

EDB Committee

From: Mike J. Molina
Sent: Monday, April 27, 2020 9:54 AM
To: EDB Committee
Cc: Gary Saldana
Subject: Letter from AIA Maui President
Attachments: AIA_ltr_plng.pdf

Please see attached correspondence from AIA Maui regarding need for audit of the Dept. of Planning.
Mike

April 27, 2020

MEMO TO: EDB – 001, Fiscal Year 2021 Budget Review

F R O M: Michael J. Molina,
Councilmember



SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI** (EDB
001)

The attached informational document pertains to Item EDB - 001 on the
Committee's agenda.

Attachment

cc:



AIA
Maui

Maui Chapter of the American Institute of Architects
PO Box 929
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(808)244-9574

Michelle McLean
Director of Planning
County of Maui Planning Department
One Main Plaza
2200 Main St.
Wailuku, HI 96793
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April 20, 2020

RE: County of Maui Planning Department – Professional Concerns

The American Institute of Architects Maui Chapter is a local Chapter of the American Institute of Architects (AIA). The AIA works to advance our nation's quality of life and protect the public's health, safety and welfare, as it has done for 160 years. We accomplish that mission through activities such as community outreach, volunteering, an annual scholarship fund and through working with the National, State and County governments to help guide public policy.

The Maui Executive Committee has reviewed concerns by our members regarding their interactions with the Maui County Planning Department. The Executive Committee has authorized the Planning Committee to survey our members to gather information regarding their concerns. On behalf of the membership of the Maui Chapter of the American Institute of Architects we have consolidated and refined those concerns to present to the Maui County Planning Department so that these issues can be constructively addressed and resolved. Our full membership has had the opportunity to provide information regarding issues they have experienced and recommend solutions. The majority of our members have participated in this process and are in agreement that these issues have been consistently prevalent at the Planning Department and have had a detrimental effect on our profession.

It is our understanding that public organizations such as the Maui County Planning Department are funded through a variety of sources including through funds allocated from tax payers and from permitting fees paid by permit applicants that are approved by the Maui County Council. The Planning Department staff are tasked with providing a service to benefit the public. We also understand that, as architects, we are required to submit plans for building permits and, when required, the plans must be routed to the Planning Department and reviewed by a Planning Department Employee in a timely and professional manner. On behalf of the Membership of the Maui Chapter of the American Institute of Architects we would like to request that the following concerns be considered at the Maui County Planning Department.

Areas of Professional Concern:

1. Long review times, over one month, sometimes exceeding four or five months for an initial project review.
2. Long response times. In some cases, there is no responses to phone calls, phone messages and e-mails over the course of days, weeks and months from some staff members.
3. Unfriendly, unhelpful, unprofessional and sometimes rude staff members.
4. Overly complicated, redundant and extensive forms. The SMA Assessment Application is an example of this. This assessment process requires, two original applications, three sets of plans, CD or thumb drive and additional documents that exceed the paperwork for all the other department reviews combined.
5. Arbitrary, changing and unwritten rules and procedures. In addition to formally adopted codes, there are

also Planning Policy Memo's that aren't generally available to the public and unwritten department policies that need to be codified.

6. Zoning review of existing and historic buildings is overly cumbersome, with new requirements being applied to older structures that were legally constructed. Providing original approved plans from these older buildings is generally not possible, which can make permitting for improvements extremely difficult for owners and architects.

Recommendations:

1. Ensure that reviews are occurring within one month of submittal to the building permit office. This is an existing Planning Department policy, it is important for Managers and Supervisors to enforce this. Adopt a policy of a follow-up review within 2 weeks with no new comments from the time of re-submittal.
2. Adopt the policy that Planning Department employees must respond to phone calls and e-mails within 24 hours, unless they are out of the office.
3. Set-up, publish and promote a formal process for confidential public complaints to the Planning Department regarding delayed projects and/or unprofessional conduct. Publish a list of the chain of command for each department including contact info.
4. Simplify the SMA Assessment Applications. Make a list of project types and parameters that don't require an SMA Major or Minor permit and exempt them from the SMA Assessment process.
5. Establish a consistent formal written process for Agricultural Compliance including Agricultural Inspections and Appeals.
6. Develop a more flexible Planning approval process for existing buildings to allow for their continued use and renovation. Allow for an architect's reasonable analysis of the age and condition of the building to determine the existing legal construction.
7. Establish, publish and promote a formal process for after-the-fact (ATF) permitting. Suspend or reduce fines for owners who voluntarily submit for ATF permits. Consider re-assigning personnel responsible for enforcement and fining to public awareness and outreach.

Title 19 Update: Through discussions with the Planning Department the Title 19 update could be a 3-4 year process. This is an outdated legacy document that is in need of a thorough and timely update:

1. Set a timeline including benchmarks for an update to Title 19. Consider adopting a formal 1-2 year process to develop and implement an overhaul of Title 19. There is concern that the proposed 3-4 year process is too long and will likely experience delays that prevent an update to Title 19. There was a previous attempt to update Title 19 that failed and there is a concern that this could be repeated unless there is a different strategy.
2. Eliminate or suspend fines for re-reviews until title 19 is updated. It is overly punitive to design professionals who are submitting building permits.

We thank you for considering our concerns and for working with us to constructively solve these issues that are affecting our profession and our community.

Sincerely,



Tom Cannon, AIA
President, Maui Chapter of the American Institute of Architects

Cc:

Maui County Office of the Mayor
Maui County Council