

MAUI PLANNING COMMISSION

PURSUANT TO CHAPTER 92, PART I, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR REMOTE PUBLIC MEETING OF THE MAUI PLANNING COMMISSION

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: SEPTEMBER 27, 2022

TIME: 9:00 A.M.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans
Videoconferencing: **Meeting ID: 936 784 037**

PHYSICAL LOCATION: Members of the public may observe the remote meeting or testify in-person using audio/visual technology at the Planning Department Conference Room, Kalana Pakui Building 250 South High Street, Wailuku, Maui, Hawaii 96793. Note: The Commission Members may not be physically present at this location.

Members: P Denise La Costa (Chairperson), Kellie Pali (Vice-Chairperson), Kawika Freitas, Dale Thompson, Mel Hipolito, Jr., Ashley Lindsey, Kim Thayer, Dr. Mark Deakos

A. CALL TO ORDER AND ROLL CALL

Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three minutes.**

To watch the meeting or provide video testimony: Click on or use meeting link: <https://maui.bluejeans.com/936784037>

To listen to the meeting or provide oral testimony via phone, dial 1-888-748-9073 (toll free) or 1-408-915-6290 or 1-408-740-7256 and enter **Meeting ID: 936 784 037**

Testifiers via video are asked to sign-up using the Chat function providing their names and the item they wish to testify on. Testifiers via phone will be called by the Chair after in-person and video testimony is finished.

Testifiers will be called by the Chair to offer their testimony, those participating by phone or video are asked to **mute** their audio and video when they are not testifying.

To provide written testimony: Email testimony to planning@mauicounty.gov or submit written testimony by mail to the Maui Planning Commission c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793. While the Commission requests that written testimony be submitted by noon, one business day before the meeting to ensure distribution to the Commission, testimony submitted after such date and time will still be accepted by the Commission.

Commissioners **shall not** be contacted by the Chat function; the Chat function shall not be used to provide testimony or comments.

B. PUBLIC HEARINGS

MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Maui Planning Commission a proposed bill to amend Maui County Code Chapter 19.12 – Apartment Districts, to allow property owners of buildings located in the Apartment Districts to permanently convert property from transient vacation rental use to long-term residential use. (J. Takakura) ([Report](#))

[\(Documents Received After Posting\)](#)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/134354/Bill-for-Ordinance-amending-Chapter-1912-relating-to-converting-vacation-rentals-to-long-term-use>

C. CONTESTED CASE HEARING

HONUA'ULA PARTNERS, LLC, requesting Project District Phase II Development approval for Honua'ula, a master planned community comprised of single family and multi-family homes, village mixed-uses, preservation and conservation areas, and recreational/open space areas and related infrastructure improvements on approximately 670 acres in Kihei-Makena Project District 9, located in Wailea, Kihei-Makena, Maui, Hawaii, TMK (2) 2-1-008:056 and 071. (PH 2018/0002) (A. Cua)

No public testimony will be taken on this matter.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES. (Commissioners a separate meeting invite will be sent to you for the Executive Session)

Documents related to Item C are attached as Attachment 1.

D. DIRECTOR'S REPORT

1. Designation of the South Maui Advisory Committee to provide a recommendation on the following application:

GWENDOLYN RIVERA OF MUNEKIYO HIRAGA on behalf of THE KRAUSZ COMPANIES CALIFORNIA is requesting an amendment of the Special Management Area Use Permit for the proposed Downtown Kihei Project to include a northern component consisting of the previously approved 150-unit select service hotel and up to approximately 63,400 square feet of commercial and retail space, and a southern component of 223 affordable housing units in one four-story mixed use building, two four-story residential buildings and four two-story residential buildings, a community center with common resident

facilities, 28,075 square feet of commercial and retail space. Also proposed are 873 parking stalls for tenants and guests, landscaping and related infrastructure improvements. The project will be located on approximately 27.436 acres of land at TMKs: (2) 3-9-002:030, 076, 080, and 158 on Piikea Avenue, Kihei, Island of Maui. (SM120120006) (T. Furukawa) ([Project Information](#))

The Commission may take action to designate that the South Maui Advisory Committee provide a recommendation on the subject application request or take other action.

2. SMA Minor Permit Report

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

3. SMA Exemptions Report

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

4. [Proposed Meeting Schedule](#) for the Calendar Year 2023

The Commission may take action to approve or modify the proposed meeting schedule.

5. Discussion of Future Maui Planning Commission Agendas

a. October 11, 2022 agenda items

E. NEXT REGULAR MEETING DATE: OCTOBER 11, 2022

F. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

INTERRUPTION IN VIDEO/AUDIO: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with Commission members participating in the meeting or with the public location identified above. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.

An **executive session** may be called in order for the Commission to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities, pursuant to Sec. 92-5(a)(4), Hawaii Revised Statutes.

Documents relating to this meeting may be found by clicking on the links provided on this Agenda, on the County of Maui official website at <https://www.mauicounty.gov>, under Boards and Commissions, Maui Planning Commission, and are on file with the Department of Planning.

The address of the Commission to provide written testimony is c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793, phone number is 808-270-7735, and email is planning@mauicounty.gov.

Written testimony, whether sent via fax, email or USPS mail should be received by the Department of Planning by noon, one business day before the meeting to ensure distribution to the board. Fifteen (15) copies of written testimony is needed if testimony is presented immediately prior to or at the meeting.

The links for documents received after posting will be updated periodically when testimony or documents is received, up to 12:00 p.m. on business day prior to the meeting.

Petitions to Intervene: Unless otherwise specified by Planning Commission Rule, any Petition to Intervene as a formal party in a proceeding before the Maui Planning Commission must be filed with the Commission and served upon the applicant no less than ten (10) days before the first public hearing date. (Note: The calculation of time for deadlines of ten days or less excludes weekends and State recognized holidays.) Filing of all documents to the Commission is c/o the Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793.

The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on September 27, 2022 was on September 13, 2022.

Oral testimony will be received on any agenda item subject to the provisions of Chapter 92, Hawaii Revised Statutes, the Commission's Rules of Practice and Procedure. In accordance with these rules, maximum time limits of at least three minutes may be established by the Commission on individual oral testimony. Please note that anyone wishing to provide oral testimony pertaining to an agenda item that is a "contested case" pursuant to Chapter 91, Hawaii Revised Statutes, will be asked to testify under oath or affirmation, and may be subject to limited cross examination in accordance with Section 91-10(3), Hawaii Revised Statutes

TESTIFIERS: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

SPECIAL ASSISTANCE: If you require an auxiliary aid or service or accommodation due to a disability, please contact the commission staff no later than three business days prior to the scheduled meeting date at (808) 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai)

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.

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COUNTY OF MAUI
 Kalana O Maui Building
 200 South High Street
 Wailuku, HI 96793-2155

PD - Approved Projects for Maui

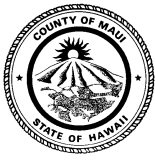
09/12/2022

Permit Completion Date: 08/10/2022 - 09/12/2022

CP Special Management Area Minor Permit - Maui

| Plan # | Project Name | Short Project Description | Applicant Name | Planner | Completed Date | Plan Status | TMK(s) |
|---------------|--|--|-------------------------------|------------------|----------------|-------------|---------------------|
| SM22022-00036 | OLOWALU INVASIVE | Removal of invasive species and implementation of a farm plan | OLOWALU SHACK, LLC | Wesley Bradshaw | 08/17/2022 | Completed | 2480031240000-79440 |
| SM22022-00037 | Eisai Company Event | Golf Course event | JOY HIRATA | Collette Cardoza | 08/18/2022 | Approved | 2210081400000-65568 |
| SM22022-00039 | Maui Coast Hotel Connection Improvements | Minor modifications to the Maui Coast Hotel including adjustments to the existing parking lot layout and pedestrian paths, vehicular and | Erin Mukai | Kurt Wollenhaupt | 08/18/2022 | Completed | 2390180220000-36235 |
| SM22022-00038 | HONOKALA FARM STRUCT | Construct accessory ag structures (current & future), various sizes & locations on site for cultivation, equipment & sotrage/maintenance | STEVEN OTT | Laury Sanger | 08/25/2022 | Completed | 2290050140000-16519 |
| SM22022-00040 | SEWER LINE | Install new sewer line and connect to county | MICHELLE SPENCER | Laury Sanger | 08/25/2022 | Completed | 2390130040000-35259 |
| SM22022-00041 | Remove and replace lifeguard tower at Ho'okipa Beach Park. | Remove and replace lifeguard tower at Ho'okipa Beach Park. | Cary Kayama | Collette Cardoza | 08/26/2022 | Completed | 2250040250000-12637 |
| SM22022-00043 | Pacific Shores Parking Lot Repair | Repair and replacement of a portion of the parking lot and irrigation lines. | Erin Mukai Brendan Kennedy | Kurt Wollenhaupt | 08/30/2022 | Completed | 2390180020000-64330 |
| SM22022-00042 | T-Mobile HI02175A / Marriott Wailea | Addition and replacement of cell equipment | Mark Bullard | Collette Cardoza | 09/08/2022 | Approved | 2210080610000-2387 |

Grand Total: 8



COUNTY OF MAUI
 Kalana O Maui Building
 200 South High Street
 Wailuku, HI 96793-2155

PD - Approved Projects for Maui

09/12/2022

Permit Completion Date: 08/10/2022 - 09/12/2022

ZAED Special Management Area Exemption

| Plan # | Project Name | Short Project Description | Applicant Name | Planner | Completed Date | Plan Status | TMK(s) |
|----------------|---|---|---|------------------|----------------|-------------|---------------------|
| SM52022-000077 | West Maui Community Wellness Fair - 27th of August 2022 | West Maui Community Wellness Fair - 27th of August 2022 | Kelsey Briggs | Aliki Biniaris | 08/11/2022 | Approved | 2450020050000-47811 |
| SM52022-000054 | | MAKANI SANDS SEAWALL: SEAWALL REPAIR/LAHAINA | KAPALAEA CONSULTANTS LLC | James A. Buika | 08/15/2022 | Completed | 2430060120008-41566 |
| SM52022-000076 | Gonser Dwelling Improvements Makena Krause KA 133 | Improvements to Single Family Dwelling | TOM GONSER | James A. Buika | 08/16/2022 | Completed | 2210120130000-3632 |
| SM52022-000078 | | Complete interior renovation of an existing unit. Tile flooring in bathrooms, vinyl floor to be installed, new plumbing, electrical lines and new | Mia Volk VOLK PACIFIC BUILDERSINC KIM LONDONO | Collette Cardoza | 08/18/2022 | Approved | 2440080220015-47151 |
| SM52022-000071 | Aina Nalu Condominium Building 'G' and 'I' Roof Repair | Remove and Replace existing corrugated metal roof of Buildings G and I | SESE VAVE | Collette Cardoza | 08/18/2022 | Approved | 2460110080000-50180 |
| SM52022-000081 | | MAALAEA YACHT CLUB: REMOVE/REPLACE PV PANELS MAALAEA YACHT MARINA | SHARON WRIGHT | Wesley Bradshaw | 08/23/2022 | Approved | 2380140240000-68510 |
| SM52022-000053 | Raciatto Residence Remodel | Remodel existing condo; Scope of work includes interior partitions (non-structural), interior door replacement, window replacement, electrical | MARC TARON | Aliki Biniaris | 08/25/2022 | Approved | 2210070950071-2234 |
| SM52022-000084 | | HECHT RESIDENCE: INTERIOR/EXTERIOR REMODEL | MICHAEL RUSS ICHIMARU | Wesley Bradshaw | 08/29/2022 | Completed | 2210120160000-3634 |
| SM52022-000073 | Hawaii Department Of Agriculture, Air Conditioning Improvements (DAGS AC) | Install air conditioning (AC) system improvements including new AC equipment and air ducts, widen service clearance area, and reconfigure the | Alex Tang | Sybil Lopez | 09/06/2022 | Completed | 2380790180000-30479 |
| SM52022-000055 | Malek Main Dwelling Alteration | Interior renovations including alterations to the kitchen, study, Master bathroom and Master Bedroom Walk-in closet, new interior finishes, | NICHOLAS WAGNER | Collette Cardoza | 09/08/2022 | Approved | 2420030670000-39983 |
| SM52022-000087 | P46168 Narayan, Krishna | Installation of roof mounted solar Photovoltaic systems including mounting hardware, electrical equipment & wiring. | RISING SUN SOLAR ELECTRIC LLC | Collette Cardoza | 09/09/2022 | Approved | 2420070180000-65266 |
| SM52022-000088 | Sephora: Whalers Village | Minor remodel to existing Sephora shop at Whalers Village | DOREEN CANTO Heather Enomoto | Aliki Biniaris | 09/09/2022 | Approved | 2440080010000-46558 |

Grand Total: 12

ATTACHMENT 1

DOCUMENTS FILED BY APPLICANT

Letter from C. Chipchase – PHII 2018/0002 - Settlement Agreement Exhibits

Honuaula Partners Response to Petition to Intervene

Memo in Opposition to Motion for Recusal

Honuaula Partners LLC Exhibit List

Exhibit 11 – Resume of Tyler Fujiwara, P.E.

Exhibit 12 – Resume of Andrea Millan

Exhibit 16 – Resume of Michael F. Dega, Ph.D.

Exhibit 17 – Resume of Jaap Eijzenga, M.S.

Exhibit 20 – Statement of Qualifications for Otomo Engineering, Inc. for Professional Consulting Civil Engineering Services

Exhibit 21 – Resume of William Mitchell

Exhibit 29 – Resume of Thomas Nance

Exhibit 30 – Map of Native Plant and preservation Area/South Preserve Area, Updated Exhibit 1-0 map (submitted to the Commission via email on February 17, 2022)

Exhibit 31 – Drainage Master Plan Depicting Preserved Sites, Features, and Cultural Use Sites North of the NPPA (dated March 14, 2022)

Exhibit 32 – Final Environmental Assessment Piilani Highway Widening Project (Kilohana Drive to Wailea Ike Drive dated May 2012, Volume I of II

Exhibit 33 – Final Environmental Assessment Piilani Highway Widening Project (Kilohana Drive to Wailea Ike Drive dated May 2012, Volume II of II

Received March 17, 2022

Applicant's Rebuttal Witness List

Applicant's Rebuttal Exhibit List

Applicant's Rebuttal Exhibit 34 – Carol Lee Kamekona-SHPD 2022 Permittee List 03

Applicant's Rebuttal Exhibit 35 – Lucienne de Naie_DCCA Business Name Search

Applicant's Rebuttal Exhibit 36 – Robin Knox_QEP Diplomate Roster Board for Global EHS Credentialing

Applicant's Rebuttal Exhibit 37 – Albert Perez_DCCA License Search

Applicant's Rebuttal Exhibit 38 – OECQ Notice

Applicant's Rebuttal Exhibit 39 -Honuaula Animal Management Plan March 22

Received March 18, 2022

Honuaula Partners LLC Response to Intervenors' Motion Reopen Public Testimony

Honuaula Partners LLC Response to Intervenors' Motion to Walk the Land with Commissioners

Honuaula Partners Response to Intervenors' Motion to Allow Discovery and Issuance of Subpoenas

Honuaula Partners Response to Intervenors' Prehearing Brief Relating to Affordable Housing

Received March 21, 2022

Applicant's First Amended Exhibit List

Received April 21, 2022

Certificate of Service – Applicant's response to Intervenors' first request for production of documents

Received May 2, 2022

Honuaula Partners LLC – Amended Witness List, Certificate of Certificate of Service

Received May 9, 2022

Honuaula Partners LLC – Second Amended Exhibit List

Honuaula Partners LLC – Exhibit 40

Honuaula Partners LLC – Errata re Exhibit 16

Received May 11, 2022

Honuaula Partners LLC - Third Amended Exhibit List

Honuaula Partners LLC – Exhibit 41 Ordinance 3553

Honuaula Partners LLC – Exhibit 42 Ordinance 3554

Honuaula Partners LLC – Exhibit 43 Ordinance 4849

Received July 11, 2022

Honuaula Partners LLC – Fourth Amended Exhibit List

Honuaula Partners LLC – Exhibit 44

Honuaula Partners LLC – Exhibit 45

Honuaula Partners LLC – Response to Intervenors Motion for Recusal and Motion to Suspend Proceedings and Investigate Ex Parte Communication

Received July 13, 2022

Honuaula Partners LLC – Fifth Amended Exhibit List

Honuaula Partners LLC – Exhibit 46 Kaloi BLNR FOF COL

Received July 20, 2022

Honuaula Partners LLC – Response to Intervenors' Concerns Regarding Same Amount of Time on the Record

Received July 22, 2022

Honuaula Partners LLC – Updated Response to Intervenors' Concerns Regarding Same Amount of Time on the Record

Received July 26, 2022

Honuaula Partners LLC – Exhibit 47 LUC Minutes

Received July 28, 2022

Honuaula Partners LLC - Sixth Amended Exhibit List

Received August 22, 2022

Honuaula Partners LLC – Seventh Amended Exhibit List

Honuaula Partners LLC – Exhibit 48 (Excerpts of 02-08-2008 Council Minutes)

Honuaula Partners LLC – Exhibit 49 (Excerpts of 03-18-2008 Council Minutes)

Honuaula Partners LLC – Exhibit 50 (MCC 2.96.030 current)

Honuaula Partners LLC – Exhibit 51 (Ordinance 3438)

Honuaula Partners LLC – Exhibit 51A (MCC 2.96.040)

Honuaula Partners LLC – Exhibit 52 (MCC 19.04.040)

Honuaula Partners LLC – Exhibit 53

Received September 20, 2022

Honuaula Partners LLC – Brief Regarding Affordable House

Honuaula Partners LLC – Errata to Brief Regarding Affordable Housing

Honuaula Partners LLC – Findings of Fact, Conclusions of Law and Decision and Order

Received September 21, 2022

Honuaula Partners LLC – Errata to Findings of Fact, Conclusions of Law and Decision and Order

Honuaula Partners LLC – Appendix A of Errata to FOF, COL, DO

Honuaula Partners LLC – Appendix B of Errata to FOF, COL, DO

Received September 23, 2022

Honuaula Partners LLC – Response to Intervenor’s Brief re: Affordable Housing

Honuaula Partners LLC – Response to Intervenor’s Findings of Fact, Conclusions of Law and Decision and order

DOCUMENTS FILED BY INTERVENORS

Petition to Intervene

Petitioner's Response to Applicant's response to Petition to Intervene

Motion to Recuse and Continue

Intervenors' Witness List

Intervenors' Exhibit List

Intervenors' Motion to Walk the Land with Commissioners

Intervenors' Motion to Allow Discovery and the Issuance of Subpoenas

Intervenors' Motion to Reopen Pubic Testimony, or in the Alternative Confirm Pubic Testimony Will Not be Considered in the Present Proceeding

Received March 17, 2022

Intervenors' Rebuttal Witness List

Intervenors' Rebuttal Exhibit List

Intervenors' Pre-Hearing Brief

Received April 1, 2022

Intervenors' Statement of Clarification

Intervenors' First Request for Production of Documents to Applicant Honuaula Partners LLC

Intervenors' Letter requesting approval of attached subpoenas

Received May 5, 2022

Intervenor's First Amended List of Possible Witnesses

Intervenor's First Amended List of Possible Exhibits

Intervenor's Exhibits 18 – 20

Intervenor's Exhibits 21 – 33

Intervenor's Exhibits 34 – 45

Intervenor's Exhibits 46-47

Intervenor's Motion to Strike Staff Report-Continue Hearing-Exclude Applicant's Improper Discovery

Received June 23, 2022

Intervenor's Second Amended List of Exhibits

Intervenor's Exhibit 48

Intervenor's Exhibit 49

Intervenor's Exhibit 50

Intervenor's Exhibit 51

Intervenor's Exhibit 52

Intervenor's Exhibit 53

Intervenor's Exhibit 54

Intervenor's Exhibit 55

Intervenor's Exhibit 56

Intervenor's Exhibit 57

Intervenor's Exhibit 58

Intervenor's Exhibit 59

Intervenor's Exhibit 60

Received June 24, 2022

Intervenor's Third Amended Exhibit List

Intervenor's Second Amended Witness List

Intervenor's Exhibit 63

Received June 27, 2022

Intervenor's Fourth Amended Exhibit List

Intervenor's Exhibit 64

Intervenor's follow up on Planning Department's responses to March 17, 2022, UIPA
Records Request

Received July 8, 2022

Intervenor's – Fifth Amended Exhibit List

Intervenor's – Exhibit 65

Intervenor's – Exhibit 66

Intervenor's – Ex Parte Motion to Withdraw Motion to Compel and Continue

Intervenor's – Motion for Recusal

Intervenor's – Motion to Suspend Proceedings and Investigate Ex Parte Communications

Received July 22, 2022

Intervenor's – Sixth Amended Exhibit List

Intervenor's – Exhibit 67

Received July 24, 2022

Intervenor's – Seventh Amended Exhibit List

Intervenor's – Exhibit 68 Redacted

Received July 25, 2022

Intervenor's – Eighth Amended Exhibit List

Received August 23, 2022

Intervenor's – Ninth Amended Exhibit List

Intervenor's – Exhibit 72

Received September 20, 2022

Intervenor's - Post Hearing Memorandum Affordable Housing Requirement

Intervenor's - Exhibits to Memorandum

Intervenor's - Proposed Findings of Fact, Conclusions of Law and Decision and Order

Received September 23, 2022

Intervenor's – Reply to Applicant's Affordable Housing Memo

Intervenor's – Response to Applicant's Proposed Findings of Fact, Conclusions of Law and Decision and Order

DOCUMENTS FILED BY PLANNING DEPARTMENT

Department of Planning Memorandum In Response to Motion to Strike Staff Report_050922

September 8, 2022

Notification of Rulings on Motions and Continued Hearing Date