

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

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OFFICE OF THE MAYOR

January 23, 2018

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Don S. Guzman, Chair
and Members of the Parks, Recreation, Energy,
and Legal Affairs Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

ACTING MAYOR
COUNTY OF MAUI
1/23/18
Date

Dear Chair Guzman and Committee Members:

**SUBJECT: AMENDING SECTION 10.48.250, MAUI COUNTY CODE,
RELATING TO PUBLIC BEACH ACCESS PARKING (PRL-38)**

Thank you for your letter dated January 17, 2018, regarding your Committee's discussion of the above-reference bill.

By email dated January 8, 2018, we provided the following comments:

1. *We appreciate that the bill would establish time requirements if no requirements have already been established by a permit or land use approval. Many conditions of permits or approvals have established public beach parking requirements; some have specified times that the public beach access parking has to be open, while others are silent on hours. Without such time requirements stated, we have taken the position that the parking must be open 24 hours per day, seven days per week.*
2. *We request the following clarifications or amendments:*
 - (a) *specify that public beach access parking spaces are to be used exclusively for users of the beach and ocean for recreational purposes, and not by commercial ocean recreational vendors, resort employees, etc.;*
 - (b) *"recreational purposes" should also include surfing and other water sports (the current language includes swimming and water skiing but no other water sports or activities); and*

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- (c) *"public beach access parking" is not defined; while we all generally have an idea what it means, it would be good for the Council to define what the Council wants it to mean.*

In addition to these comments, we also request that clarification be made as to whether the time requirements proposed by the bill, to be established in the Maui County Code, would apply to approvals or permits granted under another authority, such as Chapter 205 or 205A, Hawaii Revised Statutes. If, for example, the Maui Planning Commission approved a State Special Permit or a Special Management Area permit for a project with a condition that public beach access parking be provided, with no time limit specified, it is not clear that a time restriction established in the Maui County Code would be applicable.

Thank you for allowing us this additional opportunity to comment on the proposed bill. If you have any questions or need additional information, please feel free to contact me at Ext. 7735.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Michele McLean, Deputy Director (pdf)
Clayton Yoshida, Planning Program Administrator (pdf)
John Rapacz, Planning Program Administrator (pdf)
David Raatz, Administrative Planning Officer (pdf)

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