

August 13, 2024, Council meeting

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Bill 68, CD1 (2024), relating to a Change in Zoning from M-2 Heavy Industrial District to B-3 Central Business District (Conditional Zoning) for 33.764 acres in Kahului, Maui, Hawai'i.

Proposer: Tasha Kama, Chair, Housing and Land Use Committee.



Description: Amends Exhibit "K," Conditions of Zoning, attached to Bill 68, CD1, by: (1) inserting the Maui County Code exception for maximum building height applicable to development standards in the B-3 Central Business District; and (2) striking superfluous references to B-3 Central Business District.

Motions: Move to amend as follows:

- Condition 1 to read:

"Building heights must not exceed 90 feet, except vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small-scale energy systems on roofs may extend an additional 10 feet above the building roof from which they extend."

- Condition 2 by striking the phrase, "In the B-3 Central Business District-zoned areas".
- The 4th sentence in Condition 3 to read:

"Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet, subject to the exceptions in Condition 1."

Effect: Amends Condition 1 of Exhibit "K" to Bill 68, CD1, and Exhibit "11" to the Unilateral Agreement, attached as Exhibit "L." The changes are as follows, shown in Ramseyer format:

August 13, 2024, Council meeting

[In the B-3 Central Business District-zoned areas, building] Building heights must not exceed 90 feet, except vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small-scale energy systems on roofs may extend an additional 10 feet above the building roof from which they extend.

Amends Condition 2 to read as follows, with the changes shown in Ramseyer format:

[In the B-3 Central Business District-zoned areas, a] A minimum of one off-street parking space must be provided for each multi-family dwelling unit with less than 1,500 square feet of floor area.

Also amends Condition 3 to read as follows, with the changes shown in Ramseyer format:

For any development that includes residential uses, the Developer must comply with the provisions of Chapter 2.96, Maui County Code, or any other law in effect at the time of application. If the County requests residential workforce housing units beyond the number required by law or restrictions on residential workforce housing units beyond the restrictions required by the Maui County Code, the Developer must negotiate in good faith with the County on a Memorandum of Agreement that would provide the needed support to make the requests financially viable. This support may include County incentives, subsidies, financial grants, expedited project review, infrastructure, flexible parking standards, and other means of support. Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet[.], subject to the exceptions in Condition 1. The Developer must provide a report to the Planning Director and the Council documenting the number of meetings, participants, the outcome of meetings, and any final agreements reached to achieve the County's requests and other communications held

August 13, 2024, Council meeting

between the Developer and the County.

Reasons: Bill 68, CD1 (2024), rezones the entire 33.8 acres to B-3 Central Business District. Therefore, the references in Conditions 1 and 2 to those conditions applying “in the B-3 Central Business District-zoned areas” are superfluous and may cause confusion.

Inserting the exception for vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small-scale energy systems on roofs to allow only those components to extend an additional 10 feet above the building roof clarify the developer’s intent that the exception for these components will continue to apply.

Attachment: Proposed FD1 version of Exhibit “K,” Conditions of Zoning.

hlu:ltr:028aasf01:cmn

Exhibit “K”

CONDITIONS OF ZONING

“Developer” means any current or future developer or owner of any property that is subject to this Change in Zoning.

1. Building heights must not exceed 90 feet, except vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small-scale energy systems on roofs may extend an additional 10 feet above the building roof from which they extend.

2. A minimum of one off-street parking space must be provided for each multi-family dwelling unit with less than 1,500 square feet of floor area.

3. For any development that includes residential uses, the Developer must comply with the provisions of Chapter 2.96, Maui County Code, or any other law in effect at the time of application. If the County requests residential workforce housing units beyond the number required by law or restrictions on residential workforce housing units beyond the restrictions required by the Maui County Code, the Developer must negotiate in good faith with the County on a Memorandum of Agreement that would provide the needed support to make the requests financially viable. This support may include County incentives, subsidies, financial grants, expedited project review, infrastructure, flexible parking standards, and other means of support. Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet, subject to the exceptions in Condition 1. The Developer must provide a report to the Planning Director and the Council documenting the number of meetings, participants, the outcome of meetings, and any final agreements reached to achieve the County’s requests and other communications held between the Developer and the County.

4. Prior to obtaining a Special Management Area Major permit for any redevelopment within the project area that exceeds the height of the existing development, the Developer must:

- a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the ‘Iao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project’s master plan including proposed urban design and building form.

- c. Provide comments to the Planning Director obtained from the County's Urban Design Review Board on any future housing project's master plan, preliminary site plan, and building elevations prior to the Maui Planning Commission's action on the Special Management Area permit.

hlu:misc:028aasf01_Conditions:cmn