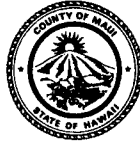


Council Chair
Danny A. Mateo

Vice-Chair
Michael J. Molina

Council Members
Gladys C. Baisa
Jo Anne Johnson
Sol P. Kaho'ohalahala
Bill Kauakea Medeiros
Wayne K. Nishiki
Joseph Pontanilla
Michael P. Victorino



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 10, 2010

Mr. Christopher Hart
Chris Hart and Partners, Inc.
115 N. Market Street
Wailuku, Hawaii 96793

Dear Mr. Hart:

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

The Maui County Council's 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 offsite 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.

On behalf of the Land Use Committee, I requested a response from the Planning Director to several questions I had on the documentation that had been provided. By correspondence dated January 20, 2010, the Planning Director provided the enclosed response.

In response to Question No. 5, the Planning Director noted as follows:

As of this date, our Department has not received a comment letter from SHPD [State Historic Preservation Division] on the proposed parking lot improvements. Our Department does not believe an attempt to follow up with SHPD at this time would be useful. A grading permit for the parking lot would be required and comments from SHPD within the Special Management Area (SMA) will be required by Development Services Administration (DSA), Engineering Division, prior to issuance of a grading permit.

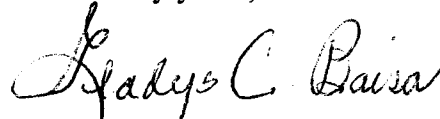
May I request that you pursue obtaining written comments from SHPD on the proposed parking lot improvements.

Mr. Christopher Hart
Chris Hart and Partners, Inc.
March 10, 2010
Page 2

I would appreciate receiving your response **by Friday, May 14, 2010**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Thank you for your attention to this matter. Should you have any questions, please contact me or the Committee staff (Carla Nakata at 270-7659, or Pauline Martins at 270-8039).

Sincerely yours,

A handwritten signature in black ink that reads "Gladys C. Baisa". The signature is written in a cursive style with a large initial "G".

GLADYS C. BAISA, Chair
Land Use Committee

lu:ltr:025a01:cmn

Enclosure

cc: Jeffrey Hunt, Planning Director
Joseph Prutch, Planner, Department of Planning
Western Apartment Supply & Maintenance Co.

CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
ATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2010 JAN 20 AM 10:01
OFFICE OF THE MAYOR

January 20, 2010

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

For Transmittal to:

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

Dear Committee Chair Baisa:

SUBJECT: REQUEST FOR WRITTEN RESPONSES FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CONDITIONAL PERMIT (CP) FOR THE MAUI OCEANFRONT INN AND SARENTO'S ON THE BEACH RESTAURANT (KIHAI) (LU-25)

The Department of Planning (Department) is in receipt of your letter dated December 28, 2009, and offers the following responses to your inquiries:

Request: 1. *Provide an electronic copy and two paper copies of the Final Environmental Assessment for the project.*

Response: A CD with both PDF and Microsoft Word documents along with two (2) paper copies of the Final Environmental Assessment (EA) are attached.

Question: 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,*

APPROVED FOR TRANSMITTAL
for Cheri Morrison Mayor
Date: 1/20/2010

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10 JAN 20 P2:02
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COUNTY COUNCIL

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Gladys C. Baisa, Chair
January 20, 2010
Page 2

related or compatible to those permitted uses”, as set forth in Chapter 19.40, Maui County Code? Please explain.

Answer: Parcel 149 is zoned “Park”, not “County Park District”, PK-1, PK-2, PK-3, or PK-4. According to the Department’s Zoning Administration and Enforcement Division (ZAED), “Park” zoning was established in 1969 with the adoption of the Land Zoning Map for Kihei-Makena. Under the “Park” zoning district, a public/commercial parking lot is not a permitted use. Referring to Chapter 19.615, Maui County Code (MCC), each district (PK-1, PK-2, PK-3, and PK-4) permits off-street parking and loading as an accessory use to the permitted uses. This is what our Department used to evaluate whether the proposed use was “similar, related or compatible.”

Request: 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.*

Response: Community Plan Map No. 531 has been revised as requested and is attached.

Question: 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.*

Answer: Yes, we think it is best to include a condition in the proposed CP bill that is consistent with the Settlement Agreement. If not conditioned now, it could be a condition of the Off-Street Parking Permit still required for approval by the Maui Planning Commission after Council approval of the CPA and CP. We suggest the following language for the condition: “That no less than 51 percent of the parking on TMK: (2) 3-9-004:149 shall be dedicated for public beach access parking, be clearly delineated as such and available to the public at all times.”

Honorable Charmaine Tavares, Mayor
For Transmittal to:
Honorable Gladys C. Baisa, Chair
January 20, 2010
Page 3

Question: 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?*

Answer: **As of this date, our Department has not received a comment letter from SHPD on the proposed parking lot improvements. Our Department does not believe an attempt to follow up with SHPD at this time would be useful. A grading permit for the parking lot would be required and comments from SHPD within the Special Management Area (SMA) will be required by Development Services Administration (DSA), Engineering Division, prior to issuance of a grading permit.**

Thank you for your attention to this matter. I hope this satisfies the needs of the Committee for this project. Should further clarification be necessary, please contact Staff Planner Joseph Prutch at Ext. 7512.

Sincerely,



JEFFREY S. HUNT
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator
Joseph M. Prutch, Staff Planner
Jordan Hart, Chris Hart & Partners, Inc.

JSH:JMP:vb

Project File
General File

K:\WP_DOCS\PLANNING\Cpa\2006\0005_MauiOceanFront_Sarentos\CouncilTrans2.doc

Consolidated Applications for
HRS Chapter 343 Final Environmental Assessment,
Community Plan Amendment,
Conditional Use Permit, Special Management Area Use Permit,
Shoreline Setback Variance & Offsite Parking Approval

**Maui Oceanfront Inn
&
Sarento's Restaurant**

TMK No.: (2) 3-9-004: 029 & 149
Kihei Maui Hawaii

Prepared for:
Western Apartment Supply & Maintenance Co.
2980 South Kihei Road
Kihei, Maui, Hawaii 96753

Prepared by:
Chris Hart & Partners, INC.
1955 Main Street, Suite 200
Wailuku, Maui, Hawaii 96793



August 2008

NOTE: Due to the voluminous nature of the document, it will be kept on file with the Committee Secretary. Please contact the Committee Secretary if you are interested in reviewing this document.

10 JAN 14 P2:19

DEPT OF PLANNING
COUNTY OF MAUI
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