

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, HAWAI'I 96793

January 3, 2025

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

APPROVED FOR TRANSMITTAL


Mayor Date

For Transmittal to:

Honorable Tamara Paltin, Chair
Disaster, Resilience, International Affairs and Planning Committee
200 South High Street
Wailuku, Hawai'i 96793
via: drip.committee@mauicounty.us

Dear Chair Paltin:

SUBJECT: RESOLUTION 23-163, RELATING TO PARKING FOR ELECTRIC VEHICLES (DRIP-7)

Thank you for your December 19, 2024 letter requesting the Planning Department's (Department) comments on Resolution 23-163, relating to parking for electric vehicles. Please find the Department's comments below.

1. Compliance with Resolution 23-163 and the related permitting of Electrical Vehicle (EV) charging infrastructure will involve at least two County Departments: Public Works and Planning. The Planning Department will be charged with ensuring that the proper number of EV parking spaces are provided, while the Public Works Department will be charged with the issuance and inspection of electrical permits for the EV charging infrastructure. Additionally, while the Planning Department's enforcement division will be responsible for ensuring the continued provision of working EV chargers and parking spaces/signage (on complaint basis), there are other components of the proposed Resolution that may need enforcement by the Police Department. In short, an effective ordinance will involve multiple Departments and thus it is recommended that the Directors of those other Departments are contacted for input. Below are some specific areas that need to be addressed in this regard.

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As you may know, Title 16-Buildings and Construction, already includes Section 16.16C.C406.10, which mandates Electrical Vehicle (EV) infrastructure in new and remodeled buildings. The requirements of this Section appear to deviate from the requirements proposed in Resolution 23-163. The Department recommends that either Resolution 23-163, Section 16.16C.C406.10, or both, be modified so that there is consistency in mandate and implementation.

Further, Resolution 23-163 proposes changes that, due to their specific nature regarding EV construction/installation, should be in Title 16 instead of Title 19. Specifically, the Department recommends that you also consult with the Director of Public Works on the proper location of at least the following sections, and/or others that the Director may see fit:

- Proposed Definitions of EV-Capable, EV-Ready, and Level 2 Charging Station in addition to others that provide ease in the issuance of permits through Title 16.
- Proposed Table 19.36B.150-2 – Charge Methods Electrical Rating
- Proposed Section 19.36B.160 Alternatives
- While EV-ready and Level 2 Charging Stations will most likely require an electrical permit issued by the Public Works Department, EV-Capable, by definition, is only composed of an empty raceway to supply power for future EV charging stations that may not require an electrical permit or any other permit issued by the Public Works Department. Unless a permit is issued, the County would not have the ability to inspect and ensure that the empty raceway is properly located for EV-Capable installations. This permitting issue should probably be addressed in Title 16.

2. Proposed Table 19.36B.150-1 is awkward and may not yield the desired outcome. The Department recommends revisions to the table to address the following issues:

- a. For Multifamily Units or Places of Public Accommodations, what is the significance of the date of application submittal being November 23, 2022? More importantly, what happens if a permit application is submitted after this date, which is most likely what will happen. Will the permit application submitted after this date not have to comply with the required percentage of EV-Ready and EV-Capable Parking Spaces?
- b. The last column depicting the number of Level 2 Charging Stations to be installed should be revised. For example, as currently depicted, it could be interpreted that a permit application submitted on January 1, 2026 would require up to 8 Level 2 Charging Stations since January 1, 2026 is before December 31, 2033. If the intent is to increase the number of Charging Stations during the specific two years when the permit application is submitted, then the text should be revised to indicate that if a permit is submitted between the two dates, then the associated number of Level 2 Charging Stations should be installed.
- c. While the text under proposed section 19.36B.150.A implies that the number of EV Charging Stations to be installed is for every increment of 50 parking spaces, to be clear, it is recommended

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that the final column in the table indicate that as well. For example, the column heading could read, “Number of Level 2 Charging Station Parking Spaces per Increment of 50 Spaces.”

- d. The column locations for EV-capable and EV-ready should be switched.
3. Proposed Section 19.36B.150.A indicates that, “*In all zoning districts, electric vehicle charging systems must be provided for new or existing buildings that propose to significantly modify 50 percent or more of its total parking spaces in accordance with this section, tables 19.36B.150-1 and 19.36B.150-2, and the dedicated, standard size, parking space requirements for each increment of 50 parking spaces. For this section’s purposes, “significantly modify” means any enlarging, reconstructing, remodeling, renovating, or resurfacing to an existing parking area other than repair for the purpose of maintenance*” (emphasis added).

The Department interprets this section to apply to any existing parking lot of 50 or more parking spaces wherein at least 50 percent of the existing parking spaces are being significantly modified. For example, if more than 50 percent of a 51-space parking lot is being “significantly modified,” then the lot shall come into compliance with proposed Table 19.36B.150-1. This would mean that 10 percent of the total number of parking spaces (6 in this example) would need to become EV-Ready, 40 percent (21 in this example) to become EV-Capable, and at least 2 spaces having Level 2 Charging Stations installed. If this interpretation is correct, then the Department is concerned that the cost to install required EV infrastructure may discourage a property owner from proactively modifying a deteriorating parking lot that only requires a simple and lower cost “resurfacing.”

Additionally, the mandate to install a total of 27 EV-Ready/EV-Capable parking spaces (using this example) is significant considering that the owner may not update their parking lot again for some time, which if they did would only need to provide for the number of Level 2 Charging Stations required of the table; far less in number than the requirement for EV-Ready/EV-Capable spaces. In other words, will the property owner’s investment ever be realized with the ordinance as currently proposed?

To address this concern, and fully understand the cost to property owners, the Department recommends that you obtain estimates associated with the installation of EV-Ready, EV-Capable and Level 2 Charging Stations per parking space versus the cost to “*significantly modify*” a parking space. Instead of tying the EV infrastructure improvements to a significant modification of existing parking spaces, it may be more cost appropriate to tie them to a significant modification of the building structure itself, which may better absorb the EV infrastructure cost to a property owner.

Further, it is recommended that the definition of “*significantly modify*” be expanded upon. For example, what is the difference between “reconstructing”, “remodeling” and “renovating” when it applies to modifying a parking lot? Are all these terms necessary, or does each need to be defined?

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Is a simple “*resurfacing*” meant to be within the definition of “*significantly modify*” as discussed in the example above?

Finally, if an owner were to “*significantly modify*” their existing parking lot, the Department is concerned that to do so may not require a permit from either the Public Works or Planning Departments. If no permit were required to “*significantly modify*” a parking lot, then there will be no way to ensure that the ordinance is implemented, other than during or post-construction of the modification on a complaint basis only. The Department recommends that you consult with the Department of Public Works regarding the types of permitting required to “*significantly modify*” a parking lot, if any, and whether Title 16 should be revised to require additional permits. On the other hand, as described above, you may wish to consider tying the requirements of this ordinance to a significant modification of the building or structures on the property.

4. The Department is not clear on the purpose of proposed Section 19.36B.170.E. As proposed, it appears to allow owners to take advantage of the less restrictive EV requirements of HRS 291-71 and exempt themselves from the requirements of the proposed ordinance. If this section is intended to simply require owners that are not proposing new buildings or modifying existing parking lots, which in essence must comply with the State’s requirements, to prove that they meet the State’s requirements under HRS 291-71, then it should be re-located to another area outside of this “Exemptions” section.
5. The proposed ordinance is not clear as to if the required number of EV parking spaces is in addition to, or included within, the total minimum number of standard off-street parking spaces required per MCC Section 19.36B.020. Please revise accordingly.
6. A portion of the existing text and proposed revisions to Section 19.36B.020 appear to create confusion with proposed Part II. Specifically, as proposed, this section currently reads as follows:

“Compliance with the Americans with Disabilities Act, administrated through the State department of health, disability and communications access board, and with State requirements for [electric-vehicle] electric vehicle parking is also required[.], except that new or existing places of public accommodation, multifamily developments, and parking lots and garages with at least 50 parking spaces are subject to the electric vehicle parking and charging requirements in accordance with part II of this chapter.”

The Department offers the following revisions (**bold underlined** text for new text and ~~strikethrough~~ text for text to be removed):

“Compliance with the Americans with Disabilities Act, administrated through the State department of health, disability and communications access board, and with State requirements for [electric-vehicle] electric vehicle parking is also required. ~~except that n~~New or existing

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buildings that propose to significantly modify 50 percent or more of its total parking spaces and are places of public accommodation, multifamily developments, and parking lots and garages with at least 50 parking spaces are subject to the electric vehicle parking and charging requirements in accordance with part II of this chapter.

7. Proposed Section 19.36B.150.G should provide more clarity. Specifically, what is meant by “each type” in the phrase, “At least five percent but no fewer than one of each type of the parking spaces designated for electric vehicles must be an accessible stall” (emphasis added). Further, it is unclear if this section requires the provision of accessible stalls for EV-Ready and EV-Capable parking spaces even though chargers are not yet or may not ever be installed. Additionally, is it intended that EV charging stations for accessible stalls are treated as all other accessible stalls and not available to non-accessible vehicles? Finally, instead of requiring “at least five percent”, which may lead to confusion, would it be better to simply identify a specific number of accessible stalls required based upon a common industry standard or requirement of the ADA?
8. Sections 19.36B.170.B, C and D exemptions are confusing and should be revised for clarity in applicability.
9. Section 19.36B.150.I allows site owners to charge a fee for the use of the charging station or additional fees if a vehicle remains in the space after charging has been completed. So as not to discourage use of EV chargers, is there an industry standard cap on the amount of fees that an owner should be charging, and if so, should that be incorporated into this ordinance?
10. As proposed, the ordinance will segment Chapter 19.36B into two parts; “Part I. Parking and Loading” and “Part II. Electric Vehicle Chargers”. Part 1, except for proposed slight modifications, is existing Chapter 19.36B, and importantly includes the following subsections: 19.36B.040 - General requirements for parking areas; 19.36B.050 – Location of parking spaces; 19.36B.060 – Size or dimensions of parking spaces; 19.36B.070 – Access and specifications; 19.36B.080 – Landscaping; and 19.36B.090 – Paving and other surfaces. Proposed Part II provides requirements for the number of EV parking spaces, but due to this segmentation, would not have the benefit of these specific Part I subsections applying to the EV parking spaces. To address this issue, the Department recommends that Chapter 19.36B not be segmented into two separate parts, but instead, a new subsection (19.36B.130) be added for EV chargers. With this change, all parking spaces required for EV chargers would still need to meet all the other requirements of 19.36B. Alternatively, proposed Part II could be revised to reference that the noted subsections also apply to Part II.
11. Regarding the proposed change to the existing table in “Section 19.36B.020 Designated number of off-street parking spaces”, which would increase the number of parking spaces required for a children’s playground from 0 to 1 parking space per 500 square feet, it appears that this mirrors the requirement for a “Skate park” also at 1 per 500 square feet. While the Department is not opposed

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to this change, it is important to keep in mind that small children's playgrounds are often located within residential developments and primarily serve the local residents within walking distance. They typically are not destination type uses, such as a "Skate park," that would generate visitors outside of a local residential community. The Department's only concern would be the potential discouragement to a developer from adding a children's playground if it is burdened with providing a parking lot and associated maintenance responsibilities. One option may be to exempt said requirement if there is ample public street parking within proximity to the children's playground.

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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DRIP Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Monday, January 6, 2025 8:29 AM
To: DRIP Committee
Cc: Jordan Hart; Gregory J. Pfof; Cynthia E. Sasada; Josiah K. Nishita; Keli P. Nahooikaika; Ana L. Lillis; joy.paredes@co.maui.hi.us; Katie L. Blystone
Subject: MT#10909 Resolution 23-163, Relating to Parking for Electric Vehicles
Attachments: MT#10909-DRIP Committee.pdf

Follow Up Flag: Follow up
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