

RICHARD T. BISSEN, JR.
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DEPARTMENT OF PLANNING
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December 6, 2024

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawai'i 96793

For Transmittal to:

Honorable Tasha Kama, Chair
Housing and Land Use Committee
200 South High Street
Wailuku, Hawai'i 96793
via: hlu.committee@mauicounty.us

APPROVED FOR TRANSMITTAL


Mayor Date 12-9-24

Dear Chair Kama:

SUBJECT: BILL 104 (2024), AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, RELATING TO KITCHENETTES, KITCHENS, DWELLING UNITS, AND WET BARS; AND SECTION 19.36B.020 TO ADD PARKING REQUIREMENTS FOR DWELLING UNITS WITH KITCHENETTES (HLU-33)

Thank you for your November 22, 2024 letter requesting information pertaining to Bill 104. The following identifies your request followed by the Planning Department's (Department) response:

- ***Provide the appropriate square footage requirements for the following:***
 - 1. When there is only one kitchenette?***
 - 2. When there are two kitchenettes?***
 - 3. When there is one kitchenette and one wet bar?***

For context on this discussion, the County of Maui has no minimum square footage established for the construction of a single-family dwelling unit permitted by Maui County Code (MCC) Title 16-Buildings and Construction and Title 19-Zoning. There are minimum standards that must be complied with in constructing a dwelling unit, but there is no specific total minimum livable area requirement. That being said, the Department has participated in numerous

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conversations with council members on the exploration of establishing a legal framework for the approval of, “tiny homes.” Although the term tiny home is not specifically defined, one of the established meanings is a very small self-contained unit. However, no amendments to the MCC have been made in this regard.

To reiterate the Department's proposal in the framework of existing County regulations, the function of a single-family dwelling unit that includes a main kitchen and one or two kitchenettes will be to still constitute a single housekeeping unit wherein its inhabitants will share any indoor and outdoor livable areas. This configuration is distinctly different from a duplex (two attached dwelling units) or a multifamily (three or more attached dwelling units) development where two or more completely autonomous housekeeping units are constructed together in one building.

As presented to the HLU Committee at its November 20, 2024 meeting, the Department, after meeting with the Departments of Public Works and Fire, recommended to add language to the proposed definition of “Kitchenette” that would require internal accessibility via enclosed living area to the kitchenette area, and removing the ability to have kitchenettes within all Accessory Dwelling Units (ADU). While both Departments reported there is no regulatory basis within the adopted Maui County Code, International Residential Code (IRC), or International Building Code (IBC) that would prevent more than one kitchen in a dwelling unit regardless of size, the Departments felt these changes were necessary to ensure that a kitchenette would not result in the illegal creation of a separate dwelling unit. Additionally, having a main kitchen and one or two kitchenettes within an ADU appeared to be a counterproductive dilution of the intention of this bill.

Furthermore, in the last State Legislative Session, Act 37 was adopted and signed by the Governor. The purpose of Act 37 is to permit residential uses, including multifamily uses, in areas zoned for commercial use. The Act also requires each county to adopt or amend its ordinances to allow for adaptive reuse of commercial buildings for such residential purposes. The Department is currently working on an ordinance that would implement Act 37. Related to the questions at hand, Act 37 requires that each county’s adaptive reuse ordinance allow for the construction of “micro units” provided that no county shall require a micro unit to be larger than the minimum standards established in the IBC. While Act 37 does not provide a definition of “micro unit,” these units typically include a sitting and sleeping area, bathroom, and small kitchen or kitchenette within a space of approximately 150 to 350 square feet. A “micro-unit” rental building recently opened in Honolulu, which contains 111 affordable studio apartments of 355 square feet each; providing an example that illustrates kitchens can be accommodated in relatively small livable spaces.

Given the Departments’ proposed restrictions added to the definition of “Kitchenette,” a future County ordinance that will permit small “micro-units” that will accommodate kitchens/kitchenettes in each unit, and with the intention of increasing the capacity to

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accommodate our residents safely and comfortably, the Department does not recommend limiting the creativity and decision-making of homeowners by creating a minimum size area to accommodate kitchenettes (or in combination with wet bars) within the main dwelling unit.

Thank you for the opportunity to provide this information. If you have any further questions, please do not hesitate to contact me.

Sincerely,



KATE L. K. BLYSTONE
Planning Director

xc: Ana Lillis, Deputy Director (pdf)
Jordan Hart, Planning Program Administrator (pdf)
Gregory Pfost, Administrative Planning Officer (pdf)

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HLU Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Monday, December 9, 2024 3:02 PM
To: HLU Committee
Cc: Jordan Hart; Gregory J. Pfost; Cynthia E. Sasada; Josiah K. Nishita; Keli P. Nahooikaika; Ana L. Lillis; joy.paredes@co.maui.hi.us; Katie L. Blystone
Subject: BILL 104
Attachments: MT#10887-HLU COMMITTEE.pdf