

**MAUI REDEVELOPMENT AGENCY
SPECIAL MEETING
MAY 27, 2009**

APPROVED 06-24-09

A. CALL TO ORDER

The special meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Alexa Betts Basinger, at 1:06 p.m., Wednesday, May 27, 2009, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

Ms. Alexa Betts Basinger: Good afternoon everybody. The May 27th, 2009 meeting of the Maui Redevelopment Agency is called to order. We have a single issue today and that is on cash in lieu. Before we move on to the roll, I would like to first comment that this issue has been an on-going issue of the Maui Redevelopment Agency for years. And thanks to the initiation of our former Chair Ron Kawahara, it is now been brought forward so that the issue can be resolved as some people have seen it as an impediment not being resolved in one way or the other. So I welcome you all here, including former Chair Ron Kawahara. And with that said, I call this meeting to order. I recognize present Vice-Chair Robert Horcajo, Katharine Popenuk – do we have a quorum? Yes, we do. Joe Alueta as staff, Erin Wade as staff, Leilani as staff. And we'll move right into public testimony. Do you want to go first? So we're moving right into public testimony. I welcome public testimony. Ron Kawahara first. Remember you have three minutes, and you'll have another minute if you haven't concluded.

B. PUBLIC TESTIMONY: Testimony will be limited to three (3) minutes per testifier. At two minutes, thirty seconds, a thirty second notice will be given. With the recommendation of the Chair, an additional three minutes may be granted.

Mr. Ronald Kawahara: Thank you Madame Chair. I'm here to speak on behalf of the cash in lieu ordinance as proposed. I understand that the 2009 version is exactly the same as the 2002 version that was formulated by Corporation Counsel, but not submitted to the Council. Here are my comments. I'm of two minds first of all. Either in favor of the cash in lieu with conditions which I'll enumerate later, or I'm not in favor. Now you all have to understand that there's an ordinance, a County ordinance 19.36.010, that states "lots within 200 feet from the nearest point of a publicly owned parking lot, no parking spaces shall be required." So what MRA is doing is actually imposing a greater burden on development for any parking stalls within 200 feet. The ordinance further goes to say that lots within 400 feet, but more than 200 feet from the nearest point of the publicly owned parking lot, 50% reduction of the number of required spaces. So part of me say, well, if we're trying to – if the MRA is trying to encourage redevelopment in Wailuku, why are we imposing this additional burden when it's not required if you're within 200 feet or a lesser burden within 400 feet?

So that being said, on the hand, as a member of the MRA, I know that we are looking for funding. So I have two concerns. If the commissioners and their wisdom feel that a cash in lieu is justified, here is what I personally would like to see. No. 1, that the 59% of the construction of a municipal parking structure would be too high for small developments. You understand that most of the lots in the Wailuku redevelopment area are substandard. They're like 5,000 - 6,000 square feet. 59% can amount to 20% of the construction cost. That's a no go. So if you adopt this cash in lieu ordinance, my first suggestion is that it be a percentage of the building permit cost – like 3% perhaps – maybe perhaps no more than 5%. That way small major remodeling can afford it. It wouldn't be a major burden.

The second requirement is that the ordinance proposes that the fund be put aside in a special – the MRA put the funds aside in a special fund for a specific use which is parking. I feel they should be put in the general fund of the MRA to cover operations because I think every commissioner who has served here realizes that without a paid staff, it's going to be very difficult for the MRA to carry through its real mission as stated in Chapter 53, the Urban Law. Alright. That's it.

Ms. Betts Basinger: Thank you. Members, any questions of the testifier? Hearing none, thank you very much.

Mr. Kawahara: Thank you.

Ms. Betts Basinger: Our second testifier signed up is David Singer.

Mr. David Singer: . . . (inaudible) . . .

Ms. Betts Basinger: David Singer?

Mr. Singer: . . . (inaudible) . . .

Ms. Betts Basinger: Do we have any other members of the public that want to testify at this point? Thank you. Jocelyn?

Ms. Jocelyn Perreira: Jocelyn Perreira, Wailuku Main Street Association Inc./Tri-Isle Main Street Resource Center. Good afternoon commissioners, staff and members of the public. Thank you for making clear that we're talking about the same ordinance as 2002. I just would like to note that our agency, our organization, is in agreement with the purpose and intent, and generally in support of a cash in lieu payment alternative. Implementation of such as system is needed to promote and accelerate development and construction of central parking facility in Wailuku town. We support the in lieu fee provided that it is applied on a fair and rationale basis. We support the in lieu provided it is reasonable and does not cause extensive financial hardship on the existing owners. And we feel the amendment

also address parking entitlements where MRA will assign parking stalls to the owner. After they pay the cash in lieu, we are not in support of individual assignment of stalls. We are not merely constructing reserved stalls to accommodate existing establishments and we want to be sure that it is made clear that additional stalls be developed above and beyond the approximately 200 stalls in the current parking facility and have an opportunity in the new parking facility to have heavy footings so that if we need to go up further that we can accommodate that.

So what Mr. Kawahara noted has been discussed as well, and, of course, the amount, the percentage is going to be determined by you all. But let's face it, the most important thing to note here is that we do need to make it affordable, otherwise we defeat the purpose. And as for the funding, the last thing we need is to get the money lost in a general fund that goes God knows where. It should be ear marked for the operations of the Maui Redevelopment Agency, or additional parking in their effort to ensure adequate parking. Thank you.

Ms. Betts Basinger: Thanks Jocelyn. Members, any questions of the testifier? Seeing none, thank you. Mr. Kimura.

Mr. Robert Kimura: I thank you very much. Robert Kimura. I've been here when that wasn't issue, and I remember it clearly. You see, the old time matter of giving or politically allowing parking spaces for the allocated areas for merchants to be accepted as business people aiming to the area and occupying a business space. If you remember, the 500 square feet requirement. And they are the ones, at the same time, this – if you don't have this lot space, business lot space, to establish or create two parkings, or 500 square feet at that time, I think the requirement made was – I forgot it – anyway there was a requirement. And the requirement period of that two lot permissive priority would be the ability to pay for two parking spaces, if you can pay for it, because the law says we don't have any empty lots to offer anymore. So I remember that much. And that's why it was at the breaking point of paying for parking lots or just wait for the new idea of building a new parking structure. And the person that was involved directly as an MRA agent or head of the MRA at that particular time was John Summers. Are you friendly enough to work John Summers to ask him, say John what happened to the MRA? There were quite a bit of judicial situations coming in – yeah, the lawyers came in – see, because what's – the person who built this building across the street – already had started to building a building and then that became a complete area so they brought in the attorneys. So if you want to know the general summary of the whole situation and change over, expiration of the free parking spaces, the person that would know would be John Summers. He's younger than I am. I'm sure his mind is much, much tolerance than mines and lasting. And my name is Kimura, so it's not Alzheimer. Okay, end of story.

Ms. Betts Basinger: Thank you very much Mr. Kimura.

Mr. Kimura: Okay, any questions?

Ms. Betts Basinger: Members, questions of testifier? Thank you very much.

Mr. Kimura: That's it. That's suppose to be there, but you can use it. You can use it here on as an additional parking structure when private structures were built elsewhere. How about that?

Ms. Betts Basinger: Thank you.

Mr. Kimura: You're welcome.

Ms. Betts Basinger: One last call for public testimony. We will be closing public testimony after this point, and moving on with our business. Mr. Singer, are you sure you don't want to give public testimony at this point before we close it?

Mr. Singer: . . . (inaudible) . . .

Ms. Betts Basinger: Thank you. Okay, step forward.

Ms. Yuki Lei Sugimura: My name is Yuki Lei Sugimura, and I just want to say that I totally support this cash in lieu ordinance moving forward. It's something, when I was with the Mayor's Office in, you know, 2000, it came forward working with John Summers, and it's really an integral part of the MRA redevelopment area plan. I'm really excited to see this take its position and having this public hearing, so good job Alexa and Ron. And I think Ron has expressed a lot of my feelings in terms of the importance of this, and I just wanted to lend my support. That's it.

Ms. Betts Basinger: Thank you. Questions members of the testifier? Seeing none, thank you Yuki. I see no one else coming forward, so at this point in time, we're going close public testimony if that's the will of the body. Agree? Public testimony is closed. We now move on staff, Joe Alueta, for item C, public hearing. Mr. Jeffrey S. Hunt, Planning Director, submitting a Bill for an ordinance amending Chapter 14.72, Maui County Code, relating to need assessment study relating to parking assessment fees. The amendments established a cash in lieu of parking program as an optional method of providing parking within the areas designated as the Wailuku Redevelopment Area, by adding a new section which establishes items A through K: purpose, intent, applicability, criteria for MRA review and approval of applications for cash in lieu of parking, a review process for applications for cash in lieu of parking, requirements for cash in lieu of parking, a methodology for calculating cash in lieu parking fees, a fee, payment options and related costs, parking entitlements and provisions for the deposit of funds, parking entitlements, and the deposit of funds.

Members, as we receive this information from Mr. Alueta, I want to remind you that we have received written testimony from Wailuku Main Street Association which each of you have received a letter dated April 13, 2005 and some notes attached to it. And we have also received and it has been distributed comment from our absent member Ray Phillips, whom I will have Erin read into the record after Mr. Alueta's presentation.

C. PUBLIC HEARING

1. **MR. JEFFERY S. HUNT, PLANNING DIRECTOR, SUBMITTING A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.72, MAUI COUNTY CODE, RELATING TO NEEDS ASSESSMENT STUDY RELATING TO PARKING ASSESSMENT FEES. THE AMENDMENTS ESTABLISH A CASH IN-LIEU-OF PARKING PROGRAM AS AN OPTIONAL METHOD OF PROVIDING PARKING WITHIN AREAS DESIGNATED AS THE WAILUKU REDEVELOPMENT AREA BY ADDING A NEW SECTION WHICH ESTABLISHES THE FOLLOWING:**
 - a. **Purpose**
 - b. **Intent**
 - c. **Applicability**
 - d. **Criteria for MRA review and approval of applications for cash in-lieu-of parking.**
 - e. **A review process for applications for cash in-lieu-of parking.**
 - f. **Requirements for cash in-lieu-of parking.**
 - g. **A methodology for calculating cash in-lieu-of parking fees.**
 - h. **Fee**
 - i. **Payment options and related costs, parking entitlements and provisions for the deposit of funds.**
 - j. **Parking entitlements**
 - k. **Deposit of funds**

Mr. Joseph Alueta: Sorry for the lengthy handout there. I just wanted to get you some background information. I know all of you are not going to digest it at this point, but it will be useful in your future endeavors as far as background and having a greater understanding of some of the background or the research that has already gone into drafting this ordinance and going forward. As you can see from the ordinance, although it says 2009, this was probably written in 2001-2002 and from the minutes that I provided you in your – or when it first discussed back in February 15, 2002. The original cash in lieu ordinance was going to be part of your 701, which is your administrative rules for the Maui Redevelopment Agency. One of the things that I did past out, and I'll hold it up for you all, it's 46. This is HRS 46. This is State Statute that empowers the County. And one of things

that they empower, you know, besides zoning and all of that, is they empower the County to impact fee calculations. This enabling legislation then fostered what we call Chapter 14, which I also attached on the back side of 46, and that's the needs assessment studies for anytime you do any type of impact, whether it be a traffic impact fee, sewer impact fees, anything that falls under the County's jurisdiction as far as authority. So the State gave us the power to assess or create an impact fee, but they set up the parameters in which you could do that. The County then amended their ordinance and established the code under which we had to do all in compliance with State law under Maui County Code. And then we have our Bill. As you know, there's the traffic impact fee that's going through Council. This is just another one. This is going to be specifically for the MRA for a cash in lieu parking for the Wailuku area. This will be ground set – I don't want to say earth shaking or precedent setting – but it will be a model that can be followed by other communities on this island including Paia, Haiku, Makawao or anywhere else. So it will set a foundation or a framework in which something can follow. But you can't just willy-nilly say, oh, let's wave parking as the County Code. As our former Chair testified, 19.36 does not fly. You have your own zoning and development code. You have your own parking code, so that requirement or that authority to say, well, no, you don't need any parking for anybody within 200 feet, does not apply to the MRA.

Secondly, this body determined, based on the problems that you had in Lahaina with phantom parking. The same thing was occurring with the MRA in which you were granting waivers. And you were granted waivers than you had stalls. Now from a budgetary standpoint that kind of deficit doesn't work. It doesn't make any sense, and therefore, the need for do we need more parking, and we had to establish that. So we had – not only did we have several parking studies – we had QMark study done. I passed that out. It was a QMark survey and that might be useful for member Horcajo and Katharine when they do the study, but we also did a future needs project for the area around Wailuku. This was done in 2004, so it's a little dated. It's five years old now. And remember, this is why we were trying to get this parking structure going. And this shows that we're going to be in a –. If you want to have the rest of the properties around redeveloped and based on what their parking needs, based on the code that was adopted by this MRA, you're going to be in a significant deficit. And given that the overall plan, the PC1 for this, was not to have itty-bitty two lot, two or three stall parking lots of parking in front of every little shop because you wanted to have the built two lines, meaning people building their building to the street or fully building out their lot and providing a centralized parking.

We then came up with this, and that's the CD I gave you. I couldn't afford to – County's on a budget. This the study that was done by Chris Hart for the MRA, and for the County of Maui. So this is your Wailuku Municipal Parking Lot parking plan, and that's the CD that you have there. But some other things that are in your little handout that I gave you, this is the summary sheet. Bob has it right in the front. This is the summary sheet from this document. One of the key things it has here is your preferred options and it tells you what

the costs are. There's a slight typo here. They got cost as \$16,069, but I think it's actually, in their summary, they say \$16,099. But again, we're not sure where construction costs are. But, based on that, right, you had all of these little documents and that was basically your needs assessment. And that's how we came to the point of we need to do – we should do a cash in lieu parking assessment, special assessment, so that people can pay into a fund – and then we hope for – and with the idea, build a centralized parking structure as consistent with this, but also consistent with the Bible of the MRA, which is your what do you want do? And again, this was all envisioned long ago. It was all approved by this board as well as the County Council. And you again said, you wanted to do a cash in lieu ordinance. That's why I'm a little – when there was talk of not doing one, I was a little dumbfounded. But at the same time, the cash in lieu ordinance provides you with, one, helping to offset the immense cost of under taking this capital improvement project for this, but also it's a selling point to the Council members as well as the other people of the public who may not view themselves as having a direct benefit in seeing the revitalization of Wailuku. Because that's what all the Council members are going to be saying – why should I spend this much capital improvement project for shop owners in Wailuku to build a parking structure, if they're not willing, if the shop owners are not willing to contribute to that parking in itself. And so that's part of the political selling point as well to get this structure done, as well as, I think that's the only fair method that everybody contributes to get the parking structure.

Why did we take so long? I mean, we've had this on the agenda for as long as I could remember and never gone anywhere. The first derailing of it, besides being the fact that it was originally put in the rules, was under the Mayor at the time – Alan Arakawa – he rightfully so concerned that if we give you a cash in lieu, where does the money go? And I think that was one of the tweaking that had to be done. We had to create a special fund that was – I don't want to say – it was under the control where it was earmarked specifically to provide parking for this community. And they didn't want to see it as a part of a general operational fund for the MRA. And I think that's a legitimate concern because that's the whole point of doing a needs assessment. You're assessing people for a parking. You can't spend it on. That's how certain Mayors in the past have been removed by Federal government, or other Mayors have been removed, so we want to make sure we're all above board.

So, again, if you go through the ordinance for the cash in lieu, it pretty much goes down the line of your purpose, how are you going to assess, what are the criteria if someone comes in for a waiver, and I think the most important thing is how much are they assessed, I mean, as far as . . . (inaudible) . . . They're not being asked to provided for 100% of the cost. They're asked to provide for a percentage of the cost to provide it offsite. It's transferable. It's an entitlement to that land. If they pay it, they've got the right to it, and they can sell that off, so it's a value added to any property that comes about. I think, you know, in calculating the fees, we tried to be the most very objective, I guess. You know,

you try to go with, what's it going to cost? What's the construction cost? And I think they used some pretty standardized methodology with a BNI, Building Index for General Cost book, or similar and nationally recognized cost index. I think we've insured that in section K, deposit of funds, shall deposit the money collected for cash in lieu parking in a special and separate fund. I think that addresses many of the other political concerns. So I think relatively it's straight forward. You currently have that ability. I think there's some legitimate comments that came out of Wailuku regarding the earmarking or allocating as far as labeling specific stalls. I think that is a legitimate concern. I think you want to be able to have the flexibility because some businesses don't operate on the same hours, and you want to still have that stalls open and not maybe corded off or feel like people can't park there when they're only coming for different times of the day. I find that annoying when I go to places that says "reserved." I think it's very discouraging to most customers in the area.

But again, I'm kind of picking up the pieces from 2002, and we're just kind of popping it down seven years later. So it's kind of difficult to bring it. I'm trying my best as I can to bring everybody up to speed from where we were, and the amount of study that went into this. And this body is not the final authority – I just have to let – I mean, you all know that. This is an amendment to the Maui County Code. It will have to be adopted by the Council. The Council will, hopefully, will – they're going to have to hold their own public hearing. They're going to have to decide, you know, what's going to be the correct rationale payment. They've already, in some sense, in the adoption of the Maui Redevelopment Plan, they already said, we want to have a cash in lieu, to develop a cash in lieu system. So I don't think it's that onerous of a fee. I think that hopefully we will get something on the books so that some of this can be initiated. And some of the people who has already committed to pay for the cash in lieu, we'll have a finite number and they can finally close out their books as far as paying up what is owed for their waiver. I think this is, you know, again, you have a Mayor that's very committed to getting this parking structure completed. And given the amount of Federal money that she's already secured for this, I think we are in a good position where we can move this forward. And, you know, during the next up swing, I think people are going to start looking at, you know, how do I maximize my property? Instead of having these little, you know, right now, where you see little funky parking stalls in front of shops. I think people would rather go higher density if they feel that their parking is going to be – or at least a parking of their parking – onsite. And I think also design wise, it's what your adopted design codes call for. I'm here to take any questions and try to –

Ms. Betts Basinger: Members questions?

Mr. Horcajo: I have lots of questions. I guess, if you don't mind, Joe, I guess, just a general question and maybe this is also one for the Chair too. I do understand that this has to go the County Council. I guess I would like to maybe . . . (inaudible) . . . correct or comment

as Ron said it did go through Council back in 2002, but it never got sent anyway.

Mr. Alueta: No, it was never. The Mayor did not forward it on. That's my understanding in talking with John Summers.

Mr. Horcajo: I saw a letter from John Min to Council back in 2002 August that it went to Council.

Ms. Perreira: . . . (inaudible) . . .

Mr. Horcajo: I'm sorry?

Ms. Perreira: . . . (inaudible) . . .

Mr. Horcajo: Or Dain Kane. That's fine.

Mr. Alueta: Yeah.

Mr. Horcajo: I guess my first general comment is if this body decides to recommend approval of this in its present state and we vote on it, it would go directly to Council?

Mr. Alueta: That is correct.

Mr. Horcajo: Okay. If this body decides to make changes before going to Council, do we hold another public hearing?

Mr. Alueta: Right now you're a commenting agent.

Mr. Horcajo: I'm sorry?

Mr. Alueta: You would be a commenting agency. So whatever comments you make, or recommendations and amendments would go up with the original bill, and the Department would draft your comments and say this is the changes recommended by the MRA.

Mr. Horcajo: And then the public can have a chance to make comments on our suggestions and stuff.

Mr. Alueta: Right. A public hearing will be held by the Council.

Mr. Horcajo: Okay. If you don't mind, I have just some specific questions, and I'm just going to go page by page I guess. One question is what's the reason for using 600 feet as the guide for having to pay cash in lieu? I guess my thought is, and I think I mentioned at

the last meeting, for me, the closer you are to the parking structure, the more impact you have with your employees, versus somebody 600 feet away who probably is not going to walk up that far to get to the parking lot. But, so my first question is, I guess, where did the 600 feet come from? And this is on D3, criteria for approval. I realize this is seven years ago, and you might not have been part of that discussion.

Mr. Alueta: Yeah, 650 feet, actually.

Mr. Horcajo: 650 feet. I'm sorry.

Mr. Alueta: Even further. You come up with your parking facility at capacity to observe the number required. I think with the expansion, the 650 is the result of the expansion of the MRA. I think that was the thing they were trying to –. The original MRA area was pretty much and immediately around Wailuku town. And then it was expanded down to Central Avenue and incorporating, I think, the Ooka Supermarket and everything, as well as going down to Happy Valley. So I think they were trying to allow for more of the substandard lots within Wailuku town to take advantage of the ability to way. I think the point is that if you're not able to put it onsite, then you have the ability to pay for it. Now if you have the ability to put it onsite, and you choose to put it onsite, you can. It's just how you decide to develop. So if you make it only 300 feet, correct, then you have no ability to waive the stall, so you would have to provide it onsite. So if you narrow the balloon, the circle in which you can do it, then you're actually losing that option for those properties further away. You understand?

Mr. Horcajo: Yeah, no, I see what you're saying. Maybe let me ask you a question this way then – do you personally or you think the Planning Department feel that a building right next to the parking structure would be impacting the use of that more than somebody 600 feet away. And potentially they should pay maybe a lesser percentage of the stall charge, the actual parking assessment.

Mr. Alueta: I see your point. No, I agree and that could be one of your comments that there should be –

Ms. Betts Basinger: Mr. Alueta, Mr. Horcajo, Chair recognizes staff Erin Wade for additional comments on this.

Ms. Erin Wade: Just briefly. Pedestrian planning use to be what I would do, and it's generally accepted that a quarter of a mile is how far people will walk if you have excellent pedestrian facilities; and an eight of a mile which is the 650 feet, if you have decent or adequate pedestrian facilities, people will walk for a parking stall. So that's probably – I would guess that's where John got that number.

Mr. Alueta: Yeah. 10 minute walk.

Ms. Betts Basinger: Thank you. Go ahead Mr. Horcajo.

Mr. Horcajo: Okay, you've answered that question. And I guess because it says here that, 650 feet, that it's adequate parking capacity brings up your comment that you had mentioned about this body, current and previous years, giving waivers when there was no actual spaces available at the parking structure. And you mentioned the needs assessments, and of course, there's Chris Hart Master Plan. And I guess, my overall comment, and I guess I'm talking here, is that my understanding even from that Group 70 Project was that their study indicated for full built out we needed 1,100 stalls. The Chris Hart Plan that eventually worked its way to BC1 and 383, whatever, 388 stalls only took into account the existing usages and I think two projects that were going to be online. I think one was with Lloyd Kimura and maybe the Joslin one I think it was. So my point being, you know, there's even what we're talking about in the future of the municipal parking lot, there's really not enough stalls in that one lot here. So how do we – so what are we doing I guess? I mean, even if we passed this, where does it get us?

Mr. Alueta: Well, it gets us one step closer which is further along five years ago I guess you could say. Because I think you are of one mind set, and there's other people who have a different mind set, that there's adequate parking stalls and we don't need to build anymore parking stalls. So you have two extreme thoughts and during the whole public process in which to do that, in which, Wailuku Community Association was a key member of, there was some give and take. There was some compromises. And the compromise was PC1, and I think when the public hearings were held by the Planning Department, there was an extreme amount of disagreement I guess you could say, not only the design, the alternatives, but also the number of stalls. And I think, you know, the compromise position was this was the best compromise. And it's like we're going to get more stalls than we had before, and I think that would be –. And you know, just because you built this one, it doesn't necessarily mean that there's not going to be satellite parking lots. I think, you know, now that the thing has been expanded down into Happy Valley, the potential for satellite parking lots is great. Because Wade and I toured Happy Valley as well as some of the other areas of Wailuku, and we tried to identify some of the lots that we felt potentially won for redevelopment, whether it's slum and blight, or what condition. But also some lots are potential mostly for is this a good lot that we could use as temporary stalls, or even potential for satellite parking in the future.

Ms. Betts Basinger: Any other questions? Mr. Horcajo, you want to move on?

Mr. Horcajo: Yeah. I have a list of other questions on this, so I can –

Ms. Katharine Popenuk: I have one.

Ms. Betts Basinger: On this one, or do you want to start your own comments?

Ms. Popenuk: What he's talking about.

Ms. Betts Basinger: Okay. Thank you. Ms. Popenuk?

Ms. Popenuk: As I was reading through this stuff, it occurred to me that we need to be clear I think whether we're providing a waiver to not provide parking or whether we are providing a promise of a parking stall somewhere. If you can understand the nuance between that.

Mr. Horcajo: Right.

Ms. Popenuk: So a business owner pays a certain amount of money and what do they get for that amount of money? Do they get a promised parking space, someplace, somewhere at sometime, or do they get a waiver to be allowed to continue to develop that parcel of land without providing the parking? Because it occurred to me, you know, this process has been going on for many, many years and if we're promising to provide a parking stall, we don't know when that will happen, or where that will happen.

Mr. Alueta: Yeah. I think what it is is that you currently in your code, and the MRA, when they do a redevelopment project, you have the ability to either waive the parking and it calls for a provision, and you have parking reductions, as well as, outright waivers. You don't have the ability to say, pay this money and we'll build you a centralized parking for you in the future. In a sense, it's sort of a temporary waiver with the promise that you're going to get them a stalls somewhere offsite.

Ms. Popenuk: I think that needs to be really clear what it is.

Mr. Alueta: No, it's an excellent point as to how, but I think it's always going to be mud until the actual physical parking stall is built. I think it's really a temporary waiver with the right to redevelop your property. And you're entering into an agreement that I basically either get a waiver or a stall, but I'm paying for that in some fashion. And we're going to, and the County is saying we're willing to take a chance and we're relatively sure that we're going to build you stall somewhere else.

Ms. Betts Basinger: Corporation Counsel, is that legal? Is it legal to ask someone to pay a fee for a parking stall that we cannot guarantee they'll ever have?

Mr. James Giroux: Well, the fee has to have some kind of rationale basis, and that's why Chapter 14 has you do a needs assessment. So there's got to be some kind of effort. And usually when you have a CIP project connected to it, and what we do with it –. We're in the middle of this with the traffic impact fees right now, and it's a –. You know, I feel the pain

because they go out there, they do a study, they revamp the study, they study the study, the study is flawed, and everybody is going well are we going to get a road? So, as long as the objective is that you're looking at something that needs to be built, everybody knows we need roads on Maui. The problem is that you're working with the State, the Feds, the County.

Mr. Alueta: This is simple James. We're just building a parking structure. This is not -. So, don't mix apples and oranges.

Ms. Betts Basinger: Is it reimbursable?

Mr. Giroux: So what I'm saying is that if you're sticking to this parking structure and that's your CIP project, and that's where the money is suppose to go, then that's your rationale basis. You know, that's where you have an end goal.

Ms. Betts Basinger: Thank you. And speaking of end goal, if that municipal parking structure for whatever reason is never completed, will that business person be reimbursed that fee for parking? And secondly, what kind of provisions are made for a business that may no longer even be in existence by the time the parking structure is completed? And I understand you're saying it goes with the land, but, again, that "reimbursability."

Mr. Giroux: Yeah, the State law does address that. It says that if it's not used in a certain amount of time - and I believe it's six years - that the County is suppose to have a mechanism to actually return that money. So that's where that's addressed.

Mr. Horcajo: Chair?

Ms. Betts Basinger: Yes, Mr. Horcajo.

Mr. Horcajo: Well, I guess back to the same topic. I was a little bit confused James, but, because you mentioned like the CIP which I guess that's for the construction of the parking structure right? The cash in lieu fee, I don't consider that as CIP. And if we're taking money for that, you know, with the hope of having a parking stall, and we kind of know there might not be enough parking stalls now regardless of, as Joe saying there are some people that feel we don't need any. What about, you know, if we're giving away more stalls and it's reserved especially if we have existing users who have been using the stall, you know, where's the fairness there? And I think that was one of the notes from the Wailuku Main Street because we have existing people who actually use the stalls.

Mr. Giroux: I think you need to look at your needs assessment. I haven't seen the study and that's where the professionals and the experts come in, you know. And you've got to methodology and you've got to look at your, you know - there's all kinds of things to look

at and that's why you have the needs assessment. That's why there's that, you know –. If you're going to charge somebody money, then it's suppose to be because it's needed, and it's needed for – you're taking that money and you're reducing that impact that that person is causing. So there's a quid pro quo.

Mr. Horcajo: Well, I guess from – excuse me – sorry.

Ms. Betts Basinger: Thank you. Chair recognizes Ms. Popenuk.

Ms. Popenuk: Is it possible to charge a fee just for the relief of providing onsite parking, period? Of course, we will want to provide a parking structure or a satellite parking spaces throughout Wailuku town or whatever, but can we just charge the fee for the relief of having it provided onsite, with no written in guarantee this is for a parking stall for you?

Ms. Betts Basinger: I believe that's our waiver power.

Mr. Giroux: Yeah, I guess the conversation comes up when you're talking about municipalities is when they're asking for money, is it a fee or is it a tax? If it's a tax, it has to go through the State and the codes, and you've got to follow all of their processing. If you're charging a fee, it also has to have a rationale basis. The fee has to be for usually the administrative cost of what you're asking for. Usually, it involves permitting. You know, what is the cost of administrating that? So I don't know. Like Joe says, you don't want to be mixing apples and oranges. You want to be very clear that you've taken this road, and this road that you're taking is –

Mr. Alueta: It's for a CIP project.

Mr. Giroux: – you found the need. You've done your need, and you've found the impact and you've correlated that the money with reducing that impact.

Mr. Alueta: And going back to the waiver. I mean, as the Chairperson noted, you have the ability to waive. And it's been the position at least of the past boards that we've exceeded the amount of waivers. We've granted too many to the existing businesses within the thing when they've come in. And therefore, we do not have any more capacity within that parking structure to grant the waivers. And you've gotten to the point where, you know, that fine line. Without the fine line, the law is clear. You can't just create an impact or create a requirement – you need to provide the parking, and we'll waive you if you pay us, but we're not going to provide you any parking. And that's where James get in the point of is that a tax, is that fee. And so that's why the law is very clear that under 46, you need to say, if you're going to collect a fee or not providing some type of parking, it has to go to – it has to have a needs assessment and you also have to have an end goal to that. But I think that that's –

Ms. Betts Basinger: Thank you. Chair recognizes Corporation Counsel.

Mr. Giroux: And the other legal theory you're against is that you can't bargain away your police power. You can't get into this ad hoc exaction because then you get into takings issues. So, you know, one person comes in and you say, well, how's \$250,000 sound? Oh, great, yeah. They put down the money. They built their project. The next guy comes in – well, how's about \$50,000? How does that sound? Great. He puts down his money. You have a disparity there. Even though, you know, it might be based on size of the project or whatever, but there's no study that correlates this exaction with that impact, and with the proportionality of that impact. So that's why you want to stick as close to this methodology as possible because it covers your basis. It says that we did a study. We have a nexus. We have proportionality. You're going to avoid a takings claim.

Ms. Betts Basinger: Chair recognizes Katharine.

Ms. Popenuk: So if I hear you correctly, you're saying, in order to charge this fee, it needs to be specifically tied to parking. And did you say that it had to – what was the six year period that you mentioned?

Mr. Giroux: Yeah, the State law does give a deadline that says that you've got to use these funds within a certain amount of time. So that's something the law should address also is that if you're going to collect these monies, you can't just hold on to them in perpetuity. I think that addresses the issue is anybody ever going to get a parking structure? The State law says, well, they should or they should get their money back.

Mr. Alueta: If that's the case, then I would recommend that you amend section I, on page two, to come up with a provision of within a certain time period.

Ms. Betts Basinger: Any other questions members of the testifier or of staff?

Mr. Horcajo: Yes Chair, I have just a couple of technical stuff if we're kind of a commenting agency to Council. On E3, it says "payments shall be made to the MRA as set forth herein prior to the issuance of any license, building permit, or certificate of occupancy for the project." Is there a reason that Planning Department just did not just choose one of those things, you know, CO or building permit? The way I read it, you know, then the issue comes up, well, I don't really have to pay it when I get my permit. I can wait until I get my CO. So that was one technical question.

Ms. Betts Basinger: Mr. Alueta?

Mr. Alueta: It just gives it more flexibility. That's pretty standard depending on when the project is coming in because you may have a change in use with your CO, and there's no

building permit. It just creates a different –. I mean, we've had several projects where they have intensification of use and that would trigger additional parking. And so this would allow them to, prior being the CO, I'll pay my fee. Same thing with the building permit and new project. Got it?

Mr. Horcajo: Okay. That's great. Second technical question, in F2, I'm wondering whether I'm reading this wrong – conversion of existing off-street parking. Can you explain that to me? I was wondering whether that meant a conversion of existing on-street parking? Can you explain what that means?

Mr. Alueta: I believe that there was – when this was drafted, you had a provision where some people were granted waivers because they were – on-street parking was being counted. And I think also, within your code, if you look a – if you go through your redevelopment – not redevelopment – zoning and development code for the MRA, there are also provisions for on-street parking. I know that it's 19.36 for churches that, you know, if there's so much on-street parking, that on-street parking can be counted toward their required parking and that's for churches. I believe a similar provision is in there for certain uses within the zoning and development code.

Mr. Horcajo: Okay, I guess, I'm still not clear. So this says that if I had a project, way back when, and I got off-street parking, and this says I can convert it to cash in lieu of parking. Why would I want to do that if I've already got – is that because –

Mr. Alueta: Because of the use may be different. You've got the on-street parking waiver because of the specific type of use. So all of sudden you change your use, that no longer qualifies for that on-street parking. Just like in the code, you have like churches are allowed to use on-street parking. I believe – I don't have my – I was looking for my zoning –

Ms. Betts Basinger: Ms. Wade, any other comment on this issue?

Ms. Wade: Well, I guess, what I was wondering is if that conversion means development of existing off-street parking? Then it would make sense to me if it was development of existing off-street parking maybe converted to cash in lieu parking. Meaning if you choose to expand your property and built where you now have parking, you can now choose to do the cash in lieu.

Mr. Alueta: I'm sorry – existing. I kept reading it's on-street.

Ms. Wade: Yeah, off-street.

Mr. Alueta: Off-street. Okay.

Mr. Horcajo: Well, I thought it should have said on-street, but that's – I got it.

Mr. Alueta: Now I'm getting it. Sorry. Sorry. It's – yes – so you have say the Maui Book Store in which you have six stalls in the very front of this. If they choose to redevelop that lot, they could convert that existing – redevelop or build out to the road which would probably be more desirable, and then take those – instead of having those six stalls on-site, pay to have those six stalls at the parking structure.

Mr. Horcajo: So should that be on versus off then?

Mr. Alueta: No, it is existing off-street parking.

Ms. Wade: It's worded awkwardly though. Yeah, perhaps, we should –

Mr. Horcajo: – because for me, if you bring up the Maui Book Store, they have on-street parking, they want to put a building there, they're going to convert on-street to cash in lieu.

Mr. Alueta: No. No. No.

Mr. Horcajo: Not, on-street. I'm sorry, off-street. Okay.

Mr. Alueta: It is off-street.

Mr. Horcajo: Okay, I got it. Now I got it.

Mr. Alueta: It's basically if you provide it, parking on your site – and it could be – you could read it as on-site parking if you want to make it more clear. If you want change existing on-site parking.

Mr. Horcajo: On site. That makes it clearer.

Mr. Alueta: On-site parking. How about that? We'll do that – on-site parking. Another example, like Diane Ho has her – she converted her law office in that little house, and she, you know, put four stalls – squeezed them right on her property and she can do the same thing if she wanted to expand that building.

Mr. Horcajo: I have only one last question if you don't mind and that's just a general. You had talked about, I guess, in item G, methodology. Would you have any idea what the first stall construction cost is now based on the building use and general construction cost book?

Mr. Alueta: No, and that's why, again, it's like, you know, some of these things are time sensitive because of the five year lag and the last study that was done – as you can see the option was – and I've attached it the summary sheet. This one here, Bob.

Ms. Betts Basinger: 2002.

Mr. Alueta: Yeah. But, if you look at this one, it has the –. If you look on that, that gives you the probable construction cost in the back. I gave you. I photocopied some of the probable construction costs on the back of the different options. So again, you had, you know – who knows if the economy – I mean it's like this.

Ms. Betts Basinger: Members, any other questions? Direct questions?

Ms. Popenuk: I did. In the beginning of this, it talks about the purpose and I noted that it simply says provide parking. It doesn't make reference specifically to the centralized parking structure. I wondered how that impacts anything.

Mr. Alueta: I think it was done because it would allow us to create maybe potential satellite parking, maybe down in Happy Valley or in other areas, other than just the parking structure. So if the opportunity came up for the County to acquire some lands within town to provide a centralized parking, whether it be 20 stalls or 15 stalls here, the money could be used for that.

Ms. Popenuk: That was what I was kind of thinking. And I was thinking about Happy Valley people and it's very unlikely that they would be walking all the way up to the centralized parking structure to do business down in Happy Valley. And how having to contribute money to the central parking structure would really be of no service to them really. What would be more appropriate would be a satellite parking facility for their use. And then that kind of also brings into mind the thought of the people most likely to use the centralized parking lot or structure are going to be the people that are closest to that facility. And as you get farther and farther away from that facility, you're less and less likely to take advantage of that. And I was wondering about the cost of the fee and whether there's any provision for reduced costs for the fee depending on where your business is located relative to any parking facility that might be provided.

Mr. Alueta: That's a good –. Again, that echos Bob's comments. I think that a good comment that you can make as far as for Council to discuss, and you can also throw out some distances. But again, if you narrow the scope, again, of the distance, you reduce that opportunity for those people to get the waiver for redevelopment farther away from the project. So I guess a compromise is they get a reduced waiver, I mean, percentage of the fees. But again you also have to think like are you sure they're not going to walk? I see a lot of people walking from Happy Valley going to get their granola from Mark Aurels or

something in the morning. So there's a lot of people that do walk from Happy Valley or down into Happy Valley. And given as our infrastructure improves the 650 feet was a reduction because based on the fact that the pedestrian infrastructure within Wailuku is substandard. But as the pedestrian infrastructure improves, potentially this thing could out and people are going to be willing to walk further. But I do see a lot of people, especially walking, but I also see people using the bus. You know, catching the bus here and there.

Ms. Popenuk: I guess my thought is that the closer you are to the provided parking facility, the more you should pay rather than the less you should pay.

Mr. Alueta: So are you saying – I'm hearing two things. You want to reduce the fee based on distance, or increase the fee based on closeness?

Ms. Betts Basinger: Take your choice.

Ms. Popenuk: Yes. The answer is yes.

Mr. Alueta: Because right now the fee is going to be set at 49%.

Ms. Betts Basinger: 59%.

Mr. Alueta: 59%. So that comes out, I believe, there was a figure thrown out at one point of over \$8,000 or something like that for a waiver. So do you feel that fee should be increased if you're within the 200 foot radius to 75% of the cost of the stall? Or do you want it to be 59% as your base and you want to reduce when you go further out? There's a big difference.

Ms. Betts Basinger: I think we've had a couple of comments on that particular area with a couple specific ideas for it. If there are no other comments, we do have a comment from our member Ray Phillips that I'm going to ask Ms. Wade to read into the record on this issue.

Ms. Wade: "Aloha Alexa. My partners are coming in from California this week, and arrive on Monday with their families. My schedule is totally at their disposal as they are my investors at the Ellair project. So, Wednesday might possibly not be doable for the MRA meeting. So good luck with the cash in lieu. For my part I am opposed to any amount that precludes additional development in the Wailuku area. What is the "magic" amount? In my book, certainly no more than \$5,000 per space. As a developer I can tell you that the builders and developers are already saddled by so many fees and cost as required by the County and State that in the foreseeable time it just doesn't "pencil out." That's in quotes. "So we need to be very careful. This project should really be financed by a special assessment and or bond issuance, if it ever to get done. Maybe the combination of all of

this is the way to go. If the County doesn't do it with assessment or bond offering, and taking in the amount of development in Wailuku, the parking structure will be a forever project. So we must be careful about negative motivator and not punish the folks that we want to see the area prosper."

Ms. Betts Basinger: Thank you Ms. Wade. And I'd like to make a couple of comments and I have some questions. You know, the comments that we did hear in public testimony, 100% of them said, yeah maybe cash in lieu is okay, but not just like this, that amendments need to be made. And I'm going to go to the majority on that because I also have some questions. In the question of it being a fair assessment which is what this is being promoted as, I'm still not understanding how everybody is contributing to this parking structure with this fee. I mean, Wailuku town is Maui County's town. People come into Wailuku from Paia, from up-country. State workers park here. County workers park here. It's how are they contributing to cash that is ostensibly to help provide parking? The other question that I can't get my arms around is what is the rationale of cash in lieu at this point? We've talked about it as a rationale to get money for building the municipal parking structure. However, that's not the purpose. And I want to remind everybody that all be that the Council gave us our marching order, they also gave us a priority, and cash in lieu is not anywhere in the priority list of tasks for the MRA and the redevelopment area.

The other option – is it money for alleviating parking? Is it money to finding satellite structures or alternative parking arrangements for people that use this town? So I don't feel that there's a clear definition in this ordinance of the purpose, and who benefits. And when you get to the rationale of how do you charge the fee, again, to create fairness, should it be a percentage of the cost of their permitting to redevelop in this area? Should it be, in fairness, where they're developing in relation to a proposed centralized parking structure. What if they're developing in Happy Valley and there's a small alternate parking, satellite parking, right next to where they're developing? Are they still required to pay a fee for this municipal structure if that's what it's for? I guess my feeling is that, in addition to hearing public testimony which had questions about many of these, and everyone wanted an amendment, I also don't think questions are answered even questions that went to Corporation Counsel about the legality of this. And if there is no parking structure, who's been holding onto that money to give it all back in six years? So I guess I'm going to be inclined when I call the question, and I'll need your advice Joe, if we are just a commenting body on this ordinance, then I need you to advise us as to how those comments – what those comments – should be because right now my thinking is well my comment is send it back to be re-written and answer all of these concerns that were raised by this body. But I don't know if that's appropriate so I'll lean to you for that.

Mr. Alueta: Your comments can be either – it would be preferred to be more directly, meaning –

Ms. Betts Basinger: Incorporate.

Mr. Alueta: Incorporate like this is what you want to see changed. To say – I don't want to say you can. You can say, you know, as they say, garbage in, garbage out. If you really feel this ordinance is garbage, and there is no use for it, then fine. Then the Department will go back and try again. But again, it's kind of like feeling in the dark and trying to describe an elephant. So try. If you –

Ms. Betts Basinger: Thank you for that. And I will further go on to say that if indeed you – if the Planning Department would like to have substantive input from this body in amending this cash in lieu ordinance, we would be happy to do that. But we will not do that as a body until we have updated parking assessment studies. The most recent thing that this ordinance is based on is almost six years old. So that's asking an awful lot, but we could do that. So our comment, right now, I think –

Mr. Alueta: You've had this on your agenda for two years. I have given it to you a year and a half ago. We've discussed it couple times in our meeting. I have not received one email, one verbal comment on this ordinance. And then now you're telling me, a year and a half later, these are the things wrong with it. And I could've prep and done all of these things before we scheduled and spent money. I'm just saying –

Ms. Betts Basinger: I can't answer for previous MRA's and previous commissions, but I'm thankful for our past Chair for making this an item that we do want to move forward. It is not a priority item in our orders, in our Bible. However, it is, I believe, although I haven't found the page – Erin you might want to help me – where it is one of our tasks. It's not a priority. And in the interim, I think the concerned voice by this particular body was that there was a notion out there to developers that there's this onerous cash in lieu fee that had to be paid before you can even think about helping to revitalize or redevelop. And I think that was past Chair and our past group's notion was simply to clarify that either that is or that is not the case. So I'm so thankful that we had this chance to hear again from the public, to dissect the ordinance as a body which is the only way we can do it legally, and I want to move forward with it because I think cash in lieu is a viable option to the overall development of Wailuku. I don't think this body is against the option, but I just think it isn't defined clearly enough to encourage redevelopment. So, yeah, go ahead.

Mr. Horcajo: Thank you. I guess I want to make some comments. First, in reference to what Katharine had said earlier, if you read K on page three here, and especially the last page, it says here, the funds are for the purpose of planning, designing, acquiring, developing, constructing, operating and maintaining off-street parking facilities located within or approximate to the assessment district. So for me, having read this when I first got on, it's not has to do just with the parking structure. It's satellite parking. It's other parking needs. We've talked about having studies. I brought up the fact that you can take

lao Theater illegal mini-parking lots, spend money to re-stripe it, and make it, you know, you can add five or six more stalls. So for me, that's kind of a no brainer. It's not just a parking lot.

Secondly, the study from Chris Hart's – if you read this – this is what he just gave us. Page 7, it was based on a 185 stalls for current needs and potentially 276 stalls for future needs. Betsill Brothers Construction – that project is – that's not built yet on the Queen Theater lot. Ron Kawahara, 15 stalls. Joslin, that's already built. Starr Equities, 75 stalls not built. DKK, I'm not sure where that is. Lloyd Kimura, not built – that's the banyan tree park. Bank of Hawaii. County of Maui, 60 stalls. So for me, you know, I personally feel the parking lot, the actual municipal parking lot, is probably not of adequate size. But I don't necessarily consider this outdated because it took into account projects that were on the books or even talked about, like the Starr project. And I don't want to keep belaboring the point about, you know, if we're going to bet this, we should bet it intelligently and based on what's already here. And that is reason, of course, we should bet this process, and get it up to the public hearing. But I want to be sure the public understands really what this says here.

Ms. Betts Basinger: Thank you very much, and that's a really good point that you bring up Bob because this cash in lieu has been so tied to the municipal parking lot, and in fact, when you read it, it's not at all. And so that is a big misconception, number one. And so, I don't know what kind of a vote we need to call for here. But because we're just a commenting body, we can just give you all of these comments, and hope that you'll come back with a revised ordinance that addresses each of the issues that you've heard here, and that you've heard from the public. But more importantly, I was hoping that we could have a venue here and a decision here that would clarify to all of these potential developers that aren't developing even though a parking assessment study was based on projects that may or may not happen. So I guess what I'm saying is, what does Planning Department – what would you prefer? Are you still going to take this ordinance to Council with our comments or are you thinking you might re-work it? And before you go on, I have a specific question.

Ron Kawahara testified. In his testimony, he made reference to the existing Chapter 19 which refers to parking in the general code. And I understand that there has been an ordinance to change that Chapter. Has that gone forward?

Mr. Alueta: It's up at Council right now.

Ms. Betts Basinger: It's in Council right now to change that overall throughout the County Code parking code. So would you be able to share with us how that would change Mr. Kawahara's argument?

Mr. Alueta: Mr. Kawahara's argument, again, he's mistakenly –. The MRA, the redevelopment area of Wailuku has basically been pulled out. It's like an island onto itself. Your code is your zoning and development code that you adopted. It has its own parking code in it. Title 19 does not apply. 16, 18, 14 all applies. Title 19, the zoning code, does not apply.

Ms. Betts Basinger: So the zoning code that applies in the MRA zone.

Mr. Alueta: It's the zoning and development code that was adopted by the MRA, and that has it's own parking provision. It's own Title 19 – 19.36 provision.

Ms. Betts Basinger: It's called 19.36?

Mr. Alueta: No. 19.36 –

Mr. Horcajo: . . . (inaudible) . . . 010.

Mr. Alueta: And that's your own.

Ms. Betts Basinger: Can we share that with Mr. Kawahara please.

Mr. Alueta: He has a copy of it.

Ms. Betts Basinger: Go ahead Ms. Wade. Hold on Mr. Kawahara. Ms. Wade?

Ms. Wade: Given that we've posted this as a public hearing, and the County has spent the money and this is intended to be a working session, my recommendation would be we go through, line by line, and begin editing, and providing comments to Joe for what you would like to see changed. And if there's an adjustment to the methodology that you'd like to consider, let's just discuss it here. And he can even go back and determine whether or not it's feasible. But I think, line by line, editing would be the way to go right now.

Mr. Alueta: And we can go by consensus. If none of you –. If someone has an amendment to make and nobody objects to it, then we'll just go by consensus – that amendment is acceptable to all members – and then you can vote on it at the very end.

Ms. Betts Basinger: One of my concerns with that method and I appreciate the efficiency that you're looking for is that we just received tons of information, and not a single one of us has had a moment to digest it, read it, put it together in context with this ordinance. And I think it's kind of like a kindergartner's attempt to play big if we don't even know what we're going be line by line editing. I think we need a chance to at least read the documents that led to the ordinance. So perhaps one of the options is to defer this or recess it to another

special meeting at which time we will go line by line if the body feels that we want to inject amendments as our comment. So I'll leave that up to the body. Comments?

Mr. Horcajo: Chair? I don't --. The fact that --. I mean, I don't have a problem having another special meeting to give member including like Warren who does not have the documentation yet. Because I do feel that it should go up to Council and we should make our best effort making changes, and then look at the ramifications of what we're approving.

Ms. Betts Basinger: Exactly.

Mr. Horcajo: Especially in my mind that we may end up with not enough parking stalls.

Ms. Betts Basinger: Yeah, and I think to be fair to our two members that are not here, and have not had the opportunity to have this. Both of whom have skills that are germane to this, I would suggest, members, with no objections that we put this on another special meeting agenda at which time we'll make sure that everyone has had this and it will be our intent at that meeting to go beyond making comments, but to actually suggest amendment changes. Ms. Popenuk?

Ms. Popenuk: I have a question. I mean, this information that you've given us -- parking needs projection -- whether we need more parking stalls or not, in my mind, is -- I'm not seeing the direct link between this cash in lieu ordinance. I mean if we pass this ordinance or make amendments to this ordinance or whatever, that's still not going to instantly create more parking stalls. Maybe yes down the road at some point in the future, the money is contributed to help build more parking stalls or whatever. I guess I'm looking at this and I'm going, yes, we all know we need more parking. That's a given.

Mr. Alueta: Not everyone agrees with that, and secondly state law and your County Code requires that you provide for a justification for the cash in lieu. And that's part of the -- part of the needs assessment is the documentation that I've provided you is that that's going to be bundled together as part of the needs assessment to the County Council.

Ms. Popenuk: So is this outdated and no longer valid?

Mr. Alueta: I think it's still valid because you still have those developers who want to redevelop their property but are not able to redevelop their property. To say that they can --. I don't want to say it's the chicken and egg because you can't get a building permit unless you can show that you're going to meet the parking requirement under your own zoning development code. The methodology in which -- this is just another tool for developers to get their building permit.

Ms. Betts Basinger: I agree.

Mr. Alueta: You can either provide your parking on-site. You can either buy a lot, and provide an off-site parking somewhere else, or you can not develop, or you can pay. This is another method in which you can get a cash in lieu. You can pay a cash in lieu for your parking and then you can get your building permit and CO. And a lot of these developers are willing to do their projects, but they're only willing to do it if they can pay a cash in lieu. They're not willing to build it off-site, and so they've chosen to not develop. I believe there will be many developers will come forward to pay the cash in lieu, right, so they can develop.

Ms. Popenuk: I understand what effect this has on stymieing development, to slow down development and stop development. There's people, they have a piece of land, but they can't provide parking on the piece of land, so forget about, they're not going to develop it. So I understand that.

Mr. Alueta: Are you saying cash in lieu is going to stymie it or it will aid and not stymie it?

Ms. Popenuk: My question is simply making comment on this cash in lieu ordinance, I'm hearing some people say that they want more time to review the requirement, the need. And I'm also hearing you say that there's a legality concerning that you must establish a need. And so I'm saying when does this become too old that we need to like re-do another study? Are we to that point now or is this good? Is this valid?

Mr. Alueta: I think it's still valid because you still have those projects that want to go forth. I think that the comments that I've heard so far with regards to the ordinance itself is legitimate. I mean, I think the comments, one, the confusion over on-site, off-site, off-street; conflicts with payment of returning; providing a provision in which you can return the fees if no parking is provided off-site. I think that's a legitimate and good comment that came out of this meeting today. And again, whether or not there should be a graduated scale of the cash in lieu fee structure based on the distance away from it. One is a technical typo. The other two, I think, are legitimate substantive changes – not substantive – very constructive changes to the ordinance that the Department agrees with and would need to be done.

Ms. Betts Basinger: I guess one question I have that is still not clear is the purpose of this, in the very beginning. If the purpose is to provide parking, please tell me how charging someone whatever we charge them is going to provide parking. That's all I want to hear.

Mr. Alueta: This is a method in which people can get their building permit.

Ms. Betts Basinger: How is it going to provide parking? I'm not talking about –. There's many methods for someone to get their permit, including waivers. My question to you is, as stated here, this is for the purpose of providing parking.

Mr. Alueta: It will go into a fund –

Ms. Betts Basinger: So how does it provide parking?

Mr. Alueta: It will go into a fund so that the County can either acquire satellite parking lots to develop those as off-site parking, and to help build the centralized parking facility where the current municipal parking lot is located.

Ms. Betts Basinger: Then those things should be clearly spelled out in this ordinance, and they are not.

Mr. Alueta: Okay. I thought – at the end. We can put it in the purpose and intent, and also in the back. You have it in the back where it say – move part of that thing was to – provide parking facilities located within or in proximity to the assessment district which a payment was made.

Ms. Betts Basinger: You know –

Mr. Alueta: It should not say the MRA.

Ms. Betts Basinger: Hearing from the body that's here, and not having the advantage and person to hear from Mr. Suzuki or Mr. Phillips leaves me sort of in a dilemma. At this point, if I were to call for a vote, I think the question that I would put forth is to disagree with this ordinance. That the MRA simply disagrees and that's our comment. And that it disagrees because it feels that the justification and the explanation of too many things is left undone. Now that's what I'm hearing from one of my colleagues on this side that are we just going to, you know, call for more information and then try to write the amendment our self which I don't think we're the qualified body to do that. Or are we going to, you know, maybe make a huge mistake as Wailuku town does develop. The point is if this was a tool amongst many tools to promote redevelopment, that's good. But we've been so focused on this as the tool that this body has not been able to engage itself with other tools that might make it happen more quickly. So I think this is a tool, but it's just not developed enough from my point of view. So if the question is posed, I will be voting no to this ordinance as being recommend through this body. Katharine?

Ms. Popenuk: I want to make it clear that I want to make changes to this, but I don't think this a throw away amendment. I think that we need to take some forward steps in this direction. I don't think this like the definitive and only answer to our problems for Wailuku. But I think it is a valid way to get the ball moving, get things done, and to encourage redevelopment of Wailuku town. And I do have some ideas about this. I read through this and I have various ideas of how to make it a little better, whatever, and I would like to contribute those ideas to the whole. So I don't want to just throw this away. I would like

to have an opportunity to make improvements and comments.

Ms. Betts Basinger: So you would be in favor of having a second special meeting to go through it?

Ms. Popenuk: I would not be opposed to that. That's correct.

Ms. Betts Basinger: Thank you. Mr. Horcajo?

Mr. Horcajo: Thank you. I guess that was when I made my comment, whether it's appropriate to make a motion to defer voting on this ordinance and hold a future special meeting, and hopefully with the other two members present, and with them having this information given to us today – before the meeting, well, with instructions to read.

Ms. Betts Basinger: My question then goes to staff because as we've been told this is going to Council with or without amendments. So we don't have a vote right? We have no authority behind a vote as far as this ordinance is concerned.

Mr. Alueta: Yes and no. Yes, you don't have the authority on the ordinance because the ordinance is adopted by Council. However, it is not the intent of the Planning Department to go without the comments or the support of the MRA. That's the whole point. I mean, this is intended to be a useful – one of your tools that the MRA has. It's just another arrow in your quiver. So again the only comments that I've gotten so far, again, is on page two with regards to correction of clarifying off-street on-site parking. On I, payment options and related cost. On section three of that I is to have a provision for a six year refund – incorporate a fund of fees if not parking is provided within six years.

Ms. Betts Basinger: I think also item G. There are a variety of methodology for calculating fees that have been brought forth by this body and public testimony including percentage of the permitting cost, distance from a centralized location, and how that would relate to satellite parking.

Mr. Alueta: Well, you would have the reduction in fee based on distance, or increase if closer. And I didn't have any – that's a comment that you guys had. I wasn't sure. And also, if you guys had voted on –. I'm just telling you what I heard so far.

Ms. Betts Basinger: Ms. Popenuk that was your comment.

Mr. Alueta: I haven't heard anyone say regarding building value fee.

Ms. Popenuk: I just wanted to ask if we have a second meeting with all our members and make comments, will those comments be integrated and put before the Council? Or let's

do it today, or forget about it?

Mr. Alueta: Yes. No, all of your comments as well as your minutes will be transmitted up as well as –. So far I haven't heard anything that the Department does not support. I mean, none of your comments, I don't think the Department doesn't support. So therefore we would have Corporation Counsel redraft the ordinance with those changes that we support as well as the ones we don't support.

Ms. Betts Basinger: Chair recognizes Ms. Wade.

Ms. Wade: Just a comment. We're waiting for your direction. So if you would like to tell us to go back and before the next special meeting make some amendments based on the conversation today, and then use the revised for your next special meeting, we can do that. That would be great.

Mr. Alueta: Yeah. That's easy.

Ms. Wade: If you would like to direct us to create a table of options for the methodology of calculating fees, we can do that, to provide you additional information. But we need to know what more information would you like and where would you like us to provide it?

Ms. Popenuk: Then the rest of my ideas – let me just fill them. Okay, with regards to the methodology for calculating fees, it says 50% of the construction cost – blah, blah, blah – as determined from the BNI Building News General Construction Cost Book, I might suggest that it says from the current BNI Building – so whatever year it might be, as construction costs change over time. And then I was thinking about –

Mr. Alueta: I'm sorry what line was that?

Ms. Popenuk: Sorry, that was in G, and the part where it says determined from the BNI Building News General Construction Cost Book.

Mr. Alueta: So you want from the current?

Ms. Popenuk: Current.

Mr. Alueta: Okay.

Ms. Popenuk: So that would keep it up to date.

Ms. Betts Basinger: If I might interject here on that same line?

Ms. Popenuk: Sure.

Ms. Betts Basinger: If you're going to carve something that solidly, I would also like to see a review on some sort of timely basis, like maybe, annually because cost of construction changes, and it changes specifically here. So what might have been the cost in 2010 maybe totally different in 2015. So –

Ms. Popenuk: I think when you say current, then it will keep it to the year that you're in because they update every year. Cost estimators look to these –

Ms. Betts Basinger: So it's not current as of the time of the passing of the ordinance?

Ms. Popenuk: No, no, no.

Mr. Alueta: No.

Ms. Betts Basinger: Maybe just the wording that would initiate –

Mr. Alueta: It would be from the current – at the time of when you get your waiver.

Ms. Betts Basinger: Okay, even just adding that.

Ms. Popenuk: Right. Thank you.

Ms. Betts Basinger: Even adding that – at the time of application or at the time of permit request.

Ms. Popenuk: And then I was thinking about payment options. And I was thinking about what a giant hit that could be for a developer that have to come up with this giant pile of money. And I was thinking is there any way to structure it? Sort of like, you know, the way your taxes – each year you pay a little bit, and you pay a little bit, and you pay a little bit, up to the point where you have paid the amount due. So maybe it takes you 10 or 15 years or whatever. Because it runs with the land, and it adds value to the land, as a more desirable piece of land because now you have the option to develop without having to find on-site parking. Is there some way to –?

Mr. Alueta: I think that you'd want to have it as part of your on lump sum because then the person going in for financing can say this is how much it's costing me, \$400,000 to build my building, or probably \$800,000 to build my building, I need, in addition to that, I need \$80,000 for my property, so my loan amount is \$880,000. So it makes more sense to do it as part of your construction cost because again it's deeded and it runs with the land. Banks most likely will accept that.

Ms. Popenuk: And I wanted to ask about – so as uses intensified, then you would pay an additional upgrade fee? Like you go from a storage facility to a restaurant or something.

Mr. Alueta: That is correct.

Ms. Popenuk: Okay.

Mr. Alueta: Or a restaurant, or something like that.

Ms. Popenuk: And what would happen if the use was de-intensified? Do we have any ideas or provisions?

Mr. Alueta: What do you mean?

Ms. Popenuk: So it use to be a really busy place, and you would have to have a 30 parking stalls, and now it's a warehouse, and you only need three parking stalls.

Mr. Alueta: You can probably write a provision in it in which the person who's granted that for his property right, he's able to sell that off of lease it out to someone else. So you could put a provision in here that, you know, once you granted a waiver to someone, and they've bought the rights to that waiver, if they want to transfer that waiver, they can transfer that waiver temporarily or through a lease agreement to another property. That's one flexibility that you could incorporate into the ordinance.

Ms. Popenuk: So to a completely other property.

Mr. Alueta: So if the guy downgraded his site. So say someone came in and he build a restaurant, and he wants to then downgrade to retail. He wants to grant a wavier to –. And so down the road, the guy want to develop and he wants to transfer that, within the same district, he transfer those parking lot temporarily - we're on a lease basis. The concern that we're going to have is that these private agreements right, they're no longer become private. They're going to have to be a County agreement. And I really doubt that any person who paid for parking and upgraded to a restaurant – once he's got that CO for a restaurant, he's going to want to re-lease it to a restaurant. You don't see many restaurants converting back to retail.

Ms. Betts Basinger: But that doesn't –. That takes away some flexibility in tenant mix and use especially in small town like Wailuku. Could you not have it go with the land and use, and be reviewed when it changes hands or changes use?

Mr. Alueta: Then would you issue refunds?

Ms. Betts Basinger: Well, you would certainly make an adjustment. If the adjustment were applied –

Mr. Alueta: But a guy comes in. He said, okay, I'm doing a restaurant. He needs 50 stalls or whatever. So he pays for his 50 stalls or his 20 stalls, and they guy says, well, I'm converting all to retail. I no longer need – I have excess parking now. Does he sell those stalls back to the County and get a refund?

Ms. Betts Basinger: I think that's a very good question, but it's all about being fair.

Mr. Alueta: I guess fairness is always –. I can argue fairness a long way. But, anyway, I'm just going to say is that if that's what you want to incorporate that there be some methodology that it goes with the land, and leave that option open. I'm just concerned as how the County –

Ms. Betts Basinger: Why can't it just go with the use then?

Mr. Alueta: It does in a sense because the guys use – if he intensifies the use, he got the waiver or he paid for his stalls based on his assessment when he got his CO. So once he's paid for that, he's good for that use. If he intensifies the use, he needs to pay more.

Ms. Betts Basinger: What you're saying, if I'm hearing right, you're saying that the original use then of that piece of property with the parking can never ever change.

Mr. Alueta: It can't change unless he pays more – unless he gets reassessed for more parking. He can change the use provided his parking count is the same. So if he says he decides – he can change the mix of retail office as long as that parking assessment stays the same or below what he has been allocated. If he chooses to increase it –

Ms. Popenuk: It sounds like you're saying that you had a high use, you needed very many parking stalls. Now you're going to change your business. You don't need as many parking stalls. That's okay.

Mr. Alueta: That's fine. You're good.

Ms. Popenuk: So, you're not utilizing to the full potential what you could be, but that's okay.

Ms. Betts Basinger: But what if it's the reverse?

Ms. Popenuk: Then you pay more.

Mr. Alueta: If he grows and he wants more, then he comes in to pay for an additional fee.

He pays for at the current rate. He pays the increase in – he gets a waiver to the increase. He can either waive it or he can provide it on site or provide it off-site.

Ms. Betts Basinger: Does the ordinance –. Will the ordinance include the way this is going to be enforced?

Mr. Alueta: It's currently enforced through the building permit and through the MRA development permits. So when a person comes in for a review by the MRA for a new building, that person has to provide you with how is going to meet his parking requirement as required by the MRA Zoning and Development Code. They will say I'm going to either provide it on site, I'm going to provide it off-site, I'm asking for a waiver or I'm willing to pay the cash in lieu. And then based on that, if they say they're going to pay cash in lieu, they pay the cash in lieu, they've been granted their permit. If you have someone that comes in that who's already got an existing structure or building like on Market Street and they have no parking at all, but they want to change the use right now and they want to intensify the use, they could potentially get a certificate of occupancy for that increase use by having a cash in lieu. Right now what's happened is those buildings that are on Market Street that have built out their site – it's completely built out – they're pretty much locked in to what they're doing. So if they want to intensify their use, they have no other method unless this board grants them a waiver.

Ms. Betts Basinger: That's correct. So there is a method for developers to develop right now.

Mr. Alueta: Correct. You have the power, and again, that's an option. Do you want to continue to grant waivers? If the board wants to go back to that, they can.

Ms. Betts Basinger: I think airing on the side – I would air on the side of being conservative simply because I don't want to further hurdle redevelopment in the Wailuku area, and this is a huge issue. It's an issue that has scared development away because it wasn't understood. And if people just knew that you could come and get a waiver from the MRA.

Mr. Alueta: They know that, and they do come in, and you've granted waivers if I'm not mistaken.

Ms. Betts Basinger: It's been a long, long time.

Mr. Alueta: Again, it's up to you. That's the point. The past boards have chosen that they've already recognized that the existing parking lot, and on-street parking, is taxed. It's been utilized fully. And that if they grant more waivers, they'll continue that burden. Now past board has chose not to. They felt they had to come to a head, that they were only going to move forward with a parking structure or some other form of off-site parking or

more surface stalls. And so if there's a change in heart or change in direction that this board wants to take, that you feel that you want to encourage development in Wailuku area by granting waivers and not provide any parking stalls, then that's your prerogative.

Ms. Betts Basinger: I think the MRA is intent on finding a satellite parking, alternative parking, even now with the momentum again on the structure. So I think everything is in a positive flow toward more parking looking very positive to happen. So in that line of thinking, if developers know they can come in, be waived, there is going to be parking, you have that syn-energy working all at the same time. I guess then I'm going to call for a motion, members. If somebody would like to move that we have a second special meeting where we add our amendments to this for the Planning Department. Would someone move?

Mr. Horcajo: Hi Chair, I make a motion that we have a second special meeting to discuss this cash in lieu of parking ordinance. And I want to have some discussion of this I guess. I'll just end that motion there.

Ms. Betts Basinger: Any second?

Ms. Popenuk: Second.

Ms. Betts Basinger: Okay, it's been moved and seconded to have a second meeting preferably with all five members to further discuss and finalize comments for amendment. Discussion?

Mr. Horcajo: A few things came up. One of the comments made by Erin Wade was whether we're going to ask Planning Department to change this prior to the next meeting with the comments we had made here today, or just give the other two members what was given to us, as well as, a staff report of the comments that have come from this meeting. So depending on how we're going to answer that question, I would amend the motion or leave it the way it is.

Ms. Betts Basinger: My feeling is that it's sort of presumptuous to think that the missing two members would agree with those comments that we made. So I would prefer to have them read the same thing and compare it to the same ordinance that we had an opportunity to do today. So for them not to make any changes until after that second meeting.

Mr. Horcajo: Sure. Fine. Alright. My second comment was it was brought up that it would be great for the next meeting for all us is to have different methodology options to consider based on the comments that we talked about today. I think that was probably the major issue. Everything else –

Ms. Betts Basinger: Leilani, when do you think we could have minutes of this meeting because there we could actually see everything that was suggested in the minutes? Two weeks. Katharine?

Mr. Alueta: They're not special now Leilani. Don't spoil them.

Ms. Wade: I know.

Ms. Betts Basinger: So what date do we have Erin after two weeks for Leilani to be a speed demon?

Ms. Wade: Two weeks from now is your strategic planning meeting on the 10th. So I guess there's a potential that – well if she can't provide it before that for those packet – so I would say –. Probably you'd be rescheduling towards the end of June.

Ms. Betts Basinger: And our next regular meeting is on the 20th.

Ms. Wade: The 19th.

Ms. Betts Basinger: Members, special meeting the end of June. Say the week of –. Let's correspond with all five members and find a date maybe the week of the 21st for a second special meeting on the cash in lieu.

Mr. Horcajo: Should you call for the vote?

Mr. Alueta: Just to let you know, Erin will take the lead on that.

Ms. Betts Basinger: Yes.

Mr. Alueta: Because I won't be around. I'll be on vacation.

Ms. Betts Basinger: You want to call in Joe?

Mr. Alueta: Not from Thailand.

Ms. Betts Basinger: Okay, all those in favor?

Agency Members: "Aye."

Ms. Betts Basinger: It's unanimous.

It was moved by Mr. Robert Horcajo, seconded by Ms. Katharine

Popenuk, then unanimously

VOTED: to schedule a second special meeting to discuss the cash in lieu ordinance.

(Assenting: Ms. Alexa Betts Basinger, Ms. Katharine Popenuk, and Mr. Robert Horcajo

Excused: Mr. Raymond Phillips, Mr. Warren Suzuki)

Mr. Alueta: Thank you. I really appreciate your comments. It was very constructive. I think today was very good. I think it's the first time we've had an opportunity to really just go at and dissect this thing, and the varying alternative was really good.

Ms. Betts Basinger: Thank you Joe. It was great.

Mr. Alueta: Yeah, we're going to have a --. So I think as part of that, we'll do a summary sheet. I'll do a summary sheet of the proposals that you talked about as far as comments, as you want it, not incorporated into the changes that we have. Then at least you'll have a talking point to know what was previously discussed.

Ms. Betts Basinger: Would you allow that if any member has some ideas that they can directly email Erin?

Mr. Alueta: They should --

Ms. Betts Basinger: By a certain time to get on to this summary you're going to make.

Mr. Alueta: They should email both of us, then that way I can incorporate it.

Ms. Betts Basinger: And what would be a date Erin that you would need to incorporate more comments?

Ms. Wade: If we have the meeting the week of the 21st, I need them no less than one week prior to go out in the packets.

Ms. Betts Basinger: Okay. Okay, members, our business is done on the hearing. Any objections to me opening public testimony again at the end of this meeting? Okay, Jocelyn.

Ms. Perreira: I appreciate it very, very much. Thank you for delaying this decision. I would like to remind everybody that as of our last correspondence that we had given in writing, we noted that we wanted staff to look at scope, legality and enforcement because there

were problems with that aspects of this ordinance that we had. That does not mean that we're not supporting cash in lieu. I think we do want to support cash in lieu, but those are three really important areas. And I do need to request as we've had in the past, you need to send us that information – the summary or whatever – so we can do another review because that was a request by our team of professionals who did a comprehensive study on this. So I would request that you please send to us so we can give our comments as well. And just as a note, that study that you have from Chris Hart that you're referring to, the information that they got was from our study and our discussions directly with the property owners. And yes, it is still very relevant.

Ms. Betts Basinger: The 2004 study or the 2002?

Ms. Perreira: Yeah. It notes us in there. The Chris Hart study. That colored one. It notes that they got their information directly from our stuff. And I just do want to – just because you were asking so many questions about that, I just want to let you know that property owners do want to do something. Joe was right. They do want to do something, but they've just been hampered. So if you send us this information, I will call a special meeting as well so we can address some of these, and have it ready for your next meeting for you all.

Ms. Betts Basinger: Thank you very much.

Mr. Horcajo: Okay. Chair, just a question for the testifier, Jocelyn. I guess you had mentioned that we should look at scope, legality and enforcement, and that's been comments. Were your comments fairly specific to the point of suggesting new language on those?

Ms. Perreira: Yeah, because you know as I was stating because that's why I was kind of confused because it's been awhile and I didn't see the new ordinance. And I know that we support the concept. And to us, how can you not have a cash in lieu concept. You have it in your zoning and development code and everything. But when we got that last ordinance and we did send something to the Planning Department. Joe wasn't involved so I cannot – Joe probably didn't know.

Mr. Horcajo: You can blame Joe anyway.

Ms. Perreira: The point is we did stress that there were concerns and in the present form, we were concerned about the ordinance in its present form because of scope, legality and enforcement.

Mr. Horcajo: Okay, so you're saying that when your body comes back to us it's going to be in a format possibly just amending the wording?

Ms. Perreira: No, what we –. No, we were commenting on the present wording. So what we would like to see now is the summary report that he's going to prepare for all of you. We'd like to see what the sum of the summary is so then I can then ask our people. So then, let them know that while you're intending to take this now line by line. So maybe look at what the agency members were thinking and what we were thinking and how then – what is the proper wording that they would like see or they'd like to suggest or recommend to you all.

Ms. Betts Basinger: Mr. Horcajo, you got a hand out, a letter dated April 13, from Wailuku Main Street Association with an attachment which have many of their comments that will be incorporated. Planning Department has this as well.

Mr. Horcajo: Right. I saw this.

Ms. Betts Basinger: Any other public testimony?

Mr. Kimura: Robert Kimura. . . .(inaudible) . . . I have the answer to your problem. Now would you listen? Okay, the fact still remains that cash in lieu parking ended up in an area where the ordinance that was giving free parking away ran short of space. Therefore, it was cut off. And the people that got involved in a big was Robert Joslin who built that multilevel parking structure there. He had to bring in an attorney to prove whether it was still liable to – not liable – to go free. To be free of any obligations whatsoever in having legal parking outside because of the square footage of the parking area. Did you realize also that there are 143 spaces that are charged. At that time I counted maybe about three - six months maybe - 143 spaces. \$12 a space. The middle space. Now, the point still remains is I have plan where you want to go for a matching fund system. Get the Federal government to pay for their public – for their employee use. Because I'm coming to the point where the parking lot is able to provide for provisional parking – the County the most. The time that I counted, when I was just about to retire. It was in 1980 or something like that. It was around 154 people or County employees that needed parking. So I suggest to that as a provisional parking because a structure at this point in time, the people, the Planning Department height limitations required up to five levels. And I call it provisional parking. They can provide for County employees who need it. And a parking in the . . .(inaudible). . . parking area.

Ms. Betts Basinger: One more minute Mr. Kimura.

Mr. Kimura: Okay, I better hurry up then. I've got the answer anyway. You can take care of County, State and Federal. Now if you're going after matching funds, yeah, it will cost the County less. And how do you do it? Ask me?

Ms. Betts Basinger: How?

Mr. Kimura: Good. Thank you. Mostly twin tower. How about that? Identical twin tower. Just think about it. Now if you're going to sleep well tonight because of my --. You want to give me one more minute? Okay then. Okay then, if you don't want to know.

Ms. Betts Basinger: You have 40 more seconds.

Mr. Kimura: Okay. 40 more seconds. Alright. The provisional parking will take care of that -- even the Federal government. The amount that they pay at this point in time. The point in time, our cost for this covered structures here, I think it's still \$15 per person per car. And the uncovered portion, the guys who have right over that side -- when I was in the Civil Defense Department -- \$10.

Ms. Betts Basinger: Thank you Mr. Kimura.

Mr. Kimura: I don't know what the cost of the parking lot.

Ms. Betts Basinger: Thank you. You always bring up a very fundamental question and I appreciate it. And that is what you just said, I'm going to say more short -- it's why doesn't the user just pay to use that municipal spot right now. The actual user that's putting their car in that space. It's a simple question and I appreciate your asking.

Mr. Kimura: Okay, a simple question.

Ms. Betts Basinger: No, no. Thank you.

Mr. Kimura: You're shooing me. You don't want an answer? You don't want the answer?

Ms. Betts Basinger: No.

Mr. Kimura: What the heck. They're parking for 12 hours in that middle part.

Ms. Betts Basinger: I understand, and I'm saying that you raised an interesting question -- why haven't we looked down the road of just charging whoever parks in a municipal space? Thank you very much.

Mr. Kimura: They don't want to pay the amount that they're paying.

Ms. Betts Basinger: Further public testimony? Mr. Kawahara.

Mr. Kawahara: Very briefly. I think there's a misunderstanding. I fully understand Joe has made me well aware that 19.36 does not apply to the MRA but I was just bringing that up to make a point. That if you develop anywhere else on Maui and you're within 200 feet of

a municipal or publically provided parking lot, you don't have to provide parking. Okay. For the MRA, that's an impediment to development. Okay. So that's the point I was trying to make. But I said if you do adopt cash in lieu, let's keep it simple. Do not use the BNI index. Use Building Permit value because there's a direct correlation between the two. BNI is only used by estimators, contractors, maybe architects. The average person doesn't understand this. It's not going to have access direct to the books. And which is the current one? When they're about to issue a new one, you're going to get into this argument. The building permit value is a simple method to understand. Right now you can do a correlation between 59% of whatever that number is of the current cost to construct – and then what does it cost per square foot and use a permit – give a percentage for the permit value. That is easily understood, and I think that's the way we should go if we adopt the cash in lieu. Insofar as the comment you made and that Bob had alluded to was the fact that Mike Summers distributed to all the Commissioners a study done by one municipality about how to solve downtown parking, and that was to put metered parking on the streets and free parking in the municipal parking lot. And that really solved the parking issue. Not the other way around. So refer back to that study. Thank you.

Mr. Alueta: Just to comment, if I may Madame Chair?

Ms. Betts Basinger: Yes, Mr. Alueta.

Mr. Alueta: By going with the building permit fee, I believe that you would be contrary to 46 and Title 14 in the sense that the needs assessment relate to parking and providing the cost of the parking. And building permit fee has no relationship to the cost of providing the parking.

Ms. Betts Basinger: Corporation Counsel, could it be construed as such in our MRA bounded area?

Mr. Giroux: I would need to look at that more. I think, you know, using the rationale basis and stuff, I have to go back and look at that. But I think it's something we should definitely look at because again you're trying to come up with a basis of calculations. But that also should be part of the study. That those are options that should have been looked at to find out, you know, is that going to meet your need if you proceed that way. Because otherwise it's how much closer to your goal is that going to get you?

D. NEXT MEETING DATE: Special meeting on June 10, 2009 (Wednesday) at 9:00 a.m. at the Department of Planning's Conference Room to discuss strategic planning. And the next regularly scheduled meeting is scheduled on June 19, 2009 (Friday) at 1:00 p.m. in the Department of Planning's Conference Room.

E. ADJOURNMENT

Ms. Betts Basinger: At this point, we have our next meeting date which is a special meeting for strategic planning on June 10th. And with that said, our business for today is done. This meeting is adjourned at 3:07. Thank you everyone.

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 3:07 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
SECRETARY TO BOARDS AND COMMISSIONS I

RECORD OF ATTENDANCE

Members Present:

Alexa Betts Basinger, Chairperson
Robert Horcajo, Vice-Chairperson
Katharine Popenuk

Excused:

Raymond Phillips
Warren Suzuki

Others:

Joseph Alueta, Administrative Planning Officer
Erin Wade, Staff Planner
James Giroux, Deputy, Corporation Counsel