

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA  
([HYPERLINKS TO MEETING MATERIALS ADDED](#))

DATE: MAY 28, 2019  
TIME: 9:00 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice Chair), Stephen Castro, Tina Gomes, P. Denise La Costa, Kellie Pali, Keaka Robinson

**Public testimony will be taken when each agenda item is discussed. Testimony will be limited to a maximum of three (3) minutes.**

- A. CALL TO ORDER
- B. REVIEW OF PROPOSED RESOLUTION AGREEMENT FOR ALLEGED SPECIAL MANAGEMENT AREA AND SHORELINE SETBACK VARIANCE VIOLATIONS

- 1. [Proposed Resolution Agreement](#) between the COUNTY OF MAUI and MR. WALTER HESTER for failing to construct a retaining wall as represented and approved by Special Management Area permit SM1 2009/0017 and Shoreline Setback Variance SSV 2009/0004 on property situated at 4855 Lower Honoapiilani Road, TMK: (2) 4-3-015:003, Lahaina, Island of Maui. SSV Notice of Violation issued as follows: NOV 2017/0009.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

- C. PUBLIC HEARINGS

- 1. LEW ABRAMS representing the SACRED EARTH ASSEMBLY, a non-profit interfaith church, requesting a State Land Use Commission Special Permit to utilize approximately 14.8 acres of the Ahimsa Sanctuary Farm and a 7,693 square foot two-story agricultural building for church-related activities at 4504 Hana Highway, TMK: (2) 2-8-003:075 (por.), Haiku, Island of Maui. (SUP2 2017/0011) (T. Furukawa) ([Report](#))

2. MS. AYAKO HASHIMOTO requesting a State Land Use Commission Special Permit in order to operate Zen Island Farm, a three-bedroom bed and breakfast home located in the State Agricultural District at 820 W. Kuiaha Road, TMK: (2) 2-7-008:137, Haiku, Island of Maui. (SUP2 2018/0008) (J. Burkett) ([Report](#))
3. CARLOS AND ALEXA PENAVEGA requesting a Short-Term Rental Home (STRH) Permit in order to operate Hale Kai, a three-bedroom STRH located in the A-1 Apartment District at 51 W. Kapu Place, TMK (2) 3-9-009:016, Kihei, Island of Maui. (STKM T2018/0009) (L. Callentine) ([Report](#))

The matter is being brought before the Maui Planning Commission for review because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

4. BRE ICONIC GWR OWNER LLC, requesting a Special Management Area Use Permit, Step 1 Planned Development Approval, and Step 2 Planned Development Approval for the Grand Wailea Resort to transfer "H-2 Hotel" and "OS Open Space" zoning designation areas, update facilities and create 224 new guest room units, renovate and expand the resort swimming pool and restaurant facilities, expand the parking structure from three to five levels to provide 316 additional parking stalls, removal of the Seaside Chapel Structure, addition of approximately 30 public beach parking stalls, and related landscape, utility, and infrastructure improvements at 3850 Wailea Alanui Drive, Wailea, Island of Maui, TMK (2) 2-1-008:109. (SM1 2018/0011) (PD1 2019/0001) (PD2 2018/0003) (A. Cua) ([Report](#))

#### D. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to conduct the public hearing and provide a recommendation to the Commission on the following applications:

GREGORY KOCH requesting a State Land Use Commission Special Use Permit in order to operate the Hana Panoramic Retreat, a two-bedroom STRH located in the State Agricultural and County Agricultural District at 630 Kapia Road, TMK (2) 1-4-011:041, Hana, Island of Maui. (STHA T2018/0008) (R. Quigless)

BRADLEY AND ROBIN NEWTON requesting a State Land Use Commission Special Use Permit in order to operate the Hana Nautilus, a three-bedroom STRH located in the State Agricultural District and County Agricultural District at 2575 A Hana Highway, TMK (2) 1-3-003:015, Hana, Island of Maui. (STHA T2019/0002) (R. Quigless)

The Commission may take action to designate the Hana Advisory Committee to conduct the public hearing and provide a recommendation on the subject application requests or take some other action.

2. Designation of the Hana Advisory Committee to conduct the public hearing and provide a recommendation to the Commission on all future items for which a hearing is required, pursuant to State or County statute, ordinance or rule, and which pertains to a proposed land use action on real property located within the Hana Community Plan region.
3. MS. MICHELE MCLEAN, Planning Director, notifying the Maui Planning Commission pursuant to the provisions of the Maui Planning Commission's SMA Rules of the issuance of the following Special Management Area Emergency Permit:

[Approval letter dated April 8, 2019](#) to MR. STEPHEN LEIS requesting a SMA Emergency Permit to implement temporary measures as three large sinkholes developed within eight feet of the residential structure mauka of the existing seawall at 1640 Halama Street, TMK (2) 3-9-011:014, Kihei, Island of Maui. (SM3 2019/0001) (K. Lau Hee)

This is for notification and review purposes.

4. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

5. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

6. Discussion of Future Maui Planning Commission Agendas
  - a. June 10, 2019 (MONDAY) agenda items

E. NEXT REGULAR MEETING DATE: JUNE 10, 2019 (MONDAY)

F. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

UNLESS OTHERWISE SPECIFIED BY PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN A PROCEEDING BEFORE THE MAUI PLANNING COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines of ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200

MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on May 28, 2019 was on May 13, 2019.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY. PLEASE NOTE THAT ANYONE WISHING TO PROVIDE ORAL TESTIMONY PERTAINING TO AN AGENDA ITEM THAT IS A "CONTESTED CASE" PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES, MAY BE ASKED TO TESTIFY UNDER OATH OR AFFIRMATION, AND MAY BE SUBJECT TO LIMITED CROSS-EXAMINATION IN ACCORDANCE WITH SECTION 91-10(3), HAWAII REVISED STATUTES.

WRITTEN TESTIMONY, WHETHER SENT VIA FAX, EMAIL, OR USPS MAIL SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

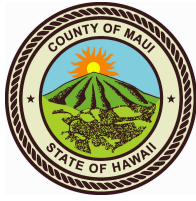
Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT [www.mauicounty.gov](http://www.mauicounty.gov), UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA 2200 MAIN STREET SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634 AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

**PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.**  
(S:\all\carolyn\MPC agendas\2019\052819.age)



County of Maui  
Kalana O Maui Building  
200 South High Street,  
Wailuku, HI 96793-2155

## PD-Approved SMA Minor Projects for Maui

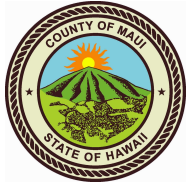
05/16/2019

Permit Completion Date: 04/10/2019 - 05/15/2019

| Permit #       | Project              | Description   | Permit Name                           | Applicant Name                               | Planner     | Completed Date | Decision                          | TMK(s)        |
|----------------|----------------------|---|---------------------------------------|--|-------------|----------------|-----------------------------------|---------------|
| SM2 - 20170060 | WHOLE FOODS          | WHOLE FOODS_WINE SALE_KAHULUI   | RETAIL AREA EXPANSION\KAHULUI         | ANTHONY RIECKE-GONZALES                      | THACKERSON  | 05/14/2019     | -                                 | 2370090040000 |
| SM2 - 20180086 | WESTIN MAUI RESORT & | WESTIN MAUI RESORT & SPA  | ADULT POOL AND SPA/LAHAINA            | TRINITY INVESTMENTS LLC                      | SCOTT       | 05/07/2019     | A W/COND-APPROVED WITH CONDITIONS | 2440080190000 |
| SM2 - 20190024 | PRINCE KUHIO         | PRINCE KUHIO CELEBRATION  | PRINCE KUHIO CELEBRATION              | COUNCIL OF NATIVE HAWAIIAN ADVANCEMENT       |             | 04/12/2019     | A W/COND-APPROVED WITH CONDITIONS | 2460010090000 |
| SM2 - 20190037 | JAHNS, ALAN/SHARON   | JAHNS, ALAN/SHARON  | SMX/ATF CONVERT GARAGE/HANA           | SHARON JAHNS                                 |             | 04/16/2019     | A W/COND-APPROVED WITH CONDITIONS | 2130090840000 |
| SM2 - 20190038 | KAANAPALI OCEAN      | KAANAPALI OCEAN RESORT VILLAS NORTH - PAILOLO POOL BAR ROOF EXPANSION | ROOF EXPANSION/LAHAINA                | VSE PACIFIC INC                              | THACKERSON  | 04/16/2019     | A W/COND-APPROVED WITH CONDITIONS | 2440140040000 |
| SM2 - 20190039 | FINANCE FACTORS      | FINANCE FACTORS - KAHULUI CENTER                                      | PARKING STALL ADDITION/KAHULUI        | FINANCE FACTORS LTD                          | THACKERSON  | 04/17/2019     | A W/COND-APPROVED WITH CONDITIONS | 2370090130000 |
| SM2 - 20190040 | KIHEI MCDONALDS      | IMPROVEMENTS TO KIHEI MCDONALDS RESTURANT                             | IMPROVEMENTS TO RESTURANT\KIHEI       | MICHAEL MUYCO                                |             | 04/17/2019     | A W/COND-APPROVED WITH CONDITIONS | 2390080170000 |
| SM2 - 20190041 | DEBERADINE POOL      | DEBERADINE POOL   | INSTALL POOL\KIHEI                    | DEBERARDINE,MICHELIN E                       |             | 04/17/2019     | A W/COND-APPROVED WITH CONDITIONS | 2390110230000 |
| SM2 - 20190042 | FOUR CHINESE FESTIVA | FOUR CHINESE FESTIVALS  | SMX/FOUR CHINESE FESTIVAL/LAHAINA     | THEO MORRISON/LAHAINA RESTORATION FOUNDATION | FORSYTHE    | 04/23/2019     | A W/COND-APPROVED WITH CONDITIONS | 2450010450000 |
| SM2 - 20190043 | MANA KAI AOA         | MANA KAI AOA DOOR REPLACEMENT   | MANA KAI AOA/KIHEI                    | DENNIS VENTURA                               | FASI        | 05/03/2019     | A W/COND-APPROVED WITH CONDITIONS | 2390040230000 |
| SM2 - 20190044 | POLO BEACH CLUB      | POLO BEACH CLUB STONE WORK  | POLO BEACH CLUB STONE WORK            | BRIAN VENTURA                                |             | 05/03/2019     | A W/COND-APPROVED WITH CONDITIONS | 2210110010000 |
| SM2 - 20190045 | ALLEN PROJECT        | RESIDENTIAL   | ALLEN PROJECT/LAHAINA                 | MONTY CARPENTER                              | WOLLENHAUPT | 05/07/2019     | A W/COND-APPROVED WITH CONDITIONS | 2430030170033 |
| SM2 - 20190046 | LOPEZ POOL & DECK    | LOPEZ ABOVE-GROUND POOL & DECK/KIHEI                                  | LOPEZ ABV-GRND POOL & DECK/KIHEI      | LEE AND DARLEEN LOPEZ                        | CALLENTINE  | 05/08/2019     | A W/COND-APPROVED WITH CONDITIONS | 2390580070000 |
| SM2 - 20190047 | LIPOA STORAGE CONTAI | LIPOA STORAGE CONTAINERS  | SMA/ADD SELF STORAGE CONTAINERS-KIHEI | UU-HODGINS, NOHELANI                         |             | 05/09/2019     | A W/COND-APPROVED WITH CONDITIONS | 2390020260000 |
| SM2 - 20190048 | 3P HANA PROPERTIES L | 3P HANA PROPERTIES  | CONSTRUCT 4 AG BLDGS/TANK/SITE WORK   | FRANK GASZTONYI                              | QUIGLESS    | 05/13/2019     | A W/COND-APPROVED WITH CONDITIONS | 2130090700000 |
| SM2 - 20190049 | FARM STORAGE         | FARM STORAGE/AG BUILDING  | SMX/FARM STORAGE/NAHIKU               | TAYLOR,BRADFORD S                            | QUIGLESS    | 05/14/2019     | A W/COND-APPROVED WITH CONDITIONS | 2120030130000 |

**Grand Total : 16**

\* = Shoreline Projects  
closedsm2x



County of Maui  
 Kalana O Maui Building  
 200 South High Street,  
 Wailuku, HI 96793-2155

## PD-Approved SMA Exempt Projects for Maui

05/16/2019

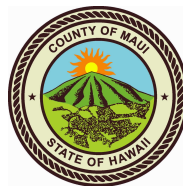
Permit Completion Date: 04/10/2019 - 05/15/2019

| Permit #       | Project               | Permit Name                             | Applicant Name                                   | Planner    | Completed Date | Decision   | TMK(s)        |
|----------------|-----------------------|---|--|------------|----------------|------------|---------------|
| SM5 - 20190083 | TARO FEST             | SMX/TARO FEST/HANA                      | JUDY KINSER                                      | CRITCHLOW  | 04/10/2019     | A-APPROVED | 2140040210000 |
| SM5 - 20190084 | LOT 325-E ADDITION    | SMX/LOT 325-E ADDITION/MAKENA           | CRAIG ADKISON                                    | KELIIOKA   | 04/10/2019     | A-APPROVED | 2210230150000 |
| SM5 - 20190085 | MAHANA AT KAA NAPALI  | SMA/PAINT INTERIOR STAIRWAYS-LAHAINA    | JIM ANDERSON, AOA<br>PRESIDENT                   | QUIGLESS   | 04/12/2019     | A-APPROVED | 2440010990000 |
| SM5 - 20190086 | PAIA INN              | PAIA INN - CONVERSION TO TVR\PAIA       | SEASHORE PROPERTIES,<br>LLC                      | WOLLENHAUF | 04/15/2019     | A-APPROVED | 2260020270000 |
| SM5 - 20190087 | ELLISON RESIDENCE     | SMX/ELLISON REPAIRS/PAIA                | BENJAMIN ELLISON                                 | KELIIOKA   | 04/12/2019     | A-APPROVED | 2260050490000 |
| SM5 - 20190088 | CHINESE KITE FESTIVAL | SMX/CHINESE KITE FESTIVAL/LAHAINA       | JUDY KINSER/LAHAINA<br>RESTROATION<br>FOUNDATION | KELIIOKA   | 04/23/2019     | A-APPROVED | 2450110040000 |
| SM5 - 20190089 | MAUI BLIND VENDOR     | WAITING AREA\CELL PHONE CHARGE\KAHULUI  | CLYDE OTA  |            | 04/23/2019     | A-APPROVED | 2380010190000 |
| SM5 - 20190090 | SPAULDING, PATRICK &  | MAIN FARM DWELLING ADDITION/ALTER/HAIKU | PATRICK SPAULDING                                |            | 04/23/2019     | A-APPROVED | 2290020560000 |
| SM5 - 20190091 | KAWAIAEA, SHIELA      | KAUPO AG STORAGE BUILDINGS (ATF)        | KAWAIAEA,SHIELA M                                | SEGUNDO    | 04/23/2019     | A-APPROVED | 2170030180000 |
| SM5 - 20190092 | FOUR SEASONS RESORT   | DRAINAGE CULVERT REPAIR PROJECT\WAILEA  | FOUR SEASONS RESORT<br>MAUI                      |            | 04/26/2019     | A-APPROVED | 2210230070000 |
| SM5 - 20190093 | JESSEN DEMO           | DEMO DWELLING (BUILT 1942)              | LADONNA BORGE                                    | SEGUNDO    | 04/26/2019     | A-APPROVED | 2270050200000 |
| SM5 - 20190094 | OLSON RENOVATION      | INTERIOR IMPROVEMENTS\KIHEI             | OLSON, RONALD J TRUST                            | BURKETT    | 04/30/2019     | A-APPROVED | 2210070950088 |
| SM5 - 20190095 | BATY FAMILY TRUST     | BATY FAMILY TRUST/LAHAINA               | SATISH GHOLKAR                                   |            | 05/06/2019     | A-APPROVED | 2420010300020 |
| SM5 - 20190096 | MICHAEL/LIANNE BUSCH  | SMA APP/NEW RES 2 & NEW RES ADD-WAILUKU | BUSCH, MICHAEL                                   |            | 05/06/2019     | A-APPROVED | 2320190420000 |
| SM5 - 20190097 | MARRIOTT OCEAN CLUB   | MARRIOTT'S MAUI OCEAN CLUB REPAINTING   | MAUI OCEAN CLUB                                  | LAU-HEE    | 05/11/2019     | A-APPROVED | 2440130010000 |
| SM5 - 20190098 | BRUNE RENOVATION      | BRUNE RENOVATION                        | SATISH GHOLKAR                                   | LOPEZ      | 05/11/2019     | A-APPROVED | 2210230040097 |
| SM5 - 20190099 | SCHLESINGER           | REPLACE SKYLITES\LAHAINA                | LOKELANI BUILDERS<br>LLC                         | BUIKA      | 05/13/2019     | A-APPROVED | 2460310420000 |
| SM5 - 20190100 | BEHAVIORIL HLTH OFCE  | REBUILD INTERIOR\KIHEI                  | BRANDIS SARICH (FOR<br>BEHAVIORIAL HEALTH)       | QUIGLESS   | 05/15/2019     | A-APPROVED | 2390020830000 |
| SM5 - 20190101 | GLEIBERMAN RESIDENCE  | GLEIBERMAN RESIDENCE\KIHEI              | GEORGE RIXEY                                     | WOLLENHAUF | 05/15/2019     | A-APPROVED | 2210100150000 |

\* = Shoreline Projects  
 closeds5x

# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 04/10/2019 - 05/15/2019



County of Maui  
Kalana O Maui Building  
200 South High Street,  
Wailuku, HI 96793-2155

| Permit #                | Project | Permit Name | Applicant Name | Planner | Completed Date | Decision | TMK(s) |
|-------------------------|---------|-------------|----------------|---------|----------------|----------|--------|
| <b>Grand Total : 19</b> |         |             |                |         |                |          |        |

\* = Shoreline Projects  
closedsm5x