chapter 19.24, M-1 Light Industrial District zoning; therefore we do not anticipate that a change in zoning will be required for the proposed project. However, if the Planning Department's review of the DEIS indicates that a CIZ is necessary, the Applicant will seek the appropriate zoning change.

*3. The Proposed Action is Inconsistent with the Countywide Policy Plan*

**Response 3:** The forthcoming Draft EIS will include an analysis of how the proposed project conforms to the goals policies and implementing actions of the County Wide Policy Plan.

The Piilani Promenade is utilizing smart growth planning techniques that will help to reduce automobile trips and associated pollution. The design will help to minimize automobile trips by providing employment, goods, services and housing within walking or biking distance of each other. The Piilani Promenade has a unified pedestrian and bicycle system within the project and will provide opportunities for connections to its existing and future surrounding uses.

The Applicant has begun the environmental review process, which will engage Maui County residents and allows the public to provide comment on the project.

*4. Economic Analysis Must Extend Beyond Discussion of Short Term Construction Jobs and Tax Revenue Arising From the Proposed Development*

**Response 4:** The forthcoming Draft EIS will include an extensive Market Study, Economic Impact Analysis and Public Fiscal Assessment of the proposed Piilani Promenade. The Assessment report will determine the demand in the Maui and Kihei-Makena commercial, industrial and residential real estates sectors. In addition the report will estimate the specific effects on the local economy as a result of the proposed project and will quantify the estimated gross tax receipts, public costs, and net benefits.

*5. Safe Routes to School Need to Be Developed for Mauka Residences*

**Response 5:** The applicant supports the safe routes to school program and the project's non-vehicular transportation strategy includes supporting connectivity to adjacent developments including Kihei High School and land uses *makai* of Piilani Highway.

#### *6. Elimination of the Kaonoulu Gulch*

**Response 6:** The forthcoming Draft EIS and the associated Preliminary Engineering Report will include a description of the proposed drainage improvement and the anticipated impacts of the proposed development.

*7. The Project Background is Incomplete. The project background described at pages 4 and 5 of the EISPN is insufficient because it does not speak to the whole history of the project that began as a 123-lot light industrial park described in the Land Use Commission's 1995 Order. The property owners, Pi'ilani Promenade North, LLC (PPN), and Pi'ilani Promenade South, LLC (PPS), were recently found in violation of the 1995 LUC Order for (a) failure to develop the property as represented to the Land Use Commission, (b) failure to construct a frontage road as ordered, and (c) failure to file annual reports with the Land Use Commission, the State Office of Planning and the County of Maui Planning Department. Acknowledgement of these violations is critical to understanding the current situation.*

**Response 7:** The forthcoming Draft EIS will have a more extensive discussion of the project background, including the proceedings before the Land Use Commission noted in your letter.

#### *8. Specific Questions*

##### *A. Pedestrian Safety and Walk-ability*

**Response 8a:** The project's non-vehicular transportation strategy includes: 1) compact and mixed-use development patterns, 2) integrating pedestrian-oriented streets, street trees, sidewalks, and traffic calming features, 3) both striped and separated bike lanes in appropriate locations, and 4) supporting connectivity to adjacent developments including Kihei High School and land uses *makai* of Pi'ilani Highway.

The transportation demand and management measures proposed for the project include encouraging alternate work schedules and off-peak hours for employment generators and supporting park and ride, ridesharing, carpooling, and van pooling. In addition, the Applicant will also meet with the Maui Department of Transportation to discuss the possibility of establishing bus stops within the project site.

##### *B. Economic Impact*

**Response 8b:** The forthcoming Draft EIS will include a Market Study, Economic Impact Analysis and Public Fiscal Assessment of the proposed Piilani Promenade. The Assessment report will determine the demand in the Maui and Kihei-Makena



commercial, industrial and residential real estates sectors. In addition the report will estimate the specific effects on the local economy as a result of the proposed project and will quantify the estimated gross tax receipts, public costs, and net benefits. The construction of the Piilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui.

#### *C. Smart Growth*

**Response 8c:** the proposed project incorporates New Urbanism and Smart Growth planning techniques and urban design strategies which help to create a settlement pattern that is more compact and mixed-use in character. This will facilitate a self-sufficient development and result in shorter commutes by offering multi-modal transportation opportunities. The proposed project will also make a considerable investment in infrastructure which will support a unified pedestrian and bicycle system within the project with opportunities for extending and connecting these systems to existing and future development in surrounding areas

#### *D. Water*

**Response 8d:** The Piilani Promenade will be served by the Maui County Water System and will construct the following required improvements:

- 1) Relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street;
- 2) Constructing a new 1.0 MG capacity concrete water storage reservoir located 220 feet AMSL which will be dedicated to the DWS upon completion;
- 3) Installing a 3,200 ft. long, 12-inch diameter transmission waterline from the Central Maui Water System's existing 36-inch transmission line to the new 1.0 MG storage reservoir for refilling the storage tank;
- 4) Installing a 5,500 ft. long, 16-inch diameter distribution main from the new 1.0 MG storage reservoir to and along East Kaonoulu Street which

will deliver potable water for domestic use and provide fire protection for the Piilani Promenade project site; and

5) Installing a 1,100 ft. section of a 12-inch diameter distribution main across Piilani Highway to a connection point at the 18-inch diameter waterline on Kenolio Road in order to provide water circulation and link the new water system improvements to the County water distribution system serving the Kihei area.

*E. Traffic*

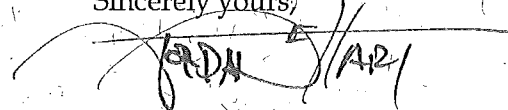
**Response 8e:** The forthcoming Draft EIS for the Piilani Promenade will include a Traffic Impact Assessment Report for the proposed project. The TIAR will include an analysis of existing conditions and projected traffic impacts from the proposed project and surrounding developments. The Draft EIS will also include a section describing the proposed pedestrian and bicycle network.

*F. Zoning*

**Response 8f:** The proposed project will include approximately 5 acres of land dedicated to the type of light industrial uses described in your letter. The Draft EIS will provide a detailed breakdown of proposed square footage by use for the proposed project, and a discussion of how the project complies with the applicable zoning.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Hart", with a horizontal line drawn through it.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodenker, Executive Officer, DBEDT ✓  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

2014 JUN 27 A 8:39

LAND USE COMMISSION  
STATE OF HAWAII

Mr. Daniel Kanahele  
PO Box 648  
Kihei, HI 96753

Dear Mr. Kanahele,

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

Thank you for your letter of October 14, 2013. Below are the responses to your comments.

*Comment 1. The proposed action described in the EISPN does not comply with the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law and must be amended if the Proposed Action is to Proceed: All LUC Decisions and Orders Must Conform to the Hawaii State Plan (HRS 205-16); The Hawaii State Plan includes County General and Community Plans.*

*I request that the Draft Environmental Impact Statement (DEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.*

**Response 1.** Your comments regarding the Kihei Makena Community Plan ("KMCP") are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance to the Kihei-Makena Community Plan. The forthcoming Draft EIS will include an analysis of how the proposed project meets the goals and objectives, and complies with the KMCP, including those sections cited in your letter. In addition, the Draft EIS will discuss, as a possible alternative, the amendment of the KMCP in the "unresolved issues" section of the Draft EIS.

Mr. Daniel Kanahele  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
Page 2 of 5

*Comment 2. The proposed action described in the EISPN is Inconsistent with Light Industrial Zoning; a change in zoning is required.*

*I request that the Draft Environmental Impact Statement (DEIS) discuss the project submitting a request for a zoning change to the County of Maui.*

**Response 2. :** Your comments regarding the Maui County Zoning are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance with the Maui County Zoning. The forthcoming Draft EIS will include an analysis of the project's compliance with the Maui County Zoning Ordinance. The proposed mix of Apartment, Retail, Commercial and Light Industrial uses are permitted uses under Chapter 19.24, M-1 Light Industrial District zoning; therefore we do not anticipate that a change in zoning will be required for the proposed project. However, if the Planning Department's review of the DEIS indicates that a CIZ is necessary, the Applicant will seek the appropriate zoning change.

*Comment 3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development shares all the previous entitlement approvals with the Pi'ilani Promenade Project and is depended on this development for much of it's infrastructure needs and will have many similar environmental impacts as the Pi'ilani Promenade, yet has had no environmental review.*

*I request that the Draft Environmental Impact Statement (DEIS) discuss the impacts of the 13-acre, 250 unit affordable housing project for the Honua'ula Development.*

**Response 3.** The Draft EIS will include technical studies that address specific aspects of the Honua'ula affordable housing project solely for assessing potential impacts and as background information. The proposed development of Piilani Promenade is not dependent upon any entitlements of Honua'ula, nor the development of the 13-acre 250 affordable housing project. The Applicant has filed a Motion to Amend with the Land Use Commission, which is currently pending and which seeks, *inter alia*, to bifurcate and assign a separate Land Use Commission Docket Number that applies solely to the 75 acres owned by Applicant. Any approvals and additional necessary studies for the 13 acres owned by Honua'ula Partners will be handled separately by Honua'ula Partners and will be the subject of a separate action by the LUC. The Draft EIS will include a section on cumulative impacts and will discuss the cumulative effect that readily identifiable future development could have on water source and availability, as well as other public resources.

*Comment 4. I request that the Draft Environmental Impact Statement (DEIS) thoroughly discuss the impacts of the proposed action on regional traffic, increase flooding downslope, existing businesses in the region, safety of students from Kihei High School and other schools walking or biking to the and from the Pi'ilani Promenade.*

**Response 4.** The forthcoming DEIS will include technical studies including a Traffic Impact Assessment Report, a Preliminary Engineering and Drainage Report that discuss the potential impacts of the proposed project including regional traffic and drainage mitigation. The DEIS will also include an Economic Impact Study that analyzes the economic conditions in Maui County including existing businesses in the region. The Applicant is committed to working with the neighboring Kihei High School, Department of Education, SDOT and the adjacent landowner to provide an opportunity for safe pedestrian access between the school and Piilani Promenade.

*Comment 5. The elimination of Ka'ono'ulu Gulch.*

*The proposed action includes elimination of a natural gulches that crosses the project area. Gulches are natural and cultural features of the land that serve a variety of ecological and cultural purposes and are important topographical features that help to give the Kihei-Makena planning region it's sense of place and uniqueness.*

*I request that the Draft Environmental Impact Statement (DEIS) discuss and assess the impacts inherent in the loss of this natural and cultural feature and discuss mitigation or avoidance.*

**Response 5.** The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

*Comment 6. Protection of Traditional and Customary Practices.*

*Under the State Constitution of Hawaii traditional and customary gathering rights of native Hawaiians for subsistence living is protected. The gathering of limu and fishing are important subsistence practices of native Hawaiians along the Kihei coastline. Limu and fisheries in the affected area depend on the flow of freshwater from mauka to makai.*

*I request that the Draft Environmental Impact Statement (DEIS) discuss the impacts of the proposed action on the flow of freshwater to the nearshore ocean and the production of limu which is important to fisheries which are all vital to the perpetuation of subsistence living and native Hawaiian traditional practices.*

**Response 6.** The forthcoming DEIS will include various technical studies including an updated Archeological Inventory Survey and a Cultural Impact Assessment that will discuss traditional and customary practices in the area. In addition, the DEIS will include a Baseline Assessment of Marine Water Chemistry which examines potential impacts upon the flow of freshwater to the nearshore ocean.

***Comment 7. Protection of Cultural Sites.***

*Cultural Sites should be incorporated into the proposed action and not simply processed for data recovery and then destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.*

*The archaeological survey and its recommendations for the 20 historic properties documented was done almost 20 years ago for the previous owner and a light industrial park project. Given the new ownership and proposed action I request that the Draft Environmental Impact Statement (DEIS) discuss the idea of revisiting the AIS and updating and incorporating some of the cultural sites into their project design.*

*I would also like to see discussed the return of the petroglyph that was removed from the property without authorization by SHPD, but then reviewed and after-the-fact approval by SHPD.*

**Response 7.** A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting will be included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing the return of the petroglyph boulder and potential impacts to Kulanihakoi Gulch, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and the previously removed petroglyph stone be returned to the property. Return of the petroglyph stone will be addressed in the Draft EIS.

Mr. Daniel Kanahele  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
Page 5 of 5

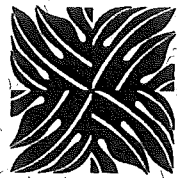
Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "JEDH 9/AD1", written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodner, Executive Officer, DBEDT ✓  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

Mr. Brian Naeole  
477 S. Kamehameha Ave.  
Kahului, HI 96732

Dear Mr. Naeole,

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

Thank you for your letter of October 23, 2013 providing comments on the proposed project. Our response is provided below.

#### **Response**

The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

The proposed project will not divert stormwater to Kulanihako'i Gulch, therefore the gulch will not be impacted by the proposed project.

The DEIS will include an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. The AIS recommends that a data recovery plan be developed for Sites 3727, 3728, 3735, 3736, and 3741-3745.

Return of the petroglyph stone will be addressed as well in the Draft EIS. In addition, an archaeological monitoring plan was submitted to SHPD for review and was approved and referenced for all recent work on the site. The monitoring plan may be found in forthcoming Draft EIS and may be updated once project construction is initiated.

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LAND USE COMMISSION  
STATE OF HAWAII



Mr. Brian Naeole  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
Page 2 of 2

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

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jordan E. Hart", is written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodener, Executive Officer, DBEDT  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

Mr. Elden Kaperia Liu  
75 Ululani St  
Kula, HI 96790

Dear Mr. Liu,

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

Thank you for your letter of October 23, 2013. In response to your enumerated comments we would like to note the following.

**Comments**

- I wish to comment on the EIS Prep notice for the Pi'ilani Promenade project in Ka'ono'ulu as a lineal descendent of Hapakuka Hewahewa, who was awarded LCA 3237 (R.P. 7447) the entire Ahupua'a of Ka'ono'ulu in 1847.
- Hewahewa died in Kaonoulu a few years later and his heirs did not give up the ahupua'a of Ka'ono'ulu to the foreigners, but that's how the records appear now. My 'ohana have papers proving that any transfer of "ownership" of these lands was fraudulent.
- I understand that your commission does not consider challenges to ownership of a parcel, but I mention these things so that the Land Use Commission may hear my request knowing that it comes from a lineal descendent of this land.
- It is my understanding that a number of historic properties were found on the proposed Pi'ilani Promenade project site including at least 10 sites that had evidence of pre-contact use. It is also my understanding that the state Historic division has approved an archaeological report that allows all of these sites to be destroyed with no further investigation with more modern methods.
- It is my understanding further that the only remnant of many centuries of Hawaiian history and cultural use that will remain from this 88 acre parcel will

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LAND USE COMMISSION  
STATE OF HAWAII

be a petroglyph marked stone (site 3746) which was removed from the site for safekeeping to Mr. Rice's Ranch in 1998 or 99. It is my understanding that this important property was removed from the site without proper consultation with lineal descendants. My 'ohana was never consulted, for example. While we appreciate the desire to protect the petroglyph, times have changed and it should be brought back to land and given appropriate protection. Likewise, some of the other cultural sites on the land should be preserved to tell the story of my 'ohana and the thousands of others who have lived on these lands.

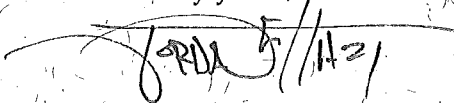
- I request that the EIS for this project discuss a consultation process with lineal descendants (true landowners) and the former and current "landowners" to return the petroglyph stone and to also set aside several of the precontact cultural sites to be preserved and used for educational purposes to keep the Hawaiian history of Ka'ono'ulu ahupua'a alive.

**Response:** The forthcoming Draft EIS includes an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. The AIS recommends that a data recovery plan be developed for Sites 3727, 3728, 3735, 3736, and 3741-3745.

The Draft EIS will include an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. Return of the petroglyph stone will be addressed as well in the Draft EIS.

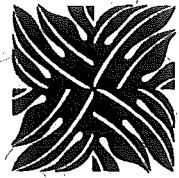
Thank you again, for providing us with your letter. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com), should you have any questions.

Sincerely yours,



Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodnenker, Executive Officer, DBEDT ✓  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

Mr. Michael K. Lee  
91-1200 Keaunui Dr. unit 614  
Ewa Beach, Hawaii  
96706

Dear Mr. Lee,

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

Thank you for your letter of October 23, 2013. In response to your enumerated comments we would like to note the following.

**The DEIS should include alternative design scenarios that:**

1) Show a project design that does not fill in Ka'ono'ulu gulch, which transects the property, and instead enhances its ability to divert and retain storm waters and absorb runoff. Native plants, such as pili grass, should be considered as part of an expanded riparian habitat along the gulch designed into the project. Elimination of the gulch, as currently proposed in the plan design, is elimination of a culturally significant feature of the area and is inappropriate.

**Response 1.** The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

2) Show and discuss a project design where all hardened surfaces, such as parking areas or drainage culverts, utilize a semi permeable membrane surface to minimize collected run off and allow natural infiltration into the underlying soil. Reason: concentrating volume of water during storm events and sending it to onsite underground storage areas as currently proposed, could impact natural karst systems and groundwater quality. This will eventually impact reefs and cause eminent harm to the resource that sustains my cultural practice in Ka'ono'ulu.

LAND USE COMMISSION  
STATE OF HAWAII  
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**Response 2.** The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

3) Show alternative drainage plan designs where water flow calculations are based on known stormwater volumes in the last 20 years of storms of record in the Kihei area. I am concerned that the changes in drainage patterns from the proposed development will negatively impact the reefs and limu resources at the shore and affect my ability to gather traditional medicinal limu.

**Response 3.** Both "flow through" and "detention based" treatments will be employed by Piilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

4) Show alternative project designs that include information from adequate testing for natural karst systems beneath the land. The new irrigation well proposed for the property could intersect with one of these natural formations. Its drilling log should be analyzed and that information included in Draft EIS. The presence of a traditional coastal fishpond and as well as historic descriptions of inland ponds in the Ka'ono'ulu area indicates presence of a natural karst system in the area. Well pumping in this area, which has historically never had any deeper mauka wells, could negatively impact the underground flows through the karst system. From a cultural perspective, the health of the coral reefs in the area is directly connected to upland activities and the knowledge of underground water flow patterns is an essential part of any environmental or cultural review to assess and mitigate any potential impacts.

**Response 4.** The State Commission on Water Resource Management approved an irrigation well permit for a well built in 2011 at a wellhead elevation of 118 feet. The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed. The existing irrigation well is not anticipated to impact the groundwater resources.

5) Show alternative project designs that incorporate as many of the 20 recorded cultural sites (including probable habitation sites that have left midden scatters) on the land as possible into the project master plan design. This will create one-of-a-kind place for visitors and residents to experience a "sense of place" of the Ka'ono'ulu area. It is also very important that the EIS discuss return of the petroglyph stone found on the property and subsequently removed, when it can be safely protected and incorporated into the project design.

**Response 5.** The Draft EIS will include an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. Return of the petroglyph stone will be addressed as well in the draft EIS.

In addition, an archaeological monitoring plan was submitted to SHPD for review and approval, was approved and referenced for all recent work on the site. The monitoring plan may be found in forthcoming Draft EIS and may be updated once project construction is initiated.

6) Discuss opportunities for the project to work with the army corps and others to mitigate the impact of stormwater flows in this extremely flood prone area. Mitigation of project impacts downslope could include enhancing wetlands down stream to protect overall shoreline habitat and provide resiliency against sea level rise and its impacts. Wetlands surrounding Kulanikako'i gulch, main drainage channel for this project's offsite flows, are under private ownership and acquisition of a conservation easement and management plan for the wetlands could be an important mitigation action.

**Response 6.** The Applicant will work with Federal, State and county agencies to design an acceptable drainage system in order to mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control. The proposed project will not impact Kulanihako'i Gulch, all project generated runoff will be detained onsite and is not anticipated to impact shoreline habitats or wetlands.

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

Mr. Michael Lee  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
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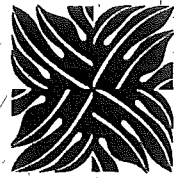
Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", is written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodener, Executive Officer, DBEDT ✓  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

2014 JUN 27 A 8:40

LAND USE COMMISSION  
STATE OF HAWAII

Maui Cultural Lands Inc.  
PO Box 122  
Lahaina, HI 96767-0122

Dear Mr. Lindsey,

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

Thank you for your email letter of October 23, 2013. The following responses to your comments are provided below:

**General Comments:**

*The EISPN does not appear to include the 13-acre affordable housing project in the northeast corner of the original 88-acre project site as part of this environmental review. Lands under other ownership mauka of the 88-acres, which will have infrastructure supporting the proposed project, appear to be discussed in the EISPN. The 13-acres will share that same project infrastructure and should be included in the EIS review even though they, too, have separate ownership.*

*It would also appear that this project would need a Community Plan Amendment. While its zoning allows for a broad range of uses, the Community Plan clearly describes a light industrial use for this specific area. Since the proposed use is housing and commercial with a small amount of light industrial, that concept, never discussed during the community plan process, should be openly reviewed through a Community Plan Amendment.*

**Response:** The Draft EIS and the associated technical studies will include the non-project apartment uses to be located in the future on the adjacent 13-acre parcel owned by Honua'ula Partners solely for impact analysis and as background information. Any approvals and additional necessary studies for the 13 acres owned by Honua'ula Partners will be handled separately by Honua'ula Partners. The Draft EIS will include a section on cumulative impacts and will discuss the cumulative effect that readily



identifiable future development could have on water source and availability, as well as other public resources.

Your comments regarding the Kihei Makena Community Plan ("KMCP") are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance to the Kihei-Makena Community Plan. The forthcoming Draft EIS will include an analysis of how the proposed project meets the goals and objectives, and complies with the KMCP, including those sections cited in your letter. In addition, the Draft EIS will discuss, as a possible alternative, the amendment of the KMCP in the "unresolved issues" section of the Draft EIS.

#### ***Protection of Traditional Cultural Practices***

*The Kihei-Makena Community Plan makes it clear that protection of cultural resources and traditional practices in the region is an important objective.*

*Ka'ono'ulu is a very culturally rich and important region of south Maui. It is the location of the Ko'ie'ie Loko I'a (also known as Ka'ono'ulu Kai or Kalepolepo Fishpond.) This historic site is attributed to the legendary Mehehune and was restored under the direction of many renowned chiefs over the last five centuries. Ko'ie'ie was constructed in this location because of the shape of the shoreline and the presence of freshwater input. Hawaiian cultural practitioners recognize the relationship of the fresh water coming into the near shore ocean to the production of limu that is essential to a healthy fishery.*

*The Kao'no'ulu area was known to have inland ponds as well. These too were fed by underground water sources. A good sized settlement was found along the coast in Ka'ono'ulu due to the presence of these fresh water sources, abundant fisheries, gathering opportunities, and arable lands mauka. Pollen core samples and subsurface research in the vicinity of Kalepolepo village in neighboring Waiohuli ahupua'a show cultural use of the land from around 1000 years ago or earlier. (Hammatt, et al, 2000; Pepalis & Kolb, 2000)*

*It is very important that the EIS have adequate information about the impacts of the proposed improvements: well, drainage rerouting etc. on the underground flows of fresh water that still exist in this area. These groundwater flows are important to the perpetuation of traditional Hawaiian cultural practices in Ka'ono'ulu.*

*Mr. Brian Naeole, Ms. Florence Lani and Mr. Michael Kumuokauoha Lee are knowledgeable about traditional gathering practices in Ka'ono'ulu from personal experience. Many others are likely informants as well. Their views should be sought out and included in the project planning process to avoid impacts to cultural resources.*

**Response:** The forthcoming Draft EIS and the associated Preliminary Engineering Report will include a description of the proposed drainage improvement and the anticipated impacts of the proposed development. The drainage system will include onsite detention basins and will not impact Kulanihakoi Gulch. In addition to this

analysis, the AIS for the project includes a transcript of the testimony of individuals familiar with the project area. Their knowledge of the project area, where appropriate, will be included in the draft EIS.

### ***Protection of Cultural Sites***

*The ahupua'a of Ka'ono'ulu was claimed in the Mahele by Hāpakuka Hewahewa, a close associate of the Kamehameha dynasty. Hewahewa served as konohiki of Ka'ono'ulu, living there from the 1830's on. He died there in 1848. Other prominent families claimed house lots in the area during the Mahele, a sign that Ka'ono'ulu was an area of some importance. In spite of this rich historical legacy, the only remnant that currently remains of pre-contact Hawaiian history in this area is the Ko'ie'ie fishpond. While this is a very important feature, there should be more to connect to it and inform future generations. The Pi'ilani Promenade parcel has the opportunity to augment the cultural legacy of this ahupua'a through recognition and protection of cultural sites in the project area.*

*MCL volunteers have reviewed the 1994 Archaeological Inventory Survey (AIS) for the proposed project area.*

*We note that 20 historic properties were recorded on this project site, including a petroglyph marked stone (site 3746, removed from site) and five surface midden/lithic scatter areas (Sites 3741-45).*

*We also note that two of these five surface scatter areas also had portable remains of precontact cultural use in found in subsurface test units. This type of cultural remains, indicating pre-contact habitation and use in the area, is very uncommon in the disturbed grazing lands immediately mauka of Piilani Hwy.*

*In fact, the 1994 AIS indicates that 11 of the 20 recorded sites had some sort of portable surface remains, almost all pre-contact. This land appears to hold remains of cultural sites that, in the light of current knowledge, are a valuable part of the "Ka'ono'ulu story" and "sense of place." The original AIS and its recommendations are nearly twenty years old. The nature of the proposed project has changed significantly to be more "people oriented." The original decision to allow all historical sites to be eradicated from the land, since an industrial park was planned, should certainly be reviewed as the new plans emerge.*

**Response:** The Draft EIS will include an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. The AIS recommends that a data recovery plan be developed for Sites 3727, 3728, 3735, 3736, and 3741-3745.

### ***Our specific suggestions for the DEIS are:***

- *MCL asks, in the interest of history, that the DEIS discuss ways that several of these former habitation sites be protected by avoidance; incorporated into the open space element of the project*

*design and given interpretive signage to indicate their past use. Artifacts could be put on display as part of a Ka'ono'ulu history display in the commercial area.*

**Response:** The Draft EIS will include the updated AIS along with recommendations for data recovery for selected sites within the project area. As part of the agency review of the draft EIS, SHPD will review the AIS and comment on the proposed data recovery plan and address its sufficiency.

*• MCL would like to see the parallel alignment possible "road" sections (sites 3737 and 3738) that are attributed to military construction have more in depth research and possible preservation. Several similar sections of rock edged trail or road appear to also exist further mauka on Ka'ono'ulu Ranch lands only more recently surveyed for cultural sites (Shefcheck et al, 2008). It is known that there was a traditional mauka-makai trail through Ka'ono'ulu to facilitate travel and trade. This may be part of that mauka-makai route. If the road did have military use, it is possible it was adapted from an older trail. Each section of road, as described in the 1994 AIS, had pre-contact portable remains located nearby.*

**Response:** The draft EIS will include the updated AIS along with recommendations for data recovery for selected sites within the project area. As part of the agency review of the draft EIS, SHPD will review the AIS and comment on the proposed data recovery plan and address its sufficiency.

*• MCL also asks that the EIS discuss returning the petroglyph stone found on the site to a protected place of honor in as near to its original location as possible. It is an important cultural feature, that likely relates to other petroglyphs now known to exist, further mauka along Kulanihako'i Gulch and in nearby Waipuilani Gulch. While it is good that it has been kept safe, times have changed and lineal descendants of Ka'ono'ulu did not appear to be consulted about the decision to move it. It would be culturally appropriate to return it to the site in an area with appropriate protections, when the project is complete.*

**Response:** A relocation study for the stone was submitted and approved by SHPD. The Draft EIS will include an updated Archeological Inventory Survey (AIS) to re-analyze the proposed project and recommendation for mitigating impacts. Return of the petroglyph stone will be addressed as well in the Draft EIS.

*• The EISPN refers to a supplemental AIS done more recently to cover the areas beyond (mauka of) the project boundaries that are proposed to be utilized for drainage, roads and water storage facilities. We look forward to reviewing these.*

*We would ask that this survey also include a review of Kulanihako'i gulch itself in the immediate project area. We believe that there are cultural sites within the gulch which are part of the general cultural landscape of the project site. These may be impacted by future improvements associated with the proposed Pi'ilani Promenade project and should be documented and evaluated.*

**Response:** During the consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulu Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no historical or culturally significant artifacts were found in the area fronting the property on either side of the Kulanihakoi Gulch. The 2008 AIS will be included in the Draft EIS.

***Protection of Cultural Features***

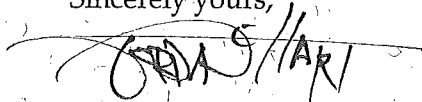
*It appears from the site map included in the EISPN that a traditional land form: labeled "Ka'ono'ulu Gulch" on some maps, is proposed to be filled in and eliminated within the boundaries of the project site.*

*This part of the site plan should be reconsidered. This gulch is a cultural as well as a natural feature. Old time residents report this undulating gulch was once edged with a thick band of very green trees--indicating the presence of underground water. Enhancement of this natural drainage feature that is shown on the earliest USGS maps (1922 series) would be the greener alternative and minimize impacts to down slope properties caused by concentration of multiple drainage areas into one larger drainage discharge. Three of the five midden scatter sites (Sites 3741, 42 and 43--probable pre-contact habitation sites) are located in proximity to this gulch. This further supports the idea of cultural utilization of a natural feature. Its disappearance would be a loss of part of the area's history.*

**Response:** The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

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

Sincerely yours,



Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orondenker, Executive Officer, DBEDT ✓  
Project File 13-029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 23, 2014

2014 JUN 27 A 8:40

LAND USE COMMISSION  
STATE OF HAWAII

Ms Irene Bowie, Executive Director  
Maui Tomorrow Foundation  
55 N. Church Street Ste. 4A  
Wailuku, HI 96793

Dear Ms. Bowie,

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

Thank you for your letter of October 2, 2013. Below are the responses to your numerated comments.

***Comment 1. Environmental review for the proposed 13-acre Honua'ula workforce housing project. While under separate ownership this project shares entitlement approvals and is dependent upon the proposed 75-acre Commercial/Residential project for basic infrastructure needs.***

- *The 13-acre Honua'ula site is included in the original LUC DBA approval for an 88-acre Light Industrial Park, and subject to all the LUC conditions adopted in 1995. In order to provide the LUC with adequate information on proposed project impacts and support the applicant's motion to amend the original DBA conditions, impacts associated with development of the 13-acre workforce housing project must be included, regardless of ownership.*
- *Under the EISPN discussion of "Cumulative and Secondary Impacts," it is clear that cumulative impacts of the project must be discussed "regardless of what agency or person undertakes such other actions." As the 75-acre commercial project is providing the access road and other infrastructure that makes the 13-acre Honua'ula project possible, impacts of both must be included in the EIS as part of cumulative impacts.*

**Response 1.** The Draft EIS will include technical studies that address specific aspects of the Honua'ula affordable housing project solely for assessing potential impacts and as

background information. The proposed development of Piilani Promenade is not dependent upon any entitlements of Honua'ula, nor the development of the 13-acre 250 affordable housing project. The Applicant has filed a Motion to Amend with the Land Use Commission, which is currently pending and which seeks, *inter alia*, to bifurcate and assign a separate Land Use Commission Docket Number that applies solely to the 75 acres owned by Applicant. Any approvals and additional necessary studies for the 13 acres owned by Honua'ula Partners will be handled separately by Honua'ula Partners and will be the subject of a separate action by the LUC.

The Draft EIS will include a section on cumulative impacts and will discuss the cumulative effect that readily identifiable future development could have on water source and availability, as well as other public resources.

***Comment 2. Also not included is any alternative project design that could avoid alteration of Ka'ono'ulu gulch and cultural sites therein.***

(HAR 11-200-17) requires that an EIS describe: "alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks... In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative."

- The EISPN does not refer to consideration of a project design that could avoid obliteration of Ka'ono'ulu gulch, a natural and cultural feature that is part of the "sense of place" for the region. Since the EISPN acknowledges the region's soil type is subject to "severe erosion hazard" a more natural project design should be considered and included in the Draft EIS.
- Alternative designs that would voluntarily preserve any cultural sites in an historically important region of Maui are not discussed, although the Kihei-Makena Community Plan has this as its main goal for Cultural Resources:

*"Identification, preservation, enhancement, and appropriate use of cultural resources, cultural practice, and historic sites that provides a sense of history and defines a sense of place for the Kihei-Makena region; "*

- According to the site plan map included, none of the 20 historic sites already documented on the property will remain. An alternative plan should include a number of historic sites into the project design, including the return of the culturally significant petroglyph stone found in 1994.

**Response 2:** The forthcoming DEIS will examine the topography, drainage conditions, and cultural resources of the project area and include a discussion of potential impacts and mitigation measures as appropriate.

The Draft EIS will include an updated Archeological Inventory Survey (AIS) analyzing both the on and off site project areas and providing recommendations on the further analysis of cultural sites.

*Comment 3. The EISPN does not indicate the scope of the supplemental archeological review planned for the project site.*

- *Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process.*
- *The Kihei-Makena Community Plan requires: "development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process."*
- *The proposed project is bound on two sides by the Kulanihako Gulch which has documented cultural sites along its length further mauka. Knowledge of these cultural features was not available when the parcel had its archaeological review in 1994.*
- *The draft EIS should include a supplemental Archaeological Inventory Survey (AIS) that updates the 20-year-old survey of the project site and should include portions of the gulch and surrounding lands bordering the project area.*
- *Any Cultural Impact Assessment/update should address impacts to nearshore practices such as limu (seaweed) and vana (sea urchin) gathering as these practices are affected by changes in upslope water quality.*

**Response 3:** The Applicant has retained an Archaeologist to prepare an updated Archaeological Inventory Survey that will be included as part of the forthcoming Draft EIS. A Cultural Impact Assessment was also prepared and included in the Draft EIS.

*Comment 4. Proposed mitigation strategies for loss of mauka view planes*

- *The EISPN acknowledges that the project "will impact views" in the mauka direction yet no reference is made to mitigations to counter these impacts.*

- *The mauka view from Piilani Highway represents a major view plane and significant views of the mountains should be preserved to the greatest extent practicable.*
- *Alternative project designs should be included in the DEIS to address impacts to view planes. Preservation of Ka'ono'ulu gulch and creation of an adjacent view plane corridor could be one such strategy.*

**Response 4:** The project site is adjacent to the Piilani Highway. Building heights within this area are limited to 60 feet. The site plan and building layout for the Piilani Promenade will be designed to preserve the view towards Haleakala from Piilani Highway. In addition the project will be setback from Piilani Highway and the future KUH and will also be buffered by landscape planting.

***Comment 5. The EISPN is lacking adequate information concerning impacts to public services and proposed mitigations***

- *Drainage: The EISPN does not clearly describe where onsite and offsite storm water drainage will end up and what impacts the project could have on the flood prone area immediately mauka. Will parking lots be made of pervious surfaces and rain gardens be built into the residential landscaping?*
- *Recreational Facilities: "Analyses" of the project's impact on recreational facilities is also not sufficient. 450 new residences (200 in Piilani Promenade commercial project and 250 for Honua'ula workforce housing) need to have appropriate recreational facilities.*
- *Fire and Police Personnel: Will fire and police staffing be need to be increased in order to service the 450 new housing units? If so, what will be the cost and phasing?*
- *Wastewater: What volume of wastewater will the two housing developments and the commercial use generate? Is there a commitment for service at the Kihei wastewater treatment facility?*
- *Water: Where will the project's water come from and how much will it use for potable consumption? What water conservation strategies are planned; such as R-1 water for landscaping? Will the County of Maui high pressure waterline be dug up and moved or will a new connection to existing line be made?*
- *Solid Waste: Please state estimate of waste to be generated by the project. Will commercial facilities have programs to reduce packaging materials associated with imported goods shipped to Maui?*



- *Energy: What is the anticipated energy usage of the proposed project? Are offset installations of renewable energy planned on site and what efficiencies will be incorporated into buildings and systems?*
- *Transportation: What traffic volume management plan does the project propose during and after construction since Level of Service in the area is already near capacity?*
- *Additional connector roads leading to adjacent existing or proposed developments are described as "opportunities." The EISPN does not indicate whether these roads will be built or be part of alternative project designs analyzed in the EIS. Alternative designs that address connector roads beyond the project site should be included in the Draft EIS.*
- *The EISPN does not include discussion of if or how the project would comply with the existing LUC condition of a frontage road as part of the project design. Alternative project designs that address this condition should be included in the Draft EIS.*
- *Traffic: The EISPN does not specify what level of traffic impacts the EIS will address. The TIAR for the Piilani Promenade project downplayed the overall amount of trips generated or traffic impacts from the adjoining 13-acre Honua'ula workforce housing project.*

**Response 5:** The forthcoming DEIS will include technical studies including a Traffic Impact Assessment Report, a Preliminary Engineering and Drainage Report that discuss the potential impacts of the proposed project on regional traffic, water and drainage issues. In addition an analysis of recreational impacts as well as impacts on local public services for fire, police, and solid waste disposal will also be provided within the draft EIS document.

**Comment 6. Factors that trigger a need for a Community Plan Amendment for all parcels in the original 88-acre project area.**

- *Kihei-Makena Community Plan "Land Use and Policy" section has specific language referring to the Ka'ono'ulu parcel ("south of Ohukai and mauka of Piilani Highway") setting its character as primarily "light Industrial."*
- k. *Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Piilani Highway, as well as limited marine-based industrial services in areas next to Ma'alaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial*

Ms. Irene Bowie, Exec. Director  
Piilani Promenade EISPN  
Comment Response Letter  
June 23, 2014  
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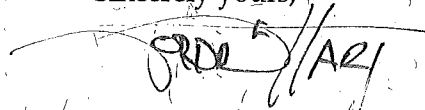
*activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods. (emphasis added)*

- *The Draft EIS should acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial (exactly the opposite as is specified in the community plan) with 450 housing units that were not envisioned or approved in the community plan.*

**Response 6:** Your comments regarding the Kihei Makena Community Plan ("KMCP") are duly noted. The Maui Planning Department has been consulted as part of the environmental review process for the preparation of the Draft EIS. The Planning Department is also expected to comment on the project's conformance to the Kihei-Makena Community Plan. The forthcoming Draft EIS will include an analysis of how the proposed project meets the goals and objectives, and complies with the KMCP, including those sections cited in your letter. In addition, the Draft EIS will discuss, as a possible alternative, the amendment of the KMCP in the "unresolved issues" section of the Draft EIS.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Hart", with a horizontal line drawn through it.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Project Manager  
Mr. Daniel D. Orodener, Executive Officer, DBEDT ✓  
Project File 13-029