

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
FEBRUARY 23, 2021**

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

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

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

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

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

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Deputy Corporation Counsel Michael Hopper at approximately 9:02 a.m., Tuesday, February 23, 2021, online via BlueJeans; **Meeting ID: 291 930 403**

As the Vice-Chair was not available for the meeting, Mr. Hopper opened nominations for Chair Pro Tem for the meeting. Ms. Pali nominated Ms. La Costa. Mr. Castro nominated Ms. Pali which Ms. Pali declined. There being no further nominations, the matter was put to a vote, and it was unanimously voted Commissioner P Denise La Costa to be Chair Pro Tem to conduct the meeting.

(Assenting – S. Castro, J. Edlao, K. Freitas, M. Hipolito, K. Pali, D. Thompson)
(Excused – C. Tackett)

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

1. NEW CINGULAR WIRELESS PCS, LLC (AT&T Mobility) requesting a County Special Use Permit for the proposed cellular antenna facility to include a 40 ft. monopole and support equipment on a 980 s.f. portion of an 8.1 acre agricultural lot located at 1651 Kahekili Highway, Unit 1, Wailuku, Maui, Hawaii, TMK (2) 3-2-013:043-001 (CUP2020/0007) (P. Fasi)

(Item B.1 begins at approximately 00:03:35 of Chapter 1 of the audio recording.)

(Motion was made at approximately 00:09:11 of Chapter 4 of the audio recording.)

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

(Vote was taken at approximately 00:17:00 of Chapter 4 of the audio recording.)

**VOTED: To Approve County Special Use Permit, as Recommended by the Department with the Condition Listed in the Staff Report.
(Assenting – D. Thompson, K. Pali, S. Castro, M. Hipolito,
P D. La Costa)
(Dissenting – J. Edlao, K. Freitas)
(Excused – C. Tackett)**

2. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, in accordance with Section 2.80B.060, Maui County Code, transmitting County Council Resolution 20-170 referring to the Maui Planning Commission a proposed bill to add a new goal and related objectives, policies and implementing actions to the Countywide Policy Plan of the Maui County General Plan 2030. (J. Maydan)

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

(Item B.2 begins at approximately 00:17:55 of Chapter 4 of the audio recording.)

(Motion was made at approximately 00:44:35 of Chapter 4 of the audio recording.)

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

(Vote was taken at approximately 00:54:20 of Chapter 4 of the audio recording.)

**VOTED: To Recommend Approval to the County Council with the Comments from the Commission.
(Assenting – K. Pali, M. Hipolito, S. Castro, J. Edlao, K. Freitas,
D. Thompson, P D. La Costa)
(Excused – C. Tackett)**

3. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-166 referring to the Maui Planning Commission a proposed bill to establish that the consumption of intoxicating liquor in recreational areas under the jurisdiction of the Department of Parks and Recreation is unlawful in Historic Districts 1 and 2 (Lahaina). Some minor updates are also proposed. (J. Takakura)

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

(Item B.3 begins at approximately 00:54:51 of Chapter 4 of the audio recording.)

(Motion was made at approximately 01:22:00 of Chapter 4 of the audio recording.)

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

(Vote was taken at approximately 01:23:01 of Chapter 4 of the audio recording.)

VOTED: To Recommend Approval of the Proposed Bill to the County Council as Presented.
(Assenting – K. Pali, S. Castro, J. Edlao, K. Freitas,
M. Hipolito, D. Thompson, P D. La Costa)
(Excused – C. Tackett)

C. COMMUNICATIONS

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 requests administratively:
 - a) MS. ROWENA DAGDAG-ANDAYA, Director, on behalf of the COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS requesting a two-year time extension on the Special Management Area Use Permit for the Proposed Replacement of the Kahana Nui Bridge located between Hua Nui Place and Omaikai Place in Lahaina, Island of Maui, TMKs: (2) 4-3-006: 029 (por.), (2) 4-3-005 083 (por.), 4-3-019: 028 (por.), and (2) 4 3-019: 049 (por.) (SM1 2015/0007) (W. Bradshaw)

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 C.1 begins at approximately 00:01:05 of Chapter 5 of the audio recording.)

(Motion was made at approximately 00:11:38 of Chapter 5 of the audio recording.)

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

(Vote was taken at approximately 00:12:02 of Chapter 5 of the audio recording.)

VOTED: To Acknowledge Receipt of the Request and Waive Its Review of the Two-Year SMA Time Extension Request.
(Assenting – K. Pali, S. Castro, J. Edlao, K. Freitas,
M. Hipolito, D. Thompson, P D. La Costa)
(Excused – C. Tackett)

D. CONSIDERATION AND ADOPTION OF PROPOSED WRITTEN DECISION AND ORDER

Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken for this matter

1. Proposed Findings of Fact, Conclusions of Law, and Decision and Order on the matter of a Notice of Violation issued by the Planning Department for the use of heavy equipment in the shoreline setback area and in the ocean, and failure to implement Best Management Practices, pursuant to Special Management Area Use Permit SM1 2014/0001 and Shoreline Setback Variance SSV 2014/0001, approved on June 14, 2016, and Special Management Area permit exemption SM5 2019/0205 and Shoreline Setback Approval SSA 2019/0050, issued on October 15, 2019, for temporary sandbag repairs and additional maintenance at the shoreline fronting the sheet pile wall for the Hololani Resort Condominiums, located at 4401 Lower Honoapiilani Road and placement of new sandbags. (J. Dack)
 - a) ASSOCIATION OF APARTMENT OWNERS OF HOLOLANI AND SHARON WRIGHT'S NOTICE OF APPEAL FROM NOTICE OF VIOLATION NO. NOV 2020-0061, AS CORRECTED, filed by Paul Alston, Pamela W. Bunn and Timothy H. Irons, Dentons US LLP, attorneys for Appellants Association of Apartment Owners of Hololani and Sharon Wright. (APPL 2020/0005)
 - b) NOTICE OF APPEAL TO THE MAUI PLANNING COMMISSION FROM NOTICE OF VIOLATION 2020/0061, DATED JULY 9, 2020, filed by Jeffrey Ueoka, Mancini, Welch & Geiger, attorney for Appellant Goodfellow Bros., LLC. (APPL 2020/0004)

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order

(Item D begins at approximately 00:12:22 of Chapter 5 of the audio recording.)

(Motion was made at approximately 00:28:34 of Chapter 5 of the audio recording.)

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

(Vote was taken at approximately 00:29:40 of Chapter 5 of the audio recording.)

VOTED: To Adopt the Proposed Findings of Fact, Conclusions of Law, and Decision and Order.
(Assenting – D. Thompson, J. Edlao, M. Hipolito, S. Castro, P D. La Costa)
(Dissenting – K. Freitas)
(Recused – K. Pali)
(Excused – C. Tackett)

E. DIRECTOR'S REPORT

(Item E begins at approximately 00:30:04 of Chapter 5 of the audio recording.)

1. SMA Minor Permit Report

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

2. SMA Exemptions Report

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

No questions or comments on the SMA Minor and Exemption Reports

3. Discussion of Future Maui Planning Commission Agendas

a. March 9, 2021 agenda items

F. NEXT REGULAR MEETING DATE: March 9, 2021

G. ADJOURNMENT

The meeting was adjourned at approximately 3:25 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Stephen Castro
Jerry Edlao
Kawika Freitas
Mel Hipolito
P Denise La Costa
Kellie Pali
Dale Thompson

Excused

Christian Tackett, Vice Chair

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