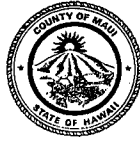


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 22, 2017

Mr. William Spence, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Spence:

**SUBJECT: COMMUNITY PLAN AMENDMENT AND
CONDITIONAL PERMIT FOR MAUI OCEANFRONT
INN AND SARENTO'S ON THE BEACH RESTAURANT
(KIHEI) (LU-25)**

At its meeting of February 15, 2017, the Council's Land Use Committee considered the following two revised proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII." The purpose of the revised proposed bill is to grant a request from Ruby & Sons Hospitality, LLC, for a Community Plan Amendment from Single-Family to Hotel located at 2890 South Kihei Road, Kihei, Maui, Hawaii, to reflect existing hotel use on the property; and
2. "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO RUBY & SONS HOSPITALITY, LLC, FOR THE CONSTRUCTION AND USE OF AN OFF-SITE PARKING LOT WITHIN THE COUNTY PARK DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII." The purpose of the revised proposed bill is to improve an existing parking lot in the County Park District.

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During its discussion, the Committee noted a Settlement Agreement (Agreement) executed on November 25, 2005 between Western Apartment Supply & Maintenance Co. (Western); Tri-Star Restaurant Group, LLC (Tri-Star); Sarento's on the Beach, LLC; Dana Naone Hall; Leslie Kuloloio; and the County of Maui Department of Planning.

The Agreement identifies terms and conditions that are expressly agreed to by all parties. It further states that relative to property situated at Tax Map Key number (2) 3-9-004:29 (Parcel 29), that parties will not oppose the current operation of the restaurant and hotel as long as Western and Tri-Star are in substantial compliance with this Agreement.

Accordingly, since the request for a proposed Community Plan Amendment involves Parcel 29, the Committee wanted to determine if the parties are in compliance with the terms and conditions of the Agreement.

Additionally, the Committee noted concerns relative to the Final Environmental Report for Maui Oceanfront Inn and Sarento's Restaurant (EA) and whether the document requires updating since it is dated August 2008.

Therefore, may I respectfully request that you respond to the following:

1. Provide verification whether the parties to the Agreement are in compliance with its terms and conditions.
2. Offer your recommendation on whether you believe the EA requires updating inclusive of, but not limited to, traffic impacts and environmental impacts on drainage from the proposed improvements to the parking lot.

Additionally, may I request that you provide your written comments by **Friday, March 3, 2017**.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

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Should you have any questions, please contact me or the Committee staff
(Gary Saldana at ext. 7137, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in black ink that reads "Robert Carroll". The signature is written in a cursive, flowing style.

ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:025apl01:grs

Attachment

cc: Mayor Alan M. Arakawa
James Giroux, Deputy Corporation Counsel
Jordan Hart, Chris Hart and Partners, Inc.