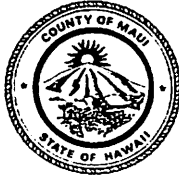


JAMES "KIMO" APANA  
Mayor

JOHN E. MIN  
Director

CLAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

February 13, 2001

Mr. Terry McFarland  
Architects Hawaii, Limited  
1001 Bishop Street, Pacific Tower, Suite 300  
Honolulu, Hawaii 96813

Dear Mr. McFarland:

**RE: Special Management Area Use Permit Application for Aston Kaanapali Shores Relocation, Redesign and Expansion of the Porte Cochere and Lobby Area and Existing Café and Bar; Convert Two Apartment (Condominium) Units to Commercial Business or Service Establishments for Hotel Guests; Convert One Apartment (Condominium) Unit to a "Pre-function" Room, and Construct a New 35-Stall Grassed Parking Area to Replace Existing Stalls and Provide Additional Parking Required for Commercial Uses, 3445 Lower Honoapiilani Highway, TMK: 4-4-001:097 and 103, Lahaina, Maui, Hawaii (SM1 2000/0009)**

Per Mr. Robert Cole's (Chris Hart & Partners) request, the Maui Planning Department (Department) is addressing this letter to you. Please note that the Planning Department's Recommendation Report to the Maui Planning Commission, Condition No. 15 has been deleted and the matter regarding the improvements to Honoapiilani Highway was addressed by the Maui Planning Commission (Commission) in its approval of the application by Condition No. 18. In addition, the Commission added Condition No. 17 relating to the provision of 18 free parking passes for public beach access. Copies of the Department's Report and the Department's Recommendations to the Maui Planning Commission are enclosed.

At its regular meeting on January 9, 2001, the Commission reviewed the above request and after due deliberation, voted to grant approval, subject to the following conditions:

**STANDARD CONDITIONS**

1. That construction of the proposed project shall be initiated by January 31, 2003. 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 timely extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit not later than ten (10) days from the date the Director's action is reported to the Commission.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit.

3. That final construction shall be in accordance with preliminary architectural plans dated October 31, 2000, submitted by Architects Hawaii and the landscape plan submitted November 13, 2000 by Chris Hart & Partners on plans by Architects Hawaii dated September 7, 2000.

4. 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.
5. 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 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.
6. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a certificate of insurance 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.
7. That full compliance with all applicable governmental requirements shall be rendered.

8. 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.
9. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a Certificate of Occupancy.
10. 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.

#### **SPECIAL CONDITIONS**

11. That should historic remains such as artifacts, burials, concentrations of shell or charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor and/or landowner shall immediately contact the State Historic Preservation Division, which shall assess the significance of the find and recommend an appropriate mitigation measure, if necessary.
12. That the applicant shall comply with the recommendations of the Department of Water Supply in the use and conservation of water and in the use of native and climate adapted plants in landscaping and cultivation of the project site and avoid the use of invasive alien plant species.
13. That the applicant submit a detailed final drainage report and a site specific erosion-control plan to the Department of Public Works and Waste Management, with the construction plans, for review

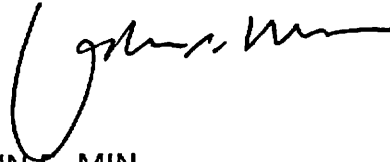
and approval prior to issuance of the grading and building permits. The drainage report shall include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. It must comply with the provision of the "Rules for Design of Storm Drainage Facilities in the County of Maui" and must provide verification that the grading and runoff water generated by the project will not have an adverse effect on adjacent and downstream properties. The site specific erosion-control plan shall show the location and details of structural and nonstructural Best Management Practices.

14. That the construction plans include additional precautions to prevent runoff and sediment into the drainage channel and ocean during construction. No heavy equipment should be allowed to encroach on the ocean- side of the property and in the area adjacent to Honokowai Stream.
15. That the applicant shall comply with Section 19.36 of the Maui County Code, relating to Parking.
16. That the applicant shall comply with the requirements of the Department of Health in regards to asbestos and construction activities and limit construction activities to normal hours of operation.
17. That the applicant shall provide eighteen (18) parking passes to be used for public beach access, free of the regular parking fee. In addition, signage shall be posted at the entrance to the project indicating availability of beach access parking in a manner and format approved by the Planning Director.
18. That the applicant shall provide improvements along the property adjacent to Lower Honoapiilani Road, said improvements shall include pavement widening and construction of curbs, gutters and sidewalks, dedication of road-widening lots, and other improvements as determined by the Director of the Department of Public Works and Waste Management. The initiation of these roadway improvements shall not be necessary for issuance of certificate of occupancy for the proposed lobby renovations and interior improvements, however, the roadway improvements shall be initiated within five years from the initiation of the project.

Mr. Terry McFarland  
February 13, 2001  
Page 6

Thank you for your cooperation. If additional clarification is required, please contact Ms. Julie Higa, Staff Planner, of this office at 270-7814.

Very truly yours,



JOHN E. MIN  
Planning Director

JEM:JH:cmb

Enclosures

- c: Clayton Yoshida, AICP, Deputy Director of Planning
  - David Goode, Director, Department of Public Works and Waste Management
  - Julie Higa, Staff Planner (w/Enclosures)
  - DBEDT, Office of Planning, CZM Program (w/Enclosures)
  - Department of Water Supply (w/Enclosures)
  - DLNR, Commission on Water Resources Management (w/Enclosures)
  - June Harrigan-Lum, DOH, Environmental Planning Office (w/Enclosures)
  - LUCA (2) (w/Enclosures)
  - Project File
  - 01/CZM File (w/Enclosures)
  - General File
- S:\ALL\JULIE\ASTON\approval.corrected.wpd