



Landscape Architecture
City & Regional Planning

September 20, 2010

OFFICE OF THE
COUNTY COUNCIL

'10 SEP 22 P 3:26

RECEIVED

Honorable Gladys C. Baisa, Chair
Council Land Use Committee
Kalana O Maui Building
200 South High St.
Wailuku, HI 96793

Dear Ms. Baisa:

Regarding: Community Plan Amendment and Conditional Permit for Maui Oceanfront Inn and Sarento's On The Beach restaurant, Kihei, Maui.
TMKs: (2) 3-9-004: 029 & 149

I apologize for the delay in replying to your inquiry. The following responses to your letter on August 6, 2010 are provided for clarification.

#1. Letter of Authorization:

The applicant has requested and continues to be in communication with the State of Hawaii, Department of Land and Natural Resources (DLNR). DLNR has made comments that they are not opposed to issuing a letter of authorization for the applications, and have referred the issue to their Maui office. We will maintain communication with the DLNR Maui office and transmit the letter of authorization to the Maui County Department of Planning, with a Cc to the Land Use Committee when it is received.

#2. Area of Revocable Permit and Area of Parcel 149:

The applicant proposes to obtain a Conditional Use Permit for a portion of the parcel no greater than 0.694 acres for parking purposes.
The applicant only proposes to use an area not greater than 0.694 acres, consistent with the existing Revocable Permit for the use of the parcel.

#2.a Area of Conditional Permit and area of Parcel 149:

In the event that a lease for the use of the entire parcel is obtained the applicant will seek an amendment to any County permits at that time.

#2.b. Status of Updated Lease for Parcel 149:

The Applicant has been in negotiation with the State DLNR, and is anticipating that an updated lease will be forthcoming.

#3. Status of Mitigation Measures:

Section 2.5.2: The applicant has been in negotiation with the State of Hawaii for a right of entry for vegetation maintenance as referenced.

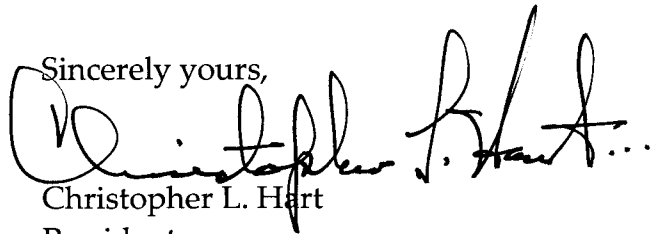
Section 2.5.3: The Applicant has posted and maintained signs as referenced. To date there is no documentation of an agreement or of any negative comment on the particular words used. The Applicant's attorney has requested comment from the Interested Parties.

Section 2.5.4: The Applicant has posted and maintained signs as referenced. To date there is no documentation of an agreement or of any negative comment on the particular words used. The Applicant's attorney has requested comment from the Interested Parties.

Section 2.5.5: The Applicant has completed portions of 2.5.3 & 4 and initiated completion of all other items. The Applicant has been granted the referenced variances contingent on the completion of Settlement Agreement. The Applicant will continue to pursue the completion of the Settlement Agreement.

Thank you for your consideration, and again, I sincerely apologize for the delay in replying. Please contact Jordan Hart at 270-1563 or Jhart@CHPMaui.com for further information.

Sincerely yours,



Christopher L. Hart

President

ASLA Landscape Architect & Planner

Enclosures (1):

2010-08-06, Letter From Council Land Use Committee Chair

CC: Mr. Carroll Davis
Mr. Joseph Prutch
Project File (05-112)