

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC WORKS AND  
FACILITIES COMMITTEE**

November 2, 2007

**Committee  
Report No.**

07-130

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Facilities Committee, having met on October 3, 2007, makes reference to the following:

1. County Communication No. 05-194, from the Director of Public Works and Environmental Management, transmitting a proposed bill to require five-foot wide sidewalks on both sides of the street in all areas zoned residential or duplex, or in the County's interim zone; and
2. Committee Report No. 05-131, from the Public Works Committee (2005-2007 term), recommending that a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.070, MAUI COUNTY CODE, RELATING TO SIDEWALKS" be passed on first reading and be ordered to print.

The purpose of the proposed bill is to require five-foot wide sidewalks on both sides of the street in all areas zoned residential or duplex, or in the County's interim zone.

Your Committee notes that County Communication No. 05-194 was referred to the Public Works Committee (2005-2007 term) at the Council meeting of May 16, 2005.

Your Committee further notes that, at its meeting of September 2, 2005, the Council recommitted Committee Report No. 05-131 to the Public Works Committee.

By correspondence dated September 11, 2006, the Director of Public Works and Environmental Management transmitted recommendations from the Subdivision Engineering Standards Committee (SESC).

By correspondence dated September 28, 2006, David Goode, President, KSD Hawaii, submitted testimony in opposition to the proposed bill, stating that such a bill would increase the cost of housing.

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At its meeting of October 2, 2006, the Public Works Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

There was no public testimony.

The Committee noted that Committee Report No. 05-131 was recommitted at the Council meeting of September 2, 2005 pending a required review by the SESC.

The Director provided an overview on the history of this matter. He stated that after the Public Works Committee recommended passage of the proposed bill on first reading, it was determined that the SESC was required to review the bill pursuant to Title 18, Maui County Code. The matter was subsequently recommitted to the Committee, pending recommendations from the SESC.

The Director stated that the proposed bill would require a five-foot wide sidewalk on both sides of the street in areas that are zoned residential, duplex, or interim. He stated that such a requirement would increase uniformity, comply with the recommendations of the Disabilities and Communication Access Board (DCAB), and encourage pedestrian activity.

The Committee discussed current sidewalk requirements and the impact such an amendment would have on existing neighborhoods. The Committee also assessed DCAB's recommendations, and noted that affordable housing applications frequently request that sidewalks be waived.

The Committee further noted that older communities like those on Lanai would have difficulty complying with the proposed amendment, given current roadway widths. The Committee also noted the unique situation of the Hawaiian Homes Commission Act as it relates to sidewalk construction.

The Director stated that the proposed bill is intended to apply to new developments, and not to existing nonconforming streets. He acknowledged that the ongoing discussions regarding the General Plan update will provide guidance on such related issues as recommended street widths.

The Committee deferred the matter pending further discussion.

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At its meeting of November 27, 2006, the Public Works Committee recommended that County Communication No. 05-194 and Public Works Committee Report No. 05-131 be referred to the Council Chair for the term beginning January 2, 2007, for a recommendation as to referral or other disposition.

At its meeting of January 5, 2007, the Council referred County Communication No. 05-194 and Public Works Committee Report No. 05-131 to your Public Works and Facilities Committee (County Communication No. 07-6).

By correspondence dated August 30, 2007, the Director of Public Works clarified that the proposed bill would only apply to new developments within the specified zoning districts. The correspondence further clarified that currently, after-the-fact sidewalk installations are handled through the capital improvement program, and that the intent of the proposed bill is to have sidewalks installed at the time of the initial development to avoid having to later use general tax revenues.

By correspondence dated September 28, 2007, Sandy Baz, Executive Director, Maui Economic Opportunity, Inc., transmitted testimony in support of the proposed bill due to the positive impact it would have on their disabled clients. He suggested that your Committee consider concurrently reducing the street width so that right-of-way widths for sidewalks need not be adjusted.

At its meeting of October 3, 2007, your Committee met with the Director of Public Works and two Deputy Corporation Counsel.

There was no public testimony.

A Co-Chair of your Committee provided copies of correspondence dated October 3, 2007, transmitting revised language for the proposed bill that (1) incorporates the SESC recommendations; (2) updates the name of the Department of Public Works; and (3) reflects the current year within the proposed bill.

The Director provided an overview of this item, and stated that the proposed amendments would lead to greater access to and uniformity of sidewalks on both sides of specified County roadways.

Your Committee discussed the nature of DCAB's recommendations and noted that DCAB's guidelines are not requirements. Your Committee expressed a desire to reduce ambiguity should these recommendations be used as the basis for the proposed amendment.

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The Director stated that the intent of this legislation is to require new developments to provide uniform sidewalks conforming to the DCAB recommendations. He further stated that in existing neighborhoods, such sidewalk projects would most often be considered as capital improvement projects financed by the general fund.

Your Committee noted that affordable housing projects typically request exemptions to the sidewalk requirements, and that oftentimes, these same communities later request capital improvement program funds for the installation of sidewalks at the County's expense. Your Committee further noted that there are related lifestyle issues regarding community design that merit further discussion.

Your Committee requested that the Department study and provide a written response on whether the State is required to install sidewalks in residential and urban areas during roadway projects.

Your Committee recommended that the proposed bill be revised to incorporate the revisions described in the Co-Chair's correspondence dated October 3, 2007.

Your Committee voted to recommend passage of the revised proposed bill on first reading, and filing of the committee report and the communication.

Your Committee is in receipt of a revised proposed bill incorporating the revisions recommended by your Committee.

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Bill No. \_\_\_\_\_ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.070, MAUI COUNTY CODE, RELATING TO SIDEWALKS", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Committee Report No. 05-131 be FILED; and
3. That County Communication No. 05-194 be FILED.

Adoption of this report is respectfully requested.

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**BILL KAUAKEA MEDEIROS** Co-Chair

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**DANNY A. MATEO** Member

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**MICHAEL P. VICTORINO** Co-Chair

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**JOSEPH PONTANILLA** Member

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**G. RIKI HOKAMA** Member