



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

Mary Alice Evans
DIRECTOR
OFFICE OF PLANNING

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

Telephone: (808) 587-2846

Fax: (808) 587-2824

Web: <http://planning.hawaii.gov/>

2019 DEC 23 A 8:39

DTS201912171523AA

December 23, 2019

Ms. Michele Chouteau McLean
Director
Planning Department
County of Maui
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
Attn.: Tara Furukawa

Dear Ms. McLean:

Subject: Draft Environmental Impact Statement for the Windward Hotel
Kahului, Maui
TMK: (2) 3-8-103: 014 (por.), 015, 016, 017, and 018

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Windward Hotel. R.D. Olson Development (Applicant) proposes to develop a 200-room, one- to four-story hotel on 5.17 vacant acres on Lauo Loop on the mauka side of Haleakala Highway (State Route 380) and adjacent to Kahului Airport.

The hotel will serve guests seeking accommodation in Central Maui and is targeted at the Kahului Airport and Kahului-Wailuku business markets. Among the 200 hotel rooms planned, 120 will be standard rooms and 80 will be extended-stay rooms with kitchens. Amenities to be provided include a swimming pool, dining area, sundry shop, meeting room, business center and other support services and accessory uses for hotel operation. Also proposed are associated on-site and off-site infrastructure improvements, including water, sewer, roads, drainage and electrical systems.

The project site is within the Maui Business Park, Phase 2. The Park is within the State Land Use Urban District, but subject to the conditions of the State Land Use Commission (LUC) Decision and Order Docket No. A03-739 A&B Properties, Inc. (D&O) for light industrial use. The Park is zoned M-1 Light Industrial Conditional Zoning, designated for Light Industrial (LI) use in the Wailuku-Kahului Community Plan, and within the Urban Growth Boundary of the Maui Island Plan. The project site is also within the Special Management Area (SMA). The proposed project is subject to the Maui County Code, Chapter 2.96 Workforce Housing requirement.

Upon acceptance of the Final Environmental Impact Statement by the Maui Planning Commission, the Applicant intends on seeking a Community Plan Amendment, a Motion to Amend the LUC D&O, a Change in Zoning, and an SMA Permit.

The Office of Planning (OP) has reviewed the DEIS and offers the following comments:

1. No Detailed Discussion of Alternatives

The DEIS briefly discusses five alternatives and dismisses them as not meeting the project's objectives (Section F, pgs. 12-16). No alternative is discussed in detail. Hawaii Administrative Rules (HAR) § 11-200-24 (h)¹ requires a draft environmental impact statement to describe alternatives which could attain the objectives of the action. "The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions...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." Summarily dismissing all alternatives is unusual, especially for a draft environmental impact statement that by nature is required because "a proposed action may have a significant effect". The significance of the potential effect may be less apparent if no alternative is considered in detail.

For example, when considering Alternative 3 "Alternate Site" the Applicant states that "the Project Site is the most feasible available location" (DEIS, pg. 14). However, no information is provided on any effort by the Applicant to identify other feasible available locations or the result of such efforts. In fact, according to the December 2004 Final Environmental Impact Statement (FEIS) prepared for the Maui Business Park Phase II development (MBPPII), another parcel near the project site was designated "Hotel" by Maui County Ordinance No. 3045. (FEIS Figure 7, 2002 Wailuku-Kahului Community Plan Land Use Map.)

Especially concerning is Applicant's cursory discussion of Alternative 5 "Development Under Existing Land Use Designation" (DEIS, pg. 16). The Applicant intends on petitioning the LUC to amend the condition of the D&O to change the use of the parcel from light industrial to hotel. Under HAR § 15-15-94 (b) the LUC may modify or delete conditions of the D&O "for good cause shown". However, the DEIS merely asserts that a thorough assessment of light industrial development can be found in the FEIS prepared in support of the MBPPII. The DEIS fails to provide any details of this assessment. Furthermore, the DEIS does not discuss whether the FEIS assessment is still relevant since the FEIS was prepared in December 2004, fifteen years ago.

2. Apparent Inconsistency with Wailuku-Kahului Community Plan

The Applicant proposes to amend the Wailuku-Kahului Community Plan for the subject property from Light Industrial to Hotel to maintain consistency with the proposed use, and notes that the Hotel Land Use Category is defined as applying "to transient accommodations which do not contain kitchens within individual units. Such hotel facilities may include permissible accessory uses

¹ The Applicant initiated the environmental review process prior to the adoption of the new HAR Chapter 11-200.1, effective August 8, 2019. Consequently, this DEIS is subject to the now-repealed HAR Chapter 11-200.

Ms. Michele Chouteau McLean
December 23, 2019
Page 3

primarily intended to serve hotel guests (DEIS, pg. 156).” Yet, this appears to be inconsistent with the Applicant’s stated intent to provide 80 extended-stay hotel rooms with kitchens (DEIS, pg. 38).

3. Previous Comments

Our previous Environmental Impact Statement Preparation Notice letter dated February 7, 2019, requested that the DEIS:

- Contain specific findings on the extent of traditional and customary native Hawaiian cultural practices in the project area pursuant to the Hawaii Supreme Court’s holding in *Ka Pa’akai O Ka’Aina v. Land Use Commission*;
- Discuss the current status of compliance with LUC conditions imposed in the LUC D&O Docket A03-739;
- Evaluate the project site’s exposure and vulnerability to natural hazards linked to climate change;
- Assess the project in relation to the SMA as designated by the County of Maui;
- Address the project’s impact on water resources and coastal resources resulting from stormwater runoff. The analysis should include a critique on planned drainage infrastructure, low impact development design elements, and erosion/sediment controls;
- Detail the project’s relevancy with the provisions of Hawaii Revised Statutes (HRS) Chapter 226, the Hawaii State Planning Act; and
- Examine the project’s adherence with HRS § 205A-2, the objectives and supporting policies of the Hawaii Coastal Zone Management (CZM) program.

OP acknowledges that our February 7, 2019 comments have been addressed in the DEIS.

If you have any questions, please contact Aaron Setogawa of our Land Use Division at (808) 587-2883 or Joshua Hekeikia of our CZM program at (808) 587-2845.

Sincerely,



Mary Alice Evans
Director

c: Mr. Brett A. Davis, Senior Planner, Chris Hart & Partners, Inc.
Mr. Anthony Wrzosek, Vice President, R.D. Olson Development
Mr. Daniel Orodener, Executive Director, Land Use Commission