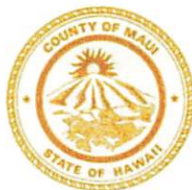


MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

November 12, 2021

RECEIVED
2021 NOV 15 PM 1:07
OFFICE OF THE
COUNTY CLERK

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 11/15/21
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

**SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN
AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ)
FOR THE JEWISH CONGREGATION OF MAUI, KIHAI,
MAUI, HAWAII; TMK: (2) 3-9-048:109 (CPA 2019/0001)
(CIZ 2019/0004)**

The Department of Planning (Department) is transmitting for your review and action CPA and CIZ applications initiated by the Planning Director. A summary of the applications is as follows:

APPLICATION SUMMARY	
Application - CPA	Single-Family to Public/Quasi-Public
Application - CIZ	R-2 Residential to P-1 Public/Quasi-Public
Applicant	Michele Chouteau McLean, AICP, Planning Director
Owner	Jewish Congregation of Maui, Inc.
Tax Map Key	(2) 3-9-048:109
Address	634 Alulike Street, Kihei, Maui
Area	Approximately 12,609 square feet
Land Use Designations	State Land Use: Urban District Kihei - Makena Community Plan: Single-Family County Zoning: R-2 Residential Maui Island Plan: Within Urban Growth Boundary Outside Protected Areas

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
November 12, 2021
Page 2

	In the Special Management Area (SMA)
Brief Description	The purpose of the land use changes is to memorialize the use that has been occurring on the parcel, that being religious services for the Jewish Congregation of Maui.
Public Hearing	Held by the Maui Planning Commission (Commission) on May 26, 2020, via video conference.
Testimony	During the public hearing, four individuals testified in favor of the land use requests and no individuals testified against the land use requests.
Recommendation	The Commission recommended approval for both land use requests with a vote of five ayes, zero no's, with the condition that the property owner shall work with the County to provide adequate off-street parking.

In August 2020, the Department transmitted to the Department of the Corporation Counsel (Corporation Counsel) the proposed bills for review and approval as to form and legality, and received the signed bills from the Corporation Counsel in November 2021. As Maui County Council (Council) approval is required for the CPA and CIZ, the Department respectfully transmits the subject applications for Council consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled: A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109;
 - a. Land Description, shown in EXHIBIT A;
 - b. Community Plan Map No. 541, shown in EXHIBIT B;
2. Proposed bill entitled: A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109;
 - a. Land Description, shown in EXHIBIT A;
 - b. Land Zoning Map No. L-5125, shown in EXHIBIT B;
 - c. Condition recommended by Commission, shown is EXHIBIT C;

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
November 12, 2021
Page 3

3. Department's Report and Recommendation to the Commission, dated May 26, 2020; and
4. Minutes for the May 26, 2020, Commission meeting.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

Copy to: Clayton Yoshida, Planning Program Administrator (PDF)
Jared Burkett, Staff Planner (PDF)
Maui Planning Commission (PDF)
Project File

MCM:CIY:JLB:rma

K:\WP_DOCS\Planning\CPA\2019\0001_JewishSynagogue\Council\Council Transmittal.docx

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN
DESIGNATION FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC
FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII,
TAX MAP KEY (2) 3-9-048:109

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, a community plan amendment from SF-Single Family to P-Public/Quasi-Public is hereby granted for that certain real property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-9-048:109, comprised of approximately 12,609 square feet, as more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map 541, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2020-1336
2020-11-05 Ord 634 Alulike CPA

EXHIBIT "A"

LAND DESCRIPTION

All of that certain parcel of land situate at Makawao, Island and County of Maui, State of Hawaii described as follows:

Lot 109, area 12,609 square feet, more or less, as delineated on the map entitled "KA'ONO'ULU ESTATES PHASE I", which said map was filed in the Bureau of Conveyances of the State of Hawaii as File Plan No. 2075.

TOGETHER WITH rights of way for roadway purposes to be used in common with all others entitled thereto over and across Lots 144 through 164, inclusive, (Roadways) as shown on the aforesaid File Plan No. 2075, PROVIDED, HOWEVER, that whenever said roadway lots are conveyed or dedicated to and accepted by the County of Maui, State of Hawaii, or other governmental authority for use as public roadways, the said rights of way over and across said roadway lots shall at once terminate.

Being all of the land conveyed by the WARRANTY DEED from HORITA-MAUI, INC., A Hawaii corporation, to JOSEPH SUGARMAN, husband of Wendy C. Sugarman, dated September 4, 1996, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 96-135704.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. SUBDIVISION AGREEMENT (LARGE LOTS)

By and Between: KAONOULU RANCH COMPANY, LIMITED, a
Hawaii corporation, and the COUNTY
OF MAUI
Dated: October 1, 1980
Book: 15309
Page: 466

3. SUBDIVISION AGREEMENT (THREE LOTS OR LESS)

By and Between: KAONOULU RANCH COMPANY, LIMITED, a
Hawaii corporation, and the COUNTY
OF MAUI
Dated: October 1, 1980
Book: 15318
Page: 546

4. CERTIFICATE OF LONG-TERM RESIDENTIAL USE

By: HORITA-MAUI, INC., a Hawaii corporation
Dated: September 28, 1989
Book: 23724
Page: 508

5. CERTIFICATE OF LONG-TERM RESIDENTIAL USE

By: HORITA-MAUI, INC., A Hawaii corporation
Dated: September 28, 1989
Book: 23724
Page: 510

6. NOTICE

By: HORITA-MAUI, INC., A Hawaii corporation
Dated: June 18, 1990
Document No. 90-097888
Re: Kihei Waste Water Treatment Capacity

7. The terms, provisions, covenants, easements and reservations contained in the following:

UNILATERAL AGREEMENT AND DECLARATION OF FOR CONDITIONAL ZONING

Dated: October 18, 1991
Document No. 91-153553

but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

8. ACKNOWLEDGMENT

By: HORITA-MAUI, INC., A Hawaii corporation
Dated: October 5, 1991
Document No. 91-158124
RE: Sewerage system capacity at the Kihei Waste Water Treatment facility and the availability thereof.

9. SUBDIVISION AGREEMENT (LARGE LOTS)

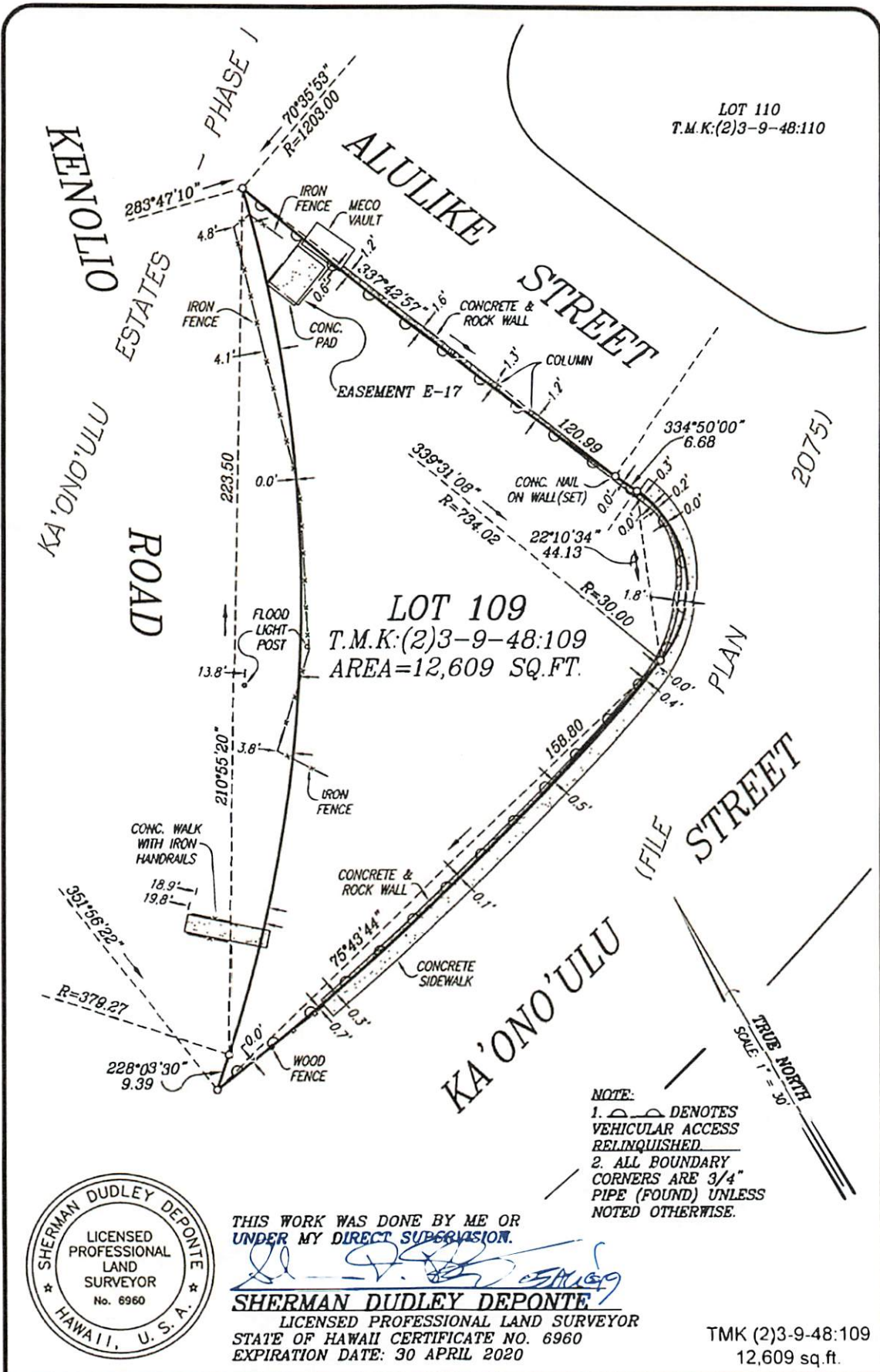
By: HORITA-MAUI, INC., A Hawaii corporation
and the COUNTY OF MAUI
Dated: November 15, 1991
Document No. 91-168169

10. The terms, provisions, covenants, easements and reservations contained in the following:

DECLARATION OF PROTECTIVE COVENANTS

Dated: February 27, 1992
Document No. 92-035453

but omitting any covenants or restrictions if any, based upon race, color, religion, sex,



THIS WORK WAS DONE BY ME OR
 UNDER MY DIRECT SUPERVISION.
[Signature]
SHERMAN DUDLEY DEPONTE
 LICENSED PROFESSIONAL LAND SURVEYOR
 STATE OF HAWAII CERTIFICATE NO. 6960
 EXPIRATION DATE: 30 APRIL 2020

NOTE:
 1. DENOTES
 VEHICULAR ACCESS
 RELINQUISHED.
 2. ALL BOUNDARY
 CORNERS ARE 3/4"
 PIPE (FOUND) UNLESS
 NOTED OTHERWISE.

TMK (2)3-9-48:109
 12,609 sq. ft.

COMMUNITY PLAN MAP NO. 541

COMMUNITY PLAN AMENDMENT - KIHEI, MAUI, HAWAII
 FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from R-2 Residential District to P-1 Public/Quasi-Public District is hereby granted for that certain real property situated at Kihei, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-9-048:109, comprised of approximately 12,609 square feet, as more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-5125, attached hereto as Exhibit "B" and 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 condition set forth in Exhibit "C," attached hereto and made a part hereof.

SECTION 3. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2020-1336
2020-11-05 Ord 634 Alulike CIZ

EXHIBIT "A"

LAND DESCRIPTION

All of that certain parcel of land situate at Makawao, Island and County of Maui, State of Hawaii described as follows:

Lot 109, area 12,609 square feet, more or less, as delineated on the map entitled "KA'ONO'ULU ESTATES PHASE I", which said map was filed in the Bureau of Conveyances of the State of Hawaii as File Plan No. 2075.

TOGETHER WITH rights of way for roadway purposes to be used in common with all others entitled thereto over and across Lots 144 through 164, inclusive, (Roadways) as shown on the aforesaid File Plan No. 2075, PROVIDED, HOWEVER, that whenever said roadway lots are conveyed or dedicated to and accepted by the County of Maui, State of Hawaii, or other governmental authority for use as public roadways, the said rights of way over and across said roadway lots shall at once terminate.

Being all of the land conveyed by the WARRANTY DEED from HORITA-MAUI, INC., A Hawaii corporation, to JOSEPH SUGARMAN, husband of Wendy C. Sugarman, dated September 4, 1996, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 96-135704.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. SUBDIVISION AGREEMENT (LARGE LOTS)

By and Between: KAONOULU RANCH COMPANY, LIMITED, a
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4. CERTIFICATE OF LONG-TERM RESIDENTIAL USE

By: HORITA-MAUI, INC., a Hawaii corporation
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Page: 508

5. CERTIFICATE OF LONG-TERM RESIDENTIAL USE

By: HORITA-MAUI, INC., A Hawaii corporation
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By: HORITA-MAUI, INC., A Hawaii corporation
Dated: June 18, 1990
Document No. 90-097888
Re: Kihei Waste Water Treatment Capacity

7. The terms, provisions, covenants, easements and reservations contained in the following:

UNILATERAL AGREEMENT AND DECLARATION OF FOR CONDITIONAL ZONING

Dated: October 18, 1991
Document No. 91-153553

but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

8. ACKNOWLEDGMENT

By: HORITA-MAUI, INC., A Hawaii corporation
Dated: October 5, 1991
Document No. 91-158124
RE: Sewerage system capacity at the Kihei Waste Water Treatment facility and the availability thereof.

9. SUBDIVISION AGREEMENT (LARGE LOTS)

By: HORITA-MAUI, INC., A Hawaii corporation
and the COUNTY OF MAUI
Dated: November 15, 1991
Document No. 91-168169

10. The terms, provisions, covenants, easements and reservations contained in the following:

DECLARATION OF PROTECTIVE COVENANTS

Dated: February 27, 1992
Document No. 92-035453

but omitting any covenants or restrictions if any, based upon race, color, religion, sex,

handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

11. Restrictions of vehicle access along Kaonoulu Street and Alulike Street, as shown on File Plan No. 2075

12. Easement E-17 (10 feet wide) for electrical purposes, as shown on File Plan No. 2075

13. GRANT

In Favor Of: MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation
Dated: October 9, 1990
Document No. 92-209860
Purpose: granting an easement for utility purposes over Easement E-17

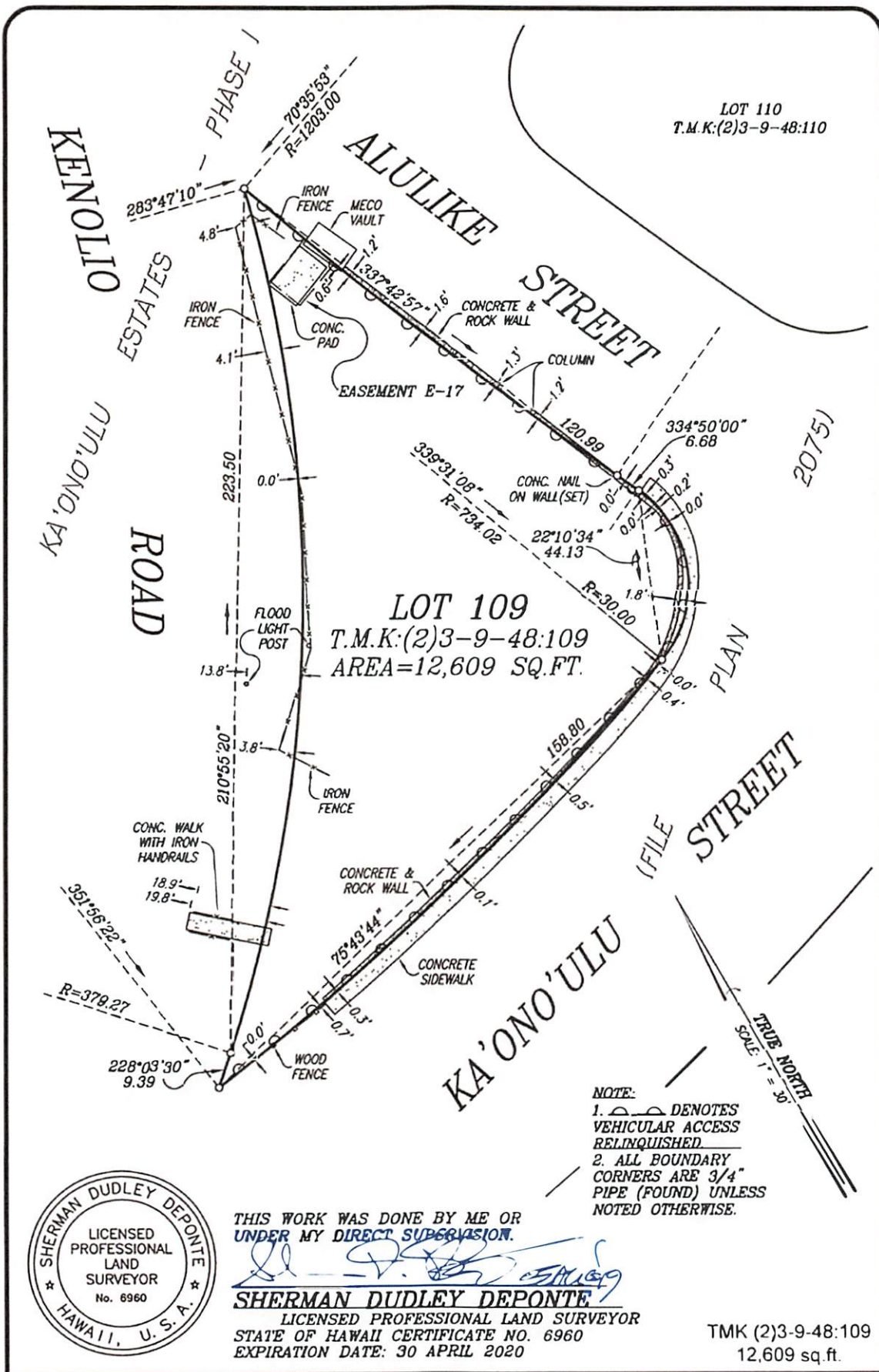
14. GRANT

In Favor Of: MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation
Dated: December 18, 1992
Document No. 93-008279
Purpose: granting an easement for utility purposes over Easements E-30 and E-31.

15. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

DEED

Dated: September 4, 1996
Document No. 96-135704
but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.



LAND ZONING MAP L- 5125
CHANGE IN ZONING - KIHEI, MAUI, HAWAII
FROM R-2 RESIDENTIAL TO P-1 PUBLIC/QUASI-PUBLIC

EXHIBIT "C"

1. The Jewish Congregation of Maui shall work with the County of Maui to provide adequate off-street parking.

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.3
MAY 26, 2020**

Ms. McLean: Thank you, Chair. The next item is a Planning Department initiated Community Plan Amendment from Single-Family to Public/Quasi-Public and a Change in Zoning from R-2 Residential to P-1 Public/Quasi-Public for the Jewish Congregation of Maui property situated at 634 Alulike Street in Kihei at TMK: 3-9-048:109. Jared Burkett is the project planner.

3. **MICHELE CHOUTEAU MCLEAN, Planning Director, transmitting a Community Plan Amendment from Single-Family (SF) to Public/Quasi Public (P) and a Change in Zoning from R-2 Residential to P-1 Public/Quasi-Public for the Jewish Congregation of Maui property situated at 634 Alulike Street, Kihei, Island of Maui, TMK: (2) 3-9-048:109. (CPA 2019/0001) (CIZ 2019/0004) (J. Burkett)**

The purpose of the land use changes is to memorialize the use that has been occurring on the parcel, that being religious services for the Jewish Congregation of Maui.

(Item B.3 begins at approximately 00:00:18 of Part 2 the audio recording.)

Mr. Jared Burkett: Good afternoon, Chair, Commissioners.

Mr. Carnicelli: Good morning.

Mr. Burkett: Good morning, oh morning, I always do that. The staff report that's before you was originally for the March 24th public hearing so it's now being heard today and that was canceled because of the Governor's stay-at-home order so in the past the Jewish Congregation of Maui has been operating with a County Special Use Permit in a residential community. There was a lapse in permitting when the permit expired but the congregation continued to operate so the Mayor requested by memorandum that the Planning Director initiate this change of zoning from R-2 Residential to P-1, Public/Quasi-Public and the Community Plan Amendment from Single-Family to Public/Quasi-Public in order to memorialize the existing use and to eliminate the congregation from needing to pursue land use permits and subsequent renewals.

Historically the parcel has only ever been used for two purposes. Initially after construction it was used for the Ka Ono Ulu Estates Subdivision office where they met with people interested in purchasing units in the subdivision. After the last unit sold, the office was sold and then new owner obtained a County Special Use Permit soon after that transaction or around the same time an order to operate services for the Maui Religious Science Church and approximately two years later in 1998, the property was sold to the Jewish Congregation of Maui.

The Congregation was granted a permit transfer and later a permit renewal. In 2010, the Congregation requested their second renewal to discover...they discovered that their permit had expired a few months before the request. The Congregation has been operating ever since while they sought what action they should pursue. There was a change in management one point and recently and that's when they started to pursue this option.

The Director initiated land use changes for the Jewish Congregation of Maui have not received any letters in protest, but this morning we received three support letters, and then...by email, so those have not been provided to you yet. I can share those with you if you'd like. We did receive calls of concern regarding parking on the road primarily because there is uncertainty on how development of the adjacent property previously known as the Maui Lu will affect those adjacent streets. However, none of the callers submitted testimony in support of in the protest to the land use changes.

The community plan amendment and change of zoning request are before for you to make your recommendation to the Maui County Council. Members of the Jewish Congregation of Maui are in attendance if you would like to hear from them and if there is any questions, I'd be happy to do that and if you'd like me to attempt to share screen to show you those support letters.

Mr. Carnicelli: I believe we did get them Jared, right? I saw something this morning. Did Carolyn forward those to us, yes?

Mr. Burkett: I'll look.

Ms. Takayama-Corden: No, I didn't.

Mr. Burkett: I don't think so, no.

Ms. McLean: Chair, I believe the testimony that Carolyn forwarded you was for the next item.

Mr. Carnicelli: Oh, right, right, right. The farm. Okay, so just to be clear before we start this, the use is not changing, nothing's changing, we're just going from a permitted thing to a codified thing. We're making the appropriate changes so where they don't have to get a permit anymore, correct?

Mr. Burkett: Correct.

Mr. Carnicelli: Got. Okay, so Director I believe there's some people that chatted or messaged you in order to want to testify on this is that correct?

Ms. McLean: Yes, Chair we have two individuals who want to testify in addition to Ellen Mortimer who is with the Jewish Congregation of Maui. I don't know if she wishes to say anything at this time. I'll go ahead and unmute her audio and video. Oh, I'm not able to unmute her audio, I think she'll have to do that herself.

Ms. Ellen Mortimer: Hello?

Mr. Carnicelli: I think we can hear you now.

Ms. Mortimer: Okay, okay. ...(inaudible)...I'm Ellen Mortimer I'm the Executive Director of the Jewish Congregation of Maui. I just want to thank you all for meeting today and helping us get the correct zoning for our property, everything that Jared said is pretty much what I was going to say. There is nothing that we have ...(inaudible)...we just looking to get the correct zoning for

what we're doing and be happy to answer questions. We have...(inaudible)...new membership and we have some people ...(inaudible)...also who have been with the organization...(inaudible)...if there are any...(inaudible)...questions as well.

Mr. Carnicelli: Great, thank you so much. I mean that was a little bit spotty on the audio but I think we got the gist of what you were saying is basically just doubling down on what Jared had to say and that if you have any questions that we can come back to you so, I appreciate that.

Ms. Mortimer: Sure.

Mr. Carnicelli: So Director at this point in time we'll go ahead and open up the floor for public testimony and allow those with which to speak to this item do so.

Ms. McLean: Okay, Chair the first person who indicated they wish to testify is Shari Levin McNerthey.

Ms. Sheri Levin McNerthey: I don't know if my video is on. Can you hear me? This is Sheri.

Mr. Carnicelli: I can hear you. If you want to turn your video on, you can do that, but we can hear your testimony.

Ms. McNerthey: I see. Oh, here I am. Okay, great. Hi, I'm the President of the Jewish...the current President of the Jewish Congregation. I just wanted to say that we're the only Synagogue on Maui. We serve an important purpose in the community. We've been here for 20 years and we just...we want to be in compliance, you know with permitting and have the proper zoning and all that stuff so that's...we hope you approve this zoning change so we can be in compliance and we're to answer ...(inaudible)...

Mr. Carnicelli: Great, thank you. That one, did that get kind of pingy at the end for you guys as well? Yeah, okay. Must be a BlueJeans right now. Director, do we have the next person please?

Ms. McLean: Yes, Chair. The next person is Joel Richman.

Mr. Carnicelli: You gotta turn your video the other way Joel. We're looking at, we're looking at your phone.

Mr. Joel Richman: Sorry about that.

Mr. Carnicelli: Just hit, hit the flip, the camera flip.

Mr. Richman: Not even sure how to do that. Garret can you help me, one moment. Okay, thank you, is this better? Hello, is anybody there, can you hear me?

Mr. Carnicelli: We can hear Joel. We, we...oh, there you are.

Mr. Richman: Okay, well I want to thank the Commission and thank the County, I think this is an excellent idea. We've tried to comply in the past, but let me introduce myself, I'm the past President of the Jewish Congregation. I've been involved since the onset in the 80's and I just really appreciate the County taking this step and I hope you guys approve the resolution.

Mr. Carnicelli: Thank you very much. Any questions for the testifier? Thank you very much Joel, good to see you.

Mr. Carnicelli: Thank you. Same to you Lawrence, bye.

Mr. Carnicelli: Okay, aloha. Director, anybody else signed up?

Ms. McLean: Thank you, Chair. There's one other individual, Jessica Pearl Kwon who indicated she was here in support but did not wish to testify.

Mr. Carnicelli: Okay. Okay, so at this point if there's somebody that hasn't used the chat function to message the Director, please unmute yourself and step forward to speak on the issue please. Going once, going twice, so if there are no objections we're gonna go ahead and close public testimony on this item and go ahead and open up to see if anybody has any questions? Commissioners, any questions for the Director or for Jared or for the Congregation? Commissioner Pali then Commissioner Freitas.

Ms. Pali: This might be for the Director. Since there is that new development happening right adjacent to the property and someone has mentioned maybe an issue with parking if we just allow you guys to do this transfer would you still be applying updated rules to building permits and different things to making sure that they revamp whatever they're going on property to make sure that there is adequate parking for their constituents or their members?

Ms. McLean: If the—

Ms. Mortimer: So—

Mr. Carnicelli: Ellen, Ellen let the Director answer please and then we'll go to you if we need to, is that—

Ms. Mortimer: Oh, I'm sorry. Yep, sorry.

Mr. Carnicelli: Thanks.

Ms. McLean: I think when Commissioner Pali said the Director, she meant the Planning Director not the Executive Director. Too many Directors at the meeting. If they were to come in for building permits or any changes like that then yes, current parking requirements would apply. But there is an existing structure and existing use on the property so they would fall under you know their current requirements that are in place. We wouldn't have a reason to change them. So...

Ms. Pali: So if, if maybe the neighborhood speaks out and says whatever requirements were imposed years ago that's not really suiting the people on the property and use of it at what point do you look at that and say hey, maybe we need to update this or help them figure this out because what I don't want to do is keep rolling maybe a problem that might have surfaced years ago. I don't want to roll that forward. This would be a really good time to address those at the same time, that's just my two cents.

Ms. McLean: Yeah, and that could be accomplished through a condition on the zoning if it was determined that that was an issue. The Department didn't find that, but the Commission or what you're doing today is making a recommendation to the County Council so you could recommend a condition or whether you do or not the Council would take final action on it so that would be one way to address any short-fall or to mitigate any impacts.

Mr. Carnicelli: Director, while I have you, I'm unclear if that remnant road piece is included in this or not. You know there's a remnant one-way road that kinda you know, it goes between the Maui Lu and the Synagogue itself, is that included in this, and if so, can that be used for parking and/or future structure or something to that effect?

Ms. McLean: Let me flip through the staff report but maybe Jared knows and can chime in in the meantime.

Mr. Carnicelli: Jared.

Mr. Burkett: Yes, the remnant road being used is allowed...is being provided for their use at the moment. It is, but recently been found that it's a County remnant roadway instead of a State remnant roadway as both organizations usually think so it means that there will be an auction at some point and only adjacent neighbors could bid on that and that is based only...only the Maui Lu or the Jewish Congregation, so as of now the property is still...the remnant roadway can still be used for parking for the property.

Mr. Carnicelli: Does it have to be auctioned off? Can it be gifted?

Mr. Burkett: I don't know that...that's the only thing I've heard from...this was Don Couch that was talking about it.

Mr. Carnicelli: Okay, former Councilmember and former Deputy Director Couch. Okay, thank you. Commissioner Freitas I believe you had a question?

Mr. Freitas: Yes, let's see the zoning timeline as I'm reading it, it stops at 2010 and it states that the Department notified the Congregation that it was extension request that it expired in 2010 so did they get that, I don't understand that, I don't see that another one was, an extension was given to them.

Mr. Carnicelli: Jared you want to answer.

Mr. Freitas: This is to the, this is to the Director actually.

Ms. McLean: Yeah, and I would ask Jared to chime in, I think that's what he mentioned earlier that they used to have a Special Permit, County Special Permit and that that expired and probably when there was a change in leadership things like that can fall through the cracks sometimes and so they continued operating with them not knowing it, with the County not knowing it, and then when it came to the County's attention, we initiated this land use change to actually the change the zoning to make it permanent rather than having to rely on a permit that has to be renewed.

Mr. Carnicelli: And again, we're nothing more than a recommendation to the Council who actually has the authority on this, we don't have the authority, we're just, we're just a recommendation. Any other questions from the Commission? Seeing none, Jared if you would please give the... I guess the staff is it a recommendation or our options I guess it is?

Mr. Burkett: The Department's determined that the proposed use is in compliance with the State Urban District which is why we didn't mention that. The existing use does not comply with the allowed uses in the Kihei-Makena Community Plan for single-family designation but does comply with the allowed uses in the Public/Quasi-Public designation which is why this is the proposed use. The existing use does not comply with the allowed uses in the R-2 Residential County Zoning District but does comply with the allowed uses in the P-1 Public/Quasi-Public Zoning District. So the Department is recommending that the Maui Planning Commission make a recommendation to the Maui County Council that the above changes be made. Thank you.

Mr. Carnicelli: Great, can I have a motion please? Commissioner La Costa?

Ms. La Costa: I so move.

Mr. Carnicelli: Okay, moved by Commissioner La Costa, seconded by Commissioner Freitas.

Mr. Freitas: Second.

Mr. Carnicelli: To pass on our recommendation as per the staff report. Any discussion on the motion? Seeing... Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I used to live two blocks from the Synagogue and never heard any kind of noise or issues and I thought it actually was a real plus for the neighborhood. They used to have some benefits there that I attended and so giving them the actual zoning so they don't have to worry about permits expiring is a great thing. Thanks.

Mr. Carnicelli: Great. Commissioner Pali and then to Commissioner Freitas.

Ms. Pali: So I'm looking at Page 15 of the packet that we were mailed and we would be recommending these six criteria is I think my assumption and I have a just a couple concerns if we can just talk it through. I definitely don't mind keeping the use you know, changing the use, but I don't, I don't want us to miss an opportunity, I think I fear just passing something that's been around just along and not having an opportunity to make sure that they are you know compliant

with current codes, that's my first concern. And now that we're talking about that extra little I don't know what you called it but like sliver of property which is –

Mr. Carnicelli: Remnant.

Ms. Pali: Remnant, a remnant, a remnant piece, I mean it seems it's essential for parking for the church to operate and not knowing the future of that concerns me. Director maybe I don't know how we can tandem but you know the current use with the remnant obviously hopefully makes sense if their membership grows how do we add more people because I also lived in this neighborhood. I kinda grew up in Kihei, I rode my bike down here and that's kind of a hairy corner if you're coming around, that whole area is kinda hairy for the bike riders and walkers and I just wanna make sure that we are doing our due diligence to make sure that heavier membership attendance times it's just safe for the pedestrians and so you know how do we kind of connect this to meeting that remnant and then what happens if we lose the remnant for them, what does that look like, those would be just two concerns that I would like to address in this if we can or just, just the regular laws sort of just take care of it naturally I don't want to overdo things so those are my comments.

Ms. McLean: Well, it seems that the roadway remnant isn't so much used for parking as it is used for just access really. Looking at the site plan on Exhibit 2 it doesn't seem that there's any parking spaces there but that there are...that's the way to get in and out. If hypothetically that remnant goes up for auction and they are not able to acquire it I don't know what purpose any other owner might use it for. I would imagine they could potentially lease it to them, but they, they may have to reconfigure their site plan if they are no longer able to use it.

Ms. Pali: And maybe you can help me just identify, maybe I'm not identifying the remnant correctly. So I see all these kind of diagonal parking lots and where the numbers are is that skinny sliver kind of in the beginning parts of all these parking stalls or maybe I don't understand where the remnant is.

Ms. McLean: The way that I'm looking at Exhibit 2, the remnant roadway is the actual roadway is, is this?

Ms. Pali: Oh, opposite site, got it. Okay, okay.

Ms. McLean: It looks like the arrow is pointing to that and maybe Jared can confirm that that it's labeled one-way traffic that that's the actual road remnant.

Mr. Carnicelli: Yes.

Ms. Pali: The road cutting right through the property that says one-way traffic.

Ms. McLean: Yes.

Ms. Pali: That's the remnant but this property is also on the left of that and on the right of that?

Ms. McLean: Correct.

Ms. Pali: Wow, that's super strange. Okay, got it. All right, well maybe that's probably for bigger fish later but maybe then just, just addressing if the membership has grown in the last 10 or 20 years, you know addressing off, offsite parking which is I think hazardous in this area.

Mr. Carnicelli: So I guess Commissioner Pali is, is there a...an amendment to the motion that you want to make specific, I don't know how to kinda word it right now as to what it is you would, you know you're trying to accomplish here, what it is that you want to amend to say.

Ms. Pali: Yes, so there is six conditions in our proposal that we would be agreeing to send up to the County and maybe the staff planner can help me which is the more appropriate section, but they have Number 4, you know it talks about adversely affect or interfere with public/private schools, parks, playgrounds, water system, blah, blah, blah, drainage, roadway...so it talks about roadway and so I don't know if maybe language in this section to state that before this continue—like is approved an moves forward that maybe there's just an update as to parking needs and that they're meeting current...maybe I don't know but is offsite parking allowed for this type of use or is not allowed because I think that's the point is we wouldn't want it probably allowed in this area.

Mr. Carnicelli: You're muted.

Ms. McLean: Sorry. I'm looking at the real property tax map and it does appear that what's labeled roadway remnant on that site plan, the roadway itself and the parking is on a...is not part of the subject parcel so back to Commissioner Pali's question, the roadway does not bisect the parcel it, it creates the boundary of the parcel so that the parking and the roadway are not on this parcel. So yes, that would mean that the parking is offsite today. I speculate that if the roadway remnant were acquired that it would also include that area where the parking is taking place and so it could be incorporated into the parcel where the structure is. I don't know what we would have to look into when the building permits were signed off on for the existing structure where the parking was allowed to be and it could...offsite approval could have been given, I don't know if that's what's happened but that is possible.

Ms. Pali: So this is a –

Mr. Carnicelli: Director, I have a quick question is if they did in fact own the remnant piece is that sufficient parking as per current code, I guess what is the current code for a synagogue?

Ms. McLean: I can look that up really quickly. I don't know what the square footage is of the structure.

Ms. Pali: I'm comfortable with just adding language that you guys would just revisit that one more time you know prior to this and I definitely think that we should consider now that we have identified the remnant which is what I thought but I wasn't sure, I guess my concern is the person mentioned, the director that it had...they bought it from someone else. We don't know the future but if they...if this congregation were to sell let's say in a few years by changing the zoning it means that now we're subjected to this type of continued use and so those are just things that we

all have to kinda take into consideration. I definitely support these type of, you know, activities and I think they're very healthy for our community but I just want to make sure that we're not...by doing one action we're not overlooking other things that would make it very difficult in the future and not as safe as we should make it, so that's all.

Mr. Carnicelli: So here, I got a, I got a just a thought that I've got here is because again, we're commending to the Council so how do we essentially explain to them what our concerns are and possibly what we could do is add a seventh condition and the seventh condition just be that acquisition of the remnant piece is the part of the ... you know it may be a condition of the change in zoning, you know it kind of ...and I mean, it forces the County's hand, right if the Council is going to approve a change in zoning and a change in zoning is you know dependent upon the County selling them that piece you know, I mean, obviously we can't do that, but if we and it may logistically put them in a pickle but at least it explains to the Council what our concerns are is saying hey, listen you know whether it's a condition of the change in zoning or whether or not we'd say hey listen you know, something to that effect, I don't know Director, you're usually pretty good scribbling notes and coming up with a condition as we're fumbling over ourselves.

Ms. McLean: Chair, I first want to point out that the six that list of six items those are the criteria by which a change of zoning can be granted, those are not conditions.

Mr. Carnicelli: Okay, got it.

Ms. McLean: So just to make sure that we're clear on that.

Mr. Carnicelli: Okay.

Ms. McLean: What I scribbled down was, the property owner shall work with the County to provide adequate off-street parking. So off-street means it can be onsite or it can offsite but it's not using the street. That doesn't have many teeth in it, but that's sort of the concept. What we're worried about is adequate off-street parking being provided.

Mr. Carnicelli: I think that...that I don't know if you're good with that Kelly but that to me I think expresses to the Council what our concern is.

Ms. Pali: Yeah, I'm comfortable with that. I almost feel like I do want to conclude though that we're not okay with...'cause it gives it a little bit more teeth so yes, you can figure out offsite parking, yes, you can look at onsite parking, but definitely on the street, curbside parking because again, that corner is pretty, pretty crazy.

Ms. McLean: That's what off-street parking is.

Mr. Carnicelli: Yeah, she said off-street instead of offsite if that makes sense.

Ms. Pali: Okay, so off-street and offsite okay.

Mr. Carnicelli: Well, no, no, no is again, is as I'm understanding it off-street okay, you know and then offsite, okay, right so it's just like...no, I mean on street bad, offsite okay. So, if there are no objections we're going to go ahead and amend the motion to include whatever language we just came up with. Is there any objections to that? Commissioner La Costa.

Ms. La Costa: I would like to amend my motion pursuant to Commissioner Pali.

Mr. Carnicelli: Okay, and who was the second, Kawika were you the second on that? So, Commissioner Freitas are you accepting the amendment to the motion?

Mr. Freitas: Yes.

Mr. Carnicelli: Okay, so motion is now amended to include such. Any further discussion on the motion? Seeing none, Director.

Ms. McLean: The motion is to recommend approval of the two land use changes to the County Council with a condition on the zoning that the property owner shall work with the County to provide adequate off-street parking.

Mr. Carnicelli: All those in favor please raise your hand. That is...let the record show that that is five affirmative and that Commissioner Tackett actually had to leave the meeting prior to the vote so unanimous 5-0 with Commissioner Tackett I guess not being present for the vote.

(Motion was made at approximately 00:18:18 of Part 2 of the audio recording.)

It was moved by Ms. La Costa, seconded by Mr. Freitas, then

(Vote was taken at approximately 00:32:29 of Part 2 of the audio recording.)

VOTED: To Recommend Approval to the County Council of the Community Plan Amendment and Change in Zoning, as Recommended by the Department, as Amended.
(Assenting – P. D. La Costa, K. Freitas, K. Pali, D. Thompson, S. Castro)
(Excused – C. Tackett)
(Absent – T. Gomes)

Mr. Carnicelli: So, thank you everyone and good luck moving forward to the Jewish Congregation and work with the County on that parking stuff. I'd love to see the County just grant you stuff, grant you that remnant piece and just make it right. So, good luck at the Council. Director.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

**MS. MICHELE MCLEAN, AICP, Director,
County of Maui, Department of Planning**

**To obtain a Community Plan Amendment
from Single-Family (SF) to Public/Quasi-
Public (P) and a Change of Zoning from the
R-2 Residential District to the P-1
Public/Quasi-Public District situated on
approximately 12,609 square feet of land
located at 634 Alulike Street, Kihei, Island of
Maui, Hawaii, Tax Map Key: (2) 3-9-048:109**

DOCKET NO. CPA 2019/0001

DOCKET NO. CIZ 2019/0004

Jewish Congregation of Maui

(J. Burkett)

**COUNTY OF MAUI DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
MARCH 24, 2020 MEETING**

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET
WAILUKU, MAUI, HAWAII 96793**

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

MS. MICHELE MCLEAN, AICP, Director,
County of Maui, Department of Planning

To obtain a Community Plan Amendment from Single-Family (SF) to Public/Quasi-Public (P) and a Change of Zoning from the R-2 Residential District to the P-1 Public/Quasi-Public District situated on approximately 12,609 square feet of land located at 634 Alulike Street, Kihei, Island of Maui, Hawaii, Tax Map Key: (2) 3-9-048:109

DOCKET NO. CPA 2019/0001

DOCKET NO. CIZ 2019/0004

Jewish Congregation of Maui

(J. Burkett)

DESCRIPTION OF THE PROJECT

Planning Director Michele McLean is initiating the necessary land use entitlements including an amendment to the Kihei-Makena Community Plan from Single-Family (SF) to Public/Quasi-Public (P) and a Change of Zoning from the R-2 Residential District to the P-1 Public/Quasi-Public District to establish land use and zoning consistency. The subject property is on approximately 12,609 square feet of land in the State Urban District, located at 634 Alulike Street, Kihei, Hawaii, identified as TMK (2) 3-9-048:109 (Property) and shown in EXHIBIT 1.

PURPOSE AND PROJECT SUMMARY

The purpose of the Director-initiated requests for a Community Plan Amendment (CPA) and Change of Zoning (CIZ) is to memorialize the existing synagogue uses of the Jewish Congregation of Maui to host religious services. The existing use is not outright permitted under the current land use designations. The Synagogue was operating with a County Special Use Permit (CUP 1996/0001), however, the permit expired on August 31, 2010. The land use entitlements will allow the owners to permanently use the Property for religious services and will no longer be required to go through the permitting/renewal processes required with the County Special Use Permit.

The required parking has been provided through right-of-entry to a roadway remnant by the Department of Land and Natural Resources (DLNR) Land Division. DLNR since has discovered that they do not own the Kenolio Road remnant but the County does. Thus the County has voiced their desire to dispossess the land through auction to adjacent neighbors. The Synagogue wishes to purchase the remnant to provide needed parking. They have been able to provide 24 off-street parking stalls using the roadway remnant, referenced in EXHIBIT 2. They typically host 20

attendants at their weekly services with upwards of 100 during special events. The weekly services occur Friday evening at 6:00 pm and on Saturday morning at 9:30 am. Their main holidays when 100 are in attendance are Passover in April, Rosh Hashanah in the fall, and Yom Kippur in the fall.

The Director has determined that the land use entitlements can be pursued now, and the parking requirements will be addressed when the road remnant auction is finalized. Alternatives to using the road remnant for parking include offsite parking and a reduction to the parking requirement, both of which may be granted by the Director, according to Sections 19.36B.100 and 19.36B.110, Maui County Code (MCC).

ZONING TIMELINE

December 19, 1969	Land Zoning Map No. 5 was adopted designating the property to be R-2 Residential District.
October 1, 1980	Kaonoulu Ranch Company made a subdivision agreement with the County of Maui Lot 109 of the "Ka'ono'ulu Estates – Phase I" was created (File Plan No. 2075), with an area of 12,609 square feet.
July 17, 1985	The Kihei-Makena Community Plan was adopted, establishing the Community Plan designation of Single-Family (SF) for the Property.
1992	A sales office structure was built for the subdivision.
March 21, 1996	The Department of Land and Natural Resources granted a Right of Entry to a remnant of Kenolio Road to be used for parking for the subject parcel, shown in EXHIBIT 3.
August 26, 1996	SM2 1996/0039 – A Special Management Area Minor Permit was issued for ADA compliance modifications to the structure, shown in EXHIBIT 4.
August 29, 1996	CUP 96/0001 – A County Special Use Permit was issued to the Maui Religious Science Church in order to have religious services in the County Residential District, shown in EXHIBIT 5.
September 4, 1996	Horita-Maui, Inc. sold the subject lot to Joseph Sugarman.
October 25, 1996	B 1996/1845 – A permit was issued to convert the existing structure used as the Ka Ono Ulu Sales Office to the Maui Religious Science Church, as shown in EXHIBIT 6.
September 2, 1997	A time extension valid until August 31, 2000, was granted for CUP 96/0001, shown in EXHIBIT 7.
1998	Joseph Sugarman sold the lot to the Jewish Congregation of Maui Inc.

- September 28, 2000 A request by the Religious Science Center for a transfer of CUP 96/0001 and a time extension valid until August 31, 2005, was granted to the Jewish Congregation of Maui, as shown in EXHIBIT 8.
- September 18, 2006 An approval was issued for a time extension for CUP 96/0001 valid until August 31, 2010, with a correction letter sent on September 22, 2006, shown in EXHIBIT 9.
- March 14, 2008 A Special Management Area exemption was issued for interior renovations to install an accordion folding partition, shown in EXHIBIT 10.
- February 5, 2009 B 2009/0138 – A permit was issued to alter the existing Synagogue to replace the load bearing wall to accommodate a folding partition, to enclose the open two walls of a lanai, and to relocate the entrance doors, shown in EXHIBIT 11.
- December 2, 2010 The Department notified the Jewish Congregation of Maui in response to their time extension request that their permit had expired on August 31, 2010, as shown in EXHIBIT 12.

The Ka Ono Ulu Estates Subdivision was first approved in 1980. In 1992, the structure was built as the sales office where prospective buyers could meet with sales agents and discuss their home's development and purchase in the Ka Ono Ulu Estates Subdivision. After the final lot in the subdivision was sold, the office was then sold by Horita-Maui Inc. to Mr. Joseph Sugarman in 1996. Mr. Sugarman then sold the property to the Jewish Congregation of Maui Inc. in 1998.

DESCRIPTION OF THE PROPERTY

1. The Property is approximately 12,609 square feet and is located at 634 Alulike Street, Kihei, Island of Maui, Hawaii, and Tax Map Key No. (2) 3-9-048:109.
2. Land Use Designations:

	<u>Current</u>	<u>Proposed</u>
State Land Use District.....	Urban	No change
Maui Island Plan.....	Urban	No change
Maui Island Plan.....	Outside Protected Areas	No change
Kihei-Makena Community Plan	Single-Family (SF).....	Public/Quasi-Public (P)
County Zoning.....	R-2 Residential District.....	P-1 Public/Quasi-Public District
3. Surrounding Uses:

North	single family residential lots
South	single family residential lots
East.....	single family residential lots
West	hotel

4. The Property is level with one structure on it. The building is 1,808 square feet.

APPLICABLE REGULATIONS

Community Plan Amendment

Pursuant to the Maui County Charter, Section 8-8.4 *Planning Commissions*, the Planning Commission shall "review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one-hundred eighty days after the final public hearing."

Pursuant to Section 8-8.6 *Adoption of General Plan and Other Land Use Ordinances*, "revisions to the general plan proposed by the planning director shall be reviewed and acted upon by the council no later than one year after receipt of the transmittal from the planning director."

Pursuant to MCC Chapter 2.80B *General Plan and Community Plans*, Section 2.80B.100 *Non-decennial amendments to community plans proposed by the director of planning or the council*, "A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for non-decennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter." Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020, MCC.

Change of Zoning

As this is a change of zoning initiated by the Director, it is reviewed pursuant to Section 19.510.020(B) MCC, which states, "All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:

1. The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;
2. If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council.
3. The planning director shall notify the County council, and the appropriate State and County agencies, and those persons who requested notification of meetings pursuant to subsection A of this section."

Pursuant to Section 19.510.040(A)(4), MCC, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change of zoning if all the following criteria are met:

- a. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
- b. The proposed request is consistent with the applicable community plan land use map of the county;
- c. The proposed request meets the intent and purpose of the district being requested;
- d. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
- e. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
- f. If the change of zoning application involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

PROCEDURAL MATTERS

1. On February 8, 2020, 45 days prior to the hearing, the Maui Planning Department mailed a notice to the subject property owners and appropriate State and County agencies, notifying them of the scheduled public hearing.
2. On February 24, 2020, a Notice of Hearing on the applications was published in the Maui News by the Maui Planning Department.
3. The subject application does not involve an action that triggers compliance of Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements. By Memorandum dated May 11, 2012, the Department of Planning confirmed that the preparation of an environmental assessment (EA) is not triggered for community plan amendments initiated by the County, whether by Council or Administration.

AGENCY COMMENTS

On September 30, 2019, a transmittal was sent to the following reviewing agencies:

County Agencies:	Comment	Exhibit No.
Dept. of Land and Natural Resources, Maui	Comments Received	EXHIBIT 13
Hawaii Telecom	No Response	NA
Maui Electric Company	No Comment	EXHIBIT 14
Dept. of Environmental Management	Comments Received	EXHIBIT 15
Dept. of Finance – Real Property Division	No Response	NA
Dept. of Transportation	No Comment	EXHIBIT 16
Dept. of Water Supply	No Comment	EXHIBIT 17
Fire and Public Safety	No Comment	EXHIBIT 18
Police Department	No Response	NA
Dept. of Public Works	No Comment Anticipated	NA

ANALYSIS

STATE LAND USE

The proposed action is in conformance with the goals, objectives and policies of the Hawaii State Plan.

The subject property is in the State Urban District. The use is consistent with the Urban designation of the property. Public/quasi-public uses are permitted in the State Urban District. Therefore, a change for this land use designation is not required.

COUNTY LAND USE

Countywide Policy Plan

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002.

The Countywide Policy Plan provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. This includes: (1) a vision statement and core values for the County to the year 2030; (2) an explanation of the plan-making process; (3) a description and background information regarding Maui County today; (4) identification of guiding principles; and (5) a list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

- Protect the Natural Environment
- Preserve Local Cultures and Traditions
- Improve Education

- Strengthen Social and Healthcare Services
- Expand Housing Opportunities for Residents
- Strengthen the Local Economy
- Improve Parks and Public Facilities
- Diversify Transportation Options
- Improve Physical Infrastructure
- Promote Sustainable Land Use and Growth Management
- Strive for Good Governance

Preserve Local Cultures and Traditions

Goal:

Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective:

Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

- Foster teaching opportunities for cultural practitioners to share their knowledge and skills.
- Support the development of cultural centers.
- Foster the Aloha Spirit by celebrating the Hawaiian host culture and other Maui County cultures through support of cultural-education programs, festivals, celebrations, and ceremonies.
- Support the development of repositories for culture, history, genealogy, history, film, and interactive learning.

Improve Parks and Public Facilities

Goal: A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

Objective:

Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

Policies:

- Encourage and invest in recreational, social, and leisure activities that bring people together and build community pride.
- Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities

Objective:

Improve the quality and adequacy of community facilities.

Policies:

- Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.

Maui Island Plan

The Maui Island Plan (MIP) is applicable to the island of Maui only. The MIP provides more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

Additionally, an essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (SRB) and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

According to the MIP, the Property lies within the Urban Growth Boundary and is located Outside of Protected Areas.

The proposed actions have been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of these policy statements are provided below:

Goal:

7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective:

7.3.2 Facilitate more self-sufficient and sustainable communities.

Policies:

7.3.2.b Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences

7.3.2.c Facilitate self-sufficient communities and shorten commutes by:

- Allowing for appropriate commercial development and community services to shorten commutes;

7.3.2.i Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Community Plan Amendment

Goals, Objectives and Policies

Policy recommendations for the Kihei Makena Community Plan region have been developed to guide decision-making in a number of subject areas having community-wide impact. Simply interpreted, the goals are broad statements which identify a preferred future condition. The objectives and policies specify steps and measures to be taken to achieve the stated goal. Finally, the implementing actions identify specific programs, project requirements, and activities necessary to bring about the desired goal.

LAND USE

Goal

A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Ma'alaea, Kihei, Wailea and Makena as well as the region's natural environment, marine resources and traditional shoreline uses.

Objectives and Policies

Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles

Change of Zoning

According to Title 19 of the *Maui County Code*, the property is zoned R-2 Residential District. The CIZ requests will change the zoning to P-1 Public/Quasi-Public. In a Residential District, a public/quasi-public use is not a permitted use; hence, the need for a CIZ. In a Public/Quasi-Public District, Churches are listed as a permitted use. The zoning change is being pursued so that the zoning will be consistent with the historical use of the property. Information about the permitted uses of the Public/Quasi-Public District is as follows:

MCC, § 19.31.020 – Permitted uses.

The following permitted uses are allowed in the P-1 and P-2 public/quasi-public districts:

Principal uses and structures**Criteria or Limitations**

Cemeteries and crematoriums

Churches

Community centers

Education, general and specialized

Facilities for non-profit organizations

Fire and police stations

Government buildings and facilities

Hospitals

Kindergartens, elementary schools, middle schools,
high schools, colleges, and libraries

Nursery schools and day care centers

Private parking lots or structures serving public
purposes

Public facilities or public uses

Public parking lots or structures

Public utility substations

Which will not be hazardous or a
nuisance to the surrounding areas.

Quasi-public uses or quasi-public facilities

Water treatment facilities

Wastewater treatment facilities

The CIZ from the R-2 Residential District to the P-1 Public/Quasi-Public District will establish consistency for existing uses on the Property.

ARCHAEOLOGICAL, HISTORIC, AND CULTURAL RESOURCES

An archaeological survey and evaluation of the area, which now includes the Property, was conducted by Joseph Kennedy of Archaeological Consultants of Hawaii during the permitting process for the Ka Ono Ulu Estates Subdivision. By report dated July 18, 1988, Kennedy noted that there were no surface sites or findings of any significance in the area mauka of South Kihei Road that would warrant further investigation.

The State Historic Preservation Division of the Department of Land and Natural Resources provided comment that an archaeological inventory survey has not been conducted on this developed parcel. However, SHPD determined that no historic properties will be affected by the requested change to the land use entitlements. (See EXHIBIT 13).

EXISTING INFRASTRUCTURE AND SERVICES

1. **Water** – The Kihei-Wailea region is served by the County Department of Water Supply's domestic water system. Water drawn from the Iao Aquifer System is conveyed to this region for distribution and consumption. A 12 inch transmission line exists along Kaonoulu Street in front of the subject property. There will be no change to existing water infrastructure associated with the proposed request. The Department of Water Supply offered no comments on the proposed entitlements, shown in **EXHIBIT 17**.
2. **Sewer** – Domestic wastewater generated in the Kihei-Makena region is conveyed to the County's Wastewater Reclamation Facility located mauka of Piilani Highway. Access to the county sewage system is available as the property line. The subject property is currently served by connection to the county wastewater system. There will be no change to existing wastewater infrastructure associated with the proposed request. The Department of Environmental Management provided comments on the proposed entitlements, shown in **EXHIBIT 15**.
3. **Drainage** – The project site is surrounded by roadways with gutters that intercept the laminar flow from the property. After the water enters the storm water drainage system, it is transported to an existing sedimentation basin developed for Ka Ono Ulu Estates. There will be no change to the existing drainage infrastructure associated with the proposed request. The Department of Public Works anticipates no comments for the proposed entitlements. Their response will be submitted as an exhibit prior to the scheduled public hearing.
4. **Roadways, Curbs, Gutters, and Sidewalks** – The project site is accessible from either Piilani Highway or South Kihei Road via Kaonoulu Street. The property fronts Kaonoulu Street and Alulike Street. Curbs and gutters are present on both street with sidewalks only along Kaonoulu Street. There will be no change to existing infrastructure associated with the proposed request. The Department of Public Works anticipates no comments will be offered for the proposed entitlements. Their response will be submitted as an exhibit prior to the scheduled public hearing.
5. **Electrical and Telephone** – The project area has electrical and telephone services provided by Maui Electric and Hawaiian Telephone, respectively. There will be no change to existing infrastructure associated with the proposed request. Maui Electric offered no comment regarding the proposed entitlements, shown in **EXHIBIT 14**. Hawaiian Telephone offered no response to the proposed entitlements.
6. **Parks** – The Kihei-Makena region encompasses a full range of recreational opportunities, including shoreline and boating activities and adjoining beach parks, and individual and organized athletic activities offered at numerous County parks. The subject property is near Kalepolepo Beach Park.
7. **Schools** – The State Department of Education operates three schools in the Kihei area, including Kihei Elementary School and Kamali'i Elementary School for grades K-5, and Lokelani Intermediate School for grades 6-8. Public school students in grades 9-12 attend Baldwin High School. The new Kihei High School will be opening in the near future and will host grades 9-12.
8. **Solid Waste** – The nearest landfill site is located at the Central Maui Landfill in Pu'unene.

The Synagogue receives refuse pickup weekly by Aloha Waste.

9. Public Services – Police protection for the Kihei region is provided by the County Police Department at the local police station located on Piilani Highway in Kihei. The Police Department offered no response to the proposed entitlements. Fire protection services are offered by the County's Fire Department. The Kihei Fire Station is located on Waimahaihai Street in Kihei. Fire and Public Safety offered no comment regarding the proposed entitlements, shown in **EXHIBIT 18**. Maui Memorial Hospital in Wailuku, the major medical facility on the island, services the Kihei-Makena region. In addition, numerous small medical centers and urgent care centers are located in Kihei.

SOCIO-ECONOMIC IMPACTS

The Property is located in urban Kihei, with a population of 20,881, according to the 2010 United States Census. The Census data also states that the mean travel time to work is 21.8 minutes. If places of worship were located near urban centers where the majority of the workforce is employed, then a person would have to travel the same distance to engage with religious services. Locating places of worship within communities reduces travel on roads and decreases money spent on transportation.

ENVIRONMENTAL IMPACTS

The request to change the land use entitlements will not have an adverse effect on the wetlands, flora, fauna, dune ecosystems, stream ecosystems, marine ecosystems, natural features, open space, or view corridors. The property is isolated from the homes in the Ka Ono Ulu Estates Subdivision as it is surrounded on all sides by roads. This also isolates noise, and as the Synagogue typically hosts 20 attendants to their religious services, the potential for noise pollution is minimal.

Because this use has historically been taking place on the Property for over 23 years, the environmental impacts would have been apparent, indicating there are none.

OTHER GOVERNMENT APPROVALS

The Property must meet the minimum number of off-street parking spaces. The required number of spaces is either 1 per 300 square feet, 1 per 5 seats, or 1 per 8 feet of bench length, whichever is greater (MCC, § 19.36B.020). This will be determined after the land use entitlement changes have been approved and will likely involve the Jewish Congregation of Maui purchasing the adjacent Kenolio Road remnant. Alternatives to using the road remnant for parking include offsite parking and a reduction to the parking requirement, both of which may be granted by the Director, according to MCC § 19.36B.100 and MCC § 19.36B.110.

TESTIMONY

As of March 3, 2020, the Department has not received any letters from the public regarding this matter.

ALTERNATIVES

1. ***Deferral:*** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. ***Recommend Approval with No Conditions:*** The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning without imposing any conditions.
3. ***Recommend Approval with Conditions:*** The Commission may take action to recommend to the Maui County Council approval of the Change of Zoning with conditions.
4. ***Recommend Denial:*** The Commission may take action to recommend to the Maui County Council to deny the application.

CONCLUSIONS OF LAW

Community Plan Amendment

A Community Plan Amendment is reviewed pursuant to Section 2.80B.100MCC, "Non-decennial amendments to community plans proposed by the planning director or the council." Applications shall follow the procedures set forth out in Sections 19.510.010 and 19.510.020 MCC as amended.

2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.

- A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.
- B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.
- C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

Conclusion: The Community Plan Amendment is to reclassify the parcel from Single-Family (SF) to Public/Quasi-Public (P) and is consistent with Section 2.80B.100 MCC.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to Section 19.510.040MCC, "Change of Zoning", by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,
6. If the application change of zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.

Conclusion: The Title 19 Change of Zoning will change the zoning of the parcel from the R-2 Residential District to the P-1 Public/Quasi-Public District, for the Property located at 634 Alulike Street. The proposed action is consistent with, and is supported by, the above listed criteria for a CIZ, pursuant to Section 19.510.040 MCC.

RECOMMENDATION

In consideration of the foregoing, the Department recommends that the Maui Planning Commission recommend approval of the Community Plan Amendment and Change of Zoning requests, and adopt the Department of Planning's Report and Recommendation prepared for the March 24, 2020 meeting, and authorize the Director to transmit said Report and Recommendation to the Maui County Council.

APPROVED:



MICHELE MCLEAN, AICP
Planning Director

K:\WP_DOCS\Planning\Cpa\2019\0001_JewishSynagogue\StaffReporttoDecision\Report and Recommendation.docx

A hand-drawn map of a residential area in Hawaii. The map shows several streets including Alulike St, Keonolu St, Pulema Pl, and Pilihi Ln. A red arrow points to a specific location on Alulike St, labeled '634 Alulike Street'. The map also shows a blue area representing water and a yellow area representing a park. The map is oriented with North at the top.

EXHIBIT 1

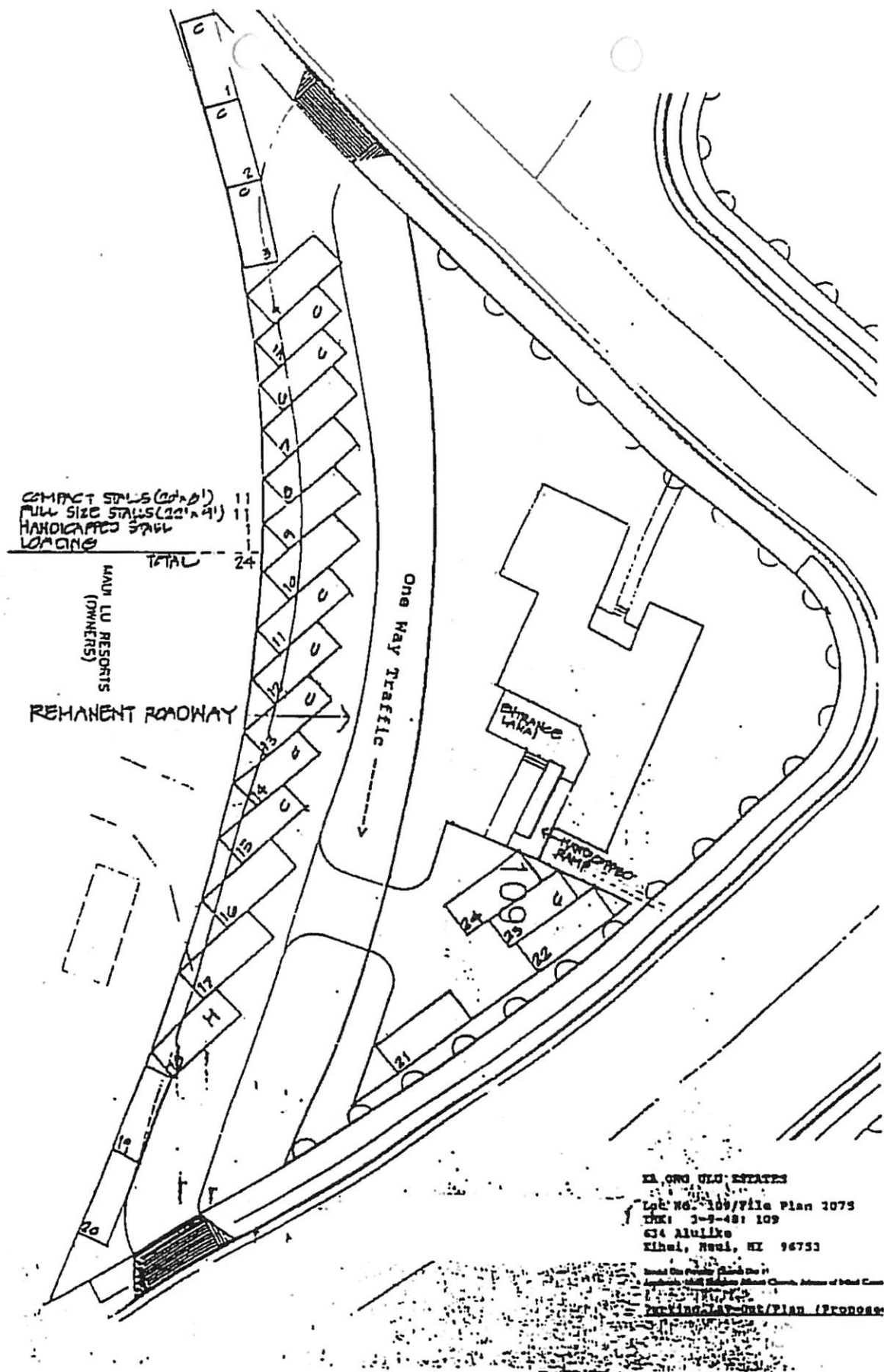


EXHIBIT 2

EXHIBIT 27.2

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

RECEIVED
DIVISION OF
LAND MANAGEMENT

1995 MAR 29 PM 2:36



MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
54 SOUTH HIGH STREET, ROOM 101
WAILUKU, HAWAII 96793-2188

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT
WATER RESOURCE MANAGEMENT

March 21, 1996

Mr. Thomas C. Zelk, Vice President
Maui Religious Science Center
P.O. Box 1331
Kihei, Maui, Hawaii 96753

Dear Mr. Zelk:

Subject: Request for a Right of Entry to Provide Parking on
a State Roadway Remnant, Identified on Tax Map Key:
3-9-48, situate at Ka'Ono'Ulu Estates, Kihei, Maui.

This is in reference to your March 19, 1996 letter requesting the issuance of a revocable permit and an interim right of entry to utilize a State roadway remnant for parking purposes. The parking lot will provide additional parking for the Maui Religious Science Center which are located adjacent to each other. The center is identified by Tax Map Key: 3-9-48: 109, situate at Ka'Ono'Ulu Estates, Kihei, Maui.

The subject remnant parcel consists of approximately 11,600 square feet and was previously part of Kenolio Road. Due to the development of the Ka'Ono'Ulu Estates, Kenolio Road was rerouted, which created this roadway remnant.

While your revocable permit request is being processed, you are requesting a right of entry during this interim period for site control purposes. You have also agreed to clean and maintain the subject parcel. In addition, through our discussions, you have also agreed that the date of the revocable permit will commence on the date of the right of entry issuance.

Your request for a right of entry for site control purposes to the subject State remnant parcel, outlined in red on the attached exhibit, is hereby approved, subject to the following terms and conditions:

1. That the subject right of entry shall commence on the date of your acceptance of this document and cease on the issuance of a revocable permit.

EXHIBIT 3 Exhibit B

Mr. Thomas C. Zelk - Right of Entry
March 21, 1996
(continued) Page 2

2. In the event a revocable permit is not approved by the Board of Land and Natural Resources, the right of entry shall be terminated immediately. Maui Religious Science Center shall pay rent for the period of use of the subject remnant parcel. Rent shall be established by a Staff appraisal.
3. Maui Religious Science Center shall indemnify and hold the State of Hawaii harmless against all claims for personal injury, death or property damage caused by or in any way connected with the permission granted herein.
4. Maui Religious Science Center shall obtain a liability insurance policy naming the State of Hawaii as additional insured, with the following minimum limits to be established:

Bodily Injury	\$1,000,000.00
Property Damage	50,000.00
Medical Benefits	5,000.00

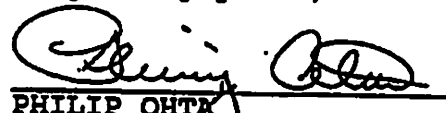
5. In the event Condition No. 2 is enforced, Maui Religious Science Center shall be responsible for cleaning and restoring the subject lands to its original condition or a condition satisfactory to the Department of Land and Natural Resources, Division of Land Management.
6. In the event Condition No. 2 is enforced, Maui Religious Science Center shall conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency and the Department of Land and Natural Resources. The termination will not effective unless this evaluation and abatement provision has been executed.
7. Maui Religious Science Center shall comply with all applicable rules, regulations, ordinances and statutes of the County, State and Federal governments relative to the use of the subject lands, including those relating to public health and safety.
8. The Department of Land and Natural Resources, Division of Land Management and its Chairperson reserve the right to impose additional terms and conditions, if deemed necessary.

Mr. Thomas C. Zelk - Right of Entry
March 21, 1996
(continued) Page 3

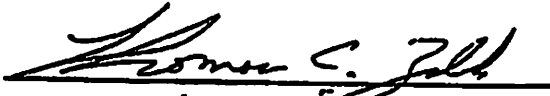
Please indicate your acceptance and compliance with the above terms and conditions by placing your signature in the space provided on the next page and return a copy to this office.

If you may have any questions, please contact this office at the address described on the letter head or by telephone at 984-8100.

Very truly yours,


PHILIP OHTA
Maui District Land Agent

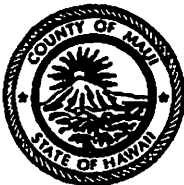
The foregoing terms and conditions of the above described right of entry is hereby accepted and acknowledged:


Vice President

3/27/96
DATE

cc: Mr. Dean Y. Uchida
Mr. W. Kennison

LINDA CROCKETT LINGLE
Mayor



DAVID W. BLANE
Director

GWEN OHASHI HIRAGA
Deputy Director

COUNTY OF MAUI
PLANNING DEPARTMENT
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 29, 1996

Ms. Kristin Holmes, Board Secretary
Maui Religious Science Center
P. O. Box 400
Kihei, Maui, Hawaii 96753

Dear Ms. Holmes:

RE: Special Management Area (SMA) Minor Permit, 96/SM2-0039
For ADA Compliance Modifications. TMK 3-9-048:109

In response to your application received on April 8, 1996, and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. Said project is a development;
2. Said project has a valuation not in excess of \$125,000.00;
3. Said project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. Said project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

EXHIBIT 4

Ms. Kristin Holmes, Board Secretary

Page 2

August 29, 1996

1. That construction shall be in accordance with plans submitted on April 8, 1996.
2. That a building permit shall be obtained prior to the initiation of construction.
3. That appropriate measures shall be taken to mitigate the short-term impact of the project relative to soil erosion from wind, rain, and noise levels.
4. That construction shall be initiated by February 28, 1997, and shall be completed within one (1) year of said initiation.
5. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Don Schneider, of this office.

Very truly yours,

David W. Blane

David W. Blane
DAVID W. BLANE
Director of Planning

DWB:DAS

xc: Colleen Suyama, Planning Program Manager
Charles Villalon, Jr., Zoning Inspector
Don Schneider, Planner
LUCA (3)
96/CZM File
96/SM2 Minor Permit File
(P:SM2.sciencechurch)

LINDA CROCKETT LINGLE
Mayor



DAVID W. BLANE
Director

GWEN OHASHI HIRAGA
Deputy Director

**COUNTY OF MAUI
PLANNING DEPARTMENT
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96783**

August 29, 1996

Ms. Kristin Holmes, Board Secretary
Maui Religious Science Center
P. O. Box 400
Kihei, Maui, Hawaii 96753

Dear Ms. Holmes:

**RE: County Special Use Permit 96/CUP-0001, Maui
Religious Science Church**

At its regular meeting on August 27, 1996, the Maui County Planning Commission reviewed the above request, and after due deliberation, voted to grant approval, subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui County Planning Commission.
3. That the County Special Use Permit shall be valid until August 31, 1997, subject to further extensions by the Maui County Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.
4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall defend, indemnify and hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit.

EXHIBIT 7.0

EXHIBIT 5

Ms. Kristin Holmes, Board Secretary

Page 2

August 29, 1996

5. That the conditions of this County Special Use Permit shall be self-enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Maui County Planning Commission that there is prima facie evidence that a breach has occurred, the permit shall be automatically suspended pending a hearing on the continuity of such County Special Use Permit, provided that written request for such a hearing is filed with the department within ten (10) days of the date of receipt of such notice of alleged breach. If no request for hearing is filed within said (10) day period, the Maui County Planning Commission may revoke said County Special Use Permit.

Enclosed for your information is a copy of the Department's Report and Recommendation Memorandum dated August 27, 1996.

Thank you for your cooperation. If additional clarification is required, please contact Don A. Schneider of my office.

Very truly yours,



DAVID W. BLANE
Planning Director

DWB:DAS
Enclosures

xc: Gwen Ohashi Hiraga, Deputy Director of Planning
Colleen Suyama, Planning Program Manager
Charles Villalon, Jr., Zoning Inspector
Don Schneider, Planner
Project File
(P:app.science)

EXHIBIT 7.1

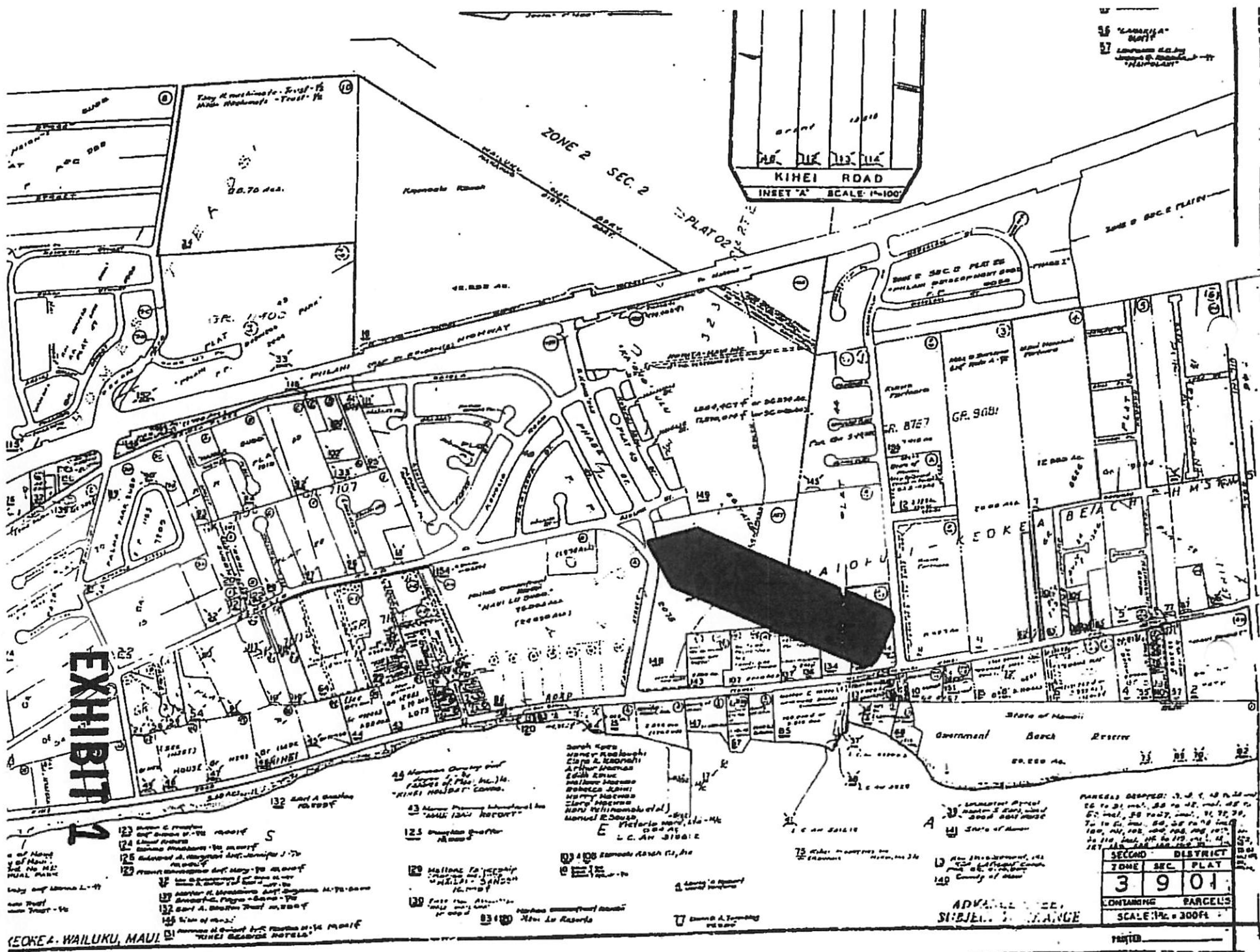


EXHIBIT 2

KEOKE A. WAILUKU, MAUI

SECOND DISTRICT		
ZONE	SEC.	PLAT
3	9	01
CONTAINING PARCELS		
SCALE: 1" = 300 FT.		

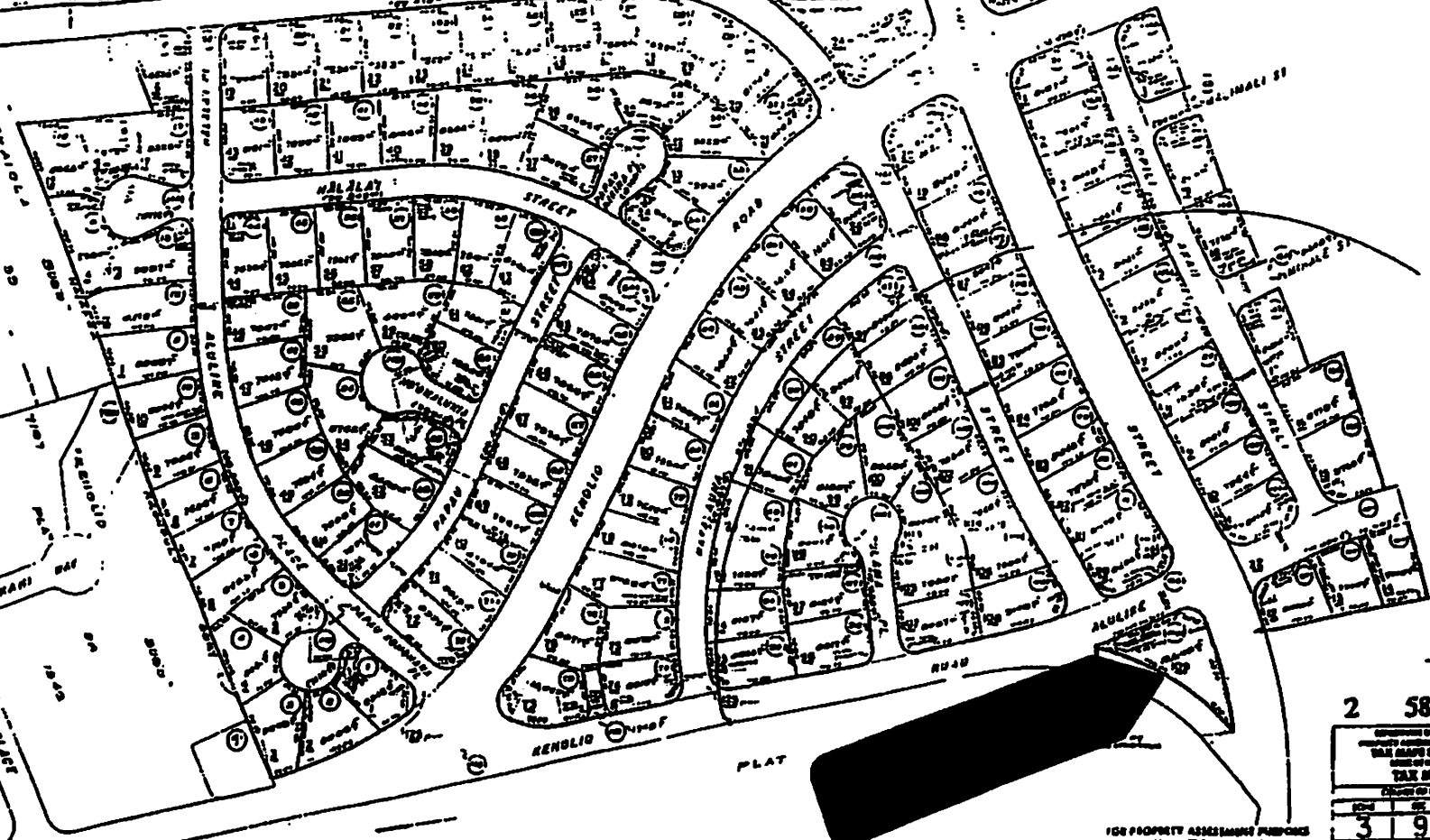
PRINTED

WILSON ROAD

WILSON IF A.P. No. RP-031-11311 HIGHWAY

RECAPITULATION OF TOTALS		
TAX MAP SECTION		
TAX MAP		
Area	Acres	Value
3	9	149

EXHIBIT 2



2 583

RECAPITULATION OF TOTALS		
TAX MAP SECTION		
TAX MAP		
Area	Acres	Value
3	9	48

"KA'ONG'ULU ESTATES" - PHASE 2, 22 LOTS, KADNOLU (KINEI), WAILUKU & MAHAUA, MAUI, - (FORMERLY SEE 3 B-01)

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

COUNTY OF MAUI
LAND USE & CODES ADMINISTRATION
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
250 SOUTH HIGH STREET
WAILUKU, HAWAII 96793

Application for Building Permit

PERMIT NUMBER
96/1845
DATE ISSUED
10/25/96

<p>INITIAL</p> <p><input type="checkbox"/> I claim an exemption under Sec. 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion.</p> <p><small>Falsefully claiming an exemption is a violation of Sec. 444-2(7) and carries a fine of forty percent (40%) of the total contract price or other amounts as stipulated in Sec. 444-2(3)(c).</small></p> <p><input type="checkbox"/> I claim exemption from the provisions of Chapter 484 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 484-13 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 484-13 (c).</p> <p><input type="checkbox"/> Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec. 205-4.5 HRS.</p> <p><small>Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof.</small></p> <p><u>[Signature]</u> 10/14/96 SIGNATURE OF OWNER DATE</p> <p>I hereby certify that I am a bona fide contractor licensed in the State of Hawaii.</p> <p><u>[Signature]</u> 10/25/96 SIGNATURE OF CONTRACTOR DATE</p>		<p style="text-align: center;">FOR LAND USE & CODES ADMINISTRATION USE ONLY</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><th style="width: 30%;">AGENCY</th><th style="width: 30%;">SIGNATURE</th><th style="width: 40%;">DATE</th></tr><tr><td><input type="checkbox"/> DEPT. OF WATER</td><td>_____</td><td>_____</td></tr><tr><td><input type="checkbox"/> DEPT. OF HEALTH</td><td>_____</td><td>_____</td></tr><tr><td><input type="checkbox"/> FIRE MARSHAL</td><td>_____</td><td>_____</td></tr><tr><td><input type="checkbox"/> ENGIN. LUCA</td><td>_____</td><td>_____</td></tr><tr><td><input type="checkbox"/> BUILDING LUCA</td><td>_____</td><td>_____</td></tr><tr><td><input type="checkbox"/> PLANNING DEPT</td><td>_____</td><td>_____</td></tr></table> <p>ISSUED BY: <u>[Signature]</u> ACCEPT VAL. \$ 15,000.00 PERMIT FEE \$ 162.00</p> <p>REMARKS: Waiver of Plan Review Requested. CONDITIONALLY APPROVED</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;">CONDITIONALLY APPROVED</p> <p style="text-align: center; color: red; font-weight: bold;">Plan Review Waiver Building Permit</p> <p>PROJECT NAME Maui Religious Science Church</p> <p>CONSTRUCTION TYPE V-N</p> <p>OCCUPANCY GROUP A-3</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td>APPLICATION NO. 96/1902</td><td>T M</td><td>ZONE 3</td><td>SEC 9</td><td>PLAT 48</td><td>PAR 109</td><td>LOT </td></tr><tr><td>DATE RECEIVED 10/17/96</td><td>K (s)</td><td colspan="5"></td></tr></table> <p>OWNERSHIP ZONE FLOOD ZONE FVT R-1 C</p>	AGENCY	SIGNATURE	DATE	<input type="checkbox"/> DEPT. OF WATER	_____	_____	<input type="checkbox"/> DEPT. OF HEALTH	_____	_____	<input type="checkbox"/> FIRE MARSHAL	_____	_____	<input type="checkbox"/> ENGIN. LUCA	_____	_____	<input type="checkbox"/> BUILDING LUCA	_____	_____	<input type="checkbox"/> PLANNING DEPT	_____	_____	APPLICATION NO. 96/1902	T M	ZONE 3	SEC 9	PLAT 48	PAR 109	LOT 	DATE RECEIVED 10/17/96	K (s)					
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DATE RECEIVED 10/17/96	K (s)																																				

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)																					
<p>PROJECT ADDRESS (HOUSE NO. AND STREET): 634 Alulike Street</p> <p>PROJECT ADDRESS (TOWN AND DISTRICT): Kihei, Maui, Hawaii 96753</p> <p>LEGAL OWNER (FULL NAME): Joseph Sugarman</p> <p>Mailing Address (include ZIP code): 634 Alulike Street, Kihei, Maui, HI 96753</p> <p>LESSOR/TENANT (1): Maui Religious Science Church</p> <p>Mailing Address (include ZIP code): 634 Alulike Street, Kihei, Maui, HI 96753</p> <p>LESSOR/TENANT (2): </p> <p>Mailing Address (include ZIP code): </p> <p>LESSOR/TENANT (3): </p> <p>Mailing Address (include ZIP code): </p> <p>PLAN MAKER: Ryniak Architects LICENSE NO. AR 6077</p> <p>Mailing Address (include ZIP code): 173 Ho'ohana St., Ste. 201, Kahului, HI 96732</p> <p>BUILDER: EMERALD ENTERPRISES LICENSE NO. BC20152</p> <p>Mailing Address (include ZIP code): 280 ILLIHOE WAY, KAHALANI, HI 96732</p> <p>APPLICANT NAME: RICHARD RYNAK TELEPHONE NO. 871-6565</p> <p>EDUCATION: Richard Ryniak TELEPHONE NO. 879-3316</p> <p>DATE: 10/16/96</p>		<p>NATURE OF WORK (CHECK ALL THAT APPLY)</p> <table border="0" style="width: 100%;"> <tr><td><input type="checkbox"/> NEW BUILDING</td><td><input type="checkbox"/> FENCE</td><td><input type="checkbox"/> FOUNDATION ONLY</td></tr> <tr><td><input type="checkbox"/> RETAINING WALL</td><td><input type="checkbox"/> SHELL ONLY</td><td><input type="checkbox"/> RELOCATION</td></tr> <tr><td><input type="checkbox"/> ADDITION</td><td><input checked="" type="checkbox"/> ALTERATION</td><td><input type="checkbox"/> RECONSTRUCTION</td></tr> <tr><td><input type="checkbox"/> MISC. STRUCTURE</td><td><input type="checkbox"/> REPAIR</td><td><input type="checkbox"/> DEMOLITION</td></tr> <tr><td><input type="checkbox"/> SITE WORK</td><td><input type="checkbox"/> SEA WALL</td><td><input type="checkbox"/> SWIMMING POOL</td></tr> </table> <p>NEW OCCUPIED AS: Ka Ono Ulu Estates Sales Office</p> <p>TO BE OCCUPIED AS: Maui Religious Science Church</p> <p>DIMENSIONS: 40'-0" x 50'-0" ±</p> <p>WALLS: Wood studs w/ Gyp. Bd.</p> <p>FOUNDATIONS: Pier Footings</p> <p>FLOORS: Plywood over floor joists</p> <p>ROOF: Exist Rafters</p> <p>CEILING: Gyp. Bd.</p> <p>BASEMENT FLOOR: N/A</p> <p><input checked="" type="checkbox"/> SEWER ROOF OVERHANG ESTIMATED VALUE OF WORK <input type="checkbox"/> WASTEWATER SYSTEM 2'-6" \$15,000</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td>NO. OF UNITS -</td><td>NO. OF STORIES 1</td><td>FLOOR AREA 1,900 S.F.</td><td>LOT AREA 12,609 S.F.</td></tr></table> <p>DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET): </p> <p>RIGHT: LEFT: REAR: FRONT: NEAREST BLDG: </p> <p>REMARKS: </p>	<input type="checkbox"/> NEW BUILDING	<input type="checkbox"/> FENCE	<input type="checkbox"/> FOUNDATION ONLY	<input type="checkbox"/> RETAINING WALL	<input type="checkbox"/> SHELL ONLY	<input type="checkbox"/> RELOCATION	<input type="checkbox"/> ADDITION	<input checked="" type="checkbox"/> ALTERATION	<input type="checkbox"/> RECONSTRUCTION	<input type="checkbox"/> MISC. STRUCTURE	<input type="checkbox"/> REPAIR	<input type="checkbox"/> DEMOLITION	<input type="checkbox"/> SITE WORK	<input type="checkbox"/> SEA WALL	<input type="checkbox"/> SWIMMING POOL	NO. OF UNITS -	NO. OF STORIES 1	FLOOR AREA 1,900 S.F.	LOT AREA 12,609 S.F.
<input type="checkbox"/> NEW BUILDING	<input type="checkbox"/> FENCE	<input type="checkbox"/> FOUNDATION ONLY																			
<input type="checkbox"/> RETAINING WALL	<input type="checkbox"/> SHELL ONLY	<input type="checkbox"/> RELOCATION																			
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<input type="checkbox"/> MISC. STRUCTURE	<input type="checkbox"/> REPAIR	<input type="checkbox"/> DEMOLITION																			
<input type="checkbox"/> SITE WORK	<input type="checkbox"/> SEA WALL	<input type="checkbox"/> SWIMMING POOL																			
NO. OF UNITS -	NO. OF STORIES 1	FLOOR AREA 1,900 S.F.	LOT AREA 12,609 S.F.																		

LINDA CROCKETT LINGLE
Mayor



DAVID W. BLANE
Director

LISA M. NUYEN
Deputy Director

**COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793**

September 2, 1997

**Ms. Kristin Holmes, Board Secretary
Maui Religious Science Center
P. O. Box 400
Kihei, Hawaii 96753**

Dear Ms. Holmes:

**RE: Time Extension For Special Use Permit, Maui Religious Science Church,
Kihei, Island of Maui, Hawaii (CUP 960001)**

At its regular meeting on August 26, 1997, the Maui Planning Commission reviewed the above request, and after due deliberation, voted to grant approval, subject to all of the conditions approved on August 27, 1996 (copy enclosed), provided that Condition No. 3 shall be amended to read as follows:

- 3. That the County Special Use Permit shall be valid until August 31, 2000, subject to further extensions by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.**

Enclosed for your information is a copy of the Department's Report and Recommendation Memorandum dated August 26, 1997. Thank you for your cooperation.

EXHIBIT 7

Ms. Kristin Holmes, Board Secretary
September 2, 1997
Page 2

If additional clarification is required, please contact Mr. Don Schneider, Staff Planner, of this office at 243-7735.

Very truly yours,

Lisa M. Nuyen
for DAVID W. BLANE
Planning Director

DWB:DAS
Enclosure

c: Lisa Nuyen, Deputy Planning Director
Clayton Yoshida, AICP, Planning Program Administrator
LUCA (2)
General File
✓ Project File
S:\ALL\DOM\SCIEN.CUP

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 28, 2000

Ms. Kristin Holmes
Maui Religious Science Center
P. O. Box 400
Kihei, Hawaii 96753

Joel Eser Richman, Esq.
P. O. Box 46
Paia, Hawaii 96779

Dear Ms. Holmes and Mr. Richman:

RE:	I. D.:	CUP 960001
	TMK:	3-9-048:109
	Project Name:	Maui Religious Science Church
	Description:	Transfer of Permit to the Jewish Congregation of Maui and Time Extension

At its regular meeting on September 26, 2000, the Maui Planning Commission reviewed the above request and after due deliberation, voted to grant approval, subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered (previous Condition No. 1).
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission (previous Condition No. 2).
3. That the County Special Use Permit shall be valid until **August 31, 2005**, subject to further extensions by the Planning Director upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Planning Director may forward the time-extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission (amended Condition No. 3).

EXHIBIT 8

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793

PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

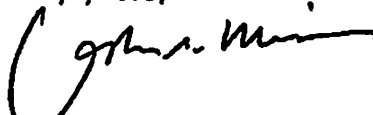
Ms. Kristin Holmes
Joel Eser Richman, Esq.
September 28, 2000
Page 2

4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order (amended Condition No. 4).
5. That the applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit (new standard condition).

Enclosed for your information is a copy of the Department's Report and Recommendation Memorandum dated September 26, 2000.

Thank you for your cooperation. If additional clarification is required, please contact Joseph W. Alueta, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

Ms. Kristin Holmes
Joel Eser Richman, Esq.
September 28, 2000
Page 3

JEM:JWA:cmb

Enclosure

c: Clayton Yoshida, AICP, Deputy Director of Planning
Aaron Shinmoto, Planning Program Administrator (2)
LUCA (2)
Project File
General File
K:\WP_DOCS\PLANNING\CUP\RELIGIOUS\CTR\approval.2000.wpd

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

DON COUCH
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 18, 2006

Mr. Joel Eser Richman
Jewish Congregation of Maui
P. O. Box 791539
Paia, Hawaii 96779

Dear Mr. Richman:

RE: Approval to Amend Condition No. 3 of a County Special Use Permit to allow for a Five Year Time Extension of the permit to Operate a Religious Facility in a Residential Area for the Jewish Congregation of Maui, TMK (2) 3-9-048:109 (CUP 99/0001)

The Maui Planning Department reviewed the above-referenced request, and after due consideration hereby grants approval, subject to the following conditions:

1. That the County Special Use Permit shall be valid until **August 31, 2010**, subject to further extensions by the Planning Director upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Planning Director may forward the time-extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission(*previous Condition No. 3*);
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission (*previous Condition No. 2*);
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special;

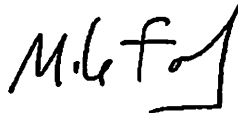
EXHIBIT 9

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Mr. Joel Eser Richaman
September 18, 2006
Page 3

Thank you for your cooperation. Please contact Ms. Livit Callentine, Staff Planner, of this office at 270-5537, or email livit.callentine@co.maui.hi.us if additional clarification is required.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is stylized with a large "M" and a long horizontal stroke at the end.

MICHAEL W. FOLEY
Planning Director

MWF:LUC:bg

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, Planning Program Administrator (2)
Livit U. Callentine, Staff Planner
Department of Public Works and Environmental Management (2)
Department of Water Supply
~~Project File~~
General File
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ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

DON COUCH
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 22, 2006

Mr. Joel Eser Richman
Jewish Congregation of Maui
P. O. Box 791539
Paia, Hawaii 96779

Dear Mr. Richman:

RE: Corrected Permit No. for a County Special Use Permit to Operate a Religious Facility in a Residential Area for the Jewish Congregation of Maui, 634 Alulike Street, TMK: (2) 3-9-048:109, Kihei, Island of Maui, Hawaii (CUP 96/0001) (~~CUP 99/0001~~)

Please be advised that in a letter dated September 18, 2006, granting approval of a time extension for the above-referenced County Special Use Permit, the permit no. was listed incorrectly. The correct permit no. is CUP 96/0001. A revised approval letter is enclosed for your reference.

Thank you for your cooperation. Please contact me at 270-5537, or email livit.callentine@co.maui.hi.us if additional clarification is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Livit Callentine".

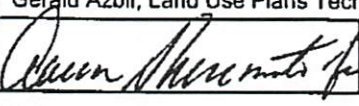
LIVIT CALLENTINE, Staff Planner
For MICHAEL W. FOLEY, Planning Director

MWF:LUC:smb
Enclosure

c: Clayton I. Yoshida, AICP, Planning Program Administrator (w/encl)
Aaron H. Shinmoto, Planning Program Administrator (2) (w/encl)
Livit U. Callentine, Staff Planner (w/encl)
Department of Public Works and Environmental Management (2) (w/encl)
Department of Water Supply (w/encl)
Project File (w/encl)
General File (w/encl)

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**COUNTY OF MAUI
DEPARTMENT OF PLANNING
SPECIAL MANAGEMENT AREA EXEMPTION
(SM5)**

APPLICANT: Donald Gresko 60 Holoamki Drive Kula, Hawaii 96790	OWNER: Jewish Congregation Of Maui 634 Alulike Street Kihei, Hawaii 96753
PROJECT LOCATION: 634 Alulike Street Kihei Hawaii 96753	PROJECT DESCRIPTION: Project: JEWISH CONGREGATION OF MAUI Now occupied as: SYNOGOGUE To be occupied as: SYNOGOGUE INSTALL ACCORDION FOLDING PARTITION Dimensions: Walls: EXISTING 2 X 4 Partitions: EXISTING 2 X 4 Foundation: EXISTING CONCRETE Floors: EXISTING CONCRETE Roof: EXISTING Ceiling: EXISTING
TAX MAP KEY NO: (2) 3-9-048:109-0000	BUILDING PERMIT APPL NO: B T20070792
SMA APPLICATION NO: SMX 20080092	SMA EXEMPTION NO: SM5 20080072
The proposed construction was determined to be: Repair, maintenance, or interior alterations to existing structures.	
Pursuant to §22, Chapter 205A Hawaii Revised Statutes ("HRS"), as amended, and the rules of the Planning Commissions in Maui County, the proposed activity was evaluated and determined to NOT be a development. Therefore, the activity is EXEMPT from the requirements of Chapter 205A, HRS.	
Reviewed by: Gerald Azbil, Land Use Plans Technician	Date: 3/14/08
Approved by:  JEFFREY S. HUNT, AICP, Planning Director	Date: 3/19/08
File: SM5, CZM-SM5, Zoning Enforcement and Administration Division(3), Applicant	

K:\Permits\permitSM520080072_2

(rev. 12.07)

LAND USE & CODES ADMINISTRATION
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
250 SOUTH HIGH STREET - WAILUKU, HAWAII 96793
(808) 270-7250

附註 47: 2017 年 12 月 31 日

20090/38

DATE ISSUED:

2/5/09

INITIAL		FOR LAND USE & CODES ADMINISTRATION USE ONLY																													
<input type="checkbox"/>	<p>I claim an exemption under HRS 1444-2(7) and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion, and have read and understand the Disclosure Statement required by HRS 1444-2(7).</p> <p>Falsely claiming an exemption is a violation of 1444-2(7) and carries a fine of forty percent (40%) of the total contract price, or other amounts as stipulated in 1444-23(c).</p>	A P P R O V A L S	<p>AGENCY SIGNATURE DATE</p> <p><input checked="" type="checkbox"/> WATER DEPT <i>[Signature]</i> 4/7/08</p> <p><input checked="" type="checkbox"/> HEALTH DEPT <i>[Signature]</i> 4/19/08</p> <p><input checked="" type="checkbox"/> FIRE PREV BUREAU <i>[Signature]</i> 4/9/08</p> <p><input type="checkbox"/> LUCA ENGR</p> <p><input checked="" type="checkbox"/> LUCA BLDG <i>[Signature]</i> 4/10/08</p> <p><input checked="" type="checkbox"/> PLANNING DEPT <i>[Signature]</i> 3/31/08</p> <p><input checked="" type="checkbox"/> WWRD <i>[Signature]</i> APR 05 2007</p>																												
<input type="checkbox"/>	<p>I claim exemption from the provisions of HRS Chapter 464, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under 1464-13(b). I further certify that I will record this exemption with the Bureau of Conveyances as required by 1464-13(c).</p>	R E Q U I R E D																													
<input type="checkbox"/>	<p>Approval is granted subject to compliance with the use regulations set forth in HRS Chapter 205 and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of HRS 1205-4.5.</p>																														
<p>Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof.</p>																															
SIGNATURE OF OWNER		DATE																													
<p>I hereby certify that I am a bona fide contractor licensed in the State of Hawaii.</p>																															
SIGNATURE OF CONTRACTOR		DATE																													
<i>[Signature]</i>		2/5/09																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">APPLICATION NO.</td> <td style="width: 15%;">T</td> <td style="width: 10%;">ZONE</td> <td style="width: 10%;">SEC</td> <td style="width: 10%;">PLAT</td> <td style="width: 10%;">PAR</td> <td style="width: 10%;">LOT</td> </tr> <tr> <td>107/6792</td> <td>M</td> <td>3</td> <td>9</td> <td>048</td> <td>109</td> <td></td> </tr> <tr> <td>DATE RECEIVED</td> <td>K</td> <td colspan="5"></td> </tr> <tr> <td>3-20-07</td> <td>(S)</td> <td colspan="5"></td> </tr> </table>				APPLICATION NO.	T	ZONE	SEC	PLAT	PAR	LOT	107/6792	M	3	9	048	109		DATE RECEIVED	K						3-20-07	(S)					
APPLICATION NO.	T	ZONE	SEC	PLAT	PAR	LOT																									
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">PROJECT NAME</td> <td colspan="2">CONSTRUCTION TYPE</td> </tr> <tr> <td colspan="2">Jewish Congregation Maui</td> <td colspan="2">V-KI</td> </tr> <tr> <td colspan="2">OCCUPANCY GROUP</td> <td colspan="2">OWNERSHIP</td> </tr> <tr> <td colspan="2">A-3</td> <td colspan="2">1</td> </tr> <tr> <td colspan="2">FLOOD ZONE</td> <td colspan="2">ZONE</td> </tr> <tr> <td colspan="2">C</td> <td colspan="2">R2, Sma</td> </tr> </table>				PROJECT NAME		CONSTRUCTION TYPE		Jewish Congregation Maui		V-KI		OCCUPANCY GROUP		OWNERSHIP		A-3		1		FLOOD ZONE		ZONE		C		R2, Sma					
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A-3		1																													
FLOOD ZONE		ZONE																													
C		R2, Sma																													

PROJECT ADDRESS (HOUSE NO. AND STREET) 634 Alulike Street, Kihei		NATURE OF WORK (CHECK ALL THAT APPLY)	
PROJECT ADDRESS (TOWN AND DISTRICT) Jewish Congregation of Maui		<input type="checkbox"/> NEW BUILDING <input type="checkbox"/> RETAINING WALL <input type="checkbox"/> ADDITION <input type="checkbox"/> MISC. STRUCTURE <input type="checkbox"/> SITE WORK	
LEGAL OWNER (FULL NAME) 634 Alulike Street, Kihei		<input type="checkbox"/> FENCE <input checked="" type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> SEA WALL	
MAILING ADDRESS (INCLUDE ZIP CODE) Maui, Hawaii 96753		<input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> RELOCATION <input type="checkbox"/> RECONSTRUCTION <input type="checkbox"/> DEMOLITION <input type="checkbox"/> SWIMMING POOL	
PRESIDENT (1) Alan Harris		NOW OCCUPIED AS Synagogue	
MAILING ADDRESS (INCLUDE ZIP CODE) Alan Harris		TO BE OCCUPIED AS Synagogue	
LICENSE NO. 116-180		DIMENSIONS 2 X 4	
MAILING ADDRESS (INCLUDE ZIP CODE) 1616 G St K.H. 96753		PARTITIONS Install Accordion Folding Partition	
LIC # C22714		FLOORS existing concrete	
LICENSE NO. 1915		CEILING existing	
APPLICANT NAME Milton Costello, P.E.		BASEMENT FLOOR N/A	
MAILING ADDRESS (INCLUDE ZIP CODE) % Donald Gresko, P.E., R.A.		<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> ROOF OVERHANG <input type="checkbox"/> ESTIMATED VALUE OF WORK \$18,000	
60 Holomaki Drive		NO. OF UNITS 1	
Kula, HI 96790		NO. OF STORIES 1	
TELEPHONE NO. 876-1363		FLOOR AREA 2002 sq	
APPLICANT NAME Milton Costello		LOT AREA 12410 SF	
MAILING ADDRESS (INCLUDE ZIP CODE) Milton Costello		DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET) 2002	
TELEPHONE NO.		NEAREST BLDG.	
DATE 20 April 2007		RIGHT: _____ LEFT: _____ REAR: _____ FRONT: _____ REMARKS: Replacement of load bearing wall to accommodate folding partition. Enclose open two wall of Lanai. Relocation entrance doors.	

CHARMAINE TAVARES
Mayor

KATHLEEN ROSS AOKI
Director

ANN T. CUA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

December 2, 2010

Rabbi David Glickman
Jewish Congregation of Maui
P.O. Box 791539
Paia, Hawaii 96779

Dear Rabbi Glickman:

SUBJECT: EXPIRATION OF A COUNTY SPECIAL USE PERMIT AND NEIGHBORHOOD CONCERNS REGARDING OPERATION OF THE JEWISH CONGREGATION OF MAUI RELIGIOUS FACILITY, LOCATED IN A RESIDENTIAL AREA AT 634 ALULIKE STREET, KIHAI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-9-048:109 (CUP 96/0001) (RFC 2010/0148) (RFC 2010/0185)

The Department of Planning (Department) received your letter dated November 17, 2010, in which you requested an administrative time extension of County Special Use Permit No. CUP 96/0001. We note that said permit expired on August 31, 2010, and that Condition No. 1 of the permit required that a request for a time extension be filed at least ninety (90) days prior to its expiration.

The Department also notes receipt of a letter dated October 7, 2010, from Mr. Joel Richman, in which he requests a time extension of the above-referenced permit. This letter was received on October 12, 2010, forty-two (42) days after the expiration date.

While we appreciate the circumstances leading to the expiration of the County Special Use Permit (CUP), unfortunately, Maui County Code does not authorize the Director of Planning to issue time extensions on expired permits. Accordingly, your request for an administrative time extension cannot be issued as the permit expired on August 31, 2010.

Inasmuch as the previous permit is now closed, a new CUP application to operate a religious facility in a residential district is required in order to continue said operation. Please refer to the attached copy of the approval letter dated September 18, 2006 (see Exhibit A), and our letter dated September 22, 2006, correcting the permit number stated on September 18th (see Exhibit B). I have also attached for your reference an application for a CUP, and the current County of Maui Fee Schedule (see Exhibit C). The application also available online in Fill-in PDF format at:

http://www.co.maui.hi.us/documents/Planning/Forms/CUP_WEB.PDF

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205, LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

EXHIBIT 12

Rabbi David Glickman
December 2, 2010
Page 2

It would be advisable that you submit a new CUP as soon as possible.

Finally, the Department received a complaint regarding a large industrial-type waste receptacle allegedly parked either on an abandoned parcel of land surrounding the property located at 634 Alulike Street or on the street. A site inspection conducted by Staff Planner Livit Callentine on October 15, 2010, confirmed the presence of a waste receptacle on what appeared to be the roadway shoulder on Alulike Street near the project site. It has been reported that the waste receptacle emits an unpleasant odor and attracts animals which subsequently die near it and add to the obnoxious smells. Allegedly you or your agent moved the waste receptacle in the Spring of 2010 to an area hidden from sight, but in August of this year the waste receptacle was returned to a more obvious spot on Alulike Street. Further, it was indicated that you received approval from an adjoining property owner, the Aston Maui Lu, to place a waste receptacle for your use on their property. The Department is in receipt of an email from Cathy O'Donohue, General Manager of the Aston Maui Lu, stating that such permission was not granted (see Exhibit D). Please provide an explanation as to the location of the dumpster, and your plans to remove or mitigate any obnoxious impact to the residential neighborhood.

Please reply to this letter within thirty (30) days of its date. Failure to contact us within this timeframe could result in enforcement actions. For additional clarification, contact Staff Planner Livit Callentine at livit.callentine@mauicounty.gov or at (808) 270-5537.

Sincerely,



KATHLEEN ROSS AOKI
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Livit U. Callentine, Staff Planner
Department of Public Works
Department of Environmental Management
Department of Finance, Real Property Tax
Joel Richman
Project File
General File

KRA:LUC:nsi

K\WP_DOCS\PLANNING\CUP\RELIGIOUS\2010_TimeExtension\PermitExpired.doc

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

SUZANNE B. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
DISPOSING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

January 31, 2019

Michele Chouteau McLean, Director
County of Maui
Department of Planning
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

IN REPLY REFER TO:
Log No.: 2019.02281
Doc. No.: 2001LS26
Archaeology

Dear Ms. McLean:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Community Plan Amendment (CPA) Permit Application – 2019/0001
Change in Zoning (CIZ) Permit Application – 2019/0004
634 Alulike St., Kihei – Single family to P-QP, R-2 to P-QP (P-1)
Jewish Synagogue
Applicant: Michele McLean
Ka'ono'ulu Ahupua'a, Kula District, Island of Maui
TMK: (2) 3-9-048:109**

This letter provides the State Historic Preservation Division's (SHPD's) review of these subject permit applications for the proposed amendment to the Kihei-Makena Community Plan and Land Use Map from a Single Family to Public/Quasi-Public (P) and a Change in Zoning from R-2 Residential to Public/Quasi-Public (P-1) to memorialize the use that has been occurring on the subject parcel located at 634 Alulike Street, for religious services for the Jewish Synagogue. The SHPD received this permit application on October 9, 2019 which included a County of Maui coversheet and a description of the project. No HRS 6E Submittal Form was provided. The parcel totals 12,609 sq. ft. No subsurface disturbance will occur.

A review of our records shows that an archaeological inventory survey (AIS) has not been conducted on this developed parcel. According to the SHPD's geographical information system (GIS), no historic properties are within the vicinity of the project parcel. In 1996, SHPD reviewed a conditional use and a special management area permit application submitted for the Maui Religious Science Center on the subject parcel and indicated the permit would have "no effect" on significant historic properties (May 20, 1996; Log No. 17212, Doc. No. 9605SC15). The USDA (Foote et al. 1972) identifies the soils as Alae sandy loam, 3-7% slopes (AaB). Low potential exists for the project to affect subsurface historic properties.

Based on the information provided, SHPD's determination is no historic properties affected for the current project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The historic preservation review process is ended. The permit issuance process may proceed.

Please attach to permit: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

EXHIBIT 13

Mr. Ueno
January 31, 2019
Page 2

Please contact Susan Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for matters regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Jared Burkett, jared.burkett@mauicounty.gov

1915442

MICHAEL P. VICTORINO

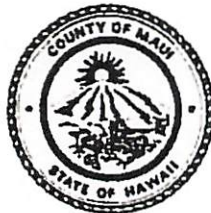
Mayor

MICHELE CHOUTEAU MCLEAN, AICP

Director

JORDAN E. HART

Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

RECEIVED

OCT 22 2019

COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 30, 2019

TRANSMITTAL

STATE AGENCIES	
	Dept of Human Services
x	DLNR-Land, Maui
	DLNR-OCCL
OTHER	
x	Hawaiian Telcom (Hard Copy)
x	Maui Electric Company

COUNTY AGENCIES	
x	Dept of Environmental Management (2)
x	Dept of Finance - Real Property Division
x	Dept of Transportation
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department

PROJECT:	JEWISH SYNAGOGUE
APPLICANT:	Michele McLean
PERMIT NO(s):	CPA 2019/0001, CIZ 2019/0004
TMK:	(2) 3-9-048:109-0000
PROJECT ADDRESS:	634 Alulike Street, Kihei, Island of Maui, Hawaii
PROJECT DESCRIPTION:	CPA = Single Family to P-QP; and CIZ = R-2 to P-QP (P-1)

Transmitted for your review and comment is a copy of the above referenced request. We would appreciate your comments on this application. Please submit comments to me by October 31, 2019 via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at jared.burkett@mauicounty.gov or (808) 270-7378.

Sincerely,

JARED BURKETT, Staff Planner

Attachments: Project Description

- () We have no objections.
 (x) We have no comments.
 () Comments are attached.

Signed:

Print:

Contact:

Date:

KEITH SAKAMOTO
 872-3294
 10/12/19

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)

Jared L. Burkett, Staff Planner (PDF)

Project File

CIY:ATC:JLB:lk

K:\WP_DOCS\Planning\Cpa\2019\0001_JewishSynagogue\AgencyTransmittal.docx

EXHIBIT 14

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
COURT REPORT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
10/25/2019

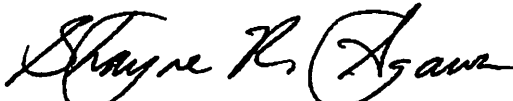
AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Jewish Synagogue		
APPLICANT:	Michele McLean		
STREET ADDRESS:	634 Alulike Street, Kihei, Island of Maui, Hawaii		
PROJECT DESCRIPTION:	CPA - Single Family to P-QP; and CIZ = R-2 to P-QP (P-1)		
TMK:	(2) 3-9-048:109-0000		
PERMIT NO.:	CPA 2019/0001, CIZ 2019/0004		
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
a. Although wastewater system capacity is currently available as of the date of this letter, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.			
b. Wastewater contribution calculations are required.			
c. Plans shall show the existing property sewer service manhole near the property line. If a property sewer service manhole does not exist, one shall be installed.			
d. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)			
e. Non-contact cooling water and condensate should not drain to the wastewater system.			
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> Signed:  </div> <div> 10/26/19 </div> </div>			
Print Name:		Shayne R. Agawa, Deputy Director	Date

EXHIBIT 15

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



RECEIVED
COUNTY OF MAUI

2019 OCT -3 10:36

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL

September 30, 2019

STATE AGENCIES	
	Dept of Human Services
x	DLNR-Land, Maui
	DLNR-OCCL
OTHER	
x	Hawaiian Telcom (Hard Copy)
x	Maui Electric Company

COUNTY AGENCIES	
x	Dept of Environmental Management (2)
x	Dept of Finance - Real Property Division
x	Dept of Transportation
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department

PROJECT: JEWISH SYNAGOGUE
APPLICANT: Michele McLean
PERMIT NO(s): CPA 2019/0001, CIZ 2019/0004
TMK: (2) 3-9-048:109-0000
PROJECT ADDRESS: 634 Alulike Street, Kihei, Island of Maui, Hawaii
PROJECT DESCRIPTION: CPA = Single Family to P-QP; and CIZ = R-2 to P-QP (P-1)

Transmitted for your review and comment is a copy of the above referenced request. We would appreciate your comments on this application. Please submit comments to me by October 31, 2019 via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at jared.burkett@mauicounty.gov or (808) 270-7378.

Sincerely,

JARED BURKETT, Staff Planner

Attachments: Project Description

- () We have no objections.
(x) We have no comments.
() Comments are attached.

Signed:
Print: Mark Takamichi
Contact: 270 7511
Date: 10/4/19

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Jared L. Burkett, Staff Planner (PDF)
Project File

CIY:ATC:JLB:lk

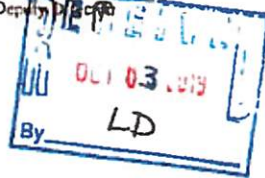
K:\WP_DOCS\Planning\Cpa\2019\0001_JewishSynagogue\AgencyTransmittal.docx

EXHIBIT 16

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
TELEPHONE (808) 270-7205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDANE HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

RECEIVED
COUNTY OF MAUI
10/01/2019 OCT - 2 PM 12: 22
DEPT. OF WATER SUPPLY

TRANSMITTAL

September 30, 2019

STATE AGENCIES	
	Dept of Human Services
x	DLNR-Land, Maui
	DLNR-OCCL
OTHER	
x	Hawaiian Telcom (Hard Copy)
x	Maui Electric Company

COUNTY AGENCIES	
x	Dept of Environmental Management (2)
x	Dept of Finance - Real Property Division
x	Dept of Transportation
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department

PROJECT: JEWISH SYNAGOGUE
APPLICANT: Michele McLean
PERMIT NO(s): CPA 2019/0001, CIZ 2019/0004
TMK: (2) 3-9-048:109-0000
PROJECT ADDRESS: 634 Alulike Street, Kihei, Island of Maui, Hawaii
PROJECT DESCRIPTION: CPA = Single Family to P-QP; and CIZ = R-2 to P-QP (P-1)

Transmitted for your review and comment is a copy of the above referenced request. We would appreciate your comments on this application. Please submit comments to me by October 31, 2019 via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at jared.burkett@mauicounty.gov or (808) 270-7378.

Sincerely,

JARED BURKETT, Staff Planner

Attachments: Project Description

- ☐ We have no objections.
☒ We have no comments.
☐ Comments are attached.

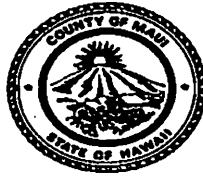
Signed:
Print: MARTI BUCKNER FOR EVA BLUMENSTEIN
Contact: 808 463 3104
Date: 10/28/19

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Jared L. Burkett, Staff Planner (PDF)
Project File
CIY:ATC:JLB:lk
K:\WP_DOCS\Planning\Cpa\2019\0001_JewishSynagogue\AgencyTransmittal.docx

EXHIBIT 17

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

MICHAEL P. VICTORINO
MAYOR



DAVID C. THYNE
FIRE CHIEF

BRAD VENTURA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU

313 MANEA PLACE | WAILUKU, HAWAII 96793
(808) 876-4690 | FAX (808) 244-1363

October 22, 2019

Department of Planning
Attn: Jared Burkett – Staff Planner
2200 Main St. Suite 315
Wailuku, HI 96793

SUBJECT: Jewish Synagogue
CPA 2019/0001 & CIZ 2019/0004
TMK: (2) 3-9-048: 109

Dear Jared,

Thank you for allowing our office to provide comment on the referenced subject. As per your request, comments are provided below:

- Our office has no comment to or objection against the referenced CPA & CIZ as long as the subject facility is properly permitted and has a current Certificate of Occupancy classification in-line with its current use.

If there are any questions or comments, please feel free to contact me at (808) 876-4693 or by email at paul.haake@mauicounty.gov.

Sincerely,

Paul Haake

A handwritten signature in cursive script that reads "Paul Haake".

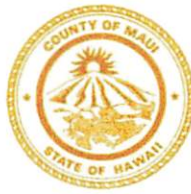
Captain - Fire Prevention Bureau

EXHIBIT 18

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

November 9, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Edits on p. 2

Dear Chair Lee and Members:

**SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN
AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ)
FOR THE JEWISH CONGREGATION OF MAUI, KIHAI,
MAUI, HAWAII; TMK: (2) 3-9-048:109 (CPA 2019/0001)
(CIZ 2019/0004)**

The Department of Planning (Department) is transmitting for your review and action CPA and CIZ applications initiated by the Planning Director. A summary of the applications is as follows:

APPLICATION SUMMARY	
Application - CPA	Single-Family to Public/Quasi-Public
Application - CIZ	R-2 Residential to P-1 Public/Quasi-Public
Applicant	Michele Chouteau McLean, AICP, Planning Director
Owner	Jewish Congregation of Maui, Inc.
Tax Map Key	(2) 3-9-048:109
Address	634 Alulike Street, Kihei, Maui
Area	Approximately 12,609 square feet
Land Use Designations	State Land Use: Urban District Kihei - Makena Community Plan: Single-Family County Zoning: R-2 Residential Maui Island Plan: Within Urban Growth Boundary Outside Protected Areas

Honorable Michael P. Victorino, Mayor

For Transmittal to:

Honorable Alice L. Lee, Chair

November 9, 2021

Page 2

	In the Special Management Area (SMA)
Brief Description	The purpose of the land use changes is to memorialize the use that has been occurring on the parcel, that being religious services for the Jewish Congregation of Maui.
Public Hearing	Held by the Maui Planning Commission (Commission) on May 26, 2020, via video conference.
Testimony	During the public hearing, four individuals testified in favor of the land use requests and no individuals testified against the land use requests.
Recommendation	The Commission recommended approval for both land use requests with a vote of five ayes, zero no's, with the condition that the property owner shall work with the County to provide adequate off-street parking.

As Maui County Council (Council) approval is required for the CPA and CIZ, the Department respectfully transmits the subject applications for Council consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled: A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109;
 - a. Land Description, shown in EXHIBIT A;
 - b. ~~CPA~~ *Community Plan* Map No. 541, shown in EXHIBIT B;
2. Proposed bill entitled: A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109;
 - a. Land Description, shown in EXHIBIT A;
 - b. ~~CPA~~ Land Zoning Map No. L-5125, shown in EXHIBIT B;
 - c. Condition recommended by Commission, shown is EXHIBIT C;
3. Department's Report and Recommendation to the Commission, dated May 26, 2020; and

Honorable Michael P. Victorino, Mayor

For Transmittal to:

Honorable Alice L. Lee, Chair

November 9, 2021

Page 3

4. Minutes for the May 26, 2020, Commission meeting.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

Attachments

Copy to: Clayton Yoshida, Planning Program Administrator (PDF)
Jared Burkett, Staff Planner (PDF)
Maui Planning Commission (PDF)
Project File

MCM:CIY:JLB:rma

K:\WP_DOCS\Planning\CPA\2019\0001_JewishSynagogue\Council\Council Transmittal.docx

November 5, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

DRAFT

Dear Chair Lee and Members:

**SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN
AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ)
FOR THE JEWISH CONGREGATION OF MAUI, KIHAI,
MAUI, HAWAII; TMK: (2) 3-9-048:109 (CPA 2019/0001)
(CIZ 2019/0004)**

The Department of Planning (Department) is transmitting for your review and action CPA and CIZ applications initiated by the Planning Director. A summary of the applications is as follows:

APPLICATION SUMMARY	
Application - CPA	Single-Family to Public/Quasi-Public
Application - CIZ	R-2 Residential to P-1 Public/Quasi-Public
Applicant	Michele Chouteau McLean, AICP, Planning Director
Owner	Jewish Congregation of Maui, Inc.
Tax Map Key	(2) 3-9-048:109
Address	634 Alulike Street, Kihei, Maui
Area	Approximately 12,609 square feet
Land Use Designations	State Land Use: Urban District Kihei - Makena Community Plan: Single-Family County Zoning: R-2 Residential Maui Island Plan: Within Urban Growth Boundary Outside Protected Areas In the Special Management Area (SMA)

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
November 5, 2021
Page 2

Brief Description	The purpose of the land use changes is to memorialize the use that has been occurring on the parcel, that being religious services for the Jewish Congregation of Maui.
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 - a. Land Description, shown in EXHIBIT A;
 - b. CPA Map No. 541, shown in EXHIBIT B;
2. Proposed bill entitled: A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-048:109;
 - a. Land Description, shown in EXHIBIT A;
 - b. CIZ Land Zoning Map No. L-5125, shown in EXHIBIT B;
 - c. Condition recommended by Commission, shown is EXHIBIT C;
3. Department's Report and Recommendation to the Commission, dated May 26, 2020; and
4. Minutes for the May 26, 2020, Commission meeting.

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
November 5, 2021
Page 3

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

Attachments

Copy to: Clayton Yoshida, Planning Program Administrator (PDF)

Jared Burkett, Staff Planner (PDF)

Maui Planning Commission (PDF)

Project File

MCM:CIY:JLB:xxx

K:\WP_DOCS\Planning\CPA\2019\0001_JewishSynagogue\Council\Council Transmittal.docx

Rachel Adams - Re: Jewish Congregation of Maui - Draft Bill Transmittal to Council

From: Linda Kim
To: Jared Burkett; Rachel Adams
Date: 11/10/2021 8:19 AM
Subject: Re: Jewish Congregation of Maui - Draft Bill Transmittal to Council
Cc: Ann Cua; Clayton Yoshida
Attachments: Mayor-Cover Sheet for Transmittal of Documents.doc

Thank you, Jared.

Hi Rachel -- This council transmittal is assigned to you. Please finalize for Michele to sign. It should be dated today.

Filepath: K:\WP_DOCS\PLANNING\CPA\2019\0001_JewishSynagogue\Council\Council Transmittal.docx

Include the attachments with the council transmittal when taking it down to Michele to sign. On the outside of the folder, put a sticky note "RUSH."

When you get it back signed, put the attached Mayor's cover transmittal form on top of everything. Let me know should you have any questions.

THANK YOU!
Linda

>>> Jared Burkett 11/9/2021 8:27 PM >>>
Aloha Linda,

I have removed the RFLS from the Council packet and rearranged the list as you requested. I changed the list of attachments to a multilevel list to indicate what items went with each Bill. I placed that in the clerical tray since I did not see it was routed to Rachel on the routing form yet. I have attached the revised copy for everyone's reference.

Mahalo,

Jared Burkett / Planner
Jared.Burkett@MauiCounty.gov

DEPARTMENT OF PLANNING
Current Division

Direct Line: [808.270.7378](tel:808.270.7378)
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
www.mauicounty.gov

Rachel Adams - Re: Jewish Congregation of Maui - Draft Bill Transmittal to Council

From: Linda Kim
To: Rachel Adams
Date: 11/10/2021 8:22 AM
Subject: Re: Jewish Congregation of Maui - Draft Bill Transmittal to Council

Hi Rachel,

When you get this out of Clayton's tray, can you call me?

Thanks,
Linda

>>> Linda Kim 11/10/2021 8:19 AM >>>
Thank you, Jared.

Hi Rachel -- This council transmittal is assigned to you. Please finalize for Michele to sign. It should be dated today.

Filepath: K:\WP_DOCS\PLANNING\CPA\2019\0001_JewishSynagogue\Council\Council Transmittal.docx

Include the attachments with the council transmittal when taking it down to Michele to sign. On the outside of the folder, put a sticky note "RUSH."

When you get it back signed, put the attached Mayor's cover transmittal form on top of everything. Let me know should you have any questions.

THANK YOU!
Linda

>>> Jared Burkett 11/9/2021 8:27 PM >>>
Aloha Linda,

I have removed the RFLS from the Council packet and rearranged the list as you requested. I changed the list of attachments to a multilevel list to indicate what items went with each Bill. I placed that in the clerical tray since I did not see it was routed to Rachel on the routing form yet. I have attached the revised copy for everyone's reference.