

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 15, 2006

Committee
Report No.

06-109

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

Chair and Members:

Your Land Use Committee, having met on August 30, 2006, makes reference to County Communication No. 06-100, from the Planning Director, transmitting a proposed resolution entitled "APPROVING THE ACTION OF THE MAUI PLANNING COMMISSION GRANTING A TYPE 3 BED AND BREAKFAST HOME PERMIT FOR THE WAILUKU GUESTHOUSE BED AND BREAKFAST ON PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII". The purpose of the proposed resolution is to grant a request from Douglas and Maureen Levin for a one-year Type 3 Bed and Breakfast Home Permit to operate the Wailuku Guesthouse Bed and Breakfast (Wailuku Guesthouse), with six rooms available for short-term rental purposes, on approximately 11,154 square feet at 210 South Market Street, Wailuku, Maui (TMK: (2) 3-4-09:007).

Your Committee notes that the Maui Planning Commission held a public hearing on the application on August 9, 2005.

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 AUGUST 9, 2005 MEETING" (Department's Report), and the conclusions and recommendation presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION MEMORANDUM TO THE MAUI PLANNING COMMISSION AUGUST 9, 2005 MEETING", voted to approve the Type 3 Bed and Breakfast Home Permit application, with 14 conditions, on August 9, 2005.

By correspondence dated August 23, 2006, the Chair of your Committee transmitted information from the Wailuku Guesthouse's website.

By correspondence dated August 23, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel consider incorporating certain nonsubstantive and technical revisions to the proposed resolution for consistency and clarity. The Chair of your Committee also requested that the Department consider whether the proposed operation is required to comply with the Americans with

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Disabilities Act (ADA) and, if so, whether a bed and breakfast operation with five or more units is required to have at least one of those units accessible to persons with disabilities; and whether the requirement is adequately covered by Condition No. 5 in the proposed resolution, which requires full compliance with all applicable governmental requirements.

By correspondence dated August 28, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "APPROVING THE ACTION OF THE MAUI PLANNING COMMISSION GRANTING A TYPE 3 BED AND BREAKFAST HOME PERMIT FOR THE WAILUKU GUESTHOUSE BED AND BREAKFAST ON PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", incorporating the requested revisions, as well as revisions to conform to Chapter 19.64, Maui County Code (MCC), relating to Bed and Breakfast Homes.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; an Executive Assistant to the Managing Director, Department of Management; a Deputy Corporation Counsel; and Maureen Levin, one of the two applicants.

There was no public testimony.

Ms. Levin provided your Committee with three pieces of written testimony in support of the application from guests who had stayed at the Wailuku Guesthouse.

The Executive Assistant, who also serves as the ADA Coordinator, provided your Committee with a handout summarizing the requirements of the ADA for transient lodging. Your Committee notes that the handout states, in pertinent part, that an establishment with more than five guestrooms must provide at least one accessible room per 25 guestrooms.

The Planner described the property and gave an overview of the application. She noted that the property is located in the State Urban District, is designated Single-Family in the Wailuku-Kahului Community Plan, is zoned R-2 Residential District, and is not within the Special Management Area. She also informed your Committee that the Hashimoto family operated a boardinghouse on the property after World War II. The Planner advised that the applicants had been working with various departments and agencies to comply with concerns that had been raised, and that all such concerns had been addressed.

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Your Committee discussed the handout relating to ADA requirements provided by the Executive Assistant. Ms. Levin informed your Committee that the applicants are willing to make one of the guestrooms ADA compliant and simply need some time to meet the requirement. The Planner advised that this requirement would be encompassed within the conditions already contained in the revised proposed resolution.

The Planner noted that the applicants had initially also submitted a request for a home office and for a variance that would allow for off-site parking. After receiving departmental comments, the applicants withdrew the requests for a home office and a variance. The Planner advised that adequate parking for the Wailuku Guesthouse is currently provided on-site.

The Planner informed your Committee that the Wailuku Guesthouse has been operating since 2001 without complaint.

Your Committee questioned whether the Council is authorized under Chapter 19.64, MCC, to increase the duration of the Bed and Breakfast Home Permit. Your Committee noted that Section 19.64.060(A), MCC, states that permits "shall be valid for a period of one-year".

Your Committee noted that the neighborhood in which the Wailuku Guesthouse is located is not a typical residential area, but already contains a number of mixed uses, including the Iao School, Wells Park, the Maui Ki-Aikido training facility, and various businesses and recreational facilities.

Your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Land Use Committee **RECOMMENDS** the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "APPROVING THE ACTION OF THE MAUI PLANNING COMMISSION GRANTING A TYPE 3 BED AND BREAKFAST HOME PERMIT FOR THE WAILUKU GUESTHOUSE BED AND BREAKFAST ON PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", be **ADOPTED**; and

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2. That County Communication No. 06-100 be FILED.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

DAIN P. KANE **Member**

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