



OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

January 21, 2022

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of January 21, 2022:

COUNTY COMMUNICATIONS:

- No. 22-26 - Michele Chouteau McLean, Planning Director
- No. 22-27 - Michele Chouteau McLean, Planning Director

GENERAL COMMUNICATIONS:

- No. 22-1 - Bryan Esmeralda, Senior Associate, Munekiyo Hiraga
- No. 22-2 - Yukino Uchiyama, Senior Associate, Munekiyo Hiraga

RESOLUTION:

- No. 22-16 - "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTERS 19.18 AND 19.20, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN BUSINESS DISTRICTS "

BILL:

- No. 24 (2022) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE'S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS"

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Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
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January 21, 2022

Also transmitted for your convenience is a copy of a communication received from the Planning Director pertaining to Bill No. 24 (2022).

Respectfully,

A handwritten signature in black ink, appearing to read "Kathy L. Kaho". The signature is written in a cursive, flowing style.

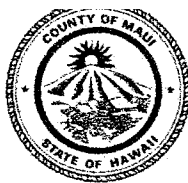
KATHY L. KAOHU
County Clerk

/jym

Enclosures

cc: Director of Council Services

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

January 5, 2022

OFFICE OF THE
COUNTY CLERK

2022 JAN - 6 PM 4: 05

RECEIVED

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 1/6/22
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Council Chair Lee and Councilmembers:

SUBJECT: A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.18 – B-2 COMMUNITY BUSINESS DISTRICT, 19.20 – B-3 CENTRAL BUSINESS DISTRICT, AND 19.31 – PUBLIC/QUASI-PUBLIC DISTRICTS OF THE MAUI COUNTY CODE, RELATING TO DEVELOPMENT STANDARDS

The Department of Planning (Department) received Resolution No. 21-114, adopted by the County Council, to propose revisions to the maximum building heights for Chapters 19.18, 19.20 and 19.31 of Maui County Code (MCC). The current and proposed building heights for these zoning districts are as follows:

<u>Chapter</u>	<u>Zoning District</u>	<u>Current Maximum Height</u>	<u>Proposed Maximum Height</u>
19.18	B-2 Community Business District	90'	45'
19.20	B-3 Central Business District	144'	45'
19.31	P-2 Public/Quasi-public District	90'	45'

The Department and the Maui Planning Commission did not support the proposed reductions in maximum building heights for the island of Maui; the Lanai Planning Commission supported the reductions as proposed; and the Molokai Planning Commission recommended approval for a lower maximum height (35 feet). With the support of the three planning commissions and the Urban Design and Review Board, the Department proposes some minor

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revisions to these chapters, including the following:

1. For Sections 19.18.050 and 19.20.050, the language regarding appurtenant equipment such as antenna and vent pipes should be revised to limit them to no more than 10 feet above the building roof from which it extends. The Department proposes to use language similar to other parts of Title 19: "Except that vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small scale energy or communications systems on roofs may extend an additional 10 feet above the building roof from which it extends."

For Section 19.31.050, the same language is proposed, but also includes steeples. The Department initially proposed that taller steeples could be allowed if the Urban Design and Review Board (UDRB) approved them, but the UDRB preferred that taller steeples be approved via the variance approval process before the Board of Variances and Appeals.

2. For the three Chapters, heights are not defined for accessory structures allowed in the setback; the Department proposes to limit them to eight feet, similar to the limitations of HM Hotel zoning district.
3. For Section 19.31.050, the minimum lot widths for both the P-1 and P-2 districts should be decreased. For P-1, lot width should be reduced from 100 feet to 75 feet, and for P-2, lot width should be reduced from 200 feet to 100 feet. This would allow the minimum lot width to better align with the minimum lot size. A 200-foot wide lot in P-2, as the code currently requires, could be only 100 feet deep to achieve the minimum lot size of 20,000 square feet, which is not a desirable land use pattern because lots are typically deeper than they are wide. A lot width of 200 feet is more appropriate for agriculture zoning where the minimum lot area is at least 87,120 square feet (two acres).
4. Also for Section 19.31.050, setbacks should be revised to ensure sufficient developable area to build a practical public/quasi-public facility. For P-1, the Department proposes 10 feet for side and rear setbacks, and 15 feet for front setback. For P-2, the Department proposes 15 feet for side and rear setbacks, and 25 feet for front setback.
5. Existing structures would not be affected; they would typically be considered nonconforming and could be expanded or repaired in accordance with Section 19.500.110 – Nonconformities. To make this clear, the Department proposes to add the following to each affected chapter, "Dwellings or structures that were constructed with a building permit approved prior to the enactment of the comprehensive zoning ordinance need not acquire a County special use permit, conditional permit or variance; may be reconstructed as permitted by the original building permit(s); and may be expanded or

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modified with a building permit, subject to the other provisions of this chapter and this title.”

All three planning commissions unanimously approved recommending the Department’s modified bill to the County Council, with specific height limits for each island as mentioned previously. Here is a summary of the planning commissions’ recommendations:

<u>Planning Commission</u>	<u>Date of Vote</u>	<u>Recommendations</u>	<u>Vote Count</u>
Maui	Oct. 12, 2021	Recommend denial of the proposed bill from County Council, and recommend approval of some of the amendments from the Department.	7-0
Lāna`i	Oct. 20, 2021	Recommend denial of the proposed bill from County Council, and recommend approval of the amendments from the Department.	8-0
Moloka`i	Oct. 27, 2021	Recommend approval with amendments.	8-0
Urban Design & Rev. Board	Nov. 2, 2021	Recommend approval to forward comments and recommendations.	8-0

Therefore, pursuant to Sections 8-8.3(6) and 8-8.4 of the Revised Charter of the County of Maui (1983), as amended, the Department respectfully recommends the Council’s consideration of the attached proposed bill, “A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE’S DEVELOPMENT STANDARDS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-1 AND P-2 PUBLIC/QUASI-PUBLIC DISTRICTS.”

Please see the referenced minutes of the commission meetings on the bill:

- Maui Planning Commission, October 12, 2021:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/28690>
- Lāna`i Planning Commission, October 20, 2021:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/28701>
- Moloka`i Planning Commission, October 27, 2021:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/28726>

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- Urban Design & Review Board, November 2, 2021:
<https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/28765>

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



MICHELE CHOUTEAU MCLEAN, AICP
Planning Director

Attachments

MCM:JEH:JMCT

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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.4
OCTOBER 12, 2021**

Ms. McLean: Chair, next as Kathleen mentioned, is a somewhat related measure, this comes from me transmitting Resolution No. 21-114 that refers to the Commission, a proposed bill to amend Maui County Code Chapters 19.18, which is the B-2, Community Business District, 19.20, which is the B-3, Central Business District, 19.31, the Public/Quasi-Public District, the maximum building heights. Jacky Takakura, our Administrative Officer has a, one of her wonderful clarifying PowerPoints, so if I can pass it onto Jacky to walk you through.

Mr. Tackett: Thank you, I'd appreciate that. Thank you, Director.

- 4. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution No. 21-114 referring to the Maui Planning Commission a proposed bill to amend Maui County Code Chapters 19.18 – B-2 Community Business District, 19.20 – B 3 Central Business District, and 19.31 - Public/Quasi-Public District to lower the maximum building heights. (J. Takakura)**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/128226/Resolution-21-114-proposing-to-lower-building-heights-in-B2-B3-and-P2-districts>

Ms. Jacky Takakura: Okay, good afternoon, everyone. I wish I could make this brief, but it's a little...it's there's a lot of...I'm going to share screen. Can I just get a thumbs up if you can see the blue and white? Okay, so as the Director mentioned, we've got three different chapters that are proposed for revision, and this was from a resolution from the County Council.

So, the proposal is to reduce the maximum building heights in B-2, B-3, and P-2, and you can see on this screen what the current heights are, the maximum heights and what the proposed heights are. So, for B-2, it would go from 90 to 45, B-3, would go from 144 feet to 45 feet, and the P-2, would from 90 feet to 45 feet.

So, according to the County Council meeting on July 23rd, it was explained that the resolution is about maximum building heights that are more appropriate for Maui than Waikiki. So, then I started asking myself, well, I wonder what the building heights in Waikiki are. And so, I found this that the building heights there ranged from 130 to 350 feet. I don't know if you can see those numbers. I mean, it's a little bit lower for like this park area, but 350 here, 320 here, it's a little lower here, 65, a 130 and so forth, so you can see that the height limits there are much higher than our heights, and keep in mind that Waikiki is mainly for resort purposes.

Okay, so let's talk about B-2, and that's the Community Business District that's intended to provide the goods and services for the community and dwelling units are allowed in B-2, and you can see from the red dots on the map that we have B-2 all over the place. You've got B-2 in Central Maui, South Maui, West Maui, Paia, Upcountry, and Hana. And I do have a lot more details in the memo report, a little bit more specifically about where these areas are. This is...there's four parcels in Kaunakakai on the Island of Molokai.

And then, B-3, you can see in the picture, those are our B-3 parcels, the state building, the courthouse and the county building, and those is mainly for general business enterprises, particularly financial, governmental, commercial and professional activities. And its distinguishing features is a greater height limit permitted in this area, like the county building being nine stories. Multi-family dwellings, duplexes and bungalow courts are permitted also, although, as you can see, of course, we wouldn't have dwelling units in any of the structures. We don't have any B-3 on Molokai or Lanai.

Okay, so, and then the third zoning district is the P-2 that you heard about in the previous presentation. Right now, there's St. Anthony and St. Theresa that are in this zoning district but as you heard there was a proposal to add more because they would be more appropriate to...Dwelling units are...as was stated previously, a lot of the ones that are proposed to be rezoned in the digital zoning map for P-2 either are built prior to 1958 or they met earlier definitions or somehow received variances.

So, now I'm gonna read the four pages of long-range planning documents...just kidding, I'm not gonna read the four pages, but in the memo, you can see the different parts of our long-range plans, the Countywide Policy Plan, the Maui Island Plan, even the Molokai Plan really discussed how you would like to have the higher density in these areas and that's why this resolution is inconsistent with the long-term planning documents. It has the potential to reduce opportunities for affordable housing. It can lead to increased cost of buying or leasing commercial property. It can increase cost to the county, 'cause some of these properties are county properties, and if the county needs to expand...instead of being able to, you know, go up if needed. It's inconsistent with climate change, mitigation, and adaptation needs. As mentioned in the previous presentation, applications for variances would increase and as you can see in the memo report, the State of Hawaii also has concerns and those letters are included in the memo report.

You know, just having the higher density in selected areas makes sense. So, what we would like to propose, however, are some other revisions, minor updates to these chapters. And these are related to pertinent equipment heights, accessory structures heights, setbacks, and lot widths. The first one is about that pertinent and accessory equipment in B-2 and B-3, and these are things like the stuff on top of the buildings, the antenna, the vent pipes, any of those rooftop equipment, we would like to have them be limited to no more than 10 feet above the building roof from which it extends, because right now you could potentially have a very short building with something very tall on there. We would just like to have whatever the height is, you can only go ten feet above that period. And then, accessory structures like the mailboxes and trash enclosures, in other zoning districts, we have them limited to eight feet and we feel like this...these two chapters should have that limit also, so we'd like to add that in.

The next part that we're proposing is setbacks, and this is just a little bit of setbacks 101. This image here is an aerial view of Kihei McDonald's, and you can see the street there, that's South Kihei Road. So, the front here, this is would be the front setback, the two sides are the side setbacks and the rear, the back is the rear setback area. And right now, for B-2 and B-3, for the front there is no setback. For the side and rear, it's zero or you have to look up what the next-door parcels are and see what zoning those are, so that can vary.

For what we're proposing is to have it be 15 feet for the...kind of tiered, 15...(inaudible)...of the building 35 feet or less, and then 20 feet for the part of the building that's greater than 35 feet, and then the sides you can have a little bit bigger building, the setbacks will be a little bit smaller, 10 feet and then 15 feet. And the front and rear would be half the height of the building and then the side would be tiered, and then I have some very simple drawings on the next page.

So, right now you can see they're allowed to build right up to the property line. And what we're proposing is something what we call internally is the wedding cake style, where you have it go in further as the building gets taller. And that way you have the light and you're not going to have so much shade on the ground, so much. An example of that is, if you like, you think about New York, like the Empire State Building how it gets narrower as it... We're not talking about New York, we're just talking about some real simple set back proposals here for Maui. Like I mentioned, it would just be a little bit in from as it gets taller, it gets narrower and narrower. And these are similar to other zoning districts.

The one thing that we are thinking about also is for things...B-2, if they are taller, that it would go before the UDRB and I have that also. But the other part that we need to correct is the lot width and specifically for these P1 and P2. And I had to look this up too, and that's why I have this diagram of a circle and what the diameter is. A lot width is the diameter of the largest circle that can be inscribed within the lot line. So, if you think of a lot like say it's a square, that circle has to fit in there and that's the lot width. And if you can remember, from you know, intermediate school, area equals length times width. And with the current numbers, of minimum lot area being 20,000 square feet, you can't have a minimum lot width of 200 because 20,000 does not equal 200 x 200, right, if it's a circle. So, it would have to be 40,000. So, what we're proposing instead of making this 40,000, we would like to have this reduced down to be a hundred for the minimum lot width, 'cause mathematically that would work, 'cause it's just too wide right now. This would be more appropriate if this was a, like a two-acre lot, like a really big lot, like I have in the memo where I refer to the Ag District where, you know, lots sizes are ...(inaudible). So, we'd like to correct this math because it does not work here and it would just make more sense with P-1 also to have it reduced down a little.

Also, some proposals to revise these setbacks for the higher heights for P-1 and P-2. We can also talk about this because in terms of parking and making sure that we have enough parking, we can...(inaudible)...that up too. And as I mentioned, if things are going to be taller, like say steeples for churches that can go to the UDRB and we do have this going before them on November 2nd to get their thoughts on this also.

And one important provision for all of these three chapters would be that existing structures would not be affected. They would be nonconforming, and they...(inaudible)...expanded or repaired in accordance with Section 19.500.110 and that's Nonconformities. And we have that in each chapter so it's really clear.

So, what we're hoping is that you would recommend approval of the bill with the Department's improvements. You have four options, though. You can recommend approval of the proposed bill with amendments. You can recommend approval of the proposed bill as is or recommend denial or defer action on the proposed bill in order to gather more information. And we can go

over this or answer any, I can answer any questions. So, I'm going to stop sharing, and then we'll...(inaudible)...

Mr. Tackett: Any, any clarifying questions? Commissioner Pali.

Ms. Pali: I just have one, Chair. Thank you, Jacky, for that presentation. And I like in the back on Page 7, recommendations and options, that was super helpful in the packet. And I highlighted the Department does not support the proposed bill. So, thank you for just jumping in like that. I'll leave comments to after the public testimony, but I just wanted you to reconfirm that the amendments that you have placed in here then would make the proposal amicable for what you guys see. Can you just reconfirm that? Thank you.

Ms. Takakura: Thank you, Commissioner Pali, yes, that is correct.

Mr. Tackett: Okay, Commissioner Thayer followed by Commissioner Lindsey.

Ms. Thayer: Thank you, Chair. And thank you, Jacky. I am just wondering in your report you listed a whole bunch of examples of B-2 properties. Do you know like a range of how tall those are, those existing buildings?

Ms. Takakura: I'm sorry, what did you...people are...

Ms. Thayer: Sorry, in your background information you have examples of properties in the B-2 District and given that the height limit now is 90 feet, do you know how tall some of these are that are existing already in the B-2?

Ms. Takakura: Thank you, Commissioner Thayer. One of them that jumped into my mind is Island Surf in Kihei and I think that's like six stories. That's the only one that I can think of right of the moment though.

Ms. Thayer: Okay, but so, I guess how many of them do you know are like over 45 feet?

Ms. Takakura: That I don't know, sorry.

Ms. Thayer: Okay, okay, okay. Thank you.

Ms. Takakura: But as you can see, they're all over the...you know, Maui and...you know, well, the four parcels in Kaunakakai, but they're all over the Island of Maui, you know, in the different community plan areas so we'd have to do some...

Ms. Thayer: Okay, thank you.

Mr. Tackett: Commissioner Lindsey.

Ms. Lindsey: I know B-3, Central Business District does that include a lot of the small lots that are near the state and county buildings? Because Wailuku Town has...as you know, I was on

the MRA before this and Wailuku Town has a lot of small lots and I'm worried about the setback limits affecting those small lots that potentially are undeveloped or underdeveloped or funky generally.

Ms. Takakura: Thank you, Commissioner Lindsey. So, Wailuku is a very interesting...can you hear me?

Mr. Tackett: Yeah.

Ms. Takakura: Okay. So, I got this resolving network issues...Wailuku has like the MRA and there's two different types of MRA...(inaudible)...and then there's the B-3, and as far as I know the state building, the courthouse and the county building, and then there's this one lot which it must be a, maybe a something that from a long time ago or something that seems to be a residential from when I looked at it on the aerial viewpoint. But those are the only ones that are B-3. All the others are either going to be B-2 or one of those MRA's ...(inaudible)...that's not related to this.

Ms. Lindsey: Okay, and the other one is that random dot that was kind of near Kahului ish because I saw there was like a big spread section—

Ms. Takakura: I can share the screen again if you want.

Ms. Lindsey: Yeah, I was trying to figure out where that was.

Ms. Takakura: And if I may, by the way there are actually, there's...that popped up in our map, but there...when I read the ordinance back from 1961, they were supposed to have been B-2 they're in West Maui. So, that's like a digital zoning map correction that's going to have to happen for two parcels in West Maui but they're actually B-2, so I didn't include them on here 'cause it's an error from like 196...(inaudible)...So, thank you to Kathleen for doing all this clean up work.

Ms. Lindsey: Are you sharing your screen, sorry I'm a little bit confused.

Ms. Takakura: ...(Inaudible)...One is that is I don't know why this one is popping up as a B-3, but I guess it's B-3, and it's like a residential lot like on Maliko Street or something. And yeah, so I'm not sure why that's zoned B-3, but this bigger red area is where the state and county buildings are.

Ms. Lindsey: And, and is the, that old...the lot that's empty right next to the state building, is that included there? Was it a old mail building, I don't know. Is it included in the...

Ms. Takakura: You know, I am going to look that up right now because I'm not sure. Maybe I can answer that question in like a minute or two.

Ms. Lindsey: Sounds good. Thank you.

Ms. Kathleen Aoki: This is Kathleen. Jacky, do you want Peter to pull that up for you? And you guys can continue on. Ashley, you're looking for the B-3 in Wailuku? That's what you're looking...that's what you'd like to see?

Ms. Lindsey: I actually am concerned with that one particular lot that is right next to the state building between the old court house and the state building off Wells and High, I don't know what...Wells and High.

Ms. Aoki: We can have Peter bring up or Jacky, do you need help Jacky.

Ms. Lindsey: My concern is that it's government owned and potential for us to build another building there for government services and limiting us to 45 feet isn't an ideal there.

Ms. Takakura: So, if I may, Chair?

Mr. Tackett: Yeah, please do.

Ms. Takakura: So, I pulled up the real property tax map, and it's 70 South High Street, so that's that corner which I believe used to be the post office and that is B-3 also. Looks like the state building, the court house, that corner and the county building.

Ms. Lindsey: Okay, that's what I thought, thank you.

Mr. Tackett: Commissioners, any other questions? I got a question. Jacky, you're...you guys are in favor of the stepping or the tiering of the structures is that what I heard from your presentation.

Ms. Takakura: Yes, Chair Tackett that is correct.

Mr. Tackett: And I just wonder why, why you chose to do that just because it seems like when you're discussing cost, you...here on Maui you guys got so few B-3 properties when you start tiering them and cutting down the vertical space when we know that population is never gonna shrink you know, unless we have some horrible catastrophe, population is probably gonna continue to increase. So, it seems to me with the, I could see it in New York, where we have buildings, on buildings, on buildings, and then you don't get any breeze and you don't get any light. But in some places like Maui, where you only have five or six or seven lots total in each particular place, when you, when you step them like that, you're going to, you're going to lose massive amount of square footage from places that are potentially state and county owned. So, when they, when they try to go up, I mean, it's going to be left. It's a little penthouse at the top, you know what I mean? And like, what are you going to stick up? You know, so I mean, that's when you just my concern.

Ms. Takakura: I guess there are pros and cons too.

Mr. Tackett: Okay, well if you, if you guys feel that that's your, what you guys like, you know, we'll do it. But I just, I mean, I'll go with department recommendation, but I'm just saying, like, when

you have so few lots available, nobody, nobody is going to step, step, step a lot. Because when you, when you build a structure like that, those are gang walls. Those walls fly straight up with a crane. So, every time you change the layout of the structure, you're going to lose square footage, you're going to increase the costs. So, you're gonna, you're gonna, if you're talking about cost, you're gonna severely impact cost on those types of structures with that type of scenario. Anyways, any...Commissioners? Anybody got anything else? Hearing none, Director, do we have, do we have any testifiers?

Ms. McLean: Yes, excuse me, the ever-faithful Tom Croly would like to testify.

Mr. Tom Croly: Aloha, Commissioners. Thank you for a long day's work yet again. This B-2 District that you're considering some changes to. I just have a comment to make and maybe the Department can, can work it out and maybe it requires a change maybe it doesn't, but I looked at the allowable uses in the B-2 District and it includes bed and breakfast, subject to the bed and breakfast ordinance like the one that you just heard. So, someone would have to go get a permit and meet all the requirements and so forth and they could get a bed and breakfast permit. But it also includes transient vacation rentals up to 20 rooms. So, my question would be, why would anyone bother to go get a bed and breakfast permit if transient vacation rentals are an allowable use in that district and I'm aware of at least one property in Wailuku that's kinda similar that way, they don't have a bed and breakfast permit and yet they make transient vacation rental uses. So, it seems inconsistent that to have both of those things as listed uses. You can either outright make transient vacation rental uses and you don't have a need for short-term rental permit or a bed and breakfast permit or you would have a need for some type of permit to make those, those uses. So, just because you were discussing the B-2 District and I've long seen this as an inconsistency in the code, I would ask the Department to take a look at that and see if they wouldn't consider making a change in some way, shape or form to just make it more clear as to what, what your...what transient type uses are allowed and not say to one person, you have to go get a bed and breakfast permit, but then to someone else, well, no, we don't need to have any regulation on what you're doing because you're in the B-2 District. Thank you, Chair.

Mr. Tackett: Thank you, Mr. Croly. Commissioners, any questions? Commissioner Pali.

Ms. Pali: Hey, Tom, thanks for your testimony. I need you to simplify that man. I need...my brother, I need you to simplify what you just tried to say. Let me see if I can repeat back. Did you say, that we should consider, since we're looking at heights specifically in B-2, we might as well address consistency in the code with vacation rentals and B&B, and if that's a yes, exactly what would you recommend us do?

Mr. Croly: That is a yes. I mean, this item was about heights, right? But you're looking at the B-2, District right now. And we were discussing some of the uses that are, that are allowed in, in that district and this is originating from the Department, which would mean I would think you could make changes at this point. So, so, I'm just pointing out that there's an inconsistency, at least apparent to me, there's an inconsistency in the code to say that some of these transient vacation rental uses can be made in the B-2 District, and some of them require a permit. Now, maybe the Department doesn't see it the same way and maybe I'm misunderstanding, and that's, and that's fine and I see, I see the Director saying I'm misunderstanding and that's fine. But I did want this

opportunity to address what I saw as an inconsistency to be addressed right now, because I know that I've seen RFSs come in where someone says, hey, this guy in the short-term...in this single-family home is making this short-term rental use, and he doesn't have a permit. And yet at the same time, we have a permit that they're supposed to get if it's a B&B. So, there you go. Director says I'm way off base and it doesn't need to be addressed. There you go.

Ms. Pali: Thanks, Tom.

Mr. Croly: Okay.

Mr. Tackett: Okay, any other questions for Tom? Hearing none, can we...do we have any other testifiers, Director.

Ms. McLean: No, Chair. No one else has indicated they wish to testify.

Mr. Tackett: If there's anybody that wishes to testify, if you could please come forward at this point. Going once, going twice, going three times. Can we please close public testimony and open discussion?

Ms. McLean: Yes, Chair, testimony is closed.

Mr. Tackett: All right, discussion is open. Any discussion on the matter? If there's no discussion, I'm open to a motion. Commissioner Pali, go ahead.

Ms. Pali: I just wanted to say thank you Chair for that comment that you made about the cost, the additional cost when you build in steps, you go up, you go in, you go up, you go in and it gets smaller and smaller. And I can see how, now how much more expensive it would be to only create smaller areas which then might not make sense and I do, you know that's the same thing Chair that's in the Department's recommendation about just how we have limited lots so our only advantage to create more space is to go up. And so, it's interesting how we say that that's, you know, available to us, but now we're limiting us going up, so it is...it doesn't necessarily make sense so I appreciate you sharing that piece of construction advice because I don't necessarily have that knowledge. And so, I think just for discussion purposes, I definitely am not open to...in agreeance with the original proposal and I almost would reconsider some of the Department's considerations as well keeping in mind that although they're trying to create a happy medium between what's proposed and what we might need, it might be worth fighting for not having those additional setbacks as you go higher and that's just for discussion purposes.

Mr. Tackett: Thank you, Commissioner Pali. Commissioner Lindsey.

Ms. Lindsey: Recently...this is regarding the stepped-up heights. Through the MRA we were looking at those and a value for the people of...would in Wailuku Town they valued the view plane into the Wailuku Valley, Lao Valley which is why a lot of the building, they preferred the setbacks because it doesn't look like such a huge structure in front of you. Those few lots that are there, they are not part of that valued view plane, so I could see it being an exception in these four lots cases. But as far as like the Main Street coming in that was highly valued. The view plane was

highly valued to people so that, that stepped coming up Main Street into Wailuku Town under the bridge you can see into the valley, that was one of the biggest things, so just that. But while I was talking about these four lots, I think it's fine because they are not part of the view plane that people value.

Mr. Tackett: Commissioners, any, any other discussion? Commissioner Lindsey.

Ms. Lindsey: So, a couple of my concerns in the P-2 District along with those are the ones, I...hospitals are usually taller, so I kind of want to allow hospitals to be tall as long as they can be because they're providing a service to the community. And I think the way that they're designed is kind of better if they're kind of tight you know to each other instead of transporting patients all around, but I'm not an expert in that either, but I do feel like 45 feet is too short for a hospital and gym for that matter now that I've heard that discussion.

Another concern of mine is urban sprawl in the B-3 District because it's kind of up or out for us now and we don't...Kahului and Wailuku have been distinct towns in the past and now we kinda don't know where Wailuku ends and Kahului begins and that distinct characters that of towns where we value is kind of getting washed away because of the urban sprawl. I wish I knew more specific B-2 properties that were affected by this because the Department mentioned a few infill housing projects that are potentially along Kaahumanu Avenue which we obviously need more housing. But 45 feet might be high enough for them, you know, I'm expecting up to three stories is 45 feet, that's not clear though.

My other concern is, the plan...(inaudible)...be comprehensive and not just a, hey, 45 feet right across the board, 'cause it's kind of just, it kind of just feels like a number that was plucked out of the air, and 45 feet I don't think is the number unless it's some sort of construction dimensions, breaking up of beams or whatever. But, I agree, I don't want to be Waikiki, but also Waikiki is not the Business District which we are referring to Waikiki is not the public district either, Quasi-Public District either. So, I don't consider those two parallel to each other...parallel to each other. Thank you.

Mr. Tackett: Yeah, all I got to, all I got to add to that is like, like Commissioner Lindsey says there's some, there's some opportunity for, for multi-level housing units coming in which if you do the math on that kind of stuff like...(inaudible)...that's your best chance of getting affordable housing in the future is those types of structures, and you...I don't, I don't think you'll ever have anybody add more lots into these categories that you're talking about. It's kind of the...kind of what you get is what you get. And Waikiki they were talking about 130 to 350 feet. We're talking about a max height of 90 and then it's just...that's, that's less than a third of the types of buildings that were in the picture. So, it just, it seems like it's being a little bit misleading. And I could see if it was hotels and stuff like that, but it's not, you know, it's, it's your Business District, it's your state, it's your, it's your county buildings, it's stuff you're gonna need in the next 50 years and I'm afraid whatever you guys do at this point, you just gonna come back once the squeeze is on and you're just gonna have to open it back up, and so basically I think you just kinda, you just kinda squeezing something that, that is gonna squeeze you back later anyway.

You know, like you...I love my view of the valley. As a matter of fact, I built my whole house around my bathroom which opens up into a view of the valley and my neighbor went and put a shed over his property line encroaching on my boundary and all I look at out my bedroom is the side of his shed, you know, but I don't say nothing to him because he's my neighbor and he probably needs a place to put his stuff, you know what I mean. And that's the way I look at your Business District like I love the valley, like that's my favorite place on earth...You know, but if, if it gives the state and the county places to keep their businesses that help society run and help your police stations and your fire stations and the programs that help all the, all the less...the people that have less in this earth than the other people then I think you should probably, probably let them have their space, you know, so I would, I would, I would fight for your Business District because you only have a handful of lots, you know, and fight for your ability to go vertical because there might be, there might be an apartment building that could in and everybody could get a rent for a thousand dollars a month, two-bedroom or three-bedroom coming up going vertically, and you're never gonna get that one-story ever on this island again, you know, we're just, we're just too popular. So, I just...I love the view, you know, I'll miss the view, I'm in Waiuku all the time, I grew up in Wailuku, you know, but I think, I'd be careful about taking away your heights just 'cause you don't, you don't have thousands of properties, you just got a handful, you know, you got ten or ten or twenty properties, you know, in each little section. So, anyways, that's my take on it you guys, and that's what, that's what I'm gonna try to push for. Who else is on, I can't see who you're pointing. Oh, Commissioner Thayer. Go ahead commissioner.

Ms. Thayer: Thank you, Chair, and I'd just like to add some manao in the spirit of discussion and I think I agree with the other commissioners who have spoken in that, you know, we are facing...we, we have a finite amount of land on this island with like potentially infinite number of people, hopefully not infinite, but growing. And, you know, we need to figure out where all of these people are going to live. And as good planners, we should look well into the future and keep our options open. And I think that means keeping the option open for building up rather than out. And if we're constrained to a three-story buildings everywhere, we're not going to fit everybody. We're going to have to spread out into open space and I would think I am not a developer in any way, but I gotta think you can fit more people cheaper in a taller building than you can in multiple smaller ones. So, for those reasons, I'm more interested in keeping the height allowance. That being said, I do understand the wish to limit building heights, so my in-laws live in Sand Hills and the way their house is situated, you can see right down where the Lao Valley comes in and the county building is right at the crux of the valley from where you see it from their house. So, it's you have a direct shot of a centered county building right in the middle of Lao Valley, so I can understand view planes and everything, but at the same time, we have to I think, compromise in some way, and for that reason, I think I would rather keep the maximum heights, maybe reducing them a little bit so we don't have a bunch of nine-story county buildings. But I wouldn't go too, too short. And the setbacks, I guess I would just be wary of the setbacks being so constraining that you can't fully use the properties that you have. But I do agree about limiting the appurtenant equipment to no more than ten feet above the building. I think that's good. And the thing about the like eight-foot height for the other stuff, I'm in support of that for discussion.

Mr. Tackett: Thank you, Commissioner Thayer. Commissioner Pali.

Ms. Pali: Real quick. Not limiting the heights would not be, would not equal automatic a bunch of, you know, two-hundred-foot buildings. What it just says is we're going to remain open and we can look at it case by case because we're the gatekeepers. And so, what it I feel like this is sort of another example of, oh, we're going to take that away, that decision making away from you. We'll just go ahead and cap it. And then you can't look at it case by case because you've just capped it. And I think in this particular case and this particular incident with these items we're talking about today, they need to be looked at case by case because there are going to be some times where we're going to need to go higher for very valid reasons because we're not talking hotels. And then there are times that, no, we don't want to, we can cap it ourselves. We don't need this overarching rule that says you have to cap it. And so anyway, I just wanted to add that in, but I suspect someone is going to have to craft a motion and I'm not sure what that's going to look like.

Mr. Tackett: I think so. Commissioners, any, any other discussion? Commissioner Lindsey.

Ms. Lindsey: Now I'm revisiting B-3, at 144 feet is far too tall. That's approximately 12 stories at 12 feet tall.

Mr. Tackett: I believe ours is 90 they said Ashley.

Ms. Lindsey: Well, it says B-3 on our paper.

Mr. Tackett: Oh, maybe, maybe you're right. I could be wrong.

Ms. Lindsey: But B-2 was at 90, but B-3 was at 144.

Mr. Tackett: And how, how many properties do we have on that do you know? I don't have that in front of me.

Ms. Lindsey: She said the four, but I...I'm pretty sure Wailuku is at four stories right now unless it changed in the last year, but B-3 on this sheet says, current maximum height is 144 that's the one we got from the Department.

Mr. Tackett: And what are those four properties do you know?

Ms. Lindsey: Said, the county building, the state building, the lot that was the mail house building, and one other government...judicial building.

Mr. Tackett: And you think that that's too high for that type of building? Those are buildings that work for you.

Ms. Lindsey: Yeah, but I just think they are like they fulfill their need at the height that where they're at right now. And giving them two more stories would be more than enough I feel especially with technology now and stuff. I don't think we're gonna need to be in those buildings as much, so 12 stories is high in Maui. I don't even know if there is a 12-story building on Maui.

Mr. Tackett: That's a valid point about the future and technology that's for sure, but then again, once what Commissioner Pali said is true too, like I mean, just 'cause...just because they can they still have to come in front of you guys you know what I mean, so it doesn't mean that that it could be done, but if you needed it, you got four parcels you could do it with. I believe Commissioner Thayer, and then I have Commissioner La Costa. How you doing P Dee, you look, you look like you might be having a rough day.

Ms. La Costa: I was gonna ask if I could please be excused. I'm catching a cold and it's just kicking my backside.

Mr. Tackett: Yeah, I think that's a good idea. What a soldier though. I mean, I seen you struggle through all day like big huge respect for that, you know.

Ms. La Costa: Thank you, Chair.

Mr. Tackett: I hope you feel better soon. Commissioner Thayer, go ahead.

Ms. Thayer: Thank you, Chair. I just wanted to put out for reference that in the staff report it says the county building is approximately 140 feet tall, just for size reference for everybody.

Mr. Tackett: Okay, so it's built to, it's built to max specs anyway, yeah. So, I don't know...I think that...I think...and what your...Director do you know what year that building was built?

Ms. McLean: Oh gosh, no but we can find out pretty soon, pretty quickly.

Ms. Takakura: Excuse me, Chair Tackett?

Mr. Tackett: Yeah.

Ms. Takakura: 1972.

Mr. Tackett: 1972, oh, the year I was born. That was a good year for me. My lucky year. And then do you know how...is it, is it mostly vacant or is it mostly used or where we're at with it?

Ms. McLean: The county building is packed full.

Mr. Tackett: So, I mean that's, that's—

Ms. McLean: Maybe not...I take that back, maybe not during Covid, but pre-Covid was definitely packed full. And some of the ceilings are quite high like the Council Chamber. So, roughly 15-foot stories and it's nine stories tall.

Mr. Tackett: So, I think, I think what we got is something that was created in the 70's that, that serviced the population of probably about 60, 70,000 which is continuing to service our population that we have now and it was fairly full without Covid and now we're talking about shrinking back the amount of height that you can have on the four parcels that you have which to me is, it's...it

seems counter-productive, but like I said, I got five months left, you know, so somebody...you guys are gonna be the gatekeepers you know for that stuff. Commissioner Lindsey go ahead.

Ms. Lindsey: Is the county building nonconforming, existing as it stands?

Ms. McLean: It's conforming.

Ms. Lindsey: Okay, thank you, and good points Christian, Chair on that limiting us. Thank you.

Mr. Tackett: I just, I just want what's best for, for us as regular people. You know what I mean? When I look at our commission, I don't see, I don't see no...superstars, you know what I mean. I see people with normal backgrounds that work hard every day, you know what I mean, so...I mean, although you guys are ridiculously good looking, but I was talking more of a financial perspective. Commissioners, any other discussion? Well, we're open to...

Ms. Lindsey: Commissioner Thompson.

Mr. Tackett: Oh, go ahead Commissioner Thompson, sorry I didn't see you, go ahead.

Mr. Thompson: Thank you, Chair. If we're all throwing in our two-cents worth, I would like too as well. As much as I think that landowners should have some opportunities, all that, I've done business in many places in the world, maybe not superstar, but Russia, China, Japan, et cetera, the most taxing on the land, on the aina itself is with density of people. You start putting big, tall buildings, when you do the Waikiki, you got three hundred...now you got no parking, everybody's jammed up, you got so much water and sewer...(inaudible)...and it's fricken crazy. So, I like the zoning of nothing taller than a coconut tree. Obviously there has to be a lot of exemptions from that, but density does equal congestion, it does equal crime and the most taxing. So that's my two cents, I'll go along with the program, but I just want to throw that out there. Thank you, Chair.

Mr. Tackett: You're welcome, Dale. I guess with no more discussion, it's open to a motion unless Lindsey, Commissioner Lindsey, go ahead.

Ms. Lindsey: It is worth talking about though, I'm not sure what properties are affected in Lahaina Town in Lahaina for the B-2 zoning because I know a lot of Kihei is covered with SMAs when they come through, but I'm not sure what happens in Lahaina, and Molokai, I would like them to make their own decision for themselves.

Mr. Tackett: Yeah, I'm not sure about the B-2. What is zoned B-2 in Lahaina, B-2, B-3, B-1, B-2, B-3.

Ms. Takakura: If I may, Chair Tackett?

Mr. Tackett: Yeah.

Ms. Takakura: So, for Lahaina, West Maui, restaurants makai of Lahaina Cannery Mall on Front Street, the old Chart House in Lahaina, most commercial areas throughout central Lahaina Town

that are not in Residential or Historic Districts such as Maui Outlets and the parcels around Front and Wainee. The Mill Street gas station, Dickenson Street area, and Weinberg Foundation properties, and regarding Molokai—

Mr. Tackett: Those are all B-2, B-3, what are they?

Ms. Takakura: All B-2, B-2.

Mr. Tackett: And what's, and what's their maximum height?

Ms. Takakura: B-2 maximum height right now is 90.

Mr. Tackett: Ninety feet. Okay, and a building that is 90 feet would be for reference, I guess would be?

Ms. Takakura: Well, I'm thinking if the county building's a 140, ... (inaudible)... more than half that height.

Ms. McLean: It would be about six stories. It would be six stories if you have 15-foot floors.

Mr. Tackett: About six stories, okay. So, six stories.

Ms. Takakura: And then, I'm sorry Chair Tackett, one more thing. Molokai Planning Commission it will be hearing this item also and so they might, you know, like you say, have some thoughts on the four parcels in Kaunakakai.

Mr. Tackett: Got it. All right, Commissioners, what's our, what's our verdict on this one? Commissioner Pali?

Ms. Pali: So, I was going through the recommendation and options given by the Planning Department, and the reality is, I do like the first suggestion, Sections 19.18.050 and 19.20.050, language regarding the equipment such as the antenna, vent pipes, blah, blah, blah, blah, I like that whole section. And then, I'm just not into anything else, so I don't know if my conclusion then means that I would be for a denial of all of this completely because the intention of my denial would be that we recognize that there's wisdom in capping heights, but we also recognize that we don't know what our future needs are gonna be and so by capping it now seems a little like the cart before the horse. It seems like we might lack foresight and so, I don't feel that we should cap it. I think that as the Planning Commission we could still take it case by case, and if there's something that's gonna be a problem with the public views because private views aren't protected but public ones are then we can look at that project as an individual project and determine it at that time, but we don't need blanket caps, so that was just for discussion and that's my issue with how we're gonna craft it, but if I had to craft something it would be a no crafting, it would just be a denial because I'm comfortable that we can do it on a case by case with the intention in mind of protecting the views and... public views and the heights.

Mr. Tackett: And I think that there's a lot of wisdom to that and I think if, if somebody comes in front of you guys with a hotel or something and they're gonna build it out to the max for profit or something then, then I think then absolutely we don't really have the right situation for that, but if somebody's gonna come to you with, with some sort of public building that we need room for, your county, your state, your police station, your fire station, your schools, you know what I mean, any of those things that come in front of you, I think that what...I'm with Commissioner Pali with a denial on everything except for the...I mean, I'm cool with the ten-foot on the roof thing, you know, but I think after I'm gone, I hope that this planning commission keeps the power that it has and I hope that you guys work through it like we work through it, and you let the good stuff in, and you shut the bad stuff out, you know, that's, that's, that's what I would like to see happen today.

Ms. McLean: Chair, if I can, if I can just confirm what Commissioner Pali was saying.

Mr. Tackett: Sure.

Ms. McLean: So, you want to leave the existing heights as they are and go along with the additional ten feet. And so that means you don't want to recommend changing lot width or setbacks, which are the other things the Department recommended. And that's fine. I just want to make sure that we're covering everything.

Ms. Pali: If I may Chair, if we would...actually hearing you say it, we actually wouldn't have to allow an additional ten feet if we keep the current height limits, because then it would have to fall within. We're not saying... 'cause then it's worse actually, the way you said it. We have this maximum which is way over here, and then we'll give you ten feet on top of that. I think if we keep the limits the same and we do it case by case, then the antennas really should fall within. I feel like that's, I'm not saying give more to the antennas. I feel like—

Ms. McLean: Right. The clarification we're looking for is right now, the way the code is written, you have a maximum height of 90 feet. And if you have a 20-foot building, you could have a 70-foot antenna. And we want to say you get ten feet above the height, but the max, max, max, with everything is 90, so you don't have these weird...okay.

Mr. Tackett: Yeah, I think I agree with.

Ms. Pali: Yes.

Mr. Tackett: Commissioner Lindsey, go ahead.

Ms. Lindsey: I think the minimum lot widths, also Number 3, should be maintained that, that Jacky provided to us where it should be decreased and reduced a little bit to allow a little bit more space on the lots. So, keeping also Number 3.

Ms. Pali: Yes. Thank you, Commissioner Lindsey. That was a mathematical correction. Yes. Thank you.

Mr. Tackett: Yeah, and I think, I think if you, if you shrink the footprint a little bit and you get a little grassy yard around the building and stuff like that, like, I don't, I don't see a problem with that, you know, way more so than stepping, you know, 'cause when you when you only got five or six or seven lots, I think the, I think that you guys are going to need them, you know. So, but yeah, I agree with that. But I don't think it should be a large amount, you know, because you don't want to impact your...when you only got a limited amount, you don't want to, you know want to impact them that greatly, you know what I mean? Commissioner Lindsey.

Ms. Lindsey: So, also for Number 4, what are the current P-1 setbacks. It says it will change the ten feet and fifteen feet, but it doesn't say what it is.

Ms. McLean: The current front and rear setbacks in P-1 is 15 feet, and side is ten, and in P-2, the front and rear are 30 feet, and side is 15. So, those are small adjustments for Public/Quasi Public.

Mr. Tackett: Yeah, those sound like good setbacks to me for what you guys got. Commissioner Thayer, no go ahead. That's what we're here for.

Ms. Thayer: It seems we're good with 1, 3, and 4, if I'm keeping tally, and 5, existing nonconforming.

Mr. Tackett: Yep.

Ms. Thayer: Okay.

Mr. Tackett: So, which one aren't we...(inaudible)...

Ms. Thayer: So, sounds like we are not in support of 2.

Mr. Tackett: And what is, what is 2, sorry. I don't have that page open.

Ms. Thayer: Two was the increasing setbacks for taller buildings—

Mr. Tackett: Got it.

Ms. Thayer: And then setback according to building height.

Mr. Tackett: Yeah, correct. Yeah, I agree. I'm gonna get Commissioner Pali and then I'll go right to you, Commissioner Lindsey.

Ms. Pali: Director, would 5 apply if we're not gonna be changing the heights? If I...the way I read it, it's, it's saying that existing structures are not affected but none of them are affected because we're not changing anything. So, does this 5 apply?

Ms. McLean: I think you're right, 5 wouldn't come into play if you're not going for Number 2.

Ms. Pali: For clarification, it would be 1, 3, 4, and then I see Commissioner Lindsey talking about 6. Oh, yeah, we do want Molokai and Lanai to have their own impact. Okay, so just if we can all be on the same page, we like 1, 3, 4, and 6 for clarification.

Mr. Tackett: And 5, Commissioner Thayer has it. No, what, what is 5?

Ms. Thayer: But 5 if the setbacks change would we want the existing nonconforming to capture those?

Ms. McLean: If you're making the back smaller then there shouldn't be anything built in the setbacks.

Ms. Thayer: Oh, gotcha, okay. So, it doesn't matter or this. Okay.

Mr. Tackett: Commissioner Pali.

Ms. Pali: So, Chair, I think I'm ready to make a motion.

Mr. Tackett: Okay, go for it.

Ms. Pali: I'd like to just throw it out there, people. I'm just going to throw it out there. I would like to make a motion to approve recommendation by the Planning Department, specifically their recommendations in items 1, 3, 4, and 6... 1, 3, yes, 4 for the setbacks and 6. That sound about right?

Mr. Tackett: So, does that, does that keep our heights and our setbacks, Director?

Ms. McLean: I think we're good, Chair.

Mr. Tackett: Okay, because I...to me, that's, that's what's most important with the limited space you guys got, there's not a lot here for that. So, is that your motion? Okay, Commissioner Pali. Do we have a second? Commissioner Thayer. Would you folks like to speak to your motion?

Ms. Pali: No, I think in the discussion we've teased it out pretty well, so, I think just the summary would be that we agree that we want to be very mindful of heights and we agree that we want to preserve public view planes but we also do not want to cut off our foot or our nose to spite our face and we want to be able to have the opportunities if there's an exception to be granted that we can be the gatekeepers here at the Planning Commission and we can look at each individual applicant and property case by case, and if the need does present itself then we have the capability to maintain current heights if warranted and if not then we would be able to then deny it.

Mr. Tackett: I think that's well said. Commissioner Thayer, would you like to speak to motion as well.

Ms. Thayer: I don't have much to add beyond our discussion. I think we've fleshed it all out pretty well.

Mr. Tackett: And Commissioner Lindsey, go ahead.

Ms. Lindsey: I like the...what we're voting on, but I'm wondering if we should also include comments on why we are denying the actual bill that the Council is sending us. Can we do that after we vote or I don't know the protocol.

Mr. Tackett: I don't know. I'll ask Director. Director.

Ms. McLean: I think it would be good to include in the discussion now.

Mr. Tackett: So, yeah, 'cause Kellie included hers and I thought that they were all good, valid points. So, if you have something that she didn't include already, then you should probably add it in.

Ms. Lindsey: I do want to mention urban sprawl. We want to avoid urban sprawl and keeping our small towns, small towns. That is on Page 58 of the long-range plan. Also, on the Maui Island Plan, Page...Policy 7.3.1 and 7.3.1.A and 7.3.1.D.3, also Page 74 of the long-range plan, Policy E.

Mr. Tackett: Yeah, I agree with those. I mean, nobody wants the sprawl for sure. Commissioners—

Ms. Lindsey: I also—

Mr. Tackett: Oh, go ahead, go ahead Commissioner Lindsey.

Ms. Lindsey: Also, the...I do want to emphasize that gyms and hospitals are taller than 45 feet and we want to make sure that if they make an adjustment for that, that it is higher as Jacky, who presented...Ms. Aoki presented to us earlier because all, pretty much all the gyms, almost all the gyms on Maui are taller than 45 feet and we want to keep that easy for them to process so that next school that we build in Pulelehua will have a gym without us needing to see them.

Mr. Tackett: Sounds good. Commissioners, anything else, anybody else? Okay, well, we have a motion on the floor and a second. Director, would you like to perform the roll call for us.

Ms. McLean: Sure, again the motion is to recommend denial of the proposed bill and recommend approval of the Department's recommended numbers 1, 3, and 4, and 6. Chair, would you like to do a show of hands rather than a roll call?

Mr. Tackett: Sure. The only reason I don't do this because I can't see everybody, but I'm totally, I'm totally open to it. Okay, show of hands.

Ms. McLean: All those in favor, please raise your hand. I see Commissioners Lindsey, Pali, Thayer, Freitas, and Commissioner Thompson is obscured on my screen, and Chair Tackett. Commissioner Thompson how are you voting on this? In favor, okay. That's 7 in favor, two excused, Commissioners Hipolito and Vice-Chair LaCosta.

It was moved by Ms. Pali, seconded by Ms. Thayer, then

VOTED: To Recommend Denial of the Proposed Bill of the County Council and Recommend Approval of Numbers 1, 3, 4 and 6 of Planning Department's Recommendation to the County Council.
(Assenting – K. Pali, K. Thayer, K. Freitas, J. Edlao, A. Lindsey, D. Thompson, C. Tackett)
(Excused – P D. La Costa, M. Hipolito)

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

VOTED: to recommend approval for the proposed bill to the Maui County Council.

(Assenting: L. Albino; L. Buchanan; C. Machado; W. Moore; K. Moss; B. Mowat;
L. Poepoe)
(Excused: D. Kelly; J. Pele)

Chair Buchanan: Motion carried unanimous. Thank you very much. Okay. Good job, Planning. Moving on. Under Agenda item B, Public Hearing, is item number 2:

Chair Buchanan read the following agenda item description into the record:

- 2. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution No. 21-114 referring to the Molokai Planning Commission a proposed bill to amend Maui County Code Chapters 19.18 – B-2 Community Business District, 19.20 – B-3 Central Business District, and 19.31 – Public/Quasi-Public District to lower the maximum building heights. (J. Takakura)**

The entire text of the proposed bill for ordinance is available at:

<https://www.mauicounty.gov/DocumentCenter/View/128226/Resolution-21-114-proposing-to-lower-building-heights-in-B2-B3-and-P2-districts>

Chair Buchanan: Okay. Thank you. Jacky?

Ms. Takakura: Okay. Thank you, Chair Buchanan. So, this one I do have a PowerPoint so I'm going to share my screen now. Can I get a thumbs up? Can you see the white and blue?

Ms. Machado: Yes.

Ms. Takakura: Thank you. So, this is a proposed bill, again, from the County Council, and it's to amend the three chapters that were just mentioned about the maximum building heights, and so there's the B-2, which is community business district, and you do have a little bit of that zoning district on Molokai, B-3, central business district, which is only in Wailuku, and then public/quasi-public, P-2, is -- there's only two properties, one in Kihei and one in Wailuku right now, none on Molokai. So, the proposal is to reduce the heights of these three districts, as you can see, to 45 feet for all of them. Right now, B-2 can be 90 feet, B-3 can be 144 feet, and P-2 can be 90.

So, according to the County Council meeting on -- in July, it was explained that the resolution is about maximum building heights that are more appropriate for Maui than

Waikiki, so that -- I -- that's the purpose, at least that's what I could tell from the Council minutes. So, then I started wondering, well, what is the height limits for Waikiki, you know. Are we going to end up looking like Waikiki? But Waikiki is really different. Their heights are much, much taller. This is from the City and County of Honolulu, I looked it up, and you can see like over here is 350 feet, 320, 130, 300. You can see it's much, much higher and, you know, this -- the structures in this area are primarily for resort purposes so it's a little different from our business and quasi-public areas, the height limits of 90 and 144.

So, B-2, that's the area -- those are intended to provide all types of goods and services for the community, and dwelling units are allowed, and, as you can see from this map, they're all over, you can see them -- we got them in West Maui, South Maui, Hana, Upcountry, Central Maui. Like I mentioned, there's a little bit in Kaunakakai. There's four parcels at Kamoi Street and Puali Place. There's no B-2 on Lanai. So, that's what I could find for Molokai. I guess this is like the auto parts store or something like that, and then this looks just like it's just kiawe right now. So, that's the B-2. B-3, it's just in Wailuku Town, the courthouse, the State building, the County building, and, if you can remember a long time ago, there was the Wailuku Post Office over here, just this area is B-3, and like it describes down here, it's general business enterprises, financial, governmental that has that higher height limit, like you can see the County building's 140 feet, and this area does allow for dwellings. None on Molokai. P-2 is for public nonprofit and quasi-public uses. Dwelling uses are not permitted. Right now, there's St. Anthony Church in Wailuku and the schools there. Oh, also is Hale Makua, which is a County-owned property in Kahului, but I guess that just got rezoned so it's not on the map yet. And then in Kihei, St. Theresa's Church. Those are zoned P-2. No P-2 on Molokai or Lanai. P-2 was specifically created to address public/quasi-public facilities that were gonna exceed the P-1 height limitation of 40 feet, and so back in 2013, the Maui County Council unanimously adopted the P-2 district ordinance. The Department is also working on some digital zoning map updates for the island of Maui only that will be changing some other properties to be P-2 and the vast majority of those properties are like schools, fire stations, police stations, and they already contain structures that exceed the 40-foot height limit in P-1; they were either built so long ago, like in the '50s or '60s, where they met earlier height definitions when they were built or they received variances to obtain these heights. And so, when I looked up that, I got kinda curious about the fire stations and the police stations on Molokai, and those are all zoned interim so they're not affected at all. Those are the zoning districts that this proposal is about.

So, in the memo report, there was a lot of information from the Countywide Policy Plan, Maui Island Plan, even the Molokai Plan about how this resolution is inconsistent with the long-term planning document, I'm not going to read them for you, but there's like four pages. We are concerned because it could reduce opportunities for affordable housing if the heights are lowered. It could lead to increased cost of buying or leasing commercial property. Some of these properties are County-owned, and so if the County cannot go up

in height if it needs to expand, it would increase the cost of having to go out and buy new land and new ... (inaudible)... We think about climate change, mitigation, and adaptation, this is inconsistent with that because you'd like to use the space that you already have development on and not encroach into undeveloped land. Variances will increase, and the State of Hawaii also have concerns, which I -- I did include those in the memo report if you had a chance to read it.

So, we do have a few revisions that we would like to propose from the Department, and they're minor. One is based on -- one is regarding appurtenant equipment heights, the other is about accessory structure heights, and then setbacks and lot widths. The first one is the appurtenant equipment, and those are things that are like the antenna, or the vent pipes, or the things that are on top of the roof, we would like them to be limited to no more than ten feet above the building roof from which they extend; that way, if you have a -- say a building that is very short, you can't have -- you don't want to have this really tall antenna on it, like say the height limit is 90 feet, and say the building is only 40 feet, you don't want to have this 50-foot antenna on there because you can go up to 90. Whatever the max height is, no more than ten for the -- those things on the top to the max, not above the max, but to the max 'cause it's just, like that image you can see there, you don't want something really, really tall on top of a shorter building. It just doesn't look good. And this is consistent with a lot of the other chapters, have them limited to just ten.

And then the other thing we would like to change is that accessory structures, like mailboxes, trash enclosures, etcetera, in a lot of the other chapters they are limited to eight feet, and so we would like that to have a limit of eight feet. Right now, there isn't a height limit so we think that there should be because you don't want those to be really tall either.

The next part is about setbacks, and this is just a little bit of setbacks 101 review. This is an aerial view of the Kihei McDonalds, and so this is South Kihei Road. This area of the property in the front is considered the front setback area, and these two on the sides, over here and over here, is the side setback area; some people, in their minds, think of it as kind of like a yard, but it's a setback is how we define it in the zoning code, and then back here is the -- the rear setback, and it's the open area between usually the lot line, like you can see this orange lot line, and then a setback line, which is defined in the -- in Title 19 for each of the different zoning districts, and it's an open area from the edges of the lot, and so in B-2 and B-3, right now, there is no setback for the front, and the side and the rear is either zero or depending on what the neighboring properties ... (inaudible)... We're proposing to have them be 15 feet for the lower portion of the building, and 20 feet for the taller portion of the building for the front and rear, and for the side have it 10 feet for the lower part and then 15 feet for the upper part, and I'll show you an image of that in the next one. If you can kind of imagine like a wedding cake style, that's what we talk about. For B-3, it would be also kind of tiered like that where the -- the front and rear would be half the height of the building or 15 feet, whichever height of the building, and the side

would be tiered ranging from 15 to 30 feet depending on the height. So, when I mentioned the wedding cake, this is what it would look like. On the left, you see what is allowed now, up to the property line, the orange dotted lines are the property lines, and the structure can be built right up to the edge of the property line; what we're proposing is to have a little bit of space here on the sides, and then as you get taller, it gets -- the setback of more spacing and that is to allow air and light, it'd be tiered like this. So, that's the proposal. We're open to your suggestions too.

Okay, so the next part is -- it's another slightly technical term, this is lot width, and the definition from Chapter 19.04 is here on the screen, it means the diameter of the largest circle that can be inscribed within the lot lines, so if you can remember from intermediate school, the diameter is the, you know, the circle, the line between ... (inaudible)... end to the other end of the circle, so if you can imagine a lot like say a lot is a square, the property is a square, that circle has to fit in in that lot and that's the lot width, the largest that can be inscribed within the lot line. And then the other thing probably back in the day is area, area equals length times width, so if you have this lot width, that's going to be one of these numbers, and then the other number will be the length, and those multiplied by each other equals the area, but if you look at P-2, the minimum lot area is 20,000, right? And then the minimum lot width is 200. But if it's a circle, 200 times 200 does not equal 20,000, the math doesn't work, it would have to be 40,000, so what we're proposing is to bring this down to 100 so at least we can do the math correctly, and even for P-1, we'd like it to be a little bit smaller also, and -- and that way, you know, it allows a little bit more flexibility on lot development, and then for P-2 it corrects the math. So, a lot of times lots are going to be typically deeper than they are wide; with this current lot width of 200 feet, that's more appropriate for the bigger lots, like in ag zoning where, you know, it's like two acres or so, but for ... (inaudible)... it just doesn't work out mathematically.

For P-1 and P-2, we do also have some minor revisions to the setbacks, not a whole lot, just changing -- these are almost the same, but having the front be a little bit bigger and then letting the rear be a little bit smaller so the side and the rear, P-2, a little bit smaller and that would ensure that there's sufficient developable area. In the even that it's a church and there's a steeple, we would propose that those can be taller if the Urban Design Review Board says it's okay, and we do have a meeting with them on this in November. Existing structures would not be affected, they'd be considered nonconforming, and then they would just follow that part of the rules, so they would be okay to continue.

So, that's it in a nutshell. We hope that you would recommend approval of the bill for ordinance with our revisions, but you do have options to deny or approve or defer. So, that's the presentation. I can come back to any of the pages if you want to go over it. So, that's it for that one and I will stop sharing. Okay. Thank you, Commissioners.

Chair Buchanan: Thank you, Jacky. That's a lot to swallow even for this Chair, and I was -- I'll let Commissioners if they have any questions right now unless they wanna go to public hearing and come back. You know what? Go ahead, Jacky.

Ms. Takakura: So, Chair, I see in the chat you asked about the properties on Molokai if the owners have been contacted. I don't believe that they have. And I -- I think the -- the two -- 'cause there's like two right near each other and two right near each other, they might be the same -- two might be owned by one and the other two owned by one, but I'm not sure, but, you know, we're just transmitting this from the County Council ... (inaudible)... if they've been contacted.

Chair Buchanan: Thank you. 'Cause I kinda thought that the same owner would be affected on both parcels. I could be wrong. That's why I posed the question. Okay. So, there hasn't been -- go ahead, Commissioner Machado.

Ms. Machado: So, Jacky, I was intrigued that the beginning of the recommendations it says that the Department does not support the proposed bill, zoning ordinance, and limited density are a particular problem. We do see the availability of affordable housing. Can you describe that? 'Cause now you're asking us to be supportive based on the recommendation or the ratification from the County Council, so I want clarification on how the Department sort of is not supporting this.

Ms. Takakura: So, thank you, Commissioner Machado. So, if you think about like in Wailuku or in areas -- even in West Maui or South Maui, B-2, that would be ideal locations to have apartments, to have the higher dwellings where people can live, you know, maybe it's younger people who don't want to have a yard to take care of or can't afford a house but they could have apartments, and those are the areas that would be affected and we would not be able to build the apartments that, you know, may be needed, and the concern is if you can't find housing in these areas that are meant for housing or, you know, like kind of a little bit more urbanish, urban type areas, it could lead to encroachment into undeveloped, you know, like ag, and we don't want to see that, we would like to see people living in areas where there's already the urban infrastructure, water system, roads, you know, the stores are nearby, and so, you know, we don't support the reduction in building heights. I do want to add though that, for the island of Molokai, you folks know your community the best and, you know, if you think that changing the building heights would be appropriate for your folks, then, you know, that -- that is -- you know, you might want to -- you could consider that for Molokai, but keep in mind that B-2 is a great place to have apartments for, you know, first-time home -- young couples, people starting out who can't afford a house yet but, you know, yeah, for Molokai, maybe it is more appropriate to have the lower building heights, but for the island of Maui, you know, because there's such a high demand for housing, and it's so expensive, that being able to build up is one of the few ways to try to manage it and have opportunities for more housing.

Ms. Machado: Jacky, I wanted to make another point that you folks are also recommending incorporating item number six as the best interest for our communities for Molokai and Lanai. Can you clarify that because it's under the B-2 and B-3 considerations?

Ms. Takakura: Yes. So, well, for B-3, there is no B-3 zoning on the island on Molokai and I don't know that you ever -- it would make any sense to have anything zoned B-3 there, but for B-2, you know, there's those four lots and, you know, I don't know what the long-term plans are for those lots, but if you think it's not a place that would be a good place to provide some housing for, then, you know, maybe it would be okay to zone those -- I mean to have those be a lower height, but I think that the Molokai Planning -- you folks are better at making that decision than, you know, I'm here on Maui, and I think that I'd like you folks to decide that, make that decision.

Ms. Machado: Just a last point I want to make. You know, I'm a -- I've always been a firm believer what -- what we do on Molokai is our kuleana, what's on Lanai and also on Maui is their kuleana, so has the Maui Planning Commission made a decision on these recommendations from the -- this resolution identified as number 21-14 -- 114? Did they make a decision yet?

Ms. Takakura: Yes, Commissioner Machado. We just talked about this yesterday, and they agreed about not limiting the heights, so we're going to leave the heights as they are in the current code, that's the recommendation anyway, and then they went over the proposals from the Department and they agreed with the part about the appurtenant equipment on the roofs to be limited to no more than ten feet, and that the accessory, things like the mailboxes, be limited to eight feet. They did not support the setbacks, the changes in setback for B-2 and B-3, so those would stay as is. They were fine with fixing the lot widths for P-1 and P-2. And they were fine with the setbacks for P-1 and P-2 'cause those are really minor changes. And then Lanai is next Wednesday so they have not met on this.

Ms. Machado: Thank you for that, Jacky.

Ms. McLean: Chair, may I also add? Listed as number six in our recommendation --

Ms. Machado: Right.

Ms. McLean: The Maui Planning Commission supported Molokai and Lanai making their own decisions.

Ms. Machado: Yes. I see that very clearly in the write-up, in the report.

Ms. McLean: Yeah.

Ms. Machado: That's all I have, Madam Chair. Thank you.

Chair Buchanan: Okay. Thank you very much. Commissioners, anybody has any burning questions right now? If not, I don't think we opened -- okay. Commissioner Poepoe.

Mr. Poepoe: According to the map, these are the -- the two parcels are one is by the ... (inaudible)... and the other one is across the town gym. That's right, yeah? I mean what -- so if that's the only two, I doubt there's going to be any affordable housing apartments in those -- in those locations and that going be up to whoever owns it and wants to propose to build stuff on it, so I not sure if it's really -- I guess that was already said already it's not so relevant to us and it's more about Maui type of bill, like the previous agenda item. So, yeah, this discussing the -- a maximum height for Molokai like going be important for -- for this item and, yeah, so that the other islands going have their own say, this looks like a except for Molokai type of deal.

Ms. Machado: Yeah.

Chair Buchanan: Thank you, Commissioner Poepoe. Commissioner Moss.

Ms. Moss: I just wondering if we, I don't know if anybody knows, what the current height is of the -- the buildings that are already there, so that would be like the Moore Center, right, and GT Auto? So, like if -- if Moore Center is probably fine, but GT Auto, I mean, that possibly could be more than 45 feet tall, so if this was to pass, then what would the owners have to do some changes? I mean, I see in the Department's recommendations they're saying, if I read that correctly, like if it's issued prior to this, it's fine, like they don't have to change anything, right? And they can modify or whatever in the future and they're not going to be affected by it, but that's only Department's recommendations. That's not how County Council wrote it. Is that --

Ms. Takakura: Chair Buchanan, if I may? So, they would be considered existing nonconforming because they were built to whatever height was allowed at the time that they were built, and so if they came in for a change, they couldn't go any higher, but they could probably stay at where they're at as long as they don't, you know, change so drastically that they'd have to -- like if they tore down the building, they'd probably have to comply with the new rules, but as long as they just kinda keep as is, they -- their existing nonconforming and can continue the way they are.

Ms. Moss: Okay. And that's how it's written now from County Council, not with the Department's proposed amendments to the -- the bill?

Ms. Takakura: Well, we have a chapter in the code about nonconforming and so that's what we follow, but we did propose to have that language in there, in each chapter to say that, you know, existing can continue as is that way it's really clear in the chapters so nobody forgets. That was number five in our proposal.

Ms. Moss: Oh, I see. Okay. Thank you.

Chair Buchanan: Thank you. Commissioners, anymore questions? And you can always come back after public testimony. Okay, seeing none, I would like to open up public testimony 'cause this is a public hearing item. If there's anyone in the community wishing to testify, please unmute yourself and state your name for the record, and I can swear you in, but she said I don't need to, so -- so just unmute yourself for the record and then offer testimony or sign up with Suzie. So, anyone in the public wishing to testify on this agenda item? Todd Yamashita.

Mr. Yamashita: Eh, how's it everybody. Eh, I just wanted to thank you guys for, you know, providing a space for the public even from our own living room. It's pretty cool. Yeah, I just wanna -- I guess I have questions about the max height. Right now, it seems like it's being framed as you would exclude apartment buildings. I know, on Molokai, unofficially, every -- you know, nothing should be taller than a coconut tree, and if we're talking about making it official, I think it's an interesting conversation. But, you know, like a 45-foot building, I think that's like three stories, that's three levels, and so, you know, does that still exclude apartment buildings that are three -- three-stories tall? You know, 'cause, right now, I guess it sounds like the way the discussion is being framed is that, you know, if -- if Maui or Lanai or Molokai makes these decisions, we're going to be making it, you know, against affordable housing and, in my mind, it doesn't -- it doesn't really compute that way, but I guess I just want clarification.

Chair Buchanan: Sorry. Sorry. I trying to mute, unmute, mute, unmute. Thank you for that question, Todd Yamashita. Jacky, you heard what the testifier had to ask and, in this sense, you know, the community just provides testimony, so can you -- can you respond to that 'cause I kinda had the same question that I was going ask after?

Ms. Takakura: So, in B-2, it would be for any structure regardless of if it's commercial or commercial plus residential in there, it would be the maximum height for all buildings regardless of what the use is. And, yeah, 45 would be, yeah, that's about three stories.

Chair Buchanan: Okay. Thank you, Jacky. Anyone else in the public wishing to testify on this agenda item, this public hearing item? Okay, hearing none, then I guess we can close public testimony. I have a question for maybe Director McLean and Jacky both on this proposal, this hearing item. So, I think we said we wasn't going do kinda arbitrary ad

hoc stuff with Title 19, or Chapter 19, and then I see that we -- this is kind of, to me, one big -- one big bite. I no feel that having one public hearing today is -- justifies adequate community input on something that is obviously going to affect the island of Molokai, and then, on the side, I just wanted to, again, remind everybody that get so many zoning, zoning districts, layers and layers of anything you can do, like RU and now we have business, you have B-2, B-3, P-2, P-1, RU-5, RU-1, 2, 3, 4, ag, ag -- you know, so, and all of these have their own protocols or their own regulations, so that's how come it can get really confusing. So, when we was hearing this, I thought what Todd Yamashita had asked earlier is like so what happened to the taller than one coconut tree on Molokai in planning? What happened to that? Like was our understanding that nothing was going be higher than -- and then every time we review projects, we have that 30-foot cutoff for homes and residential. So, maybe if Jacky or Director McLean if you wanna expound on that, the concern.

Ms. McLean: Yeah. Thank you, Chair. A couple of things. There are existing zonings established on Molokai and some of those have conditions potentially relating to height that even though in the Maui Code it may say, oh, the building height in B-3 is 144 feet, if property comes in to change its zoning to B-3 on Molokai, I would imagine we would place a condition that says, well, the B-3 use is okay, but the building height isn't going to exceed 35 feet. With regard to getting input and doing piecemeal changes to Title 19, as Jacky mentioned, this came out of the County Council, so they've taken a couple of initiatives where they passed a resolution at Full Council without even having discussion in committee, so we -- we're at a lost 'cause we don't have the background that might have come if there had been fuller discussion beforehand, but we're still obligated to take it through the commissions. Councilmember Paltin, the proposer, did say she didn't want Maui looking like Waikiki, but the bill has to go to all three commissions, not just Maui, so I don't really know that they considered Molokai and Lanai, I suspect if they had, they might have made an exception, you know, going into this that the heights be lower specifically for Molokai and Lanai, so we don't have a whole lot of background on this, but usually the zoning code works for our entire County, but then when those zoning districts are applied, conditions are usually made to make it fit within the area, regardless of what island it's on, just within that particular location, so that would still be exercised no matter what you recommend and no matter what the Council ultimately decides to do.

Chair Buchanan: Okay, thank you, Director McLean. So, I think I still in the like I don't know about this, but I going tell you what, I totally respect what Councilwoman Paltin kind of said and did because it shows a lot of assertiveness and guess what? I agree. I no like Molokai look like Waikiki either, no disrespect to the people of Waikiki, but every time I fly on the plane, I just look at the reflection in the water off of all of that glass in Waikiki and gotta -- cannot help but think that the fish not happy. It's like shining one spotlight like at deer in the water. So, I agree get a lot of impacts. So, going back to the agenda item today, I want a better look because I cannot discern, even with my years of experience,

what would be the impacts by -- to Molokai and, as Commissioner Poepoe pointed out, that sometimes, in the end, it's just better to say except on Molokai where none of these amendments and changes going be applied, and that's always the safe place for me because -- because they are Maui centric and we not there yet, and -- and not to say that we can adopt 'em later, we can adopt all this stuff that Maui do later, but they -- if -- if we go ahead and we say, yeah, go ahead Maui, this is all good, that is going to apply to us as a County. So, whether we went like it or not, we went approve, yeah, right on, go ahead, build 90 feet in the B-2. Oh, by the way, where is B-2? Oh, man, that's smack dab in Kaunakakai so, oh yeah, I can have one 90-foot building in B-2 because it's zoned B-2. So, that's the -- the negative inadvertent kind stuff that I trying to prevent, and I don't think I can do that today 'cause I don't have enough information, and it looks like we need to spend more time on the question than we have today because we have two more contested case stuff on our agenda today, and it's already 12, almost 12:15. So, I don't want to spend time, I don't think we have all of the information we need, so I probably would ask, you know, somebody from Planning to come back, but, right now, I wanna point out, according to what they gave us today, B-2, and we have B-2 on Molokai, we just saw where was, the current maximum height to build out in B-2 is 90 feet, okay, so we just said 45 feet was three stories, so that's what, six stories. Is that seven stories? So, the two parcels in Kaunakakai, Jacky, could, right now, as it stands, get built out to seven stories? I know we gotta jump through SMA hoops and all of that.

Ms. Takakura: So, Chair, can I -- is it okay if I share my screen again?

Chair Buchanan: Yup.

Ms. Takakura: So we can look at that? Okay. So, it's these two that's kiawe, and then these two down here and -- so it's -- this is two lots, and that's two lots, and you're correct that the current maximum height is 90 feet, so it would be how many ever stories they could fit in 90 feet, and I think, yeah, six floors is probably reasonable for 90 feet. You are correct when you mentioned 30-foot height limits, those are for ag, interim, residential, which is much more common zoning districts, this is -- yeah, B-2 is higher, but, yeah, it's this over here, and that over here. So, maybe you wanna consider, you know, reducing the height for Molokai to 45. I mean, I'm just putting that out there. I really don't know. I leave that to you folks. And let me know when I can unshare. I'll stop sharing.

Chair Buchanan: Okay. Thank you. You can stop sharing. Maybe in the future, we put one 90-foot building over there and do one cad, one cad look and whoa. So, okay, so stuff like that totally blows me away because, you know, I've been serving now for how long, you know, off and on, off and on, and community advocate, and how these stuffs get slid in with zoning and then, you know, you get people calling, ringing your phone saying why is -- why in Kaunakakai have they blocked the walkway, you know, to American Savings between Misaki's and -- so you get people just like puiwa shock right? If I not mistaken,

Jacky, the intersection of Maunaloa Highway and Kalae Highway, where Swenson Realty, what is the zoning there? The zoning was changed some time ago, some kind of business commercial something, and then -- and then the County of Maui was trying to propose that the police station purchase the area, and then commercial, build it out, as a potential project for the County. So, I'm just wondering if it's not showing up there that that is already that has the B-2 that we not seeing.

Ms. Takakura: I'm going to look that up right now.

Chair Buchanan: Okay.

Ms. Takakura: But, when I asked for B-2, those were the only ones that came up, but let me check --

Chair Buchanan: Okay.

Ms. Takakura: On the draft digital zoning map.

Chair Buchanan: Thank you. And, with that, I remember also a rezoning of the old Kualapuu Pineapple Office, where Akaula School is, they also changed zoning, so, yeah, and then I think now, in 2021, when I look back a Kaluakoi, and how resort zoning got put on to the developments in west -- West Molokai and, you know, Kaluakoi where you actually have resort zoning, you can build one -- you can build one hotel, you can build, you know, it's commercial, it's urban, they have urban zoning, you know, stuff like that would have gone through a lot of community scrutiny now in 2021, but back in '70s where stuff like this occurred, you know, we never know better, plus I was still in school I think, so that's my concern, Jacky, with this is that I can fully wrap my head around the -- the -- the impacts of what -- but again, kudos to Councilwoman Paltin for taking the stand and trying to move forward, but I'll support Director McLean in their difficulty with trying to work through a multi-year redo of Chapter 19, Title 19. So, what am I saying? I think we need more info.

Ms. Takakura: Chair, I can screen share an image of the digital zoning map of --

Chair Buchanan: Okay.

Ms. Takakura: Kaunakakai if you want.

Chair Buchanan: Awesome. 'Cause, remember, we have that hotel coming up on the corner, that was approved, but -- but there was a minimum height on that as well, that is an 18-room hotel. Okay, so the --

Ms. Takakura: It's hard to see, but this is Kaunakakai, and B-2, you can kinda see these red and white stripes through this one --

Chair Buchanan: Yeah.

Ms. Takakura: And this one.

Chair Buchanan: Okay.

Ms. Takakura: The light blue is probably -- so this might be rural, the bright pink is usually interim, this green is probably ag, but B-2 is only this one and this one.

Chair Buchanan: What is the hot pink? The dark pink?

Ms. Takakura: Interim usually. Usually, bright pink is interim.

Chair Buchanan: And the light pink is?

Ms. Takakura: That one I have to look up. I'm not sure.

Chair Buchanan: Urban.

Ms. Takakura: I'm not -- let me look that up. I'm going to stop sharing, if that's okay.

Chair Buchanan: Yeah. Thank you. Sorry for on-the-fly kind stuff, Jacky, but you see --

Ms. Takakura: No. No problem. No problem.

Chair Buchanan: It just -- it kinda warrants a more better look and I'm surprised that we never conduct any community-type of outreach 'cause, you know, I think the community would be interested, like you heard from Todd, who I think is here for another matter. So, that's -- that's -- that's my feedback that I cannot -- cannot give informed feedback because I'm not sure what the potential impacts might be, and then to go and say, oh, your mailbox can only be eight feet, I mean I thought we already had all that settled in the SMA, at least, for height, four feet -- or six feet of fencing height. So, that's the questions I have. What - what else is going on in the other zoning areas so we not confused?

Ms. Takakura: So, in -- in a lot of the other chapters, you do have that eight-foot height limit already for like the mailboxes and the trash enclosures, but because this one doesn't have it, it could be, you know, almost any height really, so that's why we wanted to put that limitation that they can't go higher than eight feet for those kind of accessory things.

Chair Buchanan: Thank you because that does matter too 'cause I just saw stuff springing up on the side of road, you know, and I was like, wow, do they need a permit for that? So, you telling me depending on the zoning maybe no. Yeah. We can just do that. So, cumulative effects. Thank you. I sorry, Jacky. Thank you. Okay, Commissioners, I don't know what to do. So, Commissioners, any feedback or maybe we wanna -- anybody wants to make a motion?

Ms. Mowat: Lori?

Chair Buchanan: Yes, Commissioner Bridget.

Ms. Mowat: Could -- could we recommend with -- with approval with amendments to exclude Molokai at this point?

Chair Buchanan: I think we can do whatever we like, Bridget, but I'm not sure if that's what we wanna do. I don't ... (inaudible)...

Ms. Mowat: Okay. Well, that's out there anyway. Okay.

Chair Buchanan: Okay.

Ms. Mowat: That's out there anyway.

Ms. Albino: Madam Chairman, you know, after listening to and reading all of the recommendations and the proposals, I think it would be, for me, I don't have enough answers to set of questions in mind as to the -- the impacts, and future impacts, not only, you know, the present impacts it'll have on Molokai, but I would like to defer, if possible, the proposed action on the proposed bill so that we can gather more specific information from our community and then reconsider. That's just my mana`o.

Chair Buchanan: Thank you.

Mr. Poepoe: Second.

Chair Buchanan: Commissioner Machado.

Ms. Machado: If we did defer, do we have a timetable on solicitation of community input on this process because some of the -- the clarity that's provided by the Planning Department is that we can incorporate number six and we can change the maximum height from 90 feet to 45 feet under the B-2 determination for business district under Chapter 19.18-B-2 under the community district, so those are some of the options we can explore under the deferral but, for me, a lot of times when we defer, I'm not sure if we have a

timetable that we have to respond since the County Council has already approved this measure, and we waiting on the Lanai commission next week Tuesday to render a decision on -- on their input. I don't know how long we might have. Could you help us, Jacky, understanding if we have a week or the next meeting we would be able to do this reconsideration for more information on the deferral?

Ms. Takakura: Yes. Thank you, Commissioner Machado. My understanding is that the - the Planning Department has to reply to the County Council within 120 days after the last public hearing, so it'd be 120 days after next Wednesday.

Ms. Machado: Okay. We have time.

Chair Buchanan: Corp Counsel, you wanted to say something? No?

Ms. Chen: Oh, Jacky covered it. Thank you.

Chair Buchanan: Okay. Thank you. Okay. Thank you. Okay, so Bridget made a motion to defer pending more information.

Mr. Poepoe: That was --

Chair Buchanan: Is there --

Ms. Machado: It was Aunty Louella.

Chair Buchanan: Oh, sorry. Sorry. I stand corrected for the record. Commissioner Albino made the motion.

Mr. Poepoe: I did offer a second.

Chair Buchanan: And Commissioner Poepoe second that, so we are in discussion.

Mr. Poepoe: So, my understanding is that this Commission would prefer to have an additional public hearing or an additional day or an option for the public to provide comments and testimony to render a decision. That's it.

Chair Buchanan: Thank you. Thank you, Commissioner Poepoe. Yeah. Okay, so it's been moved and seconded. We in discussion. Anybody get feedback on the motion?

Ms. Machado: Roll call vote, please, Madam Chair.

Chair Buchanan: Okay. Thank you very much. All those in favor of the motion to defer? Commissioner Machado aye. Commissioner Bridget aye. Commissioner Albino says aye. Poepoe says aye. Moss is aye. And Commissioner Debbie says aye. And Commission Moore? Okay, I never hear you but I saw your lips say aye. And then ...(inaudible)... thank you. For the record, Commissioner Moore votes in the affirmative, and so does the Chair, so we're going to defer this item.

It was moved by Commissioner Louella Albino, seconded by Commissioner Laakea Poepoe, then

VOTED: to defer Agenda item B.2. to gather more information.

(Assenting: L. Albino; L. Buchanan; D. Kelly; C. Machado; W. Moore; K. Moss;
B. Mowat; L. Poepoe)
(Excused: J. Pele)

Chair Buchanan: And just to help the Department, you guys heard our concerns, but I'm also concerned that if I was the owner of those properties in B-2 in Kaunakakai Town having knowledge that I could have built something to 90 feet, and now you going restrict me from -- from doing that, I would like to be noticed and I would like to say that since the development has not occurred if that's going to affect them moving forward or do they have grandfather clause rights, so that's a question I would want answered too in the future. So, thank you very much.

Okay, so can -- it's -- we've been going for almost hour-and-a-half, can we take ten-minute break before the next agenda item? Okay, hearing no -- we -- Suzie, we're going to take a ten-minute recess, so we're now in recess and we will be back.

(Chair Buchanan called a recess at 12:26 p.m., and then reconvened the meeting at 12:42 p.m.)

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Louella Albino
Debra Kelly
Colette Machado

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William Moore
Kaleialoha Moss
Bridget Mowat

Excused:
John Pele

Others:
Michele McLean, Planning Director, Department of Planning
Jacky Takakura, Administrative Planning Officer, Zoning Administration and Enforcement
Division, Department of Planning
Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning
Sybil Lopez, Planner, Current Division, Department of Planning
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning

Ms. Kaye: Okay, I'll move that we recommend approval of the proposed bill to Maui County Council with the simple amendment of removing the word considered from the language proposed by the Planning Department.

Ms. Preza: Thank you, Sally. Would anyone like to second that?

Ms. Grove: Second.

It was moved by Ms. Sally Kaye, seconded by Ms. Elisabeth Grove, then unanimously

VOTED: To recommend approval of the proposed bill to Maui County Council with the simple amendment of removing the word considered from the language proposed by the Planning Department.

(Assenting: E. Grove, S. Kaye, S. Menze, S. Preza, C. Trevino)

(Excused: J. de la Cruz, Z. de la Cruz, N. Ropa, S. Samonte)

Ms. Preza: Lisa seconds. Is there any further discussion on this? If not, then we'll take a vote. Because we have quorum, I think, and I can actually — Chelsea, do you mind putting your camera again because then we can just vote. I can see you folks or I can call you guys individually like we've been doing. Okay so I'm all in favor please raise your hand. Okay, any abstentions? Any not in favor? Passes unanimously. So thank you very much.

2. A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO BUILDING HEIGHTS IN BUSINESS AND PUBLIC/QUASI-PUBLIC DISTRICTS

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution No. 21-114 referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill to amend Maui County Code Chapters 19.18 – B-2 Community Business District, 19.20 – B-3 Central Business District, and 19.31 – Public/Quasi-Public District to lower the maximum building heights. (J. Takakura)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/128226/Resolution-21-114-proposing-to-lower-building-heights-in-B2-B3-and-P2-districts>

Ms. Preza: And we can keep the meeting moving along. And Sherry, I know, you said you have to leave an hour in, right? Sorry, you're muted.

Ms. Menze: Yes, I do. I'm sorry.

Ms. Preza: Oh, no, it's okay. Just letting the other commissioners know that we are trying to get the public hearing items done at least before Sherry leaves, so that -- because we do have bare quorum only. So after she leaves, we probably won't be able to take official action, any voting action on any of the subsequent items. But okay, thank you very much.

So we'll get moving to Item B.2. which is a bill for ordinance amending the comprehensive zoning ordinance relating to building heights in business and public/quasi-public districts. I believe there is a presentation for this. I think we got a copy of it.

Ms. Takakura: Yes. Thank you, Chair. And I do have a presentation. There's a lot going on because it's three different chapters that are being proposed to be revised. Although I must say none of these zoning districts are on the island of Lanai so, but we still want your feedback.

Ms. Preza: Okay. Sounds good.

Ms. Takakura: I'll try to be succinct so we don't have everybody here and . . . (inaudible) . . .

Ms. Preza: That was my one question ahead of time was, oh, I didn't see any, any of the maps on Lanai, so okay. But thank you. You can take it away.

Ms. Takakura: Okay, so I'm going to share screen. Can you give me a thumbs up if you can see okay, a blue and white screen? So yeah, this is a proposed bill from the County Council to amend these three chapters, B-2 Community Business District, B-3 Central Business District, and P-2 in the Public/Quasi-Public Districts, and it's relating to maximum building heights.

So the proposal is to reduce the heights, as you can see on the bottom of this screen, from either 90, 144 or 90 feet to, across the board, 45 feet for all three of these zonings. So I, I did some research to see what was the basis or why the proposal came about. And according to the County Council meeting on July 23rd, it was explained that the resolution is about maximum building heights that are more appropriate for Maui than Waikiki. So that got me wondering, well, what are the building heights in Waikiki? And so I found this from the Honolulu County, City and County website that in Waikiki, if you can see the bottom, I guess, would be the ocean makai side and the top would be the more the Ala Wai, you know, the top. Height limits range from 130 feet to up to 350 feet over here. It's a little bit lower in some of these like the park areas. But where the structures are, you've got 130, 300 to 280. So they're much taller. The buildings are much taller in Waikiki and keep in mind that those structures are primarily for resort purposes. So it is a little bit different from what you saw that we have as existing heights in these.

So I'm just going to touch on the three different zoning districts real quick. B-2 is the Community Business District, and that's for providing all kinds of goods and services for the community. And dwelling units are allowed like apartments, especially if they have the, you

know, the multi-use like a maybe a little store or something in there. And you can see from the map that B-2 is kind of scattered all over the island in West Maui, Wailuku and Kahului, Maalaea, Kihei, upcountry, and then there's a little speck of red there on the North Shore and then in Hana. We've got B-2 all over the place on Maui. And also four parcels on Molokai. I was just trying to get a hold of those property owners today. None on Lanai, unfortunately.

B-3 is the next zoning district and that is for general business enterprises, particularly financial, governmental and professional activities. And that is actually just limited to in Wailuku, where you have those buildings that you can see the State building, the courthouse and the County building. Multifamily dwellings are allowed and the maximum building height for B-3 is 144 feet. The county building is about 140 feet tall and would not conform to the proposed height limit of 45. As I mentioned, there's no B-3 on Molokai or Lanai.

Public/Quasi-Public, that's for public or nonprofit or quasi-public uses. Dwelling units are not permitted in this zoning district. Maximum building height for P-1 is 40 and P-2 is 90. There are a few P-1 parcels in Lanai, but that's not on the table for discussion with this proposed bill. The one that they would like to cut the height on is the P-2. For now we have St. Anthony Church in Wailuku that's P-2. Hale Makua in Kahului, and St. Theresa Church in Kihei that is also P-2. No P-2 on Molokai and Lanai.

Keep in mind, though, that one of the reasons for P-2 is because of the heights. P-2 was created so that, for these structures like these taller churches so they would fit in the height limitations of the P-1, which is only 40 feet. And that was approved — P-2 was approved in the 2013. The vast majority of properties that would fit in the P-2 category would be like schools or fire stations and police stations that were either built up prior to 1958 or they met earlier definitions of height limit . . . (inaudible) . . . constructed, or they received variances to attain those heights.

So that's the proposal. The Department's position is that it's inconsistent with the County's long term planning documents. I have about four pages of statements from the County Wide Policy Plan and the different plans that are counter to this proposal. It could really reduce the opportunities for affordable housing, especially in apartments. It could lead to increased costs of buying or leasing commercial property. It could increase the cost to the County if expansion is needed because a lot of these properties, while not a lot, but some of the properties are owned by the County. It's inconsistent with climate change mitigation and adaptation needs. It could encourage sprawl into undeveloped areas. Applications for variances could increase. And also the State of Hawaii has concerns, and their letters are attached to the memo report.

However, we do have a few revisions we would like to make for these zoning districts that are just minor things to make some corrections. And they're on appurtenant equipment heights, accessory structures heights, setbacks and lot widths. The first one is about the appurtenant equipment, and those are the things that are like the antenna or the vent pipes or the other things that are on the roof of a building. We'd like to see those be limited to no more than ten-feet above the building roof from which it extends. Because right now you could have a very

short building and still have a very tall antenna or other type of equipment on it. Like we -- we would like to say that, you know, if the height of a building is, you know, say it's 30 feet, then stuff on top can be no more than ten feet. And of course, none of it would be higher than whatever the maximum of that.

And then right now, there is no height limit for these accessory structures like mailboxes and trash enclosures. We'd like to see those things limited to eight feet, which we do have in other zoning districts.

We also are proposing some revisions to setbacks. And this is a little setbacks 101 review. So this is an aerial photo of Kihei McDonald's looking down. And then the road here is South Kihei Road. So this front area is what we would call the front setback. And then the two sides are the side setbacks. And then the rear setback is over here. And the setback is the property line to whatever the setback that is set for that zoning district. It could be like, say, six feet or ten feet or whatever. It varies depending on the zoning district. Right now for B-2 and B-3, the setback is zero. So it could -- the structure could be right up to the property line. For the side and the rear, it's either zero or the same as the adjoining lot that -- the adjoining zoning category. So you'd have to look up what are the zoning, what's the zoning of the properties next door is. What we're proposing is kind of a tiered set back. Fifteen feet for the part of the building that's a little bit lower, 35 feet or less. Then a 25 feet for greater than 35 feet in height. And then similar for the side, ten and 15 feet. And I'll show a diagram in the next one.

For B-3, we're proposing half the height of the building, with a minimum of 15 feet for the front and rear end. And the side also be tiered and there's a chart in the memo report. And here's just a different way of looking at it. Because right now, it said you could build right up to the property line for B-2 and B-3. The proposal here is to have some space.

This one is also slightly technical and it -- you have to remember what the math that we learned back in intermediate school. But lot width we'd like to make a correction to that for P-1 and P-2. And that's the diameter of a largest circle that can be inscribed within the lot lines. If you can imagine a lot, say it's a square, a square lot, there has, the largest circle that can be put in there is what we call the lot width. And that's the diameter of that circle. So that's going to be the width. You can imagine a lot that circle in it. So we know that area equals blank length times width, right? So in P-2 we have a minimum lot width of 200, and minimum lot area of 20,000. If it's a diameter that's a circle 200 times 200 does not equal 20,000. This is -- it doesn't work. So what we're proposing is to have the minimum lot width be 100 for B-2. And then reduce it a little bit in P-1 to 75. For one thing that will make the math workout in P-2. But it just allows a little bit more flexibility on the lot development for both of those zonings. A lot of times lots are typically deeper than they are wide, so the lot with of 200 is more appropriate for the bigger lots like in ag zoning where the lot area is --. Really would like to correct this math and then this one just makes more sense in terms of lot layout for P-1.

And then I did look, just FYI, in case you're wondering about Lana'i, the fire department, fire station and the police department on Fraser Street are P-1. But as I mentioned, there's no P-2.

And then the last thing we're proposing is just some minor revisions to the setbacks for P-1 and P-2. Having the front, the front is actually we're proposing to keep that the same, but then letting the, the rear be a little bit smaller. Right now, the rear is 15, proposing to let that be the same as the side. It's ten for P-1, and a little bit smaller for P-2. That way there's enough developable area. And we also have a provision in there for P-2 for --. If there's a steeple that's taller than the height limits, we would take that to the Urban Design Review Board. And if they say okay then we would --. And then of course, the existing structures would not be affected by any of it. If they're already meeting the code, say the code changes, they would be conforming in that.

Okay so that's it in a nutshell. We hope that you will recommend approval of the bill with the department's improvements. You do have four options, though, recommending approval with amendments, or approval of the bill, or denial of the bill, or deferring action. So that's the proposal. We can answer questions. Jordan is here to -- a lot better with the technical stuff. But I'm going to stop sharing if that's okay. Thank you.

Ms. Preza: Thank you. Commissioners, before we move on to discussion, we'll open up public testimony. Leilani, has anyone signed to testify on this item?

Ms. Ramoran-Quemado: No one signed up to testify on this item.

Ms. Preza: Okay, thank you. I'll open it up if anyone is here who would like to you can. If not, is anyone who calling in via phone who would like to testify? Okay, then we'll close public testimony and we can move on to discussions or questions we might have for Jordan and Jacky on this, and then we can take some action. So Commissioners, any thoughts after reading through the document and --. Yes, go ahead, Lisa.

Ms. Grove: I have great concerns about the height limits. If you look at smart urban planning right now, it's about making sure that people have wraparound services where they live so they have access to banks, social services, maybe a DMV, a grocery store, a farmer's market, a health clinic, especially when you think about our kupuna. And when you look at central Maui, I think it's also important that we realize for those who don't know what the ALICE report is it's, it's, it's very depressing. We have, it is the Asset Limited Income Constrained and Employed. So it's the working poor on Maui. There's a lot of them are, are live in central Maui. We have 42 percent of, of the island of Maui that is in that, either below the poverty line or in that ALICE category. That number increases to 50 percent among Maui residents, 65 plus. So what we would be doing in my in my view is really jeopardizing the housing opportunities for those people who need it the most. Let's remember that the median house price in Maui is now over a million dollars. And I appreciate what people are saying about not becoming another Waikiki. But as a person who lived on Oahu for four years, we also don't want to

become another Aiea or Kapolei where people are forced to drive big miles to get to work, especially the working poor. And we're losing the lots of farmland and ag, which is also a very huge concern for us given our food security issues.

What I'm not sure about is how to, how to say no to that and yes to the other things in terms of a process point or if we have to sort of support or reject the whole package. But being able to have those stories mean that we be able to actually improve the quality of life and the ability to provide affordable housing to those who need it most in my personal view.

Ms. Preza: Thank you. And I think Richelle had a comment on that.

Ms. Thomson: Right. I just wanted to comment on Commissioner Grove's point. If the Commission is inclined to, you know, express support for the Planning Department's minor revisions to those sections, I would probably, so that it's very clear to Council what the comments are, that you recommend denial of the Council's proposed bill, but that you recommend approval of the Planning Department's proposed changes in their report. Just so it's clear because you don't want the mixed message to kind of, you know, be taken by Council that you support the bill. Then they think you support it, you know, as some kind of combination.

Ms. Preza: Thanks Richelle. Sally, before we go, Sally, I just want to say Zane, are you here? I think we saw your name pop in. I just want to, for the record, say that you are here.

Mr. Zane de la Cruz: Yeah, sorry. I've having trouble with BlueJeans. Can you hear me all right?

Ms. Preza: Yes. Thank you so much.

Mr. Z. de la Cruz: Are we good?

Ms. Preza: Yeah, thank you. Just want to confirm you're here for the record because when Sherry is leaving an hour in and so we'll still have quorum after that. So thanks for being here. Okay, back to you Sally.

Ms. Kaye: Yeah. Okay, so I just had a follow up question that the all – this also recommends suggesting reducing the B-2 and B-3 heights on Lanai, on Lanai to 45 feet. But I'm, I'm unclear how that works since we don't have any of those, those areas on our island. So how, how would that happen? Would it be prospective or what? I'm not sure how that would get worded.

Ms. Preza: Thanks Sally. I had a similar question because I was wondering if we recommend, like, yes, we want this limit on Lanai, does it mean if it gets rezoned eventually, like that's what would, you know, yeah. If Jacky or Jordan might be able to answer that?

Ms. Takakura: Thank you Chair Preza. That would be a mistake from my side. I must have put that --. Even though I say previously that you don't have any. And then I was thinking there could be a, a slight chance you could have something zoned B-2 later, but then I think you already have in your country town business, I think you have appropriate zoning already in Lanai City. So I think it would be unlikely that Lanai would have something that could become Zone B-2. But I think you could still put that in there in the bill that now if you wanted to have a certain height limit specific to Lanai if ever it were to happen on Lanai. I mean, I've seen Molokai do that or they don't have something and they put that in there that they don't want to have that.

Ms. Preza: Thanks. So we have the option to. But it's not --. Because also, like, if things were to get rezoned, there would be a process for that where commentary could happen. Okay, so there's a couple of different routes we could kind of go with this. Okay, thank you. Or Sally do you have more other questions?

Ms. Kaye: No, I was just glad to hear that we can do that prospectively. I think that's a great idea.

Ms. Preza: Okay, thank you. Sherry, Chelsea or Zane, any comments on this? What are your thoughts?

Ms. Trevino: I agree with what Lisa has said. There's nothing additional I want to add. The concern was about housing in that context for myself as well.

Ms. Preza: Thank you. I think that makes sense too. Thanks for sharing. Sherry or Zane, any anything to add or questions?

Ms. Menze: Nothing to add. No questions. I agree with Lisa.

Ms. Preza: How about you Zane?

Mr. Z. de la Cruz: Yes. My main concerns were just like the points that were brought up of how does this affect housing and urban sprawl if we limit vertical storage, essentially? How does that affect the rest of, you know, does that impact future ag lands or yeah, yeah, the creation of food deserts and things like that? So, yeah everything I was thinking has already been said.

Ms. Preza: Thanks for sharing. Okay, great. So it kind of sounds like, you know, we're decently in agreement about all these things. Do you think that we would like to prospectively say that if, you know, anywhere on Lanai were to be rezoned B-2 or B-3 that we would like to impose the 45 foot height limit?

Ms. Kaye: I would be in favor of that.

Ms. Grove: Me as well.

Ms. Preza: Thank you. I think that makes sense definitely for Lanai, but I think Maui is kind of, yeah, a definitely different, different island, different community, different needs.

Ms. Menze: How tall is Iwiole you think?

Ms. Preza: For reference, the, the highest proposed building in B-3 currently 144 and the County Building in Maui is 140 feet us that's the absolute highest it would go. But sorry, I'm not sure if I can comment on Iwiole. I'm not, I'm not sure if I would want to take a guess and be wrong. Yes, Lisa.

Ms. Grove: The one concern I have about the perspective piece is, you know, not knowing what we won't know, right? Like let's say there's some research institute that wants, you know, UH wants to build here. I'm making this up, right, completely making it up. Or we have an opportunity because, you know, we can do things differently on this island or there are some asset on this island or an opportunity to create some cyber security center because of our geographic location or whatever, whatever. I just -- I'm a little concerned about doing the prospective work without, you know, because we won't know. And what if we have an opportunity that that doesn't work for us or our children or the generations that come after us because we made a decision today without the data that tomorrow may bring. And I know that lots of things are done prospectively, it just gives me a little bit of pause.

Ms. Preza: Thanks, Lisa, for sharing. Is there a way to kind of, without saying we would like this to be established, say that, you know, if --? I mean, because Jacky and Jordan, how often do, like, rezoning for B1 and B-2 come up? Does it is that sounds like a rarity, but I'm not sure? I mean, especially on Lanai, when is the last, you know, when is the last time we did any kind of rezoning, rezoning like that?

Mr. Hart: I think we can say it's a rarity. And Jacky, do you have any information on specifics?

Ms. Takakura: I would agree with the Deputy Director. And I think for Lanai City, you kind of have your zoning already set with, you know, the Country Town Business and, you know, your Lanai Design Guidelines. I don't -- unless there was some undeveloped area that was going to be made into some new thing. But that would certainly go through the Lanai Planning Commission first.

Ms. Preza: Okay, so any future potential like rezoning would have to come through the planning commission that we'd be able to discuss, like maybe with, you know, what Lisa is saying, like we have more details about why it would be requested to be rezoned and they could impose potential like height requirements for different kinds of things? Okay, that's something to consider. Thank you. Sally?

Ms. Kaye: I'm not sure we get to decide that. I think it would probably come, but if there was rezoning, that would be up to County Council ultimately. That's not something I think we get to decide.

Mr. Hart: If I could clarify. Right the Planning Commission would be a commenting agency making -- not commenting agency, but reviewing and making recommendations to the Council action.

Ms. Preza: Any thoughts on this? It sounds --. I mean, yeah. Sally, do you still think we should recommend?

Ms. Kaye: Well, I think we've had conversations in the past when years ago, probably only Leilani and Clayton would remember this, about big box stores and trying to limit the size of them on Maui. And we, we actually were given the opportunity to set our own limits here as a recommendation. And then it never went anywhere as far as Maui County Council went. But 45 is a pretty good height. As Jacky said the business, our BCT district, is set. So this would only be somewhere else on the island that we don't know about, and I would think it might be easier to get a variance from the 45 then to pass on it altogether. I don't know, maybe Jacky or Jordan could weigh in on that.

Mr. Hart: Yeah, I'll answer that. I think that proposing variances before something is built, may be, may be challenging. And if you look at the variance criteria, it's pretty narrow. The department is looking at or has been discussing whether or not there can be an exception type of vehicle that would be somewhat comparable to variances but different and have different criteria. But that's, you know, abstract and may never happen. So I think there's ways to address it with zoning outright. But relying on the variance chance is not something that I would build a business plan on.

I do want to say too that I think that you do need to evaluate the difference between commercial type of development, whether it's commercial or apartment that may be permitted in those areas, and what would be civic or, or community uses, which is the public, quasi-public. And while Lanai is definitely a more rural scale than Maui County, I think the feature of having the ability to do these types of things that don't exist now or could exist is, is worth considering into the future. But definitely the commercial type development and keeping it in the scale of Lanai . . . (inaudible) . . . in communities is something to put some thought into.

Ms. Preza: Thanks, Jordan. Okay Commissioners, we have a decision to make. It sounds like we are relatively in agreement with, you know, we, we think keeping the current heights for, you know, Maui and stuff that that makes sense. But we really need to decide on if we would like to prospectively, say, you know, for Lanai we would like this, or if we're kind of comfortable with just recommending denial now and then, if they're, I'm mean --. Just a reminder, we don't have any of these zones currently, right, so we're just kind of speaking hypothetically about what if in the future if this were to happen. And I do -- I don't like the idea of having, like, buildings higher than 45 feet, but I also kind of what Lisa was saying about we don't know

what we don't know right now and maybe something might come up in the future that we just don't have details on right now. But anyway, anyone have any thoughts on this?

Ms. Grove: In that case . . . (inaudible) . . . say I think big box stores are different and more definitional than some sort of perspective blanket like in the future thing. And I don't know if it's possible to have something that's more specific around the kinds of buildings that we want to make sure we're limiting.

Ms. Preza: I think I'm not sure if that --. I guess I'm like that sounds a little complicated to me, like to make details about like what potentially could happen or like what buildings we would be comfortable with being above 45. It just, I think it might get a little too complex, but --

Ms. Kaye: How about if I try to, try and make a motion and we can, we can further discuss and what we --. I'll move that we recommend denial of a proposed bill to Maui County Council; would recommend approval of the amendments and updates proposed by the Planning Department and that's it.

Ms. Grove: I second.

Ms. Preza: Thank you. So seconded. Any further discussion on this? If not then we can, we can vote, and I can see all of you. So all those in favor please raise your hand? Okay any abstentions? Any noes? And it passes unanimously.

It was moved by Ms. Sally Kaye, seconded by Ms. Elisabeth Grove, then unanimously

VOTED: To recommend denial of a proposed bill to Maui County Council, and would recommend approval of the amendments and updates proposed by the Planning Department.

(Assenting: Z. de la Cruz, E. Grove, S. Kaye, S. Menze, S. Preza, C. Trevino)
(Excused: J. de la Cruz, N. Ropa, S. Samonte)

C. UNFINISHED BUSINESS (Action to be taken)

1. A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO CONDITIONAL PERMIT AMENDMENTS

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution No. 21-92 referring to the Lanai Planning Commission a proposed bill to amend Maui County Code Chapter 19.40, Conditional Permits, to remove the planning director's authority to approve non-substantive amendments that do not result in significant impacts above what would result from the approved conditional permit.

It was moved by Commissioner Bridget Mowat, seconded by Commissioner Laakea Poepoe, then

VOTED: to recommend approval of the change in zoning request and adopt the Planning Department's report and recommendation, as amended, prepared for the October 27, 2021 meeting.

(Assenting: L. Albino; L. Buchanan; D. Kelly; W. Moore; B. Mowat; J. Pele;
L. Poepoe)
(Recused: K. Moss)
(Excused: C. Machado)

Ms. Lopez: Mahalo, Chair. Mahalo, Commissioners.

Chair Buchanan: Okay. Thank you very much. Aloha, Michael.

Mr. Moss: Thank you.

Mr. Manera: Mahalo, Commissioners.

Mr. Moss: Aloha.

Ms. Albino: Mahalo.

Chair Buchanan: I know we have standing by Commissioner Moss, and I think she can participate. Her public hearing item is over. Congratulations.

Ms. Moss: Thank you.

Chair Buchanan: We are moving on to item C, Unfinished Business.

Chair Buchanan read the following agenda item description into the record:

C. UNFINISHED BUSINESS

- 1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting Resolution No. 21-114 referring to the Molokai Planning Commission a proposed bill to amend Maui County Code Chapters 19.18 – B-2 Community Business District, 19.20 – B-3 Central Business District, and 19.31 – Public/Quasi-Public District to lower the maximum building heights. (J. Takakura) (Deferred at the Commission's October 13, 2021 meeting. Commissioners: Please refer to the documents distributed for the October 13, 2021 meeting.)**

The entire text of the proposed bill for ordinance is available at:
<https://www.mauicounty.gov/DocumentCenter/View/128226/Resolution-21-114-proposing-to-lower-building-heights-in-B2-B3-and-P2-districts>

Chair Buchanan: And this is the presentation we had from Jacky. Hi, Jacky. You're back. Thank you for coming back. So, I'm going to put it back to Jacky where we left off the last time. Thank you.

Ms. Takakura: Good morning, Molokai Planning Commission, Chair Buchanan, Vice-Chair Poepoe. So, last time we met, we talked about the County Council's proposal for these three zoning districts to reduce the maximum building heights to 45 feet. If you remember, in Kaunakakai, there's four parcels that are zoned B-2, which is community business district, and what the Molokai Planning Commission wanted to know was what is the feedback of the property owners. So, as soon as the date was set that this was going to be on this agenda, I mailed out letters to the four owners, and then I reached out to the ones that I could, and I do have responses regarding three. One of the ones that is owned by the Takata family, the automotive one, I didn't -- I was not able to get ahold of them. My -- one of my coworkers that is located on Molokai did try to deliver the letter personally but she was not able to, but she mailed the letter, and I also mailed the letter, so I believe they would have received at least from the U.S. Mail twice. But, if it's okay, can I share the responses from the other three owners?

Okay, so the first one, this is the one at 2 Kamoi Street, and this is owned by the Moore family, so I did talk to Beverly Pauole Moore, and she wrote her response, and I'm going to read that to you now, she wasn't able to make it but she -- we did talk over the phone a couple of times and she wrote this response:

Aloha, my name is Beverly Pauole Moore, owner of Moore Center with my husband, Dale Moore, who passed away this year. I am in full support of the following: One, reducing the maximum building height from 90 feet to 45 feet, and, two, I'm supporting the setback requirements, however, B-2 existing properties in Kaunakakai Town has existing businesses, which should be exempted. I was president of Molokai Main Street Association and we had concerns regarding heights; maybe what is good for Maui Island is not good for Molokai. We want to keep the integrity of Kaunakakai Town. I'm happy you're having this meeting today. I fully support the above. Regards, Beverly Pauole Moore.

So, Mrs. Moore is supporting the reduction of height from 90 to 45, and then she's okay with the proposed changes to setbacks. So, that's one of the four owners, and that one is for 2 Kamoi Street.

The two parcels on -- was it Puali Place are owned by Liliuokalani Trust, and I did reach out to them, and I'm going to read their response for the two parcels that they own, and

this is the one, remember I showed the picture, it's like a block and it's just kiawe right now, so this is from Debbie Akau:

Aloha Jacky, this is Debbie Akau. I am a project manager working for Sherman Wong in the Design and Construction Department at Liliuokalani Trust. Thank you for your letter informing us of the proposed changes to the Maui County Code, Chapter 19.18-B-2, community business district, that will affect our parcels at 180 Puali Place and 190 Puali Place. We do not have any concerns with the proposed change to the height limitation from 90 feet to 45 feet, however, we do have concerns about the proposed setback changes as it will affect our design and development flexibility for our properties and limit our developable area. If you have any questions, and then she has her contact information.

So, Liliuokalani Trust, for the two parcels at 180 and 190 Puali Place, they are fine with the changing the height to 45 feet although they do not support the setback changes.

And like I mentioned, I was not able to talk to the Takata family but I don't know if they were able to make it today. You might want to ask if anyone's here that is representing them.

Chair Buchanan: Thank you, Jacky. Do you remember we had other concerns about the height restriction? I think my concern was that -- that even though we not highly affected as Maui County is and the reason for this proposal, it will, ultimately, affect us if we directly don't opt out of it at this point, and my precautionary principle is always that we can opt out because once the law is changed in Maui County, it's easier to -- to go up than go backwards. So, you know, was all of our understanding that, on Molokai, you couldn't have something higher than the coconut tree, and then in all of our residential and business buildings that was 30 feet or 35 feet and so you no have another ten feet, and then we liking the two stories, and so I'm really happy to hear that QLCC and Moores support the height restriction, which goes with the character of the country town business district. So, anybody -- you -- you remember anything else that we had because I -- I failed to grab my old paperwork with all my notes on top?

Ms. Takakura: Chair Buchanan, from my notes, some options would be, say, you know, having the 45-foot limitation for Molokai, using stories instead, floor area limitations or lot coverage. I didn't research those further. That wasn't the proposal. I guess if you want to, you can make recommendations like that. Right now, it would be I guess based on what the feedback is from these three property owners would be, you know, having the 45-foot height limitation for the island of Molokai.

Chair Buchanan: And please remind us in what type of zoning that would occur 'cause that's not standard across everything. Is that correct?

Ms. Takakura: That is correct, Chair. The usual like you would see in residential or ag district is 30 feet, but this is business, so, you know, it would be a little bit different. It would be a little bit higher; 45 feet might be like three stories. But, yeah, in ag and residential, it's 30 feet, but this is for -- this is B-2, business district.

Chair Buchanan: So, because we only -- what is the height restriction in resort zoning for Molokai? You know?

Ms. Takakura: I'll have to look that up.

Chair Buchanan: Okay. Because we get resort zoning, a big chunk of resort zoning on the West End, but I trying to like picture all of this, so when we say the 45-foot height restriction in business, business country town, business commercial, we just had one commercial in commercial zoned areas.

Ms. Takakura: Chair, the proposal is only, right now, for B-2, which is those four parcels.

Chair Buchanan: Okay.

Ms. Takakura: We don't have any conversation about changing the height limits in like BCT or anyplace else right now.

Chair Buchanan: Okay. Okay. Commissioners, you guys have any questions for Jacky while she is cruising on how high all of our buildings going be on Molokai? Commissioner Bridget.

Ms. Mowat: I just -- I just, you know, I've heard you say couple of times, Chair Lori, that we have something on Molokai that says you cannot go higher than one coconut tree. Is it -- is it actually written like that? I mean, do we have something in writing saying that, in Molokai, she just said 30 feet for residential, but what's -- what's -- what's happening in our -- in our town? So, what is the -- what is the height now for Molokai town? Is it 90? Or lower? That's my question. Thank you.

Chair Buchanan: I think -- go ahead -- the last meeting -- maybe we -- you get feedback?

Ms. Mowat: No. It sound -- it sound okay.

Chair Buchanan: ...(inaudible)... at the last meeting, I think I was shocked to know that we had a 90-foot limit in B-2 because we did have B-2, so we know we don't have B-3, and we know we don't have, yeah, B-3, but that's not to say in 50 years we not going have that, and so I was kinda shocked to know that the business is in B-2, which is very limited right now to the Moores and that QLCC parcel and Takatas actually could build up to 90 feet, and so I'm in favor and I support what they said about lowering that to 45 feet,

which is, yeah, three stories, so think of the Bank of Hawaii and -- and the American Savings building with one more story on top, yeah, because right now it's two stories.

Ms. Mowat: So, what -- so 90, 90 would be like four stories. Right?

Chair Buchanan: Yeah.

Ms. Mowat: 90 -- yeah, four stories. Okay.

Chair Buchanan: Yeah.

Ms. Mowat: Yeah, I agree with that. Okay. Thank you. And that's only the four areas. Thank you.

Chair Buchanan: And remember now, if you was the owner of the property and you had a commercial building, it -- Planning always advises you to build up in order to save space, right? You also get more for your money if you can build up on your footprint. So, you know, most times, and that's why I was surprised to hear the testimony from both landowners that they support because that's limiting their future income, yeah? For building up. But I appreciate that they respect the Molokai Community Plan. Jacky, you have any feedback?

Ms. Takakura: Just from talking with Liliuokalani Trust, I think they want to build a gym on that property.

Chair Buchanan: Okay. You guys heard me say earlier I was born one town rat so that used to be all the Tatagans, was like one hotel for single guys back in the day, and then the Cabating family used to live over there, and had kuka pile a chickens, so -- so I can support that. I just cannot remember why I was kind of worried about the height restriction because, 45, I think I still wanted it to be lower than 45 and restrict the use to two stories, but three stories is -- because, remember, anything can change to B-2. Sybil, what we just did in change of zoning, would that -- would the new property follow the B-2? No?

Ms. Lopez: No. Because the request was for country town business district, so anything in the country town business district, their -- their max height would be 35 feet, that's including the Galiher building, so they cannot build beyond the 35 feet, and -- and BCT is also subject to the Kaunakakai Design Guidelines and subject to the County permit, yeah, the BCT permit, so if they are in SMA, they do SMA, which is the Planning Commission discretion, and then they have to do a country town business district, complying with the design guidelines as well, and that is the discretion under the Department of Planning. Thank you. And I believe, I don't know, but I believe I think with the West End, their only H-1 properties, and if they're H-1 properties, their max is 35 'cause there's different type

of hotel districts, yeah, H-1, HM, H-2, and I don't think that Molokai has H-2 on the island, which is 160 feet.

Chair Buchanan: And what about urban district? Get height restriction for urban?

Ms. Lopez: Urban would be the State land use district. I would have to look that one up.

Chair Buchanan: Okay. Thank you. Okay, Commissioners, this is Unfinished Business, we did, I believe, open and close public testimony at the last, so, Corp Counsel, do we have to open again? No?

Ms. Chen: Thanks, Chair. You don't have to, but perhaps it would be a good idea especially since, you know, Jacky wasn't able to get in touch with --

Chair Buchanan: Okay.

Ms. Chen: With the last property owner, so it might be good to just see. It's not -- it's not wrong to take it again.

Chair Buchanan: Okay. Okay, thank you. I going open up for public testimony, and, Commissioners, if I can come back to you after, but if there is anyone in the public wishing to testify on item C, number 1, Unfinished Business, referring to the proposed bill to amend the Maui County Code, please unmute yourself and state your name for the record.

Ms. Esmeralda: Hi, Lori. This is Suzie.

Chair Buchanan: Go ahead, Suzie.

Ms. Esmeralda: I don't have anyone signed up.

Chair Buchanan: Thank you. Okay, thank you very much.

Ms. Lopez: Aloha. Aloha, Chair. This is Sybil. I don't have anyone wishing to testify, but I do wanna acknowledge that Debbie Akau, I don't wanna put her on the spot, but she is in -- in the -- in here today who represents the Liliuokalani Trust. Mahalo.

Chair Buchanan: Oh nice. Thank you. Thank you for joining, Debbie. If there's no one else in the public wishing to testify, I'm going to close public testimony, and then go back to the Commissioners for questions. Jacky, can we address the lot issue because QLCC did say that they were -- had some concerns about the change of lot?

Ms. Takakura: Yes, Chair Buchanan. What the Maui Planning Commission did was they looked at the proposed revisions from the Planning Department, that's on page 7, and 8, and 9 of the memo report, and they just picked the ones that they did support, and one of the ones that they actually did not support was the setback revisions for B-2, and so if you wanted to, you could, you know, decide which of these proposals from the Department you want to support and which ones you don't want to support, like so perhaps maybe you don't want to support the proposed setback changes for B-2. It's up to you if you want to do that.

Chair Buchanan: Thank you, Jacky. But, in general, like the height restriction, they're more conservative, all of the lot setbacks. Is that correct? They're more conservative.

Ms. Takakura: Thank you, Chair. The Department's proposal is to add some space, yes, more space for setbacks in these zoning districts.

Chair Buchanan: Okay. I think I'm happy with that because just because of where Molokai is and our town lies at sea level, so I -- any setback we can get anywhere is, I think, advantageous, not only for the landowner, but for the community, so, okay, Commissioners, anymore last questions for staff?

Mr. Poepoe: Chair?

Chair Buchanan: Yes, Commissioner Poepoe?

Mr. Poepoe: If I could ask Jacky if she could clarify whether or not the correspondence that you had with QLCC, did it describe an existing plan for the -- the parcel?

Ms. Takakura: Thank you, Vice-Chair. Not in their written response, but they, just in phone conversation with them, but I don't know if Ms. Akau wants to participate in this conversation, I don't want to put her on the spot though.

Ms. Akau: Good morning. Aloha. This is Debbie Akau. We're still in the really early development and design stages so we don't have it planned out yet that's why we wanted to keep our options open for development on the site. Because we're surrounded by roads on all sides, we didn't want to limit ourselves on how much developable area we had within our boundary, but we're -- we don't plan, at this time, I know that there was a mention of a gym, but, right now, that's not in our plan at this very moment, so we're just looking at -- we're still trying to figure out one story or if we have to do two stories in some areas if we can't fill it all within the site, but we want to fit in with the whole Kaunakakai community, that's something we're very sensitive to.

Chair Buchanan: Thank you, Debbie. Commissioner Poepoe?

Mr. Poepoe: Thank you.

Chair Buchanan: You good?

Mr. Poepoe: Yes.

Chair Buchanan: Okay.

Ms. Akau: Thank you.

Chair Buchanan: Thank you. Okay, Commissioners, so, Sybil, we -- same thing --

Ms. Moss: Chair?

Chair Buchanan: Yes?

Ms. Moss: I have a question. I believe our last meeting, when we talked about this, the Maui Planning Commission hadn't met and discussed this yet, only Lanai did, so I just kinda wondering what -- what their thoughts were on it and if they went ahead and approved or if they did amendments?

Ms. Takakura: So, Commissioner Moss, yes. This has gone actually through all three Planning Commissions, and for Maui, they do not support the height limits, I mean for Maui of course, different from Molokai, they did not support the height limits, and then for the various options that the Department presented, they supported option number one, which is the part about the appurtenant equipment on the roof and then the heights for like the, you know, the mailboxes, the accessory structures, they did not support number two, which is the setbacks for the B-2 and B-3, they did support the lot widths for P-1 and P-2, they supported number four about the setbacks for P-1 and P-2, they did not support number five, which is putting that language about nonconforming, and then they were fine with number six, which would be, you know, letting Molokai and Lanai decide for themselves for those islands to maybe have the height limits reduced if it makes sense for those islands.

Ms. Moss: Okay. I mean, I feel the same way about I don't want to say what Maui should do or Lanai should do. I feel like they know their islands better and so I kinda feel that same way.

Chair Buchanan: Thank you, Commissioner Moss. I was smiling because I can almost tell you what Maui going say because, remember, it's heavily commercialized and I believe this came out of one member, Councilmember's commission, I mean committee, and -- and I really did appreciate that Councilmember's committee taking a strong stance on trying reduce and keep the character of -- keep Maui Maui, and so, for Molokai, Jacky,

you know, we'd like to be -- to support the lowest and even if was possible to even probably go lower than the 45 feet to be consistent with the rest of the zoning throughout Molokai, which is that 35 height including, what Sybil said, we think is the H-1 hotel resort district. We know, currently, that our resorts are at that height restriction, we don't have any height -- anything above two stories, as far as I know, on the island of Molokai, and so it would be consistent across the board including our town, so that would be my recommendation, I don't know if they can piecemeal out the way that they're attacking this, but if they can, that's my personal proposed amendments to this would be even going lower, but with respect, since we only have a minimum amount right now, but that would, again, in the future, yeah, we always thinking ahead, so if we could address this now by doing that, then it would be -- that would, I think, be consistent with the rest of the island. So, that's my only thought, and I can support the current lot, and the P-1 and P-2, that was parks, yeah?

Ms. Takakura: Chair Buchanan, P-1 and P-2 is the public/quasi-public.

Chair Buchanan: Public. Okay. Sorry. That's what happen when I no more my notes. Thank you. Okay, Sybil, did we have to vote on this? We did, yeah, with recommendations?

Ms. Lopez: I believe that would with be Jacky.

Chair Buchanan: Oh Jacky. So, Jacky, you have -- can you give us the brief staff report on what you asking us to do?

Ms. Takakura: Yes, Chair Buchanan. So, the Commission can either choose to recommend approval of the Council's proposed bill, or recommend approval with amendments, or recommend denial, or defer. You can propose the 45-foot height limit for the island of Molokai as a -- a revision, and then you also have the option of selecting, you know, which parts of the Department's recommendations that you support if you don't support all of them. So, maybe you wanna kinda go through them one at time, maybe starting with the heights, and then going to the appurtenant heights, and then the setbacks and so forth.

Chair Buchanan: Oh my gosh. Okay. Now I going have to take like five and go get my notes from my meeting if you like go through every one, okay. Okay, that's what I going do then. Thank you. If you guys don't mind, Commissioners, before we come back with what I think is going to be recommendation with approval with amendments, then can we take, it's 12:15, can we reconvene at 12:30? Is that too long? Oh, I have a thumbs up. Okay, thank you. Suzie, then I'm going to call a recess until 12:30. Thank you for attending. Thank you, Debbie, for coming. Mahalo. We're in recess.

(Chair Buchanan called a recess at 12:16 p.m., and reconvened the meeting at 12:31 p.m.)

Chair Buchanan: Back from recess, and welcome back to the meeting of the Molokai Planning Commission. We are on agenda item -- oh, wait. Now I get too many -- we're on the October 27, 2021 agenda, item C, Unfinished Business, under item 1, we're talking about the recommendations, and I did find my old paperwork, and this is it. This is what that looked like on the meeting we had where this was deferred. This is the one that came with the maps. And I know now why we deferred it. I wrote on this that -- that we thought that there was inadequate community outreach on this proposal and that there was some concern that it might be arbitrary and ad hoc and that the issues of taking and that's why I appreciated that we did have feedback from the only property owners that was affected. What I don't like on stuff like this is that it is multi-prong and the reason this all came up, according to this packet, which was the first packet we received, was that the County Council briefly discussed the proposal at their meeting on July 23, 2021, and Councilmember Tamara Paltin explained, in quotes, that the resolution is just a straightforward talking about maximum building heights that are more appropriate for Maui than this isn't like, you know, Waikiki or anything, so that's where this -- this thought and process of minimum heights came out of was -- was the fear that Maui was going down the path of unbridled type of high rises and development, and so I, at that time, I did appreciate Member Paltin being really transparent and coming out and say that because we hear it all the time in our own talk stories, and so on top of this I put except for Molokai where the maximum height restriction would be 30 feet or 35 feet in my notes. And, all of the background information was really good and the reasons why you have B-2, examples of B-2, B-2 community business district was intended to provide all types of goods and services with the exception of those uses more generally associated with an industrial district, and that a lower intensity of use than the B-3 central business district. So, like on Oahu, you know, housing is such a critical issue and that is why you will not have anyone in real estate that would advocate for a restriction on height density because of the multiple uses where you have to use the little square footage you have and make the highest and best use and that was also including in housing. So, reading on the public/quasi-public districts, provide for public nonprofit or quasi-public uses, dwelling units are not permitted in this zoning district, and maximum building height for P-1 district is 40 feet, and P-2 90 feet. At the time, and there are no P-2 parcels on Molokai or Lanai, so I think at the time, throughout the years, there been what we call arbitrary piecemeal and ad hoc type of zoning in order to accommodate nonconforming uses, and that is problematic, obviously, for many reasons. So, I think that was Maui's attempt at trying to be more conforming or trying to allow certain uses, like nonprofits like St. Anthony Church, the elementary school, Hale Makua, St. Theresa Church in Kihei, and so on and so forth. It was also one issue that, and I going set one example for Molokai so we can kinda wrap our heads around it, St. Damien Church in Kaunakakai exceeded, was not conforming, did not meet the criteria and stuff, so what they went in for was a variance, and so in this document, it says that is the fear that if they -- if they restrict the heights, that people would -- there would be more applications for a variance for height. We've seen variances come in from people who have residential age dwellings on West Molokai who applied for three-story homes citing the issue of in case of a tidal wave, the whole first floor would be

open to tidal flow, and so the real living space would be on the second and third stories. So, just to give you guys an idea of what Molokai has gone through in the past for this type of height and no height, and third story, no third story. And then public quasi, the P-1, P-2 is like, again, supposed to be more like fire, so now fire on Molokai had to get one variance, right? Because the tower that they needed to train exceeds the height limit, so they had to go in for one variance for their tower that they use for training, for rappelling and that kind of stuff, so that's the kind places you going see where, on Molokai, you go, oh, how come? That's more than 30 feet or 35 feet, and that's probably because they went in for one variance. And, by the way, we don't see variances that come through for Molokai. We actually have to go dig and find out on our own. And so, they receive variances to obtain heights that no more height restriction; I mean, that -- so like this, going have height restriction. And then on Molokai, we have the four parcels and the Molokai Island Community Plan identifies strategic planning goals and implementation through 2035, so that's how long our community plan is planned for. And so, they never like limit the density because of affordable housing that could fall under that. And, Jacky, if I saying anything wrong, please stop me, but I taking it straight out from your guys' report. And so, they figure the higher the building, the more the setback. Make sense? So, if your building is 30 feet, your setback is 15 feet. If your building is 90 feet, your setback is 25 feet. So, today, we can recommend denial of the proposed bill, we can recommend approval of the proposed bill, we can recommend approval of the proposed bill with amendments, and we can vote to defer action, but we already went defer once, and, for me, I can see in big red letters the thing was 'cause nobody told the people who was going be affected right away but now that they have been contacted and they have provided testimony in support. So, any more questions? So, we like take a stab? I just looking at the map on Molokai. Anybody get their stuff? No? This one. Okay. I have no problem supporting the building heights, but I would even go farther and say that should be restricted to 35 in order to be compliant across the entire island. That's just my thought. And then, Jacky, background information. Hang on. Hang on. The second one -- 'cause on the old plan on page 7, Debs, is the recommendations, since you get your document. So, you can see that the Department does not support the bill. So, the Council came out with this bill, we know why, they never like 'em look like Waikiki, the Department does not support the bill because the ordinance would limit the density and might be a problem reducing availability of affordable housing. So, that's the reason why they don't support the bill. They feel going lead to more shorting -- shortage of housing and worsen the cost of buying, or leasing commercial property will increase because land is so expensive. The State Office of Planning and development and tourism had concerns; they also cite that negative impacts of climate change should allow for higher density in selected areas, denser development, and we always know that Planning always advocates for denser, more tight, compact development because of transportation and options of biking, walking, public transit, safe pedestrian infrastructure, so, we know that, and then, of course, the last, why they never support is the rise of variances for building height. And then Planning Department supported the language regarding appurtenant equipment, such as antenna and vent pipes, should be revised to limit them to no more

than ten feet. So, we going have one application today that I think going be affected by that because we talking about antenna and vent pipes, appurtenant equipment, like radio towers, above the building roof, so already on top the roof, so they asking us today to approve that too. So, they -- they agree shouldn't be more than ten feet from the roof. What is an example of that? Paddlers. Paddlers get all of the phone antennas on top, existing. We looking at one today after this that going be one other existing -- I mean, going be one proposed, so the height restriction again, ten feet. Do we support that? And they like use language in Title 19, except that vent pipes, fans, chimneys, antenna, and equipment used for small-scale energy or communication systems on roofs shall not exceed ten feet above the building roof. So, what is chimneys, energy, Maui Electric? I don't know. If I had to put in one cremation -- crematory tomorrow, I would need one chimney.

Ms. Moss: Chair?

Chair Buchanan: Go ahead.

Ms. Moss: But -- but wouldn't that only apply to the B-2, to all of these, the ones that we're talking about, B-2, B-3, P-1, and P-2? So, really, the antenna thing would only apply to those four parcels on Molokai, not to the other ones, right?

Chair Buchanan: Jacky --

Ms. Moss: Or are you thinking because if, future, maybe somebody would change the zoning to one of these?

Chair Buchanan: Jacky, you like respond.

Ms. Takakura: Chair Buchanan, if I may? Yes. Thank you. Thank you, Commissioner Moss. You are correct. The proposal is only to change, well, it's 19.18 and 19.20, but 19.18 is the only one that affects the island of Molokai because of those four parcels, so it's only about those four parcels. And then, if they have something on their roof that is like say it's 12 feet, you know, that would be existing nonconforming because it's already there before the rules changed, but anything new would have to follow, you know, whatever the rules say at the time that they wanna put it up. So, if you do pass it, pass this that limits it to ten, anything new that they put on their roof would have to follow this and it's, like you said, only for these four parcels. Thank you.

Chair Buchanan: And, Commissioner Moss, yeah, my -- my concern is for the future 'cause whatever written in stone now, you can build and do whatever after this, yeah. Commissioner Poepoe, you have a question?

Mr. Poepoe: I wanted to ask if the floor was open to a motion?

Chair Buchanan: Yeah. Go ahead. Just so we know --

Mr. Poepoe: Motion to approve with amendments.

Chair Buchanan: Okay.

Mr. Poepoe: And subject to amendments. Open to any Commissioner. I'd like to start with an amendment put in an exclusion or exception for Molokai where the building height would be limited to 35 feet.

Chair Buchanan: Commissioner Bridget.

Ms. Mowat: And if we going -- we did talk about a variance too, right? If you was going to -- if Liliuokalani Trust wants to put in a -- an crematory -- crematory and they need a chimney, they can apply for a variance. Right? Yeah. Okay. That was the question.

Ms. Albino: Aloha, I -- yeah, I'm sorry.

Chair Buchanan: Commissioner Albino.

Ms. Albino: Yes. I support Commissioner Poepoe's comments and in the -- the question of variances, that's scary because certain -- certain variances have increased over -- over the period of time that we've -- we've had these, you know, rules not to build above 35 feet and then adding something on the roof. I mean, who's to stop, in the future, when people become aware of variances can override all of these rules, so I -- I sincerely hope that we come to some amenable conclusion about making some recommendations, while supporting the 35 feet limit for Molokai, that we could make recommendations and propose these recommendations with some sort of approval from the County because Molokai is separate even though we're part of Maui County. Our future plans are separate as to development and so that's my concern. So, I'm -- I'm in favor along with the -- what Commissioner Poepoe said. We looking for the future so that we don't get caught up with Maui and become another small Waikiki. That's it.

Chair Buchanan: Thank you, Commissioner Albino. And, just for the record, on page 9 of the staff report, on the item number six, it says, "Maximum height limits for B-2 and B-3 could be reduced to the proposed heights for the islands of Molokai and Lanai, however, impacts on the community and potential loss of housing opportunity should be considered." So, this is from the Planning Department, remember, they no support so -- but they are saying can be done. And, they also conclude, on page 9, that with the existing maximum height limits in B-2, B-3, and P-2, it's unlikely that these zoning districts will ever look like Waikiki where building heights are more than double the maximums being discussed here. In addition, proposal is contrary to long-term plans for the County.

This is now the County Planning Department, yeah, remember they oppose. . Lastly, reducing the heights may create structures to be nonconforming. We already heard that going be -- going remain nonconforming. Okay. Creating an undue hardship and burden to property owners. So, that's it. I -- I am supporting Commissioner Poepoe's recommendation, and any other Commissioners? So, Jacky --

Mr. Poepoe: Chair?

Chair Buchanan: Go ahead.

Mr. Poepoe: My motion going require one second.

Chair Buchanan: Yeah. I know.

Mr. Poepoe: Okay.

Chair Buchanan: But, I don't know if you had enough amendments or conditions, amendments, in your --

Mr. Poepoe: Oh. Okay.

Chair Buchanan: Okay. I still looking because --

Ms. Moss: I have a question about the nonconforming.

Chair Buchanan: Okay.

Ms. Moss: So, number five in the Planning Department's recommendations, they do -- like they're adding in that verbiage, so does that mean the way it is right now, if we pass it the way it is now, there won't be that verbiage to protect the ones that are already in existence?

Chair Buchanan: Jacky?

Ms. Takakura: If I may, Chair Buchanan? Yes. So, staff asked to put in number five into the chapter specifically so that it's not overlooked because sometimes it's hard to tell when the building was built and when the ordinance changed, so by having it in the chapter, it would be clear that, you know, nonconforming, but it's actually kind of redundant because it's already in section 19.500.110 about nonconformities, so the -- the language is already there in the code but it's just like putting it in the chapter again to be doubly sure that if you're existing nonconforming, you can continue. If that helps answer the question.

Ms. Moss: Okay.

Chair Buchanan: Commissioner Moss, you have another question?

Ms. Moss: Yes.

Chair Buchanan: I sorry. You had one other question, Commissioner Moss? No? Oh, I think you having -- no.

Ms. Albino: Aloha, Commissioner --

Chair Buchanan: Commissioner Albino.

Ms. Albino: Yes. Commissioner Buchanan, so are we going to add recommendations or -- or amendments to what Commissioner Poepoe has suggested?

Chair Buchanan: Yes. The floor is open. He made a motion, and he also asked for input on the motion for amendments or, yeah, amendments or recommendations. Are we all okay with the setbacks as proposed? I sorry. You back, Commissioner Moss. Hang on. Okay. I sorry. Commissioner Moss, you have one other question? No? Okay. Yeah, basically, nonconforming is -- is just nonconforming, but if you come in and you want to make improvements, you going have to go to the standards that is current day, you not going be grandfathered in forever and ever, is my understanding. And Jacky is smiling. Okay. Alright. If that's the main thing we have about heights, the lot setback is, I'm okay with lot setback. So, there's a motion on the floor. Commissioner Poepoe, can you please reiterate your motion?

Mr. Poepoe: My motion was to approve the recommendation or -- hold on. To approve was it a resolution?

Chair Buchanan: A bill for an ordinance to amend Chapter 19.18-B-2. Let me read this into the record. A bill for an ordinance amending Chapters 19.18-B-2, community business district, 19.20-B-3, central business district, and 19.31, public/quasi-public districts of the Maui County Code relating to maximum building heights.

Mr. Poepoe: To lower the maximum building heights.

Chair Buchanan: Okay. So --

Mr. Poepoe: And with --

Chair Buchanan: Go ahead.

Mr. Poepoe: With a recommendation/amendment excluding Molokai or would be an exclusion of Molokai and a recommendation to reduce the building to 35 feet.

Chair Buchanan: Okay. So, if I understand you correctly, the bill for an ordinance to amend Chapters 19.18, 19.20, 19.31 for B-1 -- excuse me, for B-2, B-3, and public/quasi-public districts, across the board, the amendment is to reduce the height to 35 feet, so even going more restrictive than what the ordinance is already proposing to amend. Does that sound correct?

Mr. Poepoe: It -- it does to me.

Chair Buchanan: Okay.

Ms. Mowat: I have a question.

Chair Buchanan: Go ahead, Commissioner Bridget.

Ms. Mowat: That is for Molokai only, the 35 feet?

Chair Buchanan: Yeah.

Ms. Mowat: Okay. We have to make sure we say that.

Chair Buchanan: Although, this is a bill --

Ms. Albino: I would like to second.

Chair Buchanan: Okay.

Ms. Albino: I'm sorry.

Chair Buchanan: Okay, go ahead.

Ms. Albino: I second the motion.

Chair Buchanan: Thank you. It's been seconded by Commissioner Albino. So, we in discussion. I'm sure Jacky might come back and ask us -- so -- so, Jacky, I'm assuming, with that motion, also goes along with the amendments to lot?

Ms. Takakura: Chair Buchanan, would it be alright if we looked at pages 7 and 8 and kinda went through one at a time, like if you support number one or not support number two and so forth? That would help me when I write the report, if that's okay.

Chair Buchanan: Okay.

Ms. Takakura: So, the first one is about the appurtenant equipment on the roof, you know, limiting them to ten feet, and then also the accessory structures, like mailboxes, limiting them to eight feet 'cause, right now, there's no limit on those accessory structures and we'd like to limit those. So, that's number one. Do you wanna discuss that if you folks support it or not? And, then we can move to number two after I -- I --

Chair Buchanan: Commissioners, are you in support of that? Is anyone not in support of that? Okay, it's we support that.

Ms. Takakura: Thank you, Chair. And then, the number two is the one about the setbacks increasing them for taller buildings in B-2, and so if you folks support that or if you'd like to leave it as is, that's fine. If you wanna talk about number two?

Chair Buchanan: Okay. I see the reasoning is for developable space, so I can support that. Is there any Commissioners that does not support that? Commissioner Poepoe, you had a question?

Mr. Poepoe: Just for -- the thought is along the lines of limiting the height or reducing the height would then nullify the need to reduce the setback. So, I can support --

Chair Buchanan: Oh, good point.

Mr. Poepoe: Yeah.

Chair Buchanan: Good point. You alive, Commissioner Poepoe. You correct. Is he correct, Jacky? That's correct because we --

Ms. Takakura: Yes. Yeah. I think with the lower height, you probably don't need to change the setbacks.

Chair Buchanan: Okay. So, remember, this is not what we say going go. This is -- this one change of ordinance. This is going to go to the Council to decide. Okay. Next?

Ms. Takakura: Okay, so number three, this is the one, remember the map for the lot width, which is like the circle in the lot --

Chair Buchanan: Yeah.

Ms. Takakura: And how it didn't work out? So, if you could please approve this one because that will fix the code so that the map is correct. And like, you know, it's just for P-1 and P-2 so we don't have on Molokai, well, we don't have P-2 ... (inaudible)...

Chair Buchanan: Yeah, not yet. Does anybody not support that request? Seeing none, we can support that. Thank you, Jacky.

Ms. Takakura: Okay. And, number four, it's setbacks for the P-1 and P-2, and it's really very minor changes, 10 feet for side and rear, and 15 for front. They're very similar to the existing setbacks. And then, we do propose to go to the Urban Design Review Board, like say if there's a steeple on a church or something. Those are very minor revisions.

Chair Buchanan: Okay. Is there any Commissioners that cannot support that? Okay, seeing none, we can support that. Next?

Ms. Takakura: And then, the last one is just about putting that language about nonconforming in each chapter just so that we don't forget. It's in the ag chapter, but it's not in every chapter, but that's just kinda helpful to have that there so -- but, if you don't want it in there, that's okay.

Chair Buchanan: No. It makes sense to be really clear across the board. Does anyone not support? Okay, we can support that.

Ms. Takakura: And then number six was exactly what you folks are talking about having a height limit specific to Molokai that meets, you know, the needs of Molokai. So, I think that's it.

Chair Buchanan: Awesome.

Ms. Takakura: Thank you.

Chair Buchanan: Okay, so, Commissioner Poepoe, can you -- your motion be to include everything we just covered and conveyed to the -- to Jacky, to Planning staff.

Mr. Poepoe: I just so move as stated this.

Chair Buchanan: Okay. Thank you. Is there a second? Commissioner Albino, you second? Okay. Yes. I cannot hear you, but yes. Okay. Any discussion? Commissioner Moore, I think you're frozen. Commissioner Moore, he frozen. We gotta call Hawaiian Telcom for ...(inaudible)... Okay, Commissioner Moore, you can use the chat too if you like 'cause we going have to vote, or you can call in with the phone. The number on your agenda. Okay, sorry guys. Okay, it's been moved and seconded, we had discussion. I going call for the vote. Commissioner Bridget?

Ms. Mowat: Aye.

Chair Buchanan: Commissioner Debbie?

Ms. Kelly: Aye.

Chair Buchanan: Commissioner Laa?

Mr. Poepoe: Aye.

Chair Buchanan: Commissioner John?

Mr. Pele: Yes.

Chair Buchanan: Thank you. Commissioner Louella?

Ms. Albino: Yes.

Chair Buchanan: Commissioner Moss?

Ms. Moss: Yes.

Chair Buchanan: And the -- Commissioner Moore? Okay, Commissioner Moore is having technical difficulties, so Commissioner Moore will be excused. And, the Chair votes in the affirmative. Motion carried. Thank you, Jacky.

Mr. Moore: Can you hear me?

Chair Buchanan: Oh, there you are. Yes. How you vote, Commissioner Moore?

Mr. Moore: I vote yes,

Chair Buchanan: Alright. Okay, unanimous. Motion carried.

It was moved by Commissioner Laakea Poepoe, seconded by Commissioner Louella Albino, then unanimously

VOTED: to approve Resolution 21-114 with the recommended amendments, as discussed.

(Assenting: L. Albino; L. Buchanan; D. Kelly; W. Moore; K. Moss; B. Mowat;
J. Pele; L. Poepoe)
(Excused: C. Machado)

Ms. Takakura: Thank you.

Chair Buchanan: Thank you, Jacky, for going through all through that again with us 'cause it's important. Thank you.

Ms. Takakura: Very important. Thank you very much,

Chair Buchanan: Oh, okay. Vice-Chair, I think on these long ones, I going tap you out like baton kine. Say you it. You next. Okay. Actually, that might not be one bad idea. So, we're still on the October 27, 2021. I no think anybody need a break. We came back at 12:30, so let's go to 1:30. We on item D, Contested Cases, so this we're going to swear in people, pursuant to Chapter 91-10, Hawaii Revised Statutes, and subchapter 4, of the Planning Commission rules. And individual wishing to testify is required to do under oath. Applicant may provide comments in response to each testifier, should notify the Commission if it wishes to do so. Number 1, SMA Minor Permit, item a:

Chair Buchanan read the following agenda item description into the record:

RECORD OF ATTENDANCE:

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Louella Albino
Debra Kelly
William Moore
Kaleialoha Moss
Bridget Mowat
John Pele

Excused:

Colette Machado

Others:

Jacky Takakura, Administrative Planning Officer, Zoning Administration and Enforcement
Division, Department of Planning
Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning
Sybil Lopez, Planner, Current Division, Department of Planning
Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
NOVEMBER 2, 2021**

A. CALL TO ORDER

The regular meeting of the Urban Design Review Board (Board) was called to order by Mr. Clayton Yoshida, Planning Program Administrator, with the Planning Department, at approximately 10:00 a.m., Tuesday, November 2, 2021, online via BlueJeans Meeting No. 760 775 907.

A quorum of the Board was present (See Record of Attendance).

Ms. Caryl Hitchcock-Sprinzl: Good morning, and welcome everyone. I'd like to call the meeting to order. I see we have a lot of our commissioners present today. So I'd like to start with just a roll call that will confirm. So if you can let me know if you're here. I don't see Peter. Oh, yes, you are here, Peter. Wonderful. Peter Niess?

Mr. Peter Niess: . . . (inaudible) . . .

Ms. Hitchcock-Sprinzl: All right. Got you Peter. Thank you. Joshua?

Mr. Joshua Circle-Woodburn: Here.

Ms. Hitchcock-Sprinzl: Hi Joshua. Good morning. And Marie? Good morning, Marie.

Ms. Marie Kimmey: Good morning.

Ms. Hitchcock-Sprinzl: Darren Okimoto?

Mr. Darren Okimoto: Good morning Caryl.

Ms. Hitchcock-Sprinzl: Mandy Saito?

Ms. Mandy Saito: Good morning.

Ms. Hitchcock-Sprinzl: Good morning Mandy. And Darren Unemori? I see him on the screen, but his audio isn't working. Darren, can you just let me know if you are here for the roll call? All right. We can come back to Darren Unemori. So Paul Areus?

Mr. Paul Areus: Yeah, I'm here. Hi.

Ms. Hitchcock-Sprinzl: Great. Hi. Thanks Paul. And then Morgan? I see you too.

Mr. Morgan Gerdel: Good morning.

Ms. Hitchcock-Sprinzl: Alright. Great, so we have, we have a full, full board of commissioners for our two business items today. So I'd like to invite at this point of the

meeting, Mr. Yoshida, to make any County announcements and the review of public testimony. I don't know if anyone has signed up to give testimony on either of the items for business today.

Mr. Clayton Yoshida: Aloha and good morning, Madam Chair and members of the Urban Design Review Board. Clayton Yoshida with the Planning Department. With me, we have your secretary, Leilani. We have Jacky Takakura, Acting Planning Program Administrator for the Zoning Administration and Enforcement Division, for C.1. And we have Jared Burkett, staff planner, who is handling item B.2. And we should have either Keola Whittaker or Kristina Toshikiyo from the Corporation Counsel's Office.

The public testimony will be taken when each agenda item is discussed. Testimony will be limited to a maximum of three minutes. Testifiers will be called by the Chair to offer their testimony, and are asked to mute their audio and video when they are not testifying. Testifiers via video are asked to sign up using the chat function, providing their name, and the item you're wanting to testify on. Testifiers via phone will be called by the Chair after video testimony is finished. Commissioners should not be contacted by the chat function.

So we'll go one item at a time, and staff will make their presentation and the applicant will make their presentation. And then we'll take public testimony and closed public testimony. And then we'll get into questions and answers from the board to the applicant. And then decision making by the Urban Design Review Board. So that that's what we have Madam Chair.

B. COMMUNICATIONS

- 1. Department of Planning requesting review and comments on a proposed bill for an ordinance amending Chapters 19.18 -- B-2 Community Business District, 19.20 -- B-3 Central Business District, and 19.31 -- Public/Quasi-Public Districts of the Maui County Code, relating to development standards. (J. Takakura)**

The Board may provide its comments to the Department of Planning on the proposed bill.

Ms. Hitchcock-Sprinzl: Thank you so much, Clayton. So without further ado, then we'll go into the first communication, which is from the Department of Planning requesting review and comments on a proposed bill for an ordinance amending Chapter 19.18 B-2 Community Business District, 19.20 B-3 Central Business District, and 19.31 Public/Quasi-Public District of the Maui County Code relating to development standards. And Jacky Takakura will be the planner leading this. And the board may provide its comments to the Department of Planning on the proposed bill. So, Jacky, good morning and welcome.

Ms. Jacky Takakura: Good morning Urban Design Review Board. So my name is Jacky. I work in the zoning division. And one of my responsibilities is when the County Council sends resolutions with proposed bills for ordinances, I take them to the planning commissions on Maui, Molokai and Lanai. This one is a little unique where we're seeking the Urban Design and Review Boards comments also because I think you folks would have some good feedback on this one. So if it's all right, I have a short power point presentation if I can share screen.

Ms. Hitchcock-Sprinzl: Yes, of course.

Ms. Takakura: And then we can talk a little bit more after. This is the presentation that I used with the planning commissions. So as you can see, it's a proposed bill from the Council regarding these three chapters of the Maui County Code relating to maximum building heights. So the bill proposes to reduce the maximum building heights in all three of these chapters to 45-feet. You can see for B-2 the current height, maximum height, is 90. For B-3, it's 144. B-2, it's 90. They are proposing across the board reduction to 45-feet for all of these.

So the question came up, well why propose this reduction in height. So I did some research and I looked and there was just a brief, almost like a one sentence conversation about this bill before it was referred to the commissions. And it was basically the resolution is about maximum building heights that are more appropriate for Maui than Waikiki. So that's the information that I was able to find on the purpose of the bill.

So then I started asking, well, what is Waikiki like? So I went to the Honolulu, the City and County and researched that and found that Waikiki height limits are a lot taller. They range from 130-feet to 350-feet in height as you can see. So you've got 350 . . . (inaudible) . . . and it ranges depending on the block, the park area. But for the structures, they're pretty tall and allowed to be . . . (inaudible) . . . Keep in mind that the structures here in Waikiki are primarily for resort purposes. That's different from . . . (inaudible) . . . So these numbers, 130-feet to 350-feet are pretty different from our existing height limits of 90.

Next, let's look at the three affected business districts or districts. First is B-2, and that's the Community Business District, which has all kinds of goods and services provided and dwelling units are allowed like apartments are allowed if they're above or below the first floor of a permitted use. Maximum height in B-2 is 90 feet. You can see from the red on the map that we have B-2 parcels all over Hana, up-country, Central Maui, Lahaina. And in the memo report that we sent to the Commissions, there, there is a list of some of these areas in a little bit more detail. The previous one was the B-2 parcels on Maui. This is in Kaunakakai on the Island of Molokai. There are four parcels. There are no B-2 on the Island of Lanai.

So B-3 is the districts that permit general business, financial, government, commercial. And those are basically the structures you see there, the state building, the courthouse and the county building. So that's B-3. There's no B-3 on the Island of Lanai. And just for reference, the county building is 140-feet tall. And the height limit here is . . . (inaudible) . . . And you can see it's just in this area right here, Wailuku.

And then the third district is the P-2, Public/Quasi-Public District. And that's for public nonprofit, quasi-public uses, and dwelling units. So we have St. Anthony Church and elementary school and high school in Wailuku. Not on this map because it was recently rezoned is Hale Makua in Kahului. And then you can see on the bottom down here is St. Theresa. No P-2 on Molokai. It's important to note that the P-2 district was specifically created to address these facilities -- facilities like this, that were certain to exceed the P-1 height limit of 40 feet. And the P-2 District was unanimously adopted by the County Council in 2013.

If the proposal to reduce the height for P-2 is adopted that would make a lot of these structures non-conforming. There are some other structures or properties that are -- that the department is planning to rezone to P-2. They have taller structures and already like schools and fire stations. A lot of things that were built before there was height limits, you know, that either meet that earlier definition of heights or received variances. So they are trying to appropriately zone some taller structures into P-2 that you would see for the Island of Maui eventually get a few more parcels that are P-2.

So if you had a chance to read the memo report that we sent to the commission, there's about four pages of reasons why we believe that the resolution is inconsistent with the County's long term planning documents. You know, for these business type areas, density is better and it helps avoid sprawl and encroachment into undeveloped areas like Ag or rural. Having the higher heights allows for more opportunities for affordable housing, especially in apartments. A lot of the properties are owned by the County that would increase the cost. And even for private owners it would increase the cost of buying or leasing commercial property. Also, having increased density is more consistent with climate change, mitigation and adaptation. Also, applications for variances could increase. And if you were to look in the packet, there are two letters from the State of Hawaii regarding this. But they do have plans for the transit oriented -- TOD -- transit oriented development areas and having apartments there.

So, however, we do have a few other revisions, kind of like housekeeping measures that we would like to propose for these zoning districts. And they're related to appurtenant equipment heights, accessory structures, setbacks and lot widths. First one is about the, the stuff on top of the roofs; the antennas, the vent pipes and other rooftop equipment. We would like to have those be limited to no more than 10 feet above the building roofs from which it extends. Because right now there's just a height limit, and if you have a very short building, you can still have a very tall antenna or equipment on top of that building up to the

height of that structure, or the allowed height of that zoning district. We would like to limit that to just ten. That's pretty common in some of the other zoning. And then also accessory structures, right now, there's no limit. We would like to limit those to eight feet, like in other zoning districts.

For B-2 and B-3, we are proposing having some revisions to the setback areas. And you folks probably know this, setbacks 101, the setback is the property line and the open space inward. And the setback is it varies by zoning district, but for B-2 and B-2 there is none for the front. And so the department is proposing to have setbacks for the front and the rear for B-2 and B-3. And we can talk about these if you folks have some other . . . (inaudible) . . . It's also tiered. So if you look at the next slide, right now, there's with no setback, the structure can be right up to the property line. And the proposal is to bring them in a little bit, and then as the structure gets taller, increase that setback almost like a wedding cake style. That's for light and air purposes.

The other revision that we are proposing is regarding a lot width. And so the lot width according to Title 19 is the diameter of the largest circle that can be inscribed within the lot line. So if you think of, say you have a lot, that circle in there, that diameter, that line --. I had --. Yeah, this is back from intermediate school days. So I had to look this up just to make sure. But remember, back in the day, area equals length times width. So if you have that diameter and you have this minimum lot width here of 200, the math doesn't actually work out. You'd have to have a really skinny lot. So what we're proposing here is to revise this minimum lot width that this math can work. We would actually like them to be reduced for both zoning districts so that there's just a little bit more flexibility on the -- now in the current lot width is proposing these reductions. A lot width like this, 200-feet, that's better for a bigger lots like in Ag where lots are like two acres. Right now that that number is . . . (inaudible) . . .

P-1 and P-2 proposed revisions, just some minor changes to the setbacks also. For P-1, front and rear is currently 15. We're proposing just to have the front be 15, and then the side and rear be ten. For P-2, it's reducing the front from 30 to 25, and then side and the rear be 15. And that way there's enough developable area. And in case you're wondering why is this coming before the UDRB? Well here's where you folks come in for especially for P-2. If there's a steeple and say they would like to have it taller, we would be fine. Like if it comes before the UDRB, and if you folks are fine with it, then that could be allowed. We'd like to offer that option to have the UDRB proposals for exceptions. So when this idea came up, I asked the director, well, can we have this whole thing be reviewed by the UDRB? She said sure. So that's why we're here today having this conversation. With these proposals, existing structures would not be affected.

Well, that's it in a nutshell. I can stop sharing now if that's okay. And then I can also, if you don't mind, if you're interested in knowing what the Commissions felt about this, I can share

that too or whatever you folks want. And I know that there were some questions that came up and I can answer those too. Whatever you folks want to do next is fine.

Ms. Hitchcock-Sprinzel: Thank you, Jacky. Kristina, I presume that public testimony is not required on this item of business because they're -- because of the UDRB comments, is that correct?

Ms. Kristina Toshikiyo: Actually, because this is a sunshine law meeting and this is an agendized item, I do believe you have to open public testimony for this item.

Ms. Hitchcock-Sprinzel: Okay, thank you for letting me know. So open -- we will open now, first, Jacky, to public testimony, if there is any. Mr. Yoshida, is there anyone waiting to testify?

Mr. Yoshida: Thank you Madam Chair. We have received no written comments on this matter. We have not received no requests to testify via the chat function. I don't know if you want to see if anyone wants to testify by phone.

Ms. Hitchcock-Sprinzel: All right. So if anyone wishes to provide public testimony on this item, can you please make yourself known? You can go un-mute your microphone. Okay, hearing none, public testimony is closed. Then, and Jacky, I would personally like to hear the Molokai, Lanai and Maui Planning Commissions' comments or views before we, we begin our discussion, because that was where I had a question also.

Ms. Takakura: Thank you, Chair. So -- and remember, each island is unique and we wanted to get especially for Lanai and Molokai because of their community is unique so they do have different answers. For Maui, they said no to the reduced maximum height limits. They were fine with some of the department's proposed amendments. They were fine with the one about the, the antennas and the rooftop equipment to be no more than ten feet. And they were fine with the mailboxes and other accessory structures being limited to eight-feet. They did not support the setbacks for B-2 and B-3. They were fine; they supported the keeping lot width for P-1 and P-2. And they were fine with the setbacks for P-1 and P-2. And then they didn't feel like we needed to put the part about the existing, the existing structures being nonconforming. And it's true that you don't really need to have it in each chapter because we have a chapter that is specific about nonconforming. But sometimes it's nice to have it in there in each chapter, just as a reminder.

So, yeah, Maui Planning Commission, no to the reduced heights and yes to all of the department's recommendations except the B-2 and B-3 setback change. They noted that it's important to avoid urban sprawl. And they noted that the hospital and some gyms are taller than 45-feet in height.

So then Lanai -- Lanai was fine with the 45 maximum height limit for Lanai. I mean they did have the conversation that, you know, none of these zoning districts are even there. So it would have to be a completely new development where they're putting in this zoning on that island if it was effect, in effect. But yeah, they were fine with the 45-foot height limit for their island. And they were in favor of all of the department's amendments.

And then for Molokai, they really wanted to get feedback from the four property owners. And I was able to get a hold of three property owners. And the Molokai Planning Commission and the property owners were all okay with 35-foot maximum height limits for B-2. And they were in favor, similar to Maui, the amendments one, three, four, five and six. So pretty much everything except the setbacks for B-2.

Ms. Hitchcock-Sprinzl: So just to repeat, it was okay for one, three four?

Ms. Takakura: Correct. One, three, four and --. Well Maui didn't, didn't feel, feel like number five was needed. And Lanai and Molokai were fine with it. And then number six is basically referring to Lanai and Molokai too. You know, look at their housing needs and what their community, which we did. So, yeah, six is, is that.

Ms. Hitchcock-Sprinzl: Okay. Thank you, Jacky. That's, that's very helpful. And I know that one of our board members, Darren Unemori, submitted a question, and I wasn't able to access it just before the meeting. So perhaps, Darren, if you could lead us off with your question.

Mr. Unemori: Okay, I'd be glad to. Thank you, Madam Chair. So, Jacky, my first question was one that you kind of answered, I guess. Usually zoning code changes are in response to a specific problem. And from your description, there is no specific problem for the zoning change, just a desire not to look like Waikiki, which you correctly pointed out is mostly resort and hotel. But this bill does not affect resort or hotel. So in other words, implementing the changes in this bill would have done nothing if there was it applied to Waikiki, right? That's kind of the point you're making, right?

Ms. Takakura: Yes.

Mr. Unemori: Okay. Okay. Okay. The second question I had was back in 2020, Planning Department launched its Title 19 rewrite after an audit basically by outside consulting firm indicating that the code itself had significant problems it was unable to address -- was unable to implement a lot of the Long Range Planning goals, implement a lot of the best planning ideas simply because of its age, I guess, it came from a different era. What's the state of that rewrite project? Is it something Planning Department intends to pursue in the future?

Ms. Takakura: So I checked with our Plan Implementation Division and the first draft is anticipated in mid-2022. And I know all of us have been reviewing different parts of the chapter so after -- so it's still a very active project.

Mr. Unemori: Okay. Thank you.

Ms. Takakura: So in mid-2022, the department will set up meetings with the advisory groups to go -- advisory group to go over the draft, as well as have public informational meetings with the commissions and public. So it is still being worked on, yes. But I just -- I'm the person who takes bills to, you know, to update the Code. And so as you stated, there's a lot of things that are old or need to be fixed. So we're still trying to make fixes, you know, to fix problems even though we know that the rewrite is coming up. You know, there are some fixes that, like, you know, can't wait.

Mr. Unemori: Okay. I actually that -- your response covered my, my third question as well, so that's it for my questions. Thank you.

Ms. Hitchcock-Sprinzl: Thank you so much, Darren. So I'd like to do a round of the other board members for comments or recommendations. Perhaps we could start with Peter.

Mr. Niess: I think that the Planning Department has done a good job and we should allow them to do their job. Including the one thing that the Planning Commission didn't do, were they are allowed the setbacks to be laid at the property lines? I like the Planning Department's proposed that's already taking up it. I'm in favor of pretty much everything the Planning Department has suggested.

Ms. Hitchcock-Sprinzl: Great. Thank you. Thank you, Peter. So, Joshua, comments.

Mr. Joshua Circle-Woodburn: Hi, everyone. Thanks, Chair. I, I actually support the, what the Maui Planning Commission, their, their comments almost identically. I, I feel that I can support most of what the Planning Department is recommending with the exception of those setback changes to the B, B-2 district, B, B-districts, rather. I don't really have any questions.

Ms. Hitchcock-Sprinzl: Great. Thank you, Joshua. Marie?

Ms. Marie Kimmey: I, I have a few comments. This was discussed recently at an AIA meeting, and I thought the quote, I'm going to just quote it. I don't remember who said it, but they said was don't they realize that if buildings can't go up, they're just going to go out? We're just going to have more sprawl. And then I agree. I think that the Maui County Planning Department has done very well in, in laying out the fact that Maui actually has a very sophisticated setup now for height regulations. And I think we've all gotten pretty much

accustomed and comfortable with it. I don't see any reason to change it in such a radical way, ever, at this time. That's my comments.

Ms. Hitchcock-Sprinzel: Thank you so much, Marie. Darren Okimoto? Yes, Darren Okimoto, please.

Mr. Okimoto: All right. Thank you. So I agree with what the department is saying about not lowering the height to 45-feet. It seems like, you know, the fact that our own Planning Department, the State Office of Planning, HHFDC all oppose this especially when it comes to affordable housing, walkable communities, urban sprawl. So I agree with that. And I also agree with the Planning Commission with regard to the B-2 and B-3. I think that, you know, having to come in as you go higher, in concept sounds great, but it does make it harder to increase the density when you do something like that. So thank you.

Ms. Hitchcock-Sprinzel: Thank you, Darren. Mandy?

Ms. Saito: I also agree with the Planning Department and with Darren's comments with regards to the height, and, you know, tapering the building as you go up. You know, a lot of these zoning changes impact a lot of landowners that, you know, should be involved in the process if, if changes this significant are going to be proposed. So, yeah, I agree with the Planning Department's responses.

Ms. Hitchcock-Sprinzel: All right. Thank you so much, Mandy. Darren Unemori, are you, are you happy or did you want to add anything?

Mr. Unemori: No, no, no. I'm -- my questions were the main thing. Although I would express that I, I'm not a big fan of piecemeal approach to zoning code changes like it has been proposed as a countermeasure to the, the Council's approach. Only because at the end of the day you have -- well, we basically got it seems like from Jacky's description, we've got a solution looking for a problem. And so to make these adjustments, to try and appease Council when a problem really can't be articulated is to me it's a bit of a misdirected. But I generally agree with the Planning Department's position.

Ms. Hitchcock-Sprinzel: Great Darren. And so, so what you're, you're -- I think you're saying is that you would prefer to wait for the 2022 the all-encompassing plan, the new plan, rather than having piecemeal changes.

Mr. Unemori: Yes. I guess the first part is I agree with the Planning Department's position on reducing the height. I think that's a bad idea, particularly if you don't have a good reason for doing that.

And second, I would prefer waiting for a more comprehensive update rather than trying to make small adjustments that don't --. I mean, while they may be functional, but they are

not, sounds like addressing the same issue that the Council was trying to address, even though that's poorly defined. So I would prefer to defer comprehensive changes to Planning Department's comprehensive update.

Ms. Hitchcock-Sprinzel: Great. Thank you. Thank you, Darren. And Paul?

Mr. Areus: Okay. Yes. So I appreciated the review that Jacky did of the Council's suggestions, and I'm in agreement with, you know, pretty much what everyone else is saying, and Jacky is saying, as far as not increasing or not decreasing the limits. I think that's, that's something I would support.

As far as the heights for appurtenant and accessory equipment in B-2 and B-3, I did have a couple of comments regarding that. So, the appurtenant equipment like antennas having like a height limit of ten feet would be something I'd be a little concerned about from, from an equipment, a technical equipment standpoint. I'd hope that the Planning Department would consult with people that install antennas, for example, to find out what type of heights they need to be able to install the type of equipment that's needed for 5G systems, for example, 5G communication systems.

Also accessory structures such as like mailboxes, trash enclosures and boundary walls for B-2 and B-3 districts, when I see height limits for things like that, it concerns me because private property owners that are trying to run businesses in places like Wailuku and in Kahului where there's a lot of potential crime and maybe homeless people trying to find places to sleep. If, if the walls only seven or eight feet high, it's really easy to climb over. So, you know, we need to make sure that private business owners are able to secure their properties properly. And I would suggest having maybe a nine or ten foot wall height limit, something that is, you know, more impenetrable. And so that's the only feedback.

Ms. Hitchcock-Sprinzel: So thank you, Paul. And then finally, Morgan.

Mr. Gerdel: Yeah. Yeah. I appreciate all this analysis that the Planning was able to do on this issue. I agree with them that we shouldn't reduce the height limits. I think that would be kind of a detriment to those areas. And for item number two, I don't agree that we need to increase setbacks for B-2 and B-3. I think that would kind of limit property owners as far as what they could do. And it makes it much more costly than trying to tier buildings than just to do a simple rectangular building. So I wouldn't be in favor of that change to zoning. And I agree with Darren Unemori that doing it in a comprehensive way would be the best result for the Planning.

Ms. Hitchcock-Sprinzel: Great. Thank you, Morgan. And then I just, Jacky, I wanted to add just the for the benefit of the Molokai and Lanai folks that I, I agree with their, with their decision. And my question was that and hopefully there is nothing in this bill that would supersede their ability to determine anything, the heights and so on, because their

communities and places are so unique and different from Maui. So but I do support the comments that that they have provided. I think Molokai is still gathering information, so we may have to wait a little bit for their recommendations, but I would support them in that. Because it's very powerful for the community to know that they have some control and that it's not going to be superseded by, by a Maui rule or zoning law. So I thank the board for --. Oh, Peter, do you want to add something?

Mr. Niess: One more. It would be nice if we could see properties that are submitted for proposed zoning changes. Just in case there's something we're not seeing, like, Olowalu has some B-zone things that are 12-stories. We could, we could just be sure that we're saying that we agree with this. And there is some pet project that's in the process of changing the zoning that we're going to build three feet for . . . (inaudible) . . . in the time. Yeah.

Ms. Hitchcock-Sprinzel: That's a very good point, Peter. And also kind reinforces Darren Unemori's point about perhaps waiting and not going piecemeal for the overall design plan and zoning plan. So great. Great comments, everyone. Thank you. Jacky, do you want to summarize the comments for, for submission so we can, can vote on it?

Ms. Takakura: It looks like the general consensus is to leave the building heights as is. And I'm thinking that what we'll probably end up submitting would be that we would leave the height as is for the Island of Molo -- for the Island of Maui. And then for Molokai, it would be 35-feet. And for Lanai it would be 45-feet. I'm thinking that's what all of you are . . . (inaudible) . . .

Ms. Hitchcock-Sprinzel: I guess I, I really don't even think I can think of an example of a 35-foot building perhaps on Molokai at the moment.

Ms. Takakura: Well it was kind of interesting because they keep referring to they don't want anything taller than a coconut tree, but those, they can be varying heights. But, you know, that was the consensus. And, you know, on Molokai, there's four parcels. So it was not difficult to find the four property owners. But like you saw in the map, the Island of Maui, the B-2 parcels are all over the place. And so, like the point you mentioned about getting, Mandy said about getting the landowners involved. You know, that was not done. I don't know if the County Council intends to do that or intended for us to do that. But, yeah, on the Island of Molokai, on the Island of Maui, here, we don't have that ability right now . . . (inaudible) . . .

So the other -- the next point was for item number one about the appurtenant equipment such as antenna, the general consensus is that limiting it to ten feet is okay. That we should consultant with equipment installers to ensure that that is a good height for all types of equipment that goes on top of, that we're not creating problems for a 5G.

Ms. Hitchcock-Sprinzel: Yeah, 5G, I think is actually the big one that will be coming in the future and hopefully near future.

Ms. Takakura: And then for the next part about the setbacks for B-2 and B-3, you know, we did have some, after we thought about it, you know, maybe having these setbacks, if the status quo is good because then with the status quo, you know, allowing the building to be up front, the parking is in the back. You know, that's kind of nicer for street fronts. And so we were kind of on the fence, well, and we wanted to see what the different commission said about having setbacks versus not. And in terms of having tiered structures, one of the commissions also mentioned that that it could lead to increased costs. So my understanding is that the general consensus of the UDRB is to leave out the proposed changes to the setbacks for B-2 and B-3.

Ms. Hitchcock-Sprinzel: Yes, Joshua is agreeing. I see a lot of heads nodding. Okay, and I think there was a comment about wall height.

Ms. Takakura: For the accessory structures, yes. We should look at maybe having a different, a little bit higher for B-2 and B-3. Eight, I think, is like if hotel and some other zoning districts. And so it's just kind of nice to have the same number, but it could be higher. That makes more sense for B-2.

Ms. Hitchcock-Sprinzel: Peter had a comment. Go ahead, Peter.

Mr. Niess: I think the difference between fences and accessory structures, like, the electrical equipment room and things, accessory structures right now they have it at four feet and MECo requires six feet, so it's broken. But I think that fences may be categorized differently than accessory structures. So they could be that tall, I think, than four foot . . . (inaudible) . .

Ms. Hitchcock-Sprinzel: Good point.

Mr. Areus: Yeah, if there's too low of a height limit, people will just put razor wire and then it looks like a prison so --

Ms. Hitchcock-Sprinzel: Not very Hawaiian. Okay was that it Jacky?

Ms. Takakura: So I'm looking at the list of the department's proposals and I'm on number three, which is the part about the lot width, the correcting the lot width with P-1 and P-2. I think -- I didn't hear any -- I think it was you folks were all okay with that correction.

Ms. Hitchcock-Sprinzel: Yes.

Ms. Takakura: And then the minor revisions to the setbacks in P-1 and P-2 which is number four on the list, I didn't hear anything about that.

Ms. Hitchcock-Sprinzl: Okay.

Ms. Takakura: And then number five is having that language in each chapter to say, you know, that permits issued prior to enactment of this ordinance, you know, they can continue on and they're like nonconforming. I didn't hear anything about that, so is that one is okay?

Hitchcock-Sprinzl: Yes, that was my understanding that it really only needed to be written one time. But you were very super careful and included it everywhere. So that's, that, I think that's -- everyone's in agreement with that. Okay.

Ms. Takakura: And I do I am going to put the point in here also that a comprehensive review of the zoning code would be ideal, especially as we are getting closer to the draft being released next year. And that's really the appropriate place existing zoning code.

Ms. Hitchcock-Sprinzl: Darren. Comments?

Mr. Okimoto: Yeah, Jacky, I think it's a good idea too, like I think Mandy brought it up with the landowners, if you do it comprehensively, then it gives the landowners an opportunity to look at everything versus a lot of these piecemeal. Some landowners may not even know that it's being changed on them, their property, so just my comment. Thank you.

Ms. Hitchcock-Sprinzl: Thank you. That's an excellent point, Darren. And I'm glad we were able to put that into our comments and recommendations. Jacky, go ahead.

Ms. Takakura: I forgot to check. Are you folks okay with reviewing steeples? Can we pass that on to you? If they come up in, you know, like for P-1 and P-2? P-2 especially.

Ms. Hitchcock-Sprinzl: Mandy is smiling. Darren Unemori, you have a comment, yes, go ahead. You're, you're muted. We can't hear you. Sorry.

Mr. Unemori: Sorry about that. So, Jacky, at the moment isn't height variance is the purview of the BVA?

Ms. Takakura: Yes. So the proposal would be to say that they can be allowed if recommended by the UDRB.

Mr. Unemori: Okay, so basically would be taken away from the BVA, and height variances for steeple would be allowed by UDRB?

Ms. Takakura: Yes.

Mr. Unemori: Okay, thank you for the clarification.

Ms. Hitchcock-Sprinzel: So I guess my question is, to the Board, is, is everyone in agreement with that? I'm seeing some head shaking.

Mr. Circle-Woodburn: I guess my, my, my question would be, maybe just to have a little discussion on that real quick before we approve that because Darren's comment about which board it's currently with. And I guess the, the other one that approves variances and whatnot, I feel like they take more into consideration than just design. Like there's other, you know, zoning and setback distances, all these other things, and I feel like if we're just looking at it from a design standpoint to approve it, we might overlook maybe something else that they are more in and have a broader depth of knowledge and understanding to, to approve. I mean, maybe I'm wrong. I just want to make sure we're not only looking at it sort of in one silo while there's a few other things that might need to be considered for that approval.

Ms. Hitchcock-Sprinzel: Thank you, Joshua. Are there any other comments? Because what I'm hearing is that you would recommend that the steeple heights be continue to be determined by the current board. I mean, the --I'm sorry, I don't know the name of the --.

Ms. Takakura: Board of Variances and Appeals.

Ms. Hitchcock-Sprinzel: Okay, so the BVA.

Mr. Circle-Woodburn: I'm just trying to raise it to see if anyone has any other discussions or comments or questions on that one myself.

Mr. Niess: I agree with Josh.

Ms. Hitchcock-Sprinzel: Go ahead Peter.

Mr. Niess: I feel like BVA deals with a lot of legal issues and they have the legal oversight maybe than UDRB. And so having something where it's a variance should be done by them and not us.

Ms. Hitchcock-Sprinzel: And more experience as well, yeah. So Darren Okimoto?

Mr. Okimoto: The BVA could always refer it to us if they wanted to us to look at it from a design standpoint. That's an option.

Ms. Hitchcock-Sprinzel: Okay, that's great. So, so then I think the recommendation was to leave the steeple height with the BVA, with the option to refer to the UDRB if desired.

Mr. Circle-Woodburn: I support that.

Ms. Hitchcock-Sprinzl: Okay. Sounds good. Well, all right. So, Jacky, are you -- is that all of the comments and recommendations so far?

Ms. Takakura: Yes. And so for that portion of 19.31 is the development standards for actually for P-1 and P-2, we'll keep the existing language that says except that structures with steeples, vent pipes and so forth. And we'll take out the proposal to -- that steeples may exceed the minimum maximum height, exceed the maximum height limit if recommended by the planning review board. So we'll keep the -- keep it that it's limited, and like you say, it can go to the . . . (inaudible) . . .

Ms. Hitchcock-Sprinzl: Okay. Right. Got it. Okay, so if we can have a vote on submitting the comments and recommendations as read by Jacky. Can I have motion to do that?

Mr. Niess: I so move.

Ms. Hitchcock-Sprinzl: Okay, thank you, Peter. That's great. And a second? I saw hand.

Mr. Circle-Woodburn: That was me, Joshua.

Ms. Hitchcock-Sprinzl: And Joshua. Okay, great, wonderful. So we'll just do round robin and either state to that you're in favor or oppose. So Peter, obviously in favor. Joshua is favor. Marie?

Ms. Kimmey: In favor.

Ms. Hitchcock-Sprinzl: Thank you Marie. Darren Okimoto?

Mr. Okimoto: In favor.

Ms. Hitchcock-Sprinzl: Mandy Saito?

Ms. Saito: In favor.

Ms. Hitchcock-Sprinzl: And Darren Unemori?

Mr. Unemori: In favor.

Ms. Hitchcock-Sprinzl: Paul?

Mr. Areus: In favor.

Ms. Hitchcock-Sprinzel: And Morgan?

Mr. Gerdel: In favor.

It was moved by Mr. Peter Niess, seconded by Mr. Joshua Circle-Woodburn, then unanimously

VOTED: To forward the comments and recommendations, as discussed, to the Planning Department.
(Assenting: *P. Areus, J. Circle-Woodburn, M. Gerdel, M. Kimmey, D. Okimoto, P. Niess, M. Saito, D. Unemori*)
(Excused: *S. Marlowe*)

Ms. Hitchcock-Sprinzel: Great. Thank you. So it's unanimous, the recommendations can be submitted as read. So thank you, Jacky, for an excellent presentation and an interesting discussion everyone. It was great.

Ms. Takakura: Thank you very much. Bye Mandy.

2. **MS. CHARLENE SHIBUYA, of MUNEKIYO HIRAGA INC., on behalf of Kuikahi Properties, LLC, requesting design review for the proposed Kuikahi Affordable Housing Community. The residential community proposes to provide 100% workforce housing consisting of 204 units: 120 multi-family, 34 duplex, 16 live-work, 28 studio, and 6 single-family. Amenities include a pavilion and playground, five spot parks, a pedestrian and bike path, landscaped green spaces, sidewalks, neighborhood services in live-work units, and adequate parking. A traffic calming roundabout into the site is proposed at the intersection of Kuikahi Drive and Kehalani Mauka Parkway extension. The project is located on a 14.9 acre portion of a parcel adjacent to Kuikahi Drive, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-5-002:003-0000 (portion). (EAC 2021/0007) (J. Burkett)**

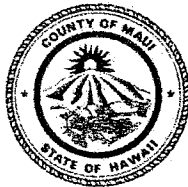
The Board may provide its comments on the design aspects for this project. The comments will be incorporated into the Final Environmental Assessment. The project will be reviewed by the Maui County Council for Chapter 2.97 approval.

Ms. Hitchcock-Sprinzel: Alright, so moving on to our second to business item. And I'm really happy to see so many new affordable housing developments being proposed because I think the need is definitely great. So, Ms. Charlene Shibuya of Munekiyo Hiraga, Inc. on behalf of Kuikahi Properties LLC is requesting a design review for the proposed Kuikahi

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

October 12, 2021

MEMORANDUM

TO: LANAI PLANNING COMMISSION
MOLOKAI PLANNING COMMISSION
MAUI PLANNING COMMISSION

FROM: MICHELE CHOUTEAU MCLEAN, AICP 
PLANNING DIRECTOR

SUBJECT: **A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.18 – B-2 COMMUNITY BUSINESS DISTRICT, 19.20 – B-3 CENTRAL BUSINESS DISTRICT, AND 19.31 – PUBLIC/QUASI-PUBLIC DISTRICTS OF THE MAUI COUNTY CODE, RELATING TO MAXIMUM BUILDING HEIGHTS**

The attached Resolution 21-114 transmits a proposed bill from the County Council to amend Maui County Code (MCC) Chapters 19.18 – B-2 Community Business District, 19.20 – B-3 Central Business District, and 19.31 – Public/Quasi-public Districts, relating to maximum building heights.

The current and proposed building heights for these zoning districts are as follows:

Zoning District	Current Maximum Height	Proposed Maximum Height
B-2	90'	45'
B-3	144'	45'
P-2	90'	45'

The County Council briefly discussed the proposal at their meeting on July 23, 2021, and Councilmember Tamara Paltin explained, "The resolution is just a straightforward talking about maximum building heights that are more appropriate for Maui than -- this isn't like, you know, Waikiki or anything?"¹

¹ Council of the County of Maui (2021, July 23) *Draft Minutes*.

<https://mauicounty.legistar.com/View.ashx?M=M&ID=878778&GUID=3DFF392E-3585-4A7F-960D-BA5BF4BE6BCB>

The Department notes that maximum building heights in Waikiki range from 220 to 350 feet, and the structures there are primarily for resort purposes.

Background information

The B-2 Community Business District is intended to provide all types of goods and services for the community, with the exception of those uses more generally associated with an industrial district, and at a lower intensity of use than in the B-3 Central Business District. Dwelling units are allowed if they are located above or below the first floor of a permitted use. The maximum building height in B-2 is 90 feet.

Examples of B-2 properties include: Island Surf and surrounding parcels along South Kihei Road from Auhana Road to approximately Kupuna Street, the Piikea Avenue area in central Kihei and Kihei McDonald's; many properties along Kaahumanu Avenue and Lower Main Street, Kaiser Permanente Wailuku, Kahului Ikena Apartments, the Maui News building, the area around Community Clinic of Maui – Malama I Ke Ola Health Center and Saigon Café, Wailuku Fire Station, and the HGEA building; restaurants makai of the Lahaina Cannery Mall and Front Street, the old Chart House in Lahaina, most commercial areas throughout central Lahaina Town that are not in the Residential or Historic Districts (such as Maui Outlets and parcels around Front and Wainee Streets), Lahaina's Mill Street gas station, the Dickenson Street area, and Weinberg Foundation properties; and four parcels at Kamoi Street and Puali Place in Kaunakakai. There are no B-2 parcels on Lanai.

The B-3 central business district permits general business enterprises, particularly financial, governmental, commercial, and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Multi-family dwellings, duplexes, and bungalow courts are permitted. Maximum building height for B-3 is 144 feet.

Examples of B-3 properties include the County building, the State building, and the courthouse in Wailuku. The County building is approximately 140 feet tall and would not conform to the proposed height limit of 45 feet. There are no B-3 parcels on Molokai or Lanai.

Public/quasi-public districts provide for public, nonprofit, or quasi-public uses. Dwelling units are not permitted in this zoning district. Maximum building height for the P-1 District is 40 feet and the P-2 District is 90 feet. At this time, Saint Anthony Church and Elementary/High School in Wailuku, Hale Makua (leasee of county owned property) in Kahului, and Saint Theresa Church in Kihei are zoned P-2. There are no P-2 parcels on Molokai or Lanai.

It is important to note that the P-2 District was specifically created to address public/quasi-public facilities that were certain to exceed the P-1 height limitation of 40 feet, and the Maui County Council unanimously adopted the P-2 District Ordinance 4048 in 2013. As has been relayed to the Council, with the recent adoption of digital zoning maps, the Department will be making recommendations to change zoning from P-1 to P-2 for properties that appropriately align with P-2 standards. The vast majority of these properties, including schools, fire stations, and

police stations, already contain structures that exceed the 40-foot height limit in P-1 and were either built prior to 1958, met earlier definitions of height when constructed, or received variances to attain these heights.

Consistency with Long-Range Plans

The 2010 Countywide Policy Plan provides broad goals, objectives, policies and implementing actions that portray the desired direction of the county's future. It includes the following relevant objectives, policies and implementing actions:

Page 57

- Objective 1. Reduce the affordable housing deficit for residents
- Policy j. Redevelop commercial areas with a mixture of affordable residential and business uses, where appropriate
- Policy k. Ensure residents are given priority to obtain affordable housing units developed in their communities, consistent with all applicable regulations.
- Policy m. Develop neighborhoods with a mixture of accessible and integrated community facilities and services.

Page 58

- Objective 2. Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small-town character.
- Policy d. Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.
- Policy f. Develop workforce housing in proximity to job centers and transit facilities.
- Implementing Action a. Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.
- Objective 3. Increase and maintain the affordable housing inventory.
- Policy b. Prioritize available infrastructure capacity for affordable housing.
- Policy f. Streamline the review process for high-quality, affordable housing developments that implement the goals, objectives, and policies of the General Plan.
- Policy g. Minimize the intrusion of housing on prime, productive, and potentially productive agricultural lands and regionally valuable agricultural lands.

Page 65

- Objective 2. Improve the quality and adequacy of community facilities.
- Policy e. Redesign or retrofit public facilities to adapt to major shifts in environmental or urban conditions to the extent reasonable.

Page 72

- Objective 4. Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.
- Policy a. Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.
- Policy b. Planning for new towns should only be considered if a region's growth is too large to be directed into infill and adjacent growth areas.
- Policy d. Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.
- Implementing Action a. Develop a streamlining system for urban infill projects.
- Implementing Action b. Identify appropriate areas for urban expansion of existing towns where infrastructure and public facilities can be provided in a cost-effective manner.

Page 74

- Objective 1. Improve land use management and implement a directed-growth strategy.
- Policy e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.
- Policy f. Discourage new entitlements for residential, resort, or commercial development along the shoreline.
- Policy h. Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

The Maui Island Plan provides direction for future growth, the economy, and social and environmental decisions on the island through 2030. It is a policy foundation for day-to-day decision making. It includes the following:

Maui Island Plan Chapter 4: Economic Development

Page 4-6

- Policy 4.1.2.d Support the development of economic development clusters in targeted industry sectors.
 - Policy 4.1.3.b Ensure an adequate supply of affordable workforce housing.
 - Policy 4.1.3.c Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.
- Implementing action 4.1.3-Action 1 Develop and implement innovative land use tools, public/private transportation incentives, and flexible business practices to reduce travel costs and job trips.

Page 4-13

- Policy 4.2.2.b Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Maui Island Plan Chapter 5: Housing

Page 5-6

- Policy 5.1.1.a Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.
- Policy 5.1.1.b Promote planning approaches that provide a mix of multifamily and single-family housing units to expand housing choices.
Implementing Action 5.1.1-Action 1 Amend development codes to facilitate different types of housing, including mixed use, mixed housing types, clustering, and conservation subdivisions.

Page 5-7

- Policy 5.1.2.b Utilize the following approaches to promote resident housing and to minimize offshore market impacts:
 - (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc.);
 - (2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents; and
 - (3) Explore taxation alternatives and building fee structures.

Maui Island Plan Chapter 7: Land Use

Page 7-24

- Goal 7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.
- Objective 7.3.1 Facilitate and support a more compact, efficient, human-scale urban development pattern.
- Policy 7.3.1.a Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.
Policy 7.3.1.d Ensure future amendments to urban growth boundaries achieve the following:
 - (1) Provide a beneficial extension of the existing community;
 - (2) Are in areas where it is cost-effective to provide and operate infrastructure/public service facilities; and
 - (3) Do not promote automobile-oriented land use patterns.
- Implementing Action 7.3.1-Action 1, Establish minimum-density requirements and design standards within urban areas to support higher densities, infill development, and efficient land use patterns.

Page 7-25

- Policy 7.3.2.c Facilitate self-sufficient communities and shorten commutes by:
 - (1) Directing residential development to job-rich areas;
 - (2) Allowing for appropriate commercial development and community services to shorten commutes; and

(3) Allowing home occupations or home-based businesses that are compatible with surrounding neighborhoods and lifestyles

- Policy 7.3.2.d Ensure, where appropriate, that affordable employee housing and multi-modal transportation opportunities are located near major employment centers.
- Policy 7.3.2.e Discourage the establishment of bedroom communities where long commutes are required to employment centers.
- Policy 7.3.2.f Facilitate the development of housing by focusing projects in locations where land and infrastructure costs facilitate the development of affordably-priced housing.
- Implementing Action 7.3.2-Action 6. Revise the zoning ordinance to allow for mixed-use development that is appropriate and in character with the existing community.

Molokai has four parcels zoned B-2, in Kaunakakai. The Molokai Island Community Plan identifies strategic planning goals, policies, and actions that guide the decision-making and implementation through 2035. It includes the following:

Chapter 5: Economic Development

Page 69

- Economic development action 5.13: Explore the possibility of providing incentives to landowners to comply with MCC requirements for the purpose of maintaining affordable housing.

Chapter 6: Land Use and Housing

- Page 80, Policy 4. Limit urban zoning to areas designated for urban use on the Molokai Island Community Plan Land Use maps (see Maps 6.2 - 6.4).
- Page 89, Policy 1. Support regulations to maintain an adequate supply of affordable housing.
- Page 90, Policy 4. Encourage development of a range of lot sizes and housing types (e.g. single family, ohana units, duplexes, multi-family, and live-work units) to expand housing choices and price points.
- Page 90, Policy 5. Encourage new housing to be developed in locations conducive to affordability, for example, proximate to jobs, services, infrastructure, and public facilities, and outside of flood hazard areas.
- Page 91, Housing Action 3.2.03 Amend the zoning code to allow a greater variety of housing types to address affordability, including mixed-use, mixed housing types, co-housing, prefabricated homes, and small lots.

Chapter 7: Community Design

- Page 94, Policy 8. Concentrate future growth in and around existing development that maintains County rural standards and is located outside of the flood inundation zone.

Lanai does not have B-2, B-3, or P-2 zoning.

Recommendation and Options

The Department does not support the proposed bill. “Zoning ordinances that limit density are a particular problem, reducing the availability of affordable housing.”² If the proposed height limits are adopted, Maui’s housing shortage will only worsen and the cost of buying or leasing commercial property will increase. Land is the most expensive component of development, so it makes sense to build affordable housing up rather than out. This is true for non-residential uses too, and as stated previously, some of these properties are owned by the County; and the proposed amendments would limit the ability of the County to expand services for the community without having to acquire more land and invest in new construction and infrastructure.

The State of Hawaii Office of Planning and Sustainable Development and Department of Business, Economic Development & Tourism – Hawaii Housing Finance and Development Corporation also have serious concerns about the bill. Their comments are attached.

In terms of mitigating the negative impacts of climate change, taller structures that allow for higher density in selected areas makes sense. “Reducing the distance between activities reduces the length and number of trips made by car, thereby reducing greenhouse gas emissions. Denser development also increases access to and makes more feasible alternative modes of transportation like biking, walking, and public transit, especially when accompanied by safe pedestrian and biking infrastructure. Moreover, focusing on increasing density in strategic areas releases growth pressures from other areas (such as lands classified agricultural), which is important to maintaining open space and other more rural community characteristics.”³

If the ordinance passes, the number of applications for variances would likely increase, creating a burden on County resources, property owners and the community that relies on services provided by such properties.

However, the Planning Department supports the following minor updates to these chapters:

1. For Sections 19.18.050 and 19.20.050, the language regarding appurtenant equipment such as antenna and vent pipes should be revised to limit them to no more than 10 feet

² Reeves, R. V., Halikias, D. (2016, August 16) *How land use regulations are zoning out low-income families*. Brookings. <https://www.brookings.edu/blog/social-mobility-memos/2016/08/16/zoning-as-opportunity-hoarding/>

³ City & County of Honolulu Office of Climate Change, Sustainability and Resiliency, *One Climate One O`ahu Climate Action Plan 2020-2025*. <https://static1.squarespace.com/static/5e3885654a153a6ef84e6c9c/t/6080c33e91bbf23a20b74159/1619051381131/2020-2025+Climate+Action+Plan.pdf>

above the building roof from which it extends. The Department proposes to use language found in other parts of Title 19: "Except that vent pipes, fans, chimneys, antennae, and equipment used for small scale energy or communications systems on roofs shall not exceed 10 feet above the building roof." Also, heights are not defined for accessory structures allowed in the setback; the Department proposes to limit them to eight feet, similar to the limitations of HM Hotel zoning district.

2. For Sections 19.18.050 and 19.20.050, setbacks could be increased for taller buildings in B-2, similar to the Apartment Districts, and for B-3, similar to the Hotel Districts.
 - a. B-2 proposal: Front and rear minimum setback is 15 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet. Side setback is 10 feet for the portion of the building 35 feet or less in height, and 15 feet for the portion of the building taller than 35 feet.
 - b. B-3 proposal: Front and rear minimum setback is half the height of building with a minimum of 15 feet. For side setback:

<u>Building height in feet:</u>	<u>Side setback in feet</u>
Less than 30	15 ft.
30 to 60	20 ft.
90 to 120	25 ft.
120 to 144	30 ft.

3. For Section 19.31.050, the minimum lot widths for P-1 and P-2 should be decreased. For P-1, lot width should be reduced from 100 feet to 75 feet, and for P-2, lot width should be reduced from 200 feet to 100 feet. This would allow the minimum lot width to better align with the minimum lot size. A 200-foot wide lot in P-2, as the code currently requires, could be only 100 feet deep to achieve the minimum lot size of 20,000 square feet, which is not a desirable land use pattern because lots are typically deeper than they are wide. A lot width of 200 feet is more appropriate for agriculture zoning where the minimum lot area is at least 87,120 square feet (two acres).
4. Also for Section 19.31.050, setbacks should be revised to ensure sufficient developable area to build a practical public/quasi-public facility. For P-1, the Department proposes 10 feet for side and rear setbacks, and 15 feet for front setback. For P-2, the Department proposes 15 feet for side and rear setbacks, and 25 feet for front setback. Steeples may exceed the maximum height limit if recommended by the Urban Design Review Board.
5. Existing structures are not affected; they will be considered nonconforming and may be expanded or repaired in accordance with Section 19.500.110 – Nonconformities. To ensure this, the Department proposes to add the following to each affected chapter, "Permits issued prior to the enactment of this ordinance: Dwellings or structures that were constructed with a building permit that was approved prior to the enactment of said ordinance need not acquire a County special use permit, conditional permit or variance and may be reconstructed as permitted by the original building permit(s), and such

dwelling or structures may be expanded or modified with a building permit, subject to the other provisions of this chapter and this title.”

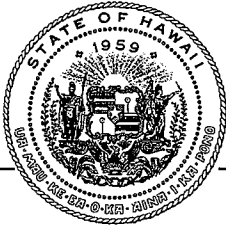
6. Maximum height limits for B-2 and B-3 could be reduced to the proposed heights for the islands of Molokai and Lanai; however, impacts on the community and potential loss of housing opportunities should be carefully considered before making any changes.

A draft bill with the Department’s recommended updates #1 through #5 above is attached for your consideration. The Molokai and Lanai Planning Commissions may choose to incorporate #6 if it is in the best interests of their communities.

With the existing maximum height limits in B-2, B-3 and P-2, it is unlikely that these zoning districts will ever look like Waikiki where building heights are more than double the maximums being discussed here. In addition, the proposal is contrary to the long-term plans for the County. Lastly, reducing the heights in these districts would create many existing structures to become nonconforming, thereby creating an undue hardship and burden to many property owners including the County.

The Commission has the following options:

1. Recommend denial of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill to the Maui County Council.
3. Recommend approval of the proposed bill with amendments to the Maui County Council.
4. Vote to defer action on the proposed bill in order to gather specific additional information.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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DTS 202108100836NA

Coastal Zone
Management
Program

September 3, 2021

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Program

Jacky Takakura, Administrative Planning Officer
Zoning Administration & Enforcement Division
Department of Planning
County of Maui
2200 Main Street, Suite 335
Wailuku, Hawai'i 96793

Dear Ms. Takakura:

Subject: Maui County Council Resolution No. 21-114

The Office of Planning and Sustainable Development (OPSD) received your request for comments on the subject Resolution, which transmits a proposed bill to amend the County Comprehensive Zoning Ordinance to lower the maximum building heights in the B-2 Community Business District, B-3 Central Business District, and P-2 Public/Quasi-Public District.

OPSD has serious concerns about the proposed bill. Lowering building heights in all three districts would be a significant barrier to achieving the densities needed to develop affordable housing units and to achieve more compact and livable communities through transit-oriented development (TOD). The proposed measure would directly impact several sites in the Wailuku-Kahului corridor that are slated for additional density within the current zoning height standards that is needed to provide sufficient floor area for more affordable housing units and to accommodate State facility needs.

OPSD acknowledges community and neighborhood concerns about maintaining community character. The unintended consequence of limiting building heights in Maui's more urbanized areas is development that expands into open space and agricultural areas that are also highly valued by Maui's residents and visitors. Outward low-density growth also negatively impacts the capacity of County and State agencies to service these growth areas.

For these reasons, OPSD opposes the proposed bill and respectfully requests that the County Council hold this measure.

Mahalo,

Mary Alice Evans

Mary Alice Evans
Director

c: Michele McLean, County of Maui Department of Planning

DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

21:DEV/136

RECEIVED

AUG 23 2021

COUNTY OF MAUI
DEPARTMENT OF PLANNING

August 16, 2021

Ms. Jacky Takakura
Administrative Planning Officer
Zoning Administration and Enforcement Division
Maui County Department of Planning
2200 Main Street, Suite 355
Wailuku, Hawaii 96793

Dear Ms. Takakura:

Subject: Comments on Resolution 21-114

The Hawaii Housing Finance and Development Corporation expresses its concern regarding Resolution 21-114. The Resolution proposes to reduce height limits in the B-2 community business district, B-3 central business district, and P-1 and P-2 public/quasi-public districts.

The proposal impacts the Kahului Mixed Use Complex, a collaboration between Maui County, the Department of Accounting and General Services (DAGS), and HHFDC which is situated on tax map key (2) 3-7-004:003 and within the B-2 community business district. The Complex is comprised of a new bus hub, State office and civic uses, and about 300 affordable housing units. Conceptual plans are to develop 4 to 7 story buildings with heights below the current height limit of 90 feet.

The Complex is being designed to incorporate Transit-Oriented Development (TOD) principles which call for building a mix of uses at higher densities. Building at higher densities is one of the principles of TOD because having a larger population near transit facilities supports transit ridership. The larger population also supports ancillary uses, such as retail, restaurant, civic, and office uses to enable residents to "live, work, and play" within a walkable community.

Ms. Jacky Takakura
August 16, 2021
Page 2

The proposed height limit of 45 feet will limit the number of affordable housing units that can be developed as part of the project. This will require that more lands be developed elsewhere to meet Maui's affordable housing needs. On a broader level, the proposal will also reduce the number of housing units that can be built in the Ka'ahumanu Avenue Community Corridor and could jeopardize the County's vision for TOD in the Corridor.

We respectfully request that the existing height limit of 90 feet in the B-2 community business district be retained. Please contact Dean Minakami, Development Branch Chief, at 587-0518 or dean.minakami@hawaii.gov should you have questions.

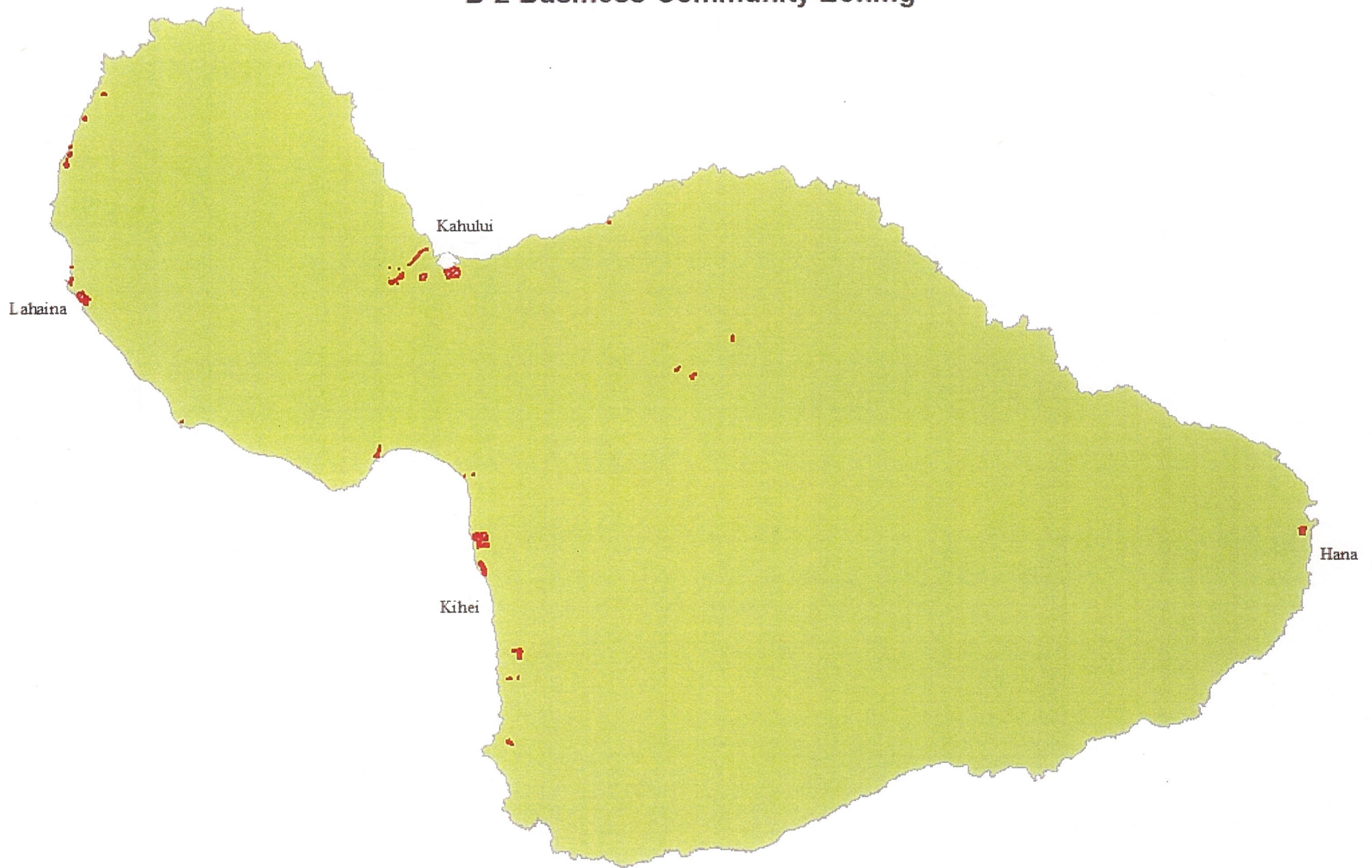
Sincerely,

A handwritten signature in black ink that reads "Francis Paul Keeno". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Francis Paul Keeno
Executive Assistant

Island of Maui

B-2 Business-Community Zoning



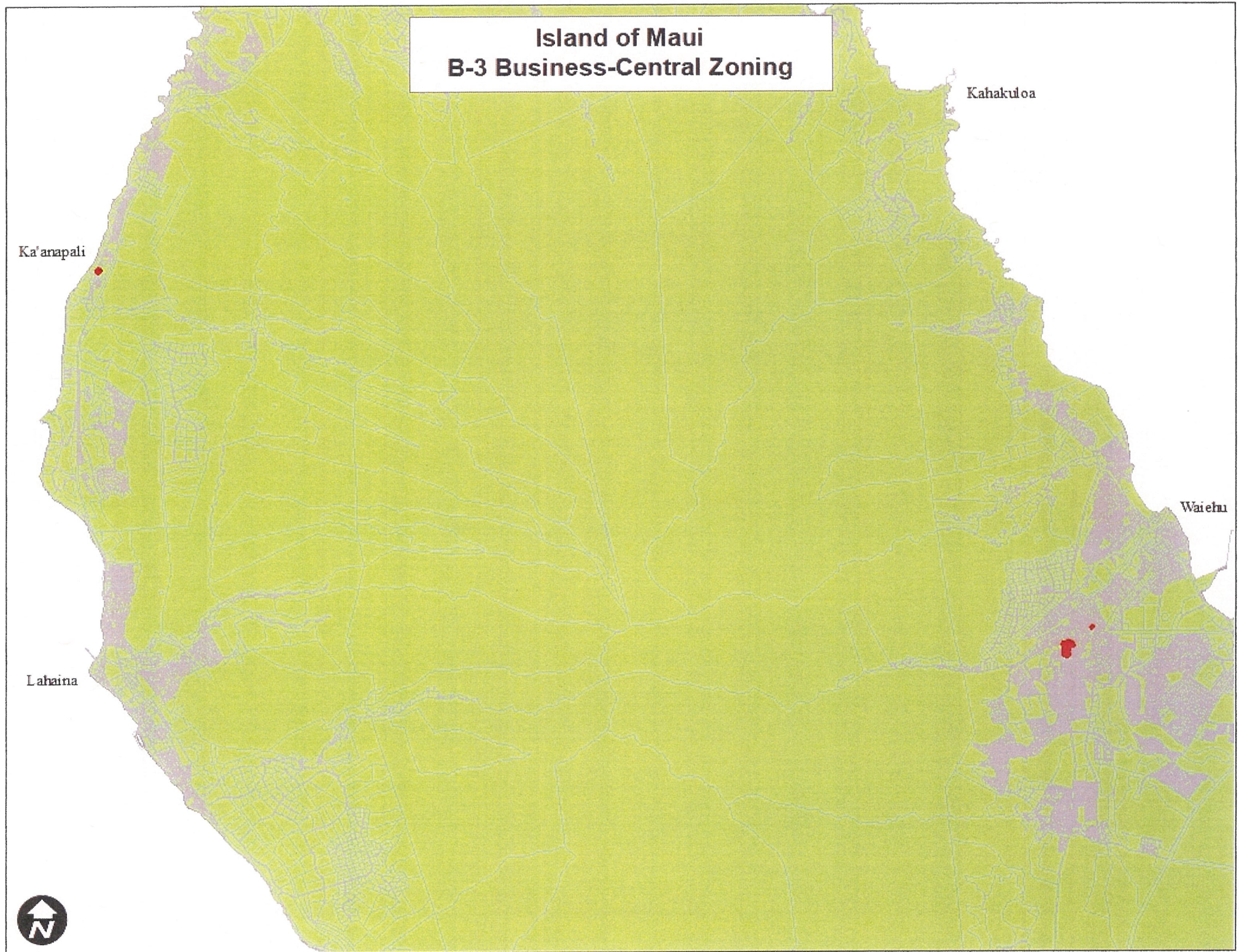
Island of Maui
B-3 Business-Central Zoning

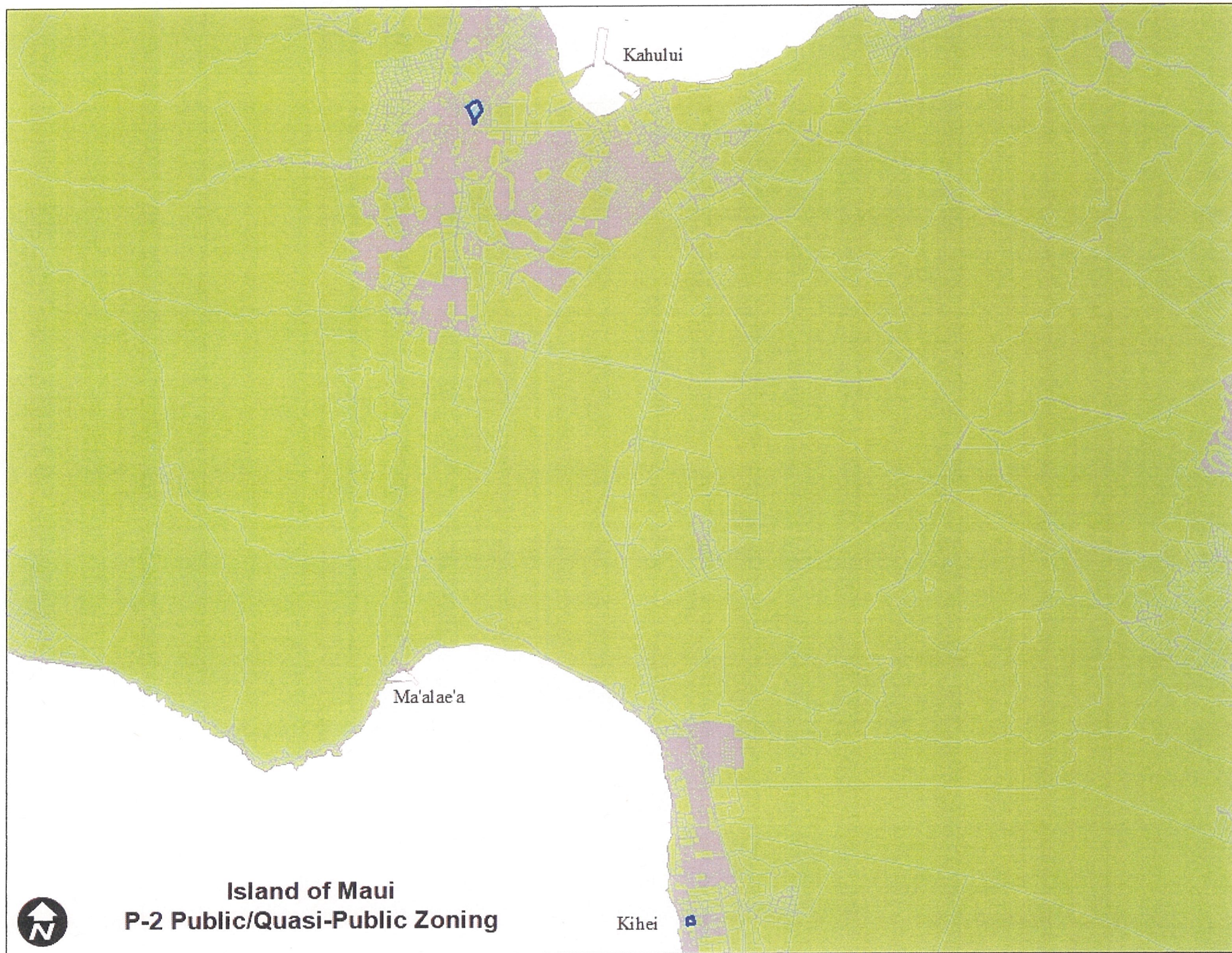
Ka'anapali

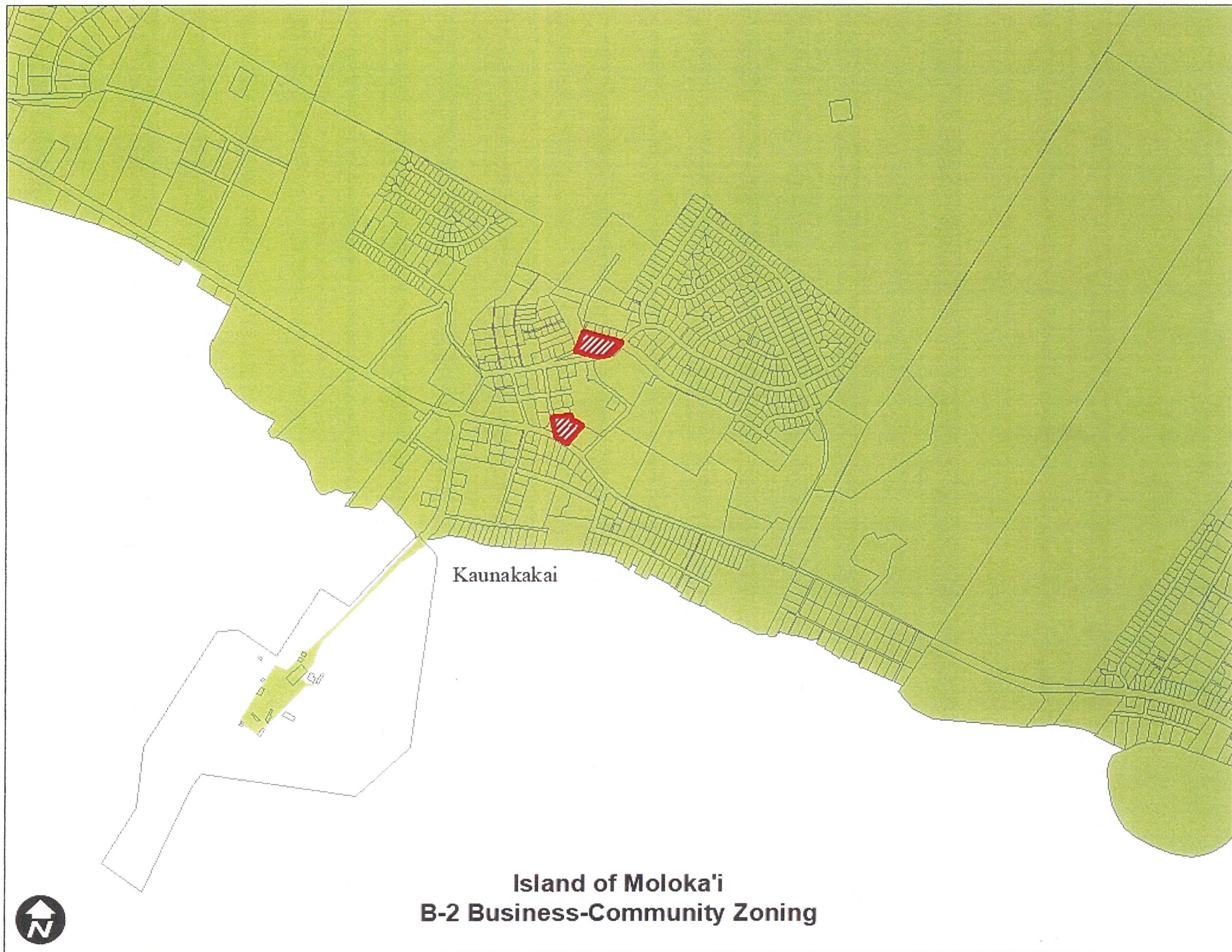
Kahakuloa

Waiehu

Lahaina







Island of Moloka'i
B-2 Business-Community Zoning