

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
MAY 16, 2018**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Caron Green, Vice-Chair, at approximately 5:00 p.m., Wednesday, May 16, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Caron Green: It's five o'clock and it's time to begin the May meeting of the Lanai Planning Commission. And I see that we have quorum so thank you for coming everyone. So according to our agenda, the first item is public testimony. Is there anybody here that would like to testify before we have presentation on the various issues before us today?

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

C. PUBLIC HEARING (Action to be taken after each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.35 of the Maui County Code relating to Accessory (“Ohana”) Dwellings (M. McLean and D. Raatz)

Ms. Green: Hearing none, okay, I guess we will proceed then to Item C on our list which is public hearing. . . *(Chair Caron Green read the above project description into the record.)* . .

Mr. David Raatz: Good evening Chair and members of the Planning Commission. My name is David Raatz. I'm Administrative Planning Officer with the County of Maui's Planning Department. I'm here on behalf of the Planning Director and we're asking the body to act in its capacity as an advisor to the County Council on a proposed land use ordinance under the Charter process for enacting land use ordinances. So I would call your attention please to a memo dated May 9th, 2018 from the Deputy Planning Director. The subject is proposed revisions to Chapter 19.35, Maui County Code, relating to accessory dwellings. And what I would like to do, Chair, is just briefly outline this memo, and then we'd be happy to answer any comments or any questions, and then offer additional commentary, go into more detail if the body would like.

So first, so we understand what we're talking about here with the term accessory dwelling we've, in the first paragraph of the memo provided the definition that's actually in the County Code. Accessory dwelling means "an attached or detached dwelling unit which is incidental or subordinate to the main or principle dwelling unit on the lot." These are sometimes called ohana units, but there doesn't have to be actually any type of family connection.

There are actually a couple of bills that amend, or would amend the accessory dwellings portion of the County Code that are pending with the Council's Land Use Committee right now. They've been there for about the last three years. But this is a new proposal so we're initiating a new process. And as you can see on page 1 of the memo, in the two numbered bullet points, the policy objectives are fairly simple. Number 1, we want to try to allow more accessory dwellings than are currently allowed. And No. 2, we want to make accessory dwellings more livable by increasing their size, and we think this would be a positive step towards addressing Maui County's affordable housing crisis.

On page 2 of the memo we list the key substantive elements of the bill. Number 1, this bill would prohibit new bed and breakfast homes and short-term rental homes, and accessory dwelling units. And again this is -- because the reason we're proposing this is to make these units available for residents. Secondly, we would, under this bill, allow accessory dwellings on any size lot rather than only on lots that are 7,500 square feet or larger which is currently what the code states. We would also increase the maximum size of most accessory dwelling units by 100 square feet, and provide more leniency in what is counted towards the maximum size. And again, that's going towards the goal of making accessory dwelling units more livable. Third, we would, under this bill, allow two accessory dwellings on lots of 7,500 square feet or larger, rather than only one which is what the code currently provides. Fourth, we would increase the maximum size of uncovered decks and allow for covered decks. And the fifth point of the substance of this bill is to allow accessory dwellings to have carports or garages for up to two cars rather than a single car carport.

So with that Chair that's, that's the basic outline. We can kind of go section by section of the bill at some point if you'd like, or however you'd like to proceed.

Ms. Green: Okay, Commissioners, do you have an opinion here?

Mr. Gerald Rabaino: Yeah, since, since I came onboard, let's go by sections because I read up my stuffs and have some notes.

Mr. John Delacruz: Sections is good, but I do have a question or comment. As long as you're here, you're talking about accessory dwellings, could you elaborate some on accessory

buildings? And somewhere in here it goes into electricity and water have to be available. But at the beginning, explain the difference between accessory dwellings and something simple like a storage building that you construct on your lot.

Mr. Raatz: Well, by dwelling that means somebody's going to live in the structure so that's probably the most important difference between a dwelling unit of any kind whether it's a principle use or an accessory dwelling unit beyond any other type of structure. So...you know, that brings with it a series of other standards that come into play that would apply when you have somebody living in a building as opposed to something as purely use for storage or some other purpose.

Mr. Delacruz: I guess I'll just wait until we get into the sections to ask more. Thank you.

Ms. Green: Okay then if we'd like to go through each section. And I guess, Commissioners, what I would like to ask rather than having to read through each one, if you've read through and you have questions in each section, perhaps we can just go straight to those questions, okay? So section one, more or less just explains the purpose. Does anybody have any question there?

Mr. Raatz: Right, and that won't be codified. That's just for basically the benefit of the Planning Commissions and the public, and eventually the Council who are reviewing this bill. It's an un-codified purpose clause which we sometimes put in technical bills like this so it kind of gives you an idea of what's going to be coming next that will actually be in the code.

Ms. Green: Okay, so then we go to section two. Does anybody have any questions there?

Mr. Raatz: I could note --

Ms. Green: Go ahead.

Mr. Raatz: I'm sorry Chair. I was just going to say in this section two is where we start amending what's already in the Code, Chapter 19.35 which is already where we have standards for accessory dwellings. And with this bill we're going to be proposing to tweak those standards.

Ms. Green: Okay, I did have one question, and it's just on Part D where it says no accessory dwellings shall be used for occupancy for periods of less than six months, and shall not be used as bed and breakfast homes, short-term rental homes, or transient vacation rental use. Is this going to be retroactive or is this only for new dwellings?

Mr. Raatz: Well, that's a good question. Thank you. If somebody already has a permit, if they've gone through the STRH or B&B process we wouldn't intend to strip them of the permit with this legislation. That's why in our memo we said no new permits for short-term rental homes or bed and breakfast. But the basic concept moving forward with these, these would be for long-term residential uses.

Mr. Delacruz: Thank you for that. But to elaborate on that the code already says that you can only apply for a short-term rental home or B&B on an existing building. You wouldn't take out a permit to build a short-term rental home or a B&B. But on this six month thing, are you saying someone can't build an accessory dwelling intending for the kids to come back from college because they want to live on Lanai because they're going to have their own family. That means you can't leave this vacant waiting for the kids to come back?

Mr. Raatz: Well technically this is actually just following what's already the standard in comprehensive zoning ordinance that anything of 180-days or less is considered a transient vacation use or transient use, so that's just basically again mimicking the standards that's already in place. So by definition, under the current provisions of the County Code, that's the distinction between long-term and transient use is that 180-day time period.

Ms. Green: I might throw something in here. For example, rentals, you can -- a single family home, you can only rent every six months. Sometimes people will rent it for a month. What it means is they cannot rent it again until six months is up. So the kids can come home, they can be there for two weeks, you just can't have somebody else staying in there except your kids for six months. So it could stay idle. Does that make sense? I think the six month is just meant to mean you can't, you can't rent it to more than one person in a six month period, or you can't have more than one occupier of it within a six month period. Is that not the way to interpret it?

Mr. Raatz: I don't think that's exactly right. And I'm not sure there's -- you know, why it's spread public knowledge about this, but you can't actually have a month-to-month lease and have that be considered a long-term lease. That's actually considered short-term, so it would be a different category. But again, in the family situation, if, if there's not rent being provided, you know, I'm not sure that would meet the trigger of any type of oversight necessarily under the County Code. I haven't looked at that particular question, but I, I don't foresee that being a problem because again even though ohana is technically not a requirement. I mean, these are called ohana units and we're trying to help local residents find affordable housing. But I do appreciate that questions and we'll look into that and make sure we address that.

Mr. Rabaino: Okay, I have several, okay. You said accessory dwelling, I want to know accessory dwelling, No. 1, is detached on a lot, correct?

Mr. Raatz: Yeah, not necessarily. Again, on page 1, where we have the definition, it can be attached or --

Mr. Rabaino: Yeah, that's why I'm asking for clarity --

Mr. Raatz: Thank you.

Mr. Rabaino: -- because this is in between the lines. Secondly, Lalakoa I, II and III existing, Olopua Woods, are they grandfathered from this? Because some of the lots are smaller than what you are stating here, okay? Because I brought this out, and I was involved under Castle & Cooke under Lalakoa II and III and Olopua Woods under Mayor Linda Lingle. Houses over there, if you're going to put ohana, and ohana means directly family and relatives, you need to explain if this is dwelling under accessory is for family, okay. Nephew, aunty, uncle, bradda, sista. Immediate family is bradda and sista legally, okay. There's a lot of open end over here, and under the limitation of under 19.35.010 generally you have this phrase "shall apply to any accessory dwelling." So what John, and I think I agree with John is your clarity and definition by structurally on the plot because Lanai is trying to catch up with the other islands, okay.

Now, I'm going to use another example. If Pulama go ahead with their affordable housing as well as the County affordable housing, okay. You're telling me for a bedroom of, a house -- well 760 square foot and a car, single car storage is 335, total is 1,095. And then if you look over here under your guidelines in this proposal going back to which page was it? Page 2. Here, page 2, you said up 7,000 but yet maximum coverage of the floor, and when I'm looking over here, it's 500 square foot. That's small. You think that's reasonable for a family of four? Have you thought about it?

Mr. Raatz: We have.

Mr. Rabaino: Okay, so does this apply Molokai, Maui, Lanai, or Lanai as Commissioners we can make some conditions because the homes over here currently are small? Now if Pulama goes ahead and build on a, let's say 7,490 square, the next question is what is the cost for the land with a two-bedroom home, at that size because you're talking about a two car garage. Now with a two car garage, because of Olopua Woods, and Lalakoa I, II and III, and Palawai Basin, okay, and Kanepuu, the roads are narrow. I've been riding around, I've been checking it out, okay. Night time, when everybody pau hana, hotel workers are pau hana except for the night crew, there's only one lane. And that exists today. And if they put up a standard

wall, okay, a concrete wall, I have a neighbor who has nine cars, and it doesn't fit in their yard. I live in the cul-de-sac. The cul-de-sac people are complaining. At the last meeting, I said the emergency equipment, when the big ambulance, police car, two or three, the big fire truck going there, there's no radius. You know what I mean? So sincerely, I'm not going after you, I'm just pointing out the concern in our little city. So whatever future homes and project that is going to come into play with all these things that you have here, from 500 to 600, from --. You know, it's 1,000 -- I mean, 100, 100, 100, okay people down the terraces, down Manele Terraces, no problem, okay. But we are ohana, we are localized, okay.

When I look at Mililani when I travel there because I have sister there and I walk around pushing my nephew around or walking with my nephew, some of the homes are still crowded. But, the difference is their roads are wider.

Kapolei, the new, Kapolei whatever, because I have, I grabbed information, their roads are still narrow. Even their townhouses. It's like we're living in Japan, land is becoming a precious commodity. So you know, I'm concerned because kids that come back want to live with their parents, okay. We need to clarify the difference between accessory dwelling versus ohana. You said earlier it doesn't affect ohana; I don't believe that. So we need some language in there to take care of us, the local residents, okay. The kapuna would like one of their kids come back, stay with them. Of course when the kids come back, you know, aunty, uncle going come move in, keep grandma, you know, baby sit grandma while they go work, okay. I get brothers and sisters no more house over here because rental is not available, and the price is too high. So what, I can't make an accessory dwelling on my property, it's only 5,414 square foot. But in Lalakoa III and Olopuu Woods you have over this, this second line over here of 9,999 square foot, that's a possibility. But then again when you talk about the driveway for two carport versus their one carport, you still have cars where some of the kids, like my neighbors across have eight vehicles, you know what I mean? So that's a concern.

Ms. Green: Gerry, could you kind of summarize what you are asking for here because we've kind of --

Mr. Rabaino: . . . (inaudible) . . .

Mr. Delacruz: I just want to talk to Gerry a bit and I, I really lost my copy of the stuff I was reading yesterday so if there's an extra copy. But somewhere in the letters of recommendation were the document, etcetera, to different departments in the County. There were comments made about, especially one guys was saying the...you have to consider what's it's going to do to parking, sewage, and the quality of life including parking. And the Fire Department also said you have to consider access to the accessory buildings. And the

driveway thing, you're allowed to make a separate driveway, but you have to have the 10-foot thing. So, you know, before this thing actually passes, hopefully they will take all those comments by the different departments into consideration. And another thing was a comment by one of the other guys who read it is that ohana is not really codified in the housing code zone thing, and that they have to consider codifying ohana, the term, as it applies to dwellings. So you're right in that, they got to look at what is ohana.

Ms. Richelle Thomson: Thanks. Just a quick comment. If, if one of the things that the Lanai Planning Commission wants to comment back to the County Council is that -- because I'm hearing a couple of things -- one is that the ordinance right now, that you have before you, doesn't distinguish between these accessory dwelling units being used for family or for non-family, just for, you know, other tenants. So if you're concerned about that and want to recommend to Council that these accessory dwelling units be reserved only for certain actual family members or of classes of family members that could be a comment that you make. You know if, if that's -- I'm not sure that's a concern I'm hearing or not, but I wanted to just kind of clarify that the bill before you does not distinguish between family and non-family. It's just accessory. It's just really about the structure itself.

Mr. Rabaino: David, on page 4, where it says off-street parking required . . . (inaudible) . . . an accessory dwelling is carport, garage, and off-street parking.

Ms. Green: Turn your mic on.

Mr. Rabaino: Hello. Okay, let's go to page 4, 19.35.070, okay. Page 4 on the very bottom, off-street parking. An accessory dwelling have a carport. Now, you get a carport, garage, or other off-street parking space, okay, and then everything else is, you know, la-de-da, deleted. You see it?

Mr. Raatz: Yes, I do. Thank you.

Mr. Rabaino: Because you're proposing a two car garage in this new proposal.

Mr. Raatz: Yes.

Mr. Rabaino: I have no objections with that. But when you put an accessory building on it on that property what happens? Because they gotta make another driveway, right, for another accessory. Because you know how some people, they just make their own driveway and when the building inspector go over there he's all nuts.

Mr. Raatz: Yeah, we're actually not proposing any changes to the driveway section which is the following section, 19.35.080. And I would point out we're saying in this section that you just referenced that the carport or garage shall not exceed 500 square feet, as opposed to 250 -- excuse me -- 240 square feet which is the current standard in the code. So we're just allowing for a larger size if that's what's deemed needed.

Ms. Green: Could I go back to this business of ohana? As I understand it from what I've been hearing here and people let me know if this is what you agree with, is the group wanting to say or recommend that it be added that when you say about the leases or that it can't be used for short-term leases etcetera, etcetera, and it has to be for six months. Okay, occupancy for period of six months and shall not be used as a bed and breakfast or anything, you want the exception there for family. I mean, simply isn't that what you're really asking for?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: I'm, I'm going back to page 2 because I feel we kind of left this not totally wrapped up. It says "no accessory dwelling shall be used for occupancy for less than six months, and shall not be used as a bed and breakfast home, short-term rental home or transient vacation rental use." And then I think that you just want to make an exception that, that the occupancy can be for less than six months if it's for family, if it's relatives. Is that not what you're after?

Mr. Rabaino: No, for clarity. She's saying lease. Are we talking real estate to purchase then they move in? Because she's using the word lease, six months, like Bishop Estate, Campbell Estate on Oahu. Clarity.

Ms. Green: I did not use the word "lease." I was -- if you read it on page 2 the word "lease" in not worded.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Gerry, you're not on the mic.

Mr. Rabaino: Okay, so can you please, Dave, is six month satisfactory because it's a real estate that's going to have another dwelling on it. Am I correct? Not including the bed and breakfast, short-term and transient vacation, I understand that portion. We're talking about family and accessory dwelling on the lot. Do you follow me?

Mr. Raatz: I think so, but I would just point to the language that we have there. We're not

talking about any form of ownership. We're not getting into the fee simple versus leasehold or anything like that. We're just saying no accessory dwelling shall be used for occupancy for periods of less than six months. And you know, that's -- we're putting it out there. We can have different recommendations moving forward if that's what the body prefers.

Ms. Green: Do you want to make a proposal? Okay, could you wait a second because John has a comment?

Mr. Delacruz: I'll make a proposal for you. The redundancy is causing confusion. It's clear enough when you say...any new accessory dwelling will not be allowed to be a B&B or Short-Term Rental Home. Just throw out that 180-day thing. It's redundant. This, this -- the statements in the different sections that relate to B&B and the statements that relate to short-term rental homes, they all say accessory dwellings will not to be used for this purpose. Throw out the 180-day thing. That's my recommendation anyway.

Ms. Green: Commissioners, any comments on that? Okay, so I'm hearing that we're going to make a recommendation to throw out the phrase "occupancy for periods for less than six months" and just say shall not be used as a bed and breakfast, etcetera, etcetera. Correct?

Mr. Rabaino: Yes, thank you Caron.

Ms. Sherry Menze: Unless you wanted to put a different term in there other than the terminology that would include the 180-day say something like bed and breakfast, you know, are not allowed or --. The ohana dwelling would only -- as part of the definition -- would be only considered renting more than 180-days. Just put it right into the actual definition and then that would clarify it throughout the entire ordinance.

Mr. Rabaino: John, I thought you was going make a proposal.

Mr. Delacruz: I did.

Ms. Green: Yeah, John made a recommendation. Do you want to make a recommendation? No, you did already. And I believe I asked Commissioners if they agree with the recommendation. Do we want to have a vote on it? Alright, do we agree with the recommendation from John which would eliminate the words "for occupancy for periods of less than six months." All in favor? Anybody oppose? Okay.

With no opposition by the Commission, it was recommended to delete the words "for occupancy for periods of less than six months."

Ms. Green: Sherry, do you want a further proposal? Okay. Alright, can we move on? We have gone through the off-street parking required. Now if we move on to driveways. Anybody have any comments on page 5?

I had a question or two. This is just out of my basic ignorance. Where you say a minimum of 10-feet between lot boundary and any building on the property shall be required for such separate driveway. Given our lot sizes here, is that always practical?

Mr. Raatz: Thank you for the question Chair. I'm not sure, we haven't looked at that, and I should have clarified before we got into the text of this bill. Anything that's either not underlined or not with a line through it is what's currently in code and what we're not proposing to change, so that's existing language in the code. And because we're not proposing to change it we think it's okay, but that's not really part of our policy proposal before you tonight.

Ms. Green: That's very helpful. Thank you. So we can move right along. Gerry, did you just hear what he said? We are only discussing changes to this bill, and that is not a change. So we need to go to the places where you see --.

Mr. Raatz: If I may Chair, when we got through page 5 we've actually got through the substance of the bill already. What follows next are technical references to Chapter 19.35, we go to different zoning districts and mention that accessory dwellings will be allowed in those districts. And it is actually a very technical change. At the very start of the bill you may have seen we took out the references to various zoning districts that that would allow for accessory dwellings. And instead of having them listed in Chapter 19.35 we set up a new framework where you go into each zoning district and you list accessory dwelling units, and that refers you back to Chapter 19.35. So, it's page 1 through 5 of the bill that actually change the standards in substance of accessory dwelling units, so that's really the focus of what we're looking at.

Ms. Green: Richelle has just informed me that it is possible for us to go into some of the substance of the...bill that's not being changed. So Gerry you had a question on page 5.

Mr. Rabaino: Back on page 5, at the very top.

Mr. Raatz: Yes.

Mr. Rabaino: Minimum of 10 feet between the boundary lot -- explain why 10 feet. I mean, is that standard?

Mr. Raatz: I don't know. That's been in the code for years, and I'm sorry, I don't have the background of that before you tonight.

Ms. Michele McLean: Chair, if I could? Over here, I could add that that provision is that if there is a separate driveway for the accessory dwelling. So on smaller lots, you probably wouldn't have a separate driveway for the accessory dwelling. But if you do, then there needs to be that separation. But otherwise, both can be served off the main driveway. So that's what that -- if you read that section in its entirety, it says an accessory dwelling may have a separate driveway. And then it goes on to talk about the separation. So if it's served off the same driveway as the main house, then it just stays as it is. Thank you.

Ms. Green: Do we have -- on No. 3 it talks about interim districts. Do we have any on Lanai? That this would be --. I don't think so do we?

Mr. Raatz: I'm not sure. I know it's a more common zoning designation on the other islands.

Mr. Delacruz: At one of our past meetings didn't somebody from the Planning Department say basically everything in Maui County is interim? No?

Mr. Raatz: That's not true. There's still a lot even though that comes from, I think, 1959. But most, I would say most property in Maui County now has a specific zoning designation beyond interim.

Ms. McLean: A significant amount of the Lanai is in the State Conservation District and the County doesn't have authority to zone in that area, so it doesn't have County zoning. It's completely under the jurisdiction of the State. Then the other areas, the majority would be agriculture. And then in Lanai City, you have Business and Residential zoning. Down by the harbor you have Light-Industrial, and you have a lot of Project District areas. So Lanai is predominantly zoned. I can't say that there isn't any interim, but it's, it's a few lots here and there. It wouldn't be a significant amount.

Ms. Green: Thank you Michele for that clarification. Okay.

Mr. Raatz: And Chair, I didn't mean to cut off your discussion, but you know, when I mentioned that the first five pages are really the substance, if you want to, for the sake of completeness, go through the remaining pages, I'm happy to do so.

Ms. Green: Does anybody have any comments or questions on any of the remaining material?

Mr. Raatz: And I can just give a real quick overview. Section 3 references Chapter 19.02A of the Maui County Code which is the Interim Zoning code, and you'll see accessory dwellings are listed there. And again, the rest of the text is what's already in the interim zoning standards, and it's not being proposed for changes.

Section 4 of the bill which starts on page 9 gets into Chapter 19.08 relating to Residential Zoning Districts. And again, as you'll see in the underlined text which is proposed new text at the top of page 10, we're just adding in the reference to the accessory dwellings chapter.

Moving onto Section 6 of the bill, that's the Bed and Breakfast Homes chapter, Chapter 19.64, which repeats the prohibition on having accessory dwelling units be used as bed and breakfast homes.

In a similar fashion, moving on to Section 7 at the bottom of page 13, that's the Short-Term Rental Home chapter, Chapter 19.65, and it again repeats the proposed prohibition on having accessory dwellings used as STHR's. And again the succeeding pages with no cross through and no underlining is existing text that's not being proposed for any revisions at this point.

And we move on Section 8 that just explains what I was mentioning the standard is that material to be repealed is bracketed, and new material is underscored.

And on the last page of the bill, page 19, Section 9 talks about, I think, what we referenced before, existing bed and breakfast home permits and short-term rental home permits would be eligible to remain in existence, and would be eligible for renewal under the standards and effect prior to the enactment of this new ordinance.

And finally Section 10, this ordinance shall take effect upon its approval. Thank you.

Ms. Green: Okay, thank you. Commissioners, are there any further questions or comments? Before we vote, I would like to note if there's anybody in the audience who has a question or comment before we make our decision? Okay, would you like to come up?

Mr. Myles Saruwatari: Yes, Myles Saruwatari. My question is concerning the short-term rental language. Okay, the language says that no new building, accessory building, shall be used as a short-term rental, B&B, etcetera. But what if down the line, 10 years from now, somebody goes, oh, well, it's not a new building anymore, why can't I apply now? I mean, I think the

language should be changed a little bit, like, after a certain date no longer can it be applied for because like you said it's language that just says no new building.

Mr. Raatz: Would you like me to address that Chair?

Ms. Green: Sure, that would be great.

Mr. Raatz: Okay, and that's a very good question. And just when I was informally expressing the standard, it probably wasn't complete or precise enough. I would refer the Commission to Section 9, on page 19 of the bill which I think gives a stronger, more accurate statement. Existing bed and breakfast home permits, short-term rental home permits, and other lawful transient vacation rental use in an accessory dwelling shall remain lawful. So it's again existing permits. So that's the standard. If you were existing and in effect at the time that this ordinance gets enacted, you would essentially be in the form of, a type of grandfathering where you can, can continue on even though anybody else who didn't have an existing permit wouldn't be allowed to do that same use in their accessory dwelling. And it's not based on when the accessory dwelling was built. It was based on when the use started compared to the effective date of the ordinance.

Ms. Green: Myles? Okay. Winnie, did you have something you wanted to say?

Ms. Winifred Basques: Thank you. I, as a DHHL representative for the Island of Lanai, okay, I did . . . (inaudible) . . . homestead land on the Island of Lanai from 1999 to 2009. There were 10 certified homes was extended. They were ohana homes now. Ohana homes -- I going explain to you guys what it is all about -- it's family coming in. You do not get money from them. Why? They coming back to stay with the family. It's not the kind that, oh, they going come and we going rent. No. So you folks have to realize what is ohana. Like you folks, you folks have children, grandchildren, right? Okay, so if they cannot make it mainland or wherever, they going to come home to you right? Are you guys going to charge them for that? I don't think so.

I have several homes there . . . (inaudible) . . . Homestead land on the Island of Lanai. Now you talking about the road. It's not good because I know about roads. Inside Lalakoa, Olopua Woods, Kanepuu Woods, it is 16 feet from shoulder to shoulder, okay. The thing is that like somebody said when the ambulance goes inside, when the fireman goes inside, when the policeman goes inside for a emergency, how are they going to turn around if it's a cul-de-sac? There is no space available. You know why? I used to drive ambulance for 22 years. I used to pick up all these people here. The thing is that that is crucial. When I say crucial they might be dying and I ain't got nowhere to bring them back out to go to the hospital. The

thing is that you folks have to make sure what is ohana, not bed and breakfast, not rental. Eh, go someplace else, we don't need that kind over here. Ohana mean family, not more than that. Thank you.

Ms. Green: Thank you Winnie. Is there anybody else that would like to testify? Okay, I'm going to close testimony and go to the Commissioners. Commissioners, any more comments? Okay, we have to -- we have four actions we can take here. We can defer, we can recommend approval as is, we can recommend approval with revisions, and we recommend denial. Okay? So this is where we are right now. Would anybody like to make a motion here?

Mr. Rabaino: We can accept the proposal that you made earlier for the, okay, for this bill. Then we can make, take a vote on it and then approve it. How's that?

Ms. Thomson: Just clarifying a little bit for the procedure. So you've already voted on one recommended change to the bill so that's already in, in your record. So what your choices are are make further recommendation to the Maui County Council, or if you need more information you could defer. It doesn't sound like that's the case here, though, so most likely what you'll be doing is making a motion to, you know --. If you want to you can make a formal motion to just have that one change that you've recommended.

Ms. Green: Is there somebody who would like to make a motion?

Mr. Rabaino: Okay, the motion, I going to try my best, that we accept what we agreed earlier on the -- what was that thing?

Ms. Green: The part about the taking out reference to six months.

Mr. Rabaino: Yeah, the period of less than six months be deleted and changed to -- just delete that, that less than six months out of there and keep the rest.

Ms. Green: How about we just we move to approve with the one revision that we've already voted on?

Mr. Rabaino: That's great. I like that. Okay.

Ms. Green: Do we have a second?

Ms. Mililani Martin: Second.

Ms. Green: Okay. Commissioners, could we have a vote on this please? All in favor? Anybody not in favor? Thank you.

Mr. Raatz: Thank you very much.

It was moved by Mr. Gerald Rabaino, seconded by Ms. Mililani Martin, then unanimously

VOTED: to approve with the one revision.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

2. MR. WILLIAM SPENCE, Planning Director transmitting proposed amendments to Chapter 19.36A of the Maui County Code relating to the Off-Street Parking and Loading Ordinance (M. McLean and D. Raatz)

Ms. Green: Are you staying on for part two?

Mr. Raatz: Yes, thank you, if you'll have me.

Ms. Green: Our second public hearing here from Will Spence is . . . *(Chair Caron Green read the above project description into the record)* . . . So again Commissioners, I guess, we are being asked to review the changes to this ordinance. Am I correct?

Mr. Raatz: That's correct.

Ms. Green: And so if you'd like to go ahead and start.

Mr. Raatz: Thank you. And again I would reference a memo dated May 9th, 2018 from our Deputy Planning Director, entitled proposed new parking codes. This one is a little bit different in that we're not just amending an existing part of the County Code, we're recommending repeal of Chapter 19.36A. It's substituting a new chapter 19.36B relating to off-street parking and loading. And so again we're asking for you to make recommendations to the Maui County Council which will have ultimate authority to act on this proposal. Under the Charter, they can't act until they hear from all the planning commissions.

So we've been dealing with the existing parking code for nearly a decade, administering it and answering questions, taking enforcement actions, and it's the judgment of our Department that the existing parking code which we mentioned on the fourth paragraph of the memo is confusing and flexible, too lenient in some circumstances, and too strict in others. So we've been engaged in a lengthy consultation, research process with our own staff, our

professional planners, with members of the community who deal with the parking code, looking at parking ordinances in other jurisdictions, and what we've come forward with is, again, a brand new parking code that, we think just makes a lot more sense in a practical way based on our experience and based on our research.

One thing to point out especially on Lanai is that adopted BCT Design Guidelines would prevail over any conflicting provisions within this new proposal. So it may have limited effect here compared to other parts of the County.

So again, if you'd like we can go over the basic outline of the bill and just by coincidence this is structured similar to the last bill in that the substance is found in the first few pages, and then there's a bunch of technical stuffs, references that comes afterwards. And then finally, I think, what we can look at is the last few pages of the packet that we've provided you that provides a chart that shows exactly what we're changing in this new parking code. Again, in the prior bill when we made changes new content, new content was underlined, and deleted content would be bracketed and strike-through text. We don't have that in this bill because it's a brand new code that we've proposing so that's why we provided the chart at the end that shows area where we're going to lessen parking requirements or make them more strict as the case may be.

So Madame Chair, in the beginning of the bill we very quickly go to the substance on page 2 where we talk about minimum number of off-street parking spaces that are required. There's a chart that's laid out, and this is one of the elements where we feel like the new code will be more easily understood and easier to apply because as you'll see we're grouping the uses into broad categories, first of all. So the first use is housing. And then we list very specific kinds of housing that have their own individual requirements. But, right now if you go into the existing parking code you won't be able to find a reference like that that relates to housing in a general way like that.

So our second broad category is commercial, business or industrial uses. And then again, we list the specific different types of categories within that broad framework starting on page 3 of the bill.

Moving on to page 4 of the bill, our next broad category is recreation or entertainment.

Moving on to page 5, we have social or civil service is the next broad category that then has a breakdown of specific uses within that category.

And that's really the heart of the bill, again, those first, say 5 ½ pages where we're moving up or down in terms of requirements of off-street parking for specific uses. So I think I would recommend that we go ahead and take a look at the chart that starts or is that's located at the back of the packet. It's an exhibit to the May 9th memo. It's exhibit 4 if the members are able to find that. It's page 1 of exhibit 4. Exhibit 4 is the last exhibit to the May 9th memo, so it's towards the very end of your packet. Yes, thank you. It's got three columns. At the top,

in italics is says, key differences between Maui County Code Chapter 19.36A existing, and Chapter 19.36B proposed. And what we've done is divided this first by showing uses that have decreased requirements for off-street parking. And you'll see there's quite a few different types of uses here where we think we don't need to require as much off-street parking. We just don't think the existing standards are really providing any public benefit. And what we have on the table here we think would be more effective -- would be more beneficial both to the property owners who have to comply with these uses, and to the public at large. It will help to provide, we think, better design, better constructed communities and business areas.

The next category on page 2 of exhibit 4 is uses that have no changes or just very minor changes for off-street parking, and you can there's, there's a handful there that we think are basically okay and that we're not proposing to change.

Then on page 3 of exhibit 4, we have the uses where we have increased requirements for off-street parking. You'll see this is the shortest list of uses. There's not too many uses where we think we need to increase requirements for off-street parking, but there are a handful, community centers, stadiums, hospitals, hotels, where we think, our experience has shown and our research has shown that the public could benefit by somewhat increased parking requirements for those uses.

So that's the general overview. I guess one last thing I would point out here is the outset before we get into other comments and questions. We do also have increased flexibility in cases where the Planning Director finds that certain criteria are being met, then the Director has the ability to essentially deviate pretty strongly from what's in this code if, if the public would benefit from those changes. And you might want to call your attention to that because that's a pretty important part of it. We are granting discretion to the Director, but with, with standards. And bear with me so I can pull up that section.

Okay, thank you for your patience on that. It's page 14, proposed section 19.36B.110, Parking Modification, Reduction or Deferral. So that first big paragraph talks about the Director may reduce by up to 50% the number of required parking spaces and loading spaces, and increase the percentage of compact spaces when, when the Director makes a written determination that adequate parking will be reasonably provided. So the Director will find, okay, we don't need additional parking here. We've got reasonable parking already provided. And, the Director must find at least one of the following criteria before he can provide that reduction or waiver. And you can see there's, there's nine different things listed here. One, and this is an important one, there's a sharing of parking uses between two or more uses that occurs at different times or days. So, you know, there might be one particular property where there's this particular type of use that happens during the day and then another one happens at night, or one that happens during weekdays and one that happens during weekends. And we wouldn't want to do kind of a double assessment where you can end up with maybe twice the requirements of what is in reality in any particular time because the uses aren't crossing each other.

Number 2, the Director may find the duplicate parking is not needed for component accessory uses when the parking has already been assessed for principle use. In our example here, such as a school that expands to a cafeteria. We already got the school assessed, we don't want to give a separate assessment just because they're adding, or they're expanding their cafeteria.

Number 3, it talks about the availability of publically owned off-street parking lots or other parking that is available, available to the public.

Number 4, if employees commute via carpooling or vanpooling, or the employer provides transit passes to some employees then that employer can be relieved of parking requirements. And we think that could have a lot of benefits; reducing congestion, reducing fossil fuel emissions, etcetera. Or if the Director finds there's a nearby transient, pedestrian or bicycle access or bicycling parking and safe access provided. So again if there's other modes of transportation, and we think those are going be at where you wouldn't need as much parking.

Number 6 is also pretty important one. If the provision of required parking would necessitate the removal of mature and aesthetically valuable trees or other unique features of the property. We want to try to preserve the trees if we think, you know, the parking is not totally required.

Seven, if the use involves senior housing or other facilities for seniors and will not result in typical parking needs.

Number 8, the parking is required because in expanded or change in use, and the additional parking cannot be accommodated -- excused me -- accommodated onsite and the Director determines that existing parking is adequate. So again, the Director is going to have to go through a process and make a finding, in writing, of adequate parking.

And the final criteria that can be looked at if the use is a live-work mixed use where parking may be shared, and the space required for the dwelling use may be applied to the space as required for the business use. So again, we want to promote mixed use. That's part of smart growth principles that the County supports, and that we're trying to avoid double assessments when it's not really needed.

So thank you Chair for allowing me to go through that.

Ms. Green: No, we appreciate that. Does anybody have any questions or comments?

Mr. Rabaino: Okay, on page 14, these all requires under -- is under County ordinance, right, not State or other highways or whatnot? Just cause Lanai is privately owned, you know what I mean? Yeah, so because I get one over here --. I mean, I like this page 14 immensely, but

I'm looking at your diagram over here on the...you said exhibit 4, parking space required for off-street. You have down the column, under categories, mobile food truck -- so we don't have, but we -- I can foresee this coming up in the near future because we had one that was at the State and we had a lot of problems. Right Sherry? We had the taco truck, okay. And Sherry and I was there, but that was State. Now you have Anuenue that is on the State property. What if one of these food trucks wanna go on County because County's very limited on Lanai, right?

Mr. Raatz: Yes.

Mr. Rabaino: The city streets are County or Pulama?

Mr. Raatz: Well, if I may Chair, this code is talking about off-street parking, so we're not getting into issues of street ownership and things like that. It's basically a property owner is engaged in a particular use; we have this chart now that tells us what parking requirements will be required for that use.

Ms. Menze: I think this is a good idea for the food truck not to occupy any required parking space, and this is what Gerry was kind of referring at the harbor was this food truck was occupying lots of parking spaces. So this is a good proposal.

Mr. Raatz: Thank you, Chair, and if I may, regarding mobile food trucks. As you'll see in the chart, they're not specifically referenced in the code right now, and it has created some problems in trying to figure out what the parking requirements are. And actually the current code seems to prohibit mobile food trucks from existing in any parking spaces even if it's excess parking beyond the required parking. So this is a pro-food truck proposal in the sense that we're saying you can't have a food truck in required parking, but if a particular property has excess parking beyond what's required by the code, it's okay to have a food truck there.

Ms. Green: Thank you. Does anybody have any comments or questions?

Ms. Shelly Preza: Sorry, so just a clarification. So this new bill would apply to existing buildings as well, or just new developments?

Mr. Raatz: Very good question. It would apply prospectively I would say if parking assessments come up typically when a land owner is coming in for a zoning confirmation and we're trying to figure out what all of the requirements are for that particular use. So you know I don't -- if they come in for anything new, I guess, and we're reviewing the use and applying the parking code, we would apply the new parking code so I don't really see a grandfathering provision per se, but if it's just an ongoing use and nothing is changing, I don't see us getting involved in applying the new parking code at that point.

Ms. Green: I just have one question. I went back to our community plan since you were referencing this earlier. It says "create a comprehensive parking strategy for Lanai City.

Revise the BCT Design Guidelines to lessen parking requirements and allow businesses to fulfill onsite parking requirements through use of existing public parking surrounding Dole Park.” When I was just looking at the boundaries for the BCT, and I think it covers most of everything in the park, but not, or around the park within a block or two each way. But I perceive that there a couple of places that are not included and just wondered for future if we wanted to add some kind of a little amendment here maybe it would be under this page 14 that you were discussing and give the Director or the -- I’m trying to get the title here -- of the Department the ability to perhaps waive requirements in Lanai, in Lanai City proper. Not necessarily just the BCT because there may be some properties that fall outside of the BCT. And I think there was a case here not long ago where this, you know, this person was being required to have this parking space, these parking spaces and it just wasn’t practical. So I don’t know if we want to add verbiage to expand his power a little in making exceptions in Lanai City.

Mr. Raatz: That’s an interesting proposal and I think we would defer to this Commission. If you want to make that as a recommendation, we would, of course, send that on to the County Council.

Ms. Green: You mean so rather than leave it as a decision for the Director --

Mr. Raatz: No. I’m sorry to interject, but just if you want to recommend amending this bill, and under that section like you mentioned that starts on page 14 where the Director has authority to make waivers and modifications, and add in something for Lanai City specifically because of its unique character, you know, that’s something we’d be happy to consider if the body wants to move forward with that.

Ms. Green: What do you all think?

Mr. Delacruz: I don’t know what’s going on. When you’re talking about the BCT, town and country area will be exempt from this thing? Okay, that makes sense. Because if you look at this one thing here where you need a parking space for every six seats in the auditorium, theaters, or bleachers, it’s not going to happen.

Ms. Green: No John, what I was saying is expanding it beyond just BCT guidelines, but saying that anything in Lanai City if it, you know, there could be exceptions because there are properties that are commercial properties that are not in the BCT that could possibly, need to be exempted from following the rules. Is that clear?

Mr. Rabaino: Chair, I agree with you. We get our bon dance that should be in there. The flag pole, we should all include that area as part of a proposal to expand it into this page 14.

Ms. Green: Well perhaps rather than listing things we just say that if it’s in Lanai City that the Director has the discretion to look at more closely to see if these requirements need to be met.

Mr. Rabaino: Okay, I can go for that. Who's going to make the proposal?

Ms. Green: Okay, I propose that on page 14 the conditions under which the Director can override the parking code to include a statement about Lanai City saying that he has the discretion to...override the parking code for Lanai City businesses. Okay, sorry.

Mr. Rabaino: Is that your proposal?

Ms. Green: That all parking permits in Lanai City be, could be --

Ms. Thomson: How about adding a section or a subsection to 19.36B.110 to authorize the Planning Director to modify the parking requirements as they relate to the Lanai City area.

Ms. Green: All in favor?

Mr. Rabaino: Aye.

Ms. Green: I'll second it. All in favor.

Mr. Rabaino: You made the motion?

Ms. Green: I second it. She can't make a motion.

Mr. Rabaino: Now we can vote?

Ms. Green: I make a motion as Richelle said, okay.

Mr. Rabaino: So move. Call for the vote.

Ms. Green: Somebody else has to second it.

Ms. Shirley Samonte: . . . (inaudible) . . .

Ms. Green: Okay, do we have any discussion on this? If not, all in favor? Opposed?

It was moved by Mr. Gerald Rabaino, seconded by Ms. Shirley Samonte, then unanimously

VOTED: to add a section or subsection to 19.36B.110 to authorize the Planning Director to modify the parking requirements as they relate to Lanai City area.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

Ms. Green: Thank you Commissioners. Sorry for the confusion there. Okay, do we have any further questions or comments?

Ms. Preza: Sorry, I just have a quick question again. So you said that the, the Lanai Country Town Business Guidelines they override this.

Mr. Raatz: Correct.

Ms. Preza: Okay. And so I was just looking at the parking section of the guidelines and it doesn't really have -- I mean, it's very short. And, oh yeah, so I know we're going to be talking about it soon, but I just wanted to clarify that whatever we put in the parking section will override whatever is in this that we're talking about?

Mr. Raatz: That's absolutely . . . (inaudible) . . .

Ms. Preza: Okay, that's good for everyone to know probably I think.

Mr. Raatz: Chair, if I may, can I go back to the Vice-Chair's prior question? I gave a little bit of short strip on the applicability to existing uses. We do actually address that specifically. This is on page 31 of the bill, and this is actually not part of the new Chapter 19.36B. This is amending or proposing to amend an existing section in Title 19, Section 19.500.110, non-conformities. And you'll see on subsection D of that non-conformities section it specifically relates to parking and loading. So this, because it's existing, existing code language that we're amending, you'll see it's in what's called Ramseyer format that we talked about earlier where proposed content for deletion is bracketed, proposed new content is underscored. So I think it's short enough I can maybe just read into the record, Chair, and make sure everybody is comfortable with it, and I'll omit the bracketed part:

“Non-conforming parking and loading. (1) if there is a change of use of a structure or a lot or any portion of structure or lot, the area of the new use shall meet the off-street parking and loading requirement established in Chapter 19.36B, and (2) any use that adds floor area shall provide off-street parking and loading for the additional area as required by Chapter 19.36B. (3) any non-conforming parking and loading may be repaired, expanded or altered in any manner that does not increase its non-conformity.”

So I think that's generally consistent with what I expressed earlier but I just wanted to call attention to the fact that we do address that in the bill itself.

Ms. Green: Thank you very much. Okay, before we vote on this, do we have anybody in the audience who would like to testify? Just a second Winnie.

Ms. Basques: Hi, it's me again. Every day I walk the road, okay. Four to five times a day I walk. I need my exercise, okay. Stimulate my brain as well as my heart. You talk about

parking on the road. Do you know the houses that has been built, okay, Lalakoa, Olopuu Woods wherever, they have their garage. They don't use that as a garage. They use it as one occupancy. Okay now the thing is that why do they have to park outside of the road when there's a yard, okay? But the thing is that when they make house, if you going make a big house, make one big one. Don't make one three bedroom house, then the garage comes to be like a living room or bedroom. The thing is that when you look this kind stuff like that don't they go -- don't you have CCR's? No CCR's? Oh my god. You gotta look into that CCR's because it's going tell you what it is all about. Thank you.

Ms. Green: Thank you Winnie. Does anybody have any other comments or questions? Yeah, did anybody else want to testify? Okay, there being none.

Mr. Raatz: Chair, I have one additional point of information for the Commission. We received written testimony directed to the body that I don't think the Commissioners have seen yet because we just got it. It's from your Council Member, the council member who holds the Lanai residency, Riki Hokama. His request or his suggestion is please consider amending Section 19.36B.020, and if you want to pull that up that starts on page 2 of the bill. To require that residential dwelling units have at least the same number of off-street parking spaces as the number of bedrooms in the dwelling. So again, residential dwelling units should have at least the same number of off-street parking spaces as the number of bedrooms in the dwelling. We do have some copies to hand out now.

Ms. Green: So he's proposing rather than go by square footage that you go by the number of bedrooms?

Mr. Raatz: That's our understanding, yes.

Ms. Green: Do we have any comments on this proposal?

Mr. Delacruz: Who's going to provide the parking spaces?

Ms. Green: On page 2 as I understand it they are requiring with you're being permitted for a new dwelling, depending on the size of your dwelling, you have to provide a certain number of parking spaces. He is putting instead of the size of the dwelling, or maybe in addition to, we don't know because --

Mr. Delacruz: Okay, now that makes sense. It makes sense, but it's going to be really hard to do. Maybe for future buildings they can do it.

Ms. Green: This is for permitting future building.

Mr. Delacruz: Yeah because you look at the amount of house, no way.

Mr. Raatz: If you'd like Chair I could provide a little bit of background from the Department.

We did consider this suggestion. In fact, other municipalities use this formula, and it seems easy to apply on the surface, but in practice it's not always very easy to determine what a bedroom is. There might be something that's labeled a den, labeled a media room or whatever and people might actually be using it in effect as a bedroom, you know, and the square footage is actually easier to apply and perhaps it's a fair standard in some ways. And that comes up in other enforcement text too, what, what a particular room is being used for. So we appreciate the suggestion. Again, it's used elsewhere, but after due consideration we feel comfortable with what we have on the table here.

Ms. Green: Yes Gerry.

Mr. Rabaino: Why won't you just jack up the parking, the minimum number of parking spaces, jack it up? If it's a 3,000 square foot, right, on a dwelling unit, yeah Dave, and it says two parking stall, let's say they enclose the garage to make it a living room without a toilet and shower, but a family of more than three, but they have teenagers and two more cars is added, that becomes four cars on a 3,000 square footage. I think you should up it because Lanai we're getting into a sardine can on our highway, in our subdivision. You know what I mean? Like I would use my example, I get somebody across me, eight cars and it's all on the road.

Ms. Green: Any comments? I guess I would maybe make a comment Gerry in that you could have four kids but they could all be like under 12, and you're going to be required then to have a three car garage because you have 3,000 square feet. I just, I think there's going to be both sides of the equation. I mean, there are going to be people who have fewer cars and more cars. I would hate to request somebody with a 3,000 square foot home. Say a 2,000 -- it says under 3,000 square feet -- so I've got a 2,000 square foot home and you're going to make me put in a three car garage?

Mr. Rabaino: Square footage?

Ms. Green: No, I'm okay with the way it is. Yeah, I mean, I think you're going to have issues both sides of it. I mean, you're going to have --. So it's going to be hard to make something that fits all people.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: This is about future development. But go ahead Michele.

Ms. McLean: In the example that was brought up where you enclosed the garage and turned that into a living space, originally that garage probably provided the parking that was required for that dwelling. So then when you enclose it, you need to provide that parking someplace else, plus you've just increased the square footage of the house so that gets added. So if that increased the square footage to where an additional space needed to be provided, then you'd have to provide the two that you loss when you enclosed the garage, and then possibly an additional one for the enclosure. So as the house gets bigger you have to provide more

parking. And if you take away parking by your expansion, you still have to provide that someplace on the lot.

Mr. Rabaino: I see where you coming from but the thing is if the backyard is big where they can extend that's fine. If you're going extend the front and you going lose your parking, then I think there should be some language, you know, irregardless of the square footage.

Ms. McLean: Well, if you, if you take away your parking, you still have to provide that someplace. You still need to provide someplace. So if you, you know, enclose your whole garage, and don't have any other place to park, then that would be a zoning violation.

Mr. Rabaino: Well, we have some homes that enclose, but they still have --. You know, where they enclose the garage, on the side have the sidewalk going to the front entrance, but they still have a yard, they can put, they can still park there.

Ms. McLean: Then if they have room to park, then --

Mr. Rabaino: Yeah, but there are other homes get concrete walls, so they still squeeze in for park their car in, you know what I mean? But like I'm saying when you have a yard, and you have ample, to avoid the off-street parking, you can put two or three more cars inside even though you enclose your garage. I mean, well, depends on case --. Should we use the term case by case?

Ms. McLean: No, it has to be uniform. I mean, it gets too confusing for property owners.

Mr. Rabaino: Okay, I can live with this, but I don't know about the other Commissioners.

Ms. Preza: I think we should leave it as is. I, I appreciate, you know, your input, and I think - - but I think it can get really complicated really quickly and even with Council Member Hokama's input I think it's worth thinking about. But like you said I think it can get really, probably too complicated for everything. And I think that this, the square footage is probably a better gauge than number of bedrooms per unit because, yeah, what is a bedroom, and then what if you have three bedrooms but it's a very small house, are you going to require them to put more parking? I think it gets a little confusing, so I think we should leave it as is.

Ms. Green: Thank you Shelly. Any other comments? Questions? Okay folks...we've had a chance to go over this. We have, I believe, one revision that's been proposed with regards to page 14 where the Director has the discretion to override the code when it applies to situations in Lanai City. So without any further discussion, would somebody like to make a motion? We can either defer, recommend approval, recommend approval with revisions, or recommend denial. Do we have somebody who would like to make a --?

Mr. Rabaino: Recommendation for approval.

Ms. Preza: I think we should make a motion to recommend with revision, with the one revision that Caron just said.

Mr. Rabaino: Yes, thank you very much.

Ms. Preza: Do you want to do it?

Mr. Rabaino: Oh, no, you can do it.

Ms. Preza: Okay. Yeah, so I move to recommend approval with the revision that we already discussed.

Ms. Chelsea Trevino: Second.

Mr. Rabaino: Second. Call for the vote.

Ms. Green: Okay, we have a motion and it has been seconded, third and fourth. Do we -- we want to have a vote on approval of the revisions, with the revisions? Okay, all in favor? Opposed? Thank you.

It was moved by Ms. Shelly Preza, seconded by Ms. Chelsea Trevino, then unanimously

VOTED: to recommend approval with the revision as discussed.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

Mr. Raatz: Thank you very much.

Ms. Green: Thank you.

D. UNFINISHED BUSINESS

- 1. MR. WILLIAM SPENCE, Planning Director, transmitting the Lanai City Country Town Business District Design Guidelines and Standards, 2011. (A. Kehler) (Public Hearing was conducted at the February 21, 2018 meeting.) (Commissioners, copy of the proposed design guidelines and standards was included in the March 21, 2018 packets and/or directly mailed to you. Please bring your copy to the meeting.)**

The Commission may take action on this item.

Ms. Green: Yeah, we have unfinished business which is the Lanai City Country Town Business District Design Guidelines and Standards, the revisions. Several of us were here

for the presentation, and we have Annalise back with us. She was very kind to very quickly after our February -- no, after our March meeting, right?

Ms. Annalise Kehler: February.

Ms. Green: February meeting? And March? I guess, yeah. Yeah, you're right. After our February meeting, she went back and took the Commission's comments and revised the plan, and she's now coming back for approval.

Ms. Kehler: Thank you Chair. So again, my name is Annalise Kehler. I am a cultural resources planner with the Planning Department. And as Chair said this document here that came out in your packets, I believe it was for the March meeting, is basically a culmination of all the changes that the Lanai Planning Commission requested at the February 21st meeting. It also shows changes that have been recommended to date by the Planning Department, the Urban Design Review Board, and the Cultural Resources Commission. So in addition to those changes I also had our Deputy Corporation Counsel, Richelle Thomson, review the design guidelines. And so as her and I reviewed the document, we developed a couple of additional recommendations that I'd like for the Commission to consider today. So most of these changes are just to help the guidelines be more consistent with the country town ordinance, so consistency with County Code. And so I've marked a few of the key sections I want to go over with you today. And if it's okay, I'm only going to focus on those key, key sections and I'll skip over all the other items that we've already looked at, or that involved, you know, minor changes like sentence structure or grammar. So are there any objections to this? No? Okay.

So if I don't cover something or if you want to discuss we can do that after I get through everything. So jumping into it, on page 34, it's the setback section. So for item No. 1, we're proposing to change the front setback requirement from approximately 20 feet to a minimum of 15 feet. And that's because the -- the smallest setback in this district is 15 feet, so that makes it a more clear requirement that if you're going to build a new building it needs to be at least 15 feet from the, from the street.

And then...under No. 2 on the setback section we're proposing to change the wording to be more consistent with the side and rear yard setback requirements in the country town ordinance. And finally, we recommend adding language from the country town ordinance about the types of structures allowed in the setback area. And so I just wanted to get consensus from the group as far as these changes. Are these okay with the Commission to the setback section?

Ms. Green: Commissioners, any comment?

Ms. Trevino: So this says that the setback in the rear shall be 15 feet, right, except where the side . . . (inaudible) . . . ?

Ms. Kehler: Correct.

Ms. Trevino: Okay. So what No. 3 is saying is these are structures that are allowable within that 15 feet area, correct?

Ms. Kehler: Correct.

Ms. Trevino: Okay, so where it says trash enclosures is that including like the dumpsters, you know those big dumpster because those are like, what, six feet wide or whatever?

Ms. Kehler: I believe trash enclosure is referring to some sort receptacle.

Ms. Trevino: Any, any kind of trash.

Ms. Kehler: Yeah.

Ms. Trevino: So it could conceivably be one of there where . . . (inaudible) . . .

Ms. Kehler: Okay. Are there any other questions?

Ms. Green: Well, are you, are you okay with dumpsters?

Ms. Trevino: . . . (inaudible) . . .

Ms. Green: I'm sorry, there's something in the back of my mind that we just talked about or I read about dumpsters today, and restrictions on dumpsters. Am I crazy? Am I jetlagged?

Ms. Kehler: I don't --. I'm not sure. Again, that language was taken straight out of the County Code, out of the country town ordinance. So if there aren't any concerns with what I'm proposing, then I'd like to just get consensus.

Mr. Rabaino: Chair?

Ms. McLean: I just wanted to note that dumpsters themselves are not what we're talking about here because those aren't structures. Those move. It would be some sort of enclosure just to screen them, to visually screen, you know whether it be just like a, a residential size rubbish can or dumpster, but just something that provides screen would be what we're talking about here.

Mr. Rabaino: Chair?

Ms. Green: I was just --. You have something you want to say about this particular thing Gerry?

Mr. Rabaino: Yeah, just clarity. You want 15 feet all around? Back and side, right? So just like a u-shape.

Ms. Kehler: The County Code requires that.

Mr. Rabaino: Okay, I can live with that. I like it.

Ms. Green: Good. Okay, I was just talking to Richelle, and I think to expedite things perhaps as Annalise goes through each section where she's made a change that we go ahead and, you know, say we agree or disagree with it, and then we can move on rather than waiting to the end. Okay, so if I could find out from the group, do we agree with these changes on setbacks? Okay, no problems there? Okay, thank you.

Ms. Kehler: Okay, moving on to page 37 under the scale section. So we recommend including two additional scale requirements from the country town ordinance. The first one requires building massing to be compatible with the existing variety of form and massing elements, and that's language taken from the ordinance. And then second one says building scale should respect the size and proportion of surrounding structures. So are we okay with adding those two additional scale requirements?

Ms. Green: Commissioners?

Ms. Kehler: Okay. Great. Okay, next --

Ms. Green: Wait a second. Everybody okay with this? Alright, thank you.

Ms. Kehler: Moving on to page 39 the landscaping and outdoor use area section. So I've, under the item No. 2, I've added some parameters on outdoor dining areas, and I just wanted to make sure that those parameters were acceptable to this Commission. And I know at the previous meeting, Chair had a suggestion be to add hardscape patios may be used for restaurants as well as grocery stores like Richard's Market. And so the parameters basically say that outdoor dining areas are allowed for restaurants and grocery stores, but they need to incorporate grass or landscape elements. They can't just be, you know, full on concrete covering the entire front yard and the entire side yard.

Ms. Green: Everybody okay? Oh, we're moving right along.

Ms. Kehler: Alright.

Ms. Thomson: Thanks. I'm sorry about that. When I was reading this I noted that we're just talking about restaurants in the text, but I think we kind of --. It sounds like you want to really refer to, I guess, like food service establishments or something that will generically refer to places that serves food, it can outdoor seating areas and all.

Ms. Kehler: Food establishment maybe is better? Okay.

Ms. Mililani Martin: I really like that idea of having the establishments be like that. We are doing the courthouse across the street so my concern is for extra setting or somebody needs to talk. Sometimes we need a little bit of space besides just having a restaurants, I'm thinking that maybe we should spaces available for buildings outside of that. Well, outside of restaurants is what I'm saying or, or store, store fronts.

Ms. Kehler: So you mean like an outdoor -- like a patio?

Ms. Martin: Yeah, like a gathering place.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Martin: Just for -- I'm saying that we're getting the, the courthouse that's getting fixed up to be used for court purposes. And I'm only picking on this because there's not enough space inside of there for people to, for lawyers to talk to their clients and stuff like that. So if we had little seating areas around that, that's what I'm saying. If that can be put in there or somehow put into where each building on the area has the discretion to put in a little seating area place for them.

Ms. Kehler: So the concern that I have with saying that any building in the country town or any use in the country town could do that is that we would get outdoor patio areas in -- that they could be built on any building in the country town. And then if we do that for every building, then we lose the front yard area which was traditionally grass and that's sort of an important characteristic of the town. But let me think about how that could be --

Ms. Martin: I'm sorry, it's just a suggestion.

Ms. Kehler: Yeah, yeah.

Ms. Martin: Okay, I mean, we've got the park across the right.

Ms. Kehler: Right.

Ms. Martin: I mean, if worse comes to worst we can clean up the park and make really cute stuff out there and that could be done too so that's just a suggestion.

Ms. Green: Do you want to make an exception for the courthouse?

Ms. Kehler: You know, that's, that's up to the Commission to make that recommendation.

Ms. Preza: Or could we just say, you know, if people want to do this outside of food establishment then could they --. I mean, I don't know if this is something that we decide like

they can come and see us, then at the Commission's discretion. I don't know. I feel like if you guys want to have some kind of --. You know, you're saying -- yeah, or some kind of, you know, like, community like decision around how something should look then is there a way to do that? Sorry, that's just me thinking out loud.

Mr. Rabaino: Can I? You've been at our courthouse. Have you seen our courthouse?

Ms. Kehler: I've seen it, yes.

Mr. Rabaino: Okay, do you see the new handicap wrap going in the courthouse?

Ms. Kehler: I don't think I noticed that.

Mr. Rabaino: Okay, well, there used to be a jailhouse over there, okay. So I was thinking if you want the front the same even though they built that walkway, behind it where that pine tree stay, the little -- like how the . . . (inaudible) . . . has theirs on the corner where the lawyers can go talk to their clients away from public viewing. I think that would be a nice proposal, but keep the front original with the BCT, whatever you call it, the country town thing.

Mr. Delacruz: I have a comment.

Mr. Rabaino: Maybe four or five people.

Mr. Delacruz: Actually the County judiciary has to be -- actually it's a State. It's going to be County and a State court, right? But what Mili was saying there, there has to be space and not necessarily a pavilion, there has to be private meeting areas for legal providers and clientele because if you've ever been up to one over here, and even when the courthouse used to be there, the lawyers and your clients were talking outside, and everybody could see what they were talking about. There was no privacy. It's not only about the setback. This is about space for lawyers and clients.

Ms. Kehler: So maybe let's go back to the original idea of adding in food establishments and the courthouse.

Ms. Green: And also while I was reading this, it talks about front and side yards, but it doesn't talk about back yards. So they could put a patio area in the back.

Ms. Kehler: Yeah.

Ms. Green: It would be more private.

Ms. Kehler: Yeah. Back would, and honestly, back would be an appropriate decision for any building in the country town district because it doesn't impact views from the primary street.

Ms. Green: So there's room back there for patio back there I assume? So I think we're -- we can just go with that, no?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Gerry, it doesn't apply any which way. It doesn't apply here. We're only talking about front and side yards. Okay, just the BCT.

Ms. Kehler: Okay, so what I'm hearing then is...these outdoor seating areas are maybe permitted for food establishments as well as the courthouse, and those are only -- these -- for those two types of uses, they're only for a front or side. However any building in the country town they have a back patio.

Ms. Green: Yeah, I don't think you need to put the courthouse in there now.

Ms. Kehler: Okay.

Ms. Green: Is everybody okay with that? Yeah.

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Well, no, but are we generally accepting them instead of just limiting it to restaurants? She's saying food establishments. Okay.

Ms. Kehler: Okay. Alright, moving on to page 41, so...this is the new construction section. So at the February 21st meeting the Chair asked if all reconstructions could be exact replicas of the buildings they are replacing, and so I just wanted to kind of talk about that a little bit. Section 19.510.100 of the Maui County Code says:

"The purpose of the design guidelines is to ensure that new buildings are built in a similar and compatible architectural design character with that of the surrounding building."

So it's important to note that the County Code doesn't require reconstructions to be exact replicas. And I've also provided you with a handout. It's this, this thing that came out in your mail outs and so it's called *Fresh, Determining Compatibility for New Structures in Historic District*. And it was developed by Pratt Cassity. He's the former director at the Center for Community Design and Preservation at the University of Georgia. And I share this document with you because it does a really good job of describing what makes new buildings in historic districts compatible.

It also shows that new buildings don't need to be exact replicas to be compatible with the surrounding districts. So reconstructions or replicas are much more costly and difficult to execute than they appear. They require detailed physical documentary evidence -- physical

and document evidence, and that's to minimize conjecture or guessing what they might have looked like, and to ensure that they are accurate. And the National Trust for Historic Preservation identifies exact replication as a common problem associated with regulating new design. So the National Trust for Historic Preservation also says even -- and I quote -- even the most careful replication will not match the neighboring buildings, sometimes leading to disastrous results. And it also says projects that have the best intentions have ended up looking like characters of the buildings they were meant to emulate. This is not mean it can't be done, but exact replication is extremely costly in terms of both money and time, and sometimes -- that's something that many applicants are not aware of.

So given this info that I've just shared with you, I want to ask if it's okay to leave this section as I've, I've currently have it written? Are we okay with that?

Ms. Green: I believe I was the one who was asking about that and I'm totally fine.

Ms. Kehler: Okay, thank you. So moving on to page 42 under the roof section, I just wanted to make sure that it was okay to add some guidance about choosing appropriate roof shapes and styles. I also wanted to ask the Commission if you only wanted to allow metal roofs, or if you were okay with alternative materials. And if you're okay with alternative materials, what are those materials? Are you okay with asphalt shingle or do you only want to see metal roofs?

So the precedent is metal; it's corrugate metal. That's what was here historically. But, yeah, and so if you're okay with allowing alternative materials, then we should identify what those materials could be.

Ms. Green: Currently is there anything in BCT that doesn't have a corrugated roof?

Ms. Kehler: I don't believe so, but there are some buildings in the surrounding area that have standing seam metal. And I don't know if any of them have asphalt shingles.

Ms. Green: Any comments?

Mr. Rabaino: You only talking about the roof right now, right?

Ms. Kehler: Mmm, hmm.

Mr. Rabaino: And you only explaining that you want us to accept corrugate profile?

Ms. Kehler: Right. So right now the document calls for metal only, and so I just wanted to make sure that that's what the Commission wants.

Mr. Rabaino: Okay because you have No. 4 in red, metal roof maybe colored or painted. And then you have this one, 4-5 in light blue.

Mr. Kehler: Right. So okay, so No. 1 it says utilize pre-finished metal roofing with corrugating profile. Okay, and then the sentence above kind of contradicts it. It says roofs should be -- use corrugated metal or standing seamed roofing is encouraged, but not required, so it needs to be one or the other. And so that's what I'm trying to get out of the Commission is what is your preference.

Ms. Martin: If we look behind of us, at the apartment building over there and you see the roof line that's there and what they have on the roof, that's what you're talking about.

Ms. Kehler: Asphalt shingle.

Ms. Martin: Okay, so yeah, I don't have any problem with that, personally I don't.

Ms. Kehler: Okay.

Ms. Martin: I don't know if anybody on here has a problem.

Ms. Kehler: Okay, so we could say use of corrugated metal is preferred, however asphalt shingle maybe considered or standing seam may be considered.

Ms. Preza: Would you say other types of roofing because I haven't made a comment because I'm not so familiar with the different types of roofing so does it have to specific shingles or --

Ms. Kehler: It's better to be specific than not be because you could get, you could get wood shingle, you could get, you know, a rolled tarp, you could get --

Ms. Preza: Okay.

Ms. Kehler: Yeah. That is asphalt shingle.

Mr. Rabaino: I think, I think with corrugated is better because shingle going, when Lanai have strong wind, that's it. 80 miles per hour, that's it, there goes your roof.

Ms. Preza: I think we should have -- use your recommendation that corrugated roofing is preferred, but other, you know, the ones that you said could also be used.

Ms. Thomson: So if we're -- if the Commission is okay with other types of roofing other than metal which is prevalent in the BCT -- so we're just talking about the BCT -- so it's almost 100% metal roofing at this point, so what you're talking about is switching from that mandate of metal roofing to be, you know, to allow other types of roofing such as asphalt shingles, or slate, or you know, whatever people can come up with. So I just want to make sure that that's the direction that the Commission is going in.

Mr. Rabaino: Educate me, what is a diamond rib.

Ms. Kehler: So I think that's referring to the asbestos type of shingle that shaped almost like a diamond. I haven't even seen that type of roofing in Hawaii. Yeah.

Mr. Rabaino: Okay, so that's asbestos that one?

Ms. Kehler: I think it's the asbestos.

Mr. Rabaino: Okay, no like.

Ms. Green: I guess I'm going to chime in here. I like the wording that it is encouraged because I really would hate to see, you know, a whole row of our -- the ones with the corrugated, you know, metal roof, and then all of the sudden a shingle roof. I think, especially in the BCT. I mean outside the BCT is, is not the same, but I think that, I don't know, I almost would say it's required.

Ms. Kehler: If you want to require it that's, that's the Commission's prerogative. Yeah.

Ms. Roxanne Catiel: I've got something to say.

Ms. Thomson: One quick question Annalise. As far as -- I realized we haven't talked about designating the town on the historic register for a while, but probably roofing would be one of the components that would be significant as far as Dole Square, so would that change, negatively impact an application for historic registry?

Ms. Kehler: You know, it wouldn't, but it would definitely have a strong visual impact because all of the roof around Dole Park have corrugated metal. So introducing an asphalt shingle roof would really create, you know, it wouldn't be harmonious. So I mean, it's not -- changing the roofing material isn't as detrimental as changing out the windows for vinyl or covering the original sidings with vinyl sidings. But in this case because there is so much consistency, it could have a really big visual impact.

Ms. Catiel: Okay, Chair? Okay, if we do change, I mean, we're going to change the character of the business country town if you go shingles, so I would recommend the corrugated.

Ms. Green: Thank you Roxanne. So what we're saying is take out but not required use of corrugated metal or standing seamed roofing is required, okay. But then it goes on to say variety of colors are acceptable, okay. Diamond rib and other more modern styles in metal roofing should be used in moderation. Well, I mean, if we're going with this whole theme --

Ms. Kehler: Delete that.

Ms. Green: Yeah, want to take that out too? Okay. So then going back to your no. 1, utilize

pre-finish metal roofing with corrugating profile, we can leave that in.

Ms. Kehler: Right, you can leave that in. The only other thing though is the first sentence it says standing seamed, so it says corrugated or standing seam, and then this sentence says use the corrugated profile so do we want to get rid of --

Ms. Green: What do, what do we have now?

Ms. Kehler: You have corrugated.

Ms. Green: Okay. So we'll take out the standing seam too?

Mr. Rabaino: Right.

Ms. Kehler: Standing seam is what you see on the Catholic Church over there. It's -- I think it's a Catholic Church. It has blue windows. What is that? Yeah, so it's the metal roof that has a flat profile and then all of the sudden it has these little seams that stand up. Yeah. Yeah. Okay, so we're going with corrugated metal and that's it. Okay.

Ms. Green: So the -- under roofs, it will read "Use of corrugated metal roofing is required. Varieties of color are acceptable." End of story.

Ms. Kehler: Okay, so we've got down the materials; we've got that down. So now --

Ms. Green: Are we still on roof?

Ms. Kehler: We're still on roofs unfortunately. Sorry guys. Number 2, it says provide sheet metal gutters and down spouts to match the roof. I just want to --. I think it's important to clarify that most of the buildings around Dole Park do not have gutters, and so I think just adding in a little bit of language clarifying they're not required, but if you do use them they should be metal. Okay.

And then the No. 3, again, roof fascia. So fascia is the board that goes -- that hides the eaves. Again, a lot of the buildings in the country town districts don't have that. They have exposed eaves which is an important characteristic of plantation architecture. So if -- I think we should clarify that just like we did No. 2 and say, you know, if you're going to use a fascia it should be wood or maybe a wood like material.

Ms. Green: Okay, are we all in agreement here? Okay.

Ms. Kehler: Okay, moving on to windows. So item No. 1, I'd like to delete use double hung windows, and the reason why is because it's confusing. You would not use a double hung window in a storefront. That would be an inappropriate replacement for an original historic storefront window, so we'll just take that out and then No. 5 covers that. It says maintain

styles that match existing residential, commercial and public buildings, and do not mix applications of window styles or building use. Are we okay with that?

Ms. Green: Okay.

Ms. Kehler: Okay. And then for the entryways and doors, the siding materials and ornamentation, they all require the use of wood materials, and so for the windows we decided at the previous meeting that it didn't necessarily need to be wood. And so it could be a wood like as long as it looks like wood. And so do we want that same sort of allowance for these other elements, these other architectural elements? Can they be wood like as well?

Ms. Green: We all seem to agree here.

Ms. Kehler: Okay. I think that, I think that wood like is certainly appropriate for new construction. We've come a long way with advances in materials that really look a lot like wood. There is a danger with using these materials with existing historic buildings, so you could add in some language clarifying that, of course, if you're doing repairs on a historic building, you would want, if something is rotted and you need to replace it, you would want to go with wood or, you know, you would want to go what you're, what you're replacing and it should match.

Ms. Green: And where would you put that wording?

Ms. Kehler: I could put it in -- I could put it under all of these sections just that if you're, if you're working with a historic building. I mean, we cover it under the rehabilitation section on page 40, it talks about what is appropriate when working with existing historic buildings, but we can reiterate that here too that -- yeah.

Ms. Green: So we're all in agreement here too? So that was entryways and doors. Are we -
-? How about siding and finish materials?

Ms. Kehler: Yeah, same, same thing.

Ms. Green: Same thing. So new construction could use wood looking materials.

Ms. Kehler: Yeah.

Ms. Green: Okay because that's not in there now.

Ms. Kehler: Yeah. So that's the recommendation that I have, and everyone is okay with that? Yeah.

Ms. Green: Everybody okay? Okay.

Ms. Kehler: And then the last thing that I wanted to talk about was signs. So on page 43 under No. 3, I think the second sentence should be removed because I think it refers to two-story buildings and that doesn't really apply to the country town district. And then item No. 5, I think that should be deleted as well. It's -- what that is --. That's just repeating something that's from the sign, the current sign code. I don't think it applies here so I think that should be deleted as well.

Ms. Green: We're on signs. It is --. You mean because that's a new thing, yeah. Alright, anybody any questions? On the signs, I had a little note here that it says each business in Lanai City shall use only one sign. I know the Arts Center has one over their door, and they have one out front too.

Ms. Menze: . . . (inaudible) . . .

Ms. Green: . . . (inaudible) . . .

Ms. Menze: That plastic sign. The banner at the Art Center?

Ms. Green: Not the banner. They have a wooden sign out near the walkway and they have something over their front door.

Ms. Menze: Oh yeah, yes.

Ms. Green: I mean, so do we need to restrict it to only one sign?

Ms. Kehler: That's, if you feel like the businesses should be allowed more than one sign, you can make a recommendation to change that.

(Several Commission members were speaking at once, and did not speak into a microphone.)

Ms. Thomson: Can -- if you're speaking just so that we can get it on the record, so please use the mic. I know it's kind of hassle to share. As far as the number of signs, though, you can have more than an additional -- you can have an additional sign if you have, if your building is adjacent to another street. So if you're on the corner you can have two signs.

Ms. Green: Well I don't know. Just right now it exists. I know that the Lanai Art Center has one over the door and one by the street. We're talking about future buildings, you know, so do we want to just restrict it to just having one sign? We have both things going. You know, Richard's has it over their door, but they don't have one on the street. You know a lot of businesses have, you know, just off the walkway and not on the building. Do we care?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: Right.

Ms. Kehler: Well, it applies to any business. Any commercial sign has to comply with these rules.

Ms. Thomson: Sorry, I have couple of nick picky questions so we're on two. So the first sentence says "each business in Lanai City shall use, shall only use one sign. One additional sign shall be permitted for buildings that are directly adjacent to more than one street." What if you have multiple businesses in one building adjacent to two streets? What I'm getting at is should you change the second one to -- sorry change the first one to each building shall only use one sign? And I don't know if there are actually buildings here in the country town district that have multiple businesses located in one building, so I don't know if that's a problem or not.

Mr. Delacruz: It's not a big problem. It's not be a big problem yet, but it might be in the future.

Ms. Green: Yeah, Lynn reminded me that the old Dole Administration Building has multiple.

Ms. Kehler: Oh, so that would be . . . (inaudible) . . .

Ms. Green: You know, so they could have a big board out front with all the names and then on the buildings too. I don't know. What do you feel? Do you feel we need to limit it to only one sign?

Mr. Delacruz: I think we should limit it to two; one sign per business or entity, facing outside the building, if they so desire. Like there are some offices in the building that don't advertise outside the building. Like there are State functions. If Maui Family Support Services is there, they don't have an outside sign. But on the building itself, one sign on the outside per business if they so desire. But then there would be a problem on how many signs you're going to put on the lawn because there's already one there for the Lanai Cultural and Heritage Center, I believe. Are you going to put one up there for the dentist? But they have a sign in the back don't they?

Mr. Menze: The dentist office does have a sign off to the side, and then at the Dole Administration building and the CDFL has a sign. And there's something else there that has a sign too. So I like John's comment on if there's multiple businesses in a building then if they so desire they could put a sign. Because it would really -- because we have to address the Dole, the Dole building, administration building the same as well as the town.

Ms. Green: It does say that each business shall use only one sign. So if there are five businesses in the old Dole Administration Building, each business could have a sign. It says one additional sign shall be permitted for buildings that are directly adjacent to more than one street. That's a different situation. But my question really had to do with the fact that people are putting signs just off the sidewalk -- standing signs -- and they're putting signs on the building. Do we want to look at these differently or the same? The Art Center has a sign

above the door, and it has a sign by the sidewalk. Is that okay? Can anybody building something have a sign on the building plus a standing sign?

Mr. Delacruz: Why don't we just put a limit to that? One sign on the building per business within the building, and one sign on or near the street per each building. And Lanai Cultural and Heritage Center, you lucky because you put it up first.

Ms. Green: Are we in agreement with that?

Mr. Rabaino: Yeah.

Ms. Green: Okay.

Ms. Thomson: I want to make sure that we're capturing this accurately. So are we allowing one building mounted sign per business in addition to one ground mounted sign per business? And in addition to that --? No is that -- because that is what I was hearing.

Ms. Green: One ground mounted sign per building. So Dole -- I mean, so I guess the Old Dole Administrative Building could put a sign up with the names of all the businesses in there, but it could only be one sign. On the building, people could have their different businesses.

Ms. Preza: Sorry, this is just signage for the names of businesses? For the names, right? Because -- sorry -- since we're talking about the Dole Administration Building, the Lanai Cultural and Heritage Center has a sign on the building. There's kind of like an informational plaque like in front of, like, the walkway so but it doesn't say, like, Lanai Cultural and Heritage Center. It just talks about the building. So we're talking about, like, business names, right? That's what we're discussing? Okay. Yeah, so I think we're saying a building mounted -- one building mounted sign per business, and then a sign in front and, like, the lawn or near the sidewalk per building.

Ms. McLean: Chair, may I comment?

Ms. Green: Sure.

Ms. McLean: Thank you. I was just talking with Annalise that we should try to make this consistent with the commercial sign ordinance because that's what this ties into and that applies to businesses throughout the County. So under that language these are called business identification signs. So you would say each business is allowed two business identification signs. No more than one can be wall mounted, what we call a wall sign. And no more than one can be a ground sign.

Ms. Green: But I think we want to limit the number of ground signs to one per building. So, so in other words we don't want five signs in front of the Old Dole Administration Building.

Ms. McLean: Okay. Okay, we can word that. We can word that appropriately. So, okay. What the commercial sign ordinance also allows for what's called a multi-tenant building which would be this one that has multiple businesses, it does allow a directory sign. And so that ground sign would be -- could be a directory sign that lists all the businesses that are in it and that's it. So you don't have those multiple ground signs. It's one sign that lists all of them if, if that's what you're looking for for those.

Mr. Rabaino: So in other words, I'm going to use Dole Administration Building. So we can use Dole, but all the other businesses inside that building with one sign?

Ms. McLean: It sounds like what the Commission wants is that each of those businesses could have a wall sign, but then the ground sign would lists all of the businesses or could say, you know, Dole Administration Building or something like that.

Mr. Rabaino: Okay.

Mr. Delacruz: That would be for the outside, right? One sign permitted on the outside. But you could also have a sign over your door once you get into the building.

Ms. Green: Okay, are we all clear on what we are recommending at this point in time? Okay, then we're okay with that? We're looking at No. 5, the new No. 5. The maximum sign area for building areas with a front setback of 49 or less feet shall be 24-square feet.

Ms. Kehler: We're recommending that we remove that. That was a carry over.

Ms. Green: Okay, we're removing that?

Ms. Kehler: Yeah.

Ms. Green: Yeah. I'm looking here, it seems to me we were talking about restricting the size of signs though that are by the walkway. Did we get that incorporated here? Projecting or hanging signs are from the building, right? That's not addressing ground signs. Okay. And we just have for ground signs, shall be setback from the edge of the sidewalk.

Mr. Rabaino: There's no hanging sign on the stores. Everything is walled. So that one crossed out with 3, in blue, 3 and 4 is crossed out on the hanging signs. Is that what you're saying? Delete? Remove?

Ms. Green: Remove No. 4.

Mr. Rabaino: So 3 and 4 going be deleted. Is that what you're saying, 3 and 4 going be deleted, the hanging sign?

Ms. Green: In fact, we may want to say no projecting or hanging signs.

Ms. Trevino: I just want clarification. If that's the case the sign at Coffee Works is that considered projected or hanging with the cup and . . . (inaudible) . . . ? It's on the patio.

Ms. Green: I'm sorry, but same thing with the Lanai Art Center. It's on the wall. Same with Richard's. Same thing with Pine Isle. Those are not hanging signs, they're projecting signs. Do we have any other comments or thoughts on this?

Mr. Rabaino: . . . (inaudible) . . .

Ms. Green: The only thing that I don't see on here is we were kind of going to restrict the height of signs that are just off the sidewalk. Do I see that we defined that? I mean, we don't want a 20-foot high sign right? I think we should go look and see what the height they are normally right here and just kind of restrict it. I don't know if it's four-feet or five-feet.

Ms. Kehler: I think I measured using an aerial imagery and it was like between four and five feet was the highest.

Ms. Green: So do we want to say something about ground signs shall be setback from the edge of the sidewalk and be no more than five-feet high or something like that?

Mr. Rabaino: Sounds good; less than five-feet.

Ms. Kehler: Well, maybe --. Because if you think about it we don't want to make --. I need to think about that number, the height.

Mr. Rabaino: Make it three-feet.

Ms. Martin: I mean all the signs, all the signs around here right now, they all are uniformed, all the ones that have. So why don't we just make it all the same size as that sign?

Ms. Kehler: Okay.

Ms. Martin: Because then everything will be uniformed. I mean, we're talking about wanting to keep this place historical so --. Lynn, can I ask you if you would know how big the signs are around here? So maybe we can get some kind of clarification instead of trying to guess.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. What we -- I thought we had followed when we first put all the ground signs up was the County ordinance for signage on ground signs. Oh, it wasn't that then. Okay. So it's not that. You know, we just measure them and put the heights in. I think that's easier because the height is nice and it doesn't --. It's not five-feet, and three-feet is really low except for a little kid so it's may be somewhere around four, but that's my best guess.

Ms. Menze: We should do all this measurements, not only the height, but the width because you don't want someone to put in a 15-foot long sign that's only five-feet high.

Ms. Martin: . . . (inaudible) . . .

Ms. Preza: I just want to point out on No. 1 it says --. I mean, I think the guideline is generally 12-square feet, which makes sense with the four-foot height, three-foot. I think that's kind of what it is now, but we can check on that.

Ms. Green: I just looked at that. So signs greater than 12-square feet require a -- and then somebody took out permit. Why don't we just get rid of that, and on the ground signs just give the parameters.

Ms. Kehler: Okay. So what I'll do is we're not going to nail down a number. It will just --. We'll just agree that it needs to be measured and whatever is measured will be -- yeah.

Ms. Preza: So is that all the edits that you needed to go through? The only thing I wanted to --. I wanted to thank you for going back and painstakingly editing Lāna'i. I think that's really awesome. But in the parking section that's on page 34, maybe since we were just talking about that potentially changing the code, then it might need to be revised if that gets passed, right?

Ms. Kehler: Correct.

Ms. Preza: I just wanted to point that out.

Ms. Green: I just had a quick little thing on 43 when we were talking about colors, the second point there you say interesting continuity and basis in colors present in Lanai City. I was just going to interject the word historically present because for the business country town.

So back to Shelly's -- are you finished with all of your changes there? And I will second what Shelly said. For those of you who weren't with us when we went through this the first time, there were a lot of changes. And as you go through here you can see that. And Annalise was very patient with us, and she went back and we requested that she try to get this done for our March meeting because the Commissioners were going to be changing over. And for those of you who are new wouldn't have the advantage of being there for the discussion so we said we'd like to approve this at the March meeting and so she was very good about going back and working. You must have worked over-time to get this all done in time for us for the March meeting. Unfortunately, we did not get to approve it because we didn't have quorum that night, so tonight would be a really good night for us to approve it.

No, I don't think we have, and that's a good point. Is there anybody in the audience -- not many of you left here -- Myles or anybody have anything that they would like to say before we go further?

Ms. Catiel: Caron?

Ms. Green: Yeah, I was just asking this and then I'll come back. Anybody? Okay, Roxanne?

Ms. Catiel: Okay, the question I had with the prior Commissioner, Brad. He had the question about that lot on Lanai, on Fraser.

Ms. Green: The discussion on that was the fact that it's a whole different procedure to change the boundaries of the business country town from what is in our current plan. And that has to -- if I remember correctly and somebody can -- I don't know, can you say it more specifically Michele?

Ms. Catiel: I thought, I thought you could do an amending on the zoning and community plan for that.

Ms. Green: Not as part of this approval. But Michele, why don't you explain.

Ms. McLean: Well to answer that question particularly, yes, you can, the Commission could ask that the Planning Department initiate a change in zoning and a community plan amendment for that area if you'd like. So, yes, that can be done. It can't be done today, but it can be done at a future meeting if you want to pursue that.

I, I wanted to provide the background of that site that in the 1985 community plan, the site was designated heavy industrial. And then when the plan was updated, the idea was to move the heavy industrial uses to Miki Basin and the CAC, the Department and the Commission proposed the property to be open space. But when that went to the Council, the Council designated three acres BCT for offices, and 12 acres open space. And then -- so that was in 1998 when the plan was changed, and then zoning followed up after that 1998 plan and the property was, that three acres was zoned BCT at that time. So it was specifically an action of the Council in 98 to change the community plan first, and then to zone it. And then when the community plan was just updated again that the business designation remained. So now if you want to start the process to change it back we could and that could be agendized at a future meeting, and then we go through the process to change it. But it was specifically done. There was discussion before that it was a mistake, but it seems that it was a specific change by the Council, which was different from what the CAC and the Commission recommended, but it is what the Council specifically chose to do at that time.

Ms. Green: Does that answer your question? Okay. Are there any further comments, questions, concerns with this? Alright, so at this point in time, I guess, we do the usual.

Ms. Thomson: Again, sorry, just for procedure, what I recommend doing is going ahead and someone make a motion to approve this draft of the business country town design guidelines and recommend its approval to the Maui County Council. So basically what happens from

here it leaves your control and it goes to the Maui County Council for review and approval by resolution.

Ms. Green: But we want to approve it with the revisions given today. Yeah, would somebody please make a motion?

Ms. Preza: Okay, I move to accept the revisions that we've done today and forward it to the Maui County Council for approval.

Mr. Rabaino: Second.

Ms. Green: All in favor? Anyone oppose? Okay.

It was moved by Ms. Shelly Preza, seconded by Mr. Gerald Rabaino, then unanimously

VOTED: to approve the draft business country town design guidelines with the revisions, and recommend its approval to the Maui County Council.

(Assenting: R. Catiel, J. Delacruz, M. Martin, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

E. DIRECTOR'S REPORT

- 1. Open Lanai Applications Report as distributed by the Planning Department with the agenda.**
- 2. Agenda Items for the June 20, 2018 meeting.**

Ms. Green: Okay, we are on E, which is the open applications report. Thank you.

Mr. Clayton Yoshida: Good evening Madame Chairperson and members of the Lanai Planning Commission. The Department has circulated its Lanai applications report if there any questions from the members.

Seeing none, your next meeting is scheduled for June 20th. David Raatz will be back with three bills for an ordinance -- ordinances to address or clarify certain issues in Title 19. And thought it might be prudent to have our -- to start orientation workshop for the Commission as last year was such a heavy transition here with three new members coming in in April, two members resigning in June, one new member coming in in August, one new member coming in in November, one member resigning in February, one new member getting reappointed in, appointed in April, one member getting reappoint April, and two new members coming in in April to the point where currently Chair Green has the longest tenure on the Commission of more than 14 months. Although Commissioners Rabaino and Delacruz have been on the Commission previously. So that's what we have for the June 20th meeting.

Ms. Green: Okay. But you were going to recommend something? Were you going to

recommend a different time or are you still --

Ms. Preza: I think we're confused about why you brought up that there's been a lot of changes in the Commission. Is there something that we need to talk about? Is that what you're asking?

Mr. Yoshida: Well, I guess last year we've been kind of holding off the training until we had a fully --. Tonight we have all nine members here, but last year it was difficult to get nine members here.

Ms. Green: Okay, so we are having training next month.

Mr. Yoshida: Yes.

Ms. Green: Okay, and again the subject is?

Mr. Yoshida: I guess we'll going to decide on that and report back to you.

F. NEXT REGULAR MEETING DATE: JUNE 20, 2018

G. ADJOURNMENT

Ms. Green: Okay, so there's no further business. It will be a training session.

Mr. Yoshida: Correct.

Ms. Green: Okay, and three ordinances. Okay. Alright, thank you. There being no further business, I call the meeting adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:33 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Caron Green, Chair
Mililani Martin
Sherry Menze
Shelly Preza, Vice-Chair
Gerald Rabaino
Shirley Samonte
Chelsea Trevino

OTHERS:

Michele McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator, Current Planning Division
David Raatz, Administrative Planning Officer, ZAED
Annalise Kehler, Staff Planning, Long Range Division
Richelle Thomson, Deputy Corporation Counsel
Suzie Esmeralda, Secretary to Boards and Commissions II