

**LAND USE COMMITTEE**  
**Council of the County of Maui**

**MINUTES**

**Council Chamber**

**June 2, 2010**

**CONVENE: 1:32 p.m.**

**PRESENT:** Councilmember Gladys C. Baisa, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Jo Anne Johnson, Member (arr. at 1:33 p.m.)  
Councilmember Danny A. Mateo, Member  
Councilmember Bill Kauakea Medeiros, Member (arr. at 1:35 p.m.)  
Councilmember Wayne K. Nishiki, Member  
Councilmember Joseph Pontanilla, Member  
Councilmember Michael P. Victorino, Member

**EXCUSED:** Councilmember Sol P. Kaho`ohalahala, Member

**STAFF:** Carla Nakata, Legislative Attorney  
Pauline Martins, Committee Secretary

**ADMIN.:** James Giroux, Deputy Corporation Counsel, Department of the Corporation  
Counsel Deputy Director Ann Cua, Planner, Department of Planning  
Ann Cua, Deputy Director, Department of Planning  
Kurt Wollenhaupt, Planner, Department of Planning (Item No. 31)

**OTHERS:** Chris Borges, MGM Partnership  
Gregg Nelson, General Manager, Napili Kai  
Kimberly Skog Munekiyo, Munekiyo & Hiraga, Inc.  
Michael Munekiyo, Munekiyo & Hiraga, Inc.  
Durwin Kiyabu, Architect, Nishikawa Architects, Inc.  
Plus (5) other people

**PRESS:** *Akaku Maui Community Television, Inc.*

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**CHAIR BAISA:** . . . (*gavel*) . . . Will the meeting of the Land Use Committee please come to order. Today is June 2<sup>nd</sup> and the time is about 1:37. Chair will note that there is a quorum present. The Chair would please ask that--before we go into things--that everyone, who has a cell phone or other noisemaking device, please put it on silent mode. Thank you very much. I am Gladys Baisa, the Chair of the Land Use Committee, and with me here this afternoon are Members of the Committee. We have Michael J. Molina, the Vice-Chair of this Committee as well as Vice-Chair of the Council.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

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VICE-CHAIR MOLINA: Good afternoon, Chairman.

CHAIR BAISA: Good afternoon, Mr. Molina. We have Jo Anne Johnson.

COUNCILMEMBER JOHNSON: Aloha.

CHAIR BAISA: Thank you, Ms. Johnson. We have Council Chair and Member of the Committee, Danny Mateo

COUNCILMEMBER MATEO: Good afternoon, Chair.

CHAIR BAISA: Good afternoon. We also have with us Member Wayne Nishiki.

COUNCILMEMBER NISHIKI: Good afternoon.

CHAIR BAISA: Good afternoon. We have Member Joseph Pontanilla--

COUNCILMEMBER PONTANILLA: Good afternoon.

CHAIR BAISA: --and Member Michael Victorino

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR BAISA: Thank you. From the Department of the Corporation Counsel, we have James Giroux, our Deputy Corporation Counsel.

MR. GIROUX: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon. And with us from the Executive Branch, we have Ann Cua, who is the Deputy Planning Director.

MS. CUA: Good afternoon, Chair.

CHAIR BAISA: Good afternoon and congratulations. We're very happy to have you here in your new capacity.

MS. CUA: Thank you.

CHAIR BAISA: Also with us for Land Use 31, we have Kurt Wollenhaupt, Planner, with the Department of Planning; and on-call, we have Mike Miyamoto, the Deputy Director of Public Works; and Herb Chang, the Engineering Program Manager from the Department of Water Supply.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

We also have applicant representatives. For Land Use 29, we have Chris Borges. And for Land Use 31, we have Gregg Nelson, Vice President of Napili Kai, Ltd.; Kimberly Skog of Munekiyo & Hiraga, Inc.; Mike Munekiyo from Munekiyo & Hiraga, Inc.; and Durwin Kiyabu, the Architect, with Nishikawa Architects.

And of course, our ever-faithful Committee Staff, we have Carla Nakata, our Legislative Attorney; and Pauline Martins, our Committee Secretary.

Unfortunately, we will need to have a short recess here. It won't be that short. We need ten minutes. The Members had a very arduous morning and a break is needed so that they can take care of their personal needs and we will reconvene this meeting in ten minutes. The meeting is now in recess. . . . (*gavel*) . . .

**RECESS: 1:35 p.m.**

**RECONVENE: 1:48 p.m.**

CHAIR BAISA: . . . (*gavel*) . . . The Land Use Committee will come back to order. Members, I hope that we were able to take care of everything in that short break.

Now, we will . . . uh . . . the Chair will accept public testimony, if we have any, starting in a few moments. Those wishing to testify should sign up at the table set up in the lobby. Testimony shall be limited to three minutes. The yellow light will indicate that you have 30 seconds remaining and should begin to conclude. Testifiers are requested to state their name for the record and to indicate who they are representing, if applicable.

Members, today we have two items on our agenda. Land Use 29, which is a conditional permit for the operation of a market known as the "Maui Grown Market" in Haiku; and Land Use 31, a conditional permit for the Napili Kai Beach Resort condominium complex in Lahaina.

The public will now accept . . . uh . . . we will now accept public testimony on both agenda items, if there is any. No? Secretary indicates that no one has signed up to testify. Is there anyone in the gallery, who would like to testify, who has not signed up? Seeing none, Members, without objection, public testimony will be closed.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR BAISA: Thank you very much. Chair would also like to note today that excused are Members Jo Anne Johnson and Member Sol Kaho`ohalahala at the moment.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

**LU-29      CONDITIONAL PERMIT FOR THE OPERATION OF A MARKET KNOWN AS  
THE "MAUI GROWN MARKET" (HAIKU) (C.C. No. 09-294)**

CHAIR BAISA: Members, the first item on the agenda is Land Use 29, relating to a conditional permit amendment for the operation of a market in Haiku known as the "Maui Grown Market". I would like to refer the Members to the proposed bill transmitted by County Communication No. 09-294, entitled "A BILL FOR AN ORDINANCE GRANTING MGM PARTNERSHIP A CONDITIONAL PERMIT FOR THE OPERATION OF A MARKET WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII". The proposed bill, if passed, would grant a five-year Conditional Permit for the operation of the market, subject to five conditions. I have asked the County Planner to provide the Committee with an overview of the matter; and this is going to be handled by our Deputy Director of the Department of Planning, Ann Cua, in helping out as the Planner on the project. Ms. Cua?

MS. CUA: Thank you, Madam Chair and Members. The Conditional Permit application before you for the Maui Grown Market is on a piece of property that is 2.37 acres in Haiku at the corner of Hana Highway and Ulumalu Road. I did distribute two maps that we prepared in the Planning Department, just basically giving you a location of where the property is--at the corner of Hana Highway and Ulumalu Road--and the TMK is 2-8-02:016. The business has been on this property since 1987. The property contains two farm dwellings, Ag crops, and the 988-square-foot market. The applicant purchased the property on an agreement of sale in 2005. The State Land Use Classification is Agriculture. The County zoning is Agriculture and the Paia-Haiku Community Plan designates the site for Agricultural use.

The initial Land Use Commission Special Use Permit, the Planning Commission granted a Land Use Commission Special Use Permit way back in 1987; and the Maui Grown Market was allowed to operate under a special use permit for quite a number of years. They kept getting the permit extended.

When they tried to get it extended in 1999, we informed the applicant that in December of 1998, the County Agricultural District Ordinance became effective and what this required is that this particular use would now have to get a County approval as well. The existing use of the Maui Grown Market as a limited grocery store and snack bar facility was not identified as a permitted use or a special use in the Ag District, in the County Ag District. So in addition to the Land Use Commission Special Use Permit that they had been granted and extended for a number of years, they then had to get a Conditional Permit as well.

So in 2004 (February of 2004), they filed their Conditional Permit application. The Planning Commission conducted the public hearing on the Conditional Permit on May 24, 2005. There was no testimony given either for or against from the public. The Commission recommended approval to the County Council of the Conditional Permit subject to five conditions that are outlined in the ordinance. I don't think I need to go over them, Chair, since you have the ordinance.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

CHAIR BAISA: Yeah.

MS. CUA: And the Commission . . .

CHAIR BAISA: Hang on, Ms. Cua.

MS. CUA: Yeah.

CHAIR BAISA: You each have a single sheet that has . . . uh . . . ease for your reference, so you can find it easily. Thank you. Thank you. Go ahead.

MS. CUA: So that's it. If there's any questions, I could answer any questions for you.

CHAIR BAISA: Thank you very much. Mr. Molina?

VICE-CHAIR MOLINA: Yeah. Thank you very much, Madam Chair, not so much a question for the Department. Ms. Cua's done a fine job in highlighting the key points of the . . . uh . . . I guess the renewal.

As the area representative, nothing has been brought to my attention with regards to the operation of this business. So for me, everything looks pretty clear-cut and dry. The applicant has followed the recommendations given to her from the Planning Commission as well as the Department. So I'm ready for your recommendation, Madam Chair, and I have no problems with supporting the extension. Thank you.

CHAIR BAISA: Thank you very much, Member Molina. The Chair would like to note the presence of Member Johnson, and it's been brought to my attention that I neglected to mention that Member Bill Medeiros was here earlier. Thank you very much. Members, anything else? If not, the Chair will give her recommendation.

VICE-CHAIR MOLINA: Recommendation?

COUNCILMEMBER MEDEIROS: Recommendation?

CHAIR BAISA: The Chair's recommendation is that we--before we approve this, I'd like to ask you, I'd like to make a motion, first of all, to amend the title of the bill to include the street address of "4320 Hana Highway" prior to the word "Haiku".

VICE-CHAIR MOLINA: So moved, Madam Chair.

COUNCILMEMBER VICTORINO: Second.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

CHAIR BAISA: It's been moved by Member Molina and seconded by Member Victorino that we amend the title of the bill to include the street address of "4320 Hana Highway" prior to the word "Haiku". Any discussion? If not, the Chair will take a vote. All those in favor, please say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR BAISA: Opposed, "no"?

**VOTE:       AYES:   Councilmembers Johnson, Mateo, Medeiros,  
                  Nishiki, Pontanilla, Victorino, Vice-Chair Molina,  
                  and Chair Baisa.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Kaho`ohalahala.**

**MOTION CARRIED.**

**ACTION:    INCLUDE THE STREET ADDRESS IN THE TITLE OF  
              THE BILL.**

CHAIR BAISA: Chair will note eight "ayes" and no "noes". Motion is carried.

Members, I'd also like to call to your attention that the applicant is not represented by a consultant, but Ms. Chris Borges is here today if there is any need to talk with her before we proceed with the approval. Any requests for the applicant? Seeing none, Members, the Chair will make her recommendation.

The Chair will entertain a motion to recommend passage on first reading of the proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING MGM PARTNERSHIP A CONDITIONAL PERMIT FOR THE OPERATION OF A MARKET WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT HAIKU, MAUI, HAWAII".

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

VICE-CHAIR MOLINA: So moved, Madam Chair.

COUNCILMEMBER VICTORINO: Madam Chair, I second the motion.

CHAIR BAISA: I'd also like to include in that, the amendment that we made in regards to the title.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR BAISA: No objections?

MS. NAKATA: . . . *(inaudible)* . . .

CHAIR BAISA: Sorry? Ms. Nakata.

MS. NAKATA: Would that include the filing of the communication?

CHAIR BAISA: Oh, I'm sorry. And . . . uh . . . Mr. Molina, would you mind--

VICE-CHAIR MOLINA: No objections.

CHAIR BAISA: --including the filing of the communication?

VICE-CHAIR MOLINA: Move to include the filing of the communication, Madam Chair.

CHAIR BAISA: Thank you.

COUNCILMEMBER VICTORINO: Second, Madam Chair.

CHAIR BAISA: Thank you very much. So that's the motion, including the filing of the County Communication. Any discussion? The Chair would like to note that, you know, as Ms. Cua stated that this was brought before the Planning Commission and there was no testimony for or against. It doesn't appear that this has in any way been detrimental to the community; so I feel very comfortable in what we're doing here today. Any more discussion? All those in favor, please say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR BAISA: Opposed, "no"?

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

**VOTE: AYES: Councilmembers Johnson, Mateo, Medeiros, Nishiki, Pontanilla, Victorino, Vice-Chair Molina, and Chair Baisa.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Kaho`ohalahala.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF REVISED BILL AND FILING OF COMMUNICATION.**

CHAIR BAISA: Chair will mark it eight “ayes” and no “noes”. Motion is carried, and the Conditional Permit is granted . . . uh . . . as far as this point. We’ll pass it on to full Council for the first and second reading. Thank you, Members.

**LU-31 CONDITIONAL PERMIT FOR THE NAPILIKAI BEACH RESORT CONDOMINIUM COMPLEX (LAHAINA) (C.C. No. 09-341)**

CHAIR BAISA: Members, we have a second item on our agenda today and that is Land Use 31. The second item on the agenda, relating to a Conditional Permit to convert the first floor of the general manager’s single-family residence into an offsite administrative office for the Napili Kai Beach Resort condominium complex situated at 5464 Lower Honoapiilani Road, Lahaina, Maui, Hawaii.

I’d like to refer the Members to the revised proposed bill transmitted by correspondence from the Department of the Corporation Counsel, dated May 5, 2010; and all of you should have that. I had it pulled it out, and you’ve got a single sheet for your easy reference.

I have asked the consultant for the applicant, Munekiyo & Hiraga, Inc., to provide the Committee with a short PowerPoint presentation; and helping us from Munekiyo & Hiraga, today, I believe is Kim Skog and Mike Munekiyo.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

This Committee will be in recess for a few minutes while we prepare the chamber for the presentation. The meeting is now in recess. . . . *(gavel)* . . .

**RECESS: 2:00 p.m.**

**RECONVENE: 2:01 p.m.**

CHAIR BAISA: . . . *(gavel)* . . . The meeting will please come back to order. Is it Ms. Skog, who will be taking us on this journey?

MS. SKOG: It is.

CHAIR BAISA: All right, dear. Go right ahead.

MS. SKOG: Okay. *(NOTE: The cordless microphone creates static noise.)* Good afternoon, Madam Chair and Council members. *(NOTE: The static noise increases.)* Hello? Like that? Okay. Good afternoon, Madam Chair and Council members. I'm . . . *(NOTE: Static noise increases even more.)* Hello?

CHAIR BAISA: We are going to take a short recess and deal with our squeaky microphone. Meeting is now in recess. . . . *(gavel)* . . .

**RECESS: 2:02 p.m.**

**RECONVENE: 2:03 p.m.**

CHAIR BAISA: . . . *(gavel)* . . . Will the meeting please come back to order. Ms. Skog, proceed please.

**. . . BEGIN PRESENTATION . . .**

MS. SKOG: Okay. Good afternoon, Madam Chair and Council members. I'm Kimberly Skog with Munekiyo & Hiraga; and we are here, as it was stated this afternoon, for the Conditional Permit for an offsite administrative office for the Napili Kai Beach Resort. Next slide. Okay.

Representing the applicant is Mr. Gregg Nelson from the Napili Kai Beach Resort. The architect on the project was Durwin Kiyabu from Nishikawa Architects; and Mike Munekiyo and myself from Munekiyo & Hiraga were the planning consultants. So the proposed project involves the conversion of the first floor of the general manager's residence into an administrative office for the Napili Kai Beach Resort.

From a regional location standpoint, we are right on Lower Honoapiilani Road, which is makai of Honoapiilani Highway; and it's . . . um . . . the Napili Kai Beach Resort is right on Napili Bay, itself.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

You'll see shaded in yellow are the parcels underlying the Napili Kai Beach Resort and directly across from the resort is Parcel 66, which is the property on which the resident, the manager's residence is situated. And surrounding the manager's house are other single-family residences and various other condominium hotels, like the Napili Kai Beach Resort.

So right now, we're standing on the southern end of Lower Honoapiilani Road, looking north towards the residence and the residence is on the far left of your screen; and we're standing right in front of the Napili Gardens condominium.

This was taken from the northern end of the street, looking south towards where we were. So on the very right of your screen is the subject property, and we're standing right in front of the Gardens at West Maui timeshare.

The Napili Kai Beach Resort--to give you some background of the resort itself. It was established in the early 1960's. There are 163 condominium accommodations in 11 one- and two-story buildings across the 10-acre property. The Napili Kai serves international visitors, neighbor-island visitors, and Maui residents; and they employ a staff of 118 fulltime and 18 part-time employees.

The need for this offsite office comes about because the administrative staff has outgrown their existing office space and they're looking for additional space to house this staff more comfortably. In converting the first floor of the general manager's residence, they are looking to make a better use of an existing space, rather than construct a whole, entire new office. So this is the residence, itself. It's a two-story residence, like we said.

We're standing right in front of the Napili Kai right now looking mauka, and you're looking right into the driveway of the residence.

This is standing in the driveway looking north towards the Gardens at West Maui, and the Napili Kai Beach Resort is directly to our left. I will note that there's a fire hydrant right across the street from the residence. Right there.

This is looking directly across the street at the beach resort, itself; and I'll note the mock orange hedge that's right in front of the resort. This is again looking south, down towards the Napili Gardens--the other condominium that's down the road.

So the proposed project involves the conversion of the existing two-story residence. The first floor will be converted from bedrooms and a living room into administrative offices; and the second floor will remain the general manager's residence as it is now. They're going to relocate up to seven administrative staff from across the street, and this is staff that deals with reservations, marketing. Pretty much everything is telephone or online. There's no guests that would have to come here, and none of these personnel would have to go back across the street. They operate on normal business hours, 8 a.m. to 5 p.m., Monday through Friday.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

So this is a site plan of the property. There are seven parking stalls that will be provided; and so that will accommodate everyone's needs on-site. No one is going to have to park on the road or anything like that. You'll see that there are four bedrooms--or three bedrooms--and a living room that would be converted to offices.

So underlying Land Use designations, the State Land Use District is Urban. The West Maui Community Plan designation is Multi-Family. County of Maui Zoning is R-2 Residential, and this is located in the Special Management Area (SMA).

The request for the Conditional Permit comes about because the proposed office use, although it's consistent with the state urban district designation, it's not listed as a permitted use or a special use in the R-2 Residential District or the Multi-Family Community Plan designation. So we did, we had the Maui Planning Commission review of the project and they recommended approval to this body; and the final step would be County Council approval via enactment by ordinance.

Procedurally speaking, the Conditional Permit application was submitted in October of 2008. The Maui Planning Commission public hearing was held in September of 2009. After the Conditional Permit is approved, the applicant will go in for an SMA assessment. And then following that, a building permit will be filed for interior improvements to convert the bedrooms to office spaces; and this is basically putting in extra sheetrock for fire protection, nothing structural or anything.

So the Planning Commission, in September of last year, recommended approval by a unanimous vote. There was no community opposition to the project and the Commission recommended two project-specific conditions. The first was to install landscaping (along the frontage of the property) to kind of dress it up a little bit; and the second one was to install rain gutters and downspouts so that the water coming off of the roof would drain to the backyard and not to the paved area in the front.

So since that meeting, the applicant has taken steps to put landscaping along the front of the property and, as recommended by the Commission, it's a mock orange hedge to match the mock orange hedge that's on the other side of the street in front of the Napili Kai Beach Resort, itself. And in addition, the applicant has also installed gutters to direct the rain from the roof to the backyard; and you see the downspouts there.

I'll note that there was a comment letter provided by the Department of Water Supply that noted the distance of the fire hydrant from the property and they also asked for domestic, fire flow, and irrigation calculations to be provided, and also to install a reduced pressure backflow prevention device.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

At the time of the building permit application, for the interior improvements, is when the fire flow, domestic, and irrigation calculations will be provided by the applicant to the Department of Water Supply. And the applicant has also already installed a reduced pressure backflow prevention device shortly after, around the time of the Commission meeting last year.

As far as the justification for the County Conditional Use Permit goes, the purpose of the Conditional Permit is to establish a use that's similar, related, or compatible to other uses in the district provided that it's in harmony with surrounding land uses. In keeping with the residential use, the house will still be used for the general manager's residence, and the use of the downstairs for the administrative office is in harmony with the surrounding hotel and condo land uses that are in this area of Napili. The office is strategically located right across the street from the beach resort, itself, so all employees will be very close. There's adequate parking provided on-site, so no one is going to have to park on the road or anything like that. There are no structural or exterior improvements that would be necessary to establish the administrative office. It would be interior improvements to put in extra sheetrock for fire protection and there's no anticipated impacts to any public services, infrastructure, or traffic. There's no extending any service limits or anything like that. And that concludes our presentation. Thank you.

**... END OF PRESENTATION ...**

CHAIR BAISA: Thank you very much, Ms. Skog. Chair will have the meeting back in recess for a little while, while we put the screen up, and then we'll continue. The meeting is now in recess. ... *(gavel)* ...

**RECESS: 2:12 p.m.**

**RECONVENE: 2:13 p.m.**

CHAIR BAISA: ... *(gavel)* ... Will the meeting please come back to order. Members, we would now like to have comments by the Planning Department. Mr. Wollenhaupt?

MR. WOLLENHAUPT: Good afternoon, Madam Chair and the other Members of the Land Use Committee. I believe that our applicant's representative provided an outstanding background. Just to reiterate, the Planning Commission did approve this on a unanimous vote. They were pleased that this did seem to present a harmonious use that's compatible with the adjacent neighborhood and that the use in the administrative offices (during the business hours from 8 to 5) did not appear to be any further intensification than would be approved by an approved use such as a bed and breakfast, a daycare center, or something like that, that would be allowed. So again, this was a unanimous vote with no negative public testimony. Thank you.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

CHAIR BAISA: Thank you very much. Members, do you anticipate, if any of you anticipate needing the Department of Public Works, the Chair would like to know this now, so that I can ask our representative to come. It appears that Mr. Herb Chang (from the Water Department) is here if we need him.

COUNCILMEMBER JOHNSON: No.

CHAIR BAISA: Any need for that? Seeing none, we won't be concerned about it then; and if it comes up, then we'll just have to call him and wait. Any questions for the Planning Department or the applicant? Members? Ms. Johnson?

COUNCILMEMBER JOHNSON: I don't have any questions. I just simply want to state that this is a project that I think will actually alleviate some of the problems with parking on the facility, itself, because this resort has really been very supportive of local community events. Even George Kahumoku and some of the musicians, there's always need for extra parking. So I think actually, by moving the Administrative office across the street, it will free up seven new parking spaces. So I actually see this as a plus for individuals that want to use the resort amenities, and also, even some of the people that want to access the beach areas, because this is a popular area. So I think it is a very reasonable request and I don't have any issue with this at all. This is a very good resort management. They are very supportive of everything within our community and also, they provide a venue for many local events because their fast dwindling with all the conversion to timeshare in West Maui; so I just would hope that the Members would support this request. Thank you.

CHAIR BAISA: Thank you very much, Ms. Johnson. As the area representative, that's very important for us Members to hear your take on it because you're the one who lives out there. Members, any additional questions or comments? Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. I just wanted to ask the consultant or the applicant, when you look at the photo of the property on Page 19 [*sic*] of the PowerPoint presentation, even though that page doesn't have a number. I mean it's Page 20 because it follows Page 19, and it's the frontage view of the property. I wanted to ask the consultant or whoever's coming down, ma'am?

CHAIR BAISA: Certainly. Shall we address the consultant?

COUNCILMEMBER MEDEIROS: Okay.

CHAIR BAISA: Mr. Munekiyo, please. Go ahead, Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. Mr. Munekiyo, thank you. You know, when I . . . I worked in Lahaina for 20 years, there wasn't that fence in front of the property; and I believe that was added?

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

MR. MUNEKIYO: That's correct.

COUNCILMEMBER MEDEIROS: Okay. Was that one of the conditions--to add that fencing?

MR. MUNEKIYO: The . . . um . . . actually, the condition was to . . . uh . . . enhance the appearance of that fencing--

COUNCILMEMBER MEDEIROS: Oh.

MR. MUNEKIYO: --and I believe Mr. Nelson actually put in those slats, separately. Then, over and beyond that, in response to the Commission's request, he installed the landscaping.

COUNCILMEMBER MEDEIROS: Okay. And am I correct to remember that this house or the house right next to it was the residence of Kalua?

MR. MUNEKIYO: That's correct.

COUNCILMEMBER MEDEIROS: Right. Okay. So if you look at the photo, to the right side of the photo as you're looking at it, or . . . which would be the south end of the property. I know there existed a road drainage there that . . . uh . . . there were problems with any time vegetation was allowed to grow around the intake part of that drainage. Is that, does that drainage still exist?

CHAIR BAISA: Mr. Nelson, if you'd like to join Mr. Munekiyo and help us with this?

MR. NELSON: Aloha. I'm Gregg Nelson, the General Manager of Napili Kai. Drainage, by drainage, what do you mean exactly?

COUNCILMEMBER MEDEIROS: Well it's a road drain that water . . . that funnels down because, as you go to the right of this property when you're looking at it, it goes up a little incline, where the school bus usually parks on the shoulder. So the water comes down that incline and along the shoulder; and along the shoulder was this opening that took the water in for the under-the-road drainage.

MR. NELSON: There . . . the property just to the south of this property is flat.

COUNCILMEMBER MEDEIROS: Is where this drainage is?

MR. NELSON: And right there at that corner, coming north on that property is where that drain is, and that connects onto the rest of the drainage system underneath. Yes.

COUNCILMEMBER MEDEIROS: Okay. So that still exists.

MR. NELSON: That drain is still there. Yes.

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

---

COUNCILMEMBER MEDEIROS: Okay, thank you for that information. Mahalo, Madam Chair.

CHAIR BAISA: Thank you, Member Medeiros. Any further questions? Any comments? Chair would offer a recommendation if you're ready.

COUNCILMEMBER MEDEIROS: Recommendation?

VICE-CHAIR MOLINA: Recommendation?

CHAIR BAISA: Chair would recommend passage on first reading of the revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD. A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR OF THE GENERAL MANAGER'S SINGLE-FAMILY RESIDENCE INTO AN OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 5464 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII", and also to file County Communication No. 09-341.

COUNCILMEMBER JOHNSON: So moved, Madam Chair.

COUNCILMEMBER MEDEIROS: Second.

CHAIR BAISA: Thank you very much. We have a motion by Member Johnson, seconded by Member Medeiros. Any discussion? Member Johnson?

COUNCILMEMBER JOHNSON: I just want to thank the Members, you know, for taking this up so quickly because I guess they've waited a while, since 2008. I really want to thank the Department too because I think that with the economy being what it is, we need to help our businesses all that we can; and this also (as I said earlier) I think it's going to provide possibly additional parking opportunities for individuals who do want to access the beach or, you know, the area there. So thank you very much, Madam Chair.

CHAIR BAISA: Thank you, Member Johnson. Any further comments? Chair would like to note that, you know, in the presentation, it was very interesting to see that this is from the sixties. That's a long time ago. That's . . . it's been around 50 years. I can't even remember then, easily. Any further questions? If not, all those in favor of the motion to grant this ordinance to Napili Kai, Ltd., say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR BAISA: Opposed, "no"?

# LAND USE COMMITTEE

Council of the County of Maui

June 2, 2010

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**VOTE: AYES: Councilmembers Johnson, Mateo, Medeiros, Nishiki, Pontanilla, Victorino, Vice-Chair Molina, and Chair Baisa.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Kaho`ohalahala.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF REVISED BILL AND FILING OF COMMUNICATION.**

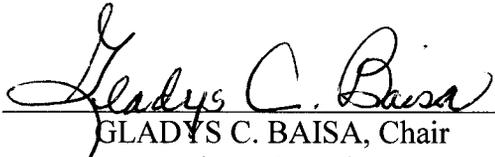
CHAIR BAISA: Chair will mark it eight "ayes" and Member Kaho`ohalahala is "excused", and the motion carries.

Members, there being no further business before this Committee today, the Chair would like to thank all of you. I know it's been a very difficult day for you. We sat here for I don't know how many hours without a break. I would also like to thank the staff; the Department representatives, who have come down to help us today; and of course, our Corporation Counsel; and everybody. Thank you very much. Thank the applicants and the folks who--the consultants--thank you very much for handling these matters very efficiently.

This meeting is now adjourned. . . . (gavel) . . .

**ADJOURN: 2:23 p.m.**

APPROVED BY:

  
GLADYS C. BAISA, Chair  
Land Use Committee

lu:min:100602

Transcribed by: Pauline Martins