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Via e-mail to [great.committee@mauicounty.us](mailto:great.committee@mauicounty.us)

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

Re: GREAT-36

Dear Chair Molina and Members of the GREAT Committee,

I represent Greg Brown, the owner of the entity which owns the home that is being constructed at the corner of Lower Honoapiilani Road and Hui Drive in Napili. The property, in which "hotel" use is permitted, was originally purchased with the idea of building a large vacation home for periodic use by Greg, his family, and extended family (his wife is from Maui and her mother is a resident of Napili) with the idea that the home would be utilized as a vacation rental when not in use by Greg and his family.

The planning and permitting process took over two (2) years with the Planning Department working closely with my client to ensure that the plans and specs for the home complied with all State laws and County ordinances. The SMA application was thoroughly vetted by the Planning Department, and after extensive reviews and revisions, the Special Management Area ("SMA") permit exemption was properly granted in accordance with State law. Greg was issued a building permit after a complete review of the plans by the Planning Department and as with the SMA application, the Staff Planners with the Planning Department were thorough and conscientious in their review of the application, and a building permit was issued.

Throughout the review process Greg complied with the requests of the Planning Department as it was always his intent to comply with the law. All construction to date has been in strict conformance with the SMA approval and building permits.

After construction commenced, Greg was surprised to learn of the community opposition to the construction of his home, as he had studied the area and felt that the home, while large, “fit” into the area.

Upon discovery of the community’s concerns, Greg reached out to the community and the Planning Department. After conversations with an officer of the Napili Bay and Beach Foundation and the Planning Department, it was determined that the primary concern was the height of the building as approved by the County. We believe the misunderstanding regarding the height is based on the fact that the design standards of the zoning district simply limit structures to two (2) stories, without a specific height limit. The home per the County-approved construction plans exceeds 35 feet, when including the elevator and stairway shafts, however it is not more than two (2) stories, and therefore is in compliance with the zoning. While it is our position that the home is in full compliance with all laws, permits and approvals, Greg is cognizant of the community’s concerns and would like to see them addressed. He also does not want to be in a bitter and protracted legal dispute with the County regarding the home, so he would prefer to reach an understanding with the County regarding the height of the home.

Since discovering the Community’s concerns, around March of 2021, Greg has been working with the Planning Department through our office in trying to reach an understanding regarding the height and the use of the building. During this period he has intentionally slowed construction of the home. Unfortunately he is now approaching a point that he needs to decide between a) completing construction in accordance with the County approved building permits; or b) changing the design to reduce the height of the home.

Greg, at his own expense and at the Planning Department’s urging, recently had a licensed surveyor confirm in writing that the as-built height of the building today is under 35 feet. However, if Greg moves forward with construction of the rooftop amenities, stairways, and elevator shaft, as permitted by the County approvals, the height will exceed 35 feet. Greg is willing to redesign the home minimizing the protrusions above 35 feet to see-through type railings, the elevator shaft, and minimal rooftop utility/support structures, provided he is granted assurances that the home will be allowed to be utilized as a vacation rental as allowed by the current zoning.

While we understand that the community also has concerns regarding the home being used as a vacation rental, we feel that vacation rentals are prevalent throughout this area and the use of this home as a vacation rental would not affect the character of the neighborhood and is a permitted use per the zoning. Our hope is that Greg’s willingness to reduce the height of home to address the community’s concerns will soften the community’s stance regarding the vacation rental issue.

While it was originally his intent to enjoy the home with his family, at this point he does feel that his presence will allow the community to move past these issues, so he is planning on selling the home upon completion of construction. Our hope is that if the County and Greg can reach some type of understanding regarding the height, the new owner, can have a fresh start with the community, potentially being accepted into it.

Please do not interpret this as a threat or ultimatum, however as previously stated, we believe that the home has the proper permits and approvals, and if a resolution with the County is not reached in early July, we will advise Greg that he should move forward with the building as planned and permitted. Again, it is not Greg’s desire to move forward without addressing the

concerns of the community, however it has been months and we have not been able to reach an understanding with the County, therefore we can no longer advise him that it is in his best interests to continue to attempt to work out a resolution with the County on something that he is legally permitted to do.

I truly look forward to working with the County, the Administration and the Council, to reach some type of understanding which minimizes the expense to the taxpayers, respects the community's wish to have the height of the building lowered, and allows the home to be used like other properties in the immediate vicinity, as a vacation rental, granting a new owner some certainty in regards to use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Ueoka', with a stylized, flowing script.

Jeffrey Ueoka