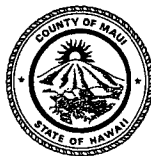


JEFFREY T. KUWADA
County Clerk



PC-21
LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

COPY

August 23, 2011

Honorable Donald G. Couch, Jr., Chair
Planning Committee
Council of the County of Maui
Wailuku, Hawaii 96793

OFFICE OF THE
COUNTY CLERK

'11 AUG 23 P3:28

Dear Chair Couch:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of August 23, 2011:

COUNTY COMMUNICATIONS:

- No. 11-219 - William Spence, Planning Director
- ✓ No. 11-220 - Danny A. Mateo, Council Chair

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", is written over a large, stylized, light-colored circular mark.

JEFFREY T. KUWADA
County Clerk

/jym

Enclosure

cc: ✓ Director of Council Services

Council Chair
Danny A. Mateo

Vice-Chair
Michael J. Molina

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



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

Director of Council Services
Ken Fukuoka

RECEIVED

2011 AUG 12 AM 8:55

**OFFICE OF THE
COUNTY CLERK**

August 12, 2011

Honorable Members of the Council
County of Maui
Wailuku, Hawaii 96793

Dear Members of the Council:

SUBJECT: MAKENA RESORT – CHANGE IN ZONING
ORDINANCE NO. 3613

Attached for your review, are documents received from Mr. Isaac Hall, regarding failure to comply with Condition 32.

May I request that this communication be placed on the next scheduled Council Meeting agenda for the purpose of referring to an appropriate Committee for discussion?

Thank you for your consideration. Should you have any questions or require clarification, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny A. Mateo", is written over a printed name and title.
DANNY A. MATEO
Council Chair

cht
attachment
doc110812

cc: Mr. Isaac Hall

COUNTY COMMUNICATION NO. 11-220

ISAAC DAVIS HALL

ATTORNEY AT LAW
2087 WELLS STREET
WAILUKU, MAUI, HAWAII 96793
(808) 244-9017
FAX (808) 244-6775

August 11, 2011

RECEIVED

'11 AUG 11 AM 11:29

OFFICE OF THE
COUNTY COUNCIL

Via Hand Delivery

Council Chair Danny A. Mateo
and Members of the Maui County Council
County of Maui
Kalana O Maui Building
200 South High Street
Wailuku, Hawaii 96793

Re: Failure to Comply With Condition 32 of the
Change in Zoning for the Makena Resort

Dear Council Chair Danny A. Mateo and Members of the Maui County Council:

I am writing this letter on behalf of Ms. Dana Naone Hall. She has worked over many years to provide public park lands and shoreline access in the Makena-Honuauia area. She is concerned that the operators of the Makena Resort are now conducting commercial activities within an area that is required for an expansion to 1.5 acres of the existing beach park at the south end of Maluaka Beach, pursuant to Condition 32 of the ordinance changing the zoning for the Resort. The best way to curtail these commercial activities would be to require compliance with this condition.

In 1987, Hui Alanui o Makena ("HAOM") entered into a Settlement Agreement with Seibu, one term of which required development of the current beach park at the south end of Maluaka Beach and the provision of fifty additional beach parking stalls at the south end of Maluaka Beach. Ms. Naone Hall was instrumental in negotiating this Settlement Agreement. Ms. Naone Hall, as a member of HAOM, had initially sought a park almost double the size of the current beach park that extended further to the south and included Maluaka Point.

When the Makena Resort sought approval for its Change in Zoning Application ("CIZ"), Ms. Naone Hall advocated that any increased development should be accompanied by an increase in beach park lands and coastal access. Ms. Naone Hall sought as conditions: (1) the expansion of the beach park to the south, (2) the provision of more beach access parking stalls and (3) lateral shoreline access from Maluaka Beach to Oneuli Beach.

Condition 31 requires the construction of at least 60 new beach access parking stalls at Maluaka Beach.

Condition 32 of the CIZ requires the developer to expand the existing beach park at the south end of Maluaka Beach to 1.5 acres. Necessary applications for this expansion were required to be filed within six months of the approval of this CIZ or on or by December 2009. Ms. Naone Hall understood that this expansion would take place towards Maluaka Point and would thus achieve the initial goals of HAOM.

Ms. Naone Hall became aware approximately six months ago that Makena Resort had impeded lateral shoreline access to the area within which the expanded park was required to have been developed. In addition, Makena Resort began using the area that was required to be dedicated to non-commercial public park purposes for commercial activities such as private weddings.

After some investigation, Ms. Naone Hall has discovered to her dismay that the Makena Resort is proposing to expand the beach park at the **north** of the existing beach park and to leave the south side walled off from public use and enjoyment with a white picket gate closing the opening in the wall. She is now aware that the Resort is seeking County of Maui Parks Department approval to satisfy Condition 32 of the CIZ approval by locating the beach park expansion in an unsuitable location which has never undergone any public review.

The new proposed expansion would be located on lands that are not topographically suitable for a beach park. Between the twenty-foot wide trail that traverses the mauka side of the proposed expanded park and the beach lies a now-landscaped sand dune. Near the trail is a grassy area; however the rising dune ends in a bluff that drops abruptly to the shoreline. This area is covered with naupaka. Direct access to the beach is prevented by the naupaka, other landscaping and the steepness of the terrain.

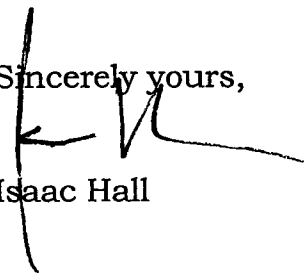
In addition, the area in question is located closer to the Hotel and appears to part of the Resort. Experience has shown that the more this land appears to be a seamless part of the hotel operations, as here, the less it will be used by Maui residents.

On the other hand, an expansion to the south of the existing park would include land that is topographically similar. This land facilitates lateral shoreline access which leads to areas where significant historic and cultural sites and resources are located. Fishing is one of the traditional and cultural activities facilitated by this land. This land is also similar to the area well-used by the public around Makena Landing.

Ms. Naone Hall respectfully requests that the County Council require a public hearing or a public forum on the location of the expanded park area that is intended for the public's use and enjoyment at the south end of Maluaka Beach. The Makena Resort cannot be allowed to change the location of the expanded beach park that was anticipated during the CIZ process without any public participation.

Kindly inform me of any action that will be taken on this matter so that Ms. Naone Hall and other members of the public have the opportunity to participate. Thank you for your attention and assistance in bringing this matter forward.

Sincerely yours,


Isaac Hall

IH/gr

Cc: Joseph Pontanilla
Gladys Coelho Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White
Alan M. Arakawa, Mayor
William Spence, Planning Director