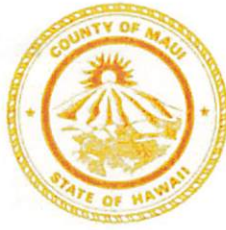


RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

June 27, 2024

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COUNTY CLERK

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

6-28-24

Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Council Members:

SUBJECT: AN ORDINANCE AMENDING SECTION 19.04.040, CREATING A NEW DEFINITION OF KITCHENETTE AND AMENDING THE EXISTING DEFINITIONS OF WET BAR AND DWELLING UNIT TO EXPAND HOUSING OPPORTUNITIES IN MAUI COUNTY

The Planning Department (Department) has initiated the attached ordinance proposing to amend Maui County Code, Title 19-Zoning, to create a new definition of "Kitchenette" with minor amendments to the existing definitions of "Wet bar" and "Dwelling unit". The purpose of the ordinance is to create new housing opportunities in Maui County while also better accommodating extended family and multi-generational type occupancy.

Background Information

It is well known that there is a very limited supply of rental housing in Maui County and what is available is cost prohibitive for many residents. The destruction caused by the wildfires in August 2023 has only exacerbated the issue, and a significant number of residents displaced as a result of the wildfires are currently in search of housing. Prior to the wildfire affecting Lahaina, it was known that many existing housing units that were destroyed accommodated multiple tenants per housing unit, many being multi-generational families. Further, the Department regularly encounters property owners illegally converting single-family homes by installing multiple kitchens and/or wet bars that turn into kitchens

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
June 27, 2024
Page 2

without the benefit of a building permit or associated inspections, with the overall positive intention of creating more housing. To address these needs, the Department proposed an ordinance to the Planning Commissions creating a new definition of “Kitchenette” as follows:

"Kitchenette" means an area within a dwelling unit, other than the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink, a refrigerator seven-and-one-half cubic feet or smaller, and small appliances for the preparation of hot food or beverages, such as counter-top appliances and/or a two-burner range. A kitchenette may not contain a 220-volt electrical outlet. A dwelling unit with a kitchenette is to be occupied on a long-term residential basis only, and one additional off-street parking space shall be provided for each kitchenette. Kitchenettes shall only be permitted within the Residential (Section 19.08) and Rural (Section 19.29) Districts. A dwelling unit may have no more than a total combination of two kitchenettes and/or wet bars.

In brief, the proposed definition would allow for up to two kitchenettes per dwelling unit in addition to the unit's full-sized kitchen. It would thereby provide a lower cost opportunity for more autonomous living areas, including for extended family and/or multi-generational housing occupants. The definition would permit kitchenettes only in Residential and Rural zoning districts for the purpose of directing the concentration of population in and around existing Urban areas where jobs, infrastructure and services are located. The Department will continue to direct population growth away from the Agricultural District in order to ensure preservation of that District's primary use of agriculture, where jobs, infrastructure and services cannot be feasibly provided or maintained to support population growth. Further, the proposed definition would ensure that occupancy of a dwelling unit with a kitchenette would be for long-term only, and that an additional onsite parking space be provided for each kitchenette.

Planning Commission Recommendations

The attached report to the Commissions was provided by the Department with its analysis and recommendation of approval for the proposed ordinance.

Public hearings were held by the Lānaʻi Planning Commission on February 21, 2024, the Maui Planning Commission on February 27, 2024, and the Molokaʻi Planning Commission on March 13, 2024. Attached are the minutes from each of these meetings. The following is a brief summary and action taken during each meeting:

- **Lānaʻi Planning Commission Meetings:**
 - February 21, 2024: The Commission voted to recommend approval of the proposed ordinance to the Maui County Council. The vote was 6-1.
- **Maui Planning Commission Meeting:**
 - February 27, 2024: The Commission voted to recommend approval of the proposed ordinance to the Maui County Council. The vote was 6-0.

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
June 27, 2024
Page 3

- **Moloka‘i Planning Commission Meeting:**

- March 13, 2024: The Commission voted to recommend approval of the proposed bill with an amendment that would add the following text “except for Moloka‘i. The vote was 5-0.

Additional Changes Proposed Post-Planning Commission Hearings

After the Planning Commission meetings described above, the Department of Corporation Counsel provided minor modifications to the structure of the Department’s draft ordinance that was presented to the Planning Commissions. With all recommendations and proposed modifications by the Planning Commissions listed above for Council’s consideration, in addition to the Department of Corporation Counsels minor modifications, the Department has attached a proposed revised bill for an ordinance that will result in the most effective amendment of the sections addressed, for the implementation of the County’s land use guidance system.

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



KATE L.K. BLYSTONE
Planning Director

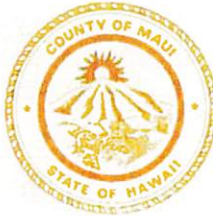
Attachments: Proposed Ordinance
Department Transmittal Letter to PC
Lāna‘i PC Minutes (excerpt), February 21, 2024
Maui PC Minutes (excerpt), February 27, 2024
Moloka‘i PC Minutes (excerpt), March 13, 2024

cc: Jordan E. Hart, Planning Program Administrator (pdf)
Gregory Pfof, Administrative Planning Officer (pdf)

S:\ALL\APO\19.04 Definitions (LU-26)\2024 Amendments\Council Transmittal Report Kitchenette #2.docx

RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Acting Planning Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 21, 2024

MEMORANDUM

TO: MAUI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
LANAI PLANNING COMMISSION

FROM: KATE L. K. BLYSTONE, Acting Planning Director

SUBJECT: AN ORDINANCE AMENDING SECTION 19.04.040, CREATING A NEW
DEFINITION OF KITCHENETTE AND AMENDING THE EXISTING
DEFINITIONS OF WET BAR AND DWELLING UNIT TO EXPAND
HOUSING OPPORTUNITIES IN MAUI COUNTY

The attached ordinance proposes to create a new definition of "Kitchenette" and amend the existing definitions of "Wet bar" and "Dwelling unit" with the purpose of creating new housing opportunities in Maui County while also better accommodating extended family and multi-generational type occupancy.

Background Information

It is well known that there is a very limited supply of rental housing in Maui County and what is available is cost prohibitive for many residents. The destruction caused by the wildfires in August 2023 has only exacerbated the issue, and a significant number of residents displaced as a result of the wildfires are currently in search of housing. Prior to the wildfire affecting Lahaina, it was known that many existing housing units that were destroyed accommodated multiple tenants per housing unit, many being multi-generational families. The Planning Department (Department) is aware of the need for extended family and multi-generational housing opportunities throughout the County, resulting in this recommended legislation.

The General Plan offers a number of policies encouraging the County to address and seek innovative ways to address the affordable housing needs issue. These include:

Countywide Policy Plan:

Policy E.1.a. Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or

workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.

Policy E.1.b. Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.

Policy E.2. Implementing Action a. Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.

Policy E.3.a. Recognize housing as a basic human need, and work to fulfill that need.

Maui Island Plan:

Policy 5.1.1.e. Use planning and regulatory approaches to provide higher housing densities.

5.1.1-Action 1. Amend development codes to facilitate different types of housing, including mixed use, mixed housing types, clustering, and conservation subdivisions.

5.1.2.b. Utilize the following approaches to promote resident housing and to minimize offshore market impacts: (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc.); (2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents.

Discussion

Currently, in the Residential Zoning Districts, the Maui County Code (MCC) establishes the number of allowable dwelling units (or density) primarily based upon the size of the lot. For example, the MCC allows for one single-family dwelling per 6,000 square feet of lot area in the R-1 District, one single-family dwelling per 7,500 square feet of lot area in the R-2 District, and one single-family dwelling per 10,000 square feet of lot area in the R-3 District. Additionally, with Planning Commission approval of a Special Use Permit, the R-1, R-2 and R-3 Districts allow for a duplex (two independent dwelling units) beyond the allowable density noted above. Further, in addition to the primary single-family residence, the MCC also allows for one accessory dwelling unit per lot under 7,500 square feet, and up to two accessory dwelling units per lot that is 7,500 square feet or greater.

While the MCC currently allows for some increases in density beyond the typical one dwelling unit per lot, and allowing for accessory dwelling units has resulted in an increase in the number of dwelling units countywide (585 accessory dwelling units between 2012 and 2022), the construction costs to accommodate allowable increases in density and accessory dwelling units can be cost prohibitive for many property owners. Considering that many existing single-family dwellings are occupied by multiple tenants and often by extended or multi-generational families, the opportunity to allow for more efficient use of a single-family dwelling will help address the need for housing countywide and particularly in response to the loss of housing units due to the 2023 wildfires.

The current definition of dwelling unit is *"a room or group of rooms connected together constituting an independent housekeeping unit for family and containing a single kitchen"* (emphases added). Thus, despite the density allowances currently provided in the MCC, each dwelling unit may only have one kitchen. While the MCC currently permits the ability to have a "wet bar" (up to 2 wet bars for dwelling under 5,000 sq. ft. and up to 3 for a dwelling 5,000 sq. ft. or greater) within a dwelling unit, a wet bar is only for the preparation of and serving of hot and cold beverages and cannot include an appliance for the heating or cooking of food. The Department regularly encounters property owners illegally converting single-family homes by installing multiple kitchens and/or wet bars that turn into kitchens without the benefit of a building permit or associated inspections in the attempt to create more housing. Understanding this need, and to ensure that improvements are done properly and safely the Department recommends the following new definition that would permit up to two kitchenettes within a dwelling unit in addition to the unit's full-sized kitchen:

"Kitchenette" means an area within a dwelling unit, other than the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink, a refrigerator seven-and-one-half cubic feet or smaller, and small appliances for the preparation of hot food or beverages, such as counter-top appliances and/or a two-burner range. A kitchenette may not contain a 220-volt electrical outlet. A dwelling unit with a kitchenette is to be occupied on a long-term residential basis only, and one additional off-street parking space shall be provided for each kitchenette. Kitchenettes shall only be permitted within the Residential (Section 19.08) and Rural (Section 19.29) Districts. A dwelling unit may have no more than a total combination of two kitchenettes and/or wet bars.

As noted above, the proposed definition would allow for up to two kitchenettes per dwelling unit, thereby providing the opportunity for more housing opportunities, including for extended family and/or multi-generational housing occupants. The definition would permit kitchenettes only in Residential and Rural zoning districts, directing the concentration of population in and around existing Urban areas where jobs, infrastructure and services are located. The Department will continue to direct population growth away from the Agricultural District in order to ensure preservation of that District's primary use of agriculture, where concentrations of jobs, infrastructure and services cannot be feasibly provided or maintained. Further, the definition would ensure that occupancy of a dwelling unit with a kitchenette would be for long-term only; thereby restricting short-term rental occupancy.

As shown in the attached ordinance, in order to accommodate the new definition of "kitchenette," additional clean-up code revisions are required to Section 19.04.040 to amend the definitions of "Dwelling unit" and "Wet bar," as well to Section 19.36B – Off-street Parking and Loading.

Recommendation and Options

The Department is recommending approval of the proposed ordinance as drafted. The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill in order to gather specific additional information.

Attachments: Draft Ordinance

xc: Jordan Hart, Planning Program Administrator - ZAED (pdf)
Danny Dias, Planning Program Administrator – Current Planning (pdf)
Jacky Takakura, Planning Program Administrator – Long Range Planning (pdf)
Jordan Molina, Director of Public Works (pdf)
Lori Tshako, Director of Housing and Human Concerns (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

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ORDINANCE NO.

BILL NO. ____ (2024)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, ADDING A NEW DEFINITION FOR KITCHENETTE AND AMENDING THE EXISTING DEFINITIONS OF DWELLING UNIT AND WET BAR, AND AMENDING SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR KITCHENETTES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to amend Section 19.04.040 – Definitions, and Section 19.36B.020 – Designated Number of Off-street Parking Spaces, Maui County Code, in order to provide additional rental opportunities. Said modifications include adding a new definition for “Kitchenette”, amending the existing definitions of “Dwelling unit” and “Wet bar”, and adding off-street parking requirements for the use of “Kitchenette”.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition of “Kitchenette” to read as follows:

“Kitchenette” means an area within a dwelling unit, other than the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink, a refrigerator seven-and-one-half cubic feet or smaller, and small appliances for the preparation of hot food or beverages, such as counter-top appliances and/or a two-burner range. A kitchenette may not contain a 220-volt electrical outlet. A dwelling unit with a kitchenette is to be occupied on a long-term residential basis only, and one additional off-street parking space shall be provided for each kitchenette. Kitchenettes shall only be permitted within the Residential (Section 19.08) and Rural (Section 19.29) Districts. A dwelling unit may have no more than a total combination of two kitchenettes and/or wet bars.

SECTION 3. Section 19.04.040, Maui County Code, is amended by

amending the definition of “Dwelling unit” to read as follows:

"Dwelling unit" means a room or group of rooms connected together constituting an independent housekeeping unit for family and containing a single kitchen. Additionally, up to two kitchenettes as defined within this section may be contained within a dwelling unit.

SECTION 4. Section 19.04.040, Maui County Code, is amended by amending the definition of “Wet Bar” to read as follows:

"Wet bar" means an area within a dwelling unit, other than a kitchen or kitchenette, used for the preparation and serving of beverages that contains a sink that is one-and-one-half cubic feet or smaller and at least one of the following: refrigeration seven-and-one-half cubic feet or smaller; an ice maker; a small mixing or blending appliance; or a small appliance for the preparation of hot beverages, such as a coffee maker or microwave.

The area is not a wet bar if any of the following is also present: a sink larger than one-and-one-half cubic feet; refrigeration larger than seven-and-one-half cubic feet; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a garbage disposal; a range hood, exhaust vent, or similar equipment; a stove, range, or oven; or any other appliance for the heating or cooking of food.

[No more than two wet bars shall be permitted in a dwelling unit that is less than five thousand square feet in total floor area. No more than three wet bars shall be permitted in a dwelling unit that is five thousand square feet or more in total floor area.] A dwelling unit may have no more than a total combination of two wet bars and/or kitchenettes. No wet bar shall be permitted in a bedroom or bathroom.

SECTION 5. Section 19.36B.020, Maui County Code, is amended to add the following new use and related minimum number of off-street parking spaces to the table to read as follows:

<u>Dwelling units: with a kitchenette</u>	<u>1 additional for each kitchenette</u>
---	--

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance will take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

Corporation Counsel

1 CHAIR GIMA: So waiting for Negus. Okay.
2 There's Sandi, Michelle, Erin, Nikki. Negus.

3 Okay. We're back to quorum. Let me see
4 if -- okay. All right.

5 Moving on to the next item:

6 A bill for ordinance to
7 amend Section 19.04.040,
8 Maui County Code, relating
9 to definitions. Ms. Kate
10 Blystone, Acting Planning
11 Director, referring to the
12 Maui, Molokai, and Lanai
13 Planning Commissions, a
14 proposed bill to amend
15 Maui County Code 19.04.040
16 relating to definitions to
17 address housing needs
18 including extended
19 families and/or
20 multigenerational housing.
21 Proposed revisions will
22 add a new definition of
23 "kitchenette" that will
24 apply to residential and
25 rural zoning districts

1 which would allow for up
2 to two autonomous food
3 preparation areas,
4 parentheses
5 "kitchenettes," in
6 addition to the main
7 kitchen within a single
8 family dwelling. The
9 kitchenettes would be
10 permitted in dwellings
11 occupied for long-term
12 residential use only.
13 Additionally, the
14 proposal -- proposed
15 revision would amend the
16 definition of "wet bar" so
17 that there shall be no
18 more than a total
19 combination of two wet
20 bars and/or kitchenettes
21 per single family
22 dwelling.

23 So turning this over to Greg and/or Jordan.

24 MR. PFOST: Yeah, me again. So I'm going
25 to go ahead and share my screen again. Okay, thank

1 you.

2 The item before you is another planning
3 department-initiated ordinance to add a new
4 definition of "kitchenette." And when we looked at
5 this, obviously, issues as we talked about before,
6 the limited supply of housing and the cost
7 prohibitive to many residents for rental and for-sale
8 market housing and the August 2023 wildfires,
9 wildfires have impacted the housing supply and cost.

10 I talked earlier about Title 19 and the
11 rewrite and that time line and aspects of increasing
12 density. This is another housing opportunity that we
13 are looking to move forward in and being proactive
14 about.

15 Interesting -- there's an interesting
16 statistic that a little over 20 percent of households
17 are crowded and/or doubled up, meaning that there's
18 two or more families or groups of persons not
19 related. So I think that's pretty consistent with
20 the understanding of multigenerational housing
21 occurring within the county.

22 And also, again, prompting this is -- is
23 the -- the disaster that occurred in August. And the
24 understanding that -- and knowledge that there was
25 multigenerational housing and more housing, whether

1 legally or illegally, occurring in the Lahaina area
2 and trying to accommodate that from a legal
3 standpoint and allowing property owners an
4 opportunity to do something different in regards to
5 housing and to help with the rental and for-sale
6 market, more of the rental market in this case.

7 So the proposed bill expands housing
8 opportunities and affordability in Maui County by
9 also accommodating extended and multigenerational
10 family housing-type occupancy by adding a new
11 definition of "kitchenette."

12 I mentioned, as in the last presentation,
13 there's a variety of policies within the General
14 Plan, the Maui Island Plan and the various community
15 plans that talk about the need for affordable housing
16 encouraging different types of housing opportunities
17 for both rental and market-rate housing.

18 I also -- in the last presentation, we
19 talked about existing densities for what is permitted
20 in the code. This also includes -- and this
21 provision is to allow kitchenettes, not only in the
22 R-1, R-2, and R-3, but also within the rural
23 districts as well.

24 The current definition of a "dwelling"
25 allows -- is basically a room or group of rooms that

1 only contain a single kitchen. We also have a
2 definition of "wet bar." Wet bar allows for some
3 opportunity to allow other things, but really it's --
4 it's a true wet bar meaning, and a wet bar is for
5 serving beverages only and there should be no
6 appliances for heating or cooking food with your wet
7 bar.

8 The code allows for two wet bars for
9 dwellings under 5,000 square feet and three wet bars
10 for dwellings 5,000 square feet or greater. But the
11 wet bar really does not serve the purpose of allowing
12 for any kind of cooking facilities or cooking food.

13 And with the understanding and seeing that
14 there's actually illegal conversions that do happen
15 that -- in order to accommodate multigenerational or
16 extended families or increasing rental opportunities
17 by folks actually installing kitchenettes and
18 kitchens and increasing units, we thought this would
19 be a good opportunity to increase the types of
20 housing opportunities especially in the rental area
21 and as well as to accommodate multigenerational
22 families.

23 With that, we're proposing a new definition
24 of "kitchenette" and allowing up to two kitchenettes
25 per dwelling unit, and this would be in addition to

1 the main kitchen within a dwelling unit.

2 The kitchenette then would -- more or less,
3 it expands upon the definition or creates a different
4 definition than wet bars by allowing the serving of
5 and preparation of hot foods and beverages and
6 includes allowance of countertop appliances and/or a
7 two-burner range so -- to allow for that cooking of
8 food. It allows for also a refrigerator and a sink
9 and so forth.

10 The kitchenette would -- would be only used
11 for long-term residential basis. An additional
12 parking space would be required for each kitchenette,
13 and the kitchenettes would be permitted, as I
14 mentioned earlier, in the residential and rural
15 districts, and a dwelling unit can have no more than
16 a total combination of two kitchenettes and/or wet
17 bars.

18 The results and expectations as a result
19 of this ordinance is we believe it helps address the
20 need for multigenerational and extended family
21 housing. And we were aware of that occurring in --
22 in the Lahaina area, and this will help in that -- in
23 that area especially in the immediate benefit.

24 It will increase the number of available
25 rental units with a legal kitchenette countywide. So

1 it allows property owners to actually pursue in
2 selling kitchenettes legally. They will be part of
3 rooms and, therefore, will be in smaller areas and
4 then allow for additional opportunities for rental
5 ability.

6 It'll, as I mentioned, require additional
7 space for kitchenettes, so trying to address the
8 parking needs. There is no changes proposed to any
9 of the development standards regarding setbacks,
10 heights, or other things such as that.

11 It will not result in any short-term
12 rentals as those are still restricted for each
13 community. Excuse me. And there -- as -- as was
14 mentioned, there's additional minor changes to the
15 definition of "wet bar" and "dwelling unit" to
16 accommodate this.

17 As far as expectations, we think the
18 development of kitchenettes, not units, will occur
19 over time similar to, like, the density increases. I
20 don't think you're going to see a significant
21 increase immediately. However, in the Lahaina area
22 it will have an immediate benefit, obviously, as new
23 construction moves forward.

24 I think it will occur over time for the
25 natural reasons of the construction costs just to --

1 to do these things will -- would -- may be limiting
2 to some property owners and the development standards
3 and infrastructure availability will also control
4 that.

5 With that, the department is recommending
6 approval of the ordinance. We feel it will meet --
7 help meet the multigenerational and extended families
8 need, create more rental opportunities in the County,
9 and create more smaller and more affordable housing
10 in the County, and is consistent with the -- we
11 believe it is consistent with the General Plan, Maui
12 Island Plan, and individual community plans.

13 With that, the Planning Commission has the
14 options tonight of recommending approval of the
15 ordinance, recommending approval with amendments,
16 recommending denial, or voting to defer the action in
17 order to gather more specific -- specific
18 information. And that concludes my presentation. I
19 know that Jordan and I are available for any
20 questions you may have. Thank you.

21 CHAIR GIMA: All right. Thank you, Greg.
22 At this time, I will open it up for public testimony.
23 Anything on Maui?

24 MS. RAMORAN: Thank you, Chair. There's no
25 one signed up on the chat and no one in the

1 conference room.

2 CHAIR GIMA: Okay. Thanks, Leilani.

3 Roxanne?

4 MS. MORITA: Hello. No, there's nobody
5 here to testify.

6 CHAIR GIMA: All right. Thank you. So at
7 this time, I will close public testimony.

8 Commissioners, comments, questions for Greg
9 and/or Jordan?

10 Go ahead, Nikki.

11 COMMISSIONER ALBORO: This is the first
12 time I've seen anything in the presentations about
13 this, you know, not increasing short-term rentals and
14 et cetera.

15 So, like, what about the short-term rentals
16 that burned in Lahaina? And say they were at 10,000
17 square feet lots, and now they can build up to X
18 amount of dwellings. How does that not increase
19 short-term rentals?

20 I mean, is it just one address or each
21 dwelling is like 1, 2, 3, 4, A, B, C? Like, how --
22 how would that be permitted? You know what I mean?

23 So if the short -- if the short-term rental
24 was originally a three bed, two bath home on 10,000
25 square feet and is now being rebuilt to a five

1 bedroom -- five bedroom, three bathroom home or two
2 three-bedroom homes on the same lot? Like how --
3 how -- how is that monitored?

4 MR. HART: That --

5 MR. DIAS: I'll take a stab at it. Danny
6 Dias, administrator for the current planning
7 division.

8 So we're the ones that process bed and
9 breakfast and short-term rentals. And that's
10 actually a good scenario that you point out.
11 Generally speaking, existing STRHs, you're limited to
12 a certain amount of rooms. When we approve it, it's
13 based on what's on the property at that time.

14 We haven't quite, you know, dove into how
15 we're going to deal with, you know, the scenario that
16 you stated. But my assumption is if you're going to
17 deviate from that, then you would have to reapply
18 either for a new permit or you would have to amend
19 your existing.

20 And so it wouldn't just be, like, you know,
21 you had one before, you can rebuild how much you
22 want, and then now you could just, you know, keep
23 operating.

24 COMMISSIONER ALBORO: Right. I just asked
25 because, I mean, they could reapply for one and incur

1 more rentals, in so many words, but it's just one lot
2 is -- is how I understand it; correct?

3 Like, it's not two separate addresses. So
4 it could be all connected but, like, separated in
5 half -- you know, like one half is a three bedroom,
6 the other half is a two bedroom, both with kitchens,
7 in so many words. Do you know?

8 So, I mean, I get it that if there's a need
9 for housing and whatnot, but I just see an open door
10 for mainland owners to possibly increase their
11 income.

12 MR. DIAS: Yeah. Definitely understood.
13 To be honest, when it comes to legislation, STRHs and
14 B&Bs receive the most amendments. So, essentially,
15 almost every year that council -- because there is
16 such a -- because people aren't aware of the impact,
17 you know, the council is constantly updating
18 legislation.

19 So I think in that scenario, I think the
20 council would recognize that and then propose
21 legislation to prevent that from happening.

22 MR. HART: I'll add on to that. This is
23 Jordan Hart. So there's also the various -- the
24 consideration of how it's approved, you know?

25 So -- so, basically, like there -- when

1 you're talking about short-term rentals, there's
2 hotel-zoned properties. So, like, we're not talking
3 about hotels, we're talking about single family
4 dwellings in this case.

5 And then, like Danny mentioned, that
6 there's a short-term rental home permit to the B&B
7 permit. So there's a specific approval process and a
8 decision on whether or not there will be approval.

9 But the other whole -- the whole other part
10 of that -- this conversation is that zoning
11 administration and enforcement division is the
12 portion of the planning department that reviews
13 building permits, and wet bars are permitted right
14 now.

15 And so what is happening all the time right
16 now is that people are submitting building permit
17 plan sets that -- it says that something is a wet
18 bar. And it's evident that it's probably not going
19 to remain a wet bar.

20 And that's totally legal as long as -- as
21 long as it doesn't say anything on the plan set that
22 it's for preparing food. And so, you know, our
23 reviewers just have to shake their head.

24 So then all the -- all the compliant people
25 who have no intention of doing short-term rental and

1 also don't want to break the rules and illegally
2 convert a wet bar into a kitchenette, they can't do
3 anything about it.

4 So we're trying to create a situation where
5 the people who want to do something that is legal, or
6 maybe they were doing something that was illegal the
7 last time around, like, you know, they did have two
8 kitchenettes in their house and their house burned
9 down; so they still have these family members that
10 they got to build for. And, you know, we're just
11 trying to make a way for it to be legal.

12 Separate from that, you know, short-term
13 rental violations remain an issue. You know, we have
14 a consultant that's out there scouring the internet
15 looking for leads for us to enforce on, and there's
16 the regulatory process.

17 So I think that it's important for
18 everybody to not limit yourself because potential
19 issues will -- or individuals will be bad actors.
20 There's always enforcement for that, and there's
21 always the community that can inform the department
22 if they see those kinds of things going on. But to
23 basically self-regulate for fear of abuse by the
24 minority, I don't think that that's the way to
25 address the overall issues that we have.

1 CHAIR GIMA: Thanks, Jordan. Nikki, any
2 more questions?

3 COMMISSIONER ALBORO: I guess I had one
4 more in regards to, like, the no 220-volt plug in
5 a -- in a wet bar. So, like, I get what you're
6 saying, like, you know, they -- they'll permit for a
7 wet bar, with the intention of probably making it
8 into a kitchenette. Like, who -- like after the
9 permit is granted, there's no, like, reinspection
10 or -- without cause or anything like that.

11 Yeah, I'm just saying because, like, it's a
12 fire hazard, you know, like, you say a two-burner
13 range, but then there'll be, what, like, those
14 propane burners or, you know, like -- which is not
15 for indoor use, you know? So it's, it's kind of
16 dangerous, if you ask me.

17 If it were a kitchenette, like, you should
18 be able to plug in a stove and operate a oven. But,
19 again, it's all space -- you know, the size of the
20 space, but I just think it's pretty dangerous to
21 allow -- like, they could be using camping gear in
22 the house, you know, and not properly ventilated.
23 And, I don't know, I just have concerns about that
24 one, like that -- that's kind of a big one.

25 MR. HART: Sure. You know, that -- so to

1 say a few things, first of all, this -- this started
2 in the post-disaster working group, the Fire
3 Department's a participant in that working group.
4 And so -- so adding these -- having more than one
5 kitchen in a dwelling unit is not a concern of
6 additional fire hazard for them.

7 Basically, just -- just to get a little bit
8 of -- deeper into it with you guys, what I was trying
9 to do is figure out how can we get the most potential
10 dwelling units for the Lahaina areas; that's how this
11 started. Because, basically, once you build two
12 dwelling units -- you can build two dwelling units
13 pretty easy, Department of Water Supply,
14 Environmental Management, and Fire, pretty simple
15 review.

16 But once you get to the third dwelling
17 unit, it's really -- it's really more rigorous. And
18 a lot of the lots, if they're over 7,500 square feet,
19 especially on Maui Island, they could build the
20 second ADU, but that's a third dwelling.

21 And then -- then you have all this higher
22 level of review and scrutiny and more infrastructure
23 improvements that the individual landowner has to put
24 in. But adding another kitchenette to the same
25 dwelling does not trigger those things.

1 And then the other thing that I'll add is
2 that under the existing situation, a lot of these
3 people are doing these after-market modifications
4 without inspections. And this way you're doing it in
5 the plans, it's being reviewed by all the agencies,
6 and then they're getting inspections.

7 And then the final thing is, you know, it's
8 totally -- you know, I'm sure nobody out there wants
9 the planning department to come check and see if we
10 can come inside and look randomly after you didn't
11 file any permits, like, just to see what's going on
12 inside your house. Like, we can't do that.

13 And we don't propose to do that. We have
14 to go on faith and assume everybody's going to
15 operate the way they're supposed to, but then if they
16 don't, we'll -- we'll do the enforcement process.

17 CHAIR GIMA: Thanks, Jordan. Anything
18 else, Nikki?

19 COMMISSIONER ALBORO: Just a question about
20 why -- what triggered additional parking space if you
21 put in a kitchenette? Like if it's in the -- like,
22 if you have a two-car driveway but you have three
23 units or, you know -- or two kitchenettes, like,
24 how -- what -- what is the cause for the additional
25 parking space? Like, is that more for commercial

1 or?

2 MR. HART: No. It's -- so, you know,
3 there's no way to separate, you know, the origin of
4 these things from the fire. And so basically
5 there's -- there's some areas of Lahaina town that
6 are -- that the roads are -- are bare minimum of
7 passable safety standards for fire. But then there
8 was also people parking in the streets and things
9 like that.

10 So -- so, basically, you know, in going
11 back through -- and it happens in all kinds of
12 neighborhoods, not just Lahaina. It happens in any
13 kind of dense neighborhood where people are just
14 basically overparking.

15 And so what we're trying to do in these --
16 in these proposals is we're trying to provide
17 options, but it's got to be within reason. So, like,
18 you know, how many units can you actually build on
19 your property? Well, it depends how many -- how much
20 space do you have for parking stalls? And, like, you
21 still have to have no more than 65 percent impervious
22 surface.

23 So there's a lot of moving parts that you
24 have to have, and then you have your setback. So,
25 like, you have to do a little, like, Tetris game to

1 see if you can even fit anything. And that -- that
2 will be a regulating measure to kind of keep this
3 within the realm of reason.

4 And then it's just basically like, you
5 know, nobody wants their neighbor externalizing all
6 their impacts. So they just go build the maximum
7 number of units and they just park all in front of
8 everybody else's driveways and parking -- trash
9 cans, and their mailbox, and all that kind of stuff.
10 So it's basically like providing a way to do
11 something about the issue but, you know, also
12 accommodating all your impacts that -- on -- on your
13 own property.

14 CHAIR GIMA: Okay. Thanks, Jordan. Any
15 more, Nikki? Okay. Any other commissioners,
16 questions, comments for Jordan or Greg?

17 So when -- oh, go ahead, Sally.

18 COMMISSIONER KAYE: Thank you, Chair. I
19 have -- I have two questions. Just -- just as a
20 matter of curiosity, why is a refrigerator in a
21 kitchenette limited to seven and one half cubic feet
22 or smaller? I'm just curious why that is.

23 MR. HART: Chair, we tried to -- we tried
24 to stay consistent with the definition of -- we
25 tried -- the changes we're trying to do are kind of

1 like slight tweaks. We're not trying to do total
2 overhauls. We're just trying to make adjustments.
3 So that was an existing -- in the existing definition
4 of a wet bar. That was there.

5 Basically a wet bar, it's essentially
6 everything except you're not permitted to prepare
7 food.

8 COMMISSIONER KAYE: Okay. I'm not sure
9 that mean -- okay. I don't see a kitchenette and a
10 wet bar as the same thing. Okay? That said --

11 MR. HART: In philosophy, I hear you. But
12 if you look at the definition of both, they're very
13 similar.

14 COMMISSIONER KAYE: So -- okay. All
15 right. Second question is you've made this pretty
16 clear in your presentation that -- that the fire on
17 the -- in Lahaina and Kula are driving this.

18 Is there any way to exempt other
19 communities from this? Is that appropriate or
20 allowable or not?

21 MR. HART: Yeah. Chair, sure. That's
22 frequently done. Just -- I mean, council would have
23 to do it, but -- well, first of all, there's no way
24 of knowing if council is going to pass any of this
25 stuff.

1 We're going through the process of
2 presenting it and getting feedback, but the
3 commission or individuals could encourage the council
4 not to apply this to the island of Lanai. Molokai
5 frequently makes that suggestion on on all sorts of
6 land use legislation.

7 Okay. Thank you.

8 CHAIR GIMA: (No audio.)

9 COMMISSIONER KAYE: I believe you're muted.

10 CHAIR GIMA: I'm sorry. Any other
11 questions, comments for Greg or Jordan? While you
12 guys are contemplating that, how was -- how does this
13 proposed bill relate to or perpetuate monster homes,
14 if any?

15 MR. HART: Chair, the way the department
16 looked at addressing the issue of monster homes was
17 by adding an impervious surface limitation to the
18 residential zoning district in the last update. I
19 believe that that was done about a year and a half or
20 so ago.

21 And so, basically, now in the residential
22 district there's a limit of impervious surface of
23 65 percent of the total lot area. But our
24 existing -- our existing regulations are
25 essentially -- you're limited by your setbacks and

1 then you're also limited by the parking that you have
2 to provide and then you're also limited by the
3 impervious surface issue.

4 And so that's kind of what I was -- I was
5 getting at earlier when I was talking about you have
6 to look at your site and see what you can really fit.
7 So those -- those moving parts that you have to plan
8 for and provide are -- are -- will regulate the
9 ultimate density that people can reach.

10 Other critical issues that are totally
11 legitimate are how is your wastewater accommodated?
12 So, for example, if you're not on sewer, the
13 Department of Health requires 10,000 square feet for
14 your leach field -- your septic system leach field,
15 and that will accommodate up to five bedrooms and
16 more than -- no more than two units.

17 So, you know, like, not everybody can do
18 these, these things that are being discussed because
19 of infrastructure issues.

20 And the same goes for your water meter. I
21 don't have a full knowledge of how the water company
22 on Lanai operates. But in -- on the County's
23 Department of Water Supply, when you're doing your
24 building permit application, you have to do a water
25 meter fixture count sheet. And, basically, like,

1 they will not authorize you to put more fixtures than
2 your capacity of your meter. And that's -- that's a
3 direct limiting factor on, you know, how many sinks
4 or toilets or whatever you can put in your property.

5 And so there's all these various,
6 unfortunately, hoops, you need to jump through to get
7 something done. And so even though we're talking
8 about opening up these land use regulations, it
9 doesn't necessarily amount to the capacity to execute
10 these things on each parcel.

11 And, in fact, most people will find that
12 they'd have to do significant changes that they may
13 or may not be prepared to do or willing to do in
14 order to kind of take a lot of these actions, but --
15 but some people will be, and we're trying to create
16 that option.

17 CHAIR GIMA: Thanks, Jordan. And so
18 impervious surface, that's like asphalt and concrete
19 areas?

20 MR. HART: Yeah, including the roof.

21 CHAIR GIMA: Oh, roof, too. Oh, okay.
22 Thank you. Okay.

23 Any further questions, comments?

24 So, Sally, are you considering offering a
25 possible amendment to this proposed bill?

1 COMMISSIONER KAYE: Well, I'm -- I'm
2 thinking about -- we should think about that. If
3 this is designed to solve a problem on Maui Island,
4 which I applaud, I think Jordan and his crew have
5 been relentless in trying to address this. I'm not
6 sure, at this point in the discussion and from what
7 I've read, that it would have the benefit for us.

8 So, yeah, I would -- I would suggest we
9 either consider exempting Lanai from this or defer to
10 find out what the impact would be. I'm -- I -- it
11 looks to me like anybody could add a bunch of stuff
12 to existing houses here and be compliant. And I'm
13 not sure that's what we need, so.

14 CHAIR GIMA: How do the rest of you feel
15 about that?

16 COMMISSIONER FUJIE-KAAUAMO: I agree with
17 Commissioner Sally. I feel like -- and what Nikki
18 was sharing, too, just concerns of, you know -- and
19 then also in good faith, right, that people would not
20 use this to their advantage, and just for safety
21 issues as well. Our homes are already aging.

22 And I think that given the circumstances,
23 there -- there could be, like, more opportunities for
24 people to take advantage of this adjusted code. So I
25 I'm -- I'm in agreement with Commissioner Sally to

1 exempt Lanai.

2 CHAIR GIMA: Erin?

3 COMMISSIONER ATACADOR: Thank you, Chair.
4 I -- I definitely understand the concerns, I think,
5 especially when it comes to Lanai.

6 But I'm also thinking about -- like I
7 understand that this was brought on, of course,
8 because of the Lahaina fires, but I'm also thinking
9 about, like, the positive impacts that we can have
10 for Lanai.

11 You know, kupuna housing is an issue. So
12 if we did have -- if you are able to have one of
13 these, you know, smaller dwellings or accessory
14 dwellings for a parent or grandparent, and you abide
15 by the laws, then why wouldn't, you know, we want to
16 give that opportunity to -- to our residents here.

17 You know, there's a whole category of
18 unspoken people like a youth that ages out of foster
19 care that wants to rent somewhere that's cheap
20 because, you know, everything is so expensive here.
21 So I'm just wondering if we exclude ourselves, are we
22 excluding potential positive things that can come
23 from doing this, you know?

24 And I don't -- don't want to sound naive,
25 because, you know, we are opening it up for people to

1 take advantage of it. But, again, are -- are we
2 excluding ourselves from potential goodness that we'd
3 be able to -- to have here on Lanai? So that's my
4 thoughts.

5 CHAIR GIMA: Thanks, Erin.

6 COMMISSIONER FUJIE-KAAUAMO: Can I ask a
7 follow-up question, then, after hearing what Erin
8 shared? So I know that this particular bill is
9 specifically related towards the kitchenette and the
10 discussion about what it's -- what it's intended for,
11 right, and then the wet bar.

12 So I feel like just -- just along those
13 lines like does that -- what would be the impact if
14 we did open it up? Or how many? I mean, I guess
15 that's like open, right? Because like they were
16 sharing earlier that it is kind of -- it all
17 depends -- like you can label it as a kitchenette
18 and -- versus a wet bar.

19 But what are the impacts then? Like, are
20 we now saying, like, okay, if all of a sudden Lanai
21 decides to be exempt from the new definition of
22 kitchenette, what would that look like for us?

23 Is it true to the point where Erin was
24 sharing that are we preventing now development from
25 happening where we do have the ability to have kind

1 of these smaller units? Or is this just specifically
2 talking about the definitions and not talking about
3 being able to establish smaller dwellings?

4 MR. HART: I'll try to respond to that.
5 So -- and I'm saying "trying to" because it's --
6 it's -- it's a little bit -- I don't want to say it's
7 complicated, but -- but -- excuse me, but basically,
8 this is all occurring within one house; right? And
9 so they're not units.

10 They're -- they would just -- it would just
11 be another area of the house where you could have a
12 little kitchen, basically. And so, like, let's
13 say -- let's say you're on Lanai and you don't have
14 the space to build an accessory dwelling unit on your
15 property -- I'm sorry, accessory dwelling unit on
16 your property or -- or you already have one accessory
17 dwelling unit but you have need for another living
18 space, but you can't.

19 This allows you to, within your existing
20 house, legally build another little area, like, you
21 know, it could be just like a little side of the
22 house where somebody can, you know, have their whole
23 situation taken care of. They don't need to come
24 into the main kitchen just to get whatever, make a
25 sandwich or whatever they want to do.

1 And so, I mean, I do frankly think that it
2 limits options because you -- you wouldn't be able to
3 do it legally if it was -- if it was only on Lanai.
4 Now you can still -- you can still come to -- you can
5 file for a permit to make a wet bar, and you could
6 get -- have that approved, and, you know, there would
7 be that. But we couldn't legally approve plans where
8 the stated intent was to prepare food if -- if
9 something like this wasn't in place.

10 And so, you know, I do fully understand the
11 concerns. And, you know, just the stuff I've said
12 already is that, like, you know, if you -- if you
13 make your plans in anticipation of the people who are
14 going to be the violators, you know, you're -- you
15 basically take away options from yourself.

16 But, you know, maybe the violations are too
17 dramatic to accept for the community and that's the
18 way to handle it. You know, other ways to handle it
19 would be to file complaints if you think that people
20 are abusing so that you give the department the
21 information to take action and address it.

22 But you know, that's what the commissions
23 exist for, so you guys can do decisions island by
24 island.

25 CHAIR GIMA: So, Jordan, this bill

1 regarding the kitchenettes has no language in here
2 restricting short-term rental type of use whereas the
3 prior one about increasing the density in R-1, 2, and
4 3 has language about restricting short term; is that
5 accurate?

6 MR. HART: Let me -- go ahead, Greg.

7 MR. PFOST: I don't think the -- the -- the
8 residential bill does not have actual -- any language
9 that -- the density bill that you talked about in the
10 last -- the last item does not have any language that
11 restricts short-term rental.

12 What I think we were saying in the
13 present -- what I was saying in the presentation is
14 that short-term rental is governed under a separate
15 code section which limits the number of short-term
16 lodging units in a -- in the various community areas
17 per the code.

18 So you're not going to see any -- it
19 doesn't -- it doesn't generate additional short-term
20 rental units unless you actually come in and apply
21 for those rental units -- short-term rental units and
22 assuming that there is available -- availability to
23 have additional short-term rental units in that
24 community area. So there's not specific language
25 that restricts it, I don't believe.

1 CHAIR GIMA: Okay.

2 MR. PFOST: So in this case -- and maybe a
3 follow-up, and so in this case, the kitchenettes -- I
4 think I mentioned in the -- in the report that we
5 would not see an increase in short-term rental units,
6 because you still have to come in and apply, as Danny
7 indicated, for a short-term rental unit.

8 And provided that your community has the
9 ability to accommodate additional short-term rental
10 units, there are limitations on how many short-term
11 rental units can be in a community, then you may not
12 be -- have the option to do it.

13 So it doesn't change the -- it doesn't
14 change the number of or increase the number of
15 short-term rental units. It's not to -- it's not to
16 accommodate short-term rental.

17 CHAIR GIMA: I found what I was looking
18 for. So on Page 3, the second to the last paragraph,
19 the last sentence, it says:

20 Further, the definition
21 would ensure the occupancy
22 of a dwelling unit with a
23 kitchenette would be for
24 long-term only, thereby
25 restricting short-term

1 rental occupancy.

2 Okay. So I was wrong. There is specific
3 language about that.

4 MR. PFOST: Yes. There is -- there is --
5 I'm sorry, there is language in the definition of
6 kitchenette that we restrict it to long-term only.
7 In the density one that we talked about last time,
8 there's not specific language.

9 (Simultaneous speaking.)

10 MR. PFOST: Go ahead, Jordan. Sorry.

11 MR. HART: I want to add on to that,
12 though, because -- because there was -- there was --
13 there was a little bit of conversation about
14 reconstructing, you know, short-term rental homes or
15 B&B's.

16 So, basically, what Danny was talking about
17 is that the department's going through a process of
18 addressing how to -- how to look at permits that were
19 issued for houses that were totally destroyed and
20 whether or not you could reconstruct and change the
21 configuration and what the process would be if you
22 proposed a change because you had an approval on a
23 prior dwelling unit and that was destroyed. So that
24 would be for old permits.

25 But I want to point out in the existing

1 code that you can only have one -- one short-term
2 rental home permit -- or sorry, only one dwelling per
3 lot can be the short-term rental home. So let's
4 say -- and it cannot be an accessory dwelling unit.

5 So let's say that somebody did -- they had
6 a large lot, and they did build four main dwellings.
7 Since we're going back and talking about the density
8 issue, they could only get one single family or one
9 short-term rental home. So they would still be
10 creating those -- those three other long-term
11 rentals.

12 So I just wanted to address that because it
13 seems like we're talking about a scenario where you
14 can use this to build more short-term rentals. I
15 don't -- I don't think that there's the capacity
16 created to do that under existing regulations.
17 So I just wanted to to make sure to address that. Thank
18 you.

19 Okay. Negus, and then I'd like to hear
20 from Sandi before we consider what type of motion we
21 want to entertain. Go ahead, Negus.

22 COMMISSIONER MANNA: Thank you, Chair.
23 And, thank you, Jordan, for your explanation again.
24 I feel that this amending ordinance, you know,
25 creating a new definition of kitchenette is adapting

1 to the reality of Maui housing situation. And in
2 relation to Lanai, Maui, you know, there's a minority
3 that, you know, this would affect.

4 But with my discussions with the many
5 kupuna, they've expressed concern with me of not
6 having like hospice -- hospice facilities and -- you
7 know, for them or for the aging community on Lanai.

8 So, you know, I wouldn't recommend
9 exempting Lanai because this would be a way for our,
10 you know, multifamily dwellings to be able to provide
11 better living conditions for their aging community --
12 our aging community. Thank you.

13 CHAIR GIMA: Okay. Let the record show
14 that Commissioner Grove is now on camera.

15 Lisa, is there anybody in the room with
16 you?

17 COMMISSIONER GROVE: No, Chair. Thank you.

18 CHAIR GIMA: Okay. Would you like to
19 comment on this agenda item or did you just get on
20 right -- right this second?

21 COMMISSIONER GROVE: No, Chair. Thank you.

22 CHAIR GIMA: Okay. Sandi, any comments or
23 questions?

24 COMMISSIONER RABACA: Yeah. I really
25 like -- I agree with Erin. So, like, I'm a nurse,

1 and I'm thinking about my aging parents. And this
2 would benefit, you know, if I wanted to extend on
3 their house in the future to, you know, make it safe
4 for them.

5 So, yeah, I -- I wouldn't exempt this
6 either. Like, I think it's a positive. Yeah. Same
7 for Maui County. Thank you.

8 CHAIR GIMA: Okay. So we probably have
9 half wanting -- not wanting to exempt and the others
10 either neutral or wanting to exempt.

11 So we can basically -- I can basically
12 entertain a motion for approval of the proposed bill
13 or entertain a motion to approve the proposed bill
14 with the amendment to exempt Lanai.

15 What -- what's your -- what's your
16 pleasure, Sally, since you're the one that brought up
17 the possible amendment?

18 COMMISSIONER KAYE: Right. Okay. And I
19 agree with almost everything that everyone said. I
20 can see where it would be very beneficial. I don't
21 have a problem with it except we have no enforcement
22 on Lanai.

23 And I can, without naming names, think
24 about two structures in my neighborhood where things
25 have been added on illegally, and I'm sure there are

1 kitchenettes in there that shouldn't be there. And
2 you cannot make a complaint to the enforcement and
3 zoning of Maui County without putting your name on
4 it, and no one's going to do that on Lanai.

5 So, you know, okay, yes, it will benefit
6 some people and others will take a lot of advantage
7 of it. And I hear Jordan, you don't want to
8 legislate to the people that aren't going to comply.

9 But we seem to be an outlier in terms of we
10 don't have enforcement people here very often. I
11 don't know when the last time an inspector was here.
12 So, anyways, that's my concern.

13 But I'll -- I'll defer to the will of the
14 commission, and I'm not really that enthusiastic
15 about exempting it if no one else agrees.

16 CHAIR GIMA: Okay. Thanks, Sally.

17 Negus?

18 COMMISSIONER MANNA: Yes, thank you, Chair.

19 So I'd make a motion to recommend approval of the
20 proposed bill to Maui County Council.

21 COMMISSIONER ATACADOR: I'll second.

22 CHAIR GIMA: Okay. It's been moved by
23 Commissioner Manna and seconded by Commissioner
24 Atacador to recommend approval of the proposed bill
25 to the Maui County Council.

1 Any further discussion?

2 Okay. Hearing and seeing none, all in
3 favor, please raise your hand. One, two, three,
4 four, five, six. Okay.

5 Those opposed?

6 Any abstentions?

7 Okay. Motion -- motion is carried. Thank
8 you. All right.

9 MR. HART: Chair? Yes?

10 CHAIR GIMA: If I could, I'm going to
11 depart for the night. That was my last item.

12 But I just wanted to talk to you guys a
13 little bit as far as being head of Zoning
14 Administration Enforcement Division. I'm trying to
15 increase the frequency of visits to Lanai for the
16 zoning inspector, and I'll continue to do that.

17 But I do want to make sure that you guys
18 are aware that land use enforcement is
19 complaint-driven. Essentially, everything is
20 complaint-driven except for health and safety
21 concerns or transient vacation rental violations.

22 So, you know, I understand the issue of
23 that it's a tight community and you don't want to
24 alienate people. But I just -- you need to
25 understand that -- that we are a complaint-driven

1 (Whereupon, a recess was held
2 from 11:53 a.m. to 12:07 p.m.)

3 CHAIR PALI: Okay. Thank you. Welcome
4 back to the Maui Planning Commission. It is still
5 February 27th. It's 12:07 p.m. Thanks for joining
6 us.

7 We are on Item B Number 3, a bill for an
8 ordinance to amend Section 19.04.040, and I will let
9 Director introduce it.

10 ACTING DIRECTOR BLYSTONE: Thank you. I'm
11 just going to turn it over to Greg again, and we also
12 have Jordan, so it's the same same team.

13 MR. PFOST: Thank you, Kate. Chair,
14 members of the commission, can you hear me okay?
15 Okay. Good, thank you.

16 Sorry for the technical difficulties
17 earlier. I had to switch offices here.

18 Let me share my screen for a presentation
19 again. Bear with me. And can you see the screen in
20 front of you? Yes? Thank you.

21 So, again, this is another ordinance that's
22 being initiated by the planning department. It's a
23 proposal to add a new definition of "kitchenette" to
24 the Maui County Code.

25 Bear with me. There we go. I'm sorry.

1 It's a different computer here.

2 Again, as we mentioned in the last item on
3 the right of housing-related issues -- and we're
4 looking again to provide housing opportunities for
5 Maui County on the -- again, I already mentioned the
6 last item regarding Title 19 and the time line in
7 doing those code amendments.

8 I might -- oh, there's an extra bullet
9 point that I added here that over -- a little over
10 22 percent of households are crowded and/or doubled
11 up. And so that's caused us to kind of look at this
12 additional housing opportunity of adding
13 kitchenettes.

14 The purpose of the bill would be to expand
15 housing opportunities and affordability in Maui
16 County --

17 CHAIR PALI: Greg, it looks like your
18 PowerPoint's not moving with you.

19 MR. PFOST: Oh, it's not? Okay. Are you
20 on --

21 CHAIR PALI: We're still on the first page.

22 MR. PFOST: Oh, really? Bear with me.

23 CHAIR PALI: Sorry, I was enjoying my
24 sandwich.

25 MR. PFOST: Do you see the second page now?

1 CHAIR PALI: Yes -- oh, no.

2 MR. PFOST: No. Okay. How about now?

3 CHAIR PALI: Yes.

4 MR. PFOST: Okay. Thank you very much.

5 I'm sorry about that. So I'll just -- I'll just move
6 on.

7 Again, the purpose of this bill is to
8 provide for additional housing opportunities and
9 affordability in Maui County while also accommodating
10 extended and multigenerational family-housing-type
11 occupancies.

12 I mentioned in the last presentation the
13 variety of policies within our General Plan and Maui
14 Island Plan and community plans in regards to -- in
15 regards to providing for additional housing
16 opportunities to deal with the affordability issue of
17 housing in Maui County. I'm not going to go through
18 those in any detail.

19 We also talked about in the last -- in the
20 last presentation the existing code's density
21 requirements indicated within this table that you see
22 before you, the density requirements for the rural
23 zoning designation as this particular code amendment
24 would apply to both the R-1, R-2, R-3, and the rural
25 residential designations. Excuse me.

1 The current definition of a "dwelling"
2 indicates that it's a room or group of rooms but
3 contain only a single kitchen. And while we have a
4 definition for "wet bar" that provides for additional
5 opportunity, the wet bar is only supposed to be for
6 serving of beverages only, and it does not allow for
7 any appliances for heating or cooking food.

8 We currently allow wet bars -- in dwellings
9 under 5,000 square feet you're allowed two wet bars,
10 and for a dwelling over 5,000 square feet, you're
11 allowed three wet bars. But, again, it doesn't allow
12 for any heating or cooking opportunities.

13 What we've been seeing is, unfortunately,
14 illegal conversions to accommodate multigeneration --
15 multigenerational and extended families. In order to
16 increase housing opportunities, we've had folks
17 converting wet bars or just actually including
18 additional units or kitchenettes within -- within
19 their -- within their existing dwelling units without
20 permits. This proposed ordinance will address that
21 situation.

22 The proposed definition of "kitchenette"
23 that we're proposing is -- you can see that before
24 you on your screen. It would allow for up to two
25 kitchenettes per dwelling unit. As shown in the

1 definition, it would allow for the preparation of hot
2 food and beverages, including countertop appliances
3 and/or a two-burner range.

4 The dwelling unit for a kitchenette noted
5 here would have to be occupied for a long-term
6 residential basis only. It would require one
7 additional off-street parking space to address some
8 of those concerns that we talked about in the last
9 item. And the dwelling unit would have no more than
10 a total of two kitchenettes and/or wet bars.

11 So the results and expectations, we feel
12 that the item would address a need for
13 multigenerational, extended family housing. It will
14 increase the number of available rental rooms with a
15 legal kitchenette countywide, and the rooms would be
16 part of a residence, and they'd be smaller and
17 affordable.

18 Obviously, the fire-affected areas in
19 Lahaina will see an immediate benefit during
20 reconstruction, especially in addressing the extended
21 family and multigenerational needs in that area.
22 We'd be requiring one space per kitchenette, as I
23 mentioned.

24 There's no changes to the development
25 standards so there's still -- need to be compliance

1 with setbacks and height and impervious surface
2 requirements. And it would be, as I mentioned,
3 permitted in rural and residential districts. And
4 there are additional minor changes as noted in your
5 packet to the definition of "wet bar" and "dwelling
6 unit" to accommodate this.

7 Again, expectations similar to the last
8 item that you heard, we would see some -- Lahaina to
9 have some immediate benefit. But, again, some of the
10 construction costs, development standards, and
11 infrastructure availability would be -- would cause
12 some delay for property owners and some property
13 owners not being able to move forward with -- with
14 taking advantage of this ordinance.

15 With that, the department is recommending
16 approval of the ordinance. It helps to meet the
17 multigenerational, extended family need on the
18 island -- islands. It will also create more rental
19 opportunities, create smaller and more affordable
20 housing in the county, and we believe it is
21 consistent with the policies of the General Plan,
22 Maui Island Plan, and individual community plans.

23 Again, the planning commission options are
24 to recommend approval of the proposed ordinance as is
25 or with amendments, or denial of the ordinance, or

1 vote to defer action for additional information. And
2 that concludes my presentation.

3 CHAIR PALI: Great. Thank you. We are on
4 B, and this is Item 3 if you've just tuned in to the
5 Maui Planning Commission. We will open for public
6 testimony.

7 If you just chimed in, you'd have three
8 minutes. If you'd like to testify and have
9 availability to write on the chat function your name,
10 then we'll get you called so you can testify. If you
11 do not have ability to use the chat function and
12 you're just calling in by phone, then I'll also give
13 you an opportunity in a little bit to testify as
14 well.

15 So do we have anyone here? Okay. So
16 there's no one here that would like to testify. And
17 let me check online here. I know that Noelani
18 testified earlier.

19 Noelani, are you still there? Are you
20 wanting to come back to testify for B3?

21 I thought in her testimony she mentioned
22 that she was doing it at the same time, but let's
23 just double-check.

24 Noelani, if you're here and you'd like to
25 testify, please unmute yourself. And if you are on

1 the phone and you would like to testify, also unmute
2 yourself and say hello.

3 We are on Item B, Public Hearings 3. Okay.
4 So we will close public testimony. So let the record
5 show --

6 MS. NISHIKI: Hi.

7 CHAIR PALI: Oh.

8 MS. NISHIKI: Oh, sorry. I -- I had wanted
9 to testify, but I thought you were asking for the
10 previous testifier and you were waiting for her to
11 come on.

12 CHAIR PALI: Yeah, no worries.

13 MS. NISHIKI: So I'll wait my turn, just so
14 you know.

15 CHAIR PALI: We were just going to close
16 it, so I will not officially close it, and we'll take
17 you. Go ahead, Ms. Nishiki.

18
19 Kai Nishiki testified as follows:

20 MS. NISHIKI: Okay. Thank you. I think
21 Director Blystone is still there, though I can't
22 really see with the camera direction. But, anyway,
23 very thankful that -- that she is there.

24 And I think in relation to the West Maui
25 Community Plan, you know, there was this great focus

1 on infill development and mixed use. And so I think
2 that this bill also accomplishes that and fully
3 support this as well.

4 I -- like my other questions -- and I can
5 probably send a -- an email to the planning
6 department, but, you know, I really do think that
7 without that facilitation and support of all of the
8 infrastructure things that we talked about:
9 sidewalks, wider roads, underground utilities,
10 cesspool, evacuation routes, that -- that that would
11 be an impediment to moving forward on -- on these
12 solutions.

13 And so, I guess, I will probably have to
14 have a fuller discussion about how those things work
15 along with the planning department because I know,
16 you know, that's going to be other departments as
17 well.

18 And then I'm really urging the planning
19 department to work with DOH and -- and adjusting the
20 plumbing code because when we're talking about water
21 which is almost always the biggest impediment to
22 everything, if we could get, you know, water
23 catchment allowed and R-1 for toilet flushing and
24 irrigation lines, so that would require, you know,
25 like dual lines and, you know, all those stopgap

1 things and all of that.

2 Then -- then you -- you free up potable
3 water for, you know, these other uses and that would
4 really significantly help to -- to push forward, you
5 know, great things like this.

6 And then, additionally, just trying to
7 figure out how folks who, you know, took the
8 initiative before the county is going to allow this
9 kind of stuff to, you know, make -- make these things
10 legal.

11 And, absolutely, please, please protect
12 these for long-term rentals by deed restrictions and
13 requiring -- maybe rented at 80 percent and below
14 rates and prioritizing by length of residency. I
15 think those are all really important things to
16 accomplish the goal of providing housing for our
17 current residents.

18 Like, you know, if -- if these -- if these
19 rentals end up being out of reach for our rent -- for
20 our residents, then you're just going to be getting
21 more people, you know, moving here from out of state
22 and taking up housing. And so, you know, really
23 looking at how those protections would fulfill the
24 ultimate goal -- ultimate stated goal in a number of
25 the presentations today.

1 So thank you very much and really look
2 forward to Director Blystone's leadership in the
3 planning department as she has such a wealth of
4 knowledge and is so very engaged with the community
5 and very community-minded. And so, mahalo.

6 CHAIR PALI: Great. One second.
7 Commissioners, any questions for Ms. Nishiki?

8 Commissioner Thompson.

9 COMMISSIONER THOMPSON: Thanks, Kai. You
10 support this, is that what I was getting?

11 MS. NISHIKI: Yes, absolutely.

12 COMMISSIONER THOMPSON: Okay. Thanks.

13 CHAIR PALI: Great. Okay. Any other
14 questions? All right. Thank you so much.

15 If you are joining us now online or via
16 phone, we are on B3, and we are ready to close public
17 testimony because we do not have anyone signed up.
18 So if you would like to testify, please unmute
19 yourself and say hello.

20 MR. WALIN: Hi, I'm Noah Walin. I'd like
21 to testify on B3.

22 CHAIR PALI: Wonderful. Go ahead. Your
23 three minutes starts now.

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1 Noah Walin testified as follows:

2 MR. WALIN: I'm in support of it, but I
3 would just ask to extend this change to, as well,
4 agricultural lots, not just within R-1 and urban.
5 And -- but I am in support of it.

6 CHAIR PALI: Great. Thank you. One
7 second, and let's see if there's any questions.

8 Questions, Commissioners? Okay, I see no
9 questions.

10 Thank you, sir.

11 MR. WALIN: Thank you.

12 CHAIR PALI: Any other testifiers on B3?
13 Okay. Seeing none, I'm going to close public
14 testimony. It's 12:25, and we will close public
15 testimony on B3.

16 And staff -- is it Greg again? Great, yes.
17 Can you just give us a summary of what we're -- I'm
18 looking at, and then we will start the discussion
19 with the commissioners -- or questions.

20 MR. PFOST: Sure. Thank you. Yeah,
21 because this is a department-initiated ordinance, the
22 department is recommending approval of the ordinance.
23 The planning commission's options are to recommend
24 approval to the council, recommend approval with
25 amendments, or recommend denial, or vote to defer the

1 action in case you want additional information or
2 questions to be resolved. Thank you.

3 CHAIR PALI: Great. Thank you. And then
4 we have questions, commissioners?

5 I have a question while we're looking
6 through that. Is there a particular reason why ag
7 lots weren't included in this?

8 MR. HART: Chair, I can address that. I
9 want to say something up front, first of all. I
10 think that this is going to be very similar to the
11 last conversation where infrastructure is what's
12 going to constrain the potential to take advantage of
13 this option.

14 On the issue of ag lots, it relates to the
15 overall discussion of the General Plan and smart
16 growth, essentially that we're directing population
17 density in towards the urban districts where schools,
18 infrastructure, jobs exist rather than out to the
19 agricultural areas where roadways are inadequate and
20 there are not existing new school capacities or
21 planned new schools.

22 So, essentially, just good planning
23 principles is the reason we don't direct it to the ag
24 district.

25 CHAIR PALI: Okay. And so with the idea of

1 it being limited, you'd like the priority to be
2 within the current city limits, basically. Okay.

3 MR. HART: That is the proposal. I'll add
4 that as you get outside of the urban areas, you
5 will -- you will engage the same regulatory
6 situations like state Department of Health
7 regulations and things like that.

8 Now, in an agricultural parcel, you have
9 more land to work with, but you do only have a
10 specific area of your agricultural lot for support of
11 your single family development. So you will start to
12 run into constraints as you increase your wastewater
13 capacity requirements. But separate from all of that
14 is the --

15 CHAIR PALI: (Indiscernible.)

16 MR. HART: -- concentrating population
17 where the services exist.

18 CHAIR PALI: Got it. Okay. Commissioners,
19 any questions?

20 Commissioner Deakos.

21 COMMISSIONER DEAKOS: Thank you, Chair.
22 And I should have asked this maybe on the last one.
23 Can you help me understand, we're trying to benefit
24 multi-housing, the local families, and I probably
25 just don't understand it.

1 Can you help me understand how it doesn't
2 also help off-island investors? If they want to --
3 if they want to get more investment properties, does
4 this facilitate that? I know there's a cap on
5 vacation rentals.

6 Is that the main restriction where a lot of
7 these properties would go in the direction of
8 investment versus local families?

9 MR. HART: First of all, this does -- this
10 does not -- these wouldn't be allowed to participate
11 in any sort of future short-term rental approval or
12 use. That's -- that's the first item to set aside.
13 It's -- it's in the proposal.

14 Another thing to bring up, this is -- this
15 is a very important context. We have an existing
16 definition of a "wet bar." You can do two wet bars
17 per dwelling unit under existing regulations; but a
18 wet bar, it's specifically prohibited from preparing
19 food.

20 So as long as you don't write on the plan
21 set that you intend to prepare food there, you will
22 have essentially the same thing that's proposed in
23 this kitchenette (no audio) and we will have to
24 approve it, understanding that, very often, people
25 just turn around and use it as a kitchenette.

1 So here is basically a way to make legal
2 what is already being done by the people who are
3 willing to not follow the regulations so that the
4 people who will only follow regulations can
5 participate.

6 But then also that there is an assessment
7 of the infrastructure, draw on water, and things like
8 that, there are inspections of the wiring that is
9 being done. And then, again, parking that is going
10 to result from this is accommodated on property.

11 So it's -- basically, there is a need for
12 it. It's already occurring off the books, and this
13 is -- the intent of this is to basically recognize
14 the trend and bring it back into the regulatory
15 system so that the basic issues can be addressed
16 because it is already happening.

17 And this one more specifically relates to
18 what you'll see with the overparking, because if
19 you're getting a new unit permitted, the planning
20 department currently will require you to do parking.
21 When people are just adding kitchens, they're not
22 doing any sort of evaluation; we're going to require
23 a kitchen for each of these -- sorry, parking stall
24 for each of these new kitchenette additions. Thank
25 you.

1 CHAIR PALI: Great.

2 COMMISSIONER DEAKOS: Okay. Thank you,
3 Chair.

4 CHAIR PALI: All right. Any other
5 questions? Okay. So I'm looking for a motion.

6 VICE-CHAIR THAYER: I'll do it. I will
7 move to approve or recommend approval as recommended
8 by the planning department.

9 CHAIR PALI: And then Thompson -- any
10 second? Oh, Thompson, second. Okay.

11 Discussion, movant?

12 VICE-CHAIR THAYER: Well, I think Mr. Hart
13 said some of it that this is kind of formalizing a
14 use and practice that's already occurring and
15 hopefully would catch some -- enable some more review
16 of, again, an action that's already happening.

17 But this, you know, follows the other
18 two -- well, especially the last item we just
19 reviewed, but it's enabling, you know, families to
20 live together long term in houses that they already
21 have which is, I think, a good thing for this island.

22 CHAIR PALI: Any other discussion? Second?

23 COMMISSIONER THOMPSON: Thank you, Chair.
24 Yes, I do concur with those. And it seems to me most
25 all kitchenettes that were ever installed are

1 kitchens now. They -- they never were kitchenettes.
2 So this -- this helps regulate it, and it keeps them
3 off 240 volts.

4 CHAIR PALI: Any other discussion? Okay.
5 Well, I have discussion, and this is going to shock
6 you guys. I don't like it. I don't like it because
7 it doesn't do what it needs to do.

8 It takes us a little closer to where we
9 need to be, but in this case, giving a half apple
10 versus giving them the whole apple, it's like we kind
11 of want to help, but we don't really want to help.

12 I tried to look -- I tried to Google on
13 break a two-burner stove just to see what that looks
14 like. I've never seen one before.

15 And you either get the gas ones that look
16 really funky, and they're tall, but then that needs
17 some sort of -- I don't know, like gas. And that
18 looks kind of dangerous for a small little corner of
19 a house, wherever it's going to be put in.

20 Or you get this, like, long thing that goes
21 on top of a counter. Now, are we assuming that's a
22 granite counter? Most cases probably not. Is that a
23 Formica counter? Is that hot plate going to, like,
24 burn the Formica? Like, I don't -- I don't know;
25 right?

1 But, I'm like, man, if we want to help
2 people prepare meals in the back bedroom to give them
3 a kitchenette, then why not give them, like, a
4 regulated mini-size kitchen? I mean, you regulated
5 the refrigerator to seven and one-half cubic feet,
6 which is fine, but then you don't give them the
7 stove?

8 So I just feel like this is -- can take us
9 in the direction eventually, but I don't know, why
10 not just give it to them? Why not give them the
11 little mini-size kitchen, including a stove? I
12 don't -- the whole "no 220," I just don't like it.

13 I feel like there's -- as a person who
14 might want to build another cottage or even just
15 turn -- like add another room to my main house so I
16 can do something like this, a mother-in-law suite --
17 my mom is, you know, aging now -- I don't know that I
18 would even want to apply for the kitchenette if I can
19 get the wet bar and later plug in my little mini
20 fridge. I mean -- you know what I mean? Like, it's
21 like -- it's just not that big of a difference from
22 the wet bar.

23 So all I'm saying is if we're going to make
24 a change and we want people to prepare food so we can
25 have generational housing in the main home, then just

1 why not do it the right way and give them the stove?

2 Sorry, but that's how I feel.

3 Any other comments?

4 COMMISSIONER THOMPSON: I have one, perhaps
5 a question for Mr. Hart. Yeah, why won't -- why
6 don't we allow regular stoves there?

7 MR. HART: Chair, so just to reiterate, the
8 wet bars are not whatsoever permitted to -- to
9 prepare food. So what we were trying to do is make
10 slight adjustments to our existing code to address
11 these issues.

12 We're not opposed to increasing the
13 intensity of the supplemental kitchens. We just
14 wanted to propose something that we were confident
15 could be palatable in that -- in the context of
16 density creation and impacts.

17 And -- and I do want to clarify that --
18 that this was discussed with the permit working group
19 as well which includes the fire department. And so
20 it was confirmed that this -- the additional
21 kitchenettes don't create a supplemental fire hazard
22 within the same single family dwelling as far as our
23 regulations exist. And (indiscernible) on-street
24 fire control systems exist.

25 We're open to suggestions. We wanted to

1 basically show, here's the existing code that is
2 being abused to serve the purpose, and we make these
3 slight tweaks, and it can address the issue. If --
4 if you want to recommend the council to do more,
5 we'll pass that along.

6 CHAIR PALI: Sure, sure. So we know
7 through building code and regulation that each
8 building -- each room has that foam fireproofing in
9 the wiring. So if we're talking about, like, fire
10 code, you know, if a stove went in there and it was
11 maybe a higher risk, it's still potentially -- if it
12 was built right, it would be contained within the
13 unit -- I mean, in the room.

14 So, I just feel like even though I don't
15 know too much more than that, but I just feel like
16 hot plate versus a stove, like -- okay, so I do
17 see -- sorry if I was being negative, but I do see,
18 like you were saying, the wet bars weren't working.
19 Let's just change it to what is doing it.

20 But then I'm saying, like, hey, let's be
21 bold. Let's just give them what they need. But then
22 I -- okay, so now you're saying, like, you backed it
23 off a little because you want something that could
24 keep going and gain traction.

25 All right. I see all that. Let's be bold,

1 though. I want to be bold. Let's be bold. All
2 right. That's all I got to say.

3 Any other discussion?

4 COMMISSIONER THOMPSON: (Indiscernible) add
5 amendment?

6 CHAIR PALI: Yeah. I think my
7 recommendation in this discussion would be that we
8 would -- and we don't -- we may not all be on the
9 same page, so I respect my other commissioners, but,
10 you know, that I would like to see that we just go
11 ahead and be bold and let it be a stove.

12 We can regulate the size like we did the
13 refrigerator. But if they really hate it, then we
14 would default to just the two -- the two hot plate to
15 see some kind of positive change. That's my
16 recommendation.

17 MR. HART: Chair, I would like to make a
18 little bit of clarification. It's -- it's not just
19 the hot plate. Basically, you can have countertop
20 appliances. So there are -- there are quite large
21 toaster ovens at this point or air fryers which
22 are -- are used a lot in addition to the burners that
23 could be done. And then there are also gas
24 appliances as well.

25 But -- but anyway, maybe you would suggest

1 something to the effect of including -- including
2 appliances to prepare food or -- or to cook food and
3 just simplify it so that it doesn't describe
4 limitations.

5 CHAIR PALI: Ooh, I like that. I like
6 that. Yeah, I like that.

7 Yes, Commissioner Deakos?

8 COMMISSIONER DEAKOS: Yeah, not knowing
9 much about this, I'm just curious, so the extra
10 220 volt -- and is there ventilation necessary? Is
11 there that -- is that a conditional component to a
12 stove or no, that has extra permitting issue?

13 MR. HART: No, Chair, a few things. First
14 of all, the -- the 220, the reason we kept that is
15 because it's in the -- the wet bar code, and we're
16 trying to -- we were just trying to just do a minor
17 tweak that -- to allow for food preparation and then
18 also to add in essentially the minimal -- minimal
19 amount of food preparation appliances that would be
20 necessary.

21 All building code and fire code will need
22 to be adhered to. So you'll need to -- if you're
23 going to do -- if you're going to add a kitchenette
24 or you're going to put a kitchenette in your new
25 house, you need to show it on the plans and then it

1 will be reviewed by the appropriate agencies, whether
2 that be DSA for structural requirements, Fire for
3 fire requirements, the plumbing and electrical
4 sections of DSA for your plumbing and electrical
5 permits. And then it will be inspected at the
6 various iterations of construction and then final
7 inspection.

8 So it's -- basically brings what's going on
9 into the legal process so that there's assessment of
10 health and safety, and then it also addresses the
11 concern that was stated numerous times specifically
12 regarding Lahaina that there are people who had
13 multigenerational housing situations existing, and
14 they have no legal way to return there. And so
15 this -- this does provide that. Thank you.

16 COMMISSIONER DEAKOS: Thank you. That's
17 all I got.

18 CHAIR PALI: Great. Any other comments or
19 questions? Yes, Vice-Chair Thayer.

20 VICE-CHAIR THAYER: Thank you. I am
21 wondering how this interacts with the item we just
22 talked about for increasing the number of dwellings
23 on a property. And from what I -- my read is that a
24 dwelling unit centers around a kitchen.

25 And so, like, to allow a kitchenette would,

1 in a way, allow for more dwelling spaces on a
2 property. That would not take away from, like, what
3 the item we just reviewed would provide.

4 So you would be able to sort of get more
5 living spaces even beyond what the changes to R-1,
6 R-2, R-3 would do; right?

7 MR. HART: Chair, I can address that.
8 So -- so it would seem that that would be the case,
9 except that you're (indiscernible) by water.
10 Basically, you know, Dave Goode did a pretty --
11 pretty thorough job of explaining how quickly you can
12 rack up the capacity of a 3/8-inch meter.

13 So more how this will function is when you
14 don't really have the capacity to build new units but
15 you need additional autonomous living spaces, you can
16 just add the -- the kitchenette as opposed to the
17 whole house.

18 But -- but if you -- you could go through
19 this -- this thought process of being, like, okay,
20 well, you can do four dwelling units on R-1
21 residential, and then you will add kitchenettes into
22 each of those, but you're going to tap out your water
23 meter capacity long before you even -- many people
24 will do it before they even get their four units,
25 much less their ADUs, and much less any of these

1 additional kitchens.

2 So more will this -- where this will come
3 into play is when you already have an existing house
4 and it's probably occupying most of the area and --
5 but you want to add a little bit more -- you have
6 aunty coming and living with you or whatever -- then
7 you can -- you can give her a little space where she
8 can prepare her food, and she doesn't have to come
9 into the main house and, like -- you know, there's
10 privacy.

11 So basically, it's -- it's not a new unit,
12 but there's -- you know, you can have a sense of
13 privacy in your own area. Everybody's not -- it will
14 help with that.

15 And then the other thing is that for all
16 the people who have already done it, there's a legal
17 way for them to, after the fact, legalize it, but
18 they will be required to address their parking
19 issues. The wiring will be need to be done by a
20 licensed professional and inspected. All of those
21 kinds of things go along with it.

22 So you have all these people who've done
23 improvements, and they're kind of caught, right?
24 They're like, they need the unit but they've done
25 something illegal, so they can't -- they can't

1 address it. So this provides an avenue to do things
2 like clarify those issues, make them safe, provide
3 intermediate-level housing opportunities that are not
4 an autonomous unit.

5 VICE-CHAIR THAYER: Thank you, appreciate
6 it.

7 CHAIR PALI: That's what I was thinking
8 because not a lot of people are going to have the
9 funds to just pop up a -- you know, a little extra
10 cottage or turn the garage into an ohana, so this
11 will give them a cheaper avenue. Okay.

12 I think that's the discussion. Shall we do
13 for -- oh, we're on motion; right? Okay. So we'll
14 go for a vote.

15 ACTING DIRECTOR BLYSTONE: Commissioner
16 Kealoha?

17 CHAIR PALI: Oh, I'm sorry. I'm sorry.
18 Before the vote, because I had -- we didn't talk
19 about my amendment.

20 ACTING DIRECTOR BLYSTONE: No.

21 CHAIR PALI: Sorry. So I think we should
22 vote on the amendment and then -- and then the entire
23 motion.

24 ACTING DIRECTOR BLYSTONE: I don't know
25 (indiscernible).

1 CHAIR PALI: Well, I think I, in
2 discussion, wanted to remove "as countertop
3 appliances and/or two-burner range." I want to just
4 sort of delete that, so that way we're -- I think
5 that's what -- Jordan, you just mentioned to keep it
6 as "small appliances," just keep the word "small
7 appliances," and then I was going to remove "such as
8 countertop appliances and/or two-burner." I was just
9 going to delete that language and just leave it up to
10 small appliances, whatever that is.

11 MR. HART: I mean, there's -- there's any
12 number of ways you can go with this, Chair, but,
13 obviously, you can either pick what is the maximum
14 capacity that you support or you could just basically
15 say "appliances for cooking or preparing food," so
16 that it -- it's just not -- is not described. Like,
17 it's not specific --

18 CHAIR PALI: You do have already in the
19 language "and small appliances for preparation of hot
20 food or beverages."

21 MR. HART: Right. What I was basically
22 suggesting is you delete that and you make a more
23 general statement so then that could encompass the
24 kinds of things that you're trying to describe. The
25 alternate is that you specifically describe what

1 scale you support and state that, which is -- takes
2 much more time and research.

3 CHAIR PALI: Okay. I think if it's okay,
4 Mr. Hart, because it says the word "small appliances
5 for preparation of hot food," I feel like that's
6 pretty vague already. Or should I just -- small --
7 "small appliances" and just get rid of "for
8 preparation of hot food" and just delete all of that?
9 Is that what your recommendation is?

10 MR. HART: I think that it's necessary to
11 state "food" because we're trying to clarify that
12 food is permitted.

13 CHAIR PALI: So I think -- yeah --

14 MR. HART: Something like "small
15 appliances," it makes it -- it's very --

16 CHAIR PALI: You don't like the word
17 "small"?

18 MR. HART: Well, yeah. What is small?
19 What is -- what is small? So that's -- that's the --
20 if you -- if you make it more general -- okay, let me
21 just -- just being realistic --

22 CHAIR PALI: Yes.

23 MR. HART: -- it doesn't matter which is
24 the main kitchen essentially. So if somebody starts
25 to turn their kitchenette into a bigger kitchen than

1 their main kitchen, like is that really a concern or
2 not?

3 So -- so when you're describing the
4 appliances, you'll need to, like, give the department
5 something that they can understand to implement which
6 is what we tried to do with the version that we did.

7 But if -- but if you -- if you want to make
8 it bigger -- if you say "small appliances," there
9 will be endless negotiation on what does "small" mean
10 in this context. But if you basically just say
11 "appliances," then there doesn't need to be any
12 debate because it's pretty easy to determine what an
13 appliance is.

14 That's kind of how -- how's --
15 unfortunately, how this division functions as we have
16 to negotiate with people about what the words
17 actually mean.

18 CHAIR PALI: Yes, understand.

19 MR. HART: It was, you know, vetted by our
20 staff that does this regularly. But if you want to
21 increase it, I would say you make it simple and you
22 just say "appliances for the preparation of food."

23 CHAIR PALI: Okay. I'll do that. Yes.
24 And -- and deduct "small," appliances for the
25 preparation of hot food and/or beverages, and then

1 delete "such as countertop appliances and/or a
2 two-burner range," deduct all that.

3 So it would read:

4 The refrigerator is seven
5 and one-half cubic feet or
6 smaller and appliances for
7 preparation of hot food or
8 beverages.

9 Yeah? And then with the amendment, I also
10 would like to submit if -- if this does pass, that if
11 they don't like this, then we would then be amicable
12 and open to them changing that to the countertop
13 appliances and -- I think we just want to give them
14 that second alternative if they don't like our first
15 one so they don't just toss the whole idea. Not that
16 they would, but I'm just saying.

17 MR. HART: Chair, I'll say a few things.
18 First of all, I don't think that you have to worry
19 about that because that's -- that's how council does
20 it. You know, they're going to do what they're going
21 to do. So --

22 CHAIR PALI: Okay.

23 MR. HART: And the second thing I would
24 point out is that a 7.5-cubic foot is like the -- the
25 three-quarter-size refrigerator.

1 CHAIR PALI: Yeah, I just bought one.

2 MR. HART: Great. So being consistent with
3 your -- of the cooking things, maybe you delete 7.5
4 to be consistent all day. Anyway --

5 CHAIR PALI: I mean, you know what's funny
6 is the 7.5 one cost more than the one that was the
7 basic one. It cost me, like, double. I could have
8 gotten the regular-sized one, just, you know, open
9 the bottom, open the top, the box, for like \$200
10 cheaper, but then the little smaller one, I paid
11 double. And I was really upset about it.

12 MR. HART: There you go.

13 CHAIR PALI: So we don't want to add costs.
14 I don't know how my commissioners feel, but I also
15 would like to make it clear that we don't want this
16 kitchenette to be the new main kitchen. So even if
17 we were to limit it by size, you know, we don't want
18 that to happen. But we do want it to be functional
19 for the family.

20 MR. HART: I want to try to address that,
21 and that's what I was trying to say earlier. Like,
22 the planning department shouldn't care if somebody
23 wants to move their main kitchen.

24 Like, when the house was built, the main
25 kitchen's on the second story, then you expanded an

1 ohana, now you're aging, and you got your ohana on
2 the ground floor. Now I want the ground floor to be
3 my main kitchen.

4 We don't care if you move the center of
5 your main kitchen. So that's what I was trying to
6 describe earlier. If they build it up so that it
7 becomes the dominant kitchen consistent with the --
8 the -- the amendments that you're proposing, we
9 wouldn't care about that. If -- if they needed to be
10 kitchenettes, they would need to be scaled,
11 essentially subordinate to the main kitchen.

12 CHAIR PALI: All right. So, commissioners,
13 are you tracking? I would like to propose an
14 amendment to the main motion that we would delete the
15 word "small," and it would read "and appliances for
16 preparation of hot food beverages," and then I would
17 delete "such as countertop appliances and/or a
18 two-burner range."

19 So if we could just have a roll call for
20 that amendment. And if it passes, then we'll go back
21 to the main motion.

22 Oh, I need a -- I'm sorry, I need a motion.
23 I'm doing the motion to amend. I need a second.

24 Okay, Thompson. Okay. I think there's --
25 oh, thanks, Hipolito. So I see that.

1 Do you guys want to discuss it, or should
2 we just vote?

3 COMMISSIONER THOMPSON: I do have -- one
4 point to discuss would be then we'll have to
5 eliminate the verbiage for the 220 because other
6 stoves, they all run on 220, 240.

7 CHAIR PALI: Right. That's a good point.
8 Yes, thank you. So we'll -- we'll put that in the --
9 oh, and did we -- did we want to then do a full-sized
10 refrigerator?

11 I guess I'll just go for it. We're
12 going -- because we just talked about, like, it'd be
13 more expensive for the smaller one, blah, blah, blah.
14 Sorry.

15 ACTING DIRECTOR BLYSTONE: I would -- I
16 would like Jordan to opine on this a little bit
17 because at some point a kitchenette is not a
18 kitchenette, it's a kitchen. And the 220 changes it,
19 you know, a little bit.

20 And so, Jordan, I don't know if you have
21 things to add.

22 MR. HART: Not specifically at this time.
23 I understand what the director is saying. We'll have
24 to see what passes and see if there's other
25 clarifying language. Except for custom, a single

1 kitchen is just a planning custom, essentially, in
2 Maui County.

3 I'm not aware that there's any specific
4 reason you can't have equal -- more than one
5 equal-sized kitchen in -- in the dwelling unit. The
6 separation of the living space is -- is what
7 constitutes the dwelling unit for the other reviewing
8 agencies.

9 So kind of have to see -- see this
10 suggestion as well as Molokai Planning Commission's
11 suggestion on top of Lanai's and then, like,
12 recommend to the council how they should digest it,
13 but I don't know the answer to that.

14 CHAIR PALI: Okay.

15 MR. HART: I don't think it's a problem.
16 I'll say that.

17 CHAIR PALI: Yeah. It's just a
18 recommendation. We're not the authority here, so I
19 don't want to kill it. So, yeah. Are you amicable
20 to just taking away the 220 language?

21 Again, we're just going to be one of many
22 voices that are chiming in on the thing. Okay.

23 Can you take a vote on that, please?

24 VICE-CHAIR THAYER: I guess I -- in
25 practice for the department's planners to review

1 this -- because then I think from what I hear
2 Mr. Hart saying is that then if you remove the
3 220-volt limitation, then this is essentially
4 becoming a kitchen.

5 And then that changes what this whole,
6 like, item is all about because then it just becomes
7 allowing more than one kitchen in a dwelling unit.
8 So I don't -- I just -- I'm confused as to how this
9 then goes because now we're onto, like, a different
10 question than what this originally was.

11 MR. HART: I could -- I'd like to add on to
12 that. That's not what we were trying to do, and that
13 would require the change of other definitions in the
14 zoning code. Like, we -- we were -- we weren't
15 trying to do that, but I was -- what I was saying
16 immediately prior is we can figure it out if that's
17 the way the council is going to go. And -- and we
18 could inform them of what they'll need to change
19 if -- if they're going to pursue this suggestion.

20 But we were trying to establish a situation
21 where you have the principal kitchen that's clear and
22 then there's these subordinate peripheral spaces that
23 are -- that are also fully functional. I mean, not
24 fully functional in the context -- we weren't trying
25 to make a situation where you're at Thanksgiving

1 feast, but you can -- you can live your life
2 comfortably, essentially.

3 CHAIR PALI: Okay, you know what? In the
4 sake of time and also understanding where we're
5 trying to go with this, like, I'm actually not even
6 opposed to having a second kitchen. If you've got a
7 four-bedroom house and you got an extra room in the
8 back, like, put another kitchen. I'm not opposed to
9 that.

10 But maybe this is not the discussion for
11 today because I think what I hear Hart saying is the
12 goal was just to sort of make a use that's already
13 happening sort of legal and taking baby steps towards
14 there.

15 So in the -- in the -- I'm -- I'm going to
16 withdraw my amendments, actually. We'll just leave
17 that as is. Is that okay? Okay. Thank you.

18 Sorry. Time to vote.

19 ACTING DIRECTOR BLYSTONE: So we're on the
20 main motion?

21 CHAIR PALI: Yes.

22 ACTING DIRECTOR BLYSTONE: Commissioner
23 Kealoha?

24 COMMISSIONER KEALOHA: Aye.

25 ACTING DIRECTOR BLYSTONE: Commissioner

1 Hipolito?

2 COMMISSIONER HIPOLITO: Aye.

3 ACTING DIRECTOR BLYSTONE: Commissioner

4 Deakos?

5 COMMISSIONER DEAKOS: Aye.

6 ACTING DIRECTOR BLYSTONE: Commissioner

7 Thompson?

8 COMMISSIONER THOMPSON: Aye.

9 ACTING DIRECTOR BLYSTONE: Vice-Chair

10 Thayer?

11 VICE-CHAIR THAYER: Aye.

12 ACTING DIRECTOR BLYSTONE: Chair Pali?

13 CHAIR PALI: Aye. All right. So you will

14 transmit -- it was the recommendation of the

15 department as-is to the county council for us.

16 ACTING DIRECTOR BLYSTONE: Mahalo,

17 commissioners.

18 CHAIR PALI: Great. Thank you. Okay. So

19 next up we have, if we're on task, B4.

20 Director?

21 ACTING DIRECTOR BLYSTONE: So the next item

22 up is -- it's for Honolua Bridge. I'm going to turn

23 it over to Jim Buika to kick us off.

24 CHAIR PALI: Okay. So, Mr. Buika, when you

25 introduce yourself, you could just swear to tell the

1 I think that's the missing component to any
2 of our housing projects is -- is that it only
3 addresses people in structures. And it does not
4 address carrying capacity of the island nor does it
5 address regeneration or natural resources and how
6 that will sustain us for the next 100 years. So
7 thank you.

8 VICE-CHAIR KELLY: Okay. Again, call for
9 the vote by the raise of hands. All in favor?

10 COMMISSIONER LINDO: Sorry, Chair. You
11 calling for the amendment first, yeah?

12 VICE-CHAIR KELLY: Well, yes. Well, okay.
13 We already was in discussion.

14 Okay, for the amendment. All in favor?

15 Okay, motion passed.

16 Now for the approval of the first motion to
17 approve the -- how was that worded?

18 COMMISSIONER LINDO: Just approving the
19 main motion. Yeah.

20 VICE-CHAIR KELLY: Okay. To approve the
21 main motion. Okay, all in favor?

22 Okay, unanimous voting.

23 Motion passed.

24 Okay. Next one, Item B4:

25 "A bill for an ordinance

1 to amend Section 19.04.040,
2 Maui County Code, relating
3 to definitions."

4 MR. PFOST: Thank you. Thank you, Chair.
5 I'm going to share my screen again and go through a
6 quick presentation here.

7 Thank you, Chair, members of the
8 commission. This is also an initiated proposed
9 ordinance by the planning department.

10 As we talked about extensively in the last
11 item and the issues facing Maui County in regards to
12 housing units and -- and cost prohibitiveness for
13 many residents, the purpose of this bill is to expand
14 housing opportunities and affordability in Maui
15 County while also accommodating extended and
16 multigenerational family housing type of occupancy.

17 I had already gone over the various policy
18 plans and the General Plan and the Maui Island Plan
19 and the various Community Plans to talk about
20 increasing housing opportunities in Maui County. And
21 we feel that this proposed ordinance moves in that
22 direction.

23 We've talked about the existing code
24 density requirements of what they are right now.
25 I've added in this table that you see before you.

1 It's the rural zoning district as this definition
2 would allow kitchenettes in both residential and
3 rural designations.

4 The current definition of a dwelling is
5 that it's a room or group of rooms connected together
6 consisting -- constituting an independent
7 housekeeping unit or family and contain a single
8 kitchen.

9 We have a current definition of a wet bar
10 that allows a little bit of different opportunity,
11 but it is really, truly a wet bar in that you are
12 allowed two possibly three wet bars depending on the
13 size of your dwelling. But the wet bar is for
14 serving beverages only, and you cannot have any
15 appliances for heating or cooking food.

16 What we've experienced is we have folks
17 that might want to install a wet bar but then
18 illegally convert it to a small kitchenette to
19 accommodate multigenerational and extended families
20 to increase their housing opportunities.

21 So recognizing that and recognizing where
22 we are again in -- with the recent disasters that
23 we've -- that has occurred, the department is moving
24 forward with providing a housing opportunity of
25 establishing a kitchenette and allowing up to two

1 kitchenettes per dwelling unit.

2 And the purpose of the kitchenette would be
3 to allow for small-scale preparation and serving of
4 food that would include for -- including food and hot
5 food as well. It would allow for countertop
6 appliances and/or two-burner range, sink,
7 refrigerators, and so forth.

8 A dwelling unit cannot be occupied on
9 short-term basis, but it's only for long-term basis.
10 It only would require one additional off-street
11 parking space to account for the additional
12 accommodations of residents that would be using a
13 kitchenette.

14 And the kitchenette, as I mentioned, would
15 be only used in residential or rural districts. And
16 a dwelling unit may have no more than a total
17 combination of two kitchenettes and/or wet bars.

18 The results and expectations is we believe
19 it will help address the need for multi-generation
20 and extended family housing at a cheaper cost than
21 with the item that you heard before, the prior agenda
22 item. We believe it will increase the number of
23 available rental rooms with a legal kitchenette
24 countywide. Of course, the fire-affected areas will
25 see an immediate benefit as they move forward with

1 reconstruction.

2 Again, I mentioned it would require an
3 additional parking space. We're not posing any other
4 changes to other development standards such as
5 setbacks, heights, or impervious surfaces.

6 And with this proposal, it would result in
7 a few minor changes to the wet bar and dwelling unit
8 as proposed in your -- in your report.

9 As expectations, again, we would not see
10 this occurring -- it would occur over time. Lahaina,
11 of course, would have the most immediate benefit.
12 But, of course, again, it just says in the -- in the
13 last item, construction costs to existing property
14 owners and development standards and infrastructure
15 availability will control the number of kitchenettes
16 that a lot could support.

17 The department is recommending approval of
18 the ordinance. As we fill it, it will help meet the
19 needs for multigenerational and extended families and
20 create more rental opportunities in the county. And
21 the planning commission of course -- I'm sorry -- and
22 we also believe it's consistent with policy.

23 The planning commission of course has the
24 options today to recommend approval of the ordinance,
25 recommend approval of the ordinance with amendments,

1 recommend denial of the ordinance, or vote to defer
2 the action for more additional information.

3 That concludes my presentation. Thank you.

4 VICE-CHAIR KELLY: Okay. Do we have anyone
5 in the public willing to have testimony on this
6 issue?

7 MS. LOPEZ: Aloha, Vice-Chair. This is
8 Sybil Lopez. I'm at the Molokai office, and there's
9 no one here wishing to testify. Thank you.

10 VICE-CHAIR KELLY: Thank you.

11 MS. ESMERALDA: Hi, this is Suzie. I don't
12 have anyone signed up. Thank you.

13 VICE-CHAIR KELLY: All right.
14 Commissioners, any questions and concerns?

15 COMMISSIONER LINDO: Clarification, this
16 change would stem across all types of zoned areas or
17 just residential?

18 MR. PFOST: Just residential and rural.

19 COMMISSIONER LINDO: Is there any
20 mechanisms in place that these changes would not
21 encourage or -- or would have a safety component that
22 makes sure these additions were not for TVRs or STRs?

23 MR. PFOST: The definition being proposed
24 indicates it's for long-term rental only, associated
25 with the kitchenette. And so that's -- that's

1 currently within the definition as proposed. It's
2 proposed for long-term rental basis only.

3 COMMISSIONER LINDO: And again -- so the
4 policing and enforcement would be on --
5 complaint-driven?

6 MR. PFOST: Yes.

7 COMMISSIONER LINDO: And then the
8 requirement for additional parking space, is that a
9 absolute, like, necessity? And if a family, say
10 there wasn't enough room for an additional parking
11 space, is there a opportunity to kind of appeal and
12 have exemptions for that part of the change?

13 MR. PFOST: As currently written, no. As
14 currently written, it specifies that you would need
15 one additional parking space. So in order to deviate
16 from that, you would have to apply for a variance.

17 So -- but not say that it -- if the
18 commission's concerned about that issue about not
19 being able to provide parking, then we can carry that
20 recommendation to the council.

21 COMMISSIONER LINDO: Well -- well, my
22 thought is, like, if you look at our Ranch Camp area,
23 it's already congested, the onstreet parking. Part
24 of it is lack of enforcement because it's just
25 difficult to get that through.

1 But the other part is wanting to be a
2 more -- you know, wanting to -- to make sure that we
3 are moving forward in an advantageous way. And say
4 people don't have a car or -- or we're encouraging
5 people to take public transportation as opposed to
6 have more cars on the street.

7 If this is the thing that would stop the
8 allowance of putting in an additional kitchenette for
9 housing, I'm just wondering if there's a need or a
10 benefit to ensuring within the verbiage that this is
11 not an absolute "no go, no pass" kind of inclusion?

12 MR. PFOST: I suppose the -- in my personal
13 opinion, the hard part is you're dealing with -- when
14 you have subjective clauses like that of -- well,
15 maybe, maybe not. How do we -- how do we actually
16 regulate that, right, through the code?

17 And so if it's -- if it's -- if it's the
18 idea that potentially there may be reasons or good
19 reasons for that, maybe we should include those
20 within the -- within the ordinance to allow you an
21 exemption for certain specific reasons.

22 The problem -- the only problem that I
23 foresee with that is that might work -- that might
24 work well for the current property owners, but if the
25 property's sold and then the new property owner

1 operates it differently and perhaps rents that to
2 another room, you might need that additional parking
3 space.

4 And so you've -- you've kind of lost that
5 control where you didn't -- you didn't put the
6 parking space in at the beginning when you -- when
7 you did the kitchenette.

8 And, of course, we were concerned with --
9 and the reason why we added an additional parking
10 space is the additional occupancy and seeing the --
11 potentially the impacts that you just noted to
12 onstreet parking, that there -- you know, has a lot
13 of impacts where there are a lot of cars on the
14 street. And so we wanted to address that issue.

15 MR. HART: Chair, I could add on to that.
16 So for -- for -- specifically for Lahaina, the
17 post-disaster emergency permit -- building permit
18 process does require the contribution of -- of
19 right-of-way for residential development. That's
20 that's actually never been done before in the County
21 of Maui.

22 So there -- if there's any areas -- Public
23 Works is going through the process of surveying all
24 the roadways and the parcels. If there's any areas
25 that are insufficient for passage of fire trucks,

1 there'll be a requirement that road dedication be
2 given in order to widen those roadways.

3 And then the planning department has agreed
4 to go back through and there's an ordinance that --
5 that identifies all the areas where no parking is
6 permitted, and we're going to basically add any of
7 those areas where there's not enough space for
8 parking and the passage of a fire truck to the
9 no-parking ordinance. Then fire department -- or
10 Public Works will add "No parking" signs, and then
11 police will enforce that.

12 But part of -- part of that is getting cars
13 off the roadway. So I do understand that there is --
14 there's this anticipation that there's going to be
15 this increase in transportation.

16 But I don't think that we're there yet on
17 Maui. And I don't think that -- if this is supported
18 on Molokai, that you guys are necessarily there yet
19 on reliable transportation.

20 And so there will be this interim period
21 where people should basically accommodate -- if they
22 got all these vehicles, they want to have more
23 people, like, they shouldn't just park it, you know,
24 in front of everybody's properties or their mailboxes
25 or their trash cans. Like as -- as much as can be

1 reasonably accommodated, we're trying to basically
2 bring those -- those vehicles on property.

3 And this goes back to -- we were having
4 those other discussions about density in the last
5 item. This is part of a math equation you got to do
6 to figure out how many units you can build.

7 Is that -- like, it's a way of controlling
8 how many -- you know, how much anybody can do -- is
9 that -- like, we want you to be able to do things,
10 but you got to accommodate your own impacts that
11 you're creating as much as possible on property.

12 So as with anything that you guys say to
13 us, we're going to pass it on to council, but -- but
14 we do feel that it's necessary to have parking on
15 property for this. And so we'll say the same thing
16 to council, but they will do what they believe is
17 appropriate.

18 COMMISSIONER LINDO: Can -- can you show us
19 an overlay of the urban districts on Molokai?

20 MR. HART: I can do that. Give me a
21 second.

22 COMMISSIONER LINDO: And then while you're
23 doing this, Greg or Jordan, how does this apply to
24 nonconforming structures? Would this addition be
25 like we talked about the last time that the new

1 addition would be to the new code, and the existing
2 nonconforming structure would be okay? Like as long
3 as you didn't --

4 MR. PFOST: If you -- if you're adding a --
5 if you're adding a kitchenette or an addition of some
6 sort, that addition and kitchenette need to comply
7 with current code. If you had a nonconforming
8 setback on another part of the structure, well, that
9 can remain. It's just the new part does need to
10 conform to code.

11 MR. HART: There is this -- it's not going
12 to be common, but there's -- there -- I have this
13 thought in my head about whether or not adding the
14 kitchen would somehow increase the nonconformity.

15 I don't know the answer to that. Like, we
16 would have to see if that -- but if that -- something
17 like that came in, we would call it out. And we'd
18 say, well, because of whatever situation you have,
19 but -- but the purpose of this is that -- is that we
20 have the existing wet bar situation that's permitted.

21 So if somebody shows us a house plan -- and
22 this is the section that Greg supervises, that
23 reviews plans review -- or does plan review, they'll
24 show wet bars.

25 You know, how many wet bars do you need in

1 one house? Like, oh, I like to have drinks over
2 here. And then on another day, I like to go over
3 here on this other side and I make my drinks over
4 there.

5 We know that they're going to turn it into
6 a kitchenette, but we can't say anything about. It's
7 legal. And we know that they're going to get their
8 electrician to come in and make changes. It's not
9 going to be supervised. Whether it even is an
10 electrician, whoever does it, it's not going to be
11 inspected because it's not legal.

12 So in this way, it will be put on the
13 plans. Department of Water Supply's going to count
14 the water fixtures and make sure that there's
15 capacity. You're sure that the wastewater is going
16 where it needs to go, and then there's -- all the
17 wiring is safe.

18 But let me share my screen to show the
19 state land use boundaries for the island of Molokai.

20 Are you seeing -- are you seeing that?

21 COMMISSIONER LINDO: No. Oh, there. Now.
22 Yep.

23 MR. HART: Yeah. So this applies to the
24 rural and the urban -- rural and urban areas. And so
25 urban is red and rural is blue here. And then ag is

1 green. Sorry, wrong tool. And I have to back out.
2 I apologize.

3 Ag is green and brown is conservation.

4 COMMISSIONER LINDO: Can you go further?
5 Can you go further to the west end?

6 MR. HART: Yeah, I will. I'll go to the
7 central and then -- so there's some urban there,
8 rural and urban.

9 COMMISSIONER LINDO: So that is -- that is
10 Kaluakoi? Yeah?

11 MR. HART: Down here. Yeah.

12 COMMISSIONER LINDO: Molokai Ranch land.

13 VICE-CHAIR KELLY: Yes. Yes, that is.

14 MR. HART: So this one doesn't look like
15 there's anything, so there would need to be houses
16 before there would be kitchenettes. But let me see.
17 Okay.

18 Any other areas or any other land use?

19 COMMISSIONER LINDO: No. No. But I have a
20 question for you, Jordan, process-wise.

21 So -- so if the if -- if Molokai went the
22 way we do and say "except for Molokai," felt like
23 this wasn't an appropriate thing for us at this
24 moment, how do -- if in the future, there is a change
25 or an opportunity for -- that this would benefit

1 Molokai, how -- is there a way for us to go back and
2 petition to be included?

3 MR. HART: Yes. So you can either have any
4 councilmember, including your own councilmember, pass
5 a resolution.

6 They would -- just like the co-composting
7 one where you instructed to propose -- like there
8 would need to be a draft of the ordinance. But you
9 propose us to take it through this public hearing
10 process.

11 And you could only go to Molokai if it was
12 only intended to affect Molokai. Or you could ask
13 the director to do the same thing. And then we would
14 just initiate it with the planning commission. And
15 it goes up instead of coming down from council and
16 going back up.

17 COMMISSIONER LINDO: Okay. Thank you.
18 Okay. Thank you, Chair.

19 MR. HART: I do want to add -- I mean, I
20 think I have -- just from the meetings I've been in,
21 I have some idea of -- of the concerns. But we were
22 talking about the last version and how there's
23 barrier to entry because of the cost.

24 This one would be a more feasible one where
25 if you have an existing house or you just want to add

1 a little addition that -- it's not an autonomous
2 unit, it's not a legal separate unit, but it would be
3 a complete living space.

4 So, anyway, thank you.

5 VICE-CHAIR KELLY: Okay. We are almost to
6 our time limit. Any other questions or concerns?
7 Nope.

8 Can we entertain a motion?

9 COMMISSIONER LINDO: I'd like to motion to
10 approve except -- with an amendment, except for
11 Molokai.

12 VICE-CHAIR KELLY: Okay. Second by
13 Commissioner Albino. Okay. Sorry.

14 COMMISSIONER LINDO: Discussion really
15 fast.

16 VICE-CHAIR KELLY: Yes.

17 COMMISSIONER LINDO: At this point in time,
18 the urban and rural areas that we're looking at is
19 particularly of interest. And -- and with the amount
20 of allowance this makes, makes that land more
21 attractive to the type of buyers that we're not --
22 we're not wanting at this time.

23 And so I think this is a preservation
24 effort for our community planner for the way that we
25 see things being built out on -- especially on the

1 west side. And that would be the -- the reason for
2 my -- among other things, but the biggest reason.

3 VICE-CHAIR KELLY: Okay. Any other
4 discussions? No, I see none.

5 I'd like to call for the vote by the raise
6 of hands.

7 Okay. Unanimous to approve, but not for
8 Molokai. All right.

9 MR. HART: Thank you, Chair.

10 VICE-CHAIR KELLY: Right on time. Okay.

11 COMMISSIONER LINDO: Chair, can we ask to
12 just -- what you got to do, defer -- can we just
13 defer all the rest of the items on the agenda, like
14 the Director's Report and everything? And then just
15 take it up on the next meeting, on the next agenda so
16 that we don't have to bounce back?

17 VICE-CHAIR KELLY: Yes, I would ask for a
18 motion to do that.

19 COMMISSIONER LINDO: So moved.

20 VICE-CHAIR KELLY: Okay. It's Commissioner
21 Hirata. Okay.

22 And all right. So you first know what to
23 do. We need to leave this meeting and go to the --

24 COMMISSIONER LINDO: Chair, I think you
25 just got to adjourn, officially adjourn.