

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
June 9, 2020**

[\(HYPERLINK TO PART 1 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO PART 2 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO PART 3 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO PART 4 AUDIO RECORDING OF THE MEETING\)](#)

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:17 a.m., Tuesday, June 9, 2020, online via BlueJeans; Meeting ID: **663 596 249**

Due to the call-in number on the agenda not being in service, matters which allowed public testimony will be recessed to the June 23, 2020 meeting to allow those individuals who were not able to call in to testify.

**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)

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.

*(Item B.1 begins at approximately 00:06:35 of Part 1 of the audio recording.)*

*(Motion was made at approximately 01:57:52 of Part 2 of the audio recording.)*

**It was moved by Ms. La Costa, seconded by Mr. Castro, then**

*(Vote was taken at approximately 01:59:27 of the audio recording.)*

**VOTED: To Recess the Matter to the June 23, 2020 meeting at 9:00 a.m.  
(Assenting – P.D. La Costa, S. Castro, K. Freitas, D. Thompson,  
C. Tackett)  
(Excused – K. Pali)  
(Absent – T. Gomes)**

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)

*(Item B.2 begins at approximately 00:00:17 of Part 3 of the audio recording.)*

*(Motion was made at approximately 00:39:15 of Part 3 of the audio recording.)*

**It was moved by Ms. La Costa, seconded by Mr. Castro, then**

*(Vote was taken at approximately 00:39:32 of Part 3 of the audio recording.)*

**VOTED: To Recess the Matter to the June 23, 2020 meeting at 9:00 a.m.  
(Assenting – P.D. La Costa, S. Castro, K. Freitas, D. Thompson,  
C. Tackett)  
(Excused – K. Pali)  
(Absent – T. Gomes)**

## **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)

*(Item C.1 begins at approximately 00:39:58 of Part 3 of the audio recording.)*

*(Motion was made at approximately 01:47:00 of Part 3 of the audio recording.)*

**It was moved by Mr. Thompson, seconded by Mr. Freitas, then**

*(Vote was taken at approximately 01:47:23 of the audio recording.)*

**VOTED: To Recess the Matter to the June 23, 2020 Meeting at 9:00 a.m.  
(Assenting – D. Thompson, K. Freitas, C. Tackett, S. Castro,  
P.D. La Costa)  
(Excused – K. Pali)  
(Absent – T. Gomes)**

*(Item C.2 begins at approximately 00:01:10 of Part 4 of the audio recording.)*

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 Intervenor's 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 Intervenor's 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.

*(Motion was made at approximately 01:19:38 of Part 4 of the audio recording.)*

**It was moved by Mr. Castro, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 01:27:52 of Part 4 of the audio recording.)*

**VOTED: To Deny the Intervenor's Motion to Overrule and Recuse Hearing Officer.**  
**(Assenting – S. Castro, D. Thompson, K. Freitas, C. Tackett, L. Carnicelli)**  
**(Excused – K. Pali, P. D. La Costa)**  
**(Absent – T. Gomes)**

b. BIANCA ISAKI, attorney for Intervenor, MALAMA KAKANILUA, PELE DEFENSE FUND, and HO'OPONOPONO O MAKENA submitting Intervenor's 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.

**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.

*(Motion was made at approximately 01:44:27 of Part 4 of the audio recording.)*

**It was moved by Mr. Freitas, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 01:46:07 of Part 4 of the audio recording.)*

**VOTED: To Deny the Intervenors' Motion to Overrule Orders Partially Granting Intervenors' Motion for a Continuance and Recusal and Denying Motion to Strike.**  
**(Assenting – K. Freitas, D. Thompson, C. Tackett, S. Castro, L. Carnicelli)**  
**(Excused – K. Pali, P. D. La Costa)**  
**(Absent – T. Gomes)**

#### **D. DIRECTOR'S REPORT**

*(Item D begins at approximately 01:47:04 of Part 4 of the audio recording.)*

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.

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.

*(Motion was made at approximately 01:52:11 of Part 4 of the audio recording.)*

**It was moved by Mr. Freitas, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 01:52:24 of Part 4 of the audio recording.)*

**VOTED: To Recess the Matter to the June 23, 2020 Meeting at 9:00 a.m.  
(Assenting – K. Freitas, D. Thompson, C. Tackett, S. Castro,  
L. Carnicelli)  
(Excused – K. Pali, P. D. La Costa)  
(Absent – T. Gomes)**

2. Proposed Schedule for Review of the West Maui Community Plan Update

Matter will be placed on the next agenda for further discussion with revised dates.

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.

The Commission had no questions or comments on the SMA Minor or SMA Exemption Reports.

5. Discussion of Future Maui Planning Commission Agendas

- a. June 23, 2020 agenda items

Ms. McLean went over the items scheduled for the June 23, 2020 agenda.

**E. NEXT REGULAR MEETING DATE: June 23, 2020**

**F. ADJOURNMENT**

The meeting was adjourned at approximately 5:59 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli, Chair  
Stephen Castro  
Kawika Freitas  
P Denise La Costa (excused at 4:00 p.m.)  
Christian Tackett, Vice Chair  
Dale Thompson

**Excused**

Kellie Pali

**Absent**

Tina Gomes

**Others**

Michele McLean, Director, Department of Planning  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Jordan Molina, Deputy Director, Department of Public Works