

LINDA CROCKETT LINGLE
Mayor

BRIAN W. MISKAE
Director

ROBERT K. KEKUNA, JR.
Deputy Director



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

BILL MEDERIOS
Long Range Division

COLLEEN M. SUYAMA
Current Planning Division

KALVIN KOBAYASHI
Energy Division

RECEIVED

September 1, 1992

'92 SEP -4 A9:34

OFF. OF ENVIRONMENTAL
QUALITY CONTROL

Mr. Brian Choy
OEQC
220 South King Street
Central Pacific Plaza, 4rth Floor
Honolulu, HI 96813

Dear Mr. Choy:

Re: Final Environmental Assessment for a Shoreline
Setback Variance to construct a swimming pool, spa,
and deck within the 25 foot shoreline setback area,
TMK: 4-5-3:4, Lahaina, Maui.

At its regular meeting on August 25, 1992, the Maui Planning
Commission voted to adopt the above mentioned request as a
Negative Declaration.

Enclosed is a copy of the OEQC Bulletin Publication Form, and
four (4) copies of the Final Environmental Assessment for the
project. The Draft Environmental Assessment was published in the
Bulletin on July 23, 1992.

Should additional information be necessary, please contact
Daren Suzuki of this office at 243-7735.

Very truly yours,

A handwritten signature in cursive script, appearing to read "B. Miskae".

BRIAN MISKAE
Planning Director

encl.

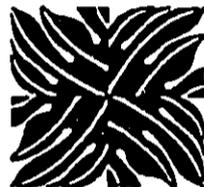
xc: Uwe Schulz
Chris Hart
project file



1992-07-23-MA-FAA-Imanishi Single family Residence & related
improvement

**ENVIRONMENTAL ASSESSMENT
FOR PROPOSED SINGLE FAMILY RESIDENTIAL
IMPROVEMENTS**

**AT TMK 4-5-03: 4, LAHAINA, ISLAND OF MAUI
STATE OF HAWAII**



**CHRIS
HART
& PARTNERS**

**LANDSCAPE ARCHITECTURE
AND PLANNING**

Prepared For

Mr. Jun Imanishi

Prepared By

Chris Hart & Partners; Landscape Architecture and Planning
305 E. Wakea Avenue
Kahului, Maui, Hawaii 96732.

Phone: (808) 871-5726
Fax: (808) 871-6706

May 1992

Table of Contents

Section	Page
I. Identification of the Applicant	1
II. Approving Agency	1
III. Agencies Consulted	1
IV. General Description of the Proposed Action	1
V. Summary of Description of the Environment	3
VI. Identification and Summary of Major Impacts and Alternatives Considered	5
VII. Shoreline Setback Considerations	7
VIII. Requested Determination	9
IX. Findings and Reasons Supporting the Determination	9

Exhibit	Number
Location Map (Portion of TMK 4-5-03, Lahaina, Maui)	1
Proposed Imanishi Residence Site Plan	2
Certified Shoreline Map/Existing Site Plan	3
Photographs: View along Front Street and View of the Shoreline Setback area	4
Photographs: View along shoreline/seawall and View of the makai-side of the lot	5

**ENVIRONMENTAL ASSESSMENT
FOR PROPOSED SINGLE FAMILY RESIDENTIAL IMPROVEMENTS
WITHIN THE SHORELINE SETBACK
AT TMK 4-5-03: 4, LAHAINA, ISLAND OF MAUI
STATE OF HAWAII**

I. Identification of the Applicant

- A. Applicant: Mr. Jun Imanishi, Managing Director, Morgan Stanley Japan, Ltd., Tokyo Branch, Ote-Center Building, 1-3, Ote Machi 1-Chrome, Chiyoda-Ku, Tokyo 100, Japan.
- B. Authorized Agent: Mr. Uwe H.H. Schulz, AIA, Uwe H.H. Schulz and Associates, Inc., 1022 Front Street, Lahaina, Maui, Hawaii 96761. Phone: 661-8317 Fax: 667-5063

II. Approving Agency

The Maui Planning Commission is the approving agency. (HRS Section 343-5 (a); EIS Rules Subchapter 4, Section 11-200-4 (b); HRS Section 205A-41; and Section 8-8.4, Charter of the County of Maui)

III. Agencies Consulted

- A. Department of Planning, County of Maui
- B. Department of Public Works, County of Maui
- C. Department of Land and Natural Resources, State of Hawaii

IV. General Description of the Proposed Action

- A. Location: The subject property is located on the makai-side of Front Street across from the historic Seaman's Hospital and between Baker Street and Kenui Street. The property's address is 1029 Front Street and is also identified by TMK 4-5-03: 4, Lahaina, Maui. (See Exhibit 1: Location Map)
- B. Technical: The proposed action is part of a larger action involving the demolition of an existing one-story single family dwelling and the reconstruction of a new one/two-story residential dwelling on a lot with an area of 6,010 sq. ft.

Due to the limited buildable area and lot depth of the parcel, the Applicant is requesting a variance to include portions of these improvements within the 25-foot shoreline setback. After applying a 25-foot shoreline setback and other required front and side yard setbacks, the buildable area of the subject lot is approximately

2,810 sq. ft., which is less than 50 percent of the total lot area or 3,005 sq. ft..

The proposed improvements within the 25-foot shoreline setback include: (1) a portion of the swimming pool/spa; (2) a portion of the pool deck surface of cut stone laid in a stabilized sand setting bed; (3) the removal of an existing wooden patio deck, portions of a decorative rock wall on the south-side of the property and a chain ladder from the top of the wall to the ocean below; and (4) the planting of lawn grass.

A portion of the swimming pool/spa and cut stone deck surface will extend approximately 22.5 feet into the shoreline setback. The total area within the shoreline setback is approximately 1,356 sq. ft. The area of the swimming pool/spa and cut stone deck surface is approximately 709 sq. ft.; the remaining 647 sq. ft. will be maintained with lawn grass. The lot coverage of proposed improvements within the shoreline setback is as follows: 48 percent lawn grass and 51 percent swimming pool/spa and cut stone laid in a stabilized sand setting bed. Currently, the entire shoreline setback area of the lot is covered by portions of the existing dwelling and a wooden deck.

see exhibit 3

The new residential dwelling will not be situated within the 25-foot shoreline setback. The proposed improvements within the 25-foot setback will only include structures that are at or below existing grade.

See Exhibit 2: Proposed Imanishi Residence Site Plan.

Under the prior Shoreline Setback Rules of the Maui Planning Commission in effect from January 7, 1980 to September 7, 1990, the parcel was subject to a 20-foot shoreline setback requirement. (Article III, Section 6, Shoreline Setback Rules of the Maui Planning Commission) All existing improvements within the 20-foot shoreline setback area were constructed by previous owners during the 1980's and include a wooden patio deck, shower pole and masonry barbecue. The subject property was purchased by the Applicant in 1992.

Under the current Shoreline Setback Rules effective September 8, 1990, a portion of the existing residential dwelling, in addition to the patio deck and masonry barbecue, is now within the applicable 25-foot shoreline setback.

- C. Socio-Economic: The overall project involves the reconstruction of a single-family residential dwelling and does not change the existing use of the property, which has been residential for at least 40 years.

- D. Environmental Aspects: The subject site is an existing improved house lot. The property's elevation on the makai-side is approximately 3 feet below the top of an existing 10-foot high seawall that defines the shoreline. The proposed structural improvements within the 25-foot shoreline setback will be at or below existing grades or elevations and therefore will not be visually intrusive. Furthermore due to the height of the seawall, the property is not visible from the base of the wall along the shore.

Aside from excavation of the swimming pool and minimal fill work (i.e. raising the finished floor elevation of the house by 6 inches to meet flood hazard requirements) on the site, the proposed action and larger action will not involve extensive earthwork or modifications to the existing topography and natural drainage patterns.

Since the site has been extensively filled, improved and modified over the years dating back to the 1940's, the probability of finding archaeological or cultural resources is very low. The observed man-made improvements on the property are not of a unique historic character.

The existing vegetation on the site consists of ornamental trees (i.e. coconut and manila palm), decorative shrubbery (i.e. bougainvillea; hibiscus) and lawn grass. During a site inspection, no animal life was observed at the site. A few common bird species (i.e. sparrows; mynah birds) were seen at this time. As typical of urban residential areas, wildlife on the property are likely to include species common to the area.

V. Summary Description of the Environment

- A. Overview of the Neighborhood: Over 50 years ago, Pioneer Mill Company developed this section of Front Street. During the 1940's, a continuous 10-foot high seawall was constructed along this section of the town. In the 1950's, Pioneer Mill subdivided the shorefront lands for house lots. Over the ensuing years, the area makai of Front Street has retained its single family residential character, while on the mauka-side of Front Street, there is a mixture of low-rise multi-family and office/commercial uses.
- B. Site Description: The subject property is an existing improved house lot and comprises an area of 6,010 sq. ft. (See Exhibit 3: Certified Shoreline Map/Existing Site Plan)

According to the certified shoreline map and the tax map, the original area of the parcel was 6,272 sq. ft. However, approximately 717 sq. ft. of land was lost through erosion makai of the existing seawall.

The subject property is level and contains a one-story single family dwelling with attached carport, landscape planting and accessory structures, including storage, fencing, low rock walls, wooden patio decking, masonry barbecue and other incidental structures.

See Exhibit 4: View along Front Street and View of the Shoreline Setback area.

As previously noted, a 20-foot shoreline setback was applicable to the subject parcel under prior Shoreline Setback Rules of the Maui Planning Commission. (Article III, Section 6, Shoreline Setback Rules of the Maui Planning Commission effective January 7, 1980) Improvements within the 20-foot shoreline setback area were constructed by previous owners during the 1980's and include a wooden patio deck, shower pole and masonry barbecue.

The average lot depth of the parcel is approximately 98.5 feet.

- C. Shoreline Conditions: A 10-foot high sea retaining wall constructed during the 1940's is situated along the makai-side of the subject property and neighboring parcels and physically defines the certified shoreline. The area mauka of the wall was filled to a few feet below the top of the wall, probably in the 1950's, when the house lots were created. There are large rocks and boulders along the base of the wall at the shoreline. There is no sand beach in the area immediately seaward of the existing wall. Also due to the height of the seawall, there is no direct view of the subject parcel from the shore.

See Exhibit 5: View along shoreline/seawall and View of makai-side of the lot.

D. Surrounding Land Uses

- Mauka Across of Front Street: the historic Seaman's Hospital now restored and occupied by Paradise Cable Television and a one-story restored plantation house that is the office of Uwe H.H. Schulz, Architect.
- Kaanapali-side (North): existing two-story single family dwelling.
- Lahaina Harbor-side (South): existing one and two-story single family dwelling.
- Makai-side: ocean

E. Existing Public Improvements:

1. Access: There is an existing driveway access along Front Street.

2. Water: The property is connected to the County's domestic water system.
3. Sewer: The property is connected to a sewage collection line that is part of the County's Lahaina Wastewater Treatment System.
4. Telephone and Electrical Power: The property is connected to these overhead utility lines along Front Street.
5. Drainage: Sections of Front Street have drainage improvements; in other sections, drainage is disposed of by sheetflow and natural percolation.
6. Public Beach Access: The nearest public beach access is situated approximately 550 feet north of the subject parcel at Kai Pali Place to the sand beach, known as "Baby Beach".

F. Land Use Designations:

- Lahaina Community Plan: Single-family Residential
- State Land Use Classification: Urban District
- County Land Zoning District: R-2 Residential District
- Special Management Area: Development does not include construction of a single family residence (HRS Section 205A-22 (B) (1)).
- Flood Hazard District: Zone V-12 (tsunami inundation zone) with a base flood elevation of 7.0 feet above mean sea level.

VI. Identification and Summary of Major Impacts and Alternatives Considered

A. Identification and Summary of Major Impacts

1. Short-Term

- a. As typical of all projects, there will be short-term impacts during the construction phase involving increased dust, noise, and localized traffic inconveniences.
- b. Also, the project will provide some employment opportunities during the construction period.

2. Long-Term

- a. Visual impacts: The new residential dwelling will be of a one/two-story design with the one-story elevation along Front

Street. Although it will be more visually noticeable than the existing one-story residential dwelling on the subject parcel, the elevations of the new dwelling will relate to existing one/two-story residential dwellings adjoining the subject property and along nearby areas of Front Street.

The proposed structural improvements within the 25-foot shoreline setback will be at or below grade and not be visually intrusive. Furthermore due to the height of the existing seawall, the proposed improvements will not be visible from the shoreline at the base of the 10-foot high seawall.

- b. Historic and Cultural Resources: Since the site has been extensively filled and improved for residential use over the previous years dating back to the 1940's, adverse impacts on historic or cultural resources are very unlikely to occur.
- c. Flora and Wildlife: As an existing improved residential lot, the subject property does not support any known rare, endangered or threatened species of plant, animal or bird life and therefore adverse impacts on these resources will not occur.

To the extent practicable, mature trees on the property will remain and be integrated in the project's landscape planting plan.

- d. Public Facilities and Services: The project involves replacing an existing residential unit and will not unreasonably burden public utilities to provide services and facilities.
- e. Infrastructure: Since the project does not involve an increase in density nor significantly intensify existing use of the subject property, impacts on available public infrastructure (i.e. roads; sewage disposal; water) will be negligible.
- f. Public Beach Access: Given the rocky conditions of the shoreline, the absence of a sandy beach and the existing 10-foot high seawall, public beach access to and along the shoreline is potentially hazardous.

At the Kaanapali-end of the seawall approximately 550 feet north of the subject parcel, there is an existing sand beach, known as "Baby Beach", with a public access at Kai Pali Place.

- g. Water Quality: Given the limited excavation and site work involved in the construction of the single family dwelling and related improvements, any impacts on water quality will be negligible.

- h. Marine Resources: Given the nature of the use and limited scale of earth work, there will be no significant impacts on marine life.
 - i. Flood Hazard: The new residential structure will be constructed on approximately 6 inches of fill to raise the finished floor elevation above the 7.0-foot base flood elevation above mean sea level, as specified in the Federal Flood Insurance Rate Maps.
 - j. Shoreline Beach Processes: The project, including work within the 25-foot shoreline setback, will not affect natural beach processes, since it will occur mauka of an existing sea retaining wall constructed during the 1940's. This seawall has functioned to artificially fix the shoreline in this area of Front Street.
 - k. Cumulative Impacts: The overall project involving the construction of a new one/two-story single family dwelling will not change the existing and historic use of the subject property nor significantly intensify use of the property. In addition, the site work involved will be limited and not be of a scope to generate significant adverse environmental impacts. The new residential dwelling will be slightly larger than the existing dwelling but in character with adjoining one/two and two story structures along Front Street. The overall project will not substantially increase demands on public utilities, services and facilities.
- 3. Alternatives Considered: The overall project plans incorporate design refinements to achieve a reasonable solution given the limited buildable area and lot depth of the subject parcel.
 - 4. Mitigative Measures: The Applicant will comply with all requirements of governmental agencies and through a representative will monitor construction activities to minimize associated impacts.

VII. Shoreline Setback Considerations

- A. Shoreline Setback Determination: In accordance with Section 12-5-6 (b) (1) and (4) of the Shoreline Setback Rules of the Maui Planning Commission, the shoreline setback for the subject lot is 25 feet for the following reasons: (1) the subject parcel was created prior to June 16, 1989; (2) the average lot depth is less 100 feet; and (3) if a 40-foot shoreline setback and the required front and side yard setbacks are applied, the buildable area of the lot is reduced to approximately 1,800 sq. ft., which is less than 50 percent of the lot area (6,010 sq. ft. multiplied by 0.5 = 3,005 sq. ft.)
- B. Existing Structures within the Shoreline Setback: Under the prior Shoreline Setback Rules of the Maui Planning Commission that

was in effect from January 7, 1980 to September 7, 1990, the property was subject to a 20-foot shoreline setback requirement. (Article III, Section 6, Shoreline Setback Rules of the Maui Planning Commission)

The subject property was purchased by the Applicant in 1992.

All existing improvements within the 20-foot shoreline setback area were constructed by previous owners during the 1980's and include a wooden patio deck, shower pole and masonry barbecue. Based on consultation with the Planning Department staff, it is likely that these existing structures within the original 20-foot shoreline setback were not authorized by a shoreline setback variance.

Under the current Shoreline Setback Rules effective September 8, 1990, portions of the existing residential dwelling, in addition to the patio deck, shower pole, and masonry barbecue, is now within the applicable 25-foot shoreline setback.

C. Criteria for the Granting of a Shoreline Setback Variance: The following are relevant criteria, as specified in Chapter 5, Rules of the Maui Planning Commission Relating to the Shoreline Area.

A shoreline area variance may be granted, if the authority finds that the proposed structure or activity is necessary for or ancillary to:

- Landscaping, provided that the proposed structure or activity will not adversely affect beach processes and will not artificially fix the shoreline (§ 12-5-13 (a) (3)).
- Private facilities or improvements which neither adversely affect beach processes nor artificially fix the shoreline, provided that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area. (§12-5-13 (a) (8)).

"Hardship" shall not include an economic hardship to the applicant, county zoning changes, planned development approvals, cluster permits, or subdivision approvals after June 16, 1989; any other permit or approval which may have been issued by the authority. If such hardship is a result of actions by the applicant, such result shall not be considered a hardship. (§12-5-13 (b))

No variance shall be granted unless appropriate conditions are imposed:

- To maintain safe lateral access to and along the shoreline or adequately compensate for its loss;
- To minimize risk of adverse impacts on beach processes;

- To minimize risk of structures falling and becoming loose rocks or rubble on public property; and
- To minimize adverse impacts on public views to, from, and along the shoreline. (§12-5-13 (c))

D. Reasons Justifying the Proposed Action Within the Shoreline Setback Area

Findings:

- An existing 10-foot high sea retaining wall constructed during the 1940's runs along the makai-side of the subject property and other neighboring properties within this section of Front Street. The seawall physically defines the shoreline in this area. The overall project, including work within the 25-foot shoreline setback, will occur mauka of the sea wall and therefore not artificially fix the shoreline nor affect beach processes.
- The proposed improvements within the shoreline setback are "minor structures". Under the Shoreline Setback rules, "minor structures" include landscape features or irrigation; minor, single-storied service and recreational buildings, paved lanais, swimming pools, and beach use facilities; and paved walkways for public access. (§121-5-11 (e)) The proposed improvements within the 25-foot shoreline setback are "minor structures", as defined in the rules. Furthermore, these improvements will be non-intrusive and incidental to allowable R-2 Residential District uses.
- The subject house lot was established and developed in the 1950's, prior to the enactment of Act 136, Session Laws of Hawaii, 1970 pertaining to shoreline setbacks.
- After applying a 25-foot shoreline setback and the required front and side yard setbacks, the buildable area of the lot is reduced to approximately 2,810 sq. ft. or less than 50 percent of the total lot area.
- The new one/two story dwelling unit will be setback 25 feet from the shoreline, in accordance with current rules.
- Although there is no record of issuance of a notice of violation, the existing pool deck, shower and masonry barbecue within the original 20-foot shoreline setback that was constructed by previous owners may have been undertaken without a shoreline setback variance and other permits. The proposed action will resolve potential illegalities, if any.

- Under the proposed action, approximately 48 percent of the 25-foot shoreline setback area will be maintained with lawn grass and 51 percent with the proposed swimming pool/spa and cut stone deck surface. Currently, the entire 25-foot shoreline setback is covered by a wood deck and portions of the existing single-family dwelling.
- Hazardous conditions exist for public access to and along this section of the shoreline. Within this area, there is no sand beach makai of the 12-high sea retaining wall. Also, there are large rocks and boulders at the base of the sea wall. In addition, the shorefront lots are at a much higher elevation (7 feet plus) in relation to the shoreline.
- There is an existing public beach right-of-way approximately 550 feet north of the subject parcel at Kai Pali Place to the sand beach, known as "Baby Beach".

Conclusions

- A "hardship" exists to support issuance of a shoreline setback variance on the following basis: (a) the shoreline setback statute and regulations were promulgated well after the parcel was established and developed for residential use; (b) the parcel has substantially limited buildable area and lot depth; (c) the proposed improvements within the shoreline setback are "minor structures"; (d) the existing single family dwelling on the parcel is a non-conforming structure under the current rules; (e) the new residential structure will meet current shoreline setback requirements of 25 feet; and (f) the proposed improvements within the shoreline setback are reasonable and will not intrude on public views from and along the shoreline, artificially fix the shoreline, nor affect beach processes.
- The imposition of a condition to maintain public beach access is not warranted in this particular case, given the existing unsafe conditions for lateral public access to and along the shoreline.

VIII. Requested Determination

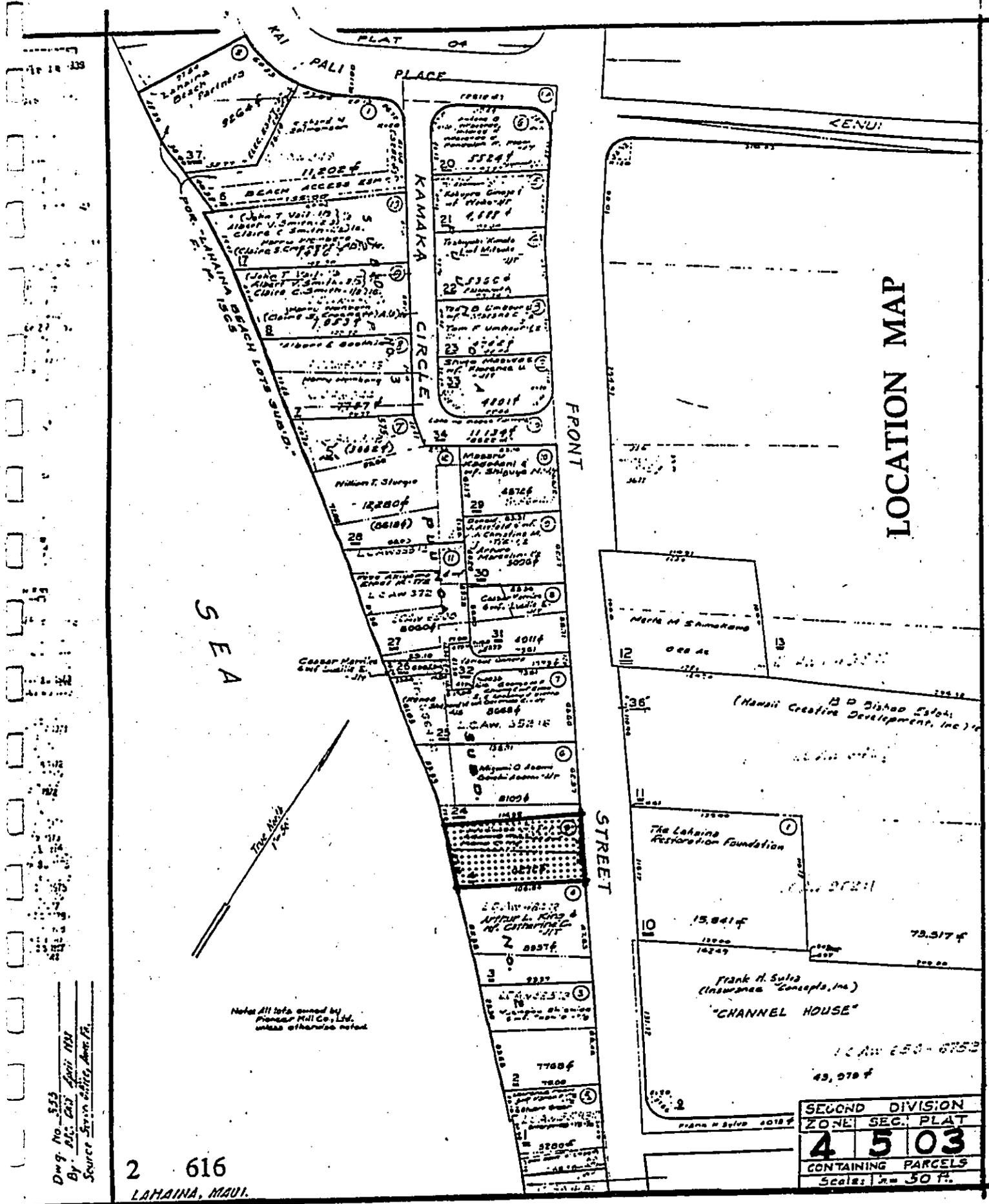
The proposed action and larger action involving the reconstruction of a single-family dwelling is not expected to cause significant impacts to the environment. Therefore, it is requested that a negative declaration be filed.

IX. Findings and Reasons Supporting the Determination

1. The proposed project and larger action will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources.

Environmental Assessment
TMK 4-5-03: 4, Lahaina, Maui (Imanishi)

2. The proposed project and larger action will not curtail the range of beneficial uses of the environment.
3. The proposed project and larger action will not conflict with the State's long-term environmental policies.
4. The proposed project and larger action will not substantially affect the economic or social welfare of the community or State.
5. The proposed project and larger action will not involve substantial secondary impacts, such as population changes or effects on public facilities.
6. The proposed project will not contribute to substantial degradation of environmental quality.
7. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist in the project site.
8. The proposed project will not detrimentally affect air or water quality or ambient noise levels.
9. The proposed project will be situated within an environmentally-sensitive area, namely Zone V or an area susceptible to tsunami inundation. However, measures will be taken to construct the project above the base flood elevations and comply with other related requirements.
10. The proposed project is consistent with the Lahaina Community Plan, County zoning, shoreline setback regulations and other applicable policies.



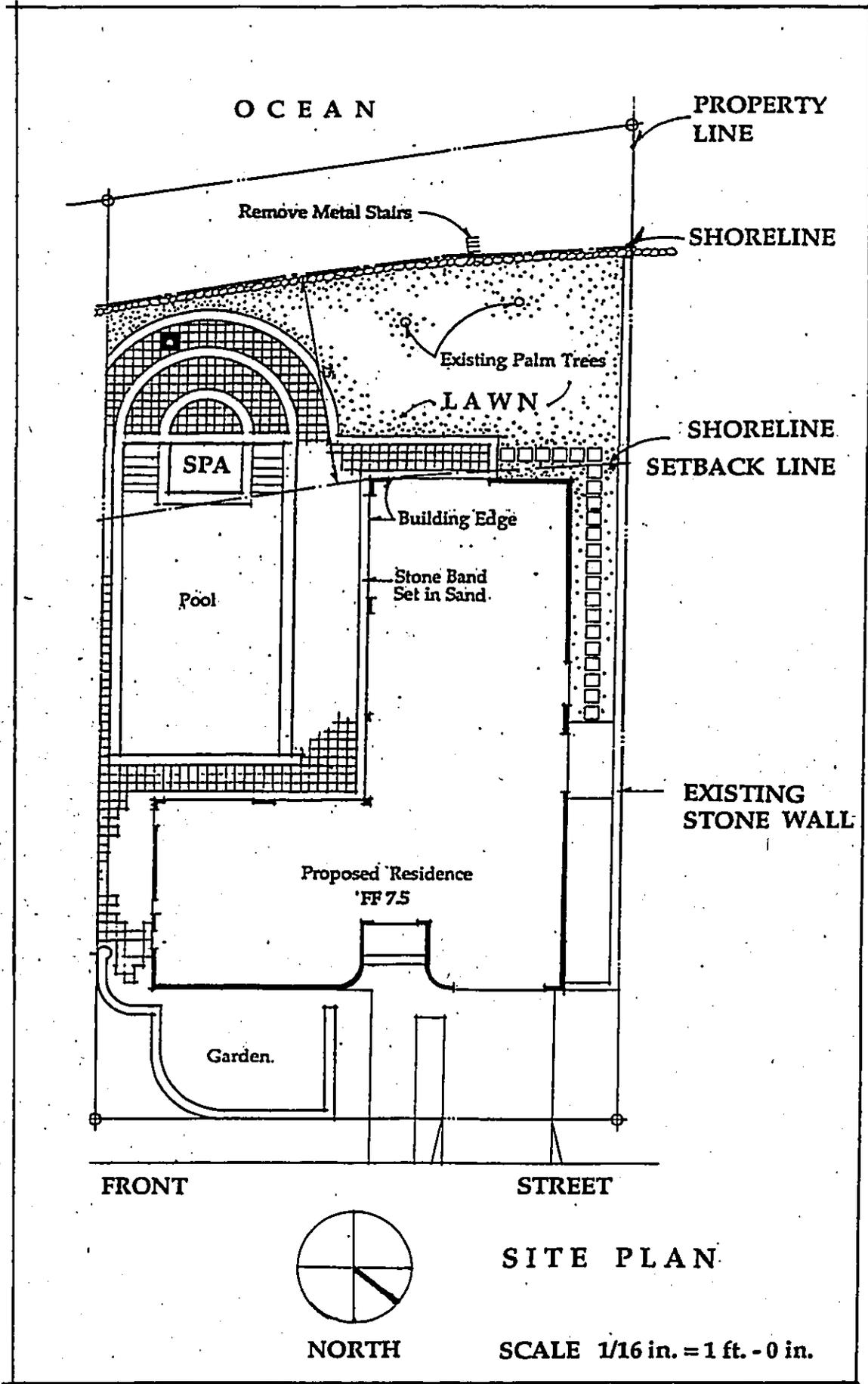
Dwg. No. 533
 By: P.C. and Lani Hui
 Source: Survey of Lani Hui

Note: All lots owned by Pioneer Mill Co., Ltd. unless otherwise noted.

2 616
 LAHAINA, MAUI.

SECOND DIVISION		
ZONE	SEC.	PLAT
4	5	03
CONTAINING PARCELS		
Scale: 1" = 50 FT.		

EXHIBIT NO. 1



CHRIS HART
LANDSCAPE ARCHITECTURE,
AND PLANNING

308 E. WAIOLA AVENUE
LAHAINA, MAUI, HI 96731
TELEPHONE: 808-671-8714
FACSIMILE: 808-671-4708



Chris Hart
This work was prepared by
me or under my supervision

Imanishi Residence
Lahaina, Maui, Hawaii

May 8, 1992

Date

Revised

Scale

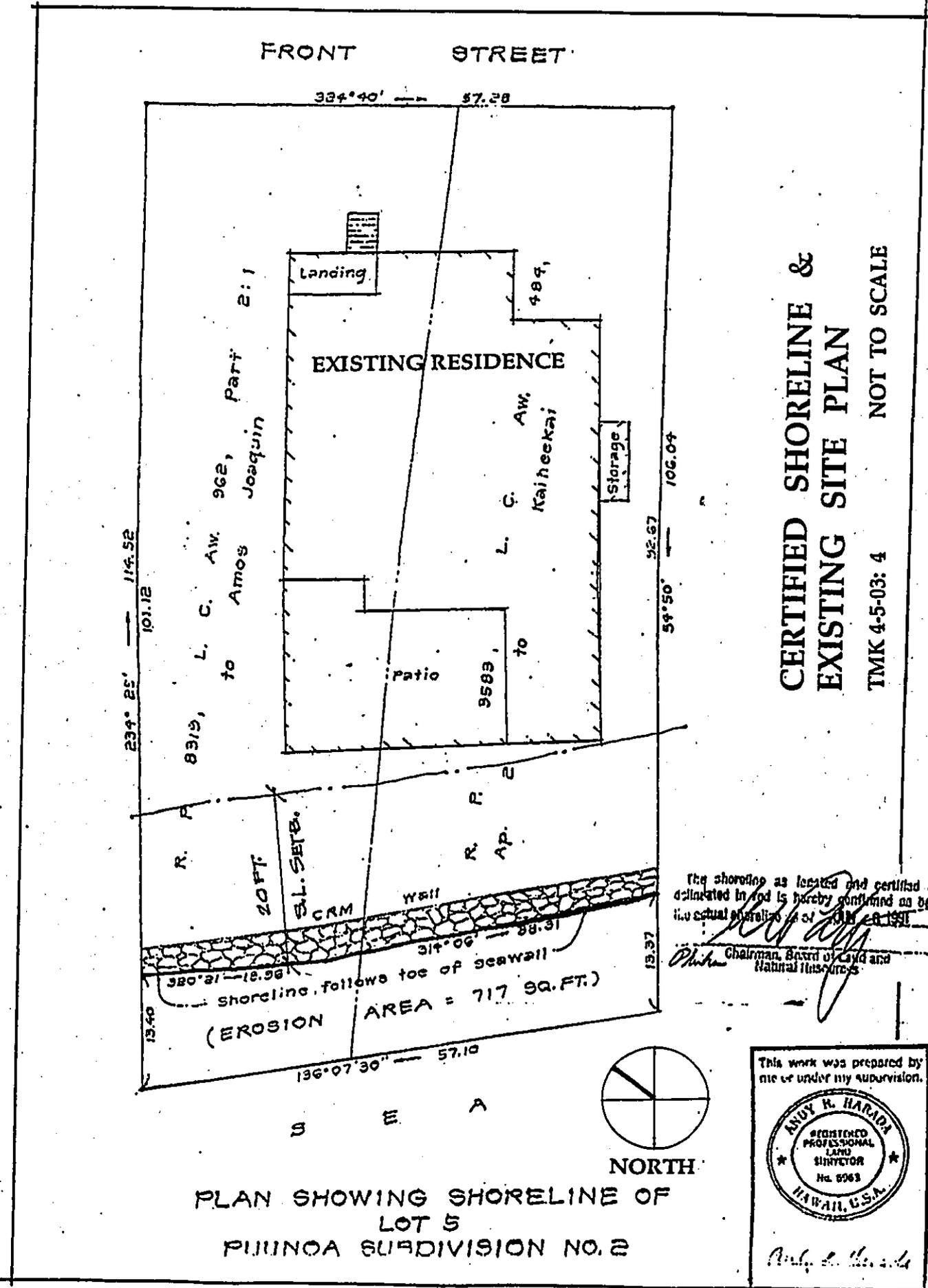
Designed by

Drawn by

Project No.

Sheet No.

EXHIBIT NO. 2



CERTIFIED SHORELINE & EXISTING SITE PLAN
 TMK 4-5-03: 4 NOT TO SCALE

The shoreline as located and certified as delineated in and is hereby confirmed as being the actual shoreline as of 10/11/2011
Philip Chairman, Board of Civil and Natural Resources

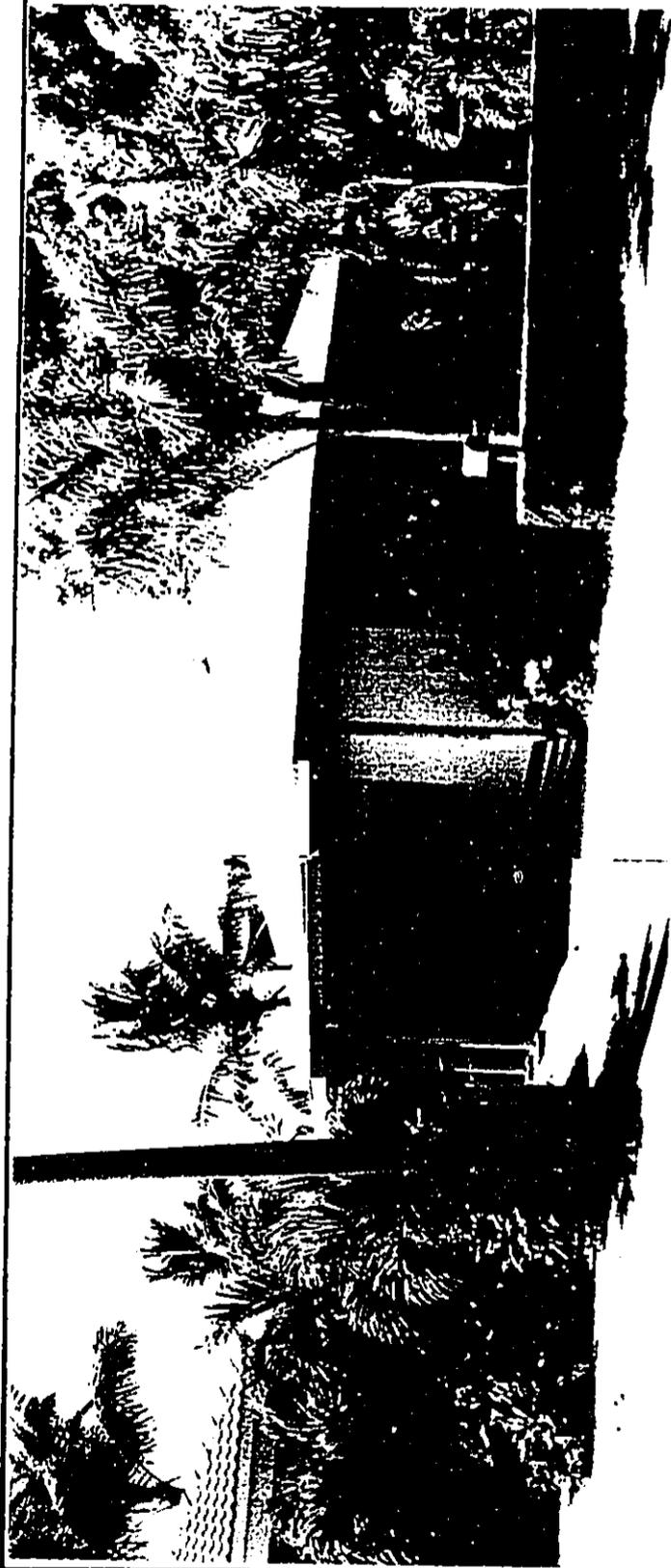
This work was prepared by me or under my supervision.

ANUY R. HARIDA
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 5063
 HAWAII, U.S.A.

Anuy R. Harida

EXHIBIT NO. 3

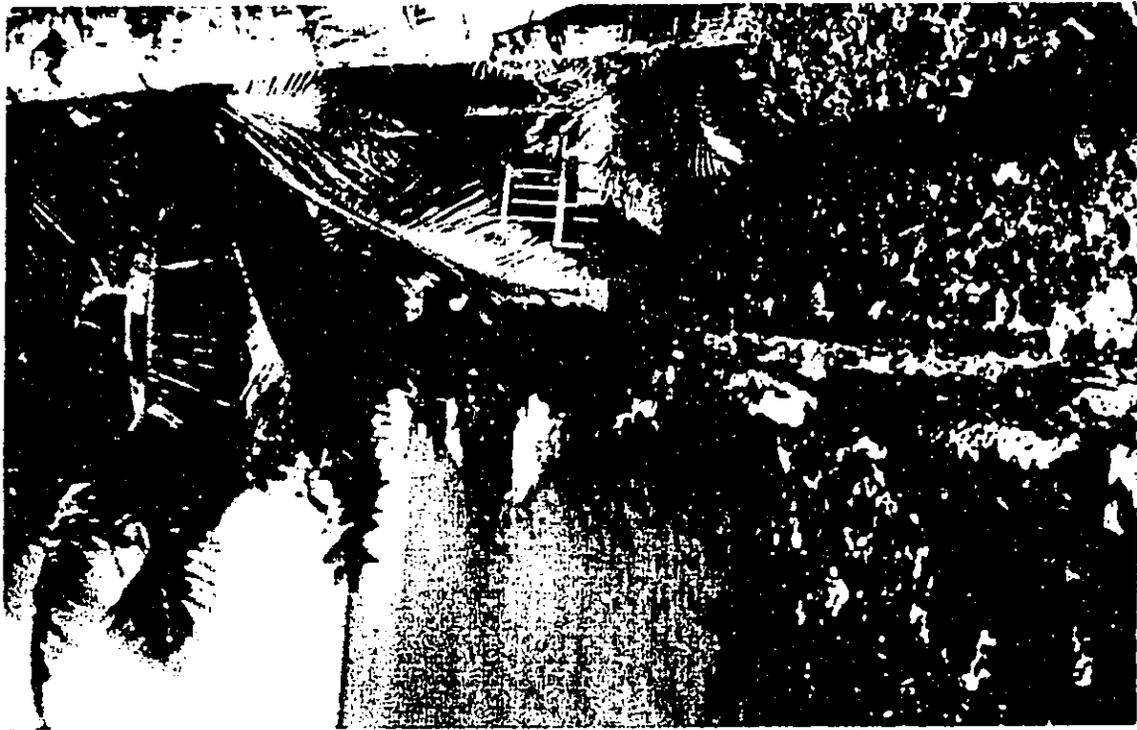
VIEW ALONG FRONT STREET



VIEW OF THE SHORELINE
SETBACK AREA



EXHIBIT NO. 4



VIEW ALONG SHORELINE/SEAWALL



VIEW OF THE MAKAI SIDE OF THE LOT



CHRIS
HART
& PARTNERS

LANDSCAPE ARCHITECTURE
AND PLANNING

SEP 2 9 1992

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the matter of Application of)
Mr. Uwe Schulz, AIA, on behalf) Docket No. 92/EA- 8
of Mr. Jun Imanishi) 92/SSV-2
To Obtain An Environmental Impact) Mr. Uwe Schulz
Statement (EIS) Assessment and)
Determination for improvements to a)
single family residence within the)
shoreline setback area, 1029 Front)
Street, TMK: 4-5-3:4, Lahaina, Maui.)

Maui Planning Department's Report
for the
Maui Planning Commission Meeting on
August 25, 1992

EA Determination

Department of Planning
County of Maui
250 S. High Street
Wailuku, Maui, HI 96793

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the matter of Application of)
Mr. Uwe Schulz, AIA, on behalf) Docket No. 92/EA- 8
of Mr. Jun Imanishi) 92/SSV-2
To Obtain An Environmental Impact) Mr. Uwe Schulz
Statement (EIS) Assessment and)
Determination for improvements to a)
single family residence within the)
shoreline setback area, 1029 Front)
Street, TMK: 4-5-3:4, Lahaina, Maui.)

Maui Planning Department's Report

APPROVING AGENCY

Maui Planning Commission
250 S. High Street
Wailuku, Maui, Hawaii 96793

Telephone No.: (808) 243-7735

Contact Person: Mr. Daren Suzuki, Planner, Maui County
Planning Department

THE APPLICANT

Mr. Uwe Schulz, AIA
1022 Front Street
Lahaina, Maui 96761

Telephone No.: (808) 661-8317

THE APPLICATION

This matter arises from an application for an Environmental Impact Statement (EIS) Assessment filed on May 12, 1992. The application was filed pursuant to Chapter 343, Hawaii Revised Statutes; and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200 Environmental Impact Statement Rules of the State of Hawaii; by Uwe Schulz, AIA, on behalf of Jun Imanishi (Applicant); on approximately 6,010 sq. ft. of land in the Lahaina District, situate at 1029 Front Street, Island and County of Maui, identified as Maui Tax Map Key No. 4-5-3:4 ("Property").

PURPOSE OF THE APPLICATION

The applicant proposes to construct related improvements to a single family residence within the 25' shoreline setback area. Pursuant to Chapter 200 Environmental Impact Statement Rules of the State of Hawaii, the proposed request involves, "any use within the shoreline area as defined in Section 205-31, HRS", and therefore, an Environmental Assessment is required.

APPLICABLE REGULATIONS

Chapter 343, Hawaii Revised Statutes, establishes certain classes of action which subject an applicant to an EIS requirement, provided that approval of an agency will be required and that the agency finds that the proposed action may have significant environmental effects. The categories are as follows:

The five geographical designations are:

- (1) The use of state or county lands;
- (2) Any use within any land classified as conservation district by the state land use commission under Chapter 205, HRS;
- (3) Any use within the shoreline area as defined in Section 205-31, HRS;
- (4) Any use within any historic site as designated in the national register or Hawaii register; and
- (5) Any use within the Waikiki-Diamond Head area of Oahu;

The two administrative categories are:

- (1) Any amendment to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation (actions initiated by a county which proposes a new county general plan or amendments to any existing county general plan are excepted); and
- (2) The use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in

its feasibility or planning studies.

Standards for reviewing an EIS Assessments are found in the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200 Environmental Impact Statement Rules, Subchapter 6, Determination of Significance, SS 11-200-12 Significance Criteria.

In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
- (2) Curtails the range of beneficial uses of the environment;
- (3) Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, court decision or executive orders;
- (4) Substantially affects the economic or social welfare of the community or State;
- (5) Substantially affects public health;
- (6) Involves substantial secondary impacts, such as population changes or effects on public facilities;
- (7) Involves a substantial degradation of environmental quality;
- (8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (9) Substantially affects a rare, threatened or endangered species, or its habitat;
- (10) Detrimentally affects air or water quality or ambient noise levels; or
- (11) Affects an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

PROPERTY DESCRIPTION

1. The property, which is approximately 6010 sq. ft., is located at 1029 Front Street, Lahaina Maui (exhibit 1).

2. Land Use Designations --

- a. State Land Use District -- Urban
- b. Lahaina Community Plan -- Single Family
- c. County Zoning -- R-2 Residential
- d. Other -- the entire site is located within the special management area, and a portion of the site is located within the 25' shoreline setback area.

3. Surrounding Uses --

- North -- existing two-story single family dwelling
- East -- Front Street: historic Seaman's Hospital now restored and occupied by Paradise Cable Television and a one-story restored plantation house that is the office of the applicant.
- South -- existing one and two-story single family dwelling
- West -- ocean

4. The property is relatively level and contains a one-story single family dwelling with attached carport, landscape planting and accessory structures to include storage, fencing low rock walls, wooden patio decking, masonry barbecue and other incidental structures (exhibit 2). There is also an existing 10 foot high seawall on the makai boundary of the property which physically defines the shoreline.

PROJECT DESCRIPTION

The applicant proposes to construct related improvements to a single family residence within the shoreline setback area. Improvements within this area include: 1) a portion of the swimming pool/spa; 2) a portion of the pool deck surface of cut stone laid in a stabilized sand setting bed; 3) the removal of an existing wooden patio deck, portions of a ladder from the top of the seawall to the ocean below; and 4) the planting of lawn grass. The new residential dwelling will not be situated within the 25 foot shoreline setback area (exhibit 3).

EXISTING SERVICES

1. Water -- the property is currently connected to the County's domestic water system.

2. Sewers -- the property is currently connected to a sewage collection line that is transmitted to the County's Lahaina Wastewater Treatment System.

3. Drainage -- the existing storm runoff sheet flows onto Front Street and into the ocean, and naturally percolates into the ground.

4. Roadways, Curbs, Gutters and Sidewalks -- Access to the property is from an existing driveway off of Front Street. The section of Front Street abutting the property is a two (2) lane roadway with no curbs, gutters or sidewalks.

5. Electrical and Telephone -- The property is serviced by overhead utility lines along Front Street.

6. Parks -- At the Kaanapali end of the seawall, approximately 550 feet north of the property, there is an existing sand beach known as "Baby Beach", with public access at Kai Pali Place. There are also other shoreline accesses in the vicinity of the property. Given the rocky conditions of the shoreline of the property, the absence of a sandy beach, and the existing 10 foot high seawall, public beach access to and along the shoreline may be potentially hazardous.

7. Schools -- Schools that serve the Lahaina region are Kamehameha III, Princess Nahienaena, Lahaina Intermediate, and Lahainaluna High School.

8. Solid Waste -- The Olowalu transfer station accepts solid wastes from residential areas.

9. Public Services - Police and Fire stations are located at the Lahaina Civic Center. The major medical facility is the Maui Memorial Hospital, located approximately twenty (20) miles from Lahaina. In addition, regular hours are offered by private practices in Lahaina which include Maui Medical Group, Lahaina Physicians, West Maui Healthcare Center, and Kaiser Permanente Lahaina Clinic.

CONSULTED AGENCIES

1. Department of Public Works (exhibit 4)
2. Department of Water Supply (exhibit 5)
3. Department of Health (exhibit 6)
4. Department of Land and Natural Resources, Historic Preservation Division (exhibit 7)
5. Department of Land and Natural Resources, Office of Conservation and Environmental Affairs (verbal)
6. Department of Parks and Recreation (exhibit 8)
7. Army Corps of Engineers (exhibit 9)

ANALYSIS

LAND USE

According to the Lahaina Community Plan, the property is located within the Single Family designation. The property is also zoned for residential use (R-2 Residential District), and the proposed improvements are in conformance with the applicable land use ordinances of the County of Maui.

AGRICULTURE

The property is not located within the Agricultural District.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

Inasmuch as the project has been filled, improved, and modified since the 1940's, the Department of Land and Natural Resources, Historic Preservation Division stated that the shoreline setback variance will have "no effect" on significant historic sites.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. Water -- The Department of Water Supply had no objections to the applicant's request.

The applicant proposes to tie into existing facilities.

2. Sewers -- The Department of Health and the Department of Public Works had no comments regarding sewer.

The applicant proposes to tie into existing facilities.

3. Drainage -- The Department of Public Works had no comments regarding drainage.

The applicant states that the proposed project involves an existing improved house lot, which was filled in the 1940's. The proposed new residential dwelling to replace the existing structure will not involve substantial site work (i.e. the addition of fill) that would affect existing drainage conditions. It is the applicant's intention to maintain the grades in the context of establishing positive surface runoff away from the new residence and containing all runoff water onsite. Approximately six (6) inches of new topsoil will be added to the site as a medium for new lawn and landscape plant material. The relatively small size of the parcel would not generate significant storm runoff, and it is their plan to collect the runoff and allow it to percolate

into the soil onsite with no storm runoff being directed onto Front Street. In addition, the storm water generated from roof drains and the pool deck and lanais during periods of intense rainfall will be collected in an underground system of yard and deck drains and disposed of into the ocean.

4. Roadways, Curbs, Gutters and Sidewalks -- The Department of Public Works had no comments regarding roadways

No roadway improvements are proposed by the applicant.

5. Electrical and Telephone -- the applicant proposes to connect to existing facilities

6. Parks -- The Department of Parks and Recreation had no comments on the proposed project.

This project will have no impact on existing facilities.

7. Schools -- School facilities will not be impacted as a result of this project

8. Solid Waste -- The Department of Public Works stated that a solid waste management plan be submitted for review and approval.

9. Public Services -- existing public services will not be impacted as a result of this project.

SOCIO-ECONOMIC IMPACTS

The proposed reconstruction of the single family residence will support the construction industry in the short-term. Inasmuch as the property will remain residential in nature with no increased densities, there will be no socio-economic impacts such as a need for affordable housing, impacts on population, or impacts on labor.

ENVIRONMENTAL IMPACTS

1. The Department of Public Works indicated that the project is subject to tsunami inundation., As such, said project must conform to Ordinance No. 1145, pertaining to flood hazard districts. They also note that no structural fill is allowed within "V" (coastal flooding with velocity) flood zones.

2. The Department of the Army provided comments pursuant to the Corps of Engineers authorities to disseminate flood hazard information under the Flood Control Act of 1960, and to issue Department of the Army ("DA") permits under the

Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act. They stated the following:

a: The project does not involve work in waters of the United States; therefore, a DA permit is not required.

b: According to the Flood Insurance Rate Map ("FIRM"), the project site is located in the following zones: Zone A4 (areas inundated by the 100-year flood, with a base flood elevation of 7.0 feet above mean seal level); and Zone V12 (areas inundated by the 100-year coastal flood, with velocity hazards and a base flood elevation of 7.0 feet above mean sea level).

c: The Federal Emergency Management Agency's, "National Flood Insurance Program" prohibits the use of fill for structural support of buildings within Zones V1-30, VE and V designations on the community's FIRM.

The applicant will construct the project above the base flood elevations and comply with other related requirements.

3. The Department of Land and Natural Resources, Office of Conservation and Environmental Affairs and the Division of Aquatic Resources stated that no significant additional impacts to aquatic resources values are expected since this site has been modified and altered by previous development. However, precautions should be taken during construction to prevent debris, eroded soils, petroleum products, landscaping chemicals and other potential contaminants from entering the coastal waters.

The applicant stated that the pool water will be recirculated and filtered, and on rare occasions pumped out by a private company. Backwash is proposed to be disposed of through seepage pits located adjacent to the pool.

4. The project site is not located within other environmentally sensitive area such as wetlands, geologically hazardous land, estuary, or fresh waters.

5. There will be minimal impacts on existing view corridors inasmuch as the project involves replacing a dwelling constructed in the 1940's. The proposed structural improvements within the 25 foot shoreline setback area will be at or below grade and not be visually intrusive.

6. There are no known significant habitats or rare, endangered or threatened species of flora and fauna located on the project site.

7. There will be short term impacts during the construction phase of the project involving increase in dust, noise, and localized traffic inconveniences. The applicant will comply with all requirements of government agencies and through a representative, will monitor construction activities to minimize associated impacts.

MITIGATION MEASURES

Appropriate mitigation measures to limit the impacts of the project on the environment have been proposed by the applicant and reviewing agencies which can be more specifically documented in greater detail during the subsequent Shoreline Setback Variance review and attached as conditions if the project is approved.

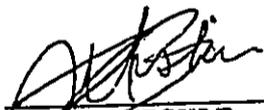
CONCLUSION OF LAW

It is hereby determined that with the incorporation of necessary mitigation measures the proposed project will not have a significant adverse impact on the environment as defined by Chapter 343, Hawaii Revised Statutes, and the Environmental Impact Statement Rules of the Department of Health, State of Hawaii; and that an environmental impact statement is not required for the proposed project.

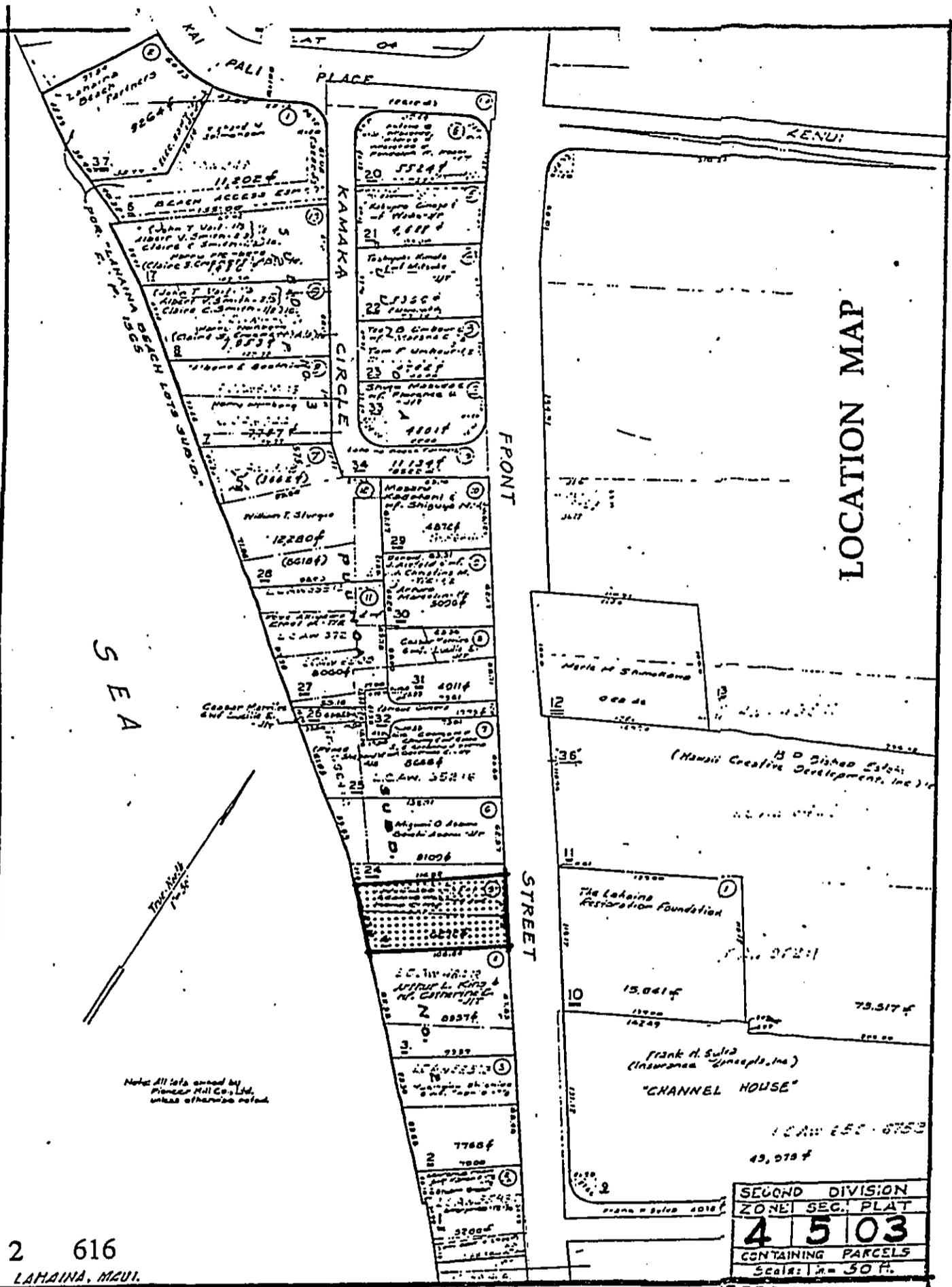
DETERMINATION

Pursuant to SS 11-200-11(C) of the Environmental Impact Statement Rules, the Planning Department's Report is hereby adopted as a Negative Declaration for the referenced project.

APPROVED:



BRIAN MISKAE
Planning Director



LOCATION MAP

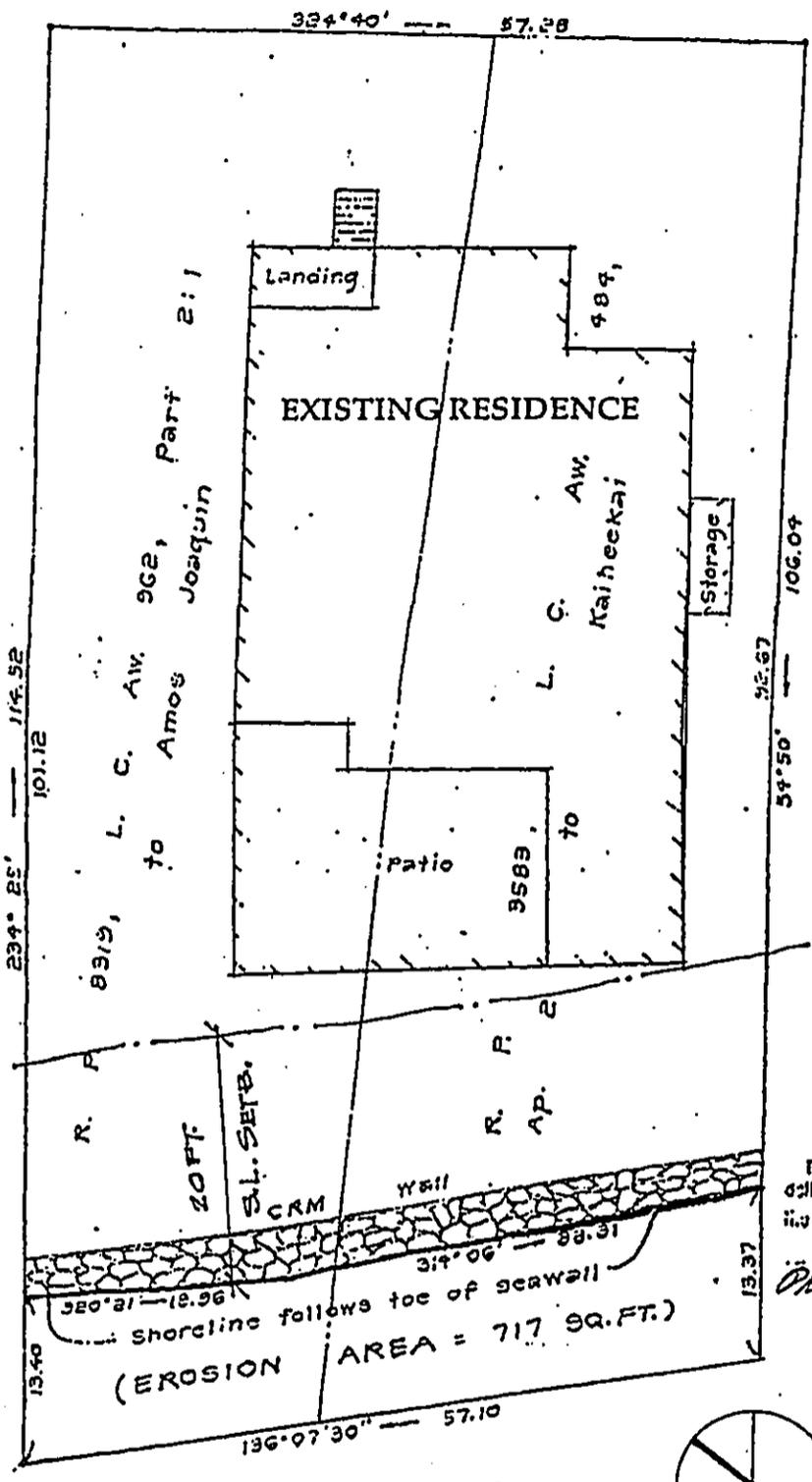
Dwg. No. 553
 By: S.C. Cox April 1977
 Source: Survey, Sulez, Inc.

2 616
 LAHAINA, MAUI.

SECOND DIVISION		
ZONE	SEC.	PLAT
4	5	03
CONTAINING PARCELS		
Scale: 1" = 30 FT.		

EXHIBIT No. 1

FRONT STREET



CERTIFIED SHORELINE &
EXISTING SITE PLAN

TMK 4-5-03: 4 NOT TO SCALE

The shoreline as located and certified in delineated in and is hereby confirmed as being the actual shoreline as of 10/15/88

Philip Chairman, Board of Land and Natural Resources



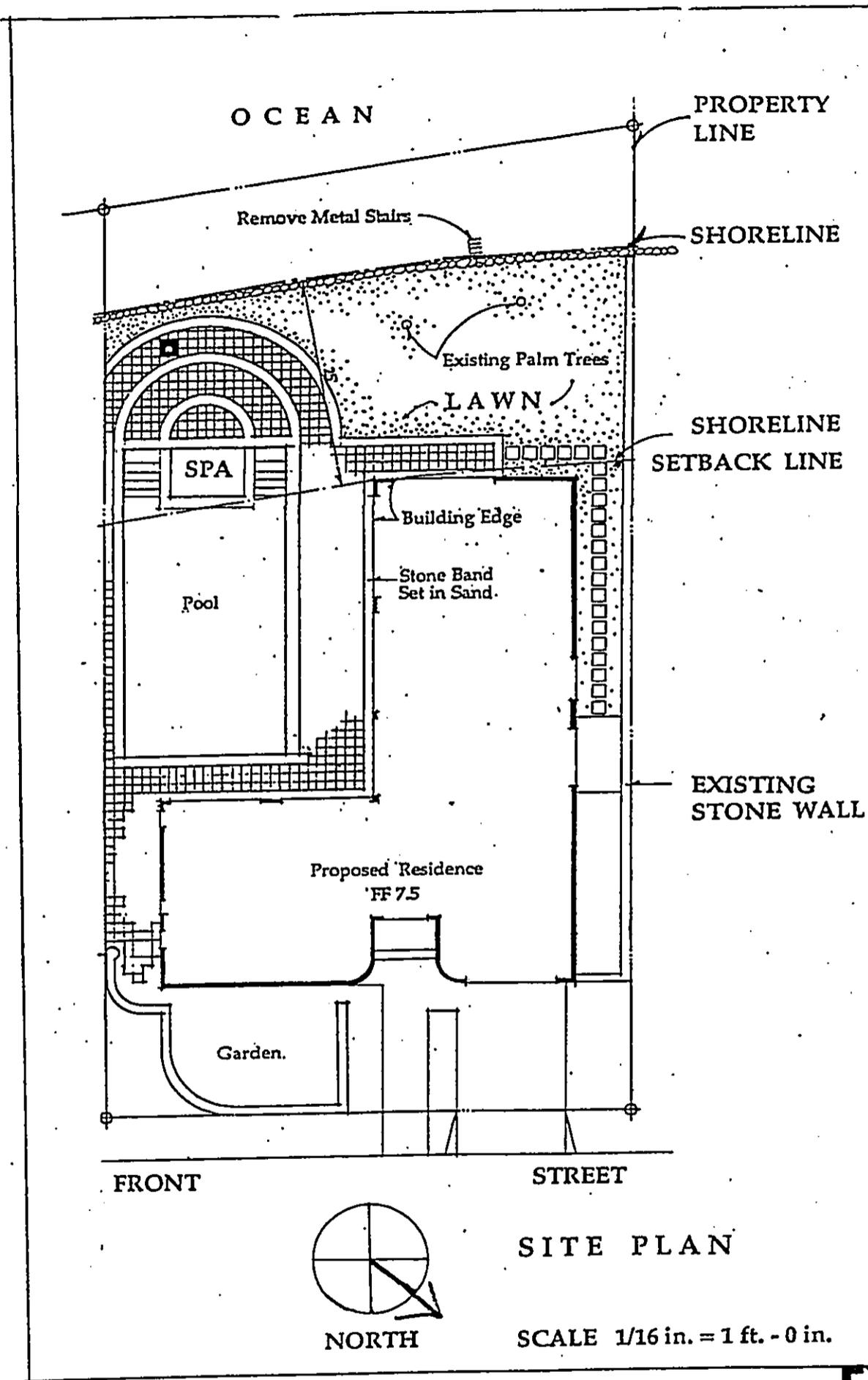
PLAN SHOWING SHORELINE OF LOT 5 PIIHNOA SUBDIVISION NO. 2

This work was prepared by me or under my supervision.

ANDY K. HARADA
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 8263
HAWAII, U.S.A.

EXHIBIT 2

EXHIBIT NO. 2



SITE PLAN

SCALE 1/16 in. = 1 ft. - 0 in.

CHRIS HART & PARTNERS
 LANDSCAPE ARCHITECTURE AND PLANNING

308 E. WALUA AVENUE
 HAWAIIAN ISLANDS, HI 96721
 TELEPHONE: 808-411-4724
 FACSIMILE: 808-471-4788

CHRISTOPHER L. HART
 REGISTERED PROFESSIONAL
 LANDSCAPE ARCHITECT
 No. 8872
 HAWAII, U.S.A.

Chris Hart
 This work was prepared by
 me or under my supervision

Imanishi Residence
 Lahaina, Maui, Hawaii

Date: May 8, 1992

Revised: _____

Scale: _____

Designed by: _____

Drawn by: _____

Project No.: _____

Chest No.: _____

EXHIBIT, 3

LINDA CROCKETT LINGLE
Mayor
GEORGE N. KAYA
Director
CHARLES JENCKS
Deputy Director



AAHON SHINMOTO, P.E.
Land Use and Codes Administration
EASSIE MILLER, P.E.
Wastewater Reclamation Division
RALPH NAGAMINE, P.E.
Engineering Division
BRIAN HASHIRO, P.E.
Solid Waste Division
MELVIN HIPOLITO
Highways Division

07 JUL 30 A 8:36

DEPARTMENT OF PUBLIC WORKS

LAND USE AND CODES ADMINISTRATION

250 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793

July 28, 1992

MEMO TO: Brian Miskae, Planning Director

F R O M: George N. Kaya, Director of Public Works

George N. Kaya

SUBJECT: Shoreline Setback Variance for Jun Imanishi to Construct a Swimming Pool, Spa, and Deck within the Shoreline Setback Area at 1029 Front Street, Lahaina, Maui, TMK:4-5-03:04 92/SSV-002

We have reviewed the above request and offer the following comments:

1. That the architect and owner is advised that the project is subject to tsunami inundation. As such, said project must conform to Ordinance No. 1145, pertaining to flood hazard districts. Please note that no structural fill is allowed within "V" (coastal flooding with velocity) flood zones.
2. That the developer shall submit a solid waste management plan to include the following:
 - a. The owners and their contractors shall implement solid waste reduction, re-use and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills.
 - b. All yard debris shall be composted and re-used on their landscape plantings.
 - c. Alternative means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills.

For additional information, the developer is requested to contact the Solid Waste Division.

AS:mht

cc: Engineering Division
Solid Waste Division
Wastewater Reclamation Division

EXHIBIT 4

Printed on recycled paper





'92 JUL 29 P4:00

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

P.O. BOX 1109

WAILUKU, MAUI, HAWAII 96793-7109

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

July 21, 1992

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 South High Street
Wailuku, Maui Hawaii 96793

Re: Shoreline Setback Variance to Construct a Swimming Pool, Spa
and Deck within the Shoreline Setback Area; 92/SSV-002;
TMK 4-5-3:4; Water Department # 92-32

Dear Mr. Miskae,

We have no objection to the approval of the requested shoreline
setback variance.

Sincerely,


David Craddick
Director

elk

"By Water All Things Find Life"

EXHIBIT 5

JOHN WAIHEE
GOVERNOR OF HAWAII



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

JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH
PAUL E. HOFFMAN, M.D., M.P.H.
DISTRICT HEALTH SERVICES ADMINISTRATOR (M.D.)

June 29, 1992

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
92 JUN 30 P4:31

Mr. Brian Miskae
Director
Department of Planning
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: Shoreline Setback Variance to Construct a Swimming Pool, Spa and Deck
within the Shoreline Setback Area, 92/SSV-002, TMK: 4-5-3: 4
Uwe Schulz, ADA on behalf of Mr. Jun Imanishi

Thank you for the opportunity to review and comment on the subject application. We have no comments at this time.

Sincerely,

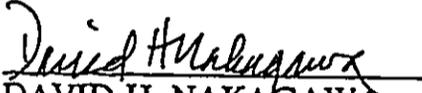

DAVID H. NAKAGAWA
Chief Sanitarian

EXHIBIT 6

JOHN WAIHIEE
GOVERNOR OF HAWAII



'92 JUL 14 AIO:52

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

July 7, 1992

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANA'IKE

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT

CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION

LAND MANAGEMENT
STATE PARKS

WATER AND LAND DEVELOPMENT

Mr. Brian Miskae, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

LOG NO.: 5682
DOC NO.: 2373a

Dear Mr. Miskae:

SUBJECT: Historic Preservation Review of a Shoreline Setback
Variance Application (92/SSV-002)
Lahaina, Maui
TMK: 4-5-3: 4

Thank you for the opportunity to comment on this application to
construct a swimming pool, spa and deck within the shoreline
setback area.

The EA for this project described this property as having been
filled, improved, and modified since the 1940s. It further
determined that the proposed project will have no impact on
historic sites because these are unlikely to occur. We concur
with this determination that the shoreline setback variance will
have "no effect" on significant historic sites.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator
State Historic Preservation Division

AG:aal

EXHIBIT 7



DEPARTMENT OF
PARKS AND RECREATION
COUNTY OF MAUI

LINDA CROCKETT LINGLE
Mayor
CHARMAINE TAVARES
Director
ARMAND PADUA
Deputy Director

'92 JUL -8 P3:36

1580 KAAHUMANU AVENUE, WAILUKU, HAWAII 96793

(808) 243-7230

July 7, 1992

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Brian Miskae, Director
Planning Department
250 S. High Street
Wailuku, HI 96793

Subject: I.D. No. 92/SSV-002; TMK 4-5-3:4
SSV to Construct a Swimming Pool, Spa and
Deck within the Shoreline Setback Area
Applicant: Uwe Schultz on behalf of Mr. Juno Imanishi

Dear Mr. Miskae:

We have reviewed the subject application and have no comments
to offer at this time.

Thank you for allowing us to comment on the Shoreline Setback
Variance application.

Sincerely,


for CHARMAINE TAVARES
Director

EXHIBIT 8

Park Maintenance Division

Recreation Division

Aquatic Division

Zoo & Botanical Gardens

Waiehu Golf Course



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
BUILDING 230
FT. SHAFTER, HAWAII 96858-5440

July 13, 1992

'92 JUL 20 11:58

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

REPLY TO
ATTENTION OF:

Planning Division

Mr. Brian Miskae, Planning Director
Maui Planning Department
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskae:

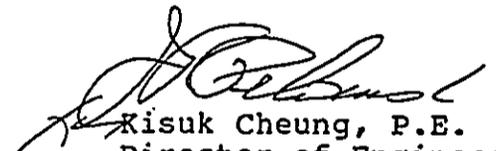
Thank you for the opportunity to review and comment on the Shoreline Setback Variance Application to accommodate construction of a proposed residential swimming pool, spa, and deck at Lahaina, Maui (TMK 4-5-3: 4). The following comments are provided pursuant to Corps of Engineers authorities to disseminate flood hazard information under the Flood Control Act of 1960 and to issue Department of the Army (DA) permits under the Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act.

a. The project does not involve work in waters of the United States; therefore, a DA permit is not required.

b. According to the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM), Panel 150003-0163-B and Panel 150003-0161-B, both dated December 6, 1981 (copies enclosed), the project site is located in the following zones: Zone A4 (areas inundated by the 100-year flood, with a base flood elevation of 7.0 feet above mean sea level); and Zone V12 (areas inundated by the 100-year coastal flood, with velocity hazards and a base flood elevation of 7.0 feet above mean sea level).

c. Section 60.3(e)(6) of the Federal Emergency Management Agency's "National Flood Insurance Program (Regulations for Floodplain Management and Flood Hazard Identification)," revised as of October 1, 1990, prohibits the use of fill for structural support of buildings within Zones VI-30, VE, and V designated on the community's FIRM.

Sincerely,


Kisuk Cheung, P.E.
Director of Engineering

Enclosure

EXHIBIT 9