

# **AFFORDABLE HOUSING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**September 23, 2020**

**Online Only**

**CONVENE:** 1:42 p.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Tasha Kama, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura (in at 1:54 p.m.)

**EXCUSED:** VOTING MEMBERS:  
Councilmember Riki Hokama  
Councilmember Kelly T. King

**STAFF:** Alison Stewart, Legislative Analyst  
Ana Lillis, Legislative Analyst  
James Forrest, Legislative Attorney  
Stacey Vinoray, Committee Secretary  
Lenore "Lei" Dinneen, Council Services Assistant Clerk

Evan Dust, Executive Assistant, Councilmember Tasha Kama  
Kate Griffiths, Executive Assistant, Councilmember Kelly Takaya  
King  
Trinette Furtado, Executive Assistant, Councilmember Keani  
N.W. Rawlins-Fernandez

**ADMIN.:** Mimi DesJardins, Deputy Corporation Counsel, Department of  
the Corporation Counsel  
Linda R. Munsell, Deputy Director, Department of Housing and Human  
Concerns  
Clyde "Buddy" Almeida, Housing Administrator, Department of Housing  
and Human Concerns  
Jessica Crouse, Assistant Housing Administrator, Department of  
Housing and Human Concerns  
Michele McLean, Planning Director, Department of Planning  
Jordan Molina, Deputy Director, Department of Public Works  
Shayne Agawa, Deputy Director, Department of Environmental  
Management  
Paul Haake, Fire Captain, Department of Fire and Public Safety  
Don Couch, Administrative Assistant, Department of the Mayor

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Representatives of Lihau‘ula LLC  
Kyle Ginoza, Project Manager  
Peter Martin, Developer

**OTHERS:** Denise Tjarks  
Hans Michel  
Joshua Dean  
David Minami  
Ikaika Uwekoolani  
Zach Hess  
Ravin Ah Puck  
Nathan Duarosan  
Kalani Opunui  
Tea Faleta  
Malahini Keahi  
Stan Franco  
Donna Brown  
Keaka Mitchell  
Anne Rillero  
Tom Blackburn-Rodriguez  
Dane Maxwell  
Jeremy Delos Reyes  
Tiare Lawrence  
Peter Martin  
Cassandra Abdul, Executive Director, Na Hale O Maui  
Kekai Keahi  
Linda Magalianes  
Leonard Nakoa  
Albert Perez  
Kai Nishiki  
Mark Deakos  
Tammy Harp

(14) additional attendees

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

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CHAIR KAMA: . . .(*gavel*). . . The Affordable Housing Committee meeting of September 23rd, 2020 will now come to order at 1:30 p.m. So I'd like to ask that when you're not speaking to please mute your microphone. I am Tasha Kama, I am the Chair of the Affordable Housing Committee, and I'd like to welcome all of my Committee Members who are here today. As far as I could see, I'd like to welcome Committee Vice-Chair Mike Molina.

VICE-CHAIR MOLINA: Good afternoon, Madam Chair, from under the virtual bridge in Makawao.

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CHAIR KAMA: Aloha. Also, Member Riki Hokama will be excused today, Member King I think is coming late, as is Member Lee, and I'd like to welcome Member Tamara Paltin that I seem to forget many times. But I see you today, Tamara, so welcome to our Committee meeting.

COUNCILMEMBER PALTIN: Aloha `auinalā, Chair.

CHAIR KAMA: Also, I'd like to aloha our Council Vice-Chair Keani Rawlins-Fernandez, who gave us our quorum for today. Aloha, Keani.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha `auinalā, Chair, mai Moloka`i nui a Hina. Oh, I don't have another language. Chair Lee isn't here yet. Wait, I have it.

CHAIR KAMA: Think of one, think of one.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(inaudible)* . . . dia dhuit from Ireland. Oh, sorry.

CHAIR KAMA: Dia dhuit, dia dhuit. Okay. Thank you. And we all have...we have all the way from Hana, Maui, Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha `auinalā, Chair, and as-salaam-alaikum.

CHAIR KAMA: As-salaam-alaikum. Wow, thank you. Oh, and I see that our Chair has arrived, Alice Lee. Aloha, Alice.

UNIDENTIFIED SPEAKER: You're muted.

CHAIR KAMA: Alice, you are muted.

COUNCILMEMBER LEE: Sticking with the same country, Ireland --

CHAIR KAMA: Oh.

COUNCILMEMBER LEE: Tra no na ma, tra no na ma.

CHAIR KAMA: Tra no na ma.

COUNCILMEMBER LEE: That means good afternoon. Tra no na ma.

CHAIR KAMA: Oh, good afternoon. Okay. Well, welcome everyone ,and thank you for being here this afternoon. We also have, from the Administration, we have Ms. Linda Munsell, who is the...from the Department of Housing and Human Concerns, the Deputy Director. Aloha, Linda.

MS. MUNSELL: Aloha, Chair. Good afternoon, Committee Members.

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CHAIR KAMA: We also have Mr. Buddy Almeida, the Housing Administrator. Good afternoon, Buddy.

MR. ALMEIDA: Good afternoon, Chair. Good afternoon, Committee Members.

CHAIR KAMA: We also have the Assistant Housing Administrator, Jessica Crouse. Aloha, Jessica.

MS. CROUSE: Aloha, Chair. Good afternoon, Members.

CHAIR KAMA: We also have from the Department, representatives from Planning, Public Works, Environmental Management, Parks and Recreation, Transportation, and Water Supply all on call. And we also have representatives from the Fire Chief and the Chief of Police as well on call. We also have with us Corporate [sic] Counsel with...from Corp. Counsel, Mimi DesJardins. Aloha, Mimi.

MS. DESJARDINS: Aloha and good afternoon, everyone. Aloha.

CHAIR KAMA: We also have, from the Affordable Housing Committee Staff, aloha, Alison Stewart, our Legislative Analyst.

MS. STEWART: Aloha, Chair. Aloha, Members.

CHAIR KAMA: We also have Ana Lillis, our Legislative Analyst, aloha.

MS. LILLIS: Aloha, Chair. Aloha, Councilmembers.

CHAIR KAMA: We also have Stacey Vinoray, our Committee Secretary. Aloha, Stacey.

MS. VINORAY: Aloha, Chair. Aloha, Councilmembers.

CHAIR KAMA: And we also have Mr. James Forrest, our Legislative Attorney. Aloha, James. So other resources that are with us this afternoon are, for the applicant, Lihau'ula LLC, Kyle Ginoza. Aloha, Kyle.

MR. GINOZA: Aloha, Chair. Aloha, Members.

CHAIR KAMA: So welcome, everyone, and thank you all for attending this regularly scheduled meeting of the Affordable Housing Committee. We have a single item on the agenda today, it's the Affordable Housing Projects (Chapter 201H, Hawai'i Revised Statutes) Independent Development of Lihau'ula Workforce Housing Project in (Olowalu), or AH-1(7)). We have received from the Department of Housing and Human Concerns a Miscellaneous Communication dated September 9th, 2020 transmitting the following items: an application for the development of the proposed Lihau'ula Workforce Housing Project in Olowalu, Maui, Hawai'i, under Section 201H-38, Hawai'i Revised Statutes. The proposed project consists of 40 single-family homes offered for

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sale to qualified households earning between 80 and 140 percent of the area median income, as set forth by the Department of Housing and Human Concerns' Affordable Sales Price Guidelines. The proposed project also includes nine market-rate single-family residential lots, and ten market-rate one-acre agricultural lots. The proposed project site is located southeast of Olowalu General Store, mauka of the Honoapiilani Highway, on a 27.99-acre parcel identified for real property tax purposes as tax map key (2) 4-8-003:103. The parcel has a State Land Use classification of Agricultural District, and a district amount, boundary amendment will be required for the approximately 14.70-acre portion of the property containing the 49...the 40 [sic] residential lots. The parcel owner and project developer is Lihau'ula LLC. A proposed resolution entitled, "APPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." And the purpose of the resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units. A proposed resolution entitled, "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38 OF HAWAII REVISED STATUTES." The purpose of the proposed reso is to approve the proposed project with the modifications in Exhibit B, and with various exemptions from certain requirements contained in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units. A proposed resolution entitled, "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to disapprove the proposed project. Members, with respect to this application under HRS Section 201H-38, we can approve it as presented, approve it with modifications, or disapprove it. As Council, we must act by October 24, 2020. If Council does not act, the project will be considered approved. We have in hand resolutions to approve the project, approve the project with modifications, or disapprove the project. We can also choose to file the resolution and related actions. But at this time, I would like to open public testimony on the application that is on our agenda. So it is my intent to hear all the testimonies today, and hopefully if...due to the abundance of testimony, we'll probably limit each testimony to two minutes each. And testifiers wanting to provide video testimony should join the online meeting via the BlueJeans meeting link provided on today's agenda at [mauicounty.us/agendas](http://mauicounty.us/agendas). Testifiers wanting to provide audio testimony should dial 408-915-6290 and enter the meeting code 798867277, which is also noted on today's agenda. Written testimony is also accepted by the Committee via email to [ah.committee@mauicounty.us](mailto:ah.committee@mauicounty.us). Oral testimony is limited to two minutes. If you are still speaking beyond that time, I will ask you to complete your testimony. So when testifying, please state your name, the agenda item you are speaking on, and if you are testifying on behalf of an organization or you are a paid lobbyist, please let us know that too. We'll do our best to call testifiers in an orderly fashion, and the testimony log is posted in the chat section for testifiers to see where they are on the list. The chat platform should not be used to provide testimony or chat with other testifiers or Councilmembers. Also, please be courteous to others by muting your microphone and

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your video when it is not your turn to testify. If you only wish to view the meeting without providing testimony, you can watch it live on *Akaku* Channel 53 or at [maucounty.us/agendas](http://maucounty.us/agendas). Please be patient as we continue to navigate this new platform. So at this time, I would like to be able to ask Ms. Stewart if you would be able to call forth our first testifier.

MS. STEWART: Yes, Chair. The first testifier is Denise Tjarks, to be followed by Albert Perez. Denise, please unmute your microphone and camera, and identify yourself for the record.

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

MS. TJARKS: Good afternoon. Hi, my name is...my name is Denise Tjarks, and I live at Olowalu Mauka, so I represent myself as a neighborhood community member. I would like to just say that I support the affordable housing in our community with reservations. Unfortunately, I cannot feel good about doing a fast track project in our community when we have a reef, as well as infrastructure, issues that need to be addressed. And the way we can do that are prescribed methods that have already been set up through the State and County, and I feel that it would not be prudent to do a fast track project. And that's all I have to say. Thank you.

CHAIR KAMA: Thank you, Jennifer [sic]. Members, I'll clarifying questions for our testifier? Seeing none. Ms. Stewart, could you please call the next testifier?

MS. STEWART: The next testifier is...has called in with the last four digits 1825. Please unmute yourself and identify yourself for the record.

MR. MICHEL: My name is Hans Michel, a resident of Lahaina 58 year, and I'm asking you to help us to make affordable houses in Olowalu for workforce housing, which is needed badly in Olowalu for the local people, which Kilauea Mauka have three generation people living in one house. Please check it out sometime. We need something in Olowalu. Thank you very much. Aloha.

CHAIR KAMA: Thank you very much, Hans. Members, any clarifying questions for the testifier? Seeing none. Thank you very much, Hans, for your testimony. I'd like to welcome, Members, Yuki Lei Sugimura to our meeting. Aloha.

COUNCILMEMBER SUGIMURA: Aloha.

CHAIR KAMA: Nice to have you here. Ms. Stewart, could you please call forth our next testifier, please?

MS. STEWART: The next testifier is logged in as Josh, to be followed by the person logged in as Guest.

CHAIR KAMA: Josh, are you there? Hey, Josh, are you there? Okay. I see a Josh, I don't know if it's the same one though. But his mic is muted. Okay.

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MR. DEAN: Yeah, that's me.

CHAIR KAMA: Yes, that's you.

MR. DEAN: I'm sorry, I didn't even sign up for testifying yet. But I'll --

CHAIR KAMA: Oh.

MR. DEAN: -- I'll take it.

CHAIR KAMA: Okay.

MR. DEAN: I'll take the spot if you'll give it to me. So my name is Josh Dean. I'm born and raised in Maui, in Lahaina, and I want to support this project. I think we need affordable housing, and I think this would be a great place to raise a family. Just one thought that I have is, you know, I grew up in Wahikuli, and my parents got an affordable housing home there in Wahikuli Terrace. And it was a great neighborhood, you know, that's my fondest memories was as a child. And when I look at Lahaina now and, you know, those neighborhoods don't exist, you know, where you have the young neighborhoods, young families with young children playing out in the streets. You know, just like what Hans said earlier, that Kilauea Mauka, where a lot of my children's friends live, there's three generations, you know, in those houses. They're happy, but I think they would like to have an opportunity to have their own home in a place like this. And I feel strongly about affordable housing in Maui for local families, and I think this checks that box. Thank you.

CHAIR KAMA: Members, any clarifying questions for the testifier? Seeing none. Thank you, Josh. Ms. Stewart, do we have any...please call my next testifier.

MS. STEWART: Our next testifier is Dave Minami, to be followed by Ikaika Uwekoolani.

MR. MINAMI: Okay. Am I on?

CHAIR KAMA: Yes, you are.

MR. MINAMI: Oh, okay. Yeah, my name is Dave Minami, a lifelong resident of Lahaina. I've been lucky enough to live in many places in the West Side, from Kapalua to Napili, Honokowai, Mahinahina, and of course, Kilauea in Lahaina. I think Lahaina's an awesome place, and we should share it with people, and give them opportunities to get affordable housing. So check that box, I'm in favor of it. I think Pete has done a good job providing some homes for affordable people, you know, affordable homes for people if you look at some of the projects. And anyway, I'm in favor of it. Thank you.

CHAIR KAMA: Thank you. Members, any clarifying questions for the testifier? Seeing none. Ms. Stewart, would you please call forth the next testifier?

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MS. STEWART: I believe the next testifier is coming from the same login and --

CHAIR KAMA: Okay.

MS. STEWART: -- this is Zach Hess...or if you could identify yourself for the record.

MR. UWEKOOLANI: My name is Ikaika Uwekoolani. I live in Waiehu, and I support this project. Thank you.

CHAIR KAMA: Thank you. Members, any questions for the testifier? Seeing none. Thank you, Ikaika.

MR. UWEKOOLANI: Thank you.

CHAIR KAMA: Alison, calling our next testifier.

MS. STEWART: I believe the next testifier is Zach Hess, to be followed by Ravin Ah Puck.

MR. HESS: Hi, my name is Zach Hess, born and raised in Lahaina, and I support this project. Thank you.

CHAIR KAMA: Members, any clarifying questions for our testifier? Seeing none. Thank you, Zach.

MR. HESS: Thank you.

COUNCILMEMBER PALTIN: Alison, it's Ravin Ah Puck.

CHAIR KAMA: What was that, Tamara?

COUNCILMEMBER PALTIN: It's Ravin Ah Puck, not Ravin Ahpook.

CHAIR KAMA: Okay.

MS. STEWART: Okay. Ravin Ah Puck is the next testifier, to be followed by Nathan Duarosan.

MR. AH PUCK: How's it going, guys? My name is Ravin Ah Puck, born and raised in Maui, lived in Lahaina my whole life. I agree with this project that it does go through. I'm a first-time homeowner. Our first home we bought in Kahoma, a residence where West Maui Land had one of the projects, and I'm so thankful that...having a home. Hopefully, other families will be able to buy other homes. So thank you.

CHAIR KAMA: Thank you, Ravin. Members, any questions to...for our testifiers? Seeing none. Thank you very much for your testimony. Alison, who's our next testifier?

MS. STEWART: The next testifier is Nathan Duarosan, to be followed by Kalani Oponui.

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CHAIR KAMA: Okay.

MR. DUAROSAN: Good afternoon, I'm Nathan Duarosan. I live in Napili, and I support this project.

CHAIR KAMA: Members, any clarifying questions for our testifier? Thank you very much, Nathan, for your testimony.

MR. DUAROSAN: Thank you.

CHAIR KAMA: Alison, who's our next testifier?

MS. STEWART: The next testifier is Kalani Opunui, to be followed by Tea Faleta.

MR. OPUNUI: Hi, my name is Kalani Opunui. I support this project. I'm born and raised in Lahaina. Thank you.

CHAIR KAMA: Members, any clarifying questions for our testifier? Seeing none. Thank you very much for coming, Kalani.

MR. OPUNUI: Thank you.

CHAIR KAMA: Our next testifier, Alison?

MS. STEWART: The next testifier is Tea Faleta, to be followed by the caller with the last four digits 5113.

MR. FALETA: Hello, my name is Tea Faleta. I lived in Lahaina most of my life. I live in an apartment, and I support this project. Thanks.

CHAIR KAMA: Members, do we have any clarifying questions for the testifier? Seeing none. Thank you very much, Tea, for coming.

MR. FALETA: Thank you.

CHAIR KAMA: You're welcome. Alison?

MS. STEWART: The next testifier has called in with the last four digits 5113. Please unmute your microphone and identify yourself for the record.

MS. KEAHI: Aloha . . . *(inaudible)* . . .

CHAIR KAMA: Aloha.

MS. KEAHI: Aloha. Aloha, this is...aloha, I'm Malahini Keahi. Been here all my life in Lahaina, and I totally oppose this project. I'm...you know, it saddens me for the fact

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that it's a fast-tracked project. But the worst part about it all is that the system, our ecosystem cannot, it totally cannot take this. At one point in time, we were always up for open land, open land, the beauty of the land, you know . . . *(inaudible)* . . . had 44 sugar. But we knew that the promise was going to be back to...was going to go back to the people that it was supposed to go back to. And today, what we're fighting for is to identify ourselves or identify our tutu of where they're from and to get our land back, which has been a struggle. And the worst part of it all, this morning Mark Deakos posted a letter to all of us, stating the fact that this developer was supposed to look after the hazard, to contact the Department of Health, the Hazard Evaluation Emergency Response Office, and to date, they had not done that. The other part about it was that the developer's proposing these 59 lots, and yet the rules of the game was that you can do only 50, and none of these are affordable. So on the Deakos letter, it states that he's having 59 lots, and 49 to 10,000 square feet, and 10 one-acre lots. As far as the Department of Health and the sewage and the ocean that it's nearby, it saddens me that this will get approved because we are totally against it. Ever since so much down, but I'm totally lost for words because I'm just upset about this whole thing. You know, at one point, we were there a while back, and it had to do with Launiupoko. And one of the families from Launiupoko has testified that his children were not sure what to drink, potable or non-potable water, and that's what they asked their father. Are we up against this again? Is this what's going to happen to us because of our water infrastructure? We've had no tourism, you know, and I work in that field . . . *(timer sounds)* . . . --

CHAIR KAMA: . . . *(inaudible)* . . .

MS. KEAHI: -- so we were asked, Lahaina's been asked to put a water restriction. So again, all of this housing projects for what? There's already a water shortage going on all over the island.

CHAIR KAMA: Thank you, Ms. Keahi, for your testimony. Members, any questions for our testifier? Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Aunty Malahini. I just wanted to clarify what you meant when you said, you know, from the plantation, and you're waiting for the people it's going to back to, the land. I just was, can you clarify what you meant by that?

MS. KEAHI: Well, you remember when daddy always had to, you know, in my dad's time, he always had to face the Planning Commission, all the people that were running for Mayors and all that, he supported and all of that. One of the biggest things for him was water, you know, and water that would give that even flow to every stream and to let it keep on coming. The more we develop, the more water is taken from the streams to give the full circle of life from mountain to makai. And as far as our lands were concerned, especially in Kanaha, Kahoma, Olowalu, all of that, we always...growing up, we knew that our tutus were from there. There were a few of them that are buried there in Olowalu. At one point in time, a while before he died, he wanted to meet up with Peter Martin, but Peter got busy, and this is when he was just building, he

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just...he was the big key member to go to for building houses or with . . . *(inaudible)* . . . and of course, Peter skipped out on that. Daddy wanted to show him the graves in Olowalu. So all of this stuff, and we're supposed to take care of the graves in Olowalu. But I...you know, there's just, that's all that he knew of the promise. Yeah, they were going to borrow the land for sugar. When sugar was going to pau, it was supposed to go back to the families. And that's how it was. Now we've got to go identify the families, or try to help them to come home and play stewardship until they're ready to come home because of money, you know. And a lot of them are all over in the different islands, but they know, they know where their koko's from.

COUNCILMEMBER PALTIN: Thank you. Thank you, Aunty Malahini. Thank you, Chair.

CHAIR KAMA: You're welcome. Thank you, Ms. Keahi. Alison, our next testifier, please?

MS. KEAHI: Thank you.

MS. STEWART: The next --

CHAIR KAMA: You're welcome.

MS. STEWART: The next testifier is Stan Franco, to be followed by Donna Littocote Brown.

MR. FRANCO: Hello there.

CHAIR KAMA: Hello.

MR. FRANCO: Can you hear me?

CHAIR KAMA: Yes, I can hear you.

MR. FRANCO: Hi, Chair, and Members of the Affordable Housing Committee. I'm Stan Franco, and I speak for myself. I speak against this proposed development because the prices of the homes are not in the reach of most local folks. According to the 2020 Affordable Sales Price Guidelines, the developer can sell...assuming a three-bedroom home at four percent interest, 12 of the homes can be sold for 429,000 to 537,000; 20 of the homes 537 to 645; and eight homes 645 to 752. And again, per HUD, to buy these homes, households need to be earning from 78,000 to 136,500. So to me, it's not the kind of monies that we have in our community, and the homes are not affordable to our local people. Then the developer is asking for exemptions from fees for most everything, Traffic, Building, permit fees of all kinds. So we the people are allowing a developer to pay...not to pay a fair price for...of his costs for the development, and this development is not a benefit to most of us. So I see this as a real bad deal for the people of Maui County. So as I said, I vote no on this development, and thank you very much for listening.

CHAIR KAMA: Thank you. Members, clarifying questions for our testifier? Seeing none. Thank you, Mr. Franco. Alison, our next testifier, please?

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MS. STEWART: The next testifier is Donna Littocote Brown, to be followed by Keaka Mitchell.

MS. BROWN: Hi, my name is Donna Brown, and I oppose this project for many reasons. They've tried to do developments at Olowalu for many years. I'm sure you guys all remember, they keep bringing this forward in different iterations, and they've been turned down in the past for really good reasons, and this one should be turned down for the same reasons. And first off, as our last speaker said, take a look at the prices, they're really not affordable for most local residents. I'm a teacher. I'm part of the workforce, and there's no way I would be ever be able to afford one of those houses, any of them, even the cheapest one. They're asking for all these exemptions to County Codes, Planning, Zoning, Building Codes. They're asking for ag lots of one acre, when really, two acres is supposed to be the minimum size for an ag lot. Why should they get all these exemptions, and they're not even going to be affordable for local people? These Codes are there for a reason. There's Fire Codes, there's Building Code so that people's houses don't fall down, there's...these Codes are there for a reason, and they shouldn't be exempted. The...probably the first and foremost reason it should be rejected is that Olowalu has about the best reef in any of Maui. And I'm a marine biologist, and I've done a lot of studying out there. So I did submit written testimony, if you would like to contact me, I'd be happy to take you out there and show it to you if you haven't seen it before. But the main reason why that reef is so healthy is because there's a lack of development mauka. All the other places around the island that used to have beautiful reefs are destroyed because of the development that happened mauka. Kā'anapali is a really good example of that. It used to be amazing out there, and now it's pretty much dead. So there's no infrastructure, there's no sewer line out to there. So they would all have septic tanks, which will leach into the ground and destroy the reef. There's cultural resources, there's burials, there's heiaus. The fires, we have fires there all the time, there's water shortages. A lot of West Maui is on water rationing right now. And it also goes against the West Maui County Code, we just...I mean, not the County Code, but the Community Plan. We just spent years working on a community plan for West Maui, and everyone voted not to have development in that area. We don't want the urban sprawl. Everyone thinks that we should keep the development around Lahaina and around...between Lahaina and Kapalua, where there's infrastructure, there's schools, there's shopping, everything else. There's nothing in Olowalu, so everyone would have to drive everywhere. And while we're enjoying a lack of people on the island right now, as soon as . . . *(timer sounds)* . . . things start getting crowded again, it's going to be a great impact on the traffic. So thank you very much for allowing me to testify.

COUNCILMEMBER PALTIN: Chair, you're muted.

COUNCILMEMBER SUGIMURA: Can't hear you.

CHAIR KAMA: Oh, I'm sorry. Clarifying questions for our testifier, Members? Seeing none. Thank you very much, Ms. Brown. Alison, our next testifier, please?

MS. STEWART: Our next testifier is Keaka Mitchell-FG, to be followed by Kai Nishiki. You have to unmute yourself, Mr. Mitchell.

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MR. MITCHELL: . . . *(inaudible)* . . . Okay. I think you can hear me now.

CHAIR KAMA: Yes.

MR. MITCHELL: Hi, Chair, thank you Councilmembers. My name is Keaka Mitchell, almost a 20-year resident of Lahaina, originally from Oahu and the Big Island. I am a proud owner of such development with Howard Kihune at the Kaiaulu Project in Lahaina. I would like to share some input as a homeowner that has gone through the gauntlet of becoming a homeowner. There's just a few things I would like to touch bases on the two, for you to understand and maybe also take note on things that I would like to express. One of them is the education. What are we doing to educate our local people to become homeowners? I don't think any developer out there, maybe Homestreet and Kim is, you know, they're doing ongoing education. What are we doing to get our people ready? I would like to say generally, I would support such project with reservation because I look at it if it's not me, it's my kids. If it's not my kids that, you know, potentially could fall in this bracket, but we'd all love our kids to be doctors and lawyers, but you know, financially if they can't, where are they moving to, which is the mainland, and that's what we don't want. In the 717-page application in Table 3, right, they...the developer outlines the total amount of projects and homes that they've had in the workforce family housing. I would like to know what the amount...like for instance, the Kahoma residential, they have noted 68 homes. And I know for sure that not all 68 are first-time homeowners or fit within that bracket, as they had a hard time fulfilling the obligation of finding homeowners that could qualify for this. So they...then the homes went out to market value. So to keep that in mind, I know that Stanford Carr is coming online, right? So they got the Stanford Carr development that's coming alongside Front Street, what allotment there, you know, what is the sales numbers there? Because I too don't want to be influxed with a number of the Olowalu project coming online, and we don't have homeowners ready. So what goes, what happens then? It goes out to fair market value. On that point, I think I would like to echo the other people is hold them accountable for all fees. And, you know, one thing...and I shared with one of the County Councilmembers is that the things that we don't know, as the public, is with these affordable credits, what are these developers making money on? That conversation is closed door. If Olowalu, this project goes on, and somewhere in Wailea is, they're wanting to build a luxury residential, are they...what's the back-door conversation, what are those credits are sold for? I don't know. I don't know if that's public knowledge. But I think on that guidelines, on the financials, keep them responsible. . . . *(timer sounds)* . . . In closing, if I may, as Aunty Malahini has stated, we're on a restriction and again, in the line of holding them responsible, I think that falls right into place. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Mitchell. Members, any clarifying questions for our testifier? Seeing none. Thank you so much, Mr. Mitchell, for being here.

MR. MITCHELL: Thank you guys.

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CHAIR KAMA: Alison, our next testifier please?

MS. STEWART: Our next testifier is Kai Nishiki, to be followed by Anne Rillero.

CHAIR KAMA: Kai, are you there? Alison, can we go on to the next one, and we'll get Kai back when she gets back or she's having a hard time getting on.

MS. STEWART: Yes, Chair. The next testifier is Anne Rillero, to be followed by Tom Blackburn-Rodriguez.

MS. RILLERO: Aloha, Chair, and Councilmembers. This is Anne Rillero. I'm with Maui Nui Marine Research Council, and we believe in the need for affordable workforce housing for Maui County. However, we strongly oppose this plan to develop workforce housing on land adjacent to the Olowalu reef. Olowalu reef is a 1,000-acre coral reef designated a priority for protection in the Maui Coral Reef Recovery Plan, which was created by some of Hawai'i's top coral reef biologists. It has some of the oldest coral in the main Hawaiian Islands. It acts as a coral nursery to replenish and repopulate the reefs, not just of Maui, but Moloka'i and Lāna'i, and it's facing the stress of climate change and warming ocean waters. Developing Olowalu further threatens this reef. There are no municipal sewage lines to this area, and so the Lihau'ula project would utilize private wastewater treatment systems for the 40 homes and 19 house lots. Allowing these individual wastewater treatment systems for a neighborhood with this many homes is not good for the reef, and it runs counter to the views of the...and recommendations of the Department of Health Clean Water Branch. The DOH views individual wastewater systems as temporary, and states that it prefers property owners connect to County wastewater facilities. One concern with private wastewater treatment systems is nitrogen removal. Nitrogen is a constituent in human sewage. Removing nitrogen is complex, and many private wastewater systems are ineffective at removing it. A study of advanced nitrogen removal onsite wastewater treatment systems in coastal Rhode Island found that most of the systems studied failed to meet State standards for nitrogen removal. Excess nitrogen from wastewater is transported by surface or groundwater into the near shore ocean environment, where it stimulates algae growth. This growth blocks the sunlight from reaching corals, impairing their ability to produce food for themselves and weakens the corals. The Olowalu reef is already stressed. Nearly 50 percent of the reef suffered bleaching in 2015. Why add additional stressors to Olowalu reef when there are far more suitable locations for workforce housing, such as areas where the housing can be clustered in and around an existing town to provide easy access to essential services and stores, and to sewage treatment plants. For all the reasons cited above, we oppose the proposed Lihau'ula development in Olowalu. Thank you.

CHAIR KAMA: Members, any clarifying questions for our testifier? Seeing none. Thank you very much, Anne, for coming and testifying.

MS. RILLERO: Thank you.

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CHAIR KAMA: Alison, our next testifier please? You want to go back to Kai Nishiki?

MS. STEWART: Yes, we can, but it could be that she's not intending to testify.

CHAIR KAMA: Oh, okay. Oh, okay. Thank you.

MS. STEWART: The next testifier is Tom Blackburn-Rodriguez, to be followed by Dane Maxwell.

MR. BLACKBURN-RODRIGUEZ: Aloha, good afternoon Chair Kama and Members of the Affordable Housing Committee.

CHAIR KAMA: Good afternoon.

MR. BLACKBURN-RODRIGUEZ: I assume you can all hear me.

CHAIR KAMA: Yes.

MR. BLACKBURN-RODRIGUEZ: I'm Tom Blackburn-Rodriguez. I live in Kihei, and I'm testifying on behalf of Go Maui Incorporated. I am testifying on item AH-17. My family has been in Hawai'i since 1870, and the kupuna in Olowalu have told me that at one point in time, a member of my family owned a small store in Olowalu and gave credit, which is why he's well remembered today. We're a nonpartisan volunteer organization, and we're pleased to announce today that Mercer Chubby Vicens and Wendy Rice Peterson have joined our organization to head the Friends of Go Maui and you get more information about that on gomauinc.org. But we welcome Mr. Vicens and Ms. Peterson. A few things to note about this project. Number one, it is being independently funded by the developers without any County grant money. This is a tremendous bet on the future of Maui County in the midst of the worst pandemic in 100 years, when deaths are quickly approaching one million people worldwide. We will need projects like this in the pipeline if Maui's economy is to fully recover. Number two, workforce housing is also about economic development, providing good paying jobs, retail spinoffs, and increased property tax revenue to the County, all of which we must plant the seeds for now if the economy is to take off after the COVID-19 virus begins to abate. Three, we all know the need for workforce housing in our community, and in particular on the West Side, where just a room can cost over \$1,000 a month. This project addresses that need with prices set to meet the Federal 80 to 140 percent of area median income. That said, there is no perfect project, and we urge the Committee to do a thorough vetting process, make any necessary improvements, and then vote to move the project to the full Council for approval. Thank you for this opportunity to testify on this special day when this...when...where in this Committee on this special day, I can see the result of a lifelong work of RBG, Justice Ruth Bader Ginsburg, may she rest in peace. Mahalo.

CHAIR KAMA: Yes, Ms. Tamara Paltin, you have a question for our testifier?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Blackburn-Rodriguez, for your testimony. My clarifying question was, in the previous, I think it was Hale Kai Ola, your organization had objection to the fee and waivers of fees and the exemption. So you're okay with the fee waivers and exemption because just to clarify because you said this is a owner...this is, this project is private developer. But with the fees and exemptions that they're asking for, it would be partially funded by County taxpayers. So I guess my question is you're okay with all the fees and exemptions? Last time you thought that we couldn't afford them.

MR. BLACKBURN-RODRIGUEZ: Thank you for that question. And I believe the project is independently funded is the phrase I was using, and I would have to compare the exemptions that were requested in the previous project with the exemptions that are being requested in this project to give you an honest answer and a full answer. I would say, however, that in my testimony, I did indicate there is no perfect project, and I encourage the Committee to go through and make any improvements that are necessary, remembering this; there is nothing that can occur to benefit the people of Maui County that is not a partnership between the public and private sector. So it is not simply what somebody is giving, it's what somebody is producing. And there's the fine balance, and I congratulate you for being willing to take on that job.

COUNCILMEMBER PALTIN: You're too kind, Mr. Blackburn-Rodriguez. Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Seeing no other questions. Thank you very much, Tom, for being here.

MR. BLACKBURN-RODRIGUEZ: And thank you . . . *(inaudible)* . . .

CHAIR KAMA: Alison, our next testifier, please?

MS. STEWART: The next testifier on the list is Dane Maxwell, to be followed by Jeremy.

COUNCILMEMBER PALTIN: I think he said in the chat that he wasn't...oh, never mind.

CHAIR KAMA: There he is.

MR. MAXWELL: Yeah, I did not sign up to testify, but mahalo, Chair, and mahalo Committee Members. I really appreciate the time speaking on this particular subject. I'm in opposition in this for many reasons. I am a...I am very for affordable housing, true affordable housing really. I have lineal connection to this aina through my ohana, and there's a lot of different practices that goes on in this space where my ohana...for me, I think I do not, with the additional foot traffic that would go on and just the additional traffic and impacts to our, like Maui Nui Resource Council had mentioned about this being a mama reef. I know we here have a lot of people who want to have affordable housing. But I don't believe this is the project. I want affordable housing so I can sustain generations to come on this aina. But I also want that for the generations that are makai, those things that are in the ocean. Being that the Olowalu reef system is

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so significant, so vital in supporting and propagating coral along our coast...and not just our coast, I want to reiterate what they said, that it also helps to generate new reefs along Lānaʻi and Kahoolawe as well. I don't think it's something I'm willing to...I would like to see risked. I don't think it can sustain any more impacts being that the...being that bleaching event in 2015, I don't think we should contribute to the impacts that it's facing on a...in this day and age. I am in opposition. Kala mai, I didn't have a testimony, but for some reason I was just shot into the testifiers section. So, but I oppose this project. So mahalo nui.

CHAIR KAMA: Thank you very much for being here, and thank you for testifying. Mr. Maxwell, can you come back? I think we have a question from Councilmember Sinenci.

MR. MAXWELL: Hi, aloha.

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Aloha, Mr. Maxwell. Thank you for being here today. You know, your capacity, are you still with the Burial Council?

MR. MAXWELL: I am, and thank you for bringing that up. I am currently the Chair for the Maui Lānaʻi Island Burial Council.

COUNCILMEMBER SINENCI: So because you have lineal ties to the place, and we've been given the archaeological inventory surveys. So just...I just wanted to get your input of any area inventory that is on the property.

MR. MAXWELL: You know, and I haven't been made...is that a draft that you folks have?

CHAIR KAMA: No.

MR. MAXWELL: For Lihauʻula?

COUNCILMEMBER SINENCI: This was given to us --

MR. MAXWELL: Or that's the final AIS?

COUNCILMEMBER SINENCI: The Appendix E, Archaeological Inventory Survey. Did you guys weigh in on this?

MR. MAXWELL: We have not yet. But I do know that...I think it was Aunty Malahini who had mentioned it prior. that this area is well known. and there's many iwi within this location. Yeah, we haven't had a chance to review the AIS at this time. I could provide more feedback on it, but unfortunately, we haven't had, as a Council, the time to review the AIS yet.

COUNCILMEMBER SINENCI: All right.

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MR. MAXWELL: Kala mai.

COUNCILMEMBER SINENCI: Mahalo, Mr. Maxwell. Thank you, Chair.

MR. MAXWELL: Yeah, mahalo nui. Aloha.

CHAIR KAMA: Aloha. Do you have a question, Ms. Paltin, for Mr. Maxwell too? Okay. You're on mute, Tamara. You're on...you have to unmute yourself.

COUNCILMEMBER RAWLINS-FERNANDEZ: It sounds like she's having technical issues.

CHAIR KAMA: Yeah, yeah. Okay. But did you want to ask him a question, Tamara? Yeah, if you want to put it in the chat. I think Tamara's trying to ask you a question, Dane.

MR. MAXWELL: Okay.

CHAIR KAMA: But she's having issues with trying to get her mic to mute. So let's, if you want, we can check the chat.

MR. MAXWELL: Okay.

CHAIR KAMA: No more? Okay.

MR. MAXWELL: Okay.

CHAIR KAMA: Okay. The mouse isn't working. Okay. So Tamara, do you want to write your question to him maybe? Okay. I'm so sorry, Mr. Maxwell. You didn't want to testify and you did. And now Ms. Paltin wants to ask you a question and now she can't. But I...at some point, I think we can get that resolved somehow. So hopefully she'll be able to work it out sometime between now and the end. But so we'll let you go, and I think we have information on you, we have contact information for you to get back to you.

MR. MAXWELL: Okay.

CHAIR KAMA: Okay. Thank you.

MR. MAXWELL: Mahalo nui to you all. Aloha.

CHAIR KAMA: Mahalo to you. Ms. Alison, our next testifier, please?

MS. STEWART: The next testifier is logged in as Jeremy, to be followed by the person logged in under Mark's MacBook. Jeremy, if you could please unmute and identify yourself for the record?

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COUNCILMEMBER PALTIN: Sorry, can you hear me?

CHAIR KAMA: Yes, we can hear you.

COUNCILMEMBER PALTIN: Okay. All right, whoa, I was sweating. Okay. Thanks.

CHAIR KAMA: Okay. Go ahead, Alison.

MS. STEWART: I believe Jeremy is next to testify, although I don't see him in the list anymore. So next would --

CHAIR KAMA: I don't see Dane either.

MS. STEWART: --would be Mark's MacBook. If you'd like to testify, please unmute yourself and identify yourself for the record.

MR. DELOS REYES: Why you guys can hear me?

CHAIR KAMA: Yes.

MS. STEWART: Now I see Jeremy now.

MR. DELOS REYES: Sorry, sorry, guys, sorry. I was trying to --

CHAIR KAMA: Okay.

MR. DELOS REYES: -- hook it up. Aloha, my name is Jeremy Delos Reyes. I am a current schoolteacher at Lahainaluna High School. I'm a generational resident of Lahaina, Maui. I oppose this project wholeheartedly, and a couple of my reasons, so I have a bunch listed down so I'm going to go through it quickly. This is not locally affordable. As an education for 20 years, I have a master's degree, and with my pay as of right now, I could never qualify for this project, me or my wife combined. But if I was a single parent, there would be no way I could qualify for this project for any of their homes. We are currently on a water restriction, so I would like to know where they're going to get their water with CWRM's results coming down a few years ago about the mandated instream flow standards. How are they going to handle that? In all of my life living in Lahaina, I've never heard of bacteria counts in Olowalu area, Launiupoko being elevated, but yet, in the last five years, we've had several, several instances where bacteria count has been elevated in these areas, along with Canoe Beach. You know, there's big things to that, but in my heart, I believe that it's due to the lack of infrastructure and the wastewater that is being leached into our ocean and rivers. The infrastructure is lacking in that area. It will create traffic. My representative, Tamara, she has to deal with that traffic when tourist season, when there was no...pre-COVID, I should say. We can all agree right now as in Maui County, we are comfortable, I think Maui County is in a comfortable spot with the population right now without the tourism. So are we building this project to increase our population? Because that's what it seems like, in my opinion. Because we do have other projects coming up that

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is affordable, and so why are we developing to bring in more people from out of state, which leads me to the money that is...everybody's claiming for workforce, the money doesn't necessarily stay in Hawai'i or in Maui County, in fact. A lot of the funding in Maui County gets sent overseas to support international families. So something to think about in that area, in that point. This area has been turned down for development two or three times, I believe, in the last three years, or five years. Why are we even addressing this? And I understand why, that's kind of a, just a question. But it's already been turned down. It's been turned down many times, guys. And so that just shows that this cannot occur. Usually when a project is fast tracked, they don't want to set off any alarms to any accountability standards, for lack of a better word, so that already brings up suspicion in my eyes. I wanted to ask the Council that of all the developments that have been . . . *(timer sounds)* . . . approved and done, have we ever followed up on the conditions that was set forth for these developments? Thank you, guys, for your time. You guys are doing an amazing job. The last statement that I want to make before I leave is, are your kids and grandkids, can they live the life that you guys had growing up in Maui? And that's what I want you guys to remember. Thank you.

CHAIR KAMA: Thank you, Jeremy. Members, questions for our testifier? Seeing none. Thank you very much, Jeremy, for coming today.

MR. DELOS REYES: Mahalo gang, Mahalo, Mr. Molina. Aloha gang.

CHAIR KAMA: Aloha. Ms. Stewart, can you please call our next testifier?

MS. STEWART: Next on the list is logged in as Mark's MacBook, to be followed by Tiare Lawrence. Mark's MacBook, if you'd like to testify, if you could unmute your microphone and identify yourself for the record.

CHAIR KAMA: I don't see him on the screen or hear him. Let's call our next testifier, Alison --

MS. STEWART: Okay. Chair --

CHAIR KAMA: -- and we'll call him back. Yes?

MS. STEWART: Sure. The next testifier is Tiare Lawrence, to be followed by Peter Martin unless he indicates in the chat he does not wish to provide testimony.

CHAIR KAMA: Okay.

MS. LAWRENCE: Is it okay to testify, or --

CHAIR KAMA: It is. Go ahead, Tiare, yes.

MS. LAWRENCE: Aloha, Councilmembers, and mahalo for having this meeting today. I was part of a group that was able to sail Hōkūle'a over from Oahu a few years ago, and it

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was to celebrate Olowalu being designated as a hope spot by the Mission Blue Foundation. It's an organization that really works to identify critical places around the world that is critical to the health of the ocean. And the Olowalu reef is Maui's crown jewel. It's a 1,000-acre coral reef, and it's home to the oldest coral in the main Hawaiian Islands. Just so you know, I have a lot of issues and concerns around runoff and sediment. Over the course of maybe the past 10 to 15 years, there's been several violations by Peter Martin and West Maui Land Company for BMP, for best management practices. When they developed homes along the shoreline, they were issued multiple violations for not following best management practices that resulted in heavy silt and runoff from the nearshore environment, so it ended up in the ocean. So I have concerns around already with the history of bad stewardship and mismanagement in the Olowalu area. Secondly, the realignment, in order to achieve a holistic approach to the future of development in Olowalu, we must first determine where the location of the realignment will go. The highway is on the verge of literally falling in the ocean. And in all honesty, I feel this is another attempt by Peter Martin to force the highway to go mauka versus the mid-alignment that was strongly supported by community members in the past. Secondly, the 201H lottery, I'm not a big fan of the 201H for many reasons, fast tracking. But my biggest concern, and I think you guys can all relate, is, you know, getting generational family's homes has always been an issue. But the reality is, is anyone from the continent can move here for one year, become a State of Hawai'i resident, and enter themselves into the lottery. And we saw that happen in Stanford Carr, where a lot of people that were recent transplants got homes over generational families of West Maui. So that's another concern of mine. Affordability, clearly, it's not affordable. I just went online, checked MLS, we've got plenty homes in the \$500,000 to \$700,000 range, but we're severely lacking homes in the \$300,000 to \$500,000 range, which is desperately needed, especially on the West Side. Secondly, on top of some of the previous violations, I want to also let you know that the company is currently facing multiple violations in the past...just in the past two years for violations of the instream flow standards set by CWRM, and that's currently going in the process and will probably hit agenda soon, that's another issue. We have several developments in the works. We have 103 Stanford Carr homes, 400 homes on the books for Pulelehua, 89 units Kiaulu o Kupuohi that's being built near hotels, businesses, schools, and stores, walkability, biking distance from businesses, from work. We need housing that is built for the workforce, and I want to finish with that. I think I hit most of my points. . . . *(timer sounds)* . . .

CHAIR KAMA: Thank you, Tiare. Members, questions for Ms. Lawrence? Seeing none. Thank you very much for your testify...for your testimony.

MS. LAWRENCE: Thanks, mahalo.

CHAIR KAMA: You're welcome. Ms. Stewart?

MS. STEWART: Chair, next on the list is Peter Martin, to be followed by Lori Vierra.

MR. MARTIN: Hello?

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CHAIR KAMA: Hello, go ahead.

MR. MARTIN: Oh, hi. It's Peter Martin, hi.

CHAIR KAMA: Hi.

MR. MARTIN: Yeah, Meg and I, we live in Olowalu part time. My daughter lives there, her husband, children, live in Olowalu. We love living there, and Adeline Rodriguez, the Kahului . . . (*inaudible*) . . . just a, it's a really wonderful community, wonderful place to live, and we'd like to share that with other people. It's been so long since there's been some 10,000 square foot lots. I've lived a lot of places in West Maui, and I lived in Kapalua in '71 and on Ainakea Street and in Honokowai and in Lahaina also, and Olowalu for us is our favorite. It's wonderful. I'm never going to sell my home there. I know my daughter wants to live there with her...and my grandchildren, that's really special and I'd like other people to have the chance to enjoy that wonderful community that we have. And thank you for listening.

CHAIR KAMA: Members, questions for Mr. Martin? Seeing none. Thank you, Mr. Martin, for your testimony. Alison, our next testifier please?

MS. STEWART: Our next testifier is Lori Vierra, to be followed by Cassandra Abdul. Chair, I don't think I see Lori Vierra on the list any longer.

CHAIR KAMA: Okay. Let's go on.

MS. STEWART: So the next testifier would be Cassandra Abdul, to be followed by Leticia Cabanilla.

MS. ABDUL: Aloha kākou. This is Cassandra Abdul.

CHAIR KAMA: Yes.

MS. ABDUL: I am Executive Director of Na Hale O Maui. We provide affordable housing alternatives in perpetuity. I submitted some written testimony, and I wasn't going to speak on what I've already submitted. I'd like to just briefly respond to a couple of the comments that I've heard about how the affordable pricing that's determined by HUD is truly not affordable for many of our families here in Maui. You know, we have the incredible good fortune of being able to develop 12 homes in West Maui Land's project in Kahoma. And we've now completed the construction of the 12 homes, and we have 12 new island families all living in there very happily. I want to let you know that the leasehold appraisals on these homes, this is what the lender determined that the value was, ranged from 737,000 to \$782,000. Our homeowners bought their homes, we have three models, they bought their homes between 390,000 and 460,000. Many of our homeowners are teachers, they're in education, they're County workers, we also have some firefighters. So yes, even when I look at the HUD tables, it seems high to me. But Na Hale O Maui has demonstrated over and over that we can sell at

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affordable prices, and the best part is, is that our houses never go to market. You know, I haven't heard anybody say that we don't need affordable housing. It's really critical, and right now we're in danger of losing more than a third of our workforce to the mainland. They were already leaving even before COVID-19. You know, they can go to Vegas or someplace else on the mainland, and they have lower cost of living and they have housing costs that are not only affordable, but they're actually attainable for them. We look at affordable housing projects very favorably because it's another opportunity to help more of our local families. And I don't know if you notice, but in this particular workforce housing project, there is some discussion about allowing Habitat for Humanity and Na Hale O Maui to again acquire some of those lots, and then sell them at more affordable prices. So I know I heard...I think it was Tom Blackburn-Rodriguez who mentioned that there is no such thing as perfect, there's not any perfect in this life, or certainly not in subdivisions, but I don't want to see us have perfect get in the way of actually creating more housing for our workforce. So we support all affordable projects because we so desperately need them. And I believe that together, the developers, the County, nonprofits, and the community can provide more desperately needed affordable housing for our island families. We can keep our families here in Maui and make a better life for . . . *(timer sounds)* . . . our keiki and a more resilient community in the end. Thank you very much for allowing me to testify. And again, we respectfully request that you move this project forward.

CHAIR KAMA: Thank you, Sandra [sic]. Members, any clarifying testimonies for our...yes, Ms. Paltin, question for Ms. Abdul?

COUNCILMEMBER PALTIN: Thank you, Chair. Can you hear me?

MS. ABDUL: Yes.

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Ms. Abdul, for your testimony. I think I drove by one time when my friend Amy was moving into one of those homes. But I just was wondering...I'm not sure, but I thought I ready it somewhere in there or heard it where some of these houses going to be built by Na Hale O Maui?

MS. ABDUL: There's discussion with the developer for both Habitat and Na Hale to possibly take some of those properties, just like we did in the Kahoma project.

COUNCILMEMBER PALTIN: So no specific details on how many?

MS. ABDUL: Not at this point. You know, the project has to be more certain. But we would like to take, I think we talked about possibly up to 20, between...or actually, I take that back, I can't recall right now. Oh, here we go, the applicant is under discussion with two nonprofit home builders to construct a handful of the 40 affordable homes. It is likely that Na Hale O Maui and Habitat for Humanity will be partners in the development, and will each be responsible for building a few of the homes. So I don't know the numbers. But we would certainly welcome any amount that we could do to

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provide more truly affordable housing in perpetuity.

COUNCILMEMBER PALTIN: Thank you. And then if I can just follow up? So would the houses that you folks build be with the same selling table, or would it be less?

MS. ABDUL: We sell our houses for less, primarily because we actually sell our houses leasehold. So that's one of the ways that we are able to do that. And the other thing is that, you know, when developers go through any of the streamlined projects and they ask for exemptions from fees and exactions, ultimately, every cost that goes into the development gets passed on to the home buyer. And that's why when they are exempted from fees, it actually helps the ultimate price of the home. That's certainly true for us as a developer of homes.

COUNCILMEMBER PALTIN: And then, you know, if you are awarded 5 or 20 homes, would you also be doing the individual waste system, or would that be on the homeowner as an additional expense?

MS. ABDUL: I need to see what is going on in the project. I don't have enough detail. But generally, the developer, which would be the developer on this project, Lihau'ula, they generally do all of the infrastructure.

COUNCILMEMBER PALTIN: At their expense?

MS. ABDUL: Yes, but I honestly cannot answer you definitively because I need to read through the entire project. And I'm not sure, depending on what goes on with the developer and the Council, where this project is going to end up, and what's going to be required. So it's premature for me to guess.

COUNCILMEMBER PALTIN: Okay. Thank you. But you wouldn't be developing the IWSs, the waste systems, Na Hale would not?

MS. ABDUL: I would hope not.

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

CHAIR KAMA: You're welcome. Yes, Ms. Keani Rawlins-Fernandez, question for Ms. Abdul?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Abdul, and mahalo for your testimony. Really quickly, so you read a piece, was that a letter to you and Habitat...or Na Hale O Maui and Habitat for Humanity, or is that a page out of the application?

MS. ABDUL: It's a page out of the application. It's actually page 6, hang on, I'm trying to get up to the top of the...oh, boy.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And so the page that you read said a few of the houses. So...because you started off your testimony saying about 20, but you

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corrected yourself and said a handful of 40 affordable houses...affordable homes, and will be partners in development, and will each be responsible for building a few of the homes.

MS. ABDUL: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Generally, when I say a few, I mean, like three.

CHAIR KAMA: Three.

COUNCILMEMBER RAWLINS-FERNANDEZ: I know there isn't like a solid number for certain. But the word "few" makes me...leads me to believe that it's definitely nowhere near 20.

MS. ABDUL: Yeah, the 20 is wishful thinking. I would love to do 20. But again, you know, this is very early on, and I don't know what it will end up being. But whatever it is, we would look forward to being able to take part in it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Abdul. Mahalo, Chair.

CHAIR KAMA: You're welcome. Ms. Stewart, our next testifier please?

MS. STEWART: The next testifier is Kekai Keahi, to be followed by the caller with the last four digits 5639.

MR. KEAHI: Aloha, you guys can hear me?

CHAIR KAMA: Yes.

MR. KEAHI: Okay. You know, I pretty much not going to repeat what everybody's saying. Me, I'm a teacher. I teach at Lahainaluna High School, I am...I mean Lahaina Intermediate, sorry, and I'm fully for affordable housing. But not this one, not at what the cost is, and for...as far as the homes and the nearshore reef area, and then the resources. You know, my...the point I like make today is maybe as far as, you know, I'm a fisherman, I was born and raised in the ocean, and we did that all our lives. And it may seem, you know, not significant to some, but for people like us, we really pay attention to our resources and the reefs and the fish around the area. But anyway, I don't know if maybe Shane know what it is, but a lot of people call it the King Kole or the Black Kole, and it's the Kole that's maybe three to four times bigger than the normal Kole that you see, and I dived this whole West Side with my father, and my cousins, and my brothers and there's only two places on the West Side where you going find this fish, yeah? And we selfishly don't tell anybody about this, and I cannot believe I doing this now for everybody else to see, but Olowalu is one of the two only spots on the entire West Side that hold this fish, yeah. And, you know, I'm not talking about one fish, and you might be thinking nah, that's nothing. But just around the rest of Maui is kind of a rare fish, you know, West Side is super, super rare, and it lives in this area, right, I cannot...I not going tell you exactly where. But it's going to

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be affected by this development. Okay. I'd just like to say that we kind of took care of that fish, kind of, so we no tell nobody. Anyway, I just cannot see, you know, this development coming in and possibly most likely because we seen what happened, what Peter Martin guys did already with the runoff and stuff, effect on pristine area such as Olowalu, and one of the only two spots in the whole entire west side of Maui that actually hold this fish. That's, we wouldn't do that, you know, we wouldn't develop an area where they only get like two tigers left in the forest, or whatever these endangered species get. We would put one stop to that right away. We wouldn't do that. And this fish to me, because it's a fish, people maybe no see them as the same as maybe one tiger or something. For me, I see them the same way. I from the ocean. I from the ocean. And so that's something that I kind of like point out, one of only two, and we was a big...West Side is pretty big. The second is, before I was one teacher, I was one carpenter for 30 years, and I build homes, I know exactly what it costs to build homes, and I still build homes today on my off time. Every time I see affordable homes come up, it's a property with a house on it, yeah. When you...and it's turnkey, so when you buying a property, it's turnkey, it's something that you going move into already. And what that does right off the bat is price out the majority of people that wants the house. Okay. What we've got to see is not . . . *(timer sounds)* . . . can I finish? I like finish up. What we've got to see is not affordable homes, but affordable lots so people can build the homes themselves, like what HUD and, I guess, Na Hale do. So that's kind of my point, and then sorry. Bless you.

CHAIR KAMA: Thank you, Kekai. Members, any questions, clarifying questions for our testifier? Seeing none. Thank you, Kekai, very much --

MR. KEAHI: All right.

CHAIR KAMA: -- for your testimony.

MR. KEAHI: Thank you.

CHAIR KAMA: And please take care the Kole for us. Ms. Stewart, our next testifier please?

MS. STEWART: The next testifier has called in with the last four digits 1587, to be followed by Leonard Nakoa. Caller with the last digits 1587, if you'd like to testify, please identify yourself for the record.

MS. MAGALIANES: Aloha mai kākou.

CHAIR KAMA: Aloha.

MS. MAGALIANES: My name is Linda Nahina Magalianes. I'm in...I'm a lineal descendent of Olowalu. I just want to say that I'm opposed of this development. First of all, they are a company that's been trying to build there all these years, and they were shut down many times because of lack of information that they had. For example, in front of the Housing Commission, the final EIS, there were more iwi found and they were not in that EIS. They're not honest. So with that being said, in every project that they do,

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they're not honest, and that really gets me. Another thing, do they really own the land? Because a lot of those lands are cloudy because that's where my family come from. My other question, thing, would be, those affordable housing on Kahoma, the people don't own the land. After 99 years, they can take the land away. I spoke...I went there and helped several homes, helped them build on my own time, and that's what they told me. After 99 years they're not sure if they'll still have that land for their house for their kids. So this project that they want to fast track, does that come with the land? So I pretty much said what I had to say. Thank you. Thank you very much, Chair.

CHAIR KAMA: Thank you, Linda, for your testimony. Yes, Ms. Paltin, you have a question for our testifier? Go right ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Auntie Linda. I just was wanting to clarify when you said Housing Commission, you were meaning the Land Use Commission that the final Environmental Impact Statement was rejected on?

MS. MAGALIANES: . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: Was...that was the Land Use Commission, yeah, in 2015?

MS. MAGALIANES: That was the Olowalu, yeah, in...at the 2015, I believe, at the MACC.

COUNCILMEMBER PALTIN: Yeah, yeah, so that was the Land Use Commission, not the --

MS. MAGALIANES: And they're --

COUNCILMEMBER PALTIN: -- Housing Commission.

MS. MAGALIANES: Oh, I'm sorry, the Land Use Commission, I'm sorry, yeah.

COUNCILMEMBER PALTIN: And then --

MS. MAGALIANES: But, you know, with that being said, they had not given all the information that they should have given.

COUNCILMEMBER PALTIN: Okay.

MS. MAGALIANES: And it was the final EIS.

COUNCILMEMBER PALTIN: And then, your other concern was cloudy titles on the land?

MS. MAGALIANES: Yes, cloudy titles.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. MAGALIANES: A lot of the --

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COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR KAMA: Thank you.

MS. MAGALIANES: A lot of those lands up there are still cloudy. So how these guys can build on something they...to me, they don't own?

CHAIR KAMA: Thank you very much for your testimony, Linda. Ms. Stewart, our next testifier please?

MS. MAGALIANES: Thank you, Chair. You guys have a good day.

CHAIR KAMA: And you also.

MS. STEWART: The last testifier who has expressed the desire to provide testimony is Leonard Nakoa.

MR. NAKOA: How's it, you guys can hear me?

CHAIR KAMA: We can hear you.

MR. NAKOA: Okay. Yeah, that's, okay. Yeah, I've been part of...I've been part of somebody's 201H projects on both sides, going for them, and going against them. This particular project is totally, I'm totally against them because, you know, when you go 201H, you're asking for all these tax breaks and all these, you know, you no need pay this, you no need pay that. Well, that should reflect on the affordable housing price, you know. And according to the affordable housing price in this project, oh, my God, you can actually make them as a market priced home. And on top of that, the 201H, if people, again, so high the price is so high, people are not going to be able to qualify for them, you know, the guys that should be able to qualify for them. So when they no qualify for them, what happens? They put them back on to the market price, and then we get screwed again, Hawaiians out again and anybody and everybody can come get these houses on a prime piece of land. Again, everybody talk about the reef and all the stuff, yeah, so this project is totally wrong, unreal. Again, I get plenty experience on both sides of this 201H thing, and I going tell you guys right now what I've experienced and what I've been part of, yeah, this project no can go...seriously, no can go. You heard about all the impacts and all that, so I not going go there. So I was going touch on the stuff that I did kind of know. And again, the prices of the affordable homes, they no work. And plus, all the guys who testify for the project, that they support them, those guys no can afford them. So that's all. Mahalo, you guys.

CHAIR KAMA: Mahalo, Leonard, for being here. Members, any clarifying questions for our testifier? Seeing none. Thank you very much for being here, Mr. Nakoa. Thank you.

MR. NAKOA: . . . *(inaudible)* . . .

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CHAIR KAMA: Alison, do we have any other testifiers?

MS. STEWART: Yes, Chair, we have --

CHAIR KAMA: Ms. Nishiki.

MS. STEWART: --two more testifiers.

CHAIR KAMA: Okay.

MS. STEWART: Albert Perez, to be followed by Kai Nishiki.

CHAIR KAMA: Okay.

MR. PEREZ: Aloha, Chair. Can you hear me?

CHAIR KAMA: Yes, we can.

MR. PEREZ: Okay. Aloha, Chair Kama, Members of the Committee. I want to first thank you for your service. I realize you're under pressure because of this 45-day deadline that the State law imposes on you. And I want to say, there are developers who specialize in providing quality affordable housing. They know how to provide nice affordable housing, and they specialize it. As you may recall, we testified in support of the Hale Kai Ola project in Kihei. That project was 100 percent affordable, and the developer went to great lengths to try and find land that would have minimal . . . *(audio interference)* . . . as compatible as possible with the community. There are other developers that do this, and we need to encourage them instead of allowing 201H exemptions for developers like this who just try to take advantage of the process and provide the minimum affordable housing, while maximizing the profit from their market portion of their development. Just like with the Makila projects, there are uncertainties with the water here, as well as important cultural aspects associated with Olowalu Stream. The West Maui Community Plan Advisory Committee carefully considered development in this area, and they rejected it. These folks are going to be the ones most affected by projects like this, and the efforts of our citizens need to be respected. This project requires an EIS, and that has not been done, as triggered by the foreseeable construction of 50 or more individual wastewater systems serving more than 50 single family dwellings or the equivalent. It also has significant impacts on the environment, traffic, quality of life, water, wastewater, all kinds of things that should be reviewed in an EIS, and this has not been done. It was previously part of the Olowalu Town proposal that went before the Land Use Commission, and the developer is a different LLC, but Peter Martin has been involved in both projects, and I have the documentation to show that. It is a phase of a larger total undertaking, and it cannot be split off without violating the environmental rules. The EIS that was done for Olowalu was rejected by the Land Use Commission because of significant impacts to cultural and archaeological resources, as well as major transportation impacts, that has not been discussed. So an EIS needs to be done for this project. You know, it's curious that this application for this project says that it complies with the Department

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of Health rules for wastewater systems. But if you look, the DOH in their comments said that it doesn't comply. And I can show you that if you are...want to see that. But that's misrepresentation, as far as I can tell. It does not comply with DOH regulations. Anyway, once again, we see this developer giving people false hope that they'll be able to get one of the few . . . (*timer sounds*) . . . and we urge the Committee to recommend denial of this project, and send a message that responsible developers who provide 100 percent affordable housing in areas that respect the Community Plans will be encouraged. Mahalo.

CHAIR KAMA: Thank you, Mr. Perez. Members, questions for our testifier? I see Ms. Rawlins-Fernandez, and then Mr. Sinenci. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, I was yawning.

CHAIR KAMA: Oh, I'm so sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Not because of the testimony.

CHAIR KAMA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just kidding, Mr. Perez. Your testimony was very lively and that was . . . (*inaudible*) . . .

MR. PEREZ: Sorry. Maybe too lively, sorry.

CHAIR KAMA: Mr. Sinenci, did you have a question for Mr. Perez?

COUNCILMEMBER SINENCI: Yeah. Thank you, Mr. Perez, for being here. Just a clarification, you mentioned the Department of Health. And can you just kind of point to, you said that you would share the Department of Health response?

MR. PEREZ: Yeah. You know, Councilmember Sinenci, I cut and pasted it into my testimony. But it is in there, it's just kind of hard to find right now while I'm testifying. But --

COUNCILMEMBER SINENCI: Okay.

MR. PEREZ: -- what it says, I'll read it to you. It says, the proposed 59 lots for the Lihau'ula Workforce Housing Project exceed the allowable 50 lots. The total development of an area shall not exceed 50 single family residential lots or exceed 50 dwelling units except for developments consisting of one dwelling unit per acre or greater. A private wastewater treatment plant or a connection to the County sewer system is required for the wastewater disposal method. No individual wastewater systems are allowed. If you have questions, contact Roland Tejano, Environmental Engineer, and they give his phone number.

COUNCILMEMBER SINENCI: Thank you, Mr. Perez, for that clarification. Thank you, Chair.

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MR. PEREZ: You're welcome.

CHAIR KAMA: You're welcome. So seeing no other Members asking for clarifying questions, thank you very much, Mr. Perez --

MR. PEREZ: Okay.

CHAIR KAMA: -- for your testimony.

MR. PEREZ: Aloha.

CHAIR KAMA: Thank you. Aloha. Ms. Stewart, our next testifier please?

MS. STEWART: Our next testifier is Kai Nishiki, to be followed by Mark Deakos.

MS. NISHIKI: Aloha, everyone.

CHAIR KAMA: Aloha.

MS. NISHIKI: I am just going to share my screen to show you the pictures that accompany my testimony. Okay. Can you folks see my pictures?

CHAIR KAMA: Yes, yes.

MS. NISHIKI: Okay. Thank you. Aloha, Committee Members, and Chair Kama. Peter Martin is one of the largest landowners in West Maui. Lawrence Carnicelli is his highly paid executive and the Chair of the Maui Planning Commission. As you know, the Planning Commission is the authority and decision-making body for matters relating to the Special Management Area and shoreline. So it is particularly egregious to see this developer willfully and blatantly violate shoreline and SMA rules in this very environmentally sensitive area. In my opinion, Mr. Carnicelli should immediately resign from the Maui Planning Commission. When I called Mr. Carnicelli to discuss this work, he authoritatively stated, we don't need any permits, we're doing ag activities. Well, the State and County disagree. Submitted to you are several notices of violation issued last week from the County of Maui and the State of Hawai'i DLNR Office of Conservation and Coastal Lands. The photos you see are of shoreline property directly adjacent to the proposed Lihau'ula development, where these developers directed the unauthorized work. A site inspection by DLNR revealed encroachment upon State unencumbered land, failed erosion control mitigation, turbid, red-tinged ocean water, and dirt and mud on the State parcel and submerged land. From Maui County, the developer was cited for failure to submit a shoreline setback and Special Management Area assessment, grading and grubbing three acres, tree cutting half an acre, drenching and installing irrigation water lines, ground altering activities, installing four metal shipping containers, a concrete pad, grading and grubbing in the shoreline setback near a documented burial site, and a non-agricultural use of structures that may be used only for agricultural purposes. Just

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yesterday, State and County inspectors were called out yet again to another shoreline parcel because this developer is continuing to do more unpermitted actions in the shoreline. So there will be more violations on the way. In the addition, in 2018, the State Water Commission fined this developer for illegal construction of a dam and spillway on the Olowalu Stream. This clearly illustrates what pilau developers they are. They cannot be trusted, and have proven a complete lack of integrity. Please do not provide entitlements to this developer who has serious outstanding violations with the State and County. This project is not consistent with either the current nor the CPAC recommended West Maui Community Plan. With truly affordable projects supported by our communities, such as Pulelehua breaking ground in January, Waine'e Residential, and Honokowai . . . *(timer sounds)* . . . and Honokowai Hawaiian Homes coming up soon, and the recently built Kahoma homes and Stanford Carr development, West Maui has developments we do support, just not in this area. Please deny this project. This developer has willfully perpetrated crimes against Native Hawaiians and our culture, wreaked havoc on our environment, and instills distrust within our community. As you have heard, Olowalu reef is one of the last intact reef structures that must be protected. They brag about loving and caring about Olowalu while they willfully destroy everything that makes this place so special--native people, native culture, and the very land, reef, and ocean, and beaches. Please deny this project, it's . . . *(inaudible)* . . .

CHAIR KAMA: Thank you, Ms. Nishiki. Members, do you have any clarifying questions for the testifier? Seeing none. Thank you very much, Ms. Nishiki.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry.

CHAIR KAMA: Miss...oh, I'm sorry, Ms. Nishiki, can you come back? I see Member Keani Rawlins-Fernandez has a question for you. Go ahead, Keani.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair . . . *(inaudible)* . . . Mahalo, Chair. I wasn't yawning this time.

CHAIR KAMA: I thought you were.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Ms. Nishiki. Mahalo for your testimony. I...clarification on your question...sorry, on your testimony regarding your question to the current Chair of the Maui Planning Commission, who is a consultant on this project for Lihau'ula, when you asked him about permitting, was that regarding the Lihau'ula project or, I'm sorry, I wasn't clear on that one.

MS. NISHIKI: Oh, yes. It was when I called him about the work that they were doing on the shoreline, which is adjacent to the Lihau'ula property, and he is the Managing Director. He's...so he is a highly paid executive, and he should have specialized knowledge, being the Planning Commission Chair, about the SMA and shoreline area. So I would think that he would know when you need a permit or not, or if you're allowed to clear State conservation land without a right of entry. I would assume that he would know that. So I was shocked that he would say he doesn't need any permits.

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So I feel like if our Planning Commissioner, our Planning Commission Chair doesn't know when you need an SMA permit, then maybe you shouldn't be Planning Commission Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nishiki. Mahalo, Chair.

CHAIR KAMA: You're welcome. Seeing no other questions. Thank you very much, Ms. Nishiki, for being here. Alison, our next testifier?

MS. STEWART: Chair, our next testifier is Mark Deakos, to be followed by Tammy Harp.

MR. DEAKOS: Hi, Committee. Can you guys hear me okay?

CHAIR KAMA: Yes, we can hear you.

MR. DEAKOS: Oh, okay. I'm transmitting from Guam. So hopefully I won't cut out here. I am a 24-year resident of West Maui. I did my PhD at Olowalu, spent the last 15 years documenting the largest manta ray population in the U.S., over 400 unique mantas, including some from the endangered pelagic population. It's just one of the many reasons this Olowalu is designated as a Sylvia Earle Ocean Blue Hope spot. So many are asking why would Peter Martin submit a proposal for a development that addresses none of the community concerns. It violates the zoning, it goes against the Community Plan, there's nothing affordable about living in Olowalu when you need to drive to work, to schools, to stores. You have to pay for your expensive private water treatment, if you don't pay, it turns into a septic system that harms the reef. Nothing affordable about 70 percent of the homes being over 600,000, and applicants needing to show 100,000 in salary just to qualify. And of course, under 201H those homes will revert back to market value after ten years. So why does Peter think he can get this approved? Because this body has set precedence with 201H, basically saying, don't worry about the community concerns, don't worry about the coral reef, the traffic, the inadequate water, the Planning Department's directives for smart growth, the entire GPAC process. Don't worry about any of that stuff because all you need are five votes from this Council, just like the approval of Makila Kai. That's why we keep getting submissions of bare minimum proposals that continue to exacerbate the problems of West Maui, and they don't address the affordable housing crisis. So can you imagine for a second of the community of Lāna'i rejecting a development, and they made it clear in their Community Plan, and their elected representative begged the Council to not approve it, but they went ahead and approved it anyway. That's exactly what is happening in West Maui. So please deny this project. Thank you.

CHAIR KAMA: Members, any need to clarify the testifier's testimony, any questions? Seeing none. Thank you very much, Mr. Deakos, for your testimony. Alison, do we have any other testifiers?

MS. STEWART: The last person to indicate they'd like to testify is Tammy Harp.

CHAIR KAMA: Thank you.

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MS. HARP: Aloha.

CHAIR KAMA: Aloha.

MS. HARP: I'm in opposition of this Lihau'ula project, and I want to stand on the grounds of what the Maui Island Plan had done back in, what was that, like 2012 by the Long Range Planning Division of the Planning Department and the directed growth strategy, West Maui. I sent the four slides, pictures that I'm going to use, so you have that for reference. I sent in the email to the Committee. And on the slide number 23 it said about Olowalu Town included in an urban and rural growth boundary. And the Department's recommendation then, comments was the Department hasn't supported this location for future growth because of infrastructure constraints, potential impact on coastal resources, lack of employment base, and public concerns. There are other areas in West Maui that are more appropriate, which I really agree. And then the next one is the slide 24 about the directed growth pitfalls. So you can read that on your own because of the time constraints we have here. And then I sent a picture of Lihau and Ulula, the peaks, the two peaks of Olowalu Valley, and my...just by the name Lihau'ula just, my metaphor of the meaning is cold blooded, cold blooded, just like how the massacre happened that didn't need to happen back in 1790. But anyway, the...I would think the priority, instead of housing in that area right now should be the bypass road because we keep putting...I keep seeing...you know, it's still going on where they're patching, patching, patching the road. And I think it's about time we put the energy into the bypass, and then we figure out the other parts of it. And being that if anybody remembers when Monsanto had that corn field next door to the store, and when we used to pass there, we always rolled up the windows. We never let any of that pollen come into the...you know, the vehicle but probably was on the outside. But on the windy days, which is very windy out there, and then they pulled out of there because they said the aina was contaminated. So now if it's contaminated for GMO, GE, you know, the tampering of genome or whatever they call it, why would we put people there, you know? And I think industrial hemp would be really good there because it's drought resistant. The aina is pretty dry. And besides, we need the coral reef, I cannot call it pristine . . . *(timer sounds)* . . . but I still call it . . . *(inaudible)* . . . But anyway, I'm hoping that you folks realize that we really do need the bypass as a priority, then infrastructure for water, sewage, whatever can come along with the road. But for now, please, it's been too many years on this, I think it should be canned and let's move on. Mahalo. Aloha, Tasha.

CHAIR KAMA: Aloha, Tammy. Thank you so much. But hold on, I want to see if anybody has questions. Members, anyone have any questions for our testifier this afternoon? Seeing none. Thank you. Thank you, Tammy, very much, for your testimony.

MS. HARP: Mahalo.

CHAIR KAMA: Ms. Stewart --

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MS. STEWART: Chair, there --

CHAIR KAMA: -- do we have any other --

MS. STEWART: Oh, sorry.

CHAIR KAMA: Go ahead.

MS. STEWART: There is a caller logged in with the last four digits 5639.

CHAIR KAMA: Okay.

MS. STEWART: I'm not aware if they want to testify or not. But if they do, please unmute yourself and identify yourself for the record.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, Chair?

CHAIR KAMA: Yes, Ms. Keani Rawlins-Fernandez, do you have a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. The 5639 was muted on our side. But now it's been unmuted.

CHAIR KAMA: Is our testifier there? 4569 [sic] oops. Oh, wait.

MS. STEWART: It just disconnected.

COUNCILMEMBER RAWLINS-FERNANDEZ: The caller left.

CHAIR KAMA: Okay. So you...is she trying to get, or is our caller trying to get on?

MS. STEWART: No, they don't seem to be --

UNIDENTIFIED SPEAKER: Chair, we show the caller disconnected.

MS. STEWART: They don't appear to be trying to reconnect.

CHAIR KAMA: Oh, okay. Okay. I think she...or that person probably was just listening in and they got called and they got scared. Okay. Okay. Members, is there anyone in the galley who would like to testify? I want you to know that it's last call for testimonies. Okay. If not, Members, without objection, I would like to close public testimony.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KAMA: Thank you. And also, to be able to...you guys no objections to receive written testimony into the public record.

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**COUNCILMEMBERS VOICED NO OBJECTIONS**

CHAIR KAMA: Thank you. I heard that one loud and clear. Thank you. I heard you all loud and clear. So ordered.

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

CHAIR KAMA: Members, it is 3:30. The Chair is going to call for a recess, and we will reconvene at 3:41. Recess. . .*(gavel)*. . .

**RECESS:           3:30 p.m.**

**RECONVENE:   3:45 p.m.**

**AH-1(7):           AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII  
REVISED STATUTES) INDEPENDENT DEVELOPMENT OF  
LIHAU'ULA WORKFORCE HOUSING PROJECT (OLOVALU)**

CHAIR KAMA: . . .*(gavel)*. . . The Affordable Housing Committee of September 23rd will now reconvene. Thank you very much, Members, for going and coming back quickly. And now, the affordable housing project's Chapter 201H Hawai'i Revised Statutes, the independent development of Lihau'ula Workforce Housing Project Olowalu AH-1(7). So we have today Kyle Ginoza to provide a brief presentation regarding the project. So Kyle, are you...and can you please do your presentation? Oh, I seen him earlier. Okay. We can't hear you if you're trying to say something, Kyle.

MR. GINOZA: Can you hear me?

CHAIR KAMA: Can you speak a little louder?

MR. GINOZA: Can you hear me now?

CHAIR KAMA: We can hear you a little clearer now, yes.

MR. GINOZA: Thank you, Chair Kama, and Members of the Council Affordable Housing Committee. My name is Kyle Ginoza, and I'm a project manager for Hope Builders. I'm here presenting the Lihau'ula Workforce Housing Project. And I realize you got testimony on both sides of the issue. Please know that for us, you know, we are looking for providing the best opportunity to provide workforce homes for the community. As mentioned in the application, Lihau'ula LLC is the applicant and the landowner, and I'm representing the entity on their behalf. The project is located just before Olowalu store off of Luawai Street, as I believe you are aware. It's largely undeveloped. The 28...just under a 28-acre parcel, there is a small portion of the parcel that has a temporary agricultural baseyard. And a lot of people had mentioned

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that they feel that it is the wrong area, or, you know, it's somewhere that the County does not want to see urban growth. However, you know, we've been following this Community Plan process, the County General Plan process for many years. And as you may recall, we've had a couple of 201H projects, Makila Rural East and Polanui, that were within the rural growth boundaries, and this project as well that we had started to prepare after the County had designated the rural and urban growth boundary. So yeah, we took direction based on what the...a previous Council had established as law, and we are really trying to figure out a way to provide affordable housing in a manner that is both where the County would like to see housing, as well as what we can do rather expediently. And as mentioned, while the urban growth boundary . . .(timer sounds). . . the project is within the urban growth boundary, there are other land use designations that are still agricultural. And if you look at the various lands that either we've looked at or we have at our disposal, these three projects are areas which we had indications that urban growth or rural growth was warranted. And if you look at some of the other lands and the normal entitlement processes, you know, we didn't want to wait a dozen years before we were able to move forward with projects, and then have to go through subdivision and building permits for another half dozen or so years. And so we are utilizing the 201H process because it is something that we could go from here to fruition with homes built within five years. And so, you know, to say that we're not meeting requirements or, you know, we're skirting different things, I mean, we...the requirement is 50 percent affordable, and yet we're going to 68 percent. But you should know is that we are desperately trying to provide workforce housing for our locals, and that's why we've selected these areas. So as you can see, this project on this slide is within the urban growth boundary as designated on the Maui Island Plan map, and that's why we felt it was an area that we could...that we had at our disposal that we could get to have homes built relatively quickly. This is...this slide shows a closer up view, which shows the subject property in relation to Camp Olowalu, the existing Kapaiki Village on the right, Olowalu General Store, and you can see the...that temporary agricultural baseyard on the far left of the parcel. You may not know this, but this is the TMK parcels of the Olowalu area. So I believe a number of testifiers mentioned that, you know, we're going in for a, whatever, 300-plus acre parcel or 300-plus acre project. But that's not what this project is about. It only looks at what is highlighted in yellow...I'm sorry, in orange, which is a 28-acre parcel. And so I think a lot of the testimony, even some of the ones that were submitted as part of February testimony, was really discussing Olowalu, a bigger Olowalu development in the past. As you can see, the site is largely undeveloped, and has invasive trees on the property. It is a total of 59 units that we are proposing, 40 of them are 10,000 square foot house and lots that we are looking for urban designation under the...under 15-acre district boundary amendment, and these are the units that will follow 201H and Maui County Code 2.96 requirements and the number of homes and the percentage of homes within the various area median income group, the AMIs. And just for reference, for 2020, the County of Maui Department of Housing and Human Concerns guidelines has 100 percent of median income as \$97,500. So whereas 40 of the units will be 10,000 square foot house and lot affordable, nine would also be 10,000 square foot lots, market lots in the urban district, and will be offered to Maui residents, as well as ten one-acre agricultural lots that would be offered to Maui residents as well. So you can see that 40 out of the 59

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lots, 68 percent would be affordable, whereas the requirement under 201H is 50 percent. This is our conceptual site plan for the project, where access via Luawai Street...and based on comments we received from the County, we revised the site plan to include two entrances to the project with a looped roadway, which would have...which would access the 49 10,000 square foot lots, as well as the ten one-acre lots, five of which are on the left side of parcel, and five of which are on the upper right side of the parcel. And again, this is mauka of Honoapiilani Highway, just between the Kapaiki Village and Olowalu General Store area. In this slide, I list the AMI groups, the area median income for the different workforce homes, and I list the max sales price. But of course, there is a range. And so for the 80 to 100 three-bedroom, two-bath, it's anywhere from 405,100 to 506,400. For the four-bedroom, it's 465,865 to 582,360. And, you know, for each of them, there are various ranges. But I...for this, for the purposes of this slide, I had just listed the max. But as you are well aware, there is a range, and it goes from the 400,000s in the 80 to 100 percent bracket to, you know, 500s to almost 700 in the 100 to 120 percent bracket, and anywhere from just over 6 to 815 in the 120 to 140 percent bracket. And just for reference, for the market lots that are...market lots being available, we haven't set a price range obviously, but that's kind of the price range we were looking at for those. And the numbers I referenced above were at a 4.5 percent mortgage interest rate because, as you know, depending on the mortgage interest rate, it dictates what range the affordable homes would be in. These are a few renderings, just conceptual renderings of what we thought the homes would look like in actually two configurations of three-bedroom, two-bath and two configurations of four-bedroom, two-bath. Some of the major elements of the project is...I know there was testimony about, you know, we trying to, or there being a need for, you know, in the like 300 or \$400,000 range for a home. But as I think one of the testifiers mentioned, our model is not to pursue grants or funding subsidies, aside from the fee waivers. So we try to have a privately financed project that doesn't necessarily target this, the lower end, or it doesn't target the lower AMI groups, but we do realize that there is a need and a market for the middle group of affordable, as well as the, what used to be called, I guess, somewhat the gap group where right now, homes may not be available for, you know, for those price ranges. And we feel that Olowalu is a convenient location where, you know, it's only 10 or 15 minutes from West Maui and like 15 minutes from Central Maui. So it does cut down the commute considerably for West Maui workers to not have to traverse the Pali every day. It is true that Olowalu is not in the midst of an existing urban core like Lahaina. So there are infrastructure systems that would have to be established for this project, such as individual wastewater systems and extension of the private water, private potable water system. In this area, it's called Olowalu Water Company. But we can accommodate, and there are ways to accommodate the infrastructure needs for this project. Perhaps most appealing about a project like this is that with fast...with the so-called fast track 201H process, instead of, as I mentioned, going through like a dozen years of entitlements, it does allow...because there are, there is a significant affordable housing component for homes to be really built in five years. So we have other projects that have followed the 201H process, most recently our Waiale Elua project, that we are able to complete the project in, I believe, just over five years from approval of the 201H to when people moved in. And so we're hoping that, you know, within two or three years, if we can get

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our plans reviewed, or get approval and get our plans reviewed, that we could start home construction at the end of 2022 or '23. And another important facet is that we're looking at 100 percent of the homes...well, for the workforce will be 100 percent of the homes sold to residents with no allowance for short-term rentals, as well as the market units that, like I said, we're marketing and targeting residents for these market homes so that even those that do not qualify for the affordable based on their AMIs, that they're still able to be part of this development. And after the meeting that we had with this Committee in November of last year, we did do further outreach to try to get a pulse of the community, get input from the community, as well as others, to try to understand how we can address some of the concerns that people had with the understanding that, you know, I mean there are those that just do not want housing in this area. Of course, if there are a lot of people, dozens of people who we've met over this time that have said that we just want West Maui housing. And when we look at what is there for people, I mean, this is a nice place in a convenient place for there to be residents. And so as I mentioned, we...over the last two-plus years, not only last year and this year, but also prior to this when the first...project was first conceived, we have met with different groups and different individuals, which led to today's meeting in the Council Affordable Housing Committee. And should we have a favorable nod from this Committee, over the next couple years, we'd look at doing the subdivision design and go for plan review and move over to getting the infrastructure improvements done, as well as building permits. So we're looking at home construction could be complete in a five-year time frame versus, you know, another project that didn't have any kind of approvals and would have to go through the full land entitlement process. So that's a general overview of what I have. We are here to...you know, we have been listening to the concerns from the public, and we are here to understand, you know, what kind of elements you'd like to see improved or explained upon to have a favorable recommendation from this Committee. Thank you very much.

CHAIR KAMA: Thank you, Kyle. So can you take that off the screen, please? And so Ms. Munsell, do you have any comments regarding the project?

MS. MUNSELL: Yes. Thank you, Chair. I appreciate the opportunity to be here. My name is Linda Munsell, I'm the Deputy Director for the Department of Housing and Human Concerns. And of course, also with us this afternoon is Buddy Almeida, who is our Housing Administrator. We really appreciate the opportunity to be here today and present this project to you. As you know, and as you've heard, the Lihau'ula project is composed of workforce housing in Olowalu. It's a total of 59 housing units that are being proposed, which is a mix of workforce housing, which are single family residence that folks desperately want in this area, in the West Maui. These homes will be made available to individuals earning between 80 and 100 percent of the AMI. Of course, it is being proposed through the 201H process, which allows the developer to request exemptions or modifications from the Code. A copy of those exemptions are included in your...the application before you. In exchange for these exemptions, of course, the 201H project is required to provide more than 50 percent of the homes as workforce homes, as the developer has indicated, that's almost 68 percent of the homes in this project will be workforce housing. I know that you've...it's been a long afternoon

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already, so I'll close there. And of course, we're here to help answer any questions that you might have of the Department. Thank you.

CHAIR KAMA: Thank you, Ms. Munsell. So Members, it is the Chair's intent to recess this meeting today at 4:30. So is it your pleasure to continue until 4:30 with starting the deliberations, or would you want us to go to recess right away? I'm open to suggestions. Yes, Ms. Lee?

COUNCILMEMBER LEE: I think since a lot of the information is fresh in our minds, it would be a good time to ask questions.

CHAIR KAMA: Okay. Very good. Tamara, was your hand up, Tamara? No?

COUNCILMEMBER PALTIN: Oh, I concur with Chair Lee --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- and I had some questions.

CHAIR KAMA: Okay. Okay. Thank you. So why don't we begin, and we'll try to see what we can get through before our time ends. But so let's start with maybe first round of questions. Each Member gets three minutes each to either address the developer or the Housing Director. So Kyle, can...you know, when you're asked questions, can you kind of kind of give your answers really brief to the Councilmembers so that you don't use too much of their time? Okay. So --

MR. GINOZA: Absolutely.

CHAIR KAMA: Okay. So why don't we start with the Vice-Chair of the Committee, Mr. Molina.

VICE-CHAIR MOLINA: Yeah. Thank you very much, Madam Chair.

CHAIR KAMA: Thank you.

VICE-CHAIR MOLINA: A question again for...thank you, Mr. Ginoza, for the presentation. And for this round, my questions will be confined to affordability. And Madam Chair, are we on a time clock, by the way? Like one round of three minutes each Member, and then --

CHAIR KAMA: One round of three minutes, yes.

VICE-CHAIR MOLINA: Okay. All right. Okay.

CHAIR KAMA: But we're going to do two rounds, Mr. Molina.

VICE-CHAIR MOLINA: Okay. Okay. Thank you.

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CHAIR KAMA: Two rounds, three minutes each. Thank you.

VICE-CHAIR MOLINA: Yeah. And thanks for, Mr. Ginoza, for expounding on the price range. And honestly, it doesn't seem affordable to me and, you know, we heard that in testimony because I think we have a greater need for housing from below 80, the below 80 percent to 120 range. So is there any possibility to get these prices down and make them more affordable within this range? And maybe you can tell us how you came up with the affordable range of, you know, 500,000 to 800,000.

MR. GINOZA: Chair, yeah, so we followed the 201H and the 2.96 guidelines on the affordability. Part of the challenge is, you know, having to put in infrastructure for servicing these homes and...as well as the types of homes that we put in. So it's, you know, the price, and I mean, especially with COVID and even the prices of materials have gone up, and it's just expensive to be able to build at this point in time. Even when we look at, you know, our lands within the Lahaina area, I mean, it's...I mean, we'll look at it some more, but you know, I mean, that's kind of how it fleshed out because, I mean, if you look at--and sorry I'm expounding so much. But yeah, I mean, we're...it's just a challenge to be able to get down to the lower levels without being able to have the subsidy from the market homes. And that's where we tried to kind of balance out not having a lot of market homes, and then a lot of the lower side. Because as you know, a lot of the...I mean, these lower AMI homes would be heavily subsidized by the upper side, and there, it's limited on the number of markets that we have and what we could get for the markets.

VICE-CHAIR MOLINA: Okay. Thank you, Mr. Ginoza. And my last question for this round, do you have any built-in resale restrictions for this project?

MR. GINOZA: I'm sorry, such as what?

VICE-CHAIR MOLINA: Yeah, you know, in terms of like reselling the...assuming this project goes forward, an owner decides to sell after 10 years, 20 years, then it can go to market --

MR. GINOZA: So we're --

VICE-CHAIR MOLINA: -- I mean, as far as the affordability range.

MR. GINOZA: Sure. So we're proposing following the 2.96 and the 201H guidelines, which 201H, I believe, is 10-year deed restriction and adhering to that. . . .(timer sounds). . .

VICE-CHAIR MOLINA: Ten years. Okay. All right, thank you. Thank you, Madam Chair.

MR. GINOZA: Thank you.

COUNCILMEMBER LEE: Thank you, Madam Chair. Thank you, Mr. Ginoza, for your presentation. All right, you've talked about a lot of community outreach. Have you

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modified your project in any way to satisfy any concerns of the community?

MR. GINOZA: What we've done is we've reconfigured how the lots are to afford mauka to makai access, and additional ingress and egress. Some of the other concerns were with regards to drainage, which, you know, we will adhere to the County of Maui drainage standards and the current --

COUNCILMEMBER LEE: Okay. The biggest concern sounds like is the potential damage to the reefs. So what exactly do you have planned in order to prevent something like that?

MR. GINOZA: So for that, we're proposing to install individual wastewater systems. We've had communications with both the Department of Environmental Management, as well as the State Wastewater Division, where based on the elevation being as it is, they're saying that individual wastewater systems are...they wouldn't prohibit individual wastewater systems for this type of development.

COUNCILMEMBER LEE: Okay. So the systems that you're planning to utilize would prevent damage to the reefs and the soil...not the soil, but the groundwater?

MR. GINOZA: We would adhere to the State and County standards, yes. I don't know how you make a nexus between an impact such as, you know, an impact of a 59-unit subdivision onto the greater...the greater reef. But knowing that the project is roughly 700 feet from the shoreline, and at an elevation on the upper end at 25 above, 25 feet above median, above sea level there, and we agree, say it's appropriate to utilize the individual wastewater system in absence of a sewer.

COUNCILMEMBER LEE: Okay. No, I was wondering how your project would impact the reefs. If there's no major subdivisions . . .(timer sounds). . . there now, something is damaging the reefs, right?

MR. GINOZA: I believe what the testifiers are saying is that they don't want damaging of the reef. And if you look at how the community is now, I mean, there are...like for instance, Kapaiki Village is much less than 700 feet from the ocean, and a lot of them are cesspools which, you know, we...which are kind of the lowest level of wastewater treatment.

COUNCILMEMBER LEE: So the existing...so existing homes are affecting the reefs

MR. GINOZA: I wouldn't say that. I would say that, you know, we aren't going to be...if the concern is that housing development will impact the reefs negatively, just...I mean, as a small development like Kapaiki Village or Lihau'ula, to me, you cannot make that connection. I mean, I understand the concern from many that when you look at the previous iteration of having the Olowalu town or Olowalu community, which encompassed, or comprised 300-plus acres, that type of development would potentially have that impact on affecting downstream properties. However, you know, I don't think they...the analysis got there because you know, they would be doing a

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treatment plant and such. So what I'm saying is that it's not as an intense a project. It's 59 units . . . *(timer sounds)*. . . that are further away from the shoreline and has regulated --

COUNCILMEMBER LEE: Okay.

MR. GINOZA: -- infrastructure system.

COUNCILMEMBER LEE: Okay. Thanks, thanks, I think we used up our three minutes already.

MR. GINOZA: Thank you.

CHAIR KAMA: Thank you. Ms. Sugimura, you have any questions for our developer?

COUNCILMEMBER SUGIMURA: Yeah, I was actually going to ask about the individual wastewater system and...because of the concerns that we heard about the reef. And...but I wanted to...when you appeared, I...the testimony that we got, I thought maybe Lawrence Carnicelli was going to testify. So he's not involved in this project? Is he, you're --

MR. GINOZA: He's not...he's not...oh --

COUNCILMEMBER SUGIMURA: Sorry.

MR. GINOZA: Sorry. He's not involved in the project. And actually, he tried to testify at the end, but I guess testimony was closed. So he...yeah, he's not involved in Lihau'ula because he actually works for a different company that does not have ownership in Lihau'ula.

COUNCILMEMBER SUGIMURA: So he's not . . . *(inaudible)* . . .

MR. GINOZA: So out of the partners, the former partners of that larger Olowalu development, they did not want to continue with a project like this. So Lawrence does not work for Lihau'ula or do work for Lihau'ula.

COUNCILMEMBER SUGIMURA: Ah, okay. Thanks for that clarification because I think some of the testifiers thought that he was, so that's good to know. And I wondered if you could submit, you know, later for the next deliberations, or in between, information about your wastewater system. I'm interested in what you're installing, and just wanted to make sure that, you know, it won't have the kind of impacts that is a fear of the community for the fish, for...you know, all the things that we heard. And I'm quite sure with your experience it must be something that was well thought through. So that's it. Thank you.

CHAIR KAMA: Ms. Paltin? Questions for the developer --

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COUNCILMEMBER PALTIN: Oh, shoot, can you hear me?

CHAIR KAMA: -- or the Department?

COUNCILMEMBER PALTIN: Can you hear me?

CHAIR KAMA: Yes, I can.

COUNCILMEMBER PALTIN: Okay. I was hoping for my first round if I can just ask a bunch of questions, and maybe you can write them down and get back to us in writing for the recess date?

MR. GINOZA: Absolutely.

COUNCILMEMBER PALTIN: Okay. First is testimony item number 167 is from me, and it's my proposed conditions, and if you can go through those during the recess and let us know. The second one is if you can provide information about where the water will be coming beyond, we're going to extend the system. The third question is where is the follow-up response from the State of Hawai'i Department of Health Maui District Health Office because they didn't say what you kind of were saying that you said in number three of the response to Mr. Bagoyo, it doesn't agree with the way that you're counting the math. And then I see the response from Mr. Bagoyo, but I don't see a follow-up because he says, we appreciate if you can please confirm that the use of the IWS for the project is consistent and complies with Hawai'i Department of Health Administrative Rules Chapter, and I don't see any response from the Department of Health claiming that it does like how you said. So just missing information there.

MR. GINOZA: I can provide that.

COUNCILMEMBER PALTIN: And then, what is the zoning of the 0.69-acre park? Is that agriculture or...because...and then, you know, with what kind of zoning is that. Also, will the developer be installing the IWS? Is it going to be septic, ATU, is it going to be at your cost or the homeowners' cost? And like how many...is it going to be for...like how many bedrooms is it going to be built to accommodate, like if somebody after the fact adds on a bedroom or something like that. And will there be a homeowner's association, and will they like, you know, provide maintenance? Is your intention to turn the road over to the County, or is it the intention to keep the internal roads all to yourself? And is there, I think the Department of Water Supply needed some sort of information before like a technological engineering...when I read the engineering thing in here, I mean, it doesn't have anything to do with engineering. It just says, will extend the water system. So I mean, if there's anything more technical or engineering . . . *(timer sounds)* . . . about that? Thank you.

MR. GINOZA: Sure. We'll address that.

CHAIR KAMA: Thank you, Ms. Paltin.

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COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Mr. Ginoza, for your presentation. Yeah, just a clarification on what you said earlier. The...Ms. Cassandra Abdul from Na Hale O Maui, you said that wasn't part of this plan to have Na Hale O Maui possibly do up to 20 of the homes? That's not something that Lihau'ula is open to do, to work with the Na Hale O Maui?

MR. GINOZA: So we are looking at a partnership with--as she had mentioned, in the Kahoma Residential project, we had an arrangement where Habitat and Na Hale had gotten lots and built certain lots and, you know, under their philosophy of building. And so we are also looking at what kind of partnership we could have here that would incorporate both of those entities. Because we really value that relationship with both of those entities, and we're committed to also continuing that in this project, and I believe she said that it was, she didn't know if it was up to 20. We are looking at more like maybe like on the order of three each, so like kind of a handful, maybe a handful with one extra finger kind of thing. But yeah, we're looking at on the order of a few each, rather than 20. I mean, just, that's what we're thinking. We haven't fleshed out what that relationship would be because we thought it was premature to...can come up with an actual agreement and then, you know, figure out from here. So, you know, and that wouldn't work out. So we are committed to that, we just haven't finalized and engaged in more specific discussions.

COUNCILMEMBER SINENCI: Oh, okay. Because like Member Molina, I had some concerns about working with these entities to somehow bring down some of the prices of the homes so that it would be more geared toward workforce housing, yeah. And then, for...there was a response from the County Planning, and they had a few suggestions. Did...I don't see the response to Director McLean for some of the issues that the Maui Planning Department had about the project. I guess --

MR. GINOZA: You mean the response letter?

COUNCILMEMBER SINENCI: Right, was there a response to Director McLean?

MR. GINOZA: Yes, it should've been in the booklet.

COUNCILMEMBER SINENCI: Oh, okay. It's . . . *(timer sounds)* . . . towards Mr. Fasi. Okay.

MR. GINOZA: Yes.

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

CHAIR KAMA: Ms. Rawlins-Fernandez, questions for the developer?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

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CHAIR KAMA: . . . *(inaudible)* . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I have a couple of questions, and then if Member Paltin had more questions--because a bunch of her questions were on mine, I'd like to give Member Paltin two of my three minutes. So I'll just ask a couple questions real quick. Okay. So for...aloha, Mr. Ginoza. Mahalo for your presentation.

MR. GINOZA: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: What mitigation measures are you taking to address the potential impact to traditional resources and ongoing traditional cultural practices within the proposed project area and the surrounding environment prior to the commencement of construction activities? And I guess you can just add that to the list.

MR. GINOZA: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then when we reconvene you can respond to that one. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Member Rawlins-Fernandez. My next questions, similar format, but for Department of Housing and Human Concerns. So can you...and this is just to write down and get back to us in writing. Why, when the interest rate goes down, does the purchase price go up? And wondering why the HUD guidelines for 2020 are higher AMI monies than it was for 2019 when it's released in May, and by March, people were all getting laid off, March, April, May. So, I mean...and the situation was so volatile, why did the AMI numbers go up so much. And on Page 102 of this small little--I don't know if you can see--booklet, it says...your last DHHC comment . . . *(timer sounds)* . . is, the market study included...appears to be discrepant with respect to information currency. I'm not sure what that even means, like I can't understand that. And then I guess one more for Mr. Ginoza to write down is, any response to Russel Sparks' comments about a 50-year, one hour event is not what he would like you to plan for because of climate change, and the more higher prevalence of the 100-year storms in terms of drainage, and the transportation of non-point source pollution directly to the...and I guess also his concerns that more of the concerns could be mitigated if it's not fast tracked. Just because, you know, we heard this in 2012, we heard it in 2015, now we're hearing it again and again. And over that course of how many years, if you would've just done the studies or seen how to mitigate the impacts, you know, it could've been developed maybe, but it just hasn't been...like there hasn't been enough solid information, as they said in 2015. And some of...a lot of the comments from the Land Use Commission too, is like, you know, it never was mentioned in this application that what the history of it is. They kind of feel it's parcelization, segmentation. When you take a 201H project and you say its 100 percent affordable, the 40 units on the urbanized land, we're looking at a 27.99-acre project. That's what the project is. And so actually, the project is over 15 acres, even if you just say the urban and the park, it's over 15 acres. So, I mean...and the

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exemption situation that the Land Use Commission is talking about as well, if you could expound on that like, you know, a 201H process is not meant to bypass our Charter and the Maui County Code 19.68040, I think. And so, you know, it's kind of like a lot of these comments say either/or, and you're kind of like smooshing them together and saying both, a little bit of both. And that's kind of not the rules that everybody's been playing for. And I applaud creative math . . . *(timer sounds)* . . . but at the end of the day, two and two is still supposed to equal four, whether it's one plus three, or three plus one. Okay. Sorry, thanks, I hope that was clear enough.

MR. GINOZA: Thank you.

CHAIR KAMA: So Members, any other questions that you'd like to have Mr. Ginoza address before we recess so he can prepare to come back next week with answers. Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I'll be real quick. Was there an EIS for the project, Environmental Impact Statement done? That . . . *(inaudible)* . . .

MR. GINOZA: There was no trigger for this project. So there was not one.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: Okay. So the Chair...oh, so Mr. Ginoza, one of the things testifiers brought up today that I thought was pretty disturbing was the violations that they talked about. I'm not sure how many there are, but if you could address them also, when you come back next week. I think --

MR. GINOZA: Absolutely.

CHAIR KAMA: -- that would be very helpful.

MR. GINOZA: Absolutely.

CHAIR KAMA: Yes, Ms. Lee?

COUNCILMEMBER LEE: Yeah, I just wanted to follow up on Mr. Sinenci's question. I'm...I just caught the end of it. Was it SMA did you ask about? Because I believe 201H would trigger an EA. Kyle?

MR. GINOZA: Oh, sorry. Yeah, Councilmember Sinenci had asked about if an EIS rather than EA was done.

COUNCILMEMBER LEE: Oh, okay.

MR. GINOZA: An EIS rather than SMA. So this project is outside of the SMA and --

COUNCILMEMBER LEE: Yeah, I know, I know. I know, but it triggered an EA.

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MR. GINOZA: -- the requirement...yeah, so the requirement for 201H and 2.96, if there's no existing triggers, is that a project assessment report be prepared as part of the application. So if you look through the application, while it...certain requirements for the EA are not necessarily there. We...you know, we crafted it to be, you know, in an EA format, or EIS format, even though one wasn't necessary. So there was no trigger, and so a formal EA or EIS for this project in particular was not prepared.

CHAIR KAMA: Did you get that, Mr. Sinenci?

COUNCILMEMBER SINENCI: So no EA was made? . . . *(inaudible)* . . . Chair Lee.

CHAIR KAMA: He said...he said that there was no EIS that would be done, but the 201H would probably trigger a EA, an assessment.

COUNCILMEMBER LEE: Something similar to an EA.

CHAIR KAMA: Right.

MR. GINOZA: Exactly, precisely.

CHAIR KAMA: An assessment.

MR. GINOZA: It's not an EA itself, but like an EA. So if you read even in the documentation for 2.96 or 201H, it's, you know, in absence of an EA, an EIS...or I'm sorry, an EA-like document should be prepared to assess the project components or project impacts.

CHAIR KAMA: So an EA-like document.

MR. GINOZA: Yes.

CHAIR KAMA: Okay. Thank you. Members, it's the end of the day. It is exactly 4...yes, Mr. Molina? Yes, Mr. Chair?

VICE-CHAIR MOLINA: Yeah. Thank you, Madam Chair. Just a request for our next meeting if we could get the --

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: -- following information --

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: -- on the amount of the waivers that are being requested by the applicant, which include driveway permit and inspection fees, traffic and roadway improvement impacting...this is attached to a September 9, 2020 letter from the Department of Housing and Human Concerns, just like eight fee waiver requests. And

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also, the cost of the exemptions, which includes an exemption from doing sidewalks and the like. So if we could get that final total in terms of cost, yeah --

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: -- for our information. Thank you.

CHAIR KAMA: Thank you. So Members, it is now still 4:30. It is...yes, Ms. Paltin? You're muted, Miss --

COUNCILMEMBER PALTIN: I had a --

CHAIR KAMA: Go ahead.

COUNCILMEMBER PALTIN: Thank you. I had some questions for Corp. Counsel, if they could bring back the answer at the next meeting.

CHAIR KAMA: Sure. Mimi, are you there?

MS. DESJARDINS: Yeah, go ahead. Can you hear me?

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: Yes, thank you.

MS. DESJARDINS: Okay.

COUNCILMEMBER PALTIN: On Page 133 and 134 of where it says Olowalu Plantation continued, after the plantation ownership, it goes into Hawaiian landowners prefer to lease their lands, and it asks where the lease is and whatnot. And I was wondering, if there's murky title issues and the land gets sold to somebody else, and then one of the heirs come with the royal patent or whatever, would it be between the affordable workforce house owner and the heir to go into court, and the developer would have no accountability after the lot is sold? Like who would bear the responsibility and the accountability if there's a title issue should come up?

MS. DESJARDINS: Okay. Got it, thank you.

COUNCILMEMBER PALTIN: Thank you. And then, if I can, one more for Mr. Ginoza. On this same paper, it says wells get dry if pumped continuously for 24 hours, and we have to slow down the pumps at night to allow the wells to fill up to a certain extent. Is that similar for this situation? Like not sure why this was...oh, not coming up, sorry. It's the page kind of right in the middle of this big book.

MR. GINOZA: Could you just --

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COUNCILMEMBER PALTIN: 130, 133 --

MR. GINOZA: Okay. I'll take a look.

COUNCILMEMBER PALTIN: -- of the Plantation Report.

MR. GINOZA: I'll take a look for the next...and I'll provide a response for the next meeting.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair. Thank you for your indulgence.

MR. GINOZA: Thank you.

CHAIR KAMA: You're welcome. Members, it is now 4:33. It's the end of our workday. And so, I would like to be able to recess this meeting until Tuesday, September 29th.

**COUNCILMEMBERS VOICED NO OBJECTIONS**

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR KAMA: Meeting recessed. . . .(gavel). . .

**RECESS:** 4:33 p.m.

APPROVED:



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TASHA KAMA, Chair  
Affordable Housing Committee

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Transcribed by: Marie Tesoro

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CERTIFICATION

I, Marie Tesoro, hereby certify that pages 1 through 50 of 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 26th day of October 2020, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read "Marie Tesoro", written over a horizontal line.

Marie Tesoro