

Summary of Amendment to Settlement Agreement

This Amendment to Settlement Agreement modifies the original Settlement Agreement entered into to settle a dispute regarding certain variances and other approvals needed for certain improvements on the Maui Oceanfront Days Inn property located in Kihei, Hawaii.

The modifications made by the Amendment include:

1. A revision to Section 2.4.5 which eliminates the mention of potential commercial use of Parcel 149 in the directive to apply for use of Parcel 149 for off-site parking use.
2. A revision to Section 2.5 also eliminates the mention potential commercial use of Parcel 149, instead clarifying the parking is for commercial uses on Parcel 29. It also increases the public parking stalls from 51% to 51 stalls, which results in an increase from 43 public parking stalls to 51 public parking stalls for beach access, which stalls are expressly available to the public 24 hours per day.
3. An additional Section 2.6 allows the hotel and Sarento's restaurant to apply to the County, with the consent of parties Hall and Kuloloio, for up to 8 additional stalls for their use in the event that the County provides substantial public beach access parking on the lot to the north of Parcel 149.
4. Revisions to Section 3.1 obligate the hotel to maintain the Parcel 149 parking lot and provide clear signage indicating the public beach access parking. The hotel is also responsible for enforcing the Settlement terms regarding parking to prevent use of the public parking stalls by hotel guests, invitees and employees or others. Enforcement may include towing of violating vehicles.

RECEIVED AT PC MEETING ON 11/05/18
Bernie Bays