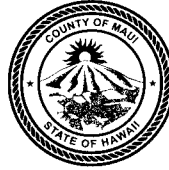


CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CUA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING OFFICE OF THE MAYOR

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2010 SEP 10 PM 2:43

September 10, 2010

OFFICE OF THE
COUNTY MANAGER
10 SEP 13 AM 9:17

Honorable Charmaine Tavares
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:



Mayor Date 9/13/10

Honorable Gladys C. Baisa, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Baisa and Members:

SUBJECT: MAUI OCEANFRONT INN AND SARENTO'S ON THE BEACH RESTAURANT COMMUNITY PLAN AMENDMENT AND CONDITIONAL PERMIT, KIHAI, MAUI, HAWAII (LU-25)

The Department of Planning (Department) is responding to your letter dated August 26, 2010, on the Community Plan Amendment and Conditional Permit Applications filed by Western Apartment Supply and Maintenance Company (Western). Your letter requests our Department's written response to the following:

Question:

1. *Would Western's breach of the settlement agreement (Agreement) be a violation of condition no. 5 of the proposed Conditional Permit?*

Answer: If there was a breach by Western, the County, along with other parties of the Agreement, would make a request of Western to rectify the breach within a reasonable timeline. If Western does not respond satisfactorily to the request within the timeline given, the Department could request that the Council revoke the Conditional Permit based on condition no. 5 as Western did not develop the property in substantial compliance with the representations made before the Council. Or, since the conditional permit would have an expiration date requiring an extension of the permit, the Department could recommend no extension of the Conditional Permit if a breach was made with no satisfactory resolution by Western.

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Gladys C. Baisa, Chair
September 10, 2010
Page 2

Thank you for your cooperation. Should further clarification be necessary, please contact Staff Planner Joseph Prutch at Ext. 7512.

Sincerely,



KATHLEEN ROSS AOKI
Planning Director

xc: Ann T. Cua, Deputy Planning Director
Clayton I. Yoshida, Planning Program Administrator
Joseph M. Prutch, Staff Planner
Western Apartment Supply & Maintenance Co.
Chris Hart, Chris Hart & Partners, Inc.

KRA:JMP:sa

Project File
General File

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