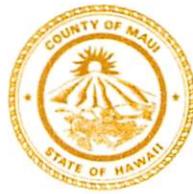


MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



RECEIVED

2020 JAN -8 AM 11: 22

DEPARTMENT OF PLANNING OFFICE OF THE MAYOR  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793  
January 6, 2020

RECEIVED  
2020 JAN -9 AM 10: 20  
OFFICE OF THE  
COUNTY CLERK

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino 1/9/20  
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawai'i 96793

Dear Chair Lee and Members:

**SUBJECT: DESIGN GUIDELINES AND STANDARDS FOR THE  
COUNTRY TOWN BUSINESS DISTRICT IN LĀNA'I CITY  
(2019)**

The Department of Planning (Department) prepared new proposed Design Guidelines and Standards for the Country Town Business District in Lāna'i City. This document is intended to replace the existing design guidelines, which the Department prepared in 1997. The proposed Design Guidelines and Standards implement the following actions identified in the 2016 Lāna'i Community Plan:

- Action 10.02, which directs the Department to revise and enhance the design guidelines for the Country Town Business District to provide more detailed guidance for new construction and adaptive reuse of existing structures; and
- Action 10.04, which directs the Department to revise the design guidelines for the Country Town Business District to lessen parking requirements and allow businesses to fulfill parking requirements through the use of existing public parking surrounding Dole Park.

Aside from these actions, the proposed document is also consistent with a number of important strategies, goals, and policies identified in the 2016 Lāna'i Community Plan.

COUNTY COMMUNICATION NO. 20-83

Honorable Michael P. Victorino, Mayor  
 For Transmittal to:  
 Honorable Alice L. Lee  
 January 6, 2020  
 Page 2

The Department facilitated the review of the proposed Design Guidelines and Standards per Subsection 19.510.110.B, Maui County Code. The following is a summary of this review process:

<b>Public Meeting</b>	<b>Meeting Date(s):</b>	<b>Comments and Recommendations:</b>
Cultural Resources Commission Meeting	November 2, 2017	Voted to: (1) accept the Department's recommendations regarding the proposed document; and (2) provide additional recommendations.
Urban Design Review Board Meeting	December 5, 2017	Voted to: (1) accept the Department's recommendations regarding the proposed document; and (2) provide additional recommendations.
Lāna'i Community Meeting	February 12, 2018	Offered general comments and feedback to the Department.
Lāna'i Planning Commission Meeting and Public Hearing	February 21, 2018	Provided a series of recommendations on the proposed document, requested a tracked changes version of the proposed document to review at the next meeting, and voted to defer taking action on it.
Lāna'i Planning Commission Meeting	March 21, 2018	No action taken on the proposed document due to loss of quorum.
Lāna'i Planning Commission Meeting	May 16, 2018	Voted to: (1) accept the Department's recommendations regarding the proposed document; (2) provide additional recommendations on the proposed document; and (3) recommend that the County Council adopt it.
Lāna'i Planning Commission Meeting	November 20, 2019	Voted to recommend that that the County Council adopt the proposed document.

Honorable Michael P. Victorino, Mayor  
For Transmittal to:  
Honorable Alice L. Lee  
January 6, 2020  
Page 3

Between the Lāna‘i Planning Commission’s May 16, 2018 and November 20, 2019 reviews, Department staff spent a great deal of effort and time improving the proposed document in the following ways:

- Researching, verifying, and correcting historical data about Lāna‘i City;
- Collecting historical and current photographs;
- Preparing sketches and other graphics;
- Editing the text for organization, grammar, punctuation, and flow;
- Making the language more user friendly; and
- Completely overhauling its graphic layout.

The Department acknowledges that it took much longer than anticipated to make all of these changes, but we believe final product is better because of this extra work and effort.

Attached for your review are the following documents:

1. Proposed new Design Guidelines and Standards for the Country Town Business District in Lāna‘i City (2019).
2. Cultural Resources Commission (CRC) summary comments
3. Urban Design Review Board (UDRB) summary comments
4. Lāna‘i Community Meeting summary comments and sign-in sheet
5. Lāna‘i Planning Commission Meeting and Public Hearing
  - a. LPC summary comments from the February 21, 2018 and May 16, 2018 meetings
  - b. Minutes of the February 21, 2018 LPC public hearing and meeting
  - c. Minutes of the March 21, 2018 LPC meeting
  - d. Minutes of the May 16, 2018 LPC meeting
  - e. Minutes of the November 20, 2019 LPC meeting

We would be happy to provide other documents and materials relating to this initiative, such as the minutes of the CRC and UDRB meetings or the materials distributed at these meetings, upon request.

Honorable Michael P. Victorino, Mayor  
For Transmittal to:  
Honorable Alice L. Lee  
January 6, 2020  
Page 4

Thank you for your attention to this matter. If you have any questions or need further clarification, please contact Cultural Resources Planner, Annalise Kehler, at Ext. 7506.

Sincerely,



Michele Chouteau McLean, AICP  
Planning Director

Attachments

MCM:AAK:rhl

K:\WP\_DOCS\PLANNING\CRC\2018\Lanai - BCT Design Guidelines\Staff Report to Council 2019 (Final Transmittal)\transmittalcouncil.doc

# Resolution

No. \_\_\_\_\_

## ADOPTING THE LĀNA‘I CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS

WHEREAS, Subsection 19.510.110.A, Maui County Code (MCC), requires design guidelines and standards be established for each Country Town Business District (B-CT) established pursuant to Chapter 19.15, MCC;

WHEREAS, Section 19.510.100, MCC states that the purpose of the design guidelines and standards is to “insure that all buildings and structures shall be erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted in a similar and compatible architectural design character with that of surrounding buildings. It is intended that an identifiable and unified design theme be retained within each B-CT country town business district;” and

WHEREAS, the “Lāna‘i City Country Town Business District Design Guidelines and Standards” attached hereto as Exhibit “A” updates the existing design guidelines to address desires expressed in the 2016 Lāna‘i Community Plan to have more detailed guidance on new construction and the treatment of historic buildings, and reduced parking requirements; and

WHEREAS, the attached document addresses the design considerations required in Subsections 19.510.110.C and D, MCC; and

WHEREAS, the attached document was reviewed by the Urban Design Review Board on December 5, 2017 and the Lāna‘i Planning Commission on February 21, 2018, March 21, 2018, May 16, 2018 and November 20, 2019, as required in Subsection 19.510.110.B, MCC, as well as the Cultural Resources Commission on November 2, 2017; and

WHEREAS, design guidelines shall be adopted by the Council by resolution pursuant to Subsection 19.510.110.E, MCC, now, therefore,

**Resolution No. \_\_\_\_\_**

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

1. That the attached Lāna‘i City Country Town Business District Design Guidelines and Standards are hereby adopted; and
2. That copies of this resolution be transmitted to the Mayor and the Planning Director.

APPROVED AS TO FORM AND LEGALITY



---

MICHAEL J. HOPPER  
Department of the Corporation Counsel  
County of Maui  
2020-0037  
2020-01-15 Resolution

## **EXHIBIT 1:**

Proposed new Design  
Guidelines and Standards for  
the Country Town Business  
District in Lāna‘i City (2019)



# LĀNA'Ī CITY

## COUNTRY TOWN BUSINESS DISTRICT



Photos: Stanley Solamillo.

# DESIGN GUIDELINES AND STANDARDS



COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
2019



# CONTENTS

## PART I – OVERVIEW

SECTION 1 – INTRODUCTION .....	1:1 - 1:4
SECTION 2 – HISTORIC OVERVIEW OF LĀNA‘I CITY .....	2:1 - 2:6
SECTION 3 – GENERAL DESIGN CHARACTER OF LĀNA‘I CITY .....	3:1 - 3:6
SECTION 4 – ARCHITECTURAL CHARACTER OF LĀNA‘I CITY .....	4:1 - 4:2
SECTION 5 – ARCHITECTURAL FEATURES OF LĀNA‘I CITY .....	5:1 - 5:7
SECTION 6 – INVENTORY OF KEY BUILDINGS IN THE COUNTRY TOWN BUSINESS DISTRICT .....	6:1 - 6:7

## PART II – DESIGN GUIDELINES AND STANDARDS

SECTION 1 – GENERAL DESIGN GUIDELINES AND STANDARDS .....	1:1 - 1:6
SECTION 2 – ARCHITECTURAL DESIGN GUIDELINES .....	2:1 - 2:26
SECTION 3 – STREETScape DESIGN GUIDELINES .....	3:1 - 3:2

## PART III – APPENDICES

APPENDIX A: COUNTRY TOWN ORDINANCES .....	A:1 - A:9
Part 1: Chapter 19.15, Maui County Code – Country Town Business Districts	
Part 2: Sections 100 - 130 of Chapter 19.510.100, Maui County Code – Application and Procedures	
APPENDIX B: CHAPTER 10 – 2016 LĀNA‘I COMMUNITY PLAN .....	B:1 - B:8
APPENDIX C: CHAPTER 9 – 2016 MAUI COUNTY PLANTING PLAN .....	C:1 - C:10
APPENDIX D: GLOSSARY .....	D:1 - D:3
APPENDIX E: GEOLOGY AND CLIMATE .....	E:1 - E:2
APPENDIX F: GUIDELINES FOR REHABBING KAUAI’S OLD HOUSES .....	F:1 - F:8



**PART I**  
**OVERVIEW**



# 1 INTRODUCTION

## APPLICABILITY

The Design Guidelines and Standards apply to exterior improvements or changes to properties in the Lāna’i City Country Town Business District. Although not required, property owners outside of the Country Town Business District are encouraged to follow these Design Guidelines and Standards to ensure changes are compatible with the historic character of Lāna’i City.

## PURPOSE AND INTENT

The Country Town Business District in Lāna’i City has several special design elements that set it apart from other commercial developments in Maui County. These elements, known as “character-defining features,” include:

- A grid street layout with alphabetically and numerically ordered streets;
- Narrow roads that lack curbs;
- Thick plantings of Cook pine trees;
- Single-story buildings that are separated by open space and set back from the road ; and
- Historic plantation vernacular buildings that, for the most part, have all of their original architectural elements.



1929 aerial photo of Lāna’i City showing its grid street layout. Photo: Bishop Museum.



Lāna’i City’s narrow roads, Cook pine trees, and small-scale historic buildings set it apart from other places in Maui County. Photo: Stanley Solamillo.



Many of Lāna’i City’s historic buildings have their original architectural elements.

The main purpose of the Design Guidelines and Standards is to preserve the town’s character. This is accomplished by encouraging property and business owners to:

- Maintain and preserve Lāna‘i City’s character-defining features; and
- Construct new buildings that are compatible with the character of the Country Town Business District.

To read the full legal intent of the Design Guidelines and Standards, please refer to Section 19.510.100, Maui County Code (Appendix A, Part 2).



This document reflects national historic preservation philosophy. The principles below summarize this philosophy and should be applied to all properties in the Country Town Business District.

Principles for rehabilitation:

**1. Regular maintenance is essential.**

Regular or preventative maintenance is done before any noticeable deterioration becomes visible. No alteration or reconstruction is involved. This work reduces the need to deal with repairs in the future. Maintenance can include simple treatments like repainting, trimming vegetation so that it does not touch the building, and making sure that flashing is working properly. Property and business owners are strongly encouraged to keep their buildings in good condition so that more aggressive, and consequently more destructive and expensive measures of rehabilitation or reconstruction are not needed.

**2. Preserve original features and materials.**

Avoid removing or changing original materials and features. Preserve original doors, windows, porches, and other architectural features.

**3. Repair first.**

If materials or features are deteriorated, repair them using recognized preservation methods, whenever possible. If features are too deteriorated to repair (more than 50%), they should be replaced with new components that are similar to the originals in form, finish, and materials.

Principles for additions:

**1. The historic building should remain the main focus of the district.**

Additions should not damage or hide important details and materials of the main historic building or other resources on the lot.

**2. Respect the character of the historic building.**

Additions should respect the architectural character of the existing building. Additions should not use architectural details that are more ornate than those found on the existing building or that are not typical of the existing building's architectural character.

Principles for new construction:

**1. Historic buildings should remain the main focus of the district.**

Consider the historic character of the surrounding district when designing a new building. New construction should be differentiated from historic buildings in the district without detracting from them.

**2. Respect the character of the district.**

Creating exact replicas of historic buildings should be avoided because it makes it hard to tell the difference between old and new buildings and makes the architectural evolution of the district difficult to interpret. While new construction should not attempt to copy historic buildings, it should not be so dissimilar that it damages the character of the district.

## LEGAL FRAMEWORK

The legal framework for Country Town Business Districts is Chapters 19.15 and 19.510, Maui County Code (see Appendix A) and these guidelines. "Historic properties" are also regulated under Chapter 6E, Hawaii Revised Statutes.

The Director of Planning administers the design guidelines and standards, and the Director of Public Works administers the drainage and road guidelines and standards. The Director of Planning approves plans for construction based on the criteria established in the Design Guidelines and Standards.

As stated in Section 19.15.040, Maui County Code – "Design Review," except as necessary to protect public health, safety and welfare, where a conflict exists between adopted country town business district design guidelines and standards and the Maui County Code, the design guidelines and standards shall prevail.

**CONSISTENCY WITH THE 2016 LĀNA'Ī COMMUNITY PLAN**

The Design Guidelines and Standards are consistent with the strategies, goals, policies, and actions identified in Urban Design chapter of the 2016 Lāna'ī Community Plan, which include:

**Strategies:**

2A. Review, revise, and enhance as necessary the B-CT design guidelines for Lāna'ī City to provide more detailed guidance for new construction as well as renovation and reconstruction of existing structures. Review and amend the B-CT zoning ordinance to allow flexible adaptive reuse.

3. Create a comprehensive parking strategy for Lāna'ī City and develop and adopt less restrictive parking requirements as part of the revised Lāna'ī City B-CT design guidelines which would allow businesses to utilize public parking surrounding Dole Park instead of developing new parking spaces on site. Review and amend the B-CT zoning ordinance to be consistent with proposed design guidelines.

8. Ensure street lighting is minimized and street lights use shielding to prevent unnecessary light pollution.

**Goal:**

Lāna'ī will retain and enhance its urban design character, which is unique in the State.

**Policies:**

1. Maintain and enhance the traditional small-town streetscape design and rural road character in Lāna'ī City and outside of town.

2. Enhance the landscape of Lāna'ī City and other settlement areas through the use of native or other appropriate landscaping, such as using non-invasive and drought-tolerate plants.

3. Ensure the character of new development within and around Lāna'ī City respects and enhances the urban design character of the plantation town by utilizing appropriate design guidelines, including expansion of the grid street network.

8. Protect and maintain the dark sky of the island's rural environment by ensuring street lighting, building lighting, and park lighting do not create excessive light pollution and glare.

11. Continue assisting property owners to preserve and rehabilitate historic buildings in the B-CT District.

**Actions:**

10.02. Revise and enhance the B-CT design guidelines for Lāna'ī City to provide more detailed guidance for new construction, as well as renovation and reconstruction of existing structures for adaptive reuse.

10.04. Create a comprehensive parking strategy for Lāna'ī City. Revise the B-CT design guidelines to lessen parking requirements and allow businesses to fulfill onsite parking requirements through use of existing public parking surrounding Dole Park.

To read the entire urban design chapter, please see Appendix B.

**STUDY AREA**

The island of Lāna'ī is 18 miles long and 13 miles wide, with an area of 141 square miles. The maximum elevation is 3,370 feet. Of the more than 90,000 acres, 3,054 acres are classified as urban by the State land use district system. Lāna'ī City is located near the geographical center of the island, at an altitude of approximately 1,600 feet with average temperatures ranging between 65 and 72 degrees. According to the US Census Bureau in 1990, Lāna'ī had a population of approximately 2,426 persons living in 847 households. In 2010, the population grew to 3,102 living in 1,140 households.

## 2 HISTORIC OVERVIEW OF LĀNA‘I CITY



Undated aerial photo of Lāna‘i City. Photo: Bishop Museum.

Before pineapple, Lāna‘i’s main industry was ranching. In 1922, James Drummond Dole, the owner of Hawaiian Pineapple Company (HAPCo), bought the island from Harry A. and Frank F. Baldwin for \$1,100,000.<sup>1</sup>

Dole’s purchase of Lāna‘i increased the company’s production acreage to 30,000. The need for more land was driven by HAPCo’s expanding markets and aggressive marketing program. Dole secured supply contracts with the U.S. military during World War I. After the war, HAPCo began shipping canned pineapple to Great Britain, France, Belgium, Norway, Sweden, and Denmark.<sup>2</sup>

At the time of purchase, the island’s population was estimated to be as few as 125 people, most of whom were Native Hawaiian.<sup>3</sup>

HAPCo’s annual report from 1923 described the company’s progress:

We have entered into a contract with Hawaiian Dredging Company for the improvements at the harbor at Kaunalapau, on the island of Lanai. This covers the building of a 300-foot breakwater and 400-foot wharf together with a small amount of dredging, and is estimated to cost in the neighborhood of \$500,000. We are also building a good road from the harbor to the pineapple lands and establishing a small town...with suitable water supply, electric lights, sewerage, etc.<sup>4</sup>

1 Hawaiian Pineapple Company, Ltd., “Annual Report for the Hawaiian Pineapple Company, Ltd., Honolulu, Hawaii For the Year Ended December 31...” (Honolulu: Advertising Publishing Company, Ltd., 1923), 6.

2 HAPCo, “Annual Report,” 1923.

3 Stanley Solamillo, National Register of Historic Places nomination: Lāna‘i City (Wailuku, HI: County of Maui, Department of Planning, 2009), 8: 8.

4 HAPCo, “Annual Report,” 1924, 5.

Dole originally planned to name Lāna'i's main town "Pine City," which was short for "Pineapple City." The name was rejected by the U.S. Postal Service, however, and the new settlement was named "Lanai City" instead.<sup>5</sup> The town was laid out by Anglo-American engineer, David E. Root. In 1926, the Honolulu Star-Bulletin described him as the "resident engineer of the pineapple company."<sup>6</sup>

When Root began his field work in the spring of 1923, the barren plain selected as the new town site looked more like a desert. The land was cleared of cactus by tractors that dragged metal chain across the ground, cutting the bases of the cacti. Root and HAPCo surveyors laid out a grid. The grid covered 232 acres and consisted of thirty-six blocks.

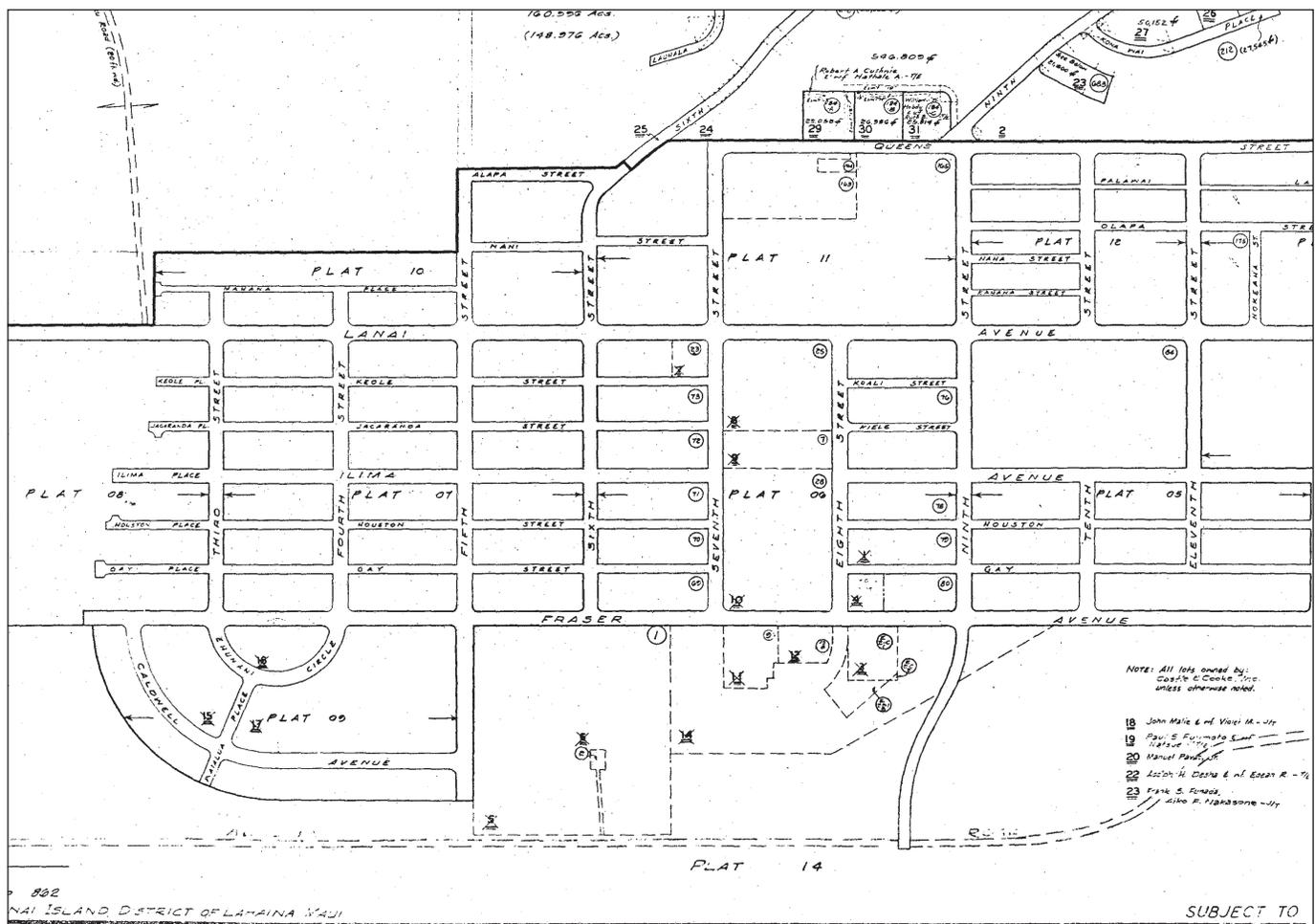
In his design for Lāna'i City, the Honolulu Star-Bulletin reported that Root "surveyed and laid everything out on paper before a single post was driven into the ground."<sup>7</sup> He placed a rectangular shaped park in the center of the town, bounded by fifty-foot-wide streets. Root located commercial uses on the sides of the park and plantation management and institutional uses on the opposite ends of the park, which corresponded in elevation to the site's high and low points.

The grid was oriented by the town's topography (northeast-southwest), instead of north-south. The residential blocks extended out from the sides of the park, northeast-southwest, and were later divided into sixteen lots per block. 30-foot wide streets bisected the blocks. The main roads were later identified as "avenues." The roads that ran northwest-southeast as well as those fronting the sides of the park were initially identified as "streets," then as "lanes" after 1951, then as "streets" once more from 1970 onward.

5 Stanley Solamillo, National Register nomination, 8: 8.

6 "New Project on Lanai is Latest in Long Series of Achievements – Hawaiian Pineapple Company Has Grown From \$20,000 Business in 1901 to \$10,000,000 Today," Honolulu Star-Bulletin, February 6, 1926, 4.

7 "Lanai, Land of Hawaii's Pineapple Industry of Future," Honolulu Star-Bulletin, August 30, 1924, 3.



Undated property tax map of Lāna'i City, showing its grid street layout.

In addition to designing the town's layout, Root may have also been involved in selecting and developing house designs in Lāna'i City. HAPCo hired Kikuchi Honda, a Japanese master builder from Maui, and his crew to build some of the town's earliest homes as well as the HAPCo machine shops and store between August 1923 and mid-1924.<sup>8</sup> Masaru Takaki built more houses in Lāna'i City between 1925 and 1929.<sup>9</sup> Takaki was followed by Thomas Tanaka, who built a teacher's cottage on the island in 1938.<sup>10</sup> All three contractors reportedly built a total of 615 homes in Lāna'i City.



1924 photo of Lāna'i City, looking northeast. Photo: Lāna'i Culture & Heritage Center.



Undated photo of houses along Lāna'i Avenue. T. Okamoto Store (Richard's Market) is at the far right corner and Nishi Hongwanji Mission (Lāna'i Union Church) is off in the distance. Photo: Bishop Museum.

<sup>8</sup> Stanley Solamillo, National Register nomination, 8: 16.

<sup>9</sup> Stanley Solamillo, National Register nomination, 8: 17.

<sup>10</sup> L.C. Newton and John A. Lee, *Who's Who in the Counties of Maui and Kauai, Territory of Hawaii, 1939* (Wailuku: Maui Publishing Company, Ltd., 1940).

Between 1923 and 1924, Honda and members of his crew also built commercial buildings in the town. Between 1925 and 1929, Takaki built additional commercial buildings, and an unidentified contractor built several more commercial buildings from 1930 to 1959. Honda's buildings included at least five stores that were described by a reporter as: "[A] commercial center [which] boasts a commodious general store, a meat market and ice plant...a bake shop and restaurant..."<sup>11</sup> Two years later, HAPCo's annual report listed the town's buildings as "[an] office, hospital, clubhouse, bank, stores, church, theater and various other buildings, together with housing accommodations for about 750 people."<sup>12</sup>



1926 photo of T. Okamoto Store (Richard's Market), Lanai Fish Market (Hula Hut), HAPCo. Dormitory and Plantation Bakery (Pine Isle Market), and Lanai Hotel (Pele's Other Garden). Photo: Lāna'i Culture & Heritage Center.



1926 photo of Bishop National Bank (First Hawaiian Bank). Photo: Lāna'i Culture & Heritage Center.



1926 photo of workers welcoming Territorial Governor Farrington to Lāna'i City. Photo: Lāna'i Culture & Heritage Center.



Partial view of Lāna'i City in 1926, looking southeast from Nishi Hongwaji Mission (Lanai Union Church). Photo: Lāna'i Culture & Heritage Center.

<sup>11</sup> "Lanai, Land of Hawaii's Pineapple Industry of Future," Honolulu Star-Bulletin, August 30, 1924, 3.

<sup>12</sup> HAPCo, "Annual Report," 1926, 5.



1929 aerial photo of Lāna'i City. Photo: Lāna'i Culture & Heritage Center.



1926 photo of Lāna'i City Post Office and HAPCo. Administrative Office. Photo: Lāna'i Culture & Heritage Center.

During the 1920s and 1930s the following commercial buildings were constructed near Dole Park:

- Lanai Theater (known today as Hale Keaka, the Lāna'i Theater);
- Bishop National Bank (known today as First Hawaiian Bank);
- Arita's Barbershop & Pool Hall (known today as Rainbow Pharmacy);
- Tamiyama Tailor (known today as Blue Ginger Café);
- T. Endo's Fountain (known today as the former Canoe's Restaurant);
- Yet Lung Meat and Fish Market, storage building, shop keeper's residence (known today as UH Maui College Lāna'i Education Center);
- Yet Lung Store (known today as Lana'i Art Center);
- Lanai Hotel (known today as Pele's Other Garden);
- HAPCo Dormitory and Plantation Bakery (known today as Pine Isle Market);
- Fuji Drug Store and Kinoshita Photo Studio (known today as Café 565);
- Miguel's Photo Studio and Sweet Shop (known today as Lanai Gymnasium);
- Lanai Fish Market (known today as Hula Hut); and
- T. Okamoto Store (known today as Richard's Market).<sup>13</sup>

<sup>13</sup> Stanley Solamillo, National Register nomination, 8: 19.



1926 photo of Dole Club House (Hotel Lāna'i). Photo: Lāna'i Culture & Heritage Center.



Ca. 1935 photo of the newly remodeled Lanai Theater. Photo: Lāna'i Culture & Heritage Center.

In the following two decades the commercial buildings below were constructed on vacant lots fronting Dole Park:

- Oyama’s Lanai Family Store (known today as Mike Carroll Art Gallery);
- Dole Plantation Housing Office (known today as Bank of Hawaii);
- International Food and Clothing Center (known today by the same name);
- Hawaiian Airways (known today as Okamoto Realty); and
- Clark Nakamoto’s Photo Shop (known today as Launderette Lanai).



1952 photo of the Dole Administration Building. Photo: Lāna’i Culture & Heritage Center.

Nishi Hongwanji Mission (known today as Lanai Union Church) was the first religious building constructed in Lāna’i City. Like the town’s first commercial buildings, Honda and his crew built the mission in 1923-1924. It was dedicated in 1925. The mission was followed by Sacred Hearts Catholic Church which was built in 1931.<sup>14</sup>



1924 photo of Nishi Hongwanji Mission (Lanai Union Church). Photo: Lāna’i Culture & Heritage Center.



1938 photo of Nishi Hongwanji Mission (Lanai Union Church). Photo: Lāna’i Culture & Heritage Center.

<sup>14</sup> Stanley Solamillo, National Register nomination, 8: 19.

# 3 GENERAL DESIGN CHARACTER OF LĀNA‘I CITY

Lāna‘i City is centered around the rectangular shaped Dole Park, with most of the town’s commercial and civic buildings facing the park. Dole Park is surrounded by a grid pattern of streets lined with modest plantation houses on small lots. One of the most significant character-defining features of Lāna‘i City is the abundant plantings of Cook pine trees. Now that the mature trees are 60 to 100 feet tall, the town has a unique ambiance of being nestled in a forest. The landscaping, rectilinear street pattern, the centralized commercial uses around a large green park, and the small scale of the buildings embody many of the best qualities of late nineteenth and early twentieth century American town planning.

## STREETSCAPE

The streetscape is the visible space fronting both sides of a road, and the elements contained within that space. Lāna‘i City’s streetscape is rural in character. Many of the town’s historic streetscape elements are still present, including its street pattern, lot sizes, setbacks, building types, narrow roads, and mature Cook pine trees.

The following is a summary of the Country Town Business District’s rural streetscape elements:

- Narrow roads, many of which lack gutters, curbs, and sidewalks
- Grid street pattern
- Varied front yard setbacks, from 15 to 20 feet in the area surrounding Dole Park
- Right-of-way improvements limited to paved roads with grass, dirt, or gravel shoulders
- Limited street lighting
- Primarily one-story commercial buildings
- Mature Cook pine trees and open, grassy areas
- Wood utility poles





Cook pine trees in Lāna'i City.

### LANDSCAPE

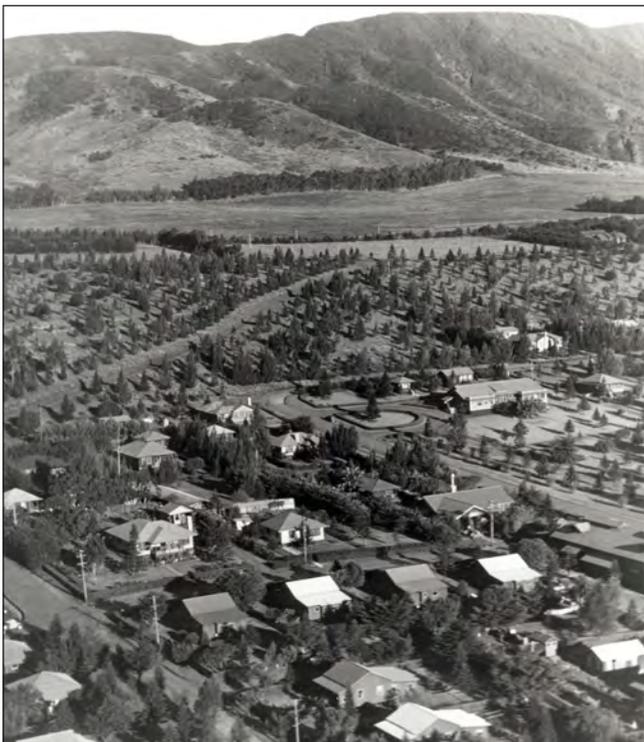
The main landscape feature of Lāna'i City is the mature Cook pines. The pines are planted throughout the town but are more prevalent in the center of town, in and around Dole Park. A small stand of ironwood is located near the community gymnasium. The front yards of businesses surrounding Dole Park are grassed and landscaped with ti, plumeria, and other ornamental plants.



Front lawn and landscaping at the former Dole Administration Building.



Front lawn and landscaping at Launderette Lanai.



Undated photo of Lāna'i City, looking toward Lāna'ihale. Photo: Bishop Museum.

### VIEWS/LANDMARKS

The crest and upper slopes of Lāna'ihale frame the entire town. The general slope of the town creates numerous viewsheds, which include neighboring roofs and glimpses of Miki Basin or the hills above the town. Plains and fields open the view to the south and west of town.



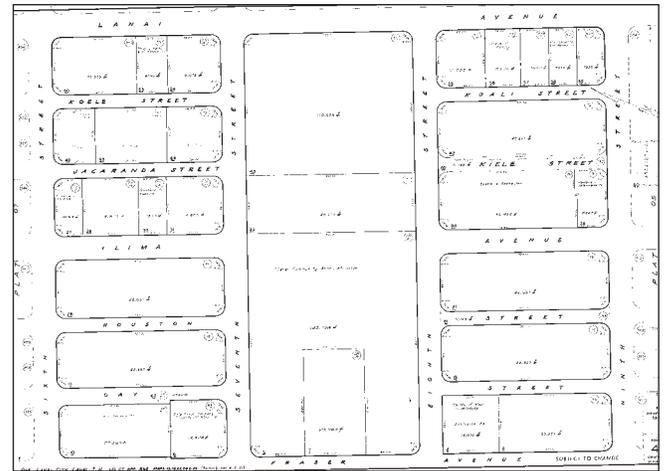
Ca. 1946 photo of the former police station and jail, looking southeast with Lāna'ihale in the background. Photo: Lāna'i Culture & Heritage Center.

**TOWN LAYOUT**

Several plantation towns in Hawai'i, including Hanapēpē, Waimea, and Pā'ia developed along one main road with smaller streets randomly intersecting the main road. Lāna'ī City is different from several of its small town counterparts because it developed around a central park (Dole Park) and was laid out with a regular grid street design. The grid plan, which was prevalent in American town planning throughout the 19th and 20th centuries, is a feature of Lāna'ī City that is not common in other plantation towns in Hawai'i.

Dole Park is about six acres in size with dozens of mature Cook pine trees towering along its perimeter and clustering at its *mauka* end. The park is at the center of the town's grid plan. It provides a variety of spaces for community events. A small County community center and a few children's play areas are located within Dole Park. Footpaths cross the park, connecting the businesses on each side and leading to play areas across from the gymnasium.

Many of Lāna'ī City's businesses and services surround Dole Park. Residential scale commercial and community buildings line Seventh and Eighth Streets. Larger scale community and religious buildings are clustered at the Fraser Avenue and Lāna'ī Avenue ends of the park. Lāna'ī City's businesses include specialty shops, grocery stores, restaurants, galleries, offices, banks, and a theater. Community and religious uses include churches, the County gymnasium, the Lāna'ī Senior Center, University of Hawaii Maui College's Lāna'ī Education Center, and Lana'ī Art Center.



Undated property tax map of the area surrounding Dole Park.



Ca. 1950 aerial photo of Lāna'ī City, looking toward the former Dole Administration Building. Photo: Lāna'ī Culture & Heritage Center.



1926 photo of Lāna'ī City, looking south. Photo: Lāna'ī Culture & Heritage Center.



Houston Street is typical of Lāna'i City. It is narrow with grass shoulders and lacks curbs, gutters, and sidewalks.



The roads surrounding Dole Park are more elaborate than those leading to the historic residential areas. They are wider and they have basalt stone curbs and concrete sidewalks.



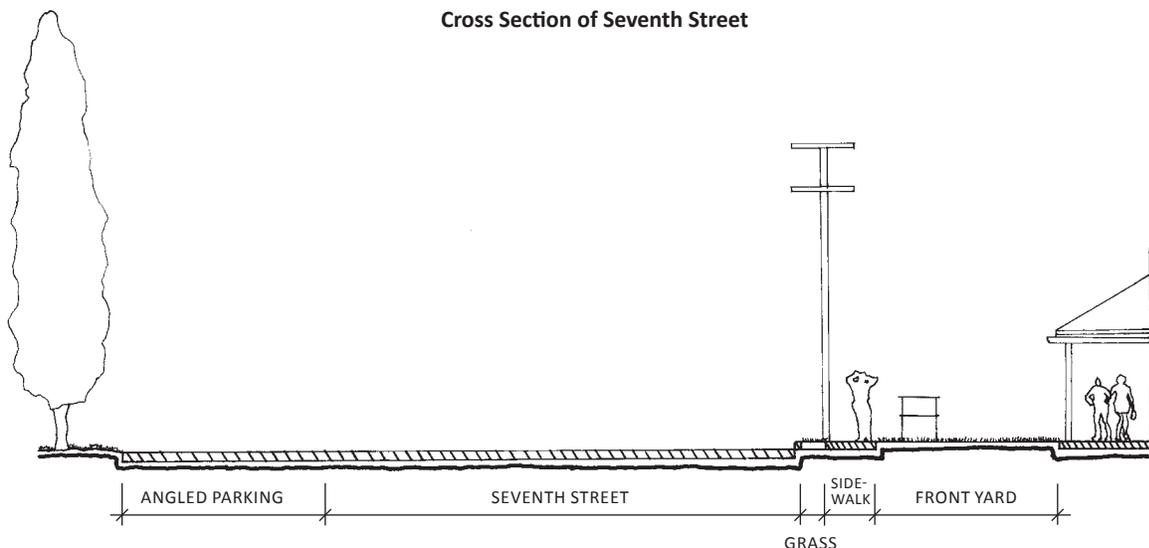
Eighth Street with a basalt stone curb and concrete sidewalk on one side and Dole Park on the other.

### STREETS

The grid street plan and rural roads are important character-defining features of Lāna'i City. The main roads, which connect the town to outlying areas, are Fraser Avenue and Lāna'i Avenue. Many of Lāna'i City's roads are narrow and lack curbs, gutters, and sidewalks. However, a few roads surrounding Dole Park have sidewalks. In the Country Town Business District, concrete sidewalks run along Fraser and Lāna'i Avenues, Seventh and Eighth Streets, and part of Ilima Avenue. Additionally, the sidewalks along Seventh and Eighth Streets have basalt stone curbs. The cross section illustrated below shows the typical condition found on Seventh Street.

In the Country Town Business District, most roads accommodate two-way traffic, however Koele Street is one-way. The roads that run northeast to southwest are identified by number, while the roads that run northwest to southeast are identified by place or person name and were originally alphabetically organized.

Cross Section of Seventh Street



**UTILITIES**

Utility poles are made of wood. Street light fixture arms are typically attached to the wood poles. Existing water and sewer lines along the roads provide utility service for the area. Fire protection is provided through fire hydrant connections.



*Utility poles are visible in many historic photos of Lāna'i City, including this one of Eighth Street from 1926. Photo: Lāna'i Culture & Heritage Center.*



*Utility poles at the corner of Lāna'i Avenue and Ninth Street.*

**DRAINAGE**

In general, Lāna'i City is positioned on a high plateau with a relatively good drainage pattern that has reduced flooding conditions during heavy rainfall events. The roads drain by the natural slope of the land in most areas. There are drain lines installed along Lāna'i Avenue and in a few locations along Fraser Avenue. Lāna'i City experiences localized flooding that appears to be caused by blocked stormwater drains and channels. Blockages may be due to overgrown grass or sediment buildup in the drains and channels, however further investigation is needed to determine the exact cause of these overflows.



*Many roads drain due to the town's naturally sloping topography.*



*Off-street parking fronting Lanai Hardware & Lumber.*

**PARKING**

Parking for businesses surrounding Dole Park includes parallel parking next to commercial buildings, as well as angled parking next to Dole Park. The Dole Administration Building, Dole Fleet, Lanai Hardware & Lumber, Lana'i City Service, and Napa Auto Parts have off-street parking.



*Angled parking next to Dole Park. Photo: Stanley Solamillo.*

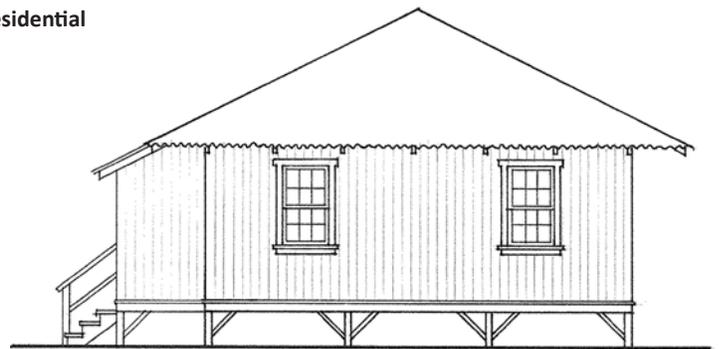


*On-street parking in front of Richard's Market.*

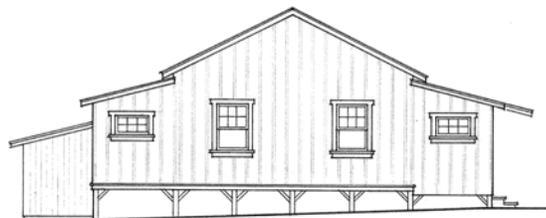
# 4 ARCHITECTURAL CHARACTER OF LĀNA'Ī CITY



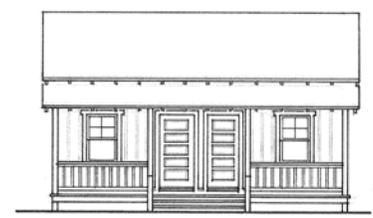
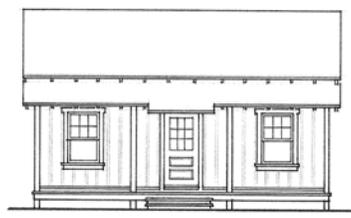
Residential



Drawings: George Rixey, AIA.



Residential



Drawings: George Rixey, AIA.

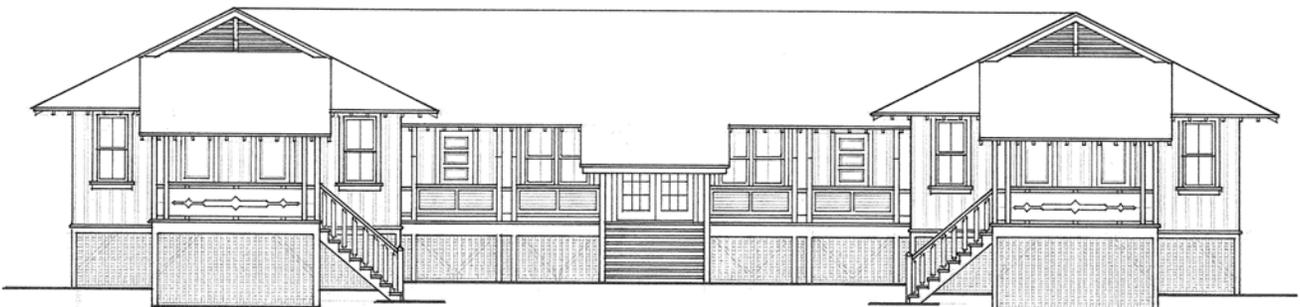
The main architectural style found in Lāna'ī City – and used for both commercial and residential buildings – is plantation vernacular. Most of the buildings are of wood construction, feature board and batten or vertical tongue and groove siding, and have gable, hip, or gable-on-hip roofs covered with corrugated metal. Front porches are used on commercial as well as residential buildings, providing either a simple entry feature or extending across the entire front facade of the building. The functional, unpretentious style is elaborated in some larger residences and commercial buildings by a more complex plan and increased decorative detailing.



Commercial



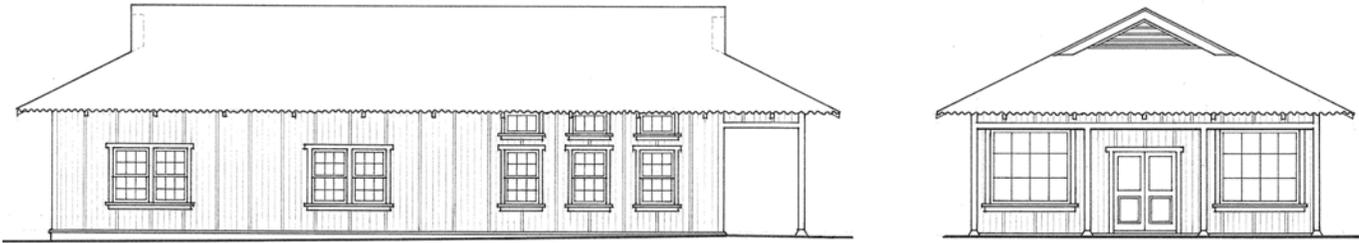
Drawings: George Rixey, AIA.



Hotel

Drawing: George Rixey, AIA.

Commercial



Drawings: George Rixey, AIA.

The commercial buildings in Lāna'i City are mostly one story in height. They differ from the commercial buildings of other plantation towns on Maui, including Pā'ia and Makawao, because their front facades appear residential in nature and they lack parapets. Many of the commercial buildings in the town have front porches, are fronted by lawns, and are setback from the front lot line, conveying features typical of the surrounding residential area. Buildings such as Lanai Union Church and the theater seem large by comparison, although they are only two stories in height. Most buildings are set back from the front lot line by roughly 15 to 20 feet. Side yard setbacks vary more than front yard setbacks.



Many commercial buildings are fronted by lawns or landscaped areas.



Many commercial buildings have front porches and lack parapets.

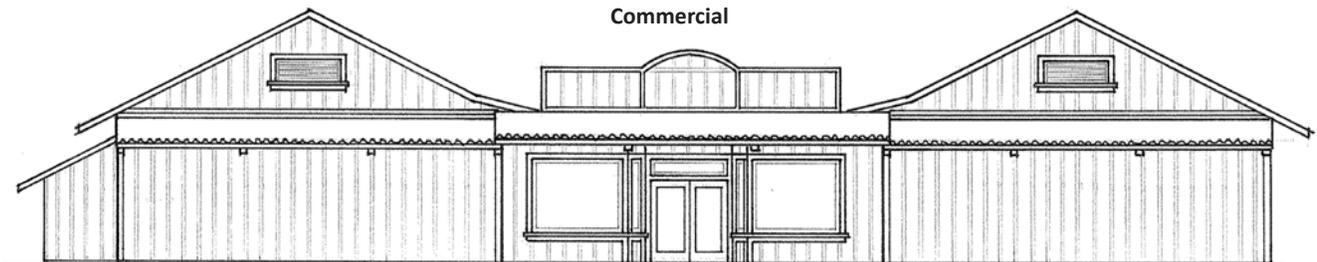


Most commercial buildings are one story in height.



The theater is a bit larger than other commercial buildings surrounding Dole Park.

Commercial



Drawing: George Rixey, AIA.

# 5 ARCHITECTURAL FEATURES OF LĀNA'I CITY



Lanai Gymnasium and Lāna'i Theater have dormers, which are unusual for Lāna'i City.



Deep eaves and exposed rafter tails are common roof features in Lāna'i City.

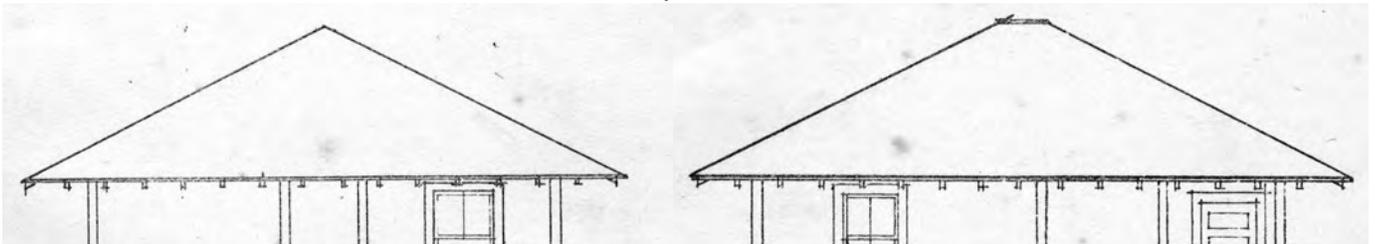
## ROOFS

Roof forms typical of Lāna'i City include: gable roofs, hip roofs, shed additions to roofs, and combinations of two or more types. Many roofs in the commercial area have deep eaves and exposed rafter tails. The most common roofing material in Lāna'i City is corrugated metal. Roofs are usually painted.



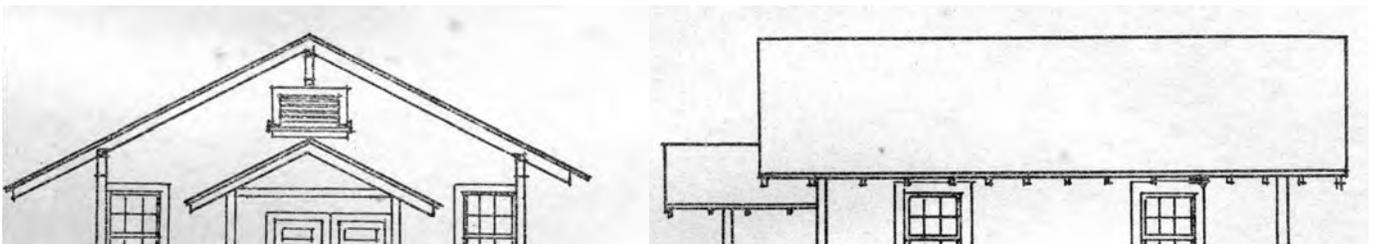
Corrugated metal is the most common roofing material in Lāna'i City. Photo: Stanley Solamillo.

### Hip Roof



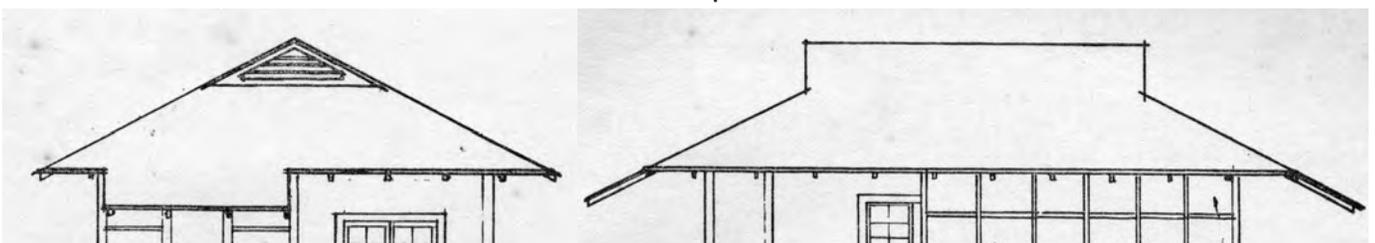
Front and side view of hip roof. Drawings: Hawaiian Sugar Planters Association, courtesy of Grove Farm Museum, Kaua'i.

### Gable Roof



Front and side view of gable roof. Drawings: Hawaiian Sugar Planters Association, courtesy of Grove Farm Museum, Kaua'i.

### Gable-on-Hip Roof



Front and side view of gable-on-hip roof. Drawings: Hawaiian Sugar Planters Association, courtesy of Grove Farm Museum, Kaua'i.



**FACADES**

The front facades of buildings in the Country Town Business District often have wood gable vents and covered front porches. Several storefronts in this area have symmetrical arrangements with large display windows flanking each side of an entrance.



Former Lanai Library (demolished). Photo: Lāna'i Culture & Heritage Center.

**PORCHES**

Many of Lāna'i's commercial buildings have prominent front porches. Some porches are located under the main roof, while others are under a separate but attached roof.



Lāna'i Theater. Photo: Lāna'i Culture & Heritage Center.



Pele's Other Garden. Photo: Lāna'i Culture & Heritage Center.



First Hawaiian Bank. Photo: Lāna'i Culture & Heritage Center.

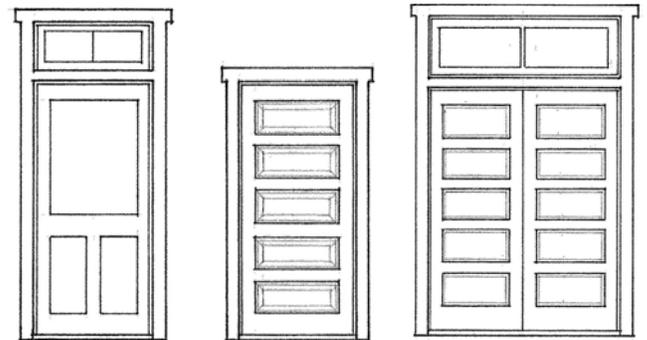


Photos: Chris Hart & Partners.



**DOORS**

Most buildings have entrances with wood doors. Several commercial buildings have five-panel doors or doors with a single light (panel of glass). A few doors in the commercial area are topped by transom windows. Doors are consistently detailed with simple wood trim. In addition to the typical entrance doors, several buildings have screen doors.



Drawings: George Rixey, AIA.



Photo: Chris Hart & Partners.



Photo: Stanley Solamillo.



Photos: Stanley Solamillo.

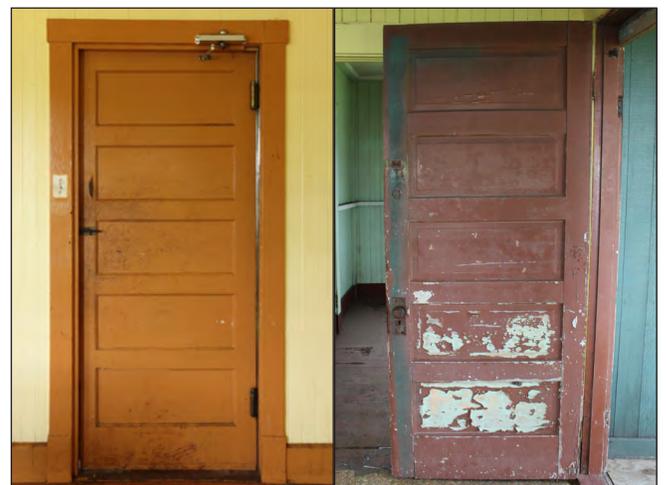


Photo: Stanley Solamillo.

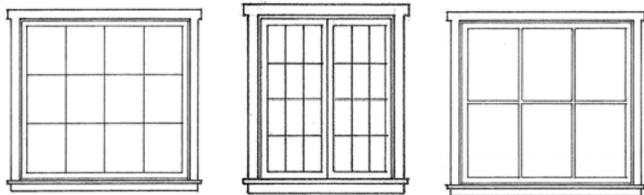
Transom Windows



Dormer Windows



Storefront Display Windows



Drawings: George Rixey, AIA.



**WINDOWS**

The front facades of several commercial buildings surrounding Dole Park have large, multi-light display windows constructed of wood. Some commercial buildings have transom windows as well. In addition to large display windows, double-hung windows constructed of wood are very common in the Country Town Business District. These windows are especially common at the side and rear facades of commercial buildings. Like doors, windows are consistently detailed with simple wood trim.

Double-Hung and Horizontal Sliding Sash Windows



Drawings: George Rixey, AIA.

These windows are traditionally found on homes, churches, and at the side and rear facades of commercial buildings. Photos: Stanley Solamillo.

**Corrugated Metal Siding**



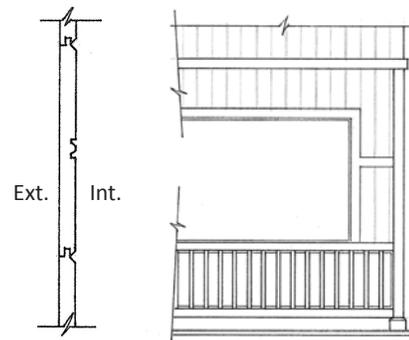
*Photo: Stanley Solamillo.*

**Tongue and Groove Siding**



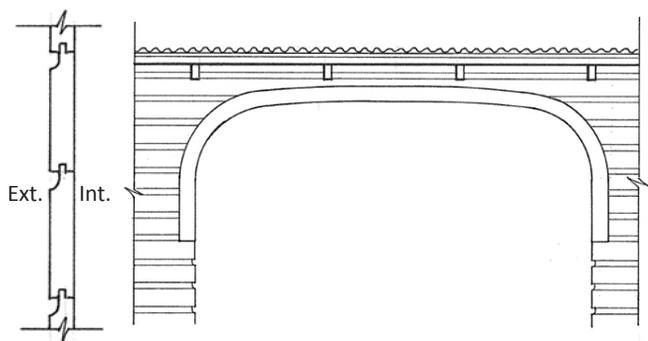
**SIDING MATERIALS**

The most common siding material found in Lāna'i City, for both commercial and residential buildings, is board and batten. Vertical tongue and groove and horizontal drop siding were also traditionally used. Later additions were sometimes built using combinations of siding materials. Several buildings, including the Lāna'i Theater and Dole Fleet, have corrugated metal siding.



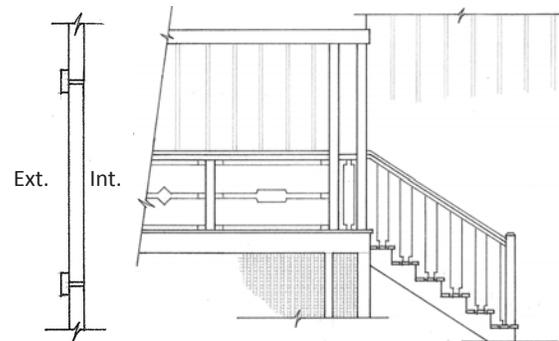
*Drawings: George Rixey, AIA.*

**Drop Siding**



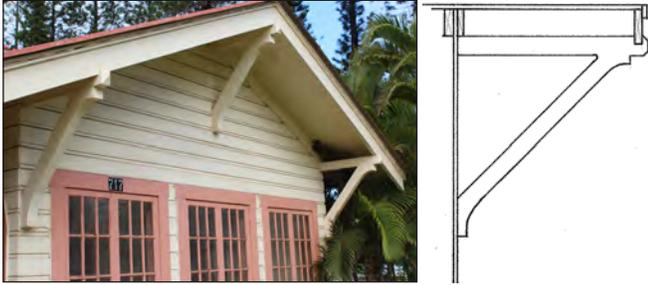
*Drawings: George Rixey, AIA.*

**Board and Batten Siding**

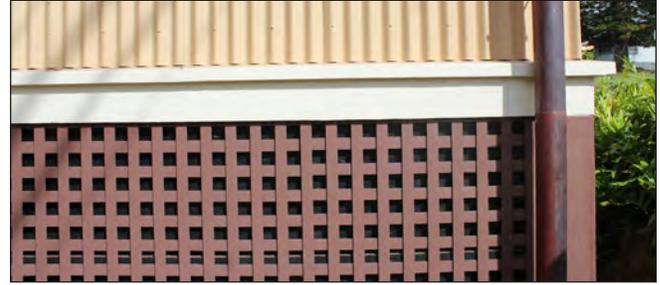


*Drawings: George Rixey, AIA.*

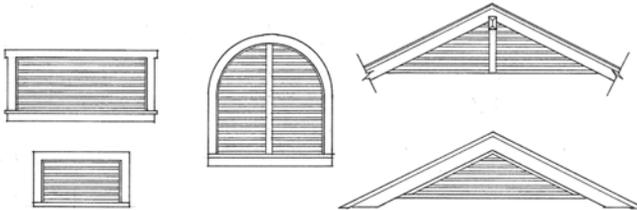
**Brackets**



**Trim and Skirting**



**Gable Vents**



*Drawings: George Rixey, AIA.*

**ORNAMENTATION**

Ornamentation on both commercial and residential buildings is not sophisticated, and is made of wood. Common wood details for commercial buildings include: gable vents, exposed rafter tails, brackets, porch columns, and window and door trim.



**Window Trim**



*Photo: Stanley Solamillo.*

**Exposed Rafter Tails**



**Exposed Rafter Tails, Porch Columns, and Ceiling**



**Porch Columns, Balustrades and Railings, and Skirting**



**COLOR**

Paint color in Lāna'i City varies a fair amount. Commercial buildings around Dole Park are generally painted red, green, tan, or yellow. The trim, doors, and windows of these buildings are typically painted a contrasting color. Corrugated metal roofs in this area are either unpainted or painted red, green, or blue.



Photo: Stanley Solamillo.



Photo: Stanley Solamillo.

**SIGNS**

Signs in the commercial area are simple. Many buildings have wood signs that identify the name of the business. Signs are often freestanding and located in the front yard. Other signs are placed directly on the building, either on the roof or the wall. All signs are permanent in nature and securely attached to the ground or the building.





# 6 INVENTORY OF KEY BUILDINGS IN THE COUNTRY TOWN BUSINESS DISTRICT

Several buildings in the Country Town Business District are potentially historically significant. Together, they define the existing character of the district. Most show a high degree of integrity because they still have their original floor plans, windows and doors, and exterior finish materials. They include:

## **BANK OF HAWAII: c. 1940**

400 Eighth Street (TMK: 4-9-006:055). This single-story commercial building has a hip roof covered with corrugated metal. The building has vertical tongue and groove siding and windows that provide views of Lāna'i Avenue and Eighth Street.



## **RICHARD'S MARKET: 1924**

434 Eighth Street (TMK: 4-9-006:042). Richard's was originally built as two separate buildings in 1924. Sometime after World War II, an addition was made joining the two buildings. The building has board and batten siding, and experienced several renovations over the years, including changes to its original door and window openings, improved signage, and side and rear additions.



## **HULA HUT: 1924**

418 Eighth Street (TMK: 4-9-006:034). This single-story building has board and batten siding, jalousie windows, and a corrugated metal canopy running the length of its front facade. The gable roof has a rectangular, wood gable vent.



## **CAFÉ 565: 1926**

408 Eighth Street (TMK: 4-9-006:034). This single-story commercial building has a gable-on-hip roof covered with corrugated metal. It has vertical tongue and groove siding, large nine-light display windows, and two entries facing Eighth Street.





**PINE ISLE MARKET: 1924**

356 Eighth Street (TMK: 4-9-006:021). This single-story commercial building has a side-gable roof covered with corrugated metal. It has board and batten siding. Its original wood windows have been replaced with fixed and horizontal sliding sash windows made of vinyl.



**INTERNATIONAL FOOD & CLOTHING CENTER: 1953**

833 Ilima Avenue (TMK: 4-9-006:021). This single-story commercial building is topped by a parapet, or “false front,” and has a column-supported canopy along its front facade. Behind the parapet is a gable roof with exposed rafter tails. It has one large, single-light display window and a single entrance facing Ilima Avenue.



**PELE'S OTHER GARDEN: 1925**

811 Houston Street (TMK 4-9-006:015). This building originally operated as the “Lanai Hotel.” It is a single-story building with board and batten siding, double-hung windows, and a porch running the length of its front facade. It has a gable-on-hip roof with wood gable vents, deep eaves, and exposed rafter tails. The roof is covered with corrugated metal.



**OKAMOTO REALTY: c. 1940**

338 Eighth Street (TMK: 4-9-006:015). This single-story building has vertical tongue and groove siding and a hip roof with exposed rafter tails. The roof is covered with corrugated metal. Several of its original wood windows and doors have been replaced with vinyl ones.

**LĀNA'I DISTRICT COURT: 1929**

312 Eighth Street (TMK: 4-9-006:004). This building originally housed the police station. It has a hip roof covered with corrugated metal, a covered front porch, and deep eaves with exposed rafter tails. It features vertical tongue and groove siding and double-hung windows. The narrow structure next to the district court originally served as a jail with three tiny cells.



**SACRED HEARTS CHURCH: 1931**

815 Fraser Avenue (TMK: 4-9-014:008). Although outside the boundary of the Country Town Business District, the church contributes to the history and character of the town. This building has drop siding and arched doors, windows, and vents. The nave has a steeply pitched gable roof and the tower has a steeply pitched hip roof. Both are covered with standing seam metal.



**LANAI GYMNASIUM: 1937-38**

717 Fraser Avenue (TMK: 4-9-014:006). Although outside the boundary of the Country Town Business District, the gymnasium contributes to the history and character of the town. This large building has a side-gable roof and gabled dormers covered with standing seam metal. The building has several interesting features, including an arched entry porch, wood brackets in the gable ends, and a continuous band of windows under the upper eave. The entry porch projects from the main structure with a gabled roof. The dormers have narrow, multi-light windows. The gym is similar to those built on Maui during the same period; however, its architectural details are more elaborate.



**UH MAUI COLLEGE LĀNA'I EDUCATION CENTER: 1925**

323 Seventh Street (TMK: 4-9-006:065). This single-story commercial building has a gable-on-hip roof and exposed rafter tails covered with corrugated metal. Its original wood siding has been covered with T 1-11 and its original wood doors and display windows have been replaced with modern ones.





**LANA'I ART CENTER: 1925**

833 Ilima Avenue (TMK: 4-9-006:011). This single-story commercial building has both board and batten and vertical tongue and groove siding. It has a gable-on-hip roof covered with corrugated metal. The roof features deep eaves and exposed rafter tails as well as wood gable vents. The front gable vent is hidden behind a sign. The front facade has a symmetrical arrangement with a single door entrance topped by a transom. The entrance is flanked by two large, twelve-light display windows.



**LAUNDERETTE LANAI: c. 1950**

353 Seventh Street (TMK: 4-9-006:026). This single story, single wall building has a hip roof and is built on grade. The street facade has an asymmetrical design. The roof is covered with corrugated metal and has a narrow, continuous fascia.



**THE LOCAL GENTRY: 1928**

363 Seventh Street (TMK: 4-9-006:026). This single-story commercial building has both board and batten and vertical tongue and groove siding. It has a gable-on-hip roof covered with corrugated metal. The roof features deep eaves and exposed rafter tails as well as wood gable vents. The front facade has a symmetrical arrangement with a double door entrance topped by a two-light transom. The entrance is flanked by two large, six-light display windows.



**BLUE GINGER CAFÉ: 1925**

409 Seventh Street (TMK: 4-9-006:031). This single-story commercial building has a combination of board and batten and vertical tongue and groove siding. It has a gable-on-hip roof covered with corrugated metal. The roof features deep eaves and exposed rafter tails as well as wood gable vents. The deep roof overhang at the front facade accommodates tables for restaurant patrons. The front facade has a symmetrical arrangement with a double door entrance. The original large, twelve-light display windows have been replaced with vinyl double-hung windows.

**FORMER CANOES RESTAURANT: 1925**

419 Seventh Street (TMK: 4-9-006:031). This single-story commercial building has a hip roof covered with corrugated metal. It has board and batten siding at the front facade and vertical tongue and groove siding at the side facades. The front facade has an asymmetrical design with a double door entrance, two large, nine-light display windows, and a pair of wood double-hung windows.



**RAINBOW PHARMACY: 1925**

431 Seventh Street (TMK: 4-9-006:064). This single-story commercial building has a gable roof with rectangular gable vents. A full-length canopy supported by wood columns runs along the front facade. The roof and canopy are covered with PBU metal panel roofing. The front facade has an asymmetrical design with a double door entrance. To the left of the entrance is a bay of three fixed-sash windows and to the right is a bay of two fixed-sash windows.



**MIKE CARROLL ART GALLERY: 1952**

443 Seventh Street (TMK: 4-9-006:064). This single-story commercial building's hip roof has exposed rafter tails and is covered with corrugated metal. A full-length porch runs along the front facade, under the main roof. The building has vertical tongue and groove siding and a symmetrically designed front facade. The front facade has a double door entrance topped by a single-light transom. The entrance is flanked by two large, single-light display windows.



**HALE KEAKA, THE LĀNA'I THEATER: 1926**

456 Seventh Street (TMK: 4-9-006:054). This building was originally built as a theater when the plantation opened. This large, two-story building has a clipped gable roof and clipped gabled dormers covered with corrugated metal. The building has several interesting features, including an arched entry porch, wood brackets in the gable ends, and a large, arched gable vent. The entry porch projects from the main building. The dormers have narrow, multi-light windows. The roof has deep eaves with exposed rafter tails. The building was rehabilitated and renamed in 2014. It includes two 93-seat theaters and a green room.





**FIRST HAWAIIAN BANK: 1924**

644 Lāna‘i Avenue (TMK: 4-9-011:018). Built in 1924, this building originally housed Bishop National Bank. It sits on a raised, post and beam foundation with board and batten siding. It features a gable roof with exposed rafter tails and brackets in the gable ends. The roof is covered with corrugated metal. The entry porch projects from the main building with a gable roof.



**FORMER DOLE ADMINISTRATION BUILDING: 1951**

730 Lāna‘i Avenue (TMK: 4-9-011:001). This single-story building is located at the *mauka* end of Dole Park. It has a gable-on-hip roof with a distinctive cupola. The entry porch at the front facade projects from the main building and is topped with a hip roof. It has board and batten siding and its roof is covered with corrugated metal.



**DOLE FLEET: c. 1924**

Corner Ninth Street and Lāna‘i Avenue (TMK: 4-9-005:090). This complex of industrial buildings has corrugated metal siding and wood structural framing. The buildings have a combination of gable and gable-on-hip roofs covered with corrugated metal. The distinguishing feature of this large complex is the unusual arrangement of wood, double-hung windows. The buildings were used for decades to maintain equipment for Dole Plantation. Photo: Stanley Solamillo.



**LANA‘I CITY SERVICE AND NAPA AUTO: c. 1930**

1036 Lāna‘i Avenue (TMK: 4-9-012:001). This building’s roofline is hidden behind parapet walls and a partial mansard roof. It has board and batten siding and fixed-sash display windows.

**LANAI HARDWARE AND LUMBER: c. 1936**  
1110 Lāna'i Avenue (TMK: 4-9-013:034). This wood-framed industrial building has corrugated metal siding and roofing. It features an L-shaped plan, gable roof, and wood, double-hung windows.





**PART II**

**DESIGN GUIDELINES  
AND STANDARDS**



# 1 GENERAL DESIGN GUIDELINES AND STANDARDS

The County developed the guidelines and standards in Part II of this document to help interpret the regulations in the Country Town Ordinances. This section provides guidance for design elements in the Country Town Business District, including streetscapes, roads, and signs.

## LANDSCAPING AND OUTDOOR USE AREAS

Existing trees, plants, and landscaping should be retained, to the extent possible. Vegetation growing too close to buildings traps moisture in foundations and siding. Keeping a buffer between landscaping and the building helps reduce moisture damage.

1. Trees, bushes, and other plants should not touch any part of the building. At minimum, a two-foot buffer should be maintained between the building and surrounding landscaping.
2. Use landscaping where possible to shield commercial buildings from neighboring residential areas.
3. Use landscaping to screen off-street parking areas.
4. For properties surrounding Dole Park, front and side yards should be grassed and landscaped. Patios may also be installed within a portion of the side or front yards of food establishments to accommodate outdoor dining. These outdoor dining areas should incorporate grassed and landscaped elements. Covering an entire front or side yard with concrete, concrete pavers, or any other non-landscaped surface is not allowed.
5. Preserve existing Cook pine trees to the extent possible. As these trees reach the end of their lives, they should be replaced with new Cook pines.
6. Planting of Native Hawaiian and Polynesian-introduced species is strongly encouraged. For more information on Native Hawaiian and Polynesian-introduced plants, consult Chapter 9 of the 2016 Maui County Planting Plan in Appendix C.
7. Avoid planting invasive species. This includes plants identified as “high risk” in the Hawaii-Pacific Weed Risk Assessment list. For more information on “high risk” plants to avoid, consult the Hawaii-Pacific Weed Risk Assessment list [online](#).



*Maintain a buffer between the building and landscaping to prevent moisture damage.*



*Use landscaping to screen outdoor dining areas.*



*The landscaping at the theater incorporates a grassy lawn and different Native Hawaiian and Polynesian-introduced plants.*



*Incorporate Native Hawaiian and Polynesian-introduced plants into landscaping, when possible.*



*The County should follow the State's lead in using the correct spelling of "Lāna'i" for its signs.*

### SIGNS INSTALLED BY THE COUNTY

Pursuant to Chapter 4E, Hawai'i Revised Statutes, and the Guidelines for Hawaiian Geographic Names, the County should use the correct spelling of "Lāna'i" when installing new signs for County-owned properties, such as parks and streets. Businesses are also encouraged to use such spelling.



*Rainbow Pharmacy and The Local Gentry have ground signs that are set back from the edge of the sidewalk and are appropriately sized.*

### OUTDOOR SIGNS FOR BUSINESS IDENTIFICATION

Signs must comply with the requirements of Chapter 16.13, Maui County Code, as applicable, or the sign guidelines below, whichever is most restrictive.

1. Ground signs must be set back from the edge of the sidewalk or street and shall not exceed twenty-four square feet.
2. Signs on the building shall be located on the wall, window, or roof and shall not exceed sixteen square feet.
3. Signs should be painted, carved, or incised.
4. Signs should be made of traditional materials such as wood.
5. Signs should be illuminated by shielded external lighting sources.
6. Signs should be installed so they do not obscure architectural elements.
7. Signs should incorporate colors traditionally found in the district.
8. Plastic or inflatable signs are not allowed.



*Café 565 and Launderette Lanai have roof signs that are appropriately sized and located.*

**PARKING**

Off-street parking and loading requirements are established in Chapter 19.36B, Maui County Code. As stated in Subsection 19.36B.040.B, Maui County Code: “country town business district design guidelines adopted pursuant to chapter 19.15 of this code, if any, shall prevail over this chapter if there is a conflict.”

1. All permitted uses established in Chapter 19.15, Maui County Code, including additional outside dining areas, are exempt from parking requirements established in Chapter 19.36B, Maui County Code.
2. Existing parking stalls fronting Dole Park are exempt from standards established in Chapter 19.36B, Maui County Code.
3. Grass and gravel parking areas as well as on-street parking are allowed.
4. If new off-street parking is provided, it must comply with the following standards:
  - A. Minimize the parking area’s visibility from the street.
  - B. Place parking areas to the rear of the lot, behind the main building, whenever possible.
    - i. Parking areas may be placed to the side of the main building when locating them behind the building is not possible.
    - ii. Do not place parking areas in the front yard of the main building.
  - C. Avoid large expanses of parking.
    - i. Use landscaping to break up larger parking areas.
  - D. Provide access to parking areas from secondary streets instead of main streets, whenever possible.
  - E. Use landscaping to screen parking areas from views from the street.
  - F. Use pervious parking surfaces, such as grass, gravel, or grasscrete pavers, whenever possible.



*Rainbow Pharmacy’s off-street parking area is located in the side yard, but is barely visible from the main road. It is well hidden by landscaping and has a gravel surface.*



*Bank of Hawaii’s off-street parking area is accessed from a secondary road. This leaves the front yard, which faces the main road, landscaped and green.*



*The off-street parking requirements in the Maui County Code are unnecessary because there is enough on-street parking in the Country Town Business District. Photo: Stanley Solamillo.*



Maintain Lānaʻi City’s grid street network.

### STREETS

The grid street plan and rural roads are character-defining features of Lānaʻi City. The traditional small town streetscape design and rural road character in the Country Town Business District should be maintained.

1. The grid street network shall be maintained.
2. Existing street right-of-way and pavement widths shall be maintained.
3. Road widening is not required. Work on existing buildings and new construction are exempt from the road widening requirements in the Maui County Code.
4. The system of one-way streets, which facilitates traffic flow while preserving the network of narrow streets, shall be maintained.
5. Kiele Street is a privately-owned road in the Country Town Business District. Should Kiele Street be closed to traffic, Koali Street shall remain a two-way street.

Note: Title 18, Maui County Code establishes standards and requirements for road widths, sidewalks, curbs, and gutters.

As stated in Section 18.32.020, Maui County Code: “Exceptions from specific compliance with this title may be approved by the director [of Public Works] where a plan and program has been approved pursuant to section 2.40.050 or title 19 to include but not be limited to planned developments, R-O zero lot line overlay district, a cluster housing development, large agricultural area development, country town business districts, historic districts, redevelopment areas and project districts.”

Section 18.16.050, Maui County Code establishes minimum road widths. This section also gives deference to any standards adopted in this document.



Maintain existing right-of-way and pavement widths.



Road widening is not required. Work on existing buildings and new construction are exempt from the road widening requirements in the Maui County Code. Photos: Stanley Solamillo.

## SIDEWALKS

Chapter 7 of the 2016 Lāna'ī Community Plan encourages more pedestrian facilities within the older town center. Chapter 10 of the same plan also recognizes that the rural character of Lāna'ī City's streetscape will be damaged if the County imposes modern street design standards. These standards, which require curbs, gutters, wide concrete sidewalks, and wide road widths, create a very different urban design pattern from the Country Town Business District.

Instead of adding large concrete sidewalks where they do not currently exist, pedestrians should be accommodated using alternative methods. These methods might include: using existing grass, gravel, or dirt shoulders, or dedicating a portion of the traffic lane for bicycle and pedestrian use.

1. Preserve and maintain existing concrete sidewalks and basalt stone curbs. Existing sidewalks and curbs are exempt from the standards in the Maui County Code.
2. New sidewalks, curbs, and gutters are not required. Work on existing buildings and new construction are exempt from the sidewalk, curb, and gutter requirements in the Maui County Code.



*New sidewalks, curbs, and gutters are not required. Work on existing buildings and new construction are exempt from the sidewalk, curb, and gutter requirements in the Maui County Code. Photos: Stanley Solamillo.*

## UTILITIES

Wood utility poles and overhead wires are typical in the Country Town Business District and in the portions of Lāna'ī City that were built for plantation housing.

1. Overhead utility lines are allowed.
2. New transformers should be located underground or placed at grade and screened.
3. Avoid placing new transformers on poles.



*Overhead utility lines are allowed in the Country Town Business District.*

**Drainage Features Traditionally Found in Lānaʻi City**



*Sloping topography*



*Drain inlet*



*Drain inlet*



*Swale*

*Maintain existing drainage features.*

**DRAINAGE**

Drainage should be consistent and compatible with the existing character of the town. It should protect structures and convey runoff out of the area, with the continued use of existing drainage conveyance methods. Additionally, Chapter 7 of the 2016 Lānaʻi Community Plan encourages the Department of Public Works to maintain the existing drainage system in Lānaʻi City by clearing blockages. It also encourages adding natural drainage storage and filtration to supplement the existing system.

1. Maintain existing drainage features.
2. Inspect, and if necessary, repair existing stormwater drainage swales and culverts and remove blockages from drains and channels.
3. Manage surface water using natural system drainage, retention, and filtration to reduce flooding and siltation of ocean waters.
4. Provide capacity along major drainage ways and within improvements to collect and convey runoff as required by state law or the Maui County Code.
5. Limit work to the existing system to minimize cost and disruption.
6. Direct runoff to Iwiolēi and Kapano Gulches to the extent possible, where there is adequate capacity.
7. Allow flexibility for stormwater capture off-site (below Lānaʻi City, along Iwiolēi Gulch or within reservoirs along Kapano Gulch).
8. Drainage improvements may include:
  - Additional drain inlets and culverts along select roadways;
  - Improved roadside ditches;
  - New swales; or
  - Natural drainage storage and filtration systems.
9. Ensure drainage improvements are compatible with the character of the town.

## 2 ARCHITECTURAL DESIGN GUIDELINES

Chapter 10 of the 2016 Lāna'i Community Plan encourages property and business owners to maintain and preserve Lāna'i City's historic buildings. The Community Plan also promotes new construction that compliments and reflects the town's historic character.

Action No. 10.02 of the Community Plan directs the Department of Planning to update the Design Guidelines and Standards so they provide more detailed guidance on rehabilitation, additions, and new construction. The guidance in this section is meant to carry out Action No. 10.02.

In addition to general guidance for **rehabilitation**, **additions**, and **new construction**, this section provides guidelines for individual building components, including:

- Roofs;
- Porches;
- Windows;
- Entrances and doors;
- Siding; and
- Paint color.



Photo: Stanley Solamillo.

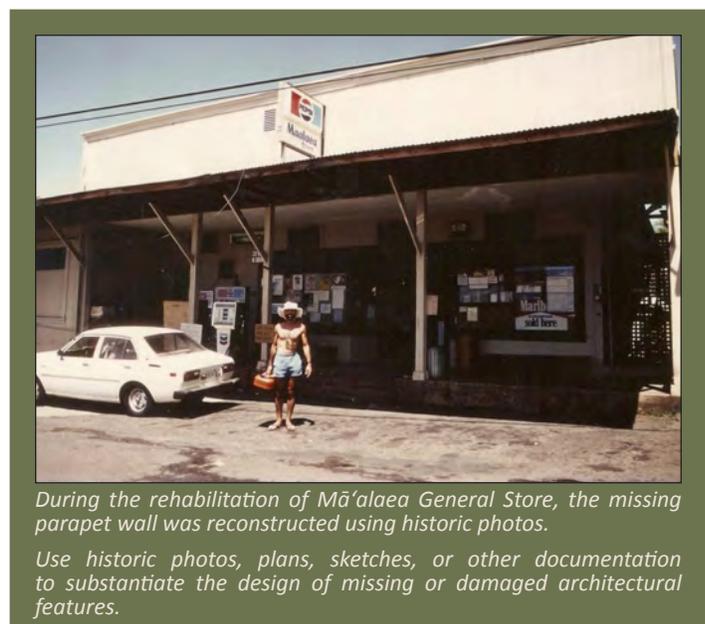
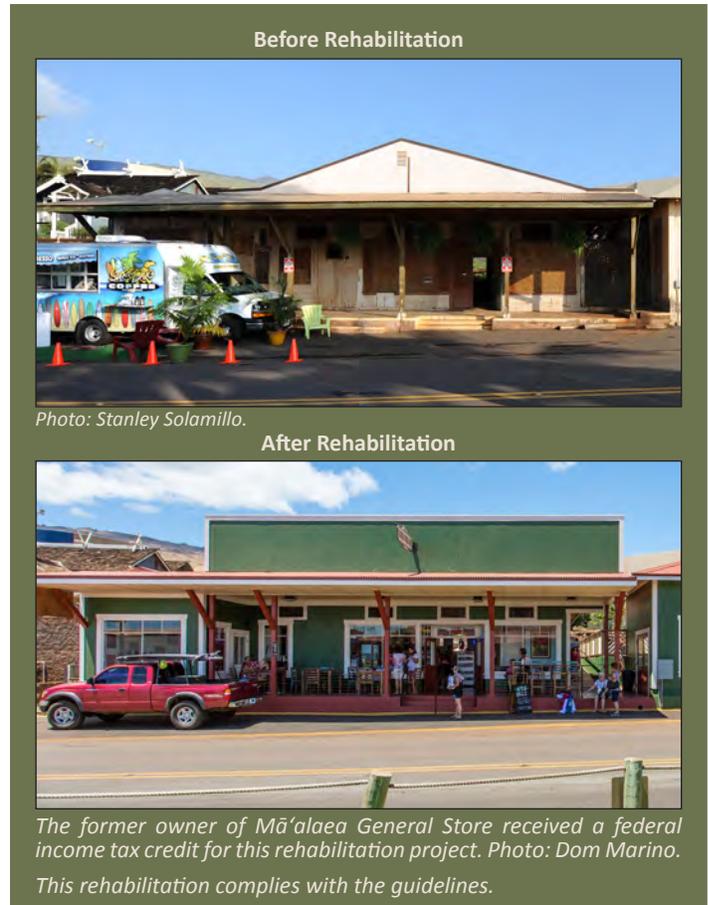
The Department of Planning uses the general guidance on pages 2:3 - 2:9 and the guidance for individual building components on pages 2:11 - 2:26 to determine whether plans for new construction or changes to existing buildings can be approved.

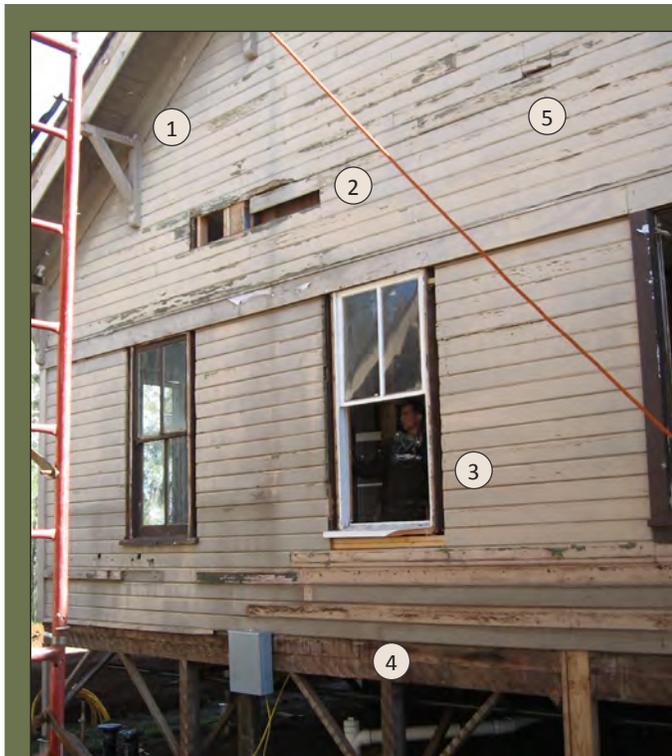
# GENERAL GUIDANCE

**REHABILITATION**

“Rehabilitation” includes maintenance, improvements, or changes to existing buildings. A successful rehabilitation is one that preserves as much of the exterior historic building materials as possible. To retain historic fabric, architectural elements (such as windows, doors, porches, and storefronts) and historic building materials (such as wood and masonry) should be repaired rather than replaced. Repair should be done with the least amount of intervention as possible. When the material is damaged beyond repair, limited replacement should be done with matching or compatible materials.

1. Rehabilitation of a historic building should minimize changes to original materials, architectural elements, and ornamentation.
2. Deteriorated original architectural elements and materials should be repaired rather than replaced.
3. Where repair is not possible, replacement features should match the original component in design, material, color, and texture.
4. Do not cover original building materials with new materials.
5. Do not use harsh cleaning treatments, like sandblasting and pressure washing, because they can permanently damage historic materials. Clean buildings using the gentlest means possible.
6. Previous additions or changes should be evaluated for historic significance. Changes that have gained historic significance should be retained and preserved.
7. Missing or deteriorated features should be reconstructed based on physical evidence and archival documentation, such as historic photographs, plans, or written descriptions. Do not reconstruct details found on similar historic buildings without other supporting documentation.
8. While purposely allowing buildings to fall into disrepair so they can be “demolished by neglect” is unacceptable, there can be circumstances involving threats to public health, safety, and welfare, which may result in demolition.





Photos: Stanley Solamillo.



- 1 Retain architectural ornamentation.
- 2 Replace missing or damaged siding with matching materials.
- 3 Repair windows.
- 4 Inspect foundation for damage and repair or replace decorative skirting (if applicable).
- 5 Inspect and repair siding and other wood elements. Prepare surfaces by scraping and sanding flaking paint before repainting.
- 6 Repair or replace damaged porch elements.
- 7 Preserve roof shape, overhang, and decorative features, like exposed rafter tails.

9. As stated in Section 19.15.040, Maui County Code, buildings on existing substandard lots may be reconstructed on the established building footprint where the Director of Planning determines, in accordance with established design guidelines, that such reconstruction does not detrimentally affect the character of the district.
10. Consult the additional resources below for tips on planning successful rehabilitations.

**Additional Resources**

Sharon Park, FAIA, *Preservation Brief 47: Maintaining the Exteriors of Small and Medium Size Historic Buildings* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2007).

<https://www.nps.gov/tps/how-to-preserve/briefs/47-maintaining-exteriors.htm>

*Guidelines for Rehabbing Kauai's Old Houses* (Līhu'e, Kaua'i: Community Housing Resource Board of Kauai).

See Appendix F.



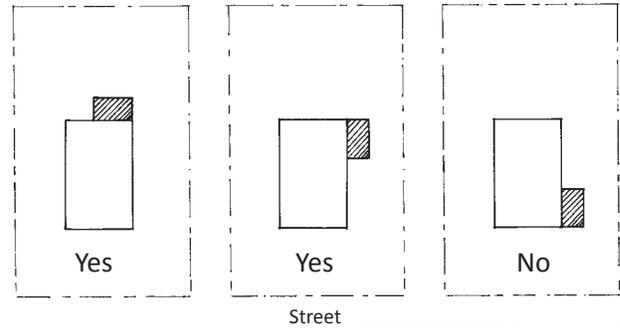
*This rehabilitation does not comply with the guidelines. It removed original materials and elements that could have been repaired, including original siding and windows. It also used inappropriate replacement elements.*

*Do not replace original architectural elements when repair is possible. If an element is too damaged to repair, then make sure its replacement matches the design and appearance of the original. Photo: Stanley Solamillo.*

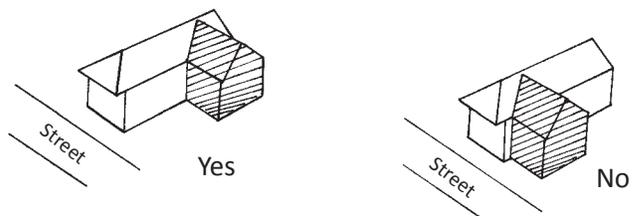
**ADDITIONS**

Additions should be carefully designed and located so they do not overwhelm or damage the existing building and site. Additions should be compatible with and respectful of the historic building and site through similarities in scale, form, massing, materials, and detailing. To expand a historic building successfully, the new addition should follow the basic design vocabulary of the historic building but be clearly distinguishable.

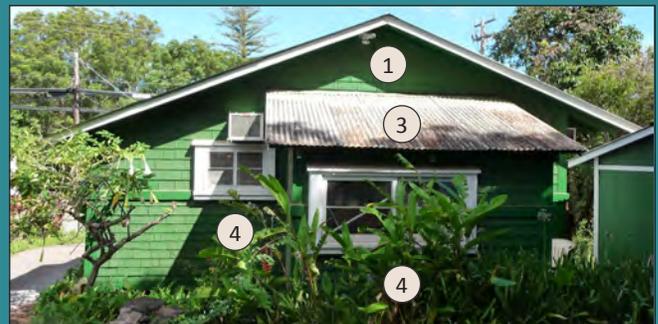
1. Additions should be designed and located so they are subordinate to the main historic building in terms of scale and mass.
2. Additions or changes to the front of the building are inappropriate. Additions should be set back from the front of the building and located at the side or back of the building.
3. Additions that damage or overwhelm the historic building (because they are too tall or their footprints are too large) are inappropriate.
4. The addition's roof pitch, shape, and overhangs should be similar to the historic building.
5. Additions should be similar in height to the historic building.
6. An addition that is taller than the main historic building may be considered if it is substantially set back from the front facade and connected with a smaller linking element.
7. Rooftop additions should be limited to the back of the building to preserve the historic scale and form of the building and minimize visibility from the public right of way.
8. The addition's windows should be similar in shape, size, design, and placement to the openings of the historic building.
9. The addition's shape, size, and openings should create a directional emphasis (horizontal or vertical) that is similar to the historic building.
10. The addition's exterior materials should match or be compatible with the materials of the historic building in terms of type, color, and texture.



*Place additions at the back of the building when possible. If site conditions do not allow this, then place the addition at the side and set it back from the front facade. Do not place additions at or near the front facade.*



*Set additions to the side of the building back from the front facade.*



- 1 Place additions at the back and ensure they are subordinate to the main historic building.
- 2 Use a roof pitch, shape, and overhang that is similar to the main historic building.
- 3 Use roofing and siding materials that are similar to the main historic building.
- 4 Use windows that are similar in shape, size, design, and placement to the main building.



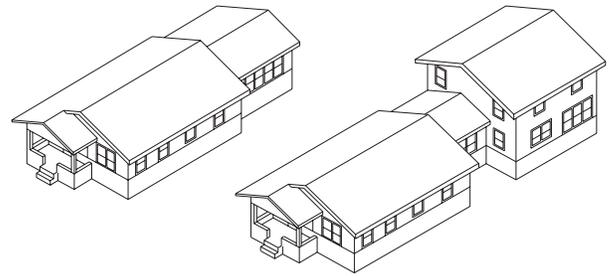
This addition complies with the guidelines because:

- It is subordinate to the main historic building in terms of scale and mass.
- It is located at the side of the main historic building and is set back from the front facade.
- Its roof pitch is similar to the roof pitch of the main historic building.
- Its windows are similar in size, shape, and design to the windows of the main historic building.
- Its siding and roofing materials are similar to the siding and roofing materials of the main historic building.

Photo: Stanley Solamillo.

11. The addition’s architectural details should not be more ornate than those found on the historic building. Do not use architectural details that are not in keeping with the historic building’s architectural style.

12. Consult the additional resources below for tips on designing compatible additions.



Additions should be similar in height to the historic building. An addition that is taller than the main historic building may be considered if it is substantially set back from the front facade and connected with a smaller linking element. Drawings: Winter & Company.



Do not place additions at the front facade.

### Additional Resources

Anne E. Grimmer and Kay D. Weeks, *Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2010).

<https://www.nps.gov/tps/how-to-preserve/briefs/14-external-additions.htm>

John Sandor, *Interpreting the Standards 18: New Additions to Mid-size Historic Buildings* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2001).

<https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS18-Additions-MidSizeBuildings.pdf>

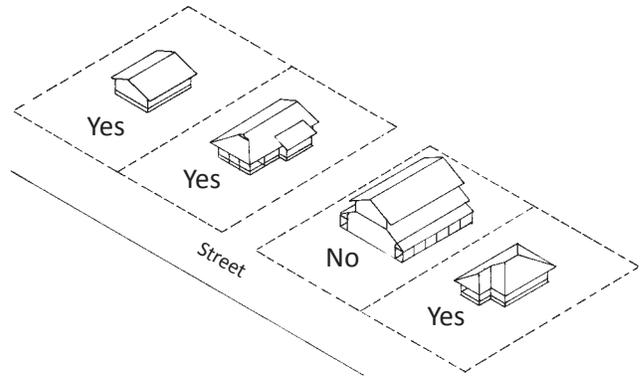
Chad Randl, *Interpreting the Standards 37: Rear Additions to Historic Houses* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2006).

<https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS37-Houses-RearAdditions.pdf>

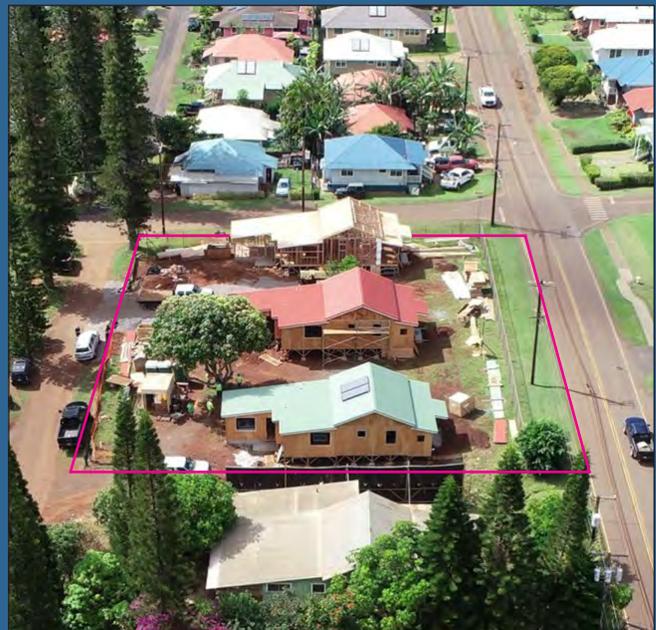
**NEW CONSTRUCTION**

Like additions to existing buildings, new construction should be similar to, compatible with, and respectful of its historic setting. Creating exact replicas of historic buildings should be avoided because it makes it hard to tell the difference between old and new buildings and makes the architectural evolution of the district difficult to interpret. While new construction should not attempt to copy historic buildings, it should not be so dissimilar that it damages the character of the district.

1. New construction should be similar in height, mass, form, and scale to the surrounding historic buildings.
  - A. When the width of a new building exceeds that of neighboring historic buildings, the front facade should be divided into smaller sections. This can be accomplished by stepping back sections of the wall plane or by using vertically oriented dividing elements such as pilasters.
  - B. New buildings directly across the street from Dole Park shall be limited to 15 feet in height.
  - C. New buildings in all other areas of the Country Town Business District shall be limited to 30 feet in height.
  - D. New building massing should be compatible with the existing variety of form and massing elements.
  - E. New building scale should respect the size and proportions of surrounding historic buildings.
  - F. If an existing lot is subdivided, the minimum lot area shall be 6,000 square feet.
2. Roof forms should resemble those found on neighboring historic buildings.
3. Doors, windows, and other openings should be similar in shape and placement to the openings of neighboring historic buildings. Additionally, door and window openings should have a similar proportion of wall to window space as neighboring historic buildings.
4. Exterior materials should match or be



*Ensure that new construction is similar in height, mass, form, and scale to the surrounding historic buildings.*



*These new homes on Lāna'i Avenue comply with the guidelines because:*

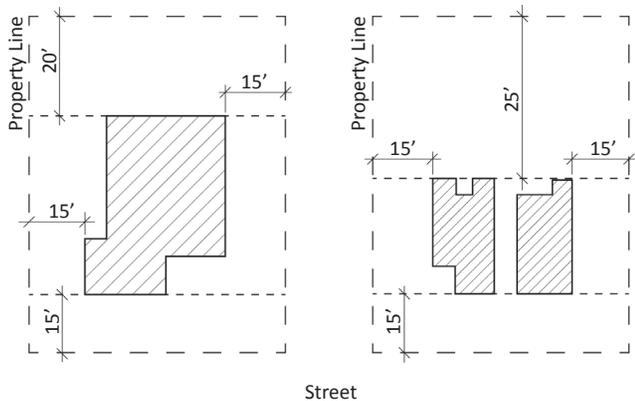
- *They are similar to neighboring historic buildings in terms of height, mass, form, and scale.*
- *They correspond with the setbacks and orientation of neighboring historic buildings.*

*Photos: Charlie Palumbo, Pūlama Lāna'i.*

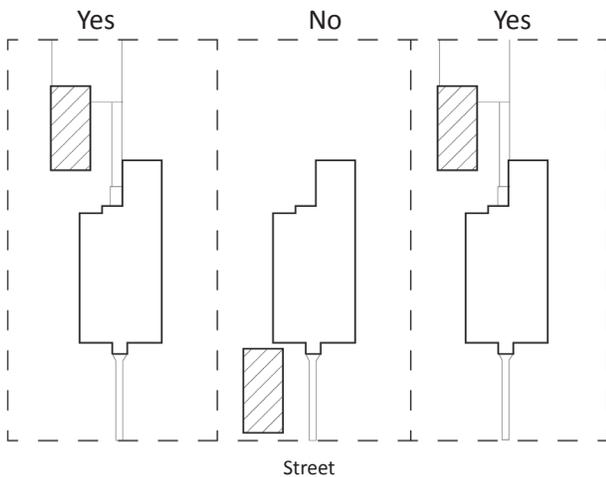


- 1 Use roof forms that resemble those found on neighboring buildings.
- 2 Use doors and windows that are similar in shape and placement to the openings of neighboring historic buildings.
- 3 Use doors and windows that have similar proportions of wall to window space as neighboring historic buildings.
- 4 Use exterior materials that match the materials of surrounding historic buildings.
- 5 Use architectural ornamentation that is simple in design.

Photo: Glenn Mason, Mason.



Provide front, side, and rear yard setbacks of at least 15 feet for new buildings.



Ensure that new accessory buildings, such as garages, are subordinate to the main building and located at the back of the lot.

compatible with the materials of surrounding historic buildings in terms of scale, texture, and proportion.

- A. Hardie Board or other fiberboard siding may be appropriate for new construction so long as the new materials are visually similar to the traditional material in dimension, finish, and texture.
  - B. Imitation or synthetic materials, such as vinyl siding and T 1-11 veneer are not appropriate because they are not visually similar to the traditional siding materials found in the Country Town Business District.
5. Architectural details should be simple in design. They should not be more ornate than those found in neighboring buildings.
  6. New buildings should correspond with the setbacks and orientation of neighboring historic buildings.
    - A. Front yard setbacks for new buildings shall be a minimum of 15 feet.
    - B. Side and rear yard setbacks for new buildings shall be a minimum of 15 feet, except where the side or rear of a lot abuts a lot in any zoning district that requires a setback, the setback shall be the same as required in the abutting district.
    - C. The following accessory structures are allowed within the setback area: mail boxes, trash enclosures, boundary walls/fences, ground signs, and outdoor uses such as seating and tables as described in "Landscaping and Outdoor Use Areas."
    - D. Main entrances and porches of new buildings should face the same direction as those found along the street frontage. In the Country Town Business District, most historic building entrances are oriented towards the main street.
  7. New secondary buildings, such as garages and outbuildings, should be subordinate to the size and appearance of the primary historic building and located at the back of the lot.

8. Mechanical, electrical, solar, or other exterior equipment should be located in the least visible place possible.
  - A. If equipment is mounted on the roof, it should be on the rear slope, behind the roof's midpoint, or set back from the front of the building so it is less visible from public spaces.
  - B. Window air conditioning units should not be located at the front facade.
9. Access ramps and other accommodations for wheelchairs should be located to provide access without being visually intrusive.
10. New construction should be located and designed to accommodate special natural or man-made site features.
11. Consult the additional resources below for tips on designing compatible new construction.



*This new house on Lāna'i Avenue complies with the guidelines because:*

- *Its roof form resembles those found on neighboring buildings.*
- *Its doors and windows are similar in shape and placement to the openings of neighboring historic buildings.*
- *Its doors and windows have similar proportions of wall to window space as neighboring historic buildings.*
- *Its exterior materials match the materials of surrounding historic buildings.*
- *Its architectural ornamentation is simple in design.*

*Photos: Glenn Mason, Mason.*

**Additional Resources**

Pratt Cassidy, *FRESH – Determining Compatibility for New Structures in a Historic District.*

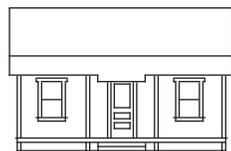
[https://georgiashpo.org/sites/default/files/hpd/pdf/CLG/FRESH\\_CLG.pdf](https://georgiashpo.org/sites/default/files/hpd/pdf/CLG/FRESH_CLG.pdf)

**“New Construction within the Boundaries of Historic Properties,”** Planning Successful Rehabilitations, Technical Preservation Services, National Park Service.

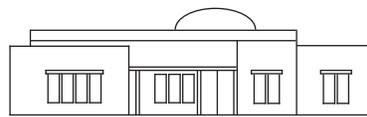
<https://www.nps.gov/tps/standards/applying-rehabilitation/successful-rehab/new-construction.htm>



Yes



Yes



No



Yes

*Ensure that new construction is similar to, compatible with, and respectful of its historic setting.*

# GUIDANCE FOR INDIVIDUAL BUILDING COMPONENTS

**ROOFS**

Original roofs are important elements of historic buildings. Changes to the original roof configuration can alter the way a building looks and harm its historic character.

Corrugated metal is the most commonly used roofing material in the Country Town Business District. This is particularly true for the commercial buildings surrounding Dole Park. The main roof types are hip, gable-on-hip, and gable. Many buildings have deep overhangs with exposed rafter tails, and were originally built without fascias or gutters.

The original elements of a roof, including its shape, design, and materials, should be preserved and maintained.

The guidelines below apply to **rehabilitation** projects:

1. Original roof shape and features should be retained.
  - A. Preserve original shape, overhang depth, and materials.
  - B. Preserve original roof features (such as open eaves with exposed rafter tails and brackets).
2. Deteriorated roofing materials should be repaired as needed.
  - A. Do not remove original roofing material that can be repaired.
  - B. Repair original roofing instead of replacing it, to the extent possible.
  - C. Consult the additional resource for tips on repairing and rehabilitating original roofs.

**Additional Resource for Roofs**

Sarah M. Sweetser, *Preservation Brief 4: Roofing for Historic Buildings* (Washington DC: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1978)

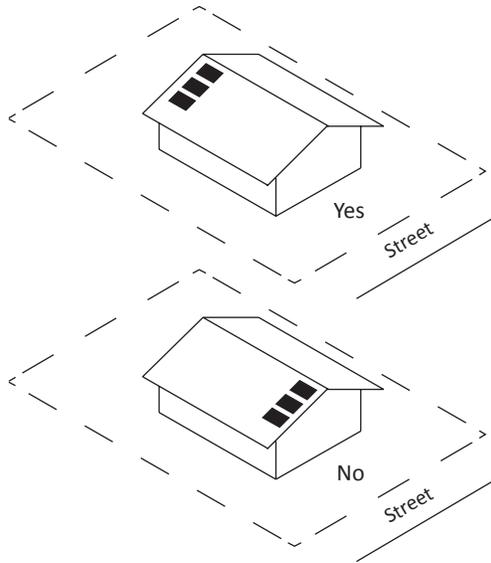
<https://www.nps.gov/tps/how-to-preserve/briefs/4-roofing.htm>



Photo: Stanley Solamillo.

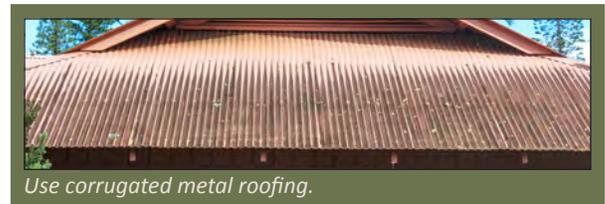


- 1 Preserve original roof shape and overhang depth when replacement is necessary.
- 2 Preserve unique roof features.
- 3 Regularly inspect and maintain roofing before it deteriorates to the point that it no longer can be repaired.



Place roof-mounted equipment, like solar panels, towards the rear of the roof when possible.

3. Replacement roofing should match the materials and appearance of the original roof.
  - A. Replace original roofing only when it is too deteriorated to repair.
  - B. Match the original roofing in material and appearance. In other words, replace corrugated metal roofing with corrugated metal roofing.
  - C. Do not use other metal roofing, such as PBU panel and standing seam, because it does not look the same as corrugated metal.
  - D. If original metal roofing is missing, consider replacing with corrugated metal.
4. New roof elements should be placed where they will be least visible.
  - A. Place solar panels and other roof-mounted equipment on the back slope of the roof, or set the equipment back from the front of the building when possible.
5. Metal gutters may be installed if drainage is an issue.



The guidelines below apply to **addition** and **new construction** projects:

1. Roof forms, pitch, and overhangs should be similar to those found in surrounding historic buildings.
2. Roof material should be corrugated metal.
3. Exposed rafter tails are common, however, if desired, fascia boards made of wood or wood like material may be used.
4. If drainage is a concern, metal gutters may be installed.
5. Solar panels or other roof-mounted equipment should be located in the least visible place possible, on the back slope of the roof or set back from the front of the building.

**PORCHES**

Porches serve several important functions:

- They protect an entrance from rain and provide shade from the sun;
- They provide a sense of scale; and
- They connect a building to its surroundings by orienting its entrance to the street.

Porch elements found on commercial buildings in the Country Town Business District can include:

- Roof;
- Columns;
- Balustrades and railings; and
- Slab on grade foundation or post and beam foundation with decking.

In Lāna'i City, front porches are prominent features of both residential and commercial buildings. Because of their historical importance and prominence as character-defining features, original porches should be preserved and maintained.

The guidelines below apply to **rehabilitation projects**:

1. Original porches should be preserved and maintained.
  - A. Preserve original porch elements, including roofing, columns, and balustrades.
  - B. Do not remove original porch elements (like balustrades).
  - C. Do not conceal or cover original porch materials (like ceilings, eaves, floors, foundations, and columns).
  - D. Do not add new front porches where they did not historically exist.
2. Deteriorated porches should be repaired as needed.
  - A. Do not remove original porch elements that are in good condition or that can be repaired.
  - B. When repairing original porches, use methods that retain their historic fabric and appearance, whenever possible.
  - C. Consolidates or epoxies may be used to strengthen deteriorated wood.
  - D. Consult the additional resources for tips on repairing original porches.



*Preserve unique porch elements like these balustrades and columns.*



Before Rehabilitation



After Rehabilitation

*This original porch was repaired in a way that preserved its historic character. Photos: Stanley Solamillo.*



Traditional Porch Components

- |                          |                          |
|--------------------------|--------------------------|
| ① Roof                   | ③ Balustrade and railing |
| ② Column or support post | ④ Foundation             |

**Additional Resources for Porches**

Aleca Sullivan and John Leeke, *Preservation Briefs 45: Preserving Historic Wooden Porches* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2006).

<https://www.nps.gov/tps/how-to-preserve/briefs/45-wooden-porches.htm>

Aleca Sullivan, *Interpreting the Standards 9: Inappropriate Porch Alterations* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 1999).

<https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS09-Porch-Alterations.pdf>



*Do not enclose or remove original front porches. Photo: Lorraine Minatoishi, AIA.*



*This access ramp is simple in design and its foundation and railings match the historic building. Photo: Generations Magazine.*

3. Replacement porches should match the materials and appearance of the original porch.
  - A. Replace original porch elements and materials only when they are too deteriorated to repair.
  - B. Replace missing or rotten porch elements (like columns, railings, and roofing) when necessary with elements that match the originals in proportions, dimensions, materials, and appearance.
  - C. Match the original dimensions, proportions, height, and spacing of balusters when replacing missing ones.
  - D. If replacing an entire original porch is necessary, keep and reuse as many of the original elements and materials as possible.
  - E. Match the original porch in scale, massing, and details.
  - F. Match the original materials in texture, dimensions, and finish.
  - G. Consult the additional resources for tips on designing appropriate replacement porches.
  
4. The open character of original front porches should be retained.
  - A. Do not enclose or remove original front porches.
  - B. Restore a previously enclosed porch to its original, open appearance, whenever possible.
  
5. Design and locate access ramps so they do not compromise the historic character of a building.
  - A. Locate ramps so they minimize damage to important architectural features and materials.
  - B. Use simple ramp designs that are compatible with the architectural style of the building.

The guidelines below apply to **new construction** projects:

1. Front porches or corrugated metal canopies should be used for new construction if neighboring historic buildings have them.
2. Porches or corrugated metal canopies should mimic the appearance of surrounding historic porches (use the same elements, and be constructed of same materials).
3. Porches or corrugated metal canopies should mimic the massing and proportions of surrounding historic porches.



*This new home's front porch is similar to the porches of neighboring historic buildings in terms of massing, proportions, materials, and details. Photos: Glenn Mason, Mason.*



*Instead of being replaced, these original storefront display windows were repaired in a way that preserved their historic character. Repair original windows when possible instead of replacing them. Photo: Stanley Solamillo.*



*This original storefront display window is unique and contributes to the character of this building.*



*These original double-hung windows with transoms are unique and contribute to the character of this building. Photo: Chris Hart & Partners.*

## WINDOWS

The design, placement, and arrangement of original windows help define the architectural style of a building.

The components of an original window can include: sash, muntins, lights (the glass part), sill, apron, and trim. These components are important to the character of an original window.

Because original windows are so important to the character of a building, their retention and treatment are critical design considerations. Historic buildings lose integrity when their original windows and window components are removed or replaced.

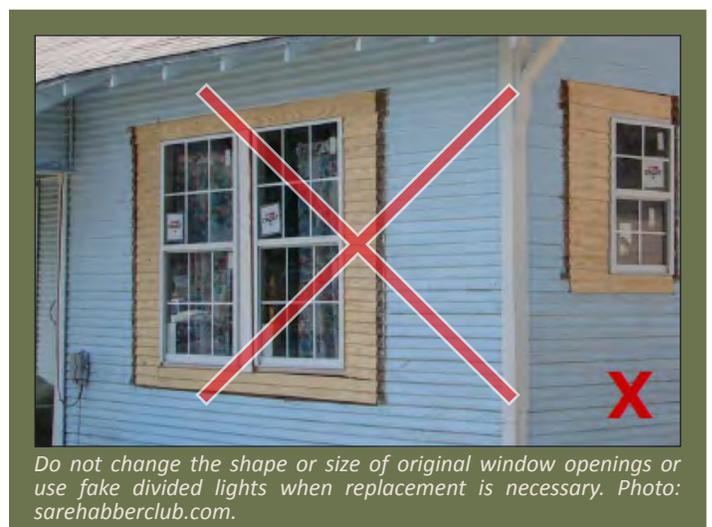
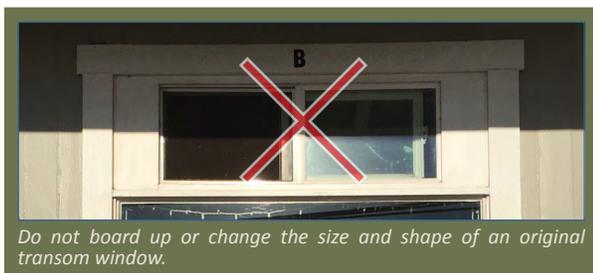
In Lāna'i City, historic commercial buildings have several different kinds of windows. The most common include: display, double-hung, and transom. These original windows are key architectural features.

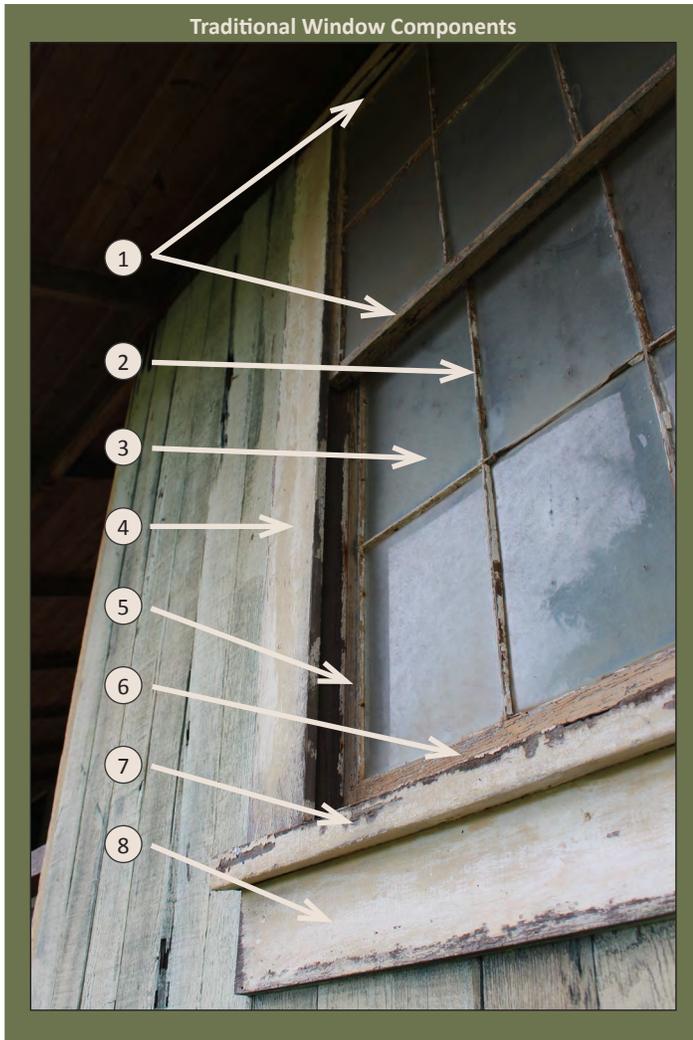
Original windows and transoms should be preserved and maintained. Concealing, enclosing, or covering original windows should be avoided. If replacement windows are needed because of deterioration, they should match the original windows in size, design, and materials.

The guidelines below apply to **rehabilitation** projects:

1. Original windows and their components should be preserved and maintained.
  - A. Preserve the size, shape, and proportions of original window openings.
  - B. Do not change the position, pattern and arrangement of original windows at key facades.
  - C. Do not enclose original window openings.
  - D. Greater flexibility in the placement of new windows may be considered for facades that are not highly visible from the street.
2. Deteriorated windows should be repaired as needed.
  - A. Do not remove original windows that are in good condition or that can be repaired.
  - B. Repair frames and sashes rather than replacing them, whenever possible.
  - C. Consolidates or epoxies may be used to strengthen deteriorated wood.

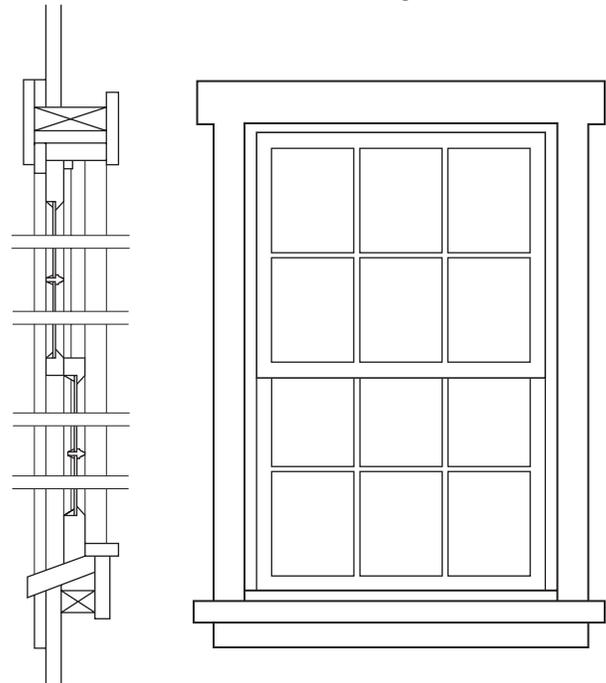
- D. Replace only those elements of an original window that are beyond repair.
3. Replacement windows should match the materials and appearance of the original windows.
- A. Replace original windows only when they are too deteriorated to repair.
  - B. When replacing an original window, retain as many of the original window components as possible, including the frame and trim.
  - C. Match the original windows in size, number, and arrangement of lights (pieces of glass).
  - D. Match the original window's exterior muntin pattern, profile, and size.
  - E. Do not use replacement windows with internal muntins sandwiched between layers of glass on facades that are visible from the main road.
  - F. Consult the additional resources on page 2:18 for tips on repairing original windows and selecting appropriate replacement windows.





- |                               |         |
|-------------------------------|---------|
| 1 Sash                        | 5 Stile |
| 2 Muntin                      | 6 Rail  |
| 3 Light                       | 7 Sill  |
| 4 Trim (also known as casing) | 8 Apron |

Traditional Window Diagram



**Additional Resources for Windows**

“Historic Design Guidelines, Windows: Repair, Replacement, and New Construction” (San Antonio: Office of Historic Preservation, City of San Antonio, 2015).

<https://www.sanantonio.gov/Portals/0/Files/HistoricPreservation/Windows%20Updated%20June%202017.pdf?ver=2017-06-14-163708-323>

John H. Meyers, Preservation Brief 9: *The Repair of Historic Wooden Windows* (Washington DC: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1981).

<https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm>

“How to Restore Sash Windows,” Old House Online (February 2010).

<https://www.oldhouseonline.com/articles/how-to-restore-sash-windows>

“Window Repair Tips from John Leeke,” Old House Online (May 2011).

<https://www.oldhouseonline.com/articles/window-repair-tips-from-john-leeke>

Janice Lew, *Rehab It Right! Historic Windows & Doors* (Salt Lake City: Utah Heritage Foundation, 2011).

[https://preservationutah.org/images/Historic\\_Windows\\_and\\_Doors\\_Property\\_Owners\\_Guide.pdf](https://preservationutah.org/images/Historic_Windows_and_Doors_Property_Owners_Guide.pdf)

Regina Cole, “Don’t Buy Replacement Windows for Your Old House,” *Forbes* (July 17, 2018).

<https://www.forbes.com/sites/reginacole/2018/07/17/dont-buy-replacement-windows-for-your-old-house/#4da79b9662c0>

Claire Kelly, *Interpreting the Standards 23: Selecting New Windows to Replace Non-Historic Windows* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2001).

<http://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS23-ReplaceWindows.pdf>

“Replacement Windows That Meet the Standards,” Planning Successful Rehabilitation Projects, Technical Preservation Services, National Park Service, U.S. Department of the Interior, accessed September 2, 2018,

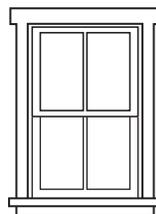
<https://www.nps.gov/tps/standards/applying-rehabilitation/successful-rehab/windows-replacement.htm>

The guidelines below apply to **addition and new construction** projects:

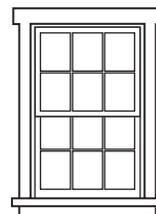
1. Windows should mimic the style and pattern of openings used in surrounding historic buildings.
2. Window openings should have a similar proportion of wall to window space as neighboring historic buildings.
3. Traditional window dimensions and profiles should be used.
4. Windows with internal muntins sandwiched between layers of glass should not be used on facades that are visible from the public-right-of-way.
5. Windows may be wood or wood like, provided the wood like material is similar in character and appearance to traditional wood windows.
6. Traditional window trim and sill details should be used.
7. Consult the additional resource below for tips on selecting appropriate windows for new construction.



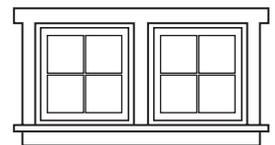
**Examples of Windows Traditionally Found in Lāna'i City**



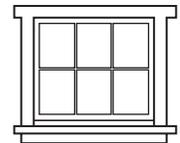
*Two-over-two-light double-hung window*



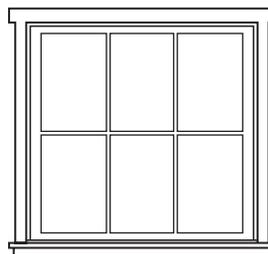
*Six-over-six-light double-hung window*



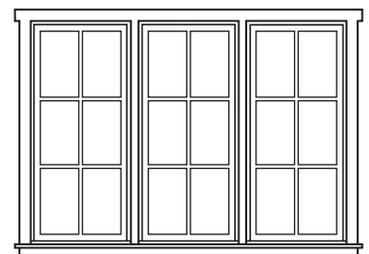
*Eight-light horizontal sliding sash window*



*Six-light hopper window*



*Six-light display window*



*Eighteen-light display window*

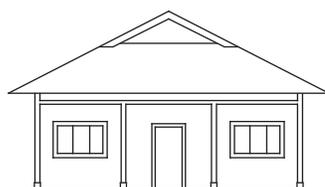
**Additional Resource for Windows**

**“Historic Design Guidelines, Windows: Repair, Replacement, and New Construction”** (San Antonio: Office of Historic Preservation, City of San Antonio, 2015).

<https://www.sanantonio.gov/Portals/0/Files/HistoricPreservation/Windows%20Updated%20June%202017.pdf?ver=2017-06-14-163708-323>



Yes



No



Yes



Yes

*Use windows that reflect the style, pattern of openings, proportions of wall to window space, and trim details of surrounding historic buildings.*



**ENTRANCES AND DOORS**

Original doors and entrances are key focal points of historic commercial buildings. For this reason, major changes to entrances or inappropriate replacement doors can damage the character of a historic building.

Original doors and entrances should be preserved and maintained. Enclosing an entrance or creating a new one at the front facade should be avoided. If damaged, original front doors should be repaired rather than replaced. If replacement doors are needed because of excessive deterioration, they should match the original in size, placement, design, details, and materials.

The guidelines below apply to **rehabilitation** projects:

1. Original doors and entrances should be preserved and maintained.
  - A. Preserve original doors and door components, especially on the main facade.
  - B. Do not change original doors and door components, including trim, lights, transoms, and hardware.
  - C. Do not fill or partially block original door openings on the main facade.
  - D. Do not cut new entrances at the front facade.
  
2. Deteriorated doors should be repaired as needed.
  - A. Do not remove original doors that are in good condition or that can be repaired.
  - B. When repairing original doors, use methods that retain their historic fabric and appearance, whenever possible.
  - C. Consolidates or epoxies may be used to strengthen deteriorated wood.
  - D. Consult the additional resources for tips on repairing original doors.
  
3. Replacement doors should match the materials and appearance of the original doors.
  - A. Replace original doors only when they are too deteriorated to repair.
  - B. When replacing an original door, retain as many of the original door components as possible, including the trim and frame.



- C. Match the original doors in materials and size.
- D. Match the original doors in design. If this is not possible, ensure replacement doors are consistent with the architectural style of the building.
- E. Do not replace original doors with stock Masonite doors that are widely available at big box hardware stores.
- F. Consult the additional resources for tips on selecting appropriate replacement doors.



**Additional Resources for Entrances and Doors**

Mike Zook, “**How To: Restore an Antique Door,**” The Craftsman Blog with Scott Sidler, last modified January 18, 2013, <https://thecraftsmanblog.com/how-to-restore-an-antique-door/>

Janice Lew, ***Rehab It Right! Historic Windows & Doors*** (Salt Lake City: Utah Heritage Foundation, 2011). [https://preservationutah.org/images/Historic\\_Windows\\_and\\_Doors\\_-\\_Property\\_Owners\\_Guide.pdf](https://preservationutah.org/images/Historic_Windows_and_Doors_-_Property_Owners_Guide.pdf)

Anne Grimmer, ***Interpreting the Standards 4: Inappropriate Replacement Doors*** (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 1999). <https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS04-Doors-Replacement.pdf>

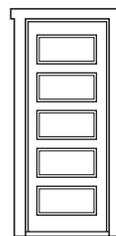
Anne Grimmer, ***Interpreting the Standards 22: Adding New Entrances to Historic Buildings*** (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2001). <https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS22-NewEntrances.pdf>

Anne Grimmer, ***Interpreting the Standards 21: New Openings on Secondary Elevations*** (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2001). <https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS21-NewOpenings-SecondaryElevations.pdf>

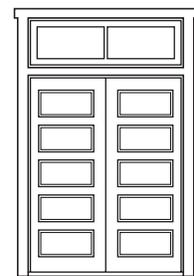
The guidelines below apply to **addition** and **new construction** projects:

1. Door openings should have a similar proportion of wall to door space as neighboring historic buildings.
2. Doors and door components, such as trim, lights, transoms, and hardware, should be similar in design and appearance to neighboring historic doors.
3. Doors may be wood or wood like, provided the wood like material is similar in character and appearance to traditional wood doors.

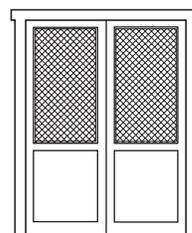
**Examples of Doors Traditionally Found in Lāna‘i City**



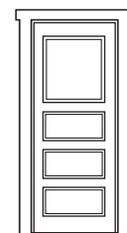
*Five panel door*



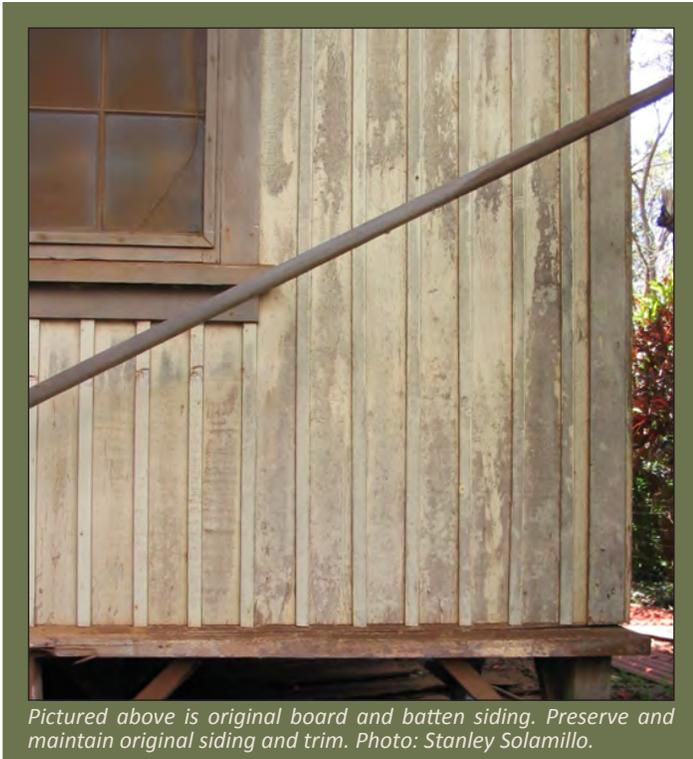
*Five panel doors with transom*



*Screen doors with single panels*



*Single light door with three panels*



*Pictured above is original board and batten siding. Preserve and maintain original siding and trim. Photo: Stanley Solamillo.*



*Pictured above is original tongue and groove siding. Repair original siding when possible instead of replacing or covering it.*

*Though this siding is damaged, it can be repaired by selectively removing the rotten boards and replacing them with new boards that match the originals in texture, material, and dimensions.*

### SIDING

Original wood siding and trim can last for a long time if regularly maintained and repaired as needed. The scale, texture, and finish of original wood siding and trim contribute to the historic character of a building. Similarly, original metal siding, like the corrugated metal on Dole Fleet, can withstand years of use if properly maintained. Original metal siding also contributes to the character of historic buildings in Lāna‘i City.

Original siding and trim should be preserved and maintained. Damage and deterioration should be prevented through routine maintenance and repair. If damaged, original siding should be repaired or replaced with material that matches the original.

The guidelines below apply to **rehabilitation** projects:

1. Original siding and trim should be preserved and maintained.
  - A. Maintain a good coat of paint on historically-painted siding to minimize damage from the elements.
  - B. Properly prepare the surface before applying new paint.
  - C. Regularly inspect wood-framed buildings for termites and other wood-eating pests.
  - D. Professionally fumigate the building if termites are an issue.
  - E. Do not let landscaping (including trees, vines, shrubs, and flowers) grow on or too close to the building.
  - F. Make sure there is a buffer between landscaping and the building.
  - G. Make sure water is properly draining away from the building to minimize decay.
  - H. Clean original siding and trim using the gentlest means possible.
  - I. Do not use abrasive cleaning techniques like power washing or sandblasting.
  - J. Consult the additional resources for tips on maintaining original siding.

2. Deteriorated siding and trim should be repaired as needed.
  - A. Do not remove original siding and trim that can be repaired.
  - B. Repair wood siding and trim using consolidates, epoxies, wood patches, or other methods that retain their historic appearance.
  - C. Consult the additional resources for tips on repairing wood siding.
  
3. Replacement siding and trim should match the material and appearance of the original siding.
  - A. Selectively replace original siding and trim only when they are too deteriorated to repair.
  - B. Match the original siding and trim in material, texture, and dimensions.
  - C. Do not replace or cover original siding with vinyl, aluminum, or T 1-11 siding.

**Additional Resources for Siding**

Sharon C. Park, FAIA, *Preservation Brief 47: Maintaining the Exterior of Small and Medium Size Historic Buildings* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 2007).

<https://www.nps.gov/tps/how-to-preserve/briefs/47-maintaining-exteriors.htm>

Jason Carpenter, "Patching Wood Siding," This Old House.

<https://www.thisoldhouse.com/how-to/patching-wood-siding>

John H. Myers, *Preservation Brief 8: Aluminum and Vinyl Siding on Historic Buildings – The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings* (Washington DC: Technical Preservation Services, National Park Service, U.S. Department of the Interior, 1987).

<https://www.nps.gov/tps/how-to-preserve/briefs/8-aluminum-vinyl-siding.htm>



Do not cover original siding with T 1-11.



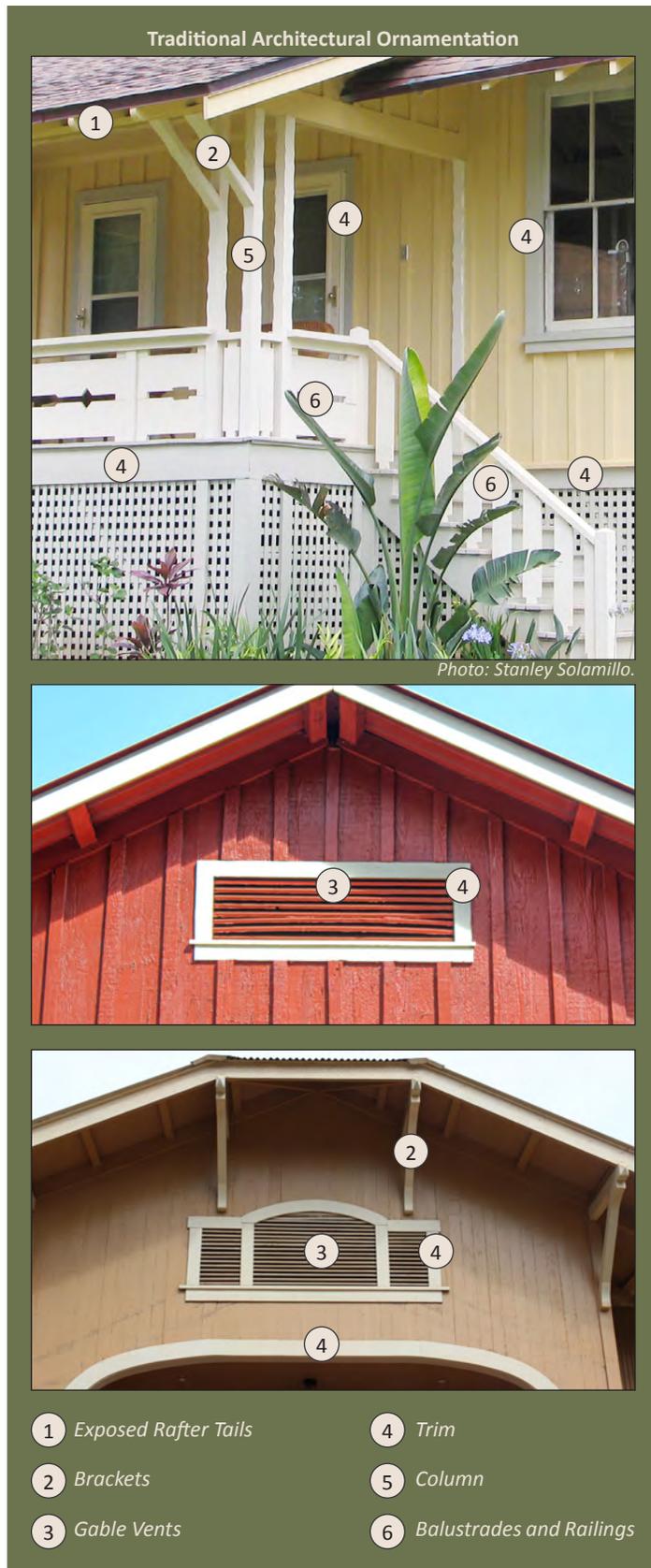
Do not cover original siding with vinyl.

The guidelines below apply to **addition** and **new construction** projects:

1. Siding should resemble the appearance of vertical tongue and groove boards, board and batten, or corrugated metal.
  
2. Tongue and groove and board and batten siding may be wood or wood like, provided the wood like material is similar in character and appearance to traditional wood siding.
  - A. Do not use T 1-11, vinyl, or aluminum siding.
  - B. Hardie Board may be used if it resembles the proportions and textures of traditional wood siding.
  
3. Trim should resemble the appearance and proportions of traditional trim.



The this new home's board and batten siding resembles the appearance of siding traditionally found in Lāna'i City. Photo: Glenn Mason, Mason.



**ARCHITECTURAL ORNAMENTATION**

Historic architectural ornamentation, including gable vents, brackets, and window trim help define the character of a historic building. These elements exhibit special craftsmanship and add visual interest.

Original architectural ornamentation should be preserved and maintained. Removing or concealing historic architectural ornamentation should be avoided. If replacement is necessary, the replacement should match the material, design, color, and texture of the original ornamentation as closely as possible.

The guidelines below apply to **rehabilitation** projects:

1. Original architectural ornamentation should be preserved and maintained.
  - A. Maintain original ornamentation so that repair or replacement is not needed.
  - B. Maintenance can include limited paint removal and repainting as well as making sure that water is properly draining from the roof and away from the foundation.
2. Deteriorated architectural ornamentation should be repaired as needed.
  - A. Do not remove architectural ornamentation that can be repaired.
  - B. Repair wood ornamentation using consolidates, epoxies, wood patches, or other methods that retain its historic appearance.



3. Replacement ornamentation should match the material and appearance of the original ornamentation.
  - A. Replace original ornamentation only when it is too deteriorated to repair.
  - B. Use photographic or physical evidence to substantiate the design of replacement ornamentation.
  - C. Match the original ornamentation's scale, proportion, finish, dimensions, and appearance.
  - D. Do not add ornamentation where it did not historically exist.
  - E. Do not introduce ornamentation that is not in keeping with the architectural style of the building.



The guidelines below apply to **addition** and **new construction** projects:

1. Architectural ornamentation should be in keeping with architectural style of the neighboring historic buildings.
2. Ornamentation should be simple in design and should complement, not compete with the architectural character of neighboring historic buildings.
3. Ornamentation should not be more ornate or elaborate than ornamentation found in the district.
4. Ornamentation should reflect the size and shape of ornamentation found in the district.
5. Ornamentation may be wood or wood like, provided the wood like material is similar in character and appearance to traditional wood ornamentation.



**Lead Paint Safety Precautions**

Keep in mind that older buildings often contain lead-based paints. Before beginning work, consult different recommendations for lead safe working practices. Lead-based paint is not considered a reason to remove and replace historic, character-defining materials or features, including windows, doors, and trim. There are remedial techniques that can be used to safely remove or encapsulate lead-based paint.

For more information on working with lead-based paints, consult the following sources:

Environmental Protection Agency:

[www.epa.gov/lead](http://www.epa.gov/lead)

National Park Service:

<https://www.nps.gov/tps/how-to-preserve/briefs/37-lead-paint-hazards.htm>

**PAINT COLOR**

Paint protects building materials like wood from the elements and pests. Although it is an important protective layer that prolongs the life of building materials, it is subject to deterioration and requires periodic reapplication to maintain its protective qualities. In addition to paint’s protective qualities, its color can affect how a building is perceived and its contribution to its setting. For this reason, paint is an important design consideration.

The guidelines below apply to **all projects**:

1. Roof, siding, and trim may be painted contrasting colors.
2. Paint colors should be compatible and consistent with those present in the commercial area surrounding Dole Park.
3. Consult the additional resource and lead paint safety precautions for tips on selecting paint colors and working with lead-based paint.

**Additional Resource for Paint Color**

Scott Sidler, “Choosing Exterior Paint Colors for Your Historic House,” The Craftsman Blog with Scott Sidler, last modified February 6, 2012, <https://thecraftsmanblog.com/choosing-exterior-paint-colors-for-your-historic-house/>



## 3 STREETScape DESIGN GUIDELINES

### STREET FURNITURE

Street furniture refers to elements such as trash cans, benches, and tables that are located on public sidewalks. Street furniture does not include patio furniture placed in front of businesses. In urban areas, sidewalks are often wide enough to accommodate both pedestrians and street furniture. One of Lāna'i City's special qualities is its rural streetscape, which includes narrow sidewalks at select locations surrounding Dole Park.

1. Street furniture should only be installed where the sidewalk is wide enough to accommodate these elements while allowing enough space for pedestrians to walk.
2. Street furniture should have a simple, contemporary design that is compatible with the scale, style, and texture of the surrounding historic buildings. Historic designs from other locations should not be introduced.
3. Street furniture may be constructed of wood or metal and should be painted neutral colors to avoid detracting attention from the surrounding historic buildings and streetscape.
4. Street furniture should be consistent throughout the district.



*The sidewalks in the Country Town Business District are not wide enough to accommodate street furniture, so some businesses put patio furniture in their front yards.*

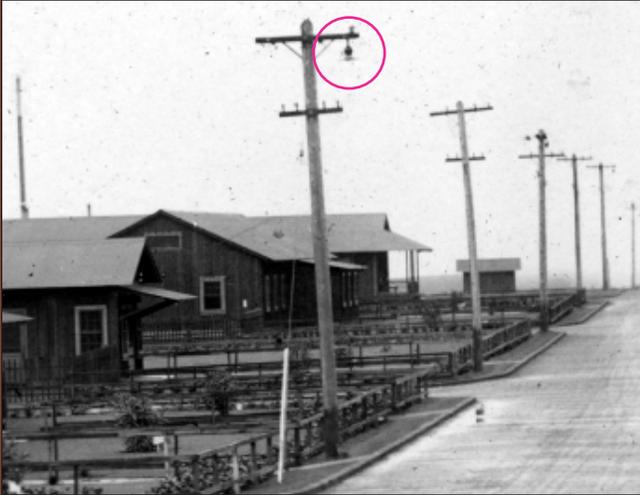
### FENCES

Although fences are not common today in the Country Town Business District, they were historically used in this area, and they may be appropriate in certain locations.

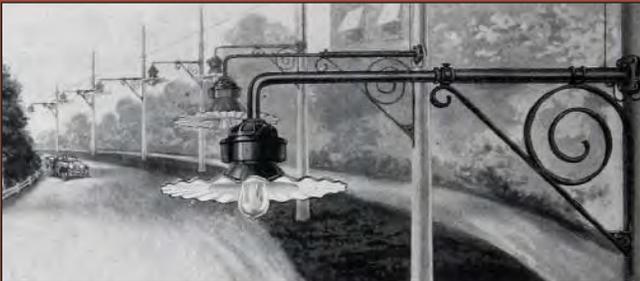
1. Fences may be allowed for public health and safety.
2. Fences should be made of wood, preferably with either wood slats or pickets, so as to not present the appearance of a solid wall.
3. Fences should be stained or painted a neutral color.
4. Fences should be limited to 3 feet in height.
5. Chain link fences are discouraged and may only be used in combination with hedges or other landscape screening.
6. Low (3 feet in height or less) rock walls may be appropriate in areas that do not front Dole Park.



*1920s photos showing fences and hedges in Lāna'i City. Photos: Bishop Museum and Lāna'i Culture & Heritage Center.*



1926 photo showing a street light attached to a utility pole. This is still done in Lāna‘i City today. Photo: Lāna‘i Culture & Heritage Center.



These fixtures are similar in design to the street lights historically used in Lāna‘i City. Image: George Cutter Co., 1919, uploaded to the APT Heritage Library on July 19, 2011.

### STREET LIGHTS

Street lights in Lāna‘i City should be selected and located to provide visibility and to increase public safety, but also to control glare and light trespass. Intense lighting and maximum frequency is not typical of the rural quality of Lāna‘i City. Many street light fixtures are attached to utility poles. Chapter 20.35, Maui County Code, regulates outdoor lighting. In addition:

1. Lower level lighting or pathway lighting should use standards with luminaries placed at 8 to 15 feet above grade or bollards of approximately 30 inches in height.
2. The light source should be directed at less than 90-degree cutoff downwards, illuminating the path and any ground cover plants.
3. Light sources should be shielded so that no light is emitted above a horizontal line parallel to the ground.
4. Street light improvements should be compatible with the character of the town.
  - A. Consider installing new fixtures based on designs historically used in the town. These designs should be substantiated by historic photos and other archival documentation.



All of the historic street lights in Lāna‘i City have been replaced with these modern “cobra head” fixtures. As these fixtures reach the end of their lives, consideration should be given to installing new fixtures that are more historically accurate and compatible with the character of the town. Photo: Stanley Solamillo.



This modern fixture is similar in design to the fixtures historically used in Lāna‘i City.

**PART III**  
**APPENDICES**



# APPENDIX A: COUNTRY TOWN ORDINANCES

## PART 1: CHAPTER 19.15, MAUI COUNTY CODE – COUNTRY TOWN BUSINESS DISTRICTS

### Sections:

### Footnotes:

--- (4) ---

**Editor's note**— Ord. No. 4153, § 1, adopted in 2014, amended former Ch. 19.15, §§ 19.15.010—19.15.060, in its entirety which pertained to similar subject matter and derived from Ord. No. 1629, § 2, 1987; Ord. No. 2609, § 4, 1997; Ord. No. 3417, § 1, 2006; Ord. No. 3622, § 4, 2009; Ord. No. 3941, § 1, 2006.

### 19.15.010 - Purpose and intent.

- A. The B-CT country town business district is intended to establish development standards for businesses in smaller and/or more remote communities.
- B. It is intended that the unique design character of these business districts be preserved and maintained to promote the "country town" atmosphere of these communities in Maui County.
- C. This B-CT country town business district zoning ordinance establishes the means of implementing various provisions of Maui County community plans. Provisions in such community plans promote retention of certain aspects of the lifestyle that have developed over the years in the commercial areas of small and remote communities throughout Maui County. These communities traditionally feature single-unit retail establishments in separate buildings or units with a shared common wall. Structures, generally, are small in scale, oriented in heights to a pedestrian scale, and rustic in design. These areas differ from larger, modern urban centers that feature shopping centers and business establishments that utilize on-site parking.

Examples of the country town concept are commercial areas of such communities as Makawao-Pukalani-Kula, Paia-Haiku, Hana, Lanai City, and Molokai. Other areas on the fringes of larger urban concentrations, however, may qualify for B-CT country town business district zoning if consistent with the applicable community plan. The decision as to which areas, in detail, are appropriate for this zoning category is dependent on numerous variables and involves both subjective and objective considerations.

(Ord. No. 4153, § 1, 2014)

### 19.15.020 - Permitted uses.

Within the B-CT country town business district, the following uses shall be permitted:

Permitted uses	Criteria or limitations
Amusement and recreational activities	Conducted wholly within a completely enclosed building
Animal hospitals, including boarding	
Art and music studios	

Auditoriums, theaters, gymnasiums including fitness centers, private clubs and dance halls	
Automobile services	
Bed and breakfast homes, in lawfully existing single-family dwellings	Subject to the restrictions and standards of section 19.64.030 of this code
Buildings and premises used, owned, or operated by government agencies, including community centers	
Combinations of dwelling units with other permitted uses in the same building	Except on Molokai
Communication equipment and antennae	Provided that it is part of or supported by a building
Day care facilities	Except on Molokai
Eating and drinking establishments	
Educational institutions	
Education, specialized	
Farmer's markets	
General merchandising	
General office	
Hardware, feed, and garden stores	Provided, that feed and fertilizer are kept within an enclosed building
Home occupations	Within lawfully existing single-family dwellings
Libraries	

Multifamily dwellings, duplexes, and bungalow courts	Except on Lanai and Molokai
Museums	
Parking lots	
Personal and business service	Except for dry cleaning on Lanai. Printing establishments shall be conducted within an enclosed building
Pet shops	
Recycling collection center	Conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height; and provided, that no goods, materials, or objects shall be stacked higher than the fence or walls so erected
Redemption center	
Religious, benevolent, or philanthropic societies, civic organizations, and quasi-public uses	
Short-term rental homes, in lawfully existing single-family dwellings	Subject to the restrictions and standards of chapter 19.65 of this code
Swap meet or open air market	
Taxicab, car rental, and U-drive stations and offices	
Warehouse facilities associated with a permitted use within the district	
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area	Provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of this article

19.15.025 - Accessory uses.

A. The following uses, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-CT country town business district:

Accessory uses	Criteria or limitations
Energy systems, small-scale	Provided there will be no detrimental or nuisance effect upon neighbors
Food and agricultural product manufacturing and processing	Provided, that the manufacturing and processing is primarily associated with a permitted use under section 19.15.020 and wholly contained within a completely enclosed building and the goods are sold exclusively on site; and provided there will be no detrimental or nuisance effect upon the surrounding area
Garages, porte-cochere, mail boxes and trash enclosures	
Light manufacturing such as leather crafting, sewing or candle making	Provided, that the light manufacturing is primarily associated with a permitted use under section 19.15.020 and wholly contained within a completely enclosed building and the goods are sold exclusively on site; and provided there will be no detrimental or nuisance effect upon the surrounding area
Other uses that are determined by the director of planning to be clearly incidental and customary to a permitted use	

B. The following uses, located on a nearby lot, are also deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-CT country town business district:

Accessory uses	Criteria or limitations
Energy systems, small-scale	Provided the system is within a distance of four hundred feet of the nearest point of the lot it serves and there will be no detrimental or nuisance effect upon neighbors

(Ord. No. 4153, § 1, 2014)

19.15.030 - Special uses.

The following are special uses in the B-CT country town business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

Special uses	Criteria or limitations
Public utility substations	Provided there will be no detrimental or nuisance effect upon neighbors
Storage facilities not associated with a permitted use within the district	
Telecommunication offices and facilities	Provided, that all exterior telecommunication equipment shall be set back at least twenty-five feet from any property line and that such telecommunication equipment shall be screened from public view by appropriate means, including, but not limited to, landscape planting
Transient vacation rentals	One to twelve bedrooms
Upholstery, canvas, sign painting, and surfboard making shops	Conducted wholly within a completely enclosed building
Vehicle bodywork, frame or body parts straightening, steam cleaning, painting, welding, storage of non-operating vehicles, and tire recapping or re-grooving	Conducted wholly within a completely enclosed building
Other uses that are similar in character to permitted and special uses and consistent with the unique character, identity, and needs of the country town, and that are not detrimental to the welfare of the surrounding area	

(Ord. No. 4153, § 1, 2014)

19.15.040 - Development standards.

The development standards for the B-CT country town business district shall be as follows, unless otherwise specified in adopted design guidelines pursuant to section 19.510.100:

DEVELOPMENT STANDARDS		
	B-CT	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	35	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed forty-five feet
Minimum front yard building setback or build to line	None for buildings	Unless specified by adopted design guidelines
Minimum side and rear yard building setback or build to line	Where the side or rear of a lot abuts a lot in any zoning district that requires a setback, the abutting side or rear yard shall have the same yard setback as required in the abutting district	
Maximum height and minimum setback for freestanding antennae or wind turbine structures	Minimum setback of one foot for each foot in height, from all property lines	
Design review	All buildings and structures shall be erected, constructed, reconstructed, renovated, remodeled, enlarged or converted in a similar and compatible	

	<p>architectural design character with that of surrounding commercial buildings. It is intended that an identifiable and unified urban design theme be retained within each B-CT country town business district. The urban design theme shall be in conformance with established design guidelines and standards for each community as reviewed by the commission, and adopted by resolution. Except as necessary to protect public health, safety and welfare, where a conflict exists between adopted country town business district design guidelines and standards, and the Maui County Code, the design guidelines and standards shall prevail</p>	
<p>Substandard buildings</p>	<p>Buildings on existing substandard lots may be reconstructed on the established building footprint where the director of planning determines, in accordance with established design guidelines, that such reconstruction does not detrimentally affect the character of the district</p>	

(Ord. No. 4153, § 1, 2014)

19.15.050 - Rule making authority.

The director of planning may adopt rules to implement this chapter.

(Ord. No. 4153, § 1, 2014)

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**PART 2: SECTIONS 100 - 130 OF CHAPTER 19.510.100, MAUI COUNTY CODE – APPLICATION AND PROCEDURES****19.510.100 - Country town business district design guidelines.**

Purpose. The purpose of country town business district design guidelines is to insure that all buildings and structures shall be erected, constructed, reconstructed, renovated, remodeled, enlarged, or converted in a similar and compatible architectural design character with that of surrounding buildings. It is intended that an identifiable and unified design theme be retained within each B-CT country town business district. Except as necessary to protect public health, safety and welfare, where a conflict exists between adopted country town business district design guidelines and standards, and this code, the design guidelines and standards shall prevail.

(Ord. No. 4153, § 2, 2014)

**19.510.110 - Establishment of country town business district design guidelines and standards.**

- A. Each small town within Maui County that incorporates country town business districts shall establish design guidelines and standards.
- B. Review of country town business district design guidelines and standards by the appropriate planning commission shall include:
  - 1. Review and comment by the urban design review board;
  - 2. An advertised public meeting in the respective country town; and
  - 3. A public hearing held by the appropriate planning commission. The director of planning shall publish the notice of the date, time, place, and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the County and which is generally circulated throughout the County at least thirty calendar days prior to the date of the public hearing.
- C. In developing site design guidelines and standards, consideration shall be given to functional and spatial relationships with surrounding uses, and landscape planting in the aesthetic continuity of surrounding sites.
- D. In developing architectural design guidelines and standards, consideration shall be given to: the existing variety of form and massing of elements; the size and proportions of surrounding structures; the predominant directional expression of nearby buildings; the articulation of main building entrances; the roof forms and composition of structures found in the area; the recurrent alteration of wall areas with door and window elements in facades; and the building materials, texture, and color schemes of surrounding buildings.
- E. The design guidelines and standards shall be adopted by resolution by the council.

(Ord. No. 4153, § 2, 2014)

**19.510.120 - Administration and review of proposals.**

- A. Adopted country town business district design guidelines and standards shall be administered by the director of planning; however, approved drainage and roadway guidelines and standards shall be administered by the director of public works. Design plans for improvements within the B-CT country town business districts shall be approved by the director of planning in accordance with established guidelines or the architectural character of existing town design until such time as guidelines are approved for an area.
- B. Pending adoption by the council of the country town business district design guidelines and standards required under section 19.510.110, the director of planning shall review all proposals so as to enhance design features of country towns and shall consider the following factors in the review:

1. Siting should reflect the functional and spatial relationships with surrounding uses, including preservation of scenic and historic view corridors;
2. Landscape planting should enhance the aesthetic continuity of surrounding sites;
3. Building massing should be compatible with the existing variety of form and massing elements;
4. Building scale should respect the size and proportions of surrounding structures;
5. Directional orientation should foster the relationship of the predominant directional expression of nearby buildings;
6. Entry features should reflect the manner of articulation of main building entrances;
7. Roof form and composition should be compatible with that of structures found in the area;
8. Patterns of facade openings should be compatible with the recurrent alteration of wall areas with door and window elements; and
9. The use of building material type, texture, and color schemes should be compatible with those of surrounding buildings.

(Ord. No. 4153, § 2, 2014)

19.510.130 - Appeal.

- A. An applicant may appeal a final determination on a design plan made by the director of planning pursuant to section 19.510.120 by filing a notice of appeal with the appropriate planning commission within ten days after such final determination. Upon review, the planning commission may affirm the decision of the director of planning or reverse or modify the director of planning's decision if:
  1. The decision was based on a clearly erroneous finding of a material fact or error of law; or
  2. The decision was arbitrary, or capricious, or characterized by abuse of discretion; or
  3. The proposed design plan maintains the design integrity of the B-CT country town business district.
- B. The appeal of the director's determination shall be placed on the next available commission agenda as a non-public hearing item.

(Ord. No. 4153, § 2, 2014)



# APPENDIX B: CHAPTER 10 – 2016 LĀNA`I COMMUNITY PLAN

## 10 | URBAN DESIGN

### A. INTRODUCTION

Lāna`i City was originally conceived by James Dole as a new town in 1923. Today, it is the last intact plantation town in the State. Built to be a self-sufficient company town, Lāna`i City is centered around the rectangular shaped Dole Park, with most of the town's commercial and civic properties facing the park, surrounded by a grid pattern of residential streets with modest plantation houses on small lots. Most of the plantation-style structures were built between 1927 and 1938. One of the most significant character-defining elements of Lāna`i City is the abundant plantings of Cook Island Pines throughout the town. Now that the mature trees are 60 to 100 feet tall, the town has the unique ambiance of being nestled in a forest. The landscaping, the rectilinear street pattern, the centralized commercial land uses around a large green park, and the small scale of the buildings embodies many of the best qualities of late nineteenth, early twentieth century American town planning.

#### Existing Conditions

In 2009, the National Trust for Historic Preservation included Lāna`i City on its list of the Top Ten "Most Endangered" historic sites in the United States. Most of Lāna`i City's original structures are still standing, however, in recent years some buildings, both commercial and residential, have been demolished and replaced with new construction. There are also a number of structures that are empty and falling into substantial disrepair, becoming so termite infested that they may not be renovated and restored, resulting in what has become known as "demolition by neglect." Residents of Lāna`i greatly value the unique character of their town and would like to see the town's design character maintained and enhanced, while also allowing for improvements for safety, efficiency, expansion, and viability. The Cook Island Pines that were planted throughout Lāna`i City are now mature and some are reaching the end of their lifespans. Some trees will have to be cut down and replaced as they age, become diseased, or create risks to property.

There are design guidelines for the B-CT District of Lāna`i City. The other settlements on the island, the Kō`ele and Mānele PDs, also have their own design standards and guidelines under their PD ordinances.

## 10 | URBAN DESIGN

### Growth and Expansion of Lāna`i City

The next 20 to 30 years will likely see considerable growth and expansion of Lāna`i City as well as the creation of new areas of development (Mānele Mauka Village and Kaumālapa`u Harbor Village). Even before Pūlama Lāna`i announced conceptual plans to expand Lāna`i City, there were three major development projects proposed (or ongoing) on the northwest edge of Lāna`i City: the DHHL subdivision, the Lāna`i High and Elementary School campus expansion, and the County's affordable housing project. With a combined total of over 150 acres, these three projects represent a sizeable extension of the existing town. In 2013, Pūlama Lāna`i initiated conceptual plans to expand Lāna`i City to the west and north. The expansion is intended to accommodate the existing need for non-resort housing, including affordable and non-market rate housing at a variety of price points, and additional commercial space, as well as future needs associated with the anticipated growth in economic activity and population. The projects will be constructed in phases over the next 25 years and will require infrastructure upgrades and expansions and coordinated urban design.

### Streetscape and Landscaping Principles

Section 2.80B.070(E)(15), MCC, requires the community plan to contain a "list of streetscape and landscaping principles and desired streetscape and landscaping improvements." The Lāna`i City Country Town Business District Design Guidelines and Standards 2011 provide guidelines and standards for streetscape, landscaping, and planting within the Lāna`i City B-CT district that can also be applied to areas outside the B-CT district. The streetscape and landscaping principles of this community plan shall be the streetscape, landscaping, and planting guidelines and standards of the Lāna`i City Country Town Business District Design Guidelines and Standards 2011, and any of its subsequent updates.

Streetscape and landscaping improvements typically occur with new development or redevelopment. Therefore, the policies and actions within the chapter are intended to provide general guidance on the streetscape and landscaping improvements desired by the community.

### Urban and Rural Design Principles

Section 2.80B.070(E)(6), MCC, requires the community plan to contain a "statement of urban and/or rural design principles and objectives for the community plan area." Figure 10.1, Urban and Rural Design Principles, fulfills this requirement by identifying the key concepts that affect the character of Lāna`i. These principles apply to the entire island and address design features such as streets, public spaces, building orientation, and parking. The goals, policies, and actions in this chapter provide direction for implementing the Urban and Rural Design Principles.

## 10 | URBAN DESIGN

### Urban and Rural Design Principles

- 1. Preserve and maintain the features of the built and natural landscape that give the island its distinctive character.** Some of the character-defining features include the wide open spaces in the center of the island, the iconic rows of Cook Island Pines, the historic quality of Lāna`i City, and development concentrated in specific areas.
- 2. The design of newly developed areas should be visually compatible with the landscape the character of the island and existing development.** New development should reflect the island's architectural history, character, climate, and landscape.
- 3. Maintain and enhance the town's historic character.** The historic character of the town is one of its most distinguishing features. As a result, the renovation and preservation of historic structures is encouraged. Also, new buildings and other improvements should be designed to complement and enhance the town's historic character.
- 4. Mixed-Use.** Strive for a balance of housing, jobs, shopping, recreation, and civic uses in Lāna`i City. Establish the town as a lively place to be during the week, on the weekends, at night, and for special events.
- 5. Walkability.** Create a comprehensive network of travel options, with an emphasis on the pedestrian experience. Sidewalks, walkways, and greenways should link land uses and offer a safe, inviting, and comfortable walking experience.
- 6. Street Connectivity.** Street networks should continue the existing grid network and contain multiple paths for efficient circulation. New streets should connect to the existing street network in all adjoining areas where practical. Dead-end streets and cul-de-sacs should only be allowed when required by topographic constraints or when connectivity is prevented by conditions on adjoining properties.
- 7. Public Realm.** The town's streets, sidewalks, parks, and other open spaces collectively comprise the public realm. These features provide public gathering places and the physical framework around which buildings and other improvements are made. The design of the public realm should create a sense of community, safety, and pedestrian activity.

## 10 | URBAN DESIGN

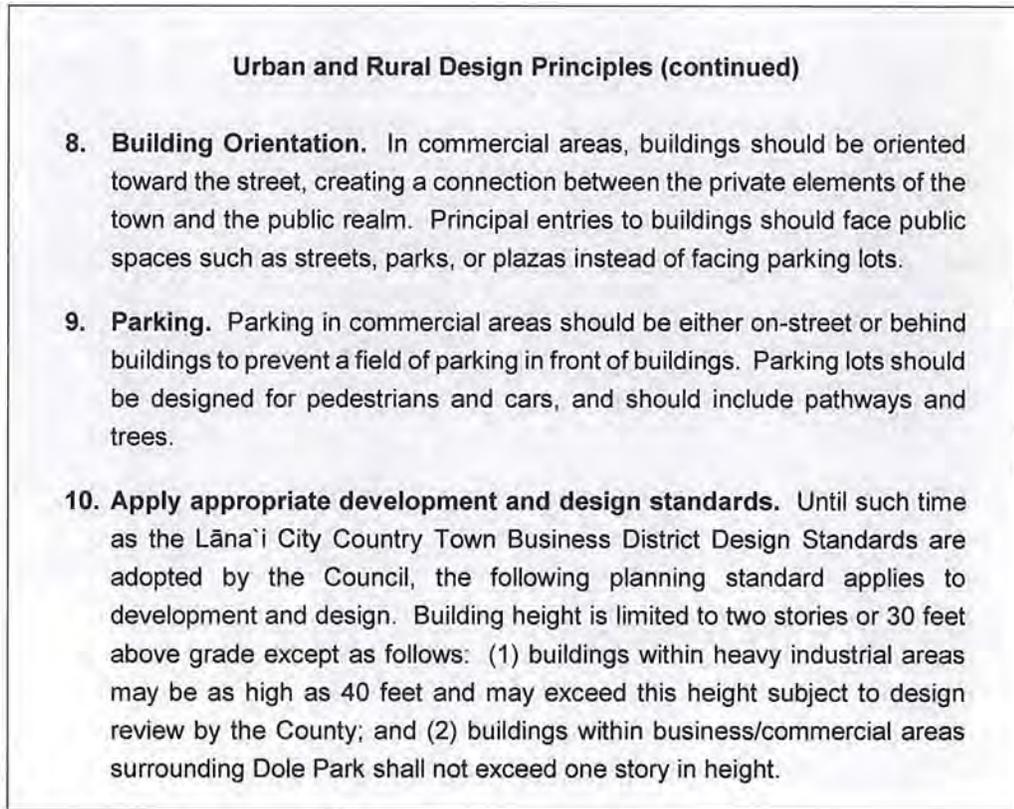


Figure 10.1 Urban and Rural Design Principles

### B. ISSUES AND STRATEGIES

**Issue 1:** The array, quality, and integrity of the historic structures that make up the core of Lāna`i City are threatened by inadequate maintenance, demolition, and renovation without care for historic character.

**Strategy 1:** Protect Lāna`i City's unique small-town character and plantation heritage by supporting collaborative efforts to develop a vision and master plan for Lāna`i City that includes preservation of historic structures in the B-CT District.

**Issue 2:** Lāna`i City's intact and unique plantation era historic character could be compromised by inappropriate new development and insensitive renovation of existing structures.

**Strategy 2A:** Review, revise, and enhance as necessary the B-CT design guidelines for Lāna`i City to provide more detailed guidance for new construction as well as renovation

## 10 | URBAN DESIGN

and reconstruction of existing structures. Review and amend the B-CT zoning ordinance to allow flexible adaptive reuse.

**Strategy 2B:** Develop design guidelines for new structures not only in the Lāna`i City B-CT District but also outside of the B-CT District to provide guidance on appropriate form, scale, architectural character, details, and materials.

**Strategy 2C:** Many Lāna`i residents would like to ensure the urban design of the town expansion provides a similar “sense of place” and quality of life to the existing town. Encourage Pūlama Lāna`i to collaborate with the community and the County on the development of site plans, building types, planning and design standards, and design guidelines for any expansion of Lāna`i City, as well as for any new development areas, through interactive public design workshops.

**Issue 3:** **County standard parking requirements for commercial operations make it expensive and difficult to obtain building permits and yet, there is ample parking surrounding Dole Park for the adjacent businesses and institutions, making the requirement for onsite parking for each business unnecessary.**

**Strategy 3:** Create a comprehensive parking strategy for Lāna`i City and develop and adopt less restrictive parking requirements as part of the revised Lāna`i City B-CT design guidelines which would allow businesses to utilize public parking surrounding Dole Park instead of developing new parking spaces on site. Review and amend the B-CT zoning ordinance to be consistent with proposed guidelines.

**Issue 4:** **The rural character of Lāna`i City’s streetscapes will be compromised by the imposition of modern street design standards. Lāna`i’s rural design character is dependent upon, in large part, its rural streetscapes, street design, and road network configuration. Previous expansions of Lāna`i City have utilized curvilinear street network forms, breaking the rectilinear grid and intimate scale of Lāna`i City’s small-town streets. Modern/contemporary street design standards, which include requirements for curb and gutter, wide concrete sidewalks, and wider lane and street widths, have been used in newer areas of town and create a very different urban design pattern and ‘sense of place’ from older areas of town.**

**Strategy 4:** Develop and adopt by ordinance specific rural and small-town street design standards, as well as streetscape guidelines, for Lāna`i to govern both existing areas and new development areas. These standards and guidelines would permit context sensitive street design, such as streets without wide concrete sidewalks and formal curbs and gutters, and maintenance of the small-town streetscapes found in Lāna`i City. They would also maintain, where possible, the overall street grid pattern for Lāna`i City.

## 10 | URBAN DESIGN

**Issue 5: Loss of the array of Cook Island Pines in Lāna`i City from age or disease would significantly alter the character of the town.**

**Strategy 5:** Work with appropriate agencies, NGOs, and the community to prepare a management and replanting plan for the Cook Island Pines throughout Lāna`i City. Explore options for appropriate alternative tree species, depending on location and site. Cook Pines could be replanted if appropriate for that location, or native and noninvasive species could be used.

**Issue 6: Non-native landscaping in settled areas can consume precious water resources and may introduce invasive species.**

**Strategy 6:** Support the development of a street tree planting plan for existing areas and new development. Distribute a guidance document for homeowners and landowners to address both new and existing landscapes that would promote the use of non-invasive, drought-tolerant, and climatic-zoned native plants wherever possible.

**Issue 7: Parks in Lāna`i City are concentrated in the central area; outlying neighborhoods are lacking park facilities.**

**Strategy 7:** Ensure the expansion of Lāna`i City or development of new residential areas provides for adequate parks and open spaces, as required by Title 18, MCC.

**Issue 8: Unshielded street lights and playfield lighting cause glare and light pollution that not only detract from the rural character of Lāna`i, but also cause problems for migrating and nesting seabirds.**

**Strategy 8:** Ensure street lighting is minimized and street lights use shielding to prevent unnecessary light pollution.

### C. GOAL, POLICIES, ACTIONS

**GOAL** Lāna`i will retain and enhance its urban design character, which is unique in the State.

#### Policies

1. Maintain and enhance the traditional small-town streetscape design and rural road character in Lāna`i City and outside of town.

## 10 | URBAN DESIGN

2. Enhance the landscape of Lāna`i City and other settlement areas through the use of native or other appropriate landscaping, such as using non-invasive and drought-tolerant plants.
3. Ensure the character of new development within and around Lāna`i City respects and enhances the urban design character of the plantation town by utilizing appropriate design guidelines, including expansion of the grid street network.
4. Ensure the urban and architectural design of new development areas outside of Lāna`i City is consistent with the rural, small-town character of the island.
5. Ensure there is community engagement and input into any new development.
6. Support the coordination of major development projects in Lāna`i City to maximize efficiency, provide infrastructure and public amenities, and enhance the overall character of the town.
7. Encourage the planting of suitable street tree species in new and existing areas; encourage the replacement of Cook Island Pines, if appropriate.
8. Protect and maintain the dark sky of the island's rural environment by ensuring street lighting, building lighting, and park lighting do not create excessive light pollution and glare.
9. Promote the development of a variety of park and recreational facilities distributed throughout Lāna`i City and the island.
10. Encourage the provision of public restrooms in major parks and public spaces.
11. Continue assisting property owners to preserve and rehabilitate historic buildings in the B-CT District.

### Actions

No.	Action	Policy No.	Lead County Agency	Partners
10.01	Prepare a vision and master plan for Lāna`i City through collaborative efforts that include historic preservation of structures in the B-CT District.	1, 3, 6, 11	Department of Planning	Pūlama Lāna`i

## 10 | URBAN DESIGN

No.	Action	Policy No.	Lead County Agency	Partners
10.02	Revise and enhance the B-CT design guidelines for Lāna`i City to provide more detailed guidance for new construction, as well as renovation and reconstruction of existing structures for adaptive reuse.	1, 3, 11	Department of Planning	Pūlama Lāna`i
10.03	Develop design guidelines for structures in Lāna`i City, but outside of the B-CT District, to provide guidance on appropriate form, scale, architectural character, details, and materials.	3, 6	Department of Planning	Pūlama Lāna`i
10.04	Create a comprehensive parking strategy for Lāna`i City. Revise the B-CT design guidelines to lessen parking requirements and allow businesses to fulfill onsite parking requirements through use of existing public parking surrounding Dole Park.	1, 3, 6	Department of Planning	Pūlama Lāna`i
10.05	Develop an urban forestry management plan for County and public property throughout Lāna`i City. Include options for the planting of native and non-invasive species, where appropriate, and consider replanting Cook Island Pines only where there is adequate space for the mature trees. Encourage Pūlama Lāna`i to adopt a similar plan.	2, 7	Department of Parks and Recreation	Department of Planning Pūlama Lāna`i
10.06	Select options for implementing LED lighting to save energy and provide a more point-like light source.	8	DPW	Department of Planning Pūlama Lāna`i

# APPENDIX C: CHAPTER 9 – 2016 MAUI COUNTY PLANTING PLAN

## CHAPTER 9. NATIVE HAWAIIAN AND POLYNESIAN- INTRODUCED PLANTS

### 9.1 PURPOSE

- 9.101 To encourage the use of Native Hawaiian and Polynesian-introduced plants in landscaping for the purposes of their perpetuation and increasing the public's awareness and appreciation of local flora.

### 9.2 ENDANGERED SPECIES

- 9.201 By federal law no one should possess or propagate endangered species without a permit. A few species are included in the Maui County Planting Plan (MCP) and are so labeled in case their propagation and use are permitted in the future. The plant's scientific name, as found Table 9-1: Native & Polynesian Introduced Plants, is followed by a triple asterisk (\*\*\*) and a note at the top of the page with an explanation. Some plants in this document may be placed on the endangered list at a later date. At that time, their propagation and use in landscapes may be restricted by law.

### 9.3 DEFINITIONS

- 9.301 Indigenous refers to being native of the Hawaiian Islands, but also occurring naturally elsewhere (without the aid of humans).
- 9.302 Endemic to the Hawaiian Islands means occurring naturally (without the aid of humans) nowhere else in the world. These plants are labeled NATIVE (ENDEMIC).
- 9.303 Native plants were in Hawaii before the Polynesians arrived and include plants both indigenous and endemic to our islands. The plants that are indigenous but not endemic are labeled NATIVE.
- 9.304 Polynesian introductions include those plants brought by Polynesian immigrants prior to the year 1778. These plants are identified by POLYN. INTRO.
- 9.305 Exotic plants were introduced into Hawaii after European contact in 1778.

### 9.4 STATE LAW

- 9.401 The 1992 Hawaii State Legislature passed legislation that was signed by the Governor (Act 73) encouraging the use of Hawaii's native plant species in new or renovated landscaping of State funded buildings.

- 9.402 The 1993 Legislature amended Act 73 to include Polynesian introduced plants along with those that are native to Hawaii. It was H.B. No. 882, H.D. 2, S. D. 1. HB 882 (Act 156).

## 9.5 GENERAL

- 9.501 In keeping with the State laws, Maui County encourages all landscapers and developers to include Native Hawaiian plants, as well as those introduced by the Polynesians, wherever and whenever feasible.
- 9.502 It is important that native plants not be gathered from the wild because they have enough difficulty in maintaining their populations against the invading exotic plants. Nurseries are propagating and stocking Native Hawaiian plants and can help with providing instructions for their planting and care.
- 9.503 Using native plants should not jeopardize these and other species growing in the wild to lose their natural habitats.
- 9.504 Whenever feasible, Native Hawaiian plants in the landscape should be properly labeled for identification and for the public's awareness and education.
- 9.505 Wherever and whenever feasible, the native plants used should belong to the island on which the species originated to maintain purity of the gene pool. Closely related plants, such as species of loulou or of nehe, should not be used within the same landscape design as cross pollination will occur and produce gene contaminated seed.
- 9.506 The extreme isolation of the Hawaiian Islands accounts for a high percentage of endemic species. Ninety percent of approximately 1,200 native ferns, flowering plants, and trees are found nowhere else in the world.
- 9.507 Approximately half of the 950 remaining species of native plants found only in Hawaii are threatened with imminent extinction. Extinction has happened because towns, agriculture, pastures, and resorts have virtually eliminated native plants from lowland areas. Thousands of foreign species imported for landscapes and crops have escaped into State forests and out-competed native plants in the wild.
- 9.508 A benefit of using native plants in landscaping is that they usually require less care once they are established.
- 9.509 The following table (Table 9-1) is a list of Native Hawaiian and Polynesian Introduced Plants. Use the chapters indicated, or the Index at the end of

this document, to discover the plant's characteristics and requirements. Use this information to locate plants in their preferred habitats.

- 9.510 The Hawaiian language diacritical marks appear only in Table 9-1: Native & Polynesian Introduced Plants – By Usage. Use this information to assist with proper pronunciation and written expression of plant common names.
- 9.511 Recent archeological evidence indicates that kou, *Cordia subcordata*, and hala, *Pandanus tectorius*, are a pre-Polynesian occurrence in Hawaii. Therefore, they are not Polynesian introduced but native throughout the Pacific.

**TABLE 9-1: NATIVE & POLYNESIAN INTRODUCED PLANTS – BY USAGE**  
Listed By Common Name

**Table 9-1: Native & Polynesian Introduced Plants – By Usage**

**Water requirements:** Categories in parentheses are too dry for plant natural survival in planting zones. Additional water is required to satisfy plant needs. **HPWRA designations:** \*\**OVERRIDE* (only kukui, noni, and milo. See Chapter 11: Alien Invasive Plant Species). **Endangered species** are denoted with \*\*\*.

USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
STREET TREES – SMALL	Rauvolfia sandwicensis	hao	dry-med	NATIVE (ENDEMIC)
	Diospyros sandwicensis	lama	dry-med	NATIVE (ENDEMIC)
	Metrosideros polymorpha	‘ōhi‘a lehua	(dry) med-wet	NATIVE (ENDEMIC)
	Cheirodendron trigynum	‘ōlapa	med-wet	NATIVE (ENDEMIC)
STREET TREES – MEDIUM	Thespesia populnea**	milo	(dry) med-wet	NATIVE
	Reynoldsia sandwicensis	‘ohe makai	dry	NATIVE (ENDEMIC)
PALMS FOR STREETS AND 10-15 FT WIDE MEDIANS	Pritchardia hillebrandii	loulou, loulou-lelo (Molokai)	(dry) med-wet	NATIVE (ENDEMIC)
PALMS FOR MEDIANS WIDER THAN 15 FT	Pritchardia arecina	Golden loulou, (E. Maui)	(dry) med-wet	NATIVE (ENDEMIC)
PARK, GREENWAY, AND OPEN SPACE TREES – SMALL	Dodonaea viscosa	‘a‘ali‘i	dry-med	NATIVE
	Psydrax odorata	alahe‘e	dry-med	NATIVE
	Piper methysticum	‘awa	wet	POLYN. INTRO.
	Pleomele auwahiensis	hala pepe	dry-med	NATIVE (ENDEMIC)
	Rauvolfia sandwicensis	hao	dry-med	NATIVE (ENDEMIC)
	Hibiscadelphus giffardianus***	hau kuahiwi (Big Island)	med	NATIVE (ENDEMIC)
	Pittosporum hosmeri	hō‘awa	med	NATIVE (ENDEMIC)
	Nesoluma polynesianum	keahi	dry	NATIVE
	Acacia koaia	koai‘a, koai‘e	dry-med	NATIVE (ENDEMIC)
	Hibiscus waimeae***	koki‘o ke‘oke‘o (Kauai)	(dry) med	NATIVE (ENDEMIC)
	Hibiscus immaculatus	koki‘o ke‘oke‘o (Maui & Molokai)	(dry) med-wet	NATIVE (ENDEMIC)
	Kokia drynarioides***	koki‘o, kokia	dry-med	NATIVE (ENDEMIC)

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
PARK, GREENWAY, AND OPEN SPACE TREES – SMALL	Hibiscus kokio	koki‘o ‘ula‘ula	(dry) med-wet	NATIVE (ENDEMIC)
	Myrsine lessertiana	kōlea	med-wet	NATIVE (ENDEMIC)
	Diospyros sandwicensis	lama	dry-med	NATIVE (ENDEMIC)
	Musa acuminata	mai‘a, banana	(dry) med-wet	POLYN. INTRO.
	Sophora chrysophylla	māmane	med	NATIVE (ENDEMIC)
	Hibiscus brackenridgei***	ma‘o hau hele (Hawaii State flower)	dry-med	NATIVE (ENDEMIC)
	Gardenia brighamii***	nānū, na‘ū	dry-med	NATIVE (ENDEMIC)
	Morinda citrifolia**	noni, Indian mulberry	dry-med-wet	POLYN. INTRO.
	Metrosideros polymorpha	‘ōhi‘a lehua	(dry) med-wet	NATIVE (ENDEMIC)
	Cheirodendron trigynum	‘ōlapa	med-wet	NATIVE (ENDEMIC)
	Nestegis sandwicensis	olopua	dry-med	(NATIVE ENDEMIC)
	Pisonia brunoniana	pāpala kēpau	med	NATIVE
	Pisonia sandwicensis	pāpala kēpau, āulu	med	NATIVE (ENDEMIC)
PARK, GREENWAY, AND OPEN SPACE TREES – MEDIUM	Pandanus tectorius	hala, pandanus	(dry)med-wet	NATIVE
	Cordia subcordata	kou	(dry) med-wet	NATIVE
	Aleurites moluccana**	kukui	(dry) med-wet	POLYN. INTRO.
	Sapindus saponaria	mānele, soapberry	med	NATIVE
	Thespesia populnea**	milo	(dry) med-wet	NATIVE
	Syzygium malaccense	‘ōhi‘a‘ai ,mountain apple	med-wet	POLYN. INTRO.
	Reynoldsia sandwicensis	‘ohe makai	dry	NATIVE (ENDEMIC)
	Pisonia umbellifera	pāpala kēpau, āulu	wet	NATIVE
	Erythrina sandwicensis	wiliwili	dry-med	NATIVE (ENDEMIC)

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
PARK, GREENWAY, AND OPEN SPACE TREES - LARGE	Calophyllum inophyllum	kamani	(dry) med-wet	POLYN. INTRO.
	Acacia koa	koa	med-wet	NATIVE (ENDEMIC)
	Artocarpus altilis	‘ulu, breadfruit	(dry) med-wet	POLYN. INTRO.
PARK, GREENWAY, & OPEN SPACE PALM TREES – SMALL	Pritchardia glabrata	dwarf-loulu (W. Maui)	(dry) med-wet	NATIVE (ENDEMIC)
	Pritchardia hillebrandii	loulu, loulu lelo (Molokai)	(dry) med-wet	NATIVE (ENDEMIC)
PARK, GREENWAY, & OPEN SPACE PALM TREES – MEDIUM	Pritchardia arecina	golden loulu (E. Maui)	(dry) med-wet	NATIVE (ENDEMIC)
PARK, GREENWAY, AND OPEN SPACE PALM TREES – LARGE	Cocos nucifera	niu, coconut	dry- med-wet	POLYN. INTRO.
PARKING LOT TREES – 20’ SPREAD	Rauvolfia sandwicensis	hao	Dry-med	NATIVE (ENDEMIC)
	Reynoldsia sandwicensis	‘ohe makai	dry	NATIVE (ENDEMIC)
	Cheirodendron trigynum	‘ōlapa	med-wet	NATIVE (ENDEMIC)
PARKING LOT TREES – 25’ SPREAD	Thespesia populnea**	milo	(dry) med-wet	NATIVE
SOUND/WIND/ VISUAL BARRIERS	Dodonaea viscosa	‘a‘ali‘i	dry-med	NATIVE
	Wikstroemia uva-ursi	‘ākia	dry-med	NATIVE (ENDEMIC)
	Psydrax odorata	alahe‘e	dry-med	NATIVE
	Talipariti tiliaceum	hau	(dry) med-wet	NATIVE
	Abutilon eremitopetalum***	hidden petal abutilon	dry-med	NATIVE (ENDEMIC)
	Cordyline fruticosa	kī, ti	(dry) med-wet	POLYN. INTRO.
	Saccharum officinarum	kō, sugar cane	(dry) med	POLYN. INTRO.
	Hibiscus waimeae***	koki‘o ke‘oke‘o (Kauai)	(dry) med	NATIVE (ENDEMIC)
	Hibiscus immaculatus	koki‘o ke‘oke‘o (Maui & Molokai)	(dry) med-wet	NATIVE (ENDEMIC)
	Hibiscus kokio	koki‘o ‘ula ‘ula	(dry) med-wet	NATIVE (ENDEMIC)
Senna gaudichaudii	kolomona	dry-med	NATIVE	

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
SOUND/WIND/ VISUAL BARRIERS	Abutilon menziesii***	ko’oloa ‘ula	dry-med	NATIVE (ENDEMIC)
	Nototrichium sandwicense	kuluī	dry-med	NATIVE (ENDEMIC)
	Gossypium tomentosum	ma’o, Hawaiian cotton	dry-med	NATIVE (ENDEMIC)
	Scaevola chamissoniana	naupaka kuahiwi	med-wet	NATIVE (ENDEMIC)
	Scaevola sericea	naupaka kahakai, beach naupaka	(dry) med	NATIVE
	Schizostachyum glaucifolium	‘ohe, Hawaiian bamboo	(dry) med-wet	POLYN. INTRO.
	Vitex rotundifolia	pōhinahina, beach vitex	(dry) med	NATIVE
	Hibiscus kokio subsp. saintjohnianus	pua’aloalo, koki’o ‘ula’ula	(dry) med-wet	NATIVE (ENDEMIC)
	Osteomeles anthyllidifolia	‘ūlei	dry-med	NATIVE
	Broussonetia papyrifera	wauke	(dry) med	POLYN. INTRO.
GROUND COVERS	Artemisia australis	‘āhinahina	(dry) med-wet	NATIVE (ENDEMIC)
	Artemisia mauiensis	‘āhinahina	dry-med	NATIVE (ENDEMIC)
	Wikstroemia uva-ursi	‘ākia	dry-med	NATIVE (ENDEMIC)
	Sporobolus virginicus	‘aki’aki	(dry) med	NATIVE
	Chamaesyce celastroides	‘akoko	dry-med	NATIVE (ENDEMIC)
	Chamaesyce skottsbergii var. skottsbergii***	‘akoko	dry-med	NATIVE (ENDEMIC)
	Sesuvium portulacastrum	‘ākulikuli, sea purslane	(dry) med-wet	NATIVE
	Peperomia leptostachya	‘ala’ala wai nui, Hawaiian peperomia	dry-med	NATIVE
	Boerhavia repens	alena	dry-med	NATIVE
	Colubrina asiatica	‘ānapanapa	(dry) med-wet	NATIVE
	Alocasia macrorrhiza	‘ape	med-wet	POLYN. INTRO.
	Hedyotis centranthoides	au, pilo	med	NATIVE (ENDEMIC)

**Table 9-1: Native & Polynesian Introduced Plants – By Usage**

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
GROUND COVERS	Hedyotis littoralis	au, pilo	(dry) med-wet	NATIVE (ENDEMIC)
	Zingiber zerumbet	‘awapuhi, shampoo ginger	(dry) med-wet	POLYN. INTRO.
	Canavalia molokaiensis***	‘āwikiwiki	(dry) med	NATIVE (ENDEMIC)
	Canavalia pubescens	‘āwikiwiki	dry-med	NATIVE (ENDEMIC)
	Bacopa monnieri	bacopa, ‘ae‘ae	(dry) med-wet	NATIVE
	Bonamia menziesii***	bonamia menziesii	dry-med	NATIVE (ENDEMIC)
	Scaevola coriacea***	creeping naupaka	dry-med	NATIVE (ENDEMIC)
	Cressa truxillensis	cressa	dry-med	NATIVE
	Asplenium nidus	‘ēkaha, bird’s nest fern	med-wet	NATIVE
	Ipomoea tuboides	Hawaiian moon flower	dry-med	NATIVE (ENDEMIC)
	Abutilon eremitopetalum***	hidden petal abutilon	dry-med	NATIVE (ENDEMIC)
	Heliotropium anomalum var. argenteum	hinahina kū kahakai	dry-med	NATIVE
	Discorea bulbifera	hoi, yam	(dry) med-wet	POLYN. INTRO.
	Portulaca lutea	‘ihi	(dry) med-wet	NATIVE
	Portulaca molokiniensis	‘ihi	dry-med	NATIVE (ENDEMIC)
	Santalum ellipticum	‘iliahi	dry-med	NATIVE (ENDEMIC)
	Plumbago zeylanica	‘ilie‘e	dry-med	NATIVE
	Sida fallax	‘ilima papa	dry-med	NATIVE
	Lagenaria siceraria	ipu, gourd	(dry) med	POLY. INTRO.
	Eragrostis monticola	kalamālō	dry-med	NATIVE (ENDEMIC)
Calocasia esculenta	kalo, taro	wet	POLY. INTRO.	
Cordyline fruticosa	ki, ti	(dry) med-wet	POLY. INTRO.	
Senna gaudichaudii	kolomona	dry-med	NATIVE	

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
GROUND COVERS	<i>Bidens hillebrandiana</i> ssp. <i>hillebrandiana</i>	ko'oko'olau,	(dry) med-wet	NATIVE (ENDEMIC)
	<i>Bidens mauiensis</i>	ko'oko'olau,	dry-med	NATIVE (ENDEMIC)
	<i>Abutilon menziesii</i> ***	ko'oloa'ula	dry-med	NATIVE (ENDEMIC)
	<i>Coprosma ernodeoides</i>	kūkaenēnē	dry-med	NATIVE (ENDEMIC)
	<i>Nototrichium sandwicense</i>	kuluī	dry-med	NATIVE (ENDEMIC)
	<i>Nephrolepis exaltata</i>	kupukupu, native sword fern	(dry) med-wet	NATIVE
	<i>Schiedea globosa</i>	mā'oli'oli	med-wet	NATIVE (ENDEMIC)
	<i>Capparis sandwichiana</i>	maiapilo, native caper	dry-med	NATIVE (ENDEMIC)
	<i>Cyperus laevigatus</i>	Makaloa	wet	NATIVE
	<i>Peucedanum sandwicense</i> ***	Makou	(dry) med-wet	NATIVE (ENDEMIC)
	<i>Pipturus albidus</i>	māmaki, Hawaiian tea	med-wet	NATIVE (ENDEMIC)
	<i>Gossypium tomentosum</i>	ma'ō, Hawaiian cotton	dry-med	NATIVE (ENDEMIC)
	<i>Fimbristylis cymosa</i> ssp. <i>spathacea</i>	mau'u 'aki 'aki, fimbristylis	dry-med	NATIVE
	<i>Psilotum nudum</i>	Moa	(dry) med-wet	NATIVE
	<i>Dubautia scabra</i>	na'ena'e	dry-med	NATIVE (ENDEMIC)
	<i>Myoporum sandwicense</i>	Naio	dry-med	NATIVE
	<i>Vigna marina</i>	nanea	med-wet	NATIVE
	<i>Scaevola chamissoniana</i>	naupaka kuahiwi	med-wet	NATIVE (ENDEMIC)
	<i>Scaevola sericea</i>	naupaka kahakai, beach naupaka	(dry) med	NATIVE
	<i>Lipochaeta connata</i> var. <i>connata</i>	nehe	(dry) med-wet	NATIVE (ENDEMIC)
<i>Lipochaeta rockii</i>	nehe	dry med	NATIVE (ENDEMIC)	
<i>Lipochaeta succulenta</i>	nehe	(dry) med-wet	NATIVE (ENDEMIC)	
<i>Melanthera integrifolia</i>	nehe	(dry) med	NATIVE (ENDEMIC)	

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USAGE	SCIENTIFIC NAME	COMMON NAME	WATER REQUIREMENT	DISTRIBUTION
GROUND COVERS	Melanthera lavarum	nehe	dry-med	NATIVE (ENDEMIC)
	Sesbania tomentosa***	‘ohai	dry-med	NATIVE (ENDEMIC)
	Vaccinium reticulatum	‘ōhelo	dry-med	NATIVE (ENDEMIC)
	Lycium sandwicense	‘ōhelo kai	(dry) med	NATIVE
	Fragaria chiloensis	‘ōhelo papa	(dry) med	NATIVE
	Curcuma longa	‘ōlena, turmeric	( dry) med-wet	POLYN. INTRO.
	Microlepia strigosa	palapalai	(dry) med-wet	NATIVE
	Phyllanthus distichus	pāmakani mähū	med	NATIVE (ENDEMIC)
	Jacquemontia ovalifolia ssp. sandwicensis	pā‘ūohi‘iaka	dry-med	NATIVE
	Tacca leontopetaloides	pi‘a, arrowroot	(dry) med	POLYN. INTRO.
	Dioscorea pentaphylla	pi‘a, yam	(dry) med-wet	POLYN. INTRO.
	Vitex rotundifolia	pōhinahina, beach vitex	(dry) med	NATIVE
	Ipomoea pes-caprae	pōhuehue, beach morning glory	(dry)-med	NATIVE
	Solanum nelsonii	popolo, beach solanum	dry-med	NATIVE (ENDEMIC)
	Argemone glauca var. glauca	pua kala, Hawaiian poppy	dry-med	NATIVE (ENDEMIC)
	Styphelia tameiameia	pūkiawe	dry-med	NATIVE
	Ipomoea batatas	‘uala, sweet potato	med-wet	POLYN. INTRO.
	Dioscorea alata	uhi, yam	(dry) med-wet	POLYN. INTRO.
	Dianella sandwicensis	‘uki‘uki	(dry) med	NATIVE
	Osteomeles anthyllidifolia	‘ūlei	dry-med	NATIVE
Scaevola gaudicaudii	yellow naupaka	(dry) med	NATIVE (ENDEMIC)	

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## APPENDIX D: GLOSSARY

**Adaptive reuse** – the reuse of a building, usually for purposes different from the original use, such as a home converted into offices.

**Addition** – new construction added to an existing building.

**Alteration** – work that affects the exterior appearance of a property.

**B-CT** – acronym used in the 2016 Lānaʻi Community Plan for Country Town Business District.

**Baluster** – one of a series of short, vertical members, used to support a stair or porch handrail, forming a balustrade.

**Balustrade** – an entire rail system with top rail and balusters.

**Board and batten** – siding that consists of boards set vertically and covered where their edges join by narrow strips called battens.

**Canopy** – a roofed structure that extends outward from a building providing a protective shield for doors, windows, and other openings.

**Character** – the qualities and attributes of a building, site, street, or district.

**Character-defining features or elements** – include the overall shape of the building, its materials, craftsmanship, decorative details, as well as aspects of its site and environment.

**Clipped gable** – a gable roof with its ends clipped back.

**Column** – a cylindrical or square vertical structural or ornamental member.

**Consolidant** – resin used on rotted wood to strengthen it and prevent it from further decay. Consolidants are used to restore the integrity of wood, and epoxy fillers are used to replace missing wood fibers.

**Compatible** – in harmony with surroundings.

**Configuration** – the arrangement of elements and details on a building or site which help define its character.

**Demolition** – any act that destroys a building, either partially or entirely.

**Demolition by neglect** – destruction of a building through abandonment or lack of maintenance.

**Display window** – a window that faces the street and is used to display merchandise for sale in a store.

**Dormer** – a roofed structure that projects vertically from a sloped roof. A dormer usually has a window or a louvered vent.

**Double-hung window** – a window with two sashes, one sliding vertically over the other.

**Drop siding** – siding that consists of horizontally oriented boards that have a depression in the upper part of each board.

**Element** – a part or detail of a site, building, street, landscape, or district.

**False front** – also known as a parapet. A low horizontal wall at the edge of a roof that hides the shape of the roof behind it.

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**Facade** – an exterior wall of a building. The front or main facade is usually distinguished from other facades by more elaborate architectural details.

**Fascia** – a horizontal board that covers the rafter tails along the edge of the roof.

**Gable** – the triangular section of wall at the end of a building’s roof.

**Gable-on-hip roof** – a roof that incorporates both gable and hip forms. The upper portion is gabled (sloped on two sides) and the lower portion is hipped (sloped on all four sides).

**Gable roof** – a pitched roof with a gable at one or both ends and a downward slope on either side of a central, horizontal ridge.

**Gable vent** – a vent, usually made of wood, placed in the gable end of the roof to ventilate the attic.

**Hip roof** – a roof with slopes on all four sides.

**Jalousie window** – a window with angled, overlapping slats of glass, arranged horizontally like a shutter, which tilt open for ventilation. Also known as a “louvered window.”

**Lights** – pieces of glass in windows and doors.

**Maintain** – to keep in an existing state of preservation or repair.

**Massing** – refers to the three-dimensional qualities of the building that create its size and shape as seen from the outside. Another way to think about massing is to picture a building that has been shrink-wrapped. If everything but the shrink-wrap has been removed, the building massing is what remains.

**Multi-light window** – a window sash composed of more than one piece of glass.

**Muntin** – a secondary framing member that divides and holds the pieces of glass in a multi-light window or door.

**New construction** – construction that is characterized by the introduction of new buildings in historic areas and districts.

**Paneled door** – a door composed of solid panels held within a framework of rails and stiles.

**Pavement width** – refers to the width of the paved portion of the road, including any on street parking. The pavement width does not include sidewalks.

**Porch** – a covered entrance that projects from the facade of a building.

**Post and beam foundation** – a foundation that is raised above the ground and sits on horizontal beams resting on posts.

**Preservation** – saving from destruction or deterioration old and historic buildings, sites, structures, and objects and providing for their continued use by restoring, rehabilitating, or adaptively reusing them.

**Proportion** – harmonious relation of parts to one another or to the whole.

**Orientation** – the placement of a building on a site as it relates to the physical conditions of the site, such as its geography and man made features.

**Rafter tails** – the non-technical term used to describe eaves. An eave is the edge of the roof that projects beyond the face of the wall.

**Reconstruction** – the act of reproducing by new construction the exact form and detail of a building or a part of a building that no longer exists, as it appeared at a specific period of time.

**Rehabilitation** – the act of returning a building to usable condition through repair or alteration while preserving those portions or features that convey its historical, architectural, or cultural values.

**Retain** – to keep secure and intact. In the guidelines, “retain” and “maintain” describe the act of keeping an element, detail, or building and continuing the same level of repair to help preserve elements, sites, and buildings.

**Right-of-way width** – refers to the width of the road, between property lines, including any sidewalks or bike lanes contained in those boundary lines.

**Sash** – the moveable or fixed framework containing the glass in a window.

**Scale** – refers to the proportional relationship of size and shape of buildings and elements to each other and their site. In other words, scale is the footprint (width and length) size and height of the building in relation to its lot.

**Shed roof** – a pitched roof with only one slope.

**Siding** – the exterior wall covering of a building.

**Sill** – the bottom crosspiece of a window frame.

**Slab on grade foundation** – a concrete foundation that sits directly on the ground.

**Stile** – a vertical piece in a panel or frame of a window or door.

**Streetscape** – the visible space fronting both sides of a road, and the elements contained within that space.

**Subordinate** – of less or secondary importance.

**Transom** – a smaller, horizontal window over a window or door.

**Trim** – the decorative framing of openings and other features on a facade.

**Tongue and groove** – siding that consists of vertically arranged boards that each have a slot or “groove” along one edge and a ridge or “tongue” on the other. The boards are joined together by inserting the tongue side of one board into the groove side of the other. The interlocking edges of these boards eliminate the need for battens. Tongue and groove boards are also common decking and flooring in historic homes.

**Vernacular** – a regional form or adaptation of an architectural style.

**Window components** – the moving components of a window are known as sashes. Sashes move within the fixed frame. The sash may consist of one large piece of glass or may be divided into smaller pieces of glass by thin members called muntins.

**Window profile** – the outline of window sash components is known as the window profile. Historic windows have complex profiles. Their sashes step back to the glass in several small increments. These increments are important details. The profiles of historic double-hung windows add depth to the facades of buildings.

**Yard setback** – the distance between the building’s facade and the related front, side, or rear lot line.



# APPENDIX E: GEOLOGY AND CLIMATE

NOTE: This appendix was carried over from the 1997 Lāna'i City Community Design Guidelines document. Please be aware that this information is dated and portions may no longer be accurate.

by Francis Oda  
Group 70 International, Inc.

## TOPOGRAPHY

Located in the wind and rain shadow of West Maui and East Molokai, the island of Lana'i has not experienced as much erosion as west Maui or Molokai. Except for a few gulches the island has retained its basic shield volcanic form. Situated on the upland slopes of the shield which formed the island, the topography of Lana'i City slopes gently in range of 0% to 7%, from approximately 1,500 to 1,700 feet above sea level. In the center of town around Dole Park, the slopes average 2% to 3%.

## TEMPERATURE

The climate of Lana'i, like that of other islands of Hawaii, is subtropical rather than tropical. The mean annual temperature of Lana'i City is 68.1 degrees Fahrenheit. This station is leeward of the crest of Lana'i Hale and owes its temperatures not only to the altitude, 1,620 feet ASL, but to frequent cloudiness. The mean temperature along the coast is somewhat higher, especially on the leeward (southwest) side, where the elevations are lower and nearly every day is cloudless. However, the cool sea breezes blowing over such a small island have insufficient time to be thoroughly heated; hence even these areas are not unbearably hot. The lowest temperature recorded at Lana'i City was 48 degrees F. (December 23, 1935).

## WIND

Lana'i lies in the belt of the northeasterly trade winds, which are very constant. The whole island is not exposed to the full effect of the trade winds, being partly sheltered by Maui. However, the funneling effect of the East Molokai and West Maui mountains increases wind velocity in the channel. Although, there are no anemometer records of the region facing the channel between Molokai and Maui, the numerous wind scars, the universal leeward bend in the tree trunks, and the wind-pruned tops of the trees in this region are evidence of constant high wind. Lana'i City is located on the leeward side of the crest of Lana'i and is partly sheltered from the direct effect of trade winds. Southerly or "Kona" winds interrupt the trade winds at times, especially during the winter months.

## VEGETATION

Vegetation reflects the rainfall, temperature, elevation, and soil characteristics at each location. Therefore, vegetation is an important indicator of soil and climatic conditions. Lana'i lacks the range in elevation necessary for wide variation in climatic conditions; however, the variation is sufficient to establish four distinct vegetation zones. Zone A includes the arid and sunny leeward coastal lands below the 1,000 foot elevation. Zone B includes a large area of the central plateau with elevations from 1,000 to 1,800 feet. The wetter and cooler zones "C" and "D" with elevations 1,800 feet and above includes part of agricultural land and upland slopes. The highest and wettest lands of Lanai Hale are in

## Zone D.

### RAINFALL

Lanaʻi falls partially inside the rain shadow of Maui. This is partially responsible for the low rainfall on the island as a whole. The state wide average for most of the other Hawaiian islands is 45 inches per year. The average for the surrounding ocean is 25 inches per year. The average annual rainfall for Lanaʻi ranges from less than 10 inches along the coast to 38 inches on the summit of Lanaihale. Rainfall is influenced by topographic location in relation to the mountain peaks and altitude on mountains less than 6,000 feet high in the Hawaiian islands. Because Lanaʻi is small and relatively smooth, the geographic distribution of rainfall is not as spotty as on the larger, more rugged islands. The rainfall varies widely from year to year. There is a well marked dry season during the summer, but is shown by the comparative mean monthly distribution of rainfall a less marked rainy season occurs in the summit area. December is the wettest month and July is generally the driest. Heavy downpours characteristic of the sub-tropical latitudes commonly account for a considerable part of the annual rainfall, and in some of the arid sections a single rain may contribute as much as 80% of the annual total. Because Lanaʻi is not sheltered by other islands on its southerly side, "kona" storms are unobstructed. Sudden local heavy showers called *nauhu* fall during times when neither trade winds nor the kona winds blow. A *nauhu* shower is caused by a cloud that forms off the south or west coast and then moves inland, dropping its moisture apparently as a result of local convection currents. *Nauhu* showers are reported to occur chiefly in the afternoon during hot weather.

### SOILS

The soils in the Lanaʻi City area are part of the Molokai-Lahaina association. These soils are generally deep well drained soils with topography ranging from nearly level to moderately steep slopes. Soil texture is fine to moderately fine at the subsoil level. Elevations for the Molokai series range from nearly sea level to 1,600 feet. The Lahaina soil series occur in slightly wetter conditions and cooler soil temperature. Specific soils around the town center area are Waihuna clay (WoA, 0 to 3% slopes), Lahaina silty clay (LaB, 3-7% slopes) and Kalae silty clay (KcB, 2-7% slopes).

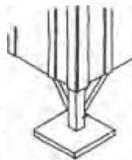
# APPENDIX F: GUIDELINES FOR REHABBING KAUAI'S OLD HOUSES

## GUIDELINES FOR REHABBING KAUAI'S OLD HOUSES



**T**hese practical suggestions have been prepared by the Community Housing Resource Board of Kauai to help owners of modest homes protect the long-term value of their buildings.

The recommendations are not complicated or costly. Rather, these are maintenance-oriented guidelines and financially feasible considerations to help owners solve normal wear and tear problems. These guidelines are based on the Secretary of the Interior's Standards for



*Rehabilitation (1983)* which are the foundation for many private rehabilitation and home improvement projects in Hawaii and on the Mainland. Local housing renovation work at Grove Farm Homestead in Lihue provided examples of common upkeep problems and typical repairs necessitated by island environmental conditions — rain, humidity, strong sun, salt-air, mildew, algae and many pests — that contribute to special house upkeep problems.

We hope you will find these home fix-up guidelines useful because, as

time goes by, Kauai's traditional homes, well-built by local carpenters, are growing in value as affordable places to live and income producing property. If maintained properly, these buildings can last for over 100 years.

**COMMUNITY HOUSING RESOURCE BOARD OF KAUAI**   
4193 Hardy Street, Lihue, Kauai, Hawaii 96766. Phone (808) 245-7344

**T**he process of keeping your property in a state of utility through maintenance and repairs is important. Rehabilitation makes possible efficient, continuing use while saving those features of your property that are significant to its original look.

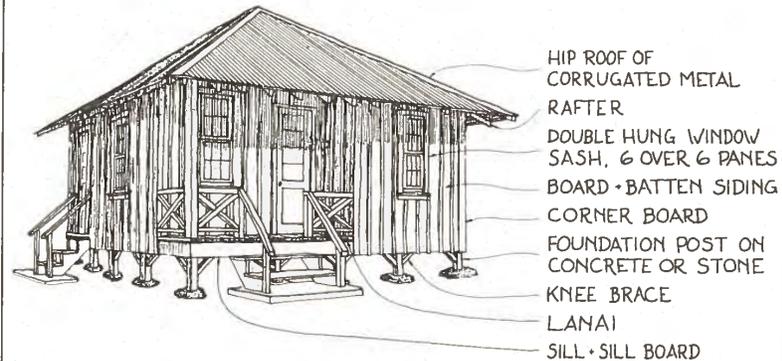
**Remember these useful general guidelines:**

1. Good building maintenance is good housekeeping.
2. Keep as much as possible of original materials.
3. Don't hide the original style.
4. If you have to replace old materials, replace them with similar new materials.



## HISTORICAL NOTES: TWO RESIDENTIAL KAUAI BUILDING TYPES

SINGLE-FAMILY PLANTATION-STYLE HOUSE c.1920



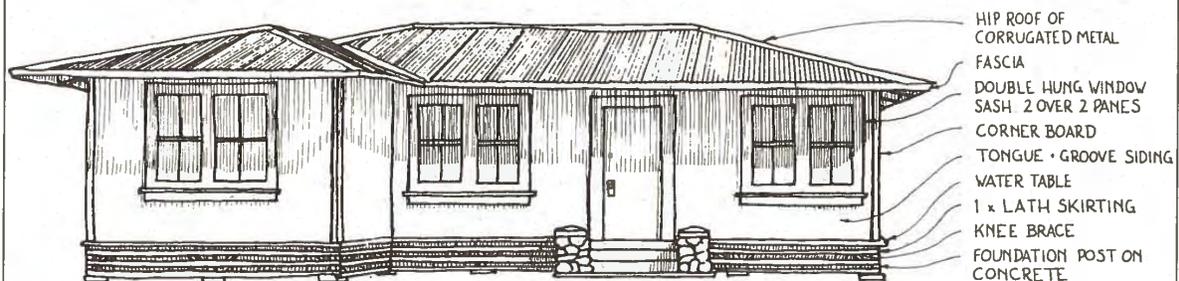
**Plantation-Style Single-Family Cottage, c.1920**

As the sugar and pineapple plantations began to build single family dwellings, this type of hipped roof, board and batten, single wall cottage became the most popular house form on Kauai.

**Modern Single-Family Dwelling, c.1940**

In the pre-World War II years, vertical tongue and groove board, single-wall homes were built on Kauai by both plantation and non-plantation owners. These new houses had hipped roofs, but they also had larger windows and a more streamlined exterior appearance than the older plantation-style cottage.

SINGLE-FAMILY HOUSE c.1940



**GETTING STARTED**

**BEGIN WITH A HOUSE CHECK-UP**

If you already own an old house, use this checklist for an annual maintenance inspection. If you are going to fix-up an old house, here is an easy

way to evaluate the condition of your building and to record telltale signs of problems that must be treated. Take care of small things right

away because little problems can become big and expensive.

**CHECK LIST**

	YES	NO		YES	NO
<b>1. Structural system:</b>					
Are there any signs of sagging floors?	<input type="checkbox"/>	<input type="checkbox"/>	Is putty around window glass broken and unpainted?	<input type="checkbox"/>	<input type="checkbox"/>
Are any of the foundation posts and footings missing?	<input type="checkbox"/>	<input type="checkbox"/>	Have original window frames and doors been replaced?	<input type="checkbox"/>	<input type="checkbox"/>
Are wooden posts, sills, joists and steps soft when probed with screw driver to test for rot and termite damage?	<input type="checkbox"/>	<input type="checkbox"/>	<b>4. Flooring and lanais:</b>		
Is there material stored underneath the house which prevents good air circulation under the flooring?	<input type="checkbox"/>	<input type="checkbox"/>	Are any floors uneven?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any loose, rotted or missing exterior wall boards or battens?	<input type="checkbox"/>	<input type="checkbox"/>	Does flooring need any repair?	<input type="checkbox"/>	<input type="checkbox"/>
Is vegetation overgrowing the foundation and siding?	<input type="checkbox"/>	<input type="checkbox"/>	Has the original floor been covered?	<input type="checkbox"/>	<input type="checkbox"/>
Does run-off water remain near the foundation?	<input type="checkbox"/>	<input type="checkbox"/>	Are there signs of dampness on floors or around pipes?	<input type="checkbox"/>	<input type="checkbox"/>
Has the building been treated for termites within the past five years?	<input type="checkbox"/>	<input type="checkbox"/>	Are lanai railings in need of repair?	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Roofing:</b>					
Does the roof leak?	<input type="checkbox"/>	<input type="checkbox"/>	<b>5. Painting and staining:</b>		
Has a new roof been applied directly over old shingles? <i>If yes, check for rotted shingles.</i>	<input type="checkbox"/>	<input type="checkbox"/>	Has it been more than ten years since your house has been repainted or stained?	<input type="checkbox"/>	<input type="checkbox"/>
Is any flashing around the roof loose or missing?	<input type="checkbox"/>	<input type="checkbox"/>	Is paint peeling, curling or blistering?	<input type="checkbox"/>	<input type="checkbox"/>
Does the ridge of the roof sag? <i>If yes, check for rotted rafters.</i>	<input type="checkbox"/>	<input type="checkbox"/>	What was the original color of the siding and windows and doors?	<input type="checkbox"/>	<input type="checkbox"/>
Are rain gutters blocked or leaking?	<input type="checkbox"/>	<input type="checkbox"/>	<b>6. Plantings and hedges:</b>		
<b>3. Doors and windows:</b>					
Are any doors difficult to open?	<input type="checkbox"/>	<input type="checkbox"/>	Are trees, bushes or other plants touching the walls or foundations?	<input type="checkbox"/>	<input type="checkbox"/>
Are there open, separated joints around door frames, window frames or trim?	<input type="checkbox"/>	<input type="checkbox"/>	<b>7. Electrical system:</b>		
<b>8. Plumbing:</b>					
			Is there at least one electrical outlet in every room?	<input type="checkbox"/>	<input type="checkbox"/>
			Is there any surface mounted lamp cord extension wiring?	<input type="checkbox"/>	<input type="checkbox"/>
			Are multiple cords plugged into a single outlet?	<input type="checkbox"/>	<input type="checkbox"/>
			Is water pressure inadequate?	<input type="checkbox"/>	<input type="checkbox"/>
			Are there any leaking pipes, faucets or toilets?	<input type="checkbox"/>	<input type="checkbox"/>

**If your answer is yes to any of these questions, please read the following sections on suggested repairs and maintenance.**

## ROOFING

**R**epairs or alterations should not alter the roof pitch or reduce the extent of overhang of the roof eaves. From both a functional and visual point of view, sound, weather tight roofing is an important element of your house. Maintaining the roof as "cover" is a top priority for every fix-up project because a good roof is the first line of defense against the biggest enemy of every old house: water.

Painted corrugated metal panels, sawn wooden shingles or asphalt shingles are the typical roofing materials found on these residential dwellings, and roofing materials help define the overall look of the house.

The original roofing should be maintained or replaced in kind. Repairs generally will include replacement of extensively deteriorated metal panels or shingles and repairs to flashing and rain gutters. Painted, new corrugated metal, sawn wooden shingles and asphalt shingles all have a maintenance life-cycle of at least 20 years.

It is possible to make temporary repairs to "tin roofs", especially to rusted-out lapping areas, by getting



another piece of the same corrugated stock. Pull the nails, stick the piece of stock in above the deck and then drive nails back in. Asphalt wet patch works pretty well on rusted metal and nail holes, but if your roof regularly leaks, you will need to replace it. Wooden sawn shingles can be renewed to retard the growth

of mould and algae by painting the shingles with diesel truck fuel or commercial shingle oil.

Caulk all loose roof flashing and clean out flashing of roof gutters annually or more often. Remember that gutters protect the siding, doors and windows.

**If you h  
re-roof yo  
at your ne  
to use the  
the look c**

## DOORS & WINDOWS

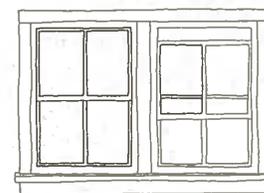
**D**oors and windows are part of the weatherproofing and ventilation of your house, and the design and location of doors and windows are also elements that help give your house its special distinctiveness. Nothing alters the appearance of a house more than changing its doors and windows.

Doors and windows in most older houses become especially vulnerable to deterioration from sun and rain. Wind-driven rain penetrates the door frame and deterioration begins in the frame and in window sills and cracks in the window putty.

Try to retain and repair the original doors and hardware because of the authenticity of the materials. Replacement porcelain knobs are relatively easy to find by asking around. Locks also can be repaired.

If a replacement door is required, choose one that most closely matches the design of the original door. Avoid reducing or enlarging the original door opening size to install "stock" size doors, and do not change the location of the door or cut new entrances in the wall. Doors should swing freely. If your doors and hinges become too tight, there may be a variety of problems, and you should consult a carpenter. A good way of fixing a tight door is to check underneath the house and possibly jack up the joist or sill to add a new foundation post. Avoid cutting the door.

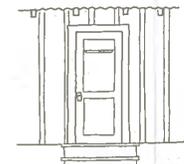
Retain all original windows, and wherever possible, repair the window frame, window sill, double-hung sash and glass. Do not install "stock" windows of another size, and avoid using jalousie windows to replace



DOUBLE HUNG SASH



5 PANEL DOOR



HALF SCREEN DOOR

sash. All too often window sash are replaced when lit painting repairs are needed. For example, if you find sash corner joints, all is not lost. New pieces can be bottom rails of the sash will be less expensive than by house.

## PAINTING & STAINING



ave to completely  
our house, take a look  
ighbors' roofs and try  
: same material to keep  
of your street.

**K**eeping the exterior coated for protection is the most important home owner repair.

Your house should be painted at least once every ten years. Siding, lanai, doors, window trim and "tin roofs" should be repainted or stained in a color as close to the original color as possible. When a change of color is necessary, the color should be in character with other colors found on similar old buildings.

When using stains, use oil-based

penetrating stain and not solid body stain.

Corrugated metal roofing should always be kept painted. Flaking paint can be removed with a wire brush.

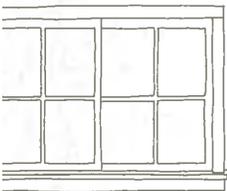
An inexpensive treatment of damaged but functional wall boards is to treat them with a mixture of boiled linseed oil and turpentine two or three times, a few days apart, so the oil will penetrate the wood. Repaint a month later.

## FLOORING & LANAIS

**L**anais and porches should neither be enclosed as additional interior space, nor removed. Railings, posts, steps and other lanai and porch details should be retained and kept in good repair as an essential feature of the house. A fresh coat of paint on lanai floors and wooden steps is normally needed every three to five years.

Tongue and groove flooring usually deteriorates just on the end

of a board. It is economically and structurally sound to cut the board off usually at the second joist, keeping the rest of the board in place. To take out a tongue and groove board, split it up the middle with a circular saw, and lift the pieces up. To install new tongue and groove, push the new board in from the end, leaving some extra stock on the end to be cut flush with the other board.



SLIDING SASH



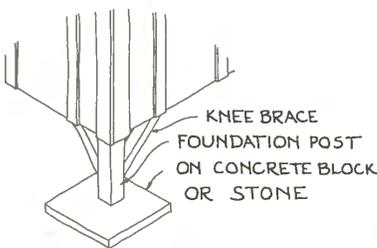
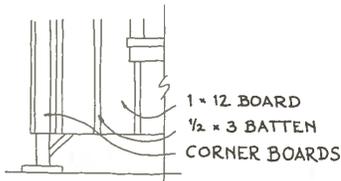
SOLID PANEL DOOR

ttle more than scraping and  
some rot and deterioration at  
made, and replacing a few  
ying all new windows for the

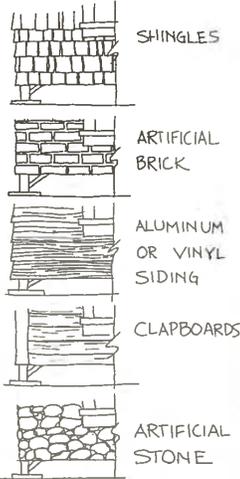


## STRUCTURAL REPAIRS

### SIDING MATERIALS



### NOT RECOMMENDED SIDING MATERIALS



**A** sound foundation is essential to the maintenance of your house. Moisture and untreated foundation problems can cause irreversible structural damage. Wet wood leads to dry rot and termites.

When repairs are needed to foundations, floor joists and the plate and frame, it's always a good idea to consult an experienced carpenter first. For example, if wooden floor joists have deteriorated because of moisture or termites, you need to determine how much load the support walls should bear before reinforcing old joists with new wood or foundation posts.

In case of foundation posts, allow a minimum of at least 18 inches between the ground and the bottom of floor joists for ventilation and access. Keep the area underneath the house dry.

The wood siding on your house is its "skin". Most houses were of

single-wall construction, and the most common types of siding were 1" x 12" vertical board and batten or 1" x 6" vertical tongue and groove boards.

Damaged siding and sills should be repaired rather than replaced, and home owners can repair surface damaged wallboards themselves with water putty as filler.

Be sure to have the house fumigated every five years. If the exterior siding has deteriorated beyond repair in parts of the house, selective replacement of exterior siding is required. Duplicate the original as closely as possible. With board and batten siding, maintain the original spacing of boards and battens to avoid covering any of the original trim such as corner boards and window and door frames. Use of synthetic materials such as aluminum, vinyl or plastic, over wooden siding, may lead to moisture problems and should be avoided.

## ELECTRICAL & PLUMBING

**I**n setting priorities for repairs to your house, keep in mind that electrical and plumbing work, if needed, should be first choices. Electrical repairs involve life safety, and plumbing repairs will reduce moisture problems in the structure. When making necessary electrical and plumbing repairs, install the

## PLANTING

**E**xisting plant materials and varieties should be retained, and new trees, shrubs and flowers should go together with older plantings.

Vegetation growing too close to the structure traps moisture in foundations and siding. Keeping a two-



# GUIDELINES FOR REHABBI

### AL SYSTEM JMBING

systems in areas that will require the least possible alteration to the house. Continue to use the traditional exposed bulb lighting system on lanai and in carports and garages. Avoid placing electric meters and other equipment, like television antennas, where they can be seen from the street.

### & HEDGES

foot buffer space between plantings and the building is a good idea. Existing hedges should be maintained. Growing hedges of hibiscus, crotons, panex, spider lilies, or ironwood are preferable to wire and wooden fences.



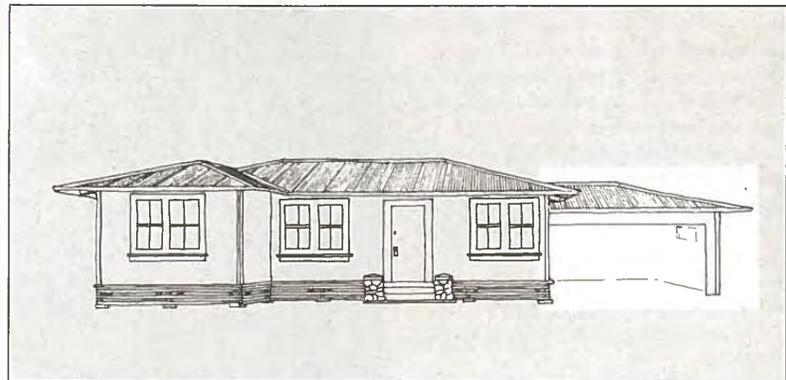
### NEW ADDITIONS & SECONDARY STRUCTURES

The scale, proportions, materials and color of the existing house should guide the design, construction and finish of any expansion of your house.

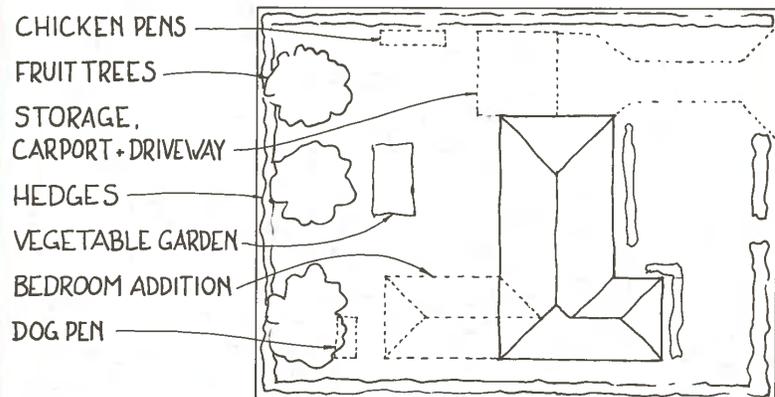
New construction of add-ons for living space, and the addition of secondary buildings — carports, garages and garden equipment buildings —

should be located as inconspicuously as possible.

An addition built to the side or rear of the dwelling will usually have the least impact. Avoid additions that are larger than the existing structure and don't build additions that will damage original building features and details.



### TYPICAL PLOT PLAN



# ING KAUAI'S OLD HOUSES

## MAKING IT HAPPEN

**L**ittle problems can become big and expensive ones if you put them off. You can do quite a bit of work yourself by taking care of things right away. To avoid being overwhelmed, keep the projects small.

Before you do any repairs, even minor ones, ask local people who are involved in old building maintenance for their recommendations.

Make up a list of materials you will need, and check out places listed in the Yellow Pages to get two or three bids. You can save money if you order materials in advance. Remember that repairs are labor intensive and take time, but repairs usually do not require much material.

Residential repairs usually do not require building permits. Permits are not needed for exterior painting, re-roofing (provided you are replacing the same type of roofing material), and cabinet work. Also, spending \$3,000 for additional repairs over a 12 month period is allowed without a permit.

If you plan to do major house renovation repairs in a short period of time, check with the County of Kauai Public Works Department Building Division for building permit and building code requirements.



### MAHALOS



**T**hese guidelines were developed by the Community Housing Resource Board of Kauai with a grant from the U.S. Department of Housing and Urban Development to whom acknowledgement is gratefully made. This fair housing project was initiated and directed by Fred Holthaus of the Kauai County Housing Agency.

The brochure was written and

edited by Barnes Riznik, Director, Grove Farm Homestead and Waioli Mission House, who also serves as a member of the Kauai County Historic Preservation Review Commission. Steve Johnson, Robert Schleck and Richard Candee reviewed the technical content of the text, and Pat Palama prepared it for the printers. Griffin Noyes Associates were responsible for the illustrations, design and layout.

COMMUNITY HOUSING RESOURCE BOARD OF KAUAI 



LĀNA'I CITY  
COUNTRY TOWN BUSINESS DISTRICT  
DESIGN GUIDELINES AND STANDARDS  
2019

**EXHIBIT 2:**  
Cultural Resources Commission  
Summary Comments



## Summary Comments

November 2, 2017  
Cultural Resources Commission Meeting

Voted to:

- (1) accept the Department's recommendations regarding the proposed document; and
- (2) provide additional recommendations:

1. **Architectural Design Guidelines (page 38)**

Remove the reference to hipped roofs in the description of the Plantation Style, so that it reads:

"The Plantation Style is generally described by deep roof overhangs, sloped metal [hip] roofs, front porches, wood siding and multi-pane windows."

2. **Siding/Finish Materials (page 38)**

Remove the reference to battens being spaced 12 inches on center in the description of exterior wall materials, so that it reads:

"Exterior wall finishes may be board and batten, tongue and groove, vertical shiplap or rough sawn plywood with applied battens [at 12 inches on center]."

*Note: Material to be deleted is bracketed.*



**EXHIBIT 3:**  
Urban Design Review Board  
Summary Comments



## Summary Comments

December 5, 2017  
Urban Design Review Board Meeting

Voted to:

- (1) accept the Department's recommendations regarding the proposed document; and
- (2) provide additional recommendations:
  1. Forward the design guidelines to the Public Works Department and the Department of Fire and Public Safety for review.
  2. Overhead power lines and telephone poles are not important character-defining features of Lanai City. Removing them may improve ambience and safety.



**EXHIBIT 4:**  
Lāna‘i Community Meeting  
Summary Comments and  
Sign-in Sheet



## Summary Comments

February 12, 2018  
Lānaʻi Community Meeting

Offered general comments and feedback to the Department:

1. Develop design guidelines for Dole Park.
2. Move community center to another location (outside of Dole Park) with ample parking.
3. Consider placing time limits on public parking fronting businesses near Dole Park.
4. Some concern expressed about the parking situation for Lānaʻi Health Center's employees.

Also offered comments and feedback on the proposed document:

1. Include guidance on the placement of solar panels.
2. Remove the prohibition on ground signs on page 39.
3. Remove the 20' setback requirement for signs on page 39. Just say signs should be set back from the sidewalk.
4. Clarify that the design guidelines apply to exterior changes only.

Sign-in Sheet

Name	Email Address	Phone Number
WARREN OBAGO	[REDACTED]	[REDACTED]
LAWN MCCOY	[REDACTED]	[REDACTED]
ALBERTA DE JETLEY	[REDACTED]	[REDACTED]
DEBORAH DEE COUZ	[REDACTED]	[REDACTED]
JOHN DELACRUZ	[REDACTED]	[REDACTED]
PROTAT GIMMA	[REDACTED]	[REDACTED]
KATHY CARROLL	[REDACTED]	[REDACTED]
ELLA YUANG	[REDACTED]	[REDACTED]
NATHAN PASCUA	[REDACTED]	[REDACTED]

**EXHIBIT 5:**  
Lāna‘i Planning Commission  
Meeting and Public Hearing



LPC Summary Comments  
from the February 21, 2018  
and May 16, 2018 Meetings



## Summary Comments

February 21, 2018  
Lānaʻi Planning Commission Meeting and Public Hearing

Provided a series of recommendations on the proposed document, requested a tracked changes version of the proposed document to review at the next meeting, and voted to defer taking action on it.

The recommendations included:

1. Add language encouraging business owners to use the correct spelling for Lānaʻi.
2. Use the correct spelling for Lānaʻi throughout the document.
3. Remove references to the wheel stops surrounding Dole Park.
4. Update photos and names of businesses in the Country Town Business District.
5. Add language about outdoor dining areas for restaurants.
6. Delete the list of typical plants found in Lānaʻi City.
7. Add allowances for new construction to use wood-like materials and architectural elements.
8. Remove prohibitions on ground signs.

## Summary Comments

May 16, 2018  
Lānaʻi Planning Commission Meeting

### Voted to:

- (1) accept the Department's recommendations regarding the proposed document;
- (2) provide additional recommendations on the proposed document; and
- (3) recommend that the County Council adopt it.

The additional recommendations included:

1. Add allowances for food establishments, including markets, to install patios for outdoor dining.
2. Require use of corrugated metal roofing.
3. Add language limiting the size of ground signs.

Minutes of the  
February 21, 2018  
LPC Public Hearing and Meeting



**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 21, 2018**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Kelli Gima, Chair, at approximately 5:00 p.m., Wednesday, February 21, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

A quorum of the Commission was present (see Record of Attendance).

Ms. Kelli Gima: Good everyone. It is now 5:00 p.m. It is Wednesday, February 21<sup>st</sup> of the Lanai Planning Commission meeting. Let the record show that there is quorum. We're going to go ahead and get started and move on to Item B, which I'm assuming Clayton will present. And this is a resolution thanking former commissioner Marlene Baltero.

**B. RESOLUTION THANKING FORMER COMMISSIONER MARLENE BALTERO**

Mr. Clayton Yoshida: Good afternoon, Madame Chair and members of the Lanai Planning Commission, Clayton Yoshida with the Planning Department. We have a bunch of people here tonight from the County of Maui. We have our regulars, your commission secretary, Leilani Ramoran-Quemado, your Deputy Corporation Counsel Richelle Thomson. We have our Deputy Planning Director, Michele Chouteau McLean. We have our Administrative Planning Officer with the Plan Implementation Division, Kathleen Ross Aoki. We have our Cultural Resources Specialist, Annalise Kehler. And we have our GIS Analyst, Peter Graves.

With that we'd like to offer thanks, a resolution of the Lanai Planning Commission, thanking Marlene Baltero for her service on this Commission since May 2015 until January 22<sup>nd</sup>, 2018, so almost three years. Commending her for dedication and untiring public service to the people of Lanai. And that the Commission expresses their sincere appreciation for Ms. Baltero's services, extends their best wishes in her future endeavors, and that copies of this resolution be transmitted to the Honorable Alan Arakawa, Mayor of the County of Maui, and the Honorable Mike White, Council Chair of the Maui County Council. So if the members could sign the resolution then once we get all the signatures we will transmit it to the appropriate parties.

**C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Ms. Gima: Alright, well, we'll go ahead and pass that around, and, and move along with our agenda, on to Item C, which public testimony. I have the public testimony sign-up sheet and if you haven't signed up, I'll give you the opportunity to also provide public testimony. And again we'll open public testimony after the various agenda items. So first on the list we have Lynn McCrory. Would you like to come up now, wait? Okay. Stan Ruidas, you want to provide public testimony now or wait till the agenda item?

**D. PUBLIC HEARINGS (Action to be taken after each public hearing.)**

**1. MR. WILLIAM SPENCE, Planning Director, transmitting proposed amendments to the Lanai Special Management Area (SMA) Map. (K. Aoki)**

The map showing the proposed amendments is available at <https://www.mauicounty.gov/121/Planning-Department> (Under Hot Topics, Proposed Lanai Special Management Area Boundary Amendment).

Ms. Gima: Okay. Alright, anyone else at this time wishing to give public testimony? Alright, then I'm going to go ahead and close public testimony and move on to Item D, which is public hearings, starting with Item No. 1 . . . (*Chair Kelli Gima read the above project description into the record.*) . . . and that will be Ms. Aoki.

Ms. Kathleen Ross Aoki: Good afternoon members. So I am back again, and hopefully we're going to get this adopted. I've been here now -- this is either the sixth or seventh time. We're talking about amending comprehensively the SMA boundaries for Lanai. We've provided everybody with the map book at the last meeting that shows where the boundary is being proposed to be moved. And I have Peter here today and he's going to display them up there on the wall. When I was here last it appeared that all over you concurred with the proposals that were being made after all of the reviews and everything and the methodology explanation on how the proposal was being made. So the last step was to ask the State Office of Planning if they concurred or had any concerns. And I passed out a copy of our letter to them and their response. And essentially the most important part of it is on the last, second page of their letter on the back. They have no problems with the proposal and actually agree that it furthers the objectives and policies set forth in HRS Chapter 205A, so that was good news. And I didn't have any real concerns that they were going to have concerns because we're, we're increasing the boundary quite a bit in different areas and we're following the objectives of 205A so.

I believe there was a question by Commissioner Green about Manele, so Peter if you could bring up, I think, it's -- yeah, bring up Manele. What was proposed in that area was to move the boundary where that green line is to include the entire Kapihaa Reserve. So that is what is being proposed.

Ms. Caron Green: I see now. The green line --

Ms. Aoki: Yes.

Ms. Green: -- matches the green of the golf course, so I didn't really see it initially because the other areas you'd kind of put the striped lines through.

Ms. Aoki: Yeah.

Ms. Green: So it would make it easier to tell that . . . (inaudible) . . .

Ms. Aoki: My apologies, I just noticed that too. It's very hard to see, but that's -- it does. That's what you would be adopting is include that entire reserve. Do the Commissioners have any questions on anything else I can provide to you? Because I know, like Roxanne, I think you had a couple of questions last time because you were new. I don't know if you have any more or if there was --. Also last time, we put on, there was questions about the elevations. Not the elevations, but the distances. Two different things. So in the maps, we have all the elevations and I know a member of the public, Stanley, had some questions about that so we were going through and showing what the distances were. So some of them are kind of significant. They're over a 1,000 feet, so.

Ms. Gima: Commissioners, any questions for Kathleen? Kathleen, I just want to say thank you for taking the time over the past six or seven times that you've come and really listened to us, went back. We really, really appreciate.

Ms. Aoki: Thank you.

Ms. Gima: To give some background to our new Commissioners or people in the audience. This was -- this subject was brought up by our previous Chair, John Ornellas, to relook at the SMA boundaries, so we're very, very appreciative.

Ms. Aoki: And if you don't mind me interjecting, it was actually brought up, too, a long time ago by member Ruidas when he was on this Planning Commission when I used to come over, so, you know, kudos to him because he's still here, and he's still advocating for it. So, I'd actually like to recognize him.

Ms. Gima: So Commissioners if there isn't any questions or discussions I will open up public testimony. So I'm assuming, Stan, you're on the list to testify for this item? Okay. Come on up.

Mr. Stanley Ruidas: Hello Commissioners. My name is Stan Ruidas, Lanai resident. Yeah, this looks real great. You know, coming from many, many, many moons ago. But,

yeah, thanks to Kathleen and the Planning Department to put this together, and Peter. But, I looked at it, and it looks great. Now you guys have something to look at and a guideline to follow for your SMA which in the previous times it wasn't defined. So now it is defined so now you can know what you're going to manage. Yeah, looks good. Thank you very much.

Ms. Gima: Thanks Stan. Anyone else wishing to provide public testimony on this agenda item? Alright, I'll go ahead and close public testimony. So Richelle, you were going to come up and say a few things.

Ms. Richelle Thomson: Thank you Chair. I just wanted to read, briefly, from -- it's the Lanai Planning Commission's rules -- just so that when you, if you get to phrasing a motion on it, it would just be to include some of this language. So this is from Lanai Planning Commission rule 12-402-22(e):

*"The Commission may amend the Special Management Area boundaries only upon finding that the amendments will further the objectives and policies of Chapter 205A, HRS, and will be consistent with the General Plan and other applicable ordinances of the County of Maui."*

It goes on to say:

*"Upon review of the Office of Planning," -- which you have in your possession -- "the Commission shall render a final decision and issue a written order and may direct the Director, Planning Director, to issue" -- hang on -- "to issue a written and final map within 60 calendar days after the final vote of the Commission."*

So then procedurally if you vote to adopt the maps, they'll be sent to the Planning Director, and then he'll follow up and they will be the new official maps.

*(Commissioner Mililani Martin attends the meeting at approximately 5:10 p.m.)*

The objectives and policies of this State, State Statute 205A, and these are the objectives and policies of the Coastal Zone Management Act. So there's 10 of them, and I'll just read them into the record so we have them:

*"Provide coastal recreational opportunities accessible to the public. Protect, preserve, and restore natural and manmade Hawaiian, American and Cultural, Cultural and Historical Resources. Protect, preserve and restore coastal views, open space and scenery. Minimize adverse impacts and protect coastal ecosystems. Provide and collocate coastal development*

*facilities while minimizing negative impacts. Reduce risk to new structures and enhance public safety. Streamline the permitting process, communication, and public participation and management of coastal resources and hazards. Stimulate public awareness, education and participation. Enhance public beach access and minimize beach loss due to erosion and site hardening. And preserve aquatic natural resources for sustainable development.”*

So in adopting these new maps, you would make the finding as a Commission that the amendments further the objectives and policies of 205A, in essence. And as you've heard from staff, the maps are consistent with the General Plan and other ordinances of the County of Maui. So, there you go, that's my two cents. Thank you.

Ms. Gima: Thank you for that. Alright, Commissioners, so I'm assuming right now we will take a --. Well, someone needs to make a motion so that we can adopt these proposed amendments.

Ms. Green: You make me nervous now because I have to do this all. But can I simply say, I move that we adopt the SMA amendments to the maps as presented, period, or do I need to go ahead and say, as they further the objectives and the policies of, etcetera, etcetera?

Ms. Thomson: I think that it would be good to include, you know, that the Commission finds that -- well, you really just said it, actually -- you know, the Commission finds that the amended maps follow the objectives and policies of 205A.

Ms. Green: So you want me to resay it?

Ms. Thomson: Yeah. If that's included in your motion, that how we can do it.

Ms. Green: Yes. What I had omitted was saying of 205A. I move that the Commission adopt the SMA amendments to the maps as presented as they further the objectives and policies of 205A.

Ms. Gima: Do I hear a second?

Mr. John Delacruz: I'll second.

Ms. Gima: Okay, so it's been moved by Caron, second by John, that we adopt the maps, the SMA maps as presented. Any discussion Commissioners? Okay, all in favor of the motion, raise your hand? All opposed? None. Okay, so that motion passed. Thanks again Kathleen and the Planning Department with your assistance with this.

**It was moved by Ms. Caron Green, seconded by Mr. John Delacruz, then**

**VOTED: to adopt the SMA amendments to the maps as presented as they further the objectives and policies of Chapter 205A, HRS.**

*(Assenting: R. Catiel, J. Delacruz, K. Gima, C. Green, M. Martin, B. Oshiro)*  
*(Excused: S. Samonte)*

Ms. Aoki: And if I could just add, you just made history because I truly believe you are the first ones to have amended your maps comprehensively in the State, so that's awesome.

**2. MR. WILLIAM SPENCE, Planning Director, transmitting the Lanai City Country Town Business District Design Guidelines and Standards, 2011. (A. Kehler)**

Ms. Gima: Okay, so let's move on, and that would be No. 2, of Item D, which is . . . *(Chair Kelli Gima read the above project description into the record.) . . .*

Ms. Annalise Kehler: Good evening members, I'm Annalise. I'm the Cultural Resources Planner for the County and I'll be talking to you tonight about the design guidelines for the Country Town District in Lanai City. Peter has the power point up. There you go. Yeah, so, okay, so before we jump into reviewing the proposed design guidelines I just want to give you a brief overview of what we'll be talking about.

So first I'll talk a little bit about the Country Town District here in Lanai City. I'll show you where the boundaries are and explain why the district was created. I'll also explain the purpose of the design guidelines and how they're meant to be used. Then I'll give you some background on the proposed design guidelines. I'll also go over the Department's recommendations for updating the design guidelines. And I'll share some of the comments that we received last week at the community meeting here in Lanai City. And finally, we'll open it up to questions and discussion.

So up on the power point there is a map showing the boundaries of the Country Town District. It's kind of hard to see; it's outlined in yellow. I should note that there is an error on this map. The Police Station and the jail are actually inside of the Country Town District now. Before they weren't, but they were been recently rezoned so now they're part of the district. So the document that we're reviewing today it applies only to properties inside these boundaries. And I also want to clarify that today's discussion isn't a proposal to create a Country Town District. We got feedback last week that maybe there was some confusion about what the Country Town District is. So the Country Town District in Lanai has existed for a number of years, and we're not proposing any changes to the district. We're just proposing changes to the design guidelines that apply to the properties in the district. And then based on what I heard last week as well -- okay, perfect -- there may be some confusion in the community

about between the Country Town District and a proposal from a few years ago to create a larger historic district. And I just want to make sure that everyone's clear that that proposal isn't on the table anymore and it's not a part of today's discussion. Peter? Okay.

So, the Country Town District was created through an ordinance, and the purpose of this zoning category is to preserve the unique character of Lanai City's historic business area. So Chapter 19.15 of the Maui County Code regulates the uses in the Country Town District. This Chapter allows for business related uses like general stores, grocery stores, public buildings, and religious buildings. Chapter 19.15 also establishes design standards for the district and requires construction proposals to comply with the district's design guidelines. So again, the purpose of the zoning category is to preserve the unique character of Lanai City's historic business area.

So design guidelines are a tool to help preserve the district's unique characters. They're meant to guide property and business owners when making exterior changes to their buildings. They also establish standards that the Planning Department uses to review construction proposals. In the case of the document before you today, they also, it also creates street and drainage standards, and those would be implemented by the Department of Public Works.

I want to give you some background on the document we're discussing today. It's intended to replace or update the current design guidelines which were adopted in 1997. It was introduced -- so the document that we're talking about today -- it was introduced by County Council Resolution back in 2011. And in 2012, it was reviewed by the Cultural Resources Commission, the Urban Design Review Board, the Lanai Planning Commission, as well as the citizens of Lanai. In 2013, the Planning Department recommended that Council hold off on adopting the new design guidelines. We got lots of feedback during that 2012 review, and we felt the Lanai Community Plan needed to be updated first. So in 2016, the County Council adopted the new Community Plan, and so that's why we're here, now, with the 2012 or 2011 document, to bring it back to you folks for review.

So in your staff report, the Department provided you with some recommendations. Many of these recommendations are simple housekeeping items, however, I do want to highlight the two most important recommendations. The first is changing the parking requirements for properties in the district. We recommend exempting all country town properties from complying with the County's parking ordinance. Based on feedback we got during the 2012 review period, it's been difficult for businesses in the area to comply with the County's parking requirements. We also want to highlight this because it accomplishes Implementing Action 10.04 of the 2016 Community Plan, and so --. At last week's community meeting, several folks expressed concern about there not being enough employee parking for the health center. There was an understanding that their employees would be walking and not driving to work, but we heard some employees are parking around Dole Park, and in front of the Senior Center which is taking up spaces that should be reserved for kupuna. So at that community meeting Lynn said she would take the issue back for advisement. However our

recommendation to exempt the country town properties from the parking requirements remain the same. You know, if it continues to be a problem, then we may need to reevaluate the parking situation at a later date.

The other recommendation is to provide more detailed instruction on rehabilitation additions and new construction. We suggest incorporating some of the language from Attachment-6 of your staff report. This recommendation accomplishes Implementing Action 10.02 of the Lanai Community Plan. In addition to the Department's recommendations I also wanted to share some of the comments we heard last week at the community meeting, and you may want to consider incorporating these comments into your recommendations.

So comments that we heard about the design guidelines included consider adding guidance on the placement of solar panels. Remove the prohibition of ground signs on page 39. Remove the 20-foot setback requirement for signs on page 39; just say sign should be setback from the sidewalk. And consider placing time limits on parking in front of businesses surrounding Dole Park.

Other general comments included concerns that these design guidelines don't apply to the community center in Dole Park. If a new community center is built, it should be relocated away from the district so that noise from the night time events doesn't impact residents, and there is sufficient space for parking. The other comment we heard was be sure to clarify that the design guidelines only apply to exterior changes.

So to conclude, we're asking you to provide comments and recommendations on the proposed design guidelines. You have a couple of options moving forward. You can recommend accepting the changes provided by the Department, the Cultural Resources Commission, the Urban Design Review Board, and the citizens of Lanai. Or you can recommend accepting these changes with amendments. You can also develop your own set of recommendations. Or, you can defer a decision to gather more information. You should know that the County Council is the final actor in this process, and we will gather your comments along with all other comments we've received and send them to the Council for consideration. Council will adopt the final document by Resolution. And that pretty much concludes the discussion, if there's any questions.

Ms. Green: I actually have a number of questions and comments. One of the general question as I read through this, if there are changes made and a permit is applied for changes to any of the buildings here in the business country town the approval goes through the Planning Commission. We are not involved as the Lanai Planning Commission, it goes to the Maui Planning Commission? That's what I took out of this.

Ms. Kehler: It goes to the Urban --. So if someone --. You're asking --.

Ms. Green: Like any permit requested, it says in here it goes to Maui Planning Department. It doesn't say anything about it coming to the Lanai Planning Commission. Is that true? Then

in other words, once we set these down, it's all in Maui, the final decision is made on any permitting.

Ms. Michele McLean: Thank you Chair, Committee Members. I'm Michele McLean, Deputy Planning Director. If a building permit comes in, it would be reviewed for compliance with the design guidelines. So if it is compliant, it would just be approved administratively by the building plans reviewers, so there wouldn't be a reason for it to go --. It certainly wouldn't go to the Maui Planning Commission. They would have no role on this, at all. But it would be the Planning Department would ensure that a building permit is consistent with the design guidelines, and the staff would check with Annalise who's our resident expert.

Ms. Green: So it's really important that we button this up. Okay, I have a couple --. Well, on your list here, No. 4, on Department recommendations, it say inventory of characteristic buildings in Lanai City, and you just told me that you put the old Lanai Police Station and jail into the Business Country Town District, and yet this recommendation saying is that these buildings do not have CTB zoning so you need to decide one way or the other there.

Ms. Kehler: Yes, that's an error on my part. The zoning for the jail and the police station, it's changed and it now is part of the Country Town, so thank you for bringing that point up.

Ms. Green: So we're going to take that out.

Ms. Kehler: Yes.

Ms. Green: Okay. Most of your recommendations I'm in favor of. On number C, the parking one, I just have a technical little problem because as I read it, it kind of messed me up a little. Ending with including additional outside dining areas kind of was out there floating, so I thought maybe it needs to go all -- let's see -- all permitted uses within --. Pardon?

Ms. Gima: What number are you on?

Ms. Green: I'm sorry. This is the parking department, the parking thing on C, the recommendations on 5C, okay. All permitted uses within Lanai City Country Town Business District including additional outside eating areas shall be exempted from parking requirements established in etcetera, etcetera. I just thought it would flow better and kind of makes more sense that way.

Ms. Kehler: Okay. That's fair.

Ms. Green: Okay. Let's see. On the roofing which is 6B, amend the roof section noting that these corrugated or standing seamed metal roofing is encouraged but not required. I noticed there's only one building on the square that has tile roof. Not tile, shingled roofed. Do we want to specify, you know, if it's not corrugated that shingle is permitted because otherwise it's kind of open?

Ms. Kehler: If it, if it pleases the Commission to say that, absolutely. Yeah.

Ms. Green: And I -- I don't know, I went through this, but I did notice when you go through the architectural feature characteristic of Lanai City, and you show the various -- it's not here. Sorry, inventory of characteristic buildings which is on page 20, 21, etcetera, that has not been updated. You have This and That which is now the Hula Hut. And...there was another one. The ice cream shop, yeah, is not that anymore, on page 22, thank you, so I would recommend that maybe you update that. Okay. I also am glad that people were talking about the signage because as I drove through town I noticed a lot of the signage is pulled forward especially because of the landscaping that's taken place. There was also one place where you were stipulating grass and I noticed that Richards just went through a big renovation and they have put patio area out front there. So I think maybe -- and I know that there's kind of patio area out in front of 565 and on the side of...Pele's, so perhaps that area should not, should maybe include patio areas or I don't know how you want to word that. I totally agree also with the changes to the parking area. I'll let somebody else say something if you want.

Mr. Bradford Oshiro: Country Town Business District, on Twelfth Street and Fraser, why is that parcel squared off?

Ms. Kehler: Is that the jail?

Mr. Oshiro: Twelfth Street and Fraser.

Ms. Gima: Is that Central?

Mr. Oshiro: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Kehler: So I do want to emphasize that this document has maps that are old so what you're looking at may not necessarily be accurate. And one of -- actually one of the department's recommendations is to update all of the maps and the documents so that they're reflecting current conditions.

Mr. Oshiro: So you have no idea why that was sectioned off?

Ms. Kehler: I don't.

Mr. Oshiro: Just, just give me a yes or no answer.

Ms. Kehler: I don't. I'm sorry.

Mr. Oshiro: Can you find out?

Ms. Kehler: I can do --. I mean, I'm sure I can look at the legislative history. There probably

was some reason, either a property owner opted not to be in it or it was residential.

Mr. Oshiro: It belongs to Pulama.

Ms. Kehler: Okay.

Ms. Gima: So Brad, just to clarify what Annalise was saying, I mean, we're not talking -- correct me if I'm wrong -- talking about anything about the district and looking at what's in the district and what's before us is specifically the design guidelines.

Mr. Oshiro: I understand that part, but if they going put stuff like this on the map, they need to have a reason why.

Ms. Gima: Sure, but I don't think today's the time to discuss that.

Mr. Oshiro: I know, but she needs to go back and research that for me.

Ms. Gima: Okay, you can make that request to the Planning Department to have that. Okay.

Mr. Oshiro: Thanks.

Ms. Gima: You can go on the microphone please.

Mr. Delacruz: How many page?

Ms. Gima: Any other questions or discussion regarding --

Ms. Shelly Preza: Yeah, so I agree with what has been brought up about updating not only the maps that are potentially out of date, but also the businesses because as many of you mentioned some of them have changed. And then the police station and Sacred Hearts Church is still included in this even though, I believe, it is being recommended to be taken out of the zoning, right? That's what we're talking about as well. Oh, yeah, so on No. 4, it's the following buildings do not have CTB zoning, right, so they shouldn't be on the design guidelines.

Since we're just making comments about the guidelines -- sorry I seem to have lost my place. Actually, sorry, I'm going to take a second to find the page I was at. Oh, on page 37, under Landscaping and Planting, it seems like this is an area where they were -- the -- they were saying what should be or what is recommended to be there. But on No. 3, I thought it was a little strange that they're just typical plants found include and then listed a bunch of plants as opposed to just the -- I think the important part of this section is that planting of native Hawaiian and Polynesian introduced species is strongly encouraged and there's a reference list. And I think the typical, that big chunk about all these different things that are potentially found there is a little bit unnecessary.

Let's see, I had one more suggestion was since this --. I'm not super familiar with who put together the document and everything, but since we're talking about the appearances and the designs, if there was, if anyone had --. I, I'm thinking that it could be interesting to put some kind of suggestion that if they're updating signage to include the proper spelling of Lana'i. I don't know if that's, that should be something that's included in here, but I figure since they're talking about, you know, plants and, you know, wording is very important, and especially the name of our island is really important, the proper spelling, pronunciation of it, to change it from --. I, I know a lot businesses here do have Lana'i, some just have Lanai, and in this document, it's a little bit -- it goes back and forth between Lanai and Lana'i with an apostrophe, sometimes there's an okina, so I just wanted to bring that up and see if you folks had any thoughts.

Ms. Gima: I think that's a great suggestion. Is that something that could be applied here as a suggestion here to the guidelines...in reference to signage?

Ms. Preza: My thought is just that, since we're talking about the preserving the historical integrity, it's also important to preserve the cultural integrity of our town square.

Ms. Gima: Okay, so that could be --

Ms. Kehler: Yeah, we can. Yes.

Ms. Gima: Okay. Okay. Shelly, anything else? No? Okay. Any other Commissioners? Caron.

Ms. McLean: Chair, if I may, back to Commissioner Oshiro's question. That parcel is zoned BCT as indicated on the maps. We would have to go back and see when it was zoned and how that was proposed. We don't know that, but it is depicted correctly on the maps as being zoned BCT and subject to the design guidelines.

Mr. Oshiro: The reason, the reason I asked this question is because if anybody grew up during that time they know that, that parcel there was the emulsion plant. That's where they made the fertilizers, DDT, and so I just wondering why it's that -- it's in that, the Business Town District. I mean, it doesn't make sense.

Ms. McLean: We would have to look and see when it was zoned, so a zoning would have been approved by the Council, but that could have been some time ago. But we can look it up and get back to the Commission on that. Thank you Chair.

Mr. Delacruz: I have a comment on that Brad and Annalise. Annalise was here on the 12<sup>th</sup> of February and we discussed this, and that same question was asked at that time. And a couple of us there did mention that it was the place where all the chemicals were mixed...that very spot.

Ms. Green: Okay, if I could go back to a couple of things. When we talked about the grass, on page 37, it says 50% of the front and side yards setback areas in the commercial district shall be grassed and landscaped. That obviously is not happening exactly so if we can find a way of, you know, rewording that to allow for, for, you know, outdoor eating areas, you know, something like that, you know. It's on 37...37-2.

Okay, and if I could go backwards, on page 3, you have Goals and Objectives, and you have a number here, and you have No. 9, utilize strategically placed and designed neighborhood parks as a key element to preserving the unique design character of Lanai. What the heck does that have to do with this?

Ms. Kehler: I think that came -- is language that was pulled from the '98 Community Plan and so the recommendations -- one of our recommendation is to remove all references to the '98 plan and update that information with the 2016, the relevant sections of the 2016 plan. And one of your attachments is the relevant chapter from the, from the new plan.

Ms. Green: So I'm assuming that will be removed.

Ms. Kehler: Yes.

Ms. Green: Okay. And on No. 4, it says encourage the use of wood construction or acceptable construction materials for commercial projects. Again, the words acceptable, construction, materials is kind of vague. I would like to have it be ones that at least give an appearance of wood or I believe some of the buildings have corrugated metal sidings and try to maybe keep it...within those guidelines.

Ms. Kehler: Okay.

Ms. Green: Okay. Let's see, I'm just going to do one aside, and this is on No. 8, promote appropriate use of street lighting to ensure public safety and to preserve rural ambiance of Lanai. Leaving here after dark is treacherous. There is no good lighting outside of the Senior Center, so just -- since this is Maui County property, I would just think it would be nice if we had some good lighting here.

Mr. Oshiro: I've got something to add to that. The reason why we don't have good lighting here in Lanai, back when I first came to Lanai I was sitting on the Commission, they were against having too many lights glaring up into the sky, and then ruin the night sky. Also, the night birds that come in. And that's the reason why whenever if you look at any of the documents, it says something about the lighting down at Manele, they didn't want it to be glaring up in the sky. They want more to be shined down to the ground. That's the reason for not having all these extra lights.

Ms. Green: So I live down in Manele, and we're in the process of changing a lot of the lighting

down there, and it's all down lighting for the exact reasons that he says. But, I mean, I think we could specify that you could have street lighting in Lanai City if it was appropriately down lit for safety because actually I think it's dangerous in spots.

I have just a little technical thing on page 10. You're referring to Figure 5, not 4, in your Street thing where it says, the second paragraph, at the end, it say see Figure 4, Street Cross Section, and that is actually Figure 5. It's just a stupid little correction.

Oh, you could update the photo of Lanai Playhouse too, and maybe give it the, the new name. And Rainbow Pharmacy.

Ms. Gima: So, I mean, I'm hearing, yeah, a lot of the questions about what can be updated in this document, and so what I was hearing from you, and I just want to clarify, is that you're in the process of making updates to reflect, No. 1, the 2016 Community Plan, right? So this isn't something that we're trying to change or make recommendations on, correct?

Ms. Kehler: On, on the Community Plan?

Ms. Gima: No, I mean, on this entire document.

Ms. Kehler: Oh, no. This is for you folks --

Ms. Gima: Oh, okay.

Ms. Kehler: Yeah. So, yeah --

Ms. Gima: Okay. So if we feel that anything needs to be changed. Okay.

Ms. Preza: Sorry, going back to signage, and this is just minimal, but since we're just talking about the wording of the document while we're discussing it. On page 39, you're talking about, on No. 8, all signs shall be painted and the dimensions of signs shall be modest and low-key. I feel like modest and low-key is a little, it's vague. I don't know if we want to try to -- if the Planning Department wants to give actual dimension for the signs because that seems to be a bit vague.

Ms. Green: I have just a couple of more, I guess. On page 38, where they talk about windows, true divided windows are required, I think in today's, with some of the materials out there, like, I think here at the Senior Center, are these true divided windows? I don't think they are, but yet they look like true divided windows. So I think I would not go to the mat on that. And also, sometimes, you know, they have vinyl windows out now that looks really good and it says utilize wood for frame, slash, etcetera. Just because up in the climate, wood doesn't last very well, it rots, and we have problems with termites and things. So I might personally -- I don't know how others feel -- not necessary require that you have to use wood for those. I think that's the end of my comments.

Ms. Gima: Commissioners, any other comments or questions? Go ahead.

Ms. Preza: Sorry, I just -- I made notes earlier and this is all just really minimal but since we're talking about, on page 39, about colors, I feel like No. 1 on that is kind of unnecessary saying that roof, siding and trim may be painted contrasting colors. I just think it's kind of unnecessary, and I think the second point illustrates that, you know, they should be selected carefully with the general intent to be compatible. I think that kind of expresses what this, these standards should be expressing, and I don't think the first point is needed.

Ms. Gima: Alright. Commissioners, anything else? I'm going to go ahead and open up public testimony at this time. We have Lynn McCrory who signed up before the meeting, so come on up Lynn.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. I submitted written testimony for you on a variety of points, but in simple terms our testimony is in support of these for both the recommendations that the Planning Department came to bring tonight and also the original design guidelines. There were a number of suggested changes that Annalise also discussed from the February 12<sup>th</sup> meeting that we also support all of those. And then two zoning changes that occurred in 2014 and 2017, so included now in the business town country district is the old Lanai Police Station and Courthouse. That was changed. And removed from the business country town are the three houses that we're going to renovate on Lanai Avenue, so that gets removed. And you'll find...as the last page of my testimony, I've done some hash marks to show you which corners go away. So that matches everything we've done in terms of the County Council for changes to zoning.

We do want to offer comments on one of the points and suggestions that came out of Urban Design Review Committee, and that was on No. 2 that suggested we have no overhead wires or poles in Lanai, in the business country town. I think that might be just a stretch because that really is a MECo and Hawaiian Tel decision, and I would just suggest that that one could probably be ignored because at some point it could --. It is allowed in the current design guidelines and taking it out makes it -- I don't know when in the world the design guidelines would match with what's going to be done here. And so you go through the little joy of, oh my goodness, somebody's business come in and then you don't have wires overhead for them, and then how does it get to them, and I don't think we ever want to go through all of those.

So those are my recommendations that I added. I don't have any issues with any of the additional ones that you've mentioned tonight. I think they're all good. The only suggestion I might make is on the colors. If, if you leave them with the generality of No. 2 then anybody can come up with what they want. So kind of one of the pretty parts about all of this is all the colors and having three different colors even if they're compatible will at least give you a difference versus someone's idea of compatible maybe purple, orange, and lime green, and you know, then we're back to the Planning Department making the decision to whether that

really is general. So I might leave No. 1 in to at least give you the distinction on that. And that is mine, and any questions I can answer, I will answer.

Ms. Green: When I look at this picture you said that it included the courthouse. I know --. She that is included the jail and the police station, so does it include all three or just the jail or the police station?

Ms. McCrory: It includes all three.

Ms. Green: Okay.

Ms. McCrory: Police station, old police station and courthouse is one building, and it actually includes the entire lot which has a storage building in the back.

Ms. Green: Okay.

Ms. McCrory: So that's why I'm showing you the lot because it was the lot that was rezoned.

Ms. Green: Okay. And on the utilities, I just reread that section, it says, overhead wires are typical etcetera, etcetera, overhead utility lines shall be allowed. It says any new addition of transformers shall not be located on poles, but rather incorporated underground so I think you're okay on that.

Ms. McCrory: I am except for the Urban Design Review Board making the comment in No. 4, and it's the --. Their comment 4, in item 2 in which they said, oh no just put everything underground sort of speak, simply stated.

Ms. Gima: Thank you Lynn. Is anyone else wishing to provide testimony at this time on this agenda item? Okay, come on up.

Ms. Winifred Basques: Good afternoon. My name is Winifred Basques. I live on the island of Lanai 55 years coming February 28, 2018, okay. I have about three of --. The word Lanai is not a veranda, okay. The word is Lana'i. You have to put in okina, i, then you call it Lana'i. Same like Maui, Kahoolawe. All that kind stuff because it has to be corrected, the right way, the pronunciation, okay.

The second one is about the signs. Do we know how high the signs goes up to, to put a sign? It goes seven feet. From the top of the dirt to the top of the sign, the ending of the sign, seven feet. Because why? I used to do that. I used to work with my husband on the State highway to put up signs and whatever else, okay.

And then the next one is...Brad brought up the subject about the emulsion plant. That's where they used to get all the...chemicals, and the truck used to go out was called the water ringo. It used to fill it up, and take it out and spray the pineapple fields. All they had to do was that.

That is why it is called emulsion plant. That's where the chemicals come. They do it with the water and take it out to the fields to be sprayed, the chemicals because of the pineapple bugs. You know the pineapple bugs used come, the small little thing that used to go all in your hair, the food, whatever. Okay, that is what it was all about. But the thing is that when you think about it, I go back from the 60's. I been here from '63.

Ms. Gima: So aunty if you're going to give a history lesson about that area maybe that can be outside of the meeting if someone wants to come and talk to you because I think you have some important information. But is there anything pertaining to that in regards to design guidelines that you wanted to testify on?

Ms. Basques: No, the --. Okay, the other one is the police station.

Ms. Gima: Okay.

Ms. Basques: The police station is one building with the courthouse. Okay, I can tell you who was the policeman before, who was the judicial --

Ms. Gima: Okay, again, that can be talked stories outside, later, after public. Is there anything else that you want to provide for public testimony, aunty?

Ms. Basques: No. Not as of now.

Ms. Gima: Okay, thank you so much.

Ms. Basques: You're welcome.

Ms. Gima: Okay, Commissioners, any questions for her at all? No? Thank you.

Ms. Basques: You're welcome.

Ms. Gima: Anyone else wanting to provide public testimony, please? Okay, come on up.

Mr. Myles Saruwatari: Myles Saruwatari. Thank you Commission. I just want to make a comment. I know there was like a brief thing brought up about the parking from the, you know, the health center taking up all of the parking around here. My understanding is that the Baptist Church has offered the health center employees to be able to park in their parking lot behind the church. But for some reason they don't like to use it. I don't know why. It's closer. You know, it's a little more convenient. I don't know but they --. Yeah, I know the seniors are complaining about the fact that, you know, it's hard for them to park, and a lot of them are like, you know, my mom, 90 years old. I mean, why they drive, I don't know, but they want to drive. Okay, so, I mean, they have enough trouble parking in this, you know, angled parking. So if Maui County could actually like they have that little stripe zoned there, just reserve it for the center because there's not that many people that drive to the center. You know, maybe

like seven, six. You know, just maybe reserve a few spots for the center that should alleviate the problem, I think. Thank you.

Ms. Gima: Thank you Myles. Commissioners, any comments or questions for him? No? Anyone else wishing to provide public testimony at this time? Okay, we'll go ahead and close public testimony. Annalise, I had a question. I wanted to know regarding the February 12<sup>th</sup> community meeting, the turnout, I'm assuming was a good turnout of community members.

Ms. Kehler: We had a sign in sheet. There was nine people that signed in. My supervisor counted 12 at one time.

Ms. Gima: Okay. Was it majority of business, businesses...in that area or is it just general community members?

Ms. Kehler: I have a list. If you want to see it, I can share the list with you.

Ms. Gima: I was just curious and kind of what the different perspectives were.

Ms. Kehler: I know one woman, she was the gallery, yeah. And then Warren Osako. Couple of, I think, generally community members, yeah.

Ms. Gima: Okay, okay. Alright. So basically -- I mean, Commissioners, are there any other questions for Annalise?

Mr. Delacruz: Just a comment.

Ms. Gima: Go ahead.

Mr. Delacruz: Comment on the parking. The discussion on parking stated as one business owner saying more or less that people parking on -- is this Eighth Street? Yeah, this Eight Street. No, this is Seventh Street. People parking on Seventh Street was, you know, taking up spaces from the business. For example if you go to the movie theater, they'd be blocking the business, and they'd be blocking the pharmacy. And I don't really know if I spoke up at that time about this, but my feeling is the theater is a business. And people coming to the downtown area, if you go to Blue Ginger, that's a business, and...really parking is not that big of a problem. Anyway, that's what I said. Thank you.

Ms. Green: I have one last question. On the part where they talk about design guidelines and standards for Lanai City Country Town Business District where it's about demolitions really and buildings in neglect. I don't know the state of Canoe's is. There's a building down here that's not occupied at the moment, but I understand that it has some major problems. If it was to be demolition, it doesn't seem to me that the wording in here is strong enough that what would be -- it would be replaced with would be consistent with what has historically has been in that spot. For example, what was done to the three houses on Lanai Avenue where

they --. I'm sorry, this is on their recommendations. It's recommendation No. 5A, okay. Down further, it says, however it is recognized that there could be circumstances beyond the control of the owner or situations involving public, health, safety and welfare, which may result in the necessary demolition of a building within Lanai City's BCT District, though demolition by neglect is unacceptable. Buildings on existing standard lots may be reconstructed on the established building footprint in accordance with the design guidelines. Okay, that, that --. Okay, so you've got the footprint, but what goes on up above, I would like to see that they would follow either, you know, historical pictures and things or what was taken down that you, you could do modern construction, but it would look like what was taken down.

Ms. Kehler: Sure. Thank you for your comment. Attachment 6, it provides some model language that instructs property owners, construction folks, how to do new construction. I don't know if, if that -- if you think that that language is, is helpful enough or if you have --. If you've taken a look at it and you have some stronger language that you would like to add to that attachment.

Ms. Green: Yeah, I did look at that, and I do have a note here, it says, what about tear downs because they talk about rehabilitation.

Ms. Kehler: Sure.

Ms. Green: And they talk about additions, but --. And they talk about --. Well, they talk about new construction, but, but, it -- talking about, you know, that they used the materials, and that it --. Okay, new construction should be similar in height, shape and materials to the historic structures in its vicinity. Where changes and size must occur, the visual impact that the new construction should be minimized by stepping back the new construction from the historic buildings. But it isn't --. That's not really specific enough to me about the fact that these buildings should be...you know, what you build, where you've torn down, you should put something that looks like something that was there before. It just says that it has to be more or less in keeping. I mean, I think it's excellent what Pulama Lanai did with the three buildings on Lanai Avenue in that it's all new buildings, but they look exactly like what was there before. So for example, if Canoe's was to come down, I would want to have something put that's historically correct on that site.

Ms. Gima: So Annalise, I mean moving forward now. We've heard public testimony, Commissioners, we were able to make comments and ask questions, so now our next steps are coming up with suggestions. And these suggestions would have to be...agreed upon by the Commissioners, and then, it's like if we agreed to accept recommendations with additional suggestions.

Ms. Kehler: Uh-huh.

Ms. Gima: Okay. So I mean we threw a lot of, a lot of things out there. We've asked our questions. If there's no objections, let's take like a 15 minute break. Commissioners, gather

kind of like your thoughts and the suggestions that you want to bring up for us to vote on to approve, and then we can move forward. Are there any objections? Annalise, is that okay? Okay, so we'll take a 15 minute break and be back at 6:20 p.m., so this is something for everyone to think about during the break.

*(The Lanai Planning Commission recessed at 6:05 p.m. and reconvened at 6:20 p.m.)*

Ms. Gima: Resume the meeting. It's now 6:20 p.m. So Commissioners, again, you know now is our time to make our own recommendations and suggestions, and I know many of you have. So maybe a way for us to do this, I mean, we could either, one, go through every suggestion and vote, or everyone say their suggestions and then we vote on that at the end. Richelle?

Ms. Thomson: And also I just wanted to kind of remind you that one of your options is for us to, you know, go through the minutes, take as, you know, as clear notes as we can, but if you have a lot of changes and you want to see this document again, we can bring it back.

Ms. Gima: Okay. Okay.

Mr. Oshiro: I've got one question, Kelli.

Ms. Gima: Sure, go ahead.

Mr. Oshiro: The Lanai Community Plan was based on Pulama building a desal plant down at Manele. So since they not building the desal plant, a lot of the things that was on that Lanai Community Plan is out the door. So is this based on that plan?

Ms. Kehler: No. This document pertains to a district that exists already. So the reference to the Community Plan is just to make sure that we're incorporating what was said in regards to the Urban Design chapter. There wasn't any discussion about the desal plant or any future plans in the Urban Design Review chapter. It was more about what Lanai values as far as what their town looks like and what their streets look like, so things related to urban design.

Mr. Oshiro: Thank you.

Ms. Gima: So let's go ahead and start with Roxanne, and we'll work our way down in terms of suggestions that we would like to make sure it passes on to County Council. Roxanne, do you have any suggestions?

Ms. Roxanne Catiel: Yeah, I agreed with Corp Counsel because there's a lot to take in. I mean, a whole lot, so I agree with just she said to look at the minutes and then it comes back to us where we can actually see it on black and white.

Ms. Gima: So are you saying Richelle that not voting today, putting our suggestions on the

record, and then it comes back next month and then we vote?

Ms. Thomson: I'm suggesting if, if it's a little too overwhelming, if there are too many changes that you don't feel comfortable taking action on it tonight, you don't have to.

Ms. Gima: Okay, so we could just put on the record the suggestions that we want, defer, have that document come back, we can clearly look over it, and then vote at that time. Okay. Okay, but is there any --

Ms. Catiel: One more.

Ms. Gima: Sure.

Ms. Catiel: I don't know about that concrete around Dole Park because it's no longer around the Dole Park area, for parking.

Ms. Gima: Those stops

Ms. Catiel: The concrete blocks. Yeah because it's no longer out there.

Ms. Gima: Okay. So you're suggesting that that verbiage be removed?

Ms. Catiel: Yeah, that verbiage is going to be removed or are they going to put it back in.

Ms. Gima: Okay.

Ms. Catiel: I don't know what Pulama has in the future.

Ms. Gima: Because it's not currently or hasn't been there that the document should reflect that that those concrete stops aren't there.

Ms. Catiel: Right. Yeah, and sorry, pine trees around Dole Park, the life span of it. Because I remember seeing on a windy day a pine tree actually hit a car so I don't know for Pulama for, you know, liability purpose, I don't know, if that's going to say the life span of the trees, or cut the trees or replant, you know, Hawaiian.

Ms. Gima: So you're suggesting having the pine trees around the --

Ms. Catiel: Dole Park.

Ms. Gima: -- the district, Dole Park, to have those life span accessed?

Ms. Catiel: Yes.

Ms. Gima: Lynn, do you want to key --? Yeah, come on up, please.

Ms. McCrory: Lynn McCrory, Pulama Lanai. We actually have an arborist that comes over once a year, and he inspects all the trees, tells us what to cut, tells us what to cut down. They have a tool that they can bore into the tree and they know, you know, like if it's four inches is good, but there's 10 inches of a hole in the middle, and four inches on the other side, then it's time to take your tree down. And we take comments from landowners that are around that don't think that their tree is okay, and then the arborist will go look at that and make those recommendations. So we're already doing that.

Ms. Gima: Okay, so that's being addressed. Lynn, Caron has a question for you.

Ms. Green: So do you have any plans to replace any of these dying pine trees?

Ms. McCrory: Yes. As you look at the trees along the highway -- Lynn McCrory, Pulama Lanai -- you can see they're the smaller size. Those are the starters. They go in. We plant new ones along the highway.

Ms. Gima: Thank you Lynn for some clarification. Roxanne, anything else? Okay, Brad? No, no suggestions? Mili? No? Caron?

Ms. Green: I'm going through a few things here. On page, and I guess we could start like on, well, page 3. So do we need to talk about -- you said there were going to be changes on that like not needing No. 9 on page 3? I'm talking about neighborhood parks, etcetera, do we need to discuss any of that?

Ms. Gima: Annalise, that would be just you guys updating the recent community plan. Okay, yeah.

Ms. Green: But on No. 4, I would like to replace acceptable construction materials with something a little more specific such as things with the appearance of wood, or corrugated metal which is, I guess would be used on a number of the buildings there so.

Ms. Kehler: So just to clarify, this section is going to get removed because it's from the old community plan.

Ms. Green: Okay. Alright, so, forget all that.

Ms. Kehler: Yeah.

Ms. Green: Moving on. You and I discussed all the changes of the buildings in the pictures so that's not necessary here. On page 37, okay, on No. 2 there where you say that the commercial district shall be grassed and landscaped. We're going to include some wording that there can be a patio areas, and I don't know how you want to word that, but we do have

some outdoor areas for seating where they've done other than grass.

Yeah, and I don't know what you called what they did. Lynn, do you know what they call what they did in front of Richards? It's a, it's a cement patio -- yeah, it's cement. Yeah. Hard, hardscape; how there, there's that nice catch all. Hardscape for outdoor dining. Okay, I'm going to write it down since it will fleet away.

On No. 38, on windows, true divided lights are required. I do not feel that's appropriate in this day and age where you can have windows that look true divided but they're not. And the fact that they have to be wood, I think there's some, like in this building, there's some acceptable, other kinds of materials that weather a lot better than wood. Can I go on? Anybody? Does anybody want --? Okay, well I just thought if anybody wants to say yay or nay. We're all okay.

Ms. Kehler: Chair, I just have a question.

Ms. Green: Sure.

Ms. Kehler: So, the wood. Does it matter? Do you, do you want the windows to look like wood?

Ms. Green: Yeah.

Ms. Kehler: Okay.

Ms. Green: Yeah, I mean, I think it would substitute it with something that, that gives us an acceptable appearance.

Ms. Kehler: Okay.

Ms. Green: Yeah. Can I go on to page 39 on signage? Okay, so I think that we're removing No. 5 according to what the community said and what, I know, Shelly has said, etcetera, that ground signs are not permitted. Yes they are; ground signs are permitted. And we don't need to tell, say 20 feet back. We could say, what, off the sidewalks? I mean, how would you say -- how would you word that? But we don't want to do 20 feet.

Ms. Kehler: Just say setback from the edge of street.

Ms. Gima: Or the -- from the edge of the sidewalk. Yeah, because there's sidewalks along there. Yeah, yeah. So on No. 2, it says signage on buildings shall be located on the wall. Okay, so that's all fine because there's both. Shelly, do you have anything else on the signage?

Ms. Preza: The only thing I had about the signage was on No. 8 about the phrasing of modest

and low key. Consider rephrasing it. If you want to -- because it's talking specifically about dimensions so consider revising it to be specific.

Ms. Green: You know Winnie brought up something and that is height. Do we want to put a height restriction on signs? Is there a height restriction?

Ms. Thomson: I can take a look and see if there's --.

Mr. Saruwatari: . . . (Inaudible) . . .

Ms. Gima: Public testimony is closed right, but we will reopen again after we put out all of our suggestions.

Ms. Thomson: So one of the things on, to kind of back track a little bit, on the size. So although it says modest and low key, if you read it kind of in conjunction with No. 3, so it says business ID signs on a structure are a max of 16 square feet if projecting or hanging. And then any signs that are greater than 12 square feet requires a permit.

Ms. Green: But still we may want to have a restriction on height.

Ms. Thomson: You could put in a restriction on height. And we were just talking about that and we think that in the other sign ordinance it's eight feet.

Ms. Green: Eight feet?

Ms. Thomson: Tall. So not, not that they --

Ms. Green: No, no, I mean, if you look around. I don't know what most of them, maybe four or five feet. I mean, three or four feet, yeah. I mean, so maybe we just put in something consistent with existing signage. That would probably be good, yeah. Okay.

Ms. Gima: Well, I think it's vague if you're just saying go according to existing signage. I think what we want is something that can . . . (inaudible) . . . and that can be enforced.

Ms. Thomson: Are you talking about ground signs?

Ms. Green: The ground sign, height from the ground.

Ms. Thomson: So maybe instead of removing No. 5, you can say ground signs are permitted. However, they shall be no higher than four feet or five feet or whatever you feel is appropriate.

Ms. Green: Yeah, I think, yeah. Yeah, right. But we also wanted to stipulate that they can't be really high too, yeah.

Ms. Gima: So Caron make your suggestion on the height restriction that you want, and then again, we'll vote on that next time, so just make that.

Ms. Green: Okay, I think I would say four feet because I'm looking around, I don't think any of them look like they're much more than four feet. Five feet it starts get pretty high. Okay, I have just two others. One is I agree with Lynn McCrory said that we do not want to have -- take that recommendation from the Urban Design Review Board saying that overhead lines have to be buried. I think that's asking a bit much. Okay. And then my final one, it goes in conjunction with 5A of the Department's recommendations and Attachment 6 on page 13, where again, I'm talking if you are talking demolition in the BCT, and that would be on page 10. No, sorry. It's on page 13 of attachment No. 6, which you are apparently going to be using as your guidelines for construction and rehabilitation etcetera. So when you talk about new construction and then you have similar scale new construction, I would like to have that reinforced and say that any building that is taken down needs to be replaced with something that is historically accurate. So whether it's the building that's there before you tear it down or from photographs of one that had been previously been there, I would --. I just don't want something totally different.

Ms. Kehler: So you want it historically accurate or compatible with --? Are you saying that you want an old building reconstructed?

Ms. Green: Yeah, more or less. So if you took down Canoe's, if you --. It's like you took -- they took down the houses along Lanai Avenue, they replaced it, they're replacing it with buildings that look like what they took down. So if you take down Canoe's replace it with something that looks like Canoe's but is new construction. It's not in these guidelines it's not specific like that where it says new construction.

Ms. Gima: There are guidelines, correct? I don't know if that's like historic building guidelines. I mean, there are guidelines already in place, if a buildings come down that they have to follow or meet. I remember we reviewed this when the permit for the three homes were in front of us, they have to meet like 50% of this. I mean, my point is there are guidelines already in place that if you demolish a building that you need to...when you rebuild, you follow. Are those the historic? I'm trying to figure out what those guidelines are, and that could be a suggestion that if homes or buildings are torn down that they follow -- well, it could be follow applicable guidelines for that district or that area. Shelly?

Ms. Preza: So we're just reviewing the things we talked about for suggestion.

Ms. Gima: So anything that you want to put on suggestion to have voted on.

Ms. Preza: Okay. I want to suggest that the plan is updated to represent the correct buildings and -- so update the buildings and update the maps that are included in this. On page 37, I think, under No. 3 we should take out typical plant plan include and that big chunk of what could be down there. I think we should take that out.

And then lastly on correcting -- well actually I guess this kind of has two parts. So I think in the actual document, Lānaʻi should be spelled correctly so L, A with a kahako, and A, okina, I, and to make it consistent throughout the document. I know kahako can be a little tricky sometimes in certain documents so if it's not possible then having some kind of note at the beginning saying that this is the correct spelling, but in this document it's going to be saying it this way. And then I'm not sure if we want to have -- and I think you folks were going to be looking into if there's a way that if people were going to put Lanai on a sign if that's even within our realm of like being able to suggest that it is, they should put Lanai with the correct spelling.

Ms. Thomson: I think one of the things that we were talking about in the short break is including a section, you know, somewhere in the beginning that talks about the correct spelling of Lanai. But as far as requiring businesses, some of their names are going to be trademarks, so you know, you get into those kind of issues but what we could put in if, if you like the suggestion is directional signs or signs that are talking generally about the island or the city should use that kind, the correct spelling.

Ms. Preza: Or, or there could also just be like we recommend using the correct spelling in your -- yeah. Okay, perfect. Thank you.

Ms. Gima: John?

Mr. Delacruz: Mainly comments. Growing up on Lanai I was fine with Lanai City. It's okay if you want to be historic and call the island of Lanai, Lānaʻi. That's fine. But to me Lanai City is fine. Just a comment. I'm almost dead so don't . . . (inaudible) . . . what I say.

Brad's comment on the desal plant, my understanding of what went on before is that the stuff in the CPAC was done on the belief or understanding that the desal plant was going to be built. And the CPAC stuff considers all the zoning and what buildings are going to be placed where, so I think that part is correct. But I think Annalise is also correct when she said at the beginning of this session was that what we're looking here, at here, is the design guidelines for such buildings and such landscaping and such parking and not the zoning kind of stuff, so I just wanted to comment on that.

And one thing on the minutes, I would like to have minutes for the August 2017 meeting. I would also like to have minutes for this meeting significantly --

Ms. Gima: Is this part of our conversations right now in terms of the suggestions that we're making pertaining to specifically the agenda items?

Mr. Delacruz: Yeah, throw it in some place because I've been waiting for minutes since September.

Ms. Gima: Okay, so maybe we could put that discussion on the side because it's not --. We're

trying to go through trying to make sure we get all the suggestions so that they can write that down.

Mr. Delacruz: Okay.

Ms. Gima: Because that's not going to be a suggestion for Annalise to go back and make sure you get the minutes for this agenda item.

Mr. Delacruz: Okay.

Ms. Gima: Thank you.

Mr. Delacruz: I'm done.

Ms. Gima: Thank you. Okay, so Annalise, did you -- I mean, you got all of those suggestions? I'm not making any suggestions. I do -- some were already said. Brad, you have something else?

Mr. Oshiro: Just that Twelfth Street and Fraser, I don't know why that's on the town and country business. I think it belongs somewhere else. But it doesn't belong on this guideline.

Ms. Gima: Kathleen you said you wanted to key in on that?

Ms. Aoki: Hello. Kathleen again. So a few months ago we were here as part of that digital zoning map project so thankfully Peter is here and he brought it up. And what appears to have happened is when the Lanai Community Plan was adopted in 1998 that was one of the recommendations is specifically on that. There's a whole bunch of recommendations on that particular parcel, and I'm sorry Brad I'm just going to read to you what it says. And like we always says, don't shoot the messenger, I'm just delivering the information. But for that particular TMK the previous community plan was heavy industrial. And what they decided to do was change to open space and also business, and so they took three acres of the 15 acre proposal -- as part of that parcel -- three acres into business. And I'm just reading what it says right here -- three acres to move offices, open space 12 acres. So now you follow up with the comprehensive land zoning map that was adopted for Lanai in 2000, and what they did was they comprehensively zoned to match the community plan. So that area, that three acres, got zoned business, BCT. The other part of it got zoned open space. There's also part of this parcel that got zoned public/quasi-public for a new police station. Not zoned, I'm sorry, community plan, and then a zoning followed up on it. So the ordinance for the zoning map - - sorry I'm kind of, I don't have my glasses on -- but it was ordinance 2852 to adopt land zoning maps 2615 and 2616, and it says this action conforms to the Lanai Community Plan as adopted by Maui County Council on December 21<sup>st</sup>, 1998. So that's how that parcel, that area . . . (inaudible) . . .

Ms. Gima: And so right now and what we're doing wouldn't be the appropriate avenue to

address wanting that specific area rezoned or amended in the community plan. So that would be something maybe to bring up as another agenda item for a future meeting.

Ms. Aoki: Yes.

Ms. Gima: Thank you for that clarification.

Ms. Aoki: You're welcome.

Ms. Gima: Brad, did you have any questions for her? Okay. Alright, so moving forward, you got all of our suggestions. Obviously, it's also recorded. Now does someone -- would someone like to make a motion to defer this agenda, or this matter to the next month's meeting?

Ms. Green: Before we do that I have a question. Are we more or less in...agreement to accept the Department's recommendations? We haven't really stated that part of this issue.

Ms. Gima: I think what we're -- after hearing from Richelle, right now it's putting our suggestions out there. It comes back to us amended in the document. We have a chance before the meeting to look over that, and then come back to, to vote if we are going to --. Because our options are to accept the recommendations, Department's recommendations as is, accept Department's recommendations with amendments, and so that's, it seems like that's what we're going to be doing so we won't do that if we decide to defer.

Ms. Thomson: And if you, if you feel comfortable, you know, that we've captured all of the changes and suggestions that you have, you don't have to defer. I just wanted to put it on the table that it is an option. One of the thing that I wrote down from the earlier discussion, the safety lighting, so we can add that into the appropriate section if you, if you wanted.

Ms. Gima: I think it would --. I'm just putting my thought out there, I think it would be, because there was so many suggestions, I think it would be beneficial to be able to have that document come back to us and that we have something to physically look at.

Ms. Green: My point here is that when you sent these recommendations and then I'm going through the document, I'm back and forth, back and forth. If we agree with most of these or all of these recommendations, could they be incorporated in it when we come to look at it again? You know, maybe as you sometimes do with the underlining them as, as the parts that have been added to it, and changed as you suggested it because, you know, I've got areas where this is going to be revised, and then go back here, etcetera. So, just for ease of -- if that is assuming we agree with your recommendations.

Ms. Thomson: Right, and the other thing, so I know that there was one suggestion from Urban Design Review Board that you agree with Pulama, you know, about the overhead lines. Was there anything on the Cultural Resources Commissions, on their recommendations that you

either didn't agree with or if you're okay with their suggestions as well?

Mr. Delacruz: I, I think as a group that was there on February 12<sup>th</sup>, we agreed with everything that the Cultural -- were you here -- the Cultural Resources. Was it --? It came from Bishop Estates was it or --? Annalise, where did it come from?

Ms. Kehler: So I think she's, what she's asking about is the, on your staff report on page 2, if you look at the box for Cultural Resources Commission, the Cultural Resources Commission reviewed this document and they offered those comments that are in that box. And so what Richelle is asking is if you agree with those comments or not.

Mr. Delacruz: Well as of February 12<sup>th</sup> I was okay with it.

Ms. Kehler: Okay.

Ms. Gima: Is there any, any Commissioners that do not agree with the CRC's comments and recommendations? Okay, so that doesn't seem like an issue. And I forgot before we move on to making a motion and voting, to open up public testimony again. If there's anyone wishing to give final public testimony on this matter? Okay, come on up Myles.

Mr. Saruwatari: Myles Saruwatari. Just two quick comments. One, on the issue of replacing buildings. You could have the wording such that the new building coming up reflects the architectural style of the building it replaces. That's something very simple like that. And the second thing was you mentioned about Winnie said about the seven foot height. I believe knowing her history she's talking about street signs, yeah, so.

Ms. Gima: Very different, yeah. Okay, thank you Myles. Anyone else? Come on up.

Mr. Reynold "Butch" Gima: Butch Gima. Regarding the Twelfth Street and Fraser reference and having participated in the prior BCT discussion, I don't remember that being designated as part of that, that discussion. And then hearing whoever, Kathleen pulled the old records up, it almost sounds like they made a mistake and boxed off that area instead of Central Services. It would make more sense if they boxed off Central Services as a BCT area rather than the old emulsion plant area. Anyway, so that's something for consideration.

The second...I think it's admirable that you guys are coming up with design guidelines for possible replacement of buildings in the Dole Park area, or maintaining the architectural style. Just some historical consideration is, I don't know if it was the Murdock or the Ellison era but there was a plan way back when to demolish like 12 homes and that's what really got the CRC involved. And the whole demolition by neglect discussion at the last time we went over this is we wanted to make sure that even though you allowed them the opportunity to refurbish or demolish and build back, that what we wanted to do was make sure that the, the owner didn't just let it die by neglect. I mean that was Sally, Sally Kaye's words. And I think Pulama's done a good job in terms of trying to preserve the three homes on Lanai Avenue. And some

of them were so bad that it just would have been cost prohibitive to, to retain it. But at the same time the company chose to neglect those and that's they couldn't refurbish it back to its original style. So I think it's, it's important to have that kind of macro view of, of these, these old buildings and not just have language in there so that they can replace it. I think there's a responsibility for the owner to maintain these homes and take a proactive approach and not wait for it to get too, you know, so bad that they have to demolish it. Thank you.

Ms. Gima: Thank you. Anyone else wishing to provide public testimony? Okay, we'll go ahead and close public testimony. One thing I forgot to bring up when we're going through the suggestion was the parking issue. Caron, I know you had some proposed language change on how they worded the recommendation. But also I think, Annalise, you were saying some of the comments and feedbacks from the community meeting was that there would be timed parking. Was that a comment or suggestion made?

Ms. Kehler: The concern came from someone who owned a business. They said that folks were parking in front of their store for too long while they went to go to watch a movie so that's where that recommendation to consider imposing time restrictions on parking.

Ms. Gima: And I'm sure there was no suggestion on who would be enforcing that. It's not going a MPD thing obviously. Okay, is there --? Because that was talked about --. We've heard also comments from the public about concerns with the parking and making sure that there's ample parking around the, the square. Is there any, Commissioners, you guys have any suggestions regarding that specific thing, regarding parking?

Ms. Mililani Martin: What about the Senior Center? Will they put parking spaces out here, add more for them, being that right out here is kind of like dead zone?

Ms. Gima: Because it sounds --. I mean my understanding too it's like no one is enforcing the parking around which could really be a good thing, right. You have the freedom to, to park. You can park and go take a walk or whatever, watch a movie which again the theater is a business. But it sounds like some of the concerns have been specifically towards this building, the Senior Center, and with the Community Health Center stuff taking up pretty much majority of the parking on --. And, I mean, I don't know what suggestions that we would have. I mean it's a hard one because again you like the freedom of not having someone coming and timing and chalking your tire that you've been here two hours. I mean that becomes very almost like Honolulu city like and I don't think that, that would blend within our community. But I don't know if that is then an issue that the Lanai Senior Center has to take up with whomever.

Ms. McLean: Thank you Chair. With the design guidelines talking about parking and BCT, the way that this would end up getting, going into effect would be right now any sort of building that comes in for a new building permit or to put in an addition or renovation, the Planning Department looks at it to make sure they're providing onsite their required parking. And that can be a constraint for properties that maybe have grandfathered no parking on their site, but

then if they want to put an addition they need to provide parking onsite for that additional square footage. And so what this would allow would say, well no in BCT they don't have to provide parking onsite. Again, it would only apply BCT so properties that are zoned public/quasi-public would still be subjected to the existing parking requirements.

In terms on street parking and time limits, that's a separate matter. The County Council actually imposes time restrictions for any street where there is public parking, so that's a separate thing. If the Commission has an interest in that then we can, we can direct that discussion to where it needs to go. But that wouldn't be a part of the design guidelines.

Ms. Gima: Thank you for that clarification because that does seem like an important conversation to have especially hearing it coming from our community members, and especially how it pertains to our kupuna that comes here so that could be maybe brought up on another agenda item at another meeting so thank you for the clarification. Go ahead.

Mr. Oshiro: Annalise, can you do me a big favor and find out, you know, about that one section of Twelfth and Fraser because what Mr. Gima was saying that, you know, that size of that lot would be where Pulama have their offices and their warehouses and stuff. Because that --. If you look at Twelfth Street and where Kaumalapau comes up, there's a park and then the fire station and then Pulama has their three buildings over there, and that would fit. So maybe somebody made a mistake by putting it on the left side instead of the right side of the road.

Ms. Thomson: I think, you know, just to kind of bring it back also, that wouldn't pertain to the design guidelines, but to correct, if it was an error, what it would take is Council to change the zoning to reflect, you know, what should be accurate.

Mr. Oshiro: But can't, can't Planning go out and say, hey, I think we made a mistake on this, can we change this around?

Ms. Thomson: Planning could introduce an ordinance that would change that. They could, you know, request that an ordinance to be considered by the County Council, but the Council would have to change the zoning...and the community plan. Thank you.

Ms. Gima: That could maybe be when we get to the point about talking about next month's agenda that would be something you would like to formally put on the agenda. Okay, so it sounds like all our suggestions have been made. Last call, anything else? Okay, no. It's been received and so now the next step is does anyone want to make a motion to close up? So we can close up this agenda item?

Ms. Green: I move that we defer the decision until we can receive a copy back with our recommendations.

Ms. Gima: So it's been moved by Caron, second by Mili to defer this action until we get a written copy back of all of the suggestions made tonight. Commissioners, any discussion?

All in favor of this motion raise your hand. Any opposed? None, so that passes. Annalise, thank you so much for your help and taking our suggestions back, and Richelle, thanks for all of your input.

**It was moved by Ms. Caron Green, seconded by Ms. Mililani Martin, then**

**VOTED: to defer.**  
(Assenting: R. Catiel, J. Delacruz, C. Green, M. Martin, B. Oshiro, S. Preza)  
(Excused: S. Samonte)

## **E. DIRECTOR'S REPORT**

### **1. Open Lanai Applications Report as distributed by the Planning Department with the agenda.**

Ms. Gima: Okay, so let's move on to our next agenda item. We just have Item E which is the Director's report, starting with open Lanai applications report as distributed by the Planning Department with agenda.

Mr. Yoshida: Thank you Madame Chair, the Department has circulated the open Lanai applications report. Is there any questions?

Ms. Gima: Any questions for Clayton regarding the open applications? Okay, none.

### **2. Agenda Items for the March 21, 2018 meeting.**

Mr. Yoshida: Okay, moving to Item 2, agenda items for the March 21<sup>st</sup>, 2018 meeting...let's see, I guess, as we see from the open Lanai applications report, there's not very many open Lanai applications. So we don't have items ready from the land use application side. We don't have pending legislation either from the Council side or the Department side. Though, internally, we are talking as a Department about making some changes to the zoning ordinance but they're not ready to take to the Planning Commissions at this time.

Ms. Gima: Clayton, is there any update on, at our last meeting, we talked about having a water workshop and wanting to do that as soon as possible? Is there any update on when that looks like it could be happening?

Mr. Yoshida: Oh, I'll turn it over to our Deputy, or Deputy Director who's kind of taking the lead on that.

Ms. Gima: I was kind of hoping to participate in it before I leave the Commission.

Ms. McLean: We're trying to confirm dates with the State Water Commission. We have been back and forth with them a few times that who from the Commission would be coming and what dates are available that we --

Ms. Gima: So in the planning process.

Ms. McLean: Absolutely in the planning process, and we, we know that, that you want that happen while you're still on the Commission so we're gunning for that. On the flip side, there will be three Commissioners so it would be beneficial for them to hear it and you could be a commissioner --

Ms. Gima: Yeah, I'll attend a community member.

Ms. McLean: -- commissioner emeritus, if you'd like.

Ms. Gima: Well, no, I just wanted to make sure that it is in the planning process because you know conversations that we've had sounds like it would be really, really beneficial for the Commissioners as well as the community members as well. Commissioners, is there any --? I'm hearing from Clayton there's nothing coming up. I mean, is there any recommendations for agenda items?

Ms. Green: I'm just curious what happens -- how long are we talking about before the changes could be made to this document so that we can move forward with that?

Ms. McLean: I asked Annalise and she's also involved with the update to the West Maui Community Plan. And she said she'd be able to have these changes incorporated if she didn't do any work on that other assignments so we'll see. We, we may be able to have it for your next meeting. We'll just have to see how Annalise's work load is, so we may have that. If you do want to put under discussion that parcel and the history of the zoning and community plan of that parcel, we can have a write up for you for the next meeting.

Ms. Gima: Kind of sound like that might maybe beneficial to have that on the next meeting's agenda as well. John, you had something?

Mr. Delacruz: About the water workshop, I'm glad we're going to have a water workshop. What I was going to ask for at this meeting is at a meeting have a . . . (inaudible) . . . meeting and go tour the wells. But somebody said that might be just too difficult because everybody works except for us retired people.

Ms. Gima: Are you talking like a site visit?

Mr. Delacruz: Yeah. But someone also recommended if they could do a, a drone documentary of all the wells and the well sites which is possible because people do drones. Also, I did go to a meeting about a week or two weeks ago and the Water Department is

offering like a talk story, I think, third Thursdays of the month. You come by and talk to people in the Water Department, and they will offer tours of the sites. I don't know how thorough it will be, but that is one way for people to go see the wells physically. And I guess you'd be invited too if you want to come over on the third Thursday and go up to a well. Thank you.

Ms. Gima: Any other Commissioners regarding agenda items? Just a side note question is there -- when are we projected to get Marlene's replacement? Is that going to come when Brad and I's replacement come?

Mr. Yoshida: I believe at Monday's Policy Committee there is a nomination of Jerry Rabaino to the Lanai Planning Commission so they have, I guess, the Mayor has re-appointment, well, Commissioner Preza because she just started in November and there are two new members. And then with resignation of Commissioner Baltero, before the Policy Committee on Monday, is the nomination of Jerry Rabaino.

Ms. Gima: Has there been any other nominations made for mine and Brad's spot? Are you at the liberty to share?

Mr. Yoshida: Yes, I believe the Policy Committee dealt with it two Monday's ago along with a long list of other nominees to boards and commissions.

Ms. McLean: I don't remember their names, but I can look them up really quickly.

Ms. Gima: Oh, Shelly seems like she has some information. I'm just curious, that's all.

Ms. Preza: Yeah, so I was off island so I couldn't go to the meeting where they were talking - they asked me to go back. But it's Sherry Menze and Chelsea Trevino were the other two. I mean, this is all on the public agenda.

Ms. Gima: Right, right, right. Okay. Alright, well, I just would hate to see vacancy sit for a while like we have seen historically. Okay, so anything else Commissioners? Anything else? Sure.

**F. NEXT REGULAR MEETING DATE: MARCH 21, 2018**

**G. ADJOURNMENT**

Ms. McLean: If I could respond to Commissioner Delacruz's questions about meeting minutes. The meeting minutes and this is true for all boards and commissions, they do not have to be approved any longer. They are posted online as soon as they are drafted, and Leilani has said that they're posted through the January meeting, so those are available online. If you'd like a hard copy though then we can print a hard copy and send it to you.

Mr. Delacruz: Is it under the County website?

Ms. McLean: Yes.

Mr. Delacruz: Have you looked at them?

Ms. Gima: Yeah. It's easy. I mean, you go on the County's website, you go to boards and commissions, click on Lanai Planning Commission and they have all the documents. They have our meeting packets, they have the minutes. You click on it and it's usually like a pdf file. It's there, yeah.

Mr. Delacruz: Okay. Well, for August and this month's meeting I'd like hard copies because I couldn't find the minutes. I mean, I can't even do Facebook.

Ms. Gima: So talk to Leilani and hopefully she can maybe get you those hard copies. So it sounds like, yes, I know we got that memo about no longer having to approve minutes and so, yes, everything is posted online. If you want the actual hard copy then send an email to Leilani. Okay, Clayton, anything else?

Mr. Yoshida: No, that's all we have.

Ms. Gima: Alright, so with no objections, it's now 7:09 p.m., we get to call it a little early, and the meeting is officially adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:09 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Kelli Gima, Chair  
Caron Green, Vice-Chair  
Mililani Martin  
Bradford Oshiro  
Shelly Preza

**EXCUSED:**

Shirley Samonte

**OTHERS:**

Michele McLean, Deputy Planning Director  
Clayton Yoshida, Planning Program Administrator, Current Planning Division  
Kathleen Ross Aoki, Planning Program Administrator, Plan Implementation Division  
Peter Graves, GIS Analyst  
Annalise Kehler, Cultural Resources Planner  
Richelle Thomson, Deputy Corporation Counsel

Minutes of the  
March 21, 2018  
LPC Meeting



**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
MARCH 21, 2018**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Kelli Gima, Chair, at approximately 5:02 p.m., Wednesday, March 21, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

A quorum of the Commission was present (see Record of Attendance).

Ms. Kelli Gima: Let's go ahead and get started. We are on a little bit of a tight schedule tonight, but I think we can make this work. It is now 5:02 p.m. It's the March 21<sup>st</sup>, 2018 Lanai Planning Commission meeting. I'm officially calling this meeting to order, and so we'll move along our agenda on to item B, which is resolutions thanking outgoing members Kelli Gima, Brad Oshiro and Shelly Preza. And it is stated that she filled in for the remainder of Beverly Zigmond's term, and will be returning. So I'll turn that over to you Clayton.

**B. RESOLUTIONS THANKING OUTGOING MEMBERS KELLI GIMA, BRAD OSHIRO, and SHELLY PREZA (filled in remainder of Bev Zigmond's term and will be returning.)**

Mr. Clayton Yoshida: Thank you Madame Chair and members of the Lanai Planning Commission. It's that time year again when we thank the outgoing members for their dedication and service on the Commission. Again, we have Shelly Preza who is filling out the remainder of Beverly Zigmond's terms. And we'd like to thank her so far for her services and she will be returning next month. We also want to thank the two members, Kelli Gima and Brad Oshiro, who have served on this Commission since April of 2013, for the past five years for their dedication and untiring public service to the people of Lanai. And extending sincere appreciation for their services and extending best wishes in their future endeavors, and that copies of the resolution be transmitted to the honorable Alan Arakawa, Mayor of the County of Maui, and the honorable Mike White, Council Chair of the Maui County Council. It should be noted that Kelli Gima has been the Chair of the Lanai Planning Commission for the past three years, from April 2015 to the present. So we thank both, Kelli and Brad, for their service as volunteers to the people of Lanai.

With that we have the Mayor's letter of appreciation, as well as a certificate of appreciation for Brad and Kelli. The certificate is suitable for framing in a beautiful County of Maui logo folder, so we would also like to present that to Kelli and to Brad, and sincerely thank you for your service.

**C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be**

**allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Ms. Gima: Thank you. Alright, let's go ahead -- thanks again Clayton -- move along to Item C which is public testimony, and we will open up public testimony at this time. And we have first on the list is Lynn McCrory. You're going to wait? Okay. Next, we have John Ornellas.

Mr. John Ornellas: Hi, I'm John Ornellas. I -- I'm a Lanai resident for almost 30 years. I want to thank you Kelli and Brad. You guys have done a great job. This community is indebted to you for your service for the last five years, and I know it's a pain in the butt, but -- and thank you. And hopefully you guys will think about serving in other boards and commissions that support this island because God knows we need it, so thank you very much.

#### **D. UNFINISHED BUSINESS**

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting the [Lanai City Country Town Business District Design Guidelines and Standards, 2011](#). (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.)**

**The Commission may take action on this item.**

Ms. Gima: Thank you. Thanks Uncle John. Alright, anyone else that has not signed up that's willing to provide public testimony? Again, we'll open up public testimony after the various agenda items. Denise, are you waving your hand at me? Okay, alright, I'll go ahead and close public testimony and we'll move along to Item D, under Unfinished Business, Item No. 1 . . . *(Chair Kelli Gima read the above project description into the record)* . . . And again, the public hearing was conducted at the February 21<sup>st</sup>, 2018 meeting.

Ms. Annalise Kehler: So Chair, I don't know if you want to start with questions from the Commission, and then I have some questions for the Commission as well so it's up to you.

Ms. Gima: Yeah, we can do that. Commissioners? Go ahead.

Mr. Bradford Oshiro: My question is, is the...on Twelfth and Fraser, you guys moving that over...to where it belongs, where Pulama actually is?

Ms. Kehler: So I got your e-mail on that, and then I saw Richelle's e-mail back, and she has a couple of recommendations.

Mr. Oshiro: No, you know, this has been going on for six years. If you guys cannot get the map right, I going ask for a deferment. And then after the deferment, I just going walk out of here. So, you know, it's up to you what you do, but, you know, you coming with this map and

it's wrong, it's wrong. And then, you know, if, if -- I gotta depend on Maui Council to approve something like this, I think it's dead wrong. You guys screwed up, you guys should fix the mistake. So I'm going, right now, I going ask for a deferment, and then --. Because I cannot, I cannot sign something, put my name to it, and say, yeah, it's correct. It's not correct. Come with something that is correct. Don't come incomplete. Do not come to this board and ask us to sign something, to agree with something because this is dead wrong. This is wrong.

Ms. Kehler: Okay, let me make a suggestion...how about we take all the maps out of the document and then once the, once the change in zoning occurs --

Mr. Oshiro: No, no, no, no, no, no. I want the Planning Department this time to fix their mistake, then come back to the board with the correction. Because right now, I just cannot see myself saying, oh yeah, we'll vote this in. No.

Ms. Gima: Well, we're not, we're not approving this. We're just making recommendations, correct? No, we don't have the approval for this. What we're doing is making recommendations to County Council who then has the ultimate approval. So we're not going to have to sign anything that says that we're approving these guidelines or not. You can correct me if I'm wrong. It's our comments to County Council.

Mr. Oshiro: Kelli, we already commented on this last, last month.

Ms. Gima: So why we deferred --. Right, we went through kind of a lot of comments and what I think we decided at that time was because our options are to --. We deferred because we wanted to come back and have our comments listed, right. And...but again, we're not approving this. So if you don't -- you can make that comment that this shouldn't be approved with this out-of-date map. But ultimately, we don't have the final say on this. But we can definitely put the comments on record, absolutely.

Mr. Oshiro: I already told Leilani what I was going to do, okay. I'm suggesting that we defer this until this is all correct, and then she come back to the board, again, and with the corrections. If we not going to do the deferment, I'm out of here.

Ms. Caron Green: Brad, I'd just like to say something. We didn't even think we would have these amendments back this month. We really pushed the Maui Department to put, to incorporate our comments into the text which I believe they have by in large done. So I think the reason these maps had not been corrected is because they were under a lot of pressure to get this back to us. And I think the idea was we all went through the discussion together. I think they would like us to be the ones to finally say -- well, to recommend that this go forward because we have the history. If you defer, then the next people who come in are not going to have history you have. So --

Mr. Oshiro: That is what I'm trying to saying. Because I have the history, I'm saying that this should be corrected before we even say we put any more recommendation on that. It should

be corrected before we even say and put any more recommendation on that.

Ms. Gima: I hear you. Clayton, you have something to say?

Mr. Yoshida: Yes, Madame Chair, I guess we see it as two different processes. One is Commissioner Oshiro is concerned about the community plan designation and the zoning for a specific property. We're talking tonight about the design guidelines for Country Town, in a Country Town Business to guide our future commercial development in Lanai City, to update those guidelines that we adopted in 1996-97 because times have changed, building materials have changed. You have a Community Plan that's been updated recently to try to bring that in consistency with those, that guidance, from the most recent community plan update. You know, there is a concern, you can get it on the record. It will be in the minutes that go to the County Council. But we see it as two different processes. Because otherwise, we're dealing with the 1996 Design Guidelines which are currently in effect, which are outdated as folks say, I mean, as far as consistency with the Community Plan update some of the policies that are in there.

Ms. Gima: So what I'm hearing you say, Clayton, is for Brad's concern about this area, that's a zoning and community plan issue.

Mr. Yoshida: Yes.

Ms. Gima: And what we are looking at is purely just the design. Now, our options are is to recommend approval, recommend approval with amendments, recommend denial, and, or defer, correct? Those are our four options. So if you feel strongly about not recommending approval, or recommending approval with amendments, then that can happen.

Mr. Oshiro: You guys do what you guys want to do.

Ms. Gima: Well, we won't be able to do anything if you leave.

Ms. Kehler: Let me ask you one more question. Let me ask you one more question. How would you feel if you, as a Commission, made a recommendation to us to submit the change --

Ms. Gima: Let her finish. Let her finish what her recommendation is. Go ahead. Okay, that's fine.

Ms. Kehler: That you collectively, as a Commission, recommend to us that we submit an amendment to the community plan and a zoning amendment to County Council. Because those are separate actions besides adopting this design guidelines. And that --. What we can do --. I can do that. Like if your Commission makes that recommendation we can totally do that and that will happen.

Ms. Gima: So that sounds like that would be a formal request to get that specific issue moved, moving forward. Because right now whether we don't make comment or not to the County Council on the Design Guidelines that's not going to correct this issue.

Ms. Kehler: No.

Ms. Gima: So I really think if you want to see this issue corrected --. Okay. Okay. So let the record note that Commissioner Oshiro has left and we no longer have quorum so we will not be able to vote on anything tonight, unfortunately.

*(Commissioner Bradford Oshiro left the meeting at approximately 5:15 p.m. **The Lanai Planning Commission lost quorum and Item D1 was deferred.**)*

So, obviously this is going to have to be deferred to the next meeting, which unfortunately like you pointed out Caron that we're going to have new members that were not here through this process. Sorry about that. But I hope that that --. I mean, I think it's a valid concern, and I hope at that time, at the next month's meeting, that you folks will be able to make that formal request to have those zoning and community plan reviewed. Alright.

Thank you for your time. I mean, is there anything that you do want to go over with us, or Commissioners, did you have any questions while we're here, while the information is fresh in your head? I mean, sure, we cannot vote on anything, but that doesn't mean that we still can't have a discussion or ask questions. Correct, we can still move forward, but just not voting. Caron?

Ms. Green: I have a couple of areas and the first one is more philosophical and it's on page 30 where you talk about -- there's several pages actually. On page 30 and 41 kind of go together, and it has to do with when you have to do demolition and replace or build over a site. I thought it was interesting especially given the fact that on Lanai Avenue we had those three homes that were demolished, but there was a very strong effort made to replace them with something that looks like what they took down. And yet when I read these two sections they're saying you shouldn't try to make it look like what you took down. You shouldn't try to make it look like the historical building that was in its place, but rather something in the same style and I was --. Pardon? Okay, so --. Pardon? Okay, so I was just wondering --. I guess that was just kind of strange for me because they said they didn't want something to look like what you took down because it's not what you took down, right? And yet we did that on Lanai Avenue. No?

Ms. Kehler: What page, what page are you referring to?

Ms. Green: Well, on page 30 there's a -- you look at the first solid red area they say, okay, at the bottom, it says "buildings on existing standard lots maybe reconstructed on established building footprint where the Director of Planning determines in accordance with established guidelines that such reconstruction does not detrimentally affect the character of the district."

Well, that's fine. But then if you go to 41, it says, under new construction, "like additions to existing buildings, the design of new construction should be either similar to, compatible with, or respectful of its historical setting. However, attempting to create exact replicas of the historic styles makes it hard to tell the difference between old and new buildings. While new construction should not attempt to copy historic styles, it is also important that new buildings not be so dissimilar that they damage the character of the district." And I just thought that was interesting that you wouldn't try to replicate what was there. That means specifically saying do not replicate what was there.

Ms. Kehler: Sure. That, that's a basic -- that's like a basic philosophy of preservation, of historic preservation. There are few instances where a reconstruction would, would be appropriate, and it would be if it was, if it was a very rare type of building. And then you would have to make it clear to the viewer that it was a reconstruction. Because you don't want to kind of seem like you're lying or making something, you know, that's new pretending that it's old. That's a basic preservation philosophy.

And there is another -- there's another part of this and I believe that that was carried over from the '96 design guidelines, and it said something, it's something in the earlier pages that says something to the effect of imitation old buildings are not encouraged. And there are many different ways that you can design buildings to make them fit in with the character, without directly copying them. There's this method that I found online. It's called the FRESH method, and it stands for like, Footprint, Roof, Envelope which is like a skin, and then a couple of other things. But those are like the main things that are really important that really help you blend without pretending to be something you're not, if that makes sense. It is, it is your opinion, though, and if the Commission agrees with you, that's something that you can put forward in a recommendation, to remove that part, about imitation old or exact replicas.

Ms. Green: I, I can go with it either way. I just thought it was very interesting that there was a specific statement that do not try to exactly replicate.

Ms. Gima: Commissioners, is there any other questions or comments? Alright, anything that you had for us? You said you had some questions.

Ms. Kehler: Yeah, there was, there was like a couple of sections where...I had Corporation Counsel, Richelle, review it and --. Like I --. So together we changed like the setback section on page 34. She recommended front yard setback should be a minimum of 15 feet instead of between approximately 15 and 20 feet. And then she also added the side and rear yard setbacks from the BCT ordinance, as well as the information about structures allowed in the setbacks from the BCT ordinance. I just wanted to make sure the Commission was good with that. I don't know if really you can vote on that.

Ms. Gima: We can't vote on anything, but I guess it's something to keep in mind for next month's meeting.

Ms. Kehler: Yeah.

Ms. Gima: Is there anything else?

Ms. Kehler: You know, I, I do have a few more questions, but --

Ms. Gima: Maybe it's worth saving to when --

Ms. Kehler: Yeah.

Ms. Gima: -- there's quorum and when the new Commissioners are on.

Ms. Kehler: Yeah.

Ms. Gima: So I will, if there's nothing else from the Commissioners, we'll open up public testimony again. I know Lynn you had signed up to comment on this, so come on up.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. And I just wanted to restate one more time that we fully support these design guidelines and we're very, very pleased that they're in. And great job for getting that done that fast. I was absolutely amazed. And, no other issues, just thank you all.

Ms. Gima: John?

Mr. Ornellas: John Ornellas, resident. You know, I haven't come to a meeting in the last three years so -- but, the thing that just perked my ears is I had, I had a problem with the, with the Lanai Planning Commission giving the, the, the Director more power over our community. So when, when things like this comes up, it should come to you guys, not let somebody on Maui decide how, how things should be for us. So I'm just kind of -- just be conscience of the fact that the more stuffs you give Maui, the less you guys are important here according to the eyes of Maui.

Ms. Gima: So just an FYI, everything that she was going over was all our comments from last month, so this is not the Planning Department putting anything on us. This is what we created through our discussions. But duly noted what you're saying, absolutely. Thank you. Anyone else wishing to provide public testimony? Alright, we'll go ahead and close public testimony, and I guess this is just deferred. Again, thank you for the time that you've put into this, and it's unfortunate that we can't really do anything tonight. But, really, for putting the time to get to us this by this month, it's very appreciated.

Ms. Kehler: You can submit comments to me in an e-mail, or you can come to the next meeting because, you know, I'd like to hear your comments.

Ms. Gima: Okay. Alright. Thank you.

**E. DIRECTOR'S REPORT**

- 1. Open [Lanai Applications Report](#) as distributed by the Planning Department with the agenda.**

Ms. Gima: Okay, so then we'll move on to Item E, and we're almost there. This is probably going to be the fastest meeting and it's perfect for my last meeting. We have Item E, which is our Director's Report, starting with the open Lanai applications report, so I'll turn that over to Clayton.

Mr. Yoshida: Yes, thank you Madame Chair. We have submitted, attached the open Lanai applications report, if there are any questions from the members.

Ms. Gima: Any questions? I just want to make a very -- one comment -- I am so glad to see on this project list that there's finally the permits for our Hulopoe Beach Park signage that has been a long time coming. For the community members that don't know, this is the signs that will be going down at the beach park to have all of our newly revised rules. But any questions, Commissioners, on this? I will open up public testimony again, if there's anybody wishing to provide public testimony on this open project report. Okay, none, I will close. Alright.

- 2. Agenda Items for the April 18, 2018 meeting.**

Mr. Yoshida: Okay, the second item is the agenda items for the April 18<sup>th</sup>, 2018 meeting. We will have introduction of the new Planning Commissioners.

Ms. Gima: Clayton, hold on just a moment. Do you guys mind maybe taking the conversation outside please? That's okay. Thank you. Sorry Clayton.

Mr. Yoshida: Introduction of the new Planning Commissioners, election of officers, Chair and Vice-Chair for the upcoming year. We have scheduled a water workshop with -- lead by the staff from the State Commission on Water Resource Management. And now we have the deferred --. Well, we have to decide if we're going to put the deferred Lanai City Country Town Business Design Guidelines and Standards item that couldn't be acted on tonight.

Ms. Gima: Just a question. Because it's deferred and it's not acted on tonight, does it have to necessarily be on next month's agenda? Is it time sensitive? And the reason I asked is because you're going to have three new members who will see this information one week before the meeting for the very first time and it might be a lot to take in especially for a first meeting. So I understand if it's time sensitive and it needs to be on the agenda, but maybe definitely --. I think it should absolutely be on the agenda, but maybe more of discussion and --. Just a thought because there's three new members.

Ms. Green: Clayton, is there any reason why they couldn't receive this earlier? I mean, do we know who our new members are going to be or at least several of them so that they can get this part of it at least early?

Mr. Yoshida: Again -- well, I guess there's no definite deadline. Well, I guess, with anything involving the Council, we're trying to get it to them soon because they, their term ends on January 2<sup>nd</sup> of next year. And several of them are either not returning, like Council Member Carroll, or they're running for other public office, so off the bat, you know, we're not going to have the same people, a lot of the same people there.

Ms. Gima: Yeah, and we definitely want to make sure that our comments get on record to the County Council. I mean, that's super important. But, yeah, I mean, if it's possible to get this -- not necessarily the whole packet -- but at least that particular information to the new members if possible ahead of time, so that at least they have time to digest it before the next month's meeting. I'm not going to be here, it's just a suggestion for the new members.

Okay, anything else, Commissioners, regarding agenda items for next month? And then I have this in front of me to do, the SMA. Go ahead Clayton. Did you want to say something?

**F. NEXT REGULAR MEETING DATE: APRIL 18, 2018**

**G. ADJOURNMENT**

Mr. Yoshida: Yeah, again, we wish to thank Chair Gima for her five-years of service.

Ms. Gima: Thank you. Thank you. So what I have in front of me that Leilani handed to me earlier is the Findings of Facts, Conclusion of Law and Decision and Order amending the Special Management Area Boundary and Maps for the island of Lanai. So this is what we talked about for months with Kathleen, which is finally done. Do I need to read this on record?

Mr. Yoshida: Well, this is like the final touches in finalizing the action of the Commission pursuant to your rules, that Decision and Order needs to be adopted. Now, this is kind of a big deal because this rarely happens as such as Kathleen had point out last month. And so we'd like for you to stick around and stay. We'd like to take a group picture of the Commissioner for our annual report purposes, our County newsletter purposes, and other public information.

Ms. Gima: Okay, so don't need to read this on the record. No. Okay. Got it. Alright, we'll do this after. I'll do it after because I have to sign it. Okay, so if that is it, this is like the fastest meeting ever, of like a 30-minute meeting. It's a way to end my five-year term so go ahead. Go ahead Caron.

Ms. Green: You're going to be really hard shoes to fill. You've done an outstanding job. Yes.

Ms. Gima: Thanks. It's a very bitter sweet day, so.

Mr. Ornellas: . . . (Inaudible. Did not speak into a microphone) . . .

Ms. Gima: Maybe not like you, but anyways. Alright, if there's no objections, it's now 5:31 p.m., and I'm going to officially adjourn this meeting.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 5:31 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
Kelli Gima, Chair  
Caron Green, Vice-Chair  
Mililani Martin  
Bradford Oshiro (from 5:02 p.m. to 5:15 p.m.)

**EXCUSED:**

John Delacruz  
Shelly Preza  
Shirley Samonte

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Planning Division  
Annalise Kehler, Cultural Resources Planner  
Richelle Thomson, Deputy Corporation Counsel (on-call)

Minutes of the  
May 16, 2018  
LPC Meeting



**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
MAY 16, 2018**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Caron Green, Vice-Chair, at approximately 5:00 p.m., Wednesday, May 16, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

A quorum of the Commission was present (see Record of Attendance).

Ms. Caron Green: It's five o'clock and it's time to begin the May meeting of the Lanai Planning Commission. And I see that we have quorum so thank you for coming everyone. So according to our agenda, the first item is public testimony. Is there anybody here that would like to testify before we have presentation on the various issues before us today?

**B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

**C. PUBLIC HEARING (Action to be taken after each public hearing.)**

- 1. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.35 of the Maui County Code relating to Accessory (“Ohana”) Dwellings (M. McLean and D. Raatz)**

Ms. Green: Hearing none, okay, I guess we will proceed then to Item C on our list which is public hearing. . . (*Chair Caron Green read the above project description into the record.*) . . .

Mr. David Raatz: Good evening Chair and members of the Planning Commission. My name is David Raatz. I'm Administrative Planning Officer with the County of Maui's Planning Department. I'm here on behalf of the Planning Director and we're asking the body to act in its capacity as an advisor to the County Council on a proposed land use ordinance under the Charter process for enacting land use ordinances. So I would call your attention please to a memo dated May 9<sup>th</sup>, 2018 from the Deputy Planning Director. The subject is proposed revisions to Chapter 19.35, Maui County Code, relating to accessory dwellings. And what I would like to do, Chair, is just briefly outline this memo, and then we'd be happy to answer any comments or any questions, and then offer additional commentary, go into more detail if the body would like.

So first, so we understand what we're talking about here with the term accessory dwelling we've, in the first paragraph of the memo provided the definition that's actually in the County Code. Accessory dwelling means "an attached or detached dwelling unit which is incidental or subordinate to the main or principle dwelling unit on the lot." These are sometimes called ohana units, but there doesn't have to be actually any type of family connection.

There are actually a couple of bills that amend, or would amend the accessory dwellings portion of the County Code that are pending with the Council's Land Use Committee right now. They've been there for about the last three years. But this is a new proposal so we're initiating a new process. And as you can see on page 1 of the memo, in the two numbered bullet points, the policy objectives are fairly simple. Number 1, we want to try to allow more accessory dwellings than are currently allowed. And No. 2, we want to make accessory dwellings more livable by increasing their size, and we think this would be a positive step towards addressing Maui County's affordable housing crisis.

On page 2 of the memo we list the key substantive elements of the bill. Number 1, this bill would prohibit new bed and breakfast homes and short-term rental homes, and accessory dwelling units. And again this is -- because the reason we're proposing this is to make these units available for residents. Secondly, we would, under this bill, allow accessory dwellings on any size lot rather than only on lots that are 7,500 square feet or larger which is currently what the code states. We would also increase the maximum size of most accessory dwelling units by 100 square feet, and provide more leniency in what is counted towards the maximum size. And again, that's going towards the goal of making accessory dwelling units more livable. Third, we would, under this bill, allow two accessory dwellings on lots of 7,500 square feet or larger, rather than only one which is what the code currently provides. Fourth, we would increase the maximum size of uncovered decks and allow for covered decks. And the fifth point of the substance of this bill is to allow accessory dwellings to have carports or garages for up to two cars rather than a single car carport.

So with that Chair that's, that's the basic outline. We can kind of go section by section of the bill at some point if you'd like, or however you'd like to proceed.

Ms. Green: Okay, Commissioners, do you have an opinion here?

Mr. Gerald Rabaino: Yeah, since, since I came onboard, let's go by sections because I read up my stuffs and have some notes.

Mr. John Delacruz: Sections is good, but I do have a question or comment. As long as you're here, you're talking about accessory dwellings, could you elaborate some on accessory

buildings? And somewhere in here it goes into electricity and water have to be available. But at the beginning, explain the difference between accessory dwellings and something simple like a storage building that you construct on your lot.

Mr. Raatz: Well, by dwelling that means somebody's going to live in the structure so that's probably the most important difference between a dwelling unit of any kind whether it's a principle use or an accessory dwelling unit beyond any other type of structure. So...you know, that brings with it a series of other standards that come into play that would apply when you have somebody living in a building as opposed to something as purely use for storage or some other purpose.

Mr. Delacruz: I guess I'll just wait until we get into the sections to ask more. Thank you.

Ms. Green: Okay then if we'd like to go through each section. And I guess, Commissioners, what I would like to ask rather than having to read through each one, if you've read through and you have questions in each section, perhaps we can just go straight to those questions, okay? So section one, more or less just explains the purpose. Does anybody have any question there?

Mr. Raatz: Right, and that won't be codified. That's just for basically the benefit of the Planning Commissions and the public, and eventually the Council who are reviewing this bill. It's an un-codified purpose clause which we sometimes put in technical bills like this so it kind of gives you an idea of what's going to be coming next that will actually be in the code.

Ms. Green: Okay, so then we go to section two. Does anybody have any questions there?

Mr. Raatz: I could note --

Ms. Green: Go ahead.

Mr. Raatz: I'm sorry Chair. I was just going to say in this section two is where we start amending what's already in the Code, Chapter 19.35 which is already where we have standards for accessory dwellings. And with this bill we're going to be proposing to tweak those standards.

Ms. Green: Okay, I did have one question, and it's just on Part D where it says no accessory dwellings shall be used for occupancy for periods of less than six months, and shall not be used as bed and breakfast homes, short-term rental homes, or transient vacation rental use. Is this going to be retroactive or is this only for new dwellings?

Mr. Raatz: Well, that's a good question. Thank you. If somebody already has a permit, if they've gone through the STRH or B&B process we wouldn't intend to strip them of the permit with this legislation. That's why in our memo we said no new permits for short-term rental homes or bed and breakfast. But the basic concept moving forward with these, these would be for long-term residential uses.

Mr. Delacruz: Thank you for that. But to elaborate on that the code already says that you can only apply for a short-term rental home or B&B on an existing building. You wouldn't take out a permit to build a short-term rental home or a B&B. But on this six month thing, are you saying someone can't build an accessory dwelling intending for the kids to come back from college because they want to live on Lanai because they're going to have their own family. That means you can't leave this vacant waiting for the kids to come back?

Mr. Raatz: Well technically this is actually just following what's already the standard in comprehensive zoning ordinance that anything of 180-days or less is considered a transient vacation use or transient use, so that's just basically again mimicking the standards that's already in place. So by definition, under the current provisions of the County Code, that's the distinction between long-term and transient use is that 180-day time period.

Ms. Green: I might throw something in here. For example, rentals, you can -- a single family home, you can only rent every six months. Sometimes people will rent it for a month. What it means is they cannot rent it again until six months is up. So the kids can come home, they can be there for two weeks, you just can't have somebody else staying in there except your kids for six months. So it could stay idle. Does that make sense? I think the six month is just meant to mean you can't, you can't rent it to more than one person in a six month period, or you can't have more than one occupier of it within a six month period. Is that not the way to interpret it?

Mr. Raatz: I don't think that's exactly right. And I'm not sure there's -- you know, why it's spread public knowledge about this, but you can't actually have a month-to-month lease and have that be considered a long-term lease. That's actually considered short-term, so it would be a different category. But again, in the family situation, if, if there's not rent being provided, you know, I'm not sure that would meet the trigger of any type of oversight necessarily under the County Code. I haven't looked at that particular question, but I, I don't foresee that being a problem because again even though ohana is technically not a requirement. I mean, these are called ohana units and we're trying to help local residents find affordable housing. But I do appreciate that questions and we'll look into that and make sure we address that.

Mr. Rabaino: Okay, I have several, okay. You said accessory dwelling, I want to know accessory dwelling, No. 1, is detached on a lot, correct?

Mr. Raatz: Yeah, not necessarily. Again, on page 1, where we have the definition, it can be attached or --

Mr. Rabaino: Yeah, that's why I'm asking for clarity --

Mr. Raatz: Thank you.

Mr. Rabaino: -- because this is in between the lines. Secondly, Lalakoa I, II and III existing, Olopua Woods, are they grandfathered from this? Because some of the lots are smaller than what you are stating here, okay? Because I brought this out, and I was involved under Castle & Cooke under Lalakoa II and III and Olopua Woods under Mayor Linda Lingle. Houses over there, if you're going to put ohana, and ohana means directly family and relatives, you need to explain if this is dwelling under accessory is for family, okay. Nephew, aunty, uncle, bradda, sista. Immediate family is bradda and sista legally, okay. There's a lot of open end over here, and under the limitation of under 19.35.010 generally you have this phrase "shall apply to any accessory dwelling." So what John, and I think I agree with John is your clarity and definition by structurally on the plot because Lanai is trying to catch up with the other islands, okay.

Now, I'm going to use another example. If Pulama go ahead with their affordable housing as well as the County affordable housing, okay. You're telling me for a bedroom of, a house -- well 760 square foot and a car, single car storage is 335, total is 1,095. And then if you look over here under your guidelines in this proposal going back to which page was it? Page 2. Here, page 2, you said up 7,000 but yet maximum coverage of the floor, and when I'm looking over here, it's 500 square foot. That's small. You think that's reasonable for a family of four? Have you thought about it?

Mr. Raatz: We have.

Mr. Rabaino: Okay, so does this apply Molokai, Maui, Lanai, or Lanai as Commissioners we can make some conditions because the homes over here currently are small? Now if Pulama goes ahead and build on a, let's say 7,490 square, the next question is what is the cost for the land with a two-bedroom home, at that size because you're talking about a two car garage. Now with a two car garage, because of Olopua Woods, and Lalakoa I, II and III, and Palawai Basin, okay, and Kanepuu, the roads are narrow. I've been riding around, I've been checking it out, okay. Night time, when everybody pau hana, hotel workers are pau hana except for the night crew, there's only one lane. And that exists today. And if they put up a standard

wall, okay, a concrete wall, I have a neighbor who has nine cars, and it doesn't fit in their yard. I live in the cul-de-sac. The cul-de-sac people are complaining. At the last meeting, I said the emergency equipment, when the big ambulance, police car, two or three, the big fire truck going there, there's no radius. You know what I mean? So sincerely, I'm not going after you, I'm just pointing out the concern in our little city. So whatever future homes and project that is going to come into play with all these things that you have here, from 500 to 600, from --. You know, it's 1,000 -- I mean, 100, 100, 100, okay people down the terraces, down Manele Terraces, no problem, okay. But we are ohana, we are localized, okay.

When I look at Mililani when I travel there because I have sister there and I walk around pushing my nephew around or walking with my nephew, some of the homes are still crowded. But, the difference is their roads are wider.

Kapolei, the new, Kapolei whatever, because I have, I grabbed information, their roads are still narrow. Even their townhouses. It's like we're living in Japan, land is becoming a precious commodity. So you know, I'm concerned because kids that come back want to live with their parents, okay. We need to clarify the difference between accessory dwelling versus ohana. You said earlier it doesn't affect ohana; I don't believe that. So we need some language in there to take care of us, the local residents, okay. The kapuna would like one of their kids come back, stay with them. Of course when the kids come back, you know, aunty, uncle going come move in, keep grandma, you know, baby sit grandma while they go work, okay. I get brothers and sisters no more house over here because rental is not available, and the price is too high. So what, I can't make an accessory dwelling on my property, it's only 5,414 square foot. But in Lalakoa III and Olopuu Woods you have over this, this second line over here of 9,999 square foot, that's a possibility. But then again when you talk about the driveway for two carport versus their one carport, you still have cars where some of the kids, like my neighbors across have eight vehicles, you know what I mean? So that's a concern.

Ms. Green: Gerry, could you kind of summarize what you are asking for here because we've kind of --

Mr. Rabaino: . . . (inaudible) . . .

Mr. Delacruz: I just want to talk to Gerry a bit and I, I really lost my copy of the stuff I was reading yesterday so if there's an extra copy. But somewhere in the letters of recommendation were the document, etcetera, to different departments in the County. There were comments made about, especially one guys was saying the...you have to consider what's it's going to do to parking, sewage, and the quality of life including parking. And the Fire Department also said you have to consider access to the accessory buildings. And the

driveway thing, you're allowed to make a separate driveway, but you have to have the 10-foot thing. So, you know, before this thing actually passes, hopefully they will take all those comments by the different departments into consideration. And another thing was a comment by one of the other guys who read it is that ohana is not really codified in the housing code zone thing, and that they have to consider codifying ohana, the term, as it applies to dwellings. So you're right in that, they got to look at what is ohana.

Ms. Richelle Thomson: Thanks. Just a quick comment. If, if one of the things that the Lanai Planning Commission wants to comment back to the County Council is that -- because I'm hearing a couple of things -- one is that the ordinance right now, that you have before you, doesn't distinguish between these accessory dwelling units being used for family or for non-family, just for, you know, other tenants. So if you're concerned about that and want to recommend to Council that these accessory dwelling units be reserved only for certain actual family members or of classes of family members that could be a comment that you make. You know if, if that's -- I'm not sure that's a concern I'm hearing or not, but I wanted to just kind of clarify that the bill before you does not distinguish between family and non-family. It's just accessory. It's just really about the structure itself.

Mr. Rabaino: David, on page 4, where it says off-street parking required . . . (inaudible) . . . an accessory dwelling is carport, garage, and off-street parking.

Ms. Green: Turn your mic on.

Mr. Rabaino: Hello. Okay, let's go to page 4, 19.35.070, okay. Page 4 on the very bottom, off-street parking. An accessory dwelling have a carport. Now, you get a carport, garage, or other off-street parking space, okay, and then everything else is, you know, la-de-da, deleted. You see it?

Mr. Raatz: Yes, I do. Thank you.

Mr. Rabaino: Because you're proposing a two car garage in this new proposal.

Mr. Raatz: Yes.

Mr. Rabaino: I have no objections with that. But when you put an accessory building on it on that property what happens? Because they gotta make another driveway, right, for another accessory. Because you know how some people, they just make their own driveway and when the building inspector go over there he's all nuts.

Mr. Raatz: Yeah, we're actually not proposing any changes to the driveway section which is the following section, 19.35.080. And I would point out we're saying in this section that you just referenced that the carport or garage shall not exceed 500 square feet, as opposed to 250 -- excuse me -- 240 square feet which is the current standard in the code. So we're just allowing for a larger size if that's what's deemed needed.

Ms. Green: Could I go back to this business of ohana? As I understand it from what I've been hearing here and people let me know if this is what you agree with, is the group wanting to say or recommend that it be added that when you say about the leases or that it can't be used for short-term leases etcetera, etcetera, and it has to be for six months. Okay, occupancy for period of six months and shall not be used as a bed and breakfast or anything, you want the exception there for family. I mean, simply isn't that what you're really asking for?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: I'm, I'm going back to page 2 because I feel we kind of left this not totally wrapped up. It says "no accessory dwelling shall be used for occupancy for less than six months, and shall not be used as a bed and breakfast home, short-term rental home or transient vacation rental use." And then I think that you just want to make an exception that, that the occupancy can be for less than six months if it's for family, if it's relatives. Is that not what you're after?

Mr. Rabaino: No, for clarity. She's saying lease. Are we talking real estate to purchase then they move in? Because she's using the word lease, six months, like Bishop Estate, Campbell Estate on Oahu. Clarity.

Ms. Green: I did not use the word "lease." I was -- if you read it on page 2 the word "lease" in not worded.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Gerry, you're not on the mic.

Mr. Rabaino: Okay, so can you please, Dave, is six month satisfactory because it's a real estate that's going to have another dwelling on it. Am I correct? Not including the bed and breakfast, short-term and transient vacation, I understand that portion. We're talking about family and accessory dwelling on the lot. Do you follow me?

Mr. Raatz: I think so, but I would just point to the language that we have there. We're not

talking about any form of ownership. We're not getting into the fee simple versus leasehold or anything like that. We're just saying no accessory dwelling shall be used for occupancy for periods of less than six months. And you know, that's -- we're putting it out there. We can have different recommendations moving forward if that's what the body prefers.

Ms. Green: Do you want to make a proposal? Okay, could you wait a second because John has a comment?

Mr. Delacruz: I'll make a proposal for you. The redundancy is causing confusion. It's clear enough when you say...any new accessory dwelling will not be allowed to be a B&B or Short-Term Rental Home. Just throw out that 180-day thing. It's redundant. This, this -- the statements in the different sections that relate to B&B and the statements that relate to short-term rental homes, they all say accessory dwellings will not to be used for this purpose. Throw out the 180-day thing. That's my recommendation anyway.

Ms. Green: Commissioners, any comments on that? Okay, so I'm hearing that we're going to make a recommendation to throw out the phrase "occupancy for periods for less than six months" and just say shall not be used as a bed and breakfast, etcetera, etcetera. Correct?

Mr. Rabaino: Yes, thank you Caron.

Ms. Sherry Menze: Unless you wanted to put a different term in there other than the terminology that would include the 180-day say something like bed and breakfast, you know, are not allowed or --. The ohana dwelling would only -- as part of the definition -- would be only considered renting more than 180-days. Just put it right into the actual definition and then that would clarify it throughout the entire ordinance.

Mr. Rabaino: John, I thought you was going make a proposal.

Mr. Delacruz: I did.

Ms. Green: Yeah, John made a recommendation. Do you want to make a recommendation? No, you did already. And I believe I asked Commissioners if they agree with the recommendation. Do we want to have a vote on it? Alright, do we agree with the recommendation from John which would eliminate the words "for occupancy for periods of less than six months." All in favor? Anybody oppose? Okay.

**With no opposition by the Commission, it was recommended to delete the words "for occupancy for periods of less than six months."**

Ms. Green: Sherry, do you want a further proposal? Okay. Alright, can we move on? We have gone through the off-street parking required. Now if we move on to driveways. Anybody have any comments on page 5?

I had a question or two. This is just out of my basic ignorance. Where you say a minimum of 10-feet between lot boundary and any building on the property shall be required for such separate driveway. Given our lot sizes here, is that always practical?

Mr. Raatz: Thank you for the question Chair. I'm not sure, we haven't looked at that, and I should have clarified before we got into the text of this bill. Anything that's either not underlined or not with a line through it is what's currently in code and what we're not proposing to change, so that's existing language in the code. And because we're not proposing to change it we think it's okay, but that's not really part of our policy proposal before you tonight.

Ms. Green: That's very helpful. Thank you. So we can move right along. Gerry, did you just hear what he said? We are only discussing changes to this bill, and that is not a change. So we need to go to the places where you see --.

Mr. Raatz: If I may Chair, when we got through page 5 we've actually got through the substance of the bill already. What follows next are technical references to Chapter 19.35, we go to different zoning districts and mention that accessory dwellings will be allowed in those districts. And it is actually a very technical change. At the very start of the bill you may have seen we took out the references to various zoning districts that that would allow for accessory dwellings. And instead of having them listed in Chapter 19.35 we set up a new framework where you go into each zoning district and you list accessory dwelling units, and that refers you back to Chapter 19.35. So, it's page 1 through 5 of the bill that actually change the standards in substance of accessory dwelling units, so that's really the focus of what we're looking at.

Ms. Green: Richelle has just informed me that it is possible for us to go into some of the substance of the...bill that's not being changed. So Gerry you had a question on page 5.

Mr. Rabaino: Back on page 5, at the very top.

Mr. Raatz: Yes.

Mr. Rabaino: Minimum of 10 feet between the boundary lot -- explain why 10 feet. I mean, is that standard?

Mr. Raatz: I don't know. That's been in the code for years, and I'm sorry, I don't have the background of that before you tonight.

Ms. Michele McLean: Chair, if I could? Over here, I could add that that provision is that if there is a separate driveway for the accessory dwelling. So on smaller lots, you probably wouldn't have a separate driveway for the accessory dwelling. But if you do, then there needs to be that separation. But otherwise, both can be served off the main driveway. So that's what that -- if you read that section in its entirety, it says an accessory dwelling may have a separate driveway. And then it goes on to talk about the separation. So if it's served off the same driveway as the main house, then it just stays as it is. Thank you.

Ms. Green: Do we have -- on No. 3 it talks about interim districts. Do we have any on Lanai? That this would be --. I don't think so do we?

Mr. Raatz: I'm not sure. I know it's a more common zoning designation on the other islands.

Mr. Delacruz: At one of our past meetings didn't somebody from the Planning Department say basically everything in Maui County is interim? No?

Mr. Raatz: That's not true. There's still a lot even though that comes from, I think, 1959. But most, I would say most property in Maui County now has a specific zoning designation beyond interim.

Ms. McLean: A significant amount of the Lanai is in the State Conservation District and the County doesn't have authority to zone in that area, so it doesn't have County zoning. It's completely under the jurisdiction of the State. Then the other areas, the majority would be agriculture. And then in Lanai City, you have Business and Residential zoning. Down by the harbor you have Light-Industrial, and you have a lot of Project District areas. So Lanai is predominantly zoned. I can't say that there isn't any interim, but it's, it's a few lots here and there. It wouldn't be a significant amount.

Ms. Green: Thank you Michele for that clarification. Okay.

Mr. Raatz: And Chair, I didn't mean to cut off your discussion, but you know, when I mentioned that the first five pages are really the substance, if you want to, for the sake of completeness, go through the remaining pages, I'm happy to do so.

Ms. Green: Does anybody have any comments or questions on any of the remaining material?

Mr. Raatz: And I can just give a real quick overview. Section 3 references Chapter 19.02A of the Maui County Code which is the Interim Zoning code, and you'll see accessory dwellings are listed there. And again, the rest of the text is what's already in the interim zoning standards, and it's not being proposed for changes.

Section 4 of the bill which starts on page 9 gets into Chapter 19.08 relating to Residential Zoning Districts. And again, as you'll see in the underlined text which is proposed new text at the top of page 10, we're just adding in the reference to the accessory dwellings chapter.

Moving onto Section 6 of the bill, that's the Bed and Breakfast Homes chapter, Chapter 19.64, which repeats the prohibition on having accessory dwelling units be used as bed and breakfast homes.

In a similar fashion, moving on to Section 7 at the bottom of page 13, that's the Short-Term Rental Home chapter, Chapter 19.65, and it again repeats the proposed prohibition on having accessory dwellings used as STHR's. And again the succeeding pages with no cross through and no underlining is existing text that's not being proposed for any revisions at this point.

And we move on Section 8 that just explains what I was mentioning the standard is that material to be repealed is bracketed, and new material is underscored.

And on the last page of the bill, page 19, Section 9 talks about, I think, what we referenced before, existing bed and breakfast home permits and short-term rental home permits would be eligible to remain in existence, and would be eligible for renewal under the standards and effect prior to the enactment of this new ordinance.

And finally Section 10, this ordinance shall take effect upon its approval. Thank you.

Ms. Green: Okay, thank you. Commissioners, are there any further questions or comments? Before we vote, I would like to note if there's anybody in the audience who has a question or comment before we make our decision? Okay, would you like to come up?

Mr. Myles Saruwatari: Yes, Myles Saruwatari. My question is concerning the short-term rental language. Okay, the language says that no new building, accessory building, shall be used as a short-term rental, B&B, etcetera. But what if down the line, 10 years from now, somebody goes, oh, well, it's not a new building anymore, why can't I apply now? I mean, I think the

language should be changed a little bit, like, after a certain date no longer can it be applied for because like you said it's language that just says no new building.

Mr. Raatz: Would you like me to address that Chair?

Ms. Green: Sure, that would be great.

Mr. Raatz: Okay, and that's a very good question. And just when I was informally expressing the standard, it probably wasn't complete or precise enough. I would refer the Commission to Section 9, on page 19 of the bill which I think gives a stronger, more accurate statement. Existing bed and breakfast home permits, short-term rental home permits, and other lawful transient vacation rental use in an accessory dwelling shall remain lawful. So it's again existing permits. So that's the standard. If you were existing and in effect at the time that this ordinance gets enacted, you would essentially be in the form of, a type of grandfathering where you can, can continue on even though anybody else who didn't have an existing permit wouldn't be allowed to do that same use in their accessory dwelling. And it's not based on when the accessory dwelling was built. It was based on when the use started compared to the effective date of the ordinance.

Ms. Green: Myles? Okay. Winnie, did you have something you wanted to say?

Ms. Winifred Basques: Thank you. I, as a DHHL representative for the Island of Lanai, okay, I did . . . (inaudible) . . . homestead land on the Island of Lanai from 1999 to 2009. There were 10 certified homes was extended. They were ohana homes now. Ohana homes -- I going explain to you guys what it is all about -- it's family coming in. You do not get money from them. Why? They coming back to stay with the family. It's not the kind that, oh, they going come and we going rent. No. So you folks have to realize what is ohana. Like you folks, you folks have children, grandchildren, right? Okay, so if they cannot make it mainland or wherever, they going to come home to you right? Are you guys going to charge them for that? I don't think so.

I have several homes there . . . (inaudible) . . . Homestead land on the Island of Lanai. Now you talking about the road. It's not good because I know about roads. Inside Lalakoa, Olopua Woods, Kanepuu Woods, it is 16 feet from shoulder to shoulder, okay. The thing is that like somebody said when the ambulance goes inside, when the fireman goes inside, when the policeman goes inside for a emergency, how are they going to turn around if it's a cul-de-sac? There is no space available. You know why? I used to drive ambulance for 22 years. I used to pick up all these people here. The thing is that that is crucial. When I say crucial they might be dying and I ain't got nowhere to bring them back out to go to the hospital. The

thing is that you folks have to make sure what is ohana, not bed and breakfast, not rental. Eh, go someplace else, we don't need that kind over here. Ohana mean family, not more than that. Thank you.

Ms. Green: Thank you Winnie. Is there anybody else that would like to testify? Okay, I'm going to close testimony and go to the Commissioners. Commissioners, any more comments? Okay, we have to -- we have four actions we can take here. We can defer, we can recommend approval as is, we can recommend approval with revisions, and we recommend denial. Okay? So this is where we are right now. Would anybody like to make a motion here?

Mr. Rabaino: We can accept the proposal that you made earlier for the, okay, for this bill. Then we can make, take a vote on it and then approve it. How's that?

Ms. Thomson: Just clarifying a little bit for the procedure. So you've already voted on one recommended change to the bill so that's already in, in your record. So what your choices are are make further recommendation to the Maui County Council, or if you need more information you could defer. It doesn't sound like that's the case here, though, so most likely what you'll be doing is making a motion to, you know --. If you want to you can make a formal motion to just have that one change that you've recommended.

Ms. Green: Is there somebody who would like to make a motion?

Mr. Rabaino: Okay, the motion, I going to try my best, that we accept what we agreed earlier on the -- what was that thing?

Ms. Green: The part about the taking out reference to six months.

Mr. Rabaino: Yeah, the period of less than six months be deleted and changed to -- just delete that, that less than six months out of there and keep the rest.

Ms. Green: How about we just we move to approve with the one revision that we've already voted on?

Mr. Rabaino: That's great. I like that. Okay.

Ms. Green: Do we have a second?

Ms. Mililani Martin: Second.

Ms. Green: Okay. Commissioners, could we have a vote on this please? All in favor? Anybody not in favor? Thank you.

Mr. Raatz: Thank you very much.

**It was moved by Mr. Gerald Rabaino, seconded by Ms. Mililani Martin, then unanimously**

**VOTED: to approve with the one revision.**

*(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)*

**2. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.36A of the Maui County Code relating to the Off-Street Parking and Loading Ordinance (M. McLean and D. Raatz)**

Ms. Green: Are you staying on for part two?

Mr. Raatz: Yes, thank you, if you'll have me.

Ms. Green: Our second public hearing here from Will Spence is . . . *(Chair Caron Green read the above project description into the record)* . . . So again Commissioners, I guess, we are being asked to review the changes to this ordinance. Am I correct?

Mr. Raatz: That's correct.

Ms. Green: And so if you'd like to go ahead and start.

Mr. Raatz: Thank you. And again I would reference a memo dated May 9<sup>th</sup>, 2018 from our Deputy Planning Director, entitled proposed new parking codes. This one is a little bit different in that we're not just amending an existing part of the County Code, we're recommending repeal of Chapter 19.36A. It's substituting a new chapter 19.36B relating to off-street parking and loading. And so again we're asking for you to make recommendations to the Maui County Council which will have ultimate authority to act on this proposal. Under the Charter, they can't act until they hear from all the planning commissions.

So we've been dealing with the existing parking code for nearly a decade, administering it and answering questions, taking enforcement actions, and it's the judgment of our Department that the existing parking code which we mentioned on the fourth paragraph of the memo is confusing and flexible, too lenient in some circumstances, and too strict in others. So we've been engaged in a lengthy consultation, research process with our own staff, our

professional planners, with members of the community who deal with the parking code, looking at parking ordinances in other jurisdictions, and what we've come forward with is, again, a brand new parking code that, we think just makes a lot more sense in a practical way based on our experience and based on our research.

One thing to point out especially on Lanai is that adopted BCT Design Guidelines would prevail over any conflicting provisions within this new proposal. So it may have limited effect here compared to other parts of the County.

So again, if you'd like we can go over the basic outline of the bill and just by coincidence this is structured similar to the last bill in that the substance is found in the first few pages, and then there's a bunch of technical stuffs, references that comes afterwards. And then finally, I think, what we can look at is the last few pages of the packet that we've provided you that provides a chart that shows exactly what we're changing in this new parking code. Again, in the prior bill when we made changes new content, new content was underlined, and deleted content would be bracketed and strike-through text. We don't have that in this bill because it's a brand new code that we've proposing so that's why we provided the chart at the end that shows area where we're going to lessen parking requirements or make them more strict as the case may be.

So Madame Chair, in the beginning of the bill we very quickly go to the substance on page 2 where we talk about minimum number of off-street parking spaces that are required. There's a chart that's laid out, and this is one of the elements where we feel like the new code will be more easily understood and easier to apply because as you'll see we're grouping the uses into broad categories, first of all. So the first use is housing. And then we list very specific kinds of housing that have their own individual requirements. But, right now if you go into the existing parking code you won't be able to find a reference like that that relates to housing in a general way like that.

So our second broad category is commercial, business or industrial uses. And then again, we list the specific different types of categories within that broad framework starting on page 3 of the bill.

Moving on to page 4 of the bill, our next broad category is recreation or entertainment.

Moving on to page 5, we have social or civil service is the next broad category that then has a breakdown of specific uses within that category.

And that's really the heart of the bill, again, those first, say 5 ½ pages where we're moving up or down in terms of requirements of off-street parking for specific uses. So I think I would recommend that we go ahead and take a look at the chart that starts or is that's located at the back of the packet. It's an exhibit to the May 9<sup>th</sup> memo. It's exhibit 4 if the members are able to find that. It's page 1 of exhibit 4. Exhibit 4 is the last exhibit to the May 9<sup>th</sup> memo, so it's towards the very end of your packet. Yes, thank you. It's got three columns. At the top,

in italics is says, key differences between Maui County Code Chapter 19.36A existing, and Chapter 19.36B proposed. And what we've done is divided this first by showing uses that have decreased requirements for off-street parking. And you'll see there's quite a few different types of uses here where we think we don't need to require as much off-street parking. We just don't think the existing standards are really providing any public benefit. And what we have on the table here we think would be more effective -- would be more beneficial both to the property owners who have to comply with these uses, and to the public at large. It will help to provide, we think, better design, better constructed communities and business areas.

The next category on page 2 of exhibit 4 is uses that have no changes or just very minor changes for off-street parking, and you can there's, there's a handful there that we think are basically okay and that we're not proposing to change.

Then on page 3 of exhibit 4, we have the uses where we have increased requirements for off-street parking. You'll see this is the shortest list of uses. There's not too many uses where we think we need to increase requirements for off-street parking, but there are a handful, community centers, stadiums, hospitals, hotels, where we think, our experience has shown and our research has shown that the public could benefit by somewhat increased parking requirements for those uses.

So that's the general overview. I guess one last thing I would point out here is the outset before we get into other comments and questions. We do also have increased flexibility in cases where the Planning Director finds that certain criteria are being met, then the Director has the ability to essentially deviate pretty strongly from what's in this code if, if the public would benefit from those changes. And you might want to call your attention to that because that's a pretty important part of it. We are granting discretion to the Director, but with, with standards. And bear with me so I can pull up that section.

Okay, thank you for your patience on that. It's page 14, proposed section 19.36B.110, Parking Modification, Reduction or Deferral. So that first big paragraph talks about the Director may reduce by up to 50% the number of required parking spaces and loading spaces, and increase the percentage of compact spaces when, when the Director makes a written determination that adequate parking will be reasonably provided. So the Director will find, okay, we don't need additional parking here. We've got reasonable parking already provided. And, the Director must find at least one of the following criteria before he can provide that reduction or waiver. And you can see there's, there's nine different things listed here. One, and this is an important one, there's a sharing of parking uses between two or more uses that occurs at different times or days. So, you know, there might be one particular property where there's this particular type of use that happens during the day and then another one happens at night, or one that happens during weekdays and one that happens during weekends. And we wouldn't want to do kind of a double assessment where you can end up with maybe twice the requirements of what is in reality in any particular time because the uses aren't crossing each other.

Number 2, the Director may find the duplicate parking is not needed for component accessory uses when the parking has already been assessed for principle use. In our example here, such as a school that expands to a cafeteria. We already got the school assessed, we don't want to give a separate assessment just because they're adding, or they're expanding their cafeteria.

Number 3, it talks about the availability of publically owned off-street parking lots or other parking that is available, available to the public.

Number 4, if employees commute via carpooling or vanpooling, or the employer provides transit passes to some employees then that employer can be relieved of parking requirements. And we think that could have a lot of benefits; reducing congestion, reducing fossil fuel emissions, etcetera. Or if the Director finds there's a nearby transient, pedestrian or bicycle access or bicycling parking and safe access provided. So again if there's other modes of transportation, and we think those are going be at where you wouldn't need as much parking.

Number 6 is also pretty important one. If the provision of required parking would necessitate the removal of mature and aesthetically valuable trees or other unique features of the property. We want to try to preserve the trees if we think, you know, the parking is not totally required.

Seven, if the use involves senior housing or other facilities for seniors and will not result in typical parking needs.

Number 8, the parking is required because in expanded or change in use, and the additional parking cannot be accommodated -- excused me -- accommodated onsite and the Director determines that existing parking is adequate. So again, the Director is going to have to go through a process and make a finding, in writing, of adequate parking.

And the final criteria that can be looked at if the use is a live-work mixed use where parking may be shared, and the space required for the dwelling use may be applied to the space as required for the business use. So again, we want to promote mixed use. That's part of smart growth principles that the County supports, and that we're trying to avoid double assessments when it's not really needed.

So thank you Chair for allowing me to go through that.

Ms. Green: No, we appreciate that. Does anybody have any questions or comments?

Mr. Rabaino: Okay, on page 14, these all requires under -- is under County ordinance, right, not State or other highways or whatnot? Just cause Lanai is privately owned, you know what I mean? Yeah, so because I get one over here --. I mean, I like this page 14 immensely, but

I'm looking at your diagram over here on the...you said exhibit 4, parking space required for off-street. You have down the column, under categories, mobile food truck -- so we don't have, but we -- I can foresee this coming up in the near future because we had one that was at the State and we had a lot of problems. Right Sherry? We had the taco truck, okay. And Sherry and I was there, but that was State. Now you have Anuenue that is on the State property. What if one of these food trucks wanna go on County because County's very limited on Lanai, right?

Mr. Raatz: Yes.

Mr. Rabaino: The city streets are County or Pulama?

Mr. Raatz: Well, if I may Chair, this code is talking about off-street parking, so we're not getting into issues of street ownership and things like that. It's basically a property owner is engaged in a particular use; we have this chart now that tells us what parking requirements will be required for that use.

Ms. Menze: I think this is a good idea for the food truck not to occupy any required parking space, and this is what Gerry was kind of referring at the harbor was this food truck was occupying lots of parking spaces. So this is a good proposal.

Mr. Raatz: Thank you, Chair, and if I may, regarding mobile food trucks. As you'll see in the chart, they're not specifically referenced in the code right now, and it has created some problems in trying to figure out what the parking requirements are. And actually the current code seems to prohibit mobile food trucks from existing in any parking spaces even if it's excess parking beyond the required parking. So this is a pro-food truck proposal in the sense that we're saying you can't have a food truck in required parking, but if a particular property has excess parking beyond what's required by the code, it's okay to have a food truck there.

Ms. Green: Thank you. Does anybody have any comments or questions?

Ms. Shelly Preza: Sorry, so just a clarification. So this new bill would apply to existing buildings as well, or just new developments?

Mr. Raatz: Very good question. It would apply prospectively I would say if parking assessments come up typically when a land owner is coming in for a zoning confirmation and we're trying to figure out what all of the requirements are for that particular use. So you know I don't -- if they come in for anything new, I guess, and we're reviewing the use and applying the parking code, we would apply the new parking code so I don't really see a grandfathering provision per se, but if it's just an ongoing use and nothing is changing, I don't see us getting involved in applying the new parking code at that point.

Ms. Green: I just have one question. I went back to our community plan since you were referencing this earlier. It says "create a comprehensive parking strategy for Lanai City.

Revise the BCT Design Guidelines to lessen parking requirements and allow businesses to fulfill onsite parking requirements through use of existing public parking surrounding Dole Park.” When I was just looking at the boundaries for the BCT, and I think it covers most of everything in the park, but not, or around the park within a block or two each way. But I perceive that there a couple of places that are not included and just wondered for future if we wanted to add some kind of a little amendment here maybe it would be under this page 14 that you were discussing and give the Director or the -- I’m trying to get the title here -- of the Department the ability to perhaps waive requirements in Lanai, in Lanai City proper. Not necessarily just the BCT because there may be some properties that fall outside of the BCT. And I think there was a case here not long ago where this, you know, this person was being required to have this parking space, these parking spaces and it just wasn’t practical. So I don’t know if we want to add verbiage to expand his power a little in making exceptions in Lanai City.

Mr. Raatz: That’s an interesting proposal and I think we would defer to this Commission. If you want to make that as a recommendation, we would, of course, send that on to the County Council.

Ms. Green: You mean so rather than leave it as a decision for the Director --

Mr. Raatz: No. I’m sorry to interject, but just if you want to recommend amending this bill, and under that section like you mentioned that starts on page 14 where the Director has authority to make waivers and modifications, and add in something for Lanai City specifically because of its unique character, you know, that’s something we’d be happy to consider if the body wants to move forward with that.

Ms. Green: What do you all think?

Mr. Delacruz: I don’t know what’s going on. When you’re talking about the BCT, town and country area will be exempt from this thing? Okay, that makes sense. Because if you look at this one thing here where you need a parking space for every six seats in the auditorium, theaters, or bleachers, it’s not going to happen.

Ms. Green: No John, what I was saying is expanding it beyond just BCT guidelines, but saying that anything in Lanai City if it, you know, there could be exceptions because there are properties that are commercial properties that are not in the BCT that could possibly, need to be exempted from following the rules. Is that clear?

Mr. Rabaino: Chair, I agree with you. We get our bon dance that should be in there. The flag pole, we should all include that area as part of a proposal to expand it into this page 14.

Ms. Green: Well perhaps rather than listing things we just say that if it’s in Lanai City that the Director has the discretion to look at more closely to see if these requirements need to be met.

Mr. Rabaino: Okay, I can go for that. Who's going to make the proposal?

Ms. Green: Okay, I propose that on page 14 the conditions under which the Director can override the parking code to include a statement about Lanai City saying that he has the discretion to...override the parking code for Lanai City businesses. Okay, sorry.

Mr. Rabaino: Is that your proposal?

Ms. Green: That all parking permits in Lanai City be, could be --

Ms. Thomson: How about adding a section or a subsection to 19.36B.110 to authorize the Planning Director to modify the parking requirements as they relate to the Lanai City area.

Ms. Green: All in favor?

Mr. Rabaino: Aye.

Ms. Green: I'll second it. All in favor.

Mr. Rabaino: You made the motion?

Ms. Green: I second it. She can't make a motion.

Mr. Rabaino: Now we can vote?

Ms. Green: I make a motion as Richelle said, okay.

Mr. Rabaino: So move. Call for the vote.

Ms. Green: Somebody else has to second it.

Ms. Shirley Samonte: . . . (inaudible) . . .

Ms. Green: Okay, do we have any discussion on this? If not, all in favor? Opposed?

**It was moved by Mr. Gerald Rabaino, seconded by Ms. Shirley Samonte, then unanimously**

**VOTED: to add a section or subsection to 19.36B.110 to authorize the Planning Director to modify the parking requirements as they relate to Lanai City area.**

*(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)*

Ms. Green: Thank you Commissioners. Sorry for the confusion there. Okay, do we have any further questions or comments?

Ms. Preza: Sorry, I just have a quick question again. So you said that the, the Lanai Country Town Business Guidelines they override this.

Mr. Raatz: Correct.

Ms. Preza: Okay. And so I was just looking at the parking section of the guidelines and it doesn't really have -- I mean, it's very short. And, oh yeah, so I know we're going to be talking about it soon, but I just wanted to clarify that whatever we put in the parking section will override whatever is in this that we're talking about?

Mr. Raatz: That's absolutely . . . (inaudible) . . .

Ms. Preza: Okay, that's good for everyone to know probably I think.

Mr. Raatz: Chair, if I may, can I go back to the Vice-Chair's prior question? I gave a little bit of short strip on the applicability to existing uses. We do actually address that specifically. This is on page 31 of the bill, and this is actually not part of the new Chapter 19.36B. This is amending or proposing to amend an existing section in Title 19, Section 19.500.110, non-conformities. And you'll see on subsection D of that non-conformities section it specifically relates to parking and loading. So this, because it's existing, existing code language that we're amending, you'll see it's in what's called Ramseyer format that we talked about earlier where proposed content for deletion is bracketed, proposed new content is underscored. So I think it's short enough I can maybe just read into the record, Chair, and make sure everybody is comfortable with it, and I'll omit the bracketed part:

*“Non-conforming parking and loading. (1) if there is a change of use of a structure or a lot or any portion of structure or lot, the area of the new use shall meet the off-street parking and loading requirement established in Chapter 19.36B, and (2) any use that adds floor area shall provide off-street parking and loading for the additional area as required by Chapter 19.36B. (3) any non-conforming parking and loading may be repaired, expanded or altered in any manner that does not increase its non-conformity.”*

So I think that's generally consistent with what I expressed earlier but I just wanted to call attention to the fact that we do address that in the bill itself.

Ms. Green: Thank you very much. Okay, before we vote on this, do we have anybody in the audience who would like to testify? Just a second Winnie.

Ms. Basques: Hi, it's me again. Every day I walk the road, okay. Four to five times a day I walk. I need my exercise, okay. Stimulate my brain as well as my heart. You talk about

parking on the road. Do you know the houses that has been built, okay, Lalakoa, Olopuu Woods wherever, they have their garage. They don't use that as a garage. They use it as one occupancy. Okay now the thing is that why do they have to park outside of the road when there's a yard, okay? But the thing is that when they make house, if you going make a big house, make one big one. Don't make one three bedroom house, then the garage comes to be like a living room or bedroom. The thing is that when you look this kind stuff like that don't they go -- don't you have CCR's? No CCR's? Oh my god. You gotta look into that CCR's because it's going tell you what it is all about. Thank you.

Ms. Green: Thank you Winnie. Does anybody have any other comments or questions? Yeah, did anybody else want to testify? Okay, there being none.

Mr. Raatz: Chair, I have one additional point of information for the Commission. We received written testimony directed to the body that I don't think the Commissioners have seen yet because we just got it. It's from your Council Member, the council member who holds the Lanai residency, Riki Hokama. His request or his suggestion is please consider amending Section 19.36B.020, and if you want to pull that up that starts on page 2 of the bill. To require that residential dwelling units have at least the same number of off-street parking spaces as the number of bedrooms in the dwelling. So again, residential dwelling units should have at least the same number of off-street parking spaces as the number of bedrooms in the dwelling. We do have some copies to hand out now.

Ms. Green: So he's proposing rather than go by square footage that you go by the number of bedrooms?

Mr. Raatz: That's our understanding, yes.

Ms. Green: Do we have any comments on this proposal?

Mr. Delacruz: Who's going to provide the parking spaces?

Ms. Green: On page 2 as I understand it they are requiring with you're being permitted for a new dwelling, depending on the size of your dwelling, you have to provide a certain number of parking spaces. He is putting instead of the size of the dwelling, or maybe in addition to, we don't know because --

Mr. Delacruz: Okay, now that makes sense. It makes sense, but it's going to be really hard to do. Maybe for future buildings they can do it.

Ms. Green: This is for permitting future building.

Mr. Delacruz: Yeah because you look at the amount of house, no way.

Mr. Raatz: If you'd like Chair I could provide a little bit of background from the Department.

We did consider this suggestion. In fact, other municipalities use this formula, and it seems easy to apply on the surface, but in practice it's not always very easy to determine what a bedroom is. There might be something that's labeled a den, labeled a media room or whatever and people might actually be using it in effect as a bedroom, you know, and the square footage is actually easier to apply and perhaps it's a fair standard in some ways. And that comes up in other enforcement text too, what, what a particular room is being used for. So we appreciate the suggestion. Again, it's used elsewhere, but after due consideration we feel comfortable with what we have on the table here.

Ms. Green: Yes Gerry.

Mr. Rabaino: Why won't you just jack up the parking, the minimum number of parking spaces, jack it up? If it's a 3,000 square foot, right, on a dwelling unit, yeah Dave, and it says two parking stall, let's say they enclose the garage to make it a living room without a toilet and shower, but a family of more than three, but they have teenagers and two more cars is added, that becomes four cars on a 3,000 square footage. I think you should up it because Lanai we're getting into a sardine can on our highway, in our subdivision. You know what I mean? Like I would use my example, I get somebody across me, eight cars and it's all on the road.

Ms. Green: Any comments? I guess I would maybe make a comment Gerry in that you could have four kids but they could all be like under 12, and you're going to be required then to have a three car garage because you have 3,000 square feet. I just, I think there's going to be both sides of the equation. I mean, there are going to be people who have fewer cars and more cars. I would hate to request somebody with a 3,000 square foot home. Say a 2,000 -- it says under 3,000 square feet -- so I've got a 2,000 square foot home and you're going to make me put in a three car garage?

Mr. Rabaino: Square footage?

Ms. Green: No, I'm okay with the way it is. Yeah, I mean, I think you're going to have issues both sides of it. I mean, you're going to have --. So it's going to be hard to make something that fits all people.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: This is about future development. But go ahead Michele.

Ms. McLean: In the example that was brought up where you enclosed the garage and turned that into a living space, originally that garage probably provided the parking that was required for that dwelling. So then when you enclose it, you need to provide that parking someplace else, plus you've just increased the square footage of the house so that gets added. So if that increased the square footage to where an additional space needed to be provided, then you'd have to provide the two that you loss when you enclosed the garage, and then possibly an additional one for the enclosure. So as the house gets bigger you have to provide more

parking. And if you take away parking by your expansion, you still have to provide that someplace on the lot.

Mr. Rabaino: I see where you coming from but the thing is if the backyard is big where they can extend that's fine. If you're going extend the front and you going lose your parking, then I think there should be some language, you know, irregardless of the square footage.

Ms. McLean: Well, if you, if you take away your parking, you still have to provide that someplace. You still need to provide someplace. So if you, you know, enclose your whole garage, and don't have any other place to park, then that would be a zoning violation.

Mr. Rabaino: Well, we have some homes that enclose, but they still have --. You know, where they enclose the garage, on the side have the sidewalk going to the front entrance, but they still have a yard, they can put, they can still park there.

Ms. McLean: Then if they have room to park, then --

Mr. Rabaino: Yeah, but there are other homes get concrete walls, so they still squeeze in for park their car in, you know what I mean? But like I'm saying when you have a yard, and you have ample, to avoid the off-street parking, you can put two or three more cars inside even though you enclose your garage. I mean, well, depends on case --. Should we use the term case by case?

Ms. McLean: No, it has to be uniform. I mean, it gets too confusing for property owners.

Mr. Rabaino: Okay, I can live with this, but I don't know about the other Commissioners.

Ms. Preza: I think we should leave it as is. I, I appreciate, you know, your input, and I think - - but I think it can get really complicated really quickly and even with Council Member Hokama's input I think it's worth thinking about. But like you said I think it can get really, probably too complicated for everything. And I think that this, the square footage is probably a better gauge than number of bedrooms per unit because, yeah, what is a bedroom, and then what if you have three bedrooms but it's a very small house, are you going to require them to put more parking? I think it gets a little confusing, so I think we should leave it as is.

Ms. Green: Thank you Shelly. Any other comments? Questions? Okay folks...we've had a chance to go over this. We have, I believe, one revision that's been proposed with regards to page 14 where the Director has the discretion to override the code when it applies to situations in Lanai City. So without any further discussion, would somebody like to make a motion? We can either defer, recommend approval, recommend approval with revisions, or recommend denial. Do we have somebody who would like to make a --?

Mr. Rabaino: Recommendation for approval.

Ms. Preza: I think we should make a motion to recommend with revision, with the one revision that Caron just said.

Mr. Rabaino: Yes, thank you very much.

Ms. Preza: Do you want to do it?

Mr. Rabaino: Oh, no, you can do it.

Ms. Preza: Okay. Yeah, so I move to recommend approval with the revision that we already discussed.

Ms. Chelsea Trevino: Second.

Mr. Rabaino: Second. Call for the vote.

Ms. Green: Okay, we have a motion and it has been seconded, third and fourth. Do we -- we want to have a vote on approval of the revisions, with the revisions? Okay, all in favor? Opposed? Thank you.

**It was moved by Ms. Shelly Preza, seconded by Ms. Chelsea Trevino, then unanimously**

**VOTED: to recommend approval with the revision as discussed.**

*(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)*

Mr. Raatz: Thank you very much.

Ms. Green: Thank you.

#### **D. UNFINISHED BUSINESS**

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting the Lanai City Country Town Business District Design Guidelines and Standards, 2011. (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.) (Commissioners, copy of the proposed design guidelines and standards was included in the March 21, 2018 packets and/or directly mailed to you. Please bring your copy to the meeting.)**

**The Commission may take action on this item.**

Ms. Green: Yeah, we have unfinished business which is the Lanai City Country Town Business District Design Guidelines and Standards, the revisions. Several of us were here

for the presentation, and we have Annalise back with us. She was very kind to very quickly after our February -- no, after our March meeting, right?

Ms. Annalise Kehler: February.

Ms. Green: February meeting? And March? I guess, yeah. Yeah, you're right. After our February meeting, she went back and took the Commission's comments and revised the plan, and she's now coming back for approval.

Ms. Kehler: Thank you Chair. So again, my name is Annalise Kehler. I am a cultural resources planner with the Planning Department. And as Chair said this document here that came out in your packets, I believe it was for the March meeting, is basically a culmination of all the changes that the Lanai Planning Commission requested at the February 21<sup>st</sup> meeting. It also shows changes that have been recommended to date by the Planning Department, the Urban Design Review Board, and the Cultural Resources Commission. So in addition to those changes I also had our Deputy Corporation Counsel, Richelle Thomson, review the design guidelines. And so as her and I reviewed the document, we developed a couple of additional recommendations that I'd like for the Commission to consider today. So most of these changes are just to help the guidelines be more consistent with the country town ordinance, so consistency with County Code. And so I've marked a few of the key sections I want to go over with you today. And if it's okay, I'm only going to focus on those key, key sections and I'll skip over all the other items that we've already looked at, or that involved, you know, minor changes like sentence structure or grammar. So are there any objections to this? No? Okay.

So if I don't cover something or if you want to discuss we can do that after I get through everything. So jumping into it, on page 34, it's the setback section. So for item No. 1, we're proposing to change the front setback requirement from approximately 20 feet to a minimum of 15 feet. And that's because the -- the smallest setback in this district is 15 feet, so that makes it a more clear requirement that if you're going to build a new building it needs to be at least 15 feet from the, from the street.

And then...under No. 2 on the setback section we're proposing to change the wording to be more consistent with the side and rear yard setback requirements in the country town ordinance. And finally, we recommend adding language from the country town ordinance about the types of structures allowed in the setback area. And so I just wanted to get consensus from the group as far as these changes. Are these okay with the Commission to the setback section?

Ms. Green: Commissioners, any comment?

Ms. Trevino: So this says that the setback in the rear shall be 15 feet, right, except where the side . . . (inaudible) . . . ?

Ms. Kehler: Correct.

Ms. Trevino: Okay. So what No. 3 is saying is these are structures that are allowable within that 15 feet area, correct?

Ms. Kehler: Correct.

Ms. Trevino: Okay, so where it says trash enclosures is that including like the dumpsters, you know those big dumpster because those are like, what, six feet wide or whatever?

Ms. Kehler: I believe trash enclosure is referring to some sort receptacle.

Ms. Trevino: Any, any kind of trash.

Ms. Kehler: Yeah.

Ms. Trevino: So it could conceivably be one of there where . . . (inaudible) . . .

Ms. Kehler: Okay. Are there any other questions?

Ms. Green: Well, are you, are you okay with dumpsters?

Ms. Trevino: . . . (inaudible) . . .

Ms. Green: I'm sorry, there's something in the back of my mind that we just talked about or I read about dumpsters today, and restrictions on dumpsters. Am I crazy? Am I jetlagged?

Ms. Kehler: I don't --. I'm not sure. Again, that language was taken straight out of the County Code, out of the country town ordinance. So if there aren't any concerns with what I'm proposing, then I'd like to just get consensus.

Mr. Rabaino: Chair?

Ms. McLean: I just wanted to note that dumpsters themselves are not what we're talking about here because those aren't structures. Those move. It would be some sort of enclosure just to screen them, to visually screen, you know whether it be just like a, a residential size rubbish can or dumpster, but just something that provides screen would be what we're talking about here.

Mr. Rabaino: Chair?

Ms. Green: I was just --. You have something you want to say about this particular thing Gerry?

Mr. Rabaino: Yeah, just clarity. You want 15 feet all around? Back and side, right? So just like a u-shape.

Ms. Kehler: The County Code requires that.

Mr. Rabaino: Okay, I can live with that. I like it.

Ms. Green: Good. Okay, I was just talking to Richelle, and I think to expedite things perhaps as Annalise goes through each section where she's made a change that we go ahead and, you know, say we agree or disagree with it, and then we can move on rather than waiting to the end. Okay, so if I could find out from the group, do we agree with these changes on setbacks? Okay, no problems there? Okay, thank you.

Ms. Kehler: Okay, moving on to page 37 under the scale section. So we recommend including two additional scale requirements from the country town ordinance. The first one requires building massing to be compatible with the existing variety of form and massing elements, and that's language taken from the ordinance. And then second one says building scale should respect the size and proportion of surrounding structures. So are we okay with adding those two additional scale requirements?

Ms. Green: Commissioners?

Ms. Kehler: Okay. Great. Okay, next --

Ms. Green: Wait a second. Everybody okay with this? Alright, thank you.

Ms. Kehler: Moving on to page 39 the landscaping and outdoor use area section. So I've, under the item No. 2, I've added some parameters on outdoor dining areas, and I just wanted to make sure that those parameters were acceptable to this Commission. And I know at the previous meeting, Chair had a suggestion be to add hardscape patios may be used for restaurants as well as grocery stores like Richard's Market. And so the parameters basically say that outdoor dining areas are allowed for restaurants and grocery stores, but they need to incorporate grass or landscape elements. They can't just be, you know, full on concrete covering the entire front yard and the entire side yard.

Ms. Green: Everybody okay? Oh, we're moving right along.

Ms. Kehler: Alright.

Ms. Thomson: Thanks. I'm sorry about that. When I was reading this I noted that we're just talking about restaurants in the text, but I think we kind of --. It sounds like you want to really refer to, I guess, like food service establishments or something that will generically refer to places that serves food, it can outdoor seating areas and all.

Ms. Kehler: Food establishment maybe is better? Okay.

Ms. Mililani Martin: I really like that idea of having the establishments be like that. We are doing the courthouse across the street so my concern is for extra setting or somebody needs to talk. Sometimes we need a little bit of space besides just having a restaurants, I'm thinking that maybe we should spaces available for buildings outside of that. Well, outside of restaurants is what I'm saying or, or store, store fronts.

Ms. Kehler: So you mean like an outdoor -- like a patio?

Ms. Martin: Yeah, like a gathering place.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Martin: Just for -- I'm saying that we're getting the, the courthouse that's getting fixed up to be used for court purposes. And I'm only picking on this because there's not enough space inside of there for people to, for lawyers to talk to their clients and stuff like that. So if we had little seating areas around that, that's what I'm saying. If that can be put in there or somehow put into where each building on the area has the discretion to put in a little seating area place for them.

Ms. Kehler: So the concern that I have with saying that any building in the country town or any use in the country town could do that is that we would get outdoor patio areas in -- that they could be built on any building in the country town. And then if we do that for every building, then we lose the front yard area which was traditionally grass and that's sort of an important characteristic of the town. But let me think about how that could be --

Ms. Martin: I'm sorry, it's just a suggestion.

Ms. Kehler: Yeah, yeah.

Ms. Martin: Okay, I mean, we've got the park across the right.

Ms. Kehler: Right.

Ms. Martin: I mean, if worse comes to worst we can clean up the park and make really cute stuff out there and that could be done too so that's just a suggestion.

Ms. Green: Do you want to make an exception for the courthouse?

Ms. Kehler: You know, that's, that's up to the Commission to make that recommendation.

Ms. Preza: Or could we just say, you know, if people want to do this outside of food establishment then could they --. I mean, I don't know if this is something that we decide like

they can come and see us, then at the Commission's discretion. I don't know. I feel like if you guys want to have some kind of --. You know, you're saying -- yeah, or some kind of, you know, like, community like decision around how something should look then is there a way to do that? Sorry, that's just me thinking out loud.

Mr. Rabaino: Can I? You've been at our courthouse. Have you seen our courthouse?

Ms. Kehler: I've seen it, yes.

Mr. Rabaino: Okay, do you see the new handicap wrap going in the courthouse?

Ms. Kehler: I don't think I noticed that.

Mr. Rabaino: Okay, well, there used to be a jailhouse over there, okay. So I was thinking if you want the front the same even though they built that walkway, behind it where that pine tree stay, the little -- like how the . . . (inaudible) . . . has theirs on the corner where the lawyers can go talk to their clients away from public viewing. I think that would be a nice proposal, but keep the front original with the BCT, whatever you call it, the country town thing.

Mr. Delacruz: I have a comment.

Mr. Rabaino: Maybe four or five people.

Mr. Delacruz: Actually the County judiciary has to be -- actually it's a State. It's going to be County and a State court, right? But what Mili was saying there, there has to be space and not necessarily a pavilion, there has to be private meeting areas for legal providers and clientele because if you've ever been up to one over here, and even when the courthouse used to be there, the lawyers and your clients were talking outside, and everybody could see what they were talking about. There was no privacy. It's not only about the setback. This is about space for lawyers and clients.

Ms. Kehler: So maybe let's go back to the original idea of adding in food establishments and the courthouse.

Ms. Green: And also while I was reading this, it talks about front and side yards, but it doesn't talk about back yards. So they could put a patio area in the back.

Ms. Kehler: Yeah.

Ms. Green: It would be more private.

Ms. Kehler: Yeah. Back would, and honestly, back would be an appropriate decision for any building in the country town district because it doesn't impact views from the primary street.

Ms. Green: So there's room back there for patio back there I assume? So I think we're -- we can just go with that, no?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Gerry, it doesn't apply any which way. It doesn't apply here. We're only talking about front and side yards. Okay, just the BCT.

Ms. Kehler: Okay, so what I'm hearing then is...these outdoor seating areas are maybe permitted for food establishments as well as the courthouse, and those are only -- these -- for those two types of uses, they're only for a front or side. However any building in the country town they have a back patio.

Ms. Green: Yeah, I don't think you need to put the courthouse in there now.

Ms. Kehler: Okay.

Ms. Green: Is everybody okay with that? Yeah.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Well, no, but are we generally accepting them instead of just limiting it to restaurants? She's saying food establishments. Okay.

Ms. Kehler: Okay. Alright, moving on to page 41, so...this is the new construction section. So at the February 21<sup>st</sup> meeting the Chair asked if all reconstructions could be exact replicas of the buildings they are replacing, and so I just wanted to kind of talk about that a little bit. Section 19.510.100 of the Maui County Code says:

*"The purpose of the design guidelines is to ensure that new buildings are built in a similar and compatible architectural design character with that of the surrounding building."*

So it's important to note that the County Code doesn't require reconstructions to be exact replicas. And I've also provided you with a handout. It's this, this thing that came out in your mail outs and so it's called *Fresh, Determining Compatibility for New Structures in Historic District*. And it was developed by Pratt Cassity. He's the former director at the Center for Community Design and Preservation at the University of Georgia. And I share this document with you because it does a really good job of describing what makes new buildings in historic districts compatible.

It also shows that new buildings don't need to be exact replicas to be compatible with the surrounding districts. So reconstructions or replicas are much more costly and difficult to execute than they appear. They require detailed physical documentary evidence -- physical

and document evidence, and that's to minimize conjecture or guessing what they might have looked like, and to ensure that they are accurate. And the National Trust for Historic Preservation identifies exact replication as a common problem associated with regulating new design. So the National Trust for Historic Preservation also says even -- and I quote -- even the most careful replication will not match the neighboring buildings, sometimes leading to disastrous results. And it also says projects that have the best intentions have ended up looking like characters of the buildings they were meant to emulate. This is not mean it can't be done, but exact replication is extremely costly in terms of both money and time, and sometimes -- that's something that many applicants are not aware of.

So given this info that I've just shared with you, I want to ask if it's okay to leave this section as I've, I've currently have it written? Are we okay with that?

Ms. Green: I believe I was the one who was asking about that and I'm totally fine.

Ms. Kehler: Okay, thank you. So moving on to page 42 under the roof section, I just wanted to make sure that it was okay to add some guidance about choosing appropriate roof shapes and styles. I also wanted to ask the Commission if you only wanted to allow metal roofs, or if you were okay with alternative materials. And if you're okay with alternative materials, what are those materials? Are you okay with asphalt shingle or do you only want to see metal roofs?

So the precedent is metal; it's corrugate metal. That's what was here historically. But, yeah, and so if you're okay with allowing alternative materials, then we should identify what those materials could be.

Ms. Green: Currently is there anything in BCT that doesn't have a corrugated roof?

Ms. Kehler: I don't believe so, but there are some buildings in the surrounding area that have standing seam metal. And I don't know if any of them have asphalt shingles.

Ms. Green: Any comments?

Mr. Rabaino: You only talking about the roof right now, right?

Ms. Kehler: Mmm, hmm.

Mr. Rabaino: And you only explaining that you want us to accept corrugate profile?

Ms. Kehler: Right. So right now the document calls for metal only, and so I just wanted to make sure that that's what the Commission wants.

Mr. Rabaino: Okay because you have No. 4 in red, metal roof maybe colored or painted. And then you have this one, 4-5 in light blue.

Mr. Kehler: Right. So okay, so No. 1 it says utilize pre-finished metal roofing with corrugating profile. Okay, and then the sentence above kind of contradicts it. It says roofs should be -- use corrugated metal or standing seamed roofing is encouraged, but not required, so it needs to be one or the other. And so that's what I'm trying to get out of the Commission is what is your preference.

Ms. Martin: If we look behind of us, at the apartment building over there and you see the roof line that's there and what they have on the roof, that's what you're talking about.

Ms. Kehler: Asphalt shingle.

Ms. Martin: Okay, so yeah, I don't have any problem with that, personally I don't.

Ms. Kehler: Okay.

Ms. Martin: I don't know if anybody on here has a problem.

Ms. Kehler: Okay, so we could say use of corrugated metal is preferred, however asphalt shingle maybe considered or standing seam may be considered.

Ms. Preza: Would you say other types of roofing because I haven't made a comment because I'm not so familiar with the different types of roofing so does it have to specific shingles or --

Ms. Kehler: It's better to be specific than not be because you could get, you could get wood shingle, you could get, you know, a rolled tarp, you could get --

Ms. Preza: Okay.

Ms. Kehler: Yeah. That is asphalt shingle.

Mr. Rabaino: I think, I think with corrugated is better because shingle going, when Lanai have strong wind, that's it. 80 miles per hour, that's it, there goes your roof.

Ms. Preza: I think we should have -- use your recommendation that corrugated roofing is preferred, but other, you know, the ones that you said could also be used.

Ms. Thomson: So if we're -- if the Commission is okay with other types of roofing other than metal which is prevalent in the BCT -- so we're just talking about the BCT -- so it's almost 100% metal roofing at this point, so what you're talking about is switching from that mandate of metal roofing to be, you know, to allow other types of roofing such as asphalt shingles, or slate, or you know, whatever people can come up with. So I just want to make sure that that's the direction that the Commission is going in.

Mr. Rabaino: Educate me, what is a diamond rib.

Ms. Kehler: So I think that's referring to the asbestos type of shingle that shaped almost like a diamond. I haven't even seen that type of roofing in Hawaii. Yeah.

Mr. Rabaino: Okay, so that's asbestos that one?

Ms. Kehler: I think it's the asbestos.

Mr. Rabaino: Okay, no like.

Ms. Green: I guess I'm going to chime in here. I like the wording that it is encouraged because I really would hate to see, you know, a whole row of our -- the ones with the corrugated, you know, metal roof, and then all of the sudden a shingle roof. I think, especially in the BCT. I mean outside the BCT is, is not the same, but I think that, I don't know, I almost would say it's required.

Ms. Kehler: If you want to require it that's, that's the Commission's prerogative. Yeah.

Ms. Roxanne Catiel: I've got something to say.

Ms. Thomson: One quick question Annalise. As far as -- I realized we haven't talked about designating the town on the historic register for a while, but probably roofing would be one of the components that would be significant as far as Dole Square, so would that change, negatively impact an application for historic registry?

Ms. Kehler: You know, it wouldn't, but it would definitely have a strong visual impact because all of the roof around Dole Park have corrugated metal. So introducing an asphalt shingle roof would really create, you know, it wouldn't be harmonious. So I mean, it's not -- changing the roofing material isn't as detrimental as changing out the windows for vinyl or covering the original sidings with vinyl sidings. But in this case because there is so much consistency, it could have a really big visual impact.

Ms. Catiel: Okay, Chair? Okay, if we do change, I mean, we're going to change the character of the business country town if you go shingles, so I would recommend the corrugated.

Ms. Green: Thank you Roxanne. So what we're saying is take out but not required use of corrugated metal or standing seamed roofing is required, okay. But then it goes on to say variety of colors are acceptable, okay. Diamond rib and other more modern styles in metal roofing should be used in moderation. Well, I mean, if we're going with this whole theme --

Ms. Kehler: Delete that.

Ms. Green: Yeah, want to take that out too? Okay. So then going back to your no. 1, utilize

pre-finish metal roofing with corrugating profile, we can leave that in.

Ms. Kehler: Right, you can leave that in. The only other thing though is the first sentence it says standing seamed, so it says corrugated or standing seam, and then this sentence says use the corrugated profile so do we want to get rid of --

Ms. Green: What do, what do we have now?

Ms. Kehler: You have corrugated.

Ms. Green: Okay. So we'll take out the standing seam too?

Mr. Rabaino: Right.

Ms. Kehler: Standing seam is what you see on the Catholic Church over there. It's -- I think it's a Catholic Church. It has blue windows. What is that? Yeah, so it's the metal roof that has a flat profile and then all of the sudden it has these little seams that stand up. Yeah. Yeah. Okay, so we're going with corrugated metal and that's it. Okay.

Ms. Green: So the -- under roofs, it will read "Use of corrugated metal roofing is required. Varieties of color are acceptable." End of story.

Ms. Kehler: Okay, so we've got down the materials; we've got that down. So now --

Ms. Green: Are we still on roof?

Ms. Kehler: We're still on roofs unfortunately. Sorry guys. Number 2, it says provide sheet metal gutters and down spouts to match the roof. I just want to --. I think it's important to clarify that most of the buildings around Dole Park do not have gutters, and so I think just adding in a little bit of language clarifying they're not required, but if you do use them they should be metal. Okay.

And then the No. 3, again, roof fascia. So fascia is the board that goes -- that hides the eaves. Again, a lot of the buildings in the country town districts don't have that. They have exposed eaves which is an important characteristic of plantation architecture. So if -- I think we should clarify that just like we did No. 2 and say, you know, if you're going to use a fascia it should be wood or maybe a wood like material.

Ms. Green: Okay, are we all in agreement here? Okay.

Ms. Kehler: Okay, moving on to windows. So item No. 1, I'd like to delete use double hung windows, and the reason why is because it's confusing. You would not use a double hung window in a storefront. That would be an inappropriate replacement for an original historic storefront window, so we'll just take that out and then No. 5 covers that. It says maintain

styles that match existing residential, commercial and public buildings, and do not mix applications of window styles or building use. Are we okay with that?

Ms. Green: Okay.

Ms. Kehler: Okay. And then for the entryways and doors, the siding materials and ornamentation, they all require the use of wood materials, and so for the windows we decided at the previous meeting that it didn't necessarily need to be wood. And so it could be a wood like as long as it looks like wood. And so do we want that same sort of allowance for these other elements, these other architectural elements? Can they be wood like as well?

Ms. Green: We all seem to agree here.

Ms. Kehler: Okay. I think that, I think that wood like is certainly appropriate for new construction. We've come a long way with advances in materials that really look a lot like wood. There is a danger with using these materials with existing historic buildings, so you could add in some language clarifying that, of course, if you're doing repairs on a historic building, you would want, if something is rotted and you need to replace it, you would want to go with wood or, you know, you would want to go what you're, what you're replacing and it should match.

Ms. Green: And where would you put that wording?

Ms. Kehler: I could put it in -- I could put it under all of these sections just that if you're, if you're working with a historic building. I mean, we cover it under the rehabilitation section on page 40, it talks about what is appropriate when working with existing historic buildings, but we can reiterate that here too that -- yeah.

Ms. Green: So we're all in agreement here too? So that was entryways and doors. Are we -  
-? How about siding and finish materials?

Ms. Kehler: Yeah, same, same thing.

Ms. Green: Same thing. So new construction could use wood looking materials.

Ms. Kehler: Yeah.

Ms. Green: Okay because that's not in there now.

Ms. Kehler: Yeah. So that's the recommendation that I have, and everyone is okay with that? Yeah.

Ms. Green: Everybody okay? Okay.

Ms. Kehler: And then the last thing that I wanted to talk about was signs. So on page 43 under No. 3, I think the second sentence should be removed because I think it refers to two-story buildings and that doesn't really apply to the country town district. And then item No. 5, I think that should be deleted as well. It's -- what that is --. That's just repeating something that's from the sign, the current sign code. I don't think it applies here so I think that should be deleted as well.

Ms. Green: We're on signs. It is --. You mean because that's a new thing, yeah. Alright, anybody any questions? On the signs, I had a little note here that it says each business in Lanai City shall use only one sign. I know the Arts Center has one over their door, and they have one out front too.

Ms. Menze: . . . (inaudible) . . .

Ms. Green: . . . (inaudible) . . .

Ms. Menze: That plastic sign. The banner at the Art Center?

Ms. Green: Not the banner. They have a wooden sign out near the walkway and they have something over their front door.

Ms. Menze: Oh yeah, yes.

Ms. Green: I mean, so do we need to restrict it to only one sign?

Ms. Kehler: That's, if you feel like the businesses should be allowed more than one sign, you can make a recommendation to change that.

*(Several Commission members were speaking at once, and did not speak into a microphone.)*

Ms. Thomson: Can -- if you're speaking just so that we can get it on the record, so please use the mic. I know it's kind of hassle to share. As far as the number of signs, though, you can have more than an additional -- you can have an additional sign if you have, if your building is adjacent to another street. So if you're on the corner you can have two signs.

Ms. Green: Well I don't know. Just right now it exists. I know that the Lanai Art Center has one over the door and one by the street. We're talking about future buildings, you know, so do we want to just restrict it to just having one sign? We have both things going. You know, Richard's has it over their door, but they don't have one on the street. You know a lot of businesses have, you know, just off the walkway and not on the building. Do we care?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Right.

Ms. Kehler: Well, it applies to any business. Any commercial sign has to comply with these rules.

Ms. Thomson: Sorry, I have couple of nick picky questions so we're on two. So the first sentence says "each business in Lanai City shall use, shall only use one sign. One additional sign shall be permitted for buildings that are directly adjacent to more than one street." What if you have multiple businesses in one building adjacent to two streets? What I'm getting at is should you change the second one to -- sorry change the first one to each building shall only use one sign? And I don't know if there are actually buildings here in the country town district that have multiple businesses located in one building, so I don't know if that's a problem or not.

Mr. Delacruz: It's not a big problem. It's not be a big problem yet, but it might be in the future.

Ms. Green: Yeah, Lynn reminded me that the old Dole Administration Building has multiple.

Ms. Kehler: Oh, so that would be . . . (inaudible) . . .

Ms. Green: You know, so they could have a big board out front with all the names and then on the buildings too. I don't know. What do you feel? Do you feel we need to limit it to only one sign?

Mr. Delacruz: I think we should limit it to two; one sign per business or entity, facing outside the building, if they so desire. Like there are some offices in the building that don't advertise outside the building. Like there are State functions. If Maui Family Support Services is there, they don't have an outside sign. But on the building itself, one sign on the outside per business if they so desire. But then there would be a problem on how many signs you're going to put on the lawn because there's already one there for the Lanai Cultural and Heritage Center, I believe. Are you going to put one up there for the dentist? But they have a sign in the back don't they?

Mr. Menze: The dentist office does have a sign off to the side, and then at the Dole Administration building and the CDFL has a sign. And there's something else there that has a sign too. So I like John's comment on if there's multiple businesses in a building then if they so desire they could put a sign. Because it would really -- because we have to address the Dole, the Dole building, administration building the same as well as the town.

Ms. Green: It does say that each business shall use only one sign. So if there are five businesses in the old Dole Administration Building, each business could have a sign. It says one additional sign shall be permitted for buildings that are directly adjacent to more than one street. That's a different situation. But my question really had to do with the fact that people are putting signs just off the sidewalk -- standing signs -- and they're putting signs on the building. Do we want to look at these differently or the same? The Art Center has a sign

above the door, and it has a sign by the sidewalk. Is that okay? Can anybody building something have a sign on the building plus a standing sign?

Mr. Delacruz: Why don't we just put a limit to that? One sign on the building per business within the building, and one sign on or near the street per each building. And Lanai Cultural and Heritage Center, you lucky because you put it up first.

Ms. Green: Are we in agreement with that?

Mr. Rabaino: Yeah.

Ms. Green: Okay.

Ms. Thomson: I want to make sure that we're capturing this accurately. So are we allowing one building mounted sign per business in addition to one ground mounted sign per business? And in addition to that --? No is that -- because that is what I was hearing.

Ms. Green: One ground mounted sign per building. So Dole -- I mean, so I guess the Old Dole Administrative Building could put a sign up with the names of all the businesses in there, but it could only be one sign. On the building, people could have their different businesses.

Ms. Preza: Sorry, this is just signage for the names of businesses? For the names, right? Because -- sorry -- since we're talking about the Dole Administration Building, the Lanai Cultural and Heritage Center has a sign on the building. There's kind of like an informational plaque like in front of, like, the walkway so but it doesn't say, like, Lanai Cultural and Heritage Center. It just talks about the building. So we're talking about, like, business names, right? That's what we're discussing? Okay. Yeah, so I think we're saying a building mounted -- one building mounted sign per business, and then a sign in front and, like, the lawn or near the sidewalk per building.

Ms. McLean: Chair, may I comment?

Ms. Green: Sure.

Ms. McLean: Thank you. I was just talking with Annalise that we should try to make this consistent with the commercial sign ordinance because that's what this ties into and that applies to businesses throughout the County. So under that language these are called business identification signs. So you would say each business is allowed two business identification signs. No more than one can be wall mounted, what we call a wall sign. And no more than one can be a ground sign.

Ms. Green: But I think we want to limit the number of ground signs to one per building. So, so in other words we don't want five signs in front of the Old Dole Administration Building.

Ms. McLean: Okay. Okay, we can word that. We can word that appropriately. So, okay. What the commercial sign ordinance also allows for what's called a multi-tenant building which would be this one that has multiple businesses, it does allow a directory sign. And so that ground sign would be -- could be a directory sign that lists all the businesses that are in it and that's it. So you don't have those multiple ground signs. It's one sign that lists all of them if, if that's what you're looking for for those.

Mr. Rabaino: So in other words, I'm going to use Dole Administration Building. So we can use Dole, but all the other businesses inside that building with one sign?

Ms. McLean: It sounds like what the Commission wants is that each of those businesses could have a wall sign, but then the ground sign would lists all of the businesses or could say, you know, Dole Administration Building or something like that.

Mr. Rabaino: Okay.

Mr. Delacruz: That would be for the outside, right? One sign permitted on the outside. But you could also have a sign over your door once you get into the building.

Ms. Green: Okay, are we all clear on what we are recommending at this point in time? Okay, then we're okay with that? We're looking at No. 5, the new No. 5. The maximum sign area for building areas with a front setback of 49 or less feet shall be 24-square feet.

Ms. Kehler: We're recommending that we remove that. That was a carry over.

Ms. Green: Okay, we're removing that?

Ms. Kehler: Yeah.

Ms. Green: Yeah. I'm looking here, it seems to me we were talking about restricting the size of signs though that are by the walkway. Did we get that incorporated here? Projecting or hanging signs are from the building, right? That's not addressing ground signs. Okay. And we just have for ground signs, shall be setback from the edge of the sidewalk.

Mr. Rabaino: There's no hanging sign on the stores. Everything is walled. So that one crossed out with 3, in blue, 3 and 4 is crossed out on the hanging signs. Is that what you're saying? Delete? Remove?

Ms. Green: Remove No. 4.

Mr. Rabaino: So 3 and 4 going be deleted. Is that what you're saying, 3 and 4 going be deleted, the hanging sign?

Ms. Green: In fact, we may want to say no projecting or hanging signs.

Ms. Trevino: I just want clarification. If that's the case the sign at Coffee Works is that considered projected or hanging with the cup and . . . (inaudible) . . . ? It's on the patio.

Ms. Green: I'm sorry, but same thing with the Lanai Art Center. It's on the wall. Same with Richard's. Same thing with Pine Isle. Those are not hanging signs, they're projecting signs. Do we have any other comments or thoughts on this?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: The only thing that I don't see on here is we were kind of going to restrict the height of signs that are just off the sidewalk. Do I see that we defined that? I mean, we don't want a 20-foot high sign right? I think we should go look and see what the height they are normally right here and just kind of restrict it. I don't know if it's four-feet or five-feet.

Ms. Kehler: I think I measured using an aerial imagery and it was like between four and five feet was the highest.

Ms. Green: So do we want to say something about ground signs shall be setback from the edge of the sidewalk and be no more than five-feet high or something like that?

Mr. Rabaino: Sounds good; less than five-feet.

Ms. Kehler: Well, maybe --. Because if you think about it we don't want to make --. I need to think about that number, the height.

Mr. Rabaino: Make it three-feet.

Ms. Martin: I mean all the signs, all the signs around here right now, they all are uniformed, all the ones that have. So why don't we just make it all the same size as that sign?

Ms. Kehler: Okay.

Ms. Martin: Because then everything will be uniformed. I mean, we're talking about wanting to keep this place historical so --. Lynn, can I ask you if you would know how big the signs are around here? So maybe we can get some kind of clarification instead of trying to guess.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. What we -- I thought we had followed when we first put all the ground signs up was the County ordinance for signage on ground signs. Oh, it wasn't that then. Okay. So it's not that. You know, we just measure them and put the heights in. I think that's easier because the height is nice and it doesn't --. It's not five-feet, and three-feet is really low except for a little kid so it's may be somewhere around four, but that's my best guess.

Ms. Menze: We should do all this measurements, not only the height, but the width because you don't want someone to put in a 15-foot long sign that's only five-feet high.

Ms. Martin: . . . (inaudible) . . .

Ms. Preza: I just want to point out on No. 1 it says --. I mean, I think the guideline is generally 12-square feet, which makes sense with the four-foot height, three-foot. I think that's kind of what it is now, but we can check on that.

Ms. Green: I just looked at that. So signs greater than 12-square feet require a -- and then somebody took out permit. Why don't we just get rid of that, and on the ground signs just give the parameters.

Ms. Kehler: Okay. So what I'll do is we're not going to nail down a number. It will just --. We'll just agree that it needs to be measured and whatever is measured will be -- yeah.

Ms. Preza: So is that all the edits that you needed to go through? The only thing I wanted to --. I wanted to thank you for going back and painstakingly editing Lāna'i. I think that's really awesome. But in the parking section that's on page 34, maybe since we were just talking about that potentially changing the code, then it might need to be revised if that gets passed, right?

Ms. Kehler: Correct.

Ms. Preza: I just wanted to point that out.

Ms. Green: I just had a quick little thing on 43 when we were talking about colors, the second point there you say interesting continuity and basis in colors present in Lanai City. I was just going to interject the word historically present because for the business country town.

So back to Shelly's -- are you finished with all of your changes there? And I will second what Shelly said. For those of you who weren't with us when we went through this the first time, there were a lot of changes. And as you go through here you can see that. And Annalise was very patient with us, and she went back and we requested that she try to get this done for our March meeting because the Commissioners were going to be changing over. And for those of you who are new wouldn't have the advantage of being there for the discussion so we said we'd like to approve this at the March meeting and so she was very good about going back and working. You must have worked over-time to get this all done in time for us for the March meeting. Unfortunately, we did not get to approve it because we didn't have quorum that night, so tonight would be a really good night for us to approve it.

No, I don't think we have, and that's a good point. Is there anybody in the audience -- not many of you left here -- Myles or anybody have anything that they would like to say before we go further?

Ms. Catiel: Caron?

Ms. Green: Yeah, I was just asking this and then I'll come back. Anybody? Okay, Roxanne?

Ms. Catiel: Okay, the question I had with the prior Commissioner, Brad. He had the question about that lot on Lanai, on Fraser.

Ms. Green: The discussion on that was the fact that it's a whole different procedure to change the boundaries of the business country town from what is in our current plan. And that has to -- if I remember correctly and somebody can -- I don't know, can you say it more specifically Michele?

Ms. Catiel: I thought, I thought you could do an amending on the zoning and community plan for that.

Ms. Green: Not as part of this approval. But Michele, why don't you explain.

Ms. McLean: Well to answer that question particularly, yes, you can, the Commission could ask that the Planning Department initiate a change in zoning and a community plan amendment for that area if you'd like. So, yes, that can be done. It can't be done today, but it can be done at a future meeting if you want to pursue that.

I, I wanted to provide the background of that site that in the 1985 community plan, the site was designated heavy industrial. And then when the plan was updated, the idea was to move the heavy industrial uses to Miki Basin and the CAC, the Department and the Commission proposed the property to be open space. But when that went to the Council, the Council designated three acres BCT for offices, and 12 acres open space. And then -- so that was in 1998 when the plan was changed, and then zoning followed up after that 1998 plan and the property was, that three acres was zoned BCT at that time. So it was specifically an action of the Council in 98 to change the community plan first, and then to zone it. And then when the community plan was just updated again that the business designation remained. So now if you want to start the process to change it back we could and that could be agendized at a future meeting, and then we go through the process to change it. But it was specifically done. There was discussion before that it was a mistake, but it seems that it was a specific change by the Council, which was different from what the CAC and the Commission recommended, but it is what the Council specifically chose to do at that time.

Ms. Green: Does that answer your question? Okay. Are there any further comments, questions, concerns with this? Alright, so at this point in time, I guess, we do the usual.

Ms. Thomson: Again, sorry, just for procedure, what I recommend doing is going ahead and someone make a motion to approve this draft of the business country town design guidelines and recommend its approval to the Maui County Council. So basically what happens from

here it leaves your control and it goes to the Maui County Council for review and approval by resolution.

Ms. Green: But we want to approve it with the revisions given today. Yeah, would somebody please make a motion?

Ms. Preza: Okay, I move to accept the revisions that we've done today and forward it to the Maui County Council for approval.

Mr. Rabaino: Second.

Ms. Green: All in favor? Anyone oppose? Okay.

**It was moved by Ms. Shelly Preza, seconded by Mr. Gerald Rabaino, then unanimously**

**VOTED: to approve the draft business country town design guidelines with the revisions, and recommend its approval to the Maui County Council.**

*(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)*

## **E. DIRECTOR'S REPORT**

- 1. Open Lanai Applications Report as distributed by the Planning Department with the agenda.**
- 2. Agenda Items for the June 20, 2018 meeting.**

Ms. Green: Okay, we are on E, which is the open applications report. Thank you.

Mr. Clayton Yoshida: Good evening Madame Chairperson and members of the Lanai Planning Commission. The Department has circulated its Lanai applications report if there any questions from the members.

Seeing none, your next meeting is scheduled for June 20<sup>th</sup>. David Raatz will be back with three bills for an ordinance -- ordinances to address or clarify certain issues in Title 19. And thought it might be prudent to have our -- to start orientation workshop for the Commission as last year was such a heavy transition here with three new members coming in in April, two members resigning in June, one new member coming in in August, one new member coming in in November, one member resigning in February, one new member getting reappointed in, appointed in April, one member getting reappoint April, and two new members coming in in April to the point where currently Chair Green has the longest tenure on the Commission of more than 14 months. Although Commissioners Rabaino and Delacruz have been on the Commission previously. So that's what we have for the June 20<sup>th</sup> meeting.

Ms. Green: Okay. But you were going to recommend something? Were you going to

recommend a different time or are you still --

Ms. Preza: I think we're confused about why you brought up that there's been a lot of changes in the Commission. Is there something that we need to talk about? Is that what you're asking?

Mr. Yoshida: Well, I guess last year we've been kind of holding off the training until we had a fully --. Tonight we have all nine members here, but last year it was difficult to get nine members here.

Ms. Green: Okay, so we are having training next month.

Mr. Yoshida: Yes.

Ms. Green: Okay, and again the subject is?

Mr. Yoshida: I guess we'll going to decide on that and report back to you.

**F. NEXT REGULAR MEETING DATE: JUNE 20, 2018**

**G. ADJOURNMENT**

Ms. Green: Okay, so there's no further business. It will be a training session.

Mr. Yoshida: Correct.

Ms. Green: Okay, and three ordinances. Okay. Alright, thank you. There being no further business, I call the meeting adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:33 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Caron Green, Chair  
Mililani Martin  
Sherry Menze  
Shelly Preza, Vice-Chair  
Gerald Rabaino  
Shirley Samonte  
Chelsea Trevino

**OTHERS:**

Michele McLean, Deputy Planning Director  
Clayton Yoshida, Planning Program Administrator, Current Planning Division  
David Raatz, Administrative Planning Officer, ZAED  
Annalise Kehler, Staff Planning, Long Range Division  
Richelle Thomson, Deputy Corporation Counsel  
Suzie Esmeralda, Secretary to Boards and Commissions II



Minutes of the  
November 20, 2019  
LPC Meeting



**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 20, 2019**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, November 20, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

A quorum of the Commission was present (see Record of Attendance).

Ms. Shelly Preza: We're going to get started with our Lanai Planning Commission meeting. So, first item on the agenda is public testimony. I see we only have two people signed up currently but if you would like there will be an option to do public testimony after the agenda items have been presented. So, John Ornellas, would you like to testify now or after? Now?

- B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Mr. John Ornellas: . . . (Inaudible) . . .

Ms. Preza: Don't want to. Okay, this is testimony. No, this is the sign-up sheet for the testimony. Sorry, not the sign-up sheet. I totally made that mistake too. And, Butch, do you want to testify now or after? Okay, sounds good. So would anyone else would like to give public testimony at this time? Okay. Would you like to sign up? Great. So we'll start with our --. So I'll close public testimony at this time, but we'll reopen it later.

**C. PUBLIC HEARING (Action to be taken after public hearing)**

- 1. A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26 AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS**

**MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code, Chapters 19.12, 19.24, 19.26 and 19.37, relating to transient vacation rentals in the Apartment Districts and Industrial District and dwelling units in the Industrial Districts. (J. Takakura)**

Ms. Preza: So we'll move on to Item C.1. which is a bill for an ordinance amending Chapters 19.12, 19.24, 19.26 and 19.37 relating to transient vacation rentals in the Apartment Districts and Industrial Districts, and dwelling units in the Industrial Districts.

Ms. Jacky Takakura: Good afternoon everyone. I'm over here. My name is Jacky Takakura, and I'm the Administrative Planning Officer with the Department of Planning, Zoning Division. And this is my first Lanai Planning Commission meeting, but I have been with the County for 21 years so I know a little bit but I'm still learning.

So I'm here to present to you a proposed bill for ordinance regarding transient vacation rentals. And you have the handout that was distributed today that is this power point presentation. And there's also some information in your packet that has the actual wording of the ordinance which you could follow along with also.

So this is a proposed bill for ordinance to update the Maui County Code (MCC) regarding transient vacation rentals in the Apartment and Industrial Districts. This bill also deals with dwelling units and heights in the Industrial Districts. So I'm going to give you an overview of the goals and details of bill, and we can discuss any questions you may have afterwards.

Okay, so the proposed bill concerns a specific type of vacation rental, and this is transient vacation rentals or TVRs, in two specific zoning districts, Apartment and Industrial. This is not related to Bed and Breakfast (B&B), and it's not related to Short-Term Rental Homes (STRH). Both of those have their own chapters in the Maui County Code, 19.64 and 19.65, and we're not proposing to change the B&B or STRH permit processes at this time. At least I'm not, but maybe Jordan might later. But for my presentation it's just Apartment District, so TVR is what we call transient vacation rentals.

As a Commission you are probably familiar with the B&B and STRH Permit applications because Commission approval is part of the permit approval process for those two. The main difference here is that TVRs do not require a permit or Commission approval to operate, so I just want to make that distinction clear.

Mr. Rabaino: . . . (Inaudible) . . .

Ms. Takakura: Not for transient vacation rentals, the ones that I'm talking about. And I'll go through that.

Okay, so as I mentioned this bill only affects Apartment and Industrial Districts, and in Lanai City, there are a few Apartment District properties and a Light-Industrial property. The Heavy Industrial properties are at Miki Road and Kaumalapau, and we'll go over these districts in more detail as we go in, as I go through this. But to make this clear, Interim is not affected, Residential is not affected, Ag is not affected. I'm just talking about Apartment District and Industrial Districts.

Okay, so what we want to do here is to prevent the conversion of long-term rentals and owner occupied apartments into transient vacation rentals in the Apartment Districts, Light-Industrial, and Heavy-Industrial Districts. So this proposed bill for ordinance prohibits transient vacation rental use if the building did not conduct the use in a dwelling unit built prior to April 20<sup>th</sup>, 1989. You're going to see this April 20, 1989 date quite a bit when we talk about this because that's the date where they were first prohibit. Well, the first attempt to prohibit them. See, they used to be allowed because I heard somebody say, well why? Back in the day, before 1989, in the Apartment District, vacation rental use was not prohibited, so people built apartments and then they vacation rented them out. In 1989, that date, they became prohibited, but some exceptions remained. And that's why some can still operate without having to go through the permit approval process.

In addition, this bill for ordinance is prohibiting -- it proposes to prohibit new standalone apartments and apartment houses in the Light-Industrial District and it does revise some height standards in the Industrial Districts and I'll go through those.

So the reason for the Apartment District changes and in your packet the bill for ordinance in Section 1 kind of goes through the history, the timeline of events, to show how we got to where we are today. Starting with that 1989 date. And then there was another ordinance in 1991. And then another one in 2014. But still, you know, we do have a lot of vacation rentals in the Apartment District. Since then, in 2017, we hired a contractor called Lodging Revs and they started to assist us with short-term rental enforcement efforts. And before Lodging Revs came around a lot of people speculated that there were thousands of illegal vacation rentals. But in reality, there were only about 200 or 300 illegal vacation rentals because a lot of them were operating legally as these transient vacation rental units. And these are due to their zoning, Apartment and Hotel zoning. Hotel zoning, you can -- that's what a hotel is, it's vacation rental, so we're not talking about that either. That's permitted. We're just trying to limit what we have in the Apartment District.

So we realized that more properties in the Apartment Districts could convert under the current language if the building was built prior to this date, April 20<sup>th</sup>, 1989. So what we're proposing here is to stop them because we need to try to save what we have for affordable housing in the Apartment District.

So here in Lanai City, we do have a few Apartment District zoned properties. You can see the red arrows. There's two at the top, and that's at the beginning of Fraser Avenue. There's one in the middle. You see that red arrow, that's at Fraser and Sixth. And then there's another bigger one on the bottom, between Ilima and Lanai Avenues and Eleventh Street. So those are the Apartment District zoned properties here.

So based on the most recent count we did -- well last week, November 12<sup>th</sup> -- we have 6,745 total apartment units that are transient vacation rentals. None on Lanai. But we do have them all over Maui and even on Molokai. So what we would like to do is not have any more

new ones. But this bill for ordinance does not affect the existing. It's just saying no more new ones. Existing vacation rentals may continue as they have been.

The next slide shows the actual language, the proposed revisions. And this is for the Apartment District, Chapter 19.12, and the parts on the top in white are bracketed, and the yellow underlined I have is highlighted to replace the parts in brackets. And the purpose of the Apartment District is to provide higher density housing options than the Residential and Duplex Districts. Multiple family apartment districts are generally established within or near the urban core of a town to provide residents with access to jobs, services, amenities, and transportation options. Uses within the Apartment Districts are appropriately located near and are compatible with uses in the various Business, Residential, Public, Quasi-Public and Park Districts. Apartment Districts can provide a transition between Residential District and Business Districts. Also on Item C, that key word that I highlight in yellow, it's for residential purposes. Apartment District is for residential purposes. So that's the language we're proposing for Apartment District, Purpose and Intent.

So the next part of this chapter, Permitted Uses, I've made a few changes and you can see I have them in yellow and a key word is in that first line, it's in bold, "all." We want vacation rentals to meet all of the following criteria. The first one, as I mentioned, that date, April 20, 1989, they have to have been built or have their building permit by then. And this middle part, in bold, they have to have been conducting lawfully existing --. Or I'm sorry, vacation rental use was conducted in any of these buildings and have continued. This is the part about the no new ones, okay. And then also the last one, they cannot increase the size of their vacation rental. So they have to meet all criteria, they have to have that building permit by April 20, 1989, conducting use, and no expansion of usage for vacation rental purposes.

So with the existing language, properties can simply be asked to be added to this list we have because they were built before 1989. So they could technically, you know, evict their long-term tenants and say, oh, we're going to short-term rental now. And that's the thing that could have a huge impact on our Apartment District properties in Wailuku, on Maui, and elsewhere. So that is something that we would like to prevent. And so the proposed language is that the building must meet the criteria, and have operated a TVR prior to that 1989 date. And because of the two criteria, existing TVRs, you know, we're not going to do anything with them right now.

Okay, so that's Apartment District, updating the Purpose and Intent, and the Permitted Uses so no new vacation rentals in the Apartment Districts.

So moving to Industrial, Light-Industrial which is M-1. There's the property, you can see it on the bottom with the red arrow. It's Twelfth Street and Fraser Avenue. And what we're proposing for this one is to clarify that vacation rentals were never a permitted use in the Industrial District. The only way you could have a vacation rental in the Industrial District is if it existed prior to the Comprehensive Zoning Code of 1960. And that's back in the day when they developed all the different zonings. But there's none that we know of, you know, that

existed prior to 1960. So we're making that clarification with this. We'd like to have the commercial uses mixed with new apartment developments to propose, to promote mixed use and walkability. And then we also want to amend the heights based on total units. And then this last item on the bottom is something to make it more consistent with the other height restrictions in the other districts, 10 feet above the highest point of the building roof. And I'm going to go into a little bit more detail on each of these items.

So for the M-1, Light Industrial, Purpose and Intent, just see the yellow underline, residential uses are excluded except for dwelling units located in the same building as any non-dwelling permitted use. So you could have something else, even if it's a little convenience store. Then you can have dwelling units. And it can be on any floor.

For permitted uses, no single-family dwellings, no vacation rentals. The second item, apartments, as I mentioned, one or more dwelling units located in the same building as any non-dwelling permitted use. No new standalone apartments. Because like I mentioned, we'd like to have that mixed use in the structure. Existing ones are fine, and things that are in construction, no problem. Those can continue. But no new ones.

This is the next part of the Light-Industrial District, Chapter 19.24, Development Standards. What we would like to do is encourage more units so that -- and we're doing this by saying if you have five or more apartment or dwelling units you can go 60-feet in height. If you have four or fewer apartments or dwelling units, then you're limited to 45-feet. And then that last item, right now, an antenna or any of that type of equipment that you can put on top of a building can be 70-feet in total height. We would like to change that to just 10-feet above the building roof because you could have a very short building and then have this really tall thing on top which would be kind of unsightly. And this 10-feet above the building roof is pretty similar to what we have in the other districts, the other zoning districts, so it's consistent.

Okay, so moving on to the Heavy-Industrial, M-2. That's Kaunalapau Harbor Access Road, west of Lanai City, and Miki Road, which is south of Lanai City. And I think I, I -- you folks have the maps, yeah? I handed them out.

This one is similar to the M-1, the Light-Industrial. No single family dwellings, no short-term rental homes, no transient vacation rentals. On the bottom here, except living quarters used by watchmen or custodian of an industrially used property, that's actually in the existing code. We're just moving it into the table format so it's easier to see that it's part of the permitted uses. Right now it's a line below the table. So by putting it right there with what's permitted use in the table it's really easy to see.

For the Development Standards for Heavy-Industrial, maximum building height is 90-feet. And then the antennas, and those communication systems, and the pipes and things, the same thing, 10-feet above the building roof because we don't want to really short building with something with that's 149-feet in total height above that.

As I mentioned, TVRs, vacation rentals were never permitted in the Industrial Districts unless they were in existence prior to this Comprehensive Zoning Ordinance of June 1960. So, we're just making that clear.

And to tie up the loose ends and eliminate the loopholes, we are proposing a change to this part of the Maui County Code, Chapter 19.37, Time Sharing Plans. Right now there's Item A, B, C, and D. We want to add the word "and" to the restrictions to clarify that all criteria must be met. Because now we have some people coming in and saying, well, I meet this one, I meet that one. But really, you have to meet all criteria, and so we just want to make that clear by putting that word "and." And right now, this Item D that we have in there, it's regarding, you know, CC&Rs or their project's instruments. We've seen attempts to change that so that they can allow vacation rentals but we arguably have gone back and forth with some properties about this. This needs to be deleted so that it's clearly not an option.

Okay, so in summary, this bill proposes to prohibit new vacation rentals in the Apartment Districts. Vacation rentals in the Apartment Districts, in order to continue, they have to be built before 1989 or prior which existing ones are. Must have existing use, which existing ones are. Can't change project instruments just to allow them. TVRs, vacation rentals were never allowed in the Industrial Districts. New apartments with other uses are okay in the Light-Industrial Districts. Residential units can be on any floor. Must have some sort of mixed use for new ones. No new standalone apartments. And then the height changes; 60-feet for five or more dwelling units, 45-feet for four or less apartments or dwelling units. And then again about the height restrictions for the antennas and pipes in the Industrial Districts.

So that's a summary of the changes. What we're hoping for is that the Lanai Planning Commission recommends to the County Council to approve the proposed changes to Chapter 19.12, 19.24, 19.26 and 19.37. This has gone before the Maui and Molokai Planning Commissions, and they both voted to recommend this bill to County Council last month. And so we're asking for you to consider that same. And that is a summary of the presentation. I can take any questions and Jordan can help me if I can't answer the question.

Ms. Preza: Thank you Jacky.

Ms. Takakura: You're welcome.

Ms. Preza: Before we re-open public testimony for the audience, if you have any questions, Commissioners. Do you have any questions for --? Great.

Ms. Caron Green: I have a question. Could you please define the difference for us between a TVR and a Short-Term Rental? Because I think some of us are not exactly clear what that is.

Ms. Takakura: Yes. Okay so...and Jordan, you can correct me if I'm wrong but we have three types of transient vacation rentals. We have bed and breakfast which the owner must live on

the property. We have short-term rental homes which are single-family dwellings and the owner doesn't have to live on the property. And then you have these transient vacation rentals which would be in the Apartment Districts and they were there before 1989. And they're allowed because they were in existence before they became prohibited.

Ms. Green: So are they like a short-term rental? I mean --

Ms. Takakura: Yes, but they're not in single-family dwellings.

Ms. Green: Oh, I see. That's the only difference.

Ms. Takakura: And you don't have to go through the permitting process.

Ms. Green: Okay, so it's a short-term rental in a non-dwelling.

Ms. Takakura: Yes.

Ms. Green: Okay. Individual dwellings.

Ms. Takakura: Yes.

Ms. Green: That helps.

Ms. Takakura: So if you think about there's a lot in Kihei and Lahaina.

Ms. Preza: Other questions Commissioners? Jerry.

Mr. Gerald Rabaino: On your last page. You get the height restriction, yeah, for antennas. Out of curiosity, does that mean...the old, whatever exist in Lanai City, yeah, that doesn't apply? Only for new structures.

Ms. Takakura: You mean for the heights for the buildings?

Mr. Rabaino: Because you said anything -- or is the antenna cannot be more than 10-feet higher than the building?

Ms. Takakura: That is correct. If there is something that would be greater than 10-feet, I think, it would -- well, Jordan, maybe you can correct me -- but I think it would be permitted. This is something new if it had been already in existence as an approved use.

Mr. Rabaino: Because I'm -- because I have...because I want to knock off all my cable, I have an existing antenna.

Ms. Preza: Sorry, Jerry to interrupt you, but this is not for the zone that you live in.

Mr. Rabaino: I just want to know what the height, okay?

Ms. Preza: Right, but that's irrelevant to what we're talking about.

Mr. Rabaino: Yeah. No, but I just want more clarity.

Ms. Preza: But it has nothing to do with what we're talking about. Because we're talking about specific zones, not including your house. Unless you live in an industrial zone.

Mr. Rabaino: Okay.

Ms. Preza: Correct? Am I correct? Okay. Any other questions?

Ms. Green: Well, I don't have a question, but I went through your whole report and I agree with everything on here. I just had one thing. On page 4 and in your little...it's on page 7 on the thing, it's your M-1 Light-Industrial District, 19.24, and your change there. I read that, the change, over and over and over again, and I found it kind of strange. So this is just a little word-smithing. As it reads right now, this is in M-1 thing, it says residential uses are excluded except in dwelling units located... and then you have in the same building as any non-dwelling permitted use. And that was just -- I had to go around and around. Could we maybe simplify that a little and say something like, residential uses are excluded except for dwellings located in non-dwelling permitted buildings? I mean, it kind of just short cuts the whole thing. I just found it a very awkward sentence. It's just my opinion. It's not a make or break.

Ms. Takakura: I think you understand the intention though that if -- the goal is mixed use. So like I mentioned, you know, you having a little convenience store or something. Or, you know, a homeowner could --. I mean, someone who lives there could have their, I don't know, their tailor shop or something.

Ms. Green: Yeah, no, no, I understand. It's like you've got the shop below and you build your resident above it. I totally understand that. I just found the wording there extremely awkward.

Ms. Preza: Other questions? I have a question about --. Sorry, so in Section 10, on page 12, it says existing lawful transient vacation rentals. I know the purpose of the changes are to stop new ones from being formed, but you said there are about 6,000 currently. So they don't require permits to operate?

Ms. Takakura: That is correct.

Ms. Preza: Okay. Great. I know that's not what this is, you know, going after, but that kind of concerns me that they just will continue to operate. Is there any, are there any plans for future ways to regulate the number of existing transient vacation rental operations?

Ms. Takakura: Not at this time.

Ms. Richelle Thomson: I just had a couple of questions on page 3 of the proposed ordinance. So down in the TVR section, number two, I'm wondering if it makes more sense --. I guess what I'm troubled with is you have the same dates, April 20<sup>th</sup>, 1989 for the building permit to have been issued and also for the use to have been conducted. So if the building permit wasn't issued, it couldn't have been, the use couldn't have occurred, you know, prior to April 1989. So I'm wondering if it's maybe simpler to say that the building or structure meets the criteria in number one.

Mr. Jordan Hart: Could you repeat the second part, the last part?

Ms. Thomson: Yeah. So I'm page three, on number two down at the bottom, on transient vacation rental use was conducted in any lawfully existing dwelling unit within the building or structure prior to April 20, 1989. So it's -- I just don't see that the use could have occurred if the building permit was just going to be issued by that magic date.

Mr. Hart: I think that was, the approach on this one might have been where the building existed, but the use wasn't going, and then they initiated the use and the existing structure. But you gave an alternative at the end. That's what I wanted to hear again.

Ms. Thomson: Yes, the alternative could be, blah, blah, blah, lawfully existing dwelling unit within a building or structure that meets the criteria in number one. But maybe that doesn't, but it doesn't give you a magic date for the use to have started to occur.

Mr. Hart: We could look at it again, and if, and if -- we'll try to see if it's redundant, we can pair it down. I don't know if we'll be able to come up with the right terminology or wording right now.

Ms. Thomson: Okay. The second question is related to just the very last. It says, in compliance with non-conformity requirements. But I don't know if it's defined somewhere in the statute or elsewhere.

Mr. Hart: Non-conformities are defined elsewhere.

Ms. Preza: Thank you. Commissioners, do you have any other questions before I reopen public testimony for this agenda item? Okay, well, first of all, is there anyone who would like to give public testimony on this agenda item before we decide what to do? Okay, so I'll reopen public testimony, and Myles, if you wouldn't mind getting the microphone please?

Mr. Myles Surawatari: Thank you. Myles Surawatari. I just have a question regarding the classification of M-1 and Apartment. Now, nowadays they're building a lot of condo buildings with stores and shops and whatnot, and units or dwelling. What -- is that kind of -- like Ala

Moana mall, they built all of those condos along Ala Moana Boulevard. What would you guys classified it as, as M-1 or...you know? I mean, I don't know if it makes a difference.

Ms. Preza: Would you like to answer that, Jordan?

Mr. Hart: Thank you. Jordan Hart. I couldn't reply for the specific zoning designations in the City and County of Honolulu, but in the County of Maui, Commercial Zoning Districts or Light-Industrial could do that mixed use.

Mr. Surawatari: . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Hart: Okay, I mean, we might refer it to mixed use and the zones that it could be done. The Commercial Zones could do that and the Light-Industrial Zone. Heavy Industrial has the potential too as well. So just Light-Industrial and the Commercial zones could do that. The mixed of Commercial and Residential. There's a little bit of opportunity in the Apartment District, but it's extremely limited.

Ms. Preza: Thank you. Any other public testimony on this agenda item? Okay, so I'll close public testimony at this time. And I believe we have to make our recommendation. So, would anyone --? We have three options. Yeah, sure.

Ms. Chelsea Trevino: Just for clarification purpose, timeliness. Again, I think you said Maui and Molokai approved it already, yeah? So it's just waiting for us.

Ms. Takakura: That is correct. Yes.

Ms. Trevino: Okay. My question is in regards to some of these little tweaks that have possibly been requested. Does that mean you'll have to go back, make those tweaks and then come back to us again?

Ms. Takakura: What we would normally do is include the comments from the Commissions in our report to the County Council. So we'll include these things.

Ms. Trevino: Okay. I just -- yeah. I guess I'm expressing that question because I would hate for something as simple as, oh, because the sentence sounds funny to make something go and come back. So, just as far as --.

Ms. Preza: So would that mean we would -- a potential motion could be to recommend approval of the proposed bill or would we need to approve with amendments even if it's a minor thing?

Ms. Thomson: If you're inclined to approve it, you could approve it and request that your comments be transmitted along with that.

Ms. Preza: So would anyone like to make a motion? So the recommendations and options, the Department is recommending approval of the proposed bill. Commission has the following options. One, to recommend approval of the proposed bill to the Maui County Council, to recommend with amendments, to recommend denial, or to vote to defer action. So those are the four courses of action that we can take.

Ms. Green: I'll be happy to recommend approval of the proposed bill to Maui County Council with our comments forwarded.

Ms. Preza: So Roxanne seconds. So, all in favor, please raise your hand, say aye. Okay, so that's --. One, two, three, four, five, six approve. Abstentions? Noes? Are you --? You're abstaining. Okay, so that's six yeses, one abstention, and so we recommend approval. Thank you.

**It was moved by Ms. Caron Green, seconded by Ms. Roxanne Catiel, then unanimously**

**VOTED: To recommend approval of the proposed bill to the Maui County Council with the comments as discussed.**

*(Assenting: R. Catiel, J. Delacruz, C. Green, S. Menze, S. Preza, C. Trevino)*

*(Abstain: G. Rabaino)*

*(Excused: M. Martin, S. Samonte)*

#### **D. UNFINISHED BUSINESS**

- 1. Review the proposed revisions to Chapters 19.64 and 19.65, Maui County Code, the Short-Term Rental Homes and Bed and Breakfast Homes for Lanai, as discussed and recommended by the Commission. Discussions held at the December 12, 2018, January 16, 2019, April 17, 2019, and June 19, 2019 meetings. (J. Hart)**

**The Commission may provide further amendments and revisions, and then direct the Planning Department and the Department of Corporation Counsel to schedule draft bill for public hearing at a future Commission meeting.**

Ms. Preza: So next on the agenda Item is D.1. Unfinished Business. So this is in relation to reviewing the proposed revisions to the Chapters 19.64 and 19.65 regarding Short-Term Rental Homes and Bed and Breakfast Homes for Lanai. So we've had many discussions about this over the past year, so I personally can say that I'm happy that something is back to us in writing so that we can discuss and, you know, hopefully move forward with our decision making. So, Jordan, do you have a presentation for us?

Mr. Hart: Thanks Chair. I don't specifically have a real presentation. I just have the drafts that

I think that we can go through. I think that the revisions are pretty straight forward, or the proposed revisions anyway. They reflect the comments that we have received. So what I was proposing to do is just, if you would like, we could just go through them or if you feel that you've reviewed them you could just call out the ones that you want to talk about. And the only thing that I do have visually to show is there is an example of --. There was discussion about how to address density and so there was a discussion of a circle inside of a circle and things like that. And did a lot of work on it, and I came to the conclusion that I think that 150 foot radius achieves what you're trying to do which is to basically...basically separate the blocks out so that there can't be more than one on an existing single block or, you know, immediately adjacent. I think 150 feet does that, and so I basically have some examples of three different locations in Lanai City where I show 150 feet and then go up to 200, and then 300, and 400 to see how that works.

Ms. Preza: Great, could we see that first?

Mr. Hart: Sure. Sure.

Ms. Preza: I'm sure we'll have questions about it. Thank you.

Mr. Hart: Sure. So what I used is Real Property Tax, and so I just selected three single-family home locations and creating the buffer which is the same thing people would use to make a mailing notice. And so I started with 150 feet, and then the next one was ---. And this is what is being proposed in the draft. But the next --. Oh, Jacky, if you just, if you just hit the -- yeah, there's that blue circle in the middle, that will make it full screen, and then you could just hit the arrows. So there should be 200 feet. Okay, then hit --. Okay, that's 200. And then the next one will be 250. The next one will be 300. Okay. Okay, so anyway, go backwards to the first one. There's three locations and it goes 150, 200, 250, 300 and 400. Okay, I'll do it. Sorry. Thanks Jacky. Sorry about that.

Okay, so this is, this is the first location starting at 150. And then it goes to 200. And so you can see the boundaries. Basically what happens is, is when you go to 200 it starts to go over the next. Oh, I see what's going on. It's auto playing. I apologize.

Let me start again. Okay. So starting again at 150. So basically this distance it clears you. Let me add there's a caveat that there also cannot be more than one on each block. So in this instance, it doesn't get the full width of the block that it's on, but it basically covers the other two blocks. So there was a discussions several different times about people who were surrounded. So this creates a situation where they can't be completely surrounded. If you move it up to 200, the distance goes farther. And so there was another, there was another set of discussion where the desire...under the existing criteria what happens is if there's another, if there's an existing short-term rental home in the vicinity it gets sent to, it's sent to the Planning Commission. And then there's a series of discussion about whether or not it's too close to neighbors and then it was resulting in denial. So there was a desire to try to find some more automatic method of establishing direction. And so the attempt was to do that

without casting the net so wide, and so this is the proposal. But anyway, this is what it visually looks like at 200. And then we'll go to 250. And then it starts to become further distance. 300, you're starting to get several block away from each other. And then 400, this is what it looks like.

So then the next location example. Starting again with 150. So you can see it creates a buffer where a single house can't be surrounded. And there's also a caveat that there can't be more than one on single block. And we're going up to 200...250...and 300...and then to 400.

And this is the final location example, starting at 150...going to 200...250...300...400.

Ms. Preza: Thank you for putting that together for us. It was helpful, at least for me, to see visually on a map what that would look like. So before Commissioners ask questions, I do want to reopen public testimony for the audience if you have any questions at this time. Does anyone, would anyone like to testify at this time regarding this agenda item? Butch. Right, so this is going --. We're going to just have public testimony at this time and then we'll close it before we discuss. Yes, Andrea.

Dr. Andrea Ippen: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Preza: We are just, we are discussing the entire agenda item. Okay.

Ms. Reynold "Butch" Gima: Okay. Good evening. Butch Gima. Again, I've testified probably for the last seven or eight months on why we should wait for this ordinance before you made a decision, and thankfully now we have this in front of us. So real quick, on page 2 regarding who the property manager can be. Short-term rental. The language still includes an exception for Hana and Lanai, and I, I testified earlier that I think we should remove that. And one reason being is by having a property manager, I mean, a realtor as a property manager, I think the Planning Department said the reason it's included in there, there's some level of accountability.

Ms. Preza: Sorry, can I interrupt you? You're on page-2?

Mr. Gima: For short-term rental under --. Yeah, I'm just going on page-2.

Ms. Preza: Right. (E), (E)(5) or --? Sorry, you're saying 2(b)?

Mr. Gima: (D), the permit holder shall, number two, (b).

Ms. Preza: Okay, sorry, continue. I wasn't sure where, where you were talking about.

Mr. Gima: I'm sorry. So the language, the proposed language still includes leaving Hana and

Lanai as an exception. And I'm recommending that you remove Lanai from that, from the language so that a realtor has to be the property manager.

And then (c), an adult to serve as temporary manager up to 45-days in a 12-month period. I don't have a proposal for that, but I think that presents a lot enforcement problems. Because the current adults who serve as property managers that live on Lanai serves more than 45-days in a 12-month permit for short-term rentals.

On the next page under (K), the number of bedrooms used for short-term rental homes, home use, on a short-term rental lot shall be no greater than six. Oh, I'm sorry, okay. Thank you.

And then on page-4, under (N), number (6), I'm just wondering with that language, will there be a need for language talking about grandfathering in already approved... short-term rentals.

And thank you for including in there the recommendation that you can have only one per, per block.

And probably the last and most important is the cap which has been discussed on numerous occasions. So I think you have to look at it in totality, both the short-term rental and the B&B chapters. And so from my perspective, 30 cap on short-term rentals and 30 cap on B&Bs, I would say no. Something I could live with would be the current number of short-term rentals plus B&Bs I can live with. Ideally, I'd like to see 10 short-term rentals, 30 B&B would be the ideal.

Well, yeah, I didn't finish what I was going to say, though, on the idea. So 10 short-term rentals meaning as they expire or gets canceled, we don't allow any new ones to exceed 10. The whole, the whole concept being is we want to maintain the quality of our neighborhoods and what made this island community special. As I testified previously we don't want to restrict people from buying homes here, but we want to say that if you're going to buy a home here, please be our neighbor. Don't be an absent owner and not be our neighbor. So that's the, the foundation for the recommendation that I made on the cap.

Yeah, that's about it for now. Thank you.

Ms. Preza: Thank you. Commissioners do you have any questions for Butch at this time?

Ms. Sherry Menze: I was under the impression that maybe I wrong that the last time we met and talked about this you had said the cap should be 30.

Mr. Gima: Right. At that time there was no recommendation on -- the recommendation was 30 for short-term rentals.

Ms. Menze: Yes.

Mr. Gima: That was the number that I arbitrarily thrown out. But there was not the concurrent discussion about a cap for B&Bs and a cap for Short-Term Rentals. Now that the County has come out with concurrent recommendations for short-term rentals and B&B, that is why I came up with the no, what I can live with, and what I feel is ideal.

Ms. Preza: Any other questions? Great, so Andrea, this is your turn to testify. Can you please speak into the microphone if you're going to ask?

Dr. Andrea Ippen: Thank you. I would like to ask the Committee to please ask Butch on page-2, Section (D), letter (c), an adult to serve as a temporary manager up to 45-days in a 12-month period. He stated that many of these people are managing for more than the 45-days, and I'm curious to know where he got that information from.

Ms. Preza: Is that something that the Committee would like to -- is curious about? I don't --. Okay.

Ms. Menze: Okay, so for Andrea, where did you get the information?

Mr. Gima: I called, called all the short-term rental owners and the property managers, and they, they acknowledged that, yeah, they are the property managers for short-term rental number one, or number seven. And I know they are, I know they are a full-time residence here.

Ms. Menze: Thank you very much.

Mr. Gima: So two and two equal four.

Ms. Menze: Thank you.

Ms. Preza: Great. Thank you.

Ms. Green: Can I ask him a question?

Ms. Preza: Sure.

Ms. Green: Then are you recommending that that be enforced or you're recommending that they limit the change or what are you recommending on that one?

Mr. Gima: I don't have recommended language. I just stated that I think it may be an enforcement problem because you have residents who are acting as property managers that assumed the role as a property manager for more than 45-days out of a 12-month period.

Ms. Preza: Thank you. Okay, thank you Butch. So, Andrea, would you like to testify at this time?

Dr. Ippen: Aloha. If everybody could please pull up the memorandum that I sent through. I believe everybody has a copy. It looks rather beastly, but there's actually -- most of it is just cut and paste from the bill itself to show language in each point.

So I sent through the memorandum. It's got eight attachments; three related to B&B and five related to the short-term rental. The grammatical errors for the B&B and the short-term rental I didn't mean to proof-read, but I just there were so many things I noticed, I just thought I'd throw in there. I'm sure I didn't catch everything so perhaps before going to actual turning it into a bill it could be proofread very carefully and closely.

But if you could please turn to page-4, the B&B questions and clarifications. The language in here you suggested that under 19.64.040, Section (B), Notice of Application, all applicants shall by certified mail provide a notice of application. And then further down you've added in the language on the Island of Lanai, notification shall also be made to the street addresses of adjacent properties and properties across the street from the proposed bed and breakfast home. My question is how are we to accomplish this? There is no mail delivery on the island of Lanai. The physical addresses don't receive mail. They only go to the post office. So how is the addition of this statement supposed to be enacted?

Ms. Preza: Thank you for bringing that up. I think that is something we can discuss.

Ms. Green: Yeah, I had that same question too. But may I say, we're talking about short-term rental now. We're not into B&Bs so can we skip to the . . . (inaudible) . . .

Dr. Ippen: Absolutely. I apologize. I just started at page-1. I'm sorry.

Ms. Preza: I, I think we're discussing --

Ms. Green: If you want to go to page-8.

Ms. Preza: We're discussing both, so I think it's okay to --

Ms. Green: Okay.

Ms. Preza: -- just as long as we know which one you're referencing.

Dr. Ippen: Okay.

Ms. Preza: It's all the same agenda item.

Dr. Ippen: Okay. Do you mind if we just keep going through in order?

Ms. Preza: No. That's fine.

Dr. Ippen: Okay. And then the second, Q2, same question, different section. This is 19.64.060, Section E, upon approval of permit, the owner proprietor shall send. Again, the same question, you're adding language that notice shall be sent to the street addresses. Lanai does not have street address mailing capacity capability.

And question three is again the same issue, just in a different section. This is in section (F), and that is relating to notification of change of information.

And then for clarification question number one, please, for duration, renewal and non-renewal of permits in compliance with permit conditions, letter (g), nonrenewal procedures. And then subsection (c) lists evidence of nonresponsive management. I would like a definition of nonresponsive management. If not a strict definition, then perhaps an example so that we know what it is that you're expecting us to be responsive where otherwise we're falling into nonresponsive. And clarification question two, again, 19.64.065 regarding revocation and enforcement, number one, nonresponsive management. Again, if you could just define that please.

Okay, and then please move on to page-5. Or, did you want to talk about these as we go along or do you want me to just ask?

Ms. Preza: We do. I think that if there is something that, you know, like the first three were all the same confusion, I think maybe just -- I, I read through this so maybe just the encapsulate, you know, the essence of what they are.

Dr. Ippen: Right. Okay, so the first three were one. And then my objection to the bed and breakfast issue are the Bed and Breakfast proposal is 19.64.060. You talk about compliance inspections being conducted within one-hour of notice. And if the owner proprietor does not conform to that, they may lose their permit. I can think of different times, different reasons why someone would legitimately not be available within a one-hour time frame for compliance certifications. And as you can see here I've given two different examples and my suggestion is to just take those examples and turn them into exceptions. Ex -- excuse me -- exception number one, if they're at their place of employment and cannot leave, cannot reasonably leave. And exception number two, if they're off island. Obviously, if they're off island, they can't be having guests in their home. But as long as there are no guests in their home and they are off island, they are conforming to the law. I don't how you can ask someone to be there within an hour. So I would suggest making exceptions for certain situations.

Ms. Green: Andrea, if you look at number (E) here on the manager of a short-term rental home shall, and it says here for purposes for this section accessible means being able to

answer the phone at all times, being able to be physically present at the short-term rental home within one hour.

Ms. Preza: Sorry, she's talking about B&Bs though.

Ms. Green: I know, but I think it's --. I'm sorry, you're correct.

Ms. Preza: You're referencing the short-term rental.

Ms. Green: Sorry, I'm still in short-term rentals.

Dr. Ippen: That's okay. If this comes up again for short-term rentals, we can discuss that. Okay, and then page 6 and 7 are just again grammatical errors. If you could please turn to page 8, now we will be on short-term rentals. Question one, 19.65.030, Restrictions and Standards, here you would like to remove the language relating to -- letter (B) -- each permitted dwelling unit on a short-term rental home property shall be rented to one group with a single rental agreement except on the Island of Lanai. Currently exists in the law, and you're looking to have that remove, so I would like to know the reasoning behind removing that exception.

Ms. Green: Because we only want one group in the house. We don't want them to rent out individual rooms.

Dr. Ippen: Okay, but can you explain why the reasoning behind not wanting to allow this?

Ms. Trevino: I think a lot of it came down to because we're talking about renting out individual rooms to different parties, so highly likely if you had different parties renting out rooms each of them possibly could have their own mode of transportation. So say you have one party renting the whole place, it's highly likely they're just going to have possibly one vehicle. Versus if you have more than one party renting from an area, they could conceivably, with the three bedroom, have three different vehicles being rented. So, I mean, I know for me that was what I was looking at is what's the impact because we already know that the impact just renting out one place with a vehicle if they don't have the parking situation handled becomes an issue.

Dr. Ippen: Okay. My question for you then would be if every other contingency is met because parking is a requirement that people park off-street, would it still be possible to leave this clause in and then add a notation provided all other conditions are met. For example, I have a short-term rental home, I have parking available for three vehicles, I have three bedrooms. So I would still be able to have a parking space for each individual party if I were to rent out each of the three bedrooms separately. So that would not be an issue. Maybe for other people it would. It would, of course, depend on their parking circumstances. But could you keep this clause in, again, just with the notation, provided all other conditions are met per room?

Ms. Preza: Sorry, you're saying, you're talking about renting the house out to three separate parties.

Dr. Ippen: Which currently is legal.

Ms. Preza: Which we have discussed about not wanting. Correct? Okay.

Ms. Menze: You're talking about the short-term rental homes, right?

Dr. Ippen: Yes. For example, I just want to throw this out because this recently came up for me personally. I have someone on island who have -- she lives here, she's a full-time resident, she has to move out of her current rental. She asked if she could rent my house, but she doesn't want the whole house because it's too big for her to afford on her own. So I contact Maui County to ask if it's a short-term permit can I do a long-term rental and a short-term because she wants the ability to short-term rent through me with my permit number. So very legally, rent out the extra bedrooms she doesn't want to help her pay rent is basically what it is. So legally currently I could have her sign a long-term contract for one or two of the bedrooms, and then rent out the other third bedroom, or second or third bedroom, as short-term, and I'm still meeting the requirements of the law because all other conditions, ie: parking, would be met. And then I would be able to not only have the short-term permitting, but I would also be able to provide long-term housing to an island resident which I know is a concern.

Ms. Preza: Thank you for sharing. Do you have other questions about this --? I think we need to discuss this maybe after we close public testimony, but do you have?

Mr. Gerald Rabaino: Just my suggestion, I disagree with what you're saying because it sound like a double standard.

Ms. Preza: Do you have a question for her or just a comment? Do you want to move on with the --? Thank you for bringing it up, and I think it's something that, we'll have to discuss.

Dr. Ippen: Okay, restrictions and standards, question two, 19.65.030, Section (E), the manager of the short-term rental home shall on the island of Lanai -- and this is something you want to add in -- manager shall not manage more than 10 short-term rental homes. My question is what is the reasoning behind implementing this limitation? And it relates to a later objection. Because, in fact and we'll get into that in-depth later, you have to be either a licensed real estate professional or fall under one of the State exceptions. And as things have been running here, there are some people that don't fall under that exception. But I'm just curious, why the limitation to you can only manage up to 10.

Ms. Preza: It's something, I think --. Sorry, so I would like to hear what you have outlined in all of these things, and maybe it might not be the best use of our time to like answer every single question.

Dr. Ippen: Right.

Ms. Preza: So I think it's things we'll address when we're talking --. Does that seem fair to the Commissioners? Because I want to make sure that we're getting through it when . . . (inaudible) . . .

Dr. Ippen: Well, since this question relates to a later objection, can we just skip to that objection? I think that would make more sense. So that's going to be on...okay here, on page-10, objection number two, the language has been in the County law that is so confusing, there have been so many debates and discussions and I think, to me, it's rather clear. So I've included two addenda to this packet, to show you the Hawaii State Law. Because this says, restrictions and standards, the permit holder shall serve as the manager provided that they may designate an individual with an active State of Hawaii real estate license, or (B) -- sorry -- or-- Excuse me, I misread that. Real estate license to serve as manager except for properties located in the Hana or Lanai community plan areas where an individual may act as a manager as allowed by State law. Now I know that Butch objected to this earlier due to accountability, but in fact, the act as allowed by State law, if you turn to page 13, this is the State law on rental home, and whether or not you need to be a licensed real estate agent. Skip to page 15 and the exceptions to this law, nowhere in here does it give an exception to Lanai or Hana or any other community in the State of Hawaii. So I think keeping the language as saying except for Hana and Lanai, is incredibly confusing because it says, well, you don't have to unless State law says you have to or you can't. But then State law doesn't give an exception for that. And I know this has been an issue that's been going around and around. So I wanted to actually provide you with a copy of the language of the State law so that you can see there is no exception for any geographic location in Hawaii.

Ms. Preza: Thank you.

Dr. Ippen: And then something that came up in Butch's testimony relating to this same issue, saying on page-15, I believe I said. Yeah, on page-15, talking about the same section, but talking about an adult to serve as a temporary manager for up to 45-days in a 12-month period. That's actually not even necessary to have in the law because according to Hawaii State Law that's legal. You can have somebody do that for the entire calendar year for the entire life of the permit as long as they only do it for one person -- they're called a caretaker - - and that is an exception in the State Law. So the people who are going beyond their 45-days are actually perfectly legal to do so according to the State Law. I just think there are some inconsistencies between State and County law that are leading to a lot of confusion.

Mr. Rabaino: I get question for Corporate Counsel. If the State Law supercedes the County's law, and is what you're proposing.

Ms. Thomson: So just to answer that question. Yeah, you'd have to comply with State Law. So, you know, if the County --. I agree that there are some confusion in the different terms.

Manager, you know, and then in the State law, it's referred to caretaker or a licensed real estate professional. This has been one of my beefs in the past too that it has created some confusion.

Ms. Preza: Okay, could we move on?

Dr. Ippen: So going back then to page-8, question 2, not managing more than 10 short-term rental homes. If my interpretation of State Law is correct that there is no exception, you do need to be a licensed real estate agent or a caretaker, then why --? Well caretaker would not apply here. Obviously, a caretaker can only do one short-term rental home. But why would we limit a real estate professional to how many homes they are allowed to act on?

And question three, a permit is nontransferable. Why the limitation on this? And is this being enacted because I know of one property on island that sold six months ago. It was permitted in 2017. The new sales, or the new owner's information is currently posted and it still shows as a short-term rental permit. So it seems that the permits do transfer in reality, even though on paper they're not supposed to, so I'm confused about what's happening there.

Ms. Green: There was something last year that if by a September date if you applied for a short-term rental you could, you came under the umbrella. So could they have purchased it before September whatever of last year?

Dr. Ippen: The purchase was May 1<sup>st</sup>, 2019, so no.

Ms. Green: Okay.

Ms. Menze: Maybe the County just hasn't caught up yet with the purchase and the permit is still just hanging there.

Dr. Ippen: Right. It's very possible.

Ms. Menze: More than likely because if it was in May, I would assume that it would take the County at least six months or more, minimum, to get caught up. Maybe even a year, just in the timeframe of them realizing that it was sold, and then the timeframe of them . . . (inaudible)  
. . .

Ms. Preza: I think we just don't know what happened in this particular instance, so, sorry, I do you want to move on?

Dr. Ippen: No, that's fine. But could someone answer for me, I think this law might have been enacted before any of you were on the Planning Committee, but if anyone knows, can you explain why there is a limitation?

Ms. Preza: I believe, and you can correct me if I'm wrong, but the person who owns the

property has to have owned it for five years prior to being able to apply for a short-term rental home permit. So I'm assuming that if they newly purchased a home then the permit can't be transferred because they have just purchased it.

Dr. Ippen: Okay, thank you.

Ms. Preza: Is that correct?

Ms. Thomson: It's probably also to prevent these properties from, you know, because it would increase the value of that property. So if you're allowed to transfer the permits, it would artificially increase the property values.

Dr. Ippen: Okay, thank you. Also question four, 19.65.030, Restrictions and Standards, you currently, it's no greater than six bedrooms on Lanai, and the Committee wants to change it to more than three. One, why is there a limitation here? And two, would the existing permitted bedroom, four plus bedrooms be grandfathered in for the length of their permit or is it renewable if they already have that permit?

Ms. Preza: We'll have to discuss grandfathering.

Dr. Ippen: Okay, thank you. Question five, 19.65.050, Section (A), Number (8), subsection (a), no part of the property has been used for any rentals of less than 180-days at a time with or without the owner's permission since January 1<sup>st</sup>, of 2013. My question is on the next page. Is there an exception for owners who purchase their home after January 1<sup>st</sup>, 2013? For example, an owner purchased the home for which he/she has a valid short-term rental permit in 2016. So they bought it in 2016, they process, got a permit. If that person is going to renew, how can they go back between 2013 and 2016 to attest to anything they didn't own the home at that time? And then there's a suggestion on how to change the language.

Ms. Preza: Did you have a question Jerry?

Dr. Ippen: Question six, again, the same question as on the B&B relating to the physical address situation on Lanai. And then clarification point one, 19.65.070, you're looking to include in the nonrenewal procedures providing evidence of making the rental home available for a specific period of time. One of the exceptions would be for community benefits. I could see that being a wide open field and so I think a definition of community benefit would be very helpful.

Okay, now my objections. One issue for and a topic we touched on earlier, 19.65.030, subsection (B), each permitted dwelling unit shall be rented to one group except on the island of Lanai. By removing this it will prevent the ability for clientele to overlap so you might have bedrooms one and three booked, and then bedroom fills and three leaves, and that will incredibly hinder our ability, people who have short-term rental permits, to meet the requirement that's proposed under 19.65.050, section (F)(1), subsection (j), which is the 51%

occupancy rate. Where it is if it's possible to rent bedrooms out, it's easier to keep it filled for more days out of the year.

Objection number two we discussed. That's removing the language saying except for properties located in Hana and Lanai.

Objection three we discussed. I don't think limiting a real estate broker license or a real estate broker who is licensed should be any more limited than already under State Law and by their professional ethics.

Objection four, duration renewal and nonrenewal of permits in compliance with permit conditions. That's again going back to the one hour of notice. It's the same objection as on the B&B. And now Caron had mentioned earlier that on the short-term rental it does state that a permit holder needs to be available which is correct. But my interpretation of that is that if there are people in the home. So again if someone is not renting their home out at the time, and they are off island, or...if the home is not filled and they are at work and cannot reasonably leave. I think this is something that should be considered. If people are in the home, then, yes, the one hour makes sense.

Okay, then I would like to -- this is my final objection but I think it's my biggest. Objection number five, 19.65.070, (F)(1)(j), on the Lanai, the permit holder is unable to provide evidence that the short-term rental home was made available for rent, and was occupied on a short-term basis for greater than 51 percent of the total calendar days since permit approval. My objection, this proposed condition, is untenable on its face and puts an onerous, unrealistic burden on the permit holder. Point number one, permit by definition allows for short-term rental. It does not require it. Point number two, actualized bookings are out of the permit holder's control regardless by the efforts made the permit holder to acquire clientele. You might try to turn this into your full-time job, use every posting platform possible, spend thousands of dollars on advertising, and only fill it only 20 percent of the time. You as a permit holder have no control over how many people actually book with you. Point number three, I did a brief internet search and that uncovered that the highest average occupancy rate of short-term rentals in Lanai City is 47 percent. That's four percent lower than what this proposal requires of each and every permit holder. So this proposal is basically asking every single person who has a permit to rent at higher than the highest average rate in Lanai City.

Ms. Preza: Thank you. Sorry, can you finish up? I think we need to start moving along.

Dr. Ippen: Okay, I'm trying to finish.

Ms. Preza: Thank you.

Dr. Ippen: This is incredibly important, I believe.

Ms. Preza: Yeah.

Dr. Ippen: Also that information that I provided in Section (3) it is limited to data from Airbnb which is a professional hosting platform. So basically it's reasonable to infer that this statistic of 47 percent is higher than realistic for many people. Also occupancy rates are based on bookings compared to availability, not bookings compared to calendar days. Availability will always be less than calendar days especially here where we have to leave for medical, sometimes work, family, vacations. So when you take those days out, then the 47 percent is only the percentage of bookings to available days. So then again, that lowers the 47 percent compared to calendar days.

This proposed requirement would basically penalized permit holders and managers who do not pay to use a hosting platform, they're not good at obtaining bookings or they cannot rent their home at a higher than average rate. And by definition it's impossible every permit holder to be above average.

Number five, as a short-term rental permit holder myself, I rate the following statistics as based on bookings to availability, not bookings to calendar days. Anything that's 30 percent or more of my available booking days is excellent. 25 to 30 percent is fantastic. And if I'm booking 15 to 25 percent of my availability, I consider that successful.

And number six, basically, there is no feasible statistic to which permit holders can be held accountable. So my suggestion is that proposal in its entirety should be rejected. Thank you for your time.

Ms. Preza: Thank you so much for taking the time to put together. I know this was probably a lot of work to outline everything, but I appreciate, you know, having the chance to seen this prior to the meeting, so thank you. Commissioners, do you have any questions for Andrea before we ask if anyone else would like to testify? Yeah, I think that we will be --. A lot of the things that you mentioned, I do want to discuss as a Commission so thank you for your time. Any other public testifiers at this time on this agenda item? Okay, so we'll close public testimony at this time. And Commissioners, now is our chance to discuss the proposed revisions.

First of all, thank you to the Planning Department for, you know, taking our, our thoughts and translating it, translating it to paper because I know we had a lot of discussions on this, and it probably wasn't easy to go through all of that and decipher what would be appropriate to change, so thank you for the time spent on that.

Commissioners, is there anyone who would like to start with, you know, comments or questions for the Planning Department? I know there was a lot of information brought to us just now. Anybody? Well, so would you -- I feel like there are things to be discussed that overlap, but obviously they are different proposals for the short-term rental homes and the B&Bs. I do have a --. Would you like to go?

Ms. Green: Well, I was just going to say I wonder if we could ask a few questions of the County with regards to some of her questions. For example, when they put in this, as allowed by State law for the manager, what is the County's thinking on that? And then the next one under there about the 45-days in a 12-month period. So perhaps maybe they --.

Ms. Thomson: I can take a stab at it. The as allowed by State law, I think, was added a few years ago because some of the questions came up. I remember it was actually at a Hana Advisory Committee meeting. Because Hana was having trouble, the Hana community was having trouble finding licensed real estate professionals who were willing to take on the business of doing short-term rental homes. So they were looking, the Hana community, at that time was looking for some leniency. So we did discuss the limitations in State law. And you know, I do think this section is a little bit confusing because as was pointed out, regardless of what's stated in terms of who can be a manager and who can't, if they don't comply with State law they could be, you know, be brought up, you know, that they're non-compliant and have a complaint made against them.

Ms. Preza: Thank you.

Ms. Thomson: And the 45-days, I agree that we probably wouldn't want to make conditions that would affect someone's licensing. So, you know, if they comply with state licensing requirements, limiting them to the 45-days could be problematic there. The other thing is that 45-days out of the calendar year or how are you measuring the 45-days that could be difficult too.

Ms. Preza: Other questions for...the County or --?

Ms. Green: Well, I guess I'm still confused about, okay, she got the exceptions. When I read it, it says the provisions requiring --

Ms. Preza: Sorry, could you say where you are right?

Ms. Green: I'm sorry. I'm still back on the state law one and then she printed out the state law for us and it says exceptions. The provisions requiring licensing as a real estate broker or salesman shall not apply. So, that means, I read that as you can have somebody who is not a real estate broker or a salesman. But then underneath here and I haven't read them all, who does qualify if you're not a licensed relator or broker?

Ms. Thomson: So the shorthand is you have to be a licensed real estate person or a broker. You can be an owner, you can be just a regular person without a real estate license and rent your own home out, or you can be a caretaker, and this is a special class, you can be a caretaker for one owner. So you can only -- it's a one property deal.

Ms. Preza: I think Chelsea has some, if you don't mind.

Ms. Trevino: I'm just curious in regards to conversing about this issue for a long time. Are there people who oppose saying it needs to be a realtor? Because if we go with that as one of our decisions, then that negates the question of the 10, 10 properties and the -- and we know what a caretaker is. So I'm just kind of asking...what people think about that option. I think that was one of Butch's recommendations was just stick with the real estate person, right? So I'm just curious. Because if we make that decision, then that negates any of this conversation we're having in regards to the 10 and the this and the that. So I'd like to hear what everybody else thinks about that.

Ms. Green: And Chelsea, I think what the discussion was when we discussed this months ago was that there may not be enough realtors on Lanai who want to do this. And that could be, of course, that could restrict the number of people who have short-term rentals too if they can't find somebody to do it. But I think that was the reason behind it is I don't know how many realtors want to get in the business of managing short-term rentals.

As far as the 10 is concerned, I thought that was kind of, like, that's a lot of properties to manage. Who can -- you know, can you effectively manage more than 10, and I think that was kind of the thinking behind that.

Ms. Menze: But is the rule saying then that even if you're even a real estate agent you can only do 10 as Andrea is alluding to?

Ms. Preza: Yes, I believe that is what they're saying in the caretaker option where that's the exception you don't have to be a realtor. You can only take care of one property, correct? I'm sorry, where are you?

Ms. Menze: Was that Andrea's argument though where her objection three, the manager of a short-term rental shall on the Island of Lanai manage, manager shall not manage more than 10 short-term rentals. Does it say there that they have to? Her objection is a licensed real estate broker should not have onto limitations placed upon their ability to work under the State law. So is the limitation just on caretakers or is it on real estate agents also is my question.

Mr. Rabaino: Chair, just for the purpose about arguing the status about caretaker. I know Lanai residents that manages six homes. On the paper it says 10. You guys go find out who that is.

Ms. Preza: Well, if someone is --. If they're a caretaker who is not a realtor, they're not supposed to be managing more than one anyway so that's illegal. Sorry, Chelsea, you had a comment?

Ms. Trevino: Oh no, I just --. I want to go back to it doesn't really matter what we think if the law is the law. So I think a part of it is that question in regards to how that wording was created

that said Hana and Lanai had an exception, but there is no exception. So to go back and forth with this seems mute.

Mr. Hart: I can just clarify. We're talking about a County ordinance exception, not a State law exception just so everybody understands. So that means in Wailuku and Kahului there's no caretakers. Does that makes sense to everybody? In Lanai and in -- well in Hana now and proposed in Lanai there can be caretakers. There cannot be caretakers in Wailuku, Kahului, upcountry, you know, other areas on Maui and Molokai.

Ms. Preza: So that's the only exception that's being --

Mr. Hart: That's what's proposed so that's got nothing to do with State law.

Ms. Preza: Right. Right, so that just allows one caretaker to take care of one property.

Mr. Hart: Because the County ordinance is basically saying we want, we want a real estate agent except for these two geographic locations that have different unique scenarios. So it doesn't contradict state laws in any way.

Ms. Preza: I understand. Okay.

Ms. Trevino: And again, the caretaker can only have one property that they can care take.

Mr. Hart: And that's a State law issue.

Ms. Trevino: Right.

Mr. Hart: And that's why -- so it's not addressed in the County Code because it's regulated in other places. And so those people who are undertaking those things should be knowledgeable of what they're doing and make sure that they're complying with all laws.

Ms. Preza: So in adding in the limit of 10 was that because of the discussions with being able to efficiently manage?

Mr. Hart: That's right. And just to clarify there were several things that were mentioned that are existing ordinance. They're not even proposed changes. Everything that was put in was based on specific comments from different people, and you'll notice there's contradictions. So basically everything that everybody said that stood I put it in, and then the intent was you guys would pick through and decide which ones are going to stand.

Ms. Preza: Thank you.

Ms. Green: Would it, would it then be maybe easier for everyone to understand under this (D)(2)(b) where we talk about having a real estate license or not. But instead of just saying

anything about as allowed by State law we put in something about except for caretakers who can, you know, take care of one property as the exception to it being a realtor.

Mr. Hart: It might be easier not to restate State law in County ordinance and just, in order to avoid having a change somewhere else that you have to change here and things like that. If you just basically --. Even stating that they have to comply with State law I personally feel is unnecessary. I think everybody knows you have to comply with State law when you're doing something on the County level anyway. But I think that spelling out State law in County ordinance I don't know if that's ideal personally.

Ms. Preza: Okay. Maybe we can think on this because I don't want to dwell too much. I do want to figure out what we would like with this section but are there any other sections you would --? There are a lot of changes so are there any other sections that you would like to discuss?

Ms. Green: Alright, so why was this -- why does the County have a temporary manager for up to 45-days in a 12-month period?

Mr. Hart: I don't know the origin of that. I can't tell you right now. I can look into it.

Ms. Preza: So just so everyone can kind of refresh about some of the changes. Some of the major ones include that, you know, for new, for short-term rental homes proposed on the island of Lanai the applicant's primary place of residence shall be the island of Lanai. So that is something new that we have discussed that I think we were in favor of. I do think that there needs to be definition in terms of what primary means, so maybe, you know, that's just my thought on that. Because I think primary can be like is that six months and a day or is that, you know, 75 percent of the time that they're here. I think that need some clarification.

Some other major changes are that, I believe there was wording put in so that not only does every renewal come before the Planning Commission, but also every application. Correct? So thank you for adding that. I think that would be helpful for, you know, us but also future commissions when we're not here to be able to give opportunities for people to share their thoughts in a forum, so I think those were good additions.

Ms. Green: Could I maybe voice a different opinion? I think you have all the rules in place as to what is acceptable or not acceptable. I don't know how you're going to reject somebody who meets all the criteria. I think it puts us and I think it put the Commission by having so many strict rules about, you know, only one within 150 feet, you know, and one per block, and all these other stipulations. If somebody comes forward I can't envision how you're going to say, you know, you're not from Lanai, you can't have it or something. It puts the Commission in a really sticky spot.

Ms. Preza: Sorry, I don't know where the wording that says that you have to be from Lanai to have a --

Ms. Green: No, I'm just saying on what basis would you then reject somebody if they've meet all the criteria.

Ms. Preza: So what criteria are you talking about, like the current criteria or the proposed criteria?

Ms. Green: No, our proposed, our proposed criteria.

Ms. Preza: So if everyone --. Well, I think --. Okay, that's a strange question I think because we need to decide what we would even, what we even like about this criteria and then decide if that's fair, right? Sorry, your concern is we're putting too many regulations upon what is allowed?

Ms. Green: No, no, no. I think, you know, deciding all these things are fine. But once you've decided that, if somebody meets all these criteria, why are going to bring them before the Commission because I don't understand what you would be able to say that would be legal to reject them.

Ms. Preza: I think there are places within in this that still allows for rejections. For example, you know, if there are complaints by neighbors, you know, and I think, maybe you can speak better to this about like how that could go about. But I think having everything come before the Commission as we've seen is a way for Lanai people to also check through some of the applications. Because we've seen applications that the County recommended approval for that we found glitches in, you know. So I think it's just another layer of, you know, checks on it on a, on a place. And it also gives a forum for -- and I'm just speaking for myself -- but a forum for people to come and share their concerns if they have any. Because we've seen, you know, in the past couple of years even though there's supposed to be certified mail sent out, there were mishaps with that. And obviously a lot of people showed up to certain meetings, and voiced their concerns. So that's why I think having those meetings would be important.

Ms. Menze: Madame Chair Shelly, also we've had a couple of glitches in that the one house had what he thought was a legal garage, but it was within two feet of his neighbor instead of the six feet. Also, there's another bed and breakfast that I've noticed that also and why they should come in to the Planning Commission. They say they have parking, and they've cut down the bushes, but they haven't made any attempt to gravel it, concrete it, and still to this present day the owner of that house since he hasn't got his permit yet, is still parking in the field across the way. He's not using the proposed driveway that he's had. And I can go on and on, but these, I think, are the, some of the reasons that we we really need to have them come in front of the Planning Commission is because on Maui as Jared had said too, I think, that some of the places haven't really been looked at. Even though they've been approved, but they haven't really gone through the visual steps that we've caught by being residents here by driving by.

Ms. Preza: Or I think that you know they have to go through approval, like, Jared or someone needs to come and check. But I think it's just good for, you know, if they are out of regulation in the future at least we can point those things out. Thank you.

Ms. Thomson: One of the things to perhaps consider is the Planning Commission could review all new applications. But if, you know, unless there's an issue, you know, complaints etcetera, that they could be administratively approved for renewals. So you could consider that. Yeah, so the Planning Commission could change the current practice and analyze all new applications. But if renewals, renewals of existing permit holders, if there no problem, perhaps you could delegate that approvals to the Planning Department.

Ms. Preza: I think --. Okay, thank you for the option. I personally I think that renewals should also come before the Planning Commission. But I also think we have to have a discussion about -- or maybe Jordan I could ask you a question if it's possible -- people have brought up about grandfathering in current permits and is that possible? Or I think the reason why I think that renewals would be a good idea is, for example, say it's only, you know, if these changes get approved then it's only for new applications coming forward. So having renewals come before the Commission would allow the Commission to review maybe permits that were prior to the changes.

Mr. Hart: So anybody that is permitted now, let's say, let's say a version of this ordinance passes, anybody who has a current, live permit now is existing and non-conforming. Well, they're permitted under their existing permit, so they're grandfathered for a lack of a better term, existing and non-conforming maybe. But, it could go either way. You could say either they can continue to renew under their original approval or you could say that they have to reset under the new ordinance at their renewal. So it just depends on what's decided with your new ordinance.

Ms. Preza: Do you have thoughts Commissioners on that? I think whatever we decide are the new rules. I don't think that current permits should be allowed to keep operating under the old rules that, you know, if this gets approved. Do you have --? Yes?

Mr. Hart: Point of clarification. They get to live out the duration of their existing term, correct?

Ms. Preza: When they renew then they would be --

Mr. Hart: Okay.

Ms. Preza: Thoughts or --? I see nods. I don't know. So yes you would like renewals to come before the Commission? Okay. So would also say if some version of this got passed then if they, if someone applied for a renewal on the permit but they no longer meet all of the criteria, then they would be denied.

Mr. Hart: Yeah, they could be. Yeah, they definitely.

Ms. Preza: I still think, I think similarly with, you know, applications, I think renewals if they could come before the Planning Commission, it might be a good idea just for, you know, purposes of checking anything that the Planning Department might miss.

Ms. Green: So are we saying that renewals must follow the new rules or not?

Ms. Preza: I'd say yes, but I don't know if anyone would feel differently.

Ms. Green: I personally think I need to think about that a little bit because there are people who made the investment and have been working. You know, they made the investment under the current rules, and I don't know, I may have a little problem with all of sudden in a year from now they don't have their business anymore.

Ms. Preza: I think that is something to think about. I think what also matters with this is if we decide we would like a cap. I know that's something we've discussed over and over again, but I think, in thinking about renewals and everything, like, I know there was some concerns about, okay, say we reached the cap of 30. If that's 30, then does that give any room for other people to be able to put their names in the hat, for you know, getting or operating a short-term rental home. Maybe we can discuss what you folks think about the radius proposals of 150 feet, and also the cap, if you have any thoughts about that.

Mr. Hart: The radius subject, one thing that I realized I didn't notice until coming over to Lanai today is that I didn't --. Basically with the edits proposed with 150 feet obviously that's up for discussion, but it talks about another short-term rental home. It doesn't talk about a B&B or a short-term rental home. So an example, like there can be a B&B right next door to a short-term rental home, so anyway.

Ms. Preza: So could we change the language to include either an STRH or a B&B? Because I think that's in essence, that's similar, right? Okay. Do you, Commissioners, like that 150-foot proposal or --?

Mr. Rabaino: Chair?

Ms. Preza: Yes Jerry.

Mr. Rabaino: I want to make a proposal for the ordinance amending Chapter 19.65, Maui County Code, 19 --

Ms. Preza: Okay, wait. Where are Jerry?

Mr. Rabaino: Page-1. On page-2 --

Ms. Preza: Or the STRH or the B&Bs?

Mr. Rabaino: Where it says the permit, the permit holder shall, remove number two, remove line 22, which is (c) up to 45-days, and stay with the 90-days.

Ms. Preza: Wait, sorry, you're --? Jerry, sorry, you're in short-term rental homes, (D)(2)?

Mr. Rabaino: I'm on --. That's page-1. You turn to page-2, and you're going (A), (B), (C), (D). (D), then line number-12 remove.

Ms. Preza: Remove that the permit shall --

Mr. Rabaino: Manager serve as a short-term rental.

Ms. Preza: Wait, why do you want to remove that?

Mr. Rabaino: And then insert --

Ms. Preza: Wait Jerry. Why do you want to remove that?

Mr. Rabaino: Just take it away.

Ms. Preza: Wait, why?

Mr. Rabaino: Because it says over here, immediate family includes -- that, that, that is all unnecessary because that is considered ohana, okay. So we only talking about a serve as a manager. Just keep the word manager, yeah, and the other language remove. And then (C), as an adult to serve, take away temporary manager.

Ms. Preza: Okay, wait, Jerry. Sorry, I'm just a bit confused. Maybe Jordan, did you have a comment about what he's --

Mr. Hart: I did want to say that I think that what I interpreted you're saying about ohana is that it's implied that they can do this and I think that's --

Mr. Rabaino: When I said ohana, I say the head of the ohana serve as a manager. The rest kick out, delete, remove.

Ms. Preza: Wait, it don't think that's what --

Mr. Rabaino: Because you look -- because if you're going to use manager, you might as well say one real estate agent.

Mr. Hart: Well there is, if you guys want to go in that direction, that's fine. But there are, there are other options. You know, you can have a caretaker and things like that. So anyway having --. The County can --

Mr. Rabaino: Which would you prefer, caretaker, manager or licensed agent? We've got three options right there. I'm saying --

Ms. Preza: Okay, wait, I think --. I don't think we should remove (D)(2). Do any of the other Commissioners think we should remove (D)(2) completely?

Ms. Thomson: I don't want to make -- throw a wrench in this whole works, but based on the comments later on, you know, that the applicant's primary place of residence shall be on the Island of Lanai. I agree that there could be some equal protection issues that I'd like to look into before we take this a little further. But, when I'm reading through this the (D)(2), the permit holder shall, let's say a minimum half or 50 percent interest in the legal title and shall serve as manager of the short-term rental home provided that except on the Island of Lanai. If you insert that language the way that I would read that would be that this permit holder has to be the manager. And that takes care of a bunch of, the other concerns meaning, you know, the owner has to be the manager who has to be on island and responsive within, you know, the time period, so for consideration.

Mr. Rabaino: Why don't you just use the owner then instead of manage . . . (inaudible) . . .

Ms. Preza: Well, I don't know if that's totally fair either because if the owner is gone for part of the year, then, you know, they would need a manager that's on island.

Ms. Trevino: . . . (Inaudible. Did not speak into microphone.) . . .

Ms. Green: Excuse me, but have we all said yes to number four on the fact that the permit holder has to be a resident of Lanai? Because currently -- I mean, I'm just remembering previous conversations when they were wondering how many people on Lanai can afford to have two homes, one that they live in and one that they use a short-term rental. Because otherwise it's a B&B. So, I, I really question whether or not we should have that in there.

Ms. Preza: Right, and I think you said you need to check on that. Jordan, can I ask? Was that part added in because we had concerns about community investment, or community, you know, having --? That's what you kind of tried to do, right?

Mr. Hart: Each of the, each of the underlying sections was derived from a direct comment from the Commission.

Ms. Preza: Thank you. So that's just something to think about. You know, I think we had discussed, you know, as representation, representatives of our community wanted people

who, you know, actually cared about Lanai, and part of that comes from living here. So I think that's where they kind of got that part from, so that's just something to think about.

Ms. Green: Well, I think we need to kind of nail down some of these things. Are we fore that or are we not fore that? Personally I -- we've already approved some. They were -- I forget her name. Was it Chalsey or something that, that had...has been a Lanai resident, comes back periodically, using her house for that. But when she's not using it, she wanted to rent it out as a short-term rental, okay. So we approved that. I mean, there a number of others that we have approved along the way where the people liked Lanai and they come here and use their place part of the time, but they don't live here fulltime. So I, I personally would not put this restriction in there. You know, I think it's up to the rest of the board what they feel like but I think that I just don't envision that many people who actually live on Lanai who can also have a short-term rental.

Ms. Preza: So if Richelle is checking about something which means we might have to look into later. Jerry, did you have a comment?

Mr. Rabaino: Oh wait. A question for you. It says number one, holding a minimum of 50 percent. Throughout the 50 percent it says the legal title owner. Hello, they buying the house right? And they want to rent it out.

Ms. Preza: Wait Jerry. Wait Jerry. Sorry, can you please ask people nicely what your question is. What is your question?

Mr. Rabaino: You going (D)(1), right on line-8, (D)(1), the permit holder holds a minimum of 50 percent interest. Take away the 50 percent interest and just say the legal title owner. Because when you say 50 percent, I thinking of people hui to buy the house.

Mr. Hart: Sure. I think that, you know, for efficiency of getting though this, if, if you just focus on the items that pertain to Lanai or that resulted from requests from Commissioners for consideration, it will make it easier. But if we dig into the entire --. All of the sections that are not underlined that's the original ordinance. And if you want to dig into the entire County Wide ordinance and change those things or start discussing those, I think it's going to be a much more complicated issue to address the concern that the Lanai Planning Commission has for Lanai at this time. Because that will become a County Wide exercise and, and we're going to Molokai, we're going to Maui, and we're going to reopen all of those things.

Ms. Preza: So I --

Mr. Rabaino: Okay, I retract.

Ms. Preza: Thank you Jerry. Sorry, I do agree with Jordan in terms of we should discuss what has been proposed. But for now would it be possible to call a short break? If we could

take a short five minute break and then return. I think everyone could use a little rest. Thank you.

*(The Lanai Planning Commission recessed at 6:46 p.m., and reconvened at 6:57 p.m.)*

Ms. Preza: Please take their seats, we're going to be restarting. It's 6:57 p.m. So I do think that there is more discussion to be had about short-term rental homes, you know, permits and B&Bs. But we do have some other items on the agenda, and there's some people who came over from Maui specifically to speak about these things, so I want to make sure that we respect everyone's time and, and get to those things. So with the Commissioners permission, would it be okay if we continue speaking about Item D.1. either if have time at the end of this meeting or alternatively at the next meeting. Is anyone not okay with that? Okay. Jerry? Jordan, is his name.

Mr. Rabaino: Jordan, yeah? Okay, sorry Jordan. But anyway...instead of putting all these item, on 19.50.030, we keep the standards.

Ms. Preza: Okay wait Jerry, so but do you want to keep talking about it now? Because I'm trying to make sure that we get to our other agenda items. Would you, would the Commissioners be okay with --?

Mr. Rabaino: Let me sum it up. With this -- Jordan --- with this, yeah, give more clarification and then we delay this for the next meeting.

Ms. Preza: Well I think that getting clarification it's like -- I think if we have specific questions, then individually we can reach out to the Planning Department. But if possible maybe for the next meeting, could we call come with a list of items or, you know, just a list of comments on every, you know, underlined, if we agree with it, don't agree with it, would like to change, and then at the next meeting we can go kind of line through line though the changes. I think that would maybe more efficient than getting random clarification. Is that okay for everyone? Because I'm sure that everyone has read over everything and has thought about it in the past month. But, I think with some of the comments from tonight and...I think we all have things to let simmer for another month. And then we can come back and do it in a more organized way.

Mr. John Dela Cruz: One thing I'd like to ask the County to do is respond to the address thing.

Mr. Hart: This is Jordan Hart. I don't know the solution to that. The intent to the comment that we received was that there needed to be notice to renters who are not property owners. Now if there is a way to determine the renter's P.O. Box somehow, then that could be the substitute. Go ahead.

Ms. Trevino: Is there not wording we can put in there that would specify? Because right now you're using the term certified mail, which is USPS. We know that Fedex and UPS can deliver

to physical addresses. So is there a term that we can use that specifies using a delivery method that delivers to a home? I think that would – that would negate, that would take care of that because –

Ms. Preza: Something to think about?

Mr. Hart: Yes, so basically the certification is just, I believe the intent of that is proving that it has been done. Just so somebody can't contest and say, you know, this application was improperly noticed so you can't issue this permit, you know, that kind of protest. But maybe Corp Counsel is there any reason that we've used USPS, or is that just because that's what it was in the past?

Ms. Thompson: I think it's because it's the way that it was used in the past. Posting is really the way that you get at that type of notice though. So you have the signage which provides the physical, you know, you can drive by and actually see it and then mail is the typical backup. And then publication which I know we've talked about that, it has its own issues here.

Mr. Hart: But I believe the, it was basically physical, like the renter, long time renters who resides in these houses who are not property owners receiving notice of what's occurring near them. Because otherwise the property owner will receive a notice and they'll be a long time renter there, they would have no idea. So I think that the, you know, parcel service or Fedex would accomplish it. So, you know, we could word smith it to not say US Postal Service and some sort of mail delivery with receipt is basically what you're trying to arrive at.

Ms. Trevino: Right, and I think, you know, Lanai is unique in the sense of there is no postal home delivery. Whereas the majority of the rest of the US does have it. So I think that's where this little caveat of the thing being --. Yeah.

Ms. Preza: Thank you. That's a good thought. Sorry one thing -- I know I do want to move on but I did have a couple of questions so that we can all think about it some more. On page-10 of the STRH document, so this is 19.65.070 Item (F)(J). This is the one where it's discussing about the 51 percent of the total calendar year. And I know there were concerns about this. I wonder in writing that, was that coming from the comments about making sure that -- or that short-term rental homes are being utilized by short-term rentals and not, like, long-term or where did that come from?

Mr. Hart: Yes, so it's a combination of there was a community benefit portion that was discussed. There was a concern that a lot of the approved short-term rentals are being rented to construction workers while we're approving more short-term rental home permits. And then there was a discussion of, of people, some people who are part-time residents, and they basically live in the, in the home part of the year. So it's basically a combination of trying to address those things in one spot.

Ms. Preza: I think that's something Commissioners should think about because I, I understand

where Andrea was coming from with it's really difficult to expect, you know, 51 percent of the year is totally occupied by a short-term rental homes. But I just wanted to clarify where, you know, the comments, where this is derived from, so thank you.

I do think defining some of things that Andrea laid out, but also you know, like, yeah, community benefit, or what is -- I don't know, I think we do need to discuss what primary residency means if we would like that.

Another thing before I forget. This is just a brief grammar thing is the name of the island. And this is just before I forget, just for everyone too. This place is Lana'i, right? It's never been Lanai. We've just simply forgotten the correct pronunciation or how to, you know, properly respect this place. And so I work in Cultural Preservation and so the way I'd write I would either say, for document purposes, it's either all or nothing on the diacritical. So, even it's written Lanai, it's still Lana'i. But if there's going to be an okina, then there should be a kahako over the first a as well. And just on another note, I would all like for us to try to say Lana'i because that's what we do with our students here too, so it's something that I've been meaning to bring up, but it's the perfect time.

Mr. Hart: So I, I started to try and address it. The two, the two ordinances are different in the way they're written, and basically I just left it alone. Because it is going to go through form, for review for form and legality, and so that would be a time to address all of those fine tuning items like all of the, the grammatical errors and things like that that were, that were brought up. This is just basically the first pass to catch the concepts, but we can address that.

Ms. Preza: Thank you. Sorry, it's just before I forget. Yes?

Ms. Trevino: Can I suggest, I think (j), the (j), the 51 percent occupancy calendar year, community benefit. I think that with the other limitations that we have as far as other things go, I don't know that this is necessarily needed at all. Because once we enact the, the new modified limitations I don't think that this is going to be a problem anymore.

Ms. Preza: But does it --? So what would be -- what other things addresses short-term rental homes being used for long-term? Because I think this is what this is kind of trying to address, but yeah.

Ms. Trevino: I, I think because of some of the limitations with the amount of -- I think the radius thing addresses it. I think having the cap would address it. Because I don't think anyone is going to apply for a short-term home rental with all of these things that they have to get through. And this is actually for renewals, right? This one is actually the, the renewal, right, non-renewal procedures? Either that or --

Ms. Green: How about some verbiage putting in it's not been used a long-term rental, period.

Mr. Hart: Well, you guys can do, I mean, you guys can do whatever you want. That's important

to clarify. What I was going to say is that it is going to be really important that you either are going to vote up and vote down each of the, the amendments or you're going to amend it altogether and then vote up or down the whole thing together. So that's a really important thing that hasn't happened. Like basically if you recall everybody was just saying whatever they came to their mind, and then we took notes of all it and then found a place to stick it all in. And so, you know, maybe it's not all, you know, on second thought going to be making it all the way to the Council. But, you know, that's, that's something for everyone to consider.

Ms. Preza: Great. I do want to move on to other agenda items, so if that's okay. So Commissioners, are you all okay with, you know, maybe reviewing this again with, you know, keeping in mind public testimony and everything that's been shared. And then the next time we'll go through each of the proposed changes, and you can suggest your, you know, make your comments and we can decide from there. Does not sound good? Jordan?

Mr. Hart: Could I say one thing also? If you are working on this in the interim, and have questions about something, if you would like to email Leilani. Don't email each other, but email Leilani your questions and I'll work providing a response to the entire Commission.

**2. Ms. Michele McLean, Planning Director, transmitting the Lanai City Country Town Business District Design Guidelines and Standards, 2019. (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.)**

Ms. Preza: Thank you Jordan. So, we're going to move on to Item D.2. I know Annalise came from Maui just to do this and so thank you for making your way here. But this is about the Lanai City Country Town Business District Design Guidelines and Standards. So for those of us who were on the Commission at that time, it's kind of the largest document in the packet that we got. But this is the revisions that were made and I'll let Annalise share about what was done. Thank you.

Ms. Annalise Kehler: Thank you Chair. So my name is Annalise Kehler. I'm the Cultural Resources Planner for the County. Like Chair said I am here to talk to you today about the design guidelines for the country town district here in town. This is kind of -- so, this kind of an opportunity for you to have a last look before it goes to County Council where they'll adopt it by resolution. You previously reviewed an earlier draft, a very preliminary draft of this document back in February and in March of 2018. And so at these meetings I kind of identified some of the problems with that draft and I proposed a plan to address these issues. And then I got the Commission the approval for that plan. And then you folks also provided me with a couple of really important recommendations which have been incorporated into the document before you today. So these recommendations include adding language encouraging business owners to use the correct spelling of Lana'i. Using the correct spelling of Lana'i throughout the document. Removing references to wheel stop surrounding Dole Park. Updating photos and names of businesses in the country town district. Adding language about outdoor dining

areas for restaurants. Deleting the list of typical foot plants found in Lanai City. Adding allowances for new construction to use wood like materials and architectural elements. And removing prohibitions on ground signs.

So in the staff report I also provided a link to the document that you reviewed last year in case anyone needed to refresh themselves on it. So since you guys last reviewed the document I made like pretty major changes to the graphic layout. I also made a couple of non-substantive changes to the text, and that was just to improve clarity, correct factual errors, and further implement the 2016 Lanai Community Plan. And all of those text changes are outlined in attachment two of your staff report. I'm not going to go over it because hopefully everybody read through it and understands what's said. So hopefully, you know, what I'm here for is to hopefully get a recommendation from you folks to Council to adopt this document. I worked really hard on it, and I think, I think that it does implement what was stated in your community plan.

Ms. Preza: First of all, thank you so much for your hard work on it because it is a lot different from the first iteration we saw, and I really appreciate it. I appreciate Lana'i. I think it was one of my, like, first Commission meeting so it's really nice to see this come back to us. And, you know, all the updates you've done, I think are great.

So today we can recommend to -- sorry, just to clarify with the Commission -- we can recommend to the County Council to adopt it, to adopt with suggested amendments, or reject. So if we have comments today about suggested amendments we can discuss those now or ask you questions. So Commissioners, do you have any questions in reviewing the document for her or any comments?

Mr. Delacruz: Well, I do trust that the County is putting all of the comments we made in the past. And I would actually recommend that we adopt this thing. I would like to see it adopted before Caron leaves because I specifically remember the wood thing.

Ms. Preza: But this is not a motion, yet, right? There's still other comments.

Mr. Delacruz: Well we should have some comments first then I'll make a motion.

Ms. Preza: Oh, okay. Jerry, do you have a comment?

Mr. Rabaino: Yeah, I second his motion.

Ms. Preza: Wait, there is no motion, Jerry. Don't be in such a hurry to leave us. No motion yet. Any other comments or suggestions? I was going to --. Sorry, this is just -- and I think it's very well done, so thank you so much. There were just a couple of things that I was going to suggest. I do think that we should adopt it as well, but maybe with a couple of small changes. On page, oh gosh, 1-6? Is that how it's written or --?

Ms. Kehler: Yeah.

Ms. Preza: So this is in the part about drainage. I'm pretty sure lwiolo is not with an i at the end. This is just a spelling error, so lwiolo, not lwioli. And I do have a question about --. Sorry, I'm sure this is --. Maybe this was on the document, but it's been a while since we've talked about it last. On page 1-1, so this is in the general design guidelines and standards, about landscaping. Sorry, I know it's kind of hard to find for the Commissioners. This is in part, part-2. There's a part that says that there should be a two-foot buffer between the building and any trees, bushes, any landscapes. And I'm sorry if I didn't make a comment on the last time if it was in it, but I don't --. Maybe there should be some kind of clarification with, you know, if there is, if it is reported that there is some kind moisture problem, or like mold problem being formed, or like deterioration to the building happening. Because I do think there are places around town that have, you know, small shrubs and stuff that I don't think should be -- I think they should just be left. You know, they're not causing any problems, and that's just a small thing. But everything else I thought was fine. I don't know if you, Commissioners, have thoughts or Annalise if that's possible to alter that.

Ms. Kehler: Sure. So the, the intent with the buffer between landscaping and the building, that's just more for people's information. That's not for the County to come in and regulate. Yeah, it's just, it's just a good practice when you own or maintain a historic building. You don't want to keep vegetation super close to it because it can trap moisture and cause problems. And that is something that I added in after you guys reviewed it.

Ms. Preza: So no one will get like in trouble necessarily for having like a bush or something.

Ms. Kehler: No.

Ms. Preza: Okay, sorry, so that was my concern. Well, I think it's okay. I mean, so if, I do think that Commissioners would like to adopt but do they have to say with amendments just because of the small spelling error or is that not necessary? So John, would you like to --? Are there any other comments from the Commissioners at this time or --? Okay, does anyone have a motion?

Ms. Green: I would like to move that we recommend that the County Council adopt the Lanai City, Lana'i City, Country Town Business District Design Guidelines and Standards as submitted.

Ms. Preza: Thank you. So we have a motion. Does anyone second the motion?

Mr. Rabaino: I second it.

Ms. Preza: Jerry seconds, so all in favor to adopt, please raise our hands, say aye. Okay, unanimously passes, so thank you Annalise.

**It was moved by Ms. Caron Green, seconded by Mr. Gerald Rabaino, then unanimously**

**VOTED: To recommend that the County Council adopt the Lanai City Country Town Business District Design Guidelines and Standard as submitted.**

*(Assenting: R. Catiel, J. Delacruz, C. Green, S. Menze, S. Preza, G. Rabaino, C. Trevino)*  
*(Excused: M. Martin, S. Samonte)*

Ms. Kehler: Thank you.

Ms. Green: Thank you for your all very, very hard work.

Ms. Preza: Yeah, we appreciate it.

#### **E. COMMUNICATIONS**

- 1. MS. LYNN P. MCCRORY, Senior Vice-President of Government Affairs, PULAMA Lanai, submitting the 2018 annual report dated September 23, 2019 regarding water usage at Manele pursuant to condition no. 24 of the Special Management Area Use Permit and Project District Phase 2 Approval five-year time extension for residential and multi-family development at TMK Nos.: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001)**

**The Report is provided to the Lanai Planning Commission for its review.**

Ms. Preza: So moving on to agenda Item E.1. I believe Lynn McCrory has left, but Joy, are you going to present? Okay, so Joy Gannon is here from the Lanai Water Company.

Ms. Joy Gannon: I'll be brief unless there are questions. So the report is fairly self-explanatory. We included the 2018 consumer confidence report which describes the water quality on the island in 2018. It's pretty consistent year after year. We're in compliance with the Hawaii Department of Health. Some of the numbers you can see they kind of go up in the beginning part of the year. We're kind of low in the beginning part of the year 2018, and go up throughout the year. You might remember how wet it was at the beginning of last year, around January and February. 2019 looks quite a bit different than 2018. It's been a real dry year. Some other things, I can answer any questions on the report.

Ms. Preza: Commissioners, do you have any questions for Joy about the report that was given to us? Great, if there are no questions, thank you for staying all this whole time to be here.

Ms. Gannon: Okay. Thank you.

**F. DIRECTOR'S REPORT**

- 1. Memorandum from Ms. Michele McLean, Planning Director, requesting a special meeting on February 13, 2020, Thursday, from 4:00 - 6:00 p.m. to introduce the Title 19 zoning code rewrite (T19) by the Department's consultant Orion Planning + Design (OPD). This will be the first of several meetings and public engagement workshops for the estimated four-year project.**

Ms. Preza: Great. So moving onto agenda Item F, which is the Director's Report. So Item F.1. memorandum from the Planning Director requesting a special meeting on February 13<sup>th</sup> from 4:00 p.m. to 6:00 p.m. Do you want me to --? I have some clarification on this. So this is the Title 19 Zoning Code rewrite. And if you folks remembered that we had concerns about it is, you know, is that enough time to discuss this. Someone, a representative from her team called me for clarification because it was not told to us that this is just the preliminary meeting. So it's just to introduce the changes to us. So it's not going to be like --. Because our concern was, oh my gosh, that's not enough time to discuss everything. But it's just one of other meetings that will happen in the future. But Jordan, sorry, do you have anything to add?

Mr. Hart: Yeah, I think that I would add that it's not even necessarily to introduce the changes, but to introduce the project, the project team, the audit that identified problems in the Title 19. And so just an introduction that this is a beginning of approximately four year process that we're expecting, not, not the end of the process.

Ms. Preza: Does that makes sense to everyone? Because I think that was our concern was we thought it wasn't told to us that it was just going to be the first of many meetings. So my only concern is -- I don't know everyone, what everyone's schedule is with work if that would be possible in February to meet from four to six. Does anyone know off the top of their heads that that would not be okay or would that be okay for everyone...as it stands? I think it would be okay. Do I have to make a --? Okay, that's just a chatting comment.

Mr. Hart: Thank you.

- 2. Update of Digital Zoning Map for Lanai -- Public informational meeting scheduled on December 3, 2019, Tuesday, from 4:30 p.m. to 6:00 p.m. at the Lanai Senior Center. Planning Department staff will provide information on the County's digital mapping project (DSSRT) which includes converting the County's old paper zoning maps to a digital format and correcting inconsistencies and errors. A presentation of the proposed Lanai digital map will be made. The digital map will be reviewed by the Lanai Planning Commission next year and then by the Maui County Council for adoption.**

Ms. Preza; Number two, the digital zoning map.

Mr. Hart: Yes, and so that will be an informational meeting scheduled December 3<sup>rd</sup>, Tuesday, from 4:30 p.m. to 6:00 p.m., at the Lanai Senior Center. Planning Department staff will provide information on the County's digital zoning mapping project, DSSRT, which includes converting the County's old paper zoning maps to digital format, and correcting inconsistencies and errors. The presentation and the proposed Lanai digital map -- presentation of the proposed Lanai digital map will be made. The digital map will be reviewed by the Planning Commission next year, and then by the Maui County Council for adoption. So this is an initial presentation of, of the, the work product as it is now.

Ms. Preza: So this is just a meeting open to the public so just letting us know that it's happening.

Mr. Hart: Yes.

**3. Report from the Lanai Planning Commission members who attended the 2019 Hawaii Congress of Planning Officials (HCPO) Conference, September 11-13, 2019 at the Sheraton Maui Resort and Spa, Maui. (M. Martin and S. Menze)**

Ms. Preza: Okay, any questions Commissioners about that? Great. Did -- does anyone who went to the Planning Official Conference? Would anyone --? Oh, I guess Sherry. Mili is not here. Do you have anything to share about it or would you like to share about it?

Ms. Menze: Yes, I did go to the Planning Commission Conference, and there was two key things that were really stood out for me anyway. One was a speaker, the keynote speaker Jeff Speck. He talked about what's happening in today's designs for planning because it was all about urban planning and design, of course. And he, he's talking about he was an excellent speaker and he talked about how society has changed. At one time we were all like in a, in a developed area in the 1900's. Everyone lived where they worked. The stores were down the street. You really had real neighborhoods. And then people started to get sick, and they started to move the factories out of towns. And you've got cars and everybody was driving and made pollution pretty bad. And now we're going back to, the planners are going back to designing, and as you've seen in Oahu they're talking about walkable towns and areas where you live. The stores are underneath the condos, a lot of condo living, and people would be working in these little areas. He was a great speaker, very terrific.

The other one -- I'm only going to bring up two that we -- we went to several. But the other one was about -- the other one that I thought was super exciting was short-term rental enforcement and data innovation. It opened my eyes. When I first came to the planning commission as you all know, I was totally against the cap. I was pro-kind of short-term rental.

But now and after going to this guy's session, this is not just a Hawaii problem. This is not just a United States problem. This is an incredible worldwide problem with the short-term rentals. And it's not individuals buying a house, renting it to someone. Big huge corporations are buying up the houses to short-term rentals to make money. Airbnb is number one top money maker in all of the hotels throughout the entire world. Marriott is second. But the Airbnb, he had a chart. I wished I had taken a picture. He didn't even have handouts. But if we really need a cap now, we really need to protect our community, and every community in the world has to step out and make these regulations to protect their community. Because I thought that this was just a couple of people. You know Maui coming over, taking over. It's not, it's a word wide to all communities. But anyway that as my gist from the conference.

**4. Approval of the Proposed Meeting Schedule for Calendar Year 2020.**

**The Commission may take action to approve or modify the proposed meeting schedule.**

Ms. Preza: Thank you Sherry. So next is approval the proposed meeting schedule for the next calendar year 2020. Can you believe it's a new decade? So this is the same, it's the third Wednesday of every month, correct? So does anyone have any major issues with this? So I think it's safe to say we are okay with it.

**5. Open Lanai Applications Report as distributed by the Planning Department with the October 16, 2019 agenda.**

**6. Open Lanai Applications Report as distributed by the Planning Department with the November 20, 2019 agenda.**

Ms. Preza: Great. And then next is just the open applications reports. I don't know, Jordan, do you have any --? Do the Commissioners have any questions or for Jordan or are we okay?

Ms. Green: So how many short-term rentals do we have now?

Mr. Hart: Active? I can't quote it.

Ms. Green: Well, that, that would be important information for next, next meeting because when we put a cap of 30, if we're already at 27, we're already at the 90 percent.

Mr. Hart: Sure. Jared just counted it and was corresponding with Butch within the past few weeks, but I can't remember the number off the top of my head. I was on the e-mails and I read it, and I forget.

Ms. Green: Oh, we have several more coming up, right? And those are coming to the Maui County, or I mean, to the Council or are they just going to be administratively handled?

Mr. Hart: I, I don't know. I haven't personally reviewed those applications.

**7. Agenda Items for the December 18, 2019 meeting**

**The department is requesting to hold the meeting from 3:30 p.m. to 5:30 p.m.**

Ms. Preza: Any other questions about the, you know, open applications? So before we finish this, this is Item-7, which is agenda items for the December meeting. So I think we've all agreed that we would like to continue our discussion about short-term rental/B&B regulations, and I would actually --. And I don't --. Do I have to reopen public testimony if I'm asking Butch to talk about this or...or can he just come up? Butch had some suggestions for potential agenda items coming up, so would you like to come share? This is the, the colored paper that was passed out.

Mr. Gima: Good evening again. Butch Gima. So yeah, I'm proposing to the Planning Commission that you have as a standing agenda item titled, "Status of the Lanai Community Plan's Monitoring and Implementation Plan" with proposing that one chapter be on the agenda every meeting. And I listed the 10 chapters that are in the Community Plan and --. I didn't make copies for everybody, but this what, this is what the implementation matrix looks like. And so it has the action item, the type of, you know, whether it's a project or a program, the timeline, the lead agency, estimated cost and the funding source. And one of the reasons why I'm proposing this to the Planning Commission is at the Mayor's budget meeting, I proposed to the Planning Department to increase their budget so that the Planning Department can come to Lanai and report on the status of this implementation matrix. Kathleen Aoki, a long time Planning Department employee, has two or three staff and they're supposed to be doing this. But over the last three or four years, I mean, there really has been nothing provided to the community in terms of implementing the actions that were proposed in the Community Plan.

So...even though I listed it in order, Chapters 3 to 12, if you do choose to put this on the agenda as a standing agenda item, you don't have to go in this order. I would pick, I would propose that you pick what's most important. Maybe Land Use is the one that you want to have the County report on first or Infrastructure and Utility, so you decide that.

This was completed in 2012-2013, right Caron, and then finally adopted by the Council in 2015-2016. And so ideally Kathleen Aoki or the Planning Department would come over and say, yeah, under, under the Land Use chapter and all these action items, these are the things that have been completed, these are the things that have not been completed, and these are

kind of the challenges the Planning Department has in ensuring that these actions have been completed.

If you don't put this on the agenda item, then all the hard work that went into our Community Plans pretty much sits on the shelf and referred to only when an application comes before the Planning Commission, and then the Planning Department has to make a reference whether the application comports to, you know, the Community Plan. But there's a lot of good stuff in here. There are a lot of important stuff. And I think for accountability purposes, the Commission should have an opportunity to review that and for the community to hear what progress or lack of progress has been made regarding the Community Plan action items in each of the 10 chapters. Thank you.

Ms. Preza: Thank you. I don't --. Do you folks have any questions for him? I personally think that it's a good idea just because, I mean, most of us except for Caron, I think, were involved with the creation or, you know, the, the revision of the Lanai Community Plan in 2013. I know we've all been presented with a copy of it when we got on the Commission, but I personally would like to hear about, you know, updates about what's happening since there were action items and because community plans, the community plans are revised every 10 years. You know, we're kind of --. It's going to be 2020 next year, so we're kind of three years out from the next revision, correct? Is that correct?

Ms. Thomson: . . . (inaudible) . . .

Ms. Preza: It's supposed to be every 10. But I do think it would be good for, you know, us as a Commission and, you know, future Commissions to make sure that they are keeping up to date about what is happening with this. So is everyone in agreement in that or any thoughts? Richelle?

Ms. Thomson: One of the things --- I just want to make sure the Commission knows that you don't have any current business in terms of revising the plan or really implementing the plan except as Butch Gima said, you know, it's through applications that come before you that, you know, trigger some kind of compliance with it. So that's one of the things to really just consider is that, you know, the Commission doesn't have any current authority over it and having it on the agenda may, you know, seem like it. There might be a better forum in terms of what the Planning Department can come up with.

Ms. Preza: So even if we ask for just an update it would still not look good or --?

Ms. Thomson: Just not board business.

Ms. Preza: John, did you have a thought?

Mr. Delacruz: Well, first I've got a question. How many in here were on the Community Plan thing besides Caron?

Ms. Green: Me.

Mr. Delacruz: Just you. The Community Plan.

Ms. Green: Yeah.

Mr. Delacruz: Advisory Committee. You were on that thing, right? When it was finalized, did you get a copy?

Ms. Green: Yes.

Mr. Delacruz: You did. Okay.

Ms. Green: Did your wife not get a copy?

Mr. Delacruz: I don't think she got a copy.

Ms. Green: Really?

Mr. Delacruz: Yeah. Well that was one thing. I'll ask Debbie if she got a copy. I don't think she ever got a copy. But the thing about this is we just don't have the time to do everything, but we need to do something. I think what we could do is we could pick the number one priority...and...you know, make it a continuing thing until there's a resolution on it. Because, if, you know, there's a concern especially about housing, you know, maybe we could look at the housing, but do a limited time thing. We cannot dedicate the whole meeting to one chapter of . . . (inaudible) . . .

Ms. Preza: Right. So, Jordan, is it even possible to ask if -- or Richelle, I guess -- is it even possible to ask for, you know, just an update on the status progress challenges?

Mr. Hart: Sure. So just to clarify it, we monitor it and annually update the status of each of the items for, for the Island Plan and all of the Community Plans. So, you know, it's constantly, not constantly as in daily or monthly, but continuously done. I think that an easy way to address this, not maybe by the Commission as a body, but, you know, Kathleen is going to be here for the, for the digital zoning map presentation. You know, having a conversation with her about what she would be able to do. Obviously we have the monitoring reports, just dropping those on you might not be the most convenient method but it's all the information and ---. Yeah, Jacky, Jacky reminded me that they are on the County website. And so basically, you know, having those be top of mind for the Commissioners as far as things that they might be looking for if projects are coming through and there's relevant impacts that pertain to some of these implementing actions for the Community Plan. It is important to keep in mind because that's, that's a way to get some of those things done. But, you know, if you would like to discuss it, you know, that is something that can be done. I think that that

Corporation Counsel's comments are relevant, though, you know, as far as, you know, an update is appropriate but, you know, what direction do you take it as far as, you know, beyond that, I don't know. I don't know the answer to that.

Ms. Thomson: I'm not suggesting that it would be improper to have it, just wanted to be clear that there's no current authority that's, you know, being asked of the body.

Ms. Preza: I think, even if it is online, it might be nice just to, you know, even if it was delegated 10-15 minutes at every meeting, maybe in 2020 or something, we decide, you know, for the January one we'd like to hear a little bit about what's happening with Cultural, Historic, Scenic Resources. And even it's online, just having an allotted time so we can just see with the understanding that we can't take any action on it or anything, but just discussed or just see what's happening. Would that be okay?

Mr. Hart: That would be okay. I would say that if you wanted Kathleen who is, administers the Plan Implementation Division and would be the most knowledgeable person to go over it with you, that you do it in one meeting rather than ask that she comes, you know, to a series of meetings to do a snapshot update. But, again, you know, if any of you have the opportunity to be at the digital zoning map presentation, you can take a couple of moments afterwards and discuss and maybe, you know, come to a conclusion on a feasible approach to it.

Ms. Preza: Butch, do you have a thought?

Mr. Gima: A couple of things. I'm not suggesting that Kathleen is to be here at every meeting. I mean, the Planning Department can provide a report on the status of the implementation matrix. I mean, for example, Housing has 11 action items. The first action item is develop and implement a comprehensive affordable housing plan for Lanai within one year of adoption of the Community Plan. We talked about that a lot during the community plan deliberations. That's, that's the kuleana of the Department of Housing and Human Concerns, so Lori Tshaku either shows up here or provides an updated report to the Planning Department who then can share it at the meeting when housing is the standing agenda item. That's the thought. Because without it, Kathleen lives on Maui, I think she has good intentions, but she doesn't live here, so it's not a biggy for her to provide us updates on each of the chapters. You, all of you live here, it's your kuleana to ensure that what was proposed there's some accountability to that. And, and this is, this is the best forum to do it. I can't think no other forum where this can be brought up. And it's appropriate because it was managed and coordinated by the Planning Department.

Mr. Rabaino: Jordan, I think if --

Mr. Hart: Nah, it's probably better. Just go ahead.

Mr. Rabaino: It's a good idea. Summary of, like he said, for housing because there's an issue on Lanai.

Mr. Hart: Let me, let me just say that we do...in the mechanics of the County of Maui, it's important to understand the authority structure, and the Department of Planning is authority to command other agencies to initiate certain project this year or that year is non-existent. The Community Plans exist and that is direction. I would say that the County Council is also a forum to address the priority of funding for specific things. It's relevant that you guys -- we do provide these monitoring reports and they are made available on our website. We can bring them to the Commission and present to the Commission. But I do think it's really important to recognize the...where the Planning Department sits in the County framework, and our ability to command other agencies to prioritize their project. We do try very hard. I can attest to it consistently in our director meetings, talk about the relevance about the implementation actions and the budgeting process and all of those kinds of things. But, anyway, we're definitely willing to provide update and respond the best that we can of what is going on with each of the items. Thank you.

Ms. Preza: I think it's a good idea. Commissioners, yes? So maybe for, you know, upcoming meetings especially 2020, we can start to have updates, if possible? Okay, thank you. Well, that's all we have, so our next regular meeting date is December 18<sup>th</sup> and --. Oh, sorry, real quick, the Department is requesting to hold the meeting, the next meeting, from 3:30 p.m. to 5:30 p.m.

Mr. Rabaino: 5:30 p.m.?

Ms. Preza: 3:30 p.m. to 5:30 p.m. So, is that okay, is that not okay for anyone? I know with work and, you know, I'm not sure what everyone's schedule.

Mr. Rabaino: Sounds good.

Ms. Preza: Can everyone make that work? I think I can. I don't think there's anything else right now that's come up so --

Mr. Hart: Yeah.

Mr. Rabaino: So 5:30 p.m.

Mr. Hart: I don't know what else might be on that agenda. I know, we can -- the short-term rental home ordinance is, and the B&B ordinance can be there. But whether or not any applications might come forward, I don't know the answer to that now.

Ms. Preza: So for now, we'll just say that's okay and then, you know, when Leilani forwards me the draft we can see what we think will be reasonably able to fit in that time.

Mr. Hart: Thank you.

**G. NEXT REGULAR MEETING DATE: December 18, 2019**

**H. ADJOURNMENT**

Ms. Preza: Thank you so much. So it's 7:40 p.m., and we're officially done. Thank you.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Caron Green  
Sherry Menze  
Shelly Preza, Chair  
Gerald Rabaino  
Chelsea Trevino, Vice-Chair

**EXCUSED:**

Mililani Martin  
Shirley Samonte

**OTHERS:**

Jordan Hart, Deputy Director  
Jacky Takakura, Administrative Planning Officer  
Annalise Kehler, Cultural Resources Planner, Long Range Division  
Richelle Thomson, Deputy Corporation Counsel