RECEIVED OCS
'25 SEP 18 AM11:35

September 18, 2025

MEMO TO: DRIP-16 File

F R O M: Tamara Paltin, Chair
Disaster Recovery, International Affairs, and Planning Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO BILL 131 (2025), CHANGE IN ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1448 FRONT STREET, LAHAINA, HAWAI'I** (DRIP-16)

The attached informational document pertains to Item 16 on the Committee's agenda.

drip:ltr:016afile01:jpp

Attachment

Maui Planning Commission
July 8, 2025, Meeting Minutes
on Item (A)(1)

Ms. Blystone: Say that one more time. All right, I think that was just an (inaudible). And so, we do not have any of those departments available for you at this time. So (inaudible).

Ms. Thayer: OK. Thank you. So, on our agenda today, we have four public hearing items starting with the change in zoning and subdivision process. Adding conditional permits this process. And then two bills for ordinances. So, let's start with Item A1 can you read it into the record please?

A. PUBLIC HEARINGS

1. CHANGE IN ZONING COUNCIL RESO 23-192

KATE L.K. BLYSTONE, PLANNING DIRECTOR, transmitting Council Resolution No. 23-192, referring to the Maui Planning Commission a proposed Bill relating to a Conditional Change in Zoning from R-1 Residential to B-2 Business Community District for real property of approximately 14,467 square feet located in Lāhainā, Maui Hawai'i, Tax Map Key (2) 4-5-013:012. (ZPA2023-00003) (W. Leauanae) ***(Item was scheduled on the 04/22/25 MPC agenda. Commissioners, please refer to materials provided in the 04/22/25 MPC meeting packet.)***

(Report) **(Exhibits 1-11)** **(Application)**

(Presentation) **(Documents Received After Posting)**

(Submit Testimony) **(View Testimony Received)**

Ms. Blystone: Certainly, item A1 is a change in zoning for Council, Council Resolution 23-192, Kate Blystone Planning Director, transmitting Council Resolution #23-192, referring to the Maui Planning Commission. The proposed bill relating to the conditional use and zoning from R-1 residential to B-2 business community district for real property of approximately 14,467 square feet located in Lāhainā, Maui. Tax map key (2)4-5-013:012, this is ZPA 2023-00003, and your planner is Wilton. Wilton.

Ms. Thayer: OK. I guess it's just for everybody's benefit. The process will be we'll hear the presentation and then we'll have testimony and then we'll have questions.

Mr. Leauanae: Hello Chair and commission members. It's good to be here with you today, as Director Blystone mentioned the details of this item. I just want to add that this Council initiated change in zoning is intended to correct long standing inconsistencies between the properties R-1 zoning and its actual use, which is a parking lot, and the designation of the West Maui Community plan is neighborhood center. And the state planning district is (inaudible). So, the property's been used as parking lot for decades and for adjacent restaurants for Chart House and for the restaurant.

Previously, it was operated as a parking lot under a conditional permit. And so that expired. Now restaurant structure on adjacent property was destroyed in the August 8, 2023 (inaudible) fire, Lāhainā fire. But did not substantially affect the (inaudible) the property, the parking lot remains intact. The current owner does not propose new development, and the property will continue serving as parking for the rebuild (inaudible). With the Chair's permission, the owner lets the cast be more, and the owner has a brief presentation to share.

(Inaudible)

Ms. Thayer: Commissioner Kealoha.

Ms. Kealoha: I think you said, Commissioner Kealoha, but it's really kind of hard for me to understand, like it's a little. The sound is muffled. I don't know if it's me or if the other Commissioners are having problems as well, yeah.

Ms. Blystone: (Inaudible) into the mic. Try.

Mr. Leauanae: OK, start over?

Ms. Blystone: Let's check.

Ms. Thayer: No. Did you hear any of your introduction, Commissioner Kealoha, or should we do that again?

Ms. Kealoha: I mean, I'm pulling words out here and there, but it's.

Ms. Thayer: Can you hear us? Like director and I?

Ms. Kealoha: Pretty good.

Mr. Leauanae: (Inaudible) to that mic?

Ms. Blystone: Yeah, I think you just might have to eat the mic, get real close.

Mr. Leauanae: Check 1-2.

Ms. Thayer: That better.

Ms. Kealoha: I think so. I will know once you start talking a little bit more.

Ms. Ramoran-Quemado: Chair. Chair (inaudible), can you hear this one?
Ms. Kealoha: Yes.

Ms. Ramoran-Quemado: I'm on the…

Mr. Quemado: Portable mic…

Ms. Ramoran-Quemado: …portable mic.

Ms. Kealoha: OK.

Ms. Ramoran-Quemado: This is better. Not really.

Ms. Kealoha: I think. I think, I think it is.

Ms. Thayer: OK, one moment.

Mr. Quemado: Might be the portable mic.

(Inaudible)

Ms. Blystone: Use your outside voice.

Ms. Kealoha: It's not the, it's not the. Loudness of his voice. It's the, like system. There's something. I mean, even you guys are a little. We really have to pay attention to understand what you're saying.

(Inaudible)

Ms. Thayer: Thank you for. Staff is looking into it.

Ms. Kealoha: Thank you.

Ms. Blystone: Let's see if we can get that back person?

Ms. Thayer: Sure.

Ms. Quemado: Try now.

Mr. Leauanae: Testing 1-2-3. Mic check.

Ms. Kealoha: That sounds really clear.

Ms. Thayer: OK, OK. Can you start over with your introduction? What?

Ms. Blystone: Why don't you try the mic again and just see? Because if it's not the mic.

Mr. Leauanae: Testing 1-2-3.

Ms. Kealoha: That's lovely. Thank you.

Mr. Leauanae: OK. OK. My name is Wilton Leauanae, and I am presenting on behalf of the Planning Department. As mentioned by Director Blystone, this item is before the Planning Commission pursuant to Council Resolution 23-192, she provided the description of the property, which is approximately 14 hundred square feet in size. The Council initiated this change in zoning to correct a long-standing inconsistency between the properties R1 zoning, which is the current zoning, and its actual use a parking lot. And designation under the West Maui Community Plan is which is neighborhood center and the State land use district which is urban. The property has been used as a parking lot for decades on adjacent for an adjacent restaurant formerly known as the Chart House.

Previously, this operated as a parking for a restaurant under a conditional permit, which has since expired. So, the restaurant structure on the adjacent parcel was destroyed in the August 8, 2023 Lāhainā fire, but did not substantially affect the subject parcel. The parking lot remains intact. The current owner does not propose new development, and the property will continue serving as parking for the rebuilt restaurant. With the Chair's permission, the owner has a brief presentation to share. And will be available to answer questions after that.

Ms. Thayer: Yes, please go ahead.

Mr. Leauanae: Alexa, were you able to share? If she's not able to be on, she did mention to me this morning that you know, the Council Commission members are familiar with this area, and it is included in the agenda under the presentation. This is basically pictures of the property and adjacent, adjacent restaurant. And so, if you pull up, if you if you're able to review that, that's basically what she was going to refer to.

Ms. Thayer: OK. So, no presentation after all. Or we would.
Mr. Leauanae: Yeah, I'm not sure how much time you would allow for her to try to get on. Or I could try calling her or…

Ms. Thayer: OK. Maybe try send her. Oh, is this…you're on mute. Maybe we can see you. We can't hear you. We can't hear you yet. Staff is checking.

Mr. Leauanae: She's referring to can't…unmute herself.

Ms. Thayer: Thank you everybody for bearing with us first day on a new system.

(Inaudible)

Ms. Ramoran-Quemado: I think you should be trying, if you're looking at your computer. To the left. Of or the mic the mic. There's a drop button or an arrow. If you click that try and unclick the microphone. And then it has like the levels.

Ms. Caskey: Can you hear me now?

Ms. Thayer: Yes, yes.

Ms. Caskey: Oh OK, perfect. Yeah, it was not giving me the option earlier. And then to share my screen, I'm trying to click the share thing and it's. Oh, there we go. Always ask. OK. How? Sorry about this. I'm yeah, I'm clicking like share screen and then it's not doing anything. I, I don't know if there's like permissions that are not given to me.

Ms. Ramoran-Quemado: Your set up as a presenter, so you should have the access to it.

Ms. Caskey: OK. I just clicked share, share content. Umm.

Mr. Leauanae: Alexa, Chair, I did.

Ms. Caskey: Yeah.

Mr. Leauanae: I did mention to the Commission that the presentation is in the agenda and its basically pictures of the property, so if you want to just talk about the property, just provide information, yeah.

Ms. Caskey: Yeah. Oh, OK. Yeah, sure. If anybody. I mean, you guys are, I'm sure, pretty familiar with that property. It was the old Chart House building and then the adjacent parking lot. Most people had no idea that they were not the same parcel. There had been conditional use permits for the parking lot, allowing it to like fulfill the parking requirements of the building. I want to say for like thirty or forty years which it, lapsed in 2014 or something? Rendering like both of the parcels useless, so that's why it really hadn't been anything since except for used for a church, short for a short time. Oh, there we go. Perfect. You guys are seeing that, yeah.

Ms. Thayer: Yes.

Ms. Caskey: OK, cool. Yeah. So, that's obviously like a photo prior. And then the next item or the next photo down is post fire, but pre clean up. So, they're not really separated by anything. And yeah, all we're wanting to do is get the parking lot rezoned such that, you know, they're usable. And our intention is just to rebuild a restaurant with a similar footprint in a similar location to the old Chart House building. And yeah. Anyway, just need the parking lot to be zoned commercial to fulfill the parking requirements. And that's what that's a post fire photo. So, that's what it looks like right now, except for we just put a shipping container on it. To hold materials when we need and then, yeah, so that's like the line between them, which is basically nothing. It was just kind of a gutter or like a drain. But you can drive over it easily. And that's what it currently looks like. The old Chart House lot. And yeah, like a panoramic between the two. So, I don't know if anybody has any questions or anything, but it's pretty straightforward.

Ms. Thayer: OK. Thank you.

Ms. Caskey: Sure.

Ms. Thayer: Anything else on the planner?

Mr. Leauanae: No. Thank you Chair.

Ms. Thayer: Ok, Ok. So, we will open up for public testimony and then go to Commissioner questions. Anybody signed up to testify?

Ms. Ramoran-Quemado: Thank you, chair. There's no one signed up online or in person.

Ms. Thayer: Ok. Then this will be last call for public testimony on this item A1. Anybody online wishing to testify? You can write to staff in the chat or unmute yourself.

Are people able to do that? Anyway, closing public testimony otherwise. In 3-2-1. All right, Commissioners, questions or? Oh yes. Are you able to stop sharing your screen?

Ms. Ramoran-Quemado: Oh, that's us.

Ms. Thayer: Oh, that's us. Oh, that's us.

Ms. Caskey: Yeah.

Ms. Ramoran-Quemado: Cannot see the…

Ms. Blystone: Yeah. Seeing as a shared screen, that's not good. We can stop sharing our screen. That would help.

Ms. Thayer: On our screen that appears to be a County screen. All our other items will go much smoother than this one.

Ms. Blystone: So much right now,

Ms. Thayer: Yes.

Ms. Blystone: Doesn't matter.

Mr. Alison: And clicking on the, the tab in…

Ms. Blystone: That you?

Mr. Alison: It won't let me stop.

Ms. Thayer: In the meantime, Commissioners, you have lots of time to formulate your questions. Then I think we have to close the meeting.

Ms. Blystone: OK.

Ms. Thayer: We're in business. Wizardry. All right, Commissioners, what questions do you have? For the Planner, Applicant or Department? Commissioner Deakos, go ahead.

Mr. Deakos: Thank you, Chair. Question for the Applicant, so you, you have no plans to put any buildings on this property in the future.

Ms. Caskey: On 1448, what was the parking lot? Is that what you're asking?

Mr. Deakos: Yes.

Ms. Caskey: No, I mean, and it if we were to if anybody were to do that, it would render like 1450 useless because the parking requirement for what was previously Chart House is basically the entire parking lot of 1448 depending on the use, if it were to be a restaurant. You don't have any additional parking really to play with. So no, not us nor anybody would be able to do that. That unless they were to substantially change the use of the building like there was a church running there before, you know, you maybe do something like that or like a retail space, but not, not a restaurant, no.

Mr. Deakos: And to, to just get a special use permit renewed for parking. I don't know how long those permits are good for, but. Is that…

Ms. Caskey: It was, it was 15 years, or the previous ones that were granted I had before the fire when we got the property contacted, Tamar Paltin and she helped me initiate this and this was just the route that she suggested going, thinking that it would be the best one so that why we did this as opposed to applying for another conditional use permit although whichever one is kind of fine with me, whichever we could get quicker, but it seems like since we've gone down this route this. Is the best thing to do now.

Mr. Deakos: Ok. Just one other question for Planning.

Ms. Thayer: Go ahead.

Mr. Deakos: So, I saw the recommendation to approve but don't condition it, just the parking. So, that raised some flags for me. Obviously, this is half of this property is in this SLR-XA the other, the actual parcel is completely in the in the you know, behind the in front of the erosion hazard line. So, I, I assume you don't want to see any new buildings in this area, but just curious. Why you would recommend this route and not conditioning it just to keep it parking.

Ms. Thayer: Sure, Director?

Ms. Blystone: Thank you. That's a great question. You're going to see this more and more coming from the Planning department. Conditions of zoning actually make it really hard to implement things going forward. So, every time a new project comes forward, it's much more simple, simple and straightforward to just look at the zoning code and apply that

zoning code instead of having years and years of conditions of zoning and digging back through ordinances to find those conditions of zoning. So, for something pretty straightforward, there are other rules that are going to govern. How this property develops, but when it comes to zoning, we believe that adding these adding conditions of zoning just makes it much more complicated. So, I I think you can expect as long as I'm in this seat that you will get this recommendation again and again to just let the zoning be the zoning.

Mr. Deakos: OK. And, and the route of just doing another conditional permit for another 15 years? I'm not sure what that route involves, but.

Ms. Thayer: Director.

Ms. Blystone: So yeah, I I so the the issue in front of you right now is this change in zoning because this was as the Applicant said. The the route that she and the Council member discussed the conditional process would take much more time. This is a much more straightforward, especially for something that's just simple. I mean, those two parcels were kind of meant to. Meant to be together. So, I mean, you could certainly. Recommend denying this change in zoning and asking them to go through the conditional zoning process, but that does seem like it's a lot of of extra work for something that's pretty straightforward from from the Planning Department's perspective. And we can only really handle what's in front of us and this was what was given to us, was the change in zoning.

Ms. Caskey: May I also add something to that question.

Ms. Thayer: Yes, go ahead.

Ms. Caskey: I mean, obviously the fire happened. Which pushed everything back. But we're about two years into this process now and it had also. Been I want to say like nine years prior to this and prior to us initiating this that the conditional use permit had lapsed. So, like those together is already like eleven-ish years into like a fifteen-year conditional use permit, which I know not saying that like in the future it would take eleven years to like get it, but. But we are kind of like eleven years into like what would be maybe a fifteen-year solution, which just doesn't seem. You know, like the best route to and kind of a waste of everybody's time. You guys having to go over this again and again? Even decades later.

Mr. Deakos: Ok. I'll defer, Chair to others questions.

Ms. Thayer: Ok. Thank you, Commissioner Kealoha.

Ms. Kealoha: This question is, I guess, kind of a follow up for the Department. So. If. We didn't condition. The use to surface parking or low impact commercial. Then any. Development on that property would still have to come through the SMA process?

Mr. Leauanae: Yes, this is Wilton. Yes, that's correct. Anything that any development that's gonna occur on that parcel will require SMA assessment and go through the whole process.

Ms. Kealoha: Oh, Ok and yeah. So, I guess that process is pretty time-consuming for everybody. So, wouldn't it actually be easier to just condition it for the parking and then we don't have like, wouldn't that be an easier process than going through the whole SMA permitting process? Like if we did, if we wanted to keep it as parking, do you know what I mean?

Mr. Leauanae: Yeah, changes of zoning. Kind of. We're, we're trying to look at eyes that are fifty years down the road when they look back at this. And we just wanted to limit the zoning basically to what's what's listed and permitted, what's permitted use for that property. So, it's not only looking at right now because in the future maybe something will change. Where? Wait, this is. Where may not be a parking lot. It may be something else that's a permitted use within that zoning, and so we're looking at it from the long, long-term perspective and that's what conditional permits allow for. Like if it's a short term, say we're going to do this parking for ten years or fifteen years. But zoning is actually in place. Forever. Basically, until until something changes. So, we don't what it's going to look like twenty years down the road. What they want to do is especially trying to line up with the Maui West Maui Community Plan as well as the urban, urban State land use. So, I don't know if that answers your question, but it's not only just for this limited purpose, it's also to kind of see in the future as well to leave it. Leave the zoning as is. And what's permitted on that property, that parcel.

Ms. Kealoha: OK.

Ms. Thayer: Director.

Ms. Blystone: I would. I would just add to it that even if we added this condition, we would still have to go through the SMA process. So, it doesn't. It doesn't save us time to add a condition to the zoning. Does that make sense?

Ms. Kealoha: Well, you they wouldn't come through an SMA because they can only you

like use the space for parking, right? So why would they have to come, I guess. Can you explain that one more time for me?

Ms. Blystone: So, for uses that are allowed under as a without a permit under SMA. Danny, do you have some of the do you have happen to have those in your? Is parking one of them? Yes.

Ms. Kealoha: Ok.

Ms. Blystone: No, it's all right. That one may not work, Wilton.

Mr. Leauanae: Yeah. So, the uses for B2.

Ms. Blystone: Yep.

Mr. Leauanae: The parking is allowed.

Ms. Blystone: Right? And then under SMA. So, if there was, if they came in for a parking, if they just wanted to do parking right, they wouldn't. If they wanted to do anything other than parking, they would or any of the uses that are allowed under SMA. Sorry I'm not. I'm I'm not explaining myself very well, so Mercury retrograde. Then, then they would they. Yeah. So, anything beyond that, I don't think we're going to be saving any time is the point by just conditioning it to to parking. Does that make sense? Because if they're coming in for anything beyond that or anything beyond the the those uses that are allowed, they still have to go through that process. Am I saying that right, Danny? Go ahead.

Mr. Dias: Yeah, I I guess what I would add is, so previously they had a conditional permit. The process for a conditional permit is the same as a process for a change in zoning. The problem with conditional permits, though, is that it is temporary. So. You're gonna have to see this again and again if you know if they were to just. Keep it as a parking lot for another fifty years, let's say. So, changing zone zoning is is more permanent. And like Wilton said, this isn't the SMA. So, anything that they do will also need an SMA permit so. With the change in zoning. They still have, you know, permitting procedures in front of them, but if you did a conditional permit then it's like then you got to do conditional permit, which comes to the Commission, then equals the Council and then, you know, it's a, a big burden on Applicants, especially if they know that this is like something that they permanently want to do.

Ms. Thayer: Commissioner Kealoha, does that answer your question?

Ms. Kealoha: I think so, but I'm I guess I'm not talking about a condition. I mean doing the change in zoning and then putting a condition on that is not called a conditional permit, right? I just.

Ms. Thayer: Yeah, they're two separate things.

Ms. Kealoha: Ok. Yeah.

Ms. Thayer: So conditional permit kind of enables you to do some other kind of use that's not explicitly listed as a permitted or a special accessory. Use. It's for like some something else, which is why it was done this way over years because it's zoned residential and so you know you can't have a business parking lot in residential. So, they're kind of doing like a Band-Aid for. Decades and now it's to make it. A permanent something.

Ms. Kealoha: Yeah.

Ms. Thayer: Mm-hmm.

Ms. Kealoha: Yep. Ok. Thank you.

Ms. Thayer: Commissioner Deakos, I saw you raise your hand, but before we come back to you, I want to check with everybody else. Vice-Chair.

Ms. Lindsey: Ok, just to be absolutely clear, if this either of these parcels, the original Chart House location and the parking lot would will be coming in front of the Commission for an, I mean potentially for an SMA or is that going to be probably just through the director?

Ms. Blystone: That depends.

Ms. Thayer: Director.

Ms. Blystone: It depends on if they come in for something. So, there are some that are minor minors and you wouldn't. You'd see those on your agenda under that item of minors. So, that would be under us, but anything that would be the rise to level of a major would come to you.

Ms. Ashley: Ok. Yeah, and for for this use the restaurant that was originally Chart House, if it were to become a restaurant again will come before us?

Ms. Blystone: On the adjacent parcel. Right?

Ms. Ashley: Yes.

Ms. Blystone: Yes. Yeah, it's in the SMA, if I'm not mistaken.

Ms. Ashley: Ok, I. I wasn't sure if…

Ms. Blystone: There may actually be a shoreline as well…

Ms. Ashley: …because of the fire, you know.

Ms. Blystone: So, crap. Ok. Yeah, I got to think of this through. Yes.

Ms. Ashley: Are you thinking or you just…

Ms. Blystone: So, it would, I'm thinking so it would. It would not come before you. Nope. I think in almost all cases it would have to come before you let me think about that. And I I can turn back. But this is not I mean so this this particular parcel is not in front of you at the moment.

Ms. Ashley: I understand.

Ms. Blystone: Sorry I but I got it. Let me think it through. I'm I'm not great on my feet at first thing in the morning, so let me just think it through.

Mr. Dias: Director, can I jump in?

Ms. Blystone: Unless you want to.

Ms. Thayer: (Inaudible) Dias.

Mr. Dias: So, so, under normal circumstances, yes. You know, major permit above like it's a $750,000 now, would come before you. But there's a little asterisk, and that is, you know, with the recovery efforts, you know we've seen some, you know, govern the Governor's EP and so forth that exempted certain areas. So, we can't promise you that guaranteed this will come back because we don't know. We don't. We can't predict what he might include in EP in the future.

Ms. Ashley: Ok.

Ms. Blystone: Yeah, and sorry, Chair.

Ms. Thayer: I just had a follow up question, but you can answer this one.
Ms. Blystone: I don't want to. I'm trying to remember what I need to pull up the EP, so let me give me one second. Go ahead and follow up with your question.

Ms. Thayer: So, my question is, being that this the intent for the use of this parcel is to provide parking for whatever is on the adjacent parcel? There is some kind of approval that enables that, right? If you're not having parking on your own lot and you're having to use a separate lot for it, there's something to formalize that. Right?

Mr. Dias: Like a offsite parking approval?

Ms. Thayer: Yes, off-site parking approval, but that's administratively approved by the department.

Mr. Dias: That's (inaudible) zoning department. That regulate parking, correct.

Ms. Lindsey: No more questions, Chair.

Ms. Thayer: OK. So, while the director's looking this up, I will, unless anybody else has questions. I'll circle back to Commissioner Deakos. OK, seeing none, Commissioner Deakos, go ahead.

Mr. Deakos: Yeah. So, the, you know, we mentioned looking into the future, I so the concern I would have. Obviously, Department has a nightmare situation with dealing with all these coastal properties, whether they're there now or they're going to be. So, this should be a slam dunk. They've been using it as a parking lot, no problem, but we're now opening the door for this parcel to be a commercial park property, right? So that's gonna. I'm not saying the Applicant has any intention of doing this, but now this becomes a valuable parcel, right? Maybe it'll be underwater. Maybe it'll fall in the ocean in twenty years, but I, you know, Bubba Gump's right there for twenty years going to generate a lot of revenue. So, I'm willing to take that risk, and once it falls in the ocean at somebody else's problem, that's the concern I have is now we're just, yeah, we just want to use it as a parking lot. But you're opening up the door. For I don't know the B-2. I should probably ask that first. But I assume somebody could put another restaurant there. Things get tough for the Applicant. They get a good offer. These people could build something major, and

we see what happens. Over time, with shoreline properties. So. So I'm not sure this would facilitate MA facilitate some timing in the short term, but I think it's.

Ms. Ramoran-Quemado: Yes, they're on.

Ms. Caskey: Can I respond to that?

Ms. Thayer: Yes, go ahead.

Ms. Caskey: The size of those two lots together, you know, you you just can't. The math doesn't work out. You're not able. You need that entire lot to be a parking lot to service the adjacent lot. It's just not. If you put another restaurant in there, you'd be back in the same position that you're in right now, where you can't do anything because there's not enough parking or not that you're now because there's no building, but prior to, you know, August 2023. You'd be in the same position that you're in now. So, it just doesn't allow for it. So, I don't.

Mr. Deakos: But you could build above. I mean, you could have your parking below and have it, you know there there are ways.

Ms. Caskey: Yeah, I mean, I yeah, I guess.

Mr. Deakos: Again, this is not not to you guys. Not, you know, you guys. Nothing to do with you. It's that parcel in the wrong hands is just gonna set up another. Think a nightmare situation.

Ms. Caskey: Well, the parcel is in a trust that it cannot be sold out of. So, both of them are. I don't know if that eases your concerns at all, but they're gonna be in in our hands to. Moku Roots was my restaurant in Lāhainā prior, so that was we were planning to move there at the end of our lease, which would've been in December 2023. So, it's going to reopen as that and like expanding our wholesale business in that building as well. We make like tarot burgers and stuff for a bunch of other restaurants.

Ms. Thayer: Ok, one second. Before we go back to Commissioner Kealoha, Director has an answer for us.

Ms. Blystone: Yeah, mahalo for the time to dig back into it. I usually think about this in context of single-family. And so, I haven't been thinking about it in context of a commercial property recently. And so, we have to go to the emergency proclamation, the 16th Emergency Proclamation for wildfires. I think we're about to head into another emergency

proclamation for wildfires as well, but in that emergency proclamation. There's an rules relating to reconstruction in areas in the Lāhainā Wildfire disaster area and that does suspend SMA if the building is rebuilt for in a like for like configuration. So, if it's it's very close, substantially equal in scale or structure density and intensity of use and is consistent with coastal zone management objectives, the State of the State of Hawaii and Maui Community, West Maui Community Plan. So, it the project would come to us to make that determination first, but there's also a caveat that it can also be kicked over into an SMA major. So, if it's enough outside of the the scope of that. So, we're talking about the the structure that was there before, if it's outside of that scope, then the Planning Department has the ability to say I is the Director, have the ability to say that it can be an SMA major. So, that's the answer to your question. I apologize for the delay in getting that information to you.

Ms. Thayer: So, circling back to Commissioner Deakos and to Kealoha. So, Commissioner Deakos, does that answer your question?

Mr. Deakos: I mean. I don't maybe answers the question. The concern is we're all fine with the parking lot. We don't want to see a big commercial building there and it sounds like the decision today will open up the door for the other and I don't that that seems like bad plan but.

Ms. Thayer: OK, sorry, I'm gonna have to cut you off right there cause this is meant to be clarifying questions at this point still.

Mr. Deakos: Right. So, I guess the question would be that this they can somebody could apply for a commercial building under the B-2 they could apply say you know what we don't want, or we want to build a two-story restaurant above. So, we have our parking spots.

Ms. Thayer: That would. That would come back for a SMA major.

Ms. Blystone: Correct.

Ms. Thayer: For sure.

Mr. Deakos: Right.

Ms. Thayer: Yes.

Mr. Deakos: But under the current zoning that couldn't have. They'd have to get it rezone

It have to come back. Get it rezoned. Now we're providing the zoning the first step, and then come back for the SMA major. So, we'll get potentially doing the first part of somebody trying to get a commercial. This has not, this is not the Applicant is trying to do, they just want parking, but by us rezoning it commercial B-2. Where they're saying this Applicant or whoever, becomes a new owner can move forward with a commercial plan on that parcel. Is that?

Ms. Thayer: I think hypothetically that is possible. But again, it would still have to come for highly scrutinizing review through the SMA major process. And I think even depending on what they have to do for the parking lot and if they do any solar, that might even have to come back for SMA major in itself. As well.

Mr. Deakos: I guess to clarify it, so today they could be coming back and saying we wanna put a Bubba Gump's on this property. We'd like to get it rezoned B-2. It would be no different than what is being asked today. We would. We would be granting the same decision.

Ms. Thayer: For the its two steps. So, they would have to come back for the zoning first and then once that process runs its course and provided, they would get approval for that, they would have to come back through the SMA major process all over. And then you know, like you're very accustomed to doing, we would have that whole review.

Mr. Deakos: Right, but this is the free zoning part right now. Today is the rezoning part. Whether it's a parking lot or a restaurant or a boutique or whatever, this is the request to convert residential to commercial use.

Ms. Thayer: Correct.

Mr. Deakos: Then they would come back for the SMA.

Ms. Thayer: Correct.

Mr. Deakos: So, whether they're coming us for a parking lot or for whatever they plan on doing, it sounds like it's a parking lot. Love Moku Roots, but it doesn't matter. They could decide. You know what, we can do a restaurant, we could do something else. We're granting that that permitted use for all of the above. That's the question.

Ms. Thayer: Yes, whatever is allowed in B-2 zoning, they would be permitted to do, but for whatever that case may be, they would have to still come back for SMA major.

Mr. Deakos: Correct.

Ms. Thayer: Most likely yes.

Mr. Deakos: Correct. Whereas if it was conditional to. If it was, if it was a special use for parking, because that's all we want is parking, they have to come back and say, you know what we decided we want to do a restaurant. So, we want the rezoning to be two and then they would have to come back again for SMA. So, today we can ignore the parking lot. We're basically deciding whether this parcel should be a commercial parcel. For whatever decides to go on it. That's what we're granting the permission for.

Ms. Thayer: It's. Yes, the permission today would be for B2 zoning.

Mr. Deakos: Yes.

Ms. Thayer: So, I'm gonna move on to, I think, Commissioner Kealoha and then Vice-chair Lindsey. Not anymore. Ok. Commissioner Kealoha.

Ms. Kealoha: Thank you, Chair. My question is for the Applicant. I guess. Yeah, like if the property is in a trust and the intention is for a restaurant and that space is for parking. Do you? Are you opposed a condition that limits the use of that space to parking?

Ms. Caskey: I'm not opposed to it, but is that gonna take, like more time?

Ms. Kealoha: Nope.

Ms. Caskey: Ok. And then also I wanted to kind of address. Mark's concern about the like, I understand what you're saying, where if and it would have to be in both parcels like 1450 would have to have like an above like a two-story with the parking underneath restaurant in order for 1448 to even be able to consider doing that, because if they if the building that we build, which is what we're going to build, where Chart House was. Is not going to be like raised up with parking below. So, if so, say we build our building, which we're going to and it's gonna be on the ground like it was. It'll be two stories with like a kind of like, a farm store, little mini grocery store on the bottom and then the restaurant on the top as it was before. And then, so we are going to have to have the park, all of the parking from 1448 to satisfy our parking requirements. So, if in the future in this hypothetical future, if it were to like, come out of the trust and be sold and the purchaser wanted to build a restaurant at 1448, which is currently the parking lot, they would have

to like, demolish the building at 1450 and then raise that up to satisfy its own parking requirements, and then they, I guess both of them would have to, like, have their own parking on the lots. So. It I'm just saying like it would be, it would have to come back, I think for a lot because they would have to, like, completely get rid of that building probably. In order to like, you know, build something new that's raised up with parking below it. If that makes sense. Does that make sense?

Ms. Thayer: Ok. Thank you, Commissioner Kealoha does answer your question?

Ms. Kealoha: Yeah, my question was answered. Thank you.

Ms. Thayer: Ok, other Commissioner questions for the Applicant, Department or Planner. OK, let us move along then. Do we have? A Recommendation from staff. Or the Department.

Mr. Leauanae: Sorry, Chair. So, as mentioned in the staff report. The the department recommends that the Planning Maui Planning Commission recommend approval of to the Council for the change in zoning, with no conditions for the subject property.

Ms. Thayer: Thank you. And so, Commissioners, I do want to point out that the West Maui Community plan, which was just updated recently, I think it's the most recently updated Community plan that we have, designates this property as a neighborhood center, which is intended to include services that support nearby residential. Within pedestrian oriented commercial nodes. Just to say that even the Community plan has this as something other than residential. And in fact, commercial.

Mr. Leauanae: Chair? And as mentioned before, it just lines up consistently with Urban State designation. The West Maui Community Plan neighborhood and then zoning. And so, it is intended for, like you said, to serve the residential walkable type of town. So, it is consistent. That's what they were trying to do today.

Mr. Thompson: Thank you. So, Commissioners, we can entertain a motion unless you have further questions. Commissioner Kealoha.

Ms. Kealoha: Can I make a motion with a condition or does the condition come after the motion?

Ms. Thayer: You can include a condition with your motion that can be, you know, part of the package of your motion.

Ms. Kealoha: Yeah, I recommend approval of the application. With the condition. With a condition that limits the use of the parcel to parking.

Ms. Thayer: And is that just to be specific on that? Is that the condition that Council had suggested?

Ms. Kealoha: Yeah. So, there it says. Parking structures, solar energy facilities. That one. Is that what?

Ms. Thayer: Yes. Is that what you're intending to include?

Ms. Kealoha: Yeah, yeah. That I mean that works. Fine with me. Yeah.

Ms. Thayer: Ok. Is there a second to the motion? Second from Commissioner Deakos, Commissioner Kealoha, you can speak to your motion.

Ms. Kealoha: I guess I I'm I'm glad to see that this air this, you know property is. Being developed again for a restaurant, I mean, I have just so many wonderful memories at the old Chart House and. I also enjoy Moku Roots, so I'm just. I'm glad to see the space being used again for a restaurant. I do have concerns about the parcel being so close to the shoreline, I mean, in twenty years, it might be underwater. So, I guess it just makes more sense to me to keep it parking rather than potentially open that space up for building, which then is just gonna. I don't know. Cost a whole lot of money and time for a lot of people, so it just. Yeah, that's why I added the condition but, thanks Chair.

Ms. Thayer: Thank you, Commissioner Deakos has a second.

Mr. Deakos: Yeah, I echo that. I would love to see Moku Roots down there. Totally support the parking area. But given you know the reality, you know nobody, I don't know if anyone had a chance to look at where the erosion hazard line is, right, where sea level that entire. Commercial side or the restaurant will go. That's all on the on the makai side of the line and half of the parking lot is on the side, so. Relocating a parking lot is not a big deal, but. Without the condition and allowing sort of anything on B-2 to be put there, that changes the game. A lot of eyeballs will be looking at that property for a short-term gain and I have serious concerns about that. Just a reminder, I know I belayed but I get on this a lot. That line is a 2014 model, or a combines the sea level rise model with the erosion hazard line. That line is from 2014. They've updated those models. That was a 3.2. We're now looking at four-to-six-foot rise by the end of century if we ever adopt the 2022 models. So, that line is way over. So, we got a lot, you know, if we're recommending good planning, I think

we really have to consider what we wanna see there, even though it conforms with, you know, I totally think this conforms with all of the. You you know the intended uses, but my concern is putting new structures. Because the closer you are the ocean, everyone wants to build there with very short-term goals. So, I I support the condition on this without the condition, I think. It can. It sends the wrong message. It basically says, hey, come on in, build what you want. Here we're we're recommending it. Thank you, Chair.

Ms. Thayer: Thank you, Commissioners deliberation, discussion. Vice-chair.

Ms. Lindsey: Thank you. I appreciate the applicant and what she does for local food and is there a waste and all of that at the current site. My worry. For this is us making a decision for potentially forever more does this. With this condition, is there an ability to ever remove it?

Ms. Thayer: Mr. Hopper.

Mr. Hopper: (Inaudible)

Ms. Thayer: Oh.

Ms. Hopper: That's fine. There's another one right next. To to amend the condition of zoning, you have to go through the same process. So, they'd have to have an ordinance sent to you for your review. Go up to the Council and they amend, have to amend it the same way that they that this change went through, so they'd have to get it amended by Council.

Ms. Lindsey: OK. I am not sure. Any I'm not sure any ocean impacts on it, but I am weary of potentially in thirty years when someone else is sitting here and not allowing them to make that decision for the SMA applicant potentially who would potentially apply for that other lot. I I have more inform on this lot, because I we were gonna buy this lot like, ten years ago, these two lots. So, the applicant, what she was saying, they need all the parking to facilitate this, that kind of size of restaurant. And that was one of the reasons why we decided not to buy it. The fact that it stayed local, I appreciate that also, but those are my concerns that we are potential. Because they will come before us for an SMA on both of these lots. I feel like at that time those people sitting in our positions will be able to make the right decision. That's all my comments. Thank you.

Ms. Thayer: Commissioners' further deliberation. Commission Ward.

Mr. Ward: Thank you, Chair. I. I guess I'm struggling with why we would approve it to then put a condition that it's only parking. When from what the applicant is saying and information that's been shared that the parking is kind of required in that space to even have a single restaurant. So, it's not as if you could go do a second one. So, I feel like we're almost making this more complicated than it needs to be, and yes. They may change direction in the future and decide to put something else there, but (inaudible), before us or whoever's in our at that point. To review that and make the decision that would be determined, I think at that point in time for what the Community may or may not need, I I think we'd almost be overextending kind of our position and trying to project the what ifs in twenty, thirty, forty years of what the community may need, want, desire? I think we're just overcomplicating it, potentially.

Ms. Thayer: Thank you, Commissioner Ward. Commission Lind, Commissioner Elizares. Mana O. Ok, I'll put in my two cents. If you folks need more time to formulate your thoughts. I think you know, having heard from the Department and Office of Planning and Sustainable Development, and like what our planner has said, you know, thinking long term for this property and also I am wary of making decisions out of fear. Versus. The other way around. And my concern with this is, you know this is a local business trying to do what they can to come back and operate. And I I hear what you're saying, Commissioner Deakos and Commissioner Kealoha also thinking long term about what this property or these two properties, what they might look like in the future with sea level rise occurring and you know, like Commissioner Deakos playing out your scenario into the future like you said. You know, 1450, maybe underwater and 1448 may not. And so, you know, if you think of that long term scenario, if they have their restaurant on 1450 in 1448 is still residential, say they want to like move their restaurant somehow to that portion of 1448 that is still above water. They would need to come back for like a zoning change and everything. Whereas if we change the zoning now, they would, you know, given the resources and approval and everything, they would be able to just move their operation over to the adjacent parcel. And if we don't change the zoning now, they would have to go through like a whole big giant process to enable that, like, adaptation of these two parcels that they have. So, we would like cut off that potential for them if we were to restrict the use of this property. The other thing I'm thinking about is, you know, into the future. What if they want to put in like a little to go stand on this parking lot parcel? They would need a comeback for a whole other approval just to put a tiny little stand that something other than the parking lot itself and we would like cut off that potential for a small business to try and do something, you know, innovative and flexible. That's what I'm thinking right now. Commissioner Elizares, Commissioner Lind, I would love to hear your thoughts on this. I can call on one of you.

Mr. Elizares: I was gonna say in that order.

Ms. Thayer: Yes, let's do that.

Mr. Elizares: Yeah, I'm not gonna support the motion based on on our discussion for for all of those reasons just mentioned. Yeah, hundred years in the future, whatever ten days in the future, I just feel like that's just adding more locks to to more work that we got to do. And I trust the process for all of the permits that would be required for these properties. So, I have. I have nothing to add. I think everyone covered everything else.

Ms. Thayer: Thank you, Commissioner Lind.

Mr. Lind: I kind of agree with the idea that the future, while we're building up too, but. Also. Wanted to know more about like. Oh sure. I forgot my train of thought, but like. I I support it. You know it's it's a good thing. I think the building permits in the future, they build the restaurant should be fortified in case of something serious, like a hurricane coming up with. Projected wave crashing into the road or up in the SRL line, so. This just be aware of that this make sure that the the building is solid in case it goes up.

Ms. Thayer: OK. Thank you. Commissioners any further discussion? Commissioner Deakos.

Mr. Deakos: Yeah. Just follow up on some of the comments. So, the I I do agree. We're making it way more complicated than it has to be. They came in to ask for use conditional use for the parking, and we're now wondering what else could be built there and we want to allow it. My concern I and I is the property owner. So, once you convert residential to commercial, that value has significantly increased. So, the people that want to do the restaurant the applicant are not the landowners are correct. They said it's in a trust. That correct so so the...

Ms. Caskey: But we I'm a member of the Trust to clarify, yeah.

Mr. Deakos: OK, OK. All right. But anyway, so now you get new decisions about. About a property that is much is worth. A lot more worth. A lot more than it was prior to today. So, that initiates new decisions. So unfortunately, I think that's poor planning. All they would have to do is come back to us again for a similar zone change. But thank you, Chair.

Ms. Thayer: Thank you, Commissioner Deakos. Any further comments? Ms. Kealoha.

Ms. Kealoha: Yeah, I I see where everybody's coming from, I guess. The reason? I proposed the condition was cause I'm trying to help two things. One is the applicant who

wants to move forward with their restaurant and has no problem with the condition of using that property as parking. And then trying to like just be cognizant of the environment in which that property sits. So, I'm like. (inaudible) the package. Protects kind of both and I see it really as a win/win. So that's, yeah, I guess that's just the last thing I'll say. Thank you, Chair.

Ms. Thayer: Thank you. Ok, hearing no further discussion. I think we can call for the vote

Ms. Blystone: Commissioner Deakos.

Mr. Deakos: Aye.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: No.

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: Aye.

Ms. Blystone: Commissioner Lind.

Mr. Lind: Aye.

Ms. Blystone: Commissioner Ward.

Mr. Ward: No.

Ms. Blystone: Vice-chair Lindsey:

Ms. Lindsey: No.

Ms. Blystone: Chair Thayer.

Ms. Thayer: No.

Ms. Blystone: That's three votes in favor, four opposed.

It was moved by Ms. Kealoha., seconded by Mr. Deakos, then

VOTED: ***To recommend approval of the application, with a condition that limits the parcel to parking.***
(Assenting: M. Deakos Jr, A. Kealoha, C. Lind)
(Dissenting: C. Elizares, B. Ward, A. Lindsey. K. Thayer)

(Motion fails.)

Ms. Thayer: Ok, Commissioners, we can entertain a new motion. Real fast. I do have a question for the Department. In the Council's condition, they say. May include solar energy facilities and may provide power to other lots, so the may provide power to other lots. Is that otherwise not allowed? Or did they just add that in to make doubly sure?

Ms. Blystone: Chair, I suspect that is the correct answer that they added that to make doubly sure, but I it's not the Planning Department's area of expertise.

Ms. Thayer: Ok. Yes, Commissioners, we can entertain a new motion. Commissioner Ward.

Mr. Ward: Thank you, Chair. I would move to accept the Planning Department's recommendation to change zoning to be two with no conditions.

Ms. Thayer: Ok. Is there a second?

Mr. Elizares: Second.

Ms. Thayer: Second from Commissioner Elizares. Would you like to speak to your motion Commissioner Ward?

Mr. Ward: Nothing further to add.

Ms. Thayer: Ok. Commissioner Elizares has the second.

Mr. Elizares: Just more discussion I guess on that, is it really loud? Yeah. So, so those are the with no conditions, when I when I read the Council's recommendation, I had seen more construction type things that would disrupt more soils in the space. Putting things on the ground and even with those solar panels creating more hard surfaces. Double hard surface, which is on there. I don't know how that kind of scientist, but. So that's that's why I moved for no more. Second for no further. What is it?

Ms. Thayer: Condition.

Mr. Elizares: Conditions.

Ms. Thayer: Ok. Ok, further discussion, deliberation Commissioners. Ok, Vice-chair.

Ms. Lindsey: I guess my greatest concern in general is a McDonald's being there with a drive through. I hope the best for you know that and between the two lots, three lots. It looks like on the property tax website. It looks like a great possible place to put community on Front St. Where currently and as is it would, it could be somebody's house instead and not many local people can afford a house on Front St. and the estimate process that comes along with it. That being said, I will be supporting the motion.

Ms. Thayer: Ok. Other commissioners. Thoughts, or comments, Commissioner Deakos.

Mr. Deakos: Yeah, I I would love to see the restaurant get moved there. Love to have no problem with the parking lot being used, but I have grave concerns opening the door. For other stuff going there as a West Maui Rep, seeing what has happened to our coastlines, you hear me talk about this on and on and on. I'm an ocean person. I'm a coastal person. The devastation has been unreal. So, to watch the beach coming back there since we've removed stuff has been removed and just to see that we are now commercializing potentially commercializing. I trust the owners of this property. I love to see a condition that when the ocean is knocking on their door, that there is a long-term plan to relocate and not impede and you know, we hear a lot about armoring and fortifying and that does not protect natural beach coastal processes. That destroys the beach, so we're not in the business of fortifying and armoring and holding the line. We're in the business of restoring coastal resources. So, everyone think that timeline is shorter or longer, but it's probably a lot closer than we think and I'd love to see some preemptive action. You know, we're supposed to plan twenty years ahead. So, I will not support. This because of the potential for the commercialization of that lot and it is independent of the other lot they're not. There are two TMK's as far as I understand. So, whatever happens on the one lot can be independent of the other. Thank you, Chair.

Ms. Thayer: Thank you, Commissioner Deakos. Further comments, Commissioners. Commissioner Ward.

Mr. Ward: Thank you, Chair.

Ms. Thayer: Followed by Commissioner Kealoha.

Mr. Ward: So, it's my understanding that if a restaurant is built on the second parcel, which we're not actually discussing today, that it requires the first parcel which we are

discussing to be parking, that they can't do a restaurant without the second parcel. So, I guess I'm just a little confused. On I and I understand that there's the opportunity that they could move it, and they could shift it, and we can project all the stuff we want to the future of what anybody could potentially do. But if they have a restaurant that they're intending to build in the existing lot that Charter was and utilizing the parking lot as a parking lot which would be required to be able to have the restaurant. Again, I think we're overcomplicating this like the intent is they want to put a restaurant. They want to restore it. That will require the second parcel to be parking. There's my understanding there's there's no other choice that that's kind of what it has to be. So again, we can project what could be, should be, might be. I don't think any of us would be sitting around this table in these spots when that comes around so. For me, it makes sense of supporting a local business. Of restoring something that was a centerpiece within Lāhainā and helping to kind of rebuild and what's gonna happen in twenty-thirty years and and I understand you know; we're looking for long term but, community will decide that. At that point, and I think right now, the, in my opinion, the best thing is support local business and restore Lāhainā to something similar to what it was so that people can move forward. I think again we can project all we want. For me it's it's about closure and building community back that I think is is important and strong necessity.

Ms. Thayer: Thank you, Commissioner Ward. Commissioner Kealoha was next and then Vice-chair Lindsey.

Ms. Kealoha: I guess I won't repeat, Commissioner Deakos, but I will not be supporting the motion. Mostly. Basically, based on what Commissioner Deakos said. But I do one hundred percent support local businesses and I I do hope that we can find a way to make this work for the applicant.

Ms. Thayer: Thank you, Commissioner Kealoha, Vice-chair.

Ms. Lindsey: I'm wondering what other low impact? Uses could be on this parcel. I feel like limiting it to just parking lot will stop McDonald's from having a drive through, but because you can't have a drive through through that area. But like, what if it's a farmer's market or? A food truck. I'm not sure. I am not an ocean scientist. So, I don't know what potential additional uses could be there that also have low impact and I don't know if there's already a definition that exists in any code that would say these are low impact uses that we could allow here. Maybe other Commissioners have that information.

Ms. Thayer: I would say on some level that would get addressed in the SMA major process. It would be highly scrutinized, and it would be required to look at low impact

alternatives. You know everything that Commissioner Deakos and Commissioner Kealoha are speaking to for sea level rise. That would all get addressed through that process.

Ms. Lindsey: In a, In an additionally. Commissioner Deakos was talking about. Where the line goes on the lot, we're not talking about today and if the building were in the lot we were talking about today. I think that would be better, I'm hearing, but we're not talking about that line, so. I wish this was comprehensive. Thank you.

Ms. Thayer: Yeah, Commissioner Deakos?

Mr. Deakos: Yeah, maybe this to simplify you know. So it's not about what can go there if if the community and everyone wants McDonald's and it's McDonald's, I guess to address my concerns, it was more what happens when the ocean does end up there. And if you know, I think a remedy for that is just having a plan in place that says, you know, so they're they're on alert. They know they have a certain amount of time to begin planning. A relocation and that sort of thing. So, if if there I I don't know if I if I can suggest a friendly amendment that the applicant. Provide a long term. Umm. Strategy for relocation? Doesn't have to be in depth, complicated, just just so they're. Maybe the app can can say if they're willing to do that.

Ms. Thayer: I. I believe Commission.

Ms. Caskey: Can I? Can I respond? No.

Ms. Thayer: One second. I don't think we can allow you to respond at this phase of the meeting while we're in deliberation. I'm sorry.

Ms. Caskey: Oh, that's fine.

Ms. Thayer: But I I think I can say Commissioner Deakos. That the the place for those kinds of conditions would come when they go through the SMA process like that it that is part of what the SMA process is there for to consider things like coastal processes and sea level rise and depending on what they actually come in and propose when they are ready to, you know, put plans for approval. That is when we would be able to see, Ok. You're putting a building. Here of this size and here it is in relation to the sea level rise exposure area and so based on the potential impact of that then we would impose X,Y and Z conditions including maybe a managed retreat plan to adjust those very things. But I can correct me if I'm wrong. Department I don't think a change in zoning has any kind of Nexus for that, because there's no. You know, building or? Or plan to chew on and assess within that. And I think I'll go back to my comment there of if if the if push comes to shove

and the sea level rises and say that parcel 1450 is underwater partially or holy and they still have that portion of 1448 that may have buildable area. If we do change the zoning for that parcel, that paves the way. No pun intended for them to move their operation to this other parcel. Like if we don't do that, they're going to have like that many more barriers in their way to that path of relocating their structure from one side to the other. But I totally hear the concern about not wanting this to be some fast-food chain. And the best we can do, and we we've done it before, is have faith in the applicant that they are, you know, true to what they're telling us here today, that this is their intent to have, you know, Moku Roots operate out of this place. You know, in the spirit of supporting local business and local food supply and a neighborhood serving operation. Yeah. Commissioner Kealoha.

Ms. Kealoha: Following up on Vice-chair's comments, I think the for me, the biggest issue is putting in a structure like Commissioner Deakos said that then can't be moved and that's now subject to. Whatever erosional processes are occurring, but I would I mean. Vice-chair Lindsay mentioned some different uses that were low impact that, like with structures that can move easily. So those kinds of uses I would be open for a food trucks, pop-ups, things like that. I I don't see an issue with just in case that there are others open to that as well. Thank you, Chair.

Ms. Thayer: Thank you, Commissioner Kealoha. Any further discussion? Mr. Lind, do you have any thoughts? Ok. I think hearing no further discussion. We are back to calling for a vote on this motion to go with the Department's recommendation to approve without conditions.

Ms. Blystone: Commissioner Deakos.

Mr. Deakos: No.

Ms. Blystone: Commissioner Elizares:

Mr. Elizares: Yes

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: No.

Ms. Blystone: Commissioner Lind.

Mr. Lind: No. Yep.

Ms. Blystone: That's a no. Commissioner Ward.

Mr. Ward: Aye.

Ms. Blystone: Vice-chair Lindsay.

Ms. Lindsey: Aye.

Ms. Blystone: Chair. That's three votes in favor, three opposed. So yeah,

It was moved by Mr. Ward., seconded by Mr. Elizares, then

> ***VOTED:*** ***To accept the Planning Department's recommendation to change zoning to be with no conditions.***
> *(Assenting: C. Elizares, B. Ward, A. Lindsey)*
> *(Dissenting: M. Deakos Jr, A. Kealoha, C. Lind)*

(Motion fails.)

(Inaudible)

Ms. Thayer: Ok. Commissioners back to the drawing board. We will entertain a new motion. Yeah, Director.

Ms. Blystone: Yeah. May I just offer to to the Commission that you're not making a decision. You're making a recommendation to the Council, who will make a decision. So, as in other circumstances, you could potentially just. Your recommendation could be that they consider things. And not recommend, I don't know. There's been ways that we've done this in the past that are a little more creative. If we can't get five votes in favor of just forwarding some recommendation.

Ms. Thayer: Thank you, Director. So, Commissioners, it sounds like we all are on board with approving this in some way, shape or form? We just need to figure out now what that way, shape or form is. So, can we? Craft a condition then approve with some kind of condition that allows. Sounds like putting it all together allows for some degree of flexibility, but still maybe not the full flexibility of all uses within B-2 zoning. And I guess I would just say I'm wary of over over prescribing the use of this parcel though I like I I understand the concerns. But we are in a place now where we need to thread the needle through everybody. Commission Ward.

Mr. Ward: Sure. If I could ask a question. Could we make a motion to potentially approve the Department's recommendation with a condition that any changes or development to either parcel would be required to come to this body?

Ms. Thayer: Mr. Hopper.

Mr. Hopper: I don't think that's a condition you can make to say they'd have to come through what you would do is put it. You could put a condition limiting and then any changes to that condition would have to come through you anyway. But I don't think you can separately say as a zoning condition you had to Planning Commission to do anything different. Normally you would just limit the uses by a list of uses of the of what's allowed on the property, and if someone wants to do something different, they have to come to you and come to the Council. So, I I think that's how you would do that normally. And that's been done before. So, there's precedent for that.

Ms. Thayer: Commissioner Deakos.

Mr. Deakos: Yeah, it sounds like everyone's on board with what the applicant wants, right is to use it for parking. So, but some Commissioners would like them to also be able to use it for other things. So, it sounds like you want to categorize that those other things in some shape or form and add that as an additional condition. If I'm understanding this, everyone supports what they came here for, we just want, some members wanna beef it up to also allow this umbrella of additional commercial uses? Or just when you just need to define that and add it as as a part of the condition.

Ms. Thayer: In a sense, yes, Commissioner Deakos. So, I think what we're coming back to is, you know, the the change would be to B-2 community business district, which allows for a whole list of permitted uses, of which one of them is parking structure, lots, which may include Solar energy facilities. But it also includes all sorts of other uses. Farmers markets. Catering. Yeah, there's a whole slew of other uses that are available, and I I'm wary of us going through this list and saying yes, no yes, no yes no for all of these permitted uses and like maybe in our recommendation, we can say for instance. We could entertain a motion that says approve, you know, recommend to County Council that this zoning change get approved, but add in comments which we've done in the past. So, include our comments that there was some concern about potential future uses being for say a drive through fast food joint. You know, and to make that clear to the Commission, I mean to the Council, in our recommendation, but at the same time, I would say that there's also interest in not severely limiting what this business can do with this property. Understanding there are some, they're a small local business that you know, may be subject to sea level rise in the future on this property and wanting to allow them the

flexibility of moving around the uses or having some creative other uses of this parcel to not limit what they would be able to adapt to in the future. So, we can entertain a motion to that effect, and maybe that can allay everybody's concerns. Commissioner Deakos.

Mr. Deakos: I'll just say if we can figure out a way because I think we're going to have lots of these where we want to allow use. But there's going to be a point in time where we want. Properly planned relocation so we don't lose the resource. So, if we can craft something. That triggers that prevents that. I think we could reuse that sort of condition in the future. So, I don't have the answer, but it may be worth spending a little time getting the language down so that when other parcels or residential or whatever are in a situation where they're not going to have a lot of time before the ocean's knocking that there's a condition that they take responsibility and respond in a certain way.

Ms. Thayer: I think that is where like the SMA review would come in because that's the Nexus for imposing those kinds of conditions. You know, the whole point of the SMA is to watch for impacts to the coastal zone and so that's where those criteria come into play. That's where, yeah. The assessment of impacts and then the imposing of conditions to address those very impacts. That, that, that would be taken care of.

Mr. Deakos: I understood. Understood those rules and shoreline rules have been in place for a long time, and I haven't addressed any of it, so.

Mr. Elizares: Chair.

Ms. Thayer: Commissioner Lazarus.

Mr. Elizares: Are we able to make a condition, where, because it seems like we all like and trust the landowner or the trust or ohana, whatever, whatever they are. That, like a condition of what is it, non-sale or sale like they have a B-2 condition or B-2 permit. As long as the trust or the land doesn't change hands.

Ms. Thayer: I don't know. Is it? Can there be something that it's nontransferable?

Mr. Hopper: Chair, you can't make a change in zoning, on transferable.

Ms. Thayer: OK? It runs with the land…

Mr. Hopper: Permanent change, so whoever owns it, the zoning is gonna be may be different for like a conditional permit or something. But yeah, so you could do that for this property. Again, you can condition it if there's certain things you don't like them to do, you

can say, “You're limited to this”, or the certain uses you can't do, and then that landowner forever and the subsequent landowners can't do those things. So, that's usually how that's handled.

Ms. Thayer: Did I recall the applicant saying that the trust dictates that the line can't be sold? Did she say that? OK.

Ms. Caskey: That is correct. It would require a bunch of like legal stuff on our end with the trust that my husband and I are in. To sell it. So that's not gonna happen.

Ms. Thayer: OK, so I think because we've we've tried with the condition from Council, we've tried without and I I really don't want to go into like I said, going through the whole list of permitted B-2 uses and saying yes, no, yes, no, yes, no. So, can we put together. Say a motion to approve with comments to the Council, to say we recommend approval. However, please consider, these points that the Commission was concerned with. And those points? Oh, go ahead, Commissioner Deakos.

Mr. Deakos: Just maybe for Corp council, since we already motioned the approval got denied. Can those comments make that a new motion?

Mr. Hopper: Sure, that's fine. You're you're recommending approval, something with something different if you like. I mean; besides, I think Chair’s got some discretion on parliamentary procedures. Also, I'd note if you just don't do anything, the Council is your past the deadline anyway, so the Council can pass this without your comments. With a 2/3 majority. So, they're they're certainly free to do that.

Ms. Thayer: OK. So can we, Commissioners put together kind of our list of comments that we would want the Council to consider, and I'm hearing that one being. Some kind of recognition of the location in relation to sea level rise. Some degree of low impact use of the parcel. So, non-intensive low impact use of development of the parcel. Commissioner Ward.

Mr. Ward: Thank you. I would caution that because if they need to relocate the restaurant from the existing space, the other we're precluding that. I just really just encourage us. I mean, this is a local business that they're trying to give back to the community and rebuild and restore. And I think, Chair to your point of fear that they have to go through the SMA process. So, there are checks and balances. And I just. I strongly just encourage the we need to help our Community and rebuild and let people start to have normalcy again and yes, there's a risk. I understand that and I hear everything that you know that my fellow Commissioners said. So, I'm not dismissing any of that. I'm looking at this from a

perspective of it's a local business and area that was devastated and I just think we have to help, help people. I just and and making decisions out of fear of what's going to happen in thirty, forty, fifty years. I'm looking at people that have been displaced for over two years and letting them get back to a life where it's normal and they feel comfortable.

Ms. Thayer: Thank you, Commissioner Ward. Commissioner Kealoha.

Ms. Kealoha: Yeah, just to kind of respond to that, I one hundred percent support this local business going back in. What I see is this local business coming in and saying we want to use that space for a parking lot and I one hundred percent support that. I'm just protecting the space in case it turns over to somebody else. And I think, and I think we're all on the same page, but I feel like the other side is protecting the potential future business owner of the space, which is? That's where I'm like. I don't need. I don't feel like I need to protect anybody in the future that may potentially own this space. I'm just trying to protect like the current business, local business owner and I think my decisions are definitely like not made out of fear. The decisions are made based on like my kuleana to protect like the community and public resources. So, I just wanted to clarify that there. Thank you, Chair.

Ms. Thayer: Thank you, Commissioner Kealoha. Yeah. So, I I, I do agree. I think we're all wanting to approve this, but we need to craft a new motion because the two that we have, we can't go back and rehash all over again, I don't think. And so, we need to main motion would be approve the change in zoning. But we need to make some attachment that's different than the two that we've tried thus far and not voted through. Vice chair Lindsey.

Ms. Lindsey: I recall one of the projects that came before us and they added a the the Commission, this body twenty years, thirty years ago. Wanted this particular project to have a golf course. And we don't. We here didn't want a golf course on that project, but that was one of the conditions that that Commission at the time decided to put on to this project. And. That was a point of contention. And I I do fear the same for us, so I. Am I agree with Commissioner Kealoha, what she was saying. About trying to protect from. Protect our local businesses here and now, and potentially not give that to a larger large corporation, but. In that case, and I know a few other cases that hindered the moving forward of other things, other things that that come that this Commission should have decided. Not that Commission thirty years ago. So, we I don't feel like we're acting in. I'd rather not act in fear and just trust the process, like Commissioner Elizares said. Trust that the future Commissioners will do the right thing and allow what they need at the time. I know when I was on the Maui redevelopment agency here in Wailuku, there was a few parcels that they were. They had a hard time with the parking rules, and they didn't. They couldn't put what they needed inside of the buildings because they didn't have enough parking and. I just don't. It times change things. People change things. These plans get

outdated quickly, quicker than we are making them again. And it's it's just hard to add on those those conditions for people that might not even need it or use it or might use it, but. The local people who will be on this Commission can decide that. At that time, that's all. Thank you.

Ms. Thayer: Thank you. Commissioner Deakos.

Mr. Deakos: Yeah. I just. I know a few times we heard we don't want to make decisions out of fear. Just want to calibrate that a bit so as planners as a Planning Commission, we have tools to plan for the future, right? One of those tools is science, right? Not everyone believes in science. I understand that. But these scientific tools, which currently we have to look at sea level rise changes and all that I'm looking at a map. Which probably should display it. You can go to the pack iOS, the general one that has the 3.2. You can also look at the six foot this entire thing, this entire both parcels including a big portion of the highway is under the red pixels that so I think my perspective is slightly different because I'm I'm not in fear, but I'm applying tools. Modeling that we use in science to do our job, to keep people out of harm's way. Right, this is this is not about not supporting local communities. We want to support that, but we also don't want to put people in harm's way. We also don't want to not protect the coastal resource that is such a value here, so we don't have we can look into the future and anticipate might be coming and not make decisions out of fear, but out out of data, out of good, good scientific information. So, I just want to clarify. I know not everyone's looking at the maps that I have in front of me, but it's not a good situation to have a a giant commercial building potentially there in the future, which is the the major concern.

Ms. Thayer: Thank you, Commissioner Deakos, Vice-chair, Lindsey.

Ms. Lindsey: Just to be clear, we're not. I'm not advocating for them to put a commercial building. I'm just advocating for these people who are sitting in our seats now to make that decision because your science will be there. It it we will be in 2050, we will be in 2080 and they will know that they're underwater. This isn't a projection. This is going to be their reality and the Commission when they sit here. They're going to know that the ocean is right there. They now have a beachfront property because the rest of it fell into the water, but they're going to know we are. We are looking at projections and what I'm saying is because they will come before us again, we don't need to look at the projection. They who are going to make that decision are going to look at the reality of what is going on in their environment at the time. So, I know so this property will come before the the Commission because it will be because it doesn't have a rebuild use. It was a parking lot. It always was a parking lot. But when it comes in twenty, thirty years, they will see how far it came up if the sea wall survived, if the beach nourishment down the way increased the sand on their

side. They will know because they will go to the ocean, and they will see that. Oh, man, I don't want to build my property here. Probably would be best to build it on the other side of the highway, but we don't know that we are, we are looking at projections and I trust the science. I trust the red line where we're at now. But they will be in that reality.

Ms. Thayer: Ok, so Commissioners, can we craft? A motion that encompasses these sentiments and concerns. And it would be, I believe, approving recommending approval with consideration of these comments from the Commission. One of them being. Recognition of the projected sea level rise and what they that may imply for potential future uses of this parcel. And again, I would say I would. I would want to enable the flexibility through the B-2 zoning of this parking lot for some kind of reconfiguration of the buildings on these two parcels that work together. So, this could be, you know, Council, the Commission was, you know, acknowledging the projected sea level rise which may encroach upon the subject property and the adjoining property. So be cognizant of that. And within that, be cognizant of allowing flexibility for the development within these two parcels.

Mr. Elizares: Got the motion? Are you looking for a second?

Ms. Thayer: That is a suggested motion.

Mr. Ward: I'll so move for discussion purposes again. I think we're just making this far too complicated.

Ms. Thayer: Yes, but I'm just making a motion that's different than the others that we can act upon.

Mr. Ward: Yup. Completely agree.

Ms. Thayer: Ok.

Mr. Ward: So, moved.

Ms. Thayer: Thank you, Commissioner Ward. Do we have a second?

Mr. Elizares: Second.

Ms. Thayer: Second from Commissioner Elizares, would you like to speak to your motion?

Mr. Ward: Again, I think we're making this far more complicated than it needs to be. We're making a recommendation. It is not a final decision; it's still going before Council. I have to trust that the process works and that they're gonna be coming for us before us through SMA process so. I'm happy, you know, having the conditions or the condition about sea level rise awareness. I don't think it belongs in the zoning change, but I will support it to be able to move things forward.
Ms. Thayer: Thank you. Commissioner Ward, Commissioner Elizares.

Mr. Elizares: I like. I like all of those things and to recognize that. And and just to speak to Commissioner Deakos, we are the Planning Commission, and we are talking about planning and we believe in the SMA part of when they will come back for any future builds on on the parcel leaving that open for what they want to build and what they want, if they ever need to build anything to produce or in line with the B-2. So, that that's it.

Ms. Thayer: Thank you. Other Commissioners weigh in on this? Commissioner Kealoha, followed by Commissioner Deakos, and then we'll go to Commissioner Lind.

Ms. Kealoha: Commissioner Ward, can I get clarification on the motion? Can you state your motion one more time?

Ms. Thayer: Director, can we?

Ms. Blystone: I'm not sure that I captured it, but I I can write. I can say what I wrote down and you can nod. So, I have a motion to approve with comments. The Commission asked the Council to recognize that this parcel may be affected by sea level rise, and the Commission would would prefer low impact use of the parcel. Is that correct?

Mr. Ward: Correct.

Ms. Thayer: Ok, yes.

Ms. Kealoha: The Commission would prefer low impact use of the parcel. But what does that mean? What is the definition of low impact use? Sorry, I know we've been talking about this, but if I I gotta know what that means.

Ms. Thayer: Well, I you know low impact development, I guess we could put in and maybe that's a more commonly used term that has been discussed within this Commission for past projects.

Ms. Kealoha: Ok. yeah

Ms. Thayer: Yeah, but again, you know, I think we're kind of trying to thread a needle here. And expressing our sentiments to the Council cause it. I don't think we're gonna get to a full condition to add to this. And so, the best we can do is relaying our comments and concerns and having Council being the final body to act on this, to take what they will in in addition to everything that they're gonna be considering from their perspective.

Ms. Kealoha: Chair, can I ask a question about the? Can we just? Relay to the Council that the Commission was split between approving with no conditions and approving with a condition that the parcel remain have the have the have a condition for use of parking rather than. You know what I mean?

Ms. Thayer: I hear you, were asking Mr. Hopper to weigh in.

Mr. Hopper: I mean if you want if you want to dictate what the Department first of all they're going to get a copy of the minutes. But also, you can dictate if if you'd like to the planner with you want them to send in the letter and if you want the planner to note that motions were made, two different motions were made. There were not enough votes for either one of them, and therefore the Commission does not have a formal recommendation. That could be something if you want, that noted in the text of the letter and then also have a more formal recommendation. You could do that too. But yeah, I'd be specific to your planner and talk to your planner about what they're going to send. So, you know what the Council's going to get as far as a summary, but there's they should be getting the minutes too. So, if someone would read through, they should be able to see those motions and the discussion as well.

Ms. Kealoha: Thank you.

Ms. Thayer: Ok, Commissioner Deakos, then Commissioner Lind, then Vice-Chair, Lindsey.

Mr. Deakos: Yeah, I I kind of feel bad for the applicant because they just wanted a parking area and we voted that down. So, I apologize to the applicant. Giving the Council rec some some thoughts or some recommendations is nice, but I don't think that carries much weight personally. Umm. The bottom line of the vote today is we're voting to allow commercial use on this property. That's essentially, we can say yeah, but the applicant is here. They're good people. They say they want to do it at the end of the day, we're voting to have commercial use on this property. I cannot support that. Given what I know, you know we're trying to reverse the trend, get properties away from harm's way. If there was something in the condition that said, did not. Whatever use did not impede this going to sound

strange. Did not impede with beach natural beach processes. I'd be fine with that, because whatever goes there will have to be taken out as soon as it impedes natural coastal processes, but I think somebody said that's not a appropriate condition at this point. So, I can't support the motion as as is.

Ms. Thayer: We could incorporate that into this comment that it's specifically not to impede coastal beach processes, you know, within the talk of low impact development.

Mr. Deakos: Yeah, I mean, like I said at the comment, going to Commissioners, the likelihood of them reading any of that or having any impact is pretty minimal. So, if it was a condition I could support that. But not just the comments.

Ms. Thayer: I guess with all due respect, I would say the whole package, you know that Council can consider or not whether we make it a formal condition or, well, we make it our comments they're they're gonna do what they will with it either way. And so I don't know that we're gonna have the votes for a full condition, which is why I'm suggesting that we put this in as comments. And then I think we would be able to have five votes, at least out of this body that we are here in today. So, I can ask the movant if you would entertain a friendly amendment to include that.

Mr. Ward: That's fine.

Ms. Thayer: Ok, and the second? Mr. Commissioner Elizares.

Mr. Elizares: Yup

Ms. Thayer: Would you be Ok including that, Ok. So, would you like to propose that friendly amendment Commissioner Deakos?

Mr. Deakos: As a, as a condition amendment or as, as comments.

Ms. Thayer: As, as part of our comments.

Mr. Deakos: OK. It would be that. That any use on this property would not impede natural beach processes in the future.

Ms. Thayer: Ok. So, do we have a second for that? Addition, second from Vice-chair

Mr. Hopper: And and then maybe clarify with the planner what your letter's going to look like. Cause I can say with in, in past cases, there was some confusion on what the Council

was going to get, and so maybe go over the planner with exactly what this letter is going to Council's going to say and and with the languages. So, I would maybe recommend doing that before you take your final vote.

Ms. Thayer: OK. Yeah, we'll have the director read this out to us.

Ms. Blystone: So, chair, I think the the the motion on the floor right now is a recommended. Recommend approval with comments and so the letter would say that that the Commission recommended approval with comments. The comments are. The Commission asks the Council to recognize that this parcel may be affected by sea level rise, and the Commission would prefer low impact use of the parcel and that any use on on this property. That oh, any use on this property would not impede natural beach processes in the future.

Ms. Thayer: I would say low impact development.

Ms. Blystone: Yes.

Ms. Thayer: So, Commissioner Deakos. Is that?

Mr. Deakos: I mean, I agree. I don't know what the low impact development means exactly, but anyway I'm happy that that's in comments, but that doesn't change my support for the motion.

Ms. Thayer: Ok. Ok. We had a second for that from Commissioner, I mean Vice Chair Lindsay. So, can we vote on this friendly amendment to include that addition? Commissioner Ward.

Mr. Ward: Thank you, chair. Can I just ask a clarifying question? With the statement that we were including, if they were to need to or choose to want to relocate from the parcel, then 10 is it 1050 or 51? Over to 48. Would that preclude them from being able to do that? I know it's just comments but would would that hinder that process if it needed to happen.

Ms. Thayer: This comes back to the discussion we've been having; I think.

Mr. Ward: Cause, I think it would.

Ms. Thayer: Go ahead, director.

Ms. Blystone: If that would be helpful. I mean, I think just the fact that any use of this property would not impede natural beach processes. I think a parking lot could even impede natural beach processes. So, something to consider.

Ms. Thayer: Commissioner Deakos.

Mr. Deakos: So we already have rules obviously that disallow the, you know, so it's just, but we never enforce them, we don't. That's why we're in the situation where, so this is just more getting putting this at the front and and saying look, we have laws that don't that protect that. So, when you're planning on what to build, you have to consider the interference with each processing. So just to to respond to Commissioner Ward. We already have laws that prevent disrupting natural beach. Doesn't mean it prevents anything from happening. We still go through for it, but we do have those laws up there.

Ms. Thayer: OK. Yes. Can we vote on this amendment then? Director. Yes.

Ms. Blystone: Yeah, Commissioner Deakos.

Mr. Deakos: Aye.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: Yes.

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: Aye.

Ms. Blystone: Commissioner Lind.

Mr. Lind: Yes.

Ms. Blystone: Commissioner Ward.

Mr. Ward: Aye.

Ms. Blystone: Vice-chair Lindsay

Ms. Lindsay: Aye.

Ms. Blystone: Chair that six votes in favor for the amendment to the main motion.

It was moved by Mr. Deakos., seconded by Ms. Lindsey, then

VOTED: ***To include a friendly amendment to include, any use on this property would not impede natural beach processes in the future***
(Assenting: M. Deakos C. Elizares, A. Kealoha, C. Lind, B. Ward, A. Lindsey)

(Motion passes.)

Ms. Thayer: Ok. Thank you everybody. Is it? Does this now address everybody's concerns, or do we need to put in further comments? I think we haven't heard from Commissioner Lind yet. You weigh in.

Mr. Lind: I know that we're approving. I I would like to. I don't know, just maybe. What do you call it? This is a zoning change and. It's a, you know, public hearing. And I would I want to defer it, but this is me. But I think to get it along. I'm not trying to stop anything, I I think. They should have what they have with their property, just maybe not the the parking lot change, you know? Not yet. Maybe, but it's just me. No.

Ms. Thayer: Ok. Do are there any other concerns that you would want to have noted down? Within our package to recommendation to the County Council.

Mr. Lind: Oh, no. Yep. Yeah, I agree with what Deakos amended to the the the package, yeah.

Ms. Thayer: OK. Thank you. Commissioners, any further discussion on this or we will call for the vote on this main motion that is to approve with these comments that we have hashed through.

Ms. Blystone: Commissioner Deakos.

Mr. Deakos: No.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: Yes.

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: No.

Ms. Blystone: Commissioner Lind.

Mr. Lind: No.

Ms. Blystone: Commissioner Ward.

Mr. Ward: Aye.

Ms. Blystone: Vice-chair Lindsey.

Ms. Lindsey: Aye.

Ms. Blystone: Chair. That's three votes in favor and three opposed. So, there is no chance for a approval.

It was moved by Mr. Ward., seconded by Mr. Elizares, then

VOTED:	***To approve with comments, the Commission asked the Council to recognize that this parcel may be affected by sea level rise, and the Commission would prefer low impact use of the parcel.***
(Assenting:	*C. Elizares, B. Ward, A. Lindsey)*
(Dissenting:	*M. Deakos Jr, A. Kealoha, C. Lind)*

(Motion fails.)

Ms. Thayer: Ok. So, Commissioners, we are boxing ourselves into a corner here. We can try rehash votes we've already taken, but I don't know that we're going to get a different result, so we're going to need a pass if we want to provide a recommendation to the Council, we're going to have to do that today otherwise. We're going to have nothing going to Council. And so, we can try craft, you know, some other kind of condition to attach. We can explore other comments to say, or we don't even provide a recommendation for approval, and we just give comments which is even more gonna have less meaning to the Council. And so, like do we want to provide a recommendation for approval at all, which I think we've all heard said yes. Or. So, if we if we can at least have that basis, then we are deciding on what to attach to that to transmit to Council. And unfortunately, it sounds like we're split between restricting to just the parking lot itself. With balancing that out with the other side of the coin being allowing for uses beyond a parking lot, which to me would provide for that flexibility that Commissioner Deakos is talking about. Like if we don't allow

for those other B-2 uses, then they're gonna be hamstrung, if and when the sea level does rise. Then they'll they'll lose all potential for relocating anything on this property. And then we're that's like, the worst-case scenario. Then there's nothing that can be done for this local business to try and adapt and move and do anything with this site. So, then we're, you know, like I said, we're hamstringing them in that case. Commissioner Deakos.

Mr. Deakos: Just to clarify, when the ocean compromises the the, the, the parcel, we're not talking about. And their long-term plan is to relocate that into the parcel that's half submerged. This that's not going to be a good decision to make. I don't think we'll be hampering. I think when all this unfolds, unfortunately I hope it doesn't, but I think it's pretty clear at some point it will. They will have enough planning and information to address when the ocean is there, I don't think they're gonna squeeze everything into the little triangle on the south end. You know, we do have a minimum, build, but area that they could fit, like, I don't think that would be putting new buildings on. I think the issue at hand is we're voting to make it all be two uses, we agree by passing this motion, we all agree that we would like to see any B-2 structure on here. That's essentially it. We can add comments. Well, we'd like them to be whatever, but that's essentially the vote. I can't. I don't. That is not a good planning decision in my mind, so I don't wanna yes next to my name. When it says residential's ok, but B-2 is a better zoning for this parcel. I don't think that's good.

Ms. Thayer: I. I guess I would point out to that respect that the West Maui Community plan does not have this as residential like the West Maui Community plan has this as a neighborhood center which does include business use. Like even the Community acknowledges that this would not be a residential property. And that went through much public input. Go ahead, Commissioner Deakos.

Mr. Deakos: Yet just to clarify, so I may have been confused. I'm not necessarily want this to stay as a residential, I want it to be limited for what the applicant wants. My concern of any B-2 is it elevates the property value and now you can have commercial interest going in there to develop something that's gonna be very difficult to relocate. As we're gonna see in other agenda items today. That once they're built, everyone wants to fortify and hold the line and and despite it being a laws protecting the coastline, they always seem to protect the property owner. So, we're just trying to avoid that from happening. By by rezoning that, it'll get a lot of commercial use when by capping it at specific uses, there's going to be less interest in putting a giant commercial structure there.

Ms. Thayer: Like to speak to that for them to put in a giant commercial structure, they would need to come to this body for an SMA major and maybe you will be sitting in this chair still at that point. And that would be that the time for you to flesh out those potential

impacts and and make very direct conditions to adjust those very real concerns that you have. Like that is the place to do that and that would certainly come before this body to hash out.

Mr. Deakos: Ok. I guess I would like to see this move forward too, but you there are members of the Commission would like to see other things than a parking lot go there.

Ms. Thayer: I think…

Mr. Deakos: And it's currently unlimited under B-2. If there are specific things that and this is not what they've requested, the applicant hasn't requested that we'd be allowed to do other things. The Commission is saying, Ok, we'd happy to give you the parking lot, but we want you to be able to do these other things there as well. Maybe list those and I'd be happy to support that. But to say we'd like to see anything under B-2 go there that I have an issue with.

Ms. Thayer: I don't think that we're saying we're allow, we're good with anything within B-2. I think there are some things within B-2 that or would be very much within realm of everybody here, like farmers markets, swap meets, things that don't require building. But if if we like it would be I think silly for us to go through that entire list of uses permitted within B-2 to say yes, no, yes, no yes, yes, yes, no, no, no, no, no. Like, that's going to take a lot of time and that I think is more scrutinizing than we need to do. Like Council can very much do that with their time. But I think we can say, you know, as far as us putting a recommendation together. I think we can encompass all of these concerns within a explanation that accompanies our recommendation.

Mr. Deakos: Ok, I all due respect, Chair, you're asking me to vote on an all use under the B-2 with some comment. That's what the vote is. Yes, there are comments to share some you know. Other but that's what we're voting on. I can't vote for that. So, if it means just sending a split motion, I don't know. I don't know. You might have the votes for it. I cannot support a blanket B-2 recommendation for this parcel.

Ms. Thayer: Director

Ms. Blystone: Chair, I think we've reached a point where the Commission is not going to make a decision, and I I don't think that's it's not ideal. But rather than delay all of the other items on your agenda, I suggest the Commission consider that we forward the discussion that occurred today and acknowledge that the Commission was not able to reach a decision, a recommendation for the Council, and move on from this item.

Ms. Thayer: Thank you, Director. Vice-chair Lindsay.

Ms. Lindsey: Commissioner Lind, I wanted. I was wondering what your concerns are. So far, I heard that they should build a strong structure, and I heard that they want a parking lot and you like that. Do you have any other concerns or comments?

Mr. Lind: You know, I I believe that the the first lot with the building burned down, they're gonna rebuild. They have to go through the SMA process. I guess I to rebuild. I I'm not sure. But anyhow, this is about the the lot across the street tax map east two and we we're doing a zone change and I think that this is a can be a tricky effect, but I I just want more discussion on it. Maybe if we can't agree, then maybe we can just advance it to the Council with no (inaudible) no plan recommendation. So, I I don't know. Yeah.

Ms. Thayer: Vice-chair.

Ms. Lindsey: Aye, so you don't have any other concerns?

Mr. Lind: No. Just wanna see like. You know, if there's going to be community, maybe we can just discuss more. Maybe if can be like, you know, like how is the farmer's market. But the concern over like the change in? The the ocean. What Deakos talked about, that's also a concern, you know. But I'm not also saying that. I'm not saying that everybody else there is, you know, they have a right. That's a property, right. But I just. I have I I really don't want to make any recommendations. I'll. I'll just stay with what I voted already with. Yeah, yeah.

Ms. Lindsey: OK. Thank you.

Mr. Elizares: Chair.

Ms. Thayer: Commissioner Elizares.

Ms. Thayer: So, it sounds like, I mean, we wanna give. Our, we wanna let the Council know that we all support. This business. And this property moving forward to do well, I guess different uses. Can can we make a motion to send like you mentioned earlier, send our comments and that the comments say that we all support the. Certain be to assignments as opposed to the R-1 residential use right now, just especially to show the Council that we are in support of a change in zoning. Just we kind of come to an agreement on the different types of conditions or potential conditions.

Ms. Thayer: I think so. So, are you proposing to not recommend approval and only give comments or to recommend approval and list out new comments other than what we've different than what we've tried.
Mr. Elizares: We tried. I feel a little boxed in this to get to only that. I don't think we can. (Inaudible) The guy over there, but I think we can only share our comments at this point, but I don't want it to go on heard. That this Commission does recommend. P-2 change in zoning.

Ms. Thayer: OK. So, I think. One way to do this is to say perhaps that we recommend approval for the B-2 use. Understanding the intent is to use this parcel for a parking lot. And include that, the Commission also wants to acknowledge some degree of flexibility for use beyond the parking lot in the future, depending on what happens with coastal processes and sea level rise. Would that float with everybody?

Mr. Elizares: I'll like it.

Ms. Thayer: Commissioner Deakos.

Mr. Deakos: So just to clarify, the condition would be for parking with a recommendation that We, the Commission, saw other value and other uses beyond the parking lot that didn't have. So, is that correct?

Ms. Thayer: Yes. So, I would say I would craft this motion, I think talking this through out loud to say that the Commission recommends approval of the B-2 use to enable use of this property for parking lot and potential you know, solar canopy. At the same time, allowing for potential other uses under B-2 that enable flexibility, for use of this property. In recognition of, you know, potential coastal processes affecting this site in the future, but giving them the flexibility of being creative with how they reconfigure these two lots.

Mr. Deakos: So, I didn't hear the word condition. So, the condition a portion of that was under a condition, or all of it is under a recommendation.

Ms. Thayer: All of it is under the recommendation and I think we would leave Council to figure out a condition that works within their framework.

Mr. Deakos: So, the, so the vote is to support is that is this a recommendation or are we voting to support B-2 use with some comments?

Ms. Thayer: It it would be supporting B-2 use for the express purpose of the parking lot. But allowing potential other.

Mr. Deakos: So, it is a condition? Sorry. Sorry.

Ms. Thayer: I I would make it in like a paragraph, not necessarily a condition, and it's kind of blending a recommendation with comments all together. But to put this like all-in-one sentence that we are enabling, B-2 for the parking lot but still wanting to allow for potential other permitted uses under B-2. That give the property owner flexibility in the future to modify this property in light of potential coastal processes. Like maybe it all goes away, and they can still do a farmers' market for instance. Commissioner Kealoha.

Ms. Kealoha: I I would support a motion to approve like I'm just kind of blending what you guys are both saying. I would support a motion to approve with the condition that the use is for a parking lot, but then include the notes or whatever the comments that I think the Commission in general also, is supportive of I hear a lot of farmers markets like non-permanent structure type of commercial uses. I mean, that could even go on a condition. I'm fine with that too. But maybe just at least allowing the count, the Council to flush out that component. Thank you.

Ms. Thayer: Thank you, Commissioner Kealoha. Commissioner Ward.

Mr. Ward: I think it's it's more of a comment, if I may, Chair.

Ms. Thayer: Sure.

Mr. Ward: I'm a little confused where I was discussion or not discussion or that. But I don't really see the difference if we're approving B-2 or recommending B-2. Everything that you said, I'm very comfortable with, but it kinda is inclusive in B-2 because it would become before us from an SMA process. So, it seems like it's just adding a bunch of words to a process that is what they have to go through.

Ms. Thayer: I. I hear you and I I agree. I'm trying to get to a place where we can have something that everybody that we can get five votes in support of.

Mr. Ward: Absolutely, and that's why I said I would go with it. I agree with it, it just seems like. We're adding a bunch of words into something that is a process that exists so, but I would support it if if others would as well. So.

Ms. Thayer: I hear you.

Mr. Ward: So, if you would like a motion?

Ms. Thayer: Yes.

Mr. Ward: So, moved.

Ms. Thayer: OK. Thank you. Yeah, director, how about let's? Let's read what that motion is.

Ms. Blystone: All right. It's a good thing that I studied touch typing in elementary school junior high. When did I start? It doesn't matter, so recommend approval of B-2 with a condition. So, I'm I'm kind of just to be clear, I think what I'm hearing and correct me. If I'm wrong, it's not just for parking, it's the condition as proposed by the Council. Correct? That they want that the Commission wants the the Commission as the condition as proposed by Council, which included more than parking.

Ms. Thayer: Oh well it was.

Ms. Blystone: Parking plus…

Ms. Thayer: Parking…

Ms. Blystone: Solar…

Ms. Thayer: Parking structures, or lots, which may include solar energy facilities that are installed on overhead canopies or structures and may provide power to other law.

Ms. Blystone: So that's the condition. That we want included or do we not want to condition and we're just saying recommend recommendation of B-2 for parking which is what you said. So, there it got a little muddled and that's why I need clarification.

Ms. Thayer: Okay. So, I was suggesting that we recommend approval of B-2. For the represented use of parking and solar energy.

Ms. Blystone: OK.

Ms. Thayer: Allowing for certain other uses under B-2. Sorry permitted uses under B-2. That give flexibility for adaptation to coastal processes and sea level rise.

Ms. Blystone: OK. So, what I have is different than what I wrote. That's great that I asked this question. So, recommend approval of B-2 for the represented use of parking and solar

energy, allowing for certain other permitted uses allowed under B-2. That give flexibility for adaptation to coastal processes and sea level rise. Yes.

Ms. Thayer: So that is so moved by Commissioner Ward. And did we have a second for this?

Mr. Elizares: Second.

Ms. Thayer: Ok, second from Commissioner Elizares. Discussion on this motion. Re-beating a dead horse. OK, let us call for the vote.

Ms. Blystone: Commissioner Deakos.

Mr. Deakos: No.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: Yes

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: No.

Ms. Blystone: Commissioner Lind.

Mr. Lind: No.

Ms. Blystone: Commissioner Ward.

Mr. Ward: Aye.

Ms. Blystone: Vice-Chair Lindsey.

Ms. Lindsey: Aye.

Ms. Blystone: That's three votes opposed. Three votes in favor.

It was moved by Mr. Ward., seconded by Mr. Elizares, then

VOTED: ***To recommend the approval of B2, for the represented use of parking and solar energy, allowing for certain other permitted***

uses under B2 that gives flexibility for adaptation to coastal processes and sea level
(Assenting: C. Elizares, B. Ward, A. Lindsey)
(Dissenting: M. Deakos, A. Kealoha, C. Lind)

(Motion fails.)

Ms. Thayer: OK, Commissioners, are we? Go ahead, Commissioner Deakos

Mr. Deakos: It sounds like the roadblock is not giving the applicant what they want, but wanting this to be open to any type of B-2 development and it almost the way it's going almost sounds like there is some. I know it's not, but by by sort of like weaving in and keeping that blanket open B-2 it's it's odd that this Commission is blocking what the applicant wants. So, if if whatever added use that the Commission, some Commissioners absolutely want. It sounds like you need to define it. Because just saying we want any use under B-2, but we'll take some comments on the side that may or may get looked at, but we're voting to have it completely. Anything can go under B-2. Which is not what the applicant's asking for.

Ms. Caskey: I know I'm not supposed to talk. I'm sorry, but I'm totally OK with a condition being just parking lot. Period. That's fine cause. That's the only thing we want.

Ms. Thayer: Oh, OK. Vice-Chair Lindsey. And then Mr. Hopper.

Ms. Lindsey: To be clear, that's not what I want. I just want to be able to trust the process and the time when it comes and just follow the rules and set the right tone at the right times and say the right things at the right times because the community plan says this. This is what the community wanted. If we leave it in residential and deny, then that is not what the West Maui Community Plan update wanted. Umm. So, that's it.

Mr. Hopper. Just saying if you want to have a motion to forward the minutes with no recommendation, you could do that in a second. Everyone could vote on that, and you'd be done.

Ms. Thayer: OK.

Mr. Hopper: Seems to be the only thing you can agree on at this point. So that's that's that's an option.

Ms. Thayer: Thank you. Yes, Commissioners and I would, I would say, Commissioner Deakos, I do not think like with all due respect, I feel like that's putting words in her mouth.

That's like, we're not saying at all. Open up to all B-2, but at the same time we don't want to again hamstring the potential future use of this property. Like if we say if we put into the zoning that this can only be for a parking lot and then push comes to shove and down the line one. The second parcel is underwater, and this is all they have left and then we're saying the only thing you can have here is a parking lot. We're trying to avoid that situation. Without having to make the applicant go through this whole zoning process again. You know, for something that could have been done at the start. Go ahead, Commissioner Ticos.

Mark Deakos: I mean, I get all the respect. The applicant is screaming. Just give me my parking lot and we're talking about something that originally were saying, oh, who knows what's going to happen thirty years from now? Now we're saying, well, we want to anticipate thirty years from now that you know, I'm pretty sure we're not going to deny, but it's it's still hard to track. What did the real intent is here. I think this Commission is happy to give the applicant what they want. But we want to add something else to this that could. That seems to be jeopardizing the recommendation.

Mr. Elizares: Chair.

Ms. Thayer: Commissioner Elizares.

Mr. Elizares: Yeah. So, what I cannot have my name on is locking this applicant into only having a parking lot if they do decide well when they do decide to rebuild where where they choose to dig over there. Right now, we're bringing in the cultural context. Commissioner Lind, if our kupuna are under there and there are iwi kupuna under that building of the of the old Chart House, they will have to relocate their building and whether it be right next door, this is this is the planning perspective that I'm coming coming from, whether it be right next door with a smaller building with a smaller parking lot to allow for their their business to continue to operate and serve our community then then that's what it is. That's that's a potential, a very real potential that maybe in that area. That's, that's where I'm coming from with that, just leaving opportunities. Again, for me understanding and it took, it took a little time over the past couple, couple days. To really understand that we're just making a recommendation and anything that gets built cause everything costs more than five hundred, seven-fifty, seven fifty thousand, nowadays is going to come to us and we get to, we get to see that again and and I say we because I got a little triggered over there, cause I know Chair and Vice-Chair are are leaving us soon. And we may be, at least the four of us here, we may well be on those applications from the the current applicant, right? So, are you trusting the process and making this recommendation. Is just where where I'm at today and allowing for the the owner to to make those changes when when it when it starts or when it gets there. Just giving them the next step. That's it.

Ms. Thayer: Thank you, Commissioner Elizares. Commissioner Kealoha.

Ms. Kealoha: (Inaudible) worth beating a dead horse, but I keep hearing this. Trust the process and I I just like. I just feel like, you know, the Commission goes back and forth between pro-development and pro-protection of coastal resources and I do in thinking about trusting the process. I feel like it's not always that we're really putting the public resource first and so it's like. Oh, in five years from now, I can trust this new Commission and the voter and the Members to do what's right. But not if that Commission. Doesn't care very much about the public resource. So, like, I trust this process and I trust all of you in in doing what's right. But like I can't trust everybody in in five years from now. You know what I mean? I. I guess that's kind of just I wanted to respond to that. But did Commissioner Elizares say something about iwi on the property? Cause, I didn't. Or what? What was that? Did I miss something about iwi?

Ms. Thayer: I heard what I heard him say is that, you know, they they're they're planning to rebuild the restaurant on 1450, but that might include he it it it's he was not saying that there are iwi on the property he was just saying the what if. When they start moving ground around. You know this property underneath hasn't been touched in decades or something. And you know, there's all kinds of stuff with other sites. All in Lahaina, where once they start digging to rebuild, they come across iwi. So, he was just saying, as has happened on other properties, what if that happens here and they can't build the restaurant where it is now and they have to move it somewhere else on this property. And then, you know, again, they would be hamstrung by the constraints put on their zoning.

Ms. Kealoha: I see. Thank you for the clarification.

Ms. Thayer: Sure. Commissioner Lind, I saw your hand go up.

Mr. Lind: Yeah. So, I'm I'm looking at the map on the Snyder Corp. County website and it doesn't. It should be updated so that that we can see the burn sites and you know it seems like the lot that we were, they're requesting a land use zoning change. Leaves an open spot for a out of the SR line and a high, you know? No. What if something else would happen with the Chart House lot? Maybe that's the parking lot. The other lot is in the out of the SMA, I don't know. I don't really. Putting it out there but not telling anybody what to do but. Like she said, she wants the parking lot and wants to rebuild so. Maybe she should apply first for the building permit and then maybe come back to the stuff for the rest of the package, I don't know.

Ms. Thayer: She won't be able to do that in order to get the building permit approved. The

land use layers are gonna all need to match. And so right now they don't all match, which is why she's coming today. So the State land use is urban, the Community plan designation is neighborhood center, which is for you know, small business kinds of things. But the zoning right now is residential. And so, they would not be able to do anything with those three not matching.

Mr. Lind: Ok. Ok.

Ms. Thayer: So that's why we're discussing the B-2. But for the very reason of what you said, you know that's why some of us are talking about allowing for the flexibility within the B-2 zoning. Beyond simply a parking lot, just in case when they start developing or something starts happening for the parcel and they can't just rebuild the the restaurant where it is and maybe they need to reconfigure this two lots.

Mr. Lind: And Lindsey, Vice-Chair, Lindsey, did says that the community of Lahaina was for this change. Yeah.

Ms. Thayer: Yeah, so that the community plan, the West Maui Community plan, which is most updated just a couple of years ago. That designates this property as a neighborhood center and a neighborhood center is intended to include services that support the nearby neighborhoods with small buildings. Mom and pop shops. Transit connections. Mixed-use buildings.

Mr. Lind: And I guess the the opposition, I not too much right, from the neighborhood.

Ms. Thayer: Yeah, we have. We haven't gotten.

Mr. Lind: (Inaudible)

Ms. Thayer: Yeah. We haven't received any testimony about this.

Mr. Lind: Ok. Thank you.

Ms. Thayer: Mm-hmm. Yeah. So, Commissioners, we can do, as Mr. Hopper said and just transmit the minutes. We can ask the planner to, you know, summarize motion #1, motion #2, motion #3. And the votes for each of those. Or we can write out a list of concerns to transmit. But I would say that we should do our job and transmit something to the Council. I am open to solutions. I think we can try craft another paragraph. That's, you know, speaks that summarizes everybody's concerns. Go ahead, Commissioner Deakos.

Mr. Deakos: (Inaudible) I'm I'm in favor of the zoning change. I'm in favor with the conditional parking. I'm in favor of some light use. You know, if you want to add that on the condition like non-permanent structures. So, I'm good with all that. I'm just not good with an open-ended B-2 use.

Ms. Thayer: OK. And I guess, Commissioner Deakos, so to the last motion that we had that spoke to that, that was not enough to assure you.

Mr. Deakos: I, it got a little confusing but I think everything that it was all under comments. Like the condition, if the condition didn't get if there was no conditions were basically approving anything goes here, regardless of the sentiments of everybody here. So, I was. I would only support a condition that restricts the B-2 uses in this area, which would be appropriate to keep people out of harm's way outta yada. So, I don't think your motion had anything under the condition. It was all comments to the Council. It's my understanding.

Ms. Thayer: Yeah. And I, well, I guess I would say whether we put a condition together or we put comments together, the the Council is gonna do what they will either way.

Mark Deakos: Totally agree. Totally agree.

Ms. Thayer: So, I'm trying to get together so I I don't think it matters whether we create a condition or whether we craft comments. The main thing is we get our message across to Council on what we want them to include in the final zoning ordinance for this property.

Mr. Hopper: Chair.

Ms. Thayer: Mr. Hopper.

Ms. Hopper: I will say that if there's no recommendation, you could that they would need a two thirds vote to approve anything because this was a Council resolution. So, to either do something other than what you recommended, or if you don't make a recommendation. They're gonna need a two thirds vote to take action on it. So, if you vote to approve and then they vote to approve, also they don't need a two thirds vote. But if if you don't make a recommendation or you make a recommendation with the condition and then they wanna take out the condition and don't adopt your recommendation, they would need a two thirds vote as well. So, just noting that cause this is a Council resolution.

Ms. Thayer: Director.

Ms. Blystone: Yeah. And to just tack on to that. So, if the Commission it does seem to me that everyone is very much in favor of this project and what they're trying to do when it comes to parking. So, the potentially the motion could be something like. Approval with a condition as proposed by Council and then what staff can do is so first of all, they're going to get all of our minutes. All of this conversation will be to will be in there, but also what you can ask us to do in your recommendation is summarize some of the points of discussion, right. So, we can summarize that in our in our recommendation or in forwarding your recommendation so that there's some discussion, not just they recommended approval and you can look at the minutes like we can say that they had several conversations about the impacts of sea level rise, the the use of this property for more than just parking. We can say all of that without making it part of the the recommend part of the recommendation, without being part of the motion. Does that make sense?

Ms. Thayer: I think that makes sense, I think. One thing with that though, is that we have Commissioners who are not ok with limiting…

Ms Blystone: …to parking.

Ms. Thayer: …the parking.

Ms. Blystone: So, you could recommend approval without any conditions and say there was great discussion on the subject of limiting it to parking or limiting it to parking plus some additional uses and sea level rise.

Ms. Thayer: Yes, which I thought is what we had in our last motion. Can we re-read the last motion?

Ms. Blystone: Yes. Recommend approval of B-2 for the represented use of parking and solar energy, allowing for certain other permitted uses allowed under B-2 that give flexibility for adaptation to coastal processes and sea level rise.

Ms. Thayer: So, Commissioner Deakos, having heard that. Is there modifications you would make that would make you more comfortable? Like do we need to be more specific when we say certain other uses under B-2 knowing that anything would have to come to this Commission for an SMA major?

Mr. Deakos: That was a condition that you read.

Ms. Thayer: That is the condition that we were voting on this last pass. The motion, that is the motion we were voting on in this last pass.

Mr. Deakos: So, I'm fine with the conditions the applicant wanted. I'm fine with all of that. If you have additional members have additional conditions they want to add on a different additional uses, I can't tell you what those uses are. Does that make sense? I think you guys would have to craft that part of it.

Ms. Thayer: So that's that's well and I guess by this time we could have taken the time to go down through the list of B-2 and say yes, no, yes, no, yes, no. But I think that is getting like far, far into the weeds beyond anything we like need to be doing today, knowing Council will go far into the weeds on their own. So, I think you know the the value of this body is we bring like resident perspective. Onto this kinds of projects, we all have different backgrounds in different areas of expertise that we bring into the conversation. So, I think the value that we bring to Council in making this decision is writing out those perspectives in like a coherent and clear package to the Council for them to consider on this project.

Mr. Deakos: I mean, I hate to belabor this, that the vote for the conditions was denied, right? We voted in. We had a motion to vote for the conditions for the applicant that was denied. I didn't deny that. The denial was to keep it open for all uses.

Ms. Thayer: And we're not saying for all uses.

Mr. Deakos: And now we're trying to pass. Well, essentially. Essentially, in my opinion, that's that's what's I know you don't want it to say all uses, but essentially that's what it says.

Ms. Thayer: Like if we said like limited uses under B-2, would that make you more comfortable?

Mr. Deakos: Ok, read the limited uses.

Ms. Thayer: Change, change certain to limited.

Ms. Blystone: All right, recommend approval of B-2 for the representative use of parking and solar energy, allowing for limited other permitted uses allowed under B-2 that give flexibility for adaptation to coastal processes and sea level rise.

Mr. Deakos: Yeah, I mean it's it's open. It's it's a it's a B-2 that that you can't interpret that into. Well, that means these uses. So, it's an open. So, you you're asking? At least for me, will I change my vote from the conditions originally proposed to all uses under B-2? That limited description that you can't do with that? I don't, unless the planner, unless the

director knows how to interpret that. I wouldn't know how to interpret that if I were in your shoes.

Ms. Thayer: Yeah. And I well, I guess to that point, yes, we are not crafting here in this room today. We are not crafting, or I don't want us to go down that path of crafting like hashing out for every single permitted use under B-2 zoning. I do not want us to have to dive in to say, are we OK with this? Are we not? Are we OK with this? Are we not? There's like. I don't know thirty-some-odd uses that are listed. And I think that's like silly for us to go through and hash through every single one of those. But there I like. I was saying before, I don't want to box into a corner for the very reason that you're saying of they're going to have to, like, adapt this property some point in the future, you know. And if we if we have a condition in there that says this is only for a parking lot, they will be boxed in. And they would have to come through a zoning change or something. At that point in the future, which we have the opportunity now to give them the flexibility in the future without having to go through this extra step and they would be able to act a little bit faster. If at some point something happens where they do need to adapt. So, limiting it to just a parking lot would box them into a corner in that way, and I think that is what we are saying to to provide for that future flexibility in doing something else with this property.

Mr. Deakos: (Inaudible) all that in that logic, any application that came in front of us proposing a conditional use or whatever. You're saying that in all of these applications, we should anticipate what other uses they may do in the future and so not just grant what they're asking for. Let's try to know because we don't want in twenty years, we don't want them to come back for a change. Let's anticipate not just this applicant, but anybody that might change their mind or go in a different direction. We want to allow all of that, not just what they're asking, and I to me that doesn't seem appropriate. We can, they can come back if there are major changes and they have a different, you know, they could come back for, say, look, we're going in a different direction now. We'd like a different use. I don't see the problem granting what they want today and then having them come back when they decide. I don't think they're boxed in. They just have to come back and say we actually decided to go a different route. We wanted a mini shopping center on there.

Ms. Thayer: Yeah. And you know, like they said that they've already been in this process for nine years to come to this point today. Like if we put in that condition that this can only be a parking lot, they would have to go through another like several yearlong process. To do something else. And this being, you know, a small business that I think we all would want to support small local businesses. Like making this decision today, would either box them in in the future or give them some kind of out in the future and like in taking planning perspective, we should take a worldview look at this beyond what is here before us on paper at this moment today. So yes, like we would want to consider the myriad uses that

would be possible with this project. Understanding you know, Lahaina Town is shifting and changing. The sea is shifting and changing the coastline is shifting and changing. I think it would be poor planning actually to restrict this to a parking lot of all things, you know to say you can only ever have a parking lot here, I don't think is a good planning decision. Commissioner Ward, then Commissioner Lind

Mr. Ward: Thank you, Chair. I think we're also losing sight of what the Community plan says, which is it's a neighborhood center, a parking lot does not fit into be isolating it as a parking lot does not fit into what the Community plan and the residents of that area stated they want it. So, I would just encourage us not to lose sight of that and we just went through the South Maui and and I know that many of the Commissioners said, hey, we want to listen to what the Community said and let's not change things and we want to support. That which I completely agree with. I think West Maui stated they wanted this as a neighborhood center. So. I. I don't think I wouldn't want us to lose sight of that.

Ms. Thayer: Thank you, Commissioner Ward. Commissioner Lind, and then Commissioner Deakos.

Mr. Lind: Hi again I you know. This will come back before the the permit. If we pass this today, it'll go to the County Council at least. So, you know. Now I'm thinking like. The County Council can can vet this out if we recommend that maybe, yeah. If, like their, their rights to to do what they need. So taking that into consideration. I I like to support it now, so if anybody make a recommendation and leave it up to the County Council and then come back, be back to the Planning Commission in the future when they apply for the SMA permits. I think that that would make more sense for for us right now, cause, we've been deliberating for almost four hours.

Ms. Thayer: Yes, thank you, Commissioner Lind. I think back to Commissioner Deakos.

Mr. Deakos: Was it me or somebody else before me?

Ms. Thayer: It was you after Commissioner Lind.

Mr. Deakos: OK. Just cause we keep referring to the Community plan. So, you know, if we're gonna look at the community plan, we know the West Maui Community plan has strong language about keeping people's house out of harm's way, not building in the SLR-XA all of that. So, if we are going to strictly abide and and and implement the, you know the game can be played however you want to pick and choose the aspects of that plan. But there is strongly language there that we carried over into the South Maui plan about keeping people out of harm's way. This is not about a commercial building there. This is

about where it's located. And what is going to happen to that parcel so? You know the the the split here is do we want to have commercial use open-ended under B-2 on this parcel or do we want it restricted conditionally because of where it's at and what is on the horizon there. So that's what I think, and I cannot. I have not heard enough to convince myself that commercial use is a good recommendation here. Other other than the what the application the applicant is asking for is a good recommendation.

Ms. Thayer: Ok. So, we have, I think two options. That I will put forth for consideration. One is we go back to just recommending approval and then we attach a list of comments to that approval which encompasses everything we said throughout this discussion, or we modify the last motion to say. Certain limited uses under B-2 and leave it to Council to determine what those may be. I would entertain a motion either way. Commissioner Deakos.

Mr. Deakos: Just to clarify, so to pass the conditions. As. Not the recommendation by the department to eliminate all conditions with to pass the conditions. With the recommendation of additional limited use. Is that what I think you said?

Ms. Thayer: So, I I have two options. Option A is just recommend approval and then have a list of comments that encompasses all the concerns we've discussed. And then Council do what they will with those to craft whatever condition or conditions they deem appropriate. Option B is we rehash the last motion that we had discussed and wordsmith that to express that we're ok with certain limited uses under B-2. And letting the Council hash those out cause, they're gonna have to do a public hearing with public testimony, multiple council hearings to hash all of it out. And you know, they often come up with other concerns and conditions on their own from their perspectives. So, I think either way, they're gonna be hashing out. Condition or conditions. Probably so. The main thing I think for us is how do we best relay the concerns that we've discussed today? Commissioner Ward.

Mr. Ward: Thank you, Chair. I would move to approve with the Planning Department summarizing comments made today for Council's review and consideration.

Ms. Thayer: Thank you, Commissioner Ward. Do we have a second? Second from Vice-Chair Lindsey. Would you like to speak to that? Ok. I think we will have to make sure that we are all clear on what comments get listed. And so, I think one, if staff can be following this and we'll talk through this as we go and give us the leeway to maybe make a friendly amendment, I guess to specify these lists of comments. One second, Commissioner Deakos. So, one is enabling the parking lot and solar canopy use. Two is recognizing projected sea level rise and impacts of coastal properties. Coastal processes on this

property and the adjoining property. I don't know if we should put that in or leave it out. Ok, on this property itself. Three would be acknowledging that there are other permitted uses under B-2. That would give the applicant flexibility. In modifying this property over time, as sea level rise in coastal processes play out. Ok, Commissioner Deakos.

Mr. Deakos: I just feel like we already voted on approving the no conditions with a bunch of comments. Isn't that the same thing we're doing now?

Ms. Thayer: These are different comments than what we had before.

Mr. Deakos: Ok.

Ms. Thayer: Are there any other comments that any Commissioners would want to list? And the I and we can add in. You know something to the effect. Of council may impose conditions to this effect or ask Council to impose conditions to this effect. To address these concerns. Commissioner Ward.

Mr. Ward: Chair, thanks. I would since we're making comments, I would suggest that we do state that as a Commission, we do support this business, the local business and the concept. I think it's important that they know that element of it is not just the the other side of the concerns which are valid…

Ms. Thayer: Yes...

Mr. Ward: but I think it's important to know that we we do support. And want to support.

Ms. Thayer: Ok. This business as a local business serving local community,

Mr. Ward: …the local community.

Ms. Thayer: Ok, director is writing that in as comment #1. Yes, it's overarching, yes. Ok, commissioners, anything else that you want to make sure gets expressed? Commissioner Deakos.

Mr. Deakos: I just want to clarify that my comment is isn't maybe put to anything dealing with beach processing that future. Structures do not. Impede natural beach processes.

Ms. Thayer: Did you want to say future development? Because that would encompass all kinds of things, more than just structures.

Mr. Deakos: Sure. Yeah.

Ms. Thayer: Yeah, beach processes do not impede beach processes. Is that what you said?

Mr. Deakos: Yes, natural beach processes.

Ms. Thayer: OK. Anything else? Ok. Yes, director will read our six comments.

Ms. Blystone: Ok, so this was motion is for approval of the Planning Department's recommendation with the following comments. One, Commission supports this local business serving the local community. Two, enable the parking lot and solar canopy use. Three, recognizing projected sea level rise and impacts of coastal processes on the property. Four, acknowledging that there are several other permitted uses under B-2, that would give the applicant flexibility and modifying this property over time as sea level rise and coastal processes play out. Five, future developments should not impede natural beach processes, and six, council may impose conditions to address these concerns.

Ms. Thayer: Ok. Is there anything else anybody would want to add to this list? Otherwise, I think we'll take this would be a friendly amendment or is this just part of the main motion?

Ms. Blystone: I think it'd be part of the bank.

Mr. Hopper: Well, you already had the motion made, so I I I I suppose you could have that all added in as a motion to amend. Get a second vote on the motion to amend, and then you've got your motion as amended. It's probably the cleanest way to do it.

Ms. Thayer: Ok. Thank you. So, do we have a motion to amend the main motion to add these in?

Mr. Ward: So, moved.

Ms. Thayer: Ok, so moved by Commissioner Ward. Do we have a second? Second from Vice-Chair Lindsey. I'm gonna say we have hashed through discussion on this. Or raise your hand if not. OK, let us call for the vote on this amendment to the main motion.

Ms. Blystone: All right, Commissioner Deakos.

Mr. Deakos: No.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: Yes.

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: No.

Ms. Blystone: Commissioner Lind.

Mr. Lind: Yes.

Ms. Blystone: Commissioner Ward

Mr. Ward: Aye.

Ms. Blystone: Vice-Chair Lindsey.

Ms. Lindsey: Aye.

Ms. Blystone: Chair Thayer.

Ms. Thayer: Aye.

Ms. Blystone: That's five votes in favor for the amendment to the main motion.

It was moved by Mr. Ward., seconded by Ms. Lindsey, then

VOTED:	***Motioned to amend the main motion to recommend the addition of the following 6 comments as discussed.***
(Assenting:	*C. Elizares, C. Lind, B. Ward, A. Lindsey, K. Thayer)*
(Dissenting:	*M. Deakos, A. Kealoha)*

(Motion carries.)

Ms. Thayer: Ok. So now we arrive at the main motion. Do we have any further discussion on this now? So, the main motion is recommend approval with this list of comments. For the Council to consider. And hopefully incorporate in their discussion deliberation Commissioner Deakos.

Mr. Deakos: I I apologize. I thought we were doing the main motion so I would have supported the the amendment.

Ms. Thayer: OK.

Mr. Deakos: It's meaningless. Doesn't matter.

Ms. Thayer: OK. Well. Yes, let's call for the vote.

Ms. Blystone: Commissioner Deakos.

Mr. Deakos: No.

Ms. Blystone: Commissioner Elizares.

Mr. Elizares: Yes.

Ms. Blystone: Commissioner Kealoha.

Ms. Kealoha: No.

Ms. Blystone: Commissioner Lind.

Mr. Lind: Yes.

Ms. Blystone: Commissioner Ward

Mr. Ward: Aye.

Ms. Blystone: Vice-Chair Lindsey.

Ms. Lindsey: Aye.

Ms. Blystone: Chair Thayer.

Ms. Thayer: Aye.

Ms. Blystone: Chair, that's five votes in favor.

It was moved by Mr. Ward., seconded by Mr. Lindsey, then

VOTED: ***To recommend approval to the Council with a friendly amendment to include the six comments as discussed.***
(Assenting: C. Elizares, C. Lind, B. Ward, A. Lindsey, K. Thayer)
(Dissenting: M. Deakos, A. Kealoha)

(Motion carries.)

Ms. Thayer: Ok. Thank you, everybody. Good discussion. I appreciate all of your mana‘o very much. It is now 12:05. We have been going for three solid hours. I believe our lunch is on the way soon, but I think we should take a recess for everybody to get up and stretch their legs. And take a step outside. So, can we recess until 12:30 and hopefully we get our lunch within this time? We might have to have an eating meeting as we go along but let us recess now at 12:05 and we'll come back at 12:30.

Ms. Thayer: Ok. It is 12:34 PM. Welcome back, everybody to our Maui Planning Commission meeting of Tuesday, July 8th, 2025. We are about to head into item a A.2. Conditional Permit, which we'll hear more explanation from from the Department. I just want to note for everybody, some of us may be finishing our lunch. Oh, and we don't have Commissioner Ward here. But I think Director, you can read us into the record.

Ms. Blystone: At least I can read, think so. There's no problem even…

Ms. Thayer: …until Commissioner Ward comes back.

Mr. Hopper: This is a recommendation to Council

Ms. Blystone: Yeah. So. (Inaudible)

Mr. Hopper: …contested case.

Ms. Thayer: Ok. Yes, Director, please read us into the record.

2. <u>CONDITIONAL PERMIT</u>

RORY FRAMPTON CONSULTING INC. on behalf of the ANDREA M. AND GLAVIN K. KAIO FAMILY TRUST to request a Conditional Permit to create a four parcel State and County zoned ‘Agricultural‘ subdivision from a 12.834- acre parcel that was previously subdivided from a seven-lot subdivision of a 26.178-acre parcel. A Conditional Permit is required for the new subdivision because it cannot be conventionally subdivided per Maui County Code, Section 19.30A.040 (F), as it exceeds the maximum number of lots allowed per

Department of Planning's Report and Recommendation to the Maui Planning Commission

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAIʻI

In the Matter of the Application of Maui County Resolution No. 23-192 for the MOKU ROOTS To Obtain a Conditional Change in Zoning from R-1 Residential to B-2 Business Community District for property approximately 14,467 square feet in size, located at 1448 Front Street in Lahaina, Maui, Hawaiʻi, Tax Map Key (2) 4-5013:012 (ZPA2023-00003)	DOCKET NO. ZPA2023-00003 MOKU ROOTS (W. Leauanae)

DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
APRIL 22, 2025 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 619
WAILUKU, HAWAIʻI 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAIʻI

In the Matter of the Application of Maui County Resolution No. 23-192 for the MOKU ROOTS To Obtain a Conditional Change in Zoning from R-1 Residential to B-2 Business Community District for property approximately 14,467 square feet in size, located at 1448 Front Street in Lahaina, Maui, Hawaiʻi, Tax Map Key (2) 4-5013:012 (ZPA2023-00003)	DOCKET NO. ZPA2023-00003 MOKU ROOTS (W. Leauanae)

DESCRIPTION OF THE PROJECT

The Maui County Council (Council) adopted Resolution No. 23-192 (Resolution) on August 4, 2023 (**Exhibit 1**). The Department of Planning (Department) received the Resolution on or about August 25, 2023.

The Resolution refers to the Maui Planning Commission (Commission) a proposed bill for a conditional change in zoning from R-1 Residential to B-2 Business Community District for property approximately 14,467 square feet in size located at 1448 Front Street in Lahaina, Maui, (Property) and identified for real property tax purposes as tax map key (TMK) (2) 4-5-013:012.

The Property is owned by Knossos 1450 Front, LLC. The applicant, Moku Roots, LLC (Applicant), operates a farm-to-table restaurant and company on Maui. The owner purchased the subject Property and the adjoining property (TMK (2) 4-5-013: 009). (See **Exhibit 2** for a map of the Property). Prior to the purchase of the two parcels, the previous owner operated a restaurant on the adjoining property and a parking lot on the subject Property through a Conditional Permit (CP880002). The Property provided 42 parking spaces for the adjoining restaurant's use. (See **Exhibit 3** photographs of parking lot and restaurant). The adjoining property with the restaurant is zoned B-2 Business Community District. The Property owner and Applicant intended to continue to use the adjoining parcel for its restaurant and the subject Property as a parking lot.

Unfortunately, on August 8, 2023, the restaurant structure on the adjoining property was destroyed by the Lahaina fire. (See **Exhibit 4** for photographs of restaurant structure and parking lot after the fire). The Property sustained minimal damage from the fire. As such, the Applicant's intent is to continue to use the Property as a parking lot with minor cleanup for an adjoining restaurant that will be rebuilt and operated by the Applicant. (See **Exhibit 5** for Council letter to Commission). No development of the parking lot is proposed.

It should be noted that the Resolution inadvertently refers to TMK (4) 5-0-130:120 as the TMK for the subject Property. The Department has confirmed with its mapping resources, including maps submitted to the Department, that the correct TMK is (2) 4-5-013:012. (See **Exhibit 6** for Land Zoning Map and Warranty Deed with the TMK and legal description of the Property). It is anticipated that the TMK will be corrected by Council following the Commission's review of the application and recommendation for the proposed bill.

The Council also requested the Commission consider adding the following condition: "1. That the only permitted uses are parking structures or lots, which may include solar energy facilities that are installed on overhead canopies or structures, and may provide power to other lots."

DESCRIPTION OF THE PROPERTY

1. The Property, which is approximately 14,167 square feet in size, is located at TMK (2) 4-5-013:012, Lahaina, Maui, Hawai'i. The Property is currently a vacant paved parking lot with 42 parking spaces and no structures on the property. The Property is located approximately 2 miles north of Lahaina town. The parcel is situated in between the mauka side of Front Street and the makai side of Honoapi'ilani Highway. On the north side of the Property is an adjacent parcel. On the south side of the Property is a residential property.

2. Land Use Designations

a.	State Land Use District	Urban
b.	West Maui Community Plan	Neighborhood Center
c.	County Zoning	R-1 Residential
d.	Other	Special Management Area

3. Surrounding Uses

North	Vacant land
East	Honoapi'ilani Highway
South	Residential property
West	Front Street and ocean

4. The subject parcel is a vacant paved parking lot located in an area designated by FEMA as Flood Zone Zone X.

   Zone X is an area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available. (**Exhibit 7** for the Land Use Designation Form)

APPLICABLE REGULATIONS

CHANGE IN ZONING

In accordance with Section 8-8.6 of the Charter, County of Maui, 2003 Edition, "any revisions of the general plan, zoning ordinance or other land use ordinance may be proposed by the council and shall be reviewed by the appropriate planning commission as if prepared by the planning director. Any such revision shall be referred to the appropriate planning commission by resolution. If the planning commission disapproved the proposed revision or recommends a

modification thereof, not accepted by the council, or fails to make its report within a period of the 120 days after receipt of the referral, the council may nevertheless pass such revision, but only by the affirmative vote of at least two thirds of council's entire membership."

A change in zoning is reviewed in accordance with: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a change in zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;

2. The proposed request is consistent with the applicable community plan land use map of the county;

3. The proposed request meets the intent and purpose of the district being requested;

4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;

5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,

6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil and Conservation Service.

In accordance with MCC, Title 19, Chapter 510, Section 19.510.050 Conditional Zoning, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and,

2. That the need for public services created by the proposed use shall be fulfilled.

PROCEDURAL MATTERS

1. On August 4, 2023**,** the Council adopted the Resolution.

2. On August 25, 2023, the Planning Department received the Resolution.

3. On February 28, 2024, the Maui Planning Department transmitted the

Resolution to various State and County agencies for review and comment.

4. On March 4, 2025, the Maui Planning Department emailed the Applicant and consultant, notifying them of the scheduled public hearing.

5. On March 21, 2025, the Department published a Notice of Public Hearing in the Star Advertiser.

6. The subject application does not involve an action that triggers compliance to Chapter 343, Hawai'i Revised Statutes, relating to Environmental Impact Statements.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit Number
Department of Public Works	No Response	N/A
Department of Fire & Public Safety	Response	8
Police Department	No Response	N/A
Department of Finance – Real Property Division	No Response	N/A

State Agencies:	Comment	Exhibit Number
Office of Planning & Sustainable Development	Response	9
Department of Transportation	Response	10

Federal Agencies:	Comment	Exhibit Number
U.S. Army Corp of Engineers	No Response	N/A

Others:	Comment	Exhibit Number
Hawaiian Electric Company	Response	11

ANALYSIS

As noted previously, the requested change in zoning from R-1 Residential to B-2 Business Community District for the Property is evaluated in accordance with the MCC, Section 19.510.040, which the Council may grant if it finds the following six criteria for zoning are met:

Criteria 1: The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;

1. **State Land Use:** The subject Property is in the State's Urban District. The proposed uses are consistent with the Urban designation of the property. The Urban District generally includes lands characterized by "city-like" concentrations of people, structures and services. The District also includes vacant areas for future development.

2. **Countywide Policy Plan:** The proposed change in zoning is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Promote Sustainable Land Use and Growth Management

GOAL: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective: 1. Improve land use management and implement a directed-growth strategy.

Policies:

b. Direct urban and rural growth to designated areas.

e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.

h. Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

i. Enable existing and future communities to be self-sufficient through sustainable land use planning and management practices.

The proposed change in zoning supports efficient land use within the Urban District, aligning with the goals to support walkable, service-oriented communities close to residential areas.

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective: 1. Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

d. Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.

j. Support efforts to improve conditions that foster economic vitality in our historic small towns.

l. Support public and private entities that assist entrepreneurs in establishing locally operated businesses.

Objective: 3. Support a visitor industry that respects the resident culture and the environment.

Policies:

c. Encourage a spirit of welcome for residents at visitor facilities, such as by offering kama`aina incentives and discount programs.

f. Encourage resident ownership of visitor-related businesses and facilities.

n. Recognize the important contributions that the visitor industry makes to the County's economy, and support a healthy and vibrant visitor industry.

The proposed change in zoning allows the Property, an existing paved parking lot near development, to become ideal for infill or accessory commercial use such as parking to support Moku Roots' adjacent restaurant. This use reduces vehicle congestion and supports nearby businesses without increasing urban sprawl.

3. **Maui Island Plan**: The Maui Island Plan (MIP) outlines a directed growth strategy that emphasizes protecting rural areas while supporting compact, walkable towns. The proposed zoning change is consistent with the following MIP strategies:

Policy 3.1.2: *"Ensure that zoning entitlements are consistent with the planned directed growth strategy and land use maps."*

The proposed change in zoning is consistent with the Urban Growth Boundary and the proposed use conforms to the land use designation identified in the MIP Directed Growth Map for the region, as it utilizes the Property for a commercial purpose that complements the surrounding area. It avoids urban sprawl and promotes sustainable growth within the designated urban growth boundary.

Policy 3.2.3: *"Promote redevelopment and infill development within existing communities."*

The proposed change in zoning supports reinvestment in established areas, maximizing use of existing infrastructure and services by using the parking lot in an already developed area, which supports the sustainable growth of Lahaina. The change in zoning maximizes the use of land and enhances the local economy by serving both tourists and residents.

Criteria 2: The proposed request is consistent with the applicable community plan land use map of the county;

The Property is designated Neighborhood Center in the West Maui Community Plan and the proposed zoning designation is consistent with the description of Neighborhood Center:

> *The Neighborhood Center community plan designation is intended to include services that support nearby residential within pedestrian-oriented commercial nodes. Uses within this designation are primarily neighborhood serving, with small scale buildings, like traditional mom-and-pop shops, providing opportunities for people to take care of daily activities close to home. Pedestrian, bicycle, and transit connections provide residents with access to the Neighborhood Center. This designation may also include residential uses, such as small-lot single-family and multi-family, and human-scale, mixed-use buildings that include residential. Related and compatible uses include parks, schools, churches, and other public/quasi-public uses. Development must follow the scale and character of the surrounding area until design standards are established by the Council.*

The following goal, policies and actions support the proposed change in zoning.

2.4 Goal | Economic opportunity through innovation and collaboration.

Policies

2.4.3 | Visitor-related development and businesses must minimize the impact of tourists on West Maui residents, infrastructure, parks, environment, and cultural resources. The visitor industry must focus on quality rather than quantity.

2.4.5 | Encourage culturally appropriate, environmentally friendly, community-supported, legal small businesses, art, historic industries, and wellness as an industry.

Actions

4.02 Support best practices for tourism management in West Maui to protect the residents' quality of life, and the area's environment, culture, and character.

4.03 Develop and implement an economic development strategy of diversification for West Maui and coordinate with the Department of Planning on required land use changes to implement the strategy.

Criteria 3: The proposed request meets the intent and purpose of the district being requested:

The intent of the B-2 Business Community District is to provide for commercial and business activities that serve surrounding residential neighborhoods. The change in zoning to B-2 Business Community District will support the development of commercial businesses within the Lahaina area and support the County's goal of promoting walkable communities. The proposed change in zoning to allow a parking lot for a restaurant is an appropriate use of the property and helps alleviate parking concerns in the area.

Criteria 4: The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal,

***drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements*:**

The proposed change in zoning is not expected to result in any adverse impacts on public or private infrastructure. The continued use of the property as a parking lot for the adjacent restaurant will not increase demand on public utilities or infrastructure.

The proposal's lack of new development on the Property ensures that no additional strain will be placed on the community's infrastructure or public facilities. Furthermore, the Property's proximity to existing roads and utilities ensures that any infrastructure-related concerns are minimal.

In addition, there is no means by which to assess impacts to parks, schools, police, fire or medical services. Once a SMA Use Permit application is submitted, the proposed demands on infrastructure, public facilities and services will be disclosed and assessed. At that time, prospective adverse impacts can be assessed, as well as proposed mitigation measures.

Further, the State Department of Transportation commented that for any future development proposal, the Applicant should consider the proximity to the Kapalua airport, which is within five miles of the property. The Applicant is advised to read the Technical Assistance Memorandum for guidance with development and activities that may require further review and permits. (See **Exhibit 10**).

The Department of Fire and Public Safety provided comments on water supply requirements, hydrant spacing and service roads for R-1 Residential Hotels. No comments were provided for the proposed change in zoning of B-2 Community District. (See **Exhibit 8**).

Hawaiian Electric commented it will review and comment on plans for any future projects submitted by the Applicant that may require studies that identify on and off-site electrical facility installation and upgrades. Hawaiian Electric encourages that electrical demand, service location requirements and project time/phasing schedule be scheduled as soon as practicable to endure timely electrical facility installation. (See **Exhibit 11**).

Criteria 5: The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area:

The proposed change in zoning is not expected to significantly impact the social, cultural, economic, environmental, or ecological character of the area. The site has historically been used as a parking lot for an adjoining restaurant, and the proposed zoning change would allow for the continued use of the Property in a manner that is consistent with the surrounding community. No significant environmental impacts are anticipated, as the proposed use does not involve new construction or development.

The proposed zoning change supports the expansion of local businesses, such as Moku Roots farm-to-table restaurant, which will contribute to the economic vitality of the Lahaina community by enhancing local services and creating employment opportunities. This change in zoning will help ensure that Lahaina remains a vibrant, economically active area that attracts both residents and tourists.

The proposed change in zoning will not have any impact on archaeological and cultural

resources because no development is proposed at this time, and the Property's use will remain a parking lot. If any development occurs, an application will need to be submitted for a Special Management Area Use Permit. The application, Archaeological Assessment, and development plans will be transmitted to the DLNR-SHPD for review of any potential adverse impacts and mitigation.

As previously mentioned, once an SMA Use Permit application is submitted, there will be an assessment of housing, population, employment, and economic impacts. Mitigation measures will also be disclosed for any adverse impacts at that time.

Criteria 6: If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil and Conservation Service.

The Property is not located within an Agricultural District. No agricultural impact assessment is required. The proposed change in zoning will not affect any agricultural lands or uses.

Council-Requested Condition

The Council requested the Commission consider adding the following condition: "1. That the only permitted uses are parking structures or lots, which may include solar energy facilities that are installed on overhead canopies or structures, and may provide power to other lots."

The Commission may consider this condition, but the Department does not recommend including this condition in the recommendation. Adding conditions to zoning makes administration of the code unnecessarily difficult over time and it is not good practice. Furthermore, ensuring only parking can be placed on this TMK prevents infill development that may be desired in the future and is inconsistent with the desire for a walkable Lahaina as expressed in the West Maui Community Plan.

OTHER GOVERNMENTAL APPROVALS

No development is proposed at this time, so no other governmental approvals are needed for the proposed land use entitlement changes.

TESTIMONY

As of April 1, 2025, the Planning Department has received no letters regarding the proposed zoning change.

ALTERNATIVES

1. ***Deferral:*** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.

2. ***Recommend Approval Without Conditions****:* The Commission may take action to recommend that the Council approve the request without imposing any conditions.

3. ***Recommend Approval With Conditions****:* The Commission may take action to recommend that the Council approve the request with conditions.

4. ***Recommend Denial****:* The Commission may take action to recommend that the Council deny the request.

CONCLUSIONS OF LAW

Change in Zoning

A change in zoning is reviewed in accordance with MCC, Section 19.510.040, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a change in zoning if the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;

2. The proposed request is consistent with the applicable community plan land use map of the county;

3. The proposed request meets the intent and purpose of the district being requested;

4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;

5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,

6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.

Conclusion: The change in zoning for the Property will reclassify zoning from R-1 Residential to B-2 Community District. The Applicant's proposed action is consistent with and is supported by the above-listed criteria for a change in zoning. As previously stated, since no development is proposed at this time, the change in zoning should not adversely impact public or private schools, parks, playgrounds, water systems, sewage, solid waste disposal, drainage, roadway and transportation systems. In addition, there should be no adverse impacts to the social, cultural, economic, environmental, or the ecological character and quality of the surrounding area.

RECOMMENDATION

The Department recommends that the Maui Planning Commission recommend approval to the Council for the change in zoning, with no conditions, for real property of approximately 14,467 square feet in size located at 1448 Front Street in Lahaina, Maui, Hawai‘i, Tax Map Key (2) 4-5013:012 for a reclassification from R-1 Residential to B-2 Community District.

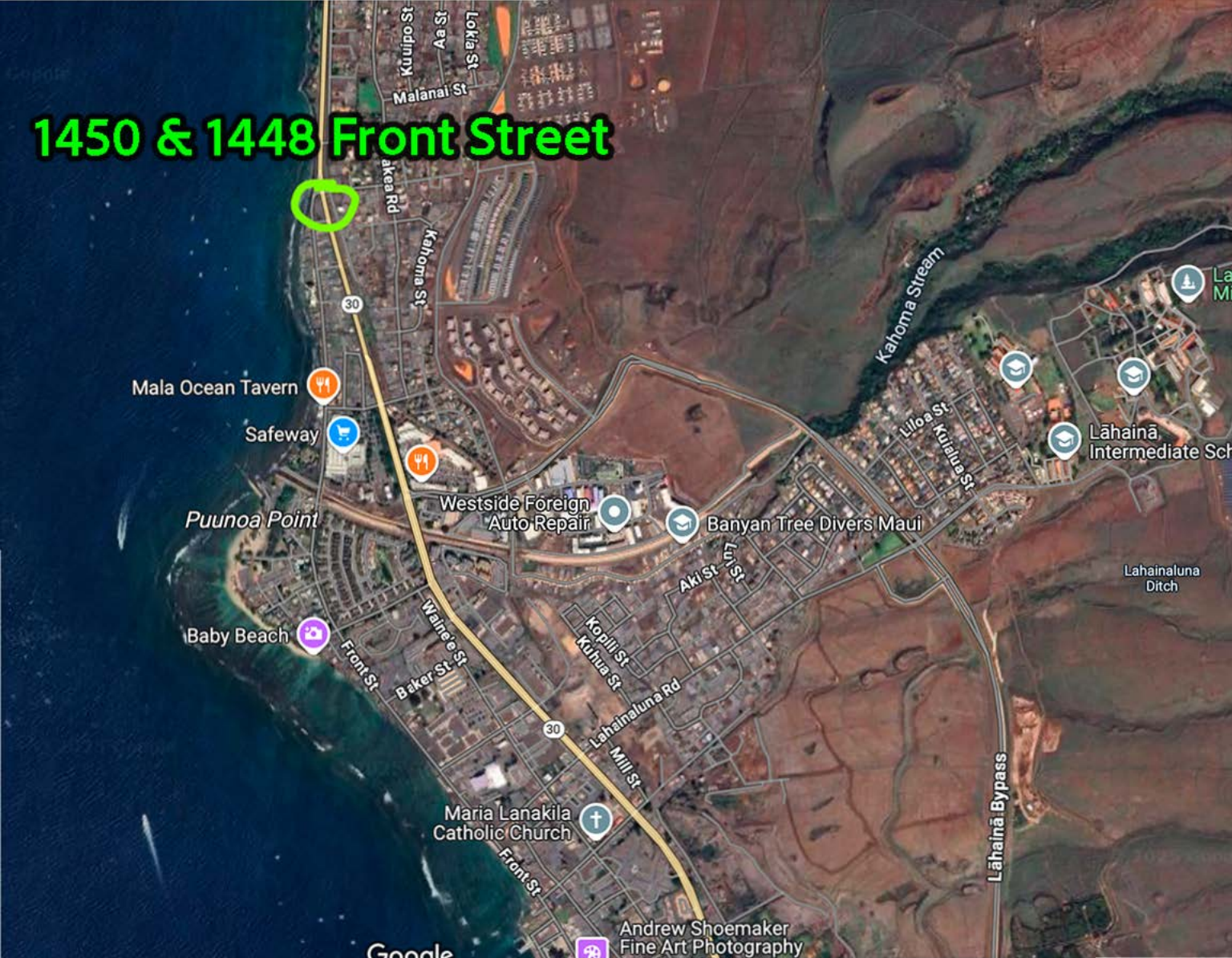
APPROVED:

Planning Director

Maui Planning Commission
July 8, 2025, Presentation

CENTRO DE ALCANCE
EL BUEN PASTOR
1450 Front Street
The old Charthouse Building
pre-fire

1448 Front Street
parking lot
1450 Front Street


1450 & 1448 Front Street
Malanai St
Kuuipo St
Aa St
Loki St
Kahoma St
30
Mala Ocean Tavern
Safeway
Puunoa Point
Baby Beach
Front St
Baker St
Wainee St
Westside Foreign Auto Repair
Banyan Tree Divers Maui
Aki St
Lui St
Kopili St
Kuhua St
Lahainaluna Rd
Mill St
Maria Lanakila Catholic Church
Front St
Andrew Shoemaker Fine Art Photography
Kahoma Stream
Liloa St
Kuialua St
Lāhainā Intermediate Sch
Lahainaluna Ditch
Lāhainā Bypass

1450 Front Street
1448 Front Street
Front St
Fleming Rd
Malo St
Honoapiilani Hwy
30
2133
1448
1450 Front St
Recently viewed
Moana Lani Bed and Breakfast
Temporarily closed
Maui Adventure Tours Kayak Company
RJB Taxi
Komohana Pl
Lahaina Royal
Google
1441
1437
1436
1433
96
1476
110
120
124
120A
1470
119
125
131
115
109
107
114
1276
118
1401
1375
1373
1391

1448 Front Street

1450 Front Street
1448 Front Street

1450 Front Street

1450 Front Street
1448 Front Street

Application

Current Planning Application Report (ZPA2023-00003)

Plan Type:	CP Change of Zoning/General Plan Amendments/DBA	**Project:**		**App Date:**	10/02/2023
Work Class:	Review	**District:**	West Maui	**Exp Date:**	NOT AVAILABLE
Status:	In Review	**Square Feet:**		**Completed:**	NOT COMPLETED
Valuation:	$0.00	**Assigned To:**	Leauanae, Wilton	**Approval Expire Date:**	
Description:	Change in Zoning initiated by Council Resolution 23-192				

Parcel:	2450130120000-48247 Main	**Address:**	1448 Front St Lahaina, HI 96761 Main	**Zone:**	010(Zoning Class: R-1 Residential) SMA(Special Management Area) X(Flood Zone: X) Urban(Maui Island Plan: Urban)

Consultant
Kimberley Willenbrink
P.O. Box
Wailuku, HI 96793
Mobile: (808) 269-0308

Applicant
MOKU ROOTS
74 S Lauhoe Pl
LAHAINA, HI 96761
Home: (808) 214-5106
Business: (808) 280-9568

Plan Custom Fields

I. Project Information

APPLICATION DOCUMENTS

Please use the below hyperlinks to open and/or download forms to be used while preparing and submitting your application.

Outline of ZPA Questions

You can use this outline to help navigate within the set of questions below and refer to any specific one.

Required Attachments for Change of Zoning

Upload all the listed documents in the "Attachments" section if you are requesting a Change of Zoning.

Required Attachments for CP and MIP amendments

Upload all the listed documents in the "Attachments" section if you are requesting an amendment to a Community Plan (CP) or the Maui Island Plan (MIP).

Required Attachments for a Land Use Commission DBA

Upload all the listed documents in the "Attachments" section if you are requesting a Land Use Commission District Boundary Amendment.

Sample of Basic Answers to Questions

You can revew this first sample to help you frame less complex answers to all questions below except those in Section V. Most should be appropriate for a less complex application and/or project. Most sample answers are drawn from actual reports to Commissions.

Sample of Moderately Complex Answers to Questions

You can revew this second sample to help you frame more complex answers to all questions below except those in Section V. Many should be appropriate for a more complex application and/or project. Most sample answers are drawn from actual reports to Commissions.

Sample Answers to Section V. Questions

You can revew this third sample to help you frame answers to questions in Section V. Section V. is specific to only this particular type of application. The questions in the other two samples above are common to a variety of applications which require a public hearing by a County Commission.

Land Use Comm. Admin. Rules 15-15-18 thru 15-15-21

If you are requesting a Land Use Commission District Boundary Amendment, you will need to describe below how the applicable criteria from sections 15-15-18 through 15-15-21 of the Land Use Commission's administrative rules are met.

Notice of Application - ZPA

Fill out the Notice of Application and mail it out with a location map to all owners and recorded lessees within 500 feet of the subject project site property boundaries. Upload a copy in the "Attachments" section.

Notarized Affidavit of Mailing of Notice of App

After mailing out the Notice of Application, fill out the Affidavit, have it notarized, and upload it in the "Attachments" section.

Notice of Public Hearing

Fill out the Notice of Public Hearing and upload it in the "Attachments" section. Do not mail it out until you are asked to do so later.

Notarized Affidavit of Mailing-Notice Public Hrng.

After mailing out the Notice of Public Hearing, fill out the Affidavit, have it notarized, and upload it in MAPPS.

Sample land use change map

Prepare a map of the subject property and its surrounding properties, including their Tax Map Key numbers and the proposed land use change, in a format designed to be printed on regular paper of 8 ½" x 11". The map will not include the metes and bounds on it, nor signature lines or dates for any approvals. Upload it in the "Attachments" section.

You will have the opportunity to upload some attachments in batches in the "Attachments" section.

QUESTIONS

If a question below does not apply to your project, enter NA as your answer and if the question requires a count, enter 0.

I. Project Information

A. GENERAL INFORMATION

1. Select one or more types of amendments or changes being requested
Change of Zoning

2. What other application(s) are you applying for related to this project?
Conditional Permit

3. Associated application number(s), if known
CP2023-00001

4. Is this application for a Maui County agency project?
No

5. Project Name
Change in Zoning Council Reso 23-192

6. Total Area of Lot(s) - acreage of TMK parcel(s) where use is proposed
0.33

7. Project Site Area [Enter only if different from Total Area of Lot(s)] - sq. ft. of area where use is proposed.

8. Valuation of Project*
0

* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of the Dept. of Public Works, Development Services Administration.

9. Physical Address/Location of Project
1448 Front St., Lahaina

10. Additional Location Information

11. Describe the Existing Use.
parking lot. will continue to be the exact parking lot just need to be zoned commercial to use for 1450 front

12. Briefly describe the Proposed Development/Use.
no development - same parking lot. will continue to be the exact parking lot just need to be zoned commercial to use for 1450 front

13. No. of Parking Spaces now on the site
42

14. No. of Parking Spaces on the site after development
42

15. Building Permit Application No.
N/A

16. Has the proposed use or any work related to it already been started or completed for this project?
Yes

17. If (Y) describe after-the-fact use or work
Existing Parking Lot

B. DESCRIPTION OF THE PROJECT

1. List any amendment to text changes you are requesting for zoning conditions or plan wording.
None provided by Applicant

2. Provide a statement of the purpose and need for the proposed action.
Council initiated Conditional Change in Zoning by Resolution 23-192 from R-1 Residential to B-2 Business Community District to allow the owner of the subject property to use as a parking lot for a restaurant in the adjacent parcel, which has the same property owner. Per owner it's always been a parking lot for the use of 1450 and received this permit in the past. Also it is being taxed as commercial

3. Describe the full scope of your project. Include, where applicable, but not limited to: use, length, width, height, building materials, floor area, and size of structures in square feet, project need, hours of operation, number of employees, proposed employee housing plan, construction costs, construction timeline, phases, landscaping, and area, depth, or volume of grubbing, grading, fill, and any other ground-altering activity such as utility installation.
Per owner, the parking lot will continue to be the exact parking lot just need to be zoned commercial to use for 1450 front.

C. DESCRIBE THE FOLLOWING SITE CONDITIONS

1. Elevations (highest and lowest points)
parking lot

2. Slopes
flat

3. Topography
paved parking lot

4. Soil Types
N/A

5. Natural Features
9 trees

6. Vegetation
9 trees

7. Existing Development
paved parking lot

D. LIST THE ADJACENT AND SURROUNDING LAND USES

1. North
1450 Front St., Lahaina

2. East
Honoapiilani Hwy

3. South
Bed and Breakfast at 1440 Front St.

4. West
Front Street and Ocean

E. HISTORIC PROPERTIES CHECK/HRS 6E

1. If any of the following apply, check this box
No

Does the site include a registered Historic property?

Does the property include any buildings/structures 50 or more years old?

Is there ground altering activity proposed?

2. Is it in NHLD?
No

3. County Historic District?
No

F. CHAPTER 343, HRS (HAWAII ENVIRONMENTAL POLICY ACT) COMPLIANCE

1. If any of the following apply, check this box
No

Is there a Chapter 343 trigger?

Has an EA or EIS already been submitted?

Is the project exempt under Chapter 343?

II. Plan Consistency & Impacts

A. SELECT THE RELEVANT THEMES, GOALS, OBJECTIVES, AND POLICIES FROM THE COUNTYWIDE POLICY PLAN AND DESCRIBE HOW YOUR PR(IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSISTENT, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. You may also list and discus other section of the plan that is relevant to the proposed request. Consult the relevant goals, objectives, policies, and implementing actions of the Countywide Policy Plan for guidance.

B. SELECT THE RELEVANT CORE VALUES, GOALS, OBJECTIVES, POLICIES, AND IMPLEMENTING ACTIONS (CH. 1-7) FROM THE MAUI ISLAND PLAN THE DIRECTED GROWTH PLAN (CH. 8) AND DESCRIBE HOW YOUR PROPOSAL IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSIS DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. You may also list and discuss any other section of the plan that is relevant to the proposed request. Consult the goals, objectives, policies, implementing actions, and Table 8-2 in Chapter 8 of the Maui Island Plan for guidance.

Core Values: To achieve our island's vision, we will be guided by the following values: a) Adopt responsible stewardship principles by applying sound natural resource management practices. b) Respect and protect our heritage, traditions, and multi-cultural resources. c) Plan and build communities that include a diversity of housing. d) Retain and enhance the unique identity and sense of place. e) Preserve rural and agricultural lands and encourage sustainable agriculture. f) Secure necessary infrastructure concurrently with future development. g) Support efforts that contribute to a sustainable and diverse economy for Maui. h) Create a political climate that seeks and responds to citizen input. i) Respect and acknowledge the dignity of those who live on Maui. j) Establish a sustainable transportation system that includes multiple modes, including walking, biking, and mass transit, as well as automobile-based modes. k) Recognize and be sensitive to landownership issues and work towards resolution.

2. If your request or project falls within a Maui Island Plan Protected Area, address how your project or proposal impacts the Protected Area. Discuss any mitigation measures intended to protect the area. Consult the Protected Area Diagrams and Table 8-2 in Chapter 8 of the Maui Island Plan for guidance. If your request does not fall within a Maui Island Plan Protected Area, answer N/A.
N/A

3. If your request or project falls within a Maui Island Plan Growth Boundary, address how your project is consistent with Chapter 8 of the Maui Island Plan, Directed Growth chapter. If your project falls within (affects) a Planned Growth Area, address how your project is consistent with the Planned Growth Area description in Chapter 8. Consult Chapter 7 and 8 of the Maui Island Plan for guidance. If your request does not fall within a Maui Island Plan Growth Boundary, answer N/A

N/A

C. SELECT THE RELEVANT SUBJECTS, GOALS, OBJECTIVES AND POLICIES, AND IMPLEMENTING ACTIONS FROM THE RELEVANT COMMUNITY PL DESCRIBE HOW YOUR PROPOSAL IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSISTENT, DISCUSS WHY YOUR PROPOSAL IS JU You may also list and discuss any other section of the applicable community plan that is relevant to the proposed request. Community plan areas are defined by geographic boundaries. Consult the relevant goals, objectives, policies, and implementing actions in the relevant Community Plan for guidance.

D. DESCRIBE HOW YOUR PROPOSAL IS CONSISTENT AND CONFORMING WITH EACH OF THE APPLICABLE FOLLOWING TYPES OF MAPPED LAND DESIGNATIONS FOR THE SITE:

1. State Land Use Districts

Urban

2. Maui Island Plan Growth Boundaries

N/A

(N/A if project on Molokai or Lana`i)

3. Maui Island Plan Protected Areas

N/A

(N/A if project on Molokai or Lana`i)

4. Community Plan Land Use Designations

Neighborhood Center

5. Zoning Designations

R-1

DEVELOPMENT IMPACTS

E. ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES IMPACTS:

1. Describe any archaeological impacts.

None provided by Applicant

2. Describe any impacts on historic resources.

None provided by Applicant

3. Describe any impacts on cultural resources.

None provided by Applicant

4. List any comments/recommendations received from State Historic Preservation Division.

None provided by Applicant

F. SOCIO ECONOMIC IMPACTS

1. Identify social and economic impacts (such as the need for affordable housing, impacts on population, impacts on labor, local economy, etc.).

None provided by Applicant

G. ENVIRONMENTAL IMPACTS

Describe any impacts to the following:

1. Environmentally Sensitive Areas, including shoreline, wetlands, streams, other fresh wasters, estuaries, coastal waters, sea level rise exposure area, other erosion prone areas, geologically hazardous land, tsunami zone, flood plain, rock outcroppings, endangered plants and animals and exceptional trees. For proposals on Maui Island, consult the Protected Area sections in Chapter 8 of the Maui Island Plan (MIP) and discuss how the area will be protected from adverse actions. Include any mitigation measures if applicable. Please consult Table 8-2 in the MIP for guidance.

N/A

2. View corridors and scenic resources impacts

N/A

3. Flora impacts

N/A

4. Fauna impacts

N/A

5. Dune ecosystems impacts

N/A

6. Stream ecosystems impacts

N/A

7. Marine ecosystem impacts

N/A

8. Natural features impacts

N/A

9. Open space impacts

N/A

10. Noise Impacts
N/A

11. Air Quality Impacts
N/A

12. List any comments/recommendations received from government agencies.
N/A

H. OTHER IMPACTS, MEETINGS, APPROVALS AND ZONING

1. Describe any other impacts.
N/A

2. List the dates of any community meetings held regarding the project and summarize the feedback. Have your neighbors been made aware of your project and what has been their general feedback?
N/A

3. If applicable, provide an assessment of the impact the proposed use may have on agricultural use of the property with comments from the Department of Agriculture (DOA) and Natural Resources Conversation Service (NRCS).
N/A

4. Identify other governmental approvals that the development will be subject to.
N/A

5. Describe the relationship of the proposed project to the Maui County Code Title 19, Zoning Code.
Will allow our restaurant at 1450 to have the appropriate parking as stated in Title 19 wotj 1 s[ace [er 100 sq. ft. dining

6. Describe the relationship of the proposed project to any other relevant regulatory controls, best management practices, policies, plans, technical studies, guidelines, or studies.
N/A

1. Table - Countywide Policy Plan
Theme 1: Protect the Natural Environment
Goal 1: None provided by Applicant
Objective 1: None provided by Applicant
Policies 1: None provided by Applicant
Implementing Actions 1: None provided by Applicant
Other 1: None provided by Applicant
Relevance 1: None provided by Applicant

1. Table - Maui Island Plan
Goal 1: None provided by Applicant
Objective 1: None provided by Applicant
Policy 1: None provided by Applicant
Implementing Actions 1: None provided by Applicant
Chapter 8, Directed Growth Plan 1: None provided by Applicant
Relevance 1: None provided by Applicant
Other, including Core Values 1: None provided by Applicant

1. Table - Community Plan
Subject 1: None provided by Applicant
Goal 1: None provided by Applicant
Objectives 1: None provided by Applicant
Policies 1: None provided by Applicant
Implementing Actions 1: None provided by Applicant
Relevance 1: None provided by Applicant
Other 1: None provided by Applicant

III. Infrastructure

A. WATER

1. Identify existing water source and current usage.
None provided by Applicant

2. Describe any water transmission lines currently serving the site.
None provided by Applicant

3. Describe the adequacy of the water supply to meet fire protection requirements.
None provided by Appliant

4. Describe any anticipated increase in water demand and if necessary, any subsequent improvements.
None provided by Applicant

5. List any comments/recommendations received from government agencies.
None

B. SEWERS

1. Identify existing sewage service (treatment plants, transmission lines, etc.).
None provided by Applicant

2. Identify current wastewater usage.
None provided by Applicant

3. Describe any anticipated increase in wastewater demand and if necessary, any subsequent improvements.
N/A

4. List any comments/recommendations received from government agencies.
None provided by Applicant

C. DRAINAGE

1. Describe existing drainage pattern.
None provided by Applicant

2. Describe existing drainage structures.
None provided by Applicant

3. Describe any anticipated increase in drainage and if necessary, any subsequent improvements.
None provided by Applicant

4. Describe any flood hazard impact.
None provided by Applicant

D. ROADWAYS, CURBS, GUTTERS AND SIDEWALKS

1. Describe existing roadway conditions including width of right-of-way, pavement width, improvements such as curbs, gutters, sidewalks, deceleration/acceleration lanes.
None provided by Applicant

2. Describe existing and proposed ingress and egress into and from the site.
None provided by Applicant

3. Describe any proposed roadway condition improvements.
None provided by Applicant

4. Comprehensively describe traffic impacts in and around the project site.
None provided by Applicant

5. List any comments/recommendations received from Department of Public Works or State DOT.
None provided by Applicant

E. ELECTRICAL, TELEPHONE AND CABLE

1. Describe existing and proposed utilities.
None provided by Applicant

F. SOLID WASTE

1. Solid Waste Landfill Site
Olowalu Recycling & Refuse Convenience Center

2. Solid Waste Facilities Adequacy
None provided by Applicant

3. Describe your plans for solid waste disposal and recycling.
None provided by Applicant

4. List any comments/recommendations received from government agencies.
None provided by Applicant

G. OTHER

1. Describe any other infrastructure requirements

IV. Public Services

A. PARKS

1. List any County or other local community/recreational facilities that serve your site.
N/A

2. Select the State community/recreational facilities that serve your site.
N/A

3. Identify any impacts of your proposed project to those facilities.
N/A

4. Describe any additional public facility requirements to serve your site.

B. SCHOOLS

1. Select the Public School Facilities which serve your site.
Lahaina Schools

2. Identify any impacts of your proposed project to those facilities.
N/A

C. PUBLIC SERVICES

1. Select the fire station that serves your area.
Lahaina Fire Station - Lahaina Civic & Rec Ctr

2. Describe the fire protection for your site.
N/A

3. Select the library that serves your area.
Lahaina Library - Front Street

4. Select the police station that serves your area
Lahaina Police Station

5. Select the hospital that serves your area.
Maui Memorial Medical Center - Wailuku

6. Describe any additional public services to serve your site.

V. Other Info-Code, DBA & MBA

A. PROVIDE THE OTHER BELOW INFORMATION REQUIRED BY ZONING CODE SECTION 19.510.010

1. A detailed land use history of the subject parcel(s) to include former and existing state and county land use designations, violations, and uses.
None provided by Applicant

2. An analysis of secondary impacts of the proposed use on surrounding uses.
N/A

3. Identify any traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs.
N/A

4. Identify and provide an assessment of chemicals and fertilizers used, including, but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora and fauna, and if applicable, a mitigation plan and maintenance program and schedule, and comments from the Departments of Health and of Land and Natural Resources of the State, the United States Fish and Wildlife Service, and the United States Environmental Protection Agency.
N/A

B. DISTRICT BOUNDARY AMENDMENTS

1. For District Boundary Amendments, describe how the applicable criteria from sections 15-15-18 through 15-15-21 of the Land Use Commission rules are met.
N/A

C. Maui Island Plan Amendments

Complete this section if your project requires a Maui Island Plan Amendment. Review the Guiding Land Use Principles below for their relevance to your project and describe how your project supports each relevant principle. If your project does not require a Maui Island Plan Amendment, go on to the next section.

CRITERIA FOR GROWTH BOUNDARY AMENDMENTS. SELECT THE RELEVANT LAND USE PRINCIPLES FROM CHAPTER 8, DIRECTED GROWTH PLA MAUI ISLAND PLAN AND DESCRIBE HOW YOUR PROPOSAL SUPPORTS AN AMENDMENT TO A GROWTH BOUNDARY. WHERE IT DOES NOT SUPPC GUIDING LAND USE PRINCIPLE, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. Consult the land use principles, themes, goals, policies and implementir actions of the Maui Island Plan for guidance. Review chapters 7 and 8, the Planned Growth Areas in chapter 8, and Table 8-2 in chapter 8 of the Maui Island Plan to help you answer how your project addresses each land use principle below.

Guiding Land Use Principles

1. Respect and encourage island lifestyles, cultures, and Hawaiian traditions: The culture and lifestyle of Maui's residents is closely tied to the island's beauty and natural resources. Maintaining access to shoreline and mountain resources and protecting culturally significant sites and regions perpetuates the island lifestyle and protects Maui's unique identity. One of the most vital components of the island lifestyle and culture is Maui's people. In an island environment where resources are finite, future growth must give priority to the needs of residents in a way that perpetuates island lifestyles.

2. Promote sustainable land use planning and livable communities: Managing and directing future growth on Maui should promote the concept of sustainability, and the establishment of livable communities. Sustainable practices include: 1) Focusing growth into existing communities; 2) Taking advantage of infill and redevelopment opportunities; 3) Promoting compact, walkable, mixed-use development; 4) Revitalizing urban and town centers; 5) Providing transportation connectivity and multimodal opportunities; 6) Protecting and enhancing natural and environmental resources; 7) Protecting, enhancing, and expanding communities and small towns, where appropriate; and 8) Encouraging energy and water-efficient design and renewable energy technology.

3. Keep "urban-urban" and keep "country-country": Given the high cost of developing public infrastructure and facilities to service remote areas, the significant environmental and social impacts associated with long vehicle commutes, and the desire to "keep the country-side country" it is preferable to develop compact communities and to locate development within or as close as possible to existing urban areas and employment centers.

4. Protect traditional small towns: Development within and adjacent to Maui's traditional towns should be compatible with and perpetuate their unique character. Hard edges should be maintained around new and existing communities through the use of greenbelts and significant open space.

5. Protect open space and working agricultural landscapes: In light of continuing urbanization, the protection of agricultural and open-space resources will depend on a healthy agricultural industry and progressive planning and regulation. Planning should utilize agricultural lands as a tool to define the edges of existing and planned urban communities, apply innovative site design, create buffers along roadways, provide visual relief, and preserve scenic views.

6. Protect environmentally sensitive lands and natural resources: Environmentally sensitive lands, natural areas, and valued open spaces should be preserved. Native habitat, floodways, and steep slopes should be identified so future growth can be directed away from these areas. It will be important to plan growth on Maui in a manner that preserves habitat connectivity, watersheds, undeveloped shoreline areas, and other environmentally sensitive lands.

7. Promote equitable development that meets the needs of each community: Each region of the island should have a mix of housing types, convenient public transit, and employment centers. Where appropriate, all neighborhoods should have adequate parks, community centers, greenways, libraries, and other public facilities. No community should have a disproportionate share of noxious activities. Additionally, a fair, efficient, and predictable planning and regulatory process must be provided. A cornerstone of equitable development should reflect a focus on providing affordable housing for all of Maui's residents over developing nonresident housing.

8. Plan for and provide efficient and effective public facilities and infrastructure: Many of Maui's public infrastructure systems and facilities were constructed decades ago and are in need of repairs and upgrades to meet current and future demand. Growth should be planned for areas with existing infrastructure, or where infrastructure can be expanded with minimal financial burden to the public. Transportation infrastructure should be designed to be in harmony with the surrounding area.

9. Support sustainable economic development and the needs of small business: Land use decisions should promote and support sustainable business activities.

10. Promote community responsibility, empowerment, and uniqueness: The development of community plans should be a broad-based, inclusive process. The community plans shall be reviewed by the Community Plan Advisory Committees, the planning commissions, and approved by the Council. The MIP shall provide a framework for the updated community plans. Subsequent proposed community plan amendments should be subject, as much as possible, to local community input.

VI. Long Range Planning_Info

A. PERMITS REQUESTED

1. What Permits Are You Applying For?
Change of Zoning

B. RESIDENTIAL PROJECTS

1. How many single-family units?
0

2. Will any accessory dwellings be permitted?
No

3. If yes, how many?
0

4. How many multi-family units are you building?
0

5. Are you subdividing your property?
No

6. If yes, how many buildable lots are you requesting to create?
0

7. How many acres, or square feet, is the project site?
0.33

8. If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project?
0.33

C. LAND USE ENTITLEMENTS

Will This Project Require Land Use Amendments? (Check All That Apply)

1. Change of Zoning (COZ)
Yes

2. Change of Zoning (COZ) From:
R-1 Residential

3. Change of Zoning (COZ) To:
B-2 Business Community District

4. Community Plan Amendment
No

5. Community Plan Amendment From
Urban

6. Community Plan Amendment To:
Urban

7. State Land Use District Boundary Amendment
No

8. State Land Use District Boundary Amendment From:
Urban

9. State Land Use District Boundary Amendment To:
Urban

10. Maui Island Plan Designation Change
No

11. Maui Island Plan Designation Change From:
Residential

12. Maui Island Plan Designation Change To:
Commercial

13. Will you be selling any of the units as "affordable" as defined under HUD guidelines?
No

14. If yes, how many units, or percentage of units will fall under this category?
0

15. From the date of filing the application with the Planning Dept, how long do you estimate the project to reach complete build-out?
N/A

D. INDUSTRIAL / COMMERCIAL PROJECTS

WILL THIS PROPERTY BE USED FOR: (List all that apply by providing the square footage proposed)?

1. Retail Purposes
Parking lot

2. Office Space/Lease
Parking lot

3. Industrial Purposes
Parking lot

E. BED AND BREAKFAST (B&B), SHORT-TERM RENTAL (STRH) AND TRANSIENT VACATION RENTALS (TVRs)

1. Will the project have a B&B, STRH, or TVR component?
N/A

2. Will (any of) the unit(s) be owner occupied?
N/A

3. How many bedrooms are proposed for rental?
N/A

4. Will this project be newly constructed?
No

5. How many dwellings are entirely rented to visitors?
0

F. VISITOR ACCOMMODATIONS

1. Table 1: Hotels and Timeshares
Accommodation 1: N/A
Units/Rooms 1: 0
Lock-offs 1: N/A
# of Units with Lock-Offs 1: 0

Attachment File Name	Added On	Added By	Attachment Group	Notes
Mala Tract_v1.png	02/28/2024 13:07	Sanger, Laury	EnerGov CSS	Miscellaneous Plans, Surveys and Documentation
Map1 1448 Front St_v1.png	02/28/2024 13:07	Sanger, Laury	EnerGov CSS	Miscellaneous Plans, Surveys and Documentation
Map2 1448 Front St_v1.png	02/28/2024 13:07	Sanger, Laury	EnerGov CSS	Miscellaneous Plans, Surveys and Documentation
Map3 1448 Front St_v1.png	02/28/2024 13:07	Sanger, Laury	EnerGov CSS	Miscellaneous Plans, Surveys and Documentation
site plan _v1_v1.pdf	02/28/2024 13:07	Sanger, Laury	EnerGov CSS	Site Plan
MFD Response ZPA2023-00003 Change in Zoning Council Reso 23-192.pdf	04/02/2024 16:18	Guerrero, Conrad	Supporting Doc	MFD Letter
State DOT Comments_v1.pdf	05/29/2024 10:18	Leauanae, Wilton	EnerGov CSS	Comments Regarding Application
1448 front LUD_v1_v1.pdf	01/29/2025 8:31	Leauanae, Wilton	EnerGov CSS	Other
community plant amendment form_v1 (3)_v1.pdf	01/29/2025 8:31	Leauanae, Wilton	EnerGov CSS	Community Plan Details Form
Countywide policy _v1_v1.pdf	01/29/2025 8:31	Leauanae, Wilton	EnerGov CSS	Countywide Policy Plan Details Form
CP TMK map + list_v1 (2)_v1.pdf	01/29/2025 8:31	Leauanae, Wilton	EnerGov CSS	Location Map
FINAL Buyer Statement 1448_v1	01/29/2025 8:31	Leauanae, Wilton	EnerGov CSS	Ownership Documents for Planning

(2)_v1.pdf					
maui island details_v1_v1.pdf	01/29/2025	8:31	Leauanae, Wilton	EnerGov CSS	Maui Island Plan Details Form
survey plans_v1 (1)_v1.pdf	01/29/2025	8:31	Leauanae, Wilton	EnerGov CSS	Site Plan
Maui Electric letter for COM Planning application reviews 11-22-22.pdf	01/29/2025	9:13	Leauanae, Wilton	Application Docs	
Reso 23-192.pdf	03/04/2025	11:09	Leauanae, Wilton	Application Docs	
2025.03.18_CIZMap L-873.pdf	03/18/2025	14:53	Leauanae, Wilton	Application Docs	

Attachment File Name	Added On	Added By	File Category
community plant amendment form_v1 (3).pdf	11/21/2023	Wilton Leauanae	Community Plan Details Form
FINAL Buyer Statement 1448_v1 (2).pdf	11/21/2023	Wilton Leauanae	Ownership Documents for Planning
Map3 1448 Front St.png	02/28/2024	Laury Sanger	Miscellaneous Plans, Surveys and Documentation
1448 front LUD_v1.pdf	11/21/2023	Wilton Leauanae	Other
survey plans_v1 (1).pdf	11/21/2023	Wilton Leauanae	Site Plan
CP TMK map + list_v1 (2).pdf	11/21/2023	Wilton Leauanae	Location Map
site plan _v1.pdf	11/21/2023	Laury Sanger	Site Plan
Map2 1448 Front St.png	02/28/2024	Laury Sanger	Miscellaneous Plans, Surveys and Documentation
Countywide policy _v1.pdf	11/21/2023	Wilton Leauanae	Countywide Policy Plan Details Form
Map1 1448 Front St.png	02/28/2024	Laury Sanger	Miscellaneous Plans, Surveys and Documentation
Mala Tract.png	02/28/2024	Laury Sanger	Miscellaneous Plans, Surveys and Documentation
maui island details_v1.pdf	11/21/2023	Wilton Leauanae	Maui Island Plan Details Form
State DOT Comments.pdf	05/29/2024	Wilton Leauanae	Comments Regarding Application