

# HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

August 20, 2025

Online Only via Teams

**RECONVENE:** 9:02 a.m.

**PRESENT:** Councilmember Tasha Kama, Chair  
Councilmember Nohelani U‘u-Hodgins, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Gabe Johnson, Member  
Councilmember Alice L. Lee, Member (In 9:45 a.m.)  
Councilmember Tamara Paltin, Member (Out 12:01 p.m.)  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:** James Krueger, Senior Legislative Analyst  
Ellen McKinley, Legislative Analyst  
Carla Nakata, Legislative Attorney  
Jennifer Yamashita, Committee Secretary  
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  
Clyde “Buddy” Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

**ADMIN.:** Chris Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel  
Jon Oura, Fire Fighter IV, Fire and Public Safety  
Saumalu Mataafa, Deputy Director, Department of Housing  
Samual Marvel, Chief of Planning and Development, Department of Parks and Recreation  
Kate Blystone, Director, Department of Planning  
Jordan Molina, Director, Department of Public Works  
Diane Yogi, Deputy Director, Department of Transportation  
James A. Landgraf, Deputy Director, Department of Water Supply

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**OTHERS:**    Resource Personnel

Karen Seddon, Regional Vice President, EAH Housing  
Questor Lau, Senior Project Manager, EAH Housing  
Janice Y.K. Li, Studio Director, Lowney Architecture  
Tom Schnell, Vice President, PBR Hawai'i & Associates, Inc.  
Bradley Furuya, Associate, PBR Hawai'i & Associates, Inc.  
Randy Chu, Development Section Chief, Hawai'i Housing Finance & Development Corporation  
Stan Fujimoto, Project Manager, Hawai'i Housing Finance & Development Corporation  
Si Kim, Architects Hawai'i

Others (55)

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

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CHAIR KAMA: . . .*(gavel)*. . . Will the recessed Housing and Land Use Committee meeting of August 5th, 2025, reconvene. It is August 20th, 2025, at 9:02 a.m. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you are not with me in the Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. I want to say good morning and aloha kakahiaka to Committee Vice-Chair Nohe U'u-Hodgins. Good morning.

VICE-CHAIR U'U-HODGINS: Good morning, Chair. Good morning, everyone.

CHAIR KAMA: I want to say good morning also to Council Vice-Chair Yuki Lei Sugimura. Aloha.

COUNCILMEMBER SUGIMURA: Good morning. And I look forward to a productive meeting. So, thank you.

CHAIR KAMA: Council Chair Alice Lee is excused until later on this morning. I want to say good morning and aloha kakahiaka to Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka. Streaming live and direct from the historic burn zone in Lāhainā. I have Christian Balagso here with me, and we have nobody waiting to testify. I don't know if something got handed out, but when I refresh the Granicus, there's nothing there. So, I don't know if it's going to get emailed to the rest of us or what.

CHAIR KAMA: Yes. It was the CD1 version that was handed out. So, we'll make sure that you get one, Member Paltin, and anyone else who's online. So, I want to say good morning and --

UNIDENTIFIED SPEAKER: Thank --

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CHAIR KAMA: -- aloha kakahiaka to Councilmember Gabe Johnson. Thank you for the lilikoi.

COUNCILMEMBER JOHNSON: Oh, you're welcome, Chair. Yeah, I...I brought some lilikoi from the farm, so any Councilmembers offline can come, there'll be some lilikoi for you in the Chambers. There's no testifiers at the Lāna'i District Office, and I'm here and ready to work. Mahalo.

CHAIR KAMA: Thank you. I want to say good morning and aloha kakahiaka to Councilmember Keani Rawlins-Fernandez. Good morning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou, mai Moloka'i Nui a Hina. I'm at my primary residence, alone. Mahalo, Chair.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And we have no testimony, it's closed?

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah? Okay.

CHAIR KAMA: And want to say good morning and aloha kakahiaka to Councilmember Tom Cook.

COUNCILMEMBER COOK: Aloha, Chair. Good morning. There's no testifiers in Kihei, and I'm looking forward to your meeting today.

CHAIR KAMA: Thank you. And we want to say good morning and aloha kakahiaka to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair and everyone. Happy to be here. Thank you.

CHAIR KAMA: Thank you. And we have with us, from the Department of the Corporation Counsel, Deputy Nāhulu Nunokawa. Good morning, and aloha kakahiaka.

MR. NUNOKAWA: Good morning, and aloha kakahiaka to Chair and Members.

CHAIR KAMA: And we have soon to be with us online, Jordan Molina, the Director of Public Works; Saumalu Mataafa, who's here in the Chambers...in the galley [sic]; Sam Marvel, Chief of Planning and Development, Department of Parks and Recreation; and Kate Blystone, Planning Director. She will be available around 11:00 this morning. So, these are our resources that will be here with us. I want to also say good morning to our project people from EAH. We have with us Karen Seddon, who's with EAH Housing, sitting in the galley [sic]. Questor Lau, who's seated right here. And we have Tom Schnell, who's seated to his right. Good morning, and aloha kakahiaka to you.

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MR. SCHNELL: Good morning...good morning, Chair and Councilmembers. Tom Schnell with PBR Hawai'i. Questor Lau with EAH is by my side. And appreciate you reconvening on this issue today. Thank you.

COUNCILMEMBER SUGIMURA: Good morning.

CHAIR KAMA: Good morning. We also have representatives of the Hawai'i Housing Finance and Development Corporation. I think they're online this morning. Mr. Randy Chu, Development Branch Chief; Stan Fujimoto, the Project Manager; Albert Palmer; and Michele Leong. And we also have, on behalf of the State Department of Accounting and General Services, Mr. Si Kim. And so, I want to say good morning to our Committee Staff. James Krueger, our Senior Legislative Analyst. Good morning.

MR. KRUEGER: Good morning, Chair and Members.

CHAIR KAMA: And our Legislative Analyst, Ellen McKinley. Good morning.

MS. MCKINLEY: Good morning, Chair and Members.

CHAIR KAMA: And our Committee Secretary, Jennifer Yamashita.

MS. YAMASHITA: Good morning, Chair and Members.

CHAIR KAMA: And our Legislative Attorney, Carla Nakata.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And our Council Ambassador, Ryan Martins, in the galley [sic]. Good morning.

**HOUSING PROJECTS UNDER CHAPTER 201H, HAWAI'I REVISED  
STATUTES: KAIAHALE 'O KAHILUHILU AFFORDABLE HOUSING  
PROJECT (HLU-1(1))**

CHAIR KAMA: So, thank you, Members, for attending today's recess HLU Committee meeting. We're continuing our discussion of that single item on the agenda. Our testimony is now closed. So, Members, in the start of this meeting on August 5th, we closed oral testimony. And as always, the record is always open for written testimony. So, Members, you have...would have received a distributed CD1 version of Resolution 25-161, which approves the project with modifications. Member Paltin, did you get your CD1 version?

COUNCILMEMBER PALTIN: I received the email, Christian's just printing it out right now.

CHAIR KAMA: Okay. Member Rawlins-Fernandez, did you get your version? Thank you. Okay. So, the CD1 version incorporates revision that we've discussed, as well as revisions resulting from discussions with the Department leadership and the project developers. The Committee requested we work from one document moving forward.

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Therefore, we are working off the CD1 version today. I'd also like to note that we sent out the Committee questions from the last meeting to the developer, and the developer's responses are in Granicus. There are numbers 31 and 32. So, it is my hope that we can finish our review of the proposed project this morning, and make a recommendation to the Council regarding the appropriate resolution. So, the choices are, we approve it, we don't approve it, and we...or we just let it go. So, hopefully, after all the discussion we had, and going through the CD1 version, that we'll be able to come up with the...a decision. So, if there are no objections, I would like to entertain a motion in order to focus our attention on what we're talking about this morning. So, Members, I'd like to entertain a motion to recommend adoption of Resolution 25-161, to approve the project with modifications, incorporating nonsubstantive revisions.

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: It's been moved by Member Nohe U'u-Hodgins, and seconded by Member Yuki Lei Sugimura, to approve the project...to approve Resolution 25-161. So, now, Members, I would like to entertain a motion to substitute Resolution 25-161 with the CD1 version that is attached to the ASF that you should have received this morning.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER COOK: Second.

CHAIR KAMA: It's been moved by Member Yuki Lei Sugimura, and seconded by Member Tom Cook, to substitute Resolution 25-161 with the CD version. So, thank you Members. So, my ASF contains a summary of all the changes in the CD1 version. I propose to go through each part of the CD1 version of the resolution, hold discussion, and entertain amendments as you see necessary. So, if you're okay, Members, I'd like to go through the CD1 version as follows: starting with the resolution body, the modifications, the exemptions, and then entertain discussion and amendments if necessary. And the Staff will set a three-minute timer for each of you. So, does that seem okay, Members? Thank you. Thank you for your online. Okay. So, why don't we begin with our Vice-Chair, Member Nohe U'u-Hodgins. So, let me look for my version of the CD1. *(pause)*

VICE-CHAIR U'U-HODGINS: Chair, we're going to begin with this, and you want to go through each section. Is that what I heard you say?

CHAIR KAMA: Yes. If that's okay, yeah.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR KAMA: So, I know you probably hadn't had a chance to read it. Do you folks want a few minutes to glance at it?

VICE-CHAIR U'U-HODGINS: If you don't mind. I also wasn't here for the last time --

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CHAIR KAMA: Yes.

VICE-CHAIR U‘U-HODGINS: -- that you folks had this discussion.

CHAIR KAMA: That’s true.

VICE-CHAIR U‘U-HODGINS: So, I don’t mind waiting, or I don’t mind going after the other Members if they wanted to begin their questions.

CHAIR KAMA: Okay. So, right now, the question is, Members, do you feel like you want a few moments to read the entire document so you can become familiar with it? Even though we did discuss it, that was like three weeks ago. Do you remember even what you ate for breakfast three weeks ago? But anyway...so I’d like to, if it’s okay, Members --

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: -- call for a ten-minute...yes? I heard a Chair [sic]. Okay. Thank you. How about a ten-minute recess? Read it.

UNIDENTIFIED SPEAKER: I think Member Paltin has her hand up.

CHAIR KAMA: Oh, Member Paltin, did you call me out? Did you call for me?

COUNCILMEMBER PALTIN: I just raised my hand.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER PALTIN: I...I...I don’t mind a ten-minute recess, but I did have one question on the...the...the materials that were given by the...in that folder in the weird setup with the...you know. Is it okay to ask that question while everyone else reads the new document?

CHAIR KAMA: Well, you can ask the question...well, you want to do it during recess? Is that what you’re asking, Member Paltin?

COUNCILMEMBER PALTIN: Or at some time, I guess...whenever.

CHAIR KAMA: Okay. Do...do you feel like you want to ask your question now so that maybe Members would be able to know what it is that you’re referring to, and maybe have some thoughts of their own?

COUNCILMEMBER PALTIN: Sure, sure. Okay.

CHAIR KAMA: What page?

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COUNCILMEMBER PALTIN: I'm on this stapled document that says, for action, it was in the...the packet they gave us. On page 7, it says, for action, June 12th, 2025, page 7 of 11.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you know what Granicus item that is?

COUNCILMEMBER PALTIN: No, I don't.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- does Staff know what --

CHAIR KAMA: Do you know what...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Granicus item that is?

CHAIR KAMA: What Granicus item is that, James?

MR. KRUEGER: Yes, Chair. The...the for action is included in item number 1. I think it's like the second or third document that's part of the PDF that's in Granicus number 1.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

COUNCILMEMBER PALTIN: I'm on page...it says page 7 of 11, item T(1)(a). And my question is, regarding the comments from the Department of Water Supply that said, at this point, there is not sufficient remaining capacity on the Central Maui water system to serve this project. However, Section 16-201-03(g)(1), County of Maui Admin Rules, exempts projects comprised of 100 percent residential workforce housing units, as defined in Section 2.96.020, Maui County Code, evidenced by an executed, recorded, and valid residential workforce housing agreement between the developer and the County. And then it also goes on to say, as requested by the Mayor's Office and DWS at a meeting with HHFDC on May 9th, 2025, HHFDC submitted a request to DWS for a reservation of water for the project and the civic center component. So, my question is, the civic center component is not 100 percent residential workforce housing units, 100 percent. And where is the water coming from if there's not sufficient remaining capacity? I mean, it seems like an identical solution to Pulelehua, and yet this one can go forward, and West Maui, where we desperately need housing, is not being allowed to go forward. So, I just was wondering if somebody could explain it to me. Like I desperately need housing in West Maui.

CHAIR KAMA: Okay. Is that a Mr. Schnell question, or is that a Questor question?

COUNCILMEMBER PALTIN: Might be DWS or Corp. Counsel...because they're asking for it, just like Paul Chang is asking for it.

CHAIR KAMA: Oh, that...that's who's asking. Okay.

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COUNCILMEMBER PALTIN: But they're getting a yes, and we're getting a no for West Maui.  
So, just --

CHAIR KAMA: Okay. Let's clear that up.

COUNCILMEMBER PALTIN: -- checking it out.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Mr. Nunokawa? Let's get the details.

MR. NUNOKAWA: I...I think that that is a question for Water.

CHAIR KAMA: Okay. So, Member Paltin, I'm going to try to get DWS on the line.  
. . .*(timer sounds)*. . . And hopefully, when the Members finish their ten-minute recess  
and reviewing their...the document, that we'll be able to get DWS on the line for you.  
Good question. Thank you.

COUNCILMEMBER PALTIN: Thank you.

UNIDENTIFIED SPEAKER: Five-minute recess?

CHAIR KAMA: Okay. So, was...was there a question? Okay. So it's 9:17. We're going to take  
a ten-minute recess for everyone to review your document you just received, the CD1.  
. . .*(gavel)*. . .

**RECESS:** 9:17 a.m.

**RECONVENE:** 9:28 a.m.

CHAIR KAMA: . . .*(gavel)*. . . Will the recessed HLU meeting now reconvene. It is 9:28. And  
we left off with a question from Member Paltin. So, Mr. Landgraf is online, and he's  
ready to answer your question. We also have Mr. *[sic]* Yogi from Department of  
Transportation, who's also online. And Mr. Mataafa will be here with us until 10:00.  
So, if you have any questions for Transportation...or actually, for Housing, you could  
ask him at this time, I guess. Okay. Mr. Landgraf?

MR. LANDGRAF: Yes. Yes, Chair.

CHAIR KAMA: Okay. Member Paltin, would you like to repeat your question? I'm not sure if  
he was online when you asked that.

COUNCILMEMBER PALTIN: Oh, sure. My question is in regards to...on this document that  
they provided us for action, page 7 of 11, letter T(1)(a), where it says, at this point, there  
is not sufficient remaining capacity on the Central Maui water system to serve this

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project...but there's other rules. And then the Mayor's Office and DWS, at a meeting with HHFDC on May 9th, 2025, HHFDC submitted a request to DWS for a reservation of water for the project and the civic center component. So, the civic center is not 100 percent residential workforce housing. And the reason they're getting water, when even there's not water availability is, County of Maui Admin Rules exempts projects comprised of 100 percent residential workforce housing units as defined in Section 2.96.020, Maui County Code, evidenced by an executed, recorded, and valid residential workforce housing agreement between the developer and the County. So, my question is, if there isn't sufficient remaining capacity on the Central Maui water system to serve the project, where is the water coming from? And it doesn't seem like a 100 percent residential workforce project if you're also reserving water for the civic center component, which is office building, not a real, like civic center...like Lāhainā Civic Center, or something like that. So, those...those were my questions. And I mean, if we can do it for this guy when there's no water, why we can't do it for Pulelehua? Because we have a desperate need for permanent housing in West Maui.

MR. LANDGRAF: Okay. So, for this project, we had to...we kind of redid the analysis. And I don't know about the office portion, but we know we have the water for the residential portion. So, we kind of redid that. I...I . . .(inaudible) . . . answer the one about Pulelehua, that's a little bit different, but we kind of redid the analysis for the central system, and we think we can...we're sure we can provide water for the residential portion. Now, I'm not sure because I thought they were going to break up the project into separate sections.

COUNCILMEMBER PALTIN: Okay. But how are you reserving water for the civic center? That's not 100 percent residential workforce housing.

MR. LANDGRAF: Yes. I'm not sure on how that part of the component will work.

COUNCILMEMBER PALTIN: Okay. And I mean...

MR. LANDGRAF: I...we have to...I can go back and look at it, and I'm not sure exactly how that works. I got to check with our Corp. Counsel on that, but yeah.

COUNCILMEMBER PALTIN: And then just to clarify, what you're saying is, you did the math, and you didn't have enough water...and then you did the math again, and now you have enough water. Is that like what you mean by you . . .(inaudible) . . .

MR. LANDGRAF: Sort of. We were able to...we were able to find a way that we can use water...more water from one of our treatment plants. So, we...we took a little while to get through the analysis.

COUNCILMEMBER PALTIN: Okay. It...it just seems like different people play by different rules sometimes. Because it's not 100 percent residential workforce housing project if...if we're talking about the civic center, and the civic center is in all these diagrams. I mean, I would imagine Pulelehua can subdivide just their affordable housing portion, and get the same kind of deal, you know?

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MR. LANDGRAF: Well, I can't answer that right now, so...

COUNCILMEMBER PALTIN: I figured. *(pause)*

CHAIR KAMA: Are you done, Member Paltin?

COUNCILMEMBER PALTIN: I guess so. I mean, it's...it's unfortunate people think that, you know, we don't have a great need in West Maui when the whole town burnt down, but we can find water for other projects all the time. We can make amendments for other projects, and just leave people out hanging on the West Side.

CHAIR KAMA: Okay. So, let's return back to...thank you, Mr. Landgraf. So, Members, do you have any questions for Mr. Mataafa, since he has limited time with us? If not, we can allow him to leave. Yes, Member Paltin?

COUNCILMEMBER PALTIN: Mr. Mataafa, has a valid residential workforce housing agreement been executed between the developer and the County? *(pause)*

MR. MATAAFA: Thank you, Chair Kama. And thank you, Councilmember Paltin, for the question. The answer is no.

COUNCILMEMBER PALTIN: Okay. And so, isn't that a requirement, to provide the water? As it says on page 7 of 11, it says, Section 16-201-03(g)(1), County of Maui Admin Rules, exempts projects comprised of 100 percent residential workforce housing units as defined in Section 2.96.020, Maui County Code, evidenced by an executed, recorded, and valid residential workforce housing agreement between the developer and the County. So, are we putting the cart before the horse here, or what...what is the process?

MR. MATAAFA: Thank you, Chair. And thank you for that question, Councilmember Paltin. The residential workforce housing agreement is one of the early steps that happens before a developer can move forward with getting permits. So, in that residential workforce housing agreement, one is required to be executed either before building permits are issued or subdivision plans are approved. So...and whatever step the developer is on, they'll have to have a residential workforce housing agreement, and if they're subdividing and pulling building permits, they'll need two residential workforce housing agreements. Now, the residential workforce housing agreements [*sic*] sets the tone on how the developer will comply with the residential workforce housing policy. And in there will also be stated is whether the project is 100 percent affordable or not. And so, once that document is drafted, reviewed, executed, and recorded, the Department of Water Supply can use that document to exempt them from certain provisions of their Code. So, the residential workforce housing agreement, in short, is used by other departments to determine whether they can get specific exemptions or not.

COUNCILMEMBER PALTIN: Okay. And I guess my question is, when you execute the residential workforce housing agreement, is there any part in it that's going to include the civic center? Because it seems like the civic center is piggybacking on this 100 percent workforce housing to get its water through, you know, when it's not

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necessarily...like, you know, there's all this it's together, it's not together. . . .(timer sounds). . . We need space for the civic center. We don't need space for the civic center. So, is the civic center going to be part of the residential workforce housing agreement?

MR. MATAAFA: Thank you for that question, Councilmember Paltin. We have a residential workforce housing agreement draft from the developer in our review process right now. What the Department envisions is having two separate residential workforce housing agreements...one specifically for the housing development, and then another specifically for the civic center. And so, when it comes to processing building permits, the developer would have...of the housing project, would have a residential workforce housing agreement, and then separately, the civic center would have a separate residential workforce housing agreement.

COUNCILMEMBER PALTIN: I...I don't understand how the civic center has a residential workforce housing agreement if nobody's going to be living in the civic center. . . .(Inaudible). . .

MR. MATAAFA: Thank you for that question, Councilmember Paltin. So, the trigger for having a residential workforce housing agreement is the generation of ten or more lots or units. So, if the civic center has...builds more than ten units within that complex, they're required to have a residential workforce housing agreement.

COUNCILMEMBER PALTIN: And what is your definition of units, like a place somebody could live?

MR. MATAAFA: The definition of units in the residential workforce housing policy is really broad, and it could be market-rate units, it could be commercial lots...commercial units, it could be lots, any type of lots, and then there are some exceptions on what can be exempted. But for this one, if it's generating...for the civic center, if it's generating more than ten units, we would require a residential workforce housing agreement.

COUNCILMEMBER PALTIN: I...I guess I'm still confused. Because there is no residential workforce housing being created by the civic center. So, how is it getting a residential workforce housing agreement? Like there's...it's not intended to be housing--workforce housing or any housing, market housing--it's intended to be office space, from what they said.

MR. MATAAFA: Thank you, Councilmember Paltin, for that question too. We don't currently have that draft residential workforce housing agreement before us. What happens is, if building permits are required for that project, we get flagged as a reviewing agency to review and determine whether they need to comply with the residential workforce housing policy, and then subsequently issue a residential workforce housing agreement with whoever the developer is of that civic center. So, for us, the...the threshold would be determining whether there's ten or more units, and then looking at the definitions and residential workforce housing policy to determine whether those units are...are needed to...are...whether those units are part of the definition of the residential workforce housing policy. But we don't have that in front of us right now because for

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that project specifically, they haven't got to the point where they're triggering...triggering building permits, or even a subdivision. So, when they get to that point, the Department will get flagged by Public Works as a reviewing agency, and we'll take a look at it at that point.

COUNCILMEMBER PALTIN: And...and so, if it, at that point, is not comprised of 100 percent residential workforce housing units as defined in Section 2.96.020, Maui County Code, then they don't qualify for water?

MR. MATAAFA: Thank you for that question again, Councilmember Paltin. So, the residential workforce housing policy is not specific just to residential workforce housing units. It's...it's in respect to any type of unit...any type of development that has ten or more units. So, it could be a hotel, it could be a commercial subdivision. It could be any type of development that has ten or more lots. They're required to come in with the Department and execute a residential workforce housing agreement.

COUNCILMEMBER PALTIN: Yeah. I think I understand that, but Section 16-201-03(g)(1), County of Maui Admin Rules, only exempts projects of...comprised of 100 percent residential workforce housing units from the water requirement. And it sounds like whatever...however many units there are, it's not going to be 100 percent residential workforce housing.

MR. MATAAFA: You're correct in that, Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay. *(pause)*

CHAIR KAMA: Member Cook?

COUNCILMEMBER COOK: Thank you, Chair.

CHAIR KAMA: Member Cook?

COUNCILMEMBER COOK: Thank you for the explanation. So, it sounds like the residential [sic] that we're reviewing today may qualify for the housing program. But when they come in for the second one, it may or may not qualify for the workforce housing agreement because you haven't been able to review it yet. Is there a possibility, this particular project, that the residential unit that we're reviewing today would qualify and have a workforce housing agreement with the County, but the next phase of this project may not qualify and may not get a workforce housing agreement with the County?

CHAIR KAMA: Go ahead.

MR. MATAAFA: Thank you, Chair. And thank you, Councilmember Cook, for the question. This housing development that's before us will need to do a residential workforce housing agreement. The second piece, depending on our review, is likely going to require a residential workforce housing agreement with the County as well.

COUNCILMEMBER COOK: Thank you.

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CHAIR KAMA: Okay. Any other questions? Were you going to say something, Mr. Nunokawa?

MR. NUNOKAWA: Yeah. Correct me if I say anything that is off, but the residential workforce agreement is more to offset the need made by these projects. So, for projects that are larger than a certain amount, these residential workforce agreements are there to ensure that the need for workforce housing created by the projects is fulfilled. So, the residential workforce housing policy isn't necessarily the thing that --

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

MR. NUNOKAWA: -- yeah, gives you the exemption. The exemptions are granted for certain projects because they have a benefit outside of the detriment of needing residential workforce. So, either one is going to have a policy. Whether one qualifies for the exemption or not is dependent on what that project's makeup is.

CHAIR KAMA: Mr. Cook, and then Mr. Sinenci.

COUNCILMEMBER COOK: So...so, I guess that my question...my clarifying question, is this one lump-sum project, or is it basically this is a first phase, and that second phase could potentially be addressed separately?

CHAIR KAMA: Yes.

MR. MATAAFA: Thank you, Chair. The Department looks at it two...in two phases, and both phases will need...will likely...the first phase will definitely need...need a residential workforce housing agreement, and depending on the review of the second phase, which is the civic center complex, that will likely also need a residential workforce housing agreement as well.

COUNCILMEMBER COOK: Thank you for the clarification.

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Deputy Mataafa. So...so, with the first phase, which has the 100 affordable...100 percent affordable housing, they can get the exemption for the water. However, on the second phase of the civic center, if they come and they don't produce the 100 percent affordable housing, that they won't get that exemption for water...if they don't qualify for that, or like you said, they don't show the ten...minimum ten units that would qualify them for the 100 percent affordable?

MR. MATAAFA: Thank you, Chair. And thank you, Councilmember Sinenci, for that question. The residential workforce housing agreement is used by the Department of Water Supply to validate whether that project can move forward with an exemption or not, under Chapter 16, I believe. So...

COUNCILMEMBER SINENCI: It sounds like the first phase will qualify, but the civic center, second phase, could potentially not qualify, should they not...I guess my question for

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the developers, do you want this...because we're not...we don't...Chair, we don't have the civic center in front of us today for approval. Do you want this attached to this part, to your housing? They're shaking their heads. You would rather not have this...it's separate, according to the developers. Mr. Schnell?

MR. SCHNELL: Yeah, if I can clarify. The subject of this 201H application is only the residential housing component. The civic center is not part of the 201H, and is not seeking 201H exemptions.

COUNCILMEMBER SINENCI: So, would you guys be okay if we deleted that section in here that said reservation for water for the...the civic center component?

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

COUNCILMEMBER SINENCI: So, it doesn't have...

CHAIR KAMA: Where are you at, Mr. Sinenci?

COUNCILMEMBER SINENCI: Well, just to Member Paltin's point about including the civic center component, as far as...but that was just the FF...HHFDC's response. They are requesting the reservation for the civic center --

COUNCILMEMBER PALTIN: Member Sinenci --

COUNCILMEMBER SINENCI: -- component as well.

COUNCILMEMBER PALTIN: -- that wasn't...that wasn't a condition. But I guess the...the question is, if...if you're going to have a civic center component, and there's more than ten units, and you require a residential workforce housing agreement, isn't there some affordable housing required as part of a residential workforce housing agreement? And are we including any of this 100 percent as that project's component of workforce housing, or they're going to come up with their own workforce housing somewhere else offsite for...for building the civic center, I guess, is the underlying. Because if they're going to trigger a residential workforce housing agreement because they have ten or more units, then they're required to provide . . .*(timer sounds)*. . . affordable housing. And where is that affordable housing going to be, unless they designate some of this 100 percent affordable housing as the affordable housing for the civic center component, but then it's not 100 percent residential workforce because it's two components, and it's not 100 percent . . .*(inaudible)*. . . So, I guess ultimately, if...if we're saying...from what Mr. Mataafa said, that's...that's the follow-up question, I guess, is, when they build the civic center component, because it's ten or more units, it's going to require a residential workforce housing agreement, so...which would require more affordable housing. Are we not counting any of the 100 percent affordable housing in Phase 1 as the affordable housing that counts to Phase 2, or are they completely separate projects?

COUNCILMEMBER SINENCI: Mr. Schnell said no.

COUNCILMEMBER PALTIN: And Phase 2 is going to...

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COUNCILMEMBER SINENCI: They're...they're two separate.

COUNCILMEMBER PALTIN: So, they're going to have to come up...civic center's going to have to come up with their own workforce housing where it's someplace else offsite.

COUNCILMEMBER SINENCI: And I do see Ms. Choy-Johnson with her hand up, if she's a resource, Chair?

CHAIR KAMA: Well, right now, I want to just acknowledge that Chair Lee's on the line. Chair Lee, good morning. Aloha kakahiaka to you.

COUNCILMEMBER LEE: Aloha kākou. Nice to join you. Sorry, I'm late.

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: I'm in my workspace, home alone. Thank you.

CHAIR KAMA: Thank you. Thank you for joining us. *(pause)* Okay. So, where were we? Okay. So we're talking about the...the Lāhainā Phase 2. Is that what it is, Mr. Mataafa? That's what it is, Phase 2. That is separate from this particular project. And let me just make sure that we're on the same page, Members, that we're here to discuss the modifications for this project. And that other project will come to us, I'm sure. But when it comes to us, I'd like us to deal with it when it comes, and not take up time today. Because this is the day that we're either going to say yes or no, or just let the days go by, and then let it go.

COUNCILMEMBER SINENCI: Chair?

CHAIR KAMA: Mr. Sinenci?

COUNCILMEMBER SINENCI: Is...is Ms. Choy-Johnson a resource?

CHAIR KAMA: No, she is not.

COUNCILMEMBER SINENCI: Oh, okay.

CHAIR KAMA: And she is from DAGS. And they are the ones responsible for the Kahului Civic Complex.

COUNCILMEMBER SINENCI: Okay. And we're not...

CHAIR KAMA: Which is a totally subject-matter from this.

COUNCILMEMBER SINENCI: And we're not discussing that. Okay. Thank you.

CHAIR KAMA: Thank you. Okay. So, I wanted to get back to what we were doing in the beginning. So, we're looking at the resolution, and we looked at the...we should have

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looked at the body of the resolution. And basically, it's the same resolution as it was before, excepting [sic] what you have on the fourth page is your Exhibit A, and those are the modifications. And those are the things that we have to either say yay or nay to...you support it, you don't support it. So, Exhibit A, A, the project is modified to recognize it as 100 percent affordable rental housing project with two on-site nonrevenue-generating resident manager units that are part of the project's common area elements. So, is that something...oh, Member...I'm sorry. Member U'u-Hodgins, you had a question, and then we just went right past you after Mr. Sinenci.

VICE-CHAIR U'U-HODGINS: No, that's okay. Thank you, Chair. I was just going to clarify that the 201H did not include the civic center. But that was it, and then it was clarified right after I raised my hand. Thank you.

CHAIR KAMA: Okay. Thank you. Member Rawlins-Fernandez, did you have your hand up?

COUNCILMEMBER RAWLINS-FERNANDEZ: I did. Mahalo, Chair. I...I was just kind of tracking the logic in how we landed in asking about the units of the civic center. So, Chair Lee, Member Paltin asked about the insufficient water, that there isn't water for that project, and why would there be water for this project and not Pulelehua? And then we asked Deputy Director Landgraf, and he gave his response. And in looking at both the project that we're taking up today, the 201H project, and then the civic center, which anticipates building ten units, which would trigger at least 2.96, but we're not taking that up today, but would require affordable units, and would then maybe require water? That...that's kind of uncertain at this point. It's also uncertain the number, if the civic center units, while it requires...if it's going to even build ten, would require 2.5 units to be workforce, would any of those workforce units be...in this 201H project be counted toward that 2.5 units required by the civic center project is basically my understanding of the discussion up until this point. And we do have a main motion and a motion to amend, substituting the CD1 version. And then we're supposed to go through each section, but I think that the question about water is an appropriate question. So, that's where I am. And I know that we're not talking about the civic center, but the two pertinent questions for the project that we are taking up is whether any of the units will be used toward the civic center requirement of having affordable units, which I don't think we got an answer to, or maybe the answer was no. But if that answer could be repeated, that would be great. And then the question about water.

CHAIR KAMA: Who should answer that? I would...my assumption would be no because they're two separate projects, but I'm not the developer. Mr. Schnell?

MR. SCHNELL: Thank you, Chair. I'll let Questor Lau from EAH handle that question.

MR. LAU: I think the question is, does the...well, this is a separate project from the civic center. I think that answers your question. Completely separate.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can you just say that none of those units would be counted toward the civic center project?

MR. LAU: That's my understanding.

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COUNCILMEMBER RAWLINS-FERNANDEZ: The requirement. Okay. Just...yeah. If you can just answer that.

MR. LAU: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Instead of saying it's separate. I understand it's separate, but it doesn't really answer my question, I guess.

CHAIR KAMA: Okay. So, to...just to make sure that we're answering your question, Member Rawlins-Fernandez, that none of the units in this project will be used as a...will be used towards --

COUNCILMEMBER RAWLINS-FERNANDEZ: Satisfy the requirement.

CHAIR KAMA: -- the units as a...as a requirement --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: -- against the civic center project. . . *(timer sounds)*. . .

UNIDENTIFIED SPEAKER: Saumalu.

CHAIR KAMA: Saumalu, did...I mean...sorry, Mr. Mataafa, did you have something to say?

MR. MATAAFA: Not to complicate the discussion further, but in the context of the civic center project, there's a number of different ways that the developer of that project can satisfy the requirements of Chapter 2.96. They can either build out the units that are required, they can provide land in lieu of building out those units that are required, the residential workforce housing units that are required, or they can provide funding to satisfy that requirement. Additionally, in order to satisfy that requirement, if they don't want to build the units, they can also purchase credits from someone who has credits, and satisfy their requirement as well.

CHAIR KAMA: Um-hum. Thank you.

MR. MATAAFA: Thanks.

COUNCILMEMBER PALTIN: Also, for Chair Lee, we received the email document that we're working off of. You should have got it in your email.

COUNCILMEMBER RAWLINS-FERNANDEZ: The CD1 version.

CHAIR KAMA: Did you get that, Chair Lee?

COUNCILMEMBER LEE: Okay. I didn't have a chance to look at it, but I...I did...I am curious about the water situation, and I am...I would like to ask the applicant again--I'm sorry if it's a repetitious question--but where are you getting your water from, and how much?

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MR. SCHNELL: Thank you. Thank you, Chair Lee...or thank you, Councilmember Lee. At this point, the Department of Water Supply has said that they do have capacity to supply water to the affordable housing project that's subject to the 201H.

COUNCILMEMBER LEE: Okay. And how much water are we talking about? How many gallons per day?

MR. SCHNELL: One moment. *(pause)*

MS. NAKATA: Chair, I believe Staff saw two different figures, 171,000 gallons per day and 169,000 gallons per day.

CHAIR KAMA: Did you get that, Chair?

COUNCILMEMBER LEE: Yeah, I did. And...and so, does that cover all the units, plus other...let's say, other buildings or facilities on the project that are not residential? Like, you know, a laundromat or, you know, things like that? Is it...it's for other...just strictly the units or other things?

MR. LAU: So, the project includes the common areas, so that...it includes the laundry facilities, so...so that directly related and used for the residents is included. So, we have a multipurpose room --

COUNCILMEMBER LEE: Okay.

MR. LAU: -- that's included. We have a pet park --

COUNCILMEMBER LEE: Yeah.

MR. LAU: -- that's included.

COUNCILMEMBER LEE: Okay. And one...one last question, if I may, Chair Kama, is, when did you get the...the approval or okay from the Water Department on the 169 or 171,000 gallons a day? When...when did you get that?

MR. SCHNELL: Councilmember, the...the Director from the Water Department was here this morning and...and addressed that question. He didn't exactly say we have an approval, but he said they have water capacity available for the residential portion of the project.

COUNCILMEMBER LEE: Well, don't you need to have, you know, approval? Oh, okay. Is that part of the...something that was sent today?

COUNCILMEMBER RAWLINS-FERNANDEZ: Their response is, they don't have water.

COUNCILMEMBER LEE: Oh.

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COUNCILMEMBER PALTIN: The last written response was that they didn't have water, but he says . . .*(timer sounds)*. . . they did new math, and I guess this morning, now they have water.

COUNCILMEMBER LEE: Okay. This is very concerning, Chair Kama. You know, water is a very critical issue for all of us, and there's so much competition for it, and we get different answers, depending on what day it is, from the Water Department. But I'll yield my time. Thank you.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER LEE: Oh, I see Mr. Landgraf.

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

MR. LANDGRAF: I can...I can answer, Chair Lee and Chair Kama.

UNIDENTIFIED SPEAKER: Go ahead, Chair.

MR. LANDGRAF: Is that okay if I answer?

CHAIR KAMA: Yes, by all means.

MR. LANDGRAF: Okay. So, it...it is...it is a kind of hard issue because we're trying to see, you know, if we can serve the project. So, at times, we also...we have done an analysis of our water system again, and we think we can pull a...the additional amount of water out from our Īao Water Treatment facility to help to serve the project. It also...there's also an existing meter on the property, which we can use the capacity of that meter right now, without having to add that much more to the project. So, that...there is an existing meter that's already on that property, that we can use that capacity, plus add a little bit more, to serve what is needed by the project.

COUNCILMEMBER LEE: Who was using that meter before?

MR. LANDGRAF: It was that...that DAGS, that building, what is it? I don't know what that building is, that school, or that...

CHAIR KAMA: AE.

MR. LANDGRAF: Was that...

CHAIR KAMA: Adult education.

COUNCILMEMBER PALTIN: Adult education.

MR. LANDGRAF: Yeah. Right, right.

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

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CHAIR KAMA: Thank you. Mr. Johnson?

COUNCILMEMBER JOHNSON: Chair, I want to respect Deputy Director Mataafa's time, I know he's limited, so I'll --

CHAIR KAMA: Thank you.

COUNCILMEMBER JOHNSON: -- just jump right to my question on him. And I don't mean to change the topic on the water, but I'm...I'm trying to respect his time. So, you know, we...one of the exemptions they have is to exempt themselves from undergrounding powerlines. I don't support that. I would like to see if...if we, as a County, could help pay for that. And can they use...I'm sure they can, but I'd like to hear it from the Department. Is it an allowable use for the Affordable Housing Fund to use...use that money to bury the powerlines? And then if...and then can you explain how they would do it? Is there a timeline? What...you know, can they use it out of this tranche of money, or next year's tranche of money?

MR. MATAAFA: Thank you, Chair Kama. And thank you, Councilmember Johnson, for that question. To answer your first question, yes, it is an allowable use under the Affordable Housing Fund. And then to answer your second question regarding the type of...the method, or the process they would need to go through to have those infrastructure improvements paid for, they could either use their existing funds that they have, the 10 million that was approved in FY 2026, or they could competitively apply in FY 2027 when the Department opens up its application process.

COUNCILMEMBER JOHNSON: Thank you for that...reminding us again how that works. And I'd like to hear from the builder. Is that something you guys would consider to use from the first tranche of money that you received from the Affordable Housing Fund, or would you like to wait for next round? I just want to hear your opinions on it because I...I would support that.

MR. LAU: So, currently, our budget anticipated that we would be exempt, so we did not include those fees in our...in our current budget. And the...the challenge with applying for the 2027 funds is it is competitive, so there's no guarantee that we would be awarded those funds.

COUNCILMEMBER JOHNSON: Okay. But that being said, if you did get the money, you...you have the capacity to put them in, to bury them?

MR. LAU: I mean, I'm not sure how to answer that because it's theoretical, right? It's...it's not something we have today, which I think is what you're really getting at. So, it's...it's not currently in the budget.

COUNCILMEMBER JOHNSON: Are you...and the...the first round --

MR. LAU: The project budget.

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COUNCILMEMBER JOHNSON: -- the first round of the monies from the Affordable Housing Fund is all spoken for?

MR. LAU: Correct. We did not anticipate that we would be paying fees with the budget, so it was in...in vertical construction.

COUNCILMEMBER JOHNSON: Okay. Can...I just think maybe we could write it in in the exemptions, and maybe this is for the body to consider, just that we, the County, cover the costs, and that way it just is stated there. So, that's...that's where I'm heading with this line of questions. . . .*(timer sounds)*. . . Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. Anyone else for questions for Mr. Mataafa? Seeing none. Thank you so very much for being with us this morning. We appreciate your time, and all the times that you spend here with us, and the more time you're going to be spending with us going forward. But thank you in advance.

MR. MATAAFA: Thank you, Chair Kama. And just...I...I won't be in the Chamber, but I will be monitoring online, so if anything else comes up, I'm more than happy to jump on and answer any questions.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER JOHNSON: Thank you, Deputy Director.

CHAIR KAMA: Thank you for that. Okay. So, Members, shall we get to the modifications in your CD1 version, or did you want to talk about the...the body of the resolution that...

VICE-CHAIR U'U-HODGINS: Chair?

CHAIR KAMA: Yes, yes.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I have a question for the modification for B.

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: Which is the beginning of the...the start phase.

CHAIR KAMA: Yeah.

VICE-CHAIR U'U-HODGINS: So, I see that it says, construction must start both phases by December 31st, 2027, but in the documents that were provided, it doesn't look like Planning has got to their SMA yet, and this is a...I'm assuming an SMA major, obviously. So, I wanted to follow up on our review, which...I know Director Blystone will not be here for another hour, but I wanted to follow up on Planning's review of their SMA to ensure this start date is met. So, either we can...they can address it now, and I can re-ask that question when Ms. Blystone is back with us, or --

CHAIR KAMA: We can ask the question now.

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VICE-CHAIR U‘U-HODGINS: -- I can say it out loud now.

CHAIR KAMA: Be better be prepared.

VICE-CHAIR U‘U-HODGINS: Yeah.

CHAIR KAMA: Yeah.

VICE-CHAIR U‘U-HODGINS: And we can get to it when we get to it.

CHAIR KAMA: Yeah, yeah. Okay. That’s a good one. So, are you concerned that maybe the timeline might be too limited?

VICE-CHAIR U‘U-HODGINS: Well, I’m concerned that we’re not doing what we need to do to ensure the SMA is reviewed on time.

CHAIR KAMA: Um-hum.

VICE-CHAIR U‘U-HODGINS: So, they provided us a list for the 201H application distribution list, and the middle section is us, and it shows that we...they submitted documentation.

CHAIR KAMA: Um-hum.

VICE-CHAIR U‘U-HODGINS: I think it...I want to say I read December of 2024, and they followed up in March of ’25. They sent a follow-up of May 1st, and they have not received comments, and no response has been sent. I see that Environmental Management, Housing, Human Concerns, Public Works, Transportation, Water, and Police have all responded, but Fire doesn’t comment, I will say, until Water has finished their comments. That is how that works.

CHAIR KAMA: Yeah.

VICE-CHAIR U‘U-HODGINS: But I’m more concerned about the status of the SMA application to ensure the timeliness of this construction, so --

CHAIR KAMA: Okay.

VICE-CHAIR U‘U-HODGINS: -- we can ensure that the cost they provided us is --

CHAIR KAMA: Um-hum.

VICE-CHAIR U‘U-HODGINS: -- going to be met...because construction is just not getting cheaper.

CHAIR KAMA: Okay. Okay. Any other questions on the second modification that Members might have? Member Johnson?

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COUNCILMEMBER JOHNSON: Thank you, Chair. So, this is going to be about the...the trees and the landscape plan, which I brought up last time, and I'm here for it again.

CHAIR KAMA: The exemptions. These are --

COUNCILMEMBER JOHNSON: Oh.

CHAIR KAMA: -- just the modifications.

COUNCILMEMBER JOHNSON: Oh, I'm sorry. I'm on...

CHAIR KAMA: Exemptions are on the next page.

COUNCILMEMBER JOHNSON: I'll wait for exemptions then.

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: Yeah.

CHAIR KAMA: Okay. But is everybody okay with the modifications? And then we're going to wait for Kate to come and talk to us about the SMA, that hopefully will be timely. Okay. Member Paltin?

COUNCILMEMBER PALTIN: I guess...wondering if any of the sides have an [*sic*] problem with extending it to 2028? I mean, how many times they come back to us? They don't have to use it, but I'm okay with giving them another year or two.

CHAIR KAMA: Project proponents?

COUNCILMEMBER PALTIN: In addition to...in addition to the things that Nohe said, I mean, I think we should follow up on those as well, but --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- I don't have an objection to extending the...the time if people want to, so that we don't have to revisit. I mean, things happen...fire, tsunami drills, whatever...COVID.

MR. LAU: Yes, that would be greatly appreciated.

CHAIR KAMA: So, what would you like to...

COUNCILMEMBER PALTIN: I'm okay with it.

CHAIR KAMA: So, what would you like to see here, Questor? December 31st, '28 --

MR. LAU: 2028.

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CHAIR KAMA: -- or 20...what do you want to see there?

MR. LAU: And then construct...complete construction of both phases by December 31st, 2030.

CHAIR KAMA: Okay. So, if you're going to do...complete construction by 2030, then both phases must start by...what are you looking at, '28? Is that what you're looking at?

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: Chair, would you like me to make that amendment now? Or would you like to hold all the amendments and make one --

CHAIR KAMA: I think we'll --

VICE-CHAIR U'U-HODGINS: -- . . .*(inaudible)*. . . at the end?

CHAIR KAMA: -- hold the amendments.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR KAMA: Because these guys are good to go, right? These two.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR KAMA: Okay. Yes. James says we could do it now. Let's do it now.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR KAMA: I'm all for doing stuff now in the end. Okay.

VICE-CHAIR U'U-HODGINS: Okay. Well, then I move to amend Exhibit A, modifications, letter B. The project must start construction of both phases by December 31, 2028, and complete construction by [sic] both phases by December 31st, 2020...2030.

COUNCILMEMBER SINENCI: Second.

CHAIR KAMA: Okay. I heard Member U'u-Hodgins is the maker, and everybody else is a seconder. Choose one.

VICE-CHAIR U'U-HODGINS: For discussion, that just gives them more time to complete all of the required permits and gives us time to do our due diligence --

CHAIR KAMA: Yeah.

VICE-CHAIR U'U-HODGINS: -- to complete those permitting requirements.

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CHAIR KAMA: Okay. Okay. Very good. Thank you. Yes, Member Cook.

COUNCILMEMBER COOK: I...I als...I...I propose that the Council also address the Planning review, and encourage them to be...to respond because they're the last holdout.

CHAIR KAMA: Oh, that's what we're going to ask Kate when she comes.

COUNCILMEMBER COOK: And even though we are giving the grant of the extension, I don't want to really give the Planning Department more time. I'd want them to finish their work. Thank you.

CHAIR KAMA: Good. I have a question I want to ask. I don't know if I...I'm going to ask Carla. Carla, you know...because we have so many of these things, these proponents that come before us, and it...it kind of gets stuck at Planning. Is it possible to put a deadline on Planning like everybody else has deadlines?

MS. NAKATA: I'm not sure, Chair, what the recourse would be if the Maui Planning Commission was unable to come to a decision by the deadline that the Council imposes. You know, we don't really have control over their scheduling. I guess I...I...I think that that might make it difficult. And if you do impose a deadline like that, then are...would you be requiring the developer to come back if that deadline is not met?

CHAIR KAMA: Oh, no, I was just throwing that out. Just...

VICE-CHAIR U'U-HODGINS: Member Paltin has her hand up.

CHAIR KAMA: Oh, Member Paltin.

COUNCILMEMBER PALTIN: Oh, for my discussion, I just was going to say, I hope they stick to their timeline, but in case it runs over, I'd rather just give them an extra year than have them waste time and come back to us. That's my discussion.

CHAIR KAMA: Absolutely. Thank you. Anything else? Okay. Nothing else? Okay. So, our modifications in A and B are good to go. You want to vote now, people?

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: Okay. So, I guess I need a motion. Yes.

MR. KRUEGER: Apologies, Chair. So, the Committee just needs to vote on this amendment to amend, modification.

CHAIR KAMA: Oh, that's right, vote on the amendment, sorry. Just wanted to get this out. Okay. All those in favor of the amendment of Exhibit A, item B, to extend the time from December 31st, start time, 2028, to completion of the construction to December 31st, 2030, raise your hands and say "aye."

COUNCILMEMBERS: Aye.

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CHAIR KAMA: Okay. I saw nine “ayes” and zero “noes;” is that correct? Okay. So, this motion passes.

**VOTE:           AYES:   Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:  None.**

**ABSENT:  None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

CHAIR KAMA: Thank you, Members. So, we’re going to do the modifications now or later, James?

MR. KRUEGER: Chair, if...if that was the only topic that the Committee wanted to discuss relating to the modifications, then the body could move on to discussing the exemptions.

CHAIR KAMA: Okay. Let’s go to the exemptions. Okay. This is a 100 percent affordable rental housing project with two onsite nonrevenue-generating resident managing units that are part of the project’s common area elements. So, exemption number 1, an exemption from Code Chapter 3.48, Real Property Tax, is granted to exempt the project from real property taxes during the project construction period and for the duration of the operation as an affordable housing project under Section 3.48.496, very low-income, low-income, below-moderate, and moderate to income housing exemption. Members, what is your thoughts on that? Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I remember this came up at the last meeting, and I just want to hear from the developer that this is okay. I...it is? Okay. Could you...

MR. LAU: Yes.

COUNCILMEMBER SUGIMURA: Okay. Great. Because I thought it would be impacting your financial stack, but you’re fine with it.

MR. LAU: Right.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

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CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Approve.

CHAIR KAMA: Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. I'm supportive of this. I'm just...would ask if the Committee Staff could ask Real Property what this would be over the duration of the project, just for our information. I'm supportive of it. It's an important way for them to be able to provide the housing for this income group. Thank you.

CHAIR KAMA: So, we want to ask Finance what the cost would be?

COUNCILMEMBER COOK: Correct.

CHAIR KAMA: What the loss of revenue would be then?

COUNCILMEMBER COOK: Yeah. And...and just for information, not to delay or impact the voting at all.

CHAIR KAMA: Right. Yeah. Okay. Anything else? Anyone else? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to ask--I don't know if it's Nāhulu or Marcy--is this standard? Like, I think that when Marcy was before us last time, she said that usually, we do it for the affordable housing project, but not during construction. So, I just wanted to ask, is this a new thing that we're doing during construction? Can it be replicated? And waiving property tax during affordable housing period, it seems like that's not something that we always do. Is it only when it's the State, or could we replicate this? I mean because, you know, all the costs going up for other things, is this something that we could do standard on stuff, or is this the first time we've ever done it? That's my question.

COUNCILMEMBER SUGIMURA: So, Finance.

CHAIR KAMA: Carla or Mr. Nunokawa.

MR. NUNOKAWA: I think Marcy would be best to answer this.

COUNCILMEMBER PALTIN: I don't...I don't intend for it to hold us up. Just to help us on further affordable housing projects going forward, I'd love the information at some time.

CHAIR KAMA: So, we can ask that question, Member Paltin. Similar to what Member Cook wanted to ask Finance regarding the --

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: -- construction period.

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COUNCILMEMBER PALTIN: I'm supportive.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I'm supportive --

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: -- of the A.1.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: And I want to know if it can be replicated.

CHAIR KAMA: Okay. Any other Members?

UNIDENTIFIED SPEAKER: Need a motion.

CHAIR KAMA: No. We're going to take it all at the end. Okay. Shall we go on to B.1, Chapter 8.04, Maui County Code, Refuse Collection and Landfills. An exemption from Code Section 8.0.040 [sic], Disposal Permits Applications and Suspension...Suspension, is granted to exempt the project from disposal permit fees and special handling fees. The exemption from Code Section 8.04.050, Disposal Charges, is granted to exempt the project from special handling fees and disposal charges during construction. Any thoughts, Members, on this? Member Paltin?

COUNCILMEMBER PALTIN: I had a question on B.1, where it...B.2 says, during construction, and B.1 doesn't say during construction. And I'm...I'm not sure what special handling fees is. Is it that they get free...free rubbish service with this? I mean, I'm not opposed also, just for my education...because the B.2 says during construction, and B.1 doesn't have during construction.

CHAIR KAMA: What are special handling fees?

COUNCILMEMBER PALTIN: Maybe Mr. Agawa? Or somebody.

CHAIR KAMA: Somebody from DEM.

MR. KRUEGER: Chair?

CHAIR KAMA: Yeah.

MR. KRUEGER: Apologies. We...we don't have anyone online from DEM at this time, but we can reach out and see if someone can join us.

CHAIR KAMA: Okay. . . .(inaudible). . .

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COUNCILMEMBER PALTIN: Does...does the developers know that...if this is meaning that they'll get free rubbish service for the length of the affordability? Or --

MR. LAU: The intent...

COUNCILMEMBER PALTIN: -- I mean we got to know what they're asking.

MR. LAU: Yeah. The intent was during construction.

COUNCILMEMBER PALTIN: For both B.1 and B.2?

MR. LAU: Yes.

COUNCILMEMBER PALTIN: Oh. So, then should we add during construction to B.1?

MR. LAU: We would like it to remain as is.

COUNCILMEMBER PALTIN: Oh. I guess I'm...I'm confused as to what then we're talking about as...what is the difference between B.1 and B.2?

MR. LAU: I don't have a good explanation. You...we might want to request further clarification on that.

COUNCILMEMBER PALTIN: Okay. I guess...I mean, the way that I'm reading it is, the fees associated with the permits, and the charges associated with the disposal. But that would just be speculation. But you said it's only supposed to be during construction. So, you guys are going to pay regular rubbish service or something like that? That's worked into your budget, Mr. Lau?

MR. LAU: That's my understanding, yes.

COUNCILMEMBER PALTIN: Okay. So, no free rubbish. Got it.

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

CHAIR KAMA: So, I...Miss...Member Paltin, did you want us to send a letter to DEM to ask them what are special handling fees?

COUNCILMEMBER PALTIN: No.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I mean, my main question was if it was going to be free rubbish for the length of the project, and he said it's only like during construction.

CHAIR KAMA: Yeah.

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COUNCILMEMBER PALTIN: And one sounds like it's permits, and one sounds like it's charges.  
I can --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- ask Shayne next time I see him at a community meeting.

CHAIR KAMA: Okay. Thank you. Okay. We're going now to C, exemption C, Title 12, Maui County Code, streets, sidewalks, and public places. And this is one, an exemption from Code Chapter 12.08, Driveways, is granted to exempt the project from driveway permit and inspection fees; two, an exemption from Code Section 12.08.100, Standards and Specifications. Standard details for Public Works construction, standard detail R-49, driveway layouts for concrete curb streets, is granted to allow the separation between driveways to be less than the minimum distance of 45 feet. If a traffic evaluation of all the proposed driveways that do not meet the minimum distance of 45 feet is prepared by the applicant, and the Director of Public Works approves the driveway spacing proposed for the project as adequate to protect public health and safety, which approval will not be unreasonably withheld. Three, an exemption from Code Chapter 12.24A, Landscape Planting and Beautification, is granted to exempt the project from consistency with the adopted landscape planning...planting plan relating to street trees. If trees are planted on site along the Kane Street and Kaahumanu Avenue roadway frontages of the project as generally depicted on the residential phase landscape slide [sic], sheet L1.1 of the application's Exhibit 23, subject to reasonable substitutions in species. Okay. So, that's our Title 12, exemption C. Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And I forget if Director Molina was...was okay with this? Was that the...

CHAIR KAMA: With what...what number are you at, Mister...

COUNCILMEMBER SINENCI: With the...with the condition to exempt the fire access driveway.

CHAIR KAMA: What number is that?

MR. MOLINA: Chair?

CHAIR KAMA: Yes. . . .(inaudible). . .

COUNCILMEMBER SINENCI: Oh, there he is.

MR. MOLINA: Public Works. Yeah.

CHAIR KAMA: Oh.

MR. MOLINA: So, thank you.

CHAIR KAMA: Thank you, Mr. Molina.

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MR. MOLINA: Good...good morning. Jordan Molina --

CHAIR KAMA: Good morning.

MR. MOLINA: -- Director with Public Works. Yeah, we reviewed these...this language with Staff and the applicant, and we're supportive. Thank you.

COUNCILMEMBER SINENCI: Okay.

CHAIR KAMA: Thank you, Mr. Molina.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. Anyone else have questions regarding any one of the exemptions in C? Mister...Mr. Johnson?

COUNCILMEMBER JOHNSON: So, we're...

CHAIR KAMA: Oh, I'm sorry. Member, you're...Member Paltin, I'm sorry, I didn't even see your hand.

COUNCILMEMBER PALTIN: It's okay, I can wait for Member Johnson. I'm not in a rush. I'll be here all day, folks...at least until 2:30.

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

COUNCILMEMBER JOHNSON: Yeah. All of us as well. . . .*(laughing)*. . .

CHAIR KAMA: All of us as well.

COUNCILMEMBER JOHNSON: So, I guess if...if now is the appropriate --

CHAIR KAMA: Yes, absolutely.

COUNCILMEMBER JOHNSON: -- time, I can speak on the landscape plan and everything. So, I think...you know, my team contacted the Arborist Committee--Duane Sparkman, Elaine Malina from Maui Green and Beautiful--and all the feedback said that the landscape plan could be approved, and tree removal should be carefully done, and re...relocation should be certainly considered. The Arborist Committee wants to work with the builder, and there are poss...there are grants out there, such as the Urban Forest . . .*(inaudible)*. . . You know, there's...there's grants to...to help you move this along. So, I was going to see if the body would be willing to allow some language into this exemption. So, if we look at the sentence, it says, exempt the project from street trees if trees are planted on site as generally depicted in the Residential Phase Landscape Plan on sheet L1.1 of the project application's Exhibit 23, subject to reasonable substitutions and species. So, I was going to say, where it says substitutions at the end of the sentence, it says, if those species provide increased shade

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canopy, or have been recommended by the Maui County Arborist Committee. That would be my amendment to that. That basically, please work with the Maui County Arborist Committee on finding the appropriate trees. And I'd like to maybe hear the builder's opinion on that.

MR. LAU: Thank you for the comments. We...our landscape architect has reached out to the arborists to engage them directly, the two that were referred by your office, so they have reached out to Duane and Elaine, both. However, they weren't able to meet with them prior to this meeting. The...the initial feedback was, you know, from our landscape architect, he welcomed the additional input, and he thought that discussing, you know, the specific conditions of this project would help shed light on maybe some of their input. So, we're...we're open to the...to the feedback and input, but there are constraints that the project has to deal with, you know, in terms of long-term maintenance and things like that. So, our strong preference is to...to move this forward, is to leave the language as it is.

COUNCILMEMBER JOHNSON: Okay. You know, this...there...there...there are monies there to help you reach your budget. But, you know, if you're willing to work with the arborists, like you said you were on the floor, and we'll put it in...in the language that...and I'll say it again, just for the record, that if those species provided increased shade canopy or have been recommended by the Maui County Arborist Committee. I mean, that's kind of soft. It's not saying you must, you have to, you know. It's just saying, work with those guys. And then that you guys can reach the...the funding through those grants. We want to...remember, that area in particular, Kahului, on that corner, it's very hot. . . .(timer sounds). . . It's all concrete, so it makes it even hotter, right? And we know if we don't have shade trees, and you're telling everybody you should walk to work, and we're not giving you the parking spots, those shade trees will help people walk. And that's really where I'm...I'm going with this, you know. The...we want to encourage it. It's a walkable community. There's a college just down the street. All these things, in my mind, think that we could have a bit more of a robust landscape plan.

CHAIR KAMA: So, I have a question. So, is your arborist team still willing to meet with the...the people? And...and the intent is to maybe come out with some reasonable request that would put more shade onto the streets?

MR. LAU: Yes, we...we are very willing to work with the arborists, but our strong preference is to not modify the language.

CHAIR KAMA: Not codify [sic] the language?

MR. LAU: To...to not modify the language.

CHAIR KAMA: Not modify the language. Okay. Members...Member...oh, Paltin, Sinenci, and Hodgins [sic].

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Chair. My question is on C.2. Do we have a definition of a traffic evaluation? Is that different than a traffic assessment? Like does everyone know what we mean by that? Oh, Mr. Molina.

MR. MOLINA: Thank you. Yeah, we understand what those are. They commonly accompany more detailed traffic reports. And so, that is subject to our review and approval. And so, we're comfortable, that language as...as proposed. Thank you.

COUNCILMEMBER PALTIN: And...and not to jinx you or anything, but would any future department director of Public Works also know what a traffic evaluation, what is the standards of that? Is it like common knowledge?

MR. MOLINA: Yeah, it's a pretty typical report we get with traffic evalu...or yeah, traffic studies and traffic assessments with projects.

COUNCILMEMBER PALTIN: Okay. So, it's not a traffic assessment, but everyone knows what a traffic evaluation should include?

MR. MOLINA: Yeah, yeah. It's basically a...an appendix to their original report to focus in on this particular condition with the driveway.

COUNCILMEMBER PALTIN: Okay. Thank you. I'm good, Chair.

CHAIR KAMA: Thank you. Okay. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just going back to Member Johnson's --

CHAIR KAMA: Okay.

COUNCILMEMBER SINENCI: -- request about the street trees. So, Member Johnson, you're okay with subject to reasonable substitutions in species? As --

COUNCILMEMBER JOHNSON: Thank you, Council...

COUNCILMEMBER SINENCI: -- that language that they want to keep in there?

COUNCILMEMBER JOHNSON: I was just going to add a little bit extra to that sentence at the very end. And all it's saying is, if those substitutions of those species provide increased shade canopy, or have been recommended by the Maui County Arborists. I mean, that's pretty...I think for me, like that...that would...I want them to work on those trees with the arborists. The arborists are going to give the best advice. They're the professionals. I...I thought that's pretty reasonable. And again, there are pots of money that could help them achieve that.

COUNCILMEMBER SINENCI: Street trees. Because it says reasonable substitutions. You're substituting street trees, you're not like putting a bush in.

COUNCILMEMBER JOHNSON: Right.

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COUNCILMEMBER SINENCI: So...so it has...

COUNCILMEMBER JOHNSON: That's exactly right. That's...

COUNCILMEMBER SINENCI: So, you're saying like kind of substitute it with a...

COUNCILMEMBER JOHNSON: Shade trees. You know, you don't only have a tree...

COUNCILMEMBER SINENCI: Or...or with a like...like the same size, the same...you know, if you're taking out the street trees.

COUNCILMEMBER JOHNSON: Right. So, I guess I'll read the sentence where it says, subject to the...to reasonable substitutions in species, if those species provide increased shade canopy or have been recommended by the Maui County Arborist Committee. So, sometimes...I think they call them lollipop trees, where it just comes up and has very little shade, whereas some trees kind of grow over and make the tree tunnels over...over the...the road and the sidewalk. That's...that's the difference, right? We don't want to have those kinds of trees that just grow straight up. There's no shade provided, but that's why I wanted to kind of emphasize that it's going to be shade-producing trees that covers the area where people are traveling, walking, cooling down the area, inviting them, right? That's kind of what you want to have is...you can't just have a tree just to check the box.

COUNCILMEMBER SINENCI: I'm looking at the word reasonable substitutions, almost like it should be comparable substitutions that have the same...

COUNCILMEMBER JOHNSON: Sure.

COUNCILMEMBER SINENCI: Would...would you be open to that, comparable?

MR. LAU: If I may, the...the reason for that language is when we get to the part about actually finding which tree species, sometimes the intended species is not available, or it's...you know, it's too young, it's not the right size. So, there's practical limitations that, you know, when you actually are installing the...the tree, that we...we have to be flexible enough to accommodate, you know, the intent of the landscaping plan. So, the language here isn't intended to worm our way out of, you know, the requirement because we're showing, you know, these...these nice size trees along the frontage. We want to provide that frontage. There's physical limitations where we can't put it, you know, in the...as a street tree out along the sidewalk because of the overhead lines.

COUNCILMEMBER JOHNSON: Sure.

MR. LAU: There's...there's things like that going on . . .*(timer sounds)*. . . but we want the flexibility to...to make this a really good project. Maybe not perfect, but, you know, we want to do the best we can.

COUNCILMEMBER JOHNSON: So, you're willing to work with the arborists?

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MR. LAU: Yes.

COUNCILMEMBER JOHNSON: That's really what this language is saying, you know. It says...

COUNCILMEMBER SINENCI: Real quick.

COUNCILMEMBER JOHNSON: Go ahead.

COUNCILMEMBER SINENCI: I...and I did want to add, Chair, in prior discussions, when removing the seven coconut trees, that the Department of 'Ōiwi Resources were going to be informed when...when they do that. Just a side note. Thank you.

MR. LAU: Yes. We also did reach out to 'Ōiwi Resources, and...and we have a meeting coming up.

COUNCILMEMBER SINENCI: Mahalo for that.

COUNCILMEMBER JOHNSON: Yeah. You know, I'm not looking for the perfect to...to quote you, but we want, you know, to bury those powerlines. We want to make...you know, all the conversations we had about those, you know, the importance of shade and the importance of walking and the walkability. That's...that's how you invite them in, by having a good shaded sidewalk, a good shaded, you know, area for people to actually use those. So, I just think that that language is...is fair, and it's not overly burdensome. And again, there's...if there's financial pots of grants that can help you achieve that.

VICE-CHAIR U'U-HODGINS: Chair, can I ask Nāhulu question?

CHAIR KAMA: Sure.

VICE-CHAIR U'U-HODGINS: So, I get the...where we're going with this. I think reasonable is a reasonable word for comparable...because reasonably, you wouldn't take a shade tree and trade it out for a bush. As somebody who has done LPAP plans, it's not as easy as I think we think it is. It's actually quite detailed. But my question is one for Nāhulu, but I'll save that for after. My first question is...I guess to Planning, who's not here, who...they approved the LPAP, which is...it's confusing. Because this is in Chapter 12, but LPAP is in Chapter 19, and the Planning Department approves it. Does...maybe Member Johnson, you'll know. Does the Planning Department have an arborist that could work with the housing provider and the applicant during the approval of the LPAP to ensure your...your request is accommodated? Because my concern is that if we send them to the Arborist Committee, if they require any change, we're adding cost. That's my question for Nāhulu.

COUNCILMEMBER JOHNSON: Okay. The...the arborists that we have presently is in Department of Agriculture.

VICE-CHAIR U'U-HODGINS: Okay.

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COUNCILMEMBER JOHNSON: So, that's...that's one route, you know.

VICE-CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER JOHNSON: Are you saying that the committee would just take a little bit longer?

VICE-CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER JOHNSON: Okay.

VICE-CHAIR U'U-HODGINS: And...and the setup for the committee would add cost for them to go to the committee, da-da-da-da-da, and, you know, we can't add cost. So, my question is, how can we get to what you want without going to the Arborist Committee? So, can the Planning Department, who's going to review the LPAP, work in conjunction with Ag and their arborist to ensure the reasonable changes, or to ensure the trees, if being modified, meets your...your request for the...the canopies?

COUNCILMEMBER JOHNSON: Well, I...I hear you on that. You know, we'd have to ask the departments, I'd assume.

VICE-CHAIR U'U-HODGINS: Yeah, yeah, yeah. They're not here for another 20 minutes.

COUNCILMEMBER JOHNSON: The committee review can also happen after they submit the 201H. It doesn't want...we don't...we don't have to have it hold up. You know, we could do it after.

CHAIR KAMA: Oh, that's true.

VICE-CHAIR U'U-HODGINS: Can we add cost, though, Nāhulu? If we have to...if they're paying for their consultants to go to the Arborist Committee, and the Arborist Committee adds time--because it's not like, hey, Arborist Committee, what you doing tomorrow? See you then--can we add? Like, I'm trying to figure out what...where we can massage a little, and what we can and cannot do with the new State law.

MR. NUNOKAWA: Thanks for the question. It's honestly not clear. So, the more we wade into things that add costs, the more likely it is that we run afoul of the new law. But because of the way it's worded . . . *(timer sounds)*. . . we can't really be sure where they're falling on that. It's kind of ambiguous.

VICE-CHAIR U'U-HODGINS: You know, at some point, I'm going to ask an attorney to one time just answer me without saying --

UNIDENTIFIED SPEAKER: . . . *(laughing)*. . .

VICE-CHAIR U'U-HODGINS: -- it varies. But that's okay, I get it...it varies. Okay.

COUNCILMEMBER JOHNSON: Can I speak to that?

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VICE-CHAIR U‘U-HODGINS: Yeah.

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: So, we had Jordan Molina, Department of Public Works on, and there is an arborist in his department, I do believe. So, maybe he can speak to that.

VICE-CHAIR U‘U-HODGINS: Well, my question is to who...when approving the LPAP. Because I’ve done one long...I’ve done several a while ago, but this is before we had Department of Ag, which...then they moved. So, the approval of the LPAP plan is when we have that ability to ensure what you want is met without hopefully adding cost. So, how do we do that? Who’s going to approve the substitutions during the LPAP process?

COUNCILMEMBER JOHNSON: Director Molina, can...can you speak to that? Can your arborist...

VICE-CHAIR U‘U-HODGINS: Planning does the LPAP, but maybe, yeah --

COUNCILMEMBER JOHNSON: Oh, okay.

VICE-CHAIR U‘U-HODGINS: -- Director Molina can...

COUNCILMEMBER JOHNSON: I’m only suggesting him because he’s on the call. Maybe he has...

VICE-CHAIR U‘U-HODGINS: Yeah, for sure. And we get some...somebody answering us. Thank you.

COUNCILMEMBER JOHNSON: We’re putting stuff on your plate . . .*(inaudible)*. . .

MR. MOLINA: I’ll...I’ll take a stab at it. So, I guess going back to why we’re here right now, so this particular exemption applies to street trees. And so, what this exemption is asking is basically they don’t want to put them in the road, they want to put them along their frontage, which we think is fine. And so, that becomes this overlap issue with the landscape planting plan. And I guess I can’t necessarily speak to the extent that the landscape planting plan now will cover these on-site trees that are intended to satisfy the street tree requirements. But I guess I’m assuming that they’re going to have to go through a landscape planting plan review regardless, and it seems like an appropriate time to talk about what species are being used on the project. Thank you.

COUNCILMEMBER JOHNSON: Did that sound like you’re willing to take that up, Director Molina? I’m just clarifying that.

CHAIR KAMA: It didn’t sound like that to me. . . .*(laughing)*. . .

MR. MOLINA: I guess we wouldn’t be engaged in that approval process. We...and...and generally, we don’t have a strong preference, as long as it’s consistent with the planting

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plan. And without knowing what specific species they're going to settle with, you know, we...we wouldn't be able to comment. But we...we would be...or we can have that part of our review when the construction plans do come through to make comment on the species. But it's typically limited to just ensuring that the space where the tree is going is adequate to support that type of tree in terms of what the grew...root growth is expected and, you know, any structures that it might be in conflict with. Thank you.

COUNCILMEMBER JOHNSON: Okay. Well, scheduling-wise, how about the Committee review can happen after they submit the 201H, right? Isn't there a time for that where it doesn't slow up anything?

MR. LAU: If I may suggest --

COUNCILMEMBER JOHNSON: Yeah.

MR. LAU: -- that we do have a landscape architect designing the landscaping. He is an arborist. And we understand that the trees that are in our plan meet the County Code requirements as designed. So, we're not asking for, you know, a variance from the species. You know, the...the main gist is, we couldn't put them in the street, so they're on the site. And this...this language here is just the flexibility for the actual installation. So, you know... *(pause)*

CHAIR KAMA: I have a question. Did your arborists have some sense of what kind of trees they would put over there? Like did they say we'll put some plumerias, or we'll put some...whatever tree? What did they suggest?

MR. LAU: Right. So...so, the intent of the street trees is canopy, so...so larger. But because we don't have that much space between the property line and the building, you know, we couldn't put a very big canopy tree. So, we're trying to be respectful of...of the physical limitations, also the fire requirements here, integrating all those in a design that makes sense for this project.

CHAIR KAMA: So, what trees meet that specifications?

MR. LAU: I'd...I'd have to look at the landscaping plan. I believe it was manele trees.

CHAIR KAMA: Oh, that's right, I saw those trees.

UNIDENTIFIED SPEAKER: Um-hum.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: Well, you know, I...I know you guys are following the Code, but that's why I'm asking you to go above and beyond the Code. That's the whole point of why I'm bringing this up. It is the year of our community...or yeah, our year...year of the community forests, right? That's...that's the whole year, we're supposed to be advocating for community forests, and I'm here to advocate for it. I'm going to speak back on what I said earlier, that as an investor--and that's the way I consider myself as

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a Councilmember--we're investing a lot of millions of dollars from our Affordable Housing Fund. We should kind of like, you know, emphasize the importance of things that we want this project to have, and I'm emphasizing those types of trees. So, that's just where I'm coming from. Thank you, Chair.

CHAIR KAMA: Okay. So, you're going to stick with that? Okay. Member Yuki Lei Sugimura?

COUNCILMEMBER SUGIMURA: So, I think the project heard you loud and clear, and I would be surprised if they came back and they put a monkey pod tree --

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER SUGIMURA: -- at the wrong place, or...and...and I love hearing...especially Director Molina.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: And kind of...he knows how to slice bread whenever he --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- talks to us because I think --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: -- he sat in the OCS --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- Staff, and then now he's a Director. So, he really understands the words well. So, glad to hear that. Thank you.

CHAIR KAMA: Kudos to you. Okay. So, you're going to stick with that, Mr. Johnson? Okay. Put that in writing. We might have to bring it up again, and we're all going to have to probably vote on that, but not now. Okay. Item D, Title 14, Maui County Code, Public Services. An exemption from County...from Code Chapter 14.07, Water System Development Fees, is granted to exempt the project from paying the water system development fees. An exemption from Code Chapter 14.12, "Water Availability," is granted to exempt the project from the County's water availability policy. An exemption from Code Chapter 14.35, "Wastewater Assessment Fees for Facility Expansion for the Wailuku-Kahului Wastewater Treatment System," is granted to exempt the project from wastewater assessment fees. An exemption from Code Chapter 14.76, "Impact Fees for Traffic and Roadway Improvements, in Wailuku/Kahului, Maui, Hawai'i," is granted to exempt the project from traffic impact fees if traffic impact fees are established before project completion. An exemption from Code Title 14, "Public Services," is granted to the extent necessary to allow for the issuance of building permits in accordance with Code Section 18.28.030, "Subdivisions with Major Improvements," if the requirements of Code Section 18.20.190, "Final approval prior to completion of construction," have

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been met so that buildings may be constructed concurrently with the construction and acceptance of subdivision improvements. Members, comments?

COUNCILMEMBER SUGIMURA: Member Paltin.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I...I really would like D.2 to spell out that it's exempt, the project, from the County's water availability policy because it is comprised of 100 percent residential workforce housing as defined in Section 2.96.020, Maui County Code, and is evidenced by an executed, reported, and valid residential workforce housing agreement between the developer and the County.

CHAIR KAMA: Is that your amendment?

COUNCILMEMBER PALTIN: Yes, that's my amendment.

CHAIR KAMA: Okay. Could you somehow transmit all of those words to us at some point so we can add it to Title 14, D?

COUNCILMEMBER PALTIN: Sure. I mean, it's...it's the same wordage that's on page 7, T(1)(a), and it's just clarifying. We're not just deciding to exempt them from water availability. We're exempting them from water availability in alignment with Section 16-201-03(g)(1), County of Maui Administrative Rules. I just wanted that clarified.

CHAIR KAMA: Okay. And you want that in that section?

COUNCILMEMBER PALTIN: Yeah, D.2. Because we're exempting the project from the County's water availability process because Section 16-201-03(g)(1), County of Adminis...Maui Administrative Rules, exempts projects comprised of 100 percent residential workforce housing units as defined in Section 2.96.020, Maui County Code, evidenced by an executed, recorded, and valid residential workforce housing agreement between the developer and the County.

CHAIR KAMA: Okay. So, you want that...you want that listed as D.2, and then all the other numbers follow down? Okay.

COUNCILMEMBER PALTIN: Correct. Add...add on to D.2.

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: Chair, may I just clarify?

CHAIR KAMA: Yes.

VICE-CHAIR U'U-HODGINS: The language...what you were reading, Member Paltin, is from what we were discussing earlier, page 7 of 11, where it just specifies why they're exempt, right? So, this isn't adding anything, it's just clarifying why they are exempt. Okay.

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COUNCILMEMBER PALTIN: Correct. T(1)(a), clarifying why exempt.

VICE-CHAIR U‘U-HODGINS: Yeah. And then the language can be found on page 7 of T(1)(a). Okay. Thank you.

CHAIR KAMA: Perfect. Okay. Anything else, Members?

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

CHAIR KAMA: Oh.

VICE-CHAIR U‘U-HODGINS: I’ll move to whatever Member Paltin just said, the language...copy, paste T(1)(a) to D.2, after policy, to go on to clarify why it’s exempt.

CHAIR KAMA: Okay. It’s been moved...

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER PALTIN: Second.

CHAIR KAMA: Well, sorry, the mover --

COUNCILMEMBER PALTIN: Second.

CHAIR KAMA: -- moved, and the seconder seconded. I looked and you weren’t there. So, it’s been moved by Councilmember Nohe U‘u-Hodgins, seconded by Councilmember Yuki Lei Sugimura, to amend item D, giving it a number 2, and to quote what’s on page 7-T(1)(a) [*sic*]. Is that right, Member Paltin? Okay. And that’s what it is, Members. Anything else? Okay. So, we’re going to go to...

VICE-CHAIR U‘U-HODGINS: All those in favor.

CHAIR KAMA: Oh, I’m sorry, that’s right. All those in favor, raise your right hand, say “aye.”

COUNCILMEMBERS: Aye.

UNIDENTIFIED SPEAKER: Raise your right hand.

CHAIR KAMA: Okay. Oh, sorry. I see nine.

UNIDENTIFIED SPEAKER: No, seven.

CHAIR KAMA: Seven.

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

CHAIR KAMA: Oh, Tom’s not here. Oh, that’s eight. That’s eight. Eight. Tom’s excused.

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**VOTE:       AYES:   Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Cook.**

**MOTION CARRIED.**

**ACTION:     APPROVE amendment.**

CHAIR KAMA: Okay. See, we are on now item E, Title 16, Maui County Code, Buildings and Construction. An exemption from Code Chapter 16.04E, "Fire Code," is granted to exempt the project from plan review fees, permit fees, and inspection fees required for Fire Code compliance. An exemption from Code Chapter 16.13, "Commercial Signs," is granted to exempt the project from filing fees. An exemption from Code Section 16.16C.C406.10, "Electric Vehicle Infrastructure," is granted to exempt the project from electric vehicle infrastructure requirements. An exemption from Code Chapter 16.18B, "Electrical Code," is granted to exempt the project from permit and inspection fees required by the Electrical Code. An exemption from Code Chapter 16.20C, "Plumbing Code," is granted to exempt the project from permit and inspection fees required by the Plumbing Code. Exemptions from Code Chapter 16.25, "Building Code Administrative and Supplemental Provisions," and Code Chapter 16.26C, "Building Code," are granted to exempt the project from plan review, permit, and inspection fees required by Building Code. Number 7. Because the project is receiving County funds, Code Section 16.25.201, "Applicability and Scope," exempts the project from improvements, including pavement widening, construction of sidewalks, curbs, gutters, swales, drainage improvements, driveways, curbs, ramps, striping, signage, relocation of utilities, and placement of utilities underground to Kane Street, except that the project will install curbs, gutters, and sidewalks from its Kane Street driveway to Vevau Street, consistent with existing improvements. Okay. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I have a question for Corporation Counsel in regards --

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: -- to the burying the powerlines. Can...can we strike that exemp...strike that exemption so that they are required to bury the powerlines or...and us pay for it? I know that new State law is coming into play, so can you...can you clarify that?

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MR. NUNOKAWA: So, potentially, but how we would determine...I'm...I'm not sure that we would be able to determine how much it would cost to do that. And so, to try to do that in the condition, and say that the County would pay for it, might be an issue since...

COUNCILMEMBER JOHNSON: Okay. How do we do this then? How can I, as a Councilmember, say to the builder, this is something we care about, and we want you guys to do it as best you can, we'll be willing to put our...you know, put our money where our mouth is. How can I do that when this State law keeps coming in and saying, okay, it's really jamming me up, otherwise I'm just sitting here listening to a presentation, and voting aye or no.

MR. NUNOKAWA: It's kind of a hard situation to deal with. The State law doesn't give us too many options.

COUNCILMEMBER JOHNSON: Right, and I'm asking what you think we can do within the...the narrowness of the law. Do you have any suggestions, any way...flowery language, anything? I'm...I'm looking for anything at this point.

MR. NUNOKAWA: There's a lot of unknown variables in trying...trying to do something like that. And so...

COUNCILMEMBER JOHNSON: Okay. Can we put in language that County funds will subsidize putting powerlines underground? That's just saying that the County will put money in to bury powerlines. Whether or not they take...I mean, God, it's so watered down. I...I...you know, I'm just trying to find a path. So, can we just put in language that County funds would subsidize putting powerlines underground?

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

MR. NUNOKAWA: Yeah. . . .*(laughing)*. . .

COUNCILMEMBER JOHNSON: Okay. All right. That's fine.

CHAIR KAMA: Mr. Cook?

COUNCILMEMBER JOHNSON: There's a lot of questions. I yield.

CHAIR KAMA: Mr. Cook?

COUNCILMEMBER COOK: Thank you, Chair. In regards to...to Member Johnson's comment, it would be difficult for us to make a...write a blank check for something that could be multimillions of dollars, and that would include, as far as the delays for Maui Electric to be able to do the required engineering to execute that, the time that...how it may dovetail together with the construction time on site or not, how it might impact it. It just has so many variables. It's admirable, and I agree, that the County...us determining and being willing to cost-share in these type of things, but this particular project, which is basically a thumbs up or a thumbs down because the State doesn't want the County to be significantly impacting the time or the cost. This project is, you know, low-income,

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moderate-income, extremely low cost. I mean, we're...we're going to be contributing hundreds of thousands of dollars a year in the tax write-off, which I'm supportive of. But I agree with your championing for underground wire...power. I want to assist you in that, but I don't think that we can bring that into this particular project. That's just my comments.

CHAIR KAMA: Member Paltin, then Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. My issue is with E.3 and E.7...I mean, not issue, but question. I was wondering if someone could clarify what electric vehicle infrastructure specifically that we're exempting the project from for E.3. And then for E.7, I'm grateful that they will install curbs, gutters, and sidewalks from Kane Street driveway to Vevau Street consistent with existing improvements, but I really believe that we need it from Vevau Street to the Kahului Transit Center. Because...I mean, unless there...there is a sidewalk or a walking way from the Kane Street driveway to the Kahului Transit Center. So, those are my questions, clarifications, requests for E.3 and E.7.

CHAIR KAMA: Okay. Go ahead --

MR. LAU: Yeah.

CHAIR KAMA: -- Questor.

MR. LAU: Thank you. The EV infrastructure that we're referring to is the EV-ready chargers and the EV-capable...so that's the underground conduits to a great number of stalls. EV-ready, we are putting in 18 EV-ready stalls.

COUNCILMEMBER PALTIN: So, you're not put...I thought that underground conduit was...was fairly cheap to put in. I mean, it's cheaper than ripping it up later and putting it in.

MR. LAU: Our...our understanding is that there...the number of stalls required under the Code, or...or could be interpreted as required, is quite substantial. And to avoid doubt when we're at the permit counter, and...and having one person might understand the Code to read one way where it is required, and someone else might read it a different way as it's not required, which is our understanding. So, this language is really just to clarify that it doesn't apply to this housing project, which is how we understand it is currently. So, this language is really just clarifying that we're...we're not required to, as...as an affordable housing project.

COUNCILMEMBER PALTIN: Okay. So, you said you're going to make EV-ready 18 stalls. If it weren't an affordable housing project, how many EV-ready would it require?

MR. LAU: Let me check. Hang on one second. But while I'm checking...

COUNCILMEMBER PALTIN: And you're just doing the underground?

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MR. LAU: Right. The EV-ready would be the underground conduit, but also, to make sure that the electrical panel is . . .*(timer sounds)*. . . sized correctly.

COUNCILMEMBER PALTIN: Because...shucks, we had a presentation where that wasn't that expensive to do the undergrounding, and it was a lot cheaper to do it upfront. I would be interested in a similar thing to Member Johnson, where we pay for it because...I mean, I don't know, unless we're going away from EV cars, which, given that the batteries can explode when exposed to saltwater, I'm not opposed to, but I don't know.

MR. LAU: While I'm looking for that information, you were also asking about the sidewalks. So, we...

COUNCILMEMBER PALTIN: Yeah.

MR. LAU: So, the...the...what we have in the project is to go...right now, there's dirt along a portion of the Kane Street frontage. So, we want to provide that connectivity so folks can walk along the sidewalk...our residents can walk along the sidewalk to get to Vevau. And at the corner of Vevau, there is already existing sidewalks so that they can walk from there today to the transit station. So, that part, we would use the existing, but where there's dirt now, we would put in the curb, gutter, and sidewalks.

COUNCILMEMBER PALTIN: Okay. I'm looking at G0.7, diagram number 5. Is...is that not Vevau Street, where it's kind of like a grassy frontage? Because I guess if you let them walk from Kane Street to Vevau Street, you're saying Vevau Street to Kahului Transit Center already is a sidewalk?

MR. LAU: Right. Along Vevau Street, there...there's existing concrete sidewalks and curbs.

COUNCILMEMBER PALTIN: All the way to Kane from Vevau?

MR. LAU: Yeah. It kind of stops at the corner of Kane.

COUNCILMEMBER PALTIN: Okay. So number 5 and 6, is that Vevau Street? Or that's Kane Street?

MR. LAU: I'm not following what you're referring to as five and six.

COUNCILMEMBER PALTIN: On G...G...G0.7 of your project site context, existing context...five and six over here.

MR. LAU: Right. So, six is the existing driveway. That's roughly where we're putting the new residential project main entry. And it's dirt there, so we would put the concrete curb and gutter there.

COUNCILMEMBER PALTIN: Oh, so five and six, you...is where you are putting the concrete curb and gutter?

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MR. LAU: Correct. I believe five is Kane Street as well, with the shopping center on the left and the project site on the right. And that also shows dirt sidewalks, so that's where we would put in the concrete curb and gutter and sidewalk.

COUNCILMEMBER PALTIN: Okay. Great, great. Thank you. Thanks for clarifying that. I...I like that part. I wouldn't mind to give you affordable housing funds to do the full amount of EV-ready, but whatever, I guess.

CHAIR KAMA: Okay. Anything or any...anyone else? Members?

COUNCILMEMBER PALTIN: I guess, I mean, I...I did want to ask Member Cook because when we had the presentation, he said it's way cheaper to install the EV-ready stuff before the...the parking area is in, right?

COUNCILMEMBER COOK: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: Correct. It is a lot cheaper to put in just the conduit. It would be the circuit...the panel box to supply the power would be the thing that would be the cost, increased costs. So, simply putting in the conduits during the process would be the smaller portion of the cost. The increased cost for the charging, for the transformers and stuff, would be more. So, I don't know if they'd be willing or interested --

COUNCILMEMBER PALTIN: Could we just --

COUNCILMEMBER COOK: -- in doing the conduits.

COUNCILMEMBER PALTIN: -- exempt them for the...yeah, the transformers.

MR. LAU: Yeah, so our...sorry. Again, our understanding is the current language of the Code does not require us to put in the EV-capable or the conduits for the great number of stalls because we would be exempt as affordable housing. But the...the reason why it's in here is because you have to...you know, I read it one way, and I...I have one interpretation and Staff or someone else reading it may have a different interpretation saying, well, you're not exempted from that. And so, this is just to clarify once and for all that it's not. So, when we go for permitting, we don't get hung up with...with trying to, you know, argue how it's actually interpreted. So, again, our understanding is --

COUNCILMEMBER PALTIN: So...

MR. LAU: -- it's not required, but we're having it in here for clarification purposes.

COUNCILMEMBER PALTIN: Would you be willing to put in the conduits since that's not a big expense, and then we could Affordable Housing Fund you for the transformers and the charging stations?

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MR. LAU: I...I think at this point, the current design...because we have our drawings ready to be submitted for permitting, the building permit, we are not anticipating the capacity to provide EV charging for a great number of stalls. So, in the sizing of our electrical requirements, we have for the 18 EV-ready. But if you're asking to...to, you know, install the...the infrastructure for a full-on EV, you know, that's something that we haven't contemplated.

COUNCILMEMBER PALTIN: Oh, have you contemplated how to decide who gets to charge? Is it like first come, first serve? Or what if there's more than 18 folks that want to charge?

MR. LAU: That's part of the operational details. I think...you know, part of the consideration is, in...in this world we live in now, there's a lot of changes happening. And so, to put in added costs that we're not really sure would be required, or if the technology would change, it's...it's something that, you know, we're more focused on the housing component, realizing that there's less parking just as...as the project is designed, recognizing we want to support the adjacent transit center and encourage multimodal transportation, that the project includes a significant number, roughly 219 bicycle parking stalls, to encourage people to...to get out there and exercise and be healthy. So, there's different ways that we're...we're approaching this. It's not just one...one amenity or another, it's...it's as a whole. We feel very good about this project, and...and the product that...that it includes.

COUNCILMEMBER PALTIN: Okay. Shucks, I just thought it was the State's goal to electrify vehicles, and this is State land. And too bad we're not in alignment here.

CHAIR KAMA: Members, anything else on exemption E? Yes, Member Johnson.

COUNCILMEMBER JOHNSON: Chair, was this in here for the bike lane exemption as well? Is that in here? I was looking for it.

CHAIR KAMA: It should be here.

COUNCILMEMBER JOHNSON: Okay. So --

CHAIR KAMA: I thought I was reading it.

COUNCILMEMBER JOHNSON: -- let...if I can clarify with the builder, you want to be exempt of building a bike...bike lane on Kane to Kaahumanu Street; is that correct?

MR. LAU: We are proposing to put in sidewalks, curbs, and gutters as a standard detail of Maui requires.

COUNCILMEMBER JOHNSON: Is there a bike lane on Kane before your property? I think there is, right?

CHAIR KAMA: At the shopping center, as you enter the shopping center. And then after...after you pass the intersection on Kaahumanu, then the...the bike lane picks up over there.

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COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: But no bike lane on Kane.

COUNCILMEMBER JOHNSON: So, I guess I'll just state that...for the record, that on March 9th, 2024, KHON News did a story that Hawai'i's ranked number two in most dangerous state for pedestrians. You know, so when we...you know, I...I have concerns about exempting things and having a bike lane go...the speed limit on Kaumana...Kaahumanu Street is 45 miles per hour? Is that...

CHAIR KAMA: Only after you pass the college.

COUNCILMEMBER JOHNSON: Okay. Okay.

CHAIR KAMA: But it's slow at the college and at the shopping center.

COUNCILMEMBER JOHNSON: Okay. You know, I...we just don't want it to be...that's not a good statistic, to be number two in the nation on most dangerous state for pedestrians. I want to do things to help drop that number, and save people's...you know, keep people...you know, keep them safe. So, I have concerns about exempting thing...some things for our pedestrians. The bike lane also going...so there is no bike lane on Kane before. So, I...I just thought maybe you guys would be considering putting in a bike lane. Is...what's your take on that, adding a bike lane? Is there room for it?

MR. LAU: I think if...if your larger concern is for public safety, then it sounds like a more holistic policy that encompasses the entire street, and maybe the surrounding neighborhood should be considered. I mean, because this...this project frontage is actually quite a small portion of that.

COUNCILMEMBER JOHNSON: Um-hum. Yeah. Okay. Just trying to find, you know, ways to make it safer, especially if we're going to ask people to walk, and it's...we're not really...we don't have a good track record for our pedestrian safety. Thank you, Chair.

CHAIR KAMA: But...but at the...but at the intersection of Kane and Vevau, there is a...a pedestrian crossing.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: So, that's helpful for the people from the Catholic Charities --

COUNCILMEMBER JOHNSON: Right.

CHAIR KAMA: -- side as well as the new project.

COUNCILMEMBER JOHNSON: You know, what...what Councilmember Paltin was talking about is in regards to the EVs and all of that infrastructure, I...I support that. Remember, Members, we...we codified the CARP, the Climate Action Resiliency Plan. And that was all about...talking about, you know, electrifying our fleet and doing things

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to take climate change seriously. I mean, we did codify it, so that's why I think, you know, I...we should look at ways to make people get off the gas...the gas engines. The...the idea that, you know, if we're...if we pass a CARP, you know, Climate Action and Resiliency Plan, and then we are passing projects that aren't doing the best they can to really get...you know, look at the climate action...climate, you know, change as a real thing, and put it in your planning, that makes sense to me. There's a conference next week that we're going to on sustainable development that is all about that. So, it...it's just...it's hard for me to be like, yeah, we support climate change action plans, and we support resiliency, and then a project comes up and like, oh, it's too expensive to do that, and the cost comes in, and all of a sudden we're not...I feel like it's...we're talking out of two sides of our mouth. Thank you, Chair.

CHAIR KAMA: You have so many priorities in front of you. You have housing, you have homelessness, you have climate change, and...and all you have is a dollar in your pocket, and that's kind of like what it comes down to, right? So, in the end, you and your dollar are going to decide how you're going to spend that dollar, and what your priorities are. And that's all we can ever do, right?

COUNCILMEMBER JOHNSON: If I can respond --

CHAIR KAMA: Sure. Yeah.

COUNCILMEMBER JOHNSON: -- to that, Chair. You know, I appreciate your comments. The idea that we only have a dollar, and when we're a wealthy...wealthy nation in a wealthy state in a wealthy county with the lowest property tax rates in the nation, we shouldn't operate from a position of scarcity. That's my point. Thank you, Chair.

CHAIR KAMA: Oh, I get your point. I get your point. But we also have up-and-coming looming things that we don't know about, right? And in preparation for what we don't know coming in the future, we want to plan now to take care of some of those things. Thank you for your response, though. I appreciate that.

COUNCILMEMBER JOHNSON: Thank you.

COUNCILMEMBER SUGIMURA: So, Chair, if I could add to that. So, act...the new Act 294, which is a brand-new thing, so I think we're even hesitant to spend that dollar, right? I mean, that's really what's happening. I mean, we have...we have contributed a lot already, but it's so frustrating. Anyway, just wanted to add.

CHAIR KAMA: You see, now we don't even have a dollar. Okay. So, we have item F, G, and H, more items, and then we can hopefully, by lunch, make a decision on all of our modifications and exemptions. So, F, Title 18, Maui County Code, Subdivisions. An exemption from Code Section 18.16.320, "Parks and Playgrounds," is granted in...is granted to exempt the project from park dedication requirements and assessment fees. The project includes 14,696 square feet of onsite recreational facilities, which is 61,054 square feet less than the 75,750 square feet required by Code Section 18.16.320. Except as provided in paragraph E.7, an exemption from Code Section 18.20.040, "Existing Streets," is granted to exempt the project from the requirements of

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construction of curbs, gutters, and sidewalks along frontages. Except as provided in paragraph E.7, an exemption from Code Section 18.20.070, "Sidewalks," is granted to exempt the project from the requirement of constructing sidewalks along frontages. Except as provided in paragraph E.7, an exemption from Code Section 18.20.080, "Curbs and Gutters," is granted to exempt the project from the requirement of construction curb...constructing curbs and gutters along frontages. Okay. Members, comments, questions? Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a question of ADA. It still doesn't exempt the developers to include ADA access?

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

COUNCILMEMBER SINENCI: Yeah.

CHAIR KAMA: ADA access.

MR. LAU: Right, our understanding is it would...we would comply with the requirements of ADA.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR KAMA: Um-hum. Any other questions, Members? Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I just want to hear from Director Molina, to be sure he's okay with this section. Was this the section that we had the discussion about?

CHAIR KAMA: Here's Director Molina.

COUNCILMEMBER SUGIMURA: Are you fine with F, Subdivisions?

MR. MOLINA: Hi, Chair.

CHAIR KAMA: Yes.

MR. MOLINA: Yeah. I mean, in effect, this section is moot, given the exemption under what I understand is E.7 now.

CHAIR KAMA: Okay.

MR. MOLINA: So, it's...it's harmless. Thank you.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you. Anyone else, Members? No? Okay. Are we good with 18 then?

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COUNCILMEMBER SUGIMURA: Yes.

CHAIR KAMA: Okay. So, let's go to G, Title 19, Maui County Code, Zoning. An exemption from Code Chapter 19.18, B-2, "Community Business District," is granted to permit the development of a 2.2 floor area ratio. Under Code Section 19.18.050, "Development Standards," the maximum FAR is 2.0. The project site is 148,000 square feet, making the maximum allowable FAR, without an exemption, 2...296,482 square feet. The exemption allows a maximum FAR of 326,130 feet. Two, an exemption from Code Section 19.36B.020, "Designated number of off-street parking spaces," is granted to allow 298 off-street parking spaces instead of the required 612 off-street parking spaces. Three, an exemption from Code Section 19.36B.060, "Size or dimensions of parking spaces," is granted to allow 146 compact parking spaces that will be 16 feet by 7.5 feet, which is smaller than the standard size spaces of 18 feet by 8.5 feet required by Code Section 19.36B.060. The remaining 152 parking spaces will meet the standard size requirements of Code Section 19.36B.060. Okay. First question, what is FAR?

VICE-CHAIR U'U-HODGINS: Floor ratio.

CHAIR KAMA: Floor...

VICE-CHAIR U'U-HODGINS: Floor area ratio.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER PALTIN: Floor area ratio.

CHAIR KAMA: Floor area ratio. Thank you. Okay. Yes, Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I wonder since we're now in Title 19, if...now that it's 11:20, if we have Director Blystone on, and we can ask her the status of their SMA review.

MR. KRUEGER: Chair, apologies. Staff has been trying to contact Director Blystone to see if she'll be able to attend the meeting. We haven't seen her join yet, but we're continuing to try, and...and we're on the lookout for her for joining the meeting.

VICE-CHAIR U'U-HODGINS: Thank you. I don't want to hold up, and I know we only have 40 minutes left before our lunch break. If this Committee wouldn't mind sending her a letter asking her the status of the SMA review, I would appreciate it.

CHAIR KAMA: Is there anything else we need to send to her besides just that?

COUNCILMEMBER SUGIMURA: Is Ana Lillis available? I think she might be able to answer.

CHAIR KAMA: Is anybody available?

MR. KRUEGER: Chair, we're...we're reaching out to see if we can have someone from Planning join. Thank you.

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CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: If not, can we also include in the letter if an arborist from Planning Department, or the Planning Department is willing to work with the Department of Agriculture during the LPAP process to ensure consultation on whatever Member Johnson wants?

CHAIR KAMA: Consultation on the trees.

VICE-CHAIR U'U-HODGINS: Yes. Whatever language you would hope to see.

CHAIR KAMA: The reasonable substitutions.

VICE-CHAIR U'U-HODGINS: Yeah, reasonable. So, that we're not adding costs, but some of the things you would like is --

CHAIR KAMA: In there.

VICE-CHAIR U'U-HODGINS: -- acknowledged, but not --

CHAIR KAMA: Yeah.

VICE-CHAIR U'U-HODGINS: -- holding up the process, and allowing it to move forward, and figuring out how we can get that done. Member Johnson can add in how he would like it to be worded, but since they approve the LPAP, I figured since we're sending them a letter anyway.

CHAIR KAMA: Um-hum. Okay. Anything else, Members, on G, Title 19? Member Paltin?

MR. KRUEGER: Apologies, Member Paltin, you're muted.

COUNCILMEMBER PALTIN: Thanks, James. My question, I think, is for Mr. Lau or Mr. Schnell. On G.3, about the parking spaces that will be 16 by 7.5 feet, which is, I guess, 2 by 1 foot smaller than the required for the 146 compact parking spaces, and then 152 standard-sized parking spaces. Do you guys have a plan of how you're going to accept people and like, you know, only accept the 146 compact car users and 152 regular car size? Like is that part of the application process, what size car you will have that you...and how will the compact spaces be? Is it like more cost? Because I thought parking was free. How do you decide to distribute that?

MR. LAU: You're right, we will not charge residents additional for parking stalls. We also don't charge more for having a bigger stall or a smaller stall. Operationally, I understand residents are...when...when they have their parking stall selected, they are assigned to that stall. So...and it's...they're registered for that stall, they have to provide insurance and registration to make sure it's legal. So, our property managers monitor very carefully who's on site, who has a car, and it's very carefully controlled. So, we don't want people who are not authorized using those parking spaces. And...and it's also a

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way to check to see that...you know, the number of people that are living there. But, you know, the details of how it's selected, whether it's first-come, first-served, or lottery system, we have to work that out with the property management at that time to see what is the best solution, given, you know, the demand, the interest, and...and...and things like that. So, it's...it's difficult to tell you what the procedure is exactly right now.

COUNCILMEMBER PALTIN: So, it's not going to be anywhere on the application whether or not they have a compact or standard-size car. So, potentially, you could get 180 people with not compact cars, and then you have a problem?

MR. LAU: There's going to have to be some coordination and...and screening to make sure that what people have aligns with the facilities. Because obviously, the facilities are...are what they are.

COUNCILMEMBER PALTIN: Static, yeah. Okay. Main thing, you understand that because people get kind of upset if you don't coordinate. I yield to somebody else.

CHAIR KAMA: Member Sinenci, and then Member Johnson.

COUNCILMEMBER SINENCI: Mahalo, Chair. Just as a reminder of previous discussions that parking will not be charged on a monthly basis?

CHAIR KAMA: Correct.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR KAMA: Parking's free.

COUNCILMEMBER SINENCI: Parking is free. Thank you.

CHAIR KAMA: Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I just wanted to follow up on Councilmember U'u-Hodgins' question in regards to Director Blystone and the SMA app. I spoke to her offline, and I think maybe she said it on the floor, but I'm not sure. But either way, she said the SMA application would be done within the timeline. So, that's why she kind of left that one meeting. She...she said, it'll get done before this. So, that's...that's...I'm just relaying the message, what she said to me. So . . .(inaudible). . .

VICE-CHAIR U'U-HODGINS: Thank you. I...I absolutely appreciate that. I would like it in writing. But I thank you.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: Okay. Anything else?

COUNCILMEMBER PALTIN: Sorry, one more.

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CHAIR KAMA: Okay. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Just wondering if the applicant has any problem putting it in writing that parking will be free...just to, you know, memorialize.

MR. LAU: Yeah. It is stated in the 201H application that it is...we won't charge, if that is sufficient.

COUNCILMEMBER PALTIN: Okay. As long as it's stated somewhere. Is that good enough for us, Corp. Counsel, that it's in the application? Is that memorialized for all time, forever and ever? Or the length of the affordability of the project?

MR. NUNOKAWA: I think that since it's part of their...what they're warranting during this process, that it is valid for our purposes.

COUNCILMEMBER PALTIN: Okay. Main thing, we think so. Thank you, Chair.

CHAIR KAMA: Okay. Anyone else, Members? Member Johnson?

COUNCILMEMBER JOHNSON: Chair, if it's appropriate, I could speak on maybe a suggestion for the trees issue. If...if...because it's...

CHAIR KAMA: You can speak on the tree issue.

COUNCILMEMBER JOHNSON: Okay. So, what if we made the frontage trees shown...shown on your landscape plan, and make...landscape planting plan, and make the Planning Director obtain recommendations of the Arborist Committee prior to issuing the landscape planting plan approval under Maui County Code 19.36B as in bravo? So, basically, making the frontage trees, the ones on Queen Kaahumanu Street, be shown on their landscape planting plan, and then the Planning Director obtain recommendations from the Arborist...Arborist Committee prior to ish...issuing the landscape planting plan approval. That way it's in the Administration's...what do you guys think? Because it would be...

CHAIR KAMA: You're asking them or us?

COUNCILMEMBER JOHNSON: From...for the builders.

CHAIR KAMA: Okay.

MR. LAU: Our preference is not to do that.

COUNCILMEMBER JOHNSON: ...*(laughing)*... Okay.

MR. LAU: I mean, it's administrative burden, right? When we go for the building permit process, you have the normal reviews, and this would add another layer of review, and another round of approvals, and another bunch of people who might have a different interpretation. I mean, when...when we're designing the project, we take into

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consideration the...the feedback that we would likely receive, and we incorporate that because we want to demonstrate that we are concerned that...that the design matters. It matters to the residents, and the community, and to us because we're managing this project. We're not...we're not just turning it around and selling it. This is for rent that EAH will manage. Also, we want to, you know, be very mindful of the fire risk, and so we...we choose trees that address that. The spacing is really important. The durability, the maintenance...the long-term maintenance of the site, you know, the watering, all that goes into these decisions. So, it's not something taken lightly. We...we have an arborist on...on our team that designs the landscaping. So, these are...are...by the time you've seen it, it's carefully thought-out decisions that are in...into these plans. And so, since there is already a process that Zoning has, or the Planning Department has to get approval for the landscaping, we would like to respect that process, and...and move forward with...with the requirements as they are.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR KAMA: Yes, Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you. I don't disagree, and the reason why I was asking for the status of the SMA is that from what I understand, they have just been assigned a plans reviewer, and it went...and unanswered for a long time. So, my hesitation is to assign Planning Department another layer, as they were saying, but specifically as it's related to the Arborist Committee, because then it's time, it's getting agendized, it's getting all of these things, which is why I was suggesting maybe they could work with the Agriculture Department --

CHAIR KAMA: Um-hum.

VICE-CHAIR U'U-HODGINS: -- and that kind of expedites this concern because that...the timing is what's --

COUNCILMEMBER JOHNSON: Yeah.

VICE-CHAIR U'U-HODGINS: -- going to add...

COUNCILMEMBER JOHNSON: I like that suggestion.

VICE-CHAIR U'U-HODGINS: I mean, to be fair, I wonder now how they process the LPAP if there is no arborist in the Planning Department. So, I wonder how that's getting done. I wonder what they're doing now. I wish she was here to answer our questions, but we can either send out a letter, and figure out before first reading, and make changes if necessary, but we have to, I guess, now be mindful about adding time because time is unfortunately money, and money is where we get in trouble with this new State law. But...

MS. NAKATA: Excuse me, Chair.

CHAIR KAMA: Yes.

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MS. NAKATA: Staff has been informed that Director Blystone will be on the call at about 11:35.

CHAIR KAMA: 11:35. You know, we're watching that clock, so let her know that because nobody wants to stand between lunch, and she's in a bad space. Okay. So...

COUNCILMEMBER JOHNSON: Well, thank you for that suggestion, Councilmember U'u-Hodgins, and I...I appreciate that.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: I'd...I'd be willing to do something...

CHAIR KAMA: I like that idea too.

VICE-CHAIR U'U-HODGINS: . . .*(inaudible)*. . .

CHAIR KAMA: Yeah, yeah. And maybe they can come up, Member Johnson, with...you know, there's those three trees that they recommended. I don't know what the trees look like. I don't know how much shade they give, but maybe if you came up with other trees that would have more shade. Because that's what you're looking at, right? So...

COUNCILMEMBER JOHNSON: Exactly. And...

CHAIR KAMA: So, you got to look at what the tree look like now, and then look at what the other trees are that have more coverage, and then maybe make those...at least to start the discussion flowing, and, you know, what direction.

COUNCILMEMBER JOHNSON: We have an arborist. I figure, you know, we have the experts. Let's have them weigh in on this.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: That's really where I'm going with it.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: I saw Councilmember Rawlins-Fernandez's hands up, and she hasn't --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- spoken much. Maybe she could --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- add to this.

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CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Johnson, for seeing my hand. So, sorry, I missed what Member U‘u-Hodgins’ idea was, but one of the things...I don’t know if any of the directors would be able to speak to this, but I think what I hear the goal is, and I support the goal of shading the sidewalk, especially since the purpose is to, you know, have a more walkable town, and we’re like, you know, discouraging using cars, is like instead of trees--because I know...like some of the concern is, you know, like the maintenance of the trees, the roots, you know, destroying the foundation of the sidewalks, or, you know, what --

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- like, surrounding infrastructure. So, what if we were to, you know, like construct trellises over the sidewalk with like, you know, foliage, like vines or something, and then that way, the root system wouldn’t damage, you know, like the sidewalks or surrounding area. It would provide shade. It would...it would have that hangover over the...over the sidewalk, and it would also provide like oxygen, and it would cool down the area because it would still be trees, and it wouldn’t just be like hard industrial-looking infrastructure, but it would like have that combination to achieve both greenery, oxygen, nature, but also, you know, not...not, you know, cause damage. Just an idea.

CHAIR KAMA: Director Blystone’s on the call, on the phone, and she should be showing up in a moment. And so, we’re going to go ahead and pivot to Member U‘u-Hodgins since you have...there she is.

VICE-CHAIR U‘U-HODGINS: Aloha, Director Blystone. We’re all so excited you’re here.

MS. BLYSTONE: . . .*(laughing)*. . . Mahalo.

VICE-CHAIR U‘U-HODGINS: Yeah. Can you please tell me the status of the SMA review? I assume, obviously, it’s an SMA-1, and we’re just trying to figure out the timing of it all so that it coincides with the start date that we have. We did amend it, but we’re recommending that they follow the original, but I just wanted to follow up on the SMA review, and your folks’ time for it to be completed.

MS. BLYSTONE: Mahalo nui for your question, and e kala mai for being so late. We had a departmental meeting this morning, and it went a little long. We were talking story with the Department of ‘Ōiwi Resources, so mahalo for your patience as I got here. So, as of this week, they were having some issues resubmitting their application. They may have already said this to you, so we had to do it the old school way. We now have that information as of yesterday, and they’re going to work...the Staff is working on it, on updating their application, by the end of this week, and they’ll deem it complete next week, which puts us on a...on track to doing agency transmittals and scheduling for UDRB, and hoping for October for all of that to happen...so quite quickly.

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VICE-CHAIR U'U-HODGINS: Thank you so much. I appreciate your answers. And then, if I could follow up--and Member Johnson can jump in because this is more his concern--currently, how do you guys review the LPAP process? What do you folks look for in reasonable substitution of trees? Does an arborist help you folks review it? And then Member Johnson can maybe pick up wherever you leave off.

MS. BLYSTONE: Mahalo for your question. So, we have not reviewed...so we need to...they need to submit an LPAP, and our plans examiners will review it at the time of building permit review--that's...this is my rough understanding of how we do this process--so that hasn't happened yet. So, when that happens, though, we are looking for that they...for...for consistency with the planting plan and all of that. And so, at that time, we would make suggestions and recommendations for how to deal with the issues. If I may, too, Councilmember Rawlins-Fernandez was mentioning an option in which you could do trellising. That...that would be new and very exciting, so I just want to throw that in as Planning Director.

VICE-CHAIR U'U-HODGINS: That's what I want at my house. So, Member Rawlins-Fernandez, if you could talk to my husband, that'd be great, too.

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

VICE-CHAIR U'U-HODGINS: I do know that when they do the LPAP, it's submitted near around the same time as the building permit, so I know we're not there yet. But when you folks review it, what is the justification to allow for a substitute if, for whatever reason, for the trees? In this case, we're discussing the street trees are now being included on property, which would probably be included in the LPAP review, which I know we're not there yet, but . . .*(timer sounds)*. . . we would like to be. So, Member Johnson was just wondering how reasonable the changes can be, and besides Member Rawlins-Fernandez's request, like what can we do to ensure an arborist is assisting in the review process on our end? They have an arborist, but, you know, just arborist to arborist having their own conversation. Thank you.

MS. BLYSTONE: Mahalo for that question. So, we do not have an arborist on staff. I know you all tried to give us one a couple years ago, and at the time, Staff felt that...that we didn't have enough work for it--for an arborist position. So, we did transition that over to Department of Ag, and they were happy to have it. So, as far as an arborist reviewing these things, we do not have that in place at this time. So, we are...you know, I...I...since this isn't the part of our job that we...that I do most frequently, I will say that the place that we've interacted most with species is in the SMA process, and we do talk about that. Planning Commission, our Planning Commission especially, is very interested in ensuring that appropriate species are used in these projects, and so I think you can anticipate they're going to be talking about that as part of their special management major permit process. They will certainly have things to say. As...as they would say, we have lots of plant people on that commission, and they have a lot of strong opinions, and they certainly express those, so that you'll certainly see something coming out of that. If you want more details on our like finer-grain process, I...let me consult with one of our colleagues who does that more frequently, and see if there's like a standard for that substitute.

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CHAIR KAMA: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank...thank you, Director, for joining us. And if I could just follow up. We're trying to get the Arborist Committee to come and speak to...you know, have...have...have their opinions shared and...on what trees should be put there. The...the concern is, we can't, you know, slow down the process because time is money. So, could there be a time where you fit it in? Like prior to issuing the landscape plan approval, you...the Planning Department can go to the Arborist Committee and say, here is...you know, what say you? Because they're the experts. Like you said, we tried to put in an arborist in your Department, but Department of Ag has one. So, either way, I'm trying to find someone who knows trees, right, and is a specialist that can help guide this. So, would you consider that, that you guys could meet with the Arborist Committee before you do the landscape planting plan approval under MCC 19.36B?

MS. BLYSTONE: This is one of the disadvantages--mahalo for your question--disadvantages of coming in late, because I would have loved to have been looking things up as we were talking. But I...we're open to that. We're open to --

COUNCILMEMBER JOHNSON: Okay.

MS. BLYSTONE: -- any...any feedback. So, I mean, I think it's...it's just a matter of like making sure this...the process is not overly burdensome, but I agree and understand the desire, and wanting to have arborists speaking to arborists, tree people talking to --

COUNCILMEMBER JOHNSON: Right.

MS. BLYSTONE: -- tree people about the appropriate...appropriate use. And I do have a question in to my colleague to...to do a finer discussion of how...how that substitution works, if we have a formulaic way of doing that substitution. So, mahalo for your patience while I gather all of my thoughts.

COUNCILMEMBER JOHNSON: I...no, I heard you're open to it, and that's really what I was curious. Because we don't want to slow down the project, you know, I want to respect the builder's timeline. Time is money. I've been hearing that a lot today.

UNIDENTIFIED SPEAKER: ...*(laughing)*...

COUNCILMEMBER JOHNSON: So, the idea that you'd be willing to, you know, show the...you know, work with the...the Arborist Committee before you go...move forward, and you think it's not going to slow down the process at all, then that's really what I wanted to come up and see...see what you had to say on that. Thank you, Director Blystone. Thank you, Chair. No further questions. And I see Councilmember Rawlins-Fernandez's hand's up.

CHAIR KAMA: Councilmember Rawlins-Fernandez?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Director Blystone, for supporting the idea of trellises. And if the developer does move forward with the idea of trellises, may I suggest vines of pakalana? Mahalo. I know. Oh, you love it, right? Uh-huh. . . .*(laughing)*. . .

CHAIR KAMA: People would be picking them as they pass by.

COUNCILMEMBER RAWLINS-FERNANDEZ: Absolutely, which they should.

CHAIR KAMA: . . .*(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: And then just enjoy the fragrance. Ahh, yes.

CHAIR KAMA: You have to enjoy the fragrance, just don't pick them. . . .*(laughing)*. . . Okay. Members, we're now on item H. That's your last exemption for the day, and then we can approve or not approve some of the exemptions and the modifications that we went through. But Chapter 20.08, Maui County Code, "Soil Erosion and Sedimentation Control." One, an exemption from Code Section 20.08.090, "Grubbing and Grading Permit Fees," is granted to exempt the project from grubbing, grading, and excavation permit fees and inspection fees. Members, comments? Anything?

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

CHAIR KAMA: Yeah, just the fees. Is your hand up, Member Rawlins-Fernandez? Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair. Sorry, I don't remember how much all of that was going to be, the exemptions, and if Public Works--I think that's Public Works--would need to be made whole because of it, or if it's like such an insignificant amount, then they don't need it.

COUNCILMEMBER PALTIN: \$200 grubbing permit.

COUNCILMEMBER RAWLINS-FERNANDEZ: I hope they can afford that. Director Molina?

COUNCILMEMBER PALTIN: Grading is \$6,390.

MR. MOLINA: Yeah. These are General Fund revenues, so as long as you guys don't cut me \$200 in the next budget cycle, we should be okay.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MR. MOLINA: But if...Chair, if you'll allow me, I do want to --

CHAIR KAMA: Yes, please.

MR. MOLINA: -- just point out one thing for the Committee's awareness. On some of these...or most of these fees, the Council and the County Code already grant exemptions to these fees...and in particular, for the building ones, it's in the budget ordinance rates and fees

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where we waive fees for projects funded by the County. And so, I just wanted to make you guys aware that, you know, by policy, we've already granted this project waiver of fees by the fact that they got money from the County. So, you know, it's not so much the time to debate whether they should get a fee exemption at this stage because they've already effectively got it. So, I just wanted to point that out for you folks. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for pointing that out for us, Director Molina. And it's...it sounds like it's \$6,200, so the Council shouldn't reduce your budget by 6,200. . . *(laughing)*. . . Mahalo, Director. Mahalo, Chair.

CHAIR KAMA: Thank you. Okay, Members. So, if we're okay with all of this, then I think we have to go back to the motion and the...the amendments to the motion, right?

MR. KRUEGER: So...

CHAIR KAMA: And the...go ahead.

MR. KRUEGER: So, Chair...so during this process, the Committee has been taking up its amendments to your proposed substitution.

CHAIR KAMA: Yeah.

MR. KRUEGER: So, at this time, if there's no other amendments to your proposed substitution, the body could consider voting on your substitution as amended, and then the body would be back to the main motion as amended.

CHAIR KAMA: Oh, is that the only things we have to do? Just the amendments to the...to the CD1?

MR. KRUEGER: So...so, Chair, the body's already voted on several amendments to the CD1 --

CHAIR KAMA: Yes.

MR. KRUEGER: -- so...so voting on the CD1 as amended is before the body now --

CHAIR KAMA: Oh, okay.

MR. KRUEGER: -- unless there's other amendments. Then the body would be before the main motion as amended, and if the body does choose to recommend adoption of the resolution as amended, the body would then probably consider filing the other two resolutions.

CHAIR KAMA: Yes. Yeah. Okay. Okay. Thank you, Members. So...because we're recommending adoption--are we recommending adoption?--of Resolution 25 point...25-161 CD1, right? So, let's take the vote on that and the...and amendments, right?

UNIDENTIFIED SPEAKER: So moved, Chair.

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MR. KRUEGER: Oh, Chair.

CHAIR KAMA: Wait.

MR. KRUEGER: So...so before the body right now would be a vote on the substitution as amended.

CHAIR KAMA: Oh, the substitution, that's right. Okay. This is a substitution of the CD1.

VICE-CHAIR U'U-HODGINS: Can we also include the filing of Resolution 161 and 162?

CHAIR KAMA: Can, right? Or you need two different motions to do that.

MR. KRUEGER: I suppose if the body wanted to loop that in as part of the main motion as amended, it could, but I guess typically, we just separate out the two, just to --

CHAIR KAMA: Okay.

MR. KRUEGER: -- confirm that they moved forward one, and then just --

CHAIR KAMA: Okay.

MR. KRUEGER: -- file the other two afterwards.

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: Okay. We'll wait then.

CHAIR KAMA: Okay. Okay. So it was moved by...Nohe, was that you, Nohe?

VICE-CHAIR U'U-HODGINS: So moved.

COUNCILMEMBER COOK: Second.

CHAIR KAMA: And second by Mr. Cook.

MS. NAKATA: Chair, there's already a motion to substitute pending, so you don't need to take another motion, you just need to vote on the motion.

CHAIR KAMA: Oh, okay. The motion to substitute, right? Okay. So, there was already a motion we did earlier this morning, so we're just going to vote on the...the substitution now. All those in favor of the substitution, please raise your right hand, say "aye." I'm going to count.

COUNCILMEMBERS: Aye.

UNIDENTIFIED SPEAKER: . . .(inaudible). . . left hand.

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CHAIR KAMA: Oh, okay. That's okay. On my side, it's right. . . .*(laughing)*. . . I see nine-zero.

**VOTE:**       **AYES:**   **Chair Kama, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:**    **None.**

**ABSTAIN:** **None.**

**ABSENT:** **None.**

**EXC.:**   **None.**

**MOTION CARRIED.**

**ACTION:**    **APPROVE to substitute Resolution 25-161, CD1.**

CHAIR KAMA: Thank you, Members. And now for the main motion, right? So, Members, for the main motion as amended, all those in favor...

COUNCILMEMBER PALTIN: Discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Discussion.

CHAIR KAMA: Yes. Oh, I'm sorry. Go ahead. And did I see your hand up, Mr. Johnson? And I heard Member Paltin. No?

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

CHAIR KAMA: Okay. . . .*(laughing)*. . . Member Paltin?

COUNCILMEMBER PALTIN: Who did you want to go first?

CHAIR KAMA: You.

COUNCILMEMBER PALTIN: Me?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR KAMA: Yeah. Member Johnson was actually voting. That's what he was doing. . . .*(laughing)*. . .

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COUNCILMEMBER PALTIN: Oh, okay. For...for my discussion, I would like to state how fantastic it is to see the County and State work together when there's such a great need for affordable housing. I only wish they could do the same for West Maui. December 16th, 2022, at the CRC, this was proposed as a Kahului Civic Center mixed-use project with affordable housing. December 2nd, 2024, State of Hawai'i HHFDC document, determination of no additional environmental review to satisfy Chapter 343, Hawai'i Revised Statutes, for the Kahului Civic Center mixed-use complex project. Even July 2025, here, from HHFDC, it's still being called Kahului Civic Center mixed-use project, but they're being allowed to take advantage of the water availability exemption. Even when initially the Water Department said there wasn't enough water, then they went back and did some special math, and...and now there's water, you know? I just wish that we could be as prudent, expeditious to Pulelehua because we...we lost over 2,000-something structures, 4,000 units of housing. And...and the only permanent housing that we've built so far is the two 60 percent and below low-income housing. Pulelehua was going to be 80 percent. And...and the first phase, 240 units, is 100 percent affordable. 100 percent affordable, but we cannot figure it out to give them the same kind of deals, the same kind of consideration here? Section 16-201-03(g)(1), County of Maui Administrative Rules, exempts projects comprised of 100 percent residential workforce housing units, when this is actually a mixed-use plan. And when that didn't work out for water availability, they just split it up. Why...why can't Pulelehua just split off the 240, 100 percent affordable section, and get the water same like these guys? Kahului has plenty housing. West Maui has zero. And so, you know, people talk about politics. We just passed a amendment to conditions that . . . *(timer sounds)* . . . went from 700 affordable to 450 affordable to 288 affordable, but we can't put together 240 workforce affordable housing for West Maui that'll be permanent? This disgusts me. That's all I have to say, you know. We want to talk like we're doing something, the State and the County getting cozy, putting together housing, but Pulelehua sits on the shelf and dies two years after the fire. I hope we're...we're so proud of ourselves for doing this because I'm not proud of this. This is disgusting to me, that we would push this through, and let Pulelehua sit on the shelf where it's desperately needed. You know, you're saying these guys already use water for the adult daycare center...or adult education center? Pulelehua is using water for the school. That's not a permanent thing. You know, we cannot move that water over? CWRM gave the County full authority to use its own water. And...and we're looking for water for other people. There's...there's not the same kind of housing shortage in Kahului as there is in West Maui, but sure, let's give them all the affordable housing, and leave the West Side out to dry. That's my feelings, and it's disgusting what is being done to the West Side.

CHAIR KAMA: Any other discussion, Members? Member Sinenci, then Member Rawlins-Fernandez.

COUNCILMEMBER SINENCI: I'll defer.

CHAIR KAMA: Oh, Member Rawlins-Fernandez, and then Member Sinenci.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I agree with Member Paltin's comments, both, you know, supportive of this project that's for very low and

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low-moderate income AMIs, and would also like to see the type of flexibility that our County could provide for our...you know, the Pulelehua project, and any projects that's needed on the West Side. I'd also like to understand when and why this project was separated into two projects. And I don't know who...who would have the answer for that. I don't know if it would be Director Blystone. Because when it went to the CRC, it was one project. And then when it got to us, the developer has consistently said to me, and us, that these are separate projects, but they weren't always separate projects. They were once one project. So, does someone have a response for that question?

CHAIR KAMA: It's either you, Questor, or Mr. Schnell.

ELECTRONIC DEVICE: I aim to please.

CHAIR KAMA: Oops, sorry.

UNIDENTIFIED SPEAKER: That was Siri.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Thanks, Siri. At least someone's aiming to please. . . .*(laughing)*. . .

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

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

CHAIR KAMA: So, is...is...nobody's going to answer the question?

COUNCILMEMBER SUGIMURA: Doesn't sound like anybody has that. Maybe we can send it in writing to HHFDC, maybe...later.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aren't they right here, the...the representatives? They don't...they don't know the answer to this question? This is their project.

CHAIR KAMA: I don't know. Nobody seems to know.

COUNCILMEMBER RAWLINS-FERNANDEZ: Why would you not know the answer to this? Unless you don't want to answer, which is not cool. And if there is anything that I misunderstood, please correct me. I...I...you know, I welcome any correction. I just...this is the information that we receive, and I think the public, you know, should get a response to this question. I'm asking on behalf of the public.

CHAIR KAMA: Member Rawlins-Fernandez, let me see if somebody online at HF...HHFDC can answer. Mr. Chu, are you there? Or Mr. Fuji --

MR. CHU: Yes, I'm...I'm here, Chair.

CHAIR KAMA: Okay. So, the question is, why was the development split into two? That makes this separate...

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MR. CHU: The...well, again, the...the project was really a master plan that contained three components--the residential, the civic center, and the transit hub. It was split because of the timing. The residential, we wanted to get it done as soon as possible. DAGS, they have to go through their funding cycle to get monies for their project. So, it was separate. So, it just functionally would not be able to match up at the same time. That's why it has been split in that manner.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Chu, for you know, responding to the question. So, why, when it went to the CRC, it was one project? Or it was submitted together?

MR. CHU: Because it was submitted as a master plan project to include both...all the components at one time. Just as like the SMA, it's going in as one master plan project with all the components. But to be...I guess you can look at it as phasing. You know, the DAGS component would be the next phase.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I really appreciate that response because that's not how it was represented throughout the meeting, as phases, or even as one project initially as a master plan. And it was...you know, the public that provided information to inform us of this because we were told consistently in this meeting today that these are all separate, but they're not. So, mahalo for clarifying that. I appreciate it.

MR. CHU: You're welcome.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. I just wanted to add that I'm glad that parking is free, and to some of our previous discussions, and also that this project is addressing the lower AMI for...for our residents. But to keep those rates low, we did want to make sure, unlike other projects, that additional fees are being put on top of our residents, including whether it be Wi-Fi, or some additional costs. So, I just wanted to add that in my final discussions, Chair. Thank you.

CHAIR KAMA: Um-hum. Any other discussion? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Second and final. You know, we'd like our residential 240 affordable housing in West Maui built as soon as possible as well. We're okay with phasing as well. So, I just would like, you know, this precedent that we're setting here with this project to carry forward where it's most needed. That's all I got to say. We're setting a precedent here today that we're calling this 100 percent affordable workforce housing, and we're waiving the water availability requirement. Let's continue to do that for West Maui as well. That's all I got to say. Because we're setting a precedent, this body is going to agree to it. We need to continue to agree to it where it's most needed. Setting a precedent. And I'd also like to go on record to say that

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Department of Ōiwi Resources will be contacted about the seven coconut trees prior to them being cut down, and that they will be allowed to remove it.

CHAIR KAMA: Any other discussion, Members? Seeing none. So, we'll call for the vote on the main motion. All those in favor, raise your right hand, say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Oh, I heard that aye in the distance. I see nine...nine "ayes," zero "noes."

**VOTE:           AYES:   Chair Kama, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:    Recommending ADOPTION of Resolution 25-161, CD1.**

CHAIR KAMA: Thank you, Members. So, I think now we have to entertain a motion to file Resolutions 25-160 and 25-162.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER COOK: Second.

CHAIR KAMA: It's been moved by Member Sugimura, and seconded by Member Cook, to be able to file Resolutions 25-160 and 25-162. Discussion, Members? Any? None? Okay. All those in favor of filing resolutions, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: I heard that aye. Thank you. Again, James, I saw only eight. I didn't see Member Paltin. Is she...

COUNCILMEMBER RAWLINS-FERNANDEZ: Her video is off.

CHAIR KAMA: Oh, her video is off. Okay. Eight-zero? Okay. Eight-one. Okay. So, the motion passes with eight, and Member Paltin excused.

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

**NOES:**    **None.**

**ABSTAIN:**   **None.**

**ABSENT:**    **None.**

**EXC.:**    **Councilmember Paltin.**

**MOTION CARRIED.**

**ACTION:**    **Recommending FILING of Resolution 25-160 and Resolution 25-162.**

CHAIR KAMA: Okay. So, I don't think there's anything else on today's agenda. Thank you, Members, for completing this today. Thank you to our resources for being here. Thank you, Mr. Nunokawa. And thank you for our Staff and great Staff. Thank you so much. The HLU Committee...recessed Committee meeting is now adjourned at 12:03 p.m. Good? . . .*(gavel)*. . .

**ADJOURN:**    12:03 p.m.

hlu:min:250820r-min:ds

Transcribed by: Daniel Schoenbeck

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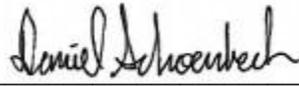
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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 68 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 11th day of September 2025, in Wailuku, Hawai'i



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Daniel Schoenbeck