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COUNTY OF MAUI  
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December 28, 2009

Mr. Jeffrey Hunt, Director  
Department of Planning  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Hunt:

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

The Land Use Committee is in receipt of County Communication No. 09-246, from the Planning Director, transmitting a request from Western Apartment Supply & Maintenance Co. for a Community Plan Amendment from Single-Family to Hotel to reflect the existing hotel use at 2980 South Kihei Road (TMK: (2) 3-9-04:029), and a two-year Conditional Permit to allow for the construction and use of an off-site parking lot within the County Park District, on South Kihei Road (TMK: (2) 3-9-04:149), for State-owned property situated at Kihei, Maui, Hawaii.

May I please request your written response to the following:

1. Provide an electronic copy and two paper copies of the Final Environmental Assessment for the project.
2. The proposed Conditional Permit bill refers to Parcel 149 as being within the "County Park District". The document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION NOVEMBER 25, 2008 MEETING" (Department's Report) states, on page 14: "The existing zoning does not allow for a public/commercial parking lot". My understanding is that there is no zoning district called "County Park District". How, therefore, is your Department determining what uses are permitted by the existing zoning, and evaluating whether the uses proposed by the Conditional Permit are "similar, related or compatible to those permitted uses", as set forth in Chapter 19.40, Maui County Code? Please explain.

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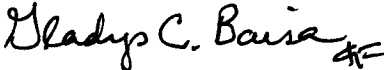
3. Revise the Community Plan Map to delete the word “residential” in the phrase “single family (SF) residential”, and hyphenate “single family”, consistent with the Kihei-Makena Community Plan.
4. Does your Department recommend that a condition be added in the proposed Conditional Permit bill that makes explicit that no less than 51 percent of the parking on TMK: (2) 3-9-04:149 shall be available for public beach access parking, consistent with the Settlement Agreement? If so, please suggest language for such a condition.
5. On page 21 of the Department’s Report, under the section entitled “Archaeological, Historic and Cultural Resources”, it is noted that no comments were received from the State Historic Preservation Division (SHPD) on the proposed parking lot improvements. Have any comments been received from SHPD since the Department’s Report was prepared? If not, might an attempt to follow up on SHPD’s comments be made?

I would appreciate receiving your response **by Thursday, January 21, 2010.**

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

Thank you for your assistance with this matter. Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Pauline Martins at ext. 8039).

Aloha and mahalo,

  
GLADYS C. BAISA, Chair  
Land Use Committee

lu:ltr:025apl01:cmn

cc: Honorable Charmaine Tavares, Mayor  
Joseph Prutch, Planner, Department of Planning  
Western Apartment Supply & Maintenance Co.  
Christopher Hart, Chris Hart and Partners, Inc.