

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

September 21, 2007

**Committee**  
**Report No.**

\_\_\_\_\_ 07-98

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on September 5, 2007, makes reference to County Communication No. 07-177, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, A CONDITIONAL PERMIT FOR THE EXPANSION OF THE EXISTING WEST MAUI BOYS & GIRLS CLUB BUILDING AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII".

The purpose of the proposed bill is to grant a request from the Department of Parks and Recreation for a three-year Conditional Permit for the expansion of the existing 3,000-square-foot building occupied by the West Maui Boys & Girls Club (Club) in the Lahaina Recreation Center (Waiee Park) and related improvements on approximately 2.00 acres located at 280 Shaw Street, Lahaina, Maui (TMK: (2) 4-6-12:005 (por.)). The proposed expansion would add approximately 4,572 square feet to the building, creating a facility that would include a new entry, conference room, expanded game room, snack bar, cooking and crafts classroom, expanded administrative spaces, a learning center, teen lounge, fitness room, multi-purpose room, storage room, and renovated restrooms.

Your Committee notes that the Maui Planning Commission held a public hearing on the Conditional Permit application on December 12, 2006.

Your Committee further notes that the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION DECEMBER 12, 2006 MEETING", and the conclusions presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION DECEMBER 12, 2006 MEETING", voted to recommend approval of the Conditional Permit.

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By correspondence dated June 5, 2007, the Chair of your Committee requested that the Director of Parks and Recreation provide a copy of an agreement, such as a license or lease, for the operation of the Club on the subject property. The Chair also asked the Director by what mechanism the operation and use of the expanded facility would be granted to the Club.

By correspondence dated June 5, 2007, the Chair of your Committee requested that the Planning Director provide a copy of the current Conditional Permit or other mechanism by which the Club is permitted to operate on the property or, if none was required, an explanation as to why none was required, and whether the anticipated alteration of the facility would require the entire facility to be covered by a Conditional Permit.

By correspondence dated June 5, 2007, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed bill as necessary to accommodate certain questions and concerns.

By correspondence dated June 5, 2007, the Chair of your Committee requested that Mark Roy, Project Manager, Munekiyo & Hiraga, Inc., provide two copies of the Final Environmental Assessment for the project.

By correspondence dated June 7, 2007, Mark Roy, Project Manager, Munekiyo & Hiraga, Inc., provided two copies of the Final Environmental Assessment for the project, dated April 2006.

By correspondence dated June 18, 2007, the Chair of your Committee extended the deadline for the Department of the Corporation Counsel's transmittal of a revised proposed bill.

By correspondence dated June 21, 2007, the Chair of your Committee extended the deadline for the Department of Parks and Recreation's response to the June 5, 2007 request.

By correspondence dated June 26, 2007, the Director of Parks and Recreation advised that there is no license or lease agreement with the Club for use of the facility. The Director deferred the second question, relating to the mechanism by which the operation and use of the facility would be granted to the Club, to the Department of Housing and Human Concerns.

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By correspondence dated July 12, 2007, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, A CONDITIONAL PERMIT FOR THE EXPANSION OF A YOUTH CLUBHOUSE AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII", incorporating the requested revisions.

By correspondence dated August 20, 2007, the Chair of your Committee requested that the Department of Housing and Human Concerns respond to the question deferred by the Department of Parks and Recreation. The Chair also requested that the Department explain when the Club began occupying the existing facility, whether its occupancy is pursuant to a grant, the terms of the Club's occupancy, and why there is no executed license or lease agreement.

By correspondence dated August 20, 2007, the Chair of your Committee requested that the Planning Director respond to his June 5, 2007 request.

By correspondence dated August 28, 2007, the Director of Housing and Human Concerns noted that, because youth center facilities are located on County parks properties, the routine management and maintenance of such facilities falls within the purview of the Department of Parks and Recreation. She further responded that the West Maui Youth Center does not currently hold a lease or license with the County, and that it has occupied its current facility in Lahaina since approximately 1992. No response with respect to the West Maui Boys & Girls Club was received.

By correspondence dated August 28, 2007, the Planning Director provided a historical summary of the building permit issued for the West Maui Youth Center (Center) in January 1984, noting that the Center was determined to be a permissible use in the County Agricultural District as a public institution and building. He advised that in December 1998, Chapter 19.30A, Maui County Code (MCC), was adopted and Chapter 19.30, MCC, was repealed. He advised that the youth center operation became a nonconforming use at that point. The Planning Director further advised that, according to the Department of Parks and Recreation, the facility transitioned from the Center to the Club about five or six years ago. Citing Sections 19.500.110(C)(1) and 19.30A.110, MCC, he explained that only the expanded portion of the facility and its use as part of the

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youth center require the Conditional Permit and the State Land Use Commission Special Use Permit.

At its meeting in Lahaina, your Committee met with the Planning Director; the Planning Program Administrator, Current Planning Division, Department of Planning; the Director of Housing and Human Concerns; the Housing Commissioner, Office of the Mayor; the Deputy Director of Public Works; the Planning and Development Division Chief, Department of Parks and Recreation; the CIP Coordinator, Department of Parks and Recreation; a Deputy Corporation Counsel; Mark Roy, Project Manager, Munekiyo & Hiraga, Inc.; Michael Munekiyo, Munekiyo & Hiraga, Inc.; Calvin Higuchi, President, Hiyakumoto + Higuchi Architects, Inc.; and Mark Matsuda, Civil Engineer, Otomo Engineering, Inc.

Your Committee received public testimony from Jonathan Starr, Board member, Boys & Girls Club of Maui, Inc., in support of the application. Mr. Starr was joined in his support by four youth participants and Kelly Pearson, the Director of Operations, Boys & Girls Club of Maui, Inc. Mr. Starr noted the importance of rebuilding the youth center for West Maui, adding that the Conditional Permit is the last step in the entitlement process. One of the youths also testified in support of the expansion of the facility.

Mr. Roy provided a written overview of the Conditional Permit application, including an overview of the property, an aerial photograph depicting the property in the context of neighboring land uses, a site plan, a photograph of the existing clubhouse building, and a brief description of the proposed expansion.

The Planning Program Administrator provided background information concerning the proceedings before the Maui Planning Commission.

Ms. Pearson informed your Committee that the Club would be moving to the West Maui Cultural Center while the expansion was underway. She also noted that the Club is working on a lease agreement for the property.

The Planning and Development Division Chief advised that the draft lease must be processed through the Department of Housing and Human Concerns because the lease would be for less than fair market value. Your Committee expressed concerns over the Club's lack of an executed agreement to operate at the facility.

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Your Committee reviewed the nine conditions set forth in Section 2 of the revised proposed bill. Your Committee discussed the improvements contemplated on the south side of Shaw Street, as referenced in Condition No. 8, as well as their associated costs and funding sources. The Planning and Development Division Chief explained that the Department had proposed deferring the installation of curbs and gutters, while the Deputy Director and Mr. Starr stated a distinct preference for having curbs, gutters and sidewalks completed to allow a separation between vehicular traffic and pedestrian traffic.

Your Committee questioned the Department of Parks and Recreation's decision to pursue a Conditional Permit rather than seek to make the zoning and State Land Use District classification consistent with the West Maui Community Plan designation of Park. The Planning Director noted that the entire park is inconsistent with the Community Plan designation, and that the decision to pursue a Conditional Permit was not an attempt to short-change the process. Your Committee urged that the land use designations for the property be made consistent with the Community Plan designation within the period the Conditional Permit is in effect, if granted. The Planning and Development Division Chief noted that the proposed three-year duration of the Conditional Permit would not provide sufficient time to process such land use changes.

Your Committee recommended that a new Condition No. 10 be added, to read as follows: "That the Department of Parks and Recreation shall submit applications for a State Land Use District Boundary Amendment and a Change in Zoning for the property for consistency with the West Maui Community Plan prior to the expiration of the Conditional Permit."

In light of concerns over the length of time it might take to prepare such applications, your Committee recommended that the duration of the Conditional Permit be revised to five years, rather than three.

Your Committee further recommended that a new Condition No. 11 be added, to read as follows: "That the Department of Parks and Recreation shall ensure that the operator of the youth clubhouse obtain the appropriate license or lease agreement."

Your Committee voted to recommend passage of the further revised proposed bill and filing of the communication.

Your Committee is in receipt of a further revised proposed bill, incorporating your Committee's recommended revisions.

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Your Land Use Committee RECOMMENDS the following:

1.     That Bill No. \_\_\_\_\_ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, A CONDITIONAL PERMIT FOR THE EXPANSION OF A YOUTH CLUBHOUSE AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
  
2.     That County Communication No. 07-177 be FILED.

Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Chair**

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**JO ANNE JOHNSON** **Member**

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**JOSEPH PONTANILLA** **Vice-Chair**

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**DANNY A. MATEO** **Member**

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**MICHELLE ANDERSON** **Member**

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**BILL KAUAKEA MEDEIROS** **Member**

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**GLADYS C. BAISA** **Member**

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**MICHAEL P. VICTORINO** **Member**

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**G. RIKI HOKAMA** **Member**