

**LANA'I PLANNING COMMISSION  
MINUTES - REGULAR MEETING  
FEBRUARY 21, 2007**

**APPROVED 03-21-07**

**A. CALL TO ORDER**

The regular meeting of the Lana'i Planning Commission was called to order by Chairman Reynold "Butch" Gima at approximately 7:00 p.m., Wednesday, February 21, 2007, in the Old Lana'i Senior Center, 309 Seventh Street, Lana'i City, Lana'i.

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

Mr. Reynold "Butch" Gima: I'm going to call to order the February 21, 2007 meeting of the Lana'i Planning Commission. Let the record show we have Commissioner Zigmond, Kaye, Gamulo, Endrina and Gima. Commissioner Oshiro will probably be arriving shortly. At this time, since Clayton is not here, Joe, I'll let you do the introductions.

Mr. Joseph Alueta: Thank you Mr. Chair. I'm here, as well as Colleen Suyama, our Deputy Director, and Jeff Hunt, our new Director of Planning. I'm not sure if Jeff wanted to say anything.

**B. INTRODUCTION OF NEW PLANNING DIRECTOR JEFFREY HUNT, AND NEW DEPUTY PLANNING DIRECTOR COLLEEN SUYAMA**

Mr. Jeff Hunt: Aloha. I will say a couple words. I've been meaning to get over here and say "hi" to you folks, and get acquainted. We do have some scheduling conflicts so it's nothing personal. It's just that they haven't cloned me yet, so I can only be at one spot at one time. I will make it a commitment to try and get over here as often as I can, or a little bit more regularly than the Department has in the past. We're trying to reach out to you folks and let you know that we haven't forgotten you.

Mr. Gima: Jeff, do you come to the GPAC meetings also?

Mr. Hunt: I'm going to try. Same situation. I think that happens to meet on an afternoon where I have a Planning Committee or Land Use Committee meeting. But there's going to be some changes in those meetings because of the budget. So perhaps that will open up some time.

Mr. Gima: Equal opportunity Colleen.

Ms. Colleen Suyama: Good evening. I'm Colleen Suyama, the new Deputy Director. I probably will come more often to the Lana'i Planning Commission. I'm taking Clayton's place. I know Clayton has been the person here for the Department.

**C. APPROVAL OF OCTOBER 18, 2006 MINUTES (*Materials was distributed at the November 15, 2006 meeting. Commissioners please bring your material with you.*)**

Mr. Gima: Thank you. Okay, at this time, I'll entertain a motion to approve the October 18, 2006 minutes.

Mr. Lawrence Endrina: So move.

Ms. Sally Kaye: Second.

Mr. Gima: Okay. It's been moved by Commissioner Endrina, and seconded by Commissioner Kaye that we approve the minutes of October 18, 2006. Any discussion? Hearing none, all in favor, say "aye."

Commission Members: "Aye."

Mr. Gima: Oppose? Okay, motion is carried. Go ahead Sally.

Ms. Kaye: Could I just make an inquiry on what happened with the minutes from the workshop?

Ms. Leilani Ramoran: I didn't know it was suppose to be approved, but I'll have it at the next meeting.

Ms. Kaye: Thank you.

**It was moved by Commissioner Lawrence Endrina, seconded by Commissioner Sally Kaye, then unanimously**

**VOTED: To approve the minutes of October 18, 2006.**

**D. PUBLIC HEARING (Action to be taken after the public hearing.)**

- 1. MR. JEFFREY S. HUNT, Planning Director, transmitting Council Resolution No. 06-131 containing a Bill for an Ordinance Amending Chapter 19.04, Maui County Code, Pertaining to General Provisions and Definitions, and Chapter 19.36 Pertaining to Off-Street Parking and Loading. The purpose of the draft Bill is to establish new definitions and standards for residential uses within a single project, in the Village Mixed Use District as allowed in a Project District, the B-2 Community**

**District, the B-3 Central Business District, and the B-CT Country Town Business District. (J. Alueta)**

- a. Public Hearing**
- b. Action**

Mr. Gima: Okay, well go to public hearing. Joe?

Mr. Alueta: Good evening Mr. Chair, Commissioners. The first item that we have today, for public hearing, is Resolution 06-131 which is amendment to ...(inaudible. Mechanical problems with the recording system)... off-site parking and loading district. As you know, I'm the Administrative Planning Officer. I pretty much handle the rule changes for both – for the three commissions, as well as, either drafting legislation, tracking legislation and ordinances. And so as far as changes to the County Code, specifically to Title 19, changes to that code comes either from department initiation, where we would draft it and bring it to the Commissions for review and hold a public hearing; or they may come down by Reso. When they come down by Resolution from the County Council, we have a specific time period to hold a public hearing and for us to get back to them – that's a 120 days – and that would be March 28 for this Bill.

Whenever we get a Reso, we kind of go into a damage control mode, and that is, we kind of see what did they do? How does this effect other sections of the Code? And that's the primary function. This Bill has, as I've indicated, my memo report dated February 9, 2007, the main purpose of it is to basically establish a new type of parking requirement. That's the intent of the Resolution – to identify for residential mixed use developments. At the same time, in reading the report and everything, Council sent out basically four questions on top of this Resolution. And that was ways to address enforcement; stacking the cars to maximize space as they do in Japan; landscaping and whether there is a need – less of a need for compact parking stalls, and that's taken straight out of their Committee Report, and that's also attached as to what they wanted the Commissions to talk about or in the Planning Department to look at.

In reviewing the Bill and the original drafters, it was evident that this was, like I say, geared toward the village and mixed use, which was for the project district Maui Lani, which is in Central Maui. As well as some of the potential changes that could occur or new developments within the B-CT, or business districts that incorporate some type of residential mixed use development. The basic concept of this ordinance – because of the less need for parking or potentially less need for parking, and the reason why we want to encourage this type of neo-traditional town planning, the Code doesn't account for it and so they wanted to have it codified so that there would be less parking required. As I've said, the concept of mixed use development is part of a broader concept which is called

neo-traditional town planning, smart growth, new urbanism, whatever you want to call it. So sticking this, the way the changes are, it's like one portion of that broader concept. Sticking that new planning concept within an existing Code doesn't necessarily work. And that's our main concern. If you're taking something that's a great idea, but it's like one piece of a puzzle, and it doesn't necessarily fit within our (phonetics) zoning codes that we have. Also in going through, well, in going through it, when you try to establish parking requirements, there are four, as I've outlined in my staff report, there's four basic components in determining how much parking requirements for any development is going to be. And that is – your basic development type and size, population and development density, the availability of transportation choices and surrounding land use mix. The concept of reduce – having the residential mixed use – works fine for, say, here in town, where you have residential uses. It's a very compact design. People can walk to commercial areas within town, relatively easily from within town. It works really well within the Wailuku Redevelopment area, also, where you have – it's an existing town, you have residential uses, apartment uses, inner spurs and inner mix within the commercial core, as well as, government offices. So it works well in that concept. But for new developments, taking a residential mixed use development where you have, and sticking it, say, in a brand-new development where there's nothing really around it, you're not going to get the same benefits. It works great maybe for a town in here because you have an existing hard core. Same thing with Wailuku – existing core. But to stick down, say down in the middle of Dairy Road in Kahului, or next to K-Mart, you're not going to get the same effect because of what's around there. It's such a small – adding residents to such a large commercial area, you're not going to get the same bang or buck. And that's why I didn't understand what they were going with when added some of these 30,000 – having a requirement for 30,000 square feet. And so there's a proportionality. So my example to other Commissions was that if you added five apartment units to the top of K-Mart, is that really going to have a big reduction in the parking demand for K-Mart? Not really. So there's a proportionality, and like I say, there's four concepts, four important things that need to be analyzed in determining parking requirements for any development. And the Ordinance kind of addresses two of those use, two of those needs.

I'm not going, like I say, read my staff report. I'm just going to highlight, but as you can see we had some significant – we had some concerns with the concepts or what was being proposed with coming out of the Council. As a result, the Department is actually proposing its own ordinance, and that is attached to your – as Exhibit #3. So today, this evening, what you have before you is, you have the resolution that came down from the Council which adds some new definitions to 19.04, as well as adding a new section within 19.36. The Planning Department doesn't feel that works. In our haste, what we did, we basically rewrote the Title 19.36. We liked their concepts, however, we don't feel it should just be added in a new section, but it should be part of the over all 19.36 revision. So we took some of the pieces, and when you go through – and I'll mostly cover Exhibit #3, which is

the Department's proposal of revisions – we add the definitions that they – some of the definitions that they are recommending. Some of them that they were recommending are pretty much the same as the existing Code, so we didn't feel that changing it was warranted at this time.

Under the definition of resident for mixed use development, we took out the concept of 30,000 square feet in that definition. And I'm going to go down line by line of our proposals. I tried to do a Ramseyer version. So for those who are familiar, it's those that are in brackets are being taken out. Those that are underlined are all new. And what I did for the most part is when you see uses and maximum parking ratios, that's straight out of the Code. All I did was put it into a table format. We did like that idea of putting it into a table format, rather than just having a word definition. So on Exhibit #3, all those definitions and parking requirements are the same that's in the existing Code. And then you'll see when you get about three pages into it, you'll see the first bracket, and that's basically, I just took it all out because that's all been put into a table format.

And then again, when you get 19.36.020, there's no changes. I'm just reiterating the same changes. The same thing that is in the existing Code. I'm not making any changes to that. And you'll get to 19.36.070, fences and landscaping. A lot of that, I didn't rewrite that whole section. A lot of that I just cleaned it up to make it a little simpler to read. But it was easier to just remove it and then put this new section in, and that's under the, we're adding landscaping in the buffer zones. 19.36.090, lighting, we incorporated just a statement – "an appropriate shielding shall be incorporated."

Where you get to the meat of the matter, as far as some of the changes that we're adding, that's where you get to 19.36.130, and that's parking reduction and waiver. That's a new section that we're adding. Basically what happened is in the Council's proposal, they were going to give reduction, outright reductions, which – so if you were a residential mixed use, and you were this type of use, you provided less stalls than what was under the existing code. And they created their own section. We consolidated that – their proposal reductions – as well as what's already in the Code. The Code already allows for reduction in parking if you are in an industrial storage area. You can come in and ask for what's called an industrial storage parking waiver, and this comes to this Board. You also have off-site parking approvals. You also have waivers if your commercial complex within 400 feet of a public parking lot – you can get waivers. We took all of that. Churches – churches was able to get waivers if they could show parking on-street. So all of those that were scattered through the Code and were listed – and the standards for waivers were listed under the individual use – what we did was we moved it to one section to try and make it real simpler. And make it to the discretion of the Director to be able to analyze each individual use, and not just the type of use, but take into account, what's surrounding the area, what's your intensity, and the four factors that we consider important in

determining these. And it gives the Director the opportunity to reduce the parking count by up to 30%, and we think that's pretty fair in that way.

And one of the key things that we took into consideration was that you could provide your parking or potentially show that you have space on your property to provide parking at a later date. So in the mean time, what you do, you create an enhanced landscaped area or a green area, and you just avoid paving it. And, you know, you screw up, your business is widely successful and you need extra parking, the land is still available on your site to provide that parking. We think that's one mechanism, and we think it's a good concept. And I hate to say it, but I'm not a genius. I didn't come up with that idea. I pretty much went out and looked at other districts, as well as what's in town, construction, and ordinances around the country, and this is what a lot of people are doing, is this open space and just waiving the parking requirement.

And like I said, I just consolidated, so a lot of these standards and waivers are existing – are in the Code. I would like to make one correction where it says, "to commercial or mixed use facilities." That should say, "commercial or residential mixed use facilities." I'm on 19.36.130, parking reduction or waiver, A-2. First paragraph is A, where it says commercial, just add "residential" in front of that to make it very clear – that's a residential mixed use facility.

Another concept that we want to make sure we note and we took out was, or two key concepts that they took out with the reduction was, having only one stall required for studios or one-bedroom apartments. The current Code allows – requires two, and the Council's proposal was only requiring only one. We did not go with that because we have pretty good experience on Maui with multi-family complexes. And given the housing crisis that seems to be ongoing. We have a lot of people doubling up, in families, and especially apartments and even in condos. Even if you have a one bedroom room apartment, and you have a couple there, both couples have to work, both has their own vehicles. So we feel that you still need to have the parking of two stalls, per unit.

The other concept was they wanted to have the ability to count on-street parking as required parking. We are not supportive of that at all, and we took that out. We didn't incorporate that into our re-writable. The main reason is that we feel that, that's the fudge factor area where, like I say, you have, here's your requirement, we're going to give you a waiver, but we're not willing to give up the on-street parking. Because if you're widely successful, or as we call it, the Christmas season, you want to have that excess stalls lying around for people who want to – for businesses that have a big sale – Christmas season or baby luau, you know, everybody parks in the streets. We want to be able to have that on-street parking still available.

Next section is 19.36.140, excess parking. This is where – I’m trying to avoid having – the Department is trying to avoid having people who provide too much parking, and paving too much land area for the sake of parking. My example, which was brought up to me, was Home Depot. I don’t know if any of you have been to Home Depot on Maui – most of the guys are nodding their head – but there is tons of parking. And Wal-Mart is the same way, there’s lots of parking. For the parking requirement for Home Depot is 305 stalls. I don’t know if you’ve ever been to that parking lot, but it’s never full. They have 610 stalls paved. Because they want to, and I like I said it’s – a lot of times these big boxes come in, or the businesses, they feel the need they got to have the parking – they got to have the parking. And the same thing with the signage that we had on Maui a few years ago, we had a lot of problems. It was big box coming in, they have this I-5 mentality. It’s I’ve got to have my business visible from Interstate 5. And that’s the same thing coming in with parking – I got to have enough parking to have half the State to come shop. And I’m sorry, even at Christmas time, that’s the time that it’s – I’ve never seen it full there. And Wal-Mart, I don’t know how many stalls they have, but it’s very rarely full, even at Christmas, I know some of the back lots. But what we’re trying to say is we’re not prohibiting you from having excess stalls. You can do up to 40 excess stalls or 20% of what you’re required. If you choose to go more than that, we don’t want it to be paved, especially if it’s surface. So you can build, you know, if you want to build a parking structure, great. But the way we’ve got it, we just don’t want to have a sea of asphalt for no reason. And that’s the rationale behind that section that we’re adding.

Temporary special events parking – that’s in 19 – that’s a new section also, 19.36.150. I’m sure you have special events on Lana`i. Where on Maui, we have Taste of Lahaina, the County Fair, the Hula Bowl, or whatever. Where you’re not going to count – you need to have temporary parking somewhere. It doesn’t makes sense to have someone pave a bunch of stalls for temporary. You want to be able to at least have some gravel. To be able to have the Director at least to be to waive it and put some gravel stalls somewhere, and to set the criteria or the restrictions on those stalls.

For large construction projects on the west side, we’ve had a requirement by the Planning Commission that we create off-site parking for your construction employees. And if you’ve been to Maui, it’s across from Lahaina Canary, with the big field. And all the construction workers park there, and they shuttle over to North Beach in Kaanapali, where they’re building all the timeshares. But we had to come up with – we don’t have standards. We don’t have any way of proving it. So it’s kind of a bizarre situation where this is a condition of the Commission, and they’re going to use this area as parking, what do we do? Do we make them pave this parking lot? But they’re only going to use it for six months or whatever. So we want the Director to have the flexibility to set some standards and to be able to approve these temporary parking lots.

After drafting my report, like I said, I pointed out the one error where I wanted to have “residential” added in. The other one I wanted to add in was loading zones. So there would be a new section called 19.36.160, and that would basically take the loading zones that’s found in the existing Code. And if you look on where I’ve inadvertently bracketed loading zones out of the entire Code. So we’re going to add that back in as a new section because we think it should be just as a separate. So that’s number 30 – if you’re looking at the existing Code, it’s #34 on Exhibit #3, where it says loading spaces. I’m just – we’re just going to add that whole section back in as a new section at the very end. And one other correction or suggestion was –

Mr. Gima: Joe, what’s the reason for having a special subsection for the loading zone, as oppose to keeping it where it already is?

Mr. Alueta: Because it’s not a, per say, a use. If you look at the table and the way they’ve got everything listed out, it’s talking about type of uses and the requirement. So commercial uses, banks, medical centers. And then in the old Code, they just kind of added loading zones right at the end. And it doesn’t make any sense, so we feel it should be a separate section – subsection. Because once again, like I said, we’ve taking it all out, putting in a table format. So the table covers – the table is covering uses. And it’s said in the next column of setting, what is your parking requirement. A loading zone is not use. It’s a requirement. It’s a function of how much parking you’re going to be required and the type of use you have. So that’s the reason we just stuck it in as a brand-new section.

The next one is under – if you look at the table, it says shopping centers. Shopping centers defined as commercial establishments. In the requirement stage where it talks about, in the table, under shopping centers, it says, “it has their parking standards of one space for 200.” We want to put in another line right below that, under standards, it says, “residential mixed uses are not subject to the shopping centers standards.” Once again, we’re trying to encourage residential mixed uses and we wanted to provide clarify that if you do a residential mixed use, you’re not going be dinged. The way the shopping center standard is when someone does a little complex and they have five different users, all of a sudden, rather than assessing each individual five uses on their own, and saying this is your parking requirement, they just say, you’re a shopping center now, you’re now going to do one per 200. Whereas, a retail may be one per 500. A restaurant maybe one per 300. And office maybe one per 700. When you get labeled or tagged with a shopping center tag, all of a sudden it’s just, well I don’t care what, you’ve got five uses, you’re now a shopping center, and you’re a certain size, you’re one per 200 square feet. And that can really balloon your parking requirement. What we’re trying to say is, we think the standard should still stay there for purely commercial uses. But if you’re going to do a residential mixed use, where you’re going to have apartments above your shopping center – above your shops, and have – above your businesses, commercial office, or whatever – we want



to assess you on an individual basis.

That's pretty much the logicist of the Department's recommendations. Like I said, we liked that the Council is looking at this and trying to encourage this type of development of having the residential uses inter mix with commercials. We think that's great. We just don't think the way the format they had is going to work with the existing County Code. And that's kind of spurred us to clean up our existing Code, and we did a lot of changes that we think are pretty good. And so we're hoping that we'll get your support on that. Thank you.

Mr. Gima: Thank you Joe. Any questions or comments from the Commissioners? Sally?

Ms. Kaye: On page two, you say the Department does not agree that a lot size standard is appropriate. I don't know if you could just expand on that a little bit. I'm not sure why.

Mr. Alueta: Because we think a residential – example Wailuku or even here in town, you have a lot that's only 5,000 square feet, so it doesn't mean you can't qualify as residential mixed use. Like I say, I use myself as good example. My lot is 2,700 square feet. I'm in Wailuku town. And I could easily do it because I'm a mixed use. My zoning is a mixed use. I could do apartments above an office building. Or I could split my house in half, and do half office, half residential. And so, the way – we don't think it's a function of the size of the development to qualify as a residential mixed use. What are your uses?

Mr. Gima: Use the mic. Sally.

Ms. Kaye: When I read through the materials there was some sort waiver that was granted to – and I think it was Pele's – that you have a restaurant and you could have an agreement with someone else who has – a landowner who has parking available. You could have an agreement that they would let you use their parking to meet your requirement. Correct?

Mr. Alueta: Correct.

Ms. Kaye: Okay. So in a place like this, where it's really not a public –. I mean would someone, somewhere else have to get a written agreement from Maui County that they could use the street parking to satisfy the requirement. Like someone here would have to get it from the Company. I'm just not sure how does that work?

Mr. Alueta: Yeah, we still have that ability to do off-site parking approvals, and also we have joint-use parking. That's part of that whole reduction where you could have, I mean, a joint use where you had a –. A good example would be I'd say a coffee shop that serves

coffee and lunch and they close at two o'clock. Next door is kind of a dinner place and nightclub. They have two different clienteles, at different times. And they agree, you know what, I have a requirement for five stalls, you have a requirement for five stalls, how about we tell the County, let's provide seven or six, and we agree that we're going to share these stalls. It reduces the amount of parking that's required by both of them. It reduces the amount of paved surface. And that's the kind of stuff the Director would need to use his own discretion and/or the planner would need to use his discretion, like does this make sense? And it would be conditioned on use. Like I said, that whole off-site approval, that's already in the Code. And it's done either – some of those waivers are already done by the Director, some are actually taken to the Planning Commissions. And the Planning Commissions really don't want to see those. They're pretty "manini." It's pretty straight forward. Does this or does this not meet the criteria. And I think that's, like I say, we were consolidating a lot of that down into one section that's approved administratively.

Mr. Gima: Anybody else? I've got a couple. On second to the last page of the Planning Department's proposal, 19.36.120 – did you mean all Planning Commissions or only the Maui Planning Commission, under special management area additional requirements?

Mr. Alueta: That's a good point. In the County Code right now, it only mentions Maui. So we should just strike that and say Planning Commissions, plural, and that would be fine. That's a good point. Thank you.

Mr. Gima: Okay. In developing the Planning Department's proposal, how do you see the Planning Department's proposal specifically affect Lana`i?

Mr. Alueta: I think it has best application to Lana`i, and possibly Kaunakakai, because it would allow for the redevelopment of – within the B-CT – with the passage of the B-CT amendments that allows for residential uses above commercial, we could see a lot more mixed use or redevelopments of existing homes. So they could have part residential, part commercial, and have part of the parking waived. You could have, like I say, that the residential, either joint use where you have two different type of businesses getting together. I think also you could see it in potentially redevelopment of larger areas where they would then develop a complex that has that residential mixed use and seek that parking waiver. Because I think Lana`i is unique in the sense that you have what I call the fudge factor, which is your on-street parking. Part of this in talking with Ralph, and when they surveyed this, part of the parking is on County land, part of the parking is on Dole's property. So it's kind of strange or interesting. So, that's going to have to be resolved, I think, in the future. And I think that's their goal, it's to try to resolve it. Because I like the idea. Because right, you know, a lot of these existing businesses, they rely on that on-street parking that's out there. But any new project that came in, for redevelopment, they would have to stand on their own. They couldn't necessarily use on-street parking as a

requirement, as required.

Mr. Gima: So that's a good seg-way to my next question. If this is passed, it will not require any current residential mixed use situation? Do we have to make any changes – so there's no need for a grandfather clause?

Mr. Alueta: Not that I'm aware of. I'll defer to Corporation Counsel. But I think they would become like they are now. They're all existing, either non-conforming or just existing uses, and they're not being hit with new parking requirements. I think if they changed uses, then they get hit with the new requirements. But I think this new requirement, or if this Code, if the amendments that the Department is proposing passes, they would be easier for them to meet these new standards because they would be able to get some type of waiver or reduction in parking, as oppose to, under the existing Code, which is very strict about, you know, parking. They're very strict, but very demanding on the higher end, I think.

Mr. Gima: Okay, and my last question is, what opposition, if any, have you received regarding the Planning Department's proposal?

Mr. Alueta: None so far. I've taken it to both Maui and Molokai. Maui, they liked it, but they wanted a little more time. I was little re-missed/delayed in getting them my report, so a lot of them had a few days to read it and digest it. And I think they needed a little more explanation of what this meant, how does this impact existing development. Same questions that you have. And so they voted to defer it because they just wanted a little more time. Molokai, we were in the same situation. I think I had enough – we didn't have enough Commissioners, I think, to push for a vote, because they needed everyone there. And one Commissioner was not ready to vote on it. He wanted more time to digest it. So we ended up deferring the action on that also.

Mr. Gima: Any concerns or comments from the business community?

Mr. Alueta: We did receive comments from both Maui Lani, who obviously is most directed with because they have 110 acres of village and mixed use. And we did receive a few letters from the other ones. They did not have an opportunity to read the Department's report. They have the opportunity to Council's. They were supportive to the Council's one because, like I said, that was an out right granting of the parking reduction, as oppose to our proposal, which is we want to see the context of that commercial enterprise is.

Mr. Gima: And the Council has seen your version? I mean the Planning Department's version?

Mr. Alueta: No.

Mr. Gima: Not yet.

Mr. Alueta: Not yet. When we send it back, they'll see it.

Mr. Gima: Okay. Any other questions?

Mr. James Giroux: Joe, was there any consideration about that phantom parking issue? I mean, does that even come into play with this type of ordinance? Did that discussion even come up, as far as how the ordinance could address that type of situation where people are trying to open up restaurants on property that absolutely have no parking and now they've got to pay some guy, 400 yards away, for parking that they can't even use because everybody else is using?

Mr. Alueta: Right. And it's not so much – just to bring the Commission up to date on that, that is, as I've indicated, I consolidated some of the parking waivers that are existing in the Code. One of those parking waivers that you need to note is that if a commercial project is adjacent to or within 400 feet of a public parking lot that has, I believe, 150 or more parking stalls, they were allowed to get so much waiver of things. The one and only, I believe, parking lot that qualifies, is the one located within the Wailuku Redevelopment. There's 219 stalls there. And yes, there is a phantom stall. They were – the organization that is in charge of that parking lot is the Wailuku Redevelopment Agency. They recognized that there's a deficit, and they have stopped granting anyone waivers because they were in charge of that. The next area that we have phantom parking lots, or parking stalls, is Lahaina. And in Lahaina historic district, it's sort of a mixed use area. What has been occurring is that we have commercial parking lots. People have decided, like Republic, have bought lots and opened up parking lots. And what we're finding is that a new business comes in, and it's not necessarily a new building. It's just changing of the C.O. And whenever that happens, the new business, we say "where's your parking?" And they say we have to provide eight stalls. What happens is they then go get a lease from one of these people, say, okay, here's your lease, I'm paying you \$5,000 or whatever for each stall. And they turn in the paper into the County, and say, here's your lease. Well, somebody finally calculated that Republic had leased out more stalls than they possibly had on their lot, and there wasn't much. And once again, you know, the County wasn't following through, or had a difficult time keeping track of these stalls. And I think that's where the Council got – is concerned about the phantom stalls. And I think this would not eliminate it all together, however, the Director will not necessarily just out right grant anything. I think that's where the issue came up. It's basically as long as you show you got it, you can get the waiver. I think that the Director will have the ability, and the staff will say, well, you have these stalls, now show me where they are. Or, you know, at least show me that these stalls actually exist somewhere. And I think that's the main concern. Before, it was an out right waiver, I think.

Mr. Gima: Sally?

Ms. Kaye: Yeah, just a general question. I noticed that – well, I'd like to know where you folks found your standards, your industry standards. You're allocating stalls, for example, five for bowling alleys, as oppose to four pick up spaces for day care center. Basically, this is, you know, sort of counter intuitive. How did you figure out what the equation would be?

Mr. Alueta: First of all, I didn't come up with that part – the table – that's an existing code. All I did was put it in table format. The way I came up with the 30 – up to a 30% reduction – that is straight out of the Institute of Traffic Parking. And I believe that's where the standards are also coming from.

Ms. Kaye: How many you need per use?

Mr. Alueta: Yes. I'm assuming where the initial came from. Like I said, I inherited it, but I didn't have enough time to research more to make tweaking. And I think, whenever you make changes to an ordinance, as I say, it's like opening pandoras' box. You have to be very careful. You can't – if I came to this Board or any Commission, and said here's the changes and I'm changing it dramatically, it's going to be a tougher sale and it's harder to explain. I thin if I'm only changing a little bit of it, I need to say, look, I'm only reformatting it. These standards are the existing standards. It's a little more palatable. At least that's my rationale for trying to do it. And on the 30%, like I said, that waiver or reduction, comes out of the National Traffic Standards for mixed use developments or residential mixed use development and small towns. And that's what the Wailuku Redevelopment Code uses also.

Mr. Gima: Okay. Thank you. Any questions? Last questions from the Commissioners before we go to public hearing. Okay, anybody wishing to testify? Okay. Pat?

Mr. Fairfax "Pat" Reilly: My name is Pat Reilly, and I'm a resident, and I'm testifying as a individual tonight. I recommend that you defer any action on this. I really respect what Joe does and how complex when you go through this Code, and x-parking spaces for that. To me, fundamentally, there's two issues. What's driving this? The issues on Maui County are driving this. On the Island of Maui are driving this. Cars are driving this. How does this apply to Lana`i? As far as I'm concern, it doesn't, and it should be deferred. We're in the process of trying to figure out what this Island is going to look like in 20 years from now. And before I would agree to an ordinance like this. I would want to know what Lana`i residents think about the need for parking. You know, on this Island we have large trucks. And you'll notice the mixed use. The intent is to reduce parking spaces. I don't buy that. Mixed use, down town Lana`i City? Maybe. We already have country town, you know,

business country-town zoning. I'd be very cautious about reducing parking spaces. As you know there's a proposal from the Company to designate this whole area as a special district. Where does that fit into this? And you may know, tomorrow, there's a variance hearing for the lot behind the post office. Again, the whole issue: streets, parking, codes.

My preference would be the decisions would be made on Lana`i, not on Maui County. That every decision related to that should be made here. And while Maui County Commission may think it's "manini." No. This is based on the developers – this favors developers. This does not favor the customers, the people that go to these places, the people that have to live in these places. You know, there are many places on Lana`i, within residential areas, I can count three houses with 15 cars. What does that mean? There's no housing. It's the poor people who are trying to live together, get to work, who require automobiles. Maybe in a larger metropolitan area, they can have mass transit. It's not going to happen here guys. And so I will just close with that I recommend you defer this. Thank you.

Mr. Gima: Before you go Pat. Would you recommend to the Commission that we defer or would you recommend to the Commission that the Island of Lana`i be exempted from this change?

Mr. Reilly: Here's my reflection and I can't make – I look at this and it's just too complex to apply. I keep trying to apply it to Lana`i and I can't. What I would recommend is Lana`i be able to choose from a menu of these options as each permit and developer comes up. In other words, this ordinance would create a menu. However their decision would come back here as to which – and there would be a spectrum as to which of these ordinances would apply and how parking would apply to a specific development, as a menu choice. But to me, to put it all on Maui and have the decision made on Maui, and then slap it on Lana`i, I don't see that at this stage of the game.

Mr. Gima: James, let me ask is it statutorily appropriate to do something like that? Making the Island of Lana`i exempted from this change?

Mr. Giroux: I don't think it's impossible. If that was the intent, then it would just be incorporated into the actual statute. The language would be clear. But then the – I'm not sure what Pat is saying is then having an extra, a different code or something like that. I don't know if the Department has looked into that or thought about that.

Mr. Gima: Joe, you want to respond to that? And then Sally.

Mr. Alueta: We have and Molokai does it all the time – except for Molokai – except for Molokai. So you could. I mean it just make it a little more cumbersome. I have not gotten the okay to write a whole Lana`i County Code, Molokai County Code, Maui County Code

– or Island Code, excuse me. I think you do have that in some respects that you have your business country town districts that sets up certain standards. This Code is applied county wide and it just says that if you have this type of use, this is how much parking you're required. From my aspect, I haven't changed anything that's already in the existing Code, as far as your requirements. I only set up a menu or an option that a developer or citizen can seek a waiver of up to 30% and we've set out the criteria that is pretty straight forward as to what they have to show to qualify for that waiver. And the Director can say, "No. No waiver." You could have that. You could, down in here, on the sections that we had parking waivers, or even on your excess parking, or even on the temporary special use, you can "Except for Lana`i. Except for Lana`i" for those sections. What that means is that – or for any change that I have in this proposal – you could say, that way Lana`i would just have to go by what's in the existing 19.36. And there would be for anyone to come in for a waiver, expect through the variance process. Like I said, of all of the ordinances I've brought, besides the B-CT, changed. This applies to Lana`i and its small towns, in particular, more than it does to Maui County. Because this will not apply to Kahului town. This will not apply to Lahaina Industrial. It doesn't work. This doesn't work there. It only is going to work – I mean, the people who are going to get the most bang out of the proposed reductions are going to be Lana`i, Kaunakakai – I take that back, Kaunakakai rejected any residential uses in the business district, so probably not – but small towns that have that ability to do a mixed use. And Lana`i is the only one. Maui Lani residential mixed use – yes – they'll be able to seek that. Any type of district that has the ability to do a residential mixed use, or, like I said, or have the ability to do a joint use parking or live/work, is going to be the ones who take advantage of this.

Mr. Gima: Okay. Sally and then Jeff.

Ms. Kaye: So you answered my first question and that is it would default. If we exempted, to some sort of blanket exemption for Lanai, it would default to the existing requirements in the Code, and you go to the Variance Committee. So hypothetically this plot of land behind the post office, it's just now going into development, and I did not know there was a variance hearing tomorrow – well, there's orange paint on the grass, so you're probably right. Would these folks, then, be allowed to apply for a reduction?

Mr. Alueta: If this Code was – if the proposed change were in effect, yes, they would be able to apply to the Planning Director for a reduction and if they met the criteria they could potentially, up to 30%, get a waiver from providing the parking. Or, as I've said, one of the criteria which is ingenious is, you provide the parking as open space. If you need it, you pay it later.

Mr. Hunt: I think one thing that's important to realize about the proposal is that it's not viewed from staff as being an out for the developers. We're not trying to cater to the

developers. What we're trying to do is minimize the amount of surface parking that would be required. You know the old song, "paved paradise." There's a lot of thought that we want to minimize the amount of parking, the amount of paved surfaces. So don't forget that side of it. There's a positive to it. If you're worried about the authority, perhaps you could put in a clause that the Lana'i Planning Commission would be the final authority. So my recommendation or suggestion that you think about is not to do away with the waivers because there's some instances where we do want to reduce parking. And, again, another option might be – and you might run it by Joe for the mechanics – would be have the Lana'i Planning Commission be the authority if you don't trust the Planning Department or Director.

Ms. Kaye: While you're there, can I ask you a question? I really do have in mind, that one (phonetics) land that – I don't know where they're going to get parking in the first place, but under this, they would be allowed to come in for a waiver. And then it would be in your court. And what criteria would you would anticipate in using to grant or to deny? Would you like to come over and look at?

Mr. Hunt: We would use the criteria in the ordinance. And to be honest with you, I don't know this well as Joe, so I'll defer to Joe to explain the ordinance.

Mr. Alueta: So none of the criteria that we've outlined would work in this issue.

Ms. Kaye: ...(Inaudible)... If applied across the board without any kind of discretionary. I mean, you built in there that the Planning Director has the discretion, but I want to know what criteria you would use, and you've sort of drawn the ball back, and said as long they meet the criteria.

Mr. Alueta: Well, no. It's potentially up to 30% and the criteria that we're looking at is one, you either have a joint use – partner in crime – that would be one way to get a waiver. Off-site parking approval, you know, they could provide the parking off-site within 400 feet. There's public parking available – a public parking lot available in which they could tap into.

Ms. Kaye: Are they disjunctive or you have to have them all?

Mr. Alueta: No, any one.

Ms. Kaye: Any one.

Mr. Alueta: It's just that – if you meet all of them, you could get up to 30%. If you can only show one, and it's not that strong, maybe you'll get only 10%. It's not waiver of all 100%. We're only saying 30%. Or you could say look – yeah, we're saying – or you're saying,



look I can provide the parking, but if the cost to pave to it is expensive, can I do 70% paved and do 30% grassed, and get the waiver that way – where I'm not really – I'm still providing the area for the parking. I'm just not going to have to pave it, put the capital improvement into it. And I think – so I think that's one of the – proof of a parking reserve or in the case of residential, like a joint – not a joint use – we came up with a definition which was live/work situation. You know, you get an office. You're an accountant. That's pretty common on Maui some time. You're an attorney. You live in your house. You've got a 500 square foot office in your house. You're required two parking stalls by the Code. Okay, you have 500 square foot office, County requirement says you have to provide another stall. We say, you know, why? I've already got two stalls, and one of them is normally empty, so why can't I just have – so we allow you – okay joint use. That one stall you don't need to. We count it is as part of your – you've already got two on-site, we'll count that. So you have your car in there, and then maybe you have a client come, or maybe you have no clients. It all depends. That's kind of the criteria that the Director or this Commission, if you want it, has that ability to waive that requirement for that extra stall.

I think – I try to – I mean I'm not a big – I work for government, but I'm not a big believer in government of having more regulations and really restricting the permit process. I really do believe that you want to have something, just make it an out rightly permitted use. If you don't want to have it, just say you can't do it, and really limit to what you want to have as your permit process. And that's why, as I told you, when I first took this job as Administrative Planning Officer, my goal is, I'm not going to come to you and add new permits. If anything, I'm going to try to reduce the amount of permits because I just think that if you want to have it, allow it. If you don't want it, just say you don't want it. And I'm not a big believer in trying to add more work to you, but we're going to keep that option open. If the Commission feels that it's very important for you to maintain the waiver – ability waiver – we already have a parking waiver permit that we're already processing. So, it took me as sort of not adding a new, we're just staying status quo sort of.

Mr. Gima: Okay, thank you Joe. Any other public testimony? Mr. McOmber.

Mr. Ron McOmber: My name is Ron McOmber. Joe, I have a question for you. I sit on the Liquor Commission, and quite often we get applications come to us that are putting bars or restaurants in existing buildings, like in Azeka Place. How does that work when they bring in an establishment, they're going to need part of that parking lot in that area – do they have to have so many of those parking stalls assigned to them before they could get their okay from the Planning Department? Because one of the things they have to go through is getting their clearance from you guys for parking. Is that – how do they do that? Do they have special parking area? I'm concerned because we're getting a lot of these – applications are being delayed because they can't get it through the Planning Department, or they can't get it through whatever it is construction.

Mr. Alueta: That's basically a parking confirmation. So when a new tenant comes in, and it doesn't matter whether or not it's a liquor – it's anyone – any change in a use – when they come in and they come in for their certificate of occupancy, we say where is your parking. Now, for the most part, shopping centers, they have a parking count. They're required so many stalls when they developed it, and it's normally just saying, well, we have the number of stalls. Where people get ding is if the parking requirement goes up. So, say before a parking requirement use to be, you know, one per 200 square feet, and somebody raised it to one to 400. Well the existing use is fine, but when a new use changes, and they change the new use, they may not have enough stalls in the entire shopping center. So, that's another – like I say, some commercial complexes will provide the initial stalls to meet what their initial intended uses are, and if you add a restaurant into that mix, that can change your parking counts. That's why, in some areas, when they come in for their C.O., they're saying, no, you can't do a restaurant, you don't have enough stalls. So that's pretty common. But it's just – it's every business has to come through when they change the C.O., it has to get a confirmation that they still meet the parking requirement.

Mr. McOmbler: Second question. If and when we ever get this transient accommodation bill through – I see you got vacation rental, one for every bedroom – how are they going to do vacation rentals when there's a whole house is going out? It's not by bedroom. You see what I'm saying? We here, on Lana`i, do vacation rentals, but it's not a room. It's the whole house is a vacation rental. It's not parted out, like a bed and breakfast would be. Maybe they would have three or four bedrooms in there, or whatever. How are they going to do that? Just normal parking that you would have a house and one car or two cars? What is a residential requirement on a normal house?

Mr. Alueta: Two.

Mr. McOmbler: Two. Okay. Last – I sit on GPAC.

Mr. Alueta: ...(Inaudible. Did not speak into the microphone.) ...

Mr. McOmbler: No, no. I'm not holding. This is not a trap Joe. I'm just asking you what is a residential because right now we don't have any vacation rentals.

Mr. Alueta: Legal.

Mr. McOmbler: Legal or otherwise, we still are going to have to address it some time. So, sitting on the GPAC, I can see this can be – as we go through the Community Plan – when we start talking about some of this stuff. Because we still don't know what the Company's going to do with their country town – like a Wailuku district, it's what they were talking, in

this room here, a few months ago. Doing something like a Wailuku district because I think this Jacaranda thing set them into motion. They could see what the County's requiring them to do, and they're afraid of that. So, that's going to have to be addressed, I think in the GPAC or the Community Plan when that comes up. And we'd like to have that addressed, and hopefully the Company will bring it forth again so we could discuss as we go through this planning process. Other than that, that's it. Thank you.

Mr. Alueta: If I may Mr. Chair? In – for Wailuku Redevelopment Code, and what, I guess Lana`i – I've met with Lana`i officials a couple of times on their Code. If they go the Wailuku Redevelopment route, which is when the Wailuku Redevelopment Code which has specific boundaries of the redevelopment area, they have their own parking standards. So they are not part of this 19.36. We also have project districts. There's one project district out in Lahaina. They're not subject – they created their own parking – they created their own parking ordinance within their project. So Lana`i Company, I don't know if they're going to go down that road. They may decide to try to put together a package that says, here's our district area, this is what we want for parking requirements. And that would be totally separate from the County Code, from the 19.36, and so therefore, they wouldn't be subject to this at all.

Mr. Gima: If they go that route, it will come before the Planning Commission?

Mr. Alueta: If they go that route, they would have to get approval from the Planning Commission, and I guess the County Council at the same time.

Mr. Gima: Anybody else. James, can you give us what our options are in terms of us taking action?

Mr. Giroux: You're being asked to comment. So if you see things within the Bill that you think are relevant to Lana`i that you want to address, this would be your time to make those comments so that the staff could take those comments down and try to incorporate them into a letter to the Council who will be reviewing these for action. So, the staff has made recommendations that you can make comments on those recommendations. As far as that goes, you can mix and match, and you can come up with your own comments that maybe the staff has not looked at.

Mr. Gima: So it's not a matter of us making a motion to approve or disapprove? So, this is just mainly comments for the Planning Department to take back to the Council?

Mr. Alueta: No. We do want you to make a motion to either – our proposal to you is to reject the Council's proposal amendments, and to basically adopt or recommend the Department's recommendation as amended here, which included the discussions I talked

about, as well as your point regarding the – adding and having the Commissions – whatever. Or you can say, you like the Department’s one, but we want to change this, and we recommend that. Or you can just say, we don’t like the Department’s one, we’re going to tweak the Council’s Bill, and those are our comments and make that motion to send that back to the Council.

Mr. Gima: Thank you. So before I entertain a motion, let’s have some discussion between the Commissioners about what you’re preferences are, what you feel comfortable with, not comfortable with.

Ms. Kaye: I wonder if – well, my first reaction is that, this is primarily designed – I was in Home Depot yesterday, and I know that the problems on Maui, and I think the Department’s version deals with in a very cogent way. I would like to think that we would consider, except on Lana`i, and let it come before the Planning Commission here. Anyone wants a waiver here, it should come before this group.

Mr. Dwight Gamulo: Yeah. I think that’s the way it should be – recommend the Planning Department’s proposal, except that any waiver procedure should come to this Commission instead of Maui County.

Mr. Alueta: If I may? Before you take a discussion vote. Would that to be say, instead of, on the parking waiver portion, instead of “upon approval of the Planning Director,” just say, “on approval by the Planning Commission?” I mean, yeah, Planning Commission – for those waivers, Lana`i?

Mr. Gima: So you’re just talking that one subsection? You’re not talking the whole proposal?

Ms. Kaye: We had not had – I think we got this a couple of days ago, and I don’t know that any of us has enough time, like, go down these one by one, and say do we think it applies here. And I don’t think that would be a good use of our time because probably most of those standards apply to businesses elsewhere. So if that would ensure – that these standards would apply, but anybody who wants to get a waiver from this, has to come before this group. I throw that out to you folks to see if there should be something more we should be doing.

Mr. Gima: Bev?

Ms. Beverly Zigmond: I don’t really think that either version of this really applies to Lana`i. When I read them both, I just kept saying, this is Maui, and it’s not here. And I really would like to have more control, including more than just way it is.

Mr. Gima: So what would you propose? Or any thoughts of a proposal, or a counter proposal I should say?

Ms. Zigmond: Personally I'd have to recommend deferring until we came up our own kind of proposal.

Mr. Alueta: I just want to make it clear to Commissioner Zigmond that the parking standards that's in the Department's proposal is the exact same that's within the County Code as it is today. So the only change is, like I said, the meat of the change is were from 19.36.130 which allowed for the waiver and that stuff. So the Commission so chooses to reject any of the changes, the status quo is 19.36, as it stands.

Mr. Gima: Larry?

Mr. Endrina: Being that a lot of the business, well, the business area is owned by this one entity, any time anybody comes in, they would actually have to apply for these right? And then get approval? Apply for like the parking. Any new business?

Mr. Alueta: Any new business would be assessed the parking requirements in the Code, if they qualified. If they wanted to get some type of parking reduction/waiver, there is no procedure, right now, outside of what is already specified within the Code, which is very limited. What we're attempting to do in our proposal is to set a criteria that is, you know, a national standards regarding neo-traditional town planning which allows for – that we recognize that residential uses that are inter mixed within commercial districts, that the commercial requirement – the parking requirement in the commercial district is lessened because a lot of people are walking to those commercial businesses. But they would have to show that. Our proposal is you show how you meet that criteria. It's not an out right waiver. So yes, they would have to come before the Department to get a waiver.

Mr. Endrina: The one think I thought about reading through this, if in the event the residential mixed use – just so happens one the businesses, maybe part of the building falls or something. They have to re-build it. They decide they want to do a mixed use or residential area on that property, they would still have to add on-site parking for that?

Mr. Alueta: In the current count, yes. Under this Code and the current County Code, they would have to provide at least two stalls per resident, per single family dwelling, or per unit, I should say, apartment.

Mr. Endrina: Okay.

Mr. Alueta: The waiver would only be for, if you're doing, like I say, residential above

commercial. We would then say, well, how much given the location? And like I say, location is a big deal. If it's right in the core of town where you have existing commercial and you have a lot of residential within walking distance, the chances of you getting away are a little better. Like I say, it make more sense for Lana`i, and theoretically Kaunakakai because you do have some residential areas within that, what they call, the "golden five minute walk." I guess people can only walk five minutes or a quarter mile. That's the radii that most people will walk to go some place, as oppose to driving.

Ms. Kaye: Unless you have 30 days of rain and everybody hops back into their car.

Mr. Gima: So if I heard you correctly, the waiver is limited to only those three that you have listed in here – warehouse or storage facilities, residential mixed use facilities, and number three, church, place of worship. But it's not commercial entities are not eligible for the waiver. Is that how I read this?

Mr. Alueta: It say "commercial or residential mixed uses." So commercials would be eligible, however, I think, they're still going to have a difficult time showing why you should be getting a waiver. You could have – I mean, they could get it if they were near a County facility. They could get it if they had – a commercial complex could get it if they had like a joint use parking, meaning as my example of the restaurant in the morning that has only morning operations, and a nightclub at night. So there is a potential, and we want to be able to examine these uses on an individual basis before granting it. But the status quo is you provide your parking first, and then we can decide. The Code is the Code, and then we'll decide whether or not you can get a reduction.

Mr. Gima: Okay, any other comments, discussion before I entertain a motion? Does anybody want to make a motion? After all of this wonderful discussion?

Mr. Gamulo: ...(Inaudible)....

Ms. Kaye: ...(Inaudible)...

Mr. Gima: No. We don't have to go into motion right now, if you still need to discuss this more.

Ms. Kaye: I would move that – I would ask Joe to tell us specifically where the – where a provision could be added that would require that any reduction of parking requirements on the Island of Lana`i come before this Planning Commission. If he could show us where that is, then I can so move.

Mr. Alueta: You could add it right under, where it says, "upon approval of the Planning

Director.”

Ms. Kaye: You need to put page numbers on your papers.

Mr. Alueta: I’m sorry. I neglected to page numbers on my own Exhibit #3. So Exhibit #3 is our – it’s staff on the – the second to the last page. And like I said, 19.36.130, parking reduction or waiver – and like I said, the meat of the changes that the Department is proposing. You could put in – you could just put in a statement that – “for the Island of Lana`i.” For you, it would be, “upon approval of the Lana`i Planning Commission,” up to, everything would be the same. I could word it for the rest of the – to make it fit it later on, but that’s the gist of your motion is that you want to have, “upon the approval of the Lana`i Planning Commission.” I could reword it so it says Maui or –. Maybe my boss can come up with a better language.

Ms. Suyama: The language I would suggest would be, “Upon of the approval of the Planning Director, except for the Island of Lana`i, it would require the Lana`i Planning Commission’s approval.” As simple as that.

Ms. Kaye: And then–. Go ahead.

Mr. Gima: So the motion would have to be –

Ms. Kaye: No, no. Now that I know exactly where this would go, I think the question before this is do we want to be ...(inaudible)... or driven knowing that this can always be denied, that driven by these criterias. At least that’s what I’m understanding Joe, right? We’re taking it the owner’s job on ourselves, but we are still are going to have to deal with the small “a” through “f” as the criteria by which we would make these decisions, correct?

Mr. Alueta: That is correct. And I’m also limiting – the limit is to 30%.

Ms. Kaye: Then I would move that if you folks could provide that language to us perhaps – I don’t know, by mail or next meeting – that I have no objections to the criteria as it applies to Maui.

Mr. Gima: So would you like to make a motion for the Commission?

Ms. Kaye: I move that so long section 19.36.130, parking reduction or waiver accommodates the authority to grant or deny reduction to this Planning Commission – that we accept, I guess, is that you want us to do? – accept the Department’s version of the –

Mr. Alueta: That would work.

Mr. Endrina: Second.

Mr. Gima: It's been moved by Commissioner Kaye, and seconded by Commissioner Endrina that we accept the Planning Department's proposal with the amendments noted by Commissioner Kaye. Any discussion? Hearing none, all in favor, say "aye." Oppose? I have three ayes – four ayes – motion is carried.

Ms. Suyama: ... (Inaudible)...

Mr. Gima: We need five? Okay, I want to take a roll call then. All in favor, raise your right hand.

Commission Members: (show of hands)

Mr. Gima: All oppose? Okay, motion is carried.

Mr. Alueta: Thank you.

Ms. Gima: Thank you.

**It was moved by Commissioner Sally Kaye, seconded by Commissioner Lawrence Endrina, then unanimously**

**VOTED: To approve the Department's proposal with the amendments as noted.**

**(Assenting: Commissioners R. Gima, L. Endrina, D. Gamulo, B. Zigmund, and S. Kaye**

**Excused: J. Elliott, B. Oshiro, Rev. M. Gannon)**

Mr. Gima: Let's take a five minute recess.

*(Commissioners recessed at 8:25 p.m., and reconvened at approximately 8:30 p.m.)*

Mr. Gima: Before we go to Corporation Counsel's ex-parte communications, Joe, weren't we suppose to provide comments on #1, #2, #3, and #4 for the Council Planning Committee?

Mr. Alueta: The Department was confused exactly what they were trying to do because,



like I said, it's kind of like these questions came out of the Committee report, and there was limited discussions. I tried to talk – I did talk to their Council's staff, and so, these are just the comments that I came up with as far as enforcements. As far as what they were trying to say as far as enforcement – was it the phantom parking or was it – the way I heard it was SUV's parking in compact stalls. And my rationale was that it's difficult, one, it's a very effective use of County staff time to enforce that kind of provision. I think that if a business has trouble keeping their customer in, they're going to enforce it themselves. Or if they lose customers because one car is taking up two stalls, they're going to go and enforce it on their own. I think it's up to them. Also, I don't want to say I'm into social engineering, but that's kind of the gas prices. People are moving away from the SUV's to compact cars. And sometimes, if you make it more difficult for people to park their big cars, they may think about buying a smaller car.

Stacking – I drive a Scion so hey – but, stacking to maximize space, as they do in Japan. They didn't really give me much guidance. I just happen to know of only one, and that was down by the Dodge dealership, at the end of East Kamehameha and Hana Highway. I just happened to – it's the only one that I know of on Maui. And this is that stacking. Those are those photos I took. So –

Mr. Gima: The stacking in Japan is a high cost. It's like a tube and you drive it in, right, in pie shape and it goes up and down.

Mr. Alueta: Correct. And this one that is here, it can be done. This actually manufactured in China, but that methodology that you're talking about can be done, as well as the elevator can be done where they can go up, and then pull the individual car. In this one that they have, the display that's there now, it's that you have to pull out each individual car, and then each layer comes down like an accordion. So you can't really pull out one car. If you want to get the car at the top, you've got to pull out the other two first. Once again, this method works great for – this is all of the cars they have on display for Island Dodge. In a commercial application, like commercial parking, you could theoretically have – where you have an elevator, you bring the thing down.

The Department, you know, we just provided the pictures to show that if you do something like this, there's going to have to be obviously some visual screening of this – or a structure. We don't think it's a bad idea. I think the application is limited, and more associated in very high cost land areas. Although Hawaii is expensive, the construction of these units are not cheap.

Landscaping – the existing Code provisions for landscape proposed – if you looked at my proposal, that you just adopted, I did incorporate enhanced landscaping in there, so the Department felt that was important. Whether there was a need – less of a need for

compact stalls, we had no – we were going to leave it up to you guys or each of the Commissions to discuss it. It's in there where you can have up to 50% as compact stalls. That's in the current Code. We did not make any recommendations to change it. We left it as status quo. We didn't get much guidance from it. We feel it is – it is an effective use of land area by allowing the compact stalls. Some Commissioners – some Commissions are going to have different views on that. And I think – but from a Department standpoint, we did not come up with a position on it.

#### **E. EX PARTE COMMUNICATIONS (Corp. Counsel)**

Mr. Gima: How about the rest of you? We should take a position on anything? Do you wish to provide any comments to the Committee? Sounds like we don't need to. Okay, James, ex-parte communications.

Mr. Giroux: Thanks Chair. I was asked to comment on ex-parte communications. I wasn't told exactly what was going on, but I just feel that maybe I should again let everybody know that we are a Board and Commission that has to follow the sunshine law. And I think in everybody's introduction and orientation you got a copy of the law and to read over it. And to be aware that you don't want to be discussing board business when there is more than two members present at any type of gathering. So you just have to be cautious of that. Also, as far as any type of communications between members – if the email goes to more than one member, then that's going to be considered a meeting. And if it's discussing board business then that's going to be violation of the sunshine law. So just be aware of that. As far as, you know, if you are communicating with another board member, just be aware of what's the purpose of the communication. You can communicate with another board member and ask questions about what happened at the last meeting, or when is the next meeting, or things like that. As long as you're not getting into the area of trying to get votes for people to commit to certain positions. So as far as that goes, I just want to do another friendly reminder to be aware of that. And if you are getting ex-parte communications, you know, be aware that if it is about board business or things that are going to be coming up before you for decision making, that you may want to maybe give – head that off and send it over to the Department, so that the Department can either put it on the agenda or they can distribute it accordingly to all the members, so all the members have that information, so it could be agenda and can be talked about at a properly agenda meeting.

Mr. Gima: Thanks. That pertains primarily to me since I've got the Lana`i Planning Commission on group email. Thanks James.

#### **F. COMMUNICATIONS**

1. **January 25, 2007 request letter from JON SHIMIZU of CASTLE & COOKE RESORTS, MARTHA EVANS of the Lana`i ARCHAEOLOGICAL COMMITTEE, STEPHEN FERGUSON of the Lana`i CANOE CLUB, and ROBIN KAYE of the HULOPOE BEACH PARK COUNCIL requesting that a workshop be conducted at the March 21, 2007 Lana`i Planning Commission Meeting to discuss the relocation and reconstruction of the existing Hale Wa`a, currently situated on the grounds of the Hulopoe Beach Park in the Manele Project District.**

Mr. Gima: On to communications, who will be talking about this letter from Castle Cooke Resort and Jon Shimizu?

Ms. Suyama: For your March meeting, presently we don't have any other items scheduled for the Commission.

Mr. Gima: Okay. Any questions or comments for this proposed agenda item for March?

Ms. Suyama: There is a question. Because this is a workshop only, is it possible to do it in the afternoon, as an afternoon meeting where the staff can come in and leave earlier, rather than at 10 o'clock? No. It's just that I ask.

Mr. Gima: When you say afternoon, what time is that?

Ms. Suyama: Probably, somewhere around 1 o'clock.

Mr. Gima: No, we're – I'm working.

Ms. Suyama: Okay.

Mr. Gima: Yeah. Brad works. Bev works. Larry, myself –

Ms. Suyama: Okay, then we'll keep it at seven.

Mr. Gima: Okay, on to Director's Report. Is that you Joe?

## **G. DIRECTOR'S REPORT**

### **1. Open Lana`i Projects Report**

Mr. Gima: Oh, yeah, we rarely have the Director here, so I always go to staff. Okay, let's make him work for his money. First meeting.

Ms. Kaye: I have a question. We have for the first time got this opening planning and building permits for Lana`i, and without explanation. I don't know what it is. And I'm wondering if you could address that.

Mr. Hunt: Probably not as well as a I should. Give me a minute to find it.

Ms. Kaye: Do you want mines?

Mr. Hunt: It would be better if I had my own. As I understand this is a surveyor and inventory of permits between the two dates at the top? Is that correct?

Mr. Alueta: I'll try to help you out here. This is a new report that I was, I guess, it was generated in addition to your normal report. It wasn't for by our Department.

Ms. Kaye: ...(inaudible)...

Mr. Alueta: It's not something that we'd normally give you.

Ms. Kaye: It's very interesting. It's just that I'm assuming – I don't know why these particular properties – it's not every permit that's open on the Island of Lana`i – I'm assuming.

Mr. Alueta: Yeah, what happened was – this is – like I said, we have a KIVA database, and so not only did he query our permits, but this is also for building permits. So this is actually covering building permits.

Ms. Kaye: Building permits. As in from the ground up only, or additions, or garages, or anything that would require a building permit?

Mr. Alueta: Anything that requires building permits.

Ms. Kaye: Well, it's not complete then. So that's why I wondered why it's there.

Mr. Alueta: This is actually from 2005 to 2007. If you like this, we could we can re-do, and we can get more information.

Ms. Kaye: It's a lovely format. I was just curious. Because I know people who have building permits right now, and they're not on this list. So that's why I'm just wondering, why these properties and not others, and there's no particular reason? This was like an example.

Mr. Alueta: I'll check with our person who generated it.

Ms. Kaye: Okay. Thank you.

Mr. Hunt: Anything else on the project's report?

Mr. Gima: Wasn't this your baby, Sally, that you wanted to make sure that the ones that should not be on here should be taken off?

Ms. Kaye: When we had this one, and by this for the record, I mean the one where it's just listing open projects, it came up at several meetings because I was a new member and I asked about some of them that they should have been closed. And Clayton was going to get on that and make sure that it was updated. And so, then, when this came in, I thought perhaps that was in response to that, with a little more information. But the information is so inconsistent. Some of them there's no issue date for the permits. Others there's a scope of the projects, on a separate paper from where the land information is, but it doesn't appear for all of them. And I know for a fact that not all the building permits and people I know who are doing building right are on here, so that's why I asked. This is a great format though. Interesting. And there's also a lot of special inspections are going to be required by engineers, so-and-so, for #2 and #7, without any reference to what that is.

Mr. Alueta: Right because this is a report done by DSA, from Public Works. It's not generated from the Planning Department. And so that's why the report is a lot different, and it's more for, like I say, the Public Works inspectors, and for generation. We generate reports for like your economic data that comes out the County of Maui comes some of these reports. And I can try and get more information on it, but it's not normally something we would generate. It's not something that we normally use. We use that standard layout.

Ms. Kaye: Then just for the sake of clarity, would I assume that this is a sample, but this is a complete list. So while not everything here would be on this list, every person or every building permit here would be on this list. Is that correct?

Mr. Alueta: No because the list we give you is only Planning projects.

Mr. Hunt: ...(inaudible)...

Mr. Alueta: Yeah, are building permits.

Mr. Hunt: ...(Inaudible)...

Ms. Kaye: ... (Inaudible)....

Mr. Hunt: How about we commit to reviewing these reports a little more thoroughly and getting back to you with a response on it. Frankly I don't think staff is prepared as we should be. We're caught a little off guard.

Mr. Gima: Bev you had a question?

Mr. Hunt: Give us another chance?

Ms. Zigmond: I just had a question on the original reports. The open projects. As these – for the Lana`i ones – are they truly all open or are some of them closed?

Mr. Hunt: We'll come back to that. It's a print out and whether it was updated, apparently there's some questions regarding that. A lot of times a project will get closed, but the computer software does – the program doesn't get updated.

Ms. Kaye: For example, Pele's Other Garden is on here for certificate of occupancy and I believe that was resolved last year.

Ms. Suyama: Right. Just for your information, anything that says "LTR" which are letters. At one time, we were tracking our mail through this KIVA system and it takes it as a permit. And what's happen is that, when we printed these reports, they came out as permits when they're actually just communication items that were sent to the Department. So anything that in LTR is basically off as permit.

Ms. Kaye: Then can I – since we have nothing on the agenda but that workshop, then perhaps we could have some staff like go over and tell us what's SMX – how do you folks generate – how could we get an efficient way of generating information on a monthly basis that will be useful to us.

Ms. Suyama: Right. So we'll check with the person that's our KIVA person as to getting a better format of reports for you.

Mr. Gima: One thing that may be helpful is, I think, one of the reasons why this came about is one or several of the Commissioners asked what happened to such and such that we approved of last September or last year. They just wanted to know what the status of that. So I think this is what came out of that initial question, and as you can tell it never really helped us. So maybe when your staff does go through that, keep in mind what the initial intent was to provide this to us.

**2. Commission Chair's request to discuss the following:**

**The feasibility of changing the zoning of the remaining 65 acres of land donated to the County of Maui by Castle & Cooke for affordable housing. The change would go from its current zoning to the appropriate type of zoning that would make the land ready to be improved.**

Mr. Hunt: The next item under the Director's Report was the Commission's Chair request to discuss the feasibility of changing the zoning of the remaining 65 acres of land donated to the County of Maui by Castle & Cooke for affordable housing. The change would go from its current zoning to the appropriate type of zoning that would make the land ready to be improved. I'm going to defer to the Deputy Director.

Ms. Suyama: Last year, I remember that this issue came before the Planning Department, from the County Council. They were asking for some information. So what we sent back to the Council, there were several avenues that needed to be done. One is, the State District Boundary Amendment needed to be amended. And because it was over 15 acres, it would require the State Land Use Commission to take action on the application. The other things that needed to be done was depending on what they wanted to do as their affordable typed housing, they maybe required to do a Community Plan Amendment because the area in question was identified for single-family affordable housing. And if they wanted to do multi-family, zero-lot line, that would not have complied with the community plan designation. The other thing that needed to be done was the zoning on the property needed to be changed to whatever appropriate zoning district that was going to be proposed, whether it's multi-family or single-family. And based upon the possibility that a Community Plan Amendment maybe necessary as well as this is public lands owned by the County, that they would have to do an Environmental Assessment, in accordance to Chapter 343, which is our Environmental Impact Statement rules. What happened is that we sent all of this back. We also said there were different avenues that were opened to the County that the expedited method would have been to do the 201G process, which is doing it as an affordable housing project in which the Council can waive some of the requirements dealing with the Community Plan and zoning, as well as, possibility of any code requirement waivers for roadways, assessment fees, et cetera if it was an affordable project. So those were the scenarios that were giving to the Council.

My understanding is that because an environmental assessment needed to be done regardless of whether a community plan amendment was required or not, we had asked initially in our Department's budget monies to do the environmental assessment. However, the monies for the environmental assessment was placed in the Council's budget. So at this point, in order for that assessment to be started, it has to come from the County

Council, because the monies are in their venue, not within our Department. We will process, you know, the application, which ever way the Council decides that they want to do the affordable housing. But probably the most expedited way is to do it as an affordable housing project to the 201G process.

Mr. Gima: Go ahead Sally.

Ms. Kaye: I'm a fairly new Commissioner here, and I'm not real clear on this process. But my radar just went way up. Because doesn't that process allow for a lot more density?

Ms. Suyama: Yes it does.

Ms. Kaye: And does that have to come before this group?

Ms. Suyama: No, if it's a 201G process, it's where the Housing Department works the with land owner. In this case, the County is the land owner. And they would send that proposal up to the County Council. The County Council has 45-days in which to either approve it or deny the project. And as part of the 201G process, what happens is that they identify what density, what code requirements that they are seeking waivers. And in this case, they would seek a waiver from the Community Plan, as well as from the underlying zoning, which I believe at this point is interim district, and set their own standards for zoning. In other words, they would set the density. They would set the minimum lot sizes. They will set whatever criteria, whether it's single-family or multi-family.

Ms. Kaye: And this group has nothing to say about that.

Ms. Suyama: Not if they go through the 201G process. That is strictly at the Council level, and the Council makes that decision.

Ms. Kaye: We seem to be following a track in this town where we're putting as many possible units in a small space as possible. We're clumping housing and too many people are living way close together. And I don't know what – I guess if the citizen/residents we'd have to go before the Council and testify?

Ms. Suyama: And testify. That's correct.

Ms. Kaye: Okay.

Ms. Suyama: It's the Council's option how they do it. But you have to realize when you do a 201G process, it's a 45-day process, from start to finish. Once they receive the application, they have 45-days in which to take action on it. Normally, I've known them to



go to the community affected, with a hearing to solicit comments.

Mr. Gima: Remember just some history on why I brought this before the Commission is that plot of land is a total of 115 acres. 50 of which is being dedicated to the school, to the State of Hawaii, for the expansion of Lana`i High and Elementary School. Since there was going to be a remaining of 65 acres, there was discussion about trying to have that re-zoned. So when the time came that affordable housing was something that wanted to be pursued that the zoning was already in place. The last meeting that we had with the DOE Facilities Branch, CDS International which is the contracted agency that is working with our school expansion, and then Riki Hokama and former Planning Director John Min, who works in his office now. The tentative plan to see how feasible it would be to subdivide the 115 acres into that 50 and 65, or somewhere around there, so that the school can proceed with their master plan process because that's already in the works. They're already going for the different entitlements. They're going in for the EIS or EA. And Riki/the County did not want to hold back the master plan process because of the possible affordable housing. When I sent out two emails to the DOE Facilities Branch, to Riki, and did not get anything back. So finally called him today, and what he conveyed to me was that he's still waiting from CDS International to give them – what's the term? – metes and boundaries so that they know how much to subdivide. How many acres to the DOE and State and how much is left over. So without having the metes and boundaries, they can't proceed to see how feasible it is to subdivide. And I didn't get a call back from CDS International.

And then I also mentioned, a couple months ago, that there was a private company that has been talking with both the County and I think Castle & Cooke, about possibly making a proposal to provide the affordable housing. What route they go, that has not been determined. And density, I don't think they talked about that yet. So that's the latest from the master plan side.

Ms. Suyama: Well, I remember that in our response to the proposal for the affordable housing, one of things that we did ask is somebody needs to find out what is the housing needs for Lana`i, whether it's single-family or multi-family or special needs housing. And before you start your affordable housing, you need to know what are the needs of the community. And that was one of our recommendations that when you do the EA document, you also have a housing study as part of it.

Ms. Kaye: Do you know if there's ever been or how recently any housing study was ever done over here?

Ms. Suyama: I don't recall any recent studies for specifically for just Lana`i. And that's one of the reason why we said that as part of your EA document, you should have some basic studies that shows what is the income groups, the needs of the people, as well as whether

it's multi-family rentals that are needed or single-family or do you have special needs like senior citizens that need housing – you know the elderly that need housing – to set up your frame work as to the type of housing that you're going to provide on the 65 acres.

Mr. Gima: I think the only data we had was provided by Andaya. What is his first name?

Ms. Suyama: Herman.

Mr. Gima: Herman. Herman, he made a presentation to us and he talked about the inventory and what they anticipate and what the needs. That's the only study that I know of. That's from the Department of Housing and Human Concerns. But, he's no longer there right?

Ms. Suyama: He's still working for the Housing and Human Concerns as a housing specialist.

Mr. Gima: He is? Okay. Any other questions, comments regarding the 65 acres affordable housing and so on? If not, see everybody in – Bev?

Ms. Zigmond: Mr. Chair, where will we address the issue about the Manele Small Boat Harbor? Getting that on the agenda for –?

Mr. Gima: Why don't you make a request to the Planning Department to place it on the agenda next month.

Ms. Zigmond: We would like to see on the agenda next month the issue of the Manele Small Boat Harbor specifically regarding reports that construction of the foundation – I'm not sure quite proper term – for the gas tanks are being put in. And that was not approved when we approved the project. And I've heard on three separate occasions, myself, one being in this room with – it was the Governor's Liaison Council for Lana'i. And I'm sorry I don't remember the gentleman's name – Ms. (phonetics) was here – but he was talking about trying to save that group of trees down there when their putting in the gas tank underneath. That was one instance. And I met somebody who was an inspector for the project – it's what he told me – he was telling about the gas tank. And then I heard it again at another meeting. And so we're wondering who's being accountable? Who's watching this? Well we'd like to have it on the agenda and get some answers on that if we could.

Mr. Alueta: Just to get clarity. You're saying that the SMA permit and the entitlements that you reviewed a while back ago, for the Small Boat Harbor, does not include – was it an underground – they're saying it's an underground storage tank?

Mr. Gima: A storage tank period.

Mr. Alueta: A storage tank. Some kind of fuel storage tank?

Mr. Gima: Yeah.

Mr. Alueta: You're saying it was not part of your original review?

Board Member:... (Inaudible) .....

Mr. Alueta: Okay. You did not approve it? I will check with the – we'll put a request in and check with the Planner and find out what exactly was included and send an inspector.

Mr. Gima: What was approved or discussed was a fuel line running from the dock up to the parking lot where the Maui Oil tank would come, hook up there, and pump it all they way to boat. As oppose to, currently, where the Maui Oil tank drives right up to the ferry.

Ms. Suyama: Okay. We'll follow up with the application to see what was part of the application. We'll also find out if whether there were other applications that came in that might have been done administratively that we don't know of.

Mr. Gima: Thank you. Okay, Sally?

Ms. Kaye: Final question. We had a really good meeting. We approved the minutes tonight. The subject was water, and the water company was here. Then we had our field trip and there was suppose to be some follow up, and it's very unclear now what's happening with the Company and whether any of the questions which we were told would be answered in writing. Is that going to occur? Do we need to follow up on that as group?

Mr. Gima: Right now, based on the meetings we've had, there is no one that's officially replaced Cliff Jamille. If you'd like, I can submit a follow up letter to Lana'i Water Company and see if they can provide answers to the questions that were left unanswered. Okay, I'll take the responsibility to do that then.

**H. NEXT REGULAR MEETING DATE: March 21, 2007**

**I. ADJOURNMENT**

Mr. Gima: Okay, everybody is going to be here for the March meeting? Okay, we'll see you all then. Meeting is adjourned. Thank you very much.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 9:05 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN  
Secretary to Boards and Commissions I

**RECORD OF ATTENDANCE**

**PRESENT:**

Reynold “Butch” Gima, Chairman  
Lawrence Endrina, Vice-Chairman  
Dwight Gamulo  
Sally Kaye  
Beverly Zigmond

**EXCUSED:**

James Elliott  
Bradford Oshiro  
Rev. Michael Gannon

**OTHER:**

Jeffrey Hunt, Director, Planning Department  
Colleen Suyama, Deputy Director, Planning Department  
Joseph Alueta, Planning Program Administrator  
James Giroux, Deputy, Corporation Counsel