

**From:** "Jordan Hart" <JHart@chpmaui.com>  
**To:** "Joseph Prutch" <Joseph.Prutch@co.maui.hi.us>  
**CC:** "Ann Cua" <Ann.Cua@co.maui.hi.us>, "Matt Slepín" <MSlepín@chpmaui.com>, ...  
**Date:** 08/04/2010 09:59 AM  
**Subject:** Maui Oceanfront Inn - Council LUC  
**Attachments:** PPT Maui Oceanfront Inn Council - LUC, 1st hearing.pdf; DLNR May 12 2000 (o  
n revocable permit).pdf; 07\_2\_21 DAGS Survey Comment Letter.pdf; 07\_3\_12 D  
LNR Comment Letters.pdf

Hello Joe,

Sorry, I missed your phone message yesterday.

Regarding PPT:

See Attached PPT. Please note it is 90% the same as the PPT for Planning Commission which was transmitted to the department. There is a new slide on beach access signage, and the parking lot figure has been updated slightly to make it more understandable (see attached PPT) beyond that there are no new slides that have not appeared previously.

Regarding the difference in square footage:

The attached May 12, 2000 letter from DLNR says that DAGS Surveys will verify the area of the parcel; I am trying see if DAGS has something on this. In their attached comment letter on the FEA, they state that they have no objection to the proposed project, which includes the discussion of the parking lot. Based on what I have been able to gather, I believe it relates to the actual area of parking, not including landscaped (non parking) area. I spoke with Bruce Lee (surveyor for parcel subdivision), he stated that DLNR gave the subdivision their final approval after the revocable permit was in effect. The DLNR has also (very recently) approved a longer extension of the lease pending the completion of the parking lot improvements.

Regarding a Letter of Authorization:

I would refer you to the revocable permit for the purpose of operating the parking lot (clearly stated), as well as DLNR's comment on the FEA and their encouragement to correct what they view as a mapping error through the proposed CPA, as well as their acknowledgement that we are seeking parking approval from the county.

Jordan E. Hart

RECEIVED  
 10 AUG -5 08:11  
 OFFICE OF THE  
 COUNTY COUNCIL

Attachments: (4)

Chris Hart & Partners, Inc.

115 North Market Street

Wailuku, Maui, Hawaii

96793-1706

www.CHPMaui.com <<http://www.chpmaui.com/>>

Direct: (808) 270-1563

Fax: (808) 242-1956

Email: [JHart@CHPMaui.com](mailto:JHart@CHPMaui.com) <<mailto:JHart@CHPMaui.com>>

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From: Joseph Prutch [<mailto:Joseph.Prutch@co.maui.hi.us>]  
Sent: Tuesday, August 03, 2010 4:17 PM  
To: Jordan Hart  
Subject: sarentos for CC tomorrow...

Aloha Jordan,

A few things I needed from you today:

1. difference in square footage between RP and TMK
2. PP Presentation slides (Ann Cua wanted to see these before the meeting)
3. Letter of Authorization from the State allowing Applicant to proceed with applications

I hope you can get these for me by tomorrow morning...Mahalo!

Joe Prutch, Staff Planner  
Maui County, Current Planning

250 South High Street

Wailuku, HI 96793  
office: (808) 270-7512  
fax: (808) 270-1775

[joseph.prutch@mauicounty.gov](mailto:joseph.prutch@mauicounty.gov)

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D-12

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 12, 2000

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Maui

Resubmittal of Sale of Lease at Public Auction for Parking Lot Purposes, Cancellation of Revocable Permit No. S-6914 with Towa Shinyo, Maui, Inc. and Issuance of Revocable Permit to Western Apartment Supply and Maintenance Co., Kamaole, Wailuku, Maui, Tax Map Key: 3-9-04: Portion 01.

REQUEST:

Sale of lease at public auction for parking lot purposes; and  
Issuance of revocable permit to Western Apartment Supply and Maintenance Co., a California corporation whose business and mailing address is 2980 S. Kihei Road, Kihei, Maui, Hawaii 96753.

LEGAL REFERENCE:

Sections 171-13, -14, -14.5, -16, -17, -55 and other applicable sections of Chapter 171, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kamaole situated at Kihei, Wailuku, Maui, identified by Tax Map Key: 3-9-04: Portion 01, as shown on the attached map labeled Exhibit A.

AREA:

0.694 acres, more or less, subject to confirmation by the Department of Accounting and General Services, Survey Division.

APPROVED, AS AMENDED, BY THE  
BOARD OF LAND AND NATURAL  
RESOURCES AT ITS MEETING HELD

ITEM D-12

ON 5/12/00

May 12, 2000

ZONING:

State Land Use District: Urban District  
County of Maui CZO: Park

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO  X

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6914, Towa Shinyo Maui, Inc., for parking lot purposes. Other portions of the subject parcel are currently under revocable permit (approximately 0.425 acres) for parking lot purposes, Revocable Permit No. S-5405 (approximately 0.298 acres) for landscaping and maintenance purposes and General Lease No. S-4375 for access purposes. The Mana Kai Owners Association is the holder of the above permits and lease.

LEASE TERMS AND CONDITIONS:

CHARACTER OF USE:

Parking lot purposes

LEASE TERM:

Date of issuance to September 3, 2033.

COMMENCEMENT DATE:

The date of sale if the current occupant is the successful bidder, otherwise, sixty (60) days after the date of sale; provided that if such date is not on the first day of any month, the commencement date shall be the first day of the month following such date; and further provided that the Chairperson may amend the commencement date for good cause.

May 12, 2000

MINIMUM UPSET ANNUAL RENT:

To be determined by staff or independent appraisal, subject to review and approval by the Chairperson.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the end of the 10<sup>th</sup> year, 20<sup>th</sup> year and 30<sup>th</sup> years of the lease term, by staff or independent appraisal.

PERFORMANCE BOND:

Twice the annual rental amount.

REVOCABLE PERMIT TERMS AND CONDITIONS:

CHARACTER OF USE:

Parking lot purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

LIQUIDATED DAMAGES:

Twenty percent (20%) of the monthly rental per day or three dollars (\$3.00) per day, whichever is greater.

PROPERTY CHARACTERISTICS:

Utilities - available  
Slope - average slope of approximately 4% to 6%.  
Elevation - approximately 45 feet above mean sea level.  
Rainfall - approximately 12-20 inches annually.  
SCS Soil Series - DL (Dune Land).  
Land Study Bureau - E77, dark reddish brown Waiakoa Soil Series, best for grazing use.

Legal access to property - Staff has verified that there is legal access to the property off of South Kihei Road.

Subdivision - Staff has verified that the subject property to be auctioned will need to be legally subdivided.

Encumbrances - Staff has verified that the following encumbrances exist on the property: parking lot, access roadway easement and landscape planting.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The proposed use does not differ from the previous use, therefore, pursuant to Section 11-200-8 (a)(1), of the Environmental Impact Statement Rules, Exempt Classes of Action, the applicant is exempt from the preparation of an environmental assessment.

REMARKS:

On January 28, 1994, under Agenda Item F-9, the Board approved the issuance of Revocable Permit No. S-6914 to Towa Shinyo Maui, Inc. for parking lot purposes. Towa was also the current lessee of General Lease No. S-4212 involving use of an adjoining Government parcel identified by Tax Map Key: 3-9-04: 29, for apartment-motel cottages and accessory uses, including a restaurant bar (Carelli's) and other service facilities.

The reasoning for the revocable permit request was due to a court settlement between Carelli's and Towa and the Association of Apartment Owners of Hale Hui Kai (property adjacent to the south of the leased property). One condition of this settlement action required that Towa obtain additional land for a parking lot to alleviate parking congestion created by the restaurant along South Kihei Road. The only adjacent available land was the

May 12, 2000

subject State parcel.

Since County zoning for the subject parcel is park, and although parking lots are identified as accessory uses within the park district, in order to meet the intent of parks in general, the parking lot was determined to be allowable if it was made available for public use also. This condition was imposed in the revocable permit and worded as such, "that the parking lot shall allow and be properly identified for public use." In issuing their Special Management Area Minor Permit for the parking lot use, the Maui Planning Department also required the same.

Since the need for this parking lot was generated by the use of the adjacent State land under General Lease No. S-4212, the term of the new lease is proposed to coincide with the term of General Lease No. S-4212, which expires on September 3, 2033. Since Towa has recently sold General Lease No. S-4212 to Western Apartment, which is being addressed in a separate request, the need of the parking lot by the new owner has generated the subject request for cancellation and issuance of a revocable permit and sale of a lease at public auction.

The applicant has had no prior involvement of State lands.

The subject request was originally scheduled for the Board's April 14, 2000 meeting under Agenda Item D-18 but was deferred at the request of the Maui Land Board Member due to some concerns. These concerns have been addressed and this office is requesting the Board's review and approval of the subject request.

RECOMMENDATION: That the Board:


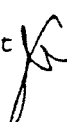
1. Find the area to be an economic unit in terms of the intended use.
2. Find that the subject area is not suitable for hunting, nor will it become so during the term of the lease.
3. Authorize the sale of a lease at public auction covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current pasture general lease form, as may be amended from time to time;



May 12, 2000

- b. Within the first \_\_ years of the lease term, the land under lease shall be utilized for the purposes for which the lease is sold, all in accordance with a conservation plan approved by the Chairperson;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  - e. That the parking lot shall allow and be properly identified for public use.
4. Authorize the cancellation of Revocable Permit No. S-6914 to Towa Shinyo Maui, Inc.
5. Authorize the issuance of a revocable permit to Western Apartment Supply and Maintenance Co. covering the subject area for parking lot purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of Attorney General;
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
  - d. That the parking lot shall allow and be properly identified for public use.

Respectfully Submitted,

  
PHILIP OHTA  
Maui District Land Agent 

May 12, 2000

- b. Within the first \_\_\_ years of the lease term, the land under lease shall be utilized for the purposes for which the lease is sold, all in accordance with a conservation plan approved by the Chairperson;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  - e. That the parking lot shall allow and be properly identified for public use.
4. Authorize the cancellation of Revocable Permit No. S-6914 to Towa Shinyo Maui, Inc.
5. Authorize the issuance of a revocable permit to Western Apartment Supply and Maintenance Co. covering the subject area for parking lot purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of Attorney General;
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
  - d. That the parking lot shall allow and be properly identified for public use.

Respectfully Submitted,



PHILIP OHTA  
Maui District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
TIMOTHY E. JOHNS, Chairperson

3. "Authorize the sale of a lease at public auction covering the subject area for [pasture] parking lot purposes under . . ."

b. Delete all of "b" as it related to an agricultural use.

Change conditions 3c, 3d, and 3e to 3b, 3c, and 3d.

FROM :

FAX NO. : 8082701775

Mar. 15 2007 02:11PM P5

r/

LINDA LINGLER  
GOVERNOR



RUSS K. SAIKU  
Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
SURVEY DIVISION  
P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

Response refer to:  
Ma-060(07)

'07 FEB 22 P2:09

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

February 21, 2007

MEMORANDUM

TO: Michael W. Foley, Planning Director  
Maui County Planning Department

FROM: *[Signature]*  
Reid K. Siarot, State Land Surveyor  
DAGS, Survey Division

SUBJECT: I.D.: EA 2006/0015; CPA 2006/0005; CP 2006/0012; SM1 2006/0017  
TMK: 3-9-04: 29 and 149  
Project Name: Maui Oceanfront Inn and Sarento's Restaurant  
Applicant: Christopher L. Hart, Chris Hart and Partners, Inc.

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey has no objections to the proposed project.

Should you have any questions, please call me at 586-0390.





FROM :

FAX NO. : 8082701775

Mar. 15 2007 02:12PM P10

5070450

Land Division

06:33:20 p.m. 03-12-2007

3 / 4

LINDA FINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**LAND DIVISION**

POST OFFICE BOX 631  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCES MANAGEMENT  
  
ROBERT K. MARUDA  
DEPUTY CHAIRPERSON  
  
ARIANNE HERRINGTON  
SEATING AND CERTIFICATION  
OFFICE OF COUNTY ENGINEERS  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND DEVELOPMENT POLICY DIVISION  
COUNCIL ON THE OCEAN  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOLA ISLAND CONSERVATION COMMISSION  
LAND  
STATE PARKS

To: Russell Y. Tsuji, Administrator

From: Keith Chun, Planning and Development Manager

Date: March 7, 2007 ✓

Re: Consolidated Application for HRS Chapter 343 Environmental Assessment, Community Plan Amendment, Conditional Use Permit, Special Management Area Use Permit, Shoreline Setback Variance and Offsite Parking Approval for Maui Oceanfront Inn & Sarento's Restaurant; Kihei, Maui, TMK (2) 3-9-4-20 and 149 (the "Application")

The following comments are provided in response to the above-referenced Application.

The subject property is owned by the State of Hawaii, Department of Land and Natural Resources ("DLNR"). The applicant, Western Apartment Supply & Maintenance Co. ("WASM"), is the current lessee of TMK parcel 29 ("Parcel 29") pursuant to General Lease No. S-4212. WASM is also the permittee of TMK parcel 149 ("Parcel 149") pursuant to Revocable Permit No. 7235 (the "RP").

Parcel 29. The Application includes a Community Plan Amendment Application that seeks to amend the Kihei-Makena Community Plan designation for Parcel 29 from Single Family (SF) Residential to Hotel (H). Page 1 of the Application states the 1985 Kihei-Makena Community Plan "re-designated" Parcel 29 from Hotel (H) to Single Family (SF) Residential. However, it is our understanding that the re-designation of Parcel 29 occurred as part of the 1988 Kihei-Makena Community Plan (not the 1985 Community Plan).

We believe the re-designation of Parcel 29 to Single Family Residential was inadvertent as evidenced by the fact that the zoning designation for Parcel 29 currently is, has been H-M Hotel District since 1969. Furthermore, any such downzoning of Parcel 29 without consent from, or compensation to, the landowner would be improper. As such, the Application should clarify that the requested Community Plan Amendment is merely a request to correct the previous inadvertent re-designation of Parcel 29.

Parcel 149. The Application includes an Off-Site Parking application that seeks the County of Maui's approval to use parking stalls on Parcel 149 as commercial parking. Parking use of Parcel 149 is permitted under the RP issued to WASM. However, it should be noted that the RP is intended to be a short-term, temporary arrangement, and that the RP may be terminated by either party for any reason with 30 days notice. In the event DLNR determines a different long-term use of the property is appropriate and terminates the RP, all existing parking uses will also be terminated.

FROM :

FAX NO. :8082701775

Mar. 15 2007 02:12PM P11

5870450

Land Division

06:33:52 p.m. 03-12-2007

4/4

Memorandum to Russell Y. Teuji re  
TMK (2) 3-9-4:29 and 149  
March 7, 2007  
Page 2

The Application also states that WASM will allocate 51% of the parking stalls on Parcel 149 for public beach parking as required by the Settlement Agreement dated November 25, 2005. (Application Pages 12-13). DLNR does not object to WASM allowing a portion of the site to be used for public beach parking during the term of the RP, provided WASM observes the terms and conditions of the RP, which include, but are not limited to requirements that WASM maintain appropriate liability insurance, use due care for public safety, keep the premises in clean and sanitary condition, not allow nuisance, unlawful, improper or offensive uses on the premises, and indemnifies the State of Hawaii against all liability, loss and damage.

Please note that DLNR is not a party to the Settlement Agreement, and therefore does not assume any responsibility for any public parking uses on Parcel 149, nor does DLNR agree to allow such public parking use to continue in perpetuity or for any period after termination of the RP.





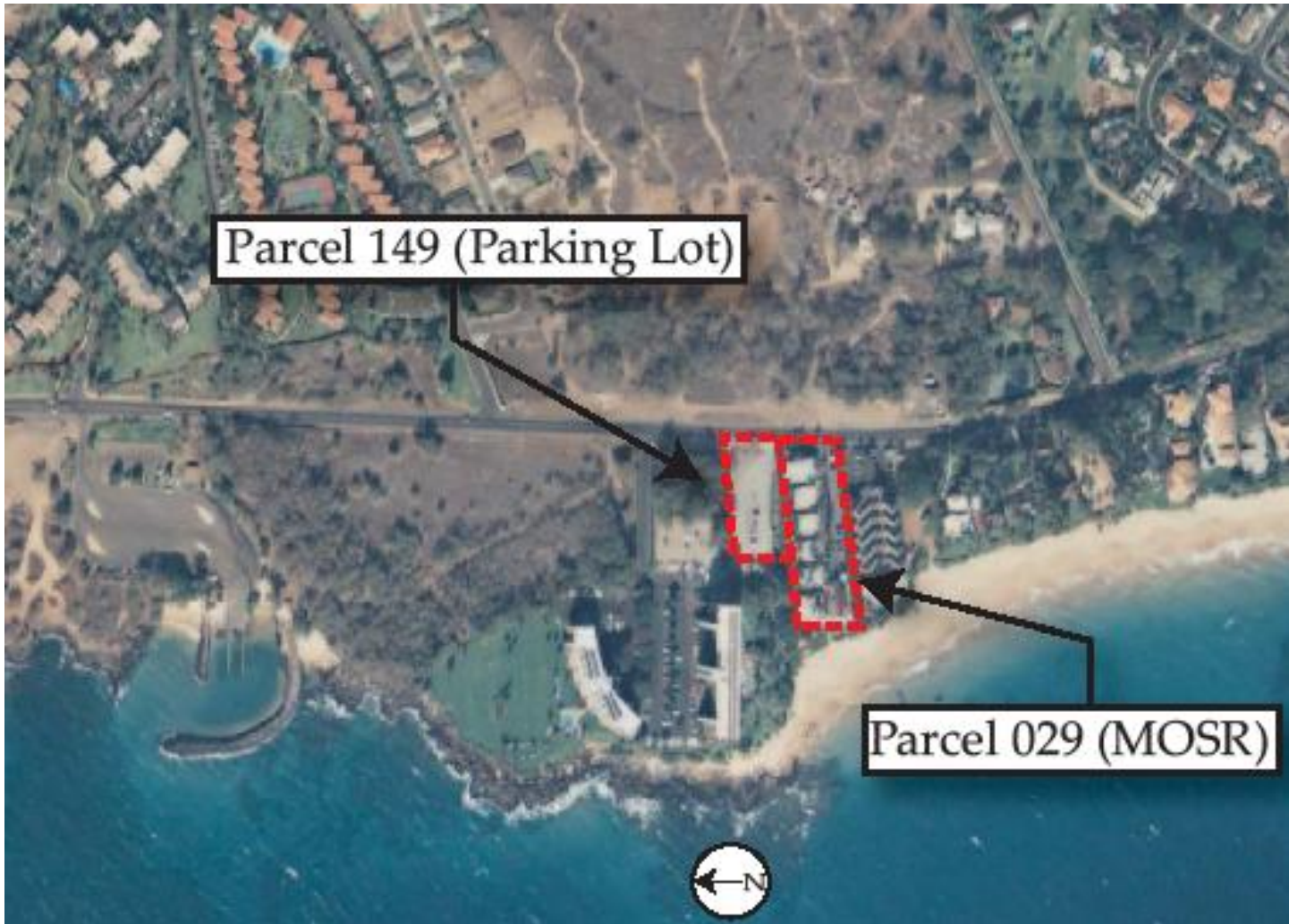
# *Maui Oceanfront Inn & Sarento's Restaurant*



*Community Plan Amendment,  
Conditional Use Permit*

*(Project has obtained a FONSI for an HRS Chapter 343 Environmental Assessment)*

# Aerial Location





# Kihei Civic Development Plan Map, 1968



MOSR Designated Hotel

## REGIONAL PLAN

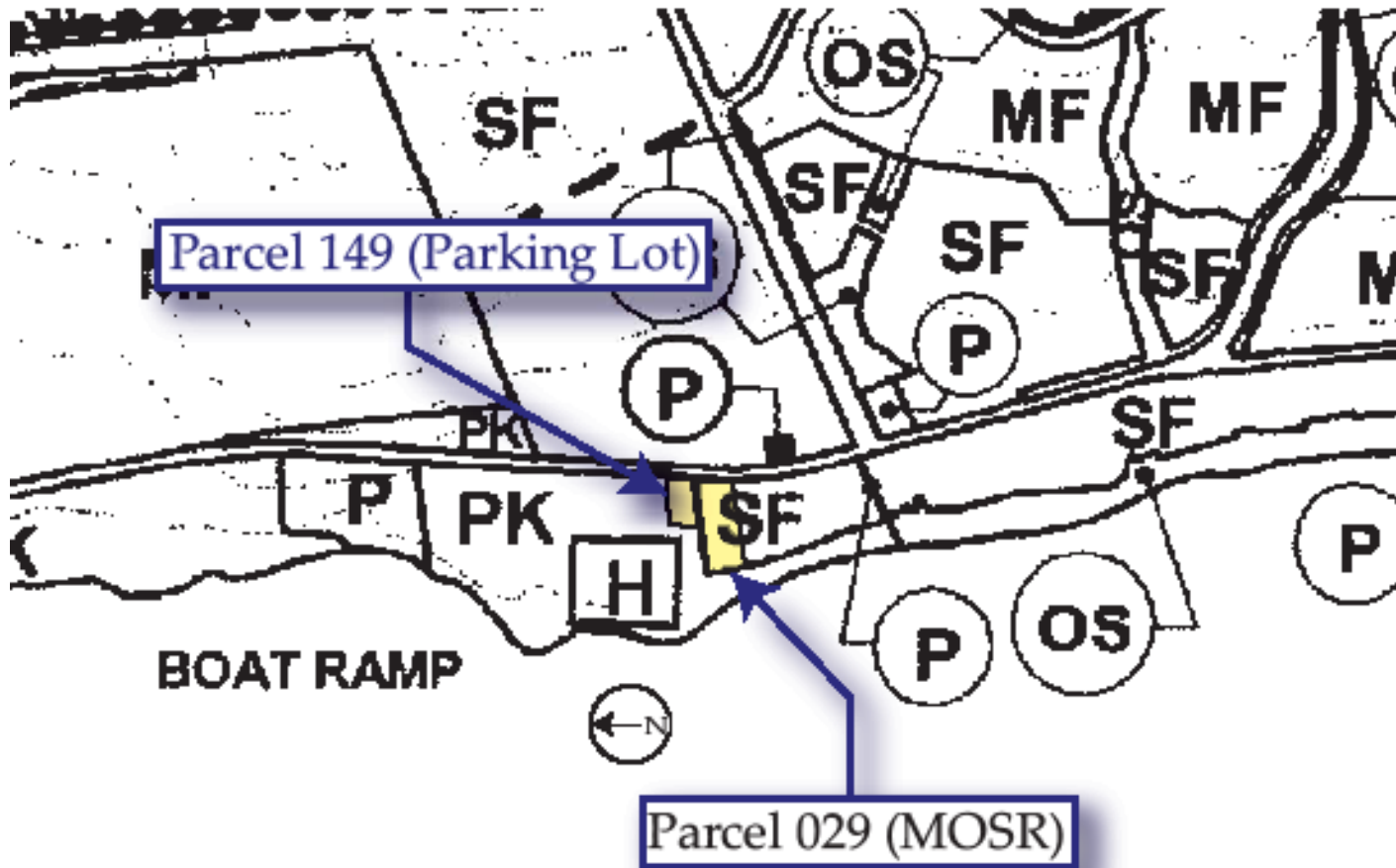
	RESIDENTIAL
	APARTMENT
	HOTEL
	BUSINESS
	RESORT COMMERCIAL
	INDUSTRIAL
	AGRICULTURE
	RURAL
	PUBLIC USE
	PARK
	DRAINAGE
	EXISTING STREET
	PROPOSED STREET
	PLANTING BUFFER
	BEACH RIGHT OF WAY
	GOLF COURSE
	OPEN ZONE





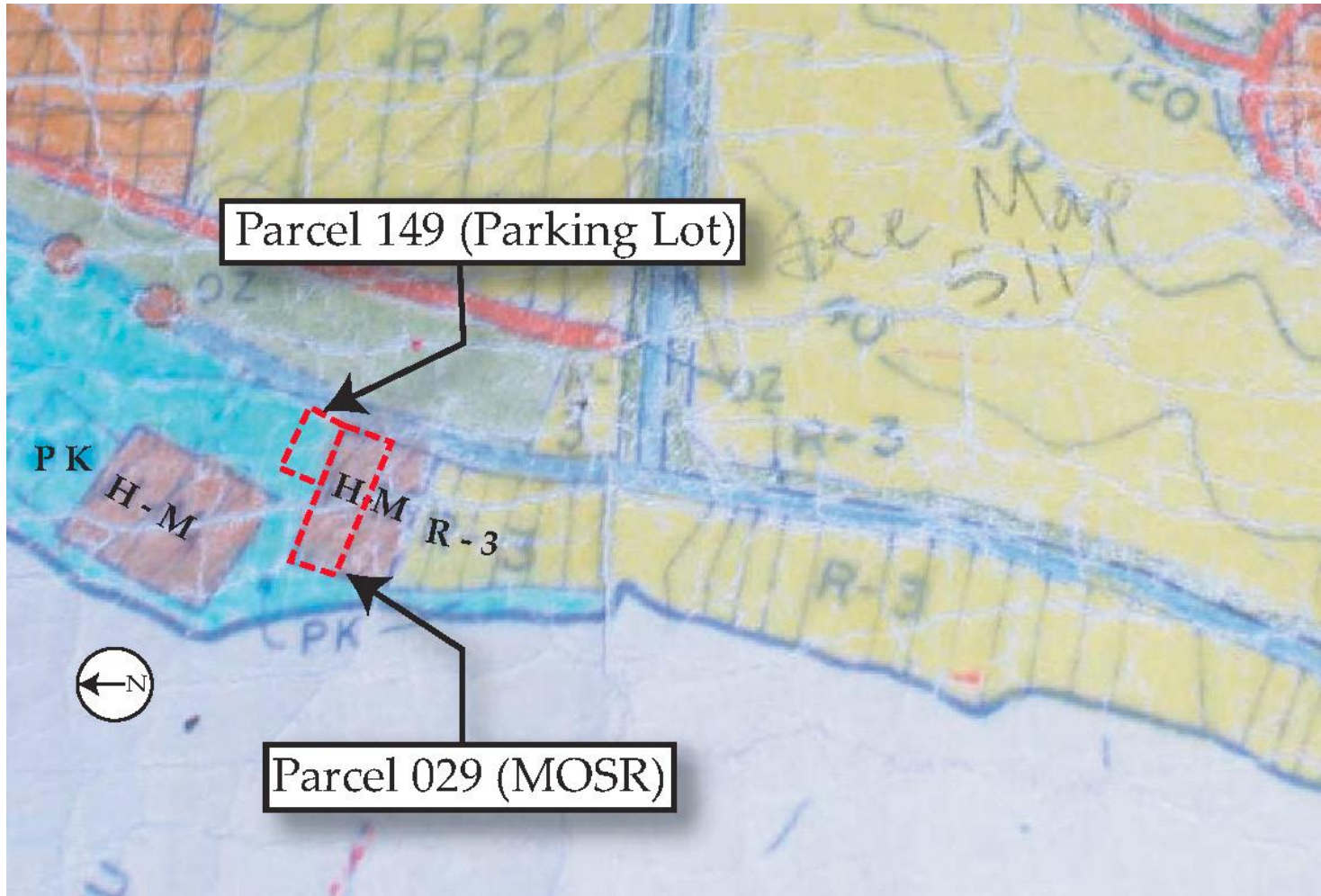


# Kihei-Makena Community Plan, 1998



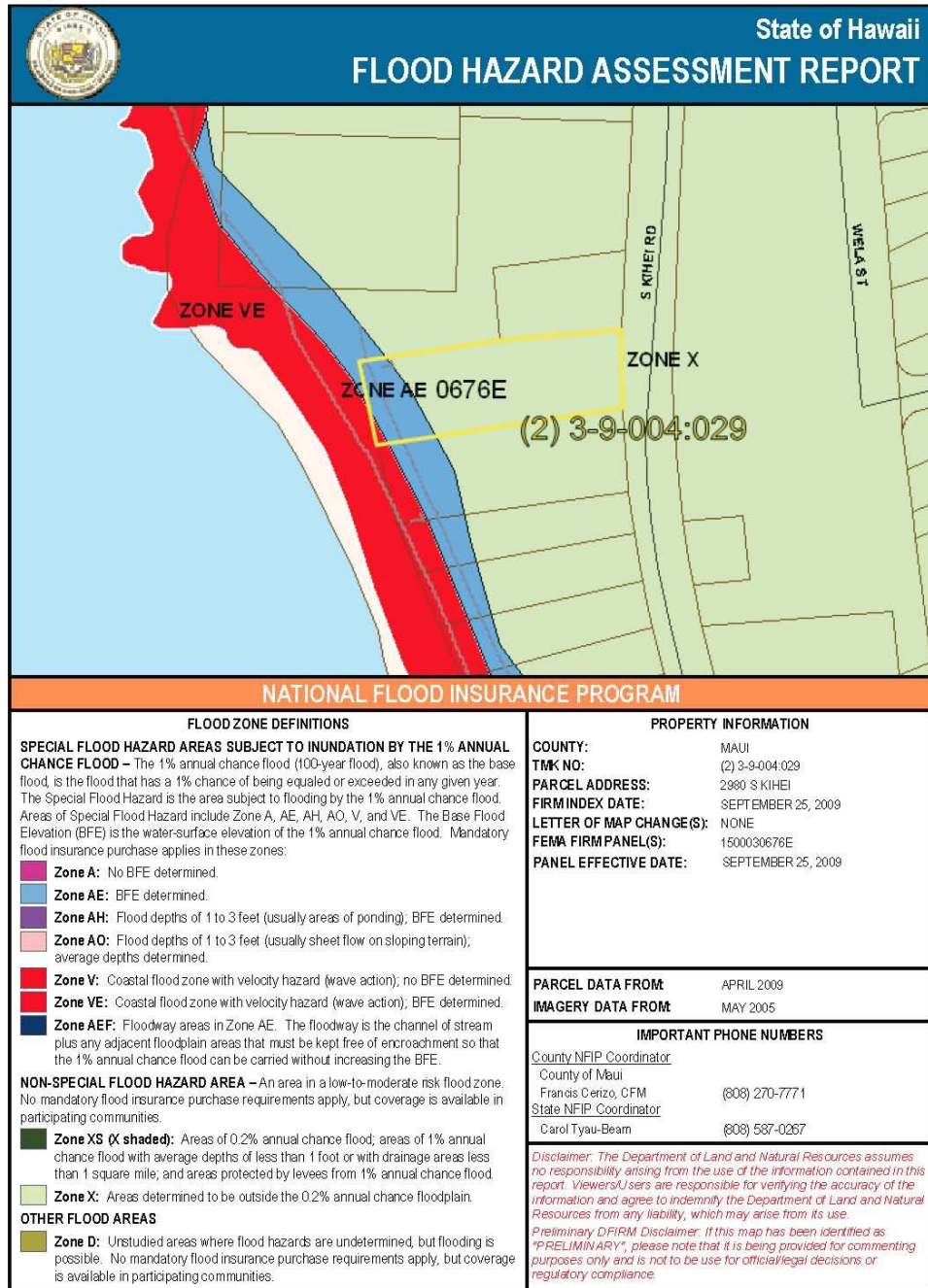


# Maui County Zoning Map, 1969





# Flood Zone:













# Chronology

- June 13, 2000- General Lease S-4212 (for parcel 029 - MOSR) assigned to Western Apartment Supply and Maintenance Company (Western). Western undertakes interior renovation and exterior maintenance for buildings.
- December 1, 2000- The Board of Land and Natural Resources issues Revocable Permit No. 7235 to Western to permit a parking lot on TMK (2) 3-9-04: portion of 001.
  - Now known as Parcel 149 (existing gravel parking)



# Chronology (Continued)

- November 25, 2005- Settlement Agreement executed between Western, Tri-Star Restaurant Group, LLC., Ms. Naone Hall, Mr. Kuloloio, and the County of Maui to resolve pending issues related to non-compliance with County requirements (the subject of this HRS Chapter 343 Environmental Assessment Review and related land use applications)



# Community Plan Amendment

- Community Plan Amendment for Parcel 029,
  - From: Single Family Residential (SF)
  - To: Hotel (H)
- (Note: This change is consistent with the long-established use of the property (Maui Oceanfront Inn & Sarento's Restaurant built in 1974) and the current H-M Hotel District Zoning in existence since 1969.)

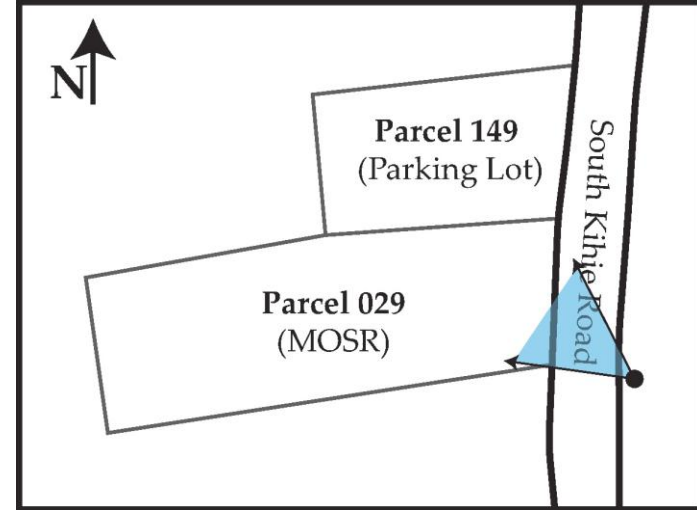


# Conditional Use Permit

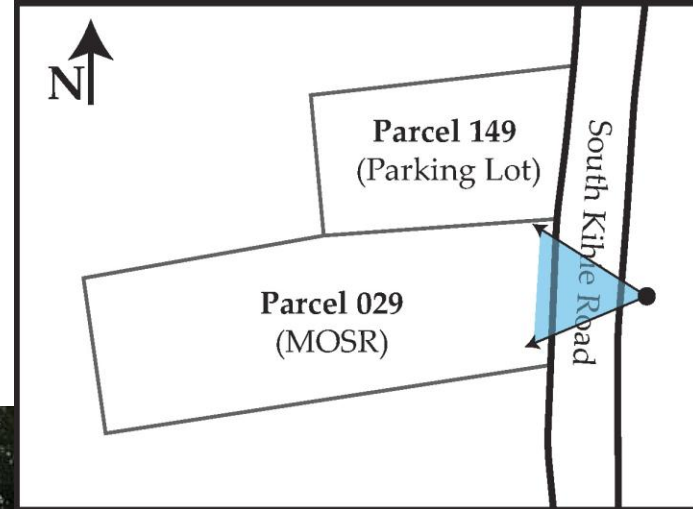
- Conditional Use Permit to allow parking lot on portion of Parcel 149 for public beach access use and for commercial use by MOSR, within the PK Park District



# MOSR Entry Looking Northwest from South Kihei Road

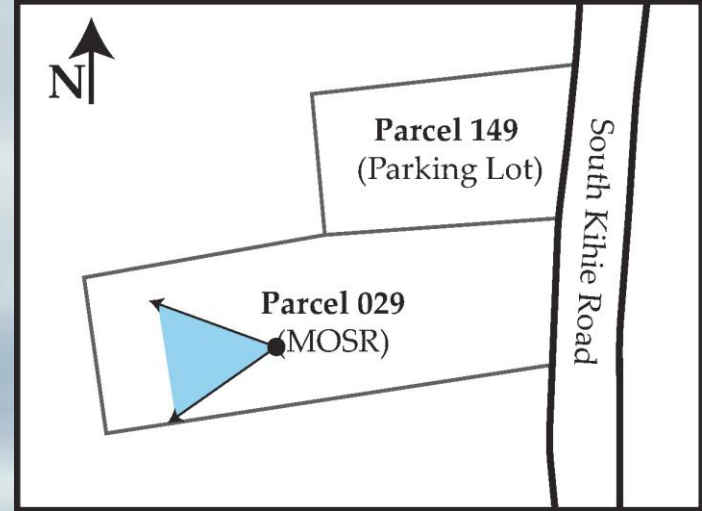


# MOSR Entry Looking West from South Kihei Road



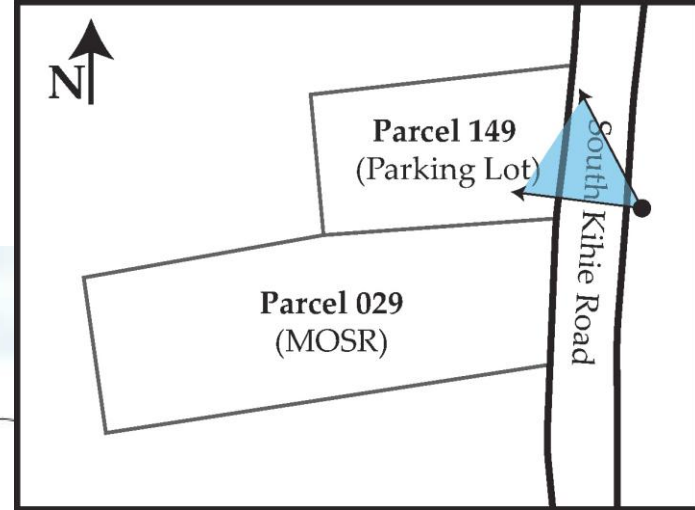


# Looking West at Sarento's Restaurant, Parcel 029

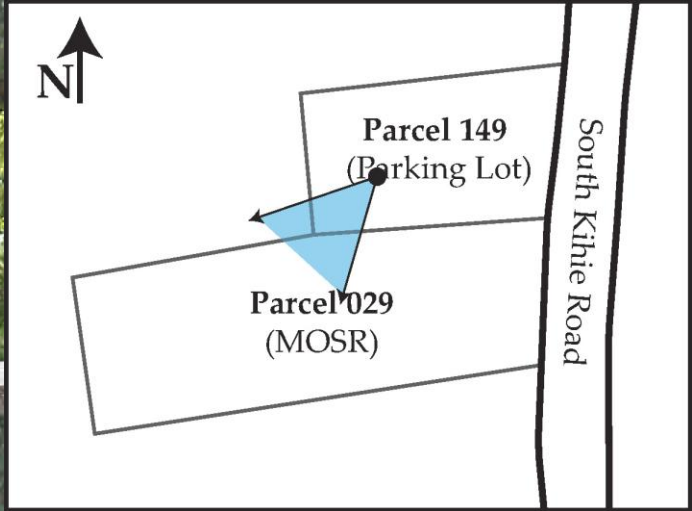




# Entry to Parcel 149 Looking Northwest from South Kihei Road

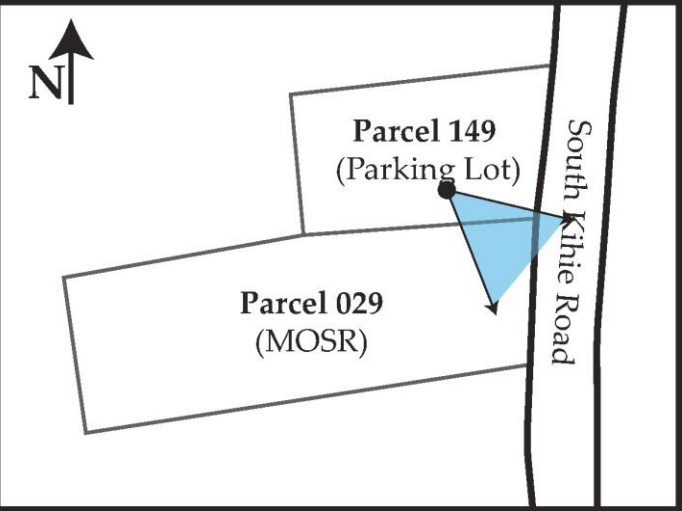






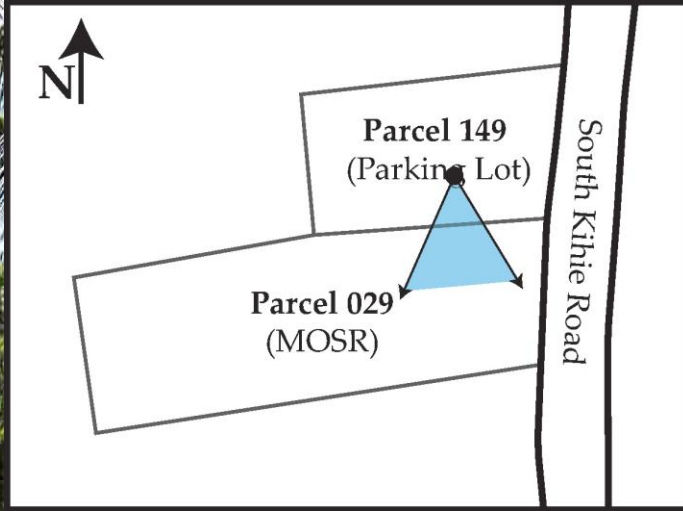
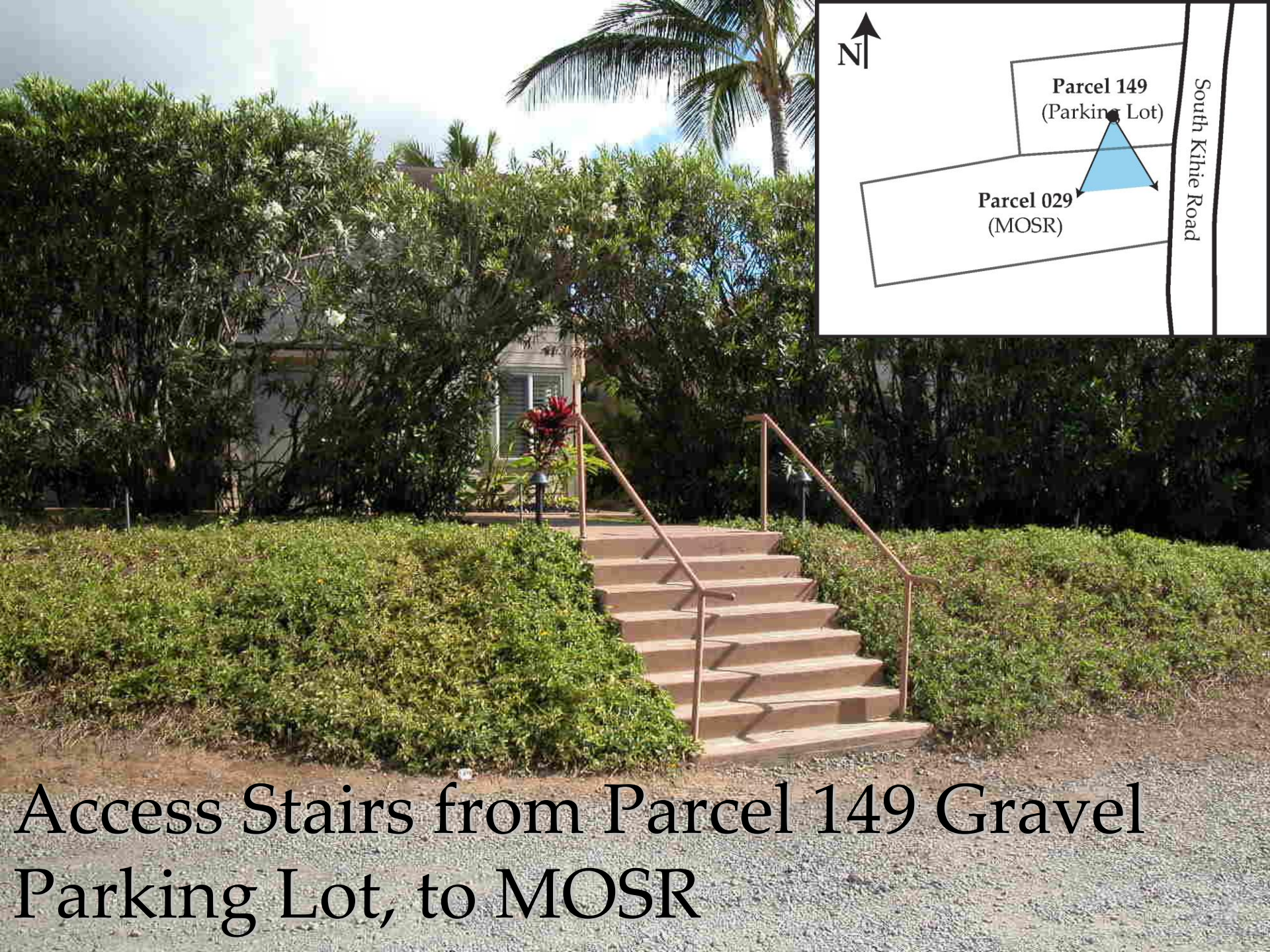
Entryway Trellis From Gravel  
Parking Lot to Parcel 029, MOSR





ADA Accessible Ramp From  
Parcel 149 Gravel Parking Lot to MOSR

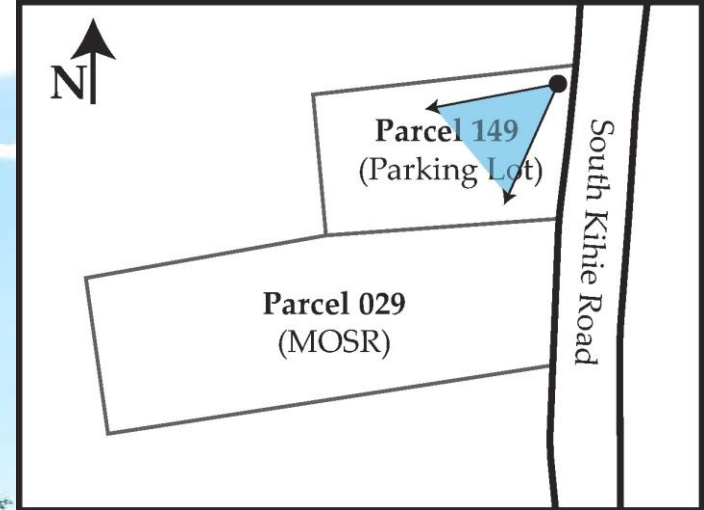




Access Stairs from Parcel 149 Gravel  
Parking Lot, to MOSR



# Looking West Over Parcel 149







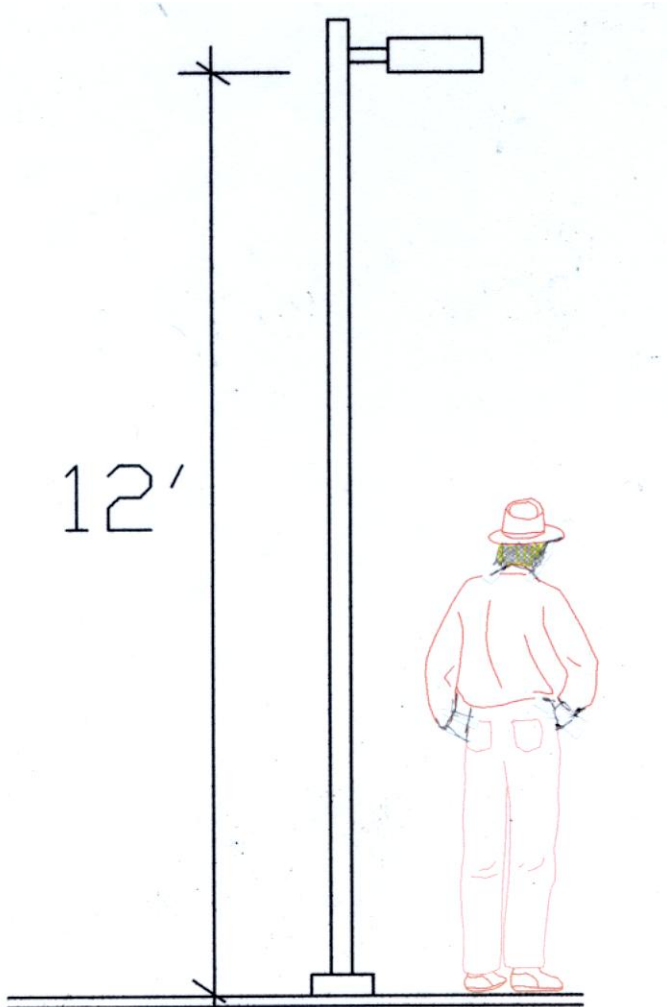
# Public Access Signage



## Future Paved Parking:



# Typical Shielded Parking Lot Lighting





*Chris Hart & Partners, Inc.*  
*Landscape Architecture & Planning*





# Summary of Issues

	Environmental Assessment (FONSI)	Community Plan Ammendment	Special Management Area Permit	Variance	Shoreline Setback Variance	Conditional Use Permit	Off-Site Parking Approval
<b>Parcel 029 (MOSR)</b>							
<i>Existing Structures</i>							
Hotel Buildings	X	X	X	X	X		X
Electrical Box Enclosures	X	X	X	X			
Propane Tank Enclosure	X	X	X	X			
Electric Utility Enclosure	X	X	X	X			
Garbage Bins	X	X	X	X			
Dupmpster Enclosure	X	X	X	X			
Storage Enclosure	X	X	X	X			
<b>Sarento's Restaurant</b>							
Awning	X	X	X	X	X		X
Wall	X	X	X		X		
<b>Parcel 149(Gravel Parking Lot)</b>							
<i>Existing Structures</i>							
Ramp	X		X				
Stairway	X		X				
Entry Feature (Threshold)	X		X				
<i>Proposed Structures</i>							
Paved Parking Lot	X		X			X	X
<b>State Beach Reserve</b>							
<i>Existing Structures</i>							
Concrete Stepping Stones	X		X		X		
Beach Shower	X		X		X		