

August 19, 2019

VIA EMAIL bert.k.saruwatari@hawaii.gov and REGULAR MAIL

Bert K. Saruwatari
Land Use Commission
State of Hawaii
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813

SUBJECT: Docket No. A04-751/Maui Land & Pineapple Company, Inc.; MAUI
OCEANVIEW LP's MOTION TO AMEND DECISION AND ORDER

Dear Mr. Saruwatari:

Thank you for your emails of July 29 and 31, 2019 which provides your additional comments regarding Maui Oceanview LP's filings.

Your comment:

I have reviewed your response to my email comments and am still a little unclear as to the specific relief that you are requesting of the LUC. Based on my reading of your response, I understand your request to the LUC consists of the following:

(1) amend the Findings of Fact, Conclusions of Law, and Decision and Order ("Decision and Order") issued on June 30, 2006, in Docket No. A04-751 to allow Movant to provide 280 affordable multi-family workforce housing units for rent (inclusive of the Kapalua Mauka commitment to provide 125 workforce housing units) in the Pulelehua development consistent with the Residential Workforce Housing Policy, Chapter 2.96, Maui County Code, and the Residential Workforce Housing Agreement executed between Movant and the County of Maui Department of Housing and Human Concerns dated March 7, 2019;

(2) acknowledge Movant's revised layout and unit mix for Pulelehua that includes 800 affordable and market multi-family rental units and 100 single-family for sale lots; and

(3) recognize Movant's standing to seek and obtain the amendment of the Decision and Order as the successor-in-interest to MLP

Please confirm whether the above accurately reflects the specific relief that is being requested in Movant's Motion to Amend. If not, please enumerate the relief concisely.

Maui Oceanview LP's response:

Thank you. Your statement generally summarizes Maui Oceanview LP's requested relief.

The materials submitted by Maui Oceanview LP in support of its motion to amend the LUC's decision and order in its initial filings are primarily intended to obtain LUC permission to rent as well as to sell units in the Pulelehua Development. The original Decision and Order only mentions the sale of units (even though MLP's Kapalua Mauka commitment for workforce rental units was included in the project).

The materials in the Supplemental Memorandum in Support filed in 2018 and the Second Supplemental Memorandum in Support filed in June 2019 (Second Supp. Memo.) also reflect certain adjustments in the plan and conceptual development layout based on input and comments on the project from County of Maui officials and Hawaii State Department of Transportation officials.¹

For example, County of Maui officials determined that Maui Oceanview LP should provide its own water treatment plant and wastewater treatment plant to serve the Pulelehua community without connections to or service from the County of Maui systems. Maui Oceanview LP is requesting amendments to the decision and order conditions (conditions 3 and 20) to recognize and reflect those county determinations.

As you note, the specific relief requested from the LUC will require more than the change in language requested in Maui Oceanview LP's initial motion which focused on the change from developing units for sale to also allowing developing rental units. As set out in the Second Supplemental Memorandum, the amendments to conditions of the order requested are as follows:

1.a. Petitioner shall develop and offer for rent not less than 125 affordable housing units to qualified families or individuals to satisfy a condition imposed by the Commission in its approval of Petitioner's Kapalua Mauka development in LUC Docket No. A03-741. **Maui Oceanview LP acknowledges that it will fulfill this obligation of original Petitioner MLP.**

1.b. **In addition, Petitioner Maui Oceanview LP shall develop and offer for sale rent not less than 325 280 affordable housing units, which total includes the 125 Kapalua Mauka units, to low, low-moderate, and moderate income residents of Maui as a feature of Pulelehua in accordance with the Residential Workforce Housing Policy, Chapter 2.96, Maui County Code and the executed Residential Workforce Housing Agreement Pulelehua Multi-Family Dwelling Units-Rental with Maui DHHC dated March 7, 2019.**

¹ As indicated in the Second Supp. Memo., p. 7:

Since the filing of its motion, Maui Oceanview LP and its consultants have continued to meet with State and County agencies interested in certain portions and aspects of the proposed project, including the various divisions of the Hawaii Department of Transportation, the Maui Department of Planning, the Maui Department of Water Supply, the Maui Department of Environmental Management, and the Maui Department of Public Works.

1.c. To ensure continued ~~owner occupancy, rental and resale~~ rental to qualified low, ~~low-moderate~~ and moderate income residents and maintain the affordable rental housing inventory within Pulelehua, ~~Petitioner Maui Oceanview LP~~ shall prior to the rental ~~or sale~~ of any affordable housing unit comply establish with County approved restrictions governing the rental, ~~sale~~ or transfer of all affordable housing units as set out in the Residential Workforce Housing Agreement Pulelehua Multi-Family Dwelling Units-Rental with Maui DHHC.

1.d. Subject to applicable laws, ~~Petitioner Maui Oceanview LP~~ shall establish at a minimum, qualifications for rental ~~or purchase~~ which specify that a renter ~~or buyer~~ must be currently employed in Maui, be retired from employment in Maui; be a full-time student residing in Maui; be a disabled person residing in Maui and previously employed in Maui; be the parent or guardian of a disabled person residing in Maui; be the spouse or dependent of any such employee, retired person, student or disabled person, in the event of death of an employee, retired person, student or disabled person the spouse or dependent of any such person residing in Maui, attain a minimum age of 18 years, demonstrate evidence of sufficient income, agree to physically reside in the affordable housing unit, and not already own a housing unit or other real property.

...
3. ~~Wastewater Facilities. Petitioner shall, upon connection, pay a fair share contribution to fund improvements to wastewater treatment facilities to serve the Petition Area if such facilities are approved and developed by the County of Maui prior to the issuance of building permits, and Petitioner shall receive wastewater treatment service for wastewater from the Petition Area from the County of Maui at the LWWRP. In the event connection is made to the LWWRP, Petitioner shall construct wastewater transmission facilities to transport wastewater from the Petition Area to appropriate County wastewater transmission facilities leading to the LWWRP. Maui Oceanview LP shall develop and construct a wastewater treatment facility for Pulelehua.~~

...
20. ~~Water Resources Allocation. Petitioner Maui Oceanview LP shall provide adequate potable and non-potable water source, storage and transmission facilities and improvements to the satisfaction of the DWS to accommodate the proposed development on the Petition Area.~~

Further, as you point out, an additional condition 29 is requested to reflect a request from the County of Maui Department of Public works:

While the drainage basin owned by the Maui County Department of Public Works is included in the Project acreage covered by this Petition, the conditions set out in this order shall not be applicable to the Maui County Department of Public Works.

In response to your other specific comments:

Your comment:

Also, in our December 11, 2017, letter to you, we noted that the TIAR should account for any `ohana units that may be built at Pulelehua. We understand that the decision to build `ohana units will be left to the individual lot purchasers and not to the Movant. Nevertheless, it does not appear that the current TIAR dated May 13, 2019, addresses the additional impact that may be created by `ohana units. The CBRE market, economic impact analysis, and public fiscal assessment report also fails to consider `ohana units despite admitting that "Pulelehua could also potentially contain up to 300 `Ohana' (accessory dwelling) units...."

Any analysis of the adequacy of public services and facilities, including, but not limited to, solid waste, police and fire protection, medical services, and public utilities should take into account the impact of these `ohana units.

Maui Oceanview LP's response:

Maui Oceanview :LP's traffic consultant has prepared an updated Traffic Impact Analysis Report (TIAR August 13, 2019) which takes into account the possible future construction of accessory dwelling units (`ohanas). A digital copy is included with the emailed copy of this letter and a hardcopy will be sent to you and submitted as supplemental material in support of Maui Oceanview LP's motion. Also attached to this letter are Sections 6 (Conclusions) and Section 7 (Recommendations) from the updated TIAR August 13, 2019 for your information and use.

An analysis of the adequacy of public services and facilities will be submitted no later than September 4, 2019 as you suggest in an email of August 19, 2019. You will note that water and wastewater will be privately provided and maintained for the project.

Your comment:

On page 1, footnote 2, of the proposed Amended D&O, it is stated that parcel 31 is now assigned parcels 82 and 83. I downloaded the tax map from the Title Guaranty (TG) Express website and was unable to verify this assignment. Could you please provide official documentation of this assignment from the Real Property Tax Office?

Maui Oceanview LP's response:

Attached are printouts of the Maui County Parcel History for TMK 4-3-001-082 and -083 received from the County of Maui's Real Property Tax Division which provides a synopsis of the history of the parcels.

Your comment:

In the proposed Amended D&O, reference is made to a 10-acre park. FOF 130 refers to it as a "Community Park" (as does the Conceptual Site Plan), while FOF 131 and 207

refer to it as a "Regional Park." It does not appear that there are two 10-acre parks proposed, so are these terms interchangeable? If not, what is the correct description?

Maui Oceanview LP's response:

You are correct. There is only one 10-acre park for the project which will be dedicated to the County. The proposed Findings of Fact will be revised to refer to the park as a "Community Park." There is a separate commitment from Maui Land & Pineapple (MLP) to the County of Maui to provide a 50-acre regional park which remains an obligation of MLP. As discussed in Maui Oceanview LP's second supplemental memorandum in support regarding parks:

With regard to RECREATIONAL RESOURCES, Maui Oceanview, LP has reached a general agreement with the Maui Department of Parks and Recreation ("ParksDepartment") to develop and dedicate to the County a 10-acre regional park. The park will be located at the southern boundary of the property, off Honoapiilani Highway, and will be accessed through the additional access requested from the Hawaii Department of Transportation. The Parks Department has indicated it has no comments on Maui Oceanview LP's project with regard to parks.

Maui Oceanview, LP will also develop a number of smaller privately maintained parks as part of the Pulelehua community. A trail system will connect all phases of Pulelehua.

The original Petitioner Maui Land and Pineapple Company, Inc. acknowledges that it retains an obligation to provide a 50-acre regional park to the County of Maui. See Exhibit S.

Your comment:

What will the one large estate edge lot be used for?

Maui Oceanview LP:

The developer's principal presently intends to retain the one large estate lot for his family's possible use as a future residence.

Your comment:

*Please provide the file of the proposed Amended D&O in MS Word. Also, if automatic numbering was used, please remove it in the document for ease of editing. It appears that the document was retyped in its entirety from the .pdf copy that is on the LUC website? It should be proofread as I noticed some errors in the document. To clarify my fourth comment below, **some** (not all) of the errors are in the FOFs in the Socio-Economic Impacts section of the proposed Amended D&O. They appear to reference numbers that were in the previous CBRE study. You may also want to double-check the FOFs in the Commitment of State Funds and Resources section as well.*

Bert K. Saruwatari
Land Use Commission
August 19, 2019
Page 6

Maui Oceanview LP's response:

The proposed Amended D&O in MS Word with correction of errors will be submitted.

Please do not hesitate to contact me if you have further questions and concerns.

Very truly yours,

TAKITANI AGARAN JORGENSEN & WILDMAN, LLLP

By 
GILBERT S.C. KEITH-AGARAN

Attachments:

Maui County Parcel History printouts
TIAR August 13, 2019 (via email)
TIAR August 13, 2019 Sections 6-7

cc: Maui Oceanview LP (via email)
Dan Orodener (via email)
Riley Hakoda (via email)

TAXPAYER COPY

MAUI COUNTY PARCEL HISTORY (TT102) FOR:

TMK: 4-3-001-082-0000

PAGE: 1

06/03/2016

INSTR-DESC: GRANT

INSTR_NO:A59980847

TRANS NO: 360150
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 153.2070 ACRES

OTHER-TMKS: 4-3-001-082-0000 ETC.

GRANT OF ACCESS EASEMENT

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI OCEANVIEW LP

- GRANT EASEMENT FOR ACCESS PURPOSES OVER LOT 3 (TMK 4301-84) APPURT TO LOT 1 (TMK 4301-82) & LOT 2 (TMK 4301-83) SHOWN ON EXH C NO AREA NO DES

LOT 1 MAHINAHINA MAUKA SUBD POR GR 1166 & RP 415, LC AW 75 153.207 AC DES

EXCLUSION 1: LOT 2-B-2 M L & P - N H L C SUBD POR GR 1166 6.181 AC DES

F/D: TOG/ESMT

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI OCEANVIEW LP				

06/03/2016

INSTR-DESC: GRANT

INSTR_NO:A59980845

TRANS NO: 359966
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 153.2070 ACRES

OTHER-TMKS: 4-3-001-082-0000 ETC.

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI OCEANVIEW LP

-GRANT EASEMENTS OVER PORTION OF TMK 4301-84 (LOT 3) & 4202-16 (RESERVOIR 140 LOT) NO AREA NO DES

LOT 1 MAHINAHINA MAUKA SUBD POR GR 1166 & RP 415, LC AW 75 153.207 AC DES

EXCLUSION 1: LOT 2-B-2 M L & P - N H L C SUBD POR GR 1166 6.181 AC DES

F/D: TOG/ESMTS

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI OCEANVIEW LP				

06/03/2016

INSTR-DESC: WARNT DEED

INSTR_NO:A59980843

TRANS NO: 359502
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AMOUNT:\$7,500,000

AREA: 153.2070 ACRES

STATE-CONV-TAX: \$ 67500

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI OCEANVIEW LP

LOT 1 MAHINAHINA MAUKA SUBD POR GR 1166 & RP 415, LC AW 75 153.207 AC DES

EXCLUSION 1: LOT 2-B-2 M L & P - N H L C SUBD POR GR 1166 6.181 AC DES

MAUI COUNTY PARCEL HISTORY (TT102) FOR:

TMK: 4-3-001-082-0000

PAGE: 2

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2	0011 MAUI OCEANVIEW LP				

06/03/2016

INSTR-DESC: GRANT

INSTR_NO:A59980842

TRANS NO: 359500
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 153.2070 ACRES

OTHER-TMKS: 4-3-001-082-0000 ETC.

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI LAND & PINEAPPLE COMPANY INC

-
GRANT ACCESS & UTILITY EASMENT OVER POR LOTS 1 & 2 (TMK 4301-82 & 83) IN FAVOR
OF LOT 3 (TMK 4301-84) NO AREA NO DES

-
LOT 1 MAHINAHINA MAUKA SUBD POR GR 1166 & RP 415, LC AW 75 153.207 AC. DES
EXCLUSION 1: LOT 2-B-2 M L & P - N H L C SUBD POR GR 1166 6.181 AC DES

F/D: SUBJ/ESMT

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2	0011 MAUI LAND & PINEAPPLE CO				

04/17/2012

INSTR-DESC: GRANT

INSTR_NO:A44900872

TRANS NO: 325729
INSTR-DATE: 04/17/2012
REC-DATE: 04/17/2012

AREA: 153.2070 ACRES

FROM: MAUI LAND & PINEAPPLE COMPANY, INC.

TO: MAUI ELECTRIC COMPANY, LIMITED

-GRANTOR GRANTS UNTO GRANTEE A PERPETUAL UTILITY EASEMENT

F/D: SUBJ/UTILITY ESMT (NO DES)

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2	0011 MAUI LAND & PINEAPPLE CO				

05/12/2010

INSTR-DESC: LUCA

TRANS NO: 310358
INSTR-DATE: 05/12/2010
REC-DATE: 05/12/2010

AREA: 153.2070 ACRES

OTHER-TMKS: 4-3-001-031-0000 ETC.

MAHINAHINA MAUKA SUBDIVISION - FILE 4.955

-
SUBDIVISION OF LOT 2-B-1-A OF KAPALUA - WEST MAUI AIRPORT
SUBDIVISION INTO LOTS 1 TO 3, INCLUSIVE; DESIGNATION OF
RESTRICTION OF VEHICULAR ACCESS RIGHTS AFFECTING LOTS 1 & 2
PER PLAN BY WARREN S UNEMORI - ENGINEERING, INC APPROVED
5/12/10

MAUI COUNTY PARCEL HISTORY (TT102) FOR:

TMK: 4-3-001-082-0000

PAGE: 3

LOTS 1, 2 & 3 TO NEW TMKS 4301-82, 83 & 84 RESPECTIVELY

FROM: 4301-31 LOT 1 153.207 AC

F/D: NEW LOT 1

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI LAND & PINEAPPLE CO				

-----SEE HISTORY SHEET FOR MORE INFORMATION-----

TMK: 4-3-001-083-0000

06/03/2016
INSTR-DESC: GRANT

INSTR_NO:A59980847

TRANS NO: 360150
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 151.0480 ACRES
OTHER-TMKS: 4-3-001-082-0000 ETC.

GRANT OF ACCESS EASEMENT

FROM: MAUI LAND & PINEAPPLE COMPANY INC
TO: MAUI OCEANVIEW LP
- GRANT EASEMENT FOR ACCESS PURPOSES OVER LOT 3 (TMK 4301-84) APPURT TO LOT 1 (TMK 4301-82) & LOT 2 (TMK 4301-83) SHOWN ON EXH C NO AREA NO DES
-
LOT 2 MAHINAHINA MAUKA SUBD POR RP GR 1166 151.048 AC DES
-
F/D: TOG/ESMT

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI OCEANVIEW LP				
FOR ASSESSMENT YEAR 2019					
PITT 1	LAND VALUE:			\$7,552,400	EXEMPT LAND VALUE: \$0
	BUILDING VALUE:			\$0	EXEMPT BUILDING VALUE: \$0
FOR ASSESSMENT YEAR 2018					
PITT 1	LAND VALUE:			\$7,552,400	EXEMPT LAND VALUE: \$0
	BUILDING VALUE:			\$0	EXEMPT BUILDING VALUE: \$0
FOR ASSESSMENT YEAR 2017					
PITT 1	LAND VALUE:			\$6,185,400	EXEMPT LAND VALUE: \$0
	BUILDING VALUE:			\$0	EXEMPT BUILDING VALUE: \$0

SITE ADDRESS: HONOAPIILANI HWY
LAHAINA 96761

MAILING ADDRESS: MAUI OCEANVIEW LP
16610 DALLAS PKWY STE 1600
DALLAS TX 75248

06/03/2016
INSTR-DESC: GRANT

INSTR_NO:A59980845

TRANS NO: 359966
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 151.0480 ACRES
OTHER-TMKS: 4-3-001-082-0000 ETC.

FROM: MAUI LAND & PINEAPPLE COMPANY INC
TO: MAUI OCEANVIEW LP
-GRANT EASEMENTS OVER PORTION OF TMK 4301-84 (LOT 3) & 4202-16 (RESERVOIR 140 LOT) NO AREA NO DES
-
LOT 2 MAHINAHINA MAUKA SUBD POR RP GR 1166 151.048 AC DES
-
F/D: TOG/ESMTS

MAUI COUNTY PARCEL HISTORY (TT101) FOR:

TMK: 4-3-001-083-0000

PAGE: 2

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI OCEANVIEW LP				

SITE ADDRESS: HONOAPIILANI HWY
LAHAINA 96761

06/03/2016

INSTR-DESC: WARNT DEED

INSTR_NO:A59980844

TRANS NO: 359508
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AMOUNT:\$7,500,000

AREA: 151.0480 ACRES

STATE-CONV-TAX: \$ 67500

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI OCEANVIEW LP

LOT 2 MAHINAHINA MAUKA SUBD POR RP GR 1166 151.048 AC DES

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI OCEANVIEW LP				

SITE ADDRESS: HONOAPIILANI HWY
LAHAINA 96761

06/03/2016

INSTR-DESC: GRANT

INSTR_NO:A59980842

TRANS NO: 359500
INSTR-DATE: 06/03/2016
REC-DATE: 06/03/2016

AREA: 151.0480 ACRES

OTHER-TMKS: 4-3-001-082-0000 ETC.

FROM: MAUI LAND & PINEAPPLE COMPANY INC

TO: MAUI LAND & PINEAPPLE COMPANY INC

GRANT ACCESS & UTILITY EASMENT OVER POR LOTS 1 & 2 (TMK 4301-82 & 83) IN FAVOR
OF LOT 3 (TMK 4301-84) NO AREA NO DES

LOT 2 MAHINAHINA MAUKA SUBD POR RP GR 1166 151.048 AC DES

F/D: SUBJ/ESMT

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI LAND & PINEAPPLE CO				

SITE ADDRESS: HONOAPIILANI HWY
LAHAINA 96761

05/12/2010

INSTR-DESC: LUCA

TRANS NO: 310358
INSTR-DATE: 05/12/2010
REC-DATE: 05/12/2010

AREA: 151.0480 ACRES

OTHER-TMKS: 4-3-001-031-0000 ETC.

MAHINAHINA MAUKA SUBDIVISION - FILE 4.955

MAUI COUNTY PARCEL HISTORY (TT101) FOR:

TMK: 4-3-001-083-0000

PAGE: 3

SUBDIVISION OF LOT 2-B-1-A OF KAPALUA - WEST MAUI AIRPORT
 SUBDIVISION INTO LOTS 1 TO 3, INCLUSIVE; DESIGNATION OF
 RESTRICTION OF VEHICULAR ACCESS RIGHTS AFFECTING LOTS 1 & 2
 PER PLAN BY WARREN S UNEMORI - ENGINEERING, INC APPROVED
 5/12/10

LOTS 1, 2 & 3 TO NEW TMKS 4301-82, 83 & 84 RESPECTIVELY
 FROM: 4301-31 LOT 2 151.048 AC
 F/D: NEW LOT 2

GROUP#	NAME	F	TC	%-OWNER	TITLE-DESC
2 0011	MAUI LAND & PINEAPPLE CO				
FOR ASSESSMENT YEAR 2016					
PITT 1	LAND VALUE:	\$3,209,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0
FOR ASSESSMENT YEAR 2015					
PITT 5	LAND VALUE:	\$1,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0
FOR ASSESSMENT YEAR 2014					
PITT 5	LAND VALUE:	\$1,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0
FOR ASSESSMENT YEAR 2013					
PITT 5	LAND VALUE:	\$1,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0
FOR ASSESSMENT YEAR 2012					
PITT 5	LAND VALUE:	\$1,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0
FOR ASSESSMENT YEAR 2011					
PITT 5	LAND VALUE:	\$1,800		EXEMPT LAND VALUE:	\$0
	BUILDING VALUE:	\$0		EXEMPT BUILDING VALUE:	\$0

SITE ADDRESS: HONOAPIILANI HWY
 LAHAINA 96761

-----SEE PARCEL SHEETS FOR MORE INFORMATION-----

TRAFFIC IMPACT ANALYSIS REPORT PULELEHUA DEVELOPMENT

Lahaina, Maui, Hawaii

FINAL DRAFT

August 13, 2019

Prepared for:

Maui Oceanview LP
2525 McKinney Ave., Suite B
Dallas, Texas 75201



Austin, Tsutsumi & Associates, Inc.

Civil Engineers • Surveyors
501 Sumner Street, Suite 521
Honolulu, Hawaii 96817-5031
Telephone: (808) 533-3646
Facsimile: (808) 526-1267
E-mail: atahnl@atahawaii.com
Honolulu • Wailuku • Hilo, Hawaii



6. CONCLUSIONS

The Project is located upon approximately 310 acres of undeveloped land in Lahaina, bounded by Honoapiilani Highway to the west and the Kapalua Airport to the east. The Project proposes to provide 100 single-family (SF) residential units (with an additional 100 ohana units on each lot), 800 multi-family (MF) residential units, an elementary school, a 10-acre park and three (3) retail centers, totaling 70,000 square feet. In addition, a new roadway will be constructed just east and parallel to Honoapiilani Highway that will provide vehicular, bike and pedestrian access to link the Project's development north and south of Mahinahina Gulch. The Project will be constructed in seven (7) phases, but for purposes of this TIAR, will be analyzed as four (4) scenarios.

Scenario 1 – Develop Phase 1 with a build-out of 2022 that includes the following:

- 240 MF residential units north of Akahahele Street, with direct access provided by a new Project roadway, Road A, intersecting Akahahele Street, and a new right-in, right-out (RIRO) access via Honoapiilani Highway.

Scenario 2 - Develop Phases 2A and 2B with a build-out of 2025 that include the following:

- 100 MF residential units (Phase 2A) south of Akahahele Street with direct access provided by a new Project roadway, Road C, intersecting Akahahele Street to the east of Road A.
- 250 MF residential units (Phase 2B) south of Akahahele Street with direct access provided by Road A and Road C. 70 of the units will be located in live/work buildings.

Scenario 3 – Develop Phases 3-5 with a build-out of 2030 that include the following:

- 210 MF residential units (Phase 3) south of Mahinahina Gulch, with access provided by a new Project roadway, Road J, intersecting Honoapiilani Highway south of Mahinahina Gulch.
- 10-acre park (Phase 3) with two (2) practice fields south of Mahinahina Gulch, with access provided by Road J.
- North Central Neighborhood Retail (Phase 4) consisting of approximately 6,000 square feet of commercial space located north of Akahahele Street near the Kapalua Airport, with access provided by Road C.
- South Core Retail (Phase 4) consisting of approximately 55,000 square feet of commercial space located on the southeast corner of the Honoapiilani Highway/Akahahele Street intersection, with access provided by Road A.
- South Central Neighborhood Retail (Phase 4) consisting of approximately 9,000 square feet of commercial space located on the northeast corner of the proposed Honoapiilani Highway/Road J intersection, with access provided by Road J.
- 86 SF (Phase 5) residential lots north of Akahahele Street, with access provided by Road C. An additional ohana unit may be constructed on each lot for a total of 172 SF residential units.
- 14 SF residential lots (Phase 5) south of Mahinahina Gulch, with access provided by Road J. An additional ohana unit may be constructed on each lot for a total of 28 SF residential units.



Scenario 4 – A future elementary school, to be planned/developed by the Department of Education (DOE). Since the development of the school is not in the direct controller of the Pulelehua development, the timeframe for this school has yet to be determined. For purposes of this TIAR, a forecast build-out of 2035 was assumed.

- 750-student elementary school, with access provided by Road A.

6.1 Existing Conditions

In the vicinity of the Project, Honoapiilani Highway services the area as the main thoroughfare that connects the West Maui region. Honoapiilani Highway generally operates as a two (2) lane highway from Napilihau Street to Lower Honoapiilani Road and continues south as a four (4) lane highway from Lower Honoapiilani Road to beyond Keawe Street. In the vicinity of the Project, the intersections along the highway operate with either fixed coordinated signal timing plans or uncoordinated plans with lengthy through volume green times. As a result, numerous mainline left-turn movements and minor street approaches at various study intersections operate at LOS E/F conditions due to lengthy delays from the signal timing plans that favor the through movements along Honoapiilani Highway. Numerous movements also operate with low left-turning volumes (< 25 vehicles), which contribute to the LOS E/F conditions.

However, with the exception of the southbound left-turn movement at the Honoapiilani Highway/Keawe Street intersection, all vehicular movements at each study intersection operate adequately with under-capacity conditions during all peak hours of traffic.

Although the Lahaina Bypass Road (LBR) Phase 1B-2 along with improvements at the Honoapiilani Highway/Keawe Street intersection were completed in 2018, traffic count data was collected prior to completion, and the improvements were not included in the existing conditions scenario.

6.2 Base Year 2022

It is anticipated that by Base Year 2022, traffic will have increased over existing conditions due to various anticipated new developments in the Lahaina region and a 0.5% ambient growth rate, adjusted and applied from HDOT's MRTDM. By Base Year 2022 without the Project, traffic at the study intersections along Honoapiilani Highway is estimated to increase overall by approximately 15-30% on various parts of the corridor during the AM, PM and WE peak hours of traffic.

By Base Year 2022, it is assumed that various planned roadway improvements will be implemented even without the Project and include the LBR Phase 1B-2, improvements at the Honoapiilani Highway/Keawe Street/Lahaina Cannery Mall intersection to support the LBR extension, and various widening/restriping improvements at the Honoapiilani Highway/Napilihau Street intersection.

With the anticipated growth in traffic and planned roadway improvements, all study intersections are forecast to operate similar to existing conditions. Overall intersection delays generally increased by only 1-5 seconds at most study intersections. The majority of intersection movements currently operating at LOS E/F conditions will continue to operate similarly in Base Year 2022 and at under-capacity conditions, with the exception of the eastbound shared left-turn/through movement at Honoapiilani Highway/Kaanapali Parkway and the westbound left-



turn at Honoapiilani Highway/Kapunakea Street during the PM peak hour of traffic, which are forecast to operate at LOS F and overcapacity conditions.

6.3 Base Year 2022 With Mitigation

There are currently no plans to implement the following improvements, but they could be considered to mitigate forecast over-capacity conditions.

[7] Honoapiilani Highway/Kaanapali Parkway/Halelo Street

- Modify the eastbound approach to incorporate a dedicated left-turn lane, a shared left-turn/through lane and two (2) dedicated right-turn lanes.

With the recommended mitigation, the intersection is anticipated to improve and operate adequately at overall LOS D or better during all peak hours of traffic. Similar to existing conditions, numerous minor street approaches and major street left-turn movements will continue operating at LOS E/F due to the long through movement green time and cycle length.

[10] Honoapiilani Highway/Kapunakea Street

- Restripe the eastbound approach to provide an exclusive left-turn lane and a shared through/right-turn lane.

Restriping the eastbound approach will provide lane configuration consistent with the westbound approach. With the restriping, the intersection is anticipated to operate with all movements under capacity during all peak hours of traffic. As in existing conditions, various left-turn movements are expected to operate at LOS E/F due to the long coordinated cycle length.

6.4 Base Year 2025

By Base Year 2025 without the Project, traffic at the study intersections along Honoapiilani Highway is estimated to increase by approximately 1% for the majority of sections along the corridor over Base Year 2022 during all peak hours of traffic due to a 0.5% ambient growth rate adjusted and applied from HDOT's MRTDM. Intersection movements are expected to continue operating similar to Base Year 2022 with overall intersection delays expected to increase by 1-5 seconds.

6.5 Base Year 2030

By Base Year 2030 without the Project, traffic at the study intersections along Honoapiilani Highway is estimated to increase by approximately 2% for the majority of sections along the corridor over Base Year 2025 during all peak hours of traffic due to a 0.5% ambient growth rate adjusted and applied from HDOT's MRTDM. Intersection movements are expected to continue operating similar to Base Year 2022 with overall intersection delays expected to increase by 1-5 seconds.

The Honoapiilani Highway/Keawe Street intersection is expected to experience LOS E conditions along the northbound major through movement due to the projected increase in traffic during the PM peak hour of traffic. It should be noted that the LBR Phase 1C and Phase 1D extending the bypass to Kaanapali and Kapalua, respectively, are expected to help alleviate congestion along Honoapiilani Highway. However, as funding for construction of Phase 1C is



currently under discussion, extension of the LBR was not assumed to be completed by Base Year 2030.

6.6 Base Year 2035

By Base Year 2035 without the Project, traffic at the study intersections along Honoapiilani Highway is estimated to increase by approximately 2% along the corridor over Base Year 2030 during all peak hours of traffic due to a 0.5% ambient growth rate adjusted and applied from HDOT's MRTDM. Intersection movements are expected to continue operating similar to Base Year 2030 with overall intersection delays expected to increase by 1-5 seconds.

As noted for Base Year 2030, the Honoapiilani Highway/Keawe Street intersection is anticipated to operate at LOS E conditions for the northbound approach of the highway during the PM peak hour of traffic. Although no mitigation is proposed at this time, the LBR Phase 1C extension to Kaanapali is expected to alleviate long delays at the Keawe Street intersection once constructed.

6.7 Future Year 2022 Scenario 1

By completion of Scenario 1 in Future Year 2022, the Project is projected to generate a total of 77(103)[120] new external trips during the AM(PM)[WE] peak hours of traffic. Trips generated by the Project are expected to result in growth along major roadways in the study area. All generated traffic will access the site via Honoapiilani Highway at Akahahele Street and a new right-in, right-out (RIRO) access.

Due to the relatively minimal traffic increases due to Scenario 1, regional traffic at the study intersections (those not providing direct access to the Project) along Honoapiilani Highway is estimated to increase overall by less than 5%, while local traffic at the study intersections (those providing direct access to the Project) along Honoapiilani Highway is estimated to increase overall by less than 10% from Base Year 2022 without the Project scenario, during the AM, PM and WE peak hours of traffic.

All study intersections are forecast to operate similar to Base Year 2022 because of the minimal traffic generated by Scenario 1. Based on the AASHTO Green Book, all existing left-turn storage lane lengths at the Honoapiilani Highway/Akahahele Street intersection are adequate for the additional traffic generated by Scenario 1.

The new RIRO access along Honoapiilani Highway was analyzed as a stop-controlled intersection with stop control on the westbound right-turn movement out of the Project. The westbound right-turn movement is expected to operate adequately with LOS C or better during all peak hours. It is recommended that a northbound right-turn deceleration lane be provided for entry into the Project at the RIRO.

A new Road A is proposed to intersect Akahahele Street to provide internal Project access. The approach of Road A north of Akahahele Street is proposed for construction with Scenario 1. Due to the low through volumes currently using Akahahele Street, lengthy gaps in traffic are currently available. Because volumes at the new intersection are anticipated to be low with a maximum of 150 vehicles in a given peak hour, the intersection is expected to operate adequately.



6.8 Future Year 2025 Scenario 2

By completion of Scenario 2 in Future Year 2025, the Project is projected to generate a total of 118(144)[175] new external trips during the AM(PM)[WE] peak hours of traffic. Trips generated by the Project are expected to result in growth along major roadways in the study area. Traffic will access the site via Honoapiilani Highway at its intersections with Akahahele Street and the RIRO access.

By Future Year 2025 with the cumulative increases of Project Scenarios 1 and 2, regional traffic at the study intersections (those not providing direct access to the Project) along Honoapiilani Highway is estimated to increase overall by approximately 5-10%, while local traffic at the study intersections (those providing direct access to the Project) along Honoapiilani Highway is estimated to increase overall by approximately 10-20% from Base Year 2025 without the Project scenario, during the AM, PM and WE peak hours of traffic.

All study intersections are forecast to operate similar to Future Year 2022 Scenario 1 with the exception of the Honoapiilani Highway/Akahahele Street intersection. Since this intersection is the primary access from Honoapiilani Highway into the Project's Scenario 2 site, turning movements into and out of Akahahele Street will increase. As a result, the intersection will worsen, but operate adequately from an overall LOS B(C)[B] during the Future Year 2022 Scenario 1 condition to an overall LOS C(C)[C] for the Future Year 2025 Scenario 2. Various left-turn movements will operate at LOS E/F conditions during all peak hours due to the long cycle length and generally low turning movement volumes at the intersection. However, all movements will continue to operate under capacity. Based on the AASHTO Green Book, all existing left-turn storage lane lengths at the Honoapiilani Highway/Akahahele Street intersection are adequate for the additional traffic generated by Scenario 2.

The southern approach of Road A at Akahahele Street is proposed for construction with Scenario 2. Although lengthy gaps in through traffic are expected along Akahahele Street to help prevent long queues for opposing left-turn movements, exclusive left-turn storage lanes should be considered along Akahahele Street as traffic begins to increase as a result of the Project.

Road C is proposed to cross Akahahele Street east of Road A. With Scenario 2 of the Project, a maximum of 185 vehicles are forecast to traverse the intersection in a given peak hour with under 25 through vehicles along Akahahele Street in each direction. Although volumes are anticipated to be low, exclusive left-turn storage lanes should be considered to remove left-turns from the through lanes on Akahahele Street.

6.9 Future Year 2030 Scenario 3

By completion of Scenario 3 in Future Year 2030, the Project is projected to generate an additional 390(568)[748] new external trips during the AM(PM)[WE] peak hours of traffic. Trips generated by the Project are expected to result in growth along major roadways in the study area. Traffic generated by Project Scenario 3 will access the site via Honoapiilani Highway at Akahahele Street, the RIRO access and the proposed Road J south of Mahinahina Gulch.

By Future Year 2030 with cumulative increases of Project Scenarios 1, 2 and 3, regional traffic at the study intersections (those not providing direct access to the Project) along Honoapiilani Highway is estimated to increase overall by approximately 5-25%, while local traffic at the study intersections (those providing direct access to the Project) along Honoapiilani Highway is



estimated to increase overall by approximately 15-55% from Base Year 2030 without the Project scenario, during the AM, PM and WE peak hours of traffic.

The Honoapiilani Highway/Akahele Street intersection is expected to experience increases in delay as the Project is further developed. The majority of left-turn and minor street movements are anticipated to operate at LOS E/F with the projected growth. However, all movements will continue to operate under capacity, and the intersection is expected to operate adequately at overall LOS C(D)[C]. Based on the AASHTO Green Book, various storage lengths are recommended at the intersection as shown in Table 5.7. The Road A and Road C intersections with Akahele Street will continue to operate adequately at LOS D or better.

The new Honoapiilani Highway/Road J intersection was analyzed as an unsignalized intersection, which includes an exclusive westbound left-turn and westbound right-turn lane, an exclusive southbound left-turn lane and an exclusive northbound right-turn lane. A southbound median refuge lane along Honoapiilani Highway may be constructed to facilitate westbound vehicles making the left-turn movement from the Full Access onto Honoapiilani Highway. With the proposed configuration, the westbound left-turn out of the Project is expected to operate under capacity at LOS E/F during all peak hours of traffic. Although lengthy delays are anticipated, based on the MUTCD Four-Hour Vehicular Volume traffic signal warrant, a traffic signal is not forecast to be warranted based on weekday forecast volumes. However, the intersection should be monitored to determine if or when a traffic signal is warranted.

6.10 Future Year 2035 Scenario 4

A future elementary school will be planned/developed by the Department of Education (DOE) on the Project site. Since the development of the school is not in the direct controller of the Pulelehua development, the timeframe for this school has yet to be determined. For the purposes of this TIAR, a forecast build-out of 2035 with inclusion of the elementary school as part of the Project was assumed as Scenario 4.

By completion of Scenario 4 in Future Year 2035, the Project is projected to generate an additional 471(115)[0] new external trips during the AM(PM)[WE] peak hours of traffic. Elementary school students in Lahaina are currently serviced primarily by Princess Nahienaena Elementary School and King Kamehameha III Elementary School, further south of Keawe Street. It's anticipated that upon opening of the new Elementary School in the Project site, many students will transfer to this site from the Kaanapali, Honokowai, Kahana, Napili and Kapalua regions. Trips generated by the new elementary school were rerouted from existing traffic along Honoapiilani Highway to the new site. As a result, the majority of traffic increases were turning movement traffic turning into and out of Akahele Street on the east leg of its intersection with Honoapiilani Highway. Traffic reductions to various through movements along the highway were a result of the reroute.

With the additional trips generated by Scenario 4 and background traffic growth, several study intersections are forecast to operate with increased delay from Future Year 2030 with Scenarios 1, 2 and 3. All intersection movements forecast to operate at LOS E/F for Future Year 2030 Scenario 3 conditions will continue to operate at LOS E/F conditions during Future Year 2035 Scenario 4. Based on the AASHTO Green Book, various storage lengths are recommended at the Honoapiilani Highway/Akahele Street intersection as shown in Table 5.9.

As noted previously, some deficiencies in capacity and delay are forecast along northbound Honoapiilani Highway in the vicinity of the current northern terminus of the LBR at Keawe



Street. Upon completion of the LBR Phase 1C, which will extend the bypass road to Kaanapali, the majority of capacity and delay issues are anticipated to be resolved as a portion of vehicles will continue further north on the LBR rather than exiting to Honoapiilani Highway at Keawe Street. Because allocation of State funds for Phase 1C of the LBR is currently under discussion, the bypass extension was not assumed to be completed by Future Year 2035.



7. RECOMMENDATIONS

Full Base Year and Future Year 2022, 2025, 2030 and 2035 roadway improvements are listed in Appendix D and discussed in more detail below.

7.1 Planned Roadway Improvements

The following roadway improvements are anticipated to be completed by other entities by Year 2022.

Honoapiilani Highway/Napili Hau Street

- An exclusive right-turn lane on the northbound Honoapiilani Highway approach and exclusive left-turn lane and shared through/right-turn lane on the westbound Napili Hau Street approach will be constructed as part of Waialele Ridge roadway improvements.

7.2 Base Year 2022 Mitigation

There are currently no plans to implement the following improvements, but they could be considered by other entities to mitigate forecast over-capacity conditions.

[7] Honoapiilani Highway/Kaanapali Parkway/Halelo Street

- Modify the eastbound approach to incorporate a dedicated left-turn lane, a shared left-turn/through lane and two (2) dedicated right-turn lanes.

[10] Honoapiilani Highway/Kapunakea Street

- Restripe the eastbound approach to provide an exclusive left-turn lane and a shared through/right-turn lane.

7.3 Future Year 2022 Scenario 1 Mitigation

The following mitigations are proposed for Future Year 2022 Scenario 1.

[3] Honoapiilani Highway/Akahele Street

- Optimize existing signal timing to accommodate turning movement increases

[12] Honoapiilani Highway/Project RIRO

- Provide a new RIRO access for direct entry/exit to the Project via Honoapiilani Highway. Storage lane lengths shown below are exclusive of deceleration/taper length and will need to be verified upon design. Based on the AASHTO Green Book, 425 feet accommodates full deceleration length with a design speed of 50 mph.
 - Northbound right-turn lane → Provide at least 100 feet of storage space.



7.4 Future Year 2025 Scenario 2 Mitigation

[3] Honoapiilani Highway/Akahele Street

- Optimize existing signal timing to accommodate turning movement increases

[14-15] Akahele Street/Road A and Road C

- Consider providing exclusive left-turn storage lanes on Akahele Street to remove left-turns from the through lanes along Akahele Street. A minimum 50 feet of storage for the eastbound left-turn and 50 feet of storage for the westbound left-turn lanes should be provided, exclusive of taper and deceleration length

7.5 Future Year 2030 Scenario 3 Mitigation

[3] Honoapiilani Highway/Akahele Street

- Optimize existing signal timing to accommodate turning movement increases
- Lengthen existing left-turn storage lane lengths to provide the following storage space. Note, storage lane lengths shown below are exclusive of taper length or deceleration length and will need to be verified upon design:
 - Northbound left-turn lane → Lengthen left-turn lane to provide at least 250 feet of storage space.
 - Westbound left-turn lane → Lengthen left-turn lane to provide at least 200 feet of storage space.

[13] Honoapiilani Highway/Road J

- Provide a new unsignalized stop-controlled intersection south of the existing Honoapiilani Highway/Akahele Street intersection, with the westbound approach as the stopped approach. Monitor the intersection to determine if or when a signal will be warranted based on actual traffic volumes:
 - Northbound Approach → Provide one (1) through lane and a new right-turn deceleration lane with at least 100 feet of storage space. Additional taper and/or deceleration length to be provided based upon design.
 - Southbound Approach → Provide one (1) through lane and a new right-turn deceleration lane with at least 100 feet of storage space. Additional taper and/or deceleration length to be provided based upon design.
 - AASHTO Green Book recommends 425 feet for full deceleration length with a design speed of 50 mph for both northbound and southbound approaches.
 - A median refuge lane may be constructed to facilitate westbound left-turn traffic exiting Road J going onto Honoapiilani Highway.
 - Westbound Approach → Provide a new left-turn storage lane and a new 100 feet right-turn storage lane.



7.6 Future Year 2035 Scenario 4 Mitigation

[3] Honoapiilani Highway/Akahele Street

- Optimize existing signal timing to accommodate turning movement increases
- Lengthen existing left-turn storage lane lengths to provide the following storage space. Note, storage lane lengths shown below are exclusive of taper length or deceleration length and will need to be verified upon design:
 - Northbound left-turn lane → Lengthen left-turn lane to provide at least 275 feet of storage space.
 - Southbound left-turn lane → Lengthen left-turn lane to provide at least 275 feet of storage space.
 - Westbound left-turn lane → Lengthen left-turn lane to provide at least 275 feet of storage space.

[13] Honoapiilani Highway/Road J

- Monitor the intersection to determine if or when a signal will be warranted based on actual traffic volumes.