

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

**MINUTES**

**November 20, 2019**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Tamara Paltin, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Kelly Takaya King  
Councilmember Alice L. Lee (in 9:20 a.m.; out 10:15 a.m.; in 10:45 a.m.; out 12:00 p.m.)  
Councilmember Michael J. Molina  
Councilmember Keani N.W. Rawlins-Fernandez

**EXCUSED:** VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura

**STAFF:** James Krueger, Legislative Analyst  
Clarita Balala, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

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

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

*Seated in the gallery:*

Chester Carson, Legislative Analyst  
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci  
Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci

**ADMIN.:** Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Michele McLean, Director, Department of Planning

Pamela Eaton, Long Range Planning Program Administrator, Department of Planning

Jennifer Maydan, Planner, Department of Planning

Candace Thackerson, Planner, Department of Planning

*Seated in the gallery:*

Erin Wade, Planner, Department of Management

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**OTHERS:** Kai Nishiki (PSLU-1(4))  
Phil Reider (PSLU-36)  
Calla Gentiles (PSLU-36)  
Lawrence Carnicelli (PSLU-1(4) and 1(5))

Erin Mukai, Munekiyo Hiraga  
Karlynn Fukuda, Munekiyo Hiraga  
Senen M.A. Antonio, Partner, DPZ  
(11) additional attendees

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

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CHAIR PALTIN: . . .(*gavel*). . . Will the Planning and Land Use Committee [*sic*] meeting of November 20<sup>th</sup> come to order. The time is 9:03. If everyone in the Chamber can please silence your cell phones or any noise-making devices. My name is Tamara Paltin, and I'm the Chair of the Planning and Sustainable Land Use Committee. Today, we have Vice-Chair Shane Sinenci from Hana.

VICE-CHAIR SINENCI: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR PALTIN: Good morning. Council Vice-Chair Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. And Council Chair Kelly King.

COUNCILMEMBER KING: Aloha, Chair. And fresh back from the Galapagos, I'm going to take Alice's place and say buenos dias.

CHAIR PALTIN: Buenos dias. And Non-Voting Members today are Tasha Kama and Riki Hokama, and they're welcome to join us at any time. We want to send out our condolences to Councilmember Yuki Lei Sugimura. She's attending her brother's funeral today. And Alice Lee is not here. With us from Corp. Counsel is Deputy Corp. Counsel Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR PALTIN: From the Department of Planning, we have Director Michele McLean.

MS. McLEAN: Good morning.

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CHAIR PALTIN: Good morning. Long Range Planning Division Administrator, Pam Eaton.

MS. EATON: Good morning, Chair.

CHAIR PALTIN: Good morning. And Planner Jen Maydan.

MS. MAYDAN: Good morning, Chair.

CHAIR PALTIN: Good morning. Other resources in the audience, we have Erin Mukai, a manager with Munekiyo Hiraga. We have representatives from Nation Land Company, LLC; and Senen Antonio, a partner of DPZ. Committee Staff, today, we have Committee Secretary Clarita Balala.

MS. BALALA: Good morning.

CHAIR PALTIN: Good morning. Legislative Analyst, James Krueger.

MR. KRUEGER: Good morning.

CHAIR PALTIN: Good morning. And on Molokai, we have Zhantell Lindo; Lanai, we have Denise Fernandez; and Hana, we have Mavis Oliveira-Medeiros. Today, we have a kind of ambitious schedule. So, we're going to just try move along as fast as we can. PSLU-1 [sic], which is the West Maui Community Plan Update first on deck. PSLU-36, Change in Zoning for the South Maui Gardens Development at 30 Alahela Place and 33 Auhana Road. And PSLU-1(5), Fostering Housing Availability Through Traditional Small Town and Neighborhood Development Principles. We'll move right along to testimony. We did check in with the remote satellite offices and they have no one waiting to testify. For individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to the item on the agenda today. And pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. So, our first testifier is Ms. Kai Nishiki, and she's testifying on agenda item PSLU-1(4), on behalf of herself as an individual. Thank you, Ms. Nishiki.

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

MS. NISHIKI: Good morning, Chair, Members. I am just offering testimony as an individual, but last night, at the Community Plan Advisory Committee meeting for West Maui, which I know that you will be receiving an update on today, we did vote to request a 60-day extension from the County Council. And I know that Staff and our Council representative will elaborate on some of the reasons for requesting the extension, and we just respectfully ask, you know, we wanted to be able to complete it in the 180 days allotted to us; however, looking at the timeframe that we were given, it lands

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right in the middle of our intense holiday schedule, Thanksgiving, Christmas, New Year's, Martin Luther King Day, and it's just going to make it very difficult. Staff won't be available during, you know, large portions of that time. Some of our members will be travelling, and we felt that it's important to support everyone spending time with their families and not trying to...you know, everyone has jobs and we're all volunteers, so all of our time is after all of those obligations of family and work. So, it's kind of hard to ask people to come and work for like three or four hours, you know, at 6:00, 8 o'clock at night, or even on a Saturday, everyone has activities going on. So, we would just respectfully ask you to honor our request for an extension. And I believe that this would not in any way stop...I know there's, you know, other community plans happening after ours, but I...or after ours, but it won't actually jeopardize, you know, their ability to start on their plans. This would just be at the very tail end, wrapping things up for us. So, that's the extent of my testimony. I'll be here for the meeting if there are any questions. Mahalo.

CHAIR PALTIN: Thank you. Members, questions? I'll take Chair King...Council Chair King, followed by Council Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Kai. So --

MS. NISHIKI: Thank you.

COUNCILMEMBER KING: --what would the new date that you're...if you request this, if you get the 60 days, what would the new end date be? Do you have that on you or...

MS. NISHIKI: The end of March.

COUNCILMEMBER KING: End of March. Okay. And were you able to...were you actually able to work through...I know there was a, probably a period of the Planning Department being indisposed because of the conference. So, did that push your schedule back at all?

MS. NISHIKI: No, not really.

COUNCILMEMBER KING: Okay.

MS. NISHIKI: The staff was always available to support us and answer our questions. They have been very available to us. It's mostly that the...there's significant changes for community plans moving forward. There's new language. There's new community plan land designations that, you know, we're going to have to learn. And when you're working with volunteers, there's a learning curve. We...everyone kind of had to review some presentations and kind of get up to speed on what it was that we were...what our task was. So, it's in no way a reflection on the Planning Department. It's...you know, I believe we've been very diligent and made very good use of our time. It's just this is...it's West Maui. This is...there's a lot of challenges in regards to sea level rise and retreat from the shoreline. There's a lot of issues that we're going to be facing.

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And so, it's just going to take us a while to come up with a plan that we can put forward knowing that we have addressed all of the key issues.

COUNCILMEMBER KING: Okay. Thank you. Thank you for --

MS. NISHIKI: Mahalo.

COUNCILMEMBER KING: --your volunteer work on this committee too. I really appreciate it.

MS. NISHIKI: Thank you.

COUNCILMEMBER KING: Thanks.

CHAIR PALTIN: Thank you. Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Nishiki. Mahalo for your testimony.

MS. NISHIKI: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha. So, my question...so, the current deadline for the CPAC to finish is like mid-January?

MS. NISHIKI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, you're asking for the extension to be to mid-March?

MS. NISHIKI: The end of March, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: The end of March. Okay. So, I saw that one of the CPAC members is resigning.

MS. NISHIKI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I'm assuming that might also play a role in wanting an extension?

MS. NISHIKI: Yes. We've had some challenges with some members being able to be there at every meeting, and sometimes it's an issue with quorum because we are short a member. So, yes, we are looking forward to having full membership on...as part of our committee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, do you think 60 days would be enough? And the reason I'm asking is so when Chair King took up the Molokai Community Plan, she, you know, extended it longer than needed, but that way, you

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know, if we finished earlier, then we would be, you know, finished earlier. But if it's...if you would need more than 60 days, you would have to return to the Council and request an additional extension. So, I'm just kind of putting it out there if you think 60 days is sufficient, or would you prefer like a bit more of a buffer like 90 days or...

MS. NISHIKI: While I'm sure that 60 days will be sufficient, because there's always unanticipated delays, or we're not really sure once we start the discussions of the maps how in depth those conversations will be, so, of course, you know, we would appreciate, you know, up to a 120 days extension just in case. I mean we don't intend to take that time, but we wouldn't want to have to go through the process and come back here and request another extension. So, yes, we would be...we'd be grateful for your generosity in providing us ample time to do our work. And we promise, we will be very diligent with our time and trying finish this prior to the deadline. But of course, we would appreciate additional time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And I know it that the CPAC has been working really hard, and then I really appreciate and support all the work that you all are doing. Mahalo.

MS. NISHIKI: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Thank you. Councilmember Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Ms. Nishiki. Nice to --

MS. NISHIKI: Good morning.

COUNCILMEMBER MOLINA: --see you. And I'm just dovetailing off of Member Rawlins-Fernandez' question regarding attendance of the CPAC members. And you mentioned in your response some challenges. Without naming names, so, you have CPAC members that have chronically missed a lot of meetings at this point?

MS. NISHIKI: I wouldn't...I would say that some of our members have had personal challenges in their lives. And so, it's perfectly acceptable the reasons why they haven't been able to attend. In most cases, yes.

COUNCILMEMBER MOLINA: So, and these are all like excused absences too, they weren't just, you know, not showing up?

MS. NISHIKI: Yes.

COUNCILMEMBER MOLINA: Okay. Oh --

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MS. NISHIKI: Yes.

COUNCILMEMBER MOLINA: --okay. Yeah, 'cause I think it's important that everybody shows up as much as possible. It's such an important process. So...and at a later point, I'll probably ask the Administration what their policies if CPAC members are not showing up whether excused or not excused, but just simply put, it's just important to be there. And I know you have a, you know, having to chair this CPAC committee has its challenges too. So...but thank you for your work.

MS. NISHIKI: Yes, and thank you. I know that attendance was a challenge for the member who decided to resign because of his work commitments. And so, it's...I'm glad that he chose to resign and give us an opportunity to put someone there who is able to attend most of the meetings. So, yes, we're happy that we're able to have another person take his place.

COUNCILMEMBER MOLINA: Okay. Great. Thank you. Thank you --

MS. NISHIKI: Mahalo.

COUNCILMEMBER MOLINA: --Madam Chair.

CHAIR PALTIN: Thank you. Member Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. I just had a quick question, Kai, about the opening on the CPAC. Have you guys been recruiting, currently recruiting? I know I got a...the letter too, but you guys have some people in mind or accepting applications?

MS. NISHIKI: Yes, definitely.

VICE-CHAIR SINENCI: Okay. Thank you.

CHAIR PALTIN: Thank you, Ms. Nishiki, for your service and your testimony.

MS. NISHIKI: Mahalo.

CHAIR PALTIN: Next up, we have Mr. Phil Reider, and he will be testifying on PSLU-36 for himself as an individual, and he does not have written testimony.

MR. REIDER: Good morning. I've been a friend of Mike Farina for the last 25 years. And in the short time that he has owned South Maui Gardens, I've seen it go from basically a jungle with no organization, standing water, cane spiders, centipedes, rats. And in the short time that he has owned it, he has turned it into a very welcoming and inviting environment for our entire South Maui community. And I also own Hawaiian Moons Natural Foods, an organic grocery store in Kihei, and I've had the pleasure of selling Blue Door Bread, both retail and in our deli. We have a full-service deli. And there are many businesses along South Kihei Road that offer the same, your basic deli

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sandwiches, paninis, and some...and so forth. What set ours apart was the fact that we used Mike's bread, fresh every day, and I had a huge following and I have a lot of disappointed patrons because of the fact that it's no longer in production. I know Mike's vision for the future. And if it comes to fruition, it will be an...a welcome and added benefit to everybody in South Maui. Thank you.

CHAIR PALTIN: Are you finished?

MR. REIDER: Yes.

CHAIR PALTIN: And I just wanted to clarify for the Members that he, on his property, used to bake the Blue Door Bread, but he stopped baking it because people wanted to buy it on his property from the bakery, and he wasn't zoned to sell bread from there. And if he can change this zoning, then he can go back and bake the bread and sell it to you. Is that what you're talking about?

MR. REIDER: I'm not understanding.

CHAIR PALTIN: So, we're here for a Change in Zoning, and --

MR. REIDER: Right.

CHAIR PALTIN: --you're talking about bread --

MR. REIDER: Okay.

CHAIR PALTIN: --and --

MR. REIDER: Well...

CHAIR PALTIN: --just connecting the dots between the bread and the Change in Zoning for the Members.

MR. REIDER: They were all part of South Maui Gardens, I was assuming.

CHAIR PALTIN: Yeah.

MR. REIDER: Yeah.

CHAIR PALTIN: Okay. I just was trying to...I'm not sure they understand the connection between the bread and the Change in Zoning.

COUNCILMEMBER KING: Chair?

CHAIR PALTIN: So, I just was trying to...



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COUNCILMEMBER KING: Yeah, I think you're right. It's just...the Change in Zoning is to Business. And he can't do his business right now because it's not Business --

MR. REIDER: Okay.

COUNCILMEMBER KING: --zoned, so.

CHAIR PALTIN: Okay. Thank you. Any further questions for the testifier? Thank you for your testimony.

MR. REIDER: Thank you for your time.

CHAIR PALTIN: Okay. Next up, we have Miss or Mr. Calla Gentiles, and she's testifying for herself as an individual, and she's a neighbor.

MS. GENTILES: Hello. Thank you for having me. Sorry. Yes, I'm a neighbor. I've been living across the street from South Maui Gardens for about a year--sorry, I'm super nervous--about a year now, and they've just been great neighbors. They've been very helpful. I've even seen some of their workers helping people with their cars outside on the street when needed. And I just think that they're a lovely business. So, I'd like to see them expand. Thank you.

CHAIR PALTIN: Thank you. Is that --

MS. GENTILES: That's everything.

CHAIR PALTIN: --conclude...

MS. GENTILES: Thank you.

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

MS. GENTILES: Thank you.

CHAIR PALTIN: Our last testifier that we have signed up is Lawrence Carnicelli, and he's testifying on agenda items 1(4) and 1(5), and as for himself as an individual. And just before he starts his testimony, I'd like to welcome Councilmember Alice Lee to the proceedings. Buenos dias.

COUNCILMEMBER LEE: Aloha.

CHAIR PALTIN: Aloha. Okay. Sorry, Mr. Carnicelli. It's all you now.

MR. CARNICELLI: Buenos dias. Thank you. My name is Lawrence Carnicelli, speaking on my own behalf. I guess first is the item on the community plan. And as you guys know me, I'm going to kind of go down a little bit of a different rabbit hole here. And that is talking about the structure and the process of the community plan, right, like

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why are, you know, is...if you think about it, right, as you guys know, we have, what is it, a year of community engagement, six months CPAC, six months of Planning Commission, and then you guys get it for a year. If you just do the math, and you line it up, at best, it's 21 years for a 10-year plan. The structure needs to be fixed, right? Somehow, you know, and that takes a Charter amendment, and I know that you guys are, I think floating the idea of an RFP or something to that effect to do things. But when you look at the way that this thing goes, one of the key things is--you know, Councilmember Paltin and I are one of the group of eight that show up all the time at all the CPAC meetings--is the planners don't get to plan, you know, they kind of...is in this process, they don't actually...we've got a lot of really talented people at the Planning Department, and really gifted, and it's almost like, you know, they don't really get to plan. They don't...and what is the plan? How do they line up? I have these conversations all the time. Okay, we have, you know, Countywide Community Plan, Maui Island Plan, community plan, zoning, what supersedes what, how do these all fit, and depending upon the project or what it is that we like or not, then we say oh this one supersedes this one, and we kind of...we do this whole game. It's almost like...is it time to just say, let's...what's the real issue? Is it the symptom or is it the problem? Like what is the actual problem? And so, that's the part I guess in this. I think that Kai is doing a great job. She's doing the best she can with, you know, CPAC. Staff is overworked and doing, you know, I don't even know what time they get home every night, and yet, we're grinding, you know, we're grinding, and grinding, and grinding. We're asking these volunteers to work till eight o'clock, nine o'clock, twice a week, every other week. It's a lot. And again, it's just it's time to fix the process, or not necessarily the process but the structure, right? So, anyway, that's just what I have to say about that. And then --

CHAIR PALTIN: Members --

MR. CARNICELLI: --the other...

CHAIR PALTIN: --any questions --

MR. CARNICELLI: Oh, okay.

CHAIR PALTIN: --on his first item? Councilmember Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Carnicelli. Appreciate your input and comments about the current process. Have you had a chance to look at other municipalities as to how they do their community plan process that you could maybe share with the Planning Department or Council at some later date?

MR. CARNICELLI: Well, it's...that's not my level of expertise. That's actually those people sitting over there. You know, that's...they're actually experts in that. And maybe when the third item comes, and Mr. Antonio comes up, you can ask him about that as well. These are people that are pros in that field. I'm not, you know. I'm just another guy with an opinion as you guys all know.

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COUNCILMEMBER MOLINA: Right.

MR. CARNICELLI: I know --

CHAIR PALTIN: And if --

MR. CARNICELLI: --that it's broken...

CHAIR PALTIN: --I could interject, I'm really hoping we get to that third item just --

MR. CARNICELLI: Oh, okay, then I'll --

CHAIR PALTIN: --put it in your --

MR. CARNICELLI: --shut up.

CHAIR PALTIN: --mind.

MR. CARNICELLI: Then I'll shut up.

CHAIR PALTIN: Thirty, it's already 9:30.

COUNCILMEMBER MOLINA: Okay. All right. Thanks, Lawrence. I appreciate it.

MR. CARNICELLI: Okay.

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Carnicelli. Mahalo for your testimony today.

MR. CARNICELLI: Buenos dias.

COUNCILMEMBER RAWLINS-FERNANDEZ: Buenos dias. So, I understand that you've been attending a lot of the CPAC meetings.

MR. CARNICELLI: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or pretty much all of them. Mahalo. So, on Molokai, when we were doing our community plan, you know, it took quite some time at the CPAC, but once it got to the Molokai Planning Commission, it got through it like very quickly. And so, do you...are you anticipating like with the attendance, I don't know if other Maui Planning Commissioners are attending the CPAC meetings, that you would anticipate a quicker timeline when receiving the Lahaina, or sorry, West Maui Community Plan at the --

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MR. CARNICELLI: I'll --

COUNCILMEMBER RAWLINS-FERNANDEZ: --Maui Planning --

MR. CARNICELLI: --answer that --

COUNCILMEMBER RAWLINS-FERNANDEZ: --Commission level?

MR. CARNICELLI: --question in a different way rather than time, is what's our role? What is CPAC's role? What is our role? What is your role? It's not defined, right? It's not necessarily defined. Like what is CPAC really supposed to be doing? What is Planning Commission really supposed to be doing? Pam and I, and Jen, we've...and actually Michele as well, we've been kind of having this conversation anticipating, okay, it...the ball gets passed to us soon. I don't expect my fellow planning commissioners to do what I'm doing. They meet twice a month, every month, for five years. That's the commitment of a planning commissioner. All they...so, then to tell them oh, we've got CPAC who's also meeting twice a week for the next six months, you guys got to add that. I haven't asked my fellow planning commissioners to do that. The good news is we get a completed plan. It's easier to edit than it is to author. So, they have to author, we're going to have to edit. But what do we edit? How? And that's the conversations that, you know, I'm having with the Planning Department right now is what is the role of the Planning Commission going to be. I don't want to be another CPAC. God no, I don't want to be another CPAC. You know, so, that's...I hope I'm answering your question, so.

COUNCILMEMBER RAWLINS-FERNANDEZ: You did. Thank you.

MR. CARNICELLI: Okay.

CHAIR PALTIN: Council --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: --Chair King, followed by Councilmember Lee.

COUNCILMEMBER KING: Thank you, Chair. So, that brings up another question that I've had for the last two-and-a-half years is, would you support just eliminating the Planning Commission oversight from the plan?

MR. CARNICELLI: It...again, it...you...define...

COUNCILMEMBER KING: Maybe 'cause you...because admittedly, you are not a planner. So, you're another community group.

MR. CARNICELLI: But yet, we have...because of the fact we do this all the time, we have an understanding that I believe, we have an understanding that is greater than just the greater community. And there's a lens with which we have to look at things twice a

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month, and, you know, we had a binder this thick just last Tuesday. So, I think that we have an understanding that can be of value. But if we're going to make it a Charter change, right, if we're going to change this the way that it bounces, and it doesn't make sense like you say okay, well we don't need those guys, and that's fine. I mean I...I'm one of those guys I'm okay to vote out my own power. Most people don't want to do that. That's fine.

COUNCILMEMBER KING: Okay. I'm just asking because we do...we are going to put out an RFP for a consultant to help us with the process, and I don't know what will come out of that, but that may be one of the suggestions. And I've been talking to the Planning Department about that for a couple years when I was Planning Chair is that do we need a CPAC and the Planning Commission. So, I just wanted to get your input on that. Thank you.

MR. CARNICELLI: Yeah, I mean and even kind of to what Mr. Molina said, is Kauai did their entire plan in six months.

COUNCILMEMBER KING: Well, maybe at the very least, we could take the CPAC extension out of the Planning Commission time, keep that time shortened.

MR. CARNICELLI: You guys have that power.

COUNCILMEMBER KING: Okay. Thank you.

MR. CARNICELLI: Whatever it is.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Hi, Lawrence. Okay. I've...

MR. CARNICELLI: Buenos dias.

COUNCILMEMBER LEE: Muchas gracias. Okay. So, anyway, my thinking is that like everybody else, the process is way too long, and I believe we could do a couple things, which probably nobody will agree with me but I'll say it anyway. Not review the entire region, number one, because it's not necessary because not every corner of West Maui or any region is going to be developed, you know, maybe in 50 years, that's one. So, to shrink the review process of the region to areas that will...has the...that have the potential or meet the minimum qualifications of being...of possibly being developed in 10 to 15 years.

CHAIR PALTIN: Member Lee, is there a clarifying question in there?

COUNCILMEMBER LEE: Coming up.

CHAIR PALTIN: Okay.

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COUNCILMEMBER LEE: Coming up.

CHAIR PALTIN: Just checking.

COUNCILMEMBER LEE: So, would you agree with considering not reviewing the entire region but only areas that have the potential of development within the next ten years as one possibility?

MR. CARNICELLI: Yeah, I haven't heard that conceptually before. It --

COUNCILMEMBER LEE: Yeah.

MR. CARNICELLI: --makes sense. And I'll just say, yeah, I could support something like that and since --

COUNCILMEMBER LEE: Yeah.

MR. CARNICELLI: --just between Kai and I, we're now a half hour in, I'll --

COUNCILMEMBER LEE: Yeah.

MR. CARNICELLI: --just say yeah.

COUNCILMEMBER LEE: Okay. Thank you. And then, so the other thought I'm wondering about your opinion on this is, so that we don't continually do the same, go through the same process over and over and over again, once the community decides on the...and the Council passes the community plan, we comprehensively zone the whole region according to the community plan.

MR. CARNICELLI: Yeah, I think that that's a fantastic idea is, you know, to inherently create discrepancies through a process just to me doesn't make sense. Like why would...if we're trying to line things up, let's line them up. So, yes, I would agree.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Thank you. And you can continue on to your item 1...

MR. CARNICELLI: I just want to say thank you for allowing Mr. Antonio to speak, and I'm sorry that I took up all of his time.

CHAIR PALTIN: Okay. Hopefully, he gets to speak 'cause we got to move along things. All right, so that...any other person in the gallery that would like to submit testimony? We did hear from our satellite offices that they don't have anyone wishing to testify. So, at this time, I'd like to close public testimony with no objection.

COUNCILMEMBERS: No objections.

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CHAIR PALTIN: Okay.

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

**PSLU-1(4): WEST MAUI COMMUNITY PLAN UPDATE** (Rule 7B)

CHAIR PALTIN: Okay. First up, we have PSLU-1(4) and it's the West Maui Community Plan Update, and I've put this item first because they were deferred a number of times because we didn't get to the third item on our agenda. Maybe you can see why. So, at this time with no further ado, if the Planning Department would proceed with their presentation.

MS. EATON: . . .*(PowerPoint presentation)*. . . Great. Chair, thank you. And thank you, Councilmembers, for being here. If you may recall at the outset, 'cause we've been here before to talk about the community planning process, the point of this is to provide you guys with updates on a regular basis so that you can feel or be more engaged in our process so that when you do get the plan, it's not kind of coming out of the cold. So, at any rate, thank you for fitting us in, and great timing in having us at the same meeting with Senen Antonio. I think that's fantastic. So, basically, we put together a strategy with what we can do, with what is currently in the Code, and what we have to abide by for now to try to do what we could to improve the process. So, as you may recall a little over two years ago or so, the Mayor had asked us to basically look into best practices and how we can improve the community planning process. Two of the features we really focused on was to really sort of get to community trust, which understandably was lacking, was we really wanted to focus our efforts on more inclusiveness, more transparency, community...actual community involvement. And you'll see what...by what Jen and I are going to quickly go through that I think we've hit the mark on that. Okay. Next slide, James. So, today very quickly, 'cause I think your discussion on...especially Senen's presentation is going to be very good, we're just going to go quickly through the process, but we also really want to talk about the contents of the plan right now 'cause it's very different from what you've seen in the past and the reason why we went that route. Okay. James. Okay. So, with regard to the process, we based on, like I said, best practices around the country including here in Hawaii. We've sort of broken it up, and this becomes interesting I think as we're going to be speaking with folks from South Maui and so forth, and that is Phase 1: Research. And what does that mean in terms of doing the research? Well, right now, all the communities have existing community plans. We have the Maui Island Plan 2012 and the 2009 Countywide Policy Plan. So, before we even put fingers to keyboard, or pen to paper, what is very, very important is taking a look at the research. So, you know, types of things is what does the Maui Island Plan say for this particular community planning district, community planning area? What does the Countywide policy plan say because it's all about consistency and eliminating redundancy. So, we do a huge amount of research. We take a look at all these things. We also work with folks within the community. We have many, many interviews with actual community leaders who represent a variety and a diversity of stakeholder groups and interests. So, that's really what...and the other thing too, which the next

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page will show, I'm not there yet, but we...the research also is writing technical resource or white papers on a variety of issues that each community is dealing with and faced with. That's really important because, you know, not to trash social media, but just because you read it on social media doesn't mean it's factual. So, we actually get into everything from resiliency, coastal resiliency, transportation, housing, and do our research on that. We see what is or is not in the current plan, and we also meet with department and State agencies to make sure that, you know, to see what that framework is, 'cause it's really important to figure out that we can put in policies that mean something, as well as implementing actions. So, on to Community, basically, the Community Workshops, we use this information and we go out there, and we have a variety of engagement activities dealing with topical areas, like infrastructure is huge in West Maui. We know this. So, we had a presentation inviting all the current County directors, you know, from streets, water, wastewater, sewage, the whole thing to talk about and have presentations, the bus, Honoapiilani Highway, HDOT, and we bring these to the folks and it gives the community an opportunity to ask questions and voice their concerns, and that really helps us narrow down the key issues within that community where we really need to focus on with regard to the draft and the plan. Then that brings us to the CPAC. CPAC review, which is where we are right now. Based on the community engagement, based on the interviews, based on the technical resource papers, and by the way, comments from those, we then prepare a draft per 2.80B, Maui County Code. Jen is going to get into the actual content and formatting of the draft and why we did it the way we did it, which I think is pretty remarkable. I think it's based on best practices, really focused on what we've heard from this Council by the way, resiliency and sustainability, and sort of these integrated issues so we have a more holistic approach in addressing the actual plan. After that, we will soon be getting into the Maui Planning Commission. They have a six-month review process, and then after that, the County Council. Just a note, each draft, for example, when we're done with CPAC review, we will be incorporating all of the comments that have been approved and voted on by the CPAC. And so, that takes a huge amount of time, but we will then be preparing that full draft with the community plan land use maps that they agree upon, and then that complete package will go to the Planning Commission. Okay. Technical Resource Papers, huge amount of work. And did I mention this is all done in-house, all by our staff. So, if you have an opportunity, one of the key parts as well is we also created in this timeframe not only brand-new community plan land use designations, we also put up a brand-new website, [wearemaui.org](http://wearemaui.org). Everything Jen and I are talking about today is on [wearemaui.org](http://wearemaui.org). All of these technical resource papers, I don't need to read them, you can see them, we did in-house. It receives State and County agency review. So, a lot of the issue base if you will, is from these technical resource papers. The [wearemaui.org](http://wearemaui.org) website also has every single presentation given during community engagement. It has a summary of the community engagement that...the discussion. Right now, there's a tab on CPAC. It has all of the CPAC meeting summaries, has all of their discussions, their votes, and also has the videos of every single CPAC meeting. So, I would invite the County Council if you haven't done so at this point, please try to engage and take a look so you have an idea of what's coming your way, but that's all captured in our website. And then finally, so community engagement, I'll end on this before Jen gets into the actual plan content. We had a huge amount of--I don't need



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to go into it, you guys face this as well--we had a huge amount of challenges. The number one was trying to regain the community trust, absolutely important here in the County, of course as well as the nation, but we established and set down, based on our research and our practice and expertise, goals for the community engagement, we wanted to engage the community often and early. We wanted to provide diverse options for them to participate and to bring the process to the community. We wanted to provide transparency and a better understanding of the community plan process such as it is right now. And we wanted the community engagement to...it takes time, it can be messy, but it's absolutely critical to build that community plan that the community takes in and supports. They ultimately become the stewards of this plan working with the County. So, our hope is that by doing the community engagement and taking that time and doing it right, the review and approval process will hopefully be more efficient and more timely. So, taking a look at what was accomplished, basically, getting back to the research and so forth, we had 57 public and stakeholder meetings, workshops, open houses, and online activities during the community engagement phase. That's before CPAC even started. There were 1,535 participants in those body-to-body engagements. Now on to the website, we have 1...I'm sorry, 146,974 page views. There's a lot of content on the website. We've had 15,851 actual sessions. We currently have, well, it might be a little higher, 9,548 users of the website, and we've had a lot of engagement on the website so that you don't have to come to an evening meeting. So, things that we did in our evening meetings and weekends, we also put on the website, and we've had 1,752 responses to our online questionnaires on all the other types of activities we've done so far.

MS. MAYDAN: All right. Thanks, Pam. And thank you, Chair and Councilmembers, for having us for the update today. So, I'll just provide a quick overview of the format and the content of the draft plan. So, as Pam mentioned, the draft plan is available to view and download on our website at [wearemaui.org](http://wearemaui.org). The draft plan is of course an update of the 1996 West Maui Community Plan. And it's an update because community plans are not meant to be static. They are meant to be updated and to evolve to address new challenges and incorporate the voice of new generations. So, we started with looking at the 1996 West Maui Community Plan, and really analyzed it for current relevance. When we looked at the plan, we asked is this still an issue, is this a need, has this action been implemented, is this policy still needed, is it still relevant. There are a number of important things that inform the update of the community plan that we have to abide by. The Maui County Code provides direction as to the content of community plan updates. The Countywide Policy Plan and Maui Island Plan also guide the update of the community plan. And there's also State legislation directing counties to include sustainability and climate change adaptation into our community plans. And two other critical components that feed into an update are new data and research, and really importantly, community input on issues, needs, and priorities. So, if you've had a chance to review the draft plan, you've probably noticed that its format is quite different from what you're used to from the 1996 Plan and from our other community plans that are dated in the 1990s. We've done this very deliberately to structure the draft plan to address the interconnection of many of the issues and potential strategies for West Maui. The 1996 Plan is divided by very distinct topics. You have land use, environment, economy, housing, and there's very little said in the

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plan about the interconnections between these topics. So, the draft plan update places a greater emphasis on the interconnectedness of the natural and manmade systems and services that make West Maui a community, and that are actually...and vital for planning for the future. The draft plan is structured into four main sections, and I'll briefly go over each one of them. So, the Plan Framework provides helpful background information, the purpose and authority of the community plan, a summary of the update process, and a guide of how to use the plan, and how to change the plan. Section 2, the Policy Framework is organized by five goals, which support the vision. Each goal has supporting policies that work to achieve the goal, and each goal covers several topics to show the relationship between the different topics and the policies and actions to address the interconnected issues. The Growth Framework is the growth plan for West Maui for the next 20 years. This is really the heart of the plan. The Growth Framework helps decision makers and County departments plan for land uses, services, and infrastructure that West Maui needs. The Growth Framework forms the foundation for land use and development decisions, and also provides a guide for efforts to update and create new regulations like our new Zoning Code. The Growth Framework will include the community plan map, and descriptions of areas planned for change, as well as the updated community plan designations. And the last section is Implementation and Monitoring. This section includes actions to implement the vision and the goals of the community plan, and will include an implementation schedule with timelines and responsibilities, and a monitoring program to gauge the impact of the community plan as it's implemented. So, in the draft plan, there are several sections that we left blank at the start of the community...at the start of the CPAC process. They're...these areas include the policies and the policy framework, the community plan map, and growth plan objectives, and areas of change in the growth framework, and the actions in the implementation and monitoring section. We've intentionally left these important components of the plan blank so that we can work with the CPAC and the broader community to develop them. We've analyzed the policies and actions in the current '96 Plan, and we've also...we have a great...a ton of input and ideas from our community engagements that we're sharing with the CPAC as we go through the process to develop the plan. And the technical resource papers also provide recommendations for policies and actions, and we have several...we've had many meetings with the CPAC with subject matter experts from various County and State departments to provide information to the CPAC to develop relevant policies. So, the CPAC began their review process in late July, they had their first meeting on July 25<sup>th</sup>. They elected Kai Nishiki as their Chair, Jeri Dean as their Vice-Chair. And as you know, four of the CPAC members were selected by Mayor Arakawa and confirmed by Mayor Victorino, and nine were selected by the County Council. We're really finding that each member brings a different perspective, their background, their expertise to the table to really share their priorities, expertise, and experience. We have had 18 meetings so far. We have another one tomorrow night. They're...the CPAC is almost finished reviewing the policies and actions, and we will be moving into the growth framework very soon, which is really the heart and meat of the plan as I said. So, they still have a good amount of work ahead of them, but they've been very...working very diligently. So, going forward, we really appreciate the opportunity to provide this update and we would like to provide another update when the CPAC is

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done with their process, when we're transitioning into review at the Planning Commission to keep you engaged and aware of what's going on.

CHAIR PALTIN: Thank you so much, Jen and Pam. Members, I'll open it up for either questions or discussions. Knowing that we do have a full agenda, I'd ask if we can do the clock. Maybe two per, and then if we need another round. We'll start on this side with Council Chair King.

COUNCILMEMBER KING: Okay. Thank you, Chair. Thank you for the presentation, Department. I've got just a couple questions. One is, are we going to...I know you spent a lot of time on this new format, now, is this going to help expedite the other plans now that you got the format down?

MS. EATON: Yes.

COUNCILMEMBER KING: Okay. That's really helpful. And then, how much time on this particular...on the West Maui one did we spend on community engagement, the stakeholder engagement? Do you know?

MS. EATON: Yeah, August 2017 was the kickoff, and it went through April 2019.

COUNCILMEMBER KING: So, about almost two years. Okay. And then, the other question I had was when you mentioned the how to change the plan, did you give reasons in that section for why you would change the plan? Why you would want...why someone would want to change the plan because we...and I want to make sure that what we're ending up with is something that's going to stand and that we're not going to be constantly proposing changes to the plan.

MS. MAYDAN: Thank you for your question. Just to clarify, are you asking why we changed the format of the plan?

COUNCILMEMBER KING: You said in the...in one of the sections, there was something about how to change the plan. I don't know what you meant by that.

MS. MAYDAN: Oh, as far as in the plan framework. In that section, we just comment that there is as you well know, there's a process to do a community plan amendment. When you're not in a decennial update of the community plan, there's a County-established process to do a community plan amendment, and we just make reference to that, as well as referencing the decennial updates to the plan.

COUNCILMEMBER KING: Okay. And then, well, I was just thinking maybe we can...you can maybe come up with a...some guidelines on why we would want to change the plan, you know, what the process is, but also, you know, what are the criteria for making changes. Thank you, Chair.

CHAIR PALTIN: Thank you. Okay. Next, we'll go with Council Vice-Chair Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Mahalo, Ms. Maydan and Ms. Eaton, for your presentation. Yeah, so, like Chair King, I like the format. I think it's great. I wish we had that format during the Molokai Community Plan, but I guess our plan helped to inspire the new format. So, when do you expect to provide the next update on this?

MS. MAYDAN: I think a key milestone would be when we complete the CPAC review. So, I...as you've heard, the CPAC last night asked for an extension. So, that will be coming to the County Council in the form of a formal request resolution. So, I can't give you a date, but I think that would be great timing where we can give you kind of a summary of what came out of the CPAC and what our steps are going forward.

MS. EATON: I just...that's a really good question. Thank you. So, for example, what you might hear in the next update--and Jen is right, that would be a great milestone, is when we finish with the CPAC--would be actually the maps, you know, the actual map that is coming out of the Community Plan Advisory Committee. And maybe that to me might be, I'm not saying a gauge, but that would be a big update, right, in terms of what the maps would say.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. So, for the extension, is that something that's going to be coming from the Planning Department, the resolution?

MS. EATON: No. No, the extension would be coming from...do you want to go into this, Tamara?

CHAIR PALTIN: I'll put in a item to the December 6<sup>th</sup>, and I'll be asking for a waiver from Committee referral and discharge --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Will --

CHAIR PALTIN: --so that we can move it along.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it be a 90-day, or sorry, a 60-day or a 120-day extension?

CHAIR PALTIN: I think I would request the 120-day extension because the map section I anticipate being a little bit controversial. And when there are controversies, it seems that there is a lot of public testimony. And as we've seen today, how public testimony can push us back a little, and that's something that's not in their control because of Sunshine Law. And so, did you have more questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: One more question.

CHAIR PALTIN: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: But I think that's a great plan. I think a 120 days is safer, and that was the route that Chair King went when she was the Chair of the Planning Commission [sic] in the last --

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --term. So, I --

CHAIR PALTIN: It would --

COUNCILMEMBER RAWLINS-FERNANDEZ: --think...

CHAIR PALTIN: --say up to --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR PALTIN: --not...

COUNCILMEMBER RAWLINS-FERNANDEZ: And --

CHAIR PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --I know the community's intention is to get it done, you know --

CHAIR PALTIN: Yeah, they don't want to keep meeting --

COUNCILMEMBER RAWLINS-FERNANDEZ: --as quickly as possible.

CHAIR PALTIN: --twice a week, every week I'm sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, so I think, you know, I support that plan, and, you know, passing it, referral, since we're discussing it here, I think, you know, getting a referral for Committee...getting a waiver for a Committee referral is a smart idea. My last question is, are there other Council-approved CPAC members that are missing meetings consistently? Because the person who resigned was Council-approved, correct?

CHAIR PALTIN: Correct.

MS. MAYDAN: Thank you for your question. As our CPAC Chair, Ms. Nishiki, pointed out, there's been absences here and there, but I would say they were very much excused.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR PALTIN: Member Lee, did you have any questions?

COUNCILMEMBER LEE: Thank you, ladies, for your presentation. Just wondering if in the new format, you are trying to give more concise information to the CPAC, because they seem...well, I would think everybody is overwhelmed with all these studies and everything else, no wonder they need more time.

MS. EATON: That's a great point. So, one of the things that we do, and we are putting into the draft is we're not being repetitive with regard to...like for example, there's a 2019 Long Range Transportation Plan, there's going to be the Ocean Resources Management Plan coming out. There's, you know, there are a tremendous amount of studies. So, the technical resource papers, we purposely did in a way to capture and summarize, and glean sort of the helpful stuff from those studies, hotlinks, hotlinks, hotlinks. You know, so people have ready access to these studies. So, we've read them, we've gone through them, and pulled out the best, the most pertinent for West Maui, but you're...there is a huge amount of information, you're absolutely right.

COUNCILMEMBER LEE: And then secondly, when you give the draft plan to the CPAC, I'm not trying to be insulting, but are your recommendations tethered to reality in terms of, you know, what actually can be produced and what we can afford to pay for, or it's just like a big nice dream?

MS. MAYDAN: Thank you very much for that question. Yes, absolutely, when we develop our draft list of policies and actions to provide to the CPAC for their consideration, we toil over them for hours doing research, trying to make sure that we have the wording right, that we're accurate, that it actually can be implemented. We consult with our Planning Department divisions, with our Current Division, with our Zoning. We consult with the infrastructure agencies to really see if this is possible. And we relay that information to the CPAC.

COUNCILMEMBER LEE: Well, good, I'm great...I'm glad you do that because one of the basics is that...one of the basic constraints is our budget. So, that's where you start from 'cause we're not going to like make it five times greater just so that we can have nice bridges or overpasses or underpasses, yeah. But anyway, I thank you for your work, appreciate it.

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

COUNCILMEMBER MOLINA: All right. Thank you very much, Madam Chair. How much by the way just, are we on a time clock?

CHAIR PALTIN: Two minutes, yeah.

COUNCILMEMBER MOLINA: Two minutes, whoa, man, you're cracking the whip on us today. Okay. It's like I feel like the CPAC.

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CHAIR PALTIN: Everybody wants to hear Senen.

COUNCILMEMBER MOLINA: All right. Good morning, ladies. My curiosity is during the initial phases of the review from the Department's standpoint, have you found anything unusual or that you didn't anticipate from the discussions the CPAC members have had, or any comments from the public, anything, and basically, any points of interest that you can share with us at this point?

MS. EATON: Yeah, I'm not quite sure, maybe we can get more specific...I can tell you one thing that's of concern that relates to commission. Woman Lee's point and what Jen answered, and that is I think there's a lot of concern and it's frustrating for us with regard to authority. Clearly, water is a huge issue in West Maui, and water allocation is. And I get that, and I...so I think one thing of...and of course, Honoapiilani Highway, which is under the jurisdiction of HDOT. I understand that the community is concerned about that and wants to make sure it's duly documented and recorded in the community plan. So, I think...I can let Jen also answer, but I think one thing that keeps hitting me are these really critical issues that there's only so much the County can do. We've addressed that. I can tell you as an MPO member, we have certainly addressed that to the STIP, the TIP and that process, the best we can. But for me, it's hard because there are really tough issues, number of visitors in West Maui, and what can we as a community really do. That doesn't mean we don't do it, that doesn't mean we don't address it. But for me at least, what resonates is what can the community really try to control and handle. And they can, it's just it's trying to...those are huge issues.

COUNCILMEMBER MOLINA: Okay. And the vision statement, now that was created by the CPAC, or is that a vision statement by the Department? And I'm just going to read it here. West Maui has everything its residents need to thrive--and this focuses on the issue of affordable housing--and it says, need to thrive, including a range of affordable housing options. Does the community feel just basically what you're hearing in testimony or just amongst the discussions with the CPAC members, that they have a range of affordable housing options out in West Maui?

MS. MAYDAN: Great question. So, to answer your first question regarding the vision, the vision was developed during our community engagement phase. We did several workshops with the community to develop the vision. It was over the course of two in-person workshops and one online workshop, where we really defined what are the really critical...what does West Maui value, what do they want to keep the same, what do they want to change to move forward in the next 20 years. So, the community really developed that vision with our facilitation. We have also worked with a group of community leaders in West Maui, our West Maui alakai, and they've helped guide us through the process and how to connect with the community members, how to engage. And they provided a lot of help with developing the vision, and the CPAC reviewed the vision. And housing options, no, they do not feel that they have adequate housing options to deal with the many family situations, single, elderly, expanding

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families, kids going off to college, no, there's not nearly the variety of housing options that are necessary to meet the needs of the community.

MS. EATON: I want to address that. So, our next phase, right, looking at the actual growth scenarios, projected growth areas, and so forth, and the new community plan land use designations, one of the reasons why we updated those community plan land use designations, and I know we handed out...put together handbooks and so forth, explaining them, it's because they promote that mix of land uses. They promote the different densities. They promote connection to transportation and jobs and employment. And I bring that up, and I bring that up as being critical, because that will therefore get you to a point with the different housing types meeting different needs. Not to be disrespectful in any way, but the solution may not be a home on a piece of...you know, on a...on land with a white picket fence. I mean it's really the type, the different types. And so, to your point, our next phase will be standing around maps, deciding where based on available...availability of infrastructure, availability of jobs, or creating jobs, and housing and housing densities to get to those different housing types.

COUNCILMEMBER MOLINA: Okay. Great. Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Okay. Member Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, Ms. Eaton, for saying that last piece 'cause I know we've had a couple projects from West Maui come through, and those were some of the types of things that was of high concerns for those projects. Again, thank you guys for your guys' work with the CPAC. My question was on the CPAC, are there any cultural advisors as far as when you guys are dealing with culturally-sensitive sites, burials, that types of things?

MS. MAYDAN: Thank you for your question. As far as members of the CPAC cultural advisors, I would say no. We do have one of our members, Yvette Celiz, she's also a member of the County's Cultural Resource Commission. On our staff, we have a cultural resources planner, and she is very much engaged in our process as far as the historic and cultural resources, and she consults with cultural advisors and folks in West Maui such as Keeaumoku Kapu, et cetera. But as far as a member on the CPAC, there isn't necessarily one person tasked, but there's been many community members who have come and testified, and we've...we did have a night of presentations on cultural resources and character. And I think they've heard from the community, but no, as far as a member on the CPAC, no.

VICE-CHAIR SINENCI: Okay. Thank you. And then I know that the Aha Moku Councils have been really active in the different communities as far as establishing moku signs, ahupuaa signs. Is that something that the CPAC had considered in West Maui?

MS. EATON: As a matter of fact, Kai is nodding her head. Yeah, last night, the theme was cultural and environmental resources. And I can tell you that the policies and actions that came up were actually putting up signage, showing the designation of those



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areas, as well as putting in perhaps interpretive signage so people understand, know, and respect what they're looking at and touching.

VICE-CHAIR SINENCI: Oh, mahalo. Thank you. Last question, Chair. Off the subject, but Hana has an advisory committee to the Planning Department, would the advisory committee in Hana do the...for the Hana planning, the Hana Community Plan? Maybe for the Director?

MS. McLEAN: Right now, the Hana Advisory Committee conducts public hearings on behalf of the Maui Planning Commission for items where a public hearing is required, and then other matters that the Maui Planning Commission refers to them. I don't believe in Chapter 2.80B there is a role for the Hana Advisory Committee. But I think that's absolutely worth exploring, and that could be a discussion that we have with the Maui Planning Commission to see how much they might want to delegate to the Hana Advisory Committee.

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

CHAIR PALTIN: Thank you, Members. Last call for any discussion. Chair King?

COUNCILMEMBER KING: Thank you, Chair. So, yeah, I really appreciate the comments about the changes and the research because I, you know, and I got...I just got in to Maui after being gone a week and a half yesterday, and I saw on the news that now there's an agreement with Mahi Pono on the water issues that they've come to an understanding of 11 million gallons per day versus the 36 million or whatever they were looking for. So, I'm wondering if those kinds of things are affecting the plan and if those are being, you know, if those agreements are being written in as... 'cause things are changing it seems like constantly over the last few months?

MS. EATON: No, that's a great question. The uniqueness of West Maui of course is that it's not just a County water system. You've also got private water systems --

COUNCILMEMBER KING: Right.

MS. EATON: --as well. And I can tell you that for example, once we get into talking specifically about the projected growth areas, water of course will come up. But I also want to point out back to Councilwoman Lee's question with regard to studies and so forth, we are working very closely and have ever since day one, with the Department of Water Supply, Eva, who basically authored the Water Use and Development Plan, and Dave Taylor, with regard to infrastructure, and of course, you know, Department of Environmental Management. So, when we get to South Maui, of course, that's going to be a critical issue. And if there are changes with regard to water allocation particularly as it lines up with potential future growth and development, that would be absolutely critical to address. I can tell you that with regard to existing infrastructure and where the County has the water system, we are absolutely in conversation, and as the changes are happening as we have interim instream flow standard changing and so forth, we are absolutely working with the Water Department [*sic*] in terms of what

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does this mean because 2.80B, one of the things it asks is to sequence future growth. And obviously, that would be an impact, would be the availability of roads, water, and of course, wastewater and sewage.

COUNCILMEMBER KING: Okay. Thank you for that. And I also just wanted to point out because you made that earlier comment about things out of our control, that we can't necessarily control what the DOT is putting into or the State is putting into the schools or the State highways, but we can put into the action plans, you know, those requests, you know, being able to request and working with the MPO to try to drive some of those big projects forward. So...and, you know, all we can do is try. And if we're not successful, we're still successful...we still...we've still addressed the implementation part of it by making that request and trying to drive that legislation.

MS. EATON: And they absolutely go in the plan. I would never say that they didn't. And to your point, it's interesting because for two years now, we've been working with HDOT, as have the other counties, in terms of addressing as a performance measure the impacts of climate change on the roads. And I'm excited because in December, there is an actual half-day workshop where HDOT is bringing in experts from climate change dealing with infrastructure. I actually worked with one of them on the mainland to do that very thing. And I think the next step after that will be actually creating a vulnerability index to rate the roads, HDOT roads, in terms of how quickly they can fix, and then come up with the money to do so.

COUNCILMEMBER KING: Well --

MS. EATON: So, I'm encouraged.

COUNCILMEMBER KING: --that's really exciting that...yeah, thanks for that information. And then the last thing I just want to ask you about was when you talk about policy issues, if there...are there new policy issues that come up in CPAC that are different from our Countywide Policy Plan? I mean we have that list. And actually, those are going to be going up on the walls very soon because we have those wall things, the wall hang is done. And one of the things I wanted to do is to have that in front of us, our Countywide Policy Plan objectives and policies. But I'm just wondering if there are...are there additional policy statements in, you know, that aren't listed in that Countywide Policy Plan?

MS. MAYDAN: Thank you, Chair. That's a wonderful question. As we're going through this, this of course is the first Maui Island Community Plan that we're updating since the --

COUNCILMEMBER KING: Right.

MS. MAYDAN: --adoption of the Countywide Policy Plan and the Maui Island Plan. So, we're working out some kinks. You know, this is kind of a new structure. A lot when the Countywide Plan and the MIP were written, they...those plans took a lot of information from the existing community plans to try to consolidate them at a higher level to say these are more regional issues, these are policies that apply, County or island-wide.

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And so, the intention going forward is, in the community plans, that they are much more focused on that region in particular. So, we are definitely making a strong effort to do that with first...with the West Maui Community Plan to make it very much focused on West Maui issues and priorities. But as we go through this, with the CPAC, it is difficult because people are very passionate about certain issues, and it's not just a West Maui issue. It is an island-wide issue. And we are finding some subjects that are not covered at all or very heavily in the Maui Island Plan or the Countywide Policy Plan that are not just specific to West Maui, they apply island-wide, but they're not adequately covered in those broader plans. So, we're trying to find a balance of what to include, what not to include, or should these things go forward to an amendment to the MIP or the Countywide. So, we're working on kind of figuring that out, but that's a great question.

COUNCILMEMBER KING: Okay. I really appreciate that because I noticed when I was...we were, you know, designing these Countywide Policy Plan for the walls that the two biggest things that were missing because they probably won't even talked about back then were sea level rise or climate change and agriculture. And I think everybody back then just thought we'd always have sugarcane. So, those are two big issues I think that going forward we need to address.

CHAIR PALTIN: I think --

COUNCILMEMBER KING: Thank you.

CHAIR PALTIN: --one issue that I did hear loud and clear was the fees in lieu of affordable housing, and that's a Countywide issue. So, I mean we're definitely feeling we don't want any more fees in lieu of affordable housing. We want the actual affordable housing.

COUNCILMEMBER KING: Well, I know that affordable housing is one of the policy issues, but...and, you know how we address it is...will go into the action items. But I really...it really struck me that there's nothing in that Countywide Policy Plan addressing the broader issue of agriculture, and then climate change. But it's just a sign of the times. They weren't talking about those things back then.

MS. EATON: That's why they need to be flexible --

COUNCILMEMBER KING: That's right.

MS. EATON: --on things.

COUNCILMEMBER KING: That's right.

CHAIR PALTIN: Yeah.

COUNCILMEMBER KING: Thank you.

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CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make this quick. For the Molokai Community Plan, one of the things that Chair King as the Chair of the Planning Commission...Planning Committee in the last term helped our community with was creating priorities that weren't just one and two's, that were more actionable and had a closer timeline that we could follow. And in following with Member Lee's concern about budget being, you know, a legitimate constraint, for the West Maui Community Plan, are there going to be priorities more detailed than a one or a two?

MS. EATON: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can you briefly describe what that will look like?

MS. EATON: Do you want to crack at it or you want me...

MS. MAYDAN: ...*(inaudible)*...

MS. EATON: It's going to be more than one's and two's. And I totally get your frustration with that. When we were doing the Molokai Island Plan of course, we were being consistent with the Maui Island Plan. So, as Jen mentioned, now we've got community plans, we can have more specificity. And so, there will be more detail with regard to, for example, a reasonable short-term versus long-term. The tricky thing too 'cause 2.80B of course requires us to put in a lead County agency, a timeline, and a funding amount. And yet, as I'm sure you've read the Title 19 audit, it gets right to this in terms of prioritizing and having plans that have reasonable amount or reasonable actions, and how do you prioritize those actions so they are meaningful. I'm not saying we're going to do that in this...well, we can't because 2.80B is 2.80B, but they actually don't even put funding amounts because once four years goes by, how accurate is the funding amount for a major infrastructure project? But to your point, yes, we will have much more meaningful criteria. I can also tell you that as we've worked with CPAC, as Kai well knows, we've really tried to minimize the number of actions so we have first of all not, you know, 487 to deal with but seriously, a reasonable amount. So, I think that things that are key is making sure it's a prioritization that's real and to make sure that the timeline is real, and making that connection with the Budget Office, and therefore, the County Budget so it makes sense.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that response. So, who is determining whether the priority is real?

MS. EATON: Well, the CPAC is...are the ones who do the prioritization. But I think what you asked me is will there be criteria to help them with that prioritization, and my answer is yes, better criteria.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. I'm really happy to hear that. Mahalo.

CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Madam Chair, just more of a trivial question for the Department. So, we're dealing with West Maui now, which community plan is next to be updated? What district?

MS. EATON: South Maui.

COUNCILMEMBER MOLINA: South Maui. That should be exciting. Okay. Well, thank you for your work. And I hope with these new procedures that you're implementing, it will carry over and prove --

MS. EATON: We thought --

COUNCILMEMBER MOLINA: --to be a success.

MS. EATON: --we'd start with the easy ones.

COUNCILMEMBER MOLINA: Oh, yeah. Okay. All right. Take the bull by the horns, that type of approach. Okay. Thank you.

CHAIR PALTIN: Thank you, Members. Does anyone have a further need for questions? Yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Quick request for our Chair. I'd like to know what order. So, next, we all know is South Maui, but what's the following --

MS. EATON: It's --

COUNCILMEMBER RAWLINS-FERNANDEZ: --list?

MS. EATON: --Resolution 13-13. I mean we're --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. EATON: --happy to provide it but it's Reso --

CHAIR PALTIN: Yeah.

MS. EATON: --13-13.

CHAIR PALTIN: And ultimately, we make the final decision. So, if we're not okay with that, we can amend it.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Change it. Yeah.

CHAIR PALTIN: Yeah.

COUNCILMEMBER KING: It has to be an ordinance change.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Okay. Oh, it's an ordinance change, not a resolution. But the Resolution 13 --

COUNCILMEMBER KING: Do an ordinance --

COUNCILMEMBER RAWLINS-FERNANDEZ: --13...

COUNCILMEMBER KING: --change by resolution but it has to be an ordinance. It's an ordinance right now, the order of which communities come next.

CHAIR PALTIN: Okay. With no further discussion, if there are no objections, I'll defer this item.

COUNCILMEMBERS: No objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: YLS)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: Okay.

**PSLU-36: CHANGE IN ZONING FOR THE SOUTH MAUI GARDENS DEVELOPMENT AT 30 ALAHELE PLACE AND 33 AUHANA ROAD** (CC 19-265)

CHAIR PALTIN: And then...so next up, we have PSLU-36, Change in Zoning for the South Maui Gardens Development at 30 Alahele Place and 33 Auhana Road in Kihei, and we'll just take a quick recess to get everyone set up subject to the call of the Chair. . . .(gavel). . .

**RECESS: 10:15 a.m.**

**RECONVENE: 10:20 a.m.**

CHAIR PALTIN: . . .(gavel). . . Will the Planning and Sustainable Land Use Committee meeting of November 20<sup>th</sup> return to order. The time is 10:20, and we have PSLU-36 up next. The Committee is in receipt of County Communication 19-265, from the Planning Director, transmitting a bill...proposed bill entitled A Bill for an Ordinance Change of Zoning from R-2 Residential to B-2 Community Business for Properties Identified as Tax Map Keys (2) 3-9-003:003 and (2) 3-9-003:005, Located at 30 Alahele

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Place and 33 Auhana Road, Kihei, Maui Hawaii. The purpose of the proposed bill is to grant a Change in Zoning from R-2 Residential District to B-2 Community Business District for approximately 2.5 acres, identified for real property tax purposes as the tax map keys that I read above, situated at Kihei, Maui, Hawaii, for the proposed South Maui Gardens development project. And the reason that I scheduled this item is I had a meeting with Ms. Mukai and the landowner, as well as a few of his employees. And basically, you know, they want to keep the operations to be the same. They were baking bread on the property as one of the testifiers mentioned, and people kept wanting to buy the bread on the property, and they're not zoned for that. And so, they just stopped baking the bread because they didn't want to keep dealing with people asking to buy bread when they're not allowed to sell bread on the property. So, hopefully, they can start baking their bread again by next year. We'll see. At this time, I'd like to introduce Ms. Erin Mukai of Munekiyo and [sic] Hiraga, and she will give us a brief presentation of the requested zoning change. Thank you, Ms. Mukai.

MS. MUKAI: . . .(PowerPoint presentation). . . Thank you. Thank you very much. Good morning, Councilmembers. Thank you for the opportunity to be here today. My name is Erin Mukai. I'm with the planning consulting firm, Munekiyo Hiraga, and we're here today on behalf of Nation Land Company to request a Change of Zoning for two parcels in Kihei upon which South Maui Gardens operates its plant nursery, and, you know, recently closed its bakery operations. Here today are members from the project team available for questions at the end of the presentation. Nation Land Company is requesting a Change of Zoning for about 2½ acres from R-2 Residential to Community...B-2 Community Business. And the Change of Zoning would allow for business transactions to occur onsite. So, South Maui Gardens is an existing plant nursery. The nursery has been in business for over 20 years. It provides plants to local landscapers, hotels, airports, the shopping centers, small businesses. The plants are grown onsite in Kihei and offsite in greenhouse spaces in Kula. And the business has been a community partner. Here's a regional location map. The site is identified in red, mauka of Kalama Beach Park. Here's a zoomed-in aerial photo of the site. Parcel 3 is about 1½ acres. Parcel 5, a little less than an acre. In close vicinity are other commercial and business uses including the...there's a gas station at the corner, the Kihei Kalama Village Shopping Center, and the Island Surf building right there at the corner. Some of the existing land use considerations, so, the properties have been designated Urban by the State Land Use Commission. Its designation is Business/Commercial in the Kihei-Makena Community Plan. The existing zoning is R-2 Residential. So, we would be requesting a change from R-2 Residential to B-2 Community Business. It is also located in the Urban Growth Boundary and in the SMA as well. There is some history to the project. Originally, the applicant was looking at developing a Mixed-Use Residential and Commercial development; however, this is no longer being proposed. An application for a conditional permit, Change of Zoning, and an SMA permit was filed back in 2016. We did go before the Maui Planning Commission the following year. They recommended approval of the conditional permit and the Change of Zoning to Council, and we would have had to go back to the Commission for the SMA use permit. However, a few months later, the applicant due to personal health complications withdrew his applications for the conditional permit and the SMA, and was only pursuing the Change of Zoning for the

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existing buildings on the property. So, no new construction is being proposed at this time. This is a site plan drawn by the architect. The parcels are identified in red. There are three buildings on the property. The first building is the owner's residence upstairs, and below, the former bakery. The second building is used for storage. And the third building is an office. So, we'll go through some photos next. This is a picture of the owner's residence, which is upstairs, and the bakery which closed down below on the first floor. This is the second building, which is used for storage. And the third building is the office. So, the reason for the request today is to allow South Maui Gardens to conduct retail transactions for its plant nursery operations onsite. In addition, South Maui Gardens seeks to reopen its bakery on the property and do the same, conduct retail transactions onsite. Nurseries, eating, drinking establishments, and catering establishments are all permitted uses within the B-2 Community Business Zoning District. So, in summary, we're here to request a Change of Zoning for Parcels 3 and 5, approximately 2½ acres from R-2 Residential to B-2 Community Business. Thank you.

CHAIR PALTIN: Thank you, Ms. Mukai. At this time, I'd like to ask if the Planning Department has any comments on this project?

MS. McLEAN: None at this time. Thank you, Chair.

CHAIR PALTIN: Thank you. If there's no objection, I would like to submit to the Members some of my proposed conditions for this project.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Mr. Krueger will be coming around and handing them out. And at this time, if there's any questions for either Ms. Mukai or the Planning Department, I'll just go down the road, or row, this time, starting with Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. So, just for clarification, Ms. Mukai, the owner doesn't want to do the nine condominiumized housing anymore, single-story?

MS. FUKUDA: Sorry.

CHAIR PALTIN: If you can identify yourself.

MS. FUKUDA: Yes --

CHAIR PALTIN: Thank you.

MS. FUKUDA: --Karlynn Fukuda from Munekiyo Hiraga. Thank you, Councilmember, for the question. Yes, that is correct.

VICE-CHAIR SINENCI: Okay. Thank you. And so, the...this...the zoning would not...this is just to require that businesses and nothing else on the property? I mean as far as zoning-wise, you wouldn't be able to do the housing, yeah?



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MS. FUKUDA: Correct. As far as what had been originally proposed, that would not be allowed by the zoning. We do note that he would be able to keep his residence because the residence is an accessory use that's available in the B-2 Community Business. So...

VICE-CHAIR SINENCI: Okay. Thank you. Thank you, Chair. I'll yield.

CHAIR PALTIN: And just to clarify on the question that you asked, the Business...B-2 Community Business District does allow a lot of additional uses, and that's kind of why I put the conditions that I put. I can just read them into the record for everyone's benefit. It's Exhibit "C," Conditions of Zoning. And number one is Nation Land Company, LLC and any future owner or lessee must not operate short-term rental homes, bed and breakfast homes, or any other transient accommodations on the property. And so, that is something that's allowed in B-2 Community Business District, but I visited the property and, you know, they clarified that that wasn't their intent. So, I figure just put that down in writing. Number two, Nation Land Company, LLC and any future owner or lessee must develop the property in substantial compliance with the submittals and representations made to the Maui County Council and the Council's Planning and Sustainable Land Use Committee in obtaining the Change in Zoning to B-2 Community Business District. So, basically, what they represented to me, what...on my site visit is, you know, they want to do what they are doing right now, and you know, possibly have farmers markets, and it's a big showroom for their plant nursery. They want to be able to sell the bread. They want to stop telling people we can't sell you bread here because I think it smells pretty good or something, people come through. And so, I just wanted to, you know, memorialize that they...their main reason for changing the zoning is to do what they wanted...they already are doing, and then identify the other uses.

VICE-CHAIR SINENCI: Thank you, Chair. And I appreciate the, you know, your added efforts to go and visit the site. Mahalo. Thank you.

CHAIR PALTIN: Right on. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Question for the Department, now, for something like this, this type of a request, is an SMA required for a Change in Zoning? And if it is, the...now, is it...because I know there's been a change in plans with the property, now, is the...if it does require an SMA, does it now, because it's...there's been a change in plans with the development so to speak instead of housing, is the SMA requirement now being removed from the application?

CHAIR PALTIN: Director McLean?

MS. McLEAN: Thank you. An SMA permit would be required if there is any "development." And right now, there does not appear to be any proposed development. The structures are built. Engaging in those activities would not be considered development. If they propose changing the structures, or adding structures, or something that would be

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defined as development under State law, then SMA review would be required, and an SMA permit could be issued if the proposed use is consistent with the zoning in the community plan.

COUNCILMEMBER MOLINA: Okay. Thank you. And then, condition number four of the conditions of approval for the conditional permit seems to imply that the applicant shall develop the property in substantial compliance with the representations made to the Council. And being that the applicant is now not proposing any development, so I don't know, should this condition be reworded to reflect that?

MS. McLEAN: The conditional permit is no longer on the table.

COUNCILMEMBER MOLINA: Okay.

MS. McLEAN: The only conditions currently...the Change in Zoning was transmitted to the Council without any recommended conditions. And the Chair just distributed two --

COUNCILMEMBER MOLINA: Two.

MS. McLEAN: --proposed conditions. So, any conditions in the conditional permit are not on the table right now. If there are conditions in there that the Committee wants to add, then they would have to specifically be added to the Change in Zoning.

COUNCILMEMBER MOLINA: Okay. Well, thank you for that clarification. Thank you --

CHAIR PALTIN: And --

COUNCILMEMBER MOLINA: --Madam Chair.

CHAIR PALTIN: --if I could further clarify, if they do the Change in Zoning, then they don't need the conditional permit if that makes sense to you --

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: --because then they can conduct business on the property. So...

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Okay.

COUNCILMEMBER MOLINA: Thank you.

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez, did you have any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: I do. Okay. Sorry, I have a bunch of questions. Actually, you know what, can I pass and come back to me after?

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CHAIR PALTIN: Sure thing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thanks.

CHAIR PALTIN: Council Chair King?

COUNCILMEMBER KING: I don't...the only thing I was going to, just going to reconfirm that if they do want a new construction, then they have to come back for an SMA. So, it goes back before the Council, or does it just go back through the Planning Commission?

MS. McLEAN: Just to the Planning Commission.

COUNCILMEMBER KING: Okay. So, that...I think that that's the need for your conditions. And I'm glad that you followed through because I told them...I met with them first, and I told them you would probably have conditions for them. So, I think they're okay with these conditions as far as I know. So, I don't have any problem with this. I support it. And I think one of the issues that I wanted to share with Councilmembers on this was that the people who were...my understanding is that people who were coming to buy some of the plants couldn't pick it up there and do a transaction. So, they would just have to come, identify what they wanted, go back home, and then the nursery would have to take a truck over to them. And so, you know, I'm a big climate change person, and that's creating extra emissions and trips that don't have to be taken. So, I think this is a really good move. It's in line with our community plan and it's supported by the Kihei Community Association. So, I'm ready for the recommendation whenever. Thank you.

CHAIR PALTIN: Okay. Yeah, and on my site visit, I liked the showroom aspect being like a nice, shady, green area in Kihei. So, that's nice then having like an air-conditioned plant place for showroom like how you show cars and stuff like that or something. So, it's...

COUNCILMEMBER KING: I really the fact that they're focusing on trying to have native plants, and there aren't a lot of nurseries that have the focus on that right now. So, I'm --

CHAIR PALTIN: Okay.

COUNCILMEMBER KING: --satisfied with their...do we need...when we get to the proposal, will we need to add in with conditions, and so, were no conditions transmitted with that with the proposal...original proposal?

CHAIR PALTIN: I guess I would just ask for a consensus to incorporate these conditions with the necessary language to the bill. And if there is --

COUNCILMEMBER KING: Okay.

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CHAIR PALTIN: --any other conditions or amendments, maybe we can add them by consensus.

COUNCILMEMBER KING: Okay. I'm good.

CHAIR PALTIN: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, what I'm hearing from my colleagues and from the testifiers, and from the landowner is that everyone supports what the landowner is doing currently with his parcel. And I do too. I think it's great. But what we haven't, I guess been discussing specifically is the permanency of the Change in Zoning. And so, what B-2 allows, or perhaps I can ask Director or the Planning Department to explain what kind of permitted activities is allowed on a B-2 zone parcel?

CHAIR PALTIN: Director McLean?

MS. McLEAN: Thank you, Chair. And we were going to make a similar comment if we were asked to comment on the proposed conditions because the second condition seems to seek to limit the permissible uses to those that the applicant introduced today. And, which is, you know, that's within the Council's authority. There are however many other uses permitted in the B-2 District, and I can read through some of those, and it may be that the Council wants to specify the uses as they're written in the Code, as those uses that are...that would be allowed under the zoning, and maybe not quite so restrictive as what was presented today, but possibly allowing a little bit of flexibility for the applicant. The uses that are allowed by the B-2 District are amusement and recreation activities; animal hospitals; auditorium, theaters, and gymnasiums; automobile services; automobile upholstery shops; awning or canvas shops; baseball, football, and other sports stadiums and activities; bed and breakfast homes; buildings and premises operated by government agencies; catering establishments; communication equipment; daycare facilities; drive-in restaurants; eating and drinking establishments; a variety of educational uses; entertainment establishments; farmers markets; general merchandising; general office; ice cream and milk manufacturing plants; libraries; marinas; multifamily dwellings; museums; new and used car lots; nursing and convalescent homes; flower or plant nurseries; parking structures; personal and business services; pet shops and boarding facilities; recycling centers; redemption centers; religious, benevolent, or philanthropic societies, quasi-public uses; sanitariums; sign-painting shops; swap meet; taxicab or car rental; transient vacation rentals; and other uses similar to those that are approved by the Planning Commission. So, that's a very long list. It may be that the Council or the Committee wishes to limit those down to things like eating and drinking establishments, catering establishments, plant nurseries, general merchandising, farmers markets, just more in that kind of scale.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director.

MS. McLEAN: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, what I...what it looks like, Chair, your second condition, proposed condition, would...it would be achieved by a special use permit. Would a special use permit, a long-term special use permit, allow for the activities of bakery, sales, onsite farmers market, onsite sales of plants?

MS. McLEAN: If the property were not zoned and retained its Residential District zoning, those are not listed special uses in the Residential District. So, they would have to obtain a conditional permit.

COUNCILMEMBER RAWLINS-FERNANDEZ: A conditional permit. Okay. So, a conditional permit would achieve those things?

MS. McLEAN: Without changing the zoning.

COUNCILMEMBER RAWLINS-FERNANDEZ: The zoning.

MS. McLEAN: Or you could change the zoning, and then restrict the zoning down to just the uses you would like to see, exactly the same result just two different ways to get there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. So, my concern is for the community. 'Cause what I'm hearing is they really support what the landowner is doing. And a conditional use permit would allow for the expansion of the business, would allow for, you know, the bakery to sell bread onsite, for plants to be sold onsite, for farmers market to be held on the property. So, it would achieve everything that the landowner is telling us that they want to do, as well as what the testifiers support, but it would still protect the community from that lot later becoming a used or new car lot, sanitarium, and everything that was listed in B-2. And so, I would like to, you know, give that...give the community that type of a recourse, you know, if they wish. So, I...I'm not supportive of a Change in Zoning, but I would be supportive of a conditional permit...a conditional use permit.

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. Ms. Mukai or Ms. Fukuda, would you care to comment on why it is that you didn't push through a change...a conditional use permit?

MS. FUKUDA: Thank you, Chair. Karlynn Fukuda, Munekiyo Hiraga. So, the conditional permit is a temporary, if you will, approval. There's a time limit that's given for the conditional permit. The Change in Zoning is, as Councilmember Rawlins-Fernandez has mentioned, it is a permanent change. The difficulty I think with businesses with a conditional permit is there is some uncertainty as to whether or not there would be a renewal. And so, Mr. Farina elected to go through the process of the Change in Zoning, given that his community plan designation was Community Business, and it

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has been, you know, for several years now, not just in the existing community plan but even back in the 19, I think it was '85 Kihei-Makena Community Plan. The site was already designated for Business. I would like to note that the applicant has taken a look at the list of uses that are allowed in the B-2, and is willing to give up or delete additional uses that are permitted. And we do have a handout that we can share with the Committee if it's appropriate, and you will see there's strikeouts of all of the uses, the B-2 Community Business uses that the applicant is willing to forego and limit onsite.

CHAIR PALTIN: Yes, thank you. That would be awesome if James could distribute it to the Members for their perusal. Thank you.

COUNCILMEMBER KING: Chair?

MS. FUKUDA: So, to confirm, the uses that are not strike...struck in red, those would be the uses that the applicant would like to be able to retain as possible on the property.

COUNCILMEMBER KING: Chair, can I ask...while he's doing that, can I ask a question --

CHAIR PALTIN: Sure thing.

COUNCILMEMBER KING: --to the Department?

CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: Thank you. So, if the applicant decides or sells the property, and someone comes in and wants to do something different, then what's the process for if there...if we have these conditions and someone wants to do something different, does it revert back to R-2 until they come back before us, or what is the process for that?

CHAIR PALTIN: Director McLean?

MS. McLEAN: If the Council were to adopt B-2 zoning with a condition that only the...only certain uses are allowed, and whether the current owner or a future owner wants to do one of the uses that is not listed there, then they would have to go through effectively a Change in Zoning process and come back to Council to either amend that condition and remove that restriction or change it to a zoning that allows --

COUNCILMEMBER KING: Okay.

MS. McLEAN: --what they want to do.

COUNCILMEMBER KING: Okay. Thank you.

MS. McLEAN: Or obtain a conditional permit I suppose would be another option.

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CHAIR PALTIN: Mr. Hopper...and I just want to say this is similar to what we did with St. Anthony, I believe.

COUNCILMEMBER KING: Right.

MR. HOPPER: Yeah, just to note, in addition to that, you may have heard of the unilateral agreements that's in the Code as well. If there's zoning conditions, a unilateral agreement is drafted and recorded on the property, and it will actually run with the land as an encumbrance on the property that would have the zoning conditions there. So, if a future owner bought the property, if they did a title search, they would see that there are conditions of zoning, and one of them would limit the permitted uses on the property.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR PALTIN: So, Members, any objection to adding this as I guess, condition number three, that it would be limited to the permitted uses not stricken in the handout distributed by Munekiyo and [sic] Hiraga?

COUNCILMEMBERS: No objections.

MR. HOPPER: And...

COUNCILMEMBER KING: Actually, Chair, this is actually...it could be part of condition number two because it goes to uses. So, you could just add on including --

CHAIR PALTIN: Or maybe we can...

COUNCILMEMBER KING: --only the following uses, and then --

CHAIR PALTIN: Yeah --

COUNCILMEMBER KING: --attach this.

CHAIR PALTIN: --we can incorporate it into number two. Yes, Mr. Hopper?

MR. HOPPER: Just as a suggestion, rather to have a list with strike-through, I...I'm...I wonder if you would...it'll be easier to just list the uses that are permitted if...it looks like there's more strike...stuff that's stricken through. I suppose you could have...attach the attachment, but, you know, it may be a little awkward to have this attached as a condition. I suppose you could do that, but it may be easier to list the uses that are allowed, although we do have special uses and accessory uses that are stricken as well. So, it maybe take some drafting, but I don't know if just attaching this would be user-friendly to a planner in the future who would be enforcing the condition. I'm not sure of the best way to do that. But I think as far as the permitted uses, it may be easier to just list the ones that are permitted.

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CHAIR PALTIN: Any objection to a short recess, and maybe we can come up with some language, and then we can vote?

COUNCILMEMBER KING: No objection. We want to take our morning recess right now?

CHAIR PALTIN: Okay. Let's just do ten minutes --

COUNCILMEMBER KING: Be back at 11:00?

CHAIR PALTIN: --and we'll be back at 10:57. . . .(gavel). . .

**RECESS: 10:47 a.m.**

**RECONVENE: 11:02 a.m.**

CHAIR PALTIN: . . .(gavel). . . Will the Planning and Sustainable Land Use Committee meeting of November 20<sup>th</sup> return to order. The time is 11:02, and you should be receiving a revised Exhibit "C," listing out what we had just said. We did take out parking structures and put just parking lots. So, these on the new number 2.a. would be the permitted uses; b, accessory uses; and special uses. At this moment, I will entertain a motion to approve.

COUNCILMEMBER KING: So moved.

VICE-CHAIR SINENCI: Second.

CHAIR PALTIN: And, Members, any discussion at this time? Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, what you're...what you distributed is going to replace the old conditions?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'd like to amend the motion to include a third condition.

CHAIR PALTIN: A third condition? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: Do you have the third condition?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes --

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --kind of.



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CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: We'll probably have to wordsmith it a little bit.

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But basically, to limit height on the, height on the property to 45 feet. Right now, B-2 allows for structures to be built up to 90 feet. And so, it would basically cut it in half.

VICE-CHAIR SINENCI: Second.

CHAIR PALTIN: Forty --

COUNCILMEMBER RAWLINS-FERNANDEZ: So --

CHAIR PALTIN: --five --

COUNCILMEMBER RAWLINS-FERNANDEZ: --45 feet.

CHAIR PALTIN: --you said?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR PALTIN: Okay. Ms. Mukai or Ms. Fukuda, would you care to comment on that?

MS. FUKUDA: Thank you. Karlynn Fukuda, Munekiyo Hiraga. So, the applicant is fine with the 45-foot height restriction for structures.

CHAIR PALTIN: Members, any further discussion on that?

COUNCILMEMBER KING: Does that include...

CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: I mean would that...is that how high the current structures are? And would that allow you to go higher if you wanted to put solar panels or something on there?

MS. FUKUDA: I believe the current...the highest building is two stories, which would probably be about 30 feet height...high is my guess. So, that would still be 15 feet --

COUNCILMEMBER KING: Okay.

MS. FUKUDA: --above that.

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COUNCILMEMBER KING: Okay. I think that's fine.

CHAIR PALTIN: Okay. So, is it okay if we include that in, and we can wordsmith it before first reading?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. So, all those in favor of the motion as amended...or is that a friendly amendment?

COUNCILMEMBER KING: That's a friendly amendment, I think.

CHAIR PALTIN: Friendly amendment. Consensus on the friendly --

COUNCILMEMBER KING: The three conditions.

CHAIR PALTIN: --amendment?

COUNCILMEMBER RAWLINS-FERNANDEZ: If the movant accepts it as a friendly amendment, I guess it could be a friendly amendment.

CHAIR PALTIN: Okay.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Or --

CHAIR PALTIN: We have...

COUNCILMEMBER RAWLINS-FERNANDEZ: --we can just take the vote --

CHAIR PALTIN: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --to amend the motion to include a third condition.

CHAIR PALTIN: Let's do that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: All those in favor of amending the motion to --

COUNCILMEMBER KING: Oh, I...

CHAIR PALTIN: --include...

COUNCILMEMBER KING: Did you make a motion? I don't know if we have --

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CHAIR PALTIN: Yes.

COUNCILMEMBER KING: --a motion second. We have a second?

UNIDENTIFIED SPEAKER: She did.

CHAIR PALTIN: Vice-Chair Rawlins-Fernandez --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, there was no second though.

CHAIR PALTIN: --made a motion, and I believe --

UNIDENTIFIED SPEAKER: Second.

CHAIR PALTIN: --Member Sinenci --

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: --seconded it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR PALTIN: So, all those --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo --

CHAIR PALTIN: --in favor --

COUNCILMEMBER RAWLINS-FERNANDEZ: --Member Sinenci.

CHAIR PALTIN: --of the amended motion to include a condition three, which would limit the height to 45 feet, say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All those opposed? Motion passes, one, two, three, four...six "ayes," one excused, Councilmember Sugimura.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Sugimura.**

**MOTION CARRIED.**

**ACTION: APPROVE AMENDMENT.**

CHAIR PALTIN: And now, the main motion was moved by Council Chair King and seconded by --

COUNCILMEMBER KING: Member Sinenci.

CHAIR PALTIN: --Member Sinenci. All those in favor of the main motion say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Okay. The motion passes, six "ayes," one excused, Member Sugimura.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Sugimura.**

**MOTION CARRIED.**

**ACTION: APPROVE CONDITIONS OF ZONING, as amended.**

CHAIR PALTIN: Okay.

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MS. FUKUDA: Thank you --

CHAIR PALTIN: Okay.

MS. FUKUDA: --very much.

CHAIR PALTIN: Shucks, did I include filing? The Chair will entertain a motion to recommend the filing of...

MR. KRUEGER: Excuse me, Chair?

CHAIR PALTIN: Yes.

MR. KRUEGER: Staff's current understanding of where the Council stands is that they voted to incorporate the conditions to the proposed bill, but the Council has...or the Committee has not yet voted on the --

COUNCILMEMBER KING: The actual bill.

MR. KRUEGER: --proposed bill itself. Is the Staff's understanding correct?

COUNCILMEMBER KING: I think you're right.

CHAIR PALTIN: Yeah. Okay. So, Members, the Chair will entertain a motion to recommend passage on first reading, with the conditions of the proposed bill entitled A Bill for an Ordinance Change of Zoning from R-2 Residential to B-2 Community Business for Properties Identified as Tax Map Keys (2) 3-9-003:003 and (2) 3-9-003:005, Located at 30 Alahale Place and 33 Auhana Road, Kihei, Maui; incorporating Exhibit "C," with the three conditions made today by consensus and vote of the Committee; and any nonsubstantive revisions; and filing of County Communication 19-265.

COUNCILMEMBER KING: So moved.

VICE-CHAIR SINENCI: Second.

CHAIR PALTIN: Moved by Chair King, seconded by Member Sinenci. Any discussion? Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. As I mentioned earlier that I would have preferred helping the community have a type of recourse by supporting a conditional permit instead of a Change in Zone. I understand that the community member from South Maui is supporting the Change in Zone, and she knows her community better than I do. And I would like to support the community, and the community would still have, I think first reading or two readings after this, at the full Council to come out, if that's something...if this vote isn't something that is, you know, supported by the community, and they would prefer a conditional use permit

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instead of a Change of Zone, which is permanent. But as the conditions that were presented and voted on to approve do provide that additional protection for the community from unwanted activities on the parcel. I just wanted to also, you know, mention again, as we heard earlier in this meeting that the South Maui Community Plan update is next. So, I think a conditional use permit would have allowed more time for the community to decide if that's truly the zoning that they would prefer. And a conditional use permit would also give us an opportunity to see what kind of additional traffic, bread sales, and plant sales, and farmers market would look like. And if it's something, you know, that is, you know...if the infrastructure can handle increased traffic to the parcel, and if it would be continued to be supported by the community if that increased traffic was not something that would be favorable. So, I'll vote to support the Change in Zoning and, you know, let the community know that they still have two readings to let us know if that's not the correct direction that they would like us to take. Mahalo, Chair.

CHAIR PALTIN: Thank you, Vice-Chair Rawlins-Fernandez. Any further discussion from the Members? Chair King?

COUNCILMEMBER KING: Yeah, thank you. And thank you, Member Rawlins-Fernandez. I just wanted to point out that we do have testimony from the Kihei Community Association supporting this motion and on Granicus. And also, that this actual B-2 zoning is in our community plan currently. So, they're trying...that's why there's no request for a community plan amendment. So, they're trying to just adjust it to the current...

CHAIR PALTIN: Line up all the zoning.

COUNCILMEMBER KING: Right, where the community plan is right now. So, I appreciate --

CHAIR PALTIN: Okay.

COUNCILMEMBER KING: --my Members' --

CHAIR PALTIN: Member --

COUNCILMEMBER KING: --support.

CHAIR PALTIN: --Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I just like to offer my support for this proposal. I want to thank the applicants, definitely a small business success story, which is nice to hear. And very seldom do we get applications for Change in Zonings with opposition especially out of the Kihei area. So, that tells you something right there. And I want to thank the applicant's representatives or the consulting firm for providing a very informative presentation, which helped clear up a lot of questions that I had initially. So...anyway, but definitely, in full support to these individuals and

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keep up the good work. And as one testifier said, they turned this place from, you know --

CHAIR PALTIN: Swamp.

COUNCILMEMBER MOLINA: --from nothing into something, a mini oasis, if you will. So...anyway, thank you.

CHAIR PALTIN: Thank you, Member Molina. Any further discussion? My final comments were just yeah, I'm excited to try some of the bread. I heard a lot about it. But I'll be paying for my own bread. Please don't give me any bread for free. So, if we're ready to take the vote, all those in favor of the motion say "aye."

COUNCILMEMBERS: Aye.

CHAIR PALTIN: Any opposed? Okay. So, that motion passes, six "ayes," and one excused, Member Sugimura.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Sugimura.**

**MOTION CARRIED.**

**ACTION:   Recommending FIRST READING of revised bill and  
           FILING of communication.**

CHAIR PALTIN: Thank you.

**PSLU-1(5): FOSTERING HOUSING AVAILABILITY THROUGH TRADITIONAL SMALL  
TOWN AND NEIGHBORHOOD DEVELOPMENT PRINCIPLES (Rule 7B)**

CHAIR PALTIN: And so next up, we have PSLU-1(5), Fostering Housing Availability Through Traditional Small Town and Neighborhood Development Principles. So, this presentation is authorized by Rule 7(B) of the Rules of the Council. The Committee intends to receive a presentation by Senen M.A. Antonio of DPZ, an architecture and town planning firm based in Miami, Florida, on fostering housing availability through

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traditional development principles for small towns and neighborhoods rather than suburban sprawl. And the reason that I scheduled this item was on the request of Planning Commission Chair, Lawrence Carnicelli, and he said you really got to hear Senen, what he did, what his presentation is in line with the...one of the keynote speakers of the HCPO, Mr. Jeff Speck, who's an urbanist. And I know not everybody was able to attend that. And so, it's really a great opportunity for us to hear directly from Mr. Senen for us, and broadcast it out through *Akaku* to the rest of the community. So, at this time, I'd like to introduce Mr. Antonio. Senen is an architect, urban designer, and planner with nearly 20 years of international experience in sustainable design and planning, including plans for regions; military base redevelopment; transit-oriented development; disaster recovery; urban reclamation, revitalization, and infill; and new towns in Asia, Africa, Europe and North America. Mr. Antonio has managed projects across all phases in conceptual design through construction. He lectures widely with recent focus on Asia, with government and university-sponsored lectures in China, Laos, Indonesia, and the Philippines, and he contributes articles to professional journals. So, we're very lucky and excited to have him here with us today. And, Mr. Antonio, if you would please proceed with your presentation.

MR. ANTONIO: Mahalo, Chair.

CHAIR PALTIN: Okay.

MR. ANTONIO: . . . *(PowerPoint presentation)*. . . Sorry. Mahalo, Chair. Thank you for the opportunity. Aloha to all in the room. I believe that write-up is a few years old. I'm a lot older than I look. And I bring and offer 30 years of experience working in various contexts. I come to you from Miami where I now reside. So, buenos dias also to the rest of you. And being Filipino, magandang umaga sa inyong lahat. And so, I'm an islander myself, and I do appreciate and hopefully understand a lot of the issues that Maui is facing in terms of growth. And it's an issue of really how to grow as opposed to an on-off switch of whether to grow or not. We really need to look at how to properly manage growing our communities, ensuring livability for our future generations, which is really very deeply rooted in Hawaiian culture. Our practice, DPZ is about a 40-year-old practice, and is really built or was founded on the principles of mitigating if not managing sprawl. And I know sprawl is a very commonly used term in Hawaii, on Maui. And I won't go through the full explanation of what it is. Here, you can just read the phrases on the slide, and you do have copies of my presentation that will be shared with you or has been shared with you. But in the simplest sense, sprawl is really an untenable way of growing that is promoted through segregated land uses and the overly excessive dependence on car use, turning it, you know, turning its back on how we traditionally used to create and live in our communities, principles that are still actually found on Maui. And as I go through my presentation, you will probably react and/or think at least that well, we do that here already, I'm familiar with those ideas, I know those things and principles that Senen is talking about, we have that in Maui. And that is exactly the point that Maui is not far removed from these practices and traditions of community making and place making. So, it should be an easy reach to recover those traditions, as opposed to many other places on the



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mainland that have so far removed themselves from creating culture, and community, and society. So, we wish to offer for your consideration a set of, shall we say criteria. We call them the 7 Cs of traditional neighborhood development. And in a manner, this also is a way of a...let's say an unofficial testimony to the great work that the...your Planning Department has done. These are again, principles that have already been embedded in your culture and if not, the actual planning practice and policies of the Department. And very quickly, you know, traditional neighborhoods are conserving, compact, complete, complex, connected, convivial and cost-effective. We are building here for things and communities to last. And I'll go of course, through them one by one. And the first and probably most principal C or strategy for consideration is traditional communities are conserving, and that means communities that are resource-efficient that are healthy, that are durable, that are flexible. And in the Hawaiian context, in...on the Maui context, it all derives from the ahupuaa. And again, you know arguably know more about the ahupuaa than I do, but as I understand, it's a fundamental geo, you know, geo-cultural tool that can be employed or that has been employed historically in the way settlement has occurred on the islands. And it is a way of looking at settlement from a very intrinsically sustainable point of view, managing the land properly, respecting the land, respecting nature, respecting the sea, and creating a harmony between the built and natural environments. And this diagram here shows how the ahupuaa might be a, you know, a proposal for how it might be interpreted for modern development. Coming up from the ground, traditional communities, again, using this principle of integrating human elements and natural elements, we really should be designing communities that are designed with a physical context. This is a picture of our project, Habersham in South Carolina, and it was a beautiful site populated with many historic trees, and the natural drainage on this site actually worked very well even without development. So, we worked with the natural features on the site, preserving all these trees, designing the roads so they actually went around the trees. So, with that, the natural root patterns were not disturbed. The natural stormwater patterns were not disturbed. And of course, designing so that there's proper access and equitable access to open space and nature. This is in our project, Alys Beach, where 22 acres of about a 120-acre community was preserved for a regional park that connected to a larger system countywide with trails and open space, and habitat. Traditional neighborhood developments are compact in that there are...they are efficient and with a...and equitable in their use of land. And towns that are built with traditional patterns of moderate densities and a mix of land uses have much smaller development footprints. In conventional suburban development, which is what CSD on the slide stands for, you see the image on the left, a conventional or more typical suburban development might have all these different cohorts or market segments of housing laid out in that manner, consuming enormous amounts of land and requiring extensive infrastructure when in fact, the same amount of development can actually be contained in that small footprint that you see on the right, which actually creates more sociability and a greater sense of community because the different market cohorts are actually blended and made to interact with each other. Of course, the infrastructure cost is reduced. And when you actually are able to have a compact footprint, you're able to preserve land for other significant uses whether it's conservation and preservation, or agriculture, or open space. These are slides...the next few slides, I'll go through

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quickly. These are from small town Maui. And just to demonstrate the pattern of growth of sprawl in Central Maui from 1933 to the...to 2030 projection, so you can see Wailuku and Kahului almost like just blending like an amoeba. And of course, by 2030, this is the projected urban growth for Central Maui. And I don't have the slide in this presentation right now, but this particular land area is comparable to a portion of Oahu. So, it's a very daunting future that you face should you decide...should you continue to grow in this manner. And as a proffer for how growth could be managed, we wish to suggest that maybe one very simple planning tool that you could employ is the use of the neighborhood as the building block or the increment for development. And the neighborhood in smart growth or new urbanism terms has a very definite...a very precise definition. It is the area covered essentially by a five-minute walk or a quarter-mile radius conceptually. And five minutes is...has been statistically proven to be the average distance or time a person will walk for his or her basic daily needs before getting into a car. So, when you structure your communities into these discreet increments of neighborhood, which covers about a 120, a 130 acres, and you provide basic daily services within these increments, then you actually engender a sense of community, you engender mixed-use, you engender walkability. And guess what, surprise, or maybe not so much as a surprise, we...the neighborhood structure actually exists in the historic towns of Maui. We've...we saw it in Paia, we saw it in Makawao, and it's observable even in Lahaina. And you can see there those circles are a five-minute walk from center to edge. Traditional neighborhoods are complete in that there is a good balance of jobs, of housing, of retail, of schools, and programmed open space. Contrast that with sprawl, which is essentially a system of monocultures, you know, developments or places where people only live. And these are unfortunately pictures of Maui. So, you do have it here, places where people only work or places where people only shop. And of course, when you segregate these uses from each other, there's an inordinate amount of driving that's required between places. There's a statistic that I just learned of in the last couple of weeks where if you think about it, every car generates four parking spaces. You need a parking space at home, a parking space at your work, a parking space maybe where you shop, and a parking space for the...say the fourth place that you go to whether it's your doctors or the school, or anywhere else that you might recreate. So, that's a large amount of paved surface that we're generating just by having a car. I was also told that there are a million unused, not unutilized, unused parking spaces in America. And that...I did the math, it comprises about 6,000 acres of paved surface. And so, even just the simple strategy of reducing car use, making other modes of transportation whether it's walking, cycling, or mass transit, more tenable as an option to driving, will certainly help the environment especially for a place like Maui. And when you have complete communities like this, this is Rosemary Beach in the Florida Panhandle, the main street offers a plethora, a richness of different uses, all within that quarter-mile stretch from banks, to restaurants, two types of hotels, four types of open space, a school even, and a town hall, and post office, all within walking distance of all those residence you see at the top and bottom of the screen. Traditional neighborhoods are complex in that there's housing for a diversity of age, of income, and even of lifestyle preference. To Planning Department's credit, and Pam's statement earlier in terms of creating communities that offer a wide range of different types of housing, not just the same, you know, three-bedroom house that everyone on Maui is forced to buy or

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compelled to buy because there are no other housing options. This is an image of a traditional neighborhood development, Norton Commons on the right, and a more conventional suburban development on the left. You can see even just from the satellite view how rich...how much richer the pattern of development is in the traditional neighborhood development, how much more diversity is provided in terms of housing use and other uses as well, from small houses to larger houses, townhouses, multifamily, as opposed to the same house dropped like a potato stamp on the left side of the screen. In Kentlands, which is our oldest and first full-time community, you can see here a single block that has at least four residential product types on 1.4 acres. And here it is in plan, you can see the different price ranges and price points that are provided from again, small to medium to large sizes of houses, multifamily attached product, and even granny flats or carriage houses, that are provide...apartments provided over garages. With a density of about 21 dwelling units on just 1.4 acres, that's about a density of 15 dwelling units per acre on just two stories. So, density is not necessarily a numerical argument. A lot of it, you know, when you talk about planning and urban design, you also have to consider form, you have to consider character, and the argument should not stop with just a numerical debate. We found this neighborhood just to the west of Makawao Town Center, and you here have 21 dwelling units on 21 acres, and it's all the same type of house at, you know, all at the same price point. And it's, you know, something really needs to shift in the local planning and development paradigm or framework for us to create really rich and diverse communities here on Maui. Last but not least, traditional neighborhood developments also offer a diversity of employment opportunities. These are representative...these images are representative of four communities in the Florida Panhandle, Seaside, Rosemary Beach, Watercolor, and Alys Beach. And among the four of them, which are smart growth communities, they actually sustain and maintain 14,000 jobs, from the booksellers to real estate agents to the...you know, people who in the hotel, the various restaurants, teachers, and other, you know, other staff. Now, we're getting to some of the most, probably most salient, most interesting considerations among the 7 Cs. Traditional neighborhood developments are connected in that they are walkable, they're bikeable, they're transit-ready, they're permeable, and they're proximate. You know, the uses are proximate to each other. And this land use plan, I'm sure is familiar to most if not all of you. It's anywhere USA, where land uses are segregated from each other, and you...we rely on car use and we rely on this road system of collectors, arterials, and locals to get us from place to place, you know, predisposing us to an inordinate amount of driving. And what has resulted from that is really a preponderance for making things convenient for the car as opposed to the individual, to the person, or to the pedestrian. This is a stretch of Kamehameha Highway in Oahu. And I found it interesting that, you know, this picture has not a single pedestrian to be found in the image. And no offense to the engineers in the room, but traffic engineers continuously add lanes and raise suburban speed limits thinking that it would actually solve the traffic problem. But in fact, this has been debunked by many experts several times over, that this strategy actually only induces more traffic. Compare that to streets and thoroughfares in TNDs, where they're designed for humans first before cars, you know, you see the...in the image on the left with the buildings coming close to the street, street trees and landscaping creating a pleasant streetscape, allowing for other modes of circulation to

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share the thoroughfare, that biker is biking right in the middle of the street. And the image on the left, when the curb radii of our streets are smaller, then you actually compel the cars to slow down so it becomes safer for pedestrians. And when you have the curb radii that are small, the crossing distance is also shorter. So, again, reinforcing and prioritizing the pedestrian over the car. And we ultimately want streets for all. We want streets that are equitable to all modes of circulation, where our, you know, our kids can...our keiki can have free rein and become free-range kids, and be independent and form a mental picture of the community independent of...and outside of the suburban van that their mom might otherwise drive in sprawl. We want streetscapes that are pleasant, that are given to interesting human activity whether it's dining, window shopping, or just people watching, just, you know, or most of the time, we forget that streets are part of our public realm. In the suburbs, they have just been relegated to become sewers for traffic. And in traditional neighborhood developments, we can reclaim them as part of our open space, of...as part of the spaces that the community enjoys, the public enjoys. And again, we have that. You have the DNA here in Maui. It's not a far-stretch, it's not a far-reach for you to recover these traditions. TNDs are convivial in that you offer or they offer public space...public spaces that are safe, that are engaging, that are accessible, and that are comfortable. In sprawl, most of the "open space" are afterthoughts, you know, what we call SLOAPs, S-L-O-A-P, space left over after planning. And like, you know, let's just put, you know, let's just mark...color this area green, that will meet the 10 percent open space requirement when it's not actually usable, or they designate the stormwater retention as open space, or, you know, whatever, whatever is left over. And that's...that doesn't create community. That doesn't create meaningful places. Compare that to this kind of place where the open space is actually symbolic of the community, of the culture, where it's a place where actual...people actually gather. And in this particular case, it's in fact also multi-functional. That green that you see there in the middle doubles...does in fact double as a stormwater retention facility in addition to be...in addition to its purpose as a central green, and a...an amphitheater for weekly performances. And by the way, open space doesn't necessarily have to be green and grassy, they can be paved. And you know this image very well. They can be very...and they don't have to be very large, they can be intimate. This is a pocket park inserted among 12 houses in Alys Beach...in Rosemary Beach. And the homeowners love it. The children play in there, you know, without supervision. And the owners do take care of it and maintain it. Using the same slide, we espouse and really advocate for the use of native species. Again, something that is already commonly...in common practice in Maui, but again, we just want to underscore that and congratulate you for adopting that policy or strategy. In this particular development, in fact, because of the use of native species, the maintenance cost per household is \$80 per year because the species, the landscaping is resilient. And by the way, because they're adapted to local conditions, they actually are able to weather and withstand extreme climatic events. And open space can be functional especially for a place like Maui, where agriculture is still a huge part of your economy and community culture. This is an agrarian community that DPZ designed in Canada where the houses are actually integrated with agrarian activity. It's called Hendrick Farm. And ultimately, it's about creating, you know, a sense of civic spirit. And that is really sorely lacking in a lot of places, not just in the US but increasingly around the world. The image on the left is a school in

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Central Florida, and it actually looks like a prison or a...as my founding partner, Andres Duany, puts it, a pesticide factory. And I also came across a recent study that links school design, you know, this type of school design, sprawl-type of schools, with aggression in the student population. I'm not going to go too much into that. It's a sensitive topic, but there is that study. The image on the right is a church in the Philippines. And it's very telling that, of the environment that it's in where a church or some other public facility that's supposed to be a public amenity, that's supposed to be welcoming to the community, is retreating behind barbed wire and chicken wire. Again, you know this image very well. When you create civic design, when you encourage proper civic design, you create civility. Civic and civility come from the same Latin word, Latin root, civitas, which means community. And we sorely need that especially in recent, you know, in recent times where the newsfeed just seems to continually fracture us every day. We need to come together, and we need places that will allow us to come together. Last but not least, the last C is TNDs are cost-effective. And this is hopefully of particular interest to the Council. Communities that create and maintain value, and this is a very interesting slide that shows essentially in a snapshot that municipal costs per household in a TND is less than half of that for a household in sprawl. Smart growth development in fact, TNDs generate ten times more tax revenue per acre than conventional suburban development. And beyond the dollar signs, beyond the economics and financials, there are other metrics as well by which livability and lovability of communities are measured. I won't go through the items on this slide, but you can certainly Google, for example, the great work by Bogota ex-mayor Peñalosa, and the measure of human happiness in smart growth communities. So, in closing, we again, we just wish to offer for your consideration this, the set of lenses as they were for how you might measure the adequacy of a plan or a community as it comes up for your review and consideration. Is it conserving? Is it compact? Is it complete? Is it complex? Is it connected? Is it convivial? Is it cost-effective? About 14 years ago, I wrote this essay based on a beautiful Hawaiian saying that I came across, mohala i ka wai ka maka o ka pua, flowers thrive where there is water. And essentially, it means people thrive where the living conditions are good. And these are my two flowers here on Maui. They live in Kihei. And I do this for them. And I hope you will also consider your own flowers as you move forward with how to properly grow Maui. Mahalo.

CHAIR PALTIN: Thank you so much, Mr. Antonio, for the presentation. If I may, I don't know if this is the question on everybody's mind, but are you familiar with the 201H process? I mean I'm a big proponent of smart growth, but with the 201H process, it sometimes can throw all of that out of the window on a fast-track timeframe. And I was wondering if maybe you could speak a little bit to that?

MR. ANTONIO: Thank you for the question, Chair. I'm...I've only learned about it on this trip if I'm being honest, but I've been told that it has actually promoted perhaps the wrong kind of...not the kind of development that you want. To coin a phrase, cul-de-sac developments. So, what I would proffer is again, maybe a...an alternative that might incentivize this kind of development. In other places on the mainland and in other parts of the world, we've worked with the municipalities in creating what in the simplest sense, we call a TND ordinance that can run parallel to your existing

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codes, but it does incentivize, and, you know, in a way fast track this kind of more desirable development. So, we can certainly provide more information on that if that was something you wish to learn more about.

CHAIR PALTIN: Oh, I'd love to. And then one other question I had, sorry, if I'm going first, but, you know, when you talk about the smaller radii for turning --

MR. ANTONIO: Yes.

CHAIR PALTIN: --so fire seems to be a...it is a big concern here especially with the climate change, and do the fire engines in these other locations go through those smaller radii?

MR. ANTONIO: Absolutely. Actually, there are a lot of smaller, more compact fire trucks now that a lot of fire departments employ. And just as an anecdote, when...in our...in the very early years of our practice even before my time, in the project of Kentlands, which you saw earlier, the fire marshal was very skeptical about being able to navigate the narrow streets that we were proposing, or relatively narrow streets that we were proposing. So, we did a test. We actually set up traffic cones in a parking lot, and he took his trucks, you know, his...back in the day, very large trucks, and he was able to actually meet his performance criteria even with the narrow streets. And he was so unexpectedly or maybe expectedly, or maybe happily convinced that he said, if you encounter any other fire marshals who contest or are unsure about the efficiency and effectivity of your thoroughfare designs, send them to me. And he still is a good resource for many of our other municipal clients.

CHAIR PALTIN: Thank you. Members, did you folks have...sorry, I monopolized a couple. Member Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. And thank you, Senen, for this presentation. I'm very appreciative of it. That last slide where you said it was cost-effective, and I know a lot of the developers when they ask about, you know, their projects, sometimes going up second, third story is where the cost, you know, start to increase. So, sometimes I've seen here that suburban sprawl is probably more the economic option for developers here on the island. But in that same sentence, you know, we live on an island with very limited resources and space, and you mentioned the ahupuaa system from mauka to makai. So, you know, and I've heard other people said when designing, you know, if it's a...if you're going to do a mistake, you know, it's a mistake that we have to live with, and, you know, a lot of the agricultural lands that are being developed, you know, we lose that Agriculture zoning after it being developed. So, I know that the State Agriculture Department [sic], they always look down at trying to develop agricultural lands. So, again, I like the idea about mixed-use and having businesses, social activities, where people can live within the walking distances, and definitely a proponent of keeping our open spaces for...in conservation and for public use. So, thank you.

MR. ANTONIO: Thank you as well for your comment, Councilman.

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CHAIR PALTIN: Members, any further question or discussion? Member Lee?

COUNCILMEMBER LEE: Hi. Thank you for your presentation. Where have you done most of your work? In Florida?

MR. ANTONIO: No, actually, internationally. In fact, just this morning, I received an update from a client in the Philippines, who's developing a traditional community on the coast, and they're building their...they just recently completed their first phase of about 50 houses, and they're now just breaking ground on their town center.

COUNCILMEMBER LEE: Okay. Let's not take other countries. How about somewhere in the USA?

MR. ANTONIO: Oh --

COUNCILMEMBER LEE: Okay.

MR. ANTONIO: --almost every state, ma'am.

COUNCILMEMBER LEE: Okay. Let's say --

MR. ANTONIO: Yes.

COUNCILMEMBER LEE: --Florida then.

MR. ANTONIO: Yeah.

COUNCILMEMBER LEE: Okay. How long does it take to, from start to finish, to develop a housing project of let's say a 100 homes? How long does it take?

MR. ANTONIO: Well, in terms of master planning --

COUNCILMEMBER LEE: Okay. From beginning --

MR. ANTONIO: --our --

COUNCILMEMBER LEE: --from --

MR. ANTONIO: --yes --

COUNCILMEMBER LEE: --planning --

MR. ANTONIO: --our engagement...

COUNCILMEMBER LEE: --to getting your entitlements to actually constructing the project?

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MR. ANTONIO: Well, let me break that down, if I may. The master plan, our engagement typically can be completed, you know, to arrive at a final set of master planning documents, it can be completed within six to eight months. For construct, permitting and construction, that is typically outside of our control. It really depends on the local municipality as you might appreciate. Different states, different cities have different processes for approving and permitting plans.

COUNCILMEMBER LEE: So, on average, how long the...would it take most places to approve a change in zoning for this project?

MR. ANTONIO: I really cannot offer you a fixed answer. Again, I'm not evading the question, but it's just that many...different places have different timelines and parameters. Our project in Scotland, for example, we have two that...three that are under construction right now. One is in the Highlands, which took about seven to eight years to permit. The one in Aberdeen took a year.

COUNCILMEMBER LEE: Yeah, 'cause we're more like the seven to eight-year variety. So, when you're developing under those circumstances, with such uncertainty --

MR. ANTONIO: Yeah.

COUNCILMEMBER LEE: --it's very hard to start off with a smart plan, smart growth plan, and then not knowing what's going to happen. So, this is kind of like it's a crapshoot over here.

MR. ANTONIO: I --

COUNCILMEMBER LEE: And --

MR. ANTONIO: --do appreciate that.

COUNCILMEMBER LEE: --so, sometimes it's difficult to control the quality of development --

MR. ANTONIO: Yeah.

COUNCILMEMBER LEE: --when the developer is so unsure --

MR. ANTONIO: Yeah.

COUNCILMEMBER LEE: --of circumstances.

MR. ANTONIO: No, that's a very fair point. And...well, that is the nature of planning. Planning by its definition means looking far into the future and being able to anticipate what might change in the long term and secure the predictability. And from a market perspective, that's what we find to be quite unusual about development in Hawaii, when there's such an acute shortage of say housing, that anything that gets built is bought. What is the incentive, what is the motivation for the developer, for the



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builder to do better? And so...and I didn't get to...into it in the presentation just because of the time constraints, but I can certainly share more information with you separately. We promote and advocate what we call form-based planning and design. And it's a type of zoning and land use, and planning framework that really guarantees to a greater degree, a sense of predictability in terms of the form and character of development. It's based on not just uses, which is what our existing...most of our existing land use codes promote, just a blank statement on what is permitted or not permitted, but it also begins to shape and prescribe what do the buildings actually look like. Do they come up one foot from the sidewalk, or are they set back five feet from the sidewalk? Are our streets lined with trees every five feet or every ten feet? Are we allowing uses above shops? And what form and what shape do those buildings take? So, I'm happy to provide additional information that can help you appreciate how greater predictability is achievable through a form-based approach to design and development.

COUNCILMEMBER LEE: Thank you.

MR. ANTONIO: Thank you for your comments.

CHAIR PALTIN: Yeah, and I just wanted to add, we did tackle...this Council tackled our first form-based code with Waikapu Country --

MR. ANTONIO: Yes.

CHAIR PALTIN: --Town. So, we're slightly familiar with that. Members...Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your presentation. I thought it was great. I support, you know, the kind of housing development that you presented. So, on one of your slides, it was with the cars.

MR. ANTONIO: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the comment was I, yeah, I can't wait until they widen the lane. And then they widen the lane --

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and it's the same amount of traffic.

MR. ANTONIO: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, have you worked in an area like Hawaii where no matter how many houses you build, you never satisfy the amount of people that are coming here? And I feel like there's...we're never going to satisfy all the people because --

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MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --we consistently have people who move here.

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, we're never really addressing the need and, you know, the County cannot discriminate between, you know, those that are here now and those that want to move here in the future. So, the houses that we build, you know, aren't necessarily going toward the people who need it now. So...and as, you know, my colleagues pointed out, there isn't an endless amount of resources and there isn't an endless amount of land. So, have you worked in an area like that?

MR. ANTONIO: Yes, many places actually, surprisingly perhaps, not just in the mainland but again, in many other countries, you know. The Philippines also has limited land resources, also has I think extremely difficult traffic situation as you may be familiar. But to the two points that you raised, so induced traffic is a phenomenon that is real, and it's when you localize the solution and just deal with one specific stretch of your infrastructure. The secret to...well, actually, let me take a couple steps back. Many experts will say there's no solution to traffic. You can only manage it, and traffic will always increase as development increases. So, what are the ways for properly managing it is to create a more permeable system.

COUNCILMEMBER RAWLINS-FERNANDEZ: I wasn't specifically talking about --

MR. ANTONIO: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --traffic.

MR. ANTONIO: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was like...I just used that as --

MR. ANTONIO: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --an analogy --

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --where the more you build, it's not going to make traffic necessarily flow. So, the more houses we build, isn't...you said that we have an acute --

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --housing --

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MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --problem here.

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I really don't foresee that problem ever being solved no matter how many houses we build.

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: We could build houses over all the land that we can build houses on, and that's what Oahu has pretty much done --

MR. ANTONIO: Yeah

COUNCILMEMBER RAWLINS-FERNANDEZ: --you know, on...in Honolulu.

MR. ANTONIO: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Anywhere that they can build, like there's houses that are hanging off the cliff. And so, it doesn't seem to me that they've solved their housing --

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --problem by continuing to build more and more and more and more and --

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --more houses.

MR. ANTONIO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, it's not like just traffic, it's like...I don't know what...so, induced traffic, induced housing --

MR. ANTONIO: Housing demand --

COUNCILMEMBER RAWLINS-FERNANDEZ: --I don't know.

MR. ANTONIO: --yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

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MR. ANTONIO: Yeah. No, absolutely, that's an absolutely fair statement. And again, with...when...if at the very least, for example, you adopt the increment of the neighborhood as the building block for your communities, then by that nature, you're actually compelled to provide a wider diversity of housing within a small footprint. There are limits to growth in any place, you know. There's only so much land, and there should be a balance between what is built up and what is left for nature and for the future. But when...

COUNCILMEMBER RAWLINS-FERNANDEZ: And water.

MR. ANTONIO: With...and water. And when you have a diversity in housing, and when you create communities that offer a wide range of different product types in the most simple sense, you're actually able to address the ebb and flow of life cycles that you don't have to continually build as, you know...just imagine, for example, a young graduate might move into a small carriage house, living above a person's garage because that's what he can afford at that stage in life. The rental from the carriage house might help amortize the family's main house. As that person meets a partner and they establish their own household, then they might actually say move into a similar larger house, the family that was occupying that house when they become empty nesters. The parents might move into a smaller format housing themselves. So, it's in the diversity that helps at least mitigate the impact of development. When there's a wider range of product types, you can actually by the least, properly manage and avoid just the proliferation of tract housing that consumes, you know, vast amounts of land.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, what I'm hearing is that basically, in your experience, in areas that you've helped with housing projects is that only the confines of the place, the amount of land, the amount of water restrictions will stop the housing development? It's like --

MR. ANTONIO: I...

COUNCILMEMBER RAWLINS-FERNANDEZ: --housing will continue to be built until no more housing can be built.

MR. ANTONIO: I think it's obviously a much more complex conversation than that. Obviously, a policy and, you know, municipal policy falls, you know, comes into play as well. In most places of course, the market is in a way an undeniable force. The market will dictate what...how much gets to be built. But again, when there are...when there is a framework in place to at least manage the growth, then you can at least steer it in the right direction, and not fall into the default setting of suburbia.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, you said market is one of the factors --

MR. ANTONIO: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: --that help to contain growth, but it also...

MR. ANTONIO: Well, not contain but it just drives. It's...

COUNCILMEMBER RAWLINS-FERNANDEZ: Drives growth?

MR. ANTONIO: Yeah. Well, it's in a way...you know, the market --

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry --

MR. ANTONIO: --demand...

COUNCILMEMBER RAWLINS-FERNANDEZ: --Chair.

MR. ANTONIO: Yeah, the market --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. ANTONIO: --no, the market demand will --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. ANTONIO: --fuel growth.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, in the areas that you've worked though, how were...if the market like was a factor like it is here, how does it not push people out who can't afford to live here?

MR. ANTONIO: Well, attainable housing has always been at the forefront of our practice. And in fact, I was talking to a few folks from, you know, from the community, from Planning Department, about some affordable housing products that our founding partner, Andres, in fact is working on right now. He has three prototypes under construction that are going to be displayed at the IBS in January. But I digress. The solution, you know, our communities have often been criticized for...in...because they're more desirable, you know, following laws of supply and demand. They actually tend to be much more, you know, not much more, but more expensive than say conventional suburban products because people enjoy and like living in our walkable communities. So, the solution really is to build more of them. And for municipal agencies, municipal leaders, and decision-makers to allow more of these walkable, traditional patterns of development to occur so that supply actually goes up, and the prices come down. That is maybe an oversimplification, but the more we build of this type, I do firmly believe that the more affordable they will become.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR PALTIN: Thank you. So, we're at 12 o'clock. I'm not sure if Chair King had a question. But maybe I was wondering if maybe you have cards?

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MR. ANTONIO: Of course.

CHAIR PALTIN: And --

MR. ANTONIO: Of course.

CHAIR PALTIN: --we can...I don't know if...I'm not on the Affordable Housing Committee, but if...did you have a few questions?

COUNCILMEMBER KING: No, I just...I had one suggestion for Mr. Antonio because --

MR. ANTONIO: Yes.

COUNCILMEMBER KING: --related to what Vice-Chair Rawlins-Fernandez was just talking about. I just came from a vacation in the Galapagos. And one of the things that they did in 2015 that you might want to track is they passed a law that if you weren't born there or already living there, you cannot own...you cannot buy a --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --property and you cannot move there for longer than five years. So, we're coming up on the first year that a bunch of people are going to have to move off the islands. And I thought maybe it might be interesting for you to track that and see how successful --

MR. ANTONIO: Yeah --

COUNCILMEMBER KING: --it is --

MR. ANTONIO: --I will certainly look into that. Well, this --

COUNCILMEMBER KING: --because...

MR. ANTONIO: --came up yesterday in our conversation with Planning Department that, you know, the...trying to mitigate just second-hand...you know, second homes...second home ownership on Maui, how do you curtail that? I don't know of what the...if I'm being honest, I don't know if there are any mechanisms that can be implemented on a municipal scale --

COUNCILMEMBER KING: I don't know--

MR. ANTONIO: --but...

COUNCILMEMBER KING: --I don't know if you can actually do that --

MR. ANTONIO: Right.

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COUNCILMEMBER KING: --in the United States --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --where the people...

MR. ANTONIO: Well...

COUNCILMEMBER KING: But I --

MR. ANTONIO: On a --

COUNCILMEMBER KING: --just thought it might be interesting...

MR. ANTONIO: --homeowners association basis, you can. In some of our...

COUNCILMEMBER KING: Well, I just think it might be interesting to see --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --if...how successful that is because...and I was visiting a school there. And one of the issues is that the principal is going to have to leave next year --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --and there's a shortage --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --of teachers. So, how do you get people to come in --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --if they can only stay there for five years.

MR. ANTONIO: It's...

COUNCILMEMBER KING: Anyway, it's just...it's part of that whole equation of...

MR. ANTONIO: Well, in some of our communities that have been very careful about again, just second home or third home buyers coming in and taking over the supply.

COUNCILMEMBER KING: Yeah.

MR. ANTONIO: The homeowners association documents actually prescribe that buyers need to reside on the property, say at least, you know, a half-a-year plus one day for

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example. Those are just some of the mechanisms. Or that they cannot sell...they have to live on the property and cannot sell, only...they can only resell after say two or three years. So, there's certain mechanisms that can occur on private sector side of things, if not the public sector side.

COUNCILMEMBER KING: Chair, it sounds like this could be a whole conference discussion. And, you know, I think that there's a lot of, you know, value to exploring what's happening in other communities --

MR. ANTONIO: Yeah.

COUNCILMEMBER KING: --and what could be done here. Thank you.

CHAIR PALTIN: Yeah, I'll look into a conference discussion on this. If there is no objections, I'll defer this item.

COUNCILMEMBERS: No objections.

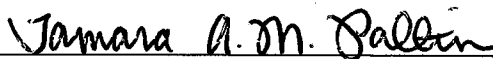
**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: AL and YLS)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR PALTIN: And this concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members, for working with me to complete our entire agenda, all three items. I think that's a record for this Committee. And the time is now 12:04, and this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 12:04 p.m.

APPROVED:



TAMARA PALTIN, Chair

Planning and Sustainable Land Use  
Committee

pslu:min:191120: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 9<sup>th</sup> day of December, 2019, in Kihei, Hawaii



A handwritten signature in black ink, appearing to read 'Ann Carmel Q. Pugh', is written over a horizontal line.

Ann Carmel Q. Pugh