

REQUEST FOR LEGAL SERVICES

D a t e: June 23, 2025

F r o m: Tamara Paltin, Chair

Disaster Recovery, International Affairs, and Planning Committee

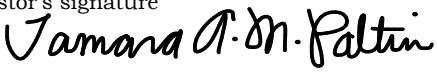
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

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

Background Data: Please see revised bill attached to Resolution 23-163. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-7.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 27, 2025
REASON: For posting on the July 8, 2025, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

drip:ltr:007acc02:jpp

Attachment

Resolution

No. 23-163, CD1

REFERRING TO THE LĀNAʻI, MAUI, AND
MOLOKAI PLANNING COMMISSIONS A
PROPOSED BILL ON ELECTRIC VEHICLE
PARKING

WHEREAS, the Council is considering a proposed bill to support the expansion of dedicated parking spaces for electric vehicles; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed zoning and other land use ordinances, and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 19.36B.020, MAUI COUNTY CODE, ON ELECTRIC VEHICLE PARKING,” attached as Exhibit “1,” to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

drip:misc:007areso02:jpp

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

EXHIBIT “1”

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.36B.020, MAUI
COUNTY CODE, ON ELECTRIC VEHICLE PARKING

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

SECTION 1. Section 291-71, Hawai‘i Revised Statutes, requires places of public accommodation with at least 100 parking spaces available for use by the general public to have at least one parking space equipped with an electric vehicle charging system. To promote the use of electric vehicles in the State, the Council finds that the buildout of adequate electric vehicle parking spaces is critical.

The Council further finds that the increased adoption of electric vehicles plays a key role in achieving Hawai‘i’s commitment to sequester more atmospheric carbon and greenhouse gases than emitted within the State by 2045, as noted under Section 225P-5, Hawai‘i Revised Statutes. Further, the Governor issued Executive Order 25-01, reinforcing Hawai‘i’s commitment to target a zero-emissions clean economy by accelerating the transition to 100-percent renewable electricity production in Hawai‘i, Kaua‘i, and Maui counties by 2035. In addition, the Countywide Policy Plan directs the County to “[e]ncourage the use of sustainable energy to power vehicles.”

This Ordinance’s purpose is to require new places of public accommodation with at least 50 parking spaces to have at least two parking

spaces designated for electric vehicles equipped with an electric vehicle charging system and to require an additional two parking spaces designated for electric vehicles equipped with an electric vehicle charging system for each additional increment of 50 parking spaces. This Ordinance also provides that any conflict with Title 16's Energy Code will be resolved in favor of the stricter provision.

SECTION 2. Section 19.36B.020, Maui County Code, is amended to read as follows:

“19.36B.020 Designated number of off-street parking spaces. A. Unless otherwise provided in this chapter, the following minimum numbers of accessible, onsite, off-street facilities for the parking of self-propelled motor vehicles [shall] must be provided in connection with the use of any land or the construction, alteration, or improvement of any building or structure.

B. When reviewing a building permit application or proposed change of use, the department [shall] must determine whether the applicant must submit a parking and landscaping plan to [establish compliance] comply with this chapter. If the department requires a plan, the department will not recommend approval of a building permit application or proposed change of use until it approves the plan and will not approve a certificate of occupancy or final inspection until the applicant has implemented the approved plan.

C. The number of required parking spaces [shall] must be based on the floor area of each use or component use except where otherwise specified. When calculating the total number of required parking spaces, a fraction less than one-half [shall] must be disregarded, and a fraction of one-half or more [shall require] requires one parking space. [The following chart establishes the general requirements for accessible, onsite, off-street parking.]

D. Compliance with the Americans with Disabilities Act, administered through the State department of health, disability and communications access board, [and with State requirements for electric-vehicle parking] is [also] required. Compliance with State requirements for electric-vehicle parking is also required, except that newly constructed places of public accommodation outside of the erosion hazard line with at least 50 parking spaces are subject to the following minimum requirements:

1. At least two parking spaces must be designated for electric vehicles and be equipped with an electric vehicle charging system.

2. For each additional increment of 50 parking spaces, at least two additional parking spaces must be designated for electric vehicles and be equipped with an electric vehicle charging system.

3. Electric vehicle charging systems must be in working order.

For this subsection's purposes, "electric vehicle charging system" has the same meaning as in section 291-71, Hawai'i Revised Statutes; "place of public accommodation" has the same meaning as in section 489-2, Hawai'i Revised Statutes.

If any of this subsection's requirements conflict with the requirements under title 16's energy code, the stricter requirement prevails.

E. The following table establishes the general and minimum requirements for accessible, onsite, and off-street parking.

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
1) HOUSING		
Dwelling units: apartment, duplex dwelling, farm dwelling, farm labor dwelling, [multi-family] multifamily dwelling, single-family dwelling. Note: A dwelling unit's parking spaces may be in tandem.	Floor area of dwelling unit in square feet: Under 3,000 3,000-3,999 4,000-4,999 5,000-5,999 6,000-6,999 7,000-7,999 8,000 and above	Minimum number of parking spaces: [2] <u>Two</u> [3] <u>Three</u> [4] <u>Four</u> [5] <u>Five</u> [6] <u>Six</u> [7] <u>Seven</u> [8] <u>Eight</u>
Dwelling units: accessory dwelling.	[1] <u>One</u> for each accessory dwelling.	
Home business.	[1] <u>One</u> for each home business that is allowed to have clients, patrons, or customers on the premises, in addition to any other parking requirements under this chapter.	
Transient	Type:	Minimum

accommodations. Note: A dwelling unit's parking spaces may be in tandem.		number of parking spaces:
	Bed and breakfast home	[1] <u>One</u> parking space for each bedroom [used] for bed and breakfast home use, plus [2] <u>two</u> parking spaces for the operator of the bed and breakfast home or as required for a single-family dwelling, whichever is greater.
	Short-term rental home	[2] <u>Two</u> , if the short-term rental home has [4] <u>four</u> or fewer bedrooms or as required for the dwelling, whichever is greater; [3] <u>three</u> , if the short-term rental home has [5] <u>five</u> or more bedrooms, or as required for the dwelling, whichever is greater.
	Hotel, motel, other transient vacation rental, with or without kitchen facilities	[1] <u>One</u> per rental unit, except that a transient vacation rental in a single-family dwelling [shall] <u>must</u> provide the same number of parking spaces as a single-family

		dwelling. Units capable of being utilized as [2] <u>two</u> or more units are counted as separate rental units.
2) COMMERCIAL, BUSINESS, OR INDUSTRIAL		
Agriculture retail structure, agriculture product stand, bakery and catering (with no onsite eating or drinking), farmer's market, general merchandising, general office, personal and business services, personal services establishment, animal hospital.	[1] <u>One</u> per 500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3.] <u>three</u> .	
General merchandising of only large items such as furniture, flooring, mattresses, and appliances.	[1] <u>One</u> per 1,000 square feet for all areas, including office, storage, and showroom.	
Animal boarding facility.	[3] <u>Three</u> plus [1] <u>one</u> per 20 boarding units above 60 boarding units. The parking spaces may be shared with animal hospital parking space requirements.	
Bank.	[1] <u>One</u> per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3.] <u>three</u> .	
Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 with dining areas.	[1] <u>One</u> per 100 square feet of amusement, serving, and dining areas (not counting drive-through uses), [provided] <u>except</u> that the minimum [shall be] <u>is</u> [4;] <u>four</u> ; [2] <u>two</u> or more [such] establishments in a "food court" configuration may share amusement and dining areas.	

Eating and drinking establishment or agricultural food establishment as defined in section 19.30A.015 without dining areas (such as take-out counters or “food retail”).	[1] <u>One</u> per 500 square feet of serving area, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3] <u>three</u> for each establishment.
Mobile food truck.	[0 mobile] <u>None</u> . <u>Mobile</u> food trucks [shall] <u>must</u> not occupy any parking space required by this title.
Industrial or storage uses, warehouse.	[1] <u>One</u> per 1,500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3.] <u>three</u> .
SBR mixed-use establishment.	[2] <u>Two</u> for each dwelling unit, plus [1] <u>one</u> per 300 square feet of non-residential floor area.
SBR service establishment.	[1] <u>One</u> per 300 square feet.
Self-storage.	[1] <u>One</u> per 5,000 square feet.
Service station, repair shop, public garage, automobile services.	[1] <u>One</u> per 200 square feet, excluding drive-through fueling areas, which [shall] <u>must</u> not be used for required parking, or [1] <u>one</u> per 40 percent of lot area, whichever is greater. The storing and keeping of damaged vehicles or vehicle parts [shall] <u>must</u> be within an enclosure bounded completely by a wall at least [6] <u>six</u> feet in height.
Shopping center.	[1] <u>One</u> per 300 square feet of leasable or commercial area (not subject to component use requirements).
Swap meet.	[1] <u>One</u> per 500 square feet.
Vehicle and equipment rental or sales.	[1] <u>One</u> per 500 square feet for sales, showrooms, services, offices, and parts facilities, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3;] <u>three</u> ; [0] <u>none</u> for outdoor storage of vehicles and equipment.
3) RECREATION OR ENTERTAINMENT (PUBLIC OR COMMERCIAL)	
Amusement center,	[1] <u>One</u> per 100 square feet.

entertainment establishment.		
Auditorium, theater, stadium, assembly area, arena, gymnasium.	[1] <u>One</u> per 300 square feet, [1] <u>one</u> per [4] <u>four</u> seats, or [1] <u>one</u> per [8] <u>eight</u> feet of bleacher length, whichever is [greater.] <u>greatest.</u>	
Bowling alley.	[3] <u>Three</u> per lane.	
Clubhouse, private club, fitness center, health club.	[1] <u>One</u> per 200 square feet.	
Golf course.	[3] <u>Three</u> per hole. Parking spaces may be located on any lot occupied by the golf course if the golf course occupies multiple lots.	
Golf driving range.	[1] <u>One</u> per tee.	
Miniature golf course.	[1] <u>One</u> per hole.	
Swimming pool.	[1] <u>One</u> per 600 square feet of pool and associated buildings.	
Tennis court.	[4] <u>Four</u> for each court.	
Passive recreation.	[0] <u>None</u> for up to [2] <u>two</u> acres; [4] <u>four</u> for above [2] <u>two</u> acres (paving not required).	
Active recreation.	Type:	Minimum number of parking spaces:
	Athletic field for baseball, football, soccer, other team sports (non-stadium).	50 per athletic field; [0] <u>no</u> additional for adjacent practice field; 10 for practice field without a full-sized field.
	Outdoor basketball court.	[6] <u>Six</u> per court.
	Children's playground.	[0] <u>None.</u>
	Skate park.	[1] <u>One</u> per 500 square feet.
	Site for motor sports, paintball, zip lines, fitness course.	[1] <u>One</u> per [2] <u>two</u> participants at regular capacity.
Arboretum, botanical garden.	[3] <u>Three</u> plus [1] <u>one</u> per acre, except that the maximum number of required parking	

	spaces [shall] <u>must</u> be no more than 20.
4) SOCIAL OR CIVIC SERVICE	
Airport, heliport, other public transportation.	Parking for terminal, hangars, and in-terminal operations to be determined by the government agency that operates the airport, heliport, or other public facility. Private support services, such as automobile rental and cargo, to be determined separately as component uses.
Cemetery, mausoleum.	[0;] <u>None</u> ; any offices or other accessory uses to be determined separately.
Church, including place of worship.	[1] <u>One</u> per 300 square feet, [1] <u>one</u> per [5] <u>five</u> seats, or [1] <u>one</u> per [8] <u>eight</u> feet of bench length, whichever is [greater.] <u>greatest.</u>
Community center.	[1] <u>One</u> per 100 square feet.
Day care facility, nursing home, assisted living facility.	[1] <u>One</u> per [6] <u>six</u> clients, plus [1] <u>one</u> per employee onsite at one time.
Fire station, police station.	To be determined by the fire chief, police chief.
Library, museum.	[1] <u>One</u> per 500 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3.] <u>three.</u>
Minor medical center, medical or dental clinic.	[1] <u>One</u> per 300 square feet, [provided] <u>except</u> that the minimum [shall be] <u>is</u> [3.] <u>three.</u>
Major medical center.	[1] <u>One</u> per [2] <u>two</u> beds.
Mortuary, funeral home.	[1] <u>One</u> per 100 square feet.
Public utility substation.	[1] <u>One.</u>
Recycling, redemption facility.	[3] <u>Three.</u>
School, educational institution, general education, specialized education.	[1] <u>One</u> per classroom if all students are under 16 years of age; [8] <u>eight</u> per classroom if any student is 16 years of age or older.

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SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval but does not apply to parking for places of public accommodation that were permitted before this Ordinance's effective date.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

drip:misc:007abill02:jpp

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

DRIP Committee

From: DRIP Committee
Sent: Monday, June 23, 2025 9:04 AM
To: 'CorpCounselRFLS'
Cc: DRIP Committee
Subject: (OCS) (DRIP-7); reply by 6/27/25
Attachments: 007acc02 signed.pdf