# Public Notice

Public Notice No. 200400071 | Date: **December 12, 2003**

**U.S. Army Corps of Engineers Honolulu District**

Reply to:
Regulatory Branch (CEPOH-EC-R/P. Lennan)
U.S. Army Engineer District, Honolulu
Building 230
Fort Shafter, Hawaii 96858-5440

Respond by: **January13, 2004**

**PN200400071**
**OLU-OLU CONDOMINIUMS**
**KIHEI, MAUI, HAWAII**

**1. APPLICANT:** Hale Olu-Olu, LLC, 825 Van Ness Ave., # 301, San Francisco, CA 94109

**2. APPLICABLE STATUTORY AUTHORITY:** Section 404 of the Clean Water Act (33 U.S.C. 1344).

**3. LOCATION OF PROPOSED ACTIVITY:** The property (TMK (2)3-9-008:018) is located in Kihei, Maui, approximately 120 feet from the shore of the Pacific Ocean on the landward side of Uluniu Road, approximately 1200 feet north of the intersection of Uluniu Road and Lipoa Street. Jurisdictional wetlands are found on the site. The wetlands are adjacent to the Pacific Ocean and under the influence of the tide. According to the wetland delineation performed by consultants Anna Palomino and Jennifer Crummer in May, 2003, the wetlands exhibit the required three criteria for jurisdiction - wetland plants, hydric soils and saturated soils.

**4. PROJECT PURPOSE AND DESCRIPTION:** The purpose of the project is to build and operate a condominium complex, consisting of 20 units. See enclosed description for details about the proposed project.

**5. IMPACTS OF THE PROPOSED ACTIVITIES IF AUTHORIZED:**

Unavoidable impacts of the proposed project would include the permanent loss of approximately 0.05 acres of wetlands; the creation of approximately 0.02 acres of new wetlands; and the enhancement of about 0.32 acres of existing degraded wetlands, including periodic maintenance. In addition, there would be the temporary construction related impacts of increased noise, dust and traffic. The project would also provide needed additional housing in the Kihei area.

**6. IMPACT ON HISTORIC PROPERTIES:**

No significant cultural or archaeological resources are known to exist within the area. An archeological survey of the project area was performed by Scientific Consultant Services (SCS), Inc. (Bertell D. Davis, Ph.D.) in October 2003. All accessible terrain examined yielded negative results, both on the surface and in the subsurface. In the event that unanticipated or inadvertent discovery of historic properties occur during project execution, all work shall be stopped and the State Historic Preservation Office will be notified. This is a general condition that will be included in the Department of Army permit.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs and Hui Malama I Na Kupuna. Any additional comments they have regarding historic properties and cultural resources will be considered before a final decision is made on the permit.

**7. IMPACT ON ENDANGERED SPECIES:** The project will likely not have any significant effect on any proposed, candidate or listed threatened or endangered species. This notice is being sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any additional comments they have concerning potential impacts to protected species will be considered before a final decision is made on the permit.

**8. ESSENTIAL FISH HABITAT:** No adverse impact to essential fish habitat is expected because the project location is inland. This notice has been sent to the National Marine Fisheries Service. Any comments they have will be considered before a final decision is made on the permit.

**9. OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS:** A Water Quality Certification from the State of Hawaii Department of Health and a Coastal Zone Management Federal Consistency Determination from the State of Hawaii Office of Planning, Coastal Zone Management Program will be required prior to issuance of any DA authorization.

**10. EVALUATION FACTORS:** The decision to issue the permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

**11. COMMENTS AND INQUIRIES:** Recipients of this Public Notice or other interested parties may submit in writing any comments that they have on the proposed issue of the permit. Comments or written inquiries may be sent by FAX to (808) 438-4060, or by mail to the address above. Comments must reach this District no later than 30 days from the date of this notice. Written inquiries and comments should refer to Public Notice number 200300506. Further information may also be obtained from William Lennan, telephone (808) 438-6986. This Public Notice is posted on the Honolulu District web site at http://www.pod.usace. army.mil/news/Public Notices .html

## 12. REQUEST FOR PUBLIC HEARING:

Any person may request, in writing, within 30 days from the date of this notice that a public hearing be held to consider the proposed permit issue. Requests for public hearing shall state clearly and concisely the reasons and rationale for holding a public hearing.

Description of the Property and Proposed Action

Figure 1. Regional Location Map
Figure 2. Tax Map
Figure 3. Existing Site Conditions
Figure 4. Preliminary Site Plan
Figure 5. Mitigation Plan

## DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION
**(Provided by the applicant)**

### A. PROPERTY LOCATION

The subject property is 120 feet from the shore, located on Uluniu Road, approximately 1,200 feet north of the intersection of Uluniu Road and Lipoa Street, within the developed area of South Kibei, Maui, Hawaii; TMK: (2) 3-9-008:018 (See Figures 1 and 2).

### B. EXISTING LAND USE

The subject property currently contains two (2) single family dwellings (see Figure 3).

### C. LAND USE DESIGNATIONS

1. State Land Use Classification: Urban

2. Kihei-Makena Community Plan: Multi-Family

3. County Zoning: A-1, Apartment District 2-story

4. Flood Zone Designation: AH -6'

5. Special Designations: Special Management Area (SMA)

### D. DESCRIPTION OF PROPOSED ACTION 1. Development (see Figure 4)

The applicant is proposing to develop a condominium complex on 1.074 acres of land, community planned and zoned for multi-family residential use. The proposed project consists of three (3) 2-story buildings, comprised of twenty (20) 3-bedroom units of 900 square feet. The total floor area is 18,000 SF.

The proposed project will include recreational facilities with pool and BBQ area. Trash and recycling facilities are located on the ground floor, as well as mechanical Air Conditioning and pool equipment space.

The proposed project provides the required 2 parking stalls per living unit plus additional guest parking for a total of forty-four (44) stalls, of which eleven (11) are compact stalls measuring 7'-6"x16'-0" and thirty-three (33) are standard stalls measuring 8'-6"x18'-0". These parking requirements are located on the southwest section of the site by means of paved surface parking. Perimeter landscape planting is provided in a 3-foot wide planter surrounding the parking lot to buffer visual and noise impacts towards neighboring properties.

Vehicular and pedestrian access to the site will be from Uluniu Road.

On and off-site infrastructure will be required to support the development of the proposed project. On-site infrastructure will include a concrete paved driveway and parking lot, and provisions for water, sewer, drainage, electrical, and telephone improvements.

Construction is anticipated to begin upon the approval and receipt of all required permits.

2. Wetlands Mitigation (see Figure 5)

Development of the proposed project would require a wetlands mitigation plan to maximize boundaries for construction, while preserving and enhancing existing wetlands on the site. The opportunity to enhance the existing wetlands on site would seem desirable for the owner, community, and wetlands inventory.

There appear to be two areas of wetlands, on either side of a sand dune feature. Wetland pockets in the makai (southern/seaward) portion of the property are generally small, but do have the potential to be problematic sites for flooding in particular. The mauka (inland) portion represents a much more intact wetland system with obvious indicators of flooding and some native wetland vegetation. This area is part of a larger wetland area, which crosses several land ownership boundaries. Cumulatively this system serves an important role in flood control and other wetland functions.

The flood zone for the subject property is AH, with a base flood elevation of 6 feet.
The applicant proposes that clean fill will be brought in to bring the west and central portions of the site to base flood elevation. This will fill the wetland pockets on the makai side discussed above. A berm will be used to delineate and buffer the development boundary from the mauka wetland system that will be defined with a straight line approximately 130 feet from the southeast corner of the site. This boundary definition adds 737 square feet of new wetlands to make up for the 1825 square feet of lost wetland pockets The elevation difference between the graded development site and existing wetlands will be approximately three (3) feet, with the berm adding one (1) foot of additional height separation. Fencing will run along the crest of the berm, and along all property boundaries adjacent to the wetlands. Vegetation in the existing wetlands site will be left undisturbed, and facultative species will be planted on the sloping bank of the berm. A four (4) foot wide boardwalk will be built along the perimeter of the wetlands to allow careful pedestrian access to the wetlands system for site enjoyment and scheduled maintenance. This boardwalk will be accessed by lockable gates on the west fence.

The applicant proposes that regular wetlands maintenance, including removal of alien species of vegetation and rubbish, will occur on a yearly basis, in conjunction with and funded through regularly scheduled landscaping of the condominium project. It is anticipated that such services will be contracted to a local private landscape maintenance company.

Furthermore, past and current efforts to preserve and enhance wetland areas in the Kihei area have been inconsistent. The opportunity to improve wetland areas on-site will benefit the environment, provide natural visual interest, and ensure the site will be preserved for the foreseeable future. The proposed project can also provide a positive example for future wetland mitigation projects. In order to do SO, the balance between wetlands area and development area should be reasonable to provide both economical viability to the owner and an attractive prospect for the community and national wetlands inventory.

## E. ALTERNATIVES TO THE PROPOSED ACTION

1. No Action

The subject property is planned and zoned for multi-family residential use based on the Kihei-Makena Community plan, which has been established to regulate and control the long-range density and development throughout the community. Proximate properties are either developed, in the process of development, or are zoned for residential or multi- family use. Therefore, the proposed project is consistent with the planned future growth of South Kihei.

Furthermore, maintaining the property in its current state would deny a valuable multi- family housing opportunity to the community with benefits such as property tax revenues, short-term employment during the construction phase of the project, and potential for an attractive multi-filmily housing option with proximity to coastal recreation and enhanced wetlands.

Finally, a no action alternative denies the opportunity for a more diversified housing market, as the demand for reasonably priced, centrally located housing options continues to grow in the Kihei-Makena community. Any non-residential uses would be inappropriate and inconsistent with the community plan.

2. Alternative Size

Alternative designs were considered during the preliminary design phase.

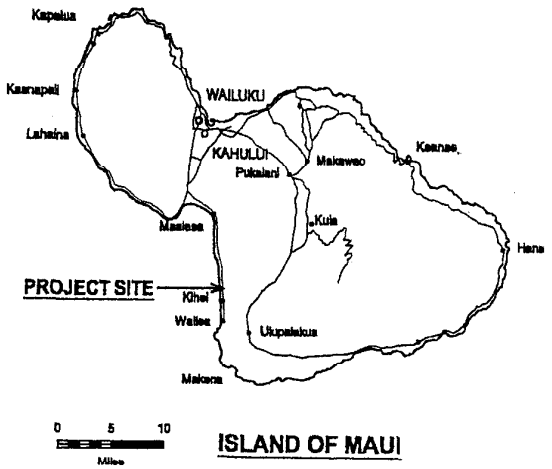
Due to the size of the subject parcel, reducing the scale of the proposed project would allow fewer units, resulting in a marginal reduction in impact on public infrastructure and services. However, the reduction in number of units would require that certain fixed development costs, i.e. purchase of land, design and planning fees, permit fees, and on- site infrastructure improvements, be amortized over fewer or smaller units, thus increasing the cost per unit and resulting in less affordable housing options for residents and/or less economic viability for the project.

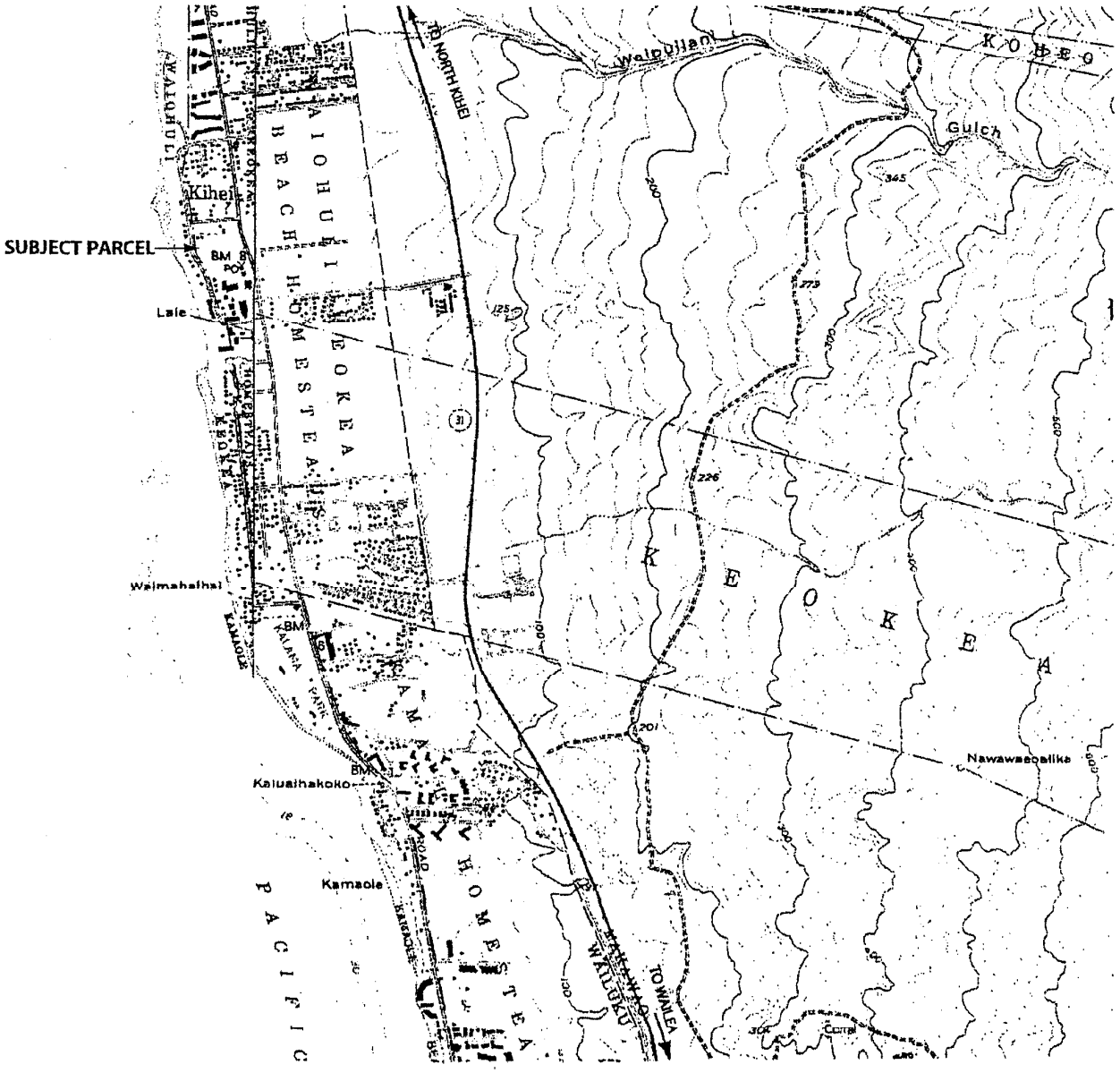
Additionally, a reduction in project size will minimize the variety of unit sizes available, negatively impacting the objective of providing housing options to a broad range of family sizes.

3. No Wetland Mitigation

Moving forward with development with no wetland mitigation would require fewer constructed units, resulting in retention of the small pockets of wetlands on the makai side, and minimal to no enhancement of existing wetlands on the mauka side. Similar to the alternative size option, the reduction in number of units would require that certain fixed development costs, i,e. purchase of land, design and planning fees, permit fees, and on-site infrastructure improvements, be amortized over fewer or smaller units, thus increasing the cost per unit and resulting in less affordable housing options for residents and/or less economic viability for the project.

**Figure No. 1,** Regional Location Map



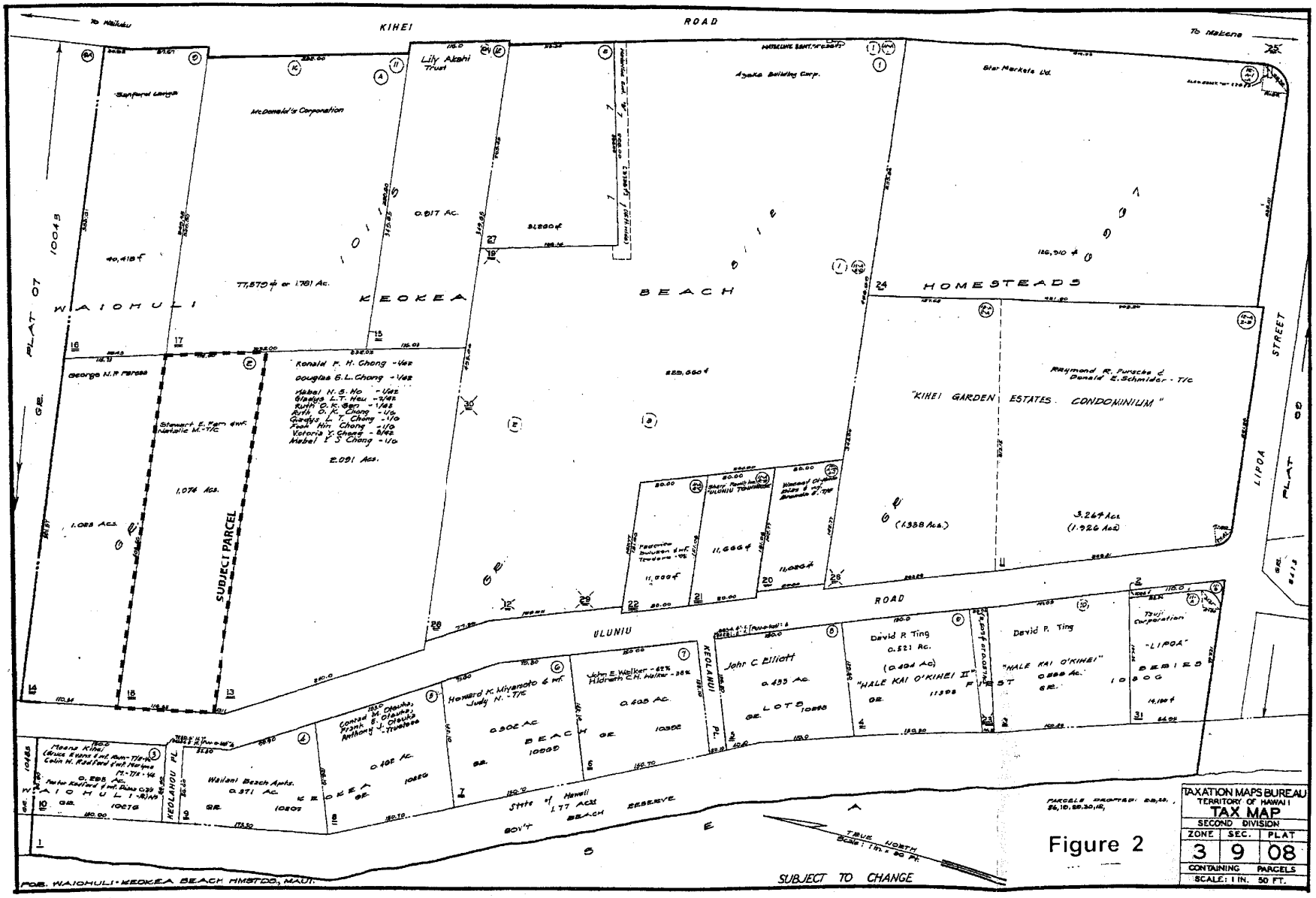
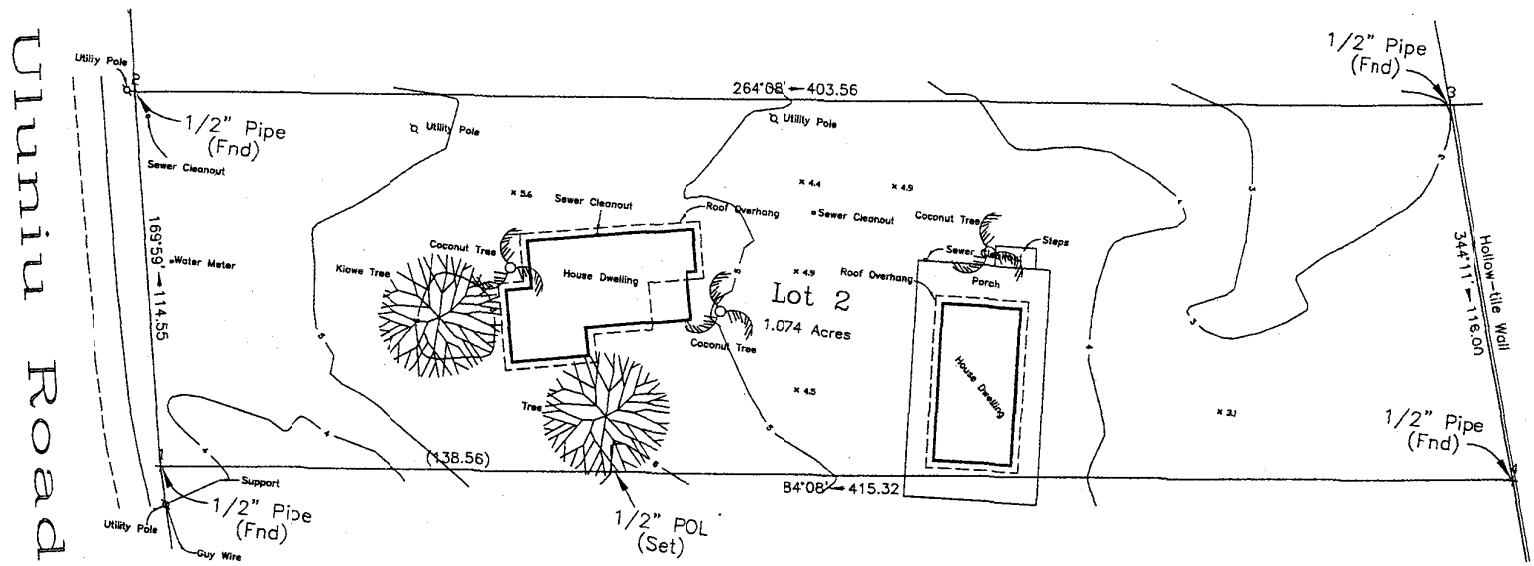
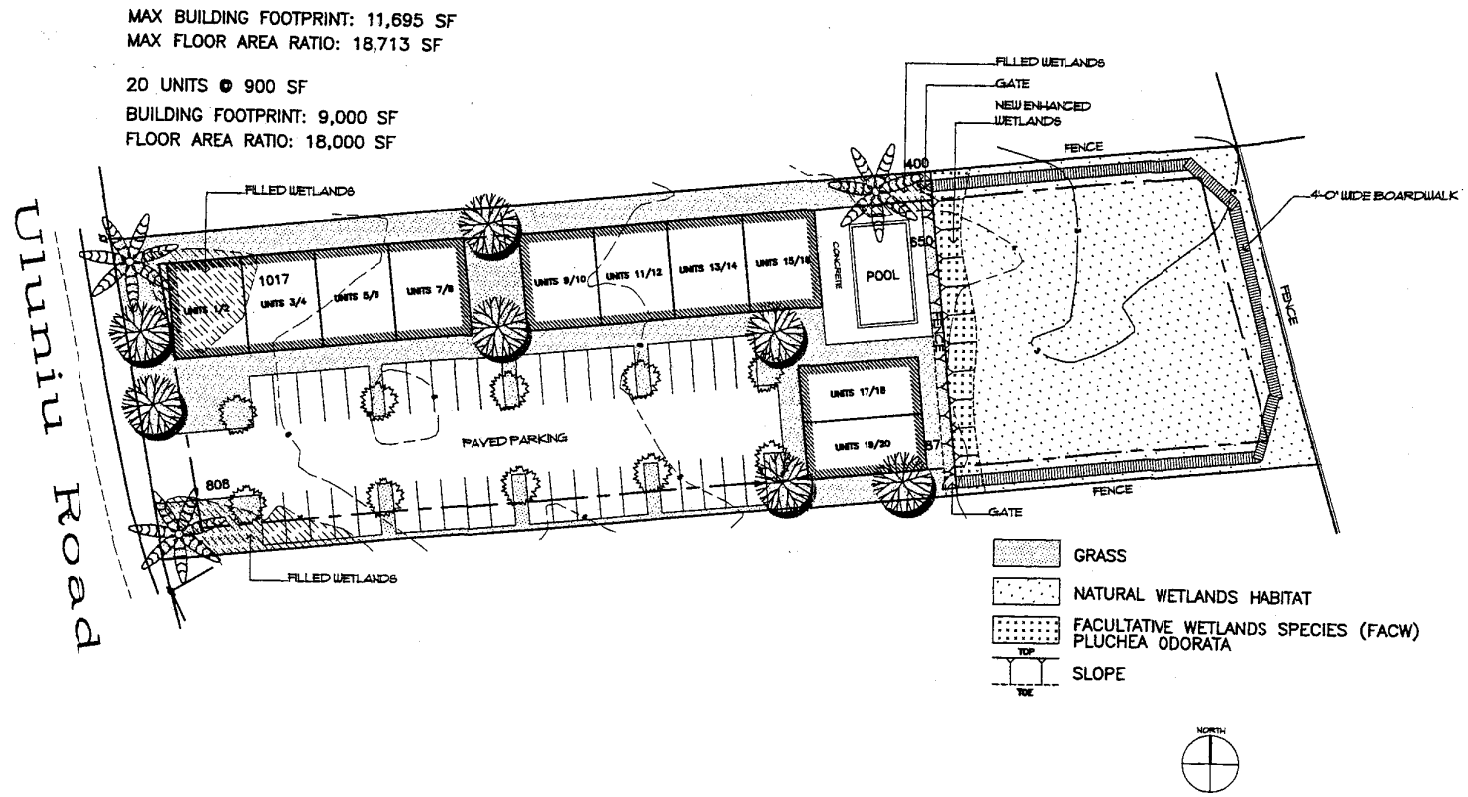

KIHEI ROAD
To Wailuku
To Makena
Lily Akahi Trust
McDonald's Corporation
Sunford Lange
Aloha Building Corp.
Star Markets Ltd.
WAIOHULI KEOKEA BEACH HOMESTEADS
PLAT 07 10048
G.E.
0.617 AC.
77,570 ± or 1.781 Ac.
40,418 ±
126,910 ±
George H.K. Farias
Stewart E. Farr & wife Natalie M. - T/C
Ronald F. H. Chong - Vez
Douglas G. L. Chong - Vez
Mabel N. S. Ho - Vez
Gladys L. T. Hau - 1/4 Vez
Ruth O. K. Gen - 1/4 Vez
Ruth O. K. Chong - 1/4
Gladys L. T. Chong - 1/4
Fook Hin Chong - 1/4
Victoria Y. Chong - 1/4
Mabel Y. S. Chong - 1/4
2.091 Acs.
1.085 Acs.
1.074 Acs.
SUBJECT PARCEL
"KIHEI GARDEN ESTATES CONDOMINIUM"
Raymond R. Pursche & Donald E. Schmider - T/C
(1.338 Acs.)
3.264 Acs.
(1.926 Acs.)
LIPOA STREET
PLAT 08
ULUNIU ROAD
KEOLAHOU PL.
Howard K. Miyamoto & wife Judy N. - T/C
John E. Walker - 62% Hildreth C.H. Walker - 38%
John C. Elliott
0.455 Ac.
LOT 10000
David P. Ting
0.521 Ac.
(0.404 Ac.)
"HALE KAI O'KIHEI II"
"HALE KAI O'KIHEI"
0.588 Ac.
Trust Corporation
"LIPOA"
DEDICATED
Wailani Beach Apts.
0.371 Ac.
State of Hawaii
1.77 ACRE BEACH RESERVE
GOV'T BEACH
TRUE NORTH
SCALE: 1 IN. = 50 FT.
SUBJECT TO CHANGE
TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
SECOND DIVISION
ZONE 3 SEC. 9 PLAT 08
CONTAINING PARCELS
SCALE: 1 IN. 50 FT.

Figure 2



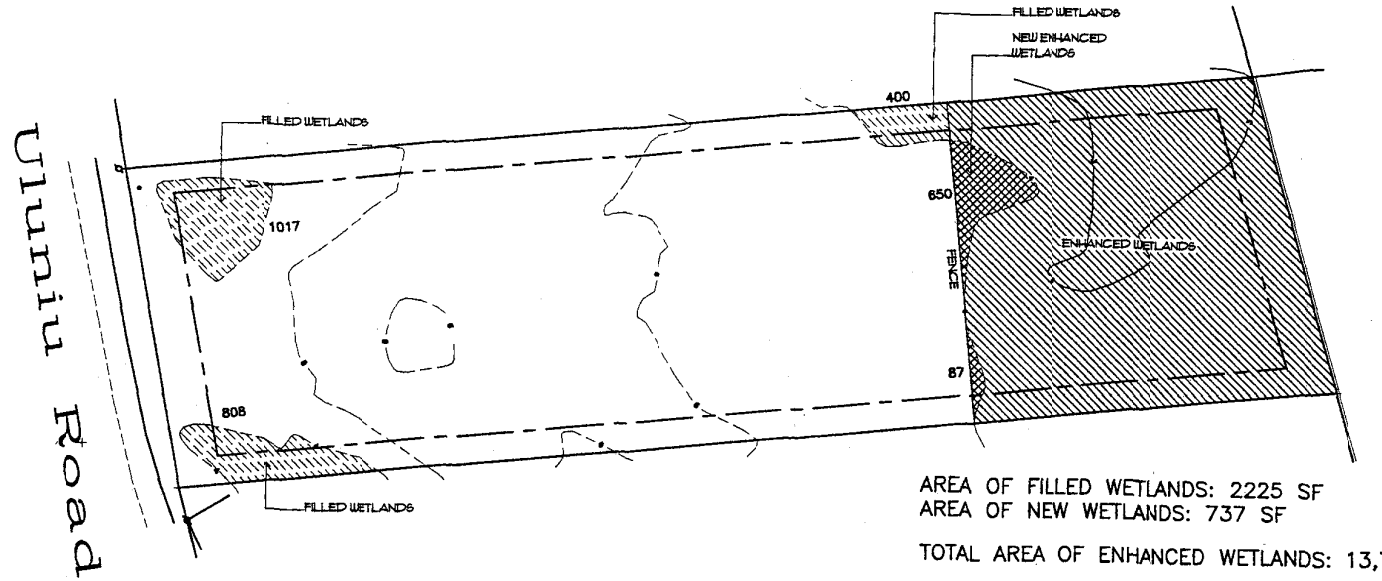

**EXISTING SITE CONDITIONS**

Figure 3




PRELIMINARY SITE PLAN

Figure 4




AREA OF FILLED WETLANDS: 2225 SF
AREA OF NEW WETLANDS: 737 SF

TOTAL AREA OF ENHANCED WETLANDS: 13,750 SF

**MITIGATION PLAN**
SCALE 1"=40'-0"

NORTH

Figure 5