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Jan 19 to Mar 5

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Feb 2

January 19, 1976

Planning Commission
County of Maui
200 South High Street
Wailuku, Maui 96793

Attention: Mr. Tosh Ishikawa
Planning Director

Gentlemen:

At its meeting on January 15, 1976, the Land Use Commission voted to approve an extension of time for a period of 5 years, as recommended by the Maui County Planning Commission, on the Special Permit granted to Robert Goueytes to continue the restaurant operation at Kihei, Maui, identified by Tax Map Key 3-8-4: 21; subject to the conditions which were imposed in the granting of the original Special Permit, and subject also to the additional conditions imposed by the Maui Planning Commission.

Enclosed for your information is the staff memorandum.

Very truly yours,

AH SUNG LEONG
Acting Executive Officer

Encl.

cc: Robert Goueytes
Property Technical Office, Dept. of Tax.
Tax Maps Administrator, Dept. of Tax.
Real Property Tax Assessor, Dept. of Tax.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP73-142 - ROBERT GOUEYTES DATE January 15, 1976
EXTENSION REQUEST
PLACE KAHULUI LIBRARY, Kahului, Maui TIME 10:30 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
YANAI, EDWARD	✓			
CARRAS, JAMES				✓
DUKE, CHARLES	✓			
WHITESELL, CAROL	✓			
SAKAHASHI, STANLEY	✓			
OURA, MITSUO	✓			
YAMAMURA, TANJI	✓			
MACHADO, COLETTE	✓			
TANGEN, EDDIE	✓			

Comments:

Approve

I move that we grant the extension request as recommended by the Maui Planning Commission for a period of 5 years, subject to the conditions which were previously imposed by the County, and subject also to the additional conditions imposed by the Maui Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library
Kahului, Maui

*Approved
March 22, 1976*

January 15, 1976 - 10:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Benjamin Matsubara, Consultant
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

Chairman Tangen called to order the meeting of the Land Use Commission and announced that he will entertain a motion to add two items to the agenda, the first being a request for an extension of time on Special Permit 73-142, Robert Goueytes, and the other to announce that a hearing officer will be designated for the hearing on Molokai. Commissioner Duke so moved, which was seconded by Commissioner Whitesell and the Commissioners were polled as followed:

Ayes: Commissioners Duke, Whitesell, Oura, Machado, Yamamura, Sakahashi, Yanai, Chairman Tangen.

Absent: Commissioner Carras

The motion was carried.

DESIGNATION OF A HEARING OFFICER

It was announced by the Chair that he was designating Mr. Benjamin Matsubara to be the hearing officer to conduct the hearing on Petition

A75-400, Henry Meyer, et al, on Molokai on January 23, 1976.

✓ EXTENSION OF TIME REQUEST BY ROBERT GOUEYTES ON CONDITION IMPOSED
ON SP73-142

Mr. Ah Sung Leong, Acting Executive Officer, presented the staff memo relative to the extension request (see copy on file).

Upon motion by Commissioner Yamamura, seconded by Vice Chairman Sakahashi, a 5-year extension of the Special Permit was unanimously approved, subject to the conditions imposed by the Maui Planning Commission.

HEARINGS

A75-399 - RICHARD K. G. STURSBURG

Pursuant to a notice published in The Maui News and the Honolulu Star Bulletin on December 16, 1975, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Richard K. G. Stursberg to amend the land use district boundaries for approximately 27.8 acres from the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui, for residential use, Docket No. A75-399.

APPEARANCES

William F. Crockett, attorney for Mr. Stursberg and the Mahinahina Group Partnership

Gilbert Lee, Deputy Attorney General, representing the Department of Planning & Economic Development

Melvyn Yoshii, Deputy County Attorney, representing the Maui Planning Department

The Chairman declared that all of the above were admitted as parties to the proceedings.

The Chairman administered the swearing-in oath to all those planning to testify today.

Exhibits

The following documents were marked for identification and introduced into evidence as Petitioner's (Richard K. G. Stursberg) Exhibits:

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

January 15, 1976
10:30 A.M.

TO: Land Use Commission

FROM: Staff

SUBJECT: Extension of Time Request by Robert Goueytess on Condition
Imposed on SP73-142

On February 2, 1973, the Land Use Commission approved SP73-142 to allow minor improvements and operation of a restaurant on 0.8 acres of land at Kihei, Maui.

One of the conditions of approval stipulated:

"That the approval be granted through January 27, 1976 (term of lease agreement) with further extensions dependent upon review by the Maui Planning Commission."

On December 8, 1975 Mr. Goueytess requested an extension of the Special Permit since the landowner, A & B Properties Group has consented to extend the lease for a period of 5 years.

On January 7, 1976, the Maui Planning Commission voted to recommend to the Land Use Commission a 5 year extension of the Special Permit to allow Mr. Goueytess to continue the restaurant operation subject to the following conditions:

1. That previously painted markings in the parking area be repainted.
2. That approval be granted for 5 years (term of lease/sub-lease agreement) with further extensions upon review by the Planning and Land Use Commissions.
3. That all State and County requirements be met.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

January 15, 1976
10:30 A.M.

TO: Land Use Commission

FROM: Staff

SUBJECT: Extension of Time Request by Robert Goueytes on Condition
Imposed on SP73-142

On February 2, 1973, the Land Use Commission approved SP73-142 to allow minor improvements and operation of a restaurant on 0.8 acres of land at Kihei, Maui.

One of the conditions of approval stipulated:

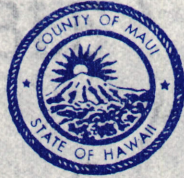
"That the approval be granted through January 27, 1976 (term of lease agreement) with further extensions dependent upon review by the Maui Planning Commission."

On December 8, 1975 Mr. Goueytes requested an extension of the Special Permit since the landowner, A & B Properties Group has consented to extend the lease for a period of 5 years.

On January 7, 1976, the Maui Planning Commission voted to recommend to the Land Use Commission a 5 year extension of the Special Permit to allow Mr. Goueytes to continue the restaurant operation subject to the following conditions:

1. That previously painted markings in the parking area be repainted.
2. That approval be granted for 5 years (term of lease/sub-lease agreement) with further extensions upon review by the Planning and Land Use Commissions.
3. That all State and County requirements be met.

PLANNING COMMISSION
Kazuo Kage, Chairman
George Murashige, Vice-Chairman
Shiro Hokama
Patrick Kawano
Charles Ota
Leo Polo, Jr.
Harlow Wright
Wayne Uemae, Ex-Officio
Shigeto Murayama, Ex-Officio



7319
Elmer F. Cravaiho
Mayor

Tosh Ishikawa
Planning Director

Yoshikazu "Zuke" Matsui
Deputy Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT

200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 9, 1976

RECEIVED
JAN 13 1976

State of Hawaii
LAND USE COMMISSION

Mr. Ah Sung Leong
Land Use Commission
Suite 1795, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

Dear Mr. Leong:

Re: Special Permit (SP73-142) Extension

The Maui Planning Commission at its meeting of January 7, 1976 voted to recommend to the Land Use Commission a 5 year extension of a special permit to allow the applicant, Mr. Robert Goueytes, to continue the operation of a restaurant at Kihei, Maui, TMK 3-8-4:21. Approval of the extension was granted with the following conditions:

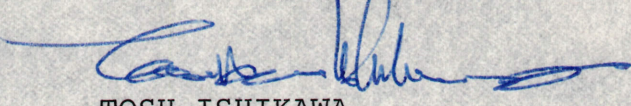
1. That previously painted markings in the parking area be repainted.
2. That approval be granted for 5 years (term of lease/sub-lease agreement) with further extensions upon review by the Planning and Land Use Commissions.
3. That all State and County requirements be met.

Attached for your information and files are:

1. Application with letter from A & B Inc. Properties Group.
2. Staff report.

Please call me at any time should there be any questions.

Yours very truly,


TOSH ISHIKAWA
Planning Director

cc Mr. Goueytes
cc Mr. Suda
cc Mr. Ivey

January 7, 1976

STAFF REPORT

TO: Maui Planning Commission
FROM: Planning Staff
SUBJECT: State LUC Special Permit

Applicant: Mr. Robert Goueytes
Location: Kihei, Maui
TMK: 3-8-4:21
Area: .8 acres
Zoning: State Agricultural District
Request: The request is for an extension of a State LUC Special Permit to continue operating a restaurant (Robaires')

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JAN 13 1976

State of Hawaii
LAND USE COMMISSION

COMMENTS:

1. Approvals from the County Planning and State Land Use Commissions were granted on January 9, 1973, and February 3, 1973, respectively.

2. The subject restaurant is located in the Kihei Store building in the space formerly occupied by the Postal Service. Since the granting of the State LUC Special Permit, the space under a sub-lease agreement with Suda Kihei Store, Inc. has been renovated and upgraded. Aside from the restaurant, the subject property contains a grocery store as the main use, a snack shop, and a retail gas outlet. Portions of the property are paved and stripped to accommodate auto parking. The remaining portion of the property is unimproved but available for additional parking.

3. Staff has no objection to the request for a 5 year extension inasmuch as A & B Inc. has confirmed to extend the lease agreement for 5 years with Suda Kihei Store Inc. The subject request also continues to meet the following State Land Use Commission guidelines pertaining to Special Permits:

- a. That the proposed use does not adversely affect surrounding property.
- b. That public agencies will not be burdened to provide services for the restaurant operation.
- c. That the land upon which the use is situated will not adversely alter the essential character of the land and present use.

4. Conditions set forth in the special permit approval have been met by the applicant. Should the request be granted, staff recommends that the markings in the parking area be repainted.

RECOMMENDATION:

Staff recommends to the State Land Use Commission approval of the request for extension with the following conditions:

1. That previously painted markings in the parking area be repainted.
2. That approval be granted for 5 years (term of lease/sub-lease agreement) with further extensions upon review by the Planning and Land Use Commissions.
3. That all State and County requirements be met.

RECEIVED

DEC 8 1975

DEPT. OF PLANNING
COUNTY OF MAUI

298 Moi Place
Kihei, Hawaii 96753

December 8, 1975

	ZUKE	
	CHRIS	
	RALPH	
✓	JEFF	see file
	PAT	Jan 7, '76
	JEAN	
	JUNE	

Please handle Please see me
 Please file Please return
 Circulate
 Signed _____ Date _____

Planning Department
200 South High Street
Wailuku, Hawaii 96793

Gentlemen:

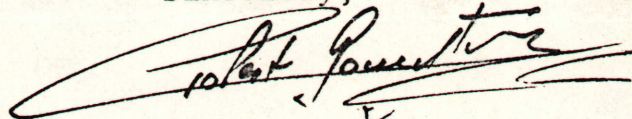
Re: Request for extension of a Special Use Permit
to operate a restaurant within the Agriculture
District at Kihei, Maui, TMK 3-8-04:21

I would like to request an extension of a Special Use Permit
to operate a restaurant within the Agriculture District at Kihei,
Maui, TMK 3-8-04:21.

Enclosed is a copy of the letter sent to Suda Kihei Store, Inc.
and myself confirming A & B Properties Group's willingness to extend
our lease for a period of 5 years.

A favorable consideration of this request will be appreciated.

Sincerely,



Robert Goueytes
(Owner Robaires)

Enclosure

RECEIVED
JAN 13 1976

State of Hawaii
LAND USE COMMISSION

December 4, 1975

Suda Kihei Store, Inc.
P. O. Box 648
Kihei, Hawaii 96753

Gentlemen:

01-035: We are writing to confirm our willingness to extend your existing lease on TMK 3-8-04-21, Kihei, Maui, for a period of 5 years beyond the present January 27, 1976, expiration date.

This extension shall be on the same terms now existing except as follows:

1. The minimum monthly rent shall be increased from \$300 to \$600.
2. Should we wish to redevelop this property in conformance with the County General Plan within the five year extension, we retain the right to cancel your lease.
3. Should your lease be canceled due to redevelopment we will offer you space within any commercial development, subject to mutual agreement on lease terms. This provision shall also apply to your sublessees.

We have asked our attorneys to draft the required extension agreement. Upon receipt we will forward to you for execution.

Very truly yours,

PROPERTIES GROUP

G. H. Ivey, Jr.
G. H. Ivey, Jr.
MAUI MANAGER

GHI:b
cc: A&B-Properties Group, Hon.
✓ Robaire's

Roy Acida
Dec 5-75

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JAN 13 1976

State of Hawaii
LAND USE COMMISSION

February 8, 1973

Mr. Robert Goueytes
Mio Place, Nihei Heights
Kihei, Maui

Dear Mr. Goueytes:

The original of the attached letter approving your special permit request (SP73-142) to allow minor improvements and the operation of a restaurant on approximately 0.8 acre of land situated at Kihei, Maui, identifiable by Tax Map Key 3-8-4: 21, subject to the conditions as set forth by the Maui Planning Commission and with the added stipulation that any extensions of the special permit shall also be reviewed by the Land Use Commission, is on file in the office of the Planning Department, County of Maui, 200 South High Street, Wailuku, Maui.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.

cc: Bernaldo Bicoy
B. Martin Luna

February 8, 1973

Maui Planning Commission
200 South High Street
Wailuku, Maui 96793

Attention: Mr. Howard Nakamura
Planning Director

Gentlemen:

At its meeting on February 2, 1973, the Land Use Commission voted to approve a special permit to Robert Goueytes (SP73-142) to allow minor improvements and the operation of a restaurant on approximately 0.8 acre of land situated at Kihei, Maui, identifiable by Tax Map Key 3-8-4: 21, subject to the conditions as set forth by the Maui Planning Commission and with the added stipulation (under condition #6) that any extensions of the special permit shall also be reviewed by the Land Use Commission.

A copy of the staff report is enclosed for your information.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.

cc: Robert Goueytes
Bernaldo Bicoy
B. Martin Luna
Dept. of Taxation, Maui
Property Technical Office, Dept. of Taxation
Tax Maps Recorder, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

February 2, 1973 - 1:30 p.m.

Board Room
Queen Liliuokalani Building
Honolulu, Hawaii

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Alexander Napier
Sunao Kido
Shelley M. Mark
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Approved
AUG 30 1973

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Benjamin Matsubara, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Chairman Inaba swore in persons testifying during today's proceedings.

ACTION

PETITION BY INTERNATIONAL DEVELOPMENT CO. (A72-330) TO RECLASSIFY 30 ACRES FROM CONSERVATION TO URBAN AT MOANALUA, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff memorandum recommending that the petition be disapproved based on staff's analysis and discussion (see copy of memorandum on file).

Vice Chairman Tangen prefaced his motion with comments he wished to share with the Commissioners regarding the subject petition. He recounted that during the two public hearings that were held on this request, many concerns were expressed regarding the physical and social environment, the community's need for park and recreational areas, and the housing needs on Oahu. In reaching a conclusion, all of these points and the relevant testimony opposing the petition had to be weighed.

Vice Chairman Tangen argued that petitioner was already operating the business from Kaunakakai and ferrying the cars to the airport so that this was not the case. It would merely make it more convenient for the petitioner to conduct his business from a location closer to the airport. Commissioner Kido added that this could also stimulate competition and result in better service to the consumer.

Chairman Inaba called upon the Executive Officer to poll the Commissioners on the foregoing motion. The votes are recorded as follows:

Ayes: Commissioners Wung, Napier, Yamamura, Kido,
Vice Chairman Tangen, Chairman Inaba

Nays: Commissioners Sakahashi and Mark

The motion to approve the special permit was carried.

SPECIAL PERMIT APPLICATION BY ROBERT GOUYTES (SP73-142) FOR MINOR IMPROVEMENTS AND OPERATION OF A RESTAURANT AT KIHEI, MAUI

It was the staff's recommendation that this request be approved subject to the conditions imposed by the Maui Planning Commission, and with the added stipulation (under condition #6) that any extensions of the special permit also be reviewed by the Land Use Commission (see copy of report on file).

Upon motion by Commissioner Yamamura, seconded by Vice Chairman Tangen, the special permit was unanimously approved as recommended by staff.

APPLICATION BY LIHUE PLANTATION CO., LTD. (A72-335) TO RECLASSIFY 26.4 ACRES FROM URBAN TO AGRICULTURAL AT KAWAIHAU, KAUAI

Mr. Fujimoto presented the staff memorandum recommending approval of the subject petition (see copy of report on file).

Commissioner Napier moved to approve the petition, which was seconded by Commissioner Wung and unanimously passed.

NEXT MEETING DATE

Mr. Fujimoto advised that the next meetings of the Land Use Commission will be held on February 16 on Maui and Lanai.

Since there was no further business, the meeting was adjourned.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP73-142 - ROBERT GOUEYTES

DATE February 2, 1973

PLACE Liliuokalani Building
Honolulu, Hawaii

TIME 1:30 p.m.

NAME	YES	NO	ABSTAIN	ABSENT
S. TANGEN, EDDIE	✓			
NAPIER, ALEXANDER	✓			
M. YAMAMURA, TANJI	✓			
KIDO, SUNAO	✓			
MARK, SHELLEY	✓			
SAKAHASHI, STAN	✓			
WUNG, LESLIE	✓			
INABA, GORO	✓			

Comments:

Approval

I move that this special permit be approved, subject to the conditions imposed by the Maui Planning Commission and with the added stipulation (under condition #6) that any extensions of this special permit shall also be reviewed by the Land Use Commission.

STATE OF HAWAII
LAND USE COMMISSION

Liliuokalani Building
Honolulu, Hawaii

February 2, 1973
1:30 p.m.

STAFF REPORT

SP73-142 - ROBERT GOUEYTES

A special permit to allow minor improvements and the operation of a restaurant on approximately 0.8 acres of land situated within the State Land Use Agricultural District at Kihei, Maui, has been requested by Mr. Robert Goueytes. ^{GATESS} The subject property is located just mauka of Kihei Road approximately 1,000 feet south of the Kihei-Mokulele Highway intersection. Kealia Pond is situated approximately 3/4 mile northwest of the lands in question.

The subject property, identified as Tax Map Key 3-8-4: 21, is owned in fee by Alexander and Baldwin and leased to Suda Kihei Store, Inc., a Hawaii Corporation. Mr. Yoshiji Suda, President of Kihei Store, Inc. has in turn sub-leased a portion of the property to Mr. Goueytes. *w/ the knowledge & concurrence of Alexander & Baldwin.*

Presently situated on the property is a building containing 3,640 square feet which is occupied by the Suda general store and a drive in food concession, gas pumps and a small garage. Approximately 900 square feet of the main building was formerly utilized as the Kihei post office. The petitioner intends to convert this unused space for the restaurant and in addition plans an 8 x 10 foot expansion on the Maalaea side for toilet facilities as required by the Department of Health.

The surrounding area contains vacant and agricultural lands to the north and east, single family residence^s and Kihei School to the south and the Kihei Shoreline to the west.

In substantiation of his request, the petitioner states that:

"A restaurant in that area would not violate the actual and proposed use of the property for business as designated under the Kihei General Plan. There is a large number of condominium developments and housing construction presently underway in the Kihei-Maalaea District, and a restaurant in this area would serve a need to the community".

Presently, restaurant and other eating establishments in Kihei are located several miles to the south at Maui Lu, in the Kalama Park area, and the Hale Pau Hana at Kamaole.

Utilities including electricity and water presently serving Suda Store will be available for the proposed development. The county sewer system for the area is presently in the design stage.

COUNTY RECOMMENDATION

At its January 9, 1973 meeting, the Maui Planning Commission unanimously voted to recommend approval of this special permit contingent upon the following conditions:

- "1. That paved, striped off-street parking spaces be provided in accordance with County requirements"
2. "That the ingress and egress driveways be delineated by appropriate stripings."
3. "That the site plan for parking and access be reviewed and approved by the County Planning Department."
4. "That all other State and County requirements be met."
5. "That the project be initiated within one year from the date of final approval."

"6. That the approval be granted through January 27, 1976 (term of lease agreement) with further extensions dependent upon review by the Maui Planning Commission."

At the public hearing on the subject request, no testimony other than that of the applicant's representative was presented. Additionally, no written testimony has been received by this office concerning this petition.

Upon evaluation of this request, staff finds that:

1. The Kihei General Plan designates the subject area for business use.
2. Commercial type uses on the subject property already exist. The proposed restaurant operation is compatible with these existing business establishments.
3. The existing businesses on the subject property do not adversely affect the surrounding land uses; however, it does provide a number of services to the community. The addition of a restaurant to the existing uses will not adversely change the character of the business activities and the surrounding properties.
4. The basic utilities are readily available to the subject site.
5. Since the land is already in commercial use, any agricultural use of significance on the property is precluded.

Based on the above findings, staff recommends that this request be approved subject to the conditions imposed by the Maui Planning Commission and with the added stipulation (under condition #6) that any extensions of the special permit shall also be reviewed by the Land Use Commission.

3494

MEYER M. UEOKA
JOHN T. VAIL
B. MARTIN LUNA
Associates
ANDREW S. HARTNETT II
ERIC G. ROMANCHAK

2103 WELLS STREET
Post Office Box H
Phone: 244-7914

UEOKA, VAIL & LUNA
ATTORNEYS AT LAW
WAILUKU, MAUI, HAWAII 96793

January 22, 1973

RECEIVED
JAN 24 1973
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

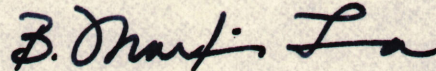
Re: Request by Mr. Robert Goueytes for a Special Permit for Minor Improvements and Operation of a Restaurant within the Agricultural District at Kihei, Maui

Dear Mr. Fujimoto:

The Maui Planning Department sent me a copy of the letter submitted to you on January 17, 1973, concerning the above mentioned matter. Inasmuch as our client is eager to begin the operation of his restaurant at the Kihei site, the prompt consideration of this matter by the Land Use Commission will be greatly appreciated.

Thank you for your assistance in this matter.

Sincerely yours,



B. MARTIN LUNA

BML:myb

cc: Mr. Robert Goueytes w/enclosure

Goueytes

January 22, 1973

Mr. Robert Goueytes
Mio Place, Kihei Heights
Kihei, Maui

Dear Mr. Goueytes:

The Land Use Commission next meets on February 2, 1973, at 1:30 p.m., in the Department of Education's Board Room #404, Queen Liliuokalani Building, Honolulu, Hawaii.

On or about that time, the application by Robert Goueytes (SP73-142) to allow minor improvements and operation of a restaurant at Kihei, Maui, will be considered.

Should you have any questions regarding this matter, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl. - Agenda
cc: Bernaldo Bicoy
B. Martin Luna

STATE OF HAWAII
LAND USE COMMISSION
P. O. Box 2359
HONOLULU, HAWAII 96804

January 22, 1973

NOTIFICATION OF SPECIAL PERMIT APPLICATIONS

Please be advised that the following special permit applications have been filed with the Land Use Commission:

SP72-139 - MOANA DEVELOPMENT CORPORATION

To develop a tennis club consisting of tennis courts and related improvements at Koloa, Kauai, Tax Map Key 2-8-14: 01, situated within the Agricultural District.

SP72-140 - BOISE CASCADE

To construct and operate a golf course at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01: portion of 5, partially situated within the Agricultural District.

SP73-141 - AVIS RENT A CAR

To construct and operate a U-Drive business at Hoolehua, Molokai, Tax Map Key 5-2-04: 51, situated within the Agricultural District.

✓ SP73-142 - ROBERT GOUEYTES

For minor improvements and operation of a restaurant at Kihei, Maui, Tax Map Key 3-8-4: 21, situated within the Agricultural District.

An action meeting on these applications is scheduled for February 2, 1973*.

We would appreciate any written comments for or against these requests, or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

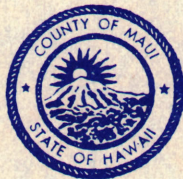
Very truly yours,



TATSUO FUJIMOTO
Executive Officer

*See enclosed agenda

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
G. Alan Freeland, Vice-Chairman
Joseph Franco
Kazuo Kage
Michael Kimura
Richard Mayer
George Murashige
Stanley Goshi, Ex-Officio
Carl Kaiama, Ex-Officio



Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Young Whee Chun, Vice-Chairman
William Hong
George Tamura
Thomas Yagi

Howard Nakamura
Planning Director

**COUNTY OF MAUI
PLANNING DEPARTMENT**

200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

January 17, 1973

SP 73-142

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

RECEIVED

JAN 19 1973

State of Hawaii
LAND USE COMMISSION

Dear Mr. Fujimoto:

Re: Request by Mr. Robert Goueytes for a Special Permit for Minor Improvements and Operation of a Restaurant within the Agricultural District at Kihei, Maui.

The Maui Planning Commission, at its meeting of January 9, 1973, voted unanimously to recommend approval of the above request for Special Permit.

A public hearing on the subject request was held on December 19, 1972, by the Planning Commission, and, at the said hearing, no testimony was received relative to the subject request other than that of the applicant's representative. No written testimony has been received by our office, except for comments by the County's Water Department.

In considering the request, the Planning Commission acknowledged that the subject property presently contains a grocery store with gasoline dispensing pumps and snack shop. Further, the portion of the building in question was previously used as a U. S. post office. Therefore, the operation of a restaurant would not alter the existing character of the surrounding area, and would not create an unreasonable burden on existing public services.

The Maui Planning Commission recommended approval of the subject request with the following conditions:

1. That paved, striped off-street parking spaces be provided in accordance with County requirements.
2. That the ingress and egress driveways be delineated by appropriate stripings.

Mr. Tatsuo Fujimoto
January 17, 1973
page 2

3. That the site plan for parking and access be reviewed and approved by the County Planning Department.
4. That all other State and County requirements be met.
5. That the project be initiated within one year from the date of final approval.
6. That the approval be granted through January 27, 1976 (term of lease agreement) with further extensions dependent upon review by the Maui Planning Commission.

Enclosed for your information and review are the following:

1. Application
2. Notice of Public Hearing
3. Transcript of the public hearing
4. Staff Report
5. Copy of Lease Agreement

Please contact our office, should you have any questions.

Very truly yours,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

ti

Encls.

cc: Water Department
Martin Luna

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
 P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
 Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE

Appl. & fee received _____
 Notice published _____
 Public hearing _____
 Recommendation to LUC _____
 Action by State LUC _____
 County & Appl. notified _____

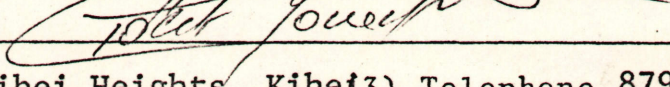
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 10 1972

A. Description of Property: (1) Tax Map Key No. 3-8-4-21
 (2) Lot Area .80 Acres (3) Location Kihei, Maui, Hawaii

B. Ownership: (1) Owner's name Maui Land Department
Suda Kihei Store to
 (2) Lessee's name Robert Goueytes (3) Unexpired term years

C. Request: (1) State request briefly and exactly: _____
Request for a conditional permit in order that I may construct
and operate a restaurant on the said premises, designated TMK
3-8-4-21.

(2) Reasons justifying granting of request: A restaurant in that
area would not violate the actual and proposed use of the property
for business as designated under the Kihei General Plan. There
is a large number of condominium developments and housing construc-
tion presently underway in the Kihei-Maalaea District, and a
restaurant in this area would serve a need to the community.

D. Applicant: (1) ~~Name~~ Sig. 
 (2) Address Mio Place, Kihei Heights, Kihei (3) Telephone 879-2981
 Name _____
 (4) ~~XXXXXXXXXX~~ Robert Goueytes

E. Planning Commission action: _____ Date _____ Vote:
 ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

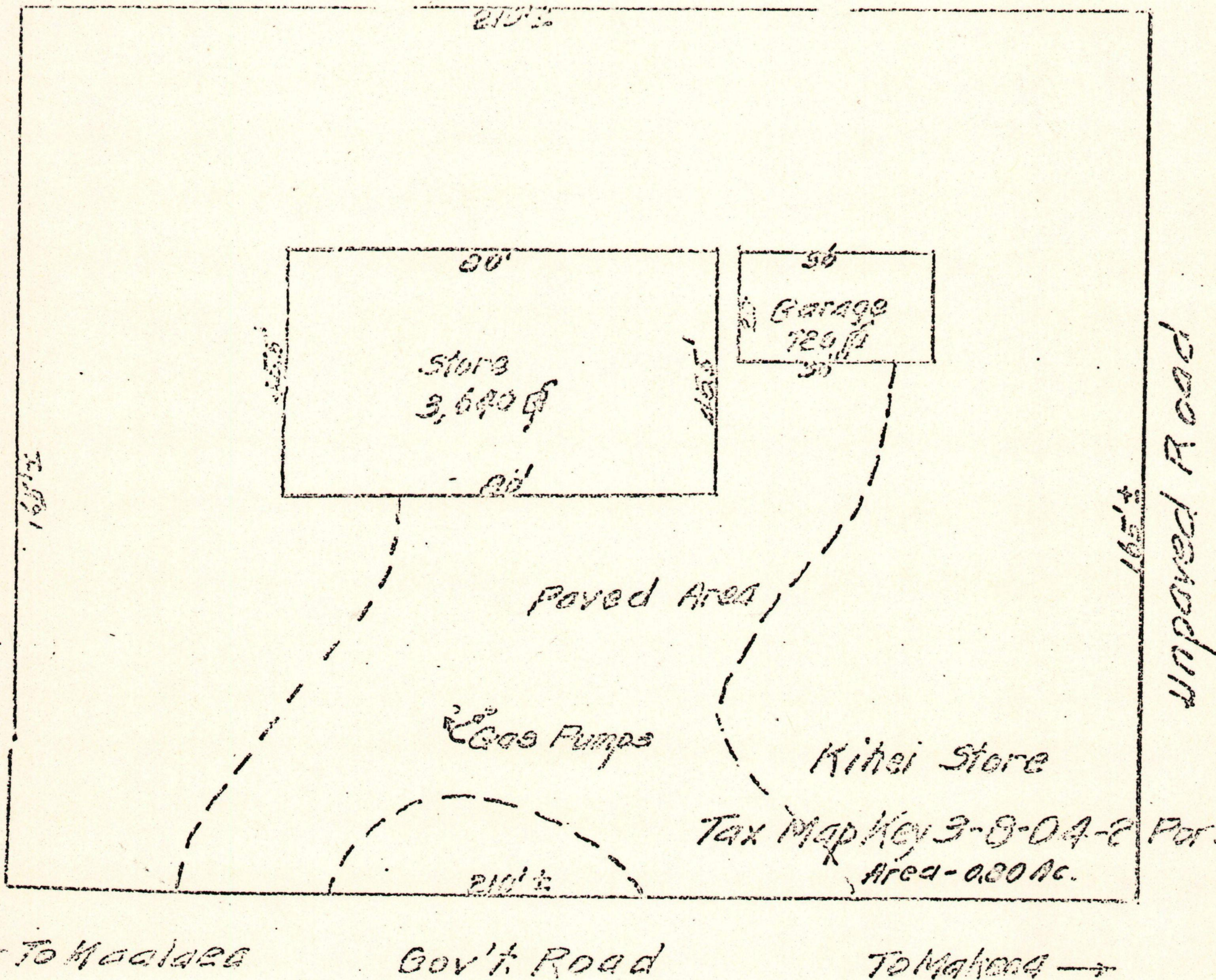
G. Copies to: State LUC _____ Supervisors _____ Applicant _____ Owner & Lessee _____

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LAND USE COMMISSION

165'±



LEASE

HAWAIIAN COMMERCIAL AND SUGAR COMPANY, LIMITED

TO

KIHEI STORE INCORPORATED

EXHIBIT A

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LAND USE COMMISSION

December 27, 1972

Mr. B. Martin Luna
Ueoka, Vail & Luna
P. O. Box H
Wailuku, Hawaii 96793

Dear Mr. Luna:

Re: Application for LUC Special Permit,
Kihei, Maui - Mr. Robert Goueytes

The Maui County Planning Commission, at its meeting of December 19, 1972, conducted a public hearing on the above request for special permit to operate a restaurant within the State Agricultural District at Kihei, Maui. In accordance with the Rules and Regulations of the State Land Use Commission, no action can be taken by the Planning Commission until at least fifteen days after the date of the public hearing.

Action is tentatively scheduled to be taken on the subject request at the regular Commission meeting of January 9, 1973.

Should you have any questions regarding this matter, please contact our office.

Very truly yours,

HOWARD K. NAKAMURA
Planning Director

cc: Tatsuo Fujimoto

NOTICE OF PUBLIC HEARING
MAUI PLANNING COMMISSION

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning Commission in the Hearing Room, Room 614, 6th Floor, County Building, in Wailuku on Tuesday, December 5, 1972, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for a SPECIAL PERMIT under the provisions of the STATE LAND USE COMMISSION REGULATIONS:

KIHFI, MAUI

Request for a special permit to construct and operate a restaurant on property located on the mauka side of Kihei Road near the Waiakoa Stream. Said property is in the State Land Use Agricultural District and is further identified as TMK 3-8-4:21.

Applicant: Robert Goueytes

Area: 0.80 acres

Information regarding this application is on file in the office of the County of Maui Planning Department at Wailuku, Maui, Hawaii, and is open to the public for inspection during office hours.

All testimony regarding said request should be filed in writing to said Commission, 200 S. High Street, Wailuku, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING DEPARTMENT
By Howard K. Nakamura
County Planning Director

(MN--November 16, 1972)

cc State of Hawaii, Board of Harbor Commission
cc Alexander & Baldwin, Inc.
cc Applicant
cc Mayor

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LAND USE COMMISSION

RESCHEDULING OF PUBLIC HEARING
MAUI PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public hearing scheduled to be held by the County of Maui Planning Commission on December 5, 1972, has been rescheduled to December 19, 1972, in the Hearing Room, Room 614, 6th Floor, County Building, in Wailuku at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for a SPECIAL PERMIT under the provisions of the STATE LAND USE COMMISSION REGULATIONS:

KIHEI, MAUI

Request for a special permit to construct and operate a restaurant on property located on the mauka side of Kihei Road near the Waiakoa Stream. Said property is in the State Land Use Agricultural District and is further identified as TMK 3-8-4:21

Applicant: Robert Goueytes

Area: 0.80 acres

Information regarding this application is on file in the office of the County of Maui Planning Department at Wailuku, Maui, Hawaii, and is open to the public for inspection during office hours.

All testimony regarding said request should be filed in writing to said Commission, 200 S. High Street, Wailuku, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING DEPARTMENT
By Howard K. Nakamura
County Planning Director

(MN--November 28, 1972)

cc Public Works
cc Water Supply
cc Highways
cc Dept. of Health
cc A & B
cc Kihei Community Assn.
cc Fire Department
cc Mayor
cc State of Hawaii, Harbors Division

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LAND USE COMMISSION

MAUI PLANNING COMMISSION
REGULAR MEETING
Tuesday, December 19, 1972

The regular meeting of the Maui County Planning Commission was called to order by Yoshikazu Matsui at 1:30 p.m. on Tuesday, December 19, 1972, in the hearing room, Room 614, 6th Floor, County Building, Wailuku, Maui.

A quorum of the Commission was in attendance. (See record of attendance.)

The Chair deviated from the order of the agenda inasmuch as Mr. Martin Luna, representative of Mr. Goueytes, was not present.

- B. MINUTES OF THE REGULAR MEETING OF DECEMBER 5, 1972, were approved as circulated.
- C. MINUTES OF THE SPECIAL MEETING OF DECEMBER 11, 1972, were approved as circulated.
- D. COMMUNICATIONS
 - 1. CHAPMAN, PHILLIPS, BRANDT & ASSOCIATES, requesting extension of use permit to operate landscape architects office within the residential district at Puunene, Maui.

Mr. Ishikawa explained the location of the parcel which is located in the residential district. The applicants are requesting an extension of their permit to operate a landscape office. The original approval by the Planning Commission was granted approximately three years ago. No one has complained of the present use.

Mr. Frank Brandt: We have not been able to find suitable space along the lines we are working...we are not high pressure type of professional or commercial venture. Our business is where there is not a lot of clients coming in and out of the office. We have upgraded and put in considerable improvements to the building and property. We feel with these improvements we would like to realize some of the returns from that and we don't feel that we have been detrimental to this district. We spoke with some of the residents of the Hansen Road. They feel we have upgraded their neighborhood. At this time all I can say on our relocating 'we cannot afford expensive quarters in a new building.'

Mr. Matsui: Do you intend to look for a place?

Mr. Brandt: Could we make a definite wording -- at the end of these three years. It is my feeling that we are going to expand. By doing that we would have to have different facilities. Until that time, if we were to put a limit on the three years....time to relocate can be achieved in the three years.

Mr. Brandt also stated that they have looked for other space but they were not able to find one that they could afford.

Mr. Kage: Is it fully staffed and used all year around?

Mr. Brandt: Yes, we have a resident principle here Mr. Russ Rielly and a part time draftsman working. We are using an answering service and secretarial services.

Mr. Matsui: Garner, these homes are not going out within three years?

Mr. Ivey: No, the homes in this particular vicinity will be there for three or more years. Eventually it will be phased out. In this particular building was the HC&S Credit Union. It was modified for office use. It is

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LAND USE COMMISSION

not needed for housing as far as the plantation is concerned. Cost would be too much to put it back to housing.

It was moved by Mr. Franco, seconded by Mr. Mayer and

VOTED: to approve an extension of the permit not to exceed three years.

5 Affirmative
1 Dissenting
1 Absent

A. PUBLIC HEARING ✓

1. KIHEI, MAUI

Request for a special permit to construct and operate a restaurant on property located on the mauka side of Kihei Road near the Waiakoa Stream. Said property is in the State Land Use Agricultural District and is further identified as TMK 3-8-4:21

Applicant: Robert Goueytes

Area: 0.80 acres

Mr. Nakamura read the notice of public hearing which was published in the Maui News on November 28, 1972, a copy of which is attached hereto and made a part hereof.

Mr. Ishikawa explained the request from the staff report, a copy of which is attached hereto and made a part hereof.

The Commission expressed concern over the traffic in and out of the area.

Mr. Freeland: How far away is the Maui Lu from the site we are talking about?

Mr. Nakamura: Three fourths of a mile.

There were no letters of approval or protest as of 12:45 p.m. this date.

The Chair opened the hearing to the public.

Mr. Martin Luna: Mr. Robert Goueytes had been operating Club 19 at the golf course at Waiehu and he had worked with Mr. & Mrs. Suda in paying the post office portion and the only construction would be the restaurant facility that he has constructed here on the plan. Aside from that, that is the only change he would make in the whole area. We have already negotiated a lease with Mr. Suda. There is no problem with parking. We will take into consideration the problem of traffic that was brought up. The only other addition I would like to make is off towards Maalaea you have the Beauchamp condominium and across the ditch from it the Maalaea Surf. The whole area is developing quite a bit. This is the main reason...all in walking distance to the Suda Store. I believe there are several more in existence on the Maalaea side. Then you have the residences right around walking distance also. We would like to request this commission to approve our application for special permit to operate a restaurant here.

Mr. Matsui: You intend to mark all the parking stalls.

Mr. Luna: There was no intent originally, but certainly this can be done.

Mr. Kage: How about the lessors. Is it in the lessees right to sub-lease the land.

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LAND USE COMMISSION

Mr. Luna: Yes, we have checked with A & B. They have until February 1975 so we have made our lease in conformity with that lease. There is also an option on the Suda's to renew the lease.

No one else spoke for the granting of the request.

No one spoke against the granting of the request.

The Chair closed the public hearing and informed the applicant that there is a 15 day waiting period before the Commission can take action.

E. ACTION ON REQUEST

LUC Special use Permit from AVIS RENT A CAR to operate U-Drive facility within the Agricultural District on Molokai.

The public hearing on this request was held by the Molokai Advisory Committee to the Maui Planning Commission.

Mr. Ishikawa showed the location of the parcel, containing 3.19 acres in size, located near the Molokai Airport and further explained the request from the staff report. Mr. Ishikawa also read the recommendation from the Molokai Advisory Committee.

Mr. Kage: You said the area set aside by airport is very limited for U-Drive purposes.

Mr. Ishikawa: The limited space refers to the office.

Mr. Kage: The area surrounding the airport basically is owned by the State or Hawaiian Homes?

Mr. Ishikawa: Where applicant is, is State Land.

Mr. Nakamura: They have already received approval from the Land Board. It is a combination of Hawaiian Homes and State.

Mr. Ishikawa: Old site will be abandoned, just moving into new area.

Mr. Kage: If in the future anyone comes in for application, are we going to spot zone them all over the place?

Mr. Ishikawa: In this case it is in the Molokai Airport. In addition to those conditions suggested by the Molokai Advisory Committee, I have another condition that landscape and site development plans be submitted and approved by the Planning Department.

Mr. Long: (Avis Rent A Car) The office space at the terminal, we do not have one, that is the reason we are asking for this permission. The Dept. of Transportation allows only so many people at the airport. That is why we need this space to rent them their cars. We have requested to go into the airport but they have rejected. Right now we are servicing the people from Kaunakakai.

Mr. Mayer felt that the Department of Transportation should be asked to allow centralization of U-Drives.

Mr. Nakamura: I think this is one of the things the State has tried to do in setting up the subdivision for U-Drive cars where our old office was. That subdivision was to provide for U-Drive in one area. The problem with some of the others is that the State has so many permits to give. Within the

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other areas they are not spot zoned because they are zoned business. I agree, they should ideally be located together. In the case of Molokai, it would be desirable to perhaps consolidate them in one area. I think as a first step we could request the Department of Transportation and Land and Natural Resources to get together and see if they can come up with some proposals. I think area that Avis is proposing is a good one. Across the street there is land available for expansion.'

It was moved by Mr. Kage, seconded by Mr. Freeland and unanimously

VOTED: to recommend approval as recommended in the Molokai Advisory Committee Report and also to include that landscape and site plans be submitted and approved by the Planning Department.

As requested by Mr. Mayer the Chair directed the Director to write to the Board of Land & Natural Resources and Department of Transportation to come up with a plan for the area to avoid spot zoning.

F. DIRECTOR'S REPORT

1. The Lanai General Plan has passed two readings by Council.
2. Construction Report for November 1972.

G. OLD BUSINESS

H. NEW BUSINESS

1. 1973 Meeting Schedule was adopted by the Commission.

Commissioner Franco's term expires as of December 31, 1972.

ADJOURNMENT: There being no further business to come before the Commission the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

JEAN A. UEMAE
Private Secretary

RECORD OF ATTENDANCE

PRESENT:	Y. Matsui	
	K. Kage	
	J. Franco	
	G. Alan Freeland	
	M. Kimura	
	R. Mayer	
EXCUSED:	G. Murashige	
OTHERS:	H. Nakamura	Russ Rielly
	T. Ishikawa	Frank Brandt
	P. Matsui	Garner Ivey
	J. Chang	Martin Luna
	M. Miura	John Fernandez
	C. Longo	John Bose
	R. Johnson	Mr. Long

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LAND USE COMMISSION

December 19, 1972

TO: Maui Planning Commission
FROM: Staff

EXPLANATION OF REQUEST

Applicant's Name: MR. ROBERT GOUEYTES by B. MARTIN LUNA
Location: Easterly side (mauka) of Kihei Road near its intersection with Mokulele Highway (vicinity of Suda Store)
Tax Map Key: 3-8-4:21
Area: 0.80 acres
Zoning: State Land Use Agricultural District
General Plan: Business
Request: To construct and operate a restaurant within the State Agricultural District.

EXISTING CONDITIONS

1. The subject request pertains to a portion of the existing building formerly used as the Kihei Post Office. It is a part of the structure presently containing the Suda Store. In addition to Suda Store, the property contains a "drive-in" food concession, gasoline pump station and paved driveway and parking area. The remaining portion of the property is unimproved.
2. Utilities presently serving Suda Store will be available for the subject request.

Water is provided by a 6" water line.

Sewer: County sewer system is not available at this time, although presently in the design stage.
3. Access: The subject property has direct access to Kihei Road as shown on Exhibit "A" (site plan).
4. The surrounding area is developed as follows:

Makena side - Single-family residences and Kihei School
Makai side - Kihei shoreline
Wailuku side - Vacant and agricultural use
Mauka side - Vacant
5. Off-street parking area is available in the area immediately to the front of the Suda Store building. Additional parking could be provided without difficulty since much of the area is already paved.

COMMENTS

1. The subject request to operate a restaurant business is in conformance with the Kihei General Plan.
2. Much of the surrounding area is vacant at this time. The present Business use (Suda Store) has been in existence for a number of years.

3. The applicant intends to use about 900 sq. ft. of that portion of the building formerly utilized as a U. S. post office, and will also construct a small addition on the Maalaea side of the existing building.
4. The applicant indicates that a large number of condominium developments and housing construction would provide a need for a restaurant at the subject location. Presently, restaurant and other eating establishments in Kihei are located at the Maui Lu, in the Kalama Park area, and at Hale Pau Hana (Kamaole).

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STAFF REPORT

TO: Maui Planning Commission

FROM: Staff

SUBJECT: Request by MR. ROBERT GOUEYTES for State Land Use Commission Special Permit to construct minor improvements and operate a restaurant within the Agricultural District at Kihei, Maui.

COMMENTS:

1. The Maui Planning Commission conducted a public hearing on the subject request on December 19, 1972.
2. Except for the applicant, no testimony was received relative to the subject request at the public hearing. No written testimony has been received by the Maui Planning Department other than that submitted by the applicant and the County Water Department.
3. An analysis of the subject request indicates that said request meets the following guidelines established by the State Land Use regulations pertaining to Special Permits:
 - a) That the propose use does not adversely affect surrounding property inasmuch as the property is presently being used for commercial purposes (store, snack bar).
 - b) That public agencies will not be unreasonably burdened to provide services required by the proposed use. The existing services are capable of accommodating the demands generated by the propose use.
 - c) That the land upon which the propose use will not substantially alter the essential character of the land and the present use.

RECOMMENDATION:

The staff recommends approval of the subject request with the following conditions:

1. That paved, striped parking spaces be provided in accordance with the County's Off-Street Parking requirement of one space for every 100 sq. ft. of restaurant floor area and one space per every 500 sq. ft. of floor area for the remaining portions of the building.
2. That the ingress and egress driveways be delineated by appropriate stripings.
3. That a comprehensive plan for parking and access be reviewed and approved by the Planning staff.
4. That the project be initiated within one year from date of final approval.
5. That all State and County requirements be met.
6. That the approval be granted through January 27, 1976 (Term of lease Agreement) with further extensions dependent upon review by the Maui Planning Commission.

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RECORDATION REQUESTED BY:

AFTER RECORDATION, RETURN TO:

RETURN BY: MAIL () PICKUP ()

THIS LEASE made this 11th day of December,
1972, by and between SUDA KIHEI STORE, INC., a Hawaii
corporation, Lessor, and ROBERT GOUEYTES, dba Robaire's,
Lessee,

W I T N E S S E T H :

That Lessor, in consideration of the rent reserved,
covenants of Lessee and provisions of this Lease, hereby
leases to Lessee:

A portion of the improvements situate on those
certain premises at Kihei, Maui, Hawaii, being that
portion of Parcel 2, Tax Map Key No. 3-8-04,
containing an area of 0.80 acre of land, being the
property known as the "Suda Kihei Store", which
portion is marked in red on the map, Exhibit A,
attached hereto and made a part hereof.

TO HAVE AND TO HOLD for a term commencing
December 1, 1972, and ending January 27, 1976, for a
monthly rental during said term of five per cent (5%) of
the monthly gross sales of all goods and services by the
Lessee and any salesman, agent, employee or concessionaire
working on or from the premises, whether for cash or on
credit in connection with the operation of Lessee's
restaurant business. The rent is payable on the 30th day
of each month, without deduction, notice or demand.

The term "gross sales" as herein used shall mean
and include the sales price of all merchandise of every

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sort whatsoever sold and the charges for all services performed by Lessee or by any other person selling merchandise or performing services of any sort in, upon or from any part of the demised premises, and shall also include the amount of any state, territorial or local sales tax paid by the purchaser of said merchandise or services, but shall exclude the amount of federal excise taxes levied or imposed upon the value of merchandise sold or services performed.

Lessor covenants that on payment of rent and observance and performance by Lessee of its covenants and provisions of this Lease, Lessee shall peaceably hold and enjoy the premises for the term without hindrance or interruption by Lessor, or any person claiming by, through or under it.

Lessor agrees to permit Lessee to make such improvements to the premises as are necessary for the operation of a restaurant on the premises; provided, however, the cost of all such improvements shall be borne by the Lessee. The plans for such improvements shall be submitted to Lessor by Lessee for Lessor's approval, which approval shall not be unreasonably withheld.

Lessee covenants with Lessor:

1. That he has examined the premises and received same in good order and repair and that Lessor shall not be liable for injury or damage from latent or patent defect of the premises, from lack of repair required of him by this lease, from bursting, failure or leaking of pipes or plumbing in the building of which the premises are a part,

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from any leakage, or from any act or neglect of a co-tenant or occupant of said building.

2. That for and during the term hereof, he will pay all utility charges for electricity and telephone service and for the collection of garbage and trash resulting from the operation of his restaurant business. Lessor will pay the first \$20.00 per month of the charges for water service to the property, and Lessee shall pay the balance per month of said water charges.

3. That he will maintain the premises and all equipment, plumbing, electrical and other installations in good order and condition, reasonable wear and tear and damage by Act of God excepted, and will make all repairs except structural repairs to exterior walls, roof and concrete floors which shall be made by Lessor.

4. That he will replace immediately all broken or damaged plate glass, windows and skylights save those broken or damaged by Act of God.

5. That no additions, alterations or improvements shall be made without written assent of Lessor and shall become a portion of the realty. That he will not overload, damage or deface the premises or drill any holes or fasten furniture, counters or fixtures therein without such written assent, provided that Lessee may remove at any time furniture and trade fixtures installed by him if the same can be removed without material injury to the building and so long as Lessee has not breached any of its covenants or provisions of this lease.

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6. That Lessor shall have the right at reasonable times to enter and inspect the premises, to make repairs it considers necessary and shall not be liable for any interference or inconvenience thereby resulting to Lessee and that Lessee will immediately pay for the cost of any repairs for which he is liable.

7. That the premises shall only be used for the operation of a restaurant business and such services as are compatible and attendant thereto, such as the serving of wines and alcoholic beverages; that no other sales or business shall be conducted on the premises.

8. That should the premises or buildings be partially or wholly destroyed by Fire or Act of God, the Lessor may terminate this lease upon written notice delivered to the last known business address of Lessee or may suspend the same during such time as is required to repair or reconstruct the premises and no rent shall be due and payable during such suspension.

9. That he will keep a full and complete set of books and accounts in accordance with a system approved by Lessor and in such detail as Lessor may require, will register all sales and receipts on a sealed cash register or registers which shall be of a type approved by the Lessor, and which shall not be removed or unsealed without prior notice to and opportunity of inspection by Lessor, that the books, cash registers and tax records of Lessee shall be open to inspection by Lessor at all reasonable times and that Lessor may maintain a representative on the premises during any business hours to check the operations and records of Lessee.

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10. That he will furnish the Lessor with a statement of sales and receipts and credits and other deductions within 20 days after the end of each month.

11. That he will indemnify and save harmless Lessor from any liability for damages or injury arising out of any accident or event on the premises or from Lessee's operations and will maintain owners', landlords' and tenants' liability insurance or equivalent, with minimum limits of \$50,000.00 for injury to property and \$100,000.00 for injury to one person and \$300,000.00 for injury to more than one person, covering the premises and adjacent sidewalks, with Lessor as additional assured.

12. That he will obtain at his own expense during said term fire insurance in the amount necessary to cover the value of the leased premises and will name the Lessor as additional assured of the said policy. The proceeds of such policy will be payable to the parties in the same proportion as set forth in Paragraph 2 above.

13. That he will pay his proportionate share of the real property taxes and all other taxes, charges (including but not limited to water, light and power), and levies made or assessed on the operations, business and property of Lessee and the premises. Lessee's proportion shall be the same as that set forth in Paragraph 2 above.

14. That he will, during said term, keep the demised premises in a strictly clean and sanitary condition, and observe and perform all the laws, ordinances, rules and regulations relating to health and sanitation for the time being applicable to the said premises, and will comply with

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all laws, ordinances and governmental regulations pertaining to the business of Lessee and the premises and will indemnify and save Lessor harmless against all actions, suits, claims and damages whatsoever brought by or made by reason of breach of same or this covenant.

15. That they will not make or suffer any strip or waste or unlawful, improper or offensive use of the said premises.

16. That he will not paint, post or place any sign, placard, blind or awning on the premises, or make any sidewalk displays without written assent of Lessor and will display such signs as are required by Lessor and renew, repaint and keep the same in fresh order and condition.

17. That he will not sublet the whole or any portion of the premises or assign or hypothecate this lease without the written assent of Lessor.

18. That he will diligently and in a first class manner conduct his business, promote the same and maintain full and proper facilities, equipment and personnel and clearly and properly mark the prices on all goods.

19. That at the end of the term or sooner termination, he will peaceably deliver to Lessor the premises in good order, condition and repair.

IT IS MUTUALLY COVENANTED AND AGREED

(a) That this lease only creates the relationship of Lessee and Lessor.

(b) That on condemnation of the whole or any portion of the building all compensation except for property removable by Lessee at the time shall belong and be solely payable to Lessor.

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(c) That Lessor may terminate this lease with or without notice or demand and enter the premises and expel Lessee and remove his effects without being deemed guilty of trespass if Lessee fails to pay rent when due, breaches any of its covenants or any provision of this lease, is declared bankrupt or insolvent according to law, makes an assignment for benefit of creditors or loses possession of the premises by process of law; and the Lessee shall be liable for all loss and damage to Lessor and all costs including reasonable attorney's fees in conjunction with any termination and vacancy of premises. All remedies of Lessor shall be cumulative.

(d) That any holding over beyond the term shall be a tenancy from month to month and otherwise shall be for and on the same rent, covenants and provisions of this lease.

(e) That this lease may be renewed by Lessor for a further term of ten years on agreement by Lessor and Lessee as to rent.

(f) That Lessee, his agents, employees and customers shall be permitted access to the restaurant and shall be permitted to use as common areas the parking spaces, delivery areas and walkways in connection with his restaurant business; provided, however, that Lessee shall make such use of these common elements in a reasonable manner.

(g) That acceptance of rent by Lessor or waiver by Lessor of a breach by Lessee of any covenant or provision of this lease shall not be construed to be a waiver of any other breach or of Lessor's right to terminate; that "Lessor" shall include Lessor, its successors and assigns; that

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LAND USE COMMISSION

"Lessee" shall include Lessee, and his heirs and assigns;
that any provision of this lease applicable to Lessee shall
have the effect of a covenant by Lessee.

IN WITNESS WHEREOF the parties hereto have executed
this lease the day and year first above written.

SUDA KIHEI STORE, INC.

By Yoshiji Suda
Its President

By Haruko Aida
Its Secretary - Treasurer

Lessor

Robert Goueytes
1961 10/15
Robert Goueytes

Lessee

RECEIVED

JAN 19 1973

State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 11th day of December, 1972, before me personally appeared Yoshiji Suda and Hatsuko Suda, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary-Treasurer, respectively, of SUDA KIHEI STORE, INC., a Hawaii corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said Yoshiji Suda and Hatsuko Suda acknowledged the said instrument to be the free act and deed of said corporation.

B. Donif La

Notary Public, Second Judicial Circuit, State of Hawaii.

My commission expires: 8-4-76

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 11th day of December, 1972, before me personally appeared ROBERT GOUEYTES, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

B. Donif La

Notary Public, Second Judicial Circuit, State of Hawaii.

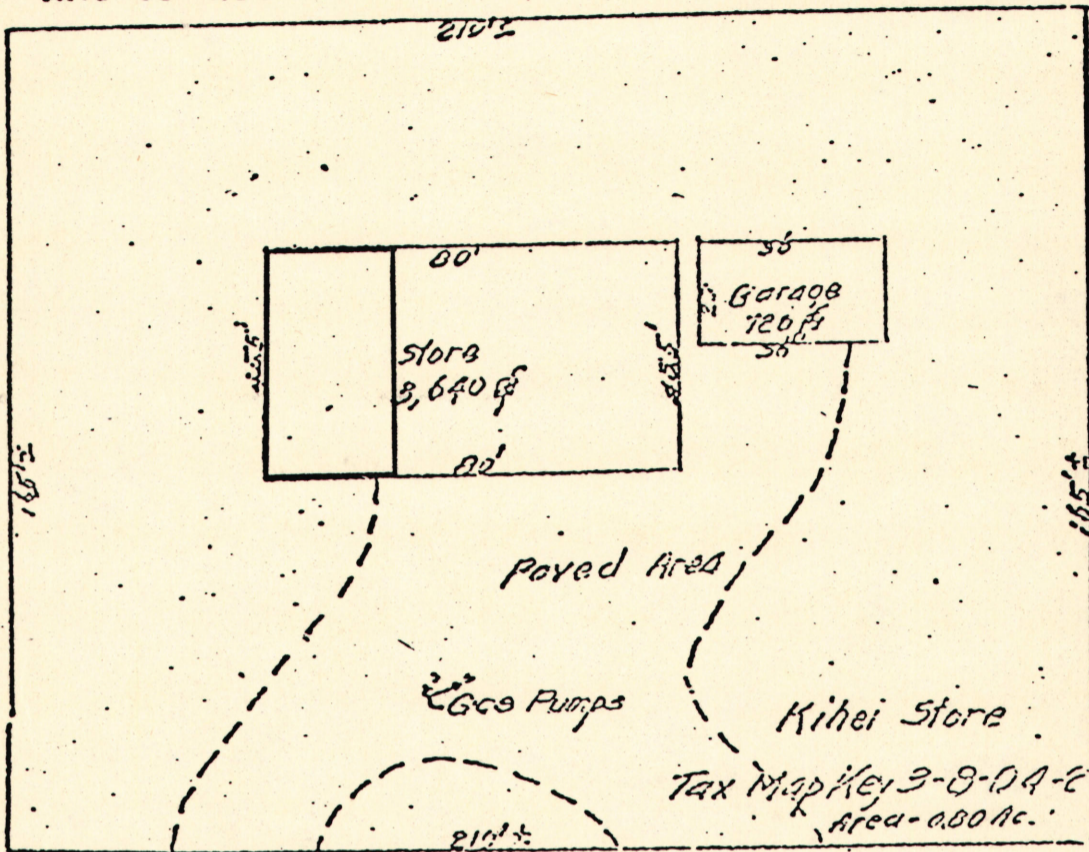
My commission expires: 8-4-76

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JAN 19 1973

State of Hawaii
LAND USE COMMISSION

H.C. & S. Co., Ltd. - unpaved road



← To Kaalaea

Gov't. Road

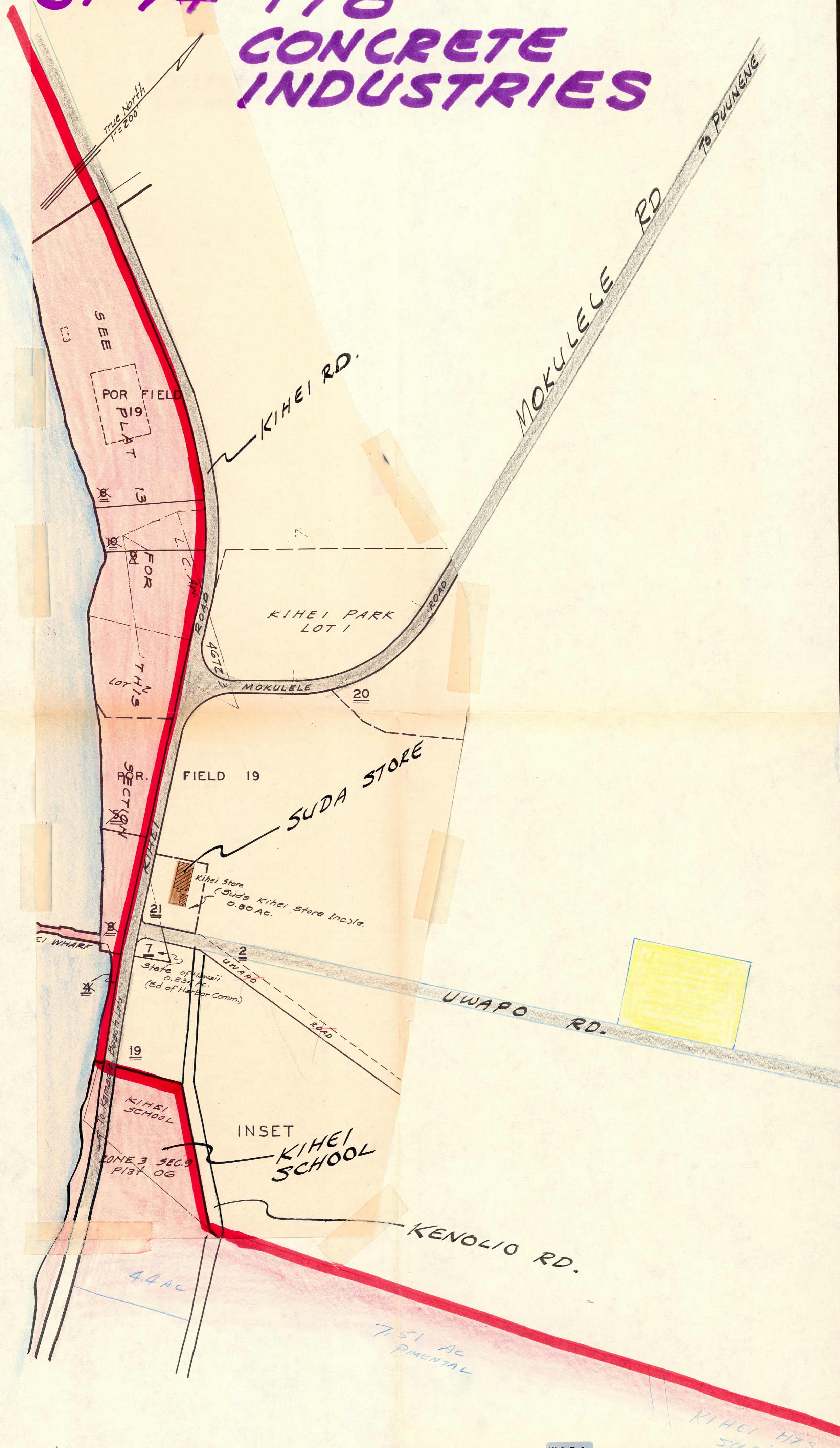
To Liakona →

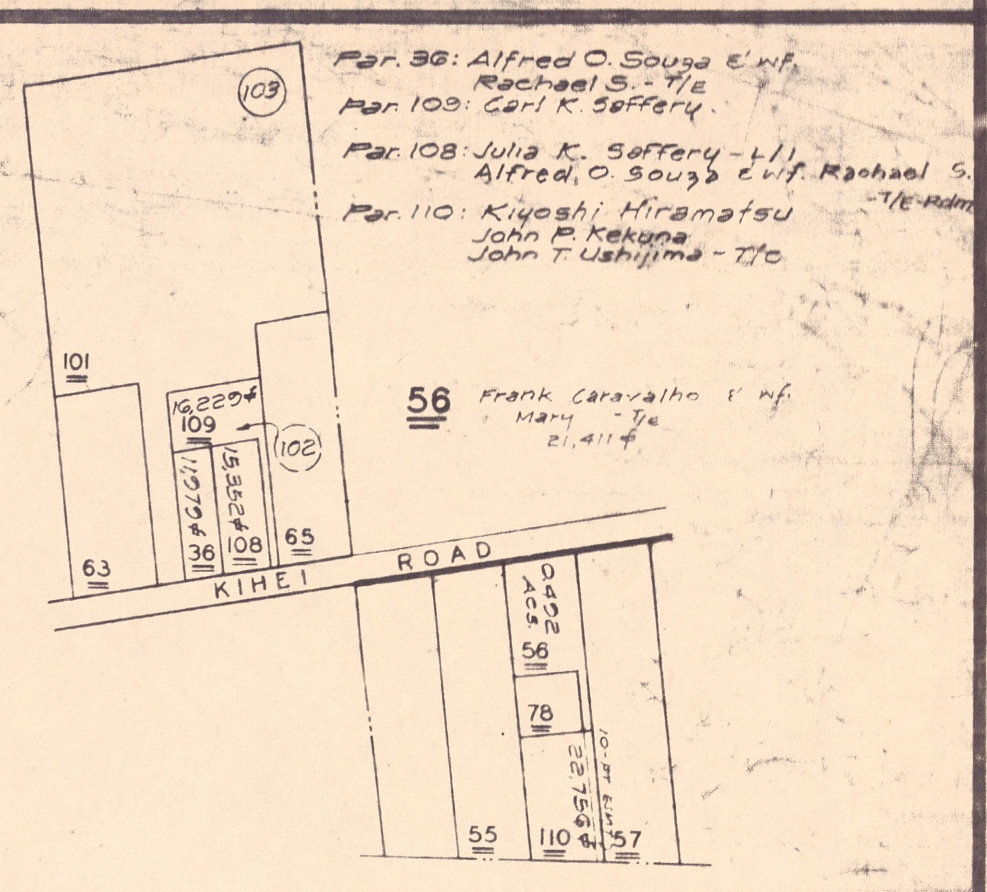
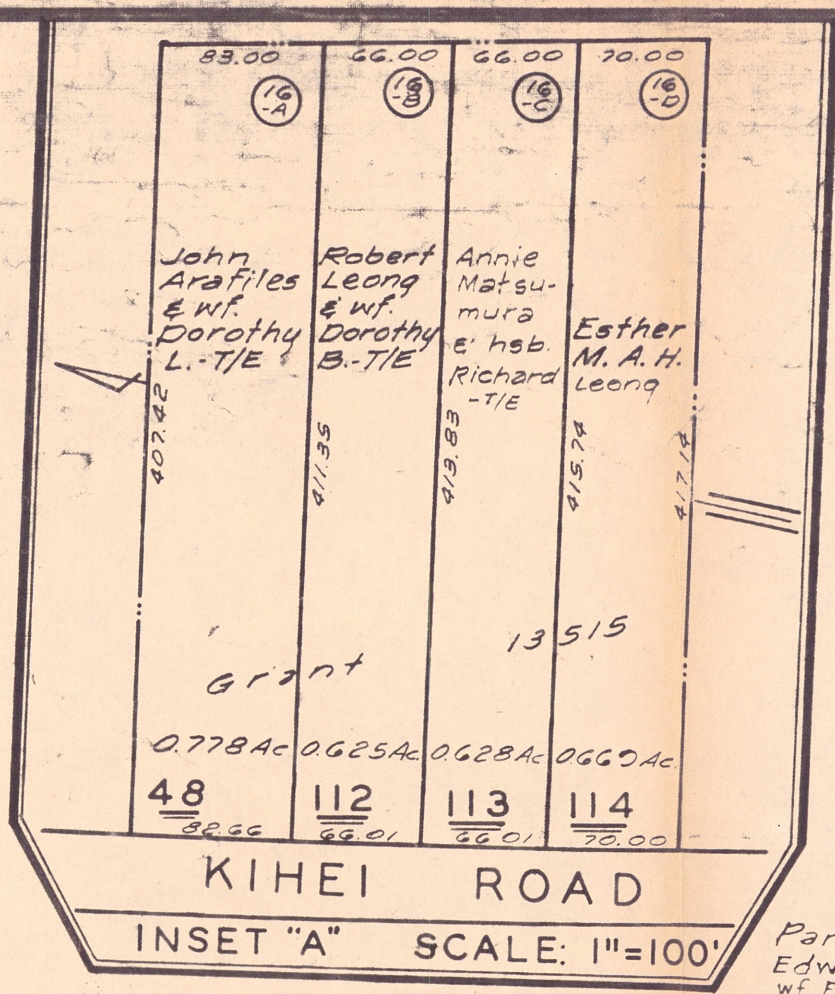
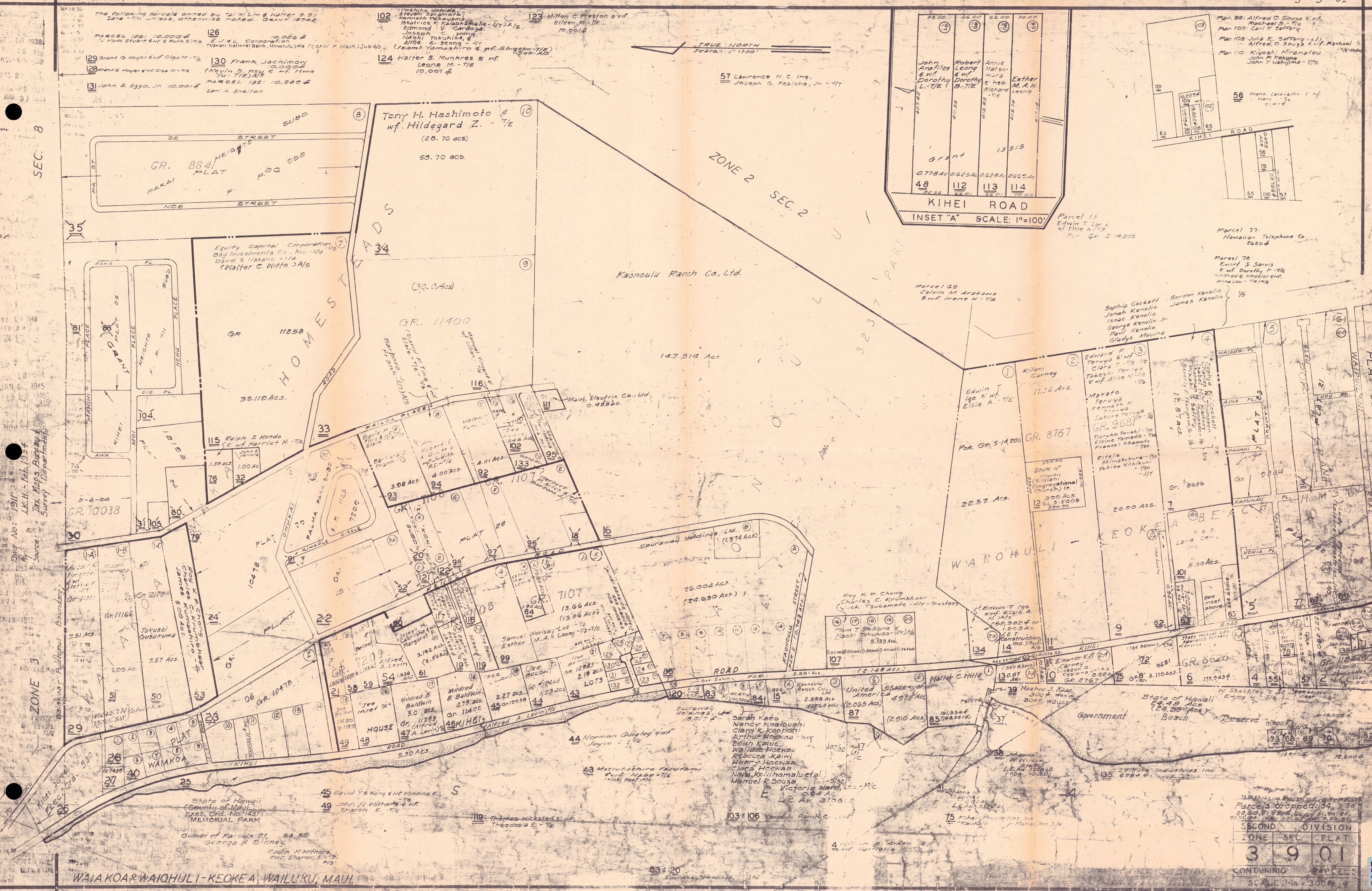
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JAN 19 1973

State of Hawaii
LAND USE COMMISSION

SP74-178 CONCRETE INDUSTRIES





SEC. 8

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Parcels dropped: 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

ZONE	SEC.	PLAT
3	9	01

CONTAINING PARCELS

SCALE: 1"=300'

SP73-112 ROBERT GOUGHES