

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

October 2, 2018

Council Chamber, 8th Floor

CONVENE: 1:35 p.m.

PRESENT: Councilmember Riki Hokama, Vice-Chair (Temporary Chair)
Councilmember Alika Atay
Councilmember Elle Cochran
Councilmember Don S. Guzman
Councilmember Kelly T. King (out 3:59 p.m.)
Councilmember Yuki Lei K. Sugimura
Councilmember Mike White (out 3:55 p.m.)

EXCUSED: Councilmember Robert Carroll, Chair
Councilmember Stacy Crivello

STAFF: Carla Nakata, Legislative Attorney
James Krueger, Legislative Analyst
Rayna Yap, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michele McLean, Planning Director, Department of Planning
Livit Callentine, Planner, Department of Planning
David Raatz, Administrative Planning Office, Zoning and Enforcement Division, Department of Planning
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Jordan Hart, Chris Hart & Partners Inc.
Rich Conte, Wireless Resources, Inc.
Pete Yeagar, Wireless Resources, Inc.
(3) additional attendees

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

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VICE-CHAIR HOKAMA: . . .*(gavel)*. . . Okay. This is the Council's Committee on Land Use. This is our regular meeting of October 2, 2018. This afternoon present are Committee Members, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good afternoon, Chair.

VICE-CHAIR HOKAMA: We have Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

VICE-CHAIR HOKAMA: Mr. White.

COUNCILMEMBER WHITE: Aloha, Chair.

VICE-CHAIR HOKAMA: Mr. Guzman.

COUNCILMEMBER GUZMAN: Good afternoon.

VICE-CHAIR HOKAMA: And Ms. King. We have Mr. Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

VICE-CHAIR HOKAMA: And excused are Mr. Carroll, of course, and Ms. Crivello. We got two items that we'll review this afternoon. Before that, we'll take up public testimony. So, at this time, do we have any request for public testimony in the Chambers please? Okay. We have none. We'll go to District Offices. In East Maui, Ms. Lono, anyone wishing to provide testimony please?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

VICE-CHAIR HOKAMA: Thank you. Lanai, Ms. Fernandez, anyone wishing to provide testimony please?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

VICE-CHAIR HOKAMA: Okay. Thank you. On Molokai, Ms. Alcon, anyone wishing to provide testimony please? Molokai, anyone wishing to provide testimony please? Okay. We'll double check with the District Office. And if they are, those who would...that would like to testify, we'll make the adjustments. Back in the Chamber, we have a request, Jordan Hart, would you please come forward? You have three minutes. Address your comments to the Chair please. And everyone turn off your noisemaking devices to silent mode. Thank you.

. . .BEGIN PUBLIC TESTIMONY. . .

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MR. HART: Good afternoon, Chair and Members.

VICE-CHAIR HOKAMA: Good --

MR. HART: My name is --

VICE-CHAIR HOKAMA: --afternoon.

MR. HART: --Jordan Hart, with Chris Hart & Partners. I'm a land planner. We're here to support the Department of Planning's proposed amendments to the Parking Ordinance, Maui County Code 19.36B. That's LU-65. We would like to propose amendments to the Ordinance to recognize progress that's been made with existing projects. Suffice to say, projects are planned, designed, and begin the process based on existing parking requirements. And there's a significant amount of time and effort that goes into that. And we would just like to see an opportunity for those projects to proceed to completion based on the existing Code rather than be compelled to go through a redesign process or to move backwards in the process based on the implementation of a Parking Ordinance midstream. Thank you very much.

VICE-CHAIR HOKAMA: No, thank you for your testimony. Any questions to clarify? Okay. To clarify? Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair. Mr. Hart, in regards to projects that are pending and have gone through some portion of the process, at what point do you recommend that this, I would say exception or grandfather clause, be placed in and to determine when a project has gone far enough into the process for this Code to not...these provisions not to apply?

MR. HART: Well, on behalf of a specific client that I'm submitting testimony, you know, that client, potentially, Special Management Area permit submittal and substantial processing by the Department. Other thresholds that have been used in the past by the County with the Residential Workforce Housing Ordinance have been submittal of building permit application and preliminary subdivision approval. I think that with regard to the way the Special Management Area use permit process works, it's not...it's an environmental permit and it's not a permit that...your compliance with zoning is verified during building permit process but you need to go through the SMA major permit process first. So, as an example, you could design a project that complies with existing County Code and then this proposed ordinance could come in and you could submit your building permit application, and then the Planning Department would conclude that your project is no longer in compliance with the Parking Ordinance because the Ordinance may have changed. So, what I'm asking for is that projects that are, you know, substantially into the SMA major permit process under the existing Parking Ordinance be allowed to proceed through development under the existing Parking Ordinance. But I think that it's worth it, you know, not specific to my client but for the Council and the Department in general to look at preliminary subdivision approval and building permit as other places where, you

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know, other people who might not be here and might not have been following this as closely as I am to find out at a later date that they're compromised. But anyway --

COUNCILMEMBER GUZMAN: Okay.

MR. HART: --yeah, I've submitted a written testimony that outlines in detail what I'm asking for.

COUNCILMEMBER GUZMAN: Okay.

VICE-CHAIR HOKAMA: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Thank you, Chair.

VICE-CHAIR HOKAMA: Okay. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. I don't see written testimony but do you have...

MR. HART: It just arrived . . . *(inaudible)* . . .

COUNCILMEMBER KING: Oh, okay. Thank you. I have another question for you, Mr. Hart. Because I know you're doing projects all over the island that you consult on, and I just wondered if your, you know, your testimony on the Parking Code, if you feel that there's ever...there's a reason to have different Parking Codes in different communities. Like some communities may be more walkable than others as far as the number of parking spaces that are required in one hotel parking lot. Would...is it ever...I mean in your opinion, is it ever justified to be different from, you know, Lahaina from Kihei for instance?

MR. HART: I think that there could be the potential for something like that. As an example, you know, Paia could be a scenario. I'm not sure...how do I put this, that might be a future project for the Planning Department. I'm not... you know, this undertaking is significant, just updating the Parking Ordinance as it is. And I do think that overall, it's a positive change, you know, with the exception of specific moving parts that might need consideration. But, you know, as a follow-up project, if the Planning Department gets to a place where it can drill down to those issues, I do think that the more locally you plan, it can be better. I mean each of these towns are quite unique and they're unique in their resources and what their goals are for themselves. And so, there could be a benefit to planning on that level of detail. But whether or not that's feasible for the Department to accomplish with its resources and staff right now, you know, that would be a question for the Department.

COUNCILMEMBER KING: Okay. Thank you.

VICE-CHAIR HOKAMA: Thank you.

COUNCILMEMBER SUGIMURA: . . . *(inaudible)* . . .

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VICE-CHAIR HOKAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Mr. Hart, so, the project that you're working on, that developed...that's designed for parking stalls based upon the current Ordinance, what is the impact with what your client has planned versus what is proposed? What is the difference in number of...and any comments?

MR. HART: For one specific project, I think the one that will be most impacted that I'm working on is it's a hotel project. And so, the existing Code requirement is .5 stalls per hotel unit, and their proposed requirement is 1 stall per unit. So, you know, it's doubling. And so, they're, you know, that particular project is in a situation where it's gonna be scheduled for Planning Commission on November 13th. And, you know, we'd immediately proceed to building permit process. But as I alluded to previously, there can...there...if it's not provided for, there's a situation where they receive their SMA major permit correctly under current Code, and then when they come in to submit their building permit applications, you know, Zoning Enforcement Administration immediately concludes that it doesn't comply with, you know, the anticipated newly updated Code, which will double the requirement and they'll have to go back and revisit the SMA process again.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

VICE-CHAIR HOKAMA: Okay. Thank you. Thank you, Mr. Hart, for your comments. And of course, we're happy to receive any additional recommendations you may have. Okay. Molokai has informed us there's no one wishing to provide testimony. Is there anyone else in the Chambers? Having none, with no objection, we'll close testimony for today's meeting.

COUNCILMEMBERS: No objections.

VICE-CHAIR HOKAMA: Okay. So ordered. And with no objections, we shall receive written testimony as submitted to the Committee for today's agenda with no objections.

COUNCILMEMBERS: No objections.

VICE-CHAIR HOKAMA: Okay. Thank you. So ordered.

. . .END OF PUBLIC TESTIMONY. . .

**ITEM LU-67: CONDITIONAL PERMIT FOR SPRINT WIRELESS
TELECOMMUNICATION FACILITY AT 3740 LOWER HONOAPIILANI
ROAD (LAHAINA) (CC 18-314)**

VICE-CHAIR HOKAMA: Okay. We have two items to review today that Mr. Carroll would like us to see if we can do the best in our review. May I direct you to the first one which is

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LU-67, a Conditional Permit for Sprint Wireless Telecommunication Facility at 3740 Honoapiilani Highway...excuse me, Road, Lower Honoapiilani Road. We have a Communication 18-314, from the Planning Director, with a proposed bill for an ordinance regarding a conditional permit. This tower is 35 feet plus additional 5 feet at the top, 200 square-foot leased area, to contain equipment on the ground. This is in A-2 Apartment District identified by TMK (2) 4-3-006:004, Lahaina, Maui, Hawaii. And the request is ten-year permit. Okay. So, today let's see. Okay. I'm sure, Members, you, like I, see various dates on our transmittals. We are aware by our beloved FCC, there is a 150-day "Shot Clock," which the application should be acted upon. That if the expiration of the clock without action does not grant outright approval but does provide the applicant an option of injunction relief. Your Chairman, Mr. Carroll, sent a request to Corp. Counsel regarding the Committee's options, as well as time parameters that may hinder the Council from doing its normal process of two required readings. Mr. Carroll, as your Chair, did send written correspondence that we have provided a deadline of today for our response from Corporation Counsel, as well as I believe we have comments from representatives of Sprint as it regards to the clock on the deadline of Council action. So, Corporation Counsel, any comments at this time?

MR. GALAZIN: Yes, thank you, Chair. As you noted, you should all have a copy of my response dated today regarding the "Shot Clock" for the conditional permit. It is subject to the FCC regulations. However, the applicant is willing to work with us in terms of understanding the process that an ordinance must go through, you know, both Planning Commission review, and then first and second and final reading. And so, it has agreed to a 60-day extension, which would push the time period for action to December 7, 2018. We already have a PDF copy of an agreement that was executed by the authorized representative of Sprint Com. When we'll receive the hard copy, the original, it will be signed off by the Director of Planning and then approved by my office as to form and legality. And then we can proceed accordingly with that timeframe.

VICE-CHAIR HOKAMA: Okay. Thank you for that. Planning Department, any comments at this time?

MS. McLEAN: No comments. Thank you, Chair. We're available for questions.

VICE-CHAIR HOKAMA: Okay. Let's see. I believe Sprint has requested to provide a presentation to the Members of the Committee. Are they ready to present that presentation, Ms. Nakata? Okay. We'll get a recess and get the Chambers appropriately squared away. We are in recess. . . .(gavel). . .

RECESS: 1:50 p.m.

RECONVENE: 1:52 p.m.

VICE-CHAIR HOKAMA: . . .(gavel). . . Okay. We're back in order. At this time, we'll have Sprint do their presentation. So, if you would introduce yourselves --

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MR. CONTE: Yeah.

VICE-CHAIR HOKAMA: --to the Committee please.

MR. CONTE (*PowerPoint Presentation*): Thank you. Thank you, Chair, board members, Council, Planning Department, friends, community. My name is Rich Conte. I handle the real estate portion and planning for cell sites. I'm a contractor with Sprint. I'm also here with Pete Yeagar. He's the actual project manager for the overall project. He's more on the technical side. What I'd like to do today is introduce our project. Sprint, today, is seeking a conditional use permit. As the Chair mentioned, it's the Maui Lani Terrace over at 3740 Honoapiilani Road. Next. Once again, for a wireless telecommunications facility project located 3740 Lower Piilani [sic], TMK-4-3-00:004 [sic]; zoning designation, A-2; governing height limit of 60. The proposed facility will have six panel antennas with remote radio heads and one microwave dish. The pole will be a 35-foot monopalm stealth design with fronds up to 40 feet located within a 15x16 leased area surrounded by bollards. There will be a MMBS, which is multimedia bay station equipment, and a ten...fenced-in a 10x20 fence compound with wooden slats painted to match existing building, with one GPS antenna and ancillary equipment. Sprint's design will minimize...stealth design will minimize visual impact in the surrounding properties. This is Honoapiilani Highway. This is Lower Honoapiilani Road. This is Maui Lani Terrace. Entrance through here, and here is the back parking lot. So, the site proposed 10x20 lease compound is right along the grassy area. They have an existing shed right here they use for equipment. I'd like to point out in terms of the aesthetics, there's...along this highway, there's already multiple within certain distances palm trees. And as you're driving down, you're, probably in your vision as you're driving, if you are looking at the trees, you'll see these. And this one will fall right in line as you're driving down. The pole itself would be a distance from the highway and also in the parking lot. Next. So, here's a photo simulation looking north in the parking lot, in the upper parking lot. As you can see, the various coconut trees, palm trees there, and this is after, the after photo simulation. And it's right in line. And I believe those trees are probably right around 20 to 30 feet. Next. This is along Honoapiilani Highway as you're driving by, looking mauka, looking ocean. Next. And this is from the ocean side looking mauka. And so, you get the before and the after. This is a coverage map versus the...the current coverage versus future coverage. And this is the justification for this particular cell site. If anybody who has Sprint phones, they know the west side is really bad and the coverage is minimal. And this is gonna fill in these pockets. So, our neighboring cell sites that covers the west side is...let me see, this is the Kahana Falls.

MR. YEAGAR: Royal Kahana.

MR. CONTE: Royal Kahana, excuse me. So, that covers as you can see this green area. This whole green is current coverage. The south cell site is the Aston...Royal Kahana. So, we have a pocket right here of limited coverage. And this is what we're trying to address. And this site right here will then address that. So, future coverage is in red as you can see. So, provides continuous data coverage along Honoapiilani Highway,

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provides high-speed data for Honokowai community. And the main thing as we enter into 5G, which is gonna be high-speed data, because we already have halfway decent voice, is in-building coverage in that vicinity. And this one, increase capacity support, these in that area. Next. This is an architectural rendering of the overview looking down. Once again right here, Honoapiilani Highway. That's the lower road. We have the 10x20 slatted cell site, excuse me, compound. We have the shed right here. Underground trench to the tower itself, surrounded by bollards; two antennas per sector, with one microwave dish. This is an architectural elevation view, 40 feet to the top of the fronds, 35 feet to the top of the pole. Panel antennas are all within the...they're painted green. Sometimes we put socks on 'em. And they're within the fronds. So, it's limited sight. The pole itself, I should have brought it, but anyway it's a...it looks like bark. And the compound right here is slatted, and it's gonna match the color and architecture of the existing structures. Next. This is more site benefits justification, increase enhanced voice, data, and text messaging in building, no reduction in view plain. That existing view plain is...I mean it could be other trees that will eventually go there. It doesn't block anybody's ocean view or mountain view. Allows parity among all wireless carriers. As we get better coverage in there, and I'm not on the sales side but as you get more competition, that only brings pricing down. So, that allows everybody...it works out for all...everybody in the community. All residents can now work remotely and have faster data in-building. So, now what's happening is the wireless industry 20 years ago, 30 years ago, went after the voice of the hard-line in-home phone business. And now, they're gonna go after the Internet business. But in order to do that, you gotta be one, reliable and you have to have fast speed Internet. So, that's what's gonna happen. Public safety, better coverage for 911 calls, emergency calls for...and family and friends. So in conclusion, this installation will allow Sprint to provide improved wireless communication coverage to the surrounding community while minimizing the visual impact to surrounding properties. The proposed use will not significantly be detrimental to the public's interest, convenience, and welfare, and will be in harmony with the area in which it is to be located. The facilities will not be greatly affect the purpose or the current use of the existing land, and there will be minimal alterations to the landscape. Sprint Wireless seeks to provide optimum service to its customers while working within the guidelines set by the County. The use of creative design provides the opportunity to...for improved coverage without changing the character of the community. Therefore, Sprint submits this application and humbly requests your approval. Thank you.

VICE-CHAIR HOKAMA: Okay. Thank you very much, Mr. Conte. Since we just had that presentation, why don't you hold on for a second, Mr. Conte? I'll ask the Members if they have any questions on what you just shared with us. Mr. Atay, is there a question you might like to post to our resource people from Sprint?

COUNCILMEMBER ATAY: Thank you, Chair. My primary questions that I have is the location of the tower to the vicinity or location of any residential rooms, house, or buildings. I mean how far away is that?

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MR. CONTE: This...well, this particular one, I believe the closest structure, the homes, is within a 100 feet. But, you know, I'm not familiar...I don't know how familiar you are with the current ordinance but Maui's has already set precedent in as far as building cell towers in permitted uses on top of buildings and structures. That's their first choice. And that's where we always look first. And in fact, the County building across the street, I mean there's...all the carriers are on that building. There's a bunch right on this building. So, we...there's chances you can be within 10, you know, 20 feet from structures, or right on structures. And that ideally, that's where we'd like to go. But this particular case, it's a 100 feet.

COUNCILMEMBER ATAY: Yeah. So, my line of question is more about the health and safety of the people, most importantly, any babies or children that would be sleeping in the apartments. Is there a study or research of any potential detrimental effects health-wise especially if you're shifting towards a 5G delivery?

MR. CONTE: Good question. And it comes up, it always comes up. And here is my canned answer is that we're compliant Federally 'cause we are regulated very tightly by the FCC. Now the FCC puts these guidelines, and with their experts, doctors and scientists, have come up that we are literally...and it's all online. I mean and I can send you some information in regards to that. That the EPA, the FCC have all...their official stand that there's no health problems whatsoever with towers. And in fact, I mean we've all been around it for the past 30 years. Wireless phones have been out. I mean we, I think we all probably have a phone and have been using it for 30 years. But no, there is no harm whatsoever. And we...there is documentation to that effect.

COUNCILMEMBER ATAY: Thank you, Chair. That's just my main interest is the potential --

VICE-CHAIR HOKAMA: Understood.

COUNCILMEMBER ATAY: --health issues that I wanna be clear about, you know. If I approve this, I wanna be clear that I'm not gonna be putting any baby's health in harm's way.

VICE-CHAIR HOKAMA: Understood --

COUNCILMEMBER ATAY: Thank you.

VICE-CHAIR HOKAMA: --your concern, Mr. Atay. But I would say you bring up a good point. FCC is into one-size-fits-all. Okay. We're islands.

COUNCILMEMBER ATAY: Yeah.

VICE-CHAIR HOKAMA: We are not the same. Ms. Sugimura, any questions?

COUNCILMEMBER SUGIMURA: I just wanna add to that. I think, you know, over the years we've all heard about the dangers of, you know, ultraviolet rays. I don't know what the people think comes out of this. But I think I've also heard that all of us use

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phones like this, and it's probably worse. That's what I heard, you know, of what the studies I read and other presentations that is...this is probably just as bad or worse from what people have been fearing. So, I did have a fear, you know, as people have expressed about health concerns. But it sounds like it's like what you said, regulated by the Federal government as well as we all use this, which I think is probably could be more detrimental. It depends, you know, how much you use your phone. But...

MR. CONTE: And...

COUNCILMEMBER SUGIMURA: Do you have a comment on that?

MR. CONTE: Yeah, no, I just wanna expand on that is that that is indeed true is that if you do use your phone and not...and if you just use it every now and then, you put it up to your ear, that's not a problem. But they say if...for people that are on their phone a lot, they put the phone right up to your ear, it's not necessarily the signal that's the problem, it's the battery heating up and constantly against your head. It's the...and so, it's the heat more so. But that's where the danger is at more so than any towers.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I too had the health issues portion. But so, this is...you folks own the property this will sit on?

MR. CONTE: No, we have a lease with the AOA.

COUNCILMEMBER COCHRAN: And that is the...

MR. CONTE: Maui Lani --

COUNCILMEMBER COCHRAN: Oh --

MR. CONTE: --Association.

COUNCILMEMBER COCHRAN: --Maui Lani Terrace's Association.

MR. CONTE: That's right.

COUNCILMEMBER COCHRAN: Okay. And you're only looking for a ten-year conditional use permit?

MR. CONTE: Well, we'd like to get 30 but Planning Department, their new guidelines are 10 years.

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COUNCILMEMBER COCHRAN: Okay. So then in ten years, I know how technology grows and expands, are you anticipating perhaps something to go in bigger, wider, taller in the future? Is that who knows or...

MR. CONTE: Yeah, I mean who knows. If I knew I'd be in the stock market right now. It's...technology is changing all the time. They even say that in ten years they may not even use towers anymore. They'll be using other technologies where you just go from phones, handset to handset. But I don't...it's hard to say.

COUNCILMEMBER COCHRAN: And so, because I'm trying to picture where this is in reference to the airport up above, this has no interference within that airport, the range is no...I don't see any comments from the airport itself or FFA [sic] --

MR. CONTE: Yeah.

COUNCILMEMBER COCHRAN: --or I don't know.

MR. CONTE: Pete can address that.

COUNCILMEMBER COCHRAN: Okay.

MR. YEAGAR: That's part of our process is to go through an FAA screening and that airport facility close by. So, that's in process now. I cannot envision that there will be any problem though.

COUNCILMEMBER COCHRAN: Okay. So, there's currently as we sit here, no comment from FAA though?

MR. YEAGAR: Correct.

COUNCILMEMBER COCHRAN: Okay. Okay. I would like to hear something from the airport that's above this. That would kinda be helpful. It's a huge thing. And, you know, I don't want this to be detrimental to an airport.

VICE-CHAIR HOKAMA: Yeah, Members --

COUNCILMEMBER COCHRAN: So, if we don't have an answer --

VICE-CHAIR HOKAMA: --we will have a...

COUNCILMEMBER COCHRAN: --to that...

VICE-CHAIR HOKAMA: We'll have...you will have your opportunity when we give the Department, the lead Department the opportunity to respond to your questions.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair. That's all I had comments on.

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VICE-CHAIR HOKAMA: Okay.

MR. CONTE: Yeah --

VICE-CHAIR HOKAMA: Mr. White?

MR. CONTE: --Sprint actually has a real internal guidelines that besides an FCC approval, it needs a FAA approval. But, you know, that's something that can, you know, conditioned, when we do our final approval report to the --

VICE-CHAIR HOKAMA: Okay.

MR. CONTE: --County.

VICE-CHAIR HOKAMA: That's fine.

MR. CONTE: That's all included.

VICE-CHAIR HOKAMA: Yeah. I'm running this meeting.

COUNCILMEMBER COCHRAN: Okay.

VICE-CHAIR HOKAMA: Take my directions.

COUNCILMEMBER COCHRAN: Thank you, Chair.

VICE-CHAIR HOKAMA: Mr. White, questions?

COUNCILMEMBER WHITE: Thank you, Chair. On Page 3, you mentioned 6-panel antennas. And on Page 4, the note on the bottom says, a location with 12-panel antennas. Which one is it?

MR. CONTE: We originally, were gonna go with 12, just to get approval for that. And in some cases in the past, if we didn't use the 12, we would just put up dummies just so we have available. But we're going with just six. Yeah, because that's what we're gonna build. So, that's all --

COUNCILMEMBER WHITE: Okay.

MR. CONTE: --we're gonna...going for.

COUNCILMEMBER WHITE: Thank you. Thank you, Chair.

VICE-CHAIR HOKAMA: Thank you. Mr. Guzman, questions?

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COUNCILMEMBER GUZMAN: No, I don't have any questions. I just also have concerns as well for health and safety issues. Very interesting, Chair, if I can make a comment on the "Shot --

VICE-CHAIR HOKAMA: Proceed.

COUNCILMEMBER GUZMAN: --Clock" --

VICE-CHAIR HOKAMA: Yes.

COUNCILMEMBER GUZMAN: --on how a...the Federal or right, obviously, the telecommunication companies have a very strong lobbying to mandate a Federal law that says that we, on a County level, have to within a 150 days go through this application. And if not, they have the power to go and get an injunction. That's very interesting. Very, very --

VICE-CHAIR HOKAMA: That's the District --

COUNCILMEMBER GUZMAN: --interesting.

VICE-CHAIR HOKAMA: --of Columbia --

COUNCILMEMBER GUZMAN: Yeah.

VICE-CHAIR HOKAMA: --for you.

COUNCILMEMBER GUZMAN: Yeah. Thank you.

VICE-CHAIR HOKAMA: Thank you. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. And just to follow up on some of the previous concerns, have you had any pushback from any of the residential people living nearby or in that AOA?

MR. CONTE: Actually, the AOA all agree with it. But I would like to point out that, and Ms. Livit and the Planning Department could attest, that we sent out notifications before our presentation to the Planning Commission, and we did almost...well, over 600. And we got maybe under five that had concerns, which...

COUNCILMEMBER KING: A 105 concerns?

MR. CONTE: Under five, yeah.

COUNCILMEMBER KING: Oh, under five. Okay.

MR. CONTE: Yeah --

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COUNCILMEMBER KING: Okay.

MR. CONTE: --so out of almost 700.

COUNCILMEMBER KING: Oh, okay. Well, yeah, and nobody is here to testify. I mean that's a concern because I do think that, you know, I do think there are health issues, a lot of people have concerns. And not everybody uses a cell phone, and not everybody walks around with a cell phone right up to their ear. And that is a choice, you know. If I choose to use a cell phone, that's one thing. But if someone puts up a, you know, a piece of apparatus that I think is harmful to my health, and I don't have any control over it, that's why I'm...I get concerned if people have protest. But I...that's a pretty good ratio. Just a couple of small questions I have, what is MMBS stand for?

MR. CONTE: It's just...it's a term used for the base station. It's called multimedia base station.

COUNCILMEMBER KING: Multimedia.

MR. CONTE: So --

COUNCILMEMBER KING: Okay.

MR. CONTE: --in order for these networks to work, when you make a phone call, it actually doesn't go from one phone to another. It goes from the phone to the cell site. It's the antenna. It goes down the cable and it goes into these boxes, which essentially it's a mini switch, then it interfaces into the phone network. And then once it gets into the phone network, and then it finds...it sends the call out and then finds out where the receiver is. So, it's a...essentially turns wireless into the hard-line signal.

COUNCILMEMBER KING: Okay. And then the only other question I had was what are the...what is the palm made out of?

MR. CONTE: Hard...

COUNCILMEMBER KING: Are they like plastic fronds or something?

MR. CONTE: Yeah, a hard plastic that, you know, it's molded to look like palm tree --

COUNCILMEMBER KING: Okay.

MR. CONTE: --fronds.

COUNCILMEMBER KING: And you have that certified to be windproof or hurricane-proof so it doesn't come flying off after?

MR. CONTE: Yeah. Yeah, these towers and everything, they all go through the same building permit through the code, I mean, excuse me, through the County Code in

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terms of the building permit. So, it's designed by structural engineers and same people that do the poles outside and towers, other towers that are out there.

COUNCILMEMBER KING: Okay. Thank you. Thank you, Chair.

VICE-CHAIR HOKAMA: Okay. Thank you. I...any other questions for the applicant or representatives from Sprint? We're gonna have the Department give their comments. Okay. We'll move forward. Thank you, Mr. Conte --

MR. CONTE: Thank you.

VICE-CHAIR HOKAMA: --for your responses. We'll ask the Director McLean to give comments regarding the application at this time.

MS. McLEAN: Thank you, Chair. During the application process, we just received two letters from people in the neighborhood, one asking a number of questions and one expressing some concerns. The Planning Commission voted in favor of the application subject to a number of conditions, which are in your packet. There's one condition related to the aesthetics. It's pretty straightforward. So, we don't have anything else to add at this time. Thank you.

VICE-CHAIR HOKAMA: Okay. Thank you. Members, questions for the Department at this time? Mr. Atay, any questions you wish to ask the Department?

COUNCILMEMBER ATAY: Same line of question that I posed earlier, is the Department aware of any scientific study on any, on the issue of health effects with, you know, high...if we're gonna be moving to 5G level, what are the potential health risks with residents nearby?

VICE-CHAIR HOKAMA: Director?

MS. McLEAN: Thank you, Chair. I haven't seen anything related specifically to 5G. I know going back quite a number of years when various types of cell towers whether it be a free-standing tower like this one or the kind of antenna that the applicant referenced on top of buildings, quite a number of years ago when those were becoming more and more common, when new carriers were coming out and when there were requests for new facilities or for upgrades, there was a lot of discussion about the safety concerns. And we reviewed information at that time. And were completely satisfied that there weren't any related concerns that we needed to share. So, recently related to 5G, no, I haven't seen anything. And it was quite some time ago that I remember reviewing studies but nothing recent. Thank you.

VICE-CHAIR HOKAMA: Thank you. Mr. Galazin?

MR. GALAZIN: Thank you, Chair. And, Mr. Atay, and to answer that question a little further and to...and probably some of the other Councilmembers as well, just be aware that there is under the FCC Federal preemption, a State and local authority, if a decision to

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deny a permit is based directly or indirectly on the environmental effects of radiofrequency emissions, provided that the provider's compliance with the FCC's own requirements. So, these are all good concerns to raise and bring up. Unfortunately, that in and of itself is not a basis for denying a permit. We've...that authority has been stripped from us unfortunately.

VICE-CHAIR HOKAMA: So, you know what the Federal government is telling you? We really don't care what you think.

COUNCILMEMBER ATAY: I'm sorry, Chair, I'm just...in my mind I'm kinda questioning the position of home rule protecting our --

VICE-CHAIR HOKAMA: Understood.

COUNCILMEMBER ATAY: --people.

VICE-CHAIR HOKAMA: I'm with you.

COUNCILMEMBER ATAY: But I'll steer away from that line. And who monitors after this goes and saying they're asking for 6 panels but yet they're showing 12 panels and . . . *(inaudible)*. . . saying that the other 6 up there is not for real? Who monitors what's up...once it moves forward, who monitors it?

VICE-CHAIR HOKAMA: Department?

MS. McLEAN: You'll see that one of the conditions is submitting compliance reports, and we look for compliance with the conditions and the representations made. So, today the applicant indicated that this would be for six panels. And so, if we had evidence that there were more than six panels, then we would consider them to be in noncompliance, and we would pursue enforcement action. They do have to submit compliance reports. And so, initially, we would monitor the compliance reports. And then after that, it would just be on an as-needed basis.

COUNCILMEMBER ATAY: Okay. Chair? No questions.

VICE-CHAIR HOKAMA: Mr. Atay?

COUNCILMEMBER ATAY: No questions. Thank you.

VICE-CHAIR HOKAMA: Okay. Thank you. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yes. I do have a question. One of the conditions was the applicant shall notify MPD communications coordinator of system expansion, installation of equipment, operating in the 700 to 800 megabytes band or shared location with other wireless carriers at this site prior to these changes being made. So, is there gonna be a shared site with other carriers? And then what is the purpose of the MPD coordination with the communications?

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VICE-CHAIR HOKAMA: I think that is our dedicated area of communication that the Feds set. 'Cause all I remember is we're I believe 700 megahertz. We pumped out hundreds of thousands, then they made their brilliant redecision to move us to 800 megahertz. So, we had to reinvest people's money. So, it just tells you how smart the district is.

COUNCILMEMBER SUGIMURA: The maximum that we can have is 800 or that we can approve of --

VICE-CHAIR HOKAMA: Well --

COUNCILMEMBER SUGIMURA: --two?

VICE-CHAIR HOKAMA: --there's dedicated lines for first responders --

COUNCILMEMBER SUGIMURA: Oh.

VICE-CHAIR HOKAMA: --and police is our key. And that's why we give Police, Fire, through Mr. Pacheco.

COUNCILMEMBER SUGIMURA: Pacheco.

VICE-CHAIR HOKAMA: Yeah. That's why he comes to ask for millions of dollars, okay, for these bloody FCC things. Department, you have a response?

MS. McLEAN: Thank you, Chair. We did transmit the application to MPD and did not get comments back. This was a comment that was made on a previous application. And so, we took the initiative to put that in there just to ensure that there wouldn't be a conflict with their communication system.

VICE-CHAIR HOKAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Okay. So, are there gonna be other carrier sharing? I...on top of roof sometimes there's like multiple it looks like carrier sharing the same site. Does...is that planned for this?

VICE-CHAIR HOKAMA: I don't believe this is a collocating --

COUNCILMEMBER SUGIMURA: Collocating.

VICE-CHAIR HOKAMA: --antenna.

COUNCILMEMBER SUGIMURA: Oh, because it's a palm tree.

VICE-CHAIR HOKAMA: The way the application as I read it, it's just for Sprint.

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COUNCILMEMBER SUGIMURA: Okay.

MS. McLEAN: And the applicant is indicating no.

COUNCILMEMBER SUGIMURA: Okay.

MS. McLEAN: We weren't aware that it would be shared. And the applicant is also indicating no.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

MR. CONTE: _____ at this time. But if another applicant wanted to...

VICE-CHAIR HOKAMA: Yeah, you're gonna need to speak --

MR. CONTE: Oh, I'm sorry.

VICE-CHAIR HOKAMA: --at the microphone at the podium please.

MR. CONTE: At this time, it's just a single applicant, Sprint. But yes, in the future, other carriers can elect to collocate to avoid more structures going up. But in this particular case, it all depends on the next carrier that goes there if it's...if there's enough height to get the coverage. But it...we always do try to do collocate.

COUNCILMEMBER SUGIMURA: So, the answer is maybe?

MR. CONTE: Yes, maybe. Right.

VICE-CHAIR HOKAMA: Again, look at the conditions of recommendation on the recommended approval. Okay. So, take a look at that. We can either support it. We can delete it. We can revise it.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR HOKAMA: There's some interesting points that the Department forwarded from Commission that I'm not agreeing with completely. So, I'm gonna be recommending changes.

COUNCILMEMBER SUGIMURA: Okay. That's it.

VICE-CHAIR HOKAMA: Okay. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you, Chair. And so, I'm looking at the part that shows current coverage versus future coverage, and what this one palm tree is going to...additional coverage it will create. So, is this the only spot in West Maui that you have sort of a dead spot? Or are there...

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MR. CONTE: No, we...

COUNCILMEMBER COCHRAN: Are we to anticipate more of these to pop up around?

MR. CONTE: We have multiple sites that we're looking at and at...in Maui currently. But some of 'em are rooftops. Some of 'em are standalone. Each particular area is different. Now, once again, to avoid standalones, we...our first thought is to go into an area and try to get a rooftop. It does make sense as far as construction cost. But when we don't have the ability to do get on a rooftop then we look at a standalone.

COUNCILMEMBER COCHRAN: Okay. And...

MR. CONTE: Now, this particular area, I'm sorry, this is the only one that's...we're...gonna be needed in that area. We're not gonna need another one, no.

COUNCILMEMBER COCHRAN: In West Maui as a whole or just --

MR. CONTE: Oh --

COUNCILMEMBER COCHRAN: --this Kahana --

MR. CONTE: --West Maui --

COUNCILMEMBER COCHRAN: --area?

MR. CONTE: --as a whole, we're actually looking at way down in Lahaina, and also way up in Napili. 'Cause if you see...for example, Maui alone has almost 30 sites. And each carrier has about 30 sites. And each, in order to get coverage, the sites need to be, depending on the terrain, it could be within one mile apart. It can be two to three miles apart. So, for example, like there's a site right here at the One Main Plaza or the County Building, and if you go right down Main Street, right on the right hand side, right at the bottom of the hill, there's another site right there. So, that's probably just a mile. So, it has to do with terrain, obstructions, and also how many people are using it also.

COUNCILMEMBER COCHRAN: Right. And what is this costing your company to do?

MR. CONTE: Pete?

MR. YEAGAR: We don't have the final figures for building the site. But I can tell you that we had a quote for the tower at \$30,000. The equipment will be anywhere from 150 to 225, 225,000. Construction will be over 200,000. So, it's quite a bit of money to...

COUNCILMEMBER COCHRAN: Wow, for one tower. Okay. All right. I guess, yeah, I just wanted to get an idea of how many more you folks are projecting perhaps possibly to install in the West Maui area?

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MR. YEAGAR: Rich told you we had the Napili one and --

COUNCILMEMBER COCHRAN: Two others.

MR. YEAGAR: --Lahaina. Yes, two others.

COUNCILMEMBER COCHRAN: Okay. And, Chair, lastly, and so, there's no way for you...I guess the cost could be prohibitive but I was thinking you can address the community as a whole to site all three. And so that way, West Maui knows what's coming ahead or where these are gonna be, you know, thought to be, you know, put in and installed and things of that nature. Or you're just not --

MR. YEAGAR: Like we'd --

COUNCILMEMBER COCHRAN: --that...you're not just there --

MR. YEAGAR: --make one...

COUNCILMEMBER COCHRAN: --yet?

MR. YEAGAR: Make one application for all three?

COUNCILMEMBER COCHRAN: Or some...sort...yeah, I mean you're already you're saying you know you're gonna need it. So, I mean just to piecemeal things, a lot of times the community gets...it's hard to keep track on the community's behalf.

MR. YEAGAR: Well, it's a pretty lengthy process as far as siting a particular location where we would have to go through the leasing permit and so on. We're in the leasing phase on the other two locations. So, it's not...they're not solidified yet.

COUNCILMEMBER COCHRAN: Okay. Thank you . . .*(inaudible)*. . .

VICE-CHAIR HOKAMA: Okay. Thank you. Mr. White, any questions?

COUNCILMEMBER WHITE: No questions. Thank you.

VICE-CHAIR HOKAMA: Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Chair, I don't have any questions. It's just that...

VICE-CHAIR HOKAMA: Okay.

COUNCILMEMBER GUZMAN: Yeah. I'm not liking this, the fact that...

VICE-CHAIR HOKAMA: I understand.

COUNCILMEMBER GUZMAN: Right. Thank you.

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VICE-CHAIR HOKAMA: I understand. Thank you. Ms. King, questions?

COUNCILMEMBER KING: Actually, Chair, I just wanted to ask Mr. Galazin if he could repeat, you know, you had that statement I think by the FAA about what would not constitute a legitimate concern. And I think you said environmental. But was there anything in there about health concerns?

MR. GALAZIN: Chair?

VICE-CHAIR HOKAMA: Counselor?

MR. GALAZIN: Thank you. Yeah, this is directly from the FCC itself.

COUNCILMEMBER KING: Oh, FCC.

MR. GALAZIN: And so, when it speaks about the preemption of state and local authority, it says that any decision that is premised either directly or indirectly on any environmental effect of RF, radiofrequency emissions, that would include health effects among the environment --

COUNCILMEMBER KING: That --

MR. GALAZIN: --generally.

COUNCILMEMBER KING: --does include health --

MR. GALAZIN: Yes.

COUNCILMEMBER KING: --effects? Okay. That seems kinda bogus to me but...so, is there like a definition of environment that includes that?

VICE-CHAIR HOKAMA: Mister...Counselor?

COUNCILMEMBER KING: Personal health effects?

MR. GALAZIN: Not within this specific portion of what I'm...what I've read to you. But, it's generally understood under Federal case law that environmental concerns include the human health as part of the environment.

COUNCILMEMBER KING: Okay.

MR. GALAZIN: So, effects on not only plants, you know, flora or fauna, but humans as well, so.

COUNCILMEMBER KING: Okay. And I do have one question for the Department, Chair, based on the...looking at the 10-year, we've all been hearing the Mayor talk about his idea that we should be planning for 50 to a 100 years. And when we talk about the

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ten years and I think it's pretty obvious dealing with companies like Sprint that we all know technology could change in five years, you know, much less ten years. So, is that the direction you're getting on on all these types of planning issues like, you know, we should be looking at 50 years, a 100 years down the road?

VICE-CHAIR HOKAMA: Director?

MS. McLEAN: Thank you, Chair. The duration of the permit depends on a number of things. And among those are the capital outlay that the applicant will be facing. Because if it's a shorter duration then it's not worth the financial risk that that permit might not be renewed if it's not for a very long period of time for them to recoup their investment. And also quite simply, it's based on the tenor of the Planning Commission and the Council on the types of permits that have come before each of those bodies and how frequently they wanna see those come back for renewal. And so...and it's also the type of permit itself and the impacts that there may be concerns about the project having on the community or other impacts where you'd wanna see renewal. So, there's not a hard and fast rule for these types of permits. Ten years has been a good compromise factoring in those considerations. We wouldn't object if the Council wanted to give a longer duration. But I don't think a shorter duration even though technology, yes, of course, moves very quickly, with the kind of investment that they're looking at, I would think that they would want the security of a...of ten years.

COUNCILMEMBER KING: Yeah, no, I don't...I agree with that. I'm just wondering if there's ever gonna be a case where we're gonna see something come before us that was planned out to 50 or 100 years?

VICE-CHAIR HOKAMA: Then they should come in for zoning, not a permit.

COUNCILMEMBER KING: Yeah, I mean that's what we've been...that's we've been hearing is, you know, that we should be planning for 50 to 100 years. Thank you, Chair.

VICE-CHAIR HOKAMA: Thank you. Yes, Mr. Atay?

COUNCILMEMBER ATAY: Second round. I kinda wanna have a question though for the...

VICE-CHAIR HOKAMA: Applicant? Sure.

COUNCILMEMBER ATAY: Yeah. Would getting a site with a higher elevation, slightly higher elevation, be better for you?

VICE-CHAIR HOKAMA: Mr. Conte?

MR. CONTE: I'm not an RF engineer but not necessarily.

COUNCILMEMBER ATAY: Oh.

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MR. CONTE: 'Cause we're in a position now where you're gonna see that the sites are gonna be closer together and lower. Because once again, they wanna get the signal, better signal, within buildings. And in order to do that, you need to be closer to the population because they wanna get faster data speeds. For example, I'm sure everybody uses your phones now and you could probably use your voice side inside your building. But as soon as you get on the Internet on your phone, it's latency because it's slow. And that's what we're trying to improve, faster speeds.

COUNCILMEMBER ATAY: Yeah.

MR. CONTE: So...

COUNCILMEMBER ATAY: My line of question, my inquiry on that is I see a map directly across the street, about a 100 or 150-foot higher in elevation, we have a County water tank. There's no humans residing around that, that...I...my main concern is --

MR. CONTE: Right.

COUNCILMEMBER ATAY: --more of the exposure to our people.

MR. CONTE: Right.

COUNCILMEMBER ATAY: Would that...that was my inquiry, would that be beneficial more, you know, kind of a...and then we lease that site to you? I don't know if you guys check that out.

MR. CONTE: Well, and no, and the reason being is because normally trying to get some kind of lease with the County is really tough. And normally, it doesn't happen. Actually we've tried with the Parks Department and things like that. But that wasn't in the, called the search ring. When I do a search, the radio frequency engineer will say, in order to get the kind of coverage that we need, they draw a circle on the map and they say, find a site in this general area, and that will accomplish it. But, you know, once again, you know, I hear under everybody's concerns and...but I just wanna point out that the precedent in a lot of the sites that are permitted uses are on rooftops. And so, those sites are way closer than this site. This is actually a site that's further away from than if I just went right on someone's roof, which would be a permitted, and you don't even see the...that doesn't come in front the board. Planning Department approves those.

COUNCILMEMBER ATAY: Thank you. Thank you, Chair.

VICE-CHAIR HOKAMA: Okay. Other questions? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. So, to put it all in perspective, and I'm...there's a question after this, so basically, the Federal government creates this law that says the telecommunication companies can come and build these towers. And to get the permits, we...they mandate a 150-day review. So, if we don't get the 150-day process

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done in the review time period, they have then the ability to go and get an injunctive relief against us. If we vote no on granting the permit, then they still have the ability to go an injunctive relief and overturn our decision if our decision isn't based off of things that are not environmental or health. So, if I have a problem with the health risk, that's not a legitimate purpose to say no because it will be reversed in court. Is that correct?

VICE-CHAIR HOKAMA: Mr. Galazin?

MR. GALAZIN: Yes, that is correct. And too, if I could further respond, in addition to that, in the Middle Class Tax Relief and Job Creation Act of 2012, Congress also slipped in something pertaining to collocation wherein if the local municipality doesn't act on an application within a certain period of time, it's deemed approved. It doesn't grant them injunctive relief. That's for collocation. Now, that's not...it doesn't apply to this. But that's how these things are done.

COUNCILMEMBER GUZMAN: So, my second question is what are the legitimate purposes that I, a personal Councilmember, can state on the floor to object that would then be approved if there was a court case, what is the legitimate purpose to deny it, the application?

VICE-CHAIR HOKAMA: Counselor?

MR. GALAZIN: Well, the things that you do retain authority over, you know, typical zoning and aesthetics are two of the biggest things within your police powers that you have in terms of siting for these facilities. You know, if you have a historic district for example, and somebody wants to come in and put a garish cell tower, you can certainly deny them that permit based on the fact that you wanna keep the character of that particular neighborhood. You know, there are also, you could have zoning districts where it is not allowed if you adopt that through ordinance, you know, the Comprehensive Zoning Ordinance. And then some way they are, you know, through permit. Those are just a couple of them. There may be other legitimate reasons based on the application at hand why you may or may not be able to deny a permit. But there are certain reasons on which you cannot base a denial.

COUNCILMEMBER GUZMAN: Wow, Chair. I, in my six years on the Council, I've never felt so hand-tied before by the Federal government. Wow, this is a dog and show...pony show right here. 'Cause either way we go, they're gonna...they have the injunctive relief process. And the reasons given, which I feel is legit, health, if there's a health risk that we feel there is a problem.

VICE-CHAIR HOKAMA: It's either...

COUNCILMEMBER GUZMAN: That's not even a legitimate --

VICE-CHAIR HOKAMA: Yeah.

COUNCILMEMBER GUZMAN: --reason --

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VICE-CHAIR HOKAMA: Yeah.

COUNCILMEMBER GUZMAN: --to fight 'cause we'll lose that --

VICE-CHAIR HOKAMA: I understand.

COUNCILMEMBER GUZMAN: --in injunctive relief --

VICE-CHAIR HOKAMA: It's easier --

COUNCILMEMBER GUZMAN: --in court.

VICE-CHAIR HOKAMA: --to lobby 100 US Senators and 435 Reps than 3,069 counties.

COUNCILMEMBER GUZMAN: Right.

VICE-CHAIR HOKAMA: Okay.

COUNCILMEMBER GUZMAN: And probably...

VICE-CHAIR HOKAMA: So, the influence was spent there, the money was spent there to create legislation to basically nullify governance at the state and local level --

COUNCILMEMBER GUZMAN: Wow.

VICE-CHAIR HOKAMA: --by a national policy.

COUNCILMEMBER GUZMAN: Wow. Like every neighborhood could have one. I can have one next to my house in ten years from now. Wow. That's astonishing. But it is what it is. Thanks, Chair.

VICE-CHAIR HOKAMA: So, again, if you believe in five...the five program, whatever they call it, 4G, 5G, I can tell you some places I've seen implementation to move 5G fast is Beijing. It looks like hell, all those towers every so many 100 feet. Okay. But then, Beijing does it more than for just communication. Big brother is part of the towers. And don't think your big brother, the Federal government, is not gonna use this system to watch over us. They already are. Okay. I can understand Homeland Security and everything else. Big brother is watching everything. And this is part of the system, communications. Okay. So, we are not naïve. We are not stupid. But you can see how your Federal government is taking certain authorities away from governance from the local authorities. Because again, it's back about the money and the powers to be. Okay. I think some of the things that we should ask maybe Mr. Conte is, and again, this is just for Sprint now. And that's why I say, no, this is not a collocated thing. 'Cause if it was, we'd be in worse parameters of what we can and cannot consider. So, for Mr. Conte, as far as Sprint is concerned, you have a corporate plan layout of all the future towers you're gonna need to make your

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company reach the level of service that you could tell us this afternoon or your associate? For Sprint to be where we want in the market, we're looking at another 50 towers for Maui over the next 20 years, and our goal is to be the number one carrier? So, we're gonna push hard and do all this work and investment?

MR. YEAGAR: We have seven towers that we're planning on Maui at the present time.

VICE-CHAIR HOKAMA: Within a what, what kind of timeframe you're looking at, sir? Like five years, ten years?

MR. YEAGAR: Two years.

VICE-CHAIR HOKAMA: Two years. Okay. And then with this specific proposal that I guess you and the Department has come to general terms of ten years that is being requested of us, how long do you expect this tower to service your requirements of Sprint? Fifty years, ten years only?

MR. YEAGAR: Our lease will be for 30 years. So, we're hoping to at least be that...be there that long.

VICE-CHAIR HOKAMA: Okay. And I appreciate that straightforward answer. So, you're looking at a tower for 30 years. Okay. Thank you for that. So, Department, hearing that, a conditional permit is still the way to go for something they want for 30 years, instead of zoning? Or we are going to have a proposal to review a new comprehensive new zoning code. And one of it is that we need to correct is what we deal with like this application. It's called stacking of permitted uses through various zoning categories. Okay. We gotta work on that and eliminate as much as we can of stacking. We should stop bastardizing all our zoning through permits and incompatible permitted uses as to this Chair. Questions, Members? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, I guess the question for the Department, are cell towers allowed in any kind of district or just A-2, or which kind...which districts are they allowed in, which zoning codes?

VICE-CHAIR HOKAMA: Department?

MS. McLEAN: I would have to check. There are a couple of districts that they are allowed in as outright permitted uses. Those would be more of the Commercial or Industrial districts. And then as accessory uses, antenna are allowed. So, not freestanding poles but antenna on top of the business building. For example, they're allowed in the Business districts and other districts.

COUNCILMEMBER KING: Okay. But this is A-2, and that's an allowable use for A-2?

MS. McLEAN: In...well, because this is a freestanding tower then it needs a conditional permit. It's not allowed as a permitted use or an accessory use.

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COUNCILMEMBER KING: Okay. So, doesn't that kinda speak to what we were talking about? Like if the zoning isn't correct and we're not talking environmental, we're saying if we were to deny this because we don't wanna change the zoning, isn't that our purview as a County, as a Council?

VICE-CHAIR HOKAMA: Department?

MS. McLEAN: Well, I'd sort of have to combine Planning and Corporation Counsel here. For a conditional permit, there are standards and criteria laid out in the County Code, in Chapter 19.40. And so, this application even despite the Federal preemptions, we didn't pay attention to the Federal preemptions in processing this. We followed the criteria in the Code for conditional permits. And so, that's what we have presented to you that this project in our analysis meets the standards for a conditional permit. In terms of the zoning not allowing it and that perhaps being a basis for denial, then that's something I would defer to Corporation Counsel because the Zoning Code, while it doesn't allow this as a permitted use in the Apartment District, it allows conditional permits to be issued with the approval of the Council if certain criteria are met. And so, that's what's being presented to you.

COUNCILMEMBER KING: Okay. So, Chair, can I ask the Corp. Counsel then what is the Council's authority in, you know, or allowed authority as far as, you know, are we forced into granting conditional use permits in an area where this use is not zoned?

VICE-CHAIR HOKAMA: Mr. Galazin?

MR. GALAZIN: Thank you, Chair. Thank you, Councilmember King. You are here today because this is a conditional permit, which has to be approved through passage of an ordinance. So, it is within your purview. However, if you deny it, you have to have a record and evidence based on which, you know, on which to support the denial. Planning, as Planning alluded to, they've gone through the analysis and we looked at this as a conditional use permit through the criteria set forth in the Code. And that's the standards by which you judge whether or not to grant this permit. If it meets those criteria then they can get the permit. If it does not, if you find that there is substantial evidence supporting it does not meet one or more of the criteria, you would need to articulate that. And then you could...you're not obligated to grant this permit. However, you know, if you deny the permit that can always be challenged. And if we grant the permit that could be challenged as well. So, you do not...this is not a rubberstamp approval. However, you know, Planning has done the analysis on this. And I think the Planning Director has correctly pointed out, you gotta look at the conditional use permit requirements and what those criteria are, and to the Department's satisfaction, they've been met.

COUNCILMEMBER KING: So, if I may, Chair, we've denied other conditional use permits before that the Department has brought to us. And because, you know, certain, you know, various reasons. And maybe one of them is as simple as we don't believe that we should add this extra use in this particular zone. And I'm not saying we will or we won't. I'm just saying, you know, that, you know, what authority do we have, I mean

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at every step of the way when we approve a conditional use permits if you're gonna tell us that the Department bringing it to us is the reason why we should approve it because its met the criteria. Every time the Department brings something to us I'm assuming it's met the criteria but we don't always approve it for various reasons.

VICE-CHAIR HOKAMA: Counselor, anything at this time?

MR. GALAZIN: No, nothing further.

COUNCILMEMBER KING: Okay.

MR. GALAZIN: Thank you, Chair.

COUNCILMEMBER KING: Thank you, Chair.

VICE-CHAIR HOKAMA: Okay. Thank you. Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you. I think the issue comes down to, yeah, we have the ability to disapprove it based off of the not meeting the criteria of the special use permit or any other I guess condition that we feel it won't fit in in that area. But the problem is, is once we deny it, by Federal law, they have the right to seek an injunction and then get it reversed. And if our purpose for denying it doesn't fit into either aesthetic or I think he...Corporation Counsel also mentioned two other purposes, if those won't fit there and we've articulated on the floor for those basis, then it'll get reversed. And health and risk is not even part of the criteria. So, FCC is saying yeah, that's not even a basis for the judge to grant our...to affirm our denial. So, that's the problem right --

VICE-CHAIR HOKAMA: Yeah.

COUNCILMEMBER GUZMAN: --there --

VICE-CHAIR HOKAMA: Yeah.

COUNCILMEMBER GUZMAN: --Chair.

VICE-CHAIR HOKAMA: Yeah. I hear you, Mr. Guzman. I would tell you I will follow up with national like we participated in opposing the EPA rule on waters of the US. We took this to the US Supreme Court, okay, the counties and other agencies regarding rule changes with the Corps of Engineers and EPA. Potentially, we can take this to court too on this FCC preemption of governance decision making. So, you know, we've done it before. We'll...we can consider it again 'cause there's other counties that have greater issues than we do on this subject especially if we also provide another venue for the siting of such communication requirements. So, I would say maybe one is . . . *(inaudible)*. . . you can have cell towers in the County but it has to be on one, government property that we will zone and permit for such use, and you will pay the appropriate owner of that government property fair-market value for space. That so

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it's equal to any provider. You just gotta pay what everybody else gonna have to pay. But, you know, if they wanna preempt us in one way, then we should find a way to have a benefit, which is use our land and you'll pay us for that service. And that's the only place you can put a tower up in this County. Okay. We're not denying it. We're just saying how it can be done within our community needs and benefits. Like I said, we're islands. I really don't give a hoot about the 48s.

COUNCILMEMBER KING: Chair?

VICE-CHAIR HOKAMA: Ms. King?

COUNCILMEMBER KING: That kinda brings me to another question I had earlier I forgot to ask is that, you know, how important are the community plans? Is it if it's violate...in violation of a community plan, is that a valid reason to deny?

VICE-CHAIR HOKAMA: Well --

COUNCILMEMBER KING: That's kind of...

VICE-CHAIR HOKAMA: --if, as you see HUD totally invalidated County general planning community plan by drawing a circle that intersected 3 community plans to create their urban core of 50,000 to justify an MPO. Okay. That tells you where the Federal government mentality is. Whatever it is to justify their point of view, they're gonna do. So, if the circle has to go Paia, Haiku, all of Wailuku, all of Kahului, to make 50,000 to be this, that's what they did, disregarding our designation that Paia-Haiku should have its rural character and maintain their uniqueness. The Feds didn't care. And I brought that up to Secretary Fox at DOT. He had great sympathy for us where he says you are caught in bureaucratic jigsaw that you...there's no escape. You're designated, I don't know how to get you undesignated. Okay. This is the Secretary of a US State Department, a cabinet-sitting member. Okay. So, it tells you about attitude of the Feds toward its own citizenry. I would say there's no respect. Okay. But we do have a decision to make. Okay. And for me, some of the things I would ask you to take a look at is as the Commission provided, one, a period for ten years. I'm gonna tell you your Chair does not support ten years for any first permit on a condition. I voted no on every single one that asks for more than two years for the first permit. Second, conditional permit nontransferable unless approved by the Director or Commission. My point is we give the approval. We'll make the appropriate transfers, the decisions. Three, number four, I think that was very good. It has to be developed if we approve, in substantial compliance to the representatives...representations made to the Council. But when you look at number seven, it recites it but I don't know what they show Planning Commission. Because now, they have a condition that says it has to meet substantial compliance of what the Commission was shown in a study. Okay. So, do they comply with the Council or do they comply with the Commission? Okay. There's only one body that gives approval. That's the Council. This is the only body that counts. Again, we'll see how the Department and Director deal with what matches the surrounding community. Because like I tell you, I bet...and it was a Sprint tower in Haiku, did I get my ears

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burnt on that approval provided by the Department and Director. It never came to the Council. And we're not talking about six months of headache the Council went through from hearings of complaints from residents and neighbors of...for that tower. That was approved administratively. I don't need to go through that BS again. Okay. I think we should really take seriously the requirement of the first response megahertz band parameters. We spend like I said millions to upgrade our bloody system to be in conformance with the Feds. I think Members have brought up concern about why don't we have information from one, airports, other appropriate DOT components, is interesting. So, Members, that is my areas of issue with the recommendations from the Commission and the Department. I'm open to your thoughts and your recommendations 'cause I will not be recommending an action on this application this afternoon. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. So, the original clock ended right? And there's been a, an extension --

VICE-CHAIR HOKAMA: Yes.

COUNCILMEMBER COCHRAN: --'til the end of the year? So...

VICE-CHAIR HOKAMA: Mr. Galazin, why don't you give us comment since you worked with the representatives of Sprint, and you understand the FCC parameters?

MR. GALAZIN: Yes, thank you, Chair. So, Councilmember Cochran, the Planning Department's determination of the application being complete was May 25th, which starts the clock. And that will run out on October 8th. It has not run yet. After that, if the "Shot Clock" ran out, 30 days later then the applicant would have the ability to go to Circuit Court, seek injunctive relief. They have agreed...Mr. Conte has signed off on the agreement and we'll be signing off as well to extend that mutually for another 60 days, which means that you'll have until Friday, December 7th of 2018, in order to take action on the permit. And again, if you don't take action by then, there's another 30 days after which the applicant can seek injunctive relief in court if that's the route they choose to go.

COUNCILMEMBER COCHRAN: Okay. Thank you. I just wanted to know what the status of the clock so to speak was. And it's curious that I think it was said that 9...or 911 and that type of communications would be enhanced but yet we didn't hear anything from our EMTs, our public safety entities. Police did not have comment. So, I'm just wondering if they knew really what this was about and that perhaps their coverage and work could be enhanced. But yet, I don't know, I just...just seems odd to me. But I guess if they don't have comments, they don't have comments. But I just thought they would have something to say.

VICE-CHAIR HOKAMA: Okay. Anyone else has a question? Ms. King?

COUNCILMEMBER KING: . . .*(inaudible)*. . . process...so, are...will you bring back to us your recommendations on the conditions?

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VICE-CHAIR HOKAMA: I was telling you my issues with the conditions as presented --

COUNCILMEMBER KING: Right, no, I...and I agree --

VICE-CHAIR HOKAMA: --and therefore...

COUNCILMEMBER KING: --with a lot but are you...

VICE-CHAIR HOKAMA: Yeah, and therefore, you know, that's why I said I'm open to your thoughts and your motion 'cause I will not make a recommendation to move this forward.

COUNCILMEMBER KING: Okay. Oh, okay.

VICE-CHAIR HOKAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, if I understand what you're saying, you expressed to us the conditions and whatever recommendations for consideration. If you don't make a recommendation, are you saying that this is gonna be approved then? If we don't approve it --

VICE-CHAIR HOKAMA: No.

COUNCILMEMBER SUGIMURA: --are we...it's gonna --

VICE-CHAIR HOKAMA: Again...

COUNCILMEMBER SUGIMURA: --be taken up again?

VICE-CHAIR HOKAMA: The Member...any Member may make a motion --

COUNCILMEMBER SUGIMURA: Oh, I --

VICE-CHAIR HOKAMA: --and --

COUNCILMEMBER SUGIMURA: --see.

VICE-CHAIR HOKAMA: --as a Chair, you know, we'll follow the...our rules. And if it's seconded, it's a motion that will be placed before the body for a vote. But I am not making a recommendation --

COUNCILMEMBER SUGIMURA: I understand.

VICE-CHAIR HOKAMA: --as your Chairman today. I have big governance issue. And I understand what we're dealing with, the parameters. I understand the power of the Federal government but I have my reason to disagree. Mr. Guzman?

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COUNCILMEMBER GUZMAN: Chair, yeah, just for the record I would like to state my objections to the tower based off of aesthetic purposes. There has not been enough evidence presented that is, it's aesthetically pleasing or aesthetically in common to the neighborhood. So, as one of the conditions that I am allowed to set forth, I put on the floor my reasons for the record for not approving this is aesthetic purposes. Thank you.

VICE-CHAIR HOKAMA: Okay. Thank you very much. Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, I don't...this...tell me if it's off the topic, but I believe there's a Verizon tower being proposed. I'm not sure if it came before us, over by the Maui Preparatory Academy. 'Cause I've been hearing from that school and the nearby residents in opposition actually because of these health hazard, potential hazard risks of it. So, I'm wondering now this company is wanting to put up a tower down the road, and then they're talking about another tower in the same vicinity. So, now, all of a sudden there's all these towers being proposed to be all over the place out north. So, I think Mr. Hokama mentioned, you know, can we not congregate them or put them on places that are designated specifically for this type of infrastructure versus really wherever hit and miss, here and there kinda haphazardly, you know, way? Is that being discussed or looked at?

MS. McLEAN: I'm not quite sure what the question is. But that particular one apparently, Livit tells me has been withdrawn.

COUNCILMEMBER COCHRAN: Oh, okay.

VICE-CHAIR HOKAMA: Do you --

COUNCILMEMBER COCHRAN: Oh --

VICE-CHAIR HOKAMA: --have any --

COUNCILMEMBER COCHRAN: --that's interesting.

VICE-CHAIR HOKAMA: --comments about whether or not we should look at maybe something more general Countywide policy, you know? We've talked about making efforts for transportation corridors, view plain. We've talked about view-plain corridors. Well, I guess we could talk about one communications corridor. So, from a planning perspective more, Director, is this something that makes sense for us to kinda pursue and see instead of having 100 variable sites all over our bloody mountains and valleys and whatnot through a smart, you know, process with the applicants, the providers, those that want services, those that don't have services? And, you know, we come up here and then says, you know what, we have a 35 site corridor plan to take care of our needs. And it's...would be open to any provider that would pay on a cocollector tower that we would build and make available to all providers 'cause it fits the needs of our requirements. Our existing communities,

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where our planned communities are gonna expand. Is that something that makes sense for us or, you know, that's too much of a big bite in an apple?

MS. McLEAN: Actually, the information that we're getting from the telecommunications industry is that rather than going with fewer larger facilities like this one, they're going with what they're calling small cell technology, which is about the size of a shoebox. And they're looking at sharing arrangements with existing utilities whether that be electrical poles, telephone poles, streetlights, where these would be mounted on those rather than having cell towers and antennas like we've seen. So, it's hard to get ahead of this in planning because the technology moves so quickly. And we could spend time and effort on the kind of plan you talked about, which is a good idea. But then we get far along in that and then the technology --

VICE-CHAIR HOKAMA: Right.

MS. McLEAN: --would change to something different. So, certainly it's worthwhile to explore. But I don't know that we're ready to put our eggs in any particular basket because of how quickly things change. But we have been seeing the small cell requests more and more. And for the most part, those are such small impact aesthetically and otherwise that there's either minimal levels of review or no review required.

VICE-CHAIR HOKAMA: From a community's perspective, Director, one of the things that we would hope the Department would take into consideration with the...again, if they're gonna go with a 1,000 small antennas instead of maybe a 100 large towers, have they...have the carriers informed you folks about...is this a strength of resiliency? 'Cause if you need a thousand antennas, how strong is your resiliency of backup when we have a disaster and we need that communication system running? 'Cause now you got 1,000 antennas you gotta worry about connecting and sending 1 message through. So, is this a good thing for us from a resiliency thing to support this type of projects?

MS. McLEAN: I don't know that this particular application really indicates anything one way or the other. The moving to small cell though, those are PV. So, they're self-powered, and they seem to really go toward the kind of resiliency that you're talking about. In the meantime, you know, everyone wants good cell coverage but nobody wants the facilities near them or anywhere where they can see them. So, we're a little bit stuck in processing these and making recommendations because people want the service but they don't want the facility. So, I know I don't have a great answer for...to you other than, you know, we did what we do and went through the applicable analysis. And certainly, when we bring things to you, other factors are raised by yourselves or by testimony. And you folks make the best call that you can make. But we're comfortable with the recommendations that the Planning Commission put forward and would be happy to work with you on language if you wanna modify any of those.

VICE-CHAIR HOKAMA: Just one quick question, one question then on that, what is the difference between what Commission got that they put in number seven that is different from what we received today under condition four?

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MS. McLEAN: That's what Livit and I have been looking at. In your packet, I believe you have the staff report and recommendation. And those plans in there are dated. And it is important for us to point out that those plans do show the 12 panels rather than 6. What was presented to the Commission, shown in the PowerPoint, shows six. And what was presented to you folks today in the PowerPoint shows six. But what was referenced in the plans that are dated and that condition shows 12. So, if you want to change that, then you could change it to the drawing shown to the Council...to the Committee on this date if you wanted to limit it to six.

VICE-CHAIR HOKAMA: Okay. Thank you for that clarification, Director. Okay. Members, any further questions you may have? Mr. Galazin, you have a comment?

MR. GALAZIN: Thank you, Chair. Just one more comment I'd just like to make to the Members. In terms of the FCC preemption and what is preserved, and the powers I talked about it a little bit; however, what the FCC describes as the authority that is still vested among you is that we, as the County, cannot discriminate among providers of functionally equivalent services. You can't regulate in a manner that has the effect of prohibiting the provision of personal wireless services. And if you make a denial of an application, it must be in writing and supported by substantial evidence in a written record, which is a pretty high bar. And that was the substantial evidence portion is where they carved out those...the radiofrequency emissions as not being...that cannot be relied on even directly or indirectly as part of the substantial evidence. So, if you do deny, it has...that's the standard by which it would be reviewed by a court.

VICE-CHAIR HOKAMA: Thank you, Mr. Galazin. Companies come and go. The County of Maui will be here forever. Questions, Members? Okay. The Chair is open to your comments or your...any motions by the body. Okay. With none, the Chair is gonna defer this item with no objections.

COUNCILMEMBERS: No objections.

VICE-CHAIR HOKAMA: This item is deferred.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: RC, SC)

ACTION: DEFER PENDING FURTHER DISCUSSION.

VICE-CHAIR HOKAMA: We'll take a five-minute break and then we're gonna hit the last item. We may not finish. So, I'm looking at adjourning at 4:00 p.m. So, return at 3:15 'cause the Chair plans to adjourn the whole meeting at 4:00. . . .(gavel). . .

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RECESS: 3:09 p.m.

RECONVENE: 3:16 p.m.

ITEM LU-65: AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING AND RELATED DEFINITIONS
(CC 18-304)

VICE-CHAIR HOKAMA: . . .*(gavel)*. . . Okay. We are back to order. We have one more item, Members, LU-65. This is to amend Title 19, Maui County Code, specifically regarding 19.36, relating to off-street parking and loading, and related definitions. So, what we have here, Members, is County Communication 18-304, from Planning Department, with a proposed bill that would one, request repealing Chapter 19.36A, alpha, establish and replace with a new Chapter 19.36B, baker. And this is to ensure that onsite, off-street parking spaces, let me say that one more time, off-the-street parking spaces, parking surface, and maneuvering area are provided in sufficient quantities for each type of land use while maximizing safety and minimizing impacts on adjacent properties and the environment. We then have a correspondence of September 26, 2018, from Corporation Counsel, with a revised proposed bill regarding amending Title 19, whereby they broadened the title to encompass not only the repeal and establishment of a new chapter but additional proposed amendments to Title 19, Maui County Code. Okay. And then of course, it needs to be within the parameters of the bill title. Okay. So, with that, we'll ask Planning Department for some comments regarding the first revised bill. Members, this is our first review. We are gonna go through this quite fast. If you have questions, we'll take it after the Department completes their comments, as well as allow them time to prepare responses prior to the next meeting on the bill. So, with that, Director, if you or Mr. Raatz, would give us comments please?

MS. McLEAN: Thank you, Chair. We have a very brief PowerPoint presentation ready. It's...you'd like us to go ahead and --

VICE-CHAIR HOKAMA: Okay.

MS. McLEAN: --give that now?

VICE-CHAIR HOKAMA: That would be great. Thank you.

MS. McLEAN *(PowerPoint Presentation)*: Thank you. Yeah, today we're just gonna do a real general overview of the bill. We're not gonna go into the details and the specific language. So, just to give you an idea of what we're working on. For going on three years now, a Departmental team has been working on changes to the existing Parking Code to address problems that we found administering it over the years. Also, the current Code is pretty strict on requiring asphalt or concrete. But the proposed changes would broaden the opportunities where there can be reductions in parking or alternative surfaces or flexibility. And it's also acknowledging how we're trying to promote walkability and mass transit, and to factor those in and give flexibility in

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parking requirements where those kinds of developments are located. One of the corrections that we need is that the specific...the current Code has a list of uses but they're kind of random. They don't cover all the kinds of uses that we see today. So, we're broadening the categories of uses. 'Cause oftentimes, someone comes in wanting to know their parking requirements, and it's like trying to fit a square peg into the round hole to determine what their parking requirement is. We found that the requirements in terms of the number of parking spaces required for certain uses, some are too strict while others are too lenient. Again, we're looking for flexibility in a variety of things including surfacing, reductions, and temporary parking. And the current landscaping requirements conflict with PV carports and parking garages, it doesn't factor in those kinds of things. We conducted a fair amount of outreach. We've had a public meeting. We had a specific meeting with the Maui Chamber of Commerce. And we had review by the Planning Commissions earlier this year. I do wanna point out the bill is pretty lengthy but only about the first 20 pages of the bill really relate to the Parking Code. The remainder of the bill are other sections of the Code that need to be amended to reflect the Parking Code changes. So, while it looks like a pretty big bill, not all of it is related directly to the revisions we're talking about. The three Planning Commissions reviewed the bill. The Maui Planning Commission in April, and passed it as recommended. The Lanai Planning Commission requested an amendment related to parking requirements for Lanai City. And the Molokai Planning Commission had a couple of comments. And we took all of those comments into consideration from Lanai and Molokai and revised the bill accordingly. So, for Molokai, they wanted the Planning Commission to have authority for a number of provisions. And while we didn't give the Commission outright authority in those areas, we made it a Director's discretion of whether to forward those to the Molokai Planning Commission. And certainly, we can see circumstances where the Department would do that. So, the key changes are the number of required spaces. And in your packet, there are charts that list the types of, all the uses that have decreased, increased, and no changes to the number of stalls that we'd require. So, these are the kinds of uses with the decreased requirement, ag uses, places of assembly or worship, restaurants, offices, industrial storage, service stations, and transient vacation rentals, not particular to short-term rentals or B&Bs. So, there's minimal or no change to a variety of uses as well where we think that the current Code is accurate and we don't propose any changes. So, those are amusement and entertainment establishments, animal hospitals, bakeries, catering, health clubs, libraries, museums, and so forth. And lastly, increased requirements for auditoriums, community centers, daycare, play fields, gyms, hospitals, hotels, short-term rental homes, and single-family dwellings. That's where we're seeing that the current Code doesn't require sufficient parking. I would point out that for single-family dwellings, we are proposing a different approach, and we can get into that at another meeting when we go into the details of the bill. That's based on the size of the dwelling. Right now, the requirement for single-family dwellings is two. And for, particularly for larger homes, we're finding that that's not adequate. And so, we're proposing a parking requirement based on square footage. So, that your typical home would still require two. But much larger homes would increase based...as the square footage increases. The changes that we're proposing to landscaping and surfaces, as I mentioned before, parking garages and PV carports, the required number of trees could be relocated

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elsewhere on the site or hedges could be substituted. And the various options for paving is that for excess parking, ohanas or in the Ag District or Conservation districts, there's no need for paving. We would allow two feet of bioswale. And I have an illustration on the next slide to show what that means. It also allows alternatives if community plans or design guidelines call for alternative surfaces. And then also allowing up to 50 percent of required parking to be alternative surfaces. So, here's an example of how a bioswale could work. The area--I don't know if you can see the arrow, yeah--so, this wide area here could be grass or bioswale. And this is where you'd have trees planted, and then you have the bioswale. So, that the front of the car could overhang that area. The distance of this parking space would still be measured to the center of that bioswale. So, the length remains the same. But then there is two feet at the end of the length for either stall. And that would allow just a friendlier kind of surface. And here's another graphic showing the same thing. Woops, wow, this is really sensitive. Okay.

VICE-CHAIR HOKAMA: So, Director, excuse --

MS. McLEAN: . . .*(inaudible)*. . .

VICE-CHAIR HOKAMA: --me, just so we understand, that bioswale area, is that common ground, common property of both properties on both sides of it? Or is that what, an easement to the County? How is that being, gonna be viewed as please?

MS. McLEAN: We're imagining that this would be in a parking lot like in a shopping center parking lot or a supermarket --

VICE-CHAIR HOKAMA: Okay.

MS. McLEAN: --parking lot.

VICE-CHAIR HOKAMA: Okay, okay, okay.

MS. McLEAN: So, it would all be privately owned by the business that owns it. We haven't encountered a situation where there would be a property line between those because there's landscaping requirements that the periphery of parking areas needs to be landscaped. So, there'll be a landscaping requirement. And again, the kind of flexibility that we're looking for is for a parking reduction or waiver when there are shared users or same users. Some of these concepts we do now sort of unofficially and so we want these codified. What we currently don't have is if carpooling, transit bike, and pedestrian options would also allow for reduction, that's not currently in the Code. And actually, I know the Chair was very much involved in the current revisions relating to live/work mixed-use. And those are in the current Code now, particular to a relatively small component of the land uses that we see. And so, we wanna take those same concepts and broaden them because it allows for a lot more flexibility and the kinds of mixed-uses that we're looking for in planning these days. And then for temporary parking, so for First Fridays event or other infrequent, the Food and Wine Festival, things like that, infrequent uses, the Director could approve parking for

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temporary...could approve a temporary parking for periodic events as well as up to 180 days. And a 180 days is in the current Code. That's the kind of situation where if you have a building that's being renovated, and they need to put their construction equipment in the parking lot, they need to provide alternative parking elsewhere. And so, we can allow that temporary parking for only up to a 180 days. And if it's longer than a 180 days, then the relevant island Planning Commission could approve longer periods. I do also wanna add, Jordan Hart who testified earlier raised the question about projects that are in the pipeline. And that question has been raised a few times along the way, and it's a very valid point. And we are working on language to address that to make sure that people who are investing in plans and drawing things up aren't suddenly gonna be hit with twice as much parking requirement when this changes. So, we still have some work to do with the industry and with Corporation Counsel. But when we come back, we should have some language to propose to address the --

VICE-CHAIR HOKAMA: Okay.

MS. McLEAN: --those projects in the pipeline. And that concludes our presentation. Thank you, Chair.

VICE-CHAIR HOKAMA: Thank you, Director. And thank you for that last comment, I believe that Mr. Hart brought up in earlier testimony comments. What would be helpful for the Committee when you...if...work up a status sheet of potentially impacted projects or proposals is also whether or not they've secured any approvals already. So, if they get an...received a SMA approval, that's fine but still awaiting subdivision approval, you know, those kind of things. Because if an applicant has no approvals, I would say, I...for me, if you gotta start from scratch then maybe that's where you should start if you have had no approvals yet. The one area that I would ask, and I'm gonna ask the other Members for their one chance for, you know, for today, is I find it interesting on ohana, you said make it less restrictive. But for single-family, make it more restrictive. So, I'm kinda scratching my head 'cause most people who have ohanas has a smaller like a single-family building. So, yeah, I'm trying to understand how, you know, for a single-family, you're asking us to consider more, ohana, you know. So, for me, I made it more simple. For me, what I'm looking at especially with potential monster houses that Oahu is trying to grasp control over, my thing is if you want a ten-bedroom house on your lot and it can fit, then find ten lots onsite to fit the ten bedrooms. Because let's be real, nowadays, if they can, every bedroom has a driver. Every driver has a car. I mean that's the reality. Okay. We cannot have those eight cars, they're not required under current Code since they only need two for single-family, on the streets blocking access for our first responders. Okay. I have a unit on Maui. It's a two-lane road. Every night lucky if a fire truck can make it through one lane on portions of the road. And this is a two-lane. I have an issue with now creating additional safety issues. And it shouldn't be our firefighters trying to get through parked cars to try and fight a fire and save people's lives. So, one, Police needs to start because again, it's in the Code. And people are telling me, why is RPT doing this? Well, when your Chair made proposals, which chose not to make certain adjustments, and so departments are applying the law as currently stated, as currently stated. That's what the departments are required to do. And some people

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are not happy with the way the law is. We've made our attempts to correct it and rectify it. Okay. We haven't made that progress. So, Maui County's biggest, by the book right now, on the books is no overnight parking, period. Okay. Police is not enforcing. So, we have a lot of bad illegal parking all over the place including around intersections, which for me is the worst, okay, impacting line of sight. And then when they gotta go by Kaohu Street, and I gotta see kids walking around the intersections with cars parking around, it makes me crazy. Okay. 'Cause a lot of those people that are driving like that are the parents of those kids on their cell phones. It's driving me more crazy. They're telling me where their priority of their child safety is. So, that is your Chair's concern. Again, I think we really gotta work on trying to get cars what we can off the road. Okay. It's impacting the ability of us to provide safe transportation. Ms. King, I'll start from your side this afternoon. Any comments you wanna provide the Department prior to the next meeting?

COUNCILMEMBER KING: Thank you, Chair. Actually, I started to make a list of questions but it was getting too long. So, I'm trying to limit it to some things that really stood out for me. The first one being that we're talking about off-street...or on-street parking or off-street parking. So, you're actually...how you...I'm trying to wrap my head around how you determine, you know, I have a driveway where I have a carport and then we can actually fit three cars in our driveway if we park 'em a certain way. And so, how do you go into someone's private driveway and say, this is a three-car or this is a four-car parking area? Is there like a measurement --

VICE-CHAIR HOKAMA: Director?

COUNCILMEMBER KING: --or a layout or what determines...

MS. McLEAN: For residences, parking...we're proposing that parking can be in tandem. So, we're not regulating how those cars move around each other. When...it's during the building permit process that we check for parking. So, for any kind of use whether it's business or residential, we look at the site plan to see that adequate parking is provided. And so, for residents, what we're proposing now is based on its size. You need to provide a certain number of parking stalls. And so, we look to see on that site plan where those stalls can fit. And they can be in tandem. They can be two in a garage and one parked behind, one of the ones in the garage in the driveway. That's all fine. That's always been the case.

COUNCILMEMBER KING: Okay. So, it's just basically square footage?

MS. McLEAN: It's the dimensions of the parking space, yes.

COUNCILMEMBER KING: Okay. And then I guess I had an issue with the square foot thing. Because, you know, I have friends who have houses that are twice as big as mine. I have...and same number of bedrooms but there's two people living in our house, there's two people living in their house, but they're gonna be required to have four or five spots, parking spaces. So, you know, that's...I don't know how you reconcile that if you got...I mean to me it's about how many people are living in the house should

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determine how many parking space. I don't know how you would, you know, verify that without becoming very invasive. But that was one of the concerns I had. So, how...I mean I understand the reasoning behind it but I mean I think there's a lot of people who have smaller square footage but a lot smaller bedrooms. So, they have the same number of people living in those houses.

MS. McLEAN: We spent a lot of time grappling with this one. And this is...this particular use, dwellings is really the one that, where we see a lot of problems. We see homes that are not providing sufficient off-street parking. And we looked...I should say that for all of this, we researched a number of other municipalities to see how they regulate. And a lot of places do it the same way we're proposing based on square footage. We talked about doing it per bedroom. But then we know that we would see plans that show, you know, two bedrooms, and a den, and a media room, and a craft room, and a yoga room that we would suspect would be used as bedrooms. So, we talked about bedrooms or bedroom-type rooms, which is what the State Department of Health uses to regulate septic systems. So, we looked at a number of ways. Because we allow grass and other alternative surfaces, we felt that for larger homes, where we're calling for a number of parking spaces where they don't really use that on any regular basis. They would have their driveway and their garage let's say, then they could show on their plans that the additional parking can be provided on the grass. And then, you know, that we don't require striping or anything else like that. They just would need to show that there's adequate room for cars to pull on the grass if needed. And then in their regular day-to-day practice, they would never do that if they only have a few cars. But that's how we settled on using the square footage 'cause we felt that larger homes that aren't gonna have that many cars would have place on the property...would have room on the property on the grass to park cars.

COUNCILMEMBER KING: Okay. And then I'm just gonna ask you one more question and I'll yield the floor, Chair. The...you don't have these slides numbered. But there's a slide that says that Section 19.36B.020, and under the decreased requirements, you've got transient vacation rentals, not STRH or B&Bs. So, is that...are those hotels? Are you saying that the requirements for parking for hotels is actually going to decrease?

MS. McLEAN: Let's see.

COUNCILMEMBER KING: Because I thought...

MS. McLEAN: The...for hotels, hotels would increase. Their...the term...I'll go back to that slide just so we can see all --

COUNCILMEMBER KING: Yeah.

MS. McLEAN: --the listed uses.

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COUNCILMEMBER KING: So, the...so, when you're talking about transient vacation rentals, are you talking about condos that are already zoned for tourists for transient vacation rentals? You're not talking about hotels?

MS. McLEAN: We're not talking about hotels 'cause we're proposing an increased requirement for hotels, a potentially increased requirement for short-term rental homes because of the square footage size, no change for B&Bs, and then a decreased requirement for transient vacation rentals because the current requirement for those, I think Dave is looking at...

COUNCILMEMBER KING: No, I'm just asking for the...how you differentiate transient vacation rentals. Because, you know, when I talk to that industry, they say, well, everything is transient vacation and then, you know, STRHs and B&Bs come under that, and hotels come under that.

MS. McLEAN: Right.

COUNCILMEMBER KING: So, specifically in this usage where you're saying decreased requirements, what are --

MS. McLEAN: Right.

COUNCILMEMBER KING: --the transient vacation rentals?

MS. McLEAN: Those are transient vacation rentals that are not STRHs under the Code, that are not B&Bs under the Code, and that are not hotels under the Code.

COUNCILMEMBER KING: Okay. So --

MS. McLEAN: So --

COUNCILMEMBER KING: --what would they be?

MS. McLEAN: --it could be condominiums that are Hotel-zoned or that are grandfathered in under Apartment zoning. So, there are other types of transient vacation rentals that were permitted at different times that are not considered B&Bs or STRHs --

COUNCILMEMBER KING: Okay. So, that --

MS. McLEAN: --or hotels.

COUNCILMEMBER KING: --could be structures that are on a Hotel zoning but they're not hotels. They are not --

MS. McLEAN: Right.

COUNCILMEMBER KING: --considered hotels. Okay.

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MS. McLEAN: Right.

COUNCILMEMBER KING: All right. I'll yield the floor. Thank you, Chair.

VICE-CHAIR HOKAMA: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I have a question on Page 18. It appears as though you're adding the food trucks now. I know that there's an influx of popularity, and we're seeing a lot of these food trucks in our communities. So, we have Section 3, on Page 18, and you're adding the food trucks as part of the eating and drinking establishments, the underscored, as includes the mobile food truck if the vehicle or trailer is parked on the same lot for more than three consecutive days. So, is that...are they...are you now saying that the food trucks are going to be subject to the same standards of parking requirements as the brick-and-mortar-type businesses that do the same thing, delicatessens that you see the restaurants, and so on and so forth that you have in the original language? And what are those requirements that these new food truck...or these food trucks that stay on, at a certain premises for more than three consecutive days? What are the parking requirements for those?

MR. RAATZ: Thank you, Chair and Councilmember Guzman. David Raatz, Administrative Planning Officer. We're adding a new definition of mobile food truck. First of all, as you can see, you mentioned it's underscored. This would apply throughout the County Code. We don't currently have anything that directly addresses mobile food trucks right now. So, we're starting to go through the process to have our Zoning Code reflect those entities. And we're starting with the Parking Code. And we wanna be able to distinguish clearly between a restaurant and a mobile food truck. In the chart you'll see for the Parking Code, we're not requiring parking for mobile food trucks. So, that's basically a way of providing that distinction compared to a restaurant.

COUNCILMEMBER GUZMAN: Okay. So, what is the purpose of adding them in that section? It's just to create...just to add them in the definition of food and establishments? So, you're just adding? And it doesn't even apply to the parking section?

VICE-CHAIR HOKAMA: Mr. Raatz?

MR. RAATZ: Thank you, Chair. We do reference mobile food truck in the parking requirements with a zero for the spaces that would be required by mobile food truck operators. We also provide a benefit to mobile food truck operators by...we state that mobile food trucks shall not occupy any required space. Currently, the County Code doesn't allow for any commercial activity in any parking space whether it's required parking or excess. And that's caused some difficulty for food truck operators as well. They'll be operating in a large parking lot where they're really not getting in anybody's way. But technically, we can't allow that because the current Code says no

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commercial activity in parking lots or any parking space. Again, whether it's required or excess.

COUNCILMEMBER GUZMAN: Okay. Okay. So, by putting it on Page 4, by saying mobile food trucks shall not occupy any parking spaces required by this title, the food trucks cannot be parked in those large lots that we occasionally see them in, in the parking lots? Is that what you're trying to get at here?

VICE-CHAIR HOKAMA: Department?

MR. RAATZ: Thank you, Chair. We're trying to say that mobile food trucks will be allowed to operate in a large parking lot as long as they're only in the excess parking space. Some shopping centers provide more parking that's required. And currently again, the Code says you can't operate or do anything commercial in a parking space whether it's excess or not. But now, we're limiting the prohibition only for required spaces. That's where the mobile food truck could not operate.

COUNCILMEMBER GUZMAN: Okay.

MR. RAATZ: So, we could have posted it in a positive statement perhaps. But that's what we're trying to do is saying that it's okay in excess parking.

COUNCILMEMBER GUZMAN: Okay. Yeah, it kinda reads in the negative on Page 4. But, okay, thank you very much. Thank you for the clarity.

VICE-CHAIR HOKAMA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. My understanding is that this new ordinance will apply to new construction, is that correct? We're not...

VICE-CHAIR HOKAMA: Department?

MS. McLEAN: Yes, it would apply to new projects. Existing developed properties would be considered grandfathered. Although with some of the decreased requirements, they might wanna take advantage of the benefits of the new code and, you know, use those...use that area for other things. If they have an increased requirement though, then they would be grandfathered with what they currently have.

COUNCILMEMBER WHITE: Okay. So, just to be clear, if a hotel comes in for a new retail space of 2,000 square feet, then they'll be required to add 4 parking stalls if I'm...actually I didn't see whether the...what the square footage was but I recall it being 500 feet. But they won't be required to upgrade to the current Code for the number of guestrooms they have?

MS. McLEAN: That's correct. The...

COUNCILMEMBER WHITE: Okay.

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MS. McLEAN: Any new construction would be assessed just for the new construction or --

COUNCILMEMBER WHITE: Right.

MS. McLEAN: --the changes.

COUNCILMEMBER WHITE: Okay. And then the other question I had was under hotel/motel and other transient vacation rental, I'm assuming that timeshares and condos fall under that category? And some of the rental units in condos and timeshares are multi-bedroom. Some are studios. Some are one-bedroom, two-bedroom, three-bedroom. In some of the...those units, I can fit one of my hotel rooms into some of these units many times over. So, I'm...one of my concerns is that we have the current Code requirement of one parking stall per two guestrooms. It works just fine with...for us except when we have a huge, you know, a huge event, then we borrow space from neighbors and rent other spaces and shuttle people over. I'm not...but at the same time, I'm not sure that this is adequate for a three-bedroom condominium or timeshare or even a two-bedroom with the ability to put additional beds, you know, rollout beds in the living rooms. So, when you say one per rental unit, I'm just wondering whether that's the right number. Because it...for us, half of one...half a stall per unit works just fine but it may not be appropriate for others that...with the capacity of sleeping a lot more people. And just a thought whether maybe that should be bedrooms, not rental units. And I, you know, I like the direction. I think most of these is a really good change and a good update. And I appreciate...this is a lot of work that you guys have put into this. And I think it's very much headed in the right direction. So, I think, Chair, those are the only comments I had. Thank you.

VICE-CHAIR HOKAMA: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you, Chair. And I hear your points about the off...with on-street parking that happens. And I think that's gotten so out of hand and I don't see a quick fix on that. But I know we have to start thinking...I mean short of creating multilevel parking structures for subdivisions, and then having some type of golf cart shuttled to your home with your groceries, or I mean I don't even know how this is gonna work. And you buy it, you know, like the hotels, a ticket pass, goes into the machine, the arm goes up. I don't even know. But it's gotten so out of control. But I appreciate you folks taking a dive into this and to try and figure things out. And thanks for...the food trucks are starting to proliferate in the West Maui area. I see a lot. And I think one place that I...one way that they're utilizing after-hours parking lots is very helpful. So, if there needs to be some type of adjustments in here in order to make sure that is an appropriate use for them to do, I think that is very important 'cause they are...and I don't wanna get anybody in trouble but I think let's make it okay to do. 'Cause I think it works really well that they're utilizing businesses that are done and the parking lots are wide open, and here they set up, and people are going out to have some dining, you know, outdoors, in these parking lots. And it's a very, very nice atmosphere and good for business and our visitors and our residents alike. So, those are just only comments at this time. Having our first discussion about

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towers and poles and things, I'm noticing an item on 28, what is this, Page 28, in reference to antennas and towers and things of that nature, utilities and communication devices. So, I haven't really had a chance. So, in here, what...you only changed I guess the word...no, you just took it to a lower case font instead of an uppercase. It doesn't look like a whole bunch has changed here in this section. So, pretty much status quo the way we, you know, determine where these are appropriate or not are gonna stay as stated today. Is that kinda it? Do...or do you have any ideas now that we had that discussion in the first item today --

VICE-CHAIR HOKAMA: Director?

COUNCILMEMBER COCHRAN: --in reference to this section?

MS. McLEAN: The section you're referring to is one of many chapters of Title 19 that need to be amended as companion changes to the Parking Code. So, the only thing that we're proposing to amend in that area besides the capitalization and a few grammatical things is where that section references the Parking Code. So, we're just proposing to change 19.36 or 19.36A and replace it with 19.36B. So, we're not looking to change any of the uses or other things in that section. And then there are several other that follow it. And it's the same thing, just the changes we're proposing are for the Code reference for the Parking Code.

COUNCILMEMBER COCHRAN: Okay. And, Chair, another follow-up. And so, I know in Ms. King's district, they're speaking with the Police Department in utilizing the closed...unused parking lots after hours again, businesses such as ours, right, 9:00 to 5:00, pretty much no one's around here, and utilize it for our perhaps, homeless community that, you know, we have a huge population that sleep in cars and have sort of a safe zone type of place for them. I'm not sure if there's anything here in our Code that we'd need to address to allow. I'm in support. I know we need to really talk that through and make sure it's a safe...actual safe place for people and no criminal things are occurring, and there's some type of oversight and amenities and what have you. But besides that, is there...do you folks...did you think about that type of usage in our parking lots at all?

MS. McLEAN: There are two provisions that that could fall under. One is the, and this also ties into the food trucks, one is shared users. So, when there are businesses or uses that occur at different times. And then the other is the temporary parking. So, that kind of use if it's business use during the day and then you want to allow the public to park there at night, then we wouldn't have an issue with that. There are a couple provisions that could cover that.

COUNCILMEMBER COCHRAN: Okay. Very good. And sorry, Chair, something else triggered my mind is that during our evacuation situations we've had lately, certain parking lots were hugely used because they had, people had nowhere to go at the time. And they congregated, and there was a particular parking lot that put up, you know, barricades, said do not come into this parking lot. So, hopefully, we can, you know, make sure that if it becomes an emergency, let's please be open to having our

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residents in our community appropriately go into a safe zone, which perhaps could be a private parking lot. But, you know, I think everyone needs to help each other when that time comes. And so, anyways, just some thoughts. Thank you, Chair.

VICE-CHAIR HOKAMA: Yeah, thank you for those comments. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: We're getting close to four o'clock.

VICE-CHAIR HOKAMA: That's okay.

COUNCILMEMBER SUGIMURA: So, in Kula, there's like a body shop that is heavily, heavily overpopulated with cars. It looked like they haven't, you know, moved for a while. So, what are you doing about, you know, situations like that? I know it's not only in, you know, Kula but it's scattered throughout. Even in, you know, residential area, people park lots of...so, I think we always come to enforcement. But I don't know what changes that will be impacting those kind of situations.

VICE-CHAIR HOKAMA: Director?

MS. McLEAN: That sounds more like a use issue rather than a parking requirement issue. So, parking requirement are for people who either live there or work there or are customers there. It sounds like what you're describing is it's...if it's an auto body or auto repair business that they have cars that they're working on all over the place. So, that's not parking. That's part of their business. If there isn't adequate parking for that use, that would be something that we would look at under the bill that's in front of you to make sure that that use has adequate parking for its customers and employees. But if it's, you know, the, a property is overrun with cars, then that might be a use violation if the zoning doesn't allow that type of business. So, there are two things that could kick in. And just let us know if you want us to look at that property in particular for either of those.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

VICE-CHAIR HOKAMA: So, I would say the Director is, yeah, right, use. The other thing if it is mechanical, it may go under Health Department because of hazardous materials on the ground. So, again, depend on...

COUNCILMEMBER SUGIMURA: The situation.

VICE-CHAIR HOKAMA: Yeah, the factors, might be multiple governance, State department and County departments. Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I don't have a whole lot more to add to what was...has been shared or asked. I do have one area that's kinda like a pet peeve area, and that is kinda like the width of the parking stalls. A lot of folks have four-wheel-drive trucks. And we go into places and we cannot even open the door and get out. And then I look at some places, say well, who designed this, you know. I can

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notice that if it's a company that came with a California-type of architect guy designing this, he follows a certain building code width of parking stalls. And then if it's a guy from here who's got...he just wants to squeeze as many stalls as he can. Where's the consistency of what is truly a standard width? I know on your page here, on Page 8, you have a standard width of 8.5 feet, and a compact, well, I don't know it says, yeah, compact parallel is 7.5 feet. I don't know how, you know, we can address that especially guys with trucks. There's no ways they can get out, you know, so.

VICE-CHAIR HOKAMA: Director?

MS. McLEAN: Just one comment on that. And I won't name the business although they probably know who they are that we recently approved a parking plan for a business that was doing renovations. And it showed all the parking stalls and they have to show the measurements. And we went out there and they came in for a certificate of occupancy for one of the spaces in that area that...in the building that was being renovated. And so, we wanted to check the parking. And we went out and we measured the spaces, and they were almost all of them were smaller than what they had shown on the plan. So, these dimensions might actually be about right. But we never realized before that we have to go out and actually measure each space to make sure that they're not cutting corners. So, if you have a dimension that you wanna recommend, we'd be happy to administer that. But it may be that the dimensions in here are okay but what we actually see, they're cheating. And we haven't caught them before.

COUNCILMEMBER ATAY: I have a recommendation. 'Cause...and I'm thinking it's because whoever did the layout, they followed whatever code designs according to California I think. And then the guy next door, so, I go to Ale Hale, and Ale Hale is very narrow. And then you go next to that burger joint, and it's very wide, right? So, what is the difference? There is a difference --

MS. McLEAN: Yeah.

COUNCILMEMBER ATAY: --in the width of the parking stall.

MS. McLEAN: Yeah, they probably showed...Ale Hale probably showed standard stalls on the plan that we signed off on. And then when they actually striped them --

COUNCILMEMBER ATAY: Yeah.

MS. McLEAN: --they squeezed 'em and we didn't catch 'em.

COUNCILMEMBER ATAY: But how can we just say, okay, we have a standard width that everyone, you know...

MS. McLEAN: Oh, we do.

COUNCILMEMBER ATAY: Okay.

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MS. McLEAN: We do have a standard width. But after we sign off, then they don't --

COUNCILMEMBER ATAY: Okay.

MS. McLEAN: --install it and paint it the way that they're supposed to.

VICE-CHAIR HOKAMA: Send ADA. If they're not compliant, they'll be fined.

COUNCILMEMBER ATAY: Yeah. I've seen a lot of guys crawl out of their windows. Thank you, Chair.

VICE-CHAIR HOKAMA: I've seen that in the State airport parking lot on Oahu. No, again, the Department appreciates your comments. They'll make...they'll work on our responses so far today. And then again, with the...Mr. Carroll intends to reschedule this appropriately. I know he is looking at a couple of 201H meeting dates for a project. So, I would say maybe there is only one or two meetings left of this Committee that can take up other items besides that one 201H that I know Mr. Carroll would like us to consider. So, it is what it is, at end of term. So, I believe, you know, Mr. Carroll is gonna need to make some decisions on what he would like to do with certain items within the master agenda.

COUNCILMEMBER COCHRAN: Chair?

VICE-CHAIR HOKAMA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Real quickly, one of my pet peeves also since he...is the slope of parking lots. How many parking lots, grocery stores do you go to and you put your cart next to your car, and it's rolling away because it's a hill, you know, or someone leaves their empty parking...or cart and it's rolling at your car or bangs into your car? So, I'm like, oh my God, I...thank you for triggering the pet peeve thing 'cause I got like prop it sideways and put my foot while I'm unloading. So, if we can make parking lots that aren't like slanted so your carts go rolling away from you into something or into traffic. I mean it's dangerous.

VICE-CHAIR HOKAMA: Yeah.

COUNCILMEMBER COCHRAN: So, anyways --

VICE-CHAIR HOKAMA: Yeah --

COUNCILMEMBER COCHRAN: --that's just --

VICE-CHAIR HOKAMA: --yeah, yeah.

COUNCILMEMBER COCHRAN: --a thought.

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VICE-CHAIR HOKAMA: Hopefully, the Retail Merchants Association will make appropriate recommendations to us. Okay. Members, with no objections, we will defer item 65. Okay. Item 65 is deferred.

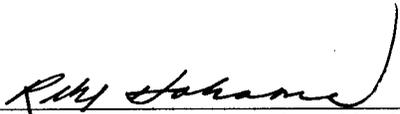
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: RC, SC, KK, MW)

ACTION: DEFER PENDING FURTHER DISCUSSION.

VICE-CHAIR HOKAMA: So, therefore with no further business, we are adjourned. . . .(gavel). . .

ADJOURN: 4:03 p.m.

APPROVED:



RIKI HOKAMA, Vice-Chair
Land Use Committee

lu:min:181002:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

I, Ann Carmel Q. Pugh, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 19th day of October, 2018, in Kihei, Hawaii



Ann Carmel Q. Pugh