

**RUSH**

**REQUEST FOR LEGAL SERVICES**

**Date:** August 18, 2016  
**From:** Robert Carroll, Chair  
Land Use Committee

**RECEIVED**  
By Corporation Counsel at 4:05 pm, Aug 18, 2016

**TRANSMITTAL**  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jennifer Oana, Esq.

**Subject:** COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE KAHANA SUNSET CONDOMINIUM AT 4909 LOWER HONOAPILANI ROAD (LU-19)

**Background Data:** Please revise the attached proposed bill by: (1) substituting the new Exhibit "B" containing two conditions for the existing Exhibit "B" containing a single condition; and (2) revising the reference in Section 2 of the bill so that it reads "conditions" rather than "condition." Then, if appropriate, approve as to form and legality.  
Please include the revised hard copy.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature <u>Carroll for RC</u> Robert Carroll	Contact Person <u>Scott Jensen</u> (Telephone Extensions: 7662)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, August 24, 2016  
REASON: For possible posting on the September 2, 2016 Council meeting agenda.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: <u>JMO</u>	ASSIGNMENT NO. <u>2014-3084</u>	BY: <u>LUV</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date 8/23/16

By [Signature]

(Rev. 7/03)

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM  
R-3 RESIDENTIAL DISTRICT TO H-M HOTEL DISTRICT  
(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI,  
HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015,  
FOR THE KAHANA SUNSET AOA

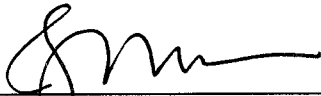
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.14 and 19.510, Maui County Code, a change in zoning from R-3 Residential District to H-M Hotel District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes by tax map key (2) 4-3-003:015, comprising approximately 4.467 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-871, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



\_\_\_\_\_  
JENNIFER M. OANA  
Deputy Corporation Counsel  
County of Maui

2015-5327/2014-3084

LU-19 2016-08-22 Ordinance Kahana Sunset AOA

TAX MAP KEY: (2) 4-3-003:015

ALL of that certain parcel of land, being all of R. P. 4697, L. C. Aw. 4807:3 to Nika 2, all of R. P. 4697 L. C. Aw. 4807:4 to Nika 2, and a portion of R. P. 1663 L. C. Aw. 5524 to L. Konia, situated at Alaaloa, Lahaina, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a one inch pipe on the Southerly corner of this parcel of land, on the Westerly side of Honoapiilani Highway, being also the Southerly corner of Allotment 16 of the Mailepai Hui Partition, the coordinate of the point of beginning referred to the Government Survey Triangulation Station "Malo" being:

13,873.95 feet South

11,352.02 feet West

and running by azimuths measured clockwise from true South:

1. 119° 51' 00" 268.00 feet along Allotment 44-B of the Mailepai Hui Partition to seashore and a 1/2 inch pipe;  
Thence along high water mark of seashore the direct azimuth and distance being:
2. 191° 15' 10" 464.83 feet to a 1/2 inch pipe;
3. 314° 21' 30" 73.69 feet along Exception 19 of the Mailepai Hui Partition owned by Ralph Coatsworth and wife Hilda K. to a 1 inch pipe in concrete;
4. 274° 07" 00" 199.13 feet along Allotment 19-B of the Mailepai Hui Partition owned by the Door of Faith Church to a pipe;  
Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the left with a radius of 177.80 feet, the direct chord distance and azimuth being:
5. 331° 07' 30" 124.78 feet to a pipe;
6. 310° 35' 00" 154.84 feet along the westerly side of Honoapiilani Highway to a pipe;

EXHIBIT "A"

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the right with a radius of 71.10 feet, the direct chord azimuth and distance being:

7. 349° 27' 30" 89.25 feet to a pipe;

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the right with a radius of 246.10 feet, the direct chord azimuth and distance being:

8. 48° 25' 00" 169.02 feet to a pipe;

Thence along the Westerly side of Honoapiilani Highway and along an arc of a curve to the left with a radius of 521.13 feet, the chord azimuth and distance being:

9. 59° 17' 30" 166.79 feet to a pipe;

10. 50° 05' 00" 44.23 feet along the Westerly side of Honoapiilani Highway to the point of beginning and containing an area of 4.467 acres.

## **EXHIBIT "B"**

### CONDITIONS OF ZONING

1. No building shall exceed 45 feet in height, except that vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof.
2. The public shoreline access shall be available at a minimum between 7:30 a.m. and 7:30 p.m., seven days a week.