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MUNEKIYO HIRAGA

Planning Project Management Sustainable Solutions

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

OCT 29 2018

RECEIVED

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VICE PRESIDENT

October 29, 2018

Michele McLean, Director
County of Maui
Department of Planning
Attention: Ann Cua
2200 Main Street, Suite 619
Wailuku, Hawai'i 96793

SUBJECT: Requests for Time Extension and Transfer of Special Management Area (SMA) Use Permit, Shoreline Setback Variance, Planned Development Steps I, II, and III Approvals for the Andaz Maui at Wailea Resort Located at TMK (2)2-1-008:067, Wailea Alanui Drive, Wailea (SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, PD2 2005/0007, PD3 2011/0001)

Dear Ms. McLean:

On behalf of HHR AMW LLC, we are requesting a transfer of the Special Management Area (SMA) Use Permit, (SM1 2005/0035), Shoreline Setback Variance (SSV 2005/0004), and Planned Development Steps I, II, and III Approvals (PD1 2005/0006, PD2 2005/0007, PD3 2011/0001) issued for the development of the Andaz Maui at Wailea Resort (TMK No. (2)2-1-008:067) from current permit holder, Wailea Hotel & Beach Resort, LLC, to current landowner, HHR AMW LLC. In addition, a two (2) year time extension to complete construction of the Andaz Maui at Wailea Resort is also being requested with this submittal.

In order to assist the Department of Planning with processing these requests, we provide the following information regarding the specific transfers and time extension, including a project background, as well as the reasons in support of the requested amendments.

I. PROJECT HISTORY AND BACKGROUND

A. Permit History

1. Baccarat Resort

In 2006, Wailea Hotel & Beach Resort, LLC, received its original approvals granted by the Maui Planning Commission (MPC) to reconstruct the former Renaissance Wailea Beach Resort into the "Baccarat Resort". For this project, the MPC granted the following approvals:

1. Special Management Area Use Permit (SM1 2005/0035)
2. Shoreline Setback Variance (SSV 2005/0004)
3. Planned Development Step I (PD1 2005/0006)
4. Planned Development Step II (PD2 2005/0007)

The scope of the project included the demolition of the Renaissance Wailea Beach Resort and construction of a new condominium hotel, the Baccarat Resort, on property identified as TMK No. (2)2-1-008:067. Inclusive of this project were improvements within the shoreline setback (demolition of an existing structure and non-structural improvements including landscaping/irrigation and a fire access lane), as well as improvements to the County of Maui's Uluu/Mokapu Beach Park located on the adjacent parcel identified as TMK No. (2)2-1-008:088.

2. 1 Resort & Residencies, Wailea

With the slowdown of the national and local economies, construction of the Baccarat Resort was delayed and it was ultimately determined that the project, as originally proposed, would not meet the feasibility requirements for development.

As such, subsequently in 2009, Wailea Hotel & Beach Resort, LLC applied for and was granted permits for the reconstruction of the Renaissance Wailea Beach Resort into the "1 Resort & Residencies, Wailea". This project received approval in the form of amendments to SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, and PD2 2005/0007 from the MPC at their meeting on November

10, 2009. A copy of the approval letter dated November 23, 2009 is attached as **Exhibit "A"**.

Generally, the 1 Resort and Residences project involved upgrading the existing resort's main building and grounds, as well as the construction of residential condominiums. The Ulua/Mokapu Beach Park improvements, as well as the work proposed within the shoreline setback area, remained unchanged from the original Baccarat Resort proposal.

3. **Andaz Maui at Wailea Resort**

In 2010, a joint venture between Hyatt Hotels Corporation, Starwood Capital Group, and developer Kobayashi Group, LLC, undertook design adjustments to the previously permitted 1 Resort & Residencies, Wailea in order to develop the existing Andaz Maui at Wailea Resort. The Andaz Maui at Wailea Resort was in substantial compliance with the previously permitted plan for the 1 Resort & Residencies, Wailea project aside from selected project elements that would fit the new brand. The design refinements were approved by the Department of Planning by letter dated February 28, 2011. A copy of the approval letter is attached as **Exhibit "B"**.

In order to proceed with development of the subject property, a Planned Development Step III application was filed with the Department of Planning on October 7, 2011. At its regular meeting on November 8, 2011, the MPC waived its review of the Planned Development Step III application, allowing the Planning Director to take final action. The Planning Director subsequently issued a Planned Development Step III Approval (PD3 2011/0001) for the project by letter dated November 18, 2011. A copy of the approval letter is attached as **Exhibit "C"**.

B. **Existing Conditions and Current Ownership**

As you know, the Andaz Maui at Wailea Resort is open and operational. The resort opened in September 2013 as a joint venture between Hyatt Hotels Corp. and Starwood Capital Group with guest rooms and suites, along with with a full-service spa, restaurants, fitness facility and related amenities. The resort was the tenth hotel to join the Andaz brand and the first in Hawai'i.

All improvements, including the improvements to Ulua/Mokapu Beach Park, permitted pursuant to SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, PD2 2005/0007, and PD3 2011/0001, have been constructed except for the construction of Condo Building A. Condo Building A was approved to contain 19 units. A copy of the previously approved site plan for the property is attached as **Exhibit "D"**.

In March 2018, HHR AMW LLC acquired the subject property from Wailea Hotel & Beach Resort, LLC and is the current landowner. A copy of the deed is attached as **Exhibit "E"**.

Under a long-term management agreement, Hyatt Hotels Corp. will continue to manage the current 301-room resort.

It is noted that construction of the Andaz Maui at Wailea Resort (Condo Building A) must be completed by March 16, 2019. This construction deadline was approved by the Department of Planning by letter dated February 14, 2017 following the MPC's decision to waive their review of a time extension request filed in October 2016, pursuant to Section 12-202-17(e) of the SMA Rules of the MPC. A copy of the Department of Planning's approval letter is attached as **Exhibit "F"**.

II. PROJECT REQUEST

With the exception of Condo Building A, all resort-related development on the subject property had been completed prior to the conveyance of property ownership from Wailea Hotel & Beach Resort, LLC to HHR AMW LLC.

As current landowner, HHR AMW LLC seeks to complete construction of the Andaz Maui at Wailea Resort pursuant to SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, and PD2 2005/0007.

In order to construct Condo Building A, HHR AMW LLC respectfully requests the transfer of previous permits and approvals issued for the subject property from the current permit holder, Wailea Hotel & Beach Resort, LLC. Subsequent to the permit transfers, HHR AMW LLC also respectfully requests a time extension of two (2) years in order to complete construction of Condo Building A, as the previous timeline for development is no longer feasible due to the recent change in property ownership.

Further information regarding these requests is provided below.

A. Permit Transfer Request

As previously discussed, Wailea Hotel & Beach Resort, LLC received approval for a SMA Use Permit and Shoreline Setback Variance in addition to Planned Development Steps I, II, and III Approvals for the development of the Andaz Maui at Wailea Resort. A summary of those permits and approvals is provided below. See **Table 1**.

Table 1.

Type of Permit/Approval	Permit No.	Date of Approval Letters	Exhibits
SMA Use Permit	SM1 2005/0035	November 23, 2009, February 28, 2011, and February 14, 2017	Exhibits A, B, and F
Shoreline Setback Variance	SSV 2005/0004	November 23, 2009, February 28, 2011, and February 14, 2017	Exhibits A, B, and F
Planned Development Step I Approval	PD1 2005/0006	November 23, 2009, February 28, 2011, and February 14, 2017	Exhibits A, B, and F
Planned Development Step II Approval	PD2 2005/0007	November 23, 2009, February 28, 2011, and February 14, 2017	Exhibits A, B, and F
Planned Development Step III Approval	PD3 2011/0001	November 18, 2011	Exhibit C

As the current landowner, HHR AMW LLC requests transfer of the permits and approvals noted in Table 1, above, (SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, PD2 2005/0007, and PD3 2011/0001) from Wailea Hotel & Beach Resort, LLC to HHR AMW LLC.

In support of the permit transfer request, HHR AMW LLC has obtained letters of authorization from Wailea Hotel & Beach Resort, LLC (current permit holder) and Kobayashi Group, LLC (then applicant). The letters of authorization are provided as **Exhibit "G"** and **Exhibit "H"**, respectively. Also provided is a letter of authorization from HHR AMW LLC. See **Exhibit "I"**.

Condition No. 6 of the SMA Use Permit, Shoreline Setback Variance, Planned Development Step I and Step II Approvals (Refer to **Exhibit "A"**) states:

That the subject SMA Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the SMA Rules of the Commission. However, in the event that a contested case hearing preceded issuance of said SMA 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. In addition, the Step 1 and 2 Planned Development Approvals and Shoreline Setback Variance shall not be transferred without the prior written approval of the Director.

In consideration of this condition, we note that a contested case hearing did not precede issuance of the SMA Use Permit and provide the following response to the provisions of Section 12-202-17(d) of the SMA Rules of the MPC.

1. **Provisions of Section 12-202-17(d), SMA Rules, Maui Planning Commission**

In accordance with Section 12-202-17(d) of the SMA Rules for the MPC, a SMA Use Permit transfer request is being submitted to the Department of Planning.

The following information is provided to further address Section 12-202-17(d) of the SMA Rules of the MPC:

a. **Reason(s) for the Permit Transfer**

The Andaz Maui at Wailea Resort is currently open and operational. All improvements, including the improvements to Ulua/Mokapu Beach Park, permitted pursuant to SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, PD2 2005/0007, and PD3 2011/0001, have been constructed, except for the construction of Condo Building A, as previously noted.

In March 2018, HHR AMW LLC acquired the subject property from Wailea Hotel & Beach Resort, LLC and intends to complete construction of the property pursuant to SM1 2005/0035, SSV 2005/0004, PD1 2005/0006, and PD2 2005/007 and develop Condo Building A.

Due to the new ownership of the property, HHR AMW LLC respectfully requests the transfer of these permits and approvals in order to move forward with proposed development as currently permitted.

b. Transferor's Consent

Wailea Hotel & Beach Resort, LLC, former land owner of the subject property and current permit holder, has authorized HHR AMW LLC to request a transfer of the SMA Use Permit, Shoreline Setback Variance, Planned Development Steps I, II, and III Approvals from the MPC for future planned development of the Andaz Maui at Wailea Resort. The original, notarized signed letter of authorization from Wailea Hotel & Beach Resort, LLC consenting to the permit transfer is attached as **Exhibit "G"**.

In addition, HHR AMW LLC has also obtained a letter of authorization from Kobayashi Group, LLC, then applicant at the time, in support of this request. Refer to **Exhibit "H"**.

c. Notarized affidavit from transferee acknowledging the conditions established with the subject permit and agreement by transferee to comply with these conditions.

Pursuant to Section 12-202-17(d)(3) of the SMA Rules for the MPC, a notarized affidavit from HHR AMW LLC (the "Transferee") acknowledging the conditions established with the subject permit and agreeing to comply with those conditions is required for the transfer of the SMA Use Permit.

The original, notarized affidavit from HHR AMW LLC is attached as **Exhibit "J"**.

B. Time Extension Request

Condition No. 1 of the November 23, 2009 approval letter stipulated that construction of the proposed project shall be initiated by June 30, 2012. Accordingly, construction of the Andaz Maui at Wailea Resort was initiated on March 16, 2012.

Given the construction initiation date of March 16, 2012, Condition No. 2 of the November 23, 2009 approval letter required that construction be completed within five (5) years from the date of construction initiation, or by March 16, 2017.

A previous time extension request for the SMA Use Permit, Shoreline Setback Variance, and Planned Development Steps I and II approvals, amending Condition No. 2 was filed by Wailea Hotel & Beach Resort, LLC on October 20, 2016. The request was approved by the Department of Planning on February 14, 2017. Refer to **Exhibit "F"**. The amended condition states the following:

*That construction of the project shall be completed by **March 16, 2019**. Failure to complete construction of this project will require unfinished portions of the project to obtain a new SMA Use Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance. A time-extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director (Director) shall review and approve a time-extension request for the SMA Use Permit but may move forward said request to the Commission for review and approval in accordance with the provisions of Section 12-202-17 of the SMA Rules for the Commission. The Director shall also review time-extension requests for the Step 1 and 2 Planned Development, and Shoreline Setback Approvals but may forward said requests to the Commission.*

Given the recent purchase of the property and conveyance of ownership from Wailea Hotel & Beach Resort, LLC to HHR AMW LLC, construction of Condo Building A is not expected to be completed by March 16, 2019. As such, HHR AMW LLC respectfully requests that the above condition be amended to stipulate that construction of the Andaz Maui at Wailea Resort be completed by March 16, 2021, equivalent to a 2-year time extension.

The following information is provided to further address Section 12-202-17(e) of the SMA Rules for the MPC.

1. **Provisions of Section 12-202-17(e), SMA Rules, Maui Planning Commission**

In accordance with the amended condition noted above, and set forth by the Department of Planning's approval letter dated February 14, 2017, this time extension request is being submitted to the Planning Director for review and approval in accordance with the provisions of Section 12-202-17 of the SMA Rules for the MPC.

The following information is provided to further address Section 12-202-17(e) of the SMA Rules of the MPC:

a. **Reason for the Permit Time Extension**

Due to the recent acquisition of the subject property by HHR AMW LLC in March of this year, construction of the resort (Condo Building A) will not be completed by March 16, 2019. Given the foregoing, HHR AMW LLC is requesting additional time to complete construction of Condo Building A.

2. **Length of Time Extension Request**

The Applicant requests a two (2) year time extension to complete construction by March 16, 2021.

3. **An analysis of whether any changes have occurred within the special management area since the granting of the permit that may cause the permit holder's development to have a substantial adverse environmental or ecological effect.**

There have been no changes to the project as approved by the SMA Use Permit or changes in the area of the project vicinity which would alter the impact of the proposed action on the environment.

4. **An analysis of whether any changes have occurred within the special management area since the granting of the permit that may cause the permit holder's development to adversely affect the capacity or condition of infrastructure.**

We are not aware of any changes that have occurred within the SMA that may cause the development of Condo Building A to adversely affect the capacity or condition of infrastructure. In

proceeding with the project, HHR AMW LLC will work with a group of design specialists, including architects and civil engineers, throughout development of the resort to ensure infrastructural requirements are properly met.

A building permit will be required for Condo Building A and impacts to infrastructure will be reviewed during the building permit process. During this process, infrastructure capacity of the area will be evaluated. Following submittal of the building permit application(s), comments from agencies having responsibilities over infrastructure availability (i.e., Department of Environmental Management, Department of Water supply, Department of Public Works, etc.) will be received and appropriate coordination will be undertaken, as needed, to address comments.

Therefore, adverse impacts to the capacity or condition of infrastructure are not anticipated as a result of the subject project for which a time extension is being requested.

Should you have any questions or require additional information, please do not hesitate to contact me at 244-2015.

Very truly yours,



Malia Molina, Analyst

KMM:lh
Enclosures

cc: Justin Ried, Host Hotels & Resorts (w/enclosures)
Linda Laniado, Host Hotels & Resorts (w/enclosures)
Andy Bullard, Host Hotels & Resorts (w/enclosures)
Joel Kam, Schneider Tanaka Radovich Andrew & Tanaka (w/enclosures)

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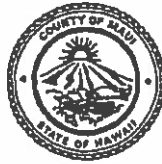
EXHIBIT A.

**Approval Letter Dated November 23,
2009 from the Department of Planning**

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



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COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 23, 2009

CERTIFIED MAIL – #7007 0710 0004 4646 3355

Mr. Michael Munekiyo, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

SUBJECT: AMENDMENTS TO THE SPECIAL MANAGEMENT AREA (SMA) USE PERMIT, STEP 1 AND STEP 2 PLANNED DEVELOPMENT AND SHORELINE SETBACK VARIANCE FOR THE PROPOSED RENAISSANCE WAILEA BEACH RESORT, LOCATED AT 3550 AND 3572, WAILEA ALANUI DRIVE, WAILEA, ISLAND OF MAUI, HAWAII; TMK(S): (2) 2-1-008:067 AND 088. THE REDEVELOPMENT INCLUDES THE DEMOLITION AND/OR RENOVATION OF EXISTING RESORT STRUCTURES AND GROUNDS AS WELL AS CONSTRUCTION OF RESIDENTIAL CONDOMINIUMS. THE TOTAL NUMBER OF NEW HOTEL ROOMS AND CONDOMINIUMS WILL EQUAL 328 UNITS WHICH IS LESS THAN THE ORIGINAL CONSTRUCTED 349 GUESTROOMS. ALSO REQUESTED IS A ONE (1) YEAR TIME EXTENSION OF ALL PERMITS REFERENCED BELOW. THIS AMENDMENT REQUEST DOES NOT AFFECT THE ULUA/MOKAPU BEACH PARK IMPROVEMENTS OR WORK WITHIN THE SHORELINE SETBACK AREA AS THE SCOPE OF THESE COMPONENTS REMAIN UNCHANGED (PD1 2005/0006) (SM1 2005/0035) (SSV 2005/0004) (PD2 2005/0007)

At its regular meeting on October 27, 2009, the Maui Planning Commission (Commission) reviewed the above-referenced requests. Action on the requests was deferred until November 10, 2009. At its regular meeting on November 10, 2009, the Commission, after due deliberation, voted to grant approval of the amendments to the Step 1 and Step 2 Planned Development approvals and SMA Use Permit. The Commission also granted a one (1) year time extension of the Step 1 and 2 Planned Development Approvals, SMA Permit and Shoreline Setback Variance. The permit approvals are subject to the following conditions:

STANDARD CONDITIONS

1. That construction of the proposed project shall be initiated by **June 30, 2012**. Initiation of construction shall be determined as construction of on-site and/or off-site 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 three (3) year period will automatically terminate this SMA Use Permit approvals unless a time extension is requested no later than ninety (90) days prior to the expiration of said three (3) year period. The Planning Director (Director) shall review and approve a time extension request but may forward said request to the Commission for review and approval in accordance with the provisions of Section 12-202-17 of the SMA Rules for the Commission. The Director shall also reviewed time extension requests for the Step 1 and 2 Planned Development, and Shoreline Setback Approvals but may forward said requests 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 require unfinished portions of the project to obtain a new SMA Use Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Director shall review and approve a time-extension request for the SMA Use permit but may forward said request to the Commission for review and approval in accordance with the provisions of Section 12-202-17 of the SMA Rules for the Commission. The Director shall also reviewed time extension requests for the Step 1 and 2 Planned Development, and Shoreline Setback Approvals but may forward said requests to the Commission.
3. The permit holder or any aggrieved person may appeal to the Commission any action taken by the Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.
4. That final construction shall be in accordance with preliminary architectural plans dated **March 30, 2009 and June 2, 2009**.
5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to dust and soil erosion from wind and water, ambient noise levels, and traffic disruptions.
6. That the subject SMA Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the SMA Rules of the Commission. However, in the event that a contested case hearing preceded issuance of said SMA 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. In addition, the Step 1 and 2 Planned Development Approvals and the Shoreline Setback Variance shall not be transferred without the prior written approval of the Director.

7. 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 SMA Use Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance and shall procure at its own cost and expense, and shall maintain during the entire period of this SMA Use Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance, 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.
8. That full compliance with all applicable governmental requirements shall be rendered.
9. 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.
10. That the Applicant shall submit to the Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject SMA Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance. A Preliminary Report shall be reviewed and approved by the Department prior to issuance of the first building permit for the project. A Final Compliance Report shall be submitted to the Department for review and approval prior to issuance of a Certificate of Occupancy for the project.
11. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit, Step 1 and 2 Planned Development Approvals, and Shoreline Setback Variance. Failure to so develop the property may result in the revocation of the permits.

12. That appropriate energy conservation measures shall be incorporated into the project, which may include but are not limited to, energy conserving building materials, solar water heaters, state of the art air conditioning systems, photo voltaic systems etc.
13. That all exterior illumination shall consist of fully shielded downward lighting throughout the project.
14. Appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's drainage plan and shall be maintained regularly per manufacturers specifications, with the contaminant residuals from storm water treatment to be properly disposed of. Records of the disposal shall be kept by the Applicant and made available for inspection by County and State agencies upon request. Plans for the filtration measures shall be submitted to the Department together with the Preliminary Compliance Report. Evidence of appropriate mechanisms to comply with this condition after filtration measures have been installed shall be submitted to the Department as part of the Final Compliance Report.

Project Specific Conditions

General Infrastructure

15. That the Applicant shall be responsible for all required infrastructural improvements as required by Maui County Code, as amended, and other County Rules and Regulations. Said improvements shall be completed prior to issuance of a Certificate of Occupancy for the project unless improvements are bonded by the developer.

Water Conservation

16. That water conservation measures shall be incorporated into the design and operation of the project.

Department of Health

17. That a copy of the approved National Pollutant Discharge Elimination System (NPDES) permit, if required, shall be filed with the Department and the Department of Public Works prior to approval of the grading permit.
18. That should a noise permit be required by the Department of Health, a copy of said permit shall be submitted to the Department prior to issuance of a building permit.

Demolition

19. That the project's final plan for recycling shall be approved by the Department of Environmental Management prior to demolition and shall be complied with throughout the demolition and construction of the project.
20. That during demolition and construction activities, the Applicant shall hire trained traffic control personnel at entry/exit points of the property to minimize impacts to local residents and commercial traffic.

Police

21. That a Community Evacuation Plan (CEP) be developed for the project and shall be submitted to the Police Department for review and approval prior to issuance of Certificate of Occupancy.
22. That the Applicant shall use "best practices" in Crime Prevention Through Environmental Design (CPTED), whenever possible, in developing the project. In CPTED the design and building of structures, landscaping, and lighting are interwoven to increase surveillance, limit accessibility, and increase opportunities for apprehension resulting in a decrease in the likelihood of crime.

Parks and Beach Parking

23. That the Applicant shall be responsible for any park dedication requirements as determined by the Department of Parks and Recreation prior to issuance of a Building Permit for the first new structure.
24. That construction drawings for improvements at the Ulua/Mokapu Beach Park including, but not limited to, the addition of 22 beach parking stalls, new street light, picnic benches, landscaping and stone wall shall be submitted to the Parks Department for review and approval prior to issuance of any new building permits for the project.
25. That construction of the parking lot improvements at Ulua/Mokapu Beach park shall be completed prior to issuance of a Certificate of Occupancy for project.
26. That there shall be no future park credits received should the park improvements exceed the project's park dedication requirements.
27. That at minimum, 20 on-site parking stalls shall be made available and managed for the Ulua/Mokapu Beach Park users between the hours of 9:00 am to 6:00 p.m. Said parking shall not be counted against the project's code required parking. Signage shall be installed instructing the public of beach parking availability pursuant to this condition.

Best Management Practices

28. That an appropriate Best Management Practices (BMPs) plan shall be reviewed and approved by the Department of Public Works (DPW) and Department of Environmental Management. Said plan shall address impacts associated with erosion, contaminants, and construction waste. The approved plan shall be filed with the Department prior to approval of the grading permit.

Drainage

29. That the Applicant examine the existing on-site drainage system accepting drainage that currently passes under Wailea Alanui Drive to ensure continued functional integrity. A report of the results of the examination shall be submitted to the DPW prior to issuance of a building permit for new construction of the project.
30. That as represented by the Applicant, the project shall retain 85 percent of total post development surface runoff.

Archaeological

31. That a qualified archaeological monitor shall be present in accordance with the project's approved archaeological monitoring plan of substrate below existing grades for TMK: (2) 2-1-008:067 as approved by State Historic Preservation Division (SHPD) in January 2005.
32. That precautionary archaeological monitoring shall be conducted during all ground-altering disturbance on the Uluu/Mokapu Beach Park site, TMK: (2) 2-1-008:088.

Education

33. That the Applicant shall contribute equipment, funds or services to the Department of Education (DOE) to support classroom facility improvements or technological advancement needs at public schools servicing the Kihei area. The valuation of the equipment, funds or services shall be a minimum of \$134,700.00, and may include, for example the purchase of computers, software, printers, digital cameras, projectors and other equipment. The Applicant shall secure written confirmation from Maui High School, stating that said equipment, funds, and/or services have been contributed. A copy of Maui High School's written confirmation shall be file with the Department prior to the granting of approval of the Final Compliance Report.

Residential Workforce Housing

34. That as represented by the Applicant, a voluntary contribution in the amount of \$1,960,000.00 shall be made to Habitat for Humanity Maui to assist in the development of affordable housing on the Island of Maui. A copy of the executed agreement between the Applicant and Habitat for Humanity shall be filed together with the project's Preliminary Compliance Report which must be approved prior to issuance of the first building permit for the project.

Beach Ramps

35. That the existing two (2) beach ramps shall not be armored in the case of chronic erosion but may use "soft" measures such as coconut fibers and sand bags for temporary shoreline protection during high surf and storm events subject to Department approval.

Landscaping

36. That the majority of landscaping along the Wailea Alanui Frontage shall be provided with root barriers.
37. That the majority of landscaping modifications within the County Beach parking area and along the property boundary shall be provided with root barriers to prevent the uplifting of pavement.
38. That the Applicant shall utilize native and drought tolerant plants and drip irrigation to the extent practicable. Further, use of fertilizer, herbicides, and pesticides, for the landscape planting shall be discouraged.

Transportation Management Plan

39. That full compliance with the project's Transportation Management Plan (TMP) shall be rendered. That annual updates of the TMP which address program assessment criteria, attendant management effectiveness expectations, and reporting requirements shall be submitted to the Department for review and acceptance. Said plan shall also reflect external TMP conditions and new TMP programs developed for the resort. The first annual report shall be submitted at the initial opening date of the project. Subsequent annual reports shall be submitted each year for four (4) additional years on the anniversary of the initial opening date of the project.

Mr. Michael Munekiyo, AICP
November 23, 2009
Page 8

R-1 Water

40. That the Applicant comply with the R-1 Assessment requirements of the South Maui Verification Study if adopted by ordinance, and if appropriate. The technical basis for the planning, design, and extension of the R-1 waterline, or other equivalent technologies shall be the South Maui Verification Study regarding R-1 recycled water as set forth in the approved FY 2010 Budget.

LEED Certification

41. That the Applicant shall pursue LEED Certification in the design and construction of the project.

Further, the Commission adopted the Department's Report and Recommendation Report prepared for the October 27, 2009 meeting, as its Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Thank you for your cooperation. If additional clarification is required, please contact Current Planning Supervisor Ann Cua by email at ann.cua@mauicounty.gov or by phone at 270-7521.

Sincerely,



JEFFREY S. HUNT, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Ann T. Cua, Current Planning Supervisor
Development Services Administration
Department of Water Supply (w/ attachments)
DLNR-SHPD (w/ attachments)
Department of Environmental Management
Erin Mukai, Munekiyo & Hiraga, Inc.
Project File
General File

JSH:ATC:sg
K:\WP_DOCS\PLANNING\SM1\2005\0035_RenaissanceStRegisWailea\2009Amendment\STAFF REPORT TO APPROVAL\MP
Approval.wpd

EXHIBIT B.

**Approval Letter Dated February 28,
2011 from the Department of Planning**

ALAN M. ARAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director



MAR 03 2011

COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 28, 2011

Ms. Erin Mukai
Munekiyo & Hiraga, Inc.
305 High Street
Wailuku, Hawaii 96793

Dear Ms. Mukai:

SUBJECT: DESIGN REFINEMENTS RELATING TO THE SPECIAL MANAGEMENT AREA USE PERMIT, SHORELINE SETBACK VARIANCE, AND STEP 1 AND STEP 2 PLANNED DEVELOPMENT APPROVALS FOR REDEVELOPMENT OF THE "ANDAZ WAILEA RESORT & RESIDENCES" FORMERLY THE "1 RESORT & RESIDENCES" LOCATED AT 3550 AND 3572 WAILEA ALANUI DRIVE, WAILEA, ISLAND OF MAUI, HAWAII, TMK: (2) 2-1-008:067 AND 088 (POR.) (SM1 2005/0035) (SSV 2005/0004) (PD1 2005/0006) (PD2 2005/0007)

The Department of Planning (Department) is in receipt of design modifications to the proposed redevelopment plans for the "Andaz Resort & Residences" formerly the "1 Resort & Residences" dated January 10, 2011. It is noted that the design modifications are being requested in order to fit the new brand of project. The new Andaz Wailea Resort and Residences will be a Hyatt-brand operation that will incorporate a Hawaiian theme from materials utilized to the finished landscape.

The overall project elements approved by the Maui Planning Commission (Commission) on November 10, 2009, remain unchanged except for the following:

1. **Lagoon Restaurant and Bar:** The design layout of the lagoon restaurant and bar have been relocated and refined; however, the total covered area will remain unchanged at approximately 1,850 square feet (sq. ft.);
2. **Spa Pool:** The covered areas for the spa pool has been relocated and refined. The total covered area will decrease from 808 sq. ft. from the permitted "1 Resort & Residences" to the now proposed 800 sq. ft. for the Andaz Wailea Resort & Residences;
3. **Pool and Water Features:** The project swimming pool and water feature surface areas are equal between the "1 Resort & Residences" and the Andaz Wailea Resort & Residences. Surface areas have been redistributed and reshaped to better fit the Andaz concept. There is no net gain in water surface area. A comparative table of square footage for the pool and water features is listed in Sheet A.004 of the attached Revised Site plan dated January 10, 2011;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Ms. Erin Mukai
February 28, 2011
Page 2

4. **Relocated Fitness Center:** The fitness center has been relocated outside the existing structure. The increased covered area is off-set by opening up areas at the pool bar and meeting space courtyards. There is no net gain in covered areas; and
5. **Condo Building C:** Condo Building C previously contained two (2) units under the previous project and will now contain three (3) units under the new Andaz Wailea Resort and Residences. The footprint will remain the same. To off-set this increase, Condo Building A will be decreased by one (1) unit. As a result there will be no increase in unit count for the project. The total unit count will remain at 328.

The Department referred the plans to the Maui Urban Design Review Board (Board) for its review and recommendation. At its regular meeting on February 1, 2011, the Board reviewed the design, landscaping, architectural plans, and related aspects of the proposed project. Based upon those considerations within the Board's purview, it voted unanimously to recommend approval of the plan modifications to the Department. The Board commended the Applicant and architect for the design modifications.

Pursuant to the aforementioned, the Department hereby approves the proposed design modifications as they are in accordance with plans reviewed by the Commission in November 2009 and are also in keeping with representations made to the Commission. The design modifications represent no change in unit count or total floor area and the overall architecture remains unchanged. The proposed modifications improve the openness of the pool area and although the modifications are intended to add to the services of the resort, there will be no increase in the resort capacity.

Thank you for your cooperation. If additional clarification is required, please contact Current Planning Supervisor Ann Cua at ann.cua@maulicounty.gov or at (808) 270-7521.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Ann T. Cua, Current Planning Supervisor
Development Services Administration (w/ attachment)
Department of Environmental Management
Department of Water Supply
ZAED (w/ attachment)
DLNR-SHPD
CZM File (SM1/SSV)
Project File
General File

WRS:ATC:sa
K:\WP_DOCS\PLANNING\SM1\2005\0035_RenaissanceStRegisWailea\2011DesignChanges\Approval.wpd

EXHIBIT C.

**Approval Letter Dated November 18,
2011 from the Department of Planning**

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 18, 2011

CERTIFIED MAIL - #7008 1140 0002 4319 5940

Mr. Elton Wong
Kobayashi Group LLC
1288 Ala Moana Boulevard, Suite 201
Honolulu, Hawaii 96814

Dear Mr. Wong:

SUBJECT: PLANNED DEVELOPMENT STEP 3 APPROVAL FOR THE ANDAZ RESORT AND RESIDENCES, A 328 UNIT RESORT RESIDENTIAL PROJECT WHICH INCLUDES IMPROVEMENTS TO THE COUNTY'S ULUA/MOKAPU BEACH PARK, AT 3550 AND 3572 WAILEA ALANUI DRIVE, WAILEA, MAUI, HAWAII; TMK(S): 2-1-008:067 AND 088 (PD3 2011/0001)

At its regular meeting on November 8, 2011, the Maui Planning Commission (Commission) waived its review of the Planned Development Step 3 application which allows the Planning Director to take final action on the permit.

The Department of Planning (Department) reviewed the unified site plan and building plans for the project dated August 15, 2011, September 20, 2011 and October 7, 2011. The Department finds that the plans are in keeping with the Step 2 preliminary plans approved by the Commission on November 10, 2009, and design modifications approved by the Department on February 28, 2011.

In addition, the Department has reviewed the Preliminary Compliance Report dated October 27, 2011. The Department finds that it adequately addresses the project's compliance with conditions of the permits to date and as such the report is hereby approved.

Pursuant to the aforementioned, you are hereby granted a Planned Development Step 3 Approval (PD3 2011/0001) for the Andaz Resort and Residences.

Please be advised that a Final Compliance Report must be approved prior to issuance of a Certificate of Occupancy for the project.

Mr. Elton Wong
November 18, 2011
Page 2

Thank you for your cooperation. If additional clarification is required, please contact Current Planning Supervisor Ann Cua at ann.cua@maulcounty.gov or at (808) 270-7521.

Sincerely,



fr WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2 w/ compliance report)
Ann T. Cua, Current Planning Supervisor
Development Services Administration (w/ compliance report)
Department of Environmental Management (w/ compliance report)
Department of Parks and Recreation (w/ compliance report)
Department of Health
Project File
General File

WRS:ATC:sa

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EXHIBIT D.

Previously Approved Site Plan



1 WAILEA
SMA
UDRB
02-19-2009
06-02-2009

ELUA
RESIDENCES

PROJECT SUMMARY

OVERALL SITE AREA	678,792 SF
LOT COVERAGE ALLOWED (678,792 SF x 35%)	237,577 SF
LOT COVERAGE PROPOSED	213,600 SF
FLOOR AREA RATIO ALLOWED (678,792 S F x 150%)	1,018,188 SF
FAR PROPOSED	294,454 SF
RESIDUAL LAND AREA ALLOWED (678,792 - 213,600 = 465,192 x 30%)	139,558 SF
TOTAL PAVED ROADS AND PATHS	120,000 SF
TOTAL POOL AREA	15,000 SF
RESIDUAL LAND AREA PROPOSED	135,000 SF

02.01.2011

SITE PLAN
SMA
02-19-2009
UDRB
06-02-2009



A.003



RESORT & RESIDENCES
WAILEA

WAILEA HOTEL & BEACH RESORT, LLC

rockwellgroup

WCTARCHITECTURE