

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

November 25, 2024

Online Only via Teams

CONVENE: 10:02 a.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
Councilmember Gabe Johnson, Member (In 10:20 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U‘u-Hodgins, Member

STAFF: Ellen McKinley, Legislative Analyst
Samantha Tanck, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Michael Hopper, Deputy Corporation Council, Department of the Corporation Counsel
Chris “Nahulu” Nunokawa, Deputy Corporation Council, Department of the Corporation Counsel
Wilton Leauanae, Senior Planner, Department of Planning
Danny Dias, Planning Program Administrator, Department of Planning
Shayne Agawa, Director, Department of Environmental Management
Bradford Ventura, Fire Chief, Department of Fire and Public Safety
Richard “Remi” Mitchell, Director, Department of Housing
John Pelletier, Chief, Department of Police
Wade Maeda, Deputy Chief, Department of Police
Jordan Molina, Director, Department of Public Works
John Stufflebean, Director, Department of Water Supply

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Robin Shishido, Deputy Director, State Department of Transportation
Kaponou'ai Molitau, Director, Department of 'Ōiwi Resources

OTHERS:

Resource Personnel:

Rick Arambulo, Honua'ula Partners
Calvert "Cal" Chipchase, Cades Schutte
Terrance Arashiro, Austin Tsutsumi & Associates
Tyler Fujiwara, Austin Tsutsumi & Associates
William Spence, Principal, William Spence & Associates
Harold Edwards, ITC
Dave Ward
Karlynn Fukuda, Munekiyo Hiraga

Testifiers:

Diann Colton
Jordan Hocker
Michael Hill
Janice Hill
Paula Kalanikau
Elizabeth Ray
Nancy Halley
Zandra Amaral-Crouse
Shane Awai
Dean Frampton
Sheila Walker
Joel Edelman
Patricia Pearce
Nancy Haag
Johann Lall
Pane Meatoga III
Stacey Alapai
Kelly King
John Laney
No'eau Patao
Katie Austin
Scarlett Martin
Sam Small
Jerry Pappas
Dr. Lee Altenberg
Ryan Hurley
Carol Lee Kamekona
Lahela Aiwohi
Michelle Del Rosario
Nara Boone
Joyclynn Costa
Les Iczkovitz
Robin Knox

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Mike Moran
Mark Deakos
Mark Clemente
Audrey Lester
Jasee Law
Leonard Nakoa
Dick Mayer
Nalei Pokipala
Emmanuel A. Baltazar
Stephen West
Chris Salem
Albert Perez
Others (84)

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

CHAIR KAMA: . . . (*gavel*) . . . Will the Housing and Land Use Committee meeting of November 25th, 2024 come to order. It is now 10:02 a.m., and I am Tasha Kama, Chair of the Housing Committee. This online meeting is being conducted in accordance with the Sunshine Law. And Members, when your name is called, if you are not with me in the Council Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. Any questions, Members, before we continue? Thank you. So, this morning, I want to say aloha kakahiaka and sgē:nō to Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Chair, aloha kakahiaka, and...didn't catch the second one?

CHAIR KAMA: [Say-ko]...S-E-I-K-O, like the --

VICE-CHAIR COOK: Oh, keiko [*sic*]?

CHAIR KAMA: -- Japanese watch.

VICE-CHAIR COOK: Anyway, I want to tell everybody how excited I am to be back in Chambers and actually feeling like I'm coming to work. And wishing everybody a very happy Thanksgiving week, and I'm looking forward to today's meeting. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Cook. So, we're going to continue with saying good morning, aloha kakahiaka, and sgē:nō to our Council Chair, Alice Lee.

COUNCILMEMBER LEE: Sgē:nō, Chair Kama.

CHAIR KAMA: Aloha.

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COUNCILMEMBER LEE: I'm home alone in my workspace, ready to go. *(echoing)* And the morning greeting comes from the Iroquois Indians, which originated in...in the northeastern part of the United States, New York, and Canada. Aloha, everyone.

CHAIR KAMA: Thank you. So, I want to continue with our Council Vice-Chair Yuki Lei Sugimura. Good morning, sgē:nō, and aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Good morning. I agree, it's great to be back in the Chambers, and looking forward to the day we can get back into our offices, which I understand is coming soon. And looking forward to a very productive meeting. So, thank you.

CHAIR KAMA: Thank you. I want to continue with our Councilmember from West Maui, Ms. Tamara Paltin. Good morning, aloha kakahiaka, and sgē:nō to you.

COUNCILMEMBER PALTIN: Aloha kakahiaka and sgē:nō kākou.

CHAIR KAMA: Thank you. And we have...let me see...Councilmember Gabe Johnson. Aloha kakahiaka, but I don't see you. Does anybody see Mr. Johnson?

MS. MCKINLEY: I believe he's joining a little later.

CHAIR KAMA: Okay. Thank you very much, Staff. So, I want to say good morning, and aloha kakahiaka, and sgē:nō to Councilmember Nohe U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: *(audio interference)* Susan Clements and Jade Rojas-Letisi, and we have no testifiers. Can you guys not hear me, or was it just Tom? You can hear me? Okay, good.

CHAIR KAMA: We can hear you now.

COUNCILMEMBER U'U-HODGINS: Hi, everyone.

CHAIR KAMA: Thank you. I want to say good morning, and aloha kakahiaka, and sgē:nō to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha and sgē:nō, Chair, I'm here at the Hāna District Office. I'm here with Staff member Mavis Medeiros, and there are no testifiers, Chair.

CHAIR KAMA: Thank you. I also want to say good morning, and aloha kakahiaka, and sgē:nō to our Councilmember Keani Rawlins-Fernandez. The last I heard, she was in her car --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: -- on her way. Do I hear you?

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou, mai ko'u ka'a. I'm in my vehicle alone, and there are currently no testifiers at the Moloka'i District Office.

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And mahalo to our Clerks for all their hard work, enabling us to, you know, be in the Council Chambers today. Mahalo, Chair.

CHAIR KAMA: Thank you. I want to say good morning to our Corporation Counsel, Deputy Corp. Counsel Member [sic] Chris “Nahulu” Nunokawa. Aloha kakahiaka.

MR. HOPPER: Actually, Chair, this is Michael Hopper. Deputy Nunokawa will be along later today, I believe.

CHAIR KAMA: Okay, thank you for letting me know that. And so, we have, from the Department of Planning, the Senior Planner, Wilton Leauanae. Good morning, aloha kakahiaka. *(pause)* But we also have from Planning --

MR. LEAUANAE: Good morning, Chair.

CHAIR KAMA: Oh, I hear you. Welcome back.

MR. LEAUANAE: Good morning, Chair. Thank you. Good to see you, and good to be with you today.

CHAIR KAMA: Thank you. I want to say good morning also to the Planning Program Administrator, Danny Dias.

MR. DIAS: Good morning, Chair. Good morning, Councilmembers.

CHAIR KAMA: Good morning. We have, from the Department of Housing, the Director, Richard Mitchell. Good morning, aloha kakahiaka.

MR. MITCHELL: Good morning, Chair, and good morning, Members.

CHAIR KAMA: We also have from the Hawai'i State Department of Transportation, the Deputy Director, Robin Shishido. Aloha kakahiaka.

MS. MCKINLEY: Chair, we don't see him on the meeting quite yet.

CHAIR KAMA: Okay. Let me know when he does come on. Thank you. And we have on call the Department of Environment Management, Shayne Agawa, the Director. Also on call is the Department of Fire and Public Safety, Chief Brad Ventura. We also have on call the Department of Public Works Director, Jordan Molina. We also have on call the Department of Water Supply Director, John Stuffbean. And we have with us here today in the Chamber, from the Police Department, Chief of Police John Pelletier, and I think we're going to have Mr. Wade Maeda, Deputy Chief of Police, also. So, thank you all for being here. We also have other resources with us this morning. We have Rick Arambulo from Honua'ula Partners; is that correct?

MR. CHIPCHASE: That is correct.

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CHAIR KAMA: Thank you. And then, we have Mr. Cal Chipchase with Cades Schutte, and Mr. Chipchase has served as legal counsel for the project's proponent. Good morning.

MR. CHIPCHASE: Good morning, and sgě:nō to everyone.

CHAIR KAMA: Thank you. And we have Terrance Arashiro with Austin Tsutsumi & Associates, who provided the civil engineering services for the project. Good morning.

MR. ARASHIRO: Good morning, Chair.

CHAIR KAMA: Thank you. And we have Tyler Fujiwara, with Austin Tsutsumi & Associates, who provided the traffic engineering services for the project. Good morning. *(pause)*

MR. FUJIWARA: Good morning.

CHAIR KAMA: Thank you. And we have William Spence, with William Spence & Associates, who served as a housing consultant for the project. Good morning.

MR. SPENCE: Good morning, Chair, sgě:nō . . . *(inaudible)*. . .

CHAIR KAMA: Thank you. We also have Harold Edwards, ITC, served as water consultant for the project. Good morning.

MR. EDWARDS: Good morning, Chair . . . *(inaudible)*. . .

CHAIR KAMA: And we have Dave Ward, who served as an infrastructure consultant for the project. Good morning. . . . *(silence)*. . . I don't hear Mr. Ward. And then we have Karlynn Fukuda with Munekiyo Hiraga, served as planning consultant for the project. Good morning.

MS. FUKUDA: Good morning, Chair and Councilmembers.

CHAIR KAMA: We also have our Committee Staff with us. We have Ellen McKinley, our Legislative Analyst. Good morning.

MS. MCKINLEY: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And we also have Samantha Tanck, our Legislative Analyst. Good morning.

MS. TANCK: Good morning, Chair. Good morning, Members.

CHAIR KAMA: And we have our Committee Secretary, Jennifer Yamashita. Good morning.

MS. YAMASHITA: Good morning, Chair and Members.

CHAIR KAMA: And we have our Legislative Attorney, Carla Nakata. Good morning.

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MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And then we have our Assistant Clerk, Lei Dinneen. Good morning, Lei. So, Members, I would like to designate all of the individuals that I have introduced as resources under Rule 18(A) of the Rules of the Council, based on their knowledge and expertise with respect to the item that is before us. Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: Chair, can I request an additional resource --

CHAIR KAMA: Sure.

COUNCILMEMBER PALTIN: -- to be on standby like the other Departments?

CHAIR KAMA: Sure. Who would you like to invite?

COUNCILMEMBER PALTIN: The Department of 'Ōiwi Resources.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: My understanding is this is one of the largest astroarchaeological (*phonetic*) complexes on the island, and so it might be good to have someone cultural --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- here as a resource as well.

CHAIR KAMA: Oh, thank you for that. Can we make sure that Director Molitau is able to become a resource? Okay.

COUNCILMEMBER PALTIN: Either the Director or Deputy would be okay.

CHAIR KAMA: Okay. Either one, Ellen. Thank you. So, Members, if--with no objections, I'd like to be able to allow the Department of 'Ōiwi Resources, the Director or Deputy Director, to be a resource also, with all the others I have named.

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you.

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ITEM 36: BILL 171 (2024) AND BILL 172 (2024), AMENDING CHAPTER 19.90A, MAUI COUNTY CODE, AND AMENDING ORDINANCE 3554, AS PREVIOUSLY AMENDED, RELATING TO KĪHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670)

CHAIR KAMA: Thank you. So, Members, today...we have one item on the agenda today, and it is Bill--HLU-36, "BILL 171 (2024) AND BILL 172 (2024), AMENDING CHAPTER 19.90A, MAUI COUNTY CODE, AND AMENDING ORDINANCE 3554, AS PREVIOUSLY AMENDED, RELATING TO KĪHEI-MĀKENA PROJECT DISTRICT 9 (WAILEA 670)." So, in accordance with the Sunshine Law, as Chair, I will be calling for testimony for our single item after we receive a presentation from our resources. After the presentation, I will be asking the Administration to comment, and then we will receive testimony. Members, I ask that you would hold all of your questions for the presenters and the Administration after testimony has been closed. So, Members, this matter comes to us from the Maui County Planning Commission regarding what I believe is the last piece of the Kihei-Mākena Project District 9 (Wailea 670), Honuaʻula. Since we will be receiving a detailed presentation from the project proponent, and I expect that we will need considerable time to address this proposal, I am not going to spend any time summarizing the proposal. But I would ask Mr. Chipchase to please proceed with your presentation.

MR. CHIPCHASE: Very good, Chair, I'll do so. Cal Chipchase again. It's nice to be with all of you. I appreciate the time this morning. As you heard from the introductions, I'm one small part of a larger project team, and we look forward to discussing the Honuaʻula project with you, formerly known as Wailea 670, today. In particular, we're discussing the proposed amendments to the zoning ordinances that control the project. We're in a little bit of an unusual position today, at least in my experience, and it's unusual because we're not coming before the Council asking for an approval of the project. The project was approved by the Council. In 2008, it received its project district zoning. A project district requires a second approval by the Maui Planning Commission. The Maui Planning Commission approved the project following a nine-month process in 2022. The approval was unanimous. It covered both the site plan and the determination that the project, as proposed and presented, complies with all conditions and standards of the zoning ordinance and the zoning district. So, rather than here asking for approval of the project, we're asking to amend certain conditions to reflect that they've become outdated after 16 years since the project was originally approved by the Council, and to make the project better in a lot of different ways. I'll...I'll start with the...the basic background, we put it up on the screen, that covers a couple of the dates that I mentioned. And at the bottom, you'll see that the project is moving forward. Since receiving the Phase II approval, we've been working on the ministerial approvals. We don't need any more discretionary approvals for the project. So, we've been working on the ministerial approvals. The Phase III, which is a refinement of the site plan, the subdivision, the design for the expansion of the highway. Before I get into the requested amendments, I'll orient us geographically. So, if you look on the screen, there's a figure depicting the project district. To the left of that figure is Maui Meadows, that's to the north. Toward the ocean--makai, of course--is Wailea Town, and then to our right is Mākena. I'll also orient us to the structure. Because it's a project district, there are two

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governing ordinances. The first, 3553, created the project district. It's like its own section of Title 19, its own specialized zoning code. 3554 rezoned this particular piece of property, put it in the project district, and imposed 30 conditions. About ten years after the project was rezoned, it was back before Council in 2018 to amend Condition 5. Condition 5 was amended after this Council separately changed the standards for Chapter 2.96 to reduce it from a 50 percent requirement to a 25 percent of market housing requirement for our workforce housing projects. So, after that happened, the project came back, and was reapproved as to Condition 5, the affordable housing condition. As you might guess from a project this old, there have been a number of prior reviews and approvals associated with it--I mentioned a couple--but in addition, it's been through an EIS review, which was accepted. It's been through an AIS review, which was accepted. It's been through a Historic Resources Preservation Plan Review, which was accepted not only by the State Historic Preservation Division, but OHA didn't merely comment on it, but actually accepted the plan per the conditions of zoning imposed in 2008. Lastly, as I said, we received the Phase II approval. And in that Phase II approval, the Planning Commission approved a site plan and a project that does not include a golf course, that has 1,150 total units, and that at least 288 of that total 1,150 units will be workforce housing units located on-site. As you see the note there, Chapter 2.96 would only require 230 of those units to be workforce. Instead, we have committed to building at least 288, so 58 more at a minimum than are required under the current laws. The site plan also confirmed 170 acres in preservation. That's preservation that will be fenced with an eight-foot deer fence. We'll have a full-time site manager, and we'll have educational and cultural access. In addition to that 170-acre preservation area, there are about 120 acres of recreational areas and other open space. And so, this is the preliminary site plan that was approved. If you look down, it's the same orientation as the...as the general map I showed you. So, if you look down toward Mākena, you see that large preservation area, that is the 170 acres. The yellow represents residential areas largely, and the orange represents the neighborhood or mixed-use areas. I've put up on the next slide, a summary of the proposed amendments. I won't go through them--read them, that is--I'll just leave them up there so you can get a sense of...of what we're going to be talking about today, and then I'll move on to start going through the specific items. So, if we...if we look then at the...the first items that we're going to be talking about, the first one is to delete all references to a golf course within the project district. As I mentioned, 3553 created the project district or special zoning code. It allows for a golf course as an approved use, an acceptable use. We would like to remove it as an acceptable use from the project district. The second is that we replace the site plan that was attached to the zoning ordinance in 2008 with an updated site plan, just so that everything is current. And then the third one on the list is to add to the allowed uses in the project district a cultural and educational center as a principal permitted use, and we'll talk more about that. So, beginning with the golf course. As you saw on the site plan, and as I said, our project does not include a golf course. Why are we here requesting that the Council delete golf course as an approved use? The short answer is because one group believes the project should have a golf course, in particular, Maui Tomorrow, and I've put some of the quotes up on the screen--has advocated repeatedly that the project needs to have a golf course. We respectfully disagree. We don't think that a golf course is an appropriate use at this time. We've exchanged the golf course use for preservation, and we would like the

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project to retain that exchange. Since Maui Tomorrow has continued to advocate there should be a golf course, and invited us to go to Council if we thought that the golf course use should be removed, we're here before Council asking you...accepting that invitation, and asking you to remove that as an approved use. And so, if you look at the next page in table form, we have outlined in red and strike throughs the changes that we would make. As you can see on that page and the next page, it's deleting all the references in the project district to a golf course. If you look at 060.A.1 on the left-hand side, second from the top, you'll see the addition of the cultural and educational center as a principal permitted use. The next change that I want to discuss is also in the project district Ordinance, Ordinance 3553, and I've put it up on the screen. In the preamble to the project district, sort of discussing generally the project, it references that it will have 1,400 units, and then it references at the bottom, 450 affordable units shall be within the project district. That was done at a time when 2.96...Chapter 2.96 had a 50 percent affordable requirement, and so it was intended to be a locational provision. 450 of the total of anticipated 700 units out of a 1,400-unit project would be located on-site. The remaining 250 units were to be located off-site in Kihei, for a total of 700 units. Since that preamble was passed by the Council in 2008, not only has Chapter 2.96 been amended to reduce the requirement, but the project has been reduced in scope to only be 1,150 units. And so, this is, like the golf course, an example of simply outdated language that...that is at odds with the rest of the approval and the ordinance. I...because affordable housing is...is important to all of us, I want to take a little bit of time to review that history. If we look on the next page, these are comments that were made by Councilmembers largely, as well as public testifiers, when the Honua'ula project was being approved. And as you can see from the testimony on this page and on the next page, the expectation was that the Honua'ula project would be subject to Chapter 2.96. That 50 percent requirement had only been adopted a year ago, or a year before that. This was a test project. And as you can see through all of the testimony that we've highlighted on the screen, the expectation was this new policy would apply to the project. And because that new policy required a 50 percent affordable requirement, the project would produce 700 affordable units. That was the test that the Council was engaging in. But if we look at the Committee reports on the next page, it's clear that it wasn't a specific number that the Council was imposing. The Council was imposing the policy, Chapter 2.96. If that had gone up, the affordable housing number would have gone up. If that had gone down, the affordable housing number would go down. And that structure that the Council adopted is confirmed in the ordinance itself. This is language on this next page from both 3553 and 3554. As you can see, the actual conditions for the project in 3553 that creates the zoning district is to comply with Chapter 2.96, the County Housing policy. That's expressed in Condition 5, the conditions of the zoning. That's the condition that was amended after Chapter 2.96 was reduced to a 25 percent of market requirement. These requirements will not change. There's no proposed amendment to these requirements, it continues to be governed by Chapter 2.96. The Council changed that policy in 2014 simply because the 50 percent requirement did not work. Over the entire eight years that it was in force, it produced something between three and five new units for the County of Maui. It was ineffective because it was more than any project can bear. When the amendments to Chapter 2.96 were proposed in 2014, the Council knew that it would reduce the affordable requirement for Honua'ula. And so, if you see up on the screen, we put testimony from

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folks talking about that impact, that if you reduce the...the requirement in 2.96, the requirement for Honua'ula...Honua'ula will be reduced as well...and indeed, it was. When we returned to Council in 2018 to reflect those changes in Condition 5, the project proponent at the time, Charlie Jenks, the former Public Works Director here, explained to the Council that under 2.96, the affordable requirement had changed. The reduction of units and the change of the policy reduced the affordable housing obligation, and that was acknowledged by the Council. So, if we apply the law to this project, with the reduced scope, we have 1,150 units...200 of 30...that means 230 units in affordable housing under Chapter 2.96. In general, Chapter 2.96 would allow the developer to satisfy that by in-lieu fees, credits, building off-site within the plan area. We are not doing that. We have committed, through the Planning Commission process, to put all the units on-site, which means they reduce the total number of market units that can be built. And we've committed to build at least 288 of those units, rather than the minimum of 230. That means a reduction in the market count from what would have been 920--or 1,150 if we did it off-site or with credits, but 920 even if it was on-site--to 862 market units. So, every additional affordable unit means one fewer market unit can be developed on the property. That was all discussed at length before the Planning Commission. The Planning Commission unanimously agreed that we had met the standards that we needed to, and that the reference to 450 in the zoning ordinance was geographical...and it was. Units will be located here, units will be located there. That determination by the Planning Commission has been affirmed in court. And so, we come back to where I began on this. All we're doing is cleaning up an outdated reference that applied to a larger project at a time when the County had a different policy. Turning to 3554, the conditions of zoning, the first condition relates to the development of the water system for the project. It's entirely a private water system. The condition imposes standards--to build it to County standards--and it does that because the County retains the option to buy the system at cost if it wants to at the completion of the project. Working with the Department of Water Supply, we've modified those standards in one small respect. They will lower the project costs to develop the system, and that saves the County money if it chooses to purchase the system at the end of its construction, right? Reducing the project cost for us, reduces the County's cost to require it, and so...acquire it. And so, DWS has agreed. And if we look just a couple pages later, next one, we see the letter from DWS confirming its agreement to that amendment. The next change relates to Conditions 2 and 2a. I'm particularly excited about these changes. The zoning requires the project to expand Pi'ilani Highway to four lanes before any units can be built, market or affordable. Other projects have a portion of the expansion obligation as well, and we...we worked out cost-sharing to...to iron all those things out. But we have to expand it. With these amendments, we're able to accomplish two things. The first is to enter into an MOA with DOT so that it would take our share, Honua'ula's share, of the highway expansion in return for developing an additional 50 units on-site. That would further reduce the total market count to 812 units, and give us a total of 338 affordable units on-site. We worked that out with DOT so that the cost--the potential value that Honua'ula is giving up by turning those from market to affordable units--substantially exceeds the anticipated share of our cost of the highway expansion. It also allows DOT to leverage Federal money, rather than requiring the County to spend the money to develop those same units if it chose to do so in another location. So, it's really a benefit for everyone. The second change that we've proposed is to allow us to

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develop the affordable units before the highway is expanded. Only those 338 units could be built before the highway is expanded. We've asked to do that because we think it's important to get as many units as we can done as soon as possible. DOT is in agreement that the highway can sustain the addition of the 338 units, and that it is appropriate to proceed with that project, at least concurrently, with the expansion of the highway. The market units could not be developed until the highway is expanded, this would only apply to the affordable units. And if we look a couple of pages down, we see that DOT has supported these proposed amendments. The next one is really a technical amendment to Condition 2g. Condition 2g relates to the potential signalization of an intersection at Kalai Wa'a. All we have done, working with Public Works, is to explain that we'll conduct studies at different points in time to determine whether that signalization is appropriate, and if so, then we'll contribute our fair share. It's not a substantial change. The...the...there is one nuance to that, which I'll touch at the end of my presentation. The amendment to Condition 5, that's that affordable housing condition that I mentioned, came back before Council in 2018 after Chapter 2.96 had been amended. All we're doing in this section, really, is allocating the affordable rental and the affordable for-sale. So, of the 338, if our amendments all pass, the units that we would develop, 125 would be rentals, and the balance would be for-sale. But again, all of them would be on-site. If we...if we jump down to Condition 10, it's...it's another condition that I'm particularly excited about. Under Condition 10, we're required to contribute \$5 million to the Parks Department for...as a contribution to the development of a regional park. Working with the Parks Department and many other stakeholders, we have proposed that instead of donating the money to the park, we would donate land and money with an equivalent value of \$5 million--so there's no...no lessening of the contribution--to a nonprofit to be jointly selected by Honua'ula and the County to operate a cultural center and native plant nursery. We're particularly excited about this because of the 170-acre preservation obligation that we have. There...there are components that require invasive species control and native plant restoration. This would complement those uses. There would be a synergy between them. We're also particularly excited because this gives us an opportunity to put a cultural center--really a community gathering space--into a very special area, and to do something different than merely donating money to the County for a park that...that...that final completion of which none of us can say. The Parks Department, as you can see a couple slides later, supports this change. The next series of amendments are really just technical amendments dealing with conditions that would only apply if we had a golf course. Since we don't propose to do a golf course, those conditions no longer apply, and we would propose to delete them. The last one is another one that's near and dear to me. Condition 24 originally required us to donate land for a fire station. Sixteen years later, there isn't the same need for a complete fire station in that area. But working with the police and fire chiefs, we were able to come to an agreement that we would...we would change this condition to allow a joint facility, a police and fire facility, to be placed in this location to give our first responders synergy in their operations, and flexibility in terms of what they're able to place there. In addition to that...in addition to donating the land for the facility, we would also donate land, a half-an-acre, very near to the facility for a first responder's memorial park that could also be used by police and fire for training activities. But the...really, the idea would be to honor those in our County who have given the ultimate sacrifice for the rest of us. The...those conditions, or that

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change, is supported by both the Police and Fire Department, as you can see in the letters that we've included. And so, if we think about a project in terms of its benefits, if...it...it gives...as approved in its final approval, it has 288 affordable units on-site. But if these amendments go through, we can develop up to 338 affordable units on-site, reducing the total market count from 862 to 812. And we can still make the substantial improvements to Pi'ilani Highway before any of the market units are developed. Of course, a project of this scale will provide tremendous benefits in terms of employment and economic resources to the County. We've summarized some of these figures. We did not update them for inflation-adjusted purposes from...from when they were first presented to the Council. . . .*(timer sounds)*. . . I see my...my time is up. I do have a couple of more slides, but if...if we'd like to not proceed, I understand.

CHAIR KAMA: You can finish up those few slides.

MR. CHIPCHASE: All right. Thank you. So, speaking even quicker than I normally do, we see on this project benefits slide, the 170 acres, 25 percent of the project area. We see some of those items that I mentioned, as well as the 120 acres, and the land and capital contributions for the cultural center. In addition, through the Historic Resource Preservation Plan, it was adopted, and will be implemented as the project goes forward--we have preserved all of the sites in that 170-acre area, and a substantial number of cultural and historic resources or archeological sites in other portions of the project. The Planning Department has recommended approval. The Planning Commission recommended approval. The commissioners...or some individual commissioners had specific comments that they wanted me to address that are separate from the approval. The approval simply approves the Planning Department's recommendation. There were a few comments. We put those comments up on the screen. The first was to talk to Police and Fire about whether two acres is enough...enough area for them for the joint facility. We did that, they agreed it's enough. The second was whether we would be willing to discuss the selection of the nonprofit with the South Maui Advisory Committee. We spoke with Planning Department at the Commission hearing. Of course, we're willing to do that. For the Kalai Wa'a improvements that we discussed, to consider whether we would agree to a roundabout if Public Works recommended that down the line, if the study is warranted. We have agreed to that with Public Works. We sent a confirming letter to Public Works on Friday. The next two related to whether we should delete the language that allows us to do 250 of the units off-site from the...from the ordinance. We didn't propose to delete it, simply because it's not necessary. We committed through the Planning Council...the Planning Commission proceeding to do all the affordables on-site, so we simply view that as a necess...unnecessary change, but we have no objection to it. And then the last was to note that one commissioner wanted to retain the reference to 450 units in the ordinance, and in his words, that was simply to let the Council know the history...where we came from and where we are today with respect to Chapter 2.96. That's part of the reason that I spent so much time covering the history, to fulfill that commissioner's concern to express that. If we look at the next page, that's the confirming letter that we sent to Public Works regarding the roundabout, if they determine that it's appropriate. And then I close, and I just say, thank you very much for giving me this extended time. I hope that it was productive, and I look forward to answering your questions today. And

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if I can't answer them, I'm sure one of the other consultants that we have with us today can. Thank you very much.

CHAIR KAMA: Thank you, Mr. Chipchase. At this time, I want to welcome Gabe Johnson. They got here about 20 minutes ago, and I didn't want to stop Mr. Chipchase. So, good morning, and sgë:nō, and...and I'm glad that you're here this morning, Mr. Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, community members. There's no testifiers at the Lānaʻi District Office, and I apologize for my tardiness. I had an MPO meeting right before this. Thank you.

CHAIR KAMA: Thank you for being here, and for meeting so many meetings during this time. But thank you. And we also have, I think, Mr. Robin Shishido from the State Department of Transportation, who has joined with us. Good morning, Mr. Shishido.

MR. SHISHIDO: Hi. Good morning. Yeah. I'm available for any questions as well. Thank you.

CHAIR KAMA: Oh, perfect timing. Thank you so much. So, at this time, I am definitely going to call upon you, Mr. Shishido, for comments on the proposed land-use actions that we just heard.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes. Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm now in the Council Chambers.

CHAIR KAMA: Oh, I'm so sorry. I should have seen you. You were sitting right next to...but in my head, I said, oh, you're here. You were here. You're in the --

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I was always . . . *(inaudible)*. . . --

CHAIR KAMA: Thank you for blessing us with your presence.

COUNCILMEMBER RAWLINS-FERNANDEZ: You are the blessing, Chair. My question is, I looked on Granicus, and I don't see the presentation that was just given.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you know when that presentation will be made available to the public on Granicus or emailed to us as Councilmembers?

CHAIR KAMA: I'm going to ask them right now.

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COUNCILMEMBER RAWLINS-FERNANDEZ: That was the major revisionist history that just happened.

CHAIR KAMA: Ellen?

MS. YAMASHITA: Number 8, Granicus Number 8.

CHAIR KAMA: It's Granicus Number 8.

COUNCILMEMBER RAWLINS-FERNANDEZ: I will refresh. Mahalo, Staff. Mahalo, Chair.

CHAIR KAMA: You're welcome. Thank you for asking that question. Because I think this was a really long presentation, and I think for all of us to even regurgitate some of this stuff is going to be a difficulty. But thank you very much, Mr. Shishido. You may continue.

MR. SHISHIDO: Hi. Yeah. First of all, please just call me Robin. That's a lot easier. Yeah. So, as Cal mentioned, you know, we've been working with the Honua'ula partners over the last several years, and developing an agreement on, you know, them providing more affordable housing in lieu of doing the infrastructure requirements. So, that agreement is at our AG's office right now, going through final reviews, and we hope to execute that agreement here in the next few months.

CHAIR KAMA: Thank you very much, Robin, for that comment. So, we're going to continue with the Administration to comment, and we're going to ask the Maui Planning--let me see--Planning Department, Mr. Leauanae, for your comments on the proposal?

MR. LEAUANAE: Thank you, Chair. On September 24th, 2024, it did go before the Maui Planning Commission. And as Cal mentioned, there was extensive testimony, extensive...that it was an all-day project and review from the Planning Commission. They did have concerns that were raised in the transmittal letter, which Cal also mentioned, and had up in the...the slide for your consideration. After review, and after deliberations and extensive, you know, review of this project, the Planning Commission recommends approval of this project and...as far as the conditions are concerned, or are proposed today. Thank you, Chair.

CHAIR KAMA: Thank you so much, Mr. Leauanae. It's good to see you back again. So, we're going to continue with Director Mitchell for the Department of Housing's comments.

MR. MITCHELL: Thank you, Chair.

CHAIR KAMA: Yes.

MR. MITCHELL: I can't see myself on the camera yet, so I think everything's operational. Can you see me?

CHAIR KAMA: I can...we can see most of you. And then we can see mostly --

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COUNCILMEMBER PALTIN: You're muffled.

CHAIR KAMA: -- your teeth.

COUNCILMEMBER PALTIN: And we can see only, like, half your face.

CHAIR KAMA: Yeah.

MR. MITCHELL: Well, something's going on with my camera. We'll have to sort this out. The Department of Housing doesn't have any comments at this time, Chair. Thank you very much for the opportunity.

CHAIR KAMA: Okay. So, Housing has no comments at this time. Okay. Thank you very much. And so, we're going to get...receive comments from Chief Pelletier, please?

MR. PELLETIER: Aloha.

CHAIR KAMA: Aloha.

MR. PELLETIER: Sgë:nō and congratulations because it's a pleasure to work with the same group for the next two years that we've got to work for the last two years. I know we've been able to do a lot of good, and I'm optimistic about the future of this County with the team that we have. You've heard me say before, there's no better Council that supports its law enforcement partners in the State as this Council does, and I've got to see that firsthand for the last three years. In support of the amendments, there was some testimony by Mr. Chipchase about the work with the Police Department, as well as with the Fire Department. And it's really twofold, right?...an integrated joint station. The Fire Department got a station about a half a mile after this had started, so they don't need the size of that. However, we knew that we needed some of that, and I wanted to bring the folks that would actually be occupying that space here for what the vision is. And so, the vision would be is that integrated station for the Police Department side would actually be the SWAT headquarters. And SWAT would have the SRT team that you see back here, as well as K-9. The Search and Rescue component will probably be housed out by the hangar with the helicopter and the different things, but...but SWAT, SRT, K-9 would be here. And the reason that's so important is, we would actually put an armored rescue vehicle at some point in South Maui, as the...the existing armored vehicle that we have would either be that vehicle, but a second one would go to the West Side--because we can never allow them not to have the resources ever again, should they need it. We would need that armored vehicle to be able to go through barriers, and obstacles, and different things like that. As we're talking about this, and we're talking about the vision, so there's no surprises, there would need to be a third that would go to Moloka'i because they cannot be ignored. I...we cannot have that. Central would eventually, as well as Lāna'i at some point. But I just wanted you guys to sort of hear what the...what the vision would be. The reason why it would be appropriate here would be with the creation of that first responder park. I mean, how...how appropriate that is. *(bell sound)* We just recently...is that a buzz for me, or is that just a...okay. We lost a firefighter not too long ago. There's no place for those families to gather. In May,

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we...we gather, and the...the vast majority, if not everybody, from the Council comes to the Police Department for Law Enforcement Memorial Day during the...during the...the week that...that nationally is recognized. But we all know we're putting together tents and chairs, and it's a space that was never intended for that. When you think about these families, they get one moment for 30 minutes. This would allow a permanent reflection area that not just those that have paid the ultimate sacrifice for our community, but we could also incorporate whether it's the nonprofit that was mentioned, but there could be a way for fallen members that retired honorably to maybe have a paver on a...on a...on a memorial. There's so many different things that...these are not unique, but there would be an opportunity to do that. But with the half-acre, we would have it grassed so that the K-9s could actually train out there in the public. We could use that facility as well, and really allow a much more integrated, combined community partnership. We...in April, we'll be actually acquiring our new patrol K-9s, we'll be starting them, and so this time next year, we'll actually be having them, and we'll be expanding that program. But I wanted...I wanted the Council to see that firsthand, and I wanted you to hear sort of what the long-term plan was. I'll be available as a resource as needed, but I know that this is anticipated to be a little lengthy, so my team and I will go fight crime and handle the various things that we need to go do.

CHAIR KAMA: Thank you.

MR. PELLETIER: But I thought it was extremely important to just take an opportunity and just say mahalo for it.

CHAIR KAMA: Thank you.

MR. PELLETIER: Appreciate it.

CHAIR KAMA: Thank you, Chief.

MR. PELLETIER: Thank you.

CHAIR KAMA: Okay. The other departments that I mentioned earlier are all on call, but I wanted to ask Staff, did we put in a call to Department of 'Ōiwi Resources, and did Director Molitau respond?

MS. TANCK: Yes, Chair, he's just joining the call now if you --

CHAIR KAMA: Okay. Good morning, Director Molitau.

MS. TANCK: Chair, excuse me. If we can just give him a minute or two to join?

CHAIR KAMA: Okay. Okay. *(pause)*

MS. TANCK: Chair, would you like to call on any of the other on-call directors who are on the call? Director Agawa or Director Molina?

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CHAIR KAMA: Oh, yes. Let's go ahead and see if they're on the call right now, if they'd like to comment. So, let's start with Director Agawa.

MR. AGAWA: Morning, Chair. Morning, Members, DEM has no comments on this matter. Thank you.

CHAIR KAMA: Do you have any comments, Director Agawa? I wasn't clear.

MR. AGAWA: Hello?

CHAIR KAMA: Yes.

MR. AGAWA: Can you folks hear me?

CHAIR KAMA: Now we can.

MR. AGAWA: Oh, yeah. DEM has no comments. Thank you.

CHAIR KAMA: Thank you. How about the Department of Public Works, Mr. Molina?

MR. MOLINA: Hi, good morning.

CHAIR KAMA: Good morning.

MR. MOLINA: Jordan Molina, Director with Public Works. Yeah, we have no objections to the proposed amendments as they relate to the traffic condition . . . *(inaudible)* . . . The project team had met with Public Works to coordinate all that language, yeah, so we're in support of that language as proposed. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Molina. Department of Water Supply, Mr. Stufflebean?

MR. STUFFLEBEAN: Good morning. Yes, our comments have been addressed. We have no further comments. Thank you.

CHAIR KAMA: Okay. Thank you. And let's go to the Department of Fire and Public Safety, Chief Ventura?

MR. VENTURA: Hello, good morning. Can you hear me, Chair?

CHAIR KAMA: Yes, we can.

MR. VENTURA: Yes, sgē:nō and aloha kakahiaka to everybody. We have been working closely with Police and the consultants on this project, and we are in support of the two amendments that impact us. We have had input towards the memorial, as well as the property that Police and Fire will be joint-sharing, and have no other input for this project, other than that we support the two portions that we're impacted by. Thank you.

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CHAIR KAMA: Thank you very much, Chief. Appreciate that. I think I've gone through the list already.

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Yes. Ms. Paltin?

COUNCILMEMBER PALTIN: May I please clarify one inaccuracy?

CHAIR KAMA: Sure.

COUNCILMEMBER PALTIN: I believe Mr. Chipchase said that this was approved unanimously by the Planning Commission?

CHAIR KAMA: Do you want to clarify that? I thought there was one person that was --

MR. CHIPCHASE: Happy to. In 2022, when it received its project district...district approval, that was unanimous. When it received its recommendation here today on these changes, not the...not the Project District Phase II. Project District Phase II in 2022 was unanimous. When it received its recommendation, the vote was five to one.

COUNCILMEMBER PALTIN: Okay. So, the one that we're talking about here today was 5-1?

MR. CHIPCHASE: Yes. So, when I reviewed the project history, it received unanimous approval from the Planning Commission for the project itself, the project that is currently moving forward. When we proposed these amendments and it went through Planning Commission for recommendations rather than approvals...when it went for recommendations, the vote was five to one.

COUNCILMEMBER PALTIN: Okay. That's what I saw on page 676.

CHAIR KAMA: Thank you. So, thank you all, departments, for your comments --

MS. MCKINLEY: Chair?

CHAIR KAMA: Yes?

MS. MCKINLEY: Director Molitau is on the call now.

CHAIR KAMA: Oh, okay. Good morning, Director.

MR. MOLITAU: 'Ae. Aloha mai kākou.

CHAIR KAMA: So, do you have any --

MR. MOLITAU: Can you hear me okay?

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CHAIR KAMA: -- comments? Yes, we can hear you loud and clear. So, yeah, go ahead.

MR. MOLITAU: Mahalo nui. I wanted to be able to answer any questions that were referred to, or related to, any of the cultural concerns.

CHAIR KAMA: Okay. Okay. When the time comes, we will have all of your--we'll have questions for you. But thank you for agreeing to be a resource at such a last moment.

MR. MOLITAU: Thank you.

CHAIR KAMA: I appreciate that.

MR. MOLITAU: 'Ae. Aloha.

CHAIR KAMA: Aloha. So, we're going to go into public testimony. For those who are attending this meeting in person, if you wish to testify, please sign up with Staff in the lobby. You'll be called in order of signing up. For Microsoft Teams participants logged in via web or the Teams app, please indicate that you would like to testify by clicking the raise-your-hand icon in the top right of your window. Staff will add your name to the testifier list. If you're joined by telephone, star-5 will raise your virtual hand, and Staff will put your name on the testifiers' list. Please keep your audio and video muted until you're called to testify. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. And therefore, given the amount of testifiers wishing to give testimony, without objections, I will be limiting...limiting oral testimony to two minutes. When you reach the one-minute mark, you will hear an audible notice. If you are still testifying when the notice sounds, please complete your testimony within the next minute.

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Is your intention to move this out today?

CHAIR KAMA: If possible. If possible. It just depends.

COUNCILMEMBER RAWLINS-FERNANDEZ: If your intention is to move it out today, then I would object to two minutes, and give everyone three minutes. Because this will be their only opportunity in Committee to provide us their feedback and input on this matter.

CHAIR KAMA: Okay. So, why don't we just do a roll call vote to see how many yes' and noes we have for the two minutes, if that's okay? Yes, Mr. Johnson?

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COUNCILMEMBER JOHNSON: Chair, my ask...may I ask how many testifiers we do have?

CHAIR KAMA: Currently, 32.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: Thank you.

COUNCILMEMBER JOHNSON: I think that's enough time, but --

CHAIR KAMA: Thank you. This is a roll call vote.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes? Yes, Ms. --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. This meeting is scheduled for all day. It's not a three-hour Committee meeting, correct?

CHAIR KAMA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, we would have time to allow folks to provide their input for three minutes...for an additional minute, if they choose.

CHAIR KAMA: My sense is that you're probably correct. So, I look at two minutes, and then any questions that any of the Members might have to clarify the 32 testifiers would probably occur. We just had one more testifier sign up. So, my sense is that throughout the day, we may have others testifying too, and that's why the two minutes. . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I under...I understand asking additional follow-up questions, but not everyone will be given that opportunity to elaborate on points if they're not asked a question.

CHAIR KAMA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, they won't have that equal opportunity to provide their full input on this, especially since this will be in Committee once. And I believe that this item was taken up when it was initially approved over 20 times in Committee, and we're only giving the public one opportunity to provide input on this.

CHAIR KAMA: Well, I know with this...with this particular round, this is my...our first time in hearing this particular issue.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Because this isn't a small thing. We're depriving the community of affordable housing, and everyone ran on the importance of affordable housing for our community.

CHAIR KAMA: Um-hum. Um-hum. So, let's just do roll call, what you think--just to settle whether or not we're going to do this?

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, if you don't agree that it's important for the testifiers to provide their full testimony, then sure, I guess roll call is all we have left if it's not just agreement.

CHAIR KAMA: I'm not disagreeing that their testimony is not important. I'm just disagreeing to the point that I think two minutes sometimes is enough, especially if most of the testifiers might be almost saying...almost closely to almost the same thing. They either want it, or they don't want it, and then whatever reasons they might have for supporting or not supporting, whatever that might be, but...roll call?

MS. MCKINLEY: Chair?

CHAIR KAMA: I mean...Ms. McKinley?

MS. MCKINLEY: Chair, I believe we need a motion.

CHAIR KAMA: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I...I move to concur with what the Chair is recommending, for two-minute public testimony per person.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Moved by Member Sugimura and seconded by Chair Lee to take a roll call vote.

COUNCILMEMBER LEE: But I have...I have discussion...I have discussion.

COUNCILMEMBER PALTIN: I have discussion too.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I'll go after.

CHAIR KAMA: Okay, you may proceed.

COUNCILMEMBER LEE: Okay, my discussion is...may I proceed?

CHAIR KAMA: Yes.

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COUNCILMEMBER LEE: Okay. My discussion is that, you know, ordinarily, the three minutes would be ideal, but in order to take as many people as possible, I think that's what the Chair is thinking of, so that we don't deprive anybody of...of giving up waiting for a turn to speak. So, that...that's the reason why. I think those--I really believe that those who felt strongly, or feel strongly about this project, would have probably provided written testimony already. That's the reason why. Otherwise, if we had...you know, if...if we were assured that we wouldn't be depriving anyone of a turn to speak, then I'd...I'd vote for the three minutes, but I'm...I'm worried that somebody is going to want to speak and won't have time to wait. Thank you.

CHAIR KAMA: Member Paltin, you're next, followed by Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify. Is this...or...and then make a discussion, but is this the kind, two minutes with a minute to wrap up?

CHAIR KAMA: No, it's the one minute, and then one minute more to wrap up. So, the...after the one-minute timer, right, then you're going to hear a buzz. So, that tells you, you have one more minute. So, it's a total of two.

COUNCILMEMBER PALTIN: Oh, okay. For my discussion, I would say that this project, prior to coming to us today, over the course of, say, the last two decades, had 34 Committee meetings. That was 34 opportunities for the community to comment. So, there's only this one opportunity. I did read roughly 287 testimonies in opposition to this project, and maybe three or four in support from the unions that stand to make a lot of money. But more importantly, I was there at the Kihei Community Association when they had the meeting in Kihei back 16, 17 years ago, where person, after person, after person, after person--until like 2:00 or 3:00 in the morning--opposed this project.

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

COUNCILMEMBER PALTIN: And in the discussions, former Mayor Victorino, Baisa, Pontanilla, Mateo, Molina...most of them only said the reason that they were supporting it was they couldn't say no to 700 affordable homes. Now, we don't have the 700 affordable homes, but they're having the luxury project? And the community, who testified 34 separate times on the previous deal, which had 700 affordable homes, is getting one minute, and one minute to wrap up? I'm going to have to vote no.

UNIDENTIFIED SPEAKERS: . . .*(applause)*. . .

CHAIR KAMA: Thank you for your comments, Member Paltin. And for those in the Chambers, I'd like to ask that you not applause, or clap, or anything. That takes up a little bit more time than we're trying to save here...at least I am. But thank you very much. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I can only echo what Councilmember Paltin just said, but I will add for discussion that our presenter, Mr. Chipchase, went over his

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allotted time, and we certainly can allow the folks here who spent their...that aren't getting paid to come here, on their own time, by their own volition --

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

COUNCILMEMBER JOHNSON: -- that they should be able to have a certain amount of time, a little bit longer than one minute. So, I won't be supporting the motion.

CHAIR KAMA: Thank you, Mr. Johnson. Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thanks, Chair. I'm happy to do what you feel best. However, if I could make one small recommendation? Because the bell kind of throws people off. So, if you're going to allow two minutes, what...can we please do like the one minute, 30-second mark, and then it gives time for people to kind of get through what they need to say? Because, like I said, the bell kind of throws people off. So, if you ring the bell at one minute, and then they have a one minute follow-up round [*sic*]-I don't know. It...it throws me off, at least when I'm listening to people testify. So, I'm just wondering if we can find a better balance, so that it doesn't throw us all off, but we can still allow everybody a minute or two, whatever you want to decide, to talk and get their expressions out. But I mean, I'm happy with the two-minute with a 30-second follow-up...follow-up, but I'm happy to have this discussed today. Thanks, Chair.

CHAIR KAMA: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I will be voting against the motion. Limiting our community members a minute to testify with a minute to wrap up conveys that this is a done deal, that the decision was already made, and that their testimony means nothing, and that they're just going to be repeating themselves, and that their elected officials aren't going to be considering seriously what folks have to say. And that's heartbreaking to me. I think that those that are taking their time, unpaid, to be here and to provide their input should be given the three minutes to testify, and for us to consider what they're saying. Otherwise, it really appears like it's just checking a box, allowing people to speak their piece because the decision was already made, so it doesn't matter what you say. Mahalo, Chair.

CHAIR KAMA: Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you very much, Chair. I...I appreciate Member U'u-Hodgins' suggestion --

CHAIR KAMA: I do, too.

COUNCILMEMBER SUGIMURA: -- of doing the one-and-a-half, and then 30 seconds to complete, and that I...the decision hasn't been made. I just wanted to clarify for the community, in case they think that we had a secret meeting, and we decided to do this already...because that's not the truth. And I just wanted to clarify that. Thank you. Call for the motion.

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CHAIR KAMA: Thank you. I like Mem...oh, is there any other Members that would like to comment? Okay. Seeing none. Okay, so I liked Member U'u-Hodgins's suggestions about the two-minutes and 30-second wrap-up. If that's a compromise for all of us to look towards, is that something we can do?

COUNCILMEMBER SUGIMURA: Yep.

CHAIR KAMA: Okay. So, would that be an amendment to Member Sugimura's...is that a friendly amendment? Two minutes and 30-second wrap up?

COUNCILMEMBER SUGIMURA: Oh.

MS. MCKINLEY: Chair, I don't believe there really are friendly amendments. However, if Councilmember Sugimura would like to withdraw her motion and make another one?

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Okay. Oh, I thought Member U'u-Hodgins said one-and-a-half minutes, and then a half a minute to complete, so a total of two.

CHAIR KAMA: I thought you...I thought she meant two minutes with 30-seconds wrap-up? That's what she was going for.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR KAMA: The compromise between the two and the three minutes.

COUNCILMEMBER SUGIMURA: I...I misunderstood.

CHAIR KAMA: Is that correct, Member U'u-Hodgins?

COUNCILMEMBER SUGIMURA: I think she gave us a thumbs up.

CHAIR KAMA: Yeah. So, Member Sugimura, if you'd like to withdraw your motion and make another motion?

COUNCILMEMBER SUGIMURA: Okay, I withdraw that motion, and for it to then be two --

CHAIR KAMA: Two minutes with 30-seconds --

COUNCILMEMBER SUGIMURA: -- minutes, with 30-seconds for a wrap-up.

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

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CHAIR KAMA: Is there a second to Member Sugimura's motion? Second by Chair Lee. Thank you very much. So, the motion...yes, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, for clarification, it'll be a minute 30 seconds, with 30 seconds to wrap-up?

CHAIR KAMA: No, it's two-minutes testimony, and then they have 30 seconds to wrap up after that.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll still be voting against this motion. I...I believe that with this one meeting, that the community members should be given their full three minutes. And I wasn't in my earlier remarks insinuating that the Councilmembers met in a secret, private meeting to make their decision. The Councilmember has likely met with the developers. That's what I was saying. And so, we kind of know like where that decision will fall. Mahalo, Chair.

CHAIR KAMA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I move to amend the motion to have two minutes, with one minute to wrap-up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay, so we have an amendment on the floor to do two minutes, with a one-minute wrap-up by Member Paltin, seconded by Member Rawlins-Fernandez. Did you second that?

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I did, Chair.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I will vote for this amendment, but I'm --

CHAIR KAMA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- going to vote against the main motion as amended because I will stick to three minutes, with a minute to close. Mahalo, Chair.

CHAIR KAMA: Thank you, Chair Lee?

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: Can't hear you.

CHAIR KAMA: Chair Lee, I think you're muted.

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COUNCILMEMBER LEE: Sorry. Okay. My thought was we should try and get through as many people...you know, as many testifiers as we can today, and if...if necessary, we can always call for a public hearing if we feel a lot of people are, you know, still waiting to testify at the end...at the end of the day, or the end of the night. So, I can support your suggestion of the two minutes and 30 seconds. Thank you.

CHAIR KAMA: Thank you. Members. Any other comments? Member Cook?

VICE-CHAIR COOK: I think this conversation is burning up a lot of time that people could be giving testimony.

CHAIR KAMA: Okay. Roll call vote.

MS. MCKINLEY: Chair, the vote on the amendment to have testimony timed at two minutes, with an additional one minute to wrap up. Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Yes.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: No.

MS. MCKINLEY: That was a no? Sorry, I didn't hear you very well. Okay.

COUNCILMEMBER U'U-HODGINS: Yes, that's a no. Thank you.

MS. MCKINLEY: Thank you. Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

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MS. MCKINLEY: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. MCKINLEY: And Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, that's three "ayes" and six "noes." Motion fails.

VOTE: AYES: Councilmembers Paltin, Rawlins-Fernandez, and Sinenci.

NOES: Chair Kama, Vice-Chair Cook, and Councilmembers Johnson, Lee, Sugimura, and U'u-Hodgins.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION FAILS.

CHAIR KAMA: So, vote on the...the first amendment, right?

MS. MCKINLEY: Yes. Back to the main motion.

CHAIR KAMA: Which is two minutes and three minutes [sic] to wrap...three...30 seconds to wrap-up. Okay.

MS. MCKINLEY: Okay. The motion is for...to limit testimony to two minutes with a 30-second wrap-up. Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: No.

MS. MCKINLEY: Councilmember Johnson.

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COUNCILMEMBER JOHNSON: No.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

MS. MCKINLEY: Councilmember U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

MS. MCKINLEY: And Committee Chair Kama...I’m sorry, pardon me. Councilmember Sinenci.

COUNCILMEMBER SINENCI: No.

MS. MCKINLEY: And Committee Chair Kama.

CHAIR KAMA: Yes.

MS. MCKINLEY: Chair, that’s five “ayes,” four “noes.” Motion passes.

**VOTE: AYES: Chair Kama, Vice-Chair Cook, and Councilmembers
Lee, Sugimura, and U‘u-Hodgins.**

**NOES: Councilmembers Johnson, Paltin,
Rawlins-Fernandez, and Sinenci.**

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: Approve motion to modify testimony time limits to two
minutes, with 30-second wrap-up.**

CHAIR KAMA: Thank you very much, Staff. Okay. So, I’m going to continue reading the instructions for testimony where I left off. So, given the number of individuals wishing to give testimony, I will be...so, we’re going to be limiting our oral testimony to two

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minutes, with 30-second wrap-up. When you reach the two-minute mark, you're going to hear the audible notice, so that when you are still testifying, when you hear it, please use your 30 seconds to wrap up. And that's the instructions. When testifying, we ask that you state your full name for the record. Anonymous testimony is also accepted. Decorum will be maintained throughout the meeting. Violation of decorum may result in being removed from the Chamber or the online meeting. Clapping or audibly indicating agreement or disagreement with testimony is a violation of decorum. You can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Thank you for your cooperation. And at this time, we're going to call on testifiers wishing to testify on HLU-36.

. . . BEGIN PUBLIC TESTIMONY FOR HLU-36 . . .

MS. TANCK: Chair, the first individual signed up to testify is Diann Colton, to be followed by Jordan Hocker. *(pause)*

COUNCILMEMBER LEE: Where are you?

MS. COLTON: Do you have my name? Diann Colton from Kihei. I'm mostly concerned about the affordable housing. Some of it...it seems like that was housing that's for sale, and units that are for rent. We're in desperate need of rental housing...in addition to housing for-sale. There are people like myself who do not qualify for even the affordables that are already built because they don't take HUD. And I don't know what portion of this project in the affordable part of it is funded by HUD, or any amount of it is. Because it would have to include HUD units, or else it's discriminatory. Because HUD...HUD units allow for...against discrimination for age and disability, which both I have, and there aren't enough units to...to...for me, or people like me, to live. So, the amount of units--and I've been here 25 years, and I've heard this discussion over time--is crucial. And how many of the units that are going to be affordable, and how affordable are they? I saw the affordable ones over here, and some are HUD, some are not. And it's the management company that determines the rents. And by the time they're built, what will they actually cost, and what...and what will be affordable? What will be the rents? And what would the sales price be? The next thing is, what are you considering as market-rate homes? Are you considering these luxury condos/luxury homes? Because there's plenty of them in Mākena. And there have been...they started building them before COVID, and you can see them all around Wailea. You have enough tax base there to last probably, right now, the next ten years to support us. . . .*(timer sounds)*. . . So, I'm in...I disagree, and I'm against it as it stands, as you're producing it. I congratulate those who have changed it to parkways and...and historical sites. That's all needed. There's also a question of transportation, bringing it to four lanes, and the walkability--in other words, bicycles, walking lanes--that can be used to connect it all to the rest of the community as well, so people aren't dependent on their cars, and traffic isn't even more impacted than it is . . .*(timer sounds)*. . . and becomes less. Thank you.

CHAIR KAMA: Thank you, Ms. Colton. Members? Questions for our testifier? Seeing none. Thank you so very much.

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MS. COLTON: Okay. I had two questions. I hope they do get answered.

MS. TANCK: Chair, the next individual signed up to testify is Jordan Hocker --

COUNCILMEMBER PALTIN: Oh, I have a clarifying question.

CHAIR KAMA: Oh, I'm sorry. I'm sorry. Mr. [sic] Colton, can you please come back?

COUNCILMEMBER PALTIN: Sorry, I went to the bathroom. Can you repeat what those questions were?

MS. COLTON: Yes. It has to do in terms of primarily the affordability, and what's going to be affordable, what's going to be built first. The affordable units are incredibly needed. I don't know, the demand is over the top. These aren't...this won't even be enough, and it's not enough down in this community in South Kihei as well. Where I live in the original first...I think, first workforce units--which is Kihei Shores, which two bedrooms go for 3,300--so what will the affordable price be? How many will be HUD-approved? In others...for those who don't have incomes, or have very low income, or disabled, or our age, I say, by age. And the other question was, will there be roads for walkability, bike paths, alternative bikeways? And I did have...what is market price? What are the other units that you're saying that are left, around 700, what do you consider market price? Will they be luxury housing? What...what will it be? And I did have a third question, it's about lighting. Are you going...are you...is this going to be built with the new lighting...environmental lighting laws and, you know, such so that they're...the seashore birds, as in the Earthjustice, as I'm sure you all know, lawsuit? Because the lighting hasn't been appropriate, and birds are dying because of...the lighting hasn't changed according to...

COUNCILMEMBER PALTIN: Thank you for your clarification.

CHAIR KAMA: Thank you, Ms. Colton. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Jordan Hocker, to be followed by Michael Hill.

MS. HOCKER: Aloha, Chair Kama. Aloha, Committee Members.

CHAIR KAMA: Good morning.

MS. HOCKER: My name is Jordan Hocker. I am a resident of Kula, I also work as a tenant's advocate. I do community outreach and renters' rights trainings. I'm here today to testify on my own behalf. I'm in opposition of Bill 171 as it is written. I have some deep concerns. So, I appreciate the presentation that was at the beginning because I was born in 2000...or sorry, I graduated high school in 2007, so I didn't know much about this project, aside from the initial proposal. And so, what I heard the developer saying was that, you know, when the project was put forward, even though the ordinance was

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changed after eight years because 50 percent affordable housing wasn't viable, the project was still put forward and still had financiers, and so they offered--(*child interruption*)...hold on, yes--they offered 700 units because legally, that was what was required. But now, they were able to wait it out, essentially, and then have the political will for Chapter 2.69 to be changed. And because they don't have to build that many units anymore, they're not going to. And so, I hear that loud and clear. I stand in solidarity with the one Planning Commissioner that said that the 450 units shouldn't be removed from the project. We really need that right now. I listen to countless heartbreaking stories about people not having access to housing, and how expensive housing is. It's really, really bad. And I would say that many of the people who are working collaboratively on this project, and are in Honua'ula Partners...I'm sorry, you don't know what our quality of life is like. We don't need 800 more market-rate units. We really do need 450 units. And although the project is not legally required to have that many units, I would ask that this body, and when this goes to Council, please advocate for our community. That's where I'm stuck. I appreciate that there's not going to be a golf course and instead is going to be a cultural center, but we allocated . . .(*timer sounds*). . . funds last fiscal project...I'll wrap up...for a large cultural center. We need affordable housing more than we need any of these concessions and changes that have been made on the project. And so, I would say if you brought a project before the Council eight years...or when it was brought forward that wasn't viable, your financiers must have thought it was viable. So, please, this body and Council, keep the 450 units. We need them desperately. That's just the bottom line. Our people need affordable housing. And because many of you campaigned on affordable housing, I hope you stand on business and advocate for our community. Thank you.

CHAIR KAMA: Thank you, Ms. Hocker. Members, do we have any questions for our testifier? Seeing none. Thank you.

MS. TANCK: Chair, the next individual signed up to testify is Michael Hill, to be followed by Janice Hill.

MR. HILL: Good morning, Councilmembers. My name is --

CHAIR KAMA: Good morning.

MR. HILL: -- Michael Hill. I'm a retired police officer, and I've lived on Maui for over 30 years. During that time, I've seen a lot of changes--some good changes, some not so good changes--but in regards to the Wailea 670 project, it just seems to me that over the years, they keep coming back over, and over, and over again. Every year, every couple of years, they come back with a new proposal and new promises, asking for different restrictions. We started off, as it's been alluded to already, with 50 percent affordable housing. Now, all of a sudden, everybody's decided that's just not going to work anymore, so they want to reduce that amount. And I don't see specifically regarding this Bill 171, it just says they want to remove the wording about the affordable housing, 450 units. It doesn't say anything that they're going to replace it with the requirement that they still have to do 288 units, or whatever the new number is supposed to be. They just want that removed. And almost the same thing with the golf course. My

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understanding is that there was restrictions on the golf course, if it was going to be built, that there had to be some community access. Now, I can't say whether or not the decision not to build the golf course is because they don't want the community having access to it, but again, if they're not going to build the golf course, then that seems like that restriction could still stay on the record in case sometime in the future they change their mind and decide they're going to build a golf course there anyway. So, those restrictions should stay. So, regarding both of the things on this bill, I think at some point the Council, the Planning Commission, somebody needs to stand up to the developer and say, quit coming back here over, and over, and over again, asking for changes that will benefit them, and not necessarily benefit the community. So, we...we don't want to build ball fields anymore, we just want to donate . . . *(timer sounds)*. . . land...perhaps the land that we already own, so it's nothing out of our pocket. We don't want to pay for the extension of the Pi'ilani Highway anymore, we want the Department of Transportation to do that. It just appears there's a pattern here of this going on, and on, and on, and at some point, somebody needs to stand up and say, you have to comply with your original promises. You have to comply with the original restrictions that were applied, and...and just stop it there. It can't keep changing it over and over again. In regard to Bills *[sic]* 172, I can't speak to the amendments because this piece of paper on the agenda doesn't say what those amendments are. It just says there's a bunch of amendments in zoning. . . . *(timer sounds)*. . . I don't know what the zoning is going to be changed to, or what the effect of the project that will be, so...

CHAIR KAMA: Thank you, Mr. Hill, very much. Members, questions for Mr. Hill? Seeing none. Thank you so very much, sir.

MS. TANCK: Chair, the next individual signed up to testify is Janice Hill, to be followed by Paula Kalanikau. *(pause)*

MS. HILL: Aloha kakahiaka kākou --

CHAIR KAMA: Aloha.

MS. HILL: -- and sgē:nō to the First Nation Iroquois People who might be celebrating Colonizer Day this Thursday instead of Thanksgiving. We're thankful every day we're living on Maui. As a young girl, 57 years ago, I moved to teach in Kula. From 1978 to 1982, I taught on Lāna'i Island. Thirty-eight years after that I lived in South Maui, teaching at Kihei Elementary, Lokelani Intermediate, and Kamali'i Elementary. I built a small home on Ohina Street, where Brad Ventura lived when he was a boy. To afford the mortgage, as a single mom, I needed a second job. In 1992, I was one of four part-time massage therapists at the Wailea Four Seasons Spa. When I retired from there, we had 84 massage therapists, all needing workforce housing of some kind. Very few of us owned homes. I'm against Amendment *[sic]* 171 to reduce affordable housing provisions for proposed development Wailea 670. I learned in 1990 that the nonresident Japanese developer of the renamed Honua'ula could not meet the water, cultural, 'ōiwi, and infrastructure requirements. Originally, there were to be 700 affordable homes built within the home development. That was later amended to 445 homes. Now, a nontech...a nonresident Texas developer wants to build only 288 affordable homes, but

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put them somewhere else, or maybe inside . . .(timer sounds). . . I don't know. The big trade-off is the proposed recreational, educational, and cultural facility outside the area, inside, up to the border--not sure about that. It's beyond my comprehension, but we don't need any more golf courses. We need clean restrooms, not outhouses. We need parks for the kids, for baseball, exercise, or play. What happened to Show Me The Water carrying capacity? . . .(timer sounds). . . Population growth projections, food sustainability, and infrastructure requirements? We're saving time by being together here, so let me talk. Thirty-five years ago, I testified against more development and said soon, our children will not be called keiki o ka 'āina, but keiki o ka concrete. My two daughters, Keala Kaopuiki-Santos and Alana Kaopuiki-Pellegrino, plus five grandchildren, are fortunate to have jobs and own homes on Maui. I want that for all Kama'āina. Kauikeaouli, known as Kamehameha III, declared our motto Ua Mau ke Ea o ka 'Āina i ka Pono 100 hundred years before we became a state. The life of the land shall be perpetuated in righteousness. Pono can also mean "right-useness." For you to grant a developer to build less affordable homes, not more residential workforce housing, is not pono. What does Kama'āina prosperity mean to you?

CHAIR KAMA: Thank you, Ms. Hill. Thank you. Staff?

UNIDENTIFIED SPEAKER: Oh, questions?

MS. TANCK: Chair, the next individual signed up to testify is Paula Kalanikau, to be followed by Jordan J.

MS. KALANIKAU: Aloha. My name is Paula Kalanikau. I'm a resident of Kula Kai, known also as Kihei, for the last 61 years. I'd like to thank Tamara...Tamara...Councilmember Tamara Paltin for her comment about the 700 homes that should have been built years ago, and have been overlooked too many times. I just want the Councilmembers to remember those things that have been forgotten, and that should never have been forgotten. So, we are bringing this before the floor again to remind you that you're here to do what is pono for the people of Maui. I have a whole lot of things here to write...that I have already written, but because of the two-and-a-half minutes given us, I don't think that's pono either. We take our time to come here. We drive, we have to catch rides to come here, and you got the audacity to give us two-and-a-half minutes? How dare you? How dare you?

UNIDENTIFIED SPEAKERS: . . .(applause). . .

CHAIR KAMA: Decorum, please.

MS. KALANIKAU: This got to stop. And it stops with you because you introduced it.

CHAIR KAMA: Thank you.

MS. KALANIKAU: Correct.

CHAIR KAMA: Thank you.

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MS. KALANIKAU: So, I gave my complaint here regarding the housing. Now, there are other issues that developers may be overlooking, but our maka is still looking where it should be. We have today, South Kihei, Maui, is on water restriction. So, is the rest of you people here, I'm sure. So, how are you to determine . . .*(timer sounds)*. . . what...how are we going to have water in the future? Where are you going to get this water from? This is only an island, this is not a continent. This is an island. Hello? Hello? It hurts. My kamali'is, my keikis are born and raised in Kula Kai. Their future . . .*(timer sounds)*. . . is at stake. I'm not going to be here in a few years, God help me. So, I'm speaking in their behalf, and everyone else that are begging and hoping that they have a decent life here in Maui, and especially in Kula Kai. As my partner before me, Mrs. Kaopuiki-Hill, said, Ua Mau ke Ea o ka 'Āina i ka Pono. Please. This land is perpetuated in righteousness...in righteousness, I'm saying not in richness, not in richness. Pay attention. Mahalo.

CHAIR KAMA: Thank you, Mrs. Kalanikau. Members, questions for the testifier? Thank you, Mrs. Hill *[sic]*.

MS. KALANIKAU: Any questions? I'm here. Do it now.

CHAIR KAMA: Member...Member Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony this morning. I know that the change in the time given to each testifier interrupted what you may have prepared in your...in the points before coming. Were you able to cover the points --

MS. KALANIKAU: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that you had prepared?

CHAIR KAMA: Ms. Kalanikau, could you submit that in writing? Could you submit your writings to us?

COUNCILMEMBER RAWLINS-FERNANDEZ: Are there other points that --

MS. KALANIKAU: Well, there's a lot of points. You know, I want to. Our...our infrastructure is in shambles. Can't you see it? When we have floods, we have fire. Where are you people? Are you down there to see what's going on? Do you see the panic that people have to get on the highway, and they're in gridlock? Twice, maybe three times in my life, I have seen this, where people are trying to get out from a tsunami warning, and they can't get out. And people running for gas, and the road is so backed up. People wanting gas because they're not even prepared with the gas, and it's holding up all the other traffic that is all trying to get out of there. We don't want anything to happen to Kihei or South Kihei that has happened to Lāhainā. God bless Lāhainā. My heart still hurts for them, and I haven't even been to Lāhainā yet because I can't. I can't. It just hurts. So, I beg of you, please, please, please, mālama the 'āina first and foremost.

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UNIDENTIFIED SPEAKERS: . . .*(applause)*. . .

CHAIR KAMA: Thank you.

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

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual signed up to testify is Jordan J., to be followed by Elizabeth Ray. Chair, Jordan is in the Chamber. If Jordan would like to come down? Chair, we can come back to Jordan. The next individual signed up to testify is Elizabeth Ray, to be followed by Nancy Halley.

MS. RAY: Aloha. I'm Elizabeth Ray.

CHAIR KAMA: Aloha.

MS. RAY: I wanted to thank Tamara Paltin and Rawlins for sticking up for us, for coming all this way and wanting to actually say something because, you know, it's not all the same. It's not all the same. You're not going to get bored. Everyone's got originality, everyone's creative. Everyone's got a lot to say. Aloha. My name is Ms. Lizzy. This is shocking to me that such a change in syntax can affect so many lives. So, you want to change the language to enable Tom and Karen to continue to price out Kekoa and Nalani down in Wailea? I think this is sneaky and untrustworthy for you, Council, to consider a change in language that would negatively impact the rehousing of the people of Lāhainā. Council, it is your kuleana to kōkua your community, its culture, and enable your people of Hawai'i to thrive. Because 700 affordable homes would help the housing crisis across Maui. Hi, James. What I see...that's my baby, he's two. What I see on my commute, the horrible reality of failed housing options, like Hope Village, or so many tiny homes left just sitting because of red tape, or Josh Green's tent city full of drugs and suicide, or shelters with no vacancy, or housing programs with no housing options left at all. So, Maui, I say Hallelujah for Lāhainā Strong and its young, fresh awareness and the intelligence and fighting for their people, their culture, their community, and their land. I hope they will continue to expose and enlighten the greed and corruption within Maui County Council. I am very privileged to have the voice to speak in your ears to listen. Greed is one of the seven deadly sins. I pray you do the right thing. Aloha.

CHAIR KAMA: Members, any questions for our testifier? For Ms. Ray? Seeing none. Thank you.

MS. TANCK: Chair, the next individual signed up to testify is Nancy Halley, to be followed by Zandra Crouse.

MS. HALLEY: I'll introduce myself while I'm walking, so I can save time. But I've been a resident on the island for 40 years, and I've raised my family here, so I just want to say

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that. All right. I don't know everything about this development, but I do know that it doesn't stand alone in the push for more development in the moku of Honua'ula. I've been to other meetings about Mākena Mauka, and it seems like every out-of-state developer wants our water. They want to sell off the island to investors that don't even live here full-time. One of my concerns is water. And currently, we all know that Central Maui is in a Stage 1 water shortage, I think, I wrote this back in September, so I'm assuming we're still there. We have a lot of issues with regards to lack of water and the developers of Honua'ula. They made a Hawaiian name now, just to make them sound more akamai and local, but we all know they're not. So, they want to amend the condition that a private system be built to County standards so that the system can be offered to the County in the future, if needed. And I just want to say that we can't let developments control Maui's water resources. The island's water is for the safety and the health of all people. And as Councilwoman Kalani [sic] Fernandez has said before in matters relating to our water, water is a public trust resource and the more we can give community control over the corporations that control a lot of the water, the better off our community is as a whole. Thank you for that. Ordinance 3553, originally agreed to by the developer, is still being challenged by the developer to change the required 450 affordable units, which was 700, but I understand why it's 450, down to this 288 and I understand all the math, but as Mr. Chase [sic] stated a few times, the language is outdated. Well, I'm saying that their language is outdated. And we all know, especially because of the crisis in Lāhainā . . .(timer sounds). . . last year, that we need this housing. So, I find it incredulous during this time that we're in this court case about these 450 affordable homes, and we still really need them in this project. The developer also agreed as part of the approval process to widen Pi'ilani Highway. And I just know that that is super important. I...I am glad that they are saying that they will do it, but I don't think that the State should have to pay for it because it was their agreement a long time ago . . .(timer sounds). . . to pay for it. And...and I agree with the lady earlier about the bottleneck situation and people fighting for their lives to get out of Lāhainā, and I really don't want to see that happening in Kihei.

CHAIR KAMA: Thank you, Ms. Halley.

MS. HALLEY: I want to thank you. And just remember, last thing, I just want you to remember that the corporations that are building this development have nothing to do with Maui. They are made up of WCPT/GW Land Associates, which involves Lehman Brothers, The Cargill Group, Trimark Pacific Homes out of California, Golden Wailea of Japan, and Woodridge Capital of LA. They don't care about us. They care about money. Thank you.

CHAIR KAMA: Thank you. Members, questions for the testifier?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Member Keani Rawlins has a question --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony. I'm sorry, would you...would you...I...you...you said the last part really fast.

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MS. HALLEY: I know, I did.

COUNCILMEMBER RAWLINS-FERNANDEZ: Would you mind? I didn't catch all of that. Would you...would you mind repeating?

MS. HALLEY: Which did you want me to go over? Who owns this development?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. HALLEY: Well, according to my research, and I could be wrong, so you can double-check me on that, but it is...Honua'ula Partners is made up of WCPT/GW Land Associates, which involves the Lehman Brothers, the Cargill Group, C-A-R-G-I-L-L, Trimark Pacific Homes out of California, Golden Wailea of Japan, and Woodridge Capital out of Los Angeles.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that. Mahalo, Chair.

MS. HALLEY: Thank you. Thank you for your time.

MS. TANCK: Chair, the next individual signed up to testify is Zandra Crouse [sic], to be followed by Shane Awai.

MS. AMARAL-CROUSE: Aloha. 'O Zandra Amaral-Crouse, ko'u inoa. Modifications to Bill 171 would remove the language that says 450 affordable units shall be within the project, and would let developers get away with building only 288 affordable units, instead of the 700 that was promised. This, they promised to a Council in 19...2008, some 16 years ago. Let us predicate the decisions made regarding this project on the promises they made in 2008, and not on the legal transitions they have decided to make, so that these companies that was just stipulated by this previous testifier can profit from Maui. I'm sorry. Every affordable home being lost will be replaced by a market-priced home, probably likely worth and selling for \$3 million or more. In other words, luxury homes that Maui citizens cannot afford. I humbly ask you to reject this amendment. 172, uncertain about who they want, either them, a developer, or DOT to build the roads. Well, that leaves all of the residents of Kihei, by the way, which is the largest tax-paying base in the County of Maui. And I am really disappointed that, Chair, you saw it fit to give this group only two minutes to testify on something that will ratify . . . *(timer sounds)*. . . and change the lives of every child, kūpuna, and resident of Maui County. I humbly ask you all, do not approve this today. Wailea Ike, Pi'ilani Highway, from Kilohana to Wailea Ike needs to be improved. It needs to be put into four lanes, as they promised they would do. The park that...the money they were going to give, they said that they promised to do that as soon as Phase II started. My . . . *(timer sounds)*. . . Councilmembers, it's been two years. It is well overdue. Hold these developers accountable for the promises made, promises unfulfilled to your constituents, the children, kūpunas, and families of Maui County. Those that have the koko, those that have five, six, seven, eight, nine generations here on Maui. Do not displace us for the profit of luxury homes. Mahalo.

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CHAIR KAMA: Thank you. Questions for the testifier? Tamara has a question for you. Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify. You're saying that when Phase II approval would...occurred, like how Mr. Chipchase said, and that things are moving forward from Phase II, they were supposed to give five million for Parks; is that --

MS. AMARAL-CROUSE: Correct. Let me read to you what it says. Yes. The developers propose to make a \$5 million donation towards South Maui Community Parks. The money was supposed to have been paid upon Phase II approval, which happened in 2022. It is now two years overdue. Now, the developers want to break their promise by giving us a cultural educational facility. We don't know what it is, we don't know who will run it. Nonprofits is what developers run off of. I worked for many years in California for one of the largest land developers, the Lusk Corporation, building cities. I know they will delay, delay, delay, take, take, take, take, and make it seem like they are doing us a favor. They are not, my Councilmembers. I voted for you because I know that all of you have first in mind and heart, the constituents that voted for you, and the citizens who now reside and have, for the past 250 years, in the State of Hawai'i.

COUNCILMEMBER PALTIN: And I wanted to clarify also, you're aware that kids older than 12 can't play soccer at the new South Maui complex because it's too close to the highway. So, they got no place to play soccer because they don't let the older kids play there, because they might kick the ball into the highway, so is that what you're trying to say? That we do need that five million for parks for our kids in South Maui?

MS. AMARAL-CROUSE: Councilmember, if I might finish this? Right here, just a couple of lines regarding that. It says, now the developers want to break that promise. Instead, give us land cash to a...to a nonprofit. That nonprofit could be an organization from anywhere in the world. We don't know that it will benefit Maui County. And the amount, what we feel is, it's time for the developer to make good on its promise to donate money toward a park for the people of South Maui, to keep our children safe and engaged in the sports that make up their character. Adjusting, also, we are asking for inflation, that would be instead of that five million, we are asking that they be liable for \$7.5 million today. And the reason for that is because inflation has happened in the past 16 years. We need to send a message to those from the mainland and through foreign countries, they are welcome, but we will not...we will not have them delay for years on end after entitlement, and not have to pay a price for inflation.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Staff?

VICE-CHAIR COOK: Chair?

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CHAIR KAMA: Yes? I'm sorry.

VICE-CHAIR COOK: I have a clarifying question.

CHAIR KAMA: Mr. Cook.

VICE-CHAIR COOK: Hey, neighbor.

MS. AMARAL-CROUSE: Hi, Councilman.

VICE-CHAIR COOK: I share your passion. I want to ask you a clarifying question. Are...were you aware of the fact that the 700 homes were offered to be built years ago, half on-site --

MS. AMARAL-CROUSE: I am aware...I'm...I'm aware of that --

VICE-CHAIR COOK: Let...let me finish my question.

MS. AMARAL-CROUSE: No, I got you. I'm aware of that. You asked me if I'm aware. Yes.

VICE-CHAIR COOK: Half off-site, half on-site, it was turned down. And then there's...I'm just...the only thing --

MS. AMARAL-CROUSE: Um-hum.

VICE-CHAIR COOK: -- when...my clarifying question is, I hear what you're saying --

MS. AMARAL-CROUSE: Um-hum.

VICE-CHAIR COOK: -- and my...my stress is that there's been so many changes and requirements, et cetera, to say that this was what was committed --

MS. AMARAL-CROUSE: Correct.

VICE-CHAIR COOK: -- and that people aren't doing it, when there's been a menu of changes. I'm not agreeing or anything. I'm listening to everybody, I hear everybody, but when I hear someone latching onto something and not mapping to all of the delays, the obstruction, and the changes that prevented those houses from being built, I was bummed --

MS. AMARAL-CROUSE: Okay. Now...now, you're --

VICE-CHAIR COOK: -- that those houses aren't built.

MS. AMARAL-CROUSE: -- giving dialog on your platform.

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CHAIR KAMA: Okay, Members --

MS. AMARAL-CROUSE: But no --

VICE-CHAIR COOK: I apologize for --

MS. AMARAL-CROUSE: -- as I stated...to answer your question, as I stated here, Councilman Cook, your constituents said the 450 affordable homes and 288 affordable units, 700 units total, and this has been diluted to --

CHAIR KAMA: Thank you, Ms. Crouse.

MS. AMARAL-CROUSE: -- the benefit of the --

CHAIR KAMA: We understand that.

MS. AMARAL-CROUSE: -- of the contractor. And thank you. I realize that you're a general...you're a contractor, and or you contract yourself out to these contractors, Cook --

CHAIR KAMA: . . .*(gavel)*. . .

VICE-CHAIR COOK: Thank...thank you for answering my question.

MS. AMARAL-CROUSE: You're welcome. Thank you, Madam Chair. A hui hou.

CHAIR KAMA: Mahalo, Ms. Crouse.

MS. AMARAL-CROUSE: Take into consideration your constituents.

MS. TANCK: Chair, the next individual signed up to testify is Shane Awai, to be followed by Dean Frampton.

MR. AWAI: Thank you. Good morning, Chair.

CHAIR KAMA: Good morning.

MR. AWAI: Good morning, Councilmembers. My name is Shane Awai, I work for District Council 50 as an organizer for the painters. I represent the painters, tapers, glaziers and floor layers. First of all, I'd like to address...first of all, I'd like to address is in regards to the housing. My understanding is that the developer, Honua'ula Partners, is not trying to reduce the number that what they're talking about, but increase...increase the market units...I mean, and not increase the market units. This project received Phase II approval two years ago. It was then that the number of total units was fixed to complement the Chapter 2.96. Today's request for approval does not change its requirements is 230 units instead of 288 units, which will be on-site and are being built. That's the same number that is shown in application. The developer is asking to build

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the workforce housing earlier before the expansion of the highway. There is no ask to increase the number of market units. The developer is also asking to add 50 more workforce housing units if HDOT takes over the highway obligation. This demonstrates the developer's willingness to adapt to the highway expansion and ensure that the project is in line with everyone's needs. For me, this is significant. I have two...I have...I have my own kids that are now in the process of trying to purchase a place. Also, with three grandkids that is also being able to move with them. Not surprised that we complain about the housing crisis and what we need, but it is estimated that 14,000 units by 220 . . . *(timer sounds)*. . . by 2025 need to be in demand. I'm here, not only for the status, that I feel this is obvious. The same people that fight, the fight that we need, houses say that we do not need the houses. In closing, I'd like to address and stress again, we need housing, we need affordable housing, and we need to work with developers. Today I wear two hats. One as a father, and one as a union organizer. I hope that we can all figure it out, and we can work together, and make this team work . . . *(timer sounds)*. . . for everyone. Thank you very much.

CHAIR KAMA: Members. Questions for Mister--okay, let's begin with Member Paltin, then Member Johnson, and Member Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you, Chair. My first question is, can you clarify the part where you had said about they're going to build the affordable housing first? Because my understanding was in 2008, that was the agreement. They were going to build the 250 off-site first, and that's why it was supposed to be off-site, because it was going to be faster. And now you're saying, oh, there's an agreement to build the affordable housing first. We had that agreement in 2008. I just wanted to clarify what you're saying.

MR. AWAI: I just was saying about the highway being built, with the housing being built first before the highway being built, so we can get the project moving. That's what I --

COUNCILMEMBER PALTIN: Yeah, but --

MR. AWAI: -- wanted to clarify.

COUNCILMEMBER PALTIN: -- we had that agreement in 2008. That's why they put the 250 housing in another location, so it could be built first. And we still get puka, puka, puka, puka.

MR. AWAI: Okay. If that was said back then, then I apologize for that. If we move forward with...with what was stated here, then if the highway is going to be built first, then, you know, we --

COUNCILMEMBER PALTIN: Yeah, we heard something like that in 2008. Nothing happened. But second clarification. Do you live in Maui County?

MR. AWAI: I live in Maui County. I've been here for...I lived here for 30 years. I have three kids that, you know, I managed to send to college. They all live at home now. I also

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have three mo'opuna, I have one more on the way, you know, and...and even at that, still struggle thinking about moving away because there's no housing. There isn't nothing. So, you know, sometimes I feel for that. And also, I also represent my members too, you know, I represent over 1,200 members that...that are feeling the same impact, that we need these things not only for housing but as for jobs, too.

COUNCILMEMBER PALTIN: How much guys you got on the bench?

MR. AWAI: On the bench right now, I probably have about 30 of them that sit right now on the bench, but as time goes on, that bench can actually grow bigger and bigger, depending on the jobs that is being out there. So, there's times you can have 120 on the bench, 200 on the bench. So, it does fluctuate over time.

COUNCILMEMBER PALTIN: Thank you.

MR. AWAI: Yeah.

CHAIR KAMA: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you for your testimony, Shane. Just a clarifying question in regards to your...you said you're an organizer for the union. Does that mean you're a paid lobbyist?

MR. AWAI: Actually, not. You know, when I say organizer...so, what I do here on...on Maui, is that, like I said, I take care of my union members also run the apprenticeship program, getting all youths and everybody into the program, too.

COUNCILMEMBER JOHNSON: You're not...you're not a paid lobbyist, you're an organizer. What's the name of your union again?

MR. AWAI: District Council 50.

COUNCILMEMBER JOHNSON: Thank you.

MR. AWAI: Painters, glaziers, floor layers, and tapers.

COUNCILMEMBER JOHNSON: Did your union donate to Maui County races this year?

MR. AWAI: My union donates to...to a lot of people, not only Maui County. O'ahu, and --

COUNCILMEMBER JOHNSON: It's only relevant for this conversation.

MR. AWAI: Yes.

COUNCILMEMBER JOHNSON: I'm not asking about the State or anybody else, but. All right, so you did. Thank you. Thank you, Chair.

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CHAIR KAMA: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Awai.

MR. AWAI: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, for your testimony today. I just want to clarify that the last part of your testimony, where you said that the testifiers before you do not support affordable housing. I...I didn't understand that from the previous testifiers, so I just wanted to give you an opportunity to clarify.

MR. AWAI: Actually...actually --

COUNCILMEMBER RAWLINS-FERNANDEZ: Is that what you said?

MR. AWAI: Yeah, I'll...I'll clarify. I didn't mean it such as that. I just mean that there are testifiers that...that before, that said that we do need housing and then eventually, later...you know, it's a solution that we got to find to...to compromise it together. So, I didn't mean it offensively to anybody. It's just that, us guys do, you know, they get testifiers that don't want it, and...and like, for myself, I do. So, it's just clarification of that if I made it seem any way . . .*(inaudible)*. . . I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, because what I understood is that the testifiers before you wanted more affordable housing, and for the developer to hold to their promise and commitment of building the 50 percent affordable housing that they promised back in 2008. And so, another clarification is, as a Councilmember, I don't know how...if...if you can clarify how you are so confident in any promise that this developer gives to anyone, when they don't stick to their promises, they have broken their promises to the community. So, I don't understand why I should now trust that what they're representing today means anything, when what they represented in 2008 is being changed. So, I don't...if you could clarify how you have so much confidence in anything that they say?

MR. AWAI: You know, well, when you talk about confidence, what I do have confidence in, is that the housing project got to go on. I mean, that's what...and the reason why I have confidence in that going on is because we think about everybody else that's moving away. Also, in that statement was, I said, a requirement of 230 units. And then now they want to make it to 288. I mean, that's what...that's what...that's what I said in the earlier statement. And that's what I believe, I mean, needs to be done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, because the --

MR. AWAI: . . .*(inaudible)*. . . needs to be done.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- the amendment that's before us is 450, and so, you're advocating for 288, which is less than 200...450. And so, that's what the testifiers before you spoke to. And so then, you know, to clarify, you said that they

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weren't in support of affordable housing when they're advocating for more, for the 450 that was promised on-site.

MR. AWAI: Okay. Well, this is what, you know, the testimony is...what on the agenda and whatever else was said, 230 to 288 is just what I'm pushing for. I mean...I mean, with the process that you folks do and the process that you folks can, if you folks can do more, hey, great. But this is the process that...the agenda that I'm pushing for is right here; is the 230 to the 288.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. And then for...in response to Member Paltin's question about the 30 on the bench and potentially 120, with Lāhainā rebuild coming up, don't you anticipate that there would be enough work for your members?

MR. AWAI: I wish it was that easy. I wish it was that easy to say that there was enough work for our members, but there's a lot of other things that we can discuss someplace else about that because right now I probably get about three people, three people, now, out of the companies that I have that are working on those projects.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I'd love to talk with you more offline. Mahalo, Mr. Awai.

MR. AWAI: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MR. AWAI: Thank you.

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual signed up to testify is Dean Frampton, to be followed by Sheila Walker.

MR. FRAMPTON: Aloha, Madam Chair, Members of the Committee. My name is Dean Frampton, and I'm here today as an individual not being paid. I'm on my own time. I was honored to be the project manager for the Honua'ula Project for three years, and I just want to make two points today. Obviously, this is an emotional subject and emotional process, but this project has gone through the test of time. The changes that you see today are reflections of a landowner that's willing to commit to try and work with the community. What's important about the Planning Commission approval, the Phase II approval in 2022 is that it was subject to a contested case hearing, and the Planning Commission agreed to act as the hearings officer. And why that is important is that normally in a contested case hearing, the Planning Commission will send the hearings officer, and the applicant, and the appellants away, and they'll listen and come back with a recommendation six months later. But in essence, this Planning Commission in 2022 listened to all the information, examined all the evidence themselves, and came up with a unanimous approval. That was important in a...in a

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sense, they did the heavy lifting in terms of review. It is an emotional project. Development is emotional here. I understand the concerns from the other side. The second point I want to make is what I appreciated most about my time as a project manager was the involvement of lineal descendants of the Honua'ula area. And I'm not suggesting that they supported it, but they acted and provided meaningful and heartfelt information and input that made this project better today. So, I'd invite you to ask Mr. Chipchase and the project team to elaborate on the ongoing involvement of the community . . . *(timer sounds)*. . . and the commitment made by the...by the landowners. It makes this project unique, and I hope you can ask him about that. But again, I support these amendments to the zoning code that will make this project better moving forward, and the changes intended to make this a better project for Maui. Thank you very much.

CHAIR KAMA: Thank you very much. Members, questions for the...to...for our testifier? Mr. Frampton, Member Sugimura, has a question for you.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. On your point of the involvement of the community, can you state that again?

MR. FRAMPTON: We were involved with communications with the lineal descendants. There are other people that have opposed this project, and there are people that, you know, filed the challenges at the Planning Commission level, and previously in the...the zoning. But what we tried to do was really go to the people that are from that area. Obviously, it doesn't represent everyone, but we went to a very specific group of people that are from the area and invited them to participate. Again, I want to stress that I'm not implying that they approved or that they support, but those individuals were extremely helpful, and provided meaningful input that helped shape this project moving forward.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you. Thank you, Mr. Frampton. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Sheila Walker, to be followed by Joel Edelman.

CHAIR KAMA: Oh, good morning, Ms. Walker.

MS. WALKER: Good morning. Aloha, Chair Kama and Vice-Chair Cook, and Members of the Housing and Land Use Committee. My name is Sheila Walker, and I live in Maui Meadows. I'm here today as a concerned resident and an advocate for responsible development in our community. As you consider Bills 171 and 172, I urge the Council to hold developers accountable for making meaningful commitments to improve our local infrastructure. Any large-scale project like Wailea 670 must address the strain it places on our roads, our water systems, our schools, and our emergency services. These are not optional improvements. They are...they are essential to preserving the quality of life for all residents on Maui. I also encourage this Council to stand firm, and negotiate tough, but fair, terms with the developers. Too often, promises are made but

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not fulfilled, leaving our community to bear the burden. By setting clear expectations and ensuring these projects include tangible benefits--like affordable housing, the improved infrastructure, and the cultural preservations--you will uphold your responsibility to serve the people of Maui. Thank you for your time and for standing up for our community. I trust you will prioritize the needs of our residents over the profit-driven interest because the people of Maui deserve to come first. Mahalo for the time.

CHAIR KAMA: Members, questions for Ms. Walker? Seeing none. Thank you so very much. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Joel Edelman, to be followed by Patricia Pearce.

MR. EDELMAN: My name is Joel Edelman. I'm 85 years old. I've been a resident of Maui Meadows for many, many years. My wife and I have a house there, and I was first here on the...on...in Maui in 1969. I rented an airplane on O'ahu, and I flew it around to all the islands, and the one I came to and later moved to, was Maui. And it was very interesting to first fly when there was no...no housing, zero housing in the Kihei area. There were a few shacks here and there. So, I have a long personal history in my head and in my heart, and in my eyesight, about what goes on, and what is happening, and who is controlling it, and how we are dividing it up. As...as a lawyer who's had three cases in the U.S. Supreme Court, I also am very aware, on a legal level, about the things that have been happening and not happening here. And I think it's a really rotten shame that the people who are asking for a change in what was agreed upon very carefully a few years ago, to allow fewer things--the things that were agreed upon, and they wanted to change it--it's just disgusting. It's...it's outrageous . . .*(timer sounds)*. . . And I think that everything that was asked at the beginning should be fully done the way it was agreed upon. And asking for these changes that only help the people who are...are...are putting up some of the money at other people's expense should not be listened to--should not be listened to by the public officials . . .*(timer sounds)*. . . who are responsible to the wider public. And so, I ask you to do it in that way. Thank you.

CHAIR KAMA: Thank you, Mr. Edelman. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you. Mr. Ed...Edmondson [*sic*]?

CHAIR KAMA: Edelman.

COUNCILMEMBER PALTIN: Edelman. Mr. Edelman?

MR. EDELMAN: Yes?

CHAIR KAMA: Member Paltin has a question for you.

MR. EDELMAN: Oh, I'm sorry.

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COUNCILMEMBER PALTIN: I just wanted to clarify what you had said. You were saying that we should ask for a document that had all the original promises and compare it to what is being offered now? Is that...is that what you said?

MR. EDELMAN: Absolutely, yes.

COUNCILMEMBER PALTIN: Okay. All right. Thank you.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Chair, you think we could ask Staff to do that for us?

CHAIR KAMA: We could ask the...Mr. Chipchase later.

COUNCILMEMBER PALTIN: Thank you.

MS. TANCK: Chair, the next individual signed up to testify is Patricia Pearce, to be followed by Nancy Haag.

MS. PEARCE: That's me. Patricia Pearce. I'm a fairly recent transplant to Maui, having moved here a little over a year and a half ago. Lived in the Kihei area for most of that time until I recently moved up to Pukalani. But I come here from Charleston, South Carolina, where affordable housing is also a very pressing issue. And there's a lot of similarities between the area that's very heavy on tourists, and the tourist commerce and trade, and trying to accommodate housing for the workers that are necessary to support that industry. And then there's also the matter of what happens to the people who were indigenous to the area before any of this came along, and maintaining fairness to them in keeping housing available and accessible. Since I've been here, I have a good friend who lost everything but her car and her dog in the Lāhainā fires. She moved to the mainland earlier this year, in part because of the unaffordable cost of rebuilding. She recently told me, based on the very few applications that she'd seen of other Lāhainā residents going back to taking steps to rebuild, that it appears that it's a small minority of them that are even going to try...most of which, I suspect, to be for financial reasons too, where the high cost of housing is involved. In this season of Thanksgiving and always, I think it behooves us to be mindful of our neighbor, grateful for the blessings that we've been given, and beneficent to those that we know that are still in need. Maui has a lot of those, and the need centers around affordable housing for many of them. Holding Honua'ula Partners to the commitment of at least 450 units of affordable housing, if not the original 700, is a golden opportunity for this Council to make that happen. It should also be on the conscience of this Council when to my read, Council approval given in the first place was largely contingent on the presence of that full complement of these affordable units. Maui already has too much history of such bait-and-switch tactics in the developmental history. Let's don't allow this to become one more. If you took the 150-plus families that will be denied affordable housing if you approve this amendment, they would easily fill . . . *(timer sounds)*. . . these Chambers. And could they be here and speak for themselves, you'd be getting an earful.

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CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you, Ms. Pearce.

MS. TANCK: Chair, the next individual signed up to testify is Nancy Haag, to be followed by Johann Lall.

MS. HAAG: Hello. Good afternoon. My name is Nancy Haag, and I am from South Maui. I came to Kihei basically...well, actually, I started West Maui, but in Kihei I came in 1976, and built my house in 1978, and I've also raised two kids here. I am very concerned what's going on in Maui, okay? I'm very concerned about South Maui. I feel like so many people are making decisions for South Maui that don't live here. They're not in that traffic, the gridlock. Like from North Kihei to...all the way to Kamali'i School, if you know where that is, but it goes down to Kam I. Gridlock. Can you believe that? Gridlock going north, and all...so much of it coming from Wailea. Yeah, I did have to go through that the other day. And so, I'm telling you, this is a problem. And if you keep on just trying to make jobs for carpenters and contractors, and this is a...it just becomes a bigger problem because we've got to have more and more luxury homes, which we don't really need. What we need is affordable housing, and yes, you should hold them to the original agreement of 700 homes. And if you need to make some kind of compromise, make a good one. Make a good one for South Maui. Care about South Maui, even if you don't live there. We're living there. A lot of people there, they need homes. We've got fire victims over there in South Maui now, they need a home. Our population has grown a great deal since 2008. We...you think about that. Think about what you're doing, what you're approving here. We can't do...we can't just continue to fill up everything. This is actually one we could step away from because they don't want to keep the original agreements. Oh, that's a...that's a unique concept, just to step back and not do it. However, I do agree that we could use a whole lot . . .*(timer sounds)*. . . of affordable homes, and it needs to be truly affordable. I'm also very concerned about getting out of the fire place when...if big fire happens, like Lāhainā. Right now, it's gridlocked. So how would we ever get out? We have no infrastructure for that. We have the water. From what I hear, the Kihei South Maui aquifer is brackish. And...and don't think that we'll just go to desalination because the fact is, that's going to pollute the ocean, and we need the ocean for . . .*(timer sounds)*. . . free playground for our community and for our tourists.

CHAIR KAMA: Thank you, Ms. Haag.

MS. HAAG: Thank you.

CHAIR KAMA: Members. Questions for our testifier? Seeing none. Thank you so much. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Johann Lall, to be followed by Pane Meatoga, III.

MR. LALL: Aloha. I think you may have skipped over people because I'm sure there are others signed up online before me. I just signed up, so...

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MS. TANCK: No, Mr. Lall. You were taken up in the order you were...you raised your hand online.

MR. LALL: Oh, okay. Johann Lall, testifying on behalf of myself. There...you know, I think we...we, who are members of the public, can see a pattern pretty clearly, which is that when it comes to land use and development, developers always get what they want, and that's from the Planning Department in their recommendations, the Planning Commission and how they vote, and the conservative majority on how you guys vote. And I've been arguing with people on Facebook, Nextdoor, in person here in Kihei about, you know, what the conservative majority means. And there are people who swear up and down that they are free-thinkers, and they review all the information. But, you know, we see time and time again, when it...when it's developer interest versus public interests, it always comes down a certain way. And we saw that with the limiting of the time we're allowed to testify, and we're seeing it in the questions being asked by certain Councilmembers. You know, a lot of folks have talked about the affordable housing and the infrastructure. That's all important, but I want the public to know that there's a lot to this, and the contested case that Dean Frampton had referred to is available online to view. There's a lot of things that happened that would be scandalous in any American city. The applicant in this case, Chris Sugidono and Dean Frampton, working for the applicant, actually wrote the staff report. So, when Dean said that the Planning Commission reviewed all the information and...and came to a decision, they didn't receive accurate information from an unfair...or an impartial staff. They received information from the developer that was presented as a staff report. So, you know, if anyone is interested in that stuff, feel free . . . *(timer sounds)*. . . to contact me. I'll send you all the documents. A lot of this stuff just wouldn't be acceptable anywhere in America. So that's...that's my testimony. Mahalo.

CHAIR KAMA: Mr. Lall, Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lall. I just wanted to clarify. The one that you were talking about, is that the Phase II approval, or the one that was 5-1, with Ms. Kealoha being bullied to say yes?

MR. LALL: The Phase II approval that was unanimous, that Chipchase was referring to before.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

MR. LALL: I believe the...the previous...or, the vote at MPC was also...that which...which ended up with this being before you guys was also misinformed. Because one of the Planning Commission members actually told me that if they had known that there was a lawsuit to try to get those 450 units, their vote would have been different, and they were not told that by the Planning Department. It was presented as just a formality, just clean up the language.

COUNCILMEMBER PALTIN: Can you clarify what you mean about a lawsuit?

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MR. LALL: I've heard from people in the community that there's a lawsuit in the court system right now to try to require them to build those 450 units per the language in the...the change in zoning approval. I don't have any detail...any internal details about it or anything like that.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you, Mr. Lall. Staff?

MS. TANCK: Chair, I believe Councilmember Sugimura had a question.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Oh, I'm sorry.

COUNCILMEMBER SUGIMURA: If you don't mind, yeah.

CHAIR KAMA: I'm sorry. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you. So, can you clarify? Did you say that Dean Frampton and Chris Some...Chris wrote the report? What kind of report is it? What...did they work for the --

MR. LALL: Yes.

COUNCILMEMBER SUGIMURA: -- Planning Department?

MR. LALL: No, it's...it's...it's--that's what's really strange. So, the Planning Department does a staff report...like you guys received a staff report for this thing that you're looking at today. And it's supposed to be written by staff. And that one was supposed to be supposed to be written by Ann Kua, but it came out during testimony and in the evidence emails that it was written by Dean Frampton and Chris Sugidono. Chris Sugidono was working for Munekiyo Hiraga. Dean Frampton was, I guess, working at Frampton & Ward as the project manager for this, and they literally wrote the staff report, reviewing their own project. It's all documented in emails, and Chris Sugidono said that he spent like, I think, 30 or 40 hours working on the staff report for Ann Kua, rather than her working on it herself.

COUNCILMEMBER SUGIMURA: That so doesn't sound like Ann Kua and her credibility, so thank you. I...I don't agree.

CHAIR KAMA: Okay, thank you. Thank you, Mr. Lall. Councilmember Rawlins-Fernandez has a question for you also.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair and mahalo, Member Sugimura, for asking that clarifying question. Mr. Lall, do you have the emails or any of that

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information that you referenced that you would be able to send to us if it's readily available? If it's not, I'm not asking you to do more work. I just --

MR. LALL: Y --

COUNCILMEMBER RAWLINS-FERNANDEZ: Go ahead.

MR. LALL: Yes. I actually do have them ready...readily available. They're also public information because they're in the records for the Planning Commission for that contested case. But I have them collected because I did an ethics complaint with the American Planning Association. So, I have all those readily available. I can send them in like the next half hour through Granicus or to the Staff for the...the Committee?

CHAIR KAMA: The Committee. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, mahalo. And I guess, to the Councilmembers too...or at least me because I'm asking. I'd like to...to see that...that information. Mahalo for providing that information and testimony. Mahalo, Chair.

CHAIR KAMA: Thank you. Mr. Johnson has a question, Mr. Lall.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Johann. Thank you for your testimony. Just to clarify, you just mentioned in response to Councilmember Rawlins-Fernandez that you did an ethics complaint. What's the status of that?

MR. LALL: I actually never received an update, and the American Planning Association doesn't give updates to the person who does the complaint. The complaint was actually against Michele McLean because she is an AICP, and so the most they can do is revoke their certification. And it was because she had testified at the contested case that it was okay, basically, for the staff report to be written by the applicant. And so, they took my complaint, and they started an investigation. But the only person who would know, I think, would be Michele McLean.

COUNCILMEMBER JOHNSON: Okay. Thank you for that response. Thank you, Chair.

CHAIR KAMA: You're welcome, Mr. Johnson. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Pane Meatoga, III, to be followed by Stacey A.

MR. MEATOGA: Hi. Aloha, Chair.

CHAIR KAMA: Aloha.

MR. MEATOGA: Pane Meatoga, III, the Deputy Political Director for Operating Engineers, Local 3.

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CHAIR KAMA: We can't hear you that well, Mr. Meatonga [*sic*].

MR. MEATOGA: I believe you have my boss' written testimony on record. I just wanted to come in and testify here in support of Bills 171 and 172. Our position is . . .(*inaudible*). . . --

CHAIR KAMA: It's very difficult to hear you still yet.

MR. MEATOGA: Okay, can you hear me now?

CHAIR KAMA: Now I can hear you, yes.

MR. MEATOGA: Okay. Let's try and work with that. But yes, I just wanted to get on record that we are in support of the amendments for Bill 171 and 172. Thank you.

CHAIR KAMA: You're fading out again, Mr. Meatonga.

MR. MEATOGA: Okay. Just to keep it simple, then just in support of Bill 171 and 172.

CHAIR KAMA: Okay, thank you. Staff?

MS. TANCK: Chair, I believe Councilmember Sinenci has a question.

CHAIR KAMA: Oh, okay, I'm sorry. Mr. Sinenci has a question for you.

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo Mr. Meatoga. You mentioned your...what was the company that you were sending in testimony...you sent in written testimony?

MR. MEATOGA: So...so, I believe my...my boss, who is the district representative, Ana Tuiasosopo, has sent...sent in written testimony in support of Bill 171 and 172.

COUNCILMEMBER SINENCI: And this is the...was that the...your union?

MR. MEATOGA: Operating Engineers, Local 3. That is correct. Operating Engineers, Local 3.

COUNCILMEMBER SINENCI: Operating...okay. And then you're...you're also on Maui?

MR. MEATOGA: That is...no. I am the government political...deputy political director for the union for the state. I'm based in Honolulu.

COUNCILMEMBER SINENCI: Oh, for the State? Okay. Thank you. Thank you for that clarification. Thank you, Chair.

CHAIR KAMA: Thank you. Staff?

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MS. TANCK: Chair, the next individual signed up to testify is Stacey A., to be followed by Kelly King. And Stacey, if you would like to provide your last name, please feel free to do so, but you are not obliged to.

MS. ALAPAI: Mahalo. My name is Stacey Alapai. I'm a mom and a new homeowner in Makawao. I used to live in South Kihei, and so I have a pretty clear understanding--like a lot of people have testified, and so I've changed my testimony a bit about the importance of affordable housing. I think that if we view this as a negotiation, then Maui is losing. We've watched this slippery slope of these developers promising us the moon, and then just delaying and using these lobbying tactics to reduce the expectation that they've given to our community. And I think that this entire Council ran on affordable housing. You said our 'ohana has suffered enough, we need affordable housing, the shortage of affordable housing. You all were saying these things. My mailbox was flooded with these mailers, and these are just a few I haven't recycled yet. And you're all saying, "Fighting for affordable housing." "Fighting for our community." "We can't let the future be defined by rising costs and displacement." But this whole of the...all these changes are just passing the buck onto the taxpayers to do the infrastructure changes that were promised. And if these developers said that 700 affordable homes was...was financially feasible in 2008, when we were having this whole housing shortage across America, and interest rates have gone up, and down, and fluctuated a lot since then, and the only thing that's changed is our housing shortage has gotten worse, not better. So, I don't see why our Council would even be considering reducing this number at all. We should be negotiating harder. They're using these really hard sales tactics on us. Like that presentation at the beginning of this was just a sale...these guys are great salesmen, and they're giving all this extra weight, while my time is being reduced. I've been sitting on this meeting for over two hours for my two minutes . . .*(timer sounds)*. . . and then I have to listen to this propaganda and biased retelling of history of what happened in 2008. And they also have all this additional access to each of you privately through their lobbying activities, and I don't have that. I can't call you up on the phone and write my version of what I think this should say, and pass it along through the staffers so that you can have...be all on the same page with what you're going to say. It doesn't pass the gut check. And for those of you . . .*(timer sounds)*. . . who are reading these changes and are feeling it in your na'au that something is not right here, like you should listen to that, and not listen to these shady sales techniques, trying to...with all this smoke and mirrors. And then they're also demonizing our community. Maui Tomorrow is named in their presentation. I've seen them give this presentation at the Planning Commission as well. Does Maui Tomorrow get to give a PowerPoint presentation and defend these accusations? Because it's...it's just not fair. We had like a few days over the weekend to learn about this, prepare our testimony, block out our whole Monday to come here and speak to you, and basically beg you to do what you promised you were going to do three weeks ago. And the one piece of their presentation that I appreciated was that they highlighted that this project would be a test of our workforce housing policy. And I agree, this is a test to see how strong your willpower is, as our Councilmembers, to resist this slippery slope of reducing the benefits of our community, to increase the profit margins for a developer. And I also want to say that Shane Awai, who is representing the...one of the construction unions testified, and said that his kids are trying to buy a home. Can they afford any

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of these market-rate Wailea homes that are selling it for the multi-millions of dollars? And...and we talk about families are moving away because they can't afford to live here. Who can afford one of these market-rate homes? No one that I know can afford these homes. We had to have four incomes to purchase my very modest home in Makawao for a million dollars, and we pay over \$6,500 a month for that mortgage. Who can afford these homes? Not us. So, you're just basically, by approving this, allowing for more gentrification of Hawai'i, more gentrification of South Maui, and you're directly contributing to people having to leave and being priced out of paradise so that these rich people from outside can come in and own their piece of paradise. And it's not fair. And I'm begging you to please oppose both of these amendments. Because there's...I could talk for hours about all the issues with it, and you're going to hear from a lot of people today. And I've only heard two, three people testify in support of these amendments, and all of them are on the payroll. I'm not getting paid to be here. I'm here because I'm scared that my son is never going to be able to afford to stay here. Like, I don't even understand how this is being considered. And I appreciate you giving me the time to speak today and for opposing this, to fight for more affordable housing, not...not less.

CHAIR KAMA: Thank you, Ms. Alapai, but Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Alapai. I just wanted to clarify. Feel free to call me at any time. My phone number is (808) 295-2967. I'd love to hear what you have to say. Thank you.

MS. ALAPAI: Mahalo.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you. Members, it is now 12:31. Chair is going to call for a lunch break for an hour from 12:30 to 1:30, unless you all feel like you need more time. Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: How many more testifiers are there?

CHAIR KAMA: I think...let me see, 20. So, Members, lunch until 1:30. Does that meet with you all? Okay. HLU Committee is now in recess until 1:30 p.m. . . .*(gavel)*. . .

RECESS: 12:31 p.m.

RECONVENE: 1:33 p.m.

CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee meeting of November 25th, 2024, please come to order. It is now 1:33 p.m., and we left off with our testimony. So, Staff, could you please call the next testifier, please?

MS. TANCK: Chair, the next individual signed up to testify is Kelly King, to be followed by John Laney.

MS. KING: Aloha, can you hear me?

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CHAIR KAMA: Yes, we can. Thank you very much.

MS. KING: Okay. So, now you can see me. Yeah. Thank you. I was expecting that call before lunch because you said my name next, but if you can...how much time are you giving us again, Chair?

CHAIR KAMA: Two minutes --

MS. KING: What'd you put it down to?

CHAIR KAMA: -- and 30 seconds to wrap-up.

MS. KING: Two minutes? Okay. I'm going to try to read my testimony really quickly. My name is Kelly King. I'm a former Councilmember, current successful business owner, and a Maui community volunteer for decades. I've lived in South Maui for 40-plus years, and have represented this district for three terms on the Maui County Council. I just want to let you know that for...before this project was proposed, I've witnessed the community objections to this large project, and I was involved in the vote to allow them to do all the...the affordable housing on-site. So, that was a...that was not something that the Council asked them to do, that was a change that they came and requested of the Council. In 2008, the Council voted 5 to 4 to approve the project, despite the community objections, supposedly because of the conditions put on the developer, which include a requirement to provide 700 affordable homes and a commitment of \$5 million to be given to the County for the parks. And those were just two of the conditions, of course, as you know. Other conditions included reports on Hawaiian cultural sites, endangered species, and water quality and drainage. In my time on the Council, I remember presentations on these...those conditions being scheduled in the Planning and Use Committee, chaired by Councilmember Paltin, so the Committee could hear from the developer and the community Intervenor on what conditions had been met thus far. On the day of the meeting, the developer's representative, Charlie Jenks, failed to show up, and it was announced he had resigned from the project, with no advance notice to Chair Paltin. Lucienne deNaie gave a presentation for the intervenors, which concluded that the important conditions had not been met. This was disturbing to hear, given that Mr. Jenks had made additional agreements . . . *(timer sounds)*. . . in more recent years that were supported by the Maui Meadows Neighborhood Association. The...the meeting that I attended seemed to conclude that the new agreement would help the project move forward, but unfortunately, most of those agreements were not met...those conditions. The project owners have since tried to wriggle out of the original conditions, now offering to build less than half the original number of affordable units, stating changes to the workforce housing ordinance. It is my understanding that the changes in the law do not apply to agreements signed under the preexisting law, and I'm sure that if the changes . . . *(timer sounds)*. . . to the ordinance had become stricter, they would have insisted on following the law that they...that was pa...that was in effect when they got this project permitted. So, you know, I know my time is up, but I...they're using...if they want to use current...current standards for the law, then shouldn't they use current standards for the amounts of money that they owe as well? For instance,

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the 5 million that they promised today would be worth 7.5 million. So, which is it? Are you going to use the past laws and the past values, or are you going to advance to the present, and then look at the present values of what you had promised back then? And let's just use inflation, and let's get the true value for the community. I sent in my written testimony, so I'm going to stand on that. But I also wanted to...to let folks here know because I heard Councilmember Sugimura say that she didn't believe one of the earlier testifiers, Jonathan [sic] Lall, and I want to let folks here know that I've talked to several former and current Planning Department employees who have told me that it's common practice to allow developer consultants to write reports for the Planning Department. So, this is a...this is not a one-off, this is a practice that the Planning Department has been using for years, allowing the consultants to write their reports. And, of course, they're going to come out favorable for the consultants. So --

CHAIR KAMA: Thank you, Ms. King.

MS. KING: -- what do you think? I mean, you've got to...we've got to clean this up, you guys. And, you know, you all promised to represent the people. Please do it.

CHAIR KAMA: Thank you. Members, questions for Ms. King? Seeing none. Thank you so much. Staff?

MS. KING: . . .*(inaudible)*. . .

MS. TANCK: Chair, the next --

CHAIR KAMA: Oh, I'm sorry, Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, Chair...real quick, Chair. Sorry. Just for clarification. While you were on the Council...because the presentation mentioned you agreeing to...I forget what it was that you said yes, but...but in your written testimony, your approval was for the 700 affordable housing and for the...the parks?

MS. KING: Correct. And then...and that was...well, I wasn't back...I wasn't on the Council in 2008. But when I was on the Council, and this came back in my first term, which was '17 and...2017 and '18, this project came before the Council with a request to be able to do the affordable housing units on-site instead of having them at the site that was the mega mall. So, that's the piece that we approved. We allowed them to do the affordable housing on-site. But what we didn't...you know, I don't know where this idea that if the law changes, you can now follow the new law because I know if the law changed for the --

CHAIR KAMA: I think you answered his question.

MS. KING: -- there was a disadvantage to the...the developers, they would be asking to go under the previous law. So, you know --

COUNCILMEMBER SINENCI: Yeah.

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MS. KING: -- which is it? Do you want to...do you want to be grandfathered in for the good things only and not for the...the things that you have to be responsible for?

COUNCILMEMBER SINENCI: Right. Okay. So, thank you for that historical precedent. Thank you, Chair.

CHAIR KAMA: Staff?

MS. KING: And I think Ms. Paltin has the report that was given by Ms. deNaie in the Committee --

CHAIR KAMA: Thank you, Ms. King.

MS. KING: -- when she . . .*(inaudible)*. . . --

MS. TANCK: Chair, the next individual --

MS. KING: -- conditions.

MS. TANCK: -- signed up to testify is John Laney, to be followed by No'eau Patao. *(pause)*
Chair, John Laney is online and unmuted on our end, if he can unmute on his?

CHAIR KAMA: Oh, there she *[sic]* is *(pause)*.

MS. TANCK: Chair, we --

CHAIR KAMA: Can come back?

MS. TANCK: Yeah, we can come back to him. We can move on to No'eau Patao, who's in Chambers.

COUNCILMEMBER PALTIN: Is that [Pah-tao]? P-A-T-A-O?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Oh, I'm not sure if the individual is here, but maybe he didn't recognize his last name. It's Patao.

CHAIR KAMA: No'eau Patao. That's...yeah, in the Chambers, but...yeah. That's Mr. Jasee Law. . . .*(laughing)*. . .

MR. LAW: . . .*(inaudible)*. . .

CHAIR KAMA: You want to come back?

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MS. TANCK: Chair, we can come back. The next individual signed up to testify is Bruce Bond, be followed by Katie Austin. *(pause)* Chair, seeing nobody coming down to the podium. The next individual is Katie Austin, to be followed by Scarlett Mattin...Martin, excuse me.

MS. AUSTIN: All right. Aloha, Chair.

CHAIR KAMA: Aloha.

MS. AUSTIN: Aloha, Council. My name is Katie Austin, and I am testifying on my own behalf. I am opposed to Bill 171, and I think that everybody in this room can agree that we need affordable housing, and that is the reason that I am opposing this. I do not believe that we need to compromise, and I think that we need to hold developers more accountable now than ever. I want to start by addressing the various offerings the developer is presenting, things that while beneficial, seem intended to distract from a critical issue, which is the reduction in affordable housing. A new police station is great. Community spaces are great. These are all valuable contributions, but they should not come at the expense of affordable housing that was previously promised, and is the reason that they got passed through Council. We need to be very clear that they promised this, and it needs to be followed through with, right? The decision you make today is not just about this one project. It could have deadly effects on future projects in Lāhainā that already have promised 50 percent or 100 percent affordable housing, for them to get passed through you all, and then come back years later, and then pull back on that. And in Lāhainā, we can't afford that to happen, and I think across the island, we can't afford that to happen. This decision is about the future of our community, and also the integrity of your decision-making process, and whether you will prioritize the well-being of our residents over profits. The commitments made in 2008 for 700 affordable homes was a key factor in this project's approval. I do hope that you have read some of the quotes from Councilmembers at the time, such as previous Councilmember Michael Victorino, where he states, "None of us will know if we'll be around 20 years from now, but I hope when all of this is said and done, that these developers don't come back and try to see another Council. But if I'm still around, I will never change these. These conditions they brought forth. And . . . *(timer sounds)*. . . I would hope that you would respect that in the previous Council because I would hope in 20 years from now, the decisions you all make, you would hope that your Councilmen down the line would appreciate that as well. And here we are. That promise of 2008 was a cornerstone of trust between the developers, and the community, and the Council that passed it at the time. And allow that to be stripped away now would erode that trust and set that dangerous precedent. We are deeply concerned that passing this today will set that harmful precedent for future developments in West Maui that have a higher affordable housing promise now. . . . *(timer sounds)*. . . I'm worried that sitting in front of you all as you pass this--if you do pass this--that you are signaling to our community that we cannot trust what you will do is right for Lāhainā and for our community. And that means holding developers accountable to the promises they made when they gained the privilege to build on our 'āina.

CHAIR KAMA: Thank you, Katie. Your time is up.

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MS. AUSTIN: Mahalo.

CHAIR KAMA: Thank you so much. But wait, I want to see if others have questions. Members?
Member Paltin has a question for you.

COUNCILMEMBER PALTIN: I just wanted to clarify. Did you hit all the points in your note, and has that been submitted?

MS. AUSTIN: Yes, it has been submitted.

COUNCILMEMBER PALTIN: Okay. And you hit all the points?

MS. AUSTIN: Yes, I did.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. AUSTIN: Thank you.

CHAIR KAMA: Staff, go ahead.

MS. TANCK: Chair, I see that John Laney has come back online, and he will be followed by Scarlett Martin.

CHAIR KAMA: Okay.

MS. TANCK: Mr. Laney, your audio is not coming through.

CHAIR KAMA: I can't hear him, can you?

MS. TANCK: Mr. Laney, we're still not able to hear you. If you're able to go to where your mic is showing in the top right corner, and then clicking the drop-down menu, and just confirming that the correct settings are in place.

COUNCILMEMBER PALTIN: It looks like he's unmuted. Maybe if he pulls out his plug on his headset, maybe? Sometimes --

MR. LANEY: Can you hear me now?

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Yes.

MR. LANEY: All right. Very good. All right. Well, thank you. Sorry for the technical difficulties. My name is John Laney. I live in South Maui, about a mile from Wailea 670, and I'm a member of the board for the Kihei Community Association. And there's a couple of things I want to address in this short period of time. One is the timing of

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coming to the community and saying we want to cut the number of affordable homes is a terrible look for everyone. It's politically insensitive, it's insensitive to the community. And to...to come when we all know we need more affordable housing and say, well, really, we're just going to cut that number, it's just we're cleaning up the language and whatever...I was a mortgage broker in my career. I worked with finance. I worked with builders. I'm not against developers, I'm not against builders. However, it's a negotiation, and people have asked you to be better negotiators. And I just say, hold this...hold off for a month, come back and then see if we can get the 450. The...the developer is not going to lose money on these homes. They're not going to lose money on the workforce housing. They just will make some less money. So, I'd like to just propose that, you know, you hold off and come back with a better offer for the community. And I'm happy to be at that meeting and negotiate whatever. I understand some things about finance and all that. Please call me if you need me. The second thing that I want to say that I don't understand at all is, what is the thing with widening Pi'ilani Highway? And now there's a thing where the Department of Transportation is going to take it over, not the builder, and that it won't be started until after the 200 or 300 homes are built? Why would that be allowed? Why is it not concurrent? We need the infrastructure now. Why...and . . .(timer sounds). . . somehow to develop...to help the developers, it sounds like, hey, you know, we'll shift that to the State, and somehow you guys pay for it, the taxpayers, and you don't even have to do it until after we built all these homes. At least make it concurrent. Thank you for your time.

CHAIR KAMA: Thank you, Mr. Laney. Members, questions for our testifier? Seeing none. Thank you so very much, sir. Staff?

MS. TANCK: Chair, No'eau Patao has also joined us in the Chamber, so we'll call on him, and then followed by Scarlett Martin.

MR. PATAO: Good morning, Chair. Good morning...or, good afternoon, I apologize, Chair Kama, Vice-Chair Cook, and Councilmembers. My name is No'eau Patao. I'm with the Hawai'i Regional Council of Carpenters. I'm here to testify in support. I represent the men and women who are currently on the ground, boots on the ground, who are in need of work. We can talk about the affordable housing, how we got to this number, all that stuff that happened in the past, I'm not very sure...but all I know is that there's hard-working men and women who need jobs that we represent. And also, they deserve jobs that have livable wages, so that after cracking it in the sun for eight hours, they don't have to get a second job and be away from their family. So, how it gets to the affordable housing and how much it is, we know that we're in dire need of it. Of course, we see it every single day. We live here in Maui. And so, the thing that I can see and that I agree upon, is, I think with every confrontation that Mr. Chipchase has gotten in his presentations that he says, planning information, I think that they've been forthright, they've been open, they've been accountable and transparent. So, they meet every single one of the needs. However the needs come about, I don't know. I think it happens here, however it comes about. But I just...I can...I can recognize the transparency and accountability on behalf of the developer. So, that's my support for it, and I thank you for your consideration and for your time.

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CHAIR KAMA: Thank you. Members, questions? Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Mr. Patao, thank you for joining us today. I really appreciate your testimony on basically one job should be enough, and I appreciate a union rep speaking on that. I'm curious of...you...first off, what was the name of your union, and what are you paid lobbyist? Are you representative? Can you --

MR. PATAO: I'm not a paid lobbyist. I work with the Hawai'i Regional Council of Carpenters.

COUNCILMEMBER JOHNSON: Did you guys donate in this camp...this year...this election?

MR. PATAO: I'm not at liberty to give that kind of information. I'm not sure.

COUNCILMEMBER JOHNSON: It's public knowledge, but --

MR. PATAO: Yeah.

COUNCILMEMBER JOHNSON: -- you don't know? Okay.

MR. PATAO: I don't know.

COUNCILMEMBER JOHNSON: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Any other questions? Seeing none. Thank you so much. Thank you so much.

MR. PATAO: Thank you.

MS. TANCK: Chair, Council --

CHAIR KAMA: I'm sorry.

COUNCILMEMBER SINENCI: Chair?

CHAIR KAMA: Yes? Oh, I'm sorry. Member Sinenci has a question.

COUNCILMEMBER SINENCI: Oh, yeah. So, thank you, Chair. And mahalo, Mr. Patao, for your testimony this afternoon. I often get our...our laborers, are they getting...and we talked about the pay. Are they able to afford some of these affordable housing prices? Do you see a lot of the laborers? I mean, are they able to...to they, themselves, acquire one of this housing?

MR. PATAO: I'm...I'm not completely certain on what the prices are. I know that there has to be decisions that are made by each individual. Whether you get paid a lot, or you don't get paid a lot, you have to make decisions to step into a position that's going to afford you that...that opportunity. So, I would imagine that as everything increases, we need

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to increase the wages too. So, once they follow that trend, depending on the person, if they do save their money or not. Quite possibly, yeah --

COUNCILMEMBER SINENCI: Right.

MR. PATAO: -- and then they can stay here.

COUNCILMEMBER SINENCI: Yeah. And we're just looking out, you know, if our...our laborers are working, but they too cannot afford these housing, that they're...they're actually putting in those eight hours a day in the hot sun, but they're not able to afford them. And then, you know, do the union prioritize our Maui workers over, you know...and I get it, sometimes you have to bring in skilled laborers from the other islands. But, is the Maui laborers being prioritized for...for work, like you said, so that they can get to that, you know, help to pay for their own mortgages here on the island?

MR. PATAO: Yes, absolutely. Maui first.

COUNCILMEMBER SINENCI: All right. Thank you.

MR. PATAO: Yeah.

COUNCILMEMBER SINENCI: Mahalo for that. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony, Mr. Patao. Earlier, I asked Mr. Awai if Lāhainā rebuild and recovery is not going to provide enough jobs. So, for your members, like the rebuild wouldn't be enough? Does the...this project...I hear your central argument being jobs. And so, in the rebuild, there's going to be so much jobs, so much need, such a high demand, that the talk has been we're not going to have enough workers to meet those...that demand.

MR. PATAO: Yeah, I don't know. I can tell you a couple things. One thing is that we're always looking to reach out to the youth to help strengthen building. So, they're going to continue to come in. I cannot tell you what the time frame of each project is going to be with the Lāhainā rebuild, with upcoming projects. But what I can tell you, is that in the Lāhainā area, when they go and reach out to individual contractors, they're going to be taking away a little bit of the workforce with outside people, with people who come in, and with people who build individually, which is going to still require a set amount of people to build other projects that we have here in Maui.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I guess...I don't know if that really answers my question. So, the answer to my question is, you're trying to recruit the youth to join your membership so that you can meet the demand? But the...but the demand will be satisfied by individual contractors, not necessarily your membership. Is...am I understanding your response?

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MR. PATAO: Well, we're always trying to teach, right, so it's all...it's not always about the generation that's here, but the generation that comes up. So, we have to continue to keep going just like everybody here--the school teachers, nurses, doctors. So, we want to continue to keep building. But with that being said, not...there's...not everybody's going to be able to go over to Lāhainā and fulfill every single one of the needs. Because you're talking about, I believe, individual landowners, a lot of people who want to build, maybe they're a contractor themselves [sic] that want to build their own house. But with that being said, it's going to be taking away from a different area. And so, with the other things that are going on outside of Lāhainā with building infrastructure, the parks that they want to do, the training centers on this project, it's all going to require builders, and I think we need builders to start building now. Like I said, I don't know what the time frames of each one is going to be, how it's going to correlate to each other, but I believe we do need builders, and we need projects, and I believe that people need to keep working, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so it sounds like the clarification is that you agree with...with what I'm saying. There's 51 houses, I believe, that are coming up now, so the rebuild is happening now. And my concern is with these luxury houses that are being built, these market-rate, it'll compete with the folks, the residents of Lāhainā, who are trying to rebuild their lives. You don't see it as competing?

MR. PATAO: I don't. Not necessarily, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I hope you're right. Mahalo.

MR. PATAO: I hope so too.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR KAMA: Thank you. Thank you, Mr. Patao.

MR. PATAO: Thank you.

CHAIR KAMA: Ms. Paltin has a question.

MR. PATAO: Yes?

COUNCILMEMBER PALTIN: Oh, I just wanted to clarify. It's...it's over 50...it's...it's over 100 now.

CHAIR KAMA: Oh, okay, great.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Member Paltin.

CHAIR KAMA: Yeah. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's great.

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CHAIR KAMA: Thank you, Mr. Patao.

MR. PATAO: Yeah. Thank you.

CHAIR KAMA: Staff?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I have a question for our attorneys, not for our testifier. Mahalo. So, twice now, union representatives have been asked their position on whether they're a lobbyist, whether they'd be considered lobbyists or not, and both said no.

COUNCILMEMBER PALTIN: I think we're not supposed to ask since they made the thing that you can testify anonymously, right?

CHAIR KAMA: Oh, I don't know. I...I...you know, used to have it in our...in our notes, right, that they...we would say, please let us know if you're a lobbyist. They don't show up anymore.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I mean, so if the answer was, I decline to answer your question because I would like that to be anonymous.

CHAIR KAMA: Anonymous.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. But the answer that Member Johnson has received twice now is no. So, they've answered the question, but the question is whether they would be considered lobbyists or not?

CHAIR KAMA: Would they be considered, or do they consider themselves a lobbyist?

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, anyone can consider themselves anything.

CHAIR KAMA: Is that what you're asking --

COUNCILMEMBER RAWLINS-FERNANDEZ: My question is whether under our rules --

CHAIR KAMA: Oh, I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- union reps would be considered lobbyists?

CHAIR KAMA: Oh, I don't know.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because they're...they're lobbying on behalf of their membership. And so, I mean, the question is not for you, Chair --

CHAIR KAMA: Yeah. Well, we can take a look at the rules.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- it's for our Staff, maybe?

CHAIR KAMA: We can take a look at the rules.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, and we can also ask our Staff --

CHAIR KAMA: Not necessarily today --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- if they can either...if they already have an opinion, or if they can look into the rules while we're in this meeting.

CHAIR KAMA: Yeah. So, Ellen...I mean, I'm sorry, Sam?

MS. TANCK: Chair, at this time, lobbyists do not need to identify if they don't wish to.

CHAIR KAMA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: That wasn't my question.

CHAIR KAMA: . . .*(inaudible)*. . . ask them the question, they have to answer it.

MS. TANCK: I'm sorry. At this time, it is my understanding that if they are asked whether or not they're test...they're lobbyists, they do not need to identify themselves as lobbyists if they don't wish to.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, they...so, the testifiers today answered the question and said, no, they're not lobbyists. They didn't decline to answer the question. That's the difference.

CHAIR KAMA: So, you ask the question, somebody says either yes or no, right? So, they said no.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR KAMA: But you're saying according to our Rules --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: -- our Council rules --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: -- that that union representatives are considered lobbyists.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's my question.

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CHAIR KAMA: That's the question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because the answer was given. It wasn't a I decline to answer the question.

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: It was --

CHAIR KAMA: It was a no.

COUNCILMEMBER RAWLINS-FERNANDEZ: And here's my answer, and the answer is no.

MS. TANCK: And I do see that Chair Lee has her hand up as well.

CHAIR KAMA: I don't see her.

COUNCILMEMBER LEE: Chair Kama...Chair Kama, can we --

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

COUNCILMEMBER LEE: -- take a ten-minute recess to get this clarified?

CHAIR KAMA: Sure. Members, if you don't mind --

COUNCILMEMBER LEE: Thank you.

CHAIR KAMA: -- we'll take a recess. It is now 1:59. Recess until 2:09. . . .*(gavel)*. . .

RECESS: 1:59 p.m.

RECONVENE: 2:11 p.m.

CHAIR KAMA: . . .*(gavel)*. . . The HLU Committee meeting of November 25th, 2024, will now reconvene. It is now 2:11 p.m., and Mr. Raatz is here to explain Member Rawlins-Fernandez's question and the response. Mr. Raatz?

MR. RAATZ: Thank you, Chair. Staff is handing out an email thread we had with the State Office of Information Practices two years ago. OIP is the State agency that administers the State's Open Government laws, including the Sunshine Law, which is the statute under which we're conducting this meeting today. On the second page of the handout, the first full paragraph, there's a statement from OIP staff attorney Edith Feldman, and it's three sentences. I'll just try to read it quickly. "Because it is the policy of the Sunshine Law to liberally construe its provisions in favor of openness, it is not appropriate for any board to require a potential testifier to identify himself or herself before testifying. For the same reason, OIP would likely find that a board cannot require" testifier...excuse me, "testifiers to testify to specify the nature of their interest in an

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agenda topic, such as whether they are paid lobbyists. Under the Sunshine Law, all boards shall allow interested persons the opportunity to submit testimony, and do not have the authority to refuse anonymous testimony.” So, there was...just for background, there was questions about the Council’s Committee’s, obligation to receive anonymous testimony, and we also pointed out a provision in the rules of the Council requiring lobbyists to identify themselves before testifying. So, that was the context under which we received this advice. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Raatz. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Director Raatz, for that information. So, what was said before we recessed was that Councilmembers cannot ask a testifier. So, what I heard you explain right now is that we cannot require the testifier to respond to the question, but we can ask the question, and they can decline to answer if they so choose?

MR. RAATZ: Chair, may I?

CHAIR KAMA: Yes, absolutely.

MR. RAATZ: That’s correct, Councilmember. In fact, Ms. Feldman’s next sentence says, “A board may *request*,”--and that word is in italics--“may *request* testifiers to identify themselves, as long as it is clear that this is a request, and not a requirement.” Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then what happens if, when asked...under our Rules, what...what is...how does it describe a lobbyist? How is a lobbyist described?

MR. RAATZ: Well...thank you, Chair, if I may?

CHAIR KAMA: Yes, Mr. Raatz.

MR. RAATZ: It’s...it’s a Code of Ethics that defines a lobbyist, and it’s the Board of Ethics that enforces the Code of Ethics, and has...it has sole responsibility over the Code of Ethics. We always offer that caveat when we’re talking about the Code of Ethics, it’s really the Board of Ethics’ responsibility. But I don’t have the Code of Ethics right in front of me, but my recollection is that it says a lobbyist is someone who receives consideration to influence Council legislation or Executive Branch administrative action. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. And so, if when asked, instead of declining, the answer is no, when the answer should have been yes, then that would be a Board of Ethics kind of decision? Or like what...what would be the --

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

CHAIR KAMA: Go ahead, Ms. Paltin.

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COUNCILMEMBER PALTIN: I think the Board of Ethics holds the County to those standards, but not members of the public.

CHAIR KAMA: Mr. Raatz?

MR. RAATZ: Thank you, Chair. I don't believe the Code of Ethics requires disclosure or accurate answers on those questions. The Code of Ethics is a basic requirement, when someone is a lobbyist, the responsibility is to register as a lobbyist. The Board of Ethics maintains on its website a list of registered lobbyists, and different jurisdictions have different requirements on lobbyists. My understanding is that's the main requirement in Maui County. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. That was really enlightening. Appreciate it.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Thank you. Okay. I think...Staff, we want to continue?

COUNCILMEMBER RAWLINS-FERNANDEZ: Member U'u-Hodgins --

CHAIR KAMA: I'm sorry. Oh, yes. Member U'u-Hodgins, I'm sorry.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Sorry. I hope you can hear me. There's a weird lag on my end, so I kind of missed what Director Raatz defined as a lobbyist in our rules. Can you please restate that for me? It was kind of garbled.

CHAIR KAMA: Mr. Raatz?

MR. RAATZ: Thank you, Chair. Thank you, Councilmember U'u-Hodgins. Lobbyist is defined under the Code of Ethics, not Rules of the Council. That...so, in essence, I'm paraphrasing based on my recollection of the Code of Ethics, a lobbyist is someone who engages in trying to influence executive action or legislative action for consideration, which may be cash compensation, or some other legal consideration. Thank you, Chair.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Did --

COUNCILMEMBER U'U-HODGINS: Oh, and under our rules, do they have to be registered? Is that what we're looking for? Like when they register for the State, and then we ask them if they're a lobbyist, is that what they should answer? If they're a registered

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lobbyist with the State, or if they are employed by whatever entity they're speaking on behalf of?

CHAIR KAMA: Under our rules, David, what does that mean?

MR. RAATZ: Thank you, Chair. Since we've received this opinion from OIP Staff Attorney Ms. Feldman, I think the rules have been changed, or...and again, I'm sorry, I don't have the rules right in front of me, but we don't believe that any...anything related to lobbyist status is really a valid part of the Rules any longer in terms of requiring someone to disclose their status. So, the Rules had referenced the Code of Ethics definition of lobbyist. And again, that's...that would be the prevailing legal authority on the question of who is a lobbyist, and if so, what are their responsibilities? Not...not the Rules of the Council, but the Code of Ethics. Thank you.

COUNCILMEMBER U'U-HODGINS: Oh, okay. Okay. Thank you.

CHAIR KAMA: Member Rawlins-Fernandez, and Member Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have it pulled up. It's 2.56.040. As is, "Herein, lobbyist means any person who engages himself for pay or other consideration for the purpose of attempting to influence legislative or Administrative action of the County." So, good job having that almost memorized. Mahalo, Chair.

CHAIR KAMA: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. For...this question is for Mr. Raatz. I just was wondering, is there any consequence for not registering as a lobbyist if you are a lobbyist?

MR. RAATZ: Thank you, Chair. Yes. I believe the Code of Ethics has the authority to administer fines.

COUNCILMEMBER PALTIN: Even if the lobbyist is not...it's a member of the public?

MR. RAATZ: Thank you, Chair. Yes. If...if someone is a lobbyist, under the Code of Ethics, they're within the purview of the Board of Ethics jurisdiction.

COUNCILMEMBER PALTIN: Oh, wow. Okay. Thank you.

CHAIR KAMA: Okay? Shall we continue with our testifiers, Members? Thank you. Staff?

MS. TANCK: Yes, Chair, the next individual signed up to testify is Scarlett Martin, to be followed by Sam Smalls.

MS. MARTIN: Aloha. My name is Scarlett Martin, and I have been a resident for almost three decades on the South Side of Maui. I have been coming to Wailea 670 meetings for almost three decades as well, and the meetings are usually the same...different Chairs,

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but same story. First, the unions march in, and I think, as several Councilmembers pointed out, we can put this to rest. After Lāhainā fires, there's going to be 20 years that they are going to be busy. And every economist backed that up, that we're not going to have enough workers. We're going to have to bring them from outside. So, for the love of God, can we just put this to rest? Second, is usually who speaks, the representative for the developer--I apologize to...I don't remember Mister's name--but especially in the last meeting, you know, we hear his sales pitches. But in the last meeting for the Council...for the Planning Department, I felt like he had especially condescending tone, and treated all of us like the uneducated pheasants. So, let me tell you, I have been coming to these meetings since before 2008, and we are tired. We are exhausted. I'm not going to be redundant. You have heard a lot of testimonies. It's about three things. Number one, hold them accountable to the 450. I urge every single Councilmember and Planning Department Commissioner go read the minutes from 2008 meeting. Because those minutes will tell you that the only reason why the vote was five to four, we're getting 700 for the people. 700 for Maui. I understand that ship sailed, but hold them accountable to 450. Please go read the minutes. Number two, \$5 million for the parks. . . .*(timer sounds)*. . . They agreed to it in 2022, which is two years ago. Make them pay up. Because they promised and agreed upon that approval, that you, as Councilmembers, gave them, they will pay up. And number three, Pi'ilani Highway. How many of you live on South Maui? I live in Maui Meadows. That part of the highway is a parking lot. And let me remind you . . .*(timer sounds)*. . . Lāhainā had two exits. Wailea and Kihei has one. At this point, I don't understand where we need to go because it feels like it's above all your paid grades. Do we need to call the Governor, the Senator? Because if they don't want another Federal disaster, they better veto this. They better veto these two bills.

CHAIR KAMA: Thank you, Ms. Martin. Your time is up. Thank you.

MS. MARTIN: Thank you.

CHAIR KAMA: Members, questions for Ms. Martin? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Martin, for your testimony. I just wanted to clarify. So, were you at the Kihei Community Association night meeting?

MS. MARTIN: Until 2:00 in the morning? Yes.

COUNCILMEMBER PALTIN: Yeah, that one. Okay, okay. I was there, but I don't remember you because I think you were --

MS. MARTIN: I never testified.

COUNCILMEMBER PALTIN: Oh.

MS. MARTIN: I was always the one who was in the background. I have an accent, so I don't like to speak publicly. But at this point, it has been just too long, and too much. And they are wiggling and weaseling out of every commitment and promise they made.

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CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Okay, thank you for the clarification. Thank you, Chair.

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual...Chair, the next individual signed up to testify is Sam Smalls, to be followed by Jerry Pappas.

MR. SMALLS: . . .*(inaudible)*. . .

MS. TANCK: Mr. Smalls, your microphone is muted. Mr. Smalls, if you can find the microphone button in the top right corner of your screen and just press that button?

MR. SMALLS: That one. Okay, great. I was on the small one. Thank you. Okay. Great. Gee, I wish I was a paid lobbyist. How nice would that be? Instead, I'm a concerned citizen. And, you know, listening to Mr. Chipchase, you know, was so disingenuous. It's absolutely infuriating. He completely skipped over commitments that were related to the golf course, as if they can take millions of dollars a year worth of value away from our youth community with impunity, as if it doesn't matter. Number 12, he completely skipped. Let me...let me quickly go through it. The Honua'ula Partners, its successors and assigns, shall permit one nonprofit organization per calendar...per quarter, other than the Maui Golf Association, to use the golf course and clubhouse for fundraising. It's...shall develop an organized instructional program for junior golfers. Permit Maui Junior Golf to use the golf course. Sponsor one Maui Junior Golf fundraising tournament per year. That's worth millions of dollars to our community. An instructional program will be developed to teach youngsters 12 to 18 the fundamentals of golf. Private lessons will be available at a discounted rate. The fundraising...annual fundraising event for Maui Junior Golf players at 50 percent of the regular rate, with no more than 144 players...144 juniors...Maui, you know juniors could be participating in this. Shall permit Maui...the MIL, and the Hawai'i . . .*(timer sounds)*. . . and the Hawai'i School Athletic Association to use the golf course once a year for a golf tournament. These are things that...that are worth millions of dollars a year for our community, and...and Mr. Chipchase thinks that he can just delete that stuff with impunity, as if nobody cares, and it doesn't matter? Are you kidding me? Developers do write staff reports, Ms. Sugimura. . . .*(timer sounds)*. . . We know that. It is documented, and it is wrong. And as well, past practices, Mayors have allowed department directors to write their own annual performance reviews. It's also wrong. This culture of leniency that you perpetuate --

CHAIR KAMA: Thank you, Mr. Smalls.

MR. SMALLS: -- is what caused the Lāhainā disaster. And you have blood on your hands.

CHAIR KAMA: Members --

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MR. SMALLS: Thank you.

CHAIR KAMA: -- questions for Mr. Smalls? Seeing none. Thank you so much. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Jerry Pappas, to be followed by Lee Altenberg.

MR. PAPPAS: Good afternoon, Council. Can you hear me?

CHAIR KAMA: Yes.

MR. PAPPAS: Okay. Thank you. I am a resident from Kihei. I'm not being paid for this, I'm actually at work today, but I am...like I said, I'm a resident of South Maui and Kihei, and I actually do approve the modifications on this. I...I have lived here for the fires. I think my biggest...one of my biggest fears is we have 2-8...288 shovel-ready affordable housing units that will obviously, desperately be filled immediately, and without...without that, then...then where are we? I mean, it's not 450. It's not 700. I wasn't here historically to see that breakdown, but there is 288, and we're looking in those families faces and telling 288 potential families, no, you're not going to be able to live down here. And my partner is in hospitality. I have spoken to many people in hospitality that work in all those hotels down there. I am floored at the amount...the number of people that drive from Kula to go be servers down in Wailea. Let's get all of these families, as many as we can--and that might be only 288 right now--but let's get them down there. I heard testimony before about mass exodus of...of a fire. Well, that could be potentially 288 fewer cars trying to flee out of...out of Kihei. It...it...it's...it...it must happen. And in terms of widening the road, that's going to be a pain point regardless of when that happens, but the bigger pain point is not having the homes for these families. And if it means . . . *(timer sounds)* . . . putting the homes there first, and then doing the road, then that's the ebb and flow and the give-and-take that we're going to need to make sure that we can have these 288 families living down there, and being able to have a far less commute to work, and being in a viable place to live. I mean, I don't know why we see weather in Las Vegas. There's obviously a market for it. How did that even happen? Well, on Fremont Street . . . *(timer sounds)* . . . I don't care what the weather is on Fremont Street. Let's have those families stay here and watch the weather here on island. But specifically, we got to...it's 288, bird in the hand, shovel-ready. Let's do something for at least those families. And moving forward, maybe there can be, you know, other legislation or things to help, particularly on...on the West Side as well. But --

CHAIR KAMA: Thank you, Mr. Pappas.

MR. PAPPAS: -- this project is ready --

CHAIR KAMA: Yes.

MR. PAPPAS: -- and these families desperately need it. Thank you for your time.

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CHAIR KAMA: Members, questions? Member Paltin has a question for you.

COUNCILMEMBER PALTIN: I just was wondering, how did you get the information that it's shovel-ready?

MR. PAPPAS: Well, we're here talking about this has been, you know, approved. I've just been listening, and it's been approved by the Maui County Council. And that's a presumption that I made, that if we are this far, you've got to be --

COUNCILMEMBER PALTIN: Oh, it's a presumption.

MR. PAPPAS: -- somewhat close to the --

COUNCILMEMBER PALTIN: Got it.

MR. PAPPAS: -- finish line. It just went to the...the Planning --

COUNCILMEMBER PALTIN: Must not have lived here that long.

MR. PAPPAS: What's that?

COUNCILMEMBER PALTIN: Thank you. I...you...you answered my question when you said it was a presumption. Thank you.

MR. PAPPAS: Well, but you are -- but if we are --

COUNCILMEMBER PALTIN: Thank you, Chair.

MR. PAPPAS: -- ready --

COUNCILMEMBER PALTIN: That's all my questions.

MR. PAPPAS: -- but it is close.

COUNCILMEMBER PALTIN: He answered it.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair. The next individual signed up to testify is Lee Altenberg, to be followed by Ryan Hurley. *(pause)* Chair, Lee Altenberg is on the call. If he can just unmute on his end?

MR. ALTENBERG: Can you hear me?

CHAIR KAMA: Yes.

MR. ALTENBERG: Can you see me?

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CHAIR KAMA: No.

MR. ALTENBERG: How do I turn on my video? Oh, there we go. All right. Get...getting the ropes here. So, I'm Dr. Lee Altenberg, and aloha, Chair Kama and Committee Members.

CHAIR KAMA: Aloha.

MR. ALTENBERG: I'm testifying as an individual. Can you hear me?

CHAIR KAMA: Yes. Yes.

MR. ALTENBERG: I'm on the graduate faculty of the Ecology, Evolution, and Conservation Biology Specialization at the University of Hawai'i at Mānoa, and my report on the native dry forest in Wailea 670 is included as a part of Condition 27 for the development. I lived in Kihei for 19 years. So, the amendments today involve the \$5 million contribution to the Parks Department. But I want to bring to your attention another 2.5 million contribution pledged by the developer as an endowment for management of the Native Plant Preservation area in perpetuity. So, the endowment was pledged in the 2018 Habitat Conservation Plan, which the Maui Planning Commission approved, but in the 2022 Honua'ula Natural Resources Preservation Plan, all references to the \$2.5 million endowment were deleted. And I testified on that deletion in the contested case. So, the...the exhibits submitted to the Planning Commission by the developer for these amendments today also made no mention of the \$2.5 million endowment. I also testified about these deletions in the September 24th Planning Commission meeting. And in response, Mr. Chipchase testified, and I quote from the minutes, "The funding commitments have remained in place. It's \$2.5 million as an initial contribution, as well as an additional \$25,000 a year for, I believe, 30 years or some long duration. In addition, before those contributions are separated from those contributions, the 170 is to be fenced with an 8-foot-tall deer fence, and there's to be a full-time site manager engaged as part of the management of that area. All of that is set--" . . . *(timer sounds)*. . . "--and we don't propose to change any of it." Unquote. So, I was very relieved to hear that affirmation from Mr. Chipchase, but I was concerned because the Phase II approval makes no mention of this endowment. So, I emailed Mr. Chipchase requesting documentation, and--that is legally binding for this endowment, but Mr. Chipchase never responded. So, I'm asking this Committee to ask Mr. Chipchase for this documentation here and now before the public so that there is no legal question . . . *(timer sounds)*. . . about the binding obligation for this endowment. Mahalo for your attention.

CHAIR KAMA: Thank you, Dr. Altenberg [sic]. We have...Member Johnson had a question for you.

COUNCILMEMBER JOHNSON: Thank you...thank you, Chair. Good afternoon, Dr. Altenberg. Clarifying question. Do you support the project?

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MR. ALTENBERG: I support the project, but I don't support these current amendments. I think --

COUNCILMEMBER JOHNSON: The current amendments? Okay.

MR. ALTENBERG: -- the...the...the developer signed a unilateral agreement to the 700 affordable housing, and...and that agreement, in my mind, still...is still binding.

COUNCILMEMBER JOHNSON: All right. Thanks for that clarification. Thank you, Chair.

CHAIR KAMA: You're welcome. Any other questions? Seeing none. Thank you. Staff?

MR. ALTENBERG: Thank you.

MS. TANCK: Chair, the next individual signed up to testify is Ryan Hurley, to be followed by Carol Lee.

MR. HURLEY: Aloha Council, Chair, Members of the Council. Ryan Hurley here. I just wanted to speak briefly. I'm kind of the other side of this component in terms of the contested case at the Planning Commission. I had the distinct honor of representing Ho'oponopono Mākena and Maui Tomorrow Foundation at the Maui Planning Commission as Intervenors on HP or Wailea 670's Phase II application. And that's what a lot of people are discussing here today. And it's just...first of all, it's great to see the community come out and offer these comments to you folks and share their knowledge with you folks about what's going on. I'm learning a lot today, too. Really great to hear Ms. King talk about what it was like when they passed that stuff in 2018. That...that was new information to me, and kind of contrary to what we had heard, actually, at the Maui Planning Commission. But really, what we're talking about here is two different things, right? The developer will try to have you think that affordable housing and the project district development, they're one and the same. And the affordable housing law, 2.69 [sic] governs here, and that's not the case, right? So, this is a unique development, where the whole project is zoned project district development. And when you folks, back in, I believe, 2004 or 2008...when you first passed this...this zoning, you folks put some very specific requirements on this parcel, totally unrelated to affordable housing amendments out there. This is just for this parcel. And one of those things was that you said 450 homes shall be developed in this project. Fast forward, you know, 20 years, and when we were going through this, the Maui Planning Commission, the Intervenors, Ho'oponopono Mākena, and the Maui Tomorrow Foundation jumped on this right away and said, folks, we just want these 450 affordable homes that we've been promised. Now, everything people are talking about is true. You know, it was 700 affordable and 700 market rate, and that got adjusted and changed, and...and ultimately, what we ended up with was just focusing on this 450 homes, and how important that was. And ...*(timer sounds)*... ironically, at the Maui Planning Commission, when we were...when we were going over this, they...the developer first said, well, it's a ceiling. We don't have to build 450, that's the most--450 homes...affordable homes we could build--which is just crazy, right? We can't put a limit on number of affordable homes. And then they said it's locational. And we argued,

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hey, if you want this to be different, you need to go back to the County Council and have them change this before you get this Phase II approval. Because the law says, you need to comply with that. They said, no, no, we don't need to comply with this 450, we're...it's not a big deal, it's just locational. . . .*(timer sounds)*. . . And I said, well, you better not go back and try to amend this. And sure enough, here we are, they're amending it. And the reality, folks, is...is that this is 450 homes that we desperately need on Maui more than anything. And I know my time is up, but I just want to talk about, you know, the developer will say, hey, we went from 1,400 to 1,150 homes, right? We reduced the scope of this project. But what they did was they went from 700 market-rate units to 862 market-rate units. They added to the market-rate units. And what did they...where did they take all the losses or the...the...the decrease in units from? The affordable housing units. So, not only did they...are we not doing 700-700, we've gone from 700 to 862, and now down to 288.

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

MR. HURLEY: And this idea that they're going to throw in a couple extra units at the end to sweeten the deal if they don't have to...if they don't have to do the...the roadwork is crazy.

CHAIR KAMA: I think Member Paltin has a question --

MR. HURLEY: Keep this...keep this language, and say it is --

CHAIR KAMA: -- for you, Mr. Hurley.

MR. HURLEY: Oh, go ahead. Apologies.

COUNCILMEMBER PALTIN: Thank you, Chair. I was wondering if we could have Mr. Hurley as a resource. It seems that Maui Tomorrow lawsuits are part of the thing, and I just would like a balanced perspective from the attorneys on either side.

CHAIR KAMA: I don't have any objections. Members?

COUNCILMEMBERS: No objections.

CHAIR KAMA: There's no objections. Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Mr. Hurley, are you able to be a --

MR. HURLEY: Yes.

CHAIR KAMA: -- resource after all the testimonies are done, and come back to answer some of the questions that the Members might have?

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MR. HURLEY: Absolutely.

CHAIR KAMA: Member U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: Thank you, Chair. Can I just clarify if he’s still an attorney with Maui Tomorrow representing this case, or are we talking about --

MR. HURLEY: So, I...I am representing them on the appeal. This is now on appeal at the ICA. We’re appealing the Phase II application for the appeal. As far as the Maui Planning Commission matter, that has...is over and done with, and has been appealed to the Circuit Court and now at the ICA. Thank you for the question.

COUNCILMEMBER U‘U-HODGINS: Oh, yeah. Thank you. Thanks, Chair.

CHAIR KAMA: You’re welcome. Staff?

MS. TANCK: Chair, I see that Member Sinenci had his hand up.

CHAIR KAMA: Oh, I’m sorry. Member Sinenci, did you have your hand up?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, my question...I guess my question was kind of the same lines as Ms. U‘u-Hodgins, that the contested case with...you mentioned a contested case, Mr. Hurley, and the outcome. But this is a new...the appeal is something new, correct?

MR. HURLEY: So, we are appealing the Phase II approval. And one of the main contentions in our appeal is that...that...that the Maui Planning Commission violated the law when they approved this with only 288 affordable units, instead of what we believe is the required 450 units per Ordinance 3553, which is the amendment now that HP seeks to...to have amended today.

COUNCILMEMBER SINENCI: Okay.

CHAIR KAMA: Okay.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual signed up to testify is Carol --

COUNCILMEMBER LEE: Wait. I have my hand up.

CHAIR KAMA: Oh, I’m sorry, I’m sorry. Chair Lee?

COUNCILMEMBER LEE: Yes. Mr. Hurley, is the contested case over?

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MR. HURLEY: Yes, Ms. Lee. The contested case has...has concluded at the Maui Planning Commission. And as noted, the...the result is being appealed at the ICA, the Intermediate Court of Appeals.

COUNCILMEMBER LEE: I see. So, what was the result? Did you lose? Did you lose the case?

MR. HURLEY: As Mr. Chipchase noted, it was a unanimous decision in favor of approval.

COUNCILMEMBER LEE: Okay. So, the contested case was lost, then?

MR. HURLEY: Well, I mean, we...it wasn't a win or lose situation, we had intervened. But our...our suggestion, findings of facts and conclusions of law, were not...were not taken up, and the applicant or the developer had their...their kind of their...what they wanted taken up. But it wasn't...it's not like we sued them or anything. We just intervened in their request for Phase II. So, it's not like there's a winner or loser, but yes, the side that we...we did not agree with the...the decision that the Maui Planning Commission rendered.

COUNCILMEMBER LEE: Okay. So, you didn't prevail, and that's why you're appealing, right?

MR. HURLEY: Yes. We're appealing...we're appealing the decision on...yes.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: You're welcome. Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Carol Lee [sic], to be followed by Lahela Aiwahi.

MS. KAMEKONA: Aloha, can you hear me?

CHAIR KAMA: Yes.

MS. KAMEKONA: Aloha no. For the record, my name is Carol Lee Kamekona, and I am testifying on Bill 171 with regards to building a cultural center, and you were provided a \$5 million promise to County Parks for improvements in South Maui for parks and playing fields, as was in the original proposal of this project. With the building of Kūlanihākoʻi High School, and the potential addition of over 6,000 housing units in South Maui, we need to look ahead and see what type of physical exercise will our keiki have, surrounded by a concrete jungle? We need to provide open space parks with grass, a place to run, a place to fly kites, a place to be a kid. We need facilities to also allow team sports to thrive, and provide socialization, self-esteem, and self-confidence for the mental and emotional well-being of our keiki. As a recognized cultural descendant of the Moku of Honuaʻūla by SHPD, I say to you, County Council, have the political will to enforce as much of the original proposal of this project by denying any further amendments, especially regarding the cultural center. Whose culture will it highlight? The Kānaka ʻŌiwi of this ʻāina? Who will the docents be, cultural or lineal

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descendants? What narrative would be told? Will it tell of all the desecration of archeological sites and iwi kūpuna to build this project? Regarding the 288 affordable homes they proclaim is 58 more than 2.96 requires, do you know they will only stay affordable for five to ten years? We need the 450 homes we were promised. Our people need housing. Don't pick the low-hanging fruit, which says they will build more affordable houses if . . . *(timer sounds)*. . . DOT pays for the widening of Pi'ilani Highway. This project will have a major impact on traffic, resources, and water, to name a few. The owners and developers want this project? Let them pay for it. I ask this Council to put a moratorium on any further luxury developments in Maui until all our residents have a house and a safe place to live. I ask Honua'ula Partners to be respective of the need of our community. Make your project 100 percent . . . *(timer sounds)*. . . affordable. Mahalo.

CHAIR KAMA: Thank you so very much. Members, any questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Lahela Aiwohi, to be followed by Michelle Del Rosario.

MS. AIWOHI: Aloha, Chair.

CHAIR KAMA: Aloha.

MS. AIWOHI: Aloha, Councilmembers. My name is Lahela Aiwohi, and today I'm testifying in support of Bill 171 and 172, specifically...specifically the request for amendments on the Honua'ula project. I think we can...you know, we hear the need for affordable housing. We hear that, I think, being echoed constantly. And that's something that I cannot deny that we've been needing for decades. And this is...this is a project that, yes, we understand back in 2007, 2008, County Council did...they did approve the affordable housing at a certain amount. Since then, we've had some changes. We have some...we've had changes in the law, what was required, what is what is now required for affordable housing on projects, and we've also had changes in the development...or the developers changing hands. I do want to point out--because we keep on going back and forth on this, how many homes should be...how many affordable units should be there? You know, and we went down to the 450, it's now down to the 238 with the possibility of that additional 50, taking that up to 300...I mean, yeah, 338 [sic]. So, 288 [sic] additional 50 to move it to 338 [sic], which would basically kind of move the needle. So, it'll move the needle into...in providing some of the houses...affordable units that we do need. I do want to just go on record to say that in those years that the 50 percent was required, if I can just...kind of just point out that there was seven units under...affordable units that were actually done. Almost ten years, and only seven units were done. And part of the reason for that, when you talk to developers back then that actually had projects in the pipeline, there was just no way that they could do it, based on their affordability. There was no way that they could walk away with anything coming out of that, they would actually be upside down on that. And seven of those units, only five actually were new affordable units. Two were refurbished. So, I just want to throw that out there, to let people kind of...like just . . . *(timer sounds)*. . . to take

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that in so that you guys kind of understand that affordable...where that 50 percent, and why that 50 percent was changed to the 25 percent. And then I believe you guys heard Mr. Hurley, and Mr. Hurley did say that they did challenge that, which they did not prevail--Maui Tomorrow did not prevail in that--and that's due to the 25 percent now being...now...that that being part of the requirement as the County Charter. So, I just wanted to take the time to just point that out. Mahalo.

CHAIR KAMA: Thank you. Member Johnson and Member Paltin have a question for you.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good afternoon, Ms. Aiwohi. You know, I'm sure you know this question is coming, but just to clarify, are you a paid lobbyist?

MS. AIWOHI: And I will answer that. Yes, I am a lobbyist. I am a registered lobbyist.

COUNCILMEMBER JOHNSON: Thank you for your transparency. Any donations on the County Council this year?

MS. AIWOHI: This year, I'm...gosh, I...maybe not...maybe one or two?

COUNCILMEMBER JOHNSON: Okay.

MS. AIWOHI: Yeah.

COUNCILMEMBER JOHNSON: Thank you for that. Thank you, Chair. No further questions.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER LEE: Not me.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

MS. AIWOHI: That's why I said maybe. I don't even know, but...

COUNCILMEMBER PALTIN: Not me, either. Nah, nah, nah. My question is, at one point, you said 230, at one point, you said 288, at one point you said 338. Where did the 230 come from?

MS. AIWOHI: So, if you actually look back, the 230 is initially what 25 percent of what the...the total project affordable unit should be at. The developer agreed, and I would say back when Charlie Jenks actually testified, he had mistakenly said 288, which is an additional 5 percent, I believe. And that's how it became 288. The 338 would be an addition...that's kind of the negotiating piece with DOT.

COUNCILMEMBER PALTIN: So, it became 288 because Charlie Jenks is bad at math?

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MS. AIWOHI: . . .*(laughing)*. . . I mean, initially, yes. And the developer stayed committed to that. They did not want to change it. They said nope, that was said...that was said and done, and we're sticking to that.

COUNCILMEMBER PALTIN: Too bad he wasn't worse at math, huh? Thank you.

UNIDENTIFIED SPEAKER: My God.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Aiwohi, for your testimony today. So, I know that twice you made sure that we understood that in 2008, when 2.96 required 50 percent, that housing development did not happen. To clarify, in 2008, what else was happening in the world? Could it be a housing crisis that created the Great Recession, where foreclosure rates were extremely high? The Government took secondary mortgage players out, that these subprime mortgages contributed to the housing bubble, and then it crashed, that this crisis led to a wave of foreclosures, with 3.1 million Americans filing for disclosure [sic] in 2008 alone and displacing 10 million Americans. So, it wasn't a Maui problem alone.

MS. AIWOHI: Oh, no, that's not...that was not a Maui problem. And until today, I mean, it's a nationwide problem. Affordable housing is nationwide. I mean housing, period. But that...

COUNCILMEMBER RAWLINS-FERNANDEZ: But to clarify, you said it was because of 2.96 requiring 50 percent, and conveniently omitted what was going on in the world in 2008 with the Great Recession.

MS. AIWOHI: No, not necessarily. Because that was in a...about a ten-year span. So, we had about ten years to make that up, and that 50 percent was almost ten years. I want to say, what, 2007 to 2014? So that's just seven years? So, in that seven years...so, we were...we did see an incline, but we didn't see an incline on affordable housing, or in housing projects, period. And so, it's not necessarily what the banks did to disrupt what was happening in our economy at that...in 2008. That is not what...50 percent, so...and I know you're making those faces, but 50 percent --

COUNCILMEMBER RAWLINS-FERNANDEZ: Because I'm reading it right here.

MS. AIWOHI: That's 2008. So, what I'm saying, there's a seven-year gap. That was a seven-year...seven- to eight-year period that only seven units, two that was refurbished. So, five total, really.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, but you're --

MS. AIWOHI: But you're only looking at 2008.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- you're saying that it was because 2.96 required 50 percent, and I'm saying that there were other factors going on in 2008.

MS. AIWOHI: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then recovery from the Great Recession in 2008, that was also at play. And so, oftentimes, 2.96 50 percent requirement is often blamed, without considering what else was going on in the world, is my clarification.

MS. AIWOHI: And mahalo for the clarification. But I do have to...I beg to differ. That...that may have a piece of it, that was not all of it. That did not...that wasn't --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, for your concession.

MS. AIWOHI: . . .*(inaudible)*. . .

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

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, I see that Chair Lee had her hand up.

CHAIR KAMA: Oh, I'm sorry, Chair Lee. You had a question for Ms. Aiwohi?

COUNCILMEMBER LEE: I think the clarification questions are getting pretty long.

CHAIR KAMA: Thank you, Chair. So, you don't have a question for Ms. Aiwohi?

COUNCILMEMBER LEE: No.

CHAIR KAMA: Okay. Thank you.

MS. AIWOHI: Mahalo.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Michelle Del Rosario, to be followed by Nara Boone.

MS. DEL ROSARIO: Good afternoon, Councilmembers. My name is Michelle Del Rosario. I'm a local realtor, having served our community for the last 34 years. In 2008, the Council voted 5-4 to approve the project over outcrying community objection, supposedly because of the conditions put on the developer, which included a requirement to provide 700 affordable homes, and a commitment of 5 million to be given to the County for parks in South Maui. Other conditions included reports on Hawaiian cultural sites, endangered species in the area, and water quality and drainage. The project owners have returned to try to wriggle out of the original conditions and amended conditions,

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and are now offering to build less than half the original number of affordable units. It is troubling that this Council and the Maui Planning Commission continue to allow developers to extend and change what should be time-sensitive time frames to fulfill conditional obligations. Maui Planning Commission and Maui County Council seem to have little respect for the original, agreed-upon conditions that led to this, and similar projects, being passed in the first place. Holding a special meeting during the week of Thanksgiving feels like a rush to push through a bad decision by the end of this year. At the very least, this Council can best serve the community by holding project owners to the original conditions, agreed to when their project permits were granted, or by canceling the permit altogether and requiring a new permit application to be filed. This bait-and-switch practice undermines the planning and land use process, as well as the good faith of our community. I implore you to be transparent and act ethically as you go to review this project and take a vote. Specifically, an earlier testifier said he was unsure if the Carpenter's Union had funded candidates on this Council. A Better Tomorrow did fund . . . *(timer sounds)* . . . at least three candidates significantly...Councilmember Cook, Kama, and U'u-Hodgins. Specifically, Councilmember Cook benefited by funding of over \$420,000 in his race alone, coming from the Hawai'i Carpenters Market Recovery Program Fund and the Hawai'i Regional Council of Carpenters Political Action Fund account, whose representative earlier said he didn't know. I find that very hard to believe. We do have affordable... . . . *(timer sounds)* . . . 100 percent affordable housing that was built in South Maui. Is that my time up?

MS. TANCK: Yes, Ms. Del Rosario.

MS. DEL ROSARIO: I heard a bell. Is my time up? I'm sorry?

MS. TANCK: Yes, Ms. Del Rosario.

MS. DEL ROSARIO: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Del Rosario. Mahalo for your testimony today. The bell rang, so I didn't hear exactly what you were saying about the housing projects that were built in South Maui. What did you say?

MS. DEL ROSARIO: We do have 100 percent affordable projects that have been built in South Maui by Doug Bigley at Kaiwahine Village, and currently under construction in downtown Kihei. If a developer wants to build affordable housing, they can do it. This developer is using it as a leverage point against our community, and I ask that you decline their request. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Del Rosario. Mahalo, Chair.

MS. TANCK: Chair, the next individual signed up to testify is Nara Boone, to be followed by Joyclynn Costa.

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MS. BOONE: Aloha. Again, my name is Nara Boone. I am with the Maui Housing Hui, a group that advocates for, and educates people on, renter's rights. Wish I was there, but I'm sick, so I'm saving you all from my germs. I am testifying in opposition, not just to the amendments, but the entire project. It has been really informational today to sit and listen to the testimony, and it doesn't appear that what's being discussed is the same project that was contentious in 2008. The main stipulation were the 700 affordable homes. How has that just dissipated to 450, to 230, to 288? But the community pays for those last 50 homes with their taxpayer money if the Department of Transportation is funding the widening of the highway. It makes no sense to me. And then just hearing the professor discuss the...the stewardship of the...the native species as well. Where...where is that in what is happening here? It does not make a lot of sense to me that there is this push to modernize the language, but they want to stick to the stipulations that work for them, like the \$5 million being donated. That's already a late payment, right? It's already been over two years. I found it is extremely disturbing that in the initial presentation, they used their opposition as proof to back this project. It feels like a bait-and-switch. It feels like, with all of these affordable homes going down to nothing, that luxury and market-value homes are going to make these developers a whole lot of money. And where does the community stand? What is for the community? One of Dean Frampton's last sentences . . . *(timer sounds)*. . . was something like, this is a better project for Maui. Is it? Because it's certainly not for the people of this place. It's only for those that want to fill their pockets. So yes, it's important we remember this is luxury development. We get the headaches, we get the cost, and we get the crumbs. And then we get a cultural center that will eventually turn into a museum of the culture and the people that were pushed out . . . *(timer sounds)*. . . in the name of money. Mahalo.

CHAIR KAMA: Oh, I'm sorry. I'm sorry, Mr. Johnson. Oh, okay. I'm sorry. Members, any other questions for Ms. Boone? No? Thank you. Thank you, Ms. Boone, for being here.

MS. TANCK: Chair, the next individual signed up to testify is Joyclynn Costa, to be followed by Les Iczkovitz.

MS. COSTA: Aloha, Councilmembers. Can you hear me?

CHAIR KAMA: Yes.

MS. COSTA: There's kind of like a backwash echo that I've been hearing all through this testimony. Anyway, my name is Joyclynn Costa, and I'd like to testify in opposition. In the back years of 2007, 2008, I sat in that Chambers until like, 9:00, 10:00 at night, every single Council meeting. And one of the things is, this thing is called Wailea 670 because they had 670 acres. They were going to throw about...was 15 acres for the culture until we stepped in, walked on the land, and found that the archeologist was deficient in his reports. And also, the...the culture, not only the cultural--you know, I'm getting a lot of...I can hear myself talk. Sorry. Please give me some time because I can't...I can't finish my testimony because I keep hearing myself talk. I'm going to try. So, the 100--I'm sorry, 670 acres was reduced because of the amount of cultural

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significance that was there, and it was obvious. Another thing was the Councilmembers were notified about the cultural significance and the...the heirs at law that opposed --

UNIDENTIFIED SPEAKER: *(Audio interference)*.

MS. COSTA: -- the project. And we spoke to Mr. Hokama . . .*(timer sounds)*. . . Mr. Pontanilla, Ms. Johnson, Mr. Victorino, the late Mr. Mateo, the late Mrs. Baisa, and the late Mr. Medeiros. Oh, hello?

CHAIR KAMA: We can hear you, Joyclynn.

MS. COSTA: Oh, okay. I just heard a...a thing like --

COUNCILMEMBER LEE: Oh, a bell.

MS. COSTA: No, not a bell. It was like...it was like just a...okay, sorry. You know, I'm going to ask for grace on time because I cannot...I think you fixed it because now I don't hear myself talk. So affordable homes, yeah? . . .*(timer sounds)*. . . Whoa, now we get the bell.

CHAIR KAMA: That was the bell, yes. Questions, Members, for our testifier? Member Paltin has a question for you, Joyclynn.

MS. COSTA: Thank you.

COUNCILMEMBER PALTIN: Aloha, Ms. Costa, can you hear me?

MS. COSTA: I can hear you very good now.

COUNCILMEMBER PALTIN: Thank you. Were you going to speak to the astroarchaeology sites on the property?

MS. COSTA: It was all the way from the back of Aki Sinoto and his reports, and claiming that there was no significance there. And also, with Dr. Lee Altenberg coming in to point out all of the endangered species. You know, one of the most glaring was that they said there was no more of our...what is the huggable trees?

COUNCILMEMBER PALTIN: Wiliwili?

MS. COSTA: The wiliwili. And we were standing in front of...and I call them huggable trees because if they're saplings, you can't touch them because it's...it's filled with thorns around the stump. The huggable trees are the mature trees, and they don't have any more thorns on them. And it was filled with wiliwili trees that they said did not exist on the property. These are some of the inconsistencies. There were walls that was not on the report. There were just features, and then they would toss it out as just for planting. It was just agricultural things, and then they had to backtrack. So that's why the project

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of 670 acres was reduced. The Department of, I think, Fishery and DLNR, as well as what Dr. Altenberg had...had led, proved it to be deficient.

COUNCILMEMBER PALTIN: So, you're not familiar with the astroarchaeology data?

MS. COSTA: I'm not familiar with that. I'm just...at firsthand, when the project was first brought to...to the Council.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Les Iczkovitz, to be followed by Robin Knox. *(pause)* Mr. Iczkovitz is unmuted on our end. If he can just unmute on...there he is. And Mr. Iczkovitz, if you can just unmute using the microphone button in the top right-hand corner? It should be right next to the...there you go.

MR. ICZKOVITZ: There we go. Here I am. Okay. Can you hear me now?

CHAIR KAMA: Yes.

MR. ICZKOVITZ: Hi. Aloha, Councilmembers. My name is Leslie Iczkovitz, and I've been a licensed attorney and an entrepreneur who has started nine businesses in the 45 years I have lived in Hawai'i. I spent my first 40 years on O'ahu. I've lived in Maui Meadows for the past five years Maui nō ka 'oi. I'm a *(audio interference)* Maui Tomorrow, and I'm the Vice-President of Maui Meadows Neighborhood Association. I oppose Bills 171 and 172. The Council is moving very, very fast to change the law to benefit HP 670. Now, the Council has decided that Maui citizens are to be given a total of two-and-a-half minutes at one hearing to respond to massive, proposed changes in zoning, which they propose to make...to promises made in 2008. Changes make the project much worse for South Maui. We're already on south...water restrictions in South Maui. There's not enough water for people who live here, let alone new billionaire residences. The specifics of the zoning changes are set forth in 699 pages of bills and documents, which were disclosed to the public for the first time on November 18th, less than one week before this hearing. This is outrageous. South Maui residents need and deserve the adequate time to reserve...review the materials and to submit their testimony to the Council. They've not given...the Council community...the Planning Commission did not have...were not given Bills 171 and 172 and the 681 pages Planning Commission provided until a week ago, so we didn't have access to it. And the Planning Commission didn't have access to it before they gave their recommendation on September 24th. Therefore, their recommendation is of no value and should be ignored because they didn't review actual Bills 171 and 172. South Maui citizens deserve, and they need to have multiple public meetings before the Housing Committee and the Council before any decisions are made. Please continue this public hearing for at least a month to give us more chance to comment. The developer's responsible for a lot of misleading testimony about the Pi'ilani Highway upgrade. . . .*(timer sounds)*. . . Mr. Chipchase indicates that the DOT taking over HP's responsibility for the upgrade, worth maybe 50

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to 100 million bucks in exchange for providing 50 additional homes, is a done deal. It's not a done deal. 670 remains legally required to complete the upgrade before any construction is to take place in 670, as it has for over 15 years. I spoke to DOT on Maui. DOT and the developers have been in negotiations for over a year, but there's still no deal. And until there's a deal executed, it's just a pipe dream, and many proposed deals have never closed. So then why...so . . .(timer sounds). . . you would think that they would close the deal...if it was close, they would close it before this meeting. Why wasn't it closed? So, when they...when they enter into an agreement, at least, right...if they extend it, we won't know when it's going to happen. At least if there's an agreement with DOT, we'll know when the upgrade is going to happen. If you approve these bills, it's just going to be continued for a long time...and we know because there's so much infrastructure they have to build for their water and for their sewage before they can even start building affordable housing. So, it's another pipe dream to say that by delaying the DOT, the requirement to do the upgrade, you're going to build more affordable housing sooner? That's a pipe dream. It's an illusion because you still have to get sewage. You still have to build the private water system. And they just have to complete...you know...and they're just telling...this developer makes promises, they break their promises with bait-and-switch pipe dreams all the time. So please, we need more hearings down here. We need public hearings to be able to talk about this, and really analyze the 700 pages of documents we looked at for the very first time less than a week ago. And we...we...we can't trust the developer. One thing the developer has proven, you can't trust them. They lie, they break promises, and they pay very expensive lawyers to give a --

CHAIR KAMA: Thank you, Mr. Iczkovitz.

MR. ICZKOVITZ: -- very convincing presentation. But thank you --

CHAIR KAMA: Thank you.

MR. ICZKOVITZ: -- for your time.

CHAIR KAMA: Members, questions? We have one from Ms. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Iczkovitz. I just wanted to clarify what you were saying about the one week to read like a close to 700-page document. It...is what you're saying that the normal process wasn't followed? That the information didn't come from the Planning Commission to the Council to be referred to this Committee, so that testifiers would know that we're not planning an extra meeting on Thanksgiving week outside of our normal Committee week? They had no reason to expect it because it didn't follow the normal process, and it didn't go to the Council to get referred? So, we would have had that extra two weeks to read the 670-plus-page document? Is...is that your concern...or part of your concern?

MR. ICZKOVITZ: My concern...my...my concern is that the Planning Commission was given a 12-page or 17-page report...report about this amendment, describing this proposed amendment. And that's the only document that was publicly disclosed, saying this

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describes the amendment. The...the Bill 171 and 172 were not in that presentation, and the...the...there's hundreds of pages in that 681 of different reports that describe the amendments. None of those documents were before the Maui Planning Commission when they voted to recommend the approval of them on September 24th. So, I'm saying because of that, their recommendation is worthless because they didn't see the actual changes being made, they were just described.

COUNCILMEMBER PALTIN: So, to clarify --

MR. ICZKOVITZ: When the 17-page report recommending the amendments, but now, we have hundreds of pages that were not filed online until one week ago, one week before this hearing. You have an obligation to file an agenda and the documents you're going to discuss one week before the hearing. And...and for the first time, the 699 pages are available to the public, and they weren't available before. And that's what I'm saying. We need a lot more time to review those documents. Because we didn't know, 171 and 172, exactly how they were changing things. Now they're...now they're specifically making changes to law. We can comment on that. We didn't have an opportunity to comment on that before they were available. So, I think it's way premature to even think about...for this Committee to do anything, until we have at least another month for the community...so I...so I can share with the MMNA (*phonetic*), and KCA, and Maui Tomorrow can share with all their...their members to say you...you testified about this over the last 10, 15 years, multiple times, here's another chance. We have not had that opportunity to give our community members a chance to be aware and testify about this because they just dumped 700 pages of documents just...on us a week ago. It's outrageous.

COUNCILMEMBER PALTIN: Okay, thank you. So, in addition, you'd like us to go through the bills and the changes line by line because that wasn't done at the Planning Commission, is what...also?

MR. ICZKOVITZ: Yes. Also, I believe that every single amendment has to be raised and discussed individually, when the Planning Commission was...just recommended approval for all of them. I believe procedurally--and I think Corporate [*sic*] Counsel should be asked about this--but I think there's a legal requirement for the Committee, and for the Council eventually, to go through each amendment, discuss each one, and vote on each one particularly. That didn't happen for the Commission, but I think...and I'm afraid it's not going to happen here. Because you have to do each one separately. Do we allow the \$5 million to go from Parks to...to a cultural sense...to a cultural center? Do they allow the Pi'ilani upgrade to be delayed? Do they allow 450 homes to be deleted...affordable homes? Each one has to be voted on separately. And I think I'd asked Corporate [*sic*] Counsel to weigh in because I do not believe the Commission voted properly, and I believe that it's necessary procedurally to make sure that each item is voted on, not...not just as one. We vote for everything. You're doing such a great job, HP, and thanks for...thanks for saving us.

COUNCILMEMBER PALTIN: Thank you for that answer. Thank you, Chair.

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CHAIR KAMA: You're welcome. Staff?

MS. TANCK: Chair --

MR. ICZKOVITZ: . . .*(laughing)*. . . Thank you.

MS. TANCK: -- the next individual to testify is Robin Knox, to be followed by Mike Moran.
(pause) Chair, Robin Knox is unmuted on our end. If...there we go. *(pause)*

CHAIR KAMA: Do you want to go to the mic?

MS. TANCK: Ms. Knox, we're not able to hear you. If you can unmute your mic?

MS. KNOX: Yeah.

CHAIR KAMA: I can hear you.

MS. KNOX: Can you hear me now?

CHAIR KAMA: I can hear you.

MS. KNOX: Okay, great. Thank you. Thank you. Mahalo for the opportunity to speak. I am in opposition to 171 and 172. It represents a pattern of behavior that we've seen over and over again of developers coming in, promising benefits for our community, things that we really need in the short-term--like in 2008, we desperately needed those jobs for carpenters. We even then desperately needed the transportation and the housing, and we were promised 700 affordable units. And...and then...but the...the developers and their investors can play the long game. So here we are, what, 15 years later, none of those benefits have realized. There haven't been any jobs. There hasn't...they haven't done the...the ball field. They haven't extended the highway. And now they're coming in and...and changing...they came one time already to change the rules, and now are coming again, asking to change the rules. And it's like they need to stick to what they originally said. Because every time, it comes down to a cost-benefit analysis. Every time, our community loses benefits, and the costs to the community are increased...and the developer gains benefits, and the cost to the developer is decreased. So, if you look at the cost-benefit, it continues to change in the favor of the developers and to the disfavor of our County, to the point of threatening our health and safety. I don't want to see 288 more homes, even if they're affordable, when there's no way to get out in case of a fire. I don't think we're doing people a favor by building affordable housing in places that are dangerous--like in wetlands, or a dead end where there's no escape route in case of fires. If you were to . . .*(timer sounds)*. . . change conditions...the existing conditions at all, what I would say is where the golf course was taken out, there were a lot of things about water that were attached to the golf course. Those things should still be in there. Like you have to use nonpotable water to irrigate landscaping, use...and do the groundwater studies and the near-shore monitoring studies that were associated with the golf course. But those impacts are associated with any development. So, with or without the golf course, those conditions are needed. . . .*(timer sounds)*. . . And

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overall, I agree with everyone else. We need more time to look at this, and you need to carefully consider the cost-benefit. Who is this going to cost, and who is it going to benefit?

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Mike Moran, to be followed by Mark Deakos.

MR. MORAN: Aloha, Chair --

CHAIR KAMA: Aloha.

MR. MORAN: -- and Committee members, Mike Moran. We all know that old expression about fool me once, shame on you...shame on me [sic], fool me twice, shame on me. I never heard it extended...like how many times are we going to be fooled and we're still going to accept it? And who...who is at fault at that? We are. If we keep letting developers say they're going to commit to do something, and then they want to change their mind over and over again for their benefit, why do we allow that to happen? It comes down to trust and credibility. I mean, you heard the developer's spokesman. Do you believe him? You . . . *(inaudible)*. . . elected representatives. In your hearts, do you believe what he's saying? Are you going to go with the words, or are you going to go with the deeds? How many times have representatives for this project told us they were going to do something, and then they changed their mind later on? So, whatever they're telling us today, oh, in another year or so, they'll be back...very well be back again to change. Oh, no, we can't do this. We can't do that. You hear the three points over and over again from, not only our South Maui community, but...but the island-wide community of...no, no, it's not fair, it's not reasonable to reduce the number of affordable units. And now, I mean, I've heard repeatedly a developer say we're not going to do a thing until we widen that highway. You know, this is for sure. Oh, wait a minute now, it's not so for sure at all. Now let's get the taxpayers to pay for it, and maybe . . . *(timer sounds)*. . . we can we...can squeeze in a few more affordable homes. So, the affordable home issue, the backing away from the commitment to widen the highway there, and the \$5 million for the park. They just...that was...that commitment was made to be enforced two years ago. Nobody has said anything for the last two years. Hey, where is that money? Why aren't we getting ball fields for our Little League, for our soccer kids here? . . . *(timer sounds)*. . . Just shrugged off. It's like, well, you know, they made a commitment, but we're not going to hold them to it. So, I ask the nine of you to please do hold them to the commitment, and say that--no, your words don't mean anything, it's your deeds that count. Thank you for the opportunity to testify.

CHAIR KAMA: Thank you, Mr. Moran. Members, questions for our testifier? Member Paltin has a question for you.

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COUNCILMEMBER PALTIN: I just wanted to clarify, when you said soccer field. Is that because the kids over 12 years old aren't allowed to play soccer at the South Maui complex?

MR. MORAN: Absolutely. I mean, we...we all...we had heard...actually, we heard more from the Little League folks about needing it. But yes, that too. I mean, it seems so silly. Oh well, one powerful 13-year-old boy might kick the ball onto the highway. Wow. So, let's not...not...let's not do it. And let's not worry about getting \$5 million that could help rectify it. So yes, Member, that's certainly one of the considerations here.

COUNCILMEMBER PALTIN: And if they had the 5 million, maybe they could...like in Hilo, they have a big fence by the golf course so that people can't hit the golf ball into the highway. Maybe if Parks had that 5 million, they could let the 12-year-old-plus play soccer?

MR. MORAN: Absolutely. That's...that's one...one reasonable suggestion for using some of that money for the benefit of our children here.

COUNCILMEMBER PALTIN: Okay. Yeah, because I'm getting a lot of heat from Kihei Charter School, that their kids don't have any place to play soccer. Thanks.

MR. MORAN: Thank you. And thank you for listening to them.

CHAIR KAMA: Staff?

MS. TANCK: Chair, the next individual signed up to testify is Mark Deakos, to be followed by Mark Clemente.

MR. DEAKOS: Aloha, Chair Kama and Councilmembers. I wasn't going to testify today, but after...I think there was some misrepresentation about the Planning Commission meeting, so I wanted to clarify a few things. When this came before the Planning Commission, I was a little confused why they were there because they had the go-ahead to...to continue. But...and there was all this stuff about donating this, and the Chief of Police doing their thing, and I...you know, I was wondering, what is this really about? And it became clear that this is really about the language that connects them to the 400 extra homes. So, the mean value of a home in Wailea is 3.2 million. So, if you get a 10, 20 percent profit for a market-value home, that's a lot of money...big incentive to get as many market homes as you can. So, if you look at the DOT, that seems like where did this DOT thing come from? Well, when Mr. Jenkins [sic] miscalculated the 25 percent, right, they threw in an extra 50 homes that they didn't need under the new 2.96. So, one very clever way, if you get DOT to cover your highway improvement costs, then you can build the 50 extra you promise, but the taxpayers pay for it. So, it's a very clever way to say you're going above and beyond, even though the original promise was 700. The applicant states that 700 is...would never pencil out, so you may want to ask, why did they agree to 700 in 2008? Were they never planning to build them in the first place if that didn't pencil out? So, diverting the limited potable water, adding significant cumulative impacts on aquifers . . .(timer sounds). . . wastewater, traffic, to add almost 900 \$3 million homes in exchange for 230? That's not really a direction that improves

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the situation. That's an extreme burden on the community, on our resources. So, I wouldn't get distracted by all the other stuff. The intent here is to get the 400 language crossed out. That will free them up from their legal obligations. . . .*(timer sounds)*. . . And so, I hope that you will stand by their original commitment. Aloha. Thank you.

CHAIR KAMA: Thank you, Mr. Deakos. Member Paltin has a question for you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Deakos. I just wanted to clarify, were you not allowed to ask that question at the Planning Commission? If it doesn't pencil out, then why did they agree to it?

MR. DEAKOS: I...if I recall correctly, I asked...you know, a lot of the testimony was about we want to do as much affordable as we can, and we're trying to do this. We work with DOT. So, I was confused. I think someone mentioned, there's no cap on how much they could do. So, in that exchange, there was...the applicant did state that there was no way 700 would pencil out. I was taken a bit off guard on that, and didn't realize until later, I guess, that meant there was never the intent to build the 700 in the first place, which was concerning. But maybe you guys can clarify with the applicant. But I did not get to ask that question.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Member Paltin...I mean, Member Rawlins-Fernandez has a question for you, Mr. Deakos.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Deakos. Mahalo for your testimony today. At the Maui Planning Commission meeting, was it explained to you that if you voted to recommend the entirety of the Planning Department's recommendation that it would require a supermajority in order to not move forward on the recommendation? Was...when the Planning Commission was asked...when the Planning Commission asked about guidance on moving forward because time was running out, and you were being rushed to make a decision on the language of the 450, Mr. Hopper said that you would not be able to take each recommendation isolated, that it would be taken all together from the Planning Commission. Was it explained to you that if you make that recommendation, that the Council would need a supermajority to vote otherwise if, in our discussion, we came to the same conclusion that you folks did?

MR. DEAKOS: Yeah. I'll be honest, I vaguely remember some discussion about...yeah, about if we alter the recommendations that were before us, if that would trigger a supermajority. I may have even asked that question. I don't recall the response, unfortunately, to that discussion. But I...I think it did come up. I don't recall.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Deakos. Mahalo, Chair.

CHAIR KAMA: Thank you. Staff?

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MS. TANCK: Chair, the next individual signed up to testify is Mark Clemente, followed by Audrey Lester.

MR. CLEMENTE: Aloha, Chair, Vice-Chair. Mark Anthony Clemente, on behalf of the Hawai'i Regional Council of Carpenters. I submitted written testimony, and I stand by that, but I just want to highlight a couple of things. You know, we do support the amendments to make the project better. More affordable housing could be built sooner, rather than later. We also support a cultural center and native plant nursery, instead of simply giving money to the County. And the project does provide land for a joint police and fire station, and First Responders' Memorial Park, rather than only just a fire station, as well as prevent any future owner from attempting to develop a golf course. You know, at the Council, we do support local jobs for local people that pay a living wage, and the project will continue to provide a steady labor for the next 20 years. And so more housing means more jobs, and more of our local families can stay in Hawai'i. Thank you.

CHAIR KAMA: Thank you. Member Johnson has a question for you. Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Mr. Clemente, just being fair and all, I'd like to ask you the same question I've been asking everybody. Are you a registered lobbyist?

MR. CLEMENTE: Chair, I'm the registered lobbyist for the Hawai'i Regional Council of Carpenters statewide, in all four counties. And I do not know who exactly we donated to. That was...that occurred after I started here at the Council, and...but I do believe that that's public information.

COUNCILMEMBER JOHNSON: Yeah. Thank you for your response. Thank you, Chair. No further questions.

CHAIR KAMA: You're welcome. Member Paltin has a question for you, too.

COUNCILMEMBER PALTIN: I didn't see your name on the list. Do you know when you registered with the Maui County Board of Ethics?

MR. CLEMENTE: I submitted that back in September, October, I believe.

COUNCILMEMBER PALTIN: Of this...this year?

MR. CLEMENTE: This year.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you very much, Mr. Clemente. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Audrey Lester, to be followed by Jasee Lobbyist [sic].

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MS. LESTER: Aloha. Can you hear me?

CHAIR KAMA: Yes.

MS. LESTER: Okay. Yes. Aloha, Chair and aloha, Councilmembers. I'm testifying in opposition of the bills that are being proposed today. I have a couple of points. One that's been made very consistently is that this isn't...that the agreement in 2008 was contingent upon 700 homes, and this agreement is...keeps watering this down. I mean, one thing I'll say as a parent is that no means no. And if you have a two-year-old, and it's...you've been...and they know that no does not mean no, they will keep on pushing, and stalling, and whining, and complaining, until they get their way. And, you know, the behavior from the developers seems to show that that's...how other people have said, you know, this is a long game, and they can play it. And, you know, one of the things that they do is a developer starts changing hands, and so different people have different ideas. You know, do the rules apply? Do the rules not apply? Seems like the rules can be changed and maneuvered. But in 2008, from many people who testified today, that was...700 homes was the only reason why this was passed in the first place. And so, encourage you to consider that. One point that I wanted to make in the letter that Mr. Chipcase [sic] showed from the DOT on June 6th. I took a screenshot, and I read it carefully. From the State of Hawai'i, it said that the developer is solely responsible for improvements. They were no way, on June 6th this year, saying that they were going to consider doing this. But they did say that they are working on an agreement. So, again, this was shown very quickly--flashed on the screen--that the State DOT was on their side, when clearly, the State DOT was saying, no, this is your cost, this is your problem. So, I think that needs to be brought out as a little bit of, you know, gamesmanship. Also, you know, yes, we want work for our...for our . . .(timer sounds). . . carpenters, but we have lots of work. And so, I don't think that argument really flies. So, I think there'll be plenty of work. But we definitely need the affordable homes, we were promised the affordable homes, and also the Department of Transportation has not agreed to take on the road widening. And mahalo for your time.

CHAIR KAMA: Thank you. Members, question for our testifier? Seeing none. Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Jasee Lobbyist, to be followed by Leonard Nakoa.

MR. LAW: Aloha awakea, Luna Ho'omalua Kama --

CHAIR KAMA: Aloha 'auinalā.

MR. LAW: -- and ka 'aha Kaulana o Maui. So, I wore my boots up here today, and I was in Wailuku...and I came over here to the County building, and I didn't wear my boots in the lobby because it looked like I stepped in it again. Bill 171, a'ole. I wasn't here in 2008, but I seen this before in another city I lived in. The developers, they just...they just keep on developing. So, Chair Kama, Proverbs 28:21, to show partiality is not good,

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yet a man will do wrong for a piece of bread. And I don't want to change the Bible or nothing, but I'm sure that includes women too.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, the next individual signed up to testify is Leonard Nakoa, to be followed by the last individual signed up to testify at this time, Dick Mayer.

MR. NAKOA: Hey, howzit? Junya Nakoa. You can hear me?

CHAIR KAMA: Yes.

MR. NAKOA: Yassah. Okay. Brah, been testifying against this project since 2000...oh, way the heck back when...when. Okay. Went to the...went to the Planning Commission on this add, and was also planning to talk against this project. But then I got sideswiped and confused because I heard some positive things in here that went kind of made me kind of question my going against this project. But then...so, I did my own due diligence, and I not goin' read all the kine. I went go call all the people. I went call up some people, but I not going to drop names. But now, I stay more confused. But I went listen to all this...all these testimonies all day. But before I came here today to talks, okay, I was thinking, okay...because the last I heard, this thing got passed at 25 percent because the old Mayor Arakawa went change 'em, yeah? So, I was like...I was already mad back then when they went change 'em, yeah? So, I was all, okay, the buggah done. Then, when I went to the Planning Commission, I heard all kine numbers--230, 2...280, 320. Again, all kine freaking numbers stay coming out. Bottom line is...I like ask the question is, if this...if the amendments no pass, okay, no...no pass, nothing, what these guys gonna do? What this developer going do? He got to go back build 700? He got to go back build 450? Or he obligated to build the 230? Or the 280? Kind of confused, guys, right now. So, I don't like testify against the amendments, and . . .(timer sounds). . . then next you know, the thing taking away houses for my community. Well, again, it's not my...it's not in my backyard, it's not in Lāhainā, it's not Nāpili Hau, but I call people out Kīhei that live over there...that live over there that I know, that I get their phone number. And you know, they was like okay, you know, they would support 'em and all that kind of stuff, but I went listen to them. That's their backyard, yeah, guys? So, I just want to know...I want to make sure, if this thing no...if the . . .(timer sounds). . . amendments, no get passed...no get passed, what number we stuck with, okay? Because if we go down to 230, ah, we lose money, us guys. We going...we going backwards. So, please, I going ask you guys one clarifying question. Figure out what number we got to deal with, then what I can tell you right now what I would say, okay? Shoot.

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

MS. TANCK: Chair --

MR. NAKOA: Okay.

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MS. TANCK: -- the next individual signed up to testify is Dick Mayer, to be followed by (*audio interference*) our last individual currently signed up to testify, Nalei.

MR. MAYER: Good afternoon, Chair and Councilmembers. (*echoing*) I have several points that I would like to make. One is, when Mr. Shishido comes in from the State Department of Transportation, I would like you to ask him, where is the four-laning highway...four laning of Pi'ilani Highway on their priority list? Is it ahead of the Pā'ia bypass, the much-needed mauka highway alignment to West Maui? Why is the highway project not even on the project list for the MPO's long-range STIP plan? Please get a written statement from the State Department of Transportation indicating how much it will cost to build the Pi'ilani Highway Extension, when will the highway be improved, and what is the source of funding? That's all speculative right now. Furthermore, this project will actually violate the Kihei-Mākena Community Plan, which states, on page 30, "Undertake transportation system improvements concurrently with planned growth of the Kihei-Mākena region. Require adequate interregional highway capacity, including the widening of Pi'ilani Highway to four lanes prior to the construction of major projects south of Kilohana Road and mauka of Pi'ilani." This project meets both of those requirements to have it built concurrently, not build 300, 280, or 400, or 50, or whatever the number of affordables. And also, number two, many comments are being made about the need for affordable housing, and there certainly is that need. But there has only been one mention previously of why the developer wants to increase the number of market houses from the original promise of 700 to an amount well over 800 market-price houses, making several hundreds of millions of dollars extra that...they could then be used to instead of just giving...they're not...they're not paying the \$5 million, they're trying to do other things, shortchanging the community. Next point. The developer has managed to incrementally reduce many of the original costs that were going to be involved in the original project. . . .(*timer sounds*). . . They're not building a golf course, they have reduced the size of the area that will be needing infrastructure by putting in the 170-acre reserve, they will not be putting water lines, waste water lines, streets, streetlights in that 170-acre area. In other words, they have consolidated and squeezed the housing into a much more narrow area and reducing their costs. They will be building less expensive multifamily home units for the housing...for the affordable housing, and they have not stated clearly how long will these affordable housing units be . . .(*timer sounds*). . . made to be affordable? And finally, as an Upcountry resident, I'm concerned that they're violating a requirement in the ordinance...previous ordinance, which states that they have to comply with all community plans. The Upcountry Community Plan very, very specifically states, "Restrict the use of any water development within or imported into the Upcountry region to consumption within the Upcountry region, with the exception for agricultural use." Their pipelines are going to take water from one part of South Maui up into the Upcountry region, and then export it back down into the Wailea 670 project. That is illegal, and not allowed by the Upcountry Community Plan. It's not a recommendation of the plan, it's a requirement of the Upcountry Community Plan.

CHAIR KAMA: Thank you, Mr. Mayer.

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MR. MAYER: I thank you for my . . .*(inaudible)*. . .

CHAIR KAMA: Member Paltin has question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, did you get that information from the 700...or close to 700-page document that was posted online?

MR. MAYER: No. I...I keep my own set of files for all kinds of projects, and I went to my own records to get that. If there's a specific item, maybe I can tell you where I got it from for your question.

COUNCILMEMBER PALTIN: Okay. And then the other question I had, when you said they didn't state how long these would be affordable, if they're just going to follow 2.96, wouldn't it be five, eight, and ten years?

MR. MAYER: If it would...if that's what they're going to claim, then that's definitely shortchanging the needs of the Maui community. I think that you could...you...there's no reason why you have to comply with that portion. They originally said they'd have 700, and now they're increasing their market units so that they can cut back on affordable housing. I think you can easily state that if they want to cut back on affordable housing, they need to also comply with the needs of this community, and provide 30-year or in-perpetuity affordable housing. Five, eight, ten years is --

COUNCILMEMBER PALTIN: So, the original 700...

MR. MAYER: -- . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Did the original 700 specify a different timeline than the five, eight, and ten?

MR. MAYER: I don't know what they...I don't have that number. I do not know the answer.

COUNCILMEMBER PALTIN: Okay.

MR. MAYER: But in any case, whatever it is, you do not have to take their amendments literally. You can amend them and...and...and if they don't want to accept their...your amendments, then there will be a need for decision-making. But you can add...you can say no, 2.96 does not apply here with respect to the length of the housing time. We want to make it 30 years or in perpetuity. Maui is too short of housing to allow them, after ten years, the maximum that 2.96 says, to immediately put Maui back into a crisis situation with even more affordable housing needs.

COUNCILMEMBER PALTIN: Thank you. I'll yield to my colleague. I think I saw her raising her hand.

CHAIR KAMA: Who? Who was raising their hand? Oh. Member...I'm sorry. Member U'u-Hodgins.

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COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, Member Paltin. Thank you, Mr. Mayer, for your testimony. I wanted to clarify what you said at the end of your testimony, about how this project is in violation of the Upcountry Community Plans?

MR. MAYER: That's correct.

COUNCILMEMBER U'U-HODGINS: So...okay. In your argument, then, all the community plans...for any project to go through, it has to meet all community plans? Or --

MR. MAYER: Yes.

COUNCILMEMBER U'U-HODGINS: -- can you explain to me how this works?

MR. MAYER: In the previous ordinance, I think the 2008 ordinance--maybe in one of the later ones, but I think it's 2008--said it must comply with all community plans. It doesn't say it must comply with the South Maui, it must comply with all. That is very specifically in it. I can find that wording and email it to you all.

COUNCILMEMBER U'U-HODGINS: Will you, please? And if it...is it just this project, or any projects that come through have to comply with all community plans?

MR. MAYER: This...this project, in particular, should comply, but I would think--there...there it said explicitly, but I would think that all projects should comply with at least their own community plan. This one went further, and said it should comply and must comply with all community plans. That was a very unusual statement, but it's in the ordinance.

COUNCILMEMBER U'U-HODGINS: Yeah. Yeah. Thank you for that clarification. Thanks, Chair.

CHAIR KAMA: You're welcome. Staff?

MS. TANCK: Chair, the next individual signed up to testify...testify is Nalei, to be followed by our last testifier currently signed up, Emmanuel A. Baltazar. And Nalei, if you would like to provide your last name--you do not need to--but if you would like to, please feel free. *(pause)*

MS. POKIPALA: Aloha.

CHAIR KAMA: Aloha.

MS. POKIPALA: Is this going through now?

CHAIR KAMA: Yes.

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MS. POKIPALA: Aloha, Councilmembers. My name is Nalei Pokipala, I am just a concerned resident of Maui County. And I am in opposition of this Wailea 670 project, mostly because of the source of water and what...we're having some issues here on Maui. So, it's concerning that 1,000 homes are going to go up with no clarification of that. But I'm more so opposed today because the change of amount of affordable housing. I attended the meetings the last couple of months at the Kihei Technology Park, as well as the Lokelani Intermediate, where they had the developer there, who told the public that they're still going to build 700 homes. So, I find it disturbing to come to this meeting to find out they want to change it to less than 300, and the correspondence in the agenda is supporting this change. So, I am asking you to please not support this change at this point until the community has better updates on this, and we--the community--deserves a better oversight on this. And it's not their fault that the change is not happening. It's trying to happen because deadlines were not met. So, if you guys could kindly look over that, and to inform the public a little bit better? 700 to 288 or whatever numbers that are flying out right now is a big concern. And the community right now doesn't deserve to have this be done by another developer who wants to change right in the middle of the process. Mahalo.

CHAIR KAMA: I think Member Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: Thank you, Nalei.

MS. POKIPALA: Yep?

COUNCILMEMBER SUGIMURA: So, what...what days or dates were these meetings?

MS. POKIPALA: This was back in October, September? I can pull that for you and send you the email, but it was done at the Kihei Technology Park, as well as the Lokelani Intermediate one. A large amount of the community showed up for these.

COUNCILMEMBER SUGIMURA: Okay, so two meetings. October --

MS. POKIPALA: Yep.

COUNCILMEMBER SUGIMURA: -- and November [sic] of this year? So, this is this month?

MS. POKIPALA: September, October this year, yeah.

COUNCILMEMBER SUGIMURA: September.

MS. POKIPALA: September and October, I believe. But I will...I will email you those exact dates. I wasn't planning to testify, but to hear these numbers from 700 to 288, that...what? That's...I didn't drive myself out to these meetings for nothing and watch our whole community lose it . . .(timer sounds). . . because of some of the things that were happening.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR KAMA: Thank you. Member Paltin has a question for you, Nalei.

COUNCILMEMBER PALTIN: Sorry. Thank you.

MS. POKIPALA: Hi.

COUNCILMEMBER PALTIN: I might have missed it. I had to use the restroom. Who was holding the meetings?

MS. POKIPALA: The developer. They were talking for Wailea 670. So, I...if you...as well for Councilmember Sugimura, I'll email you those dates.

COUNCILMEMBER PALTIN: Oh, maybe you can email it to the HLU.committee@mauicounty.us, then we can all be on the same page.

MS. POKIPALA: Hiki no, I will get that done.

COUNCILMEMBER PALTIN: Mahalo.

CHAIR KAMA: Thank you.

MS. POKIPALA: Mahalo.

CHAIR KAMA: Mahalo. Thank you. Staff?

MS. TANCK: Chair, the last individual currently signed up to testify is Emmanuel A. Baltazar.

MR. BALTAZAR: Good afternoon Council Chair, Chair Kama, and the respected Councilmembers. I'm Emmanuel Baltazar. I'm testifying individually myself. So, I stand strong to support this project and the changes of this zoning project. I know for sure that I can hear from my family, my friends, and workers from Wailea side, the problem of high cost of living, high cost of rent, and everything. And this project had came to us way, way back, how many years back, and we're so happy it came back again to hear (*phonetic*) in this Chamber, that we can address the housing needs of our people, the constituents here in Maui. I know that as I'm listening with all these things, I've been noticing that, but I give you guys the respect. You are...know the best for us. We need to address the housing crisis. It's alarming. If there are more housing, more jobs, and this could lead our young generation to stay in Maui. It's hurting a lot of friends and families moving out from Maui because of all this cost of living, no housing, and everything on that. So, please, take a look on consideration. Understand it with your heart and emphasize it. Take on a bigger and holistic part of it. We need housing, and this could be addressing the housing crisis that we need in the County of Maui. Thank you so much.

CHAIR KAMA: Thank you. Members? Questions for our testifier?

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MR. BALTAZAR: Yes, Council.

CHAIR KAMA: Member Johnson, do you have a question?

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm on a roll. So, I'm going to ask you a question at the same as...as with the other unions. So, are you a registered lobbyist?

MR. BALTAZAR: No, sir.

COUNCILMEMBER JOHNSON: You're not? Okay --

MR. BALTAZAR: No.

COUNCILMEMBER JOHNSON: -- thank you. And did you...okay, well, you're not then. All right. ILWU, I know they donate to Maui County pretty regularly. You didn't?

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

MR. BALTAZAR: No.

COUNCILMEMBER JOHNSON: Okay. . . .*(laughing)*. . . ILW...okay. You're...I'm trying to clarify if ILWU donated to Maui County races. You said no, or...

MR. BALTAZAR: What's that, sir? Can you explain --

COUNCILMEMBER JOHNSON: So, I'm trying to find out if ILWU donated monies to Maui County races this year...for the race.

MR. BALTAZAR: Yes.

COUNCILMEMBER JOHNSON: Okay. That's all. Thank you for that clarification. Thank you, Chair.

CHAIR KAMA: You're welcome.

MS. TANCK: Chair, the next individual signed up to testify is Steven West, to be followed by our last person signed up to testify currently, Chris Salem.

UNIDENTIFIED SPEAKER: Hmm, Chris Salem.

MR. WEST: Good afternoon --

CHAIR KAMA: Good afternoon.

MR. WEST: -- Chair Kama, Councilmembers. Thank you for your time. You know, right now, we're in a difficult time. You know, it's really a state of emergency on...on housing. And would I love to have 800 affordable homes? I would, but it's...I don't believe that's going

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to happen. Our organization is supporting the...the amendments, supporting the provision. We supported it back in 2008, we'll continue to support it. We'd love to see the County build some affordable homes, like they did back in 1980 and had a lottery. Some...you know, we know people that have actually been the beneficiaries of that. Too many people are moving away. We have more Hawaiians that live outside the state than live here. Just the other day, Friday, I was in H...Human Resources, and some...one of our long-time local members is moving to Arkansas because they just can't live here. And, you know, for the record, I'm not a registered lobbyist. I do care for my members deeply, and provide as much help to them as I can. I volunteer my time. I've served on a number of boards and commissions. I enjoy serving this County, and I think we have an opportunity here to help some people. Will all of our members be able to qualify for those affordable homes? Probably not. But I can tell you this. We have about 1,500 members that work in the Wailea area that would absolutely love to live closer to where they work. Hundred percent. We have members that travel from Kēōkea, we have members that travel from Ke'ānae to work in Wailea. It's too far. We need more affordable homes close . . .(timer sounds). . . to where people work. Thank you for your time.

CHAIR KAMA: Yes, Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank you, Mr. West, for cutting my question off at the pass, as they say.

MR. WEST: It's okay.

COUNCILMEMBER JOHNSON: But thank you. Well, I do have a clarifying question. You said that many of your members would...wouldn't be able to qualify for some of these homes. Now, for me, as a member of the working poor, I really understand where you're coming from. I was once an ILWU member when I worked in the resorts. So, what are you guys doing to help increase the wages to meet that? You know, like we can talk about County subsidies, I'm all...I'm all in for affordable housing funds. I'm there for you.

MR. WEST: Yeah.

COUNCILMEMBER JOHNSON: But when it comes down to the folks that...your...your members are just not making that money to meet what these guys are building. So --

MR. WEST: Gabe --

COUNCILMEMBER JOHNSON: -- we're like in a place --

MR. WEST: -- I'll answer.

COUNCILMEMBER JOHNSON: -- where we're not...you know, I'm sorry, I'm passionate, but we're just not talking about the thing that really needs to be talked about.

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MR. WEST: I got you, okay? And it's...it's...it's really about the rank and file. Under our current president, Chris West--no relation, just a brother from another mother, okay--Chris is a longshoreman. We were able to...just recently in Wailea, we reached an agreement, and it was ratified by our members, 97 percent, a 30-percent wage increase over four years. But it's all about them. And you know, we're...the pendulum's shifting from a top-down organization to a bottom-up organization. Our members hold us accountable, our members run this union, and it's...it's all about them. Would I have loved to get them a 70 percent wage increase? I would have. Would I love this project to be 800? I'm...you know, it's just there's...you have to have that...that balance, right? And where is that? I would hate to see, like brother Junya Nakoa said, right, this to fail, right, and have less affordable homes. I'll take whatever I can get right now. I want those people to stay here. Because I tell you, I know more people that live outside this state from when I first moved here back in 1980 than, you know, now. I mean, there's just more...more people...they're gone.

COUNCILMEMBER JOHNSON: Well, I...I appreciate your response. And you and I might not agree exactly on...on these amendments, but I do agree on you fighting for a livable wage and working wages. If you ever need me or any of this...any member in this body, I think we would...get your back when it comes to increasing wages.

MR. WEST: You know, I really appreciate that because we have lots of more battles to come. And we...you know, we got to start taking care of our local people. Otherwise, they're going to be gone.

COUNCILMEMBER JOHNSON: Yep.

MR. WEST: And I don't have much time left in me, you know? But I've been fighting a long time, and I'll continue to fight as much as I can.

COUNCILMEMBER JOHNSON: Thank you, Mr. West. Thank you, Chair.

CHAIR KAMA: Thank you. Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. West. I had two clarifying questions. The first one, where did you get an 800 number on affordable housing?

MR. WEST: I...initially, that's...you know, we were...we were pushing for as much as we could, right? We got the 700, right? But, you know, we need more, right? I mean, right now, we're just losing people. And sorry, I was passionate, and sometimes my numbers aren't right, so I apologize, but --

COUNCILMEMBER PALTIN: Oh, no, I...I just wasn't sure if there was --

MR. WEST: Yeah.

COUNCILMEMBER PALTIN: -- some other agreement that I...I wasn't aware of.

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MR. WEST: I mean, hey, look. Right now...I tell you, right now, there's money sitting in a County Council in...in Maui County's budget, right, that they took from Mākena in, what, 1980, right? That's over \$1.8 million last I checked, and those were for affordable homes that were supposed to be built back when Mākena was built. And that hasn't happened. That's why I say, you know what? Build something. Have the County build it. You know, because they did it in 1980. Halekai Street. I think we have a guest in this...this audience who's a beneficiary of that. And, you know, so...you know, there's all different ways we can get there.

COUNCILMEMBER PALTIN: My...my second clarifying question.

MR. WEST: Sorry.

COUNCILMEMBER PALTIN: And...and we could have a discussion about that --

MR. WEST: Yeah.

COUNCILMEMBER PALTIN: -- but I don't think they want us to do it now. The second clarifying question is, Member Johnson seemed to assume that the majority of your members wouldn't qualify for the affordable housing because of their wages. And I didn't want to assume that was why you were saying that the majority of your members wouldn't qualify for the affordable housing. Is...is that what you intended, or did he assume correctly?

MR. WEST: What's the rent right now in South Maui? What's the rent in Kahului? So, for them to make rent, not to mention put money aside for their children, put money aside for a car, put...pay the what...all these other bills, people are working two and three jobs. And it's not just our union...Local 5, too. That's why we went out with 500-strong. We marched into the...the lobby of the Hilton Hawaiian Village to support our brothers and sisters in Local 5. Because it's not just about...it's about us, right? All of us. And so --

COUNCILMEMBER PALTIN: So, you think he correctly --

MR. WEST: -- I think the...the HUD qualifier...the...the killing...the killer is this, right? Hawai'i needs an exemption. Alaska needs an exemption, right? Because the high cost of living. The calculator is what kills us. The calculator is what kills...and previous Councilmembers...and, you know, I do listen, and we've had good advisers up here. We need money to go into the County for the County to determine where that's going to go for affordable housing and...and identify who it's for. That way we can say, oh, you know, somebody that's lived here a majority of their life, we're going to...we're going to build a home for 150,000 that you can actually live in, right? But the calculator, right? Whenever there's Federal money involved, that calculator kills us. Sorry, for the long drawn-out answer, but...

COUNCILMEMBER PALTIN: Is there Federal money involved in this?

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MR. WEST: I don't know.

COUNCILMEMBER PALTIN: Oh.

MR. WEST: I don't know if there's going to be any Federal money involved in this or not, but --

COUNCILMEMBER PALTIN: So --

MR. WEST: The calculator is what kills us.

COUNCILMEMBER PALTIN: The...the AMI --

MR. WEST: Yeah.

COUNCILMEMBER PALTIN: -- and then the rate that they're supposed to pay based on what their AMI is. And...and when you say us, you mean everybody --

MR. WEST: Everybody. Me --

COUNCILMEMBER PALTIN: -- that lives here? Okay. Thank you.

MR. WEST: -- my kids.

COUNCILMEMBER PALTIN: Thank you for that clarification.

MR. WEST: My kids don't have anything. You know what I mean? Yeah.

COUNCILMEMBER PALTIN: Got it. Thank you. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. West. Mahalo for your testimony today. Okay. So, kind of similar along the same lines as my colleagues. So, you said that your hotel worker membership, particularly Grand Wailea workers, wouldn't be able to afford the houses, the affordable portion, and definitely not the luxury market-rate portion. And, you know, like...so, after saying that they would not come to Council for funding Kilohana Makai, which is a housing project in South Maui, you know, claimed that because of the substantial increase in materials, that they needed to come to Council for \$5 million to make it now pencil out. So, building right now would likely exacerbate the cost overall, with the materials costing what it is. So, I guess I don't understand...or if you could clarify how on one hand, you're saying that your membership wouldn't even be able to afford this, and yet, you're supporting this anyway?

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MR. WEST: Not all of them. Not all of them, right? We have various income brackets, right? There's some people that make really, really great money --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, you said many. Your hotel workers.

MR. WEST: -- and...but at this...at this point --

COUNCILMEMBER RAWLINS-FERNANDEZ: Rank and file.

MR. WEST: -- we...we...we'll take anything we can get right now. And that...that...that came straight from Chris West, right? We're supporting this and, you know, we need more projects to move forward. And are we going to get everything we want? Probably not. We never do. But it would be great if we did. It'd be great if you can get 100 percent affordable projects going up all the time.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, water for this project would take away water for future affordable housing projects.

MR. WEST: I hope not. I hope not.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's an island. . . .*(laughing)*. . .

MR. WEST: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: We only have so much.

MR. WEST: But there's also resources of water that have been untapped as well.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. We'll cross our fingers then.

MR. WEST: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. West.

MR. WEST: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Thank you. Staff?

MS. TANCK: Chair, the last individual signed up to testify is Chris Salem.

MR. WEST: Thank you.

CHAIR KAMA: Thank you.

MR. SALEM: Good afternoon, Chair. I just want to check and see if I'm unmuted?

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COUNCILMEMBER SUGIMURA: Yes, you are.

MS. TANCK: Yes --

MR. SALEM: Yes?

MS. TANCK: -- Mr. Salem, we can hear you.

MR. SALEM: Yeah. Thank you so much. You know, what we're hearing today from all of these wonderful testifiers, and the last one being certainly excellent as well, is we're talking about two things; affordable...affordable housing and accountability. Well, I've just come from a Board of Ethics meeting, and I've spent my entire day, once again, dealing with accountability within this County. Corporation Counsel has just recused themselves from a Board of Ethics complaint, wherein they're outside...Special Counsel has alleged that we cannot hold a developer accountable to their subdivision conditions as a method of resolution to avoid litigation. The County is legally unable to hold a developer accountable to their obligations. Now, they're speaking on behalf of you as the clients, the Maui County Council, and I doubt that any one of you have read that position and you would agree to it. They presented that settlement proposal without your authorization. That's what the Board of Ethics complaint is about. That's why they just got recused again today, and we look forward to when the Board of Ethics has its own legal counsel, as this Council should, to advise you to protect us. So, things are moving forward towards accountability. On the affordable housing side, years ago, we brought in a nationwide housing developer on Paloma Drive [sic], settled that litigation that cost the County \$20 million, and proposed a 100-percent affordable housing project. Just one of my numerous developments, I built 132-unit, low-income housing project in less than 15 months. So, what's happening is, the people trying to seek affordable . . .(timer sounds). . . housing and accountability get ran over and thrown under the bus by County attorneys--and I'll finish up here. Had you listened to that wonderful affordable housing developer who I brought in, that I grew up with, who's done thousands of units and HUD conversions nationwide, and his son is married to a Hawaiian girl from Blue Crush, the movie, you would have found you had the most genuine, professional, affordable housing developer . . .(timer sounds). . . that would show you how affordable housing can happen in perpetuity expeditiously. But I don't know why no one will listen. Thank you.

CHAIR KAMA: Thank you. Members, questions for the testifier? Seeing none. Thank you so much, Mr. Salem. Staff?

MR. SALEM: You're welcome.

MS. TANCK: Chair, the last individual currently signed up to testify is Albert Perez. (pause) Mr. Perez, if you can unmute on your end? It's the little microphone button in the top right corner.

MR. PEREZ: Can you hear me?

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CHAIR KAMA: Yes.

MR. PEREZ: Okay. Good afternoon, Chair Kama, and Members --

CHAIR KAMA: Good afternoon.

MR. PEREZ: -- of the Committee. I'm Albert Perez, and I'm with Maui Tomorrow, and I want you to know that we...we do support truly affordable housing. And we have a record to prove that, including support for the Pulelehua development. We won 60 extra affordable homes in our settlement with Mākena Resort. We supported the Waikapū Country Town project, we supported Hale O Piʻikea in Kihei. We have identified a list of possible affordable housing sites, and shared that with the Mayor, and we're continuing research on ways to increase the pool of permanently affordable housing. We do oppose projects that attempt to profit by building housing in fire or flood hazard zones, and we are opposed to this developer's efforts to reduce the number of affordable homes that they committed to in 2008 in order to obtain approval. Maui Tomorrow doesn't want a golf course. The developer knows better than that. We were simply objecting to the developer ignoring portions of the 2008 law that enshrined their promises that they made in 2008. Changing the law after the fact to increase developer profits at the expense of hundreds of affordable homes for Maui's people is, frankly, dystopian. If it penciled out in 2008 with 700 affordables, it will pencil out now with 450. We would have dropped our opposition if they would have agreed to 450 affordable units, and our union workers would be able to build those homes. I can confirm that during the contested case at the Maui Planning Commission, we discovered emails between the County Planner and the consultant discussing the Planning Department staff report that the consultant was preparing. When asked about that, the Planning Director said it was common practice. That doesn't mean it's right. In another email, the consultant asked, and the Planner agreed, to substitute new pages into the staff report after the Planning Director had signed it. . . .*(timer sounds)*. . . Not Pono. I have just a little more, if I could have another minute.

CHAIR KAMA: 30 seconds.

MR. PEREZ: In 2022, the developer told the Maui Planning Commission that they could pass the project with 288 affordables because the language requiring 450 doesn't mean what it says. Now, they're asking the Council to delete that 450 language to be consistent with the Maui Planning Commission decision. That's backwards. But the real reason for this amendment is that that decision was illegal because the 2022 Phase II approval was required to comply with the 2008 Phase I approval, which is Ordinance 3553 . . .*(timer sounds)*. . . that requires 450 affordable units. And one more sentence, please, Chair?

CHAIR KAMA: Yes, Mr. Perez.

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MR. PEREZ: They're essentially asking the Council for an after-the-fact permit to delete inconvenient language and make the Maui Planning Commission's decision legal. So please reject the proposed amendments. Mahalo.

CHAIR KAMA: Members, questions for our testifier? Mr. Perez, Member Paltin has a question for you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez. I wanted to clarify what you had said, I think, about the 2022 one. And as you're an Intervenor, if you prevail at the Intermediate Court of Appeals, and we do take this language out, what happens?

MR. PEREZ: Well, what I would like to happen is that the developer would agree to develop the 450, and we would stipulate to that. I think that there would be...we would have to go back to the Phase II approval for the Maui Planning Commission, and that it would be a much quicker process because we would not be opposing it.

COUNCILMEMBER PALTIN: Is the Intermediate Court of Appeals appeal the reason why the 5 million never got paid out?

MR. PEREZ: I don't know the answer to that, but I think you also have our attorney on as a resource, Mr. Ryan Hurley. You can ask him.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. PEREZ: Thank you.

CHAIR KAMA: Member Rawlins-Fernandez has a question for you, Mr. Perez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Perez. Mahalo for your testimony today. That last...last sentence that you said, that this is like an after-the-fact permit, could you clarify that?

MR. PEREZ: Well...so, an after-the-fact permit is when somebody has broken the law, and then you go back, and you give them a permit. So, that's why...that's the comparison that I'm making. The Maui Planning Commission approval of Phase II did not comply with the Phase I, and the project district law says that Phase II has to comply with Phase I. So, that's what I meant. Now...now the developer is trying to fix that after the fact.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Perez. Mahalo, Chair.

CHAIR KAMA: Thank you very much, Members. Staff?

MS. TANCK: Chair, I see that, Mister...Councilmember Sinenci has his hand up.

CHAIR KAMA: I'm so sorry. Mr. Perez, Mr. Sinenci has his hand up, but I don't always see him in my purview [sic]. So, Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Mr. Perez, for your testimony. I just wanted to make...or ask you. In this morning's presentation, there was made mention of the golf course and Maui Tomorrow's support of it. And I just wanted to see if you wanted to speak to the...was that represented correctly?

MR. PEREZ: Thank you for the question. We don't want a golf course. The developer knows better than that. But we were objecting to the developer ignoring portions of the 2008 law, including the requirement for a golf course, to be mixed in with all of the other development, and along with a number of other promises they made in 2008. So, changing that law after the fact is...is no good. And if they would have agreed, I...you know, I didn't get a chance to mention that the first thing that the Maui Planning Commission did was, they wanted to send us to mediation, and the developer asked us to waive mediation. So, we didn't want to do that because we wanted to at least get the 450. So that's...that's been our goal all along. We're not expecting to stop the project, but why should we get only 288, when their whole project was approved in 2008, based on a promise of 700 affordable units?

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

MR. PEREZ: Thank you.

CHAIR KAMA: You're welcome. Any other members have questions for Mr. Perez? Seeing none. Thank you so very much. Thank you, Mr. Perez. Staff?

MS. TANCK: Chair, there are no --

MR. PEREZ: Mahalo.

MS. TANCK: -- individuals currently signed up to testify. I will do a last call. Just a reminder, if you are interested in testifying, please make your way down to the podium or raise your hand on Teams...three, two, one. Chair, there's no one else signed up to testify.

CHAIR KAMA: Thank you. So, Members, seeing as how there are no more individuals wishing to testify, without objection, I would like to close oral testimony. And as a reminder, written testimony will always continue to be accepted into the record. So, if there are no objections --

COUNCILMEMBERS: No objections.

CHAIR KAMA: Yes, Mister --

COUNCILMEMBER JOHNSON: Chair?

COUNCILMEMBER LEE: No objections.

CHAIR KAMA: Thank you.

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COUNCILMEMBER JOHNSON: Is there a plan to move forward with this meeting? Are you planning to --

CHAIR KAMA: Yes, Mr. Johnson. Thank you for asking that question. A couple of things I wanted to tell you all. Mr. Lall's documents that he said he was going to send to us has now been uploaded to Granicus 11, so you folks can go ahead and go take a look at that. The Staff is now going to submit and pass out to Members an ASF that I have for you folks. It is 4:16. I'd like to be able to get us out of here at 4:30. So, I know we're not going to have much time, but if we could have a little bit of discussion on anything that you folks feel like you'd like to, and then we can move forward.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR KAMA: Because I'd like to recess this meeting --

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: -- until December 2nd, 2024, at 1:30 [sic]. Thank you to Member Rawlins-Fernandez for allowing me to switch our places. So, I'm taking her Monday on December 2nd, she's taking my Thursday on December 3...5.

COUNCILMEMBER JOHNSON: Okay, Chair. So, then no objections to closing written testimony --

CHAIR KAMA: Oh, thank you.

COUNCILMEMBER JOHNSON: -- or closing testimony, oral testimony. Thank you.

. . . CLOSE PUBLIC TESTIMONY . . .

CHAIR KAMA: Oh, I'm sorry. I got that wrong. I'm...I'm taking your 1:45 slot. 1:30, yeah. But our meeting is starting at 1:45; is that correct?

MS. MCKINLEY: Chair, I think the intention was to post the discretionary referrals for 1:30, and to come back to this --

CHAIR KAMA: Oh, that's right.

MS. MCKINLEY: -- meeting at 1:45.

CHAIR KAMA: That's right, I'm sorry. Yes. Okay. So, this meeting will be at 1:45, Monday, December 2nd. Thank you. Member Paltin.

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COUNCILMEMBER PALTIN: Thank you, Chair. I was wondering, since we're coming back on December 2nd, if I could make some requests in writing, so that they would probably, possibly be ready for us in December 2nd?

CHAIR KAMA: Absolutely. You want to read it out, and then submit it to Staff for them to write it up, or you just wanted to let them...you read it and submit it in writing, too? What did you want to do?

COUNCILMEMBER PALTIN: I guess I could submit it in writing. I don't have it...I mean, I have some chicken scratch.

CHAIR KAMA: They take chicken scratch.

MS. NAKATA: Excuse me, Chair. I think Staff would prefer that it be made a part of the Committee record, so --

CHAIR KAMA: Yeah. So, go ahead --

COUNCILMEMBER PALTIN: Read it out?

UNIDENTIFIED SPEAKER: *(Audio interference)*

CHAIR KAMA: Read it, and we'll take it *(audio interference)*.

COUNCILMEMBER PALTIN: Okay. I would like to request, from both Mr. Hurley and Mr. Chipchase, if they could list out, I guess, conditions or promises made in the 2008 ordinance, and how they've evolved into what they are today. Like, how all the conditions that were put on in 2008, where are they, or how do they correspond today, if we could? And then that way we'll have both sides, what they think it is, and maybe the truth might be somewhere in the middle. I'd like to also request any documentation of an endowment that was proposed in 2018 regarding a 2.5 million endowment for native plants with a 2,500 [sic] per year, and...and if...if there is documentation, why it was deleted? *(pause)*

CHAIR KAMA: Did I actually close public testimony? I'm sorry. I actually did? Okay, I just wanted to make sure. Thank you. Go ahead. Continue with your list.

COUNCILMEMBER PALTIN: Okay. You ready for the next one?

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

COUNCILMEMBER PALTIN: Okay. And then for our State DOT, if there has been any contract on the four-lane highway widening, and what happens if they don't do it? And where it is on the STIP, that project? Or if it's not on the STIP, why not? And where will it be on the STIP, if it gets on the STIP, and what does it take to get on the STIP? I think I know, but I don't know...I don't want to trust my knowledge. *(pause)* Sorry, last one?

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UNIDENTIFIED SPEAKER: Yeah, that's okay.

COUNCILMEMBER PALTIN: If there's any other negotiated conditions with Intervenors that...that weren't brought up today, such as widening the buffer zone between this project and Maui Meadows. Thank you. Thank you, Chair.

CHAIR KAMA: Did we get that, Staff? Did you get that?

MS. MCKINLEY: Chair, may I just clarify that the request for documentation of an endowment proposed in 2018, was that to go to Mr. Hurley and Mr. Chipchase as well, or somewhere else?

COUNCILMEMBER PALTIN: Yes, please. Oh, and may I also request a letter be sent to the Department of 'Ōiwi Resources, if they have ever been contacted or consulted in regards to the cultural education, and preserve, and nonprofit stuff. And you have my permission to edit for nonsubstantive improvements, because my English ain't that great. Thank you. *(pause)*

CHAIR KAMA: Nonsubstantive revision. So, did we get all of that, Staff? Are you clear? Is it okay?

MS. MCKINLEY: Yes. Thank you.

CHAIR KAMA: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. So, I would imagine State DOT wouldn't come up with an agreement until they understand that this project was approved, this phase was approved. So, I'm not too sure if that's putting the cart before the horse by asking them, do you have an agreement? Because the --

CHAIR KAMA: Can ask.

COUNCILMEMBER SUGIMURA: Well, this...what they're asking, I would imagine, needs to be approved, right, for the 50 additional homes in their agreement. So, there's, I think, some discussion that has to happen, or for clarification, but I don't know if this is the right time.

CHAIR KAMA: Do you want to do it now, or you want to do it Monday?

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

COUNCILMEMBER SUGIMURA: Well, I thought...I thought we're going through questions for the, you know, different departments, so...

COUNCILMEMBER PALTIN: You can add on to my questions, Member Sugimura.

COUNCILMEMBER SUGIMURA: Well, that's what I thought we were doing, but if --

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CHAIR KAMA: Well, we're not asking them questions yet. What we're...we're going to discussion before we recess...so, you know, before recess, going have some discussion. So, Member Paltin had a whole list of questions that you wanted to ask, and so--that we're going to send in writing, and they can respond.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER PALTIN: Give them time.

CHAIR KAMA: And you want it back by...hopefully by Monday afternoon?

COUNCILMEMBER PALTIN: Or December 2nd, I think, is the next meeting.

CHAIR KAMA: Is Monday afternoon.

COUNCILMEMBER PALTIN: Yeah. Oh.

CHAIR KAMA: Today's Monday, next week Monday is December 2nd.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER PALTIN: Oh, okay. Yeah, that'd be great. I mean, if can.

CHAIR KAMA: So, Member Sugimura, did you want that to be asked in writing, or are you just wanted to --

COUNCILMEMBER SUGIMURA: Sure. Sure. I...I mean, that's...that's my thought process about that. I think it's a little bit out of sync, but...

CHAIR KAMA: So, Ms. McKinley, did you get Member Sugimura's question to DOT?

MS. MCKINLEY: I believe we have the gist. Thank you.

CHAIR KAMA: Okay, thank you. Members, your Chair would like to recess this meeting to December 2nd, 2024, at 1:45 p.m.

COUNCILMEMBER PALTIN: Oh --

CHAIR KAMA: Member --

COUNCILMEMBER PALTIN: -- just checking if that counted as discussion? We were just --

CHAIR KAMA: Yeah, I think that...did that count as?

COUNCILMEMBER PALTIN: Oh, okay.

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CHAIR KAMA: Carla said yes. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, your instruction to us, as far as questions...like I know Staff asked for it to be part of the record. So, I mean, do you want us to go through our list of questions today, or do you want it transmitted via writing or...moving forward, how would you like questions to be prepared?

CHAIR KAMA: Well, I know we didn't have time to ask a whole bunch of questions now, but I think the questions that Member Paltin had wanted asked and answered is in preparation for the bigger discussion that we're all probably going to have. So, if you think that you might have some questions that maybe didn't come up, or spurred your thoughts today, or inspired you by what you heard in our testimony, then if you have...want to ask it, and send it, and get it ahead of time, that's cool too. But if not, if you think that some of the questions can wait until next week Monday, when we have a full discussion, is up to you. But we've got five minutes to do it in.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I did send some of my questions to Corporation Counsel --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and to our legislative attorneys, who advised me to ask the Planning Department. . . .*(laughing)*. . . And so, let's see, I...I think that question is...I guess for us, for...for me to better understand, so I emailed Deputy Corporation Counsel Hopper because he was assigned at the last Maui Planning Commission meeting. And I asked...okay, he did respond to this. So, basically, what law gave the Maui Planning Commission the authority to reduce the number of affordable units in September 2022? And then he did provide a response. But I guess that --

CHAIR KAMA: Do you want to ask it on the record, and --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that would be good.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then if the agreement by the developer was that they would develop 50 percent affordable units...oh, let's see. I guess it's...it's regarding process with the Maui Planning Commission in 2022. How were they...what...what law gave the Maui Planning Commission the authority to...to reduce that number of affordable housing units --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- without it coming to Council for final decision making, like how we're doing today?

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CHAIR KAMA: Yeah. So, by what authority did the Planning Commission have? Okay. Good?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I know we're at the end, but...and I'm sure I'll have a lot of questions, but one that's on --

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: -- my mind that maybe we could prepare --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- for, and I'll just leave it to one. But basically, I was really disappointed in the...the...the Housing Department's "no comment." So, maybe when they come in, they will have a comment, and I can ask them specifically, what is their stance or vision for this project, or other affordable housing projects? I thought of all the Departments, the Affordable Housing...the Housing Department would be the one who has the most to say about this, so --

CHAIR KAMA: Is this the question you want to send?

COUNCILMEMBER JOHNSON: -- I hope they come prepared.

CHAIR KAMA: You want them...we're going to send this question to --

COUNCILMEMBER JOHNSON: The question is, is what is their stance and vision on this...on this...on these amendments, this project, as well as just overall in the...in the...in the County. I just was very disappointed in their response. Thank you, Chair.

CHAIR KAMA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Sorry. If I can add on to Member Johnson's question. What developments have they been pursuing in the County-owned land around the police station in Kihei, and will the water for this luxury development affect what they have planned for County-owned land and maybe 100-percent affordable housing?

CHAIR KAMA: Okay. So...Member Cook, do you have any questions that you'd like to send, or do you think you can wait until Monday? I'm just going down the line.

VICE-CHAIR COOK: My question's, I'm curious about the overall cost of the project, the cost of the infrastructure that they're not spending, their water source, and the development costs for that --

CHAIR KAMA: Okay.

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VICE-CHAIR COOK: -- and the timing.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: Access...potential access for the affordable housing that was being proposed to be built sooner than later.

CHAIR KAMA: Looking for a schedule? Timeline?

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: Okay. Did you get that, Staff? I'm going to go to Mr. Sinenci. Mr. Sinenci, do you have any questions?

COUNCILMEMBER SINENCI: Thank you, Chair. And I...I did want to mahalo all the testifiers that came and testified, and we listened to today. There was a lot of things...unfortunately, I didn't get to read all of the...but I...I will educate myself before December 2nd. But so, I mahalo everybody who added some...their testimony that I wasn't aware of. But I guess the thing I took away was just the...as Member Cook said, the cost analyses of...of are...what are the shortfalls, and what are the...the benefits? Who this...who this benefits? Does it benefit us? Are we going to have to subsidize the project more? So, just those basic questions I had while listening to the testifiers, Chair. Thank you.

CHAIR KAMA: Thank you. Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I have a whole bunch of questions that I can wait until next week Monday. But to clarify, though, on what Member Sinenci said, he did say subsidize the project more. If somebody can confirm if we are subsidizing this project at all, or if they're requiring any State, County, or Federal money? I think that might be important for me. But other than that, I can wait until December 2nd at 1:45.

CHAIR KAMA: Thank you.

COUNCILMEMBER SINENCI: I...my apol...yeah. And I was...I just meant, like, maybe at the permitting office, how much hours that we would have...the County would have to put in to get this project through?

CHAIR KAMA: Okay. . . .(inaudible). . .

COUNCILMEMBER SINENCI: That's...that was what I meant by subsidies. Thank you.

CHAIR KAMA: Okay. Member...Chair Lee, any questions you want us to send?

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COUNCILMEMBER LEE: (*Audio interference*) Yeah. I'd like to--somebody's talking. Are we doing a duet here?

CHAIR KAMA: No, it's solo. You're solo.

COUNCILMEMBER LEE: Okay. Let...the questions I have, it's similar to Member Cook. The timing of the housing. I didn't read all 681 pages. It was more like 68 pages, but I recall seeing something like them planning to build like ten luxury homes a year, something to that effect. And so, what is the schedule for the affordable housing portion?

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: I'd like to know that. And...and to verify the schedule for the market homes. Thank you.

CHAIR KAMA: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Just one last one. Just wondering. We keep on hearing the change of 2.96. So, can you ask for clarification--maybe it's from Housing--about the ordinances of 3.3...I get these numbers...3553 and 3554, which then requires the compliance to 2.96. So, where does 2.96 fit in?

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: It seems like an important discussion.

CHAIR KAMA: Ellen? Okay. Thank you. Okay, Members, it is now 4:32, and without objection, the Chair would like to recess this meeting until December 2nd, 1:45 p.m.

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you, everyone, for being here. Thank you, Member --

MS. NAKATA: Excuse me, Chair? Excuse me, Chair?

CHAIR KAMA: Yes?

MS. NAKATA: Could we just reiterate that it's the same viewing location and the same URL? Thank you.

CHAIR KAMA: We'll be in the Chambers next week at 1:45 p.m. Thank you, everyone.

COUNCILMEMBER SUGIMURA: We get the --

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CHAIR KAMA: Same online link, same old, same old. HLU Committee is now in recess.
...*(gavel)*...

RECESS: 4:33 p.m.

APPROVED:



TASHA KAMA, Chair
Housing and Land Use Committee

hlu:min:241125

Transcribed by: Kaliko Reed

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CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 120 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 7th day of January 2025, in Wailuku, Hawai'i



Kaliko Reed