

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 27, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 15MD-009

Maui

Issuance of Right-of-Entry Permit to Ale'ale'a, LLC, dba Feast at Lele to Access State Unencumbered Lands for the Removal of Shoreline Encroachments at Lahaina, Maui, Tax Map Key: (2) 4-6-002: Seaward of 007.

APPLICANT:

Ale'ale'a, LLC, dba Feast at Lele, a Domestic Limited Liability Company.

LEGAL REFERENCE:

Sections 171-55, 115-5, 115-9, and 115-10, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Lahaina, Maui, identified by Tax Map Key: (2) 4-6-002: Seaward of 007, as shown on the attached map labeled Exhibit A.

AREA:

2,500 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: H-2 Hotel District & Historic District 1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Removal of encroachments from shoreline.

EXHIBITS:

Exhibit A – Tax map of the subject area.

Exhibit B – Count of Maui, Department of Planning SMA Assessment Letter.

Exhibit C – Photos of unauthorized improvements which will be removed.

TERM OF RIGHT-OF-ENTRY:

30 Days

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Subchapter 8, 11-200-8(a)(1), the proposed use is exempt.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>x</u>	NO <u>__</u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u>__</u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) In the exercise of this right of entry Ale' Ale'a, LLC dba Feast at Lele shall use appropriate precautions and measures to minimize inconveniences to surrounding residents, landowners, and the public in general.
- 2) Ale' Ale'a, LLC dba Feast at Lele shall maintain and employ debris, pollution and contamination control measures, safeguards and techniques to prevent debris, pollution or contamination to the ocean waters.
- 3) Cut and remove all vegetation located seaward of the subject private property within the and beach transit corridor, pursuant to Hawaii Revised Statutes 115-5, 115-9, and 115-10.

REMARKS:

Per the request of the Ale' Ale'a LLC, dba Feast at Lele, staff from the Office of Conservation and Coastal Lands conducted a site inspection of the shoreline at the subject location in attempt to certify the shoreline as part of the permit process when applying for a County of Maui special management area (SMA) permit. During this inspection, several unauthorized improvements were observed to be located seaward of their private property boundary within the shoreline. Due to the discovery of these encroachments the applicant is unable to have the shoreline certified and therefore unable to obtain a SMA permit. Ale' ale'a LLC, dba Feast at Lele, through their consultant is requesting a right-of-entry permit to access the shoreline for the removal of all unauthorized improvements.

The State property (shoreline) which the unauthorized improvement are located on is currently unencumbered. There is no record of any request for the use of the subject government property.

The applicant has obtained an SMA Exemption (SM5 2014/0299) from the County of Maui Department of Planning per letter dated September 29, 2014, attached as Exhibit B.

Staff is recommending gratis for this Right-of-Entry permit request, as it will clear all unauthorized improvements fronting the subject property off of shoreline. All cost affiliated with the encroachment removal will be covered by the applicant.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt

from the preparation of an environmental assessment.

2. Authorize the issuance of a right-of-entry permit to Ale' Ale'a LLC dba Feast at Lele covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

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

February 27, 2015

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit to Ale'ale'a, LLC, dba Feast at Lele to Access State Unencumbered Lands for the Removal of Shoreline Encroachments Purposes.

Project / Reference No.: PSF# 15MD-009

Project Location: Lahaina, Maui, Tax Map Key: (2) 4-6-002: Seaward of 007.

Project Description: Removal of unauthorized improvements from the shoreline fronting the subject private property.


Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR 11-200-8 (a)(1)].

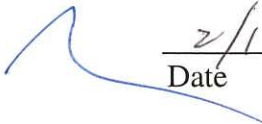
Consulted Parties: The Office of Conservation and Coastal Lands was consulted as a source authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed project.

Recommendation:

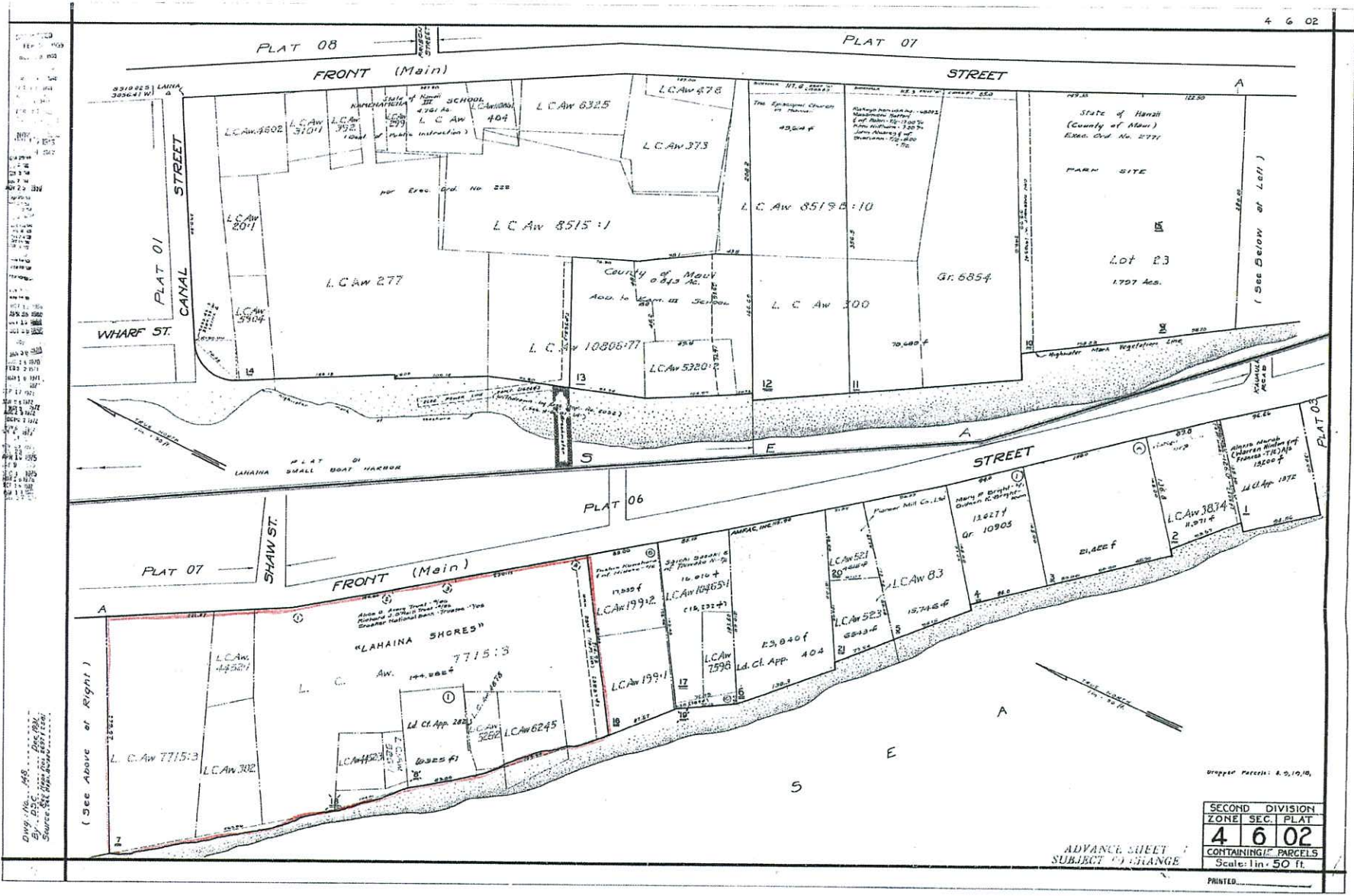
It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Cary S. Chang
Interim Chairperson



2/13/15
Date



Div. No. 448
 By: D.S.C.
 Source: S.T. High & Co.

(See Above of Right)

4 6 02

SECOND DIVISION
ZONE SEC. PLAT
4 6 02
CONTAINING PARCELS
Scale: 1 in = 50 ft.

ADVANCE SHEET 1
SUBJECT TO CHANGE

PRINTED

EXHIBIT " A "

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING
September 29, 2014

Mr. Mitsuru "Mich" Hirano, AICP
Senior Vice President
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

SUBJECT: SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT FOR RENOVATION OF AN EXISTING RESTAURANT FACILITY, CONSTRUCT ADA WHEELCHAIR ACCESSIBLE RAMP, NEW STAGE COMPLEX, PERFORMANCE AREA, AND LANDSCAPING, AT 505 FRONT STREET, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-6-8-002:007-0200 (SMX 2014/0139) (HDX 2014/0009) (SM5 2014/0299) (HDA 2014/0013) (SSA 2014/0007) (EAE 2014/0084)

In response to your application received on June 17, 2014, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Sections 12-202-12, a determination has been made relative to the above project that:

1. The project is not a development, pursuant to Section 205-A-22 and may be issued a SMA Exemption;
2. The project has a valuation not in excess of \$500,000.00;
(Valuation: \$333,230.00)
3. The proposed scope of work consists solely of removing fixtures and structures from the shoreline setback area, renovating restrooms, replacing the existing bar area, wait stations, constructing an ADA wheelchair accessible ramp, landscaping improvements, new stage complex and performance area;
4. The project has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented; and
5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a SMA Exemption (SM5 2014/0299).

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

ATTACHMENT "1"

EXHIBIT " B "

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is a shoreline property and is subject to the Commission Shoreline Rules;
2. Activity within the shoreline setback includes qualified demolition of existing structures. *"Qualified demolition" means the demolition of a structure or structures where such demolition: (1) Will not adversely affect beach processes; (2) Will not artificially fix the shoreline; (3) Will not interfere with public access, except for public safety reasons during demolition operations; (4) Will not interfere with public views to and along the shoreline, except during demolition operations; (5) Will be consistent with (A) Section 12-203-2(5) that states that the quality of scenic and open space resources should be protected, preserved, and, where desirable, restored; and (B) Section 205A-2(c)(3)(C), HRS, which states that an objective and policy of the coastal zone management program is to preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources; and (6) Will comply with: (A) Chapter 19.62, Maui County Code, relating to flood hazard areas; (B) Chapter 20.08, Maui County Code, relating to soil erosion and sedimentation control; and (C) Chapter 6E, HRS, relating to historic preservation."*; and
3. The proposed action will not have an adverse impact on a flood zone or streamway; however, according to the Zoning and Flood Confirmation Form, a flood development permit is required.

Accordingly, you are hereby granted a Shoreline Setback Approval (SSA 2014/0007), subject to the following conditions:

1. That renovation is made in substantial conformance with plans titled "Conceptual Design Package The Feast at Lele," prepared by VAI Studio, and dated February 14, 2014.
2. That landscaping and ADA accessible wheelchair ramp be installed in substantial conformance with plans titled "Concept Landscape Plan Feast at Lele" prepared by Chris Hart & Partners, and dated July 14, 2014.
3. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.

4. That a building permit shall be obtained as applicable from the Department of Public Works Development Services Administration.
5. That construction of the improvements shall be initiated by **September 30, 2016**, and shall be completed within one (1) year of said initiation.
6. That all ground altering activities will take place according to an Archaeological Monitoring Plan approved by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD).
7. That all work shall immediately cease and the DLNR-SHPD office on Maui be contacted at (808) 243-5169 should any historical or archeological artifacts be discovered during ground-altering activities.
8. That the structure and facilities will be kept in good and safe repair for their lifetime.
9. That full compliance with all other applicable governmental requirements shall be rendered.

In addition, the Department of Planning (Department) has determined that an administrative review for the Historic District permit under Section 12-531-19 of the "Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission" is appropriate. These rules delegate review to the Planning Director (Director) for "interior or exterior alterations, the value of which cost less than twenty-five percent of the current assessed value of any building or structure." We note these exemptions and your Historic District Approval are based on the representations made in the application and in discussions with the Applicant that the only work being done is remodeling an existing restaurant facility and removing shoreline area structures at the Feast at Lele.

In consideration of the above determination, a Historic District Administrative Approval (HDA 2014/0013) is granted subject to the following condition:

1. A Historic District Sign Permit shall be required for any signs added to the building, which are subject to review under the Sign Design Guidelines for the Lahaina Historic District.

Moreover, the Department finds that the proposed action triggers compliance with environmental review because it includes the use of a shoreline area and is located in an historic district. However, the action qualifies for an exemption, specifically, "*Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.*"

In light of the above determination, you are hereby granted an Environmental Assessment Exemption (EAE 2014/0084).

Mr. Mitsuru "Mich" Hirano, AICP
September 29, 2014
Page 4

In summary, the Department grants a SMA Exemption (SM5 2014/0299), a Shoreline Setback Approval (SSA 2014/0007), a Historic District Administrative Approval (HDA 2014/0013) and an Environmental Assessment Exemption (EAE 2014/0084) for the work described in your SMA Assessment Application (SMX 2014/0139) and Historic District Assessment Application (HDX 2014/0009).

Be advised that compliance with Codes, Covenants, and Restrictions (CC&Rs) of any applicable Homeowner's or Apartment Owner's Association is the sole responsibility of the Applicant.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Keith Scott at keith.scott@mauicounty.gov or at (808) 463-3867.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)
Keith C. Scott, Staff Planner (PDF)
Development Services Administration
CZM File (SMX/SSA)
2014/SM5 Project File
General File

WRS:CIY:KCS:nst

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6 S4 S1 S6



11 S2 S10



16 S3 S10



2 S3



7 S7



12 S5 S10



17 S1



3 S2



8 S7 S6



13 S13



18 S9



4 S2 S3 S2



9 S10 S6



14 S10 S9



19 S12



5 S10



10 S8 S6



15 S10 TYP.



20 S0

1 PRE-CLEANUP PHOTO DOCUMENTATION
SCALE: NTS

- REMOVE EXISTING CURBS**
- ① REMOVE EXISTING CURBS AND LANDSCAPE MATERIAL. Remove all plant materials and prepare for new construction.
 - ② REMOVE WALKWAYS AND SIDE WALKS. Remove all foot curbs, walls and steps. Prepare site for grading and new construction as needed.
 - ③ REMOVE STAIR WALKS AND STAIRS. Remove all walk, stair and ledges to prepare for existing materials to be left in place.
 - ④ REMOVE STAIR WALK, WALKWAYS, LEAN-TO ROOF AND WOOD DECK. Prepare site for grading and new construction as needed.
 - ⑤ REMOVE CONCRETE FINISHER. Remove and dispose of all concrete finishing material. Prepare for new grading and construction.
 - ⑥ REMOVE FINISH. Remove and dispose of all finish materials.
 - ⑦ REMOVE ELECTRICAL SERVICES. Remove and dispose of electrical services and equipment as needed.
 - ⑧ REMOVE SIGN. Remove and dispose of all signs and wall support materials.
 - ⑨ REMOVE CONCRETE FIVE FINISHER. Remove and dispose of all concrete slip finish.
 - ⑩ REMOVE STAIR STAIR. Remove and dispose of all wood stair structure and handrails.
 - ⑪ REMOVE INSULATIVE FINISHERS. Remove all decorative, stucco and stone finish.
 - ⑫ REMOVE THE FINISHER. Remove all top surface and terminate per plan.
 - ⑬ REMOVE CONCRETE FINISHER. Remove all concrete finish and dispose.
- REMOVE DEMOLITION NOTES**
- ⑭ REMOVE INTERIORS. Remove all walls, partitions, ceiling and floors. Remove all plumbing and electrical services and duct re-termination.
 - ⑮ REMOVE SIGN. Remove all signs, partitions, windows and doors. Remove all plumbing and electrical services and duct re-termination.
 - ⑯ REMOVE EXISTING PAVEMENT. Remove all asphalt and concrete.
 - ⑰ REMOVE EXISTING WOODS. Remove all wood, stumps and stumps. Prepare for new grading and construction.
 - ⑱ REMOVE EXISTING WALL FINISHER. Remove all masonry, stucco and stone finish.
 - ⑳ REMOVE EXISTING ROOF. Remove all roof, beams, rafters and decking.
 - ㉑ REMOVE EXISTING ROOF. Remove all roof, beams, rafters and decking.
 - ㉒ REMOVE EXISTING ROOF. Remove all roof, beams, rafters and decking.
- REMOVE EXISTING NOTES**
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 - ㊿ REMOVE EXISTING ROOF. Remove all roof, beams, rafters and decking.

VAI studio
Viking Architecture + Interiors
201 Lakewood Parkway, Suite 100
Lakewood, CO 80401
(303) 963-1000
www.vai-studio.com



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.
DATE: 02/04/2014
SCALE: NTS

FEAST AT LELE
505 FRONT STREET
BUILDING B
LAWAHA, HI 96761
T.N.X.: (2) 4-8-002: 007

PROPOSED
OWNER
FEAST AT LELE
505 FRONT STREET
LAWAHA, HI 96761
T.N.X.: (2) 4-8-002: 007

ISSUED FOR BUILDING PERMIT

NO.	DATE	REVISIONS	BY
1	1/2/2014	ISSUE FOR PERMIT	

SCALE: NTS
DATE: 02/04/2014
SHEET TITLE: SHORELINE CLEAN UP PHOTOS

SHEET NUMBER: A0.1.2
This drawing is the property of VAI Studio and is not to be reproduced or copied in whole or in part. It is not to be used on any other project and is to be returned on request.