

MICHAEL P. VICTORINO
Mayor

JORDAN MOLINA
Director

GARY L. I. AMBROSE
Deputy Director

WADE SHIMABUKURO, P.E.
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

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COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

May 24, 2022

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

 5/24/22
Mayor Date

For Transmittal to:

Honorable Michael J. Molina, Chair and Members
of the Government Relations, Ethics, and Transparency
Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Molina and Members:

**SUBJECT: CONSTRUCTION ON LOWER HONOAPIILANI ROAD
(NAPILI) (GREAT-36)**

Thank you for your letter dated May 18, 2022. Please see Public Works' (Department) responses below:

1. How much grading or grubbing qualifies as an "excavation"?

Section 20.08.020, Maui County Code, defines excavation to mean "any act by which soil, sand, gravel, rock or any similar material is cut into, dug, uncovered, removed, displayed, relocated, or bulldozed."

Honorable Michael P. Victorino
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Honorable Michael Molina, Chair and Members
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Committee
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Section 20.08.020, Maui County Code, defines grubbing as any act by which vegetation, including trees, timber, shrubbery and plants, is uprooted and removed from the surface of the ground. Under this definition, the act of grubbing would not be considered excavation.

Section 20.08.020, Maui County Code, defines grading to mean the temporary storage of soil, sand, gravel, rock, or any similar material and excavation or fill or any combination thereof. Under this definition, any amount of excavation could qualify as grading.

2. **Correspondence from Mancini, Welch & Geiger, dated December 7, 2021, states: "County building inspectors have conducted inspections on the property and confirmed that the home is being built in accordance with the approved plans." Please provide the inspection dates.**

See attached exhibit providing inspection dates for Permit B20200448 which pertains to the house construction.

3. **The Department lifted the Stop Work Order for Permit G20190075 on February 7, 2022, and for Permits B20200447 and B20200448 on February 8, 2022. What steps were taken to lift the Stop Work Order? What are the documented actions that show compliance with the law and resolution of violations?**

The Department awaited direction from the Planning Director before the Stop Work Order orders were lifted. The violations in questions relate to zoning and SMA laws which are under the authority of the Planning Director. The Department defers to the Planning Director for information relating to the SMA and zoning violations.

4. **Should the Board of Ethics review the project approval and lifting of the Stop Work Order?**

If there is concern for violations of Article 10, Charter of the County Maui, then it would seem appropriate for the Board of Ethics to review the matter.

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5. Did the Department review the Drainage Report? Was the drainage offset on the property?

The Department did review a drainage report associated with the grading permit. The drainage improvements were shown to comply with the Department's drainage standards whereby the development causes no net increase of runoff leaving the property.

Thank you for the opportunity to respond to your questions. Should you have any further questions, please do not hesitate to contact me at Ext. 7845.

Sincerely,



JORDAN MOLINA
Director of Public Works

JM:jso

Attachments

cc: Development Services Administration
Engineering Division
Michele McLean, Planning Director

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PERMIT INSPECTION HISTORY REPORT (B20200448)

<u>Actual Start Date</u>	<u>Inspection Type</u>	<u>Inspection Status</u>	<u>ReinspectionRequired?</u>
7/10/2020	BLDG-Foundation Inspection	Partial Pass	No
7/13/2020	BLDG-Foundation Inspection	Partial Pass	No
8/10/2020	BLDG-Foundation Inspection	Partial Pass	No
9/14/2020	BLDG-Foundation Inspection	Partial Pass	No
10/2/2020	BLDG-Foundation Inspection	Partial Pass	No
11/4/2020	BLDG-Foundation Inspection	Partial Pass	No
11/4/2020	BLDG-Framing Inspection	Partial Pass	No
11/17/2020	BLDG-Framing Inspection	Partial Pass	No
11/19/2020	BLDG-Foundation Inspection	Partial Pass	No
3/24/2021	BLDG-Foundation Inspection	Partial Pass	No
3/24/2021	BLDG-Framing Inspection	Partial Pass	No
3/30/2021	BLDG-Foundation Inspection	Partial Pass	No
8/13/2021	BLDG-Spot Check	Passed	No
9/23/2021	BLDG-Foundation Inspection	Partial Pass	No
10/5/2021	BLDG-Foundation Inspection	Partial Pass	No
11/12/2021	BLDG-Framing Inspection	Partial Pass	No
11/22/2021	BLDG-Miscellaneous Inspection	Partial Pass	No
11/16/2021	BLDG-Spot Check	Partial Pass	No
3/7/2022	BLDG-Framing Inspection	Partial Pass	No
3/24/2022	BLDG-Framing Inspection	Partial Pass	No

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PUBLIC
WORKS

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COUNTY OF MAUI
PUBLIC WORKS



COUNTY COUNCIL

COUNTY OF MAUI

200 S. HIGH STREET

WAILUKU, MAUI, HAWAII 96793

www.MauiCounty.us

May 18, 2022

Return to

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Due

Date: _____

Approved:

Mr. Jordan Molina, Director
Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Date: 5/22/22

Dear Mr. Molina:

SUBJECT: **CONSTRUCTION ON LOWER HONOAPIILANI ROAD**
(NAPILI) (GREAT-36)

The Government Relations, Ethics, and Transparency Committee has received various inquiries from the public related to construction on property located at 5385 Lower Honoapiilani Road, Napili, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 4-3-002:057.

May I please request your response to the following questions based on public information and questions received:

1. How much grading or grubbing qualifies as an "excavation"?
2. Correspondence from Mancini, Welch & Geiger, dated December 7, 2021, states: "County building inspectors have conducted inspections on the property and confirmed that the home is being built in accordance with the approved plans." Please provide the inspection dates.
3. The Department lifted the Stop Work Order for Permit G20190075 on February 7, 2022, and for Permits B20200447 and B20200448 on February 8, 2022. What steps were taken to lift the Stop Work Order? What are the documented actions that show compliance with the law and resolution of violations?