

COUNCIL OF THE COUNTY OF MAUI  
**INFRASTRUCTURE MANAGEMENT  
COMMITTEE**

March 19, 2010

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure Management Committee, having met on August 31, 2009, November 16, 2009, February 1, 2010, and February 23, 2010, makes reference to County Communication No. 09-217, from Councilmember Jo Anne Johnson, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 16, MAUI COUNTY CODE, TO FACILITATE THE CONSTRUCTION OF LANAI ENCLOSURES".

The purpose of the draft bill is to provide exemptions from the Building Code for the construction of lanai enclosures in which no square footage is added to the existing structure.

In response to your Committee's request, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26.106, MAUI COUNTY CODE, PERTAINING TO THE UNIFORM BUILDING CODE AND CONSTRUCTION OF LANAI ENCLOSURES", approved as to form and legality. The purpose of the proposed bill remains the same, although the title was revised by the Department of the Corporation Counsel.

The Director of Public Works indicated his strong objections to the proposed bill, stating that the proposed exemption from the Building Code for construction of lanai enclosures would preclude the Department of Public Works from ensuring compliance with certain standards relating to health, safety, and livability. Compliance with these standards, as well as maintenance of the structural integrity of the structure, could not be assured if the construction of lanai enclosures is exempted from permit review.

Your Committee noted that at least one owner of a condominium unit (located at the Kaanapali Royal) had received approval from the Board of Variances and Appeals to process an "after the fact" building permit for his lanai enclosure.

A Deputy Corporation Counsel noted that the final written decision by the BVA had not been issued. This preliminary decision was based on the facts and circumstances

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related to a specific application, and future decisions would be made on a case-by-case basis.

Both the Planning Director and a representative from the Department of Fire and Public Safety recommended that the Building Code's requirement for a building permit for the construction of lanai enclosures be retained in order to allow their respective departments the opportunity to perform appropriate reviews relative to their area of expertise.

Your Committee expressed agreement with the concerns raised by the Administration officials regarding the proposed bill.

Your Committee voted 6-0 to recommend filing of the communication. Committee Chair Medeiros, Vice-Chair Pontanilla, and members Baisa, Mateo, Molina, and Victorino voted "aye". Committee member Kaho'ohalahala was excused.

Your Infrastructure Management Committee RECOMMENDS that County Communication 09-217 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
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BILL KAUAKEA MEDEIROS, Chair