

Name: Albert Perez

Agenda Item: B. Review and Recommendation: Community Plan Designations

Date Received: 5/2/2023 at 5:24pm via email

TO: South Maui Community Plan Advisory Committee

FROM: Maui Tomorrow Foundation
Albert Perez, Executive Director

DATE: May 2, 2023

RE: CPAC Testimony for 5/3/2023

Aloha Kākou,

Community Plan Designation Descriptions

One of the more important things the CPAC can do is to be sure that the designation descriptions are unambiguous, and will result in what the CPAC intends for a particular area.

If the community plan designation descriptions are so vague that almost anything goes, the community plan will be unenforceable, and the community's vision will be lost.

We need to think like the planners who will be receiving project proposals, interpreting these community plan designation descriptions, and telling developers what is allowed. Will it be crystal clear, or will each planner's interpretation be different? Will planners' interpretations be subject to political pressure, dependent on how connected the developers are?

Here is a comparison of one of the existing land use designation descriptions from the existing Kihei-Makena Community Plan, with one of the corresponding new descriptions contained in the draft South Maui Plan:

Rural (R)

This use is to protect and preserve areas consisting of small farms intermixed with low density single-family residential lots.. It is intended that, at minimum, the requirements of Chapter 205 HRS, as amended, shall govern this area.

Short and sweet. Easy for planners, developers and the public to interpret. Contrast that with the one that is proposed in the draft:

Rural Residential (RR)

*The Rural Residential community plan designation is intended to preserve rural character. Rural Residential areas are **generally** developed with large-lot subdivisions, family farms, and estates. This designation serves as a transition between agricultural areas and more urban development. Rural Residential areas are **generally** developed with large lot subdivisions and family farms. This designation **may** serve as a buffer area between agricultural areas and more urban development. Clustered development is **encouraged** to preserve sensitive natural features, common open space, or working agricultural lands. The primary use in this designation is low-density residential and **may** include support uses **such as** parks, schools, and farming.*

Also note the weak and/or ambiguous words that are highlighted.

This vague, wordy description is far less useful, and far more likely to be interpreted differently than what you intend today - depending on who is doing the interpreting. Most of you have heard of the Mega Mall (Pi'ilani Promenade) which would have been a huge traffic generator in Kihei - the largest retail shopping center on Maui. It would have been built by now if citizen's groups had not intervened. Here is the designation description for that area under the existing community plan:

Light Industrial (LI)

This is for warehousing, light assembly, service and craft-type industrial operations.

Contrast that with the corresponding designation description in the draft South Maui plan:

Employment Center (EC)

*The Employment Center community plan designation is intended to **encourage** a range of employment uses like light manufacturing, processing, other light industrial uses, business incubators, and compatible uses in appropriate areas. These areas **may** also include amenities that serve the employees that work there including retail, restaurants, and live-work spaces. Development in these areas **should** include **ample** multimodal options, such as pedestrian, bicycle, and transit facilities, and **may** include **some** parks or civic spaces. **Development must follow the scale and character of the surrounding area** until design standards are established by the Council.*

Again, the weak and/or ambiguous words have been highlighted. Note that it would be much easier for a developer to make a case for retail in the Employment Center designation because the word "retail" is mentioned. Who is to determine whether the retail establishments will attract only the customers that work within that Employment Center? How would that be enforced? What is to prevent the initial businesses from being replaced by others that would attract customers from all over Maui? The goal of any retailer is to attract as many customers as possible; this will directly conflict with the language that says the area **may** include amenities such as retail and restaurants that serve the employees that work there.

Smaller Polygons Can Help Control the "Mix of Uses"

We would like to point out that as you move forward with the process of assigning your chosen designations to actual areas of land, you do have the option of making the polygons much smaller - as they are in the existing Kihei-Mākena Community Plan. In this way, you will have better control of the "mix of uses" that is referred to in many of the draft designation descriptions. Otherwise, for example you may end up with hundreds of acres designated Small Town Center that have a "mix" that is 99 percent commercial, or one of the many other uses that are allowed by the designation description. In particular, an area designated Small Town Center should be small. It should also be in the center of the small town that it services, and be surrounded by other designated uses such as single family, multi-family, or park.

Definitions Are Lacking

There needs to be a “Definitions” section to the community plan, so broad terms like “commercial” can be fully understood, and not left to someone in the future to interpret.

Divide Residential

The ‘Residential’ designation, lumps single family with types of multi-family and small scale commercial. We would suggest dividing this designation into two parts, the first being single family (including ohana units), and the second being moderate density residential development (which could include dwelling spaces above small stores, and could include lower density residential). This way you could use these designations to decide where multi-family units could be developed, instead of just letting people in existing single-family neighborhoods wonder if an apartment unit will go up next to them.

Maui Tomorrow is very thankful for and deeply appreciative of all the time and effort you are spending on expressing a vision for the future for South Maui. Mahalo nui loa!