

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of) **DOCKET NO. SM1 2000/0009**
) **Chris Hart and Partners, Inc., and**
 Chris Hart and Partners, Inc., and) **Architects Hawaii Ltd. on Behalf of**
 Architects Hawaii Ltd., on Behalf of) **Aston Kaanapali Shores,**
 Aston Kaanapali Shores, Association) **Association of Apartment Owners**
 Apartment Owners) **(JMH)**
)
To Obtain A **SPECIAL MANAGEMENT**)
AREA USE PERMIT for Aston)
Kaanapali Shores Relocation, Redesign)
and Expansion of the Porte Cochere,)
Lobby, and Existing Café and Bar;)
Convert Two Apartment Units to)
Commercial Business or Service)
Establishments for Hotel Guests; Convert)
One Apartment Unit to a "Pre-Function")
Room, and Construct a New 35-Stall)
Grassed Parking Area to Replace Existing)
Stalls and Provide Required Parking)
for Commercial Uses, at 3445 Lower)
Honoapiilani Road, Tax Map Key)
4-4-001: 097 and 103, Lahaina, Maui,)
Hawaii)

MAUI PLANNING DEPARTMENT'S RECOMMENDATION REPORT
TO THE MAUI PLANNING COMMISSION
JANUARY 9, 2000 Meeting

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

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CONCLUSIONS OF LAW

Special Management Area

The application complies with the applicable standards for a Special Management Area Use Permit pursuant to Chapter 205A-26 and sections 12-202-10 and 12-202-11 of Chapter 202, Special Management Area (SMA) Rules of the Maui Planning Commission. The Maui Planning Department finds that based upon the requirements of Chapter 205A-26, Hawaii Revised Statutes, as amended, and Chapter 202 of the SMA Rules of the Maui Planning Commission:

(A) The proposed project will have "no adverse impact" and will not involve an irrevocable commitment to loss or destruction of any natural or cultural resources.

(B) The proposed project does not significantly curtail the range of beneficial uses of the environment.

(C) The proposed project does not conflict with the County's or the State's long-term environmental policies or goals.

(D) The proposed project will not adversely affect the economic welfare, social welfare and activities of the community, County or State.

(E) The proposed project does not involve substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways.

(F) In itself the proposed project has no significant adverse effect nor has it a cumulative effect upon the environment or involves a commitment for larger actions.

(G) The proposed project does not substantially affect a rare, threatened, or endangered species of animal or plant, or its habitat.

(H) The proposed project is not contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;

(I) The proposed project will have minimal effect on air and water quality, or ambient noise levels. During construction, the proposed project is expected to have short-term impacts on the air quality and ambient noise levels. These impacts will be temporary and localized. These impacts are not considered permanent and will be mitigated through appropriate construction practices.

(J) The proposed project is not located in an environmentally sensitive area. The proposed project will not adversely impact flood plains, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters.

(K) The proposed project does not substantially alter natural land forms or impact existing public views to and along the shoreline.

(L) The proposed project is not contrary to the objectives and policies of HRS chapter 205A.

The Maui Planning Department further finds that the development should be approved because:

(1) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;

(2) The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and

(3) That the development is consistent with the county general plan, and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.

RECOMMENDATIONS

In recommending approval of the proposed project, the Maui Planning Department used the guidelines as prescribed in Chapter 205A-26 of the Hawaii Revised Statutes, as amended, and recommends the following conditions:

STANDARD CONDITIONS

1. That construction of the proposed project shall be initiated by January 31, 2003. Further, initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a timely extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit not later than ten (10) days from the date the Director's action is reported to the Commission.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit.

3. That final construction shall be in accordance with preliminary architectural plans dated October 31, 2000, submitted by Architects Hawaii and the landscape plan submitted November 13, 2000 by Chris Hart & Partners on plans by Architects Hawaii dated September 7, 2000.

4. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

5. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with section 12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

6. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the

applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a certificate of insurance naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

7. That full compliance with all applicable governmental requirements shall be rendered.

8. That the applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.

9. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.

10. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

SPECIAL CONDITIONS

11. That should historic remains such as artifacts, burials, concentrations of shell or charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor and/or landowner shall immediately contact the State

Historic Preservation Division, which shall assess the significance of the find and recommend an appropriate mitigation measure, if necessary.

12. That the applicant shall comply with the recommendations of the Department of Water Supply in the use and conservation of water and in the use of native and climate adapted plants in landscaping and cultivation of the project site and avoid the use of invasive alien plant species.

13. That the applicant submit a detailed final drainage report and a site specific erosion control plan to the Department of Public Works and Waste Management, with the construction plans, for review and approval prior to issuance of the grading and building permits. The drainage report shall include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. It must comply with the provision of the "Rules for Design of Storm Drainage Facilities in the County of Maui" and must provide verification that the grading and runoff water generated by the project will not have an adverse effect on adjacent and downstream properties. The site specific erosion control plan shall show the location and details of structural and nonstructural Best Management Practices.

14. That the construction plans include additional precautions to prevent runoff and sediment into the drainage channel and ocean during construction. No heavy equipment should be allowed to encroach on the ocean- side of the property and in the area adjacent to Honokowai Stream.

15. That the applicant shall submit plans to the Department of Public Works and Waste Management by January 31, 2002. Such plans shall include improvements to Lower Honoapiilani Road which addresses the ponding problem, the ADA and other roadway improvements on Lower Honoapiilani Road fronting the project site. A copy of these plans shall be submitted to the Department of Planning for its records.

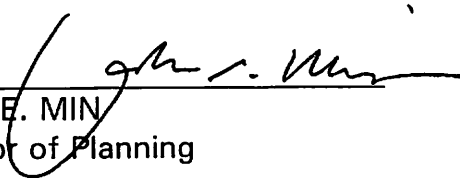
16. That the applicant shall comply with Section 19.36 of the Maui County Code, relating to Parking.

17. That the applicant shall comply with the requirements of the Department of Health in regards to asbestos and construction activities and limit construction activities to normal hours of operation.

The conditions of this Special Management Area Use Permit shall be enforced pursuant to sections 12-202-23 and 12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the January 9, 2001, meeting and authorize the Director of Planning to transmit said Findings of Fact, Conclusions of Law, Decision and Order on behalf of the Planning Commission.

APPROVED:



JOHN E. MIN
Director of Planning

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MAUI PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
JANUARY 9, 2001 Meeting

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

(Special Management Area Use Permit - SM1 2000/0009)

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THE APPLICATION

This matter arises from the application for a Special Management Area Use (SMA) Permit filed on February 10, 2000, and certified as complete and ready for processing by the Department of Public Works and Waste Management on March 31, 2000. The application was filed pursuant to Chapter 205A, Hawaii Revised Statutes (HRS), Chapter 202, Special Management Area Rules of the Maui Planning Commission (Commission); by Chris Hart and Partners, Inc., and Architects Hawaii Ltd., on behalf of the Association of Apartment Owners, Kaanapali Shores, Aston Property Management, ("Applicant"); on approximately 9.4 acres of land, situate at Lahaina, Island of Maui, and County of Maui, identified as Maui Tax Map Key Number 4-4-001: 097 and 103, ("Property"). (*Exhibit 1 SMA Application, Exhibits 2, 2A and 2B-maps*)

PURPOSE OF THE APPLICATION

The Applicant is requesting an SMA permit to renovate and expand the visitor areas and parking areas. Renovations include remodeling the existing lobby, providing 2,790 square feet of additional floor area. The expansion will take place on the mauka side of the building and is approximately 630 feet from the shoreline. The revised configuration will include finish modifications to the existing café and bar; removal of large bearing walls in the existing lobby to create the "Great Hall"; redesign of the travel desk, registration and administration spaces; addition of a new entry lobby; removal of interior non-bearing partitions, finishes, and fixtures in two units (614 square feet each) adjacent to the Great Hall to provide future retail space; a third unit (614 square feet) will be removed from residential use and used for a pre-function area for guests; creation of a second story storage space, above the Great Hall, and a new 35-stall parking lot with grass (Geoblock) parking. The Porte Cochere will be relocated and redesigned to include a roof trellis, cement plaster finishes, stone paving and wood grille work. New finishes will be provided throughout the renovated and new areas (except in the future retail areas which will be left unfinished awaiting tenant improvements). The two units proposed for retail spaces are intended for business or service establishments which supply commodities or perform services primarily for the hotel guests. *(Exhibits 3 existing site plan, 3A and 3B photos, 4 through 4F proposed developments, 5, 5A landscaping and irrigation, 6, 6A, 6B grass parking, and 7 Geoblock)*

APPLICABLE REGULATIONS
SPECIAL MANAGEMENT AREA USE PERMIT

Standards for reviewing a Special Management Area (SMA) Use Permit application is found under Hawaii Revised Statutes, as amended (HRS) 205A-26 and §§12-202-10 and 12-202-11 of Chapter 202, *Special Management Area (SMA) Rules of the Maui Planning Commission*.

In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:

- (A) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;
- (B) Significantly curtails the range of beneficial uses of the environment;
- (C) Conflicts with the County's or the State's long-term environmental policies or goals;
- (D) Substantially affects the economic or social welfare and activities of the community, County or State;

(E) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;

(F) In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

(G) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;

(H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;

(I) Detrimentially affects air or water quality or ambient noise levels;

(J) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters;

(K) Substantially alters natural land forms and existing public views to and along the shoreline; or

(L) Is contrary to the objectives and policies of HRS chapter 205A.

The following guidelines shall be used by the Authority in reviewing developments within the Special Management Area:

a. All development in the Special Management Area shall be subject to reasonable terms and conditions set forth by the authority to ensure:

(1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;

(2) Adequate and properly located public recreation areas and wildlife preserves are reserved;

(3) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and

(4) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect

to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

b. No development shall be approved unless the Authority has first found that:

(1) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;

(2) The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and

(3) That the development is consistent with the county general plan, and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.

c. The Authority shall seek to minimize, where reasonable:

(1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;

(2) Any development which would reduce the size of any beach or other area usable for public recreation;

(3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;

(4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and

(5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing

and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

PROCEDURAL MATTERS

1. On **March 31, 2000**, the Director of Public Works and Waste Management certified that the application and the required information were submitted for the Special Management Area Use Permit.

2. On **June 7, 2000**, the applicant published a "Notice of Application" in the Maui News. Copies of the "Notice of Application" are on file in the Maui Planning Department.

3. On **November 24, 2000**, forty-five (45) days prior to the hearing, the Maui Planning Department mailed a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing.

4. On **November 21, 2000**, the Urban Design Review Board reviewed and recommended approval of the proposed plans.

5. On **December 4, 2000**, the notice of hearing on the SMA application was published by the Maui Planning Department in the Hawaii State and County Public Notices.

6. On **December 8, 2000**, thirty-one (31) days prior to the hearing, the applicant mailed a letter of notification and a location map to all owners and recorded lessees within 500 feet of the subject property describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (Return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts are on file in the Planning Department.

GENERAL DESCRIPTION

1. **Description of the Property** -- The Property, which covers approximately 9.351 acres of developed land, is located at 3445 Lower Honoapiilani Road, at Maui Tax Map Key Number 4-4-001: 097, Honokowai, Maui, Hawaii. The site is located at Honokowai Point, about 5 miles north of Lahaina. The average elevation range from 12 feet Mean Sea Level (MSL) along Lower Honoapiilani Road to 14 feet MSL along Kaanapali Shores Place behind the Maui Kai. The property contains 463 condominium apartment and commercial units, parking lots, a multi-level parking garage, swimming pools, tennis courts, and a shorefront restaurant built in 1980. The building permit no. 2178 was taken out on November 25, 1975, construction cost listed as \$15 million.

The existing lobby and porte cochere are found at the foot of the 9-story main building. A parking garage, ground parking, and the three tennis courts are mauka of the main building and makai of Lower Honoapiilani Road. Kaanapali Shores Place runs along the southern (Lahaina-side) border of the site. There are two ingress and egress to the property. The main entrance is in the middle of the property and the other is on the northern-side of the property.

2. Land Use Designations --

- a. State Land Use District -- Urban
- b. West Maui Community Plan – Hotel (*Exhibit 8*)
- c. County Zoning – H-2 Hotel (*Exhibit 9*)
- d. Other: Special Management Area and Shoreline Setback Area

3. Surrounding Uses – (Photos: Exhibits 2B, 3A and 3B)

- North -- Honokowai Stream and Papakea Resort Condominium and business uses on Lower Honoapiilani Highway
County Zoning: A-2 Apartment and B-2 Business
West Maui Community Plan: Multi-Family and Business
- East -- Lower Honoapiilani Road, Honokowai Marketplace, vacant land, and single-family residential use
County Zoning: B2 Business and R-3 Residential
West Maui Community Plan: Business, Multi-Family
- South -- Kaanapali Shores Place, a private two-lane divided roadway is access to Embassy Suites Resort and Mahana Condominium, vacant land.
County Zoning: H-2 Hotel and R-3 Residential
West Maui Community Plan: Hotel, Park, Business
- West -- Ocean
County Zoning: N/A
West Maui Community Plan: N/A

4. Flora and Fauna. The subject property is already developed. No rare, threatened, or endangered species, or their habitats are known to exist in the project area. Flora within the project is minimal and is introduced landscaping.

5. Archaeological. Two studies conducted in 1986 and 1987 covered TMK 4-4-1: 002, 003, 006, 008 009, 024, 068 and 4-4-6: 005. These studies reported the existence of a historic power plant and an "L" shaped structure. A 1992 study of

TMK 4-4-1: 002, 011, 012 found no archaeological or historic sites. A 1995 study of 4-4-1: 046, Honokowai Beach Park, indicated a possible site.

The Historic Preservation Division of the State Department of Land and Natural Resources has no historic or archaeological sites listed within the subject property (4-4-1; 097). The project site is fully developed. The area proposed to be developed for a new parking lot, is fill material from the Honokowai Stream channel project. Therefore, it is unlikely that any archaeological sites are present.

6. Topography, Wetlands, Soils, Climate. Topography - The project site is fully developed and heavily landscaped.

Wetlands. There are no wetlands in the project area.

Soils. According to the "Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii (August, 1972)," prepared by the United States Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Pulehu silt loam (PpA). Pulehu silt loam is characterized as having moderate permeability, slow runoff, and no more than slight erosion hazard.

Climate. Average annual rainfall for the Kaanapali area is between 15 and 18 inches. The 1999 State Data Book lists the average annual temperature of the adjacent town of Lahaina between 71.5 and 78 degrees Fahrenheit.

7. Flood and Tsunami - According to the Federal Emergency Management Agency (FEMA) flood area designations, the project area is situated in Flood Zones A4, B, and C. Flood Zone A4 represents areas of 100-year flood with base flood elevations and flood hazard factors determined. Flood Zone B represents areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one foot. Flood Zone C represents areas of minimal flooding.

8. Shoreline Processes - The subject property is located on the shoreline. The project area is more than 600 feet from the shoreline. The applicant was granted a waiver by the Planning Director on September 22, 1999, from providing a shoreline certification because a seawall fronts the property and thus has a fixed shoreline. A Special Management Area Use Permit was approved for the seawall (Robinson wall) on September 22, 1987 by the Maui Planning Commission.

8. Visual Resources/Urban Design - The existing 9-story building and landscaping shields views of the ocean from Lower Honoapiilani Road.

EXISTING SERVICES

1. **Water** – Water service is provided through the County Department of Water Supply. The property has its own private fire line coming off County water system through a detector check meter to provide fire protection within the property. A 12-inch line and 16-inch waterline front the property along Lower Honoapiilani Road.

2. **Wastewater** - The project is connected to the County sewer line fronting the property. The sewer line is part of the Lahaina Wastewater Reclamation Plant system.

3. **Drainage and Hydrology** – An onsite drainage system consisting of catch basins, manholes, and drain lines is already in place. The existing drainage system in the vicinity of the proposed project collects runoff from the parking lot and tennis courts and diverts it into Honokowai Stream. Engineers have calculated the present 10-year storm runoff from the affected project area is 6.7 cfs. The runoff sheet flows into the existing drainage system which outlets into Honokowai Stream. The Engineering Branch of the Department of Land and Natural Resources confirmed that, according to FEMA Community Panel Numbers 15003 0151 C, is located in the following zones:

1. Zone A4 - areas of 100 year flood; base flood elevations and flood hazards factors are determined;
2. Zone B - areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (10 foot or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood (Medium shading).
3. Zone C - areas of minimal flooding (No shading). (*Exhibit 25B*)

4. **Roadways, Curbs, Gutters and Sidewalks** – The current entry and exit for the project are located off Lower Honoapiilani Road, approximately in the middle of the project parcel. There is a second driveway, along the south side of the property along Honokowai Stream where there is more parking and as well as a rear access to the parking structure. Approximately 60 feet south along the highway is the intersection with Kaanapali Shores Place, a private two-lane divided roadway. Kaanapali Shores Place is the current access to the Embassy Suites Hotel and the Mahana Condominium. The secondary entrance/exit for the new Honokowai Marketplace is located opposite the current Aston main entry.

Lower Honoapiilani Road is a two-lane, partially improved road with left turn pocket and curbs, gutters, and sidewalks on the Honokowai Marketplace site. There

are no curbs, gutters and sidewalks on the Aston Kaanapali Shores section.

5. **Electrical and Telephone** – Underground electrical and telephone lines service the project site.

6. **Parks and Recreational Facilities** – Honokowai Beach Park is located about 1,600 feet north of the project site. The subject property fronts the beach and maintains its own swimming pools and tennis courts. There is no public beach parking located on this site. However, as part of the subdivision of the parcel which contains the Aston Kaanapali Shores and the Embassy Suites Hotel, a public access was created between the resorts. The access also includes parking, showers, and restrooms.

7. **Schools** – The Lahaina area is served by Kamehameha III School and Princess Nahienaena School (Elementary), Lahaina Intermediate and Lahainaluna High School

8. **Solid Waste** --. The nearest landfill site is Central Maui Sanitary Landfill in Puunene. However, a solid waste transfer station is located in Olowalu. The applicant stated that nonrecyclable solid waste is collected and disposed of by a private firm contracted for that purpose.

9. **Public Services -- Police and Fire Protection.** Lahaina Fire Station in the Lahaina Civic and Recreation Center is located approximately 3 miles south of the subject property. Napili Fire Station is located north of the subject property next to the Napili Shopping Center. The Napili Fire Station consists of an engine company including fifteen full-time firefighting personnel. The Lahaina Fire Station includes an engine and a ladder company, and is staffed by thirty full-time personnel.

Health Care. Maui Memorial Medical Center, the only major medical facility on the island, serves the island of Maui. Acute, general and emergency care services are provided by the 200-bed facility. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

DESCRIPTION OF THE PROJECT

The Applicant is requesting an SMA permit to renovate and expand the visitor areas and parking areas. Expected construction costs are \$2.3 million with a four-month construction schedule. Renovations include remodeling the existing lobby, providing 2,790 square feet of additional floor area. The expansion will take place on the mauka side of the building and is approximately 630 feet from the shoreline. The revised configuration will include finish modifications to the existing café and bar;

removal of large bearing walls in the existing lobby to create the "Great Hall"; redesign of the travel desk, registration and administration spaces; addition of a new entry lobby; removal of interior non-bearing partitions, finishes, and fixtures in two units (614 square feet each) adjacent to the Great Hall to provide future retail space; a third unit (614 square feet) will be removed from residential use and used for a pre-activity area for guests; creation of a second story storage space, above the Great Hall, and a new 35-stall parking lot with "grass parking" (Geoblock).

The Porte Cochere will be relocated and redesigned to include a roof trellis, cement plaster finishes, stone paving and wood grille work. New finishes will be provided throughout the renovated and new areas (except in the future retail areas which will be left unfinished awaiting tenant improvements). The two units proposed for retail spaces are intended for business or service establishments which supply commodities or perform services primarily for the hotel guests. (Exhibit 10)

The grass parking area is approximately 150 x 60 feet and is located primarily on TMK: 4-4-001: 103, a filled-in remnant of Honokowai Stream, which has been relocated and channelized. In addition, new landscaping is planned, but the existing drainage system will not be disrupted.

REVIEWING AGENCIES:

AGENCIES	DATE RECEIVED	COMMENTS	EXHIBIT
1. State Land Use Commission - DBEDT	6/2/00	Confirmed that the project area is designated Urban	10
2. Office of Planning - DBEDT		No response.	
3. Office of Hawaiian Affairs	5/30/00	No comments.	11
4. Dept. Of Accounting and General Services	6/9/00	No government survey triangulation stations and benchmarks are affected.	12
5. DLNR - State Historic Preservation Division (SHPD)	9/20/00	No archaeological inventory survey has been undertaken on this site. The general area is likely to have once been the location of pre-contact farming (especially areas adjacent to Honokowai Stream), perhaps with scattered houses. Considerable alterations taken place due to modern commercial sugar cane production, the realignment and subsequent filling-in of Honokowai Stream, and the resort development. Unlikely that	13

AGENCIES	DATE RECEIVED	COMMENTS	EXHIBIT
5. DLNR - State Historic Preservation Division (SHPD) (cont)		significant historic sites will be found and proposed development will have "no effect" on significant historic sites.	
6. Department of Water Supply	7/25/00	Property has own private fire line coming off County water system through a detector check meter to provide fire protection within the property. A 12-inch line and 16-inch waterline front the property along Lower Honoapiilani Road. Applicant required to comply with system standards. Domestic fireflow and irrigation calculations will be required. Developers should contact the Engineering division. Project lies over the Honokowai Water system. Recommends applicant utilize BMPs to minimize infiltration and runoff from construction and vehicle operation. In addition, water conservation measures should be implemented.	14
7. Dept. Of Public Works and Waste Management	6/26/00	<p>Advisory comments:</p> <p>1. Though the project size does not trigger adjacent right-of-way improvements, advising applicant that some improvements are advisable. Pedestrian and ADA access along and from Lower Honopiilani Road; frequent ponding along Lower Honopiilani Road should be addressed.</p> <p>Recommended conditions:</p> <p>2. Detailed final drainage report and site specific erosion control plan shall be submitted with construction plans for review and approval prior to the issuance of grading and building permits.</p> <p>3. Parking shall be in accordance with Maui County code 19.36.</p>	15
8. Dept of Transportation	6/2/00	Proposed development will not impact State facilities.	16

AGENCIES	DATE RECEIVED	COMMENTS	EXHIBIT
9. Maui Electric Company	6/7/00	No objection. Since new load will be added to existing MECO service, electrical consultant should meet with their office to verify electrical requirements.	17
10. Dept of Parks and Recreation	5/31/00	No comments.	18
11. Police Department	6/13/00	No further recommendations or comment is necessary or desired.	19
12. Fire Department		No response.	
13. Department of Housing and Human Concerns	5/30/00	No comments.	20
14. Department of Health - Honolulu	8/1/00	Asbestos: Required to file an Asbestos Demolition/Renovation notification. Noise: 1. Construction activities must comply with DOH's HAR, Chapter 11-46, "Community Noise Control." 2. Heavy vehicles traveling to and from the site must comply with HAR chapter 11-42, "Vehicular Noise Control for Oahu." 3. Facility design must comply with HAR, Chapter 11-46, "community Noise control." Fugitive dust: Construction activities must comply with HAR, Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-33, Fugitive Dust.	21
15. Department of Health - Maui		No response.	22
16. Department of Land and Natural Resources - Honolulu, Land Division	6/20/00	Any excavated sand may be useful for beach nourishment on Kaanapali Beach. Evaluation should be made to determine sand compatibility.	23

AGENCIES	DATE RECEIVED	COMMENTS	EXHIBIT
16. Department of Land and Natural Resources - Honolulu, Aquatic Resources Division	6/20/00	Significant adverse impact to public aquatic resource is not expected; precautions shall be taken during renovations to prevent debris, eroded soil, petroleum products, landscaping chemicals, and other potential contaminants from flowing, blowing, or leaching into coastal waters.	24
Engineering Division	6/21/00	Confirm site is located in Zone A4, B, and C; the proposed renovation must comply with National flood Insurance program (NFIP) and all applicable county flood ordinances.	25

ANALYSIS

LAND USE

1. The proposed development is consistent with "The General Plan of the County of Maui" (1991) in the following goals, policies and objectives:

*I. **Population, Land Use, the Environment and Cultural Resources***

*A. **POPULATION***

Policies

c. Maintain a balance between resident and visitor population by controlling and regulating growth of visitor facilities.

*B. **LAND USE** Objective 1: To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.*

Policies

b. Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.

Objective 2: To use the land within the County for the social and economic benefit of all the County's residents.

Policies

a. Mitigate environmental conflicts and enhance scenic amenities, without having a negative impact on natural resources.

b. Encourage land use patterns that foster a pedestrian oriented environment to include such amenities as bike paths, linear parks, landscaped buffer areas, and mini-parks.

- c. *Encourage land use methods that will provide a continuous balanced inventory of housing types in all price ranges.*

C. **ENVIRONMENT** *Objective 1: To preserve and protect the county's unique and fragile environment.*

Policies

- a. *Preserve for present and future generations the opportunity to experience the natural beauty of the islands.*
- b. *Preserve scenic vistas and natural features.*
- c. *Support programs to reduce air, land and water pollution.*

Objective 2: To use the County's land-based physical and ocean-related coastal resources in a manner consistent with sound environmental planning practice.

Policies

- b. *Evaluate all land based development relative to its impact on the County's land and ocean ecological resources.*

D. **CULTURAL RESOURCES** *Objective 1: To preserve for present and future generations the opportunity to know and experience the arts, culture and history of Maui County.*

Policies

- b. *Encourage the recordation and preservation of all cultural resources, to include cultural significant natural resources.*
- c. *Establish programs to restore, maintain and interpret significant cultural districts, sites and artifacts in both natural and museum settings.*
- e. *Identify and maintain an inventory of significant and unique cultural resources for special protection.*

II. **ECONOMIC ACTIVITY**

B. **VISITOR INDUSTRY** *Objective 2: To encourage exceptional and continuing quality in the development of visitor industry facilities.*

Policies

- e. *Encourage enhancement of existing visitor facilities without substantial increases in room count.*

III. **HOUSING AND URBAN DESIGN**

B. **URBAN DESIGN** *Objective 1: To see that all developments are well designed and are in harmony with their surrounding.*

Policies

- a. *Require that appropriate principles of urban design be observed in the planning of all new developments.*

Objective 2: To encourage development which reflects the character and culture of Maui County's people.

- b. *Encourage community design which establishes a cohesive identity.*
- c. *Encourage the establishment of continuous green areas, bike-paths, active and passive recreation areas and mini-parks in new subdivision development.*

IV. **TRANSPORTATION** *Objective 1: To support an advanced and environmentally sensitive transportation system which will enable people and good to move safely, efficiently and economically.*

Policies

- f. *Support the development of a county-wide network of bikeways and pedestrian paths.*

Objective 2. To develop a program of anticipating and enlarging the local street and highway systems in a timely response to planned growth.

Policies

- d. *Support Maui County's street tree plan and encourage landscape planting, irrigation and maintenance programs along all public highways*

and rights-of-way.

B. **WATER** Objective 1: To provide an adequate supply of potable and irrigation water to meet the needs of Maui County's residents.

Policies

g. Promote water conservation practices to make the most efficient use of existing water sources.

C. **LIQUID AND SOLID WASTE** Objective 1: To provide efficient, safe and environmentally sound systems for disposal and reuse of liquid and solid wastes.

a. Explore new waste disposal methods that are safe, economical, environmentally sound, and aesthetically pleasing, and that minimizes the disposal of waste in landfills.

c. Establish comprehensive environmental and public health standards for the treatment, disposal and/or reuse of liquid and solid waste.

d. Develop comprehensive and publicly acceptable methods of recycling solid and liquid waste.

e. Encourage and promote public awareness to reduce, reuse, recycle and compost waste materials.

V. **SOCIAL INFRASTRUCTURE**

B. **RECREATION AND OPEN SPACE** Objective 1: To provide high-quality recreational facilities to meet the present and future needs of our residents of all ages and physical ability.

g. Expand, improve and create new beach rights-of-way, parks, campsites, and other facilities designated for family use.

Objective 2: To provide a wide range of recreational, cultural and traditional opportunities for all our people.

e. Encourage the identification, restoration, and preservation of important archaeological, historical and cultural sites.

2. According to the West Maui Community Plan the land use designation is Hotel (*Exhibit 8*) The proposed development is consistent with the Community Plan land use map and its goals, objectives and policies.

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 stable social and economic well-being of residents and the preservation and enhancement of the region's open space areas and natural environmental resources.

ENVIRONMENT - Goal: A clean and attractive physical, natural and marine environment in which man-made developments on or alterations to the natural and marine environment are based on sound environmental and ecological practices, and important scenic and open space resources are preserved and protected for public use and enjoyment.

Objectives and Policies

3. Protect the quality of nearshore waters and offshore waters. Monitor outfall systems, streams and drainage ways and maintain water quality standards. Continue to investigate, and implement appropriate measures to mitigate, excessive growth and proliferation of algae in nearshore and offshore waters.

4. Emphasize land management techniques such as natural landscaping, regular maintenance of streams and drainage ways and siltation basins, avoidance of development in flood-prone areas, and other measures that maintain stream water quality. Wherever feasible, such management techniques should be used instead of structural solutions, such as building artificial stream channels or

- diversion of existing natural streams.*
5. *Encourage soil erosion prevention measures and the installation of siltation basins to minimize downstream sedimentation and degradation of nearshore and offshore water quality.*
 6. *Integrate stream channels, gulches and other areas deemed unsuitable for development into the region's open space system for the purposes of safety, open space relief, greenways for public use and visual separation. Existing development of these stream channels, gulches and other areas shall be maintained and shall not be expanded. Drainage channels and siltation basins should not be considered for building sites, but used rather, for public open space. The following major streams and gulches, as named on the United States Geologic Survey topographic maps (Lahaina and Honolua, Hawaii, 7.5 minute series, 1:24,000 scale), are to be kept as open space:*
 - c. *Honokowai Stream...*
 9. *Promote recycling programs to reduce solid waste disposal in landfills.*
 12. *Prohibit the dumping of heavy metals, oil and untreated sewage on land and in the nearshore waters and provide accessible and safe disposal for hazardous materials.*
 13. *Promote the planting of trees and other landscape planting to enhance streetscapes and the built environment.*
 15. *Promote drainage and stormwater management practices that prevent flooding and protect coastal water quality.*

Implementing Actions

3. *Periodically maintain and monitor outfall systems, streams and drainage ways for compliance with water quality standards.*

ECONOMIC ACTIVITY - *Goal: A diversified economy that provides a range of stable employment opportunities for residents, allows for desired commercial services for the community, and supports the existing visitor and agricultural industries, all in a manner that will enhance both the community's quality of life and the environment.*

Objectives and Policies

1. *Promote a diversified economic activity in the areas of:*
 - a. *Visitor accommodations.*
 - b. *Visitor-related service/commercial services.*
 - c. *Recreation-related service/commercial services.*
 - d. *Resident-related service/commercial services.*
 - e. *Light industrial activities, including diversification into "clean" industries.*
 - f. *Agriculture.*
4. *Maintain a stable and viable visitor industry.*
 - a. *Limit visitor facilities to the existing planned resorts of Kaanapali and Kapalua as designated on the land use map and coordinate future growth with development of adequate infrastructure capacity and housing for employees.*
 - b. *Encourage the renovation and improvement of existing visitor facilities without a substantial increase in the room count. Promote activities and industries that compliment and support the use of existing visitor industry facilities, such as sporting events, eco-tourism and conferences.*

CULTURAL RESOURCES - *Goal: To preserve, protect and restore those cultural resources and sites that best represent and exemplify that Lahaina region's pre-contact, Hawaiian Monarchy, missionary and plantation history.*

Objectives and Policies

1. *Preserve and protect significant archaeological, historical and cultural resources*

that are unique in the State of Hawaii and Island of Maui.

URBAN DESIGN - Goal: An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design at the resort destinations of Kaanapali and Kapalua, 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 for the West Maui Region in General

1. Enhance the appearance of major public roads and highways in the region.
2. Maintain a high level of design quality for West Maui resort destination areas.
3. Improve pedestrian and bicycle access within the region.
6. Promote a unified street tree planting scheme along major highways and streets. Hedge planting should be spaced and limited in height, in order to provide vistas to the shoreline and mountains.
9. Save and incorporate healthy mature trees in the landscape planting plans of subdivisions, roads or any other construction or development.
10. Incorporate drought-tolerant plant species in future landscape planting.
12. Existing and future public rights-of-way along roads and parks shall be planted with appropriate trees, turfgrass and ground covers.
13. Encourage neighborhoods and community organizations to upgrade and maintain streets and parks in accordance with the Maui County Planting Plan.
15. Emphasize contrasting earth-tone color schemes for buildings and avoid bright or garish colors.

INFRASTRUCTURE - Goal: Timely and environmentally sound planning, development, and maintenance of infrastructure systems which serve to protect and preserve the safety and health of the region's residents, commuters, and visitors through the provision of clean water, effective waste disposal and efficient transportation systems which meets the needs of the community.

Transportation - Objectives and Policies

3. Support improvements for the safe and convenient movement of people and goods, pedestrians and bicyclists in the Lahaina region particularly along Honoapiilani Highway, Front Street and Lower Honoapiilani Road and seek to establish a regional network of bikeways and pedestrian paths.

Implementing Actions

13. Provide marked pedestrian crossings and other safety improvements or measures along Lower Honoapiilani Road in the vicinity of commercial developments.

Water and Utilities - Objectives and Policies

8. Promote water conservation and education programs.

Drainage - Objectives and Policies

1. Construct and maintain, as needed, desilting basins along major drainage channels.
3. Insure that new developments will not result in adverse flooding conditions for downstream properties by requiring onsite.

Energy - Objectives and Policies

1. Promote energy efficiency as the energy resource of first choice and seek to increase energy efficiency in all sectors in the community.
4. Promote energy conservation and education programs.
5. Support energy efficient technologies in conjunction with new urban development and encourage energy efficient building design and site development practices.

SOCIAL INFRASTRUCTURE

Recreation and Open Space - Objectives and Policies

7. Ensure adequate public access to shoreline areas, including lateral access to establish

the continuity of public shorelines.

3. The County's Land Zoning Map No. 9 identifies the zoning in this area as H-2 Hotel.

4. The State Land Use Commission (SLUC) reviewed the subject application and in their letter of May 31, 2000, confirmed that the project site was located in the State Urban District. (*Exhibit 10*)

5. The Office of Planning of the Department of Business, Economic Development and Tourism did not submit any comments.

6. The Office of Hawaiian Affairs in their letter of May 30, 2000, stated that they had no comments at this time. (*Exhibit 11*)

7. The Department of Accounting and General Services confirmed in their letter of June 15, 2000, that no Government Survey Triangulation Stations and Benchmarks are affected and they had no objections. (*Exhibit 12*)

AGRICULTURE

There is no impact on agricultural uses since the proposed development is located on an existing and developed urban site.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

In their letter of September 19, 2000, the Department of Land and Natural Resources, Historic Preservation Division (SHPD) stated that based upon the applicant's SMA submittals as they understand it and based upon a search of their records, no archaeological inventory survey has been done for this property. The general area seems to have once been the location of pre-Contact farming (especially the areas adjacent to the Honokowai Stream), perhaps with scattered houses. However, the subject property has been subjected to considerable alteration due to modern commercial sugar cane production, the realignment and subsequent filling-in of Honokowai Stream, and the resort development. Therefore, they do believe it is highly unlikely that significant historic sites will be encountered today. Based upon the information provided to them, they believe that the proposed undertaking will have "no effect" on significant historic sites. (*Exhibit 13*)

Since the area has not had an archaeological inventory survey at one time was the location of pre-contact farming, it is possible that subsurface remains or artifacts may be uncovered during construction. The applicant stated that should any human or historic remains be uncovered during construction, all work at that location will be stopped and the SHPD will be contacted.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** – The Department of Water Supply (DWS) commented in their letter of July 24, 2000, that it is their understanding that no additional water will be used as a result of the renovation. The property has its own private fire line coming off their County water system through a detector check meter to provide fire protection within the property. A 12-inch and 16-inch waterline front the property along Lower Honoapiilani Road. The applicant shall be required to comply with system standards. Domestic, fireflow and irrigation calculations will be required in accordance to standards for proper sizing of the existing water meter(s), backflow preventer(s) and fire flow demand. The developer is encouraged to contact DWS's engineering division. The DWS also provided the applicant with information on implementation of conservation measures in and around the property. *(Exhibit 14)*

The applicant stated that no changes in water demand are anticipated as part of or as a result of the proposed improvements. The West Maui Community Plan policy states that water conservation practices to make the most efficient use of existing water sources should be promoted. Although the applicant stated that there will be no increase in water use, the applicant should be required to comply with conservation measures to reduce the amount of water consumption.

The applicant stated in their letter of October 6, 2000, that they will comply with the fire flow standards as part of their building permit application. *(Exhibit 14A)*

2. **Drainage, Sewers, Roadways -- Drainage.** The applicant included a drainage and soil erosion control report. The report was based on the applicant's original proposal to use the existing tennis court area for the replacement and additional required parking. However, since then they modified their plan and will retain the tennis courts and move the parking to the northwest side of the property adjacent to Honokowai Stream.

The Drainage and Soil Erosion Control Report (Drainage Report) prepared by Otomo Engineering, Inc., December 1999, states that after the construction of the proposed improvements and modifications, it is estimated that the storm runoff from the affected project area will be 6.5 cfs. There will be a net decrease in runoff of 0.2 cfs. The Drainage Report was based on the original plan which did not include the grass parking lot and used the two tennis court area for parking. The applicant needs to provide an amended Drainage and Soil Erosion Control Report with the proposed plan submitted to Maui County Urban Design Review Board at its December 5, 2000 meeting.

The section on Soil Erosion Control Plan, states that based on the County Erosion Control Standards and Guidelines, the allowable erosion rate is 6,250 tons/acre/year for a 6-month grading period and the maximum tolerable severity rating number (H) is 50,000. The Drainage Report estimate the time of construction to be six months. The Drainage Report identified several soil control measures and noted that the development project is provided with adequate facilities for drainage control and storm water disposal. A revised plan needs to be submitted.

Nonpoint Source Pollution Prevention - The State has developed "*Hawaii's Coastal Nonpoint Pollution Control Program Management Plan*" which addresses proper planning, design, and use of Best Management Practices and Site Erosion and Sediment Control to substantially reduce polluted runoff (nonpoint source pollution) generated by different activities. The New Development Management Measure should be achieved by reducing total suspended solid loadings by 80% once the site is permanently stabilized; within the conceptual landscape plan, include open green areas that will slow down and retain storm water runoff and limit disturbance of natural drainage features and vegetation. Since the site, particularly the new parking area, is located adjacent to the shoreline and stream channel, additional precaution should be taken during construction to prevent runoff and pollutants from entering the stream and ocean.

In their letter of October 6, 2000, to the Department of Public Works and Waste Management (DPWWM) the applicant stated that a final drainage report and site specific erosion control plan to the Land Use and Codes Administration will be submitted. The report will include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. The site specific erosion control plan will shall show the location and details of structural an nonstructural Best management measures. *(Exhibit 15A)*

The Department of Land and Natural Resources, transmitted on June 21, 2000, comments from their Engineering Branch which stated that their current projects and programs are not affected by the Aston Kaanapali Shore Renovations. They confirmed the locations of the flood zones in the project site, according to FEMA Community Panel Number 15003 0151C.

The applicant stated that they will comply with the rules and regulations of the National Flood Insurance Program and all applicable County Flood Ordinance. *(Exhibit 23B)*

Sewer. The project is connected to a County sewer line and no additional increase in sewerage is expected. Two existing residential units will be converted to business use and the bathrooms in the units will be eliminated.

Roadways. The Department of Public Works and Waste Management stated in their letter of June 22, 2000, that though the project does not trigger adjacent right-of-way improvements, they are advising the applicant that some improvements are advisable. Pedestrian and ADA access along and from Lower Honoapiilani Road are difficult at best into the project site. They, therefore recommend some improvements regarding access. Also, frequent ponding along Lower Honoapiilani Road should be addressed. (*Exhibit 15*)

The West Maui Community Plan (Plan) transportation infrastructure objectives and policies state that improvements for the safe and convenient movement of people and goods, pedestrians and bicyclists in the Lahaina region particularly along Honoapiilani Highway, Front Street and Lower Honoapiilani Road should be supported and that a regional network of bikeways and pedestrian paths should be sought. The implementing actions state that marked pedestrian crossings and other safety improvements or measures along Lower Honoapiilani Road in the vicinity of commercial developments should be provided.

In 1975, when the building permit was taken out for this \$15 million project, no roadway improvements were made on Lower Honoapiilani Road. The applicant should be required to comply with the recommendations of the Department of Public Works and Waste Management (DPWWM) by minimally providing ADA improvements along Lower Honoapiilani Road fronting their property, address the ponding problem on Lower Honoapiilani Road as noted by the DPWWM, and contribute its fair share of improvements to Lower Honoapiilani Road.

The DPWWM also noted in their letter of June 22, 2000, that the applicant should be required to comply with parking in accordance with the Maui County Code 19.36. (*Exhibit 15*) The applicant stated that at the time of building permit processing, final parking calculations will be made in cooperation with the DPWWM, Land Use and Codes Administration Division. They further noted that the proposed alterations to the parking lot will allow for a future exit on Kaanapali Shores Place which will be permitted and constructed as a separate project. Associated with that project, the current entry will be narrowed and limited to entering traffic. It is anticipated that the singular directional routing will smooth traffic flow within the Aston's parking lot and entry area. In addition, the applicant stated that by directing outgoing traffic to Kaanapali Shores Place, traffic entering Lower Honoapiilani Road from the makai direction will be simplified, consolidating two adjacent exits into one egress. The applicant stated in the SMA application that according to the DPWWM, Engineering Division, the elimination of the exit movement from the current project access is likely to improve the traffic flow at the 4-way intersection of the Aston, Honokowai Marketplace, and Lower Honoapiilani Road. Consideration should be given to address the issue of improvements that would be necessary to improve the traffic flow at the 4-way intersection of the Aston, Honokowai Marketplace, and Lower Honoapiilani

Road at the time the applicant provides ADA improvements on Lower Honoapiilani Road.

The applicant stated in their letter of October 6, 2000, to the Department of Public Works and Waste Management that an upcoming project planned for the Aston Kaanapali Shores includes redesign of the Hotel's entry along Lower Honopiilani Road and a new exit along Kaanapali Shores Place. Pedestrian and other improvements along these adjacent roadways will naturally be considered during the design phase of that project. (*Exhibit 15A*)

A month prior to the effective date of the SMA law, the building permit application was filed for this \$15 million development. Since then the applicant has had several permits for the improvement of the property which included, a revetment along the shoreline to preserve the applicant's shoreline area, renovation of the shoreline restaurant and major landscaping in the interior of the property. In addition, major interior renovations were made to the condominium units. Since then, the Honokowai Marketplace, across the street from the property has been developed. The applicant has stated that they will be redesigning the hotel entry along Lower Honopiilani Road. No construction schedule has been made.

The applicant has incrementally renovated its property and has had a number of minor SMA permits issued. The total cumulative costs of all of the projects relating to this property have not been determined. The applicant has also stated that they will be improving the main entrance into their property and will also be creating a new driveway accessing Kaanapali Shores Place and at that time they could consider meeting the ADA requirements requested by the Department of Public Works and Waste Management. The applicant should be required to address the pending problem and provision of ADA and other roadway improvements on Lower Honoapiilani Road as part of the proposed project.

The State Department of Transportation stated in their letter of May 26, 2000, that the proposed renovations will not impact the State transportation facilities. (*Exhibit 16*)

3. Electrical and Telephone – The Maui Electric Company stated in their letter of June 5, 2000, that they had no objections to the subject project. They noted, however, that since new load will be added to the existing MECO electrical service, they encourage the developer's electrical consultant to meet with them to verify the project's electrical requirements so that service can be provided on a timely basis. (*Exhibit 17*)

4. **Parks** – The parks and recreational facilities should not be affected by the proposed renovation project because the development is existing and no additional units are planned. There would be a decrease in that three of the apartment hotel units will be converted to business uses for two units and a pre-function area for the hotel guests. The applicant stated that at the time of subdivision of the original parcel, a public access was created between the Aston Kaanapali Shores and the Embassy Suites Hotel. The access also includes parking, showers, and restrooms. These areas are not affected by the renovation project. The Department of Parks and Recreation, in their letter of May 30, 2000, had no comments. (*Exhibit 18*)

5. **Schools** – No schools will be impacted since the proposed development is a renovation project.

6. **Solid Waste** – The applicant stated that there should be no significant changes to solid waste. Construction related material will be taken to a landfill approved for construction and demolition materials.

7. **Public Services** – The Police Department responded in their letter of June 13, 2000 that they had not comment. (*Exhibit 19*) The Fire Department did not respond.

The major medical hospital in Wailuku is planning an expansion of its facilities to accommodate future developments and growth in Maui. According to a recent news report about a third of the facility is used by nonresidents.

SOCIO-ECONOMIC IMPACTS

On a short term basis, the project will support construction and construction related employment. According to the Department of Labor and Industrial Relations, Maui County's economy has slowed down the past several years and has caused the construction industry to lose over 1,000 jobs from 1991 to 1997. This project will support the industry and Maui economy by providing the county with construction opportunities. In the long term, the project will continue to provide jobs for people currently employed at the project site. The two additional business units will also provide new jobs on the property.

There should be no impact on housing since the project is existing. The Department of Housing and Human Concerns stated in their letter of May 24, 2000, that they had no comments to offer. (*Exhibit 20*)

ENVIRONMENTAL IMPACTS

The proposed development was also reviewed in accordance with Chapter 343,

Hawaii Revised Statutes (HRS), as amended, relative to the Environmental Impact Statements. The environmental review is required under Chapter 343, HRS for any program or project that proposes one of eight land uses or administrative acts. The proposed development, in particular the proposed new parking lot, is in the shoreline setback area. The proposal qualifies under exemption Class 6 as "placement of minor structures accessory to existing facilities." Therefore, this action is exempt from the preparation of an Environmental Assessment.

Open Space and Views - All of the proposed improvements to the building are interior or are on or within the existing area that is already development and cannot be seen from Lower Honapiilani Road.

Air - Air quality impacts attributed to the proposed project could include dust generated by the short-term construction related activities. Dust control measures such as regular watering, sprinkling and the installation of dust screens should be implemented to minimize impact from wind-blown emissions. Best Management Practices should be utilized. Construction sheets should provide details on BMPs.

The Honolulu Office of the Department of Health, in their letter of July 26, 2000, stated prior to any demolition activities an inspection of all affected areas to determine whether asbestos is present is required. An Asbestos Demolition/Renovation notification must be filed within ten working days prior to demolition or the disturbance of regulated asbestos-containing materials. All regulated quantities and types of asbestos-containing materials would be subject to emission control, proper collection, containerizing, and disposal at a permitted landfill. *(Exhibit 21)*

The applicant stated in their letter of October 6, 2000, to the Department of Health (DOH) that they will comply with the DOH's requirements and the applicant will be contacting the DOH to inspect all affected areas to determine whether asbestos is present. The applicant also will be mitigating fugitive dust and silt by utilizing dust/sediment fences, frequently watering exposed areas and quickly re-landscaping bare sections. As part of the building permit process, the applicant will submit a site specific erosion control plan to the Department of Public Works and Waste Management. The site specific erosion control plan shall show the location and details of structural and nonstructural Best Management measures. Construction activities will adhere to the DOH's rules. *(Exhibit 21A)*

Noise - In the short term the proposed project could generate some adverse impacts during construction. To minimize construction-related impact to the surrounding property owners, the applicant needs to limit construction activities to normal daylight working hours, and to adhere to the State Department of Health's noise regulations for construction equipment.

The DOH stated in their letter of July 26, 2000, stated that activities associated with construction phase of the project must comply with the Department of Health's Administrative Rules, Chapter 11-46, "Community Noise Control" and 11-42, "Vehicular Noise control for Oahu." (*Exhibit 21*)

The applicant responded to the DOH's letter on October 6, 2000. The applicant stated that they do not anticipate construction noise to reach levels where a permit will be required, however, the applicant will contact the DOH to confirm the assessment. All construction activities will comply with the DOH's rules relating to noise. (*Exhibit 21A*)

In the long term, the project, once completed, is not expected to have any adverse impact upon the existing noise conditions in the Kaanapali area.

Water Quality

The Department of Water Supply (DWS) stated in their letter of July 24, 2000, that the project overlies the Honokowai Water System. In order to protect Maui's ground water and surface water resources, the DWS recommends that the applicant utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from all construction and vehicle operations. The DWS transmitted sample BMPs for principle operations, a list of references, and recommended the applicant contact the Department of Health for additional information. (*Exhibit 14*)

DWS stated that area aquifers are part of the Honokowai aquifer system, which includes unconfined basal aquifers with moderate to high salinity. The aquifers have no potential use and are not considered ecologically important. The applicant stated that no significant impacts to water quality are expected from the construction or use phase of the project. Proposed mitigation measures are included in their Drainage and Soil Erosion Control Report. According to their engineer's calculations the sedimentation hazard to coastal waters and downstream properties is minimal.

The applicant stated in their letter of October 6, 2000, that they will be mitigating fugitive dust and silt by utilizing dust/sediment fences, frequently watering exposed areas and quickly re-landscaping bare sections. The applicant will submit a final drainage report and a site specific erosion control plan to the Land Use and Codes Administration of the County Department of Public Works and Waste Management as part of the building permit application process. (*Exhibit 14A*)

The Department of Land and Natural Resources, Aquatic Resources Division, stated in their letter transmitted June 19, 2000, states that significant adverse impact to public aquatic resource values is not expected since the existing facility is on private (fast land) property, fully developed and landscaped. The renovations and associated

activities should not impede, inhibit or endanger public passage and enjoyment of the shoreline. Precautions shall be taken during renovations to prevent debris, eroded soil, petroleum products, landscaping chemicals, (herbicides, pesticides, etc.) and other potential contaminants from flowing, blowing or leaching into coastal waters. (*Exhibit 23 and 23A*)

The Aquatic Resources Division, however, was responding to a previous plan which did not include the proposed grassed parking lot. Since the Aquatic Resources Division did not review the proposed grassed parking lot, the applicant should be required to submit the proposed plans to the Aquatic Resources Division for review and approval, prior to grading and building permit approval.

The applicant stated in their letter of October 6, 2000, to the Department of Land and Natural Resources, that the applicant will be mitigating fugitive dust and silt by utilizing dust/sediment fences, frequently watering exposed areas and quickly re-landscaping bare sections. In addition, the applicant will take precautions so that petroleum products, landscaping chemicals and other potential contaminants will not blow, flow or leach into coastal waters. (*Exhibit 23B*)

Other Health and Environmental Concerns -

The Department of Health, Maui District stated in their letter of June 7, 2000, that they had no comments to offer at this time. (*Exhibit 22*)

The State Department of Land and Natural Resources, Land Division, stated in their letter of June 15, 2000, that any sand excavated from the site may be useful for beach nourishment on Kaanapali Beach. An evaluation of any sand excavated should be made to determine compatibility with Kaanapali Beach sand. (*Exhibit 24 & 24A*)

The applicant stated in their letter to October 6, 2000, to the Department of Land and Natural Resources, relating to comments from the Land Division that project renovations do not require the excavation of sand in quantities that would be practical or useful for beach nourishment at offsite locations. The applicant noted that the adjacent channelized Honokowai Stream may contain a significant amount of deposited sand which might be useful for nourishment at Honokowai Beach Park or Kaanapali Beach. (*Exhibit 23B*)

The applicant met with Robert Mullane, University of Hawaii, Sea Grant Extension Service for a site visit and comments on the proposed grassed parking area. According to the applicant, Mr. Mullane expressed comfort with the proposed grass parking in the shoreline area for the following reasons:

1. Physical features such as armored shoreline, the elevation, and the

distance from the shoreline (75 feet), make it unlikely that the grassed parking area will be exposed to ocean processes.

2. Given the above, ocean processes during an extreme coastal event would have minimal interaction with the development due to its design, particularly:
 - There are no permanent structures above grade that could impede or reflect wave run-up.
 - The turf-reinforcing blocks are removable without machinery.

The applicant provided Mr. Mullane with a brochure on "Geoblock" which is a product made partially of recycled materials. The applicant indicated that the product may be more coastal sensitive as it can be removed in larger sections, and is only 2 inches deep rather than a traditional 8-inch grasscrete paver. (*Exhibit 28*)

OTHER GOVERNMENTAL APPROVALS

On November 21, 2000, the Maui County Urban Design Review Board (UDRB) reviewed the design, landscaping, architectural plans and related aspects of the proposed project. Based upon those considerations within the Board's purview, it voted to recommend approval of the plans. The UDRB respectively recommends its decision be incorporated into the Maui Planning Commission's deliberations on this application scheduled for its January 9, 2001, meeting. (*Exhibit 26*)

On December 18, 2000, the Maui Planning Department received the applicant's request for a Shoreline Setback approval to permit the proposed improvements which include a portion of a grassed parking area using "Geoblock" (which protects the grass from vehicle wear), a brick header set in sand, and associated landscape planting as submitted and noted on the plan dated November 13, 2000, by Chris Hart & Partners and Architects Hawaii dated September 7, 2000. On December 19, 2000, the Maui Planning Department approved the applicant's request on the basis that the project does not affect beach processes; it does not artificially fix the shoreline; and it does not interfere with public access or public views to and along the shoreline. (*Exhibit 27*)

TESTIMONY

As of December 21, 2000, the Department of Planning has not received any public comments in favor or in opposition to the proposed development.

APPROVED:



JOHN E. MIN
Planning Director

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