

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
JUNE 23, 2020**

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

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

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

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

[\(HYPERLINK TO CHAPTER 5 AUDIO RECORDING OF THE MEETING\)](#)

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:02 a.m., Tuesday, June 23, 2020, online via BlueJeans; Meeting ID: **547 177 173**

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

B. PUBLIC HEARING RECESSED FROM THE JUNE 9, 2020 MEETING (Action to be taken after each public hearing.)

1. 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) (Recessed from the June 9, 2020 meeting)

(Item B.1 begins at approximately 00:03:48 of Chapter 1 of the audio recording.)

(Motion was made at approximately 01:29:43 of Chapter 1 of the audio recording.)

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

(Vote was taken at approximately 01:39:55 of Chapter 1 of the audio recording.)

VOTED: To Approve the County Special Use Permit as Recommended by the Department with Seven Conditions and Amended with Three

**Additional Conditions as follows: 1. The facility shall not use 5G technology. 2. The facility shall not allow any non-governmental use. 3. The facility shall only support point to point communication. (Assenting – K. Freitas, D. Thompson, K. Pali, C. Tackett, S. Castro, P. D. La Costa)
(Excused – T. Gomes)**

C. COMMUNICATIONS RECESSED FROM THE JUNE 9, 2020 MEETING

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) (Recessed from the June 9, 2020 meeting)

(Item B.1 begins at approximately 00:00:14 of Chapter 2 of the audio recording.)

(Motion was made at approximately 00:07:59 of Chapter 2 of the audio recording.)

It was moved by Mr. Thompson, seconded by Mr. Tackett, then

(Vote was taken at approximately 00:16:48 of Chapter 2 of the audio recording.)

**VOTED: To Approve the Special Management Area Use Permit Five-Year Time Extension as Recommended by the Department.
(Assenting – D. Thompson, C. Tackett, K. Pali, K. Freitas, S. Castro)
(Dissenting – P. D. La Costa)
(Excused – T. Gomes)**

D. DIRECTOR'S REPORT RECESSED FROM THE JUNE 9, 2020 MEETING

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. (Recessed from the June 9, 2020 meeting)

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.

(Item D.1 begins at approximately 00:17:40 of Part 2 of the audio recording.)

(Motion was made at approximately 00:37:10 of Part 2 of the audio recording.)

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

(Vote was taken at approximately 00:39:23 of Part 2 of the audio recording.)

VOTED: To Not Waive Review and To Review the Special Management Area Use Permit Time Extension at a Future Meeting.
(Assenting – P.D. La Costa, C. Tackett, D. Thompson, K. Freitas, K. Pali, S. Castro)
(Excused – T. Gomes)

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

1. PLANNING DIRECTOR MICHELE CHOUTEAU MCLEAN ON BEHALF OF THE COUNTY OF MAUI AND THE HALE MAKUA HEALTH SERVICES requesting a Community Plan Amendment to amend the Wailuku-Kahului Community Plan land use designation from Park to Public/Quasi-Public and a Change of Zoning from R-2 Residential District to P 2 Public/Quasi-Public District for approximately 34.082 acres of land in Kahului, Island of Maui at Tax Map Key: (2) 3-8-007:097. The changes will enable Hale Makua to accommodate the future expansion of existing facilities and development of new programs to serve seniors. (CPA 2018/0006) (CIZ 2018/0007) (T. Furukawa)

(Item E.1 begins at approximately 00:40:09 of Part 2 of the audio recording.)

(Motion was made at approximately 01:09:55 of Part 2 of the audio recording.)

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

(Vote was taken at approximately 01:11:04 of Part 2 of the audio recording.)

VOTED: To Recommend Approval to the County Council the Community Plan Amendment and Change in Zoning as Recommended by the Department.
(Assenting – P.D. La Costa, D. Thompson, K. Freitas, K. Pali, C. Tackett, S. Castro)
(Excused – T. Gomes)

2. PLANNING DIRECTOR MICHELE CHOUTEAU MCLEAN ON BEHALF OF HALE MAHAOLU LLC requesting a Change of Zoning from R-3 Residential District to A-2 Apartment District for approximately 8.921 acres of land at Tax Map Key (TMK): (2) 3-8-007:050 and a Change of Zoning from R-2 Residential District to A-2 Apartment District for approximately 10.52 and 1.876 acres of land at TMKs: (2) 3-8-007:095 and 096, in Kahului, Island of Maui. The changes are being initiated to establish land use and zoning consistency. No development or change in use is being proposed at this time. (CIZ 2018/0008) (CIZ 2018/0009) (T. Furukawa)

(Item E.2 begins at approximately 01:12:02 of Part 2 of the audio recording.)

(Motion was made at approximately 01:25:40 of Part 2 of the audio recording.)

It was moved by Mr. Castro, seconded by Ms. Pali, then

(Vote was taken at approximately 01:31:58 of Part 2 of the audio recording.)

**VOTED: To Recommend Approval to the County Council the Two Changes in Zoning as Recommended by the Department.
(Assenting – S. Castro, K. Pali, K. Freitas, D. Thompson, C. Tackett,
P. D. La Costa)
(Excused – T. Gomes)**

3. KAMAOLE GRAND LLC requesting a Special Management Area Permit five-year time extension to initiate construction of Kamaole Grand, consisting of seven residential buildings comprised of 217 condominium residences, a recreation center, barbeque areas, swimming pool, and all associated improvements including grading, parking areas, utility connections and landscaping, as well as a transfer of ownership of said permit from Nokaoi Development LP to Kamaole Grand LLC, located at 2455 South Kihei Road, Kihei, Island of Maui. TMK (2) 3-9-020:007 (SM1 2016/007) (C. Thackerson)

(Item E.3 begins at approximately 00:00:40 of Part 3 of the audio recording.)

(Motion was made at approximately 01:04:07 of Part 3 of the audio recording.)

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

(Vote was taken at approximately 01:07:15 of Part 3 of the audio recording.)

**VOTED: To Acknowledge the Transfer of Ownership.
(Assenting – P. D. La Costa, D. Thompson, K. Pali, C. Tackett,
S. Castro)
(Dissenting – K. Freitas)
(Excused – T. Gomes)**

(Motion was made at approximately 01:08:00 of Part 3 of the audio recording.)

Ms. La Costa who made a Motion to Approve the Time Extension withdrew her motion, and Mr. Carnicelli withdrew his second.

Then:

(Motion was made at approximately 01:11:10 of Part 3 of the audio recording.)

A motion was then made by Mr. Freitas and seconded by Ms. La Costa to Deny the Time Extension.

After further discussion,

(Motion was made at approximately 01:18:40 of Part 3 of the audio recording.)

It was moved by Ms. Pali, seconded by Mr. Thompson, then

(Vote was taken at approximately 01:20:12 of Part 3 of the audio recording.)

**VOTED: To Table the Motion to Deny the Time Extension.
(Assenting – K. Pali, D. Thompson, K. Freitas, C. Tackett,
S. Castro, P. D. La Costa)
(Excused – T. Gomes)**

(Motion was made at approximately 01:20:37 of Part 3 of the audio recording.)

It was moved by Ms. Pali, seconded by Mr. Thompson, then

(Vote was taken at approximately 01:29:25 of Part 3 of the audio recording.)

**VOTED: To Approve the Special Management Area Use Permit Time Extension for Three Years and include in Condition No. 1 as follows: That to the satisfaction of the Department of Planning construction of the proposed project must be initiated by April 30, 2023. If additional time to initiate construction is needed, the applicant shall submit a current traffic study and current drainage report and the request shall be reviewed by the Planning Commission.
(Assenting – K. Pali, D. Thompson, C. Tackett, S. Castro, P. D. La Costa)
(Dissenting – K. Freitas)
(Excused – T. Gomes)**

F. NEW BUSINESS

1. MS. TESSA MUNEKIYO NG of MUNEKIYO HIRAGA on behalf of HAWAIIAN CEMENT requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit and Shoreline Setback Variance for the Kahului Harbor Hawaiian Cement Facility Relocation Project located at Kahului Harbor, TMK(s): (2) 3-7-010: 003(por.), (2) 3 7 010: 009(por.), and (2) 3 7 010: 034(por.), Kahului, Island of Maui. (SM1 2020/0008) (SSV 2020/0001) (SSA 2020/0033) (EA 2020/0003) (K. Wollenhaupt)

The EA triggers are the use of State of Hawaii lands and use in the shoreline area.

The Applicant has also submitted applications for a Shoreline Setback Assessment, Shoreline Setback Variance, and Special Management Area Use permit. The public hearings on the Shoreline Setback Variance and Special Management Area Use Permit applications will be held after the Chapter 343, HRS process has been completed.

(Item F.1 begins at approximately 00:00:17 of Part 4 of the audio recording.)

(Action was taken at approximately 00:53:57 of Part 4 of the audio recording.)

There was unanimous consensus amongst the Commissioners to Transmit the Comments of the Commission as Discussed to be Addressed in the Final Environmental Assessment.

- G. PUBLIC HEARING RECESSED FROM THE JUNE 9, 2020 MEETING** (Action to be taken after each public hearing.) (Given the other items on the agenda, the Commission will likely discuss this item no sooner than 1:00 p.m. or after lunch whichever is later)

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) (Recessed from the June 9, 2020 meeting)

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 G.1 begins at approximately 00:01:03 of Part 5 of the audio recording.)

(Motion was made at approximately 01:03:15 of Part 5 of the audio recording.)

It was moved by Mr. Thompson, seconded by Ms. La Costa, and

(Vote was taken at approximately 01:29:46 of Part 5 of the audio recording.)

The Motion to Recommend to the County Council to Keep the Current Caps as They Are and to Not Change Them as Proposed in the Bill, FAILED.

(Assenting – D. Thompson, P.D. La Costa, S. Castro)

(Dissenting – K. Freitas, C. Tackett)

(Excused – T. Gomes, K. Pali)

Then:

(Motion was made at approximately 01:38:27 of Part 5 of the audio recording.)

It was moved by Mr. Tackett, seconded by Mr. Freitas, and

(Vote was taken at approximately 01:43:34 of Part 5 of the audio recording.)

The Motion to Recommend Approval to the County Council with the Reduced Caps taking into account existing permits and all pending applications, FAILED.

(Assenting – K. Freitas, C. Tackett, S. Castro, P. D. La Costa - Abstained)

(Dissenting – D. Thompson, C. Carnicelli)

(Excused – T. Gomes, K. Pali)

After further Discussion:

(Motion was made at approximately 01:44:26 of Part 5 of the audio recording.)

It was moved by Ms. La Costa, seconded by Mr. Thompson, and

(Vote was taken at approximately 01:48:24 of Part 5 of the audio recording.)

VOTED: To Close the Public Hearing and Defer the Matter to the Next Available Agenda.

**(Assenting – P. D. La Costa, D. Thompson, C. Tackett, S. Castro,
L. Carnicelli)**

(Dissenting – K. Freitas)

(Excused – T. Gomes, K. Pali)

H. DIRECTOR'S REPORT

(Item H begins at approximately 01:49:10 of Part 5 of the audio recording.)

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

There was consensus by the Commission regarding the letter by Chairperson Carnicelli regarding the West Maui Community Plan Update.

2. SMA Minor Permit Report

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

3. SMA Exemptions Report

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

Mr. Freitas inquired what was done for the 626 Luakini application which Ms. McLean noted it was for repair to framing and siding and replenishing gravel.

4. Discussion of Future Maui Planning Commission Agendas

a. July 14, 2020 agenda items

Ms. McLean went over the items scheduled for the July 14, 2020 meeting.

I. NEXT REGULAR MEETING DATE: July 14, 2020

J. ADJOURNMENT

The meeting was adjourned at approximately 6:11 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
Kellie Pali
P Denise La Costa
Christian Tackett, Vice Chair
Dale Thompson

Excused

Tina Gomes

Others

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Michele McLean, Director, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel