

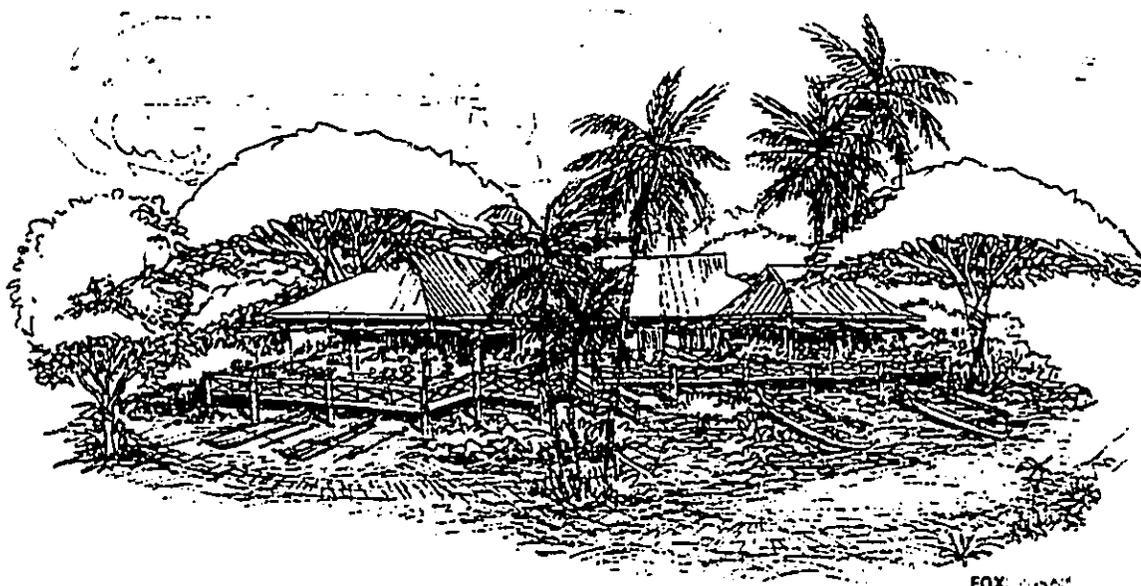
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Final Environmental Assessment

Ka'anapali Beach Hotel
Restaurant / Canoe Hale

KA'ANAPALI • MAUI • HAWAII



**CHRIS
HART**
& PARTNERS

July 1999

Final Environmental Assessment

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Restaurant / Canoe Hale

KA'ANAPALI • MAUI • HAWAII

Prepared For:

Mr. Michael B. White, General Manager
Ka'anapali Beach Hotel
2525 Ka'anapali Parkway, Lahaina, Hawaii 96761

Prepared By:

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July 1999

Table of Contents

I	OVERVIEW	
II	LOCATION AND EXISTING CONDITIONS	
A:	LOCATION	4
B:	EXISTING CONDITIONS	4
III	BACKGROUND INFORMATION	
A:	KA'ANAPALI BEACH HOTEL RENOVATION PROGRAM	5
B:	PREVIOUS APPROVALS	5
IV	PROJECT DESCRIPTION	
V	ALTERNATIVES CONSIDERED	
A:	CRITERIA USED IN THE EVALUATION OF ALTERNATIVES	8
B:	ADJACENT TO BEACH WALKWAY ALTERNATIVE	10
C:	150 FEET FROM SHORELINE ALTERNATIVE	11
D:	NO ACTION ALTERNATIVE	13
VI	ENVIRONMENTAL SETTINGS, POTENTIAL IMPACTS, MITIGATION MEASURES	
A:	PHYSICAL ENVIRONMENT	14
B:	SOCIO-ECONOMIC ENVIRONMENT	18
C:	PUBLIC SERVICE	19
D:	INFRASTRUCTURE	19
VII	RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS	
A:	MAUI COUNTY GENERAL PLAN	21
B:	COMMUNITY PLANS	22
C:	ENVIRONMENTAL ASSESSMENT SIGNIFICANCE CRITERIA	24
E:	SPECIAL MANAGEMENT AREA OBJECTIVES AND POLICIES	26
F:	SHORELINE RULES AND REGULATIONS	33
VIII	AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT EA	
	REFERENCES	
	FIGURES	
Figure	1	Regional Map
Figure	2	Area Map
Figure	3	Existing Site Conditions
Figure	4	Proposed Site Plan
Figures	5 a-f	Proposed Improvements
Figures	6 a-b	Site Photos
Figure	7	Soils Map
Figure	8	Flood Map
Figure	9	1998 Shoreline Survey (including 1997 demarcation)
	APPENDICES	
Appendix A	Shoreline Evaluation Report and Addendum
Appendix B	Draft EA Comment Letters and Responses
Appendix C	Additional Comment Letters and Responses

I Overview

Ka'anapali Beach Hotel is requesting a Shoreline Area Variance and an amendment to a previously issued Special Management Area (SMA) Permit (90/SM1-040) in order to build a restaurant/canoe facility partially within the shoreline setback area.

The amendment and variance would allow the Hotel to:

- ◆ Create a facility with a strong orientation to the beach and ocean, an objective of the Hotel's awarded cultural program, Po'okela. Designed as the physical manifestation of the Hawaiians' connection to the Sea, the facility will emphasize the arts and practices of canoe paddling, fishing, and navigation. Educational tours and exhibits (in cooperation with the Bishop Museum) will illustrate the canoe culture to tourists and residents alike. Facilitating the effort to bring back the forgotten legends and history of the area, the facility will have visual access to the area's landmarks including the Ka'anapali Beach canoe landing, Molokai, Lanai, and Keeka'a Point (Black Rock).
- ◆ Re-locate its restaurant to an area where it can make appropriate use of the parcel's economic zones. The presently troubled food and beverage service is unable to utilize the region's primary customer market, the beach walkway, and does not provide the oceanfront ambiance desired by Maui's visitors. It is anticipated that the new location will promote operational and employment stability, and allow the Hotel to be locally and internationally competitive.
- ◆ Create suitable Hawaiian canoe paddling facilities, situated at practical distances from the ocean and local access roads. The canoe program would further the Hotel's unique relationship with residents and provide some relief to congested public facilities at Hanaka'o'o Beach Park.

To be consistent with Maui's evolving shoreline policies, and the guidelines provided in the West Maui Community Plan, historical erosion and accretion rates were used to evaluate site locations rather than to an ecologically arbitrary distance to the (fluctuating) vegetation line. While geologic theory and evidence from the shoreline evaluation indicate that the shoreline has grown seaward, a conservative approach was taken in situating the proposed restaurant well behind the most extreme shoreline retreat documented in the study's 50 year data set. The chosen location is further from the shoreline than the existing wings of the Hotel and is significantly more inland than the neighboring pools, bars, and restaurants on Ka'anapali Beach. In addition to selecting one of the mauka site locations, the project planners designed the facility to utilize a coastal-sensitive pier foundation that would withstand unprecedented wave-erosion events and not cause adverse impacts to beach processes.

Location: Ka'anapali, Maui
TMK (2) 4-4-8:03

Proposed Action: Construction of a restaurant/canoe hale sited partially within the shoreline setback area. The facility will be built upon piers, with the restaurant above, and the canoe storage facilities located beneath.

Applicant: Mr. Michael B. White, General Manager
Ka'anapali Beach Hotel
2525 Ka'anapali Parkway
Lahaina, Hawaii 96761

Approving Agency: Maui Planning Commission
County of Maui
250 S High Street
Wailuku, Hawaii 96793

Planning Consultant: Chris Hart and Partners
Landscape Architecture and Planning
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

Land Use Regulations:
State Land Use Commission: Urban
County Zoning: H-2 Hotel
Lahaina Community Plan: Hotel
Special Management Area: Entire Site
Shoreline Setback Area: 150 Feet

Consultations: (*Shoreline Concerns*)
State: Sea Grant Extension Service
Maui County: Maui Planning Department

Required Permits: Special Management Area Permit Amendment
Shoreline Setback Variance

II Location and Existing Conditions

A: Location

The Ka'anapali Beach Resort is located on the west coast of the island of Maui, about three miles north of Lahaina. [Figure 1] The resort is a 1,200-acre planned resort community that was conceived in the early 1950's and commenced in 1958 with the construction of a water system, sewage treatment plant, drainage system and a network of roadways.

Today, the Ka'anapali Beach Resort area includes six hotels with over 3,700 rooms, six residential condominium developments, a shopping center/whaling museum, and two 18-hole golf courses. Approximately half of the 1,200-acre resort is now developed.

The Ka'anapali Beach Hotel is located on a 10.3 acre parcel (TMK 4-4-08:03) on the north end of the Ka'anapali Beach Resort [Figure 2]. The Hotel abuts Ka'anapali Beach between Keka'a Point (north) and Hanaka'o'o Point (south). The Whaler condominium and Whaler's Village shopping center are located immediately south. Just north is the Sheraton Maui Hotel.

B: Existing Conditions

Primary Hotel facilities consist of four separate wings that vary in height from 3 to 6 stories in height. The buildings surround the center of the property in a shape resembling a horseshoe, with the open end facing west towards the ocean. A pool is located at the approximate center of the property. Surrounding areas are landscaped with large trees and broad grassy lawns. [Figure 3]

The original guestrooms, public and back of house facilities were built in 1964. The Molokai and Kauai wings along the shoreline were built 1970 and 1973, respectively. Towards the south, the seaward edge of the Kauai wing ranges approximately 100 to 110 feet from the 9/98 shoreline. To the north, the seaward edge of the Molokai wing averages about 50 feet from the 9/98 shoreline. A small beach activity center between the wings is just mauka of the beach walkway.

III Background Information

A: Ka'anapali Beach Hotel Renovation Program

The existing structures at Ka'anapali Beach Hotel were built between 1964 and 1973. Since then, there have been a number of new hotel construction projects as well as significant upgrades or remodeling of existing facilities throughout the Ka'anapali Resort area. Recognizing the need to keep pace with the increasingly competitive visitor industry, Ka'anapali Beach Hotel has initiated an improvement program in order to upgrade the physical aspects of the property. The physical improvements are intended to convey a sense of Hawaiian place and coincides with Ka'anapali Beach Hotel's ongoing cultural education program, Po'okela.

Since 1986 Ka'anapali Beach Hotel has made significant investments in its Po'okela program. Employees attend classes that teach Hawaiian history, culture and values. The Hotel recently completed its 43rd class, each of which is mandatory for all employees. A primary goal of the employee education program is to integrate various aspects of Hawaiian culture and values into the day to day operations of the Hotel in order to create a truly authentic Hawaiian experience for guests. The Po'okela program has received numerous distinctions and accolades and is responsible for the Hotel being honored as Hawaii's most Hawaiian Hotel by Wai'aha, a non-profit foundation whose goal is to further the understanding of Hawaiian culture. Results that have been achieved through the Po'okela program include being able to compete head to head with nearby properties despite the Hotel's aged facilities and decor as well as maintaining the lowest employee turnover rate of any hotel on Maui.

While there has been great progress in incorporating Hawaiian values and spirit, there is very little physical association with Hawaiian culture at the Hotel. The ongoing renovations of the Hotel are intended to incorporate educationally oriented Hawaiian elements into the Hotel's architecture, landscape features and interior design. The proposed restaurant is intended to become the Hotel's tangible expression of the Hawaiian's cultural connection to the ocean.

B: Previous Approvals

In 1990, Ka'anapali Beach Hotel obtained a SMA Permit to construct various remodeling and additions, including the addition of 215 guest rooms, a five and a half-story parking structure, and general improvements to the exterior and public spaces.

In 1998, Ka'anapali Beach Hotel received approval of a request to amend the SMA permit by eliminating the 215 room addition and scaling back the changes to public spaces. The amendment also included a restaurant similar in size to the subject facility located just mauka of the certified shoreline. The first phase of the renovation program was recently initiated with the completion of the parking structure.

IV Project Description

The architectural character of the proposed structure will reflect the Hawaiian spirit of the Ka'anapali Beach Hotel and project an image of the Ka'anapali beach environment. The open pavilion design will allow the guests a full view in the direction of the ocean from the outdoor decks and the interior of the restaurant to provide a full beachfront experience for the guests. The design of the restaurant will appear similar to an Outrigger Canoe House, to fit into the beachfront environment. The structure will be an open pavilion with views through restaurant to minimize the impact to open space. High-pitched Hawaiian hip roofs with wide overhangs convey the traditional Hawaiian building form and will protect the interior from the tropical sun and rain.

The design of the restaurant will utilize the most appropriate structural system for this beachfront location. The building floor level will be constructed on concrete piers and raised approximately 6 ft above grade, which is approximately 9.9 feet above mean tide level. The piers will extend approximately 15 feet below grade (five feet below mean tide level), creating a strong foundation for the building. The structural system is similar to that of a dock or pier, and therefore, in the unlikely event that storm waves would reach inland of the restaurant, the washup would flow unobstructed below the building.

The pier foundation will continue into the interior of the restaurant to support open wooden trusses that will reinforce the natural, rustic quality of the interior and exterior of the building. The pavilion design will provide an energy efficient environment with natural ventilation and light.

Natural materials will be used to reinforce the tropical theme; wood for the floors, decks, walls, doors, and trim, and Tapa cloth, rattan, lahala and other natural finish surfaces.

The Hotel currently has an arrangement with the Bishop Museum in which cultural artifacts are loaned to the Hotel for educational displays. This program will be continued in the restaurant with displays relating to paddling, navigation and fishing.

Extensive landscaping will be added around the building to buffer service areas from view. Walkways utilizing a non-grouted paving system will connect existing pathways to the restaurant.

A separate stand-alone restroom will be provided adjacent to the restaurant facility, to the east (mauka). The stand-alone restroom will be located outside of the 150-foot setback.

The interior and exterior dining areas will be approximately 2,100 and 2,400 square feet in size, respectively. The total size of the restaurant, including the dining, kitchen/service, lounge, waiting area and internal restrooms is approximately 7,300 square feet.

The Ka'anapali Beach Hotel will be sponsoring a Hawaiian canoe club which will store their canoes below the raised portion of the building. The canoes will be suspended

on harnesses attached to rolling bearings supported by the concrete floor structure. The activity generated by the interaction of the canoe club and the Hotel will reinforce the commitment of the Hotel as an open experience for Hotel and local guests. In order to provide shoreline access for the canoe club, a path will be cleared in the Naupaka fronting the southern portion of the property.

Also, it is envisioned that a raised hula platform will be constructed in the lawn area fronting the restaurant, mauka of the beach walkway. The platform will be raised using beach quality sand and the surface will be planted with grass.

Construction of the proposed restaurant/canoe hale will require an amendment to the current *Special Management Area Permit* (90/SM-040). Because the proposed location of the facility is partially within the shoreline setback area, a *Shoreline Setback Variance* will be necessary. Preparation of this *Environmental Assessment* is a requirement of the variance application process.

Total estimated construction costs are \$2,000,000. Construction would likely initiate in the fall of 1999. The duration of construction activity is not expected to be longer than nine months.

V Alternatives Considered

A: Criteria used in the Evaluation of Alternatives

Three areas in the Hotel's courtyard were evaluated as potential sites for the proposed restaurant/canoe hale. The locations were selected at varying distances from the shoreline between the swimming pool and the Kauai wing of the Hotel. Vehicle access, occasionally necessary for the canoe program, is located behind the Kauai wing. The alternatives included a makai location adjacent to the beach walkway, the preferred location, which is about 45 feet mauka of the walkway, and the previously approved location, which would allow the facility to be built at 150 feet or greater from the shoreline. In addition, the no action alternative (no new facility) was considered.

Distances used to describe alternative locations are attributed to the shoreline survey certified by the State in January 1998, and a field survey performed by an engineer in September 1998. An unusual wave episode in March and April of 1998 caused the retreat of the shoreline. The two surveys illustrate the recovery of the beach and show where the shoreline has retreated as far as 16 feet in front of the project site. (See Figure 9)

The makai location adjacent to the lateral sidewalk would site the restaurant about 55 feet from the 9/98 shoreline and completely within the shoreline setback area. This siting would be similar to that of Lelani's or Hula Grill, two nearby restaurants just south of the Hotel.

The preferred location is located on the lawn mauka of the sidewalk and places the seaward piers of the facility 90-135 feet from the shoreline (9/98 survey), siting it partially within the shoreline setback area. This location would site the facility under the canopy of the false Kamani tree, and provide a 35-70 foot buffer between the restaurant/canoe facility and the beach walkway.

The other evaluated location was to situate the restaurant/canoe hale behind the 150-foot shoreline setback as approved in the last SMA permit. This would either require the removal of the false Kamani, or siting around the tree at 220 feet or more mauka.

The following criteria were used to evaluate each location:

Operability of the Food Service Program

The proper siting of the new restaurant may be the most important factor in the operability of the food service program.

Ka'anapali visitors come with expectations of an oceanfront experience, and the current restaurant, located within one of the Hotel's wings, does not provide the desired ambiance. It is a well-accepted principle among Ka'anapali restaurateurs that the same restaurant will generate twice as much revenue in an oceanfront setting than in an inland area.

Exposure to customer traffic is also of prime concern. Built as required in the development of the Ka'anapali Beach Resort, a walkway running along the shoreline has become the Resort's primary transportation corridor. A survey performed for Whaler's Village found that half of its 1.8 million annual visitors originated from the beach walkway (nearly 2,500 customers a day). Needless to say, it is important that the KBH food service program modernizes and takes advantage of this prime economic zone that runs right through the Hotel's property.

Lack of a suitable setting and exposure has consequentially resulted in a competitive disadvantage for the KBH food service program. KBH has difficulty keeping their own guests from utilizing other restaurants, much less attracting guests from other hotels. Food service has operated at a loss for the last several years.

In lieu of closing the failing program, KBH has opted to invest in a new facility that will combine a restaurant, canoe hale, and a cultural center for the Hotel. Locations were evaluated to the degree that they made sensible land use with respect to the characteristics and exposure of each area. It is imperative that the location provides the desired beachfront ambiance and has reasonable exposure to the beach walkway, else the investment may further jeopardize the wellbeing of the food service program and its 85 employees.

Cultural Objectives

Recognized and awarded as *Hawaii's* most Hawaiian Hotel, KBH maintains an unprecedented cultural atmosphere and wishes to expand their cultural program (Po'okela) with the proposed facility. While there has been great progress in incorporating Hawaiian values and spirit with the day to day operation of the Hotel, the new facility is designed so that the program can *physically* express its cultural place by connecting to the area's practices, legends, history, and existing landmarks.

It is desired to site the facility where a strong cultural connection can be formed and where educational displays, tours, and presentations will have a relevant impact.

Because the purpose of the facility will be to educate people regarding the forgotten history of the area, it is important that the facility have visual access to historical landmarks. Such include the beach fronting the KBH, where in legend, *Ka-ulu* departed Maui in his canoe. In Manele, Lanai, a mural of *Ka-ulu's* landing depicts him contacting his father in Ka'anapali with a fire signifying his safe arrival. Another landmark is Keka'a Point (Black Rock), the island's *Leina a ke akua*, or place where spirits leaped into the nether world.

It is also important that the facility have a strong connection to the ocean since the specific educational focus will be on canoe culture, fishing, and navigation. Staff of the Po'okela program have recently completed a comprehensive documentation of Maui artifacts for the Bishop Museum. A series of artifacts will be displayed in the facility to illustrate the cultural practices relating to the

ocean. Interpretive panels, as well as guided "legacy" tours will further the educational experience. Incidentally, these tours have become so popular with the resident community (including thousands of children) that an outreach was designated within the Po'okela program. It is important to the cultural objectives that the facility in *place* and in *use* be a tangible expression the Hawaiians' relationship with the sea.

The combination of the facility with the canoe program is also important to the cultural objectives as it connects to others in the community that practice Hawaiian culture. The specific needs of the canoe program are listed below.

Impacts to and from the Shoreline

Ka'anapali Beach is a dynamic beach, and portions of it undergo pronounced seasonal changes. Occasional severe erosion events have threatened coastal development and necessitated the use of emergency revetments. In order to avoid the potential negative impacts to or from beach processes, the location of the structure needs to be at a site reasonably free from risk of shoreline erosion events or wave action.

Concerns from the Outrigger Canoe Program

Accessibility to the ocean and other facilities were considered regarding the feasibility of a combination restaurant/canoe hale. Cultural protocols in paddling require traditional canoes to weigh at least 400 pounds and that these canoes be carried by hand when possible. Therefore, the distance between the restaurant's canoe storage bays, the ocean, logical resting points, and the only loading zone (an access road behind the Kauai wing) were considered.

B: Adjacent to Beach Walkway Alternative

The alternative location immediately adjacent to the beach walkway was most attractive when considering operational and cultural objectives, yet was judged inferior to the preferred location due to concerns about potential impacts to and from shoreline processes and technical problems it would create for the canoe program.

Operability

Because of its proximity to the beach walkway and ocean, this location was judged to provide the greatest "beachfront" ambiance and have the greatest exposure to the pedestrian traffic. This location would be competitively placed relative to other restaurants to the south.

Cultural Objectives

The makai location provided the best visual access to all landmarks and would emanate a strong connection with the beach and ocean. From this location, all of black rock was visible, as was the beach fronting the Hotel. The preferred location (further inland) has a lesser yet adequate view of black rock and Ka'anapali Beach.

Impacts to and from the Shoreline

Although several nearby hotels and restaurants built 40' or closer to the shoreline have been safe from beach processes, historical data preceding the development of the resort, indicated that this site was partially located within an area previously affected by wave action. Therefore, the risk of negative impacts from shoreline processes is greater. Building at this location would also introduce a significant new structure in closer proximity to the shoreline than the existing Hotel wings.

Feasibility of the Outrigger Canoe Program

Although the makai location required the least effort in moving canoes to the ocean, it was judged inferior because a lack of maneuvering room in front of the restaurant would make loading the canoes in the restaurant's storage bays a difficult task. Canoe storing activities would likely hamper the existing use of the beach walkway as a transportation corridor. Additionally, the restaurant would occupy the front lawn, an ideal location for placing rigged canoes that are ready for paddling.

C: Behind the 150 Foot Shoreline Setback Alternative

Located furthest from the ocean, this location has the least risk of impact to and from the shoreline. However, considering that the proposed location is sited behind the worst shoreline retreat on record, and evaluated to be of low erosion risk, the added benefit gained by siting behind the 150-foot setback is considered insignificant. Also, this distance makes it considerably more difficult to attain the Hotel's operational and cultural objectives.

Operability

Setback at 150 feet or greater, the restaurant is significantly enveloped by the tall buildings and mature trees outlining the Hotel's courtyard. The effect significantly diminishes the oceanfront ambiance created at the more makai settings. It was felt that the potential for attracting patrons from the beach walkway was greatly reduced at 150 feet and virtually eliminated at greater distances.

Cultural Objectives

This site has impaired viewing angles to the ocean, beach, black rock and the neighbor islands. At this location, the facility seems surrounded by the facilities wings, and enclosed by the mature trees located at the front of the parcel. Thus, this location diminishes the potential of creating the tangible connection to the sea and historic landmarks, which is a key objective of the Hotel's Hawaiian cultural education program.

Impacts to and from the Shoreline

This alternative location is determined by applying a 150-foot setback to the certified shoreline, pursuant to the Shoreline Area regulations. The 150-foot setback is determined by a parcel's lot depth and is not based on the potential risk of impacts to or from shoreline processes at a particular site. As described in the

Shoreline Evaluation study [Appendix A], the shoreline along this section of beach is very dynamic and has tended to move seaward over time. It is entirely possible, and even likely, that the shoreline will move seaward in the future, essentially establishing the restaurant further out of the 150' setback area. Thus, utilization of the shoreline setback line as a location criteria would yield different locations of the restaurant over time and is not necessarily related to the potential for the structure to impact or be impacted by shoreline processes.

According to the Shoreline Evaluation, there is no reason to expect that the vegetation line will erode mauka of the 1949 location (see Appendix A). Thus, there would appear to be very little reduction in the potential impacts on shoreline processes by locating at this position, however there would be significant negative impacts to the other objectives sought by the Hotel.

Rather than siting the facility based on an ecologically arbitrary setback that will fluctuate with the shoreline, the method was to consider site-specific characteristics and the shoreline history of the parcel. This method is more consistent with evolving shoreline policies and the environmental guidelines specified in the 1996 West-Maui Community Plan (which states that shoreline setbacks should be established by studies that analyze the rate of shoreline movement).

Feasibility of the Outrigger Canoe Program

This alternative was judged inferior to the proposed location because of the negative effects caused by the increased distance between the storage facilities, the ocean, and the access road. Cultural protocol maintains that a canoe weigh at least 400 pounds and that canoes are carried by hand when possible. Therefore, this location would increase physical strain on paddlers, especially members of the Keiki (children) paddling programs. Distance has a compound effect on the loading of canoes (via the access road) since only a few members commonly perform that activity during non-practice hours.

Other Concerns

A large false Kamani tree growing approximately 180 feet mauka of the shoreline complicates siting at this location. At the preferred location, the restaurant comfortably snugs up to the base of the tree and aesthetically fits under the large canopy.

Moving the restaurant to comply with the 150-foot setback creates two unattractive options. The first would be to locate behind the tree, where, in avoiding lower mauka lying branches, the facility would be distanced approximately 220 feet from the shoreline. The combination of the great distance and partial obstruction by tree branches makes meeting operational and cultural objectives unlikely.

The other option would be removal of the tree. This would eliminate obstructing branches and allow the restaurant to be built at the shoreline setback as currently allowed in the Hotel's existing SMA permit. However the removal of the tree would be considered a loss. For its species, the tree has an exceptionally large canopy (approximately 85 feet in diameter), and is the most massive tree in the Hotel's courtyard. Trees of such scale and character are rare along the

Ka'anapali coastline and its loss would be an unfortunate and unnecessary hardship considering the availability of the proposed location.

Removing the tree would also be inconsistent with urban design policies set forth in the 1996 West Maui Community Plan which aims to "save and incorporate healthy mature trees in the landscape planting plans of any construction development" in the Ka'anapali Resort area.

D: No Action Alternative

The no action alternative would involve retaining the existing restaurant at its present location. The food and beverage services would continue to operate at a loss. The potential to embrace the parcel's ocean setting in order to attract more customers and achieve the objectives of the Hotel's cultural education program would be eliminated. This alternative would not allow the restaurant to further its unique relationship with the public through the canoe program. This alternative would not allow the Ka'anapali Beach Hotel to modernize and stay competitive in the local and global tourism industry.

VI Existing Environmental Settings, Potential Impacts, and Mitigation Measures

A: Physical Environment

1: Surrounding Land Use

Ka'anapali Beach Resort is a planned visitor destination. Uses in the resort area include those related to established infrastructure such as accommodations, shops, restaurants and bars. Uses relating to the recreational resources include sunbathing, swimming, and snorkeling. The Ka'anapali Beach walkway is a popular pedestrian route, and consequently, there are several bars and restaurants located adjacent.

The proposed restaurant and bar is consistent with the current land uses of the area. While Ka'anapali Beach is a popular race site for sailing and outrigger canoes, the inclusion of a canoe hale within the Resort will promote new interaction between residents and tourists.

The proposed restaurant does not introduce a new use at the Hotel. It's location in the courtyard, surrounded by 3 and 6 story buildings will buffer any impacts to neighboring properties. Because of the proximity to the its recreational facilities and guestrooms, KBH will be minimizing distracting impacts such as noise and odor. The restaurant will not be utilizing the access road between KBH and the Whaler condominium for deliveries.

2: Climate

Average annual rainfall for the Ka'anapali area is between 15 and 18 inches. The 1989 State Data Book lists the average annual temperature of the adjacent town of Lahaina between 71.5 and 78 degrees Fahrenheit.

Ground cover, hedges, and large shade trees surround the proposed location of the restaurant/canoe hale. A large false Kamani tree immediately east of the proposed location would provide shade to parts of the restaurant and surrounding area.

The proposed action will have minimal impact on existing landscaping, and therefore will have little impact on the existing micro-climate conditions.

3: Topography

The project site is relatively level. Elevations range from 9 to 12 feet above mean sea level (msl), with an average elevation of about 10 feet above MSL.

The restaurant will utilize a pier foundation, which will allow construction without any significant changes to existing topography.

4: Soils

Soil within the project vicinity is classified as Jaucas sand (JaC) (U.S. Soil Conservation Service) [figure 7]. Jaucas Sand is described as single grain, pale brown to very pale brown, sandy soil on slopes from 0 to 15 percent, but rarely exceeding 7 percent. The permeability of this soil is rapid and runoff is very slow to slow. Water erosion hazard for this soil type is slight.

Because the design utilizes a pier type structure, impacts to soils will be minimized.

5: Flood and Tsunami Hazard

According to the Federal Emergency Management Agency (FEMA) flood area designations [Figure 8], the proposed restaurant site is located in zone classified as "C", an area of little or no flooding. Portions of the parcel along the shoreline are within the A4 and V12 zones, with a base elevation of 8 feet, however these areas do not affect the project site.

6: Flora and Fauna

The project is sited over an existing grass lawn surrounded by large trees. The proposed siting of the restaurant/canoe hale would not require the removal of any flora or fauna save the grass removed for the pier foundation. An alternative location seaward would require the relocation of two or more mature coconut trees. A mature false Kamani tree is located approximately 180 feet mauka of the shoreline. Utilization of an alternative mauka siting could require the removal of the tree. A breadfruit tree within the area will be relocated for reasons not related to this action.

No rare, threatened, or endangered species are within the project area.

7: Air Quality

Emissions from trucks and equipment during construction could be cause for short-term air pollution impacts. These emissions are expected to be insignificant, and can be mitigated by adhering to established air emission controls for equipment.

Impacts from dust generated by construction activities such as clearing and grubbing operations and by the movement of construction equipment and construction vehicles can be mitigated through frequent watering of the site.

8: Noise Characteristics

The most sensitive noise receptors will be the guests of the Ka'anapali Beach Hotel. The Hotel operators will make every effort to minimize noise impacts during construction.

There is a potential for short-term impacts during the construction phase. Using mufflers on construction equipment, together with restricting construction activities to standard working hours will help mitigate noise impacts to Hotel guests. All operations will be in compliance with the State Department of Health's rules and regulations.

Non-construction related impacts include noise generated by dining activity, the moving of canoes, and light music played at the restaurant. These impacts are anticipated to be insignificant, and consistent with the current uses of the resort area. Background noise within the area includes natural sources such as wind and waves, noises generated by pedestrians on the beach walkway, and noises coming from hotel related activities related to the swimming pool, restaurant, and entertainment.

9: Visual Resources

Visual resources and open space were considered in the siting and design of the proposed facility. The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar to Lelani's or Hula Grill, two restaurants just south of the KBH. The proposed (inland) location provides a significant landscaped buffer between the beach walkway and the restaurant. It also places the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop. Additionally, the site is located completely within the "horseshoe" of the Hotel's three and six story buildings and therefore is incapable of obstructing public views to and along the shoreline.

Even with the addition of the restaurant/canoe hale, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large landscaped courtyard is often referred to as a *park*. Furthermore, in stark contrast to the typical resort policy of removing locals from hotel facilities, KBH encourages residents to utilize their grounds, which increases the accessibility of its "open space".

10: Archaeological and Historical Resources

There are no known historic sites within the subject property.

Prior to the establishment of the Ka'anapali Beach Resort, the subject location was used for sugar cane cultivation. Construction of the Hotel between 1964 and 1973 added to subsurface disturbances through grading, grubbing, and landscaping. No archeological or historic remains were discovered during the construction of the Hotel or the recent construction of the parking garage.

Based on the recent discovery of human remains at a nearby area, SHPD believes there is a likelihood of historic sites being on the subject parcel (subsurface). In order to ensure "no adverse effect on historic sites" an initial archaeological assessment of the subsurface deposits of the parcel will be conducted. A report of the limited subsurface testing will be provided to SHPD for review. Based upon the findings of the report, SHPD will make recommendations on any further mitigation measures, if necessary.

11: Shoreline Processes

Pre-consultations with the Maui Planning Department and the Sea Grant Extension Service suggested a shoreline evaluation study which would measure the long-term erosion/accretion trends of the beach fronting the Ka'anapali Beach Hotel. Sea

Engineering Inc. prepared a report [Appendix A] which described the historical vegetation line changes at the site and to predict, to the extent possible, the vegetation line position 30 years from now.

The north and middle sectors of Hanaka'o'o Beach are dynamic, responding to the seasonally varying wave climate. In the summer, the sand moves from Hanaka'o'o Point to the north due to the influence of the prevailing south swell. The pattern reverses in the winter when the north Pacific swell is present. While the seasonal changes to the sandy beach are pronounced, the vegetation line is more stable. Significant adverse changes to the vegetation line are usually associated with severe weather events. This past winter the vegetation line front of the Sheraton Maui Hotel receded up to 50 feet. This was an unusual occurrence, and was apparently caused by the El Nino event, which resulted in larger and more frequent north Pacific swells than normal. The erosion was confined primarily to the Sheraton property, with only limited erosion occurring at the north end of the Ka'anapali Beach Hotel. Kona storms have in the past caused erosion of the beach and the vegetation line along the shoreline in front of the Hotel. Shoreline monitoring has indicated that the beach typically recovers quickly after a wave induced erosion event, including the most recent 1998 El Niño related event. Based on a survey conducted in September 1998, the beach in front of the Sheraton and the subject property has fully recovered (as illustrated by Figures 6b and 9).

Hanaka'o'o Beach was included in a study which evaluated long term shoreline changes on many of the beaches in the State of Hawai'i (Makai Ocean Engineering, Inc. and Sea Engineering, Inc., 1991). The method involved computer rectification of available aerial photographs, followed by digitization and plotting of the vegetation line. That 1991 study was updated for this evaluation by adding two additional photos and three shoreline certification surveys to the data base.

The results of the analysis show a fluctuating vegetation line at the project site, with a range of movement of 80 feet over the 49 year period. The net change since 1949 was a gain of 71 feet. The historical vegetation line changes were used as a basis for the prediction of the vegetation line position in 30 years. Since future storms and wave patterns that affect the vegetation line cannot be predicted, a probabilistic model was utilized to calculate the probability distribution of future vegetation line positions.

The model results predict a mean position of the vegetation line at the project site in 30 years 43 feet seaward of the present position. However, since hotel landscaping may have somewhat masked vegetation line changes since the 1960's, a more conservative approach is recommended. With 49 years of data on the movement of the vegetation line at the site representing a wide range of wave events, a conservative approach would be to assume that the vegetation line might fluctuate between the landward and seaward extremes noted over that period.

This landward extreme is represented on Figure 3 by the 1949 shoreline. As shown in this figure the proposed structure will be located approximately 20 feet mauka of this line.

An additional study of the Beach Toe was completed at the request of the Sea Grant Extension Service. The study indicated a general trend of accretion with shorter-term erosion. The lack of data, the seasonal-nature of the toe location, and the margin of error in measuring the toe from aerial photographs led the author to state that the analysis was not sufficient for a definitive conclusion.

Thus, given the available data on erosion/accretion trends, a conservative approach was used in siting the restaurant. The proposed site, located behind the worst case

erosion event (1949), is consistent with the conservative approach recommended by the sea engineer.

Since the north end of Hanaka'o'o Beach is dynamic, a more conservative approach might be to assume that the future will mirror the past, with the vegetation line fluctuating between the 1949 and 1997 extremes. The 49 year record reflects vegetation line changes due to typical seasonal variations as well as a variety of extreme events. As such, it provides a valuable guideline for evaluating future vegetation line positions. While the prediction of 43 feet of accretion may not be realistic, there is also no reason to expect that the vegetation line will erode landward of the 1949 extreme.

In addition to a conservative siting approach, the proposed pier design of the restaurant is considered as a significant mitigation measure which would minimize the potential for negative impacts to or from shoreline processes in an unforeseen extreme wave event.

B: Socio-Economic Environment

Minor positive short-term economic impact will result due to the increase in construction-related employment and revenues generated by the purchase of materials, equipment and supplies.

In taking advantage of the economic value of the beach walkway, Ka'anapali Beach Hotel hopes to establish a profitable food service program. The Hotel's existing restaurant, located within the south wing, fails to attract the Hotel's own guests, much less those from other hotels in the resort. The food service employs about 85 people, and has been run at economic loss for the last several years. By efficiently utilizing the economic resources offered by the beachfront location, the Hotel can safeguard against negative socio-economic impacts to employment within the food service program.

C: Public Service

As determined in previous project assessments in 1990 and 1998, the minimal scope of the restaurant is not expected to have an impact on public services. Change in the restaurant's location will not cause a change in demand for public services.

D: Infrastructure

As determined in previous project assessments of 1990 and 1998, the restaurant and other programs identified in the SMA permit were found not to have a significant impact on infrastructure demands such as water, wastewater, drainage or electricity. This environmental assessment primarily addresses a change in the restaurant's location, and therefore, no significant changes to infrastructure are expected.

1: Water

The Ka'anapali Water Corporation, a private company under AMFAC Properties Investment corporation currently services the Maui Marriott Hotel via 12" lines fronting the property. The source for the private water system is four wells with a design capacity of 3.7 MGD. The current pumping rate of the wells is 2.9 MGD, leaving an excess capacity of .8 MGD. No significant change in water demand is anticipated.

2: Wastewater

Eight inch laterals along the north, south, and east side of the property service the Hotel, which connects to a 21-inch county sewer line located within the Ka'anapali parkway right-of-way. The sewer line is part of the Lahaina wastewater collection system that transmits sewage to the Lahaina Wastewater Treatment Plant.

3: Traffic

It is anticipated that majority of restaurant patrons will arrive on foot either immediately from their guestrooms or from other hotels via the beach walkway. The volume of out-of-area guests and residents utilizing the restaurant /canoe hale is not expected to create a significant increase of traffic to Ka'anapali Parkway or Honoapiilani Highway, the main roadways serving the Hotel.

4: Drainage

The Ka'anapali Beach Hotel is on the leeward side of Maui, a relatively dry area, the average annual precipitation for the site is approximately 15 inches. The site receives an average 1-hour rainfall of 1.8 inches during a storm with a frequency of 10 years and 2.3 inches during a 50-year storm. Because of the nature of soils on the project site, nearly all rainfall percolates into the ground with very little ponding or runoff.

There is a grated inlet straddling the property line at the southeast corner of the project site. Water flowing into this inlet is carried by a drainpipe to an offsite drain line along Ka'anapali Parkway.

Changes to the restaurant's foundation are expected to aid in drainage, as water will be better able to percolate into the soil under a pier system than in traditional slab-on-grade foundations.

VII Relationship to Governmental Plans, Policies, and Controls

A: Maui County General Plan

The Maui County General Plan (1990 Update) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter, "The purpose of the General Plan is to recognize and state the major problems and opportunities concerning the needs and the development of the County and the social, economic and environmental effects of such development and set forth the desired sequence, patterns and characteristics of future development."

The proposed project is in keeping with the following General Plan Objectives and Policies:

Objective: (Environment)

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

Policies:

Preserve, enhance and establish traditional and new environmentally sensitive access opportunities for mountain and ocean resources.

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

Establish shoreline rules to maintain traditional beach access, beach use, and lateral access along the shorelines.

Objectives: (Visitor Industry)

To encourage exceptional and continuing quality in the development of visitor industry facilities.

To control the development of visitor facilities so that it does not infringe upon traditional, social, economic and environmental values of our community.

Policies:

Limit visitor industry development to those areas identified in the appropriate community plans, and to the development of projects within those areas which are in conformance with the goals and objectives of those plans.

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

Locate buildings as to retain scenic vistas.

Objectives: (Visitor Industry)

To ensure that visitor industry facilities shall not disrupt agricultural and social pursuits and will not be allowed to negatively impact the County's natural and cultural resources

Policies:

Encourage developers to minimize urban encroachment of ocean front lands by establishing increased shoreline setbacks and by requiring the public dedication of continuous lateral access parallel with the shoreline.

Encourage the preservation of open beach space by maximizing the use of lands presently designated by community plans for visitor facility use and discourage rezoning of other lands for such use.

Objectives: (Visitor Industry)

To develop a visitor industry which will enhance the social and economic lifestyles of Maui County's residents.

Policies:

Emphasize the importance of the "Aloha Spirit" as a common good for all and encourage the visitor industry to be sensitive regarding its impacts on traditional lifestyles, environment and natural resources of each community plan area.

Promote water, beach, and open space conservation in areas devoted to service for visitors

Encourage "kama'aina" incentives within the visitor industry to allow Hawaii residents to enjoy commercial visitor facilities

Objectives: (Recreation and Open Space)

To provide high-quality recreational facilities to meet the present and future needs of our residents of all ages and physical ability.

Policies:

Maintain and upgrade existing recreational facilities to meet community needs.

Maintain recreational facilities for both active and passive pursuits.

Maintain the Natural beauty of recreational areas.

Develop facilities that will meet the different recreational needs of the various communities.

Develop multi-purpose recreational facilities.

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

B: Community Plans

The proposed project is located in West Maui community, which is one of the nine Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designed to implement the Maui County General Plan. Each Community Plan contains recommendations and standards that guide the sequencing, patterns and characteristics of future development in the region.

West Maui Community Plan

The proposed project is in keeping with the following West Maui Community Plan's goals, objectives, and policies:

Goal: (Environment)

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

Objectives and Policies:

Protect the shoreline and beaches by preserving waterfront land as open space whenever possible. This protection shall be based on a study and analysis of the rate of shoreline retreat plus a coastal hazard buffer zone. Where new major waterfront structures or developments are to be approved, preservation should be assured for 50-100 years by employing a shoreline setback based on the rate established by the appropriate study.

Goal: (Economic Activity)

A diversified economy that provides a range of stable employment opportunities of 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 communities quality of life and the environment.

Objectives and Policies:

Promote a diversified economic base which offers long term employment to West Maui residents, and maintains overall stability in economic activity in the areas of:

- *Visitor-related service/commercial services*
- *Recreation-related service/commercial services*

Expand light industrial and service commercial activities in appropriate locations to accommodate the region's needs.

- *Encourage a diversity of visitor-oriented commercial offerings at the resort destinations...*

Maintain a stable and viable visitor industry

- *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 a sporting events, eco-tourism, and conferences.*

Goal: (Urban Design)

An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design at the resort destinations of Ka'anapali and Kapalua, defines a unified landscape planting and beautification theme along major public facilities and recognizes the historic importance and traditions of the region.

Objectives and Policies:

Save and incorporate healthy, mature trees in the landscape planting plans of subdivisions, roads, or any other construction or development.

C: Environmental Assessment Significance Criteria

Based upon the detailed analysis contained in this report and in accordance with the following significance criteria outlined in section §11-200-12 of the Department of Health's rules and regulations relating to environmental impact statements, it is concluded that a finding of no significant impact (FONSI) is warranted and therefore an environmental impact statement will not be required for the Ka'anapali Beach Hotel restaurant/canoe hale.

- 1) *Involve an irrevocable commitment to loss or destruction of any natural or cultural resource;*

As documented, the construction and use of the proposed restaurant/canoe hale will cause no significant impacts to the natural environment and no significant cultural or historic resources were identified within the project area. Consultation with architects and coastal engineers has led to a design and site that will have minimal (insignificant) impact to soils and shoreline processes.

- 2) *Curtail the range of beneficial uses of the environment;*

The project is expected to expand the beneficial uses the environment through its purposes as a restaurant/bar and as a canoe hale. Amenities of the restaurant/bar provide an elevated viewing station in which the public can enjoy the scenic elements including Ka'anapali Beach, Black Rock, the Pacific Ocean, the mountains of Molokai and Lanai, and the spectacular sunsets unobstructed on the west side. The canoe hale and facilities encourage and facilitate the practice of Hawaiian outrigger canoe paddling. It is of note that canoe paddling provides an activity of significant cultural value and is targeted at local residents rather than tourists.

- 3) *Conflict with the State's long term goals or guidelines as expressed in Chapter 344, HRS, and any revision thereof and amendments thereto, court decisions, or executive orders;*

The proposed project facilitates the development of recreational activities without significant impact to the environment or existing infrastructure. Therefore the project supports the long term goals and guidelines in Chapter 344 HRS.

- 4) *Substantially affect the economic or social welfare of the community or state;*

Short term positive economic impacts will result due to the increase in construction related employment and revenues generated by the purchase of materials, equipment and supplies.

In the long term it is important for Ka'anapali Beach Hotel to remain competitive and provide guests with enjoyable experiences of the Hawaiian environment. The proposed action will help to ensure the continued success of this Hotel. It is also important to the larger community as a whole that guests are provided with experiences on par with other worldwide destination resorts in

order to ensure the continued success of Ka'anapali Beach Resort as a world class visitor destination.

5) *Substantially affect public health;*

As documented, minor short-term impacts to air quality and noise are expected during construction of the project, however they can be mitigated through adherence to standard construction mitigative measures. No significant long-term impacts are expected regarding air quality, water quality, or noise.

6) *Involve substantial secondary effects, such as population changes or effects on public facilities;*

No substantial secondary effects are expected.

7) *Involves a substantial degradation of environmental quality;*

As documented, construction and use of the restaurant/canoe hale are not expected to have a significant impact upon natural resources. Specific siting within low risk erosion areas and facility design were incorporated to minimize the chance of impacts to or from shoreline processes. No significant impacts towards water quality, air quality or noise levels are expected.

8) *Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions;*

In locating a valuable structure in close proximity to the shoreline, there are valid concerns that it could eventually lead to the construction of protective structures along the shoreline if the shoreline experiences erosion. In the case of the proposed action, attention has been placed on situating the structure in an area with minimal risk of shoreline erosion. In addition, the structure has been designed so that if there is an extreme unforeseen erosion event, the structure will not impede wave runup or have a negative impact to shoreline processes, thus making protective structures unnecessary.

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

No rare, threatened, or endangered species are known to occupy the project boundaries.

10) *Detrimentially affects air or water quality or ambient noise levels;*

As documented, temporary construction related, insignificant air and noise impacts are expected and will be mitigated during the construction of the restaurant/ canoe hale.

The potential for water quality impacts during construction will be minimal since there will be little if any site work in terms of grading and excavation. Temporary measures will be utilized to ensure that construction related runoff debris will not enter nearshore waters.

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

As noted throughout this report as well as in the shoreline evaluation study in Appendix A, the shoreline history of the fronting beach does not suggest that the proposed project site will be subject to erosion or wave action in the future. The structure has been designed to allow for natural shoreline movement and maintain structural integrity during extreme erosion events.

According to the Federal Emergency Management Agency (FEMA) flood area designations, the proposed restaurant site is located in zone classified as "C", an area of little or no flooding. Portions of the parcel along the shoreline are within the A4 and V12 zones, however these areas do not affect the project site. A flood map diagram is illustrated in Figure 8.

With a ground elevation approximately 9.9 feet MSL and a structural design that supports the facility 6 feet above grade, the proposed restaurant will be above predicted tsunami inundation levels along this section of shoreline (base flood level of 8 feet above MSL).

- 12) *Substantially affects scenic vistas and viewplanes identified in county or state plans or studies;*

No scenic vistas or viewplanes are identified within the project boundary. The proposed project lies completely within the "horseshoe" footprint of the Ka'anapali Beach Hotel's existing structures, so no public or private views outside the Hotel property will be obstructed.

- 13) *Requires substantial energy consumption*

There will be no significant increase in energy consumption as a result of the project.

E: Special Management Area Objectives and Policies

1. Recreational Resources

Objectives:

Provide coastal recreational resources accessible to the public.

Policies:

- a. *Improve coordination and funding of coastal recreation planning and management; and*
- b. *Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:*
 1. *Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;*
 2. *Requiring replacement of coastal resources having significant recreational value, including, but not limited to, surfing sites and sandy*

beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;

- 3. Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
- 4. Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
- 5. Encouraging expanding public recreational use of county, state and federally owned or controlled shoreline lands and waters having recreational value;*
- 6. Adopting water quality standards and regulating point and non-point sources of pollution to protect and, where feasible, restore the recreational value of coastal waters; and*
- 7. Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits, and crediting such dedication against the requirements of Section 46-6 of the Hawaii Revised Statutes.*

Response:

The proposed siting of the restaurant/canoe hale is on Ka'anapali Beach Hotel's courtyard, 90-135 feet inland from the Ka'anapali shoreline, and therefore does not directly affect public beach resources. Use of the Ka'anapali beach walkway running approximately 40 feet mauka of the shoreline will continue to provide lateral access along Ka'anapali beach. Therefore, use of the beach itself and related public access will not be infringed by the proposed action.

Ka'anapali Beach Resort is a planned visitor destination. Uses in the resort area include those related to established infrastructure such as accommodations, shops, restaurants and bars. Uses relating to the recreational resources include sunbathing, swimming, and snorkeling. The Ka'anapali Beach walkway is a popular pedestrian route, and consequently, there are several bars and restaurants located adjacent.

The proposed restaurant and bar is consistent with the current land uses of the area. While canoe paddling is a popular sport in the local waters, the canoe hale will introduce a new use to the beach fronting the Ka'anapali Beach Hotel. The fact that the new activity will be cultural and appeal primarily to local residents is noteworthy.

2. Historical/Cultural Resources

Objectives:

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

Policies:

- a. Identify and analyze significant archaeological resources;*

- b. *Maximize information retention through preservation of remains and artifacts or salvage operation; and*
- c. *Support state goals for protection, restoration, interpretation and display of historic resources.*

Response:

There are no known historic sites within the subject property. Prior to the establishment of the Ka'anapali Beach Resort, the subject location was used for sugar cane cultivation. Construction of the Hotel between 1964 and 1973 added to subsurface disturbances through grading, grubbing, and landscaping. No archeological or historic remains were discovered during the construction activity.

Based on the recent discovery of human remains at a nearby area, SHPD believes there is a likelihood of historic sites being on the subject parcel (subsurface). In order to ensure "no adverse effect on historic sites" an initial archaeological assessment of the subsurface deposits of the parcel will be conducted. A report of the limited subsurface testing will be provided to SHPD for review. Based upon the findings of the report, SHPD will make recommendations on any further mitigation measures, if necessary.

The facility aims to form a significant cultural bond to the historic resources, legends, and artifacts from the surrounding area.

3. Scenic and Open Space Resources

Objectives:

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

Policies:

- a. *Identify valued scenic resources in the coastal zone management area;*
- b. *Insure that new developments are compatible with their visual environment by designing an location such developments to minimize the alteration of the natural land forms and existing public views to and along the shoreline;*
- c. *Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and*
- d. *Encourage those developments which are not coastal dependent to locate in inland areas.*

Response:

The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar Lelani's or Hula Grill, two restaurants just south of the KBH. The proposed (inland) location provides a significant landscaped buffer between the beach walkway and the restaurant. It also placed the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop. Additionally the site is located completely within the "horseshoe" of the Hotel's three and six story buildings and therefore is incapable of obstructing public views to and along the shoreline.

Even with the addition of the restaurant/canoe hale, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large landscaped courtyard is often referred to as a *park*. Furthermore, in stark contrast to the typical resort policy of removing locals from hotel facilities, KBH encourages residents to utilize their grounds, which increases the accessibility of its "open space".

The proposed siting is 90-135 feet inland from the Ka'anapali shoreline, and therefore does not directly affect public beach resources. Use of the Ka'anapali beach walkway running approximately 40 feet mauka of the shoreline will continue to provide lateral access along Ka'anapali beach. Therefore, use of the beach itself and related public access will not be infringed by the proposed action.

As discussed previously in section V (Alternatives), proximity to the coast is necessary to meet the cultural and operational objectives of the facility.

4. Coastal Ecosystems

Objectives

Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems

Policies:

- a. *improve the technical basis for mature resource management;*
- b. *Preserve valuable coastal ecosystems of significant biological or economic importance;*
- c. *Minimize disruption and degradation of coastal water ecosystems by effective regulation of stream diversions, channelization and similar land and water uses, recognizing competing water needs; and*
- d. *Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land water uses which violate state water quality standards.*

Response:

As documented, construction and use of the restaurant/canoe hale are not expected to have a significant impact upon natural resources. Specific siting within low risk erosion areas and facility design were incorporated to minimize the chance of impacts to or from shoreline processes. No significant impacts towards water quality, air quality or noise levels are expected.

5. Economic Uses

Objectives:

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

Policies:

- a. *Concentration in appropriate areas the location of coastal dependent development necessary to the state's economy;*
- b. *Insure that coastal dependent development such as harbors and ports, visitor facilities, and energy-generation facilities are located, designed, and*

constructed to minimize adverse social, visual and environmental impacts in the coastal zone management area; and

- c. Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:*
- 1. Utilization of presently designated locations is not feasible,*
 - 2. Adverse environmental effects are minimized, and*
 - 3. The development is important to the State's economy.*

Response:

The proposed project is a tourism-related development that is dependent on its proximity to the coast. The above policies are in support of the request in that the Ka'anapali Resort area is designated and used for resort related development and represents one of Hawaii's premier resort destination areas. It is imperative that the hotels at Kaanapali Resort remain competitive with other resort areas throughout the world in our increasingly competitive global tourism market. The heightened experience by the user of this facility will have indirect positive impacts for tourism in Kaanapali, on Maui and to some extent throughout Hawaii.

As expressed in section VI (Potential Impacts), the facility has been planned to minimize social, visual, and environmental impacts.

6. Coastal Hazards

Objectives:

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

Policies:

- a. Develop and communicate adequate information on storm wave, tsunami, flood, erosion and subsidence hazard;*
- b. Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;*
- c. Ensure that development comply with requirements of the Federal Flood Insurance Program; and*
- d. Prevent coastal flooding from inland projects*

Response:

As noted throughout this report as well as in the shoreline evaluation study in Appendix A, the shoreline history of the fronting beach does not suggest that the proposed project site will be subject to erosion or wave action in the future. The structure has been designed to allow for natural movement and maintain structural integrity during extreme erosion events.

According the Federal Emergency Management Agency (FEMA) flood area designations, the proposed restaurant site is located in zone classified as "C", an area of little or no flooding. Portions of the parcel along the shoreline are within the A4 and V12 zones, however these areas do not affect the project site. A flood map diagram is illustrated in figure 8.

With a ground elevation of 9-10 feet MSL and a structural design that supports the facility 6 feet above grade, the proposed restaurant will be above tsunami inundation levels (8 feet MSL).

7. Managing Development

Objectives:

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

Policies:

- a. *Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;*
- b. *Facilitate timely processing of the application for development permits and resolve overlapping of conflicting permit requirements; and*
- c. *Communicate the potential short and long-term impacts of proposed significant coastal developments early in their lifecycle and in terms understandable to the general public to facilitate public participation in the planning and review process.*

Response:

The development of the proposed project is being conducted in accordance with applicable State and County requirements. Opportunity for review of the proposed action is provided during the Draft Environmental Assessment review process as well as the County's Special Management Area (SMA) and Shoreline Setback Variance permitting process.

8. Public Participation

Objectives:

Stimulate public awareness, education and participation in coastal management.

Policies:

- a. *Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program;*
- b. *Disseminate information on coastal management issues by means of educational materials, published reports, staff contact and public workshops for persons and organizations concerned with coastal related issues, development, and government activities; and*
- c. *Organize workshops, policy dialogues, and site specific mediations to respond to coastal issues and conflict.*

Response:

The public will have ample opportunity to review and comment on the proposed project. A "Notice of Public Hearing" will be sent to the surrounding landowners and lessees within 500 feet of the subject property at least 30 days prior the SMA permit's public hearing. In addition, public hearing dates along with location maps will also be published in the Maui News. The public will be

allowed to participate in the public hearing portion of the Maui Planning Commission review process.

9. Beach Protection

Objectives:

Protect beaches for public use and recreation.

Policies:

- a. *Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;*
- b. *Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions of erosion at the sites and do not interfere with existing recreational and waterline activities; and*
- c. *Minimize the construction of public erosion-protection structures seaward of the shoreline*

Response:

As noted throughout this report as well as in the shoreline evaluation study in Appendix A, the shoreline history of the fronting beach does not suggest that the proposed project site will be subject to erosion or wave action in the future. The structure has been designed to allow for natural movement and maintain structural integrity during extreme erosion events.

The proposed siting of the restaurant/canoe hale is on Ka'anapali Beach Hotel's courtyard, 90-135 feet inland from the Ka'anapali shoreline, and therefore does not directly affect public beach resources. Use of the Ka'anapali beach walkway running approximately 40 feet mauka of the shoreline will continue to provide lateral access along Ka'anapali beach. Therefore, use of the beach itself and related public access will not be infringed by the proposed action.

As discussed in section VI (Possible Impacts), site location, the interrelation of existing flora, and hotel policy minimize the impacts to open space.

10. Marine Resources

Objectives:

Implement the State's ocean resource management plan.

Policies:

- a. *Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;*
- b. *Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*
- c. *Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;*
- d. *Assert and articulate the interest of the state as a partner with federal agencies in the sound management of the ocean resources within the United States exclusive economic zone;*

- e. *Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon the ocean and coastal resources; and*
- f. *Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

Response:

The project is located significantly inland and will have no direct impact on the region's coastal or marine resources, and with the incorporation of mitigation measures during construction there will be no adverse impact to nearshore waters from point and non-point sources of pollution. Therefore the subject property will not have a significant negative impact upon any coastal or marine resources.

As noted throughout this report as well as in the shoreline evaluation study in Appendix A, the shoreline history of the fronting beach does not suggest that the proposed project site will be subject to erosion or wave action in the future. The structure has been designed to allow for natural movement and maintain structural integrity during extreme erosion events.

F: Shoreline Setback Rules and Regulations

1: Purpose of the Shoreline Area Rules §12-5-3

Construction of the proposed restaurant/canoe hale at Ka'anapali Beach Hotel has been planned in a manner consistent with and respectful to *Rules of the Maui Planning Commission relating to the Shoreline Area of the Islands of Kahoolawe, Lanai, and Maui*. §12-5-3 (the purpose of the rules) states:

One of the most important natural resources of the County of Maui is its shoreline area. Due to increasing demands for utilization of the beach and ocean resources, it is imperative:

1. *That use and enjoyment of the shoreline area be insured for the public to the fullest extent possible.*

Response:

The location and scope of the project insure that the public's current use and enjoyment of Ka'anapali Beach is preserved, and through the project, will be expanded.

The proposed siting of the restaurant/canoe hale is on Ka'anapali Beach Hotel's courtyard, inland from the Ka'anapali shoreline, and therefore does not directly affect public beach resources. Use of the Ka'anapali beach walkway running approximately 40 feet mauka of the shoreline will continue to provide lateral access along Ka'anapali Beach. Therefore, use of the beach itself and related public access will not be infringed by the proposed action.

The Hotel's initiative to house a canoe club on premises will introduce a new recreational use to the beach, which of note is a cultural activity targeted at local

residents rather than tourists. Indirectly, the hosting of a canoe club will aid in the relief of over-crowded public facilities at Hanaka'o'o Beach Park which currently hosts all 3 of West Maui's canoe clubs.

2. *That the natural shoreline environment be preserved*

Response:

Much of the natural shoreline environment at Ka'anapali has been previously altered by development activity. The proposed siting of the restaurant/canoe hale is situated on Ka'anapali Beach Hotel's landscaped courtyard, inland of the shoreline and well behind the remaining "natural" beach environment. The restaurant's pier construction will make minimal changes to existing grade. No improvements are planned seaward of the shoreline.

3. *That man-made features in the shoreline area be limited to features compatible with the shoreline area*

Response:

The proposed development is compatible with past and present uses of the shoreline area and its physical nature will be attractive, culturally positive, and environmentally sensitive.

The proposed restaurant/canoe hale is consistent with the enjoyment of the shoreline's scenic resources and the facility's thematic emphasis towards the historical and cultural uses of the coastal area including paddling, fishing and navigation. It is consistent with current use of the Ka'anapali shoreline which fronts the Ka'anapali Resort community.

On a physical level, the restaurant will blend into the landscaping within the great courtyard of Ka'anapali Beach Hotel. The structure's pier foundation will minimize surface disruption and will not fix the shoreline in an extreme wave event.

4. *That the natural movement of the shoreline be protected from development*

Response:

As noted throughout this report as well as in the shoreline evaluation report in Appendix A, the shoreline history of the fronting beach does not suggest that the proposed project site will be subject to erosion or wave action in the future.

The design of the restaurant will utilize the most appropriate structural system for this beachfront location. The building floor level will be constructed on concrete piers raised approximately 6 ft above the grade at the building, which is approximately 9.9 feet above mean tide level. The piers will extend approximately 15 feet below grade, five feet below the mean tide level, and will create a strong foundation for the building. The structural system will effectively be similar to a dock or pier. In the unlikely event that water would reach the restaurant, it would flow unobstructed below the building. The pier design also eliminates potential scouring as the piers present no barrier, even below grade, that the water could undermine.

2: Shoreline Setback Variances

As documented, the planning of the proposed restaurant/canoe hale is respectful and consistent with the purpose of the shoreline area rules, and as described below, meets the conditions necessary for a shoreline setback variance.

A shoreline area variance may be granted for a structure or activity otherwise prohibited by this chapter, if the authority finds in writing, based on the record presented, that the proposed structure or activity is necessary for or ancillary to:

(5) Boating, maritime, or water sports recreational facilities;

Response:

Since the proposed project is a mixture of a restaurant and canoe facility a variance may not be granted based solely on this class of action. However, the canoe facilities are an important part of the structures use, and therefore, the authority may give additional consideration to the application based upon the facility's use as a water sports recreational facility.

(8) Private Facilities or improvements which will neither adversely affect beach processes nor artificially fix the shoreline; provided that, the authority also finds that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area;

Response:

The proposed facility qualifies for a variance this class of action for it will not adversely affect beach processes nor artificially fix the shoreline, and considerable hardship will result if the facility is not located within the shoreline area.

As documented, a primary focus in planning the restaurant/canoe hale was avoiding impacts to and from the shoreline processes. An analysis of historical shoreline trends prepared by Sea Engineering, Inc. aided in the selection of the proposed location based upon its low risk of coastal erosion. The architecture has incorporated an environmentally sensitive facility design (pier) which, in the case of an unprecedented erosion event would neither impact or be impacted by the natural beach processes.

Hardship

As discussed in section V of this report [Alternatives], the proposed location (partially within the shoreline setback area) was judged superior to a location 150 feet mauka of the shoreline. With the proposed site already located in an area of very low erosion risk, pushing the facility behind the arbitrary line did not offer a significant reduction in risk, and was judged to cause hardship relating to all other criteria used in analysis of alternatives. A discussion of pertinent hardships is below.

Recognized and awarded as Hawaii's most Hawaiian Hotel, Ka'anapali Beach Hotel maintains an unprecedented cultural atmosphere and wishes to perpetuate it's highly successful Hawaiian program, Po'okela, in the physical

manifestation of the restaurant. The cultural objective is to establish the restaurant as a tangible expression the Hawaiians' relationship with the sea. Visual access to the sea and historical landmarks, as well a strong connection to the ocean is important to the educational mission and cultural objective of the restaurant.

At 150 feet and greater mauka locations, the facility becomes significantly obstructed by buildings and vegetation from culturally significant landmarks such as Keka'a Point (Black Rock), neighbor islands and Ka'anapali Beach canoe landing. Locating the facility at 150 feet or greater would introduce an unnecessary hardship to the cultural program if the purpose of the shoreline rules can be fulfilled at the preferred location.

If denied access to the area's specific economic resources, the Hotel faces unnecessary hardship pertaining to operation, competitive disadvantage, and reasonable use of property. As identified in section V, an evaluation of alternative locations found that the location at 150 feet or greater mauka of the shoreline could not effectively tap the region's prime economic resources. Specifically, these resources are the oceanfront ambiance so important to restaurants in the area, and vicinity to the beach walkway, imperative to attracting guests from other hotels.

The Hotel's existing restaurant, located inland within the south wing, fails to attract the Hotel's own guests, much less guests from other hotels or local residents. Consequently, the food service program (employing about 85 workers) has been run at economic loss for the last several years. Reasonable access to the resort's beach walkway and shoreline are required to prevent losses to employment and operational stability.

Additionally, hardship will occur to the Hotel if it is not allowed reasonable use of its property or is put at a competitive disadvantage through restrictions on economic resources. Being that the Hotel has to contribute to County (taxed at highest and best use) and resort economics (KBH guests are patrons to competitor's facilities along the beach walkway), it is fair and logical to expect that the Hotel be granted reasonable access to the economic resources along the shoreline. It is noteworthy that the Hotel is not looking for an equally nearshore location as the competition (which could be seen as highest and best use), but simply aiming for a site with reasonable access to the shoreline and beach walkway so it may remain locally competitive, and not be regulated to a competitive disadvantage.

In light of the increasingly competitive global tourism market, it is imperative to the Hotel, Resort, County and State, that the hotels at Ka'anapali Resort remain competitive with other resort areas throughout the world by offering their guests the best experience possible. To attract and retain visitors, our hotels need to cultivate a world class oceanfront setting that caters to today's environmentally and culturally sensitive tourist. It is with this in mind that Ka'anapali Beach Hotel wishes to provide a world class setting for its ocean restaurant while at the same time acknowledging the intent of the shoreline setback rules and regulation through appropriate design and siting.

As documented in section V (Alternatives), the 150-210 foot mauka alternative would create a hardship for the participants of the canoe program. The mauka location would increase physical strain on paddlers, especially members of the Keiki (children) paddling programs. Additionally, while a preferred location naturally defines and limits the canoe area, the mauka location is likely to create an uncomfortable mix of uses.

A large false Kamani tree growing approximately 180 feet mauka of the shoreline complicates siting at the mauka location. At the preferred location, the restaurant comfortably snugs up to the base of the tree and aesthetically fits under the large canopy.

Moving the restaurant to comply with the 150-foot setback creates two unattractive options. The first would be to locate behind the tree, where, in avoiding lower mauka lying branches, the facility would be distanced approximately 220 feet from the shoreline. The combination of the great distance and partial obstruction by tree branches makes meeting operational and cultural objectives unlikely.

The other option would be removal of the tree. This would eliminate obstructing branches and allow the restaurant to be built 150 feet from the shoreline as currently allowed in the Hotel's existing SMA permit. However the removal of the tree would be considered a loss. For its species, the tree has an exceptionally large canopy (approximately 85 feet in diameter), and is the largest tree on the Hotel's great courtyard. Trees of such scale and character are rare along the Ka'anapali coastline and its loss would be an unfortunate and unnecessary hardship considering the availability of the proposed location.

Additionally, all projects seeking a variance must meet conditions specified in §12-5-13 (c). They are listed below:

*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;*

Response:

Lateral access along Ka'anapali beach is provided by a sidewalk system referred to as the beach walkway. The proposed project's location and scope do not include changes to the walkway or impede access along the corridor.

*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*

Response:

As documented, a primary focus in planning the restaurant/canoe hale was avoiding impacts to and from the shoreline processes. An analysis of historical shoreline trends prepared by sea engineers aided in the selection of the proposed location based upon its low risk of coastal erosion. Architecturally, the facility

was designed on piers which, in the case of an unprecedented erosion event would neither impact or be impacted by the natural beach processes.

To minimize adverse impacts on public views to, from, and along the shoreline.

Response:

The proposed facility is a single-story building located completely within the "horseshoe" of the Hotel's existing three and six story buildings. Therefore, the facility is incapable of obstructing public views towards and along the shoreline. Viewed from the shore, the restaurant/canoe hale will be an attractive structure that will blend into the landscaping present in the Hotel's great courtyard. A 30-70 foot buffer will separate the restaurant from the beach walkway.

VIII Agencies and Individuals Commenting on the Draft EA

Comment letters and responses are documented in Appendix B

Responded to the Draft EA

US Federal Government

Department of Agriculture
Department of the Army

State of Hawaii

Department of Transportation
Department of Accounting and General Services
Department of Hawaiian Home Lands
Department of Land and Natural Resources
Office of Hawaiian Affairs

Maui County

Department of Parks and Recreation
Police Department

Responded to the Draft EA with Comments

State of Hawaii

University of Hawaii, Sea Grant Extension Service
Department of Health

Maui County

Department of Planning
Department of Public Works and Waste Management

Other

Maui Electric Company, Ltd.
The Sierra Club

Additional Consultations

In addition, Mr. Mike White, General Manager of the Ka'anapali Beach Hotel consulted with representatives of the following neighboring properties:

Sheraton Maui
Randy Ha

Whaler Condominium
Chuck Philips, President, & Members of the Board of Directors

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Figures

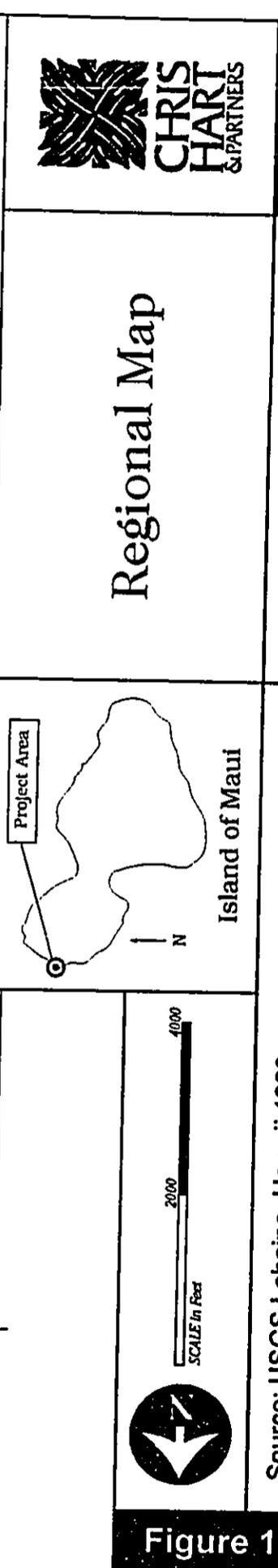
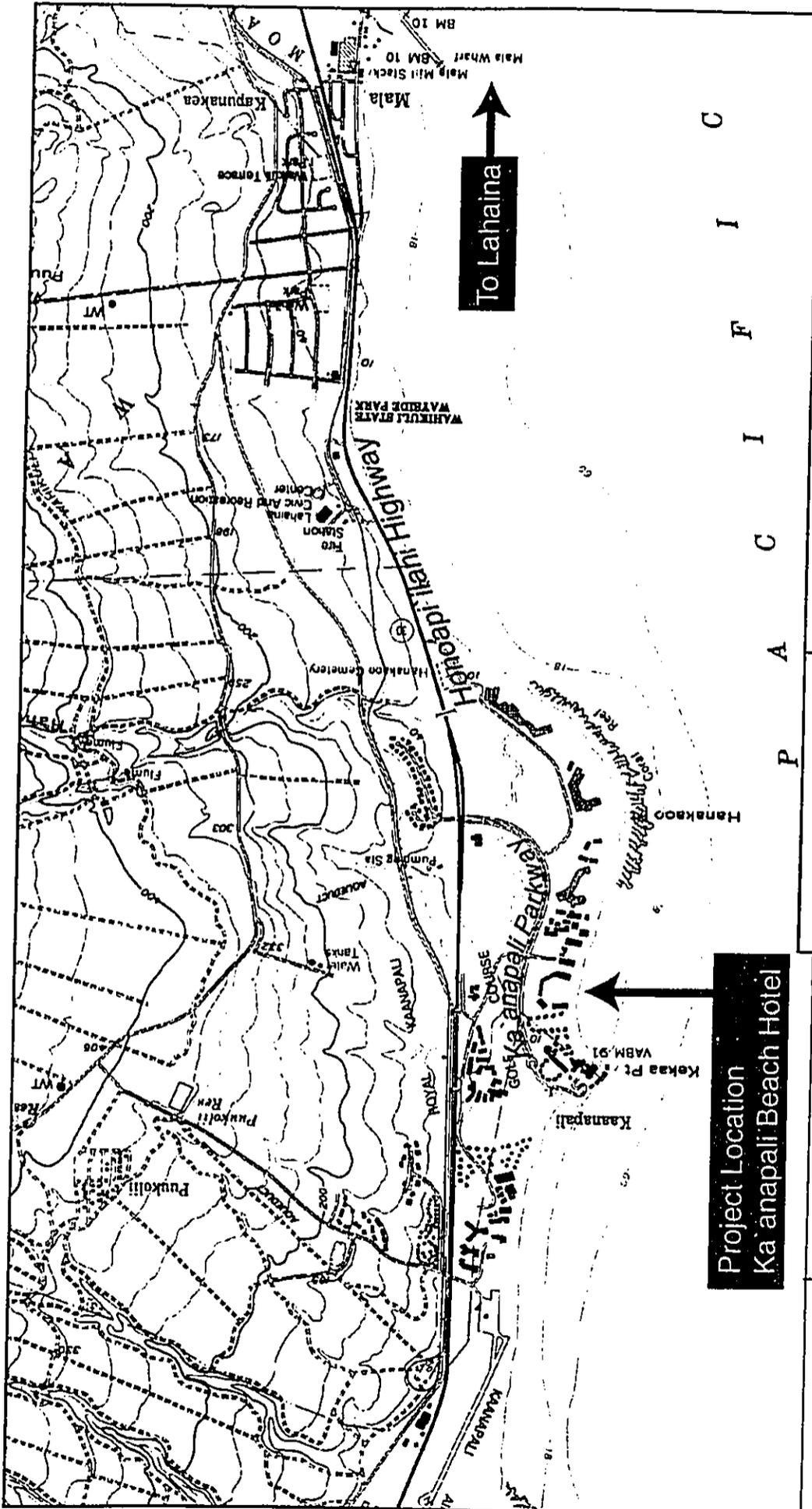
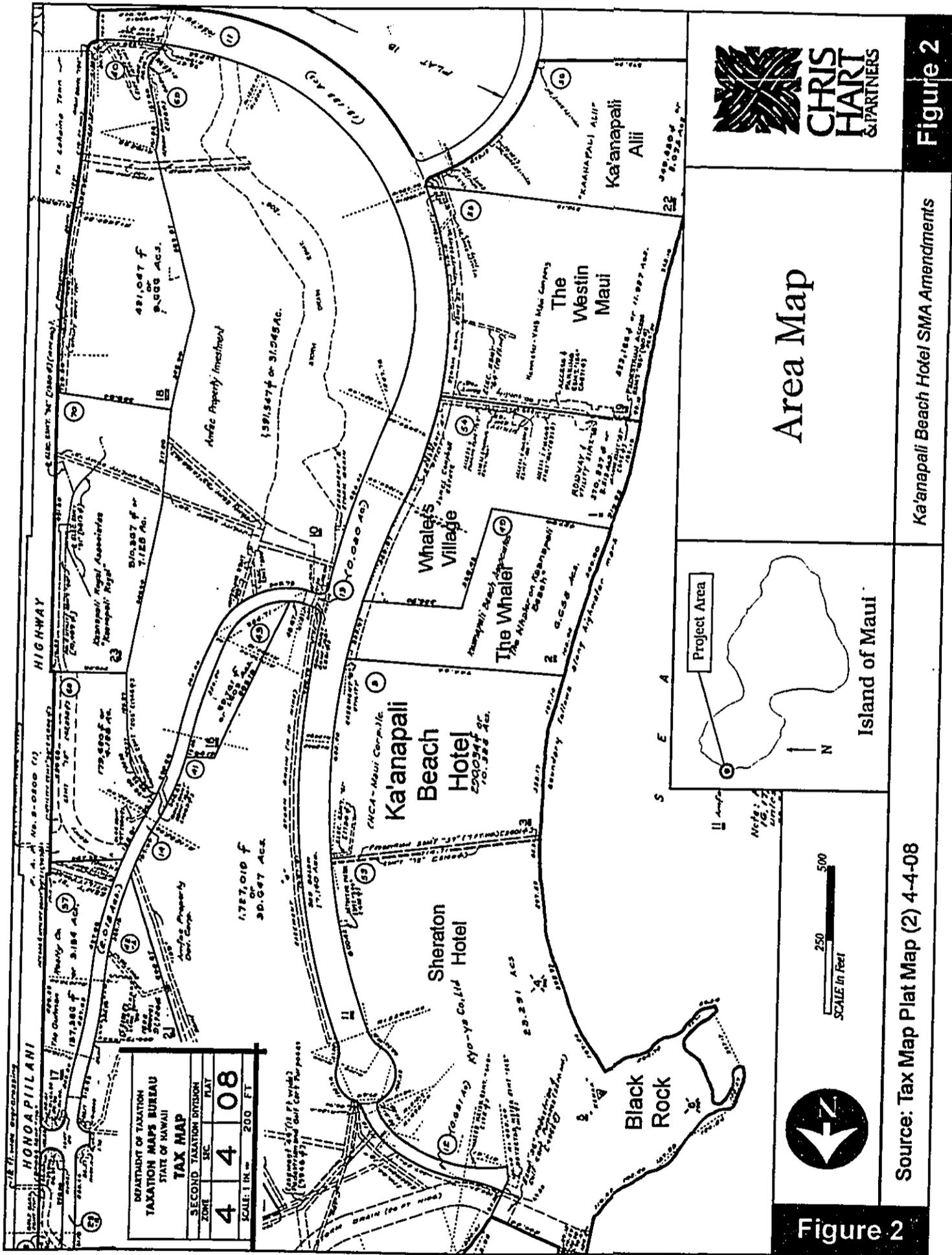


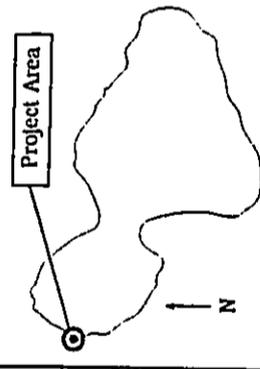
Figure 1

Source: USGS Lahaina, Hawaii 1983

Ka'anapali Beach Hotel SMA Amendments



Area Map



Island of Maui

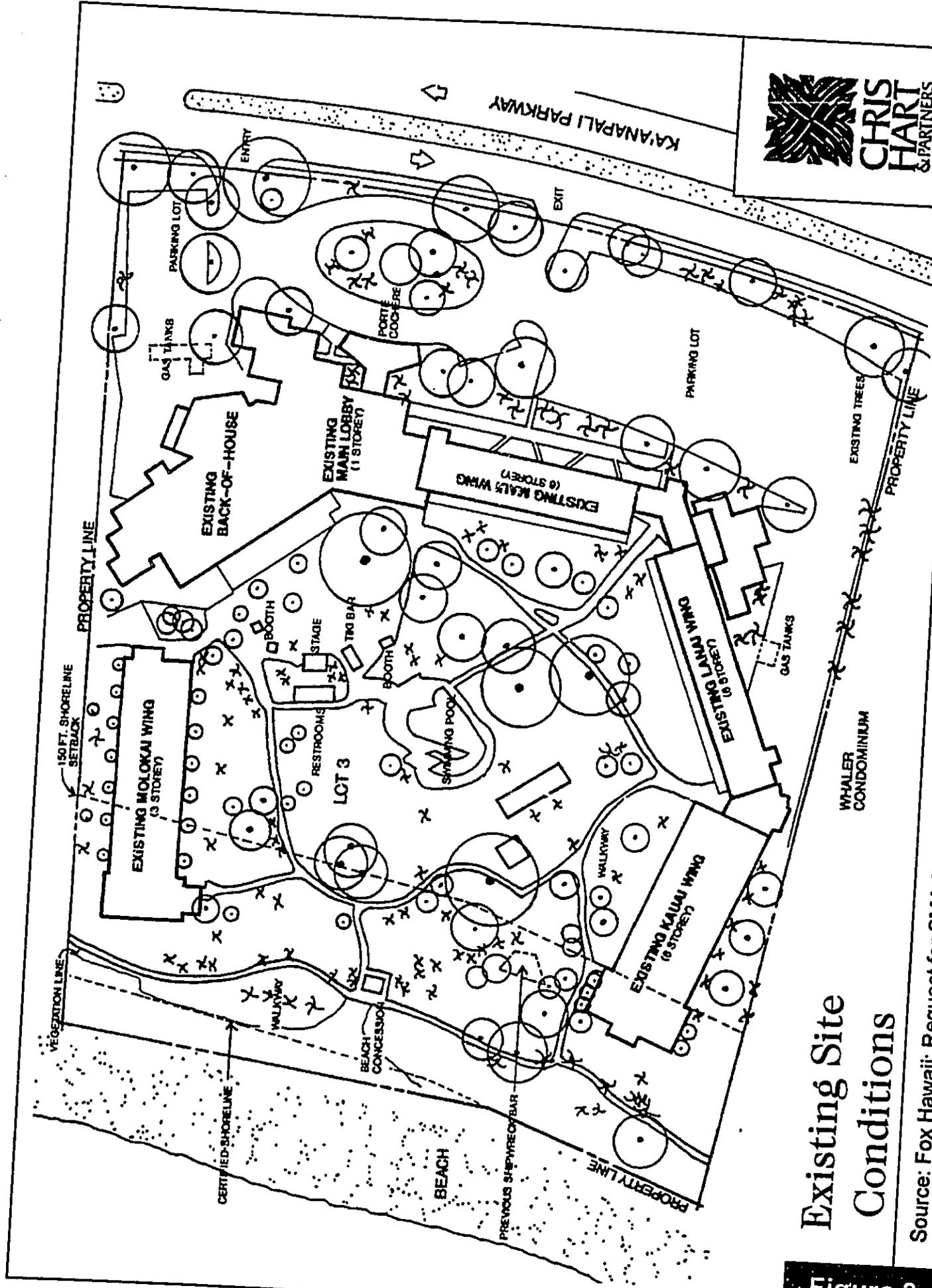


Figure 2

Ka'anapali Beach Hotel SMA Amendments

Source: Tax Map Plat Map (2) 4-4-08

Figure 2



Existing Site Conditions

Source: Fox Hawaii: Request for SMA Amendment January 1998

Ka'anapali Beach Hotel SMA Amendments

Figure 3

Figure 3

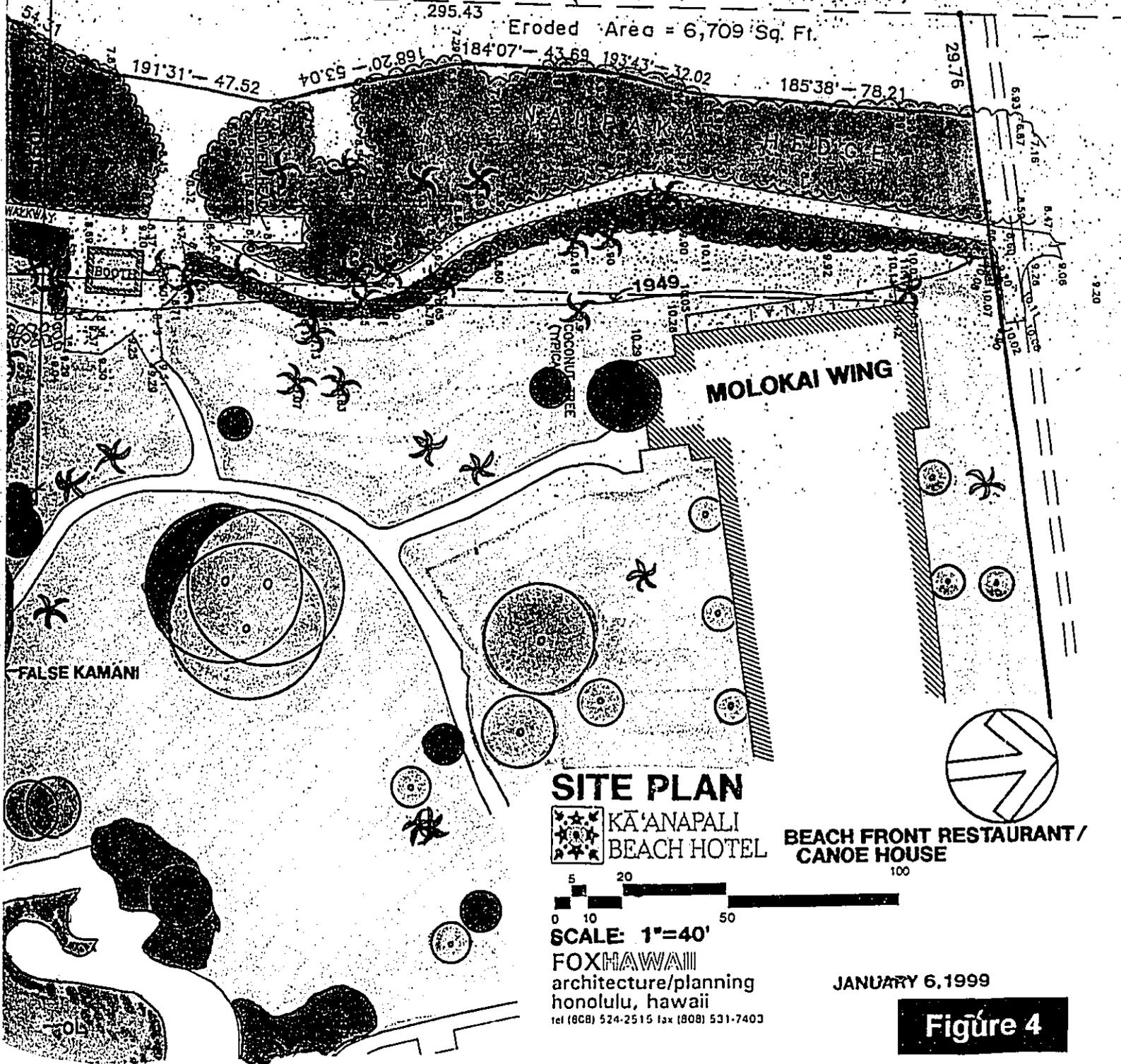
Mark as of 11:46 A.M. September 15, 1997.

OCEAN

ATION LINE, SURVEYED SEPTEMBER 15, 1997.
Water Mark (Record)
ATION 1744, (Map 2)

182°39'30" - 355.17

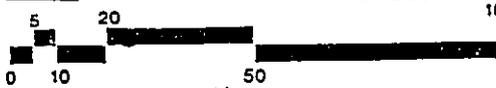
Eroded Area = 6,709 Sq. Ft.



SITE PLAN

KA'ANAPALI
BEACH HOTEL

BEACH FRONT RESTAURANT /
CANOE HOUSE



SCALE: 1"=40'

FOX HAWAII
architecture/planning
honolulu, hawaii

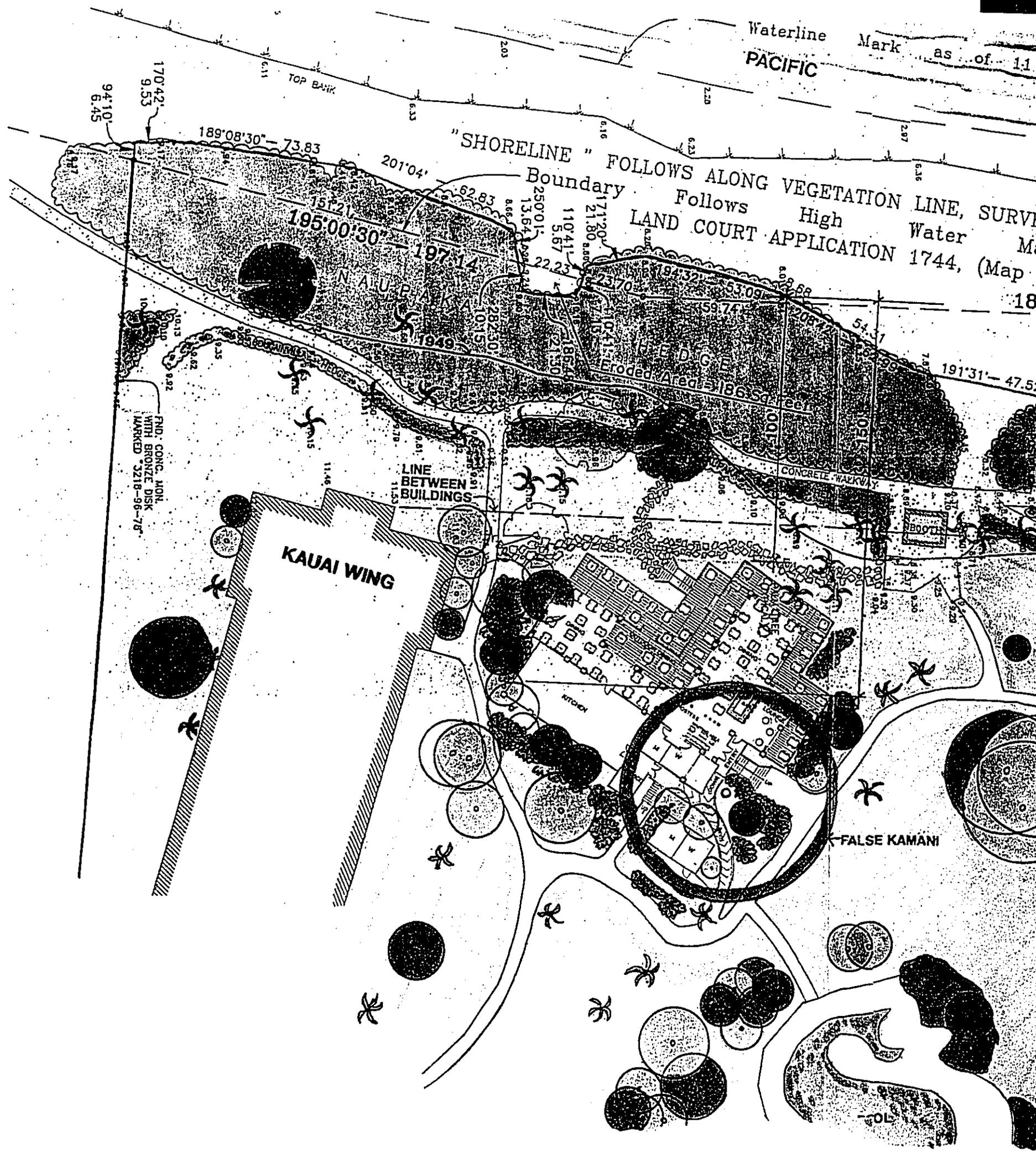
tel (808) 524-2515 fax (808) 531-7403

JANUARY 6, 1999

Figure 4

Waterline Mark as of 1-1
PACIFIC

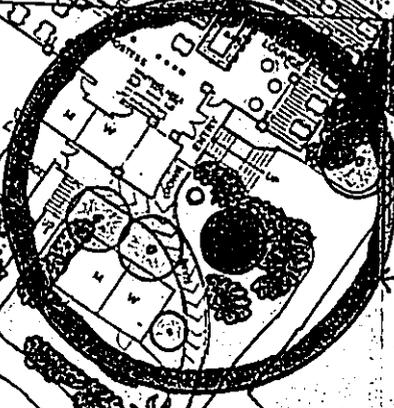
"SHORELINE" BOUNDARY FOLLOWS ALONG VEGETATION LINE, SURVEY
Follows High Water Mark
LAND COURT APPLICATION 1744, (Map 18)



RD. CONC. MON.
WITH BRONZE DISK
MARKED 3218-96-78

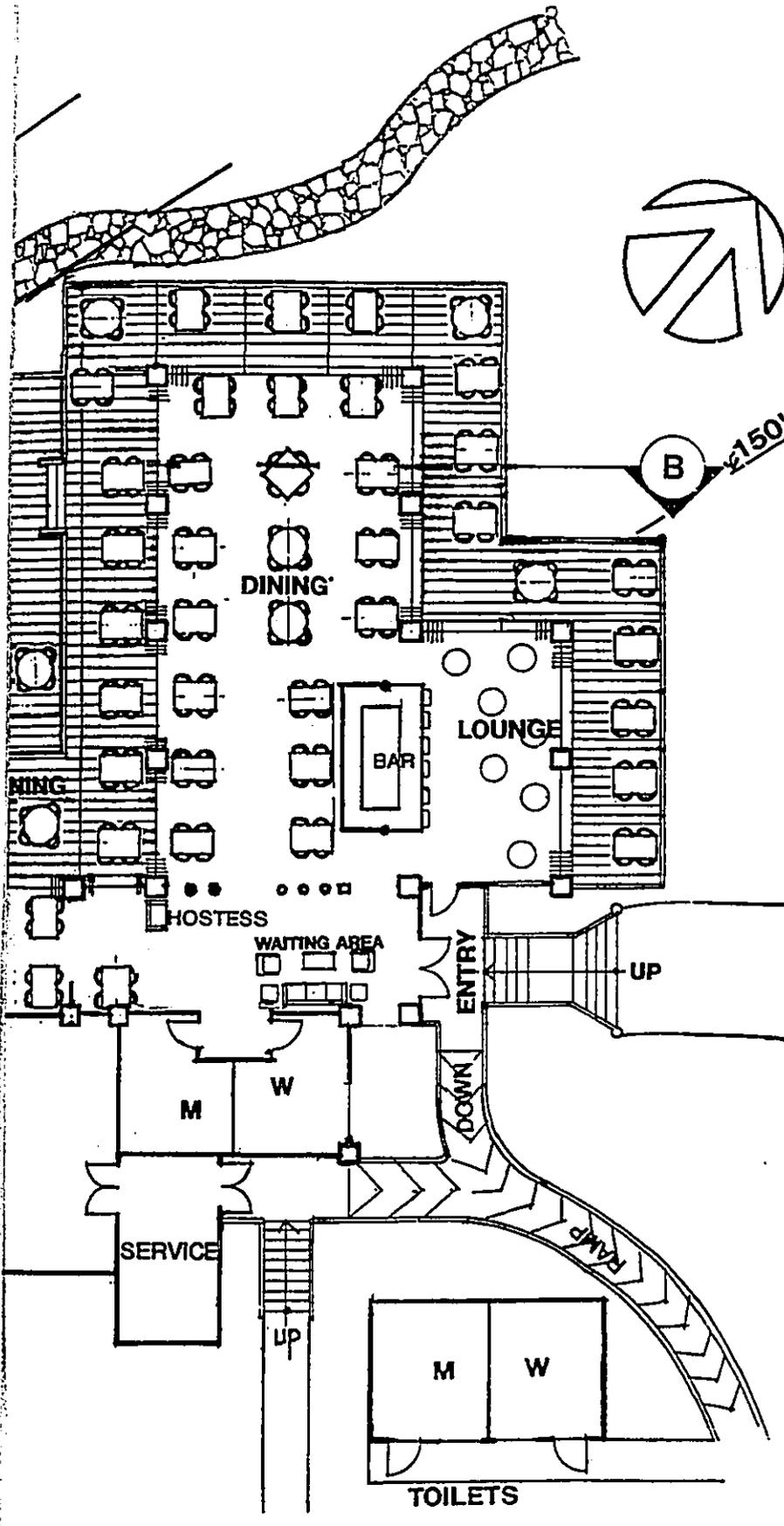
KAUAI WING

LINE BETWEEN BUILDINGS



FALSE KAMANI

OL



FOXHAWAII
 architecture/planning
 honolulu, hawaii

tel (808) 524-2515 fax (808) 531-7403

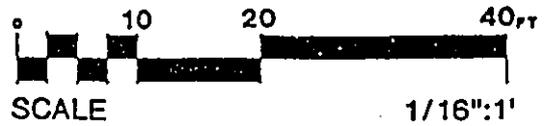


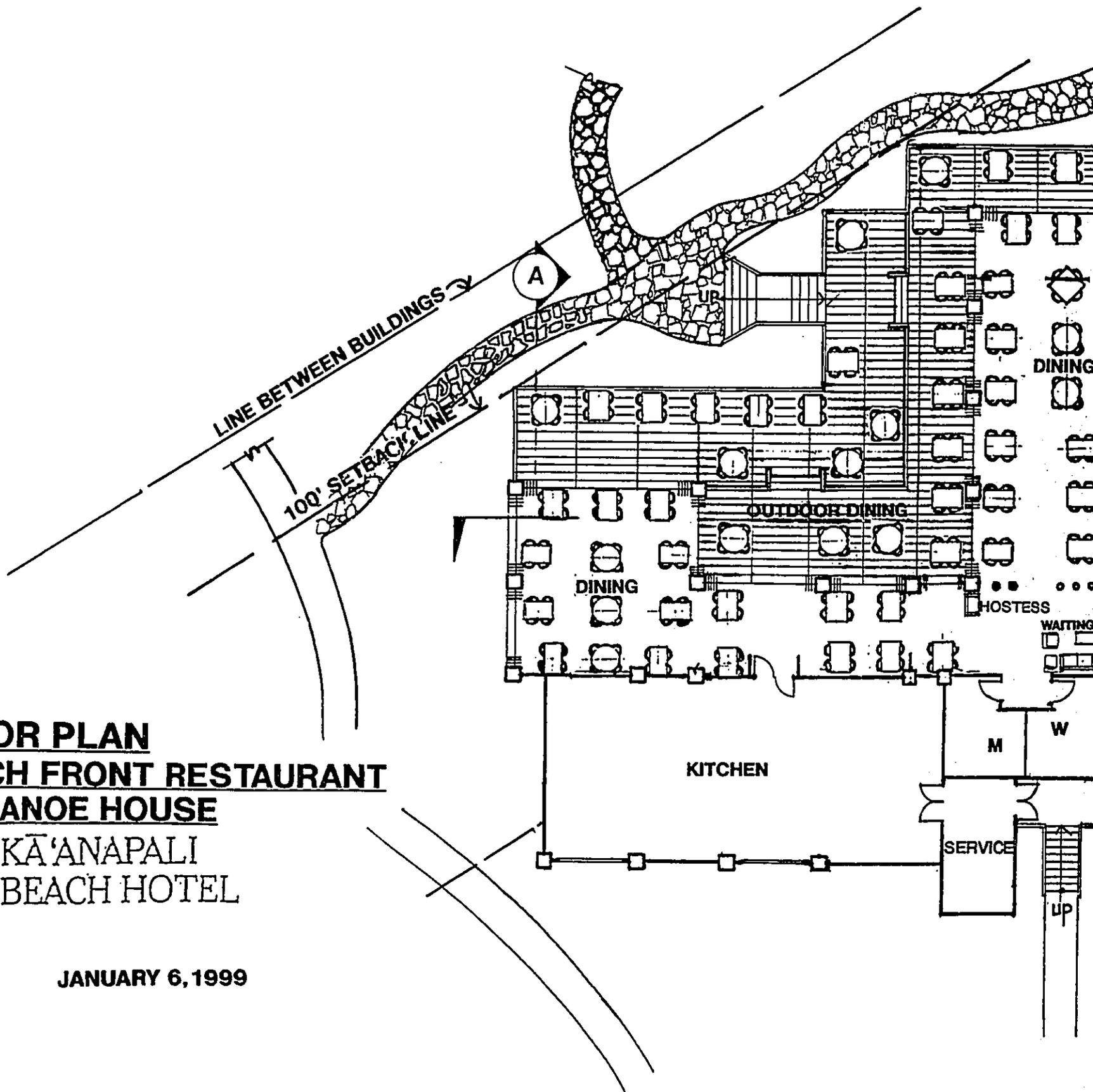
Figure 5a

**FLOOR PLAN
BEACH FRONT RESTAURANT
/ CANOE HOUSE**



**KĀ'ANAPALI
BEACH HOTEL**

JANUARY 6, 1999



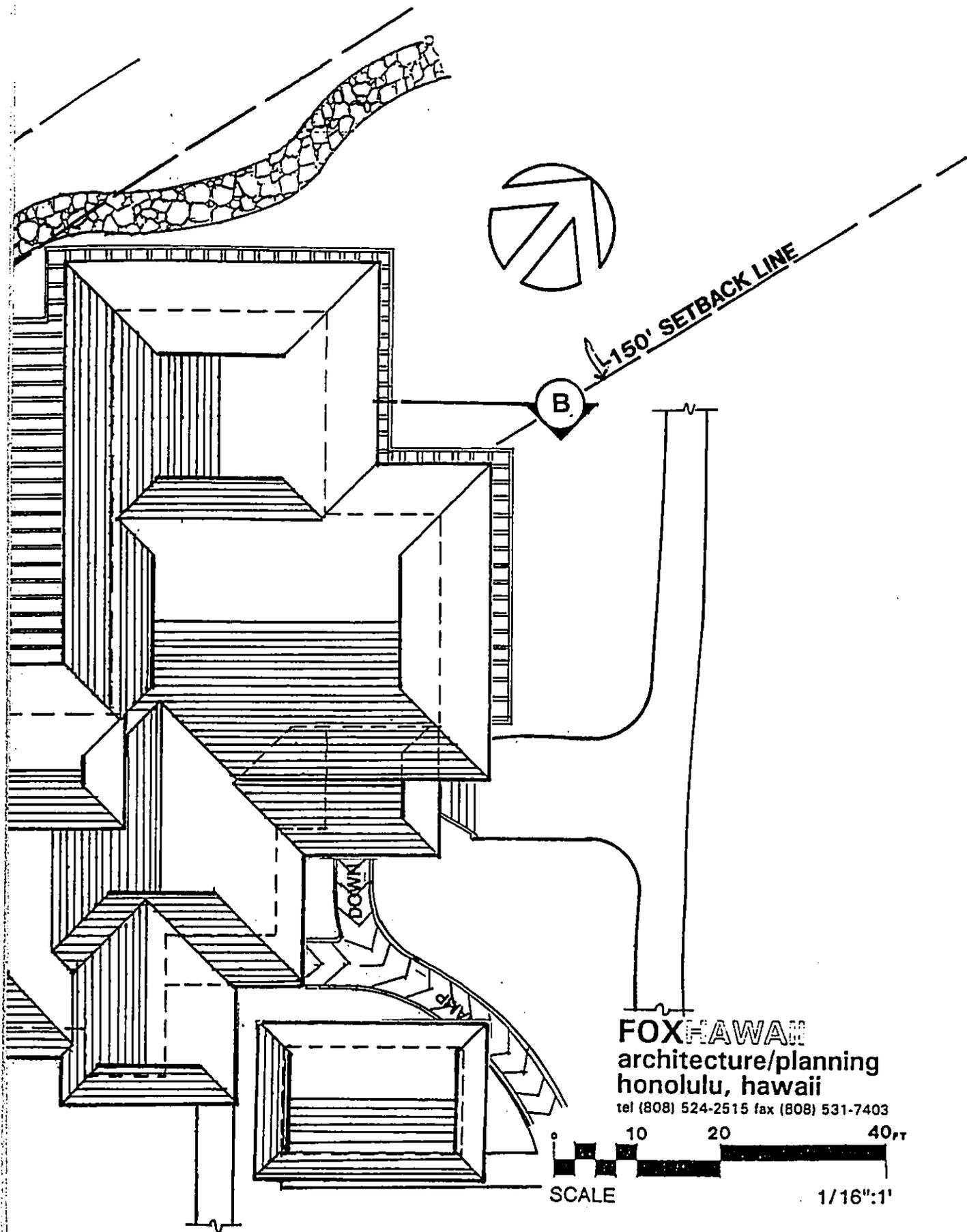
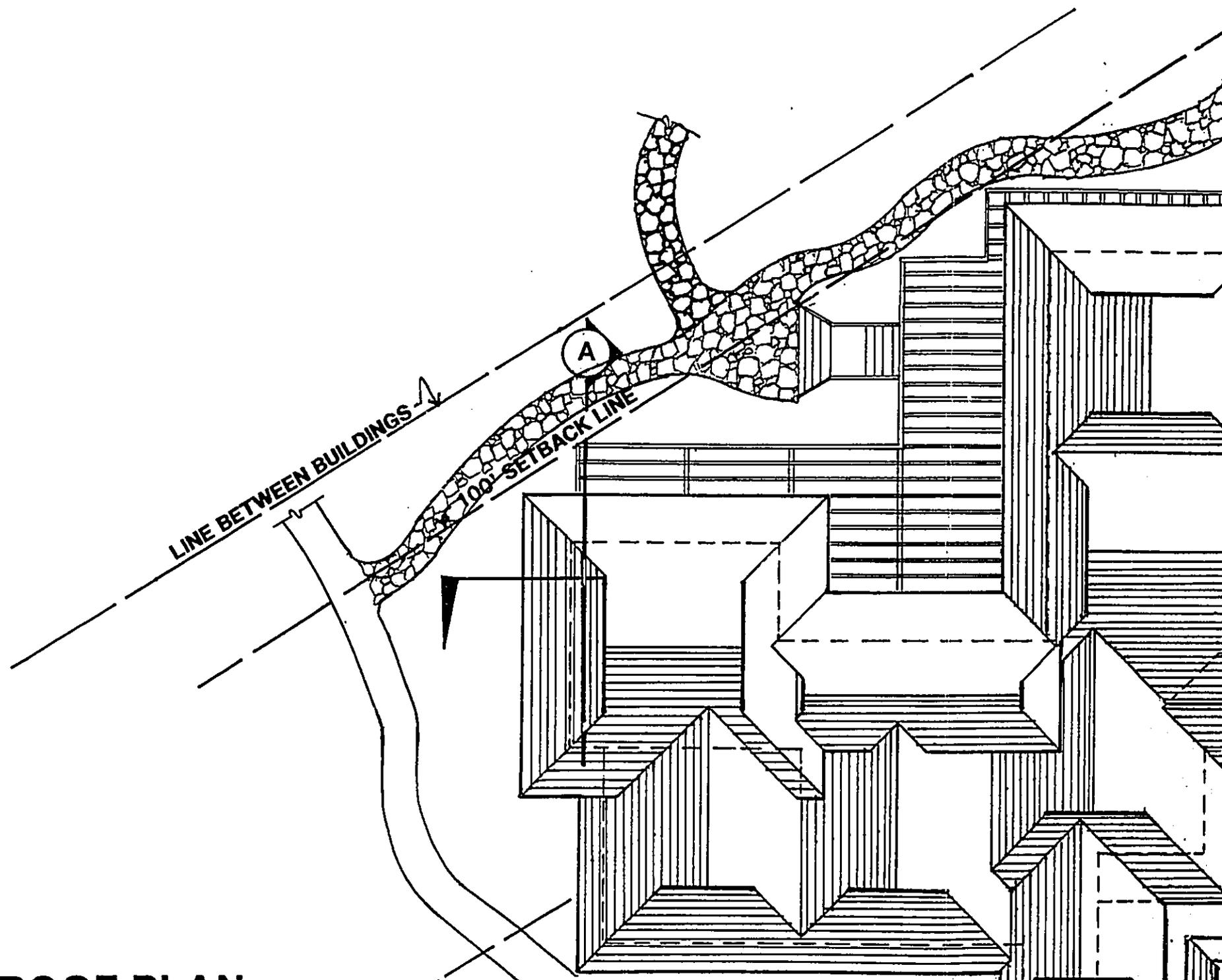


Figure 5b

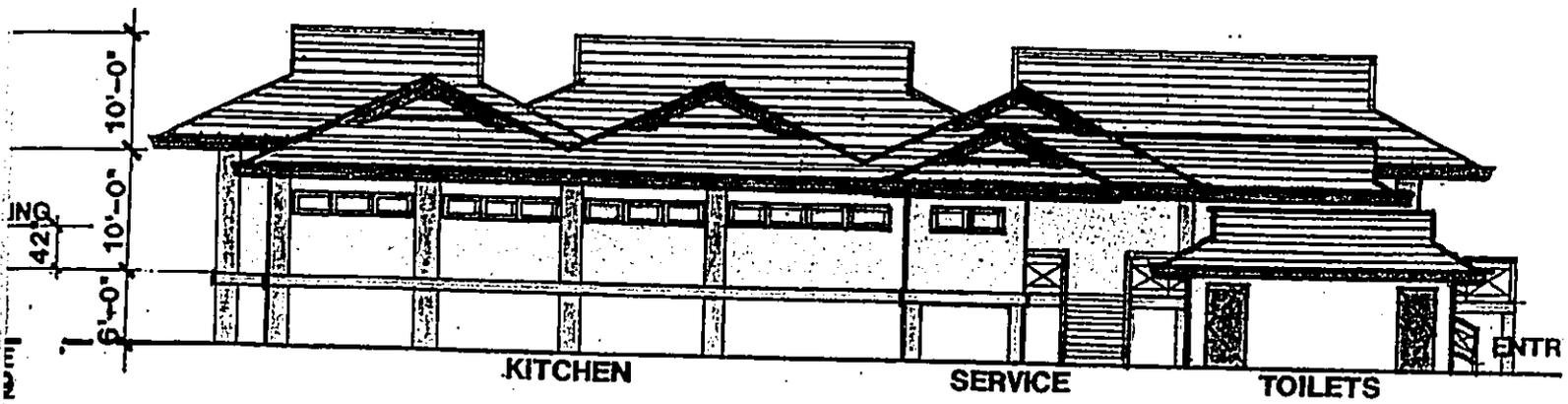


ROOF PLAN
BEACH FRONT RESTAURANT / CANOE HOUSE

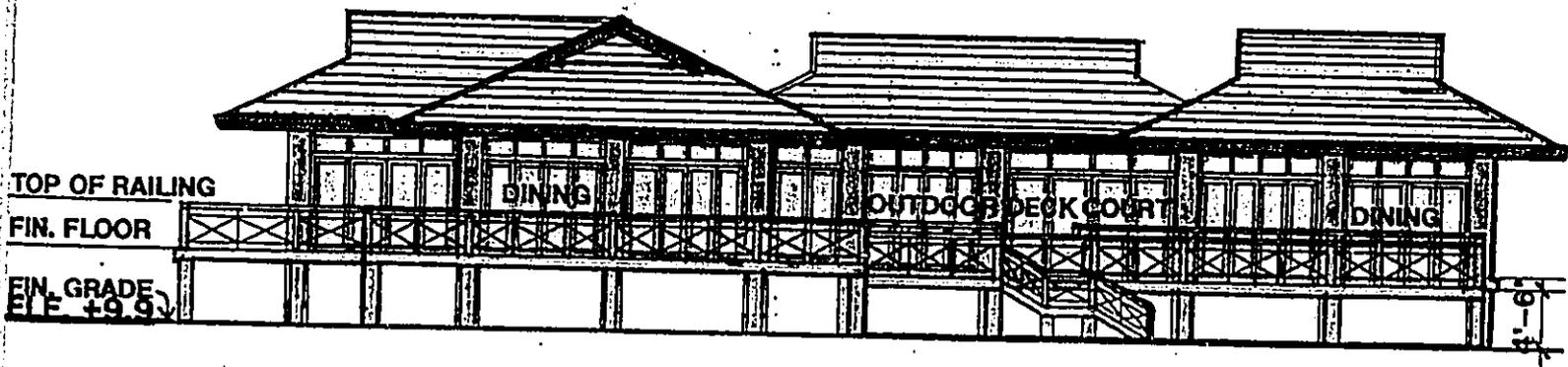


KĀ'ANAPALI
BEACH HOTEL

JANUARY 6, 1999



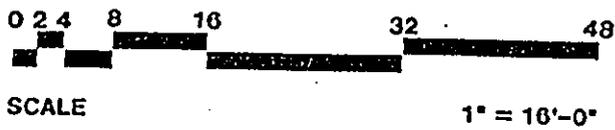
EAST ELEVATION



WEST ELEVATION

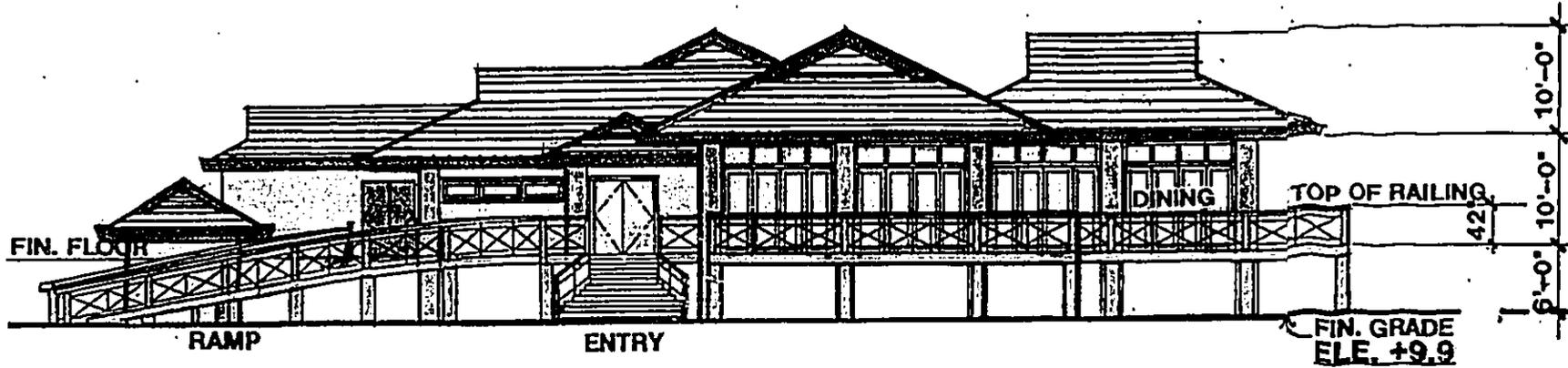
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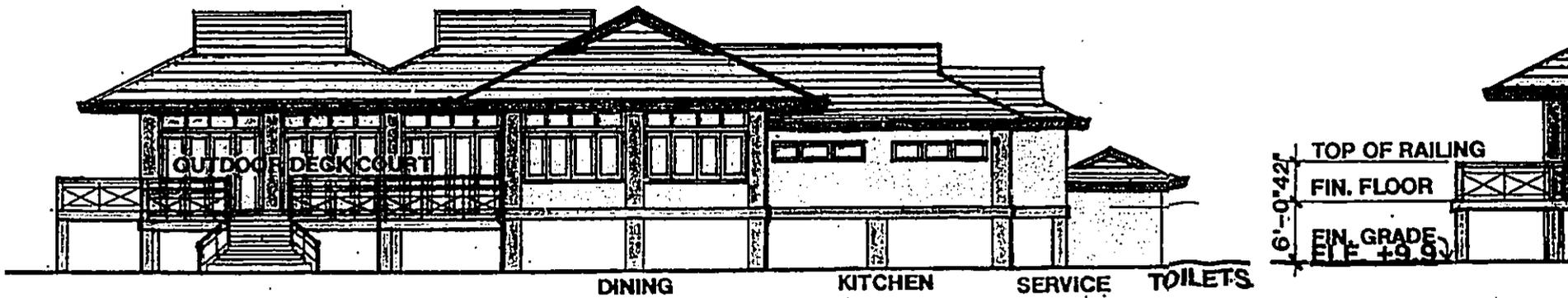


FOXHAWAII
 architecture/planning
 honolulu, hawaii
 tel (808) 524-2515
 fax (808) 531-7403

Figure 5c



NORTH ELEVATION



SOUTH ELEVATION

BEACH FRONT RESTAURANT / CANOE HOUSE

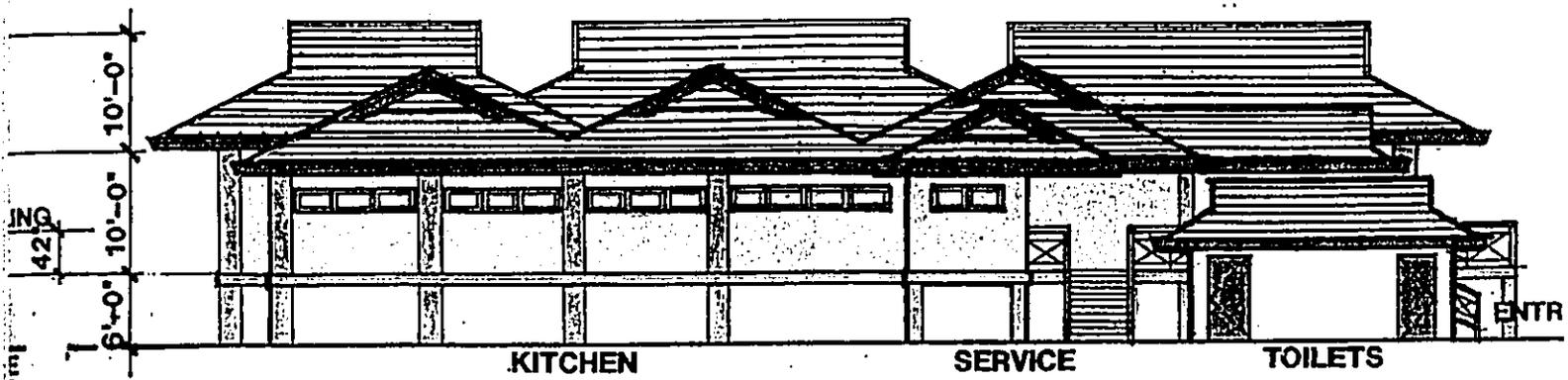


KĀ'ANAPALI
BEACH HOTEL

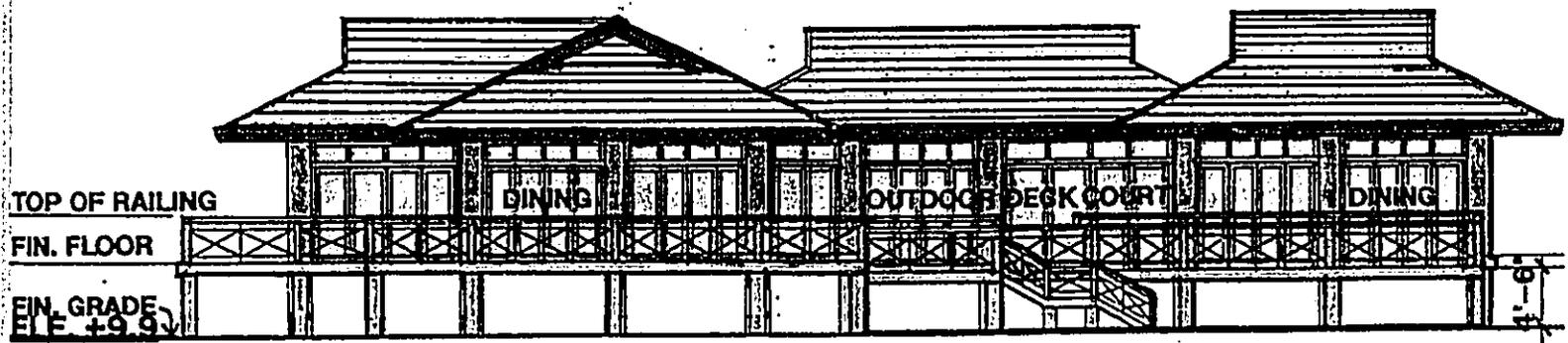
JANUARY 6, 1999

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING



EAST ELEVATION



WEST ELEVATION

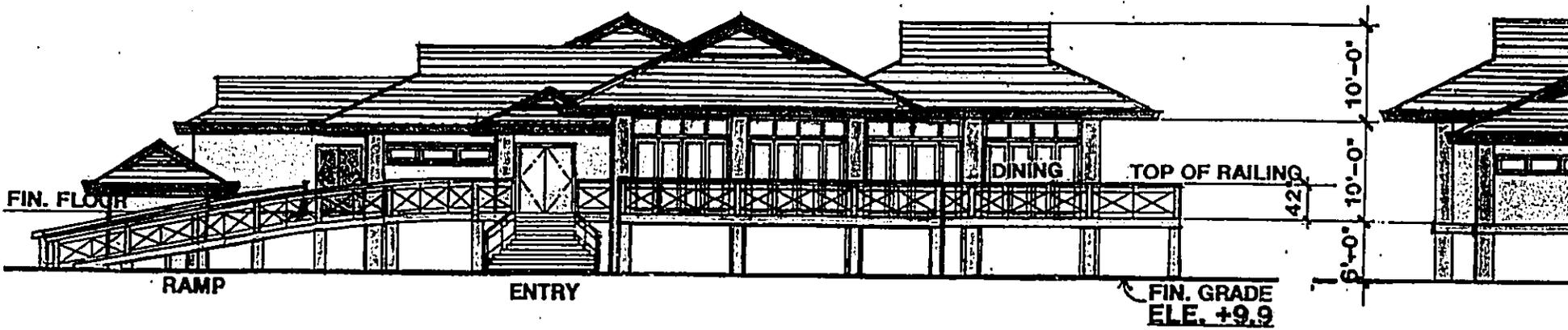
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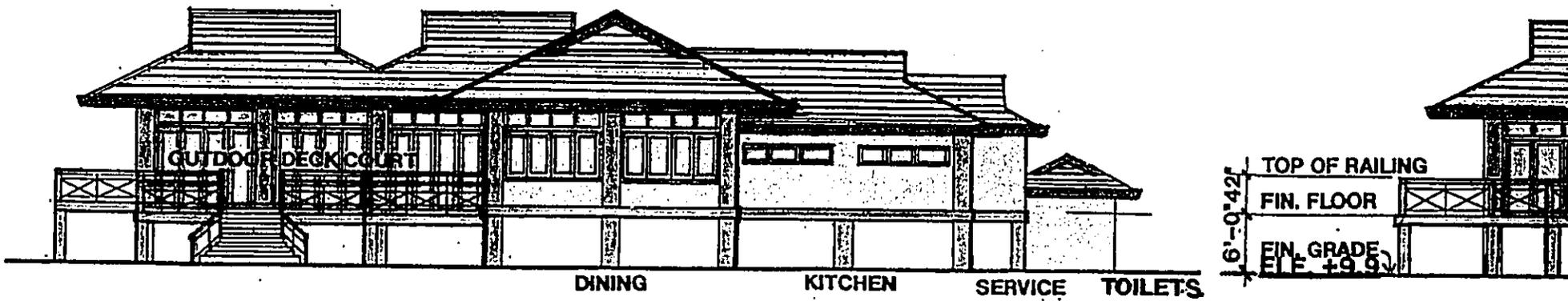


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Figure 5c



NORTH ELEVATION



SOUTH ELEVATION

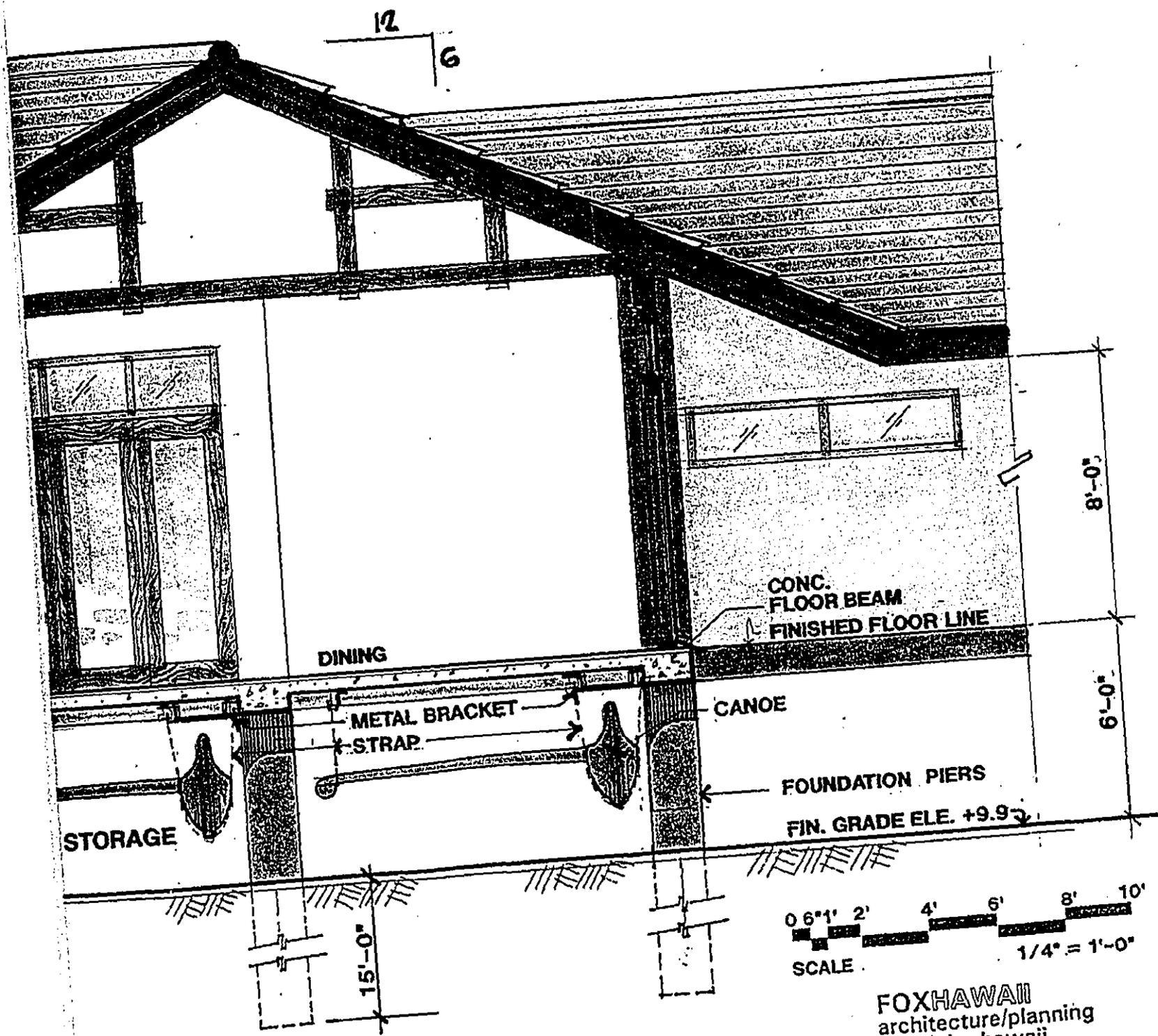
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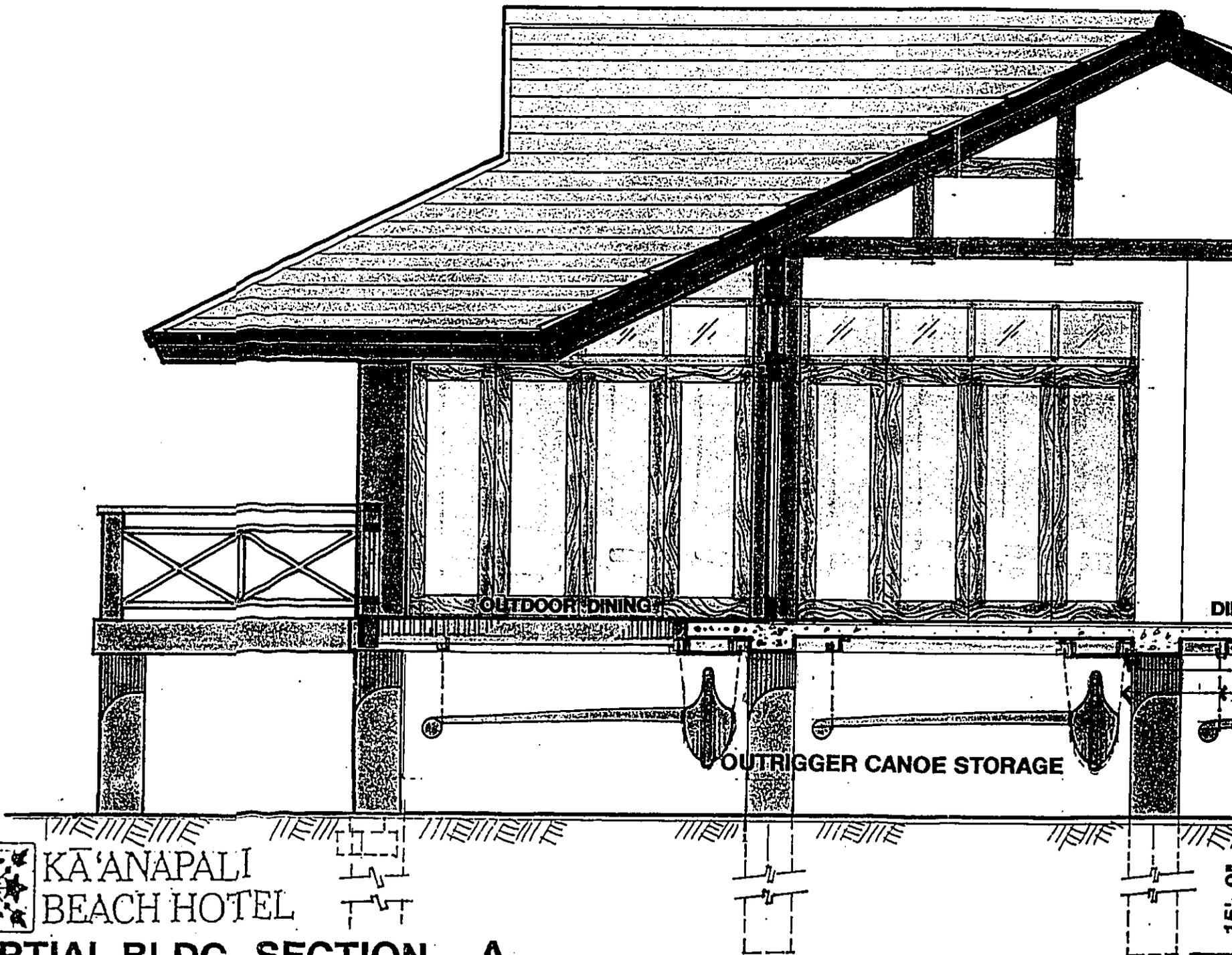
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SCALE



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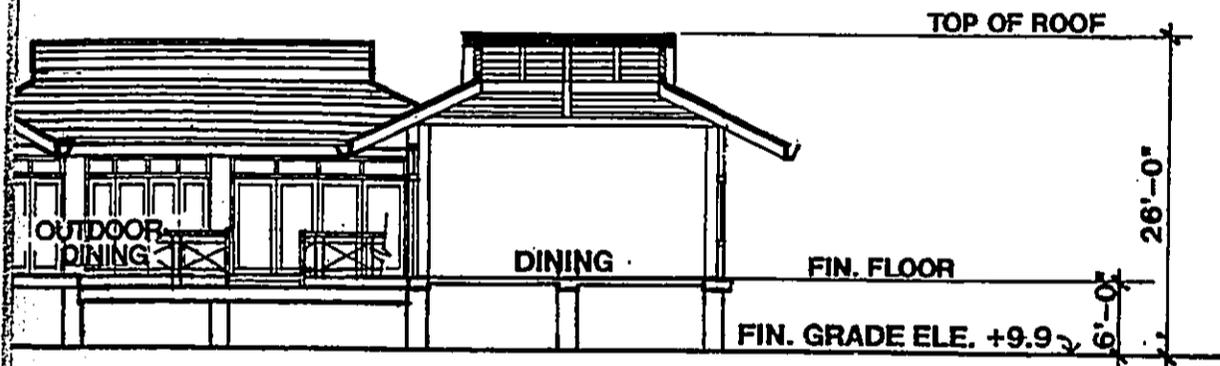
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KA'ANAPALI
BEACH HOTEL

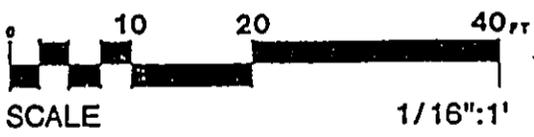
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BEACH FRONT RESTAURANT/CANOE HOUSE

JANUARY 6, 1999



B

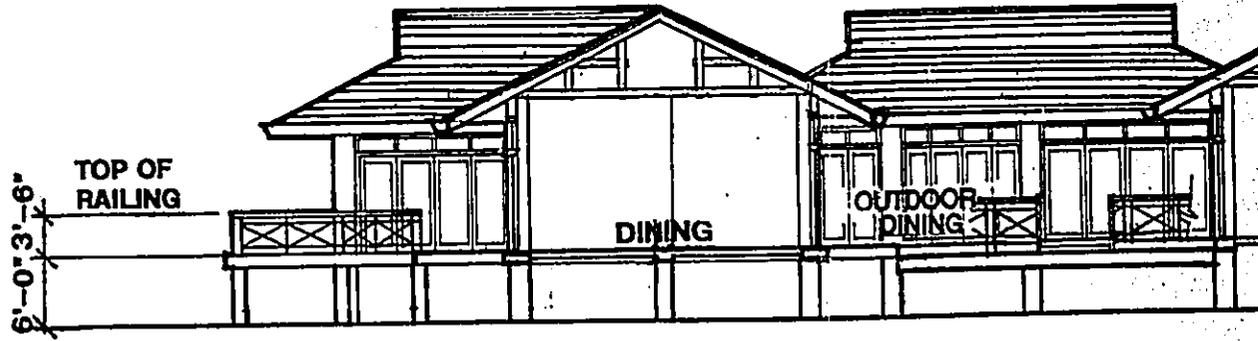
RANT / CANOE HOUSE



JANUARY 6, 1999

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Figure 5e

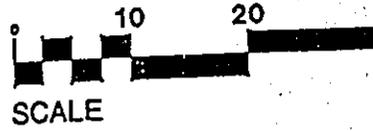


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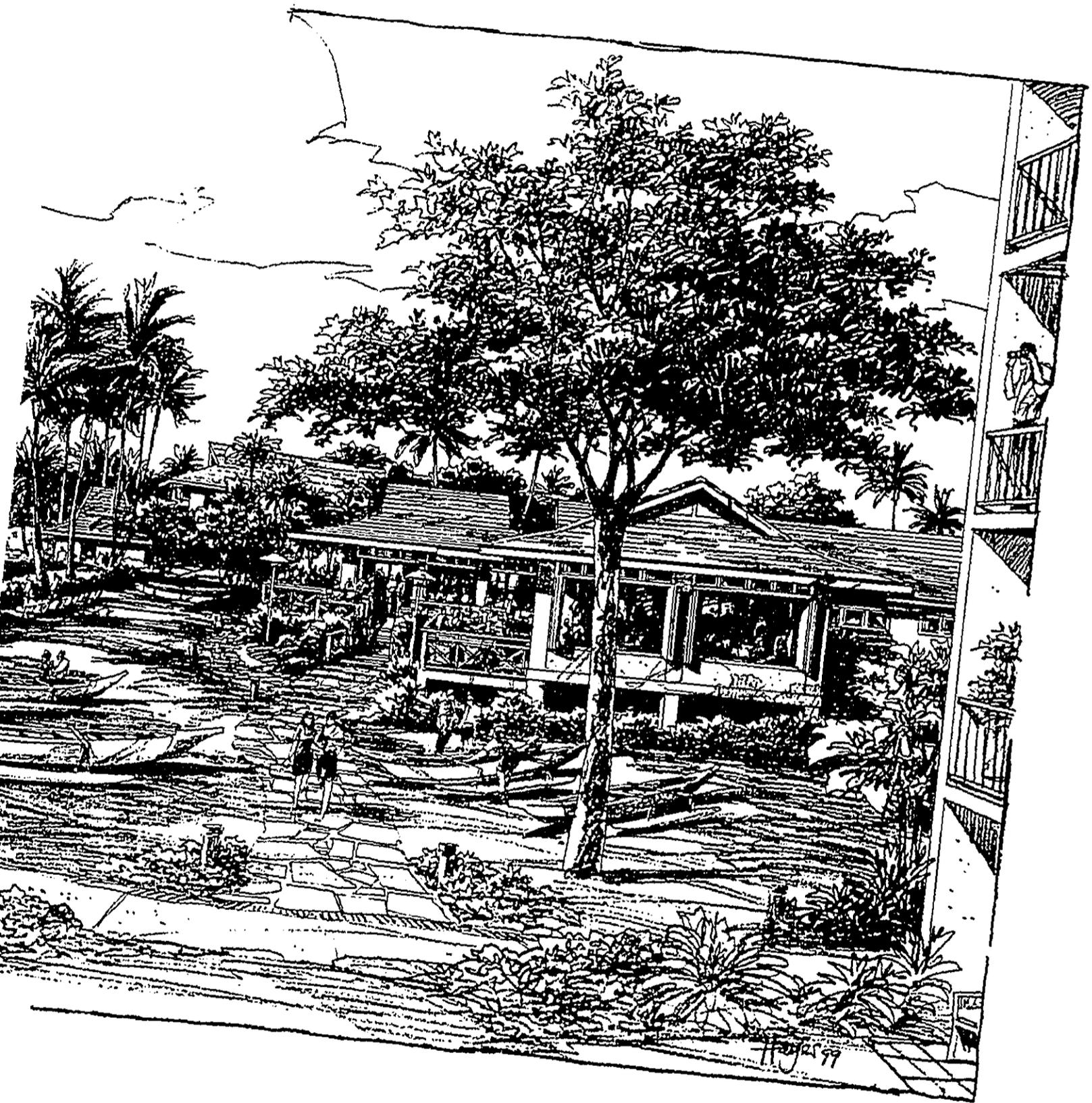
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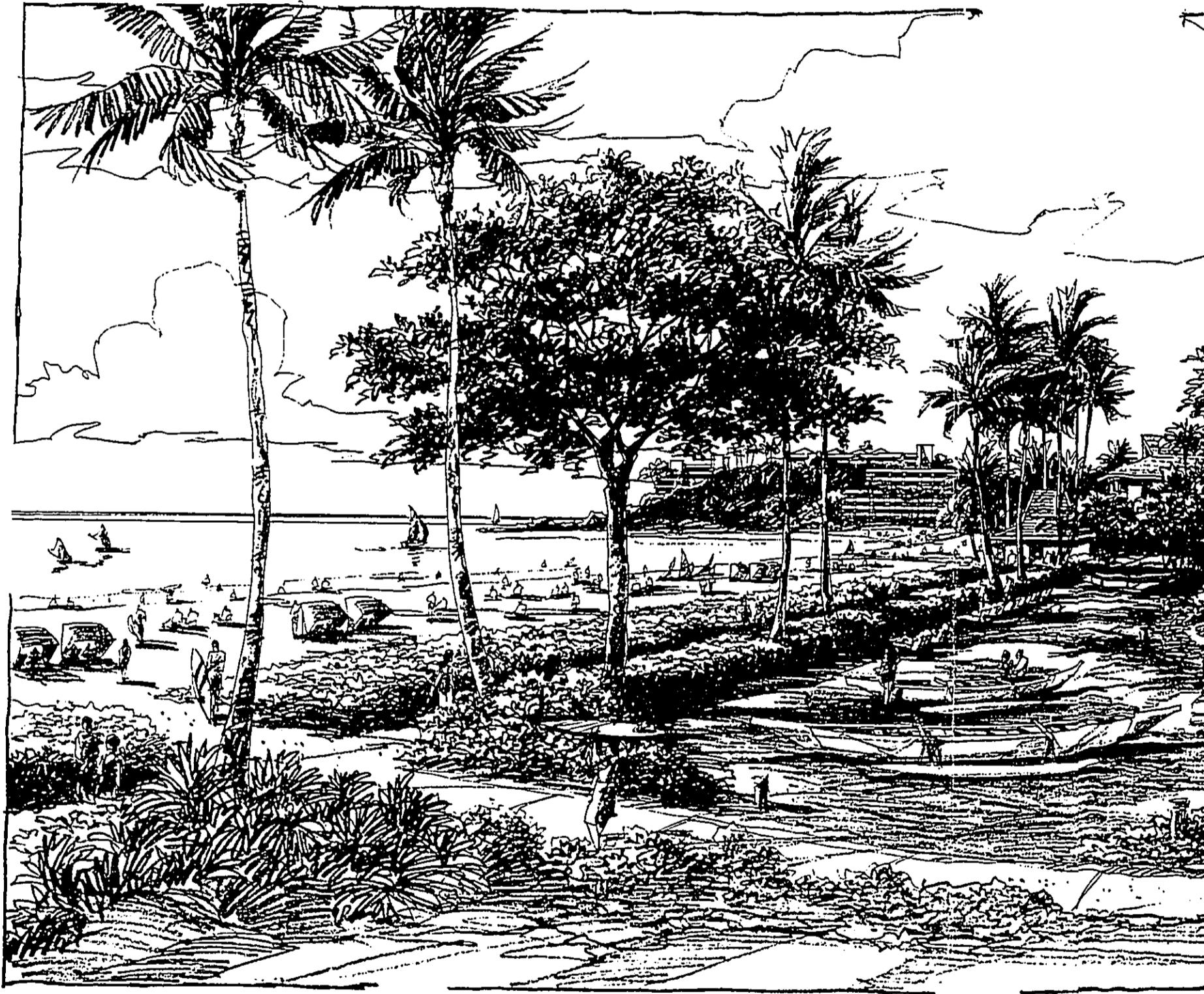
KĀ'ANAPALI
BEACH HOTEL



JANUARY



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honolulu, hawaii
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BEACH FRONT RESTAURANT / CANOE HOUSE

 **KĀ'ANAPALI
BEACH HOTEL**

JANUARY 1999

Figure 5f

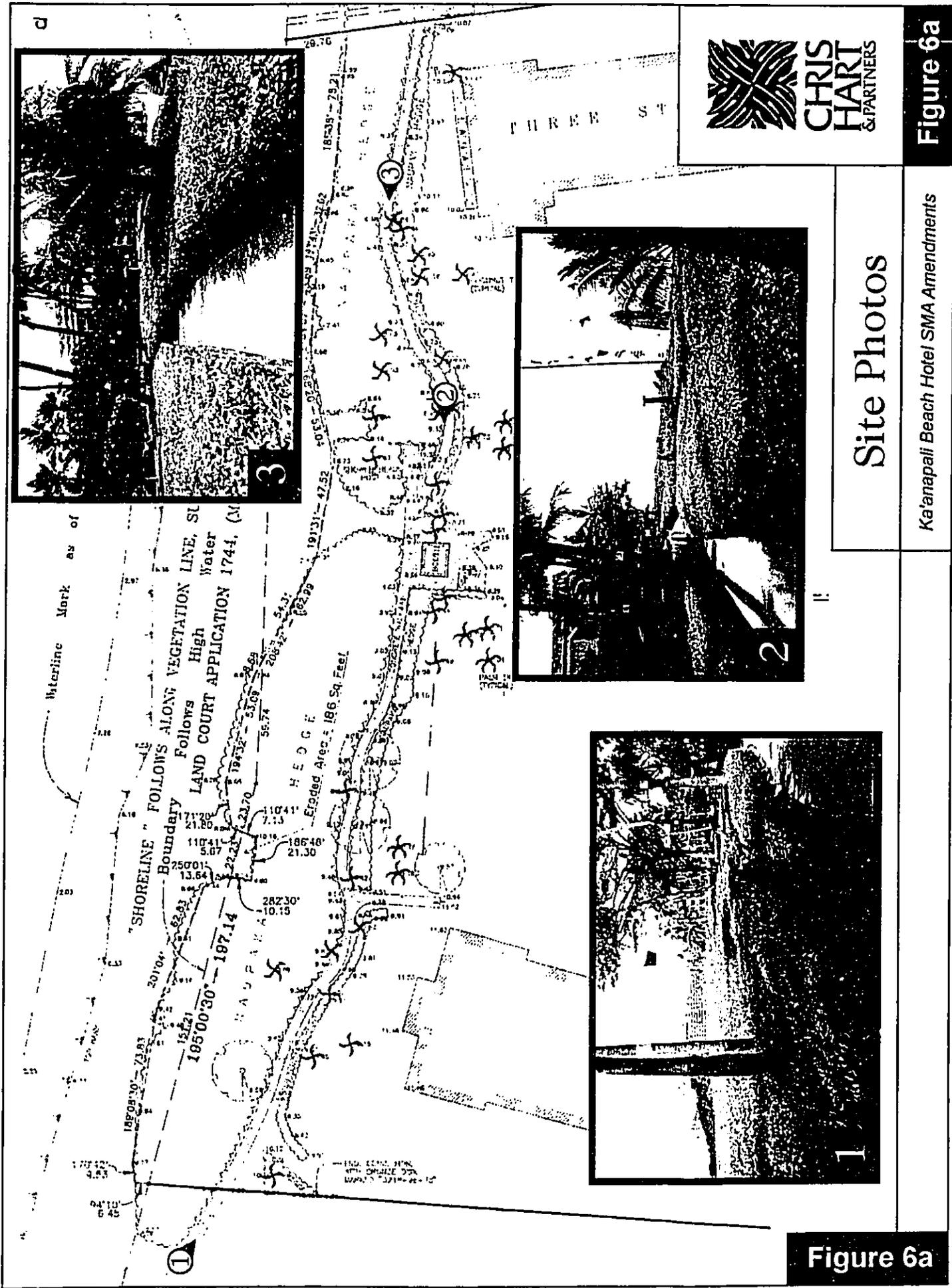


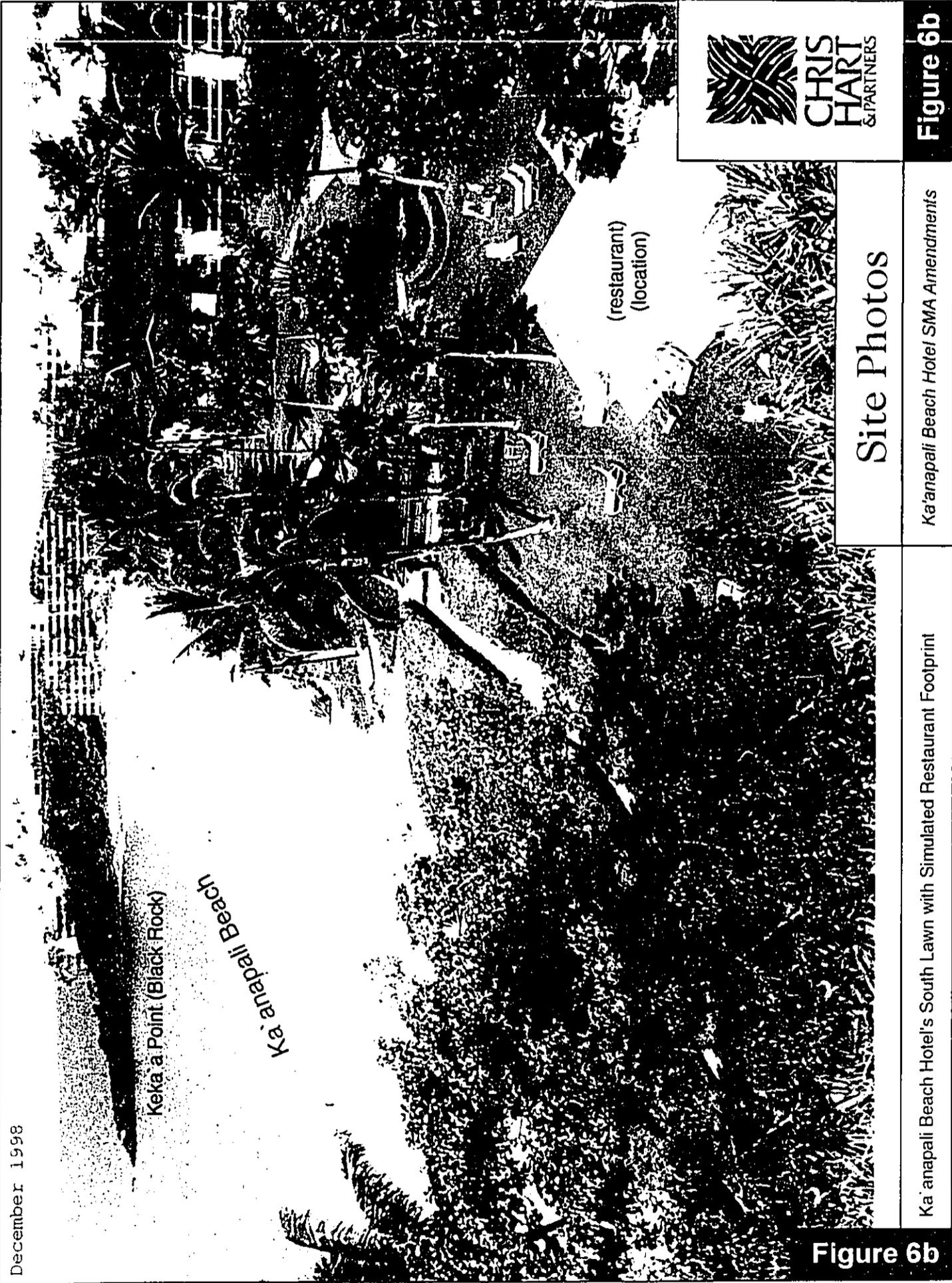
Figure 6a

Site Photos

Ka'anapali Beach Hotel SMA Amendments

Figure 6a

December 1998



**CHRIS
HART
& PARTNERS**

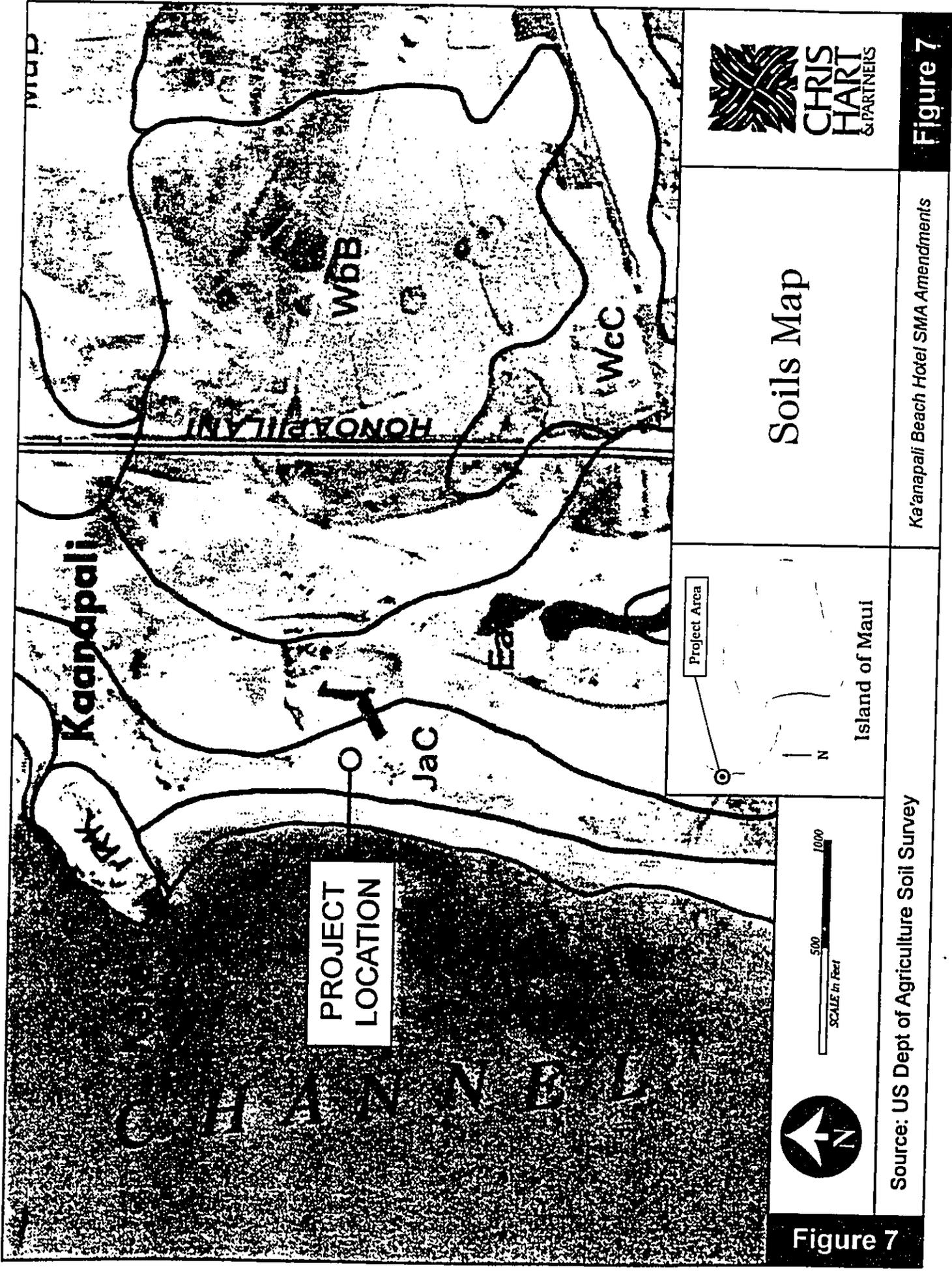
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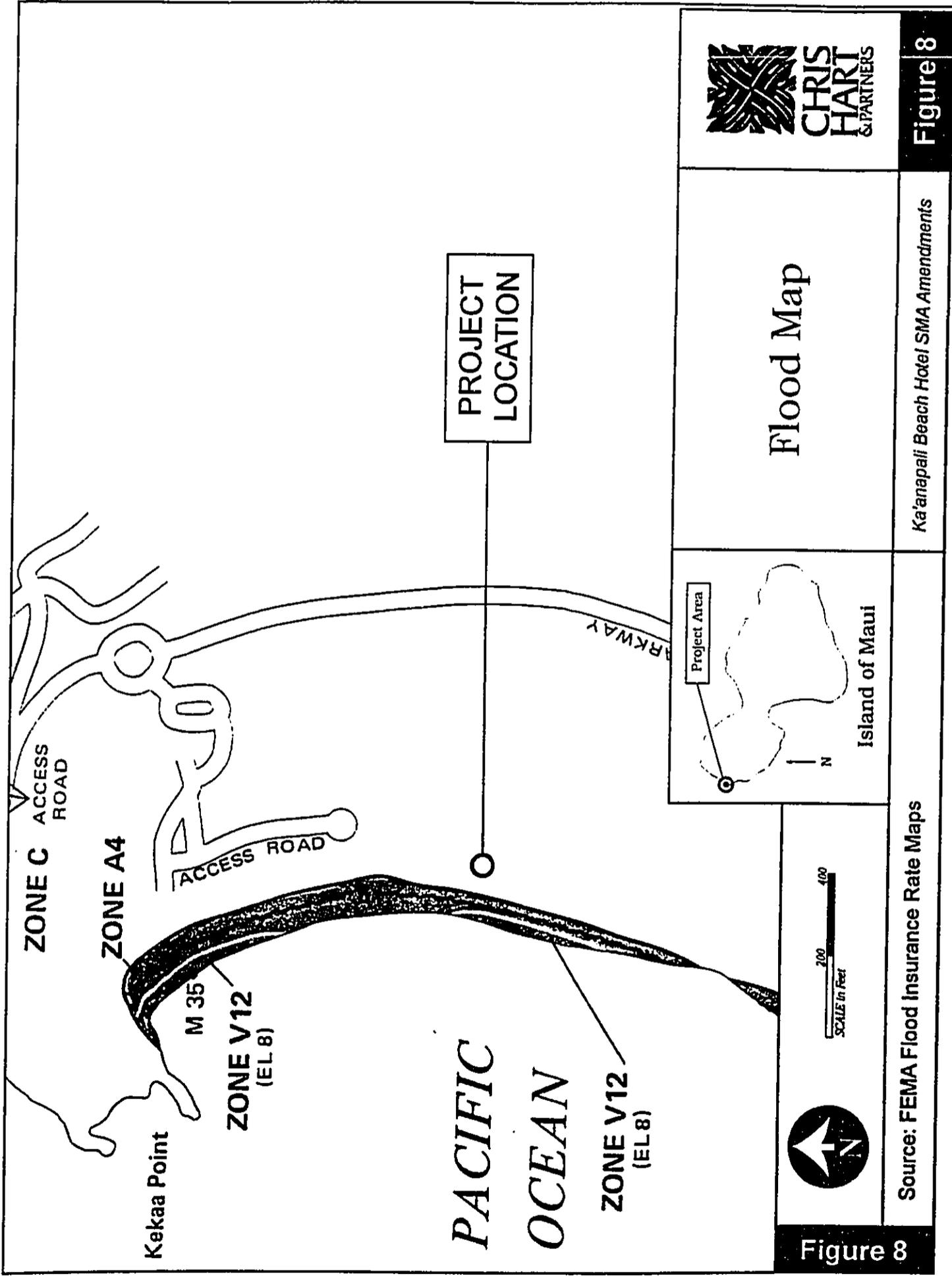
Ka'anapali Beach Hotel SMA Amendments

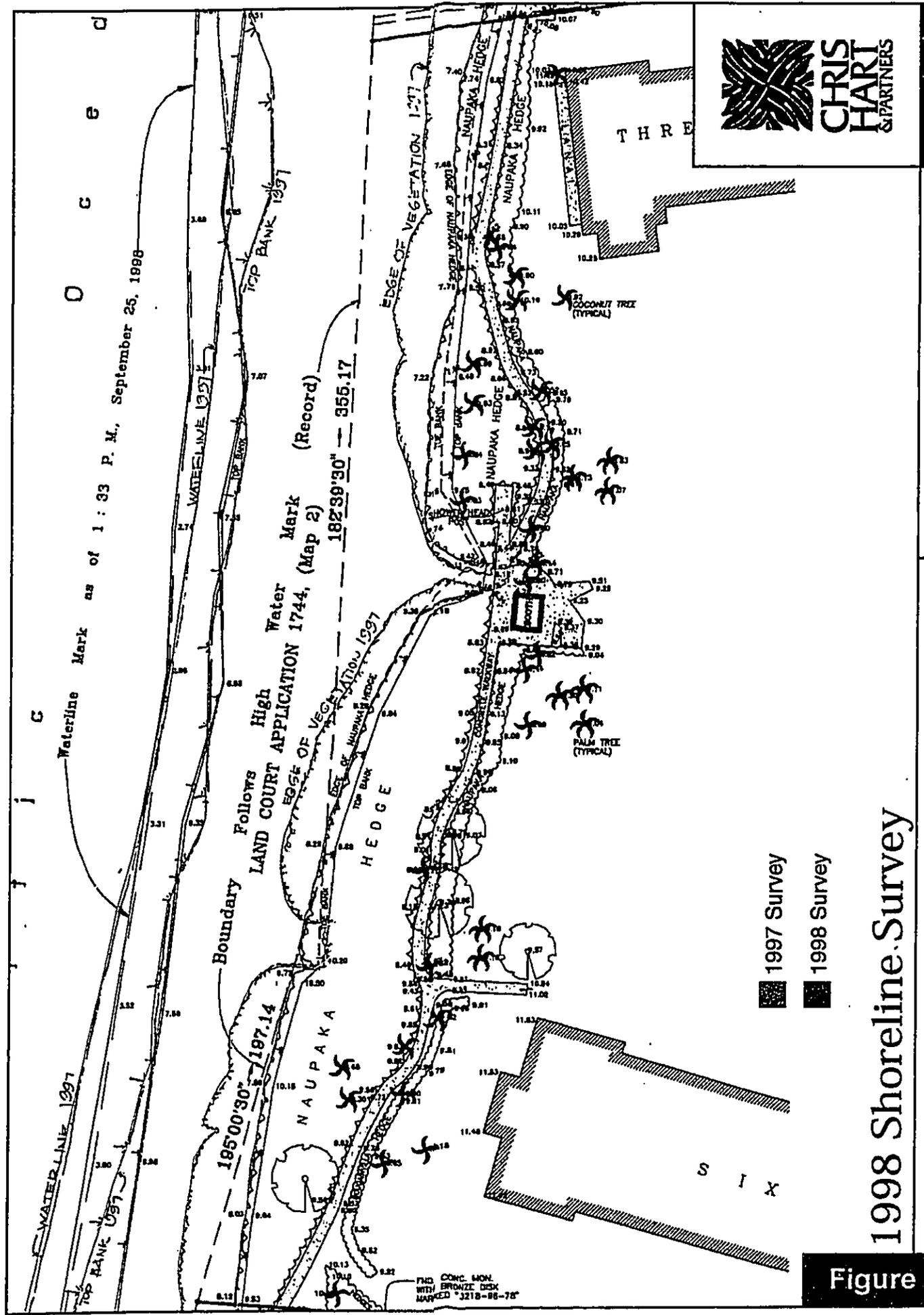
Ka'anapali Beach Hotel's South Lawn with Simulated Restaurant Footprint

Figure 6b

Figure 6b







CHRIS
HART
& PARTNERS

Figure 9

September 1998 Shoreline Survey with reference to 1997 Shoreline

Ka'anapali Beach Hotel SMA Amendments

Figure 9

Appendix A
Shoreline Evaluation Report
and Addenda

**SHORELINE EVALUATION
FOR THE
PROPOSED BEACHFRONT RESTAURANT
KA'ANAPALI BEACH HOTEL**

**Prepared For:
Chris Hart & Partners
Wailuku, Hawai'i**

**Prepared By:
Sea Engineering, Inc.
Waimānalo, Hawai'i**

December 1998

#98-43

TABLE OF CONTENTS

I	EXECUTIVE SUMMARY	1
II	COASTAL SETTING	2
III	COASTAL PROCESSES AND SHORELINE HISTORY	5
IV	ANALYSIS OF COASTAL EROSION AND ACCRETION RATES	9
V	PREDICTION OF FUTURE SHORELINE POSITION	11
VI	REFERENCES	13

LIST OF FIGURES

Figure 1.	Site Layout, Ka'anapali Beach Hotel	3
Figure 2.	Beach Profiles Measured at the Ka'anapali Beach Hotel, 1977-1981.	6
Figure 3.	Vegetation Line Changes from 1949 to 1988, North End of Hanaka'ōō Beach .	8
Figure 4.	Vegetation Line Changes, 1949 to 1998	10

LIST OF PHOTOGRAPHS

Photo 1.	View Looking North from the Ka'anapali Beach Hotel	4
Photo 2.	View Looking South from the Ka'anapali Beach Hotel	4

I EXECUTIVE SUMMARY

The Ka'anapali Beach Hotel, located near the north end of Hanaka'ō'ō Beach, is proposing to build a beachfront restaurant partially within the 150 foot wide shoreline setback area. The closest point of approach of the restaurant to the present vegetation line would be 90 feet. This study was conducted to describe the historical vegetation line changes at the site and to predict, to the extent possible, the vegetation line position 30 years from now.

The north and middle sectors of Hanaka'ō'ō Beach are dynamic, responding to the seasonally varying wave climate. In the summer, the sand moves from Hanaka'ō'ō Point to the north due to the influence of the prevailing south swell. The pattern reverses in the winter when the north Pacific swell is present. While the seasonal changes to the sandy beach are pronounced, the vegetation line is more stable. Significant adverse changes to the vegetation line are usually associated with severe weather events. This past winter the vegetation line in front of the Sheraton Maui Hotel receded up to 50 feet. This was an unusual occurrence, and was apparently caused by the El Nino event, which resulted in larger and more frequent north Pacific swells than normal. The erosion was confined primarily to the Sheraton property, with only limited erosion occurring at the north end of the Ka'anapali Beach Hotel. Kona storms have in the past caused erosion of the beach and the vegetation line along the shoreline in front of the hotel. Shoreline monitoring has indicated that the beach typically recovers quickly after a wave event.

Hanaka'ō'ō Beach was included in a study which evaluated long term shoreline changes on many of the beaches in the State of Hawai'i (Makai Ocean Engineering, Inc. and Sea Engineering, Inc., 1991). The method involved computer rectification of available aerial photographs, followed by digitization and plotting of the vegetation line. That 1991 study was updated for this evaluation by adding two additional photos and three shoreline certification surveys to the data base.

The results of the analysis show a fluctuating vegetation line at the project site, with a range of movement of 80 feet over the 49 year period. The net change since 1949 was a gain of 71 feet. The historical vegetation line changes were used as a basis for the prediction of the vegetation line position in 30 years. Since future storms and wave patterns that affect the vegetation line cannot be predicted, a probabilistic model was utilized to calculate the probability distribution of future vegetation line positions.

The model results predict a mean position of the vegetation line at the project site in 30 years 43 feet seaward of the present position. However, since hotel landscaping may have somewhat masked vegetation line changes since the 1960's, a more conservative approach is recommended. With 49 years of data on the movement of the vegetation line at the site representing a wide range of wave events, a conservative approach would be to assume that the vegetation line might fluctuate between the landward and seaward extremes noted over that period.

II COASTAL SETTING

The Ka'anapali Beach Hotel is located near the north end of Hanaka'ō'ō Beach on the northwest coast of the island of Maui. Hanaka'ō'ō Beach extends south from Keka'a Point to Hanaka'ō'ō Beach Park, a distance of approximately 8,000 feet. The coastal sector between Lahaina and Kapalua is one of the major resort areas on Maui and Hanaka'ō'ō Beach is one of several long, narrow sandy beaches in this area. Extensive construction has taken place along the beach in the past 30 years and, except for Hanaka'ō'ō Beach Park, the backshore is fully developed with resort hotels and condominiums.

The hotel property extends along approximately 550 feet of the shoreline, and the north side of the property is located approximately 750 feet south of Keka'a Point. The Sheraton Maui Hotel is located between the Ka'anapali Beach Hotel and the point. The Whaler's Village condominium lies to the south. The hotel consists of several major buildings arranged in a horseshoe formation facing the ocean (Figure 1). The open area between the buildings is landscaped with lawn and trees. There is a small beach center located in the open area, just behind the vegetation line. As along much of Ka'anapali Beach, there is a concrete sidewalk, located just behind the vegetation line, which provides easy lateral access along the shoreline.

Photos 1 and 2, taken on November 4, 1998, show the typical beach conditions. Both photos were taken from the approximate midpoint of the property. Photo 1 was taken looking toward the south; photo 2 was taken looking toward the north. The width of the sandy beach, from the vegetation line to the high water mark, was 80 to 90 feet at the time the photographs were taken.

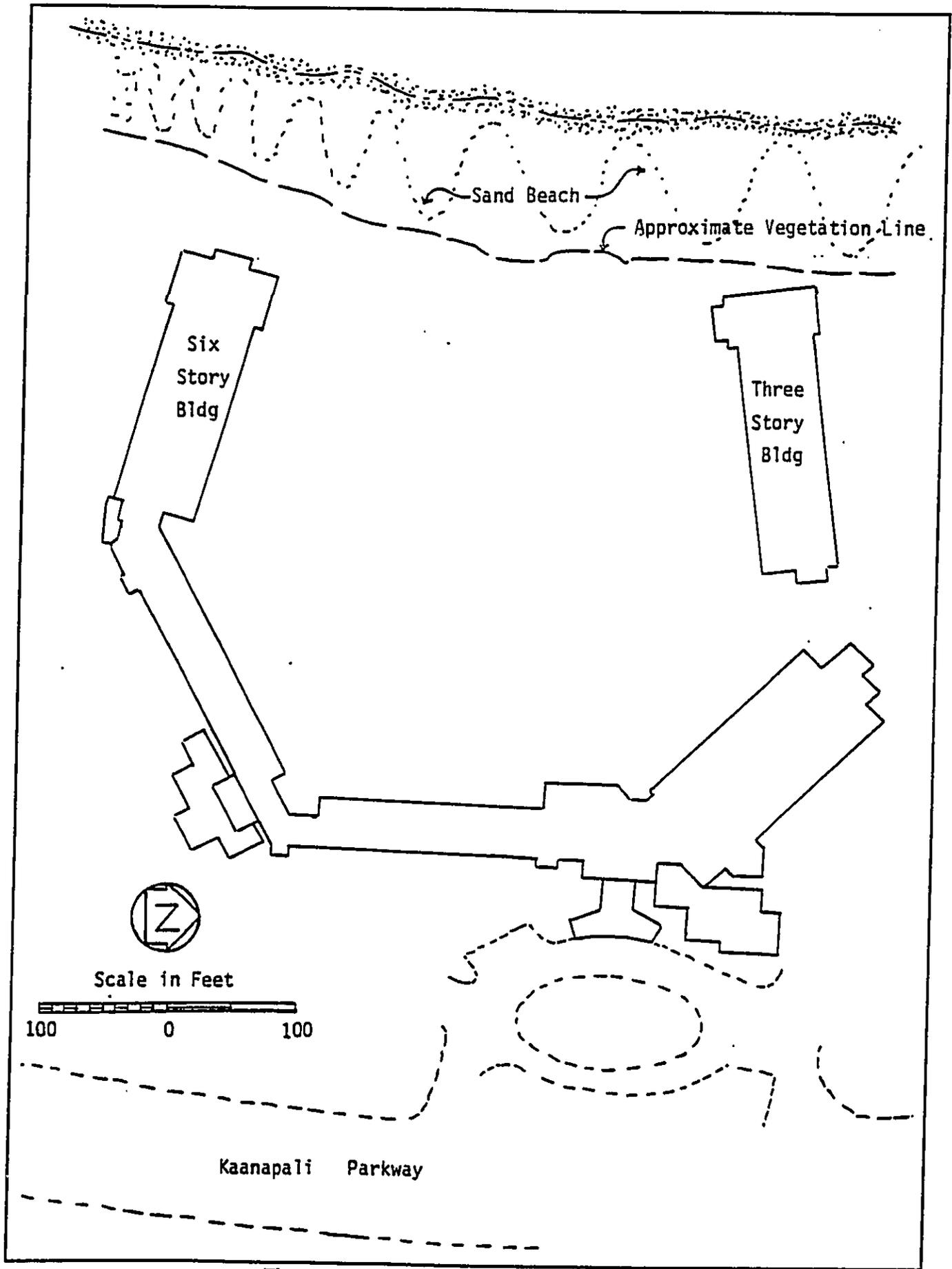


Figure 1. Site layout, Ka'anapali Beach Hotel.



Photo 1. View to the north from beach fronting the Ka'anapali Beach Hotel (Nov. 4, 1998).



Photo 2. View to the south from beach fronting the Ka'anapali Beach Hotel (Nov. 4, 1998).

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING



Photo 1. View to the north from beach fronting the Ka'anapali Beach Hotel (Nov. 4, 1998).



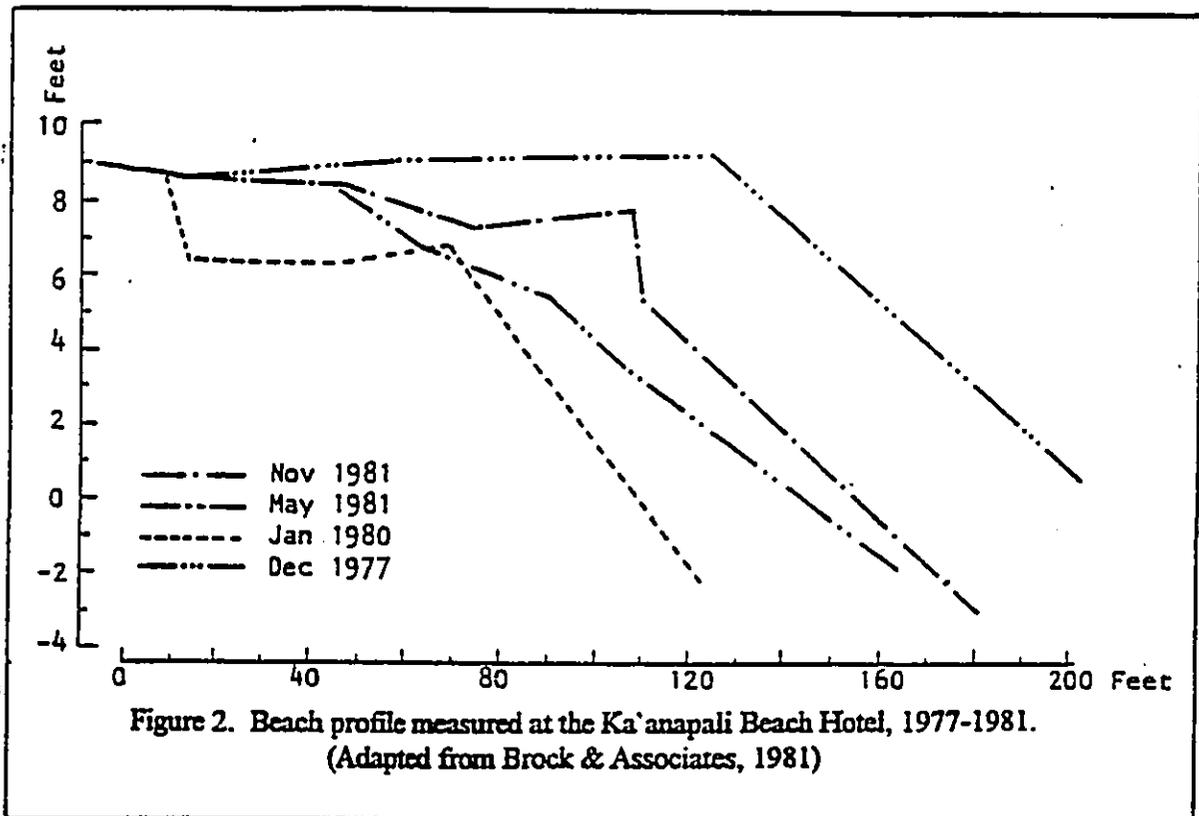
Photo 2. View to the south from beach fronting the Ka'anapali Beach Hotel (Nov. 4, 1998).

III COASTAL PROCESSES AND SHORELINE HISTORY

Hanaka`ō`ō Beach is a dynamic beach, and portions of it undergo pronounced seasonal changes. The beach is exposed to North Pacific swell and Kona storm waves in the winter and south swell in the summer. The various wave types arriving at the beach frequently approach at an angle to the shoreline. When the waves break, they generate longshore currents which transport sand laterally along the shoreline. The predominant transport direction in the winter months is to the south, under the influence of the prevailing north Pacific swell. This southward transport moves sand from the north end of the beach to the south causing the north end of the beach to erode while the south end accretes. There is one important exception to this winter pattern. Waves generated by infrequently occurring winter season Kona storms approach from the south and southwest and move sand northward along the beach, temporarily reversing the pattern. The alongshore transport direction reverses in the summertime, with the prevailing south swell moving the sand to the north. This seasonally varying wave climate results in pronounced shifts in the winter/summer sandy beach widths. The effects are most apparent at the north end of the beach near Keka`a Point and toward the south end at Hanaka`ō`ō Point. Seasonal variations of 100 to 150 feet in sandy beach width at these locations are not unusual.

Although the varying seasonal wave climate results in large changes in the sandy beach width, the long term changes in the vegetation line have typically been more subtle. However, significant short term changes to the vegetation line can occur in response to severe Kona storms, passing hurricanes, or other unusual wave conditions. A severe Kona storm in January 1980 caused erosion and property damage on all the islands, and caused particularly severe damage to the Kihei and Lahaina-Ka`anapali shorelines on Maui. A two to three foot vertical scarp was cut into the backshore within 15 feet of the north wing of the Ka`anapali Beach Hotel. Figure 2 shows beach profiles measured by Brock & Associates (1981) from 1977 to 1981 at the approximate midpoint of the property. The profiles bracket the Kona storm event and illustrate both the erosion caused by the storm and the recovery of the beach following the storm. The beach recovered much of its width during the following spring and summer. By September 1981, 130 feet of sandy beach fronted the wave cut scarp (Sea Engineering, Inc., 1981).

Another weather related event affecting the vegetation line occurred this past winter. In spite of the large seasonal variations in width at the north end of the beach, the vegetation line fronting the Maui Sheraton Hotel had been stable over a 40 year period from 1949 to 1988 (Makai Ocean Engineering, Inc. and Sea Engineering, Inc, 1991). The net change during this period was only 2 feet. This past winter the hotel vegetation line eroded as much as 50 feet, and the concrete sidewalk providing lateral access along the shoreline was undermined and collapsed. The recently renovated swimming pool was threatened by the erosion, and the hotel obtained an emergency permit, allowing them to temporarily place vertical steel sheet piles to prevent undermining of the pool. The winter of 1997-1998 was one of unusually large north Pacific swell, due at least in part to the strongest El Nino event on record. The frequent occurrence of large waves from the north resulted in more sand transport to the south than usual. During the same period, there were no Kona storms to temporarily slow down or reverse this seasonal transport. Severe erosion resulted from this combination of events.



The sandy beach quickly rebuilt with the arrival of the summertime south swell. Between May 4 and August 6, 1998, the width of the sandy beach fronting the Sheraton Maui Hotel increased by up to 140 feet. During the same period, the width of the beach at Hanaka'ō'ō Point decreased by up to 160 feet.

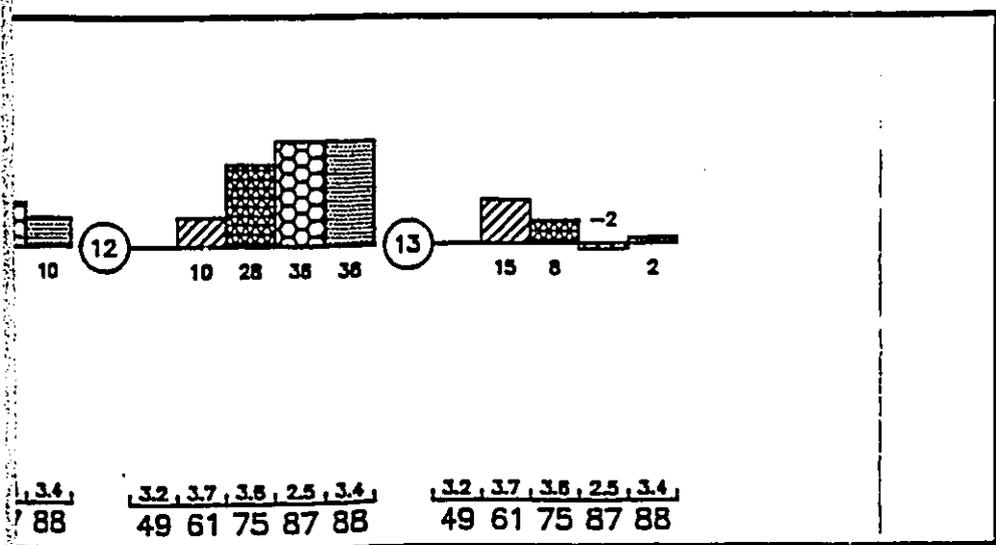
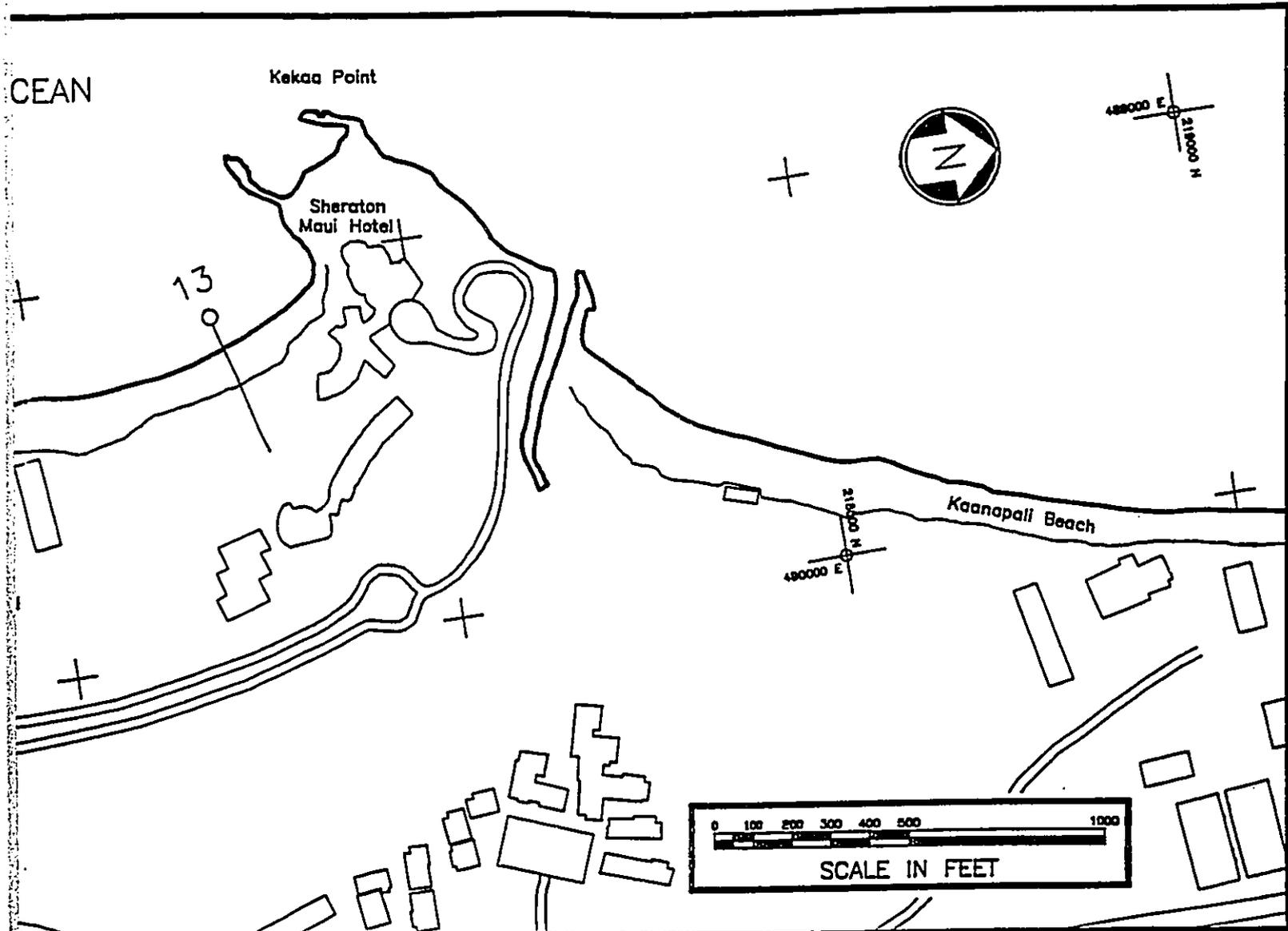
The beach fronting the Ka'anapali Beach Hotel acts in concert with the adjoining beach in front of the Sheraton Maui, but the changes are more moderate since it is not at the extreme end of the littoral cell. As the Sheraton Maui shoreline eroded during the winter, the beach at the Ka'anapali Beach Hotel narrowed and some erosion of the vegetation line occurred at the north end of the property. The erosion was relatively minor and confined to a small area at the north end. As the beach width at the Sheraton Maui Hotel increased by up to 140 feet during the summer of 1998, the beach at the Ka'anapali Beach Hotel also increased by 100 feet at the north end of the property and by 50 feet at the south end.

The beach appears to recover quickly after unusual events. This was the case after the January 1980 Kona storm, and again in the summer of 1998, when the beach recovered fully in a five month period after an extreme event. The vegetation line recovers more slowly after being cut back.

The southern third of the beach, below Hanaka'ō'ō Point, also undergoes seasonal changes, but they are more subtle than those described above. This past winter, while the middle and north sectors of the beach were dramatically changing, no significant changes occurred south of Hanaka'ō'ō Point.

Long term beach changes are best represented by the position of the vegetation line. While sandy beach widths may fluctuate rapidly in response to seasonal or other short term events, the vegetation line typically responds to longer term or extreme changes. Vegetation line changes were evaluated for many of the sandy beaches in the state, including Hanaka`ō`ō Beach, in a study conducted for the State of Hawai`i, Office of State Planning, Coastal Zone Management Program (Makai Ocean Engineering, Inc. and Sea Engineering, Inc., 1991). The study included computer rectification of available aerial photographs, followed by digitization and plotting of the vegetation line.

The 1991 study evaluated the first available vertical aerial photograph of the Ka`anapali coastline, taken in 1949, and subsequent photographs taken in 1961, 1975, 1987 and 1988, and therefore represented 40 years of beach changes. Although the study resulted in digitized shoreline maps for each photographic series, transects were selected in specific locations to represent and describe the vegetation line changes. Figure 3 summarizes the study results for the northern half of Hanaka`ō`ō Beach. The transects north and south of the Ka`anapali Beach Hotel show relatively stable vegetation lines, with net changes over the 40 year period of 12 feet or less. The transect located at the hotel showed the largest change, an accretion of 36 feet. It is interesting to note that, although severe beach erosion occurred in 1980, the transect data for the period from 1975 to 1987 showed a net accretion of the vegetation line of 8 feet.



PHOTOS USED
 November, 1949
 December, 1961
 March, 1975
 July, 1987
 March, 1988

1949 to 1988, north end of Hanakao'o Beach.
 Inc. and Sea Engineering, Inc., 1991)

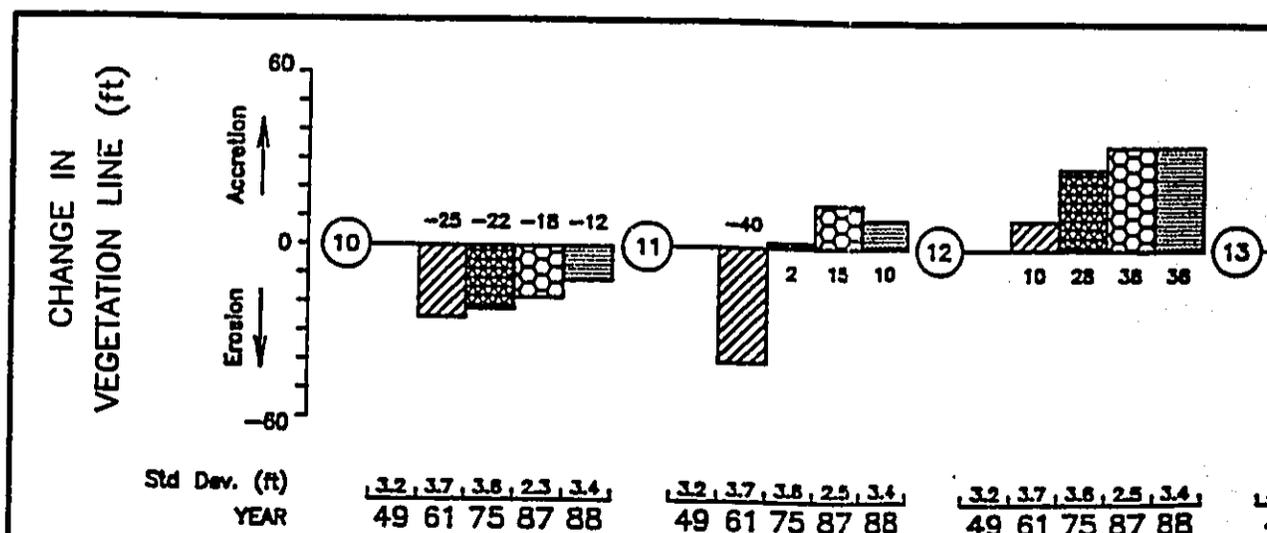
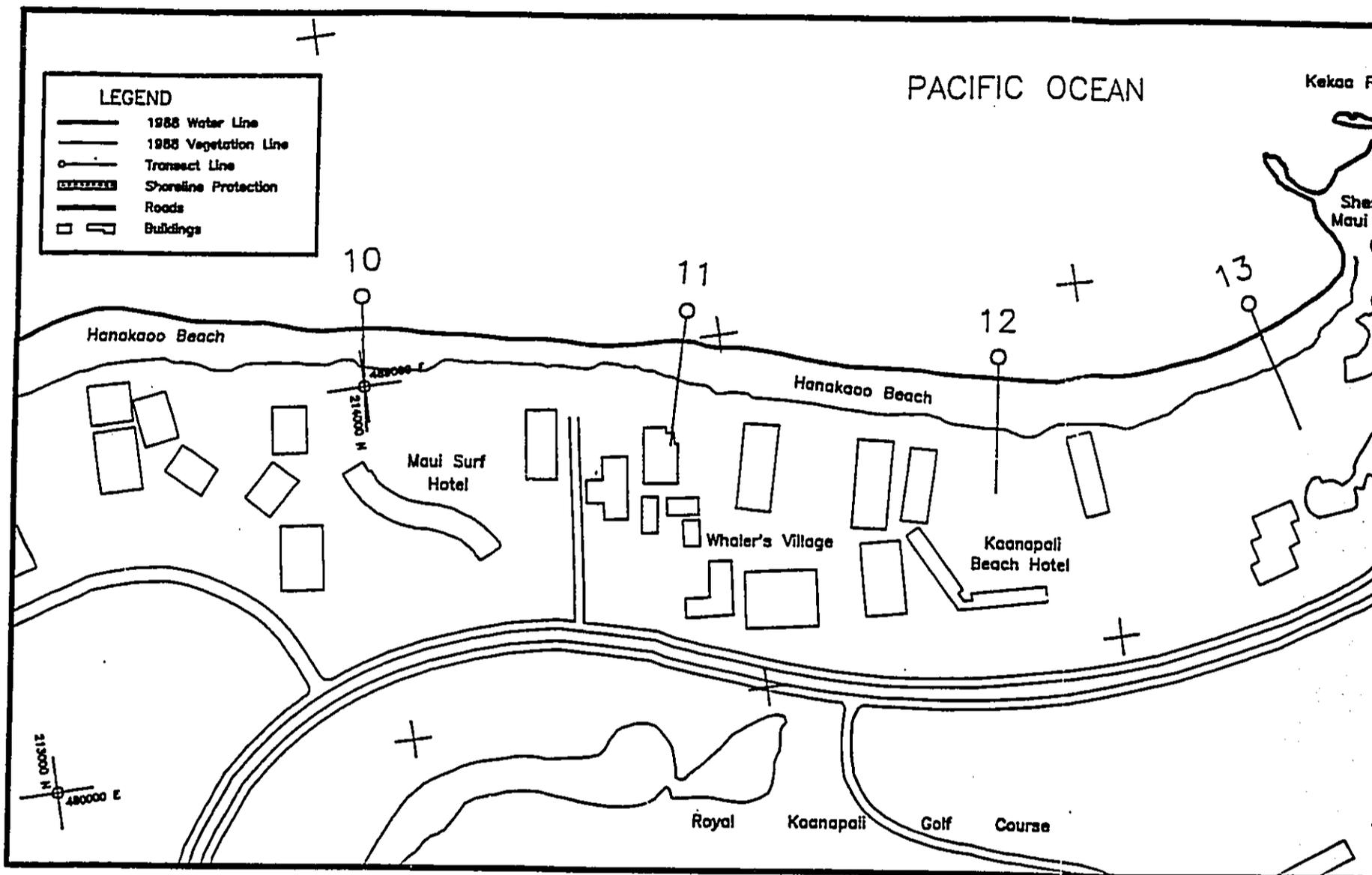


Figure 3. Vegetation line changes from 1949 to 1988, north end of Maui
 (From Makai Ocean Engineering, Inc. and Sea Engineering, Inc.)

IV ANALYSIS OF COASTAL EROSION AND ACCRETION RATES

The 1991 report described in Section III evaluated shoreline changes based upon aerial photographs of the Ka'anapali coastline taken in 1949, 1961, 1975, 1987 and 1988. That report was updated for this shoreline evaluation by adding aerial photographs (October 1982 and May 1997) and shoreline certification surveys (May 1981, September 1987 and September 1998) to the data base. The new photographs were computer rectified and the vegetation lines from the photographs and surveys were digitized and added to the data base, which now represents a 49 year period. Data were summarized for two additional transects in order to provide more detail on changes within the hotel property. The added transects were 12A, near the south end of the property, and 12B, near the north end of the property.

The digitized shoreline positions and the data for the individual transects are shown on Figure 4. Transect 12, in the middle of the property, is at the approximate site of the proposed restaurant. The digitized shorelines and the transect data indicate that there have been significant fluctuations of the vegetation line over the past 49 years. The total range of movement at each transect, and the maximum shoreward and seaward excursions of the vegetation line relative to the present positions are summarized below:

<u>Transect #</u>	<u>Maximum Range (ft)</u>	<u>Max. Seaward From Present Position (ft)</u>	<u>Max. Landward From Present Position (ft)</u>
12A	77	20	57
12	80	9	71
12B	73	29	44

The maximum range of movement over the 49 year period is similar for all three transects, ranging from 73 to 80 feet. For transects 12 and 12B the baseline year of 1949 represents the maximum landward excursion of the vegetation line. At transect 12A, the maximum landward excursion occurred in 1961.

Figure 4 also shows the footprint of the proposed restaurant. The closest point of approach of the vegetation line to the site occurred in 1949, when the distance from the vegetation line to the restaurant would have been 20 feet. At present, the closest point of approach of the vegetation line is 90 feet.

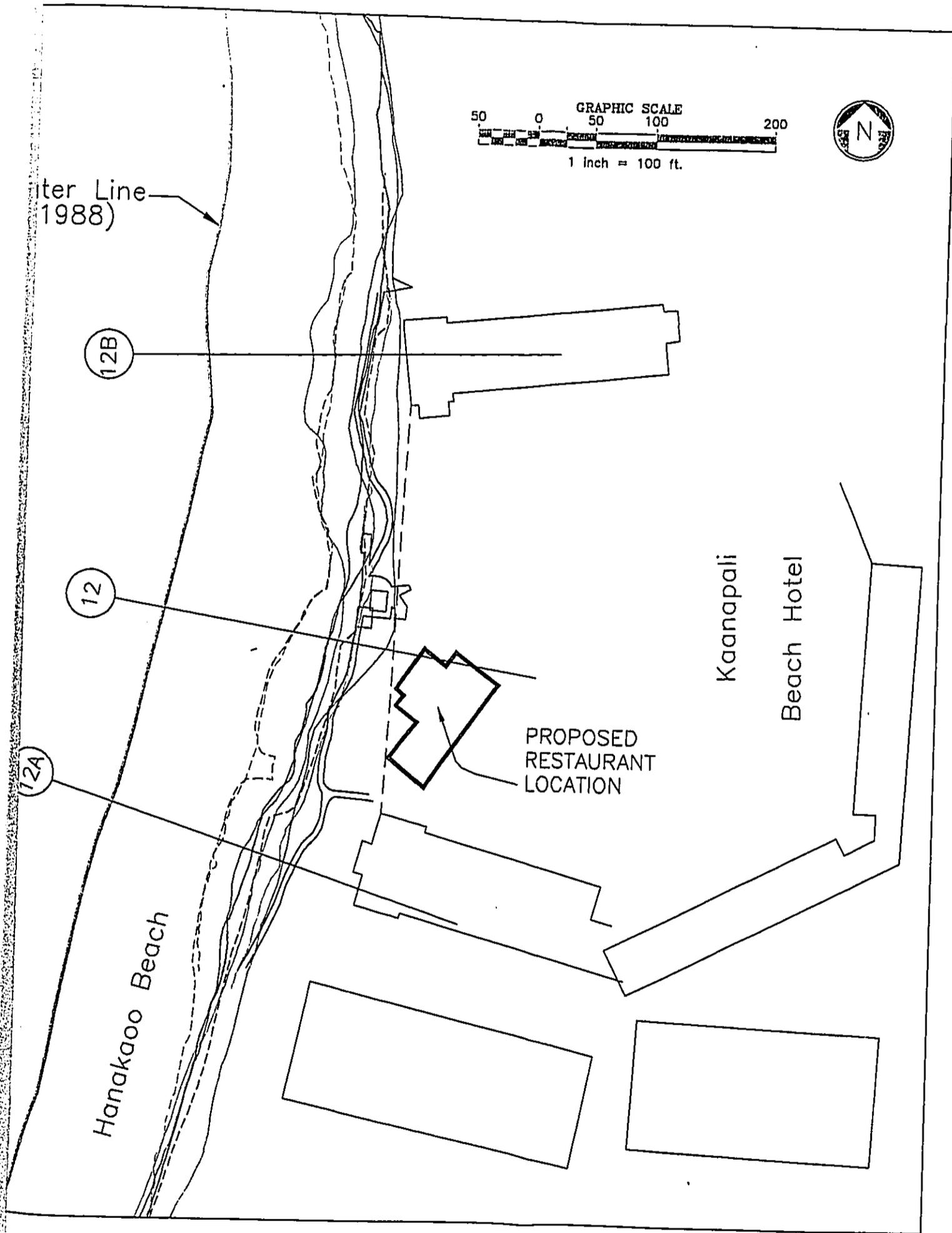


FIGURE 4
 VEGETATION LINE CHANGES
 (1949 - 1998)

	<u>Shoreline Accretion (ft)</u>		
	<u>Trans-12A</u>	<u>Trans-12</u>	<u>Trans-12B</u>
Nov/49	Baseline		
Dec/61	-21	24	3
Mar/75	19	41	73
May/81	3	28	15
Oct/82	20	35	22
Jul/87	27	49	26
Mar/88	34	50	34
May/97	56	79	55
Sep/97	56	80	55
Sep/98	36	71	44
Ave. Rate (ft/yr)	0.73	1.45	0.90
2028 Estimate (Relative to 1998)	22	43	27
Standard Dev.	29	17	37

Water Line
(1988)

12B

12

12A

Hanakaoa Beach



V PREDICTION OF FUTURE SHORELINE POSITION

The 1997 Beach Management Plan for Maui recommends that historical erosion rates be used to project future erosion hazard areas. Historical erosion rates must be used for this type of projection, since future vegetation line positions cannot be determined on a cause and effect basis; wave action that affects the vegetation line positively or adversely cannot be predicted in advance. A probabilistic model, the Markov Process, was therefore selected to calculate the probability distribution of future vegetation line positions. This model uses the historical data base for predictions of future vegetation line positions, and is the same as the one used for the 1991 study, by Makai Ocean Engineering, Inc. and Sea Engineering, Inc.

Several assumptions were made in constructing the model:

- That the behavior of the beach in any year is independent of the previous year's behavior. The model therefore ignores multi-year cyclic trends.
- That the relative changes in the vegetation line position are independent of its absolute position. In other words, the position of a vegetation line at the end of any year does not have any impact upon the next year's behavior. This assumption may not be applicable where the shoreline erodes to rock benches, where seawalls have been constructed, or where onshore variations in sediment composition affect the erosion rate.
- That the past record of vegetation line changes is representative of what will occur over future years. This may or not be the case. The historical record reflects seasonal waves, Kona storms, the offshore passage of hurricanes and some tsunamis, but does not include the impact predicted sea level rise.

The first step in calculating the 30 year probability distribution was to divide the historical record into two year periods to construct a histogram of vegetation line changes. The Markov Process is similar to a random walk through the data set, with the probability of occurrence of any single step equal to the frequency of occurrence of that size step in the data base histogram. Each step therefore represents a two year period.

Matrix calculations simulating thousands of random walks were then used to produce a 30 year probability curve, from which the mean predicted vegetation line and the standard deviation of the prediction could be determined. The mean prediction corresponds very closely to an extrapolation of the average annual rate of change. The standard deviation reflects the variability of the results of the model calculations. Vegetation line positions subject to wide swings of erosion and accretion have large standard deviations and those with steady trends have smaller standard deviations.

The results of the model are presented with the transect data on Figure 4. For transect 12, representing the proposed project area, the predicted change of the vegetation line over a 30 year period is an accretion of 43 feet; the standard deviation of the prediction is 17. All three transects show a projected accretion over the next 30 years.

Although this predicted accretion is based upon an accepted method that has been used in previous planning studies for the State of Hawai'i and the City and County of Honolulu, the results in this instance should be used with care. An accretion of 43 feet at transect 12 would place the vegetation line 34 feet beyond its most seaward position of the past 49 years. However, Hanaka`ō`ō Beach as a whole does not appear to be accreting, but rather fluctuating within historical limits, with the exception of the recent erosion at the Sheraton. It therefore seems unlikely that the beach in front of the Ka'anapali Beach Hotel will accrete as much as predicted over the next 30 years. Some of the smaller, naturally occurring fluctuations of the vegetation line might have been masked by the landscaping of the hotel property over the past years. This landscaping would have the effect of stabilizing the vegetation line, except during extreme events, and could therefore bias the historical record. As the 1991 study noted "The vegetation line at the north end of Hanaka`ō`ō beach had been almost completely bulldozed (in preparation for the resort development) at the time of the 1961 photo. By the time of the later photos (1975 on) the vegetation line was landscaped for the hotels. As a result, for this beach area in particular, the vegetation line cannot be considered representative of erosion or accretion trends."

Since the north end of Hanaka`ō`ō Beach is dynamic, a more conservative approach might be to assume that the future will mirror the past, with the vegetation line fluctuating between the 1949 and 1997 extremes. The 49 year record reflects vegetation line changes due to typical seasonal variations as well as a variety of extreme events. As such, it provides a valuable guideline for evaluating future vegetation line positions. While the prediction of 43 feet of accretion may not be realistic, there is also no reason to expect that the vegetation line will erode landward of the 1949 extreme.

VI REFERENCES

Brock and Associates. 1981. Shoreline Verification, Kaanapali Beach Hotel.

Makai Ocean Engineering and Sea Engineering, Inc. 1991. Aerial Photographic Analysis of Coastal Erosion on the Islands of Kauai, Molokai, Lanai, Maui and Hawaii. Prepared for the State of Hawaii, Office of State Planning, Coastal Zone Management Program.

Sea Engineering, Inc. 1981. Evaluation and Design for Shore Protection, Kaanapali Beach Hotel, Kaanapali, Maui, Hawaii. Prepared for Brock & Associates.

University of Hawaii Sea Grant Extension Service and County of Maui Planning Department. 1997. Beach Management Plan for Maui.

REVISED BEACH TOE POSITION EVALUATION
KAANAPALI BEACH HOTEL
MAY 4, 1999

The enclosed Figure 1 shows the beach toe changes at the hotel site since 1949. The location of the beach toe was determined from aerial photographs, using the same photographs and methodology as that used for our previous evaluation of the vegetation line. Since the beach toe information is obtained *only from aerial photographs*, it covers the period from November 1949 to May 1997. By contrast, the vegetation line information discussed in the original report was obtained from aerial photographs and shoreline surveys, and the information covers the period from November 1949 to September 1998.

The toe positions shown on the figure were used to develop the predictions of the beach toe locations in 30 years for transects 12A, 12 and 12B (also shown on Figure 1). The predicted accretions over the next 30 years range from 26 to 31 feet for the three transects. By comparison, the predicted accretion for the vegetation line at the three transects for the 30 year period ranged from 22 to 43 feet. The vegetation line data base included two shoreline surveys in September 1997 and September 1998, so the comparison is not precise. Nevertheless, the predictions for the two beach characteristics are roughly the same. As mentioned in the original report, the prediction of accretion should be used with care, since the baseline year (1949) was the historical worst case for both the vegetation line and the beach toe.

Figure 1 shows that the maximum seaward position of the beach toe occurred in October 1982, and that the toe position has been retreating since that time. The digitized plots of beach toe and vegetation line positions were used to measure beach widths at each transect over the period from 1949 to 1997. The beach width was arbitrarily defined for this case as the distance from the vegetation line to the beach toe. The results are summarized by transect below:

BEACH WIDTH IN FEET

Date	12A	12	12B
11/49	116	156	144
12/61	206	204	218
05/75	149	168	106
10/82	166	205	203
07/87	143	166	179
03/88	130	160	151
05/97	98	116	121

The transects show a 30 to 40 foot narrowing of the beach between 1988 and 1997. Approximately 10 feet of this was due to retreat of the beach toe position, with the rest due to accretion of the vegetation line.

This new beach toe data should be considered in the light of several factors:

1. The sandy beach width and the position of the beach toe are highly variable, with large short term and seasonal fluctuations. The seasonal variations at the north end of Kaanapali Beach are particularly pronounced. Any evaluation of the beach width or beach toe behavior should be based upon a comparison of data from the same seasons. This short term variability of the beach toe is the reason why the vegetation line has generally been accepted as the primary indicator of long term beach changes. While the vegetation line does not typically vary with seasonal or minor changes of the beach, it will eventually reflect long term or major changes to the beach.
2. The toe is difficult to pick off the aerial photographs, and selection of the actual location is somewhat subjective. The enclosed aerial photograph segments illustrate the problem. On some of the photos, there is a possible range of 0.15 inches in the toe location, which, at a scale of 1 inch equals 200 feet, corresponds to a 30 foot difference.
3. A comparison of the transect data for the beach toe and the vegetation line indicates that the beach toe and the vegetation line usually move in opposite

directions in a given period. That is, if the toe accretes, the vegetation line erodes. The reason for this is unclear, but it casts doubt upon reaching conclusions about long term beach trends based upon a single time period.

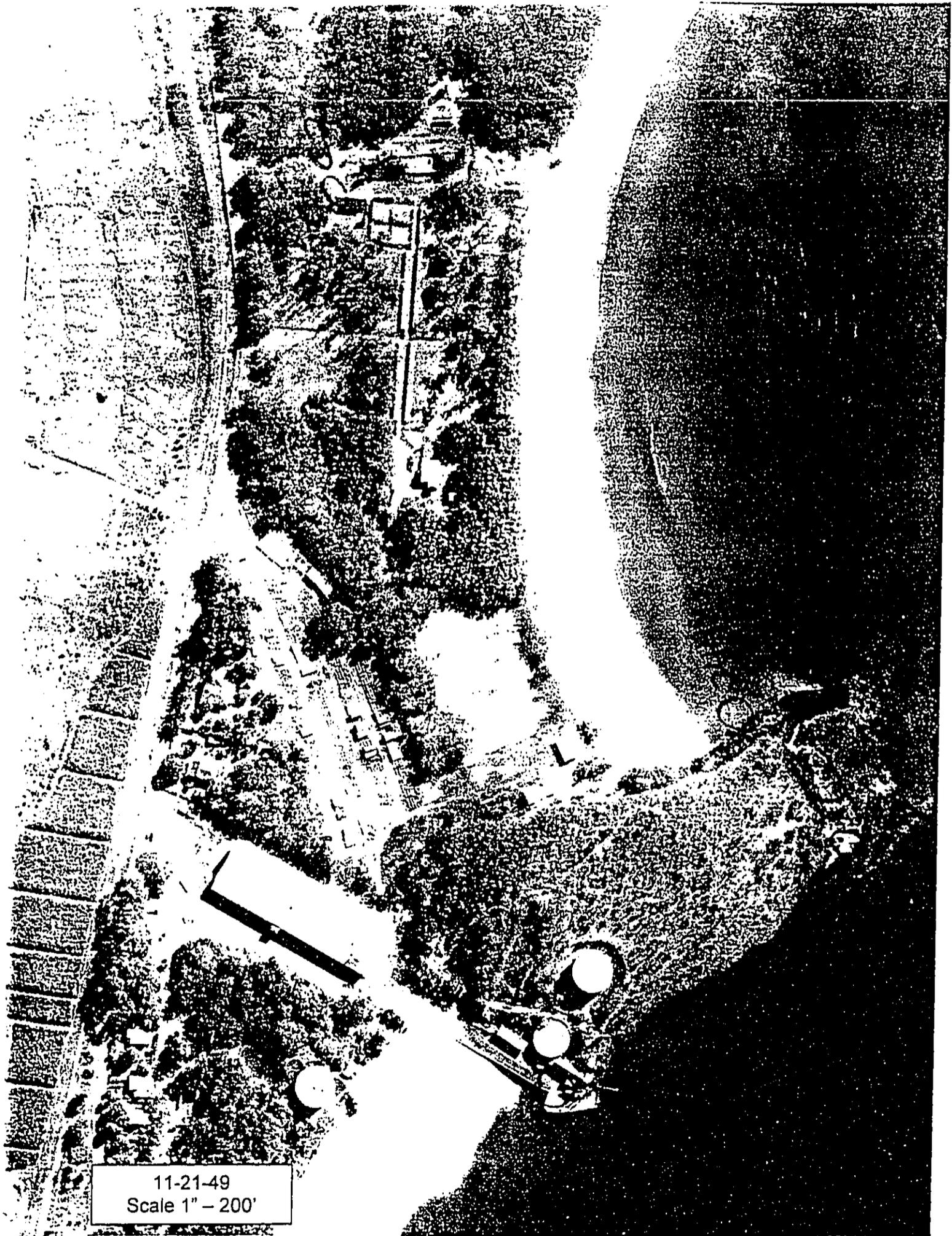
4. There is a large component of longshore sand transport at the site, and the trend of beach toe movement could vary with position along the beach. Although the most recent data from the 1998 to 1997 period indicates a recession of the beach toe at the site, we do not know the behavior of the beach toe at other locations along the beach.

Although the statistical evaluation of the beach toe and vegetation line data results in a prediction of accretion for both, the beach toe data for the period 1988 to 1997 could possibly be indicative of a reversal of the accretion trend. The term possibly should be emphasized, because the single time period from 1988 to 1997 is not sufficient for a definitive conclusion.

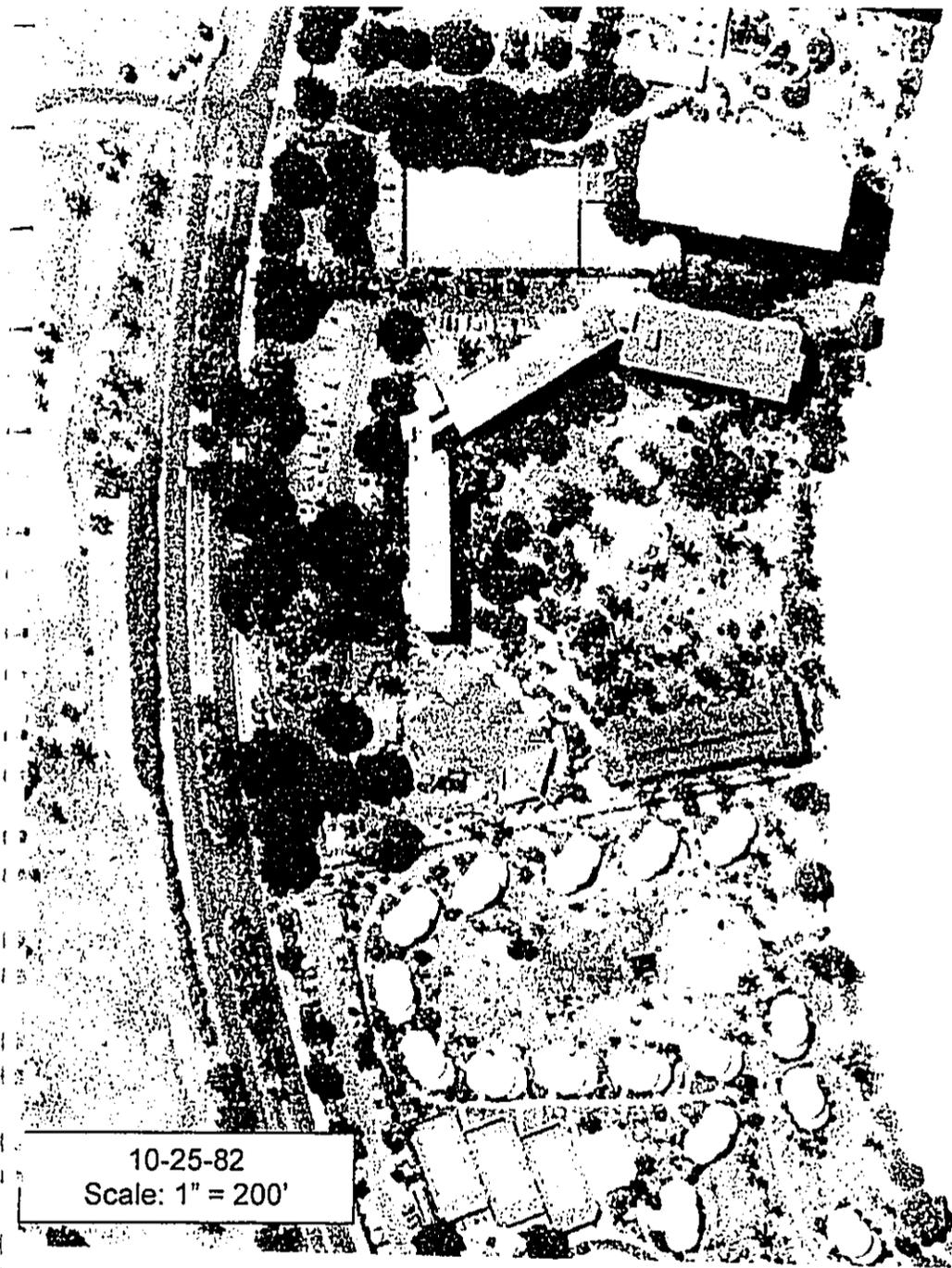
The beach toe information does support the need for additional data to determine with certainty the long term behavior of Kaanapali Beach. The evaluation of both parameters, beach toe and vegetation line, have limitations that preclude definitive conclusions. At present, even though there is a good understanding of the beach processes and the long term behavior of the vegetation line at Kaanapali Beach, we do not know how the overall sand volume of the active beach and nearshore area is changing, if at all. The best way to determine this would be through a long term program involving the ground measurement of beach profiles spaced along the entire length of the beach. Volumes could be calculated from each set of results, and the information would provide the basis for a more conclusive evaluation of the beach trends.



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11-21-49
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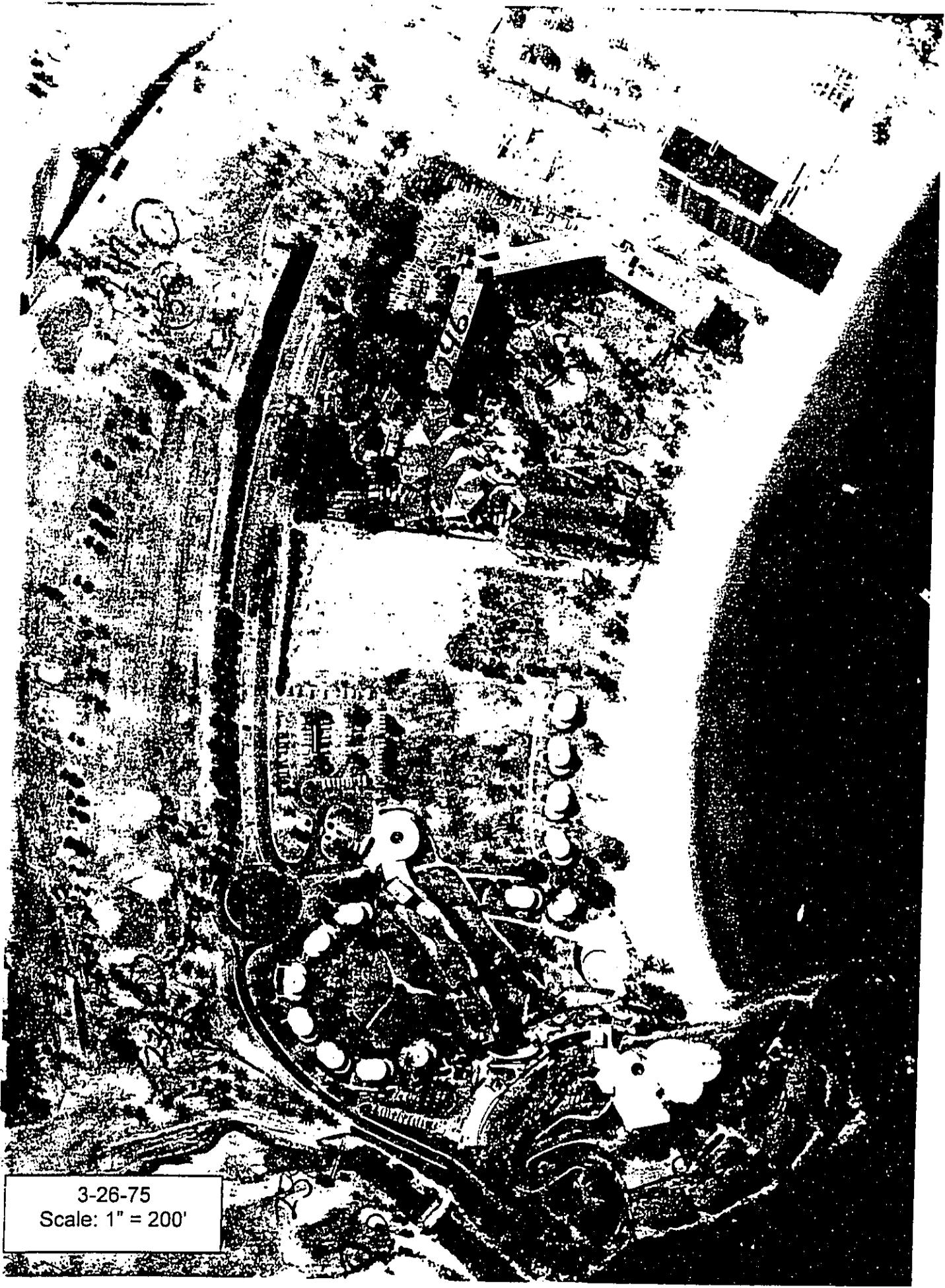
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5-19-97
1" = 100'



3-26-75
Scale: 1" = 200'

CORRECTION

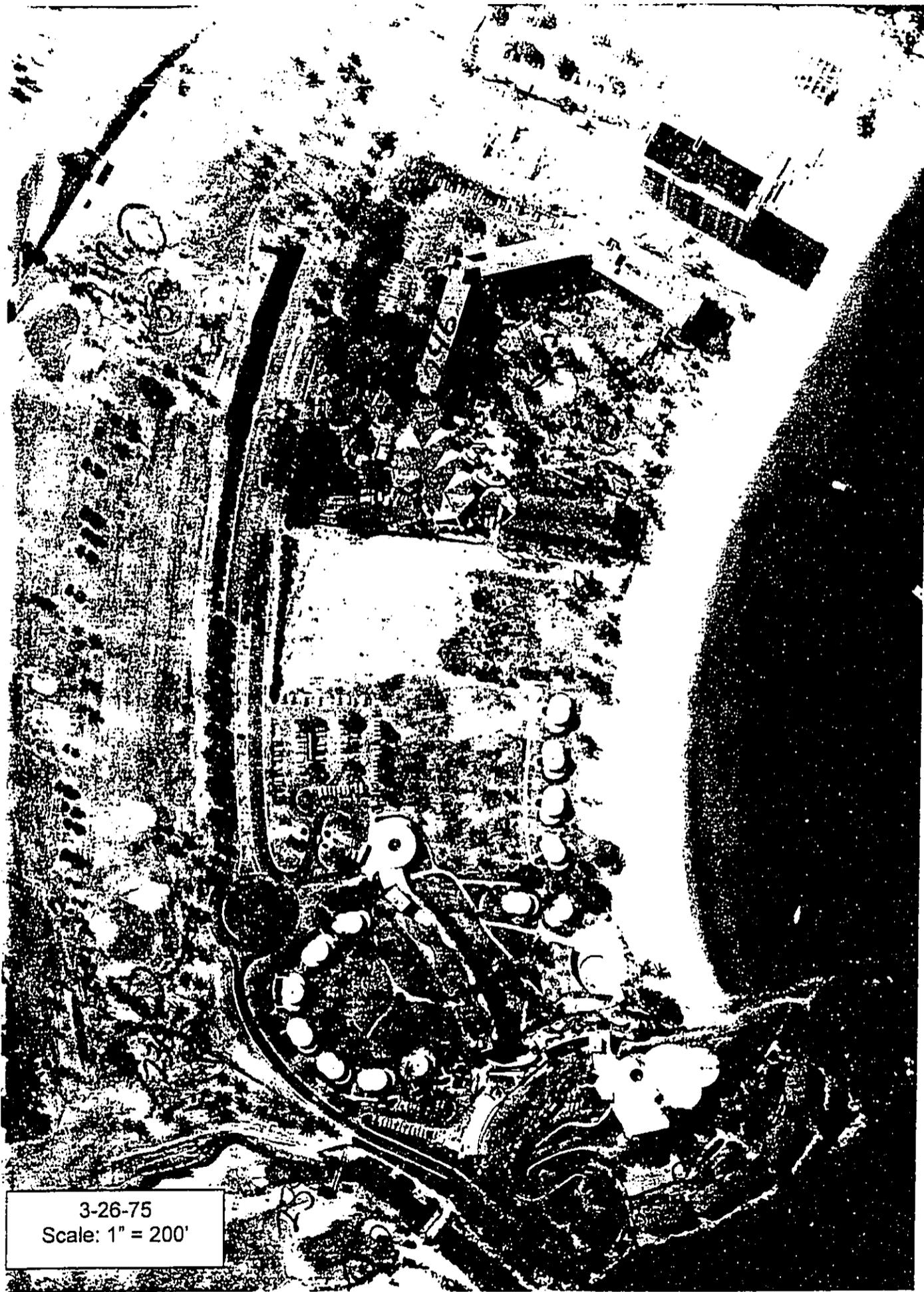
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Scale: 1" = 200'



12-1961
Scale: 1" = 200'

Q-38



FACSIMILE

TO: Bob Rocheleau
Sea Engineering, Inc.

DATE: July 8, 1999

PROJECT: KBH Restaurant/Canoe Hale

CC: Mike White, KBH
Robert Mullane, Sea Grant Extension Service

SUBJECT: Additional Data on Beach Toe

We are sending 3 pages including this header.

FOR YOUR USE FOR REVIEW AND COMMENT FOR YOUR INFORMATION
 AS REQUESTED

Aloha Bob,

Rory and I have been paying attention to the size of the beach fronting the Ka'anapali Beach Hotel. Specifically, we have noticed that the toe is significantly seaward of the last measurement (May 1997). I have measured the beach on three occasions; my notes are below for your information.

On June 19th and 26th 1999, I informally measured the distance between the beach toe and vegetation line on the portion of Ka'anapali (Hanakao'o) Beach in front of the proposed KBH restaurant/canoe hale. Measurements were made approximately at 6pm on the 19th and 12pm on the 26th. The measurements were done by pacing the distance from the berm coincident with the edge of naupaka to approximately 4 feet deep into the ocean. I intentionally paced the line represented by transect 12 on Figure 1 of your beach toe evaluation (Beach Toe Line Changes 1949-1997). I brought a copy of the figure to assist my accuracy on the 26th. On both days, I paced off 50 paces before stopping, acknowledging that the beach toe was further out in the water. Later checking my pace with a tape measure (1 pace = 3 feet), I realized that the beach toe was over 150 feet from the vegetation line, which is significantly seaward of the last recorded measurement (May 1997).

Rory Frampton and myself made more accurate measurements today, July 8th, 1999. Between the hours of 11am and 12pm, we measured all three transects listed in your study from the seaward edge of the beach walkway to the beach toe. A flexible 150' reel type tape measure was utilized in correspondence with the aforementioned Figure 1 and an engineering ruler.

Before any measurements were made, Rory and I evaluated the prominence of the beach toe. We were both concerned about the subjectivity in such a demarcation, and the concurrent accuracy of the measurements. The toe, however was quite prominent, showing a sharp decline (step) from about 5.5 feet (my nose level) to about 7.5 feet (the level at which only my hand was sticking out of the water). Both of us viewed the toe with swimming goggles, noticing the slant, step, then leveling of the sand (coming from the shoreline to the open ocean). A corresponding color change was also visible to both of us from above water. Feeling confident with the measurability of the toe, we proceeded to measure along the transects.

At each transect, Rory directed me from the landward side of the tape to keep me accurate to the angle of the transect (perpendicular to the shoreline). Similarly, I adjusted from the seaward side to keep the angle represented on the reference figure. I stood at the top of the toe's step while making the final measurement. At each measurement, we made sure to pull the tape taught, and made the best effort to keep the tape level to minimize any gain in the measurement from slack or angle. I estimated a (liberal) margin of error to be about +/- 4 feet, or broken down: +/- 4" at each measuring point (max 3), +/- 1 1/2' at the toe and, +/- 1 1/2' due to angle and slack.

We measured transect 12 first. We measured out 30 feet along the beach walkway from the activity shack, and marked the pavement. A measurement was made from the seaward edge of the walkway pavement to the top (step) of the berm that coincided with the end of the naupaka. The distance was 41 feet to the edge of vegetation. The distance to the toe was measured at 199 feet from the beach walkway.

Transect 12A was measured next, which also had 41 feet of naupaka fronting the beach walkway. The distance to the toe was measured at 194 feet from the beach walkway.

Transect 12B was measured last. The distance to the toe was measured at 202 feet from the beach walkway. The vegetation fronting the sidewalk was not measured.

The seaward edge of the walkway was used as the origin of all measurements. In a summary table below, I've included comparative distances as measured from the data presented in the aforementioned Figure 1. The included comparisons include the latest (May 97) and most seaward (Oct 1982) data points recorded in your 1999 beach toe evaluation.

Trans	7/8/1999 <u>Dist to Vegetation</u>	7/8/1999 <u>Dist to Toe</u>	May 1997 <u>Dist to Toe</u>	Oct 1982 <u>Dist to Toe</u>
12	41	199*	166	211
12A	41	194*	157	190
12B	not measured	202*	146	195

*measured in feet, estimated error +/- 4

Conclusion: The present location of the toe is near or further out from most seaward records measured in the beach toe evaluation, indicating that significant accretion of the toe has occurred between May 1997 and the present. Based on this new information, it appears that there is no current trend of erosion of the beach toe.

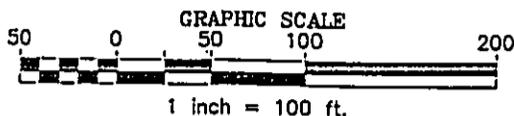
We would love to hear your thoughts on this information.

Aloha,
Robb Cole

Attached: (Field Notes, 1pg)

COPY TO: Mike White, KBH
Robert Mullane, Sea Grant Extension Service

BY: Robb Cole



vegetation line
(1997 survey)

12B

PROPOSED
RESTAURANT
LOCATION

Kaanapali

Beach Hotel

Hanakaoo Beach

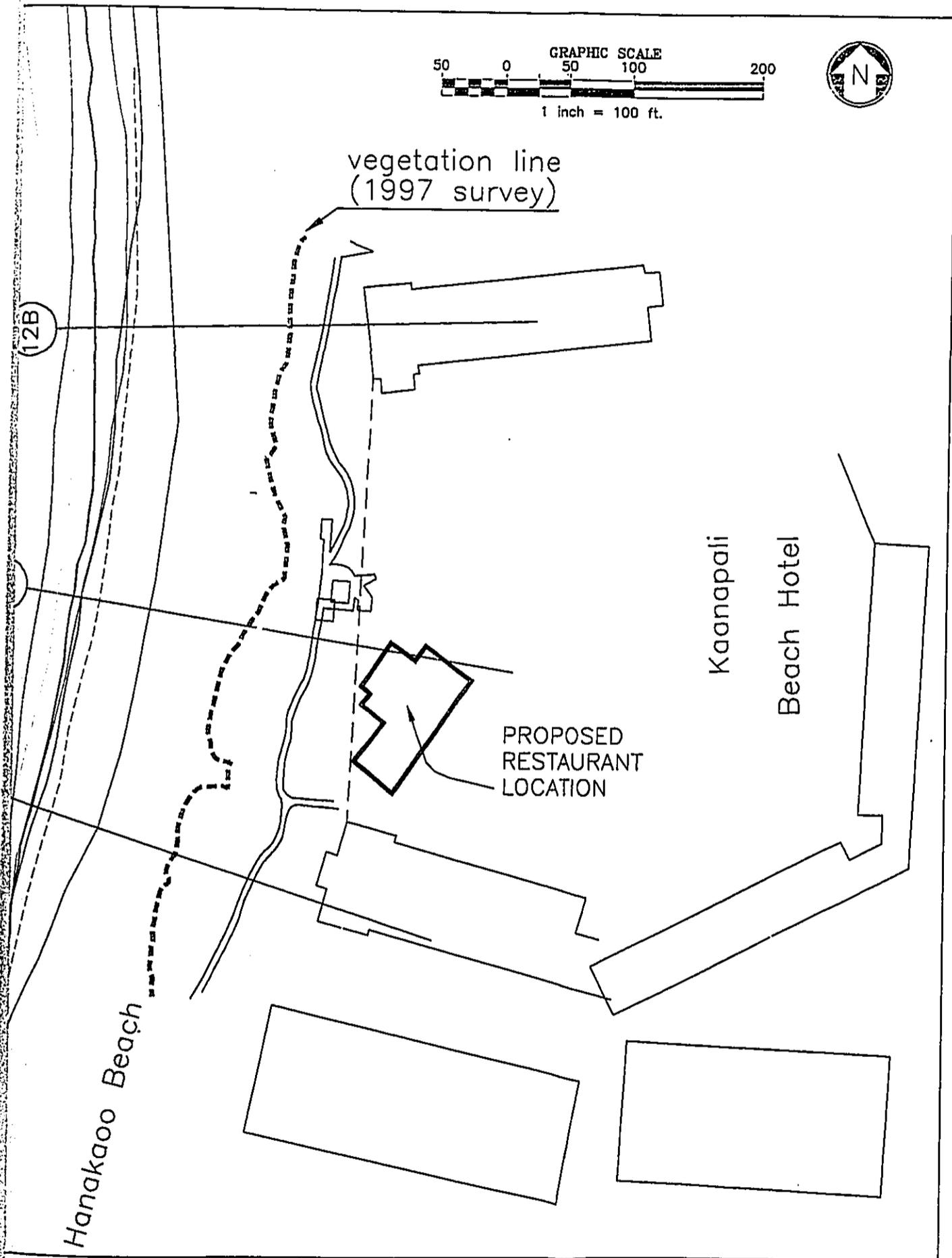
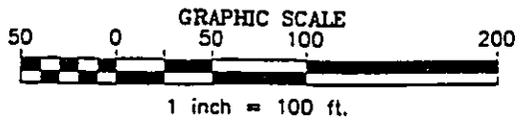


FIGURE 1
 BEACH-TOE LINE CHANGES
 (1949 - 1997)

	<u>Shoreline Accretion (ft)</u>		
	<u>Trans-12A</u>	<u>Trans-12</u>	<u>Trans-12B</u>
Nov/49 ———	Baseline		
Dec/61 ———	69	72	78
Mar/75 ———	53	54	36
Oct/82 ———	70	85	81
Jul/87 ———	54	60	61
Mar/88 ———	48	53	41
May/97 - - - -	38	39	31
Ave. Rate (ft/yr)	0.78	0.81	0.64
2027 Estimate (Relative to 1997)	24	27	25
Standard Dev.	26	36	31





vegetation line
(1997 survey)

(12B)

(12)

(12A)

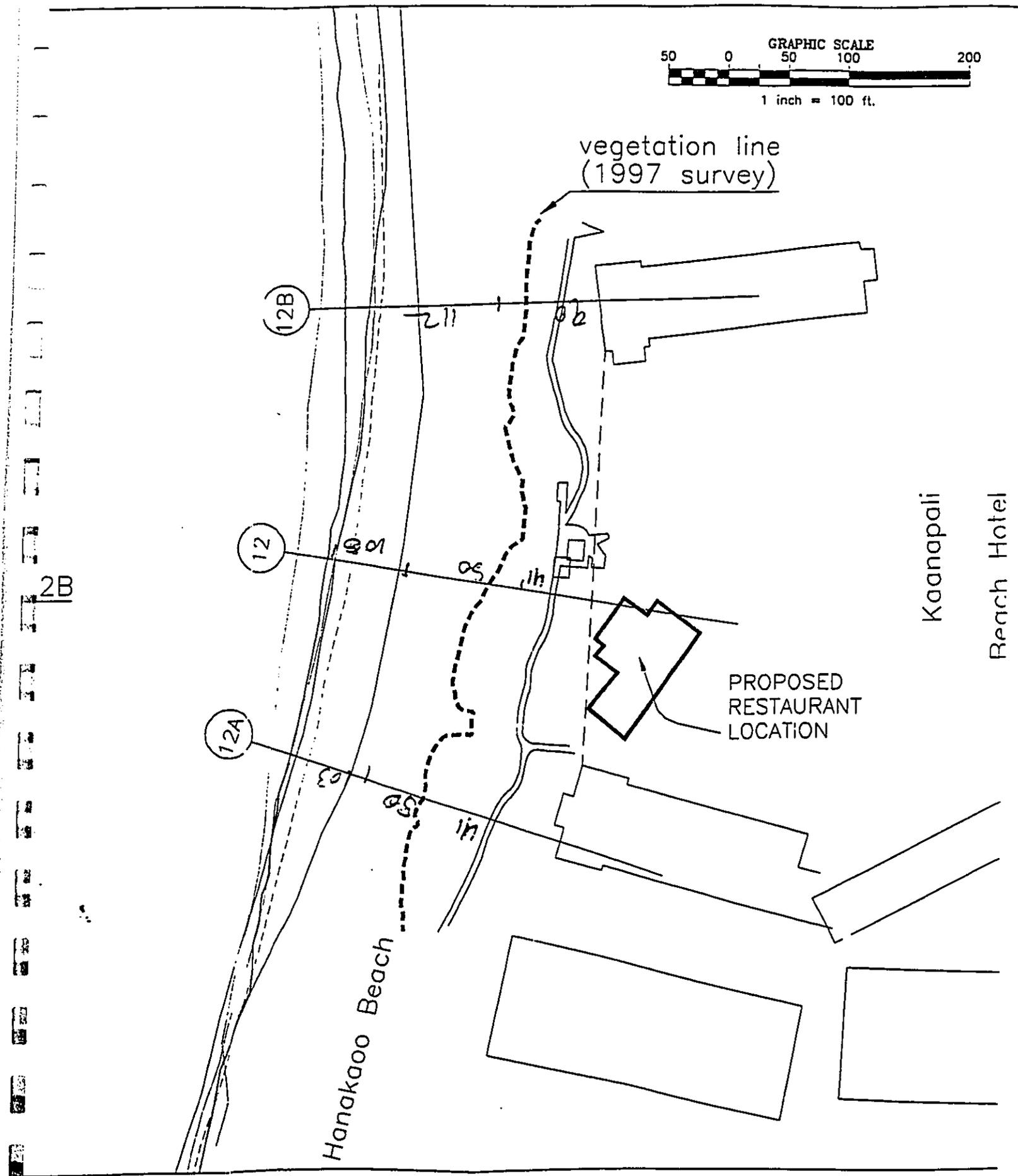
2B

PROPOSED
RESTAURANT
LOCATION

Kaanapali

Beach Hotel

Hanakaoo Beach

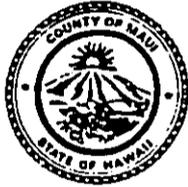


Appendix B
Draft EA Comment Letters
and Responses

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 9, 1999

Mr. Rory Frampton, Project Manager
Chris Hart & Partners
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

RECEIVED
FEB 16 1999
CHRIS HART & PARTNERS
Landscape Architecture & Planning

Dear Mr. Frampton:

RE: Draft Environmental Assessment for Kaanapali Beach Hotel's
Restaurant/Canoe Hale, TMK 4-4-8: 03, Kaanapali, Island of Maui,
Hawaii (EA 990001)

The Maui Planning Department (Department) has reviewed the above-referenced assessment and finds that it lacks information relative to traffic and preconsultation with adjoining property owners. You are hereby requested to include information relative to the above issues in the Final Environmental Assessment. The Department understands that the traffic information will be submitted prior to the Department transmitting the project to agencies for comment.

Thank you for your cooperation in this matter. If further clarification is required, please contact Ms. Ann T. Cua, Staff Planner, of this office at 243-7735.

Very truly yours,

JOHN E. MIN
Director of Planning

Mr. Rory Frampton, Project Manager
February 9, 1999
Page 2

JEM:ATC:osy

c: Clayton I. Yoshida, Deputy Planning Director
Ann T. Cua, Staff Planner
Project File
General File
(s:\all\ann\kbhdraft.ea)



June 13, 1999

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

Dear Mr. Min:

RE: Draft Environmental Assessment for Kaanapali Beach Hotel's Restaurant/Canoe
Hale, TMK 4-4-8:03, Kaanapali, Island of Maui, Hawaii (EA 990001)

Regarding your letter dated February 9, 1999, we offer the following responses:

- 1) Traffic information was included in the Draft EA before it was distributed to commenting agencies. In their letter dated February 18, 1999, the State Department of Transportation commented that the action will not impact State transportation facilities.
- 2) Mr. Mike White, General Manager of the Kaanapali Beach Hotel has consulted with the Sheraton Hotel (north) and the Whaler Condominium (south). A summary of his discussions is attached.

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department



KAANAPALI BEACH HOTEL

Post-it® Fax Note	7571	Date	4/29	# of pages	1
To	Ruby Brampton	From	Mike White		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

April 28, 1999

Ms. Anne Cua
 Planning Department
 County of Maui
 250 S. High St.
 Wailuku, HI 96793

Dear Anne:

Pursuant to your request, we have discussed with our neighbors our plans to construct a beachfront restaurant within the shoreline setback. On March 12th, I met with Chuck Phillips of the Whalers Condominium. Following our discussion, he briefed the President of the Board of Directors. Neither individual has any concerns about our project and I offered to make a presentation at their next board meeting which will be on May 27, 1999.

On April 2nd, I met with Randy Ha of the Sheraton Maui to review our project. Mr. Ha said that the Sheraton has no problems with our plans either. We will continue to be responsive to requests from both the community and the County.

Aloha and Mahalo,

Mike White
 General Manager

MW:dc

RECEIVED
 APR 23 1999

1260
BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

KAZU HAYASHIDA
DIRECTOR

DEPUTY DIRECTORS
BRIAN K. MINAAI
GLENN M. OKIMOTO

IN REPLY REFER TO:

STP 8.8984

February 18, 1999

Mr. John E. Min
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Min:

Subject: Kaanapali Beach Hotel Restaurant and Canoe Hale
Application for SMA Amendment 990001,
SSV 990001, & EA 990001
TMK: 4-4-8: 003

Thank you for your transmittal requesting our comments on the subject amendment request.

The proposed amendment will not impact our State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kazu Hayashida".

KAZU HAYASHIDA
Director of Transportation

99 FEB 22 P2:41
RECEIVED

-1346

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461



'99 FEB 24 21:05

February 19, 1999

Mr. John E. Min
Planning Director
Maui Planning Department
250 S. High Street
Wailuku, HI 96793

Dear Mr. Min:

Subject: Kaanapali Beach Hotel Restaurant and Canoe Hale
TMK 4-4-8:3
I.D. SM1 990001, SSV 990001, EA 990001

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, we have no objection to the subject project. We encourage the developer's electrical consultant to meet with us as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis. Note, the load will be added to the customer's transformer and any upgrades for MECO will be on the metering.

If you have any questions or concerns, please call Dan Takahata at 871-2385

Sincerely,

Edward L. Reinhardt
Manager, Engineering

ELR/dt



June 13, 1999

Edward L Reinhardt
Manager, Engineering
Maui Electric Company, Ltd.
210 West Kamehameha Avenue
PO BOX 398
Kahului, HI 96733-6898

Dear Mr. Reinhardt,

RE: Kaanapali Beach Hotel Restaurant and Canoe Hale
TMK 4-4-8:3
I.D. SM1 990001, SSV 990001, EA990001

Thank you for your comments dated February 19, 1999.

We will encourage our electrical consultant to meet with MECO to determine and facilitate the proper improvements at the earliest practical time.

Respectfully,


Rory Exampton

CC: Mike White, KBH
OEQC
Maui Planning Department

1304



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

210 Ima Kala St.
Suite 209
Wailuku, HI
96793-2100

Our People...Our Islands...In Harmony

99 FEB 23 10:33

DATE: February 22, 1999

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

Dear Mr. Min,

SUBJECT: Kaanapali Beach Hotel Restaurant and Canoe Hale
TMK: 4-4-8: 3
I.D. SM1 99001, SSV 990001, EA 990001

We have no comment to the subject application.

Thank you for the opportunity to comment.

Sincerely,

Neal S. Fujiwara
District Conservationist

1344

BENJAMIN J. CAYETANO
GOVERNOR



RAYMOND H. SATO

COMPTROLLER

STATE OF HAWAII FEB 24 P 1:04
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
SURVEY DIVISION
P. O. BOX 119
HONOLULU, HAWAII 96810

FILE NO. _____

February 23, 1999

MEMORANDUM

TO: Mr. John E. Min, Planning Director
Maui County Planning Department

ATTN.: Ms. Ann T. Cua, Staff Planner

FROM: Randall M. Hashimoto, State Land Surveyor

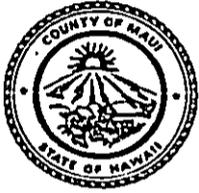
SUBJECT: I.D. No.: SM1 990001, SSV 990001, EA 990001
TMK: 4-4-8:003
Project Name: Kaanapali Beach Hotel Restaurant
and Canoe Hale
Applicant: Mike White, General Manager, Kaanapali Beach Hotel

REMARKS:

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations and Benchmarks are affected. Survey has no objections to the proposed project.

Randall M. Hashimoto
RANDALL M. HASHIMOTO
State Land Surveyor

1598



DEPARTMENT OF
PARKS AND RECREATION
COUNTY OF MAUI

1580-C KAAHUMANU AVENUE WAILUKU, HAWAII 96793

'99 MAR -3 P1:49

JAMES "KIMO" APANA
Mayor

FLOYD S. MIYAZONO
Director

ELIZABETH D. MENOR
Deputy Director

(808) 243-7230
FAX (808) 243-7934

MEMORANDUM

March 1, 1999

TO: John E. Min, Planning Director

FROM: Floyd S. Miyazono, Director *Floyd S. Miyazono*

SUBJECT: Kaanapali Beach Hotel Restaurant and Canoe Hale
I.D.: SM1 990001, SSV 990001, EA 990001
TMK: 4-4-8:003

Thank you for the opportunity to review the Special Management Area Permit Amendments and Shoreline Setback Variance for the Kaanapali Beach Hotel Restaurant and Canoe Hale. At this time we have no comment on the subject action.

Should you have any questions on this matter, please call me or Patrick Matsui, Chief of Parks Planning & Development at extension 7387.

FSM:PTM:rmh
s:\planning\rh\green\kaanhale.vpd

1628

BENJAMIN J. CAYETANO
GOVERNOR
STATE OF HAWAII



RAYNARD C. SOON
INTERIM CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOEIE M. K. M. YAMAGUCHI
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. BOX 1879
HONOLULU, HAWAII 96805

'99 MAR -4 12:32

March 4, 1999

The Honorable John E. Min, Director
County of Maui, Department of Planning
250 South High Street
Wailuku, Maui, Hawaii 96793

Attn: Ann Cua

Dear Mr. Min:

Subject: Kaanapali Beach Hotel Restaurant and Canoe Hale, SM1
990001, EA 990001, TMK 4-4-8:03, Lahaina, Maui, Dated
January, 1999

Thank you for the opportunity to review the subject applications. The Department of Hawaiian Home Lands has no comment to offer.

If you have any questions, please call Daniel Ornellas at 586-3836.

Aloha,

Raynard C. Soon
Raynard C. Soon, Interim Chairman
Hawaiian Homes Commission

1660



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

REPLY TO
ATTENTION OF

March 4, 1999

'99 MAR -5 12:48

Civil Works Branch

Ms. Ann T. Cua, Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Ms. Cua:

Thank you for the opportunity to review and comment on the Special Management Area Permit Application and Draft Environmental Assessment (DEA) for the Kaanapali Hotel Restaurant and Canoe Hale, Kaanapali, Maui (TMK 4-4-8: 03). The following comments are provided in accordance with Corps of Engineers authorities to provide flood hazard information and to issue Department of the Army (DA) permits.

a. Based on the information provided, a DA permit will not be required for the project.

b. The flood hazard information provided on page 15 of the DEA is correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Mizue".

Paul Mizue, P.E.
Chief, Civil Works Branch

1208



JAMES "KIMO" APANA
MAYOR

OUR REFERENCE
at
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

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

'99 MAR 10 10:18



THOMAS M. PHILLIPS
CHIEF OF POLICE

CHARLES H.P. HALL
DEPUTY CHIEF OF POLICE

March 5, 1999

MEMORANDUM

TO : DIRECTOR, PLANNING DEPARTMENT

FROM : THOMAS M. PHILLIPS, CHIEF OF POLICE

SUBJECT : I.D.: SM1 990001, SSV 990001, EA 990001
 TMK: 4-4-8:003
 Project Name: Kaanapali Beach Hotel Restaurant and Canoe
 Hale
 Applicant: Mike White, General Manager, Kaanapali Beach Hotel



No recommendation or special condition is necessary or desired.



Refer to attachment(s).

AC [Signature]
 Assistant Chief Robert Tam Ho
 For: THOMAS M. PHILLIPS
 Chief of Police

1790



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

MAR 10 12:12

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref: PS:EH

MAR -9 1999

Mr. John Min, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Maui, HI 96793

Dear Mr. Min:

Subject: Special Management Area Permit Amendments and
Shoreline Setback Variance, Kaanapali Beach Hotel
Restaurant/Canoe Hale

We have reviewed the subject application and no comments to offer
on the proposed project.

Thank you for the opportunity to comment on the matter.

Very truly yours,

Dean Uchida
Dean Uchida,
Administrator

c.c. MDLO

BENJAMIN J. CAYETANO
GOVERNOR



BRUCE S. ANDERSON, Ph.D.
Director of Health

ALFRED M. ARENSDOFF, M.D.
DISTRICT HEALTH OFFICER

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

'99 MAR 11 19:47

March 9, 1999

Mr. John E. Min
Director of Planning
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Dear Mr. Min:

Subject: Kaanapali Beach Hotel Restaurant and Canoe Hale
TMK: (2) 4-4-8:003
SM1 990001, SSV 990001, EA 990001

Comments from this office were transmitted to our Honolulu Office.
A coordinated response is forthcoming.

Thank you for the opportunity to comment on the Land Use
Applications. Should you have any questions, feel free to call me
at 984-8230.

Sincerely,

HERBERT S. MATSUBAYASHI
District Environmental Health Program Chief

c: Art Bauckham

UNIVERSITY OF HAWAII

Sea Grant Extension Service
Maui Community College

March 11, 1999

99 03 17 12:12

County of Maui
Planning Department
250 S. High Street
Wailuku, HI 96793
attn: Ann Cua, Staff Planner

Dear Ms. Cua:

I have reviewed the SMA Permit Amendments and Shoreline Setback Variance for the Kaanapali Beach Hotel's Restaurant / Canoe Hale. The applicant proposes to construct a restaurant and canoe hale within the shoreline setback area. Although the construction of permanent structures in the setback area is strongly discouraged in the *Beach Management Plan for Maui*, those structures that support beach-dependent activities (in this case, outrigger canoe paddling) and those that are constructed with strict performance standards (in this case, the fact that the building will be built on posts, rather than being a slab-on-grade style) may be considered on a case by case basis.

Of utmost importance in this consideration is a thorough analysis of past shoreline trends (i.e., accretion and erosion rates) and an analysis of potential coastal hazards. Potential coastal hazards include risk, impact, and mitigation of high wave events (e.g., tsunami, hurricanes, Kona storms, and unusually high swell) and episodic and chronic coastal erosion. The analysis of historical shoreline trends included in the application examines changes in the position of the vegetation line since 1949, and documents a long-term trend of vegetation line advance or accretion, with shorter-term erosion events between 1949 and 1961, 1975 and 1981, and 1997 and 1998. However, the vegetation line may not be an accurate indicator of shoreline trends, since the landscaping of the back beach area may have artificially maintained a more seaward position of the vegetation line. The applicant's consultant states on p. 12 of Appendix A that the vegetation line "cannot be considered representative of erosion and accretion trends."

Since the vegetation line is not be a reliable indicator of shoreline trends in this case, some other indicator needs to be examined. An analysis of either beach widths through time or the position of the beach step (which is a proxy for the MLLW line) would provide additional information on shoreline trends. One disadvantage of tracking the position of the beach step through time is that this geomorphic feature is strongly influenced by seasonal changes in littoral drift. However, over a fifty-year data set, a long-term trend may be able to be differentiated despite the short-term seasonal fluctuations. This information, coupled with the vegetation line trends should give the applicant, as well as the Planning Department, a better idea of shoreline trends. Before

Community Outreach and Technology Transfer for Maui County and the U.S.—Affiliated Pacific Islands
310 Kahanamana Avenue • Kahanu, Maui, HI 96733 • Telephone: (508) 242-1234 • Facsimile: (808) 924-1231
E-Mail: cmallanc@sest.hawaii.edu

An Equal Opportunity/Affirmative Action Institution

Kaanapali Beach Hotel
March 11, 1999
Page 2

this information is provided with the application, it will be difficult to consider the risk involved in siting a new building at this location.

Another deficiency in the application is that the building setbacks are reported with respect to the September 1997 shoreline survey, rather than the most recent shoreline survey (September 1998). This should be corrected before the application is considered by the Planning Commission.

Once these two items are corrected in the application, I would be happy to comment in more detail on this application. Thank you for the opportunity to comment on this application.

Sincerely,



Robert A. Mullane
Maui County Coastal Processes Extension Agent

cc. John Min. Planning Dept.
Rory Frampton, Chris Hart and Partners

UNIVERSITY OF HAWAII

Sea Grant Extension Service
Maui Community College
June 3, 1999

99 JUN -3 P1:48

County of Maui
Planning Department
250 S. High Street
Wailuku, HI 96793
attn: Daren Suzuki, Staff Planner

Dear Mr. Suzuki:

I have reviewed the Revised Beach Toe Position Evaluation submitted by Chris Hart and Partners for the SMA Permit Amendments and Shoreline Setback Variance for the Kaanapali Beach Hotel's Restaurant / Canoe Hale. These comments follow up my 3/11/99 letter to Ms. Ann Cua in your office.

As stated in my 3/11/99 letter, the analysis of historical vegetation line changes since 1949 documents a long-term trend of vegetation line advance or accretion, with shorter-term erosion events between 1949 and 1961, 1975 and 1981, and 1997 and 1998. The analysis of beach toe trends also documents a long-term (1949-1997) advance of the toe of the beach, but has a 16 to 30 foot erosion trend over the more recent trend of July 1987 to May 1997. I mention this recent trend in the shoreline indicator because this will be measured and reported in the ongoing coastal erosion hazard area study from the University of Hawaii's Coastal Geology Group. Their study will also report the long-term or net accretion of the beach toe at this location.

As the applicant's consultant points out, there are inherent shortcomings in examining either the vegetation line or the beach toe to determine shoreline trends. However, this information is the best we have on coastal processes. The fact that the siting of the proposed structure is outside (mauka) of the historically most mauka vegetation line is in this applications favor, as is the post and pier style of construction. Nevertheless, the recent shoreline trends indicate that the shoreline is undergoing erosion, and hence the proposed location of the building may be threatened by chronic erosion in the future. Because of this potential future erosion risk, the Planning Department or Commission may want to require the building to be pushed back an additional 15-20 feet. This would provide an additional erosion buffer.

Setting the restaurant back slightly from the adjacent hotel wings has the additional advantage of accommodating a worst-case scenario of erosion by reducing the linearity of any emergency coastal protection. The front side of the wings could be protected without endangering the restaurant by flank erosion.

Kaanapali Beach Hotel
June 3, 1999
Page 2

I would be happy to comment in more detail on this application when I return on June 17, 1999. Please cc a copy of this letter to Mr. Rory Frampton, as he has patiently waited for these comments. Thank you for the opportunity to comment on this application.

Sincerely,



Robert A. Mullans
Maui County Coastal Processes Extension Agent



June 13, 1999

Robert Mullane
University of Hawaii
Sea Grant Extension Service
Maui Community College
310 Ka'ahumanu Avenue
Kahului, HI 96732

Dear Mr. Mullane,

RE: KBH Restaurant / Canoe Hale

Thank you for your comments from letters dated March 11 and June 3, 1999. In response:

- 1) Reference to the September 1998 Shoreline Survey has been made in the text of the Final EA.
- 2) In your correspondence you requested an analysis of past shoreline trends in order to determine the risk of coastal hazards and episodic/chronic erosion. Based upon short-term data from the beach toe study, you stated that the Planning Department or Commission *may* wish to require that the building be set 15-20 further back based on the *potential* future erosion risk.

As you indicated, *recent* trends in the beach toe evaluation *may* indicate a recession of the beach toe, however, as the author points out, "*the single time period from 1988 to 1997 is not sufficient for a definitive conclusion*". Additionally, the engineer's stated margin of error was greater or equal to the erosion you noted. Finally, an analysis of long-term trends does not support such a conclusion, but instead indicates great fluctuation in the beach toe. The engineer's report summarizes this point:

The sandy beach width and the position of the beach toe are highly variable, with large short term and seasonal fluctuations. The seasonal variations at the north end of Ka'anapali Beach are particularly pronounced. Any evaluation of the beach width or beach toe behavior should be based upon a comparison of data from the same seasons. This short term variability of the beach toe is the reason why the vegetation line has generally been accepted as the primary indicator of long term beach changes. While the vegetation line does not typically vary with seasonal or minor changes of the beach, it will eventually reflect long term or major changes to the beach.

Thus, given the available data on erosion/accretion trends, a conservative approach was used in siting the restaurant. The proposed site, located behind the worst case erosion event (1949), is consistent with the conservative approach recommended by the sea engineer.

Since the north end of Hanaka`o`o Beach is dynamic, a more conservative approach might be to assume that the future will mirror the past, with the vegetation line fluctuating between the 1949 and 1997 extremes. The 49 year record reflects vegetation line changes due to typical seasonal variations as well as a variety of extreme events. As such, it provides a valuable guideline for evaluating future vegetation line positions. While the prediction of 43 feet of accretion may not be realistic, there is also no reason to expect that the vegetation line will erode landward of the 1949 extreme.

While the severe storm events of April-May 1998 have rightfully gotten the attention of the Ka`anapali community and rejuvenated an effort to push back shoreline development, the project designers have had similar concerns and have selected the proposed location over a more makai alternative. At this more mauka location, the seaward side of the proposed facility is still 90-135 feet from the vegetation line that was reduced and reshaped by last year's "extreme" wave events. While at this distance, the marginal benefit of an additional 10 feet may be argued, we feel that the pier design (which places the restaurant 16 feet above MSL), is an effective and adequate measure to protect against the "possibility" of future erosion.

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department



July 1, 1999

Robert Mullane
University of Hawaii
Sea Grant Extension Service
Maui Community College
310 Ka`ahumanu Avenue
Kahului, HI 96732

Dear Mr. Mullane,

RE: KBH Restaurant / Canoe Hale

We would like to provide additional information to our June 13th response to your letters.

In your letter dated June 3, 1999, you stated that the Planning Department or Commission *may* wish to require that the building be set 15-20 further back based on the *potential* future erosion risk. We offer the following additional comments:

1) The proposed location of the facility is situated in front of an exceptional False Kamani tree. Moving the facility back would require the removal of this mature tree, or re-siting the restaurant mauka (and behind) at approximately 220 feet from the vegetation line.

The False Kamani has an exceptionally large canopy, which not only makes it the most massive tree in the KBH courtyard, but makes an ideal backdrop for the structure, providing a natural frame that will blend the facility into the existing vegetation. The removal of such mature trees along Ka'anapali is also contrary to the objectives of the West-Maui Community Plan.

2) In addition to saving the False Kamani tree, proper siting of the facility is crucial to the attainment of the educational objectives of the Hotel's Hawaiian cultural program (Po`okela), the feasibility of the outrigger canoe program, and the operational sustainability of the food service program. These programs and their sensitivity to site location are described below.

The Po`okela Program

Recognized and awarded as Hawaii's most Hawaiian Hotel, KBH maintains an unprecedented cultural atmosphere and wishes to expand their cultural program (Po`okela) with the proposed facility. While there has been great progress in

incorporating Hawaiian values and spirit with the day to day operation of the Hotel, the new facility is designed so that the program can physically express its cultural connection to the area's practices, legends, history, and existing landmarks.

It is desired to site the facility where a strong cultural connection can be formed and where educational displays, tours, and presentations will have a relevant impact.

Because the purpose of the facility will be to educate people regarding the forgotten history of the area, it is important that the facility have visual access to historical landmarks. Such include the beach fronting the KBH, where in legend, Ka-ulu departed Maui in his canoe. In Manele, Lanai, a mural of Ka-ulu's landing depicts him contacting his father in Ka'anapali with a fire signifying his safe arrival. Another landmark is Keka'a Point (Black Rock), the island's *Leina a ke akua*, or place where spirits leaped into the nether world.

It is also important that the facility have a strong connection to the ocean since the specific educational focus will be on canoe culture, fishing, and navigation. Staff of the Po'okela program have recently completed a comprehensive documentation of Maui artifacts for the Bishop Museum. A series of artifacts will be displayed in the facility to illustrate the cultural practices relating to the ocean. Interpretive panels, as well as guided "legacy" tours will further the educational experience. Incidentally, these tours have become so popular with the resident community (including thousands of children) that an outreach position was designated within the Po'okela program. It is important to the cultural objectives that the facility be a tangible expression the Hawaiians' relationship with the sea.

The Outrigger Canoe Program

KBH wishes to further their interaction with the community and the cultural value of the facility by involving community groups that practice the art and sport of Hawaiian outrigger canoe paddling. KBH is designing the facility to be a canoe hale (house), where outrigger canoes can be stored both in front of the building and underneath in innovative sling systems.

Accessibility to the ocean and other facilities were considered regarding the feasibility of a combination restaurant/canoe hale. Cultural protocols in paddling require traditional canoes to weigh at least 400 pounds and that these canoes be carried by hand when possible. Therefore, the distance between the restaurant's canoe storage bays, the ocean, logical resting points, and the only loading zone (an access road behind the Kauai wing) were considered. Increasing the distance between these areas decreases the feasibility of the program.

Operability of the Food Service Program

The proper siting of the new restaurant may be the most important factor in the operability of KBH's food service program.

Ka'anapali visitors come with expectations of an oceanfront experience, and the current restaurant, located within one of the Hotel's wings, does not provide the desired ambiance.

Lack of a suitable setting and exposure has consequentially resulted in a competitive disadvantage for the KBH food service program. KBH has difficulty keeping their own guests from utilizing other restaurants, much less attracting guests from other hotels. Food service has operated at a loss for the last several years.

In lieu of closing the failing program, KBH has opted to invest in a new facility that will combine a restaurant, canoe hale, and a cultural center for the Hotel. Locations were evaluated to the degree that they made sensible land use with respect to the characteristics and exposure of each area. It is imperative that the location provides the desired beachfront ambiance and has reasonable exposure to the beach walkway.

Furthermore, the proposed project is a tourism-related development that is dependent on its proximity to the coast. The State Coastal Zone Management Act's policies are in support of the request in that the Ka'anapali Resort area is designated and used for resort related development and represents one of Hawaii's premier resort destination areas. It is imperative that the hotels at Kaanapali Resort remain competitive with other resort areas throughout the world in our increasingly competitive global tourism market. The heightened experience by the user of this facility will have indirect positive impacts for tourism in Kaanapali, on Maui and to some extent throughout Hawaii.

The Proposed Location and its Borderline Nature

In addition to the "courtyard" site approved as part of the 1998 KBH SMA amendment, two "beachfront" locations were evaluated in the 1999 Environmental Assessment. Although the more makai site (adjacent to the beach walkway) would have best served the cultural and operational objectives, the proposed location was selected because it provided more open space and was mauka of the historical fluctuations of the shoreline.

However, due to the location of existing landscaping and structures, this proposed location is sited at the threshold between a beachfront and courtyard location. The proposed site is located at the mouth of the "horseshoe" comprised by the Hotel's wings and lobby. Moving inside the horseshoe, one quickly becomes surrounded by structures, and the effect is that the existing buildings become the dominant element rather than the coastline. Simultaneously, the existing trees and shrubs in the makai section of the courtyard become more dominant and further obscure coastal views. Additionally, instead of looking under the canopies of the shoreline trees, the increased distance lowers the canopies into the vertical peripheral and further creates the effect of being surrounded in the courtyard.

While it is easy to ask, "what's a few more feet", meeting the objectives of the operational and cultural programs requires that the facility remain on the beachfront side of the threshold.

The courtyard location does not have the strong connection to the ocean on which the cultural exhibits and teaching will be based upon. The visual connection to legend and history diminishes rapidly as you move back from the proposed location. Lanai and Keka'a Point are blocked by existing structures and the view of the beach landing completely disappears as you move into the courtyard.

And while a few more feet are not that big an impact to the canoe program, locating behind the False Kamani tree would require paddlers to carry the 400 pound canoes an additional 130 feet. This physical strain makes the canoe facilities at KBH impractical and undesirable.

Finally, the courtyard does not have the beachfront ambiance desired by Ka'anapali visitors. At the proposed location, the facility is already located approximately 30 feet from the beach walkway. Any additional distance would make the facility seem uninviting to walkway patrons.

For these reasons we are hesitant to move the facility any additional distance back due to the hardship it may cause to the aforementioned programs.

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department

1250

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

'99 MAR 16 P1:32

March 12, 1999

John E. Min
Director of Planning
County of Maui
Department of Planning
250 So. High Street
Wailuku, Hawaii'i 96793
Attention: Ann T. Cua

PA (99) 213

Re: Application for Special Management Area Permit Amendments & Shoreline Setback Variance, Ka'anapali Beach Hotel, Restaurant and Canoe Hale, Ka'anapali, Maui, TMK: (2) 4-4-8:03

Dear Mr. Min:

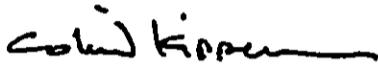
Thank you for the opportunity to review the application for Special Management Area Permit Amendments & Shoreline Setback Variance for the Ka'anapali Beach Hotel Restaurant and Canoe Hale project at Ka'anapali, Maui. The project anticipates the construction of a restaurant and canoe hale within the 150' shoreline setback. The new building will be placed 100' from the shoreline in the grassy area behind the beach. No endangered species will be encountered with this project and it is not anticipated that archaeological resources will be encountered. However, in the event that unexpected human or archaeological remains are found, the proponents will cease work and notify the Historic Sites Division of the Department of Land and Natural Resources.

At this time and considering these conditions the Office of Hawaiian Affairs has no concerns with the project. Instead, we would like to commend the applicants for putting together a project which benefits the community through the inclusion of the canoe hale, furthers an understanding of Hawaiian culture and invites interaction between the community to the resort visitors.

John E. Min
Director of Planning
County of Maui
Department of Planning
March 12, 1999
Page two

If you have any questions, please contact Lynn Lee, EIS Planner at 594-1936.

Sincerely



Colin Kippen
Deputy Administrator



Sebastian Aloor
Land and Natural Resources Division Officer

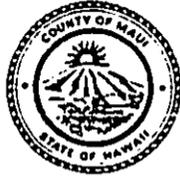
cc: Board of Trustees
Maui Community Affairs Office

JAMES "KIMO" APANA
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

Telephone: (808) 243-7845
Fax: (808) 243-7955



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

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

ANDREW M. HIROSE
Solid Waste Division

March 24, 1999

MEMO TO: JOHN E. MIN, DIRECTOR OF PLANNING

FROM: *for* CHARLES JENCKS, DIRECTOR OF PUBLIC WORKS AND
WASTE MANAGEMENT *for*

SUBJECT: SPECIAL MANAGEMENT AREA PERMIT, SHORELINE SETBACK
VARIANCE, AND ENVIRONMENTAL ASSESSMENT
KAANAPALI BEACH HOTEL RESTAURANT AND CANOE HALE
TMK: (2) 4-4-008:003
SM1 99/0001, SSV99/001 AND EA 99/0001

We reviewed the subject application and have the following comments.

1. Off-street parking, loading spaces, and landscaping shall be provided per Maui County Code Chapter 19.36.
2. A detailed final drainage report and a site specific erosion control plan with details of Best Management Practices (BMPs) shall be submitted with the construction plans for review and approval prior to issuance of grading or building permit. 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 erosion control plan shall show the location and details of structural and non-structural measures to control erosion and dust. The applicant shall comply with the provisions of the grading ordinance, including that of Section 20.08.035.H, which provides that only beach quality sand shall be used as fill within the shoreline area.

If you have any questions, please call David Goode at 243-7845.

DG:ms/mt
S:\LUCA\ICZM\KAANA.WPD



June 13, 1999

David C. Goode
Deputy Director
Department of Public Works and Waste Management
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mr. Goode:

RE: SPECIAL MANAGEMENT AREA PERMIT, SHORELINE SETBACK
VARIANCE, AND ENVIRONMENTAL ASSESSMENT
KAANAPALI BEACH HOTEL RESTAURANT AND CANOE HALE
TMK: (2) 4-4-8:003
SM1 99/0001, SSV99/001 AND EA 99/0001

We offer the following responses to your comments dated March 24, 1999:

- 1) The project will comply with parking, loading, and related landscape requirements pursuant to MCC Chapter 19.36. For your information, additional parking spaces are being provided at KBH via a parking structure recently constructed.
- 2) Final drainage and erosion control reports will be provided during the building permit process. Such reports will comply with the "Rules for Design of Storm Drainage Facilities in the County of Maui" and the Grading Ordinance. Project engineers will consult with the Department of Public Works and Waste Management on proper design as necessary.

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department

BENJAMIN J. CAVETANO
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

April 6, 1999

99-028/epo

Mr. John E. Min
Director, Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Min:

Subject: Application for Special Management Area Permit
Amendments and Shoreline Setback Variance
(SM1 990001) (SSV990001)
Restaurant and Canoe Hale
Ka'anapali Beach Hotel
Ka'anapali, Maui
TMK: 4-4-8: 3

Thank you for allowing us to review and comment on the subject permit application. We have the following comments to offer:

Air Quality Issues

Ka'anapali Beach Hotel proposes to build a restaurant/canoe facility partially within the 150 ft. shoreline setback area in Ka'anapali, Maui, Hawaii. The purpose of the facility is to provide guests and customers an attractive oceanfront setting. Proposed actions affecting air quality includes removing vegetation, grading, excavation, and other construction activities.

Control of Fugitive Dust:

Due to the nature of the project, there is a significant potential for fugitive dust to be generated during the removal of debris and during the grading, excavating, and construction activities that would impact nearby residential, business, and

Mr. John E. Min
April 6, 1999
Page 2

99-028/epo

hotel establishments. It is suggested that a dust control management plan be developed which identifies and addresses activities that have a significant potential for fugitive dust to be generated. Implementation of adequate dust control measures during all phases of the project is warranted.

Construction activities must comply with provisions of Hawaii Administrative Rules, Section 11-60.1-33 on Fugitive Dust. The contractor should provide adequate measures to control dust from road areas and during the various phases of construction activities. These measures include but are not limited to:

- a. planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing material transfer points and on-site vehicular traffic routes, and locating potentially dusty equipment in areas of the least impact;
- b. providing an adequate water source at the site prior to start-up of construction activities;
- c. landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d. controlling of dust from shoulders, project entrances, and access roads; and
- e. providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities.

If you have any questions regarding fugitive dust, please contact Mr. Calen Miyahara of the Clean Air Branch in Honolulu at 586-4200.

Noise Concerns

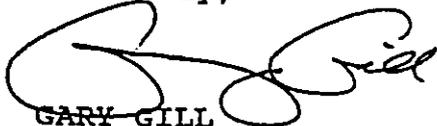
Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control" sets maximum allowable levels for noise from stationary sources such as air conditioning units, compressors, and generators. The attenuation of noise from these potential sources should be considered during the design phase of the project.

Mr. John E. Min
April 6, 1999
Page 3

99-028/epo

If you have any questions on this matter, please contact
Mr. Herbert Matsubayashi, District Environmental Health
Program Chief, Maui District Health Office, at 984-8230.

Sincerely,



GARY GILL
Deputy Director for
Environmental Health

c: CAB
MDHO
NR&IAQB



June 13, 1999

Gary Gill
Deputy Director for Environmental Health
State of Hawaii Department of Health
PO Box 3378
Honolulu, HI 96801

Dear Mr. Gill,

RE: Application for Special Management Area Permit Amendments and Shoreline
Setback Variance (SM1 990001) (SSV 990001)
Restaurant and Canoe Hale, Ka'anapali Beach Hotel, Ka'anapali, Maui
TMK: 4-4-8: 3

Thank you for your comments in a letter dated April 6, 1999. In response:

- 1) Air Quality (Dust): Because there will be little grading and excavation activities, and the underlying terrain is level and wind-shaded, impacts due to dust are anticipated to be minor. The construction will take place in the Hotel's courtyard, which contains the Hotel's recreational areas. Needless to say, it is in the Hotel's best interest to suppress dust emissions, and therefore ensure the quality of their guests' experience. Nevertheless, the project contractor will plan for and mitigate construction related dust impacts in accordance with Section 11-60.1-33 of the Hawaii Administrative Rules.
- 2) Noise: As mentioned, the restaurant/canoe hale is designed to co-exist with the recreational uses in the Hotel's courtyard. The building will comply with Chapter 11-46 of the Hawaii Administrative Rules regarding "community noise control".

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department

LANDSCAPE ARCHITECTURE AND PLANNING
1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956



SIERRA CLUB, HAWAII CHAPTER

Jeffrey Mikulina
Director
jeff.mikulina@sierraclub.org

P.O. Box 2577,
Honolulu, Hawai'i 96803
(808) 538-6616

Rory Frampton
Chris Hart & Partners
Landscape Architecture and Planning
1955 Main St. #200
Wailuku, HI 96793

RECEIVED
MAR 25 1999

Chris Hart & Partners
Landscape Architecture & Planning

RE: KAA NAPALI BEACH HOTEL SMA

Kaanapali Beach Hotel's request to build a restaurant in the shoreline setback area should not be granted. The Sierra Club, Hawai'i Chapter, has the following concerns:

1. Private facilities can only be built in the shoreline setback area ONLY if "hardship will result to the applicant if the facilities are not allowed within the shoreline area." HRS 205A-46(a)(8) Hardship means that the applicant would have no reasonable use of the land. Hardship does not mean that an applicant would not make as much money as she or he would like. The applicant will suffer no hardship if a restaurant is not built.
2. Construction in the shoreline area would adversely affect the State's policy of protecting open space, HRS 205A-2(a)(3). In fact, the construction would be encouraging a development that is not dependent on the coast in a shoreline area when it could be constructed inland.

Yours,

Jeffrey Mikulina
Director

CC: Michael White, Kaanapali Beach Hotel
Aina Cua, Maui Planning Commission



June 13, 1999

Jeffery Mikulina
Director,
Sierra Club, Hawaii Chapter
PO Box 2577
Honolulu, HI 96803

Dear Mr. Mikulina

RE: KAA NAPALI BEACH HOTEL SMA (not dated)

Thank you for your letter. We have addressed the following issues in our Environmental Assessment, which we will provide to your organization if desired.

1) *Hardship in terms of the Shoreline Rules*

Section 12-5-13:10 (b) of the *Rules of the Maui Planning Commission Relating to the Shoreline Area of the Islands of Kahoolawe, Lanai, and Maui* state that "economic hardship" may not be used to qualify private facilities for a variance. Importantly, this limitation asserts that environmental protections should not be circumvented or curtailed for sake of economic profit.

The proposed facility does not curtail or circumvent the protections of the shoreline rules, but is in fact supportive of the objectives outlined in Section 12-5-3 (Purpose). We discuss this issue in detail in section VII-F1 of the EA.

In sections V (*Alternatives*) and VII-F (*Shoreline Rules and Regulations*) of the EA, we thoroughly discuss the issue of hardship as it relates to the alternative locations of the facility. Although economic factors were considered in the planning of the facility, many other issues were considered, including hardships relating to:

- Cultural-Educational Objectives of the Facility
- Reasonable Land Use within Prime Economic Zones
- Ability to Compete in International Markets
- Stability of Operations and Employment
- Operation of a Canoe Program
- Removal of a Mature Tree

2) *Open Space*

The State Coastal zone management program; objectives and policies §205A-2(c)5 are:

Objectives:

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

Policies:

- a. *Concentration in appropriate areas the location of coastal dependent development necessary to the state's economy;*
- b. *Insure that coastal dependent development such as harbors and ports, visitor facilities, and energy-generation facilities are located, designed, and constructed to minimize adverse social, visual and environmental impacts in the coastal zone management area; and*
- c. *Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas...*

The proposed project is a tourism-related development that is dependent on its proximity to the coast. The above policies are in support of the request in that the Ka'anapali Resort area is designated and used for resort related development and represents one of Hawaii's premier resort destination areas. It is imperative that the hotels at Kaanapali Resort remain competitive with other resort areas throughout the world in our increasingly competitive global tourism market. The heightened experience by the user of this facility will have indirect positive impacts for tourism in Kaanapali, on Maui and to some extent throughout Hawaii.

As expressed in section VI of the EA (Potential Impacts), the facility has been planned to minimize social, visual, and environmental impacts.

The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar Lelani's or Hula Grill, two restaurants just south of the KBH. The proposed (inland) location provides a significant landscaped buffer between the beach walkway and the restaurant. It also placed the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop. Additionally the site is located completely within the "horseshoe" of the Hotel's three and six story buildings and therefore is incapable of obstructing public views to and along the shoreline.

Even with the addition of the restaurant/canoe hale, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large landscaped courtyard is often referred to as a *park*. Furthermore, in stark contrast to the typical resort policy of removing locals from hotel facilities, KBH encourages residents to utilize their grounds, which increases the accessibility of its "open space".

Respectfully,


Rory Frampton

CC: Mike White, KBH
OEQC
Maui Planning Department

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
JANET L. KAWALO

STATE OF HAWAII

99 MAY 13 12:48

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kekuhihewa Building, Room 555
801 Kamohiwi Boulevard
Kapoho, Hawaii 96707

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

May 5, 1999

Mr. John E. Min
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

RECEIVED
MAY 14 1999
LOG NO: 23340
DOC-NO: 9904BR07

Dear Mr. Min:

**SUBJECT: Historic Preservation Review -- SMA Amendments and Shoreline Setback Variance. Ka'anapali Beach Hotel, Restaurant / Canoe Hale Ka'anapali, Lahaina District, Maui.
TMK 4-4-8:003**

Thank you for the opportunity to comment of the proposed construction of a restaurant and Canoe Hale. Special Management Area Permit Amendments and Shoreline Setback Variance at the Ka'anapali Beach Hotel, in Ka'anapali Maui. Our review is based on historic reports, maps, and aerial photographs maintained at the State Historic Preservation Division (SHPD) library; no field inspection was made of the subject parcel.

We do not concur with the assessment in the SMA application that "no significant archaeological or cultural remains are suspected within the proposed or alternative locations of the restaurant/canoe hale (Page 16)". In fact areas in proximity to the coast, were most often used for habitation and associated interment of human skeletal remains. There were nine sets of human remains located during archaeological monitoring in the parcel immediately adjacent to the location of this proposed project. There is thus a likelihood of historic sites being on the subject parcel.

Given the above information, we believe the proposed undertaking will have "no adverse effect" on significant historic sites if the following conditions are met.

1. An initial archaeological assessment of the subsurface deposits of the parcel be conducted. This could occur in the form of limited testing such as trenching, with a professional archaeologist monitor present to determine the nature of the deposits (fill/in-place, disturbed/intact, cultural/non-cultural) and to determine if any historic sites (e.g., burials or habitation deposits) are present. A report of the limited sub-surface testing shall be provided to the State Historic Preservation Division for review.

Mr. John E. Min
Page 2

2. Based on the findings of the report, the State Historic Preservation Division will make recommendations on needed mitigation measures. Minimally, this is likely to require archaeological monitoring, even if disturbed sand deposits are present as fragments of former burials may be present. No land alteration shall occur until the monitoring measures are agreed to by the County and until those measures are executed.

If you have any questions please contact Brian Ramos, our Maui Island Archaeologist at 243-5169.

Aloha,



DON HIBBARD, Administrator
State Historic Preservation Division

BR:jen



July 12, 1999

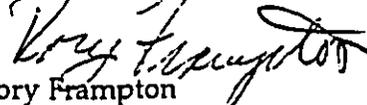
Mr. Don Hibbard, Administrator
State Department of Land and Natural Resources
Historic Preservation Division
555 Kakuhikewa Building
601 Kamokila Blvd
Kapolei HI 96707

Dear Mr. Hibbard:

RE: Historic Preservation Review- SMA Amendments and Shoreline Setback
Variance. Kaanapali Beach Hotel, Restaurant/Canoe Hale
Ka'anapali, Lahaina District, Maui. TMK 4-4-8:03

Thank you for your comments dated May 5th, 1999. We would like to thank you and
Brian Ramos for notifying us regarding the remains recently found at the Sheraton.

We will meet the conditions you outlined in order for the project to have "no adverse
impact" on significant historic sites. We have begun coordinating the initial
archaeological assessment, and when completed, we will transmit the findings to your
office for review.

Respectfully,

Rory Frampton

CC: Mike White, KBH
Maui Planning Department

Appendix C
Additional Comment Letters
and Responses

ISAAC DAVIS HALL

ATTORNEY AT LAW
2087 WELLS STREET
WAILUKU, MAUI, HAWAII 96793
(808) 244-9017
FAX (808) 244-6775

June 15, 1999

Via Facsimile and U.S. Mail
270-7634

Mr. John Min, Director
Planning Department, County of Maui
250 S. High St.
Wailuku HI 96793

Re: Comments upon Kaanapali Beach Hotel Draft Environmental
Assessment and Application for a Shoreline Setback Variance and
Amendment to Special Management Area Permit

Dear John Min:

Because comments have been received a considerable time after the
deadline and neither responses nor the Final EA have yet been issued, kindly
accept the following comments with respect to the above-captioned matter.

1. Inadequate Notice

There does not appear to have been adequate notice provided to adjoining
landowners, particularly those within 500 feet of the proposed action, of the
receipt of the Shoreline Setback Variance application or amendment to the
SMA application. Consultation has not taken place directly with owners of
apartments within 500 feet of the project.

2. Shoreline

The shoreline survey being utilized may be out of date and marks the
shoreline based upon the artificial growth of vegetation. This survey of the
shoreline probably cannot be justified and has already been moved too far in
the makai direction thereby also wrongly moving the shoreline setback too far
towards the ocean.

3. The Shoreline Setback

The shoreline setback is a building setback line. Whether this restaurant
is on stilts or not, it is a building which assuredly was intended to be located
mauka of the shoreline setback. The applicant has not demonstrated the kind
of hardship which would allow this building to be constructed on the seaward
side of this building setback line. A terrible precedent is being established in
Kaanapali. If this restaurant is allowed to be constructed within the shoreline
setback, there will be little basis for preventing further buildings in Kaanapali
from being built within the shoreline setback. In the not too distant future, the

whole purpose of having a 150 foot setback line will be destroyed by the many exceptions which are being made.

4. Adverse Impact on Open Space Resources

One of the purposes of establishing the 150 foot building setback line was to provide open space. This project is therefore inconsistent with this objective and policy of the Coastal Zone Management Act.

5. Coastal Processes

Another purpose for establishing the 150 foot setback in Kaanapali is because of the "chronic erosion" which is taking place. Those with expertise in this area have not recommended approval of this restaurant as presently located because of this "chronic erosion."

6. Service Road

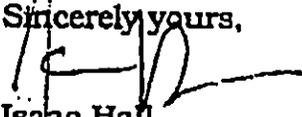
There is an area between the Kaanapali Beach Hotel and the Whaler condominium which is sometimes used for service. KBH has not described how it intends to deliver goods to the restaurant. KBH should not be allowed to use the land between the Kauai Tower and the Whaler for service purposes because of the adverse noise impacts which would be created thereby. KBH should describe the alternative route in which it intends to supply goods to the restaurant.

7. Adverse Noise and Odor Impacts upon the Whaler

Locating a restaurant, as proposed, may generate adverse noise and odor impacts that will be experienced by Whaler residents. These noise impacts should be addressed by KBH. Thereafter, if it is possible to do so, mitigation measures should be proposed and implemented.

Thank you for the opportunity to submit these preliminary comments. Please contact me if you have any questions about the foregoing. I look forward to a response.

Sincerely yours,


Isaac Hall

IH/jp

cc: Rory Frampton, Via Facsimile (242-1956) and U.S. Mail
Chris Hart & Partners
OEGC



July 7, 1999

Isaac Davis Hall
Attorney at Law
2087 Wells Street
Wailuku, Hawaii 96793

Dear Mr. Hall:

RE: Comments on Kaanapali Beach Hotel Draft Environmental Assessment and Application for a Shoreline Setback Variance and Amendment to Special Management Area Permit

Regarding your letter dated June 15, 1999, we offer the following responses:

1) Public Notice:

The project is in compliance with the county requirements for notification with regards to a shoreline setback variance and SMA permit amendment. Upon scheduling of the public hearing for both requests, there will be a requirement to notify all abutting landowners and lessees as well as those within 500 feet of the property. This notice will be mailed at least 30 days prior to the public hearing. In addition, Mr. Mike White, General Manager of the Ka'anapali Beach Hotel consulted with representatives of the neighboring properties, including:

- Randy Ha of the Sheraton Maui
- Chuck Philips, President, and Members of the Board of Directors from the Whaler Condominium. Mr. White has met with members of the Board of Directors on at least 2 occasions and has met with Ms. Renee Shepard individually.

2) Shoreline:

The siting of the proposed facility is based upon historical erosion/accretion trends and not upon the current position of the shoreline. The planners acknowledge that the facility is partially within the shoreline setback area, and hence are applying for a variance.

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 2

In addition to the certified (January 1998) shoreline survey, another survey was performed in September 1998. This more recent survey shows the position of the vegetation line after it was reshaped and reduced by the April-May 98 extreme wave events. The position of the facility is referenced to both surveys in the Final Environmental Assessment.

3) The Shoreline Setback:

We feel that as presented in the Final EA, there is adequate basis for issuance of the requested variance. As noted above, a conservative siting approach was used based on an analysis of historical erosion/accretion trends.

Incidentally, in your letter you imply that the 150-foot setback at the KBH property was established based on erosion events at Ka'anapali Beach. We remind you that the distance of the shoreline setback line in Kaanapali as well as throughout Maui, is based on a percentage of the average lot depth of any parcel that abuts the shoreline. Thus, the distance of a setback has absolutely nothing to do with physical or oceanographic conditions or processes at a site. For instance, if a parcel with an average lot depth of 100 feet existed next to KBH, that property's setback would be 25 feet and a structure could be located just outside of the setback without a variance. Given the arbitrary nature of the setback line in relation to ocean and shoreline conditions, requests for variances should be examined on a case by case basis with careful consideration given to site or area specific environmental factors. Requests for variances can not be denied simply because a proposed structure is located within this environmentally arbitrary setback line.

4) Open Space Resources:

Open space concerns expressed in the State Coastal Zone Management Act and the Shoreline Rules of the Maui Planning Commission have been addressed in the Environmental Assessment. To reiterate on the most common themes:

Lateral access along Ka'anapali beach is provided by a sidewalk system referred to as the beach walkway. The proposed project's location and scope do not include changes to the walkway or impede access along the corridor.

There will be no obstruction of *public views* to, from, and along the shoreline, as the proposed facility will be located within the "horseshoe" of the Hotel's existing three and six story buildings.

The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar to Lelani's or Hula Grill, two restaurants just south of the KBH. The proposed (inland) location provides a significant

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 3

landscaped buffer between the beach walkway and the restaurant. It also places the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop.

Even with the addition of the restaurant/canoe hale, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large grass courtyard creates a park like setting. Furthermore, in stark contrast to the typical resort policy of removing locals from hotel facilities, KBH encourages residents to utilize their grounds, which increases the accessibility of its "open space".

5) Coastal Processes:

While both the sea engineer and the Sea Grant Extension Service note the short-term accretion and erosion trends from the available data on dynamic Ka'anapali Beach, neither have concluded in their reports or letters, that "chronic erosion" is taking place.

Studies of the beach toe and vegetation line performed by a sea engineer show long term accretion of both features. Nevertheless, a cautious approach was used in siting the restaurant. The proposed site, located behind the worst case erosion event (1949), is consistent with the conservative approach recommended by the sea engineer.

Since the north end of Hanaka'o'o Beach is dynamic, a more conservative approach might be to assume that the future will mirror the past, with the vegetation line fluctuating between the 1949 and 1997 extremes. The 49 year record reflects vegetation line changes due to typical seasonal variations as well as a variety of extreme events. As such, it provides a valuable guideline for evaluating future vegetation line positions. While the prediction of +3 feet of accretion may not be realistic, there is also no reason to expect that the vegetation line will erode landward of the 1949 extreme.

6) Service Road:

KBH has no plans to use the access road adjacent to the Whaler to service the restaurant. Goods will be delivered to the hotel via the existing loading docks on the north side of the property and transported to the restaurant via the courtyard. There is no provision for a restaurant service road between the Whaler and KBH in either the existing approved SMA permit or the proposed SMA permit amendment plans.

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 4

7) Noise and Odor:

As discussed in the Environmental Assessment, the proposed facility is to be located between the two guest wings of the Ka'anapali Beach Hotel, adjacent to the pool and other recreational facilities of the courtyard. Needless to say, KBH will be mitigating noise and odors to the degree where the facility will not impact the Hotel's own guests.

A scrubber system in the restaurant's exhaust system has been planned to remove cooking odors that KBH guests could experience from the courtyard or their guestrooms. As documented in the EA, noises from dining and Hawaiian music are considered to be insignificant, consistent with the character of the area, and will be at levels meant to not disturb guests in the adjacent Kauai wing of the Hotel.

Being at a greater distance than the Ka'anapali Beach Hotel's own guest wings, any noises or odors would be further attenuated at the Whaler Condominium. Additionally, the six-story Kauai Wing is located between the Whaler and the proposed facility, providing additional protection from noise and odor.

Respectfully,


Rory Frampton

CC: Mike White, KBH
John Min, Maui Planning Department

ISAAC DAVIS HALL

ATTORNEY AT LAW
2087 WELLS STREET
WAILUKU, MAUI, HAWAII 96793
(808) 244-9017
FAX (808) 244-6775

July 13, 1999

Via Hand Delivery

Chairperson Robert Carroll and Members of the
Maui Planning Commission
250 South High Street
Wailuku, Maui, HI 96793

Re: EA Determination on KBH Request for Shoreline Setback Variance for
Restaurant at TMK: 4-4-08:003, Kaanapali, Lahaina, Island of Maui (EA
990001); Item No. B.3. on the July 13, 1999 MPC Agenda

Dear Chairperson Robert Carroll and Members of the Maui Planning
Commission,

This letter is submitted on behalf of a number of apartment owners at
the Whaler, namely Ms. Renee Shepherd, the owner of apartment 202; Robert
and Jeri Jencks, the owners of apartments 352 and 1212; Ms. Elizabeth
Goodman, the owner of apartment 702; Dr. and Ms. Zemel, the owners of
apartment 802; and Kent McNaughton, the owner of apartments 1221 and
1223. These individuals either own or reside in apartments which are adjacent
to the Kaanapali Beach Hotel ("KBH") and/or are within 500 feet of the
proposed project. They will be directly and immediately adversely affected by
this restaurant, if it is constructed as currently planned.

We believe that the law requires that a full Environmental Impact
Statement ("EIS") must be prepared under these circumstances and that it
would constitute an error of fact and law to issue a Finding of No Significant
Impact, a "FONSI" here. We do believe, though, that it is appropriate that the
Maui Planning Commission (the "MPC") has recognized that it is to make this
determination, rather than the Planning Department.

There is a legal test which you must apply today. If a project only "may"
have a significant adverse impact, then you must require the preparation of an
EIS. It is only if the applicant has convincingly proved that the project "will
not" have any significant adverse impacts that you may enter a FONSI. It is
clear that this Environmental Assessment ("EA") is inadequate and cannot
support a FONSI, for the reasons which follow:

1. No Pre-consultation or Adequate Prior Notice

One significant procedural requirement in the environmental process is to meet early with those who may be affected by the project. Planning Director Min noted this defect in a letter dated February 9, 1999. See Exhibit "1". Thereafter, the applicant met only with the Whaler Engineer and the President of the Board of Directors, and no-one else. See Exhibit "2". Affected owners were not informed of the project.

Mr. White did not even meet with the Board of Directors until June 28, 1999. See Exhibit "3". At that time, he did not mention the EA and did not disclose that this meeting would take place roughly two (2) weeks later. My clients and I knew nothing of this meeting until I received the Agenda, through the Department's regular mailing.

2. Responses to Comments Inadequate

Comments on the EA were submitted on June 15, 1999, before the comment period had been closed, before responses were provided to other comments and before the issuance of the Final EA. See Exhibit "4". Responses to these comments were dated July 7, 1999. See Exhibit "5". Neither the comments nor the responses are included within the Final EA. I did not even receive the Final EA until yesterday, when I had to request it.

The responses to our comments do not meet the tests for proper responses under the law. They evade the issues which were plainly raised.

3. This Project May Have Significant Adverse Impacts

a. The Service Road Next To The Whaler

A service road will be constructed and used between the Whaler and KBH for the restaurant, at a minimum during construction. This will cause adverse noise and dust impacts.

i. Long-Term Use

An access road to the restaurant will be necessary on a long-term basis for the delivery of foods and supplies. KBH has not identified a viable service route. KBH alleges that it will not use the area between the Whaler and KBH. There are not yet any easily and reliably enforceable commitments to this effect and without them Whaler owners simply are not protected from these serious potential adverse impacts.

ii. Short-Term Use

KBH concedes that it wishes to use the area between the Whaler and KBH at least during construction. This period of time has not been clearly identified and may not be all that short. The noise and dust impacts during

this period of time will be serious and adverse. No alternative service road was seriously explored in the EA.

b. Noise and Odors From The Restaurant

The restaurant will create more noise and odors than exist now. No competent evidence has been presented as to the extent of these impacts or the manner in which they will be experienced by my clients. There is no noise study attached to the EA. KBH claims that some "shielding" will occur because of its existing building between the proposed restaurant and the Whaler. There is no competent evidence of this either. In fact, the restaurant is aligned closer to Kaanapali Beach than any of its existing structures so that any "shielding" which possibly could occur is necessarily limited and not wholly effective. See Figure 4 in the EA. The EA certainly does not establish that Whaler owners will not be subject to these significant adverse impacts.

c. Loss of Open Space

One of the beneficial purposes of the 150 foot building setback line which is applicable here is to protect coastal open space resources, for all of those using and enjoying Kaanapali Beach, including my clients. The EA fails to address the significant adverse effect caused by the loss of open space resources proposed here.

As importantly, no review of these variances on a long-term or cumulative basis has been included. The EA does not address the history of variances along Kaanapali Beach and the terrible precedent the approval of this variance would create, which would make it harder in the future to preserve these resources all along Kaanapali Beach.

d. Adverse Impact On Beach Processes

The Final EA includes the comments of Mr. Robert A. Mullane, the Maui County Coastal Processes Agent, dated March 11, 1999 and June 3, 1999. He notes that Kaanapali Beach is subject to "chronic erosion" and recommends that, at a minimum, the restaurant be moved inland by an additional 15 to 20 feet. This has not been done. Based upon these two letters, it cannot be concluded that this project "will not" have a significant adverse impacts on coastal or beach processes.

e. No Valid Shoreline Survey

This SMA/SSV application has not yet been declared complete. At this time, it cannot be declared complete because the certification on the shoreline survey which was submitted has expired. Before this application can be declared to be complete, a new certified shoreline survey must be submitted. This is important here because the rules require a valid shoreline survey, because coastal events significantly affecting the shoreline have occurred since

the last survey in September of 1997 and for the reasons given in Mr. Mullane's two letters.

f. No Hardship Exists Which Could Justify The Construction Of A Restaurant Within The Shoreline Setback Area

Let us be honest. What is being proposed here is a restaurant. Please look at Figure 5a in the EA. There is nothing except a commercial kitchen and an indoor and outdoor dining room covered completely with dining tables. That is all. KBH has justified moving this restaurant into the shoreline setback area and closer to the ocean based upon the economic benefits which will be derived or, alternatively, lost if beachfront walkway traffic cannot be exploited. By the MPC Rules, economic impacts cannot constitute the sort of hardship which could justify construction in the shoreline setback area.

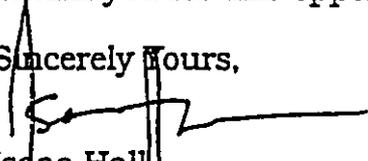
To attempt to overcome this defect, KBH proposes to store several canoes underneath the restaurant. See Figure 5d in the EA. The hardship identified is then the difficulty in transporting these canoes from a location 150 feet from the shoreline. The obvious solution is to leave the restaurant behind the setback and propose a separate and simple canoe hale within the setback area.

While we respect KBH's support of Hawaiian culture and its Pookela Program, this proposal abuses these very positive aspects in what must be a failed attempt to construct a new restaurant in the shoreline setback area where no structures of any kind currently exist. This misuse of Hawaiian culture, of itself, in my view, constitutes a significant cultural adverse impact.

Based upon the foregoing, and the additional comments of Whaler owners presented to you today, we respectfully request that you determine that this project "may have" significant adverse impacts or, in the alternative, that the EA has not demonstrated, partially due to its inadequacies, that this project "will not" have significant adverse impacts. The MPC should therefore enter an EIS Preparation Notice rather than a FONSI.

Thank you for this opportunity to further comment on this EA.

Sincerely yours,


Isaac Hall

Encl.
cc: clients

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 9, 1999

Mr. Rory Frampton, Project Manager
Chris Hart & Partners
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

Dear Mr. Frampton:

RE: Draft Environmental Assessment for Kaanapali Beach Hotel's
Restaurant/Canoe Hale, TMK 4-4-8: 03, Kaanapali, Island of Maui,
Hawaii (EA 990001)

The Maui Planning Department (Department) has reviewed the above-referenced assessment and finds that it lacks information relative to traffic and preconsultation with adjoining property owners. You are hereby requested to include information relative to the above issues in the Final Environmental Assessment. The Department understands that the traffic information will be submitted prior to the Department transmitting the project to agencies for comment.

Thank you for your cooperation in this matter. If further clarification is required, please contact Ms. Ann T. Cua, Staff Planner, of this office at 243-7735.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Min".

JOHN E. MIN
Director of Planning

EXHIBIT " 1 "



KA'ANAPALI BEACH HOTEL

ATC

'99 APR 28 2:16

April 28, 1999

Ms. Anne Cua
Planning Department
County of Maui
250 S. High St.
Wailuku, HI 96793

Dear Anne:

Pursuant to your request, we have discussed with our neighbors our plans to construct a beachfront restaurant within the shoreline setback. On March 12th, I met with Chuck Phillips of the Whalers Condominium. Following our discussion, he briefed the President of the Board of Directors. Neither individual has any concerns about our project and I offered to make a presentation at their next board meeting which will be on May 27, 1999.

On April 2nd, I met with Randy Ha of the Sheraton Maui to review our project. Mr. Ha said that the Sheraton has no problems with our plans either. We will continue to be responsive to requests from both the community and the County.

Aloha and Mahalo,

Mike White
General Manager

MW:dc

2525 Ka'anapali Parkway - Lahaina, Maui, Hawaii 96761-1987 (808) 661-0011 (800) 262-8450 Facsimile (808) 661-5318

EXHIBIT " 2 "



NOTICE OF SPECIAL MEETING OF THE BOARD OF DIRECTORS
(HELD VIA TELEPHONE CONFERENCE CALL)

Association of Apartment Owners
The Whaler on Kaanapali Beach

NOTICE IS HEREBY GIVEN that at the request of President, Bill Ries, a Special Meeting of the Board of Directors of the Association of Apartment Owners of The Whaler on Kaanapali Beach will be held via telephone conference call on:

MONDAY
JUNE 28, 1999
9:00A M. (HAWAII TIME)
ASSOCIATION OFFICE
THE WHALER ON KAA NAPALI BEACH
2481 KAA NAPALI PARKWAY
LAHAINA, HAWAII 96761

Open session will be held to:

Address the plans for construction by ~~Kaanapali Beach Hotel~~

Executive session will be held to:

Discuss on going litigation and personnel matters.

MARY DEE KARP

SECRETARY

ASSOCIATION OF APARTMENT OWNERS
THE WHALER ON KAA NAPALI BEACH
6/23/99

2481 KAA NAPALI PARKWAY

LAHAINA, MAUI, HAWAII 96761-1994

(808) 661 6000

EXHIBIT " 3 "

ISAAC DAVIS HALL

ATTORNEY AT LAW
2087 WELLS STREET
WAILUKU, MAUI, HAWAII 96793
(808) 244-9017
FAX (808) 244-6775

June 15, 1999

Via Facsimile and U.S. Mail
270-7634

Mr. John Min, Director
Planning Department, County of Maui
250 S. High St.
Wailuku HI 96793

Re: Comments upon Kaanapali Beach Hotel Draft Environmental
Assessment and Application for a Shoreline Setback Variance and
Amendment to Special Management Area Permit

Dear John Min:

Because comments have been received a considerable time after the
deadline and neither responses nor the Final EA have yet been issued, kindly
accept the following comments with respect to the above-captioned matter.

1. Inadequate Notice

There does not appear to have been adequate notice provided to adjoining
landowners, particularly those within 500 feet of the proposed action, of the
receipt of the Shoreline Setback Variance application or amendment to the
SMA application. Consultation has not taken place directly with owners of
apartments within 500 feet of the project.

2. Shoreline

The shoreline survey being utilized may be out of date and marks the
shoreline based upon the artificial growth of vegetation. This survey of the
shoreline probably cannot be justified and has already been moved too far in
the makai direction thereby also wrongly moving the shoreline setback too far
towards the ocean.

3. The Shoreline Setback

The shoreline setback is a building setback line. Whether this restaurant
is on stilts or not, it is a building which assuredly was intended to be located
mauka of the shoreline setback. The applicant has not demonstrated the kind
of hardship which would allow this building to be constructed on the seaward
side of this building setback line. A terrible precedent is being established in
Kaanapali. If this restaurant is allowed to be constructed within the shoreline
setback, there will be little basis for preventing further buildings in Kaanapali
from being built within the shoreline setback. In the not too distant future, the

EXHIBIT "4"

whole purpose of having a 150 foot setback line will be destroyed by the many exceptions which are being made.

4. Adverse Impact on Open Space Resources

One of the purposes of establishing the 150 foot building setback line was to provide open space. This project is therefore inconsistent with this objective and policy of the Coastal Zone Management Act.

5. Coastal Processes

Another purpose for establishing the 150 foot setback in Kaanapali is because of the "chronic erosion" which is taking place. Those with expertise in this area have not recommended approval of this restaurant as presently located because of this "chronic erosion."

6. Service Road

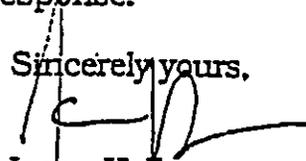
There is an area between the Kaanapali Beach Hotel and the Whaler condominium which is sometimes used for service. KBH has not described how it intends to deliver goods to the restaurant. KBH should not be allowed to use the land between the Kauai Tower and the Whaler for service purposes because of the adverse noise impacts which would be created thereby. KBH should describe the alternative route in which it intends to supply goods to the restaurant.

7. Adverse Noise and Odor Impacts upon the Whaler

Locating a restaurant, as proposed, may generate adverse noise and odor impacts that will be experienced by Whaler residents. These noise impacts should be addressed by KBH. Thereafter, if it is possible to do so, mitigation measures should be proposed and implemented.

Thank you for the opportunity to submit these preliminary comments. Please contact me if you have any questions about the foregoing. I look forward to a response.

Sincerely yours,


Isaac Hall

IH/jp

cc: Rory Frampton, Via Facsimile (242-1956) and U.S. Mail
Chris Hart & Partners
OEQC



July 7, 1999

Isaac Davis Hall
Attorney at Law
2087 Wells Street
Wailuku, Hawaii 96793

Dear Mr. Hall:

RE: Comments on Kaanapali Beach Hotel Draft Environmental Assessment and Application for a Shoreline Setback Variance and Amendment to Special Management Area Permit

Regarding your letter dated June 15, 1999, we offer the following responses:

1) Public Notice:

The project is in compliance with the county requirements for notification with regards to a shoreline setback variance and SMA permit amendment. Upon scheduling of the public hearing for both requests, there will be a requirement to notify all abutting landowners and lessees as well as those within 500 feet of the property. This notice will be mailed at least 30 days prior to the public hearing. In addition, Mr. Mike White, General Manager of the Ka'anapali Beach Hotel consulted with representatives of the neighboring properties, including:

- Randy Ha of the Sheraton Maui
- Chuck Philips, President, and Members of the Board of Directors from the Whaler Condominium. Mr. White has met with members of the Board of Directors on at least 2 occasions and has met with Ms. Renee Shepard individually.

2) Shoreline:

The siting of the proposed facility is based upon historical erosion/accretion trends and not upon the current position of the shoreline. The planners acknowledge that the facility is partially within the shoreline setback area, and hence are applying for a variance.

EXHIBIT "5"

LANDSCAPE ARCHITECTURE AND PLANNING

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 2

In addition to the certified (January 1998) shoreline survey, another survey was performed in September 1998. This more recent survey shows the position of the vegetation line after it was reshaped and reduced by the April-May 98 extreme wave events. The position of the facility is referenced to both surveys in the Final Environmental Assessment.

3) The Shoreline Setback:

We feel that as presented in the Final EA, there is adequate basis for issuance of the requested variance. As noted above, a conservative siting approach was used based on an analysis of historical erosion/accretion trends.

Incidentally, in your letter you imply that the 150-foot setback at the KBH property was established based on erosion events at Ka'anapali Beach. We remind you that the distance of the shoreline setback line in Kaanapali as well as throughout Maui, is based on a percentage of the average lot depth of any parcel that abuts the shoreline. Thus, the distance of a setback has absolutely nothing to do with physical or oceanographic conditions or processes at a site. For instance, if a parcel with an average lot depth of 100 feet existed next to KBH, that property's setback would be 25 feet and a structure could be located just outside of the setback without a variance. Given the arbitrary nature of the setback line in relation to ocean and shoreline conditions, requests for variances should be examined on a case by case basis with careful consideration given to site or area specific environmental factors. Requests for variances can not be denied simply because a proposed structure is located within this environmentally arbitrary setback line.

4) Open Space Resources:

Open space concerns expressed in the State Coastal Zone Management Act and the Shoreline Rules of the Maui Planning Commission have been addressed in the Environmental Assessment. To reiterate on the most common themes:

Lateral access along Ka'anapali beach is provided by a sidewalk system referred to as the beach walkway. The proposed project's location and scope do not include changes to the walkway or impede access along the corridor.

There will be no obstruction of *public views* to, from, and along the shoreline, as the proposed facility will be located within the "horseshoe" of the Hotel's existing three and six story buildings.

The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar to Lelani's or Hula Grill, two restaurants just south of the KBH. The proposed (inland) location provides a significant

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 3

landscaped buffer between the beach walkway and the restaurant. It also places the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop.

Even with the addition of the restaurant/canoe hale, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large grass courtyard creates a park like setting. Furthermore, in stark contrast to the typical resort policy of removing locals from hotel facilities, KBH encourages residents to utilize their grounds, which increases the accessibility of its "open space".

5) Coastal Processes:

While both the sea engineer and the Sea Grant Extension Service note the short-term accretion and erosion trends from the available data on dynamic Ka'anapali Beach, neither have concluded in their reports or letters, that "chronic erosion" is taking place.

Studies of the beach toe and vegetation line performed by a sea engineer show long term accretion of both features. Nevertheless, a cautious approach was used in siting the restaurant. The proposed site, located behind the worst case erosion event (1949), is consistent with the conservative approach recommended by the sea engineer.

Since the north end of Hanaka'o'o Beach is dynamic, a more conservative approach might be to assume that the future will mirror the past, with the vegetation line fluctuating between the 1949 and 1997 extremes. The 49 year record reflects vegetation line changes due to typical seasonal variations as well as a variety of extreme events. As such, it provides a valuable guideline for evaluating future vegetation line positions. While the prediction of 43 feet of accretion may not be realistic, there is also no reason to expect that the vegetation line will erode landward of the 1949 extreme.

6) Service Road:

KBH has no plans to use the access road adjacent to the Whaler to service the restaurant. Goods will be delivered to the hotel via the existing loading docks on the north side of the property and transported to the restaurant via the courtyard. There is no provision for a restaurant service road between the Whaler and KBH in either the existing approved SMA permit or the proposed SMA permit amendment plans.

Mr. Isaac Hall
RE: Ka'anapali Beach Hotel
July 7, 1999
Page 4

7) Noise and Odor:

As discussed in the Environmental Assessment, the proposed facility is to be located between the two guest wings of the Ka'anapali Beach Hotel, adjacent to the pool and other recreational facilities of the courtyard. Needless to say, KBH will be mitigating noise and odors to the degree where the facility will not impact the Hotel's own guests.

A scrubber system in the restaurant's exhaust system has been planned to remove cooking odors that KBH guests could experience from the courtyard or their guestrooms. As documented in the EA, noises from dining and Hawaiian music are considered to be insignificant, consistent with the character of the area, and will be at levels meant to not disturb guests in the adjacent Kauai wing of the Hotel.

Being at a greater distance than the Ka'anapali Beach Hotel's own guest wings, any noises or odors would be further attenuated at the Whaler Condominium. Additionally, the six-story Kauai Wing is located between the Whaler and the proposed facility, providing additional protection from noise and odor.

Respectfully,


Rory Frampton

CC: Mike White, KBH
John Min, Maui Planning Department

4812

June 28, 1999

'99 JUL -1 P1:27

Mr. Bill Reis
C/O AOA
The Whaler on Ka'anapali Beach
2481 Ka'anapali Parkway
Lahaina, Maui, HI 96761

Dear Mr. Reis:

It has been brought to my attention that the Ka'anapali Beach Hotel is requesting a shoreline variance of eighty feet in order to build a beachfront restaurant on the property. According to a letter from Mr. Mike White, the manager of the Ka'anapali Beach Hotel, to the Maui County Planning Department, he has been assured by Mr. Chuck Phillips that neither he (Mr. Phillips), nor you have any concerns over the project.

Mr. Phillips may not have any concerns as he is not a property owner. And Mr. Reis, you may not have a problem with the restaurant as you are just a time interval owner and have a negligible monetary investment in this property. My wife and I on the other hand, have a *tremendous* investment in The Whaler, being the owners of two units (#352 and #1212), and have many concerns, as do, I'm sure, the vast majority of the owners in Tower I.

Have you considered for one moment the negative impact that the following will have on the quality of life and property values of your neighbors?

- Restaurant noise
- Restaurant smells
- Garbage container odors
- Delivery truck noise
- Garbage truck noise
- Noise from the employees and patrons
- The building of a potentially permanent construction road fifty seven feet from Whaler lanais
- Possible disruption of views
- Loss of income for owners who will not be able to rent their units as frequently once potential renters learn of the proximity to the restaurant

If the letter sent by Mr. White is accurate and you have indeed given him the idea that the Whaler owners are in agreement with the construction of this restaurant, you are very mistaken and you have acted in the height of arrogance and irresponsibility. To avoid additional controversy, I believe that a letter is in order to all owners, apprising them of the threat to their property, what has transpired up to this point and what approval, if any, has been given to Mr. White by you or Mr. Phillips. Your position as President of the Board of Directors for the Association does not give you the authority to make this decision for the owners, as the seriousness of the decision could have a negative impact on the condominium from now on.

Sincerely,

Robert A. Jencks
Owner #352, #1212

Cc: Chuck Phillips
John Min
Robert Carroll
Anne Cua
Bob Cartwright

Jul-22-99 01:33pm

From-DEPT OF PLANNING COUNTY OF MAUI

+8082707634

T-425 P.01/01 F-735

Dear Whaler Owner,

To protect the quality of our lives as well as our investment in The Whaler itself, it is urgent that you sign, date, and mail the enclosed letter as provided in the stamped envelope addressed to the Planning Commission as soon as possible!

It appears that our Association President has neglected to inform we Whaler Owners that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is

allowed to be built with an 80 foot setback so close to our sidewalk & swimming beach. Because of the chronic erosion, here at Kaanapali, the sounds and smells of a successful restaurant, another sidewalk bar, the environmental impact of music seven nights a week until 9:30 PM, and a canoe club with it's members party type activities & boat launchings. All of this plus a construction road approx. 57-ft. from the north side of Tower 1, would devalue all of our units.

Renee Shepard

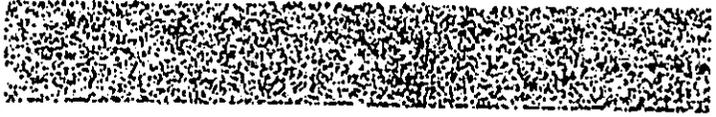
#202

808 661-6056

I agree!

Tom Calderon

RECEIVED
JUL 22 1999
City and County of Maui
Landscape Architecture & Planning



Mr. John Min
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 16 12:18

I am an Owner of a condominium at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established here on Kaanapali Beach as it would allow all other existing and future buildings to construct a restaurant or any other commercial enterprise so close to beach activities which would create an environmental impact. The sounds and smells of a restaurant & bar also with a canoe club, music & a construction road within 57 ft. from Tower 1, would be detrimental to our peaceful environment.

The Hula Grill & Lalani's is grandfather, thus they were allowed to keep the same distance from the shoreline. The 150-ft. shore line setback has finally been legalized and therefore, I voice my opposition to the building of this restaurant at this planned location by the Kaanapali Beach Hotel.

Sign J. Min Unit # 1056

Date 7-12-99

Mr. John Min
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 15 12:12

I am an Owner of a condominium at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established here on Kaanapali Beach as it would allow all other existing and future buildings to construct a restaurant or any other commercial enterprise so close to beach activities which would create an environmental impact. The sounds and smells of a restaurant & bar also with a canoe club, music & a construction road within 57 ft. from Tower 1, would be detrimental to our peaceful environment.

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Sign Richard C. Bunker Taylor Unit # 456

Date July 11, 1999

Mr. John Min
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 14 12:15

I am an Owner of a condominium at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established here on Kaanapali Beach as it would allow all other existing and future buildings to construct a restaurant or any other commercial enterprise so close to beach activities which would create an environmental impact. The sounds and smells of a restaurant & bar also with a canoe club, music & a construction road within 57 ft. from Tower 1, would be detrimental to our peaceful environment.

The Hula Grill & Lalani's is grandfather, thus they were allowed to keep the same distance from the shoreline. The 150-ft. shore line setback has finally been legalized and therefore, I voice my opposition to the building of this restaurant at this planned location by the Kaanapali Beach Hotel.

Sign



Unit #

1212 + 352

Date

7/16/99

Mr. John Min
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 14 12:15

I am an Owner of a condominium at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established here on Kaanapali Beach as it would allow all other existing and future buildings to construct a restaurant or any other commercial enterprise so close to beach activities which would create an environmental impact. The sounds and smells of a restaurant & bar also with a canoe club, music & a construction road within 57 ft. from Tower 1, would be detrimental to our peaceful environment.

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Sign Bert Miller Unit # 956

Date 7-12-99

The Whaler

Mr. John Min
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUN 16 17:18

I am an Owner of a condominium at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established here on Kaanapali Beach as it would allow all other existing and future buildings to construct a restaurant or any other commercial enterprise so close to beach activities which would create an environmental impact. The sounds and smells of a restaurant & bar also with a canoe club, music & a construction road within 57 ft. from Tower 1, would be detrimental to our peaceful environment.

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Sign Jessie A Rosauer Unit # 752
Date June 13/99 Whaler

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUN 24 12:14

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

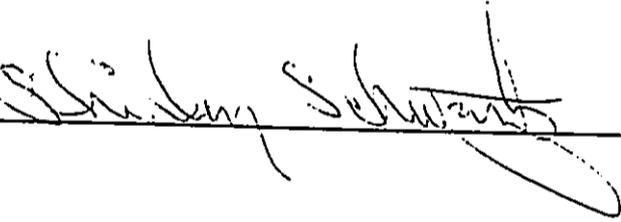
Sign Renel Shepard Unit # 202 Date 6-23-99

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUN 24 12:14

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign



Unit #

252 Date 6-23-99

FROM : CHARLES SHIRLEY SCHWARTZ

PHONE NO. : 808 651 6436

Jun. 21 1999 08:42PM P2

2

Mr. John Min
Mr. Robert Carroll
X Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant by the Kaanapali Beach Hotel.

Woodford Family Revocable Trust
Sign *by George Woodford TEE* Unit # *101 + 1162* Date *6/21/99*

Address: Mr. George Woodford
85 Ocean Vis
Newport Beach, CA 92660

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

03:00:01 7/10/99

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign *Alexis Zaccaria* Unit # *920* Date *4/10/99*

(570) 657-1737
2765 Magnolia Terr.
Fremont, CA 94539

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 14 12:12

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Thank You -

Sign *Ann Cua* Unit # 860 Date 7-6-99

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 14 10:15

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Elizabeth Goodman Unit # 702 Date 7-12-99

Betty Goodman
1921 Kings Road
Newport Beach, CA 92663

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL 13 11:53

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign *Joseph J. Fial* Unit # 1252 Date 7/9/99
S. Cecile Fial Var. 523

4948

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -8 P2:28

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign *B. P. Reese* Unit # 323 Date 7/1/99
Jenna B. Reese

B. P. Reese
P.O. Box 245
Roscoe, IL
61073

1998
Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -8 A9:48

DEPT OF PLANNING
OFFICE OF THE
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign D G Toeller Unit # 1124 Date 7-2-99

David G. Toeller, DO
178 Ka Drive
Kula, Maui, HI 96790

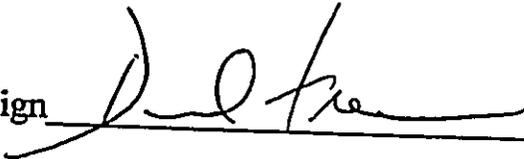
4813

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -1 P1:30

DEPT OF PLANNING
GENERAL SERVICES
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign  Unit # 708 Date 6/28/99

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -1 P1:30

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

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Sign John W. Flury Unit # 514 Date 6.28.99

4815

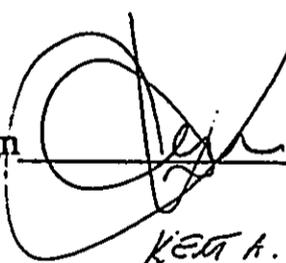
Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -1 P1:29

DEPT OF PLANNING
COMMUNITY DEVELOPMENT
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign



Unit #

^{1221 +}
1223

Date

10/28/99

KEITH A. MCNAUGHTON
1221 + 1223 WILSON CONDOMINIUMS
(714) 612-0006

1810
Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -1 P1:17

DEPT OF PLANNING
COMMUNITY DEVELOPMENT

TOWER #1 - #801

I am an Owner of a condominium ~~on the north side of tower one at~~ The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Isobel E Burtenshaw Unit # 801 Date 6/24/99

Please Note:

I believe that the ^{planned} location of the restaurant would decrease the values of all the Whaler Condominiums.
IEB especially in Tower I

JUNE 25, 1999

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

JUL -2 P2:17
OFFICE OF PLANNING
RECEIVED

RENEE.

THANKS FOR KEEPING US INFORMED AS TO
WHAT'S GOING ON. WE SENT IT OUR LETTER
TODAY.

LES & BETTY KRUEGER

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign	<u>Lester E. Krueger</u>	923 & Unit # <u>1001</u>	Date <u>June 25, 1999</u>
	LESTER E. KRUEGER		
Sign	<u>Betty L. Krueger</u>	923 & Unit # <u>1001</u>	DATE <u>June 25, 1999</u>
	BETTY L. KRUEGER		

14241 E. STATE ROUTE #106
BELFAIR, WASHINGTON 98528

1 (360) 275-2336 TELEPHONE
1 (360) 275-2330 FAX

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -2 P2:06

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Jane S White Unit# 1114 Date June 28, 1999

Jane S. White
345 Willow Rd.
Winnetka, IL
60093

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -2 P2:02

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Allen Bush Ann H. Bush Unit #1216 Date 26 June 1999

Allen Bush

PO Box 246

Blytheville, AR 72316-0246

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P1:34

DEPT OF PLANNING
250 S. HIGH STREET
WAILUKU, HI 96793
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Julia Donahue Unit # 408 Date July 2/99

Pat & Julia Donahue
Sunshine's Sea
2255 Scenic Drive
Muskegon, MI 49445

4865

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P1:26

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

E. Keith Burnett
Sign *Master J. Burnett* Unit # *314* Date *3 July 99*
403 Camino Bailen TOWER ONE
ESCONDIDO CA 92029

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P1:41

RECEIVED
PLANNING DEPT.
JUL 6 1999

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Mike Billed Unit # 418 Date JUNE 24, 99

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P1:37


OCEAN

I am an Owner of a condominium on the ~~north~~ side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign  Unit # 501 Date 6/30/99
PARTNER

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

BMM Zangh
I am an Owner of a condominium ~~on the north side of tower one~~ at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign

BMM Zangh
TRUSTEE

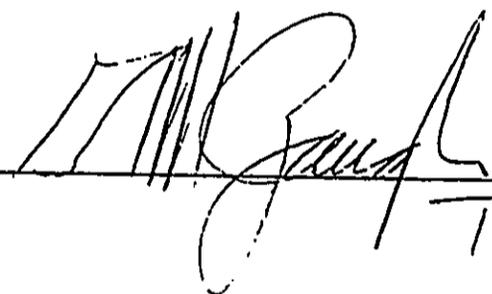
Unit # 507

Date 6/30/90

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign



Unit # 508

Date 6/30/99

TRUSTEE

4864

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

LEO N. MELEYCO, M.D.
12901 WOODMONT DRIVE
SARATOGA, CALIFORNIA 95070

'99 JUL -6 P1:50

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Leo N. Meleyco Unit # 1214 Date 7/1/99

LEO N. Meleyco M.D.
12901 Woodmont Drive
Saratoga, CA 95070

4870

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P201

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign Phalen G. Hurewitz Unit # 824 Date 6/28/99
Reverie E. Hurewitz 6/28/99

Phalen G. Hurewitz
8484 Wilshire Blvd.
Suite 850
Beverly Hills, CA 90211

48-11

Mr. John Min
Mr. Robert Carroll
Ms. Anne Cua
C/O Planning Dept.
250 S. High Street
Wailuku Hawaii 96793

'99 JUL -6 P2:00

I am an Owner of a condominium on the north side of tower one at The Whaler on Kaanapali Beach. I understand that the Kaanapali Beach Hotel has filed an application asking for an 80-foot shoreline setback variance in order to construct a restaurant. At present the legal shoreline setback is 150 feet. A terrible precedent would be established if this restaurant is allowed to be built with an 80 foot setback. Because of the chronic erosion, here at Kaanapali that is taking place this setback would be unconscionable. A blacktop construction road is to be located approximately 57 feet from our Lanais and it could ultimately become a permanent service road. The unsightliness and smells from the garbage containers, the noise from the delivery trucks with their back-up beepers, air brakes, and air horns, constantly idling trucks, food smells, the clatter of dishes and the loud music would devalue my property. I hereby voice my opposition to the building of this restaurant at the planned location by the Kaanapali Beach Hotel.

Sign: Janet B. Hofmeister Unit # 714 Date 6-30-99

To respond to the issues raised in Mr. Isaac Hall's letter to the Maui Planning Commission and those expressed in the enclosed "form" letters sent in by unit owners of the Whaler Condominium, the following letter was sent to the parties above and the Maui Planning Department.



KA'ANAPALI BEACH HOTEL

July 26, 1999

Dear Whaler Resident,

As you may be aware, KBH is planning to construct a restaurant in the hotel's courtyard as part of KBH's ongoing renovation program. Plans for the restaurant were approved by the Maui Planning Commission in 1990 as well as in 1998. Recently, we have submitted a revised request to the Maui Planning Commission to relocate this planned facility approximately 65 feet westward in order to avoid removal of a large false Kamani tree and to provide an enhanced coastal setting. The new structure will be approximately 85 feet from the current shoreline (defined as the edge of vegetation line) and no closer to the shoreline than our existing hotel wings.

Recently, Renee Shepard and a few other Whaler owners in conjunction with attorney Isaac Hall have voiced concerns over our revised plans. Some of the distributed information does not accurately represent the scope or impact of our plans. For this reason, we wish to clarify our plans and address the issues brought up in the form letters we have received and Mr. Isaac Hall's correspondence with public officials.

KBH has always had a good relationship with the Whaler, and we would like to continue with that tradition with honesty and openness. We have been in touch with your board of directors and have made a presentation to the owners on two occasions. In addition to our comments below, we have provided the board of directors with 9 copies of the Final Environmental Assessment, recently approved by the Maui Planning Commission which unanimously agreed that our facility would have no significant impact on the environment.

Use of the Access Road between KBH and Tower 1 of the Whaler

In June of 1999, a form letter was circulated within Whaler which stated that KBH planned to develop the grassy access route between both properties with a blacktop road which would become the permanent service road for the restaurant. The letter insinuated that KBH would also use the area for storing garbage and to receive deliveries from heavy trucks.

Not only are these statements completely false, but I had met with Ms. Renee Shepard personally prior to the issuance of these form letters and explained to her that we have no intention of paving or using the access road for restaurant delivery. Our own guestrooms are located at even closer proximity to this access road, and we do not intend on lessening our guests' experience with noise, smell, or an unsightly black-top road. Goods will be delivered to the hotel via the existing loading docks on the north side of the property and transported to the restaurant via the courtyard. There has been no provision for a restaurant service road between the Whaler and KBH in either the existing approved SMA permit or the proposed SMA permit.

Whaler Residents
RE: Ka'anapali Beach Hotel Restaurant
July 26, 1999
Page 2

amendment plans. Any attempt to construct such a road would be in violation of our previously approved permit as well as our pending amendment request.

While we will be using this access on weekdays between 9:00 a.m. and 5:00 p.m. during the construction of the facility, we will be making every effort to minimize the disturbances to our guests and the Whaler owners alike. Construction activity will be limited to the same hours.

Noise and Odor

Our proposed facility is to be located between the two guest wings of the Ka'anapali Beach Hotel, adjacent to the pool and other recreational facilities of the courtyard. Needless to say, KBH will be mitigating noise and odors to the degree where the facility will not impact the Hotel's own guests. Only the very front portion of the restaurant will be visible from the most seaward portions of the rooms in Tower 1 at the Whaler. Being at a greater distance than the Ka'anapali Beach Hotel's own guest wings, any noises or odors would be further attenuated at the Whaler Condominium. Additionally, the six-story Kauai Wing is located between the Whaler and the proposed facility, providing additional protection from noise and odor.

A scrubber system in the restaurant's exhaust system will be installed to remove cooking odors that KBH guests could experience from the courtyard or their guestrooms. Measures will also be implemented to ensure that noises from dining and Hawaiian music will not disturb guests in the adjacent Kauai wing of the Hotel, as well as at the Whaler. These measures include adequate insulation of the kitchen area as well as limiting entertainment to Hawaiian music only. Outside performances with amplified music at the restaurant will not occur past 9:00 p.m.

Open Space/Visual Resources:

Due to the restaurant's location in relation to the Kauai wing, only the most seaward portion of the facility will be visible from the lanais of the oceanfront units in Tower 1 at the Whaler. As such there will be no impacts to existing views from units at the Whaler.

Open space concerns expressed in the State Coastal Zone Management Act and the Shoreline Rules of the Maui Planning Commission have been addressed in the Environmental Assessment. To reiterate on the most common themes:

Lateral access along Ka'anapali Beach is provided by a sidewalk system referred to as the beach walkway. The proposed project's location and scope do not include changes to the walkway or impede access along the corridor.

Whaler Residents
RE: Ka'anapali Beach Hotel Restaurant
July 26, 1999
Page 3

There will be no obstruction of *public views* to, from, and along the shoreline, as the proposed facility will be located within the "horseshoe" of the Hotel's existing three and six story buildings.

The proposed location was chosen over a makai alternative that would have placed it directly on the beach walkway, similar to Lelani's or Hula Grill. The proposed (inland) location provides a significant landscaped buffer between the beach walkway and the restaurant. It also places the facility under the large canopy of a false Kamani tree, which will frame the restaurant and provide a natural backdrop.

Even with the addition of the restaurant, KBH maintains an open space significantly larger than other developments along Ka'anapali Beach. Its large grass courtyard creates a park like setting, which we wish to preserve.

We also note that the Maui Planning Commission recently found that the project will have no significant impact on the environment, including open space resources, along the shoreline.

Shoreline Issues

Because the sands of Ka'anapali Beach are dynamic in nature, and the beach occasionally is eroded by a large wave events, KBH was cautious and conservative regarding the re-siting of the restaurant. A coastal engineering firm was contracted to analyze historical erosion and accretion trends fronting the project site. At the request of (coastal specialist) Mr. Robert Mullane of the Sea Grant Extension Service (UH), a study of the beach toe was added to the compiled data on the vegetation line. Both indicators have shown long-term growth (accretion) of the beach over a 50-year data set. Nevertheless, KBH took the advice of the sea engineer's "conservative approach" and sited the restaurant well behind the most severe erosion event recorded, which happened in 1949.

Additionally, the facility was designed to utilize a pier type substructure, much like a dock. In the unlikely event that waves reach the facility, they would flow freely underneath, affecting neither the structure nor the natural beach processes. This coastal sensitive design was recently applauded by the Maui Planning Commissioner who dubbed herself "the most conservative on coastal issues, bar none".

The opponents of this project have misrepresented the conclusions made by the shoreline experts reviewing our application and have included such in letters to public officials and the form letters you have been receiving at the Whaler. Although he verbally corrected his statement in a public hearing on July 13th, Mr. Isaac Hall misrepresented Mr. Robert Mullane's comments in letters to the Maui Planning Department and Maui Planning Commission dated June 13th and July 15th respectively. Mr. Hall insinuated that Mr. Mullane felt that "chronic erosion" was

Whaler Residents
RE: Ka'anapali Beach Hotel Restaurant
July 26, 1999
Page 4

taking place at the project site. Similarly, a form letter circulating the Whaler stated that KBH's request was "unconscionable" because of "the chronic erosion".

It is acknowledged that Kaanapali Beach is subject to periodic erosion episodes, however, history has shown that the beach quickly recovers after such an event. As noted above, the proposed restaurant has been designed so that in the unprecedented event that an erosion episode does reach the restaurant site, wave run-up will not undermine the structural integrity of the structure nor will beach processes be adversely affected.

To reiterate the facts, "chronic erosion" is not taking place at the project site, in fact, both the coastal engineer and Mr. Mullane have noted long-term accretion (growth) of the beach. Mr. Mullane also voiced his support for the proposed location at the July 13th hearing. It has also been noted that the proposed location is significantly outside the zone of fluctuation identified in the long-range study.

The Shoreline Setback Line:

The new restaurant location will require approval of a shoreline setback variance, since it will be located seaward of the shoreline setback line, which is established at 150 ft. for the KBH property. Maui County rules which govern the shoreline area as well as state law, allow for certain structures to be located within the shoreline setback area on a case by case basis, providing that the facilities are located and designed in consideration shoreline processes as well as the overall objectives and policies of the Coastal Zone Management Act. Maui's shoreline setback line is an important regulatory tool, with strict standards for establishing structures within this sensitive area.

It is important to keep in mind that Maui's setback line is based on a percentage of a parcel's average lot depth, it is not based on specific environmental factors at a particular site. (Throughout the rest of the State the setback line is established at uniform 40 feet.) Thus, on Maui, two abutting parcels fronting the same section of shoreline could have dramatically different setbacks based solely on their lot configuration. Conceivably, one landowner could have a setback established at 150 feet while an abutting neighbor could have a setback as little as 40, or possibly even 25 feet, fronting the same coastline. This disparity occurs at Kaanapali Beach, albeit, to a lesser degree. The shoreline setback line at the Maui Marriott has been recently calculated at 132 feet, the Hyatt's is also approximately 132 feet. The Whaler property has a setback line of approximately 134 feet, while KBH's is 150 ft.

Some people mistakenly believe that a 150 foot setback has been established throughout Kaanapali based on concerns over chronic erosion (as in Isaac Hall's letter to the Maui Planning Department dated June 15, 1999, page 2, paragraph 5). There is neither a uniformly established 150-ft. setback line in Kaanapali, nor is there evidence of chronic erosion.

Whaler Residents
RE: Ka'anapali Beach Hotel Restaurant
July 26, 1999
Page 5

Thus, it is important to recognize that while Maui's shoreline setback line establishes a critical regulatory demarcation, in which most structures would not be appropriate, it is not intended to be a demarcation in which any and all new structures shall be prohibited. Given the arbitrary nature of Maui's setback line in relation to oceanographic conditions or coastal settings, requests for variances need to be examined on a case by case basis. Requests for variances can not be denied simply because a proposed structure is located within this environmentally arbitrary setback line.

Procedural Issues

Environmental Assessment (EA) vs. Environmental Impact Statement (EIS)

Mr. Hall has contended that our project requires an Environmental Impact Statement. We disagree and find no basis for his argument. Similarly, consistent with the Maui Planning Department's recommendation, the Maui Planning Commission unanimously decided that our project will not have a significant impact on the environment, and that an EIS is not warranted.

Responses to comments

Mr. Hall has written to the Planning Commission stating that we have failed to include his comments as required in the Final Environmental Assessment (EA). Mr. Hall stated that his comments were submitted before the comment period had closed. The end of the legally prescribed comment period on the EA was March 25, 1999. Mr. Hall's comments were dated, June 15th, 1999, almost three months past the end of the official comment period. Nevertheless, responses to Mr. Hall's late comments were provided to the Maui Planning Department and Commission, and will be included in the Final EA submitted to OEQC.

Shoreline Surveys

Mr. Hall argues that a new shoreline certification is required for the processing of our permits, stating that recent erosion events have affected the shoreline. At the request Mr. Robert Mullane, a September 1998 survey was referenced along with the (January 1998) certified shoreline in the Final Environmental Assessment. The September 1998 survey did show the erosion at the project site due to the extreme wave events of March and April 1998. The two surveys and the 50-year study performed by Sea Engineering, Inc. have provided Mr. Mullane and the Commission with a great wealth of information about the shoreline fronting the project site. As evidenced by Mr. Mullane's support of the proposed site and the unanimous acceptance of the Environmental Assessment by the Maui Planning Commission, we have provided adequate decision-making information about the shoreline.

Also note that KBH's request for a shoreline setback variance is not relative to the current position of the shoreline, but an assessment of erosion and accretion trends. This is more consistent with our evolving shoreline policies, and the West Maui Community Plan, which encourage setbacks based on coastal factors rather than the

Whaler Residents
RE: Ka'anapali Beach Hotel Restaurant
July 26, 1999
Page 6

"lot depth" setbacks, which are not only environmentally arbitrary, but are constantly fluctuating with the shoreline.

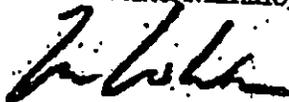
Public Notice & Comment

Mr. Hall has contended that the KBH has not adequately given notice to the Whaler owners. This project is being processed in accordance with legal requirements for public notice, including to neighboring property owners. We are required to notify all owners of property within 500 feet of the KBH parcel by certified mail 30 days prior to the public hearing before the Maui Planning Commission. This meeting is tentatively scheduled to take place on September 14, 1999.

The presentation made to interested Whaler owners on June 2 precedes the public hearing by nearly 100 days. Since that time, we have made presentations to your Board of Directors as well as individual owners upon request.

We are very excited about what this project will bring to both the Hotel and the resort in general. I remain committed to working in cooperation with the Whaler in order to maintain open, honest and accurate lines of communication. Please feel free to call me should you have questions regarding this project that have not yet been addressed.

Aloha and Mahalo,



Mike White
General Manager

cc: Chris Hart & Partners
John Min, Maui Planning Department
Issac Hall, esq.

