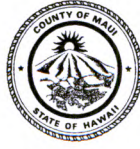


MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

February 21, 2023

Honorable Tasha Kama, Chair
Housing and Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of February 17, 2023:

RESOLUTION:

No. 23-42 - "AUTHORIZING AN EXCHANGE OF REAL PROPERTY, WITH THE COUNTY DISPOSING OF APPROXIMATELY 23 ACRES IN PU'UNĒNĒ, MAUJI, HAWAI'I AND ACCEPTING APPROXIMATELY 11.5 ACRES IN WAIHEHU, MAUI, HAWAI'I"

BILLS:

No. 11 (2023) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 2829 (2000) GRANTING A CONDITIONAL PERMIT IN ORDER TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAIIEA, KIHEI, MAUI, HAWAII"

No. 12 (2023) - "A BILL FOR AN ORDINANCE AMENDING SUBSECTION 2.96.060(B), MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTION TIME-PERIODS"

Also transmitted for your convenience is a copy of a communication received from the Planning Director pertaining to Bill No. 11 (2023).

Respectfully,

A handwritten signature in black ink, appearing to read "Moana M. Lutey".
MOANA M. LUTEY
County Clerk

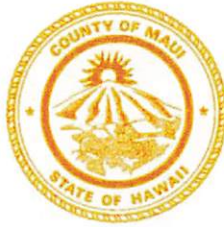
/jym
Enclosures
cc: Director of Council Services

RECEIVED
2023 FEB 21 PM 1:58
OFFICE OF THE
COUNTY CLERK

RICHARD T. BISSEN JR.
Mayor

KATHLEEN ROSS AOKI
Acting Planning Director

GARRETT E. SMITH
Deputy Director



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

February 2, 2023



OFFICE OF THE
COUNTY CLERK

2023 FEB -6 PM 1:47

RECEIVED

Honorable Richard T. Bissen, Jr.
County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen Jr. 2/6/23
Mayor Date

For Transmittal to:

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

Dear Chair Lee and Members:

**SUBJECT: CONDITIONAL PERMIT (CP) AMENDMENT FOR
WALEA TENNIS CENTER OFF-SITE PARKING STALLS
AND RELATED IMPROVEMENTS (CP990007)**

The Department of Planning (Department) is transmitting for your review and action the proposed CP Amendment summarized as follows:

APPLICATION SUMMARY	
Action	CP Amendment
Applicant	Ms. Anne Takabuki, Wailea Golf LLC
Owner	Wailea Golf LLC
Tax Map Key	(2) 2-1-008:141
Address	Wailea Ike Place, Wailea Planned Development Area, Island of Maui, Hawaii
Area	Approximately 0.664 acres
Current Land Use Designations	State Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Kihei-Makena Community Plan: Not designated Title 19, Zoning: A2 Apartment District Other: Within Special Management Area/Planned Development Area

Honorable Richard T. Bissen Jr.
For Transmittal to:
Honorable Chair Alice L. Lee
February 2, 2023
Page 2

APPLICATION SUMMARY	
Brief Description	Proposed 13 additional off-site parking stalls and related improvements for the Wailea Tennis Club
Public Hearing	Held by Maui Planning Commission (Commission) on October 25, 2022, in Wailuku, Maui, Hawaii via hybrid.
Testimony	One letter of protest was submitted on the proposed project.
Recommendation	The Commission recommended approval of the subject proposed bill.

The Commission reviewed the subject proposal at its October 25, 2022, public meeting and recommended approval of the CP990007 time extension with three additional conditions to the Maui County Council (Council):

7. That appropriate Best Management Practices be implemented during construction, such as dust fences, watering, etc. (Police Department).
8. That proper signage, traffic control and other safety precautions be implemented for safe and orderly passage through the area (Police Department).
9. That construction activities be limited to normal daylight hours and that adequate notice be given to adjacent properties of any activity that may extend beyond these hours or exceed normal construction noise levels (Police Department).

As Council approval is required, the Department respectfully transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 2829 (2000) GRANTING A CONDITIONAL PERMIT IN ORDER TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHAI, MAUI, HAWAII."
2. Department of Planning Report and Recommendation, including agency comments, to the Commission dated October 25, 2022;
3. Adopted Minutes of the October 25, 2022, Commission meeting;
4. Letter dated November 3, 2022, regarding Maui Planning Commission's recommendation on the permit application, "Conditional Permit (CP) Amendment and Planned Development Step II Approval for the Addition

Honorable Richard T. Bissen Jr.
For Transmittal to:
Honorable Chair Alice L. Lee
February 2, 2023
Page 2

of Parking Stalls and Related Improvements at the Wailea Tennis Center Located on 0.664 acres of land in the A-2 District at Wailea Iki Place, Wailea, Island of Maui, Hawaii TMK (2) 2-1-008:141," (CP990007) (PD22022-00001)."

5. Memo to Corporation Counsel, regarding "Conditional Permit Amendment and Planned Development Step II (PD2) Approval for the Addition of Parking Stalls and Related Improvements at the Wailea Tennis Center Located on 0.664 Acres of Land in the A-2 Apartment District, Wailea Iki Place, Wailea, Island of Maui, Hawaii TMK (2) 2-1-008:141 (CP990007) (PD22022-00001).

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,



KATHLEEN ROSS AOKI
Acting Planning Director

Attachments

xc: Maui Planning Commission Members (PDF)
Ann T. Cua, Planning Program Administrator (PDF)
Danny Dias, Supervising Staff Planner (PDF)
Gail Davis, Supervising Zoning Inspector (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Project File

KRA:TKF:lp

K:\WP_DOCS\Planning\CP\1999\0007_WaileaResort\Amendment2022\TransmittalToCouncil.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

**MS. ANNE TAKABUKI ON BEHALF OF
WAILEA GOLF LLC**

To obtain an amendment to a Conditional Permit and a Planned Development Step II approval for 13 additional off-site parking stalls and related improvements for the Wailea Tennis Club, located in the A-2 Apartment District, on approximately 0.664 acres of land along Wailea Iki Place, Kihei, Maui, Hawaii, Tax Map Key (2) 2-1-008:141.

**DOCKET NO. CP990007
PD22022-00001**

**Ms. Anne Takabuki on Behalf of
Wailea Golf LLC
(T. Furukawa)**

**MAUI PLANNING DEPARTMENT
REPORT AND RECOMMENDATION
OCTOBER 25, 2022 MEETING**

**COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI 96793**

**Conditional Permit
Planned Development Step II Approval
K:\WP_DOCS\PLANNING\CP\1999\0007_WaileaResort\Transfer Requests\Transfer
Staff Report - Recommendation\Report-Recommendation.doc**

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

MS. ANNE TAKABUKI on behalf of
WAILEA GOLF LLC

To obtain an amendment to a Conditional Permit and a Planned Development Step II approval for 13 additional off-site parking stalls and related improvements for the Wailea Tennis Club, located in the A-2 Apartment District, on approximately 0.664 acres of land along Wailea Iki Place, Kihei, Maui, Hawaii, Tax Map Key (2) 2-1-008:141.

DOCKET NO. CP990007
PD22022-00001

Ms. Anne Takabuki on behalf of
Wailea Golf LLC
(T. Furukawa)

DESCRIPTION OF THE PROJECT

On behalf of Wailea Golf LLC, Ms. Anne Takabuki ("Applicant"), is requesting an amendment to a Conditional Permit and a Planned Development Phase II approval to allow for the expansion of an existing offsite parking lot that serves the Wailea Tennis Club (WTC). The parking lot is located along Wailea Iki Place in the Wailea Planned Development Area, Maui, Hawaii at Tax Map Key (TMK) (2) 2-1-008:141. See location map, aerial photographs and site photographs attached as **Exhibits 1-3**.

Currently, the parking lot has 54 parking stalls, lighting and landscaping. See **Exhibit 4**. Thirteen more stalls are proposed to be added, with related improvements to match the already developed portion of the lot. See **Exhibit 5**. Existing landscaping will be maintained. The former adjacent hotel developer, R.D. Olsen, will be paying for the parking lot improvements, as part of an agreement to re-locate a water well that is used for golf course irrigation. The well has already been re-located and is now located on the adjacent Hotel Iki property. Meanwhile, the well site was a separate parcel that was consolidated with the existing WTC parking lot. The parking lot will continue to be used exclusively for WTC off-site parking.

REASON FOR MAUI PLANNING COMMISSION REVIEW

An amendment to the Conditional Permit and a Planned Development Step II approval are being sought because of the change to the site plan for the WTC off-site parking lot. A Conditional Permit amendment is required for compliance with Maui County Code (MCC), Section 19.40.080(A), which says, "All changes in use or appearance of the land or buildings must be in accordance with the specified conditions and the proposal as approved." The Commission can recommend approval of the permit amendment with proposed conditions that will be forwarded to the Maui County Council (Council) for review and approval.

A Planned Development Step II approval is being sought because in accordance with MCC, 19.32.020(B), a Step II preliminary plan of development shall be reviewed by the Commission for conformance with development standards. The plan shall show drainage, streets, utilities, grading, landscaping, open spaces, lots, land uses, recreational and community facilities, buildings and structures, and programming.

A Planned Development Step I approval to swap land use designations for the 0.664-acre well site from Parcel (2) 2-1-028:004 to Parcel 141 was already granted on August 25, 2020 when the various permit approvals for Hotel Ike were issued. See Exhibit 6.

Once the Planned Development Step II approval is granted, the Department will review the construction plans to ensure that it matches the conceptual plans provided for the Step II approval, and issue a Step III approval. Also, the Department will process a SMA Assessment for the off-site parking lot improvements, since there is no open SMA Use Permit for the project and the valuation for the improvements is less than \$500,000.

DESCRIPTION OF THE PROPERTY

1. Land Use Designations:

State Land Use District:	Urban
Maui Island Plan:	Urban Growth Boundaries/ Outside Protected Areas
Kihei-Makena Community Plan:	Not designated
County Zoning:	A-2 Apartment District
Other:	Within the SMA/Planned Development Area

2. Surrounding Uses:

North – Wailea Ike Place/WTC
South – Hotel Ike/Wailea Ike Drive
East – Wailea Town Center/AC Hotel by Marriott Maui Wailea
West – Wailea Old Blue Golf Course/Wailea Alanui Drive

3. The property lies within Flood Zone X, an area of minimal flooding.
4. There are no open Requests for Service (RFS) on the property.
5. The subject application does not involve an action that triggers compliance with Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

HISTORY OF THE PERMITS

September 28, 1999	An Offsite Parking Approval, Special Management Area Use Permit, and Planned Development Approval were approved by the Commission. The Commission also voted to recommend approval of the Conditional Permit (CP990007, SM1990007, PD1 990001, OSP 990004).
February 28, 2000	The CP was approved and enacted by the County Council via Ordinance No. 2829. The CP had an expiration date of February 28, 2010 (Exhibit 7).
April 11, 2000	A SMA Use Permit, Offsite Parking Approval and Planned Development Step I Approval were issued with a construction completion date of five years (Exhibit 8).
April 22, 2003	A time extension for construction initiation was approved from April 30, 2002 to April 30, 2004.
August 11, 2003	Department approved the transfer of the Special Management Area Use Permit, Planned Development Approval, Offsite Parking Approval from South Maui Business Park Partners to Wailea Town Center Investors LLC.
August 24, 2004	Step II Planned Development Approval for the project was granted by the Maui Planning Commission.
March 8, 2005	Step III Planned Development Approval for the project was granted by the Maui Planning Commission.
January 26, 2006	Department approves Phase I Final Compliance Report for SMA Use Permit for lot.
January 9, 2007	Department approves final compliance report for SMA Use Permit for lot.
November 24, 2009	Wailea Golf LLC requests a CP time extension. Wailea Golf was the owner of the parcel.

November 7, 2017 Council approves a transfer of the CP from South Maui Business Park Partners to Wailea Golf LLC (**Exhibit 9**).

May 3, 2018 Department approved a 20-year time extension of the Conditional Permit to February 28, 2030 (**Exhibit 10**).

REVIEWING AGENCIES

County Agencies	Comment	Exhibit Number
Department of Environmental Management-Solid Waste Division	No	11
Department of Parks and Recreation	No	12
Department of Public Works	No	13
Fire & Public Safety	Yes	17
Police Department	Yes	14
State Agencies	Comment	Exhibit Number
Department of Land and Natural Resources-State Historic Preservation Division	Yes	15
Other	Comment	Exhibit Number
Hawaiian Electric Company	Yes	16

ANALYSIS

LAND USE

1. The original project was analyzed back in 2000 for consistency with the Hawaii State Plan, Maui Island Plan, County's General Plan, Kihei-Makena Community Plan, and zoning.

Because additional parking stalls in the offsite lot are neither a permitted, accessory or special use in the County 'A-2 Apartment District,' the project is being analyzed with respect to the goals, objectives and criteria for a Conditional Permit, in accordance with Maui County Code, Chapter 19.40.

As mentioned previously, according to Maui County Code (MCC), Section 19.40.080(A), "All changes in use or appearance of the land or buildings must be in accordance with the specified conditions and the proposal, as approved. The permit must state that it is issued subject to compliance with and fulfillment of the terms and conditions."

The conditions of approval for the CP, and an explanation on how the additional stalls for the offsite WTC parking lot are in accordance with them, are as follows:

1. ***That full compliance with all applicable governmental requirements shall be rendered in a timely manner.***

The Applicant is in full compliance with applicable governmental requirements for the WTC offsite parking lot. The subject application is being submitted for continued compliance.

2. ***That the CP shall be valid for a period of twenty (20) years until February 28, 2030; provided that, an extension of this permit beyond the 20-year period may be granted pursuant to Section 19.40.090 of the Maui County Code (MCC).***

The Applicant is aware of the permit duration, and no time extension is being sought at this time.

3. ***That the Conditional Permit shall be nontransferable by the Director following the provisions of Ordinance 4781.***

The Applicant is aware that the permit is not transferrable, and no permit transfer is being sought.

4. ***That Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject CP and shall procure at its own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000.00, naming the County of Maui as an additional insured, insuring and defending Wailea Golf LLC and the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this CP, 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 Wailea Golf LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this CP. A copy of a certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable Tax Map Key (TMK) and permit numbers.***

The Applicant holds comprehensive liability insurance for the Permit, and the Certificate of Insurance is on file with the Department.

5. ***That the parking lot shall be developed in accordance with the standards of Chapter 19.36A, Off-Street Parking and Loading.***

The lot has been and will be developed in accordance with the standards of Chapter 19.36A, Off-Street Parking and Loading. Chapter 19.36A was repealed and replaced with 19.36B, however, in accordance with Chapter 19.500.110.D.1, 19.36A is still applicable for this project unless there is a "change in use of a structure or lot or any portion of a structure or lot".

6. ***That lighting, for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 feet as noted by Wailea Golf LLC.***

Currently, the lot is down shielded to diminish glare and lighting impacts. The lighting for the portion of the lot with additional stalls will be similarly downshielded.

2. The existing parking lot was analyzed with respect to the goals, objectives and criteria of Chapter 205A, Hawaii Revised Statutes (HRS) for the granting of a SMA Use Permit because the property lies within the SMA. The lot was fully constructed, so there was no need to extend the permit duration. The proposed stalls and related improvements are valued at \$40,000. Because the valuation is less than \$500,000, a SMA Assessment application was submitted and will be approved administratively by the Department.

3. As previously mentioned, for Step II Planned Development approvals, the preliminary plan shall be in conformance with development standards, set forth in MCC, Section 19.32.030, as follows:

- A. ***The development shall meet all the construction standards and requirements of the various governmental agencies.***

The proposed project will be built in compliance with construction standards and requirements in MCC, Titles 16 and 19. In addition, the project will comply with the standards and requirements of other governmental agencies.

- B. ***Not less than twenty percent of the total area of the tract shall be common protected open space, integrated with the lot layout and street system in order to maximize its park-like effect. Common protected open space shall mean open space to be owned in common by the individual owners within the development and maintained in open space for their common use and enjoyment.***

The parking lot has substantial setbacks from the property boundaries that are landscaped.

Wailea Golf owns three golf courses in the Planned Development area, which include the Wailea Blue, Gold and Emerald Courses. Each golf course comprises numerous acres, and is deemed open space, even though it is not common protected open space owned by the individual owners within the development for use and enjoyment.

- C. *Each building and structure shall be individually designed by a registered architect to conform with the intent of the planned development.***

Typically, parking lots are designed by civil engineers, and not architects. For the parking lot, Warren S. Unemori Engineering, Inc. designed the layout. Chris Hart & Partners, Inc. worked on the parking lot landscape plan. The lot extension conforms with the existing parking lot and the intent of the planned development.

- D. *Landscaping of the entire development, including along streets, within lots and in the open spaces shall be provided.***

The new portion of the lot will be landscaped to conform with the existing lot. Landscaping consists with petite pink oleander, shower and Geiger trees, Ilima, El Dorado hedge, small palms and shrubs.

- E. *Adequate recreational and community facilities shall be provided.***

The proposed project is limited to the extension of an existing off-site parking lot that serves the WTC exclusively. With the additional stalls, the Applicant can continue to provide an adequate recreational and community facility, namely the WTC.

- F. *Provision shall be made for adequate and continuing management of all open spaces and community facilities to insure proper maintenance and policing. Documents to said effect shall be required.***

As previously mentioned, open space within the parking lot is landscaped and maintained by Wailea Golf. Across Wailea Ike Place, the WTC sits adjacent and to the east of the Wailea Old Blue Golf Course, a large open space area. Wailea Golf will continue to maintain the golf course.

ARCHAEOLOGICAL, HISTORIC OR CULTURAL RESOURCES

New drainage improvements will be installed into the parking lot, which will require some ground disturbance. The property was previously disturbed during the construction of the existing parking lot. The proposed additional stalls and related improvements were transmitted to the State Department of Land and Natural Resources Historic Preservation Division (SHPD). In their letter dated July 14, 2022, SHPD determined that no historic properties would be affected. Refer to **Exhibit 15**.

INFRASTRUCTURE, PUBLIC FACILITIES AND SERVICES

1. **Water** – Wailea is served by the County of Maui Department of Water Supply. The existing fire hydrants in the project vicinity provide sufficient fire flow protection to the parking lot, adjacent hotel and commercial uses. There should be no additional water demand associated with the additional stalls and related infrastructure. No adverse impacts to existing water service is anticipated in association with the proposed project.

2. **Wastewater** – The parking lot area is served by the Kihei Wastewater Reclamation Facility, located several miles away from the site, mauka of Piilani Highway. No wastewater will be generated in association with the lot extension and related improvements. Therefore, there should be no adverse impacts to existing wastewater systems.

3. **Drainage** – Stormwater runoff from the existing parking lot is collected in the existing stormwater drainage system. There should not be a significant increase in runoff associated with the proposed project. No adverse impacts are anticipated in association with the additional stalls. The Department of Public Works did not have any comments on the proposed additional stalls. Refer to **Exhibit 13**.

4. **Roadways, Curbs, Gutters, and Sidewalks** – The parking lot can be accessed by Wailea Ike Place to the north. Wailea Ike Place is an undivided, two-lane, two-way private road that provides access to the Wailea Tennis Center, the Grand Champions Villas, and to the Wailea Ekolu Village residential neighborhood. Wailea Ike Place connects to Wailea Ike Drive, a divided, two-way, four-lane roadway that connects Wailea Alanui Drive to Piilani Highway. Piilani Highway is an undivided State highway that extends north from Wailea Alanui Drive to the Mokulele Highway/North Kihei Road intersection. There are curbs and gutters along Wailea Ike Place; but, there is no sidewalk. There should be no adverse impacts associated with the proposed parking lot extension. The Department of Public Works did not have any comments on roadways, curbs, gutters or sidewalks. Refer to **Exhibit 13**.

5. **Electrical, Telephone and Internet** – Because the property is developed as a parking lot, there is no telephone or internet service. Electrical service for the parking lot lighting is provided by Hawaiian Electric. There should be no adverse impacts to electrical service associated with the proposed improvement.

6. **Parks** – Numerous private and public park facilities exist within a short distance of the project area. The WTC is located across the street from the parking lot to the north. Adjacent to the WTC is the Wailea Blue Course, which also extends south of the site, across Wailea Ike Drive. In addition, there are beach parks and access off of Wailea Alanui Drive. No adverse impacts are anticipated in association with the proposed project.

7. **Schools/Libraries** – The Wailea region is served by the Kihei Elementary School, Kamalii Elementary and Lokelani Intermediate. In addition, the proposed Kihei High School is currently under construction. In the meantime, students can attend Maui High School. Alternatively, the Kihei Charter School also offers Kindergarten through Grades 12. The nearest library is the Kihei Public Library. Because the proposed development is limited to the extension of an existing parking lot, no adverse impacts to schools is anticipated.

8. **Solid Waste** – The property will be serviced by a private waste hauling service, and disposed of at the Central Maui Landfill. Construction waste will also be disposed of at the landfill. There should be no adverse impacts associated with the proposed project. The Department of Environmental Management Solid Waste Division did not have any comments on the proposed project. Refer to **Exhibit 11**.

9. **Public Services** – Fire protection is provided by the County Department of Fire and Public Safety. The Wailea Fire Station is located approximately two miles north of the site. Police patrol, protection and investigation is provided by the Maui Police Department. The Kihei Police Station is located approximately three miles north of the project site. Acute, general and emergency care is provided by the Maui Memorial Medical Center, located on Mahalani Street in Wailuku, approximately 17 miles north of the property. Medical clinics and offices are located throughout the Kihei and Wailea area. No adverse impacts on fire, police, or medical services are anticipated as a result of the proposed project. The Department of Fire & Public Safety did not have any concerns about the proposed project, since it does not involve structures or access roads serving any structures. Refer to **Exhibit 17**. The Police Department had a few comments on construction that have been added as conditions to the CP. Refer to **Exhibit 14**.

SOCIO-ECONOMIC IMPACTS

No long-term socio-economic impacts are anticipated from the proposed parking lot extension.

ENVIRONMENTAL IMPACTS

No environmental impacts are anticipated in association with the proposed parking lot extension.

OTHER GOVERNMENTAL APPROVALS

Should the Commission recommend approval of the Conditional Permit amendment, the project will be transmitted to the Maui County Council for review and approval. Building permits may need to be approved for the additional stalls and related improvements, as required.

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 requests.
2. *Approval without Conditions:* The Commission may take action to approve the request without additional conditions.
3. *Approval with Conditions:* The Commission may take action to approve the requests with additional conditions.
4. *Denial:* The Commission may take action to deny the request.

CONCLUSION OF LAW

Based on the foregoing findings and analysis, the Department finds that the proposed amendment of the Conditional Permit for additional stalls for WTC off-site parking in the 'A-2 Apartment' District is in accordance with the specified conditions as approved, and will not result in significant impacts above what would result from the approved conditional permit. In addition, the proposed project is in compliance with Step II Planned Development standards

RECOMMENDATION

The Department recommends Step II Planned Development approval subject to the conditions as follows:

1. That full compliance with all other applicable governmental requirements shall be rendered.
2. That Step 3 Planned Development Approval shall be in accordance with preliminary engineering plans reviewed by the Maui Planning Commission on October 25, 2022.
3. That an application for Step 3 approval shall be filed within one year of granting of this Step 2 approval.

Pursuant to the foregoing the Maui County Planning Department recommends that the Maui Planning Commission recommend to the County Council approval of the Conditional Permit subject to the same conditions in the Department's May 3, 2018 letter approving the permit time extension, and three additional conditions that are underlined below.

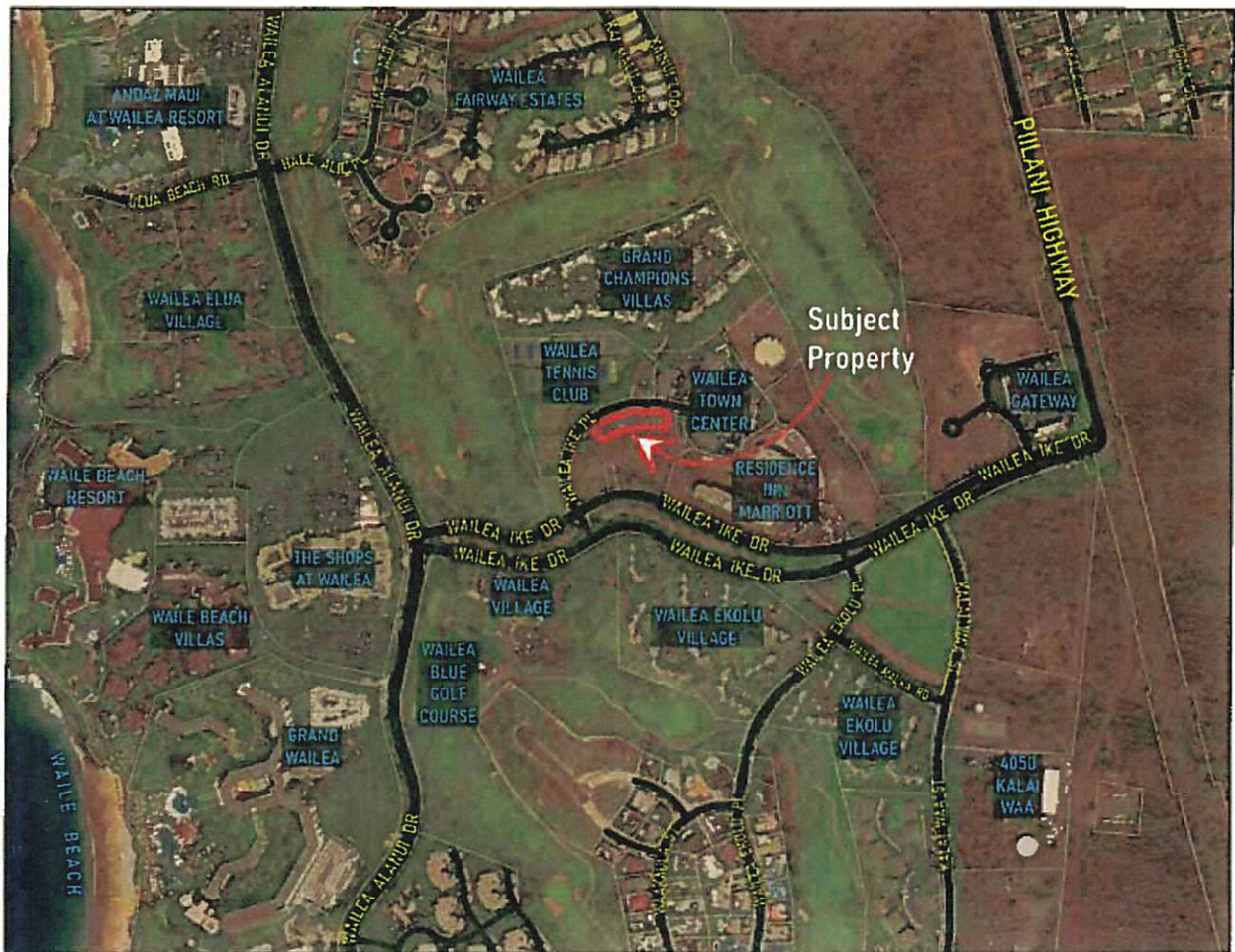
1. That full compliance with all applicable governmental requirements shall be rendered in a timely manner.
2. That the CP shall be valid for a period of twenty (20) years until **February 28, 2030**; provided that, an extension of this permit beyond this period may be granted pursuant to Section 19.40.090 of the Maui County Code (MCC).
3. That the CP shall not be transferable by the Director following the provisions of Ordinance 4781.
4. That Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject CP and shall procure at its own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000.00, naming the County of Maui as an additional

insured, insuring and defending Wailea Golf LLC and the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this CP, 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 Wailea Golf LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this CP. A copy of a certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable Tax Map Key (TMK) and permit numbers.

5. That the parking lot shall be developed in accordance with the standards of Chapter 19.36A, Off-Street Parking and Loading.
6. That lighting, for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 ft. as noted by Wailea Golf LLC.
7. That appropriate Best Management Practices be implemented during construction, such as dust fences, watering, etc. (Police Department).
8. That proper signage, traffic control and other safety precautions be implemented for safe and orderly passage through the area (Police Department).
9. That construction activities be limited to normal daylight hours and that adequate notice be given to adjacent properties of any activity that may extend beyond these hours or exceed normal construction noise levels (Police Department).

APPROVED:

for Jacky Sakakura
MICHELE MCLEAN, AICP
Director of Planning



Not to Scale

0 430 860 1,290 1,720 Feet



Subject Property



Subject Property



Parcels

FIGURE 1

Location Map

Wailea Tennis Club
Offsite Parking Improvements

Source: ESRI et al.



EXHIBIT |



CONNECTEXPLORER

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1 Looking west towards Waialeale Place and the ocean from the entrance of the Waialeale Tennis Club Parking Lot



2 Looking north towards the entrance of the Waialeale Tennis Club Parking Lot. Beyond is the intersection of Waialeale Place that runs to the south connected to Waialeale Drive and Waialeale Place that runs to the north connected to Grand Champion Villas



3 Looking west towards the ocean from within the Waialeale Tennis Club Parking Lot Two (2) ADA stalls with access aisle are seen on the right



4 Looking east towards the mountain from within the Waialeale Tennis Club Parking Lot. AC Hotel by Marriott (right) and Building D of the Waialeale Town Center (left)



Note:
The above photo key shows approximate direction and location of photos taken.
The above photo key shows approximate property boundaries (highlighted in blue).
See Figure 4 (Site Survey) for accurate boundaries.

Project: Waialeale Tennis Club Offsite Parking Improvements

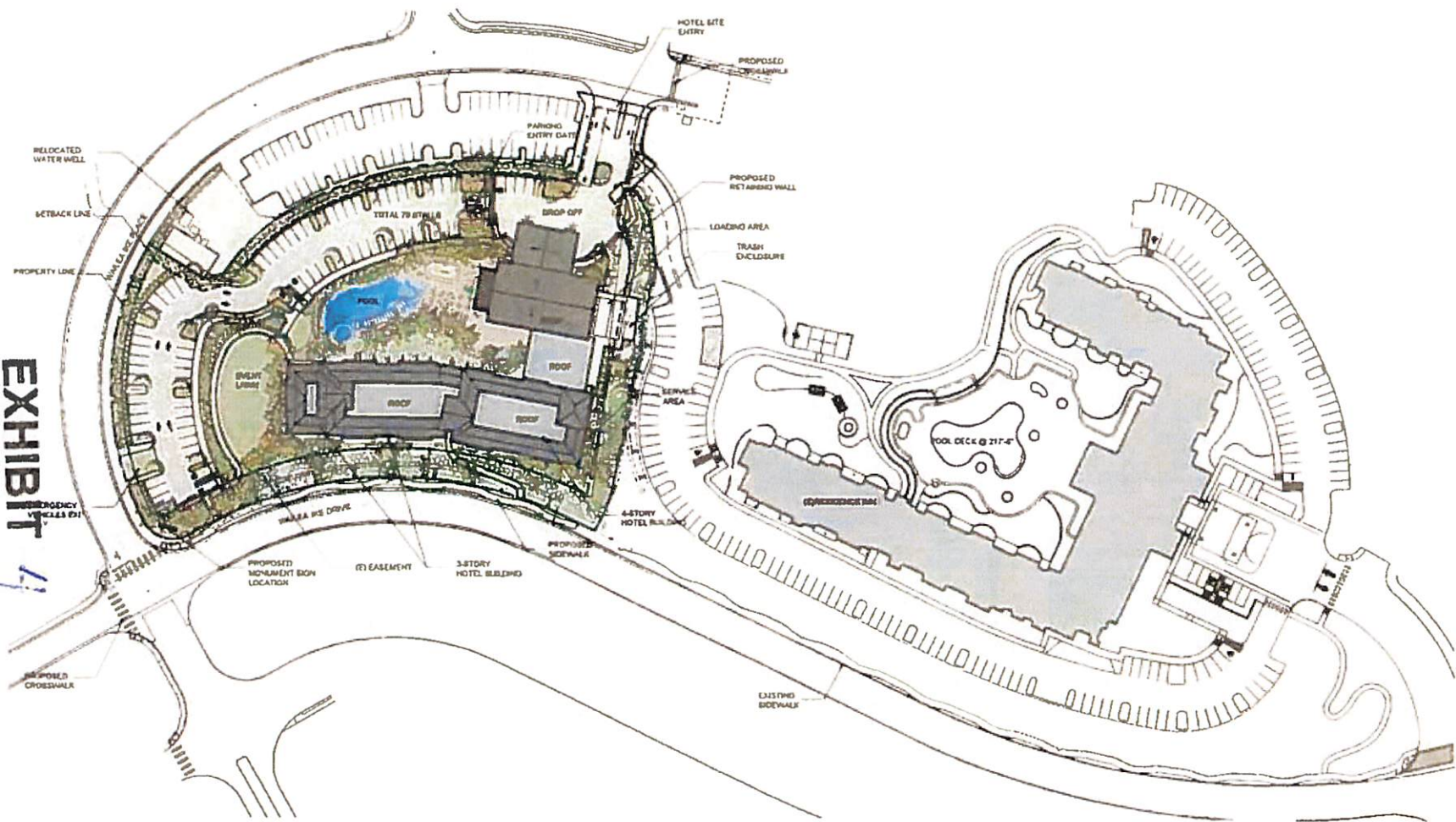
FIGURE 3

Site Photographs

Waialeale Tennis Club Offsite Parking Improvements



EXHIBIT 4



R.D. OLSON
DEVELOPMENT

HOTEL IKE AT WALEA
WALEA, MAUI, HAWAII

SITE PLAN
CONCEPT DESIGN
DATE: 07/20/2018 1:30 PM 1/11 SHEET NO. 04

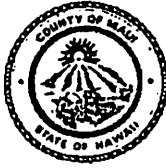


ahl. **AXIS GFA**
1115 WESTWOOD BLVD. LOS ANGELES, CA 90024
310.350.7800 • 310.350.7811 WWW.AHLGFA.COM

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

October 16, 2020

CERTIFIED MAIL - # 7017 3380 0000 9002 5788

Mr. Brett Davis
Chris Hart & Partners
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Davis:

SUBJECT: AMENDMENT TO AND APPROVAL OF STEP 1 PLANNED DEVELOPMENT FOR THE TRANSFER OF LAND USE AREA WITHIN THE WAILEA RESORT PLANNED DEVELOPMENT AREA FOR HOTEL IKE AND ACKNOWLEDGEMENT OF APPROVAL OF A SPECIAL MANAGEMENT AREA (SMA) PERMIT, PLANNED DEVELOPMENT 2 AND 3 FOR THE PROPOSED CONSTRUCTION OF HOTEL IKE, A 110-UNIT HOTEL WITH POOL, SPA, FITNESS CENTER, LOUNGE AND ON-SITE PARKING, LOCATED AT 55 GATEWAY PLACE, WAILEA, ISLAND OF MAUI, HAWAII, TMKS: (2) 2-1-028:004, (2) 2-1-020:083, (2) 2-1-008:155, (2) 2-1-008:141, (2) 2-1-028:003 (SM1 2017/0004) (PD1 2018/0001) (PD2 2018/0001) (PD3 2018/0003) (SUBDIVISION FILE NO. 2.3357)

At the regular meeting on August 25, 2020, the Maui Planning Commission (Commission) reviewed the above Step 1 Planned Development (PD1) amendment application, accepted testimony and exhibits, and after due deliberation, hereby orders approval of said application.

The previously approved PD1 map approved at the November 18, 2018 Commission meeting is hereby superseded by the PD1 map approved at the August 25, 2020 Commission meeting as Exhibit 15. The most recent, approved PD1 map for this project is attached to this letter.

The parcel information and square footage of the existing and proposed PD1 land use transfer for each parcel are summarized in the table below:

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

EXHIBIT 6

Existing Zoning Allocation per Parcel					
DESCRIPTION	TMK	H-1	H-M	A-1	A-2
PROPOSED HOTEL	PARCEL 004	94,192	19,558	18,687	-
TENNIS PARKING	PARCEL 141	-	-	24,066	-
EXISTING WELL SITE	PARCEL 155	-	-	-	4,879
EXISTING RESIDENCE INN	PARCEL 003	-	277,782	-	-
Proposed Zoning Allocation per Parcel after subdivision					
DESCRIPTION	TMK	H-1	H-M	A-1	A-2
PROPOSED HOTEL	PARCEL 004	94,162	19,558	18,687 - 5,035 (easement) 13,652	-
TENNIS PARKING	PARCEL 141	-	-	-	28,945
WELL SITE MERGES WITH	PARKING PARCEL	-	-	-	-
EXISTING RESIDENCE INN	PARCEL 003	-	277,782	-	-

All conditions for the original approval of the SM1 2017/0004, PD1 2018/0001, PD2 2018/0001 and PD3 2018/0003 are still valid as follows:

STANDARD CONDITIONS:

1. That to the satisfaction of the Department of Planning (Department), construction of the proposed project shall be initiated by November 30, 2021. Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Evidence of the initiation of construction shall be submitted to the Department prior to the date listed immediately above. Failure to comply by that date will automatically terminate this Special Management Area (SMA) Use Permit unless a time extension is requested no later than 90 days prior to said date. A time extension shall be processed in accordance with the provisions of Section 12-202-17 of the SMA Rules for the Commission (SMA Rules).
2. That to the satisfaction of the Department, the construction of the project shall be completed within five years after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Any request for a time extension shall be submitted no later than 90 days prior to the completion deadline. A time extension shall be processed in accordance with the provisions of Section 12-202-17 of the SMA Rules. Failure to complete construction of this project within this time period will require unfinished portions of the project to obtain a new SMA Use Permit.
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 the subject permit and shall obtain, pay for, and keep in force throughout the term of the permit, comprehensive liability insurance issued: (1) by an insurance company authorized to do business in the State of Hawaii ("admitted carrier"), or

(2) through a general insurance agent or broker licensed in the State of Hawaii, if the company is not authorized to do business in the State of Hawaii ("non-admitted carrier"). The insurance carrier shall be rated no less than "A-" as established by "AM Best" or "Standard & Poor" ratings. The insurance policy, as evidenced by issuance of a policy endorsement, shall name the County, its officers, employees, and agents, as an additional insured. The insurance policy shall contain the following minimum requirements:

- a. No less than a combined single limit ("CSL") of liability coverage of \$1,000,000.00;
- b. No erosion of limit by payment of defense costs;
- c. Annual aggregate limit of not less than \$1,000,000.00;
- d. A duty to defend, indemnify and hold harmless the County of Maui (County), its officers, employees, and agents, against any loss, liability, claims, and demands for injury or damage, including, but not limited to, claims for property damage, personal injury, or wrongful death, arising out of, or in connection with, in whole or in part, the permitted uses, the County's permit review and approval process, or any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights;
- e. Name the County, its officers, employees, and agents, as additional insureds; and
- f. Written or endorsed to state that the coverage to the additional insureds is primary and non-contributing with respect to any other insurance available to the County.

The Applicant shall furnish the Department with a copy of the insurance policy certificate and the required endorsements verifying such insurance coverage within 90 days of the issuance of the subject permit. Thereafter, the Applicant shall instruct the insurance company to directly provide the Department with a copy of the insurance policy certificate and required endorsements as it is renewed on an annual basis. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK) and permit numbers. If the scheduled expiration date of a current insurance policy is earlier than the expiration of the subject permit, the Applicant shall, upon renewal of the insurance policy, provide the Department with a copy of the renewed insurance policy certificate and required endorsements. The insurance policy shall expressly state that the coverage provided under such policy shall not be canceled or terminated, unless the carrier has first given the Department at least 30 calendar days prior written notice of the intended cancellation or termination. The insurance policy shall remain in full force and effect until the permitted work has been completed and accepted by the County.

4. That to the satisfaction of the Commission or the Department, the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit and construction drawings plans presented before the Commission on November 13, 2018. Failure to so develop the property may result in the revocation of the permit and/or other enforcement.
5. That the Applicant shall submit to the Department five copies of a detailed report addressing its compliance with the conditions established with the subject SMA Use Permit. A Preliminary Compliance Report shall be reviewed and approved by the Department prior to issuance of the Grading and/or Grubbing Permit. Plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase shall be submitted to the Department for review and approval prior to or along with the Preliminary Compliance Report. The Preliminary Compliance Report shall also include evidence that final construction plans are in substantial compliance with preliminary architectural plans dated September 28, 2018, and preliminary landscaping/irrigation plans dated September 28, 2018. A Final Compliance Report shall be submitted to the Department for review and approval prior to the issuance of a final certificate of occupancy.
6. That to the satisfaction of the Department, appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's final drainage plan and shall be regularly maintained per manufacturer's specifications or other Best Management Practices (BMPs), with the contaminant residuals from storm water treatment to be disposed of properly. Records of the inspection, maintenance and disposal shall be kept by the Applicant and made available for inspection by county and state agencies upon request. Plans for the filtration measures and a program and record keeping for inspection, maintenance and disposal of contaminated residuals shall be submitted to the Department prior to or along with the Preliminary Compliance Report.

PROJECT SPECIFIC CONDITIONS:

7. That ground disturbance activities shall be carried out in compliance with an archaeological monitoring plan to be approved by the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD). Acceptance by DLNR-SHPD of the Archaeological Assessment and Archaeological Monitoring Plan shall be granted prior to issuance of grading, foundation, and building permits and prior to any ground-altering activities. Evidence of fulfillment of this condition shall be submitted as part of the Preliminary Compliance Report.
8. That in the event historic resources, including human skeletal remains, are identified during routine construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the DLNR-SHPD, Maui Section, shall be contacted immediately at (808) 243-5169.

9. That a copy of the approved National Pollutant Discharge Elimination System (NPDES) permit shall be filed with the Department and the Department of Health (DOH) prior to approval of the grading permit and evidence of such shall be submitted as part of the Preliminary Compliance Report.
10. That a Residential Workforce Housing Agreement for the subject property will be fully executed and recorded at the Bureau of Conveyances between the Applicant and the County of Maui Department of Housing and Human Concerns prior to final subdivision or building permit approval, whichever comes first, and a copy of the agreement shall be filed with the Maui County Department and submitted with the Final Compliance Report.
11. That the Applicant shall be responsible for all required infrastructural improvements as required by Title 18, Maui County Code (MCC), as amended, and other County Codes and Rules and Regulations, including but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to issuance of a certificate of occupancy, unless improvements are bonded by the developer.
12. That to the satisfaction of the Department, the Applicant shall step down the height of the landscaping near the intersection of Wailea Ike Drive and Wailea Ike Place in order to help preserve any public views across the project site. Evidence of such shall be filed with the Department and submitted in the Preliminary Compliance Report.
13. That full compliance with all applicable governmental requirements shall be rendered.
14. That the Applicant shall submit a BMPs plan, for review and approval by the Department and the Department of Public Works (DPW). Said plan shall address impacts during construction that are associated with erosion, contaminants, and construction waste. Said plan shall be submitted to the Department and the DPW, and shall be approved by both prior to or with the submittal of the Preliminary Compliance Report; no construction shall begin until the Department and DPW have confirmed that all pre-construction items have been implemented. Specific implementation details in said plan will ensure the protection of both water quality and marine resources. BMPs plan provisions shall include:
 - a. No construction materials shall be stockpiled in the aquatic environment.
 - b. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance.
 - c. No debris, petroleum products or deleterious materials shall be allowed to fall, flow, leach, or otherwise enter near shore waters.

Mr. Brett Davis
October 16, 2020
Page 6

- d. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices.
- e. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts.

Further, the Commission adopted the Report and Revised Recommendation prepared by the Department for the November 13, 2018 and August 25, 2020 meetings as the Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes (HRS).

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Candace Thackerson by email at candace.thackerson@mauicounty.gov or by phone at (808) 270-7180.

Sincerely, ✉

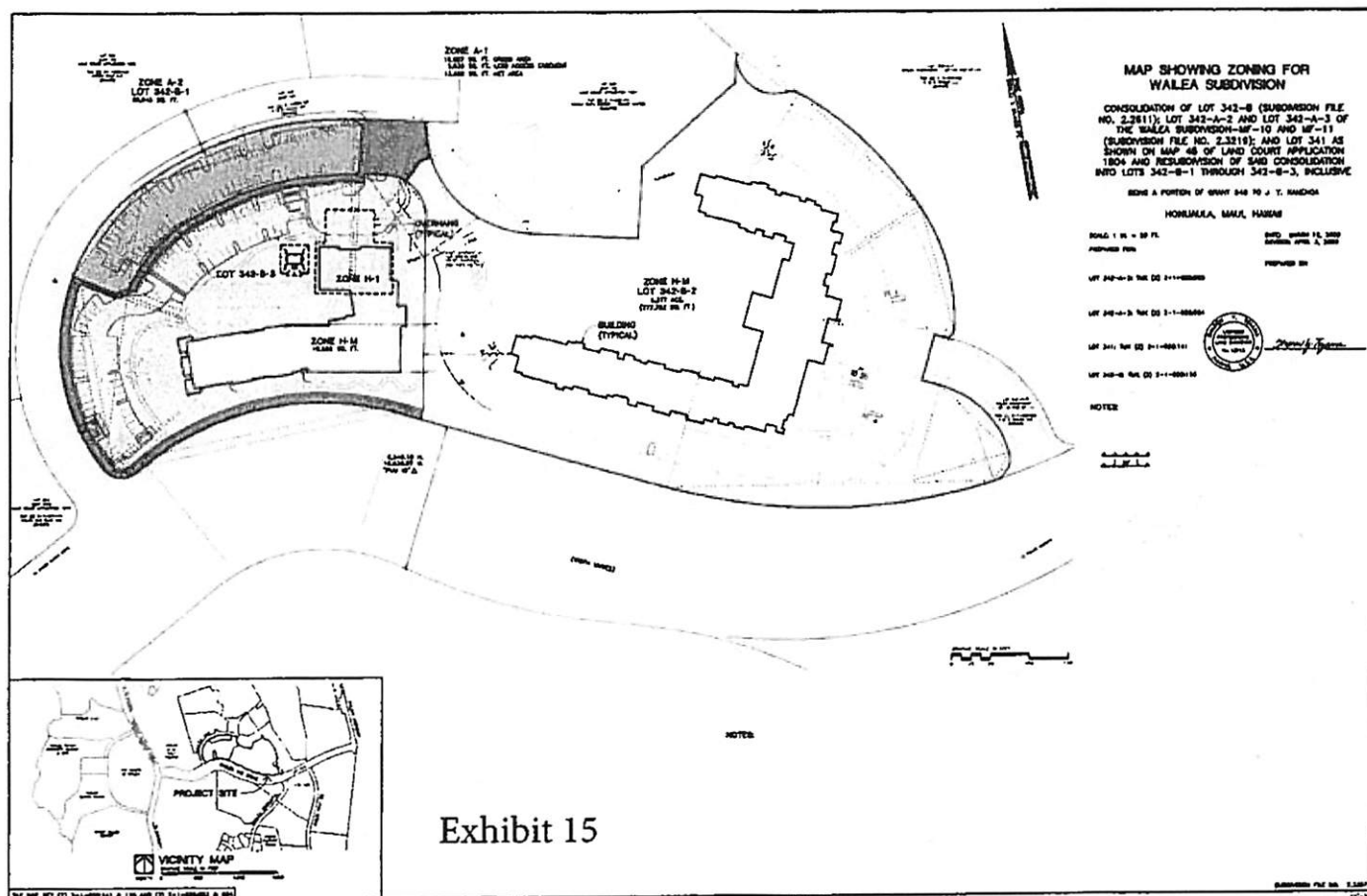


MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Candace R. Thackerson, Staff Planner (PDF)
Paul Critchlow, Staff Planner (PDF)
Development Services Administration
Project File

MCM:CRT:lp

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ORDINANCE NO. 2829

BILL NO. 9 (2000)

**A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT IN ORDER TO
DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT
DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHEI, MAUI, HAWAII**

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

SECTION 1. Pursuant to Chapter 19.40 of the Maui County Code, a conditional permit is hereby granted, subject to the conditions imposed in Section 2 of this ordinance, for the development and operation of an offsite parking lot within the A-2 Apartment District. The site is identified for real property tax purposes by TMK: 2-1-008:141, and is comprised of 24,066 square feet of land.

SECTION 2. The granting of this conditional permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of ten years from the effective date of this ordinance; provided that, an extension of this permit beyond the ten year period may be granted pursuant to Section 19.40.090 of the Maui County Code.
3. That the Conditional Permit shall be nontransferable without the prior written approval of the Maui County Council.
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 Conditional Permit and shall procure at its own cost and expense, and shall


EXHIBIT 7

maintain during the entire period of this Conditional 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 non-observance or non-performance 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.

5. That the parking lot shall be developed in accordance with the standards of Chapter 19.36, Offstreet Parking and Loading.
6. That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 feet as noted by the applicant.

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

**APPROVED AS TO FORM
AND LEGALITY:**


KELLY A. CAIRNS
Deputy Corporation Counsel
County of Maui
S:\CLERICAL\JIN\ORD\21008141.CP

WE HEREBY CERTIFY that the foregoing BILL NO. 9 (2000)

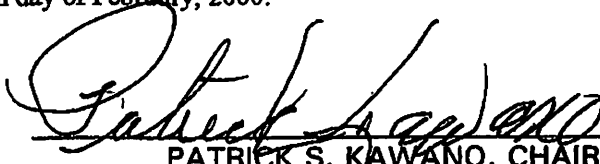
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 18th day of February, 2000, by the following votes:

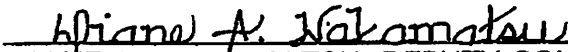
Patrick S. KAWANO Chair	Dain P. KANE Vice-Chair	Michael A. DAVIS	J. Kalani ENGLISH	John Wayne ENRIQUES	G. Riki HOKAMA	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Excused	Aye	No	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 18th day of February, 2000.


DATED AT WAILUKU, MAUI, HAWAII, this 18th day of February, 2000.

RECEIVED
2000 FEB 18 PM 2:08
OFFICE OF THE MAYOR



PATRICK S. KAWANO, CHAIR
Council of the County of Maui


DIANE A. WAKAMATSU, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 28 DAY OF February, 2000.


JAMES H. APANA JR., MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2829 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on February 4, 2000.
Effective date of Ordinance February 28, 2000.

RECEIVED
2000 FEB 28 AM 8:55
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2829, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

JAMES "KIMO" APANA
Mayor

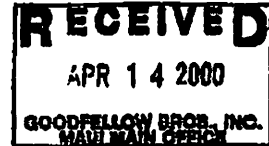
JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 12, 2000



Mr. J. Stephen Goodfellow
Wailea Business Center
P. O. Box 220
Kihei, Hawaii 96753

Dear Mr. Goodfellow:

RE: Offsite Parking Approval for the Wailea Tennis Center, Step 1
Planned Development Approval and a Special Management
Area Use Permit for Development of the Wailea Business
Center and Related Improvements at TMK: 2-1-008:103 and
141, Wailea, Island of Maui, Hawaii (OSP 990004)
(PD1 990001) (SM1 990007)

At its regular meeting on April 11, 2000, the Maui Planning Commission (MPC)
reviewed the above-referenced subject requests and after due deliberation, voted to
grant approval, subject to the following conditions:

OFFSITE PARKING APPROVAL:

1. That the 45 off-site parking stalls to be located on
TMK: 2-1-008:141 shall be reserved for the exclusive use by the
patrons and employees of the Wailea Tennis Center Complex
located on TMK: 2-1-008:123. The parking lot shall be clearly
identified as parking for the Wailea Tennis Center Complex.
2. That Condition No. 1 shall run with TMK: 2-1-008:141 and 123
and shall be set forth as covenants, conditions and restrictions
(CC&Rs) and any amendments to the CC&Rs shall require approval
of the County of Maui and shall be filed with the Bureau of
Conveyances. A copy of the recorded document shall be filed
each with the Maui Planning Director (Director) and the Director of
the Department of Public Works and Waste Management
(DPW&WM) within ten (10) days of recordation.

STEP 1 PLANNED DEVELOPMENT APPROVAL:

1. That full compliance with all other applicable governmental
requirements shall be rendered.

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

P. 14/18

FAX NO. 8792557

JAN-22-2002 TUE 02:43 PM PACIFIC RIM LAND, INC.

EXHIBIT 8

Mr. J. Stephen Goodfellow
April 12, 2000
Page 2

2. That Step 2 and 3 Planned Development Approval shall be in accordance with Preliminary Architectural Plans dated March 17, 1999 and revised plans received on January 19, 2000.
3. That applications for Step 2 and 3 shall be filed within one year of the date of granting of Step 1 Approval (as amended by the Maui Planning Department [Department]).

SPECIAL MANAGEMENT AREA PERMIT APPLICATION:

Standard Conditions:

1. That construction of the proposed project shall be initiated by April 30, 2002. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Director shall review and approve a time-extension request but may forward said request to the MPC for its review and approval.
2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Director shall review and approve a time-extension request but may forward said request to the MPC for its review and approval.
3. The permit holder or any aggrieved person may appeal to the MPC any action taken by the Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the MPC.
4. That final construction shall be in accordance with preliminary architectural plans dated *March 17, 1999* and revised plans received on *January 19, 2000*.
5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels and traffic disruptions.

**Mr. J. Stephen Goodfellow
April 12, 2000
Page 3**

- 6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the Special Management Area Rules of the MPC. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.**
- 7. 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 Special Management Area Use Permit and shall procure at its own cost and expense and shall maintain during the entire period of this Special Management Area 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. Proof of a policy naming the 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.**
- 8. That full compliance with all applicable governmental requirements shall be rendered.**
- 9. That the applicant shall submit plans regarding the location of any construction-related structures, such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Department for its review and approval.**
- 10. That the applicant shall submit to the Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Department prior to issuance of the grading, foundation or building permit, whichever occurs first. A Final Compliance Report shall be submitted to the Department for review and approval prior to issuance of a Certificate of Occupancy.**

Mr. J. Stephen Goodfellow
April 12, 2000
Page 4

11. That the applicant shall develop the property in substantial compliance with the representations made to the MPC in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

Project Specific Conditions:

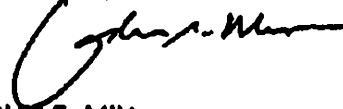
12. That the applicant shall construct required improvements to public services, such as, but not limited to roadways, water, fire protection, sewers, drainage, etc., to mitigate the impacts the project may have on public infrastructure. Said improvements shall be completed prior to issuance of a Certificate of Occupancy for the project.
13. That in the event historic remains (i.e., artifacts, human skeletal remains, etc.) are inadvertently encountered during construction, all work needs to cease in the immediate vicinity of the find and the find needs to be protected from further damage. The contractor shall immediately contact the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The DLNR, SHPD shall assess the significance of the find and recommend mitigation measures, if necessary (recommended by DLNR, SHPD).
14. That full compliance shall be rendered with the following conditions recommended by the Maui Urban Design Review Board (UDRB):
 - a. That a Comprehensive Signage Plan shall be submitted to the UDRB for its review and approval.
 - b. That the Final Lighting and Mechanical Equipment Plans shall be submitted to the Department for its review and approval. The Lighting Plan shall consider the impacts of the lights on the adjacent residential uses in the area. Also, as noted by the applicant, the light standards shall be 12 to 14 ft. high.
 - c. That the Final Architectural and Landscape Architectural Plans shall be submitted to the Department for its review and approval.
15. That consideration shall be given to the use of native landscaping plant materials, as much as is practicable (added by the Department).

Mr. J. Stephen Goodfellow
April 12, 2000
Page 5

Further, the conditions of this Special Management Area Use Permit shall be enforced pursuant to Sections 12-202-23 and 12-202-25 of the Special Management Area Rules for the MPC.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

JEM:CMS:osy

c: Clayton Yoshida, AICP, Deputy Planning Director
Aeron Shinmoto, P.E., Planning Program Administrator (2)
Charles Jencks, Director, DPW&WM
David Craddick, Director, Department of Water Supply
David Blane, Director, Office of Planning, CZM Program
Don Hibbard, DLNR, SHPD
Kazu Hayashida, DOT
LUCA (2)
Colleen Suyama, Staff Planner
Project File
CZM File
General File

(S:\CMS\Bcam17N)

P. 18/18

FAX NO. 8792557

JAN-22-2002 TUE 02:44 PM PACIFIC RIM LAND, INC.

ORDINANCE NO. 4781

BILL NO. 90 (2017)

A BILL FOR AN ORDINANCE TO TRANSFER A CONDITIONAL PERMIT
FROM SOUTH MAUI BUSINESS PARK PARTNERS TO WAILEA GOLF LLC
FOR THE CONTINUED OPERATION OF A PARKING LOT WITHIN THE
A-2 APARTMENT DISTRICT ON PROPERTY IDENTIFIED AS TAX MAP KEY
NUMBER (2) 2-1-008:141, WAILEA, KIHAI, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2829 (2000), is transferred from South Maui Business Park Partners to Wailea Golf LLC, subject to the conditions imposed in Section 2 of this ordinance, for the continued operation of a parking lot within the A-2 Apartment District. The site is identified for real property tax purposes as tax map key number (2) 2-1-008:141, comprising approximately 24,066 square feet of land situated at 0 Wailea Ike Place, Kihei, Maui, Hawaii.

Wailea Golf LLC timely applied for an extension and transfer of the Conditional Permit granted by Ordinance 2829 (2000) on November 24, 2009.

SECTION 2. The conditions imposed in Ordinance No. 2829 (2000) are amended to read as follows:

- "1. That full compliance with all applicable governmental requirements shall be rendered[.] in a timely manner.
2. That the Conditional Permit shall be valid for a period of ten years from the effective date of [this ordinance;] Ordinance 2829; provided that, an extension of this [permit] Conditional Permit beyond the ten year period may be granted pursuant to Section 19.40.090 of the Maui County Code.

EXHIBIT 9

3. That the Conditional Permit shall be [nontransferable without prior written approval of the Maui County Council.] transferable by the Planning Director following the provisions of Section 19.40.080(D), Maui County Code.
4. That [the applicant, its successors and permitted assigns] Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of [ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00)] \$1,000,000.00, naming the County of Maui as an additional [named] insured, insuring and defending [the applicant] Wailea Golf LLC and the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this [permit] Conditional 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] Wailea Golf LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the [non-observance or non-performance] nonobservance or nonperformance of any of the terms and conditions of this [permit.] Conditional Permit. A copy of a [policy] certificate of insurance naming County of Maui as an additional [named] insured shall be submitted to the Department of Planning within [ninety (90)] 90 calendar days from the effective date of [transmittal of the decision and order.] this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.
5. That the parking lot shall be developed in accordance with the standards of Chapter [19.36,] 19.36A, Offstreet Parking and Loading.
6. That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 feet as noted by [the applicant.] Wailea Golf LLC.

7. That Wailea Golf LLC shall apply for an extension of the Conditional Permit pursuant to Section 19.40.090, Maui County Code. The application shall be submitted to the Department of Planning by February 1, 2018."

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

APPROVED AS TO FORM AND LEGALITY:



MICHAEL HOPPER
Department of the Corporation Counsel

lu:misc:044abill01

WE HEREBY CERTIFY that the foregoing BILL NO. 90 (2017)


1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 3rd day of November, 2017, by the following vote:

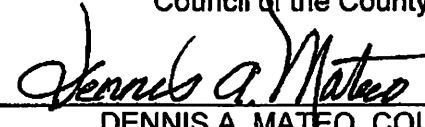
Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Aika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Excused	Aye	Excused	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 6th day of November, 2017.

DATED AT WAILUKU, MAUI, HAWAII, this 6th day of November, 2017.

RECEIVED
2017 NOV -6 AM 8:25
OFFICE OF THE MAYOR

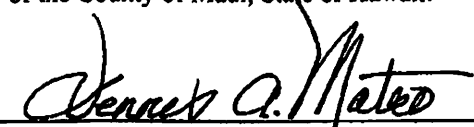

MICHAEL B. WHITE, CHAIR
Council of the County of Maui


DENNIS A. MATEO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 7 DAY OF November, 2017.


ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4781 of the County of Maui, State of Hawaii.


DENNIS A. MATEO, COUNTY CLERK
County of Maui

Passed First Reading on October 20, 2017.
Effective date of Ordinance November 7, 2017

RECEIVED
2017 NOV -8 AM 9:40
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4781, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 3, 2018

Ms. Anne Takabuki, President & General Manager
Wailea Golf LLC
100 Wailea Golf Club Drive
Kihei, Hawaii 96753

Dear Ms. Takabuki:

SUBJECT: APPROVAL OF TIME EXTENSION OF A CONDITIONAL PERMIT (CP) IN ORDER TO CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, LOCATED AT TMK: (2) 2-1-008:141; TO PROVIDE OFF-SITE PARKING FOR THE WAILEA TENNIS CENTER, LOCATED AT TMK: (2) 2-1-008:123, 131 WAILEA IKI PLACE, KIHAI, ISLAND OF MAUI, HAWAII; (CP 1999/0007) (ORD. 2829) (ORD. 4781)

Please be advised that the Department of Planning (Department) is in receipt of the application for a time extension of the CP referenced above. Ordinance No. 3827 allows the Planning Director (Director) to approve time extensions of a CP, provided the following criteria are met:

1. The permit holder is in compliance with the conditions of approval;
2. The permitted use has not been substantially changed and new uses have not been added that may result in significant impacts above what would result from the approved CP;
3. Agencies have not identified new matters of concern that require mitigation; and
4. No protests are received from the owners and lessees of record located within 500 feet (ft.) of the parcel on which the CP use is located.

The Department has determined that all of the above criteria have been met.

Pursuant to the aforementioned, a time extension of CP 1999/0007 is hereby granted subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered in a timely manner.

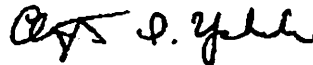
EXHIBIT 10

- 2. That the CP shall be valid for a period of twenty (20) years until February 28, 2030; provided that an extension of this permit beyond the 20 year period may be granted pursuant to Section 19.40.090 of the Maui County Code (MCC).**
- 3. That the CP shall be transferable by the Director following the provisions of Section 19.40.080(D), MCC.**
- 4. That Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject CP and shall procure at its own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000.00, naming the County of Maui as an additional insured, insuring and defending Wailea Golf LLC and the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this CP, 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 Wailea Golf LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this CP. A copy of a certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable Tax Map Key (TMK) and permit numbers.**
- 5. That the parking lot shall be developed in accordance with the standards of Chapter 19.36A, Off-Street Parking and Loading.**
- 6. That lighting, for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 ft. as noted by Wailea Golf LLC.**

Ms. Anne Takabuki, President & General Manager
May 3, 2018
Page 3

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at (808) 270-5537.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator
for WILLIAM SPENCE
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planner (PDF)
County Clerk Office
Development Services Administration
Munekio Hiraga
Project File

WRS:CIY:LUC:ela

K:\WP_DOCS\PLANNING\CP\1999\0007_WaileaResort\Time Extension 2018\CP_TimeExtension_Approval.doc

Agency: MAUI CO. SOLID WASTE DIV

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

Signed: Elaine Baker

Print: ELAINE BAKER

Email Address: ELAINE.BAKER@CO.HAUI
HI.US

Date: 5/10/22

cc: Brett Davis, Consultant, Chris Hart & Partners (PDF)
Tara Furukawa, Staff Planner (PDF)
Project File

TKF:th

K:\WP_DOCS\Planning\CP 1999\0007_WaileaResort\Amendment 2021\AgencyTransmittal.docx

EXHIBIT //

MICHAEL P. VICTORINO
Mayor

KARLA H. PETERS
Director

SAMUAL A. MARVEL
Deputy Director




DEPARTMENT OF PARKS AND RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawai'i 96793
Main Line (808) 270-7230 / Facsimile (808) 270-7942

MEMORANDUM

TO: Michele Chouteau McLean, Director
Department of Planning

FROM: 
Karla H. Peters, Director

DATE: May 18, 2022

SUBJECT: **WAILEA TENNIS CENTER PARKING LOT IMPROVEMENTS CP 99/0007;
PD2 2004/0006; TMK NO. (2) 2-1-008:141; WAILEA, MAUI, HAWAII**

Thank you for the opportunity to review and comment on the subject project. The Department of Parks and Recreation has no comment at this time.

Should you have any questions, please feel free to contact me or Cheryl Akiona, Acting Chief of Planning and Development, at (808) 270-7388.

c: Cheryl Akiona, Acting Chief of Planning and Development

KHP:CSA:tc

EXHIBIT 12

Agency Transmittal - Wailea Tennis Center Parking Lot Improvements (CP 99/0007) (PD2 2004/0006)
June 6, 2022
Page 2

Agency: Public Works

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

Signed: Jordan Molina

Print: JORDAN MOLINA

Email Address: Public.Works@co.maui.hi.us

Date: JUL 01 2022

cc: Brett Davis, Consultant, Chris Hart & Partners (PDF)
Tara Furukawa, Staff Planner (PDF)
Project File

TKF:th

K:\WP_DOCS\Planning\CP\1999\0007 WaileaResort Amendment 2021\ReminderAgencyTransmittal.docx

EXHIBIT 13



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

May 13, 2022



JOHN PELLETIER
CHIEF OF POLICE

CHARLES L. HANK III
DEPUTY CHIEF OF POLICE

MEMORANDUM

TO : TARA FURUKAWA, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : JOHN PELLETIER, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CP 99/0007, PD2 2004/0006
TMK : (2) 2-1-008:141
Project : Wailea Tennis Center Parking Lot
Improvements
Applicant : Wailea Golf, LLC

No comments or recommendations to offer at this time.

X Refer to below comments and/or recommendations.

- Recommend limiting the construction activities to normal daylight hours and give adequate notice to the adjacent properties of any activities that may go beyond these hours or may exceed normal construction noise levels.
- Recommend utilizing adequate dust control measures to include but not limited to dust fences/barriers around the project site and the use of water to control fugitive dust during demolition, grubbing, and grading.
- Recommend posting proper signage, traffic control devices, and other safety precautions to allow for safe and orderly passage through the area by construction workers, motorists, and pedestrians.

Thank you for giving us the opportunity to comment on this project.

91: 21 02 14 22
DEPT OF PLANNING
COUNTY OF MAUI
CURRENT DIV. RECEIVED

Att. Mc
Acting Assistant Chief Reid Pursley
For: JOHN PELLETIER
Chief of Police

EXHIBIT 14

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 D. 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
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHUKULAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 14, 2022

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793
c/o tara.furukawa@co.maui.hi.us

IN REPLY REFER TO:
Project No.: 2022PR00672
Doc. No.: 2207AM11
Archaeology

Dear Michele Chouteau McLean:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
County of Maui Permit Applications CP 99/0007 and PD2 2004/0006
Wailea Tennis Center Parking Lot Improvements
Paeahu Ahupua'a, Kula District, Island of Maui
TMK: (2) 2-1-008:141**

This letter provides the State Historic Preservation Division's (SHPD's) review of the County of Maui Permit Applications CP 99007 and PD2 2004/0006 for the Wailea Tennis Center Parking Lot Improvements project. SHPD received the current submission on May 24, 2022, along with an HRS 6E Submittal Form, a copy of the construction designs, a permit application, and a letter from the County of Maui requesting our review of the project.

Wailea Golf LLC (property owner) proposes improvement to an existing parking lot at the Wailea Tennis Center. The project will include the addition of 13 new parking stalls and will require grading and the installation of a new storm drain. The trenching for the new drainage will be dug to a maximum depth of 4 feet. Aerial photographs show the property has been previously impacted by the development of the current Wailea Tennis Center.

A search of our records indicates SHPD previously made a determination of "no historic properties affected" for a County of Maui permit application submission for the grading associated with the construction of the Wailea Hotel which included the current project area (Log No. 2018.01941, Doc. No. 1808LS28). The letter indicates several archaeological investigations have occurred in the area prior to the development of the current subdivision including Spear (2000) and Hodara et al. (2014). However, no historic properties have been identified within the current project area.

Based on the information provided and minimal ground disturbance work associated with the project, 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 HRS 6E historic preservation review process is ended.

The permit issuance process may proceed. Please unflag this parcel from further reviews.

Please attach to the construction plans: 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

EXHIBIT 15

Michèle Chouteau McLean
07/14/2022
Page 2

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) 652-1510.

Please contact Andrew McCallister, Maui Archaeologist IV, at andrew.mccallister@hawaii.gov for matters regarding archaeological resources in this letter.

Aloha,

Alan Downer

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

cc: Brett Davis, Chris Hart & Partners, bdavis@chpmaui.com

**Tara Furukawa - Fwd: RE: Planning\CP\1999\0007_WaileaResort\Amendment 2021
\ReminderAgencyTransmittal**

From: Tyerone Holmes
To: Tara Furukawa
Date: 6/13/2022 9:41 AM
Subject: Fwd: RE: Planning\CP\1999\0007_WaileaResort\Amendment 2021\ReminderAgencyTransmittal

Aloha Tara,

Below are the comments I received from Hawaiian Electric.

Mahalo,
Tye

>>> "Kim, David C." <david.kim@hawaiianelectric.com> 6/9/2022 2:06 PM >>>
Tyerone,

Comments - Clearance around pad-mounted transformers should be maintained. 8' front, 2'-6" sides, 2' rear. Parking lots and private roads require post barriers when vehicle traffic will pass within 5' or less of the equipment and is upon a standard 7" curb. Measurements are taken from edge of pad.

Thank you,
David

From: Tyerone Holmes <Tyerone.T.Holmes@co.maui.hi.us>
Sent: Wednesday, June 8, 2022 5:45 PM
To: Public Works <Public.Works@co.maui.hi.us>; Engineering – Maui County
<engmauicounty@hawaiianelectric.com>; Jenny Nakama <Jenny.Nakama@mpd.net>
Cc: Tara Furukawa <Tara.Furukawa@co.maui.hi.us>
Subject: Planning\CP\1999\0007_WaileaResort\Amendment 2021\ReminderAgencyTransmittal

[This email is coming from an EXTERNAL source. Please use caution when opening attachments or links in suspicious email.]

Aloha

Please see attached.

Mahalo,
Tye Holmes
Planning Department
Current Division

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EXHIBIT 16

MICHAEL P. VICTORINO
Mayor

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
FIRE PREVENTION BUREAU
COUNTY OF MAUI
313 MANEA PLACE
WAILUKU, HI 96793

October 12, 2022

Via Email: tara.furukawa@co.maui.hi.us

County of Maui
Department of Planning
Attn: Tara Furukawa
2200 Main Street, Suite 315
Wailuku, HI 96793

SUBJECT: WAILEA TENNIS CENTER PARKING

Dear Tara,

Thank you for the opportunity to review your project. As this project does not involve any structures or access roads serving any structures, this project does not require fire access or fire protection.

For any questions or comments, please feel free to contact us at (808) 876-4690 or by email at fire.prevention@mauicounty.gov.

Sincerely,

Plans Review - Fire Prevention Bureau

CG:jn

EXHIBIT 17

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B
OCTOBER 25, 2022**

Ms. McLean: Chair, the first item is a communication item, a request from Mr. Brett Davis of Chris Hart and Partners on behalf of Wailea Golf LLC to amend a Conditional Permit and Planned Development Step II approval for the proposed Wailea Tennis Center offsite parking improvements on TMK: 2-1-008:141 at Wailea Ike Place in Wailea. Tara Furukawa is the project planner.

Ms. La Costa: Good morning, Tara. Go ahead please.

B. COMMUNICATIONS

BRETT DAVIS of CHRIS HART & PARTNERS on behalf of WAILEA GOLF, LLC is requesting to amend a Conditional Permit and Planned Development Step II approval for proposed Wailea Tennis Center offsite parking improvements on TMK: (2) 2-1-008:141, Wailea Ike Place, Wailea, Island of Maui. (CP990007) (PD22022-00001) (T. Furukawa).

Ms. Furukawa: Good morning, Commissioners. The project that's up for your review involves the modification of a site plan for the existing Wailea Tennis Center off-site parking lot to add 13 more stalls. Because of this change, a Conditional Permit amendment and Planned Development Step II approval are needed. Today, the project consultant, Brett Davis of Chris Hart and Partners and I think the applicant's attorney, Jeff Ueoka is here to present the project, and the project team can answer any questions you might have about the proposal.

Ms. McLean: Chair, if we can, also for the record, note that Commissioner Lindsey has joined the meeting. Commissioner Lindsey, can you let us know where you're joining from and if anyone is with you?

Ms. Lindsey: Hi, aloha kakahiaka kakou...(Hawaiian language spoken)... I'm at my office in Wailuku. Nobody is here with me, but my son will be joining occasionally for feeding.

Ms. McLean: Mahalo. Brett, excuse the interruption, if you want to go ahead with your presentation?

Mr. Brett Davis. Good morning, Commissioners. My name is Brett Davis. With you today in person is Jeff Ueoka, and he's going to be presenting the slides today, and I'll be sharing screen from my office here at One Main Plaza, and I am for the record, I am here alone at my office this morning. Can everyone see this screen?

Ms. McLean: Yes, we can thank you.

Mr. Davis: Okay, Jeff, if you can hear me, are you available to begin?

Mr. Jeff Ueoka: Yes. Thank you, Brett. Thank you, Chair. Thank you, Members of the Commission. Jeff Ueoka. I represent the development team that's doing the...the work to expand the parking lot.

So, the first slide here is the cover page, as you can see the portion on the right, that's the existing 54-parking space lot for the Wailea Tennis Club. And the reason why there's a Conditional use or Conditional Permit for this is because that property zoned A-2, Apartment and a parking lot is not a permitted use, so the Conditional Permit is required. I believe that the parking lot was created in the 90s or some...a long time ago. So, as part of the neighboring development, a well that was on the neighboring property was relocated into that area and the lot was consolidated. And after they put the well in, there was this extra area, as you can see, it's kind of the grayed-out area, but it has enough space for parking. So, the idea was to expand the existing Wailea Tennis Club parking lot. So, that's why we're here today asking for an amendment to the Conditional Permit to allow for 13 additional stalls.

Next slide, please, Brett.

Mr. Davis: Excuse me, Jeff. I'm having an issue advancing the slide. Can you see that one now?

Mr. Ueoka: Thank you. Yeah, so the applicant's Wailea Golf LLC, they're the property owner. Chris Hart and Partners is doing the planning and landscape architecture and civil engineering was done by DCI on the mainland. The subject properties as you can see, it's located off of Wailea Ike Drive, across the street from the Wailea Tennis Club. So, as you can see, these are some pictures from the actual parking lot itself. Just a standard landscaped...well, well landscaped and nice parking lot out in Wailea. So, as I mentioned, so 1999, and in 2018, the extension was granted until 2030. So, they proposed 13 expansion stalls there between the water well and the existing parking lot. Currently, the lighting is down shielded and it's going to be that way for the expansion area. Landscaping will be included and done in accordance with the plan. You can kind of see generally landscaped plan. Well, it's a little messed up there, but you get the general idea. So, the last spaces are on the 13 on the left side of the screen next to the new well site.

In interest of your guy's time, we tried to keep it quick. Please let us know if you have any questions, we'll be available. Thank you.

Ms. La Costa: Thank you, Mr. Ueoka. Commissioners do you have any clarifying questions? Commissioner Thayer.

Ms. Thayer: Thank you, Chair. Just because I'm curious about this with everybody. Can you give some insight into what's going to be planted as part of the landscaping? Okay, Bret...can I defer to Brett on that one? That's more specific than I normally get into that. I'm assuming we're following...not assuming, we're following the landscape planting plan, but I think Brett can give you a bit more detail.

Mr. Davis: Good morning, Commissioners, this is Brett. Yes, the landscaping plan will include...we have...if you look on Page 9 of the staff report, it lists the landscaping that we are proposing, consisting of pink oleander, shower and Geiger trees, small palms and shrubs, an Eldorado hedge basically keeping consistent with the existing landscaping that is there.

Ms. Thayer: Thank you. I'm curious about...I understand keeping with the existing landscaping, but could you, at least for the Geiger trees switch out for the native Kou. It is pretty much a native Geiger tree.

Mr. Davis: I, I would ask...there's a few members on the team on this call today. And if, you know, Jeff or, or Anthony from the development team are acceptable to that, I'd be interested to hear their response.

Mr. Ueoka: Thank you. I think we can probably accommodate that Commissioner Thayer. Native Kou instead of Geiger trees. Okay, yeah. We'll definitely work with the landscape architect on that.

Ms. Thayer: Thank you, and I would suggest if you do any landscaping overhauls in the future to try and transition into native landscaping to give a better sense of place for all of our visitors that come to Wailea.

Mr. Ueoka: Noted. I'll inform people if it ever comes up. Thank you.

Ms. Thayer: Thank you very much.

Ms. La Costa: Thank you, Commissioner Thayer. Commissioners, any other questions? Commissioner Thompson.

Mr. Thompson: Thank you, Chair. Hey, Jeff, did I read in there the paving on this is going to be pervious surface?

Mr. Ueoka: Yeah, that's my understanding.

Mr. Thompson: Okay, thank you very much.

Ms. La Costa: Thank you, Commissioner Thompson. Anyone else? Okay, seeing none, have we anyone signed up for public testimony, please?

Ms. McLean: No, Chair. There's no one who's indicated they wish to testify.

Ms. La Costa: If there's anyone on the line who wishes to testify about this agenda item, please unmute yourself and introduce yourself and step forward. Going once. Going twice.

Mr. David Sereda: I'm sorry this is...Sorry, Chair to interrupt. This is David Sereda, I'm the landscape architect on the project.

Ms. La Costa: Yes, sir. Thank you so much for joining us, David. Can you answer...questions?

Mr. Sereda: Thank you, yeah, very much for hearing my comment. So, yeah, to respond to Commissioner Thayer, the Hawaiian Kou, while a beautiful, majestic Hawaiian native tree is wonderful to use in the right conditions. Would it be acceptable to use a different Hawaiian tree

that's also on the accepted list of parking lot trees for the Maui County in the Maui County Planting Plan? The reason is the Hawaiian Kou does drop a lot of marble sized nut fruit which can create a bit of a slipping hazard on the hardscape. And so, we generally try not to use it near walkways or where pedestrians are going to be. But there are a couple other Hawaiian trees on the planting list from the County, which we could use if that's acceptable.

Ms. Thayer: Yeah sure, if you want to mix in other native trees, that's great. Kou gets used a lot in parking lots everywhere, but variety is always good. So, yes, I appreciate you looking at the planting plan. I know Jeff knows about the planting plan. I used to be on the Arborist Committee and we spent many years working on that planting plan. So, thank you for making use of it. I appreciate that very much.

Mr. Sereda: All right. Thank you.

Mr. Ueoka: Chair, if I may, I'll defer to Mr. Sereda, please. Retract my former statement, thank you.

Ms. La Costa: So noted for the record, Mr. Ueoka. Thank you. Commissioners, anyone else? Okay, and is there anyone on the call, going third time.

Mr. Anthony Wrzosek: Hello?

Ms. La Costa: Yes?

Mr. Wrzosek: Hello, this is Anthony Wrzosek. We assisted Wailea Golf with some of the repairs, the parking lot adjacent to our hotel. And I just wanted to clarify and correct Jeff's comments regarding the asphalt. It is, it is a regular asphalt, and not, pervious.

Ms. La Costa: Thank you very much for those additional comments. And I guess there was a misunderstanding of that between Commissioner Thompson and Mr. Ueoka. So, thank you very much for the clarification on that, sir. So, anyone else? No? And general public? Okay, seeing no one is stepping up to testify, public testimony is now closed. Commissioners, you have discussion on this matter? Commissioner Freitas.

Mr. Freitas: Yeah, thank you, Chair. Even when I'm looking at Exhibit 1, you know, it talks about...it shows Resident Inn Marriott, but I thought there was another hotel that was recently built that's not on this map. Can someone point out? I think it's called the AC Hotel or something like that. Where is that in relation to this project?

Mr. Ueoka: If I may, Chair?

Ms. La Costa: Yes, please Mr. Ueoka.

Mr. Ueoka: Thank you. Commissioner Freitas, it's kind of where that little arrow part is on Exhibit 1, The AC Wailea Hotel is over there in like the area, right next to the parking lot.

Mr. Freitas: Oh, okay. That's been, that's been there for a little while. How come this map wasn't updated, and was that gentleman that spoke earlier, the manager for that hotel or the Residence Inn Marriott?

Mr. Ueoka: Mr. Wrzosek is part of the development team for the company that built the AC Wailea. I believe they also built the Residence Inn a while ago too.

Mr. Freitas: Okay. So, this added parking stalls are mainly gonna be used for tennis use and not for that hotel.

Mr. Ueoka: Only for tennis club use.

Mr. Freitas: Okay. Okay. Thank you.

Ms. La Costa: Thank you, Commissioner Freitas. Commissioners? Okay, seeing no further discussion do I have a motion please. Could we please have the recommendation of the Planning Department.

Ms. Furukawa: Sure. So, the application meets the criteria for a Conditional Permit amendment and a Planned Development Step II approval, and the Department is recommending approval based upon the conditions in the staff report and recommendation, with the added condition to swap out the Geiger trees for a Native Hawaiian tree listed on the Maui County Planting Plan.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the October 25th, 2022 meeting, as it's finding a fact, conclusion of law and decision and order and authorize Director of Planning to transmit the D and O on behalf of the Planning Commission.

Mr. Hopper: Chair?

Ms. La Costa: Yes, sir, Mr. Hopper.

Mr. Hopper: Just a reminder, I may have missed it, but did we request public testimony on item yet?

Ms. La Costa: Yes, we did.

Mr. Hopper: Okay, I just wanted to make sure that was open and closed. Thank you.

Ms. La Costa: Thank you, sir. Appreciate you keeping me on track. And good morning. Okay, Commissioners, do I have a motion, please? Commissioner Thompson.

Mr. Thompson: Thank you, Chair. I'd like to make a motion to adopt the...that was a whole mouthful, Jacky. The recommendations of the County to approve these 13 parking places.

Ms. La Costa: Thank you, Commissioner Thompson. Do I have a second? Yes, sir, Mr. Hopper.

Mr. Hopper: Just clarification. It's a recommendation to the Council on the Conditional Permit, and it's a...it is an actual departmental...or I'm sorry, it's an actual commission approval of the Step II Planned Development approval, just to clarify that, that's what's being requested, correct? Because the Conditional Permit is something the Council ultimately would have to do.

Ms. La Costa: Correct.

Mr. Hopper: Just to clarify that.

Ms. La Costa: Thank you. Do I have a second? Commissioner Hipolito. Thank you so much for your second. Okay, do I have discussion? Commissioner Thompson as the movant.

Mr. Thompson: Thank you, Chair. Yeah, it's a parking lot and it doesn't look like it's too expansive, a dozen spaces here, well-suited. They need it. I was there yesterday.

Ms. La Costa: Thank you, Commissioner Thompson. Commissioner Hipolito, have you anything to add as the second?

Mr. Hipolito: No comment.

Ms. La Costa: Thank you, sir. Okay, commissioners, any further discussion while the motion is on the table? Seeing none, then I will call for the vote. Director, roll call, please.

Ms. McLean: Commissioner Freitas.

Mr. Freitas: Aye.

Ms. McLean: Commissioner Thompson.

Mr. Thompson: Aye.

Ms. McLean: Commissioner Hipolito.

Mr. Hipolito: Aye.

Ms. McLean: Commissioner Lindsey.

Ms. Lindsey: Aye.

Ms. McLean: Commissioner Thayer.

Ms. Thayer: Aye.

Ms. McLean: And Chair La Costa.

Ms. La Costa: Aye.

Ms. McLean: Chair, that's six ayes, no noes, two excused, Vice-Chair Pali and Commissioner Deakos. Motion passes.

It was moved by Mr. Thompson, seconded by Mr. Hipolito, then

VOTED: To Recommend Approval to the County Council of the Amendment to the Conditional Permit and Approve the Planned Development Step II Approval as Recommended by the Department.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, A. Lindsey,
K. Thayer, P D. La Costa)
(Excused – K. Pali, M. Deakos)

Ms. La Costa: Thank you, Director, and thank you Mr. Ueoka.

Mr. Ueoka: That you very much, Members, Chair.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JACKY TAKAKURA
Deputy Director



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

November 3, 2022

Ms. Anne Takabuki, President & General Manager
Wailea Golf LLC
100 Wailea Golf Club Drive
Kihei, Hawaii 96753

Dear Ms. Takabuki:

SUBJECT: CONDITIONAL PERMIT (CP) AMENDMENT AND PLANNED DEVELOPMENT STEP II APPROVAL FOR THE ADDITION OF PARKING STALLS AND RELATED IMPROVEMENTS AT THE WAILEA TENNIS CENTER LOCATED ON 0.664 ACRES OF LAND IN THE A-2 DISTRICT AT WAILEA IKI PLACE, WAILEA, ISLAND OF MAUI, HAWAII TMK (2) 2-1-008:141, (CP990007) (PD22022-00001)

At its regular meeting on October 26, 2022, the Maui Planning Commission (Commission) took public testimony and reviewed the above requests. After due deliberation, the Commission recommended approval of the CP to the Maui County Council (Council) subject to the conditions listed below. The Council has final review and approval authority of the CP. The Commission also voted to approve the Planned Development Step II application, subject to the following conditions:

CONDITIONAL PERMIT CONDITIONS

1. That full compliance with all applicable governmental requirements shall be rendered in a timely manner.
2. That the CP shall be valid for a period of 20 years until **February 28, 2030**; provided that, an extension of this permit beyond this period may be granted pursuant to Section 19.40.090 of the Maui County Code (MCC).
3. That the CP shall not be transferable by the Planning Director following the provisions of Ordinance 4781.
4. That Wailea Golf LLC shall exercise reasonable due care as to third parties with respect to all areas affected by this subject CP and shall procure at its own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000.00, naming the County of Maui (County) as an additional insured, insuring and defending Wailea Golf LLC and the County against any and all claims or demands for property damage, personal injury and/or death arising out of this CP, 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 Wailea Golf LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this CP. A copy of a certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable Tax Map Key (TMK) and permit numbers.

5. That the parking lot shall be developed in accordance with the standards of Chapter 19.36A, Off-Street Parking and Loading.
6. That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels. Further, the lighting standard shall be 12-14 ft. as noted by Wailea Golf LLC.
7. That appropriate Best Management Practices be implemented during construction, such as dust fences, watering, etc.
8. That proper signage, traffic control and other safety precautions be implemented for safe and orderly passage through the area.
9. That construction activities be limited to normal daylight hours and that adequate notice be given to adjacent properties of any activity that may extend beyond these hours or exceed normal construction noise levels.
10. That the Applicant not use Geiger trees and instead use Native Hawaiian trees listed in the Maui County Planting Plan.

A record of proceedings including the Staff Report, minutes, and testimony will be forwarded to the County of Maui Corporation Counsel for the drafting of an ordinance for the CP. Upon receipt of the ordinance by the Department, a copy of the record of proceedings will be forwarded to the Council for deliberation at a future date. You will be contacted regarding the time and place for such deliberations.

PLANNED DEVELOPMENT STEP II APPROVAL CONDITIONS:

1. That full compliance with all other applicable governmental requirements shall be rendered.
2. That the Step 3 Planned Development Approval shall be in accordance with preliminary engineering plans reviewed by the Commission on October 25, 2022.
3. That an application for Step 3 approval shall be filed within one year of granting of this Step 2 approval.

Ms. Anne Takabuki, President & General Manager
November 3, 2022
Page 3

Thank you for your cooperation. If you have any questions, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-7520.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Ann T. Cua, Planning Program Administrator (PDF)
Jordan Hart, Planning Program Administrator, Zoning Administration & Enforcement Division (PDF)
Gail Davis, Supervising Zoning Inspector (PDF)
Tara Furukawa, Staff Planner (PDF)
Brett Davis, Consultant, Chris Hart & Partners, Inc. (PDF)
Jeffrey Ueoka, Esq., Mancini, Welch & Geiger, LLP (PDF)
Project File

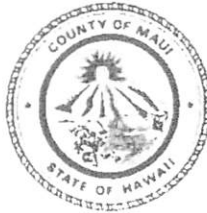
MCM:TKF:rma

K:\WP_DOCS\Planning\CP\1999\0007_WaileaResort\Amendment2022\MPCApprovalAndRectoCouncil.doc

RICHARD T. BISSEN JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director

KATHLEEN ROSS AOKI
Acting Planning Director



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

January 12, 2023

MEMORANDUM

TO: Stephanie Chen, ^{Deputy} Corporation Counsel

FROM: Tara K. Furukawa *TKF*
Staff Planner

SUBJECT: CONDITIONAL PERMIT (CP) AMENDMENT AND PLANNED DEVELOPMENT STEP II (PD2) APPROVAL FOR THE ADDITION OF PARKING STALLS AND RELATED IMPROVEMENTS AT THE WAILEA TENNIS CENTER LOCATED ON 0.664 ACRES OF LAND IN THE A-2 APARTMENT DISTRICT, WAILEA IKI PLACE, WAILEA, ISLAND OF MAUI, HAWAII TMK (2) 2-1-008:141, (CP990007) (PD22022-00001)

The Department of Planning (Department) previously sent a letter regarding the above on December 28, 2022. In that letter we mentioned that the permit can be transferred following Section 19.40.080(D). The Maui County Code was amended, so it is now Section 19.40.080(C). Therefore, this letter should supersede the previous version.

At its regular meeting on October 26, 2022, the Maui Planning Commission (Commission) recommended approval of the CP to the Maui County Council (Council), subject to the conditions in the staff report and recommendation. On page 13 of the staff report and recommendation, it says that the Planning Department is recommending approval of the CP, subject to the same conditions in the May 3, 2018 letter, and three additional conditions that were underlined. We note that Condition 3 stated, "That the CP shall not be transferable by the Planning Director (Director) following the provisions of Ordinance 4781." We note that this condition was drafted in error. In the May 3, 2018 letter, the condition actually stated, "That the CP shall be transferable by the Director following the provisions of Section 19.40.080(C), MCC." We respectfully request that the draft ordinance for the proposed CP amendment reflect the correct language from the May 3, 2018 letter.

Thank you for your cooperation. If you have any questions, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-7520.

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Project File

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