

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

November 20, 2024

Online Only via Teams

CONVENE: 9:12 a.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
Councilmember Gabe Johnson, Member (Out 11:11 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U'u-Hodgins, Member (In 9:15 a.m.)

EXCUSED: Councilmember Yuki Lei K. Sugimura, Member

STAFF: Ellen McKinley, Legislative Analyst
Samantha Tanck, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Zhantell Lindo, Council Aide, Moloka'i Residency Area Office
Roxanne Morita, Council Aide, Lāna'i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Hart, Planning Program Administrator, Department of Planning
Greg Pfof, Administrative Planning Officer, Department of Planning
Robert Schmidt, Deputy Director, Department of Environmental Management
Bradford Ventura, Fire Chief, Department of Fire and Public Safety
Oliver Vaas, Captain, Department of Fire and Public Safety
James Jensen, Engineering Program Manager, Department of Water Supply

OTHERS: Desilee Santiago, Member, Maui Tenants & Workers Association
Kai Nishiki
Zhantell Lindo
Leonard Nakoa
Jasee Law
Others (42)

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PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee meeting of November 20th, 2024, come to order. It is now 9:12 a.m. I am Tasha Kama, and I'm Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you're not with me here in the Planning Conference Room, please identify by name who, if anyone, is in your workspace with you today, and minors do not need to be identified. Do we have any questions before we begin? Okay. Seeing none. I want to say good morning and ohayo gozaimasu to our Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Ohayo gozaimasu, and aloha kakahiaka to all my friends, and I'm ready for work today.

CHAIR KAMA: Thank you. I want to say also aloha kakahiaka and ohayo gozaimasu to our Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha kākou and ohayo gozaimasu, Chair. Looking forward to the meeting.

CHAIR KAMA: Thank you. And we also want to say good morning to our Council Vice-Chair Yuki Lei Sugimura. I do not see her on, but hopefully, if you all see her, flag me, and I will acknowledge her presence. But we're going to continue with our Councilmember from the West Side, Ms. Tamara Paltin. Aloha kakahiaka and ohayo gozaimasu.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou. Streaming live and direct from my kitchen table in Nāpili. I have with me two canines, one minor, who shall remain unnamed; and one old, whose name is Kingy Poo Paltin-Vierra. Thank you.

CHAIR KAMA: I want to say good morning and ohayo gozaimasu to our Councilmember from Lānaʻi, Gabe Johnson.

COUNCILMEMBER JOHNSON: [*Spoke in Japanese*] ohayo gozaimasu. [*Spoke in Japanese*] Gabe Johnson [*spoke in Japanese*] Lānaʻi City District Office. [*Spoke in Japanese*]. I'm Gabe Johnson, alone in my workspace. There's no testifiers at the Lānaʻi District Office. And good morning, everybody.

CHAIR KAMA: Good morning.

COUNCILMEMBER LEE: He's so good at that.

CHAIR KAMA: I know. Terrific. I want to say good morning, aloha kakahiaka, and ohayo gozaimasu to our Councilmember from Molokaʻi, Keani Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou, mai Molokaʻi Nui a Hina. I hope I'm good at speaking Hawaiian, too, Chair Lee. I am alone in my private residence, and there are currently no testifiers at the Molokaʻi District Office. Mahalo.

CHAIR KAMA: Thank you. We want to say good morning, and aloha kakahiaka, and ohayo gozaimasu to Councilmember Nohe Uʻu-Hodgins. I don't see her either, but let's get flagged down when she does show up, please. And of course, we can't forget our Councilmember from East Maui, Councilmember Shane Sinenci. Aloha kakahiaka and ohayo gozaimasu.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, and ohayo gozaimasu. Here at the Hāna District Office, I'm here with Staff Mavis Medeiros, and there are no testifiers.

CHAIR KAMA: Thank you. We have with us in the Planning Conference Room, the Department of Corporation Counsel, Michael Hopper. Good morning. Aloha kakahiaka and ohayo gozaimasu.

MR. HOPPER: Good morning, Chair. Ohayo...ohayo gozaimasu.

CHAIR KAMA: And we also have with us from the Department of Planning, Jordan Hart, from...the Planning Program Administrator. Good morning, welcome, ohayo gozaimasu, aloha kakahiaka.

MR. HART: Aloha. Good morning.

CHAIR KAMA: Good morning. And I think we have Greg Pfof, the Administrative Planning Officer. I think he was going to be online this morning?

MR. PFOF: Yes, good morning, Chair.

CHAIR KAMA: Good morning.

MR. PFOF: Good morning.

CHAIR KAMA: Oh, there you are. We also have from the Department of Environmental Management, Shayne Agawa, who is supposed to be on the call this morning.

MR. SCHMIDT: Yeah, Shayne can't be with us this morning, but I'm here. Good morning.

CHAIR KAMA: Okay. Thank you, Mr. Schmidt, for being with us this morning. Aloha kakahiaka and ohayo gozaimasu. Oh, I see...and our Member from Haʻikū-Makawao has showed up, so Ms. Nohe Uʻu-Hodgins, good morning. Ohayo gozaimasu.

COUNCILMEMBER UʻU-HODGINS: Ohayo gozaimasu, Chair. Good morning. I'm at the Pāʻia District Office with Jade Rojas-Letisi, and there's no testifiers right now.

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CHAIR KAMA: Thank you. So, we're going to continue with...we invited the Department of Public Works, I'm not sure who's going to be here from there, but we expect them to be on the call also. Thank you. We have from the Department of Water Supply, James Jensen, the Engineering Program Manager. Good morning. Aloha kakahiaka.

MS. MCKINLEY: Chair, I don't see that he's joined yet.

CHAIR KAMA: Okay. Me neither. Thank you. We also have from the Department of Fire and Public Safety, Fire Chief Brad Ventura and Captain Oliver Vaas, who I know Captain Vaas will need to leave in about a half an hour or so, so hopefully we can get through at least our comment section by that time. So, we have this morning with us our Committee Staff, Ellen McKinley, our Legislative Analyst. Good morning. Aloha kakahiaka.

MS. MCKINLEY: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And we have Samantha Tanck with us, our Legislative Analyst. Good morning.

MS. TANCK: Good morning, Chair.

CHAIR KAMA: And then we have Jennifer Yamashita, our Committee Secretary. Good morning.

MS. YAMASHITA: Good morning, Chair and Members.

CHAIR KAMA: We have our Legislative Attorney, Carla Yamashita...no, Carla Nakata. I'm sorry. Sorry, Jen.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And then we have Lei Dinneen, our Assistant Clerk, who's taking our testifiers.

ITEM 33: 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

CHAIR KAMA: So, thank you, Members, for attending today's HLU meeting. Our agenda...our items for today is HLU-33, 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. So, in accordance with the Sunshine Law, as Chair, I'll be calling for testimony for our single item on our agenda today after we receive a presentation from our resources, which is the Planning Department. After the presentation, I'll be asking

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the Administration to comment, and then we will receive testimony. So, Members, I ask that you would hold all of your questions for the presenters and the Administration until after testimony has been closed. So, Members, our only item on the agenda today is Bill 104 (2024), which was transmitted from the Administration as part of a package to obtain more rental housing opportunities from the existing housing by increasing the use of existing dwellings by allowing food preparation areas in the form of kitchenettes and wet bars. This bill adds the definition of kitchenette, and amends the existing definition of kitchen, dwelling unit, and wet bar. Additionally, this bill requires increased off-street parking to correspond with the allowed uses. Because this is a Depart...Planning Department proposal, I'd like to provide the Planning Department the opportunity to explain Bill 104 (2024) a little further. And Mr. Hart or Mr. Pfof, would you please proceed with your presentation? Staff? Mr. Pfof?

MR. PFOF: Thank you...thank you, Chair. Good morning. Yeah, I have a real brief PowerPoint presentation that I'm going to share with you. If you can bear with me and let me share that document here.

CHAIR KAMA: Mr. Pfof, can you hold a minute. Staff --

MR. PFOF: Sure. Yeah.

CHAIR KAMA: -- what is the presentation on Granicus? What number is it so that the Members online can go ahead and grab it real quick? *(pause)*

MR. PFOF: Would you like me to proceed?

COUNCILMEMBER LEE: Is that the correspondence from Planning?

CHAIR KAMA: We're waiting...we're trying to see what number --

MR. PFOF: Oh, it's not...

CHAIR KAMA: -- it is on Granicus.

MR. PFOF: Oh, I'm sorry.

CHAIR KAMA: So that the Members can follow along.

VICE-CHAIR COOK: They have correspondence . . . *(inaudible)*. . .

CHAIR KAMA: Yeah. Yeah.

MS. MCKINLEY: Chair, that's number 14.

CHAIR KAMA: Number 14, Members, on Granicus.

COUNCILMEMBER LEE: Yeah.

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CHAIR KAMA: That is the PowerPoint presentation. I'm sorry, Mr. Pfof, you may proceed.

MR. PFOF: Thank you very much. Good morning, Chair Kama and Members of the Committee. The bill that is before you, Bill 104, is a proposed ordinance to add a new definition of kitchenettes, and this was a bill that was initiated from the Planning Department as a series of bills of 103, 104, and 105 to really...it was really initiated to...as...as the onslaught after the fires occurred in Lāhainā and so forth, and to provide opportunities for those residents. But then it also affects Countywide...residents Countywide as well in providing housing opportunities for the County. Obviously, everybody is aware we have limited supply of available housing in...in Maui County, and what is available is...is very cost-prohibitive for many residents. The wildfires that occurred in 2023 have only impacted this housing supply and cost. And as you're aware, we are moving forward with the Title 19 rewrite project, but the timeline for that is still a couple of years away. And while that effort would include increasing density, we are some time away from that. And as I mentioned earlier, we wanted to provide an opportunity for those that are rebuilding in Lāhainā to take advantage of possibly increasing housing opportunities. An interesting statistic is that a little over 22 percent of our households are crowded and/or doubled up, meaning more than two families within a household. And so, this bill attempts to address or provide for legal opportunities for kitchenettes and for rental. Again, the purpose of the bill is to expand housing opportunities and affordability in Maui County while also providing accommodations for extended and multi-generational housing types and occupancy. Of course, any time that we move forward with a Code Amendment, the Zoning Code Title 19 implements the General Plan, and so we want to look to the General Plan for seeking for policy guidance whenever we amend the Code. And I've noted here some policies within our General Plan, specifically right here in the Countywide Policy Plan. I'm not going to read all of these, but they really speak towards seeking innovative ways to lower housing costs without compromising the quality of our life...island lifestyle, revise laws to support neighborhood designs to incorporate a mix of housing types. Our Maui Island plan then further includes policies that go in the same direction...amend development codes to facilitate different types of housing, including mixed use, mixed housing types, clustering, conservation...conservation subdivisions. Ensure that future housing stock is composed of a mix of housing types. And then also our community plans, and I'm not going to read all of these, but I included a variety of policies within our community plans. All of the community plans speak to providing housing in some way or another, and also looking for increased opportunity to provide housing within those communities. So, I've listed policies within each community plan, and I'm not going to go over those for the sake of time in any detail here. Importantly, I'd like to talk a little bit about the existing Code. And as you may know, in the Residential Single-Family zoning districts, R-1, R-2, R-3, and the Rural zoning districts, they permit one dwelling unit basic...per the size of lot. So, for example, in the R-1 Residential Zoning District, you're allowed one dwelling unit for every 6,000 square feet of lot area. Of course, as you also know, we also permit accessory dwelling units in addition to the main dwelling unit on Single-Family and Rural lots as well. However, our current definition of dwelling in Title 19 indicates that a dwelling is a...basically an independent housekeeping unit for a family and containing a single kitchen. So, in other words, per

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Title 19, we would not be allowed currently to allow kitchenettes. It only allows for a single kitchen at this time. We do have a current definition of a wet bar within our Zoning Code in Title 19, and we allow up to two or three wet bars, depending on the size of your structure. However, wet bars are only for serving beverages only, and no appliances for heating or cooking food are allowed in a wet bar. We've found that over time, while folks may have gotten a permit for a wet bar, those sometimes have illegally been converted to small kitchenettes. We've found that folks have actually installed kitchenettes without getting permits, and so this bill really initiates something that...that we're seeing happening out there to accommodate for multi-generational or extended families and/or increasing rental housing opportunities in a legal manner so that we are able to get building permits and ensure that the safety of those installations occurs. The proposed Code Amendment before you in the CD1 version basically has a new definition of kitchenettes, which is an area within a dwelling unit in addition, in addition to the kitchen used for small-scale preparation, serving of food and beverages. And it goes on to further describe that small scale by limiting it to a small refrigerator, a two-burner range, small countertop appliances, and so forth, but allows for the preparation of hot food and beverages as well. The proposed Code Amendment would allow for up to two kitchenettes per dwelling unit in the Residential and Rural zoning districts. It would restrict the dwelling units to be occupied...dwelling units with kitchenettes to be occupied for long-term only, and it would require one additional parking space per kitchenette. If the...if the Code Amendment is approved, some of the results that we would see is we believe...the Department believes that it would address a need for multi-generational and extended family housing. We believe it will increase the number of available rental rooms with a legal kitchenette Countywide, and those rooms will be part of a residence, and we believe will be smaller and more...and provide more affordable opportunity for residents in the community. Of course, fire-affected areas would see a more immediate benefit during the reconstruction, and importantly, there's no other changes to the existing development standards within the...for the dwelling units. So, there's no changes to setbacks, or building heights, or things like that, impervious services requirements for single-family dwellings within Residential and Rural districts. What we would expect to occur is naturally in Lāhainā area, as rebuild occurs, we would probably see more units being developed as...as rebuild occurs. However, throughout the...throughout the rest of the County, there will be obviously construction costs that will limit existing property owners from moving forward quickly, and the development standards and infrastructure availability, such as water and wastewater, manager...may also control the number of kitchenettes that can...that a lot can support. So, we don't expect an onslaught. However, we believe that there will be provision or providing for opportunities for a different...more affordable housing opportunities within the County. The ordinance before you was brought before the Lānaʻi, Maui, and Molokaʻi planning commissions earlier this year. The Lānaʻi and Maui planning commissions recommended approval of the ordinance. The Molokaʻi Planning Commission, while recommending approval, they also recommended that they exclude Molokaʻi from this bill. And subsequently, the ordinance reflects that. Recently, actually this week, we had a meeting with the Fire Department, as well as Public Works, to discuss potential safety-related issues related to the addition of kitchenettes. And so, I apologize for the late notice. But I inserted this slide to add a couple of minor revisions to the definition of kitchenette, adding that the kitchenette is internally

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accessible via enclosed living area. This is so we don't have a separate bedroom that would add a kitchenette that may turn into an additional dwelling unit. So, we were concerned about that, and so we wanted to add this to address that issue. And then also adding a line at the very bottom, you can see underlined, provided no kitchenette shall be permitted within accessory dwelling units. And so, it's only for the main dwelling unit. I understand that I had received a call from OCS today that perhaps we might move these two statements into other locations within the proposal. So, we're amenable to that. We just, as a late notice, put this into the definition. So, that concludes my presentation, and I'm available for questions, as well as Jordan Hart. Thank you very much.

CHAIR KAMA: Thank you, Mr. Pfof, for that presentation, and thank you for your...your PowerPoints. I really appreciated that. So, Members, today...before today's meeting, I requested comments in writing on the bill from the Department of Environmental Management, Water, Public Works, and Fire and Public Safety, and their responses are found in Granicus in items 8, 9, and 10. They've all been invited to today's meeting in case they have further comments to provide or if the Committee has questions of them. And I'll ask for any opening comments from the department representatives who are able to attend today's meeting now. So, I want to begin with the Department of Fire and Public Safety because I know that Captain Vaas has to leave in a few minutes. So, Members, do you have any quest...oh, but first of all, Captain Vaas, comments?

MR. VAAS: Good morning, Chair. Can you hear me okay?

CHAIR KAMA: Yes, we can. Thank you.

MR. VAAS: Yeah, so we...we did meet with Planning and went through this. What we found in looking through this and doing some research, there is no conflict with any current fire codes. Fire Department does not have a lot of jurisdiction in the residential application. And also, the Fire Code doesn't recognize a kitchenette. So, there were a couple of suggestions made to how we could balance the additional ignition source. They may not belong in this bill because they would be fire-related protection, which may have to be in the Fire Code. So, should this be adopted, I think we would probably be looking at something in the Fire Code language that does address kitchenettes, very similar to how we have restrictions for barbecues on lanais. But we probably wouldn't be implementing this on the plan review, it would be more like an ordinance that needs to be followed because we do not inspect or review the inside of structures currently for residential units. Previously, a third kitchen would trigger a third dwelling unit, which meant it's an apartment, and it got sprinklers. So, we are not opposed to the kitchenettes, but we probably will have to make some amendments in the future.

CHAIR KAMA: Thank you.

MR. VAAS: Any questions?

CHAIR KAMA: Thank you. Well, we're going to ask questions after you've left because we want to ask the questions of all...I mean, we want all the departments to comment first.

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MR. VAAS: Yes, Chair. Sorry. Thank you.

CHAIR KAMA: So, do we have Public Works available? Staff?

MS. MCKINLEY: Chair, I don't see that they've joined the meeting.

CHAIR KAMA: Okay. Department of Environmental Management, Director Agawa?

COUNCILMEMBER LEE: Schmidt.

MR. SCHMIDT: Yeah. Aloha, Chair.

CHAIR KAMA: Oh, yes. I'm sorry. Mr. Schmidt.

MR. SCHMIDT: Yeah, DEM submitted no comments, but just an observation...more fixtures, more occupants is going to represent more wastewater. You know, our current rate for single family and duplex dwellings has a cap of 9,000 gallons on the monthly metered wastewater charge. And so, we may come at some time future, once we measure the impact, and potentially submit for a new wastewater rate or an additional one that might capture these particular dwellings. That's...that's it.

CHAIR KAMA: Okay. Thank you so much, Mr. Schmidt. Appreciate that. Do we have anybody from Department of Water? I thought we were going to have... *(pause)*

MS. MCKINLEY: Chair, we were expecting James Jensen, but I don't see him on the call.

CHAIR KAMA: Yes, I don't see him either. Okay. So, let's continue on with the...did I hear somebody? Okay. Well, thank you for all your comments for the departments that did show up. I really do appreciate it. So, let's continue with our testimony so we can start asking questions. So, for Microsoft Teams participants logged in via web or the Teams app, please indicate that you would like to testify by clicking the raise-your-hand icon to the top right of your window. Staff will add your name to the testifier list. If you are joined by telephone, star-5 will raise your virtual hand and Staff will put your name on the testifier's list. Please keep your audio and video muted until you are called to testify. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item. When you reach the two-minute mark, you'll hear an audible notice. If you are still testifying when the notice sounds, please complete your testimony within the remaining minute. When testifying, we ask that you state your full name for the record. Anonymous testimony is also accepted. Decorum will be maintained throughout this meeting. Violation of decorum may result in being removed from the Chamber or the online meeting. You can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Thank you all for your cooperation. At this time, we will call on testifiers wishing to testify on HLU-33.

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MS. TANCK: Chair, the first individual signed up to testify is Desilee Santiago, to be followed by Kai Nishiki.

CHAIR KAMA: Okay.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. SANTIAGO: Good morning, everybody. Ohayo gozaimasu.

CHAIR KAMA: Ohayo gozaimasu.

MS. SANTIAGO: Bill 104, I have some comments. I agree that many families who are currently building are building with having to house their entire family and extended family in mind. So, it makes sense to find solutions to assist with having more food preparation areas throughout the dwellings. However, I'm concerned that although this seems to be a solution in one way, it could inadvertently encourage the creation of illegal multifamily units that don't meet the full legal requirements of a multifamily dwelling. The parking requirement to add one additional spot per kitchenette. So, essentially you...one single-family home can potentially have three cooking areas, or food preparation areas. We can't even find parking for the main single-family dwelling, like a family of four who has four cars or whatnot, you know. So, that's an issue. I'm not sure how that's going to play into the additional parking. So, most of us are aware that parking is extremely limited, not just in Lāhainā, but all over the island. Without adequate parking, local municipalities could face increased congestion on the streets, and residents may be forced to park in unauthorized areas, making enforcement even harder. And enforcement, as we all know here, has been extremely difficult to attain. So, who will be enforcing these requirements? It is clear that allowing for multiple food prep areas in a dwelling could provide flexibility for large and multi-generational families. However, it also introduces other complexities, greater demand on utilities, et cetera. I think the core issue is, why are we having to have ten people in a home? Because we can't afford to live with one single family. We have three families, we have three/four adults, three or four incomes to pay the rent or mortgages nowadays, and the cost of living, groceries, and everything else. A rent stabilization bill is not being proposed anytime soon. Governor Josh Green stated in an interview on *KITV4 News* on October 21st, 2024, that he plans to lift the eviction moratorium right after the new year. He said, and I quote, "he wants to respect the people and wait until after the new year, and they would have two months to get things right with their landlord." So, essentially, after the new year, we have countless amounts of people with landlords who have been waiting for the eviction moratorium to end so that they can A, evict their tenants legally without the proclamation in effect, or raise the rent. He did state in that story, and I can put it on eComment, that he plans to work with the court to set up mediation services. And we all know mediation is not a guaranteed reason for them to allow you to stay in your home. The Mayor was asked on Monday if he knew that the Governor was going to evict...or lift the eviction moratorium, and he had no idea. If the Mayor includes that rent cannot be increased in the emergency proclamation, then it would discourage landlords from evicting the current tenants because there would be no reason to evict

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them if they cannot raise the rent. While FEMA has extended rental assistance programs, starting in 2025, they will have to pay the difference between the HUD fair-market rental prices, and if your rent is 7,000 for a three-bedroom and the HUD, I think, price for a three-bedroom is like 3,200, 3,100, where is that other four grand coming from? And what is the Council prepared to do now to help before this happens? Time is up, and we need help now. Mahalo.

CHAIR KAMA: Thank you. Desilee, you have a question from Chair Lee, and from Member Paltin.

COUNCILMEMBER LEE: Hi. Thank you. What company or agency do you represent? I missed that.

MS. SANTIAGO: I'm...I'm actually a tenant, but I...I am a member of the Maui Tenants & Workers Association, but I'm on my behalf. And we've been...my...Maui rent...Maui Tenants & Workers Association has been trying to get some kind of rent stabilization bill proposed. We, from the general public, are unable to propose anything. It has to be from the Administration or Council.

COUNCILMEMBER LEE: Okay. Thank you.

MS. SANTIAGO: Thank you.

CHAIR KAMA: Member Paltin, followed by Member Cook.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Santiago, for your testimony. So, I just wanted to clarify, were you opposed to the bill or in support of the bill?

MS. SANTIAGO: So, I support it like any other bill that creates an easier pathway for the intended use. But because we know that we can't just say only for this group of people who the intentions are pure, I think it's going to produce another issue with illegal rentals. You know what I'm saying? Like I...I feel like it...the intended use is great. I am all for that if that is what it is intended to do, but it's not...it's all...it's for everyone. You know? It's not just for people that are trying to make it here. Investors can do it. People with illegal rentals. We're trying to phase out short-term rentals...illegal short-term rentals, and this...I don't know if this creates more of that issue, so...

COUNCILMEMBER PALTIN: Thank you for the clarification. Thank you, Chair.

CHAIR KAMA: You're welcome, Ms. Paltin. Member Cook?

VICE-CHAIR COOK: Thank you, Ms. Santiago. So, basically supportive, but concerned about how it would happen...how...what would happen. Are you aware of, like, there's a lot of illegal rentals now that potentially this would become...would enable people to become legal, and potentially that would stabilize the rental market to some extent so people aren't living under the shadow of an illegal nonconforming use?

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MS. SANTIAGO: I get what you're trying to say. The clear definition of a kitchen and a wet bar, we all know, I review plans all the time. We know when you have an eight-bedroom house, two-story house, and you have a kitchen downstairs and a wet bar upstairs, that it's probably most likely going to be two separate dwellings, or two families...two different families are going to be living there. We cannot review under the assumption that we are in somebody else's mind, thinking that's what they're going to do. But most often than not, a 13-bedroom with a lanai and barbecue and, you know, that kind of stuff, we all know the intention. I'm just afraid that this...if...I...I am...I believe if you need an extra kitchen, do an attached accessory dwelling. All the people that have come into the office--and I understand the cost and everything like that, essentially, I tell them just build what you think you want, and then if you have to scale back the kitchen and add it at a later time when you have more funds, but at least you have the core structure there. Most...we all know, I...I am all for housing and trying to house, and trying to rebuild, and...and...and get back what we lost, but I don't want it to be at the cost of--people are going to do illegal things regardless of...if we allow it or not. But I don't believe like because there's so many violations of this, or because there's so many illegal dwellings, that oh, let's accommodate this, and then the next thing let's accommodate that, and just keep going and going and find a better...

VICE-CHAIR COOK: Okay. Thank you.

MS. SANTIAGO: Yeah, thank you. Sorry.

CHAIR KAMA: Any other...yes, Member Paltin has another question.

MS. SANTIAGO: You're muted. You're muted.

CHAIR KAMA: You're muted, Member Paltin.

COUNCILMEMBER PALTIN: Sorry. Thank you. I just wanted to clarify one of the things she said in her answer to Member Cook. The attached accessory dwelling versus what we're discussing here, two kitchenettes, I guess, per dwelling unit. What...what's the difference between the two from...I guess, from your perspective?

MS. SANTIAGO: The wet bar versus the kitchenette? I think the kitchenette opens it up to appliances and...and stuff like that. Like the wet bar is just that sink.

COUNCILMEMBER PALTIN: Oh, no. Not the kitchenette versus the wet bar. The kitchenette versus the attached accessory dwelling.

MS. SANTIAGO: I think because when you're reviewing it, when you're reviewing one single-family dwelling versus a main dwelling with an attached accessory, which is two dwellings, attached or detached, it's two separate dwellings. There's different requirements, there's different review. Like Mr. Vaas said, Captain Vaas said, that they don't have any provisions. But I kind of wish that Public Works was here so they could weigh in on the Building Code portion of it and how that it would affect the Building Code review. Because they do review for fire separation and all that kind of stuff, too.

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COUNCILMEMBER PALTIN: Thank you so much. I think that was helpful for me to ask questions of our department later on. Thank you.

CHAIR KAMA: Thank you very much, Ms. Santiago.

MS. SANTIAGO: Thanks.

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual signed up to testify is Kai Nishiki, to be followed by Zhantell Lindo.

MS. NISHIKI: Aloha, Chair, Committee Members.

CHAIR KAMA: Aloha. Good morning.

MS. NISHIKI: Kai Nishiki. I am a registered Aloha 'Āina lobbyist, and I am testifying on my own behalf today. I support this initiative. I was at the Planning Commission for discussion, and...and after listening to all the discussion, offered testimony in support. I...you know, I think that many in our community, you know, like this is already local style. Folks are already doing this, and that this offers a path forward for legality, and legitimizes the use that is already happening. And having a kitchenette, you know, really speaks to having dignified housing for, you know, multi-generational dwellings. And like, in my own personal experience, you know, I have...I have three kids. They're just coming into adulthood. And...and, you know, I have a two-story house, and I...I have them living downstairs, and I'm living upstairs. And it would...it would be nice for them to have their own kitchenette instead of, you know, coming up to do all of their stuff in...in the main kitchen. So, you know, and this...and I think that that is what I'm speaking to is a reflection of many of our...many of our households. You know, my dad is elderly. He had a stroke and was...was living with...with me for a while as well. And so, like, to have him have to walk up the stairs when he was kind of incapacitated and, you know, like, there's...there's just so many instances where this is one already occurring. And, you know, everybody on all of these posts on...when people have, like, places for rent, like, there's always criticism about, like, oh, my God, there's not even a kitchen. Or, you know, how can...why...why is this even being offered? So, I...I think that I understand that there may be certain concerns in the community from...from folks worried about abuses. But then, you know, like, I think that that is an enforcement issue that...that definitely can...can be addressed. And I really like what the previous testifier said. You know, like, why...why are we having to squish our families into...into these...into, you know, one home? You know, that obviously is an issue as well. And that speaks to the need for long-term permanent housing. And, you know, all folks who are campaigning all campaign on that. So, of course, you know, there's no better rent control than developing long-term affordable rentals for folks. So, I'm...I am confident that this Council will do everything in its powers to support addressing the issue of...of housing this term. And so, I just want to offer support for...for this bill. Mahalo.

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CHAIR KAMA: Members, questions for our testifier? Seeing none. Thank you so much, Ms. Nishiki. Staff?

MS. TANCK: Chair, the last individual currently signed up to testify is Zhantell Lindo.

MS. LINDO: Aloha, Chair and Councilmembers. Mahalo for the opportunity to speak on this issue. I am testifying on my own behalf, on my own time, although I am the current Chair of the Molokaʻi Planning Commission. But I wanted to give some insight, just personally, in support of the bill, the way that it is written that excludes Molokaʻi. And I wanted to give some clarity. I agree so much with what the last testifier said. There's not enough in general to us. And...and again, the way it was presented to us, there was an overwhelming feeling that this was created along with some of the companion ordinances to help expedite building up...back up of Lāhainā. And so, we felt, as a commission, I felt as an individual, that I didn't want to hinder any of those things if this is what Lāhainā felt was best for them, which is the reason why we allowed Maui to go forward with what they wanted to decide, and asked to be exempt from that. And some of the particulars and the reason we asked for that was the increase of parking in dense areas where we already have trouble. The idea that we could anticipate, just like the Department of Emerge...sorry, Environmental Management stated, that potentially there will need to be an increase of water rates and wastewater rates as we move forward with the additional influx of kitchenettes and the changes of these kinds of things. We also recognize that there is a serious need to change the way residential dwelling units are asked...when we do planning for these, how you ask individual partners and departments to review the projects. Because fire...when we were in discussion, I asked the particulars of how does this affect fire getting into the units, and the increase of fire load, and just all these questions. And in general, the statement was, oh, Fire said no comment. But the reason for that is that they don't have very much oversight on residential...specific residential unit reviews. And so, they wouldn't comment to it in general because they don't have...they don't have authority over it, or they're not part of the review process, specifically in residential units. The other thing was that the future of the way that we plan on Molokaʻi needs to accommodate our ability to preserve and enhance our natural resources. And part of the...the problem we saw was that the more you build, the more we have to ensure that all of our emergency resources, our responders, our infrastructure maintenance, and all those things are also growing and can accommodate the growth that we have. And right now on Molokaʻi, that's just not the case. Our wastewater facility for the County is completely over capacity. And we just have a lot of different issues. And this may be a great plan in the future, but for right now, we felt that this wasn't appropriate for our island. We...we don't want to increase or...or attract any other kinds of visitors, accommodations, or people that are already illegal on our island to have in residential areas. And I would suggest that if this was passed, that the Council look at verbiage to restrict this ordinance to owner-occupied or residential units to prevent it from building up unwanted, you know, vacation rentals, or those kinds of things. And also to use the word "in perpetuity" so that there was no risk of this turning into something that was not originally anticipated to be. But I would like to support whatever Maui thinks is best for them, but at this time, Molokaʻi, we don't believe that this is something that we're ready for. And we did

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ask the Planning Department if there was a time in the future...if we did proper plan review and talked to our community, would there be a time we could then include ourselves into an ordinance like this? And we were told that the answer is yes, and that it would be a fairly easy and efficient process to do so. So, mahalo.

CHAIR KAMA: Thank you. Members, questions for our testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify on the suggestion of the owner-occupied. It...the only way that it would be able to be in perpetuity is if it's an owner-occupied, they build it, they can't ever sell it to somebody that's not going to live in it. Is that your understanding? Is that what you meant?

MS. LINDO: I mean, that would be the ultimate goal, right? But I think more of it, to me, is the intended usage. If you're going to be on residential property to live in, then that's the purpose of the dwelling in perpetuity. And I think it would be in alignment with what this Council has continued to try to do, which is secure residential properties in perpetuity at those affordable rates for our people.

COUNCILMEMBER PALTIN: So...so, the...to clarify, what you...what your intention and your suggestion is, that once somebody builds a kitchenette as an owner-occupied, that unit will forever be owner-occupied?

MS. LINDO: Absolutely.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you. Any other questions, Members? Seeing none. Thank you. Staff?

MS. TANCK: Chair, the last individual currently signed up to testify is Leonard Nakoa.

MR. NAKOA: Yessah. Good morning. Good morning, good morning, good morning. Hey, brah, this buggah is kind of personally went hit me in my heart because my daughter, she was living with the grandma, yeah, and that house is 50 years, they...before the thing went burn down. It had 19 people living in this house. Okay? So, yeah, I support this bill. As long as this buggah benefit us, the residents, the long-time residents, the...like my mother-in-law, 50 years she live in that house. You know, me, my house, 50 years I going...going be...going be next year in Napili Hau. So, as long as the thing going take care of us, the people of Lāhainā, people of Maui, you know, and all that stuff, then I support 'em. But I going tell you guys, we got to be careful because the...the...the Greg Brown guy, he went...you know, he went use this as, you know, for make 'em illegal, for make his illegal project that we should be stopping right now anyway, right? So, we already talked about that damn thing for how many years. But I just making sure we don't screw ourselves in the okole. Okay? Because even after the fire, gang, again, I think I'm going to say this story for the past two weeks, is that one prominent resident of Lāhainā, she was living in with the son. And at this time, as we speak, get 18 people living inside his...inside his house. He's stoked because his whole family stay in one place. But we got to figure out how we're going to help out the

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residents, not these guys who are going to make money off of this...off of this stuff, yeah? So, Junya going to be calling out all these things. I no...no freaking...I give up already making all nice. Junya pau be nice. Junya's going to go all crazy about exposing everything. So, make sure you guys dot the i's and cross the t's when you guys go through this damn thing. Because a lot of these things is hurting us, and that's why we're in this position right now in Lāhainā. Okay. You know, with the short-term rental crap and whatnot. So, let's be careful. Let's check it out, you know. And that's all I say...have to say because ho, that buggah went chicken skin, went hit me a little bit. So, I'm going to just tell you guys right now, brah, yeah. Keep up the good work because I think Tamara said the Mayor doesn't even know what the hell is going on. So, let's...you guys, you nine buggahs inside there, keep up the good work, brah. Hold everybody by....hold up everybody by the...you know what I like to say. Just do 'em okay, brah. Because I...Junya going make sure. Junya said that at...said this at the DHHL meeting. I said that last night at the...at the meeting for Kam 3rd. You know, stop stepping on us and all that kine . . .*(inaudible)*. . . And...yeah. Yeah, yeah, yeah. Okay. Shoots, brah. Sorry.

CHAIR KAMA: So, Junya, Tamara has a question for you.

MR. NAKOA: Ala, I going get scolding now.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Thank you. I will neither confirm nor deny any words I may or may have not said.

MR. NAKOA: Yeah.

COUNCILMEMBER PALTIN: But my clarifying question is, when you say that we got to make sure this is for the residents, I just wanted to clarify with the previous tester...testifier, we were talking about owner-occupied. When you say for the residents, like, say somebody owns a rental property, and they're rebuilding the rental property, so there's a main dwelling and two kitchenettes, and all of the whole thing going be rented out. Is that like what you mean by residents? Or it has to be someone lives there and they're renting out two kitchenette units? Like are they both considered for the residents in your testimony of what you said this got to be for the residents?

MR. NAKOA: Yeah. Yeah, yeah. Because again, you know what I mean? You might be...might be saying rental, yeah? But if I get my daughter come livin' with me, I'm going to make her...you know, I going make her give me money for the place that she's staying at. You know what I mean? So, yeah, you know what I mean? The residents, you know, my daughter, she's going...she going help me pay for the goddamn thing. You know what I mean? So, that's what I'm talking about. Thank you for the clarification. I don't know if I clarified anything, but...

COUNCILMEMBER PALTIN: Okay. Thank you. So, if it creates more rentals, even if the owner is in it to make money, speculation, that's for the residents, is what you're saying?

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MR. NAKOA: Yeah, and I think you should...I going clarify that one. Maybe they're not making money, maybe they just got to pay their mortgage. Yeah? Need it to help pay their mortgage instead of...you know, because I don't think we're making money. You know what I mean? We got to deal with these damn kids, so we might as well help make them pay the damn mortgage.

COUNCILMEMBER PALTIN: Yeah. I...I'm not sure we can specify what the rent would be, but okay, I got it. Thank you.

CHAIR KAMA: Thank you. Any other questions, Members? If not, Staff?

MS. MCKINLEY: Chair, there's no one signed up to testify...Chair, there's someone making their way down to the podium.

MR. LAW: Ohayo kakahiaka [sic] Luna ho'omalua Kama. I'm Jasee Law from Upcountry. I guess if Yuki Sugimura is absent, then I'm your Upcountry representation. So, I was kind of stuck on...I kind of just prepared my...my statements here before the meeting, but I did read the agenda yesterday. And I wasn't sure whether I should do the Hawaiian word of the day or the Bible reading, but it will be the Hawaiian word of the day. Thank you, Mr. Ambassador over here. The Hawaiian word for kitchenette is lumikuke, L-U-M-I-K-U-K-E. And the Bible reading is...my Bible's up on the 8th floor, and I didn't...I couldn't get up there, so I just picked one out of my head. Birds have nests and foxes have dens, but the son of man has nowhere to lay his head. And if I could add that, I'm not sure if it's...if I'll get cursed or not for adding. I didn't change anything. And it says, and nowhere to lay his head or park his ka'a, right? And segue into today is the new bus depot opening, so maybe Yuki Lei's over there doing the tie of the lei and stuff. I'm sure she's doing something important. I'm not...I'm not, you know, disparaging her in any way. And condolences for winning the election again. And so, we see the mess that this...this...this kind of like jump around, and you guys are probably, we're talking about dwellings and not transportation right now, but I take any chance I can get, and I got this from 'Uthane Hemolele. The bus guys are having a lot of problems, and we really need to plan for the future because the parking thing caught my eye. And we're making it so...we are making it so the...everybody has to have a car to get it...to get to a job, to make the money to pay for the car and pay for everything, pay the taxes and all. So, please plan for the future. We need a Lāhainā rail. We see the mess that Honolulu has got themselves in with the rail. So, please, transportation, put something in there. And as you know, I don't normally like rules and regulations, but I'm supportive of Bill 104 for the...we have to have regulations for the buggahs who no care. And thank you, Mr. Pfof, for working for the County and trying to organize everything.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, there's no one signed up to testify at this time. We'll do a last call...three, two, one. Chair, there's no one else listed to testify.

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CHAIR KAMA: Members, seeing as how there are no more individuals wishing to testify, without objection, I will now close oral testimony. And as a...as a reminder, written testimony will continue to be accepted into the record. Did I hear an objection?

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY . . .

CHAIR KAMA: Thank you. Just wanted to make sure. We're now going to continue to proceed with discussing HLU-33. Members, I'm going to call upon you for questions you have for the Administration. But I ask Staff to set a three-minute timer for each Member so that Members can get their questions asked and answered. If we need to do a few rounds, we can do that too. So, why don't we begin with Council Vice-Chair Mr. Cook.

VICE-CHAIR COOK: Thank you. Thank you, Chair.

CHAIR KAMA: Questions for the presenters.

VICE-CHAIR COOK: My question would be for Public Works. Are they on yet? Are they...do they have representatives?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

VICE-CHAIR COOK: If not, maybe I would ask Mr. Hart, it's...for Planning. Would...would you envision rough-in plumbing and electrical be allowed in the new construction in preparation for doing this in the future?

MR. HART: Chair, thank you. That's...that's a semi-complicated question. It really relates to more Public Works, their review of the plans and also the...the inspection of the...the project as it's being...progressing. I do want to clarify, though, that we did meet with Public Works Director, DSA, administrators, as well as Fire yesterday. It was mentioned that Fire brought up that we met together. We also did meet with Public Works. There wasn't....there wasn't an opposition to what was being proposed, but we didn't get into the...the detail...depth of detail about talking about roughing in for future build-outs. So, I've been hoping...I hope they will show up, but...

VICE-CHAIR COOK: No, thank you. Thank you. I think my...my reasoning for that was that it...it would be on the plans. It would be legal. It would be inspected to meet Code with the understanding that it's there, because quite often it's done after the fact, bootleg now. But this would enable people to do it legally, but not have the capacity necessarily...or the financial ability to do it right away. So, that...I would just be an advocate of having that type of detail, as long as it's on the plans with a note to be done later, but it's...

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MR. HART: Thank you, Chair. That makes a lot of sense to me. I can see how people would want to do that. So, they have those plans and...and, you know, they're...they're planning for the progression of their property and their family over the years. I think that would be a great option if it...if...I think that that's something that Public Works could look into.

VICE-CHAIR COOK: Thank you. And then, Chair, if Captain Haas [sic] is on...is the Fire representative still on?

CHAIR KAMA: It's not Captain Vaas.

VICE-CHAIR COOK: Captain Vaas?

CHAIR KAMA: Chief Ventura is on.

VICE-CHAIR COOK: Chief Ventura. Oh, I have a question for Fire. Would the...would there be a restriction for gas appliances in the kitchenette or additional cooking facility?

MR. VENTURA: Good morning, everybody. Thanks for the question. I am not as involved in this process as Captain Vaas is, but I'll do my best to answer all the questions this morning. This is one topic that we discussed yes...that was discussed yesterday because we wanted to limit this to 110 appliances, no 220 appliances, and preferably not propane as well. It had...it was mentioned that what happens if there's a power outage or whatnot, but I think at that point, we all rely on various means to cook if there is a temporary power outage. So, if this is going to be a permanent thing, we were thinking limiting it to 110 would be a smart thing.

VICE-CHAIR COOK: Okay. Thank you. That's my questions, Chair.

CHAIR KAMA: Thank you. So, let's continue with Council Chair Lee.

COUNCILMEMBER LEE: Thank you, Chair. Question for Mr. Pfof.

MR. PFOF: Good morning.

COUNCILMEMBER LEE: Good morning. Okay. Regarding your review of the amendments, item B says kitchenettes are not permitted in accessory dwelling units. Is it because, presumably, accessory dwelling units have kitchens?

MR. PFOF: Yes, that they...

COUNCILMEMBER LEE: Well, what's the rationale for B?

MR. PFOF: Yeah, this was...actually came out of our discussion with Fire and Public Works yesterday, and...and the concern is...well, one, accessory dwelling units are very limited and are small in size. Most likely you probably won't have a need for a kitchenette in an accessory dwelling unit, given the limitations on their size. But the concern about

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increasing the amount of occupancy, and...and related to any potential safety-related issues, and wanting to contain that to the main single-family dwelling only is really the discussion that I heard from the Fire Department and Public Works yesterday. So, we're not necessarily increasing density, so keeping it more just to the single-family residence.

COUNCILMEMBER LEE: Okay. Accessory dwelling units...are kitchens allowed in accessory dwelling units?

MR. PFOST: Yes.

COUNCILMEMBER LEE: Okay. So, it's just not adding to a unit that already has a kitchen?

MR. PFOST: That is correct. An accessory dwelling unit can have a kitchen, we're just not recommending to add kitchenettes to that. So, your accessory dwelling unit will only have one kitchen.

COUNCILMEMBER LEE: What about an attached unit?

MR. PFOST: An attached unit is an accessory dwelling unit, and that will have one kitchen. That attached unit is also...that accessory dwelling unit would be limited in size, whether it's attached or detached, and it can only have one kitchen. And importantly, an accessory dwelling unit has separate entrances. It doesn't have internal...internal accessibility from the main dwelling. So, it's treated differently from a Building Code perspective in regards to fire ratings of walls and things like that because it's actually a separate dwelling unit.

COUNCILMEMBER LEE: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Thank you, Chair. We're going to continue with Councilmember Johnson for questions.

COUNCILMEMBER JOHNSON: Sure. Thank you, Chair. So, on some of my notes, the...the...the term long-term resident, is that six months or a year? Did we define long-term resident?

MR. PFOST: Yes. That would be six months.

COUNCILMEMBER JOHNSON: Six months. So, a six-month lease for these folks gets you that long-term resident. I'm curious about the additional off-street parking. Does it need to be paved?

MR. PFOST: That's a good question. I'd have to look in the Code section. We allow for provisions for unpaved, I just can't remember if it applies to single family. There are certain conditions where you can have parking on unpaved. I'd have to look into that Code section a little bit further.

MR. HART: Chair?

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COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: . . .*(inaudible)*. . .

MR. PFOST: And Jordan may...Jordan may be aware of that.

CHAIR KAMA: Mr. Hart wants to answer that.

MR. HART: I can reply to that, and it will tie into...to Council Chair's last question as well. So, single-family residential does not need to have paved parking on their property. But, Chair, we do have a companion bill to this that would propose to allow more individual units on a single-family property. And when you get into more of a multifamily configuration, if that bill were to be passed, those stalls would need to be paved.

COUNCILMEMBER JOHNSON: Okay. I just think the idea of the cost will...will get, you know, higher and higher. You're already putting on an additional unit, that's going to be expensive, and then you have where we're requiring them to pave. But according to this bill presently, for the first kitchenette, you don't have to pave it. Is that...so, that...that seems kind of reasonable. I want to kind of turn this over to...you know, one of the bills that I'm really excited is...that came out was Chair Lee's 'Ohana Assistance Program, where we help give funds to people who...to build this. Will that...who should I ask that to? Maybe Chair Lee, I don't know. But would that bill help this...these...build kitchenettes?

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER JOHNSON: Okay. That...I think that is something that we should, you know, when I look at this bill, when I look that we have the 'Ohana Assistance Program and helping those folks, that...that...that sounds like a good flow, if you will.

UNIDENTIFIED SPEAKER: Aloha.

COUNCILMEMBER JOHNSON: It makes sense to me.

UNIDENTIFIED SPEAKER: Oh, hi.

UNIDENTIFIED SPEAKER: Hi.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

UNIDENTIFIED SPEAKER: Yeah, yeah.

UNIDENTIFIED SPEAKER: Okay. Real quick.

COUNCILMEMBER JOHNSON: I'm done with my questions anyway. Thank you, Chair.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Zhan? Zhan?

UNIDENTIFIED SPEAKER: So, I have an update on November 11th, which is turning out to be more complex --

COUNCILMEMBER RAWLINS-FERNANDEZ: Zhan?

UNIDENTIFIED SPEAKER: -- than I realized.

UNIDENTIFIED SPEAKER: Oh, okay.

UNIDENTIFIED SPEAKER: So...

COUNCILMEMBER RAWLINS-FERNANDEZ: Staff, will you please unmute [sic]? Okay. Thank you.

CHAIR KAMA: Thank you.

COUNCILMEMBER JOHNSON: I'm done, Chair. Thank you.

CHAIR KAMA: Thank you, Mr. Johnson. So, we're going to continue with Member Paltin. Questions for the Administration.

COUNCILMEMBER PALTIN: Thank you. I guess my question is either for Fire or Public Works. The testifier said that for an attached accessory unit, there's different requirements and different reviews. And I was wondering what the different requirements and different reviews are for if it were an attached accessory unit versus adding a kitchenette. And if that was the concern, if we could have the different requirements and different reviews that are needed for an...if it makes sense for an attached accessory dwelling unit be the same as for adding a kitchenette if they're...like the statement from Mr. Vaas' correspondence response was about not balancing and mitigating, adding on this extra risk. Oh, am I muted?

MR. VENTURA: No, you're good.

CHAIR KAMA: No.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: We can hear you.

COUNCILMEMBER PALTIN: Okay. I'm done with the question. Sorry. Ready for the answer.

MR. VENTURA: I...since you directed at the Fire, Chair, I'll take a shot at this a little bit. I think it's a good idea to align the processes. As we're having this meeting right now,

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there's actually a bunch of emails going back and forth. And Public Works, who's not with us right now, is asking if they need to require a building permit for kitchenettes. They need to do a little bit more of internal conversation to establish that...if that process is needed or not. On our end, our...our perspective would be, it would be smart to do inspections so that they're built to Code, you know, and permitting, and whatnot. And Mr. Pfost kind of mentioned that they'd be a permitted item. I'm just not sure how the process works.

COUNCILMEMBER PALTIN: Oh, awesome. And then my next question...is Housing on the line?

CHAIR KAMA: No, I don't think so.

COUNCILMEMBER PALTIN: Oh, okay. Staff, is it okay if they transmit my question to Housing?

VICE-CHAIR COOK: They're nodding.

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Yes, we can transmit.

COUNCILMEMBER PALTIN: So, this is my question. You know, like some of the testifiers said, the problem is that we have studios going for \$5,000, you know, and one-bedrooms going for \$7,000. And so, if people look at this as a cash cow, or a way that one kitchenette could pay their mortgage and the second kitchenette could, you know, pay for their Tesla or whatever, that's not going to be helping our local people. So, like how we did with the 'Ohana Assistance Fund, we required that these rentals would be rented at a HUD affordable price. And so, if we track them with like a building permit, Fire Code review...and I don't know what we need to set it at, like maybe not more than 140 percent AMI rent or 120 percent AMI rent, not more than that if it's going to be rented out. Is that something that the Housing Department is willing to track? Because, you know, then they'd have a list of affordable rentals. So, that's my question to be transmitted to the Housing Department.

CHAIR KAMA: Okay. Staff? Okay.

COUNCILMEMBER PALTIN: Do I still have time left?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Oh, okay. And then...

CHAIR KAMA: Oh, you're out of time. Sorry.

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COUNCILMEMBER PALTIN: I ran out of time? Okay. Thank you. Thank you.

CHAIR KAMA: So, we'll come back around, second round to you. And now we're going to continue with Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Mr. Pfof, for the presentation, and for our resources for being here answering the questions. So, I see in the bill language that Chief Ventura referenced, which is a kitchenette may not contain a 220-volt electrical outlet. But I don't see an explicit prohibition of propane. I do see that it says that two-burner range may be allowed, but I don't see --

CHAIR KAMA: See the propane.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- yeah--the prop...like, a prohibition to propane. So, is that something that was intentionally left out?

MR. PFOF: Thank you for the question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Planning Department.

MR. PFOF: It wasn't...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. PFOF: Yeah, it wasn't intentionally left out. I...I don't know the requirements actually from a Building Code requirement. I don't know if the Chief is aware from a Fire Department...Fire Code requirement, whether or not propane is allowed or not allowed as a...as a cooking appliance in...indoors. So, it wasn't intentionally left out.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chief Ventura?

MR. VENTURA: Yeah, I'll just add to that. We don't think it was intentionally left out, either. It was just in the discussion yesterday that was had by Fire and Planning that it might minimize the risk by keeping it to 110 versus propane and 220s. Propane is allowed for cooking in your primary kitchen. That's not a problem. Of course, we're just trying to limit the risk by limiting the amount of sources of ignition by minimizing propane in the kitchenette is the idea, I think.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. And so, is there...so I think it's connected by like a hose, or some sort, or something, right? Okay. From the outside. So, the propane tank is outside. And then the...the kitchen has the connection. Okay. And...or...or piping. And so, would the prohibition be, you know, something that prohibits the...a connection to the propane tank to the kitchenette? Or...like I...I guess my concern is, if the Fire Chief is recommending that propane not be allowed in a kitchenette, then instead of being silent in the bill, that it be explicitly prohibited. Is there...how does Planning feel about that? Any thoughts?

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MR. PFOST: I think from a Planning perspective, we are...if it is the desire to not allow propane to service any cooking equipment within a kitchenette, then that could be added to that definition. Similar like that the 220, it's not allowed for 220. You could also say it's not allowed to have propane for cooking equipment as well. So, we could insert something like that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, that would be that language?

MR. PFOST: Yeah. It would insert something.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. PFOST: We could insert that into the definition similar to like the 220...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I . . . *(inaudible)*. . .

MR. PFOST: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Okay. Great. Okay. And then I didn't hear a timer, so I'm going to ask my next question.

COUNCILMEMBER LEE: It did go off.

COUNCILMEMBER RAWLINS-FERNANDEZ: Testifiers today...

CHAIR KAMA: Keani? Keani --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: -- it did go off. Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: It did. Okay. I'll hold that question for next round.

CHAIR KAMA: Thank you. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, just following up on Member Rawlins-Fernandez's lines of questioning. So, I, too, also agree with Ms. Nishiki, a lot of us local builders, we would put in for a wet bar should we need additional...maybe a kitchenette space down the...down the road. But I guess my question for Planning Department. So, would you...would you do a rough-in for propane to a kitchenette? Is...would that require permitting if you're roughing in an additional gas line to your kitchen...to a future...to your wet bar? That would be legal?

MR. HART: Chair?

MR. PFOST: Adding...or, Jordan, did you want to take that?

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MR. HART: Sure, I can answer this and a couple of the last questions that were being discussed. So, the reason that the kitchenette was described as not having the 220 is because it's supposed to be subordinate to the primary kitchen and not an equivalent set of kitchens...three kitchens. Permits would be required for this. There was discussion with DSA this morning. The conversation they're having internally on building permits is whether or not the change of use of the...of the location of where the kitchen will go from whatever it may be, whether it's a living room or a bedroom, whether or not that change of use triggers the building permit itself. There will certainly be a electrical and plumbing permit triggered. The question is whether or not the change of use triggers the building permit. And rough-in or any sort of work would be...require permits. That has been the purpose of this, is that we review building permit applications at...for Public Works at ZAED. And what we will see is people will show a wet bar, but they will have cooking appliances shown in the plan. And then we'll have to tell them, you can't show cooking appliances on the plan because you can't cook here. So, then they remove those and they resubmit it, and then we have to approve it as presented, even though everybody knows exactly what they're going to do. So, the purpose of this is to legalize all of those situations where you have people not reviewed, potentially not even professionals, doing wiring and plumbing or whatever they may be doing is to...to bring it into a regulated and safe situation. Thank you.

COUNCILMEMBER SINENCI: Okay. And then Mr. Hart, does that also apply to if you're...if you plan on adding an additional bathroom, and you could rough in those...like a toilet sewage?

MR. HART: Chair, thank you. So...so, you know, both...both Councilmembers brought up great questions about roughing in. Unfortunately, I'm not at the level where I could tell you what Public Works would allow. You know, I know that there's a lot of latitude in working with plans that you have, as well as the building inspector that...that is administering your site, but I just can't specifically answer that level. Thank you.

COUNCILMEMBER SINENCI: Okay. Thank you. And then for Mr. Ventura.
...*(timer sounds)*... Captain Ventura...oh.

CHAIR KAMA: Yeah. That...

COUNCILMEMBER SINENCI: I'll wait for a second round.

CHAIR KAMA: Thank you. We're going to continue with Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I have a quick question for what Mr. Hart just said to Member Sinenci regarding the change in use. Do we regulate the individual use per room in the dwelling, or do we just look at it overall as it's being used as a building?

MR. HART: Chair. So, unfortunately, I was speaking on behalf of conversations that I've had with Public Works Development Services Administration on this subject.

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COUNCILMEMBER U‘U-HODGINS: Yeah.

MR. HART: So, the Planning Department, from the zoning perspective, doesn’t necessarily regulate use by room. But --

COUNCILMEMBER U‘U-HODGINS: Okay.

MR. HART: -- Department of Public Works will have different occupancy types and different types of regulations they need to administer. And --

COUNCILMEMBER U‘U-HODGINS: Okay.

MR. HART: -- the building permit is a method...a vehicle to document and...and review the change of a use in an area of a building.

COUNCILMEMBER U‘U-HODGINS: Okay. And shucks, I don’t mean to do this to you because I know you’re not Public Works and DSA, but I guess that does lead me down the enforcement question. So, say they have a change in use which would then trigger a building permit. And then I guess would this dwelling need a CO, and at that time, could we ensure that there’s adequate parking?

MR. HART: Okay. So, I want to get into some other things that are being discussed in this conversation. Thank you for the...the question. There was a discussion of contiguous units and whether or not...you know, what the type of use or review should be done. So, basically, when you...when you connect three contiguous independent units, that becomes essentially multifamily. Then you’re doing commercial --

COUNCILMEMBER U‘U-HODGINS: Yeah.

MR. HART: -- construction --

COUNCILMEMBER U‘U-HODGINS: Yeah.

MR. HART: -- review.

COUNCILMEMBER U‘U-HODGINS: Because the duplex...

MR. HART: So, this proposal...well, beyond duplexes--because duplex is three--but when you get to...or two, but when you get to three, that’s when you’re doing commercial review. And that’s a whole ‘nother level of cost, and material types, and all kinds of different things that you’re driving. And so, the...the theory for this proposal is that it’s legally allowed to exist within the Residential Building Code, and that opens the opportunity up to many more people on being able to do these kinds of conversions and/or initial constructions on an attainable level.

COUNCILMEMBER U‘U-HODGINS: Okay.

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MR. HART: And...and we do have the...the...the partner bill to this to propose more units on single-family.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. HART: And if you were to do that, and you were to abut those like more than two units, then you're doing...you're just understanding it, and you're going commercial level, and you're paving your parking, and all those kinds of things that go on with being a...you're becoming a real developer at that point. This was to allow people who are not developers, they're residential owners, to accommodate whether or not they need supplemental income for their retirement plan, or to pay their mortgage, or they have family members who are in need, or whatever else is going on.

COUNCILMEMBER U'U-HODGINS: . . .*(inaudible)*. . . Yeah. I do want to ask, how did you folks settle on two kitchenettes per main dwelling?

MR. HART: So, we...existing regulation allows for two wet bars per 5,000-square-foot dwelling. And we're trying to...we were trying as much as possible to match what the County of Maui is already allowing people to do, and just --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. HART: -- slightly adjust it to do this.

COUNCILMEMBER U'U-HODGINS: Okay. I do have a question regarding propane. Because I'm sure, like everybody else, I like to grill, which is used as a propane. So, how would this regulate my ability to literally have a grill if we disallow propane? And I don't disagree that's like internally . . .*(timer sounds)*. . . but like my grandma, who's a cook, prefers a gas range and an electric oven.

MR. HART: So, I drafted this. I did intentionally not exclude propane, and it is because there are...so, I grew up out in Ha'ikū, and a lot of times, there were long power outages, and we had a gas range, and we could cook. So, there hasn't been a lot of power outages on extended period recently, but it used to happen all the time. People used to have kerosene lamps and all that kind of stuff. So, I didn't put the propane in there. And the conversation that we had with the Fire Department and DSA yesterday was that Fire doesn't have to go to Planning Commission. All the planning commissions to change their regulations, they could just draft something up, meet with a Councilmember, say that they would like to do this, and just go ahead and do it. And so, our suggestion had been that...that they can easily edit their regulations, and if they decide that propane's unreasonably unsafe, it's totally within their duties and responsibilities to add it to their Code. And we don't generally do things like regulate...the reason for regulating 220 was just to establish the scale as being subordinate to the...the main kitchen. It wasn't for the purpose of...of addressing all safety regulations. Thank you.

COUNCILMEMBER U'U-HODGINS: Thank you. Thank you, Chair.

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CHAIR KAMA: Thank you, everyone. So, it is now 10:30, Chair would like to call for a morning break from 10:30 until 10:40, without objections.

COUNCILMEMBERS: No objections.

CHAIR KAMA: HLU is now in recess until 10:40. . . .(gavel). . .

RECESS: 10:30 a.m.

RECONVENE: 11:47 a.m.

CHAIR KAMA: Will the HLU Committee meeting of November 20th please reconvene. It is now 11:47 a.m., and we're going to continue where we left off. I think we left off with Member U'u-Hodgins asking her questions, so we're going to continue and go back up the...the scale to Committee Vice-Chair Cook.

VICE-CHAIR COOK: Thank you, Chair. My question would be for Mr. Hart in Planning.

CHAIR KAMA: Oh, I'm sorry. Mr. Cook, I'm sorry. I want to introduce to everyone Mr. James Jensen, he's with the Department of Water Supply, and he's here present to answer all of your water questions. So, feel free to call upon him. Okay. Mr. Cook?

MR. JENSEN: Mahalo, Chair. I thought I was going to get away with not being introduced. Thank you.

VICE-CHAIR COOK: My question is for Mr. Hart or Mr. Pfof. Is it currently within the Code, or is it...would it be potentially possible to have parking lots and neighborhoods...to start having parking lots in neighborhoods because this issue of intense density and the challenges with not having adequate parking is a perennial problem. Off-street parking is not only illegal, but undesirable from a safety standpoint. So, my question, is that something that people could buy a vacant lot and have neighborhood parking?

MR. HART: Actually, Greg may be quicker because he's in front of a computer, but I can't recall off the top of my head whether or not Residential Zoning Code allows for that.

VICE-CHAIR COOK: Do you think that that would be a potential solution for some of the challenges that we're discussing?

MR. HART: I do think it's...it's a potential option, and I do think that there's going to be an evolution in Maui County over time about, you know, transportation methods, which...which you're all aware of. So, I think that that's something that would be reasonable.

VICE-CHAIR COOK: My other question is currently, can someone pave their lot if they have a seven-and-a-half-thousand-square-foot lot? Do they have to have a lawn, or could they do--well, possibly porous pavement--but could you pave it and park four cars on your

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lot? Instead of off...instead of having side-street parking, you have your driveway and then just two other cars on your lot?

MR. HART: Thank you, Chair. So, there's a couple moving parts there. The...there was a recent update to the Residential Zoning Code which limited the total number...the amount of impervious surface. It was kind of driven by some of the monster home issues going on in O'ahu, as well as the...just the desire to provide more impervious surface for...for stormwater mitigation. So, you can't pave...you can't have impervious surface over more than 65 percent of a residential lot at this point. You would be required to have...there...it scales up as the size of a dwelling increases, but...but generally, most residential...residences require two stalls, and then we're talking about kitchenettes, that...if...if this is passed that would trigger an additional stall per each additional kitchenette, but those are not required to be paved. You could pave them if you wanted to, working within your limit of total impervious surface. You could have as many vehicles as you wanted for yourself parked on your property, unpaved or not paved, but you couldn't do commercial parking on your property at this time.

VICE-CHAIR COOK: Okay. That's what the reason I mentioned porous pavement, was the need to maintain pervious. . . .*(timer sounds)*. . . Thank you, Chair.

CHAIR KAMA: Okay. Thank you. So, we're going to continue with Council Chair Lee.

COUNCILMEMBER LEE: Thank you, Chair. So, we don't have Public Works here, but Jordan, you have been in discussions with them. So, my concern is, I think this is going to be a very popular ordinance that people will take advantage of because of the extreme shortage of affordable homes and rentals. And this could, you know, essentially stem the tide of people exiting Maui. Are we prepared, capacity-wise, to handle the additional volume of work? I know it's not your Department, but still, you've been talking with them, right?

MR. HART: You know, I think you gave permit processing, is that...is the question?

COUNCILMEMBER LEE: Yes. Yes.

MR. HART: Yeah, I'm sorry, I can't...I can't...

COUNCILMEMBER LEE: They didn't talk about hiring new people and adding to their workforce?

MR. HART: We didn't have those conversations. I did participate with Public Works in...in the...the identification and selection of their consultant that's assisting with post-disaster permit processing, and I understand that they are doing supplemental services to relieve the load that Public Works has. But I...I can't speak on their longer-term plans for staffing. Thank you.

COUNCILMEMBER LEE: Okay. Because, you know, it seems to me that a lot of people spend an inordinate amount of time trying to anticipate every single move, every single corrupt

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person, every single way we can restrict this. But I think that we should figure out how do we implement this, and how do we enforce this, yeah? And give it a chance, give it a chance to...to go forward so that we can observe and see, you know, what...what's actually needed. Because it's a fallacy to think that we can create the perfect law--that's impossible--because there's no way we can anticipate every circumstance. But anyway, that's why I was asking, you know, maybe when you have your conversations with DSA that we talk about capacity building, and talk about enforcement, talk about actually assisting people, you know, to comply with the law. And...and that's one thing we all have to do, is...is try to help the public more. Because, you know, our laws are so complicated that...and we're...and we're sitting here trying to make it more complicated. Thank you.

CHAIR KAMA: Well said, Chair Lee. We're going to continue with Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I guess the only question--well, it's kind of a clarifying question--is for the Fire Department, in regards to sprinklers not being needed. Just want to follow up on that. So, in...in these kitchenettes, we...just to clarify, we don't...the homeowner does not need to put in sprinklers, that's correct?

MR. VENTURA: Correct.

COUNCILMEMBER JOHNSON: Okay. What...what do you folks look at when it comes to any kind of fire protection for these kitchenettes? Is there anything additional, or anything that, you know, you would speak to the builder of that, you know, unit?

MR. VENTURA: Historic...well, historically, we don't have kitchenettes approved, so we don't look at it. If you were to put an additional dwelling unit on your property that did not meet our access requirements, which means we can get a fire truck close enough to the building, then we would require them to add residential sprinklers to that ADU.

COUNCILMEMBER JOHNSON: I...I appreciate that clarification. So, how do you get notified that this is going to happen? Do you guys...are you on...are you in the...in the know?

MR. VENTURA: ...*(laughing)*... I think that's...that's the big question here is, as we mentioned several times in this meeting, people are doing this already. Is what they have in their home already built to Code or not? Are they going to come for after-the-fact approval? And then, you know, as mentioned, if they do do it properly, and they do reach out to get a building permit, and it's approved through all of the departments, then we would all be able to put eyes on it from our perspective and our Code.

COUNCILMEMBER JOHNSON: Okay. Thanks for that clarification, Chief Ventura. I...I don't have any further questions. I just have a statement from...you know, a big mahalo to the Planning Department for working on this kind of policy. We have to...I...it's such an overused term, every tool in the toolbox, right? We're in a housing emergency. We were in a housing crisis. Now it's just totally mayhem. So, the...the fact that you folks are looking at creative ways to allow homeowners to be in compliance, and add kitchenettes to, you know, their...their homes so that maybe they can rent out a unit for our people

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who really need rentals. And we know the rental market's just nuts. And the fact that you folks are coming up with solutions, you know, mahalo for that. I know it's not an easy thing to work through because...like what Chair Lee said, we have a...very complicated laws. But this is...this sounds needed to me. This sounds like folks who...you know, I...I...we all have friends and family, we know people who lost their homes in the fires, and if they build back with a kitchenette, it might help. And it also helps the folks who are living...who...who need a place to live. So, this is . . . *(timer sounds)* . . . very needed, and I just want to appreciate Planning's drive on this. Mahalo, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. Councilmember Paltin, you're next.

COUNCILMEMBER PALTIN: Thank you. I think I'll start out with Mr. Hart. So, each kitchenette could possibly have more than one car, but we're only requiring one car off-street parking?

MR. HART: That's correct.

COUNCILMEMBER PALTIN: Okay. What was the ration on the...rationale there that not all of the additional parking would need to be onsite? I mean, this given like, you know, people jumping into the ocean because they couldn't get away from the fire because traffic was backed up.

MR. HART: There's...okay. So, that's...that...there's a lot to that. So, first of all, there's...there are the two main parking stalls that are required for the...for the dwelling itself, and then these additional kitchenette areas are supposed to be subordinate to the...the overall dwelling. So, you know, we're basically like 50 percent of the...the...the dwelling unit's total parking requirement is being required again for each one. With regard...

COUNCILMEMBER PALTIN: I guess, you know, I live next to, like, this boarding house, where all the cars are on the street, you know. They...my neighbor rents out to fire survivors, and then she lets all the zipline employees stay there. And so, like on my street, the fire hydrant is blocked by cars, the no parking signs are totally ignored, and that's...you know, like Mr. Salem said yesterday, that's indicative of the whole Upper West Side because everybody's squished into what's remaining housing. And then they build evacuation routes and they lock the gates, you know. So, in the rebuild of Lāhainā, all the community outreach meetings, people say they want to live in a safe environment. We have written correspondence from Fire that we're not mitigating the risks of traffic impacts or adding on things. So, just...just wondering if we already know that parking is inadequate, and we're just exacerbating, would it have been possible to say that anybody that lives in the kitchenette that has a parking should be off-street?

MR. HART: Chair. So...so, you know, there...there has to be some sort of decision on magnitude. There...there's...there's trade-offs for every single thing that happens in life, and what is the scale of response that you're...you're providing. We did think that one...one stall per kitchenette is an appropriate level of magnitude. There are...

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COUNCILMEMBER PALTIN: Okay. To ask a question on your magnitude thing, should we be taking up Bill 103 and 104 separately? Because we only get half the picture if we take them up separately, and then the next bill, like you said, it's companion bill. So, we're not getting a full scope of the picture of the . . . *(timer sounds)*. . . increased density we've been allowing.

MR. HART: Chair, if...if I could provide a coherent response, I think it'd be helpful to this conversation. So, first of all, the proposal applies to the entire County, and so, there are areas of Lāhainā that have unique situations that need to be addressed. I think that Councilmember King's *[sic]* inquiry about whether or not neighborhood parking lots are appropriate is right on the money as far as that specific situation. There is also a...Planning had committed to pass a no parking...like an ordinance that establishes no parking on all the roadways within Lāhainā, which are substandard for the fire apparatus to pass through, that do not accommodate parking. Now, the issue of enforcement of no parking, I think that that's something that can be addressed by the County in...in...or kind of reestablishing what priorities are, and it needs to be something that's, you know, done in nonemergency and emergency times if it's going to be around during the emergencies. And then the final thing is that the Department introduced and took these bills through the planning commissions all together. They have to be identified as separate bills because they...they do separate things, but we wanted them all to be reviewed...I mean, the nonconformities, the increase in density, and the kitchenettes were all initiatives that are proposed out of the...the Administration's post-disaster permit working group. And they...they are all related, and I have mentioned them together, and I also made reference to them during this meeting. But I think that the...the question on the adequacy of parking is, it's...it's a real comprehensive issue. We're evolving in our methods of transportation, we are providing more features, we're changing the roadway profiles, and all of these things unfold over time. And then you have specific situations where you have existing neighborhoods with constraints, and there's trade-offs. Are you going to, you know, claim roadway...right-of-way frontage from all of them and bring down their lot size, or are you going to do no parking? Those are all community-engaged trade-offs that have to...you know, you make hard decisions on, and...and no bill or...or proposed ordinance can accommodate all the unique human scenarios that get created over time.

COUNCILMEMBER PALTIN: Could it be that houses fronting substandard roads can't apply for this kitchenette, or that's not fair? But we're talking about safety, and the road is not safe already, and now we're going to add more cars. I mean, we have...we have houses that have way more than two cars on substandard roadways.

MR. HART: So, one...one of the complicated, you know, questions that I have that I don't know the answer to is...is, you know, what was the parking situation that was being provided before the disaster? So, I know what we're going to be requiring for new construction, but I don't know what was being done before. Like, you know, I...I...in my neighborhood, I see a lot of people who...they have a garage, but they don't park in their garage...or they have a carport, but it's actually an extension of the outdoor living room. So, you know, those are all...I think that the various reviewing agencies have the capacity to make requirements and/or change their requirements for health and safety purposes in

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a much more nimble way than the Planning Department is able to. Because we have to take anything that we propose to all three planning commissions before we can come back to you. But if...if Fire or Public Works has a concern, they can just, you know, introduce it themselves and come straight to Council to get changes, and those kinds of things can be done within, you know, six to eight weeks, or...or maybe slightly longer, and so there can be a reaction for health and safety purposes. And I think that there's...you know, there's the desire to address it on the Council level, and there's the expertise at the agencies, and I think that these are things that can be, you know, resolved.

COUNCILMEMBER PALTIN: Thank you. Chair, given what Mr. Hart had said, we...we heard 105, we're waiting for answers. We're hearing 104, and...right, we're on 104 right now?

CHAIR KAMA: Yes, we are. . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: The...I guess Public Works, Fire, are going back and forth whether it needs a building permit, and maybe Fire review. Would it be possible, before we take action on 104, to also hear 103? And then...and then we have like...at least like, you know, a precursory discussion on each of these companion bills, as Mr. Hart said, before we're passing any one of them in...in a silo?

CHAIR KAMA: I think it's possible. I just don't think we're going to get it done by the end of this year.

COUNCILMEMBER PALTIN: Okay. I mean, we waited about four months to hear it the first time, so what's another couple months, I guess?

CHAIR KAMA: And if you wanted to hear all three simultaneously, then I think we might be looking at a longer meeting than just a three-hour meeting. Because our 105 went--well, that didn't go actually--and then we had 104. And I thought this is going to be the easiest of the three, but apparently it isn't, and then we have 103.

COUNCILMEMBER PALTIN: I think initially, if we can hear them each separately, get the answers. One of my follow-up answers is like it sounds as though the...the permitting issue with Public Works and Fire is still like ongoing worked out. So, I would love to know, in writing, what they land on before passing the bill. Like...you know, like if it's going to be just the electrical and plumbing permit, if the Fire Department can review buildings that are having kitchenettes and stuff like that, I'd...I'd love to get a written answer from Public Works...like what...what would be the permitting requirement, and if we could include in this bill that Fire would have review of kitchenettes and, you know, have some mitigation efforts, like how Officer Vaas said for the increased traffic impact, the increased ignition sources. And then take a look at 103, and how all the...the three could possibly...103 separately, and then look at how all the three bills would work in concert with each other...like the whole entire scope of what is being proposed.

CHAIR KAMA: So, Staff, did you get Member Paltin's questions written?

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MS. MCKINLEY: I believe she would like a letter to Public Works asking what the permit...permitting requirements are; is that correct?

COUNCILMEMBER PALTIN: And...and if we can bring Fire in for a review...a plan or permit review for the addition of a kitchenette. Because they...I think Mr. Vaas also mentioned some Code changes they would like to the Fire Code because they don't have a definition of the kitchenette. And I'm not sure, but it seems that it would be prudent that we pass something like that simultaneously. And a Fire Code change of that nature wouldn't need to go through the Planning Commission, right? It could just be proposed and passed as a companion or something?

MR. VENTURA: That's correct, from my understanding.

COUNCILMEMBER PALTIN: Yeah. So, I wouldn't want to, like, get this in motion without having that Fire Code companion part of it so that, you know, we're clear, when we roll out this program, that we...we are making efforts to mitigate the increased risk. And I...I think that we need to take it into consideration with the changes being proposed in Bill 103 because it could have a possible compounding effect of more than what we are intending if they're taken all together. 105, to some extent, mostly applies to Lāhainā, and a lot probably to the historic district, but I think 103 and 104 in particular should be taken up and looked at together because we're not seeing the entirety of what types of changes that would occur. That allows for more ADUs, I believe.

CHAIR KAMA: You're right.

COUNCILMEMBER PALTIN: And...and so, like, you know, the possibility of 11 households on one lot and the...the mitigation of...of that or whatever, you know?

CHAIR KAMA: Okay. So, I know that Staff has written it down, and I did...so did you capture all that Member Paltin had spoken about?

MS. MCKINLEY: I believe for the letter...that we're going to do a follow-up letter to Public Works about the permitting requirements and asking whether Fire could be brought in for a review of kitchenette permit applications.

CHAIR KAMA: Okay. All right. Well, thank you. So, we're going to continue with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm taking in what Councilmember Paltin is suggesting, how we move forward, and I think that it's a...it's a good recommendation, a better way of considering all the bills, and the impacts, and the potential amendments, and questions altogether. And so, I...I don't really know. I think Member Paltin did suggest exactly how to move forward, but I didn't catch it all. And...and I think that that would likely be a better way forward from here. Was it your intention, Chair, to pass this bill today since you thought it was the easiest of the three?

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CHAIR KAMA: It was my intent. But I also knew that we'd have a lot of questions, but I also knew that there was some discussions that were happening without us being present with the departments, and I wasn't sure where that went. But now, in listening to our resources who are here, it seems like much more discussion probably does need to continue because we don't know all that information that we're looking for, and that Member Paltin is seeking. So, you're correct. I think moving forward, we want to get those questions asked and answered that Member Paltin's looking...questioning, and then hopefully, allow the departments to maybe go back and meet again, and then trying to get it together. And then in the meantime, we...we...the Staff and I will work on trying to pull this together. Because I do like that idea of having all three at...at some point in time in the discussion. But having to bring it forward to say what does it look like, what other questions do we have, so that we can look at it more comprehensively.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for being open to those suggestions. And, you know, I know that we're...we're...I mean, it's impossible to pass a perfect bill --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but I think that it's our responsibility to ensure that it's as perfect as possible when we pass it, with all the information that we have at the time that we're passing it. Otherwise, it's irresponsible to not learn from our mistakes, and incorporate those lessons into the policies that we pass. And I don't think it makes it more complicated. I think that it's demonstrating that we are learning, and that we're trying to do better, and that it's a disservice and disrespectful to the people who died because we didn't do better as a government. So, I...I'm sorry, I took offense to some of those comments, but we're trying our best to do better and pass better policies, and I think that is our responsibility. Mahalo, Chair.

CHAIR KAMA: You're welcome. So, we'll continue with Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And my...my follow-up questions was more of what Mr. Vaas had said prior to...to him leaving. So, I, too, would have wanted to hear more about...not just the more fire preventions if we are going to approve kitchenettes. I know some of the...you know, there are fire suppress...suppression measures, additional ones that we can take if we are going to be increasing, as Chief Ventura said, fire sources within the home. So, yeah, I would...I'm okay with hearing maybe more from...from the Fire Department, and how they can maybe chime in on the additional kitchenettes, Chair. Thank you.

CHAIR KAMA: Thank you, Mr. Sinenci. So, we're going to continue with Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. If you would allow me, can I add a question onto Member Paltin's question to Department of Housing? Thank you.

CHAIR KAMA: Sure.

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COUNCILMEMBER U'U-HODGINS: Which is kind of what Member Johnson was asking, I think, to Chair Lee. My Teams is kind of going in and out, so I...sometimes I catch bits and pieces. But regarding the 'Ohana Assistance Fund, to my understanding, zero grants have been given out for that fund. And if they could confirm if that's true...if not, if they could please provide us a status update on that pilot project. I'm...I'm hoping it's successful because if that's the case, this would help, but to my understanding, zero has been given out. If we could figure out what's going on with that. That's my question for Housing. But I do have another question for Planning, and it's just more a question on the wording. So, a kitchenette may not contain, you know, the 220-volt outlet, and then it goes on to say, a dwelling unit with a kitchenette is to be occupied on a long-term basis, which I love, but furthermore, in...on page 2, where we're talking about the dwelling units, it says, up to two kitchenettes, two wet bars, or one kitchenette and one wet bar, regardless of the size or square foot of the dwelling unit. How come we need the...if two kitchenettes or two wet bars are permitted...so, I want to just get some picture clarification. We can have either two kitchenettes or two wet bars, one of each? But not necessarily a combination of them all. Yes?

MR. PFOST: Yes, that's correct. It was two kitchenettes, or two wet bars, or one of each.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. PFOST: So, a maximum of two. That was the intent.

COUNCILMEMBER U'U-HODGINS: Okay. Okay. I just wanted to understand what a dwelling unit would look like without a size limitation, and you have one kitchen...a full-size kitchen and two kitchenettes. Without any size requirement--and I'm not suggesting we necessarily add it--but you could basically have the tiniest room, one kitchen and two kitchenettes, and be all compact. Now, I...I don't think that's necessarily going to happen, but it would require a lot of...if they were all working at once, it'd be a lot of heat in a small area, which might, you know...I don't know how that's going to work out, but we usually have some sort of size requirements. Not suggesting we do so, but I just, like I said, wanted that picture of what it looks like. . . .*(timer sounds)*. . . Well, anyway, thank you for...thank you for specifying that. It was a little bit confusing when I read it the first few times. Thank you. Thanks, Chair.

CHAIR KAMA: Thank you. Okay, Members, do you feel the need to ask our resources more questions? Okay. Mr. Cook?

VICE-CHAIR COOK: Thank you, Chair. This is for the Planning Department. Will existing nonconforming have an after-the-fact permit inspection option? So, this...this rule is for new...usually when we make rules, this is for new construction that's easier to manage and maintain, but there's an exist...there is a lot of existing nonconforming uses. Would this bill or something...addendum to this bill when we work in the future, pave the way and enable the departments to have a mechanism to do...bring people into compliance?

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MR. HART: Thank you, Chair. One of the complicated things in discussing nonconformity uses is...is the general understanding of them. So, basically, nonconforming means legal, but a lot of people in the public will use nonconforming to refer to things that are not legal. So...so, if it's nonconforming, you don't...you wouldn't need to do anything because it was legal when you did it. So, like in a hypothetical situation, before the County of Maui required building permits, somebody had built a house with a kitchenette in it, that would be legal. If...if something was installed illegally--a kitchenette let's say...let's say in Kahului as a hypothetical, there was a house that had a kitchenette in it--if this were passed, they could come in for after-the-fact permits to legalize it.

VICE-CHAIR COOK: Okay. And...and thank you. I...I appreciate your being here. It...it is a Public Works...it overlaps the Public Works a lot because it would be illegal and nonconforming if they had an after-the-fact and...after-the-fact permit...after-the-fact inspection process, then it could be confirmed that it was legally made to Code, and then it would be a matter of conforming.

MR. HART: Yeah, Chair. I could add on to that. So, what we're proposing to do from the Planning Department is to make the use legal, and then you would still have to do all of the...the normal things that you have to do to get review and approval of the construction aspect. So...so, there is after-the-fact building, plumbing, and electrical permits that can be applied for. Thank you.

VICE-CHAIR COOK: Thank you. And I just wanted to clarify that, like my comment about gas earlier wasn't against gas, and I know that there's safety issues, it was just...I interpreted that the limiting 220-volt service was to not have two full-blown kitchens, and that's part of the way to have a kitchenette is not to have a range; is that correct?

MR. HART: It's more...it's the scale issues. Thank you. . . .*(timer sounds)*. . .

VICE-CHAIR COOK: Thank you, Chair.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Can I have a question...add something too?

CHAIR KAMA: You're next.

COUNCILMEMBER LEE: Okay, good. Thank you. I just wanted to piggyback on what Member Nohe U'u-Hodgins mentioned about getting feedback from the Housing Department. Because on the 'Ohana Assistance Program--it's an extremely popular program. There were over 400 inquiries to the Department, and their problem...Housing Department's problem apparently is one of capacity. And that's the exact reason why I brought the issue of capacity up earlier because all the best ideas in the world are essentially useless if you can't implement them. And so...and for the record, I did not state previously that

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this bill was ready to be passed. Where that idea came from, I have no idea. So, I am happy to support your recommendation to defer this until we get more answers. Thank you.

CHAIR KAMA: Thank you, Chair Lee. Let's continue with Member Johnson?

COUNCILMEMBER PALTIN: Chair, I think he...his Internet went down.

CHAIR KAMA: Oh, okay. Okay. Then why don't we take you, Member Paltin, and then if he comes back up, let me know. Because I can't --

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: -- see him.

COUNCILMEMBER PALTIN: I think I wanted to follow-up on Member U'u-Hodgins. I think she was the one that might have said it, but I might be wrong--was asking Mr. Hart why it was two kitchenettes and some...or Mr. Pafost...Pfast...and the answer was that 5,000 square feet allows two wet bars, right? But we're...and...and like she said, we're not having any size-limit conversation, square footage, about the kitchenettes and like that, but what about parameters? Like for...if it's a 400-square-foot house or, you know? I guess...and then when we say dwelling unit, I guess one of my questions are...is like some of our temporary housing, three-bedroom, two-bathroom, is 290...480...480 square foot. These kitchenettes wouldn't be allowed in a 480-square-foot three-bedroom, two-bathroom temporary housing, right?

MR. HART: So, the...the temporary structures are not really under the normal County Nonemergency Building Code, so I don't...I don't know how to...there's...there's no translation to that. We were open to Fire's suggestion that we remove the opportunity for kitchenettes from ADUs because of the scale. It wasn't something we were really thinking about before they brought it up, but it's totally fine. So, if Council wants to implement a minimum size, that's...that's your call to do. Thank you.

COUNCILMEMBER PALTIN: Does Fire have any recommendations for minimum size?

MR. VENTURA: I have not heard anything...

COUNCILMEMBER PALTIN: Square footage.

MR. VENTURA: Yeah, I have not heard anything yet from my Prevention Bureau on a recommendation on size.

COUNCILMEMBER PALTIN: Is that something that we could ask the Fire Prevention Bureau in writing as a follow-up?

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MR. VENTURA: Definitely. I'm not sure that they have the expertise to actually give you a number, but they could definitely do...try to do some research if there is something available.

COUNCILMEMBER PALTIN: Okay. And then maybe we can stage it like, you know, a minimum size for one kitchenette and then a minimum size for two kitchenettes so that we're not completely icing folks out of having one kitchenette. I lived in an illegal kitchenette for like maybe my first nine years...minus the first one year, but the...the following ten years or so. And it was...it had two...in the Fire's response, it said a two-burger, but I think they meant two burners --

MR. VENTURA: Correct.

COUNCILMEMBER PALTIN: -- and a sink...and I loved it because I...it got me off the hook from any oven cooking. . . .*(timer sounds)*. . .

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR KAMA: Okay, Member Paltin. Thank you. Member Rawlins-Fernandez, we're back at you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't have any further questions for today's meeting, and support deferral. And Member Johnson said he doesn't have any additional questions either. Mahalo, Chair.

CHAIR KAMA: Thank you for that. Councilmember Sinenci, we're back at you.

COUNCILMEMBER SINENCI: Same here, Chair, no questions. Thank you.

CHAIR KAMA: Thank you. Councilmember U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thanks, Chair. I would like to thank Member Paltin for picking up where my brain couldn't articulate with the wet bars and the square footage. I...I would like to see some sort of square footage requirement. I would hate to see just super tiny spaces that kind of don't allow for like comfortable living, I guess, is the word I'm trying to say. We're using dignified living right now. I would like to see, you know, at least it supports the intention of understanding that this is what our multi-generational families are being forced to do. And I would hope that we wouldn't put a family in just one room. To pick up where Member Paltin was talking about, where it says no wet bar should be permitted in a bedroom or a bathroom. And if we don't require some sort of square footage, or some sort of usage, then that's what we might see...and it would look like a dorm room. And I'm hoping that's necessarily what we do. But I do support this concept on understanding that this is what our people are being forced to do regardless. I think there's a statistic in the beginning of Planning slides where it says, you know, 22.5 percent of homes are deemed crowded or overcrowded. And it's just...it's not really a safe living environment for people. So, I do support this.

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I'm...I'm happy to do whatever the body decides to do, and flush [sic] it out a bit more. But thank you, Chair. And thank you, everyone --

CHAIR KAMA: Thank you.

COUNCILMEMBER U'U-HODGINS: -- for their presentation. I appreciate the help.

CHAIR KAMA: So, I'm just going to ask, does anybody have any more last-minute burning questions that they'd like to ask?

VICE-CHAIR COOK: No questions.

CHAIR KAMA: No questions? Okay. Okay. So, this is what I'd like to do. I'd like to call upon all of our Members to have a discussion about what we've all heard our resources say, and all that we've heard each other say, okay? So, Member Cook, discussion?

VICE-CHAIR COOK: Thank you, Chair. I want to thank our resource people, and I want to thank the Planning Department. And all the departments, I feel, are very aware of the housing needs. And...and it strikes me that people...people are focused on trying to come up with solutions. I...some of the testimony today, and in our discussion, what kind of sticks with me is, we keep focusing on...or not...we often focus on what we don't want, and we focus on what we're afraid of occurring, which is appropriate for health and safety. But I believe, from my experience as a builder and having like lived off the grid in nonconformingly...unconventionally agricultural-type life, that we have a lot of options for people to be able to have homes and live if we can find a way to simplify things. And the way we simplify them, I think, is by focusing on what we're trying to accomplish, and less time focusing on what we're afraid of. The fact that we can modify ordinances and rewind things, although it seldom happens, we do have that ability that, if it is brought to our attention by a department that something is being grossly abused or it is a hazard, we could redo an ordinance. But I feel that we...the ADU, financial assistance, there's a lot of things that we're striving to do that will help our housing situation. And one of the things we need to do, I think, is focus on what we want to accomplish, being less fearful. And thank you for your leadership in this. Thank you.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Thank you. I agree with everything Member Cook has said. My concern is with process. You know, looking at the meeting details, this probably started around May or June, yeah...I see the first correspondence from Planning was June 27th. And I'm disappointed in the length of time it's taken because I'm sure the genesis for this was a need to respond to the Lāhainā residents and their plight. And this is inexcusable in the sense that, you know, we should have had this finished a while ago. And...and not only finished, but the way we have it now, it seems so loose. You know, people are continuing to make comments and...on...on important things. And that's the reason why you would have to defer this because there are a lot of things that haven't been fleshed out, it seems. So, you know, I...I...I would hope, especially with regard to legislation regarding response to the disaster and recovery, that it would be a lot more

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organized and efficient than what it appears to be. And it...it comes back to me, what bothers me is that, systemically, it's just that we don't have the capacity. We don't have the resources. So, everything is going to be stretched out, you know, unfortunately. And if...if I were the head...you know, if I were the Mayor or whoever is running this place, I would say, we can't do this. So, we're going to...we're going to farm it out, we're going to outsource it...because it needs to be done in 60 days, or whatever it is. Not six months, not seven months. Because, you know, you can feel the frustration from West Maui, you know, it's so palpable. And this is my concern. And it's not your fault. It's not anybody's fault here. I think it's the system's fault. We don't have what it takes to respond to an emergency situation without bringing in outside...outside contracts and outside consultants, and I think...think we got to think about this going forward. Thank you.

CHAIR KAMA: Thank you. Let's continue with...oh, my gosh, two...Member Paltin, your discussion?

COUNCILMEMBER PALTIN: Thank you. So, I heard that possibly the Fire Department would come up with a companion bill to amend the Fire Code to address kitchenette reviews. I heard that, you know, we'll make an effort to precursorially [sic] at least hear all three bills, 103, 104, and 105, so that we can see the entirety of the scope, and try to mitigate what can be mitigated in the possibility of the intersection of all those bills and the safety of our population. You know, we...we did receive these, as Chair Lee said, in June. So, I think we have to blame our own selves for waiting five months-plus before we heard all of the bills, when they're desperately needed, when we know that we're in a housing crisis. But, you know, better late than never, and we're...we're making progress. I hope we can hear Bill 103 soon so we can move forward with all...all the three, and I hope...I just was wondering if we got any answers back on Bill 105 yet. Because, you know, it's...it's a package deal, I think, is what I heard. And we shouldn't take action on any one individually with...without seeing the full scope of the...what the package proposes. Say you have one main dwelling unit, two accessory dwelling units, possibly each of them having a kitchenette, two kitchenettes. That's a whole lot of density on one lot. And that's a whole lot of water being used, a whole lot of sewer being used. Meanwhile, we're not approving like an 800-unit apartment complex, you know. So, the things that we do and we don't do affect people and their ability to stay here on Maui, and I think we just need to look at everything holistically. Thanks.

CHAIR KAMA: Thank you, Member Paltin. Member Rawlins-Fernandez, your discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I...well, I just...mahalo to everyone for trying to make up for, you know, not the best decisions in the past, I guess. I...I feel bad for Maui, that Maui's population has exploded, development has exploded, and then our County Government cannot keep up with the demand of...of the services that the population is asking for. And so, I think when we think about holistically, we need to think about the population and the services that the County can or cannot provide for an even larger population. Because that's part of like why we can kind of handle things on Moloka'i. Like, our population is manageable. The population on Maui is just like out of control. Mahalo, Chair.

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CHAIR KAMA: Thank you, Ms. Rawlins-Fernandez. Councilmember Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo for the discussion. I was just informed by my landlord that the...the insurance...insurance rates just increased by 20 percent. So, I would want to see...and that a lot of the existing houses that weren't insured to its maximum. And so, that's why a lot of those...we're seeing a lot of the insurance rates increase. So, that's...that's kind of another concern. If we are going to be, you know, including additional kitchens, you know, what kinds of effects would...would ensuring additional cooking spaces on...on properties will ensue. So, those are some of my concerns. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. And let's go to Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. First, I would like to say I've never really seen like the Business 101 of, here's what I'm going to tell you, what we're going to talk about, then we're going to talk about it, and then we're going to talk about what we talked about so plainly. So, I love this. It allows us to demonstrate our comprehension...or our lack thereof sometimes. So, this is adorable. I guess what we heard today is no different than what we've been hearing for a really long time, is that our Codes don't necessarily align with what's existing...period, point blank. I've actually had this conversation with Jordan a long time ago, knowing that people live in multi-generational housing that basically acts like a duplex, acts like a triplex, but...but it doesn't all at the same time. And that's how we've been affording to live here. And so, I do appreciate this bill, and how we can figure out how we can make it legal...because it's already existing. And I don't think that we need to get into this wheel of we allow people to do illegal things, and then we make it legal. To Member Sinenci's point, when we talk about insurance, you need a building permit. You need to show what was existing in order to allow your space to build back. Now, let's say you had this multi-generational home, and you had a kitchen. If anybody has built a house before, like Member Cook can tell you, the most expensive part of your house is your kitchen and your bathroom. And now you're not able to build it back because you couldn't show that, maybe it was on your plans, and you couldn't show that that's what you had in your home, and now you cannot collect insurance money on it. But nonetheless, that's what we had. And to be fair, unless we figure out a lot of things, like a livable wage or getting paid prevailing wage, a lot of people are going to have to live with their grandparents, or they have three jobs, or two jobs, and your grandparents got to pick up your kids from school like mine do all the time. And it's easy if you live together. Because what if you got to work at night and your kids got to go to school in the morning, or...and you got to pick them up at night. But this is what communal living looks like. This is what it takes a village to raise a child looks like sometimes, is multi-generational housing. So, allowing us to have this in a dignified way, I appreciate. But it just goes to show what we have in our Code is not always what we have in...in real life. This whole theory versus application is important to discuss. And we have a lot of work to do collectively as this Council in understanding what we need to do to move forward, and partnering better with Administration. We can blame other people all the time, but I think it's easier to take a step back, as Member Paltin said, and realize

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we could have maybe done a few things differently ourselves. But nonetheless, I do feel like we all have really good intentions. And it's just extremely difficult how to navigate after such a large disaster, and how to make sense of, you know, hundreds of years of building, and then trying to make it back sooner than later so we can keep our population here. I don't disagree with Member Rawlins-Fernandez that Maui's population has exploded. Again, I mean, I'm from Pā'ia. I was called a Pā'ia rat all my life, and now all of a sudden, it's so cool to live in Pā'ia. And it's a brand-new feeling for me. It's been cool to live in Pā'ia. I like it and I don't all at the same time. And that's what we're all living with here. But I do appreciate this time to let us just kūkākūkā over all the things we've heard and not heard today. But thank you, Chair. I would also like to say thank you, Admin, for being here. Thank you, Fire, for being here and expressing concerns. And thank you, Planning, for your hard work. It is not easy to do. And I know that you guys have so much work on your plate...not only with wet bars, but I'm curious what's going to happen with SMA now that we kind of have this injunction. But we can talk about that later. Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Thank you, Members, for coming to today's meeting, for contributing to the discussion, as difficult as it may have been for some of you. But thank you for...for your presence. Thank you for being honest. Thank you for just being who you are at the moment, and in the moment. So, I want to thank our resources for being here. Thank you, Water, for coming. We appreciate you, Water, and we're definitely going to invite you back. So, at this moment, Members, without your objections, I'm going to defer this matter, and work with my Staff, as well as our OCS Staff, to make all your dreams come true for this Christmas.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: GJ and YLS).

ACTION: DEFER pending further discussion.

VICE-CHAIR COOK: Thank you, Chair.

CHAIR KAMA: So, at this time, the HLU meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 11:42 a.m.

APPROVED:



TASHA KAMA, Chair
Housing and Land Use Committee

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 44 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of December 2024, in Wailuku, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck