CHARMAINE TAVARES
Mayor

KATHLEEN ROSS AOKI
Director

ANN T. CUA
Deputy Director

SEP 08 2010

COUNTY OF MAUI

DEPARTMENT OF PLANNING

August 16, 2010

Ms. Katherine Puana Kealoha, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Ms. Kealoha:

SUBJECT: FINAL ENVIRONMENTAL ASSESSMENT (EA) FOR THE MAUI LANI SHOPPING CENTER, LOCATED AT THE CORNER OF MAUI LANI PARKWAY AND KAAHUMANU AVENUE, WAILUKU, MAUI, HAWAII; TMK: (2) 3-8-007:121 (EA 2010/0001)

The Maui Planning Commission at its regular meeting on August 10, 2010, accepted the Final Environmental Assessment (FEA) for the subject project and issued a Finding of No Significant Impact (FONSI) determination. Please publish the FEA in the **September 8, 2010** Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form, one (1) hard copy of the FEA, and one (1) CD copy of the FEA in PDF format.

Thank you for your assistance with this matter. Should you need further clarification, please contact Deputy Planning Director Ann Cua at ann.cua@mauicounty.gov or by phone at (808) 270-7521.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for KATHLEEN R. AOKI
Planning Director

Attachments
xc: Ann T. Cua, Deputy Planning Director
Clayton Yoshida, AICP, Planning Program Administrator
Erin Mukai, Planner, Munekiyo & Hiraga, Inc.
KRA:ATC:CIY:atw
EA Project File
Project File
General File
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Final Environmental Assessment

Book 1 of 2

MAUI LANI SHOPPING CENTER
(TMK (2)3-8-007:121)

Prepared for:

HRT, Ltd.

August 2010

MUNEKIYO HIRAGA, INC.

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LIST OF APPENDICES

Executive Summary

Project Name:	Maui Lani Shopping Center
Type of Document:	Final Environmental Assessment
Legal Authority:	Chapter 343, Hawaii Revised Statutes
Agency Determination:	Finding of No Significant Impact
Applicable Environmental Assessment Review "trigger":	Use of State Right-of-Way
Location:	Island of Maui Wailuku, Maui, Hawaii TMK (2) 3-8-007:121
Applicant and Landowner:	HRT, LTD. c/o HRT Realty, LLC 3660 Waialae Avenue, Suite 400 Honolulu, Hawaii 96816
Approving Agency:	County of Maui Maui Planning Commission
Agent:	Munekiyo & Hiraga, Inc. 305 High Street, Suite 104 Wailuku, Hawaii 96793 Contact: Erin Mukai Phone No.: (808) 244-2015
Project Summary:	HRT, LTD., a subsidiary corporation of the Harry and Jeannette Weinberg Foundation, proposes the development of a neighborhood shopping center on an approximately 12.926-acre site. The project components will include a food market as a major tenant, a submajor tenant, retail and service shops, office space and restaurants. The total retail area will be approximately 105,098 sq. ft. Currently, Safeway is the proposed major tenant, occupying approximately 56,680 sq. ft. of the shopping center. Proposed access points for the site will be from Maui Lani Parkway and Kaahumanu Avenue. The project site is located within the limits of the Maui Lani

Project District in Wailuku on land identified by TMK (2) 3-8-007:121.

The proposed action includes improvements to Kaahumanu Avenue, a State of Hawaii roadway facility. Improvements to Kaahumanu Avenue include: the construction of an auxiliary lane between its intersection with Kainani Street and Maui Lani Parkway; construction of a right-in only shopping center access and deceleration lane; provision of a "bulb-out"/pedestrian island on the southeast corner of the Kaahumanu Avenue-Kainani Street intersection; provision of an additional westbound left-turn lane on Kaahumanu Avenue at its intersection with Maui Lani Parkway (and provision of a receiving lane at Maui Lani Parkway). The use of a State right-of-way is a trigger for Chapter 343, Hawaii Revised Statutes (HRS). As such, a Final Environmental Assessment (EA) has been prepared pursuant to Chapter 343, HRS, and Chapter 200 of Title 11, Administrative Rules, Environmental Impact Statement Rules. This EA documents the project's technical characteristics and environmental impacts, and advances findings and conclusions relative to the significance of the project.

I. PROJECT OVERVIEW

I. PROJECT OVERVIEW

A. PROJECT LOCATION AND LAND OWNERSHIP

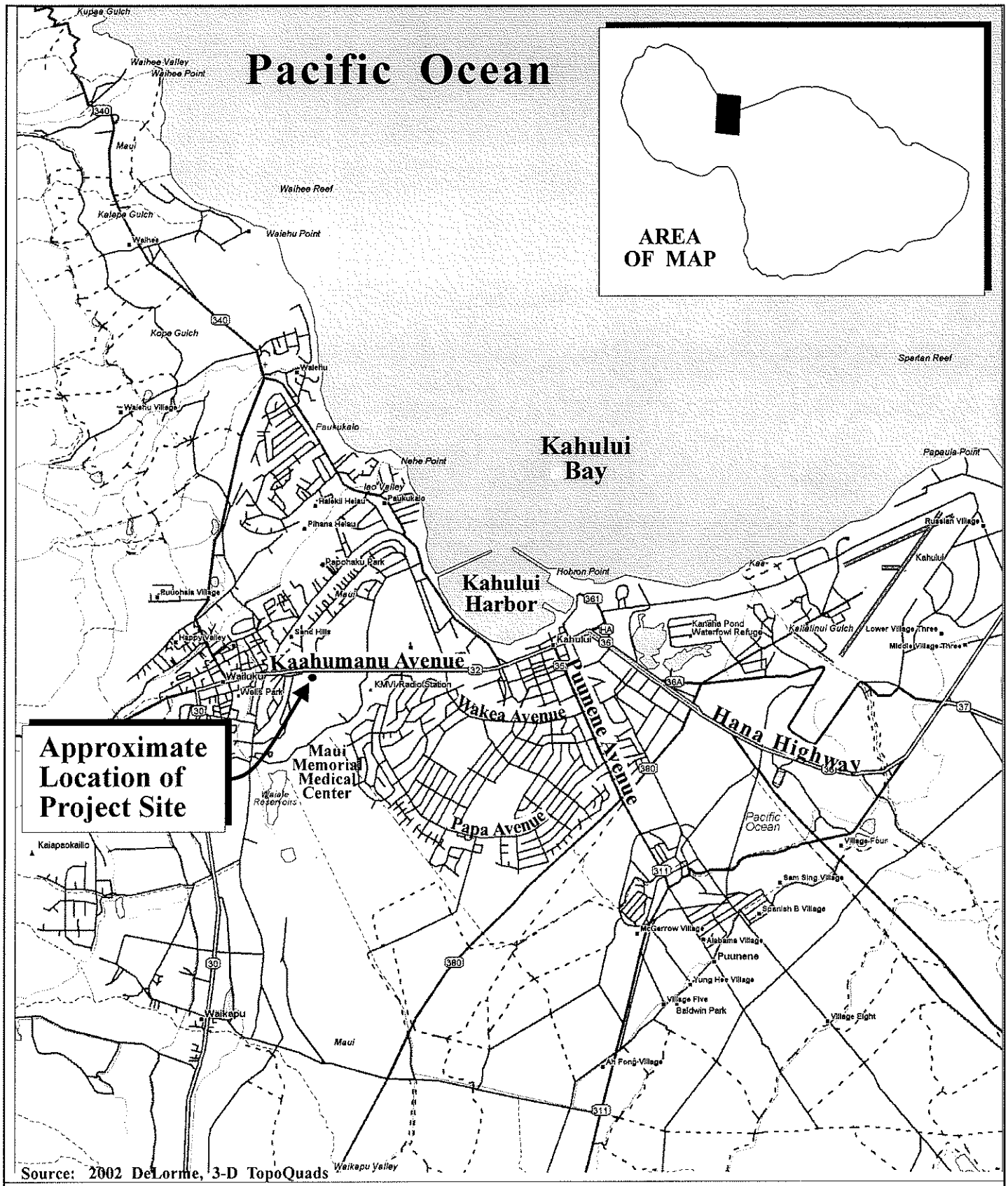
HRT, Ltd., a subsidiary corporation of the Harry and Jeanette Weinberg Foundation, proposes to develop the "Maui Lani Shopping Center" in Wailuku, Maui, Hawaii. The property is located at the corner of Maui Lani Parkway and Kaahumanu Avenue. The subject property is bounded by Kaahumanu Avenue to the north, Maui Lani Parkway to the east, and Kainani Street to the northwest. See **Figure 1** and **Figure 2**. The project site, identified by TMK (2) 3-8-007:121, is approximately 12.926 acres and owned by HRT, Ltd. The subject property is designated "Project District 1" (Maui Lani) by the Wailuku-Kahului Community Plan map and is County zoned, Wailuku-Kahului Project District 1 (Maui Lani).

The landowner and applicant for the proposed action is HRT, Ltd.

B. PROJECT BACKGROUND

The planning stages of the proposed Maui Lani Shopping Center have been underway for several years as the applicant has worked to address comments received from State and County agencies, as well as the community. It is noted that prior to finalization of the current proposed plan, the applicant investigated the feasibility of alternative site plans which included alternative building layouts and access points. A more detailed description of these alternative site plans can be found in Chapter V, Alternatives to the Proposed Action, of this Draft Environmental Assessment.

Over the course of formulating the various alternatives , concerns over the use of Kainani Street by the proposed project have been raised as an issue by residents of the adjacent Historic Sandhills neighborhood located to the west of the project site. See **Figure 3**. In light of concerns raised relative to the Kainani Street access point, the applicant reviewed project programming and feasibility parameters to identify an access and circulation plan which can be implemented without the use of Kainani Street. Earlier versions of the site plan called for a total retail/commercial area of approximately 130,310 sq. ft. Traffic trips



Source: 2002 DeLorme, 3-D TopoQuads

Figure 1 Proposed Maui Lani Shopping Center

NOT TO SCALE

Regional Location Map

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

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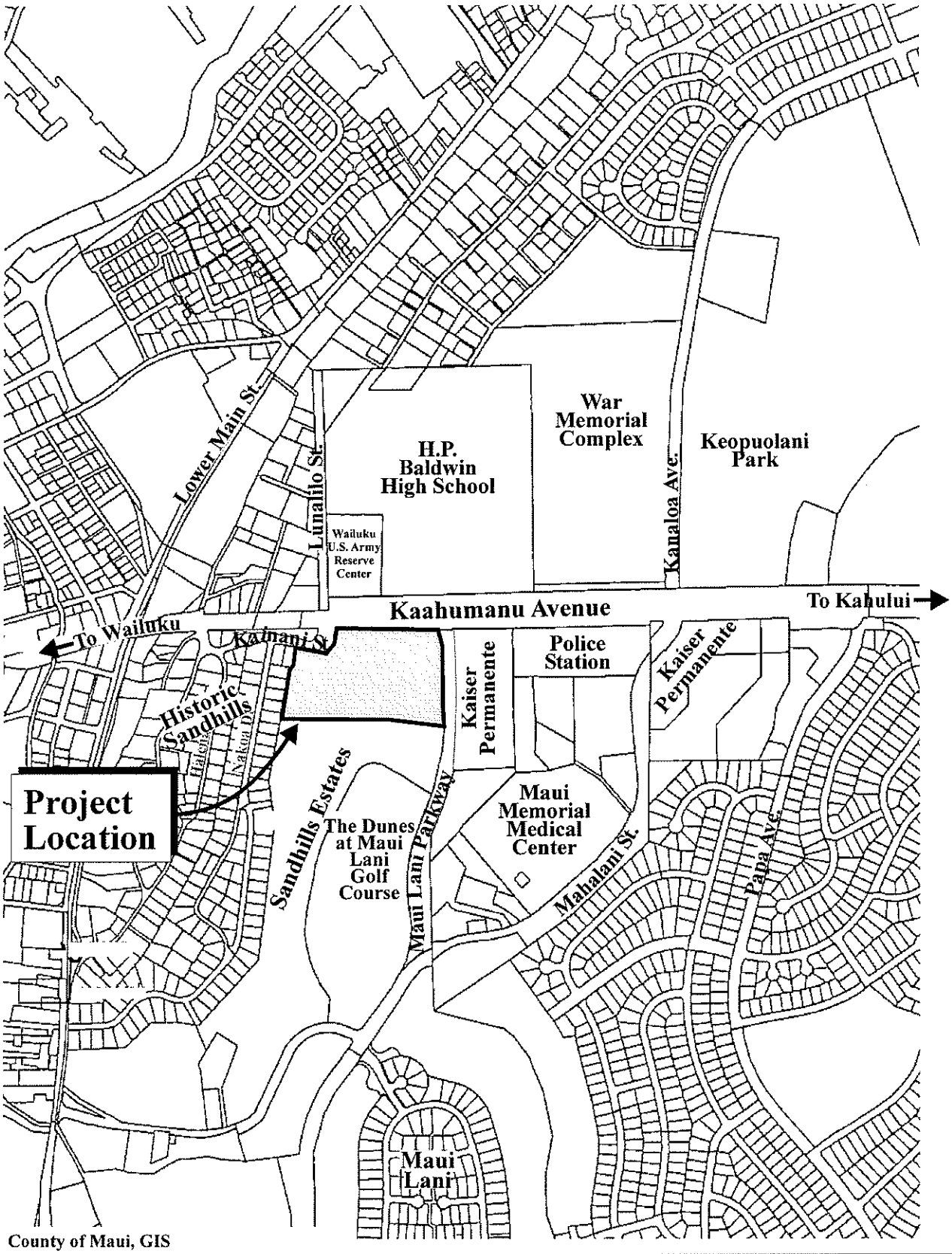

Source: County of Maui, GIS

Figure 2 Proposed Maui Lani Shopping Center

NOT TO SCALE

Site Location Map

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

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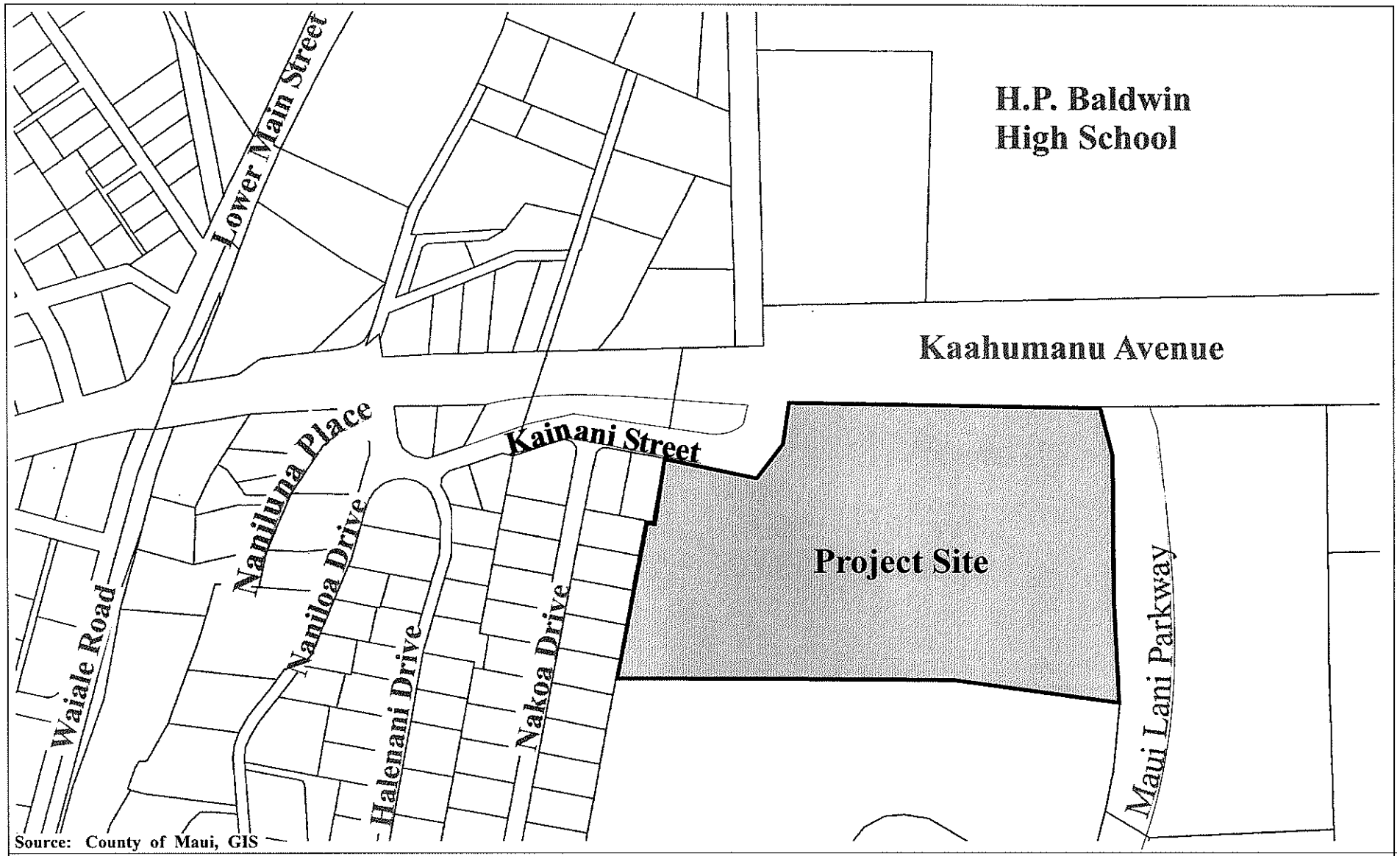


Source: County of Maui, GIS

Figure 3

Proposed Maui Lani Shopping Center

Kainani Street Relationship to Project Site

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\Kainani Street

generated from a shopping center of this size required the use of Kainani Street to avoid traffic congestion and backup along Maui Lani Parkway.

A detailed project review was undertaken by the applicant to determine ways to eliminate the need for Kainani Street, while still allowing for a feasible and functional project. Based on this review, the project size was scaled down by approximately 20 percent, to 105,098 s.f. This reduction in project scope and its attendant reduction in trips generated, allows for an access plan which eliminates the need for a Kainani Street access point.

At the same time towards facilitating a broader forum for discussion and resolution of this issue, the Maui County Council adopted Resolution No. 08-73 to amend the Maui Lani Project District zoning ordinance which would prohibit ingress and egress from Kainani Street. See **Appendix "A"**. The Resolution and the draft bill were then forwarded on to the Maui Planning Commission which conducted a public hearing on November 25, 2008. Although the County of Maui, Department of Planning recommended disapproval of the proposed Resolution and suggested that ingress only be prohibited from Kainani Street and that egress from the proposed project be permitted, the Maui Planning Commission recommended approval of the Resolution to restrict ingress and egress from Kainani Street to the Maui County Council. The Maui County Council Land Use Committee scheduled the bill for review and further deliberation at their July 14, 2010 committee meeting. At the July 14th meeting, the committee voted to recommend approval of the bill to prohibit vehicular ingress and egress on Kainani Street to and from the development.

C. EXISTING CONDITIONS

The existing property is vacant, with grubbing and rough grading completed on the project site. Along the western perimeter of the site is a residential community known as Historic Sandhills; to the south of the site lies the remainder of the Maui Lani Project District, including the new Sandhills Estates subdivision to the immediate south and the Dunes at Maui Lani Golf Course; to the east of the site are medical facilities, including Kaiser Permanente and Liberty Dialysis Center, and other business offices; and to the north of the site, beyond Kaahumanu Avenue are Baldwin High School, the Wailuku U.S. Army Reserve Center, and the nearby War Memorial Complex.

D. PROPOSED ACTIONS

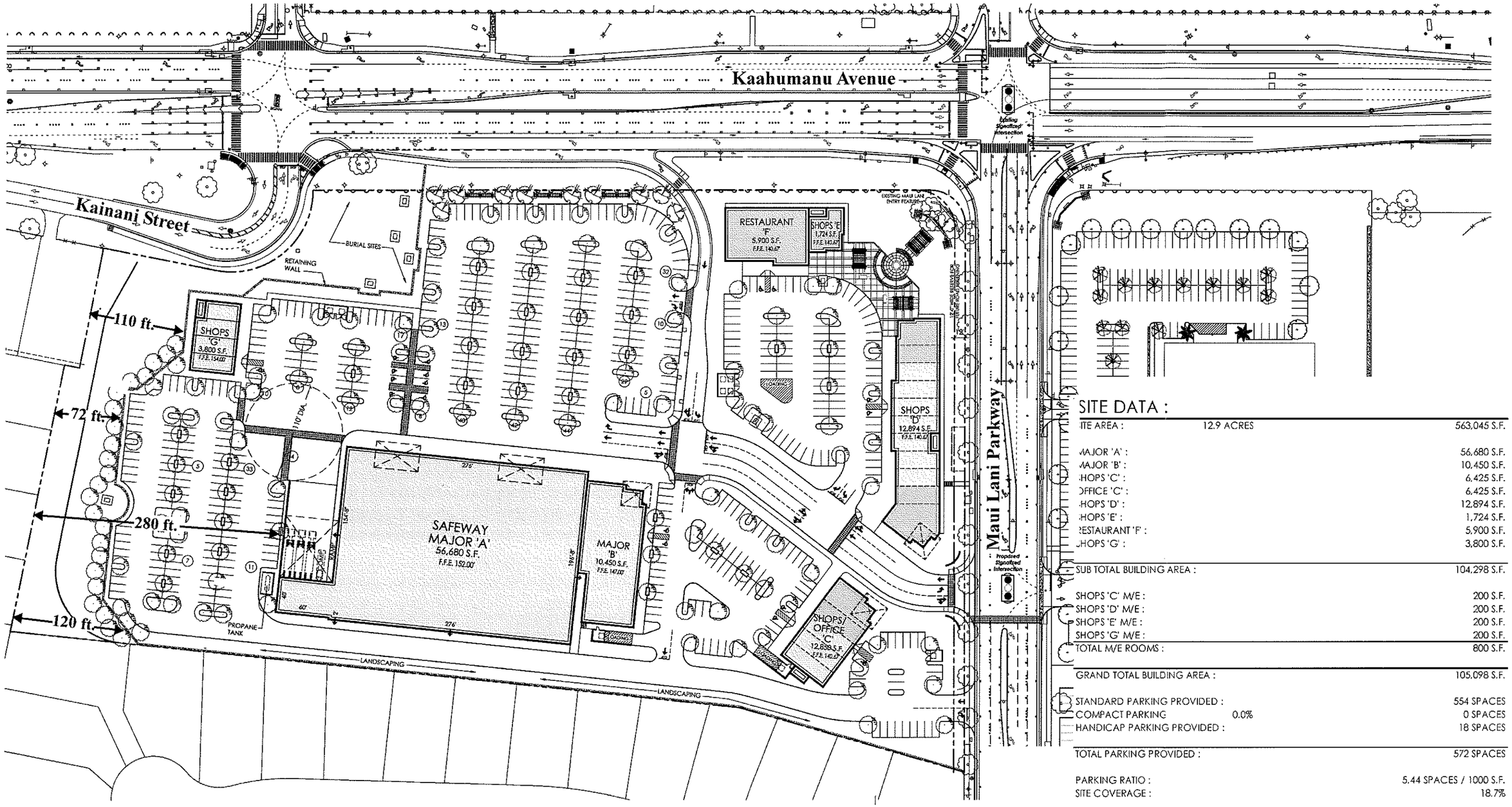
The proposed "Maui Lani Shopping Center" will provide a space for commercial retail, business offices, and food and beverage operations to serve the expanding Wailuku-Kahului population. Currently, there is no commercially oriented shopping center located within the Wailuku region. In keeping with the Wailuku-Kahului Project District 1, HRT, Ltd. is seeking to develop a neighborhood shopping center that will meet long-term community and regional needs.

The proposed action involves the development of a neighborhood shopping center on the site. See **Figure 4**. The project components will include a food market as a major tenant, sub-major tenant, retail and service shops, office space, and restaurants. The total retail area will be approximately 105,098 sq. ft. Currently, Safeway is the proposed major tenant, occupying approximately 56,680 sq. ft. of the shopping center. Typical building elevations for Safeway and the sub-major tenant are presented in **Figure 5**. Preliminary architectural plans, including additional elevations are located in **Appendix "B"**. In reducing the size of the project from 130,000 sq. ft. to 105,098 sq. ft., the applicant also established a buffer between the adjacent Historic Sandhills homes and the developed shopping center site. As shown in **Figure 4**, the developed area is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to further address concerns regarding automobile noise and parking lot lighting and their impacts upon the neighboring homes. The applicant does not intend on developing the buffer area in the future.

The applicant proposes to provide a total of 569 parking stalls on site. Of the 569 stalls, 551 will be standard parking stalls and 18 will be handicap parking. Other improvements include parking lot lighting, trash enclosures and landscaping.

Retaining walls and boundary walls are proposed at the south and west perimeter of the site due to the grade differences on the lot.

Related improvements include onsite utility systems. Proposed offsite improvements include the relocation of an 8-inch wastewater line into the project's roads to provide better access for maintenance, and installation of a new 42-inch drainline within the southbound lanes of Maui Lani Parkway to mitigate the additional runoff generated by the project. Proposed access for the site will be from Maui Lani Parkway and Kaahumanu Avenue. As previously noted, the use of Kainani Street as a point of access is no longer proposed. In addition,



SITE DATA :

SITE AREA :	12.9 ACRES	563,045 S.F.
MAJOR 'A' :		56,680 S.F.
MAJOR 'B' :		10,450 S.F.
SHOPS 'C' :		6,425 S.F.
OFFICE 'C' :		6,425 S.F.
SHOPS 'D' :		12,894 S.F.
SHOPS 'E' :		1,724 S.F.
RESTAURANT 'F' :		5,900 S.F.
SHOPS 'G' :		3,800 S.F.
SUB TOTAL BUILDING AREA :		104,298 S.F.
SHOPS 'C' M/E :		200 S.F.
SHOPS 'D' M/E :		200 S.F.
SHOPS 'E' M/E :		200 S.F.
SHOPS 'G' M/E :		200 S.F.
TOTAL M/E ROOMS :		800 S.F.
GRAND TOTAL BUILDING AREA :		105,098 S.F.
STANDARD PARKING PROVIDED :		554 SPACES
COMPACT PARKING	0.0%	0 SPACES
HANDICAP PARKING PROVIDED :		18 SPACES
TOTAL PARKING PROVIDED :		572 SPACES
PARKING RATIO :		5.44 SPACES / 1000 S.F.
SITE COVERAGE :		18.7%

Source: Benner Stange Associates Architects, Inc.

Figure 4

Proposed Maui Lani Shopping Center

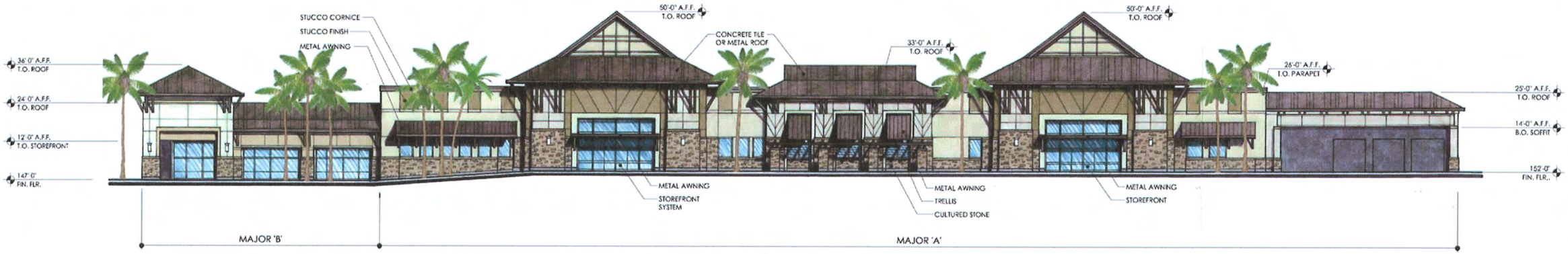
Site Plan

NOT TO SCALE

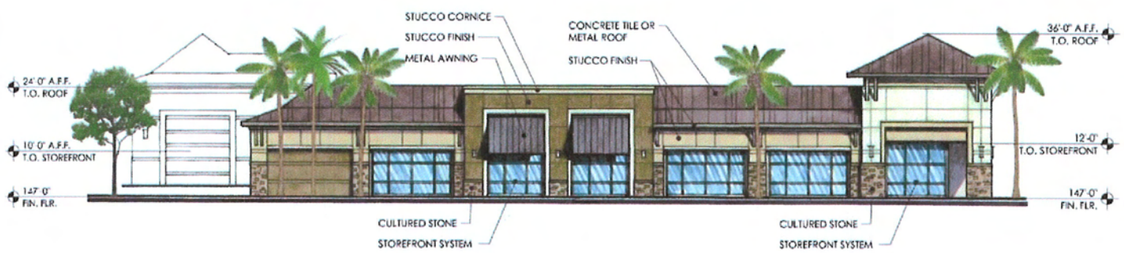
Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\063010RevisedSitePlan

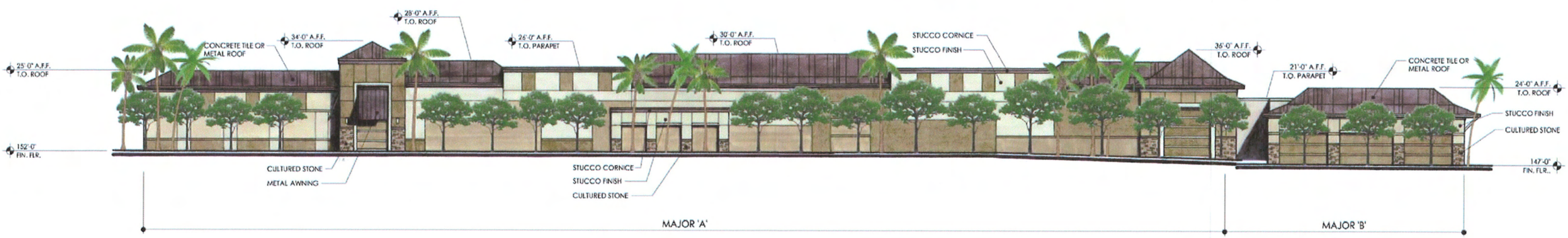


Major A & B North Elevation



Major B East Elevation

Major A West Elevation



Major A & B South Elevation

Source: Benner Stange Associates Architects, Inc.

Figure 5

Proposed Maui Lani Shopping Center

Building Elevations to Safeway (Major A) and Major B

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\BuildingElevationstoSafeway(MajorA)andMajorB

sidewalks, crosswalks and shoulder lanes are proposed in conjunction with the project. Proposed vehicular access points are described below.

Maui Lani Parkway

The applicant proposes to construct two (2) new access points along Maui Lani Parkway, a privately owned roadway facility to be dedicated to the County of Maui in the future. The main access will be located towards the middle of the property, approximately 500 ft. south from the Maui Lani Parkway/Kaahumanu Avenue intersection, in line with the main access to Kaiser Permanente (to the east of the project site). This access will be a full movement intersection with right-turn in, right-turn out, as well as left-turn in, and left-turn out turning movements. The applicant proposes to monitor the access intersection and will install a traffic signal when warranted. The second access on Maui Lani Parkway will be approximately 130 ft. south of the main access, and will also operate as a parking access and service road. This access will be a limited access with right turn in and right turn out turning movements only.

Kaahumanu Avenue

To provide a functional and viable circulation and access plan, the applicant proposes to construct a right turn only entry with a deceleration lane into the shopping center from Kaahumanu Avenue, approximately 420 feet east of the Kainani Street and Kaahumanu Avenue intersection. An auxiliary lane between the Kainani Street and Maui Lani Parkway intersections with Kaahumanu Avenue is also proposed. In addition, the Kainani Street/Kaahumanu Avenue intersection will be reconfigured to include a pedestrian island on the southeast corner. This island or "bulb out" will channelize the northbound traveling vehicles on Kainani Street wishing to make a right turn onto Kaahumanu Avenue.

Other Related Roadway Improvements

While investigating a feasible site plan that included identifying alternative building layouts and access points, the applicant's traffic engineer, PB Americas, Inc. (PB), completed its preliminary traffic evaluation for the proposed shopping center. See **Appendix "C"**. As previously noted, the outcome of this was a reduction in project scope and its attendant reduction in trips generated. The traffic engineer has since been working with the State of Hawaii, Department of Transportation (DOT) to secure their concurrence on the access

concept. The DOT has preliminarily accepted the traffic evaluation in a letter dated December 23, 2009. See **Appendix "D"**.

E. REGULATORY CONTEXT

The project site is located within the Wailuku-Kahului Community Plan region. The subject property is designated "Project District 1" by the Community Plan, which guides the sequencing, patterns, and characteristics of future development in the region. The intent of the Wailuku-Kahului Project District 1 (Maui Lani Project District) is to establish a residential community along with an integrated open space and recreation system, future school sites, village mixed use area, and community or regional scale commercial shopping facilities to serve the expanding Wailuku-Kahului population (Chapter 19.78.010 MCC).

1. Project District Phase II

As part of the Project District processing requirements for the "Maui Lani Shopping Center", the applicant is requesting Project District Phase II Approval (development of a Project District shall be subject to three (3) phases of approvals). Project District Phase II Approval involves the submittal of a preliminary site plan for the project district development to the Planning Director who, in turn, submits the preliminary site plan and supporting documentation to the Planning Commission. A public hearing for the affected Community Plan region is then held by the Planning Commission, who may approve the site plan with or without modifications.

The application for Project District Phase II Approval was filed on August 15, 2005. The public hearing for the proposed "Maui Lani Shopping Center" was held on July 10, 2007. At the July 10, 2007 Maui Planning Commission Meeting, action on the proposed project was deferred until a Chapter 343, Hawaii Revised Statutes (HRS) Environmental Assessment (EA) is prepared.

2. Project District Phase III

After Project District Phase II Approval, Project District Phase III Approval is required. The Project District Phase III process involves the submittal of a final site plan for the development to the Planning Director. The director approves the site plan if it conforms in all substantive respects to the approved preliminary (Phase II) site plan (19.45.050).

F. CHAPTER 343, HAWAII REVISED STATUTES

As previously noted, the proposed project will involve the use of State land in the form of improvements to Kaahumanu Avenue. As such, an EA is being prepared pursuant to Chapter 343, HRS and Chapter 200 of Title 11, Department of Health Administrative Rules, Environmental Impact Statement Rules. Accordingly, this document addresses the project's technical characteristics, environmental impacts and alternatives, and advances findings and conclusions relative to the significance of the proposed action.

The approving agency for the EA is the Maui Planning Commission.

G. PROJECT COSTS AND SCHEDULE

The estimated construction cost for the proposed improvements is approximately $20.0 million. Construction of the proposed improvements will commence upon the receipt of all necessary regulatory permits and approvals. Construction duration is estimated to be approximately 18 to 24 months.

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

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

A. PHYSICAL SETTING

1. Surrounding Land Uses

a. Existing Conditions

The subject property is located within the Maui Lani Project District (Wailuku-Kahului Project District 1). The Project District lands incorporate the southwestern portions of the Wailuku-Kahului urban area. Kahului is the island of Maui's center of commerce. Kahului is home to Kahului Harbor, the island's only deep water port, and the Kahului Airport, the second busiest airport in the State. With its proximity to the harbor and airport, the Kahului region has emerged as the focal point for heavy industrial, light industrial and commercial activities and services such as warehousing, baseyard operations, automotive sales and maintenance, and retailing for equipment and materials for suppliers. Kahului is considered Central Maui's commercial retailing center with the Kaahumanu Center, Maui Mall, Maui Marketplace and Kahului Shopping Center located within the region. Wailuku, on the other hand, serves as the seat of County and State governments, with several agencies headquartered in the civic center area between Kaohu Street and Main Street. Wailuku also serves as a center for professional services including, medical, dental, legal and design professions.

Land uses surrounding the Maui Lani Project District include existing residential areas of Kahului and Wailuku , as well as public/quasi-public uses found in the vicinity of the Maui Memorial Medical Center and Baldwin High School. Project District lands along the easterly extent of the Project District (along Kuihelani Highway) are bordered by sugar cane fields. The old Waikapu landfill (closed) is located to the southwest of the Project District.

The proposed project site is located at the corner of Maui Lani Parkway and Kaahumanu Avenue in Wailuku, and covers an area of approximately 12.926 acres. Adjacent to the western perimeter of the site is a residential community known as Historic Sandhills. To the east of the project site, beyond Maui Lani Parkway, are medical facilities, including Kaiser Permanente, Liberty Dialysis Center, and other business offices. Maui Memorial Medical Center is also located to the southeast of the project site. To the north of the site, beyond Kaahumanu Avenue, are Baldwin High School, the Wailuku U.S. Army Reserve Center, and the nearby War Memorial Complex. Neighboring the southern portion of the property are the new Sandhills Estates homes and lots, while further south is the Dunes at Maui Lani Golf Course. The existing project site is vacant with grubbing and rough grading completed on the property.

b. <u>Potential Impacts and Proposed Mitigation Measures</u>

The subject property is within the Commercial PD-WK/1 Sub-district of the Maui Lani Project District. In accordance with Chapter 19.78 of the Maui County Code, permitted principal uses and structures in this district include:

a. Automobile services, excluding major repairs;

b. Animal boarding facility;

c. Animal hospital;

d. Day care facility;

e. Eating and drinking establishments;

f. Education, general;

g. Education, specialized;

h. Eleemosynary organizations;

i. Food and beverage, retail;

j. Garage, storage;

k. *General merchandising;*

l. *General office;*

m. *Group shelters;*

n. *Light manufacturing and processing;*

o. *Medical center, minor;*

p. *Parking area, public;*

q. *Personal and business services;*

r. *Public facility or public use;*

s. *Quasi-public use or quasi-public facility;*

t. *Recreation, indoor;*

u. *Self-storage, provided it is within an enclosed building; and*

v. *Utility facilities, minor.*

As part of the Maui Lani Project District, the project site is located in the midst of the Wailuku-Kahului urban core. The proposed project will serve as an urban infill with its close proximity to neighboring urban uses. The proposed action will increase the opportunity for retail and business space in the Central Maui area.

There have been land use compatibility issues highlighted by residents from the neighboring community of Sandhills. These issues have been identified through the progression of the early consultation process, as well as through a meeting with the Historic Sandhills Neighborhood Association on September 12, 2007 and the community meetings conducted with the neighboring community of Sandhills on October 16, 2007, December 13, 2007, and November 12, 2008. See **Appendix "E"**, **Appendix "F"**, **Appendix "G"**, and **Appendix "H"**, respectively.

Land use compatibility issues identified by neighboring residents are discussed in subsequent sections of this report as presented in **Table 1**.

Table 1. EA Report Sections Addressing Land Use Compatibility Issues Raised by Neighboring Residents

Issue Raised		EA Report Section Pertaining to Issue Raised
1.	Cut-through traffic in the Sandhills neighborhood due to proposed project	Chapter II, Section D.1
2.	Other traffic-related issues	Chapter II, Section D.1
3.	Archaeological and cultural concerns	Chapter II, Section A.6 and A.7
4.	Odor impacts to neighboring residents as a result of shopping center trash bins	Chapter II, Section A.8 and C.3
5.	Noise impacts generated from delivery trucks and other shopping center-related equipment	Chapter II, Section A.9
6.	Light impacts generated from shopping center lighting	Chapter II, Section A.11
7.	Adverse impacts to neighboring Baldwin High School located to the north of the project site, beyond Kaahumanu Avenue	Chapter II, Section C.5 and D.1
8.	Landscaping bordering adjacent residents' lots	Chapter II, Section A.10
9.	Pedestrian Safety	Chapter II, Section C.5
10.	Alternative Access: Sidewalks, bike paths	Chapter I, Section D and Chapter II, Section C.5

In addition to the foregoing, concern has been expressed with regard to Safeway's proposed 24 hours a day, 7 days a week store opening hours. The neighboring Sandhills community has expressed concern with impacts associated with the "24/7" operating proposal. Such concerns include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. To address these concerns, the applicant will prepare and implement a night-time security and operations plan which would include such measures as limiting the use of service vehicles, trucks and equipment during late night and early morning hours, as well as employing security patrol protocols designed to control loitering.

Further, the applicant will employ a management firm that would oversee operations at the shopping center. This would allow for a single point of contact whereby neighboring residents could address their concerns. In addition, it is anticipated that the management operations would facilitate a mutual working relationship between the shopping center and its activities and neighboring communities.

2. Climate

a. Existing Conditions

Like most areas of Hawaii, Maui's climate is relatively uniform year round. Characteristic of Hawaii's climate, the project site experiences mild and uniform temperatures year round, moderate humidity and a relatively consistent northeasterly tradewind. Variation in climate on the island is largely left to local terrain.

Average temperatures at the project site (based on temperatures recorded at Kahului Airport) range from lows in the 60's to highs in the 80's. August is historically the warmest month, while January and February are the coolest. Rainfall at the project site averages approximately 20 inches per year. Winds in the Kahului region are predominantly out of the north-northeast and northeast.

b. Potential Impacts and Mitigation Measures

The proposed project is not anticipated to adversely affect climatic conditions in the area.

3. Topography and Soils

a. Existing Conditions

The site is located on Maui's central isthmus. The property ranges in elevations from approximately 127 feet above mean sea level (amsl) at its easterly boundary to approximately 197 feet amsl at its westerly boundary adjacent to the Historic Sandhills neighborhood. Underlying the site and surrounding lands is soil belonging to the Pulehu-Ewa-Jaucas association

which is characterized as having deep, nearly level to moderate slope, with well drained soils that have moderately fine to coarse texture. See **Figure 6**. The soil types specific to the project site is Puuone Sand (PZUE). See **Figure 7**. PZUE soils predominate in the Kahului region and are typified by a sandy surface layer underlain by cemented sand (Soil Conservation Service, 1972).

The project site is currently vacant with grubbing and rough grading completed on the property.

b. <u>Potential Impacts and Mitigation Measures</u>

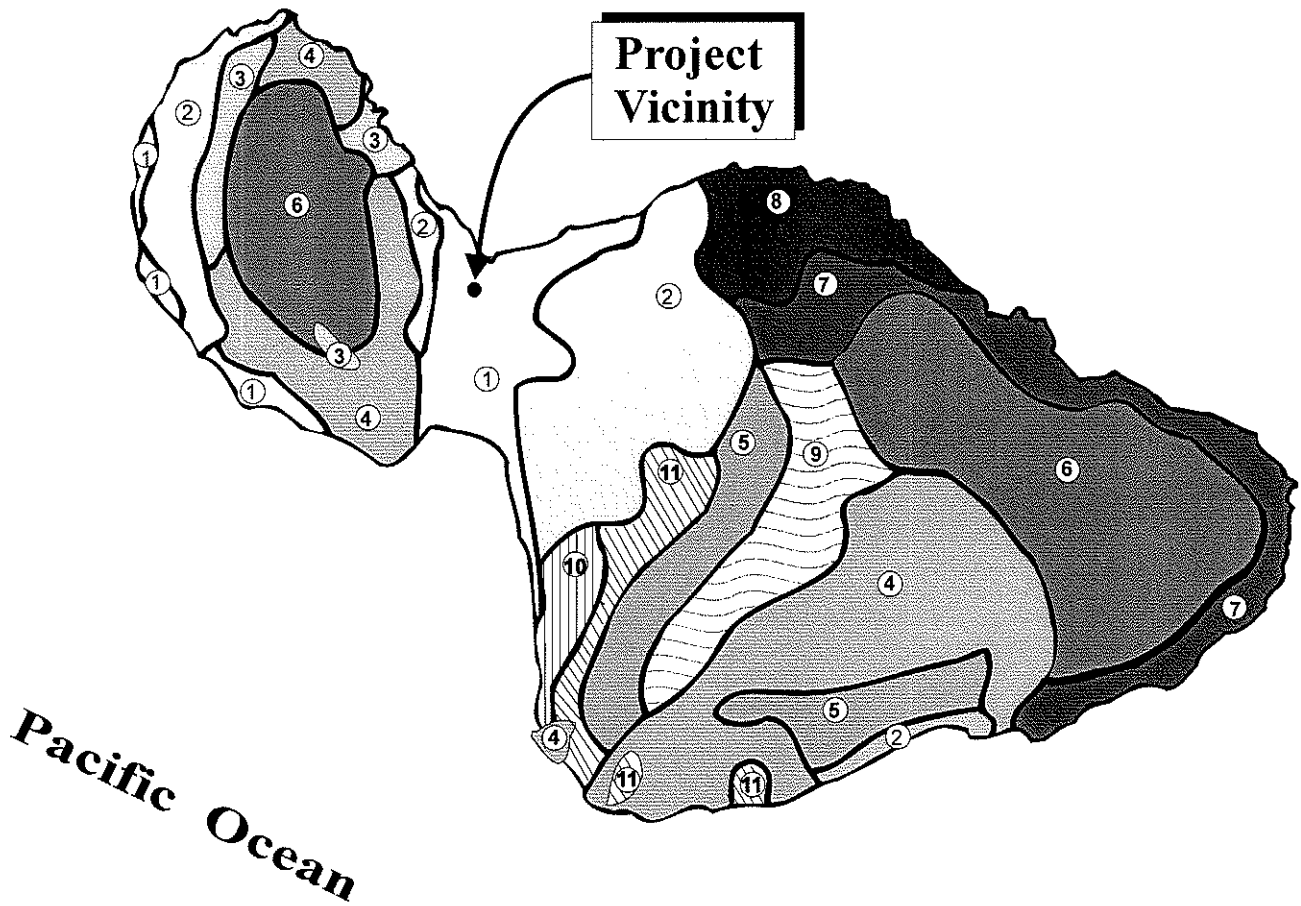
The project site is currently cleared, grubbed, and graded. The existing (post-mass grading) topographic conditions at the project site, ranging in elevation from approximately 127 feet amsl at its easterly boundary to approximately 197 feet amsl at its westerly boundary (adjacent to the Historic Sandhills neighborhood), will be minimally modified during the fine-grading phase of work to meet design requirements. See **Figure 8**.

As illustrated in **Figure 9**, there is an approximately 45-foot drop from the existing property line at the adjacent Historic Sandhills lots' boundary to approximately 275-feet east within the project site, near the proposed Safeway structure. Retaining walls and boundary walls are proposed at the south and west perimeter of the site due to the grade differences between the subject property and abutting lands.

The proposed project will not significantly alter existing topography and soil characteristics at the project site.

LEGEND

- (1) Pulehu-Ewa-Jaucas association
- (2) Waiakoa-Keahua-Molokai association
- (3) Honolua-Olelo association
- (4) Rock land-Rough mountainous land association
- (5) Puu Pa-Kula-Pane association
- (6) Hydrandepts-Tropaquods association
- (7) Hana-Makaalae-Kailua association
- (8) Pauwela-Haiku association
- (9) Laumaia-Kaipoipoi-Olinda association
- (10) Keawakapu-Makena association
- (11) Kamaole-Oanapuka association



Source: USDA Soil Conservation Service

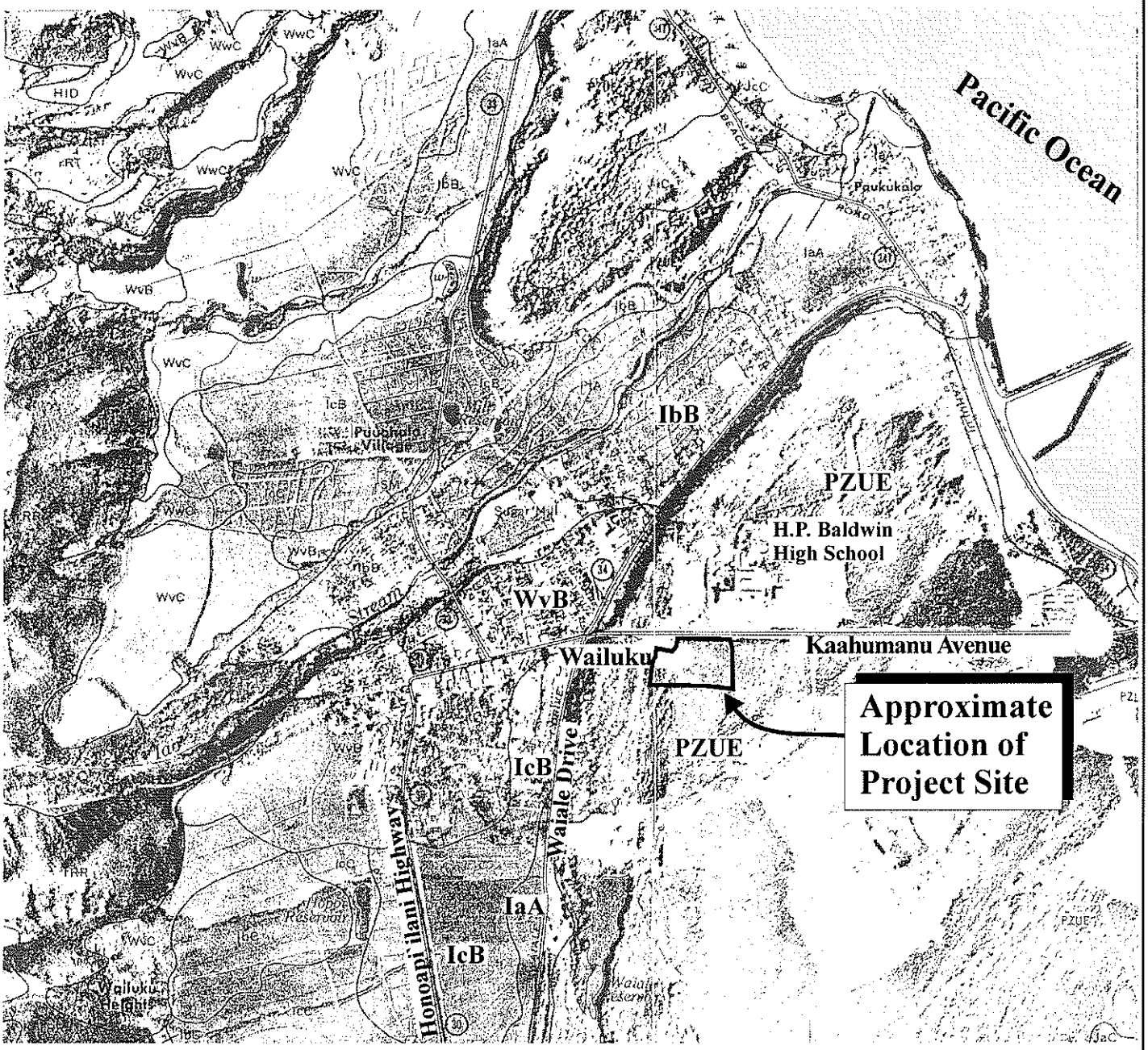
Figure 6 Proposed Maui Lani Shopping Center
Soil Association Map

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\Soils



Source: USDA Soil Conservation Service

Figure 7 Proposed Maui Lani Shopping Center

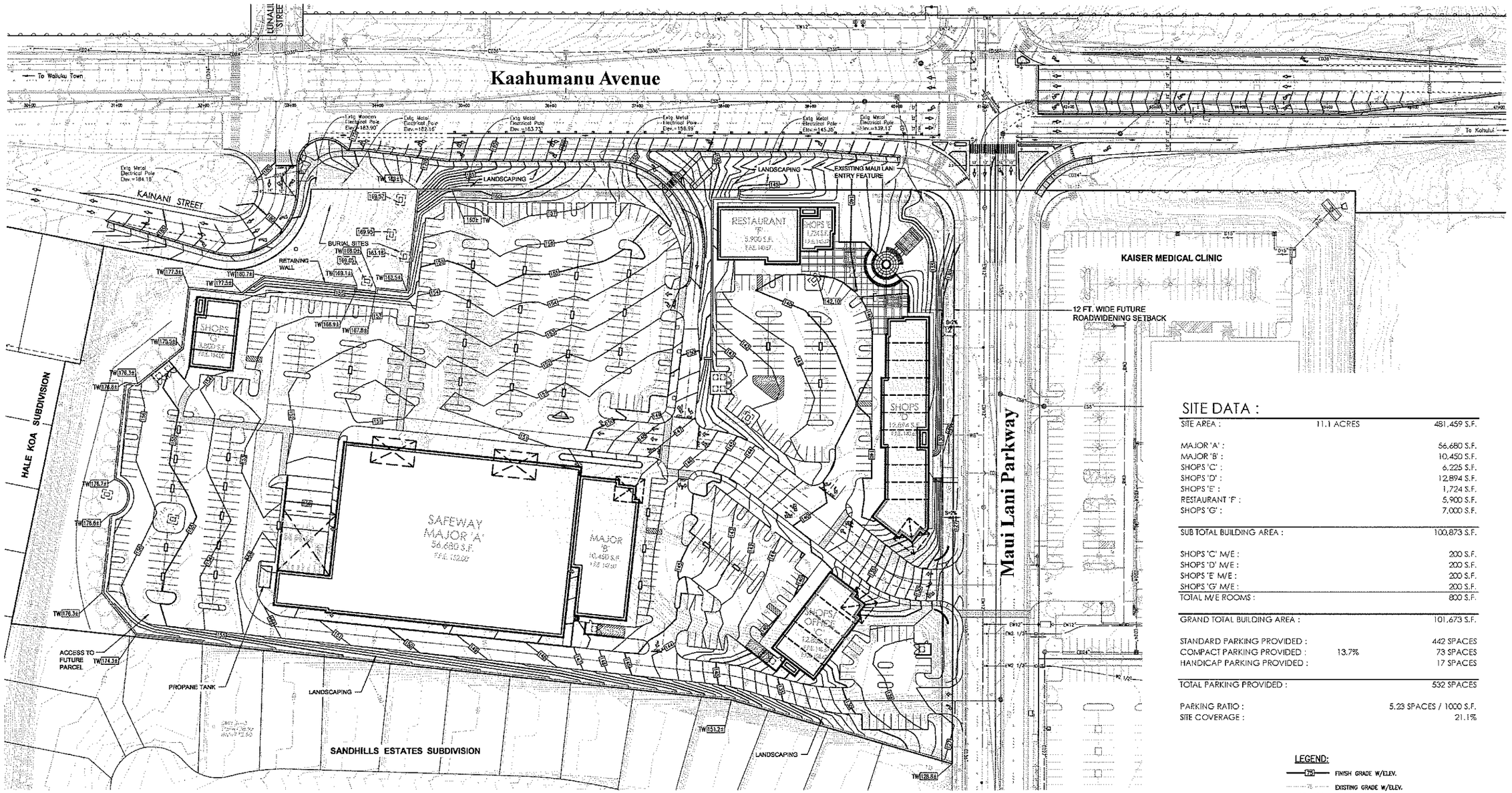
Soil Classification Map

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

sueda\MauiLaniCtr\soilclass



SITE DATA :

SITE AREA :	11.1 ACRES	481,459 S.F.
MAJOR 'A' :		56,680 S.F.
MAJOR 'B' :		10,450 S.F.
SHOPS 'C' :		6,225 S.F.
SHOPS 'D' :		12,894 S.F.
SHOPS 'E' :		1,724 S.F.
RESTAURANT 'F' :		5,900 S.F.
SHOPS 'G' :		7,000 S.F.
SUB TOTAL BUILDING AREA :		100,873 S.F.
SHOPS 'C' M/E :		200 S.F.
SHOPS 'D' M/E :		200 S.F.
SHOPS 'E' M/E :		200 S.F.
SHOPS 'G' M/E :		200 S.F.
TOTAL M/E ROOMS :		800 S.F.
GRAND TOTAL BUILDING AREA :		101,673 S.F.
STANDARD PARKING PROVIDED :		442 SPACES
COMPACT PARKING PROVIDED :	13.7%	73 SPACES
HANDICAP PARKING PROVIDED :		17 SPACES
TOTAL PARKING PROVIDED :		532 SPACES
PARKING RATIO :		5.23 SPACES / 1000 S.F.
SITE COVERAGE :		21.1%

LEGEND:

- 75 — FINISH GRADE W/ELEV.
- 75 — EXISTING GRADE W/ELEV.
- BUILDING W/FIN. FLR. ELEVATION
- PAVEMENT
- 185.37 — SPOT ELEVATION

APPROXIMATE EARTHWORK QUANTITIES

EXCAVATION = 121,000 CU.YD.
EMBANKMENT = 7,700 CU YD.

March 25, 2010

Source: Benner Stange Associates Architects, Inc.

Figure 8

Proposed Maui Lani Shopping Center

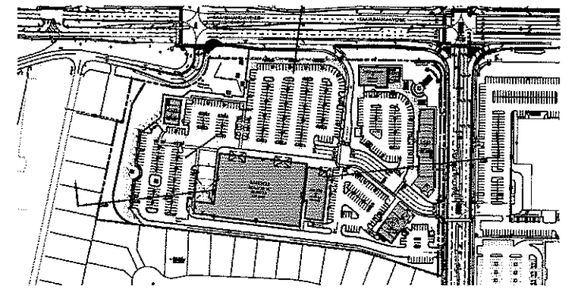
Preliminary Grading Plan

NOT TO SCALE

Prepared for: HRT, Ltd.

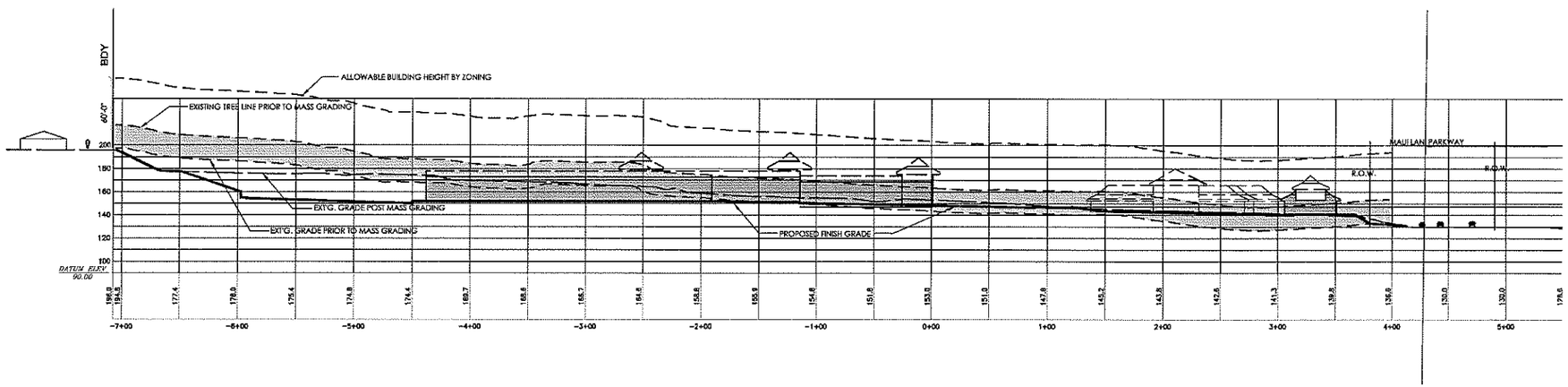
MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\PrelimGradingPlan



NORTH

1 Site Plan Prior to Grading



2 Site Section

WARREN S. UNEMORI – ENGINEERING, INC.
Wells Street Professional Center – Suite 403
2145 Wells Street – Wailuku, Maui, Hawaii 96793
(808)242-4403 FAX: (808)244-4856
September 26, 2005

LEGEND:

- PROPOSED FINISH GRADES & STRUCTURES
- EXT'G. GRADE PRIOR TO MASS GRADING
- EXT'G. GRADE POST MASS GRADING
- EXISTING TREE LINE PRIOR TO MASS GRADING
- ALLOWABLE BUILDING HEIGHT BY ZONING

Source: Benner Stange Associates Architects, Inc.

Figure 9

Proposed Maui Lani Shopping Center
Site Section

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\SiteSection

4. Flood and Tsunami Hazard

a. Existing Conditions

The Flood Insurance Rate Map (FIRM) for this region indicates that the project site is located in Zone X, areas determined to be outside the 0.2 percent annual chance floodplain. See **Figure 10**. In addition, the subject property is located beyond the reaches of the tsunami inundation zone.

b. Potential Impacts and Mitigation Measures

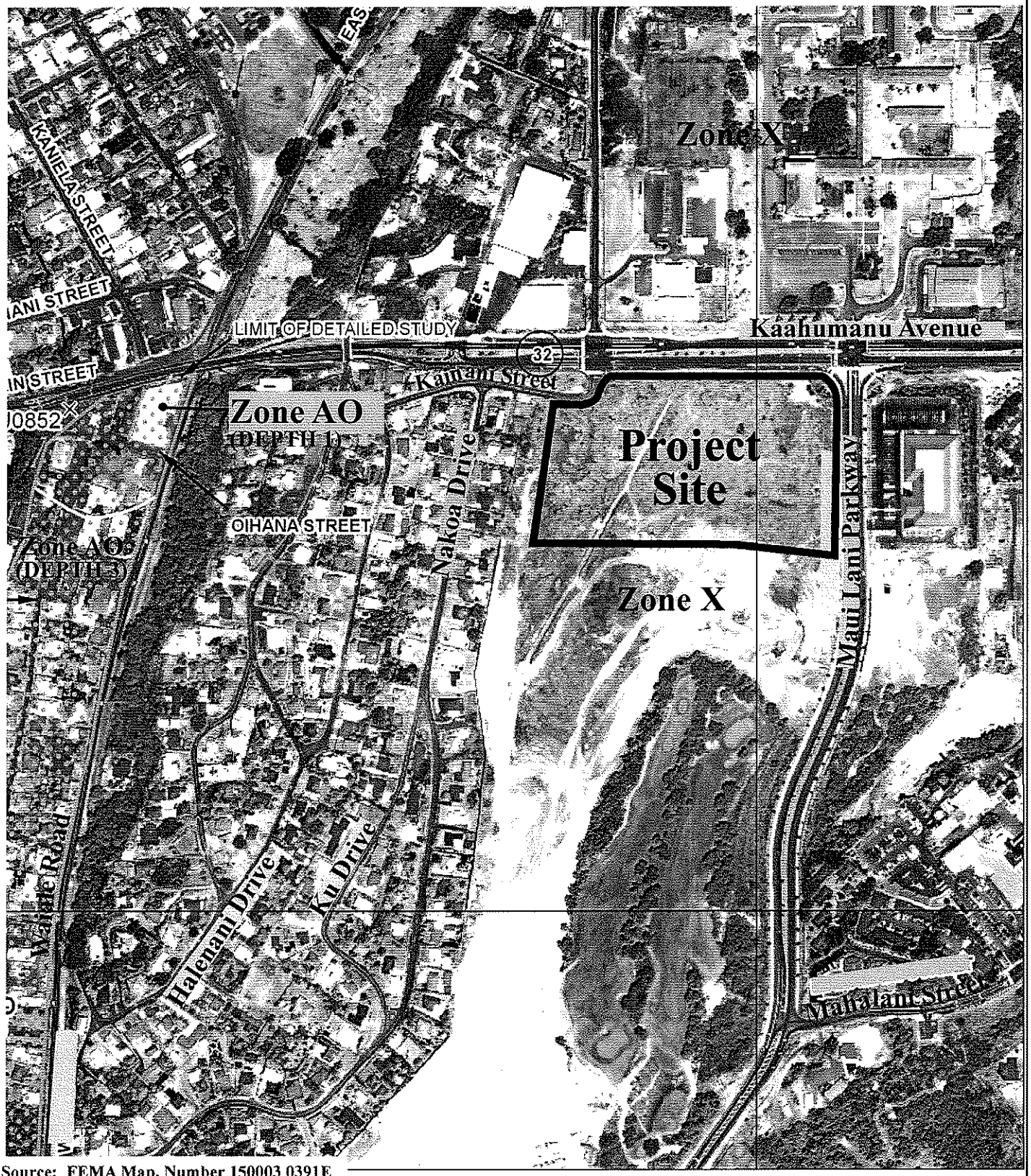
The project site is not a shoreline property, nor is it situated near streams, wetland areas or other areas which may pose flooding concerns. The subject property is located within Zone X, an area determined to be outside the 0.2 percent annual chance floodplain and located beyond the reaches of the tsunami inundation zone. A more detailed discussion of drainage impacts associated with the project is presented in Section D.4 of this chapter.

5. Flora, Fauna and Avifauna

a. Existing Conditions

The subject property is vacant, with grubbing and rough grading completed on the project site. Since completion of grading work, weeds and shrubs have regrown in various spots on the property. Prior to the grubbing and grading work, the flora found within the site consisted primarily of kiawe, koa haole, and various grasses and weeds. There are no known rare threatened or endangered species of plants within the project site.

Fauna and avifauna are also characteristic of urban areas. Fauna typically found in the vicinity include mongoose, rats, dogs and cats. Avifauna include the Common Mynah, Spotted Dove, Barred Dove, Japanese White-Eye Cardinal, Red-Crested Cardinal, and House Sparrow. There are no identified rare, threatened or endangered species of fauna or avifauna found at the project site.



Source: FEMA Map, Number 150003 0391E

Figure 10 Proposed Maui Lani Shopping Center

NOT TO SCALE

Flood Insurance Rate Map

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\FIRM

b. Potential Impacts and Mitigation Measures

There are no known significant habitats or rare, endangered or threatened species of flora, fauna, and avifauna located within the project site. There are no streams or wetlands located within the project site. Further, the project site will be landscaped to provide a complex which will aesthetically complement the surrounding neighborhoods. While landscaping is not intended to provide replacement habitats for displaced fauna, it will allow for transient use by birds which frequent the Sandhills area. The proposed action is not anticipated to have an adverse impact upon these environmental features.

6. Archaeological Resources

a. Existing Conditions

An archaeological inventory survey was conducted in 1997 by Xamanek Researches, LLC. See **Appendix "I"**. At that time a burial feature (Site 4401) was identified in the northeast quadrant of the project site. The identified burial feature was then presented to the Maui/Lanai Islands Burial Council (MLIBC) and the proposed mitigation for Site 4401 was preservation in place. Subsequently, archaeological monitoring of vegetation removal and grading was undertaken from 1999 to 2005 by Archaeological Services Hawaii, LLC. During archaeological monitoring, a total of nineteen (19) localities (Sites 5236 Feature 1 formerly FS 58; 5236 Feature 2 formerly FS 83; 6569 formerly FS 84; 6570 Features 1-12 formerly FS 85a-1; and 6571 Features 1-4 formerly FS 88a-d) comprised of human skeletal remains from twenty-one (21) individuals were documented. Further, during monitoring along Kaahumanu Avenue for an unrelated monitoring project, previously disturbed skeletal remains (Site 5229) were recovered. The applicant has agreed to have Site 5229 reinterred within the project area due to the burial site's close proximity to the project area.

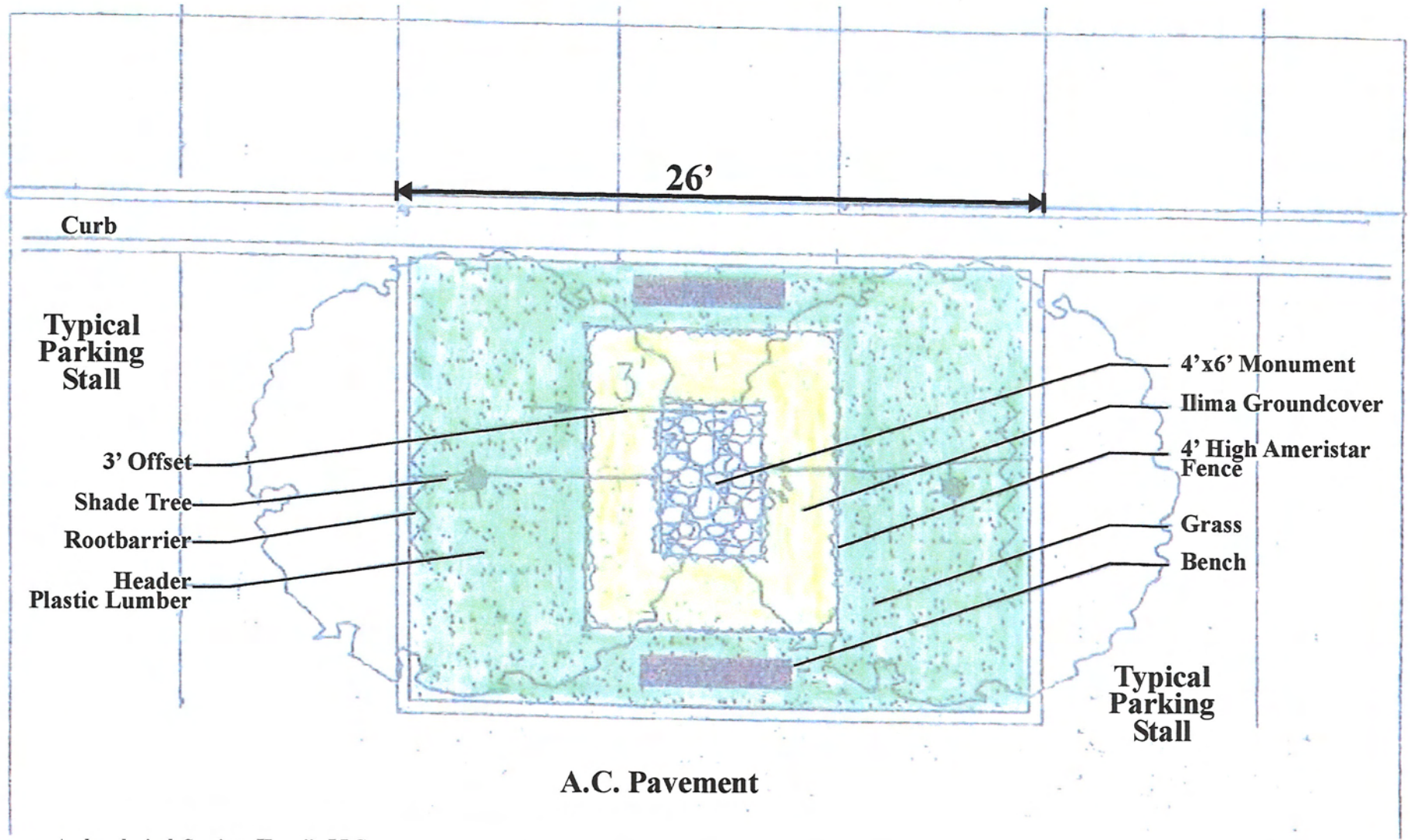
In November of 2008, Archaeological Services Hawaii, LLC prepared a Summary of Historic Properties for the proposed project. See **Appendix "J"**. During monitoring activities from 2004 to 2005, inadvertent burial features comprised of single burial features, Sites 5236 Feature 2 and 6569, as well as burial concentrations 6570 Features 1-12 and 6571 Features 1-4 were

documented and consisted of scatters of previously and recently displaced human skeletal remains, and partial in situ burial features. Through consultation with the State Historic Preservation Division (SHPD) and the MLIBC at its July 2005 meeting, relocation of Site 6571 (Features 1-4) and Feature 2 of Site 5236, as well as preservation in place of Site 6569 and Site 6570 (Features 1-12) were accepted. Site 6571 (Features 1-4) shall be relocated to the large preservation area surrounding Site 6570 and Site 5236 (Feature 2) will be reinterred at a lower depth in the same location. The SHPD has prepared a determination letter (0812HR07) accepting the above treatment of the inadvertent burial features and scattered human skeletal remains. A Burial Component of a Preservation Plan is being developed in consultation with the SHPD and MLIBC for these inadvertently discovered burial sites.

b. <u>Potential Impacts and Mitigation Measures</u>

A Burial Treatment and Preservation Plan prepared by Archaeological Services Hawaii, LLC has been accepted for solitary burial features, Sites 5229 (FS 63), 5236 Feature 1 (FS 58) and 4401. See **Appendix "K"**. Site 4401, an *in situ* burial with minimal disturbance, will be preserved in place in a preservation area established within the central portion of the project area. See **Figure 11**. Through consultation with the MLIBC , it was determined that a low rock burial platform will be placed over the burial feature and protected by a black wrought iron fence placed 3.0 ft. from the burial platform. Two (2) benches and shade trees will be placed outside the fence for visitation. Signage indicating that the area is a Native Hawaiian Burial Site and to please respect the area will be affixed to the top of the burial platform. Site 5236 was an inadvertant partial *in situ* burial that had been previously disturbed during years of land clearing activities for a firebreak lane between the project area and the Historic Sandhills subdivision. Site 5236 (Feature 1) will be reinterred at the same location, but at a lower depth. Site 5229 will be relocated and preserved with Site 5236 (Feature 1) utilizing preservation measures illustrated in **Figure 11**.

Archaeological monitoring will re-commence upon construction, as required by SHPD. Should human osteological material or other cultural remains be uncovered during construction activities, applicable procedures to ensure



Source: Archaeological Services Hawaii, LLC

Figure 11

Proposed Maui Lani Shopping Center

Approved Burial Preservation Plan for Sites 5229, 5236, and 4401

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\BurialPlan

compliance with Chapter 6E, Hawaii Revised Statutes (HRS), will be followed. A monitoring report will be submitted to SHPD upon completion of all phases of archaeological monitoring.

7. Cultural Resources

a. Cultural Context

Pre-Contact Period

The project site is located in the *ahupuaa* of Wailuku. The *ahupuaa* of Wailuku is a large land unit that encompasses land near Kahului Bay from Paukukalo to Kapukaulua. The *ahupuaa* includes Iao Valley and the northern half of the Kahului isthmus. This *ahupuaa* is located in, and encompasses approximately half the land area of the Wailuku District. According to the Archaeological Inventory Survey Report (AIS), Wailuku is noted as being the place where chiefs were buried and wars were fought. The environmental conditions in the lower Iao Valley were ideal for agricultural practices vital to support a large population. Combined with access to Kahului Harbor, these conditions made Wailuku a key location for a political and religious center.

The core area of Wailuku was comprised by Iao Valley and the two related dune formations to the north and south of the river. This was the central place of religious and political power on Maui, which culminated during the time of High Chief Piilani (c. 1600 AD). During the late pre-contact period, warfare intensified as the chiefs from Maui, Oahu and Hawaii competed for political and military supremacy.

Accounts of these battles on Maui have been recorded by various historical references. As described in "Mowee: An Informal History of the Hawaiian Islands", by C.E. Speakman (1978) which is referenced in the AIS (refer to **Appendix "I"**), for the duration of King Kahekili (1765 -1790), Wailuku once more became the place of intense warfare.

As referenced by accounts in "Kamehameha and His Warrior Kekuhaupio", by S.L. Desha, the Big Island Chief Kalaniopu`u with his chiefly armies `Alapa and Pi`ipi`i and divisions of commoner armies began to prepare for

war with Maui. King Kahekili of Maui learned of his plans and began to prepare his warriors and also rebuilt the heiau of Kaluli and of Pu`uohala. King Kahekili also enlisted the help of the O`ahu soldiers. Included on Kalaniopu`u's expedition to Maui were the high-ranking chiefesses, including Kalola who was wife of Kalaniopu`u and sister to Kahekili. Kalaniopu`u landed at Keone`o`io, between Kihei and Makena. While Kalaniopu`u was discussing his strategy with his chiefs and kahuna, Kamehameha and Kekuhaupi`o left the group to spy on Kahekili. During their travels they engaged in a small battle with Kahekili's men offshore at Papawai Point. Kahekili's men hurled spears at the men and Kamehameha and Kekuhaupi`o caught the spears piling them up at their feet. Kamehameha and Kekuhaupi`o then landed and slaughtered many men. Some of Kahekili's men escaped and returned to their Chief to tell them of these remarkable warriors. Kamehameha and his men returned to Kiheipuka where Kalaniopu`u was camped but the `Alapa and Pi`ipi`i had been sent to battle inland to Wailuku by way of Kama`oma`o plains. Kahekili learned of this and his soldiers along with the O`ahu warriors hid like sand crabs in the sand dunes of Waikapu. When the Big Island armies arrived in the sandhills they were surrounded by the Maui and Oahu warriors and were slaughtered. Only two warriors were left from the `Alapa and Pi`ipi`i armies and they were released to send Kalaniopu`u the news that his warriors had been slain. This battle was called the Battle of Kakanilua or the Battle of the Sand Dunes. When Kalaniopu`u received the word from the messengers, he gathered up the rest of his army and went to battle again the next day. During this second battle there were terrible losses on both sides but the Hawai`i people retreated (S.L. Desha, 2000).

Accounts of these battles with variations in detail have also been recorded in "Ruling Chiefs of Hawai`i", by S.M. Kamakau, 1992. As reported by S.M. Kamakau, in the year 1776 Kalaniopu`u returned to war on Maui and was completely overthrown at Wailuku. Kalaniopu`u and his men landed at Keone`o`io where they ravaged the countryside and the people of Honua`ula fled. Kalaniopu`u also landed at Kiheipuko`a at Kealia to Kapa`ahu. When Kahekili heard of this fighting he brought his warriors together. The Big Island warriors crossed the plains of Pu`u`ainako and Kama`oma`o and eventually entered the fish net that Kahekili had set. The Big Island warriors were surrounded seaward of the sandhills of Kahulu`u and on the sandhills

at the southeast of Kalua. This great slaughter was called Ahulau ka Pi`ipi`i I Kakanilua. According to this account, two men escaped and returned to where Kalaniopu`u waited. They told him of the slaughter and after discussions with his warriors, they decided to return to battle the next day. Kalaniopu`u thought the battle would take place at Wailuku at Kakanilua, but Kaheikil's men had occupied the sand hills of Kama`oma'o and at Waikapu turn. The Big Island soldiers were surrounded and took to flight.

By 1786, Kahekili controlled the islands of Maui, Molokai, Lanai, and Oahu. However, in 1790, Kahekili's control over the islands came to a close with the battle of Kepaniwai when King Kamehameha I defeated the ruler.

Early Post-Contact Period

Significant changes to the landscape of Hawaii ensued after the arrival of missionaries and other foreigners in the late 1700s and early 1800s.

Further, the establishment of the sugar industry in the 19th century catalyzed a dramatic transition in Wailuku. The first sugar cane crops grown in the *ahupua`a* were harvested and processed in 1828. Kamehameha III, with the assistance of two Chinese technicians, established a water-powered mill in Wailuku: Hungtai Sugar Works. The Wailuku Sugar Mill was established later in 1862.

Raising cattle also became an established commercial activity on the southern and eastern side of the Iao Valley dunes.

Post-1850s Period

According to the Archaeological Inventory Survey Report, following the Great Mahele of 1848, much of the *ahupua`a* of Wailuku was designated as Crown Land, to be used in support of the royal "state and dignity".

The boost of the sugar industry came in 1876 with the introduction of The Reciprocity Treaty that increased the price of sugar. The construction of ditches in the1880s by Claus Spreckels tapped into the water resources from the mountains to irrigate fields for sugar cane production. These endeavors

contributed to the foundation of the Hawaiian Commercial and Sugar Company in 1882.

The construction of the railroad in the late 1870s and its continuation for approximately two (2) decades facilitated mobility across towns, as well as contributed to the growth of various commercial activities and residential areas.

The introduction of the automobile in the 1950s greatly increased the ease of travel across the island. Residents residing in Wailuku were able to make daily commutes to other areas of the island, especially into nearby Kahului, an expanding town offering two (2) major ports of entry, the Kahului Harbor and Kahului Airport, as well as newly completed shopping centers and other social facilities.

Alexander and Baldwin first initiated planning the Maui Lani Development in the 1970s and 1980s.

b. <u>Potential Impacts and Mitigation Measures</u>

In accordance with the State of Hawaii, Office of Environmental Quality Control (OEQC) a Cultural Impact Assessment was prepared for the project in November of 2007 by Hana Pono, LLC. See **Appendix "L"**.

According to the Cultural Impact Assessment report, the Wailuku *ahupua`a* included land from Iao Valley to Kahului Harbor. Because of the unique land distribution of the *ahupua`a*, taro planting within the mauka sections of the Wailuku District, as well as harvesting sweet potato in the dryer, lower elevations of the district were made possible. Deep and shoreline fishing, as well as seaweed gathering, have been a part of the *ahupua`a* activities.

Interviews with local residents familiar with Wailuku and its surrounding areas were completed by Hana Pono, LLC as part of the Cultural Impact Assessment (CIA). The results of the interviews indicated that there are no known cultural practices taking place onsite.

Of interest, the CIA reports the presence of the *pueo* (Hawaiian short-eared owl) within the Maui Lani Project District lands. The CIA states that the *pueo* is among the oldest physical manifestations of the Hawaiian family protectors, or *aumakua*. According to the CIA, the *pueo's* diet consists mostly of introduced rodents, rats, mice, and small mongoose. However, the proposed project is not anticipated to have significant adverse impacts on the *pueo* population numbers.

The proposed Maui Lani Shopping Center is not anticipated to adversely impact cultural practices, beliefs, and features. It is noted that the CIA suggests native plants to be kept intact as much as possible to retain the *ahupua`a*'s unique identity, as well as recognizing the importance of traditional beach and mountain routes with regards to cultural gatherings and activities. While the project site is currently cleared, grubbed, and graded, it is anticipated that the site will be landscaped with some native Hawaiian and Polynesian plants. The proposed development of the shopping center site is not anticipated to adversely impact any traditional beach or mountain access routes.

Furthermore, should there be unanticipated finds of archaeological or cultural significance, including human burials, appropriate protocols will be implemented in accordance with procedures established by SHPD and MLIBC.

8. Air Quality

a. Existing Conditions

The Wailuku-Kahului region is not exposed to adverse air quality conditions. Point sources, such as the Maui Electric Power Plant and Hawaiian Commercial and Sugar Company's Puunene Mill and non-point sources such as automobile emissions, are not significant to generate high concentrations of pollutants.

b. Potential Impacts and Mitigation Measures

Localized air quality impacts from construction equipment and vehicles may occur during construction of the proposed project. As such, potential air

quality impacts during construction will be mitigated by complying with the provisions of the State Department of Health Administrative Rules, Title 11, Chapter 60, Air Pollution. Measures which may be taken to reduce air quality impacts include water spraying and sprinkling of loose or exposed soil, erecting dust screens, and re-vegetating or paving exposed areas as soon as practical. Exhaust emissions from construction vehicles are anticipated to have a negligible impact on regional air quality as the emissions would be relatively small and readily dissipated.

As noted previously, odors generated by trash bins are an expressed concern by neighboring residents. Currently, there are five (5) designated locations proposed for trash bins within the shopping center complex. With the exception of one (1) trash bin located on the western half of the site, the majority or four (4) trash bins will be located within the eastern half of the site. The westernmost trash bin on the project site will be located approximately 262 feet away from the closest Historic Sandhills' lot. See **Figure 12**. All trash bins will be enclosed and contained within the project site so as to mitigate adverse odor conditions.

No significant long-term air quality impacts are anticipated as a result of the proposed project.

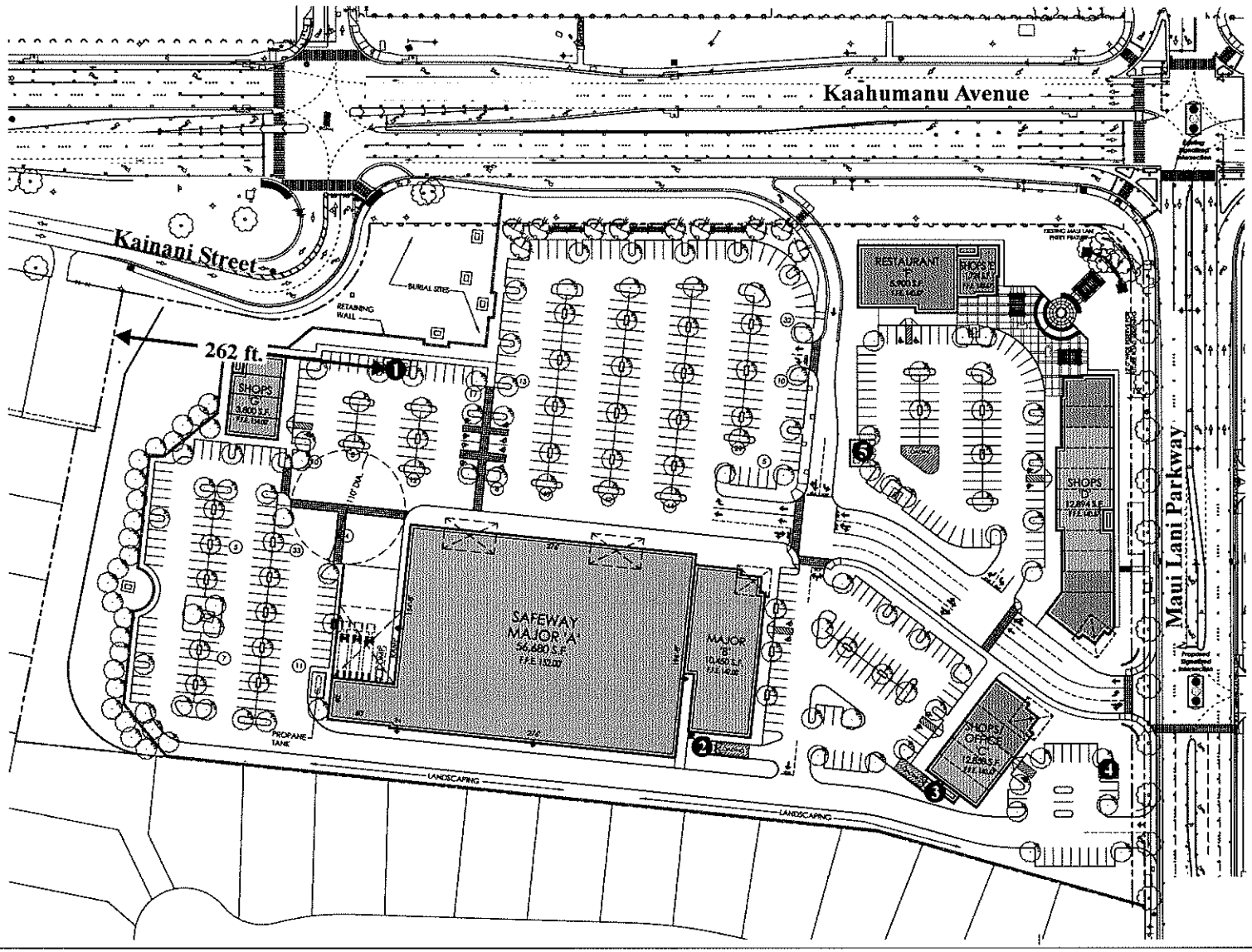
9. Noise

a. Existing Conditions

Existing background noise levels are primarily attributable to traffic noise along Kaahumanu Avenue. Intermittent noise in the vicinity of the project site may be generated by recreational activity originating from the War Memorial Complex and the Baldwin High School Gymnasium. A Noise Study was conducted for the project by Y. Ebisu & Associates. See **Appendix "M"**. According to the study, variations in background noise levels reflect the variations in traffic volume along Kaahumanu Avenue, being lowest during the nighttime and early morning hours, and being highest during the daytime and peak traffic hours.

KEY

Trash Bin Location



Source: Benner Stange Associate

Figure 12

Proposed Maui Lani Shopping Center

Trash Bin Locations

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\063010RevisedTrashBinLocations

b. Potential Impacts and Mitigation Measures

During construction of the proposed project, construction noise will be unavoidable. Operation of construction equipment, such as backhoes, trucks, and generators, will raise ambient noise levels in the vicinity of the project site. Construction noise impacts will be mitigated through compliance with the provisions of the State of Hawaii DOH Administrative Rules, Title 11, Chapter 46, "Community Noise Control." These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in the Chapter 46 rules. In complying with Chapter 46, the contractor will be responsible for minimizing noise by properly maintaining noise mufflers and other noise-attenuating equipment. Construction will be limited to normal daylight hours.

After construction, ambient noise levels along roadways in the vicinity of the project site may increase due to the increase in vehicular traffic generated by the proposed project. Additional noise originating from delivery and other project-related equipment trucks may also impact ambient noise levels in the vicinity. However, such noise attributed to delivery and project-related equipment trucks will be limited to the hours of operation set forth by the applicant. In this regard, deliveries for all shopping center tenants will be limited to the hours of 7:00 a.m. to 10:00 p.m. As part of the noise mitigation program being designed by the applicant, operational elements associated with the Safeway store, such as loading, unloading and use of compactors, will be housed within the buildings or shielded from neighboring properties to minimize nuisance effects to neighboring residents.

Noise associated with the operation of refrigeration units and fans along the perimeter of the shopping center complex may impact ambient noise levels. To mitigate these impacts, the refrigeration units and fans will be enclosed and sound proofed.

Furthermore, as previously indicated, in reducing the size of the project by approximately 20 percent, the applicant also established a buffer between the adjacent Historic Sandhills lots and the developed shopping center site. As such, the parking lot is now setback from the project site's western perimeter

by approximately 72 ft. to 110 ft. Refer to **Figure 4**. This separation is intended to reduce noise impacts upon neighboring homes.

10. Visual Resources

a. Existing Conditions

Scenic resources to the west of the project site include the Iao Valley and the West Maui Mountains. Looking east, Haleakala is visible. To the north, lies Kahului Harbor and the Pacific Ocean.

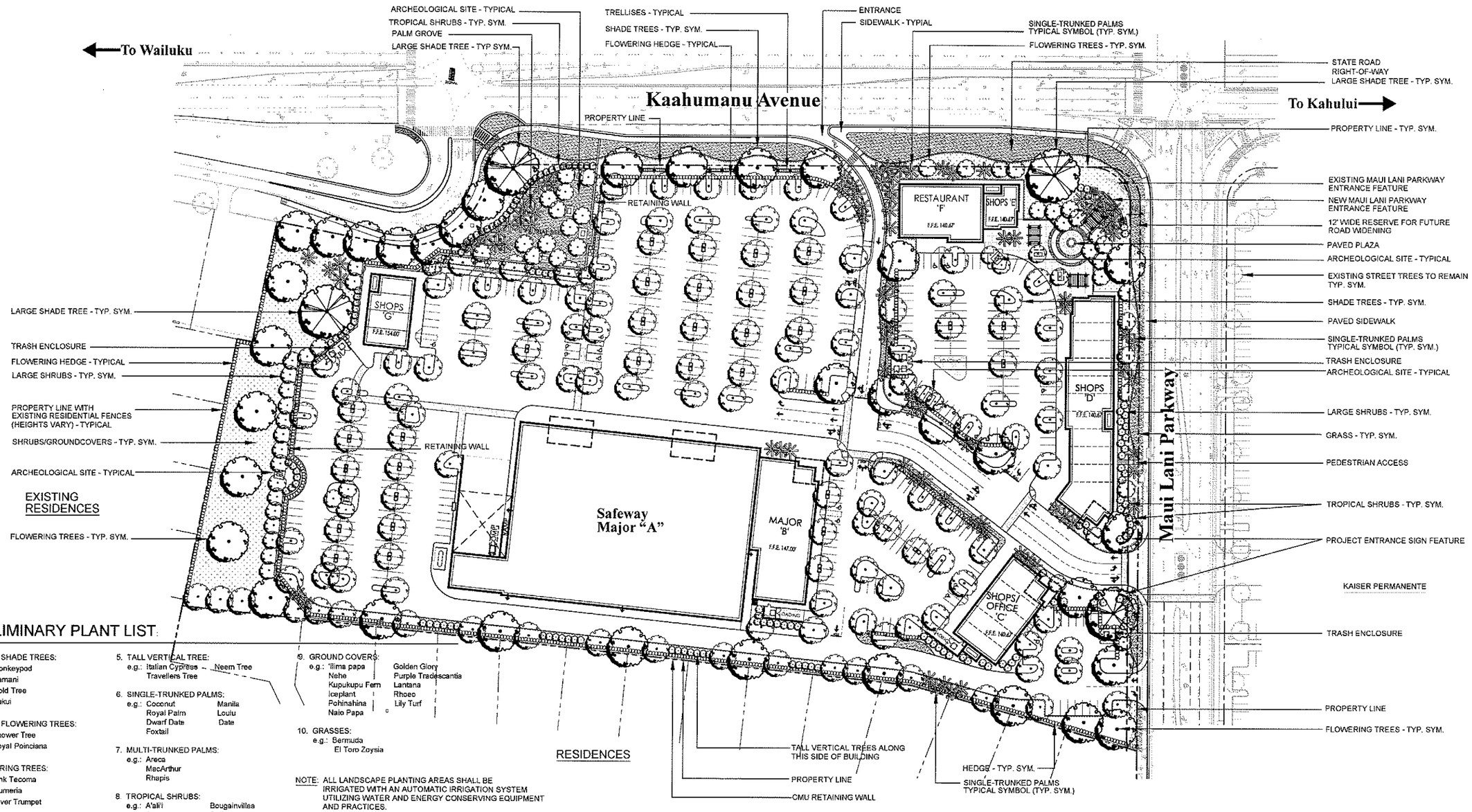
b. Potential Impacts and Mitigation Measures

The proposed Maui Lani Shopping Center will be architecturally designed to be compatible with the surrounding environment.

The project site will be landscaped to provide a complex which will aesthetically complement surrounding areas. It is noted that the proposed project will connect visually to neighboring properties, such as the Kaiser Permanente and Liberty Dialysis Center to the east of the project site, through architectural design with similar rooflines and materials, as well as through a comprehensive landscape plan. It is anticipated that the landscaping plan will utilize a "Hawaiian" or "Tropical" theme. Multiple layers of plants will be incorporated as part of the landscape at the project's perimeters, bordering neighboring residences' lots. It is intended that the use of a combination of plants at the project's perimeters will soften the visual impact of the shopping center. See **Figure 13**.

The new buffer area located along the western perimeter of the site will also provide setback of approximately 72 ft. to 110 ft. from the developed shopping center site to the neighboring Sandhills' homes. This setback is anticipated to provide a visual buffer between the shopping center and its neighboring community to the west.

As represented in the Site Section, **Figure 9**, the finished floor elevation of the proposed shopping center, approximately 275 ft. east of the western property limits of the project site, will be 45 ft. below the existing grades of the Historic Sandhills lots. It is anticipated that the grade difference will



PRELIMINARY PLANT LIST:

1. LARGE SHADE TREES:
   e.g.: Monkeypod, Kamani, Gold Tree, Kukui
2. LARGE FLOWERING TREES:
   e.g.: Shower Tree, Royal Poinciana
3. FLOWERING TREES:
   e.g.: Pink Tecoma, Plumeria, Silver Trumpet
4. SHADE TREES:
   e.g.: Kou, Tulipwood, Allspice, Autograph Tree
5. TALL VERTICAL TREE:
   e.g.: Italian Cypress, Travellers Tree, Neem Tree
6. SINGLE-TRUNKED PALMS:
   e.g.: Coconut, Royal Palm, Dwarf Date, Foxtail, Manila, Loulu, Date
7. MULTI-TRUNKED PALMS:
   e.g.: Areca, MacArthur, Rhapis
8. TROPICAL SHRUBS:
   e.g.: A'ali'i, Anapanapa, Blue Vitex, Croton, Hibiscus, Oleander, Beach Naupaka, Pikake, Bougainvillea, Philodendron, Eranthemum, Mock Orange, Spider Lily, 'Ulei, Natal Plum, Ma'o
9. GROUND COVERS:
   e.g.: 'Ilima papa, Nohe, Kupukupu Fern, Iceplant, Pohinahina, Naio Papa, Golden Glory, Purple Tradescantia, Lantana, Rhoeo, Lily Turf
10. GRASSES:
    e.g.: Bermuda, El Toro Zoysia

NOTE: ALL LANDSCAPE PLANTING AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM UTILIZING WATER AND ENERGY CONSERVING EQUIPMENT AND PRACTICES.

Source: Russel Y. Gushi, ASLA

Figure 13

Proposed Maui Lani Shopping Center

Preliminary Landscape Plan

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

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preserve views towards the northeast vistas from the Historic Sandhills area. The proposed project is not anticipated to have a significant adverse impact upon the visual character of the surrounding area.

11. Outdoor/Lighting

a. Existing Conditions

Existing lighting fixtures in the project vicinity include street lights illuminating Kaahumanu Avenue, Maui Lani Parkway, as well as along roadways serving the nearby subdivision areas. Nearby developed properties, including Kaiser Permanente and Liberty Dialysis Center along Maui Lani Parkway, as well as properties along Kaahumanu Avenue, including Baldwin High School and Central Maui Self-Storage, also utilize parking lot and exterior building light fixtures. An example of a lighting design that shields light fixtures eliminating upward illumination is utilized by Kaiser Permanente. See **Figure 14**.

b. Potential Impacts and Mitigation Measures

Lighting for the proposed parking lot will be designed to balance the need to minimize light spillage and pollution with security and safety requirements. Light poles for the parking lot will be approximately 25 ft. to the top of the light fixture, keeping the top of the light pole below the ground level of the adjacent residences in the Historic Sandhills neighborhood. Refer to **Figure 9.** In addition, lighting design will specify the shielding of all lights and directional down lighting so that there will be no upward illumination from the poles. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees. Refer to **Figure 14.**

In addition to addressing concerns relating to noise and visual resources, the buffer provided between the adjacent Historic Sandhills homes and the developed shopping center site is also anticipated to provide separation between the properties to help mitigate impacts of parking lot lighting on the adjacent homes.

Figure 14 Proposed Maui Lani Shopping Center
Photographs of Lighting Fixtures Used in
Kaiser Permanente Parking Lot

NOT TO SCALE

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B. SOCIO-ECONOMIC ENVIRONMENT

1. Population

a. Existing Conditions

The population in the County of Maui has exhibited relatively steady growth over the last decade. The resident population of Maui County in 1990 was estimated at 100,504. The year 2000 population was estimated at 128,241, which is a 28 percent increase over 1990 (DBEDT, Hawaii Census 2000). The resident population for the year 2010 is projected to be 151,300 (Maui County Planning Department, June 2006). The estimated 1990 population of the Wailuku-Kahului region was 32,816. The region's population shows an increase to 41,503 in the year 2000 (Maui County Planning Department, June 2006). By the year 2010, population is anticipated to increase to 51,312 (Maui County Planning Department, June 2006).

b. Potential Impacts and Mitigation Measures

The proposed project is not considered a population generator and is not anticipated to have an adverse impact on population parameters. Employees and the majority of customers to the shopping center are anticipated to be Maui Island residents.

2. Economy

a. Existing Conditions

The Wailuku-Kahului region encompasses a broad range of commercial, service, and governmental activities. In addition, the region is surrounded by significant agricultural acreages primarily in sugar cane cultivation. The vast expanse of agricultural land, managed by Hawaiian Commercial & Sugar (HC&S), is considered a key component of the local economy. The commercial components of the project district are presented through the proposed Maui Lani Shopping Center site as well as the Maui Lani Village Mixed Use district area, located southwest of the roadway extensions of Maui Lani Parkway and Kuikahi Drive. It is anticipated that the commercial/residential subdistrict (VMX(C/R)), consisting of approximately

57 acres of the Maui Lani Village Mixed Use district, will include a mix of residential, civic, commercial, office, retail, and light manufacturing uses.

Other future commercial opportunities in the vicinity of the project site include the Kehalani Village neighborhood center, bordered by Waiale Drive, Kuikahi Drive and Honoapiilani Highway. The approximately 20-acre area is designated for Village Mixed Use purposes which allows for commercial establishments and residential uses.

Additionally, areas in the Central Maui region which are planned for new commercial growth include A&B Properties, Inc.'s Maui Business Park Phase II project in Kahului, in the vicinity if the Maui Marketplace. The project area, encompasses approximately 179 acres to meet the island's light industrial needs.

b. <u>Potential Impacts and Mitigation Measures</u>

On a short-term basis, the proposed action is anticipated to have a positive effect during the construction phase of development as expenditures for construction and related support services are made through local suppliers and through the employment of local labor.

Upon completion, from a long-term perspective, the proposed Maui Lani Shopping Center would increase the availability of business/commercial lands and inventory. Attendant employment opportunities would also be derived from businesses located within the shopping center. In addition, ancillary support for shopping center operations would be required, resulting in the employment of local labor and services. According to the Hawaii Workforce Informer of the State of Hawaii, Department of Labor and Industrial Relations, the unemployment rate for the County of Maui in January 2010 was 8.8 percent. Given the current national, as well as local economic climate, the proposed project would serve as a community benefit as the project would provide the prospect for employment.

The proposed Maui Lani Shopping Center will supply space for both local and nationally based tenants. Although the major tenant space for the project has been set aside for Safeway, it is also noted that the center will provide

retail and office space leasing opportunities for local businesses as well. The proposed shopping center is viewed as an opportunity to meet the needs of the community, as population increases in Central Maui. The proposed Maui Lani Shopping Center is intended to provide retail/commercial space which will complement service provision to residents in the region. The proposed Safeway store, as well as opportunity for leasing by both national and local tenants, are viewed as complementary to businesses in Wailuku Town.

C. PUBLIC SERVICES

1. Recreational Facilities

a. Existing Conditions

The Wailuku-Kahului region encompasses a full range of recreational opportunities, including shoreline and boating activities at the Kahului Harbor and adjoining beach parks, and individual and organized athletic activities offered at numerous County parks. The War Memorial Complex, for example, located along Kaahumanu Avenue, includes a gymnasium, swimming pool, tennis courts, youth baseball fields, football and soccer practice areas, the War Memorial Stadium and baseball stadium. Also found in the Wailuku-Kahului area are the Wailuku Community Center, Kahului Community Center, Kanaha Beach Park, and Keopuolani Park. Within the Maui Lani Project District is the Dunes at Maui Lani, a daily fee golf course and driving range open to the public.

b. Potential Impacts and Mitigation Measures

The proposed project is not considered a significant population generator. As such, the proposed project will not place any new demands on recreational activities in the project area.

2. Police and Fire Protection

a. Existing Conditions

Police protection for the Wailuku region is provided by the County Police Department headquartered at the Wailuku Station, located east of the subject

property at the intersection of Kaahumanu Avenue and Mahalani Street. The region is served by the Department's Central Maui patrol.

Fire prevention, suppression, and protection services for the Wailuku region is provided by the County Department of Fire and Public Safety's Wailuku Station which is located approximately less than a mile west of the subject site.

b. Potential Impacts and Mitigation Measures

The location of the proposed Maui Lani Shopping Center, adjacent to the existing Wailuku-Kahului urban core, does not extend service area limits for emergency services. Police and fire protection services are not expected to be adversely impacted by the proposed project. The proposed project will not adversely affect the service capabilities for emergency services.

3. Solid Waste

a. Existing Conditions

Single-family residential solid waste collection service is provided by the County of Maui on a once-a-week or twice-a-week basis. Residential solid waste collected by County crews are disposed at the County's Central Maui Landfill, located four (4) miles southeast of the Kahului Airport. In addition to County-collected refuse, the Central Maui Landfill accepts commercial waste from private collection companies.

b. Potential Impacts and Mitigation Measures

As applicable, a solid waste management plan will be developed in coordination with the Solid Waste Division of the County Department of Environmental Management (DEM) for the disposal of construction waste material generated by the project.

Upon project completion, solid waste collection for the Maui Lani Shopping Center will be provided by a private refuse collection company and disposed of at the Central Maui Landfill. The applicant proposes to limit the hours of trash collection so as to mitigate potential adverse impacts to neighboring

residents. The anticipated solid waste generated by the project is not expected to adversely impact the County solid waste capacity of the Central Maui Landfill. In addition, the proposed shopping center will encourage recycling measures for all tenants of the center in order to reduce the amount of solid waste collected for disposal at the Central Maui Landfill.

As identified by neighboring residents of Historic Sandhills, the locations of the trash bins proposed within the shopping center were of concern. Neighboring residents indicated that the potential adverse impacts of the trash bins in close proximity to adjoining lots included adverse odor conditions, as well as noise impacts from trucks responsible of trash collection. To address the concerns of the Sandhills community, the applicant proposes that the five (5) trash bin locations for the Maui Lani Shopping Center will be located away from the residential areas as shown in **Figure 12**. It is also noted that the applicant proposes to limit the hours of trash collection so that commercial waste pick up will not occur before 7:00 a.m. In general, garbage pick ups for a center of this type occurs twice a week.

4. Health Care

a. Existing Conditions

Maui Memorial Medical Center, the only major medical facility on the island, services the Wailuku-Kahului region. Acute, general and emergency care services are provided by the approximately 201-bed facility. The Kaiser Permanente Medical Care facility, Liberty Dialysis Center, located within the Maui Lani Project District to the east of the project site, provides additional private health care services in the Central Maui area. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

b. Potential Impacts and Mitigation Measures

The proposed project is not anticipated to increase the service demands placed upon health care services.

5. Education

a. Existing Conditions

The Wailuku-Kahului region is served by the State Department of Education's public school system, as well as several privately operated schools accommodating elementary, intermediate and high school students. Department of Education facilities in the Kahului area include Pomaikai, Lihikai and Kahului Schools (Grades K to 5), Maui Waena Intermediate School (Grades 6 to 8), and Maui High School (Grades 9 to 12). Existing facilities in the Wailuku area include Wailuku Elementary School (Grades K to 5), Iao Intermediate School (Grades 6 to 8), and Baldwin High School (Grades 9 to 12). Maui Community College, a branch of the University of Hawaii, serves as the island's principal institution of higher education. Baldwin High School (Grades 9 to 12) is located north of the project site, beyond Kaahumanu Avenue. In addition, there are several private schools in the Wailuku-Kahului area.

b. Potential Impacts and Mitigation Measures

The proposed project is not considered a student population generator. As such, the proposed project will not adversely affect enrollments or locations of educational facilities.

It is noted that neighboring residents of Sandhills have indicated land use compatibility issues with the proposed project and nearby Baldwin High School, located to the north of the project site, beyond Kaahumanu Avenue. Residents have indicated that because the school is in close proximity to the proposed shopping center, students will frequent the area. As such, traffic concerns (see Section D.1) have been highlighted as a safety issue, as well as the proposed sale of alcohol within the site by Safeway and potential restaurant tenants. New sidewalks will be installed along Kaahumanu Avenue to facilitate pedestrian access to and from the property. Shoulder lanes for bicycle use will also be installed along Kaahumanu Avenue. In addition, all tenants are obligated to comply with applicable State and County regulations with regards to the sale of alcohol to minors. Terms relating to the compliance of alcohol sale regulations will be included in tenant leases.

On September 8, 2008, the representative of the applicant and Munekiyo & Hiraga, Inc. met with the Department of Education (DOE) to discuss the proposed project plans, as well as to receive DOE comments. At the meeting the DOE noted their concern of pedestrian safety, as students of Baldwin High School frequently cross the signalized intersection (with pedestrian walk signals) of Maui Lani Parkway and Kaahumanu Avenue.

Furthermore, a meeting with representatives of Baldwin High School (BHS) and the State of Hawaii, Department of Transportation was held on June 19, 2009 to discuss concerns and comments regarding traffic circulation, as it affects BHS. See **Appendix "N"** and **Appendix "O"**. At the June 19, 2009 meeting, BHS identified the following traffic-related issues affecting the school.

1. Students have a tendency to disregard traffic signals and cross Kaahumanu Avenue and Maui Lani Parkway outside of marked crosswalks and against traffic signal directions.

2. West-bound vehicles on Kaahumanu Avenue utilize the BHS Entry Drive intersection to circumvent the red light cycle at the Kaahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection.

3. The speed limit along the segment of Kaahumanu Avenue fronting BHS is 45 miles per hour. Consideration should be given to reducing the speed limit in this vicinity.

4. The before-school and after-school traffic at the BHS Entry Drive intersection is heavily congested.

In addition, while vehicle circulation and pedestrian safety concerns are existing at the location, the representatives of BHS noted that the implementation of the proposed Maui Lani Shopping Center will increase pedestrian traffic crossing Kaahumanu Avenue and will increase traffic volumes at the Kaahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection. As a result of meeting with BHS, the applicant has agreed to fund a traffic study to analyze current circulation conditions within BHS and to identify recommendations which may aid in relieving existing congestion and safety concerns. As part of the applicant's continuing efforts to work closely with the school and the community, a Traffic Evaluation Study for

BHS was then prepared in February 2010 by PB. See **Appendix "P"**. HRT, Ltd. is also willing to work with the BHS administration and State DOT to discuss the recommendations and identify reasonable action steps to improve conditions at the school's Entry Drive intersection.

It is also noted that coordination with the DOE regarding the potential impacts to neighboring Baldwin High School is ongoing. The applicant is willing to work with the Department of Education to ensure that the Department's concerns are properly addressed.

D. INFRASTRUCTURE

1. Roadways

a. Existing Conditions

Roadway Network: The Wailuku-Kahului region is served by a roadway network which includes arterial, collector and local roads. Existing roadways in the vicinity of the project site include Kaahumanu Avenue to the north, Maui Lani Parkway to the east, and Kainani Street to the northwest.

Kaahumanu Avenue is the principal linkage between Wailuku and Kahului. Kaahumanu Avenue is a four-lane, divided roadway with a raised median. Exclusive left turn lanes are provided in the median of Kaahumanu Avenue and right turn acceleration lanes are provided at selected access locations. The posted speed limit within the project vicinity is 45 mph.

Maui Lani Parkway is a four-lane, divided roadway completed between Kaahumanu Avenue and Waiinu Road. This existing segment is an initial phase of a roadway that will, in the future, extend to Kuihelani Highway providing an alternative route to Kaahumanu Avenue. The existing configuration provides an alternative path to the High Street/Main Street route through Wailuku Town for vehicles traveling between areas located south of Wailuku and areas to the east of Wailuku. Maui Lani Parkway also serves as an alternative access to Mahalani Parkway. It is anticipated that Maui Lani Parkway will be dedicated to the County of Maui in the future.

Kainani Street is a two-lane, undivided collector roadway providing access to Kaahumanu Avenue from the existing Historic Sandhills neighborhood, located south of Kaahumanu Avenue and east of Waiale Road. Kainani Street intersects Kaahumanu Avenue opposite Lunalilo Street, which provides access to Kaahumanu Avenue for the Kanaloa Houselots subdivision.

Existing Traffic Operating Conditions: As previously noted, a Traffic Evaluation Report (TER) dated August 2009 was prepared for the proposed project by PB. Refer to **Appendix "C"**. This report was produced for the project in order to conduct a traffic impact assessment of the proposed development and is a separate document than the Traffic Evaluation Study that was completed for BHS. Existing traffic volumes were collected on Kaahumanu Avenue at the Kainani Street and Maui Lani Parkway intersections. PB conducted peak period traffic turning movement counts at these intersections from Wednesday, April 23, 2008 to Thursday, April 24, 2008. The AM peak hour was found to be from 7:15 AM to 8:15 AM; the mid-day peak hour from 11:45 AM to 12:45 PM; the afternoon school peak hour from 1:45 PM to 2:45 PM; and the PM peak hour from 4:00 PM to 5:00 PM.

The Level of Service (LOS) was assigned for each intersection. LOS designations, as classified in the 2000 Highway Capacity Manual, are qualitative measures ranging from "A" through "F", and are used to describe the condition of traffic operations. LOS "A" defines operating conditions resulting in low vehicle delay while LOS "F" represents operating conditions with very long delays.

Kaahumanu Avenue/Maui Lani Parkway:

The Maui Lani Parkway and Kaahumanu Avenue intersection, opposite the main Baldwin High School entrance, operates as a signalized intersection with a cycle length of approximately 130 seconds during the AM peak period and 150 seconds during the PM peak period. According to the traffic report, during the intersection's peak hour (and especially close to 8:00 AM), the intersection processes a high volume of traffic. The intersection was found to operate at an acceptable level overall. The Kaahumanu Avenue through

movements operate at LOS "C" or better, as eastbound and westbound movements between Wailuku and Kahului are given priority.

During the AM peak period, east and westbound left turns operate at an acceptable LOS "E", which is acceptable for a peak hour movement with a cycle length of 150 seconds. The eastbound left turn into Baldwin High School is heavier than the westbound left, and vehicles have been observed to queue for this movement. The Maui Lani Parkway left turns also operate at LOS "E", as does the northbound through movement into Baldwin High School. The northbound through movement into Baldwin was observed to have a very sharp peak that occurs between 7:45 AM and 8:00 AM. During this time, queues of up to 15 to 20 vehicles were observed at the northbound Maui Lani Parkway approach. During other time periods, this movement was very light. Overall the intersection operates at LOS "D" during the AM peak.

According to the TER, traffic in and out of Baldwin High School is considerably lower during the mid-day peak hour. Overall, the intersection operates at LOS "B" during the mid-day peak.

The afternoon peak coincides with the adjournment of school and represents a sharp spike in traffic volumes. The intersection operates at LOS "C", with heavy movements in and out of Baldwin High School. Maui Lani turning movements operate at LOS "E" or better, while Kaahumanu Avenue through movements operate at LOS "C" or better. Most of the queuing associated with this peak occurs within the Baldwin High School property. The TER reports that queuing does periodically occur in the Kahului-bound direction. However, this is not persistent throughout the entire peak hour.

During the PM peak hour, the intersection of Maui Lani Parkway and Kaahumanu Avenue operated at a LOS "C" with a lower delay than during the afternoon peak. Kaahumanu Avenue left turns operated at LOS "E". This delay is caused by relatively long signal cycle length and the priority given to the Kaahumanu Avenue through movements. The cycle length during the PM peak is 150 seconds. The Baldwin southbound through operates at LOS "F", but is acceptable. The TER notes only 7 vehicles make this movement, thus delay is caused primarily by the cycle length. Minor street through movements operate at LOS "E" or better.

Kaahumanu Avenue/Kainani Street:

The intersection of Kaahumanu Avenue and Kainani/Lunalilo Street is signalized. According to the traffic study report, the intersection operates at LOS "B" overall during all four (4) peak periods. The westbound Kaahumanu Avenue left turn operates at LOS "F" during the AM peak primarily due to signal delay. During all other peak hours, Kaahumanu Avenue left turns operate at LOS "E". According to the report, this is primarily due to low volumes and long cycle length, which result in a high delay per vehicle despite the movement clearing completely every cycle. The northbound and southbound left/through movements operate at LOS "E" as well.

The intersection operates at LOS "B" or better with no movement operating worse than LOS "D" during the Mid-Day, Afternoon, and PM peak hours.

Maui Lani Parkway/Kaiser Access:

As indicated in TER, movements into and out of the main Kaiser access, as well as the secondary Kaiser access, operate at LOS "B" or better during all peak periods.

Baldwin Internal Intersection:

The Baldwin High School internal intersection undergoes sharp spikes in traffic demand during the AM peak and the afternoon school peak. Demand on the circular road, which traverses the main Baldwin High School parking lot, is heavy during the AM and afternoon peaks as the main gate is partially closed during times of high demand. The afternoon peak hour, however, is much more concentrated than the AM and as a result this approach can queue for 2 lanes around the parking lot and front of the auditorium. Further, the TER notes that mid-day and PM peaks, the amount of traffic processed through this intersection is much lower than during the AM and afternoon school peak hours.

b. Potential Impacts and Mitigation Measures

According to the TER prepared by PB, as planned in the Maui Long-Range Land Transportation Plan and the Maui Lani Roadway Master Plan, within the year 2020 timeframe, various roadway network changes are projected to occur. One of such changes would include the continuation of Maui Lani Parkway between Kaahumanu Avenue and Kuihelani Highway, serving to ease traffic on Kaahumanu Avenue. The TER acknowledges that the forecasted volume of traffic takes into account the enhanced roadway connectivity as well as the build-out of the Maui Lani Development and other major developments such as Kehalani and Kehalani Mauka. The TER analyzed projected traffic volumes for the year 2020 without construction of the proposed Maui Lani Shopping Center, as well as with construction of the development. Summarized below, are the traffic volume projections with buildout of the proposed shopping center.

Kaahumanu Avenue/Maui Lani Parkway:

The TER evaluated three (3) future alternatives at the Kaahumanu Avenue and Maui Lani Parkway intersection:

1. Alternative 1: Existing Configuration: Single westbound Kaahumanu Avenue left-turn lane, single northbound Maui Lani Parkway left-turn lane.

2. Alternative 2: Double westbound Kaahumanu Avenue left-turn lanes, single northbound Maui Lani Parkway left-turn lane.

3. Alternative 3: Double westbound Kaahumanu Avenue left-turn lanes, double northbound Maui Lani Parkway left-turn lanes.

The TER notes that the second westbound left-turn lane on Kaahumanu Avenue will be approximately 500 feet in length. The second northbound left-turn lane on Maui Lani Parkway will be approximately 275 feet in length, matching the existing single left-turn lane.

According to the TER, during the AM peak hour, the Kaahumanu Avenue/Maui Lani Parkway intersection is projected to operate at LOS D overall for all three (3) scenarios.

The TER reports that school-related traffic volumes are expected to remain light during the mid-day peak and that the intersection is projected to operate at LOS C overall for all three (3) scenarios.

The Kaahumanu/Maui Lani intersection is projected to operate at LOS D with the Alternative 1 configuration during the afternoon school peak. Under Alternative 2, the overall LOS for the intersection improves LOS from D to C. Overall, the intersection is projected to operate at LOS C with the Alternative 3 lane geometry in place.

During the PM peak, the Kaahumanu/Maui Lani intersection is projected to operate at LOS C for Alternative 3, and LOS D for Alternatives 1 and 2.

Kaahumanu Avenue/Kainani Street:

According to the TER, the Kaahumanu Avenue/Kainani Street intersection is projected to operate at LOS "A" during the AM peak hour, with the proposed development. Kaahumanu Avenue through movements are projected to operate at LOS "A". All left-turn movements from all approaches are projected to operate at LOS "E", which is caused by the cycle length.

During the mid-day and afternoon peaks, the intersection is projected to operate at LOS "B". The Kaahumanu Avenue left-turn is projected to operate at LOS "D". All other movements during the mid-day and afternoon peak hours are projected to operate at LOS "C" or better.

The intersection is expected to operate at LOS "B" during the PM peak. All movements are projected to operate at LOS "C" or better. According to the TER, this period is expected to be a peak period for shopping center-related traffic.

Maui Lani Parkway Shopping Center Access:

During the AM peak hour, the Maui Lani Parkway/Kaiser Driveway/Maui Lani Shopping Center Driveway intersection is projected to operate at LOS "A" overall, with each individual movement operating at LOS "D" or better.

A sharp peak of traffic demand is projected just before school starts in the morning between 7:30 AM and 8:00 AM. During this peak, northbound traffic into Baldwin may negatively impact the intersection. The TER notes, however, that this should not be an issue as both shopping center and Kaiser traffic are anticipated to be low during mornings.

The intersection is expected to operate at LOS "B" overall during the mid-day, afternoon, and PM peak hours as shopping center and Kaiser related traffic increase throughout the day. All movements are projected to operate at LOS "D" or better.

The TER notes synchro analysis was performed during all peak hours to analyze the northbound queuing on Maui Lani Parkway. The longest queue occurred during the PM peak hour at 431 feet for the northbound single left scenario and 176 feet for the northbound double left scenario. Importantly, for both scenarios, the queue will not reach the shopping center access.

Kaahumanu Avenue Shopping Center Access:

As indicated in the TER, the right-in access from Kaahumanu Avenue is not projected to experience a delay with the provision of storage space in the internal parking lot configuration of the shopping center to prevent vehicles from spilling onto Kaahumanu Avenue. The auxiliary lane between Kainani Street and Maui Lani Parkway would help to reduce weaving between shopping center traffic and Kahului bound traffic on Kaahumanu Avenue. Furthermore, with the deceleration lane weaving on Kaahumanu Avenue would occur between vehicles traveling at one speed.

Summary

The TER concludes that the surrounding roadway system will be able to accommodate the proposed project. Based on the TER analyses of the intersections the following recommendations (to be implemented in conjunction with the proposed project by the applicant) were presented in the report:

- Monitor the Kaiser/Maui Lani Commercial Development access intersection and install a traffic signal when warranted.

- The Kainani Streeet/Kaahumanu Avenue intersection should be reconfigured to formalize the exclusive right turn on the Kainani Street approach. This should include a pedestrian island on the southeast corner which would channelize the northbound Kainani Street right turn while also preventing vehicles from making through movements from the eastbound Kaahumanu Avenue right turn lane.

- Construct an auxiliary lane between Kainani Street and Maui Lani Parkway.

- Construct a right-in only shopping center access on Kaahumanu Avenue. Provide a deceleration lane. Configure the interior of the project site to provide sufficient storage space to prevent vehicles from spilling onto Kaahumanu Avenue.

- Investigate feasibility of a physical barrier on the Kaahumanu Avenue median between Kainani Street and Maui Lani Parkway to prevent jaywalking.

The TER also presented long range regional roadway improvements. Implementation of these improvements would not be needed until Maui Lani Parkway is connected between Waiinu Street and the future Kuikahi Drive extension. The recommended long range regional roadway improvements are listed below.

- Construct a second left turn lane on the westbound approach at the Kaahumanu Avenue and Maui Lani Parkway intersection. Modify the southbound departure to two lanes to accommodate the double left turning movement.

- Provide Right-of-Way on the western edge of Maui Lani Parkway south of the Kaahumanu Avenue and Maui Lani Parkway intersection for the eventual widening of the Maui Lani approach to accommodate double northbound left turn lanes.

2. Wastewater

a. Existing Conditions

Domestic wastewater generated in the Wailuku-Kahului region is conveyed to the County's Wailuku-Kahului Wastewater Reclamation Facility located one-half mile south of Kahului Harbor. The design capacity of the facility is 7.9 million gallons per day (MGD). The facility serves the Kahului, Wailuku, Paia, Kuau and Spreckelsville areas.

An 8-inch County sewer system line is located in Maui Lani Parkway. This line connects to existing lines on Kaahumanu Avenue and Kanaloa Drive, and discharges into the County's pump station at Paukukalo. Wastewater is then pumped through a 24-inch force main to the Wailuku-Kahului Wastewater Reclamation Facility. Treatment capacity at the Wailuku-Kahului Wastewater Reclamation Facility is available to meet the wastewater generation needs of the proposed shopping center.

See **Appendix "Q"**.

b. Potential Impacts and Mitigation Measures

As represented in **Appendix "Q"**, wastewater generated from the project will be directed into the County's 8-inch gravity line on Maui Lani Parkway. The estimated wastewater generation from the proposed shopping center is 13,000 gallons per day. This amount will not require improvements or upgrades to the County's wastewater collection, transmission and treatment systems. It is noted that the applicant will comply with assessment fee requirements of Chapter 14.35.060 of the Maui County Code, relating to assessment fees for facility expansion for the Wailuku/Kahului wastewater treatment system.

3. Water

a. Existing Conditions

Domestic water for the Wailuku-Kahului region is provided by the Department of Water Supply's Central Maui System. The Central Maui System water sources are located on the windward slope of the West Maui

Mountains. The major source of water for this system is the Iao Aquifer. Approximately 75 percent of the water to supply the Central Maui System is withdrawn from the Iao Aquifer which is located in the vicinity of the Iao Stream and Waiehu Stream. The remaining 25 percent is withdrawn from Waihee Aquifer to the northwest. The sustainable yield of the Iao Aquifer is 20 MGD.

The proposed Maui Lani Shopping Center will be connected to the County water system on Maui Lani Parkway. The main sources of water for this system are the Iao tunnel and Kepaniwai Well, supplemented by treatment of surface water from Wailuku Water Company's Iao/Waikapu Ditch. Water is also being drawn from the Iao Aquifer by way of Shaft 33 in Kehalani, owned by Stanford Carr Development.

Storage is provided by the 3.0 MG storage tank near the junction of Iao Valley and Alu Roads. Another 2.0 MG storage tank to be constructed jointly by Kehalani Mauka LLC and Maui Lani Partners is planned for this area.

A series of 18-, 16-, and 12-inch lines extend from the tank site down Main Street, along Kaahumanu Avenue and along Maui Lani Parkway abutting the project's easterly boundary.

The project site has an existing water service lateral in place to accept the 3-inch water meter which will be installed by the Department of Water Supply.

b. <u>Potential Impacts and Mitigation Measures</u>

The proposed Maui Lani Shopping Center will be connected to the County water supply. Refer to **Appendix "Q"**.

A 6-inch domestic line will be extended into the project site to serve each building. The irrigation system will also be connected to this system.

A 12-inch fire line off of a separate 12-inch lateral will be installed to feed the fire sprinkler systems and fire hydrants for fire protection. The hydrants will be spaced at intervals of 250 feet or less throughout the project site. The

water system will be designed in compliance with the Water Supply and Fire Department standards.

According to the Preliminary Engineering Report **(Appendix "Q")**, the average daily water demand for the project site is expected to be approximately 33,000 gallons per day (gpd).

The proposed project is not anticipated to adversely impact existing water systems.

4. Drainage

a. Existing Conditions

Onsite Runoff: The project site currently generates approximately 9 cubic feet per second (cfs) of onsite surface runoff during a 10-year recurrence interval 1-hour duration storm. The onsite surface runoff currently sheet flows across the project site into the adjacent Maui Lani Parkway. The runoff is then intercepted by catch basins and discharged into an existing underground drainage system located within Maui Lani Parkway. This drainage system conveys and eventually discharges the surface runoff into Fairways 10 and 11 of the Dunes at Maui Lani Golf Course which serves as a retention basin.

Offsite Runoff: A grated catch basin and 24-inch drainline also discharges into the project site from Nakoa Drive, approximately 90 feet south of Kainani Street. It is estimated that around 7 cfs is being discharged into the project site by this system, based on a 10-year recurrence interval, 1-hour storm duration. This offsite runoff is also captured by the Maui Lani Parkway drainage system. See **Appendix "R"**.

b. Potential Impacts and Mitigation Measures

The proposed drainage plan for the Maui Lani Shopping Center is described in the Preliminary Engineering Report (**Appendix "R"**) in two parts: onsite improvements and offsite improvements. These elements of the drainage plan are discussed below.

Onsite: Post-development runoff, based on the10-year recurrence interval, 1-hour storm, is estimated to be 34 cfs, representing an increase of approximately 25 cfs over the existing runoff volume. A new onsite drainage system will be installed, comprised of catch basins, manholes, and underground drainlines. The onsite drainage system will connect to the Maui Lani Parkway drainage system. To accommodate this increase, drainage system upgrades will be needed to the existing 36-inch Maui Lani Parkway drainline. A new 24-inch parallel drainline may be installed and a portion of the existing 36-inch line will be increased in size to a 42-inch diameter drain pipe. Stormwater flows from the upgraded Maui Lani drainage system will continue to be discharged into Fairway Nos. 10 and 11 for retention.

Offsite: The offsite runoff from Nakoa Drive will be accommodated by the shopping center's proposed drainage system. The offsite runoff volume of 7 cfs from Nakoa Drive will remain unchanged.

A new component of offsite runoff which will be partially accommodated by the shopping center's drainage system encompasses runoff captured from Kainani Street and Kaahumanu Avenue (due to construction of the new Kaahumanu Avenue auxiliary lane, new sidewalks, etc.) Approximately 9 cfs will be generated from the roadway based on a 10-year recurrence interval, 1-hour duration storm event. While a portion of the Kaahumanu Avenue runoff will be directed to the onsite system, a portion will be connected to the existing Kaahumanu Avenue drainage system. The amount of runoff which will continue to flow into the existing Kaahumanu Avenue drainage system will not exceed the runoff volume currently flowing through the system. The existing Kaahumanu Avenue system ultimately discharges into a retention basin located within Keopulani Park.

Summary: The proposed drainage systems will address all post-development increases in runoff attributed to the project. Onsite flows will be directed to retention areas in Fairway Nos. 10 and 11 of the Dunes at Maui Lani Golf Course, while a portion of the Kaahumanu Avenue runoff will be directed to an existing drainage retention basin within Keopulani Park.

No adverse impacts to downstream environments or to natural drainage patterns surrounding the project site are anticipated as a result of project implementation.

5. Electrical, Telephone and CATV Systems

a. Existing Conditions

Electrical, telephone and CATV service is provided via overhead lines along Kaahumanu Avenue, to the north of the project site. Electrical, telephone and CATV facilities along Maui Lani Parkway have been undergrounded. Services are provided by Maui Electric Company, Ltd., Hawaiian Telcom and Oceanic Time Warner Cable.

b. Potential Impacts and Mitigation Measures

The project site will be served by the underground electrical, telephone and CATV distribution systems at Maui Lani Parkway. Extension of these lines to each building within the shopping center complex will be underground.

No adverse impacts to electrical, telephone and CATV systems are anticipated as a result of project implementation.

E. CUMULATIVE AND SECONDARY IMPACTS

Cumulative impacts are defined as impacts on the environment which result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

The proposed action is to construct a new commercial retail area of approximately 105,098 sq. ft. to keep pace with existing and future growth planned for the Wailuku and Kahului area. The scope of the proposed project is limited to the construction of the shopping center and related infrastructure.

Secondary impacts are those which have the potential to occur later in time or farther in distance, but are still reasonably foreseeable. They can be viewed as actions of others that are taken because of the presence of the project. The secondary impacts associated with the proposed action relate to the future implementation of land use development within the

Wailuku and Kahului area. Such impacts relate to housing, infrastructure requirements, as well as public service and environmental elements which may be affected by new development in these areas. In particular, the Maui Lani Project District is master planned and will be implemented in a phased and orderly fashion which ensures concurrent development of infrastructure and service systems, including the proposed intersection improvements at Kaahumanu Avenue and Maui Lani Parkway. Conditions of zoning, as well as conditions of Project District Phase II approvals for future development within the Maui Lani Project District, support the notion that applicable mitigation measures must be addressed prior to or concurrent with each phase of project development. In this regard, there are no secondary impacts associated with the Maui Lani Shopping Center project which are considered adverse in the context of regulatory and statutory requirements, and common practice mitigation measures.

III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS

III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS

A. STATE LAND USE DISTRICTS

Chapter 205, Hawaii Revised Statutes, relating to the Land Use Commission, establishes the four (4) major land use districts in which all lands in the State are placed. These districts are designated "Urban", "Rural", "Agricultural", and "Conservation". The subject property is located within the "Urban" district. See **Figure 15**. The proposed use of the property is consistent with "Urban" district provisions.

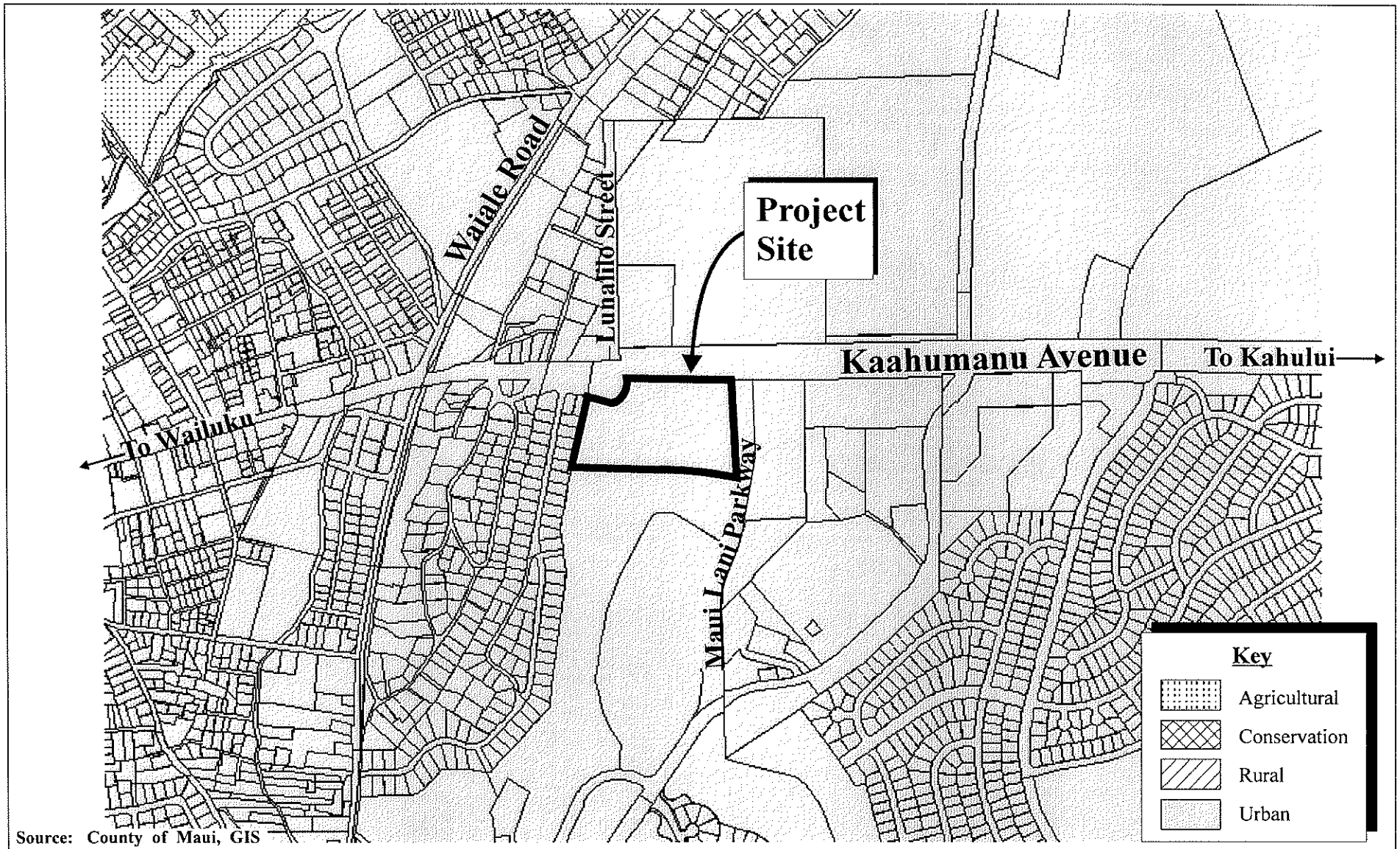
B. MAUI COUNTY GENERAL PLAN

As indicated by the Maui County Charter, the purpose of the general plan shall be to:

> *... indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density; land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.*

Chapter 2.80B of the Maui County Code, relating to the General Plan and Community Plans, implements the foregoing Charter provision through enabling legislation which calls for a Countywide Policy Plan and a Maui Island Plan. The Countywide Policy Plan was adopted as Ordinance No. 3732 on March 24, 2010. The Maui Island Plan is currently in the process of review and formulation by the Maui County Council.

With regard to the Countywide Policy Plan, Section 2.80B.030 of the Maui County Code states the following.



Source: County of Maui, GIS

Figure 15

Proposed Maui Lani Shopping Center

State Land Use District Designations

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

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The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:

1. *A vision for the County;*

2. *A statement of core themes or principles for the County; and*

3. *A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.*

Core principles set forth in the Countywide Policy Plan are listed as follows:

1. Excellence in the stewardship of the natural environment and cultural resources;

2. Compassion for and understanding of others;

3. Respect for diversity;

4. Engagement and empowerment of Maui County residents;

5. Honor for all cultural traditions and histories;

6. Consideration of the contributions of past generations as well as the needs of future generations;

7. Commitment to self-sufficiency;

8. Wisdom and balance in decision making;

9. Thoughtful, island appropriate innovation; and

10. Nurturance of the health and well-being of our families and our communities.

Congruent with these core principles, the Countywide Policy Plan identifies goals objectives, policies and implementing actions for pertinent functional planning categories, which are identified as follows:

1. Natural environment

2. Local cultures and traditions

3. Education

4. Social and healthcare services

5. Housing opportunities for residents

6. Local economy

7. Parks and public facilities

8. Transportation options

9. Physical infrastructure

10. Sustainable land use and growth management

11. Good governance

With respect to the proposed Maui Lani Shopping Center Project, the following goals, objectives, policies and implementing actions are illustrative of the project's compliance with the Countywide Policy Plan.

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

Objective:

1. Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

a. Support economic decisions that create long-term benefits.

c. Invest in infrastructure, facilities, and programs that foster economic diversification.

d. Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.

e. Support programs that assist industries to retain and attract more local labor and facilitate the creation of jobs that offer a living wage.

f. Encourage work environments that are safe, rewarding, and fulfilling to employees.

h. Encourage businesses that promote the health and well-being of the residents, produce value-added products, and support community values.

Goal: Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective:

2. Improve waste-disposal practices and systems to be efficient, safe, and as environmentally sound as possible.

Policy:

a. Provide sustainable waste-disposal systems and comprehensive, convenient recycling programs to reduce the flow of waste into landfills.

Goal: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective:

1. Improve land use management and implement a directed-growth strategy.

Policies:

b. Direct urban and rural growth to designated areas.

e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.

f. Discourage new entitlements for residential, resort, or commercial development along the shoreline.

h. Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

In summary, the development of the proposed Maui Lani Shopping Center is consistent with the themes and principles of the Countywide Policy Plan.

Additionally, as previously noted, the County of Maui is currently in the process of updating the General Plan. The updated General Plan document will provide goals, objectives, policies and action items for the County of Maui through the year 2030. Included in the update to the General Plan is the creation of growth boundary maps, indicating the limits of proposed urban and rural growth on the island of Maui through the planning period. The General Plan Advisory Committee (GPAC), made up of citizens of the County of Maui, the Department of Planning, and the Maui Planning Commission (MPC) have created draft maps, indicating areas within the proposed Urban Growth Boundaries (UGB).

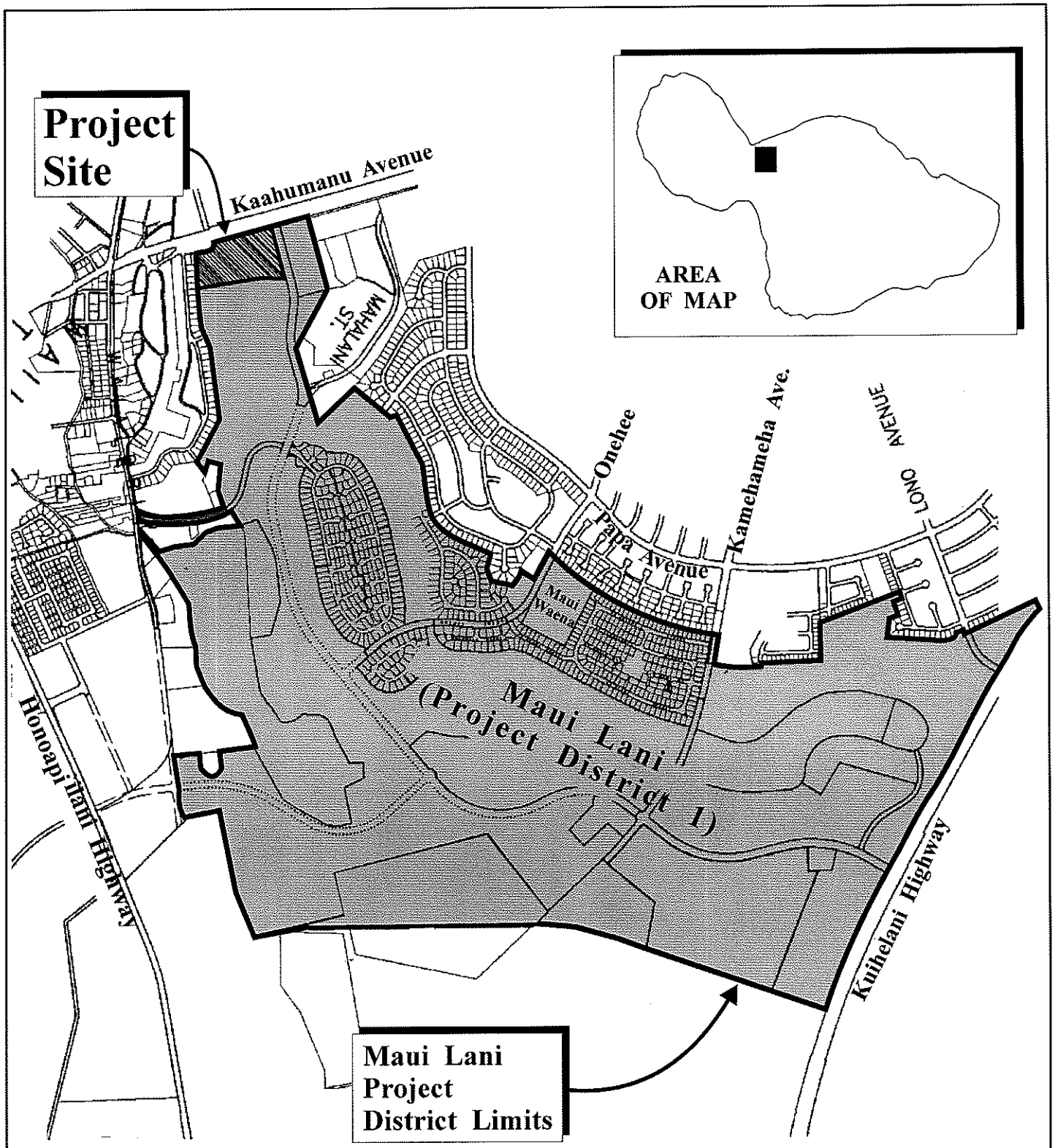
The proposed site for the Maui Lani Shopping Center is located within the proposed UGB for the GPAC , the MPC and the Planning Department's draft maps. This inclusion of the project site within the draft UGB area indicates that it is an area that is supported for future development.

C. WAILUKU-KAHULUI COMMUNITY PLAN

The subject parcel is located in the Wailuku-Kahului Community Plan region which is one (1) of nine (9) Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designed to implement the Maui County General Plan. Each Community Plan contains recommendations and standards which guide the sequencing, patterns and characteristics of future development in the region.

The Wailuku-Kahului Community Plan was adopted by the County of Maui through Ordinance No. 3061 which took effect on May 30, 2002.

Land use guidelines are set forth by the Wailuku-Kahului Community Plan Land Use Map. As shown in **Figure 16**, the lands underlying the subject property comprise Project District I on the Wailuku-Kahului Community Plan Map. The Project District is implemented in accordance with Maui County Code Chapter 19.45.



Source: Warren S. Unemori Engineering, Inc.

Figure 16 Proposed Maui Lani Shopping Center NOT TO SCALE

Project District 1 Location Map

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Sueda\MauiLaniCtr\PDistrictLocation

As described in the Wailuku-Kahului Community Plan, project districts provide a *"flexible and creative planning approach rather than specific land use designations for quality developments"*, establishing *"continuity in land uses and designs while providing for a comprehensive network of infrastructural facilities and systems."* The Wailuku-Kahului Community Plan further notes that *"a variety of uses as well as open space, parks and other project uses are intended in accord with each individual project district objective."*

The Wailuku-Kahului Community Plan outlines guidelines for each of the project districts within the community plan region. The following constitutes the guidelines of the Wailuku-Kahului Project District 1 (Maui Lani).

PROJECT DISTRICT 1 (Maui Lani) 1069 acres

Guidelines should be based on the master plan for this residential community which will provide about 3,700 residential units of various types. Alternatives to promote affordable housing, such as experimental and demonstration housing, shall be considered in the residential development. An open space and recreation system which include a golf course, future school sites, village mixed use area, and community or regional scale commercial shopping facilities shall be integrated in the development to serve the expanding Wailuku-Kahului population. Transportation routes should provide alternative means of access between Kahului and Wailuku. Recommended guidelines for spatial allocations within the project district are:

Residential	
Single Family	*542 acres*
Multi-Family	*22 acres*
Commercial	*27 acres*
Village mixed use:	
Village mixed use (C/R)	*57 acres*
Village mixed use (R)	*34 acres*
Recreational	
Golf Course	*177 acres*
Parks	*28 acres*
Public/Quasi-Public	
School	*26 acres*
Church sites	*6 acres*
Open Space	*12 acres*
Major Roads	

Circulation . . . . . *54 acres*
Other Areas
Waiale Reservoir . . . . . *77 acres*
Area near Maui Memorial Park . . . . . *7 acres*
Residential Units . . . . . *3,700 units*

The proposed project is in conformance with the following goals, objectives, and policies of the Wailuku-Kahului Community Plan.

ECONOMIC ACTIVITY

Goal

A stable and viable economy that provides opportunities for growth and diversification to meet long-term community and regional needs and in a manner that promotes agricultural activity and preserves agricultural lands and open space resources.

Objectives and Policies

- Support agricultural production so agriculture can continue to provide employment and contribute to the region's economic well-being.

- Recognize the importance of small businesses to the region's economy.

CULTURAL RESOURCES

Goal

- Identification, protection, preservation, enhancement, and where appropriate, use of cultural practices and sites, historic sites and structures, and cultural landscapes and view planes that:

- Provide a sense of history and define a sense of place for the Wailuku-Kahului region; and

- Preserve and protect native Hawaiian rights and practices customarily and traditionally exercised for subsistence, cultural and religious purposes in accordance with Article XII, Section 7, of the Hawaii State Constitution, and the Hawaii Supreme Court's PASH opinion, 79 HAW. 425 (1995).

Objectives and Policies

- Preserve the character and integrity of historic sites in the Wailuku-Kahului region.

- Recognize the importance of historically and archaeologically sensitive sites and encourage their preservation through development project review.

- Protect and preserve historic, cultural and archaeological sites and resources through on-going programs to identify and register important sites, and encourage their restoration. This shall include structures and elements that are a significant and functional part of Hawaii's ethnic and cultural heritage.

- Ensure that the proposed projects are compatible with neighboring historic, cultural, and archaeological sites or districts. Such projects should be reviewed by the Cultural Resources Commission, where appropriate.

- Require development projects to identify all cultural resources located within the project area as part of initial project studies. Further, require that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources.

SOCIAL INFRASTRUCTURE

Goal

Develop and maintain an efficient and responsive system of public services which promotes a safe, healthy and enjoyable lifestyle, accommodates the needs of young, elderly, disabled and disadvantaged persons, and offers opportunities for self-improvement and community well-being.

LAND USE

Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

- Maintain a project district approach for the major residential growth areas adjacent to Wailuku, Kahului, and Waiehu to allow flexibility in master planning. These project districts may contain a variety of residential unit types as well as supporting community services, including business, public, recreational and educational facilities.

TRANSPORTATION

Objectives and Policies

- Provide bikeway and walkway systems in the Wailuku-Kahului area which offer safe and pleasant means of access, particularly along routes accessing residential districts, major community facilities and activity centers, school sites, and the shoreline between Kahului Harbor and Paia.

URBAN DESIGN

Goal

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses and at major public facilities, and recognizes the historic importance and traditions of the region.

Objectives and Policies

- Enhance the appearance of major public roads and highways in the region.

- Maintain a design quality for commercial and public projects and large-scale master planned developments.

- Improve pedestrian and bicycle access within the region.

- Use native Hawaiian plants for landscape planting in public projects to the extent practicable.

- Existing and future public rights-of-way along roads and parks shall be planted with appropriate trees, turfgrass and ground covers.

- Emphasize contrasting earth-tone color schemes for buildings and avoid bright or garish colors. Within Wailuku Town, require buildings that have bright or garish colors to comply with earth-tone color schemes.

- Encourage the review of architectural and landscape architectural plans for major government projects by the County's Urban Design Review Board.

D. COUNTY ZONING

The subject property is designated "Wailuku-Kahului Project District 1 (Maui Lani)" by Maui County zoning. The project site lies within the Commercial PD-WK/1 Sub-district of the Maui Lani Project District. See **Figure 17**. Pursuant to Maui County Code 19.78 permitted principle uses and structures within Commercial PD-WK/1 include:

a. Automobile services, excluding major repairs;

b. Animal boarding facility;

c. Animal hospital;

d. Day care facility;

e. Eating and drinking establishments;

f. Education, general;

g. Education, specialized;

h. Eleemosynary organizations;

i. Food and beverage, retail;

j. Garage, storage;

k. General merchandising;

l. General office;

m. Group shelters;

n. Light manufacturing and processing;

o. Medical center, minor;

Source: Warren S. Unemori Engineering, Inc.

Figure 17

Proposed Maui Lani Shopping Center

Maui Lani Project District Phase II Map

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

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p. Parking area, public;

q. Personal and business services;

r. Public facility or public use;

s. Quasi-public use or quasi-public facility;

t. Recreation, indoor;

u. Self-storage, provided it is within an enclosed building; and

v. Utility facilities, minor.

The proposed use of the property for a community shopping center is in accordance with permitted uses listed under the "Wailuku-Kahului Project District 1(Maui Lani)" zoning.

E. PROJECT DISTRICT PHASE II PROCESSING

As part of the Project District processing requirements for the proposed Maui Lani Shopping Center, the applicant is requesting Project District Phase II Approval for project implementation. Pursuant to MCC 19.45.050, the applicant filed for Project District Phase II Approval on August 15, 2005. The application was then certified as complete and ready for processing by the Department of Public Works and Environmental Management on August 17, 2005. A public hearing on the application was conducted on July 10, 2007. At the Maui Planning Commission meeting on July 10, 2007, action on the Project District Phase II Approval application for the proposed project was deferred until completion of the EA process, as required, pursuant to Chapter 343, HRS. Upon completion of the EA process, the Department of Planning will schedule the Project District Phase II Application with the Maui Planning Commission for action.

F. COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES

Pursuant to Chapter 205A, Hawaii Revised Statutes, projects are evaluated with respect to Coastal Zone Management (CZM) objectives, policies and guidelines. It is noted that while the subject property is not located within the County of Maui's Special Management Area,

the project's relationship to applicable coastal zone management considerations have been reviewed and assessed.

(1) Recreational Resources

Objective:

Provide coastal recreational opportunities accessible to the public.

Policies:

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

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

(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

(ii) Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the state for recreation when replacement is not feasible or desirable;

(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;

(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;

(v) Ensuring public recreational use of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;

(vi) Adopting water quality standards and regulating point and non-point sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;

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

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

Response: The proposed project is not located near the shoreline and is not anticipated to adversely impact existing coastal or inland recreational resources.

(2) Historic Resources

Objective:

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

Policies:

(A) Identify and analyze significant archeological resources;

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

(C) Support state goals for protection, restoration, interpretation, and display of historic resources.

Response: As stated previously, an archaeological inventory survey report (by Xamanek Researches, LLC.), burial treatment plan (by Archaeological Services Hawaii, LLC), archaeological summary (by Archaeological Services Hawaii, LLC) as well as cultural impact assessment report (by Hana Pono LLC) were produced to identify and issue recommendations regarding historic, cultural and archaeological resources. Refer to **Appendix "I", Appendix "J", Appendix "K"** and **Appendix "L"**, respectively. Should additional human remains be inadvertently discovered during land-based, ground–altering activities, work will promptly cease in the immediate area of the find, and the find will be further protected from damage. The State Historic Preservation Division and the Maui/Lanai Islands Burial Council will

be notified immediately and procedures for the treatment of inadvertently discovered human remains will be followed pursuant to Chapter 6E, HRS.

(3) Scenic and Open Space Resources

Objective:

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

Policies:

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

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

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

(D) Encourage those developments which are not coastal dependent to locate in inland areas.

Response: The subject property is located within Maui's central isthmus. The property ranges in elevations from approximately 127 feet amsl at its easterly boundary to approximately 197 feet amsl at its westerly boundary. The urban forms established by the proposed project plan will be buffered with landscaping to mitigate the impact on visual resources.

Additionally, the new buffer area located along the western perimeter of the site will provide a setback of approximately 72 ft. to 110 ft. from the developed shopping center site to the neighboring Sandhills homes. This setback is anticipated to provide a visual buffer between the shopping center and its neighboring community to the west. As previously noted, the finished floor elevation of the proposed shopping center, approximately 275 feet east of the property's western extent, will be 45 feet below the existing grades of the Historic Sandhills lots. It is anticipated that the grade difference will preserve views towards the northeast vistas from the Historic Sandhills area.

The proposed Maui Lani Shopping Center is not anticipated to have a significant adverse impact upon scenic and open space resources in the area.

(4) Coastal Ecosystems

Objective:

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

Policies:

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

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

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

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

Response: Best Management Practices (BMPs) will be implemented during the construction of the project to minimize disruption of coastal water ecosystems. The completion of the proposed project is not expected to adversely impact coastal ecosystems. The project will comply with applicable County drainage provisions.

(5) Economic Uses

Objective:

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

Policies:

(A) Concentrate coastal dependent development in appropriate areas;

(B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

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

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

(ii) Adverse environmental effects are minimized; and

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

Response: The proposed action is designed to provide increased availability of business/commercial lands and inventory. It is anticipated that the proposed project will assist in the promotion of economic growth within the County of Maui. The proposed project is in keeping with objectives and policies relating to economic uses.

(6) Coastal Hazards

Objective:

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

Policies:

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

(B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint pollution hazards;

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

(D) Prevent coastal flooding from inland projects; and

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

Response: According to the Flood Insurance Rate Map for the area, the project site is located within "Zone X", an area determined to be outside of the 0.2 percent annual floodplain. No significant adverse drainage impacts to downstream properties are anticipated as a result from project implementation. However, it is also noted that the proposed Maui Lani Shopping Center will be designed in accordance with the Drainage Standards of the County of Maui, to ensure that the project will not adversely affect downstream and adjoining properties from the effects of flooding and erosion.

(7) Managing Development

Objective:

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

Policies:

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

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

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

Response: In compliance with the requirements of Chapter 343, Hawaii Revised Statutes, this Environmental Assessment has been prepared to facilitate public understanding and involvement with the proposed project. All aspects of the development will be conducted in accordance with applicable Federal, State, and County standards. Opportunities for review of the proposed action are offered through the regulatory review process for construction and development permits, as well as the Project District Phase II and Project District Phase III Approval processes.

(8) Public Participation

Objective:

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

Policies:

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

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

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

Response: Opportunities for agency and public review of the proposed action are provided through the notification, review and comment processes of the EA requirements of Chapter 343, HRS. As previously mentioned, public input opportunities will also be provided through the Project District Phase II Approval process. It is noted that community meetings were conducted with residents of the Sandhills community on September 12, 2007 (refer to **Appendix "E"**), October 16, 2007 (refer to **Appendix "F"**), December 13, 2007 (refer to **Appendix "G"**) and November 12, 2008 (refer to **Appendix "H"**) to facilitate the early consultation process of the Draft EA. These community meetings, and the public input which occurred as a result of them, were integral components in developing the project site plan presented in this document.

(9) Beach Protection

Objective:

Protect beaches for public use and recreation.

Policies:

(A) Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;

(B) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and

(C) Minimize the construction of public erosion-protection structures seaward of the shoreline.

Response: The proposed project will not involve construction in the vicinity of shoreline areas. It is noted that during grading activities associated with the proposed project, appropriate BMPs will be utilized to ensure that the downstream coastal environment is not adversely impacted. The proposed project is not anticipated to have an adverse effect on local beach environments.

(10) Marine Resources

Objective:

Implement the State's ocean resources management plan.

Policies:

(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

(B) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(C) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;

(D) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

(E) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

(F) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Response: The proposed project is not located adjacent to any beach or shoreline. The proposed project, therefore, is not anticipated to have adverse effects upon marine and coastal resources in the project vicinity.

In addition to the foregoing objectives and policies, SMA permit review criteria pursuant to Act 224 (2005) provides that:

> No Special Management Area Use Permit or Special Management Area Minor Permit shall be granted for structures that allow artificial light from floodlights, uplights, or spotlights used for decorative or aesthetic purposes when the light:
>
> (1) Directly illuminates the shoreline and ocean waters; or
>
> (2) Is directed to travel across property boundaries toward the shoreline and ocean waters.

Although the proposed project is not located within the Special Management Area, nevertheless the proposed project lighting design will specify the shielding of all lights and directional down lighting. The design considerations should mitigate light pollution and prevent lighting from traveling across property boundaries.

IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

IV. SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The proposed Maui Lani Shopping Center project will result in some construction-related impacts as described in Chapter II, Description of the Existing Conditions, Potential Impacts and Mitigation Measures. Potential effects include noise generated impacts occurring from site preparation and construction activities. In addition, there may be temporary air quality impacts associated with dust generated from construction activities, and exhaust emissions discharged by construction equipment. However, these impacts are anticipated to be temporary and will be mitigated through the use of appropriate BMPs. Implementation of the proposed project is not anticipated to create significant long-term adverse environmental effects.

V. ALTERNATIVES TO THE PROPOSED ACTION

V. ALTERNATIVES TO THE PROPOSED ACTION

A. LAND USE ALTERNATIVES

As described in Chapter 19.78 of the Maui County Code, the intent of the Maui Lani Project District is to establish a residential community along with an integrated open space and recreation system, future school sites, village mixed use area, and community or regional scale commercial shopping facilities to serve the expanding Wailuku-Kahului population.

The subject property is zoned for commercial use (PD-WK/1) pursuant to Chapter 19.78.030 of the Maui County Code. Permitted uses within the commercial PD-WK/1 district of the Maui Lani Project District include the following principal uses and structures.

a. *Automobile services, excluding major repairs;*

b. *Animal boarding facility;*

c. *Animal hospital;*

d. *Day care facility;*

e. *Eating and drinking establishments;*

f. *Education, general;*

g. *Education, specialized;*

h. *Eleemosynary organizations;*

i. *Food and beverage, retail;*

j. *Garage, storage;*

k. *General merchandising;*

l. *General office;*

m. *Group shelters;*

n. *Light manufacturing and processing;*

o. *Medical center, minor;*

p. *Parking area, public;*

q. *Personal and business services;*

r. *Public facility or public use;*

s. *Quasi-public use or quasi-public facility;*

t. *Recreation, indoor;*

u. *Self-storage, provided it is within an enclosed building; and*

v. *Utility facilities, minor.*

In addition, the code allows for the following accessory uses and structures.

a. *Energy systems, small-scale;*

b. *Outdoor storage yards that are ancillary to a permitted principal use, provided the storage yards are appropriately screened from the public right-of-way;*

c. *Parking areas, covered or uncovered;*

d. *Service and utility enclosures and structures;*

e. *Walls and fences; and*

f. *Warehouses which are ancillary to a permitted principal use.*

The proposed action involves the development of a retail commercial complex which will accommodate a supermarket, office space, restaurant, small retail shops. An alternative potential use of the property could include "medical center, minor", based on similar uses along the Maui Lani Parkway, across the project site ("minor medical center" means a facility established to provide medical, surgical, dental, laboratory, and x-ray, or other similar health care services to the general public without overnight accommodations). This use was not

considered in the context of the overall Maui Lani master plan since approximately 9.38 acres have already been developed for medical-related purposes at the neighboring Kaiser Permanente and Liberty Dialysis Center sites. Instead the applicant seeks to construct a retail and office complex which provides diversity in business services, in keeping with the intent of the Maui Lani Project District.

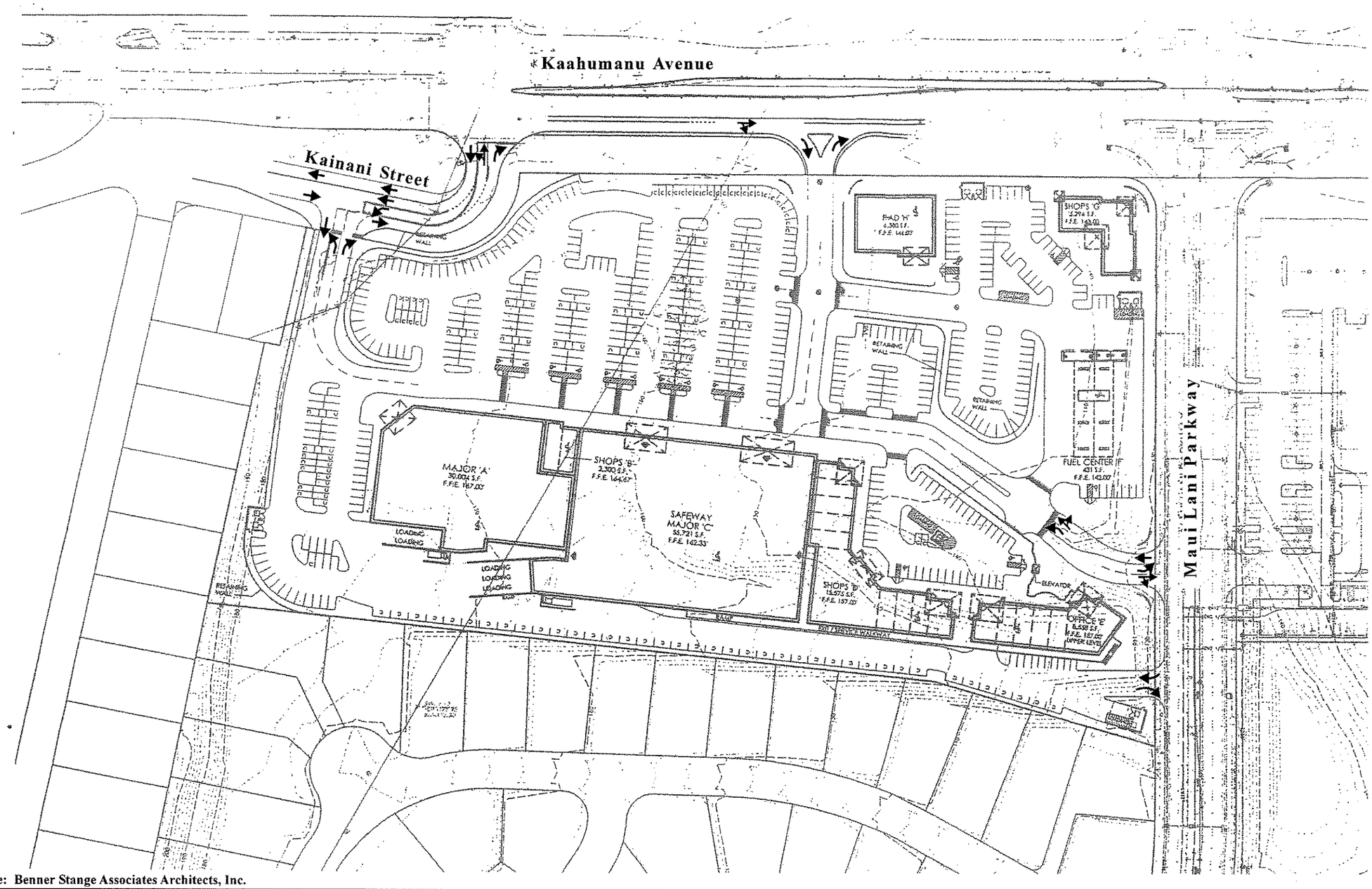
B. SITE PLAN AND ACCESS ALTERNATIVES

A number of site plan alternatives were developed to reflect the following basic project components:

- Space for an approximately 56,000 s.f. Safeway store;
- An additional 25,000 to 30,000 s.f. for second retailer;
- Office space of approximately 10,000 to 20,000 s.f.;
- Building pad for a future restaurant;
- Space for smaller retail shops; and
- Parking

The initial site plan was developed to address the foregoing uses within the12.926-acre site. This initial plan was submitted in connection with the Project District Phase II application. See **Figure 18**. Under this scenario, approximately 128,400 square feet (sf) of building area is provided with approximately 673 parking stalls. This alternative includes building pads for office space, shops and a possible restaurant. In addition a gas fueling station is depicted, providing fueling space for 12 vehicles. Access to the property is provided as follows:

- Provision of a full service access point along Maui Lani Parkway across the Kaiser Clinic access driveway;
- Provision of an additional right turn in/right turn out driveway along Maui Lani Parkway, near the southern property line of the project site;
- Provision of a right turn in and right turn out access directly from Kaahumanu Avenue; and



Source: Benner Stange Associates Architects, Inc.

Figure 18

Proposed Maui Lani Shopping Center

Submitted with Project District Phase II Application Site Plan

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\ProjectDistrictIISitePlan

- Provision of full service access from Kainani Street, allowing left and right turn movements from Kainani Street into the project site, as well as left and right turn movements from the project site onto Kainani Street.

Following filing of the Project District Phase II application in August 2005, comments received from the State of Hawaii Department of Transportation (DOT) (via letter dated February 2, 2007) indicated that use of Kaahumanu Avenue as an access point would not be permitted. See **Appendix "S"**. According to the DOT:

> *Due to traffic operational and access concerns, we will not allow direct vehicular access on Kaahumanu Avenue between Kainani Street and Maui Lani Parkway. Last year, after we informed the developer's consultant of our decision they asked to meet with our staff to present supplemental traffic analysis and alternatives. This meeting was held on January 17, 2006. However, the additional information presented was not sufficient to address our safety concerns.*

As a result, the applicant considered alternative access plans, each of which was accompanied by site layouts which accommodated the proposed access alternatives. The alternative access and site plans which follow were developed to address the DOT concerns and concerns expressed by neighboring residents.

It is noted that under the initial site plan, which was part of the Project District Phase II application (refer to **Figure 18**), traffic from Kainani Street, is permitted to turn left or right into the project site. Traffic exiting the project site is permitted to turn either left or right onto Kainani Street under this proposal. Traffic crossing Kaahumanu Avenue from Lunalilo Street, as well as east-bound Kaahumanu Avenue traffic turning right onto Kainani Street, would also be able to enter the project site under this alternative. Residents of Historic Sandhills expressed concern that any alternative which allowed right turn movements from Kainani Street into the project site, as well as left-turn movements from the project site onto Kainani Street would encourage traffic to cut through the Historic Sandhills neighborhood, thereby creating issues with safety and local congestion.

1. <u>Access Alternative 1: Provide for Right Turn Only Entry from Kaahumanu Avenue</u>

As an alternative to the initial Kaahumanu Avenue access alternative which depicted right turn out and left turn in movements, the applicant proposed the use of Kaahumanu Avenue as an ingress point only. This alternative limits access from

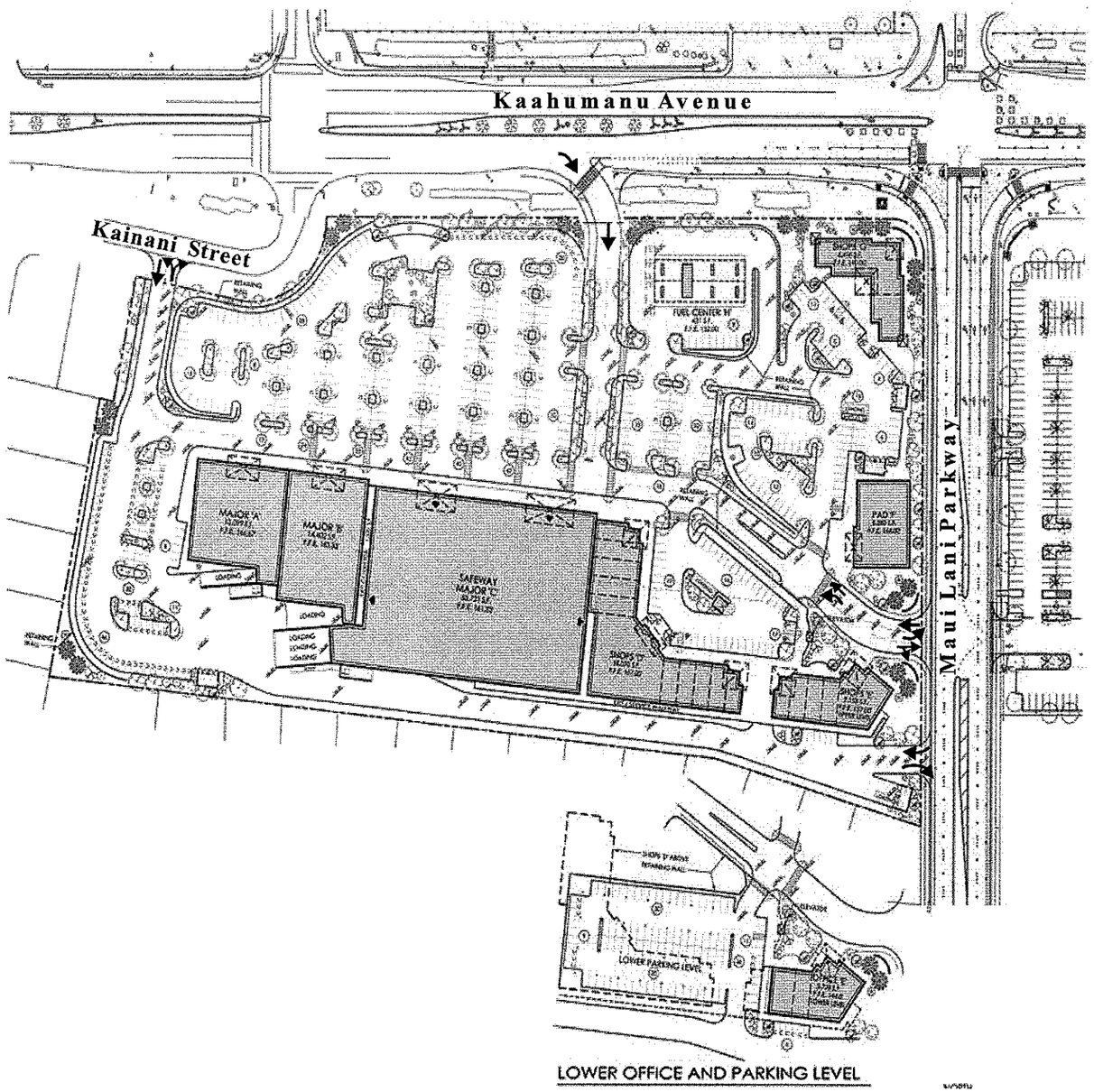
Kaahumanu Avenue to right turn only movements into the project site, and was presented as a variation of the initial site plan. Under Access Alternative 1, access points from Maui Lani Parkway and Kainani Street remain unchanged. The Kaahumanu Avenue access pattern suggested by Access Alternative 1 and its accompanying site plan are presented in **Figure 19**. This alternative as well was not considered operationally viable by DOT. In both the initial site plan and Access Alternative 1, the vehicle weaving patterns along Kaahumanu Avenue created by traffic accessing the project site and east-bound Kaahumanu traffic changing lanes to exit onto Maui Lani Parkway is considered a safety concern.

(It is noted that a modified version of this plan was subsequently submitted to the DOT and deemed operationally viable by the agency. The modified version of the Kaahumanu Avenue ingress is reflected as part of Access Alternative 5 .)

2. Access Alternative 2: Provide Full Movement Access at Kainani Street

As a result of the DOT's determination that access would not be permitted off of Kaahumanu Avenue, access Alternative 2 eliminates any direct access from Kaahumanu Avenue, limiting access points to Maui Lani Parkway and Kainani Street, as depicted in **Figure 20**. The access configurations along Maui Lani Parkway remain unchanged for Access Alternative 2. This access scenario was presented at the Maui Planning Commission at its meeting of July 10, 2007. This concept which was presented at the Maui Planning Commission is similar to the plan submitted with the Project District Phase II application (refer to **Figure 18**), with the exception that the Kaahumanu Avenue ingress and egress point has been deleted.

The Kainani Street configuration remained unmodified under Access Alternative 1 and Access Alternative 2 based on the traffic engineer's assessment that "cut-through" traffic would not create adverse safety and congestion impacts. However, the Kainani Street configuration and its implications for external traffic through the Historic Sandhills neighborhood continued to be of significant concern.



SITE DATA

SITE AREA :	(12.93 ACRES)	563,045 S.F.
MAJOR 'A' :		10,099 S.F.
MAJOR 'B' :		14,402 S.F.
SAFEWAY MAJOR 'C' :		55,721 S.F.
SHOPS 'D' :		18,070 S.F.
SHOPS 'E' :		7,153 S.F.
OFFICE 'E' :		5,728 S.F.
PAD 'F' :		6,380 S.F.
SHOPS 'G' :		6,496 S.F.
FUEL CENTER 'H' :		431 S.F.
EXIT CORRIDOR :		1,550 S.F.
TOTAL BUILDING AREA :		129,059 S.F.
STANDARD PARKING PROVIDED :		477 SPACES
COMPACT PARKING PROVIDED :	(23%)	148 SPACES
HANDICAP PARKING PROVIDED :		20 SPACES
TOTAL PARKING PROVIDED :		645 SPACES
PARKING RATIO :	5.00	SPACES/1,000 S.F.
SITE COVERAGE :		22.9%

Source: Benner Stange Associates Architects, Inc.

Figure 19

Proposed Maui Lani Shopping Center

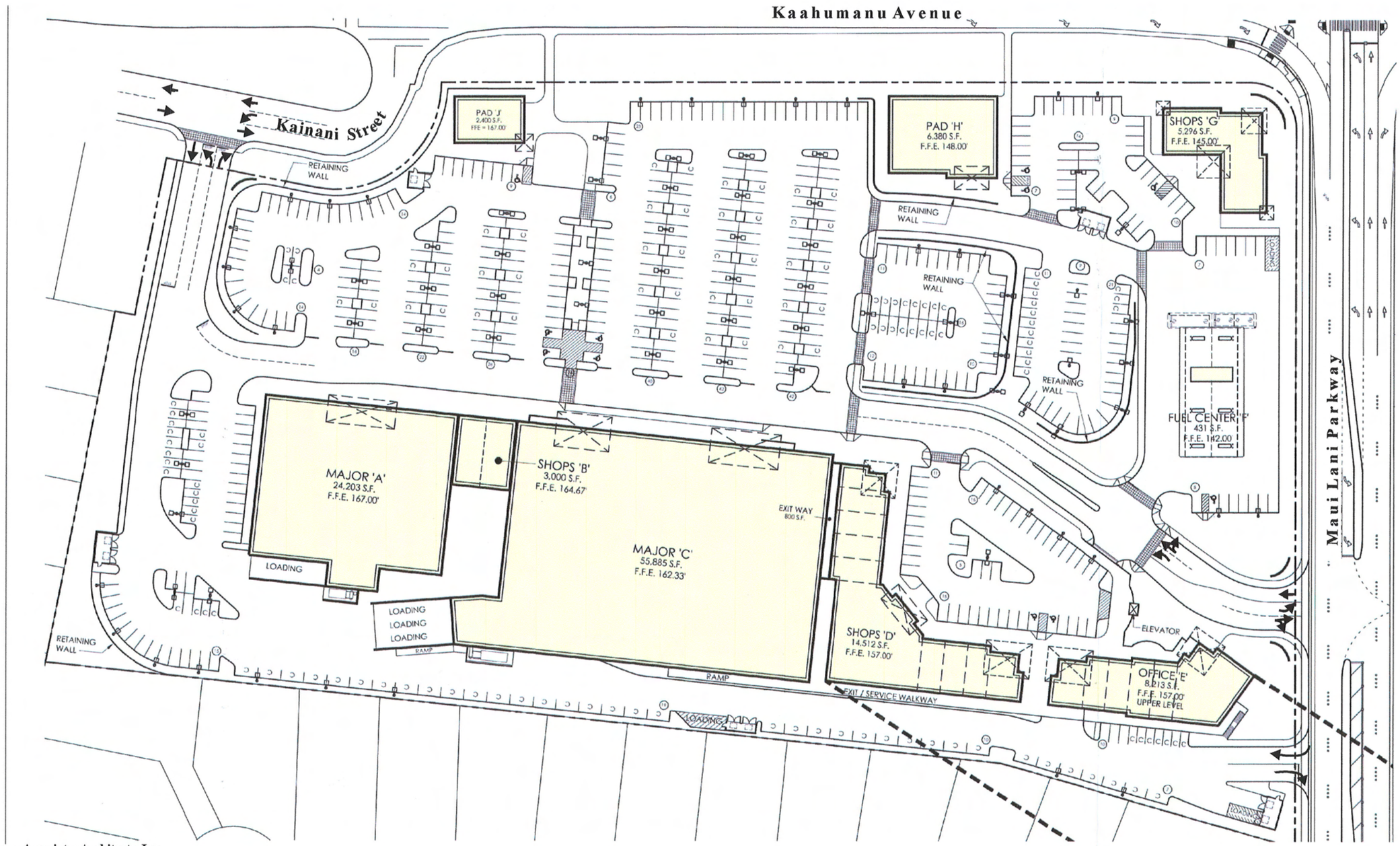
Right Turn Only Entry from Kaahumanu Avenue (Alternative 1)

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\Alternative1



Source: Benner Stange Associates Architects, Inc.

Figure 20

Proposed Maui Lani Shopping Center

Full Movement Access at Kainani Street (Alternative 2)

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\Alternative2

3. Access Alternative 3: Limited Movement Access at Kainani Street

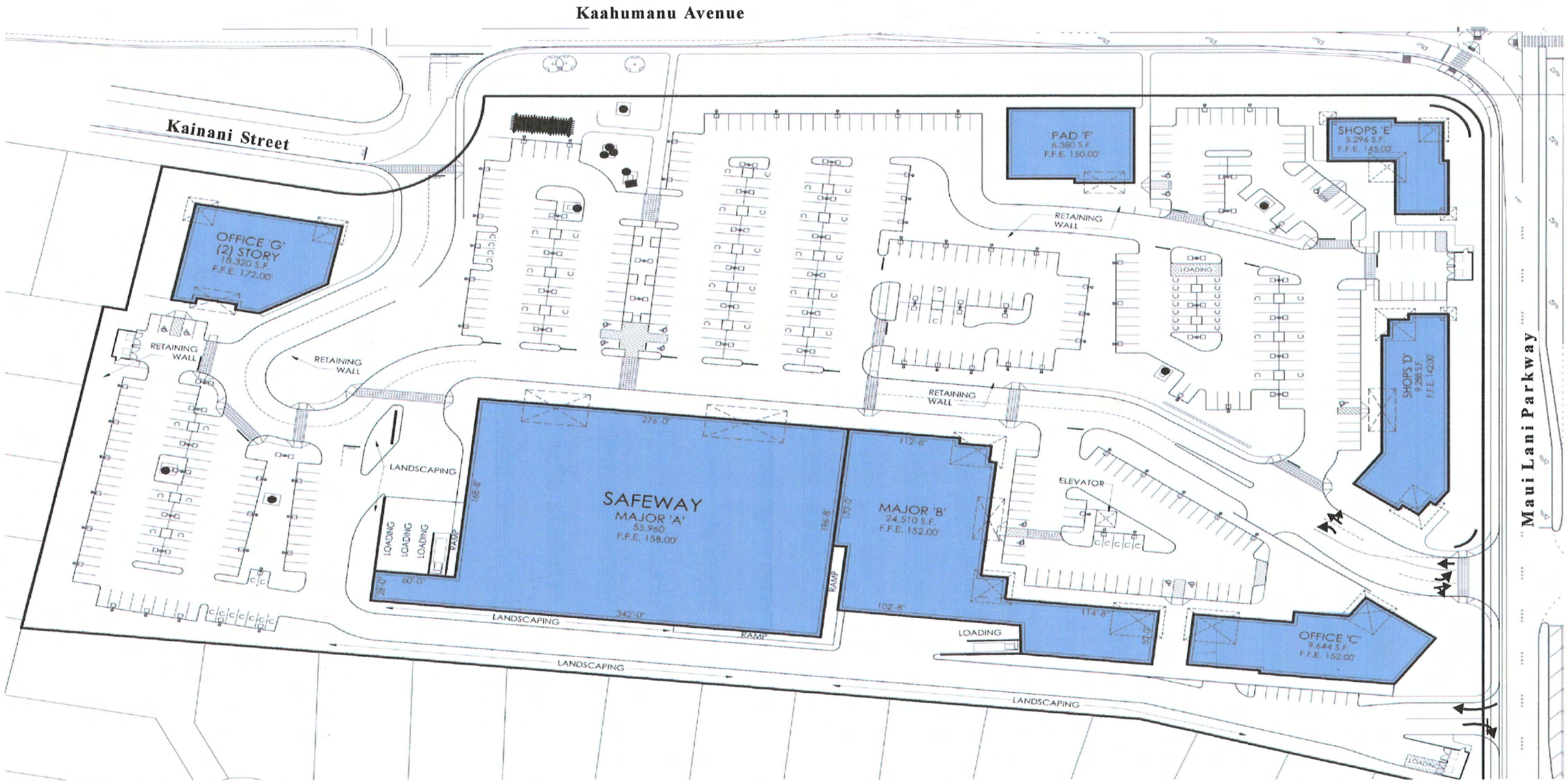
Subsequent to the preparation of the July 10th version of the site plan (Access Alternative 2), the applicant's architect and civil engineer considered other site traffic flowing through the Historic Sandhills neighborhood. The options included geometric configurations which would limit turning movements at Kainani Street with the intent that vehicles heading to and from the shopping center would not utilize the local roadway facilities traversing through Historic Sandhills.

A community meeting with residents of the Historic Sandhills neighborhood was held on October 16, 2007. The purpose of the meeting was to present refinements to the project site plan and to present a Kainani Street access alternative which prevents east-bound Kainani Street traffic from entering the shopping center and exiting traffic from the shopping center from turning left onto Kainani. Access Alternative 3 and its accompanying site plan are presented in **Figure 21**.

Access Alternative 3 was presented as a concept in response to concerns regarding Historic Sandhills cut-through traffic. Detailed traffic impact analysis for the concept was not undertaken at the time of the community meeting since the objective of the concept presentation was to elicit general input from residents. Residents indicated that more time would be needed to review the proposed concept and that the traffic impact implications of the proposal should be provided as well.

Site plan modifications made in connection with Access Alternative 3 were also made to address resident comments regarding project operational considerations such as loading and unloading of containers. The modifications included the deletion of the 12 pump fueling station and the relocation of the buildings further east, away from the western border of the project site. The intent of moving the structures further east was to create additional separation from the existing residences along Nakoa Drive. Further, in order to maintain the overall lease areas, an approximately 18,320 s.f. two-story Office "G" was included in the site plan near the northwest corner of the project site.

Having received comments on Access Alternative 3 and its accompanying site plan, residents and the applicant agreed that a follow-up meeting would be scheduled to



Source: Benner Stange Associates Architects, Inc.

Figure 21

Proposed Maui Lani Shopping Center

Limited Movement Access at Kainani Street (Alternative 3)

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\Alternative3

further discuss Access Alternative 3, as may be refined to address traffic impact analysis requirements.

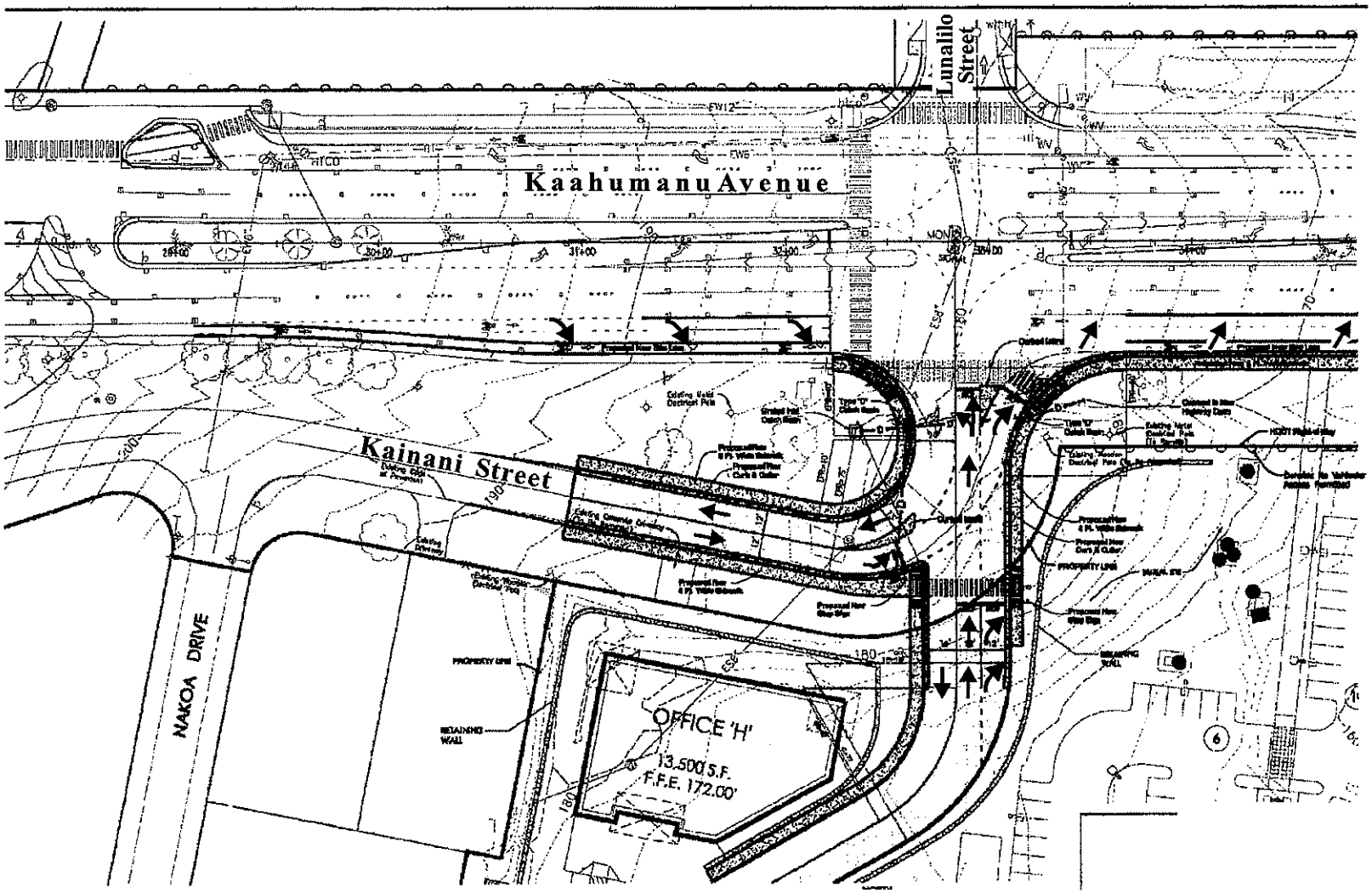
It is also noted that subsequent to the community meeting held on October 16, 2007, an updated schematic plan for the proposed Kainani Street access point was mailed to Historic Sandhills residents. See **Appendix "T"**. The schematic plan further depicts the concept for the access alternative that was presented at the October 16th community meeting (Access Alternative 3) by indicating the turning movements and stop sign locations at the intersection. See **Figure 22**. As previously noted, the plan does not permit right turns into the shopping center and left turns onto Kainani Street.

4. Access Alternative 4: Limited Movement Access at Kainani Street with Geometric Modifications

Following the community meeting on October 16, 2007, PB evaluated the Kainani Street-Kaahumanu Avenue intersection from a technical standpoint. A follow-up community meeting with residents of the Historic Sandhills neighborhood was conducted on December 13, 2007. At this meeting, Access Alternative 4 was presented to the Sandhills community. See **Figure 23**.

Access Alternative 4 utilizes Access Alternative 3's intersection functional objective of limiting traffic movements at the Kainani Street intersection to that of a "straight-in/straight-out"configuration. Thus, right turns into the project site from Kainani Street are not permitted under this alternative, nor are left turns onto Kainani Street from the project site permitted. The revisions made to the Kainani Street access point from the previous alternative (Access Alternative 3) included a proposed 8,000 square foot portion of the project property dedicated to the State of Hawaii.

Additional site plan alterations completed in association with Access Alternative 4 were made with the intention of addressing residents' comments including those of acoustical concerns. Such alterations to the site plan include the enclosure of the proposed Safeway's loading area to utilize a covered roof structure; the relocation of the loading area underground for Major 'B' tenant; the relocation of the two-story office building to the southeast corner of the project site; and the addition/deletion of parking.



Source: Warren S. Unemori Engineering, Inc.

Figure 22

Proposed Maui Lani Shopping Center

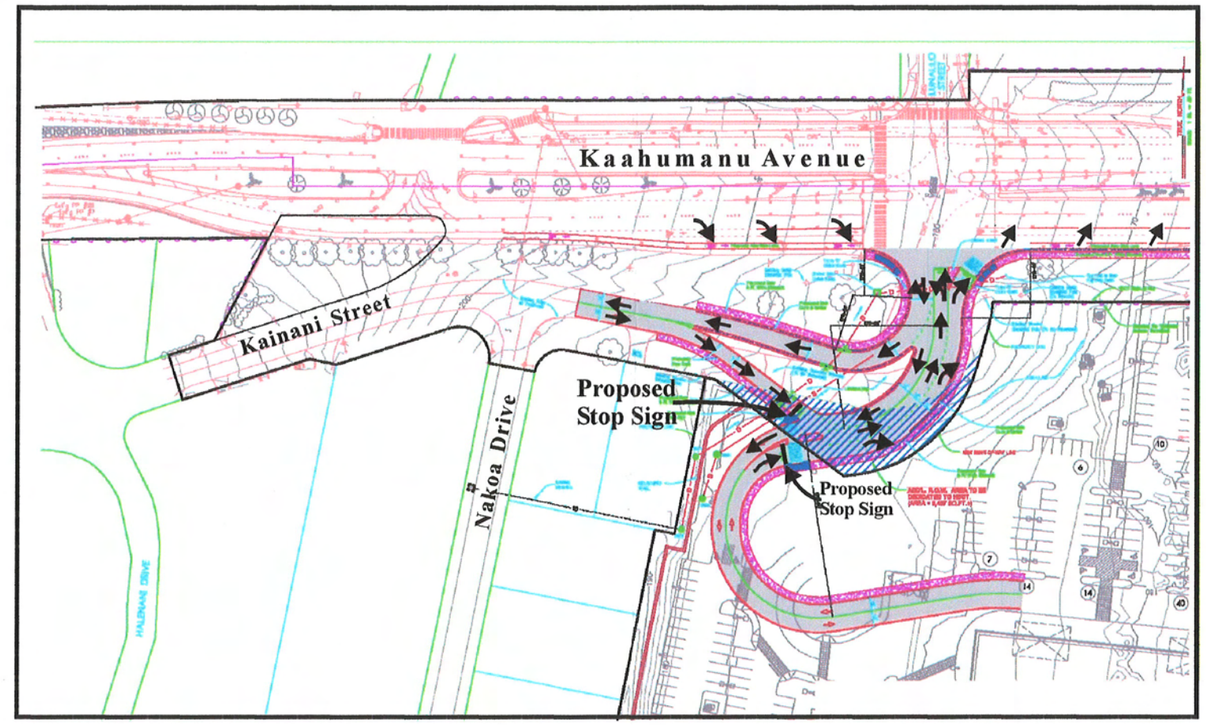
Limited Movement at Kainani Street Detail

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\LimitedMovementatKainaniStreetDetail



Inset A

Source: Benner Stange Architects Associates, Inc.

Figure 23

Proposed Maui Lani Shopping Center

Limited Movement Access at Kainani Street with Geometric Modifications (Alternative 4)

NOT TO SCALE

MUNEKIYO & HIRAGA, INC.

Prepared for: HRT, Ltd.

Sueda/MauiLaniCtr/Alternative4

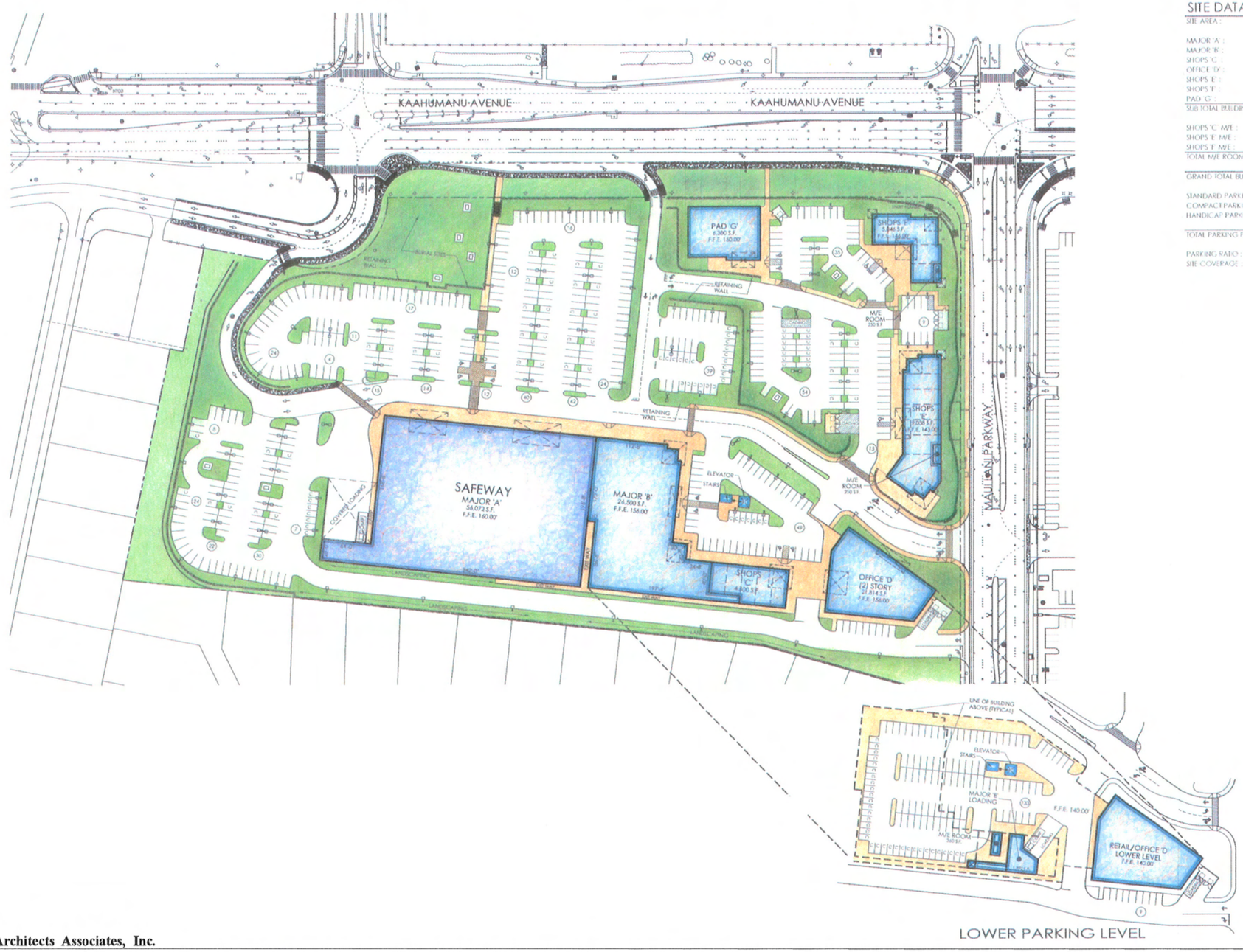
5. **Access Alternative 5: Right Turn Only Entry from Kaahumanu Avenue and Right Turn Exit Only at Kainani Street**

Access Alternative 5 was developed with the objective of preventing cut-through traffic in the residential neighborhood of Historic Sandhills. With this objective in mind, HRT's representative requested that the Department of Transportation (DOT) reconsider a right turn only entrance from Kaahumanu Avenue with additional modifications. The modifications included the creation of a new east-bound auxilliary lane to accommodate traffic utilizing the Kaahumanu Avenue right turn ingress access to address traffic weaving concerns. With the proposed entry from Kaahumanu Avenue, the project's architects and engineers would eliminate the use of Kainani Street as an ingress point. Moreover, the exit movement at the shopping center's proposed Kainani Street driveway would be limited to a right turn out only. This proposal for the shopping center's Kainani Street driveway would eliminate any possibility of shopping center related traffic directly affecting roadways within the Sandhills neighborhood. The configuration of Access Alternative 5 was developed with this concept in mind. See **Figure 24**.

Following the design completion of this alternative, as well as the completion of an updated traffic report, the applicant's traffic consultant met with the DOT to receive comments on the access plan. The DOT issued an approval letter on October 30, 2008. See **Appendix "U"**. On November 12, 2008 a community meeting was held to present the proposed plan of Access Alternative 5 to the public.

6. **Access Alternative 6 (Preferred Access Alternative): Right Turn Only Entry from Kaahumanu Avenue and No Ingress/Egress from Kainani Street**

At its regular meeting on August 22, 2008, the Maui County Council voted to adopt the resolution referring to the Maui Planning Commission the draft bill amending Section 19.78.070 of the Maui County Code. See **Appendix "V"**. The proposed legislation was reviewed by the Maui Planning Commission and a Public Hearing was held on November 25, 2008. Although the Department of Planning recommended disapproval of the resolution and suggested that ingress only be prohibited from Kainani Street, the Maui Planning Commission ultimately recommended approval of the resolution to restrict ingress and egress from Kainani Street. In a letter dated February 10, 2009, the Department of Planning forwarded the Maui Planning



SITE DATA :

SITE AREA :	12.9 ACRES	563,045 S.F.
MAJOR 'A' :		56,072 S.F.
MAJOR 'B' :		26,500 S.F.
SHOPS 'C' :		4,600 S.F.
OFFICE 'D' :		21,814 S.F.
SHOPS 'E' :		9,038 S.F.
SHOPS 'F' :		5,046 S.F.
PAD 'G' :		6,380 S.F.
SUB TOTAL BUILDING AREA :		129,450 S.F.
SHOPS 'C' M/E :		360 S.F.
SHOPS 'E' M/E :		250 S.F.
SHOPS 'F' M/E :		250 S.F.
TOTAL M/E ROOMS :		860 S.F.
GRAND TOTAL BUILDING AREA :		130,310 S.F.
STANDARD PARKING PROVIDED :		527 SPACE
COMPACT PARKING PROVIDED :	18.1%	120 SPACE
HANDICAP PARKING PROVIDED :		16 SPACE
TOTAL PARKING PROVIDED :		663 SPACE
PARKING RATIO :		5.09 SPACES / 1000 S.F.
SITE COVERAGE :		23.1%

Source: Benner Stange Architects Associates, Inc.

October 22 . 2008

Figure 24

Proposed Maui Lani Shopping Center

Right Turn Only Entry from Kaahumanu Avenue and Right Turn Exit Only at Kainani Street

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda/MauiLaniCtr/RightTurnOnlyEntryfromKa`ahumanuAvenue

Commission's recommendations to the Maui County Council. See **Appendix "W"**. Presently, the Maui County Council Land Use Committee is in receipt of the Resolution and draft bill (LU-14).

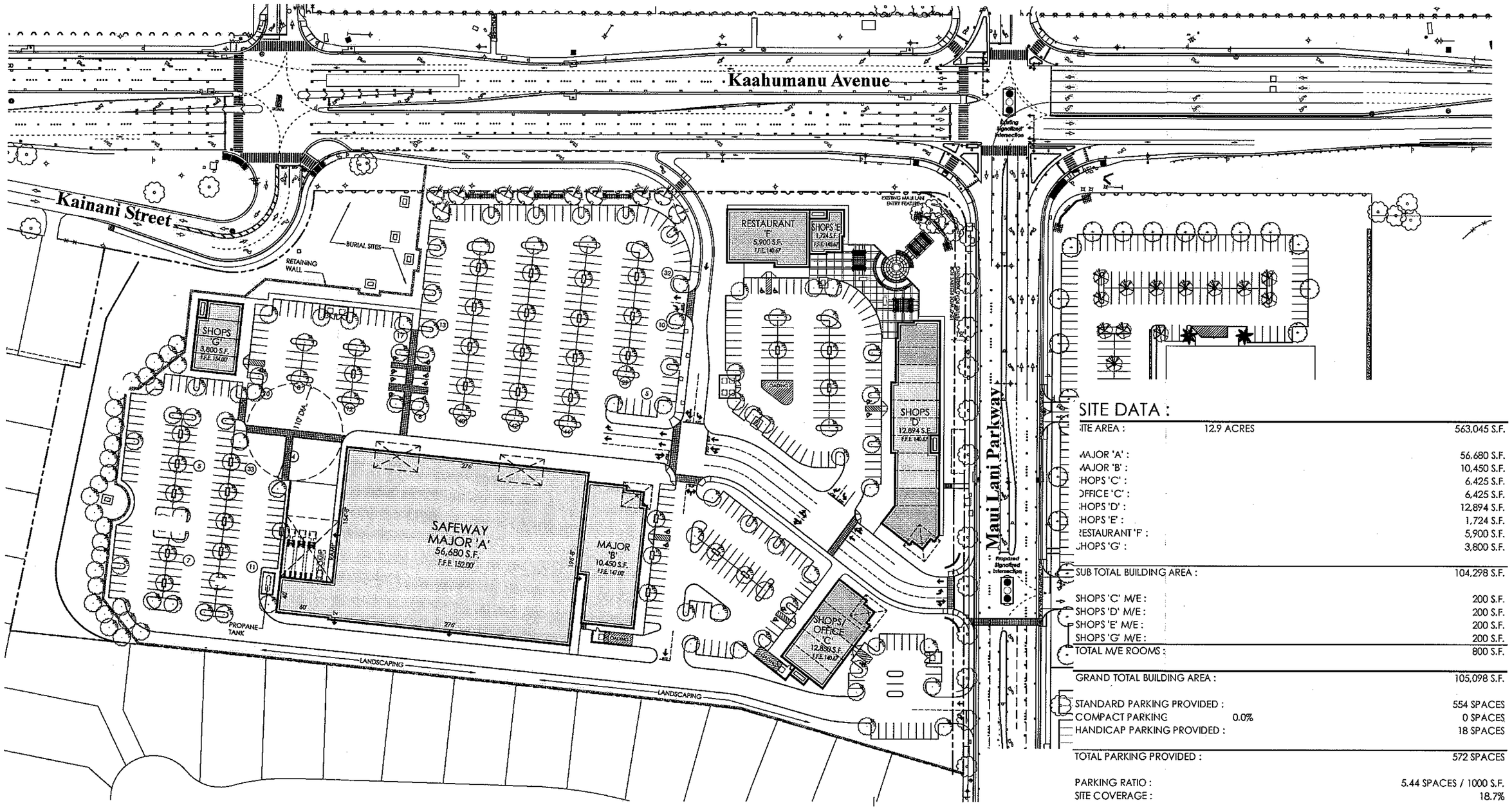
To address the intent of the resolution, the applicant requested that the traffic engineer investigate options for eliminating the Kainani Street access point.

Based on the traffic engineers' evaluation of Access Alternative 5, it was determined that the right turn only exit point at Kainani Street was a significant component of the project's overall access plan. Specifically, with the project's former size of 130,310 s.f., the exit point at Kainani Street was important to reduce queuing on the northbound travel lanes of Maui Lani Parkway. As such, in order to allow for a viable access configuration, the internal layout and building design would have to be scaled down. Access Alternative 6 was devised by the applicant and its consultants with the intention of developing a site plan that would be functional and feasible without the need to utilize Kainani Street. In order to meet this objective, the applicant reduced the total retail/commercial building area by 20 percent. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. reflected in the previous site plan of Access Alternative 5. See **Figure 25**.

The applicant's traffic engineer, PB, completed a preliminary traffic analysis which concludes that Access Alternative 6 (the preferred alternative) is workable from a traffic operations standpoint. The State of Hawaii DOT has determined that Access Alternative 6 is acceptable. Refer to **Appendix "D"**.

7. Alternative 7: No Action Alternative

The "no action" or "no build" alternative calls for retaining the project site in its current condition. Currently, the existing 12.93-acre site is grubbed and graded vacant land. The "no action" alternative would involve a continuation of the underutilized and unmaintained nature of the property. In addition, this alternative is not considered a viable scenario in the context of Maui Lani's master planned land use spatial allocations.



SITE DATA :

SITE AREA :	12.9 ACRES	563,045 S.F.
MAJOR 'A' :		56,680 S.F.
MAJOR 'B' :		10,450 S.F.
SHOPS 'C' :		6,425 S.F.
OFFICE 'C' :		6,425 S.F.
SHOPS 'D' :		12,894 S.F.
SHOPS 'E' :		1,724 S.F.
RESTAURANT 'F' :		5,900 S.F.
SHOPS 'G' :		3,800 S.F.
SUB TOTAL BUILDING AREA :		104,298 S.F.
SHOPS 'C' M/E :		200 S.F.
SHOPS 'D' M/E :		200 S.F.
SHOPS 'E' M/E :		200 S.F.
SHOPS 'G' M/E :		200 S.F.
TOTAL M/E ROOMS :		800 S.F.
GRAND TOTAL BUILDING AREA :		105,098 S.F.
STANDARD PARKING PROVIDED :		554 SPACES
COMPACT PARKING	0.0%	0 SPACES
HANDICAP PARKING PROVIDED :		18 SPACES
TOTAL PARKING PROVIDED :		572 SPACES
PARKING RATIO :		5.44 SPACES / 1000 S.F.
SITE COVERAGE :		18.7%

Source: Benner Stange Associates Architects, Inc.

Figure 25

Proposed Maui Lani Shopping Center

Right Turn Only Entry from Kaahumanu Avenue and No Access from Kainani Street (Alternative 6)

NOT TO SCALE

Prepared for: HRT, Ltd.

MUNEKIYO & HIRAGA, INC.

Sueda\MauiLaniCtr\063010RevisedAlternative6

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The proposed action is anticipated to result in the irreversible and irretrievable commitment of certain natural and fiscal resources, including fuel, labor, funding, and material resources. Funding for the proposed Maui Lani Shopping Center will be provided by HRT, LTD. Development of the proposed project will also involve the commitment of land for a commercially oriented shopping center which would preclude other land use options for the site. This commitment of land resources, however, is consistent with the purpose and intent of the Maui Lani Project District I.

VII. SIGNIFICANCE CRITERIA ASSESSMENT

VII. SIGNIFICANCE CRITERIA ASSESSMENT

The "Significance Criteria", Section 12 of the Administrative Rules, Title 11, Chapter 200, "Environmental Impact Statement Rules", were reviewed and analyzed to determine whether the proposed project will have significant impacts to the environment. The following criteria and preliminary analysis are provided.

1. **Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.**

   There are no known rare, threatened, or endangered species of flora, fauna or avifauna located within the project site. As mentioned in Chapter II of this document, a cultural impact assessment of the project site concluded that no significant impacts to cultural practices were anticipated. The archaeological inventory survey report notes the potential for encountering burials on the property, given the parcel location in the Puuone Sand Dune region. It is noted that should human osteological material or other cultural remains be encountered during construction activities, applicable procedures to ensure compliance with Chapter 6E, Hawaii Revised Statutes (HRS), will be followed. Appropriate mitigation measures will be undertaken in coordination with the State Historic Preservation Division.

2. **Curtails the range of beneficial uses of the environment.**

   The proposed project and the commitment of land resources is not anticipated to curtail the range of beneficial uses of the environment. The proposed project should not result in adverse effects on beneficial uses of the environment.

3. **Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.**

The State's Environmental Policy and Guidelines are set forth in Chapter 344, Hawaii Revised Statutes. The proposed action does not contravene provisions of Chapter 344, Hawaii Revised Statutes.

4. **Substantially affects the economic welfare, social welfare, and cultural practices of the community or State.**

The proposed project will directly benefit the local economy by providing construction and construction-related employment. In the long term, the project would increase the availability of business/commercial lands and inventory to meet the island's growing economic base.

5. **Substantially affects public health.**

With proposed mitigation measures, no adverse impacts to the public's health and welfare are anticipated.

6. **Involves substantial secondary impacts, such as population changes or effects on public facilities.**

Because the project is not considered a significant direct population generator, adverse changes to population levels are not anticipated as a result of the proposed project.

From a land use standpoint, the proposed project is in keeping with the objectives, policies, and implementing actions of the Wailuku-Kahului Community Plan.

Adverse impacts to water and wastewater capacities and facilities are not anticipated as a result of project implementation.

7. **Involves a substantial degradation of environmental quality.**

During construction of the project, appropriate BMPs will be utilized to ensure that potential adverse environmental effects are mitigated. No substantial degradation of the environment is anticipated as a result of project implementation.

No substantial degradation of environmental quality resulting from the project is anticipated.

8. **Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

The proposed action does not represent a commitment to larger actions. In addition, the proposed action is not expected to result in cumulative impacts that would adversely affect the environment.

9. **Substantially affects a rare, threatened, or endangered species, or its habitat.**

There are no known or identified habitats of rare, threatened, or endangered species of flora, fauna or avifauna, or their habitats in the vicinity of the project site.

10. **Detrimentally affects air or water quality or ambient noise levels.**

Construction activities will result in short-term air quality and noise impacts. Dust control measures, such as regular watering and sprinkling, and installation of dust screens will be implemented to minimize windblown emissions. Noise impact will occur primarily from construction equipment. Equipment mufflers or other noise attenuating equipment, as well as proper equipment and vehicle maintenance, will be used during construction activities. Construction noise impact will be mitigated through compliance with the provisions of the State of Hawaii, Department of Health Administrative Rules Title 11, Chapter 46, "Community Noise Control". These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in Chapter 46 rules.

With proposed mitigation measures, the project is not anticipated to have adverse significant impacts on air quality or noise levels.

Water quality is not expected to be affected in the short term or long term.

11. **Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters**.

The project is not located within and would not affect environmentally sensitive areas. The project site is not subject to flooding or tsunami inundation according to

the Flood Insurance Rate Maps. Soils underlying the project site are not considered to be erosion-prone. There are no geologically hazardous lands, estuaries, or coastal waters within or adjacent to the project site.

12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.

It is not anticipated that the proposed project will significantly affect scenic corridors and coastal scenic and open space resources.

13. Requires substantial energy consumption.

The proposed project will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. However, this use is not anticipated to result in a substantial consumption of energy resources. In the long term, the project will create additional demand for electricity. However, this demand is not deemed substantial or excessive within the context of the region's overall energy consumption.

Based on the foregoing findings, it has been determined that the proposed action will result in a Finding of No Significant Impact (FONSI).

VIII. LIST OF PERMITS AND APPROVALS

VIII. LIST OF PERMITS AND APPROVALS

The following permits and approvals will be required prior to the implementation of the project.

County of Maui

1. Project District Phase II and Phase III Approvals
2. Construction Permits (Grading, Building, Electrical, Plumbing, Driveway)

State of Hawaii

1. Community Noise Permit, as applicable
2. Work to Perform in State Highway Right-of-Way
3. National Pollutant Discharge Elimination System (NPDES) (as applicable)

IX. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

IX. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

1. Ranae Ganske-Cerizo, Soil Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
210 Imi Kala Street, Suite 209
Wailuku, Hawaii 96793-2100

2. George Young
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Honolulu
Regulatory Branch
Building 230
Fort Shafter, Hawaii 96858-5440

3. Patrick Leonard
Field Supervisor
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Box 50088
Honolulu, Hawaii 96813

4. Russ K. Saito, State Comptroller
Department of Accounting and General Services
1151 Punchbowl Street, #426
Honolulu, Hawaii 96813

5. Sandra Lee Kunimoto, Chair
Department of Agriculture
1428 South King Street
Honolulu, Hawaii 96814-2512

6. Georgina K. Kawamura, Director
Department of Budget and Finance
P. O. Box 150
Honolulu, Hawaii 96810

7. Dan Davidson, Executive Director
Hawaii Housing Finance and Development Corporation
677 Queen Street
Honolulu, Hawaii 96813

8. Theodore E. Liu, Director
State of Hawaii
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

9. Patricia Hamamoto, Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

10. Heidi Meeker
Planning Section
Office of Business Services
Department of Education
809 Eighth Avenue
Honolulu, Hawaii 96816

cc: Bruce Anderson, Complex Area Superintendent (Central/Upcountry Maui)

11. Micah Kane, Chairman
Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawaii 96805

12. Chiyome Fukino, M.D., Director
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawaii 96814

13. Alec Wong, P.E., Acting Chief
Clean Water Branch
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawaii 96814

14. Herbert Matsubayashi
District Environmental Health
Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793

15. Allan A. Smith, Chairperson
State of Hawaii
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

16. Melanie Chinen, Administrator
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707

17. Maui/Lanai Islands Burial Council
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
130 Mahalani Street
Wailuku, Hawaii 96793

18. Barry Fukunaga, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

cc: Fred Cajigal

19. Major General Robert G.S. Lee, Director
Hawaii State Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

20. Laurence K. Lau, Interim Director
Office Of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813

21. Haunani Apoliona, Board of Trustee Chair
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

22. Mary Lou Kobayashi
Planning Program Administrator
State of Hawaii
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804

23. Deidre Tegarden, Director
County of Maui
Office of Economic Development
2200 Main Street, Suite 305
Wailuku, Hawaii 96793

24. Gen Iinuma, Administrator
Maui Civil Defense Agency
200 South High Street
Wailuku, Hawaii 96793

25. Carl Kaupololo, Chief
County of Maui
Department of Fire and Public Safety
200 Dairy Road
Kahului, Hawaii 96732

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

27. Tamara Horcajo, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoa Street, Unit 2
Wailuku, Hawaii 96793

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

29. Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

30. Milton Arakawa, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawaii 96793

31. Cheryl Okuma, Director
County of Maui
Department of Environmental Management
2200 Main Street, Suite 176
Wailuku, Hawaii 96793

32. Donald Medeiros, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawaii 96793

33. Jeffrey Eng, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

34. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawaii 96793

35. Neal Shinyama, Manager – Engineering
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733

36. Jocelyn Perreira, Executive Director
Wailuku Main Street Association
2035 West Main Street, Suite 1
Wailuku, Hawaii 96793

37. Clare Apana, President
Historic Sandhills Neighborhood Assn.
260 Halenani Drive
Wailuku, Hawaii 96793

38. Wesley P. Lo, Chief Executive Officer
Maui Memorial Medical Center
221 Mahalani Street
Wailuku, Hawaii 96793

39. Norman Quon, Director
Kaiser Permanente
531 Ohohia Street
Honolulu, Hawaii 96819

PRE-ASSESSMENT CONSULTATION COMMENT LETTERS RECEIVED FROM AGENCIES

AUG 3 0 2007

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

(P)1210.7

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

AUG 2 9 2007

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Ms. Mukai:

Subject: Early Consultation Request for Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawai'i (TMK (2) 3-8-07:121)

Thank you for the opportunity to conduct an early review of the subject project. This proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities, and we have no comments to offer at this time.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Clarence Kubo of the Public Works Division at 586-0488.

Sincerely,

Russ K. Saito

RUSS K. SAITO
State Comptroller

AUG 2 9 2007

LINDA LINGLE
GOVERNOR

GEORGINA K. KAWAMURA
DIRECTOR

ROBERT N.E. PIPER
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

August 24, 2007

Ms. Erin Mukai, Planner
Munekiyo & Hiraga, Inc
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

Your request for comments on the proposed Maui Lani Shopping Center project located in Kahului, Maui, has been reviewed. In accordance with Chapter 343, HRS, we have no substantive pre-assessment comment to provide.

If you should have any questions regarding this matter, please feel free to contact Mr. Neal Miyahira, Administrator of the Budget, Program Planning and Management Division, at (808) 586-1530.

Aloha,

GEORGINA K. KAWAMURA
Director of Finance

AUG 2 7 2007

LINDA LINGLE
GOVERNOR

ORLANDO "DAN" DAVIDSON
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

07:PEO/106

August 23, 2007

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

Re: Early Consultation Request for Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii TMK (2)3-8-07:121

Thank you for the opportunity to review the project overview for the proposed Maui Lani Shopping Center project.

We have no housing-related comments to offer at this time.

Sincerely,

Orlando "Dan" Davidson
Executive Director

3

SEP 0 4 2007

LINDA LINGLE
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

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

OFFICE OF THE SUPERINTENDENT

August 31, 2007

Ms. Erin Mukai, Planner
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Hawai`i 96793

Dear Ms. Mukai:

Subject: Early Consultation for Maui Lani Shopping Center
Kahului, TMK; 3-8-07: 121

The Department of Education (DOE) has no comment at this time about the impacts of the proposed Maui Lani Shopping Center, except for our concern about any non-school traffic entering Baldwin High School from the intersection of Ka`ahumanu Avenue and Maui Lani Parkway.

The improvements to the intersection have facilitated cars entering the high school. However, the school's driveway is not a continuation of Maui Lani Parkway, nor is it a dedicated county road. The DOE would appreciate special consideration of this situation when conducting any type of review of local traffic patterns, particularly in the labeling of maps.

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

Very truly yours,

Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Assistant Superintendent, OBS
Duane Kashiwai, Public Works Administrator, FDB

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Kathryn Matayoshi
Interim Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Ms. Matayoshi:

This letter responds to former Superintendent Patricia Hamamoto's letter dated August 31, 2007 providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following responses to your comments.

We note your comments concerning non-school related traffic entering Baldwin High School from the intersection of Kaahumanu Avenue and Maui Lani Parkway.

An updated traffic analysis report has been prepared for the subject project and will be included in the Draft Environmental Assessment (EA). Appropriate geometric adjustments will be made at the Maui Lani Parkway - Kaahumanu Avenue intersection to ensure that non-school related traffic does not unnecessarily enter Baldwin High School.

In this regard, the representative of the applicant, Lloyd Sueda and I met with Bruce Anderson of your department on September 8, 2008 to discuss the parameters of the proposed subject project, as well as to receive any comments he or your department may have on the project.

Furthermore, a meeting with Ferdinand Cajigal of the State of Hawaii, Department of Transportation and representatives of Baldwin High School (BHS), Natalie Gonsalves and Jo Ann Shibuya, was held on June 19, 2009 to discuss concerns and comments regarding traffic circulation as it affects BHS. At the June 19, 2009 meeting, BHS identified its traffic related issues affecting the school including pedestrian safety, traffic congestion, and the speed limit fronting the school. See **Exhibit "A"** for our letter to Ms. Natalie Gonsalves, and **Exhibit "B"** for Ms. Gonsalve's response.

environment planning government

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As a result of meeting with BHS, the applicant agreed to fund a traffic study to analyze current operations at the BHS Entry Drive intersection and to identify recommendations which may aid in relieving congestion and safety concerns for vehicles and pedestrians entering and exiting the school during morning and after-school periods. The Baldwin High School Traffic Evaluation Report was submitted to BHS by Munekiyo & Hiraga, Inc., on behalf of the applicant. HRT, Ltd. is also willing to work with the BHS administration and State DOT to discuss the recommendations and identify reasonable action steps to improve conditions at the Entry Drive intersection.

As applicable, further coordination will be carried out with your department. A copy of the Draft EA will be provided to your office for review and comment.

Again, thank you for your comments and participation in the early consultation process.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Bruce Anderson, Department of Education
Darren Unemori, Warren S. Unemori Engineering, Inc.
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

June 24, 2009

Ms. Natalie Gonsalves
Principal
H.P. Baldwin High School
1650 Ka'ahumanu Avenue
Wailuku, Hawai'i 96793

SUBJECT: Meeting of June 19, 2009 Regarding Traffic Comments

Dear Ms. Gonsalves:

We appreciated the opportunity of meeting with you, Ms. Jo Ann Shibuya and Mr. Ferdinand Cajigal on June 19th to discuss concerns and comments regarding traffic circulation as it affects Baldwin High School (BHS). Attached for your review and comment is our memorandum which summarizes key discussion points from the meeting.

To recap, we understand the following to be the important traffic related issues affecting the school.

1. Students have a tendency to disregard traffic signals and cross Ka'ahumanu Avenue and Maui Lani Parkway outside of marked crosswalks and against traffic signal directions.

2. West-bound vehicles on Ka'ahumanu Avenue utilize the BHS Entry Drive intersection to circumvent the red light cycle at the Ka'ahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection.

3. The speed limit along the segment of Ka'ahumanu Avenue fronting BHS is 45 miles per hour. Consideration should be given to reducing the speed limit in this vicinity.

4. The before-school and after-school traffic at the BHS Entry Drive intersection is heavily congested.

While the vehicle circulation and pedestrian safety concerns are currently existing, you noted that the implementation of the proposed Maui Lani Shopping Center will increase

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Exhibit "A"

pedestrian traffic crossing Ka'ahumanu Avenue and will increase traffic volumes at the Ka'ahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection.

Mr. Lloyd Sueda, representing HRT, Ltd., the owner of the property, acknowledged your concerns and expressed the need to ensure that solutions advanced for the intersection must be fair and reasonable to all parties. Notwithstanding, HRT, Ltd. has agreed to fund a traffic study to analyze current operations at the BHS Entry Drive intersection and to identify recommendations which may aid in relieving congestion and safety concerns for vehicles and pedestrians entering and exiting the school during morning and after-school periods.

Moreover, HRT, Ltd. is willing to work with the BHS administration and State DOT to discuss the recommendations and identify reasonable action steps to improve conditions at the Entry Drive intersection.

With this in mind, we would appreciate receiving your written confirmation that the foregoing traffic study approach is acceptable. Upon receipt of your written confirmation, HRT, Ltd. will issue a notice to proceed to Parsons Brinckerhoff, the project's traffic engineer, to initiate the traffic study.

Thank you again for taking the time to meet with us to discuss your concerns regarding BHS traffic conditions.

Very truly yours,

Michael Munekiyo, AICP
Principal

MM:lh
Attachment
Cc: Lloyd Sueda, Representing HRT, Ltd. (w/attachment)
Jo Ann Shibuya, Baldwin High School (w/attachment)
Ferdinand Cajigal, Department of Transportation (w/attachment)
Phillip Matsunaga, Parsons Brinckerhoff (w/attachment)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/attachment)
Jeff Benner, Benner Stange Associates Architect, Inc. (w/attachment)

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN KAWAHARA

MARK ALEXANDER ROY

June 24, 2009

MEETING MEMORANDUM

Date: June 19, 2009

Participants: Natalie Gonsalves, *Baldwin High School (BHS)*
Jo Ann Shibuya, *BHS*
Ferdinand Cajigal, *State Department of Transportation*
Lloyd Sueda, *Representing HRT, Ltd.*
Darren Unemori, *Warren S. Unemori Engineering, Inc.*
Phillip Matsunaga, *Parsons Brinckerhoff*
Michael Munekiyo, *Munekiyo & Hiraga, Inc.*

From: Michael Munekiyo, Principal

Subject: Maui Lani Shopping Center

The purpose of this meeting was to discuss the Maui Lani Shopping Center's improvements proposed for the Ka`ahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection, and to receive comments from BHS representatives regarding traffic issues affecting the school. Key meeting discussion items are summarized below.

1. An overview of the proposed Maui Lani Shopping Center project was provided by L. Sueda. D. Unemori followed with an explanation of shopping center-related improvements to the Ka`ahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection. A copy of the conceptual plan for the proposed improvements was provided to N. Gonsalves.

2. N. Gonsalves explained that the school has the following concerns regarding the intersection operations.

   a. There is a jaywalking problem, with students crossing Ka`ahumanu Avenue and Maui Lani Parkway outside of marked crosswalks and against traffic signal directions. The proposed shopping center will attract a greater number of students crossing Ka`ahumanu Avenue.

   b. West-bound vehicles on Ka`ahumanu Avenue enter BHS property and use the entry drive to circumvent the red light cycle at the Ka`ahumanu Avenue-Maui Lani Parkway-BHS Entry Drive intersection.

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c. The speed limit on Ka`ahumanu Avenue fronting the school is 45 miles per hour. This speed limit is not compatible with the school use.

d. The Ka`ahumanu Avenue- Maui Lani Parkway-BHS Entry Drive intersection is heavily congested before school and when school ends.

3. With regard to the jaywalking concern, meeting participants agreed that students' roadway crossing behavior is prevalent at all high schools. Solutions for managing this problem may be difficult without enforcement presence.

4. With respect to west-bound traffic circumventing the red light signal, F. Cajigal felt that this concern will be mitigated to some extent with the addition of a second left-turn lane on Ka`ahumanu Avenue (to Maui Lani Parkway). He noted that when the existing single left-turn lane is backed up, drivers have a greater tendency to use the BHS entry drive intersection to bypass the congestion.

5. F. Cajigal stated that the 45 mph speed limit may be reduced, but implementation of such a reduction involves analysis and modification to signal timing along Ka`ahumanu Avenue (i.e., this is a system modification as opposed to a local speed limit adjustment).

6. In discussing traffic congestion at the BHS Entry Drive intersection, J. Shibuya suggested that a separate right-turn exit be provided closer to the armory property. A separate exit would relieve congestion at the BHS Entry Drive intersection.

7. N. Gonsalves and J. Shibuya explained that the County of Maui is prepared to execute a memorandum of agreement which will enable the closure of Halia Nakoa Street during school hours. Eliminating traffic on Halia Nakoa Street during school hours will improve pedestrian safety for students accessing the BHS gymnasium facility.

8. J. Shibuya asked about the viability of utilizing a diagonal crosswalk on Ka`ahumanu Avenue to facilitate pedestrian crossing. F. Cajigal explained that diagonal crosswalks adversely affects signal timing and vehicle progression, and are therefore not used on Maui.

9. N. Gonsalves noted that once the shopping center is completed, some students may be attracted to the center during school hours. She explained that cooperation between the shopping center's security department and the BHS security personnel will be needed to ensure that students are on school premises during school hours. L. Sueda stated that details of this type of cooperation will be worked out with the school.

10. J. Shibuya reported that BHS has submitted a request to DOE to conduct a traffic study to address congestion at the BHS Entry Drive intersection. However, given

the current state of the economy and budget limitations, it is unlikely that such a study will occur in the near term. Both J. Shibuya and N. Gonsalves reiterated the need to address the congestion problem.

11. L. Sueda indicated that HRT, Ltd. may be able to fund the BHS Entry Drive intersection traffic study. Such a study would address existing conditions and operational constraints, and identify solutions which may be implemented to better manage traffic flow at the Entry Drive intersection.

12. L. Sueda stated that if fair and reasonable solutions are identified which will help to address the problem, HRT, Ltd. may be able to work with BHS and DOT to implement the needed action steps. The benefit of a more efficiently operating entry drive will not only relieve congestion, but also improve traffic conditions affecting pedestrian safety.

13. L. Sueda will work with HRT, Ltd. and P. Matsunaga to define requirements for a traffic study proposal.

Meeting participants subsequently visited the intersection site to further discuss points raised in the meeting. The meeting was adjourned following the site visit.

Michael Munekiyo, AICP
Principal

MM:lh
cc: Natalie Gonsalves and Jo Ann Shibuya, Baldwin High School
Ferdinand Cajigal, State Department of Transportation
Lloyd Sueda, Representing HRT, Ltd.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, Parsons Brinckerhoff

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JUL 2 0 2009

LINDA LINGLE
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

STATE OF HAWAI'I
DEPARTMENT OF EDUCATION
H.P. BALDWIN HIGH SCHOOL
1650 KAAHUMANU AVENUE
WAILUKU, HAWAI'I 96793

July 17, 2009

Michael Munekiyo
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Munekiyo:

Mahalo for meeting with the school and inquiring of the school's concern on the traffic impact of the proposed Maui Lani Shopping Center development. We appreciated the sincere support extended to the school during this meeting by the representative of the Maui Lani Shopping Center and Mr. Ferdinand Cajigal, Department of Transportation.

The school accepts the proposed approach for a traffic study, but the study should do more than analyze and identify recommendations for the current traffic situation at the Maui Lani Parkway-Kaahumanu Avenue-H.P. Baldwin High School (BHS) intersection. The study must also analyze and identify recommendations to mitigate the impact of Maui Lani developments on the intersection, including impacts to BHS, and the school's traffic flow, both vehicles and pedestrians. It is hoped that the traffic study also includes recommendations to alleviate current traffic congestion during school peak hours.

The proposed plan presented by D. Unemori highlighted significant improvements on Kaahumanu Avenue and Maui Lani Parkway, but excluded the traffic pattern of BHS and the public access road on school property aka Hali'a Nakoa by the County of Maui. Maui Lani Parkway north-south bound traffic lanes disjointedly connect to this intersection of State and school properties and county public access road.

The FEA on the Maui Lani Land Use Plan dated February 2005 indicated "finding of no significant impact" as the Papa/Kamehameha intersection that experienced the greatest delay and traffic volumes would be alleviated when Papa Avenue connection to Kuihelani Highway is opened to traffic. The second most impacted intersection was Maui Lani Parkway/Kaahumanu, which the FEA cited as operating "acceptably for urban peak hour conditions". However, a projected level of service analysis "with the project" was absent. The issue was not referenced in the summary of analysis and no roadway improvements were recommended. Further development at Maui Lani, Sandhills and Maui Lani Center will increase both vehicle and pedestrian traffic from Maui Lani Parkway to BHS campus during school peak hours and to the public access road onto the War Memorial Complex and/or Kanaloa Avenue.

EXHIBIT "B"

We look forward to continuing our discussion of traffic mitigations at the completion of the traffic study including, but not limited to,

- acknowledging the school zone on Kaahumanu Avenue by reducing the speed limit,
- developing a crosswalk pattern that discourages jaywalking,
- preventing public thru-access on BHS driveway,
- developing a traffic pattern that discourages vehicles to circumvent the red light cycle or no-U-turns at the intersection and
- developing a traffic pattern conducive to the traffic congestion during school peak hours.

If you have any questions, please call me at 984-5656, X231 or Joanne Shibuya, X226.

Mahalo for your support in ensuring the safety of our children commuting to and from our school campus, families visiting our campus and community in the surrounding areas.

Sincerely,

Natalie Gonsalves

Natalie Gonsalves
Principal

cc: Ferdinand Cajigal
Phillip Matsunaga
Joanne Shibuya
Lloyd Sueda
Darren Unemori

AUG 2 9 2007

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

In reply, please refer to:
EMD / CWB

08065PKP.07

August 24, 2007

Ms. Erin Mukai
Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

Subject: Early Consultation Request for Proposed Maui Lani Shopping Center Wailuku, Maui, Hawaii

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf.

1. Any project and its potential impacts to State waters must meet the following criteria:

   a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

   b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR,

Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.

b. Once through cooling water less than one (1) million gallons per day.

c. Hydrotesting water.

d. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.

3. You must also submit a copy of the NOI to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of $25,000 per day per violation.

If you have any questions, please visit our website at http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

Joanna Seto

for Alec Wong, P.E., Chief
Clean Water Branch

KP:np

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Alec Wong, P.E., Chief
Clean Water Branch
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Wong:

Thank you for your letter dated August 24, 2007 providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following responses to your comments.

Response to Comment No. 1

We note the requirements of Hawaii Administrative Rules, Section 11-54-1.1, Section 11-54-3, and Sections 11-54-4 through 11-54-8. The applicant will submit a National Pollutant Discharge Elimination System (NPDES) permit and the water quality impact criteria will be addressed, as applicable, through the NPDES permit.

Response to Comment No. 2

Your comments regarding the NPDES and its relation to HAR, Chapter 11-55 are acknowledged. The project engineer will be applying for the NPDES permit for discharges of water, including storm water runoff.

Response to Comment No. 3

Coordination with the Department of Land and Natural Resources (DNLR) and the State Historic Preservation Division (SHPD) will be carried out, as applicable, by the project engineer.

planning environment government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Response to Comment No. 4

Your comments concerning compliance with the State's Water Quality Standards are noted.

A copy of the Draft Environmental Assessment will be provided to your office for your review and comment.

Again, thank you for your comments and participation in the early consultation process.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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AUG 2 9 2007

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

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

August 28, 2007

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai`i 96793

Dear Ms. Mukai:

Subject: **Early Consultation Request for Proposed Maui Lani Shopping Center, TMK: (2) 3-8-07: 121, Wailuku, Hawaii**

Thank you for the opportunity to participate in the early consultation process for the proposed Maui Lani Shopping Center. The following comments are offered:

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

2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.

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

It is strongly recommended that the Standard Comments found at the Department's website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

Herbert S. Matsubayashi
District Environmental Health Program Chief

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Patricia Kitkowski
Acting District Environmental Health Program Chief
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Ms. Kitkowski:

Thank you for your department's letter dated August 28, 2007 in response to the request for early consultation on the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments.

Response to Comment No. 1

Your comments regarding the National Pollutant Discharge Elimination System (NPDES) permit is acknowledged. As appropriate, the project engineer will coordinate with the Department of Health, Clean Water Branch.

Response to Comment No. 2

The proposed project will conform to Hawaii Administrative Rules (HAR), Chapter 11-46 "Community Noise Control." An application for a noise permit, as appropriate, will be submitted to the Department of Health prior to construction by the project engineer.

Response to Comment No. 3

Your comment concerning HAR, Chapter 11-46 regarding maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment is noted. The applicant will comply with all applicable rules and regulations as set forth by HAR, Chapter 11-46.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Again, thank you for your comments and participation in the early consultation process.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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AUG 2 8 2007

LINDA LINGLE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 24, 2007

Munekiyo & Hiraga, Inc.
305 High Street Suite 104
Wailuku, Hawaii 96793

Attention: Mr. Erin Mukai

Gentlemen:

Subject: Early Consultation Request for Proposed Maui Lani Shopping Center, Wailuku, Maui, Tax Map Key: (2) 3-8-7:121

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

Sincerely,

Russell Y. Tsuji
Administrator

NOV 1 3 2007

LINDA LINGLE
GOVERNOR OF HAWAII

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

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

November 2, 2007

Ms. Erin Mukai
Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku Hawai'i 96793

LOG NO: 2007.2834
DOC NO: 0710JP13
Archaeology

Dear Ms. Mukai:

SUBJECT: Chapter 6E-42 Historic Preservation Review [County/DSA/Planning] – Early Consultation Request for the Proposed Maui Lani Shopping Center Wailuku Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-8-007:121

Thank you for the opportunity to review and comment on the early consultation request for the proposed Maui Lani Shopping Center development project, which was received by our staff on August 23, 2007. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD). There has been on-going archaeological mitigation within and immediately surrounding the current subject parcel. The intent of this letter is to clarify some former SHPD discrepancies and to provide recommendations for mitigation regarding significant historic properties that have been identified on the subject parcel.

Proposed Project:
The subject application consists of plans to develop a neighborhood shopping center. The proposed project components include a food market as a major tenant, a sub-major tenant, retail shops, service shops, restaurants and office space. The proposed total retail area measures approximately 129,000 square feet. The proposed project will be surrounded by an old historic residential neighborhood (sand hills) and a new residential subdivision. The subject area is located adjacent to Ka`ahumanu Avenue directly across the street from the historic Baldwin High School; and adjacent to Maui Lani Parkway directly across the street from the recently constructed Kaiser Permanente.

Archaeological Background:
The subject area is located within Aeolian sand dunes (*Pu'u One*), which are known to contain both isolated and clustered human burial features. Numerous human burials have been identified within and surrounding the subject parcel. Multiple human burials have been identified along Ka`ahumanu Avenue including locations immediately adjacent to the subject parcel.

Previous archaeological investigations have occurred throughout the central Maui sand dune network since at least the 1970s; when human skeletal remains were identified. Subsequently, archaeological investigations led to the identification of several human burials; some scattered across the surface (previously disturbed) and others in-tact within subsurface contexts. During former investigations that included sections of the current subject area, surface features were identified in the form of sandstone

mounds and a sandstone parallel alignment (trail). The structures were evaluated as "recent origin" and no permanent site numbers were issued for any of the surface features (1995: M-499). Another more recent surface survey led to the discovery of a sandstone C-shape structure that was also evaluated as modern construction.

We have accepted an archaeological inventory survey report that included a small portion of the current subject area (LOG NO: 2005.2646/ DOC NO: 0512MK22). Although the SHPD previously indicated that this inventory survey report included the current subject area, the inventory survey was in fact specific to the Maui Lani Parkway road corridor adjacent to the current subject parcel. During the 1997 survey, one *in situ* traditional Hawaiian human burial was recorded and issued State Inventory of Historic Places (SIHP) number 50-50-04-4401. Additionally, exposed human remains were identified near the base of a large sand dune and designated SIHP 50-50-04-4368. The site was not located in the boundaries of the Maui Lani Parkway road corridor survey however they were identified within the adjacent HRT subject parcel (new subdivision).

Full-time archaeological monitoring ensued during various grubbing and grading activities on the current subject parcel. The monitoring program led to the identification of several human burials within the subject area (previously and recently disturbed). There were some isolated finds including partial *in situ* burials as well as disturbed scattered human remains. The archaeological monitoring report was scheduled to be submitted no later than 180 days from the completion of the construction projects. To date, we have not received the archaeological monitoring report(s) documenting the significant findings.

State Inventory of Historic Places (SIHP) Update:
The previously identified and some of the inadvertent human burial features were subject to consultation with the Maui Lana`i Islands Burial Council (MLIBC). The MLIBC discussed three of the burial sites during its regular meeting held on August 28, 2003 and recommended that the SHPD accept the combined burial treatment and preservation plan for previously identified burial site 50-50-04-4401, and inadvertent discoveries listed as SIHP 50-50-04-5236 and SIHP 50-50-04-5229. In April 2004, the SHPD concurred with and supported the MLIBC in their position and at the time, stated the plan was acceptable (LOG NO: 2004.1152/ DOC NO: 0404KK19). We request that a copy of the final burial treatment and preservation plan be submitted to the Maui archaeology branch of the SHPD. It is necessary to update our site files to correlate with the results presented in the formerly accepted plan.

There are outstanding issues surrounding some of the burial finds and determinations for their final dispositions. Former SHPD correspondence states that final disposition determinations were made for SIHP 50-50-04-4401, -5229, -5236, -5767, and -5768 (LOG NO: 2005.2646/ DOC NO: 0512MK22). The former SHPD correspondence letter has proven to be inaccurate and this letter serves to clarify those inaccuracies. Determinations for the final dispositions were only made for the three sites (listed in the former paragraph). We sincerely apologize for any confusion and/or inconveniences this may cause. We are anxious to resolve all of the outstanding issues and move forward with the development of the parcel. We thank you for your patience and understanding in this matter.

According to available records, no final determination has been made for inadvertent burial discoveries previously assigned SIHP 50-50-04-4368, 50-50-04-5767, 50-50-04-5768, as well as "HRT Sandhills burials" listed on the state register as 50-50-04-5687 through 50-50-04-5694 (issued on 29 April 2005). There also appears to be a discrepancy between the SHPD site files and what was presented to the MLIBC. We have been seeking clarification from the contracted archaeological firm. The SHPD site files need to be updated to reflect an accurate depiction of all the burial discoveries to date. The archaeological monitoring report(s) may help to clarify some of these outstanding issues.

During a relatively recent SHPD site inspection there were observations of a cluster of human burials in the northwest quadrant of the subject parcel near Kainani Road. We are uncertain if the boundaries

depicting the concentrated area of human burials have been firmly established. Additional hand testing and skeletal recovery techniques (raking/screening associated stockpiles etc.) may need to occur in order to complete prior fieldwork investigations and to establish definite boundaries, which will help obtain final determinations for all of the significant inadvertent findings; particularly in the northern section. The burial concentration is currently demarcated by an interim buffer zone. We anticipate additional subsurface findings surrounding the area.

Summary:
We have previously requested and continue to anticipate the archaeological monitoring report(s) that will formally document the significant historic properties in the area (to date). We have also requested a construction map depicting the exact location of the identified burials in relation to the proposed project (to scale with accurately surveyed UTM coordinates). Upon submittal and review of the report(s) and map, we will be able to ascertain a more complete understanding of the significant historic properties including any additional information and outstanding concerns surrounding the known burial features.

Based on accessible information, we anticipate a high probability of previously disturbed human and/or animal skeletal remains on the surface and within subsurface deposits of the subject parcel. We anticipate the potential for additional *in situ* burials particularly in areas where there have been human skeletal remains identified through prior archaeological investigations. Following any possible additional testing and/or archaeological field work, we will continue to recommend full-time archaeological monitoring.

Before the final revised plans for the proposed project are complete, it may be beneficial to schedule a meeting for all of the involved parties. We are extremely interested in continuing mitigation to clarify all of the unresolved cultural and archaeological concerns. We appreciate the opportunity to provide comments and look forward to working together in the near future in order to mitigate the outstanding concerns.

Please direct any archaeological questions or concerns to the Maui Office Annex of the State Historic Preservation Division at (808) 243-4641. The SHPD Maui Cultural Historian Mr. Hinano Rodrigues may be contacted at (808) 243-4640 and our main Maui office at (808) 243-1285.

Aloha,

Bryan J. Lowe

for Melanie Chinen, Administrator
State Historic Preservation Division

JP:oap

c: Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Director, County of Maui, Department of Planning, FAX (808) 270-7634
Mr. Hinano Rodrigues, SHPD Culture and History
Archaeological Services Hawaii, 1930 A Vineyard Street, Wailuku HI 96793
Department of Public Works, DSA County of Maui FAX (808) 270-7972
MLIBC

LINDA LINGLE
GOVERNOR OF HAWAII

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

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

November 30, 2007

Ms. Erin Mukai
Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku Hawai'i 96793

LOG NO: 2007.2834
DOC NO: 0710JP13
Archaeology

Dear Ms. Mukai:

SUBJECT: Chapter 6E-42 Historic Preservation Review [County/DSA/Planning] – Early Consultation Request for the Proposed Maui Lani Shopping Center Wailuku Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-8-007:121

Thank you for the opportunity to review and comment on the early consultation request for the proposed Maui Lani Shopping Center development project, which was received by our staff on August 23, 2007. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD). There has been on-going archaeological mitigation within and immediately surrounding the current subject parcel. The intent of this letter is to clarify some former discrepancies and to provide recommendations for archaeological mitigation regarding significant historic properties on the subject parcel.

Proposed Project:
Based on your correspondence, the subject application consists of plans to develop a neighborhood shopping center. Proposed project components include a food market as a major tenant, a sub-major tenant, retail shops, service shops, restaurants and office space. The retail area is planned to include an area of approximately 129,000 square feet. The proposed project is located adjacent to a historic residential neighborhood and a new residential subdivision in sand hills (*Pu'u One*). The subject area is also adjacent to Ka`ahumanu Avenue directly across the street from historic Baldwin High School; and adjacent to Maui Lani Parkway directly across the street from the relatively recently constructed Kaiser Permanente.

Archaeological Background:
The subject area is located within a series of Aeolian sand dunes, which are known to contain both isolated and clustered human burial features. Numerous pre-Contact native Hawaiian human burials have been identified within and surrounding the subject parcel. Multiple human burials have been identified along Ka`ahumanu Avenue including locations immediately adjacent to the subject area.

Previous archaeological investigations have occurred throughout the central Maui sand dunes since at least the 1970s; when human skeletal remains were identified. Subsequently, archaeological investigations led to the identification of several additional human burials; some scattered across the

surface (previously disturbed) and others in-tact within subsurface contexts. During inventory survey level investigations that included sections of the current subject area, surface features were identified in the form of sandstone mounds and a sandstone parallel alignment (trail). The structures were evaluated as *recent origin* and no permanent site numbers were issued for the surface features (1995: M-499). Another more recent surface survey led to the discovery of a sandstone C-shape structure that was also evaluated as modern construction.

We have accepted an archaeological inventory survey report that included the subject area (LOG NO: 2005.2646/ DOC NO: 0512MK22). During the 1997 survey, one *in situ* traditional Hawaiian human burial was recorded and issued State Inventory of Historic Places (SIHP) number 50-50-04-4401. There was a second site of exposed human remains identified near the base of a large sand dune and designated SIHP 50-50-04-4368. Based on the Maui Lani Parkway road corridor survey report, the site was not located in the boundaries of the survey however they were collected and issued a site number at the time of discovery.

A program of archaeological monitoring ensued during various grubbing and grading activities that occurred on the current subject area. The archaeological monitoring program led to the identification of several human burials within the subject area (previously and recently disturbed). There were some isolated finds including partial *in situ* burials as well as disturbed scattered human remains. The archaeological monitoring report was scheduled to be submitted no later than 180 days from the completion of the construction projects. To date, we have not received the archaeological monitoring report(s) documenting the significant findings.

State Inventory of Historic Places (SIHP) Update:
The previously identified and some of the inadvertent human burial features were subject to consultation with the Maui Lana'i Islands Burial Council (MLIBC). The MLIBC discussed three of the burial sites during its regular meeting held on August 28, 2003 and recommended that the SHPD accept the combined burial treatment and preservation plan for previously identified burial site 50-50-04-4401, and inadvertent discoveries listed as SIHP 50-50-04-5236 and SIHP 50-50-04-5229. In April 2004, the SHPD concurred with and supported the MLIBC in their position and at the time, stated the plan was acceptable (LOG NO: 2004.1152/ DOC NO: 0404KK19). We request that a copy of the final treatment and preservation plan be submitted to the Maui archaeology branch of the SHPD. It is necessary to update our site files in order to correlate with the results presented in the formerly accepted plan.

We wish to elucidate some outstanding issues surrounding some of the inadvertent burial finds and their determinations for final disposition (preserve in place and/or relocate). Former SHPD correspondence states that final disposition determinations were made for SIHP 50-50-04-4401, -5229, -5236, -5767, and -5768 (LOG NO: 2005.2646/ DOC NO: 0512MK22). The former SHPD correspondence letter has proven to be inaccurate and this letter serves to clarify those inaccuracies. Determinations for the final dispositions were made for the three sites listed in the former paragraph (50-50-04-4401, -5229, and -5236). We sincerely apologize for any confusion and/or inconveniences this may cause. We are anxious to resolve the outstanding issues in order to move forward with the development of the parcel. We thank you for your patience and understanding in this matter.

According to available records, there were no SHPD final determinations for inadvertent burial discoveries previously assigned SIHP 50-50-04-4368, 50-50-04-5767, 50-50-04-5768, as well as "HRT Sandhills burials" listed on the state register as 50-50-04-5687 through 50-50-04-5694 (issued on 29 April 2005). We believe some of these burials may have already been subjected to preservation in place and/or relocation. There also appears to be a discrepancy between the SHPD site files and what was presented to the MLIBC. We continue to seek clarification from the contracted archaeological firm with respect to these issues and anticipate resolutions as soon as possible. The SHPD site files shall be updated to reflect an accurate depiction of all the burial discoveries to date. The final archaeological monitoring report(s) submittal will help clarify some of these outstanding issues.

During a relatively recent SHPD site inspection there were observations of a cluster of human burials in the northwest quadrant of the subject parcel near Kainani Road. We are uncertain if the boundaries depicting the concentrated area of human burials have been firmly established. Additional hand testing and skeletal recovery techniques (raking/screening associated stockpiles etc.) may need to occur in order to complete prior fieldwork investigations and to establish definite boundaries, which will help obtain final determinations for all of the significant inadvertent findings; particularly in the northern section. The burial concentration is currently demarcated by an interim buffer zone.

Summary:
We have previously requested and continue to anticipate the archaeological monitoring report(s) that will formally document the significant historic properties in the area (to date). We have also requested a construction map depicting the exact location of the identified burials in relation to the proposed project (to scale with accurately surveyed UTM coordinates). Upon submittal and review of the information, report(s), and map, we will be able to ascertain a more complete understanding of the significant historic properties including any additional information and outstanding concerns surrounding the known burial features.

Based on accessible information, we anticipate a high probability of previously disturbed human and/or animal skeletal remains on the surface and within subsurface deposits of the subject parcel. We anticipate the potential for additional *in situ* burials particularly in areas where there have been human skeletal remains identified through prior archaeological investigations. Following any possible additional testing and/or archaeological field work, we will continue to recommend full-time archaeological monitoring.

Before the final revised plans for the proposed project are complete, it may be beneficial to schedule a meeting for all of the involved parties. We are extremely interested in continuing mitigation to clarify all of the unresolved cultural and archaeological concerns. We appreciate the opportunity to provide comments and look forward to working together in the near future in order to mitigate the outstanding issues.

Please direct any archaeological questions or concerns to the Maui Office Annex of the State Historic Preservation Division at (808) 243-4641. The SHPD Maui Cultural Historian Mr. Hinano Rodrigues may be contacted at (808) 243-4640 and our main Maui office at (808) 243-1285.

Aloha,

Melanie Chinen, Administrator
State Historic Preservation Division

JP:oap

c: Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Director, County of Maui, Department of Planning, FAX (808) 270-7634
Archaeological Services Hawaii, 1930 A Vineyard Street, Wailuku HI 96793
Jeffrey Pantaleo, Principle Investigator, ASH, LLC, FAX (808) 837-0171
Mr. Hinano Rodrigues, SHPD Culture and History
Jenny Pickett, SHPD Maui Archaeology
Department of Public Works, DSA County of Maui FAX (808) 270-7972
MLIBC

JAN 1 7 2008

LINDA LINGLE
GOVERNOR OF HAWAII

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

KEN C. KAWAHARA
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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 7, 2008

Ms. Erin Mukai
Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku Hawai'i 96793

LOG NO: 2007.2834
DOC NO: 0710JP13
Archaeology

Dear Ms. Mukai:

SUBJECT: Chapter 6E-42 Historic Preservation Review [County/DSA/Planning] – Early Consultation Request for the Proposed Maui Lani Shopping Center Wailuku Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-8-007:121

Sorry for the delay in responding. Thank you for the opportunity to review and comment on the early consultation request for the proposed Maui Lani Shopping Center development project, which was received by our staff on August 23, 2007. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD). There has been on-going archaeological mitigation within and immediately surrounding the current subject parcel. The intent of this letter is to clarify some former discrepancies and to provide recommendations for archaeological mitigation regarding significant historic properties on the subject parcel.

Proposed Project:
Based on your correspondence, the subject application consists of plans to develop a neighborhood shopping center. Proposed project components include a food market as a major tenant, a sub-major tenant, retail shops, service shops, restaurants and office space. The retail area is planned to include an area of approximately 129,000 square feet. The proposed project is located adjacent to a historic residential neighborhood and a new residential subdivision in sand hills (*Pu'u One*). The subject area is also adjacent to Ka`ahumanu Avenue directly across the street from historic Baldwin High School; and adjacent to Maui Lani Parkway directly across the street from the relatively recently constructed Kaiser Permanente.

Archaeological Background:
The subject area is located within a series of Aeolian sand dunes, which are known to contain both isolated and clustered human burial features. Numerous pre-Contact native Hawaiian human burials have been identified within and surrounding the subject parcel. Multiple human burials have been identified along Ka`ahumanu Avenue including locations immediately adjacent to the subject area.

Previous archaeological investigations have occurred throughout the central Maui sand dunes since at least the 1970s; when human skeletal remains were identified. Subsequently, archaeological investigations led to the identification of several additional human burials; some scattered across the

surface (previously disturbed) and others in-tact within subsurface contexts. During inventory survey level investigations that included sections of the current subject area, surface features were identified in the form of sandstone mounds and a sandstone parallel alignment (trail). The structures were evaluated as *recent origin* and no permanent site numbers were issued for the surface features (1995: M-499). Another more recent surface survey led to the discovery of a sandstone C-shape structure that was also evaluated as modern construction.

We have accepted an archaeological inventory survey report that included the subject area (LOG NO: 2005.2646/ DOC NO: 0512MK22). During the 1997 survey, one *in situ* traditional Hawaiian human burial was recorded and issued State Inventory of Historic Places (SIHP) number 50-50-04-4401. There was a second site of exposed human remains identified near the base of a large sand dune and designated SIHP 50-50-04-4368. Based on the Maui Lani Parkway road corridor survey report, the site was not located in the boundaries of the survey however they were collected and issued a site number at the time of discovery.

A program of archaeological monitoring ensued during various grubbing and grading activities that occurred on the current subject area. The archaeological monitoring program led to the identification of several human burials within the subject area (previously and recently disturbed). There were some isolated finds including partial *in situ* burials as well as disturbed scattered human remains. The archaeological monitoring report was scheduled to be submitted no later than 180 days from the completion of the construction projects. To date, we have not received the archaeological monitoring report(s) documenting the significant findings.

State Inventory of Historic Places (SIHP) Update:
The previously identified and some of the inadvertent human burial features were subject to consultation with the Maui Lana`i Islands Burial Council (MLIBC). The MLIBC discussed three of the burial sites during its regular meeting held on August 28, 2003 and recommended that the SHPD accept the combined burial treatment and preservation plan for previously identified burial site 50-50-04-4401, and inadvertent discoveries listed as SIHP 50-50-04-5236 and SIHP 50-50-04-5229. In April 2004, the SHPD concurred with and supported the MLIBC in their position and at the time, stated the plan was acceptable (LOG NO: 2004.1152/ DOC NO: 0404KK19). We request that a copy of the final treatment and preservation plan be submitted to the Maui archaeology branch of the SHPD. It is necessary to update our site files in order to correlate with the results presented in the formerly accepted plan.

We wish to elucidate some outstanding issues surrounding some of the inadvertent burial finds and their determinations for final disposition (preserve in place and/or relocate). Former SHPD correspondence states that final disposition determinations were made for SIHP 50-50-04-4401, -5229, -5236, -5767, and -5768 (LOG NO: 2005.2646/ DOC NO: 0512MK22). The former SHPD correspondence letter has proven to be inaccurate and this letter serves to clarify those inaccuracies. Determinations for the final dispositions were made for the three sites listed in the former paragraph (50-50-04-4401, -5229, and -5236). We sincerely apologize for any confusion and/or inconveniences this may cause. We are anxious to resolve the outstanding issues in order to move forward with the development of the parcel. We thank you for your patience and understanding in this matter.

According to available records, there were no SHPD final determinations for inadvertent burial discoveries previously assigned SIHP 50-50-04-4368, 50-50-04-5767, 50-50-04-5768, as well as "HRT Sandhills burials" listed on the state register as 50-50-04-5687 through 50-50-04-5694 (issued on 29 April 2005). We believe some of these burials may have already been subjected to preservation in place and/or relocation. There also appears to be a discrepancy between the SHPD site files and what was presented to the MLIBC. We continue to seek clarification from the contracted archaeological firm with respect to these issues and anticipate resolutions as soon as possible. The SHPD site files shall be updated to reflect an accurate depiction of all the burial discoveries to date. The final archaeological monitoring report(s) submittal will help clarify some of these outstanding issues.

During a relatively recent SHPD site inspection there were observations of a cluster of human burials in the northwest quadrant of the subject parcel near Kainani Road. We are uncertain if the boundaries depicting the concentrated area of human burials have been firmly established. Additional hand testing and skeletal recovery techniques (raking/screening associated stockpiles etc.) may need to occur in order to complete prior fieldwork investigations and to establish definite boundaries, which will help obtain final determinations for all of the significant inadvertent findings; particularly in the northern section. The burial concentration is currently demarcated by an interim buffer zone.

Summary:
We have previously requested and continue to anticipate the archaeological monitoring report(s) that will formally document the significant historic properties in the area (to date). We have also requested a construction map depicting the exact location of the identified burials in relation to the proposed project (to scale with accurately surveyed UTM coordinates). Upon submittal and review of the information, report(s), and map, we will be able to ascertain a more complete understanding of the significant historic properties including any additional information and outstanding concerns surrounding the known burial features.

Based on accessible information, we anticipate a high probability of previously disturbed human and/or animal skeletal remains on the surface and within subsurface deposits of the subject parcel. We anticipate the potential for additional *in situ* burials particularly in areas where there have been human skeletal remains identified through prior archaeological investigations. Following any possible additional testing and/or archaeological field work, we will continue to recommend full-time archaeological monitoring.

Before the final revised plans for the proposed project are complete, it may be beneficial to schedule a meeting for all of the involved parties. We are extremely interested in continuing mitigation to clarify all of the unresolved cultural and archaeological concerns. We appreciate the opportunity to provide comments and look forward to working together in the near future in order to mitigate the outstanding issues.

Please direct any archaeological questions or concerns to the Maui Office Annex of the State Historic Preservation Division at (808) 243-4641. The SHPD Maui Cultural Historian Mr. Hinano Rodrigues may be contacted at (808) 243-4640 and our main Maui office at (808) 243-1285.

Aloha,

Nancy McMahon

Nancy McMahon, Acting Archaeological Branch Chief
State Historic Preservation Division

JP:oap

c: Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Director, County of Maui, Department of Planning, FAX (808) 270-7634
Archaeological Services Hawaii, 1930 A Vineyard Street, Wailuku HI 96793
Jeffrey Pantáleo, Principle Investigator, ASH, LLC, FAX (808) 837-0171
Mr. Hinano Rodrigues, SHPD Culture and History
Jenny Pickett, SHPD Maui Archaeology
Department of Public Works, DSA County of Maui FAX (808) 270-7972
MLIBC

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Dr. Puaalaokalani Aiu, Administrator
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Dr. Aiu:

Thank you for your department's letters dated November 2, 2007, November 30, 2007, and January 7, 2008, providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following responses to your department's comments.

Archaeological Monitoring

We note your department's request for an archaeological monitoring report documenting the significant historic properties in the area of the project site, as well as a construction map depicting the locations of the identified burials. According to the project's archaeologist, Lisa Rotunno-Hazuka, an archaeological monitoring report has not yet been prepared and/or submitted to your department as construction activities have not yet been completed. We note, however, in February of 2008, Archaeological Services Hawaii, LLC submitted to the State Historic Preservation Division (SHPD) a summary of the historic properties identified, to date, at the proposed Maui Lani Shopping Center site. Included within the summary is a site plan depicting the locations of the identified burials.

Treatment and Preservation Plan Submittal

A copy of the Burial Treatment and Preservation Plan for Site 50-50-04-4401, SIHP 50-50-04-5236 and SIHP 50-50-04-5229 has been submitted to the Maui archaeology branch of SHPD by Archaeological Services Hawaii, LLC.

Coordination to Clarify SHPD Site Files

The applicant and its archaeologist looks forward to continuing coordination with the SHPD to ensure accurate depictions in SHPD's site files.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Human Burial Clusters Near Kainani Street

In recognition of the potential for encountering additional burials in the northwest quadrant of the project site, near Kainani Street, the applicant has established preservation boundaries, within which ground altering activities will not occur.

Your comment concerning the scheduling of a meeting for all involved parties prior to the finalization of project plans is acknowledged. The applicant and its archaeologist will contact your office to schedule this meeting.

Again, thank you for your comments and participation in the early consultation process.

A copy of the Draft Environmental Assessment will be provided to your office for your review and comment.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Lisa Rotunno-Hazuka, Archaeological Services Hawaii, LLC
Laura Thielen, Department of Land and Natural Resources
Nancy McMahon, State Historic Preservation Division
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SEP 1 1 2007

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor

VANESSA A. MEDEIROS
Director

LORI TSUHAKO
Deputy Director

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

September 7, 2007

Ms. Erin Mukai
Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

SUBJECT: Proposed Maui Lani Shopping Center
Wailuku, Maui, Hawaii TMK (2) 3-8-07:121

We have reviewed your August 16, 2007 early consultation letter for the subject project and wish to inform you that we do not have any comment to offer.

Thank you for the opportunity to comment.

Sincerely,

Vanessa A. Medeiros

VANESSA A. MEDEIROS
Director of Housing and Human Concerns

xc: Assistant Housing Administrator

SEP 1 2 2007

CHARMAINE TAVARES
Mayor

TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

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

DEPARTMENT OF PARKS & RECREATION

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

September 6, 2007

Munekiyo & Hiraga
Attention: Erin Mukai
305 High Street Suite 104
Wailuku, HI 96793

Dear Ms. Erin Mukai

Subject: Request for proposed ,Maui Lani Shopping Center Wailuku, Maui, HI (TMK (2) 3-8-007:121)

We have reviewed the proposed Maui Lani Shopping Center project, and we have no comments or objections to the subject project.

Thank you for the opportunity to comment. Please contact me or Patrick Matsui, Chief of Planning and Development, at 270-7387 if there are any questions.

Sincerely,

TAMARA HORCAJO
Director, Parks & Recreation

xc: Patrick Matsui, Chief of Planning & Development

TH:PM:tk

35

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

COLLEEN M. SUYAMA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 24, 2007

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

RE: Pre-Assessment Consultation Comments in Preparation of a Draft Environmental Assessment for the Maui Lani Shopping Center Project, Located at Kahului, Maui, Hawaii, TMK: 3-8-007:121 (EAC 2007/0029)

The Maui Department of Planning (Department) is in receipt of your request for pre-consultation comments regarding the proposed construction of a neighborhood shopping center. The project components will include a food market as a major tenant, a sub-major tenant, retail and service shops, restaurants and office space. The total retail area will be approximately 129,000 sq. ft. Proposed access to the site will be from Maui Lani Parkway and from Kainani Street.

The proposed Kainani Street roadway improvements are located on a State of Hawaii roadway facility and as such, an Environmental Assessment (EA) is being prepared.

Based on the foregoing, the Department provides the following comments:

1. The subject parcel has a State Land Use District designation of Urban, Community Plan designation of Project District 1(Maui Lani), and a Zoning District designation of Wailuku Project District 1 (Maui Lani) approved by ordinance No. 1872 in 1989 and recently amended by ordinance No. 3146 in 2003;

2. The subject parcel is located outside of the Special Management Area Boundary of the County of Maui;

3. As the trigger for the EA is with a State roadway, the State DOT may be the accepting authority for Chapter 343, HRS compliance;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

4. At its regular meeting on July 10, 2007, the Maui Planning Commission (Commission) voted to defer action on the above project until an Environmental Assessment (EA) is prepared and the EA process is complete;

5. At the public hearing, many members of the public were concerned with the proposed roadway access to the project from Kainani Street. Discuss alternatives to the Kainani Street roadway design presented to the Maui Planning Commission. Discuss, as an alternative, no access from Kainani Street and concerns raised by the Police Department in having access to a large commercial project from only one street;

6. Discuss what measures will be taken to mitigate construction-related impacts on the residential lots which abut the subject parcel; and

7. Discuss burial issues raised by the Department of Land and Natural Resources State Historic Preservation Division at the public hearing on July 10, 2007, specifically placement of development and parking in close proximity to existing burial sites on the property.

Thank you for the opportunity to comment. Please include the Department on the distribution list for the Draft EA. Should you require further clarification, please contact Ann Cua, Staff Planner, by email at ann.cua@mauicounty.gov or at 270-7521.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

JSH:ATC:nt

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Ann T. Cua, Staff Planner
Lloyd Sueda, Sueda & Associates
Project File
General File
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Jeffrey S. Hunt, AICP, Director
County of Maui
Department of Planning
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Hunt:

Thank you for your department's letter dated September 24, 2007 providing comments to the early consultation request on the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments.

Response to Comment No. 1

The existing land use designations are noted.

Response to Comment No. 2

The parcel's location outside of the Special Management Area of the County of Maui is noted.

Response to Comment No. 3

According to Hawaii Administrative Rules, Chapter 200, Section 11-200-4, the approving agency shall be the agency initially receiving and agreeing to process the request for an approval. The Environmental Assessment (EA)is being prepared in connection with the request for Project District Phase II approval by the Maui Planning Commission. The State Department of Transportation has not objected to the designation of the Maui Planning Commission as the approving agency for the EA.

Response to Comment No. 4

Your comment concerning the Maui Planning Commission meeting of July 10, 2007 is acknowledged. An Environmental Assessment (EA) is being prepared for the subject project.

Response to Comment No. 5

Following the initiation of proposed legislation by the Maui County Council that, if passed would prohibit traffic ingress and egress on Kainani Street to and from the development within the Maui Lani Project District, the applicant and its consultants developed a revised site plan that eliminated the use of Kainani Street as an access point. Currently, the project plans propose three (3) access points for the site solely via Kaahumanu Avenue and Maui Lani Parkway. The proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, two (2) accesses are proposed along Maui Lani Parkway: one (1) full movement access and one (1) limited access with right-turn in and right-turn out. Alternatives to the site plan and its roadway designs will be addressed in Chapter V of the Draft EA.

Response to Comment No. 6

Discussion on mitigation measures to construction-related impacts on nearby residential lots will be incorporated in Chapter II of the Draft EA.

Response to Comment No. 7

Discussion on burial issues will be addressed in Chapter II of the Draft EA.

Again, thank you for your comments and participation in the early consultation process.

A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.
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SEP 1 3 2007

POLICE DEPARTMENT
COUNTY OF MAUI

CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

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

THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

August 29, 2007

Ms. Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Mukai:

SUBJECT: Early Consultation Request for Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2) 3-8-07:121)

Thank you for your letter of August 16, 2007, requesting comments on the above subject.

We have reviewed the information submitted for this project and have enclosed a copy of our comments. Thank you for giving us the opportunity to comment on this project.

Very truly yours,

AC Wayne T. Ribao

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

Enclosure
c: Jeff Hunt, Planning Department

40

COPY

TO : **THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI**

VIA : **CHANNELS**

CONCUR. THE CONCERNS OF MPD. SHOULD BE ADDRESSED.

FROM : **STEPHEN ORIKASA, ADMINISTRATIVE SERGEANT, WAILUKU PATROL DIVISION**

AC Wayne Nishiki 08/29/07

SUBJECT : **RESPONSE TO EARLY CONSULTATION REQUEST FOR PROPOSED MAUI LANI SHOPPING CENTER TMK: (2) 3-8-07:121**

This communication is submitted as a response to the Early Consultation Request for Proposed Maui Lani Shopping Center (TMK (2) 3-8-07:121), from Erin Mukai, Planner for Munekiyo & Hiraga, Inc.

REVIEW AND RESPONSE:

On July 10, 2007 I attended the County of Maui, Department of Planning, Planning Commission hearing regarding the development of the Maui Lani Shopping Center. During this hearing there was an overwhelming concern from the public of the proposed ingress and egress location of the Maui Shopping Center at Kainani Street. The proposed lane restructuring on Kainani Street and Kaahumanu Avenue directly affected by this development needs to be revisited.

Ingress and egress points along Maui Lani Parkway should have an evaluation as to the need for traffic signals. This is a roadway that is becoming heavily used, and a traffic mitigation plan should take into consideration impacts from the nearby Kaiser medical Facility and Baldwin High School across the street.

The complex in itself needs to consider adequate lighting and pathways to increase security of the area by design. Security along with evacuations plans need to be established for the complex in the event of critical incidents. The levels of emergency responses should be considered, but not necessarily incorporated, in this plan.

CONCLUSION:

No objections to the development of the complex at this time. Vehicular and pedestrian safety and the safety of the of the public at large must be taken into consideration during all phases of this project.

Respectfully submitted for your perusal,

Stephen T. Orikasa E#716
Administrative Sergeant/Wailuku Patrol Division
08/28/07 @ 0945 Hours

Forward for review.

A/Capt Wayne K. Ibarra 9229
08/28/07

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Gary Yabuta, Chief
County of Maui
Maui Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Chief Yabuta:

Thank you for the Police Department's letter dated August 29, 2007 providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following information in response to your letter.

Traffic

Your department's comment regarding ingress and egress at Kainani Street as well as the proposed lane restructuring on Kainani Street and Kaahumanu Avenue are noted. Following the initiation of proposed legislation by the Maui County Council that, if passed would prohibit traffic ingress and egress on Kainani Street to and from the development within the Maui Lani Project District, the applicant and its consultants developed a revised site plan that eliminated the use of Kainani Street as an access point. Currently, the project plans propose three (3) access points for the site via Kaahumanu Avenue and Maui Lani Parkway. The proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition two (2) accesses are proposed along Maui Lani Parkway: one (1) full movement access and one (1) limited access with right-turn in and right-turn out.

An updated traffic impact assessment report has been prepared by the project's traffic consultant, PB Americas, Inc. The potential need for traffic signals along Maui Lani Parkway, has been identified in the traffic study. As part of its recommendations, the traffic study recommends that the applicant monitor the Kaiser/Maui Lani Shopping Center access intersection and install a traffic signal when warranted. Further, the potential traffic impacts to nearby Kaiser Permanente and Baldwin High School are being examined as part of the traffic analysis update. Following meetings with Baldwin High School (BHS) representatives, the applicant agreed to fund a separate traffic study for the school to analyze current operations at the BHS Entry Drive intersection. The study also identifies

recommendations which may aid in relieving congestion and safety concerns for vehicles and pedestrians entering and exiting the school during morning and after school periods.

A copy of the project's updated traffic impact analysis report and the Baldwin High School traffic evaluation report will be incorporated in the Draft Environmental Assessment.

Lighting

Developing a lighting scheme that incorporates adequate lighting to provide security for those at the center is of equal concern to the applicant. A lighting plan has been developed to provide security to patrons and employees of the shopping center, yet at the same time limit impacts to neighboring properties.

Security

Security is proposed 24 hours a day, 7 days a week for the shopping center. Security as well as evacuation plans will be prepared by the applicant in coordination with the management agency selected for the shopping center.

A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Again, thank you for your participation in the early consultation review.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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SEP 0 5 2007

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 30, 2007

Ms. Erin Mukai
MUNEKIYO & HIRAGA, INC.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Ms. Mukai:

SUBJECT: EARLY CONSULTATION REQUEST FOR PROPOSED MAUI LANI SHOPPING CENTER; TMK: (2) 3-8-007:121

We reviewed the subject application and have the following comments:

1. Full compliance with Chapter 20.08 (Soil Erosion and Sedimentation Control) of the Maui County Code is required. For questions on the grading and grubbing permit process, please contact the Development Services Administration, Engineering Plans Review Section, at 270-7242.

2. See enclosed comments previously made concerning the subject project.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,

MILTON M. ARAKAWA, A.I.C.P.
Director of Public Works

MMA:MMM:ls
Enclosure
xc: Engineering Division
Highways Division
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ALAN M. ARAKAWA
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT
200 SOUTH HIGH STREET, ROOM 322
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

September 25, 2006

MEMO TO: MICHAEL W. FOLEY, PLANNING DIRECTOR

FROM: MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT

SUBJECT: REVISED TIAR AND PROJECT PLANS
FOR MAUI LANI SHOPPING CENTER
TMK: (2) 3-8-007:121
PH2 2005/0007

We reviewed the subject application and have the following comments:

1. Although wastewater system capacity is currently available as of August 1, 2006, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.

2. Wastewater contribution calculations are required before building permit is issued.

3. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.

4. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.

5. Plans should show the installation of a service manhole near the property line prior to connection to the County sewer.

6. Non-contact cooling water, condensate, etc. should not drain to the wastewater system.

7. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens, etc.).

8. Figure 6 contains negative numbers. Given the proposed uses, pass-by trips can be assumed, but the text of the report does not indicate specifics regarding the assumptions of the pass-by trips. Table 3 does not reflect any pass-by trips. Please provide a figure showing only the application of pass-by trips and state any assumptions.

9. Table 4 lists the assumed trip distribution pattern, but when comparing to Figure 6, it is difficult to confirm. Please identify the trip distribution pattern assumed on the roadway network with the new trips generated by the project.

10. In the afternoon peak hour at the intersection of Kainani Street and the project access, there is a large volume, 166 vehicles per hour, assumed to make the left turn into the site. The Kainani Street approach to Kaahumanu Avenue is projected to experience 53.8 seconds of delay which will result in a queue that may or may not affect the Kainani Street access. As both intersections are in close proximity, please discuss how queuing from each intersection may affect the adjacent intersection.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Milton Arakawa, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Arakawa:

Thank you for your letter dated August 30, 2007 providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following responses to your comments.

Response to Comment Regarding Chapter 20.08 of the Maui County Code

Your comment regarding Chapter 20.08 (Soil Erosion and Sedimentation Control) of the Maui County Code is noted. Full compliance with Chapter 20.08 will be carried out.

Response to Comments in a Letter Dated September 25, 2006 to Michael W. Foley

We would like to provide the following responses to your comments in a letter dated September 25, 2006, in the same order presented in your letter. We note that at the time the letter was finalized, your department and the Department of Environmental Management had not yet separated into two (2) departments, but instead operated under a single department head.

Response to Comment No. 1

Your comment concerning wastewater system capacity is noted.

Response to Comment No. 2

Your comment concerning the requirement of wastewater contribution calculations before a building permit is issued is acknowledged. Accordingly, your comment has been forwarded to the project engineer for appropriate action.

Response to Comment No. 3

The payment of assessment fees for treatment plant expansion costs is noted and has been forwarded to the applicant for appropriate action.

Response to Comment No. 4

The funding of any necessary off-site improvements to collection system and wastewater pump stations by the developer is noted.

Response to Comment No. 5

The project engineer will prepare plans for the service manhole in accordance with County standards and requirements.

Response to Comment No. 6

Your comment regarding non-contact cooling water and condensate is noted.

Response to Comment No. 7

Kitchen facilities proposed for the project will comply with all applicable rules and regulations.

Response to Comment No. 8

A revised traffic impact assessment report (TIAR) has been prepared for the project. A copy of the TIAR will be included in the Draft Environmental Assessment which will be delivered to your office for review.

Response to Comment No. 9

See response to Comment No. 8 above.

Response to Comment No. 10

See response to Comment No. 8 above.

Inasmuch as Comment Nos. 1,2,3,4,5,6, and 7 now fall under the jurisdiction of the County's Department of Environmental Management, we are providing a copy of

this response letter to Ms. Cheryl Okuma, Director of the Department of Environmental Management.

Again, thank you for your comments and participation in the early consultation process.

A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Cheryl Okuma, County of Maui, Department of Environmental Management
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.
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AUG 2 7 2007

CHARMAINE TAVARES
MAYOR

DON A. MEDEIROS
Director
WAYNE A. BOTEILHO
Deputy Director
Telephone (808) 270-7511
Facsimile (808) 270-7505

DEPARTMENT OF TRANSPORTATION

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii, USA 96793-2155

August 22, 2007

Ms. Erin Mukai, Planner
Munekiyo and Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

SUBJECT: MAUI LANI SHOPPING CENTER

Dear Ms. Mukai:

The above-mentioned project is a perfect example of Transit Oriented Development principals begging to be applied. We must stop looking at projects as if they are stand alone. Instead, integration with surrounding uses, as well as the greater community, should be considered.

Since the Maui Lani Parkway has not been dedicated to the County, a bus shelter should be constructed on Maui Lani Parkway with accessible pedestrian routes to both the new shopping center and the Kaiser facilities. This will foster the use of public transportation, thus reducing automobile traffic in the area.

Bus shelters which serve multiple attractors of people (such as medical facilities and shopping centers) are a key component in both Smart Growth and Transient Oriented Development.

Thank you for the opportunity to comment. Please do not hesitate to contact me at 270-7511 if I can be of any assistance or clarification.

Sincerely,

DON MEDEIROS
Director of Transportation

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Don Medeiros
Director of Transportation
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Medeiros:

Thank you for your letter dated August 22, 2007 providing comments on the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following information in response to your comments.

We acknowledge your suggestion regarding the consideration of a designated area for a bus stop as well as accessible pedestrian routes. Currently, Maui Lani Parkway is a private roadway facility. However, it is anticipated that Maui Lani Parkway will be dedicated to the County of Maui in the future. Coordination will be undertaken with the County Department of Transportation to determine the technical feasibility of a bus shelter as part of the roadway dedication process.

A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Again, thank you for your comments and participation in the early consultation process.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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SEP 0 7 2007

CHARMAINE TAVARES
Mayor

CHERYL K. OKUMA, Esq.
Director

GREGG KRESGE
Deputy Director

TRACY TAKAMINE, P.E.
Solid Waste Division

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

September 5, 2007

Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

SUBJECT: PROPOSED MAUI LANI SHOPPING CENTER
EARLY CONSULTATION
TMK (2) 3-8-007:121

Dear Ms. Mukai,

We have reviewed the subject application and have the following comments:

1. Solid Waste Division comments

   a. Include a plan for construction waste disposal/recycling.

2. Wastewater Reclamation Division comments:

   a. Although wastewater system capacity is currently available as of 9/5/2007, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
   b. Wastewater contribution calculations are required before building permit is issued.
   c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.
   d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
   e. Plans should show the installation of a service manhole prior to connecting to the County sewer system.

f. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.

g. Kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)

h. Non-contact cooling water and condensate shall not drain to the wastewater system.

i. The existing sewer line which traverses this lot is no longer in use by the County of Maui. Prior to the rough grading of subject lot contractor capped and abandoned lines. Developer shall verify that this occurred.

j. Developer will be required to plug abandoned line at Manhole No. KA20XB2600 if not already completed (see attached exhibit.)

If you have any further questions regarding this project please contact Gregg Kresge at 270-8236.

Sincerely,

Cheryl K. Okuma

Cheryl Okuma, Director

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Cheryl Okuma, Director
County of Maui
Department of Environmental Management
2200 Main Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Ms. Okuma:

Thank you for your letter dated September 5, 2007 providing comments to the early consultation request on the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following comments in response to your letter.

Solid Waste Division

Response to Comment a

As requested, a plan for construction waste disposal/recycling will be prepared and included in the construction documents prepared by the project design team.

Wastewater Reclamation Division

Response to Comment a

Your comments concerning wastewater system capacity are noted.

Response to Comment b

Your comment regarding wastewater contribution calculations is noted and has been forwarded to the project engineer for appropriate action.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Response to Comment c

Your comment concerning payment of assessment fees for treatment plant expansion costs is acknowledged and has been forwarded to the applicant for appropriate action.

Response to Comment d

Your comment concerning funding of any necessary off-site improvements to collection system and wastewater pump stations is acknowledged.

Response to Comment e

The project engineer will prepare plans for the service manhole in accordance with County standards and requirements. The project engineer will be in contact with the division.

Response to Comment f

Construction plans will reflect easement ownership information, as requested.

Response to Comment g

Kitchen facilities proposed for the project will comply with all applicable rules and regulations.

Response to Comment h

Your comment regarding non-contact cooling water and condensate is noted.

Response to Comment i

Your comments regarding the existing sewerline have been forwarded to the project engineer. The engineer will confirm that abandoned lines have been capped.

Response to Comment j

The engineer will confirm that the abandoned line at Manhole No. KA20XB2600 has been plugged.

Again, thank you for your comments and participation in the early consultation process. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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SEP 0 6 2007

Hawaiian Telcom

August 29, 2007

Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

ATTN: Erin Mukai, Planner

SUBJECT: Early Consultation Request for Proposed Maui Lani Shopping Center
Wailuku, Maui, Hawaii (TMK: (2) 3-8-07:121)
Preparation for Environmental Assessment

Dear Ms. Mukai;

Thank you for providing Hawaiian Telcom the opportunity to comment on the preparation of the Environmental Assessment for the proposed Maui Lani Shopping Center project.

Hawaiian Telcom has no comment on this project at this time.

If there are any questions, please call me at (808) 242-5258.

Sincerely,

Sheri Tihada
Senior Engineer
IP-OSP Engineering

C: File (3080 0708-071)
S. Tihada

1177 Bishop Street • Honolulu • Hi 96813

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PRE-ASSESSMENT CONSULTATION COMMENT LETTERS RECEIVED FROM NEIGHBORING RESIDENTS

COMMENT FORM

NOV 0 5 2007

Proposed Maui Lani Shopping Center
October 16, 2007 CommunityMeeting

Resident Name Clare Apana Phone No. 2424189
Address 260 Halenani Dr Alternate No. 2144411

Please write any comments you wish to share on the proposed project below. Comments received prior to October 31, 2007 will be included in the Draft Environmental Assessment currently being prepared.

This is my EA response. Please accept this and call me if you have any questions.

Malama pono Sandhills and all of the islands of HAWAI-NEI!

Clare Apana

If you wish, you may mail your comments to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhinconline.com.

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FAX 244 879

My name is Clare Apana. I am a resident of the historic Sandhills neighborhood. I was born 54 years ago at Maui Memorial Hospital and was brought home to our family home at 260 Halenani Drive. Growing up in my neighborhood of Sandhills has shaped my values of respect for my elders, my family, my surroundings and for my community. I have also lived in Honolulu, Seattle and Washington, but this house on Halenani Drive in Sandhills has always been "home" to me. After witnessing Honolulu grow so fast and so big, I appreciate the many small things about Sandhills such as the peace and quiet and the ability to know your neighborhoods and the privilege of 0being able to see lots of stars in the dark night sky.

My medical condition brought me back to Maui in 2002. For my health's sake, I exchanged the hustle and bustle of the city, for the quieter, cleaner lifestyle I had as a child. The clean environment, city noise, fewer cars and toxic emissions, fewer brightly lit commercial areas nearby, tranquil surroundings of being part of a slower paced community, restful night's sleep was the prescription I needed to recover from being poisoned by an airborne pesticide.

I am a concerned resident reviewing the application for the HRT. Ltd., proposed Phase 2 Project District. This proposed project at TMK 3-8-07 is below my neighborhood. From the plans presented thus far, I feel it will adversely affect my need for a quiet and clean place to live in. The quality of life for me and my neighborhoods will cause irreparable harm.

My increasing concern that the proposed project should not be placed in Sandhills, caused me to look for the true history of this area. In my opinion, the archeologist hired by HRT, Ltd, did not report any significant historical or cultural findings, she just reported that skeletal remains that had been found, identified and that there were plans for it. Here is what I found:

The History of Sandhills

After reading the history of this area and I am thoroughly convinced that this **MUST NOT** be a shopping center like the one that HRT, Ltd. is planning.

The lot at TMK 3-08-07 is part of a very famous and unique historical Hawaiian battleground. This battle story is told by kupuna and Hawaiian historians as a significant battle between chiefs for rule of the Hawaiian Islands. It is recorded that 1600 Alii warriors of the Alapa and PiiPii regiments came to fight here on the sand dunes at the "Battle of Kakanilua ".

Of those 1600, only two warriors survived and were able to return home to the big island of Hawaii to tell the story of this bloody battle. As I said earlier, I was brought up to revere my ancestors and treating burial grounds with great respect as this is a sacred battle ground is something I feel needs to be done with more than just bunching bones up in a cement plot with a brass marker.

At some of the community meetings presented by the Developer, HRT, Ltd., the lot at TMK 3-08-07 is being planned with many national chain stores. I have nothing against national chains, I shop at them all the time. I do however, feel there is a need for further study to just pave over and inter the bones next to big red signs and handicapped stalls. I have pondered this idea with great distress, I have sympathy for the families of the Alii warriors who feel that their ancestor's graves should be left alone. I can only imagine that if this is the trend, that someday, bright red S signs will be put up over other graveyards here in Maui County. It is disrespectful and not allowed. I doubt any approving agency would be foolish enough to allow development to pave over the Chinese graves in Waiehu, the Japanese graves in Paia, so why pave over this important cultural resource and historical artifacts in the name of commercial progress?

Historically, in 1776, the year this Battle of Kakanilua was fought, the US Declaration of Independence was signed. We all know our American history, major battles took places and battles grounds have been preserved as monuments of historical importance. Great battlefields of the civil war have been preserved with no development, no homes, and no super stores to dishonor those soldiers that lost their lives in those battles. I feel saddened that in their own land the Kanaka warriors have been given no acknowledgement by the developers who have been disturbing the resting places of those ancient warriors. During this research, I have come to connect my own lineage from the Kohala region of the Big Island of Hawaii. Many of the Alapa originated from Kohala by the genealogical charts. I am related to some of these warriors , they are my ohana!!!!!

TREATMENT OF BURIALS

I am upset that Ms. Hazuka (hired archeologist of HRT, Ltd.) reported to the Maui Planning Commission on July 10,2007, that some remains would be under a median strip to be walked upon. I asked the architect who was explaining the final plans given at this same planning committee meeting for the location of the burial treatment areas and he could not find them on the plan. They were not on the plan submitted on July 10, 2007.

Can you explain why, if there was a burial treatment plan since 2003, it has not be placed on the plans or printed for our review? Can the location of these burial markers be changed? Does the Archeologist and Developer have leeway in placement of the burial treatment? Does not HRT, Ltd. Have to comply with the State of Hawaii burial treatment plans. Ms Hazuka reported briefly (on July 10, 2007) about the burial treatment plan for which she did not have a plan for some 17 other inadvertent burials. It was my understanding that she has been asked to provide an overlay with locations of the burials to be placed over the plans for the buildings for his review. Has the archeologist submitted this

overlay? She had not submit these on July 10, 2007 of the planning commission meeting and to my knowledge she still has not submitted them to SHPD. When can she provide this overlay ?

I would like to ask again? Is it allowable by the Burial Council, that the Developer place the burials at locations where it is convenient for him? Does the community have any say as to where these burial remains should be interred? I request to know the exact location of each burial site they plan to fill with bones and how many sets of human remains will be placed within how many square feet of land?

I somehow feel, that the developer may not wish to disclose this, although I will give them the benefit of the doubt, so once again, please provide the exact locations of all the burial remains discovered, to date. When may I have this information?

Also, please explain or clarify why this information concerning the 17 inadvertent findings was not in the Maui County Planning Departments report on HRT, Ltd., application for Project District Phase 2 that was reviewed on July 10, 2007? What is the archeologist's responsibility for reporting, handling, monitoring and accuracy in reporting location and condition of Iwi that is on a site?

At the same Maui planning commission meeting, it was also stated that there is very likely going to be more iwi found in this area, especially by the area of their property that they wish to use an exit by Kainani Street? Mr. Rodrigues said that he is almost sure they will find more iwi. Has there been anymore investigation into that statement by Ms. Hazuka to confirm this. If more iwi is found, what insurance can she provide me, that she will place these additional iwi on the overlay or report to the Developer, Maui County Planning Department and other pertinent agencies?

Ms. Hazuka reported that she trenched " a lot ". Please quantify what is " a lot? "

Can this EA answer these questions:, how far apart, how deep, and how many iwi are upon which areas of the property?

Where on the property, did they actually do their study? Please indicate of the map, where the actual study was done.
When the burials were found? Please indicate the dates and identify the burials.
What condition were the remains in? Please describe the remains.
When were the 17 remains found? Did the trenching work continue as the 17 remains were found?
Did the work stop when the 17 remains were found?
When the remains were found, were the 17 remains reported?
Again, what is being done to ensure the Historic Sandhills neighborhood and the Hawaiian community , that if more iwi will be found , that these burial remains will be treated with respect and Honor?

I did not attend the October meeting with the neighborhood, I wanted to know if Ms. Hazuka had the exact GPS sites of the 17 inadvertent burials and had cleared them with the SHPD?
When did she give the SHPD the information. If she has not done this, why not? When will she be able to do this? Please explain in detail, Ms. Hazuka's comprehensive burial treatment plan for all remains both found and yet to be found. When may we expect this report from her. We request a more detailed report. We know that this is her business and feel that as an Archeologist, she must be trained to do this with empathy and compassion for the families of these remains, so I realize she has her work cut out for her, at the same time, we who live here in Sandhills, myself especially being a relative of some of the Alapa , have deeper concerns.
Please provide the history that Ms. Hazuka has discovered about this area and the names of those she contacted to get the history on this area.

Planning for the future

Can the most careful study be done so that iwi kupuna are found **before the phase 2 permit** is considered or given? My first

recommendation is that no plans to build are given or considered until a thorough search of the land is made for remains, burials, and artifacts.

My second recommendation is that a very comprehensive, detailed survey of the entire site be conducted by a reputable and culturally sensitive firm or agency. While I respect the choices of consultants hired by HRT, Ltd., somehow I feel that the hired consultants for the Maui Lani project district Aki Sinoto and Lisa Hazuka have found many, many remains and have not been able to come up with this important data although it is well documented in history books. I would like to request that another firm be used.

In correspondence from SHPD(2004) and OHA(2005), both agencies asked for more study to find the cultural significance of the area. OHA asked for a Cultural Impact Assessment (CIA) be done in 2005. Where is this Cultural Impact Assessment? May I have a copy of it? If a CIA it has not been done, please explain why HRT, Ltd. Did not do it or why they thought it was they did not have to do it?

Can a study of the historical significance of this battle, cultural artifacts, waterways, and remains be conducted by a company that OHA would recommend?

Responsibility and HRT, Ltd.

Who will take the responsibility to tell the descendants of the findings of remains in this battle area? Will HRT do this? Will HRT assume stewardship of this land and honor the warriors and the history of the area? Will HRT honor the burial laws of Hawaii and allow the families to claim for their ohana? The Hawaiian community and especially the descendants of the Alapa and PiiPii deserve to have their iwi kupuna treated with respect.

My third suggestion is that HRT create a plan to deal with the historical significance of this battleground. This plan should include working with OHA, descendants, and community.

Treat the Iwi Kupuna With Respect
Treat the Battle of Kakanilua With Respect

Little did I know that my move back home was more than a health need or the love of my first home in Wailuku. There was a bigger purpose in returning to the battleground of Kakanilua. I believe, it was the calling of my ancestors whose remains lay beneath the sands of the area now known as the Maui Lani Project District. I am committed to seeing that this project becoming *Pono* and I will be willing to work with HRT or any agency to see that the ancestors are properly honored, remembered and treated with respect. Will HRT be willing to work with me? Please give me a written response to my request.

I want to share my aloha for those who love Hawaii especially for those who approach these special lands located in the historic Sandhills neighborhood. Many hands and hearts come together and do the work to ensure that the special places, things and values are preserved for many generations to come. Mahalo.

Erin Mukai

From: ahkada@aol.com
Sent: Sunday, January 06, 2008 12:06 AM
To: Erin Mukai
Subject: Fwd: EA response

Subject: EA response

Response to EA for proposed Maui Lani Shopping center, Clare Apana. Please add to my first response..

Dear Mike and Erin,

This is a second response for the EA. I wanted to get a neighborhood meeting and group discussion after the last meeting with the new plan for using Kainani Street. Frankly, there have been so many different proposals and the last one being less prepared(drawing and explanation not as clear, as well as not receiving the drawing until after the meeting) that getting people to a meeting was quite difficult. They all had opinions but are not sure if there is any progress to be made with the developer. In other words , HRT and Lloyd Sueda seem bent on doing that entance/exit on Kainani interfacing into our neighborhood despite our concerns and the input we have provided. The neighborhoods' objection to the size of the project and the hours of operation also are not reflected by the developer's new plan. What is an old neighborhood to do? Shall we wait until something dangerous and hazardous happens like on Palama Drive or will we have to go to a lawsuit as the neighbors on Palama street and Nakoa drive have done.

We are important and the quality of our lives and the safety we deserve in our homes and neighborhood must be considered as important. I am responding to the latest Kainani plan and to the meeting that you so graciously arranged for me with the archiologist, Lisa Hazuka. I hope that that the comments of one old time resident of Sandhills will actually be heard and addressed.

The Latest Plan to Change Kainani Street

I do not support the latest proposed change in Kainani Street. It proposes an unsafe and confusing transition. It will bring cut through traffic into our neighborhood and our streets will be even more unsafe. I will not elaborate on all of the cons to our neighborhood as I think they have been listed by so many already. I was also surprised to find out that Lloyd Sueda did not know if they had the right to change or use Kainani Street. Please answer the question brought up at the meeting, is the project's use and proposed changes to Kainani Street permitted for in Phase one? Is this proposed change on Kainani Street legal? Let's not add our neighborhood to the list of the Developer was allowed to break the law and the old neighborhood suffers, as seems to be the pattern in the Maui Lani Project district.

Ms Hazuka assured me in an email that she cares about the burials and that she will preserve them. I am relieved to know that. I have to disagree with her sense of whether further study is necessary in the area of the changes proposed.

It is imperative that HRT know that there are no burials that will be disturbed by a change in the configuration of Kainani before HRT even propose such a change! Ms Hazuka stated that they have

not studied the Kainani area because the former plans did not call for any this use of Kainani. .

The probability of finding more burials in that particular area is high. Please treat the burials with respect and protect them with common sense not convenience. Putting the already found number of burials next to a major entrance/exit is no kind of buffer zone and no kind of way to keep them quietly and naturally undisturbed. Please answer this. Can the burials already found in this area and other burials likely to be found in the area, be given a respectful buffer zone and have the changes made to Kainani Street? How big is the buffer zone for the burials in this area in the present plan? Can you know this without further study? Will the burials in this area be truly left in place even if they are in the proposed changes to Kainani? Will HRT give up on using Kainani Street to preserve the burials?

Burials and Preserving Cultural History

I want to be sure that you know that the first EA response I submitted with questions is still pertinent and I would like my questions to be answered. Please address my questions. I have more questions as follows:

1. When foundations for buildings are made is the ground altered? Is this how numerous burials under the Whole Foods building on Ward Avenue in Honolulu were discovered? How can a similar situation to Whole foods many inadvertent burials found and being disturbed be avoided? ie Will you make sure buildings don't have burials under them?
2. Ms Hazuka said there is equipment that can be used above ground to detect burials. Why can't the proposed building sites be researched in this manner? Who has this equipment? How do you prevent putting a building or parking lot over burials in this site?
3. In May 26, Ms Hazuka asked to move some remains because they would be under a corner of a building. Was this an inadvertent find? Were the remains in the archeology reports previously submitted none of the numbers for this burial was listed on the first and second reports by the archeologists. Which of the remains found in this project area are inadvertent finds? Is Hazuka complying with the requests for information from SHPD? Has an inventory of the Maui Lani Project district burial findings been compiled?
4. When will a BTP for all remains found so far be submitted to HSPD and the burial council?
5. If the battle of Sandhill or better known as the Battle of Kakanilua was known to the archeology firm, why was it never reported throughout the entire Maui Lani Project area and specifically to this project when significant history of this area was called for in Burial council and in Environmental statements? Will this significant historical battle be lost or will the responsible landowner and archeologist preserve the history?
6. When Hazuka says she will preserve the burial what does she mean. I have seen her in the burial council meeting asking for approval of projects where pipes are within feet of burials. I do not consider this to be respectful or pono. Can I or a committee work with Hazuka to work on a plan to preserve the history of the battle of Kakanilua now that she is stating that she knows about the battle but referred to it as the Battle of Sandhills. I have an archeologist who has studied Hawaiian battles and beleives that battlegrounds are important parts of the culture and history of Hawaii. I have his article on how to study a battle specifically for Hawaii. Would it be of use to an archeologist who wants to report the true significance of the Maui Lani project district? Please tell me that this is part of doing a Cultural Impact Report or at very least of doing a complete archeological study of this area and of this project.

Thank you for the extension of time. Other residents are concerned that their first responses may not be considered. Will they be even though the change in the Kainani plan changed the application?

Clare Apana

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Ms. Clare Apana
260 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2) 3-8-007:121

Dear Ms. Apana:

Thank you for your letter delivered to our office on November 5, 2007 and email of January 6, 2008 responding to our request for pre-assessment comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter and email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kanani Street for vehicular access is no longer proposed as part of the project.

It is in the context of the revised plan that we are providing responses to your comments of November 2, 2007 and January 5, 2008.

Response to Comments Relating to Traffic and Access

The applicant recognizes the sensitivity associated with the Kainani Street access issue. As a result, during the course of planning for the project, a number of alternatives to address impacts associated with the use of Kainani Street were considered. After examining the various options and considering comments offered by residents of the Historic Sandhills neighborhood, the applicant has developed a plan which would eliminate the need to use Kainani Street as an ingress and egress point for vehicular access.

To establish a viable basis for the revised plan, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the

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previous site plan that was presented at the community meeting of November 12, 2008.

Under the revised plan, three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway are proposed. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We would also like to note that the project's traffic engineer, PB Americas, Inc., has prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

Response to Comments Regarding Archaeology

To provide some background information that may be helpful in understanding archaeological features discovered at the project site, we provide the following information. In 1997 Xamanek Researches, LLC conducted an inventory survey where one burial feature was identified. This feature was assigned State Inventory of Historic Places (SIHP) 50-50-04-4401 (Site 4401). Site 4401 is located within the northeast quadrant of the project site. Site 4401 was presented to the Maui/Lanai Islands Burial Council (MLIBC) and the proposed mitigation for Site 4401 was preservation in place. (At that time no Burial Treatment Plan was prepared, however, HRT LTD. initiated planning of the design of the proposed shopping center around the Site 4401.)

Archaeological monitoring for vegetation removal and grading of the site was conducted intermittently from 1999 to 2005 by Archaeological Services Hawaii, LLC. During monitoring, a total of 19 localities (Sites 5236 Feature 1 formerly FS 58; 5236 Feature 2 formerly FS 83; 6569 formerly FS 84; 6570 Features 1-12 formerly FS 85a-1; and 6571 Features 1-4 formerly FS 88a-d) comprised of human skeletal remains from twenty-one (21) individuals were documented. Further, during monitoring along Kaahumanu Avenue for an unrelated monitoring project, previously disturbed skeletal remains (Site 5229) were recovered. The applicant has agreed to have Site 5229 reinterred within the project area due to the burial site's close proximity to the project area.

In November of 2008, Archaeological Services Hawaii, LLC prepared a Summary of Historic Properties for the proposed project. During monitoring activities from 2004 to 2005, inadvertent burial features comprised of single burial features, Sites 5236 Feature 2 and 6569, as well as burial concentrations 6570 Features 1-12 and 6571 Features 1-4 were documented and consisted of scatters of previously and recently displaced human skeletal remains, and partial in situ burial features. Through consultation with the State

Historic Preservation Division (SHPD) and the MLIBC at its July 2005 meeting, relocation of disturbed burial features located at Site 6571 (Features 1-4) and Feature 2 of Site 5236, and preservation in place of Site 6569, as well as Features 1-12 at Site 6571 were accepted. Site 6571 (Features 1-4) will be relocated to the large preservation area surrounding Site 6570 and Site 5236 (Feature 2) will be reinterred at a lower depth in the same location. A determination letter accepting the aforementioned treatment of the inadvertent burial features has been prepared by SHPD. A Burial component of a Preservation Plan is being developed in consultation with the SHPD and MLIBC for these inadvertently discovered burial sites.

A Burial Treatment and Preservation Plan prepared by Archaeological Services Hawaii, LLC has been accepted for solitary burial features, Sites 5229 (FS 63), 5236 Feature 1 (FS 58) and 4401. Site 4401, an *in situ* burial with minimal disturbance, will be preserved in place in a preservation area established within the central portion of the project area. Through consultation with the MLIBC , it was determined that a low rock burial platform will be placed over the burial feature and protected by a black wrought iron fence placed 3.0 ft. from the burial platform. Two (2) benches and shade trees will be placed outside the fence for visitation. Signage indicating that the area is a Native Hawaiian Burial Site and to please respect the area will be affixed to the top of the burial platform. Site 5236 was an inadvertant partial *in situ* burial that had been previously disturbed during years of land clearing activities for a firebreak lane between the project area and the Historic Sandhills subdivision. Site 5236 will be reinterred with Site 5229.

Archaeological monitoring will re-commence upon construction, as required by SHPD. Should human osteological material or other cultural remains be uncovered during construction activities, applicable procedures to ensure compliance with Chapter 6E, Hawaii Revised Statutes (HRS), will be followed. A monitoring report will also be submitted to SHPD upon completion of all phases of archaeological monitoring.

Additionally, we note that an approximately 15,200 s.f. area which currently remains ungraded, will not be altered as part of the development of the proposed project in this connection, the applicant recognizes the importance of working closely with the SHPD and MLIBC to ensure that all burials are treated with the utmost respect.

Response to Comments Regarding Cultural History

Thank you for sharing your concerns and comments regarding the history of Sandhills by noting, in particular, that it is the site of the ancient Hawaiian Battle of Kakanilua. The applicant and project team recognize the longevity of the Sandhills neighborhood and in no way wish to disregard the significance of its establishment in Maui's history. The cultural and archaeological significance of the area are also of importance to the applicant. The

applicant and project's archaeologist will work closely with the SHPD and MLIBC to ensure that the proper care and consideration are given to the archaeological and cultural features of the site. In this context, signage provided at the preservation areas are one of the measures that will be implemented during construction of the project. We would like to assure you that the applicant and project team recognize the cultural and historical importance of the area.

As further clarification, we attach for your reference, Archaeological Services Hawaii, LLC's letter of December 14, 2007 regarding the important cultural and historical points you have raised. See **Exhibit "A"**.

In consultation with Lisa Rotunno-Hazuka, we wish to provide the following information in response to your comments of your email of January 6, 2008:

Response to Comment 1 of Email of January 6, 2008

Following the final design for the proposed project, the archaeologist intends to perform additional testing on the site. Additional testing will include testing in areas that have not yet been previously graded. Inadvertent discoveries may be discovered during the construction of the project. However, as previously noted, an archaeological monitoring plan will be prepared for the project by the archaeologist. Archaeological monitoring will ensure that applicable procedures complying with Chapter 6E, HRS will be followed.

Response to Comment 2 of Email of January 6, 2008

According the project's archaeologist, the noted equipment has not been frequently utilized on the island, as the equipment will require some form of excavation to determine if the anomaly is a burial.

Preservation of discovered burials, whether it is preservation in place or relocation, is determined by the Burial Sites Program Administrator, Hinano Rodrigues of the SHPD in consultation with the MLIBC. Generally, as indicated by the archaeologist, it is the preference to preserve burials in place and design around them. Excavations will be undertaken for footings and utilities at the project site. Determination of whether a burial is relocated rests with the SHPD and MLIBC. The project archaeologist notes that generally, burials are not left located under buildings.

Response to Comment 3 of Email of January 6, 2008

All burials discovered to date, except for Site 4401, are inadvertent finds. The project's archaeologist continues close coordination with the SHPD to comply with all the division's

requests.

Response to Comment 4 of Email of January 6, 2008

A summary of the archaeological findings to date, along with the proposed treatment has been submitted to the SHPD. Following the submittal, and coordination with the SHPD, the division prepared a determination letter that accepts the proposed treatment of the inadvertent burial features.

Response to Comment 5 of Email of January 6, 2008

The applicant and the project's archaeologist recognize the importance of preserving the memory and history of the Battle of Kakanilua. The archaeologist will continue to work with the SHPD and MLIBC so that proper procedures are in place to ensure preservation of discovered burials as well as cultural features of the site.

Response to Comment 6 of Email of January 6, 2008

A separate Cultural Impact Assessment for the project has been prepared by Hana Pono, LLC. A copy of Hana Pono's report will be included in the Draft Environmental Assessment. During the review period of the Draft Environmental Assessment, we welcome any comments you may have on the cultural integrity of the site. Should you wish to share historical information of the area with the project team, including Hana Pono, LLC or Archaeological Services Hawaii, please feel free to contact me.

We appreciate your continued involvement and receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeffrey Benner, Benner Stange Associates Architects, Inc.
Lisa Rotunno-Hazuka, Archaeological Services Hawaii, LLC
Phil Matsunaga, PB Americas, Inc.

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ARCHAEOLOGICAL SERVICES HAWAII, LLC
1930 A Vineyard St.; Wailuku Hi; 96793
808-244-2012; 808-244-9592

14 December 2007

Ms. Clare Apana
Historic Sandhills Resident

Subject: Follow up to Meeting for the Maui Lani Commercial Site (TMK 3-8-07: 121 pors.)

Dear Clare,

Thank you for the meeting. I would like to re-cap and clarify several points from the discussion. First, I am familiar with the historical significance of Wailuku and the battles that took place within the Sand Hills of Wailuku, however I am not familiar with the place name Kakanilua. We have always referred to it as the Battle of the Sand Dunes. Regardless and as per our discussion, I will conduct additional research on this place name.

Pertaining to the question about the burial features and do they represent buried warriors; we have always presumed that these sites are *ohana* cemeteries. This assumption was based on the equal representation of women and children, that the *iwi* did not exhibit any trauma, and that there are no grave goods representative of war implements. Annette's response was, "of course the women and children are present as the warriors would travel with their families". I have no knowledge if this is an accurate statement, and is she then implying when the warriors died, so did their families and that's why they are buried there. Obviously, this idea needs more thought and research, and I will look into it.

Another concern was additional testing along the newly proposed corridor for Kainani Street. As I explained to you during our meeting, numerous burial features were identified during supplemental testing (22-2.0 by 2.0 m test units and 13 backhoe trenches) of that area. Based on the presence of these burial sites, coupled with the landowners' willingness to preserve the burials in place, all testing in this area was terminated. At the time (2004) of that decision, no development (Building J or Kainani Street Entrance) was proposed within that section. It was not until 2007 that I became aware of plans to widen Kainani Street. Please be advised that if further testing and or grading is warranted within the new roadway corridor of Kainani, we will perform these excavations and apprise you and the State Historic Preservation Division (SHPD) of the results.

Lastly, I want to be very clear that I feel a deep responsibility towards these burial features and my work does not represent just a "paycheck". I may not be familiar with the place name Kakanilua, but my focus is to protect and find Native Hawaiian sites. I understand that you are questioning whether a Safeway should be located so near your historic home, but I assure you, whatever development occurs there, the burials will be well protected and cared for per the recommendations of SHPD and the Maui/Lanai Islands Burial Council.

Thank you very much for your interest and care, and I will apprise you as information becomes available.

Lisa Rotunno-Hazuka/Consulting Archaeologist
Cc: Mr. Mike Munekiyo

EXHIBIT "A"

Erin Mukai

From: saltiseaman@aol.com
Sent: Thursday, October 04, 2007 12:03 AM
To: Erin Mukai
Subject: Safeway project

Regarding environmental assessment: How much freezer/refridgorating space or more precisely compressor horse power will Safeway be installing? What will be the location of these?

Can we get a noise level reading of those compressors? Since there will also be central air a noise evaluation of those compressors should also be factored in.

mahalo
charles araki
nakoa dr.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Charles Araki
126 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Araki:

Thank you for your email of October 4, 2007 responding to our request for early consultation comments on the proposed Maui Lani Shopping Center project. As you may know, since our receipt of your email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed appropriate in concept, by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Freezer/Refrigerator Space and Compressor Horsepower

The freezer and refrigeration units will be rated at approximately 150 horsepower. All freezer and refrigeration units, including attendant compressors will be fully enclosed.

Noise

In response to noise concerns raised by Sandhills residents, the applicant will implement building design features to include full enclosure of store-related noise generating equipment and activities (i.e.: compressors, loading zone activities). To ensure that noise impacts from the proposed Safeway store equipment are properly mitigated, the applicant has retained an acoustical engineer to document baseline noise study conditions and to assess the effectiveness of noise mitigation design measures. Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for

environment planning government

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example, would include limiting loading and unloading at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. A copy of the noise study will be incorporated within the Draft Environmental Assessment.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Dan Clark
P.O. Box 2148
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Clark:

Thank you for taking the time to meet on October 26, 2007 to provide early consultation comments on the proposed Maui Lani Shopping Center. As you may know, since our meeting in 2007, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed appropriate in concept, by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments received at our meeting of October 26, 2007.

Management Firm

The applicant recognizes the importance of, as well as, the convenience for neighboring residents of instituting a management firm that will oversee operations at the shopping center. As such, the applicant notes the establishment of a management office within the shopping center whereby residents, if they so choose, can direct their concerns. This will serve as a single point of contact for residents in working with shopping center management and owners.

Landscaping

In addition to your comments received at the October 26, 2007 meeting, thank you for meeting on January 14, 2008 with Russel Y. Gushi Landscape Architect ASLA and Munekiyo

& Hiraga, Inc. As was discussed at the meeting on January 14th, a final landscape plan for the proposed project will be prepared by Russel Y. Gushi.

Although the project is still in the preliminary design stage, the landscape architect indicated that the intention of creating a blind/screening along the project's perimeter bordering residential areas to soften the impact of the proposed shopping center buildings is part of the landscape design. Russel Gushi also noted the low elevation, salty air, and sandy and salty soil as elements to consider when determining whether the Italian Cypress would do well at the project site. He also noted that pests are known to inhabit the Italian Cypress, creating concerns regarding plant disease and long-term tree survivability. The landscape architect also commented on the drawback of using solely one variety of plant species in one area of the project site, noting that if one plant is affected by a disease, all plants in the area are susceptible to the same disease.

The landscape architect also added that the original intent of the landscape plan is to use Hawaiian and tropical inspired plants as part of the design. The landscape architect intends to incorporate multiple layers of plants to landscape the project's southern perimeter. The combination of plants would assist in the mitigation of project-related visual impacts. A preliminary landscape plan will be provided in the Draft Environmental Assessment (EA).

Kainani Street/Intersection of Kaahumanu Avenue

The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants, in coordination with the DOT, developed a revised plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Although the applicant has reviewed a number of access scenarios, including a grade separated alternative, at this time the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway,

as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

The project's traffic engineer collected additional traffic data in the vicinity of the project site. A new traffic study has been prepared to evaluate operations at adjacent roadway facilities. The purpose of the new study is to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft EA.

Restaurant

All tenants of the shopping center are obliged to comply with applicable State and County regulations with regards to the sale of alcohol to minors. Terms relating to the compliance of alcohol sale regulations will be included in tenant leases. The restaurant envisioned for the shopping center is expected to be of a reputable national family restaurant chain. Such companies hold extremely high standards for the serving of liquor and strict standards for the maintenance of their restaurants, including sensitivity to neighboring uses.

The proposed Maui Lani Shopping Center will provide space for both local and nationally-based tenants. While the space set aside for the restaurant has been set aside for a national restaurant chain, the center will provide retail and office space leasing opportunities for local businesses as well.

Exiting Movements of Delivery Trucks

As currently proposed, delivery trucks will mainly utilize the service access/exit point located along Maui Lani Parkway. The architect has designed a site plan that has taken into account turning movements of the aforementioned delivery trucks to ensure that enough space is provided surrounding the loading areas for trucks to reverse and properly turn to exit.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Russel Gushi, Russel Y. Gushi Landscape Architect ASLA (w/out enclosure)
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SEP 2 7 2007

September 24, 2007

Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Attention: Erin Mukai

Subject: Maui Lani Shopping Center Environmental Assessment

Dear Ms. Mukai:

We have numerous environmental concerns regarding the Maui Lani Shopping Center as currently planned. The neighborhood will be impacted in the following ways:

1. NOISE - The noise from greatly increased traffic will adversely affect our community. This includes customer vehicles as well as container trucks. When the container trucks back up to unload at the docks the shrieking beeping will be most annoying. The 24 hours of operation makes this even more frightening. When will the garbage dumpsters be emptied and how often? The store generators and air-conditioned containers will be a constant noise. Historic Sand Hills will never know another quiet day or night.

For months, we endured the shrieking beeping of the bulldozers when the land was graded. Sound travels quite far in our neighborhood. We also can hear the outdoor concerts at the MACC, but this is not unpleasant.

2. AIR - The increased traffic will denigrate the quality of our air, especially the diesel smell from the container trucks. How many container trucks does it take to keep a 55,000 square foot Safeway store filled? Also, consider the stink from the garbage dumpsters. How many dumpsters are required for a store of this size?

3. LIGHTING - The night sky is difficult enough to see with lighting at its current levels. More lights can do nothing but harm to our ability to see the heavens.

4. DETRITUS - Detritus in the form of garbage, plastic bags, shopping carts, will clutter up our neighborhood. Who will keep our streets clean and free from this unwanted garbage?

5. SAFETY - Safety of our children and pedestrians will be affected. Children, from Baldwin High School across the street from the shopping center, will be crossing Kaahumanu trying to beat the lights. The campus is open so students can try crossing the street throughout the day. The highway is not a pedestrian friendly method to access the shopping center, but the children will be accessing it this way. Does the traffic study take into account the increase in pedestrian traffic?

Another safety issue is loitering. The 24-hour status of the store will draw people at all hours. This will add to the noise and detritus issues. Crime in the area will undoubtedly increase.

Lastly, a 12-pump gas station across from a high school does not make sense. Fumes, noise, traffic put our children at risk, and they do not have to be!

6. TRAFFIC - The increased traffic on our old narrow roads will increase noise, air quality and safety issues in our neighborhood. Is there a way to deter vehicles from using our streets as a thoroughfare? The new gated communities will not be impacted by this annoyance.

In conclusion, it is atypical to construct a store of this size in a residential area. Would you want a development of this size abutting your property? It is one thing to plan a community and include a store to service that community. It is another thing to put a regional store in a historic old community to service all the new residential subdivisions in the area. Yes, there is room for a store of this size on Maui, but Maui Lani is not the location. Plan this regional store in one of the many new subdivisions going up all over the greater Wailuku area. Plan a store with reasonable hours, abutting Maui Lani Parkway or Kaahumanu, no entrance/exit on Kainani, no 12-pump gas station for our historic neighborhood.

We have lived peacefully in this neighborhood for almost 10 years and would hate to move. Thanking you in advance for your consideration of this matter.

Very truly yours,

Mr. and Mrs. Anthony Edington
235 Halenani Drive
Wailuku, HI 96793
242-5036

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Mr. and Mrs. Anthony Edington
235 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. and Mrs. Edington:

Thank you for your letter of September 24, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since receipt of your comments, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Response to Comment No. 1: Noise

A number of Sandhills residents expressed their concerns relating to noise generated from shopping center activity. In response to these concerns, the applicant will implement building design features to include full enclosure of store-related noise generating equipment and activities (i.e., compressors, loading zone activities). To ensure that noise impacts from the proposed Safeway store equipment are properly mitigated, the applicant has retained an acoustical engineer to document baseline noise conditions and to assess the effectiveness of noise mitigation design measures. Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for example, will include limiting loading and unloading, at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. In addition, to address concerns of noise generating from trash pick-ups, the applicant proposes to limit the hours of trash collection to ensure that

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commercial waste pick up will not occur before 7:00 a.m. In general, garbage pick ups for a center of this type occurs **twice** a week.

As previously noted, since the last community meeting of November 12, 2008, the applicant has made several changes to the site plan. One of such changes includes the provision of a buffer along the western perimeter of the site, between the adjacent Historic Sandhills lots and the proposed parking lot. The western limits of the parking lot is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to serve as not only a visual buffer, but will also serve as a noise buffer to aid in the mitigation of noise impacts of the shopping center to surrounding properties.

Response to Comment No. 2: Air

On average, the proposed Safeway is expected to receive 6-8 tractor-trailer containers twice per week. Currently there are five (5) designated areas for trash containers proposed within the shopping center complex. Four (4) out of five (5) of the areas are located on the easterly extent of the project site. All trash containers will be enclosed and contained within the project site.

Response to Comment No. 3: Lighting

The lighting for the proposed shopping center will be designed to incorporate the need to minimize light spillage and pollution, as they may affect neighboring properties, while simultaneously complying with security and safety requirements for the shopping center. The project's lighting design will specify the shielding of all lights and directional down lighting to minimize upward illumination and its effects to neighboring residents. Pole heights for parking lot lighting will be designed to be lower than the existing grades of the abutting Historic Sandhills residences.

It should also be noted that the aforementioned buffer proposed at the western perimeter will provide approximately 72 ft. to 110 ft. of separation between the adjacent Sandhills homes and the western extent of the parking lot. We anticipate then that this buffer will help address concerns regarding the effects of lighting on neighboring properties.

Response to Comment No. 4: Detritus

The applicant equally recognizes the importance of keeping neighboring streets clean and free of garbage. Safeway's experience at other stores indicate that trash, in the form of cardboard boxes, paper and plastic materials are fully managed and retained onsite. In this regard, Safeway's operating philosophy has been to establish a strict maintenance

understanding with shopping center management companies to ensure that the highest standards of cleanliness are maintained.

Response to Comment No. 5: Safety

The applicant recognizes that safety is an utmost concern and proposes to construct additional sidewalks in the vicinity of the project site. The traffic engineer will recommend adjustments to intersection geometrics and signal timing to ensure safe crossing conditions for pedestrians.

As the applicant recognizes the significance of the close location of Baldwin High School (BHS) to the project site, the applicant has met with representatives of BHS to discuss concerns and comments regarding traffic circulation as it affects BHS. As a result of its meetings, the applicant has funded a traffic study to analyze current operations at BHS and to identify recommendations that may aid in relieving congestion and safety concerns. A copy of the BHS Traffic Evaluation Study, as well as the traffic study prepared for the project will both be included in the Draft Environmental Assessment (EA).

As currently proposed, Safeway will open as a 24 hour market. Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which would include such measures as employing security patrol protocols designed to control loitering.

The 12-pump gas station proposed in the eastern section of the project site has been removed entirely from the proposed project plans.

Response to Comment No. 6: Traffic

As previously noted, the current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants, in coordination with the DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has decreased the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Currently, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We appreciate your continued involvement and receiving your comments regarding the proposed shopping center. Once completed, a copy of the Draft EA will be provided to you for your review and comment. Should you have any questions, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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OCT 3 0 2007

COMMENT FORM

Proposed Maui Lani Shopping Center
October 16, 2007 CommunityMeeting

Resident Name Mr. Anthony Edington Phone No. 242-5036
Address 235 Halenani Dr. Alternate No. _____

Please write any comments you wish to share on the proposed project below. Comments received prior to October 31, 2007 will be included in the Draft Environmental Assessment currently being prepared.

1. Can Safeway be green with solar panels, plants on the rooftops, etc., to mitigate the negative environmental effects of the shopping center?
2. Can Safeway have it's back to Maui Lani Parkway mitigating the noise from trucks, unloading, and stink from the dumpsters?

Sorry I Scrunged up the wrong sheet! Just wait until you're over the hill!

If you wish, you may mail your comments to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhinconline.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Mrs. Anthony Edington
235 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mrs. Edington:

Thank you for completing the comment form distributed at the October 16, 2007 community meeting, responding to our request for early consultation comments on the proposed Maui Lani Shopping Center. As you may know, since completion of your comment form, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of the revised plan that we would like to provide the following information in response to your questions listed in bold.

1. **Can Safeway be green with solar panels, plants on the roof tops, etc. to mitigate the negative environmental effects of the shopping center?**

   Thank you for your question regarding "green" design. Currently, Safeway, Inc. is in the process of creating a standard prototype store design whereby "green" building, as well as, operational measures will be integrated as part of new stores' designs. "Green" design elements for the proposed Safeway store at the proposed Maui Lani Shopping Center will be formulated as part of the detailed architectural design phase of work.

2. **Can Safeway have its back to Maui Lani Parkway mitigating the noise from trucks, unloading, and stink from the dumpsters?**

The site layout proposed by the applicant is a result of a number iterations of site plan scenarios considered. The site plan layout considers visibility from adjacent roadways, parking layout efficiencies, as well as, site topography. Based on the designer's assessment of the site, the general concept of placing the main building along the southern border of the property, with the smaller buildings/pads and parking lot area along Kaahumanu Avenue was deemed to be most suitable for the project site. The concerns relating to operations which you have raised would then need to be mitigated in the context of the proposed layout concept. Mitigative measures to be incorporated in the plan include the strategic placement of trash bins, delivery truck routing, and self-imposed operational constraints on loading and unloading.

Currently, there are five (5) designated trash bin locations proposed for the shopping center. Four (4) of the locations are proposed on the eastern portion of the property. Although there is one (1) trash bin located on the western developed perimeter of the project site, it is located approximately 80 ft. from the adjacent Historic Sandhills lots.

As for noise concerns relating to the deliveries of trucks, deliveries for all shopping center tenants will be limited to the hours of 7:00 a.m. to 10:00 p.m. As part of the noise mitigation program being designed by the applicant, operational elements associated with the Safeway store, such as loading and unloading will be housed within the buildings or shielded from neighboring properties to minimize nuisance effects to neighboring residents.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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COMMENT FORM

Proposed Maui Lani Shopping Center
October 16, 2007 CommunityMeeting

Resident Name Eric Engh **Phone No.** 244 0886
Address 104 Nakoa Dr. **Alternate No.** _____
Wailuku HI 96793

Please write any comments you wish to share on the proposed project below. Comments received prior to October 31, 2007 will be included in the Draft Environmental Assessment currently being prepared.

Please analyze viability of Maui Lani only Entrence/Exit. Other major shopping centers like the Sack-n-Save on Eha.

~~Please analyze all options considered for traffic~~

If you wish, you may mail your comments to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhinconline.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Eric Engh
104 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Engh:

Thank you for completing the comment form distributed at the October 16, 2007 Community Meeting, responding to our request for early consultation comments on the proposed Maui Lani Shopping Center. As you may know, since completion of your comment form, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Shopping Center Access

At the October 16, 2007 community meeting, the access configuration for the proposed Maui Lani Shopping Center included two (2) access points off of Maui Lani Parkway and one (1) access off of Kainani Street.

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. In light of the concerns raised relative to the Kainani Street access point, the applicant and its consultants, in coordination with the DOT, reviewed project programming and feasibility parameters to identify an access and circulation plan which can be implemented without the use of Kainani Street. Thus, given the need for creating safe circulation and access patterns for the shopping center, the internal layout and building design have been scaled down by

approximately twenty percent. Currently, the total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008. This reduction in project scope and its attendant reduction in trips generated, allows for an access plan that eliminates the need for a Kainani Street access point.

Under the new plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We appreciate your continued involvement and receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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Erin Mukai

From: Nadine Gomes [eric.nadinegomes@hawaiiantel.net]
Sent: Tuesday, October 30, 2007 7:49 PM
To: Erin Mukai
Subject: Proposed Maui Lani Shopping Center

Aloha Erin,

Here is our letter regarding the proposed Maui Lani Shopping Center.

Mahalo,

Eric & Nadine Gomes

[ps: Please call Nadine (385-9592) if you require a hard copy of this letter.]

Eric & Nadine Gomes
169 Ku Drive
Wailuku, Hawaii 96793
(808) 243-9591
Eric.nadinegomes@hawaiiantel.net

October 30, 2007

Erin Mukai, Planner
Munekiyo & Hiraga
305 High Street
Wailuku, Hawaii 96793

Re: Environmental Assessment for the proposed Maui Lani Shopping Center

Aloha!

Our names are Eric and Nadine Gomes. Nadine's Popo (Chinese for Grandmother) Ella Chang and Goong Goong (Chinese for Grandfather) Wah Chee Chang purchased their home on Nakoa Drive in the late 1940s. Nadine, along with her mother and sister moved to this neighborhood in approximately 1979. In 1993, we married and moved away from Nakoa Drive to live in a two (2) bedroom one bathroom condominium at Iao Parkside. It was a starter home for our family. While living there, we experienced noise from residential and business traffic, street lights shining into our home every night, noise from the loading and unloading of freight from the industrial area. Finally in 2004, an opportunity came for us to purchase a property on Ku Drive and we seized the moment. Our dream of moving away from a flood of street lights and constant noises from Eha Street soon became a reality.

We are opposed to Kainani Street being used as one of the entrance/exits from the proposed Maui Lani Shopping Center for the following reasons:

1. We, as well as Nadine's sister, Patience Kahula, are parents of Baldwin High School students who we drive to school everyday. Although we live less than a quarter mile away from their school, we need to leave our home by 7:10 a.m. because of the horrible morning traffic. The afternoon traffic is equally as bad. Our daughter and nephew walk home from school every afternoon. Having additional traffic flow on to Kainani will make traffic worse and dangerous for the children that walk to and from school; and

2. The roads in the Hale Koa Subdivision are inadequate to accommodate additional traffic. Many of the residents of the Hale Koa Subdivision are elderly and take daily walks. There are no sidewalks for pedestrians.

We are not opposed to having the new proposed Maui Lani Shopping Center in our neighborhood. However, we are concerned about the following:

1. Noise Pollution.
   a. Eric was a truck driver for Tri-Isle, Ltd. for seven (7) years. Tri-Isle delivered most of the freight in 25'-40' containers to the Safeway Stores on Maui. Delivery and unloading of the containers are very noisy and the times may vary from very early in the morning (2:00 a.m.) to very late at night (12:00 midnight).

b. We also understand that a restaurant/bar will be a part of the shopping center. Most noise may occur after the restaurant/bar closes from intoxicated patrons and the cleaning of the establishment (e.g. the disposing of bottles, etc.)

2. Light Pollution. Lights shining all night in the parking lot contribute to the light pollution on Maui.

3. Loitering. 24-hour Safeways and having a restaurant/bar in the shopping center will promote loitering by young as well as the homeless.

4. Traffic. Our neighborhood was extremely happy when Maui Lani Parkway opened up. A lot of the traffic that passed through our neighborhood began using Maui Lani Parkway. The Maui Lani Shopping Center will generate more traffic in this area.

We ***love*** our neighborhood because it is quiet and dark at night. When we lived at Iao Parkside, it was difficult to see the stars and night sky as street lights littered the area. Can you imagine a street light illuminating our bedroom for ten (10) years? Can you imagine being rudely awakened by screeching tires or car crashes? Can you imagine hearing the loading and unloading of trucks and the humming from generators and/or air conditioners from various businesses in your neighborhood? Now, we can see the stars at night and were able to witness the most recent lunar eclipse from our yard. Our children have some place to run and play without being afraid of being run over by speeding cars. Sometimes the silence is deafening but we LOVE it! I don't want my neighborhood and way of life to change.

Please feel free to contact us if you have any questions or concerns regarding the aforementioned.

Sincerely,

Eric S. Gomes and
Nadine N. K. Gomes

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Eric and Nadine Gomes
169 Ku Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. and Mrs. Gomes:

Thank you for your letter of October 30, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Response to Comment No. 1 and No. 2: Kainani Street

Thank you for sharing your family's history and connection to the Sandhills neighborhood. The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants, in coordination with the DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

In addition, the applicant has met with representatives of Baldwin High School (BHS) to discuss concerns and comments regarding traffic circulation as it affects BHS. As a result of its meetings, the applicant agreed to fund a traffic study to analyze current operations at BHS and to identify recommendations that may aid in relieving congestion and safety concerns. A copy of the BHS Traffic Evaluation Study, as well as the new traffic study prepared for the project will be included in the Draft Environmental Assessment (EA).

We also note that although specific designs have not been finalized, the applicant proposes to construct additional sidewalks and cross walks in the vicinity of the project site to ensure pedestrian safety.

Response to Comment Regarding Noise Pollution

A number of Sandhills residents expressed their concerns relating to noise generated from shopping center activity. In response to these concerns, the applicant will implement building design features to include full enclosure of store-related noise generating equipment and activities (i.e.: compressors, loading zone activities). Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for example, would include limiting loading and unloading at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. To address concerns of trash pick-ups, the applicant proposes to limit the hours of trash collection to ensure that commercial waste pick up will not occur before **7:00 a.m.** In general, garbage pick ups for a center of this type occurs approximately **twice** a week.

Further, we would appreciate noting that since the last community meeting of November 12, 2008, the applicant has made several changes to the proposed site plan, including the provision of a buffer located along the western perimeter of the site, between the adjacent Historic Sandhills lots and the western extent of the proposed parking lot. The western limits of the parking lot is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to serve as not only a visual

buffer, but will serve as noise buffer to aid in mitigation of noise impacts of the shopping center to surrounding properties.

Recognizing these noise concerns raised by Sandhills residents, the applicant has undertaken a noise study to quantify existing noise conditions and to assess the impacts of the proposed shopping center as it relates to the existing conditions. Mitigative measures will be implemented to ensure that noise impacts upon neighboring residences are minimized. A copy of the noise study will be incorporated in the Draft EA.

The restaurant envisioned for the shopping center is expected to be of a reputable national family restaurant chain. Such companies hold extremely high standards for the serving of liquor, and strict standards for the maintenance of their restaurants, including sensitivity to neighboring uses.

Response to Comment Regarding Light Pollution

The proposed lighting for the parking lot will be designed to balance the need to minimize light spillage and pollution, as they may affect neighboring properties, while simultaneously complying with security and safety requirements. Light poles for the parking lot will be approximately 25 feet in height, which would keep the top of the light pole below the ground level of the adjacent residences in the historic Sandhills neighborhood. In addition, the light fixtures will be shielded so that there will be no upward illumination from the poles and minimizing its effects to neighboring residents. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees.

It should also be noted that the aforementioned buffer proposed at the western perimeter of the site will provide approximately 72 to 110 ft. of area between the adjacent Sandhills homes and the parking lot. It is anticipated that this buffer will help address concerns regarding the effects of lighting on neighboring properties.

Response to Comment Regarding Loitering

As currently proposed, Safeway would be open 24 hours a day. Neighborhood concerns expressed on the "24/7" operating proposal include safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and an operations plan which would include such measures as employing security patrol protocols designed to control loitering.

Response to Comment Regarding Traffic

Please refer to response regarding Kainani Street on page 1 of this letter.

We appreciate receiving your comments concerning the proposed Maui Lani Shopping Center project. A copy of the Draft EA will be provided to you for your review and comment. In the meantime, should you have any questions, or if additional clarification is needed, please do not hesitate to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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October 30, 2007

Nancy Halley
189 Naniloa Drive
Wailuku, HI. 96793
808.385.2596
nhalley@juno.com

As a resident of Historic Sandhills, I am submitting my concerns and comments regarding the proposed Maui Lani Shopping Center, below. I ask that you take my concerns seriously and address each one in your Environmental Assessment. They are in no particular order of importance, though I am most strongly opposed to:

- any use of Kainani Street to access or leave the proposed development
- to the 2-story building and it's proximity to Nakoa Drive

Left turn on Kainani from the Proposed Development

I am strongly opposed to any use of Kainani Street to access or leave the proposed development. Kainani Street acts as a safety buffer for our neighborhood, keeping high volume, and through traffic at bay.

Does this mean that even local residents would have to drive down to Maui Lani, or access the proposed development from Kaahumanu Avenue? Yes. Is this a problem? No. The majority of local residents that have attended planning meetings and community meetings agree that Kainani should not be used as an entrance or exit from the proposed development.

Historic Sandhills Access to Proposed Development

I would like to see natural foot and bike access developed for residents of Historic Sandhills. Let's create a development that encourages safe walking and biking access. This encourages better health for our community members.

Let's have a model development, not a cookie cutter version of fast development for fast cash, with no thought put into quality of life for local residents.

The proposed 2-story building closest to Nakoa Street.

I am strongly opposed to the placement of the proposed 2-story office building.
I am concerned about:

- The height and its' affects on the homes closest to it.
- The building lights, inside and out. Are people on Nakoa going to be looking into lit offices until all hours of the night and early morning?
- The blocking of sunrise and natural light in the first half of the day. Sunlight is a concern for the residents directly impacted by the 2-story building. The sun shines from the east until almost noon and then falls behind Iao after 3PM. How

many homes will be impacted by the shadows cast by this building? How will these shadows affect backyard garden areas facing east?

- How high over the retaining walls between the building and Nakoa will the building rise? This question was not adequately answered at our last community meeting with developers at Maui Waena School.
- Will the building look out of place, butt up against Nakoa Drive?
- Will strong tradewinds whirling past the building create howling and echoed noises?

Have you ever stood on the One Main Plaza deck looking out over the homes towards Iao Valley? Take a look at that. How sad that these homeowners are in the shadows of that office building. I do not support the location of this 2-story building.

The architect for the building said, it could be moved east. If it is built at all, I propose it is built more towards the Maui Lani Parkway end of the project.

If the building could not be moved, then I propose it runs along the western property line of the development as a low lying senior residential complex, below the west retaining wall, with common areas, and safe walking access to the shops. Perhaps a few doctors offices, could be located in the complex, a physical therapist, a dentist, an organic health food store.

Preserving Historical Integrity and Hawaiian Ancestors

The Maui Lani Shopping Center developers act like they are designing something special for our neighborhood, when it is just a cookie cutter image of the Safeway development in Kihei. The lay out is almost exactly like that in Kihei. The difference is, that the Maui Lani Shopping Center butts up against a historical neighborhood that needs to be protected in order to preserve Maui's past and architectural integrity.

Already numerous human remains have been found on the site. This is an opportunity for the developers to create sacred sites, with walkways leading to these sites and benches for those that wish to sit and honor our Hawaiian ancestors, in a consciously and respectfully designed project.

Access to the proposed Maui Lani Shopping Center

In the past, the DOT refused an access road/lane for ingress/egress to the proposed shopping center between Kainani Street and Maui Lani heading east on Kaahumanu Avenue, but now developers have designed an ingress/egress through Kainani Street. This is even more dangerous, than the Kaahumanu plan, because Kainani is a main artery for a residential community inhabited by the elderly, families, and often community, such as joggers, school track teams, the Maui Police Department new recruits, and kids walking, riding, and skateboarding to Baldwin High School.
I propose the DOT take a look at the eastbound Kaahumanu ingress/egress again.

What are their concerns? I heard it's something about a 500 feet rule. We should have a State DOT representative talk to us and hear our suggestions. It is possible - that a new, independent lane cut into the proposed development allowing for a non-congestive route into and out of the shopping center on Kaahumanu Avenue. Perhaps those leaving the proposed development using Kaahumanu would have a feeder lane that keeps them right turning onto Maui Lani Parkway. That would work for the hundreds, if not thousands of people who live south of Kaahumanu Avenue. Those that wish to travel west or east on Kaahumanu, could turn left at the Maui Lani exit, come up to the intersection at Kaahumanu and either go east or west there.

An additional lane after Kainani Street, that feeds into the proposed development heading east on Kaahumanu Avenue before Maui Lani Parkway, could be considered a safe alternative, because there wouldn't be as many cars turning right into the proposed development at Kainani Street, or at Maui Lani Parkway, where most of the students from Baldwin Highschool cross the street on their way to and from school.

Easing Congestion

I heard the developer say they are trying to relieve congestion at the Maui Lani and Kaahumanu Avenue intersection. It is a major intersection already, because of Baldwin High School, Kaiser, and those that live in the Maui Lani area, and it's not dangerously congested. It is busy when school starts and ends and when rush hour begins and ends. So who cares if it's congested. Everyone already knows that at certain times it is busy. It is a major intersection.

If the development happens, the congestion may actually ease up, because instead of cars backing up during rush hour, they may choose to go shopping for a half an hour or so, or stop for pupu's with friends, and actually ease traffic flow.

Opposed to National chains

Proposed tenants for the shopping center are national chains, Starbucks, Subway, Safeway, and Outback Steakhouse. My concern is how these national chains will affect locally owned Wailuku coffee houses and bakeries. The Coffee Store at Queen Kaahumanu Shopping Center went out of business after Starbucks moved in. How will Stillwell Bakery, Marc Aurel's, 3 Sisters, and the bakery on the corner of Vineyard and Church survive with a Safeway store/bakery moving in? What type of input will local communities have when they are faced with national chains who have lots of money and lots of lawyers? What will happen to competition among retailers in Hawaii? There won't be any. Our food prices will be fixed according to Safeway.

National Corporate chains provide low paying jobs for our community. The profits go to people who don't even live here. The beauty and intrique of Wailuku is the old bakeries, and quaint locally owned eateries. National chains moving into Historic Sandhills is another step towards commonality, and mediocrity, that makes Maui no more different

than Anytown, USA. Remember, tourism is our number one industry, and tourists want unique, island experiences, and shopping.

Flooding

Concerns have been brought up by neighbors, regarding water run-off during heavy rains. In the past, the area of Nakoa and down Kainani has been known to flood and create pools of water up to a foot deep. I have heard re-routing of the water has occurred, but feel this is an issue that needs to be looked into.

Parking

The current plans indicate that the parking spaces have been increased since previous plans. Joni Mitchell sings out, "You pave paradise and put up a parking lot". I ask, couldn't the architects be more creative by creating parking structures that use the natural grade and slope of the property to have 2-level parking, but by using the slope/grade of the property, the parking is disguised, undetectable by those driving by. The parking structure could be more underground than above ground. Everyone prefers to park in the shade, than in the hot sun. Wouldn't it be wonderful, if you saw mostly garden and picnic areas across the parking areas, because, the parking was underground! You could even have room for local vendors to have art and craft fairs where the proposed parking areas are now, because more of the parking would be underground.

Say No to 24/7

Safeway says their policy is to be open 7 days/ 24 hours per day, and that they will assess whether that is suitable for their business after 1 year. Who has the rights here? Big corporations, or our neighborhood? No one that I've spoken to in our neighborhood wants a 24-hour Safeway. Safeway representatives talk about convenience. Convenience, to me, is often a double-edged sword. It denotes over development and a strip mall, concrete kind of town. Take a look at the development along South Kihei Road. It is obscene. I would like the proposed Safeway to be open from 6AM until 10 or 11PM.

Light and Noise Pollution

A lighted shopping center with cars coming and going all through the night, is a light and noise infringement on our community. Light and noise at all hours disrupts the quality of life for neighboring residents, causing added stress, and endangering their health by disrupting sleep patterns.

How will the lighted parking lots increase light pollution? The more lights, the less stars we can see at night. That's part of the beauty in our neighborhood. We can see stars at night, and teach our children about the beauty of our solar system. Celestial navigation is a huge part of Polynesian history and it's important that we honor our skies and keep parking lot and store lots from creating more light pollution.

It is already apparent that we are seeing the affects of light pollution. Just drive up to Kula and compare their night sky with Wailuku's. This in no way should make developers think it's OK to turn on the lights all through the night. If anything they should take a look at turning the lights off, to protect our environment and quality of life, that includes our ability to see the night sky.

Attracting Termites

Parking lot lights constantly hum, they attract swarming termites, which is a major problem in Historic Sandhills already. Any termite fumigation company on the island will attest that Historic Sandhills has a problem with termites already. Will the management of the proposed development pay the $1500-$2000 every 3 to 5 years for each resident of Historic Sandhills to have their homes fumigated due to increased infestations? How will the developers address this potentially serious threat to our homes?

Noise

Noise from external compactors, recyclers, bailers, trucks backing up etc..are of concern to me. Historic Sandhills is on a hill upwind from traveling tradewinds. Noise from the Maui Arts and Cultural Center, the Stadium football games, car traffic from Kaahumanu, sirens from police, hospital, and fire departments impact our neighborhood already. I remember A/C units from Aoka's waking me in the night and I was tossing and turning, stressed, and upset, not being able to sleep. Then having to be a mom the next morning and head off to work. I was, sometimes, sleep deprived, and stressed to tears. There was a constant drone of A/C units.
Noise impacts our neighborhood now. The developers say that the noise will be checked and meet noise level requirements, but I wonder, are these levels added to the noise we already have as a cumulative reading, or is it just Safeway's noise that is calculated? It's the accumulation of all the noise impacting our neighborhood that concerns me.

Deliveries

The developers have said they would restrict deliveries from 10PM until 7AM. This is helpful, but they were not specific. Does this include all delivery vehicles or just those over a certain size? What about boxes being thrown out, stocking noise, car doors slamming, people's car stereos, young people gathering in the parking lot late at night, (like what already happens at Safeway in Kahului).

Developers also said that Safeway won't allow refrigeration trucks. I didn't understand if this means on the whole site, or just in certain areas.

Garbage Dumpsters

My understanding is that current plans place garbage dumpsters close to Nakoa Street. Once again, I am concerned about the noise. When will these dumpsters be emptied? Will

they be unlocked and accessible 24/7? What about the smell from the dumpsters? The wind blowing up into Historic Sandhills carries lots of noise and smells.

Flora and fauna

How will the proposed development affect that bird, plant, and insect life in the area? All play integral parts in protecting our environment and consideration as to their habitat needs to be considered and planned for. Developments go up without concern for our bird life, and even insects. Can the proposed development include plants that can act as homes to birds, be drought tolerant, and be native, or indigenous? Labeling the plants, so that customers, can learn about our local flora and fauna, is something I think is important, and of interest, to students, and visitors to our islands.

As I write this section, I am in Mississauga, a suburb just outside of Toronto. One thing, I notice dramatically is that there are no birds singing. The area has been developed into shopping malls, and high-rise condos, with man-made landscapes, and the birds are gone. The air is silent of their singing. It's disturbing. It makes me realize that the more we remove ourselves from nature, the more we create a world that will ultimately be our downfall. Walking through an apartment building in Mississauga yesterday, I had the same thought I had recently walking through One Main Plaza, that living and working in these types of buildings, without nature, we might as well be in a satellite station in outer space. Earth is gone. It is far, far away.

Nature must be considered. What types of insecticides, pesticides, and fertilizers will be used at the proposed development site? How will these sprays affect birds, plants, insects, children, our neighbors, and ourselves? How will the developer nurture plant life, and foster bird life within the development?

Comments

Often people will go out of their way for a shopping experience that is unique, down home, local, and environmentally conscious. I know that if Whole Foods moves into Star Market, as I've heard, I will shop there. It's not the closest store that I choose, it's the quality of food.

There are a lot of senior citizens in Historic Sandhills that will benefit from a grocery store that is close by, but the size of Safeway is not appealing to seniors. Long aisles, big parking lots, and 200 different cereal choices actually make their shopping experience more difficult than navigating a smaller store like Aoka's or Ah Fooks. How will this proposed development accommodate seniors and those with disabilities? There are people in our neighborhood that have motorized wheelchairs. Will they be able to easily access the proposed development, without risk of being run over by a car?

The Planning Commission should really ask themselves, if Maui Lani Shopping Center is developed, with national chains as tenants, then what is to happen to Wailuku Town. Wailuku town is just waiting for a cash infusion to allow it to develop into a culturally

significant, quaint, historic, and architecturally alluring small town that will attract both locals and tourists. Let's develop Wailuku town.

The developers have not designed with our community in mind.
Originally the commercial land in question, was supposed to be a medical facility and senior housing.

We must remember where we are. We are in Hawaii. The Hawaiian Islands are unique in our fragile world, both ecologically, and culturally. We need to preserve our small town quaintness, the safety and health of our families, our historical uniqueness, our respect for those that have come before us, and our access to the night sky and stars.

As unpopular and silly as my ideas sound to some, I know I'm right. I know I have the best interest of Maui nui in my heart and in my mind for all citizens of the world.

I look forward to reading your Environmental Assessment. I am happy to answer any questions you have regarding this paper.

Mahalo,

Nancy Halley

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Ms. Nancy Halley
189 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes Environmental Assessment Early Consultation Comments for Proposed Maui Lani Shopping Center

Dear Ms. Halley:

Thank you for your letter of October 30, 2007 responding to our request for pre-assessment comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments. Our responses are offered in the order presented in your letter.

1. Left Turn on Kainani from Proposed Development

The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants, in coordination with the DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street

access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

2. ***Historic Sandhills Access to Proposed Development***

Sidewalks will be provided in connection with roadway improvements serving the proposed project. Although specific designs have not yet been developed, it is the intent of the applicant to ensure safety for pedestrians.

As requested by the Department of Transportation, proposed bike paths have been removed from the project plans. The bike paths have instead been replaced with shoulder lanes for bicycle use.

3. ***Proposed Two-Story Building Near Nakoa Street***

Presently, the applicant proposes to construct single-story shops totaling approximately 3,800 s.f. at the northwestern corner of the property. The two-story office building to which you referred to in your letter has been relocated to the southeast corner of the project site, along Maui Lani Parkway. Since the last community meeting of November 12, 2008, the applicant has made various changes to the proposed site plan. Included in such changes will be the provision of a buffer of approximately 72 feet to 110 feet between the adjacent homes of Historic Sandhills, located along the western perimeter of the project site, and the western extent of the proposed parking lot. The proposed 3,800 s.f. shops are located approximately 110 feet east of the adjacent Sandhills homes' property line. We would also note that the proposed shops at the northwestern corner of the site will have a height of approximately 22 feet to the top of the building's parapets, with architectural elements (e.g., roof "pop-outs") extending up to 30 feet in height.

4. ***Preserving Historical Integrity and Hawaiian Ancestors***

The applicant's project archaeologist has been and will continue to work with the State Historic Preservation Division to ensure that identified burials are treated and preserved with the highest degree of respect. Burial treatment plans have been

prepared for three (3) burial sites, with additional treatment plans to be prepared for the remaining 19 burials. In addition, the area to the immediate southeast of the Kainani Street-Kaahumanu Avenue Intersection will not be graded given the likelihood of burials in this locale. Instead, an approximately 15,200 square-foot preservation area will be created at this corner of the property.

5. ***Access to the Proposed Maui Lani Shopping Center***

Please refer to Response to Comment No. 1.

6. ***Easing Congestion***

The project's traffic engineer has collected additional traffic data in the vicinity of the project site and has prepared the previously noted new study to evaluate operations at adjacent roadway facilities. The purpose of the new study is to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA). In addition, the applicant has met with representatives of Baldwin High School (BHS) to discuss concerns and comments regarding traffic circulation as it affects BHS. As a result of its meetings, the applicant agreed to fund a traffic study to analyze current operations at BHS and to identify recommendations that may aid in relieving congestion and safety concerns. A copy of the BHS Traffic Evaluation Study as well as the new traffic study for the project will be included in the Draft EA.

7. ***Opposed to National Chains***

The applicant recognizes the importance of small local businesses and notes that Maui Lani Shopping Center will provide space for both local and nationally-based tenants. While the major tenant space for the project has been set aside for Safeway, the center will provide retail and office space leasing opportunities for local businesses as well. The proposed shopping center is viewed as an opportunity to meet the needs of the community as population and consumer demand increases in Central Maui.

8. ***Flooding***

The issue of drainage impacts associated with the project is an important consideration for the applicant. The project civil engineer has reviewed site conditions and has prepared a drainage engineering report which examines ways to ensure that storm runoff from the project does not adversely affect downstream

or adjacent properties. The drainage report will be included in the Draft Environmental Assessment.

9. *Parking*

Thank you for your input on parking. With the current site plan, approximately 569 parking stalls are proposed for the project. The parking layout has been prepared with consideration of the site's topography. In combination with a carefully developed landscape design and incorporation of a new buffer space, the use of at-grade or surface parking was determined to be appropriate from both functional and aesthetic standpoints.

10. *Say No to 24/7*

As currently envisioned, Safeway would be open 24 hours a day. Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which would include such measures as limiting the use of service vehicles, trucks and equipment during late night and early morning hours, and employing security patrol protocols designed to control loitering.

11. *Light and Pollution*

Thank you for your comments regarding lighting. Lighting for the parking lot will be designed to balance the need to minimize light spillage and pollution with security and safety requirements. Light poles for the parking lot will be approximately 25 feet in height, which would keep the top of the light pole below the ground level of the adjacent residences in the historic Sandhills neighborhood. In addition, the light fixtures will be shielded (similar to the lights at Kaiser Permanente) so that there will be no upward illumination from the poles. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees.

It should also be noted that the aforementioned buffer proposed at the western perimeter of the site will provide approximately 72 ft. to 110 ft. of separation between the adjacent Sandhills lots and the parking lot. It is anticipated then that this buffer will help mitigate the effects of lighting on neighboring properties.

Noise levels will be controlled through building design features which propose to enclose noise generating equipment and activities (e.g., compressors, loading zone activities). Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for example, would include limiting loading and unloading, at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As noted above, the applicant will prepare and implement a night-time security and operations plan to ensure that night-time activity in the shopping center is managed to prevent loitering and nuisance activities which may disturb nearby residences.

12. Attracting Termites

The applicant will maintain appropriate termite control measures on the shopping center property. Treatment and prevention systems for ground and dry wood termites will be implemented as part of the long-term maintenance plan for the shopping center. Onsite termite control is intended to not only address the shopping center's facilities maintenance objectives, but also help in reducing infestation to neighboring properties.

13. Noise

A number of Sandhills residents have expressed their concerns relating to noise generated from shopping center activity. In response to these concerns, the applicant will implement building design features that will take into account the noise generated by air conditioning units, refrigeration units and other noise generating equipment generally associated with a facility like the shopping center. To better address noise impact issues, the applicant has undertaken a noise study to quantify existing noise conditions and to assess the impacts of the proposed shopping center as it relates to the existing conditions. Mitigative measures will be implemented to ensure that noise impacts upon neighboring residences are minimized. A copy of the noise study will be incorporated in the Draft Environmental Assessment.

14. Deliveries

Deliveries for all shopping center tenants will be limited to the hours of 7:00 a.m. to 10:00 p.m. As part of the noise mitigation program being designed by the applicant, operational elements associated with the Safeway store, such as loading, unloading, and use of compactors, will be housed within the buildings or shielded from neighboring properties to minimize nuisance effects to neighboring residents. As indicated above, the applicant has commissioned a noise study which will address noise generating activities associated with shopping center operations. As

well, the applicant plans to implement a night-time security program to ensure public safety concerns are properly considered.

Refrigeration trucks and trailers will be needed to bring in goods for the shopping center. However, once the loading/unloading activity associated with these units are completed (generally within a 3 to 5 hour time span), the units will either be moved offsite or turned off. Therefore, there will be no operating refrigeration units between the hours of 10:00 p.m. and 7:00 a.m.

15. ***Garbage Dumpsters***

Currently, there are five (5) designated trash bin locations proposed for the shopping center, with the majority (or four (4)) located on the eastern portion of the project site. Although there is one (1) trash bin located on the western developed perimeter of the project site, it is located approximately 80 ft. from the adjacent Sandhills lots. Garbage pick up will not occur before 7:00 a.m. In general, garbage pick ups for a center of this type occur twice a week.

16. ***Flora and Fauna***

There are no sensitive environmental features such as wetlands, and there are no rare and threatened species of flora or fauna at the project site. The project site will be landscaped to provide a complex which will aesthetically complement the surrounding neighborhoods. While landscaping is not intended to provide replacement habitats for displaced fauna, it will allow for transient use by birds which frequent the Sandhills area.

Herbicides, pesticides and fertilizers will be used for landscape maintenance purposes. However, such use will be minimized, with managed applications. As with other shopping center projects, best management practices for landscape maintenance will be utilized in the context of a public health and safety priority.

17. ***Other Comments***

Accessibility

The project site will be designed to comply with the provisions of the Americans with Disability Act, and accordingly, will provide the needed accessibility design features which will make the shopping center fully accessible to seniors.

Effects on Wailuku Town

The proposed Maui Lani Shopping Center is intended to provide retail/commercial space which will complement service provision to residents. The proposed Safeway store, as well as opportunity for leasing by both national and local tenants, will serve markets which may not necessarily be able to be accommodated in Wailuku Town.

Alternative Uses for the Site

While the applicant has considered other uses over the course of its ownership of the property, the proposed Maui Lani Shopping Center is being proposed in the context of the Maui Lani's master plan's current development status, which reflects a growing residential base. This growth reflects the general trend of residential expansion in the Central Maui region which creates new demand for retail and commercial services.

We appreciate your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft EA will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please let me know.

Very truly yours,

Erin Mukai, Planner

EM:lfm
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
Lisa Rotunno-Hazuka, Archaeological Services Hawaii (w/out enclosure)

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Erin Mukai

From: GringoPress@aol.com
Sent: Tuesday, October 30, 2007 12:58 PM
To: Erin Mukai; AhKaDa@aol.com
Subject: safeway on maui lani parkway

Dear Erin

As a resident of the Sand Hills neighborhood, the idea of a 24 hour Safeway distresses me greatly. Noise and light pollution will certainly increase, as will traffic over our old streets.

I also understand there are ancient burial plots in the area which will be disturbed by this project, and that the full scope of this burial ground has yet to be properly determined.

Please, this project cannot be allowed to go forward!

F.D. Hessey Jr.
260 Halenani Drive
Wailuku

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

F.D. Hessey Jr.
260 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Hessey:

Thank you for your email of October 30, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since receipt of your email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

24-Hour Safeway Operation

As currently proposed, Safeway would be open 24 hours a day. Neighborhood concerns expressed on the "24/7" operating proposal include safety and security concerns associated with loitering and late night activities in the parking lot. In recognition of these concerns, the applicant will prepare and implement a night-time security and operations plan which would include such measures as employing security patrol protocols designed to control loitering.

The applicant is working with Safeway, to ensure that late night and early morning operations do not adversely impact neighboring residents.

planning environment government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Noise Pollution

Concern of noise levels associated with store generators and air-conditioned containers will be controlled through building design features which propose to enclose noise generating equipment and activities (i.e., compressors, loading zone activities). Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for example, would include limiting loading and unloading, at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. To address concerns of trash pick-ups, the applicant proposes to limit the hours of trash collection to ensure that commercial waste pick up will not occur before 7:00 a.m. In general, garbage pick ups for a center of this type occur twice a week.

As previously noted, since the last community meeting of November 12, 2008, the applicant has made several changes to the proposed site plan. One of such changes includes the provision of a buffer along the western perimeter of the site, between the adjacent Sandhills lots and the proposed parking lot. The parking area is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to serve as not only a visual buffer, but will serve as noise buffer to aid in mitigation of noise impacts of the shopping center to surrounding properties.

To better address noise impact issues, the applicant has undertaken a noise study to quantify existing noise conditions and to assess the impacts of the proposed shopping center as it relates to the existing conditions. Mitigative measures will be implemented to ensure that noise impacts upon neighboring residences are minimized. A copy of the noise study will be incorporated in the Draft Environmental Assessment (EA).

Light Pollution

The proposed lighting for the parking lot will be designed to balance the need to minimize light spillage and pollution with security and safety requirements. Light poles for the parking lot will be approximately 25 feet in height, which would keep the top of the light pole below the ground level of the adjacent residences in the historic Sandhills neighborhood. In addition, the light fixtures will be shielded so that there will be no upward illumination from the poles. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees.

The aforementioned buffer proposed at the western perimeter of the site will provide approximately 72 to 110 ft. between the adjacent Sandhills homes and the parking lot. It

is anticipated then that this buffer will help address the concerns of the effects of lighting on neighboring properties.

Traffic

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Currently, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

Burials

The applicant's project archaeologist has been and will continue to work with the State Historic Preservation Division to ensure that identified burials are treated and preserved with the highest degree of respect. Burial treatment plans have been prepared for three (3) burial sites, with additional treatment plans to be prepared for the remaining nineteen burials. In addition, the area to the immediate southeast of the Kainani Street – Kaahumanu Avenue intersection will not be graded given the likelihood of burials in this locale. Instead, an approximately 15,200 square-foot preservation area will be created at this corner of the property.

We appreciate your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft EA will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please let me know.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
Lisa Rotunno-Hazuka, Archaeological Services Hawaii (w/out enclosure)
F:\DATA\Sueda\MauiLaniCtr\hesseyres.ltr.wpd

Erin Mukai

From: David Kingdon [dkingdon@yahoo.com]
Sent: Wednesday, October 31, 2007 1:09 PM
To: Erin Mukai
Subject: UPDATED: Maui Lani Shopping Center Comment for EA

Kainani vs. Maui Lani.doc (30 ...

Dear Ms. Mukai:

Thank you for your reply. I accidentally omitted a paragraph from my comment. I am re-sending our comment with that paragraph (now the second one) included.
Also attached is a .doc copy. Please ensure that this updated version is the one shared with the developers and entered into the EA record.

Thank you.

David Kingdon ** see below and attached **

Resident Names: David Kingdon and Roxanne Gillespie
Address: 302 Naniloa Drive, Wailuku, HI 96793

We oppose use of Kainani Street for access / egress serving the proposed Maui Lani Shopping Center. The developers have not adequately articulated why all access / egress cannot be achieved via Maui Lani Parkway. Maui Lani Parkway has a much better and safer infrastructure to service the shopping center without the negative and dangerous impacts it could have on Kainani Street.

The medical offices including Kaiser Maui Lani on the east side of Maui Lani Parkway have their only entrances and exits off of Maui Lani Parkway. There is no route into or out of that center from Ka'ahumanu Avenue, nor from any other roadway. These offices and clinics are vast and expanding, and yet traffic has managed Maui Lani-only access and egress without any noted logistical or safety concerns. This is compelling evidence that a shopping center on the west side of Maui Lani could be serviced in a similar fashion. It begs serious questions about why an invasive and dangerous entrance / exit in an old residential neighborhood is "necessary," as purported by the developers, when Maui Lani Parkway itself could serve their needs.

If, for some reason, Kainani Street access / egress is pursued by developers over the community's opposition and marked safety concerns, configuration and legally binding signage should prohibit "cut-through" traffic in the historic Sandhills neighborhood. (Prohibiting left turn from Shopping Center to old Sandhills and/or right turn from old Sandhills into Shopping Center)

David has noted national expertise in injury prevention and can provide citations that show empirical evidence of grave safety concerns that would be created by changes to the physical environment similar to the proposed Kainani Street entrance / exit and/or "cut through" traffic.

Thank you for your consideration.

Sincerely,

David Kingdon and Roxanne Gillespie

6A

Resident Names: David Kingdon and Roxanne Gillespie
Address: 302 Naniloa Drive, Wailuku, HI 96793

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David has noted national expertise in injury prevention and can provide citations that show empirical evidence of grave safety concerns that would be created by changes to the physical environment similar to the proposed Kainani Street entrance / exit and/or "cut through" traffic.

Thank you for your consideration.

Sincerely,

David Kingdon and Roxanne Gillespie

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

David Kingdon and Roxanne Gillespie
302 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. Kingdon and Ms. Gillespie:

Thank you for your email of October 31, 2007 responding to our request for early consultation comments on the proposed Maui Lani Shopping Center. As you may know, since receipt of your email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team has worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Access Configuration

The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants, in coordination with DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the

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shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Currently, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

Traffic Signage

The appropriate signage indicating restrictions on turning movements, for example, will be utilized in the project vicinity to properly direct traffic. Signs associated with the project development will be implemented in accordance with The Uniform Manual on Traffic Control Devices, which defines the standards used to install and maintain traffic control devices on all streets and highways.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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Erin Mukai

From: garywmarshall1@comcast.net
Sent: Wednesday, October 10, 2007 8:45 AM
To: Erin Mukai
Cc: janemarshall@comcast.net
Subject: Maui Lani Shopping Center- Informational Meeting

We are the owners of the home located at 208 Halenani Drive, Wailuku. We cannot attend the meeting on October 16, 2007 but do have a couple of concerns. Our first concern is that the parking lot lights, signage, and other lighting associated with the project will cause light "pollution" at night. Does Maui have a "night sky" ordinance to insure that light pollution will not negatively impact the surrounding neighborhoods? If such an ordinance does not exist will the developer voluntarily incorporate similar measures? Our second concern is related to sidewalks. The site plan included with your letter appears to show new sidewalks for the adjacent public streets, but the scale is too small to be certain. Specifically we are wondering whether the project includes a new sidewalk along the street parallel to Kaahumanu Ave. that connects to the Sand Hills neighborhood west of the proposed shopping center.

Thank you for your attention to these concerns.

Jane and Gary Marshall
574 Panoramic Highway
Mill Valley, CA 94941

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Gary and Jane Marshall
574 Panoramic Highway
Mill Valley, CA 94941

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. and Mrs. Marshall:

Thank you for your email of October 10, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since receipt of your email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Response to Comment Regarding Lighting

The County of Maui adopted Ordinance No. 3430, relating to Outdoor Lighting in 2007. In this regard, outdoor lighting fixtures will comply with shielding requirements of the ordinance. Specifically, the light fixtures will be fully shielded so that there will be no upward illumination, similar to the lights provided at the neighboring Kaiser Permanente Clinic. The proposed lighting for the parking lot will be designed to balance the need to minimize light spillage and pollution, as they may affect neighboring properties, with security and safety requirements for the shopping center. Light poles for the parking lot will be approximately 25 feet in height, which would keep the top of the light pole below the ground level of the adjacent residences in the historic Sandhills neighborhood. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees.

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As previously noted, since the last community meeting of November 12, 2008, the applicant has made several changes to the proposed site plan. One of such changes includes the provision of a buffer along the western perimeter of the site, between the adjacent Sandhills lots and the proposed parking lot. The western extent of the parking area is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to serve as not only a visual buffer between properties, but will help mitigate the effects of lighting on neighboring properties.

Response to Comment Regarding Sidewalks

The applicant proposes to construct additional sidewalks, and cross walks in the vicinity of the project site. Although specific designs have not yet been developed, it is the intent of the applicant to ensure safe and easy access to the shopping center for pedestrians.

We appreciate your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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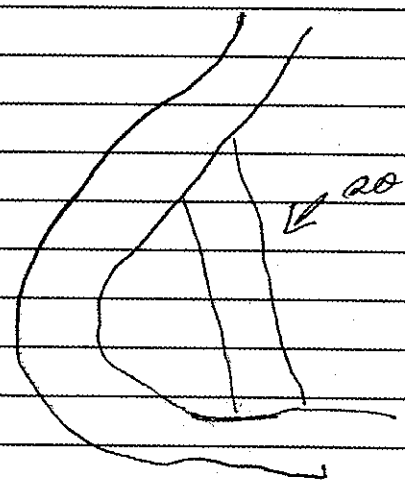
COMMENT FORM

Proposed Maui Lani Shopping Center
October 16, 2007 CommunityMeeting

Resident Name Judy Mirza Phone No. 244-7192
Address 453 Lihi St Alternate No. _____
Kahului 96732

Please write any comments you wish to share on the proposed project below. Comments received prior to October 31, 2007 will be included in the Draft Environmental Assessment currently being prepared.

Why is the Entrance driveway so long & turning? Could there be a shorter access through the loop



so drive way could serve two areas.

If you wish, you may mail your comments to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhinconline.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Judy Mirzai
453 Lihi Street
Kahului, Hawaii 96732

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Ms. Mirzai:

Thank you for completing the comment form distributed at the October 16, 2007 community meeting responding to our request for early consultation comments on the proposed Maui Lani Shopping Center. As you may know, since receipt of your comment form, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of the revised plan that we would like to provide the following information in response to your comments.

1. **Why is the entrance driveway so long and "turning"? Could there be a shorter road through the loop?**

   The configuration of the proposed shopping center driveway to which you were referring to was a connection via Kainani Street. However, the current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

   During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative , the applicant decreased the overall project size by approximately twenty percent to reduce project-related trip generation. This,

in turn, eliminated the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that we presented at the community meeting of November 12, 2008. Currently, the applicant proposes three (3) access points for the site via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right turns in only. In addition, two (2) accesses are proposed along Maui Lani Parkway: one (1) full movement access and one (1) limited access with right turn in and right turn out.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
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Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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STEPHANIE OHIGASHI
179 HALENANI DRIVE
HISTORIC SANDHILLS
WAILUKU, HAWAII 96793

MUNEKIYO & ASSOCIATES
305 S. HIGH STREET
WAILUKU, HAWAII 96793

RE:MAUI LANI SHOPPING CENTER

Dear Mr. Munekiyo, Mike

Thank you very much for the well organized meeting held at the Maui Waena Intemediate School to review the updated plans for the Maui Lani Shopping Center. It has taken a long time to " get it right " and of course, that should be the objective of any developer to do it right from the beginning.

Attached are my comments for the Environmental Assessment in regards to the impacts I think this project may impose upon me and my neighbors in Historic Sandhills.

Thank you very much for your professional handling of this matter.

Stephanie Ohigashi

Stephanie Ohigashi

Comments from Stephanie Ohigashi, resident of Historic Sandhills
281-4535
10/31/2007

MAUI LANI SHOPPING CENTER

I have lived in the Sandhills neighborhood since 1957. Over the last 50 years, my family and I have rented homes on Leilani and Naniloa Drives and finally purchased the home we currently live in on Halenani Drive. These past 50 years has brought rapid development and changes to Sandhills, especially with " cut - through " traffic. An ordinance created by the Maui Council to restrict cut-through traffic especially by vehicular trucks over 10,000 pounds (except those rendering service to those residents on those affected roads) on certain substandard streets of Sandhills was approved and placed into the Maui County Code as section 10.68.110. This ordinance has helped maintain some of the peace and quiet all of us feel we deserve in our own homes.

Presently, HRT, Ltd company is seeking approval of their Phase 2 Project District for a large commercial project of which they presented some designs for at the Maui Planning Commission at it's July 10th, 2007 meeting. In seeking the MPC approval, HRT says it feels it needs three entrance and exits to be profitable for the maximum amount of project users to have ease of access and exit from their property. That is a logical request from their perspective, however one of those entry points concern a street described in the above referenced code 10.68.110, Kainani Street. This is the main street all of the residents in Sandhills utilize to enter/exit our neighborhood from/to Kaahumanu Avenue. Therefore, from our perspective, the use of Kainani Street by this developer is undesirable.

Since HRT, Ltd needs Kainani Street as a entry point , the company submitted designs to widen, and install new signage and other improvements so that they can gain approval by the State DOT to use Kainani Street. These new designs have triggered compliance with Chapter 343, Hawaii's Environmental Review Process (EA). The following are my comments to the Environmental Assessment.

1. Kainani Street: In the Phase 2 application, reference is made to the " first " entrance as a major ingress/egress on Maui Lani Parkway, and reference is made to Kainani Street as the " second " entrance in letter of May 21, 2007 from MPD Assistant Chief Ribao to HRT, Ltd. Consultant Sueda, letter of August 16, 2006 from MPD Assistant Chief Kikuchi to the Maui County Planning Director Foley and letter of September 13, 2005 from MPD Chief Phillips to Maui County Planning Director Foley and reference is made to the " third " is the use of a service entry further down on Maui Lani Parkway and the " fourth " as a new entrance/exit on Kaahumanu Avenue. This " fourth " proposed entrance/exit was denied by the State of Hawaii DOT. Consequently, HRT, Ltd and it's traffic consultants re-designed Kainani Street to take the brunt of the traffic that was intended for Wailuku shoppers to access the Shopping Center via the " fourth " entrance on Kaahumanu Avenue.

My Question: Why does this particular shopping center need three entrances?

My Comment: Keep all entrances and exits on the Maui Lani Parkway for this project as it is a Maui Lani project, not a commercial center designed with the residents of historic Sandhills in mind.

Recommendation:The alternative would be two full services entrances/exits on Maui Lani Parkway. Re-design the service entrance by widening it and eliminate the need for Kainani Street altogether. The Wailuku Commerical Center has only two entrances/exits. It does just fine accommodating all users. The Maui Lani project should take a good look at placing all their vehicular traffic needs on Maui Lani Parkway.

Unearthing and realigning Kainani Street will cause harm to those who live on Kainani Street and for all of us who live in this neighborhood.

My Question: What will HRT, Ltd. , do if they are not granted the use of Kainani Street as they wish?

Recommendations/options: Scale down their design plans to make it a more regional center versus a national (chain) center. Two full entrances/exits should be more than enough to accommodate all the needs of the project if scaled back.

My Question: Will the Developer, HRT., Ltd respect and adhere to Maui County ordinance 10.68.110, created and approved by the Maui County Council to preserve the integrity of our historic neighborhood by not allowing any vehicles over 10,000 pounds on those roads named in the ordinance within the Sandhills neighborhood?

My Question: What assurances do we have that in the event, that HRT ltd. gains approval of their project sans Kainani Street, that they will not allow construction traffic in our neighborhood?

My Question: Will they (HRT, Ltd.) be willing to draft a Traffic Advisory to all construction companies, vendors, service contractors (except those whose work is necessary to hook up utilities, etc.) and post it in a public location?

My Question: Will they (HRT, Ltd., agree to an imposed condition of adhering to County ordinance 10.68.110 in writing to acknowledge full compliance of the code into perpetuity?

2.Traffic: The aspect of additional traffic , especially " cut-through " traffic is one of the issues that most of us in Sandhills agree upon. We don't want anymore than we already have.
Any new designs to Kainani Street to attract more cut-through traffic is undesirable by me and my family.

3.Traffic on Kaahumanu: This is also of great concern and most of us travel onto Kaahumanu and have experienced high peak volume in the morning school rush, noon lunchtime rush, after

school rush and after work rush derived from Puuone Tract, Sandhills , Maui Lani neighborhoods, Baldwin High School, County Parks Departments, Kaiser Medical Clinic, Liberty Dialysis, Maui Hui Malama, the Maui Memorial Hospital, Keopualani Park users and construction vehicles that are still in the Maui Lani Parkway area. The mix of drivers including our student drivers, our retirees , working people, visitors and trucks is a recipe for tragedy in these very busy intersections. It is of utmost concern. At night, Kaahumanu Avenue has less volume of traffic, however, it becomes a speedway and many screeching tires, crashes, ambulances, police cars, fire trucks can be heard going up and down Kaahumanu. In a memo dated September 25, 2006, reference is made regarding the afternoon peak hours having large volumes or about 166 vehicles per hour. The queuing from each intersection may affect the adjacent intersection. I am assuming that these intersections are Baldwin High School and Maui Lani Parkway, Kaahumanu and Lunalilo Street, Kainani Street and Kaahumanu.

My Question:Please explain the justification used to sacrifice community safety and take a poorly designed collector road like Kainani Street and turn it into a major thoroughfare just for profits sake?
Recommendation: In the controversy between the safety of the citizens versus corporate profit, the safety of human lives win. I recommended that Kainani NOT BE USED AT ALL for the safety and well being of the larger community who utilize Kaahumanu Avenue near the above referenced intersections.

Comment: The Maui Police Department, the State of Hawaii Department of Transportation, and the residents of the Historic Sandhills still have many questions about safety and have a need for additional data on the signalization, signage, directionals, crosswalks, lighting, and queing aspects of this new proposed changes to Kainani Street. The safety of our citizens is at risk by changing driving patterns without more study and acceptance by the surrounding neighborhoods. The State Department of Transportation should not consider Kainani a " major ingress/egress " like the Developer's hope it can be.

4. Construction vehicles should not be allowed on to Kainani Street during the construction phase of the HRT project if they receive approval. However, if for some unforseen reason, rocks, dirt, plaster, construction materials, nails are dropped onto Kainani during construction HRT,, Ltd., will be responsible for mitigating this unsafe situation. Keeping our neighborhood free from sharp items, nails, rocks, blowing sand, flying plastic bags is a priority of ours.

My Question: Does the Developer have a plan in place to mitigate damages to the residents themselves or homes, cars, animals? If so, may I have a copy? If not, I would like to request that the developers, HRT, Ltd. Answer this in the draft EA.

Comment: To ensure that there are no secondary harmful impacts as a result of this project to the residents of Sandhills by HRT, Ltd.'s desired use of Kainani Street as an entrance/exit for their project, the use of Kainani Street should be off limits to all construction vehicles. The consultant gave us their word that large vehicles would not enter/exit via Kainani Street into their Phase 2 project. May we have this agreement in writing?

A 24 hour operation of stores within the HRT proposed project district is being suggested for a one year trial period and after that year, the " company " will assess their profitability and adjust their hours if needed.

My comments: Totally absurd.

My Question(s): What rationale does HRT, LTD have to share with the historic Sandhills neighborhood as justification for 24 hour store(s)?

Nationally, in Canada and the UK many large chain stores have stores hours to reflect it's customer base or the lifestyle of it's customer base?
HRT, Ltd has not to this date, designed any stores to reflect the " lifestyle " of the residents in the surrounding neighborhoods or suggested operating hours that was considerate of the residents nearby. Longtime residents in Historic Sandhills Neighborhood and families with young children in both the gated Maui Lani and the new Sandhills Estates should be considered when deciding on hours of operation. In our case, many retirees live on Nakoa Street, a street filled with residents that will feel the brunt of the negative impacts of 24 hour store(s). It will be intrusive, noisy, sounds of cars, car doors slamming, the cracking open of ice bags, the throwing of rubbish, the sound of boom boxes, late deliveries, unloading, loading, talking, laughing ....all this impacts the " early to bed " crowd in the Sandhills neighborhood. A recipe for pilikia.

My Question: Will Maui Lani create a policy that this project district is open for business at reasonable hours , hours that are acceptable by the surrounding residents?

Recommendation: That HRT, Ltd. have operating hours open to the public between 5am and 10pm daily for all of the businesses and services within that project district.

ATTACHED ARE PETITIONS THAT WERE SUBMITTED TO THE MAUI PLANNING COMMISSION FOR THE PUBLIC HEARING OF JULY 10, 2007.
THE bulk of signers want the Safeway to close at 10pm.

In closing, I am totally against making major changes to Kainani Street.
I am totally against such large buildings.
I am totally against the insensitive designs of the buildings.
I am very disappointed that even after the Maui Planning Commission admonished the Developers and it's consultants to " tune-up " or overhaul " their plans, they made very little changes to the overall concept of their projecy.
I am also very disappointed that the Developers HRT, Ltd., and it's consultants are not paying attention to the direction of growth that Maui County is going. Our Mayor and our council are going Green and Smart. The new updated plans did not change in design or purpose.

My final recommendation is that they create a holistic, environmentally friendly project that fits in with it's surrounding medical facilities and neighborhoods or else create a cultural park.

Stephanie L. Ohigashi
179 Halenani Drive
Wailuku, Hawaii 96793

Maui Planning Commission
c/o Maui County Planning Department
250 S. High Street
Wailuku, Hawaii 96793

6/23/2007 Re:Maui Lani Shopping Center

Dear Planning Commissioners:

Thank you for taking special time out from the many volunteer tasks you have in order to render appropriate decisions on the projects that come before you. I appreciate your efforts and your commitment to our unique island lifestyle.

Enclosed are petitions and other documents indicating the mood and sentiment of some of the residents of the historic Sandhills neighborhood that sits above the sand dune where the Maui Lani Shopping Center is proposed to be built.

There are varying degrees of acceptance of this shopping center within our residential neighborhood from totally opposed to it to accepting it with reservations and conditions.

The biggest concern we have is the use of Kainani Street as a truck exit. For more than 50 years, Kainani Street has been a two lane road that serviced our neighborhood. Over the past 10 years, it has become a pass through and by the looks of the proposed re-design of Kainani to a four lane road at the Kaahumanu intersection of it, it will be forced to handle even higher levels of traffic caused by pass though shoppers and delivery trucks. The State Department of Transportation has reviewed all plans and their letter also recommends the limitation of trucks on Kainani Street.

We ask that you, the Maui Planning Commission place a condition on the developers that no trucks over 10,000 pounds, except those rendering service to the Sandhills neighborhood, be allowed on Kainani Street. Large delivery trucks on Kainani Street will be a recipe for tragedy.

Thank you so much for your consideration of the feelings and expressions of concern by the residents of the historic Sandhills neighborhood.

Sincerely,
Stephanie Ohigashi
Stephanie Ohigashi
Sandhills Resident since 1954

EXHIBIT 46

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

We, the undersigned, residents of Historic Sandhills neighborhood, who live on Kainani Street, Nakoa Drive, Halenani Drive, Leinani Drive, Naniloa Street and Ku Drive are opposed to the proposed design change on Kainani Street by developer HRT. We also oppose the use of Kainani street as one of two major entrances and exits to the project. We oppose the use of Kainani Street by trucks over 10,000 as stated by County ordinance.

We strongly hold the County of Maui, DOT, the County Planning Department, Planning Commission responsible for the safety of all neighborhoods including Kainani street. The result of the use of Kainani Street as proposed by this project will threaten the traffic safety in this community as well on Kaahumanu Highway.

We ask that the Planning Commission place a condition on the Developer HRT to comply with the County ordinance restricting use of trucks of over 10,000 pounds on Kainani Street.

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Name	Megan Tamura	Address/TMK	12 Kainani	Date	6-20-07
Name	Wayne Makoto	Address	22 Nakoa Dr	Date	6/20/07
Name	Tomotsu Makoto	Address	" " "	Date	
Name	Johnnie Mamu	Address	34 Nakoa Dr	Date	6/20/07
Name	Eunice Sentnell-Nomaui	Address	34 Nakoa dr.	Date	6/20/07
Name	KAWIKA ALCON	Address	42 NAKOA DR.	Date	6/20/07
Name	Chuyoko Uriomoto	Address	54 NAKOA DR.	Date	6/20/07
Name	Helen Ohigashi	Address	60 Nakoa Dr.	Date	6/20/07

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PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

We, the undersigned, residents of Historic Sandhills neighborhood, who live on Kainani Street, Nakoa Drive, Halenani Drive, Leinani Drive, Naniloa Street and Ku Drive are opposed to the proposed design change on Kainani Street by developer HRT. We also oppose the use of Kainani street as one of two major entrances and exits to the project. We oppose the use of Kainani Street by trucks over 10,000 as stated by County ordinance.

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Name	Eleanor Tamanaha	Address/TMK	74 Nakoa Dr	Date	6/20/07
Name	Eva L. Vares	Address	66 Nakoa DR.	Date	6/20/07
Name	Abel A. Vares	Address	" " "	Date	6/20/07
Name	Masao Okada	Address	80 Nakoa Dr	Date	6/20/07
Name	Emily Engh	Address	104 Nakoa Dr.	Date	6/20/07
Name	Eddie Ott	Address	157 HALENANI DR	Date	6/20/07
Name	[illegible]	Address	157 Halenani	Date	6/20/07
Name	Pm Q Cuadro	Address	60 Nakoa Dr.	Date	6/22/07

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name	Cordu Ortiz	Address/TMK	17 Nakoa Dr.	Date	6-20-07
Name	Cleighton Hirage	Address	17 Nakoa Dr.	Date	6-20-07
Name	Jeanette Watanabe	Address	7 Nakoa Dr	Date	6-20-07
Name	Wy Watanabe	Address	7 Nakoa Dr	Date	6-20-07
Name	[illegible]	Address	29 Nakoa Dr	Date	6/20/07
Name	[illegible]	Address	35 Nakoa Dr.	Date	6/20/07
Name	Patricia Kahula Zakaki	Address	35A Nakoa Dr	Date	6/20/07
Name	A Giacci	Address	43 Nakoa Dr	Date	6/20/7

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

We, the undersigned, residents of Historic Sandhills neighborhood, who live on Kainani Street, Nakoa Drive, Halenani Drive, Leinani Drive, Naniloa Street and Ku Drive are opposed to the proposed design change on Kainani Street by developer HRT. We also oppose the use of Kainani street as one of two major entrances and exits to the project. We oppose the use of Kainani Street by trucks over 10,000 as stated by County ordinance.

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Name TWAROWSKI	Address/TMK 49 NAKOA DR.	Date 6/20/07
Name Thelma C. Ferreira	Address 77 NAKOA Dr	Date 6/20/07
Name BRUCE + Lucille GUERIN	Address 83 NAKOA DR	Date 6/20/07
Name BRIAN OKADA	Address 80 NAKOA DR	Date 6/20/07
Name Masako Okada	Address 80 Nakoa Dr.	Date 6/20/07
Name Micah Mesiun	Address 89 Nakoa Dr	Date 6/20/07
Name Clare Agpaw	Address 260 Halenani Dr	Date 6/21/07
Name Stephanie Ohigashi	Address 179 Halenani Dr	Date 6/22/07

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

We, the undersigned, residents of Historic Sandhills neighborhood, who live on Kainani Street, Nakoa Drive, Halenani Drive, Leinani Drive, Naniloa Street and Ku Drive are opposed to the proposed design change on Kainani Street by developer HRT. We also oppose the use of Kainani street as one of two major entrances and exits to the project. We oppose the use of Kainani Street by trucks over 10,000 as stated by County ordinance.

2007 JUN 22 PM 12 01
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

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276	Name Carole Mahan	Address/TMK 268 Halenani Dr	Date 6/21/07
290	Name Duke Finkle	Address 283 Halenani Dr	Date 6/21/07
300	Name Johnny Rodrigues	Address 284 A Halenani	Date 6/21/07
	Name Marigrace Rodriguez	Address 284A Halenani Dr	Date 6/21/07
	Name Ted Yamamura	Address 280 Naniloa Dr	Date 6/21/07
	Name Shigeko Francis	Address 310 NANILOA DR	Date 6-21/07
	Name Elmo Tanji	Address 220 Naniloa Dr	Date 6/21/07
	Name Carey Shojo	Address 179 Halenani Dr	Date 6/21/07

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name Tom T. Hiranaga	Address/TMK 114 Nakoa Dr	Date 6/21/07	
Name Miyoko Hiranaga	Address 114 Nakoa Dr	Date 6/21/07	
Name Kaikaika Teves	Address 165 Nakoa Dr	Date 6/21/07	
Name Akemi Tanaka	Address 197 Nakoa Drive	Date 6/21/07	
Name Peggy Tanaka	Address 197 Nakoa Dr.	Date 6/21/07	
Name [illegible]	Address 232 Nakoa Dr	Date 6/21/07	
Name Lynee Medeiros	Address 232 Nakoa Dr	Date 6/21/07	
Name [illegible]	Address 174 Halewawi Dr	Date 6/21/2007	

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name Yvonne Ayanoa	Address/TMK 223 Halenani Dr	Date 6/21/07	
Name STEVE PARKER	Address 223 Halenani Dr	Date 6/21/07	
Name Mnga B. Perez Jr	Address 253 HALENANI DR	Date 6/21/07	
Name Enoz Medeiros Jr	Address 178 Halenani Dr	Date 6/21/07	
Name DON DANG	Address 171 Halenani Dr	Date 6-21-07	
Name COLETTE HANG	Address 171 HALENANI Dr	Date 6-21-07	
Name [illegible]	Address 130 Halenani Dr	Date 6-21-07	
Name [illegible]	Address 130 Halenani Dr.	Date 6-21-07	

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name [illegible]	Address/TMK 116 Halenani	Date 6/22/07
Name Marion Rivera	Address 68 Halenani Dr	Date 6/21/07
Name Elvia Tamayo	Address 35 Kainani Dr	Date 6/22/07
Name [illegible]	Address 35 Kainani St.	Date 6/22/07
Name Betty Arakawa	Address 74 Naniloa Dr	Date 6/22/07
Name [illegible]	Address 178-C Naniloa Dr.	Date 6/22/07
Name Yasmin Alaeb	Address 235 Halenani Dr	Date 6/22/07
Name Anthony Eldridge	Address 235 Halenani Dr	Date 6/22/07

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name Francis D [illegible]	Address/TMK 260 Halenani Dr	Date 6-21-07
Name Patrick [illegible]	Address 261 Halenani Dr.	Date 6-22-07
Name	Address	Date
Name	Address	Date
Name	Address	Date
Name	Address	Date
Name	Address	Date
Name	Address	Date

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Nakoa
170
154

Name [illegible]	Address/TMK 222 Ugaon	Date 07/21/07
Name Natalie Gonsalves	Address 223 Nakoa Dr	Date 06/21/07
Name Kazuko Tobita	Address 212 Nakoa Drive	Date 06/21/07
Name [illegible]	Address	Date
Name Vicki Carvacho	Address 170 Nakoa Drive	Date 6/21/07
Name Albert A. Carvacho	Address 170 Nakoa Drive	Date 6/21/07
Name [illegible]	Address 148 Nakoa Drive	Date 6/21/07
Name Charles Araki	Address 126 Nakoa Dr.	Date 21 June 07

Additional signatures obtained but not turned in to Maui Planning Commission. Two signators do not live in Sandhills, but the neighborhood across of on Liholiho Street. Liholiho connects to to Lunalilo which is the intersection of Kaahumanu, Lunalilo and Kainani Streets.

PETITION OBJECTING TO THE USE OF KAINANI STREET AS AN ENTRANCE AND EXIT for proposed Maui Lani Shopping Center Project District Application Phase II (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT.

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Name [illegible]	Address/TMK 208 Halenani	Date 7-3-07
Name Elizabeth Daniels	Address " "	Date " "
Name Cynthia [illegible]	Address 260 Halenani Dr	Date 7-3-07
Name [illegible]	Address 211 Ginger Ho	Date 7-9-07
Name Sean Lawrence	Address 211 GINGER HO DRIVE	Date 7-09-07
Name Hollis Lee	Address 80 Halenani Dr	Date 7-09-07
Name Nancy Halley	Address 189 Naniloa	Date 7-09-07
Name	Address	Date

Name Frett Blaine Tamasyka Address 35 Kainani St.

Date 6/22/07

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☒ Use of Kainani Street as an exit/entrance
- ☒ Proposed changes on Kainani Street
- ☒ 24 hours operation of Safeway store and/or gas station
- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
- ☒ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☒ Size of the proposed Center is too large.
- ☒ Noise, light, air pollution
- ☐ Other concerns: _____

Here are possible solutions:

- ☒ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☒ Have closing hour of shopping center at 10pm ✓ ____ 12pm ____ other _____
- ☐ _____
- ☐ _____
- ☒ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ ✓ Good idea! _____

EXHIBIT 47

Name [illegible] Address 222 Nakoa

Date 06/21/07

2007 JUN 22 PM 12 02
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☑ Use of Kainani Street as an exit/entrance
- ☑ Proposed changes on Kainani Street
- ☑ 24 hours operation of Safeway store and/or gas station
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
- ☑ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☑ Size of the proposed Center is too large.
- ☑ Noise, light, air pollution
- ☑ Other concerns: _____

Here are possible solutions:

- ☐ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☐ Have closing hour of shopping center at 10pm____ 12pm ✓ other_____
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 48

Name [illegible] Address 130 Halenani Dr

Date 6/21/07

(Pam Seeda)

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☒ Use of Kainani Street as an exit/entrance
- ☐ Proposed changes on Kainani Street

- ☒ 24 hours operation of Safeway store and/or gas station

- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
- ☐ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☐ Size of the proposed Center is too large.
- ☒ Noise, light, air pollution
- ☐ Other concerns: _____

Here are possible solutions:

- ☒ Do not use Kainani as an entrance/exit.
- ☐ Other _____

- ☐ Have closing hour of shopping center at 10pm X 12pm ____ other ____

- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 49

Name James + Norine Agnoz Address 223 Halenani Dr.

Date 6/21/07

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☐ Use of Kainani Street as an exit/entrance
- ☐ Proposed changes on Kainani Street
- ☑ 24 hours operation of Safeway store and/or gas station
- ☐ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
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- ☐ Size of the proposed Center is too large.
- ☐ Noise, light, air pollution
- ☐ Other concerns: _____

Here are possible solutions:

- ☐ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☐ Have closing hour of shopping center at 10pm____ 12pm_____ other_____
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 50

Name Joe Medeiros Address 232 Nakoa

Date

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☑ Use of Kainani Street as an exit/entrance
- ☑ Proposed changes on Kainani Street
- ☑ 24 hours operation of Safeway store and/or gas station
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
- ☑ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☑ Size of the proposed Center is too large.
- ☑ Noise, light, air pollution
- ☐ Other concerns: _____

Here are possible solutions:

- ☑ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☑ Have closing hour of shopping center at 10pm____ 12pm ✓ other_____
- ☐ _____
- ☐ _____
- ☑ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 51

96

Name Grace K. Greene Address 202 Nakoa Dr.
Date 6/21/2007

2007 JUN 22 PM 12 02
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

- ☑ Use of Kainani Street as an exit/entrance
- ☑ Proposed changes on Kainani Street
- ☑ 24 hours operation of Safeway store and/or gas station
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani, Nakoa, Halenani, Ku, Naniloa, Leinani) regarding traffic.
- ☑ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☐ Size of the proposed Center is too large.
- ☐ Noise, light, air pollution
- ☐ Other concerns: _____

Here are possible solutions:

- ☑ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☐ Have closing hour of shopping center at 10pm ____ (12pm) ____ other _____
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 57

357.0527

Natalie_Gonsalves@notes.k12.hi.us

Name Natalie Gonsalves Address 225 Nakoa Dr

Date 6/21/07

2007 JUN 22 PM 12 02
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because uf :

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- ☑ No plan for pedestrian traffic from the Baldwin high school across Kaahumanu to the shopping center. Potential danger to students.
- ☑ Size of the proposed Center is too large.
- ☑ Noise, light, air pollution
- ☐ Other concerns: Safety issues for BHS Student

See written testamont

Here are possible solutions:

- ☐ Do not use Kainani as an entrance/exit
- ☐ Other _____
- ☐ Have closing hour of shopping center at 10pm X 12pm ____ other ____
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of neighborhood center and reduce traffic generated by the project.
- ☐ _____

EXHIBIT 53

98

Name Chiyoko Hiromoto Address
54 Nakoa Dr.

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☒ Use of Kainani Street as an exit/entrance
- ☒ Proposed changes on Kainani Street
- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☐ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☒ Size of the proposed shopping center is too large to be a neighborhood store.
- ☒ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☐ Do not use Kainani as an entrance/exit Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of old Wailuku.
- ☐ Have closing hours of shopping center at (10pm)____ 12pm_____other_____
- ☐ _____

EXHIBIT 54

Name Eva B. Vares Address 66 Nakoa DR.

2007 JUN 22 PM 12 03
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☒ Use of Kainani Street as an exit/entrance
- ☒ Proposed changes on Kainani Street
- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☒ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☒ Size of the proposed shopping center is too large to be a neighborhood store.
- ☐ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☒ Do not use Kainani as an entrance/exit Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.
- ☐ _____
- ☐ _____
- ☒ Downsize to keep a feeling of old Wailuku.
- ☐ Have closing hours of shopping center at 10pm____ 12pm____ other_____
- ☐ _____

EXHIBIT 55

100

Name Helen Ohigashi Address 60 Nakoa Dr

2007 JUN 22 PM 12 03
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☒ Use of Kainani Street as an exit/entrance
- ☐ Proposed changes on Kainani Street
- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☐ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☒ Size of the proposed shopping center is too large to be a neighborhood store.
- ☒ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below.

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☒ Do not use Kainani as an entrance/exit Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.
- ☐
- ☐
- ☐ Downsize to keep a feeling of old Wailuku.
- ☒ Have closing hours of shopping center at 10pm ✓ 12pm_____ other_____
- ☐

EXHIBIT 56

Name Stephanie Lee Ohigashi Address 179 Halenani Drive

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☒ Use of Kainani Street as an exit/entrance
- ☒ Proposed changes on Kainani Street
- ☒ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☒ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☐ Size of the proposed shopping center is too large to be a neighborhood store.
- ☒ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☒ Make 2 Entrance/Exits on Mauilani Parkway
- ☐ Do not use Kainani as an entrance/exit

Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.

- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of old Wailuku.
- ☐ Have closing hours of shopping center at 10pm X 12pm_____other_____
- ☐ _____

EXHIBIT 57

Name Nancy Ciacci Address 43 Nakoa Dr

2007 JUN 22 PM 12 03
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☑ Use of Kainani Street as an exit/entrance
- ☑ Proposed changes on Kainani Street
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☑ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☑ Size of the proposed shopping center is too large to be a neighborhood store.
- ☑ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☑ Do not use Kainani as an entrance/exit

Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.

- ☐ _____
- ☐ _____
- ☑ Downsize to keep a feeling of old Wailuku.
- ☑ Have closing hours of shopping center at 10pm XX 12pm_____other_____
- ☐ _____

EXHIBIT 58

Name Chostan Twarowski Address 49 Nakoa Dr. Wailuku

2007 JUN 28 PM 12 03
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☒ Use of Kainani Street as an exit/entrance
- ☐ Proposed changes on Kainani Street
- ☐ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☐ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☒ Size of the proposed shopping center is too large to be a neighborhood store.
- ☒ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☒ Do not use Kainani as an entrance/exit Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of old Wailuku.
- ☐ Have closing hours of shopping center at 10pm ✓ 12pm____ other_____
- ☐ _____

EXHIBIT 59

Name Bernice C. Takaki Address 35A Nakoa Dr - Wailuku

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☑ Use of Kainani Street as an exit/entrance
- ☐ Proposed changes on Kainani Street
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☑ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☑ Size of the proposed shopping center is too large to be a neighborhood store.
- ☑ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐ Do not use Kainani as an entrance/exit
- ☑ Measure and do a trial run of the cue and how changing lanes.
- ☒ Repair neighborhood streets, make safe walk ways along roadways especially sidewalks where possible , repair retaining walls on streets, widen unsafe areas, lots of slowing traffic measures speed bumps not very effective.
- ☐ Downsize major store A to keep a feeling of old Wailuku.
- ☑ Have closing hours of shopping center at 10pm___ 12pm_____ other_____

EXHIBIT 60

Name Cleighton/Cordis High Address 17 Nakoa Dr.
Wailuku

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) developer HRT.I am opposed to the project because:

- ☑ Use of Kainani Street as an exit/entrance
- ☑ Proposed changes on Kainani Street
- ☑ Safety issues are not adequately addressed for the neighborhood streets (Kainani,
- ☑ No plan for pedestrian traffic from the high school or across Kaahumanu.
- ☑ Size of the proposed shopping center is too large to be a neighborhood store.
- ☑ 24 hours operation of any store and/or gas station
- ☐ Other issues as outlined below._____

I have concerns about the proposed Maui Lani Shopping Center (TMK:3-8-07:121 Lot 11-A-1-A) by developer HRT. Here are possible solutions

- ☐
- ☑ Do not use Kainani as an entrance/exit Measure and do a trial run of the cue and how changing lanes worksespecially at pau hana or end of Balwin school day.
- ☐ _____
- ☐ _____
- ☐ Downsize to keep a feeling of old Wailuku.
- ☐ Have closing hours of shopping center at 10pm____ 12pm____ other 9:pm
- ☐ Build medical-related buildings instead of a Safeway.

EXHIBIT 61

Erin Mukai

From: ahkada@aol.com
Sent: Saturday, January 05, 2008 11:26 PM
To: Erin Mukai
Subject: Fwd: Maui Lani Shopping Center

-----Original Message-----
From: Sohigashi@aol.com
To: AhKaDa@aol.com
Sent: Fri, 4 Jan 2008 3:25 pm
Subject: Maui Lani Shopping Center addition to EA response from Stephanie Ohigashi

Aloha Erin,

Thank you for your patience and work on this project. Here are my comments in regards to the last meeting and surprise drawing presented at the meeting at the Hongwanji. One of the triggers for this EA is the use of a County road Kainani Street, drainage and environmental concerns.

Apparently, this latest design attempt was not mailed to everyone in the 500 foot radius of the proposed shopping center. I am considering the latest design as just an afterthought by the developers and not an official noticed design proposal to every homeowner in the 500 feet radius so I am not taking it as something HRT, Inc. will submit to the State DOT. The residents in attendance at the meeting did not embrace this last minute plan. The numerous design changes and re-designs have left our neighborhood not really knowing what is being proposed and how to comment on it this aspect for the EA. It is challenging.

1.. The use of Kainani Street had not been given approval by the Maui County Council in the original Project District Phase 1 approval. I checked with Planner Ann Cua and she did confirm that No, the Developers have never received any approval for use of Kainani Street.

2. The many map changes indicate no such approval. If the developer wishes to gain the use of Kainani Street as a major entrance/exit into the property, I request going back to the Maui County Council for review and approval. Major traffic problems will impact Maui drivers if changes are made and changes to the drainage, burial sites and safety are a big concern of our residents.

3. I personally continue to object to any changes in Kainani Street for the purposes of an entrance/exit out of the Maui Lani Shopping Center property.

4. The petitions that I submitted to Munekiyo and Hiraga on the EA still reflect the wishes of the residents who have grave concerns about the safety of residents who live on Nakoa Street, Ku Drive, Naniloa, Halenani and Kainani Streets with cut through traffic.

5. The Archeologist Lisa Rotuno-Hazuka in her letters and correspondence concludes that she was unaware of the need for Kainani Street as an entrance until recently and because the owners agreed to stop trenching the area surrounding Kainani Street, she felt her work there was done. However, she will still need to conduct an inventory because of this EA and provide a comprehensive BTP for the site. She did give a partial plan at the Maui Island Burial Council Meeting of May 26, 2006 and informed them she would come back and " present specific long-term treatment, landscaping, platforms, and signage for the burial council at their next MLIBC meeting. I never found any minutes where she returned to give them that information. Please provide that information in the EA.

6. Because of the many burials found, HRT, Inc. agreeded to preserve the burials in place so no further trenching or testing was needed. Preservation of that area was to take place and medians built so all of the burials would be

preserved in place. The respect that these burials were going to be given is now being threatened with additional roadway development and I strongly feel that more burials will be discovered as indicated by Hinano Rodrigues indicated at the last Maui Planning Commission meeting of July 10, 2007.
The Maui Lanai Island Burial Council were apprised of this plan and L. Hazuka said there would be rock platforms, cemented areas and signage to indicate where these burials were and it would continue to be part of the land and that The Maui Lani Homeowners Association would be responsible for maintenance of the preservation areas near the homes. There was no mention at this meeting as to who will be responsible for maintenance of the preservations areas of the commercial areas. Since there are really no signed tenants to date.
Please provide who will specifically be responsible to be the caretakers of the preservations areas.

7. Having grandparents that have their burials near my home, I feel strongly that if some corporate giant came and bought the property where my ojichan and obachan's graves were and deciding to dig it up and place someplace else, without considering my families feelings or wishes, would be the highest form of disrespect. The Hawaiian warriors and kupuna who are interned in the sand dunes on Kainani Street deserve respect just like my grandparents and yours do. If someday in the future, Maui continues to develop, many sacred places will be ruined and destroyed in the interest of profit. That should not happen here in our special place and I feel we need to speak up or it may be lost forever. I propose that the developer be good friend to the Hawaiian community and keep the grave sites intact and placed at a quiet place on the property where descendants can come and visit and meditate. It should definitely not be placed in the middle of a traffic loop with no chance for descendents to come near the sites. I think any supermarket would not like the public to feel that they consider selling Bud Light more important to respecting our ancestors.

8. This Shopping Center design itself does not fit into the original Sandhills neighborhood, as if to say that the Sandhills neighborhood was never considered to be an influence on the design, which is okay by me, because I never considered the Maui Lani Shopping Center to impact our Sandhills neighborhood like it is doing now. However, since they are requesting to use Kainani Street, a Street specifically created for Sandhills by the County of Maui, I feel we do have the right to air our concerns.

Not once at the any of the meetings with the developer, has he (Sueda) tried to say that the historic homes and 1950's designs could be made a part of the shopping center somewhere, somehow. He has never taken the attitude that Sandhills is important. He has not even acknowledged that the Streets of Nakoa have history as a place where WWII veterans returned to Maui and built their homes, Nakoa Street is also the site of the Battle of Kakanilua, the ancient Hawaiian warriors great battle, where numerous skeletal remains remind us of our ancient history. No effort has been made on the developers part to erect signs or information of the historical, cultural significance of this area. Instead, it was explained to the members of the Maui Planning Commission that the design is the SAME design used for the Piilani Shopping Center. That is Kihei and fits in with the new development schemes of Kihei. The developer justified the design by saying that the roofs and lights and colors schemes all match the Maui Lani Kaiser Clinic across the street from the proposed shopping center. Once again, the developer has planned , executed, carried out a Maui Lani cookie cutter project with not thoughts or regards to the surrounding areas. I feel it is his right to do so and since he placed all the emphasis on creating a " Maui Lani Shopping Center ", he should keep all his entrances and exits on Maui Lani Parkway.

9. KMART on Dairy Road has only one entrance and exit that is on their property. They have high traffic on Dairy Road and long ques because of the airport and Costco, however, there are two traffic signals that serve to move traffic so that there is ease of movement into and out of the KMART.
The Maui Lani Shopping Center agreed to signalize it's main entrance and exit on Maui Lani Parkway and that will also serve to move traffic out of the road onto Kaahumanu in a timely manner.
I feel strongly that HRT, Inc. go back and take a hard look at giving the community reassurances that it will be safe to travel to their shopping center by signalizing their entrance and exit into the Maui Lani Shopping Center on the Parkway and also go back and ask the State DOT to allow a right in on Kaahumanu.

108

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Ms. Stephanie Ohigashi
179 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for Proposed Maui Lani Shopping Center

Dear Ms. Ohigashi:

Thank you for your letter received on November 2, 2007 and your email received on January 5, 2008, responding to our request for pre-assessment comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter and email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of the revised plan that we are providing responses to your comments of November 2, 2007 and January 5, 2008. The responses below are presented in the order of your comments in your letter and email.

RESPONSES TO YOUR LETTER RECEIVED ON NOVEMBER 2, 2007

1. TRAFFIC-RELATED COMMENTS

The applicant recognizes the sensitivity associated with the Kainani Street access issue. As a result, during the course of planning for the project, a number of alternatives to address impacts associated with the use of Kainani Street were considered. After examining the various options and considering comments offered by residents of the Historic Sandhills neighborhood, the applicant has developed a plan which would eliminate the need to use Kainani Street as an ingress and egress point for vehicular access.

To establish a viable basis for the revised plan, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the revised plan, three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway are proposed. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We would also like to note that the project's traffic engineer, PB Americas, Inc., has prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

2. ***ADHERENCE TO CHAPTER 10.68.110 OF THE MAUI COUNTY CODE***

As previously noted, the current proposal for access configuration does not include Kainani Street. Inasmuch as Kainani Street will not be used as an ingress or egress point for the shopping center, local roadways through the Historic Sandhills neighborhood are not anticipated to be used by shopping center-related truck traffic in keeping with the spirit of Chapter 10.68.110 of the Maui County Code.

3. ***NO CONSTRUCTION TRAFFIC THROUGH SANDHILLS***

The applicant will limit construction access to the site via Maui Lani Parkway only. We note that limited construction access may also occur via the proposed Kaahumanu Avenue access point. Such access will only be used to facilitate construction of the Kaahumanu Avenue access improvements. The intent of this construction access plan is to discourage construction vehicles from using local roadways through the Sandhills neighborhood.

4. ***TRAFFIC ADVISORY TO CONSTRUCTION COMPANIES AND VENDORS***

The applicant is willing to issue traffic advisories to construction companies and vendors to discourage the use of roadways traversing local Sandhills neighborhoods.

5. ***CONDITION FOR COMPLIANCE WITH CHAPTER 10.68.110***

The applicant is agreeable to a Project District Phase II condition which acknowledges that it will comply with Chapter 10.68.110 of the Maui County Code in perpetuity.

6. ***KAINANI STREET ACCESS SHOULD NOT ATTRACT "CUT-THROUGH" TRAFFIC***

As previously noted, Kainani Street will not be utilized for egress from and/or ingress to the shopping center. The elimination of Kainani Street as an access point will mitigate cut through traffic through the neighborhood of Sandhills.

7. ***TRAFFIC ON KAAHUMANU AVENUE***

We note your concerns regarding the high volume of traffic utilizing Kaahumanu Avenue and the use of Kainani Street by the proposed development. As previously noted, Kainani Street will not be used for egress from and/or ingress to the project. As previously noted, a revised traffic study has been prepared by the project's traffic engineer. In part, the study evaluates traffic conditions along Kaahumanu Avenue.

Additionally, the applicant has met with representatives of Baldwin High School (BHS) and the State of Hawaii, Department of Transportation (DOT). As a result of its meetings with BHS, the applicant agreed to fund a Traffic Evaluation Study to analyze current operations at the BHS entry drive intersection and to identify recommendations that may aid in relieving congestion and safety concerns for vehicles and pedestrians. A copy of the Traffic Evaluation Study will also be included in the Draft EA.

8. *NEED FOR ADDITIONAL DATA*

The traffic engineer has collected additional traffic data in the vicinity of the project site. The purpose of the new study is to ensure that the proposed alternative offers a safe and workable traffic solution for this location.

9. *CONSTRUCTION TRAFFIC SAFETY CONCERNS*

As noted above, construction traffic will primarily access the site via Maui Lani Parkway. Coordination with contractors will be undertaken to ensure that this limitation is respected. It is noted that construction of the Kaahumanu Avenue entry may also require access to the property from Kaahumanu Avenue. However, use of Kaahumanu Avenue to construct the new right-turn in access will be limited to that construction element only.

In summary, there will be no construction vehicles accessing the property from Kainani Street. It is noted, the contractor will be required to implement Best Management Practices to minimize construction-related dust. A representative of the contractor will be assigned as a point-of-contact should there be specific concerns raised by neighboring residents.

10. *MITIGATING DAMAGES TO SANDHILLS PROPERTIES*

The applicant, through its contractor, is willing to conduct a pre-construction inspection of homes which border the project site to establish baseline structural and property conditions. The information collected can then be used as a basis for assessing property damages during the construction phase of development.

11. *PROHIBITING LARGE VEHICLES FROM USING KAINANI STREET*

See response No. 3, above.

12. *24-HOUR OPERATION OF SAFEWAY STORE*

As currently envisioned, Safeway would be open 24 hours a day. Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which would include such measures as limiting the use of

service vehicles, trucks and equipment during late night and early morning hours, and employing security patrol protocols designed to control loitering.

The applicant is willing to work with all of its tenants, including Safeway, to ensure that shopping center operations do not adversely impact neighboring residents. Through close cooperation with Sandhills residents, the applicant believes that it can successfully manage a 24-hour Safeway operation without affecting nearby residential areas.

RESPONSES TO YOUR EMAIL RECEIVED ON JANUARY 5, 2008

Response to Comment Nos. 1 through 4, Relating to Kainani Street

As noted above, the applicant has reduced the size of the project to enable elimination of Kainani Street as an ingress/egress point.

Response to Comment No. 5 Relating to Archaeology

An archaeological inventory survey was conducted in 1997 by Xamanek Researches, LLC. At that time a burial feature was identified. The identified burial feature was then presented to the Maui/Lanai Islands Burial Council (MLIBC) and the proposed mitigation for the feature was preservation in place. Subsequently, archaeological monitoring of vegetation removal and grading was undertaken from 1999 to 2005 by Archaeological Services Hawaii, LLC. During monitoring, additional burial features were discovered. A Burial Treatment and Preservation Plan was prepared by Archaeological Services Hawaii, LLC and has been accepted for three burial features. The aforementioned burials discovered during monitoring, as well as their respective proposed preservation measures, have been presented to the State Historic Preservation Division (SHPD) and MLIBC. The SHPD has prepared a determination letter accepting the proposed treatment of the inadvertent burial features determination letter for these burials. Treatment of these burials is being discussed with SHPD by the project archaeologist. A burial component of a Preservation Plan is being developed in coordination with the SHPD and the MLIBC.

Response to Comment No. 6

Maintenance of the preservation areas within the proposed project site is the responsibility of the landowner per the Preservation Plan.

Response to Comment No. 7

Due to the potential for encountering additional burials in the northwest corner of the site (near Kainani Street), the applicant has determined that this area will be preserved as is. Thus, an approximately 15,200 s.f., area which currently remains ungraded, will not be altered as part of the development of the Maui Lani Shopping Center. In this connection, the applicant recognizes the importance of working closely with the SHPD and MLIBC to ensure that all burials are treated with the utmost respect.

Response to Comment No. 8

Thank you for sharing your concerns and comments regarding the history of Sandhills by noting, in particular, that it is home to World War II veterans and the site of the ancient Hawaiian Battle of Kakanilua. The applicant and project team recognize the longevity of the Sandhills neighborhood and in no way wish to disregard the significance of its establishment in Maui's history. The cultural and archaeological significance of the area are also of importance to the applicant. The applicant and project's archaeologist will work closely with the SHPD and MLIBC to ensure that the proper care and consideration are given to the archaeological and cultural features of the site. In this context, signage provided at the preservation areas are one of the measures that will be implemented during construction of the project.

While the design of the shopping center may not reflect the designs of the neighboring 1950s homes of Sandhills, we would like to assure you that the applicant and project team recognize the meaning and historical importance of the area.

Response to Comment No. 9

The applicant will monitor conditions at the main access point along Maui Lani Parkway and will install a traffic signal when warranted. Roadway improvements proposed will be designed in accordance with State and County standards to ensure that the safety of pedestrians and drivers are not compromised.

We appreciate your comments regarding the proposed shopping center project and associated impacts. A copy of the Draft Environmental Assessment will be provided to you for review and comment. In the meantime, should you have any questions or if additional clarification is needed, please do not hesitate to call.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu and Associates (w/out enclosure)
Lisa Rotunno-Hazuka, Archaeological Services Hawaii (w/out enclosure)
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Erin Mukai

From: Cindy Schenk [dougcindy@hotmail.com]
Sent: Monday, October 15, 2007 11:11 AM
To: Erin Mukai
Subject: Comments on Maui Lani Shopping Center

Dear Erin:

It was good to talk to you the other day! Doug and I won't be able to make the meeting on Tuesday after all. So...here is our input on the shopping center. If you have any information you can share with us about the meeting, please email it to us as we will be gone until December.

This area of the Sandhills (Nakoa, Halenani, Naniloa) is an old quiet, historic neighborhood where many elderly people live. The streets are narrow, winding, substandard roads with NO sidewalks at all, on either side of the street. Each morning and evening, residents use these streets to walk on for exercise and peaceful enjoyment. Even with the small amount of traffic currently on the roads, it is dangerous. Adding more cars will certainly increase the likelihood of an accident, and will ruin any peaceful enjoyment residents now have.

We feel strongly that Kainani Road should be left alone and not used as an entrance or exit from this shopping center. For those of us who live in the neighborhood, just crossing four lanes of traffic to get to Kaahumanu Avenue will be dangerous and annoying. Our feeling is that large delivery trucks will be using this road and it will not be a good mix.

As for the shopping center itself, we would much rather see something with a lower impact, on a smaller scale. If we want to go to a large store, there are already plenty to choose from in Kahului. What this area really needs is a smaller, more convenient grocery store along the lines of a Pukalani Superette. Offices and restaurants could be welcome, but NOT a big Safeway store.

Thank you for your consideration. Please take into account the wishes and needs of the local resident population when completing the EA. Our objections are valid. We live here and deserve to be heard and acknowledged. People who have lived here for 60 years and more are not happy about this project and have already been highly impacted with the loss of views, dust, ugly black fences, and noise that it has wrought so far. We don't want this thing crammed down our throats and in our face.

Thank you!

Aloha,

Douglas and Cindy Schenk
309 Naniloa DRive
Wailuku
808-572-4596

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Douglas and Cindy Schenk
309 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. and Mrs. Schenk:

Thank you for your email of October 15, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised site plan that we would like to provide the following information in response to your comments.

Response to Comments Regarding Traffic and Proposed Access Points

The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants in coordination with the DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

Response to Comments Regarding Alternatives to the Proposed Plan

While the types of alternative uses and commercial formats for the property are numerous, the applicant has selected this model of development together with a major anchor (Safeway) to best meet market demand while ensuring that impacts to the surrounding environment can be adequately managed and mitigated. It is in this context that the project size has been scaled down by approximately 20 percent to address concerns relating to neighborhood impacts. Towards this end, the applicant will work with Safeway to develop appropriate measures to minimize nuisance effects associated with store operations, including noise and loitering.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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Bernice C. Takaki
P.O. Box 330497
Kahului, HI 96733

October 25, 2007

Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Miss Mukai:

My name is Bernice C. Takaki. My residential address is 35A Nakoa Drive in Wailuku. I have lived in my home for 15 years and in this area for most of my life.

I live 4 house lots away from Kainani Street.

I am writing in opposition of the Safeway/Shopping/Business complex that wants Kainani Street as an entrance and exit. Proposing Kainani Street as a 4 lane street was shocking and eye opening as to what big business could do. Changing that plan to two lanes and still a major entrance and exit is not desirable. Once the building goes up all promises and conditions will no longer apply.

Our neighborhood does not want an increase in traffic, noise, lights and dust. We do not want a 24 hour store or a 24 hour drive through next to our homes. We do not want an increase in cars and delivery trucks on our streets. We want quiet peaceful safe places to live.

We do not live in a 24 hour community. Let the Queen Kaahumanu Center in Kahului be a testament for our living and shopping habits. The mall is dead after 6 p.m. The Safeway on Kamehameha Avenue is also slow after 7 p.m. And yet the corporate office of Safeway wants a 24 hour store in our neighborhood with an access that would definitely change our quality of life.

Sinerely,

Bernice C. Takaki

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Bernice C. Takaki
P.O. Box 330497
Kahului, Hawaii 96733

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Ms. Takaki:

Thank you for your letter dated October 25, 2007 responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised site plan that we would like to provide the following information in response to your comments.

Traffic

The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

During the course of planning for the project, the applicant has studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options, the applicant and its consultants in coordination with the DOT, developed a revised site plan that eliminates the use of Kainani Street as an access point. To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

A new traffic study has also been prepared to evaluate operations at adjacent roadway facilities. The purpose of the new study is to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment.

24-Hour Safeway Operation

As currently proposed, Safeway would be open 24 hours a day. Neighborhood concerns expressed on the "24/7" operating proposal include safety and security concerns associated with loitering and late night activities in the parking lot. In recognition of these concerns, the applicant will prepare and implement a night-time security and operations plan which would include such measures as employing security patrol protocols designed to control loitering.

The applicant will work with all of its tenants, including Safeway, to ensure that shopping center operations do not adversely adversely impact neighboring residents. Through close cooperation with Sandhills residents, the applicant believes that it can successfully manage a 24-hour Safeway operation without affecting nearby residential areas.

Noise

Concern of noise levels associated with store generators and air-conditioned containers will be controlled through building design features which propose to enclose noise generating equipment and activities (i.e.: compressors, loading zone activities). Noise control measures relating to self-imposed operational restrictions are also proposed. Such restrictions, for example, would include limiting loading and unloading, at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. To address concerns of trash pick-ups, the applicant proposes to limit the hours of trash collection to ensure that commercial waste pick up will not occur before 7:00 a.m. In general, garbage pick ups for a center of this type occurs twice a week.

Further, since the last community meeting of November 12, 2008, the applicant has made several changes to the proposed site plan, including the provision of a buffer along the

western perimeter of the site, between the adjacent Sandhills lots and the proposed parking lot. The western extent of the parking area is now setback from the project site's western property line by approximately 72 ft. to 110 ft. This separation is intended to serve as not only a visual buffer, but will serve as noise buffer to aid in mitigation of noise impacts of the shopping center to surrounding properties.

To better address noise impact issues, the applicant has undertaken a noise study to quantify existing noise conditions and to assess the impacts of the proposed shopping center as it relates to the existing conditions. Mitigative measures will be considered to ensure that noise impacts upon neighboring residences are minimized. A copy of the noise study will be incorporated in the Draft Environmental Assessment.

Light

The proposed lighting for the parking lot will be designed to balance the need to minimize light spillage and pollution, as they may affect neighboring properties, with security and safety requirements. Light poles for the parking lot will be approximately 25 feet in height, which would keep the top of the light pole below the ground level of the adjacent residences in the historic Sandhills neighborhood. In addition, the light fixtures will be shielded so that there will be no upward illumination for the poles. Similar design principles will be used for exterior lighting of the buildings, with the intent of minimizing unnecessary light spillage while allowing for an adequate level of security lighting for customers and employees.

Dust

Dust associated from construction equipment and vehicles may be generated during the construction of the proposed project. However, the proposed project will comply with the provisions of the State Department of Health Administrative Rules, Title 11, Chapter 60, Air Pollution. Mitigative measures to lessen the impacts of such dust may include water spraying and sprinkling of loose or exposed soil, erecting dust screens, and re-vegetating or paving exposed areas as soon as practical. Once construction is completed, fugitive dust will be managed through ongoing maintenance of landscaped areas.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. Should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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OCT 1 5 2007

SAKAE UEHARA
178 Naniloa Drive
Wailuku, Maui, Hawaii 97693

Phone (808) 244-5732

October 15, 2007

Mr. Michael Munekiyo
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Munekiyo,

I enclose copies of my testimony presented to the Planning Commission in July 2007, and testimony I hope to present at the next meeting of the Planning Commission, plus appropriate maps.

I hope you will give appropriate weight to my recommendations in your preparation of the EA for the project.

Respectfully submitted,

Sakae Uehara MD

Sakae Uehara, M.D.

SU/ea

Attachments (Maps A and B)

SAKAE UEHARA, M. D.
178 Naniloa Dr.
Wailuku, Maui, Hawaii 96793

Phone: (808) 244-5732

June 15, 2007

(Met 7/10/07)

Planning Commission, County of Maui
200 High St.
Wailuku, HI 96793

Dear members:

I am Dr. Sakae Uehara, a resident for the past forty years on Naniloa Dr. in the Sandhills of Wailuku, and would like to discuss my concerns about the proposed traffic plans involving Kainani St. and the entrance -exit for the Maui Lani Shopping Center from this area. The proposal, dated 1/07 is the latest I have available. Certain lanes have been labeled by me as A, B, C, etc. for ease in identification in my discussion.

1. As seen in Map A, lanes A and B are direct exits from east-bound and west-bound traffic, respectively from Kaahumanu Ave. between Wailuku and Kahului. Right turn traffic into Kainani St. and straight traffic from Lunalilo St. is practically non existent at present but projected to increase by the year 2020, plus the left turn from west-bound Kaahumanu Ave. and is causing some worry about queuing back into Kaahumanu Ave., especially in lane B, turning into the Shopping Center. A greater concern to me is the cross-over from A to B to go to the Shopping Center and the cross-over from B to A to go to Sandhills. MapB. The left turn from west-bound Kaahumanu into Kainani St. is and will continue to be a major flow into Sandhills - Nakoa Dr. And Ku Dr., Halenani Dr., Naniloa Dr. and Naniluna Dr. These cross-overs will occur in a short 175 feet of curved road. Especially in peak hours, this will be hazardous and frustrating situation, never mind a 1-car or 8-car "storage" in stopped or slow moving traffic. This will encourage cut-through traffic coming down Kainani St. To the Shopping Center. It will more than inconvenience local residents on the west-bound Kaahumanu Ave. trying to get through messed up cross-over traffic on Kainani St.

May I suggest a little change in the traffic proposal which may reduce the cross-over and queuing. 1) The east-bound traffic on Kaahumanu Ave., from Wailuku, to the Shopping Center, turn onto Kainani St. in lane B then left into the Shopping Center. 2) The through traffic from Lunalilo St. proceeds straight into lane A or B. 3)The west-bound Kaahumanu Ave. traffic turn left into lane A as most of this traffic will be going into the Sandhills.

The cross-overs previously mentioned should be minimized, will be much more orderly and regulated by the existing traffic signal and cross-overs occur before the 175 feet of lanes A and B. The traffic signal sequence can be similar to the present but with new durations for 1), 2), and 3). Map C.

2. I do not understand the reasoning for the creation of 2 lanes, D and E, for such a short block from Nakoa Dr. to the 3 lanes of the Shopping Center (lanes F, G, and H) where only 1 lane exists today in that short block. If a right turn from lane F is desired and warranted, a right turn lane (short) should be designed. This intersection should not be developed into a too complicated "T". As it is, delivery trucks is being directed by the Shopping Center to exit the Shopping Center via Kainani St. despite letter of 5/23/07 from Brennon Morioka to Jeff Hunt , Item 3. --"Kainani St. signage shall indicate that trucks are prohibited from using Kainani St." !!! Map D.

3. The report dated 4/16/07 from PB Americas, Inc. again has the erroneous statement that there are speed bumps on Kainani St. Speed bumps should be installed; there are none at present!!!

4. Please have HDOT eliminate the "Proposed new bicycle path" west of Kainani St. and along the south curb of Kaahumanu Ave. (4/907 note from Wayne Yoshioka to Brennon Morioka , Page 5). This path goes up west to the bridge over Kaahumanu Ave. from Kainani St. but there is barely any space for a bicycle path and a sidewalk on the south side of the road under the bridge. In fact, on the Wailuku side of the bridge, but not on the Kahului side of the bridge, are white stripes forbidding any traffic next to the automobile lane under the bridge. A cyclist coming up this proposed path would be tempted to try a dangerous transit under the bridge!!! Cyclist and walkers do not need misinformation that leads to danger. Map E . I remember 1 accident when a pedestrian was struck trying to go under the bridge rather than going up the up-ramp over the bridge. Bicycles now come from Wailuku on the sidewalk of the Waiale bridge over Waiale Road, then up the ramp to the bridge (Ting Bridge) , cross the bridge over Kaahumanu Ave., then down the ramp on the north side of Kaahumanu Ave. and down to Kahului.
To access the Shopping Center, enable cyclists to cross Kaahumanu Ave. at the Lunalilo-Kainani crosswalk or at the Baldwin High School- Maui Lani Parkway crosswalk. Traffic lights are present at these two locations. These routes, although longer, will be safer.

5. Finally, for better access to the Waiale neighborhood and easier access to Honoapiilani Hwy. for Wailuku Heights, Waikapu, Malaaea, Kihei, and Lahaina, please require or strongly encourage the operators of the Shopping Center to educate their customers to use the Maui Lani Parkway exit – turn right, go to the wider Wainu St. and then Waiale Rd. to Honoapiilani Hwy. This can be done via ads in the newspaper, in handouts and posters in the stores in the Center.

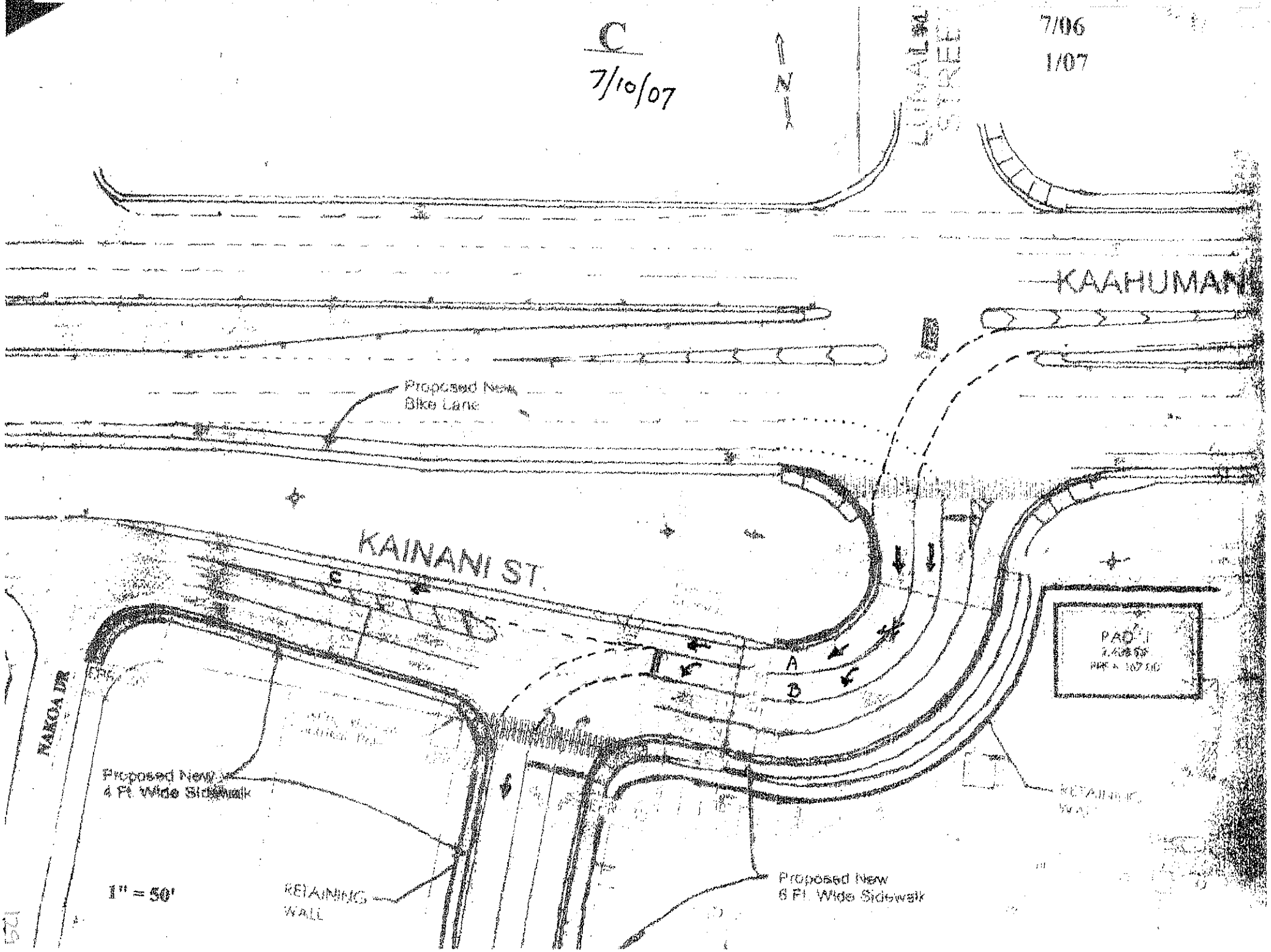
Thank you for allowing me to express some of my concerns regarding the new development and its traffic in our old beloved neighborhood – a neighborhood with narrow 2-lane streets, streets with no parking in most places, no traffic lights, no sidewalks, no bike paths, and utility poles abutting the edges of streets.

Sincerely,

Sakae Uehara, M.D.

C
7/10/07

7/06
1/07



OCT 2 9 2007

SAKAE UEHARA, M. D.
178 Naniloa Dr.
Wailuku, Maui, Hawaii 96793

Phone: (808) 244-5732

October 25, 2007

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High St. Ste 104
Wailuku, HI 96793

Dear Ms. Mukai,

Enclosed is my statement I am sending to Munekiyo & Hiraga, Inc. for consideration for their EA. I may use this as testimony to the Planning Commission depending on the schedule and new changes HRT may submit.

Sincerely,

Sakae Uehara MD

Sakae Uehara, M.D.

130

SAKAE UEHARA, M. D.
178 Naniloa Dr.
Wailuku, Maui, Hawaii 96793

Phone: (808) 244-5732

MAUI LANI CENTER

The presentation by HRT of the revised site plan for the Center on October 16, 2007 at the Maui Waena School was a little confusing and arrogantly insulting to the local community.

1. This new Site Plan - Option 1A is a deliberate plan to substitute the Entrance-Exit from Kaahumanu Ave. to the Center, already denied by the State DOT. The plan now seems to be an attempt to move this denied access a few hundred feet westward and take over Kainani St. from the Sandhills residents for the Center's own benefit - "to prevent cut-through traffic in your neighborhood you had complained about" - with subsequent adverse effects to these residents

2. To eliminate cut-through traffic, HRT proposes to deny residents entrance into the Center from their own Kainani St. **BUT NOT TO CUSTOMERS COMING FROM KAAHUMANU AVE. INTO KAINANI ST. BUT WHO WILL ALSO BE GRANTED A DIRECT AND UNOBSTRUCTED ENTRY INTO THE CENTER FROM KAINANI ST. - UNLIKE RESIDENTS COMING DOWN KAINANI ST. WHO WILL NOW HAVE TO STOP IN THE MIDDLE OF KAINANI ST.** as it curves to Kaahumanu Ave. to allow other new traffic into the Center – "After stopping, you folks have to go right on Kaahumanu, right on Maui Lani and right into the Center"!!! **HOW JOYFUL!!!!**

3. To further reduce resident traffic on Kainani St., the new plan considers possibly imposing **NO TURNS** from parts of Naniloa Dr. into Kainani St.. What happens to those living on Naniluna Dr. and Ting's Way if they want to go east to Kahului, or if they need to go to the Emergency room at the Hospital, or even to Maui Lani Parkway to go shopping,???

May I propose the followiing for your considerstion?

A. EXIT ONLY from the Center (with a **STOP** sign at Kainani St) to proceed to Kaahumanu Ave.

1. To try to reduce truck traffic returning to exit at Maui Lani Pakway through heavy and dangerous traffic within the Center .
2. Avoid truck traffic exiting the second exit further south on Maui Lani Parkway which must turn right and then be tempted to turn left on to Mahalani (the Hospital road)to return to Kaahumanu Ave.
3. Hopefully truck traffic scheduling will be considerate of the neighborhood.
4. Cut-through traffic through Sandhills to the Center should then not exist with no entrance into the Center from Kainani St. –just like at present.
5. Allow north-bound Kainani St traffic to turn left ,go straight into Liholiho St., or turn right at junction with Kaaahumanu Ave.
6. Sandhill residents and customers from the west will have to go east, then turn right (south)into Maui Lani Parkway to enter the Center.
   — Sandhill residents will have to exit at the same (across Kaiser Clinic), turn left on Kaahumanu Ave. and left into Kainani St. to return home.
7. It will be impossible to limit exiting vehicles to "trucks only" unless security personnel is present 24/7.
8. No trucks, trailers, containers, palettes, and like will be left along Kainani and

adjoining streets – this responsibility shall be the Center's to enforce.

This will essentially leave Kainani St. as is except for the merging exit lane from the Center.

B SIGNS

1. Leave present sign as is ------ **"VEHICLE OVER 10,00 POUNDS etc.—"**
2. **NO ENTRANCE INTO SHOPPING CENTER** - at Kaahumanu Ave.-Kainani St. intersection and at curve of Kainani St. at exit from Center (add curb)
3. **STOP** at Exit Lane merging into Kainani St
4. **EXIT ONLY TO KAAHUMANU AVE.** well within the Center to enable a non-truck driver to turn around if needs to do so.

Respectfully submitted,

Sakae Uehara MD

Sakae Uehara, M. D.

October 23, 2007

(The above comments are being submitted by me and have not been approved or concurred in by anyone – except read by my wife)

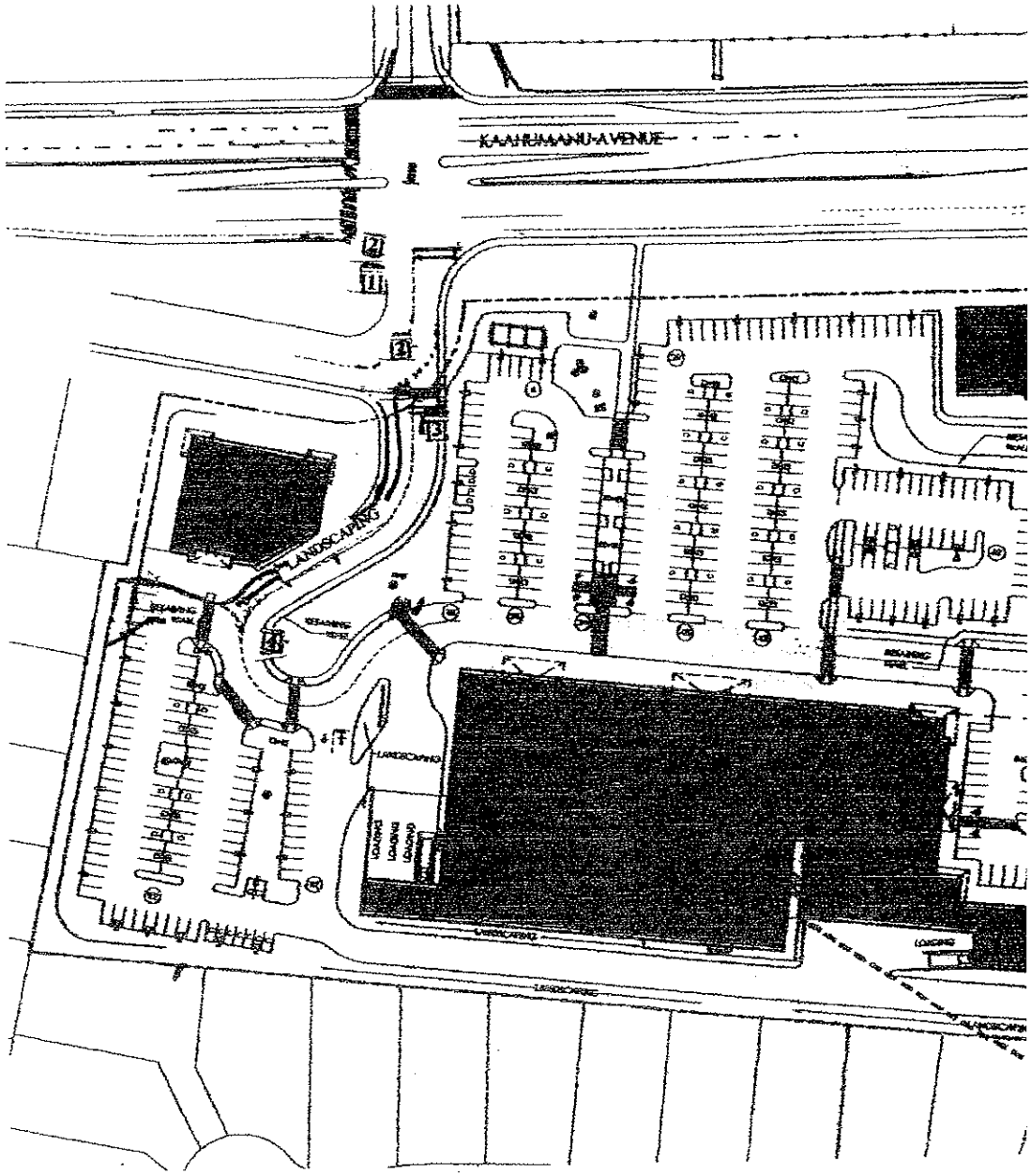
SIGNS ---

[1]...... Same as present
(NO VEHICLES OVER etc.)

[2]......**NO ENTRANCE TO SHOPPING CENTER**

[3]......**STOP**

[4]......**EXIT ONLY TO KAAHUMANU AVE.**



SITE PLAN - OPTION 1A
SCALE: 1" = 50'

HRT, LTD.
3660 Waialae Ave. Suite 400
Honolulu, Hawaii 96816

Maui Lani

Erin Mukai

From: Lori Munekiyo
Sent: Wednesday, January 02, 2008 8:00 AM
To: Michael Munekiyo; Erin Mukai
Subject: FW: Kainani Street

Lori Munekiyo
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Telephone: (808) 244-2015
Facsimile: (808) 244-8729
Email: lori@mhinconline.com

From: sfuehara@aol.com [mailto:sfuehara@aol.com]
Sent: Sunday, December 30, 2007 4:52 PM
To: General eMail
Subject: Kainani Street

These are my comments.

Sakae Uehara, M.D.
sfuehara@aol.com

MAUI LANI CENTER AND KAINANI ST

On 12/13/07, the public was presented with the latest 2 plans and maps by HRT for Kainani St. relative to access into and out of the Maui Lani Shopping Center in a meeting at the Wailuku Hongwangi.

Two points I wanted to make were: 1 – ACCESS should be specified as ACCESS-In or ACCESS-Out and ACCESS In & Out for clarity. 2 – Does Maui Lani Shopping Center really need to have or required to have a third vehicular entry from Kainani St. in addition to the 1 and ½ entry/exit it will already have from Maui Lani Parkway?

A. Does the Center need to appropriate a very significant portion of Kainani St. for this third entry and:

1. **Create an unnecessary hazard with a STOP sign on the east-bound limb of the new Kainani St.**
2. **Adding a second STOP sign on the south-bound limb of the new Kainani St.**
3. **Calling a space a "clear zone" between stop signs does not help.**

B. Much heavier entry traffic into Wal-Mart and into COSTCO in Kahului are served by 1 and 1/2 entries each, and neither seem to have significant problems.

C. Improving the service entry south of the Main Gate on the Maui Lani Parkway should help entry into the Center besides being only "a service entry." Wal-Mart and Costco both have their service entries as their second entries.

Therefore, HRT should eliminate consideration of traffic ENTRY from Kainani St.

Truck exit into Kainani St. and into Kaahumanu Ave.can be accommodated with only slight changes. Because of size of some trucks, exiting at the Main Gate against traffic from Kaiser Clinic may be a problem. Exiting via the "service exit" will pose question of what happens to trucks turning right into the Parkway, going south, and possibly turning left onto Mahalani St. and going in front of the hospital, Cameron Center, the first Kaiser Clinic , and the Police Headquarters. It should be safer and easier for trucks to exit into Kainani St. and then into Kaahumanu Ave. A large TRUCKS ONLY sign well within the Center on this one lane out will help.

If the above changes can made to the numerous choices that have been proposed so far, the results will be:

1. **Substantially preserving the configuration and function of Kainani St. by and for residents nearby and with very little effect on our environment.**
2. **Eliminate all consideration and worries of residents of Sandhills regarding "cut-throughs."**
3. **Provide a safer and easier Exit for trucks to Kaahumanu Ave.**
4. **Provide a few more square feet of space for Office "H".**
5. **No need for HRT to give some land to the State to realign Kainani St.**

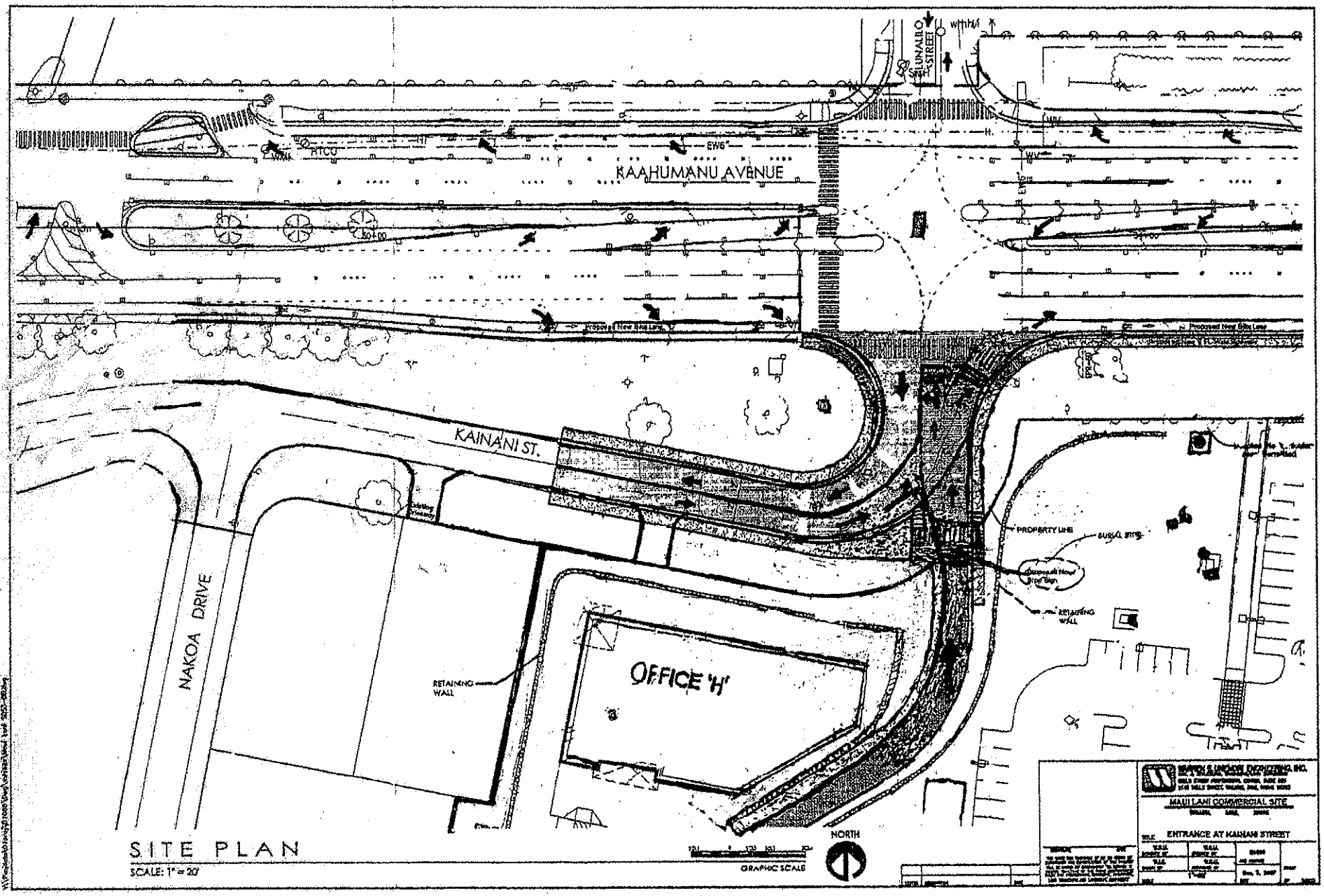
ENVIRONMENTAL ASSESSMENT

1. **Preserve Kainani St. and Sandhills community as much as possible**
2. **Minimize new traffic hazards – on Kainani St; from southern limb of Maui Lani Parkway (Mahalani St.); across Kaiser Clinic exit from Main Gate.**
3. **Encourage automobile traffic use of south limb of Parkway – to Wainu St., Waiale Rd., Wailuku Heights, Honoapiilani Hwy.,Waikapu, Kihei, Maalaea, and the West Side – and avoiding going through Wailuku.**

Respectfully submitted,

Sakae Uehara, M.D.

12/31/07



SITE PLAN

SCALE: 1" = 20'

12/31/07_su

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Sakae Uehara, M.D.
178 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Dr. Uehara:

Thank you for your letters dated June 15, 2007 and October 25, 2007, as well as your email from December 30, 2007, responding to our request for early consultation comments on the proposed Maui Lani Shopping Center project. As you may know, since completion of your letters and email, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would appreciate providing you with the following information in response to your comments.

Responses to Letter dated October 15, 2007

1. Response to Comments Regarding Access Configurations

The applicant recognizes the sensitivity associated with the Kainani Street access issue. As a result, during the course of planning for the project, a number of alternatives to address impacts associated with the use of Kainani Street were considered. After examining the various options and considering comments offered by residents of the Historic Sandhills neighborhood, the applicant has developed a plan which would eliminate the need to use Kainani Street as an ingress and egress point for vehicular access.

To establish a viable basis for the revised plan, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the revised plan, three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway are proposed. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We would also like to note that the project's traffic engineer, PB Americas, Inc., has prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

2. ***Response to Comment Regarding Bicycle Path***

As requested by the DOT, the proposed bicycle lane parallel to Kaahumanu Avenue has been converted to a shoulder lane.

3. ***Response to Comment Regarding the Encouragement of Shopping Center Patrons to Utilize Maui Lani Parkway Exit***

As previously noted, the current access configuration will require all traffic exiting the shopping center to utilize the Maui Lani Parkway point of egress. There is no longer any other exit point other than that along Maui Lani Parkway.

Responses to Letter dated October 25, 2007

1. ***Response to Comment Regarding Site Plan – Option 1A***

Please see response No. 1 to letter dated October 15, 2007.

2. ***Response to Comment Regarding No Right Turn Into Shopping Center from Kainani Street***

As previously noted, the current plan reflects no egress from or ingress to the shopping center via Kainani Street. Potential patrons of the shopping center originating from the Sandhills neighborhood have the option of accessing the site via the right-turn in only access off of Kaahumanu Avenue or the access points along Maui Lani Parkway.

3. ***Response to Comment Regarding No Turns from Naniloa Drive***

The proposed project plans do not reflect changes to any part of Naniloa Drive or Ting's Way.

4. **Response to Comment Regarding Suggested Exit Only at Kainani Street Access Point**

Please see response No. 1 to letter dated October 15, 2007.

5. ***Response to Truck Traffic Exiting Movements***

As currently proposed, exit points are provided along Maui Lani Parkway only. Delivery trucks will mainly utilize the service access/exit point located along Maui Lani Parkway. However, on occasion, trucks may also utilize the main access point along Maui Lani Parkway (across the Kaiser Permanente access drive) as well.

6. ***Response to Truck Traffic Scheduling***

The applicant recognizes the proximity of the Sandhills neighborhood to the project site. In recognition of this, as well as understanding concerns expressed by residents, noise control measures relating to self-imposed operational restrictions are also proposed as part of the project. Such restrictions, for example, would include limiting loading and unloading of delivery trucks at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours.

During construction, the applicant will limit construction access to the site via Maui Lani Parkway only. We note that limited construction access may also occur via the proposed Kaahumanu Avenue access point. Such access will only be used to facilitate construction of the Kaahumanu Avenue access improvements. The intent of this construction access plan is to discourage construction vehicles from using local roadways through the Sandhills neighborhood.

7. ***Response to Location of Trucks, Trailers, Containers Along Kainani Street and Adjoining Streets and Management***

No vehicles, trailers, containers and the like will be stored along Kainani Street or any other roadway traversing through the adjoining neighborhood of Sandhills.

It is also noted that the applicant recognizes the importance of, as well as, the convenience for neighboring residents of instituting a management firm that will oversee operations at the shopping center. As such, the applicant notes the establishment of a management office within the shopping center whereby residents, if they so choose, can direct their concerns. This will serve as a single point of contact for residents in working with shopping center management and owners.

8. ***Response to Traffic Signage***

The appropriate signage indicating restrictions on turning movements, for example, will be utilized in the project vicinity to properly direct traffic. Signs associated with the project development will be implemented in accordance with, The Uniform Manual on Traffic Control Devices. Published by the U.S. Department of Transportation, Federal Highway Administration, The Uniform Manual on Traffic Control Devices defines the standards used to install and maintain traffic control devices on all streets and highways.

Responses to Email dated December 30, 2007

1. ***Response to Comment Regarding Access Specifications***

Please see response No. 1 to letter dated October 15, 2007

2. ***Response to Comment Regarding Number of Access Points for the Proposed Maui Lani Shopping Center***

Please see response to letter dated October 15, 2007.

3. ***Response to Comment Regarding Truck Traffic***

Please see response nos. 5, 6, and 7 to letter dated October 25, 2007.

We appreciate your continued involvement throughout the planning process of the proposed Maui Lani Shopping Center, as well as receiving your comments regarding the

project and associated impacts. Once completed, a copy of the Draft Environmental Assessment will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
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SEP 2 7 2007

Teresa S. Wright
150 Naniloa Drive
Wailuku, HI 96793

808-244-8973
teresawr@aol.com

September 26, 2007

Mike Munekiyo
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Munekiyo,

This letter serves as a formal submission of my comments previously presented to you in-person on September 9, 2007 related to the Maui Lani Shopping Center to consider in the Environmental Assessment process. I have enclosed a revised document that includes 7 pages of information, issues & recommendations and the original 13 pages of "Attachments" including spreadsheets, drawings/maps, site plans & traffic photos/data. A similar package was previously submitted to the Planning Commission for their consideration.

Thank you again for meeting with us and for encouraging our involvement in the process. I look forward to your response to my comments. I am available at the contact information above if you have any questions or would like to discuss/clarify anything further.

Warmest regards,

Teresa S. Wright

I have identified several issues that I believe should be addressed by the Planning Commission and in the Environmental Assessment ("EA") process related to the Maui Lani Shopping Center Project. My focus was only on the aspects discussed below. Please refer to the attachments to this document for any noted "Attachments" below and to the Planning Commission Package (dated July 10, 2007; Docket No. PH2 2005/0007) prepared by the Planning Department for any noted "Exhibits" below.

WAILUKU-KAHULUI COMMUNITY PLAN ("The Community Plan)

Cultural Resources

Info/Issues

- Page 17 of the Community Plan indicates the character and integrity of historical sites should be preserved and requires "development projects to identify all cultural resources located within or adjacent to the project area as part of initial project studies." Further, it requires "that all proposed activity include recommendations to mitigate potential adverse impacts on cultural resources including site avoidance, adequate buffer areas, and interpretation" and to "establish recognition of culturally sensitive areas such as **"Naniloa Bridge"** (also referred to as "Ting Bridge") (See Attachment C).
- Page 11 of the Report to the Commission, indicates the developer is consistent with the recommendations of the Community Plan as to cultural resources. However, the developer did not identify Naniloa Bridge as a culturally sensitive area located adjacent to the Project area and consequently did not provide recommendations to mitigate potential adverse impacts to the Bridge.

Recommendations

- Require the developer to include in the Application and the Traffic Evaluation Report the required identification, discussion and recommendations to mitigate potential adverse impacts to the Naniloa-Ting Bridge.
- This should be considered in the EA process.

Infrastructure - Water

Info/Issues

- The Application for the Project was prepared as of March 2005 and reviewed by the Dept of Water Supply on October 11, 2005 (Exhibit 16). At that time, the water meter reservation the applicant paid for in 2002 had expired. The DWS requested the applicant to provide a schedule as to when all necessary approvals for the Project could be obtained to determine how long extensions for the reservation the Department would allow.
- County Code 16-108-9 (b) indicates the duration of reservations shall not exceed two years plus two six-month extensions; each for good cause shown and approved by the Board of Water Service. If within two years, or longer with extensions, the applicant is not able to accept installation of water services, **unless for good cause shown and approved by the board**, the application and the reservation of the allocation shall expire.
- It is not clear from the Application if the Project has shown or will be able to show good cause for delaying their reservation of their 2002 water meter, nor if the Board of Water Services will approve or has approved any further extensions.
- It is also not clear from the Application whether the department is NOW issuing reservations for future meters or whether new sources have been brought on line.

Recommendations

- Water is such a critical component of the infrastructure that needs to be in place before any new projects are approved given the county's water challenges and shortages. The planning department should obtain a new comment letter from the DWS and Department of Land & Natural Resources (see Exhibit 26) to ensure the applicant will be able to obtain a water meter/access to water supplies.
- The public should also be given more recent information regarding the status of the Project's ability to meet DWS requirements, especially since this topic is a highly visible and contentious one countywide.
- This should be considered in the EA process.

Overall Maui Lani Project District 1 - Traffic Infrastructure

Info/Issues

- Page 12 of the Community Plan indicates, "public facility and infrastructure improvements should not lag behind development in the region. Upon adoption of this Plan, it shall be **required** that adequate facilities and infrastructure will be concurrent with future development."
- Page 29 also indicates, "Upon adoption of this Plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development.

- Page 36 also provides several improvements for regional roadway network for the Maui Lani Project District including to:
  - Extend Lono Avenue, Kamehameha Avenue, and Onehee Street into the Maui Lani Project District,
  - Provide interconnections with the Maui Lani roadway network to Kuihelani Highway, Honoapiilani Highway, and Waiale Drive in order to provide maximum flexibility for the additional traffic to be generated by Maui Lani and to reduce its impact on adjoining existing neighborhoods.
  - The extension of Lono Avenue to Kuihelani Highway should precede the Kamehameha Avenue and Onehee Street extensions. If the Maui Lani project does not proceed in a timely manner, the County should move forward with the Lono Avenue extension.
  - Upgrade Mahalani Street, Kamehameha Avenue, Onehee Avenue and Lono Avenue to County collector road standards.
  - Plan the Maui Lani Parkway as an arterial road.
- The Map in Attachment A is a drawing of the Maui Lani Project District boundaries within the yellow highlighted area. The green lines are those roads that have been improved per above. The red lines are those roads that have NOT yet been improved per above. Additionally the Lono Avenue extension, which is off the map, has also NOT been extended to Kuihelani Highway.
- As can be seen on the Map in Attachment A, the main "arterial" road for the Maui Lani Project District has NOT been put into place yet. Since 40% or "the most dominant movement for the future time frame is to the south" per page 18 of the Traffic Evaluation Report (Exhibit 32, page 18), it would go to reason that this main "arterial" road is very important to the infrastructure of the Project District.
- When the developer designed the project district, it is clear by the purple shaded areas on Attachment A, 23 out of the total 27 acres or 93% designated "commercial" for the Maui Lani Project District is to the North of the Project District closest to the historic communities of Wailuku/Sandhills. Without the roadway infrastructure in place, it is apparent the existing communities will be impacted.
- The Application, Traffic Report nor the Commission Package address when this critical component of the infrastructure of the Maui Lani Project District will be in place.

Recommendations

- Consistent with the Community Plan, the Planning Commission should **require** that roadway infrastructure improvements be made prior to or concurrent with development of this Project, especially as it relates to the completion of the Project Districts **arterial road**, Maui Lani Parkway. These roadway improvements should be put in place to reduce the Projects impact on adjoining existing neighborhoods.
- This should be considered in the EA process.

Urban Planning Considerations

Info/Issues

- Page 12 of the Community Plan Item C.2. indicates support should be given "to the revitalization of the Wailuku commercial core and adjacent areas **by expanding the range of commercial services" . . .** and "improving Wailuku's image and level of service as a **commercial center** for the region's population".
- Page 28 of the Community Plan Item 13.c.1) indicates "within the Wailuku Town core is the Commercial Core – an area generally situated along Central, Wells, Main, High, and Vineyard Streets. **It should emphasize commercial uses oriented to serve the business and residential community**. Ground floor activities should emphasize commercial retail with expansion of the variety and scope of offerings to serve residents."
- Given the proximity of the historic Sandhills community and surrounding neighborhoods to Wailuku Town, it appears the redevelopment plans for Wailuku Town Commercial Core would provide the types of services/businesses the Maui Lani Shopping Center is proposing to offer such communities.
- As can be seen on the map in Attachment A, it is clear by the purple shaded areas that out of the total 27 acres or 93% designated "commercial" for the Maui Lani Project District is to the North of the Project District closest to the historic communities of Wailuku/Sandhills. If this Commercial Center is intended to support the new development in the project district, why is it so far way from the core of the project districts residential development?
- In an article dated June 3, 2007 in The Honolulu Advertiser, "6 New Shopping Centers Proposed for Maui", it was noted that the "second largest proposed project is Maui Lani Town Center planned by local developer Bill Mills as part of a master-planned residential community in Central Maui". According to Colliers, Maui Lani Town Center is slated for 414,480 square feet of retail and is targeted to open in mid-2009. Also a 207,000-square-foot Kehalani Village neighborhood center in Wailuku is slated for a late-2009 opening, which is being developed by Hawaii-based developer Stanford Carr.

Recommendations

- All of the aforementioned new proposed commercial development projects and any others being proposed for the Waikulu area as well as existing commercial sites should be disclosed and evaluated in the EA to clearly indicated: 1) the nature and extent of current/planned commercial centers, 2) the communities that each existing or proposed center is planning to support, 3) the impact to city-wide urban planning, with any major overlaps or unnecessary development identified including consideration of having no commercial project at the site and/or alternatives uses of the land (i.e., medical, daycare, and/or recreational facilities), 4) whether there are better site locations or options/alternatives for the commercial business planned for the Maui Lani Shopping Center especially given limitations in access roads to the project, proximity of the site to one of the largest public schools on Maui with poor accessibility across a major highway, and the potential impacts the project may have to an older, well-established neighborhood originating in the 1920's and housing a high number of the elderly in the community.
- The EA should specifically address all the environmental, social and economic consequences of the proposed development, their mitigating factors, and what the positive social, economic and/or environmental impacts the project would have to our community.

TRAFFIC EVALUATION REPORT AND PROCESS

Kainani Access Road

Info/Issues

- The community expressed concerns to the development team regarding its use of the primarily road to our neighborhood when it was changed from a two-lane road to a three-lane road (see Attachment B). Instead of addressing our concerns, the developer has now widened the road from a two-lane road to a four-lane road (see Exhibit 3), including exiting delivery trucks.
- The State DOT has reviewed the new proposal per their comment letter dated May 23, 2007 (see Exhibit 22), however we are not clear as to the following?
  - Item 3. - Indicates, "Kainani Street signage shall indicate that trucks are prohibited from using Kainani Street". It is unclear if this was the State's literal intent, in which case the developer needs to redesign their project internal traffic pattern, OR if the trucks are prohibited from using Kainani Street turning left in to the neighborhood from the project access road.
  - Item 6. – What the DOT meant by "Highway access rights may be reassessed in the event that use of the Kainani Street driveway significantly intensifies as the rest of "cut-through" traffic that is NOT generated by the shopping center?
  - Item 8. – Whom the report will be prepared and who will be involved in the review process of the results and recommendations to mitigate traffic impact measures, if any exist?
  - Item 9. – What viable "calming improvements" are possibilities on county roads in advance? Also, since these recommendations are written by the State but are imposing requirements on the County, the Planning Department would need to agree to these requirements and have a process in place to ensure the developer complies with them.
- The traffic engineer erroneously indicated improvements on Kainani would "reinforce the existing speed humps on "Kainani Street" (See Exhibit 33, page 5). There are currently NO existing speed humps on Kainani.
- An additional lane was added on Kainani from Nakoa to the Project access road, which would appear to encourage cut-through traffic to the Project from our neighborhood/Naniloa-Ting Bridge.
- The traffic activity into the project was summarized in a spreadsheet (Attachment D) and reconciled to various tables in the updated Traffic Report dated July 20, 2006 (see Attachments E – E.3). Note: My analysis focused on Kainani Street as well as a reconciliation of total Project Traffic counts reconciled to the Traffic Consultants 4/9/07 letter (see Exhibit 33, page 3), which did not agree. The final counts related to Maui Lani access were not evaluated/analyzed.
- As reflected in the spreadsheet, 30 vehicles turning WB Left off of Kaahumanu are going into the project while 125 vehicles turning EB Right off of Kaahumanu are going into the project during PM Peak.
- Public Works, the Police Department and the State DOT all had issues with WB Left traffic from Kaahumanu and potential back-up queue turning onto Kainani. The discussion by the Traffic Consultant in Exhibit 32 page 4 indicates that in the 174 – 179 feet or 8-car queue of space on Kainani into the project, the maximum potential of a 3-car queue once traffic is released at the light from WB traffic turning left then left again into the project (30 cars during PM peak), will be supported.
- The community still has concerns with vehicles heading EB on Kaahumanu turning right on Kainani and then left into the project (125 cars during PM peak) including:
  - Will the 8-car queue be able to support the movement of the volume of traffic from Kaahumanu during PM Peak hours? While any back up of vehicles in the queue will not impede East or Westbound movement on Kaahumanu

by itself, there is the potential for extended queuing when the WB left traffic off of Kaahumanu is prevented from having full access to the queue when the light changes.
- If a no-turn-on red posting is needed for EB right traffic to prevent this back up, then additional considerations need to be factored in to calculate the queue required for this EB traffic turning right.
- As seen from the photos in Attachment F – F.1, Kainani is a hairpin turn that is awkward and very sharp. It also appears adding two additional lanes of traffic to this tight intersection where existing metal poles can't be moved on the NE side, will require the hairpin turn to be even tighter/sharper.
- The hairpin turn ends approximately 120' from the intersection. That leaves only about 55-65' from after the end of the hairpin turn to the Kainani access road driveway. If the mid-176' of the developer's number will allow for 8 cars (22' fee per car), then 55 - 65' will only allow for approximately 2.5-to-3-car. It is unclear at what point the State and County Agencies think it would be safe for cars turning right from Kaahumanu onto Kainani should be allowed to crisscross over to get in the left turn lane into the project. This would reduce the length of the queuing lane for left turning cars into the project.
- Also, if the car behind the first car disobeys a solid white line and crisscrosses over prior to the break of the white line, this could lead to an accident. It is not a straight-away . . . drivers will have to pay attention to the sharp, in essence, U-turn they are first making to get from Kaahumanu right on to Kainani.
- If this intersection does not support a comfortable flow of traffic, alternatives will be found. Our community's contention has always been going up the Naniloa-Ting Bridge (see Exhibit C), rolling through the stop signs like so many do, and then turning right into the project will be MORE convenient and closer than going all the way down to Maui Lani, a VERY busy intersection, and turning right and then right into the project! As it is, as seen from current traffic counts (1 car for AM and 1 car for PM Peak), our neighborhood does not currently use the right turn lane at Kaahumanu to Kainani since we have the Naniloa-Ting Bridge alternative.

- The community still has concerns with vehicles exiting the Project on Kainani going towards Kaahumanu (142 cars during PM peak) including:
  - Per the Traffic Report Tables in Attachments E.2 – E.3, it does not appear the Traffic Report accounts for the flow of traffic into the service access road, where the trucks enter.
  - Also per the spreadsheet analysis at Attachment D, it does not appear the Traffic Report accounts for the flow of trucks and or other traffic that exits out of Kainani that turns right on Kaahumanu (it is assumed most delivery trucks will go back that way). Since trucks are longer and require more space, this should be considered in the Traffic Report and the added space required for queuing on Kainani!
  - Since under the latest proposal, Kainani is going to be used as the SOLE exit of trucks after unloading in the shopping center, the sign should be moved to the west of the driveway along Kainani so all trucks will have to turn right instead of going into our neighborhood in compliance with existing ordinances.
  - In light of the car/truck traffic unaccounted for above AND the volume of cars already projected to turn right out of Kainani and then left onto Kaahumanu, the community remains VERY concerned with traffic backing up onto Kainani since it is our main access road to our community.
  - Again, our community's contention is if traffic backups occur, traffic coming from the Project out of Kainani will turn left, going through our neighborhood, going over the Naniloa-Ting Bridge down the exit ramp on to Kaahumanu!
- If the issues above are considered valid and relevant by the Planning Commission, State and County departments, the questions are:
  - What processes are in place that should have identified and addressed these issues accordingly?
  - What role should the DOT and/or Public Works have in reviewing State and/or County roads for a more local/neighborhood impact?

<u>Recommendations</u>

- Accurate counts of all traffic affecting the Kainani/Kaahumanu intersection from the Project should be calculated, presented and analyzed when evaluating whether this intersection will be able to support the traffic of the Project and still meet the needs of the community.
- The community should be given accurate and reflective information and comfort as to how the Project's traffic will impact the daily lives and safety of our community, and should have our questions appropriately addressed, especially after repeatedly brought forward. In the current situation, the Traffic consultant works for the developer and has not been willing to acknowledge or address our concerns adequately.
- The Project should be required to contain their back-up queue of traffic on their property just like the Kaahumanu Shopping Center and Maui Mall, especially delivery trucks!
- **To minimize any potential "cut-through" traffic through our neighborhood, the EB Kainani right turn and WB Kainani left turn from the Project should be eliminated.**
- A very CAREFUL and DETAILED review and analysis of any changes made to Kainani to accommodate the Project should be considered in the EA Process.

Alternative Traffic Recommendations

- The development team has NOT been willing to come up with any other options for alternative traffic flows related to Kainani Street. I am proposing three options depending on whether they can technically meet the needs of the developer, community and State/County Agencies.
  Option 1) Extending Lunalilo straight into the Project, with Kainani intersecting into it (See Attachment G) - Preferred if the State will allow a double synchronized intersection
  - Add a stop light at Kainani/new Lunalilo intersection that is synchronized with Kaahumanu such that a) right, left or straight traffic from Kaahumanu onto Kainani is cleared through the intersection before the traffic signal allows Kainani traffic access to the intersection, b) other than this delay, the light on Kainani is green when Kaahumanu is green thus allowing neighborhood traffic access to the road (and a flow of right turn on red through Kaahumanu off of the new Lunalilo), c) Project traffic is contained on their property until the light gives them the right-of-way. This will also prevent queuing in the Kainani/new Lunalilo intersection from the volume of cars exiting the Project.
  - The right turn at the Kaahumanu/new Lunalilo will be signalized no-right-turn-on-red.
  - Require no right turn into the Project from Kainani (install a hard-island to discourage this) and no left turn out of the Project onto Kainani.

  Option 2) Right turn only out of Kainani from the Project (See Attachment G.1) - Preferred if 1) is not feasible.
  - A hard island is installed to discourage illegal left turns from the Project

  Option 3) Modified Existing Plan (see Attachment G.2) - Not preferred but better than the current plan and only if right and left turn queuing will be accommodated on Kainani
  - Allow for one-lane entrances approaching intersections with the gradual creation of a left turn lane consistent with Michael Miyamota's recommendation. This will prevent cross over traffic on Kainani.
  - Eliminated right turn into the Project from Kainani (install a hard-island to discourage this) and no left turn out of the Project onto Kainani.

Lack of Independence of Traffic Consultant

Issue/Info

- State, County and community residents have identified several inconsistent, inaccurate, incomplete or omitted data, analysis and information in the Traffic Evaluation Analysis Report and subsequent letter. While each item individually may not have a material effect on the Traffic Analysis, collectively it is perceived as a lack of due diligence and care in preparing the report.
- The traffic analysis requires professional and technical knowledge and the application of algorithms and subjective assumptions. While a layman might be able to identify obvious errors or irregularities in the report, the more technical and critical information is difficult to validate and get comfort with.
- The public's reliance on the integrity of the information and resulting analysis in the report is impacted by the interaction the traffic consultant has with the community, their willingness to address issues brought forth by the community and the factual accuracy of information used as a basis for their analysis.

Recommendations

- Require the developer to pay for another traffic evaluation analysis using an independent traffic consultant selected by the State/County prior to an EA. The report should be prepared for and addressed to the State/County so that all of their interests are protected as well as the interests of the surrounding communities.
- If the developer is not required to hire a second independent traffic consultant, State/County's review of the information contained in the report is critical. Both the State DOT and Public Work department have indicated there is a large degree of reliance placed on this report, with selected testing and analysis of the data/results. Better checks and balances should be put into place to ensure the information contained in the report is accurate and reflective with meaningful and indicative results.
- Ensure the traffic consultant and EA reports include consideration of the adjacent neighborhood's traffic considerations, including the appropriate challenges and limitations as well as existing traffic ordinances/posted truck signs, State Right of Ways, reasons for installation of speed bumps in the community given known problems in the past, alternative routes through the neighborhood that may be used by non-residence given traffic congestion during peak-periods, etc., including a broader map that clearly shows roads that may be potentially impacted by the project similar to Attachment C.
- Lack of using an independent source and inaccurate/incomplete data should be considered in the EA Process.

Community's Involvement

Info/Issues

- Since learning of the Project in 2005, residents in the adjoining Sandhill's community have taken a VERY active interest in the traffic considerations of the project given our community's limited number of roads to our neighborhood, lack of sidewalks, steep narrow roads/driveways, and blind curves and resulting safety concerns.
- We were proactive in providing the developer's traffic consultant, who lives on Oahu, with historical traffic/cut-through issues including mitigating facts such as the installation of speed bumps and issuance of an ordinance specifically prohibiting or regulating the use of roadways in our neighborhood by certain classes or kinds of traffic. We also informed the developer that Kainani Street from Kaahumanu to just beyond the first street of Nakoa is actually a State right of way and not under the jurisdiction of the County (see Exhibit 39).
- We also attempted to get responses from the Director of Planning, Public Works, Police Department, and State DOT among others. Out of these departments, only the State DOT was willing to have their staff review one of our letters of concerns.
- The ultimate result of all this work was the deferral of our issues to be addressed in the future. This of course means AFTER the Project is in place, where there are limited options to mitigate our concerns.

Recommendations

- When the public takes their time to get involved, their issues/concerns should be addressed and not deferred or go unanswered. If you want the public to be involved and for them to feel they are part of the process, they should not be left feeling that their concerns are secondary to the process.
- This should be considered in the EA process.

OTHER ISSUES

24-Hour Operation and Noise Concerns

Info/Issues

In our meeting dated June 14, 2007, a representative from Safeway said they are willing to work with the community but then refused to consider opening other than a 24-hour store since it is their policy to do so irrespective of the community's request to limit the hours to a 10:00 pm close time.

Recommendations

- Given the close proximity of the Safeway store to two large neighborhoods and noise that may be elevated up the residential hillside, require Safeway to limit their store hours to a more respectable time OR have the developer select another grocery store where it is their normal practice to do so (i.e., local grocery chains, Trader Joes, Whole Foods, etc.).
- Also, the development team and the EA process should clearly address and quantify any activities of loitering, noise, restocking activities, crime and other related issues that may result from a project of this size, quantify the impact it may have on the surrounding neighborhoods, address what the State/County ordinances/guidelines/standards are, determine how the project anticipated results measure up to these ordinances/guidelines/standards, and what steps will be put in place to ensure acceptable levels are maintained.

Outdated Project Application and Agency Comments/Reviews

Info/Issue

- It was a long, time-consuming task to first become aware of and then understand and know the facts surrounding the Maui Lani Project District and related ordinances approved some time ago for the project. There are several new people in our neighborhood who were not a party to Phase I approvals of the Project and thus not aware of the potential impact (positive or negative) of the project to our community and/or home values.
- The project application has been open over two years from its original submittal date in March 2005. Several Agencies reviewed the Project and provided feedback, but it is not apparent rather new issues need to be addressed given changes since 2005 OR if old ones are still relevant.
- Additionally, several comments that were provided in the Agency comment letters have gone unaddressed.
- In one known instance, it was represented to the public that the Public Works Department would be reviewing the latest traffic changes to the Project, but none was performed/included in the Planning Commission Report. After directly inquiring with Public Works, I was told they would follow up with the appropriate departments and have the changes reviewed prior to the Planning Commission meeting.

Recommendations

- If not already in place, there should be time limits on how long projects are left open. After a specified time frame, the developer should be required to resubmit applications for State/County Agency "fresh" reviews to ensure recent issues impacting the project are considered. Specifically, the developer for this project should be required to update their 2005 application, especially for those areas that are not now being addressed by the EA Process.
- It should be required for sellers/realtors to disclosure such "open" projects (including Project Districts) for potential/new homeowners to consider when evaluating real estate sales/purchases. Information should be readily

available to pull from County records related to TMK numbers. Any potential negative or positive impact to home values in the area should be address in the EA process.

- There needs to be better checks and balances to ensure ALL comment letters are properly received and that issues brought up in comments letters are addressed and "cleared" by the corresponding department prior to approvals of the Project. Any uncleared or unaddressed comments should be considered in the EA process.
- Additionally, the EA team should ensure recent reviews by ALL State and County agencies have been performed, obtained, reviewed/analyzed and incorporated into the EA process.

Project Grading Prior to Phase III Approvals

Info/Issue

- Even before Phase II approval, the developer cleared, graded, re-graded the proposed site. For two years now, our community has had to endure an eyesore of this vacant land that was once green trees, as well as sand, dirt and dust blowing from the project into our community. The developer has tried to grow grass on the project, but without investing a lot of money to amend the sand for plant growth, they have been unsuccessful.

Recommendations

- Developers should not be able to grade/develop a plot of land until their final project approvals are in place.
- We are on the windward side of the Island. The Developer should implement more successful methods to prevent sand and dust generated by the vacant land from blowing into our community, both immediately and in the future during the development/construction phase until newly installed landscaping matures.
- This should be considered in the EA process.

Notification to Owners/Lessees Within 500 feet of the Parcel

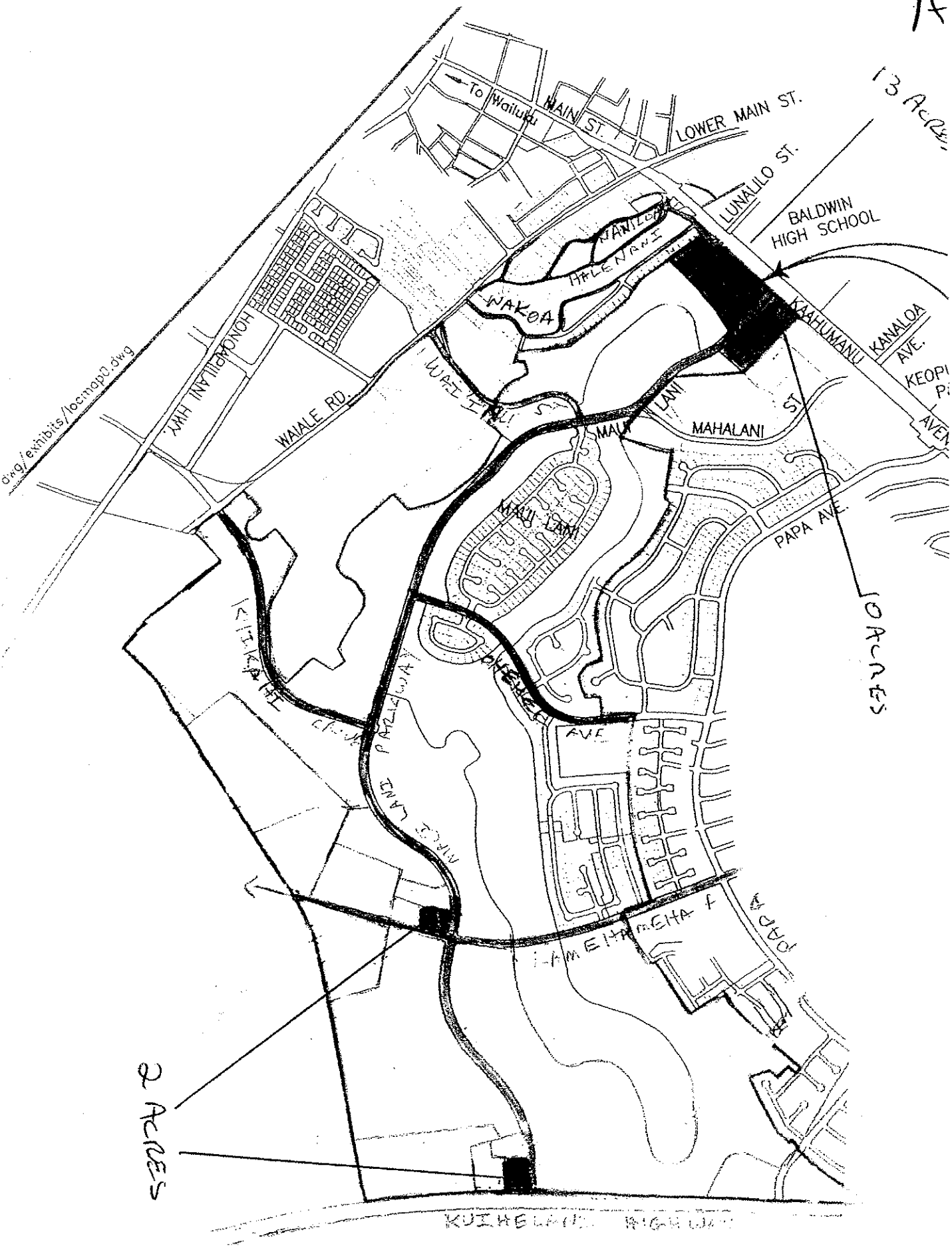
Info/Issues

- Page 3 of the report to the Planning Commission indicates the applicant mailed a letter of notification to **all** owners and recorded lessees within 500 feet of the subject property, but does not indicate the date of record from which "all" was generated.
- Also, the letter of notification was mailed on June 9, 2007, effectively 30 days prior to the Planning Commission meeting, however several people in the community did not get their notification letters until after the meeting given th lack of manpower at the post office to deliver and have the certified or registered mail signed (postman said he could only do about 10 a day).
- County Code 19.510 D. 6. requires the list to be derived from the most current list available at the real property tax division of the department of finance of the county <u>at the time of the filing of the application with the director of planning</u>. Since this application has been delayed for over two years, the list included in the Application is outdated and thus contains individuals who have moved, are deceased, and excludes new residents within the boundaries.
- County Code 19.510 requires a map, drawn to scale, which clearly identifies the 500-foot boundary surrounding the subject parcel and the parcels within the boundary. It does not appear such map was included in the Application.

Recommendations

- Change the wording of the Code to require a more updated list be generated prior to notification of public hearings. The public should not be penalized from getting their notification due to delayed applications, whether the County, State or developer caused the delay.
- Consideration should be given to extending the notification period to 45 days prior to the meeting or an alternative form of delivery considered. Residences should not be penalized from receiving their notification letters due to the mass mailing that cannot be handled by the post office.
- Require the developer to provide a map clearly identifying the 500-foot boundary.
- Obtain a more recent list of all owners and recorded lessees within 500 feet, including from the Maui Lani Project District/New Sandhills Estate subdivision, to ensure appropriate individuals are properly notified.
- This should be considered in the EA process.

A


To Wailuku
MAIN ST.
LOWER MAIN ST.
LUNALILO ST.
BALDWIN HIGH SCHOOL
HALENANI
WAKOA
KAAHUMANU
KANALOA AVE.
KEOPU
MAHALANI ST.
MAUI LANI
PAPA AVE.
WAIALE RD.
HONOAPIILANI HWY
dwg/exhibits/locmap0.dwg
KUIHELANI HIGHWAY
13 ACRES
0 ACRES
2 ACRES

OCT 3 1 2007

Brian and Sharon Yamada
63 Naniluna Place
Wailuku, HI 96793
(808) 242-5673
(808) 870-8308 Brian
(808) 268-3680 Sharon

October 30, 3007

Dear Mr. Munekiyo,

We are concerned about the 55,000 square foot Safeway store being built in the Maui Lani Shopping Center complex. This complex will have an effect on our Historic Sandhills neighborhood.

We live on Naniluna Place which is the street located next to the bridge on ramp that allows traffic to come into our subdivision from Wailuku town. Currently there is a stop sign at the end of the ramp that people disregard. If people are allowed to gain access into the shopping center through the bridge on ramp and Kainani Street this will create an even more dangerous situation for people coming out of Naniluna Place. We already have a hard time seeing the cars coming up the bridge, we don't need an increase in traffic. People that are not familiar with the subdivision don't know Naniluna Place exists and they come right up the ramp and don't stop.

Please don't allow outside traffic to have access to the shopping center through our subdivision via the bridge and Kainani Road. Our historic subdivision has blind curves and narrow streets which cannot accommodate outside traffic.

Also, we have a lot of early morning and late afternoon/ evening walkers especially seniors use Kainani Street for their daily walks and not to mention the students from Iao and Baldwin High School that walk through our subdivision after school. Additionally Cross Country teams from Baldwin High and St. Anthony Schools run through here during the season. Any added traffic just creates a very dangerous situation.

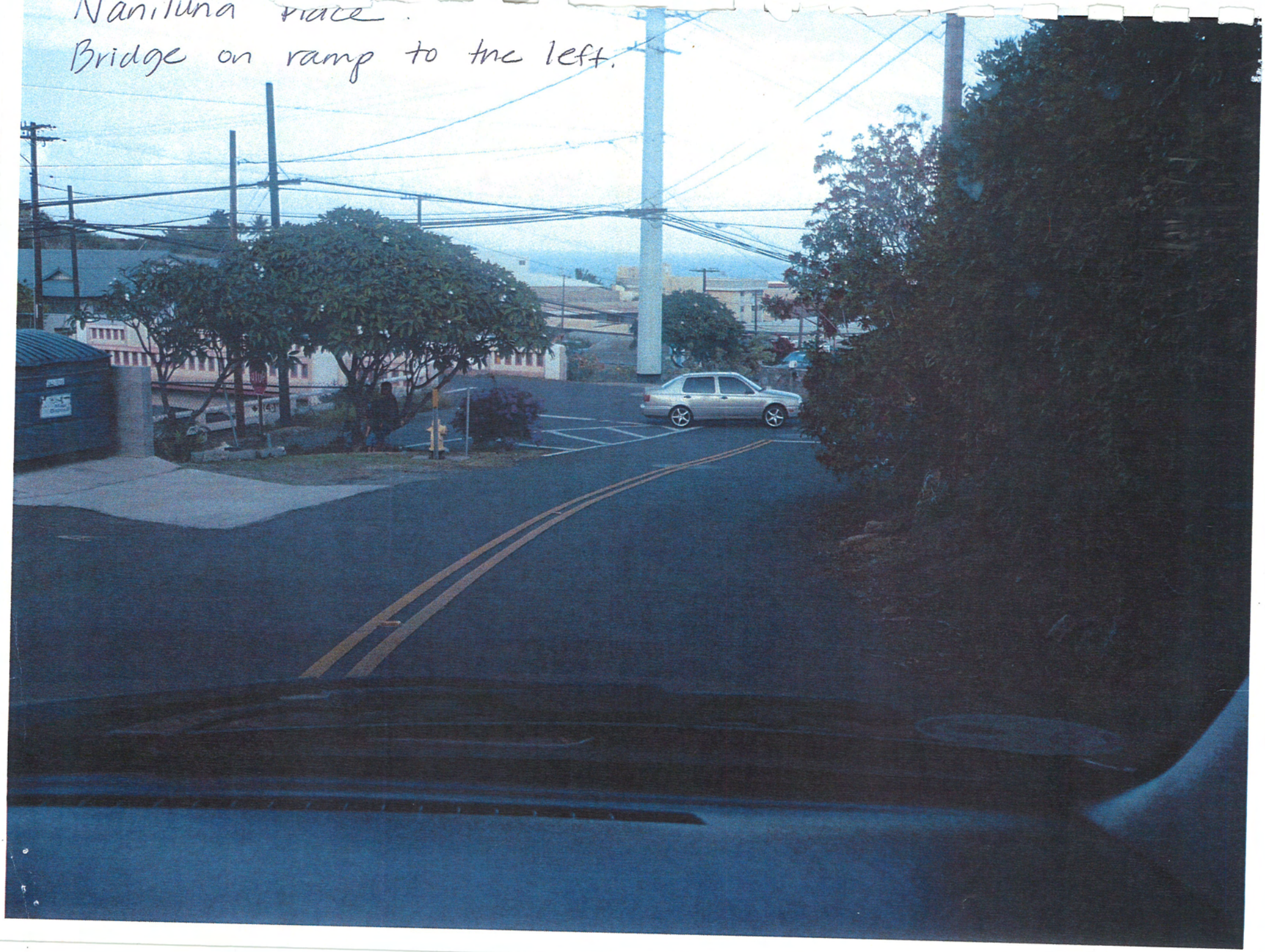
We are opposed to any traffic using our neighborhood as a thoroughfare to get into the Maui Lani Center.

Respectfully submitted,

Brian & Sharon Yamada

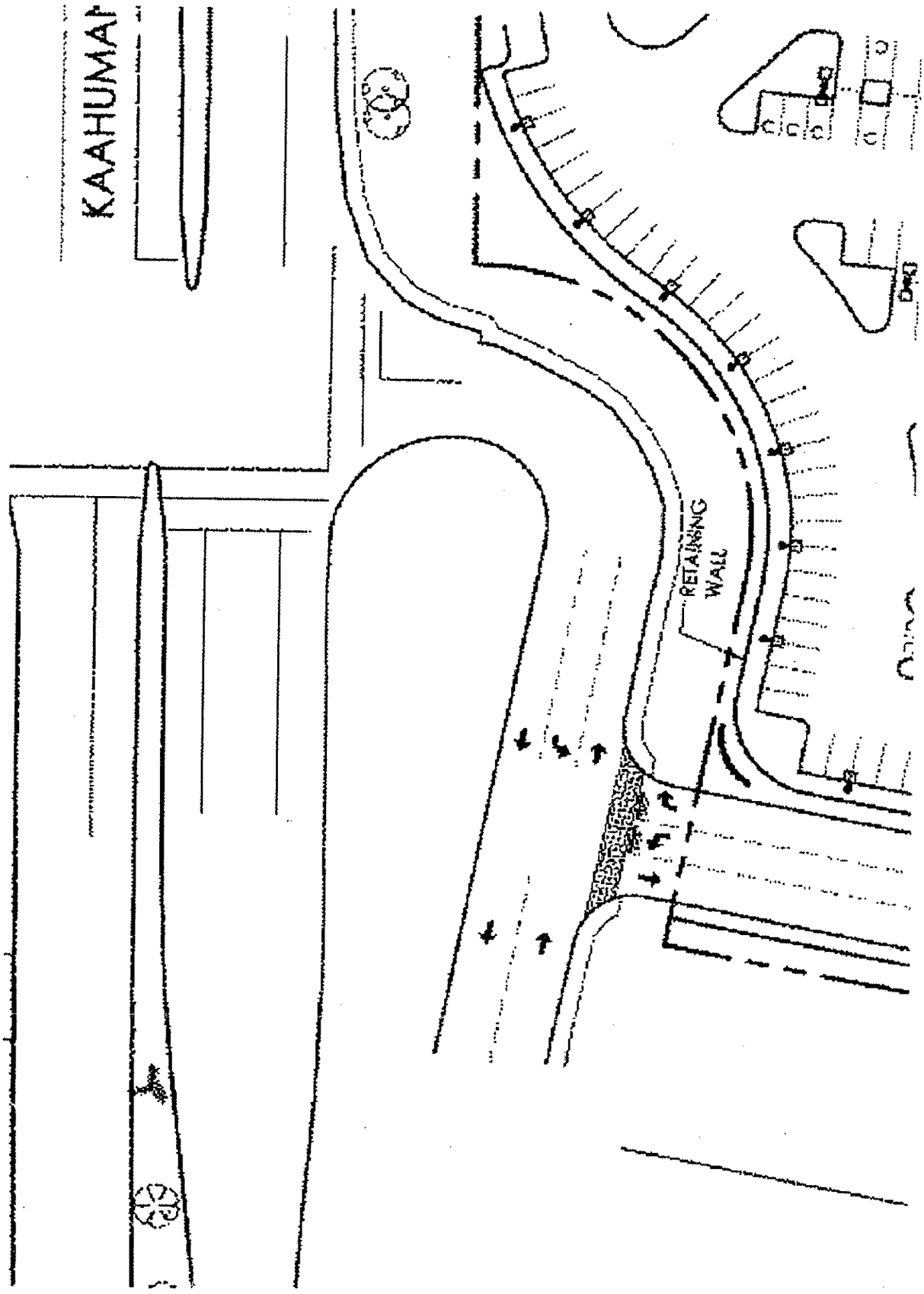
Nanilua Place & Bridge on ramp (left)

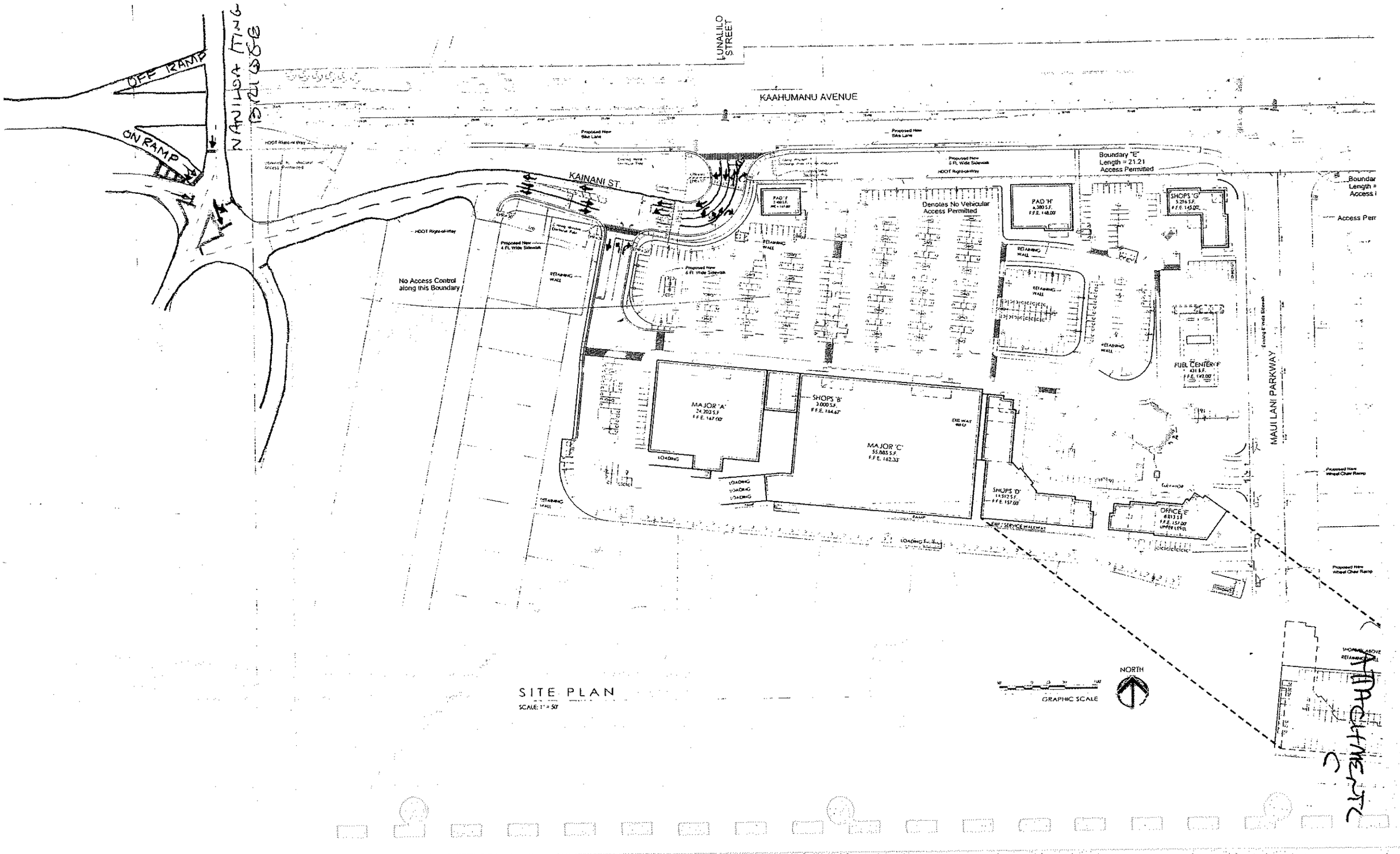
Nanilua Place.
Bridge on ramp to the left.



Bridge on ramp

ATTACHMENT B





SITE PLAN

SCALE: 1" = 50'

ATTACHMENT C

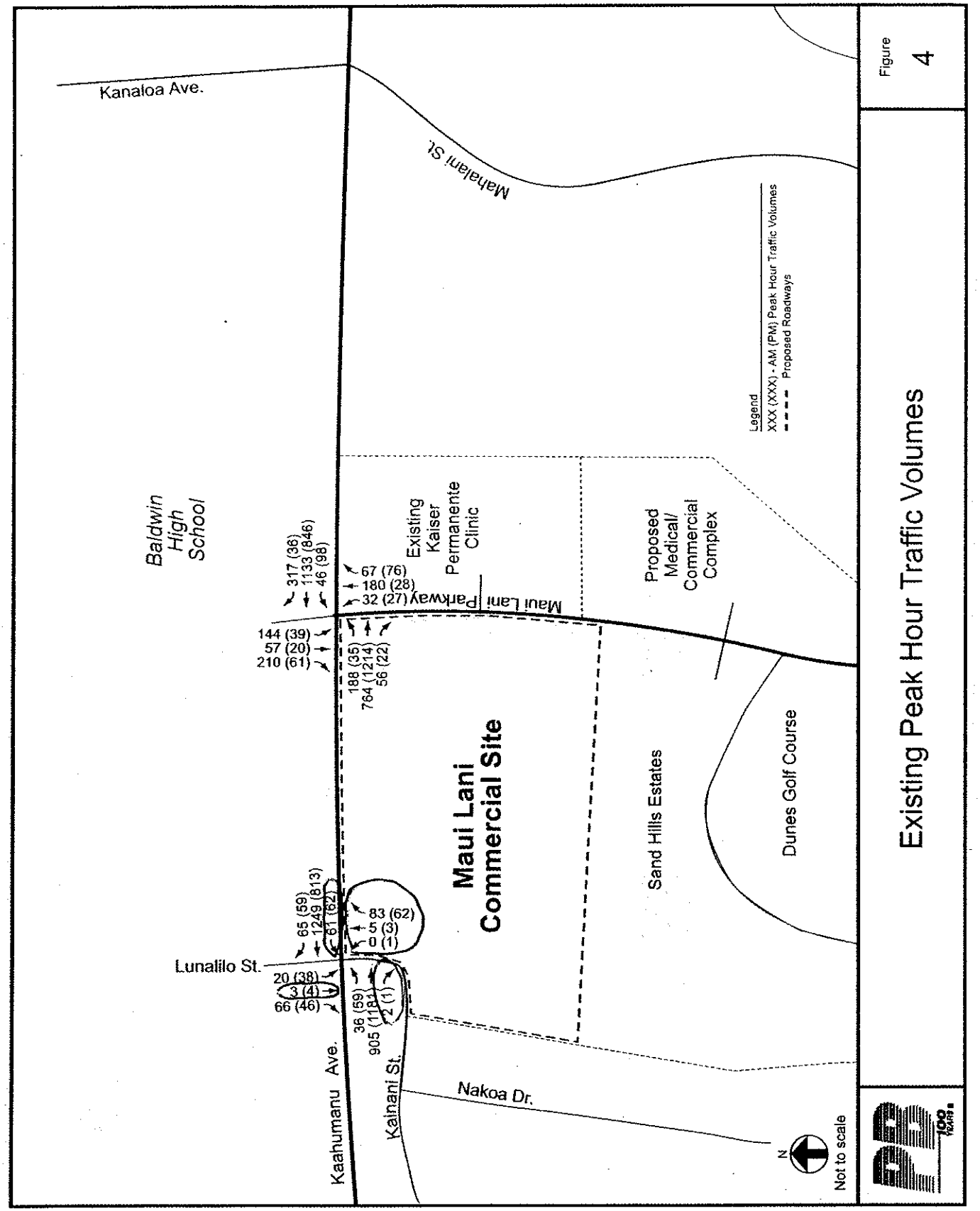
Kaahumanu/Kainani	Figure No.	AM Peak In WB-L	AM Peak In EB-R	AM Peak In S-T	AM Peak In Total	PM Peak In WB-L	PM Peak In EB-R	PM Peak In S-T	PM Peak In Total	AM Peak Out WB-L	AM Peak Out EB-R	AM Peak Out N-T	AM Peak Out Total	PM Peak Out WB-L	PM Peak Out EB-R	PM Peak Out N-T	PM Peak Out Total
7/20/06 - Existing 2004 (adjusted*)	4	61	2	3	66	62	1	4	67	0	83	5	88	1	62	3	66
2020 Traffic with project (4/9/07&7/20/06 Reports)	7	74	53	6	133	94	126	13	233	40	85	7	132	132	63	12	207
2020 Traffic without project (4/9/07&7/20/06 Reports)	5	61	1	2	64	64	1	3	68	1	85	4	90	1	63	1	65
Difference = Kainani Project Traffic (A)		13	52	4	69	30	125	10	165	39	0	3	42	131	0	11	142
Kainani Access From Kaahumanu																	
2020 Project Traffic (4/9/07&7/20/06 Rpts) (B)	6				70				166				43				143
Difference (A) - (B)					-1				-1				-1				-1
					Immaterial				Immaterial				Immaterial				Immaterial
Total Kainani Project Access																	
2020 Project Traffic (4/9/07&7/20/06 Rpts)	6	70	3		73	166	8		174	3	43		46	9	143		152
Percent Traffic from Kaahumanu - Project		18%	98%	67%	52%	32%	99%	77%	71%	98%	0%	43%	32%	99%	0%	92%	69%
Percent Traffic from Kaahumanu - Sandhills		82%	2%	33%	48%	68%	1%	23%	29%	3%	100%	57%	68%	1%	100%	8%	31%

*Count sheet data had slight difference - used numbers carried forward by Traffic Consultant

Kaahumanu/Maui Lani	Figure No.	AM Peak In WB-L	AM Peak In EB-R	AM Peak In T	AM Peak In Total	PM Peak In WB-L	PM Peak In EB-R	PM Peak In T	PM Peak In Total	AM Peak Out NB-L	AM Peak Out EB-R	AM Peak Out T	AM Peak Out Total	PM Peak Out NB-L	PM Peak Out EB-R	PM Peak Out T	PM Peak Out Total
7/20/06 - Existing 2004	4	46	56	57	159	98	22	20	140	32	67	180	279	27	76	28	131
2020 Traffic with project (4/9/07&7/20/06 Reports)	7	285	360	57	702	300	375	20	695	35	215	180	430	375	380	28	783
2020 Traffic without project (4/9/07&7/20/06 Reports)	5	260	360	57	677	245	381	20	646	35	186	180	401	393	303	28	724
Difference = Maui Lani Project Traffic (A)		25	0	0	25	55	-6	0	49	0	29	0	29	-18	77	0	59
Maui Lani Access from Kaahumanu					Total				Total				Total				Total
2020 Project Traffic (4/9/07&7/20/06 Rpts) (B)	6				25				59				29				95
Difference (A) - (B)					0				-10				0				-36
									Diff?								Diff?
Total Maui Lani Access		NB-L	SB-R	T	Total	NB-L	SB-R	T	Total	EB-L	EB-R	T	Total	EB-L	EB-R	T	Total
2020 Project Traffic (4/9/07&7/20/06 Rpts)	6	77	25		102	181	59		240	29	58		87	95	192		287
Total Project Traffic Per Above		147	28	0	175	347	67	0	414	32	101	0	133	104	335	0	439
Total per 4/9/07 Letter Exh 33 pg 3					206				425				140				516
Unreconciled Difference?					31				11				7				77
Percent unreconciled?					15.05%				2.59%				5.00%				14.92%
					Diff?				Diff?				Diff?				Diff?
Percent traffic Kainani					35%				41%				33%				29%
Percent traffic Maui Lani					58%				58%				65%				65%

Attachment D

ATTACHMENT E



159

ATTACHMENT E1

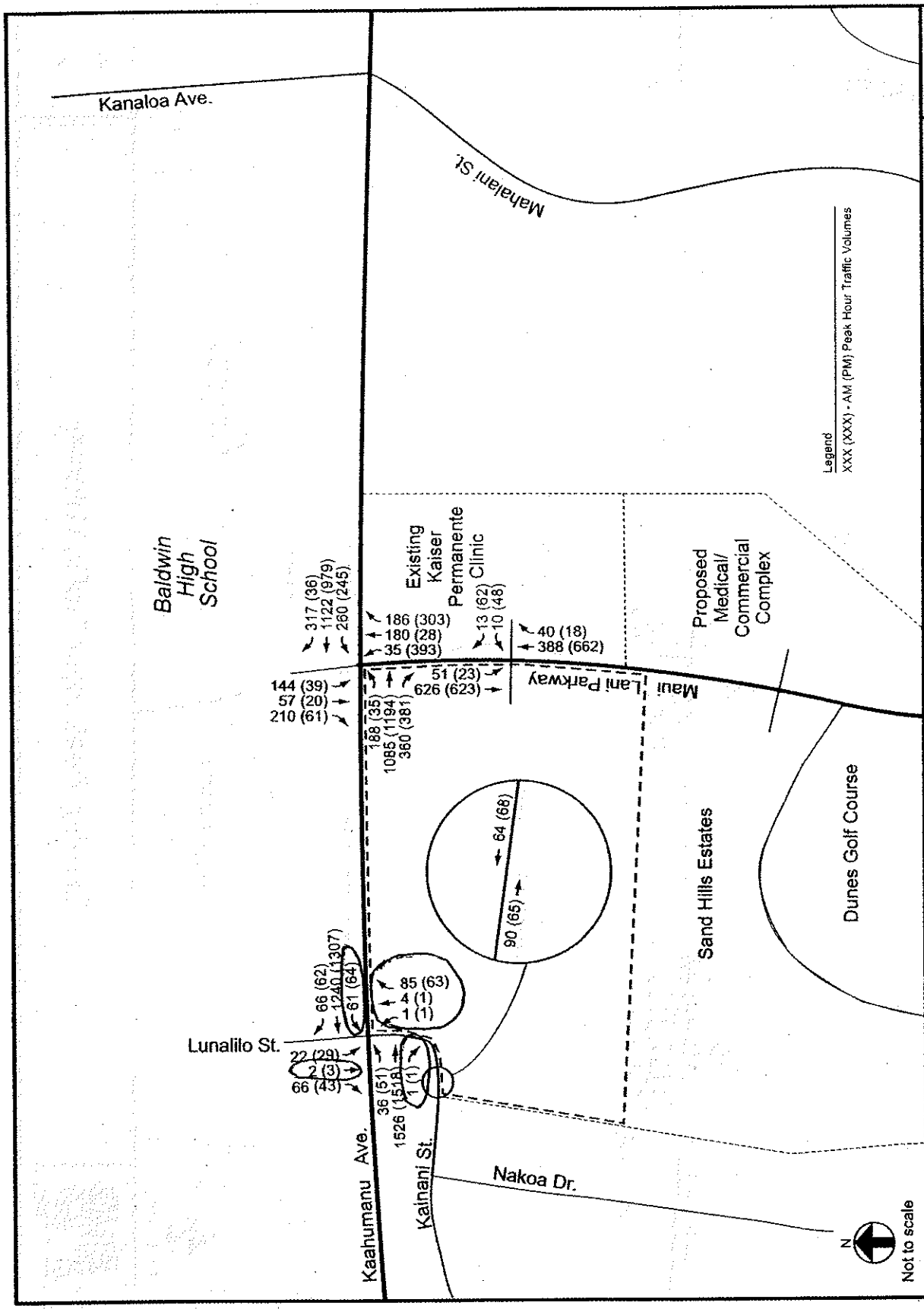


Figure 5

Projected 2020 Traffic Volumes Without Project

160

ATTACHMENT E.2

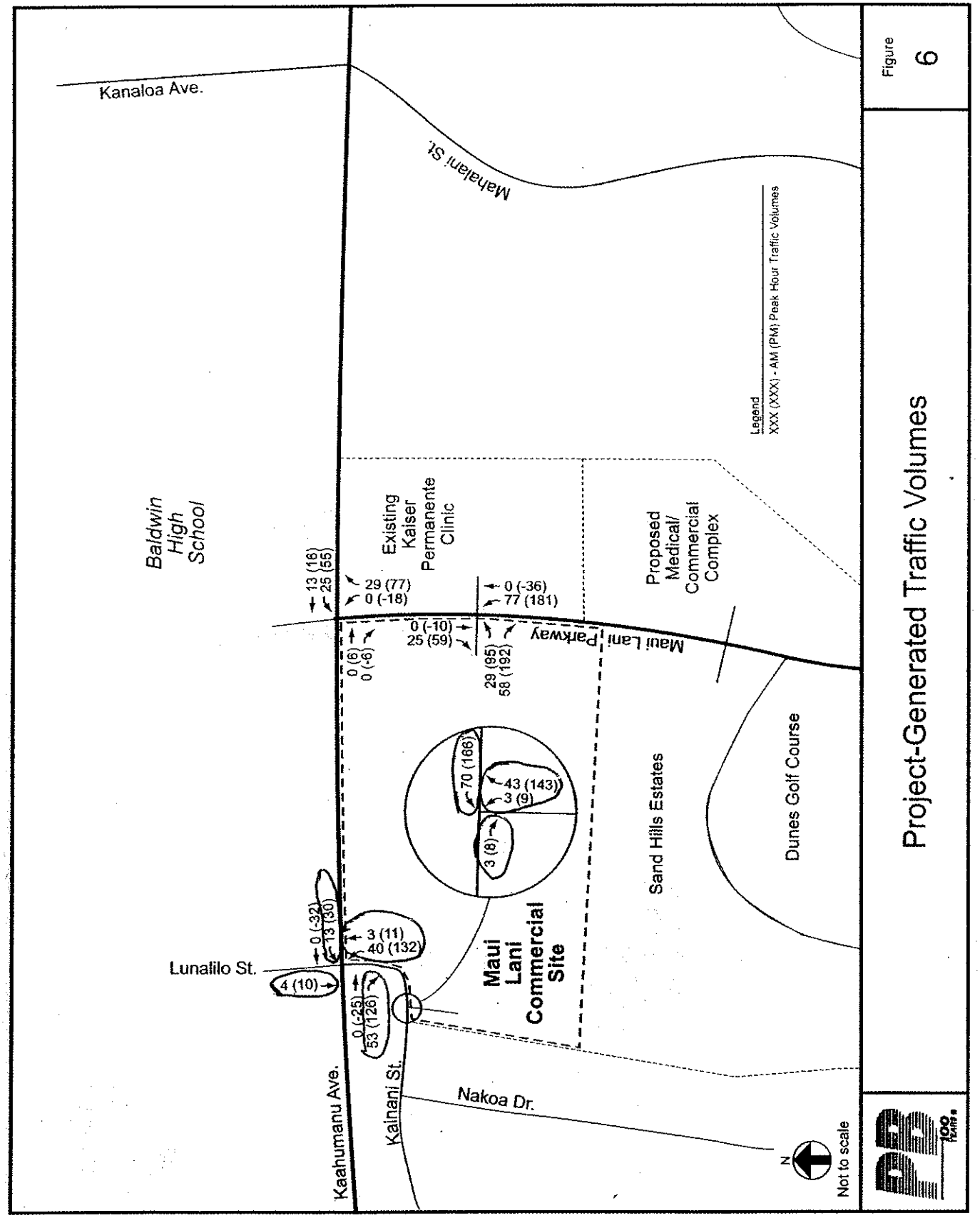


Figure 6

Project-Generated Traffic Volumes

161

ATTACHMENT E.3

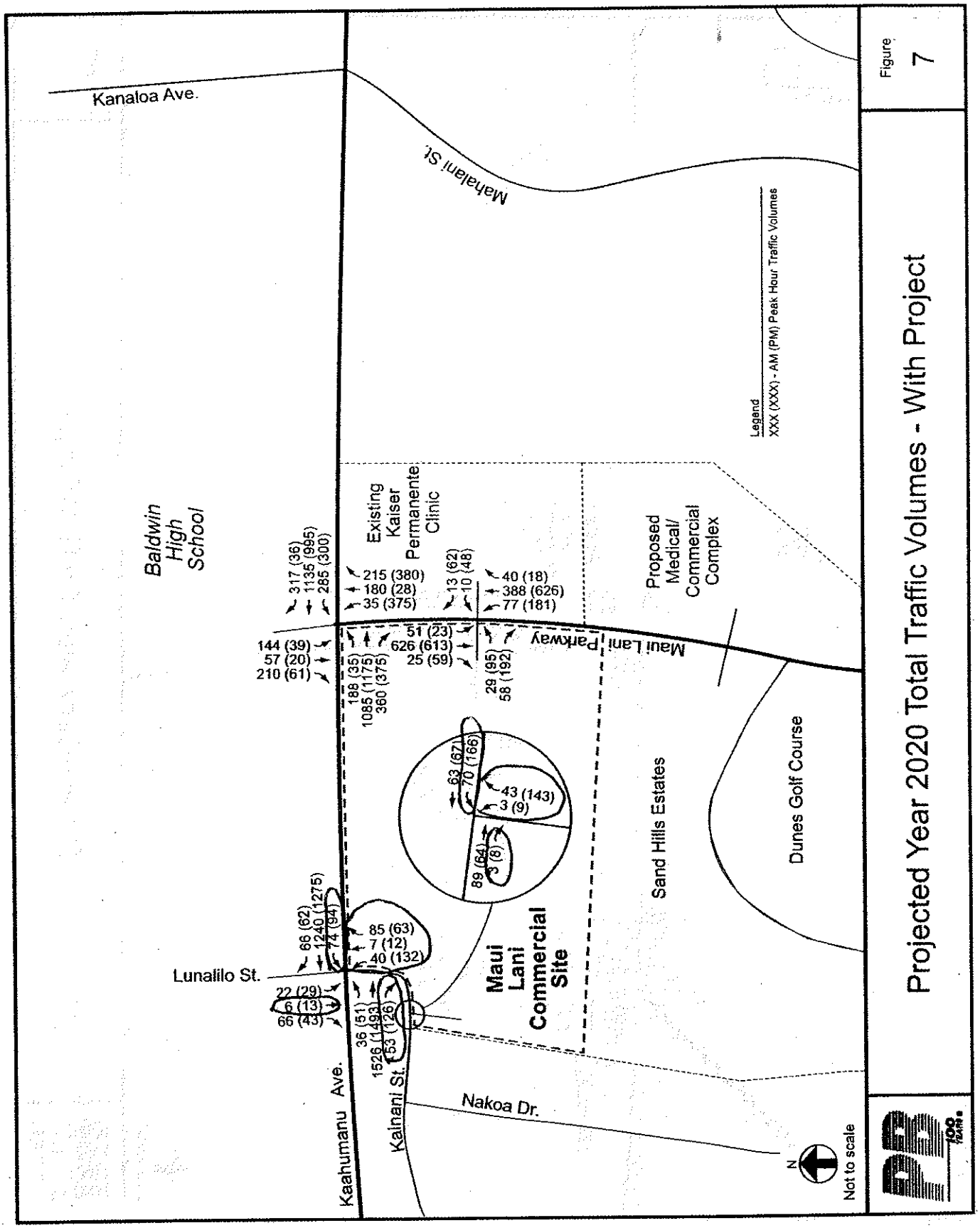
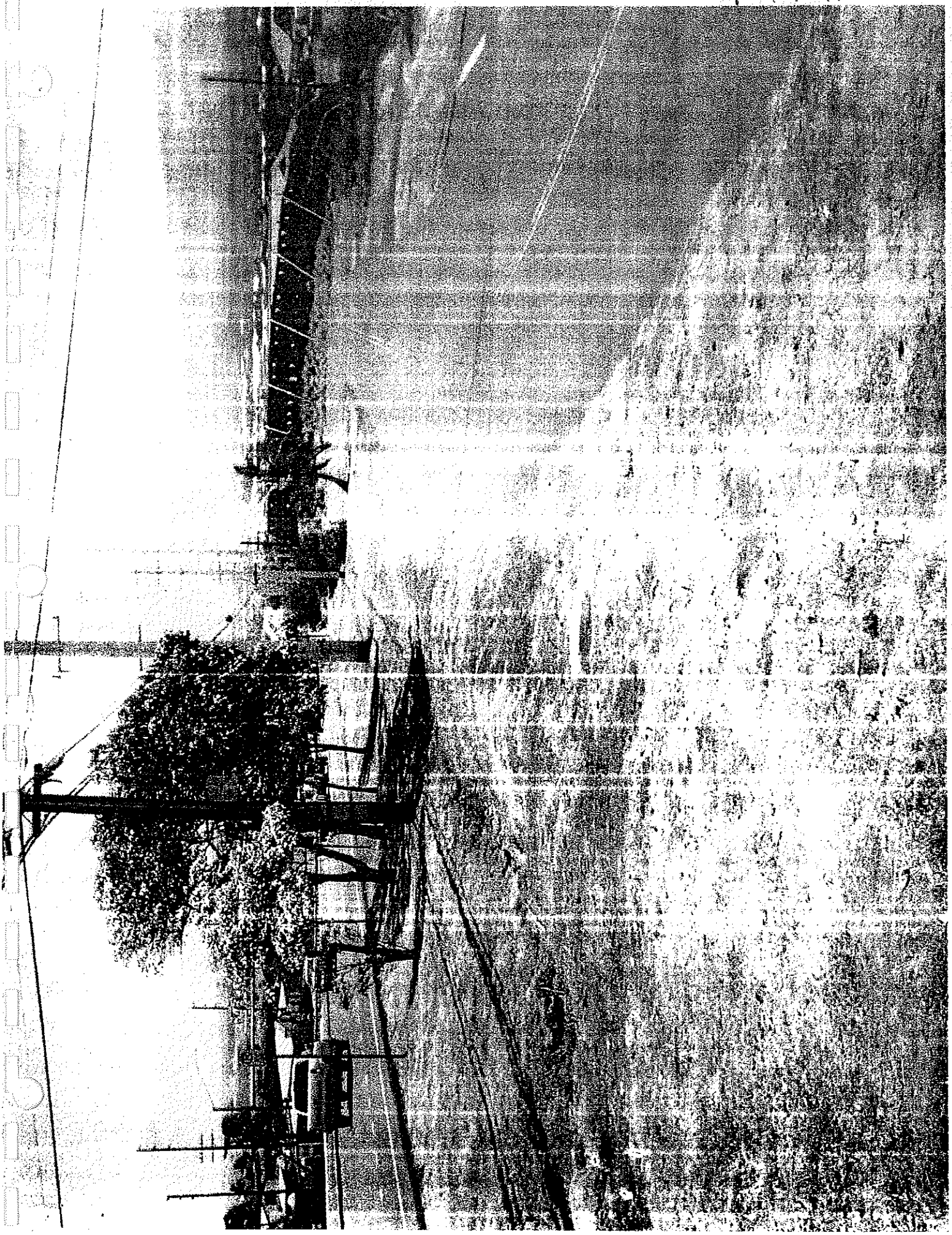


Figure 7

Projected Year 2020 Total Traffic Volumes - With Project

ATTACHMENT F

ATTACHMENT F.1



KAAHUMANU AVENUE

Proposed New
Bike Lane

(A) SYNCRONIZED Lights

Existing Metal
Electrical Pole

KAINANI ST.

EPR=40'
EPR=37'

Existing Concrete
Driveway

* Subject to neighborhood approval

Existing Wooden
Electrical Pole to be Relocated

Existing Metal
Electrical Pole

PAD 'J'
2,400 S.F.
FFE = 167.00'

* NO Right

Existing Wooden
Electrical Pole

Proposed New
4 Ft. Wide Sidewalk

RETAINING
WALL

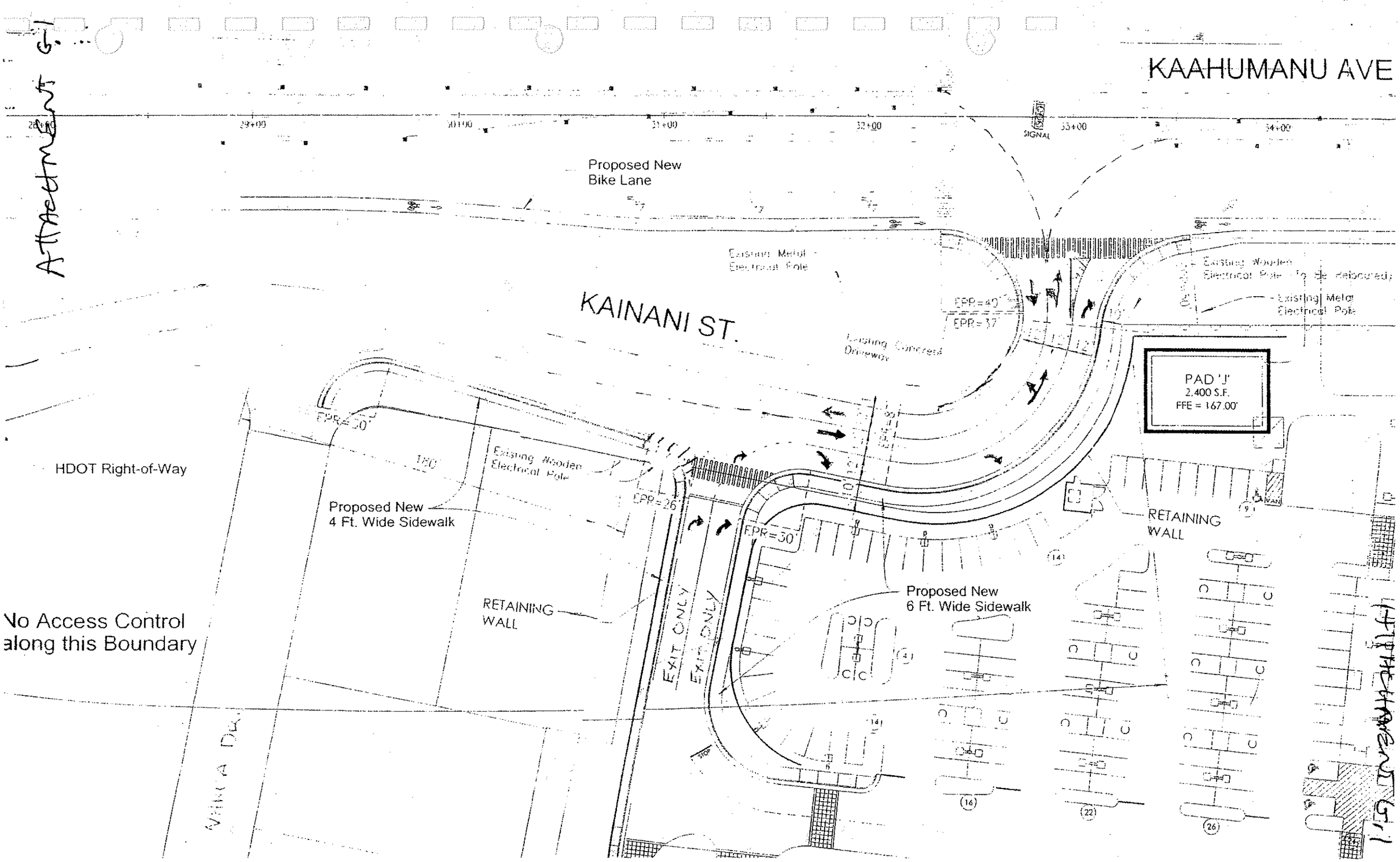
NO LEFT

MAKCA Dr.

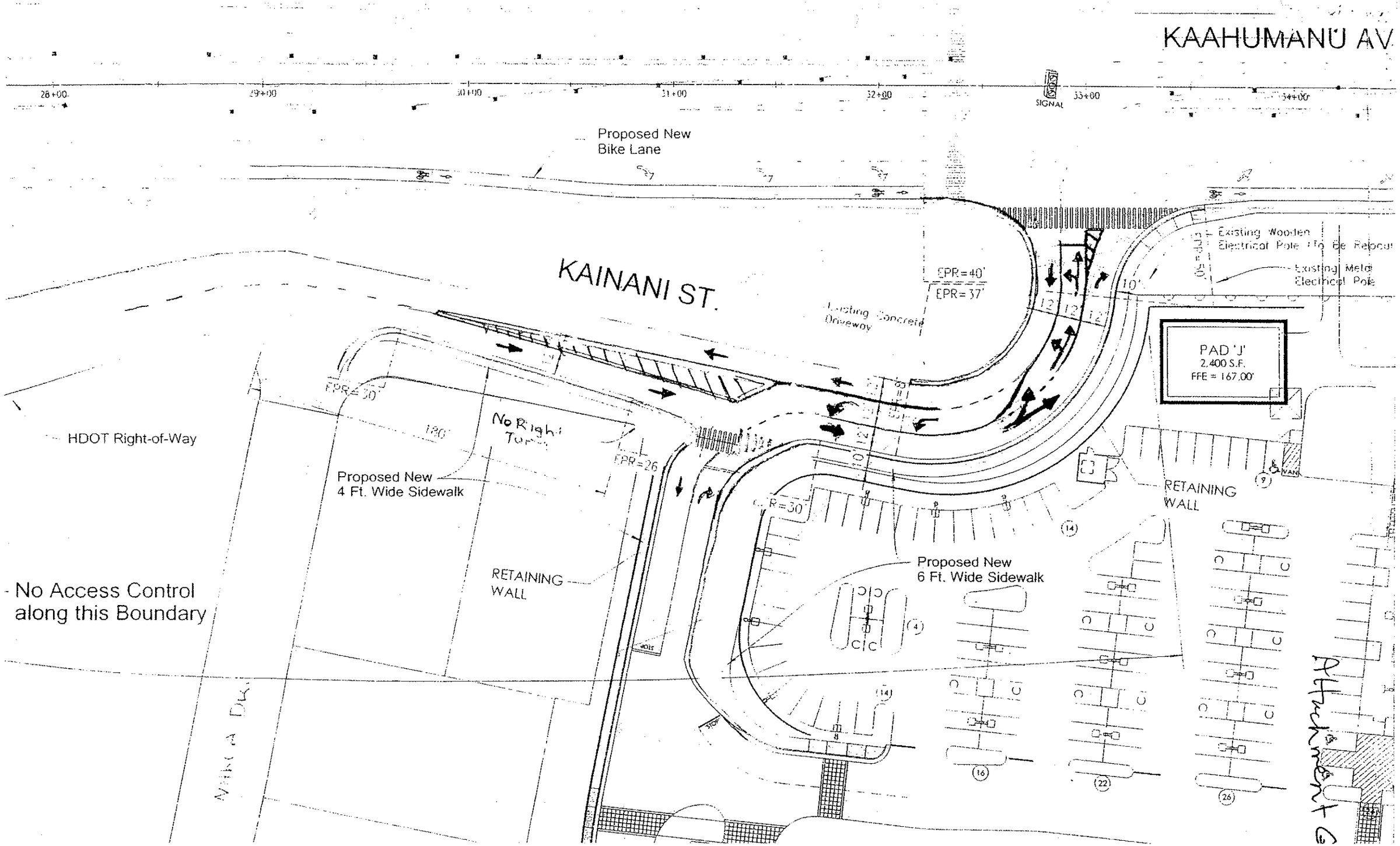
ATTACHMENT G

145

Attachment G.1



Attachment G.1


KAAHUMANU AV.
28+00
29+00
30+00
31+00
32+00
SIGNAL
33+00
34+00
Proposed New
Bike Lane
KAINANI ST.
EPR=40'
EPR=37'
Existing Concrete
Driveway
Existing Wooden
Electrical Pole To Be Relocat
Existing Metal
Electrical Pole
PAD 'J'
2,400 S.F.
FFE = 167.00'
HDOT Right-of-Way
EPR=20'
120'
No Right
Turn
EPR=26
Proposed New
4 Ft. Wide Sidewalk
RETAINING
WALL
No Access Control
along this Boundary
EPR=30
Proposed New
6 Ft. Wide Sidewalk
RETAINING
WALL
VAN
Attachment 6

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Ms. Teresa S. Wright
150 Naniloa Drive
Wailuku, Hawai`i 96793

SUBJECT: Chapter 343, Hawai`i Revised Statutes, Environmental Assessment Early Consultation Comments for Proposed Maui Lani Shopping Center

Dear Ms. Wright:

Thank you for your letter and attached information of September 26, 2007, responding to our request for pre-assessment comments for the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your reference. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments. Our responses are offered in the order presented in your letter.

1. ***CULTURAL RESOURCES***

a. ***Recommendation:*** **Require the developer to include in the Application and the Traffic Evaluation Report, the required identification, discussion and recommendations to mitigate potential adverse impacts to the Naniloa-Ting Bridge.**

Response: The applicant recognizes the sensitivity associated with the Kainani Street access issue. As a result, during the course of planning for the project, a number of alternatives to address impacts associated with the use of Kainani Street were considered. After examining the various options and considering comments offered by residents of the Historic Sandhills

neighborhood, the applicant has developed a plan which would eliminate the need to use Kainani Street as an ingress and egress point for vehicular access.

To establish a viable basis for the revised plan, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway. This access configuration will serve as a disincentive for shopping center-bound traffic from utilizing the Naniloa-Ting Bridge, as well as local roadways which serve the Sandhills neighborhood. With this mind, the historic integrity of the bridge is not anticipated to be adversely compromised.

We would also like to note that the project's traffic engineer, PB Americas, Inc., has prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

2. *INFRASTRUCTURE - WATER*

a. ***Recommendation:*** **Water is such a critical component of the infrastructure that needs to be in place before any new projects are approved given the County's water challenges and shortages. The Planning Department should obtain a new comment letter from the DWS and the Department of Land and Natural Resources to ensure the applicant will be able to obtain a water meter/access to water supplies.**

Response: The Draft EA will be distributed to the County Department of Water Supply (DWS) and the State Department of Land and Natural Resources for review and comment. Concurrently, the applicant's civil

engineer is working with the DWS to complete the necessary improvements for connection to the County's water system.

Recommendation: **The public should also be given more recent information regarding the Project's ability to meet DWS requirements, especially since this topic is a highly visible and contentious one Countywide.**

Response: The project's engineer has been working closely with the DWS regarding water availability for the project. In this regard, the water system construction plans will be designed to meet all applicable requirements of the DWS. A discussion of the proposed water system improvements will be included in the Draft EA.

3. ***OVERALL MAUI LANI PROJECT DISTRICT I - TRAFFIC INFRASTRUCTURE***

a. ***Recommendation:*** **Consistent with the Community Plan, the Planning Commission should require that roadway infrastructure improvements be made prior to or concurrent with development of this Project, especially as it relates to the completion of the Project District's arterial road, Maui Lani Parkway. These roadway improvements should be put in place to reduce the Project's impact on adjoining existing neighborhoods.**

Response: On June 3, 2003, the County of Maui and Maui Lani Partners (one of the project district's master developers) entered into a Master Roadway Agreement which sets forth obligations for constructing new roads in and around the project district to mitigate traffic impacts resulting from the implementation of the Maui Lani Project District. Under the Master Roadway Agreement, the Maui Lani Parkway is being phased with other project district roadway infrastructure components, including Kuikahi Drive extension and traffic signal installation at various intersections, to ensure that roadway improvement obligations are met in a timely manner as the various modules of the Maui Lani Project District are developed over time.

In addition to the foregoing project district-wide roadway improvement obligations, the Maui Lani Shopping Center's project-specific traffic mitigation measures are anticipated to address the objectives and policies of the Wailuku-Kahului Community Plan as it relates to infrastructure concurrency.

4. *URBAN PLANNING CONSIDERATIONS*

a. ***Recommendation:*** **All of the aforementioned new proposed commercial development projects and any others being proposed for the Wailuku area as well as existing commercial sites should be disclosed and evaluated in the EA to clearly indicate: 1) the nature and extent of current/planned commercial centers, 2) the communities that each existing or proposed center is planning to support, 3) the impact to city-wide urban planning, with any major overlaps or unnecessary development identified including consideration of having no commercial project at the site and/or alternatives uses of the land (i.e., medical, daycare, and/or recreational facilities), 4) whether there are better site locations or options/alternatives for the commercial business planned for the Maui Lani Shopping Center especially given limitations in access roads to the project, proximity of the site to one of the largest public schools on Maui with poor accessibility across a major highway, and the potential impacts the project may have to an older, well-established neighborhood originating in the 1920's and housing a high number of the elderly in the community.**

Response: The Maui Lani Project District's land use concept is intended to establish a residential community along with an integrated open space and recreation system, future school sites, village mixed use area, and community or regional scale commercial shopping facilities to serve the expanding Wailuku-Kahului population. The commercial elements of the project district are offered through the proposed Maui Lani Shopping Center site as well as the Village Mixed Use district being implemented by Maui Lani 100, LLC. The Village Mixed Use district area, located off of the Kuikahi Drive Extension, will provide for retail/office, light manufacturing, civic and residential uses.

The other commercial project cited, referred to as the Kehalani Village Neighborhood Center is bordered by Waiale Drive, Kuikahi Drive and Honoapi`ilani Highway. The approximately 20-acre area is designated for Village Mixed Use purposes, which allows for commercial establishments and residential uses.

Other areas in the Central Maui region which are planned for new commercial growth includes the Maui Business Park Phase II project in Kahului, in the vicinity of the Maui Marketplace. The project area

encompasses about 179 acres and is intended to meet the island's light industrial needs.

Recommendation: **The EA should specifically address all the environmental, social and economic consequences of the proposed development, their mitigating factors, and what the positive social, economic and/or environmental impacts the project would have to our community.**

Response: The EA will address environmental, social and economic consequences of the proposed development. Environmental impact parameters such as air quality and noise impacts, flora/fauna, archaeological and cultural impacts will be addressed in the EA document. Additionally, land use forecast data as well as socio-economic forecast data developed by the County of Maui will be reviewed and incorporated in the EA document to establish the context for considering socio-economic effects associated with the proposed Maui Lani Shopping Center project.

5. TRAFFIC EVALUATION REPORT AND PROCESS

a. ***Recommendation:*** **Accurate counts of all traffic affecting the Kainani/Kaahumanu intersection from the Project should be calculated, presented and analyzed when evaluating whether this intersection will be able to support the traffic of the Project and still meet the needs of the community.**

Response: As previously noted, Kainani Street will not be utilized for egress from and/or ingress to the shopping center. The current access configuration for the proposed project has been revised to recognize the sensitivity associated with the Kainani Street access issue.

Updated traffic counts has been undertaken by the traffic engineer to analyze key intersections in the vicinity of the project site, including the Kainani Street-Kaahumanu Avenue intersection. This analysis will be included in the EA document. Please refer to response to Number 1.

b. ***Recommendation:*** **The community should be given accurate and reflective information and comfort as to how the Project's traffic will impact the daily lives and safety of our community, and should have our questions appropriately addressed, especially after repeatedly**

brought forward. In the current situation, the Traffic consultant works for the developer and has not been willing to acknowledge or address our concerns adequately.

Response: The applicant and its traffic engineer understands the need to respond in a forthright manner on all issues, particularly those pertaining to traffic impacts which may affect the Sandhills residential community. As a result of the October 15, 2007 neighborhood meeting, the applicant and its traffic engineer examined solutions to the Kainani Street ingress/egress point with the intent of addressing residents' concerns while providing for an operationally viable access point for the proposed shopping center. After evaluating a number of access alternatives, the applicant formulated the current proposal to eliminate the use of Kainani Street as an access point. This proposal involved the downsizing of the project to reduce trip generation from the project.

c. ***Recommendation:*** **The Project should be required to contain their back-up queue of traffic on their property just like the Kaahumanu Shopping Center and Maui Mall, especially delivery trucks!**

Response: The ingress and egress points of the shopping center have been studied to ensure that back-up queues do not create safety and operational problems for vehicles traveling along Kaahumanu Avenue and Maui Lani Parkway.

d. ***Recommendation:*** **To minimize any potential "cut-through" traffic through our neighborhood, the EB Kainani right turn and WB Kainani left turn from the Project should be eliminated.**

Response: The applicant and its traffic engineer proposes to eliminate access to and from Kainani Street. This proposal, in part, is being implemented to address neighborhood concerns regarding traffic cutting through the Sandhills neighborhood.

e. ***Recommendation:*** **A very careful and detailed review and analysis of any changes made to Kainani to accommodate the Project should be considered in the EA Process.**

Response: As previously noted, Kainani Street will not be utilized as an access point for the project.

f. ***Recommendation:*** **The development team has not been willing to come up with any other options for alternative traffic flows related to Kainani Street. I am proposing three options depending on whether they can technically meet the needs of the developer, community and State/County Agencies.**

Option 1: Extending Lunalilo straight into the Project, with Kainani intersecting into it - Preferred if the State will allow a double synchronized intersection

- **Add a stop light at Kainani/new Lunalilo intersection that is synchronized with Kaahumanu such that a) right, left or straight traffic from Kaahumanu onto Kainani is cleared through the intersection before the traffic signal allows Kainani traffic access to the intersection, b) other than this delay, the light on Kainani is green when Kaahumanu is green thus allowing neighborhood traffic access to the road (and a flow of right turn on red through Kaahumanu off of the new Lunalilo), c) Project traffic is contained on their property until the light gives them the right-of-way. This will also prevent queuing in the Kainani/new Lunalilo intersection from the volume of cars exiting the Project.**
- **The right turn at the Kaahumanu/new Lunalilo will be signalized no-right-turn-on-red.**
- **Require no right turn into the Project from Kainani (install a hard-island to discourage this) and no left turn out of the Project onto Kainani.**

Option 2) Right turn only out of Kainani from the Project - Preferred if 1) is not feasible.

- **A hard island is installed to discourage illegal left turns from the Project**

Option 3) Modified Existing Plan - Not preferred but better than the current plan and only if right and left turn queuing will be accommodated on Kainani

- **Allow for one-lane entrances approaching intersections with the gradual creation of a left turn lane consistent with Michael Miyamoto's recommendation. This will prevent cross over traffic on Kainani.**

- **Eliminated right turn into the Project from Kainani (install a hard-island to discourage this) and no left turn out of the Project onto Kainani.**

Response: See responses to item nos. 5.d and 5.e, above.

6. ***LACK OF INDEPENDENCE OF TRAFFIC CONSULTANT***

a. ***Recommendation:*** **Require the developer to pay for another traffic evaluation analysis using an independent traffic consultant selected by the State/County prior to an EA. The report should be prepared for and addressed to the State/County so that all of their interests are protected as well as the interests of the surrounding communities.**

Response: PB Americas, Inc., the applicant's traffic engineer, will continue work with the State Department of Transportation (DOT) and the County Department of Public Works (DPW) to ensure that the updated traffic analysis is prepared in a way which meets all applicable technical engineering standards. It should also be noted that the DOT has reviewed the updated traffic study and has provided comments to the applicant. Both agencies will review the updated traffic study and the study report will be revised, as required to yield a report meeting the highest of technical and professional standards. In this regard, the applicant understands the need to maintain integrity of process and analysis in conducting all of its studies. Towards that end, the applicant will also continue to engage the Sandhills residents to ensure that results of the traffic analysis, as well as other technical studies, are presented and discussed in a forthright manner.

b. ***Recommendation:*** **If the developer is not required to hire a second independent traffic consultant, State/County's review of the information contained in the report is critical. Both the State DOT and Public Works department have indicated there is a large degree of reliance placed on this report, with selected testing and analysis of the data/results. Better checks and balances should be put into place to ensure the information contained in the report is accurate and reflective with meaningful and indicative results.**

Response: See response to item no. 6.a, above.

c. ***Recommendation:*** **Ensure the traffic consultant and EA reports include consideration of the adjacent neighborhood's traffic considerations, including the appropriate challenges and limitations as well as existing traffic ordinances/posted truck signs, State Right of Ways, reasons for installation of speed bumps in the community given known problems in the past, alternative routes through the neighborhood that may be used by non-residents given traffic congestion during peak-periods, etc., including a broader map that clearly shows roads that may be potentially impacted by the project similar to Attachment C.**

Response: As noted, Kainani Street will not be utilized as an access point. The proposed access configuration is intended to address concerns neighboring residents have expressed regarding challenges and limitations associated with the Sandhills local roadway system.

To facilitate discussion of traffic issues, a regional roadway map will be included in the Draft EA.

d. ***Recommendation:*** **Lack of using an independent source and inaccurate/incomplete data should be considered in the EA Process.**

Response: As previously noted, the updated traffic analysis developed by the traffic engineer will be reviewed by the State DOT and the County DPW to ensure that the report is prepared in accordance with standards and protocols acceptable to both agencies.

7. ***COMMUNITY'S INVOLVEMENT***

a. ***Recommendation:*** **When the public takes their time to get involved, their issues/concerns should be addressed and not deferred or go unanswered. If you want the public to be involved and for them to feel they are part of the process, they should not be left feeling that their concerns are secondary to the process.**

Response: The applicant believes that open dialogue with the residents of the Sandhills community is essential. They will continue to work with residents to ensure that information and input received from residents are considered to the fullest extent practicable.

8. ***24-HOUR OPERATION AND NOISE CONCERNS***

a. ***Recommendation:*** **Given the close proximity of the Safeway store to two large neighborhoods and noise that may be elevated up the residential hillside, require Safeway to limit their store hours to a more respectable time OR have the developer select another grocery store where it is their normal practice to do so (i.e., local grocery chains, Trader Joes, Whole Foods, etc.).**

Response: The applicant will work with all of its tenants, including Safeway, to ensure that shopping center operations do not adversely impact neighboring residents. Through establishment of operational protocols for security, the applicant believes that it can successfully manage a 24-hour operation without adversely affecting nearby residential areas.

b. ***Recommendation:*** **Also, the development team and the EA process should clearly address and quantify any activities of loitering, noise, restocking activities, crime and other related issues that may result from a project of this size, quantify the impact it may have on the surrounding neighborhoods, address what the State/County ordinances/guidelines/standards are, determine how the project anticipated results measure up to these ordinances/guidelines/standards, and what steps will be put in place to ensure acceptable levels are maintained.**

Response: As noted above, the management of the shopping center will include protocols for addressing security concerns. This element of management is considered significant not only in terms of mitigating impacts to the Sandhills neighborhood, but in ensuring the safety and welfare of the shopping center's customers. As a general principle of contemporary commercial center management, it is important to protect the interest and welfare of customers and neighboring residents to develop a solid foundation of reputation and integrity, which all tenants of the center rely on.

9. ***OUTDATED PROJECT APPLICATION AND AGENCY COMMENTS/REVIEWS***

a. ***Recommendation:*** **If not already in place, there should be time limits on how long projects are left open. After a specified time frame, the developer should be required to resubmit applications for State/County Agency "fresh" reviews to ensure recent issues impacting the project**

are considered. Specifically, the developer for this project should be required to update their 2005 application, especially for those areas that are not now being addressed by the EA Process.

Response: The EA process offers an opportunity for agencies and the public to review the project in its most recently updated form, including the latest site plan, traffic study and preliminary engineering and drainage report. Thus, all agencies which reviewed the Project District Phase II application will have the opportunity to review the Draft EA. In addition, the Maui Planning Commission will have an opportunity to review the Draft EA and Final EA prior to taking action on the Project District Phase II application.

b. ***Recommendation:*** **It should be required for sellers/realtors to disclose such "open" projects (including Project Districts) for potential/new homeowners to consider when evaluating real estate sales/purchases. Information should be readily available to pull from County records related to TMK numbers. Any potential negative or positive impact to home values in the area should be addressed in the EA process.**

Response: The EA process serves as a vehicle for public education and participation on projects which may be of interest to buyers and sellers of real property. In addition, the Wailuku-Kahului Community Plan and the Project District ordinance pertaining to Maui Lani are available at the Maui Planning Department, the County Clerks office, and the County of Maui website. Realtors have ready access to these sources of information and the applicant concurs that such information would be beneficial to buyers and sellers in real property transactions.

The proposed development of a commercial center, as reflected in Project District plans, and its impacts upon real property values are difficult to measure, particularly in today's complex marketplace, where supply and demand swings are significant, and attendant market psychology is variable. In general, the applicant does not believe that the implementation of the shopping center will have an measurable effect on market values, either positive or negative.

c. ***Recommendation:*** **There needs to be better checks and balances to ensure ALL comment letters are properly received and that issues brought up in comments letters are addressed and "cleared" by the corresponding department prior to approvals of the Project. Any**

uncleared or unaddressed comments should be considered in the EA process.

Response: All substantive comments received from parties commenting on the Draft EA will be responded to by the project team. Based on past practice, it is our understanding that the Planning Department will not schedule the Planning Commission meeting on the Final EA until all issues arising from the comments are appropriately addressed. The applicant will work with commenting parties and the Planning Department to ensure that comments are properly responded to.

d. ***Recommendation:*** **Additionally, the EA team should ensure recent reviews by ALL State and County agencies have been performed, obtained, reviewed/analyzed and incorporated into the EA process.**

Response: The applicant and its project team will work with the Planning Department to coordinate distribution of the Draft EA to agencies and organizations. All comments received on the Draft EA will be included in the Final EA. Additionally, responses to all substantive comments will be incorporated in the Final EA document.

10. PROJECT GRADING PRIOR TO PHASE III APPROVALS

a. ***Recommendation:*** **Developers should not be able to grade/develop a plot of land until their final project approvals are in place.**

Response: Construction work will not proceed until all applicable approvals are secured, including the Project District Phase III approval, grading permit and construction plans/building permit approvals.

b. ***Recommendation:*** **We are on the windward side of the Island. The Developer should implement more successful methods to prevent sand and dust generated by the vacant land from blowing into our community, both immediately and in the future during the development/construction phase until newly installed landscaping matures.**

Response: The applicant's contractor will utilize Best Management Practices (BMP) to manage fugitive dust during the construction phase of work. Such practices may include the installation of dust screens, water

spraying and immediate revegetation of open areas. While an unavoidable effect of construction is dust generation, the BMP program developed and implemented by the contractor will be designed to minimize such nuisance effects associated with construction.

11. NOTIFICATION TO OWNERS/LESSEES WITHIN 500 FEET OF THE PARCEL

a. ***Recommendation:*** **Change the wording of the Code to require a more updated list be generated prior to notification of public hearings. The public should not be penalized from getting their notification due to delayed applications, whether the County, State or developer caused the delay.**

Response: The applicant understands and appreciates the importance of the public's receipt of timely notification of a public hearing. The provisions of Maui County Code Chapter 19.45, relating to project district processing regulations pertains to the Project District Phase II public hearing which was held on July 10, 2007. It is our understanding that the Planning Department, in its report to the Planning Commission reviewed and documented the steps taken for public notification.

b. ***Recommendation:*** **Consideration should be given to extending the notification period to 45 days prior to the meeting or an alternative form of delivery considered. Residences should not be penalized from receiving their notification letters due to the mass mailing that cannot be handled by the post office.**

Response: See response to comment 11.a.

c. ***Recommendation:*** **Require the developer to provide a map clearly identifying the 500-foot boundary.**

Response: See response to comment 11.a.

d. ***Recommendation:*** **Obtain a more recent list of all owners and recorded lessees within 500 feet, including from the Maui Lani Project District/New Sandhills Estate subdivision, to ensure appropriate individuals are properly notified.**

Response: See response to comment 11.a.

Thank you again for providing pertinent input and comments on the proposed Maui Lani Shopping Center project. Once completed, a copy of the Draft EA will be provided to you for review and comment. In the meantime, if there are any questions regarding the responses provided, please let me know.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosures
cc: Lloyd Sueda, Sueda & Associates (w/enclosures)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/enclosures)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/enclosures)
Phillip Matsunaga, PB Americas, Inc. (w/enclosures)
Ann Cua, County of Maui, Department of Planning (w/enclosures)
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Brian and Sharon Yamada
63 Naniluna Place
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii, TMK (2)3-8-007:121

Dear Mr. and Mrs. Yamada:

Thank you for your letter dated October 30, 2007, responding to our request for early consultation comments on the proposed Maui Lani Shopping Center project. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your comments.

Safeway and Shopping Center Related Concerns

Recognizing your, as well as others in the community's concerns, the applicant is intent on working with Sandhills residents to ensure a cooperative basis for addressing issues and concerns relating to Safeway operations.

Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which will include such measures as limiting the use of service vehicles, trucks and equipment during late night and early morning hours, and employing security patrol protocols designed to control loitering.

planning environment government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Traffic

The applicant recognizes the sensitivity associated with the Kainani Street access issue. As a result, during the course of planning for the project, a number of alternatives to address impacts associated with the use of Kainani Street were considered. After examining the various options, and considering the comments offered by residents of the Historic Sandhills neighborhood, the applicant has developed a plan which would eliminate the need to use Kainani Street as an ingress and egress point for vehicular access.

To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We would also like to note that the project's traffic engineer, PB Americas, Inc., has prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

Pedestrian Safety

Pedestrian safety is an utmost concern of the applicant. The applicant proposes to construct additional sidewalks and cross walks in the vicinity of the project site. Although specific designs have not yet been developed, it is the intent of the applicant to ensure safety and easy access to the shopping center for pedestrians.

Additionally, the applicant has met with representatives of Baldwin High School (BHS) and the State of Hawaii, Department of Transportation (DOT). As a result of its meetings with BHS, the applicant agreed to fund a Traffic Evaluation Study to analyze current operations at the BHS entry drive intersection and to identify recommendations that may aid in relieving congestion and safety concerns for vehicles and pedestrians. A copy of the Traffic Evaluation Study will also be included in the Draft EA.

We appreciate receiving your comments regarding the proposed shopping center project and associated impacts. Once completed, a copy of the Draft EA will be provided to you for your review and comment. In the meantime, should you have any questions or if additional clarification is needed, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Lloyd Sueda, Sueda & Associates, Inc. (w/out enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
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OCT 2 6 2007

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

On October 10, 2007 at our community meeting held at Maui Waena; Mr. Sueda one of the architects for the Maui Lani Shopping Center Project stated: He has met with our community four times already. He said that Safeway and the developer which he represents have been very patient, but he needs to get this project on a "fast track".

Look at what Mr. Sueda/developer have not resolved: Traffic is a serious and major concern for our neighborhood. He has NOT resolved this major issue. Mr. Yoshioka, the traffic engineer did not even have a traffic analysis prepared for his new proposal, yet he wanted our community to vote on it, so he could tell the Department of Transportation this is what we wanted and agreed to! Mr. Sueda does not have approval as stated by their own archaeologist, for the placement of the 17 (of 19) graves they want to place in the shopping center's parking lot.

This project which has increased in retail size by 10,000 S.F. from 129,000 S.F. to 139,142 S.F. will have a significant and detrimental impact on our Sandhills neighborhood. The developer has placed a 2-story office building right next to my neighbor, Mrs. Tokunaga's home. There will be a restaurant that will serve liquor, thus could possibly remain open until 2:00 A.M.. The architect said he could not disclose the restaurant tenant nor the hours of operation. The massive 55,960 S.F. Safeway will be running 24/7 and will have its very large loading dock and huge rubbish container parallel to Nakoa Drive. The architect stated that no deliveries will be allowed from 10:00 P.M. until 7:00 A.M. will this be for as long as the store exists? And will this be in writing? And does this no delivery during those specified times cover all of the tenants in the project? What about the dumping of rubbish/garbage especially by Safeway and the restaurant (beer bottles, etc.) into the rubbish bins late into the night and at the restaurant's closing time? A 24/7- 55,960 S.F. regional superstore will generate intrusive noise into our neighborhood, no ifs, ands or buts about this fact!

And on top of all of this is Kainani Street. Mr. Yoshioka the traffic engineer stated that Maui Lani Parkway will be the primary access as it was designed to be a regional access road. He said in the future traffic will be even busier. (We know, look at all of the development occurring in Central Maui.) So he wants to distribute the traffic so it doesn't pile up on Maui Lani Parkway. So he wants to use Kainani Street as a secondary access road.

Kainani Street is NOT designed to be and CAN NOT safely be designed to be- a regional access road. Using Kainani Street as a secondary access road (that's what the architect and traffic engineer called it) will turn Kainani Street into a regional access road! This project will distribute SIGNIFICANT traffic throughout the Sandhills neighborhood especially on Kainani Street and Nakoa Drive.

Please visit the Sandhills neighborhood, study the site. See how our neighborhood streets are configured and how they feed into Kainani Street. Our roads are not flat and straight ,but hilly and curving. Mr. Sueda and Mr. Yoshioka don't want traffic piling up on Maui Lani Parkway for the convenience of the shoppers for this project.---We don't want traffic piling up on Kainani Street and our neighborhood streets because how are we, the residents of Sandhills going to safely enter and exit our neighborhood streets to go to school, to go to work, to do our business and to come home?

The safety of the children in our neighborhood is of great concern. There are children on our streets that walk to Baldwin High School. What about the safety of the elderly people who walk in our neighborhood? Baldwin High School's cross country runners use our streets to train, what about their safety?

Mr. Sueda stated at our community meeting, that he needs a second access so he can develop this project. That DOESN'T give him the right to turn Kainani Street into a regional access road to service the shoppers for his Maui Lani Shopping Center. And in doing so cause a great inconvenience and more significantly endanger our lives with hazardous traffic conditons and ruin the quality of life we have enjoyed in our Sandhills neighborhood for generations.

Mr. Sueda and the developer want to fast track their project. Yes, they wish to build and leave and move on to other lucrative projects.

We will have to live with the mess they leave behind- every day and every night- for the rest of our lives.

Is this right?

Cleighton/Curtis Higa
17 Nakoa Drive
22 Nakoa Drive

Eileen Tokunaga
8 Nakoa Drive

Mitsuo/Jeanette Watanabe
7 Nakoa Dr

Susan T Sugino 29 Nakoa Dr
N Chaca 43 Nakoa Dr

Patience MK Kahula 35 NAKOA DR.
MICHAEL K. KAHULA WAILUKU, HI. 96793

ROBIN LUIS KAHULUI, HI 96732

Cleighton Higa
Curtis Higa
Wayne Nakato

Eileen Tokunaga

Jeanette Watanabe

Susan T Sugino

18

Pomaikai Henry	42 Nakoa Drive	Pomaikai Henry	
ED NISHIHARA	28 NAKOA DR.	WKU	Ed. Nishihara
YAEKO HONDA	23 NAKOA DR.	WKU	Yaeko Honda
Nancy Halley	189 Naniloa Dr.	Wailuku	Nancy Halley
Eva M. Kaneshina	319 Nakoa Drive,	Wailuku	Eva M. Kaneshina
Helen Ohigashi	60 Nakoa Dr	Wai	Helen Ohigashi
ARLEEN LIGORIO	63 Nakoa	Wai	Aling
Kim Mukai-Otani	103 Ku Dr	Wailuku	K Otani

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Cleighton and Cordis Higa
17 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Cleighton and Cordis Higa:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your collective comments.

Traffic

The applicant recognizes the sensitivity associated with the Kainani Street access issue.

As a result, during the course of planning for the project, the applicant studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options and considering comments offered by residents of the Historic Sandhills neighborhood, the applicant developed a revised site plan that eliminated the use of Kainani Street as an ingress and egress point for vehicular access.

To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building

area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

We would also like to note that the project's traffic engineer, PB Americas, Inc., prepared a new traffic study to ensure that the proposed access points for the shopping center offer a safe and workable traffic solution for the project's location. A copy of the new traffic study will be included in the Draft Environmental Assessment (EA).

Burials

The applicant's project archaeologist has been and will continue to work with the State Historic Preservation Division to ensure that identified burials are treated and preserved with the highest degree of respect. Burial treatment plans have been prepared for three (3) burial sites, with additional treatment plans to be prepared for the remaining nineteen (19) burials. In addition, the area to the immediate southeast of the Kainani Street – Kaahumanu Avenue intersection will not be graded given the likelihood of burials in this locale. Instead, an approximately 15,200 square-foot preservation area will be created at this corner of the property.

Proposed Two-Story Office Building

The two-story office building proposed near the northwest corner of the project site has been relocated, with the office spaces for the project now accommodated near the southeast corner of the property, along Maui Lani Parkway. Recognizing the need to maintain adequate separation between buildings in the shopping center and the adjacent residences in the Historic Sandhills neighborhood, an open space buffer has been established along the western property line of the project. While a retail building has been located towards the northwest portion of the project site, the open space buffer provides needed separation to ensure that impacts to properties bordering the site are not adversely affected by shopping center operations.

Restaurant/Liquor Sale

All tenants of the shopping center are obliged to comply with applicable State and County regulations with regards to the sale of alcohol to minors. Terms relating to the compliance of alcohol sale regulations will be included in tenant leases. The restaurant envisioned for the shopping center is expected to be of a reputable national family restaurant chain. Such companies hold extremely high standards for the serving of liquor and strict standards for the maintenance of their restaurants, including sensitivity to neighboring uses.

24-Hour Safeway Operation

Recognizing your concerns, the applicant is intent on working with the Sandhills community to ensure a cooperative basis for addressing issues and concerns. Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which would include such measures as limiting the use of service vehicles, trucks and equipment during late night and early morning hours, and employing security patrol protocols designed to control loitering.

The applicant will work with all of its tenants, including Safeway, to ensure that shopping center operations do not adversely impact neighboring residents. Through close cooperation with Sandhills residents, the applicant believes that it can successfully manage a 24-hour Safeway operation without affecting nearby residential areas.

Noise

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Wayne Nakata
22 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Mr. Nakata:

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MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Eileen Tokunaga
8 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Tokunaga:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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EM:lh
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Mitsuo and Jeanette Watanabe
7 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Mitsuo and Jeanette Watanabe:

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KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Susan T. Sugino
29 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Sugino:

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24-Hour Safeway Operation

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Erin Mukai, Planner

EM:lh
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Nancy Ciacci
43 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Ciacci:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building

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area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

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Very truly yours,

Erin Mukai, Planner

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Robin Luis
Kahului, Hawaii 96732

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Luis:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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EM:lh
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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Patience and Michael Kahula
35 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Patience and Michael Kahula:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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environment planning government

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Pomaikai Henry
42 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Pomaikai Henry:

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Ed Nishihara
28 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Mr. Nishihara:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Yaeko Honda
23 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Honda:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

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KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Nancy Halley
189 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Halley:

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environment planning government

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KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Eva M. Kaneshina
319 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Kaneshina:

Thank you for your joint letter responding to our request for early consultation comments for the proposed Maui Lani Shopping Center project which was hand delivered to our office on October 26, 2007. As you may know, since completion of your letter, several iterations of the site plan have been completed. The revisions to the plan have been largely made as a result of community meetings conducted with the neighborhood residents. Since our last community meeting of November 12, 2008, the applicant and the project team have worked with the State of Hawaii, Department of Transportation (DOT) to produce a site layout and access configuration that is deemed viable in concept by the DOT. A copy of the revised site plan is enclosed herewith for your review. As you will notice, the use of Kainani Street for vehicular access is no longer proposed as part of the project.

It is in the context of this revised plan that we would like to provide the following information in response to your collective comments.

Traffic

The applicant recognizes the sensitivity associated with the Kainani Street access issue.

As a result, during the course of planning for the project, the applicant studied a number of alternatives to address impacts associated with the use of Kainani Street. After examining the various options and considering comments offered by residents of the Historic Sandhills neighborhood, the applicant developed a revised site plan that eliminated the use of Kainani Street as an ingress and egress point for vehicular access.

To accomplish this site plan alternative, the applicant has scaled down the overall project size by approximately twenty percent to reduce project-related trip generation. This, in turn, would eliminate the need for a Kainani Street access point. The new total building

area of the shopping center is 105,098 s.f., compared to 130,310 s.f. from the previous site plan that was presented at the community meeting of November 12, 2008.

Under the new site plan, the applicant proposes three (3) access points for the shopping center via Kaahumanu Avenue and Maui Lani Parkway. A proposed access along Kaahumanu Avenue will be limited to right-turn in only. In addition, a major component of the access plan reflects a full-movement access off of Maui Lani Parkway, as well as a second limited access with right-turn in and right-turn out turning movements off of Maui Lani Parkway.

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Proposed Two-Story Office Building

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All tenants of the shopping center are obliged to comply with applicable State and County regulations with regards to the sale of alcohol to minors. Terms relating to the compliance of alcohol sale regulations will be included in tenant leases. The restaurant envisioned for the shopping center is expected to be of a reputable national family restaurant chain. Such companies hold extremely high standards for the serving of liquor and strict standards for the maintenance of their restaurants, including sensitivity to neighboring uses.

24-Hour Safeway Operation

Recognizing your concerns, the applicant is intent on working with the Sandhills community to ensure a cooperative basis for addressing issues and concerns. Neighborhood concerns expressed on the "24/7" operating proposal include noise generated by equipment and trucks, as well as safety and security concerns associated with loitering and late night activities in the parking lot. The applicant will prepare and implement a night-time security and operations plan which would include such measures as limiting the use of service vehicles, trucks and equipment during late night and early morning hours, and employing security patrol protocols designed to control loitering.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Helen Ohigashi
60 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Ohigashi:

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Erin Mukai, Planner

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GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Arleen Ligorio
63 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

Dear Ms. Ligorio:

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KARLYNN FUKUDA

MARK ALEXANDER ROY

April 7, 2010

Kim Mukai-Otani
103 Ku Drive
Wailuku, Hawaii 96793

SUBJECT: Chapter 343, Hawaii Revised Statutes, Environmental Assessment Early Consultation Comments for the Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121)

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Jeff Benner, Benner Stange Associates Architects, Inc. (w/out enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/out enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/out enclosure)
Yoichi Ebisu, Y. Ebisu & Associates (w/out enclosure)
F:\DATA\Sueda\MauiLaniCtr\multipleresidents.ltr.wpd

X. PARTIES CONSULTED DURING THE PREPARATION OF THE FINAL ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED DURING THE 30-DAY PUBLIC COMMENT PERIOD; AND RESPONSES TO SUBSTANTIVE COMMENTS

X. PARTIES CONSULTED DURING THE PREPARATION OF THE FINAL ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED DURING THE 30-DAY PUBLIC COMMENT PERIOD; AND RESPONSES TO SUBSTANTIVE COMMENTS

A Draft Environmental Assessment for the subject project was filed and published in the Office of the Environmental Quality Control's The Environmental Notice on April 23, 2010.

Comments on the Draft EA were received during the 30-day public comment period. Comments, as well as responses to substantive comments, are included in this chapter.

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

MAY 1 3 2010

REPLY TO
ATTENTION OF:

May 11, 2010

Regulatory Branch

POH-2007-00293

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

Dear Ms. Cua:

We have received a letter submitted on your behalf by your consultants, Munekiyo & Hiraga, Inc., dated April 21, 2010 requesting our review and comments on the draft Environmental Assessment (EA) for the Maui Lani Shopping Center proposed in Wailuku, Island of Maui, Hawaii (TMK: (2) 3-8-007:121). The U.S. Army Corps of Engineers (Corps) has authority to regulate activities pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404).

Section 10 requires that a Department of the Army (DA) permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Section 404 requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344). The parcel proposed for development does not contain any navigable waters or other waters of the U.S.; therefore a Section 10 and/or Section 404 permit is not required.

While a DA permit is not required for this project, we recommend a Best Management Plan be put in place to minimize any runoff from the construction site which could enter the surface drainage system and eventually the Pacific Ocean.

This letter contains an approved JD for the property in question. If you object to this determination, you may request an Administrative Appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. We have enclosed a Notification of Appeal Process and Request For Appeal (NAP/RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Corps' Pacific Ocean Division office at following address:

Thom Lichte, Appeals Review Officer
U.S. Army Corps of Engineers
Pacific Ocean Division, ATTN: CEPOD-PDC
Building 525
Fort Shafter, HI 96858-5440

In order for an NAP/RFA to be accepted by the Corps, the Corps must determine that the RFA is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the NAP/RFA sheet. If you decide to submit an NAP/RFA form, it must be received at the above address by July 11, 2010. It is not necessary to submit an NAP/RFA form to the Division office if you do not object to the determination in this letter.

This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at http://per2.nwp.usace.army.mil/survey.html.

Thank you for giving us the opportunity to review this proposal. Should you have any questions, please contact Mr. Robert Deroche of this office at the above address or telephone 808-438-2039 (FAX: 808-438-4060) or by E-Mail at robert.d.deroche2@usace.army.mil. Please refer to File No. POH-2007-00293 in all future communications with this office regarding this or other projects at this location.

Sincerely,

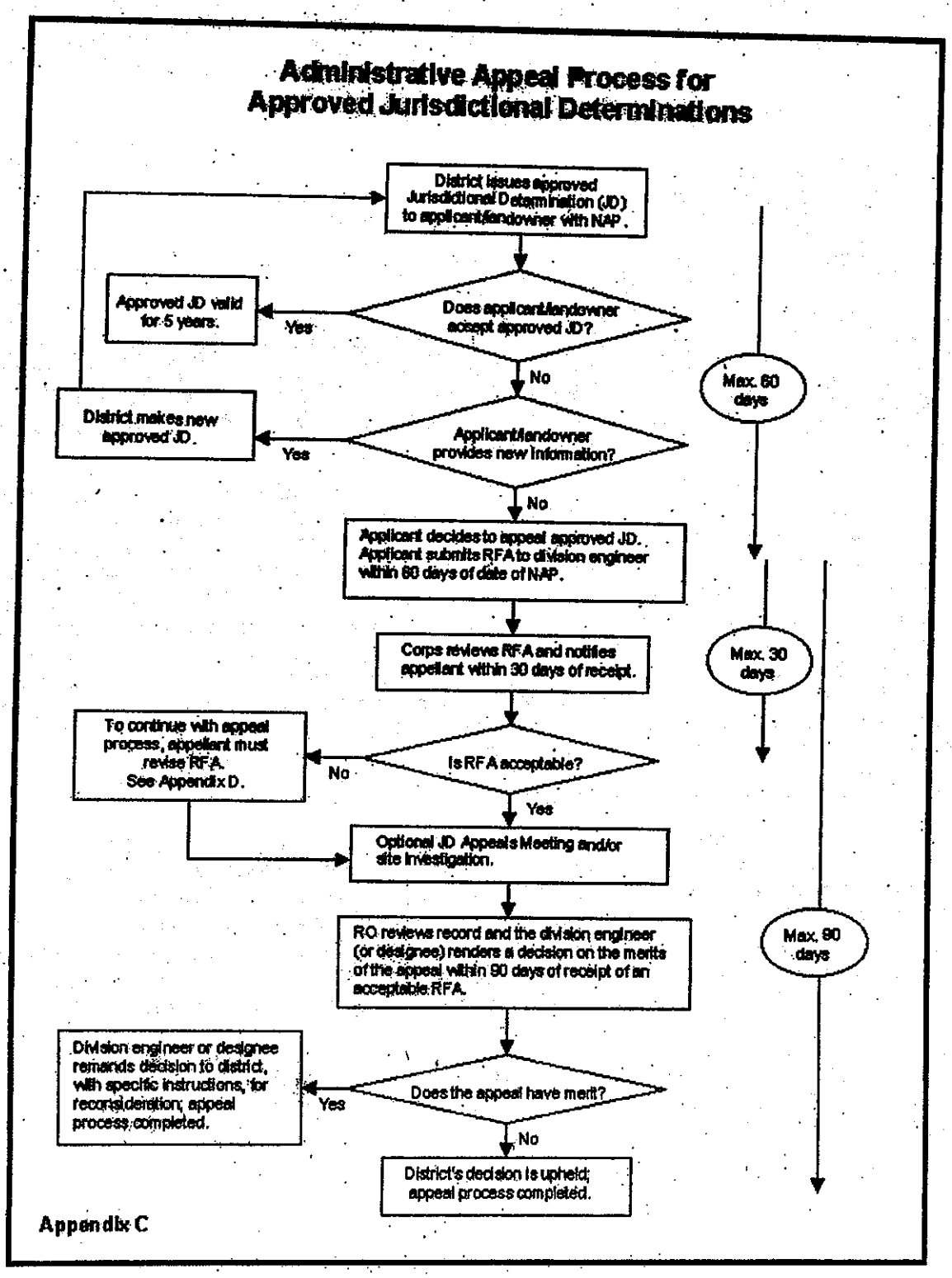
George P. Young, P.E.
Chief, Regulatory Branch

Enclosures

Flowchart
RFA Document
Final JD Form

Copy Furnished:

Erin Mukai, Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, Hawaii 96793


Administrative Appeal Process for Approved Jurisdictional Determinations
District issues approved Jurisdictional Determination (JD) to applicant/landowner with NAP.
Does applicant/landowner accept approved JD?
Yes
Approved JD valid for 5 years.
No
Applicant/landowner provides new information?
Yes
District makes new approved JD.
No
Max. 60 days
Applicant decides to appeal approved JD. Applicant submits RFA to division engineer within 60 days of date of NAP.
Corps reviews RFA and notifies appellant within 30 days of receipt.
Is RFA acceptable?
No
To continue with appeal process, appellant must revise RFA. See Appendix D.
Yes
Max. 30 days
Optional JD Appeals Meeting and/or site investigation.
RO reviews record and the division engineer (or designee) renders a decision on the merits of the appeal within 90 days of receipt of an acceptable RFA.
Does the appeal have merit?
Yes
Division engineer or designee remands decision to district, with specific instructions, for reconsideration; appeal process completed.
No
District's decision is upheld; appeal process completed.
Max. 90 days

Appendix C

Applicant: County of Maui, Dept. of Planning		File Number: POH-2007-00293	Date: May 11, 2010
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Robert D. Deroche U.S. Army Corps of Engineers Honolulu District, ATTN: CEPOH-EC-R Building 230 Fort Shafter, HI 96858-5440 Tel. (808) 438-2039	Thom Lichte, Appeal Review Officer Pacific Ocean Division ATTN: CEPOD-PDC Building 525 Fort Shafter, HI 96858-5440 Tel. (808) 438-0397

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
Signature of appellant or agent.		

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 11, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CEPOH-EC-R Maui Lani Shopping Center POH-2007-00293

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Maui Lani Parkway
State: Hawaii County/parish/borough: Maui City: Wailuku
Center coordinates of site (lat/long in degree decimal format): Lat. 20.88775° [redacted], Long. -156.49297° [redacted].
Universal Transverse Mercator: 4
Name of nearest waterbody: Pacific Ocean
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean
Name of watershed or Hydrologic Unit Code (HUC): 20020000
[redacted] Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
[redacted] Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
[redacted] Office (Desk) Determination. Date: May 11, 2010
[redacted] Field Determination.. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There [redacted] "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
[redacted] Waters subject to the ebb and flow of the tide.
[redacted] Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There [redacted] "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   [redacted] TNWs, including territorial seas
   [redacted] Wetlands adjacent to TNWs
   [redacted] Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   [redacted] Non-RPWs that flow directly or indirectly into TNWs
   [redacted] Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   [redacted] Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   [redacted] Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   [redacted] Impoundments of jurisdictional waters
   [redacted] Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: linear feet: width (ft) and/or acres.
   Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: [redacted]
   Elevation of established OHWM (if known):

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   [redacted] Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain:

---

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW:

   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: [redacted]
   Drainage area:
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through [redacted] tributaries before entering TNW.

   Project waters are [redacted] river miles from TNW.
   Project waters are [redacted] river miles from RPW.
   Project waters are [redacted] aerial (straight) miles from TNW.
   Project waters are [redacted] aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain:

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

---

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is:
- ☐ Natural
- ☐ Artificial (man-made). Explain:
- ☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: [redacted].

Primary tributary substrate composition (check all that apply):
- ☐ Silts
- ☐ Sands
- ☐ Concrete
- ☐ Cobbles
- ☐ Gravel
- ☐ Muck
- ☐ Bedrock
- ☐ Vegetation. Type/% cover:
- ☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: [redacted]
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: [redacted]
Estimate average number of flow events in review area/year: [redacted]
Describe flow regime:
Other information on duration and volume:

Surface flow is: [redacted]. Characteristics:

Subsurface flow: [redacted]. Explain findings:
- ☐ Dye (or other) test performed:

Tributary has (check all that apply):
- ☐ Bed and banks
- ☐ OHWM[6] (check all indicators that apply):
  - ☐ clear, natural line impressed on the bank
  - ☐ changes in the character of soil
  - ☐ shelving
  - ☐ vegetation matted down, bent, or absent
  - ☐ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☐ the presence of litter and debris
  - ☐ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☐ sediment sorting
  - ☐ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) **Chemical Characteristics:**
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain:
Identify specific pollutants, if known:

---

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: [redacted]. Explain: .

Surface flow is: [redacted]

Characteristics: .

Subsurface flow: [redacted]. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are [redacted] river miles from TNW.

Project waters are [redacted] aerial (straight) miles from TNW.

Flow is from: [redacted].

Estimate approximate location of wetland as within the [redacted] floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: [redacted]

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):
- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
  - Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   - Tributary waters: linear feet width (ft).
   - Other non-wetland waters: acres.
     - Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   - Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
     - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
     - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   - Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   - Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   - Demonstrate that impoundment was created from "waters of the U.S.," or
   - Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   - Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

---

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
  - Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K AK-SAMALGA ISLAND D-2.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: ☒ Aerial (Name & Date): Google 2010.
  - or ☐ Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: A review of U.S.G.S. topographic map for the area, as well as the U.S. Fish and Wildlife Service NWI map, aerial photographs, and other in-office resources concluded that there are no waters of the U.S. to be impacted by this project.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

George P. Young
Chief, Regulatory Branch
Department of the Army
U.S. Army Corps of Engineers
Honolulu District, Building 230
Fort Shafter, Hawaii 96858

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001) (POH-2007-00293)

Dear Mr. Young:

Thank you for your letter dated May 11, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to offer the following information in response to your comments.

We note your determination that the proposed project site does not contain any navigable waters or other waters of the U.S. and that therefore a Section 10 and Section 404 permits are not required.

We also note that although a Department of Army permit is not required for the subject project, a Best Management Plan (BMP) will be implemented so as to minimize any runoff from construction of the project into the Pacific Ocean.

Again, thank you for your comments and jurisdictional determination. Should you have any questions regarding this letter or project, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

MAY 11 2010

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

SANDRA L. YAHIRO
DEPUTY COMPTROLLER

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

MAY 10 2010

(P)1100.0

Ms. Ann Cua, Planning Supervisor
County of Maui, Department of Planning
250 South High Street
Wailuku, HI 96793

Dear Ms. Cua:

Subject: Draft Environmental Assessment for the Maui Lani Shopping Center
TMK (2) 3-8-007:121 (EA 2010/0001)

Thank you for the opportunity to review the Draft Environmental Assessment for the Maui Lani Shopping Center. This project does not impact any of the Department of Accounting and General Services' projects or existing facilities, and we have no comments to offer.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Clarence Kubo of the Public Works Division at 586-0488.

Sincerely,

RUSS K. SAITO
State Comptroller

c: Ms. Erin Mukai, Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Russ Saito
State Comptroller
Department of Accounting and General Services
State of Hawaii
P.O. Box 119
Honolulu, Hawaii 96810

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Saito:

Thank you for your letter dated May 10, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we note your determination that the project has no impact on the Department of Accounting and General Services' projects or existing facilities.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
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MAY - 7 2010

LINDA LINGLE
GOVERNOR

GEORGINA K. KAWAMURA
DIRECTOR

BARBARA A. ANNIS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

May 5, 2010

Ms. Ann Cua, Current Planning Supervisor
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Your request of April 21, 2010, for comments on the proposed Maui Lani Shopping Center project located in Kahului, Maui, has been reviewed. In accordance with Chapter 343, HRS, we have no substantive comments to provide.

If you should have any questions regarding this matter, please feel free to contact Mr. Neal Miyahira, Administrator of the Budget, Program Planning and Management Division, at (808) 586-1530.

Aloha,

Georgina K Kawamura

GEORGINA K. KAWAMURA
Director of Finance

✓c: Ms. Erin Mukai

10

LINDA LINGLE
GOVERNOR

MAY 21 2010

~~PATRICK HAMAMOTO~~
~~SUPERINTENDENT~~

KATHRYN S. MATAYOSHI
INTERIM SUPERINTENDENT

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

OFFICE OF THE SUPERINTENDENT

May 19, 2010

Ms. Ann Cua
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Subject: Draft Environmental Assessment for the Maui Lani Shopping Center
TMK (2) 3-8-007:121, Wailuku, Maui

The Department of Education (DOE) has reviewed the Draft Environmental Assessment for the Maui Lani Shopping Center project.

The DOE is familiar with the project, which is located across Kaahumanu Avenue from Baldwin High School. The DOE has the following requests to address its concerns regarding student safety and traffic flow at the intersection of Maui Lani Parkway and Kaahumanu Avenue:

1. Discourage jaywalking. The DOE is concerned that Baldwin High students may jaywalk across Kaahumanu Avenue to the Maui Lani Shopping Center. To discourage jaywalking, the DOE requests the installation of a low hedge or fence in the center median strip of Kaahumanu Avenue, in the area near its intersection with Maui Lani Parkway.

2. Lower the speed limit. The DOE has concerns about the 45 mph speed limit of Kaahumanu Avenue near Baldwin High. The DOE requests an investigation as to whether the speed limit of Kaahumanu Avenue in the area near Baldwin High could be lowered.

3. Extend turn lanes and have two turn lanes. To facilitate traffic flow through the intersection of Maui Lani Parkway and Kaahumanu Avenue, the DOE requests an extension of the left and right turn lanes on Kaahumanu Avenue that turn into Baldwin High. The DOE also requests two left turn lanes from Baldwin High to Kaahumanu Avenue on a dedicated green light.

Thank you for the opportunity to provide comments. If you have any questions, please call Jeremy Kwock of the Facilities Development Branch at (808) 377-8301.

Very truly yours,

Kathryn S. Matayoshi
Interim Superintendent

KSM:jmb

c: Randolph Moore, Assistant Superintendent, OSFSS
Bruce Anderson, CAS, Baldwin/Kekaulike/Maui Complex Areas
Principal, Baldwin High School
Erin Mukai, Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Kathryn S. Matayoshi
Interim Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Ms. Matayoshi:

Thank you for your letter dated May 19, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project.

Following our previous correspondence dated April 7, 2010, the project team met with representatives of Baldwin High School (BHS) and the State Department of Transportation (DOT) on April 29, 2010 and with the applicant and BHS representatives on June 8, 2010.

At the June 8, 2010 meeting, Acting Principal Philip Gilbert and Joanne Shibuya identified and discussed the three requests outlined in your letter dated May 19, 2010: 1) Discourage jaywalking; 2) Lower the speed limit and; 3) Extend turns and have two turn lanes.

On behalf of the applicant, HRT Ltd., we would like to thank your department for meeting to discuss the proposed project and its relationship to BHS. We wish to provide the following information in response to your letter as well as the outcome of the June 8th meeting.

Response to Comment No. 1: Jaywalking

At our June 8, 2010 meeting both Mr. Gilbert and Ms. Shibuya expressed their concern regarding students jaywalking across Kaahumanu Avenue. They pointed out that this is an existing condition that the school is faced with and that they anticipate that the project will increase the likelihood of students jaywalking across Kaahumanu Avenue to the proposed shopping center. It was noted that providing landscaping and/or a fence in the median of Kaahumanu Avenue near BHS would help mitigate this concern. It was recognized,

though, that Kaahumanu Avenue is a State owned roadway facility and the DOT has jurisdiction over the median. It was also recognized that a significant improvement would be to provide a safe pedestrian walkway through the school campus that directed students towards the crosswalk at the intersection of the school's driveway with Kaahumanu Avenue.

Response to Comment No. 2: Speed Limit

The speed limit fronting BHS along Kaahumanu Avenue is 45 mph. As noted in your letter, both Mr. Gilbert and Ms. Shibuya expressed their desire to have the speed limit reduced. As it was recognized that the DOT has control over the speed limit, continued coordination between DOE and the DOT will be undertaken to attempt to get the speed limit reduced.

Response to Comment No. 3: Extend Turn Lanes

As noted in your letter, Mr. Gilbert and Ms. Shibuya raised the matter to have both the existing left turn lane and right turn lane on Kaahumanu Avenue into BHS extended. In response to this matter the applicant noted in reference to the BHS Traffic Evaluation Report by PB Americas, Inc., that traffic flow into the BHS campus could also be effectively improved by providing greater circulation within the school's parking lot. In addition, it was noted that providing more curb space for loading and unloading would help to relieve traffic congestion within the school limits.

It was agreed that the applicant would assist BHS directly by carrying out improvements on the campus grounds that would improve pedestrian safety and internal traffic flow. Such improvements would include providing more curb space for loading and unloading, improved circulation within the school's parking lot, and safe pedestrian walkways for students. The applicant has agreed to carry out these improvements within the BHS campus during the construction phase of work for the proposed project.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Philip Gilbert, Baldwin High School
Joanne Shibuya, Baldwin High School

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LINDA LINGLE
GOVERNOR
STATE OF HAWAI'I

MAY 25 2010

KAULANA H. R. PARK
CHAIRMAN
HAWAIIAN HOMES COMMISSION

ANITA S. WONG
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAI'I 96805

May 19, 2010

Ms. Ann Cua,
Current Planning Supervisor
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Subject: Draft Environmental Assessment for the Proposed Maui Lani Shopping Center, Wailuku, Island of Maui

Thank you for sending a copy of the Draft Environmental Assessment (EA) for the Maui Lani Shopping Center. The proposed location is in Wailuku, Maui at TMK: (2) 3-8-007:121, on an approximate 12 acre parcel of land owned by HRT, Ltd.

After a thorough review of the draft EA, we have determined that the project has no impact on Hawaiian home lands and therefore, we have no comment.

Should you need additional information, please contact Linda Chinn, Administrator of our Land Management Division, at 808.620.9451.

Aloha and mahalo,

Kaulana H. R. Park, Chairman
Hawaiian Homes Commission

c: Erin Mukai

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Kaulana H.R. Park, Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands
State of Hawaii
P.O. Box 1879
Honolulu, Hawaii 96805

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Park:

Thank you for your department's letter dated May 19, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we note your determination that the project has no impact on Hawaiian Home Lands.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
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environment planning government

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MAY 2 6 2010

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

2010 MAY 13 P12:51

In reply, please refer to:
EMD / CWB

05027PJF.10

May 12, 2010

Ms. Ann T. Cua
Planning Supervisor
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

SUBJECT: Draft Environmental Assessment (DEA) for Maui Lani Shopping Center Wailuku, Island of Maui, Hawaii TMK: (2) 3-8-007:121

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project.

Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf.

1. Any project and its potential impacts to State waters must meet the following criteria:

   a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

   b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for an NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

   a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.

   b. Hydrotesting water.

   c. Construction dewatering effluent.

   You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.

3. For types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage is required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of $25,000 per day per violation.

If you have any questions, please visit our website at: http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at 586-4309.

Sincerely,

for ALEC WONG, P.E., CHIEF
Clean Water Branch

JF:ml

c: DOH-EPO #I-3156 [via email only]

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

In reply, please refer to:
DOH/CWB

05085PSS.10

May 28, 2010

Ms. Ann Cua
Current Planning Supervisor
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Subject: Draft Environmental Assessment for the Maui Lani Shopping Center Wailuku, Island of Maui, Hawaii TMK: (2) 3-8-007:121

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject documents and has no comments at this time. The DOH-CWB responded to the Early Consultation Request and provided comments on this project (Letter No. 08065PKP.07, dated August 24, 2007).

As a reminder, all discharges related to the project construction or operation activities, whether or not National Pollutant Discharge Elimination System permit coverage and/or Section 401 Water Quality Certification are required, must comply with the Water Quality Standards. Noncompliance with water quality requirements contained in Hawaii Administrative Rules (HAR), Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of $25,000 per day per violation.

If you have any questions, please visit our website at http://www.hawaii.gov/health/environmental/water/cleanwater/index.html, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

ALEC WONG, P.E., CHIEF
Clean Water Branch

SS:np
c: Mr. Roland Asakura, CWB, Maui District Health Office [via e-mail only]
Ms. Erin Mukai, Munekiyo & Hiraga, Inc. [via e-mail planning@mhplanning.com only]

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Alec Wong, Chief
Department of Health
Clean Water Branch
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001) 05027PJF.10, 05085PSS.10

Dear Mr. Wong:

Thank you for your letters dated May 12, 2010 and May 28, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments. We offer our response in the same order presented in your letters.

Response to Comment No.1 of Letter Dated May 12, 2010

The applicant is aware of the requirements of Hawaii Administrative Rules (HAR), Section 11-54-1.1, Section 11-54-3 and Sections 11-54-4 through 11-54-8. As previously noted in our letter to you dated April 7, 2010, the applicant will submit a National Pollutant Discharge Elimination System (NPDES) permit, as applicable. The water quality criteria will be addressed through the NPDES permit.

Response to Comment No. 2 of Letter Dated May 12, 2010

Thank you for comments providing information on the NPDES permit and the submittal of a Notice of Intent (NOI) form. Coordination with your branch will be carried out by the project's civil engineer, as appropriate.

Response to Comment No. 3 of Letter Dated May 12, 2010

We note the requirements of a NPDES individual permit.

environment planning government

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Response to Comment No. 4 of Letter Dated May 12, 2010

We confirm that all discharges related to the project construction or operational activities will comply with the State's Water Quality Standards.

Response to Comment Regarding Noncompliance with Water Quality Requirements of HAR, Chapter 11-54 and Chapter 11-55 of Letter Dated May 28, 2010

Please see Response to Comment No. 4, above.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE

MAY 28 2010

PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

May 26, 2010

Ms. Ann Cua
Current Planning Supervisor
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Draft Environmental Assessment,
Maui Lani Shopping Center, Maui, Hawaii

Thank you for the opportunity to comment on this development. After careful review of the documents for this project, we have several comments to make. We agree with the plan to conduct archaeological monitoring as well as the Burial Treatment and Preservation plan that is designed to protect burial remains. Also, in addition to the tsunami and flood hazards considered, we suggest that the effects of other natural hazards be analyzed as far as their possible effects on this project. Other than these comments, we have no other suggestions to make.

If you have any questions, please call Mr. Richard Stercho, Hazard Mitigation Planner, at (808) 733-4300, ext. 583.

Sincerely,

EDWARD T. TEIXEIRA
Vice Director of Civil Defense

c: Erin Mukai, Munekiyo & Hiraga, Inc.
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Edward T. Teixeira
Vice Director of Civil Defense
Office of the Director of Civil Defense
Department of Defense
State of Hawaii
3949 Diamond Head Road
Honolulu, Hawaii 96816

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Teixeira:

Thank you for your letter dated May 26, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT, Ltd., we would like to provide the following information in response to your comments.

Response to Comment Regarding Archaeology

We acknowledge your comments related to the project's proposed archaeological monitoring and Burial Treatment and Preservation Plan.

Response to Comment Regarding Natural Hazards

We have confirmed with the architect that the proposed project has been seismically engineered for potential earthquake damage and designed for wind loads such as hurricanes.

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Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
HOUSING DIVISION
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor
LORI TSUHAKO
Director
JO-ANN T. RIDAO
Deputy Director

35 LUNALILO STREET, SUITE 102 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7351 • FAX (808) 270-6284

MAY 05 2010

May 3, 2010

Ms. Ann Cua
Planning Deputy Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua

SUBJECT: Draft Environmental Assessment for the Maui Lani Shopping Center, TMK No. (2)3-8-007:121 (EA 2010/0001)

The Department has reviewed the Draft Environmental Assessment for the above subject project. Based on our review, we have determined that the subject project is not subject to Chapter 2.96, Maui County Code. At the present time the department has no additional comments to offer.

Please contact Ms. Cara Bohne of our Housing Division at (808) 270-5748 if you have any questions.

Sincerely,

Wayde T. Oshiro

WAYDE T. OSHIRO
Housing Administrator

xc: Director Housing and Human Concerns
√Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Wayde T. Oshiro
Housing Administrator
Department of Housing and Human Concerns
County of Maui
35 Lunalilo Street, Suite 102
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Oshiro:

Thank you for your letter dated May 3, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we note your determination that the project is not subject to Chapter 2.96, Maui County Code.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
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MAY 24 2010

CHARMAINE TAVARES
Mayor

TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

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

May 17, 2010

County of Maui
Department of Planning
Attn: Ms. Ann Cua, Deputy Director
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for the Proposed Maui Lani Shopping Center Project TMK (2) 3-8-007:121 (EA 2010/0001) Wailuku, Maui, Hawai'i

Dear Ms. Cua:

Thank you for the opportunity to review and comment on the proposed Maui Lani Shopping Center project. The Department of Parks & Recreation has no comments or objections to the subject project.

We appreciate being included in the April 29, 2010 meeting regarding traffic issues affecting Baldwin High School and the Parks Department. We will be working out our concerns directly with Baldwin High School.

Please feel free to contact me or Mr. Patrick Matsui, Chief of Parks Planning and Development, at 270-7931 should you have any questions.

Sincerely,

TAMARA HORCAJO
Director of Parks & Recreation

TH:PM:ca
cc: Erin Mukai, Munekiyo & Hiraga, Inc.
Patrick Matsui, Chief of Parks Planning and Development
Roxanne Teshima, Parks Grants Coordinator

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Tamara Horcajo, Director
Department of Parks and Recreation
County of Maui
700 Hale`a Nakoa Street, Unit 2
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Ms. Horcajo:

Thank you for your letter dated May 17, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. We would also like to thank your department for meeting with representatives of Baldwin High School and the project team on April 29, 2010 to discuss potential traffic impacts of the project on Baldwin High School and your department's facilities. On behalf of the applicant, HRT Ltd., we note your comment that you will continue coordination with Baldwin High School to address traffic issues.

Following our meeting of April 29, 2010, the project team met again with representatives of Baldwin High School on June 8, 2010 to reach a mutual agreement in identifying solutions that would assist in the mitigation of traffic impact concerns. The applicant has agreed to carry out these improvements during the construction phase of the subject project that will improve pedestrian safety and internal traffic flow at Baldwin High School.

environment planning government

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Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.

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CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CUA
Deputy Director

JUN 25 2010

COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 22, 2010

Ms. Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Mukai:

SUBJECT: MAUI PLANNING COMMISSION COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT (DEA) FOR THE PROPOSED MAUI LANI SHOPPING CENTER, A NEIGHBORHOOD SHOPPING CENTER OF APPROXIMATELY 105,000 SQ. FT. CONSISTING OF A FOOD MARKET, RETAIL AND SERVICE SHOPS, OFFICE SPACE, RESTAURANTS, 569 PARKING STALLS AND RELATED IMPROVEMENTS ON 12,926 ACRES OF LAND LOCATED AT THE CORNER OF MAUI LANI PARKWAY AND KAAHUMANU AVENUE, WAILUKU, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-007:121 (EA 2010/0001)

At its regular meeting on May 11, 2010, the Maui Planning Commission reviewed the above referenced document and provided the following comments:

1. Discuss alternatives to the proposed "bulb out" at the intersection of Kainani Street and Kaahumanu Avenue;

2. Examine possibilities for safe bicycle and pedestrian access to the project from Wailuku Town through the bridge;

3. Review alternative mechanisms for eastbound deceleration and acceleration lanes along Kaahumanu Avenue between its intersections with Kainani Street and Maui Lani Parkway;

4. That mitigative measures be considered to address problems at Baldwin High School from vehicles turning into the school from Kaahumanu Avenue;

5. Discuss additional mitigative measures for noise impacts to the Sandhill neighborhood;

6. Incorporate transit, pedestrian, and bicycle movements into the project's traffic analysis;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

7. Discuss energy and water conservation efficiencies and renewable energy measures;

8. Examine hours of operation based on community input;

9. Examine screening of view planes from the project site through Kaahumanu Avenue;

10. Further address section(s) in the DEA relating to scenic vistas in the vicinity of the project site;

11. Discuss noise decibel levels at the property boundary; and

12. Discuss control and management of intersection times relative to traffic light synchronization on Kaahumanu Avenue.

Please provide written responses to the above comments in the Final EA. Should you require further clarification, please contact Deputy Planning Director Ann Cua by email at ann.cua@mauicounty.gov or by telephone at (808) 270-7521.

Sincerely,

Kathleen Ross Aoki

KATHLEEN ROSS AOKI
Planning Director

xc: Ann T. Cua, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Lloyd Sueda, Sueda & Associates
Project File
General File

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Jonathan Starr, Chair
Maui Planning Commission
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Chair Starr:

Thank you for your letter dated May 17, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments. We offer our response in the same order presented in your letter.

Response to Comment No.1

PB Americas, Inc., the traffic engineering consultant, has addressed the alternatives to the "bulb out" in a letter dated June 9, 2010, attached hereto as **Exhibit "A"**. See Item No. 1. In summary, due to the nature of the traffic movements in the vicinity of this intersection, the alternatives considered included a regular curb return on northbound right turn movement from Kainani Street onto Kaahumanu Avenue with an acceleration lane on Kaahumanu Avenue with a restricted and unrestricted right turn on the red; and a "bulb out" at the Kainani Street/Kaahumanu Avenue intersection with an allowable right turn on the red light and an auxiliary lane for Kaahumanu Avenue eastbound right turns into the shopping center and Maui Lani Parkway.

Response to Comment No. 2

PB Americas, Inc., also examined the possibilities for safe bicycle and pedestrian access from Wailuku Town through the Naniloa Overpass in their attached letter. Refer to **Exhibit "A"**, Item No. 2. Generally, there are existing safe pedestrian access and bicycle access routes from Wailuku Town to the proposed center along Kaahumanu Avenue utilizing the Naniloa Overpass. Although pedestrians must share the pavement with motor vehicles on the Naniloa Overpass, the roadway is lightly traveled by motorists. The proposed project will also provide a sidewalk on the south side of Kaahumanu Avenue from Kainani Street to

Maui Lani Parkway and a short distance on Kainani Street fronting the project site.

Response to Comment No. 3

PB Americas, Inc., reviewed the alternative mechanisms for eastbound deceleration and acceleration lanes along Kaahumanu Avenue between its intersections with Kainani Street and Maui Lani Parkway in their attached letter. Refer to **Exhibit "A"**, Item No. 3. Due to the "bulb out" at the northbound Kainani Street exit at Kaahumanu Avenue, and the proposed project related improvements along Kaahumanu Avenue, there will be three (3) lanes of eastbound traffic between Kainani Street and Maui Lani Parkway. The third lane on the southside would be an auxiliary lane which would allow the eastbound traffic heading into the center or turning right on Maui Lani Parkway to slowdown (decelerate). The alternative to this auxiliary lane would be an acceleration lane on the right turn movement for Kainani Street northbound traffic turning right onto Kaahumanu Avenue. However, due to DOT concerns with vehicular safety of traffic weaving in and out of the acceleration lane and middle eastbound lane, the DOT required the applicant to modify the travel lanes and the movements on this section of Kaahumanu Avenue to an auxiliary lane, which would also serve as a deceleration lane.

Response to Comment No. 4

The applicant met with representatives of Baldwin High School (BHS) on June 8, 2010 to discuss measures to address pedestrian safety and improve traffic at BHS. During this meeting it was agreed that the applicant would assist BHS directly by carrying out improvements on the campus grounds that would mitigate traffic impact concerns. Such improvements include providing more curb space for loading and unloading, improved circulation within the school's parking lot, and a safe pedestrian walkway from the auditorium to the crosswalk intersection at the main BHS driveway and Kaahumanu Avenue. The applicant has agreed to carry out these improvements within the BHS campus during the construction phase of work for the proposed project.

Response to Comment No. 5

In addressing the need for additional mitigative measures for noise impacts to the Sandhills neighborhood, the project's acoustical engineer carried out a supplemental noise evaluation to assess the potential noise impacts from the proposed parking lot adjacent to the Sandhills neighborhood. See **Exhibit "B"**. The noise evaluation concluded that:

(1) The predicted maximum noise levels from automobiles in the shopping center's parking lot should not be significantly different from existing background traffic noise levels presently experienced by Sandhills residents;

(2) The 6 foot high sound attenuating wall planned to be constructed along the west boundary line fronting the Sandhills residences is an effective noise mitigation measure for noise from the shopping center parking lot. It will provide more sound attenuation for vehicles located close to the west boundary than for vehicles far from the west boundary;

(3) Because of the sound attenuating wall, the noise levels from vehicles in the proposed shopping center parking lot should be similar to those presently experienced from existing roadways. For this reason, the planned sound attenuating wall should be an adequate noise mitigation measure;

(4) During nighttime and early morning periods when shopping center traffic is lowest, Safeway customers will probably elect to use parking stalls which are closer to Safeway's proposed entrance and exit than the parking stalls located closer to the westerly property line. As such the noise sources would be located farther away from the Sandhills neighborhood during these times.

In addition, after receiving comments from the public, the applicant has agreed to limit loading and unloading to the hours between 7:00 a.m. to 10:00 p.m. and trash pick-ups between the hours of 7:00 a.m. to 5:00 p.m. The applicant also proposes the establishment of a management office within the shopping center whereby residents, if they so choose, can direct their concerns. This will serve as a single point of contact for residents in working with shopping center management and owners. Should concerns arise when the shopping center is operational, neighboring residents are encouraged to seek consultation with the management office.

In summary, noise mitigation has been addressed by the setback of the parking lot, the sound wall between the Sandhills neighborhood and the parking lot, and restricting deliveries between the hours of 7:00 a.m. to 10:00 p.m. and for trash pick ups between the hours of 7:00 am and 5:00 pm., and the establishment of the onsite management office.

Response to Comment No. 6

PB Americas, Inc., has provided a letter assessment report which details the transit, pedestrian and bicycle movements into the project. This letter report is provided hereto as **Exhibit "C"**.

In addition to the letter assessment report prepared by PB Americas, Inc., we note that the applicant agrees to install a bus shelter with seating at the proposed project site along Maui Lani Parkway to accommodate the existing Maui Bus operations in the vicinity of the project site. In addition, the applicant will also install a separate bus shelter on the opposite side of Maui Lani Parkway, near Kaiser Permanente. The bus shelters will be

compliant with the ADA (Americans with Disabilities Act) design guidelines.

Response to Comment No. 7

As indicated by the project's architect, the following water conservation efficiencies and energy saving measures will be incorporated into the project design:

a. Sustainable Sites:

- Reducing the heat island effect by using light colored buildings, roofs, and paving materials and installing landscaping and canopy trees in the parking lots.

b. Water Efficiency:

- Use of non-potable water for irrigation.
- Installation of low-flow water fixtures.

c. Energy Efficiency:

- Energy-efficient lighting and mechanical systems including air conditioning and ventilation.
- Insulating and appropriately sealing buildings to reduce cooling losses.

d. Materials and Resources:

- Use of renewable and recycled materials.
- Use of locally available building materials.

e. Indoor Air Quality:

- Use of low emitting material such as low volatile organic compound (VOC) paints, carpets, composite materials and adhesives.

Response to Comment No. 8

As presently proposed, Safeway intends to open as a 24-hour market. After consulting with Safeway representatives, the applicant is able to provide some data relating to Safeway's hours of operation and customer shopping times. Between the hours of 10:00 p.m. and 6:00 a.m. at the Safeway store in Kahului, approximately 150 customers are averaged to shop. Similarly, at the Safeway store in Lahaina, approximately 200 customers are averaged to shop between the hours of 10:00 p.m. and 6:00 a.m. It should

be noted too, that the busiest shopping time during this period is between the hours of 10:00 p.m. and 12:00 a.m., with very little transactions occurring between 12:00 a.m. and 6:00 a.m.

Presently, noise control measures relating to self-imposed operational restrictions are proposed. Such restrictions, for example, include limiting loading and unloading, at the shopping center to the hours of 7:00 a.m. to 10:00 p.m. Deliveries for all shopping center tenants will be limited to the aforementioned hours. Similarly, to address concerns of trash pick-ups, the applicant proposes to limit the hours of trash collection from 7:00 a.m. to 5:00 p.m. In general, garbage pick-ups for a center of this type occur twice a week.

Response to Comment No. 9

The applicant has reviewed the landscape plans and provided a landscape perspective of the proposed screening from Kaahumanu Avenue through the project site. See **Exhibit "D"**.

Response to Comment No. 10

The EA document has been amended to delete reference that the project site is not located in a scenic view corridor. These amendments will be incorporated in the Final EA.

Response to Comment No. 11

As noted earlier under Item No. 5, a supplemental acoustical study was carried out to evaluate the noise to the Sandhills neighborhood from the adjacent parking lot. Refer to **Exhibit "B"**. The study assessed the noise level with the six (6) foot high sound attenuation wall and without the sound attenuation wall at four (4) locations. Generally the assessment showed that the noise level without the sound attenuation wall ranged from 51 to 65.7 dBA and with the sound attenuation wall the noise level ranged from 45.6 to 56.6 dBA. In all cases, the sound attenuation wall decreased the noise level from 5.9 to 9.1 dBA.

Response to Comment No. 12

Refer to **Exhibit "A"** response to Item No. 12, in the PB Americas, Inc., letter report. Generally, the Kaahumanu Avenue corridor runs three (3) Time of Day plans for traffic signals to optimize flow during the commuter peak periods. The control and management of intersection times is to provide sufficient green time, particularly for the through traffic on Kaahumanu Avenue.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosures
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning (w/enclosures)
Lloyd Sueda, Sueda & Associates, Inc. (w/enclosures)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/enclosures)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/enclosures)
Phillip Matsunaga, PB Americas, Inc. (w/enclosures)
Yoichi Ebisu, Y. Ebisu & Associates
Russel Gushi, Landscape Architect
F:\DATA\Sueda\MauiLaniCtr\DraftEA\MPCres.ltr.doc

PB Americas, Inc.
American Savings Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, HI 96813
808-531-7094
Fax: 808-528-2368

June 9, 2010

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Re: Maui Lani Commercial – Planning Commission Comments

Dear Ms. Mukai:

Comments made by the Maui Planning Commission on May 11, 2010 are listed below. Responses to comments 1, 2, 3, 4, 6, and 12 are included.

Planning Commission Comments

1. Discuss alternatives to the proposed "bulb out" at the intersection of Kainani Street and Kaahumanu Avenue;

   In discussions with HDOT, a regular curb return was proposed. An auxiliary lane, similar to what currently exists on eastbound Kaahumanu Avenue between Mahalani Street and Papa Avenue would have been the end result. This is shown in an earlier iteration of the project site plan, shown in Figure 1. In a letter dated 10/30/08, HDOT requested the bulb out as a condition (see attachment).

   HDOT expressed concern over the potential safety issue of weaving in the right-most through lane on eastbound Kaahumanu Avenue. Without the bulb out, northbound right turns from Kainini would compete for the middle lane with vehicles trying to either enter the shopping center or turn right onto Maui Lani Parkway, particularly during phase where the Kainani right turn does not have the right of way (such as the eastbound/ westbound through phase). The bulb out does alter the northbound Kainani right turn movement, but a right turn movement without an acceleration lane is not unusual.

   A second alternative was proposed which would preserve the eastbound Kaahumanu Avenue acceleration lane as it is now, but would prohibit northbound Kainani Street right turns on red. However, this alternative was dropped because it was believed that prohibiting the movement would not do enough to reduce potential conflicts between the northbound Kainani right turn and the eastbound Kaahumanu through due to people ignoring the right turn on red.

   With the bulb out option, there is currently no plan to prohibit the northbound Kainani right turn on red.

EXHIBIT "A"

2. Examine possibilities for safe bicycle and pedestrian access to the project from Wailuku Town through the bridge;

   The existing pedestrian and bicycle routes between Wailuku Town and the proposed Maui Lani shopping center are depicted in Figure 2.

   Pedestrians leaving Wailuku Town now use the existing sidewalk located along the south side of Kaahumanu Avenue to travel east; they then walk up the access ramp to Naniloa Drive, cross Kaahumanu Avenue using the Naniloa Overpass, then descend to the sidewalk on the north side of Kaahumanu Avenue. Pedestrians must share the pavement with motor vehicles on both the Naniloa Drive access ramp and Naniloa Overpass; however, both these roads are lightly traveled by motor vehicles and so continue to provide a safe route for pedestrians as they have done historically.

   Cyclists must share lanes with motor vehicles along Kaahumanu Avenue until they are east of the Naniloa Overpass, at which point separate east- and west-bound shoulder lanes are provided along the north and south shoulders of Kaahumanu Avenue. The limited width of Kaahumanu Overpass' historic bridge and western approach structure prevent the extension of dedicated bicycle lanes further west; however, the speed limit has been reduced to 20 MPH in this segment of Kaahumanu Avenue to more safely accommodate mixed vehicle traffic.

   The proposed shopping center's location on the corner of Kaahumanu Avenue and Maui Lani Parkway will offer pedestrians and cyclists a variety of safe routes to and from Wailuku Town to choose from. New sidewalks constructed along the frontage of the shopping center will enable pedestrians to cross Kaahumanu Avenue at either Kainani Street or Maui Lani Parkway and access the shopping center's north and east entrances via the routes depicted by the blue lines in Figure 2. Cyclists will be able to access the shopping center's north and east entrances directly from the existing bike routes along Kaahumanu Avenue and Maui Lani Parkway..

3. Review alternative mechanisms for deceleration and acceleration lanes along Kaahumanu Avenue between its intersections with Kainani Street and Maui Lani Parkway;

   The developer understands the utility and intent of acceleration and deceleration lanes in this area. Acceleration lanes provide vehicles exiting a minor street the opportunity to speed up with main street traffic, thereby aiding the merging process. Likewise, deceleration lanes facilitate the act of diverging from the major street, allowing vehicles to slow down before leaving the major street.

Acceleration and deceleration lanes are currently provided on Kaahumanu Avenue in the eastbound and westbound directions between Kainani Street and Maui Lani Parkway. In the westbound direction, the westbound acceleration lane exiting the Baldwin High School at the Kaahumanu Avenue/Maui Lani Parkway intersection will be preserved, as will the deceleration lane into Lunalilo Street at the Kaahumanu Avenue/Lunalilo Street intersection.

In the eastbound direction, the eastbound acceleration lane exiting Kainani Street at the Kaahumanu aVenue/Kainani Street intersection and the eastbound deceleration lane onto Maui Lani Parkway at the Kaahumanu Avenue/Maui Lani Parkway intersection will be converted into an auxiliary lane between Kainani Street and Maui Lani Parkway. The auxiliary lane will function similarly to the deceleration lane onto Maui Lani.

However, due to the proposed bulb out, the eastbound acceleration lane would not be preserved due to safety concerns outlined in the response to Comment #1.

4. That mitigative measures be considered to address problems at Baldwin High School from vehicles turning into the school from Kaahumanu Avenue;

In meetings with Baldwin High School and HDOT, HRT has expressed a willingness to help to minimize the Maui Lani shopping center's impact on Baldwin High School. To this end, HRT funded a traffic study, the purpose of which was to identify and attempt to mitigate circulation issues within the school property. HRT has also expressed a willingness to aid the school directly by helping to provide funds for improvements on campus. Specifically, Lloyd Sueda of HRT has set aside up to $50,000 for Baldwin High School internal improvements. The benefits would include:

- More curb space for loading and unloading, which would allow more students to be picked up/dropped off safely;
- Improved circulation within the school's main parking lot;
- A direct route from the school through the main parking lot which would route pedestrians directly to the Kaahumanu/Maui Lani intersection, providing a more attractive route and reducing jaywalking.

The applicant met with the school and felt that a more effective mitigation would be to improve the internal circulation while focusing on student safety.

6. Incorporate transit, pedestrian and bicycle movements into the project's traffic analysis;

Please see the attached memo.

12. Discuss control and management of intersection times relative to traffic light synchronization on Kaahumanu Avenue.

The traffic signals along Kaahumanu Avenue Corridor run three Time of Day plans. Its purpose is to optimize the flow of through traffic on Kaahumanu Avenue during the commuter peak periods. This being the case, there effectiveness of the system is dependent upon providing sufficient green time, particularly for the through movements.

Very truly yours,
PB AMERICAS, INC.

Phillip Matsunaga
Senior Transportation Engineer

LINDA LINGLE
GOVERNOR

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

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

RECEIVED
OCT 31 2008
PARSONS BRINCKERHOFF
HONOLULU, HAWAII

IN REPLY REFER TO:

HWY-PS
2.9602

October 30, 2008

Mr. Jeffrey S. Hunt, AICP, Director
Planning Department
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Hunt:

Subject: Maui Lani Shopping Center
Project District Phase II Application (PH 2 2005/2007)
Maui, Wailuku District, Wailuku, TMK: (2) 3-8-7: 121

This letter supersedes our attached HWY-PS 2.4257 dated May 23, 2007.

The Department of Transportation (DOT) understands that the developer is no longer proposing unrestricted shopping center ingress and egress at Kainani Street. Although details need to be resolved through DOT review of construction drawings, the concept proposed in the attached March 11, 2008 site plan (egress to Kaahumanu Avenue via northbound Kainani Street, ingress from eastbound Kaahumanu Avenue, and various required improvements to both Kainani Street and Kaahumanu Avenue) is acceptable to the DOT.

The DOT requests the following conditions for County approval of the shopping center Project District Phase II application.

1. The developer shall execute a "grant of limited access rights" document allowing egress from a shopping center driveway onto northbound Kainani Street, allowing ingress from eastbound Kaahumanu Avenue into another shopping center driveway, and restricting vehicular access along the remainder of the development's State highway frontage.
2. The developer shall pay the DOT fair market consideration for access rights to the State highway.
3. At no cost to the State, based on submittals approved by the DOT, the developer shall widen and construct sidewalks on northbound Kainani Street and eastbound Kaahumanu Avenue in the vicinity of the shopping center, construct a bulb-out to replace a right-turn acceleration lane from northbound Kainani Street onto eastbound Kaahumanu Avenue, construct a right-turn deceleration lane on eastbound Kaahumanu Avenue to the proposed

shopping center driveway between Kainani Street and Maui Lani Parkway, construct a second westbound left-turn lane at Kaahumanu Avenue's intersection with Maui Lani Parkway, construct a wire signal interconnect along Kaahumanu Avenue between Kainani Street and Maui Lani Parkway, and modify various lane markings, crosswalks, signage, and sidewalks within the vicinity of the shopping center as required by the DOT.

4. The developer shall retain a traffic consultant at least once every two years to monitor whether signals are warranted at Maui Lani Parkway's intersection with a proposed shopping center driveway. The developer shall also obtain County and Maui District approval of plans to install and link these signals to existing signals at Maui Lani Parkway's intersection with Kaahumanu Avenue. When signal warrants are satisfied and required permits obtained, the developer shall construct planned signal improvements and submit a traffic signal timing study for review by the County and Maui District.
5. The developer shall consult Baldwin High School officials, obtain required approvals, and then install low-maintenance landscaping and/or minor improvements along the high school's Kaahumanu Avenue frontage to encourage use of cross-walks and to discourage students from jay-walking to the shopping center.

All required improvements must be constructed at no cost to the State. Plans for driveways to the State highway right-of-way, plans for work within the State highway right-of-way, and plans for improvements and right-of-way to be dedicated to the DOT must be submitted to Maui District for review and approval.

In response to Maui Council Resolution No. 08-73, the DOT agrees that it would be desirable for the County to restrict shopping center traffic from using the residential portion of Kainani Street under County jurisdiction. However, we object to County restrictions on egress of shopping center traffic to Kaahumanu Avenue over northbound Kainani Street (which is under State jurisdiction). Forcing all shopping center traffic to exit onto Maui Lani Parkway would significantly increase existing and projected left-turns from northbound Maui Lani Parkway onto Kaahumau Avenue. It would not be acceptable to adjust signal timing to provide more green time for northbound left turns because this would increase delay for through-traffic on Kaahumanu Avenue and could adversely affect signal coordination

If you have any questions, please contact Ken Tatsuguchi, Head Planning Engineer, Highways Division, at (808) 587-1830. Please reference Planning Branch file review number 08-362.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Attachments

c: Hong Li (PB)

LINDA LINGLE
GOVERNOR

BARRY FUKUNAGA
DIRECTOR

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

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

IN REPLY REFER TO:

HWY-PS
2.4527

MAY 2 3 2007

Mr. Jeff S. Hunt, AICP, Director
Planning Department
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Hunt:

Subject: Maui Lani Shopping Center Project District Phase II Application (PH 2 2005/2007), Wailuku, TMK: 3-8-7: 121

This letter supplements the Department of Transportation's (DOT's) attached previous comments, STP 8.2267, dated September 13, 2007.

On April 9, 2007, the developer provided us with modified proposals for vehicular, bicycle, and pedestrian improvements, supplemental traffic analysis, and direct responses to our questions and concerns. Based on this submittal, subject to the following conditions, we have no objection to County approval of the Project District Phase II application.

1. The developer shall construct a sidewalk and an eastbound auxiliary lane along the development's Kaahumanu Avenue frontage between Kainani Street and Maui Lani Parkway.

2. The developer shall relocate the existing eastbound Kaahumanu Avenue bicycle lane as proposed in their April 9, 2007 submittal.

3. The developer shall widen Kainani Street and install appropriate lane markings, crosswalks, and signage based on their April 9, 2007 submittal. Kainani Street signage shall indicate that trucks are prohibited from using Kainani Street.

4. The developer shall pay fair market consideration for access rights to the State highway.

5. The developer shall execute a "grant of limited access rights" document allowing vehicular access from a shopping center driveway to Kainani Street and restricting vehicular access along the remainder of the development's State highway frontage.

6. Highway access rights may be reassessed in the event that use of the Kainani Street driveway significantly intensifies as the result of "cut-through" traffic that is not generated by the shopping center or in the event DOT Highways Division Maui District

(Maui District) requires modification of the Kainani Street driveway intersection to mitigate left-turn queues on Kainani Street's westbound approach.

7. The developer shall retain a traffic consultant at least once every two years to monitor whether signals are warranted at Maui Lani Parkway's intersection with a proposed shopping center driveway. The developer shall also obtain County and Maui District approval of plans to install and link these signals to existing signals at Maui Lani Parkway's intersection with Kaahumanu Avenue. When signal warrants are satisfied and required permits obtained, the developer shall construct planned signal improvements and submit a traffic signal timing study for review by the County and Maui District.

8. The developer shall retain a traffic consultant to take baseline counts of weekday and weekend "cut-through" traffic on Kainani Street before the shopping center opens. After the shopping center opens, and every two years for the next ten years, the developer shall retain a traffic consultant to monitor and recommend mitigation measures for shopping center traffic impacts on Kainani Street, Kaahumanu Avenue's intersection with Kainani Street, and Kaahumanu Avenue's intersection with Maui Lani Parkway.

9. If Maui District determines that it is necessary to mitigate left-turn queues on Kainani Street's westbound approach to the shopping center driveway, the developer shall modify the Kainani Street driveway intersection as directed by Maui District. If requested by the Maui Planning Department to address resident concerns about "cut-through" traffic on Kainani Street, the developer shall install additional traffic calming improvements on County roads.

Plans for work within the State highway right-of-way and plans for the proposed driveway to Kainani Street must be submitted to Maui District for review and approval. All improvements must be constructed at no cost to the State.

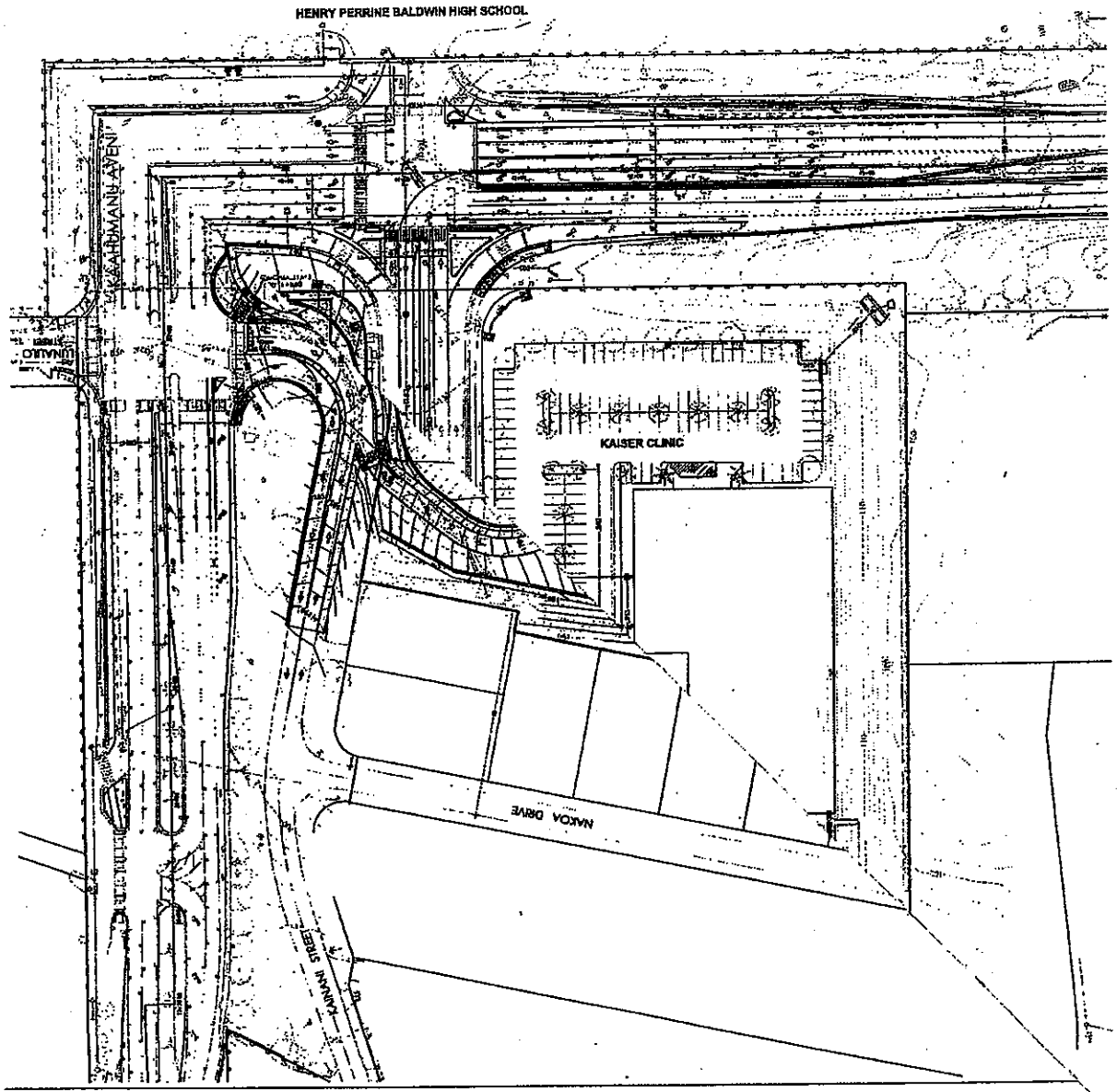
If there are any questions, please contact Ronald Tsuzuki, Head Planning Engineer, Highways Division at (808) 587-1830.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Deputy Director - Highways

Attachment

c: Lloyd Sueda, Wayne Yoshioka


HENRY PERRINE BALDWIN HIGH SCHOOL
KAISER CLINIC
NAKOA DRIVE
KANAI STREET
UNALAO STREET

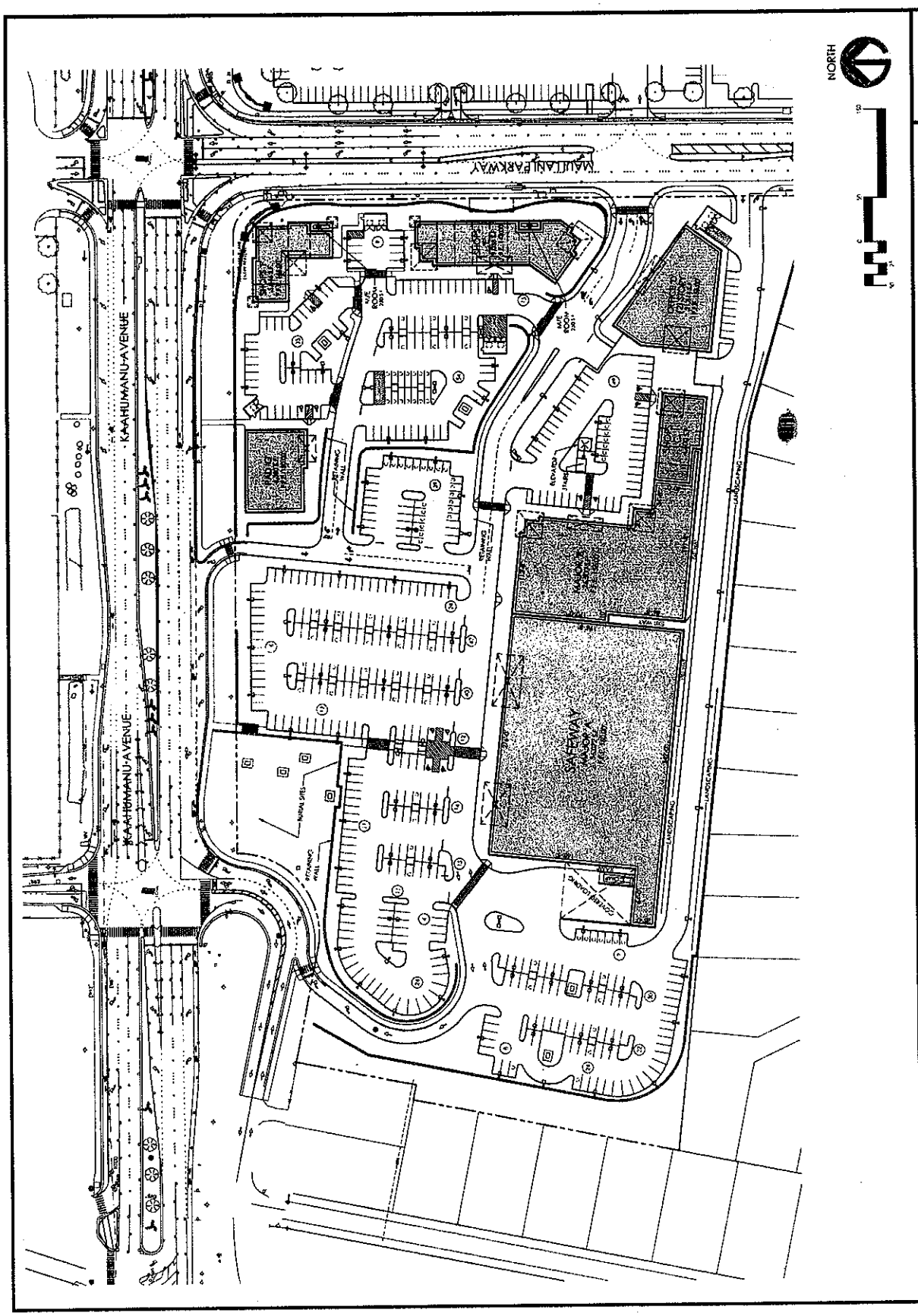
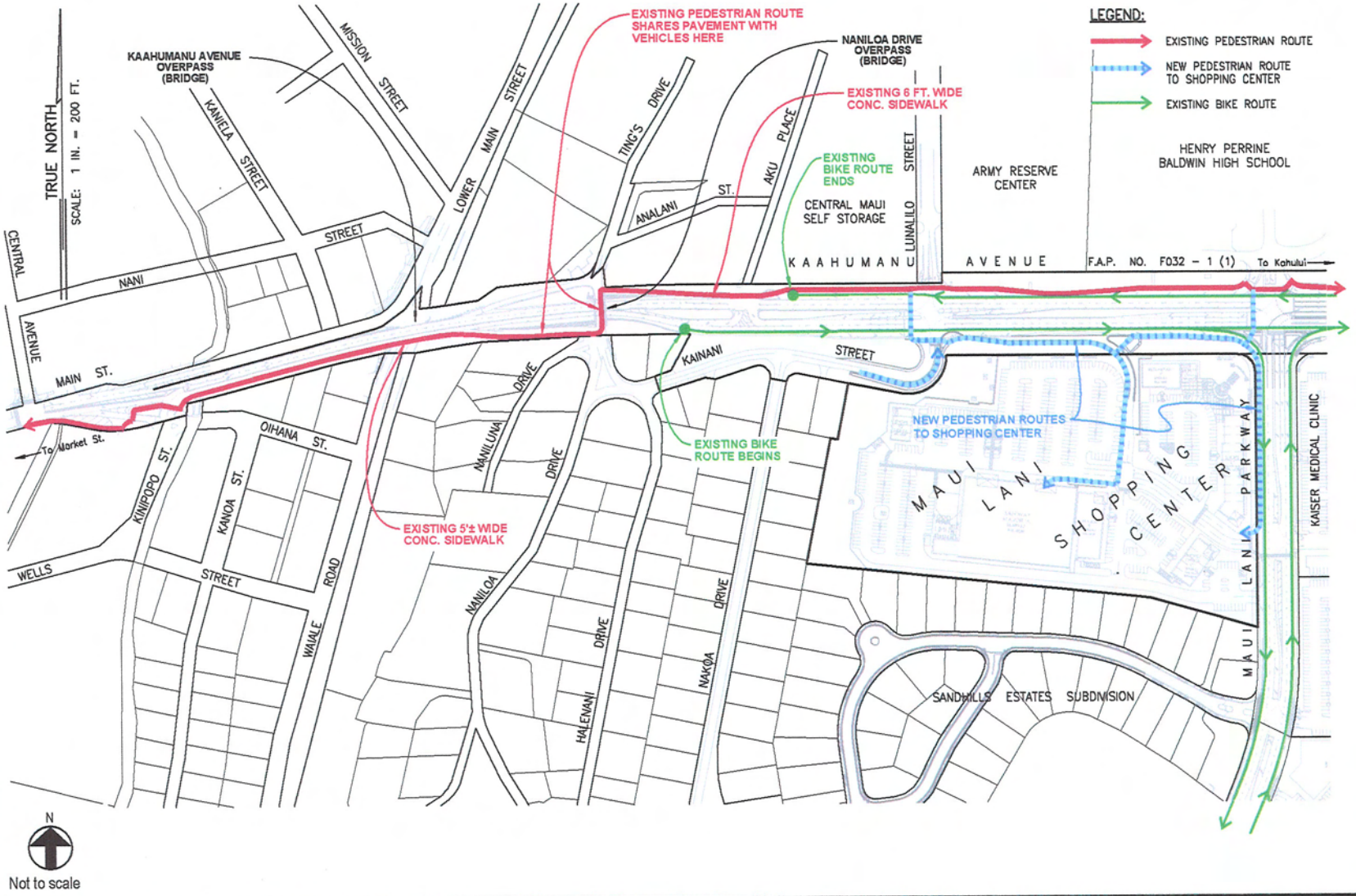


Figure 1

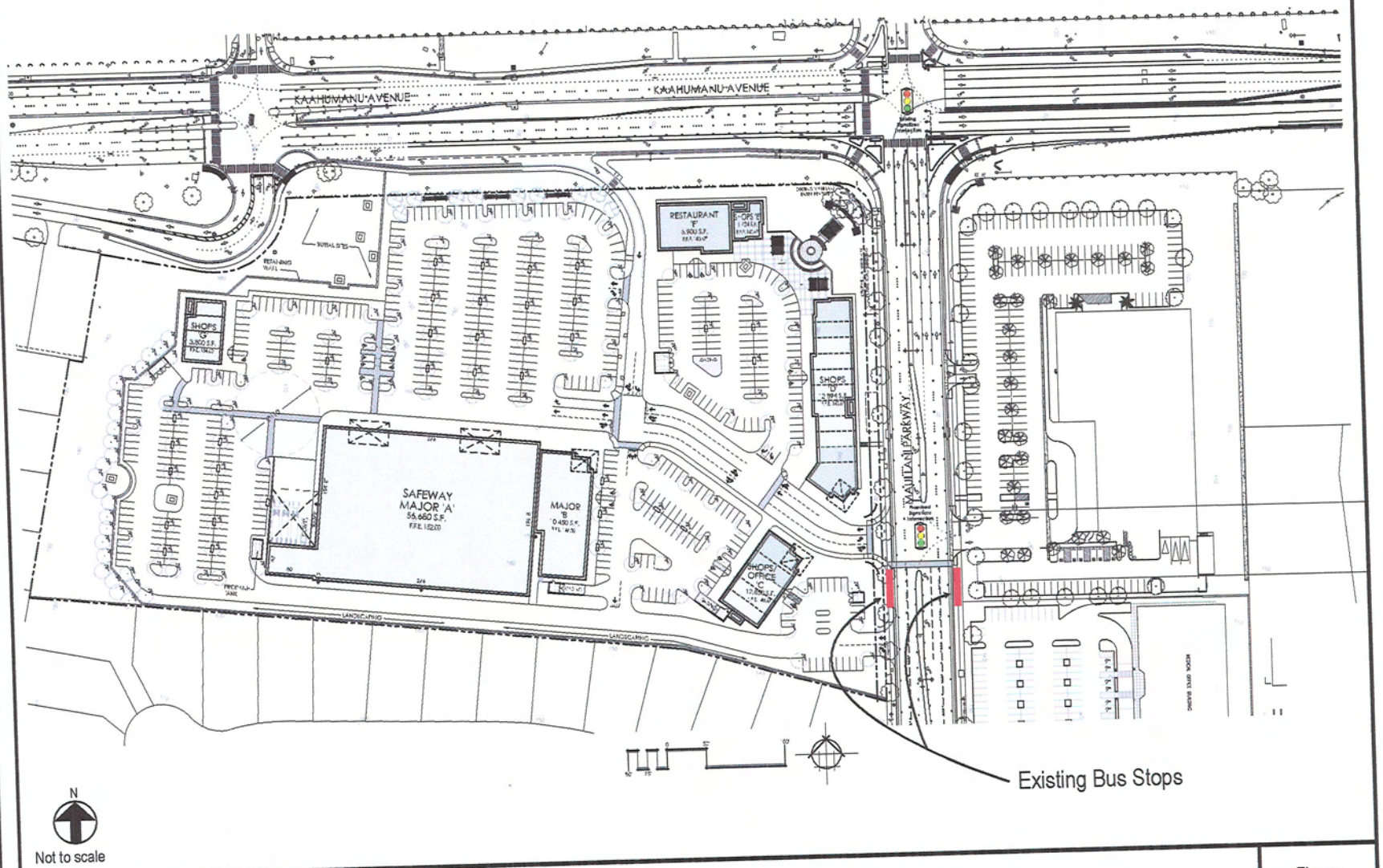
2008 Conceptual Site Plan



PB 100 YEARS

Proposed Pedestrian Access

Figure 2



N

Not to scale

PB 100 YEARS

Existing Bus Stops

Figure 3

Y. Ebisu & Associates
Acoustical and Electronic Engineers

1126 12th Ave., Room 305
Honolulu, Hawaii 96816
Ph. (808) 735-1634 – Fax (808) 732-0409
e-mail: ebisuyassoc@aol.com

YEA Job #45.051
June 4,2010

Sueda and Associates, Inc.
905 Makahiki Way
Honolulu, Hawaii 96826

Attention: Mr. Lloyd Sueda, AIA

Subject: Results of Additional Noise Evaluations of Potential Parking Lot Noise Events at Maui Lani Shopping Center

Dear Mr. Sueda:

In order to address the concerns raised by the Maui Planning Commission regarding potential noise impacts from the parking lot at the proposed Maui Lani Shopping Center, additional acoustical calculations were performed of typical noise levels which could be anticipated from automobiles in the parking lot of the proposed shopping center.

Figure A-I depicts the automobile parking lot areas of the proposed shopping center and their relationship to the existing residential lots of the Sandhill Subdivision. Also shown in the figure are the following: Location W3, where background noise measurements were obtained on November 14-15, 2007; Locations #1, #2, #3, and #4, where the modeled automobile noise sources were situated in the shopping center parking lot; receptor Location SH, where the predicted noise levels from the parked automobiles were calculated; and the location of the proposed 6 foot high sound attenuating wall along the west boundary of the shopping center.

For automobiles situated at Locations #1, #2, #3, and #4, noise levels were calculated at Location SH with and without the 6 foot high sound attenuating wall along the west boundary of the shopping center. The assumed noise level of the automobiles was 76 dBA at 50 foot distance. The results of the noise calculations at Location SH are shown in Table A-I. The resulting noise levels shown in Table A-I for the condition with the sound attenuating wall were then compared to the daytime and nighttime background noise levels previously measured at Location W3.

From Table A-I, the 6 foot high sound attenuating wall should provide approximately 9 dBA of attenuation for automobiles parked near the west boundary of the shopping center (at Locations #1 and #4), and should provide approximately 6 dBA of attenuation for automobiles parked closer to the Safeway entrance. The relationships

EXHIBIT "B"

of the predicted noise levels from the automobiles in the parking lot to the measured background noise levels at Location W3 are shown in Figures A-2, A-3, A-4, and A-5. The predicted noise levels at the closer parking lot Locations #1 and #4, are shown as the upper shaded horizontal band in the figures, and the predicted noise levels at the farther parking lot Locations #2 and #3, are shown as the lower shaded horizontal band in the figures. From Table A-I and these figures, the following conclusions were possible:

1. The predicted maximum noise levels from automobiles in the shopping center's parking lot should not be significantly different from the existing background traffic noise levels presently experienced by Sandhill residents.

2. The 6 foot high sound attenuating wall planned to be constructed along the west boundary line fronting the Sandhill residences is an effective noise mitigation measure for noise from the shopping center parking lot. It will provide more sound attenuation for vehicles located close to the west boundary than for vehicles far from the west boundary.

3. Because of the sound attenuating wall, the noise levels from personal vehicles in the proposed shopping center parking lot should be similar to those presently experienced from existing roadways. For this reason, the planned sound attenuating wall should be an adequate noise mitigation measure.

4. During the nighttime and early morning periods when shopping center traffic is lowest, Safeway customers will probably elect to use parking stalls which are closer to Locations #2 and #3 (which are closer to the Safeway entrance and exit) than to Locations #1 and #4 (which are farther). Noise sources located near the middle parking spaces will be difficult to detect at the Sandhill residences due to other background traffic noise from existing roadways, even at night (see Figure A-5). So the location of the Safeway entrance and exit near the middle of the shopping center parking lot is another noise mitigation feature of the planned shopping center.

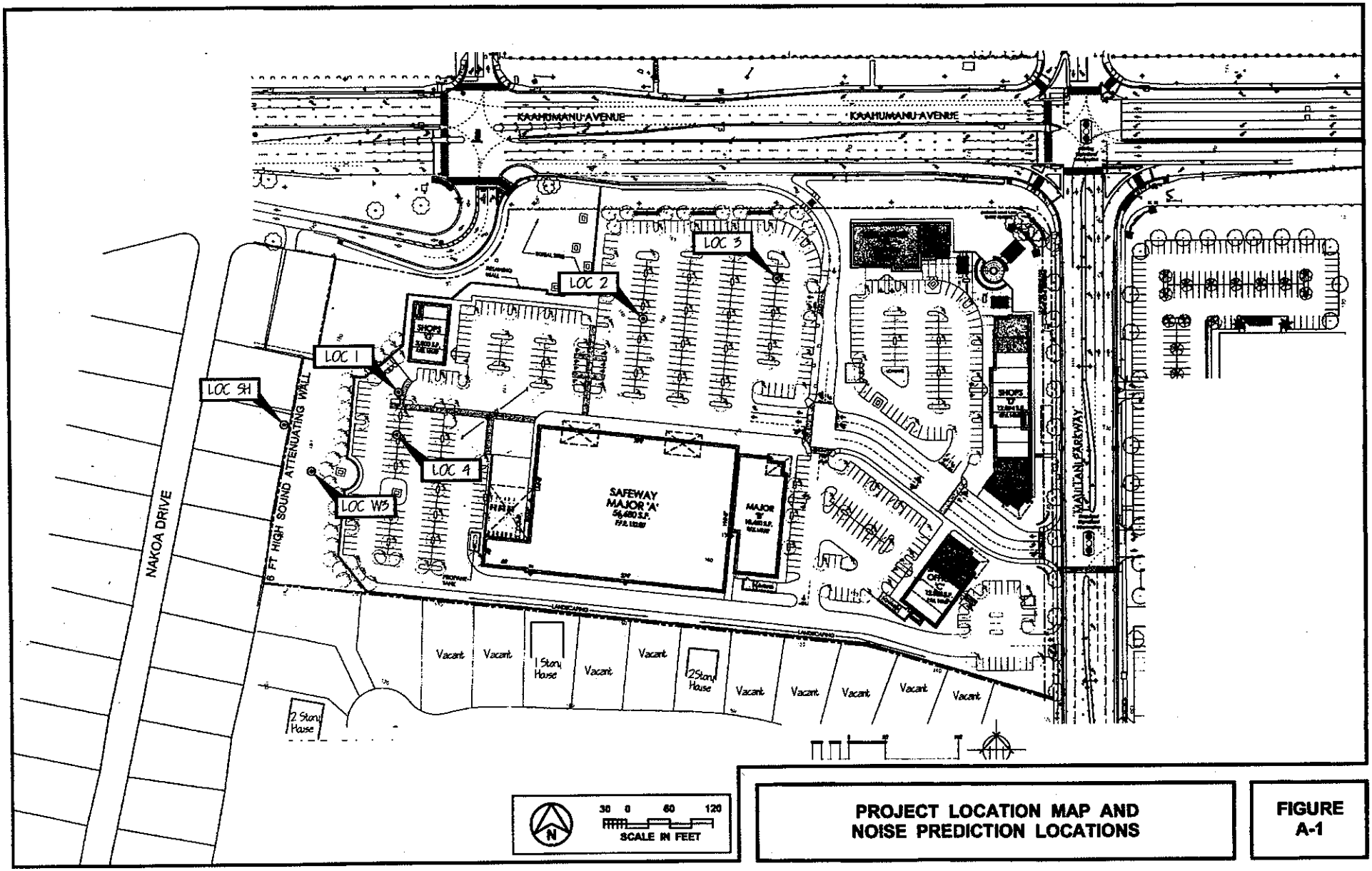
Sincerely,

Yoichi Ebisu, P.E.

encl.

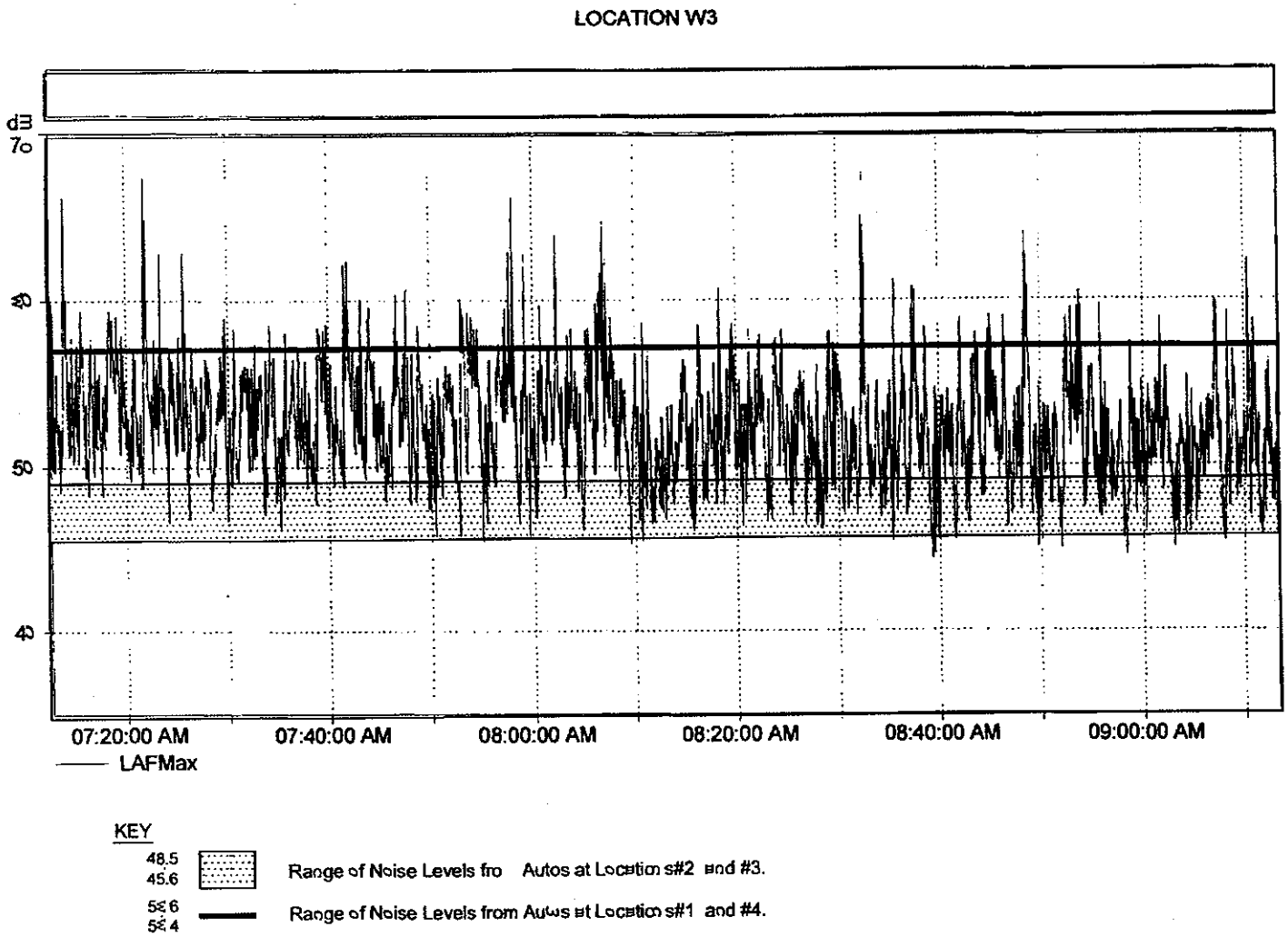
TABLE A-I
COMPARISON OF SOUND LEVELS FROM MOTOR VEHICLES IN PARKING SPACES (PROPOSED MAUI LANI SHOPPING CENTER)

SOUND LEVEL (dBA) FROM PARKING SPACE WITHOUT SOUND ATTENUATION WALL				SOUND LEVEL (dBA) FROM PARKING SPACE WITH SOUND ATTENUATION WALL			
LOC #1	LOC #2	LOC #3	LOC #4	LOC #1	LOC #2	LOC #3	LOC #4
65.3	54.7	51.5	65.7	56.4	48.5	45.6	56.6



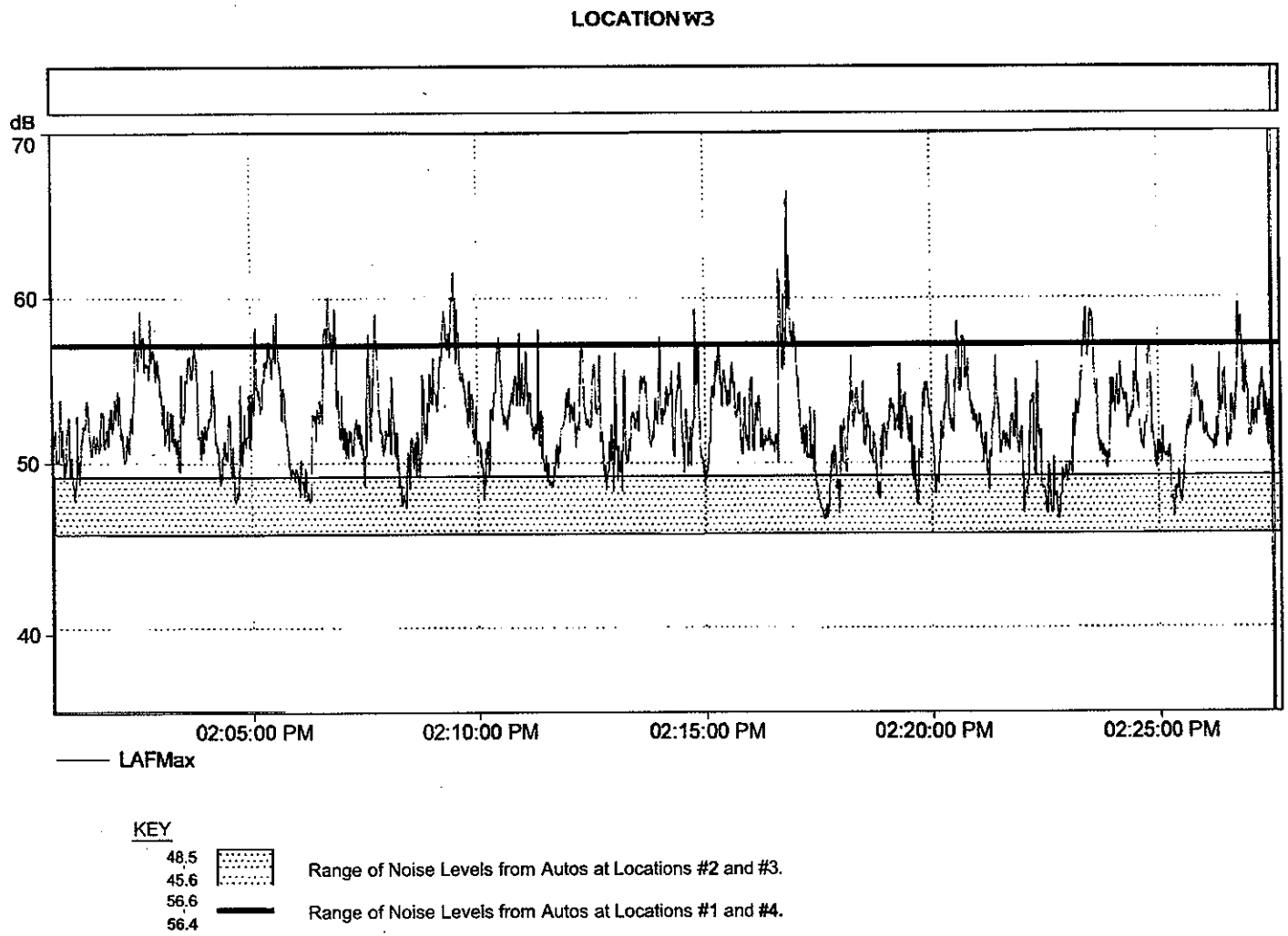
PROJECT LOCATION MAP AND NOISE PREDICTION LOCATIONS

FIGURE A-1



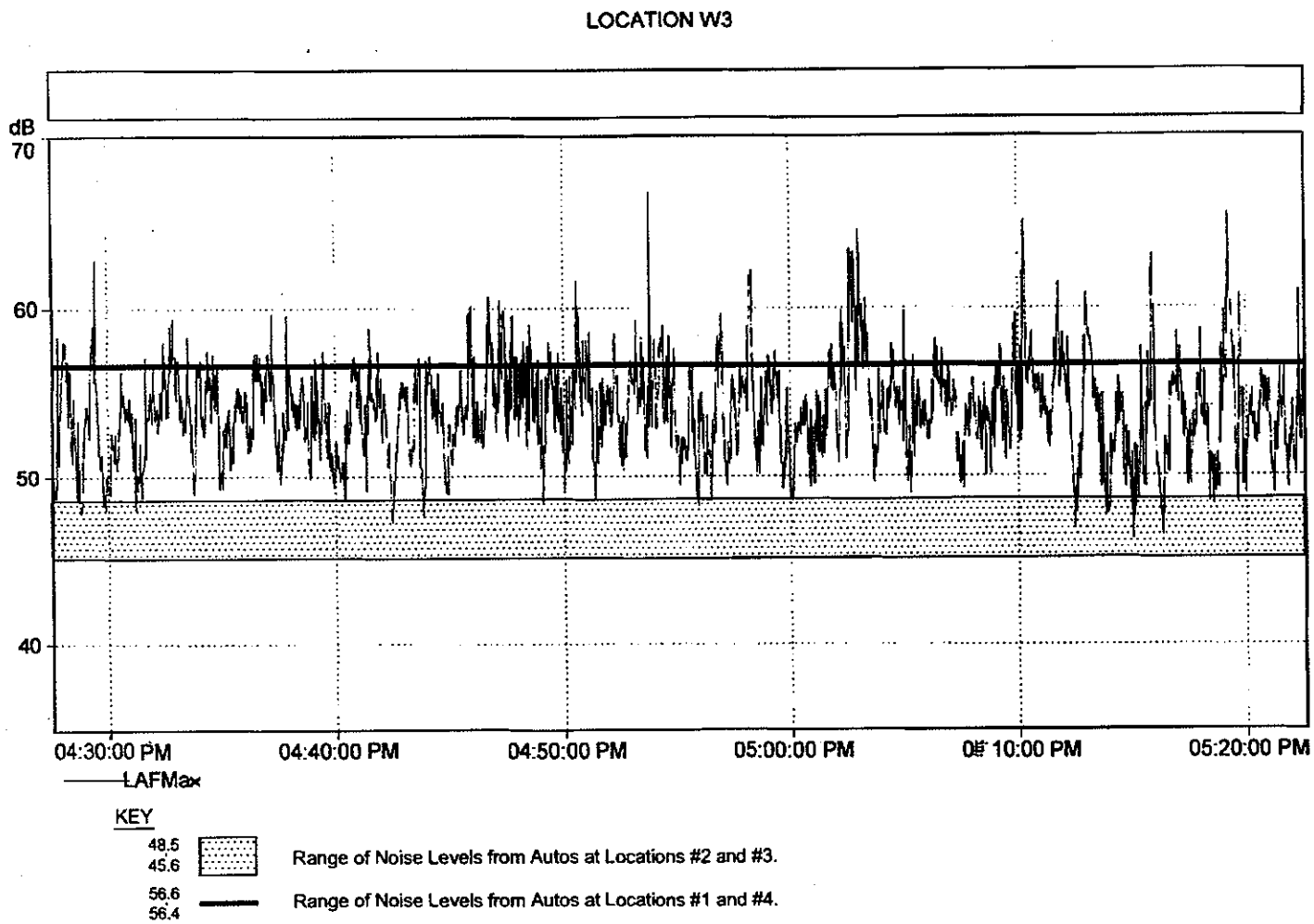
COMPARISON OF PREDICTED AUTOMOBILE NOISE LEVELS AT LOCATION SH WITH MEASURED BACKGROUND NOISE LEVELS AT LOCATION W3 (7:20 AM to 9:10 AM)

FIGURE A-2



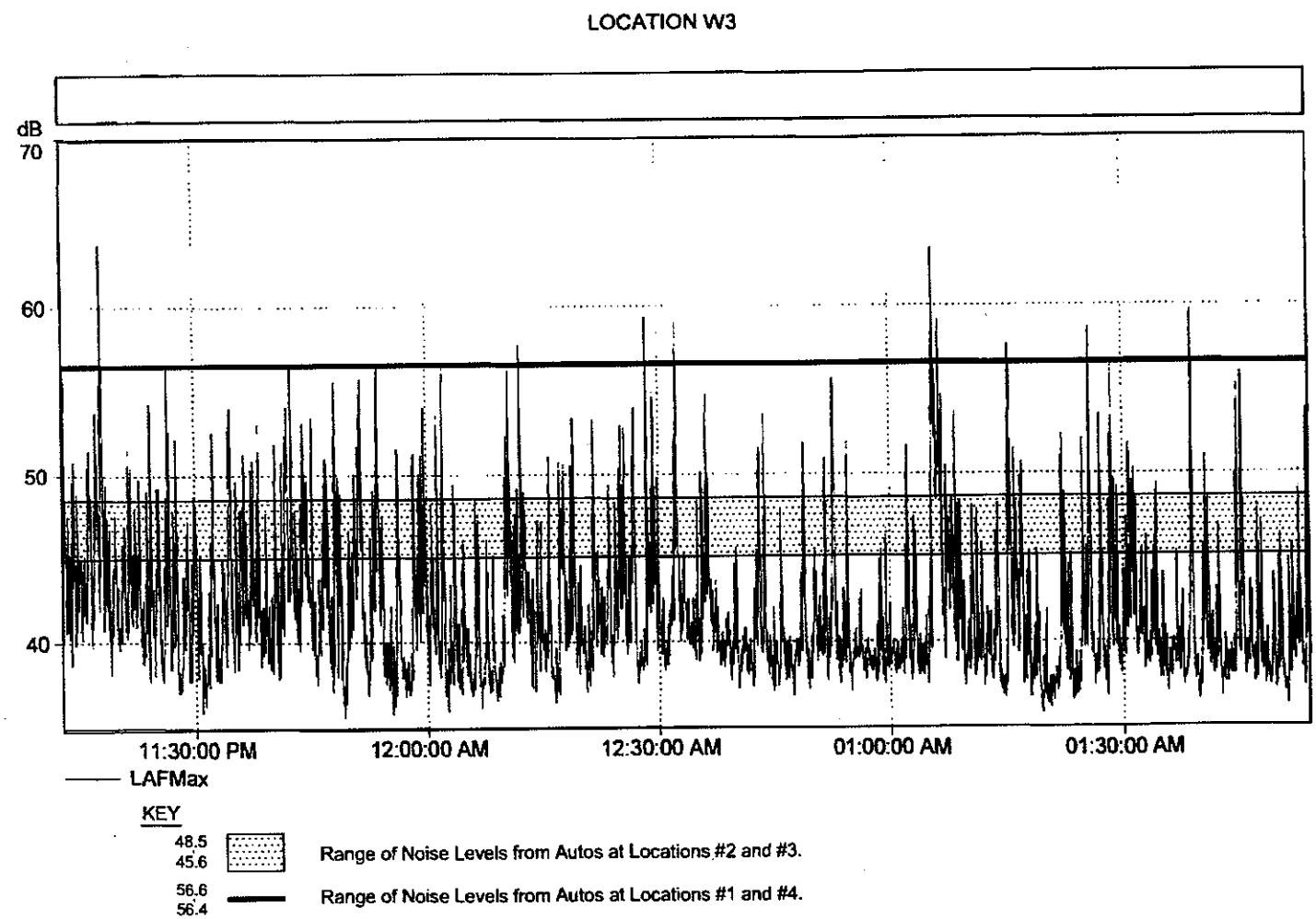
COMPARISON OF PREDICTED AUTOMOBILE NOISE LEVELS AT LOCATION SH WITH MEASURED BACKGROUND NOISE LEVELS AT LOCATION W3 (2:02 PM to 2:26 PM)

FIGURE A-3



COMPARISON OF PREDICTED AUTOMOBILE NOISE LEVELS AT LOCATION SH WITH MEASURED BACKGROUND NOISE LEVELS AT LOCATION W3 (4:30 PM to 5:20 PM)

FIGURE A-4



COMPARISON OF PREDICTED AUTOMOBILE NOISE LEVELS AT LOCATION SH WITH MEASURED BACKGROUND NOISE LEVELS AT LOCATION W3 (11:30 PM to 1:35 AM)

FIGURE A-5

PB Americas, Inc.
American Savings Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, HI 96813
808-531-7094
Fax: 808-528-2368

June 9, 2010

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Re: Maui Lani Commercial – Planning Commission Comments

Dear Ms. Mukai:

This memo is in response to comment #6 by the Maui Planning Commission:

6. Incorporate transit, pedestrian and bicycle movements into the project's traffic analysis;

The proposed shopping center's location on the corner of Kaahumanu Avenue and Maui Lani Parkway will offer pedestrians and cyclists a variety of safe routes to and from Wailuku Town to choose from. New sidewalks constructed along the frontage of the shopping center will enable pedestrians to cross Kaahumanu Avenue at either Kainani Street or Maui Lani Parkway and access the shopping center's north and east entrances via the routes depicted by the blue lines in Figure 2. Cyclists will be able to access the shopping center's north and east entrances directly from the existing bike routes along Kaahumanu Avenue and Maui Lani Parkway.

Pedestrians may access the site in a variety of ways, depicted by the blue line in Figure 2. Coming from the Kahului side, pedestrians can cross to the south side of Kaahumanu Avenue at the intersection of Kaahumanu and Maui Lani Parkway. Entrances at the Kaahumanue right-in entrance and at the shopping center's Maui Lani access are available. From the Wailuku side, pedestrians leaving Wailuku Town now use the existing sidewalk located along the south side of Kaahumanu Avenue to travel east; they then walk up the access ramp to Naniloa Drive, cross Kaahumanu Avenue using the Naniloa Overpass, then descend to the sidewalk on the north side of Kaahumanu Avenue. Pedestrians must share the pavement with motor vehicles on both the Naniloa Drive access ramp and Naniloa Overpass; however, both these roads are lightly traveled by motor vehicles and so continue to provide a safe route for pedestrians as they have done historically.

Cyclists must share lanes with motor vehicles along Kaahumanu Avenue until they are east of the Naniloa Overpass, at which point separate east- and west-bound shoulder lanes are provided along the north and south shoulders of Kaahumanu Avenue. The

EXHIBIT "C"

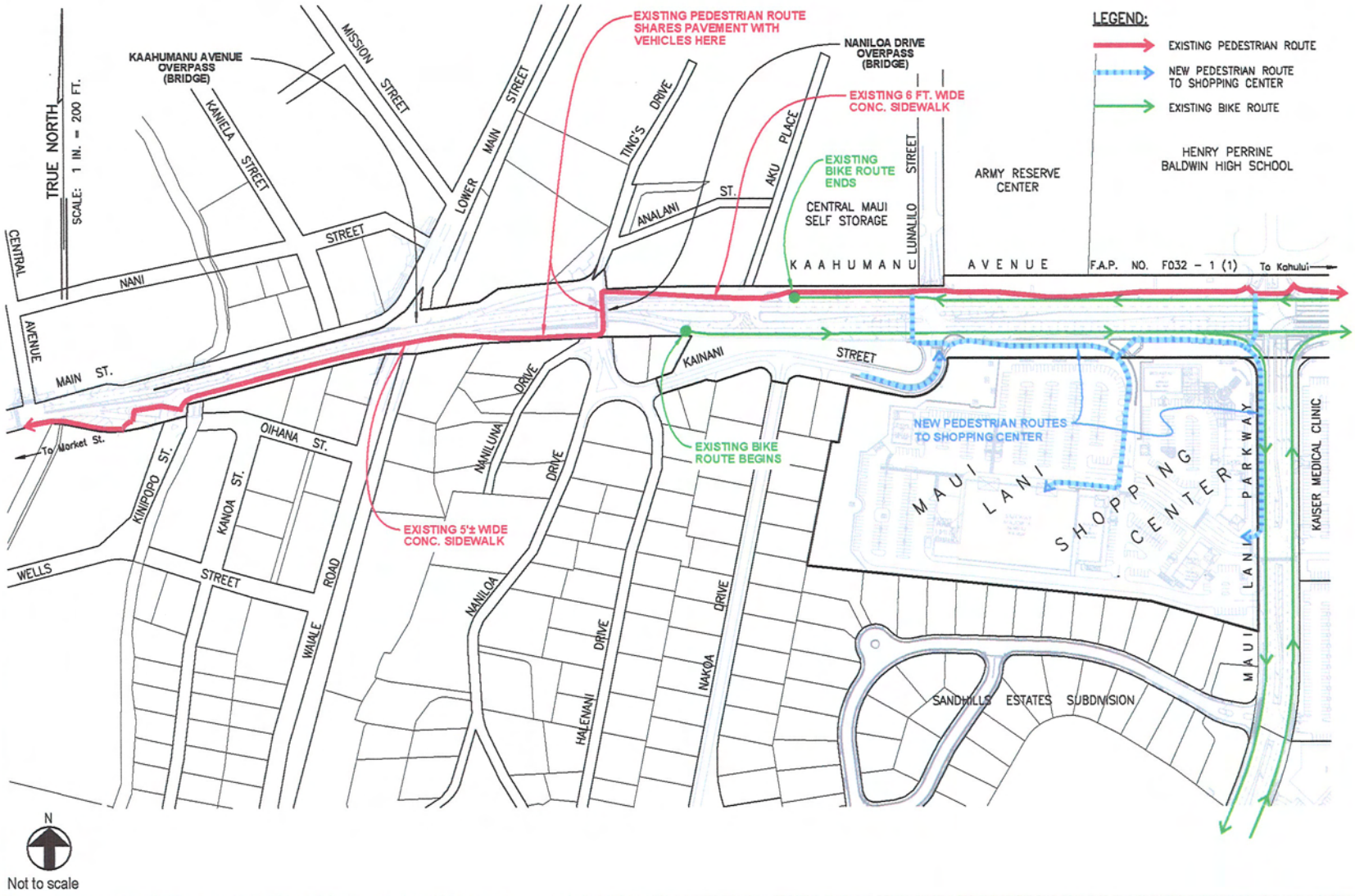
limited width of Kaahumanu Overpass' historic bridge and western approach structure prevent the extension of dedicated bicycle lanes further west; however, the speed limit has been reduced to 20 MPH in this segment of Kaahumanu Avenue to more safely accommodate mixed vehicle traffic.

The Wailuku area is served primarily by the Wailuku loop of the Maui Public Bus Transit System. This loop consists of two routes, one clockwise and the other counterclockwise. The areas serviced by the loop include Happy Valley to the west, Waiehu to the north, Kehalani Makai to the south, and the Queen Kaahumanu Shopping Center to the east. There is a transfer location at the shopping center, where transfer to the Kahului, Haiku, Upcountry, Kihei, Lahaina routes is possible.

In the vicinity of the project, there are two bus stops, one in each direction. They are shown in the figure attached. Bus frequency is approximately one per hour per direction.

Very truly yours,
PB AMERICAS, INC.

Phillip Matsunaga
Senior Transportation Engineer

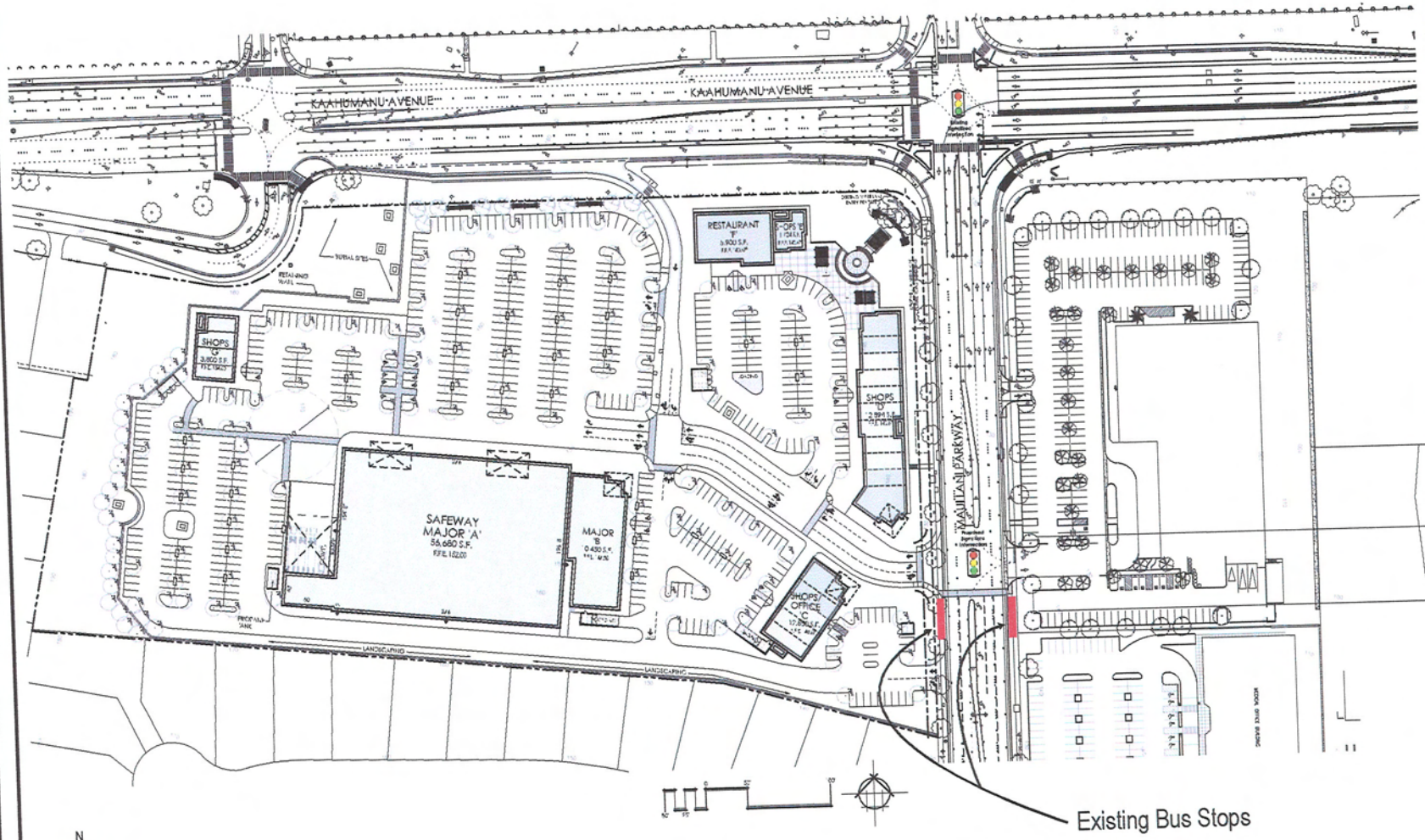


Proposed Pedestrian Access

Figure 2

PB Americas, Inc.

Maui Lani Commercial
June 2010



N

Not to scale

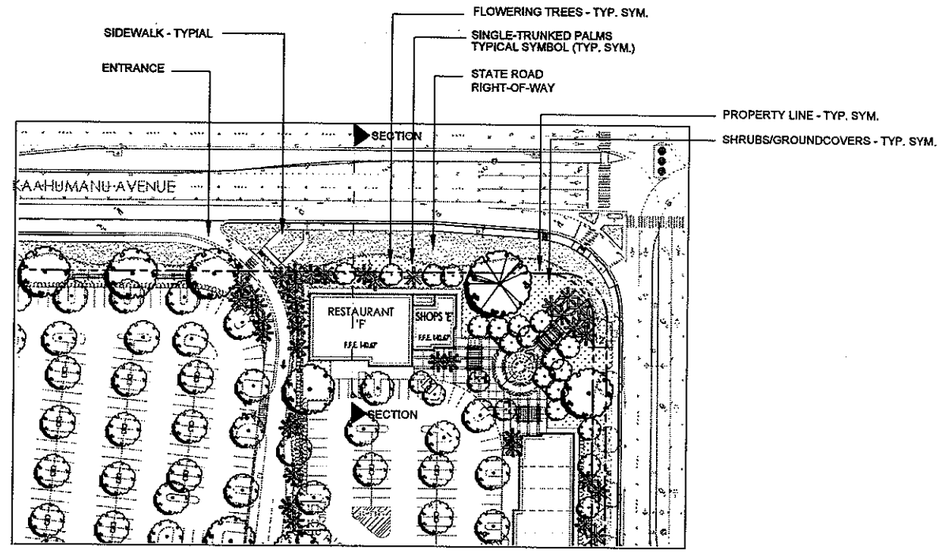
Existing Bus Stops

Figure

3

PB Americas, Inc.

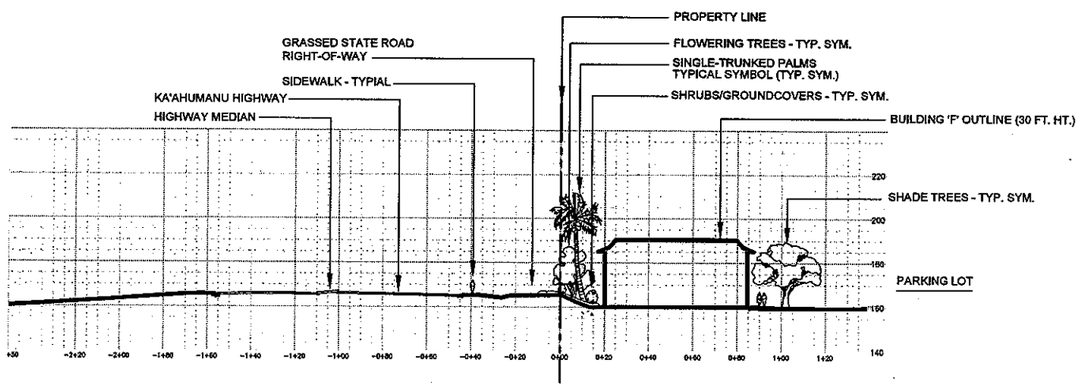
Maui Lani Commercial
June 2010



PRELIMINARY LANDSCAPE PLAN

SCALE: 1" = 60' - 0"

NORTH



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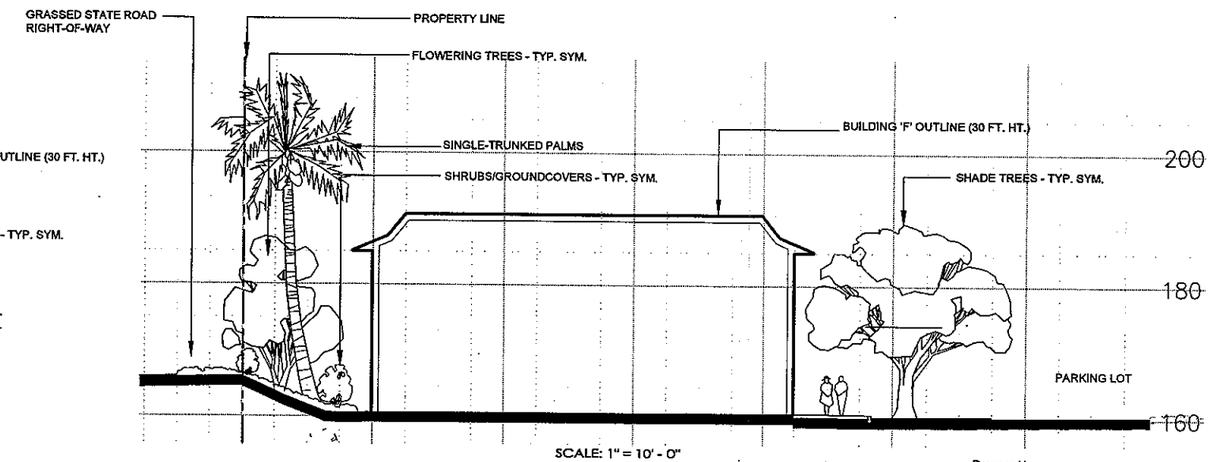

SCALE: 1" = 10' - 0"

PRELIMINARY LANDSCAPE SECTION

Prepared by:
RUSSEL Y. GUSHI, ASLA
LANDSCAPE ARCHITECT
44 SOUTH MARKET STREET
WAILUKU, MAUI, HAWAII 96793

JUNE 15, 2010

HRT, LTD.
3660 Waialae Ave. Suite 400
Honolulu, Hawaii 96816
Tel : (808) 924 - 1000
Fax : (808) 922 - 3975

Maui Lani Center

Wailuku, Maui, Hawaii

BENNER
STANGE
ASSOCIATES
ARCHITECTS, INC.
5200 S.W. MEADOWS RD.
SUITE B-130
LAKE OSWEGO, OR 97035
(503) 670-0234
FAX (503) 670-0235
bsa@bsaarch.com
BSAA
ARCHITECTURE & PLANNING

EXHIBIT "D"

MAY 2 6 2010

POLICE DEPARTMENT

COUNTY OF MAUI

2010 MAY 12 A8:56

CHARMAINE TAVARES
MAYOR

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

GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

OUR REFERENCE

YOUR REFERENCE

May 6, 2010

MEMORANDUM

TO : ANN T. CUA, DEPUTY DIRECTOR
DEPARTMENT OF PLANNING

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : I.D. : EA 2010/0001
TMK : (2) 3-8-007:121
Project Name : Maui Lani Shopping Center
Applicant : HRT Limited

____ No recommendation or comment to offer.

__x__ Refer to enclosed comments and/or recommendations.

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

Assistant Chief Danny Matsuura
For: GARY A. YABUTA
Chief of Police

Enclosure

COPY

TO	:	**GARY YABUTA, CHIEF OF POLICE, COUNTY OF MAUI**
VIA	:	**CHANNELS**
FROM	:	**JODY SINGSANK, CAPTAIN, PATROL DIVISION-WAILUKU DISTRICT**
SUBJECT	:	**RESPONSE TO REQUEST FOR PROPOSED MAUI LANI SHOPPING CENTER TMK: (2) 3-8-07:121**

This communication is submitted in response to the request for a review and recommendations for the Maui Lani Shopping Center (TMK (2) 3-8-007:121), by Ann Cua, Current Planning Supervisor for the Department of Planning.

REVIEW AND RESPONSE:

On 08/27/07, Sgt. Stephen Orikasa submitted a response to the early consultation request for this project (see attachment).

The elimination of the proposed access from Kainani Street addresses the concern noted by Sgt. Orikasa.

In reviewing the current access routes into the Maui Lani Shopping Center, I do not find any objections to the right-in access from Kaahumanu Avenue via the auxiliary lane. I also do not find any objections to the proposed Maui Lani Parkway access points as presented in the current draft.

The shielding light fixtures proposed for the project would address Sgt. Orikasa's concern regarding lighting for security purposes.

CONCLUSION:

I have no further concerns or recommendations regarding the development of the project at this time.

Respectfully submitted,

Capt. Jody K.M. SINGSANK, E-8467
Patrol Division – Wailuku District
05/03/10 1545 hrs.

TO	:	**THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI**
VIA	:	**CHANNELS**
FROM	:	**STEPHEN ORIKASA, ADMINISTRATIVE SERGEANT, WAILUKU PATROL DIVISION**
SUBJECT	:	**RESPONSE TO EARLY CONSULTATION REQUEST FOR PROPOSED MAUI LANI SHOPPING CENTER TMK: (2) 3-8-07:121**

This communication is submitted as a response to the Early Consultation Request for Proposed Maui Lani Shopping Center (TMK (2) 3-8-07:121), from Erin Mukai, Planner for Munekiyo & Hiraga, Inc.

REVIEW AND RESPONSE:

On July 10, 2007 I attended the County of Maui, Department of Planning, Planning Commission hearing regarding the development of the Maui Lani Shopping Center. During this hearing there was an overwhelming concern from the public of the proposed ingress and egress location of the Maui Shopping Center at Kainani Street. The proposed lane restructuring on Kainani Street and Kaahumanu Avenue directly affected by this development needs to be revisited.

Ingress and egress points along Maui Lani Parkway should have an evaluation as to the need for traffic signals. This is a roadway that is becoming heavily used, and a traffic mitigation plan should take into consideration impacts from the nearby Kaiser Medical Facility and Baldwin High School across the street.

The complex in itself needs to consider adequate lighting and pathways to increase security of the area by design. Security along with evacuations plans need to be established for the complex in the event of critical incidents. The levels of emergency responses should be considered, but not necessarily incorporated, in this plan.

CONCLUSION:

No objections to the development of the complex at this time. Vehicular and pedestrian safety and the safety of the public at large must be taken into consideration during all phases of this project.

Respectfully submitted for your perusal,

COPY

Stephen T. Orikasa E#716
Administrative Sergeant/Wailuku Patrol Division
08/28/07 @ 0945 Hours

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Gary Yabuta, Chief
Maui Police Department
County of Maui
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Chief Yabuta:

Thank you for your department's memorandum dated May 6, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments.

Response to Comment Regarding Kainani Street

We note your department's acknowledgement that the elimination of the Kainani Street access point from the project's plans addresses previous concern by the public noted in Sergeant Orikasa's letter of August 28, 2007.

Response to Comment Regarding the Project's Proposed Access Points

Thank you for comments on the proposed access points for the Maui Lani Shopping Center project. We note your department's comments that the department has no objections to the proposed right-turn in access off of Kaahumanu Avenue, as well as the two (2) proposed access points along Maui Lani Parkway.

Response to Comment Regarding Lighting Fixtures

Again, we note your department's acknowledgement that the proposed shielded lighting fixtures would address Sergeant Orikasa's previously noted comments regarding security.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.

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MAY 2 6 2010 EA 2010/0001

CHARMAINE TAVARES
MAYOR

DON A. MEDEIROS
Director
WAYNE A. BOTEILHO
Deputy Director
Telephone (808) 270-7511
Facsimile (808) 270-7505

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
'10 APR 28 P1:33

DEPARTMENT OF TRANSPORTATION

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii, USA 96793-2155

April 26, 2010

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
'10 APR 28 P1:33

Ms. Ann Cua
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Subject: Maui Lani Shopping Center

Dear Ms. Cua,

Thank you for the opportunity to comment on this project. At this time we have our bus system operating in the proposed area of the Maui Lani Shopping Center.

With this in mind we would like to ask that in the overall design of the project that a bus stop be factored into the design to comply with ADA accessibility standards.

Sincerely,

Don Medeiros
Director

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Don Medeiros, Director
Department of Transportation
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Medeiros:

Thank you for your letter dated April 26, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would also like to thank you for meeting on April 30, 2010 to discuss the proposed project and its relationship to the operations of the Maui Bus. On behalf of HRT Ltd., we wish to provide the following information in response to your letter as well as the outcome of our meeting.

Following our meeting on April 30th, the applicant reviewed your department's comments and suggestions relating to the provision of a bus shelter with project improvements. HRT Ltd. agrees to install a bus shelter with seating at the proposed project site along Maui Lani Parkway to accommodate the existing Maui Bus operations in the vicinity of the project site. In addition, the applicant will also install a separate bus shelter on the opposite side of Maui Lani Parkway, near Kaiser Permanente. The bus shelters will be compliant with the ADA (Americans with Disabilities Act) design guidelines. At our April 30th meeting you had also requested that the applicant consider installing a crosswalk at the north end of the intersection of the project's main driveway and Maui Lani Parkway in addition to the proposed crosswalk at the south end of the intersection. The applicant is also agreeable to this request subject to the County of Maui, Department of Public Works approval of the two (2) crosswalks, since Maui Lani Parkway is intended to be dedicated to the County of Maui in the future.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Phillip Matsunaga, PB Americas, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.

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JUN 2 2 2010

CHARMAINE TAVARES
Mayor

JEFFREY K. ENG
Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

June 22, 2010

Ann Cua, Deputy Director
County of Maui Planning Department
200 South High Street
Wailuku, Hawaii 96793

Re:	Project Name:	Maui Lani Shopping Center
	TMK:	(2) 3-8-007: 121
	Project ID:	Draft Environmental Assessment (DEA)

Dear Ms. Cua:

Thank you for the opportunity to comment on this DEA.

Source Availability and Consumption
The project area is served by the Central Maui System. The main sources of water for this system are the designated Iao Aquifer, Waihee Aquifer, the Iao Tunnel, the Iao Waikapu Ditch in the recently designated Na Wai Eha, and the Kahului Aquifer. New source development projects include Waikapu South Well and the proposed Waiale Surface Water Treatment Plant. There is currently no additional source available according to system standards on the Central Maui System. The average daily water demand for the project site is expected to be approximately 33,000 gallons per day (gpd) based on per acre standards for commercial development. Cumulative demand for the Maui Lani project district totals about 2.278 mgd. Current consumption for developed portions is about 0.718 mgd. A meter reservation was issued in 2003 for a 3-inch meter to serve this project. The meter was installed on May 10, 2010. Developments within the Maui Lani Project District are subject to the "Right of Entry and Operating Agreement" entered on April 25, 2005 between the County of Maui and the Maui Lani Partners for the development of the Maui Lani wells 4, 5 and 6. As the water reservation for the Maui Lani Shopping Center was issued prior to the 2005 agreement, no water allocation or source credits were deducted for the 3-inch meter. The DWS does not issue temporary construction meters for Central Maui projects.

System Infrastructure
One 12" line runs adjacent to the northeast of the project at an approximate 30 foot distance, and another 12" line runs adjacent to the northwest of the property approximately 115 feet away. There are hydrants onsite. System improvements will be determined in the building permit process.

Conservation
To alleviate demand on the Central Maui system, we recommend implementation of the following

conservation measures be made a condition for approval. For additional information please see attachments "A checklist of Conservation Ideas for...": ...Mixed-Use Shopping Centers," "...Restaurants," "...Industrial and Large Landscapes,"and "...Multi-pass Cooling Towers and Chillers."

1. Eliminate Single-Pass Cooling:
   Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators. Conservation measures for multi-pass systems include: Install control systems and sub-metering to monitor and manage water quality and other parameters in make-up water and blowdown; install appropriate treatment systems to manage water quality in cooling tower makeup water; operate cooling towers with greater than 5 cycles of concentration if possible; minimize drift losses with baffles or drift eliminators; and establish a proactive cooling system maintenance and monitoring program.
2. Kitchens, Restaurants, Snack Shops, Ice Making, Cooking and Washing:
   Select efficient air-cooled ice machines; refrigeration should be air-cooled or closed-system recirculating systems; pre-rinse spray valves on dishwashers shall have a flow rate equal to or less than 1.6 gpm at 60 psi; food steamers should be self-contained "boilerless" or "connectionless"models; Wok stoves should be "waterless woks"; ware washing units should have flow rates of less than 1 gallon per rack; install an on-demand water heater near sinks and other places where warm water is needed to avoid having customers and employees run water while waiting for hot water; if spraying is necessary, high-pressure, low-volume sprays work better than low-pressure, high-volume sprays.
3. Individually Meter:
   Each unit/operation should be submetered or metered separately.
4. Utilize Low-Flow Fixtures and Devices:
   Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs. Water conserving washing machines, ice-makers and other units are also available. Toilets should be high-efficiency models that use 1.28 gallons per flush or less. Urinals should be high-efficiency models that use 0.5 gallons per flush or less. Showerheads, if any, should have a flow rate of 2 gpm at 60 psi or less in all units. Bathroom sink faucets with fixtures should not exceed 1 gpm at 60 psi, and more efficient models are available.
5. Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day.
6. Use Brackish or Reclaimed Water: for irrigation and dust control during construction where available. Reclaimed water is available at the Kahului Sewage Treatment Plant.
7. Use climate-adapted native plants where applicable
   Please consider the use of native Hawaiian plants adapted to the natural rainfall of the area. Native plants adapted to the natural rainfall of the area conserve water and protect the watershed from degradation due to the spread of invasive alien species. The subject project is located in Plant Zone 3. We have attached a native plant brochure to assist with appropriate plant selection.
8. Prevent Over Watering:
   1. Equip all irrigated areas with smart controllers capable of self-adjusting to account for weather and/or moisture conditions.

80

2. Arrange irrigation valves and circuits such that plants with different water requirements are watered separately and appropriately. (hydro zones).
3. Provide rain sensors and shut-offs on all automated irrigation controllers.

Pollution Prevention

The project overlies the Iao Aquifer. DWS strives to protect water resources by encouraging adoption of Best Management Practices (BMPs) designed to minimize infiltration and runoff. BMPs for control of storm-water pollutants from parking lot, retail and wholesale centers are attached for your reference. In addition to BMPs required by state and county rules and regulations, we recommend that implementation of the construction mitigation measures outlined below be a condition for permit approval.

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Again, thank you for the opportunity to provide input. For questions on system improvements, contact DWS Engineering at 270-7835. Should you have any other questions, please contact our Water Resources and Planning Division at 244-8550.

Sincerely,

for Beth Chang

Jeffrey K. Eng, Director
bab

cc: applicant, with attachments
engineering division

Attachments:
1. Plant Brochure: "Saving Water in the Yard"
2. BMPs for control of storm-water pollutants from parking lot at retail and wholesale centers`
3. A checklist of Conservation Ideas for Mixed-Use Shopping Centers
4. A checklist of Conservation Ideas for Restaurants
5. A checklist of Conservation Ideas for Industrial and Large Landscapes
6. A checklist of Conservation Ideas for Multi-pass Cooling Towers and Chillers

Retail & Wholesale
Best Management Practices for control of storm-water pollutants from parking lot

All wholesale and retail businesses, including general merchandise stores, auto part sales, tires, furniture, home furnishing, photographic and office equipment, electrical goods, sporting goods and toys, paper and paper products, drugs and apparel should follow these BMPs:

- Dumpsters used to contain waste food shall be replaced if deterioration of their interior is allowing leakage, and shall be placed under cover to prevent entry of stormwater.
- Businesses owning their own vehicles are not to wash or steam clean them at the business site.
- The parking lot shall be swept at appropriate intervals to remove debris.
- Signs shall be painted on storm drain inlets to indicate that they are not to receive liquid or solid wastes.
- Stormwater from parking lot surfaces shall be treated using a runoff treatment system. Storm water from parking lots of stores that exprerience heavy vehicle usage shall be treated by an API or CPO-separator (see BMP for oil/water separation).
- Stormwater runoff from rooftops shall discharge to the storm drain or combined sewer below the treatment system as long as the County drainage requirements are met.

Reference: Water Quality, Best Management Practices Manual for Commercial and Industrial Businesses, City of Seattle 1989

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Jeffrey Eng, Director
Department of Water Supply
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Eng:

Thank you for your department's letter dated June 22, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments.

Response to Comment Regarding Source Availability and Consumption

We acknowledge your comment that the project area is served by the Central Maui System and the system's main sources of water. We confirm that a three-inch water meter was installed in May of this year. We also note that since the water reservation for the proposed project was issued prior to the 2005 "Right of Entry and Operating Agreement" between the County of Maui and the Maui Lani Partners, no water allocation or source credits were deducted for the 3-inch meter.

Response to Comment Regarding System Infrastructure

As indicated by the project's engineer, there are currently no onsite fire hydrants on the project site. Onsite fire hydrants are anticipated to be installed with the construction of onsite improvements.

Response to Comment Regarding Conservation

Your recommended conservation measures have been forwarded to the applicant, project's architect and engineer for their consideration and use during the stages of project design. We do note that wherever feasible, the project will incorporate energy and water efficiency design elements.

Response to Comment Regarding Pollution Prevention

Best Management Practices (BMPs) as required by State and County rules and regulations will be implemented for the proposed project during construction. In addition, we note that the applicant will employ applicable mitigative measures to further manage adverse impacts of infiltration and construction runoff. The additional construction mitigation measures offered in your letter will also will used by the applicant and project team in consideration of pollution prevention.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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KAISER PERMANENTE®

JUN 02 2010

May 28, 2010

County of Maui
Department of Planning
Attn: Ann Cua
250 South High Street
Wailuku, HI 96793

Re: Draft Environmental Assessment for the Maui Lani Shopping Center, TMK No. (2) 3-8-007:121 (EA 2010-0001)

Dear Ann:

Upon reviewing the Draft Environmental Assessment for the Maui Lani Shopping Center, Kaiser Permanente believes that there will be impacts to the traffic flow that could be detrimental to the operations of their Maui Lani Clinic.

We appreciate the proposed addition of the traffic signal at the intersection of Maui Lani Parkway and the entrance to our facility. However, we feel that there should be more definition on the functioning of the signal and a definite timeline for implementation. (Reference page 9 first paragraph of the assessment regarding the entrance which states *"The applicant proposes to monitor the access intersection and will install a traffic signal when warranted."*)

Some possible suggestions that have come forward are:

1. A new left turn arrow for patients turning into Kaiser Clinic from Maui Lani Parkway at the new traffic signal.
2. Left turn lane must include more than adequate queing space. (The traffic study must shed light on this topic.) The traffic study says we need room for 3/4 cars in the left turn lane, I suggest double that. Peak traffic periods for Kaiser Clinic employees and patients coincide with Baldwin High School in the early morning 7:30 a.m.to 8:00 a.m.
3. Timing of the traffic signal must be examined after the center is built to assure that signals facilitate traffic flow, not impede it.

We would like the opportunity to discuss this matter with the planning department in greater detail.

Sincerely,

Michael J. Zucchero, PE
Executive Director, Hawaii Region Facilities

CC: Erin Mukai - Munekiyo & Hiraga, Inc.

Mapunapuna Clinic
Facilities
2828 Pa'a Street
Honolulu, Hawaii 96819

85

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Michael J. Zucchero, PE
Executive Director
Hawaii Region Facilities
Kaiser Permanente
Mapunapuna Clinic Facilities
2828 Pa`a Street
Honolulu, Hawaii 96819

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Zucchero:

Thank you for your letter dated May 28, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we wish to provide the following information in response to your comments as well as provide you with a copy of a letter dated June 9, 2010 from PB Americas, Inc., the project's traffic engineer. See **Exhibit "A"**.

Response to Comment Regarding the Traffic Signal at the Intersection of Maui Lani Parkway and the Entrance to the Proposed Project/Kaiser Permanente

Based on the operation analyses in the Traffic Study of August 2009 prepared by PB Americas, Inc., it was recommended that the applicant "monitor the Kaiser/Maui Lani Commerial Development access intersection and install a traffic signal when warranted." However, since the completion of the Draft Environmental Assessment, the applicant is agreeable to installing a traffic signal at the intersection of the project's main driveway with Maui Lani Parkway at the time of project construction. As Maui Lani Parkway is intended to be dedicated to the County of Maui in the future, the applicant will seek the County of Maui, Department of Public Works' approval prior to the installation of the traffic signal.

Response to Comment No. 1

Your comments were forwarded to the project's traffic engineer for response. His response to your comments are attached hereto as **Exhibit "A"**.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Response to Comment No. 2

Please refer to **Exhibit "A"**.

Response to Comment No. 3

Please refer to **Exhibit "A"**.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning (w/enclosure)
Lloyd Sueda, Sueda & Associates, Inc. (w/enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/enclosure)
Phillip Matsunaga, PB Americas, Inc. (w/enclosure)
Darren Unemori, Warren S. Unemori Engineering, Inc. (w/enclosure)
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PB Americas, Inc.
American Savings Bank Tower
1001 Bishop Street, Suite 2400
Honolulu, HI 96813
808-531-7094
Fax: 808-528-2368

June 9, 2010

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Re: Maui Lani Commercial – Kaiser Comments

Dear Ms. Mukai:

Comments made by Kaiser Permanente in a letter dated May 28, 2010 are listed below. Responses to comments 1-3 are included.

Kaiser Comments

1. A new left turn arrow for patients turning into Kaiser Clinic from Maui Lani Parkway at the new traffic signal.

   The current plan is to provide a dedicated left turn land into the main Kaiser Clinic access with a protected left turn phase. This has been recommended in PB's traffic analysis dated August 2009.

2. Left turn lane must include more than adequate queuing space. (The traffic study must shed light on this topic.) The traffic study says we need room for 3/4 cars in the left turn lane, I suggest double that. Peak traffic periods for Kaiser Clinic employees and patients coincide with Baldwin High School in the early morning 7:30 a.m.to 8:00 a.m.

   The southbound Maui Lani left turn lane into Kaiser Permanente is constrained by the northbound left turn at the intersection of Kaahumanu Avenue and Maui Lani Parkway. This southbound left turn lane cannot be lengthened without negatively impacting the northbound left turn lane at the Kaahumanu/Maui Lani intersection.

   The design engineer will have the final say on what the input in the controller and may or may not follow PB's recommendations in the report. However, PB will provide input on the signal timing to ensure that adequate green time is provided for both the southbound left turn into Kaiser and the westbound movements exiting Kaiser. Kaiser Permanente's comments regarding the southbound left turn movement will also be taken into account at this time.

EXHIBIT "A"

3. Timing of the traffic signal must be examined after the center is built to assure that signals facilitate traffic flow, not impede it.

   The signal timing and phasing at this intersection will be chosen to provide a balance between the traffic into and out of the shopping center and the Kaiser Clinic accesses and the traffic on Maui Lani Parkway. Care will be taken to ensure that adequate green time is provided for movements into and out of the Kaiser Clinic.

   In addition, the signal timing can be fine-tuned based on the field conditions after the opening of Maui Lani Commercial.

Very truly yours,
PB AMERICAS, INC.

Phillip Matsunaga
Senior Transportation Engineer

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

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DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

April 26, 2010

Ms. Ann T. Cua, Planning Supervisor
County of Maui-Department of Planning
250 South High Street
Wailuku, HI 96793

Subject: Maui Lani Shopping Center – Draft Environmental Assessment
(EA 2010/0001)
Corner of Maui Lani Parkway and Kaahumanu Avenue, Wailuku
Tax Map Key: (2) 3-8-007:121

Dear Ms. Cua,

Thank you for allowing us to comment on Draft Environmental Assessment for the subject project.

In reviewing our records and the information received, Maui Electric Company has no additional comments to the subject project at this time.

Should you have any questions or concerns, please call me at 871-2341.

Sincerely,

Kyle Tamori
Staff Engineer

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Erin Mukai

From: Ann Cua [Ann.Cua@co.maui.hi.us]
Sent: Monday, May 24, 2010 8:24 AM
To: erin Mukai <erin@mhplanning.com
Subject: 5/24/10 Clare Apana Comments

Please address this letter in the final EA document. Call me when you have a chance so we can discuss. I may want to meet with you and Mike on this. '
Thank you, Ann

>>> Clare Apana <ahkada@aol.com> 5/24/2010 12:05 AM >>>
Guidelines for Assessing Cultural Impacts ra 11.9999 Normal 0 false false false MicrosoftInternetExplorer4
Comments for the draft EA ofMaui Lani Shopping Center 3-8-7-121 May 23, 2010 Aloha Planning Commissioners.

My name is Clare Apana, I live in Sand Hills, Wailuku, Maui. I was notable to attend the meeting when you considered the Maui Lani Shopping Center draft EA. I left to the mainland before it was postedand returned after the meeting. Pleaseconsider my testimony as I have been intimately involved in this project for 4years as a neighborhood resident and a cultural practitioner.

I am appreciative of the notusing Kainani St as any kind of entrance for the project both for safety andbecause the concentration of inadvertent burials is not in danger of theroadway.

The CIA does not fulfill theguidelines established by The Environmental Council in 1997. *The most important element of preparing CulturalImpact Assessments is consulting with community groups, especially with expertand responsible cultural practioners within the ahupua'a*a of the projectsite.* Guidelines For Assessing CulturalImpacts

- . New interviews need to be conducted.
  -Interviewees have never lived in the district of Kaluawhere this project is, nor do these 4 people have specific knowledge of thisarea.
  -Cultural, historical information has been offered to thearcheologist and Munekio &Hiraga by citizens who live in Kalua. They were not interviewed norwas the information offered in the CIA. The historicalinformation of the Battle of Kakanilua was reported incorrectly in the Draft EA.
  - I have provided them a list of knowledgeable sources inthe community and from the area

- .Hawaiian culturalpractices concerning burials are not addressed at all in the CIA. Phase 1 has disturbed many burials already.

- The conclusion ofno cultural practices impact is incorrect. I have a regular spiritual practice regarding the burials in thisproject area and the surrounding development and disturbances of burials in theMaui Lani Project district. My practice will be impacted by this shopping center.

- conclusion of nocultural impact is ridiculous. Considerthe number of burials in the Maui Lani Project Area and considering the concentrations and distribution of burialsalready disturbed throughout the property, This is a traditional burial ground. This is not a Shopping Center with burials found in it, this is aburial ground with a shopping center in it Please no subterranean parking lot, make sure the buffer zonesare large enough for the burials, absolutely no moving or reentering of anymore burials. Night time activitiesimpact burials, traditional practices is to leave heiau and burials alone atnight and especially in the time from 12- 5:00 am . Close shopping center (burial ground) atnight.

- A burialtreatment agreement for the inadvertentburials must be

95

executed before the EA can be accepted.

· CIA must reflectthe loss of habitat for native plants, the pueo and the Nene bird, and the lossof the trail that went through the property.

· This CIA wasrequested by OHA in 2005, 5 years ago. OHA is in the process of reviewing the draft EA this week as it was notreceived by the reviewer until last week.

I request that you will requirethe completion of the deficiencies in the CIA as outlined above, accept me as acultural practitioner in this property and this area, not allow subterranean structures, require closing shoppingcenter to respect that it is in a burial area, require a signed and accepted burial treatment agreement for allinadvertent burials be completed before acceptance of the final EA..

More detailed information has been provided if you chooseto read more about my comments.

Thank you for considering mytestimony.

Clare Apana
214-4411
260 Halenani Dr
Wailuku, Hi 96793

Erin Mukai

From: Ann Cua [Ann.Cua@co.maui.hi.us]
Sent: Monday, June 21, 2010 8:56 AM
To: erin Mukai <erin@mhplanning.com
Subject: Second Comment Letter from Clare Apana

Sanhills ea.doc
(68 KB)

This is from Clare Apana

>>> Clare Apana <ahkada@aol.com> 6/21/2010 2:00 AM >>>
Ann please send to Erin Mukai.? Address is old.

- -

County of Maui.

IT Security measures will reject attachments

larger than 12 MB, and will block or quarantine

high-risk file types in attachments.

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Comments on the Draft EA of 3-8-007:121 Maui Lani Shopping Center

I will concentrate my comments upon the cultural aspects of the EA and the CIA.

24/7 Stores/Superstore Open in Historic Sandhills neighborhood???

It is not acceptable for me and for the people who signed the petitions (copies of petition are in your draft EA) most of whom live within 500 feet of this project.

No mitigation for the 24 hour operation has been offered such as close by 10-12 pm or find a tenant who will that is appropriate to the village/neighborhood market that you are advertising. How many people have mentioned like an Ah Fooks, Ookas or Pukalani Superette would be a better match for this neighborhood? A neighborhood sized supermarket is a concept that has not been explored in your EA as an alternative. Please do so and see how well it would work.

Please consider that a burial ground of Hawaiian people is here and the landowner is responsible for taking care of these burials. It is highly disrespectful to build a shopping center in this burial area At very least give the iwi their time in the evening to early morning before the sun rises. Let them at least have alone peace in the darkness.

CIA

May I start by saying, thank you to you Erin for your heartfelt reply to the importance of recognizing the Battle of Kakanilua. Unfortunately, the history of the battle is reported incorrectly. PLEASE correct the history of the battle of Kakanilua, your archeologist reported it wrong, again.

Perhaps a verbatim account by one of the many famous historians would be best.

My family has lived in this area for 57 years. I have also studied the history of the unique battle fought in the sand dunes of Wailuku, the Battle of Kakanilua. I would like to point out some deficiencies or errors in this CIA.

Correct area name

This project is in the moku and ahupua'a of Wailuku which is quite large. This project is in the district called Kalua.

Wildlife

Pueo

The story of the pueo was very interesting and I concur with the pueo being in this area. Just yesterday in a sand dune in Wailuku, at approximately the same elevation as this project, I saw a Pueo. This sand dune still has grass and trees on it, as the project property used to, before mass grading. I saw a pueo in the grassy area of a tree covered gulch. They nest on the ground I understand. Perhaps it could be researched about how the forested grassy areas of the lowland dunes used to be a habitat for them. This corroborates Mr. Taua's story beautifully of his child and Pueo at Maui Memorial Hospital.

Nene

There is other endangered wildlife as well. The Nene's habitat is this region, They fly over my house in the afternoon depending on the season. They have been frequenting the War Memorial across the street from this project. While there are preserves in Haleakala and at the wind farm, the traditional nesting and natural habitat area is low coastal like these sand dunes. I have seen the Nene in this area many times. When you look at what this property looked like it is easy to see that this could have been a place for the birds to live in and nest. At the gold course (Dunes at Maui Lani) very

close in proximity; Nene hatchlings survived their birth in the rough. This project area was a forested area with tall grass, a vestige of the forests and grasses of the dunes of Wailuku,

A little forest is gone, Lithified Sand Dunes are not a renewable resource

The report of wildlife and flora and fauna starts after this dune has been graded down, trees and plants gone, and the mass grading which changed the elevation of topsoil by 20-45 feet. The impact has not been reported. What was life in a Wailuku sand dune like for plants and wildlife? What kind of trees and plants grow on this part of the sand dunes? There are neighbors who played in the trees and neighbors who were told not to go into the area because it was sacred and children were not supposed to go there out of respect.

What happened to the trail that went through the area?

Cultural Values regarding Burials

The respect and protection of burials or the iwi was reflected in the laws that were made in the 1800's.

For the Protection of Places of Sepulture
Session Laws of 1860

Section 1. If any person, not having any legal right to do so, shall willfully dig up, disinter, remove or convey away any human body from any burial place, or shall knowingly aid in such disinterment, removal or conveying away, every such offender and every person accessory thereto, either before or after the fact, shall be punished by imprisonment at hard labor for not more than two years, or by a fine not exceeding one thousand dollars.

How would this developer proceed with subterranean parking lot or move bones in order to make way for a road or a sidewalk or a building if you were fined with imprisonment and or a fine that is equal to the $1000 of 1870?

These laws have never been repealed. There has already been reinterring and moving of iwi in this project. Perhaps the owners should be fined according to these laws. Then the developer might understand how seriously Hawaiian people felt about preserving the iwi kupuna and their final resting place. A monitor does not assure that more iwi will ***not*** be moved, reinterred lower, built upon or disturbed.
I want to inform you that there are people who have filed as cultural descendants in this Maui Lani Project area. Their claim has been at SHPD for a year. Have the proper announcements and search for descendants been done for all burials and burial features on this property?

Can you complete:

- Proof of how you tried to locate family of all the disturbed burials
- Location and disposition of grave goods
- Inventory and location of any iwi moved and when they will be reinterred.
- Burial Treatment Agreement for disturbed inadvertent and previously disturbed burials not covered by the previous two BTPs.

None of the four people interviewed have ever lived in this area, Kalua.

None of the four interviewed had any remarkable knowledge of this area.

"The most important element of preparing Cultural Impact Assessments is consulting with community groups, especially with expert and responsible cultural practitioners within the ahupua'a of the project site from Guidelines for Assessing Cultural Impacts."
The choice of interviewees needs to be improved and replaced.

There are many residents especially of the original Sandhills neighborhood that have lived here for many years if not most of their lives. In my interest to find out if other neighbors were concerned about the project I was able to speak to quite a few people whose stories of this area should live on as we see a commercial shopping center changing the character of our neighborhood. The people interviewed should include area residents as well as people knowledgeable about the area.. I have included a list that you could ask for an interview.

<u>I should have been one of your interviewees</u>

I have offered you information about the cultural history of this area given testimony about this area. I am also the chair of the Historic Sandhills Neighborhood Association, and I got signatures on a petition from the neighborhood. I was never contacted to be interviewed. Is this an oversight?

Testimony from a person who actually lives in the area of Kalua, within 500 feet of the proposed project.

***I* am a cultural practitioner, work in health care, have a masters degree in Physical Therapy, an MA in Psychology, and I have been studying the history of this Maui Lani Project area for about 5 years.**

I was born in Wailuku and live within 500 feet of this project. There were nine of us in the home on Halenani Drive, Sandhills neighborhood. I live in the same home as a child growing up in this neighborhood. Our yards were playgrounds with large lots graced with tall trees of many varieties. Everyone had some kind of slope or hill in their yard because the homes are built on a sand dune. It never occurred to me that the streets could be straight and flat. We just pumped our bikes harder up the hills and coasted going down.

Often friends in the neighborhood would play sky-in-i (with a bat and softball), kick ball, or football using the sloping cement sidewalk as the 50 yard line. I can remember some of their family names: VanVoest, Duarte, Mukai, Cockett, Gushiken, Lee, Kashiwa.

Joe Bulgo, politician, mortician, friend of Inez Ashdown, lived next door. Every weekend his deep voice would resound through the neighborhood until late into the night and soon the roosters would be crowing. One of his favorite songs was Lady of Spain. I can hear his voice when I look at the wooden garage/carport he held his jam sessions in. Mrs. Medeiros at the end of Halenani tells me that this was a chicken farm here. She thinks of a shopping center just below her and says, "the chickens were the best neighbors." She has lived here for some 75 years as well as other members of her family who live on this street.

Our family home was built in 1934 like most of the other homes in this neighborhood we qualify to be considered historic by virtue of age. What a genteel age of architecture! Wooden frame homes with hip roofs, 9 foot ceilings and wooden floor boards 12 feet long that creak because there is no sub floor were standard. It was built for the plantation managers. It has stood the test of time as many of the sturdy plantation styled homes with large front porches can be seen in the neighborhood today. Mrs.Tengan of

Kaohu store says that the Sandhills neighbors helped give their store business as they were starting. The "Tengan store" (Kaohu Store) is still an after school favorite snack place just like when I was a kid 50 years ago.

After school, I could cut through to Nakoa Street below us on the hill, through Hanada's driveway, they owned the gas station on Lower Main near where Hashi's is today. Their lot went through to both streets. My best friend lived on Nakoa Drive; her Dad bought the house after returning from World War II. Nakoa means the warrior and was developed to give the returning servicemen homes. Somehow, the streets in this neighborhood have managed to maintain the same character and time period with few new homes despite the ferocity of the ground termites and streets that are narrow, curvey and do not have sidewalks. We have managed to keep the charm of our quiet, older, kamaaina neighborhood.

My Kuleana

In 2006, a hoailona or message was given to me. It was a Hawaiian woman dressed in a black dress. I knew immediately that it had to do with the proposed shopping center. I called a kupuna to ask about it immediately. What has followed is that I took the kuleana of protecting the land. Later I learned of the many burials that had been disturbed. I did my work of clearing and cleaning with more earnest. I visit this site at least 2-3x a week and have gone there to do ceremonial cleaning and paying respect to the iwi kupuna with 2 teachers. One of my teachers comes with a group every year for the last 3 years to assist me.

I have extended my prayers and practices to include the Maui Lani Project district and sand mining areas in this vicinity as I learned of the history of the Battle of Kakanilua and the intrusion of Western development upon these Sand dunes that I have played in and loved. I regularly walk the land to remember, give respect and

offer prayers for the protection and respect of this sacred burial ground in the Wailuku sand dunes.

Somewhere it was decided that this area did not matter and that the burial place of hundreds, perhaps thousands of "precontact" and other time period burials could be subjected to the brutality of sand mining, the disrespect of being moved to preservation lots, being interred lower so that gated communities, roads, parks and shopping centers could commence. The outrage of the disturbed burial grounds in Honokawai and the resting places in Waiehu did not reach the isthmus of Maui. But we residents of this area feel the outrage and sadness of this sacred place. I feel the sadness of the iwi kupuna taken from the place that was to be their resting place.

I walk this land not only for the burials and sacred burial ground but for the people who live in the neighborhoods. There are spiritual disturbances like physical illness, children terrified by seeing warriors, or hearing chanting, being touched or held down by a spirit etc. that are reported by various people in the surrounding neighborhoods. These are just some of the experiences that I have heard of.

Situations such as these exist in the neighborhood adjacent to this property, where they cannot build because of excessive filling of land, homeowners being told after they purchased that there would be burials remaining on their property, Palama street residents being sued by the developer and his attorney because they dared sue for damages to their property, continual requests to remove concentrations (ie 10 in the VMX project) of burials in a hill and reinter them lower and remove the hill they are buried in, roads built between concentrations of placed burials necessitating removal of burials for the road, have occurred with every step of development in this Maui Lani Project District. HRT respect the burial ground you are building in .

We need peace in the places we live. Disturbing burials and building over burials has brought conflict to our old neighborhoods.

Summary:

Make corrections to CIA: interview those who are knowledgeable of this area or who have lived here, include the native birds that use this area as their native habitat and could have in the original condition of the property before such extensive grading, traditional, cultural practices are being carried out regarding this property

. People who should be interviewed for CIA:

Clare Apana
Johanna Kamanu
Jocelyn Costa
Annette Heu
Hiram Heu
Leslie Bruce
Lucien Denae
Stephanie Ohigashi
Lee Ohigashi
Uilani Kapu
Cordis Higa
Medeiros family on Halenani Drive

Correct the history of the battle of Kakanilua (Malo, Kamakau. Westerfeld, WD Alexander are suggestions).

No 24/7 hours of operation provide other mitigation of hours of operation

Advertise the inadvertent burials found for descendants of all iwi disturbed or found if not already done

No subterranean digging, no further disturbance of iwi or burial features show respect for your intrusion upon burial sites by not digging into the ground for underground parking or buildings and reinterr what you already have disturbed.

Provide an accepted Burial Treatment Agreement or Burial Treatment Plan attached to the property for all burials and burial features connected to this property. There are two BTPs and you have received permission from the burial council to move some of the iwi. How many years has it been since the inadvertent discovery of the iwi on the hill on the corner? There is no BTP for these burials. They deserve a BTP before the EA is completed

Compete answer to questions above regarding burials

Can you complete:

- Proof of how you tried to locate family of all the disturbed burials
- Location and disposition of grave goods
- Inventory and location of any iwi moved and when they will be reinterred.
- Burial Treatment Agreement for disturbed inadvertent and previously disturbed burials not covered by the previous two BTPs.

Thank you for the opportunity to comment on this draft EA.

Clare H. Apana
Resident of Sandhills
President of Historic Sandhills Community Association
Member of Malama Kakanilua

Comments for the draft EA of Maui Lani Shopping Center 3-8-7-121

May 23, 2010
Aloha Planning Commissioners.

My name is Clare Apana, I live in Sand Hills, Wailuku, Maui. I was not able to attend the meeting when you considered the Maui Lani Shopping Center draft EA. I left to the mainland before it was posted and returned after the meeting. Please consider my testimony as I have been intimately involved in this project for 4 years as a neighborhood resident and a cultural practitioner.

I am appreciative of the not using Kainani St as any kind of entrance for the project both for safety and because the concentration of inadvertent burials is not in danger of the roadway.

The CIA does not fulfill the guidelines established by The Environmental Council in 1997.
'The most important element of preparing Cultural Impact Assessments is consulting with community groups, especially with expert and responsible cultural practitioners within the ahupua'a of the project site." Guidelines For Assessing Cultural Impacts

- . New interviews need to be conducted.

-Interviewees have never lived in the district of Kalua where this project is, nor do these 4 people have specific knowledge of this area.

-Cultural, historical information has been offered to the archeologist and Munekio & Hiraga by citizens who live in Kalua. They were not interviewed nor was the information offered in the CIA. The historical information of the Battle of Kakanilua was reported incorrectly in the Draft EA.

- I have provided them a list of knowledgeable sources in the community and from the area

- .Hawaiian cultural practices concerning burials are not addressed at all in the CIA. Phase 1 has disturbed many burials already.

- The conclusion of no cultural practices impact is incorrect. I have a regular spiritual practice regarding the burials in this project area and the surrounding development and disturbances of burials in the Maui Lani Project district. My practice will be impacted by this shopping center.

- Conclusion of no cultural impact is ridiculous. Consider the number of burials in the Maui Lani Project Area and considering the concentrations and distribution of burials already disturbed throughout the property, This is a traditional burial ground. ***This is not a Shopping Center with burials found in it, this is a burial ground with a shopping center in it*** Please no subterranean parking lot, make sure the buffer zones are large enough for the burials, absolutely no moving or reentering of any more burials. Night time activities impact burials, traditional practices is to leave heiau and burials alone at night and especially in the time from 12- 5:00am . Close shopping center (burial ground) at night.

- A burial treatment agreement for the inadvertent burials must be executed before the EA can be accepted.

- CIA must reflect the loss of habitat for native plants, the pueo and the Nene bird, and the loss of the trail that went through the property.

- This CIA was requested by OHA in 2005, 5 years ago. OHA is in the process of reviewing the draft EA this week as it was not received by the reviewer until last week.

I request that you will require the completion of the deficiencies in the CIA as outlined above, accept me as a cultural practitioner in this property and this area, **not** allow subterranean structures, require closing shopping center to respect that it is in a burial area, require a signed and accepted burial treatment agreement for all inadvertent burials be completed before acceptance of the final EA..

More detailed information has been provided if you choose to read more about my comments.

Thank you for considering my testimony.

Clare Apana
214-4411
260 Halenani Dr
Wailuku, Hi 96793

I

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Ms. Clare Apana
260 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Ms. Apana:

Thank you for your continued participation in the planning process for the proposed subject project. We received your e-mail of May 24, 2010, as well as your e-mail of June 21, 2010, providing comments on the Draft Environmental Assessment (EA) prepared for the subject project.

We would also like to thank you for your time in meeting with our office, Hana Pono, LLC and Archaeological Services Hawaii, LLC on June 30, 2010, to discuss your e-mails and additional comments on the cultural and archaeological aspects of the project, as well as meeting with HRT Ltd's representative and our office on July 14, 2010 at the project site.

In meeting with you it appears that one of your main concerns relates to the need for the proposed Maui Lani Shopping Center to appropriately recognize the historical, archaeological and cultural significance of the subject property and nearby surrounding area. In particular, it is important to understand, as well as help convey the extent of the relationship between significant events in native Hawaiian history and present day values that have been perpetuated through cultural practices, archaeological findings and informant interviews. As mentioned at our July 14th meeting at the project site, the project team sought to identify possible measures which could be considered to advance the notion of cultural recognition through planning and design of the proposed shopping center. As discussed in our last meeting, such cultural recognition elements are offered as a platform for discussion. These elements which we spoke of include:

1. **Historical Documentation**, whereby Hana Pono, LLC will conduct up to five (5) additional interviews to contribute to the knowledge base for the project site and surrounding Maui Lani area. The additional interviews combined with the completed cultural assessment interviews and historical information in the cultural impact assessment will be used to prepare a report that

provides a historical overview and will document the findings of interviews and research. Potential interviewees will be those individuals you have identified, including yourself.

2. **Interpretive Plaque**, whereby the information compiled in the aforementioned report may be used to design and implement an interpretive plaque for public education. Specifically, the plaque will be aimed at bringing a greater awareness regarding the historical and cultural significance of the project area and the Maui Lani Project District as a whole. As appropriate, the plaque will be installed in an area having public visibility.

3. **Respecting the Burials on the Property**; whereby parking lot lighting adjoining the burial preservation area will be dimmed or turned off between 12:00 a.m. midnight to 5:00 a.m. Parking stalls immediately surrounding the burial preservation area will be marked with appropriate striping and signage so that no vehicles will use the stalls during the same time period. A detailed night parking plan will be developed as part of this measure.

In addition to the above considerations, we would also like to respond directly to comments you raised in your two (2) e-mails. Subsequent to our June 30th meeting and after consulting with both Lisa Rotunno-Hazuka of Archaeological Services Hawaii, LLC and Kimokeo Kapahulehua of Hana Pono, LLC, we would like to provide the following information in response to your comments. We have separated our responses by the two (2) e-mails of May 24th and June 21st.

A. RESPONSES TO E-MAIL OF MAY 24, 2010

1. Response to Comments Regarding Cultural Impact Assessment (CIA) Guidelines Established by The Environmental Council in 1997

> **Comment:** "The CIA does not fulfill the guidelines established by The Environmental Council in 1997."
>
> **Comment:** "The most important element of preparing Cultural Impact Assessments is consulting with community groups, especially with expert and responsible cultural practitioners within the ahupua`a of the project site."

Response: The Cultural Impact Assessment was prepared by Hana Pono, LLC, a well respected cultural consulting firm on Maui. In lieu of being able to find lineal descendants of the land in the

proposed Maui Lani Shopping Center project, Hana Pono, LLC broadened their search to identify knowledgeable cultural interviewees for the Cultural Impact Assessment. Through their contacts with the native Hawaiian community, the following people were identified to provide cultural interviews based on their familiarity of the project area and cultural backgrounds. The following summaries have been provided by Hana Pono LLC.

a. **Wayne Bechert** – Wayne is a Kupuna who grew up in "Dream City" – below Maui Lani in Kahului. His young days near the project area afforded him many opportunities to travel in the project site. He now resides in the Sandhills area of Wailuku. He is familiar with the project site and the surrounding areas.

b. **Lolita Eugenio** – Lolita is a Kupuna who grew up in Waiehu – a neighboring town from the project site. Her early life provided many opportunities to travel from Waiehu to Waikapu to Wailuku to Waihee – also known as Na Wai `Eha. She still lives in Waiehu and is knowledgeable about the project area.

c. **Harold Haupu** – Harold is a Kupuna who traveled from Kahakuloa to Hana. He is generally very knowledgeable about the entire Island of Maui.

d. **William Kanekoa** – William is a practitioner of La`au Lapa`au. He resides in Kahului in the area known as "Dream City". His parents were both well known practitioners of La`au Lapa`au and they also lived in the "Dream City" area. He was chosen as a cultural interviewee because of his knowledge of plants and animals in the areas of Kahului and Wailuku – which includes the project site.

e. **John Mahi, Jr.** – John is both a Kupuna and practitioner. He has great knowledge of Hawaiian foods and cultural life. John lives near the project area in Hawaiian Homes in Waiehu Kou. He was chosen as a cultural interviewee because of his knowledge of the historical lifestyle in the project area. Furthermore, the Mahi's lived in the Wailuku and Waiehu ahupua`a. John's father was a highly regarded source of cultural information.

2. *Response to Comments Regarding New Interviews*

Comment: "New interviews need to be conducted."

Comment: "Interviewees have never lived in the district of Kalua where this project is, nor do these 4 people have specific knowledge of this area."

Response: As noted in the response to Item No. 1 above, the five (5) individuals selected to provide cultural interviews have familiarity with the project area and two (2) in particular (W. Kanekoa and J. Mahi) have specific knowledge of plants, animals, cultural lifestyles, and practices in the vicinity of the project site.

In our meeting of June 30th we discussed your desire for additional interviews. The applicant has agreed to conduct additional interviews which we have previously noted above.

3. *Response to Comments Regarding The Battle of Kakanilua*

Comment: "The historical information of the battle of Kakanilua was reported incorrectly in the Draft EA."

Comment: "I have provided them a list of knowledgeable sources in the community and from the area."

Response: Thank you for your comments on the Battle of Kakanilua as referenced in Chapter 11, Section 7., Cultural Resources, in the Draft EA (page 27). The description of the events of which led up to the battle between the Big Island Chief Kalaniopuu and King Kahekili of Maui was compiled from the information in the Archaeological Inventory Survey Report (Xamanek Researches, LLC, June 1977 in Appendix I of the Draft EA). The general description of this account was taken from Cummins E. Speakman, Mowee: An Informal History of the Hawaiian Island, 1978. We have also reviewed the accounts of the Battle of Kakanilua as told in Kamehameha and His

Warrior Kekuhaupio, Stephen L. Desha, Kamehameha School Press, 2000 and as told in, Ruling Chiefs of Hawaii, by S.M. Kamakau, Kamehameha Schools Press, 1992. We acknowledge the reference to the Battle of Kakanilua was incorrectly reported in the Draft EA and will be corrected in the Final EA.

We note your comment that you have provided a list of knowledgeable sources in the community and from the area. We have received your list of knowledgeable sources in your e-mail of June 21, 2010. In reference to the response to Item No. 1, above, the individuals interviewed also have knowledge of the area and specific knowledge of plants, animals, and cultural practices and life styles. Towards broadening the cultural knowledge base of the project vicinity, the individuals you have recommended will also be approached by Hana Pono LLC as potential additional interviewees.

4. *Response to Comments Regarding Cultural Practices*

Comment: "Hawaiian cultural practices concerning burials are not addressed at all in the CIA."

Comment: "The conclusion of no cultural practices impact is incorrect. I have a regular spiritual practice regarding the burials in this project area and the surrounding development and disturbances of burials in the Maui Lani Project District. My practice will be impacted by this shopping center."

Response: Generally, matters in connection with burials are reviewed and discussed with the State Historic Preservation Division (SHPD) and the Maui/Lanai Islands Burial Council to establish the requirements for burial preservation. These requirements take into account native Hawaiian cultural practices regarding burials and provide areas for direct lineal descendents to access the site. Burials at the subject property were discussed and addressed in the two (2) archaeological reports which were included in Appendix I and Appendix J of the Draft EA and specifically by the Burial Treatment and Preservation Plan prepared by Archaeological Services Hawaii, LLC which is included in Appendix K of the Draft EA. The Burial Treatment and Preservation plan was prepared for the previously identified burial sites, SIHP 50-50-04-4401, and inadvertent

burial sites 5229 and 5236.

Thank you for your comment regarding the spiritual practice you carry out regarding the burials in this project area and the surrounding development and the disturbances of burials in the general area of the Project District. The Burial Treatment and Preservation Plan (provided in Appendix K of the EA) for the previously mentioned burials will allow continued access to the burial preservation site for direct lineal descendants. An area beyond the buffer zone will be landscaped and available for individuals to view and offer respects to the burial site.

5. ***Response to Comments Regarding Burials and Their Locations***

Comment: "Consider the number of burials in the Maui Lani Project Area and considering the concentrations and distribution of burials already disturbed throughout the property, This is a traditional burial ground."

Comment: "...make sure the buffer zones are large enough for the burials, absolutely no moving or reentering of anymore burials."

Response: Treatment and preservation of burials are established and approved by the Maui/Lana`i Islands Burial Council (for burials identified through archaeological inventory survey) and by the State Historic Preservation Division (for inadvertent burials). To date, the following plans for the treatment and preservation of burials located within the subject property (identified by SIHP 50-50-04-4401, 5229 and 5236)have been reviewed by the Maui/Lana`i Islands Burial Council (MLIBC) and the State Historic Preservation Division (SHPD), but not yet formally accepted. The relocation of the inadvertent burials (SIHP 50-50-04-5229 and 5236) have been reviewed by the MLIBC and have been approved by the SHPD. The buffer zone for the above noted burial sites in Item No. 4 above, will measure from the platform demarcating the burial area 11.5 feet to the north and south and 6 feet to the east and west. The buffer zone for the burials were established in consultation with SHPD and MLIBC.

6. ***Response to Comments Regarding Burial Treatment Plan***

Comment: "A burial treatment agreement for the inadvertent burials must be executed before the EA can be accepted."

Response: The treatment for the inadvertent discovery of the burials identified by SIHP Site Nos. 50-50-04-5236, 6569, 6570 and 6571 has been determined by the SHPD. See copy of SHPD's determination letter attached hereto as **Exhibit "A"**. The EA is a document to disclose the potential impacts of an action and to identify measures to mitigate the impacts, to the extent practicable. In this particular case the EA has identified the potential impacts to archaeological resources and identified measures to mitigate the impacts through the process established by Hawaii Revised Statutes, Chapter 6E and applicable laws. Pursuant to Chapter 343, and Hawaii Administrative Rules, Chapter 200, Title II, Environmental Impact Statement Rules, the EA can be finalized when the procedural requirements have been met and all comments and issues have been identified and addressed.

7. ***Response to Comments Regarding Loss of Habitat***

Comment: "CIA must reflect the loss of habitat for native plants, the pueo and the Nene bird, and the loss of the trail that went through the property."

Response: The occurrence of the pueo in the Maui Lani lands was commented on in the CIA by one of the cultural consultants. The CIA noted that the loss of habitat for the pueo occurred with the urban development in Kahului and Wailuku. The archaeological investigations and reports and the CIA did not uncover any evidence of or reference to an ancient or historic trail through the subject property.

8. ***Response to Comments Regarding CIA and OHA***

Comment: "This CIA was requested by OHA in 2005, 5 years ago. OHA is in the process of reviewing the draft EA this week as it was not received by the reviewer until last week."

Response: The Draft EA, which included the CIA, was sent in advance to agencies for review and comment so that it would be received by the agencies at the same time the notice of the availability of the Draft EA was published in the Environmental Notice, on April 23, 2010. The review and comment period for the Draft EA is 30 days and ended on May 22, 2010. We will make every effort to respond to and include comments sent after this deadline in the Final EA, as practicable. Nevertheless, all comments received by agencies and the public will be addressed prior to the Project District Phase II review by the Maui Planning Commission.

9. *Response to Summarizing Comment*

Comment: "I request that you will require the completion of the deficiencies in the CIA as outlined above, accept me as a cultural practioner in this property and this area, not allow subterranean structures, require closing shopping center to respect that it is in a burial area, require a signed and accepted burial treatment agreement for all inadvertent burials be completed before acceptance of the final EA."

Response: The EA has been updated to address your comments above and we thank you again for bringing the clarification on the Battle of Kakanilua to our attention. As noted in response to Item No 4. above, a landscaped area adjacent to the burial sites in the western portion of the site will be available to continue cultural practices in relation to burials. Archaeological monitoring has been recommended and will be carried out to protect potential impacts to historic and archaeological resources in all areas that will involve ground alteration and subsurface structures and facilities. All discovered burials on the project site will be cared for and treated in accordance with HRS, 6E and applicable laws.

B. *RESPONSE TO E-MAIL OF JUNE 21, 2010*

1. *Response to Comment Regarding Locating Family*

Comment: "Proof of how you tried to locate family of all of the disturbed burials."

Response: According to Lisa Rotunno-Hazuka of Archaeological Services Hawaii, LLC a burial notice is required for all finds identified in inventory. A burial notice was submitted to the newspapers for the previously identified burials (burial sites 5229, 5236 Feature 1, and 4401) in 2002. Pursuant to Hawaii Administrative Rules §13-300-40, *Inadvertent discovery of human remains,* once the report of an inadvertent discovery has been made to the State Historic Preservation Division, the department shall *"gather sufficient information, including oral tradition, by seeking individuals who may have knowledge about the families possibly connected lineally or culturally with the inadvertently discovered human skeletal remains, to help document the nature of the burial context and determine appropriate treatment."*

2. ***Response to Comment Regarding Grave Goods***

Comment: "Location and disposition of grave goods."

Response: No grave goods were found with any inadvertent discoveries. However, Lisa Rotunno-Hazuka explained that if grave goods are found, they are kept with their respective burial feature.

3. ***Response to Comment Regarding Inventory and Location of Iwi***

Comment: "Inventory and location of any iwi moved and when they will be reinterred."

Response: A description of all burials found to date, as well as the Archaeological Inventory Survey prepared by Xamanek Researches LLC, the Archaeological Summary prepared by Archaeological Services Hawaii and the Burial Preservation Plan prepared by Archaeological Services Hawaii have been included in the EA. The Archaeological Summary within the EA also provides a map outlining burials on the property. We also note that human skeletal remains that have been collected are curated at Archaeological Services Hawaii's laboratory. Please also see our response to Comment No. 5

of your e-mail of May 24, 2010.

4. ***Response to Comment Regarding Burial Treatment***

> **Comment:** "Burial Treatment Agreement for disturbed inadvertent and previously disturbed burials not covered by the previous two BTPs."

Response: Please see our response to Comment No. 6 of your e-mail of May 24, 2010.

5. ***Response to Comment Regarding 24-Hour Operation***

> **Comment:** "No 24/7 hours of operation provide other mitigation of hours of operation."
>
> **Comment:** "Please consider that the burial ground of Hawaiian people is here and the landowner is responsible for taking care of these burials. It is highly disrespectful to build a shopping center in this burial area. At least give the iwi their time in the evening to early morning before the sun rises."

Response: As presently proposed, Safeway intends to open as a 24 hour market. After consulting with Safeway representatives, the applicant is able to provide some data relating to Safeway's hours of operation and customer shopping times. Between the hours of 10:00 p.m. and 6:00 a.m. at the Safeway store in Kahului, approximately 150 customers are averaged to shop. Similarly, at the Safeway store in Lahaina, approximately 200 customers are averaged to shop between the hours of 10:00 pm and 6:00 a.m. It should be noted, too, that the busiest shopping time during this period is between the hours of 10:00 pm and 12:00 a.m., with very little transactions occurring between 12:00 a.m. and 6:00 a.m.

We do recognize your concern, however, regarding the consideration of the burials on the property. As noted previously in this letter, the applicant has agreed to dim or turn off parking lot lighting adjoining the burial preservation area between 12:00 a.m. midnight to 5:00 a.m. Parking stalls immediately surrounding the burial preservation area will be

marked with appropriate stripping and signage so that no vehicles will use the stalls during the same time period.

6. ***Response to Comment Regarding New Interviews.***

Please see our response to comment nos. 1 and 2 of your e-mail of May 24, 2010.

7. ***Response to Comment Regarding Traditional and Cultural Practices***

Please see our response to comment no. 4 of your e-mail of May 24, 2010.

8. ***Response to Comment Regarding the Battle of Kakanilua***

Please see our response to comment no. 3 of your e-mail of May 24, 2010.

Again, we thank you for your comments and your continued participation in the planning for the project.

Very truly yours,

Erin Mukai, Planner

EM:lh
Enclosure
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning (w/enclosure)
Lloyd Sueda, Sueda & Associates, Inc. (w/enclosure)
Jeff Benner, Benner Stange Associates Architects, Inc. (w/enclosure)
Lisa Rotunno-Hazuka, Archaeological Services Hawaii (w/enclosure)
Kimokeo Kapahulehua, Hana Pono, LLC (w/enclosure)
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LINDA LINGLE
GOVERNOR OF HAWAII

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

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

January 2, 2009

MEMORANDUM

LOG NO: 2008.2727
DOC NO: 0812.HR07

TO: Ms. Lisa Rotunno-Hazuka, Archaeological Services Hawaii LLC
1930-A Vineyard Street, Wailuku, Hawai'i 96793

FROM: Phyllis Coochie Cayan, History and Culture Branch Chief

SUBJECT: **Determination for Inadvertent Discoveries of Human Skeletal Remains at HRT Commercial Center Site, SIHP Sites 50-50-04-5236 (Feature 2), 50-50-04-6569, 50-50-04-6570 (Features 1-12), and 50-50-04-6571 (Features 1-4) Wailuku Ahupua'a, Wailuku District, Maui Island, TMK: 3-8-007: 121 por.**

Discovery
During monitoring activities from 2004-2005, the above human skeletal remains were discovered and documented. To date, no determination has been made by State Historic Preservation Division (SHPD). The basis of this determination is a December 2008 report provided to Maui Cultural Historian, Mr. Hinano Rodrigues.

Ethnicity and Sex
All remains are presumed to be native Hawaiian since the finds are located in an area where other native Hawaiian remains were previously discovered. In addition, no evidence indicating a historical burial (coffin remnants, personal effects, and clothing fasteners) were found. The sexes of the individuals are comprised of both male and female and their ages range from infant to adult. (The burial treatment plans will describe the osteology in greater detail).

Jurisdiction
State Historic Preservation Division (SHPD) assumes jurisdiction as all burials are human and over 50 years old.

Determination
SHPD makes the determination that the human skeletal remains of sites 50-50-04-6569 and 50-50-04-6570 Features 1-12 shall be preserved in place. Furthermore, SHPD makes the determination that the human skeletal remains of Site 50-50-04-5236 Feature 2 shall be interred with the human skeletal remains of Site 50-50-04-5236 Feature 1 (already has a previously-accepted burial treatment plan) and the human skeletal remains of Site 50-50-04-6571 shall be relocated to Site 50-50-04-6570 (previously mentioned as preserve in place).

We look forward to receiving both a Burial Component of an Archaeological Data Recovery Plan and a Burial Component of Preservation Plan for the respective sites. Should you have any questions, please contact our Maui Cultural Historian, Mr. Hinano Rodrigues, at (808) 243-4640.

cc: Hinano Rodrigues, Maui Cultural Historian
Pua Alu, SHPD Administrator

EXHIBIT "A"

MAY 24 2010

CLIFORD BEPPU

P. O. Box 817 ● 1728-E Kaahumanu Avenue
Wailuku, Maui, HI 96793
Telephone: (808) 244-8766
Fax: (808) 244-6696

May 13, 2010

HRT Realty, LLC
3660 Waialae Avenue, Suite 400
Honolulu, Hawaii 96816

RE: Proposed Shopping Center opposite Baldwin High School, Wailuku, Maui, Hawaii.

I live and work in Wailuku. I support your revised proposed project across from Baldwin High School/U.S. Army Reserve Center.

Your proposed shopping center off of Kaahumanu Avenue in Wailuku town would be a great addition to the Wailuku Community.

With the growth of the residential areas in and around Wailuku and the closure of Ooka's everyone in Wailuku has been forced to drive to the Kahului area for groceries and other basic essentials.

Sincerely,

Clifford Beppu

CC: County of Maui-Department of Planning
Munekiyo & Hiraga, Inc.

e mail address: BeppuRealEstate@aol.com

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Clifford Beppu
P.O. Box 817
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Beppu:

Thank you for your letter dated May 13, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to thank you for your support of the proposed project and your notation that the project will be a great addition to the Wailuku community as presently residents of Wailuku must drive to Kahului for groceries.

Again, thank you for your comments. Should you have any questions regarding this letter or project, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
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COMMENT FORM

Proposed Maui Lani Shopping Center
April 27, 2010 Community Meeting

Resident Name: Rich & Missy Dunham
Phone No. 244 3544
Address: 320 Nakoa Dr.
Alternate No.

Please write any comments you wish to share on the proposed project below.

Thank you! Thank you for listening & taking into account our concerns & ideas & incorporating them into the revisions.. I didn't think you could really get to the place where you are at now - I think the latest design really answers our needs and makes me excited to have this development be a part of our neighborhood.

Please submit your comments by the end of the meeting or, if you wish, you may mail your comments no later than **May 23, 2010** to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhplanning.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Rich and Missy Dunham
320 Nakoa Drive
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. and Mrs. Dunham:

We would like to thank you for your continued participation in the planning process for the proposed project as well as your attendance at all four of our community meetings including the last meeting held on April 27, 2010. We received your completed comment form that was distributed at the April 27, 2010 meeting and on behalf of the applicant, HRT Ltd., would like to thank you for your positive input and recognition of changes made to the project plans that address neighboring residents' concerns and ideas.

Again, thank you for your comments and your continued involvement with the project. Should you have any questions regarding this letter or the project in general, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.

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MAY 2 1 2010

May 20, 2010

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

Attention: Ann Cua

Subject: Draft Environmental Assessment for the Maui Lani Shopping Center

Reference: Munekiyo & Hiraga Letters dated April 7, 2010
Our Letters of September 24, 2007 and October 16, 2007, respectively

Dear Ms. Cua:

We are responding to the above referenced letters, item by item.

Item 1 - Noise

The buffer zone is a good idea. Limiting the hours of garbage pick-up and deliveries to the stores is also good. However, how do you propose enforcing these time limits? Who can the community complain to if the time limits are not met? Are the hours of these operations going to be included in each lease? Will fines be applicable to the tenants if the time limits are not followed?

Item 2 - Air

The mitigating factors look sufficient, if they are not, how can we redress this issue?

Item 3 - Lights

The mitigating factors look sufficient, if they are not, how can we redress this issue?

Item 4 - Detritus

The policy appears adequate, if not how can we redress this issue? Unfortunately, people throw litter from their cars onto our streets now, so I'm sure this will increase with a shopping center nearby.

Item 5- Safety

The students crossing the highway is still of major concern to me. Just recently a student crossed against the traffic light and was hidden from my view by a SUV waiting to turn left. Luckily I wasn't traveling at the speed limit and avoided the student. My concern is these incidents will increase due to the fact the students will be crossing more often, at all times of the school day. The school should be closed campus during the day, or some type of special crosswalk should be devised, before tragedy strikes.

We are still opposed to a 24 hour operation in a residential district. This is unfair to our quiet community. The noise produced by the shopping center will be more pronounced and noticeable at night, as sound carries further when the white noise is diminished. If the store closes at 10 p.m., the rows of houses that border the shopping center on two sides will have a more normal, less urban existence, as these homeowners are accustomed to.

We are grateful for the deletion of the 12 pump gas station, however under the circumstances it was the prudent thing to do.

Item 6 - Traffic

Thank you for making the shopping center smaller and not using Kainani as an access to the shopping center. We still believe the shopping center will increase cut through traffic in our neighborhood, to this end it would be appreciated if the developers put in sidewalks wherever possible on our streets.

Comment Form Dated 10/16, 2007

Item 1 - Green Safeway?

What are the possible green design elements to be considered in the detailed architectural design phase of the work?

Item 2 - Safeway configuration?

We understand that the configuration of the site layout is required by Safeway for visibility of the store. Mitigating factors looks sufficient.

One question we realize now, that we hadn't written down before, is regarding the sale of alcohol so close to a high school. Is there a distance requirement for the placement of stores selling alcohol? Is this distance requirement being met?

Recently, the shopping center was on the agenda at the planning commission. How can we find out the results of the meeting? We have checked the county website and the agenda is available, but not the meeting minutes. We would have attended the meeting had we known about it. We have since signed up for email notification of meetings.

Thank you for your consideration.

Sincerely,

Mr. and Mrs. Anthony Edington
235 Halenani Drive
Wailuku, HI 96793

Cc: Erin Mukai, Planner
Munekiyo & Hiraga, Inc.

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Mr. and Mrs. Anthony Edington
235 Halenani Drive
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. and Mrs. Edington:

We thank you for your continued participation in the planning process for the proposed subject project. We have received your letter dated May 20, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to provide the following information in response to your comments. We offer our comments in the same order presented in your letter.

Response to Comment No. 1: Noise

Thank you for your input, acknowledging the positive nature of proposed buffer at the western extent of the project site.

We also appreciate your input regarding the self-imposed hours of operations for deliveries and garbage pick-ups. The enforcement of the proposed time limits will be by the management firm that will oversee the operations at the shopping center. As such, the applicant notes there will be a management office within the shopping center whereby residents, if they so choose, can direct their concerns. This will serve as a single point of contact for residents in working with shopping center management and owners if the proposed hours of operations are not met. The hours of operations for store deliveries and garbage pick-ups will be included in the leases drawn for each tenant. On a related matter, fines will not be imposed by the owner or management firm for those tenants that violate hours of operations. However, in order to maintain a good relationship with the owners of the shopping center and maintain its leased space, it is in the best interest of the tenant to follow rules and guidelines outlined in the agreed to lease. It is unlikely that a tenant will continually violate terms and conditions outlined in a lease.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Response to Comment No. 2: Air

As previously noted, should concerns arise following project construction, neighboring residents are encouraged to seek consultation and issue resolution with the management office.

Response to Comment No. 3: Lights

Please see response above.

Response to Comment No. 4: Detritus

Although litter from the public cannot entirely be prevented by the owners of the shopping center, keeping the shopping center site as well as its neighboring streets clear and clean of garbage is a top priority. Enforcing strict maintenance of the shopping center site will be ensured by the management office and maintenance staff.

Response to Comment No. 5: Safety

We appreciate receiving your comments regarding your concern of Baldwin High School students' safety when crossing Kaahumanu Avenue. The applicant is equally concerned of the students' safety and has been working with representatives from Baldwin High School and the State of Hawaii, Department of Transportation to identify appropriate mitigation measures that will take into account pedestrian safety.

As presently proposed, Safeway intends to open as a 24-hour market. After consulting with Safeway representatives, the applicant is able to provide some data relating to Safeway's hours of operation and customer shopping times. Between the hours of 10:00 pm and 6:00 am at the Safeway store in Kahului, approximately 150 customers are averaged to shop. Similarly, at the Safeway store in Lahaina, approximately 200 customers are averaged to shop between the hours of 10:00 pm and 6:00 am. It should also be noted, that the busiest shopping time during this period is between the hours of 10:00 pm and 12:00 am, with very little transactions occurring between 12:00 am and 6:00 am.

We note your positive feedback relating to the deletion of the 12 pump fueling center.

Response to Comment No. 6: Traffic

We understand your concern that the implementation of the proposed project will, despite the elimination of the Kainani Street access point, increase traffic through the Historic Sandhills neighborhood. The applicant believes that the elimination of the Kainani Street

access will serve as a strong disincentive for cut-through traffic through the Historic Sandhills neighborhood. While the proposed project will not construct additional sidewalks through the neighborhood streets, the applicant does propose the construction of sidewalks along Kainani Street and Kaahumanu Avenue, fronting the project site to facilitate pedestrian movement from the Sandhills neighborhood to the center.

Response to Comment No. 7: Green Safeway

As previously noted in our April 7, 2010 letter to you, the specific "green" design elements for the proposed Safeway store at the Maui Lani Shopping Center will be formulated as part of the detailed architectural design phase of work. However, in consulting with the project's architect, the following includes a list of sustainable design features being considered for the project:

1. Energy-efficient lighting and mechanical systems including air conditioning and ventilation.

2. Insulating and appropriately sealing buildings to reduce cooling losses.

3. Use of renewable and recycled materials.

4. Use of locally available building materials.

Response to Comment No. 8: Safeway Configuration

We acknowledge your comments regarding the site layout and visibility of Safeway.

Pursuant to Title 16, Section 281-39.5 of Hawaii Revised Statutes, relating to *"Intoxicating Liquor"*, the Liquor Commission *"may deny or restrict the issuance of a liquor license for on-site sale and consumption by the drink to any applicant whose establishment is or would be located within five hundred feet of a public or private elementary, intermediate, or high school..."* The proposed Safeway is located outside of the 500 ft boundary from Baldwin High School.

Response to Comment Regarding the May 11, 2010 Maui Planning Commission

We understand that Ann Cua contacted you regarding your comments. The Maui Planning Commission, at their May 11th meeting, reviewed and provided comments on the Draft Environmental Assessment prepared for the project. When available, the meeting minutes are posted on the County of Maui website.

Again, thank you for your comments. Should you have any questions regarding this letter, please feel free to contact me at 244-2015.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.

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MAY 12 2010

COMMENT FORM

Proposed Maui Lani Shopping Center
April 27, 2010 Community Meeting

Resident Name GARY AND JANE MARSHALL Phone No. 463-9117
Address P.O. BOX 2547 Alternate No. 463-9118
WAILUKU, HI 96793
(OWN PROPERTY @ 208 HALENANI DRIVE)

Please write any comments you wish to share on the proposed project below.

1. LIMITATIONS ON TRASH PICKUP HOURS SHOULD BE SPECIFIED. PREFERABLY NO PICKUP BEFORE 7:00 AM OR AFTER 7:00 PM.

2. INSURE THAT PARKING LOT LIGHTING, LANDSCAPE LIGHTING, AND EXTERIOR BUILDING LIGHTING IS WELL SHIELDED SO AS TO MINIMIZE IMPACT ON ADJACENT PROPERTIES.

3. THE RENDERED ELEVATIONS INDICATE THAT THE ROOFING COULD BE CONCRETE TILE OR METAL. CONCRETE TILE IS PREFERABLE BECAUSE IT HAS A MATTE (NON-GLARE) SURFACE AND ITS COLOR IS NORMALLY LESS SUSCEPTIBLE TO FADING (COMPARED TO METAL).

Please submit your comments by the end of the meeting or, if you wish, you may mail your comments no later than **May 23, 2010** to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhplanning.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Gary and Jane Marshall
P.O. Box 2547
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. and Mrs. Marshall:

We would like to thank you for your continued participation in the planning process for the proposed project as well as your attendance at our community meeting held on April 27, 2010. We received your completed comment form that was distributed at the April 27, 2010 meeting and wish to provide the following information in response to your comments.

Response to Comment No.1: Limitation of Trash Pickup Hours

After receiving your suggestion to also place an evening limit on trash pick ups, the applicant has agreed to define the hours of operation for trash pick ups as between the hours of 7:00 am and 5:00 pm. As such, trash pick ups will not occur before 7:00 am or after 5:00 pm.

Response to Comment No. 2: Lighting

All exterior lighting (parking lot lighting, landscape lighting, and exterior building lighting) proposed for the project will be fully shielded and faced directionally downwards so as to prevent light from traveling across property boundaries.

Response to Comment No. 3: Roofing Material

Thank you for your suggestion to utilize concrete tile rather than metal roofing for the proposed project. The project's architect has confirmed that presently the proposed roofing for the project will be metal. He noted however that the proposed roofing, although made of metal, can be designed to look similar to concrete tile. Your suggestion, though, has been forwarded to the applicant and the architect for their consideration.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Again, thank you for your comments and your continued involvement with the project. Should you have any questions regarding this letter or the project, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
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COMMENT FORM

Proposed Maui Lani Shopping Center
April 27, 2010 Community Meeting

Resident Name Kevin Nishihara Phone No. 873-0076
Address 782 Makoli St Alternate No. _____
Kahului HI 96732

My parents are Edward & Marie Nishihara who live at 28 Nakoa Drive

Please write any comments you wish to share on the proposed project below.

Thank you for changing the plans to not have an entrance or exit onto Kaonani St. That is greatly appreciated

My parents look forward to having the shopping center built

Having a walkway access from Kaonani to the shopping center for residents on Sandhills to walk to the shopping center

Please put the stoplights on on Maui Lani Parkway when the shopping center is built

Limit delivery & trash pick up to day hours so it doesn't affect the noise for the Sandhills residents

Please submit your comments by the end of the meeting or, if you wish, you may mail your comments no later than **May 23, 2010** to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhplanning.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Kevin Nishihara
782 Makalii Street
Kahului, Hawaii 96732

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Nishihara:

We would like to thank you for your participation in the planning process for the proposed project as well as your attendance at our community meeting held on April 27, 2010. We received your completed comment form that was distributed at the April 27, 2010 meeting and on behalf of the applicant, HRT Ltd., wish to provide the following information in response to your comments.

Response to Comment Regarding Kainani Street

Thank you for your positive input regarding the proposed changes to the project plans that do not involve the use of Kainani Street.

Response to Comment Regarding a Walkway access

Following our community meeting of April 27, 2010, the applicant and project team investigated the viability of constructing a pedestrian access from Kainani Street directly into the shopping center. The unique grade difference between Kainani Street and the proposed shopping center's parking lot limits design options for a direct access. According to the project's engineer, there is a 28-foot elevation difference between Kainani Street and the proposed parking lot. The applicant would agree to provide direct pedestrian access from Kainani Street by means of a stairway (approximately 58 steps) provided that the Department of Health, Disability and Communications Access Board (DCAB) approves an ADA-compliant access from the proposed sidewalk improvements at the entrance off of Kaahumanu Avenue. DCAB would also need to not require an ADA-compliant wheelchair ramp at Kainani Street.

environment planning government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Response to Comment Regarding Proposed Traffic Signal at the Intersection of the Proposed Main Access Point and Maui Lani Parkway

After meeting with the community on April 27, 2010, the applicant is agreeable to installing a traffic signal at the intersection of the project's main driveway with Maui Lani Parkway at the time of project construction. As Maui Lani Parkway is intended to be dedicated to the County of Maui in the future, the applicant will seek the County of Maui, Department of Public Works' approval prior to installation of the traffic signal.

Response to Comment Regarding Hours of Operation for Deliveries and Trash Pick-Ups

Thank you for your suggestion to limit delivery and trash pick up times so as to not affect neighboring Sandhills residents. Presently, noise control measures relating to self-imposed operational restrictions are proposed. Such restrictions, for example, include limiting loading and unloading, at the shopping center to the hours of 7:00 am to 10:00 pm. As such, deliveries for all shopping center tenants will be limited to the aforementioned hours. Similarly, to address concerns of trash pick-ups, the applicant proposes to limit the hours of trash collection from 7:00 am to 5:00 pm. In general, garbage pick ups for a center of this type occur twice a week.

Again, thank you for your comments and your continued involvement with the project. Should you have any questions regarding this letter or the project, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.

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COMMENT FORM

Proposed Maui Lani Shopping Center
April 27, 2010 Community Meeting

Resident Name: MEYER M. LEGOSA
Phone No.: 2440320, 244 7914
Address: 28 T MANIOA DR
WAILUKU. 96793
Alternate No.: _____

Please write any comments you wish to share on the proposed project below.

FOR THE CONVENIENCE OF THE RESIDENCE OF SANDHILL IT IS SUGGESTED THAT A WALK WAY BE CONSTRUCTED TO GO TO THE SHOPPING CENTER FROM KAINANI STREET. IT WILL BENEFIT THE RESIDENTS OF SANDHILL AS WELL AS THE SHOPPING CENTER.

Please submit your comments by the end of the meeting or, if you wish, you may mail your comments no later than **May 23, 2010** to:

Erin Mukai, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions, please feel free to contact Erin by phone at (808) 244-2015, or by email at erin@mhplanning.com.

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MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Meyer M. Ueoka
287 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Mr. Ueoka:

We would like to thank you for your continued participation in the planning process for the proposed project as well as your attendance at our community meetings held for the project including our last meeting of April 27, 2010. We received your completed comment form that was distributed at the April 27, 2010 meeting and on behalf of the applicant, HRT Ltd., wish to provide the following information in response to your comments.

Response to Comment Regarding a Walkway Access

Thank you for sharing your suggestion regarding a direct walkway access from Kainani Street. Following our community meeting of April 27, 2010, the applicant and project team investigated the viability of constructing a pedestrian access from Kainani Street directly into the shopping center. The unique grade difference between Kainani Street and the proposed shopping center's parking lot limits design options for a direct access. According to the project's engineer, there is a 28-foot elevation difference between Kainani Street and the proposed parking lot. The applicant would agree to provide direct pedestrian access from Kainani Street by means of a stairway (approximately 58 steps) provided that the Department of Health, Disability and Communications Access Board (DCAB) approves an ADA-compliant access from the proposed sidewalk improvements at the entrance off of Kaahumanu Avenue. DCAB would also need to not require an ADA-compliant wheelchair ramp at Kainani Street.

planning environment government

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Again, thank you for your comments and your continued involvement with the project. Should you have any questions regarding this letter or the project, please feel free to contact me.

Very truly yours,

Erin Mukai, Planner

EM:lh

cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phillip Matsunaga, PB Americas, Inc.

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Teresa S. Wright
150 Naniloa Drive
Wailuku, HI 96793

808-244-8973
teresawr@aol.com

June 8, 2010

To: County of Maui
Department of Planning
Attention: Ann Cua
250 South High Street
Wailuku, HI 96793

cc: Munekiyo & Hiraga, Inc.
Attention: Erin Mukai
305 South High Street, Suite 104
Wailuku, HI 96793

Subject: Chapter 343, Hawai'i Revised Statutes, Environmental Assessment (EA), Early Consultation Comments for Proposed Maui Lani Shopping Center (the Project)

Ms. Cua,

I appreciate the opportunity to submit my late response on the Draft EA upon my return from the mainland and medical leave.

First off, I want to thank Munekiyo & Hiraga for addressing my long list of pre-assessment comments dated September 26, 2007, for their ongoing involvement with the Historical Sandhills community in meeting with us and addressing our concerns, and their encouragement for our continued participation in the process! It has been a real pleasure working with Mr. Munekiyo and Ms. Mukai, very professional, pleasant and approachable resources on Maui who know the unique Sandhills neighborhood and the history/people that are a part of the community. I also appreciate having a formal EA process in which to submit comments and receive responses. I feel the EA process has brought a higher level of transparency, validation, and resolve to my comments and concerns.

My initial involvement with the Project preceded the EA process going back to early 2005. It was then when I first heard rumors about the site and decided to find out the facts by contacting the Planning Dept and the owner/developer (HRT) through Lloyd Sueda of Sueda & Associates, Inc. I also initiated/coordinated the first few community meetings in 2005 and 2006 with the developer, addressed on-going issues and concerns, and became the initial de facto liaison between the community and the developer.

Unlike many residents who have lived in the Historic Sandhills community or on Maui for many generations, I had only been on the Island and lived in the community since 2000. Therefore, I was not familiar with planning/zoning protocols on Maui nor did I participate in the Maui Lani Project District Phase I Approval Process that started over 20 years ago. In order to understand Maui's planning process, I spent countless hours educating myself, as well as neighbors, on the General Plan, Community Plans, Project Districts and specifically the Maui Lani Project District and related ordinances. I will say the process is very complex, so even long-time residents may find it difficult to understand even if they have been exposed to it!

My pre-assessment comments, first presented to the Planning Commission (dated July 10, 2007, Docket No. PH2 2005/0007), were a culmination of my involvement since early 2005 and were primarily generated **before the mandate of an EA being completed for the Project**. All but Item 8a of my comments and related responses by Munekiyo & Hiraga fall into the following categories: (NOTE: Specific info/issues that were the basis for my comments were not included in Munekiyo & Hiraga's response letter dated April 7, 2010 but were included in full elsewhere in the EA.)

1. Comments already required to be addressed as part of the overall Draft EA process (Items 1, 2, 3, 4, 6c, 6d, 8b, 9a/9b/9c second parts of comment, 9d, and 10b). I feel confident the direct responses provided by Munekiyo & Hiraga to my comments and/or disclosures required to be included in the EA that are subject to the EA review process have/will ultimately address my concerns.
2. Comments no longer relevant/applicable/critical or have been addressed given changes to the Project (Item 5).
3. More pervasive process control issues related to the application/County Planning Dept review process that I identified throughout my involvement with the Project given my Big-4 CPA/audit training (Items 6a, 6b, 7 if no EA process is required, 9a/9b/9c first parts of comment, 9d if no EA is required, 10a, and 11). While specific responses related to this Project are appreciated, these comments would be better addressed by the Planning Dept, which is outside of this EA process. I believe these items should be considered/incorporated into

County/Planning Department policy and standards to better protect the community and/or the County at large, especially where no EA is required as initially in the case of this Project.

In addition, it was often my perception that the Planning Dept rubber-stamped things through and accepted what the developer presented in order to move the process forward. For instance, a significant amount of time was spent by the community and development team in addressing the use of Kainani Street by the site. It was only after several years into the Project District Phase II Approval process and ongoing outcry from the community that one informed member of the neighborhood found a technicality where Kainani Street was not legally connected to Maui Lani Project District by Phase 1 Approval and its related ordinances. Since Project District Processing Regulations for Phase 1 Approval (see Chapter 19.45 of the Maui County Code) requires: 1) a scaled map of the Project District development and surrounding lands, 2) a conceptual map showing the Project District boundaries and 3) infrastructural requirements (which would seem to include the use of existing roadways), it would appear the Planning Dept should have discovered this technicality earlier in their review process.

The remaining issue, 8a - 24-Hour Operation and Noise Concerns, is addressed further below.

Generally, I am in support of the Project. I have to start with the fact that this site is zoned commercial, with ordinances that allow for far worse options both in type of buildings and building heights. If I were originally a participant in Phase 1 Approvals, I would have lobbied hard to have this commercial site, designated 93% of the commercial property in the Maui Lani Project District, moved to an area that is more central within the entire Project District versus on the north end of the Project District closest to and imposing on the Historic Sandhills community.

I believe the shopping center is beautifully designed and will add value/shopping convenience to our community and town as a whole. I appreciate Mr. Sueda's willingness to have ongoing meetings and dialogue with the community, and his desire to want to be sensitive to our concerns although I understand he is obligated to look out for the best interest of the owner. I believe the EA process has forced more disclosures and more options to be formally addressed, not only by the developer but also by the DOT, which has resulted in their flexibility of allowing an additional ingress option at Kaahumanu Avenue. I am very pleased that the Project has been downsized and that Kainani has been eliminated as an access point to the Project resulting in less concern for cut-through traffic through our quaint neighborhood. I also appreciate the developer adding several other "operational protocols" to address noise, lighting, loitering, crime and other related issues.

I do have the following remaining/additional comments that I would like to see addressed:

1. While I appreciate the operational protocols that are being implemented to address noise considerations, I am still opposed to having 24-hour Safeway with added noise carrying up the hillside to our community after 10:00 pm until early morning. There are **very** few 24-hour stores open on Maui . . .why does one of the few need to be next to one of the oldest and most established neighborhoods on the Island, where since the early 1900's the community has not had this imposition?
2. Consider an alternative to the "bulb" at Kainani right turn onto Kaahumanu, which makes it difficult for our community to make a right turn except on green. In addition, clarification if the right turn at Kainani will be allowed on red and if the left turn off of Kaahumanu to Kainani will not allow for a U-turn to eliminate back up at the light getting into our neighborhood.
3. If possible, add pedestrian/bicycle access to the Shopping Center from the Historic Sandhills community prior to entering onto Kaahumanu Avenue. I appreciate that the developer is installing sidewalks from Kainani around the shopping center and the two-lane improvements from Kainani to Kaahumanu Avenue, despite the fact the Project will not be using Kainani.
4. I appreciate the reduced size of the shopping center and the addition of the buffer zone between our community and the Project. I would like the developer to address specifically loitering and preventive measures to keep the homeless out of this buffer zone.

Again, I appreciate the opportunity to continue to be part of the EA/Project review process and look forward to receiving a copy of the next Draft of the EA. If you should have any questions or additional comments/responses, please do not hesitate to contact me.

Warmest regards,

Teresa S. Wright

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

July 22, 2010

Ms. Teresa S. Wright
150 Naniloa Drive
Wailuku, Hawaii 96793

SUBJECT: Proposed Maui Lani Shopping Center, Wailuku, Maui, Hawaii (TMK (2)3-8-007:121) (EA 2010/0001)

Dear Ms. Wright:

We thank you for your continued and ongoing participation in the planning process for the proposed subject project. We received your letter dated June 8, 2010 providing comments on the Draft Environmental Assessment prepared for the subject project. On behalf of the applicant, HRT Ltd., we would like to note our appreciation for your general support of the project.

After reading your June 8th letter it appears you have several comments you wish to be addressed. In response to these comments, specifically, we wish to provide the following information. We offer our comments in the same order presented in your letter.

Response to Comment No. 1: Noise and the Proposed 24-Hour Operation of Safeway

We appreciate receiving your positive input regarding the proposed operational protocols that will be implemented to address noise concerns. We do still recognize however, that you are opposed to the 24-hour operation of Safeway.

As presently proposed, Safeway intends to open as a 24 hour market. After consulting with Safeway representatives, the applicant is able to provide some data relating to Safeway's hours of operation and customer shopping times. Between the hours of 10:00 p.m. and 6:00 a.m. at the Safeway store in Kahului, approximately 150 customers are averaged to shop. Similarly, at the Safeway store in Lahaina, approximately 200 customers are averaged to shop between the hours of 10:00 p.m. and 6:00 a.m. It should be noted, too, that the busiest shopping time during this period is between the hours of 10:00 p.m. and 12:00 a.m., with very little transactions occurring between 12:00 a.m. and 6:00 a.m.

Of related interest, following the May 11, 2010 Maui Planning Commission meeting the project's acoustical engineer provided a supplemental noise evaluation providing additional information relating to potential noise impacts from the adjacent parking lot proposed at the shopping center. The noise evaluation concluded that:

(1) The predicted maximum noise levels from automobiles in the shopping center's parking lot should not be significantly different from existing background traffic noise levels presently experienced by Sandhills residents;

(2) The 6 foot high sound attenuating wall planned to be constructed along the west boundary line fronting the Sandhill residences is an effective noise mitigation measure for noise from the shopping center parking lot. It will provide more sound attenuation for vehicles located close to the west boundary than for vehicles farther away from the west boundary;

(3) Because of the sound attenuating wall, the noise levels from vehicles in the proposed shopping center parking lot should be similar to those presently experienced from existing roadways. For this reason, the planned sound attenuating wall should be an adequate noise mitigation measure;

(4) During nighttime and early morning periods when shopping center traffic is lowest, Safeway customers will probably elect to use parking stalls which are closer to Safeway's proposed entrance and exit than the parking stalls located closer to the westerly property line. Noise sources located near the middle parking spaces will be difficult to detect at the Sandhill residences due to other background traffic noise from existing roadways (even at night).

In recognition of your concern, the applicant will work with all tenants of the shopping center so as to ensure operations do not adversely impact the adjacent community. As such, the applicant notes the establishment of a management office within the shopping center whereby residents, if they so choose, can direct their concerns. This will serve as a single point of contact for residents in working with shopping center management and owners. Should concerns arise following project construction neighboring residents are encouraged to seek consultation with the management office.

Response to Comment No. 2: Alternatives to the Proposed "Bulb-Out"

According to the project's traffic engineer, in discussions with the State of Hawaii, Department of Transportation (DOT), a regular curb return at Kainani Street's intersection with Kaahumanu Avenue was proposed. The end result would have been an auxiliary lane, similar to what presently exists on eastbound Kaahumanu Avenue between Mahalani Street and Papa Avenue. The proposed bulb-out that is reflected in the present project

plans was a request from DOT.

DOT expressed concern over the potential safety issue of weaving in the right-most through lane on eastbound Kaahumanu Avenue. Without the bulb-out, northbound right turns from Kainani Street onto Kaahumanu Avenue would compete for the middle lane with vehicles either trying to enter the shopping center or turn right onto Maui Lani Parkway. Again according to the traffic engineer, the proposed bulb out does alter the northbound Kainani Street right turn movement, but a right turn movement without an acceleration lane is not unusual.

The traffic engineer did also propose another alternative that would preserve the eastbound Kaahumanu Avenue acceleration lane as it exists presently, but would prohibit northbound Kainani Street right turns on red. However, this alternative was not preferred as there was still a concern of potential conflicts between northbound Kainani Street right turn movements and eastbound Kaahumanu Avenue through movements.

According to the project's traffic engineer, a right turn at Kainani Street onto Kaahumanu Avenue on red will not be prohibited with the bulb-out option.

The traffic engineer also noted that there are presently no plans to change the current configuration for left turning movements from westbound vehicles on Kaahumanu Avenue at the intersection with Kainani Street.

Response to Comment No. 3: Pedestrian/Bicycle Access

Following our community meeting of April 27, 2010, the applicant and project team investigated the viability of constructing a pedestrian access from Kainani Street directly into the shopping center. The unique grade difference between Kainani Street and the proposed shopping center's parking lot limits design options for a direct access. According to the project's engineer, there is a 28-foot elevation difference between Kainani Street and the proposed parking lot. The applicant would agree to provide direct pedestrian access from Kainani Street by means of a stairway (approximately 58 steps) provided that the Department of Health, Disability and Communications Access Board (DCAB) approves an ADA-compliant access from the proposed sidewalk improvements at the entrance off of Kaahumanu Avenue. DCAB would also need to not require an ADA-compliant wheelchair ramp at Kainani Street.

Although direct bicycle access is not provided into the shopping center from Kainani Street, cyclists from the Sandhills neighborhood will have access to the shopping center from the access point off of Kaahumanu Avenue.

Response to Comment No. 4: Buffer Zone

We note your appreciation of the reduction in project size and the addition of the buffer zone proposed at the westerly extent of the project site, between the adjacent Historic Sandhills lots and the proposed parking lot for the shopping center. The applicant will prepare and implement a night-time security and operations plan which would include such measures as employing security patrol protocols designed to control loitering. The applicant has agreed that security will also cover the proposed buffer zone since it is part of the subject property.

Again, thank you for your comments. Should you have any questions regarding this letter or the project in general, please feel free to contact me at 244-2015.

Very truly yours,

Erin Mukai, Planner

EM:lh
cc: Ann Cua, Deputy Director, County of Maui, Department of Planning
Lloyd Sueda, Sueda & Associates, Inc.
Jeff Benner, Benner Stange Associates Architects, Inc.
Darren Unemori, Warren S. Unemori Engineering, Inc.
Phil Matsunaga, PB Americas, Inc.
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XI. REFERENCES

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