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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C.1
APRIL 13, 2021**

Ms. McLean: Chair, the...let's see we have one public hearing item today, and that is a request from Patrick, Adsuar and Christina Liu for a short-term home permit in order to operate Maluhia Halelo Hale, a four-bedroom short-term rental home located in the R-3, Residential District at 77 Halelo Street in Lahaina, at TMK: 4-4-09: 024. Jared Burkett is the project planner. Jared.

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

1. **PATRICK ADSUAR and CHRISTINA LIU requesting a Short-Term Rental Home Permit in order to operate Maluhia Halelo Hale, a four bedroom short-term rental home located in the R-3 Residential District at 77 Halelo Street, Lahaina, Island of Maui, TMK: (2) 4-4-009:024. (STWM T2017/0021) (J. Burkett)**

The Commission is reviewing the application because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

Mr. Burkett: Good morning, Vice-Chair and Commissioners. My name is Jared Burkett. I have other staff here in the cubicle with me, so I'm wearing my mask.

The owner applicant is seeking approval of a short-term rental permit. There are six other short-term rental home permits within 500 feet, but we're going to discuss some of those vacation rental permits. There was a map provided in the testimony yesterday that has updates. So, there has been one protest that has been withdrawn. Then we received another protest and another support adjacent, and then also there were two more support letters that were received. So, you all should have received those within the last two days or two business days. And so that map that was updated that says final on it shows the existing vacation rentals, as well as the testimony.

So, there were no police reports filed for the property. There are no open requests for service on the property. There are some closed requests for service, and these were primarily for previous owners. There was one for the existing owner, but they were...it was during the purchase of the property and they were requesting documents. So, it wasn't anything that was actually a request made by a neighbor or of any concern. Then, as I said, the total protests now are there are four protest letters that was that were received by the Department, and then there was the fifth one that was withdrew, and then there are eight letters of support that were submitted to the Department, seven of which are within 500 feet of the subject property.

And just as a reminder, this permit application was submitted prior to adoption of Ordinance 4830 which requires a property to have been owned by the applicant for five years to be eligible for the permit. So, this was submitted before that ordinance was adopted. So, they were allowed to apply yet under the old law, which is they've had the property for four years now.

1 So, the applicant's consultant, Debbie Mitchell is on the call. She has a presentation she would
2 like to give. And the owners are also here if the Commission would like to ask them any questions.
3 So, whenever you are ready, the applicant would be happy to give the presentation.
4

5 Mr. Tackett: Yeah, you can begin your presentation, thank you. I, I don't believe your...I believe
6 you're on mute, so we can't hear yet. No, no sound yet.
7

8 Ms. Debbie Mitchell: Oh, fiddle.
9

10 Mr. Tackett: Yeah, you're good now. If we could start from the beginning.
11

12 Ms. Mitchell: Certainly, of course, my apologies. Good morning to all you Commissioners. It's
13 been a little while, it's good to see you all again, and to see some new faces. My name is Debbie
14 Mitchell, and I am the consultant from Patrick Adsuar and Christina Liu in their short-term rental
15 home application at 77 Halelo. I'll switch over to the presentation now and see if we can get that
16 started back again. You all can hear me okay? Did I lose you?
17

18 Mr. Tackett: No, you're good. I just turned off my speaker.
19

20 Ms. Mitchell: Okay, thank you. All right, again, this is Debbie Mitchell. I'm a consultant for Patrick
21 Adsuar and Christina Liu in their short-term rental home application for 77 Halelo Street. This is
22 a four...it's actually a six-bedroom, but four bedrooms are to be considered for the application.
23 This is in the West Maui District, right in the center of the resort community there.
24

25 Moving on, you'll see the placement just mauka of the highway, and it is directly between The
26 Royal and the Kaanapali golf courses. Moving in with an aerial, you'll see the little area outlined
27 in light blue is the home, and the Kaanapali Resort area and the ocean is located here. Moving
28 in over the home, it's large lots and very much surrounded with heavy vegetation that acts as a
29 sound barrier.
30

31 Mr. Burkett: Debbie?
32

33 Ms. Mitchell: Yes?
34

35 Mr. Burkett: Your presentation is not showing.
36

37 Ms. Mitchell: Okay, bear with me one sec, we'll get back and I'll start it again. Sorry for the
38 confusion. Okay, let's try one more time, so sorry.
39

40 Mr. Burkett: There, we can see now.
41

42 Ms. Mitchell: Great, okay. There we go. Okay, again, I'll take you since you heard me that time,
43 I'll just catch you back up to where we were. Okay, again, West Maui, and resort community just
44 directly across the highway and between the two sides of the Kaanapali Kai Golf Course. And
45 the aerial view showing the location of the home outlined in light blue there and the resort area.
46

1 The application is indeed for four bedrooms of the six-bedroom home. It is surrounded by heavy
2 vegetation, as you can see here, and it is fronted in the east by again, the golf course. This is the
3 entrance to the street, Halelo Street as it comes off of Highway 30. Directly ahead is Kaanapali
4 Parkway, which takes you down to the resort amenities.

5
6 The home is...has more than adequate parking for the four bedrooms. There is...we parked a
7 couple of vehicles here so you could see. There are two spaces in the garage and then there is,
8 there are actually four more spaces in the, in the driveway. The house from the exterior, all four
9 sides of the home, and the views from the home surrounding all four sides. And the kitchen is
10 large and light, and the living room is spacious.

11
12 I've become a realtor. I guess you can hear me saying that here. The new owners have done a
13 fabulous job with refurbishing the home and making it presentable for renters. There are four
14 bedrooms in the home and three baths, large lanai that looks out towards the west.

15
16 And then the public notice items, all the neighbors were notified within 500 feet about the
17 application and the public hearing. We have received actually eight support letters. Two are from
18 adjacent neighbors, five were from neighbors within the 500-foot radius, and there was also one
19 from a local business. We did receive five total protests, but the owner did reach out personally
20 to contact each of the protesters and expressed their...his concern for their, for their concerns,
21 and he originally contacted them by email, and to the extent that the gentleman who Mr.
22 Fushikoshi that is directly an adjacent neighbor across the street, actually withdrew his protest.
23 So he, he made a concerted effort to reach out to those folks. There are, as Jared mentioned,
24 there are six other permitted homes within 500 feet and one bed and breakfast that is to the north
25 of the home, right on the edge of the golf course.

26
27 Here is a map of...the pink dots represent the support and the yellow dots represent the protest.
28 And as you can see, all of the support except for one come from the north and the protests come
29 completely from south. So, we have put our heads together to see how we could...oops, I'm
30 going to come back to that one, to see how we can mitigate that because we really understand
31 the concerns of the neighbors. So, we are posting this, going to post this information on the
32 welcome materials in the info book and in the garage just saying that here's the street, it's a cul
33 de sac, there's nothing down there to go see, it's just a quiet residential neighborhood, and we
34 just appreciate that they enter the home and leave the home by just turning around at that point,
35 at the point of the home and not progressing any further. So, we want to educate folks that this
36 is a quiet neighborhood and hopefully that would maybe help some of the concerns that the
37 neighbors has, and we do understand them. So that, we really hope that will, will mitigate that.
38 So, Patrick Adsuar and Christina Liu have poured a lot of work into this over the years. I started
39 with them in 2016, working with them on this and then due to bringing the house when it was
40 purchased, there are some unpermitted work done. So, they have spent all this time bringing it
41 into compliance and bringing it into compliance with the regulations for short-term rental. So,
42 they're very concerned that they do the right thing and obviously it's taken them a lot of time to
43 get that done. So, that's why you'll see the lag. Patrick and Christina are, again, are both here.
44 We hope to have them speak to you for a few minutes and then we are here to answer any
45 questions you might have. Thank you so much.

1 Mr. Tackett: Thank you. Did you say that the Adsuars had a presentation, a short one?

2
3 Ms. Mitchell: No, they don't, just to speak.

4
5 Mr. Tackett: Just to, just to speak, okay.

6
7 Ms. Mitchell: Yes.

8
9 Mr. Tackett: Director, is this time for questions right now?

10
11 Ms. McLean: Chair, if the applicants wish to make a statement, they can go ahead and do that,
12 if not, we would go ahead and take public testimony and then the commission could—

13
14 Mr. Tackett: And then questions.

15
16 Ms. McLean: --as questions.

17
18 Mr. Tackett: Okay, do you have folks have a statement that you would like to make at this point?

19
20 Mr. Patrick Adsuar: A short statement, not so much a statement, but thank you for very much
21 everybody for taking time today. We just want to express the fact that we, obviously consider that
22 a home for us. We care very much about the neighborhood, care very much about the people
23 around us. Part of the reason that we had support from our direct neighbors was a result of us
24 going, spending time on the island and being able to meet some of our neighbors and really just
25 express to them our, our hopes and our heart as far as that's concerned.

26
27 I've been coming to Maui since I was nine-years-old. My wife and I, our first trip together was
28 going to Maui and staying in Kaanapali, so we had been going there almost every year for the
29 past 15 years. Our son has grown up there as well. So, we just have a lot of love and aloha for
30 Maui, and I look forward to spending as much time there as possible once this whole pandemic
31 era kicks out.

32
33 Mr. Tackett: Thanks, you guys. I'm going to go ahead and open it up for public testimony now.
34 Does...Director, does everybody need to be sworn in, I believe they do, yeah or is, is...

35
36 Ms. McLean: Yes, Chair they, do because this is a contested case proceeding. Testifiers would
37 be sworn in and then the applicant would have the opportunity to ask any questions.

38
39 Mr. Tackett: Got it. Thank you.

40
41 Ms. McLean: There are two people so far signed up to testify. The first is Darcel Gilbert, who will
42 be followed by Stephen Gatchell.

43
44 Mr. Tackett: Thank you. Could we get our first testifier, please?

45
46 Ms. McLean: Darcel, you can unmuted your audio and if you wish, you can have your video.

1
2 Ms. Darcel Gilbert: Does that work? Oh, there I am, sorry. Okay, so aloha and thank you for
3 time.

4
5 Mr. Tackett: So, please, please introduce yourself and promise to tell the truth.

6
7 Ms. Gilbert: I promise to tell the truth. Aloha, thank you for your time. My name is Darcel Gilbert.
8 I was born on Oahu. I have lived on Maui for 40 years and on Halelo Street for the last 20 years
9 and I'm here regarding this TVR application. You'll note that it said there are at least two other
10 short-term rental houses within a 500-foot area and actually there are six as you seen plus a B&B,
11 plus a seventh TVR just at the edge of that 500-foot radius. So, that's really a pretty simple
12 question of if you feel you would like to sustain or support a residential neighborhood or just
13 continue to expand the Business District. I don't know, do any of you live next to a vacation rental,
14 I do or do you live across the street from one, I do or do you have three on your block, I do.

15
16 There's no homeowner's association here. So, realtors have pretty much targeted this area and
17 presented it as a tourist service area, and that's how they sell the houses many of which were
18 single-family residences in the past, and then they present to you in that same vein, it's so close
19 to Kaanapali so it should be for tourists. So, the letters of support, there are quite a few are
20 primarily the other vacation rental owners. The letters of protest are pretty much Kamaainas who
21 have lived there, who still work there, resided there 20 to 40 years. So, again, it's a question of if
22 you wish to look at perpetuating a residential area or continuing to expand the business district.
23 ...(inaudible-audio garbled)...parcel be a little noisier have parties, but the other thing is if you
24 have four of these on one block, think of it...ten occupants for each unit, so every week you have
25 a rotation of eight to thirty people, and I've noticed this since you know, we opened up Maui that
26 are considerably more strangers walking down the street, sometimes groups of two or three,
27 sometimes eight, a few weeks ago, it was six guys. And so imagine this for your home or
28 neighborhood. Okay, I see them in the morning or when I go out to go marketing, it's pretty
29 random, but it's very, very common now.

30
31 So, again, ...(inaudible)...neighbors who live there. I love my neighbors. I've lived with them for
32 decades and that's why I'm here. We have seven of these in our area now and just hoping you
33 will not add an eighth. I welcome a new neighbor. Patrick, please I am happy to have you there,
34 living there, even...and we have several long-term renters and that's all been fine, but you know,
35 vacation rentals add a lot of traffic, not just cars but people. As I said, I hope you will consider
36 this, I welcome neighbors, ...(inaudible)...but businesses. Thank you.

37
38 Mr. Tackett: Thank you for your testimony. If you could please hold on, I'm going to ask Patrick
39 if and that...or I'm going to ask the applicants if they have questions for you.

40
41 Ms. Gilbert: Sure.

42
43 Mr. Tackett: Good morning, do you guys have questions for the testifier?

44
45 Mr. Adsuar: No, no questions directly. Unfortunately, we did not have a chance to meet in person,
46 so hopefully we will have a chance to do that at some point. I understand the concerns, I don't

1 know that I have question about them specifically other than to say, some of our support letters
2 are our direct neighbors that are not short-term rental folks. They're people that have been living
3 there again—

4
5 Mr. Hopper: Chair, Chair, right now it will be just for—Chair, I'm sorry.

6
7 Mr. Tackett: Yeah.

8
9 Mr. Hopper: Yeah, right now it's just for cross-examination questions. If there's time for...there
10 could be time for rebuttal after the...after public testimony, so just –

11
12 Mr. Adsuar: Okay, my apologies.

13
14 Mr. Tackett: Understood Mr. Hopper. Thank you. So, if there's no questions. Thank you, thank
15 you...oh, Dale. Dale...We have questions from Dale and P D.

16
17 Mr. Thompson: Thank you, Chair. For testifier, a question. So, you guys don't have an HOA in
18 there?

19
20 Ms. Gilbert: No. That's a problem. We have no homeowner's association.

21
22 Mr. Thompson: And is your road out front...I thought your road was private. Didn't you guys just
23 have to pay that to pave it?

24
25 Ms. Gilbert: Yes, what happened was that this thing was originally set up by Amfac way, way,
26 way back, it goes back that long, and so, they did not set up anything. So, it's added a number
27 of problems. I mean, people like it because it's given them flexibility, but it does not help with
28 some of the hopefully expected neighborly courtesies, some people take advantage of it.

29
30 Mr. Thompson: Did you live close to George Benson over there?

31
32 Ms. Gilbert: Yeah, he's actually I think around the corner.

33
34 Mr. Thompson: Well, thank you very much.

35
36 Ms. Gilbert: Thanks.

37
38 Mr. Tackett: P D. do you still have a question?

39
40 Ms. La Costa: Thank you, Chair, yes. Thank you for testifying today Dr. Gilbert. There are
41 several homes in the neighborhood and it does create traffic as I see, what has been the direct
42 impact on you from the current short-term rentals?

43
44 Ms. Gilbert: You know, as I said, there will be occasional complaints, drunk people partying,
45 things like that. We have, because of the narrow road, there is a considerable amount of traffic.
46 I think, as I said and it's hard to express this, but if you have your own neighborhood neighbors,

1 you're familiar with them, you know them, it's just this constant strangers walking down the street,
2 as I said. I mean, they're going to change every week. You don't know who they are. It's...I don't
3 know if you can project this from what I say, I've told you. I mean, I had a complaint, it was years
4 ago, it was kind of odd, I had a woman who was, had had her baby and she just
5 ...(inaudible)...with me, and she said, oh, my God, they're so noisy at night. And I did make a
6 complaint. And, you know, how did it come out? Oh, it was the neighbor's kid playing by the pool,
7 and what it was is a 20-year-old daughter drunk, ...(inaudible)...for people. So, you know,
8 complaints, I don't know how they kind of get turned around a bit, but I would say just the number
9 of strangers and traffic going around is, is a bother, is a worrisome. I don't know how you would
10 take it in your place, I mean, and this is not like Launiupoko or Kaanapali Hillside, you know, big
11 areas, this is just a pretty typical neighborhood. And as I said, I have no qualms, I'm sure that...I'm
12 not arguing with, oh okay, we've checked off all the list, we've done the parking, we got...we got
13 it all made up until...It's just my comment, that this as I said, we've got seven of these already in
14 this rather small neighborhood because realtors designate it as a tourist service area and it's not.
15 It was a residential area.

16
17 Ms. La Costa: Thank you very much, appreciate it.

18
19 Ms. Gilbert: Yep.

20
21 Mr. Tackett: ...your question? Awesome.

22
23 Ms. Gilbert: Thank you.

24
25 Mr. Tackett: Okay, we got, we got a question from Jerry and a question from Ashley. Go ahead,
26 Jerry.

27
28 Mr. Edlao: Darcel, obviously these guys, this applicant has a lot of parking on the driveway and
29 in their garage, what does the others look like? Do they appear to have enough parking on their
30 property or do they tend to park on the street?

31
32 Ms. Gilbert: I believe so. On occasion, they overlap. There's one across the street from my
33 neighbor, and I know she had complained about that maybe last year. Sometimes visitors don't,
34 you know, quite pay attention so that as occurred. Or like last week, she's commented, oh, you
35 know, I don't know how many people were there, but there were six bags of garbage out there
36 and they only pay for three bags to be removed. That's common. So, three bags were still out
37 there, and cats got into them garbage all over the place. So, various things like that. There is a
38 parking issue on the street, and it is one that I don't think we can solve the vacation rentals, so to
39 speak, it's something that unfortunately, because the street is narrow, the County will not take
40 possession of it, so we have to monitor that ourselves.

41
42 Mr. Edlao: At any given time, how many guests, you know, of the seven, do you think are there?
43 Is it just a constant flow of people vacationing? One comes in, one goes out, and another one
44 comes in or maybe like two or three of them all come in at a time, what's it like?

45

- 1 Ms. Gilbert: Okay, so remember that we've had a pandemic, and so it's really nice and quiet for
2 a while. But as I said, since Maui opened up, and it's variable. It's persistent in that I'll see it
3 frequently, and I sometimes have taken pictures, and they've pointed out that the street that I'm
4 on there are actually three, yeah, three in fair proximity. The applicant will be a fourth, and I think
5 there's one at the end, I don't know if it Halelo or belong to the other street. So, I'm saying that
6 there are people constantly parading back and forth, but you know, where you live, you go out,
7 you go pick up your paper, you go to the market and it's pretty common that you will see strangers
8 going past, that's what it is.
9
- 10 Mr. Edlao: Okay, thank you.
11
- 12 Ms. Gilbert: Okay, thank you.
13
- 14 Mr. Tackett: Go ahead, Ashley.
15
- 16 Ms. Lindsey: Hi, so I have...do you live north or south of the property?
17
- 18 Ms. Gilbert: South.
19
- 20 Ms. Lindsey: And I, sorry, I had another question but it just...I just lost it...yeah, sorry I, let me—
21
- 22 Ms. Gilbert: That's okay, no problem.
23
- 24 Mr. Tackett: Do we have another there questions?
25
- 26 Ms. Lindsey: Oh here, I remember, I just got it.
27
- 28 Mr. Tackett: Go ahead.
29
- 30 Ms. Lindsey: Are there any rentals in the area? I know a lot of owner-occupants there, but are
31 there other long-term rentals?
32
- 33 Ms. Gilbert: Yeah, and let me also mention that I live south of the property and there are two
34 more vacation rentals that are south of me. So, and what I don't think is even included in your
35 picture, so yeah, that's what I mean, when yeah, there's intermittent traffic and so on. Renters,
36 yeah, long-term ones, Houchi has one, let me see, I think down...I have one, who's long-term,
37 the...those are the ones I know of right off hand, okay. If you...are you looking for a place?
38
- 39 Ms. Lindsey: No, I live in a neighborhood similar there's seven houses on my...in my
40 neighborhood, five are long-term, I think two are illegal short-term but I'm not positive, and I
41 understand your concern for sure because I love knowing my neighbors.
42
- 43 Ms. Gilbert: Yeah.
44
- 45 Ms. Lindsey: And strange people driving through is, you know, you don't know what to think, you
46 don't know if they're gonna steal from you or you don't know if they're lost or you know or they're

1 not, like why are they on my neighborhood you know, because it's a isolated place, but thank you
2 for your testimony.

3
4 Ms. Gilbert: Thank you. Thank you for listening.

5
6 Mr. Tackett: Thanks you guys. Do we, do we have any other questions at this time? Thank you
7 for your testimony. Thank you very much.

8
9 Ms. Gilbert: Thank you. Thank you.

10
11 Mr. Tackett: Thank you. Michelle, next, testifier please.

12
13 Ms. McLean: The next testifier is Steven Gatchell, and after Mr. Gatchell, no one else has
14 indicated they wish to testify so far.

15
16 Mr. Tackett: Okay, good morning, Steven. Please unmute yourself, state your name and promise
17 to tell the truth. We have no sound yet.

18
19 Mr. Steven Gatchell: Thank you. Can you, can you all hear me now?

20
21 Mr. Tackett: Yes. Please introduce yourself and promise to tell the truth. We can hear you good.

22
23 Mr. Steven Gatchell: My name is Steven Gatchell and I promise to tell the truth. Um, you
24 probably...most of you know me. I grew up in Oahu. I graduated from UH in '83. I moved here
25 as a waiter. I worked really hard. I became a real estate person, sales person. I've been a sales
26 person broker for over 33 years. I own a home in the neighborhood. Um, full disclosure, I used
27 to own a real estate company that managed all...at one time, all of the vacation rentals up here.
28 We no longer manage one. I did sell my real estate company in March, but I continue to consult
29 for the company because I own a vacation rental at 41 Holomakani. I raised my family there. My
30 son, my son was born there, grew up there, and my father lived with us for seven or eight years.
31 He passed of dementia. He lived there until the time he died.

32
33 In 2016, um, we did, we actually do have an association now of sorts. In 2016, our roads were
34 absolutely horrendous and I tried to start to set up an association. I worked for three long, hard
35 years to form an association, worked with Kaanapali Land Company, went to every single owner,
36 every single owner in person and asked them if they wanted to join an association and what that
37 would look like. Every single person, every single person in this neighborhood said that they
38 would consider an association, but they didn't want a regular association, including Dr. Gilbert,
39 Darcel. They didn't want to be told what to do. They had, had many years of doing what they
40 wanted to do, but most of the people were willing to participate in a roadway association. And we
41 did form a roadway association, and Kaanapali Land Company was kind enough to donate about
42 \$50,000 to this association, and now we have beautiful roads and our roads prior had been paved
43 once by Amfac, and had not been paved for 40 years. So, now we've got wonderful new roads
44 and it works.

45

1 I can tell you that Maui Life Realty employs one individual, just one guy full-time, and his sole
2 purpose is to make sure that every single person that has checked into one of our homes which
3 is four or five, and I can't say ours because they're no longer mine, but his sole purpose is to, is
4 to babysit those people, make sure that they know what the rules are, make sure that he is
5 available 24/7 to take any calls, and really goes over the rules very thoroughly with these people.
6
7 Ms. Takayama-Corden: Three minutes.
8
9 Mr. Gatchell: Anyway, thank you for your time. Patrick has not signed up with us. I think he may
10 sign up with us and if he does, we make—
11
12 Mr. Tackett: Stick, stick around Steven, I may have questions for you. Let's see, let's see what
13 we got.
14
15 Mr. Gatchell: Thank you.
16
17 Mr. Tackett: Does the applicant have any questions for Steven?
18
19 Mr. Adsuar: No questions, no. Thank you.
20
21 Mr. Tackett: Thank you. Commissioners, do you have any questions for Steven? Thank you so
22 much Steven, appreciate it.
23
24 Mr. Gatchell: Thank you for your time.
25
26 Mr. Tackett: Director, have we had any others sign up?
27
28 Mr. Hopper: Questions from the applicant, Chair?
29
30 Ms. McLean: He already asked that Mike.
31
32 Mr. Hopper: Oh, I'm sorry, I didn't quite catch that. Thanks.
33
34 Ms. McLean: Chair, there's no one else who has indicated they wish to testify, but now would be
35 the time if there is anyone else who wishes to testify, please jump in and unmute your audio and
36 also your video if you wish.
37
38 Ms. Kai Nishiki: Aloha Planning Commission. My name is Kai Nishiki, I'd like to testify please.
39
40 Mr. Tackett: Good morning Kai, please promise to be truthful and you have three minutes.
41
42 Ms. Nishiki: I do, I promise to be truthful.
43
44 Mr. Tackett: Thank you.
45

1 Ms. Nishiki: Thank you. Congratulations, Chair and Vice-Chair on your election. Thank for
2 serving the citizens of Maui County. Mahalo. I am testifying against this short-term rental
3 application. We have enough visitor accommodations in West Maui and in Maui in general. Our
4 residents do not want any more short-term rental homes. We have a huge proliferation of them
5 already. And in this area, you know, it's right across the street from, from Canoe Beach,
6 Hanakaoo and thankfully, Council Member Tamara Paltin passed legislation to disallow
7 commercial activity in that area. So, I, I know all of you really understand how important that area
8 is to local residents and to have more short-term rentals right across the street so they can just
9 walk right over, you know, already right now, it's, it's, it's hard. It's, it's really congested. And you
10 know, residents do not want any more short-term rentals the impacts are, are horrendous.
11 We...and I know that, you know, Council Member King passed legislation or a resolution urging
12 you folks to, to really be cautious about approving any more visitor accommodations. And please
13 read the room, read the island, we're done, we're over it. Thank you. Please disapproved this.

14
15 Mr. Tackett: Thank you, Kai. Does the applicant have any questions for Kai? Commissioners,
16 do you do you have any questions for Kai. I got a, I got a question, Kai are you still there?

17
18 Ms. Nishiki: Yes.

19
20 Mr. Tackett: Is, is the Councilwoman's stance in Kihei, I believe...didn't she leave Kihei open for
21 vacation rentals, I believe?

22
23 Ms. Nishiki: In, in the resolution it was passed unanimously by all the council members.

24
25 Mr. Tackett: Yeah, so she, she, she's in favor of them in Kihei, correct?

26
27 Ms. Nishiki: I can't speak for the South Maui rep, but I can definitely speak for most residents and
28 they are not in favor of short-term rentals. We're tired of them impacting our residential areas,
29 and you know, you guys just had the neighbor, the nice woman there, telling you guys what the
30 impacts are.

31
32 Mr. Tackett: Yeah, I was just wondering if, if...I was just wondering if Ms. King's stance had
33 changed because I know we were trying to limit them and she left them open so it sounded like
34 she was on the limiting side from what you said, but as I understand it, she left all of Kihei open.
35 So, I was just wondering if, if anything had changed.

36
37 Ms. Nishiki: Yeah, I'm not really sure. We could definitely get clarification from, from the
38 Councilmember herself. I would not want to speak to what she said, but I'm very clear on the
39 resolution and the resolution says to limit further approvals of vacation rentals.

40
41 Mr. Tackett: Thank you, Kai, appreciate it. Go ahead, Ashley. Ashley has a question as well.

42
43 Ms. Lindsey: So, I read somewhere that there's 88 short-term rental spaces I guess in like in
44 allowed for west side, and 62 of them are already allotted. There are 26 remainder. Where this
45 seems like kind of a cluster of short-term rentals, where would you anticipate the other 26 going,
46 I know, yeah, do you have any like comment on that?

1
2 Ms. Nishiki: Thank you so much for that question. And I think what a lot of people need to realize
3 is while there is a set amount of authorized and legal short-term rentals because of the Minatoya
4 Opinion, actually, that in West Maui there are thousands, thousands of short-term rentals that are
5 allowed to operate without, you know, outside of the allotted amount of short-term rentals,
6 because it's just like a grandfathered in use. And so it's very deceiving for people to, to see that
7 number of like, oh, well, only 80 are even permitted, and only 60 of the permits, you know,
8 approximate numbers are taken up. So, you know, let's, let's approve these because obviously
9 we don't have enough, you know, it's not, it's not, it's not been maxed out, but that's, it's, it's not
10 true, it's deceiving. We actually have thousands in West Maui and we really don't need anymore.
11 And I believe that the Council is looking at taking up the Minatoya Opinion and hopefully that will
12 push all of those vacation rentals into more long-term rentals, and we will have more housing for
13 our people. Mahalo for the question.

14
15 Mr. Tackett: Kai, I believe, I believe she asked you where I think she asked you where.

16
17 Ms. Nishiki: Oh, I'm sorry. Could you—

18
19 Ms. Lindsey: Well, it was kind of a general comment because I know you're familiar with the west
20 side. She answered it a little bit, yeah, where would you recommend those 26 going because this
21 is kind of a cluster and I know there are already some, but there's still 26 that we can approve as
22 this body. I'm just wondering where, where the, where would be ideal location for these short
23 term rentals.

24
25 Ms. Nishiki: Well, I would think that with the thousands that we currently have that aren't included
26 in that, that all of those should be required to be...to apply and wait until... leave those, leave
27 those spots open for the existing rentals when they get regulated upon to have to go apply. So,
28 you know, that would be my suggestion. But there is no rush to hurry up and fill that, fill that up.
29 In fact, we should be not approving any more so that we can leave that open for when all of those
30 people who need to apply for that have space to do so.

31
32 Ms. Lindsey: And what was that called so that I can research it? I'm new here, so I need to know
33 this.

34
35 Ms. Nishiki: The Minatoya Opinion and if I get your email address I could probably send you a lot
36 of information on that and you could also meet with Council Member Tamara Paltin who could
37 provide a lot of information about that.

38
39 Ms. Lindsey: That sounds good, I will reach out to you. Thank you.

40
41 Ms. Nishiki: Thank you.

42
43 Mr. Tackett: Thanks, Kai. Thanks, Ashley.

44
45 Ms. McLean: Chair? Chair, if I can comment?

46

1 Mr. Tackett: Yes, Director.

2

3 Ms. McLean: Kai, you can send that to...send information to Carolyn and me and we'll see that
4 it gets distributed to all commissioners, and also we will soon have training for commissioners
5 once we get the ninth members and so, some of these things will be covered in that, but in the
6 interim we'll be happy to pass that information along.

7

8 Ms. Lindsey: Thank you.

9

10 Ms. Nishiki: And also, Director Michele McLean can provide all the information that you want to
11 know about the Minatoya List. In fact, I'm pretty sure that the Planning Department is, has
12 proposed some, some limits on the short-term rentals in addressing that issue, so Ashley if you
13 want to know about the Minatoya List you could ask Michele to explain it to you prior to your
14 decision making process.

15

16 Mr. Tackett: Thanks you guys. I believe Kawika and then P D both have questions. Go ahead
17 Kawika.

18

19 Mr. Freitas: Thank you, Chair. Aloha, Ms. Nishiki.

20

21 Ms. Nishiki: Good morning.

22

23 Mr. Freitas: In your testimony, you said that Hanakaoo Beach is across this development and
24 that people might walk there. Do you know of a path that people might take to go there because
25 the only way directly across would be going over a four-lane highway unless they go all the way
26 to the fire station road and I guess there's a crosswalk there. Is there a pathway from the, from
27 this subdivision to Hanakaoo that you aware of?

28

29 Ms. Nishiki: I'm not aware of a pathway, but often people will go into Kaanapali and then just walk
30 along the beach or they'll just walk along the highway because they've seen it as they drove by.
31 So, it would actually be very dangerous for, for that to be encouraged but it happens anyway. I
32 mean, tourists are constantly doing things that they shouldn't be.

33

34 Mr. Freitas: Okay, so you meant walk to the stoplight and cross safely and then walk. I was just
35 worried to cross the four-lane highway.

36

37 Ms. Nishiki: Yeah, I would hope they would do that. I would hope they would do that.

38

39 Mr. Freitas: Okay, thank you.

40

41 Mr. Tackett: Thanks you guys. P D, go ahead.

42

43 Ms. La Costa: My, my point was mainly for the Director and a clarification. So, I'll wait until
44 anyone else has comments for Ms. Nishiki. Thank you.

45

46 Mr. Tackett: Okay, we'll go to Jerry then. Jerry, Jerry, you got questions?

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Mr. Edlao: Yeah, good morning Kai.

Ms. Nishiki: Good morning.

Mr. Edlao: And it's always a pleasure having you out here. My question is, you know, you're so well-versed with lots of things regarding the County rules and everything else, my, my question is, is there any rule that would limit a certain amount of short-term rentals in a neighborhood or it's just if everybody wants it, you know, we could have another 26 in this area with no problem or is there a limit that says, okay, we can only have so much in an area that you know of?

Ms. Nishiki: Again, thank you Commissioner Edlao. So, I think that question would be better answered by Director McLean. However, my understanding is that the short-term rental limits are by our community plan areas. And so, that would be for the entire West Maui region. As far as individual neighborhoods go, most places have CC&Rs that would either allow or restrict. And I suppose that they would, they would have the ability to limit the amount and maybe not, and maybe not just say, oh, it's either allowed or not. I know I'm working with a developer in West Maui and he is putting in his CCRs that short-term rentals are prohibited. So, there is value to these community associations putting these things into their CCRs...CC&Rs if it's not something that their neighborhood desires. But, yes, I, I hear what you're saying. Perhaps there should be limits according to neighborhoods that already have existing ones in them.

Mr. Edlao: I think there should be, but...so even if they did put it in the CC&Rs would that override any County rule in your opinion?

Ms. Nishiki: Well, the county as I understand it allows short-term rentals in a, in a certain area like in West Maui. But if the individual CC&Rs say they're not allowed, then yes, they would override that. I'm no...I'm no lawyer. I know a few I could ask, but that's my opinion on it, Mr. Edlao.

Mr. Edlao: Well, you know, it's just that, it's just that I really, really, appreciate your opinion and your knowledge is worth a lot to the Commissioners I believe at least for me anyway, and honestly I think if you had your way, you would say no more already, forget about that 26 and end it right now. Thank you.

Ms. Nishiki: Thank you. You know, you know me.

Mr. Tackett: Thank you. So, Commissioners, does anybody else have questions for Kai?

Mr. Thompson: I do.

Mr. Tackett: Okay, go ahead Dale.

Mr. Thompson: Yeah, Kai were you working for the developer when you did the West Maui Community Action Pac, were they paying you?

1 Ms. Nishiki: Oh, no, I'm not accepting any...I said I'm...when I say I'm working with it's not for
2 any money, all of my, all of my work for the community is done on a volunteer basis, so I'm sorry
3 if I'm, I misspoke or had you understand it in a different way when I say work with it's all in
4 volunteer basis, volunteer work.

5

6 Mr. Thompson: Is it? What do you here to make money? You work on the island?

7

8 Ms. Nishiki: I'm sorry?

9

10 Mr. Thompson: Do you make a living here on the island?

11

12 Mr. Hopper: Mr. Chair?

13

14 Mr. Tackett: Yes, Mr. Hopper.

15

16 Mr. Hopper: I just want to remind everyone we're in a contested case hearing which is essentially
17 a quasi-judicial proceeding, essentially like a trial. If there's questions for the testifier dealing with
18 the application, then I think that's certainly within the bounds of questioning, but I think we're
19 getting a little bit off of this particular application and questions related to the application. So, if
20 you can keep those to the application, I'd just advised that because, again, we're in that contested
21 case hearing right now.

22

23 Mr. Tackett: Understood Mr. Hopper. Dale, I think we got, I think you got shut down on that one.
24 You okay with that Dale or you got a different way to, to...or a different question?

25

26 Mr. Thompson: No, no questions. Thank you.

27

28 Mr. Tackett: Thanks Dale. Thank you, Kai. Thank you so much.

29

30 Ms. Nishiki: Thank you. Have a great day.

31

32 Mr. Tackett: Have a great day.

33

34 Mr. Adsuar: I'm sorry, as the applicant are we allowed to ask a question?

35

36 Mr. Tackett: Yeah, I asked earlier, but you're still, you're still within...as long as Kai hasn't gone,
37 but yeah, you're more than welcome to ask your question. Kai, are you still there, Kai.

38

39 Ms. Nishiki: Yes, hi.

40

41 Mr. Tackett: The applicant would like to ask a question.

42

43 Mr. Adsuar: Yes, I wasn't able to jump in at the beginning. I just wanted to get for clarification,
44 you mentioned there's thousands without a permit, are these single family homes in the West
45 Maui side?

46

1 Ms. Nishiki: Perhaps Director McLean could answer this better. There are, I would say there's
2 probably a majority of condos on, in West Maui that are included in the Minatoya List, but if you
3 want to get a copy of the Minatoya List, Director McLean could also give you that as well. She
4 provided that to us as part of the West Maui Community Plan review.

5
6 Mr. Adsuar: Okay, thank you. Appreciate the clarification.

7
8 Ms. Nishiki: Thank you.

9
10 Mr. Tackett: All right, Commissioners any other questions? Go ahead, P D.

11
12 Ms. La Costa: Thank you. This is for clarification from the Director. Ms. Nishiki mentioned that
13 there were thousands of applications. Are the 88 number that we have—

14
15 Mr. Hopper: Mr. Chair?

16
17 Mr. Tackett: Yes, Mr. Hopper.

18
19 Mr. Hopper: Again, this is for questions for the testifiers and if there's questions for Staff later on
20 I think you could get to it, but I think that generally the process is to have the questions for witness
21 because these essentially public witnesses and go through that before having, having questions
22 for staff on these issues. I'd also generally advise that there's a permit criteria that's on...that's
23 in your staff report to review and look at and you know, the general issue of if there's
24 grandfathered TVR units, I suppose is a general issue to review, but you've got this permit criteria
25 to review and look at which is hopefully what the questions geared towards the witnesses would
26 be, but right now, I mean, I suppose you could allow the during witness testimony to ask questions
27 of the Director, but I think my advice would generally be to get through the witnesses that are
28 testifying and then proceed with questions with the Director, but I think you have some flexibility
29 but just to note that in the past we've had questions to the witnesses only at this point.

30
31 Mr. Tackett: Understand. I mean, understood if that's, if that's the process that you would prefer
32 we can go down that process. I believe, I believe, P D do you—

33
34 Ms. La Costa: Chair, if I might please?

35
36 Mr. Tackett: Yeah, go ahead P D.

37
38 Ms. La Costa: Thank you...(inaudible)...and I beg your pardon for the procedural, we did not get
39 a time to question the actual applicant. We went right to public testimony so I'm just wondering
40 when that might occur please?

41
42 Mr. Tackett: I believe he wants to do it towards the end, yeah. So, I think he wants to get through
43 everybody, let the applicants question and then, and maybe let us do our thing towards the end
44 as a, as a group, so. So, if the applicant doesn't have more questions for Kai, I believe we'll move
45 onto the next testifier.

1 Mr. Adsuar: No.

2

3 Mr. Tackett: Thanks, Kai.

4

5 Ms. Nishiki: Okay, bye.

6

7 Mr. Tackett: Director.

8

9 Ms. McLean: Chair, there's no one else who has indicated they wish to testify so we can do
10 another last call. If there is anyone who wishes to testify...Mr. Croly.

11

12 Mr. Tom Croly: Thank you, Director. Tom Croly. I did, I did indicate that I wanted to testify
13 although I didn't intend to testify on this matter until I saw the...a lot of things that got stated in the
14 last testimony that were just not true and needed to, a little bit of direction. First, I'd like to point
15 out—

16

17 Mr. Tackett: Mr. Croly—

18

19 Mr. Croly: Oh, I do, I do promise to tell the truth, thank you, Chair.

20

21 Mr. Tackett: Thank you so much. Please proceed.

22

23 Mr. Croly: Tom Croly, testifying on my own behalf. I have nothing to do with this application in
24 any way, shape or form. I just want to point out to the commission that short-term rental home
25 and the permit that you're considering is in Code as a defined use. And I just want to read what
26 it says, short-term rental home means a residential use in which overnight accommodations are
27 provided to guests for compensation for periods of less than 180 days in no more than two, single-
28 family dwelling units...and one of...lost my point, but that was...those were the points I wanted to
29 make, that the permit that you are considering is specific to single-family homes and you're tasked
30 with making sure that the conditions on this keep it a residential use. So, the...when they came
31 up with the short-term rental ordinance, all of the criteria were designed so that they would be
32 transparent. So, these, these properties would not be if they're, if they're operating within the
33 constraints of their permit, differentiated from any other single-family home use on the, on the
34 property. There are rules that say you can't have parties there, you can't have additional guests
35 there. So, these are things that are designed to try to make it fit into the neighborhood.

36

37 Now, there was talk about other short-term rental uses that are legal in Maui County, and there
38 was reference to the Minatoya List, an opinion, and I just want to point out that there were
39 condominium buildings built primarily in the 60s, the 70s and the 80s that were built specifically
40 for off island use. They were built just to sell to people, to use as their second homes and so
41 forth. Many of them use them as short-term rentals, and in 1989 was when there was a change
42 to the Code made and it said you can only make short-term rental uses in the Hotel District. Now,
43 it also said those that are existing, those legal uses that are existing may continue and that is
44 where the Minatoya List came from. Since that time it has been codified that those properties are
45 allowed to continue to be used in the, in the way that they were built for, which was second home
46 use and, and short-term rental use. That has nothing to do whatsoever with the 88 permits that

1 were, that, that the council set aside for single-family homes. So, I just don't want you, you know,
2 getting these two issues confused. They are completely different issues with respect to the short-
3 term rental use of the single-family home and the permit that you need to grant and the codified
4 use of these condominium buildings for –

5
6 Ms. Takayama-Corden: Three minutes.

7
8 Mr. Croly: --for the purpose that they were built for. I hope that that clarifies the difference
9 between a short-term rental home and a Minatoya.

10
11 Mr. Tackett: Thank you, Mr. Croly. Does the applicant have any questions?

12
13 Mr. Adsuar: No questions, just thank you.

14
15 Mr. Tackett: All right, Director can we make one last call for testifiers. Do we have any other
16 testifiers, if so, please unmute yourself and come forward?

17
18 Mr. Junya Nakoa: Howzit, brah. I like talk.

19
20 Mr. Tackett: Good morning Junya, go ahead.

21
22 Mr. Nakoa: ...brah, how you?

23
24 Mr. Tackett: I'm good.

25
26 Mr. Nakoa: You know, this short-term rental stuff is like one, one, one weed in our yard, you
27 know, in Hawaii, you know what I mean, like we no need that kind stuff over here. And then also,
28 da kine eh, you know like also the hotel industry, you know all that kine stuff is we gotta look into
29 this in detail and all that stuff. But this, Kaanapali Hillside yeah, again the...this project is again,
30 no good because again, I paddle...I coach youth, youth paddling for Napili Canoe Club and then
31 we lost a great coach, Uncle Manny ...(inaudible)... and so, this, this development only going
32 screw us up and we already...we just when fight for make this, make this beach no mo commercial
33 activities, yeah, and then the whole Lahaina had show up. You know, we brought choke keikis,
34 everything, so this development is I going tell you, I going tell you this straight up, it's, it's it's, um,
35 I like say the "F" word but it's jam up, it's jam up, okay. The Kaanapali 2020 when screw us over
36 on a bunch of already affordable homes, yeah. So, this, this whole development, Kaanapali, the
37 short-term, they like take...they like all build over there, I no trust this buggahs for nothing. All
38 they did was screw us Lahaina people up. We gotta hold these guys in compliance and we all
39 gotta hold these guys accountable, okay. I've been talking about this for years.

40
41 Mr. Tackett: Junya, Junya—

42
43 Mr. Nakoa: For years I was talking about this short-term rental stuff and—

44
45 Mr. Tackett: Okay, good.

46

- 1 Mr. Nakoa: This guys coming over here and they like build short-term rentals and all that kind
2 stuff and they going do um across one of our beaches, braddah, um braddah and sistas and all
3 you buggahs, my bad, I'm just kinda passionate about this buggah. I've been working with this,
4 you know, the kind the whole housing and short-term rentals, how that buggah screw us locals
5 up. I'm sorry, I got side track little bit but yeah, this buggah no good brah, I no care what all these
6 developers and all this realtors and all this—
7
- 8 Mr. Takayama-Corden: Three minutes.
9
- 10 Mr. Nakoa: --so called short-term...(inaudible)...brah, no good, your thing no good, no good for
11 Lahaina, it only when screw us up, sorry.
12
- 13 Mr. Tackett: No, it's okay, it's your testimony Junya, so it's okay. Everybody's allowed an opinion.
14
- 15 Mr. Nakoa: Mahalo.
16
- 17 Mr. Tackett: So, but stick around Junya 'cause we might have, we might have questions.
18
- 19 Mr. Nakoa: Okay.
20
- 21 Mr. Tackett: Anybody have any questions for Junya? Thank you for your testimony Junya. I
22 appreciate it.
23
- 24 Mr. Hopper: The applicant.
25
- 26 Mr. Nakoa: Thank you. You guys have a good one, be safe your side.
27
- 28 Mr. Tackett: Aloha.
29
- 30 Mr. Hopper: Yeah, Mr. Chair, just to make sure the applicant doesn't have any either. I think you
31 said everybody, but just to be clear that the applicant would have to chime in if he wanted.
32
- 33 Mr. Tackett: Sure.
34
- 35 Mr. Adsuar: Yeah, no, I considered it for us as well, but no questions, thank you for checking.
36
- 37 Mr. Tackett: All right, let's make that, let's make that call one last time. Is there any other testifiers
38 that would like to come forward for this application?
39
- 40 Ms. Tiare Lawrence: Yes, I would like to, Tiare Lawrence.
41
- 42 Mr. Tackett: Good morning, Tiare. Please introduce yourself and promise to be truthful.
43
- 44 Ms. Lawrence: Aloha Commission Members, my name is Tiare Lawrence. Just wanted to come
45 and testify today in strong opposition to any more short-term rentals, especially on the west side.
46 I just wanted to take the time to share an experience that I had two weeks ago when I parked at

1 Wahikuli Beach. I pulled into Wahikuli Beach, we call it post office, there's one way and post
2 office. Pulled into post office and every single stall there was consumed by a rental car. So I took
3 the liberty of just walking down the beach and I asked the guests kindly, may I ask you where
4 you're staying? And every single one of them said that they are staying in a vacation rental some
5 in Wahikuli, some in Lahaina. Growing up, this has always been a local beach. Wahikuli was
6 always a local beach, Hanakao was primarily a local beach but it's being inundated with short-
7 term vacation rental guests, Airbnb guests. And so I just wanted to take that time, we're in no
8 shortage of, of accommodations, obviously, with the hotels, right. So, I would humbly urge you to
9 oppose any more vacation rentals out on the West Side, especially, and I just wanted to take the
10 time to share that experience with you. I'm sure some of you kind of feel some of the impacts
11 when, when it's busy and you're down at the beach and all these rental cars and just ask yourself,
12 where are these people staying? And so I just ask you guys to please oppose the short-term
13 rental. And, mahalo nui for your volunteering, and you know, dedication and time today.

14

15 Mr. Tackett: Thank you, Tiare. Does the applicant have any questions?

16

17 Mr. Adsuar: No, no questions. Thank you.

18

19 Ms. Lawrence: Mahalo. Oh, okay, Jerry.

20

21 Mr. Tackett: Yeah, Jerry, I believe go ahead, but I believe they want us to make sure that it's on
22 topic 'cause I got a scolding from Mr. Hopper earlier.

23

24 Mr. Edlao: Just a question Tiare. You said you went to the post office and there was all rent-a-
25 cars in the parking lot. Is there beach parking there?

26

27 Ms. Lawrence: Oh, well so we kind of refer Wahikuli Beach across of the Lahaina Post Office as
28 the Post Office because there's three entrances to Wahikuli Beach. I would ...(inaudible)...that
29 one specific area of Wahikuli Beach that we, that we call Post Office. The overflow parking, a lot
30 of people end up parking across the street at the post office. So what happens is you have a lot
31 of local residents having to park across Honoapiilani Highway which is a dangerous highway, wait
32 for the intersection to let us through. So, oftentimes you have a lot of local residents carrying all
33 of their ukana, all of their stuff to the beach across a very busy highway because the beach parking
34 is filled with visitors.

35

36 Mr. Edlao: Oh, okay, thank you.

37

38 Mr. Tackett: Thank you, Jerry. I believe, I believe we have one more question for, for you from
39 Ashley. Go ahead, Ashley.

40

41 Ms. Lindsey: Aloha, Tiare. I'm gonna ask you the same question I asked Kai because I know
42 you're from the west side. We are allotted 88 short-term rental permits, and there are 26 available
43 at this point. Where the property is now has a lot in a small area. Where do you recommend
44 because it's kind of a cluster there already, where would you recommend using the other 26 that
45 we have in our capacity to give?

46

1 Ms. Lawrence: I would recommend we just not give away those 26 permits honestly, me being
2 me, but if there is permits given away, I would ask that you give it to local residents first. There
3 is locals that own two, two homes, but I don't think out-of-state owners should be entitled to a
4 short-term vacation rental permit. You know, in terms of...because I mean, I can't...I'm against
5 all further short-term rentals and if you know, in my own capacity I'm gonna push to any more
6 vacation rentals allowed on the west side, but yeah, I can't say where I would want them because
7 I just passionately don't want any more unless it's for local residents.

8
9 Ms. Lindsey: Okay, mahalo.

10
11 Mr. Tackett: Thank you, Ashley. Any other questions directly for the testifier? If not, I'll go ahead
12 and see if we have more testifiers at this point.

13
14 Ms. Lawrence: Mahalo nui for your time. Aloha.

15
16 Mr. Tackett: Okay, thank you. Do we have any other testifiers at this point?

17
18 Ms. Karen Comcovich: Aloha, Karen Comcovich, I would like to testify.

19
20 Mr. Tackett: Go ahead, Karen.

21
22 Ms. Comcovich: Hi, Karen Comcovich, testifying as an individual. This issue is a problem
23 because our housing is being turned into businesses, ripping the fabric of our neighborhoods
24 apart. Wahikuli has a lot of vacation rentals. This is a beautiful neighborhood to live in. It's great
25 for kids to ride bikes and be able to be free in their home. But as you get more vacation rentals,
26 you have people driving faster, not respecting the neighborhood. And I don't think the Wahikuli
27 neighborhood wants more vacation rentals. If anything, we would probably like less.

28
29 The other problem with the short-term vacation rental is the owner does not live there. So,
30 although there are protections for the neighborhood as far as noise and complaints, there's
31 nobody there to stop them other than maybe a housekeeper who shows up once a week to clean
32 it.

33
34 Also, in regards to some of the questions posed, Kawika, there is a path to Hanakaoo, you walk
35 through the Hawaiian Homes and cross at the post office. So, that is wandering through the
36 Hawaiian Homes neighborhood and then crossing at the post office which is a dangerous
37 intersection, but people do it. I really enjoyed doing that during COVID times when we didn't have
38 such bad traffic. But those beaches are traditionally the beaches residents enjoy, as Tiare said,
39 and it has become overrun with tourists and people visiting and staying in short-term vacation
40 homes.

41
42 The other question is the 88 permitted vacation rentals. We don't just have Minatoya List, we also
43 have the Historic District Ordinance, which allows vacation rentals by ordinance or by...it's a, it's
44 an allowed use in the Historic District. Most of Lahaina is the Historic District. So those 88 permits
45 hopefully will be used by the people who already have short-term vacation homes in the Historic

1 District. And yes, these are homes, these are not apartments for the most part. While there are
2 some on the Minatoya List too.

3
4 So please do not allow any more short-term vacation homes to be permitted until we have the
5 Minatoya List and the Historic Ordinance kind of fixed so that residents don't feel so overwhelmed
6 by the amount of visitors infiltrating every part of our homes. Thank you very much. Aloha.

7
8 Mr. Tackett: Karen, I believe I was, I was supposed to have you introduce yourself and promise
9 to be truthful, which I, I did, so...

10
11 Ms. Comcovich: I guarantee I was truthful and as honest as possible.

12
13 Mr. Tackett: Thank you. Questions from the applicant.

14
15 Mr. Adsuar: Yeah, sorry, just a question of clarification. You were mentioning the Wahikuli
16 neighborhood, but you understand this home is not in that area, right? This is in a different
17 neighborhood.

18
19 Ms. Comcovich: That's where...sorry, I just, I had searched where it was located on Google Maps
20 was it placed it there. So, you are actually at Kaanapali Hillside?

21
22 Mr. Adsuar: No, it's in Kaanapali Vista Roadway is the neighborhood, is the homeowners
23 association for the neighborhood I should say, but it's a different neighborhood than what it sounds
24 like you were describing. I just wanted to clarify 'cause it sounds like you were thinking of a
25 different area.

26
27 Ms. Comcovich: I was thinking Wahikuli which has a lot. That is actually...you wouldn't walk
28 through Hawaiian Homes, but you'd still be crossing the highway to get there.

29
30 Mr. Adsuar: Understood. Thank you, appreciate it.

31
32 Mr. Tackett: Any other questions for Karen? Go ahead, Dale.

33
34 Mr. Thompson: Yeah, I was just going to follow up on that. This, that property...the Vista is
35 completely surrounded by golf course and there is not the exit out there goes straight into
36 Kaanapali Parkway. No, it's not in Wahikuli, it's not on the beach, it's not in any other
37 neighborhood and there's no trails going out of it, like I said, surrounded by the golf course so you
38 have to drive out. That is Kaanapali Vista is Halelo so when you coming there right across from
39 Kaanapali Parkway it goes up the hill, there's 35 houses there, but it's self-contained and there's
40 no entrance. It's one in, and one out surrounded by golf course.

41
42 Mr. Tackett: Thanks. Any other, any other questions? Thank you so much, Karen. I appreciate
43 it. No, I believe there's no other questions for you Karen. Thank you.

44
45 Ms. Comcovich: I know, I can't figure out how to get out of here.

46

1 Mr. Tackett: That's okay, that's all right. At this time, do we have any other testifiers?
2

3 Mr. Kekai Keahi: Can I testify?
4

5 Mr. Tackett: Kekai?
6

7 Mr. Keahi: Yeah.
8

9 Mr. Tackett: Yes, yes you can. You have... please introduce yourself and you have three minutes
10 and promise to be truthful.
11

12 Mr. Keahi: Always truthful. My name is Kekai Keahi, I'm born and raised here on Maui, raised
13 in Lahaina all my life and I saw the changes from the time I was born to this very day. I'm also,
14 I'm a teacher at Lahaina Intermediate School. So, this I during my break time so I trying to get it
15 in before I gotta get back to work. But it...the testifier before us was talking about Wahikuli and
16 all of the short-term rentals there and we now we speaking about is in Kaanapali. Regardless to
17 me, from growing up in Lahaina we all saw the west side as one neighborhood, one community,
18 so just because it's a mile down the road doesn't mean it doesn't affect us on the entire west side.
19 Once you start dividing up the west side and say, now Kaanapali Hillside and Napili you taking
20 away from what Lahaina was all about back in the past where we was one neighborhood, we was
21 one community, we not...we wasn't divided like that. Now days you know, you get the Golf
22 Estates and then you get Kaanapali Hillside and all this stuff and it's like, it's all different
23 neighborhoods, different places and we tend to break it all up, but in my opinion, Lahaina we have
24 enough of these tourist coming in and taking over everything that we have here. Too much
25 already.
26

27 If you guys go my Facebook, Kekai Keahi, I've been talking about the Lahaina, the Wharf with the
28 over commercialization and monopolization of the Wharf, by tour companies. In Wahikuli, just for
29 example, in Wahikuli we get tourist that come inside and you know most, for the most part some
30 of them are pretty good, but at the same time when they come they expect, you know, you know,
31 it to be a pleasant stay and sometimes the neighbors next door having their little get together on
32 Fridays, whatever and making...having their own little potlucks and parties and making some
33 noise and then these people call the cops on the neighbors because they don't want what's
34 happening next door because they paid for that stay.
35

36 And so, to me like Tiare said, we should get rid of all that short-term vacation rentals, whatever
37 you guys get left, get rid of them, we no need them any more. We swamped with tourism. We
38 swamped with all this people coming here, it's too much. We don't even have our beaches to
39 ourselves anymore. Even our secret places that was only for locals, it's swamped with tourists
40 now. Again, regardless if you're Kaanapali Hillside, regardless if at the Golf Estates or in Wahikuli,
41 we all one neighborhood and we no can have any more, it's too much already.
42

43 We second class citizens in our own home, yeah. We live here, we gotta bow down to the tour
44 industry and tourists and they expect that 'cause our government and people that offer them
45 these, these stays and luxuries make them believe that we're second-class citizens willing to
46 serve them at their will. And you guys don't understand that? Me, I Native Hawaiian, I from here

1 and you like talk about loss, we know loss more than anybody else, and this...this continues and
2 so now my kid going have to grow up with the same feeling that I grew up with.

3
4 Ms. Takayama-Corden: Three minutes.

5
6 Mr. Keahi: That's it.

7
8 Mr. Tackett: Thank you, Kekai. Just stick around a few minutes, let me see if anybody has any
9 questions please. Does the applicant have any questions?

10
11 Mr. Adsuar: No, no questions. Appreciate his time.

12
13 Mr. Tackett: Commissioners, any direct questions? Thank you, Kekai. Do we have any other
14 testifiers at this time that haven't signed up: Please come forward if you'd like to testify on this
15 agenda item? Hearing none, I'm gonna close public testimony. Public testimony is now closed.
16 Director, is this time for discussion?

17
18 Ms. McLean: Yes, Chair. Now, Commission can have discussion and ask questions of the
19 applicant or the Department.

20
21 Mr. Tackett: Thank you. Commissioners, this is our time, so I'll be starting with P D. Go ahead
22 P D.

23
24 Ms. La Costa: Thank you, Chair. This question is directed towards Mr. Adsuar and Ms. Liu.
25 When you purchased your property, were you told you could short-term vacation rent it? What
26 ...(inaudible)...did you buy it? Did you buy it because you wanted a second home or did you buy
27 it because you thought you get a vacation rental when you weren't here? Thank you.

28
29 Mr. Adsuar: Sorry, you cut off for just a moment, but I think I understood your question to be when
30 we purchased the home did we do it specifically intending to do a short-term rental or was it as a
31 second home was that the question?

32
33 Ms. La Costa: Basically, yes. Did you, did you buy it because you wanted a home and you knew
34 you could vacation rent it?

35
36 Mr. Adsuar: No, so, our original, our original purpose in purchasing the home was that we want
37 to retire part of the year on Maui. We love it there. We spent as much time as we could over the
38 years there, but we can never be there enough and between our family, our son, our jobs, it's
39 never been feasible to move, but the goal was we wanted to purchase a home while we were
40 able to and have that be there for us so that when we're of age and ability, we can be there part
41 of the year every year. That was the intent when we purchased it.

42
43 Ms. La Costa: Have you considered long-term rental of the residence?

44
45 Mr. Adsuar: We haven't decided. We've considered it, but we haven't made any decisions around
46 it. That wasn't our focus.

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Ms. La Costa: Thank you.

Mr. Adsuar: Thank you.

Mr. Tackett: Commissioners, do we have any, any other questions for the applicant or for the Department? Kawika.

Mr. Freitas: Thank you, Chair. I have a couple of questions for the applicant. As I look at the floor plan of the property, there's a upstairs unit and it says not going to be used for STRH. What will that...there's a bedroom, a living room and a bathroom. What, what would that part of the house be used for?

Mr. Adsuar: That's a good question. So at this point, we haven't made any determination of what that would be used for. It wasn't a part of the application initially. And so at this point, we haven't, we haven't decided what we're going to do with it, to be honest.

Mr. Freitas: Okay, thank you. Next question is, I believe it was Ms. Mitchell who had said that there were three letters of opposition, and kinda thought why would those three oppose? But when I looked at the map, I did notice that all three were further in the road. And I'm thinking this is because of people complaining about traffic. That's why they're probably trying to get to their house, which is way inside, and there's traffic from residents or short-term rental units prior to their home, and I think that is one of the reasons. So the complaints, not the complaints, but it justifies a lot of the letters of opposition about traffic concerns. That's more of an observation. Did Ms. Mitchell have any other reason why she thought that the three were south, more south of the project or subdivision?

Ms. Mitchell: Yes, may I respond to that?

Mr. Freitas: Please.

Ms. Mitchell: This is Ms. Mitchell. May I respond to it? Yes, in noticing the way the protest and support were located—

Mr. Hopper: Mr. Chair?

Mr. Tackett: Yeah. Excuse me—

Ms. Mitchell: Sorry?

Mr. Hopper: Mr. Chair, are you asking questions of testifiers that have already, we've already closed public testimony at this point, correct?

Mr. Tackett: Correct.

Mr. Freitas: She's the applicant.

1
2 Ms. Mitchell: I am the consultant who is helping the applicant, and I prepared the materials for
3 the presentation.

4
5 Mr. Hopper: Oh, okay, I'm sorry. I thought she was a previous testifier. Thank you. You're fine,
6 you're fine.

7
8 Mr. Freitas: Never mind.

9
10 Mr. Tackett: No, no, hold on Kawika. It, it...let's get it sorted out. So, Mr. Hopper is that
11 acceptable or not?

12
13 Mr. Hopper: Oh, absolutely yes. If she's the consultant and is still on here that's fine. I'm sorry,
14 I thought it was one of the past testifiers.

15
16 Mr. Tackett: No problem, so your line of questioning was just fine Kawika so go ahead.

17
18 Ms. Mitchell: All right, if I may I'll share my screen again to show you the visual. It is...we
19 prepared...excuse me, where did it go, oh so sorry...okay, so here is our map that we've prepared
20 to show the line of all the purple dots are support. All of the yellow dots, there's actually four, are
21 protests. There is one...so there are actually seven support letters and four protest letters, and
22 our thought was we want to educate folks at the home by showing them an aerial that there is
23 nothing to see down there. We ask them that they just enter, turn in at the house, leave and turn
24 and go out. So, we're trying to educate our guests that this is a quiet residential neighborhood.
25 There is nothing down there. It's a cul de sac. And we're going have this posted in the house
26 and provide it in the information book. So, we hope that will address the concerns for folks driving
27 up and down the neighborhood. We want to keep it to a bare minimum, and those, those folks
28 that support would only be the ones that are affected, not the ones that are protesting.

29
30 Mr. Freitas: Thank you, Chair.

31
32 Mr. Tackett: Thanks, Kawika. I believe we have Jerry followed by P D.

33
34 Mr. Edlao: I got a couple of questions. Mr. Adsuar, you said, you approached...there was five
35 people that were opposing it. You approached one which withdrew, what happened to the other
36 four?

37
38 Mr. Adsuar: I approached everybody. So, by approached I didn't obviously have the ability to
39 speak with anybody over the phone unfortunately. For those that I had an email for, I emailed
40 them directly with my phone number in there saying, you know, to please give me a call so that I
41 can speak with them about their concerns. And for those that I didn't have an email or a phone
42 number for, I actually had a friend who lives on island bring a letter and deliver the letter to their
43 mailbox again with my contact information saying, please contact me so I can speak with you
44 about it. In the instance of the one person who did withdraw, clearly what I said resonated with
45 them. I did not hear back from the other four that I reached out to.

46

1 Mr. Edlao: So, so your communication was either by phone call or email, and that's it, nothing,
2 nothing in person.

3
4 Mr. Adsuar: By email or by letter. No, unfortunately, since COVID, we have not left our home.

5
6 Mr. Edlao: Do you really believe in your mind by posting signs that said, okay, do not go beyond
7 this area and that would stop people from going all the way up to the cul de sac and turning
8 around? Do you really believe that will work?

9
10 Mr. Adsuar: I think, I think it will help a lot. I think a lot, a lot of the reason I know when, when we
11 went to go look at the home before we purchased it, we would have driven down at the end of the
12 cul de sac because we didn't know there was nowhere else to go.

13
14 Mr. Edlao: Exactly. That's my point. People come here to vacation. They're going to go drive
15 all the way up there just to look at the homes and come back down. Whether they're renting there
16 or what, I mean, you know, I mean, I mean, they're going to be curious. I mean, come on, you
17 know, the human mind is, you know, curiosity. So, you know, I'm renting a house here for 30, 40
18 days or whatever, hey what's at the end of the road there. Well, there's a sign that you can't go,
19 ah it's just me, I would either walk or I'd drive all the way up and come back. I don't think that's
20 going to stop them from going up there. It's my own opinion anyway. Thank you.

21
22 Mr. Adsuar: No, I understand, I understand what you're saying completely. And obviously I can't
23 say that it will for sure or stop everybody. Our goal would be to try to educate people, you know
24 to be a good neighbor and to hopefully, you know, guide them towards a better behavior as best
25 as we can.

26
27 Mr. Edlao: Thank you.

28
29 Mr. Adsuar: Thank you.

30
31 Mr. Tackett: Commissioners, do we have any other questions or discussion at this point? P D.,
32 yeah, sorry for forgetting you P D.

33
34 Ms. La Costa: No worries. Thank you, Chair. So, this is for the applicant. My first question. Have
35 you derived any income from short-term rental from the time you purchased the home until today?

36
37 Mr. Adsuar: No, no. We were very clear on the process and have followed it to a T. We have
38 not made any money on short-term rental.

39
40 Ms. La Costa: Thank you very much. And Chair if I might, this is for you and Mr. Hopper, please
41 put me back in line if I'm out of line. This is actually for the planner and about our documents. I
42 don't know if I can ask it now or if I should wait.

43
44 Mr. Tackett: No, please, please proceed, P D.

45

1 Ms. La Costa: Thank you. So, in our packet on Page, 5, under Number 8, Jared, it says that the
2 subject application does involve an action that triggers compliance with 343 because it includes
3 the use of a shoreline area property. I, I'm confused if that actually is correct for this applicant
4 because it's not on the shoreline at all and it's quite a way from the ocean.

5
6 Mr. Burkett: You're correct, it does not appear to be correct. I'll have to look at this further.

7
8 Ms. La Costa: Thank you.

9
10 Mr. Burkett: I really can't explain, it must be an error.

11
12 Ms. La Costa: Appreciate that, I just didn't know if I was confused because I'm going to being
13 confused. And, and lastly, my question Chair, if I could, please is for Director.

14
15 Mr. Tackett: Go ahead P D.

16
17 Ms. La Costa: Thank you. So, at a meeting about two months ago, we discussed putting a
18 moratorium on any short-term rentals that were not in the pipeline because of COVID and because
19 of a groundswell of opposition from the local population. Has that gone anywhere or are we still
20 opening up the short-term rental applications and permits to 88? Thank you for that clarification.

21
22 Ms. McLean: There is no moratorium in place. That would have to be, I suppose it could be
23 imposed by the Mayor or the Governor under their emergency powers authority or it could be
24 enacted by the Council by ordinance, but neither of those things have occurred.

25
26 Ms. La Costa: Cause I know we did talk about it. So, thank you very much for your clarification.
27 Thank you, Chair, I'm finished.

28
29 Mr. Tackett: Thank you, P D., I believe Kawika was next. Go ahead, Kawika.

30
31 Mr. Freitas: Thank you, Chair. In our packet, Page 9, it says, short-term rental homes shall
32 conform to the character of the existing neighborhood. And as you move down to Number 3, the
33 applicable community plan, and the response is that the subject property is designated single
34 family by the West Maui Community Plan, which is not consistent with the requested use.
35 However, the West Maui Plan does not prohibit short-term. This portion, can you explain to me
36 why you feel that it should be permitted.

37
38 Mr. Tackett: Kawika, who is your question to?

39
40 Mr. Freitas: The applicant. The applicant, sorry,

41
42 Mr. Tackett: Okay, do you guys understand that question?

43
44 Mr. Adsuar: I'm afraid I don't. I don't understand what—

45
46 Mr. Tackett: Maybe, maybe Kawika can, can clarify it again, cause--

1
2 Mr. Freitas: The community plan, the West Maui Community Plan, this request is not consistent
3 with that plan. And for me, I feel for that reason I will not support this. Can you change my mind
4 about that based on this being in the West Maui Plan. This is the plan of the people of West Maui,
5 people like Junya Nakoa who spoke earlier, Kekai Keahi who spoke earlier, Tiare Lawrence.
6
7 Mr. Adsuar: Yeah, I think understand the sentiment of your question. I'm not equipped to
8 understand the Maui Plan and how that ties to the land use where the home is. We've gone
9 through the application process where as far as I know with Jared, we did everything that was
10 asked of us in the manner in which it was supposed to be done. I don't know if, and I apologize,
11 I'm not trying to punt to Jared. I don't know if he can better answer the question. I don't think I
12 know the land use well enough to speak to it.
13
14 Mr. Freitas: Okay, a no, that's okay. Thank you, Chair.
15
16 Mr. Tackett: Yeah, Thank you, Kawika. Yeah, I don't know if they, if people, if everybody gets
17 that, you know, what I mean, like we get that? Go ahead, Jerry.
18
19 Mr. Edlao: Just to follow up on Kawika's question. Mr. Adsuar, did you prior to purchasing this
20 property do any research with what you can and cannot do with the property?
21
22 Mr. Adsuar: Before purchasing the property, we looked into, you know, if there were any CC&Rs
23 prohibiting, you know, having to be in the home a certain amount of time per year, because at the
24 time we weren't sure what we were going to do, but we knew that we wouldn't be living on island
25 a hundred percent of the time. Again, given our family, given our jobs. So, we had made sure
26 that there was nothing of that nature, but that was about it as far as, you know, a ton of research.
27 Again, we knew that there was no specific prohibition to long-term, short-term outside of what the
28 plans require and that was about it.
29
30 Mr. Edlao: So, this research you did on your own or did Debbie help you being your consultant?
31 Did she discuss all of the things that are going on here with regards to short-term rentals, what
32 the community plan is and et cetera, and all that stuff or not?
33
34 Mr. Adsuar: No, so, we didn't meet Debbie until after we purchased the home. So, that was not
35 a discussion that we had had with her prior to purchasing.
36
37 Mr. Edlao: Okay, so when you purchased the home, when you contacted Debbie, did she discuss
38 short-term rental situation here in Hawaii with you?
39
40 Mr. Adsuar: Yes, of course, yes.
41
42 Mr. Edlao: So, you're aware of all the requirements, as Kawika had mentioned, about the
43 Maui Island Plan, West Maui Island Plan?
44
45 Mr. Adsuar: We were familiar with what the requirements were as far as the zoning...once she
46 explained to us what type of zoning the home had to be in and what it qualified as. You know,

1 having to have everything to code, you know, and not be in an area that was restricted by CC&R,
2 HOA, that prohibited something like that once we started the process.

3
4 Mr. Edlao: So...were you aware of the other short-term rentals in that particular subdivision?

5
6 Mr. Adsuar: No, and actually we started four years ago, so I think that, that landscape has
7 changed since we started, but we were not aware of any specific one. I think we knew of one and
8 that was it, that's as far as we knew.

9
10 Mr. Edlao: Okay, thank you.

11
12 Mr. Adsuar: Thank you.

13
14 Mr. Tackett: Commissioners, any other discussions on this application?

15
16 Ms. Lindsey: I have a question. Ashley.

17
18 Mr. Tackett: Go ahead, Ashley.

19
20 Ms. Lindsey: So you purchased the property in 2017. Have you...were...was that just your
21 second home for...since then until now or were you renting maybe long-term to someone else, I
22 know, P D. asked about your short-term rentals, but did you, yeah, can you comment on that,
23 what's been there, these years.

24
25 Mr. Adsuar: Yeah, so obviously we've been going through extensive renovations. You guys didn't
26 see before pictures, you've seen the after but...and all of the permitting and things that had to
27 happen. We actually...so we've made friends on the island in the time that we spent there and
28 actually just this past summer during COVID, you know, we had some friends that were having
29 difficulty with, you know, finding working like a lot of people on Maui. So, we offered for them to
30 stay in the home, you know, starting in the summer when we knew that at that point we weren't
31 going to be able to get to Maui any time soon seeing how COVID was developing. So, currently
32 we have some friends staying there since the summer time until this summer. Basically we said,
33 we want to help you out, we understand the situation's difficult, so we made the home available
34 to them which works out for us too, because they can look after the home and make sure that
35 again, being good neighbors in the neighborhood we don't want a vacant home sitting empty with
36 nobody looking after it. So, we have some friends that are staying there now through basically
37 this summer.

38
39 Ms. Lindsey: Okay, thank you. Did you, I had another question, did you consider...so, how much
40 of your time are you going to spend on the property regardless if you get this or not? It sounds
41 like you kind of like, you know, work schedule, a plan. I think I read in here that you were planning
42 on spending some time here or I heard or some somehow I know that you guys are planning on
43 spending time here. How much of your time are you expected to be there either way, renting it,
44 getting a short term-approval or disapproval?

45

1 Mr. Adsuar: So, so it scales up with time is our intent, right. So, in the near term, our son is still
2 in school. We're fortunate that our jobs allow us to work remote quite a bit, full-time right now,
3 and to large part we expect. So, initially we hope to spend, you know, summer months and as
4 well as some holiday breaks when our son is not in school to be our true second home. Once our
5 son's a little older and he leaves the nest then we have more options. You know, our hope is to
6 be there at least half the year, maybe more, depending on what's going on with our family here.
7 You know, some family members need help, we're the younger family members that we need to
8 be around. But, you know, the whole, the whole vision was we want to be on Maui as we get
9 older because it's our peaceful place.

10
11 Ms. Lindsey: Okay, thank you.

12
13 Mr. Adsuar: Thank you.

14
15 Mr. Tackett: Thank you, Ashley. Commissioners, any other any other questions or discussion?
16 Okay, hearing none. Michele, I believe do we entertain a motion at this point?

17
18 Ms. McLean: Yes, Chair, if there are no more questions for the applicant or for the Department,
19 then the Department can read its recommendation to the Commission, and then the Commission
20 can discuss and make a motion at that time.

21
22 Mr. Tackett: Outstanding. So, if we could get the recommendation and then we'll proceed from
23 there.

24
25 Mr. Burkett: So, this is Jared, the staff planner, the Department has determined that this short-
26 term rental home conforms to the character of the neighborhood based on the fact that there are
27 existing vacation rentals, and back in 2018, the Maui Planning Commission approved a short-
28 term rental that was the last one it was approved by the body, and there were already three
29 approved short-term rental homes permitted and there were two pending administrative
30 approvals. So, the Commission was aware that there were going to be five vacation rentals and
31 that would have been the sixth. So just, you know, keeping with that as well as the testimony
32 supporting and not supporting it was, it was, there was even amount of support and an adversary
33 for the adjacent parcels. However, there were more support letters. So, the Department also had
34 found that the applicant had been working for, in 2017, to get their project, the property in
35 compliance, because they purchased the property when there were some miscellaneous
36 inspection issues that were found. So they had to get the property in compliance and it took some
37 time. So, because of those reasons, they have been meeting all the criteria that are in place
38 for...in the Maui County Code for a vacation rental permit. So, the Department has recommended
39 approval. And if you do go ahead and go with the Department's recommendation, we suggest
40 that you also include the 23 standard conditions on that approval. And in addition, if you do go
41 with approval, then we also recommend that you, the Commission adopt the Department's report
42 and recommendation as the findings of fact, conclusions of law and decision in order, enter and
43 transmit that on the behalf of the Commission.

44
45 Mr. Tackett: Thank you for your recommendation. Commissioners, do we have a motion? I
46 believe Dale was first.

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Mr. Hopper: Mr. Chair?

Mr. Tackett: Yes, Mr. Hopper.

Mr. Hopper: I just realized that we did talk about the applicant having an opportunity for rebuttal, and I don't know if they had anything else that they wanted to, but under HRS 91, they're technically allowed to or a chance to present any rebuttal evidence that they would, they would want to prior to decision making. So, I just wanted to have that as an option for them.

Mr. Tackett: Yeah, we can, we can have that option in first and then we'll go to Dale after. Does that does the applicant need time for a rebuttal?

Mr. Adsuar: Appreciate that. I would just say just to reiterate that while there is an HOA, homeowners association, which one of our neighbors of support is the head of that HOA, and has, as he so eloquently stated in his opinion, the rental, short-term rental homes on the...in the neighborhood have not been a detriment. And as a matter of fact, I know there's a lot of concern with parking and a lot of concern with noise, which we're concerned with as well, because we plan to live there, and when we're there, we wouldn't want that in our neighborhood either. And I think that given, you know, who we would have as a property management, who's their local, who's vested in the area and whose, you know, sole purpose is to make sure that the visitors behave themselves. Ultimately, this is our home, the home that we plan to spend time in so we certainly don't want people staying there that are not going to be respectful of our neighbors. Thank you for the time.

Mr. Tackett: Thank you. Dale, I believe you had a motion.

Mr. Thompson: I do, and ...(inaudible)...but I would like to make a motion to deny this permit, and I'll speak to it after we have a second.

Mr. Tackett: Okay, we have a motion to deny and a second by P D. Go ahead and speak to the motion Dale.

Mr. Thompson: So, as most of you know, I'm a little more liberal and kind of weigh in on people with their property rights and I don't like to see them violated. That being said, the reason this one and it's a great area, it's surrounded by golf course, you can go straight into the resort and the traffic and all those issues really aren't big there. I know that area very well. The one that turned me was we have a few of our neighbors and that weighs heavily on, you know, locals that living there and been there their life. I don't think it's the time to have one more there even we liked clustering some. We just have too many, your neighbors that are against it. If you had a couple more neighbors that ...(inaudible)...great place to live and you know, you should look forward to living there.

Mr. Tackett: Thanks, Dale. P D, I believe you're next.

1 Ms. La Costa: Thank you, Chair. I seconded the motion because I concur with a lot of the
2 testifiers. We have all seen the groundswell of opposition to being inundated again. And while
3 Resolution 21-018 isn't codified and doesn't have "teeth" to be able to say people are breaking
4 the law, it's, it's evident that there are other places that people can rent short-term. While, and I
5 as a realtor, I appreciate people buying homes and being able to use them and their property
6 rights. But this neighborhood is absolutely inundated with short-term rentals. And when you have
7 people like Dr. Gilbert, Ms. Abelov and a couple of others, they have lived there forever, and to
8 have them subjected to more and more and more short-term rentals and traffic, I don't think it's
9 what the community wants, and locals, too, I've lived here 31 years, so I can absolutely appreciate
10 it. And I think that while I appreciate that the applicants have done what they were supposed to
11 do, I don't think that this is the place for another short-term rental or the time to add additional
12 short-term rental homes. Thank you, Chair.

13
14 Ms. McLean: Chair, if I could comment and I'd ask for Mr. Hopper to assist in this, you'd want to
15 be sure to look at the criteria and make sure that your comments fit those criteria to establish the
16 reasons for denial, and those are spelled out in the staff report Commissioner Freitas, noted one
17 of them. So, just be sure that, that there are established criteria on the record, and if Mr. Hopper
18 has anything else to comment in that regard.

19
20 Mr. Tackett: Understood, Michele. So, Jerry, what, what I'd like to do is, we'll let, we'll let
21 Mr. Hopper chime in, and then I believe if Dale wants to speak directly to one of the, one of the
22 specifics and then if P D wants to speak to one of the specifics, you can put those on record and
23 then at that point, I'll get to you, Jerry, and you can, you can attest to the same. Is, is that
24 acceptable to you, Jerry?

25
26 Mr. Edlao: That's fine.

27
28 Mr. Tackett: Thank you. Go ahead, Mr. Hopper.

29
30 Mr. Hopper: Yeah, I think, I think the helpful pages on your staff report are Pages 9 and 10. They
31 do talk about the criteria there. Again, I'm sure you've read them, but it's maybe good to refer
32 back to those. There's also discussion later on as to Maui Island and community plan policies
33 that may, may or may not support the application. If you're looking at with some of the comments
34 have been there is the discussion of the, of community input, which is Number 4, on Page 9,
35 potential adverse impacts, which is Number 5 on Page 10, the number of permitted short-term
36 rental homes surrounding and their distance to the property, Number 6 and Number 7, the number
37 and substance of protests could all be potential relevance.

38
39 But again, just to clarify, at this stage, I think the Department is looking for some guidance in
40 drafting a decision in order that staff would draft, and at a future meeting, you would adopt should
41 there be a denial that would set forth your basis for denial. Because the recommendation was
42 approval, I think the staff planner and Director are asking you to give the Commission's basis on
43 why this would be denied based on this criteria. And using that information, as well as the record,
44 the staff will proceed to draft a decision in order that you could consider if you believe it adequately
45 explains your reasons for taking the action that you could look to adopt at a future meeting. So,

1 I think that's what Director McLean was asking for, to assist staff in drafting that should you vote
2 for denial.

3
4 Mr. Tackett: Thank you, Mr. Hopper.

5
6 Mr. Thompson: Should I clarify mine, as in being a response of Number 7 on Page 10.

7
8 Mr. Tackett: Please do, please do Dale.

9
10 Mr. Thompson: The number and substance of protest for the short-term rental home application
11 and protest related to cumulative short-term rental homes in the area, neighborhood or the area
12 and that was my only basis. The rest of them, zoning, I think they fall into every other one, but
13 the protest coming from the neighbors is what I weighed my weight on.

14
15 Mr. Tackett: Thank you, Dale. P D.

16
17 Ms. La Costa: Thank you, Chair. The reason that I am voting to deny is Number 4, community
18 input, we have had as I mentioned a groundswell of people who, have issues with more and more
19 single-family homes being turned into rentals. Number 5, the adverse impacts including
20 excessive noise, traffic, and garbage that was stated by the direct neighbor, and the number
21 of...Number 6, the number of permitted short-term rental homes surrounding the proposed long-
22 term rental property and their distance to the property. So, those are my three for denial. Thank
23 you.

24
25 Mr. Tackett: Thank you. Thank you, P D. Jerry, go ahead.

26
27 Mr. Edlao: Yeah, I do have concerns with regards to the criteria, Number 2, 4...2, 4, 5, 6, and 7.
28 I think, you know, this is such a small neighborhood and to have another one, you already got five
29 six, you're gonna have six and seven. I mean, who's to stop somebody else in that neighborhood
30 to come forward and do a short-term rental? Personally, my concern is as I mentioned earlier, I
31 wish there was somehow we could just limit a certain amount of short-term rentals in subdivision
32 or an area. Now, if this was in a subdivision of 200 homes, hell, no big deal, but you're talking
33 here a small subdivision with 35 homes, you know, your...the short-term rentals you're looking at
34 about 20 percent of that neighborhood and in my mind that's just too much particularly the ones
35 that are already there are right at the entry. And the thing about it is that COVID times now, may
36 not having any problems with traffic and everything else, but then again, there's still some people
37 coming to Hawaii because they feel it's safe and they may occupy these short-term rentals, and
38 what will happen when COVID thing goes away? I mean, just these units here would bring in a
39 slew of traffic, noise and everything else, and that is my concern, and you know, that's why I
40 cannot support this, as well.

41
42 Mr. Tackett: Thank you, Jerry. Commissioners, anybody else like to speak to the motion? Go
43 ahead, Ashley.

44

1 Ms. Lindsey: Yeah, I definitely think the community input and as it relates to the community plan
2 and what Lahaina west side community feels they want for their neighborhood and what is
3 happening in their neighborhood is my reason to disapprove the permit, my reasons.

4
5 Mr. Tackett: Thank you, thank you Ashley. Commissioners, would anyone else like to speak to
6 the motion at hand? Hearing none, like to call for a vote. All those in favor, please raise your
7 hand.

8
9 Mr. Edlao: In favor to deny, right?

10
11 Mr. Tackett: In favor to the motion at hand which is a motion to deny, correct. All those in favor
12 of the motion to deny? All those opposed? Thank you. Director, did you get that?

13
14 Ms. McLean: Yes, Chair, that's a unanimous vote.

15
16 Mr. Tackett: Thank you.

17
18 **It was moved by Mr. Thompson, seconded by Ms. La Costa, then unanimously**

19
20 **VOTED: To Deny the Short-Term Rental Home Permit.**
21 **(Assenting – D. Thompson, P D. La Costa, J. Edlao, K. Freitas,**
22 **M. Hipolito, A. Lindsey, K. Pali)**

23
24
25 Respectfully Submitted by,

26
27
28 CAROLYN TAKAYAMA-CORDEN
29 Secretary to Boards and Commissions II