

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the matter of the application of)	
)	DOCKET NO.
Lawrence N. Ing on behalf of)	Kaanapali Alii
AOAO Kaanapali Alii)	SB
)	
To Obtain A Special Management)	
Area Use Permit Time extension on)	
the period to complete construction)	
on the renovations at the)	
Kaanapali Alii Condominium)	
located on Approximately 8.025)	
acres of Land At Maui Tax Map Key)	
<u>4-4-08:22, Lahaina, Maui, Hawaii</u>)	

MAUI PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
FEBRUARY 9, 1999 MEETING

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

SM1 Time Extension for period to complete construction
SM1 930015
S:\ALL\SIMONE\SM1\KAANAPAL.TX\REPORT.SM1

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acres of Land At Maui Tax Map Key)	
<u>4-4-08:22, Lahaina, Maui, Hawaii</u>)	

THE APPLICATION

This matter arises from an application for Special Management Area Use permit time extension on the period to complete construction filed on May 18, 1998. The application was filed pursuant to 12-202-17 of the Maui Planning Commission's Special Management Area (SMA) Rules; by Mr. Lawrence N. Ing on behalf of the Association of Apartment Owners (AOAO) of Kaanapali Alii, ("Applicant"); on 8.025 acres of land in the Urban District, situated at Lahaina, Island of Maui, County of Maui, identified as Maui Tax Map Key No. 4-4-08:22 ("Property").(Exhibit 3)

PURPOSE OF THE APPLICATION

The Applicant is requesting a Special Management Area Use permit three (3) year time extension in order to complete construction of the previously approved expansion and improvements to the Kaanapali Alii Condominium.(Exhibit 1, 2)

APPLICABLE REGULATIONS

The application has previously been reviewed pursuant to Section 12-202-12 and 12-202-15 of the Special Management Area (SMA) Rules of the County of Maui.

BRIEF HISTORY OF APPLICATION

1. On September 21, 1993, the Maui Planning Commission held a public hearing and reviewed the Special Management Area (SMA) Use and Accessory Use Permit (ACC) to renovate the central swimming pool courtyard and rear entrances to four (4) buildings at Kaanapali Alii Condominium . After due deliberation the Commission voted to approve the request subject to 13 conditions. Condition No. 1 of the SMA permit stated that construction of the proposed project was to be initiated by September 20, 1995. Condition No. 2 of the ACC permit stated that the ACC permit would be valid for 3 years from the date of its granting or until September 20, 1996. Condition No. 3 of the SMA permit stated that construction of the project should be completed within five (5) years from the date of the initiation of construction. (Exhibit 6)

2. On March 10, 1994, an application for Building Permit (93/2740) was issued by the Land Use and Codes Administration (LUCA) to Kaanapali Alii Condominium for the swimming pool renovations and new trellis structure.(Exhibit 7)

3. On April 15, 1994, construction of the project was initiated by Kaanapali Alii Condominium.

4. On August 26, 1997, a Building Permit was obtained from the Land Use and Codes Administration (LUCA) by Kaanapali Alii Condominium for alterations of Entries 1 & 2. (Exhibit 8)

5. On August 26, 1997, a Building Permit was obtained from the Land Use and Codes Administration (LUCA) by Kaanapali Alii Condominium for alterations. (Exhibit 9)

6. On August 2, 1996, the Applicant requested an amendment to the SMA Use permit conditions stated in the approval letter dated September 22, 1993, by separating Condition No. 2 regarding the Accessory Use Permit from said SMA Conditions and having it only for said Accessory Use Permit. Additionally, upon separation, the applicant requested an unlimited extension of the Accessory Use Permit, valid through September 20, 1996. (Exhibit 10)

7. On January 28, 1997, the Maui Planning Commission reviewed the request to amend the SMA permit (SMA 930015, ACC 930001) to separate Condition No. 2 from the remaining conditions of the SMA permit, and after due deliberation, voted to approve the request subject to five (5) conditions. As such, the Accessory Use Permit was separated from the SMA permit, and is

valid until September 30, 2001, subject to further extensions by the Maui Planning Commission, upon a timely request for extension filed at least ninety (90) days prior to expiration.(Exhibit 11)

8. On May 18, 1998, the Applicant requested a three (3) year time extension of its SMA Use Permit.

9. On July 13, 1998, the Applicant stated that the swimming pool and trellis structure had been completed, however, construction of the additional room by the swimming pool had not been initiated due to financing and incomplete design work.

10. In accordance with Condition No. 3 of the SMA Use Permit, the completion of construction deadline for the project is April 15, 1999. As such, the subject application requests a time extension to complete construction of the project.

PROCEDURAL MATTERS

1. Pursuant to the provisions of the section of the SMA Rules, the public hearing on the time extension request has been waived.

2. In accordance with Condition No. 3 of the SMA Use permit, the completion of construction deadline for the project is April 15, 1999. As such, the subject application requests a three (3) year time extension to complete construction of the project.

GENERAL DESCRIPTION

Description of the Property

1. The Property which is approximately 8.075 acres is located within the Kaanapali Resort Destination Area at Maui Tax Map Key 4-4-08:22, Lahaina, Maui , Hawaii. (See attached Map, Exhibit 3)

2. Land Use Designations --
 - a. State Land Use District -- Urban
 - b. West Maui Community Plan -- Hotel
 - c. County Zoning -- Hotel, H-2

d. Other -- The property lies within the Special Management Area

3. Surrounding Uses --

North -- Westin Maui Hotel and The Whaler's Village

East -- Kaanapali Golf Course

South -- Maui Marriot

West -- Kaanapali Beach

4. The subject parcel is developed with a 264 unit resort condo project consisting of four towers. The court yard is heavily landscaped. There is also an adult and children's pool, a spa, showers, picnicking areas and barbeque pits on the property. There is also an existing pavilion structure containing a workout room, restrooms, and a concession facility. (Exhibit 4)

Existing Services

Water -- The subject property is currently serviced by Kaanapali Water Corp.'s water system. All water needs for domestic, fire and irrigation are served from four deep wells located in Honokowai and Mahinahina.

Sewers -- The subject property is serviced by County sewer system through a series of force mains and gravity lines to the Lahaina Wastewater Reclamation Facility.

Drainage -- The majority of storm runoff from the existing pool area sheet flows toward the north and west. The runoff then ponds in low sump areas and percolates into the ground.

Roadways, Curbs, Gutters and Sidewalks -- Access to the project site is from Nohea Kai Drive via Kaanapali Parkway. Kaanapali Parkway which is a four land divided parkway ties into Honoapiilani Highway.

Electrical and Telephone -- Underground electrical and telephone service is available to the site.

Parks -- There are several parks in the Lahaina region that provide recreational opportunities to the community. The nearest park facility is located just south of the project at the beginning of Kaanapali Resort at Hanakao`o Beach Park.

Schools -- The Department of Education has four (4) public schools in West Maui 1) Lahainaluna High School; 2) Lahaina Intermediate; 3) Kamehameha III School; 4) Princess Nahienaena School (Elementary). All of these schools are located within the Lahaina Town area several miles away.

Solid Waste -- The nearest landfill site is Central Maui Sanitary Landfill in Puunene. There is a transfer station at Olowalu.

Public Services - Fire protection is from the Lahaina Fire Station in the Lahaina Civic and Recreation Center. The Maui Police Department is located at Lahaina Police Station. The nearest hospital is Maui Memorial Hospital located in Wailuku providing acute, general and emergency care services from its 185 bed facility.

DESCRIPTION OF THE PROJECT

The applicant proposes to continue to complete the renovation and expansion of the existing pool deck area, including construction of the additional room by the swimming pool.

REVIEWING AGENCIES

Department of Public Works and Waste Management -- Memo dated September 21, 1998 (Exhibit 12)

Department of Water Supply -- No comments received

ANALYSIS

LAND USE

According to the West Maui Community Plan, the project is designated "Hotel" (H) (Exhibit 5). The proposed development is consistent with the community plan for hotel/resort district. The proposed improvements would primarily serve hotel guests and a permitted uses in the Hotel district.

Within the State Urban District, state planning policies for visitor industries include improving the quality of existing visitor destination areas and that such improvements are sensitive to neighboring communities and activities. The proposed improvements are in an enclosed area which is located centrally on the hotel grounds.

The general plan encourages continuing quality of development in visitor industry facilities that includes the enhancement of such facilities without substantial increases in room count.

Chapter 19.14, Maui County Code, Hotel Districts, allows for the development of hotel facilities.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

In reviewing the original application for the SMA permit, the Department of Land and Natural Resources/Historic Preservation Division(DLNR/SHPD) commented that during the construction of the resort two burials were identified at least two meters below surface in the elevator shaft excavation area between the two south towers. The proposal of the Applicant involved "only surface disturbance" and was not to reach the layer which contained the burials. The Applicant has stated that it is unlikely that the proposed project will reach the layer which contained the burials, thus, a determination was made by DLNR/SHPD that the project will have an effect on historic sites. Therefore, the proposed project is not anticipated to have an effect on historic sites, as long as work is limited to only surface disturbances, and does not reach the layer which contained the burials.

As such, the Applicant is reminded of the previous representations made by the same to DLNR/SHPD and of comments submitted to the Planning Department by DLNR/SHPD that the improvements will involve only surface disturbance and not reach the layer where the burials were encountered.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

The Department of Public Works and Waste Management offered no comments on the time extension.

1. **Water** -- The proposed renovations would have a negligible effect upon water usage. No new units are being added and the landscaped area requiring irrigation is being reduced somewhat.

2. **Sewers** -- The project is not anticipated to impact existing County wastewater collection and treatment facilities. The renovations are to provide better amenities for guests and would not increase peak flows.

3. **Drainage** -- The Applicant estimates a net increase in surface runoff of CFS due to the proposed improvements. This is deemed negligible and the direction of the runoff will not be altered from existing conditions. No adverse effects to downstream properties are anticipated.

4. **Roadways, Curbs, Gutters and Sidewalks** -- It is not expected that existing traffic conditions on the surrounding roadways will be affected. Traffic levels on the surrounding roadways and off-street parking will not be impacted since the project does not involve the expansion to the number or size of units within the existing condominium.

5. **Electrical and Telephone** -- Services are currently provided and available to the project site. No impacts are anticipated as a result of this project.

6. **Parks** --The proposed project is not anticipated to adversely impact existing park facilities.

7. **Schools** -- No school service is needed by the project since there are no permanent employees living on site. No impacts to nearby schools of the Lahaina region are not anticipated as a result of this project.

8. **Solid Waste** -- According to the Department of Public Works and Waste Management, the Applicant will be required to implement a Solid Waste Management Plan which addresses both construction waste and waste generated by the commercial users of the site. The Plan should minimize waste to be land filled and emphasize recycling, re-use, composting and waste reduction measures. The applicant will be required to utilize alternate means of disposal of grubbed material and rock other than disposed of at the County landfills. The applicant is requested to contact the Solid Waste Division of the Department of Public Works and Waste Management for additional information.

9. **Public Services** -- No adverse impacts on police and fire protection services, and medical services are anticipated.

SOCIO-ECONOMIC IMPACTS

On a short term basis, the project will support construction and construction related employment. In the long term, the proposed project will provide enhancements to visitor facilities, in keeping with the current need for improved visitor amenities for the hotel.

The Commission on Persons with Disabilities comments that common-use facilities that will undergo renovations should have equivalent accommodation for the disabled and should be consistent with the Maui Building Department review.

ENVIRONMENTAL IMPACTS

There will be short term noise and air quality impacts during the construction phases of the project. Best management practices should be incorporated into the project in accordance with Federal, State and County standards.

OTHER GOVERNMENTAL APPROVALS

According to Chapter 5-11, Maui Planning Commission Rules, minor structures that do not affect beach processes, nor artificially fix the shoreline, and do not interfere with public access or views along the shoreline may be approved by the Planning Director. Minor structures include single-storied service and recreational buildings, paved lanais, swimming pools, and beach use facilities.

On September 21, 1993, the Maui Planning Commission assessed the structures within the Shoreline Area as minor structures.

TESTIMONY

As of January 28, 1999 the Planning Department has received no testimonies in support or in opposition to the proposed project.

CONCLUSION OF LAW

Essentially, the previous Findings of Fact, Conclusions of Law, Decision and Order adopted by the Maui Planning Commission on September 21, 1993

and as amended by the Maui Planning Commission on January 28, 1997, are still applicable to the project with the inclusion of the Department's Report and Recommendation dated February 9, 1999.

RECOMMENDATION

Pursuant to the foregoing the Maui Planning Department recommends approval of the applicant's request for a time extension on the period to complete construction. Said approval shall be subject to the following conditions:

I. Standard Conditions:

1. That construction improvements shall be completed by April 15, 2002. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit.

2. That final construction shall be in accordance with preliminary architectural plans dated March 31, 1993.(Previously Condition 4)

3. 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.(Previously Condition 5)

4. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with §12-202-17(d) of the Special Management Area Rules of the Maui 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 to said contested case and their counsel.(Previously Condition No.7)

5. 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 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.(Previously Condition No. 8)

6. That full compliance with all applicable governmental requirements shall be rendered.(Previously Condition 9)

7. 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 Maui Planning Department for review and approval.

8. That the applicant shall submit to the Planning Department five (5) copies of a final compliance report prior to the issuance of the Certificate of Occupancy for the concession facility addressing its compliance with the conditions established with the subject Special Management Area Use Permit.

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

II. Project Specific Conditions:

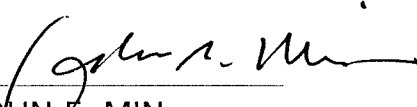
10. That the proposed trellis columns shall not extend more than eighteen (18) inches makai beyond the existing raised pool deck area.(Previously Condition No. 10)

11. That the owners and their contractors shall implement solid waste reduction, re-use and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills. (Previously Condition 12)(Already completed)

The conditions of this Special Management Area Use Permit shall be enforced pursuant to §12-202-23 and §12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation Report prepared for the February 9, 1999 meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said Decision and Order on behalf of the Planning Commission.

APPROVED:



JOHN E. MIN
Director of Planning

LAWRENCE N.C. ING
PAUL L. HORIKAWA
JEFFREY T. KUWADA
DAVID M. JORGENSEN

2145 WELLS ST., STE. 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2222
(808) 242-4555 • FAX: (808) 244-6964

LAW OFFICES OF
ING, HORIKAWA & KUWADA MAY 18 P3:54

May 18, 1998

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

HAND DELIVERY

David W. Blane, Director
Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Re: Extension of Special Management Area Use Permit
for Kaanapali Alii Condominium Renovations, on behalf of
the Association of Apartment Owners of Kaanapali Alii
TMK (2) 4-4-08:022, Lahaina, Maui, Hawaii (93/SM1-015)

Dear Mr. Blane:

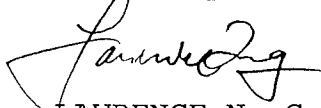
On behalf of the Association of Apartment Owners of Kaanapali Alii,
the undersigned requests a **three (3) year** extension of its Special
Management Area Use Permit which is currently valid through
September 20, 1998.

There has been no change to its use since the original approval on
September 22, 1993 and improvements are still in the process of
being designed, financed and completed.

Please call if further information and/or clarification is needed.

Thank you.

Sincerely,



LAWRENCE N. C. ING

cc: Peter Rice, Executive Vice President
Mark Altier, General Manager

aoaoka.c35/90-530/479.02/1s

EXHIBIT

LAWRENCE N.C. ING
PAUL L. HORIKAWA
JEFFREY T. KUWADA
DAVID M. JORGENSEN

2145 WELLS ST., STE. 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2222
(808) 242-4555 • FAX: (808) 244-6964

LAW OFFICES OF
ING, HORIKAWA & KUWADA

'98 JUL 13 A9:30

July 13, 1998

HAND DELIVERY

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Joe Alueta, Planner
Department of Planning
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

Re: Extension of SMA Permit for Kaanapali Alii Condominium
Renovations on behalf of the AOA of Kaanapali Alii;
TMK (2) 4-4-08:022, Lanaina, Maui, Hawaii (93/SM1-015

Dear Mr. Alueta:

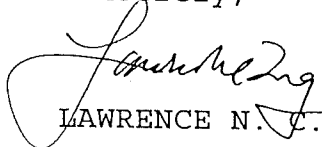
Please be informed that the swimming pool and trellis structure and the entryway improvements have been completed. Construction of the additional room by the swimming pool has not been initiated due to financing and incomplete design work.

Enclosed for your information and file are copies of the following:

- 1) Application for Building Permit dated March 10, 1994, for the swimming pool renovations and new trellis structure; and
- 2) Building Permit dated August 26, 1997, for alterations - Entries 1 & 2.
- 3) Building Permit dated August 26, 1997, for alterations.

Call if you should have any questions.

Sincerely,


LAWRENCE N.C. ING

Encls.

cc: Mark Altier, General Manager

kaapsma.b35/90-530/0479.02/1g

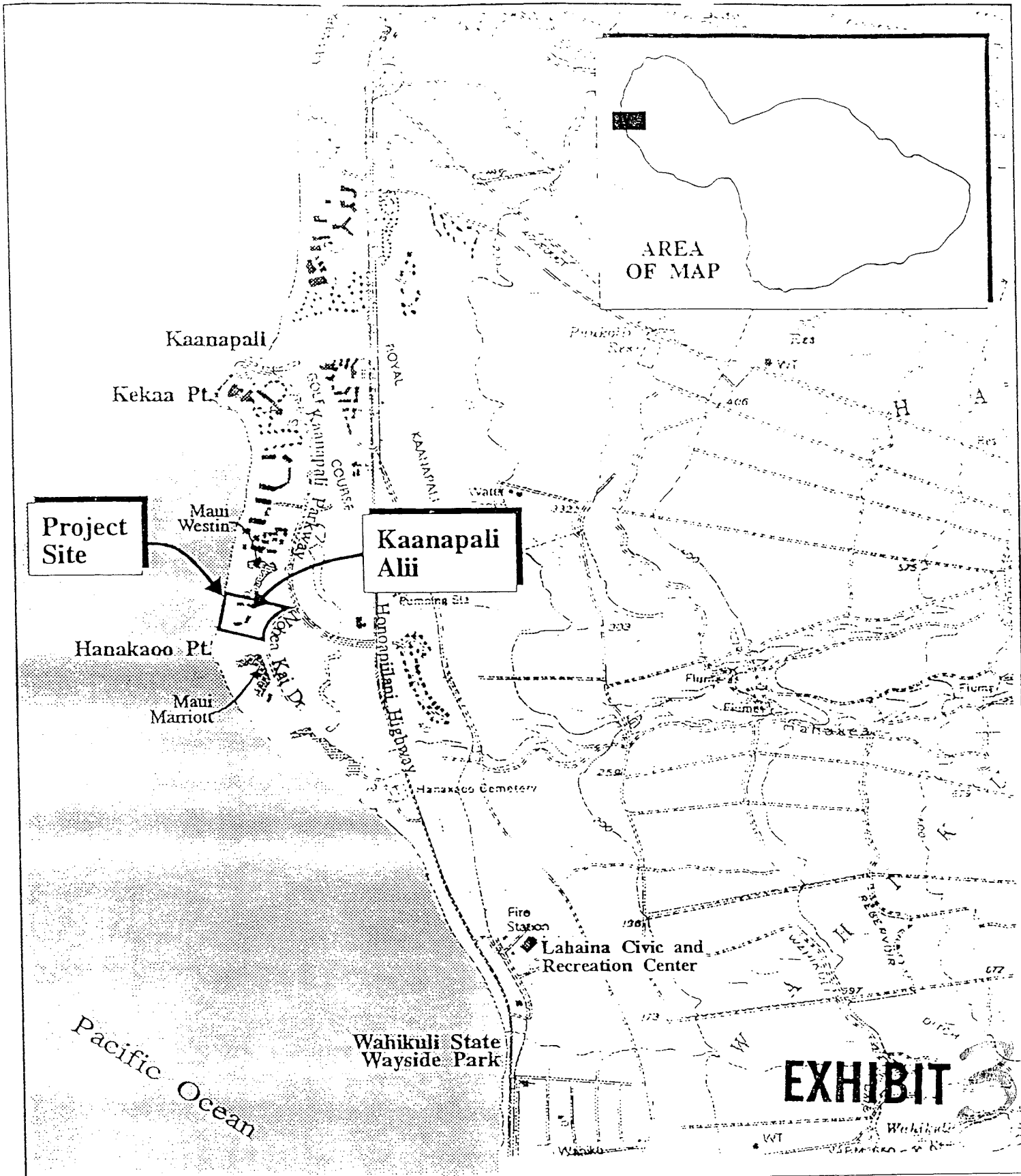


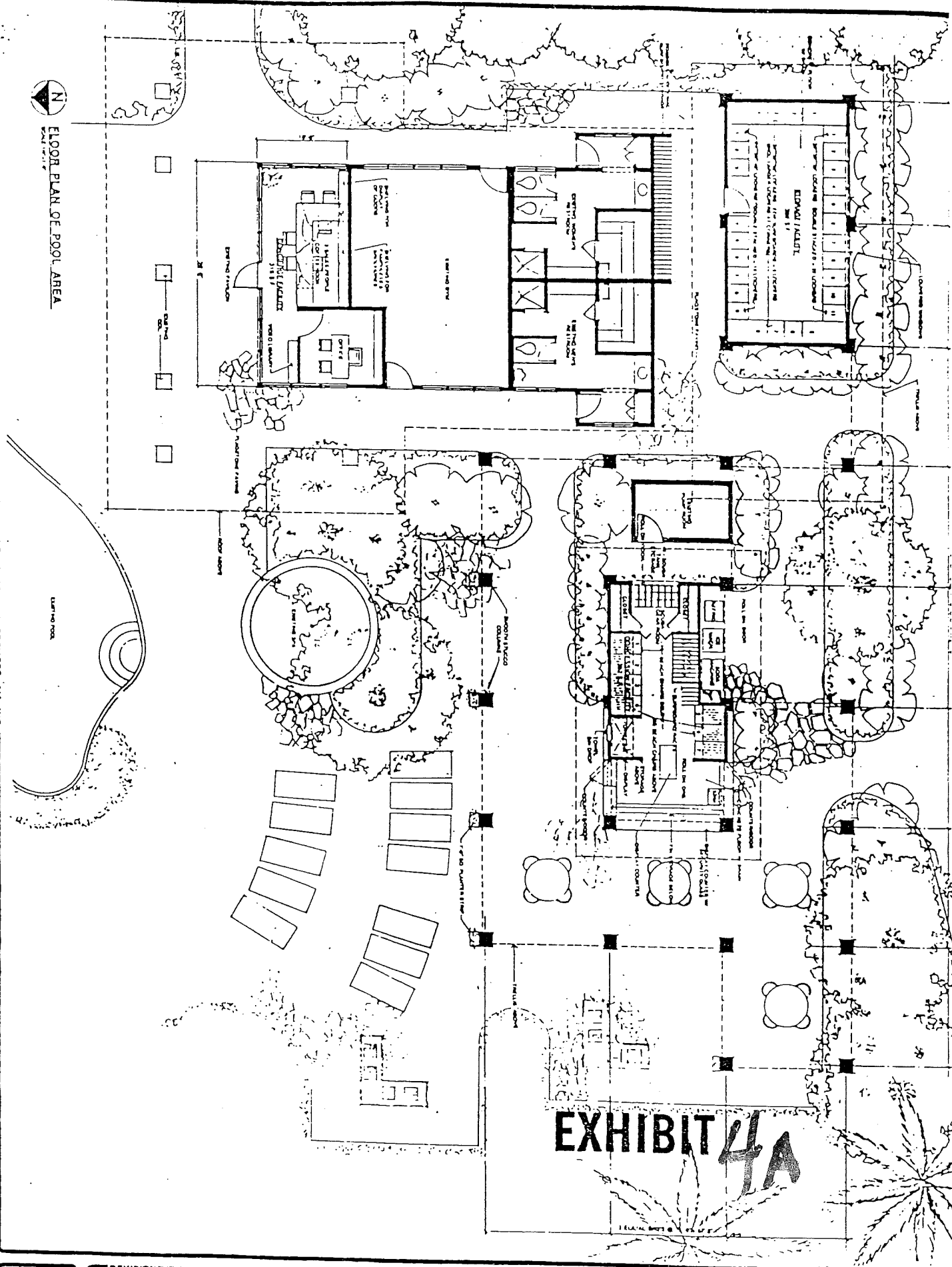
Figure 1 Kaanapali Alii Swimming Pool Deck and Entryway Improvements Regional Location Map





FLOOR PLAN OF POOL AREA

SIMA, YOSHIMIZI & ASSOCIATES, A.A./INC.



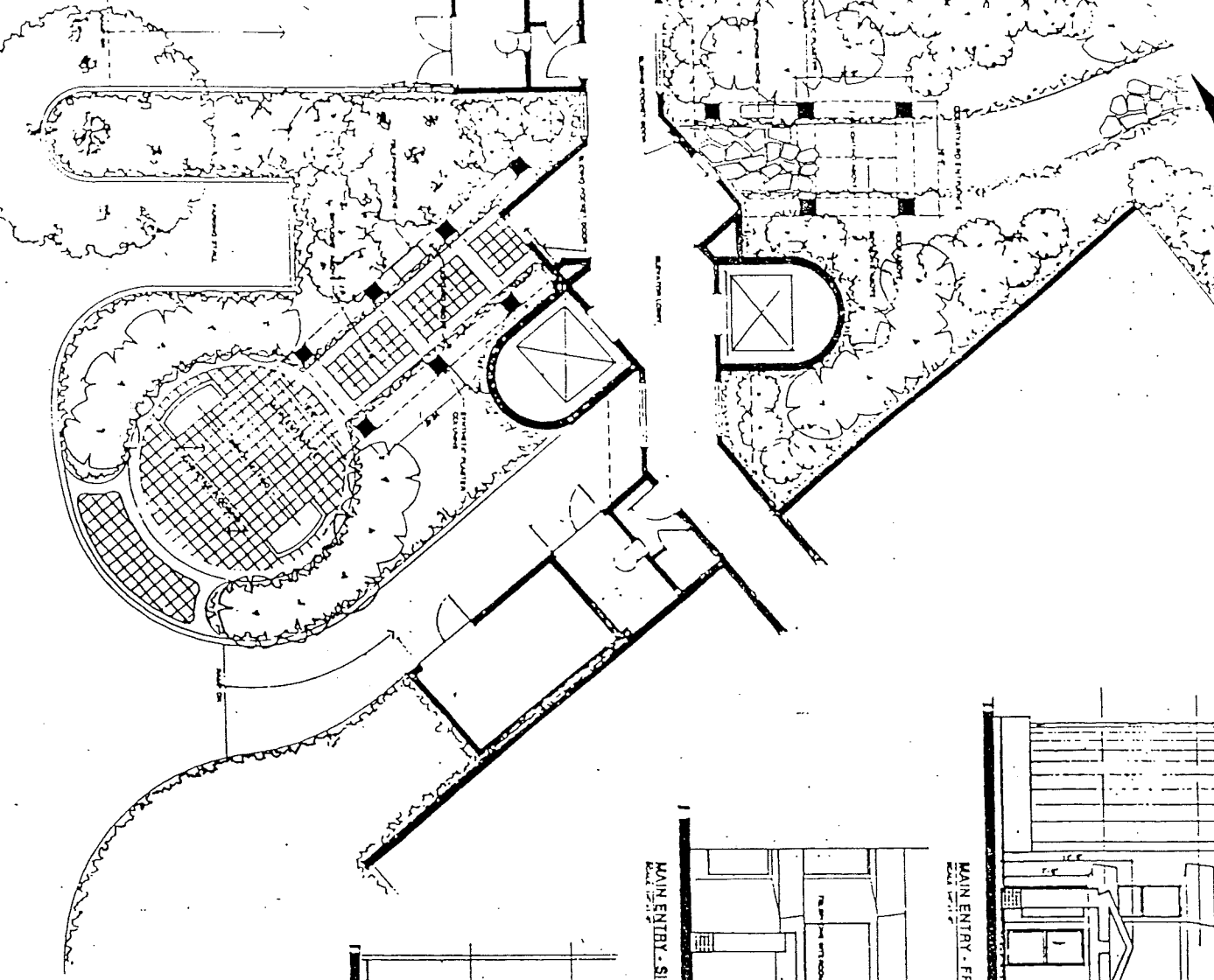
NO.	DATE	REVISIONS

KAANAPALI ALI
 ADDITIONS / RENOVATIONS

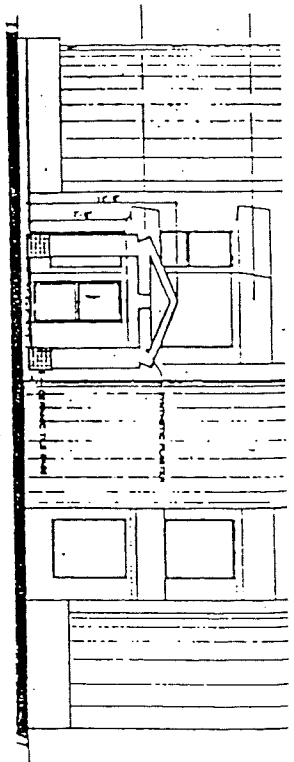
Gino, Yoshin & ASSOCIATES, A.A.



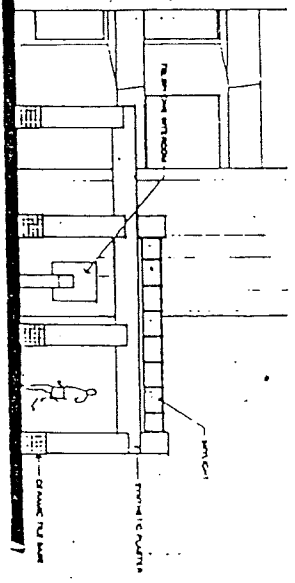
SOUTH BUILDING FIRST FLOOR PLAN



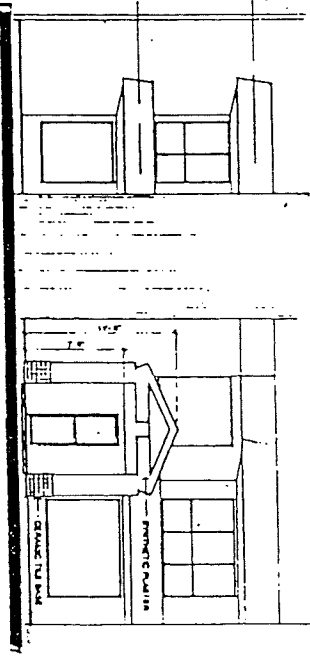
GIMA, YOSHIMORI & ASSOCIATES, AIA, INC.



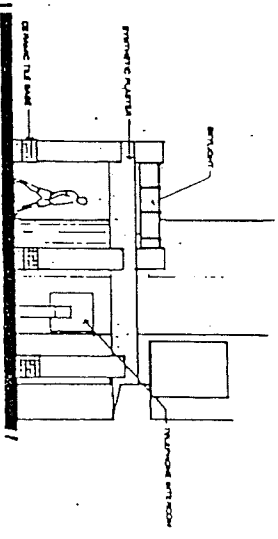
MAIN ENTRY - FRONT ELEVATION



MAIN ENTRY - SIDE ELEVATION



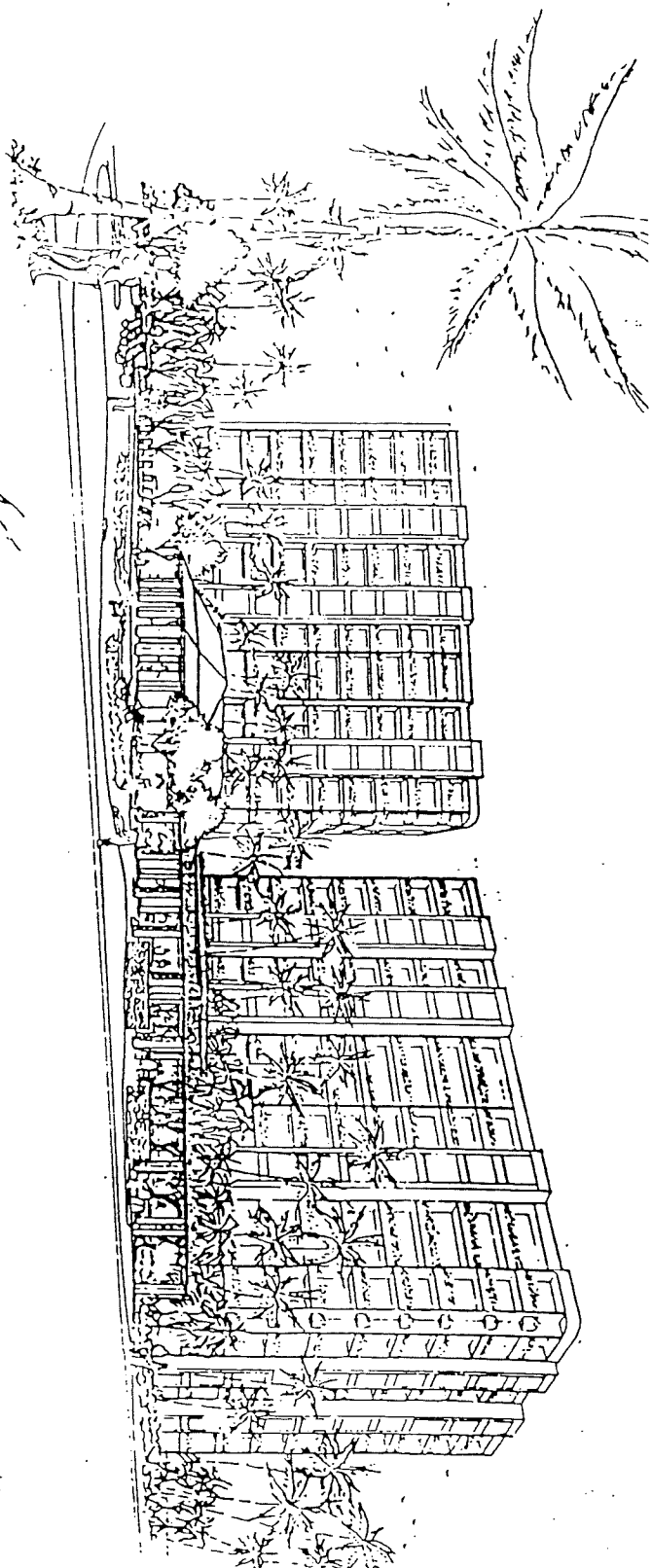
COURTYARD ENTRY - FRONT ELEVATION



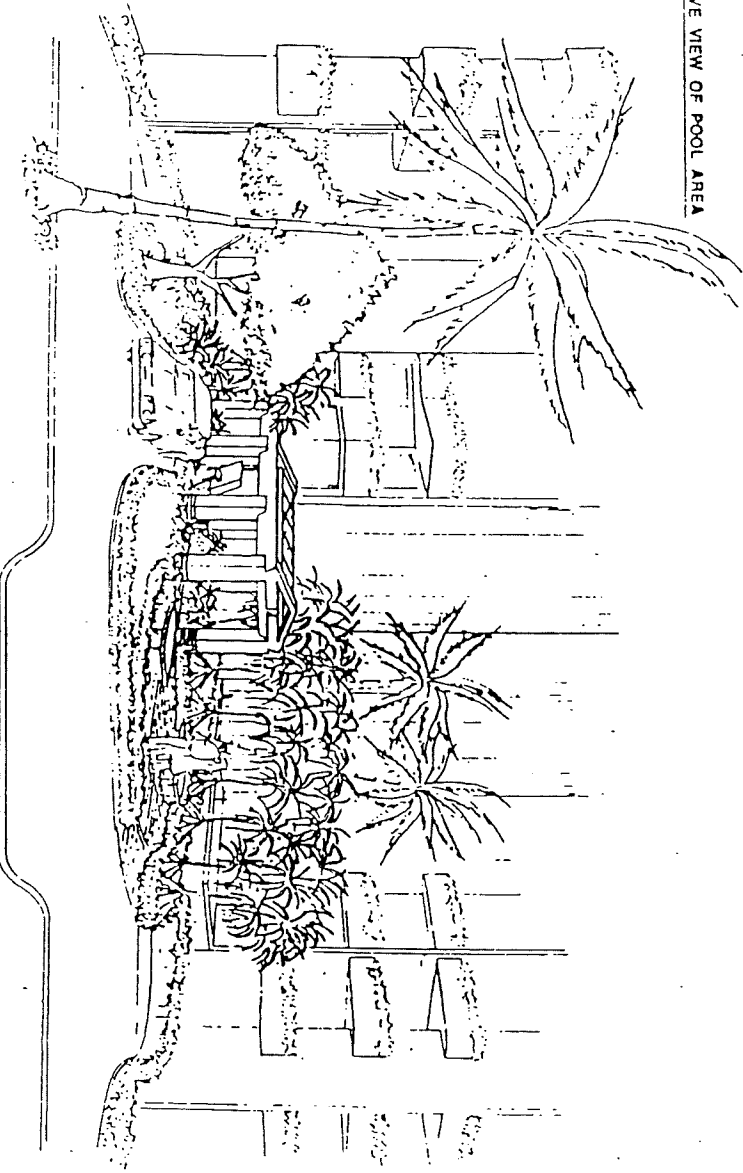
COURTYARD ENTRY - SIDE ELEVATION

EXHIBIT 48

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PERSPECTIVE VIEW OF POOL AREA



PERSPECTIVE VIEW OF MAIN ENTRY

GIMA, YOSHIMORI & ASSOCIATES, AIA, INC.

EXHIBIT 4C

<p>SK-6 SHEET 7/12</p>	<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																							<p>DATE: 12/11/11</p> <p>PROJECT: KAANAPALI ALII</p> <p>ADDITIONS / RENOVATIONS</p>	<p>KAANAPALI ALII ADDITIONS / RENOVATIONS</p>	<p> </p>	<p>Gima, Yoshimori & Associates, AIA, INC.</p>

KEY

AG	Agriculture
B	Business/Commercial
H	Hotel
LI	Light Industrial
MF	Multi-Family Residential
OS	Open Space
PK	Park
PD	Project District
P	Public/Quasi-Public
SF	Single Family Residential

EXHIBIT 5

EXHIBIT

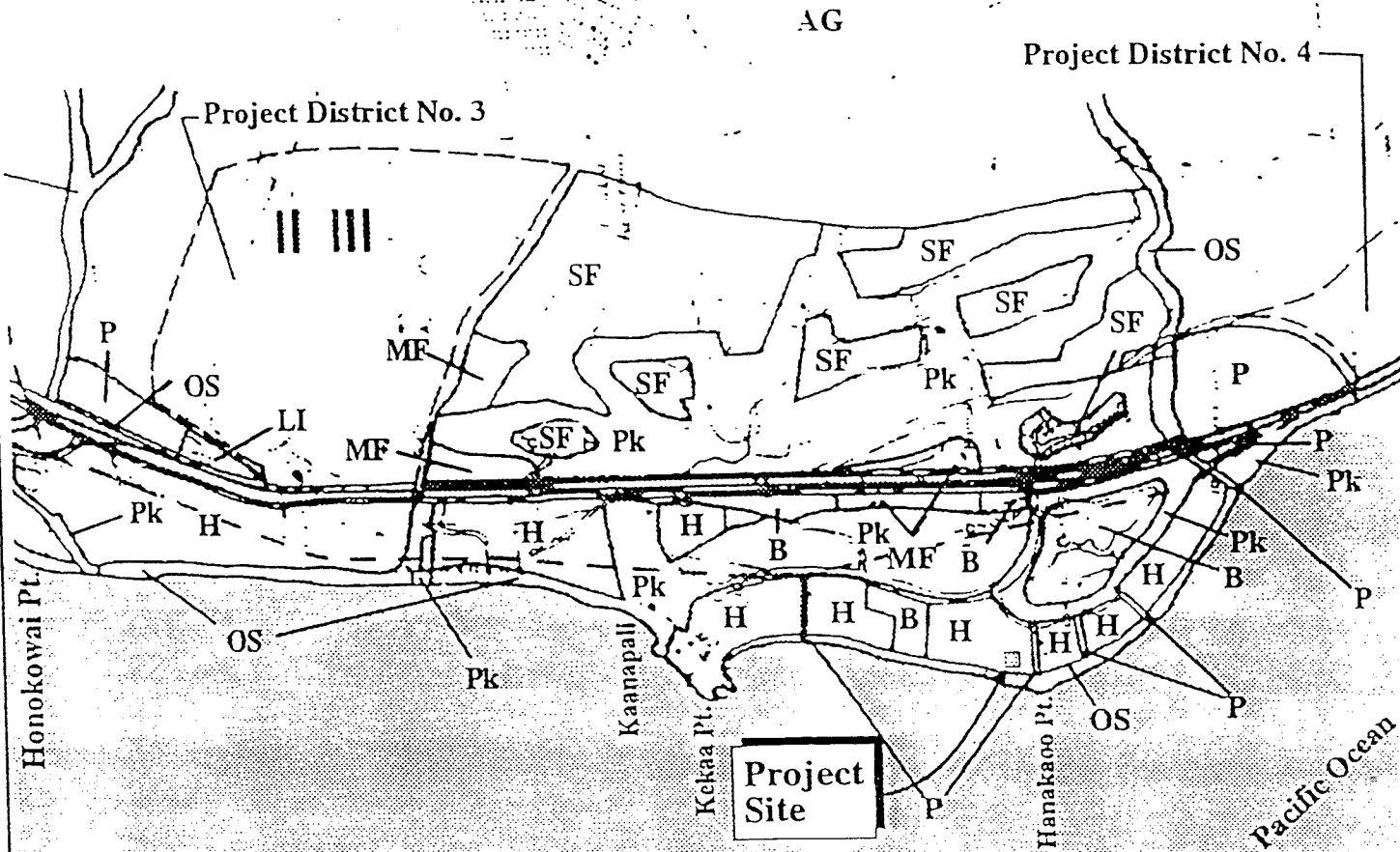


Figure 10 Kaanapali Alii Swimming Pool Deck and Entryway Improvements
Community Plan Designations



LINDA CROCKETT LINGLE
Mayor



BRIAN W. MISKAE
Director

GWEN Y. OHASHI
Deputy Director

COUNTY OF MAUI
PLANNING DEPARTMENT

250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

September 22, 1993

Lawrence N. C. Ing
2145 Wells St., Ste. 204
Wailuku, Maui, HI 96793

Dear Mr. Ing,

RE: **Kaanapali Alii Condominium Renovation, TMK:4-4-08:22,
Kaanapali, Maui, Hawaii, (93/SM1-015, 93/ACC-001)**

At its regularly scheduled meeting on September 21, 1993, the Maui Planning Commission held a public hearing and reviewed the subject request. After due deliberation the Commissioners voted to approve the request subject to the following conditions:

1. That construction of the proposed project shall be initiated by **September 20, 1995**. Further, 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.
2. That the Accessory Use Permit shall be valid for a period of three (3) years from the date of its granting or until **September 20, 1996**, subject to further extensions by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.
3. 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.
4. That final construction shall be in accordance with preliminary architectural plans dated **March 31, 1993**.
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.
6. That the conditions of this Special Management Area Use

EXHIBIT 6

Permit shall be self enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Maui 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 ten (10) days of the date of receipt of such notice of alledged breach. If no request for hearing is filed within said ten (10) day period, the Maui Planning Commission may revoke said Special Management Area Use Permit. (Standard self-enforcing and breach of SMA condition)

7. That the subject Special Management Area Use Permit and the Accessory Use Permit shall not be transferred without the prior written approval of the Maui 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 to said contested case and their counsel. (Standard non-transferrable condition)

8. 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 Accessory Use Permit and shall hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit. (Standard hold harmless agreement condition)

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

10. That the proposed trellis columns shall not extend more than eighteen (18) inches makai beyond the existing raised pool deck area.

11. That should any archaeological artifacts be uncovered during construction, work shall cease and the Applicant shall notify the Department of Land & Natural Resources/Historic Preservation Division to evaluate the situation.

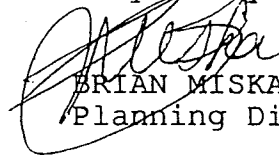
12. That compliance to Public Works and Waste Management comments as may be amended concerning civil engineering drainage evaluation report, implementing a solid waste reduction, re-use and recycling programs and other comments dated July 14, 1993 shall be rendered.

L. Ing, Kaanapali Alii Renovation
September 22, 1993
Page 3

13. That the Petitioner shall submit to the Planning Department a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. Further, this report shall be reviewed and approved by the Planning Department prior to issuance of the building permit.

If you need further assistance please contact the undersigned or Gerald Unabia of this office at 243-7735.

Very Truly Yours,


BRIAN MISKAE
Planning Director

cc: C. Suyama
Milton Arakawa
Public Works & Solid Waste Management (5 copies + report)
Fire Department
Police Department
Department of Land & Natural Resources
DLNR/Historic Preservation Division
Department of Health
J. DuPont/LUCA
G. Unabia, Planning
CZM Files, Proj. Files

al:kaanaren.apv

75-111-103-001
11/11/93

EXHIBIT 6c

308

COUNTY OF MAUI

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

94/439
 3/10/94

Application for Building Permit

INITIAL <input type="checkbox"/> I claim an exemption under Sec. 444-217 of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion. Falsely claiming an exemption is a violation of Sec. 444-217 and carries a fine of forty percent (40%) of the total contract price, or other amounts as stipulated in Sec. 444-23(c). <input type="checkbox"/> I claim exemption from the provisions of Chapter 484 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 49413 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 484-13 (d). <input type="checkbox"/> Approval is granted subject to compliance with the use regulations set forth in Chapter 206, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec. 206-4 of HRS.	AGENCY <input checked="" type="checkbox"/> DEPT. OF WATER <input type="checkbox"/> DEPT. OF HEALTH <input checked="" type="checkbox"/> FIRE MARSHAL <input type="checkbox"/> ENGIN. LICA <input checked="" type="checkbox"/> BUILDING LICA <input checked="" type="checkbox"/> PLANNING DEPT.	SIGNATURE DATE 3/10/94 3/10/94 3/10/94 4/5/94
	ISSUED BY ACCEPT VAL \$ 500,000.00 PERMIT FEE \$ 2,039.50	REMARKS 93/511-15 A compliance report to approved letter attached
Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility in determining conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof. SIGNATURE OF OWNER: <u>Takeshiko Sonoyama, YP</u> DATE: <u>12/6/93</u> HAWAII OMOI CORPORATION	PROJECT NAME: Kaanapali Alii Pool Renovation	
I hereby certify that I am a bona fide contractor licensed in the State of Hawaii. SIGNATURE OF CONTRACTOR: <u>[Signature]</u> DATE:	CONSTRUCTION TYPE: H	
APPLICATION NO. <u>93/2740</u> DATE RECEIVED <u>12/17/93</u>	ZONE <u>H-2</u> REC <u>4</u> PLAN <u>8</u> PAR <u>22</u> CITY <u>4-4-08122</u>	OCCUPANCY GROUP <u>H-2</u> FLOOR ZONE <u>C</u>

APPLICANT PLEASE FILL IN AREA BELOW (TYPE IN)

PROJECT ADDRESS (ROUTE NO. AND STREET) 50 Nohoa Kai Drive, Lahaina, Hawaii 96761	NATURE OF WORK (CHECK ALL THAT APPLY) <input type="checkbox"/> NEW BUILDING <input type="checkbox"/> FENCE <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> RETAINING WALL <input type="checkbox"/> SHELL ONLY <input type="checkbox"/> RELOCATION <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ALTERATION <input type="checkbox"/> RECONSTRUCTION <input checked="" type="checkbox"/> MISC. STRUCTURE <input type="checkbox"/> REPAIR <input checked="" type="checkbox"/> DEMOLITION <input type="checkbox"/> SITE WORK <input type="checkbox"/> SEA WALL <input checked="" type="checkbox"/> SWIMMING POOL		
LEGAL OWNER (FULL NAME) Assoc. of Apt. Owners of Kaanapali Alii (AAOAA)	NOW OCCUPIED AS SWIMMING POOL	TO BE OCCUPIED AS SWIMMING POOL/TRELLIS	
MAILING ADDRESS (INCLUDE ZIP CODE) 50 Nohoa Kai Drive, Lahaina, HI 96761	FOUNDATIONS NA	FLOOR AREA NA	
LEGREEE/TEHANT (1) LEGREEE/TEHANT (2) LEGREEE/TEHANT (3)	ROOF TYPE/SPAN <input checked="" type="checkbox"/> SEWER <input type="checkbox"/> INDIVIDUAL WASTE/WATER SYSTEM	ESTIMATED VALUE OF WORK 8500,000	NO. OF LEAFS NO. OF STORES FLOOR AREA LCT AREA
PLAN MAKER Toring, Clarke & McCelvey, Inc. LA-4431	DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET) FRONT: _____ LEFT: _____ REAR: _____ SIDE: _____		
MAILING ADDRESS (INCLUDE ZIP CODE) 4350 Round Top Dr., Honolulu, HI 96822	REMARKS POOL RENOVATIONS/NEW TRELLIS STRUCTURE		
BUSINESS ADDRESS (INCLUDE ZIP CODE) 16 Street Unit Q, Kahului	TELEPHONE NO. 573-9546		
SIGNATURE OF APPLICANT [Signature]	DATE 12/16/93		

EXHIBIT

BUILDING PERMIT

DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION, COUNTY OF MAUI

PERMIT NO. 97/1375 DATE ISSUED 8/26/97

OWNER Kaanapali Alii LESSEE/TENANT _____

LOCATION 50 Nohea Kai Drive, Kaanapali

FOR Alterations - Entries 1 & 2

THIS PERMIT SHALL EXPIRE AND BECOME NULL AND VOID IF WORK AUTHORIZED UNDER THIS PERMIT IS NOT STARTED WITHIN 90 DAYS FROM DATE OF ISSUANCE OR IF WORK AUTHORIZED UNDER THIS PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER WORK IS COMMENCED FOR A PERIOD OF 90 DAYS.

[Signature]
FOR BUILDING OFFICAL

THIS PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE JOBSITE DURING THE PROGRESS OF WORK AS REQUIRED BY LAW.

2/94

BUILDING PERMIT

DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION, COUNTY OF MAUI

PERMIT NO. 97/1376 DATE ISSUED 8/26/97

OWNER Kaanapali Alii LESSEE/TENANT _____

LOCATION 50 Nohea Kai Drive, Kaanapali

BUILDER Betsill Brothers Construction

FOR Alterations

THIS PERMIT SHALL EXPIRE AND BECOME NULL AND VOID IF WORK AUTHORIZED UNDER THIS PERMIT IS NOT STARTED WITHIN 90 DAYS FROM DATE OF ISSUANCE OR IF WORK AUTHORIZED UNDER THIS PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER WORK IS COMMENCED FOR A PERIOD OF 90 DAYS.

[Signature]
FOR BUILDING OFFICAL

THIS PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE JOBSITE DURING THE PROGRESS OF WORK AS REQUIRED BY LAW.

2/94

TO: MARK

661-0147

EXHIBIT
982

4579

LAWRENCE N.C. ING
PAUL L. HORIKAWA
JEFFREY T. KUWADA
DAVID M. JORGENSEN

2145 WELLS ST., STE. 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2222
(808) 242-4555 • FAX: (808) 244-6964

LAW OFFICES OF
'96 AUG -2 P3:32 ING & HORIKAWA

August 2, 1996

HAND DELIVERY

Mr. David Blane, Director
Planning Department
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

Re: Kaanapali Alii Condominium at TMK 4-4-08:22,
Kaanapali, Lahaina (93/SM1-015, 93/ACC-001)

Dear Mr. Blane:

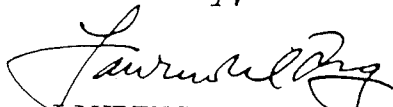
On behalf of the Association of Apartment Owners of Kaanapali Alii Condominium, the undersigned requests an amendment to the Special Management Area Use permit conditions stated in the approval letter dated September 22, 1993, by separating Condition No. 2 regarding the Accessory Use Permit from said SMA conditions and having it only for said Accessory Use Permit. A copy of said approval letter is enclosed for your quick perusal.

Upon separation, we request an unlimited extension of the Accessory Use Permit which is currently valid through September 20, 1996 as construction of the improvements have been completed. We also request that the public hearing be waived.

There has been no change to the commercial concessions since the original approval in 1993.

Please call or write if you have any questions.

Sincerely,



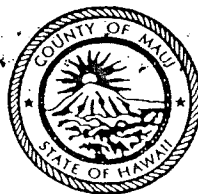
LAWRENCE N. C. ING

Encls.

cc: Peter Rice, Kaanapali Alii
Douglas Sodetani, President

kaapbln3.b35/90-530/479-2/1g

LINDA CROCKETT LINGLE
Mayor



DAVID W. BLANE
Director

GWEN OHASHI HIRAGA
Deputy Director

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

February 3, 1997

Lawrence N. C. Ing, Esq.
Law Offices of Ing & Horikawa
Wells Street Professional Center
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793-2222

Dear Mr. Ing:

RE: County Special Accessory Use Permit Amendment Requested by Lawrence N. C. Ing, Esq., on Behalf of the Association of Apartment Owners of the Kaanapali Alii Condominium for the Continued Operation of a Commercial Concession at the Kaanapali Alii Condominium at TMK: 4-4-08:022, Lahaina, Island of Maui, Hawaii (ACC.930001)

At its regular meeting on January 28, 1997, the Maui Planning Commission reviewed the above request and after due deliberation, voted to grant approval, subject to the following conditions:

1. That the County Special Accessory Use Permit shall be valid for a period of five (5) years, until September 30, 2001, subject to further extensions by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.
2. That the conditions of this County Special Accessory Use Permit shall be self-enforcing, and accordingly, upon due notice by the Maui Planning Department to the permit holder and the Maui Planning Commission that there is prima facie evidence that a breach has occurred, the permit shall be automatically suspended pending a hearing on the continuity of such County Special Accessory Use Permit, provided that a written request for such a hearing is filed with the Maui Planning Department within ten (10) days of the date of receipt of such notice of alleged breach. If no request for hearing is filed within said ten (10) day period, the Maui Planning Commission may revoke said County Special Accessory Use Permit.

EXHIBIT


Lawrence N. C. Ing, Esq.
February 3, 1997
Page Two

3. That the County Special Accessory Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.
4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Accessory Use Permit and shall defend, indemnify and hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit.
5. That full compliance with all applicable governmental requirements shall be rendered.

Enclosed for your information is a copy of the Department's Report and Recommendation Memorandum dated January 28, 1997.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Lynette Zakabi, Staff Planner, of this office.

Very truly yours,


DAVID W. BLANE
Planning Director

DWB:LUZ:osy

Enclosures

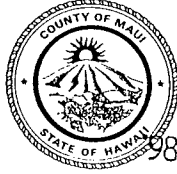
c: Clayton Yoshida, AICP, Planning Program Manager
Lynette Zakabi, Staff Planner
LUCA (2)
*Project File
(G:\p\aluz\jan28.mpc\alii.apr)

7591
LINDA LINGLE
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

Telephone: (808) 243-7845
Fax: (808) 243-7955



98 SEP 22 P2:54
COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

EASSIE MILLER, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

Solid Waste Division

September 21, 1998

MEMO TO: LISA M. NUYEN, DIRECTOR OF PLANNING

F R O M: ^{for} CHARLES JENCKS, DIRECTOR OF PUBLIC WORKS AND WASTE
MANAGEMENT *Charles Jencks*

SUBJECT: SPECIAL MANAGEMENT AREA PERMIT - TIME EXTENSION
KAANAPALI ALII CONDOMINIUM RENOVATIONS
TMK (2) 4-4-008:022
SM1 93/015

We reviewed the subject application and have no comment.

If you have any questions, please call David Goode at 243-7845.

DG:co/mt
S:\LUCA\CZM\ALII.WPD

EXHIBIT 12



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the matter of the application of)	
)	DOCKET NO.
Lawrence N. Ing on behalf of)	Kaanapali Alii
AOAO Kaanapali Alii)	SB
)	
To Obtain A Special Management)	
Area Use Permit Time extension on)	
the period to complete construction)	
on the renovations at the)	
Kaanapali Alii Condominium)	
located on Approximately 8.025)	
acres of Land At Maui Tax Map Key)	
<u>4-4-08:22, Lahaina, Maui, Hawaii</u>)	

ADDENDUM TO THE MAUI PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
FEBRUARY 9, 1999 MEETING

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

SM1 Time Extension for period to complete construction
SM1 930015
S:\ALL\SIMONE\SM1\KAANAPAL.TX\ADDENDUM.MPC

BEFORE THE MAUI PLANNING COMMISSION
COUNTY OF MAUI
STATE OF HAWAII

In the matter of the application of)	
)	DOCKET NO.
Lawrence N. Ing on behalf of)	Kaanapali Alii
AOAO Kaanapali Alii)	SB
)	
To Obtain A Special Management)	
Area Use Permit Time extension on)	
the period to complete construction)	
on the renovations at the)	
Kaanapali Alii Condominium)	
located on Approximately 8.025)	
acres of Land At Maui Tax Map Key)	
<u>4-4-08:22, Lahaina, Maui, Hawaii</u>)	

BRIEF HISTORY OF APPLICATION (Amend Page 4)

11. In a telephone conversation on January 25 1999, the Maui Planning Department (Department) requested information from the Applicant concerning five (5) issues of concern. In response to the Department's inquiries, a letter was submitted to the Department dated February 2, 1999, addressing these five (5) areas of concerns, as follows:(Exhibit 13)

1. Status of the proposed renovation and expansion of the existing pool deck area.

a. Completed:

- Construction of a trellis which will cover the proposed concession facility and the proposed storage structure;
- New barbecue area with tables and chairs;
- Underwater bench seating at the west end of the pool;
- Retiling of the pool; and
- Construction of random stone walkways around the perimeter of the pool deck area.

b. Incomplete:

- Construction of a 392 sq. ft. concession facility which will include beach rental equipment, a towel bin and

space for scuba equipment;

- Construction of a 406 sq. ft. storage structure which will include locker spaces;
- Construction of an elevated sunning terrace;
- Construction of three pool side planters (24"width) around the pool; and
- Construction of a concierge facility.

2. Status of the proposed renovation and addition to the main entrances and courtyard entrances to the north towers and the south towers.

The Applicant states:

"All renovations and additions were completed."

3. Distance of the pool deck to the certified shoreline.

The Applicant states:

"Per page 9 of the Maui Planning Department's Report to the Maui Planning Commission on the September 21, 1993 meeting, the following is stated:

'The certified shoreline is approximately 75' to the makai columns of the trellis and the existing raised pool deck is approximately 83' from the shoreline.' (Exhibit 14)

4. Compliance Report

The Applicant states:

"See attached letter dated December 9, 1993 from Milton Arakawa, Engineer, to Brian Miskae, Director, Planning Department." (Exhibit 15)

5. Compliance to Conditions Nos. 10, 11, and 12:

Condition No. 10

That the proposed trellis columns shall not extend more than eighteen (18) inches makai beyond the existing raised pool deck area.

Condition No. 11

That should any archaeological artifacts be uncovered during construction, work shall cease and the Applicant shall notify the Department of Land and Natural Resources/Historic Preservation Division to evaluate the situation.

Condition No. 12

That compliance to Public Works and Waste Management comments as may be amended concerning civil engineering drainage evaluation report, implementing a solid waste reduction, re-use and recycling programs and other comments dated July 14, 1993 shall be rendered.

The Applicant states:

"Condition No. 10. The proposed trellis columns did not extend more than eighteen (18) inches makai beyond the existing raised pool deck area."

"Condition No. 11. There were no archaeological artifacts uncovered during construction of the aforesaid renovation and expansion of the existing pool deck area and the renovation and addition to the main entrances and courtyard entrances to the north towers and south towers."

"Condition No. 12. See attached letter dated December 2, 1993 from Milton Arakawa, Engineer, to David Wissmar, Solid Waste Division Chief, and Mr. Wissmar's response letter dated December 28, 1993." (Exhibit 16)

12. A letter dated February 2, 1999, from the Department of Water Supply was received on February 3, 1999. (Exhibit 17)

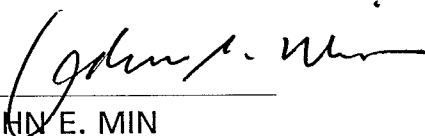
ANALYSIS

On February 5, 1999, a site visit was conducted of the subject property. Construction of the trellis, barbeque area, underwater bench seating, retiling of the pool, and random stone walkways were observed to be completed. The trellis did not appear to extend more than eighteen (18) inches makai beyond the existing raised pool deck area, and as such the project is in compliance with Condition No. 10 of the subject SMA permit.

Construction was also observed to not be initiated for the 392 sq. ft. concession facility, the 406 sq. ft. storage structure, the elevated sunning terrace, three pool side planters around the pool, and a concierge facility.

All other renovations to the main entrances and courtyard entrances to the north and south towers were observed to be completed.

APPROVED:

A handwritten signature in black ink, appearing to read "John E. Min", written over a horizontal line.

JOHN E. MIN

Director of Planning

785

LAWRENCE N.C. ING
PAUL L. HORIKAWA
JEFFREY T. KUWADA
DAVID M. JORGENSEN

2145 WELLS ST., STE 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2222
(808) 242-4555 • FAX (808) 244-6964

LAW OFFICES OF
ING, HORIKAWA & KUWADA 99 FEB -2 P4:21

February 2, 1999

DEPT OF PLANNING

HAND DELIVERY

Ms. Simone Bosco, Staff Planner
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Re: Special Management Area Use Permit Time Extension for
Kaanapali Alii AOA on the Period to Complete Construction
at TMK 4-4-008:022, Lahaina, Maui, Hawaii (SM1 930015)

Dear Simone:

This is in response to your inquiries, as follows:

1. Status of the proposed renovation and expansion of the existing pool deck area.
 - a. Completed:
 - Construction of a trellis which will cover the proposed concession facility and the proposed storage structure;
 - New barbecue area with tables and chairs;
 - Underwater bench seating at the west end of the pool;
 - Retiling of the pool; and
 - Construction of random stone walkways around the perimeter of the pool deck area.
 - b. Incompleted:
 - Construction of a 392 sq. ft. concession facility which will include beach rental equipment, a towel bin and space for scuba equipment;
 - Construction of a 406 sq. ft. storage structure which will include locker spaces;
 - Construction of an elevated sunning terrace;
 - Construction of three poolside planters (24" width) around the pool; and
 - Construction of a concierge facility.
2. Status of the proposed renovation and addition to the main entrances and courtyard entrances to the north towers and the south towers.

All renovations and additions were completed.

EXHIBIT
12a

Ms. Simone Bosco, Staff Planner
Page 2
February 2, 1999

3. Distance from pool deck to the certified shoreline.

Per page 9 of the Maui Planning Department's Report to the Maui Planning Commission on the September 21, 1993 meeting, the following is stated:

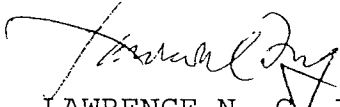
"The certified shoreline is approximately 75' to the makai columns of the trellis and the existing raised pool deck is approximately 83' from the shoreline."

3. Compliance Report. See attached letter dated December 9, 1993 from Milton Arakawa, Engineer, to Brian Miskae, Director, Planning Department.

In regards to the conditions in the Planning Department's approval letter dated September 22, 1993, please be informed of the following:

- a. Condition No. 10. The proposed trellis columns did not extend more than eighteen (18) inches makai beyond the existing raised pool deck area.
- b. Condition No. 11. There were no archaeological artifacts uncovered during construction of the aforesaid renovation and expansion of the existing pool deck area and the renovation and addition to the main entrances and courtyard entrances to the north towers and south towers.
- c. Condition No. 12. See attached letter dated December 2, 1993 from Milton Arakawa, Engineer, to David Wissmar, Solid Waste Division Chief, and Mr. Wissmar's response letter dated December 28, 1993.

Sincerely,


LAWRENCE N. C. ING

bosco.b35/90-530/479.02/lg

cc: Peter Rice, Ex. VP (w/ encl.)
Mark Altier, GM (w/ encl.)

EXHIBIT 131

(Exhibit 8)

6. Solid Waste: The Solid Waste Division of Public Works comments that a solid waste reduction program be implemented to reduce the amount of waste materials that will be placed at the County landfills. (Exhibit 7)

7. Public Services: Public services will not be overburdened by the project since any impacts to water, sewers, roads and traffic, drainage, and solid waste will be minimal due to the nature of the renovations.

The Fire Department has no objections to the Applicant's request and also comments that the project is subject to compliance with Fire Code requirements. (Exhibit 7)

SOCIO-ECONOMIC IMPACTS

The proposed project is not expected to create the need for affordable housing. The Applicant states that employment levels at the resort condominium are not expected to increase or decrease. It is expected that in the short-term jobs will be created for the construction industry. In the long-term the condominium project will enhance service and recreational needs of their guests and residents.

The Commission on Persons with Disabilities comments that common-use facilities that will undergo renovation should have equivalent accommodation for the disabled and should be consistent with the Maui Building Department review. (Exhibit 10)

ENVIRONMENTAL IMPACTS

Inasmuch as the site is already a developed resort complex, the SMA request will not impact upon wetlands, native flora and fauna, dune, marine nor stream ecosystems, and, nor any natural features. The pool deck will be enlarged to cover some of the grassed areas near the pool. However, it will not hamper view corridors to the ocean. The site is hemmed in by the four condominium towers, and the Concession will be located unobtrusively in a renovated Pool Equipment Room that is away from the beach area.

OTHER GOVERNMENTAL APPROVALS

According to Chapter 5-11, Maui Planning Commission Rules, minor structures that do not affect beach processes, nor artificially fix the shoreline, and do not interfere with public access or views along the shoreline may be approved by the Planning Director. Minor structures include single-storied service and recreational buildings, paved lanais,

swimming pools, and beach use facilities.

On June 17, 1993 the department received a certified shoreline map dated April 7, 1993 that indicates the "shoreline" follows the vegetation line as located and certified on September 5, 1991. The certified shoreline is approximately 75' to the makai columns of the trellis and the existing raised pool deck is approximately 83' from the shoreline.

In the past storms have undermined this shoreline extensively. Structural building elements should not encroach beyond existing decks or structures. In case of severe storms any damage to pool decks may be readily repaired but damages to buildings would entail emergency permitting measures that may lead to unwanted shoreline protection structures.

The sidewalk fronting the proposed trellis structure is approximately 55' from the shoreline and has not withstood any damage from past storms. The relocated concession facility and trellised area are within the shoreline setback line but except for a small enclosed area and some columns is basically open and should be assessed as minor structures that do not require a shoreline setback variance.

TESTIMONY

As of this date the Planning Department has received no phone calls nor letters either for or against the application.

CONCLUSION

In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;

The site has been previously disturbed and the proposed renovations will not impact any cultural nor natural resources. The DLNR/Historic Preservation Division noted that the improvements will involve only surface disturbance and should not reach the layer that contains burials discovered in an 1982 archaeological report. They have determined that the project will have "no effect" on historic sites. (Exhibit 10)

- (2) Significantly curtails the range of beneficial uses of the environment;



Michael T. Munekiyo Consulting, Inc.

December 9, 1993

Mr. Brian Miskae, Director
Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Special Management Area Permit for Kaanapali Alii Condominium Renovation (93/SM1-015, 93/ACC-001)

Dear Mr. Miskae:

At its meeting of September 21, 1993, the Maui Planning Commission voted to grant a Special Management Area Permit for the proposed Kaanapali Alii Condominium Renovation, subject to conditions. A copy of the approval letter is attached hereto for your reference (Attachment A).

Condition No. 13 of the approval requires that:

... the Petitioner shall submit to the Planning Department a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. Further, this report shall be reviewed and approved by the Planning Department prior to issuance of the building permit.

On behalf of the applicant, Mr. Lawrence N. C. Ing, we are submitting this letter report for your review and approval pursuant to Condition No. 13.

Condition No. 1

Construction documents for the project have been completed and an application for building permit has been filed with the Department of Public Works and Waste Management. Construction is scheduled to begin in April 1994.

EXHIBIT 150

Mr. Brian Miskae, Director
December 9, 1993
Page 2

Condition No. 2

It is acknowledged that the Accessory Use Permit for the concession facility is valid until September 20, 1996 and that a request for extension must be filed at least 90 days prior to its expiration.

Condition No. 3

It is acknowledged that the project must be completed within 5 years after the date of its initiation. It is the intent of the applicant to complete construction within this time frame.

Condition No. 4

Construction plans submitted for building permit are in accordance with preliminary plans submitted March 31, 1993.

Condition No. 5

The contractor will be notified that measures to mitigate impacts of soil erosion, noise and traffic will need to be implemented. The general manager of the resort condominium is located on-site to monitor activities of the contractor.

Condition Nos. 6, 7, 8 and 9

The Applicant will comply with provisions set forth in Condition Nos. 6, 7, 8 and 9.

Condition No. 10

The construction plans show the proposed trellis columns extending not more than eighteen (18) inches makai beyond the existing raised pool deck area.

Condition No. 11

The Contractor will be notified that should any archaeological artifacts be uncovered during construction, work shall cease and the State Historic Preservation Division shall be notified.

EXHIBIT 15b

Mr. Brian Miskae, Director
December 9, 1993
Page 3

Condition No. 12

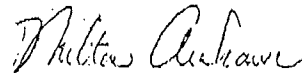
The project will comply with all applicable provisions regarding drainage and accessibility for the handicapped. A solid waste management plan has been submitted to the Solid Waste Division of the Department of Public Works and Waste Management. (Copy attached).

Condition No. 13

In accordance with Condition No. 13, the Planning Department's review and approval of this report is being requested.

If there are any questions, or if additional information is needed, please do not hesitate to contact me.

Very truly yours,



Milton Arakawa

MA:ln
Attachment

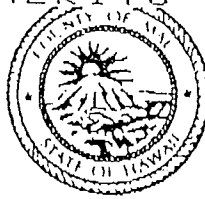
cc: Mark Altier, Kaanapali Aalii (via fax)
Lawrence Ing, Ing, Ige & Horikawa (via fax)
Alan Clarke, Tongg, Clarke & McCelvey (via fax)
Fred W. Loesberg, A.I.A. Architect (via fax)

kpall.001.1e10

EXHIBIT

15c

ANDA CROCKETT LINGLE
Mayor



PL- P-05
BRIAN W. MISKAE
Director

GWEN Y. OHASHI
Deputy Director

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

September 22, 1993

Lawrence N. C. Ing
2145 Wells St., Ste. 204
Wailuku, Maui, HI 96793

Dear Mr. Ing,

RE: Kaanapali Alii Condominium Renovation, TMK:4-4-08:22,
Kaanapali, Maui, Hawaii, (93/SM1-015, 93/ACC-001)

At its regularly scheduled meeting on September 21, 1993, the Maui Planning Commission held a public hearing and reviewed the subject request. After due deliberation the Commissioners voted to approve the request subject to the following conditions:

1. That construction of the proposed project shall be initiated by September 20, 1995. Further, 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.
2. That the Accessory Use Permit shall be valid for a period of three (3) years from the date of its granting or until September 20, 1996, subject to further extensions by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.
3. 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.
4. That final construction shall be in accordance with preliminary architectural plans dated March 31, 1993.
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.
6. That the conditions of this Special Management Area Use

EXHIBIT 15d

L. Ing, Kaanapali Alii Renovation
September 22, 1993
Page 2

Permit shall be self enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Maui 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 ten (10) days of the date of receipt of such notice of alledged breach. If no request for hearing is filed within said ten (10) day period, the Maui Planning Commission may revoke said Special Management Area Use Permit. (Standard self-enforcing and breach of SMA condition)

7. That the subject Special Management Area Use Permit and the Accessory Use Permit shall not be transferred without the prior written approval of the Maui 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 to said contested case and their counsel. (Standard non-transferrable condition)

8. 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 Accessory Use Permit and shall hold the County of Maui harmless from and against any loss, liability, claim or demand arising out of this permit. (Standard hold harmless agreement condition)

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

10. That the proposed trellis columns shall not extend more than eighteen (18) inches makai beyond the existing raised pool deck area.

11. That should any archaeological artifacts be uncovered during construction, work shall cease and the Applicant shall notify the Department of Land & Natural Resources/Historic Preservation Division to evaluate the situation.

12. That compliance to Public Works and Waste Management comments as may be amended concerning civil engineering drainage evaluation report, implementing a solid waste reduction, re-use and recycling programs and other comments dated July 14, 1993 shall be rendered.

EXHIBIT

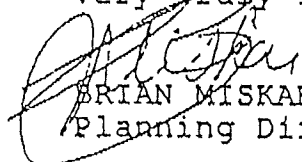
15e

L. Ing, Kaanapali Alii Renovation
September 22, 1993
Page 3

13. That the Petitioner shall submit to the Planning Department a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. Further, this report shall be reviewed and approved by the Planning Department prior to issuance of the building permit.

If you need further assistance please contact the undersigned or Gerald Unabia of this office at 243-7735.

Very Truly Yours,


BRIAN MISKAE
Planning Director

cc: C. Suyama
Milton Arakawa
Public Works & Solid Waste Management (5 copies + report)
Fire Department
Police Department
Department of Land & Natural Resources
DLNR/Historic Preservation Division
Department of Health
J. DuPonte/LUCA
G. Unabia, Planning
CZM Files, Proj. Files

al:kaanaren.apv

EXHIBIT 15f



Michael T. Munekiyo Consulting, Inc.

December 2, 1993

Mr. David Wissmar
Solid Waste Division Chief
County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Special Management Area Use Permit for Kaanapali Aalii Condominium Renovations

Dear Mr. Wissmar:

At its meeting of September 22, 1993, the Maui Planning Commission conditionally approved a Special Management Area Use Permit for the proposed Kaanapali Aalii Condominium Renovations. Condition No. 12 pertains to implementation of a solid waste reduction, re-use and recycling programs.

Enclosed is a copy of the solid waste reduction program for the subject project submitted pursuant to Condition No. 12.

If you have any questions, please feel free to call me.

Very truly yours,

Milton Arakawa

MA:ln
kpujema.001.1e10

EXHIBIT 16a

SOLID WASTE MANAGEMENT PROGRAM
KAANAPALI ALII CONDOMINIUM RENOVATION

December 2, 1993

RECYCLING AND RE-USE PROGRAM: The project is a renovation to an existing pool deck which is not anticipated to generate a significant amount of recyclable materials. However, KaaNapali AlII does have a recycling program for its staff. There are storage containers for newspapers (and any other recyclable paper products) and aluminum products at the subject property. Pick-up arrangements for these products are made.

LANDSCAPING DEBRIS: All landscaping debris (grass clippings, leaves) will be used as mulch. If there is an excess of landscaping debris, the facility will use the "Green Waste" disposal site at Waikapu or any future site as they become available.

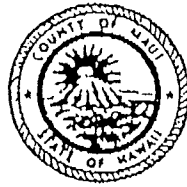
CONSTRUCTION SOLID WASTE MANAGEMENT: KaaNapali AlII will be working with the contractor to minimize construction solid waste in all phases of construction. The disposal of the solid waste will be the responsibility of the contractor.

kp-19wm.001.1e10

EXHIBIT 16b

JAN 03 1994

LINDA CROCKETT LINGLE
Mayor
GEORGE N. KAYA
Director
CHARLES JENCKS
Deputy Director
AARON SHINMOTO, P.E.
Chief Staff Engineer



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration
EASSIE MILLER, P.E.
Wastewater Reclamation Division
LLOYD P.C.W. LEE, P.E.
Engineering Division
DAVID WISSMAR, P.E.
Solid Waste Division
BRIAN HASHIRO, P.E.
Highways Division

December 28, 1993

Mr. Milton Arawkawa
Michael T. Munekiyo Consulting, Inc.
1823 Wells Street, Suite 3
Wailuku, Hawaii 96793

Dear Mr. Arakawa:

SUBJECT: SOLID WASTE MANAGEMENT PLAN FOR THE SPECIAL
MANAGEMENT AREA USE PERMIT FOR KAANAPALI ALII
CONDOMINIUM RENOVATIONS

We are in receipt of your solid waste management plan submitted for the above project and find it acceptable.

Should you have any further questions or concerns, please contact me at 243-7875.

Very truly yours,

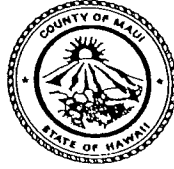
DAVID F. WISSMAR
Solid Waste Division Chief

DFW:jip

Attachments

xc: Planning Department
Land Use & Codes Division

EXHIBIT 16c



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109
Telephone (808) 243-7816 • Fax (808) 243-7833

'99 FEB -3 19:39

February 2, 1999

Mr. John E. Min, Director
County of Maui
Planning Department
250 South High Street
Wailuku, Maui, Hawaii 96793

Re: I.D.: SM1 930015
TMK: 4-4-08:022
PROJECT NAME: Kaanapali Alii Swimming Pool Deck and Entryway Improvements

Dear Mr. Min,

Please be advised, effective May 11, 1998, the Water Department no longer has jurisdiction for commenting and review on private water systems. However, we would be willing to review the construction drawings if the proposed water improvements are to be installed to our standards.

In order to protect ground and surface water resources, DWS recommends that the applicant utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from all construction and vehicle operations. We have attached sample BMPs for construction operations for the applicant's reference. A list of other references is also provided. Additional information is available from the State Department of Health.

The project is located in *Maui County Planting Plan* Plant Zones 3 and 5. Attached is a list of appropriate plants for these zones, as well as a list of potentially invasive plants to avoid. In the event of any future landscape renovations, we encourage the applicant to utilize appropriate native and non-invasive species and avoid use of potentially invasive plants.

In order to conserve both potable and nonpotable water resources, the applicant should refer to the attached documents for water conservation and also consider these listed measures:

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. These units pass water once-through for cooling, and then dispose of the water into the drain. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of

EXHIBIT

17a

low-flow water fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs. Water conserving washing machines, ice makers, and other units are also available.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Refer to the attached handout, "The Costly Drip." The applicant should establish a regular maintenance program.

Use Climate-adapted Plants: Please refer to the "Maui County Planting Plan" and the related attached documents. We encourage the applicants to consider using climate-adapted and salt-tolerant native plants. Native plants adapted to the area, conserve water and further protect the watershed from degradation due to invasive alien species.

Prevent Over-Watering By Automated Systems: Provide rain-sensors on all automated irrigation controllers. Check and reset controllers at least once a month to reflect the monthly changes in evapotranspiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.

Look for Opportunities to Conserve Water: A few examples of these actions are as follows - When clearing driveways, etc. of debris, use a broom instead of a hose. When washing cars, use a hand-operated spray nozzle instead of an open hose. Additionally, check for leaks in faucets and toilet tanks.

Should you have any questions, please feel free to contact our Water Resources and Planning Division at 243-7199.

Sincerely,



David Craddick
Director
emb

C: engineering division
applicant, with attachments

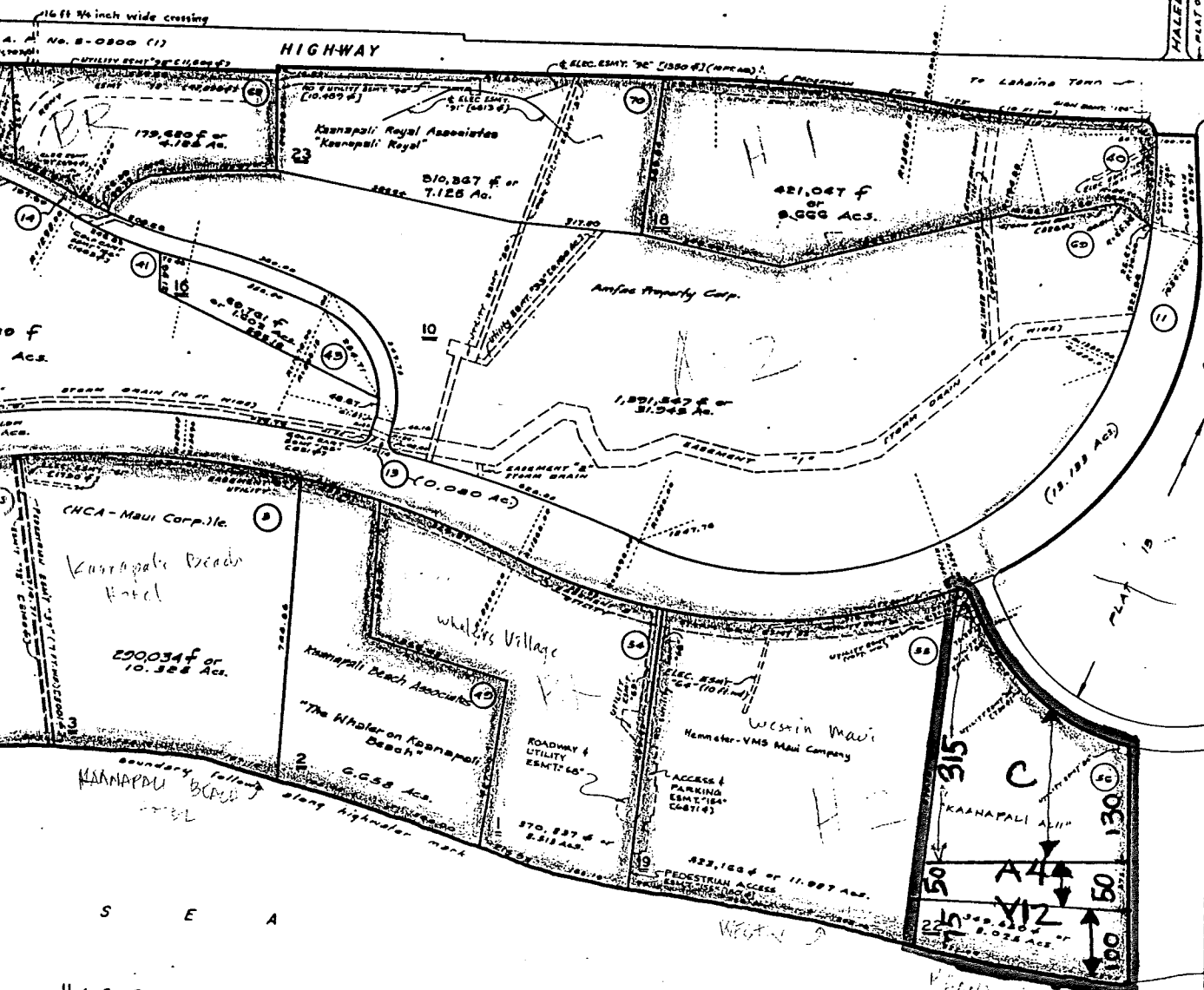
- 1) Selected BMPs from "Guidance Specifying Management Measures For Sources of Nonpoint Pollution In Coastal Waters"
- 2) References for Further Reading from "The Megamanual - Nonpoint Source Management Manual." Commonwealth of Massachusetts
- 3) Invasive Plant List
- 4) Maui County Department of Water Supply, "Plant Zones."

EXHIBIT 176

75-100 FT. = "V12" -- AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATION AND FLOOD HAZARD FACTORS DETERMINED

100-150 FT. = "A4" -- AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED

150-ON IN = "C" -- AREAS OF MINIMAL FLOODING



Note: Parcels 3, 5, 7, 13, 14, 16, 17, & 18 owned by AMFAC, INC. unless otherwise noted & leased as shown.

Parcels Dropped: 8, 12, G, 4

2 623

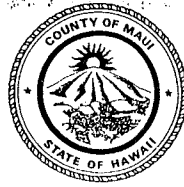
DEPARTMENT OF TAXATION		
TAXATION MAPS BUREAU		
STATE OF HAWAII		
TAX MAP		
SECOND TAXATION DIVISION		
ZONE	SEC.	PLAT
4	4	08
SCALE: 1 IN. = 200 FT		

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 10, 1999

Lawrence N. C. Ing, Esq.
Ing, Horikawa, Kuwada & Jorgensen
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793

Dear Mr. Ing:

RE: Reconsideration of Special Management Area Use Permit Time Extension Denial at the February 9, 1999 Maui Planning Commission Meeting for Kaanapali Alii AOA on the Period to Complete Construction at TMK: 4-4-008:022, Lahaina, Island of Maui, Hawaii (SM1 930015)

At its regular meeting on March 9, 1999, the Maui Planning Commission (MPC) reviewed the above-referenced request and after due deliberation, voted to open up this matter for reconsideration. After due deliberation, the MPC voted to grant approval, subject to the following conditions:

I. Standard Conditions:

1. That construction improvements shall be completed by April 15, 2001. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit.
2. That final construction shall be in accordance with preliminary architectural plans dated March 31, 1993 (previously Condition No. 4).

Lawrence N. C. Ing, Esq.

March 10, 1999

Page 2

3. 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 (previously Condition No. 5).
4. 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 its counsel (previously Condition No.7).
5. 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 the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming the County of Maui as an additional named insured shall be submitted to the Maui Planning Department (Department) within ninety (90) calendar days from the date of transmittal of the Decision and Order (previously Condition No. 8).
6. That full compliance with all applicable governmental requirements shall be rendered (previously Condition No. 9).

7. 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 review and approval.
8. That the applicant shall submit to the Department five (5) copies of a Final Compliance Report prior to the issuance of the Certificate of Occupancy for the concession facility addressing its compliance with the conditions established with the subject Special Management Area Use Permit.
9. 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.

II. Project Specific Conditions:

10. That the applicant shall develop the property in substantial compliance with the representations made to the MPC at the March 9, 1999 MPC meeting and that final construction shall be in accordance with said plans. Failure to so develop the property may result in the revocation of the permit.
11. That the applicant shall participate on a pro-rata share basis in the development of a Kaanapali Beach Management Plan. (This plan shall be initiated by the County of Maui, facilitated by the University of Hawaii, Sea Grant Extension Agent, and include Kaanapali Beach Hotel Association and other Maui County agencies. Said plan is to consider short- and long-term beach erosion mitigation measures, beach management concerns, lateral access, and beach use. The facilitator shall report to the MPC on the progress of the plan every three [3] months for a one [1] year period or until February 19, 2000).

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.

Lawrence N. C. Ing, Esq.
March 10, 1999
Page 4

Thank you for your cooperation. If additional clarification is required, please contact Ms. Simone Bosco, Staff Planner, of this office at 243-7735.

Very truly yours,



JOHN E. MIN
Director of Planning

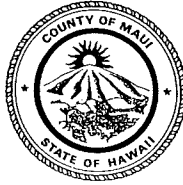
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c: Clayton I. Yoshida, AICP, Deputy Director of Planning
Aaron Shinmoto, PE, Planning Program Administrator (2)
Simone Bosco, Staff Planner
LUCA (2)
Department of Water Supply
Project File
General File
CZM File
S:\ALL\SIMONE\SM1\KAANAPAL.TX\APPROVAL.TX

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 16, 1999

Lawrence N. C. Ing, Esq.
Ing, Horikawa & Kuwada
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793

Dear Mr. Ing:

RE: Special Management Area Use Permit Time Extension for
Kaanapali Alii AOA on the Period to Complete Construction at
TMK: 4-4-008:022, Lahaina, Island of Maui, Hawaii
(SM1 930015)

At its regular meeting on February 9, 1999, the Maui Planning Commission (Commission) reviewed the above-referenced request and after due deliberation, voted to deny the request and indicated that the filing of a new SMA permit application would be more appropriate.

Enclosed for your information is a copy of the Department's Report and Recommendation Memorandum and Addendum Report dated February 9, 1999.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Simone Bosco, Staff Planner, of this office at 243-7735.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Min", is written over a horizontal line.

JOHN E. MIN
Director of Planning

Lawrence N. C. Ing, Esq.
February 16, 1999
Page 2

JEM:SCB:cmb

Enclosures

c: Clayton I. Yoshida, AICP, Deputy Director of Planning
Aaron Shinmoto, Planning Program Administrator
Kelly Cairns, Deputy Corporation Counsel
Simone Bosco, Staff Planner
LUCA (2)
Department of Water Supply
Project File
General File
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