

# **PLANNING AND SUSTAINABLE LAND USE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**June 2, 2022**

**Online Via BlueJeans**

**CONVENE:** 9:00 a.m.

**PRESENT:** Councilmember Tamara Paltin, Chair  
Councilmember Kelly Takaya King, Vice-Chair  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member  
Councilmember Alice L. Lee, Member  
Councilmember Michael J. Molina, Member (out 11:48 a.m.)  
Councilmember Keani N.W. Rawlins-Fernandez, Member (in 10:27 a.m.)  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:** Paige Greco, Legislative Analyst  
Alison Stewart, Legislative Analyst  
Richard Mitchell, Legislative Attorney  
Clarita Balala, Committee Secretary  
Lenora Dinneen, Council Services Assistant Clerk  
Jean Pokipala, Council Services Assistant Clerk

Mavis Oliveira, Council Aide, East Maui District Office.  
Denise Fernandez, Council Aide, Lanai District Office  
Anabelle Hernandez, Council Aide, Makawao-Ha'ikū-Pā'ia District Office  
Daniel Kanahele, Council Aide, South Maui District Office  
Christian Balagso, Council Aide, West Maui District Office

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson  
Roxanne Morita, Executive Assistant to Councilmember Gabe Johnson  
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama  
Evan Dust, Executive Assistant to Councilmember Tasha Kama  
Axel Beers, Executive Assistant to Councilmember Kelly Takaya King  
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King  
Sarah Sexton, Executive Assistant to Councilmember Kelly Takaya King  
Kainoa Kaumeheiwa-Rego, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez  
Mahina Poepoe, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez  
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez  
Ana Lillis, Executive Assistant to Councilmember Michael J. Molina

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

**June 2, 2022**

---

Angela Lucero, Executive Assistant to Councilmember Tamara Paltin  
Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci  
Jennifer Matsumoto, Executive Assistant to Councilmember Yuki Lei K.  
Sugimura

**ADMIN.:** Michael Hopper, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Michele McLean, Director, Department of Planning  
Jordan Hart, Deputy Director, Department of Planning (PSLU-52)  
Jacky Takakura, Administrative Planning Officer, Department of Planning  
(PSLU-34 and -52)  
Jen Maydan, Planning Supervisory, Department of Planning (PSLU-53)  
Johann Hall, Geographic Information System Analyst, Department of  
Planning  
Gary Ambrose, Deputy Director, Department of Public Works (PSLU-52)

**OTHERS:** Barbara Barry (PSLU-52)  
Diana Bresnan (PSLU-34)  
Jason Economou, Realtors Association of Maui (PSLU-34)  
Lemore Czeisler, Pacific Retail Capital Partners (PSLU-52)  
Albert Perez (PSLU-52)  
Mike Jorgenson  
Marina Satoafaiga, Pacific Retail Capital Partners (PSLU-52)  
John Damerell (PSLU-34)  
Madeline Monaco (PSLU-34)  
Faith Chase (PSLU-34, -52)  
Toni Gebers (PSLU-34)  
Tom Croly (PSLU-34)  
Cara Flores (PSLU-34)  
Mike Moran (PSLU-34, -52, -53)  
(11) additional attendees

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

-----

CHAIR PALTIN: . . . *(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of June 2nd please come to order. The time is 9:00 a.m. And if I can ask everyone to please silence their cell phones or any noise-making devices, that would greatly help our cause. Members, in accordance with the Sunshine Law, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I'll be your Chair for today's Planning and Sustainable Land Use Committee meeting. Magandang umaga kākou, and aloha kakahiaka. We have with us our Committee Vice-Chair Kelly Takaya King.

VICE-CHAIR KING: Aloha kakahiaka, Chair and colleagues. Let's see, I'm going to see if I can pronounce this as well as you did, Chair. Magandang umaga; is that correct?

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

**June 2, 2022**

---

CHAIR PALTIN: *(Audio interference)*.

VICE-CHAIR KING: And I am here...I am here, transmitting from my home office again. And there are no testifiers in the South Maui District Office at this time. There is nobody in the...in my house right now. Everybody's flown the coop for today.

CHAIR PALTIN: *(Audio interference)* Okay, and let's go to Chair Lee next, so she can show us how it's done. Magandang umaga.

COUNCILMEMBER LEE: Okay, very good. Magandang umaga to all of my chickadees and chickadoos, and I am home alone in my workspace today, all by myself. Thank you.

CHAIR PALTIN: Thank you. And from the Island of Lānaʻi, Gabe Johnson. Magandang umaga.

COUNCILMEMBER JOHNSON: Magandang umaga, Councilmembers and Chair, and everyone else out there watching. There are no testifiers in the Lānaʻi District, and I am alone in my workspace, and ready to work. Mahalo, Chair.

CHAIR PALTIN: Thank you. And from the neighborhood of Kahului, Councilmember Tasha Kama. Magandang umaga.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and magandang umaga to all of my colleagues. I am in my home, in my workspace, and I am alone. Looking forward to a wonderful, brief meeting today.

CHAIR PALTIN: We can hope. All right. And from, looks like the Makawao District Office, we have Councilmember Mike Molina. Aloha kakahiaka, and magandang umaga.

COUNCILMEMBER MOLINA: Aloha kakahiaka, and magandang umaga to you, Madam Chair. And yes, I'm transmitting from the Pāʻia District Office over here at the Heritage Hall. I am accompanied by my Executive Assistant Ana Lillis, and there are no testifiers. Mahalo.

CHAIR PALTIN: Thank you. And from East Maui, we have Councilmember Shane Sinenci. Magandang umaga.

COUNCILMEMBER SINENCI: Aloha, Chair, and magandang umaga, Committee Members. From East Maui, we're here this morning, broadcasting from the Hāna Cultural Center with my EA Dawn Lono. Currently, there are no testifiers at the East Maui District Office. Mahalo.

CHAIR PALTIN: Thank you. And from jacaranda country, we have Councilmember Yuki Lei Sugimura. Aloha kakahiaka, and magandang umaga to you.

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

**June 2, 2022**

---

COUNCILMEMBER SUGIMURA: Mouthful. Good morning, everybody. I'm at the County Building on the 8th Floor, and I have Jen Matsumoto on the other side of the office, and Miki Yokouchi is on her way. Good morning, everybody.

CHAIR PALTIN: Good morning. Thank you. And Councilmember Keani Rawlins-Fernandez did notify me that she will be a little bit late. I am broadcasting live and direct from the Old Lāhainā Center, the West Maui District Office, here in historic Lāhainā Town, and with me, I have EA Angela Lucero and West Maui District Office Aide Christian Balagso. From the Administration, we have Planning Director Michele McLean on all items. And let's see, Administrative Planning Officer Jacky Takakura, for PSLU-34 and -52. Jen Maydan...oh, I think actually would probably have been -53. And Jen Maydan, Planning Supervisor for PSLU-53, although we understand she may have to leave early. And Michael Hopper will be our Deputy Corp. Counsel on all items. I also did request Public Works, I think it was going to be Mr. Ambrose. Our Committee Staff today is Committee Secretary Clarita Balala, and Legislative Analysts Paige Greco and Alison Stewart, and our Legislative Attorney is Richard Mitchell, and our Assistant Clerk is Lei Dinneen. All right. So on today's agenda, we have three items: PSLU-34 Phasing Out of Transient Accommodations in the Apartment Districts; PSLU-52, which is Bill 82 (2022) relating to Permitted Uses In The M-2 Heavy Industrial District; and PSLU-53, South Maui Community Plan Update. Okay, let's begin with public testimony. Oral testimony via phone or video conference will be accepted. Also, as noted on today's agenda, in-person testimony will be accepted in the Council Chamber, and at the six courtesy testimony sites. Testifiers wanting to provide audio testimony should call 408-915-6290, and enter meeting code 149341846, also noted on today's agenda. Written testimony is encouraged, and can be sent via the eComment link at [mauicounty.us/agendas](https://mauicounty.us/agendas). Oral testimony is limited to three minutes per agenda item. When your name is called, please unmute yourself by clicking the video and microphone icons, or if press...calling in, press star-4 to unmute yourself. Please be courteous to others, muting video and audio while waiting for your turn. When testifying, please state your name. Please also state if you are testifying on behalf of an organization or are a paid lobbyist. If you have joined this online meeting, Staff will assume you wish to provide testimony and will add you to the list of testifiers. Once you are done testifying, or if you wish to view the meeting without providing testimony, please disconnect from the BlueJeans meeting. You may continue viewing on *Akakū* Channel 53, Facebook Live, or [mauicounty.us](https://mauicounty.us). Once oral testimony concludes, only Councilmembers, Staff, and designated resources will remain online, and all others will be dropped from the BlueJeans connection. A link to the list of testifiers is posted in the chat. Please be mindful that chat should not be used to provide testimony or to chat with others during the meeting. Members, I would like to proceed with oral testimony. And seeing that we have about 17 or so testifiers maybe, I just wanted to mention that I meant to put out a press release. We had it written, for some reason it didn't go out. And basically, the press release was in relation to PSLU-34, that we have an updated bill. This would be the last item, I think, on the meeting details under PSLU-34, and it's different than the previous two iterations, and that's what we'll be focusing on today, and that...that one has been signed off by Corp. Counsel. So hoping that the testifiers will be testifying on the most recent draft of the bill, because that's what we'll be focusing on today. All right. So at this time, I'd like to call up our first testifier, Barbara Barry, and I believe she's testifying on Bill 82, or PSLU-52 (*audio*

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

**June 2, 2022**

---

*interference) --*

COUNCILMEMBER SUGIMURA: Chair?

CHAIR PALTIN: Sorry. Sorry, Ms. Barry, I see a question from Councilmember Sugimura. Just *(audio interference)*.

COUNCILMEMBER SUGIMURA: Sorry, Chair, sorry, Barbara. So because you didn't get out your press release, I think you had all good intentions of letting everybody know the correct bill. Do you just want to summarize that before we go into all the testimony, so that people will know what the current bill is? Or you just going to let the testimony go with previous iterations?

CHAIR PALTIN: I guess if people start testifying on the previous iteration, then I'll...I'll summarize the bill. I'm just assuming at this point because there's so many, but hopefully they read the most current bill. But if we run into that problem, then I'll...I'll summarize it. Thank you.

COUNCILMEMBER SUGIMURA: Very good.

CHAIR PALTIN: Okay. Go ahead, Barbara Barry, and...and she's testifying on PSLU-52, so...

**. . . BEGIN PUBLIC TESTIMONY . . .**

MS. BARRY: Good morning, Chair Paltin and Committee Members. Magandang umaga, and I am here in my home with a sleeping grandson. So I'm here to testify on PSLU-52, and I kind of have a personal experience with this. Even though I live in the agricultural district, I do have a neighbor who has heavy, heavy, big trucks that he works with, and he's always working on his cars as well. So there's many times that early in the morning when he's out firing up his trucks for a day's work, and when he's idling his trucks so close to my...my home, my room fills up with exhaust smoke. So the idea of allowing any kind of...any kind of residential--apartments, whatever, workforce housing--next to a heavy industrial area is just kind of mind blowing to me. There's light pollution, there's air pollution, there's noise pollution, there is people coming all hours of the day and night, and I just think it's really a misguided idea to try and consider any kind of housing projects, whether they be workforce housing or whatever, apartments, next to a heavy industrial area. So that's all I have to say for today. Thank you so much.

CHAIR PALTIN: Thank you, Ms. Barry. Members, any questions for the testifier? Member Sugimura.

COUNCILMEMBER SUGIMURA: I do. Nice seeing you, Barbara. I knew you were with your grandson. You look very happy. I just want to know, is it a...is it permitted, your neighbor, or is it just kind of popped out of nowhere?

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

**June 2, 2022**

---

MS. BARRY: Thank you for that question. He is one of the original landowners of...of this...this moku I live in, and I think he's always been here. So there's questions whether or not it's legal, but you know, I...since he is my neighbor, I...I hesitate to, you know, make a complaint about it. I just live with it.

COUNCILMEMBER SUGIMURA: Oh.

MS. BARRY: But...but I don't...I don't recommend living next to an industrial work site.

COUNCILMEMBER SUGIMURA: Okay. I'll try to call you, contact you offline. Thank you.

MS. BARRY: Yeah, that's...that's great. Thank you so much.

CHAIR PALTIN: Any further questions for the testifier? Seeing none. Thank you for your testimony. Next up --

MS. BARRY: Aloha. Have a great day.

CHAIR PALTIN: Aloha. Next up, we have Diana Bresnan, to be followed by Jason Economou. Diana Bresnan, if you are ready to testify, it's your turn.

MS. BRESNAN: Good morning. Thank you. Thank you for allowing me to have a moment to testify. I'm the President of the Association for Mahinahina Beach Condominium on the West Side, and we do not allow short-term rentals at our property. We have a declaration that was signed by more than 67 percent of our owners that disallow short-term rentals, and we allow only long-term rentals of 180 days or more. However, our...our property has been classified as a short-term rental property per the County designations, and so this bill that you're proposing is...is really interesting to us, because we would love to be classified as a property that's more accurate to our actual use, which is not short-term rental. But we do have a couple of questions about the bill that's been proposed. And one of those is that it requires 100 percent owners signing a declaration, which, as you can imagine, would be very difficult to get 100 percent of...of owners to agree to anything. But per 514-B, 67 percent of owners agreeing to change a declaration is enough to amend your declaration. So my request is that we align this bill with 514-B to the terminology of 67 percent of owners agreeing to do so. I think we probably have about 90 percent of our owners agreeing or more, but I think 100 percent would be difficult. And then the other questions that I have are related to the declaration term that's used in this bill. Is that the same as a declaration that your AOA would...would...would have in force as a governing document? And the definition of long-term residential use? And then finally, there's a term that says unless such use is then allowed in accordance with a valid permit. I don't understand what that means. So those are kind of the four points that I would like to have clarification on, and definitely support the efforts to create long-term housing versus short-term rentals. Thank you.

CHAIR PALTIN: Thank you, Ms. Bresnan, and...and while testimony is not the time for answering of questions, we'll try and get those questions answered during the process

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

**June 2, 2022**

---

of the Committee. Committee Vice-Chair King, did you have a question for Ms. Bresnan? Clarifying?

VICE-CHAIR KING: Oh, thank you, Chair. I was just going to ask her if she submitted that in writing, but it sounds like you...you were able to record all those questions. So hopefully you'll --

CHAIR PALTIN: Yes, she did submit it to me in writing ahead of time, and I did forward it on to the attorneys that are working on this bill. So hopefully they'll have an answer for us at discussion.

VICE-CHAIR KING: Okay. Thank you. Thank you, Chair.

CHAIR PALTIN: Sure thing. Any further questions, Members? Seeing none, thank you for your testimony. Stay tuned.

MS. BRESNAN: Aloha.

CHAIR PALTIN: Aloha. Next up, we have Jason Economou, to be followed by the caller with the last four digits 3052. Aloha, Mr. Economou. Magandang umaga.

MR. ECONOMOU: Good morning, Committee Chair Paltin, and good morning, Councilmembers. Thank you for this opportunity to testify. As said, my name is Jason Economou, I am the Government Affairs Director for the Realtors Association of Maui, and I am testifying in my capacity as Government Affairs Director on behalf of our 2,000 members. You guys have heard me testify on PSLU-34 ad nauseum. I have had my...my members come and testify regarding the first two proposals. I...I won't go into...to great detail. I provided written testimony. It is still the opinion of the Realtors Association of Maui, and it's backed by significant case law, that the initial two proposals that were put forth by this Council violated Hawai'i State law. The fact is that TVR use is permitted, and thereby conforming use, within the apartment zoning district. So there are limits as to...to what the...the Council can do. This newest proposal is outstanding, because it recognizes the limits that the legislative body has upon it, and it works with property owners, as opposed to against property owners, to...to get what we all want, which is more housing available to our community. So I just want to say thank you for...for hearing our feedback. The Realtors Association of Maui feels heard with many of our concerns that applied to the first two proposals. And we are supportive of this newest proposal, because it recognizes property rights, it...it doesn't take rights away from anybody, and it still works towards your ultimate goal. And I...I think it'll be a success, rather than...than being a land use regulation. This is really more of a tax relief measure, the way that I see it. So...so thank you for...for hearing our feedback, and that's why I haven't asked my...my 2,000 members here today to testify. We figured it was sufficient for me to come and support this. So thanks for that.

CHAIR PALTIN: Thank you. Members, questions? Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. Aloha, Jason. Thank you for being here. I'm so glad

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

**June 2, 2022**

---

you support the bill. I think it's an outstanding bill as well. But I wanted to ask you...and congratulations on having 2,000 members, because I think you used to come before us and say you had 1,600, so...

MR. ECONOMOU: Yes. Yes.

VICE-CHAIR KING: So, yes, you're saying. But I wanted to ask you if you...if you agree that the 100 percent declaration is too much, and if we should align it with the normal...the normal percentage that...that HOAs usually use as a declaration number.

MR. ECONOMOU: You know, I...initially, when I had heard about the bill, before I read it, I had assumed that it would be aligned with 514-B, the condo code. So...so that makes sense, and it's well within...within legal bounds. Just as long as...as property owners aren't being forced into things. If it's their condo association that is forcing them into it, that's...that's an issue between them and their condo association. My...my primary concern is that the...the County Government isn't abridging the rights of the individuals. So...so in this instance, whether it's 100 percent, or whether it aligns more closely with the condo code at 67 percent, that's not government infringing on people's property rights. So...so I think that's...that's a matter for...for the County's attorneys to...to work with you guys on and come up with the best compromise.

VICE-CHAIR KING: Okay. Great. I...I appreciate that input because, you know, I wouldn't want...if it's 100 percent, that one person could hold the entire HOA hostage too. So that...that's a little frightening. But thank you so much for being here. And thank you for your support.

MR. ECONOMOU: Thank you.

CHAIR PALTIN: Any further questions, for the testifier? Seeing none. Thank you for your testimony.

MR. ECONOMOU: Thank you.

CHAIR PALTIN: Next up, we have the testifier with the last four digits 3052, to be followed by Lemore Czeisler. Testifier with the last three...four digits 3052, it's your time to testify, and I see that you are unmuted. So if you can let us know your first and last name, and if you're a paid lobbyist. Hello? We're not...we're not hearing you, if you're talking. 3052? You're unmuted on our end. Okay. Last four digits, 3052. Can you hear us? All right. Moving on, I'll mute that person. Lemore Czeisler, to be followed by Kira. We're ready for your testify...testimony, Lemore.

MS. CZEISLER: Hello. Thank you so much for having me on board, and I am very excited to talk about this opportunity for the rezoning and inclusion of residential into M-2. My name is Lemore Czeisler, and I represent Pacific Retail Capital Partners, who manage the Queen Ka'ahumanu Center. And for the last 50 years or more, there's been, you know, a seismic shift in the way, you know, manufacturing exists, as factories have closed down all over the U.S. and Europe, and...and moved to Asia, like the sugar mill



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

**June 2, 2022**

---

and...and the pineapple canning factory, you know, have all closed down at this point. And not just that, shopping malls actually at this point, are...are going...undergoing a historic transformation, as retailers are struggling to compete with e-commerce, and Amazon. And then the global pandemic, which changed the way, you know, people shop, live, work, and play. The big box anchors are reducing their physical footprints, as you know, and spaces are laying vacant all over the country. And we really don't want to see this happen to QKC. And we think that mixed-use zoning allows a diversity of uses within an area, rather than relying simply on retail alone. It brings, you know, more foot traffic to the retailers, energy, safety, security, and vitality to the site. And we want the Queen Ka'ahumanu Center to remain this iconic gathering place that it's been for the last 50 years, and have people continue to socialize, live, work and play in the area, and not lay vacant. And so we want the retail stores to be able to benefit from increased density, increased foot traffic, and not just that. We want to be able to be part of the...the solution to Maui's limited housing stock, and really have retailers thrive from the energy and beautification that comes from increased density. And then have those residents be able to live in a sustainable community, where they can walk and have accessibility to the services that they need, instead of constantly driving cars around, anywhere, everywhere, that has, like, pollution. And, you know, we know that we've...the...the...the Ka'ahumanu Center Corridor Transit Plan specifically mentions the shopping mall as being part of this sustainable sort of corridor, where there is accessibility between residents and the services that they use within the mall. And we want to be...see that, and be a part of that. This is not a place with the canning factories. There's entertainment, there's other retail stores, and restaurants in the area. There's two parks, there's a wildlife sanctuary. There's schools right next to it, churches, police departments, all in this immediate vicinity. It's not the M-2 use it used to be, and industrial...heavy industrial uses, they've just changed, they don't exist now as they used to 50 years ago. And we want to change with it. And as this project was specifically mentioned in the TOD Comprehensive Plan, we want to be able to make sure that we can be an integral part of that...that corridor, and make sure that we have pedestrian access . . .(timer sounds). . . and sustainability. Yeah, sorry, thank you. I...I tend to go on a bit too much. Go ahead.

CHAIR PALTIN: Thank you, Ms. Czeisler. So just to clarify, you're a paid lobbyist for the...the...what...what was your organization?

MS. CZEISLER: Yeah, it's Pacific Retail, and we're not...I'm not a lobbyist, I work for Pacific Retail. And the...we manage and have ownership interest in the Queen Ka'ahumanu Center. And I do have a colleague as well, who...who will talk more about how the Center has been part of the community and the historic --

CHAIR PALTIN: Thank. Thank you.

MS. CZEISLER: -- significance. And so, yeah, it's not a...I'm not a lobbyist, I just work for Pacific Retail, and...and basically from the ownership side of the mall.

CHAIR PALTIN: Okay, thank you. We do have a question for you from Member Sinenci. Clarifying question. Go ahead, Member Sinenci.

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

**June 2, 2022**

---

COUNCILMEMBER SINENCI: Aloha, Lemoore.

MS. CZEISLER: Aloha.

COUNCILMEMBER SINENCI: Just a...a question. Did Pacific Retail purchase the mall?

MS. CZEISLER: It...they have an ownership interest in the mall, we have a lender. And so, yeah, we have...we do...we do have an ownership interest in the mall. Yeah.

COUNCILMEMBER SINENCI: Okay.

MS. CZEISLER: We do have a lender, though, and that...that we do not have...there is other ownership interests within the mall.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR PALTIN: Members, any further questions for the testifier? Seeing none. I have a question. So you are interested in building apartments at the Queen Ka'ahumanu Center, or allowing residential use? And you and the other owners, are you opposed to changing the zoning to a zoning that would allow residential use, like --

MS. CZEISLER: No, we are in favor.

CHAIR PALTIN: Oh, you're...you're in favor of changing zoning to like Business, Country Town, or something along those lines that would allow residential use?

MS. CZEISLER: Yes, we...we would be. Whether that is a zoning change, or we know that...that is up to the Planning Department, and so we basically have...I think any kind of zoning change that allows residential, whether it's, you know, bringing residential into this M-2 industrial use, simply because there isn't really any heavy industrial uses here anymore, practically speaking, or whether it's changing it to a different use is...is up to the Planning Department. But we are supportive of integrating residential uses into this area because it just makes sense for the...the growth of this...of this neighborhood and for a sustainable community. And sorry. And again, so we...just to clarify, we manage QKC and the owner, the...there are other ownership interests in QKC. So we are managing on behalf of the ownership...of ownership.

CHAIR PALTIN: And --

MS. CZEISLER: And my colleague will talk more about sort of the management of the mall, and what we've done over the years to be part of the community, and to really sort of generate --

CHAIR PALTIN: *(Audio interference)*

MS. CZEISLER: -- I think, a live, work, and play area in this location.

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

**June 2, 2022**

---

CHAIR PALTIN: As...as a manager in frequent communication with the owners and their desire, are you aware of any (*audio interference*) industrial uses exclusive to M-2 that they want to retain?

MS. CZEISLER: No. So this area, we don't have exclusive M-2 uses here. I mean, on the contrary, actually, the...this is really, if anything, more akin to light industrial, or like business park at...at the most. So the answer is...the short answer is no, it doesn't exist where we are. This is really a shopping center, and all of the uses around are retail, food and beverage, yep, that sort of thing. I think behind us, there's, like, a business park and some...but again, I mean, I can't talk on behalf of the rest of the...rest of the area, but we don't have anything that's heavy industrial at all.

CHAIR PALTIN: Okay. Thank you. I think I did see another Councilmember. Member Sugimura, did you have a question that popped up?

COUNCILMEMBER SUGIMURA: You actually asked the kind of question that I was going to ask. I've always envisioned Queen Ka'ahumanu to be a live-work space, especially when Sears left. That was so sad. I used to work there when I was in college, and I...but it's like the perfect place, because we have the bus hub across and I...I...I don't know what you're planning, but I'm excited just to hear all of this. So...but Tamara took my questions.

CHAIR PALTIN: Okay, thanks. We do have a lot of testifiers, so I'll just move on. The next testifier will be Kira (*phonetic*), to be followed by James Miller, and then Albert Perez. Kira, if you're on, it's your turn to testify. Kira? See if she's muted on our end. Kira? Last call for Kira. You're unmuted on our end, you will need to unmute on your end. Kira. Going one, going twice. Okay. Moving on, we have James Miller. James Miller? James Miller, you're unmuted on our end, you will need to unmute on your end. James Miller. Going once, going twice. Next up, we have Albert Perez, to be followed by Michael Summers and then Kate Lasso (*phonetic*). Albert Perez?

MR. PEREZ: Good morning, everybody.

CHAIR PALTIN: Good morning.

MR. PEREZ: Yeah, I thought I had a little more time to get ready, but I guess we're...we're losing testifiers fast. I'm testifying today on Bill 82, and I'll just go straight into my testimony. I'm Albert Perez from Maui Tomorrow. So what's being proposed in this bill is to mix incompatible uses for convenience, instead of going through the appropriate route, and amending the community plan that citizens have put their heart and soul into. What's being proposed is stacked zoning. So we already have stacked zoning in the M-1 light industrial. That's when you mix things, like they're pulling in B-1, B-2, B-3 into the industrial zone. And the first paragraph of the Planning Department's proposal talks about exactly why we shouldn't do this. So it talks about the M-2 industrial district, and it says examples include the formal...former pineapple cannery area in Kahului, and the former sugar cane mill in Wailuku. So over the years, these

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

**June 2, 2022**

---

areas have transitioned from industrial ag to retail, warehouses, and other commercial non-industrial use. Well, that's exactly what...exactly opposite of what the Title 19 Zoning Code Audit talked about, which the County paid good money for, and that audit said that stacked zoning is a discredited zoning method that undermines community character, because stacked zoning allows for conflicting land uses and development patterns. It does not ensure quality development. And for Maui's industrial zones, where stacked zoning is prevalent, this means they may not be developing in ways that support industrial investment and growth. So like if you look at the Millyard, there's a lot of doctors...my dentist is there. There's a lot of retail, restaurants and stuff, and these places outcompete true industrial uses. So in addition to the issue of allowing incompatible uses, this bill would make it harder for true industrial businesses to exist and compete with doctors, who can afford to pay more for the land. Then they start looking for cheaper land in the outlying areas, and this contributes to urban sprawl and higher infrastructure costs. So I'm not sure how much time I have left, but you know, we're talking about...I don't think that 500 feet is enough to cut down...might be enough to cut down on noise, but not necessarily noxious odors that are permitted in industrial uses. Or what about explosion danger from petroleum storage, which is permitted there? If you look through the list of permitted uses in heavy industrial, it's pretty scary, actually. So is 500 feet enough distance to safely provide housing? And why do we want to do this to people who need housing? The way things are going, all of our affordable housing is going to be in areas that are next to hazardous situations, whether it's fire, or flood, or now, I don't know, petroleum storage. So the community plan is the proper way. In fact, the Wailuku-Kahului Community Plan says no uses other than those designated in the community plan map may include anything other than designated uses. So the proper way to make this change if...if...you know, and I think that the Ka'ahumanu Corridor has some merit, but it has to be done properly. So the proper way to make this change is through the community plan . . .*(timer sounds)*. . . and then amend the zoning to allow for residential uses, without allowing noxious uses nearby. Thank you.

CHAIR PALTIN: Thank you, Mr. Perez. Questions for the testifier? Councilmember Molina, followed by Councilmember Sugimura.

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. Good morning, Albert, good to see you. And I know you've mentioned before, you were a former employee of the Planning Department, so you do have a lot of background on, you know, zoning uses and so forth. You mentioned in your testimony that this bill would make it harder for true industrial businesses to, I guess, operate in...in...in a designated area like this. Can...and I guess it would create a cause and effect where now they would have to look for property that's outside, maybe in areas that could be more rural. Can you cite an example, if there's any here on Maui?

MR. PEREZ: You know, I remember going to see a windsail manufacturing place, because they...it was interesting, because their...the way that they did...they did the design on the computer, and then they hit print, and then the cutter cut the sail. I thought that was really fascinating. But they're no longer located in the area where they were. I think that was over by the Mā'alaea Triangle. I don't know what the zoning is now, but

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

**June 2, 2022**

---

they were...you know, they were located in an area that was cheap, and then it got more expensive. So then these businesses...and we need balance in our businesses. We need commercial, we need some hotel, we need industrial. This is why we had such a problem with the proposed megamall, because that...according to the County Administration at the time, that was fine because it was...it was a retail establishment. Whereas the...the zoning there is light industrial. So we see this as more of the same, and it's just...it's amazing to me that we could pay for a zoning code audit that would talk about not doing this, and then see a proposal to do exactly this.

COUNCILMEMBER MOLINA: Okay. All right. Thank you, Mr. Perez. Thank you, Madam Chair.

MR. PEREZ: Thank you.

CHAIR PALTIN: Sure thing. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you, Albert. So, in summary, you're basically opposed to this bill?

MR. PEREZ: Yes, I am.

COUNCILMEMBER SUGIMURA: Okay. That's what I wanted to know.

MR. PEREZ: Okay.

CHAIR PALTIN: Any further questions for the testifier? Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. Hi, Albert. Thank you for your testimony. You brought up a lot of good points. And one of them, I kind of want to follow up on Member Molina's question about value, because do you foresee if we allow these types of coexisting uses that the...the value of the properties would go up, and then that would be a hardship on the industrial uses?

MR. PEREZ: Yeah. I mean, we have to have some place for our industrial uses to...to be businesses, to locate and to operate. I think you see it up in Ohukai, right?

VICE-CHAIR KING: Right.

MR. PEREZ: That area up there. You know, there's a lot of retail in there, and you know, when you're leasing a property, a space to conduct a business, the leasing agent really doesn't care. As long as the business is legal in the zone, they're not going to say, well, we have too much commercial, or we have too many doctor's offices here. We need more industrial, so no, I'm not going to rent to you. That's not going to happen.

VICE-CHAIR KING: But...but my question was, do you see the...the allowing these mixed uses driving up the property values and then, therefore, the property tax...taxes on industrial?

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

**June 2, 2022**

---

MR. PEREZ: The property taxes? Yeah. You know, they're...they're assessed based on their highest and best use. So if a doctor's office can pay more than a windsail manufacturer, then the value of the property will go up.

VICE-CHAIR KING: Okay. All right. Thank you. Thank you, Chair.

MR. PEREZ: Thank you.

CHAIR PALTIN: Thank you. Members, any further questions for the testifier? Seeing none. Our next testifiers will be Mike Jorgenson, to be followed by Marina Satoafaiga, to be followed by J.R. Please keep your cameras and mics muted until it's your turn. And right now, it's Mike Jorgenson's turn.

MR. JORGENSEN: Hey, guys, can you hear me okay?

CHAIR PALTIN: Yes, we can.

MR. JORGENSEN: Can you hear me now? Okay. I...I'm actually only calling in to hear the dialogue. I'm not calling in to comment today. So sorry about the confusion there.

CHAIR PALTIN: Thanks for letting us know. I really appreciate it.

MR. JORGENSEN: Yep.

CHAIR PALTIN: Next up, we have Marina Satoafaiga, followed by J.R., to be followed by John Damerell, who is in the Chamber. Aloha.

MS. SATOFAIGA: Aloha. Good afternoon, everybody. Can you hear me?

CHAIR PALTIN: Yes, we can. Thank you.

MS. SATOFAIGA: Wonderful. Wonderful. Well, good afternoon. My name is Marina Satoafaiga. I will be providing testimony on Item PSLU-52 on behalf of Pacific Retail Capital Partners. I wanted to clarify that PRCP is the managing entity for Queen Ka'ahumanu Center, so we are not the owners. We are currently managing the asset. And so I'd like to say...state that I support the inclusion of housing in this zone. Queen Ka'ahumanu Center, as many of you have known, has always been the community hub where both kama'aina and visitors alike have gathered for generations. In fact, Queen Ka'ahumanu Center has been a shopping destination for half a century. We are celebrating our 50th anniversary in 2022. In the last year, QKC has been the venue sponsor for the island's largest Japanese festival, Maui Matsuri, the longtime and beloved Prince Kuhio Maui Ho'olaulea Event, the critical MEO, Maui Economic Opportunity Abilities Awareness Fair, Pacific Media Group's biannual job fair. All to make the point that we continue to be the gathering place for Maui County. We are home to over 50 community-driven events annually, of which I just mentioned. Queen Ka'ahumanu Center is the island's largest shopping destination, again, as you all know,

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

**June 2, 2022**

---

and it's home to over 45 percent local businesses, which encourage both stimulation within the economy, and furthers the support of our homegrown businesses. Queen Ka'ahumanu Center is an advocate for the arts, and home to key local nonprofit organizations, both nonprofit and for-profit, like Maui Friends of the Library, MFOL, otherwise known as, Maui On Stage's education and youth program studio, and Maui Music Conservatory. We work closely with 'Ahahui Ka'ahumanu to honor our namesake, Queen Ka'ahumanu, and so really important to us to preserve Hawaiian culture. We want to continue to serve the County of Maui and the surrounding residents, and be a part of a sustainable community, where residents have easy access to our center, and the services that we offer. As Maui evolves, so have the needs of our community, and really the...the area that QKC is located, is a place where families live, work, and play. So just wanted to...to share that, share what we're doing on the local level or on site, and how much already the center is a part of...of this community, and how permitting the housing within the zone could benefit that and...and further evolve...evolve what residents need. That's all.

CHAIR PALTIN: Thank you, Ms. Satoafaiga.

MS. SATOAFAGA: You got it. Yep.

CHAIR PALTIN: We have a question for you from Member Johnson.

COUNCILMEMBER JOHNSON: Good morning, Ms. Satoafaiga, good to see you again. I have a question.

MS. SATOAFAGA: How are you?

COUNCILMEMBER JOHNSON: Very good, thank you. You...you mentioned about wanting to have apartments on...on the property area there. Do you have...have you heard of the plans yet for those apartments? Are they going to be affordable rental units, are they affordable units? Because we know that the Queen Ka'ahumanu Center is mostly retail jobs, and retail jobs are one of the lowest paying jobs. So I would...I'm curious if...if they're going to be market rate, if...do you have any plans for those homes?

MS. SATOAFAGA: Wonderful, wonderful question. We do not have. We are just embarking on this journey. We do not have anything to share at the moment. But I completely hear you under...understand that question. But we do not have any plans to share at the moment.

COUNCILMEMBER JOHNSON: Okay, well, let us know if you do, because that's a really interesting thing to...to --

MS. SATOAFAGA: Critical.

COUNCILMEMBER JOHNSON: -- explore, because the people who work at Queen Ka'ahumanu Center need housing. So I would like...I would hope that you guys put that, you know, into your planning ahead. So thank you so much. Thank you, Chair.

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

**June 2, 2022**

---

No further questions.

CHAIR PALTIN: Thank you, Member Johnson. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, and aloha, Ms. Satoafaiga. Mahalo for your testimony this morning. So it looks like this bill is an ordinance to amend the entire Chapter for uses as...in the M-2 heavy industrial district, for all M-2 district. So did it...Pacific Retail possibly ask for a community plan amendment for this...for your particular property? That being, I --

MS. SATOFAIGA: Can you repeat...what was?

COUNCILMEMBER SINENCI: Would...would asking for like some kind of amendment just for the...for this property be an option for Pacific Retail?

MS. SATOFAIGA: We...I don't have comment to that at this point.

COUNCILMEMBER SINENCI: Okay. All right. Thank you. Thank you, Chair.

CHAIR PALTIN: Members, any further questions for the testifier? Seeing none. I...I did have a question. Would Pacific Retail be the entity that would further the apartments if this bill were to pass, or would it be another entity to move that...that proposal forward, about having residential uses in the Queen Ka'ahumanu Center? Would that be on your entity to do that, or would it be the owners, or some other entity that would move that portion of the project forward?

MS. SATOFAIGA: We do not...we don't have any further information at...at this point on that.

CHAIR PALTIN: But you would be the entity to move it forward, or that would be...you don't know?

MS. SATOFAIGA: We are...we are managing the asset at this time, so we...we...we don't have comment to that at...at this moment. We are not in ownership. We don't we don't know yet. We don't know yet.

CHAIR PALTIN: Oh, okay. And...and you also don't know if the ownership would be amenable to existing zoning that does allow live, work, play, instead of changing heavy industrial to allow it?

MS. SATOFAIGA: Correct. We...correct. We don't...they...we...we don't have comment to that at the moment, but we'll take this back.

CHAIR PALTIN: Okay. All right. Thank you.

MS. SATOFAIGA: Yep. Mahalo.

CHAIR PALTIN: Seeing no further questions, thank you for your testimony. Next up, we have



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

**June 2, 2022**

---

J.R., to be followed by Jan...John Damerell, to be followed by Kauwela Bisquera. J.R.? Oh, J.R. dropped from the call. Thank you. Next up, we have John Damerell in the Council Chamber, so we'll give him some time to make his way down. And John will be followed by Kauwela Bisquera, and then Madeline Monaco. John Damerell. Aloha. Oh, shoot. Staff, we can't hear Mr. Damerell. Oh, now we can.

MR. DAMERELL: Could you hear me now?

CHAIR PALTIN: Yes. Thank you.

MR. DAMERELL: Now you can? Okay. Thank you for allowing me to speak to you this morning. I appreciate what you do as public servants, and I'm going to testify on PSLU-34, phase out transient vacation rentals in apartment areas. So our basic economy here on Maui depends on short-term rentals in the form of hotels, timeshare condominiums, Airbnb, HomeAway, bed and breakfasts, and the main arguments that I hear against this is loud parties in residential neighborhoods. I've been with Airbnb about four years, and I have a condo in Kihei Resort that I inherited from my dad. It's a one-bedroom condo. Myself as a host, and the guests, are evaluated after every visit. If they're noisy, unruly, or they do damage, they get a poor review, and it makes it difficult for them to rent again. So the Airbnb is self-regulating in that manner. Four years, I don't think I've gotten a complaint, and I haven't heard any complaints from the managers. So I think that's not really applicable with this group. So who owns condos that are on Airbnb? I recently returned to Maui, and on the airplane, I was sitting beside a retired...retired lawyer from Kansas City, Missouri, and he made the comment, it seems like Hawai'i State and Hawai'i County...Maui County has transient vacation rentals in their sights. They seem to be going after us like we're a target for some reason. I'm just an older guy, I haven't retired yet, but when I do retire, it would be nice to continue with the income I get from Airbnb. It's just another source of income besides Social Security. I wonder if we're getting targeted because we're a new industry without a well-organized legal team to protect us. I think we're already taxed too much. We pay the GET 4.17, we pay the TATT, T-A-T-T, 10.25 percent. Maui, last fall, came up with the Maui TATT, another 3 percent. So off the top, this is off the gross receipts, Hawai'i's taking 17.42 percent, almost 20 percent off the top. Then my property tax doubled when I switched from long-term rental to short-term rental. It went from \$1,000 . . . (timer sounds) . . . to 2,000. Plus, then we have Federal, State, which is calculated on --

CHAIR PALTIN: (Audio interference) Mr. Damerell, if you can conclude?

MR. DAMERELL: I guess I have to learn to get my thoughts together quicker. But anyway, I don't think we're the problem of the housing shortage, I think that would be given back to County Government, which takes too long to do permits, too much red tape, it's too expensive, and that's what slows down (audio interference) --

CHAIR PALTIN: Thank you, Mr. Damerell. Question for you from Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Damerell, I appreciate

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

**June 2, 2022**

---

your...your story. It's a common story, we often hear it. I wanted...I wanted to ask you that...you mentioned something, and I'll clarify this, that you mentioned that you used to rent long-term.

MR. DAMERELL: Yes.

COUNCILMEMBER JOHNSON: Now, right now, we're facing a housing crisis, where people are leaving the island and we can't even fill the service jobs that we have. So I'm curious, what was your reason why you went from long-term to short-term? Is it just essentially the money thing? Because we have given tax breaks to folks such as yourself who would rent long-term.

MR. DAMERELL: So the tax break is on the property tax, right, basically 50 percent. The basic problem is that these properties don't pencil out. If you rent long-term, you're losing money, they just don't pencil out. So with short-term rentals, you can pencil out and make a profit. It's as simple as that. That's the basic problem.

COUNCILMEMBER JOHNSON: And I know that it's...well, we say people over profits, you know, and that...and that's kind of the struggle that we're having as a body. How do we house these folks that, you know, are trying to service the...the industry that you're...you're providing? So I just wanted to know from your story that, did...you know, you your simple reason was that it just doesn't pencil out for you?

MR. DAMERELL: Right. It doesn't pencil out. I had more damage and wear to the unit when it was long-term.

COUNCILMEMBER JOHNSON: Oh.

MR. DAMERELL: The people that come in short-term, I think they respect the property more. It gets cleaned every time they...they check out. And again, let me emphasize, I kind of skipped over what I think is the cause of a lack of short-term housing. I think it's too much red tape for developers, and it's too expensive, so people just don't even bother to do a development. I mean, look at how long it takes. It can take --

CHAIR PALTIN: Okay, we have a lot of --

MR. DAMERELL: -- like ten years to get a new development to --

CHAIR PALTIN: -- testifiers coming up, and I think you've answered his question.

COUNCILMEMBER JOHNSON: Yes.

CHAIR PALTIN: Is there any further clarifying questions for the testifier?

COUNCILMEMBER JOHNSON: No, I don't have any. Thank you...thank you, Chair. Thank you. I just want to appreciate your...your...your testimony. It's just I...I simply don't agree with it. Thank you.

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

**June 2, 2022**

---

MR. DAMERELL: Well. We can --

CHAIR PALTIN: Thank you, Mr. Damerell, for your testimony.

MR. DAMERELL: Thank you.

CHAIR PALTIN: And seeing no further questions for the testifier, thank you for your testimony. Next up, we have Madeline Monaco, to be followed by Faith Chase, to be followed by the testifier with the last four digits 3131. Ms. Monaco, we're ready for your testimony at this time.

MS. MONACO: Okay. Thank you. Aloha, and good morning. Thank you for the opportunity to testify on PSLU-34. I'm an apartment owner who does not rent out my unit. I want to applaud the Council's efforts to provide more affordable housing, and your proposal for legislation that will allow properties to permanently disallow short-term rental use. I also want to voice my support, though, for aligning with 514-B, which requires at least 67 percent of owners to approve changes to the AOA declaration, and I agree with the previous testifier that it would be very difficult to get 100 people...100 percent of people to agree on anything, but a majority of 67 percent is appropriate. Thank you so much for the opportunity.

CHAIR PALTIN: Thank you, Ms. Monaco. Any questions for the testifier at this time? Seeing none. Thank you for your testimony. Next up, we have Faith Chase, to be followed by the testifier with the last four digits 3131, to be followed by the testifier with the last four digits, 5674.

MS. CHASE: Aloha, Chair Tamara Paltin. Aloha, Committee Members. I just...I wanted to speak shortly in support of PSLU-34, and I'm finding the conversations around PSLU-52 to be very fascinating. Honestly, this did...this did catch me by surprise. I can't follow everything, particularly testifier Albert Perez's comments. One thing that alarms me, is...is yes, we're in a serious housing crisis, and it seems to...this seems to sort of open up some odd doors. I'm concerned about...definitely concerned about that 500 feet...that...that wording. You know, I've seen people have to compromise, I've seen illegal residence in warehouses, industrial areas, I mean, illegal but you know, necessary for some...you know, obviously, we're in a situation, we're in a crisis. But you know, there's...it's...this is kind of dangerous. I don't know about the enforcement and all this, because just being next to somebody who shapes surfboards, for...for an example, is pretty...is pretty gnarly. I would just say, if you could defer it, and speak about it some more, I think it deserves a deeper dive. That's all I have to share today. Thank you.

CHAIR PALTIN: Thank you, Ms. Chase. Next up, we have the testifier with the last four digits 5674, to be followed by Nyla Kayem (*phonetic*), to be followed by the testifier with the last four digits 1701. Testifier with the last four digits 5674, you are unmuted on our end.

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

**June 2, 2022**

---

MS. GEBERS: Perfect. Can you hear me okay?

CHAIR PALTIN: Yes, we can. Go ahead.

MS. GEBERS: Okay.

CHAIR PALTIN: And can you please let us know your first and last name?

MS. GEBERS: Okay. This is Toni Gebers. T-O-N-I, Gebers, and I agree that there is a serious housing shortage on Maui. I like the fact that Maui County Council announced that they have offered a long-term rental exemption...property exemption for property tax for owners that are renting long-term. I'm against, you know, taking away the short-term rental. It doesn't make any sense to have short-term...or to have a long-term rental in a place where there's high HOA dues. Some of the HOA dues on some of the properties that are off the water, you know, a good example is the Spinnaker. Their HOA dues are over 800 a month. When you put that, along with a mortgage, it's not going to be affordable. So just like the other gentleman testified, that it doesn't pencil out, it...it...it's not...it's going to be difficult for someone who owns a property as such, that they could actually be doing a vacation rental...I mean, a long-term rental, when the HOA dues are so high. I am a property manager, and I have another owner that owns a unit on the water, and her HOA dues just went from 1,200 to 1,600 a month. I'm not sure how that would be affordable for someone that's living on Maui, to be able to have that, as well as their mortgage. So that's all I have to say. I'm...I...I agree, there is a housing shortage. We need to figure out a different way to go about it.

CHAIR PALTIN: Ms. Gebers, can you please spell your last name again?

MS. GEBERS: G-E-B-E-R-S.

CHAIR PALTIN: G-E-B-E-R-S. Thank you. It looks like we have a question from Councilmember Johnson for you.

COUNCILMEMBER JOHNSON: Thank you, Chair. I know we have a lot of testifiers, so just a quick clarifying question. You mentioned the HOA fees of that one...that unit that's on the water for 1,200. Do you know the value of that house? Do you know how much it...it...the value of it is?

MS. GEBERS: The value right now is over \$1 million. It's probably close to a million-two. So it doesn't...I mean, even, you know, that doesn't...it's not affordable --

COUNCILMEMBER JOHNSON: Right.

MS. GEBERS: -- as far as somebody that were to purchase it. Same thing at the Spinnaker. The Spinnaker's units are selling for, you know, six, you know, \$500,000 to \$700,000, and when you have an HOA due of 800-plus it's...it's very...it's not affordable.

COUNCILMEMBER JOHNSON: Okay. Yep. Thank you so much. Thank you, Chair. No

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

**June 2, 2022**

---

further questions.

MS. GEBERS: Thank you.

CHAIR PALTIN: Thank you. One clarifying question, Ms. Gebers. Did you read the most recent proposal for this bill?

MS. GEBERS: I apologize, I did not. I...I did not. So --

CHAIR PALTIN: Okay.

MS. GEBERS: -- is there someplace that I can actually get a copy of it?

CHAIR PALTIN: It's the last item in the meeting details on [mauicounty.us/agendas](http://mauicounty.us/agendas). Okay, next --

MS. GEBERS: Perfect. I will look at it.

CHAIR PALTIN: -- up, we have the testifier with the last four digits 1701, to be followed by Tom Croly, who will be followed by Cara Flores. Testifier with the last four digits 1701, you have been unmuted on our end, and it's your turn to testify. 1701, going once, going twice, all right, moving on. We have Tom Croly, it's your turn to testify.

MR. CROLY: Aloha, Committee. Aloha, Chair. Tom Croly, speaking on my own behalf. I thank you for the proposal in PSLU-34 today, to allow property owners to voluntarily change the allowable use of their condo complex as a whole. This aligns with testimony that I gave to this Council two years ago, to allow this type of thing to happen. And I only wish that this had taken place before we got rid of the condo use declaration that allowed people's property taxes to be aligned with their use, and we went to the highest and best use, which in effect doubled the property taxes for some of the folks that were making second home uses. So from that perspective, this particular measure establishes a greater fairness, and I do agree that you shouldn't have to have 100 percent to make the change; 67 percent, if that's in State law, then that would be reasonable. These...these are the owners of the properties saying, we want this for our complex, okay? And as condominium owners, they don't own the whole property, they own an individual...a share in an individual unit. So if the whole property as a whole says this is what we want to do, well, then that's just. It's not just for the County to just unilaterally take away a use that's been built into their...their property, so I'm glad that those other proposals have been taken off the table at this point. This measure is a small piece of the overall tax policies that I asked the Council to consider outside of budget, because what you're doing here basically, in...in essence, is creating a...a piece of the...of the property tax code, where someone, by...by choosing this use, is likely going to pay lower property taxes than they would if they didn't make this choice. So I support that from this standpoint. But I do want you to think about the larger policy goal here that you might have. If the larger policy goal is to reduce visitor accommodations, and therefore reduce the number of visitors, I don't think that this measure does do that, because let's keep in mind that the folks who are using these

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

**June 2, 2022**

---

units as second homes, they're counted by DBEDT as visitors, okay? And that's the largest growing segment of the visitor population right now, are people buying second homes on Maui. Now, in this case, we're talking primarily about homes in the apartment district and generally in the visitor areas, that's...that's generally what we're talking about. But do keep in mind that more and more people are buying homes throughout Maui to use as second homes. And in this particular measure, you have a term called long-term residential use, okay. And if they...that's truly what it was used for, then you might be accomplishing your goal, but I want to remind you that long-term residential use includes second homes, people who don't live here. That is according to the Planning Department, the long-term residential use. So that might be something that you need to concentrate on, and...and...and make some better definitions. If the goal of this, and maybe it's not, is to convert some of these units from short-term rental use to resident, you know, resident of Maui use . . . *(timer sounds)*. . . let's be...oh, I...I have one concluding second...segment...sentence, and that is let's recognize too, that when we have those second homeowners, they're not paying the GET, the TAT, and so forth, that the County is...is now getting from the...from the short-term rentals. Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Croly. And I don't have a question, but I certainly hope you read the upcoming Council agenda. I have some nuggets in there for you that I proposed.

MR. CROLY: Yes, I did. I did. And...and I appreciate that. I intend to testify in support of some of those. Yes. Thank you.

CHAIR PALTIN: Okay. Sorry for that aside, Members. It's not like we get to see each other in real life. Next up, Cara Flores, to be followed by Colleen Medeiros.

MS. FLORES: Aloha. Can you hear me?

CHAIR PALTIN: Yes, we can hear you.

MS. FLORES: Awesome. So I'm testifying on PSLU-34, and it's a really quick testimony to just say the 19.12.025 Part A, should definitely be decreased to two-thirds, because that's what it typically takes to change bylaws. And I don't know how many of you have lived or worked...been on a condo board, but trying to get bylaws changed is a monumental task. To get two-thirds of any --

COUNCILMEMBER SUGIMURA: Chair?

MS. FLORES: -- condo unit owners to all agree to something, is very, very difficult --

COUNCILMEMBER SUGIMURA: Chair?

MS. FLORES: -- and 100 percent would only work with a larger --

COUNCILMEMBER SUGIMURA: Point of information. Point of information.

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

**June 2, 2022**

---

CHAIR PALTIN: Sure, yes.

COUNCILMEMBER SUGIMURA: Sorry, Cara. Chair?

CHAIR PALTIN: Yes?

COUNCILMEMBER SUGIMURA: So I'm...I'm just curious. Cara, sorry I'm interrupting you, but her background has her name, Kahului, and I do know she's running for the Kahului seat, so is that allowed to do that, or does it matter? I'm just curious.

CHAIR PALTIN: Mr. Hopper?

MR. HOPPER: I think anybody can...can give public testimony. There's no...that's not restricted.

CHAIR PALTIN: So no problems?

COUNCILMEMBER SUGIMURA: So no problem with a background that looks like an office that she's running for? Okay. I just want to --

MS. FLORES: That...it's --

COUNCILMEMBER SUGIMURA: -- make sure. Thank you.

MS. FLORES: -- it's not my campaign logo or anything. It's just my name and where I live.

VICE-CHAIR KING: Point of information. I think it's illegal for us to do it as sitting Councilmembers, but the public can do whatever...they can show up however they want to show up.

MR. HOPPER: And just to clarify, Chair, as far as campaign laws and things like that, that's for the candidates to deal with. Right now for you, I think we just have to allow public testimony. If there's issues with those, you can look into that. But I don't think that's something that...in the Council meeting right now, we can just hear the testimony, and if there's issues with that, we can...can look at that in more detail. But for now, the testimony, you know, would have to be allowed under the Sunshine Law.

COUNCILMEMBER SUGIMURA: Okay. I just wanted clarification, because obvious reasons. Thank you.

CHAIR PALTIN: Okay. I think Member Sinenci, is that a point of information?

COUNCILMEMBER SINENCI: Yeah. Just for Mr. Hopper, our...and following up on Member King's [sic] question, are we as Councilmembers held to anything as far as campaigning or promoting?

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

**June 2, 2022**

---

CHAIR PALTIN: Oh, you mean the lower third, Councilmember Sinenci?

COUNCILMEMBER SINENCI: Yeah.

CHAIR PALTIN: Mr. Hopper, is our lower third acceptable during election year?

MR. HOPPER: You know, that's something I'd have to...to look into at...at this point. I mean, right now, there's testimony going on. If...I...if you've got a specific question on that, we can deal with it. I generally, myself, don't give a lot of advice on...on...on campaign issues like that. I...I think we could find that out, but I think for now, if you're looking to, you know, for...and...and OCS, you could perhaps consult on this because they may have more direct experience. But for now, I think for the testimony that's going on, and I want to make sure the testifier gets her full time too, you know, that...that's allowed to...to...to continue. As far as, you know, campaigning and in the air...in the age of testifying this way, that's an interesting question, and...and you know, there may be...there may be guidelines on that that right now, I don't know of offhand. So I think my advice for this meeting immediately is to complete the testimony, you know, with the full time allotted, and if we've got questions on those...those campaign issues, we can find out the answers. I just don't happen to have them offhand myself because I...I don't necessarily advise much on those...those campaign-type issues.

CHAIR PALTIN: Thank you, Mr. Hopper. In an abundance of caution, I will be removing my lower third. Members, any objection to restarting Ms. Flores' testimony?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: Thank you for letting me ask that question. Apologies, Cara.

CHAIR PALTIN: Okay.

MS. FLORES: No worries.

CHAIR PALTIN: So starting from the top, we're...you got your three minutes, Ms. Flores.

MS. FLORES: Sorry. And I do want to point out I never mentioned that I'm running for office, and after talking with the County Clerk, I did not put up my campaign background. So this is just my name and the city I live in. And I had it on my lower third, but my lower third was never turned on in previous testimony. So I just wanted to have my name also, and that's why I put it as my background. But as far as PSLU-34, I just wanted to point out, it's almost impossible, unless it's a small condo association, to get 100 percent of owners to respond to anything. It's difficult just to get a quorum to have the annual meeting, and getting a quorum doesn't require two-thirds. So trying to get two-thirds of people all signed on to something is a huge task. And I definitely agree with the fact that it should be changed to two-thirds, to just be in line with everything else, so...as far as condo associations go. But otherwise I think it's a great bill, I support



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

**June 2, 2022**

---

it. Mahalo.

CHAIR PALTIN: Thank you. Any questions for the testifier, Members? Seeing none, thank you for your testimony. Our last testifier on the list today, is Mike Moran. Mike Moran? There you are. All right.

MR. MORAN: Chair Tamara and Committee. Obviously, I wasn't quite prepared to...I kept hearing there was a long list, and I couldn't see the list. But just quick mention on all three items. On the first one, this...when this was first mentioned, our community had extreme concerns about it, and there was tons of misinformation. But unfortunately, our board did not get to review the new bill, and so KCA does not have a position on it. And I'm always very careful that if I'm speaking for KCA, that's what we're doing. So we'll just look forward to see what...what you do on it. But it is certainly a hotbed concern in South Maui, due to the situation. Moving on to 82, similarly, our board has not taken a position on it, but if...when we look at the title of it, yes, we would certainly object to putting homes in...in an industrial zone. We feel that with what we see off...so too often happening with the dire need for the affordable homes is that some entities take advantage and say, well, these guys are desperate, so we'll build it in a flood zone, we'll build it...and then just...next to the industrial place. And it's almost like we're punishing the people that we're trying to help. We're not going to put any high-end homes in any of these locations, and this made me reflect on when Member Kama asked me that question previously. Well, you know, where...where can we put these affordable things? And that's what we keep running into. Well, we want...we certainly are desperately, desperately in need them, but we don't want to put them in objectionable locations. I'm sorry, I've got some kind of echo here. I'll don't...I know...I'll try and talk...I'll try and talk less loud, and maybe that will cut it down. And on the last one, again, we're just interested on what...what more information we have on our community plan. And I'll...I'll get off here, because we all hear this annoying ringing that we don't need. Mahalo.

CHAIR PALTIN: Thank you, Mr. Moran, as always. And I just wanted to clarify for you, on the first item, we haven't sent it to the Planning Commission yet, so if you like the discussion today, you can follow that bill over to the Planning Commission, and then we'll get their recommendations. So while there is decision making today, there's still a long path forward for that, so you're not necessarily behind the curve.

MR. MORAN: Mahalo.

CHAIR PALTIN: Committee Vice-Chair King?

VICE-CHAIR KING: Thank you, Chair. Aloha, Mike. Always good to see you. On the...on the Bill 82, did you...that one apparently did go to the Planning Commissions and has come back. Did you...were you able to...did you get notice of it when it went to the Planning...Maui Planning Commission, were you able to testify or have KCA take an opinion?

MR. MORAN: I don't...somehow we missed it. And that's what I mentioned to our board

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

**June 2, 2022**

---

that...you know, I think...obviously this was before a committee first, and then it went to the Planning Commission, and somehow we totally missed it. When got...when people were getting very excited, I said, well, on this one, we are behind the curve. Somehow we missed it, and you know, they...we have that excuse, we're only volunteers, we...we can't cover everything, but if we're going to participate...and I don't know how we missed it, but we missed it.

CHAIR PALTIN: *(Audio interference)*

VICE-CHAIR KING: Okay. Well, I don't think it came before the Committee. I don't...I missed it, too, if it did, because I don't...you know, I was surprised to see this come back from the Planning Commission. I...I didn't have...maybe Chair can clear that up of what...how it got to the Planning Commission.

CHAIR PALTIN: Sure. Point of information is that this is an Administration-sponsored bill, so none of us nine wrote the bill, it came down from the Administration, and so they put it direct to the Planning Commission. Sometimes we work together on a bill and they put it direct to the Planning Commission, sometimes we don't. I didn't work together on this bill, it just showed up on my master agenda, so...

VICE-CHAIR KING: Okay, so --

MR. MORAN: Mahalo for the explanation. The old dog learned something new today. I was not...I thought that was always the process, so I didn't realize it. But education is good for us.

VICE-CHAIR KING: So anyway, we --

CHAIR PALTIN: Thank you.

VICE-CHAIR KING: -- *(audio interference)*. Thank you. But thank you for...for being here and testifying.

MR. MORAN: Mahalo, and thank you all for the excellent work you continue to do.

CHAIR PALTIN: Thank you, Mr. Moran. Have a nice day. Mr. Moran is the last name on our list that indicated that he wanted to testify. So at this time, I would like to open it up to anyone who hasn't previously testified. Is there anyone wishing to provide oral testimony at this time? Okay. Give it a few seconds. Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral testimony and receive written testimony into the record. Any objection?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR PALTIN: Okay. Public testimony is now closed.

**. . . END OF PUBLIC TESTIMONY . . .**

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

**June 2, 2022**

---

CHAIR PALTIN: Thank you to those testifiers and observers who logged or called in. You may view the remainder of today's meeting on *Akakū* Channel 53, Facebook Live, or at [mauicounty.us/agendas](http://mauicounty.us/agendas). Members wishing to speak during today's meeting should say my name and raise their hand so that I may recognize you.

**PSLU-34                    PHASING OUT TRANSIENT ACCOMMODATIONS IN THE  
APARTMENT DISTRICTS (CC 21-422)**

CHAIR PALTIN: The first item on today's agenda is PSLU-34, Phasing Out Transient Accommodations in the Apartment Districts. As I mentioned at the beginning of this meeting, there were two previous iterations of this PSLU item. What we'll be focusing on today is number 3, correspondence dated May 27, 2022, from the Committee Chair, myself, transmitting a proposed resolution referring to the Lānaʻi, Maui, and Molokaʻi Planning Commissions, a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG-TERM RESIDENTIAL USE." The purpose of the proposed bill is to allow property owners of buildings located in the Apartment District to permanently convert the property from transient vacation rental use to long-term residential use. The Committee may consider whether to recommend adoption of the proposed resolution with or without revisions. The Committee may also consider the filing of County Communication 21-40...422 and other related actions. So we...we've heard a lot, as this bill has evolved, and I think that we've come up with a sort of compromise, and so I rescheduled this item, hoping that it will be able to go to the Planning Commission for their recommendation, and then come back to us, and we can take action at that time. So at this time, I'd like to request any comments from the Department of Planning, either Director McLean or Administrative Planning Officer Jacky Takakura?

MS. MCLEAN: Thank you, Chair. We don't have any comments on the bill at this time. I'm not certain that this is the best legislative way, in terms of how the bill is drafted, to accomplish the goal, but we can work on that as it makes its way through the process.

CHAIR PALTIN: Okay. And...and we do have a signed-off version of this particular bill from Corp. Counsel, so they signed off. Member King.

VICE-CHAIR KING: Okay. Well, are we hearing from any other departments, Chair?

CHAIR PALTIN: Not on this item.

VICE-CHAIR KING: I just really want to thank you and commend you. I'm assuming this is your bill, and...and I do think it's a...I do think it's a resolution to the previous bills that had a lot of outcry. I...I got a lot of that from my community, as you probably did from yours as well, Chair, and...and we've heard from the folks who were opposing the previous versions, that they completely support it now. So I'm...you know, I'm

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

**June 2, 2022**

---

basically...I wanted to make one amendment proposal once we get to the motions for the 100 percent, because that was the only part that I had a problem with. And I know from being a part of HOAs, that if you...it's...it's hard enough to get two-thirds of the people to even vote, much less vote the same way. And so if you make it 100 percent, you know, you'll have...even if you were to get to 90, you'd have a few people holding the entire group hostage. So that, I...I...I don't know if when we want to get to that point. I'm happy to make a motion for the bill if you're ready for that, but --

CHAIR PALTIN: Okay, I just would like to address the...the four questions maybe to Corp. Counsel, Mr. Hopper.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: And Mr. Hopper, the first question...I think I did email you a copy of these...goes to the proposed amendment that Member King would like to make. Do you think it would be okay to reduce the 100 percent requirement to 67 percent, in order to align with HRS, I believe 514B-32?

MR. HOPPER: We...we would need to look into that a bit further, Chair. But to clarify, this declaration that's being filed is separate from the condominium property regime declaration in 514B. I know that that was one of the questions you had. That's...that's a private covenant that's enforceable by private landowners. This agreement that's going to be recorded on the property is going to be an agreement that the County can enforce. It's going to be a land use restriction, more of a zoning restriction, rather than a private covenant, like...like you would have, although it's going to be recorded to give notice to future property owners that you can't do TVR use. And so 100 percent issue was dealing with how real property tax would classify the property. I think we'd want to consult with them on having short of 100 percent owners, how that would affect tax classification. If you want to send it to Planning Commission and we can continue to look at those questions, I think that that's fine. But I know that those who worked on drafting the bill, I did...I did review it and provide comments, but the 100 percent was important, and I think we do recognize the challenge that would...that would put the...the...the units in. So we can consider that and...and review that, but there was a reason for choosing 100 percent that I think was related to the...related to the tax classification changing, which I think was the goal of the...of the ordinance, as well as potential...if there are unit owners that are continuing to use them in cases, not necessarily Mahinahina, but other properties, if there's unit owners that...that had...you know, were lawfully conducting the use, how that would affect them if less than 100 percent would agree, and...and that would...how...how that would affect their rights. So I...I think we, through the testimony and the comments, we see the desire to do that, but we would want to review that in more detail before saying that...that something like that's okay, or would achieve the desired result, because we haven't talked to Finance about that, for example.

CHAIR PALTIN: Okay. And I guess, you know, they can follow the...the lead of Mahinahina Beach. What I've heard that they've done is they've aligned their HOA penalties with the County code. So if they come across someone in violation of their own HOA, they

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

**June 2, 2022**

---

set the fine at \$20,000, with each day \$10,000. And so, I mean, that could be one way, I guess. And I guess the second question, in the proposed bill, declaration refers to recordation with the Bureau of Conveyances; is that correct?

MR. HOPPER: This declaration in this bill is...is basically a document, you...you could I think we used the word declaration because that was an appropriate word, but it's not the same thing. There's a condominium property regime declaration under 514B that some may be familiar with. And it sort of creates...the condominium property regime sets forth, you know, a lot of things like uses that are allowed, rules, things like that. This is not that. This is a separate agreement that's going to be...that would have to be executed by the property owners, that would be recorded on the property to restrict the use that would be enforceable by the County, which is different than the...the private declaration, which is not enforceable by the County, and is really a private contract between those unit owners. So this is not intended to be the same thing as the declaration, though it will be recorded...on...the intent is that it would be recorded against the property.

CHAIR PALTIN: So could we call it a recordation at the Bureau of Conveyances, instead of a declaration to eliminate confusion?

MR. HOPPER: We can...I can discuss that with those who kind of worked on this bill. They did choose declaration, but we might be able to have...have different words. You know, we understand that that issue was raised, that it might be confusing to have a 514B declaration, as well as this...this document called declaration. So maybe we can look at it calling something else. But I would want to discuss with...with my office on that, because that...that...those words were chosen in the original version.

CHAIR PALTIN: Okay. And then for the purpose of this long-term residential use, primarily means no rentals that are less than 180 consecutive days?

MR. HOPPER: Well, yes, long-term residential use is actually defined in the County Code in Title 19. And this ordinance would be part of Title 19, so you'd have definitions. The actual definition is in 19.04.040 of the Code. And I...I believe it says essentially the same thing as the...the 180 days or more. So long-term residential means occupancy of a dwelling unit or lodging unit by an owner, family, lessee, or tenant for 180 days or more per year. And I know there's some other issues...other defined terms in that definition, but I think you're basically correct, that, you know, long-term residential basis would be 180 days or...or...or more.

CHAIR PALTIN: Thank you. And the last question I received was, what does it mean to state, unless such use is then allowed in accordance with a valid permit? So that just means they...they'd need to go through the short-term rental home permit process, which we've already capped. So they'd need to wait for one to open up, and then try to apply for it; is that true?

MR. HOPPER: I...I think that's to...to basically state if...if the Council or some other body in the future allows for a permit, that...that you could still...you...you could potentially

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

**June 2, 2022**

---

still get a permit. Obviously, if you...if the law doesn't allow you to get a permit, I think they could potentially get a conditional permit in some cases, you know, because that...that's a Council-approved permit, and used to be how TVRs were approved before this short-term rental home ordinance and B&B ordinance existed. But you know, I...I think that was to recognize that in the future, who knows, there could be a way to have a TVR use specifically permitted, but it wouldn't be an outright permitted use as it would be under the zoning right now.

CHAIR PALTIN: Okay. And...oh, at this time, I'd like to recognize Councilmember Keani Rawlins-Fernandez. I'll let Chair Lee greet you, because --

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha (*audio interference*) Chair, mai Moloka'i nui Ahina. I'm at the Moloka'i District Office. I have my Legislative Analyst Mahina Poepoe on the other side of the office. And as she stated, we didn't have any testifiers this morning. My apologies for being tardy.

CHAIR PALTIN: Okay. I scrolled past the morning greeting, so Chair Lee will deliver it.

COUNCILMEMBER LEE: Okay, let's see if I remember. Magandang umaga.

CHAIR PALTIN: Magandang umaga. Okay and (*audio interference*)

COUNCILMEMBER LEE: You're muted.

CHAIR PALTIN: Thank you. Okay. So one last question for Mr. Hopper. Sorry about that interruption. At this point, since we're referring a resolution, and it doesn't need to be signed off by Corp. Counsel, is it okay for Member King to make that amendment, or would you prefer that it get discussed and fleshed out at the Planning Commission?

MR. HOPPER: You know, my...my own preference is to have...have it as approved as to form and legality, and certainly to discuss the 67 percent option. I'm not saying there's not a way to do it, but we...again, we haven't talked to Real Property Tax, so I don't know if they'll see that and say, well, that's not going to change your tax classification. So I don't want to advise you to go ahead and do that if it's potentially going to affect that, which is the intent of the bill. Of course, if you don't get people to execute these agreements anyway, then you...you know, that won't do the intent of the bill either. So that's...that's recognized. But, you know, I...I...I would, I...I think we would probably prefer to have the signed version go with...I think you could provide comments that, you know, to...to review that...that specific change. I think you can ask the Planning Commission to...to look at that...that change and consider it. I'm sure if it goes to the Commission, there'll be testimony to that effect as well, I would imagine.

CHAIR PALTIN: Okay. Member King.

VICE-CHAIR KING: Thank you, Chair. Is it...can we put a note in that, just to show folks that that is...part of the intent is to address the 67 percent when we send it to the Planning Commissions? Because...you know, I just...I know from having dealt with South Pointe,

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

**June 2, 2022**

---

when they were trying to change their zoning for the same reasons, they couldn't even get that many people to respond to a vote, much less vote one way. And so they ended up dropping the whole...the whole effort. So I --

CHAIR PALTIN: Okay, either Director McLean or Ms. Takakura, would that be possible? Something that you could add in when you present this item to the Planning Commission?

MS. TAKAKURA: Thank you, Chair Paltin. Yes, we can do that.

CHAIR PALTIN: Thank you.

VICE-CHAIR KING: Thank you.

CHAIR PALTIN: Okay. All right. So --

MS. MCLEAN: Chair, they...the Commission is given the resolution and the Committee report.

CHAIR PALTIN: Okay, perfect. So, Paige, do you have that in the notes, to add into the Committee report?

MS. GRECO: Yes, Chair. Thank you.

CHAIR PALTIN: Awesome. Okay. Well, with no further discussion, the Chair will entertain a motion to adopt the proposed resolution entitled...referring to the planning commissions, "A PROPOSED BILL RELATING TO CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG TERM RESIDENTIAL USE," as--oh not as amended--incorporating nonsubstantive revisions and filing of County Communication 21-422.

VICE-CHAIR KING: So moved.

COUNCILMEMBER LEE: Second.

CHAIR PALTIN: Moved by Committee Vice-Chair King, seconded by Chair Lee. Any discussion? Chair...Vice-Chair King.

VICE-CHAIR KING: Just what I said before, which I'm just really pleased with this...this version of, I think it was a...a...a brilliant way to settle the issue, and give folks a say in what...in the...you know, the ongoing short-term rental versus long-term rental of their condo building. So I would urge all of us to send this on with the caveat...with a note that, you know, the Committee reports it will show that our preference is to change the 100 percent to 67 percent, and hopefully that will help this bill be meaningful. Thank you, Chair.

CHAIR PALTIN: Thank you. Chair Lee, as the seconder?

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

**June 2, 2022**

---

COUNCILMEMBER LEE: I was going to say the same thing. I just wanted to make sure that the Planning Commissions see that the...that not only one Councilmember or Member of the Committee would like to reduce that 100 percent number, but that there...there is a consensus among the group that that's the preference of our Committee. Thank you.

CHAIR PALTIN: Thank you. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I concur with both Member King and...and Lee. But I also want to ensure that we check to see what's the impacts with the Finance Department. But also, you know, I thought I heard one of our testifiers say that even trying to get two-thirds of...of an organization to be able to agree on any one thing was...was going to be hard too. So I'm just thinking, is 67 percent, or two-thirds, the magic number, or should that be something more like 51 percent plus one, you know, of a majority? I'm not sure. But you certainly want it to be not difficult for them to make their decisions, or to create any kind of division within, you know, the...the people in the group or the...or...or the complexes themselves, but to...to make it easier for them. And that's just my thoughts. Those are my thoughts. But when we take the vote, we'll figure that out too. Thank you.

CHAIR PALTIN: Thank you, Member Kama. Member Molina, followed by Member Sugimura.

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair, and I concur with the comments from my other colleagues as well. And thank you as the Chair and...for putting this bill out to move forward to the Planning Commission for their comments. And you can see what a difference it has made in terms of testimony. So I think this is a very healthy compromise, and...and respects the concerns of our citizens involved. And we'll see what happens with the...at the Planning Commission level, and I'm very optimistic that it'll come back to us for final decision making with maybe next to nothing in terms of other considerations. But thank you so much. This was a very, very good, healthy compromise. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I also wanted to be sure that Real Property Tax has a look at this before it gets sent over, based upon what Mr. Hopper said. Were you planning on doing that? Because it might not achieve what we're trying to achieve with --

CHAIR PALTIN: Yeah, we can send the Committee report to Finance as well. Director McLean.

MS. MCLEAN: Thank you, Chair. When you folks transmit bills to us, we circulate them for agency review. So we would transmit it to Finance and have their comments before the bill would be scheduled with the Commissions.

COUNCILMEMBER SUGIMURA: Very good, because that was one of the things. And then Mr. Hopper said he was going to have it reviewed by his team, and the word declaration



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

**June 2, 2022**

---

may be changed so that it's not, I guess, confusing with the HOA declaration versus what we're trying to do here. So maybe that could also be a change, so that it's not confusing for the public. So would that also be...could that also be included in the Committee report?

CHAIR PALTIN: Yes. I'm sure Ms. Greco got that.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also want to echo the sentiment of the other Councilmembers. I appreciate the discussion. I also want to add that this was one of the recommendations by the Comprehensive Affordable Housing Plan, so I'm going to stand in full support. Mahalo, Chair.

CHAIR PALTIN: Okay, Member Sinenci.

COUNCILMEMBER SINENCI: Just express my appreciation, Chair. As we went through the taxes during the budget, we did reduce for apartments, so I appreciate you following up with this.

CHAIR PALTIN: Thank you. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo for your work on this bill. I'm supportive. And as Member Lee asked, I...I also support moving to 67 percent, if there's a way to figure that out. I know that was your intention to bring to the Committee, so mahalo for doing that research. I...I wanted to also just address a couple of things because I...I was listening to testimony, I just...I'm not feeling 100 percent. One is, contrary to what Mr. Economou stated earlier in testimony, the Council does, in fact, have the authority to pursue the previous bills that were introduced under State law. I didn't want to let that just stand on the record without being corrected. And you know, I heard a couple of testifiers mention that having STRs versus long-term rentals, long-term rentals just don't pencil out. And that penciling out just means maxing...maximizing one's profit, which is sad that we're in a state that we're in, because of the commodification of homes. And so mahalo for your legislation, and all of the Council's, you know, effort to continue to pursue avenues to provide housing for our residents. Mahalo, Chair.

CHAIR PALTIN: Thank you. With no further discussion, I'll call for a voice vote. All those in favor of the motion, raise your hand and say "aye."

**COUNCILMEMBERS VOICED AYE.**

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

**June 2, 2022**

---

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

**NOES:**    **None.**

**ABSTAIN:**   **None.**

**ABSENT:**    **None.**

**EXC.:**    **None.**

**MOTION CARRIED.**

**ACTION:**   **Recommending ADOPTION of resolution and FILING of communication by C.R.**

CHAIR PALTIN: Measure passes unanimously. Nine ayes, zero noes, zero excused. And you worked so hard, I think you guys deserve a ten-minute break.

COUNCILMEMBER LEE: Oh, thank you.

CHAIR PALTIN: Being a little generous here.

VICE-CHAIR KING: Thank you for your generosity.

CHAIR PALTIN: Okay. We'll return at 10:52, 10-5-2. See you in ten minutes. . . .*(gavel)*. . .

**RECESS:**        **10:42 a.m.**

**RECONVENE:**   **10:52 a.m.**

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of June 2nd return to order. The time is 10:52.

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

**June 2, 2022**

---

**PSLU-52            BILL 82 (2022), RELATING TO PERMITTED USES IN THE M-2  
HEAVY INDUSTRIAL DISTRICT**

CHAIR PALTIN: And moving right along, our next item on the agenda is Bill 82 (2022), relating to permitted uses in the M-2 Heavy Industrial District, also...also called PS LU-52. The Committee is in receipt of the following. An Administration proposed Bill 82 (2022) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT." Bill 82's purpose is to include apartments in the M-2 Heavy Industrial District, provided they meet certain criteria. Correspondence dated May 9th, 2022, from The County Clerk transmitting a copy of a communication from the Planning Director dated April 14th, 2022, relating to Bill 82 (2022). The Committee may consider whether to recommend passage of Bill 82 (2022) on first reading with or without revisions. The Committee may also consider the filing of Bill 82 (2022) and other related action. So the reason why I scheduled this item prior to deadline, so kind of a theme. Okay. So let's start out with comments from Department of Planning, either Director McLean or Jacky Takakura, and as a resource on this item, I also have Deputy Director of Public Works, Mr. Gary Ambrose, as well. Director McLean, any comments on the bill?

MS. MCLEAN: Yes, Chair. Good morning. Good morning, Chair and Committee Members. Thanks for scheduling this item, Charter deadline or not. It's a priority for the Department, and while we appreciate the concerns offered by some of the testimony, we hope to win you over. It's true that the audit said that interim and stacked zoning can produce undesirable outcomes and conflicting land uses, but the bill has a safeguard against incompatibility because it allows new housing only where there is existing housing. So it has limited applicability. It will ensure that housing is compatible with other uses because new housing could only occur if there's already housing nearby within 500 feet. So if there's already housing next door, of course it would be compatible to allow new housing. The audit also notes that Maui is autocentric, and has no requirements to build complete communities. The Ka'ahumanu Community Corridor TRD project, for example, seeks to build complete communities. And the Queen Ka'ahumanu Center is an example of a property that can be redeveloped in a way that benefits from the bill, provides needed housing, and helps to implement the KCC-TOD vision. Jacky has one of her wonderful presentations that will cover these issues, and will also show how the M-2 district has evolved over time. Its uses have changed, shifting to more commercial and away from industrial, so much so that in 2012, we created the M-3 district to have a true industrial district, and so much so that it's now appropriate for housing to be allowed when there is existing housing next door. Lastly, for my comments, I just attended the annual American Planning Association's Annual National Planning Conference, and attended a number of sessions on affordable and workforce housing. And many municipalities use their zoning code in progressive ways to increase housing opportunities in all zoning districts, with some even prohibiting single family zoning, so that you have multifamily zoning only. If there were perfect solutions to our housing challenges, we would be implementing them, and there wouldn't be a challenge. We have to be creative and do our best with the framework that we have. We're often asked, what is the Planning Department doing to promote affordable housing? Today, we're working with the framework that we have, proposing

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

**June 2, 2022**

---

to create more housing opportunities by allowing...by allowing housing in areas where it makes sense and is needed. We're professional planners and would not be proposing this if it wasn't appropriate, needed, compatible, and good planning practice. And with that, I will hand it over to Jacky. Thank you, Chair.

CHAIR PALTIN: Ms. Takakura.

MS. TAKAKURA: Good morning, Chair Paltin. And nice to see all nine Members of the Council. Good morning. So I just have a short presentation, so I'm going to share my screen. Okay, and...and this was uploaded to Granicus. Can I just get a thumbs up if you can see the blue and white? Yeah, okay, thanks. Like I said, it's not long. So what we're proposing is just to amend this Chapter 19.26 regarding the permitted uses in this district. And for some background information, you know, the pineapple cannery area in Kahului, that's heavy industrial zoning. And you can see in the past, it was used in a way that was pretty heavily industrial. That's inside the cannery. My sisters worked there, but it is no more. It is now a shopping mall with warehouses and businesses. And as you can see in this upper right-hand, it's part of that transit community corridor. So it has evolved as Maui has changed over the years. Another example is the Wailuku Sugar Mill area. You can see in this photo, the West Maui mountains and over here by the railroad, I believe that's St. Anthony Church. They're archive photos from the Department. But now it's very different, it's businesses and services. And so what we're proposing is to create the opportunity for these property owners to transform or redevelop vacant or underutilized parts of their properties into housing. And so we're proposing to allow apartments in M-2 under specific conditions, and here is the list of criteria, and they all have to be met. And so some of the lots, which I will show you later, won't meet this criteria, but some will. And so those would be really good opportunities for the property owner and for Maui to have more housing in places where there's already infrastructure. So as the Director had mentioned, you know, there needs to be some existing residential use. There also needs to be business or industrial uses. If you can think of, for example, Ka'ahumanu Shopping Center, as a kid, I used to ride my bike there from Kahului where I lived. And so, you know, there is a lot of residential around there. One of the things that was addressed by the Commissions was adding...at first, they...they made...they tightened it up a little than compared to what we had originally proposed. We had just said physical or spatial buffers. Then they included these examples, such as dense landscaping or walls that match existing or (*audio interference*). And based on the concerns of the Commission, this next item, bullet number 4, was also added, that if prior industrial activity involved the use or handling of materials that remain on site, including in the soil, could pose a health risk to future residents, that appropriate environmental tests and remediation must first be conducted. We want to not allow any transient vacation rental use. And then per the request of the Moloka'i Planning Commission, parcels on Moloka'i would be excluded from this. So any property that wanted to develop apartments would have to meet all of these criteria for (*audio interference*). So these are just some maps of where these parcels are, the bright pink. So this is Central Maui. Here in the upper middle is the harbor. So this one on the left, that's the Wailuku Millyard area. So you can see there are some residential, these tiny lots around it. And then over here is Ka'ahumanu, and so you can see residential nearby. And then over here, not too far away, the Pu'unene

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

**June 2, 2022**

---

Mill area is probably where there might be some residential allowed. But you can see there's other lots, like out here and here, I think this is more near the...like the Central Maui Baseyard or out here, where there's no residential around it. So those would not be eligible to build housing, not with the way...and is used right now. So it'd be really limited. So that's Central. This is West Maui. You can see the harbor, and so there's just these two parcels here. And you can see there is some housing already in existence along this big parcel. So these (*audio interference*) could meet the criteria. For South Maui, you can see there's only two, and you can see that there's not residential nearby them, so they wouldn't be eligible. Here's near Mā'alaea, one is kind of further south. Now, this is for the Island of Lānaʻi, and this one is not far from the airport. There wouldn't be any housing right there. And then this one near the harbor (*audio interference*) any housing nearby. It wouldn't meet the criteria. And then these are the parcels on Molokaʻi. They're near...near the harbor, the wharf, (*audio interference*) other bigger one. But like I said, the Molokaʻi Planning Commission did want...did not want to have this included, so they are not included in the bill. So based on the existing uses, these are some of the properties that would meet the criteria, that could develop housing if they...if they wanted to, it's just an opportunity. They don't have to, but they...just adding additional use. Queen Kaʻahumanu Shopping Center, Kahului industrial, the south and the mauka end of Hukilike, the Millyard, Puʻunene Mill, area if nearby residential use continues (*audio interference*) West Maui. And then the ones that don't meet the criteria are the ones on the Island of Lānaʻi, Kihei side, and then Molokaʻi, which is excluded. So in summary, this is just the areas that could benefit from this bill. You can see the ones in West Maui, Wailuku Millyard, Kaʻahumanu Shopping Center, and then Kahului industrial. And so it doesn't take away any uses, it just allows a new use under strict criteria. And that's what this bill is for, it's to, you know, offer some housing opportunities in areas where infrastructure already exists, but also providing buffers and protecting the heavy industrial uses that do exist in this district, so that there are spatial distances and remedies if...if the housing were to be developed. And if it doesn't meet the criteria, then they're good to continue with their existing uses. So that's it in a nutshell. I just have our...our mission here. But I'm available to answer questions, and I will stop sharing, but I can always come back to any of the maps if you have questions. Okay --

CHAIR PALTIN: Thank you, Ms. Takakura.

MS. TAKAKURA: Thank you very much.

CHAIR PALTIN: Members do also have that presentation in their Granicus if they wanted to pull it up themselves. At this time, I also invited Mr. Gary Ambrose on as a resource, primarily because of an issue that we had heard about in another Committee regarding the Makawao Baseyard, which abuts some residences. And if you could kind of discuss some of the problems, I know that the Makawao Baseyard is zoned P-1, but the main reason that we're able to do that is we're a government. Those types of baseyard activities would be allowed in H, Heavy Industrial, for not government. So, just...Mr. Ambrose, if you can share a little bit of our...of the County's challenges in operating that baseyard right next to residential zoning? Staff, can you unmute Mr. Ambrose?

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

**June 2, 2022**

---

MR. AMBROSE: Hi, and good morning to all the Members. Yes, we've been having a lot of challenges over the past couple years with our Makawao Baseyard, and now recently, our Wailuku Baseyard. So what's happening is that these baseyards have been in place for a very, very long time, and the residents around them, like Makawao, we have Ka'ohu Store, which is right next to our baseyard, and they have an apartment complex on top of the store. And then we have abutting residence, I believe we have six, that are right up against our baseyard, and we've never had complaints. Our operations typically start early in the morning, because of the rubbish trucks, and will end by 4:00 in the afternoon. So that has been known from the test of time. Since the pandemic, where a lot of people have been home more often now for the last two years, a lot of them have started home-based businesses, now are being affected by the noise, because now they're home, when typically they wouldn't be. So that has been a challenge. But again, a lot of the residents who have been there from the beginning is not the problem. It's the newcomers that come in who are purchasing homes in the area now, some that are even kind of a distance away from our baseyards that are complaining about the noise. So our concern with this M-2 is that if we do build within these zones, that the people who are buying, or going to rent, or whatever...you know, going to occupy, have full understanding that this type of activity will occur. And like our baseyards, we don't typically run at night, but during storms, emergencies, you know, and...and again, other residents in Wailuku and Makawao have fully understand that. And you know, we don't...we don't take advantage of that situation. So we...again, we've never had complaints up until recent, with you know, new people coming in. So other than that, that's all I have as far as our challenges for this type of activity.

CHAIR PALTIN: Thank you, Mr. Ambrose.

MR. AMBROSE: You're welcome.

CHAIR PALTIN: All right. I have a list of questions, but I will let the Members begin first. Staff, can you put two minutes on the clock for the first round? And I'll give a disclaimer on behalf of all of us, that we don't mean to be rude, but if we cut you off, it's because we're on a clock. And so concise answers, concise questions would help. Questions can be asked to all of our resources, to myself. Let's start with Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. My first question for Ms. McLean is, what were the reasons that the Moloka'i Planning Commission gave for wanting to be exempt from the bill, should it pass?

MS. MCLEAN: I will pass that to Deputy Director Jordan Hart or to Jackie Takakura, who staffed those meetings. But it's actually quite normal for Moloka'i to want to exempt itself from a number of things. They...they often opt out, if you will.

CHAIR PALTIN: Deputy Director Hart?

VICE-CHAIR KING: Director, sorry, but I just need to know...I just want the...the reasons that they stated. All right?

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

**June 2, 2022**

---

MR. HART: Yeah, Chair. It was the standard kind of receipt that the Director mentioned.

VICE-CHAIR KING: So there weren't any reasons given?

MR. HART: Jacky, do you recall specifically any kind of comments?

MS. TAKAKURA: So Chair Paltin, if I may, just from my notes based on their public hearing, they talked about clean bill of health. That's why that provision to have remediation if needed (*audio interference*) added. One of them stated they have better other plans for homes, a better environment. They mentioned road improvements, lighting. Yeah. But the...the general consensus seemed to be, except for Moloka'i.

VICE-CHAIR KING: Okay. I think. Is that my time, Chair? Was --

CHAIR PALTIN: I don't think so.

VICE-CHAIR KING: Okay. So, yeah, I guess I'm just not sure who to ask the questions of, but so maybe you can just chime in if it's you, Jacky. If not, maybe the Director can. But if we make this change, then this then...and you're saying it's only for the areas that have housing, what if those areas get housing at some point through another avenue like, you know, a community plan amendment or, you know, some kind of a special permit, then that makes these...all these other areas susceptible to possible development of housing (*audio interference*). And I'm asking you this, not because I...I...I don't want housing, it's because, you know, we heard from testifiers, and I know personally what it's like to live next to industrial noise and...and...and pollution, and what we're talking about is putting more housing in those areas. So, you know, isn't there an...the...isn't...aren't there still opportunities for housing to go into those or nearby those areas, which would make . . .(*timer sounds*). . . them open up even more?

MS. TAKAKURA: Thank you, Vice-Chair --

MS. MCLEAN: Chair, I'll take the question, then I...I have to drop off, and Deputy Director Hart will...will staff the rest of the meeting. That would be great. If more housing is developed closer to existing industrial properties, that means the Council, who would have to approve that, would find that to be a compatible use. Because those industrial uses, even though it's industrial zoned, they might not be conducting industrial uses. It could be commercial uses. And so if housing gets developed near it, then that means those properties could also be redeveloped for housing, and that's great, we...we want more housing opportunities.

VICE-CHAIR KING: Okay. . . .(*timer sounds*). . . (*audio interference*) industrial-zoned area. Okay. Thank you. I think that is my time.

CHAIR PALTIN: If I knew Director McLean was going to drop off, I would have asked my question first. All right. Well, anyway, moving on down, next up, Mr. Johnson.

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

**June 2, 2022**

---

COUNCILMEMBER JOHNSON: Okay. So I...I want to clarify what the map for Lānaʻi was. You're saying that there's no apartments, or there's no houses around those...those areas. But would that...that means we...we...you were just showing us, Jacky, that there was...oh, this area has houses and this area does not have houses. So you were just saying that this could work on Lānaʻi, and there's, just to let you know, there's no houses around those...those specific plots of land.

MS. TAKAKURA: Thank you, Member Johnson. So the parcels on the Island of Lānaʻi wouldn't meet the criteria, but I mean, eventually as land uses change, if there was housing nearby, then it...it could meet the criteria. But I would imagine that addition of housing near, like near the harbor --

COUNCILMEMBER JOHNSON: Right.

MS. TAKAKURA: -- so forth, would have to go through a pretty extensive permitting process, and so.

COUNCILMEMBER JOHNSON: Right.

MS. TAKAKURA: But you know, land use does evolve with time. So, you know, I...I can't say that there will never be housing there. But for now, it doesn't meet the criteria.

COUNCILMEMBER JOHNSON: Okay.

MS. TAKAKURA: And it might be a while, but it (*audio interference*)

COUNCILMEMBER JOHNSON: So, you know...okay. Thank you. I...I just...I, you know, one of our testifiers said something, and I wrote it down, because it kind of spoke to me. It said stacked zoning is a discredited zoning, and does not ensure quality zoning. So can you speak to that? Is...you know, is this going against what we were told by the audit?

MS. TAKAKURA: Thank you, Member Johnson. I'll try, but I might need Jordan's help. So the way the uses are listed in M-2 is, it does say, you know, any use permitted in B-1, B-2, B-3, and M-1. So I guess that's what they mean when they say stacked zoning. So I mean, I guess that...that is there now, and we're not proposing to change that.

COUNCILMEMBER JOHNSON: Okay.

MS. TAKAKURA: All we're proposing to do, is just take out the except apartments for that.

COUNCILMEMBER JOHNSON: Okay.

MS. TAKAKURA: But you know, there is the Title 19 update, and so that might fix that stacked zoning issue.

COUNCILMEMBER JOHNSON: Okay.



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

**June 2, 2022**

---

MS. TAKAKURA: I'm not sure if Jordan has *(audio interference)* to add to that.

MR. HART: Yeah, I would add on to that --

COUNCILMEMBER JOHNSON: Thank you. . . .*(timer sounds)*. . .

MR. HART: Chair?

CHAIR PALTIN: Go ahead, Mr. Hart.

MR. HART: So, you know, what the Department's trying to do is address an existing trend. You have the situation where nonindustrial uses are moving into the industrial areas, which several testifiers commented about, and the houses are also there. So you have the situation where you have underused properties which would be suited for redevelopment for apartment-type uses, which are not able to produce this housing which is needed by the community. So proposing to do this creates an avenue for these landowners to find a developer to develop their properties with them. And so we are doing the Title 19 rewrite, which will more comprehensively address all of these issues regarding the audit, and the recommendations provided there. But in this interim time period, we see an opportunity to propose an option for housing, and that's what we've done.

COUNCILMEMBER JOHNSON: Thank you. My time's up. Thank you so much, Chair.

CHAIR PALTIN: Thank you, Member Johnson. Next up we have Member Kama, to be followed by Member Lee.

COUNCILMEMBER KAMA: Thank you, Chair. So I think Mr. Hart just answered my question because I was going to ask, what brought this whole issue to light? And so he answered that question. I'm very appreciative of that, because Mr. Moran was right. You know, in my head, whenever we meet, we always ask...I always ask myself, if not here, where? If not here, where? If not here, where? And so today, Ms. Takakura has just laid out for us, a map that says this is where you can. If you all want to do housing, this is a place you want to tell to do housing. So I'm very happy with that. And I'm very supportive of this bill. Thank you, Chair.

CHAIR PALTIN: Thank you, Member Kama. Next up Chair Lee, to be followed by Member Molina.

COUNCILMEMBER LEE: Thank you. Questions for Jacky. Jacky and Jordan, I think this is a great idea in terms of being another tool in the toolbox. But did you have an actual project in mind, or you're just thinking that, you know, provide more opportunities for affordable housing?

MR. HART: Chair. Basically what we're seeing is that the...you had the encroachment of the nonindustrial uses on M-2, so the Council created the M-3 Restricted Heavy Industrial. Those uses are being directed to Central Maui, Central Maui baseyard, and the area

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

**June 2, 2022**

---

around that there, and that's being expanded by the Kihei-Makena Community Plan. So it's not the Wailuku-Kahului Community Plan, which is a lot of the subject of the zoned land that we're talking about, but it's being proposed to be expanded by the Kihei-Makena Community Plan, that...which includes that area. So we're trying to redirect these noxious uses away from the incompatible uses, into Central Maui. So then you have this kind of, you know, donut hole in the middle of your existing town, where these underused properties...and you can see it along Hāna Highway, there's severely underused properties. You can see the --

COUNCILMEMBER LEE: Okay, Jordan.

MR. HART: -- Maui Marketplace --

COUNCILMEMBER LEE: Jordan, Jordan --

MR. HART: Oh, so that was it, sorry.

COUNCILMEMBER LEE: Thank you for answering --

MR. HART: Thank you very much.

COUNCILMEMBER LEE: Thanks for answering the question. I...I did want to also ask, will you be working on something that not only allows housing that abuts these commercial entities or industrial entities? Can we...is there a way for us to actually use empty commercial buildings and readapt uses within the buildings? Would that be a separate ordinance?

MR. HART: That would not need to be a separate ordinance, Chair. If there were existing buildings which were in a condition that could be retrofitted to comply with the building code to add . . . *(timer sounds)*. . . apartments to the structure, that could be done, but that would be on a property-by-property basis.

COUNCILMEMBER LEE: Okay, thank you. Thank you. Thank you, Chair.

CHAIR PALTIN: Thank you, Chair Lee. Member Molina, to be followed by Member Rawlins-Fernandez.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Quick question for you first. This is the first time we're taking this matter on, yeah?

CHAIR PALTIN: Correct.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: We were not informed that the Administration was pursuing this legislation, so this is --

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

**June 2, 2022**

---

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR PALTIN: *(Audio interference)*

COUNCILMEMBER MOLINA: You're hitting it. You hit on a good point. There it is, but we need more communication. And honestly, Madam Chair, you know, we've been hearing it on the streets that there's not enough communication for any type of proposals or legislation with the affected community. And as we have seen recently with proposals for the Wailuku parking lot garage and so forth, you have a community that feels that they're not being involved. And so I would advise this Department...well, one, I will not support pushing this matter off today. We need to have an evening meeting, not a 9:00 meeting in the morning, where a lot of affected residents could...could...cannot attend. So one, you need an evening meeting, and I think the Department or Administration, the Mayor should advertise this, and make sure you do as much outreach. Because as we have seen with the Wailuku parking lot garage project, there's a lot of very passionate people, and they need to be heard. So that's one, you know, one...my stance here at this time. And for the Department, with the affected property, or the property owners that have this M-2, you've networked with them? Because we heard from the Queen Ka'ahumanu Center, is...have any of the other parcel owners been talked to and discussed about this proposal?

MR. HART: Chair. The Planning Department did the standard required noticing of taking the proposed zoning change to the three planning commissions, and holding public hearings there and receiving public testimony before transmitting this item to Council. But no, we did not hear from, or reach out to any of the other industrial landowners.

COUNCILMEMBER MOLINA: Yeah. I mean, I know this is a very well-intended proposal for more housing, but I think this is why you need to network; have an evening meeting, and hear from...you know, you have potential conflict with parcel owners and business owners if you have housing. Because you know, if you start to allow housing, then the residents may say, you know what, they might make complaints about the existing businesses, noise, parking, and traffic. So that's...all of this has to be considered first . . .*(timer sounds)*. . . and vetted out. Why, Madam Chair, I will not support taking action on this bill today. Thank you.

CHAIR PALTIN: Thank you, Member Molina. Member Rawlins-Fernandez, followed by Member Sinenci, then Member Sugimura, then myself. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for the presentation, Ms. Takakura, aloha. And aloha, Deputy Director Hart, and Mr. Ambrose. Mahalo for being with us to answer our questions. First, I just want to support the Moloka'i Planning Commission's recommendation to exclude Moloka'i. And then I have two questions. My first question is regarding approvals. So if this bill were to go through, what kind of approvals would be needed in order for projects to move forward?

MR. HART: For any projects that are in the special management area, most likely a special management area major use permit will be required. For properties that are outside of

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

**June 2, 2022**

---

the special management area, building permits would be required.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So outside of the SMA area, or outside of the SMA, there wouldn't be any public vetting?

MR. HART: Well, this...this is a public forum, the Planning Commissions are a public forum with public hearings, and --

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no --

MR. HART: -- an opportunity to testify. So that would be a vetting process for the County.

COUNCILMEMBER RAWLINS-FERNANDEZ: Future projects. If...if, after this bill is passed and it becomes law, what kind of approvals, what kind of notification and opportunity for...for feedback would the public be given if this is allowed, if this is...if this becomes permissible?

MR. HART: Right. To reiterate, in the special management area, a special --

COUNCILMEMBER RAWLINS-FERNANDEZ: Outside of the --

MR. HART: -- management area --

COUNCILMEMBER RAWLINS-FERNANDEZ: Outside of the SMA.

MR. HART: Outside? So if the Council zones a use as permitted, you don't need to consult with people in order to get building permits to construct that thing. Same as the residential district or otherwise.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director. My second question is regarding noxious uses or any contaminants. Would there be any kind of requirement for removing . . . *(timer sounds)* . . . of the property before housing would be allowed?

CHAIR PALTIN: Is that for Mr. Hart?

COUNCILMEMBER RAWLINS-FERNANDEZ: I think so.

CHAIR PALTIN: Mr. Hart.

MR. HART: I think that that's in the draft under 19.26.020. I believe it's item number 4, under apartments. Prior to industrial activity involved in the use of handling...if prior industrial activity involved in the use or handling of materials that remain on the site, including the soil, and...and could pose a health risk to future residents, appropriate environmental tests and remediation must first be conducted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director. Mahalo, Chair.

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

**June 2, 2022**

---

CHAIR PALTIN: Member Sinenci, to be followed by Member Sugimura.

COUNCILMEMBER SINENCI: Chair, just for clarification, this does...this bill doesn't go through the Planning Commission, this came from the --

CHAIR PALTIN: It already went through the Planning Commission. It was a Administration-initiated bill.

COUNCILMEMBER SINENCI: Thank you, Chair. So I...I supported stacked zoning in light industrial areas for reasons of walkability, universal design, economic development, within existing areas, and also for additional housing near existing infrastructure, which is a huge cost. I think some of the...hearing from the younger generations, they don't...they don't like always the planned detached home development, and so many of them may want an urban living environment...(cough) excuse me...options near stores and shops. So...however, I do like the 500 feet existing...to existing residential to address Mr. Perez's testimony; keep industrial petroleum storage and noxious uses away from existing . . .(inaudible). . . Chair.

CHAIR PALTIN: Thank you Member Sinenci. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I appreciate this actually creative thinking, which is probably some of the roadblocks that we have had, or challenges that we've had in Government. So I want to just say that I did hear Mr. Perez say that he's against this bill, because he wants to see it go through, I think what he means is to go through a process. So if this passes, the properties that you identified that would qualify to utilize this new bill...this may be what Mr. Sinenci asked also, but there is a process that the public will be informed. It's not like they can just go ahead and build, right?

MR. HART: Chair. So, you know, in the...in the Council's Affordable Housing Plan, I believe there was by-right authorization for development of units. So comparable to that, for the properties that are outside the SMA, if this zoning amendment were to pass, then those properties could pull building permits without any sort of public hearing or public notice. This would be the public process. We already did a public process for the Planning Commission, we're doing, you know, first reading...or Committee work right now, and there would be a first and second reading, but that would be it. In the Special Management Area, for instance, Queen Ka'ahumanu Center keeps on being brought up. They're in the SMA. So if they wanted to try to do something like this, they would go before the Planning Commission...well, first of all, they would do an SMA Major Application Report with a number of studies that would be distributed to agencies. Then they would go before the Planning Commission for a decision by that body, and that could, you know, be denied, or it could be approved with conditions.

COUNCILMEMBER SUGIMURA: Okay. So --

MR. HART: The other areas further inland, away from the SMA, could just pull the building permits. And you know, there was kind of a bold direction established by the Affordable Housing Plan, and this seemed to be, you know, supporting that.

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

**June 2, 2022**

---

COUNCILMEMBER SUGIMURA: Okay. Thank you very much for the explanation.

CHAIR PALTIN: Thank you, Member Sugimura. For my opportunity, I would say that I would like to file this bill. I feel as though...you know, I think a lot of people support Queen Ka'ahumanu Center becoming apartment...live, work, and play...and the framework we have for that would be either a Council-initiated change in zoning, an Administration-initiated change in zoning. We could be at the point right now where we're changing the zoning to light industrial to allow for apartments there, if...if that was...if there was more communication. So you know, I'm...I'm thankful for the creativity, but I think, is this the best we have to offer our residents? To put our residents in heavy industrial zoning? To allow them to live near these places? The reason why I wanted to ask my question for Michele McLean is, what about Kirk Boes? Kuhua Street? You know, we went back and forth with that gentleman who lives right across from heavy industrial in the Lāhainā, who was complaining about the coffee manufacturing going 24/7, the dust coming into his garage, you know? How...how are we going to mitigate noise, you know? And frankly, sorry to the Planning Department, but I don't have good confidence in the permitting processes after I've seen the SMA permit on the lower Honoapi'ilani Road. Of criteria within the Nāpili Bay Civic...Nāpili Bay Civic Improvement District? Two stories, when it was obviously four stories. Hotel standards, when it was supposed to be hotel use, you know? These little creative things that you make in the planning, and then we already know there is going to be a change in Administration. We know the Director and the Deputy Planning Director are leaving, and who's going to be responsible for implementing this? We don't even know. So my recommendation would be to file this. I'll entertain a motion to recommend filing of Bill 82 (2022).

VICE-CHAIR KING: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR PALTIN: Member King, discussion?

VICE-CHAIR KING: Thank you, Chair. Well, you gave a pretty good argument, and those are a lot of my arguments as well. But I think that these...these housing developments, if they are going to go into these areas, should be handled on a case-by-case basis, and letting the public be part of that discussion. I'm...I'm really...I'm...I'm really doubtful that any of the folks that are operating in heavy industrial were aware of these Planning Commission meetings that were talking about this bill. And there's...there's a couple of things that will happen, I believe, if this goes through, and these housing developments, and we start doing mixed use for...for I mean, I...I agree with Member Sinenci about doing mixed use for light industrial. But when you get into heavy industrial, people move in, and then they want to shut down the heavy industrial uses. And where are these people going to go that are our manufacturers and are doing the work? You know, some...that a lot of us...the rest of us don't want to do, because some of it's dirty, some of it's noisy. And not only will they be asked to leave, like they already have been by certain residents who move nearby, but the...their property values are likely going to go

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

**June 2, 2022**

---

up. So you know, in certain...surrounding areas, I mean, that's why we have the Circuit Breaker Tax Law. Because if you, by no fault of your own, are living in a house for 30 years and around you, more valuable homes go up, your property value goes up, and you have no control over that, you're paying higher taxes all of a sudden. So this is...needs to...this...I think we need to have a public hearing if we were going to go forward. And...and I would invite the...the Planning Department to hold a public hearing on this. If we file this, you know, there's no reason why you can't still hold a public hearing, and then bring it back if there's good public sentiment. But I...I don't...I think all of these...and...and possibly why Moloka'i wants to be excluded, you know, is that they're seeing that these are...if we are going to put housing near industrial, we should...we should do it on a case-by-case basis, and we should do it through the planning process, the rezoning process, not a blanket rezone. So I think I...I've said enough, but just agree with the sentiments also of Councilmember Molina that this has not been well-vetted by the public, and I think especially the heavy industrial users of those properties should be notified directly the next time it comes up for hearing. Thank you.

CHAIR PALTIN: Member Molina, as the seconder?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I appreciate the additional reasons that Member King gave. And again, I...I appreciate the Department's intentions. But again, especially in these areas, you need to have evening meetings. And I know it was mentioned we had Planning Commission meetings, and now we're having one here. But again, it's daytime. You...you need to be inclusive of everybody, those who cannot attend the daytime meetings and, you know, meet face-to-face and hear people out. So I support the...your motion to file at this time. And like Member King says, if the Department chooses to have an evening meeting, and there's buy-in from the greater community, then so be it, it can be brought back. But again, heavy industrial too, I think a conference I went to recently in October in Salt Lake City, I saw an example of housing in a heavy industrial area. I don't know, from the optics, it just didn't look appealing to me. And you know with all these heavy industrial business and the noise and fumes, but I guess some people prefer to live with that. And...and we don't know about any complaints as well. So again, this is just...and...and thank you to Director Ambrose too, for bringing up those examples with the baseyards in Wailuku and Makawao, because with the Makawao one, I got a lot of calls about that. And it's just one of those things, you know, the baseyards were there before, but then as newer residents come in, then...and with the effects of COVID, people now working at home more, they get exposed to hearing all the noise and whatnot. But this was an example of potential conflict that could occur in...in these industrialized areas when you add housing. So anyway, I think you're taking the right approach, Madam Chair, with filing this, and then leave it to the Department if they want to go out and do additional outreach with...with the community, especially in the evening. This was what I would advise. So thank you.

CHAIR PALTIN: Thank you, Member Molina. Chair Lee.

COUNCILMEMBER LEE: Thank you. Thank you, Chair. I just want to acknowledge the

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

**June 2, 2022**

---

comments of my colleagues. I agree with most of the comments. I just feel that, yes, we need more discussion on this, and definitely more input from the community. But perhaps even though the Mayor failed to work with the Council more closely on this, perhaps we should take the lead on it, and...and invite him to work with us and make this a better bill. Because, you know, there are conditions we can add to the bill, whereby notification, if a project like this does come up, that there be notification within a certain amount of feet, 500 feet, 1,000 feet, whatever it is, and we can make the bill better, because it's not ready. Obviously, it's not ready, but it could...I see potential here, and I wouldn't necessarily support filing at this time. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm going to go over some of my notes (*clears throat*) excuse me, some of the talking points, so...I don't want to let perfection be the enemy of the good. I think this might be a way forward you...to rehab the vacant retail buildings that we all see that are going...popping up like...like nobody's business, that we...we see some affordable housing projects right now being built in flood zones. I mean, that's...that's not...that's not good for us either. I think I'm...I'm...I would lean towards supporting it, because we have to find a way to rehab these vacant commercial buildings, and I thought, you know, this is not building single-family homes. These are building apartment buildings, that could really help, you know, our...our houselessness situation, our homeless folks. But not all of the areas that we're looking at here are heavy industry. We need a...like, a venue like old...the old Lowe's, for example, over there, right. And then Pu'unene, also over there. I...it...it was encouraged in the Comprehensive Affordable Housing Plan to do a blanket rezone for areas that we could build affordable housing on. And I think the way...you know, so the way we are using our lands have changed, and it's smart for us to kind of update it. So I...that's kind of where...the notes that I'm taking on right now. I like the creativity of it, so I...but I also appreciate what everyone's saying here. I just wanted to say that those are my notes, and I don't think I can support filing at this time. Thank you, Chair.

CHAIR PALTIN: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. As I said earlier, this was a Department effort to be more creative with all of the...the things that the community and everybody says about housing with Maui County, and how where we were...you know, we create obstacles. And I appreciate them looking at a situation, and trying to find some solutions. So I'm not going to be voting to file, but I do look forward to, like what Member Molina said, to take it to the community. I can hear all of you saying the same thing, that I wish we would leave the door open and have this bill available so that we can bring it back and amend it and make it better together, and...and leave that door open, so...so we can be part of solutions jointly, Council and Administration, working together. Thank you.

CHAIR PALTIN: Thank you. Seeing...oh, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll be supporting your



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

**June 2, 2022**

---

recommendation to file. It's not impossible to move these things through. As we saw on the map, there are just...there's certain M-2 zone areas, and...and that's what we're talking about, M-2 Heavy Industrial. Some of the other vacant retail spots are not M-2, so they're...they're not included in this. And even so, if...if they wanted to, you know, come forward, or if they had an idea, we can still move it forward. This isn't the only pathway. So I'm supportive, Chair. Mahalo.

CHAIR PALTIN: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I appreciate your comments, and I can support, you know, for us to try and make some kind of process that we can go through this, like Member King said, on an individual project base maybe, we can go through. But I appreciate the Department's attempt to increasing affordable housing in those areas where there's already infrastructure established. I think this body has put additional funds into the affordable housing to address costs of creating new infrastructure for housing. So I think this was a way to try and keep costs down, as far as keeping it central and...and near *(audio interference)*. Yeah, I don't know about filing, I...but however, I am supportive of continuing this *(audio interference)*.

CHAIR PALTIN: For my first opportunity, I would like to say, you know, I'm all for these empty buildings being repurposed as apartments, affordable or otherwise. I think what Member Sinenci had said previously about light industrial, I could compromise on that. Light industrial does allow for apartments. If apartments are wanted, we should work within that framework, and either do an Administration-initiated changes, or a Council-initiated change to light industrial. By allowing apartments in heavy industrial, where noxious uses are allowed, chemical manufacture, and whatnot, what are we allowing for our people, our residents? Who's going to hold us accountable, and what kind of socioeconomic impacts will there be? Who is going to be put in apartments where chemical manufacture is allowed, auto body repair, 24/7 noise, you know? Who's going to be accountable to hearing all the complaints from these residents? When I first saw it, you know, I jokingly said, oh, let's put a condition on there, where anybody that lives here has to side a...sign a deed restriction, where they can't complain to their elected officials, but just think about that. Even as a joke, that's a bad joke. It's a bad joke, because that's how they're feeling. They don't want to live with noise in the middle of the night, they don't want the welders' sparks to be coming through their window. It's...it's a socioeconomic issue, and the proper route, and the framework that we have, is to change zoning to a...to a zoning that is compatible with residential. And...and you know, while light industrial stacked zoning, I know there are people that don't support that. I could bend on that. I could compromise on light industrial, you know? But once you cross the realm into heavy industrial, is that the best you can offer our residents, you know? And...and to the point of working more on this bill, not with a Charter deadline on my neck, you guys, come on. The time to work together was before the Charter deadline got implemented. So we can work together, but let's file this, because I've got a full agenda. We have other items we deferred and have to come back to, and we have a Charter deadline. We can work together on this, but it needs to be done the right way. So I...also, I...I am concerned with the retail partners not being able to give any information to us, but wanting this, and...and I'm not sure they realize that

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

**June 2, 2022**

---

it goes beyond just their one property. You know, if we're going to be pursuing apartments at Queen Ka'ahumanu Center, I think that's a great idea. But let's do it in a transparent process and lay it out all on the table, get in touch with the owners, get in touch with the community, say hey, the Administration is for apartments here, the Council is for apartments here. Are the owners for apartments here? What does that look like? Let's pursue a change in zoning. You know, it's not...it's not that we, as elected officials, know best for everyone just what...what is presented to us. We need transparency. We need people to give their input. So I think...you know, thank you for getting this conversation started. I think it's the very beginning of hopefully seeing more apartments and living spaces in retail area. But the reason why we have retail in heavy industrial, is because it's cheaper than properties zoned for commercial, it's cheaper than properties zoned for a retail business, and that's why business gravitates to heavy industrial. So all for the apartments there, let's do it by changing the zoning, or some other more transparent process. Unless anybody else needs to talk, I'll call for the question. Roll call vote. Ms. Greco?

MS. GRECO: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. GRECO: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye, with reservations.

MS. GRECO: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. GRECO: Councilmember Molina.

COUNCILMEMBER MOLINA: Aye.

MS. GRECO: Council Chair Lee.

COUNCILMEMBER LEE: No.

MS. GRECO: Councilmember Kama.

COUNCILMEMBER KAMA: No.

MS. GRECO: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MS. GRECO: Was that a no?

COUNCILMEMBER JOHNSON: That's a no.

**June 2, 2022**

CHAIR PALTIN: Aye. Measure passes five-four. Thank you, Members.

**EXC.: None.**

**ACTION: Recommending FILING of Bill 82 (2022) by C.R.**

VICE-CHAIR KING: Yeah. Thank you, Chair. I just wanted to clarify that the recommendations would need to come with an application...a completed application

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

**June 2, 2022**

---

from the person.

CHAIR PALTIN: No, recommendations on how we should select. Like, what if --

VICE-CHAIR KING: Oh.

CHAIR PALTIN: -- there's only nine people? Are we going to just take all nine, even if it's a homogeneous mixture, or you know, how we're going to narrow it down. Are we going to have ranked voting or something?

VICE-CHAIR KING: Okay. I thought you meant recommendations for people on the CPAC, so I just wanted to clarify that.

CHAIR PALTIN: Oh, no, anyone can put in an application. They don't need a recommendation and...yeah, I guess you know, on the selection process too, if...if Members want to say let's interview everybody, or let's choose people that we want to interview, or how...how you'd like that process to...or how you envision that process to go, if people can submit written recommendation on how we should move forward in selection. Okay? All right. If there's no further discussion on that...oh, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I was just curious. How...did the West Maui CPAC have specific criteria, choosing for --

CHAIR PALTIN: It was...it was pretty much the same section of the Code of, you know, requesting that diversity. The issue, I guess, for West Maui, was that we had somewhat slim pickings. And so, you know, there were maybe two or three members that applied that weren't selected, and everyone else that applied was selected. And of those few members, it may have been slightly obvious why they weren't selected. Okay, so any further questions or discussion at this time? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You...you're asking questions about whether we should do ranked choice voting, or if we only have nine applicants, would we just choose the nine, or would we open it up again and shoot for a...a number? If we don't decide on that today, are you planning to agendize this item again for further discussion?

CHAIR PALTIN: Yeah, that's what I meant. I would have it as a standing item on the agenda, so that Members can put in writing their preferences. You know, like even if...say we get 50 applicants, do we want to interview all 50, or do we want to narrow it down before...like, is there a cap on interviews? You know, like, shall we interview, like, the top 20 or something? Or, you know, just thinking of those kind of things. And then Members can submit in writing their preferences, and at each following Committee meeting we can kind of compile and read them. And then as it gets closer to the deadline, then we can, you know, create a formal process. But we're...we're ahead of the game, we just put out the press release today that we're accepting applications...the Council is accepting applications. And so we're just starting to think of how we would vet and choose the applicants, the top nine that we select, because we don't have a

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

**June 2, 2022**

---

process at this time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification, Chair.

CHAIR PALTIN: Okay, any other...yes, Member King?

VICE-CHAIR KING: Just another clarification, because you mentioned earlier that the Planning Director and Deputy Director are leaving soon. Do you know what the date is?

CHAIR PALTIN: I think the Planning Director is not going to continue on, regardless...at the end of the year, regardless of reelection or what.

VICE-CHAIR KING: At the end of the calendar year, or the fiscal year?

CHAIR PALTIN: Yes. I believe.

VICE-CHAIR KING: Okay.

CHAIR PALTIN: The Deputy has a date, but it changed.

VICE-CHAIR KING: Okay. I just wanted to make sure that we're going to have the process followed...once we do select a CPAC, that they're going to actually start working on this. Because when we did this for West Maui, we selected it before the end of the year when there was an election, and there was going to be a new Council. And the CPAC took at least six, maybe seven months longer to actually start their work than we were originally told. And that was why some people dropped off because, you know, they had been setting aside work...time to work on it, and then it just never happened, and they needed to move on.

CHAIR PALTIN: Yeah.

VICE-CHAIR KING: So that was my concern.

CHAIR PALTIN: I guess. I...don't blame me, I voted for a professional manager.

VICE-CHAIR KING: I'm with you there. I did too.

CHAIR PALTIN: Okay. All right. Any further questions? Seeing none, okay. All right. Well, then, if there is no objections, the Chair will defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused MJM)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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

**June 2, 2022**

---

CHAIR PALTIN: This concludes today's Planning And Sustainable Land Use Committee meeting. Thank you very much, everyone. Because you worked so hard, I'm giving you an extra five minutes for lunch. The time is now 11:55, and this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 11:55 a.m.

APPROVED:



---

TAMARA PALTIN, Chair  
Planning and Sustainable Land Use Committee

pslu:min:220602:kr

Transcribed by: Kaliko Reed

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

**June 2, 2022**

---

CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 55 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 14th day of July 2022, in Wailuku, Hawai'i



---

Kaliko Reed