

CARLSMITH BALL LLP

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One Main Plaza, Suite 400  
2200 Main Street  
Wailuku, Maui, Hawaii 96793  
Tel No. (808) 242-4535  
Fax No. (808) 244-4974

Attorney for Petitioner  
KULA RIDGE, LLC

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A11-790  
KULA RIDGE, LLC )  
To Amend the Land Use District Boundary of )  
Certain Lands Situated at Kula, Island of )  
Maui, State of Hawaii, Consisting of 51.025 )  
Acres from the Agricultural District to the )  
Urban and Rural Districts, Tax Map Key Nos. )  
2-3-001:174 and 023 (por.) )  
\_\_\_\_\_ )

**KULA RIDGE, LLC'S SECOND AMENDMENT TO PETITION FOR  
DISTRICT BOUNDARY AMENDMENT FILED JANUARY 24, 2011**

**VERIFICATION**

**EXHIBIT "4B-1" AND EXHIBIT "16"**

**CERTIFICATE OF SERVICE**

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A11-790
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2-3-001:174 and 023 (por.).	)	
_____	)	

**KULA RIDGE, LLC'S SECOND AMENDMENT TO PETITION FOR  
DISTRICT BOUNDARY AMENDMENT FILED JANUARY 24, 2011**

COMES NOW, PETITIONER KULA RIDGE, LLC, a Hawaii limited liability company, by and through its attorneys, CARLSMITH BALL LLP, and hereby submits the following Second Amendment to the Petition for District Boundary Amendment which was filed with the State Land Use Commission ("Commission") on January 24, 2011 (hereinafter referred to as the "Petition").

Petitioner respectfully submits this Second Amendment to the Petition pursuant to section 15-15-43, Hawaii Administrative Rules ("HAR"), which states in relevant part:

. . . All pleadings may be amended at any time until forty-five days prior to the hearing date set pursuant to section 15-15-51. Amendments offered prior to the hearing date shall be served on all parties and filed with the commission. All parties shall have the opportunity to provide any further response to address the amended pleading up to thirty days prior to the hearing date set pursuant to section 15-15-51.

**A. INTRODUCTION**

On January 24, 2011, Kula Ridge, LLC (hereinafter referred to as the “Petitioner”) filed a Petition for District Boundary Amendment to reclassify approximately 34.92 acres from the Agricultural District to the Urban District and 16.25 acres from the Agricultural District to the Rural District in Commission Docket No. A11-790.

Subsequent to filing the Petition, the Executive Officer of the Commission requested Petitioner to clarify information about the parcel identified by Tax Map Key No. (2) 2-3-001:174 and the parcel identified by TMK No. (2) 2-3-001:023 (por.) in the Petition (“Petition Area”) and to supplement certain provisions pertaining to assessments of potential impacts that may occur due to the reclassification of the Petition Area, prompting the submission of the Kula Ridge, LLC’s First Amendment to Petition for District Boundary Amendment Filed January 24, 2011 (“First Amendment to Petition”).

The Petition Area consists of 51.025 acres and Petitioner’s request is to reclassify approximately 34.516 acres of the Petition Area from the Agricultural District to the Urban District and approximately 16.509 acres of the Petition Area from the Agricultural District to the Rural District, as updated and amended in the First Amendment to Petition.

Subsequent to the filing of the First Amendment to Petition, the Executive Officer requested further clarification of the information sent in the Petition and the First Amendment to Petition. Also, the Executive Officer requested revisions to the metes and bounds map of the Petition Area.

**B. AMENDED AND SUPPLEMENTED SECTION**

Petitioner is amending and/or supplementing Sections III, IX and X of the Petition as follows:

**III. DESCRIPTION OF THE PETITION AREA**

Petitioner has revised the metes and bounds map of the Petition Area attached to the First Amendment to Petition Exhibit “4B”, to show existing Waterline Easement “C-1” affecting a portion of TMK 2-3-001:023. The revised metes and bounds map is attached hereto as **Exhibit “4B-1”**.

**IX. IMPACTS OF THE PROPOSED DEVELOPMENT ON THE ENVIRONMENT; X. IMPACTS OF THE PROPOSED DEVELOPMENT ON THE AVAILABILITY OR ADEQUACY OF PUBLIC SERVICES AND FACILITIES.**

Michael T. Munekiyo of Munekiyo & Hiraga, Inc., the lead consultant for the Kula Ridge Affordable Housing Subdivision (the “Project”), has obtained additional reports to respond to the Executive Officer’s request for additional information pertaining to provisions in the Sections stated in the above heading. The supplemental information prepared by Mr. Munekiyo is attached hereto as **Exhibit “16”**, which contains additional reports by Mr. Stacy Otomo, the project civil engineer, and Cathy Leong, P.E., of Wilson Okamoto Corporation.

**C. REVISED AND NEW EXHIBITS**

Petitioner respectfully submits the following revised and new exhibits in connection with this Second Amendment to Petition:

- |                     |   |
|---------------------|---|
| <b>Exhibit 4B-1</b> | Revised Metes and Bounds Map of the Petition Area   |
| <b>Exhibit “16”</b> | Letter by Michael T. Munekiyo of Munekiyo & Hiraga, Inc. dated April 29, 2011, providing supplemental information to <b>IX. IMPACTS OF THE PROPOSED DEVELOPMENT ON THE ENVIRONMENT; SECTION X</b> , Impacts of the Proposed Development on the Availability or Adequacy of Public Services and Facilities |

All other exhibits stated in the Petition for District Boundary Amendment, which were not updated by the First Amendment to Petition; and the new exhibits in the First

Amendment to Petition that are not mentioned herein, are current and not affected by the supplemental information in this Second Amendment to Petition.

**D. CONCLUSION**

Based upon the foregoing, Petitioner respectfully submits the foregoing amendments pursuant to HAR § 15-15-43 for the Commission's review and appropriate action.

DATED: Wailuku, Hawaii, May 5, 2011.



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B. MARTIN LUNA

Attorney for Petitioner  
KULA RIDGE, LLC

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

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Acres from the Agricultural District to the	)	
Urban and Rural Districts, Tax Map Key Nos.	)	
2-3-001:174 and 023 (por.).	)	
_____	)	

**VERIFICATION OF B. MARTIN LUNA**

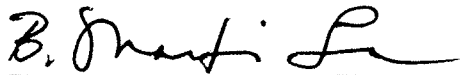
I, B. MARTIN LUNA, declare that:

1. I am the attorney for Petitioner Kula Ridge, LLC in the above-captioned matter.

2. I have read the foregoing Second Amendment to Petition for District Boundary Amendment Filed January 24, 2011, know the contents thereof; and that the contents therein contained are true to the best of my knowledge and belief.

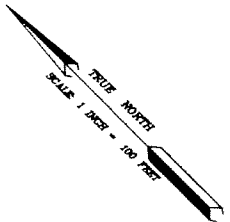
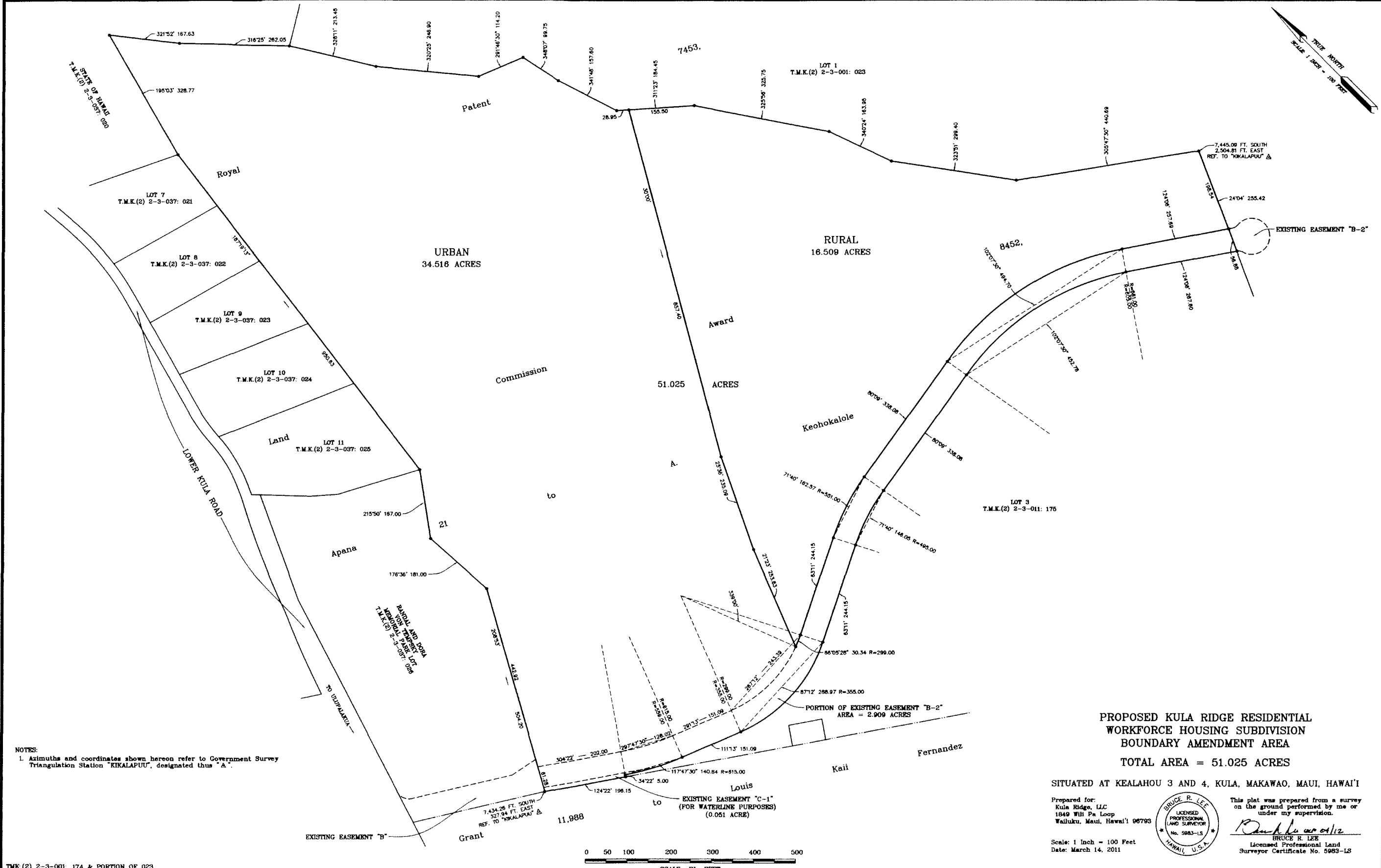
I declare under penalty of law that the foregoing is true and correct.

DATED: Wailuku, Hawaii, May 5, 2011

  
\_\_\_\_\_  
B. MARTIN LUNA

# **Exhibit "4B-1"**

Revised Metes and Bounds Map of the Petition Area

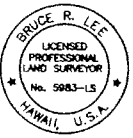


NOTES:  
 1. Azimuths and coordinates shown hereon refer to Government Survey Triangulation Station "KIKALAPUU", designated thus "A".

**PROPOSED KULA RIDGE RESIDENTIAL  
 WORKFORCE HOUSING SUBDIVISION  
 BOUNDARY AMENDMENT AREA**  
 TOTAL AREA = 51.025 ACRES

SITUATED AT KEALAHOU 3 AND 4, KULA, MAKAWAO, MAUI, HAWAII

Prepared for:  
 Kula Ridge, LLC  
 1849 Wili Pa Loop  
 Wailuku, Maui, Hawaii 96793



This plat was prepared from a survey on the ground performed by me or under my supervision.  
*Bruce R. Lee*  
 BRUCE R. LEE  
 Licensed Professional Land Surveyor  
 Surveyor Certificate No. 5983-LS

Scale: 1 Inch = 100 Feet  
 Date: March 14, 2011



TMK (2) 2-3-001: 174 & PORTION OF 023

22" X 34" - 5.2 SQ. FT.

NEWCOMER - LEE LAND SURVEYORS, INC. 1498 LOWER MAIN STREET, SUITE D, WAILUKU, MAUI, HAWAII 96793

DWG NO. 7509-DBA-2 JOB NO. 07-7609

**Exhibit "4B-1"**



# Exhibit "16"

Letter by Michael T. Munekiyo of Munekiyo & Hiraga, Inc. dated April 29, 2011, providing supplemental information to **SECTION IX**, Impacts of the Proposed Development on the Environment; **SECTION X**, Impacts of the Proposed Development on the Availability or Adequacy of Public Services and Facilities



MICHAEL F. MURKIN  
GWEN BHASHI HIRAGA  
MITSURU "MICH" HIRANO  
KARLYNN FURUKA

MARK ALEXANDER REY

April 29, 2011

B. Martin Luna, Esq.  
Carlsmith Ball  
One Main Plaza  
2200 Main Street, Suite 400  
Wailuku, Hawaii 96793

Subject: Kula Ridge Affordable Housing  
Land Use Commission Docket No. A11-790

Dear Mr. Luna:

I had the opportunity to discuss with Bert Saruwatari, his request for additional information and clarification regarding the Kula Ridge petition. In particular, he requested that we provide supporting technical information regarding infrastructure system impacts resulting from the change of 34 single-family units to 34 senior duplex units. I contacted project Civil Engineer, Stacy Otomo, and asked that he analyze the effects of this change in product type on grading, drainage, wastewater and water system requirements. Mr. Otomo has completed his analysis as presented in his letter report which is attached hereto as **Exhibit "A"**.

In addition, Mr. Saruwatari requested information regarding the civil defense siren system in the project vicinity and clarification regarding traffic impact implications related to the replacement of the 34 single family units with the 34 senior duplex units. In response to these items, we provide the following information.

### **Civil Defense Siren**

On April 26, 2011, I met with County of Maui Civil Defense Agency representatives to review siren information for Maui Island. According the Civil Defense maps, the siren closest to the project site is identified as Siren No. 126, located near the intersection of Copp Road and Kula Highway. The approximate distance between Siren No. 126 and the property is 2,400 feet. According to the tenant who resides on the property, the siren is clearly audible at the property during monthly civil defense testing events. We note that the Civil Defense Agency records indicated that the siren is audible at Kula Elementary School, which is about 1,850 feet away. In this regard, no new siren facilities are anticipated as a result of this project.

**Exhibit "16"**

B. Martin Luna, Esq.  
April 29, 2011  
Page 2

**Traffic Considerations**

The project's traffic engineer has confirmed that the change in product type from 34 single-family units to 34 senior duplex units would not result in any changes in the outcomes of the traffic analyses. See **Exhibit "B"**

If there are any questions regarding the information provided herein, please let me know.

Very truly yours,



Michael T. Munekiyo, AICP  
Principal

MTM:yp

Enclosures

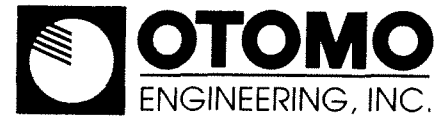
cc: Clayton Nishikawa, Kula Ridge, LLC (w/enclosures)

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**EXHIBIT "A"**

**Grading, Drainage, Water and Sewer Analysis**

April 28, 2011



CONSULTING CIVIL ENGINEERS  
305 SOUTH HIGH STREET, SUITE 102  
WAILUKU, MAUI, HAWAII 96793  
PHONE: (808) 242-0032  
FAX: (808) 242-5779

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

Dear Mike:

Subject: Kula Ridge Affordable Housing Subdivision  
T.M.K.: (2) 2-3-001: 023  
Kula, Maui, Hawaii

In response to your inquiry regarding effect on the grading, drainage, water and wastewater to the proposed project due to the replacement of 34 single-family affordable units with 34 senior duplex units, we offer the following responses.

**Grading:**

The grading concept for the subdivision is to provide the largest pad/yard area for each lot, while allowing for the necessary cut and fill slopes. The proposed footprints of the single-family and duplex units are almost identical and will not affect the grading.

**Drainage:**

The drainage calculations prepared for the project designated the developable lot areas as residential. Because the unit sizes of the single-family and duplex units are almost identical, no increase in impervious areas is anticipated due to the replacement of the unit type. Therefore, there will be impact on the drainage.

**Water:**

The water demand for the project is based on the Average Daily Demand noted in Table 100-18 - Domestic Consumption Guidelines, in the *Water System Standards*. As noted, an average daily demand of 600 gallons per unit or 3,000 gallons per acre is designated for single-family residential and duplex units. There will be no increase in water demand due to the proposed modifications to the project.

**Sewer:**

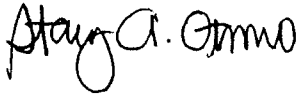
The Wastewater Reclamation Division, County of Maui, Wastewater Flow Standards state that a residence in a subdivision generates 350 gallons per day of wastewater and the occupancy for a residence is based on 4 people. The proposed duplex for the project is

Mr. Mike Munekiyo  
April 28, 2011  
Page 2

anticipated to have a maximum of 2 people in each unit. A maximum of 4 people is anticipated for each duplex. Based on this criteria, there will not be an increase in the amount of wastewater generated due to the proposed modifications to the project. It should also be noted that both the single-family and duplex units will have an individual wastewater system that will be sized in accordance with Department of Health requirements.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Stacy A. Otomo". The signature is written in a cursive style with a large, looped initial 'S'.

Stacy A. Otomo, P.E.  
President

c: Clayton Nishikawa via Email

**EXHIBIT "B"**

**Traffic Analysis**



1907 South Beretania Street  
Artesian Plaza, Suite 400  
Honolulu, Hawaii, 96826 USA  
Phone: 808.946.2277  
Fax: 808.946.2253  
www.wilsonokamoto.com

7551-03  
April 29, 2011

Mr. Clayton Nishikawa  
Kula Ridge, LLC  
1849 Wili Pa Loop  
Wailuku, HI 96793

Subject: Kula Ridge TIAR – Trip Generation Rates

Dear Mr. Nishikawa:

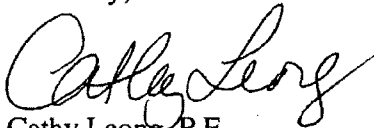
As requested, we have compared the trip generation rates that were utilized for the TIAR and subsequent supplemental letters for the Kula Ridge development with the trip generation rates for the current development plan. The original TIAR was based upon single-family residential units. Since then, some of these units are anticipated to be senior housing units. The per unit trip generation rate comparisons are included in the table below:

Land Use	Average Trip Generation Rate	
	AM Peak	PM Peak
Single-Family (ITE Code 210)	0.75	1.01
Senior Housing – Detached (ITE Code 251)	0.22	0.27
Senior Housing – Attached (ITE Code 252)	0.13	0.16

A comparison of the trip generation rates indicates that the proposed senior housing land use would have trip generation rates significantly lower than the trip generation rate utilized for the studies. As such, the studies represent a more conservative scenario than the current development plan.

Should you have any questions or require additional information, please contact Mr. Pete Pascua or myself at 946-2277.

Sincerely,

  
Cathy Leong, P.E.





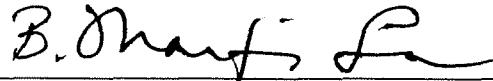
HAWAIIAN TELCOM INC.  
Attention: Legal Department  
P. O. Box 2200  
Honolulu, Hawaii 96816

BY MAIL

KULA RIDGE MAUKA, LLC  
2145 Wells Street, Suite 301  
Wailuku, Hawaii 96793

BY HAND DELIVERY

DATED: Wailuku, Hawaii, May 5, 2011.



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B. MARTIN LUNA

Attorney for Petitioner  
KULA RIDGE, LLC