

## CARE Committee

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**From:** Rowena Dagdag-Andaya <Rowena.Dagdag-Andaya@co.maui.hi.us>  
**Sent:** Wednesday, February 23, 2022 9:13 AM  
**To:** CARE Committee  
**Cc:** Jordan Molina; Public Works  
**Subject:** CARE-74 re Bill 21 (2022 Seabird and Biodiversity Protection)

Dear Committee Chairperson King and Committee Members,

The Department of Public Works is in receipt of your letter dated February 16, 2022 requesting review and comments from the County of Maui Public Works Commission. The Commission is anticipated to review the proposed bill for an ordinance at their next commission meeting on March 23, 2022.

The Department of Public Works however, wishes to provide the following preliminary comments:

20.35.060 A., B. & C.

Concur with wording change from “shall” to “must”.

20.35.060 D.

1. The term “Wherever possible” is subjective, and will cause conflicts to enforcement. What is “possible” is dependent on the individual being required to comply, and will be difficult for the code official to determine and apply consistently.

If the intent is to prohibit unfiltered LED’s, then delete the phrase “Wherever possible”.

2. LED light wavelength content is not specified by luminaire manufacturers in their product specifications. Plans Reviewers and Inspectors will not be able to determine the percent of short wavelength content of commercially available luminaires/ lamps.

Recommend deletion of this requirement.

20.35.060 E.

E. 1. Non-reflective Wall Surfaces. All wall surfaces have some level of reflectivity. Provide additional clarification on the specific types of wall surfaces to be prohibited. How will this be applied to windows?

Recommend deleting this requirement. Reflective wall surfaces and windows are already addressed in the IECC for building envelope requirements.

E. 3. Mounted as low as physically possible. This phrase is subjective and will cause conflicts to enforcement. If the intent is to limit the mounting heights of outdoor luminaires, then specify the maximum mounting heights of specific luminaires based on type and intended use.

20.35.060 F.

Outdoor motion sensors exposed to the weather have poor reliability performance, and will require frequent replacement. Motion sensors also have a limited field of sensing requiring numerous motion sensors will need to be positioned around the pool.

If the intent is to reduce pool illumination, recommended specifying the maximum number of pool lights and lumens allowed based on pool size. Require pool lights to be on automated timers set to turn off after specific hours.

#### General Comments.

1. MCC 20.35 does not provide a definition of what qualifies as an outdoor light. Recommend providing a clear and enforceable definition of which lights are subject to the requirements in MCC 20.35.
2. The two main types of lighting installations in conflict with MCC 20.35 are Sports Lighting, including the County's Parks and Stadiums and Landscape lighting. How will this ordinance affect lighting at the County parks? Based on previous discussion with constituents, the Department recommends that the Committee also consider exemptions for allowing a limited amount of uplighting for athletic facilities for safety and performance, and limited commercial landscape lighting for uplighting lighting trees, art work, flag poles, etc., as complete shielding prohibitions are not practical for these uses.

In addition to these comments, the Department recommends additional time for constituents to provide comment on the proposed ordinance. Should you have any questions, please do not hesitate to contact my office via email at [public.works@co.maui.hi.us](mailto:public.works@co.maui.hi.us) or by phone at ext. 7845.

Sincerely,  
Rowena M. Dagdag-Andaya

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