

January 31, 1989

MEMORANDUM

TO: Maui Planning Commission

FROM: Maui Planning Department

SUBJECT: Hyatt Regency Maui, on behalf of KM Hawaii, Inc., requesting a Special Management Area Use Permit for the proposed revovation of the KM Suite (formerly the Hemmeter Suite) at TMK 4-4-06:31, Kaanapali, Maui.

RECOMMENDATION

The Planning Department finds that the objectives, policies, and guidelines set forth in Part II, Section 2-8.1, 2, and 3 of the Special Management Area (SMA) Rules and Regulations of the County of Maui have essentially been met, and therefore, recommends approval of the subject SMA Use Permit, subject to the following conditions:

1. That the conditions of this Special Management Area Use Permit shall be self-enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Planning Commission that there is prima facie evidence that a breach has occurred the permit shall be automatically suspended pending a hearing on the continuity of such Special Management Area Use Permit provided that written request for such a hearing is filed with the department within (10) days of the date of receipt of such notice of alleged breach. If no request for hearing is filed within said ten (10) day period, the Planning Commission may revoke said Special Management Area Use Permit.
2. That the subject Special Management Area Use Permit shall not be transferred without the prior written approval of the Planning Commission. 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 of said contested case and their counsel.
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 Special Management Area Use Permit and shall hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit and approval.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the construction of the proposed project shall be initiated within a period of two (2) years from the date of the granting of the Special Management Area Use Permit.
6. 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.
7. That full compliance with the comments of the Department of Land and Natural Resources, as identified in their letter dated January 6, 1989, shall be rendered.
8. That full compliance with the conditions of the Urban Design Review Board, as identified by letter dated December 28, 1988, shall be rendered.

Recommendation
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9. That full compliance with the condition of the Department of Public Works, as identified by memo dated January 5, 1989, shall be rendered unless written verification has been obtained that this condition has been either modified or deleted.
10. That any changes and or modifications to this permit shall be referred to the Maui Planning Commission for its review and approval.

In consideration of the foregoing, the department further recommends that the Planning Commission adopt as its "Findings of Fact, Conclusions of Law, Decision and Order," the Director's Report and Recommendation Memorandum dated January 31, 1989.



**COUNTY OF MAUI
PLANNING DEPARTMENT**

200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

February 3, 1989

Mr. George Sano
Hyatt Regency Maui
200 Nohea Kai Drive
Lahaina, HI 96761

Dear Mr. Sano:

Subject: Request for a Special Management Area Use Permit
for the proposed revocation of the KM Suite
(formerly the Hemmeter Suite) at TMK 4-4-06:31,
Kaanapali, Maui.

At its regular meeting of January 31, 1989, the Maui Planning Commission received the above request, and after due deliberation, voted to grant Special Management Area Use Permit approval subject to the following conditions:

1. That the conditions of this Special Management Area Use Permit shall be self-enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Planning Commission that there is prima facie evidence that a breach has occurred the permit shall be automatically suspended pending a hearing on the continuity of such Special Management Area Use Permit provided that written request for such a hearing is filed with the department within (10) days of the date of receipt of such notice of alleged breach. If no request for hearing is filed within said ten (10) day period, the Planning Commission may revoke said Special Management Area Use Permit.
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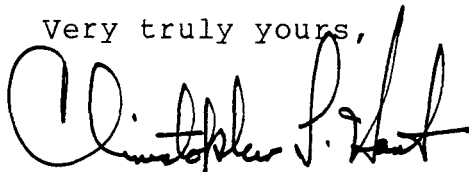
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Special Management Area Use Permit and shall hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit and approval.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the construction of the proposed project shall be initiated within a period of two (2) years from the date of the granting of the Special Management Area Use Permit.
6. 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.
7. That full compliance with the comments of the Department of Land and Natural Resources, as identified in their letter dated January 6, 1989, shall be rendered.
8. That full compliance with the conditions of the Urban Design Review Board, as identified by letter dated December 28, 1988, shall be rendered.
9. That full compliance with the condition of the Department of Public Works, as identified by memo dated January 5, 1989, shall be rendered unless written verification has been obtained that this condition has been either modified or deleted.
10. That any changes and or modifications to this permit shall be referred to the Maui Planning Commission for its review and approval.
11. That the applicant shall administer the currently ten (10) dedicated onsite public beach right-of-way parking stalls through the use of its private security force, in order to insure that said stalls are protected and available for use by public beach goers; and that the applicant shall support the County administration in its efforts to establish a comprehensive public/private beach right-of-way security program throughout the Kaanapali Resort.

A copy of the Director's Report dated January 31, 1989 is enclosed for your reference.

Mr. George Sano
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If further clarification is necessary, please contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher L. Hart". The signature is written in a cursive style with a large initial "C".

CHRISTOPHER L. HART
Planning Director

encl.
PO:sc
cc: LUCA
DLNR
CZM File
P. Ohta

January 31, 1989

DIRECTOR'S REPORT

TO: Maui Planning Commission

FROM: Maui Planning Department

SUBJECT: HYATT REGENCY MAUI, on behalf of KM Hawaii, Inc., requesting a Special Management Area Use Permit for the proposed renovation of the KM Suite (formerly the Hemmeter Suite) at TMK 4-4-06:31, Kaanapali, Maui.

A. BACKGROUND INFORMATION

1. Location -- The project site is located at 200 Nohea Kai Drive in the Kaanapali Resort area.

2. Land Use Designation --

- a. Kaanapali-Napili Land Zoning Map #9 -- H-2 Hotel
- b. Adopted Lahaina Community Plan -- Hotel
- c. Special Management Area -- The entire project site is located in the Special Management Area.

3. Surrounding Land Uses --

Lahaina side -- Hanakaoo Beach Park
Napili side -- Maui Marriott Hotel
Makai -- ocean
Mauka -- Royal Kaanapali South Golf Course

4. Site Description -- The attractively landscaped 18.6 acre project site consists of an 815 room hotel (Exhibit A). An Atrium Tower is located around the middle of the project site and is flanked on the Lahaina side by the Lahaina Tower, banquet hall, luau area, beach activities center and a 247 stall parking lot. A beach right-of-way and 10 beach parking stalls are provided within this parking lot. The Atrium Tower is flanked on the Napili side by the Napili Tower, tennis courts and a 228 stall parking lot. On March 8, 1988, the Maui Planning Commission granted SMA approval for the construction of a two-story parking structure over this existing 228 stall parking lot. The proposed parking structure would provide a total of 343 parking stalls for an increase of 115 parking stalls over the existing parking lot. To date, construction has not been initiated.

5. Access -- Access to the project site is from Nohea Kai Drive.

6. Infrastructural Services --

Water -- The entire Kaanapali Resort is serviced by a private line (Kaanapali Water Corporation, a subsidiary of Amfac Property Investment Corporation). An existing 12 inch water main along Nohea Kai Drive ends at the cul-de-sac (the Hyatt entrance). The Hyatt taps into this line with an 8 inch line feeding into the hotel.

Sewer -- An existing 12 inch diameter sewer line services Nohea Kai Drive with a lift station at the cul-de-sac. The Hyatt ties to the lift station with an 8 inch diameter line. Sewage is transmitted through these lines to a County waste water facility.

Electric and Telephone -- Underground electrical and telephone lines services the project site.

7. Drainage -- There will be no changes to the existing storm drainage system. The project site is located in Zone C of the Flood Insurance Rate Map. This designation means that the project site is located in a minimal flooding area.
8. Plant Life -- Plant life found within the project site are part of the landscape planting scheme of the hotel. There is no indication of any rare or endangered plants or habitat associated with the project site.
9. Animal Life -- Animal life typical of the area includes birds such as doves, sparrows and mynahs; all of which are not considered rare or endangered.
10. Historical and Archaeological Features -- There is no indication of any historical or archaeological features associated with the project site.

B. PROJECT DESCRIPTION

KM Hawaii Inc. is requesting Special Management Area Use Permit approval to add a second floor above the existing first floor living room with an elaborate U-shaped glass encased stairway at the garden area, adjacent to the dining room which will lead to the second floor. A lanai, jacuzzi and an enclosed sunroom will also be included on the roof deck above the existing bedrooms.

As an added safety feature, an open top enclosed stairway at the northwest corner of the building near the master bedroom will also lead to the lanai on the roof deck. (Exhibit C, D & E)

The design intent of this renovation and addition is to fully utilize the existing area and to create an aesthetically pleasing, as well as functionally workable and comfortable home for those people who come to Maui to vacation with their families and would like to rent a home with the amenities of a quality hotel. The sunroom on the second floor will be setback from the roof line in order to be as inconspicuous as possible and to allow for privacy of the guests. Landscaping will be very important in the design in order to maintain the tropical and pleasing atmosphere of the island of Maui and the Hyatt Regency Maui.

The bulk of the second floor renovation and addition will be kept within the area under the existing Lahaina Tower and should therefore have a minimal impact on any views or building lines. The building, design materials and colors to be used in this renovation will be complying with and enhancing the existing surrounding area. (Exhibit B, F, G & H)

The project shall consist of the following:

1. Addition of a second floor living area and terrace lanai.
2. Renovation of the first floor--renovation to the first floor will include the enlargement of the food preparation area, re-designing and finishing of the existing master bedroom, guest bedrooms and bathroom and the conversion and extension of the living room with the existing dining room.
3. Landscaping - existing specimen trees and shrubbery which may interfere with the construction will be relocated elsewhere to allow for construction of the proposed project.

Where ever necessary, new plantings will be added throughout the area. All new or renovated landscaped areas will be provided with an automatic irrigation system.

Planters at the roof top apron will be kept and maintained to add to the aesthetic design of the building from the lanai itself and also from the public walkways. (Exhibits I & J).

C. AGENCY REVIEW

1. Maui Urban Design Review Board -- Letter dated December 28, 1988 (Exhibit K).
2. Department of Public Works -- Memo dated January 5, 1989 (Exhibit L).
3. Department of Land and Natural Resources -- Letter dated January 6, 1989 (Exhibit M).

D. DEVELOPMENT ASSESSMENT -- Pursuant to Section 2-9.4 Significant Criteria of the Special Management Area Rules and Regulations of the County of Maui:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources -- The proposed project does not involve any irrevocable commitment to loss or destruction of any natural or cultural resources, since the proposed construction will be within an existing complex.
2. Significantly curtails the range of beneficial uses of the environment -- The proposed project is in conformance with the Lahaina Community Plan and zoning, and will not significantly curtail the range of beneficial uses of the environment.
3. Conflicts with the County's or the State's long-term environmental policies or goals -- The project does not conflict with the County's or the State's long-term environmental policies or goals.
4. Substantially affects the economic or social welfare and activities of the community, County or State -- Short-term gains will be obtained due to initial preparation and subsequent construction of the proposed project. Social welfare and activities of the community, County or State are not expected to be affected substantially by the project.
5. Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways -- Secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways are not expected to be substantially involved from the project.
6. In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions -- The proposed project will be constructed within an existing complex. The project, therefore, will not have a cumulatively considerable effect upon the environment or involve a commitment for larger actions.
7. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat -- No rare, threatened, or endangered species of animal or plant, or its habitat is anticipated to be affected by the proposed project.
8. Substantially and adversely affects air or water quality or ambient noise levels -- Noise levels will be increased during construction, but only to a limited degree. Air and water quality will not be adversely affected by this project.

9. Substantially affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone areas, geologically hazardous lands, estuary, fresh waters or coastal waters -- The project will not substantially affect environmentally sensitive areas.
 10. Substantially alters natural land forms and existing public views to and along the shoreline -- The proposed project should not substantially alter natural land forms and existing public views to and along the shoreline since the proposed project will be constructed within an existing complex and not exceed the height of the tallest existing structure.
- E. ANALYSIS -- (Relative to Part II, Section 2-8.3.b of the Special Management Area Rules and Regulations of the County of Maui):
1. Environmental or Ecological Effect -- Environmental or ecological effects are not anticipated as the project involves construction within an existing complex which is not intended to alter or impact sensitive areas.
 2. Consistency with State and County Environmental Policies -- The project is consistent with State and County environmental policies.
 3. Consistency with County General Plan, Zoning, Subdivision, and Other Applicable Ordinances -- The project is consistent with the adopted Lahaina Community Plan and other applicable ordinances.

F. LETTERS

As of this date, the Planning Department has not received any letters in favor or in opposition of the proposed project.

G. CONCLUSION

The proposed project is consistent with Part II, Section 2-8.3.b of the Special Management Area Rules and Regulations of the County of Maui and is not anticipated to create any environmental or ecological effects.