

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, AND THE GOVERNOR'S EMERGENCY PROCLAMATIONS RELATED TO THE COVID-19 CRISIS, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AMENDED AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

Item B – Removed – Introduction of New Member - Lori Sablas resigned effective immediately and remainder of agenda renumbered

Item C.2 (formerly D.2) – Additional Motion by Intervenors' and Position Statements by the Corporation Counsel Attorneys representing the Department of Planning, County of Maui added

DATE: JUNE 9, 2020
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 663 596 249**

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice-Chair), Stephen Castro, Kawika Freitas, Tina Gomes, P. Denise La Costa, Kellie Pali, Dale Thompson

A. CALL TO ORDER

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

To listen to the meeting or provide oral testimony via phone, dial 1-888-749-9073 and enter code: **663 596 249**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/663596249>

To provide written testimony, email comments to planning@mauicounty.gov at least two business days prior to the meeting; written testimony will be distributed to commission members and will be reviewed at the meeting.

Testifiers will be called by the Chair to offer their testimony and are asked to mute their audio and video when they are not testifying.

Testifiers via video are asked to sign-up using the Chat function to send a Direct Message to Planning Director Michele McLean providing your name. Testifiers via phone will be called by the Chair after video testimony is finished.

Commissioners shall not be contacted by the Chat function

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-27 referring to the Maui Planning Commissions a Proposed Bill to Amend the Comprehensive Zoning Ordinance Relating to Short-Term Rental Home Permits on Maui and Lanai. (J. Takakura) ([Report](#))

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:

Section 19.65.030.R. is proposed to be amended to reduce the number of short-term rental home permits per community plan area, with the exception of the Kihei-Makena community plan area for which no change is proposed.

2. ROWENA DAGDAG-ANDAYA requesting a County Special Use Permit (CUP) in order to replace the Maui Police Department Makila communications facility in the Agricultural District located adjacent to Honoapiilani Highway in Launiupoko, Lahaina, Island of Maui, TMK: (2) 4-7-014:012 (por.). (CUP 2018/0004) (J. Burkett) [\(Report\)](#) [\(Application\)](#)

C. COMMUNICATIONS

1. AMPERSAND VENTURE 2 LLC requesting a Special Management Area Permit five-year time extension to complete construction of the Maui Palms Hotel redevelopment project (Maui Pagoda), located in Kahului, Maui, Hawaii TMK: (2) 3-7-003:007:002 (Formerly TMKs 3-7-003:007 and 3-7-003:009) (SM1 2001/0012) (C. Thackerson) [\(Report\)](#)
2. a. BIANCA ISAKI, attorney for Intervenors, MALAMA KAKANILUA, PELE DEFENSE FUND, and HO`OPONOPONO O MAKENA submitting [Intervenors' Motion to the Commission to Overrule and Recuse Hearing Officer](#) related to the ongoing contested case hearing on the following application:

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] 151 new guest room units, renovate and expand the resort swimming pool and restaurant facilities, expand the parking structure from three to [five] four levels to provide [316] 158 additional parking stalls, [removal] retention 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)

WILLIAM MEHEULA and NATASHA L.N. BALDAUF of SULLIVAN MEHEULA LEE, attorneys for the applicant, submitted on May 28, 2020, Applicants [Memorandum in Opposition to the Intervenors' Motion to the Commission to Overrule and Recuse Hearing Officer](#).

MOANA M. LUTEY, KRISTIN K. TARNSTROM, THOMAS W. KOLBE, Attorneys for the Department of Planning, County of Maui, submitting [Department of Planning, County of Maui's Position Statement on Intervenors' Motion to Overrule and Recuse Hearing Officer.](#)

No public testimony will be taken on this matter as it is related to an ongoing contested case proceeding.

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.

- b. BIANCA ISAKI, attorney for Intervenors, MALAMA KAKANILUA, PELE DEFENSE FUND, and HO`OPONOPONO O MAKENA submitting [Intervenors' Motion to the Commission to Overrule Orders Partially Granting Intervenors' Motion for a Continuance and Recusal and Denying Motion to Strike dated May 29, 2020](#) related to the ongoing contested case hearing on the following application:

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] 151 new guest room units, renovate and expand the resort swimming pool and restaurant facilities, expand the parking structure from three to [five] four levels to provide [316] 158 additional parking stalls, [removal] retention 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)

MOANA M. LUTEY, KRISTIN K. TARNSTROM, THOMAS W. KOLBE, Attorneys for the Department of Planning, County of Maui, submitting [Department of Planning, County of Maui's Position Statement on Intervenors' Motion to Overrule Orders Partially Granting Intervenors' Motion for Continuance and recusal and Denying Motion to Strike.](#)

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D. DIRECTOR'S REPORT

1. MS. MICHELE CHOUTEAU MCLEAN, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of her intent to process the following time extension request administratively:

MS. GWENDOLYN LEIALOHA CHENEY RIVERA, Senior Associate of Munekiyo Hiraga, requesting a two year time extension on the Special Management Area Use Permit condition to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive. TMK: 2-1-008: 116, Wailea, Island of Maui. (SM1 2006/0038) (PD1 2006/0004) (PD2 2006/0004) (PD3 2007/0004) (P. Fasi) (Originally scheduled for the March 24, 2020 meeting which was canceled due to the suspension of regular meetings conducted by boards and commissions as to the Public Health Emergency Rules for Maui County effective as of March 20, 2020. ([Memorandum](#)))

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

2. [Proposed Schedule](#) for Review of the West Maui Community Plan Update
3. SMA Minor Permit Report
This is for notification and review purposes. No action is anticipated.
4. SMA Exemptions Report
This is for notification and review purposes. No action is anticipated.
5. Discussion of Future Maui Planning Commission Agendas
 - a. June 23, 2020 agenda items

E. NEXT REGULAR MEETING DATE: June 23, 2020

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 June 9, 2020 was on May 26, 2020.

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.

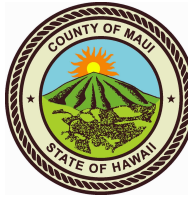
Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office 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, 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.
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County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

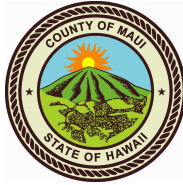
PD-Approved SMA Minor Projects for Maui

05/27/2020

Permit Completion Date: 05/14/2020 - 05/27/2020

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20200050	NEW RETAINING WALLS	CONCRETE RETAINING WALLS 6' MAX HEIGHT W/4' CEDAR FENCE ONTOP	SMX/NEW RETAINING WALLS/KIHEI	CHRISTOPHER A LINDGREN		05/26/2020	A W/COND-APPROVED WITH CONDITIONS	2390170310000

Grand Total : 1



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

PD-Approved SMA Exempt Projects for Maui

05/27/2020

Permit Completion Date: 05/14/2020 - 05/27/2020

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20200116	KUAU WWPS NO. 1	KUAU WWPS NO. 1 FORCE MAIN REPLACEMENT	DEM WASTEWATER RECLAMATION DIVISION		05/20/2020	A-APPROVED	2250050210000
SM5 - 20200119	AQUINO RESIDENCE	SMX/AQUINO LANAI/KIHEI	KEVIN AQUINO	FERNANDEZ-R	05/15/2020	A-APPROVED	2390481550000
SM5 - 20200120	HAWAIIAN MUSIC SERIE	HAWAIIAN MUSIC SERIES-\LAHAINA	THEO MORRISON/LAHAINA RESTORATION FOUNDATION	FORSYTHE	05/20/2020	A-APPROVED	2460080070000
SM5 - 20200121	VARNELL RENOVATION	VARNELL RENOVATION\LAHAINA	MIRIAH O'DAIR	CALLENTINE	05/20/2020	A-APPROVED	2430020190000
SM5 - 20200122	BLISS POOL	SMX/BLISS POOL/KIHEI	POOL PRO, INC.	HIGA	05/20/2020	A-APPROVED	2210260240000
SM5 - 20200123	FINANCE FACTORS	FINANCE FACTORS - KAHULUI CENTER	STEVE J. TERUYA, FINANCE FACTORS, LTD.	THACKERSON	05/22/2020	A-APPROVED	2370090130000
SM5 - 20200124	KAMAOLE I ADA DUNE	ADA DUNE RAMP REPAIR-KIHEI	COUNTY OF MAUI (PARKS & RECREATION)		05/27/2020	A-APPROVED	2390050300000

Grand Total : 7