

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

October 13, 2020

Online Only Via BlueJeans

CONVENE: 4:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair (in 4:35 p.m.)
Councilmember Kelly Takaya King
Councilmember Alice L. Lee
Councilmember Michael J. Molina (in 5:19 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Yuki Lei K. Sugimura

NON-VOTING MEMBERS:

Councilmember Riki Hokama

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Richard Mitchell, Legislative Attorney
Clarita Balala, Committee Secretary

Gina Young, Executive Assistant to Councilmember Shane M. Sinenci

Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya King

Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez

Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama

Evan Dust, Executive Assistant to Councilmember Tasha Kama

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Jordan Hart, Deputy Director, Department of Planning

Annalise Kehler, Planner, Department of Planning (PSLU-52)

Rowena Dagdag-Andaya, Director, Department of Public Works

Jordan Molina, Deputy Director, Department of Public Works

OTHERS: Kert Shuster, Rainbow Pharmacy (PSLU-52)
Reverend Steve Jerbi, Lānaʻi Union Church (PSLU-52)
Jenna Majkus, The Local Gentry (PSLU-52)
Phoenix Dupree, Blue Ginger Cafe (PSLU-52)

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

Kathy and Mike Carroll, Mike Carroll Gallery (PSLU-52)
Diane Preza (PSLU-52)
Nelinia Cabiles, Lānaʻi Today (PSLU-52)
Katie McQuinn and Caleb Goodwin, Lānaʻi Art Center (PSLU-52)
Rodney Ito, Pūlama Lānaʻi (PSLU-52)
Noemi Barbadillo (PSLU-52)
MaryLou Kaukeano (PSLU-52)
Carol Onuma, Lānaʻi Kinaʻole (PSLU-52)
Saul Kahihikolo, Jr. (PSLU-52)
Alberta de Jetley (PSLU-52)
Roger Alconcel (PSLU-52)
Amber Peterson (PSLU-68)
Barbara Lucas, Pele's Other Garden (PSLU-52)
Keiki-Pua Dancil, Pūlama Lānaʻi (PSLU-52)
Vince Cabanilla (PSLU-52)
Butch Gima (PSLU-52)
Gabe Johnson (PSLU-52)
Karlynn Fukuda
Terri Lynn Cousley
(9) additional attendees

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR PALTIN: ...*(gavel)*... Will the Planning and Sustainable Land Use Committee meeting of October 13, 2020, come to order. The time is now 4:31. If I can ask everyone to please silence their cell phones at this time. My name is Tamara Paltin, and I'll be your Chair for today's Planning and Sustainable Land Use Committee. My Vice-Chair Shane Sinenci looks like he's running late --

AUTOMATED VOICE MESSAGE: This meeting is being broadcast on Facebook Live.

CHAIR PALTIN: -- a little bit late. With us today we have...oh, and also Member Molina will be a little bit late as well. We have Council Chair Alice Lee. Good afternoon.

COUNCILMEMBER LEE: Dobry den, Madam Chair.

CHAIR PALTIN: Dobry den. And we have Council Vice-Chair Keani Rawlins-Fernandez. Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair, and dobry den kākou.

CHAIR PALTIN: Aloha 'auinalā. And we also have, from South Maui, Councilmember Kelly King. Aloha 'auinalā and dobry den.

COUNCILMEMBER KING: Aloha 'auinalā. Where is that from?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER LEE: Russia.

COUNCILMEMBER KING: Oh, okay. Dobry den from Russia.

CHAIR PALTIN: And South Maui. And we also have Councilmember Yuki Lei Sugimura. Aloha 'auinalā and dobry den and good afternoon.

COUNCILMEMBER SUGIMURA: Dobry den.

CHAIR PALTIN: And for our Non-Voting Committee Members, we have Councilman Riki Hokama. Aloha 'auinalā.

COUNCILMEMBER HOKAMA: Aloha. Good afternoon, Chair.

CHAIR PALTIN: Good afternoon. And although I don't see her present today, we also have a Non-Voting Committee Member Tasha Kama, welcome to join us at any time. This afternoon our Deputy Corporation Counsel will be Michael Hopper. And from the Administration, I know the Director is in the Maui Planning Commission meeting still, so it looks like we have Deputy Director Jordan Hart with us. And from the Administration we have the Director of Public Works, Rowena Dagdag-Andaya. Our Committee Staff for today, we have Committee Secretary Clarita Balala, Council Services Assistant Clerk Jean Pokipala. We have three Legislative Analysts; Ana Lillis, Alison Stewart, and Laksmi Abraham, as well as Legislative Attorney Richard Mitchell. Today's agenda, we have two items, PSLU-68, which is Amending Chapters 19.64 and 19.65, Maui County Code, Relating to Bed and Breakfast Home and Short-Term Rental Home Permits on Lānaʻi; and PSLU-52, Country Town Business District in Lānaʻi City. It does look like we have some folks signed up to give testimony, and I'd just like to remind the testifiers if they can please state their first and last name. And let's begin the public testimony. Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link and the ID is 597 785 199 [sic] as noted on today's agenda. Testifiers wanting to provide audio testimony should have participated via phone conference by dialing 1-408-915-6290 and entering meeting code 944 504 421, also noted on today's agenda. Written testimony is encouraged by sending us your comments to pslu.committee@mauicounty.us. Oral testimony is limited to three minutes. When your name is called, please unmute yourself by clicking the microphone icon; or if calling by phone, please press star four to unmute yourself. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying please state your name, first and last. If you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. Staff will post a link to the testifier's login chat so testifiers will be able to see where they are on the list; however, please be mindful of the use of chat during the meeting. Chat should be limited to items on the agenda, and should not be used to provide testimony or chat with other testifiers. If providing testimony, please be courteous to others by muting your microphone while waiting for your turn to testify. Participants who wish to view the meeting only with providing...only without providing testimony, please view a live cablecast on Akakū Channel 53. You can also visit

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

mauicounty.us/agendas to access live and archived meeting videos. I remind Committee Members, Administration, and the public to please be patient with us as we continue to navigate through this new platform, especially if we have any technical difficulties. Prior to proceeding with oral testimony, I just wanted to introduce our Committee Vice-Chair, Member Shane Sinenci. Aloha 'auinalā, Member Sinenci.

VICE-CHAIR SINENCI: Dobry den, Chair.

CHAIR PALTIN: Dobry den. And Staff has been monitoring people joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion. Okay, let's see. First testifier that we have on the list is the testifier with the last four digits 4284. Testifier with the last four digits 4284, please unmute yourself and proceed with your testimony. And if you can...

...BEGIN PUBLIC TESTIMONY...

MR. SHUSTER: I'll be right there in a minute. Three minutes.

CHAIR PALTIN: Okay. If you can give us your first and last name.

MR. SHUSTER: Hi there. Can you hear me okay? This is Kert Shuster.

CHAIR PALTIN: We sure can. Thank you, Mr. Shuster, you can proceed.

MR. SHUSTER: Oh, so good. Hi. Yeah, I own Rainbow Pharmacy, Lāna'i City over here in...on the square. And this is...this is regards to the...the signage that I heard is...is possibly going to be pulled out. So I just wanted to say, please don't pull our signs. The reason is people need those signs in order to find us. And right now, we're in a bit of an economic collapse. I mean, I don't need to tell anybody about that. But we...our business here in Lāna'i and Maui County is super suffering. So I would...please don't yank our signs out at this time because we need that. We need all the help we can get. And people that don't know us need...they find us by our sign. I'd say a good chunk of the business that we get is by people wandering in here, knowing that we're a pharmacy. And then the other times, people come up from the hotels when those are operational and they...they use that to find us too. So it's very, very helpful for us. And luckily, we're on the square where we have high visibility, but there's some other businesses that don't, and they have their signs parked out in front of them such as the Federal Credit Union and so forth. So they're a little bit harder to find and without their sign, I think, in front of them, it would be very hard to find. Second thing is, our signs are beautiful. They are all standardized, they're wooden, and each one is a little bit different and displaying, you know, whether it's the Pine Isle store or us or Blue Ginger or the hotel, you know, every sign is standard, but it's unique, and I think it really adds to our community. So that's really all I wanted to say is just please don't yank our signs. We need those signs to help locate where we are. And especially not during this pandemic. Okay. So Kert Shuster, Rainbow Pharmacy Lāna'i, PharmD, owner of this place. And that's pretty much my testimony.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES

Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Thank you, Mr. Shuster. Members, any questions for the testifier? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, shoot, we...he's on the phone, yeah? So he can't see.

CHAIR PALTIN: Yeah, he's on the phone.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was going to ask...so that's...that's what the sign looks like, the Rainbow Pharmacy sign on the ground.

MR. SHUSTER: Is it...does it have a Rainbow Pharmacy with a white background?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. SHUSTER: That's me. Yeah, that's us.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I just wanted to see what it looked like, and I figured I'd show everyone in the Committee too. Mahalo, Mr. Shuster, for your testimony. Mahalo, Chair.

MR. SHUSTER: Oh, you're welcome. Thank you guys for doing all your hard work for us over here on Lānaʻi.

CHAIR PALTIN: Thank you, Mr. Shuster. Anyone else have any questions? Seeing none. Our next testifier is Reverend Steve Jerbi. I hope I'm saying your name correctly.

MR. JERBI: Yeah, that's correct.

CHAIR PALTIN: You can...yeah, right on, awesome. Okay. You got three minutes for your testimony. Go ahead and shoot.

MR. JERBI: All right. Mahalo, Chair. My name is Reverend Steve Jerbi. I am the Pastor at Lānaʻi Union Church, and we operate the community thrift store at 439 9th Street. And I'm speaking against the proposed changes in PSLU-52 to ban ground signs. We are not located right on the square, we're a block off, and because of our location, our signage is essential. The thrift shop is there to support our youth ministry, particularly in afterschool tutoring for members of the community, especially the Kosraean immigrant families that are active in our congregation and throughout the...the community. And so we depend on the resources that come from the thrift store to give back into the community. And we believe that the signage is essential to help folks identify where we're at, and support the work that we do. Mahalo.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Thank you, Reverend Jerbi. Members, any questions for the testifier? Seeing none. Thank you. Oh, Council Vice-Chair Rawlins-Fernandez has a question for you, Reverend Jerbi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I just figured I would show everyone what that one looks like. The Lānaʻi Union Church. Oh, oh, he's on video.

MR. JERBI: Yeah. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: This is the sign.

MR. JERBI: That's correct. Yeah.

CHAIR PALTIN: Okay, cool.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo.

CHAIR PALTIN: Looks nice. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony, Reverend Jerbi.

CHAIR PALTIN: Thank you. Next up to testify we have Jenna. I don't know your last name, so if you can fill us in. And unmute yourself, unmute your video and let us know your first and last name and proceed with your testimony. That'd be awesome. Is there still a Jenna? You're unmuted on our end, Jenna. If you can press...

MS. MAJKUS: Okay, can you hear me now? Can you hear me now?

CHAIR PALTIN: Yes. We can hear you. We can't see you. If you want to unmute --

MS. MAJKUS: Oh, okay.

CHAIR PALTIN: -- your video, we can almost be like real life.

MS. MAJKUS: Okay.

CHAIR PALTIN: Okay, awesome. Thanks. And if you can let us know --

MS. MAJKUS: You can see me?

CHAIR PALTIN: -- your last name.

MS. MAJKUS: Okay. Hi. Is there too much background noise? I just wanted to show the sign real quick if that's okay?

CHAIR PALTIN: No, you're great.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MS. MAJKUS: First of all, my name is Jenna Majkus. I am owner and operator here at The Local Gentry at 363 7th Street. Look at...okay. There's the sign. And I just wanted to voice that I am adamantly against the removal of the ground signage around the square. I think I don't need to add too much to what everybody has said, but I will. I think that we are all...everybody has well maintained, very professional looking signs. It's very uniform, but in a creative way. And it is personal branding for all of our businesses. And like Kert said, it's a great way for everybody...we have so many strollers that come through just to locate each and every one of us. And I...as we were...as he was talking...of course nobody needs to be reminded of the economic crisis that we are in. And I will say, and I think most of the business...or all of the business owners can agree that our number one focus right now is to keep our doors open. And it's being very creative to keep our doors open here on Lānaʻi, all of Maui County, I'm sure worldwide. And I really find it...it's honestly a bit offensive that this is actually on the table. It's...you know, I wish that as County, we could be more supportive and...instead of putting another financial burden on our plate. If that would be taking the signs away and potentially, you know, the financial burden of providing a new sign for ourselves. At this time, that's a lot. And if it wasn't this time, I don't see the need otherwise, as it really adds a lot to our community. So on that note I...I'll be lengthy, but I just wanted to say that I'm adamantly against this decision and I hope that it will stay as is. Again, I'm Jenna Majkus at The Local Gentry here.

CHAIR PALTIN: Thank you so much, Jenna, for your testimony. It looks like I have a question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Hi, Jenna.

MS. MAJKUS: Hi. Hi, Yuki.

COUNCILMEMBER SUGIMURA: I just want you to know when I go to Lānaʻi, you're my favorite store...one of the favorite stores I like to shop at. In fact, the shoes I wear most...or often is from you. And I just --

MS. MAJKUS: Thank you.

COUNCILMEMBER SUGIMURA: -- want to say thank you very much for making the time. And I love your store. Thank you.

MS. MAJKUS: Oh, I appreciate it. My pleasure.

COUNCILMEMBER SUGIMURA: Thank you. Thank you.

MS. MAJKUS: Thank you.

CHAIR PALTIN: Oh, now I'm going to have to go check that out.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER SUGIMURA: Yeah, you got to check the store out. It's pretty cool.

MS. MAJKUS: We actually are doing a live show on Facebook twice a week, so check us out on Facebook. And we will send anything to you.

CHAIR PALTIN: Oh, wow. Awesome. Mahalo. Okay. Next up we have Phoenix. Phoenix, if you could let us know your last name and...

MR. DUPREE: Aloha. This is Phoenix Dupree.

CHAIR PALTIN: Okay.

MR. DUPREE: I am owner and operator of Blue Ginger Café. Can you hear me?

CHAIR PALTIN: We sure can. Go ahead.

MR. DUPREE: Should I go ahead and deal with my testimony?

CHAIR PALTIN: Yes, please.

MR. DUPREE: Thank you very much for the opportunity. The purpose of my testimony is to support grassroots marketing specifically for the Lānaʻi City small business ground signs. They are attractive, people love them, tenants have repainted them. They help people find us. Please do not accept the late revision designed to remove them. When I have been hard hit by the pandemic, we've lost critical revenue streams: hunters, day trippers, construction workers, hotel guests. Locals are laid off. The economy is on the ropes. The idea of removing our ground signs, which help identify us and facilitate traffic, is cruel and offensive. This revision does not represent what the Lānaʻi small business community or customers want. There is no Lānaʻi support for this proposition. In fact, some are disappointed that our representative never spoke to anyone on Lānaʻi about his going away gift. There are compelling reasons to keep our ground signs. They reflect a cohesive, vibrant business community. They are universally supported. No one thinks they're an eyesore. Many are shocked to hear that it's even an issue. The 30 small business ground signs in Lānaʻi City are aesthetically pleasing. Not only do they tie our town together because each shop has one, but they're all unique. Each design reflects the characteristic of that business. We are overwhelmingly dependent on visitors, and signage offers a map of our town, facilitating traffic. Not all businesses on Lānaʻi are created equal. Not everyone is in the square, and some businesses look more like a house than a business. Signage helps to level the playing field and increase exposure of new and smaller businesses and those further from the center. New shops with beautiful signage include Rainbow Pharmacy, Venture Therapy, Lānaʻi Kinaʻole, and Hope House--four places that target seniors. Do you think that anyone wants to rip out those signs and confuse our kupuna? Without signs, people will become confused, and sometimes they're very important people. Fifteen years ago, I overheard the former owner of the island, David Murdock, walking around town square with a man who was explaining to Mr. Murdock what was in each building, due to lack of signage. Surprisingly,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

Murdock's buildings had to be identified to him and he had . . . *(timer sounds)*. . . What is that? . . . *(timer sounds)*. . .

CHAIR PALTIN: Oh.

MR. DUPREE: I'm sorry.

CHAIR PALTIN: Mr. Dupree --

MR. DUPREE: I don't know why --

CHAIR PALTIN: -- that's the timer.

MR. DUPREE: -- it's making that noise.

CHAIR PALTIN: Your three minutes is up. If you can conclude in a few sentences.

MR. DUPREE: Okay. Actions speak louder than words. We'd be better served if our Lānaʻi representative would find something positive to focus on to help us. As a small island ravaged by the economic downturn, not knowing if we're going to survive, destroying our signs is like kicking us when we're down. Half of all Hawaii businesses are at risk of closing in the next six months. Some of us will not be getting back up. Thank you for accepting my testimony. Please reject this late and undemocratic revision to the guideline.

CHAIR PALTIN: Thank you, Mr. Dupree, for your testimony. Members, any questions for the testifier? Seeing none. Thank you. Thank you for coming and providing testimony, Mr. Dupree. Next up on the list we have Kathy Carroll. Kathy, if you can unmute your...your microphone and...yeah. Awesome. Or is that Kathy Carroll? Yeah. Okay, perfect. Thank you.

MS. CARROLL: Hi. Thank you, Chair. This is from...my husband Mike Carroll and Kathy Carroll. We are co-owners of the Mike Carroll Gallery. We have lived on Lānaʻi for almost 20 years, and we've had our small business here for 18 years. Like many other mom and pop businesses on the island, we have a wooden ground sign that is attractive and well maintained. When I finish my remarks, we'll run out real quick and show you the sign. The signs around town, as everyone else has said, they are aesthetically pleasing. We work really hard in keeping them up, keeping them painted. And they are in keeping with the charming country town look and feel that we feel is the...the intent of the...of the...the Code. And we have weathered financial challenges over many years, and the COVID crisis is by far the most crushing for all of us small businesses. Things are challenging enough here, as Phoenix was saying, for small businesses on the island. Even during normal times, we don't get many visitors here. And many people here have been extremely strapped by the COVID crisis. To even consider removing these unobtrusive and only store identifiers during these dire days is unjustifiable at best, and punitive at worst. As small business owners who want to see the entire business community here thrive, we urge the Committee to vote

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

against the prohibition of ground signs in Lānaʻi City. We'll run out real quick and just show you our sign.

MR. CARROLL: I'll see if I can do this. Hold on a sec. Thank you, Chair.

CHAIR PALTIN: It's just like being on Lānaʻi almost. Oh, yeah.

MS. CARROLL: Yeah. Yes. Can you...whoops. Can you see it okay?

CHAIR PALTIN: Yeah.

MS. CARROLL: Yeah, it's probably backwards.

CHAIR PALTIN: No, no. In fact, we can see it.

MS. CARROLL: And then you can see the park right across the street. So...and down the street.

MR. CARROLL: Rainbow Pharmacy.

MS. CARROLL: Rainbow Pharmacy.

MR. CARROLL: Jenna's down there someplace, as is Blue Ginger.

MS. CARROLL: Yeah.

MR. CARROLL: Okay. Here you go, Kat.

MS. CARROLL: So thank you. That's our testimony. That we...we vote...we hope that you will vote against this action. Thank you.

CHAIR PALTIN: Thank you, Kathy. Members, any questions for the testifiers? Seeing none. Thank you for your testimony and joining us this evening. Next --

MS. CARROLL: Thank you.

CHAIR PALTIN: -- on our list we have Diane Preza. If you can unmute yourself and unmute your video, Diane. You're...you're muted on your end, so if you want to --

MS. PREZA: Can you hear me now?

CHAIR PALTIN: -- give your testimony...I can hear you, yes.

MS. PREZA: Okay.

CHAIR PALTIN: Yes, I can hear and see you. Awesome.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MS. PREZA: All right.

CHAIR PALTIN: Thank you.

MS. PREZA: Thank you. Yeah, I'm Diane Preza, and I am a lifelong resident here on Lānaʻi. And I also work for Pulama Lānaʻi in the Community Development Department. And I just wanted to share some things that I've heard from the community because when we heard about this, you know, it was concerning and I wanted to hear what people had to say. So I visited a lot...I mean, I would say the majority of the businesses, but not...not only businesses, just community members, people that I grew up with, I knew for a long time. And a lot of the response was they were shocked at first, and then they said like this is...I mean honestly, they said what? Why? And that is honest. And so that...that's one thing I can share. My husband also, Jonathan, he...he did talk with his friends, the few friends that he sees, and he asked how they felt about it, and they felt that...they like the signs. And you know, and maybe it's not what, you know, what we grew up with, but I think the signs add to the community. And I feel for these small businesses because they're trying so hard to stay afloat, and now is the time that the community, you know, I feel we should support them. And by hearing what they felt about the signs, I think it's important we...we support those businesses. Also, I...I...I know that the Planning Commission had meetings and the community was invited to voice their opinions about how they felt about the signs. And I think with what went through the Planning...Lānaʻi Planning Commission and how they recommended to County Council about keeping the signs, I think that's important. Otherwise hard, yeah, you go to community meetings and things happen and all of a sudden this change without people knowing. I...you know, I think we can maybe do things better. And I just wanted to add that, you know, growing up here as a child on Lānaʻi and a lot of people that grew up here feel like this too, I think, it's...it's the people that...that made me feel good when I went into the stores and how they treated us and how they're so kind. And for me, the memories are like with the people and the experiences that I had in these stores. And maybe not as much the sign, but I think now with the community and then the store owners, they...they treat...I think they treat people well, and you still have the same feeling of warmth on Lānaʻi. So I would...I would ask humbly that you would let the ground signs be the way they are. And I appreciate...sorry, I appreciate for letting...for letting me testify. And thank you all so much for your time, and all your hard work also.

CHAIR PALTIN: Thank you --

MS. PREZA: That's all I have.

CHAIR PALTIN: -- Mrs. Preza.

MS. PREZA: I don't know --

CHAIR PALTIN: Members, any...

MS. PREZA: -- if you can see the Blue Ginger sign. Sorry.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Can see it.

MS. PREZA: You can sort of see it. Yeah.

CHAIR PALTIN: Members, any questions for the testifier? Seeing none. Thank you so much for your testimony, Mrs. Preza.

MS. PREZA: Yeah, you're welcome.

CHAIR PALTIN: Next up we have testifier with the last four digits 3127. I'll unmute you on our end. And if you can give your testimony. You got three minutes. And if you can tell us your first and last name. I think...what...they have to press star six on the phone, is that correct? To unmute.

MS. CABLES: Hi. Can you hear me?

CHAIR PALTIN: Yes, we can. If you can please let us know your first and last name.

MS. CABLES: My name is Nelinia Cabiles. I am the Editor of *Lānaʻi Today*. And when Diane told me about this proposal to remove the ground signs, I was shocked frankly. I didn't understand what the argument was, why there was this idea that they were an eyesore. These signs are beautiful. I think that yes, they are uniform, but they're also very unique. I think...I agree completely with what everyone has said about how they direct traffic to the stores, they add to the town's character and charm. So I...I'm really baffled, really, as to why anyone would want to remove them. Like, I don't understand the argument. I don't understand the basis for it. So I would ask the Committee Members to please...to please reject this proposal because it doesn't make any sense to me. And I think that it adds so much to the community. You know, we're all trying to support one another. And these signs, to me, I'm...I'm glad, actually, that we have something to band around if it means the support gets to...for all the merchants to gather around this idea of rejecting this proposal.

CHAIR PALTIN: Thank you, Ms. Cabiles.

MS. CABLES: When I grew up...

CHAIR PALTIN: Sorry.

MS. CABLES: I just want to say one more.

CHAIR PALTIN: Continue.

MS. CABLES: I grew . . . *(audio interference)* . . and these storefronts have changed, but the people haven't. They're very...we care for one another on Lānaʻi. And I think that everyone would agree that these signs add so much. And that's all I have to say. So

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

please consider carefully what this will mean if you...so just reject this idea. Thank you.

CHAIR PALTIN: Thank you, Ms. Cabiles. Members, any questions for the testifier? Seeing none. Thank you for your testimony, Ms. Cabiles. Have a good evening. Thanks for coming. We have another Jenna on the list. I'm not sure if this is a different Jenna than the original Jenna. I only see one Jenna on the people log, but there was two Jenna's on the testimony log. Oh, that was removed. Sorry, my bad. Okay, next up we have Katie and Caleb. Katie and Caleb, can you unmute yourself?

MS. MCQUINN: There we are. I think we're there. Hi. Can you hear us?

CHAIR PALTIN: Yeah, you're good.

MS. MCQUINN: So I'm Katie, this is my husband Caleb and we are the Co-Directors for the Lānaʻi Art Center, which is, of course, a nonprofit organization. And as with all of our neighbors, we are struggling during these very challenging times of COVID to get funding. And you know, thankfully we do have the opportunity for grants in lieu of the tourism, but those...you know, all of that funding is also widely demanded right now and needed. And during a time where people aren't sure if they're going to have shelter in the next months. And you know, we have incredible community here planning food drives so that families and kupuna can have food every week. I think it's really kind of absurd that we're talking about ripping out beautiful, unique, artistic signage that has been a part of the community, been made by people that are the community. You know, we have this gorgeous hand-carved stone representing the art center made by Auntie Stella (*phonetic*) who has done all of the stone carvings for Lānaʻi, for the Dole Park, in Kaunolu, the Cat Sanctuary. And she...I mean, she is a fixture. She is this town. You know, our signage, we are in the process of repairing now and having repaired by the community, by children in the community. And that's like...that's our branding and that's who we are and that's how we communicate to people when they're trying to find us. And part of that, you know, finding us is...our addresses here are actually off the grid. So you know, they don't always come up. So if people are walking around town, they...they do need that signage to signify oh, hey, there's the art center, or maybe they weren't even looking for us, but now they see oh, there's an art center. Oh, there's, you know, the Rainbow Pharmacy, oh, I need a Band-Aid. You know, it's...it's those impromptu moments and purchases that, you know, really help sustain us. So I just wanted to testify, obviously, on behalf of keeping the signs and ask the Committee to please consider doing so, respectfully. Thank you.

CHAIR PALTIN: Thank you so much, Katie. Members, any question? Did you give us your last name?

MS. MCQUINN: Oh, we didn't. Mine is McQuinn, and Goodwin.

CHAIR PALTIN: And Mr. Goodwin, did you want to say anything, or do you think she pretty much summed it up for you?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. GOODWIN: Oh, I think she summed it up great. I think we need to keep our signs, every little bit we get. Most everybody looks like they're a house sitting against the square, so it's good to let them know we're a business.

CHAIR PALTIN: Thank you. Members, any questions for Ms. McQuinn or Mr. Goodwin? Seeing...oh, seeing that...Vice-Chair Rawlins-Fernandez has a question for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just...I want...after you said...talked about the stone carving, I had to look it up. Is it this?

MS. MCQUINN: Yes, yes, it is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Cool, mahalo.

MR. GOODWIN: And I guess that's ground signage.

MS. MCQUINN: Yeah, would that also be considered kind of ground signage up for removal? I would...that was kind of my understanding.

CHAIR PALTIN: So from my understanding, and we're not really supposed to answer questions from the testifier, but I'll take my Chair's privilege. And from what I understand of what the Director said was that the existing signs would be grandfathered in as nonconforming uses, but a lot of the testimony I read didn't care about that, they still wanted it for everybody to...you know, uniformity and fairness and all. So just answering that one question.

MR. GOODWIN: Thank you.

CHAIR PALTIN: Okay.

MS. MCQUINN: I appreciate that. Thank...thank you very much, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Sure thing. And next up, we have Mr. Rodney Ito on the list. I'll unmute your video if...so you're unmuted on our end. If you'd like to unmute your video and your microphone, and then we'll take your testimony.

MR. ITO: Hi. Aloha, everyone.

CHAIR PALTIN: How's it going?

MR. ITO: Just want to say that I'm...I'm fairly new, but I represent Pūlama Lānaʻi and we have a few shops around the...the court. And I want to say that I'm fairly new on the island of Lānaʻi, and one of the neat things about being in Hawaii is the community and its small town feel of...of...of the community here. And those signage make it feel

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

so much better. I don't see anything wrong with those signs. Now, if they weren't properly displayed, if they were ugly, if they were an eyesore, yes, I think that it would be an issue, but they're beautiful signs. Every...everybody's sign is well kept, well done, and it really makes a statement when you come to Lānaʻi and you walk around that courtyard and see these signs nicely painted, they're unique in every way. They do match each building and represent the buildings and businesses very well. So I really hope that you'll all find to...to...to allow us to keep those signs. It really makes Lānaʻi special. Thank you.

CHAIR PALTIN: Thank you, Mr. Ito. We have a question for you from our Committee Vice-Chair, Member Sinenci. Member Sinenci --

MR. ITO: Yes.

CHAIR PALTIN: -- go ahead.

VICE-CHAIR SINENCI: Thank you, Chair. Can you hear me?

MR. ITO: Yes.

VICE-CHAIR SINENCI: Oh, okay. I just had a question for Mr. Ito about how...it looks like from some of the pictures that were shown, the signs are about three feet high. They're not...they're not above your shoulder level, or above your head where it's obstructing...whether it be traffic views or anything. They're...they're about two, three feet high.

MR. ITO: They're...none of them are a height where the...obstruction to anyone driving by. Actually, that's...the great thing about it is that that's how people find those businesses as they drive by or walk by. It's right there, right along sidewalk, and it's well...well done.

VICE-CHAIR SINENCI: And about how many...I...I get that this around the...the...the square, so there's about 20 businesses around the square that has these signs?

MR. ITO: It's...almost every business has a...has a ground sign.

VICE-CHAIR SINENCI: So about 20 of them roughly?

MR. ITO: I never counted, but I would...that's pretty close.

VICE-CHAIR SINENCI: Okay, great. Thank you, Mr. Ito. Thank you, Chair.

MR. ITO: You're welcome.

CHAIR PALTIN: Thank you, Member Sinenci. We also have a question for you from Member King, Mr. Ito.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Ito. It's nice to see you.

MR. ITO: Aloha.

COUNCILMEMBER KING: Welcome to Lānaʻi. I guess you haven't been there very long, so maybe you won't be able to answer my question. But I was just curious as to how much input Pūlama Lānaʻi had into the Country Town Business District guide...these design guidelines? Because it's sounding like not many very people who had businesses at least were involved in it.

MR. ITO: I don't know that answer, but I see our representative Keiki-Pua might have an answer for you.

CHAIR PALTIN: We...we do have Ms. Dancil on the testifier list. If you can hold that question until she comes up?

COUNCILMEMBER KING: Sure. Okay.

CHAIR PALTIN: Okay, thank you, Member King.

COUNCILMEMBER KING: Or maybe you can answer me...

CHAIR PALTIN: Any other questions for Mr. Ito? Seeing none. Thank you for your testimony, Mr. Ito.

MR. ITO: Thank you for your time.

CHAIR PALTIN: Next up we have Noemi Barbadillo. If you can unmute yourself, Noemi. Oh, awesome.

MS. BARBADILLO: Hi, good afternoon. My name is Noemi Barbadillo. I'm testifying to reject the proposed language regarding the removal of ground signs. Although I was not born on Lānaʻi, I was raised on Lānaʻi and returned home about seven years ago. And I worked with many of the businesses who have ground signs. And the business owners and operators all had a say in the design of their sign, and are all very proud of their signs, including the County Courthouse. These signs are very important to the businesses here in Lānaʻi. It does help locals and visitors alike to easily find and support these local businesses. So please let them keep their signs.

CHAIR PALTIN: Thank you, Ms. Barbadillo. Members, any questions for the testifier? Seeing none. Thank you for your time. And next up we have Ms. MaryLou Kaukeano. She had to leave, but she's back in time for her slot on the list. MaryLou, if you can unmute yourself.

MS. KAUKANO: Okay. Okay, I got it.

CHAIR PALTIN: You got it.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MS. KAUCHEANO: Let's see, I got it.

CHAIR PALTIN: And if you --

MS. KAUCHEANO: Okay.

CHAIR PALTIN: -- want, you can unmute your video as well if you...if you choose to, please.

MS. KAUCHEANO: Okay.

CHAIR PALTIN: Awesome. Thank you.

MS. KAUCHEANO: I'm a 30-year resident of Lānaʻi. I moved there in 1991. I've been a big part of the community this whole time. The signs...the signs are...are great for the island. I think they're very well done, they're very simple. They're smaller than the County signs that are in front of all the County buildings, which are probably close to five to six-feet tall. These are lower to the ground, eyes view. They're well done. That's really all I got. I'm...I'm in favor of keeping the signs if that...that's where we're going.

CHAIR PALTIN: Okay, awesome. Thank you for your testimony. Members, any questions for the testifier? Seeing none. Thank you for making the time to testify tonight. Next up we have the caller with the last four digits 8919, 8919.

VICE-CHAIR SINENCI: That's...

CHAIR PALTIN: Oh, that's Member Sinenci. Okay. Never mind there. Next up we got Carol. Is there a Carol on the line? Let me unmute you here, and then now you're unmuted on our end. If you can unmute yourself, your video and your microphone.

MS. ONUMA: ...*(audio interference)*...

CHAIR PALTIN: You're coming in a lot of...okay, we see you. Oh. There's a little warble, but can you hear us?

MS. ONUMA: I'll be short.

CHAIR PALTIN: If you could tell us your last name. I'm not sure if you're speaking or not.

MS. ONUMA: All right. My name is Carol Onuma, and I've been here ...*(audio interference)*.
.. But I worked ...*(audio interference)*...

CHAIR PALTIN: We...we really can't hear you because there's so much static and background noise. I'm assuming you're testifying on PSLU-68?

MS. ONUMA: Yes.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: And you're for the ground signs?

MS. ONUMA: Yes. Yes.

CHAIR PALTIN: Okay. I think we...we have the gist of it. Member Rawlins-Fernandez?

MS. ONUMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I was just going to say I understand some of what she said. She said that she wanted to echo some of the testimony that was provided before her, and that she works at Lānaʻi Kinaʻole.

CHAIR PALTIN: Okay. And if you choose to you can try and call in by phone and maybe we can try again. We got the gist. Okay. Thank you so much. Sorry about the technical issues.

COUNCILMEMBER RAWLINS-FERNANDEZ: And maybe...Chair, maybe she can type her last name in the chat or something.

CHAIR PALTIN: Okay.

COUNCILMEMBER HOKAMA: It's Carol Onuma. O-N-U-M-A, Onuma.

CHAIR PALTIN: Onuma.

MS. ONUMA: Thank you, Riki.

CHAIR PALTIN: Okay, awesome.

COUNCILMEMBER LEE: Madam Chair?

CHAIR PALTIN: Yes, Chair Lee?

COUNCILMEMBER LEE: Just wondering how Member Rawlins-Fernandez heard all of that.

CHAIR PALTIN: I think she read lips.

COUNCILMEMBER LEE: Oh, through...through the mask. Wow, she's good. She's good.

CHAIR PALTIN: That's some super powers.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, all these video conference meetings have really, you know, all that experience. Deciphering.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Okay. Next up we have...I'll mute Ms. Onuma here. Okay, somebody did that for me. Thank you. Next up we have Saul Kahihikolo, Jr. I'll unmute you here, and then you just need to unmute yourself on your end, video and microphone.

MR. KAHIIHIKOLO: Aloha.

CHAIR PALTIN: Aloha.

MR. KAHIIHIKOLO: Aloha. My name is Saul Kahihikolo. I've been a resident here on Lānaʻi for over 30 years, a pastor here and...and in various types of work. But I, too, am calling in favor of, you know, keeping the signage here. It...it...they're unique. They...you know, I don't...they're non-obtrusive. But you know, like everybody else has said, it...it really helps to identify the buildings. Many of our homes and businesses all look alike, and just kind of adds to, you know, our guests, island guests that may come for the day or even that are staying at the Four Seasons, it allows them to identify what those businesses are. The signages, as far as designs will...you know, typically will have that particular commercial logo on those. And like everybody has said, please keep the signage. We appreciate your time. And thank you very much.

CHAIR PALTIN: Thank you, Mr. Kahihikolo. Members, any questions for the testifier? Seeing none. Next up we have Roger. Roger, if you can unmute yourself. Let me see if you're muted on...I'll unmute you on our end. And then if you can just unmute your mic and video, and let us know your last name. I see him on the list, but I don't hear him or see him on the screen. There's only one Roger. Roger? Going once, going twice...are you with us, Roger? Okay. We'll...we'll come back to Roger. I'll mute him back up again. Next up we have...oh, just taking a pause from testimony to welcome our Member Mike Molina. And he's not under the bridge today.

COUNCILMEMBER MOLINA: Not under the bridge today at all. Thank you. Mahalo, Madam Chair. And aloha, everyone.

CHAIR PALTIN: Aloha. Our next testifier we have on the list is Alberta de Jetley. I've unmuted you on our end, if you can unmute yourself, and your video and your microphone.

MS. DE JETLEY: Hi --

CHAIR PALTIN: Aloha.

MS. DE JETLEY: -- everybody. My name is Albert de Jetley. I'm speaking as the Manager of Lānaʻi Taxi, a business I have been managing for Dela Cruz Transportation Company since 2017, and as a resident of this community. The signs in front of our businesses are very attractive and well maintained. When I'm showing visitors around our community, they frequently ask me to stop so that they can get out and take a photo of themselves in front of a business sign to show their friends where they've been on Lānaʻi. Part of the charm of our community is the way the businesses are set back from the sidewalks and are nicely landscaped yards. For the past several years, I've

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

been taking photographs for the Lānaʻi Academy of Performing Arts young members in front of our businesses posing with the signs. The photographs are used for play bills for their performance. I don't know if you can see this. This is from the Day of Conquest, and what we do is the businesses advertise in the play bill and help to support it. This is The Local Gentry sign, her ad. This is Okamoto Realty sign. We get all the kids and they...who are going to be in the performance, we get them out there. And their parents love seeing these, and they love seeing themselves too. On this one we got Kerry Honda involved, and he's...he's out there supporting them. But it's a really important part. The signs are just a really important part of our community, and we all love them. So please help us to save them. Thank you.

CHAIR PALTIN: Thank you, Ms. de Jetley. Members, any questions for the testifier? I see Member King has a question for you.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Alberta.

MS. DE JETLEY: Hello.

COUNCILMEMBER KING: So I know that you used to be involved in the...the *Lānaʻi Times*, and so I'm just wondering, how did this get so far when there seems to be so much opposition? Were you...were you able to...was there any opportunity for you to testify --

MS. DE JETLEY: Okay.

COUNCILMEMBER KING: -- or other people to testify on this earlier?

MS. DE JETLEY: *Lānaʻi Times* was a newspaper I started back in 1990, and then I left to start another newspaper in Hana. So the *Lānaʻi Times* closed in 2009. I started *Lānaʻi Today*...*Lānaʻi Today* in 2008. And as I'm running for public office, it was considered a conflict of interest. So I'm no longer involved with the newspaper.

COUNCILMEMBER KING: No, no, I'm not...I'm not asking you about your involvement, I'm just wondering why...if you had an opportunity to testify on this issue and, you know, what...it seems like so much of the public doesn't feel like they had an opportunity to weigh in.

MS. DE JETLEY: None of us...none of us had any information about what was happening on this. There was...there was no communication with any of the businesses. No one went to see them to ask them how...what they thought about it. And it was only after it was announced through your flyer that we knew it was going on, what was happening.

COUNCILMEMBER KING: Okay.

MS. DE JETLEY: We love our signs. We don't want you to take them away from us. What for?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER KING: Okay. Well, I'm just...I'm just wondering because I just...I'm surprised that there didn't seem to be any opportunity for people to weigh in. And I do think they're...the signs are beautiful. So thank you for your...

MS. DE JETLEY: Yeah, they really are.

COUNCILMEMBER KING: Yeah.

MS. DE JETLEY: They're a big part of our community. Thank you.

COUNCILMEMBER KING: Thank you for your testimony.

MS. DE JETLEY: You're welcome.

CHAIR PALTIN: Member Hokama, did you have a question?

COUNCILMEMBER HOKAMA: Chair, no, I'm...I thought that was a great question. And again, I appreciate all my Lānaʻians responses and testimony so far. But after testimony, I hope you will allow me to give you a historical background because I've been working on this for 20 years. Okay, 20 years.

CHAIR PALTIN: Okay. As long as it's not the same as the historical background you gave us the last time. Okay. Next up we have...Mr. Roger is back on the line. And yes, I see you and, Roger, I'll...

MR. ALCONCEL: Hi.

CHAIR PALTIN: Hi.

MR. ALCONCEL: Alconcel. Hi. Roger Alconcel. I work here at the market. I returned back home, and one thing, like everybody said that all those businesses looks like plantation homes, and it's important to have signs. So we have a lot of people come to the store and ask us, where can I find a good place to eat. Instead of me pointing to the blue building or that green building or that purple building, I just can tell them walk the square, and there's a sign. Because we're not like McDonald's where you have the big sign, everything, you can identify. But it's just easier for me when people come visit Lānaʻi, I can just tell them go to that building, there's a sign right in front. That's all I wanted to say. Thank you.

CHAIR PALTIN: Thank you, Mr. Alconcel.

MR. ALCONCEL: Thank you.

CHAIR PALTIN: Members, any questions for the testifier? Seeing none. Thank you...oh, we have...Committee Vice-Chair Sinenci has a question for you. Go ahead. You might have to press star four because we cannot hear.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

VICE-CHAIR SINENCI: Mahalo, Mr. Alconcel. You know, the last time that I was there on...the last time I was there on Lānaʻi, Mr. Alconcel, all of the homes looked the same. They're all the...the older plantation homes. So does the signage distinguish the businesses from the actual homes?

MR. ALCONCEL: Yeah. Yeah. And thank you. You know, and that's the reason why it's important to have the signs. So a lot of visitors, a lot of people moving...coming to Lānaʻi, they actually know where to go to. And it's...it's beautiful signs. And everybody can just walk, and there's some shops that's far away, and...like the art center. And in order for me to tell them how to go to the art center, it's kind of hard to tell them just walk across the park because it...they may get lost. But having the sign there saying that that's the art center, it's easier for the customer or whoever visits Lānaʻi.

VICE-CHAIR SINENCI: So it helps with giving directions?

MR. ALCONCEL: Yeah, absolutely.

VICE-CHAIR SINENCI: Okay.

MR. ALCONCEL: Absolutely.

VICE-CHAIR SINENCI: Thank you, Mr. Alconcel. Thank you, Chair.

MR. ALCONCEL: Thank you. Thank you for your time.

CHAIR PALTIN: Thank you, Member Sinenci. Any further questions for the testifier? Seeing none. Next on our list is Karlynn, and I'm assuming this is Karlynn Fukuda. Were you meant to give testimony, or were you just signed in and they added you to the list? I have unmuted you on our end, Karlynn, if you want to...

MS. FUKUDA: Thank you...thank you, Chair. Sorry, I...I didn't mean to testify. I was just listening in. Thank you.

CHAIR PALTIN: Okay. Thank you, Ms. Fukuda, for letting us know, I appreciate it. Next on our list we have Jeremy Peterson. Let me unmute you. And now you can unmute yourself, your video and your microphone if you'd like to give testimony. Jeremy Peterson? I see you in the peoples. If you weren't meaning to give testimony, if you don't mind unmuting yourself and let us know.

MS. PETERSON: Hello. We're just...hello? We're just listening.

CHAIR PALTIN: Oh. Thank you so much for letting me know.

MS. PETERSON: I actually had a...I actually had a quick question. Does this pertain to the short-term rental changes as well and the B&B?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Yes.

MS. PETERSON: I saw that on the agenda.

CHAIR PALTIN: Yes, that's also on the agenda if you wanted to give any testimony. It's PSLU-68.

MS. PETERSON: So I guess mine's more of a question, and so it sounds like you can't answer questions. But I'm just curious since I remember years ago when we applied...we have a short-term rental home on Lānaʻi, and when we applied, the 500-foot radius was almost all of Lānaʻi City. And so your new rule says there can't be more than one within 300 feet. So I'm just curious how that would take in place. Because currently right now I'm pretty sure there's another one within 300 feet of our house. So how is that affected with people who have current permits?

CHAIR PALTIN: Thank you, Ms. Peterson, for your testimony. We can ask that of Mr. Hart when we discuss the item. I did have a question on your testimony, if...if nobody else had questions on your testimony. Anyone? No? So I guess my question is, do you currently have a short-term rental?

MS. PETERSON: Yes.

CHAIR PALTIN: Currently?

MS. PETERSON: Yeah, we're actually current...yes.

CHAIR PALTIN: Okay. We'll ask that question when the item comes up for discussion, or I will or --

MS. PETERSON: Okay.

CHAIR PALTIN: -- one of us will.

MS. PETERSON: Okay, perfect. Thank you.

CHAIR PALTIN: Oh, okay.

MS. PETERSON: Oh.

CHAIR PALTIN: Thank you. And we have a question from Member Rawlins-Fernandez as well.

MS. PETERSON: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick. Aloha. Is your first name Jeremy?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MS. PETERSON: No, I'm his wife, Amber. We're both sitting in and listening.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Mahalo, Chair.

CHAIR PALTIN: Okay. Thank you. That's Amber Peterson for the record. Thank you. Any further questions for Miss...Mrs. Peterson? Seeing none. Thank you.

MS. PETERSON: Thank you.

CHAIR PALTIN: Next up on the list, we have Cousley. Let me unmute your microphone and your video. And if you can let us know your last name. Your turn is now. And if you didn't want to testify, it would be super cool if you unmute yourself and let us know that as well. Maybe I'm not saying your name correctly. C-O-U-S-L-E-Y, it's your turn to testify. Okay. We can come back to you if you're having some technical difficulties. We'll circle back around. Oops. Oops. Okay. Next on my list I have Barbara Lucas. Barbara Lucas? Oh, okay. Let me unmute your video and your microphone. All right, go ahead.

MS. LUCAS: Aloha. My name is Barbara Lucas. I've been the owner and operator of Pele's Other Garden for approximately 24 years. December will be our 24th anniversary. And I wanted to actually just give you my opinion of the signage. First we started with the sign on top of the building, which I believe was Code, and then all of a sudden the signs were placed in front of the building. And based on my customer base, they appreciate the sign in the front of the building to take pictures. It's an advertising/marketing...it's a very well-placed sign. They're maintained, they're upkept, and I'm in favor of keeping them so that the customers who come to the island can find the businesses and walk around the park. That's all I have.

CHAIR PALTIN: Thank you, Ms. Lucas. Members, any questions for Ms. Lucas? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick. Aloha, Ms. Lucas. Mahalo for your testimony. I missed the name of your business.

MS. LUCAS: Pele's Other Garden.

COUNCILMEMBER RAWLINS-FERNANDEZ: Pele's. Okay. Mahalo. Mahalo, Chair.

CHAIR PALTIN: Okay. Linda's phone died, so we got to tell Chivo, but side note. Next up we have Keiki-Pua Dancil. If you can...let me see if I need to unmute you here. Oh, there you go.

MS. DANCIL: Aloha ahiahi, Councilmembers, Chair Paltin. Mahalo for allowing the Lānaʻi community to speak tonight. And I know you guys have been discussing this item tonight, Item number PSLU-52, for several months now. And we appreciate you scheduling this meeting in an odd hour on Lānaʻi. I learned myself because I am new

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

to Pūlama that evening meetings are better for the community here. And so we appreciate you adjusting your schedule and having the meeting later. As you can tell from the amount of people that showed up tonight and submitted testimony, not just...I hope you guys got the emails that had been sent as well. But you know, I also want to thank the Lānaʻi community for showing up today. It's not easy to testify. Sometimes they find it daunting and intimidating, and you guys have been very welcoming in allowing them to testify on this topic. So mahalo for the opportunity. Pūlama Lānaʻi had submitted a letter to the Committee. We also submitted an additional...we are also aware of additional letters that had been submitted via email from long-time members of the community, not just those that have testified tonight. And everyone is in support of the draft that County Planning had put forth, County Communication 20-83. And Councilmember King, I just want to address your point that you asked earlier regarding the community. There was multiple opportunities for the community to participate in these meetings over a two-year period, and they did come, and they did testify. And in fact, the original draft did not have the ground signs, they wanted them in there. And that's evident in the minutes of the February 12th minutes, as well as the May 16th minutes from 2018. So if you go back to the history...and again, I moved to Pūlama, I just came on, so I had to do my homework, I had to read through the minutes and really understand the history on what happened. And they asked specifically for the ground signs in that draft. And that had gone through the Committee several times...the Commission, and the Commission had heard it. It had been worked through with the Planning Department. So the draft communication from the Planning Department to your Committee, Council Communication 20-83, that is a draft that is supported by the Lānaʻi community. It had been vetted over a two-year period. We also...full disclosure, Pūlama Lānaʻi does own many of the properties...not all of them, but we own many of the properties around this town square in the BCT area. I do have pictures, if I can share my screen, but sounds like Councilmember Rawlins, as well as some of our members of the community, have already showed you the signs so I won't take up too much time. . . .(timer sounds). . . We are in...

CHAIR PALTIN: If you can please wrap it up. . . .(timer sounds). . .

MS. DANCIL: No more...we're in support if you could just keep the original draft that had been vetted by the community. Mahalo.

CHAIR PALTIN: Thank you, Ms. Dancil. I think Member King still has a question for you.

COUNCILMEMBER KING: Thank you, Chair. Yeah, thank you, Ms. Dancil. I appreciate you trying to follow up on my question. My question was really about the changes. You know everyone is testifying against these changes and I was just asking, you know, if you had any input into these changes.

MS. DANCIL: You know, we did not because I think part of it was just the COVID. You know, when COVID happened, you guys weren't allowed to come on island, and it was via the BlueJeans format. And so we heard about it through...Council Paltin actually informed me about the change, and that's how I learned about it was through...you

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

know, she inquired about the properties that we owned. And I had not heard about the changes that had been proposed. And so, you know, I think everyone's busy trying to address the COVID and the economy, that maybe this kind of fell through. I'm not sure.

COUNCILMEMBER KING: Okay. No, I just...I appreciate that answer because, you know, we're...we're pretty responsive to the community, and I'm just shocked to hear all the community members coming out and, you know, so it just sounds like there wasn't an opportunity. So you know, and I understand, you know, your...your statement that I guess there's a lot going on, and you couldn't...it's hard for the community to come out maybe at the times that we were holding Committee meetings. So appreciate it. Thank you.

MS. DANCIL: Thank you for your question.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you so much for your testimony today. Next up we have testifier with the last four digits 6769. I unmuted you on our end if you want to go ahead and give us testimony. 6769.

MR. CABANILLA: That's me. Hello?

CHAIR PALTIN: Okay. Can you let us know your first and your last name?

MR. CABANILLA: Vince Cabanilla.

CHAIR PALTIN: Sorry.

MR. CABANILLA: Did you get that?

CHAIR PALTIN: Go ahead. Yeah, Vince Cabanilla.

MR. CABANILLA: Yes.

CHAIR PALTIN: Go ahead, you have three minutes.

MR. CABANILLA: Okay. My...I only need a couple minutes. So my family's been here since 1941, and things have always changed. But in regards to this signage issue, I...it kind of blew me away. I was a graphic designer for years in the signage industry, and this makes no sense to me as a designer in terms of what this is going to do to the businesses. Because they're going to have to remove the signs, get new signs, get those signs approved, pay for those signs to be made, and pay for those signs to be installed. So to me, it's...it seems like they're being put under a financial hardship right now that's just completely unnecessary. So I think there's some kind of...something's going on here that we don't really know about because the signs themselves...every single sign is nice. No sign is in disrepair. Every sign is taken care of. And the three most important things to a business, especially for the economic development of the entire town, is how to...you know, who are you, what do you do,

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

and how to get ahold of you? And like the earlier gentleman said about let's just point people over to the green building, that's what's going to happen, and that's not going to be beneficial to us, especially when we open up for tourism again. So I think this whole thing is ridiculous and a complete waste of time, and it's going to be a complete waste of money for our local residents and business owners. Thank you.

CHAIR PALTIN: Thank you, Mr. Cabanilla. Members, any questions for the testifier? Seeing none. Thank you for your testimony this evening, Mr. Cabanilla.

MR. CABANILLA: Thank you. Mahalo.

CHAIR PALTIN: Have a good evening. Next up we have Butch Gima. I'm going to unmute you. If you want to go ahead and unmute your microphone and your video, we'll take your...we'll take your testimony. And if you didn't want to give testimony, it would be super cool if you just unmute yourself and let us know, but you're under no obligation. It's kind of awkward like this though. Any testimony, Mr. Gima? Going once, twice...

MR. GIMA: Yeah, I'll testify.

CHAIR PALTIN: Okay, awesome. We can hear you. If you want to --

MR. GIMA: Yeah.

CHAIR PALTIN: -- unmute your video. Yeah, awesome.

MR. GIMA: I'm working out, so that's why I'm moving.

CHAIR PALTIN: Awesome.

MR. GIMA: Couple of things. When I first heard about this, it was not clear whether we were discussing the BCT or the historic preservation designation. And I asked Gabe to contact you, Tamara, to...to get back to us since we have a lot of information on the historic preservation designation. Wait, a truck's going by right now. Hold on. So real...real clear, I think it's important to respect the process of the Lānaʻi Planning Commission as Keiki-Pua had mentioned earlier. And that there was ample opportunity if you were in objection of the current signage, that was the time to do it. I don't think now is the time. More importantly...well, two things. One, I'm hearing only one person in opposition of the signs, and that's Riki. The second thing is Riki is basically a resident of Maui. So I would tend to listen to...more to the...the residents of Lānaʻi and what their preferences are for this. So my recommendation to your Committee and the Council is to keep it as is. As a lot of the businesses have stated, they're pleased with it. The signs are consistent. I think they have one sign maker doing all of them, so they look all the same. So that's...that's about it. Thank you.

CHAIR PALTIN: Thank you, Mr. Gima, for your testimony. Members, any questions for the testifiers...testifier? Seeing none. Thank you, Mr. Gima, for not leaving me hanging

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

there.

MR. GIMA: All righty.

CHAIR PALTIN: Next up we have the testifier with the last four digits 0980, and I'm unmuting you now. If you want to go ahead and press...

MR. JOHNSON: Aloha.

CHAIR PALTIN: Aloha. Go ahead.

MR. JOHNSON: Hi there. Hello.

CHAIR PALTIN: If you can let us know your first and last name.

MR. JOHNSON: I'm Gabe Johnson, and I would like to speak on PSLU-52. I agree with the other...

CHAIR PALTIN: Go right ahead.

MR. JOHNSON: Okay, thank you. I agree with the other businesses and community members who think that the ground signs should stay. I speak to a lot of people who moved away from . . . *(audio interference)*. . . I'm always curious of their opinions, and they often tell me that Lānaʻi hasn't changed, and that's a good thing. And the ground signs seem to be enjoyed by both the local residents and people who are born and raised who moved away, and the tourists. I think that the Lānaʻi Community Plan is solid, and it has addressed it. And so I think we should allow the signs to stay the way they are. I understand where a lot of people have been testifying and saying that why is this an issue, we've been...we've been over this in the Community Plan. So I am in agreement with them. And I...I love the fact that a lot of people have come out to testify on this issue. So that...that shows that you have the backing of the community to allow the ground signs to stay, and that you have the background *[sic]* of the businesses as well. It's...it's...it's so great to see when the business...small businesses and the community see to eye to eye on this. So I think this is a no-brainer, and I think the Council should look at it that way. Thank you.

CHAIR PALTIN: Thank you, Mr. Johnson. I see a question for you from Member Sinenci.

VICE-CHAIR SINENCI: Aloha, Chair. Can you hear me?

CHAIR PALTIN: Yes.

VICE-CHAIR SINENCI: Aloha...aloha, Mr. Johnson. I was just, you know, curious because in the language over here it says that the signage is not of the historical planning of Lānaʻi. I guess that would be...that's what I'm reading. Does the signage contribute in any way to the historical flair of Lānaʻi City?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. JOHNSON: Well, you know, if...if we were having signage with giant neon lights and, you know, Eat at Joe's, then hey, we've got a discussion. But I think this is not that kind of discussion. You know, these are simple, basic, low-to-the-ground signs. They add a little bit of flair to our community. And I think I hear what you're saying where like yeah, if you go back in history, sure, there was no...the signs were above the doorways and, you know, you can keep...go as far back as you wish to prove a point. But I think right now, if you have consensus, people aren't really up in arms over the signs. There's nothing that offensive about them, so why are we making a mountain out of a molehill? You know that's where I...I come from. If...if it's historically inaccurate, I mean, which...which part of that history? You know, that's really where it comes down to. Thank you.

VICE-CHAIR SINENCI: Yeah. Mahalo. Mahalo, Chair.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Seeing none. That brings us to the end of the list that I'm aware of. Is there anyone who has not yet given testimony that wants to testify on either item? Let's see, I'll unmute everybody. And if anyone wants to give testimony, please let me know at this time. Anyone at all? Anyone wishing to testify?

UNIDENTIFIED SPEAKER: ...*(sneezes)*...

CHAIR PALTIN: I'm taking this as a no. God bless you. Okay. I'm going to mute everyone back up so that we don't catch any coronavirus there. Okay. So Members, seeing there are no more individuals wishing to testify, without objection, I will now close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: No objections, okay. Awesome. Testimony's closed. Any objections, Members, on receiving written testimony into the record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: No objections. Okay. Awesome.

...END OF PUBLIC TESTIMONY...

CHAIR PALTIN: Members wishing to speak during today's meeting should say my name, raise their hand...oh, shoot, I see a Cousley on the screen. Did you want to give testimony? You were on the list. Okay, no. Okay. Good, good. All right. Sorry about that.

MS. COUSLEY: I had trouble unmuting myself, so I'm too late. All is well.

CHAIR PALTIN: Oh, I'm so sorry. Okay. Members wishing to speak during today's meeting

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

should say my name, raise their hand, and ask to be recognized so I may call on you.

PSLU-68: AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME AND SHORT-TERM RENTAL HOME PERMITS ON LĀNAʻI (CC 20-484)

CHAIR PALTIN: The first item on the agenda today is PSLU-68, Amending Chapters 19.64 and 19.65, Maui County Code, Relating to Bed and Breakfast Home and Short-Term Rental Home Permits on Lānaʻi. And the Committee is in receipt of County Communication 20-484, from the Planning Director, transmitting the following: A proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOMES." The purpose of the bill is to establish unique regulations regarding the administration of bed and breakfast homes, as well as short-term rental home permits on Lānaʻi to fit the community character. And Members, if you'll remember, we recently passed the moratorium that is good for one year. And as the Director had mentioned, this just came fresh out of the Planning Commission on Lānaʻi. And I had planned already to hear the Business Country Town item, and so I thought this would be a great opportunity to put all the Lānaʻi items together on one agenda in the evening because we're not able to travel to Lānaʻi as we were to travel to Molokaʻi in the past to hear their manaʻo on these types of issues. So that's why I scheduled this item. And I'm not sure, I think it's Deputy Director Jordan Hart on the line with us. Yeah. So Deputy Director, if you wouldn't mind giving us any opening comments on PSLU-68, we'd appreciate it. Thank you very much.

MR. HART: Sure, Chair. Thank you very much. So the two bills you just mentioned, we took these through Planning Commission. It was quite an involved process. For some context, currently there's no caps for bed and breakfast home or short-term rental homes on Lānaʻi. The regulation of the short-term rental home operations, including the impacts to neighborhood...neighboring property owners from the density of permits is a concern to the community. A moratorium on the issuance of transient accommodation permits on Lānaʻi for up to one year was passed on September 26th. The number of B&Bs and STRHs on Lānaʻi, as they exist currently, there are zero B&Bs and there are 19 STRH permits. One ST...or one B&B permit application is in process. The Resolution 20-27, Council's proposal to revise STRH limits circulated to the Commission. Response was transmitted to Council earlier this month. The recommendation for the Lānaʻi Planning Commission was to approve a cap of 21 STRH permits, which is consistent with the ordinance...both ordinances that you'll be reviewing tonight. We...the Planning Department had seven meetings with the Lānaʻi Planning Commission on this subject beginning December of 2018. The Planning Commission voted unanimously to recommend the approval of these bills on July 15th. And the...the proposed bills are consistent with the Lānaʻi Community Plan, including supporting the growth of B&B permits, small inns, guesthouses, and other alternative lodging units. I am...I do actually have a PowerPoint that I'm kind of reading from and I would...it's not really necessary to show you the text portions of it, but there's one graphic that I do want to show because it kind of illustrates the

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

density issue, which is really what caused the Planning Commission, in my opinion, to start to...to promote the concern. And what was going on is that there were members of the public coming out to testify on applications, and they were having situations where they were basically becoming surrounded by short-term rental home permits or proposed short-term rental home permits, and there were a number that were denied for this reason. Is it all right if I start to share my screen?

CHAIR PALTIN: Sure thing, Mr. Hart. That'd be awesome. And it looks like we also have the presentation on Granicus if Members would like to follow along.

MR. HART: Do you see my screen now?

CHAIR PALTIN: We're not. Now we are.

MR. HART: Okay. Okay, so this...this is a map of Lānaʻi City, and the green dots are the existing short-term...

CHAIR PALTIN: Oh, we're not seeing...Deputy Director, we're seeing a letter from Michael Victorino for transmittal --

MR. HART: Oh.

CHAIR PALTIN: -- to Alice Lee. We're not seeing the...the map.

MR. HART: Sorry.

CHAIR PALTIN: Hope there wasn't any sensitive information in there.

MR. HART: No, that was public record.

CHAIR PALTIN: Okay, perfect.

MR. HART: How about now?

CHAIR PALTIN: Yes, we got it.

MR. HART: Okay, great. So you're seeing an aerial photograph of Lānaʻi City with the TMK parcel lines overlaid. And then the green dots are the...the existing STRH permits. And so that you can see kind of near the golf course and south of that, there's a couple scenarios where there are pretty close operations. And there were a couple of situations that came in where people were basically testifying that they had, you know, an existing two near them, and then there was a third being proposed. And it was...it's just, you know, obviously pretty stressful to a small community like this that, you know, has this new use occurring. And there's foot traffic and individuals and street parking from people that they don't recognize. And they basically just expressed the concern that they want to figure out a way to regulate it. And so one part of it is the cap, another part of it is the proposal on how to address density. And

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

then there were other items. I can stop sharing now and just go back to the text of the...the presentation or the PowerPoint, which I'm just going to read. But there were other...other items that we added. The...the Planning Commission would become the approving and...and extending authority for all permits. The...there was additional guidelines provided for...there's a number of long-term renters who are not owners who wouldn't normally receive notice, so there's a proposal on how to give them adequate notice to understand that there may be a proposal next to their property that they have been renting for a long period of time. And...and establishing a limit on the duration of extensions to up to five years. There are obviously others, I'm not going to go line by line on all the proposed changes, but I think that those are the key changes to give you a character of...of which direction the Planning Commission was proposing to go in. And I'm available to address each of the line items as you ...*(audio interference)*. . . Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Hart, for your presentation. I saw Member Rawlins-Fernandez had her hands up. Did you have a question for Mr. Hart?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So when Mr. Hart was sharing, I didn't realize what he was talking about. But when I zoomed in on the graphic on the PowerPoint, there are little green dots. And Mr. Hart, what you're saying is the little green dots are the current STRs in the community?

MR. HART: That's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Member Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. Director Hart, I notice in...under the B&B...B&B portion of the two ordinances, you have language that I appreciate, the Commission asking...which was on page 3. No on-street parking will be allowed or permitted. Is that going to be the same for the STR ordinance proposal as well?

MR. HART: It is.

CHAIR PALTIN: Deputy Director Hart?

MR. HART: Chair, excuse me. It is. I believe it might be worded in a slightly different way, but there is also a requirement in the STRH ordinance that there be no street parking.

COUNCILMEMBER HOKAMA: Okay. Thank...thank you for that, Director. Because that is one of our key design characters of Lānaʻi, we were designed to be a pedestrian town, not a vehicular town. So I appreciate that. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Hokama. I'll take Member Molina.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just following up on Member Hokama's question about the no on-street parking. Mr. Director, if there are, say, six rooms, all with separate guests, and this could potentially generate six cars, six rental cars. Would the B&B have to accommodate the potential of six parking stalls on property if that be the case?

MR. HART: Excuse me, I...I might have to double check. I think...I'm not...I need to double check whether or not there's parking requirements established in the parking ordinance, in 19.36(B).

COUNCILMEMBER MOLINA: Yeah. Okay. Yeah. This is for the Section 16.64.030, for the Members' information. But yeah, if you could get that info at a later point, it would be appreciated. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Members, any further questions for Deputy Director Hart at this time? I have a question if nobody...

COUNCILMEMBER SUGIMURA: I have a question, if I could.

CHAIR PALTIN: Oh, okay. Sorry, Member Sugimura, you're not on my screen. Oh, I see you on the TV. Member Sugimura? I don't...I don't hear you or see you on my screen.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: I see you on the TV.

COUNCILMEMBER SUGIMURA: Sorry about that.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: So one of the testifiers talked about the 500-foot radius. This bill calls for a 300-foot radius. On the island of Lānaʻi, no more than one short-term rental home or bed and breakfast home shall be permitted within a 300-foot radius, and not more than one short-term rental or bed and breakfast shall be permitted on the same block. So what is the impact for that, for a community that's so...kind of a tight community? And just by the map, you can see how closely the homes are. And I've walked the community, so I'm a little bit familiar. But do you have any opinion on this 300-foot radius?

MR. HART: Thank you, Chair. I can provide...well, I think the easiest way to do it would be to share screen and show how the...the area is normally calculated using the Real Property Tax area tool. The Department initially...okay, so...so the way the situation unfolded is basically the...the Commission provided the...the concerns that they had, and we took notes on that. And then we basically made a proposal to them on the ordinance...on a version of the ordinance that we thought would address the concerns. And so the first proposal that we...we made...the Department made to the Commission was a 150-foot radius. And it included the...the issue of not having more than one on

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

the block because that had become an issue where you would have basically two on the same block, one on each side...one on each street frontage of the block. And so basically by adding 150 feet and not more than one on a single block, that did make it so there couldn't be...it gave you a reasonable amount of separation so you couldn't be surrounded on...on all sides. Basically, we showed some diagrams to the Planning Commission on...on different versions of the area distances by...by approximately 50 feet. And just showed a series of differences and ultimately, they just decided that they wanted to...to propose the 300 feet because they're...they're more interested in...in being...they were proposing a more conservative approach than the...than Department initially recommended.

COUNCILMEMBER SUGIMURA: Okay. So that...that will take care of, I guess, not having too many short-term vacation rentals or bed and breakfasts within the community. And I think that's it. I'll...I'll come back with another question. Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. Member King? You're muted.

COUNCILMEMBER KING: Sorry, I had to mute my background noise for a second while I'm talking. There's activity going on in the other room. Thanks for being here, Jordan. So I wanted to follow up on a question that was asked by a testifier. So if somebody's got a bed and breakfast or a short-term rental, and another one had been allowed within that 300...that, you know, 300-foot radius before this...this gets passed, then what...going forward, are they...are...are they both going to be grandfathered in? I'm assuming, you know, since it's been passed, that no new ones would be allowed within 300 feet, but if there are ones that are already, will they be grandfathered in, you know, until...until when, you know, at what point would they...or...or just forever and as long as they're renewing?

MR. HART: I believe that anything...they would...they would be categorized as nonconformities, so basically there would be a situation where they existed before the rule was changed. And so I expect what the Department would do is...is handle it by attrition where ultimately, one of the applications or permits would...would eventually fail to be renewed or something else would happen, and that would take care of it over it...so it'll take a period of time to address those ones that are already closer.

COUNCILMEMBER KING: Okay. So...but nothing proactively is trying to remove one or the other of them?

MR. HART: Perhaps Counsel is raising their hands, they want to add something to this conversation.

COUNCILMEMBER KING: Oh, okay. I see...

CHAIR PALTIN: Mr. Hopper?

COUNCILMEMBER KING: Yes, I see Mr. Hopper.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. HOPPER: Yes. Yes, thank you, Chair. I think that's a point you may want to clarify in the ordinance. The ordinance says this ordinance shall take effect upon its approval. It doesn't talk about existing permits. For...for most of them, I think it would...they would...they would have to go to the Lānaʻi Commission now for renewal it looks like, which is a change. And you may also want to clarify that if it's your intention that those that would normally be denied because they wouldn't be...they would be ineligible because of how close they are, they don't meet those standards, could still be approved by the Commission if they were approved prior to the effective date of the ordinance, if that's your desire. That's probably the recommended way to...to go with that. And I don't know how many there are that are permitted that would meet that criteria, but that's certainly something I would advise the Council to clarify if it intends to allow existing permits to be eligible for renewal even if they're on the same block as others or within the...the spacing limits. Again, I don't know if there's any permits that would be...would have that problem, but currently, the ordinance doesn't really address that. So you may want...that may be something you would want to address.

COUNCILMEMBER KING: Okay. Thank you, Mr. Hopper. Yeah, it looked like, from looking at the map with the little green dots, that some of them were awfully close to each other. So it looks like there's...that's already happening. And I...I think we would want to avoid any appearance of...of favoritism by, you know, trying to...trying to eliminate one or...one over another at this point, you know, if they're already existing. So maybe you could write that language up for us, Mr. Hopper, while we're considering the bill. Put that on you. Thank you, Chair. Thank you, Jordan, and Mr. Hopper.

CHAIR PALTIN: Thank you.

MR. HART: Chair?

CHAIR PALTIN: I had a...yes, Director Hart?

MR. HART: I do want to say that that...that was basically the nature of the discussion that happened at Planning Commission, as far as how attrition would happen. And then I also wanted to address Councilmember Molina's question about the calculation of parking for bed and breakfast homes. That is addressed in 19.36(B), and so basically it's...it's one stall per bedroom plus two for the operator. So let's say you had a scenario where there was six operating bedrooms, their...their requirement would be eight stalls. Now, 19.36(B) was just relatively recently updated, so you would enter into the same, you know, nonconforming question prior to any sort of renewal. But anyway, that's...that's the current calculation.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR PALTIN: Thank you. Member Sinenci, followed by Member Hokama.

VICE-CHAIR SINENCI: Mahalo, Chair. Can you hear me?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: Yes.

VICE-CHAIR SINENCI: Okay. Yeah, just following up on that, Chair. So for Mr. Hart, eight parking stalls need to be off the street and on top of the property, yeah?

MR. HART: Chair, that would be in a situation where there was six operating bedrooms.

VICE-CHAIR SINENCI: And...and I'm just...I'm just trying to think how many of...of...of those properties on Lānaʻi have enough for the six operating bedrooms as...as well as the two owners. Not very many, according to --

MR. HART: Yeah.

VICE-CHAIR SINENCI: -- Mr. Hokama.

MR. HART: Yeah, I would assume that not very many. And I...unfortunately, I don't know if there...you know, I don't know the number of six-bedroom operations that exist. And basically, that was a remnant where...where it was permitted at one time, and so we provided a catchall in case there was an existing situation. But I can't verify you...for you now how many may exist right now at this time or...or whether or not they're providing parking under the updated version of the parking ordinance or not.

VICE-CHAIR SINENCI: Okay. Mahalo, Mr. Hart. And then just clarification. So 21 total, that's both STRHs as well as bed and breakfasts, yeah?

CHAIR PALTIN: Forty-two total.

VICE-CHAIR SINENCI: Oh, 21 and 21. And there's...

CHAIR PALTIN: Correct.

VICE-CHAIR SINENCI: And right now there's only one applicant for bed and breakfast?

CHAIR PALTIN: Correct.

MR. HART: Right. Yeah, Chair --

VICE-CHAIR SINENCI: Okay.

MR. HART: -- so if I could add a little --

CHAIR PALTIN: Go ahead.

MR. HART: -- bit more context for the conversation from the Planning Commission. It...it...it was expressed...you know, my interpretation of what was said is that they were more interested in having local residents supervising the operations than they were of

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

having people who don't necessarily reside on the island hosting people coming in essentially unsupervised. So they were interested in providing...even though there are no B&Bs now, that is what they would prefer to have as the majority operation. And so the cap for B&Bs is set to 21, even though there's only one proposed at this time. There had been one previously approved, but it's...it's not operating. That was some time ago.

VICE-CHAIR SINENCI: Okay. Mahalo, Mr. Hart, for that historical content. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. It looks like Mr. Hopper has something to say, and then I'll take Member Hokama. Go ahead, Mr. Hopper.

MR. HOPPER: Yes, I have a further response to Member King's question, if the Committee...there's some language in the existing ordinance that addresses that for STRHs, but not B&Bs. I can let you continue with your questioning and address that whenever the Committee would like. But I just wanted to let you know I had additional information for...for that whenever you are prepared for it.

CHAIR PALTIN: Okay, awesome. Maybe we'll take that up on the discussion part then.

MR. HOPPER: Thank you.

CHAIR PALTIN: Member Hokama? Thank you.

COUNCILMEMBER HOKAMA: Yeah, I just wanted to...I mean, I appreciate Mr. Hopper's comments, and I thank Ms. King for bringing that up. Yeah, I would prefer Council makes it pretty clear. I would hate to put our Commission Members in a situation where they need to make a nonconforming approval because they know that it shouldn't be approved, but Lānaʻi being Lānaʻi with 3,000 people, everybody got to live with each other. It makes those kind of decisions much more difficult. Although we know what is the intent, not to allow the nonconforming uses continue. So I would prefer that we put in the ordinance that, you know, if they're nonconforming, the Department won't even process for renewal because they'll be a nonconforming use. And I need people to be in compliance. Our problem is like everybody else, lack of inventory. So whatever units I can get for Lānaʻi residents, I would prefer it. Thanks, Chair.

CHAIR PALTIN: Thank you, Member Hokama. I just wanted to clarify what you meant by that, if possible. Like so if there's two short-term rental homes right next to each other, you're proposing that they don't...both of them don't be allowed to continue?

COUNCILMEMBER HOKAMA: I would say only one can be legal, right?

CHAIR PALTIN: Yeah.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER HOKAMA: Under the new proposal of the 300 feet. I wouldn't have mind keeping it at 500, but...because I'm in one area that you see a lot of the green dots. But yeah, I prefer not to put the Commission in the continual situation of trying to defend nonconforming approvals. I prefer not to have the Commission deal with those as a volunteer service of the community.

CHAIR PALTIN: Okay. And if I can just follow that up with a question to our Deputy Director Hart. My question was, one of the testifiers, I think Mrs. Peterson, said that originally it was a 500-foot radius, and now it's being proposed for a 300-foot radius because of how small Lānaʻi Town...Lānaʻi Town is. So I...I don't understand if it was originally 500-foot radius, how there's houses...because that's bigger. So then how are there nonconforming houses that are closer than 300 feet?

MR. HART: Chair, it's...it's kind of...it's...it's basically completely different. The...the 500-foot radius was the trigger for...was part of a trigger for sending the application to the Planning Commission for review. And...

CHAIR PALTIN: Oh.

MR. HART: And this...and so, you know, Councilmember Hokama brought up a, you know, something that was discussed at some length with the Commission, is that bringing things forward that require a difficult decision. So like, let's say, there's multiple within, you know, 500 feet, but there's no other logical reason to deny, then it's a really difficult decision for the...the Commission to shut down a member of their community just because...well, not just because of density issues but basically, you know, there...it's a...it...it draws a confrontation and then a difficult decision. And so basically by establishing rules that you can't increase the density or...or cause these confrontations, it makes it a little easier for everybody to address. That was kind of one of the things that was discussed with the Commission at one point. And so the...the radiuses or radii do different things under the old version versus the...the new version.

CHAIR PALTIN: Okay. I...I got that, it was just the trigger, 500 foot. It was under a 500-foot radius, it was a trigger for Planning Commission review.

MR. HART: Yeah.

CHAIR PALTIN: Okay. And then I had one other question. Is there a cap on the number of bedrooms for a B&B that is allowed?

MR. HART: Yeah. Yes. Excuse me.

CHAIR PALTIN: Six...

MR. HART: I believe it's six. Yeah, excuse me, on page 2.

CHAIR PALTIN: So that's the max amount possible?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. HART: Right.

CHAIR PALTIN: That the Lānaʻi Planning Commission decided upon?

MR. HART: Oh, wait, no. Excuse me, yeah, six. I apologize.

CHAIR PALTIN: Okay. All right. Members, any further questions for the Deputy Director? Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just one last thing for Mister...Mr. Hart. In subsection T, it states that one short-term rental home or bed and breakfast home shall be permitted on the same block. And this provision would, I guess, restricts one per block. But referring back to our Section 16.64.030, which allows six rooms to be used for a B&B, wouldn't this large number of rooms in a small community kind of have the same effect of having, say, multiple bed and breakfasts on the same block? And if there are two dwellings on the same lot, would this provision only allow one of the dwellings to be used as the B&B? Sorry to be asking you these kind of hypothetical questions, but just wanting to see if there's any potential loopholes that may be in here.

MR. HART: No, thank you, Chair. So the...the number of bedrooms was considered by the Planning Commission, and this is what they advised us to send forward to the Council. So that would be my response to the...the number question. And...and the...the language is intended to be written so that only one B&B or STRH can be permitted within 300 feet and...and on each block. And so it's intended to be written the same way in both ordinances. So there couldn't be an STRH and a B&B side by side, new proposals to be approved.

COUNCILMEMBER MOLINA: I see. Okay. All right. Okay, thank you. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Vice-Chair Rawlins-Fernandez, Council Vice-Chair?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So Deputy Director Hart, there's only so much square feet for the town. So have you done the math? If there's only one per 300-foot radius, that it would actually end up being less than 21—oh, I'm asking. That was a question, sorry.

MR. HART: No, I haven't...I haven't...

COUNCILMEMBER RAWLINS-FERNANDEZ: Would that be less than 21--

MR. HART: I haven't done --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- or 42?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. HART: -- the math. And Chair, basically, you know, I guess the math on...on how they would all be evenly spaced, you know, that...that might be information that's useful. But considering there's all these existing operations and that they won't, you know, really be evenly spaced, I didn't...you know, I didn't do any sort of calculation on...on what the total capacity could be.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I mean, just kind of looking at the town now, I...I...I can't see 42 STR or B&Bs fitting in that area.

MR. HART: I will say, Chair, if you review the minutes, the...the recognition of that issue was discussed by the Planning Commission --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director.

MR. HART: -- that they might not be able to be fully realized, the total count.

CHAIR PALTIN: Okay. Member Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. And thanks, Mr. Molina, for asking that hypothetical question. Yeah, I wish we had lots that could have a six-bedroom house for some of our people there. Most of our lots are legal nonconforming, don't even make minimum lot size requirements for us. So Mr. Hart, the one thing that I wanted to verify because it was brought to my attention, prior to issuing the approval or to the Commission or from the Department, do...does someone go and check and ensure that the lot and the structure has met County Code? That there is no issues with setbacks or any other type of potential issues of violations?

MR. HART: Yeah, there is...

COUNCILMEMBER HOKAMA: Yeah, neighbors of couple applicants.

MR. HART: Yes, Chair, there is a Code compliance section of the application process for both.

COUNCILMEMBER HOKAMA: Thank you, Mr. Hart. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Hokama. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to circle back to the issue about attrition, or how we would get to the correct spacing. Was...was that settled? Sorry if I missed it. So it's just going to be left up to...oh, Mr. Hopper maybe.

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: If you like...if...if you like, as I said, there's some...there's some language in the law...in the draft that I didn't mention when we discussed this before that might

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

help to figure this...this thing out a bit. And I can talk about that whenever is convenient, but now might be a good time if these are questions that you want. But there's some language in 19.65 that talks about what happens for renewals for existing permits that would...would not be allowed to be renewed with the new standards, and...and deals with those. So I...I can talk about that when is appropriate.

CHAIR PALTIN: Thank you, Mr. Hopper.

MR. HOPPER: But it may be good --

CHAIR PALTIN: This seems like --

MR. HOPPER: -- to have that if we're going to do this.

CHAIR PALTIN: -- an appropriate time. It seems like we've circled back to it and...and it would be helpful to the Members if you want to share with us what you know.

MR. HOPPER: If...if that's okay. What I did find is in...the sections are very long here, so bear with me. 19.65.030, one of the very...there's too many letters for me to get to the subsection, but this is on page 5 of the STRH ordinance that's been approved. It says...the full language is on the island of Lānaʻi no more than one short-term rental home or bed and breakfast home shall be permitted within a 300-foot radius, and not more than one short-term rental home or bed and breakfast home shall be permitted on the same block, provided that valid permits may continue to be renewed pursuant to Section 19.65.070. So I think what the intent of the Commission was there was that if you already had a permit, you could be renewed, notwithstanding the fact that you're within 300 foot of another STRH that was also...that...that was also already a valid existing permit. And...and I wasn't at the Commission meeting, but I would imagine a concern for the Commission would be that if only one of those two or three permitted uses would be allowed to continue, how would you determine which one of the two, three or whatever would be allowed to continue? Would it just be the one that renews first? That would potentially create an issue there. And so I...I think that language makes sense. The only question I had was that it does not look like there is similar language in 19.64, which is what threw me off a bit. It looks like in 19.65 they do...they do try to make clear that this applies to STRHs and bed and breakfast homes. But in 19.64 on page 4 of that ordinance, they have the same language. It says, on the island of Lānaʻi, no more than one short-term rental home or bed and breakfast home shall be permitted within a 300-foot radius, and not...not more than one short-term rental home or bed and breakfast home shall be permitted on the same block, period. So I would recommend adding the language that's in 19.65, the subsection I read the first time, to this section to make clear that it could still be renewed. Existing valid permits can be renewed, notwithstanding the fact they're within 300 feet or on the same block as another valid existing permit. New permits that...that apply after the effective date of this ordinance won't be allowed to do that. I think that would...that's what refers to existing permits. So I think that's the intent of that. But I...I think that if you're going to put that language in 19.65, it probably

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

should be in 19.64, so I'm not sure why that wasn't put in there. But I...I think since they both even refer to STRHs and B&Bs, that same language should be in the...the 19.64, as well as 19.65.

CHAIR PALTIN: Okay. It looked like Deputy Director Hart had something to add to that about when you were bringing up 19.64.

MR. HART: Yeah, Chair. I apologize, there's a number of different moving parts in these ordinances, I forgot about that portion of the conversation. So I believe the reason it wasn't put in the B&B ordinance is because there were no live B&B permits at the time that we were...we were amending the ordinance. Anyway, just to explain the approach there.

MR. HOPPER: Yeah, that...that could have been the history. You may want to include it anyway, just because this section mirrors 19.65, and they both mention bed and breakfast homes and STRHs. And it's not just if there's a B&B next to a B&B, it seems like it also is if there's a B&B next to an STRH. So you may want to have that same mirrored language in both ordinances if you want to do that. So I...I understand...I guess I understand why it wasn't put there is because there weren't any within presumably 300 feet of another B&B or STRH, but then it wouldn't make much sense to include the B&B language in 19.65 because if you're...if you're next to either one, whether it's an STRH or B&B, you would be ineligible. So you may want to...I would advise doing it...doing it for both probably. And we could discuss more with the Deputy who...who was at the...the...the Commission at the time and see...or look at the minutes. But I don't see a reason right now why you wouldn't have it in both.

CHAIR PALTIN: Mr. Hopper, to clarify, the way that the language is written in the 19.65 makes me think to Member Molina's question about can't be within 300 feet whether it's a B&B or an STRH. So I think that's probably why it was in there. Like regardless if you're next to a B&B or next to a...an STRH next to an STRH or a STRH next to a B&B, you can't be within 300 feet or the same block. So I'm thinking that's why they put the language in there, and then they just added on the renewal to it. Would that be a possibility?

MR. HOPPER: Yeah. Yeah, no, that's...that's right, I'm just wondering why that same language isn't in 19.64. It...it should be there too, I would say. Because if a B&B would come in for renewal, and was within 300 feet or the same block of another valid approved STRH, then they wouldn't be...they wouldn't have that same benefit. So I would...I would put that in there. Even if it ends up not affecting anyone, as long as it's clear that it only affects applicants that are seeking renewal before the effective date, that...that would be the one that would make sense.

CHAIR PALTIN: Even though at this time there's zero B&Bs, and so it wouldn't affect anyone?

MR. HOPPER: If...if...

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: If there's zero B&Bs, then there is not any renewal for a B&B, right?

MR. HART: I think it's because it's not time...

MR. HOPPER: Right, but then you...sorry, go ahead.

MR. HART: It doesn't...it doesn't, for example, say any...any valid permits at the time of passing of this ordinance or something specific that denotes when...when the time that the permit is valid.

CHAIR PALTIN: But moving forward, it shouldn't be issued within the same 300-foot radius or the same block, so it...it...I'm...it's my understanding that that would never come to pass if all the --

MR. HOPPER: If...

CHAIR PALTIN: -- rules are being followed correctly.

MR. HOPPER: I...I think that's the assumption, is that if there is a valid existing permit, it would have been granted prior to the...this prohibition, otherwise it would have been improperly granted. I think...I think you're correct on that. If there's no B&Bs though, there's no reason to have the B&B language in 19.65 either because that mentions bed and breakfast. They...they just appear to be the same...saying the same thing, and they should probably be reflected in the other. And I don't know, at this point, I recommend putting them in...in both if the intention is to allow those permits to be renewed, which I think at this point would be advisable because I'm not thinking of a...a way that you could have sort of the race to approval and how that would...how that would work.

CHAIR PALTIN: Okay. I mean, it...it won't really affect it, it seems. Member Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. My...my point is from what I got from the Commission in my talks to some of them is that they're trying to find a way they can be fair and consistent and not deal with nonconforming approvals. So if you're telling me, Mr. Hopper, that this is how to continue nonconformance within 300 feet, I'm not going to support that. I'm trying to find a way to support it because both sides have one component in their renewal portion, and that is nonrenewal procedures, noncompliance with this chapter. Specific line, noncompliance with the chapter. So if they're not complying, how do they even going to get processed for renewal? They're in noncompliance. And why would I want to go ask the Commission, Planning Commissioner, to make what is...should then be a Board of Variance and Appeals decision since you're asking them to...take a variance of the Code? I'm not trying to find a way to allow more units in a nonconforming situation, I'm trying to eliminate those nonconforming units in the 300-foot areas. Thank you, Chair.

CHAIR PALTIN: Thank you. Mr. Hopper, did you...wanted to add something or comment on that?

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MR. HOPPER: Well, the...the language in the...the section that the Commission sent forward allows for the units that already exist to be renewed, provided they meet the other criteria for renewal, even if they're within 300 feet or in the same block. That's on page...that's on page 5 of the STRH ordinance at the top. It's the language I had read earlier. It says...it goes over the language for the...the...the disqualification based on proximity. And then it says, provided that valid permits may continue to be renewed pursuant to Section 19.65.070. And I'm presuming the intent of the Planning Commission there was what we were discussing, was to allow units who were already existing, when they go in for renewal, not have to be denied because they're within 300 feet of another unit. I...I presume that's what the Commission was looking at. As a legal issue, I would advise looking at that issue and...and...and finding a way to approach it. But for...the Commission appeared to put that language in for 19.65. I don't know if they intended to not put it in for 19.64. It sounds like they may have...they may have thought it's not necessary for that section. But just looking at it now, I'm thinking if you want to do it for 19.65 because that mentions bed and breakfast homes, that language should also be...if I was writing the ordinance, I would...I would advise to put that in 19.64 as well, just so it's consistent with 19.65 since both of them refer to both STRHs and in Bed and Breakfast homes. But on the issue of renewing permits that are within 300 feet of another permitted STRH or B&B or on the same block, the Commission language on the STRH says that you can still do that. Maybe we can be clearer with the language but I think that's what the Commission's language says there. Now, over time, if...if a permit...again, permits are nontransferable. So if a...if...if...if somebody sells their house and a new person comes in, they would have to send it...they would have to apply for a new permit, and they would not be allowed to...well, they'd have to own it, and there'd be other issues. But you know, if the...if the unit sold or if there's a death or something like that, I think that's maybe what attrition was being discussed about. But at this point, I think that's...the language in this section is dealing with the...the...the issue of existing permits. And I would advise having some language in there that would have those...those people be allowed to be renewed if they're within 300 feet of another...where that...where that would prevent them from being renewed, just because right now, I can't think of how you would order that.

CHAIR PALTIN: Okay. Thank you. I...I think we've kind of a little bit beat this issue to death. If Members would like, we can defer and request an analysis from Planning with how many permits would be impacted about the nonrenewal, nonconforming. And we can also add on Member Rawlins-Fernandez's question about the square footage of the town, and if 42 would even possibly be a number that could be supported by the area that they have, and...and the 300-foot radii and the per block situation. And then we can bring this back once we get the answer, if that's the Members' preference. Yeah? Okay. Yeah, I don't want you guys to feel rushed without information that you find pertinent. So with no objections, the Chair will defer this item. I think we had a good discussion, and we just need a little bit more info.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: Okay, so thank you. Okay. PSLU-52 is next. Does anyone feel the need for a pause for the cause, or do you want to just power through? Member King? Okay.

COUNCILMEMBER KING: Yeah, I was hoping that we could take a dinner break because it's 6:30, right now and we started at 4:30.

CHAIR PALTIN: Well, I...I kind of was thinking this next item would blow right through, hopefully.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER LEE: Yeah. Me too. Me too.

CHAIR PALTIN: We did get an awful lot of testimony.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER HOKAMA: I don't think it's going to take long, Chair.

CHAIR PALTIN: How about we go for 15 minutes more?

COUNCILMEMBER LEE: Yeah.

PSLU-52: COUNTRY TOWN BUSINESS DISTRICT IN LĀNA'I CITY (CC 20-83)

CHAIR PALTIN: Okay. All right. I'll go through. PSLU-52, Country Town Business District in Lāna'i City. I...I...this is at least our third time hearing this item, and I reached out to some folks on Lāna'i, and they weren't aware of the proposed amendment. County...Committee is in receipt of the following: County Communication 20-83, from the Planning Director, transmitting a proposed resolution entitled, "ADOPTING THE LĀNA'I CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS." The purpose of the proposed resolution is to update the existing design guidelines for Lāna'i City to address the goals expressed in the 2016 Lāna'i Community Plan. Correspondence dated March 20, 2020, from the Planning Director, transmitted a revised Lāna'i City County...Country Town Business District Design Guidelines and Standards. The purpose of the revised Lāna'i City Country Town Business District Design Guidelines and Standards is to prohibit ground signs in Lāna'i City. So the Committee may consider whether to recommend adoption of the proposed resolution and revised Lāna'i City Country Town Business District Design Guidelines and Standards, with or without further revisions. The Committee may also

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

consider the filing of County Communication 20-83 and other related action. Let's see, Deputy Director Hart, do you have any opening comments?

MR. HART: Yeah, Chair. Thank you very much. I'll try to keep my comments simple. I also have...I believe Annalise Kehler is here as well. You know, there is quite a bit of confusion from testifiers and...and potentially Members of the Committee. And I just want to try and be as clear as possible that our...our transmittal to the Committee is County Communication 20-83. And that outlines the process that the Department went through with the Commission and other bodies to vet this final version of the design guidelines that were transmitted on to the Committee. There was also correspondence and a version that was transmitted to Councilmember Hokama, but that is separate from the transmittal to the Committee. And I can understand how there can be confusion because they look the same, it's just a different number with a slightly different version of the report attached. But the Department's transmittal to the Committee and the process that it went through is established in 20-83. Thank you, Chair.

CHAIR PALTIN: Thank you, Deputy Director Hart. And you know, I just wanted to schedule this item in the evening so that the business community could weigh in in lieu of us being able to visit Lānaʻi in person. I would like to recommend adoption of the resolution, the Planning Department's version, adopting the Lānaʻi City Country Town Business District Design Guidelines and Standards, incorporating any nonsubstantive revisions, and filing of County Communication 20-83 based on the outpouring of public testimony that wants to keep their ground signage.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR PALTIN: Okay. It's been moved by Council Vice-Chair Rawlins-Fernandez and seconded by Member Sugimura. Discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: As the movant, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: I would actually like to defer to our Councilmember from Lānaʻi to...to hear, you know, some background on this.

CHAIR PALTIN: Sure thing. Member Hokama?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER HOKAMA: Thank you, Chair. Thank you, Committee, for allowing me to share brief comments. I know it's late, I heard Ms. King, so brief comments. Again yeah, as I stated, I worked on this for 20 years, it's not a new thing. For the community, it's on...a on and off kind of thing over the last 20 years. I worked with

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

this with David Murdock's team, and Ralph Matsuda was the Senior Vice President representing Castle & Cooke at that time up to 2012 when Larry Ellison of Oracle then purchased Lānaʻi. So up until then we were working on it, the design guidelines cooperatively. We reached out to community members, merchants, the unions, the landowner. And then the community said wait, wait, wait, since we're doing community plan update, can we do that first and then go back to Country Town Business standards and guidelines? And I agreed with them. I was disappointed because I can tell you, when I was the land manager for Castle & Cooke, which is basically 90 percent of the island, our problem was interim zoning and the inability of Lānaʻi to meet the standard and Code requirements of subdivision from Planning Department and Public Works on...at that time, what was on the County's...County Code ordinances. So we had great difficulty in approving our permits and whatnot during that era. And this is the '70s, '80s I'm talking about. So for those that were not there on Lānaʻi, you need to understand that this was prior to even your moving to Lānaʻi and experiencing what you have currently. The reason that I brought up the condition of having no signs was again one, it was traditionally never part of the community. So if you look at the old photographs the Planning Department has shared, you will see it was mostly building signage. It was always part of the building's signage, and we use Lānaʻi people to take care of those kind of business requirements. And that's how we did our advertising. My reason to bring this up was to ask Lānaʻi, what do you consider through this ordinance important enough to protect? Because part of this Country Town Business proposal that we...we doing this evening for Lānaʻi is telling Lānaʻi what you folks...Council believes is historic and needs to be preserved under Country Town protection. While I'm happy everybody got charged up about the ground signs, that's just one part of it. Do we still want to maintain the façade of the old 1920-30s plantation look on our structures? Do we still want to maintain the cut-stone curbing around our small...very small city blocks compared to other blocks in the State? Do we still want to maintain the look of totong roofs and A-frame buildings? That is also part of the question that this proposal is bringing to Lanaians. What history do you want to preserve and project, not only for the current community, but for those that visit and hopefully for the future generations? This was not part of the discussion 20 years ago, I can tell you that. And so again, timing may be bad with the COVID, I get it. I hear Mr. Dupree, I hear Jen, I hear all of them. Yeah, timing sucks right now for us to talk about it. But what is important to talk about now is, what do you want Council to support Lānaʻi under Country Town to protect what is unique to Lānaʻi's business town character. And that's the question that I had hoped we would have discussed, it was just about the signage, nothing about architecture, street sizes, crosswalks, the park itself, or whatnot. So again, Chair, I...I'm like you, I heard the comments. If Lānaʻi is more concerned about maintaining the current look, I'm not going to fight it. That's fine with me. But no one should complain why we don't have something about pineapple ten years from now or 20 years from now when that was what built our town over the last 100 years that my family's lived there. Not 30, not 50, we've been there a century. So I think we know what we talking about. Thank you, Chair. I appreciate my opportunity to share the comments. And again, I'm just pleased that we had that many people for your Committee meeting, knowing that the Mayor had his budget meeting also. So thank you very much, Chair Paltin. I appreciate this time.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR PALTIN: Thank you, Member Hokama, for your comments. Member Rawlins-Fernandez as the movant, did you have additional things to say?

COUNCILMEMBER RAWLINS-FERNANDEZ: Nothing additional. I...I'll just echo what Member Hokama said, that I'm...I'm...I'm really happy that so many of the community members came out to testify and are participating and engaging. That's always what, you know, we like to see. And I hope they can also provide feedback on the important items that Member Hokama, you know, talked about; structure, infrastructure, and design. Because we want to make sure that we're protecting what the community wants protected too, you know. So I...I hope they'll...they'll look through the Business Country Town District plan and, you know, if they see anything further, they'll provide us that feedback. But yeah, mahalo for my opportunity, Chair.

CHAIR PALTIN: Thank you. I'll take Member Sugimura, if you had anything as the seconder, followed by Vice-Chair Sinenci, followed by Council Chair Lee.

COUNCILMEMBER SUGIMURA: Thank you. Yeah, I appreciate the...the number of testifiers that came. And to hear the commitment and their really love for the...the island, right, that...that's what they were talking about. And I...I particularly appreciate Pūlama Lānaʻi, as it seems like they helped pull this discussion together because they represent a big part of the island and who it is. I...I appreciate the historical perspective that, you know, we get to hear and...and share. And I agree, the pineapple was a big part of the island culture. And the one sign that I...that I always like to take a picture by is in Dole Park, and it's that big boulder, I guess, that has the pineapple on it, you know, that...that kind of brings you to, you know, the past. And make...makes you understand the history through signage. So I know the signage became the focal point of this, but I believe, just by looking at this in total, there's a lot more that it...it...it does talk about and want to preserve for the town. So this...this is an important document for the future. Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. Member Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, Chair. Yeah, I just wanted to hear if any...Ms. Annalise Kehler had anything to add to the conversation.

CHAIR PALTIN: Oh. Ms. Annalise Kehler, did you want to add anything?

MS. KEHLER: Hi, Chair. Sure. I'll just...I'll just say that the community, during the community planning process for Lānaʻi, was pretty clear about their intentions for preserving the architectural and historical character of Lānaʻi. And I do think that the document achieves that, and really pushes that goal forward. And that's all.

CHAIR PALTIN: Thank you, Ms. Kehler.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

MS. KEHLER: Thank you.

CHAIR PALTIN: Member Sinenci, was...was that the extent of your first...

VICE-CHAIR SINENCI: Yeah, for now. Thank you, Chair. Appreciate the --

CHAIR PALTIN: Okay.

VICE-CHAIR SINENCI: -- comments.

CHAIR PALTIN: Thank you. Member Lee?

COUNCILMEMBER LEE: Thank you, Chair. As a person who was on the Council in the '90s, the whole decade, we went to Lānaʻi for many, many, many meetings. And this is the first time ever, ever...I could never have dreamt this would happen, that somebody would be providing testimony while jogging. That is a first perhaps in the world, I don't know, but I'm glad I was a part of it. And I'm glad that...for some reason, this Council is really good at reaching out to the public, to the community, and getting wonderful feedback. You know, whether it's good or bad, it doesn't matter, they just feel comfortable talking to us, and I appreciate that. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. Member King?

COUNCILMEMBER KING: Thank you, Chair. So I just wanted to clarify that if we pass this resolution that we're...that's on the floor right now, that we're passing it without the...the amendments that would eliminate the...the ground signs. And I wanted to also add that I really appreciate everyone coming out, but I wish there had been an opportunity for them to give this input before we got this amendment to the Council because that might have changed things, and we might not have...I mean, it just...it felt like there was some anger and resentment. And I don't...I never like it when the testimony...when people feel like they're...they were left out at some point, or that their needs are not being respected. And you know, I don't think that's anyone's intention, but I do think that there are a lot of people who felt like where...you know, they didn't know where this came from. And you know, we...we...we learn a lot from history, and I think it's good to respect the...the rural aspect of communities. But there are also, as Chair Lee just pointed out, changes that are happening daily. And you know, yeah, we would never have had somebody jogging and testifying, and that's our new normal. And marketing needs change. So you know, the...people...people in the communities have spoken out and said that we need to change with the times, this is helping us having these signs. So I think we got to be less stuck in what happened, you know, what...what it was like 20 years ago or 50 years ago and...and really pay attention to the needs of the community because obviously, we're doing something groundbreaking that would have never happened 20 years ago. And I would hate for someone to say, let's go back to the way things were and never do this again because we didn't used to do it. I mean, this has been so beneficial, to be...to be able...and...and...and now we're making a push to actually include it in our future way of doing business, the...you know, the going forward with this kind of meeting which, you know, would

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

have...would have not even been thought of 10 or 20 years ago. So I just want to be...just...I just wanted to make that point that we...we can't be...we need to learn from the past, but we can't be so stuck in it that we don't see the...the need to change and the needs of the future and present, people that are on the ground. So thank you for putting this together, and...so that people could come out and testify because I do think the evening makes a difference, and we're seeing that today. And I'm ready to vote. Thank you.

CHAIR PALTIN: Thank you, Member King. Just have Member Molina, who hasn't had a chance yet. So just checking in if you needed to say anything.

COUNCILMEMBER MOLINA: No. Thank you for checking in with me, Madam Chair. I'm fine. I think everybody else has said what I would have said. And I'm ready to vote. Thank you.

CHAIR PALTIN: Okay, awesome. And Member Sinenci, Vice-Chair, did you have something additional?

VICE-CHAIR SINENCI: Let me...let me go ahead and unmute. Can you hear me?

CHAIR PALTIN: Yeah, we can.

VICE-CHAIR SINENCI: Oh, okay. Yeah. And then I was just thinking, you know, sometimes when you're walking around Wailuku Town as well, you know, some of the...the attorney's offices that are in the older buildings, they also have a similar ground sign as well that kind of distinguishes their offices, their law offices from...from the actual plantation buildings. But for Ms. Kehler, you know, when you're...and...and just, you know, in thinking about Member Hokama's comments about keeping that historical precedence, I mean, does that mean if you're going to keep historical precedence, do you need to be using the same types of materials or...I don't know if you need to use the same type of paint, that might have been outdated or had more, you know, chemicals in there back then. But how much of the...of the original historical are...are you going to keep if...if you're considering keeping historical content within the...within the town setting?

CHAIR PALTIN: I...I believe that is somewhat outlined within the design guidelines, what types of historical components need to be kept. And that was my original reason for wanting feedback from Lānaʻi because I was concerned that, you know, those might be expensive. But it sounds like it was pretty well vetted throughout the Planning Commission and with the Planning Department. Ms. Kehler, did you have anything more else besides what I said that you wanted to add?

MS. KEHLER: Sure. So the philosophy behind the document, like Chair said, is...is...it does...it follows national trends, which is to say if you have a historic building, the...the goal is to preserve as much of it as possible. You repair where you can, and if something is too rotten, then you replace. And I did work with the Planning Commission because they were interested in utilizing newer materials that look similar

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

to historic materials when doing new construction. And so we made allowances for that for new construction. But national philosophy dictates that when you're working with a...a historic building, you...the goal is first to try to save as much as possible, and then go from there with what is, you know, you are able to save. And...and what you can't, then you replace with like materials.

VICE-CHAIR SINENCI: Okay. Thank you, Ms. Kehler. Just something to consider when moving forward. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Sinenci. Member Hokama, second and final.

COUNCILMEMBER HOKAMA: Yeah, Chair, thank you very much. I guess, Mr. Sinenci, you guys are going to deal with it when you guys do your maybe East Maui or Hana Country Town consideration. You can deal with it.

VICE-CHAIR SINENCI: I would second that.

COUNCILMEMBER HOKAMA: But thank you, Chair. No, I...I...I'm not a Voting Member, but I support the direction the Committee is moving to this evening, so I thank you all very much. And I want to thank you, Chair, because, you know, when I did bring up my consideration that brought a lot of people to testify tonight, which I thought was pretty good from one point, I did request that we...we take this back to Lānaʻi to...to hear from the Lānaʻi people themselves. Unfortunately, you know, it's still yet we're not able to travel there, but I thank you for at least having this video conferencing meeting to allow them to try and do an audio/video meeting with us. So thank you for doing that. But I think the key point that I'm trying to make to Lānaʻi is that, you know, your Council listens. Again, Chair Paltin made the effort to bring the Committee to Lānaʻi. If we could have, we would have been there to do this actual meeting on this two important subjects for Lānaʻi. But I appreciate you making this effort, Chair Paltin. And I appreciate those that stuck by with us this evening to participate. So thank you very much, Committee Members.

CHAIR PALTIN: Thank you, everyone. I'm sorry, I guess we went a little bit beyond the 15 minutes, everyone had a lot to say. Again, my deepest apologies to the community of Lānaʻi. I really would have liked to have this meeting on your island but, you know, circumstances prevented that. And I'm so grateful that you all came out to hear or to let us hear what you had to say. The vote is the Committee is adopting the revised guidelines with ground signs, removing the ground sign prohibition. All those in favor please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Raise your hand and say "no." It looks unanimous from the PSLU Committee that the Lānaʻi City Country Town Business District --

COUNCILMEMBER LEE: Question. Question.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CHAIR PALTIN: -- Design Guidelines and Standards have been approved.

VOTE: **AYES:** **Chair Paltin, Vice-Chair Sinenci, and**
 Councilmembers King, Lee, Molina,
 Rawlins-Fernandez, and Sugimura.

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **Recommending ADOPTION of resolution and FILING**
 of communication.

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: Yes, just to clarify, I think the revised guidelines were the ones with the ground signs eliminated. I think you were pretty clear though about what you adopted. The previous resolution with the original attachment had the...had the design guidelines with ground signs allowed and mentioned. So I'm presuming that you're...you're adopting that one. I think there's a few nonsubstantive changes to be made to that, just as a note, but I think that that's in there...but I can work that out with OCS. I think the exhibit was supposed to be 1 instead of A, a few things like that. But just to clarify, I think that's what you meant. The revised, though, would be the ones with...without the ground signs, so you're adopting the previous ones that had the ground signs in them, correct?

CHAIR PALTIN: That's correct, yeah. We're removing the ground sign prohibition. Okay, and so that was a unanimous vote. Thank you, Lānaʻi. It was so good to visit you guys virtually. One day we'll do it in person again. Maybe next Budget--who knows. This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much. We got unanimous and all...everybody showed up plus one extra. The time is now 6:59. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 6:59 p.m.

PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

APPROVED:

Tamara A. M. Paltin

TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:min:201013

Transcribed by: Daniel Schoenbeck


PLANNING AND SUSTAINABLE LAND USE COMMITTEE MINUTES
Council of the County of Maui

October 13, 2020

CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 53 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 10th day of November 2020, in Wailuku, Hawai'i



Daniel Schoenbeck