

To: Land Use Commission

ORIGINAL

September 25 + 26, 2019

From: Prof. Dick Mayer [dickmayer@earthlink.net](mailto:dickmayer@earthlink.net)

RE: Pulelehua Request to Amend D&O

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SEP 27 2019

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ON Page 1 the County notes and I agree that the application is incomplete and there needs to be a postponement for the LUC to take action.

STATE OF HAWAII  
LAND USE COMMISSION

**"BAIT AND SWITCH"** This whole proposal seems to be a "bait and switch" effort to reduce affordable housing requirements. ML&P got their workers to testify, then closed the pineapple plantation.

**AFFORDABLE HOUSING COUNT** The new owner has selectively chosen to utilize the revised County Code 2.96, so as to minimize his need to provide affordable housing. The LUC should stick with its original D&O. County Housing department agreement should NOT be binding, but a minimum requirement.

Essential that 125 units of affordable housing promised for Kapalua Mauka be included within Puleleha in addition to whatever other affordable housing requirement there is.

800 in apartments + 100 single family + 100 'Ohanas → 1,000 units

Should be 25% of 900 = 225 + 125 → 350 minimum

And only 280 affordable; only ?? affordable for below medium income.

The original decision and order by the state land use Commission did not rely on the Maui county code 2.96, but specified a fixed number of required affordable homes. It was fixed at 450 affordable units.

Proposed D&O Page 68 and 70 brags that 31% of the houses will be in the affordable category. This is an over estimate since only 280 out of the 1,000 will be for affordable housing. The original provision was for 51% of the housing, as called for in the original approval and in the Final EIS.

From **Pulelehua Final EIS Page 6**

The Pulelehua community will consist of **882 multi-family and single family homes**, including 23 lots that will be built by residents. **At least 51 percent of the homes will be made available for sale or rent to low, low-moderate and gap-group income Maui residents affordable to families making between 50 to 140 percent of the median income. There will also be approximately 100 moderate-rate (i.e. "gap") homes available for sale.** The community will also be designed for as many as 267 ohana dwellings that could be potentially built by residents.

Application on Page 75 makes it clear that there were 450 affordable units in the original proposal. That was a compromise from those who were asking for a much higher amount of affordable housing in West Maui. Now the developer wishes to be you set all the way down to 280 and not provide for the hundred twenty five units required for Kapalua Mauka.



**FINAL EIS** for this project is woefully out-of-date – 2005. A supplemental EIS is needed.

**SCHOOL** D&O 195 to 200 makes it clear that an elementary school is absolutely necessary NOW. The Fair Charge to put up a school will be totally inadequate, given the high cost of construction in West Maui.

For example, discussion of school congestion is avoided. Proposed D&O Number 163 assumes School in 2035. A decade after this project is completed.

**BUSSES** It should be made clear who will be paying for the school buses to the three schools in Lahaina that students from this project will be attending for the next 15 years.

**WATER** The water source is uncertain from surface sources. Provision for groundwater should be clarified. We understand that the water source that was proposed for the use of this project was damaged in the 2018 storm. Is it available?

The county strongly recommends that a condition be placed to require a private water system and the use of groundwater and not reliance on stream water.

D&O Number 174 should require having a water treatment facility operational at the time of first certificates of occupancy.

**WASTEWATER** Pulelehua may initially send its wastewater to Lahaina wastewater treatment plant

D&O 179-181 Pulelehua MUST not use the Lahaina wastewater plant. It must have its own wastewater plant operational by the first certificates of occupancy.

**50 ACRE COUNTY PARK SITE** A definite site for the 50-acre community park needs to be determined and made available for the county to purchase at agricultural rates before certificate of Occupancy.

**30 YEARS OR IN PERPETUITY** All of the affordable housing should be kept as affordable housing in perpetuity.

**LIMIT EXPANSION** A limit should be placed on adding even more housing on the upper northern part of the property, since the present proposal is for 900 units plus 'ohana units. Traffic studies and other infrastructure requirements are based on that number.

**PROJECT MAP** The LUC website has several different maps of the housing configuration without making it clear which one is the one being discussed today.

**WEST MAUI COMMUNITY PLAN** Allow the West Maui Community Plan to be completed. C.A.C. has started the process. Finished by January.



**DRAINAGE** - Based on only 50 Year and ONLY ONE hour. D&O 189 all of the drainage estimates are based on a 50 year 1 hour rainfall. Whereas in the earlier environmental impact studies it was cited that where the water crosses the highway they were using 100 years storms.

**INTERSECTIONS AND SIGNALS** D&O 164 to 168 can we assume that Pulelehua will be paying for all of those intersections and traffic lights and timing of those traffic lights?

**SOLID WASTE** D&O 193 makes it clear that solid waste disposal will be the responsibility of the community's residents and further assumes that it will have no effect on Maui Central Maui landfill, an absurd statement.

**HOMEOWNER ASSOCIATION COSTS** There needs to be an estimate of the total Homeowner Association cost that will need to be paid by residents, and especially those in affordable units, for water, wastewater, solid waste disposal, road maintenance etc.

**MEDICAL** D&O 205 reflects the dire situation with regard to medical Care, both normal hospital care as well as emergency care. Location of this project is at least an hour away from the nearest medical facility. This is a serious problem. The application for this project does not even recognize that HHSC no longer runs Maui Memorial hospital but that is under the control of Kaiser.

**ENERGY** D&O 206 indicates that electricity will be produced on site, but makes no indication of where that might be taking place; or the type of power generating facility that will be utilized. It would be an excellent use of the open space land at the North end of the project for a solar system.



## DECISION AND ORDER

1. do NOT double count 125 housing unit sold by Kapalua Mauka
  - 1.c. keep the statement that affordable rental units must be maintained as affordable rentals for at least 30 years and better yet in perpetuity.
2. Require a much earlier date for the construction of the elementary school no matter how it is paid for.

Lahaina schools are already overcrowded and there are several new projects being built and planned much closer to Lahaina town. There are 500 to 600 students that will be in this Pulelehua a project.
3. The wastewater treatment plant shall be operational before any dwelling unit receives a certificate of occupancy.
5. The transportation improvements Plan should be completed before any building permit is issued.
6. The regional traffic circulation plan is vaguely described as to what the petitioner is supposed to do.
7. Fair share contributions for traffic should be for those needed for dwellings and those needed for commercial use. For every 1,000 square feet of commercial a fair share dollar amount should be determined and paid.
7. If \$3,500 and \$1,500 figures make no provision for inflation and Future cost increases in constructing needed transportation.
17. The drainage system will be inadequate since it only is sufficient for a 1-hour rainfall in a 50 year storm.
21. Water and wastewater are a non-County responsibility for this project.
26. Every single family home and multi-family apartment building should be required to have PV solar panels installed.
27. Compliance should not be only for the new owner but Maui Land and Pine should also be required to fulfill their obligations of both Kapalua Mauka and this location.

**KAPALUA MAUKA** LUC should have revoked ML&P for not complying, not following through with their representations after over a decade.