

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

December 3, 2024

Online Only via Teams

RECONVENE: 1:41 p.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
Councilmember Alice L. Lee, Member
Councilmember Gabe Johnson, Member
Councilmember Tamara Paltin, Member (Out 9:06 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U‘u-Hodgins, Member

EXCUSED: Councilmember Shane M. Sinenci, Member

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

Residency Area Office (RAO):

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

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Chris “Nahulu” Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel
Oliver Vaas, Captain, Department of Fire and Public Safety
John Stufflebean, Director, Department of Water Supply
Kekai Robinson, Deputy Director, Department of ‘Oiwī Resources

OTHERS: *Resource Personnel*
Calvert “Cal” Chipchase, Cades Schutte LLP
Keola Whittaker, of Counsel, Cades Schutte LLP
Terrance Arashiro, Austin Tsutsumi & Associates
Tyler Fujiwara, Austin Tsutsumi & Associates
Dave Ward
Karlynn Fukuda, Munekiyo Hiraga

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Ryan Hurley, Law Office of Ryan D. Hurley

Others (63)

PRESS: Akakū: Maui Community Television, Inc.

CHAIR KAMA: . . .*(gavel)*. . . Will the recessed Housing and Land Use Committee meeting of November 25th, 2024, which was recessed from December 2nd, 2024, come to order. It is now 1:41 p.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're not with me in the Council Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. Any questions before we continue? Thank you. I'd like to say aloha 'auinalā to our Committee Vice-Chair, Tom Cook.

VICE-CHAIR COOK: Aloha, good afternoon, Chair. I'm working on getting online.

CHAIR KAMA: Oh, okay. Okay. So, I can see you. I want to say aloha 'auinalā to Council Chair Alice Lee.

COUNCILMEMBER LEE: Aloha 'auinalā, and wampum [*sic*] from Jamaica.

CHAIR KAMA: Wampum. Wampum to Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Wampum, HLU Chair. Thanks for continuing on with this meeting, we look forward to a productive one. Thank you.

CHAIR KAMA: You're welcome. And wampum to Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Wampum and aloha 'auinalā. I see somebody has their hand up...oh, no, it's gone. Never mind.

CHAIR KAMA: . . .*(laughing)*. . . So, is this the time you probably want to let us know that you're going to be leaving in an hour?

COUNCILMEMBER PALTIN: I'm going to go mobile in an hour.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Take my mom to the airport.

CHAIR KAMA: Okay. And return? I want to say wampum to Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Wampum, Chair, Councilmembers, community members. There's no testifiers at the Lāna'i District Office, but we don't have testifiers anyway...anyway, so...

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

COUNCILMEMBER JOHNSON: I'm here and ready to work. Mahalo, Chair.

CHAIR KAMA: Thank you. I want to say aloha 'auinalā to our Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā kākou. Nice to be here in person. Figured I'd not be a little voice from...from yonder. I'll be the little voice right next to you in person. Mahalo, Chair.

CHAIR KAMA: How could you say you are a little voice?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, that's what Chair Lee described me as yesterday.

CHAIR KAMA: Oh, is that was she said?

COUNCILMEMBER RAWLINS-FERNANDEZ: In a very affectionate way.

CHAIR KAMA: Oh, okay. Very good. In a very affectionate way, you have a big voice. So, we want to say aloha 'auinalā to Councilmember Nohe U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aloha, Chair. Aloha, everyone.

CHAIR KAMA: And we want to say aloha 'auinalā to Councilmember Shane Sinenci. I don't see him. I don't see him. Does anybody see him? He's on a plane?

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

CHAIR KAMA: Oh, okay. Okay, okay. So, we're going to excuse Member Sinenci. Thank you. So, we have from the Department of Corporation Counsel, Deputy Corp. Counsel Michael Hopper. Aloha.

MR. HOPPER: Good afternoon, Chair.

CHAIR KAMA: Good afternoon. So, we have...no Planning personnel will be available. Okay. So, we have the balance of our resources that are on call today. So...so, we have today with us from the Department of Transportation, Robin Shishido; from the Department of Environmental Management, Shayne Agawa; from the Department of Public Works, Jordan Molina; from the Department of Water Supply, John Stufflebean; from Fire, we have Captain Oliver Vaas from the Fire Prevention Bureau; we have from the Department of 'Ōiwi Resources . . .*(echoing)*. . . Kapono'ai Molitau, the Director, and he has with him the Deputy Director, Kekai Robinson. I heard an echo. You got it? Okay. Thank you. We also have other resources in--with us. We have...so, Mr. Chipchase, is your entire crew here today? Mr. Rambulo, Mr. Chipchase, Mr. Whittaker,

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Mr. Arashiro, Mr. Fujiwara, Mr. Spence, Mr. Edwards, Mr. Ward, and Ms. Fukuda? Are they all here today?

MR. CHIPCHASE: Good afternoon, Chair and Members. Cal Chipchase. I...I know we lost Mr. Spence.

CHAIR KAMA: Okay.

MR. CHIPCHASE: We...we may have lost some others in the --

CHAIR KAMA: Okay.

MR. CHIPCHASE: -- continued hearing, but we --

CHAIR KAMA: Thank you.

MR. CHIPCHASE: -- assembled everyone that we could.

CHAIR KAMA: Okay. Thank you so very much, and welcome, and thank you again for coming back. We have our Committee Staff. Welcome back, Mr. James Krueger, our Senior Legislative Analyst. Woohoo.

MR. KRUEGER: Good afternoon, Chair and Members.

CHAIR KAMA: And we have our Legislative Analyst Ellen McKinley. Good job.

MS. MCKINLEY: Aloha, Chair and Members.

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

MS. YAMASHITA: Good afternoon, Chair and Members.

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

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And our Assistant Clerk Jean Pokipala. So, Members, since this is a reconvened meeting, the designation of those I have introduced as resources under Rule 18(A) of the Rules of the Council remain in place.

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

CHAIR KAMA: Thank you, Members, for attending another HLU meeting. We are continuing the item that we were deliberating yesterday, Bills 171 and 172. Prior to recessing this meeting on November 25th, we closed oral testimony, and so we will continue to accept written testimony into the record. So, Members, I intend to ask you this...in this meeting to decide on the two bills before us today. So, to help us achieve this goal, I will implement the following process: when an amendment motion is made, the applicant will be allowed up to one minute to provide any comments they may have on the proposal. Afterwards, we will all deliberate on the motion. In accordance with Robert's Rules of Order, each Member will be allowed to speak up to two times per amendment or motion. With that said, we're going to proceed with deliberations. When we recessed yesterday, we had on the floor the main motion to recommend passage on first reading of Bill 171, followed by a motion to substitute Bill 171 with my proposed CD1 version, followed by Member Paltin's amendment motion to make all of the affordable units exempt from HOA fees while they are affordable. So, Member Paltin, was that correct in what your motion was when we left off yesterday?

COUNCILMEMBER PALTIN: I believe so.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. In your process that you outlined --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you said that only the applicant. What...what if another resource person needs to speak to the amendment, or is called to speak to the amendment?

CHAIR KAMA: We're only allowing the...the--because the amendment, I think, is all going to be directed towards the project, whatever questions you might have.

COUNCILMEMBER RAWLINS-FERNANDEZ: What Departments do we have here?

CHAIR KAMA: Let me get that back out for you. No, Planning's not here, neither is Housing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, so not just all but Housing.

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CHAIR KAMA: Yeah. Oh, it says, so the...these resources are on call. So, all that I've read, Department of Trans...

COUNCILMEMBER RAWLINS-FERNANDEZ: Did you say on call?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: They're not online?

CHAIR KAMA: No, they're on call.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, what if --

CHAIR KAMA: Is that correct, Staff, that I have here in my notes?

MR. KRUEGER: Yes, Chair. So, we can reach out to them if they're needed. I will note, though, that there is one person who is online, that's Captain Vaas from the Fire Prevention Bureau.

CHAIR KAMA: Okay.

MR. KRUEGER: Oh, Director Stufflebean is also online.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, Department of Water is online.

CHAIR KAMA: Water is here, as is --

COUNCILMEMBER RAWLINS-FERNANDEZ: And Fire is online?

CHAIR KAMA: -- Fire, Captain Vaas.

COUNCILMEMBER RAWLINS-FERNANDEZ: Everyone else in on call, except Housing and Planning are not on call? They couldn't --

CHAIR KAMA: Correct, they are not --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- have a representative available for the Committee?

CHAIR KAMA: Correct. You are correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, if there's a question for Fire, Water, or any of the Departments that's on call, then if the movant has...would like to hear from our Department resource personnel, then no?

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COUNCILMEMBER PALTIN: Might as well dismiss them then.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Why are they here if we are not going...if we can't ask them questions about our motions to amend?

CHAIR KAMA: Okay. I think you're correct. Thank you, Member Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, that we...we can ask them questions? Because if it's, like, about fire, then we would ask the Department of Fire, right?

CHAIR KAMA: Hold on a sec. Two minutes, recess. James, can I... ..(gavel)...

RECESS: 1:51 p.m.

RECONVENE: 1:55 p.m.

CHAIR KAMA: ..(gavel).. The recessed meeting of November 25th, 2024, of the HLU Committee will now reconvene. It is now 1:55 p.m., and I'm going to respond to Member Rawlins-Fernandez's question and Member Paltin's comments. So, we only want questions to be asked of the proponent, and he has that minute to respond, and then we're going to move on. So...and then we're going to allow the...the resources that we have to remain on call if they so choose, but if not, they are free to go about their day.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: The Department Directors--oh, well, representatives that are online can sign off, is that what you're saying?

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just so that it's clear for --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Director Stufflebean and --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Captain Vaas.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And then to clarify --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we've asked Mr. Ryan Hurley to stay on as a resource person. Are you saying that --

CHAIR KAMA: Yeah, he can go to.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I will not be able to --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- call on Mr. Hurley --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to speak to a motion to amend?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're saying yes?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: That Mr. Hurley will not be able to speak?

CHAIR KAMA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yes, Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I understand your point you're making about the folks who are online. What about Department of Housing and...and Planning? I really want to hear from Housing, and we have been unable to hear.

CHAIR KAMA: They were invited. They were invited. I can't force them to come, correct? But we keep inviting, and they have decided not to come.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: Okay. So, if we may proceed with Member Paltin's...your discussion on your amendment for the HOA fees. Okay.

COUNCILMEMBER PALTIN: I think I had my discussion. You want me to say it again?

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CHAIR KAMA: I think it would be helpful.

COUNCILMEMBER PALTIN: Okay. I propose that the affordable units don't pay HOA fees because, you know, we know that the HUD guidelines for affordable housing isn't...isn't...math...the math isn't mathing [sic] based on the cost of living and all the things. And so, I think that charging HOA fees on top of everything is overly restrictive.

CHAIR KAMA: Okay. Mr. Chipchase, one minute to respond--or up to a minute to respond.

MR. CHIPCHASE: Yes, Chair, happy to. Cal Chipchase. The...testing.

COUNCILMEMBER PALTIN: Oh, can I finish one more thing? Sorry.

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Also, that in deleting over 100 of the affordable homes, they can make up the difference somewhere.

MR. CHIPCHASE: All right. Cal Chipchase. Mic's a little soft, but I'll do my best to speak up. The project could not subsidize the HOA fees for the affordable units, and County policy recognizes then when even County funding is provided for a project, that a portion of the expense will be for HOA fees, and the County accounts for that in its guidelines. Caps it, but it accounts for it. That is the reality of HOA fees that are necessary for the maintenance and safety of the property. I...I will note that an existing condition does require the water rates for the affordable units to be at County rates, which is substantially less than the anticipated cost given the system that Mr. Edwards described yesterday. And so, we are providing a subsidy on the water side. We could not provide a subsidy on the HOA fee side. The...with respect, I...I don't want to weigh too deep into the deletion of homes. That's obviously . . .(timer sounds). . . not how we see it.

CHAIR KAMA: Okay. Thank you. Okay. Member...yes, Member Johnson?

COUNCILMEMBER JOHNSON: Am I allowed to ask a question to Cal Chipchase on this? If it's her amendment, I can ask?

CHAIR KAMA: He answered, so it's discussion time.

COUNCILMEMBER JOHNSON: Okay. So, can I ask Mr. Hopper a question?

CHAIR KAMA: Yes. Mr. Hopper. Yes, we always have to have --

COUNCILMEMBER JOHNSON: Okay. I just wanted to know --

CHAIR KAMA: -- our Corp. Counsel. Yeah.

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COUNCILMEMBER JOHNSON: -- if I could. So, Mr. Chipchase, you said the County can cap the HOA fees?

MR. CHIPCHASE: I think I said the County does cap when County funding is provided in terms of the affordability guidelines.

COUNCILMEMBER JOHNSON: Okay. I guess I want to ask Mr. Hopper, if he's on the call.

CHAIR KAMA: Mr. Hopper?

MR. HOPPER: Yes. Chair. Can you...can you hear me?

CHAIR KAMA: We can hear you. You're kind of --

MR. HOPPER: I'm having a little reception . . .*(inaudible)*. . .

UNIDENTIFIED SPEAKER: I can hear you.

CHAIR KAMA: You're coming in garbled, Mr. Hopper.

MR. HOPPER: Okay. I'm sorry. Is this a little better?

CHAIR KAMA: Better.

COUNCILMEMBER JOHNSON: Okay. Hi, Mr. Hopper. My question is in regards to, do we...can we make a condition where we cap the HOA fees?

MR. HOPPER: I...I think right now, you're looking at...if you're looking at additional mitigative measures, you would...they would, I think, need to be proportionate to the impact of the...the project with respect to the new amendments that are being sought. I mean, you...you can hear Mister--the...the project's discussion of...of what the change would do, but I mean, I think in general, if you're looking to...for the affordable units only, to...to add additional restrictions from 2.96, I think taken as a whole with the other amendments that are being done, there are some things you could do. So, if...if you're looking...you're...you're saying--I haven't seen such an amendment. I...I did hear Member Paltin's request, which involved the association fees, and...and I do think that it is something that's within your purview. As far as capping the fees, that's not something I had considered before the meeting. I...I do suppose it's possible, but I think you need to make your finding that this is something needed to mitigate the impacts of the amendments that are being requested right now.

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

CHAIR KAMA: You're welcome. Any other discussion? Okay. Seeing...okay. Yes, Mr. Cook?

VICE-CHAIR COOK: Chair, my question is, if the HOA fees would be separated from the project as a whole, or will this affordable housing element have its own HOA fee structure?

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CHAIR KAMA: You...you want me to answer that? I don't think I could answer that. I don't know. That's for the proponent to answer.

VICE-CHAIR COOK: I'm having a hard time with my hearing aid, so everybody's going to have to speak up.

CHAIR KAMA: I said I don't think...I don't think that is something I could answer, right...because it's not my project, right? So, you'd want him to answer it, right?

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: And...and Chair, I apologize. I was asking the question to you to see who I could direct the question to.

CHAIR KAMA: Okay. The proponent.

VICE-CHAIR COOK: So, Mr. Chipchase?

MR. CHIPCHASE: Yes, Member Cook. Oh, that's better. The...the HOA structure would be specific to each building, so the...the units that are affordable and the affordable structures would have their own HOA fees.

VICE-CHAIR COOK: So, for just clarification, they would not be impacted by the other homes, they would be...the fee structure, repair, maintenance, and cost solely for the affordable units?

MR. CHIPCHASE: Likely, there would be a structure with a master HOA for the entire project that would cover some portion of the amenities and the upkeep of the common elements for the entire structure, and then each individual section, or...or structure, if it's a multifamily, would have its own HOA fees associated with the maintenance and safety of that structure.

VICE-CHAIR COOK: Thank you, Chair. Thank you.

CHAIR KAMA: You're welcome. Any other discussion, Members? If not, we're going to call for the vote on the amendment. Shall we do roll call? Okay.

MS. MCKINLEY: Chair, proceeding with a roll call vote on the motion to amend to exempt all affordable units from HOA fees while they're in affordable status. Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

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COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Yes.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Yes.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: No.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

MS. MCKINLEY: Councilmember Sinenci.

CHAIR KAMA: He’s excused.

MS. MCKINLEY: And Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, that’s three “ayes,” five “noes,” one excused, Councilmember Sinenci.
Motion fails.

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CHAIR KAMA: Um-hum.

COUNCILMEMBER PALTIN: And so, I just want it recorded that no affordable should ever pay parking fees.

CHAIR KAMA: Okay.

MS. NAKATA: Excuse me, Chair.

CHAIR KAMA: I heard--yes?

MS. NAKATA: Could Staff just get clarification if all affordables refers to all affordable rentals or all affordable units? Thank you.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: For the parking, I don't want any affordable for-sale or rentals to have to pay parking fees.

CHAIR KAMA: Okay. Member Johnson, as the seconder, would you like to comment? I mean, wait. Let's ask Mr. Chipchase for your comment.

MR. CHIPCHASE: Happy to.

CHAIR KAMA: Your one-minute comment.

MR. CHIPCHASE: Happy to, Chair. Cal Chipchase. The...the breakdown, of course, is...is fine. I agree that mathematically, 125 is not nicely divided by 3, so that seems entirely doable from the project. I was trying to reach the project ownership to discuss whether there are any parking fees, and...and I guess I would say I don't know what's meant by that. I'm not aware of any parking fees separate from the maintenance of the drives, the structures, the, you know, parking areas. Certainly, there are costs associated with that, and...and for the same reasons I wouldn't exempt the units from the HOA fees, we couldn't exempt them from the responsibility to pay for those...those maintenance. But I'm not aware of any separate charge to park. And if that's what's meant, I don't see any problem with the amendment.

COUNCILMEMBER PALTIN: Like the one at Kaulana Mahina, where they're charged to park.

MR. CHIPCHASE: I'm just not aware of that one, so I couldn't comment on it. But if it's, say, like a hotel fee, you know, when they park...charge you to park overnight, there's no intention of doing that.

COUNCILMEMBER PALTIN: At Kaulana Mahina, it's per month. Monthly parking fees.

MR. CHIPCHASE: I see.

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CHAIR KAMA: Okay.

MR. CHIPCHASE: So, like renting a stall. I...I have no problem with that amendment.

CHAIR KAMA: Okay. . . .*(timer sounds)*. . . Member Johnson, comments or --

COUNCILMEMBER JOHNSON: Sure.

CHAIR KAMA: -- discussion?

COUNCILMEMBER JOHNSON: Just like Kaulana Mahina...Mahina is, that the unit has the option to rent one stall, and then additional stalls with...with higher fees. So, if you folks are...are amenable to not doing that, I...I would...that's why I would support that amendment. Because we don't want someone who has a larger family be paying more just because you have a larger family, equaling more cars.

MR. CHIPCHASE: I...I see. So, that would be an issue. If people wanted additional stalls without--more than was allocated without charge, that just incentivizes people to maximize the number of stalls they claim, which thereby reduces the number of stalls available for everyone else.

COUNCILMEMBER JOHNSON: What are the stalls you're giving them now, like one...one stall per unit?

MR. CHIPCHASE: I...I don't offhand know what the ratio is --

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: -- per unit. It probably depends on the size of the unit as well, so I don't...I don't...I couldn't tell you that. I'm sorry, what's that?

COUNCILMEMBER PALTIN: Is that a Planning Department formula?

MR. CHIPCHASE: Yeah, typically that would...we would...we would be required to meet the parking requirements of the County Code to the extent applicable to the Project District. But certainly, there's no separate charge for a stall.

COUNCILMEMBER JOHNSON: Okay. That --

MR. CHIPCHASE: Or whatever is allocated to each unit.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: Okay. Member Sugimura.

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COUNCILMEMBER SUGIMURA: So, Planning Department, I don't think they're on the call, but can we ask them that question and leave...leave this on the side so that we can get an answer? Because we can't vote --

COUNCILMEMBER PALTIN: No. No leaving it on the side.

CHAIR KAMA: . . .*(inaudible)*. . . They can't...they didn't...

COUNCILMEMBER SUGIMURA: Huh?

CHAIR KAMA: They didn't...they didn't want to come.

COUNCILMEMBER RAWLINS-FERNANDEZ: They didn't want to come?

CHAIR KAMA: We invite them, they don't come, so they don't want to come, right? That's what it means.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is--was that the response that we...that Staff received, they didn't want to come? . . .*(laughing)*. . .

CHAIR KAMA: Staff, what was the actual message from Planning?

CHAIR LEE: Maybe they weren't able.

MR. KRUEGER: Chair, we...Staff was just notified that...from the Planning Department that no one was available to attend.

CHAIR KAMA: No one is available. So, if they're not here...anyway. So, Member Lee. Okay.

COUNCILMEMBER LEE: I don't mind proceeding with this --

CHAIR KAMA: Me too.

COUNCILMEMBER LEE: -- vote.

CHAIR KAMA: I...I...so...so, my sense, Members, is if you're renting anywhere here--I mean, I don't...I didn't realize that what Mr. Johnson said was happening at Kaulana Mahina, that you have to...you get one...you get one parking...one parking free --

COUNCILMEMBER PALTIN: No free parking.

CHAIR KAMA: Oh, so you pay for one, and if you want another, you got to pay for the other one?

COUNCILMEMBER PALTIN: If you pay for another one, it's more than the first one.

COUNCILMEMBER SUGIMURA: Because you're trying to discourage --

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CHAIR KAMA: Oh, it's like you're checking luggage at Hawaiian. Okay. So, Members, any more discussion on this issue? If not, I would like to take the vote.

COUNCILMEMBER SUGIMURA: Roll call.

CHAIR KAMA: Okay. Roll call.

MS. MCKINLEY: Chair, do you need me to restate the motion, or just take the vote?

COUNCILMEMBER LEE: We're ready for the vote.

CHAIR KAMA: We're ready for the vote.

MS. MCKINLEY: Okay. Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

MS. MCKINLEY: Councilmember Sinenci.

CHAIR KAMA: Excused.

MS. MCKINLEY: Committee Chair Kama.

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CHAIR KAMA: Yes.

MS. MCKINLEY: Chair, that's seven "ayes," one "no," one excused, Councilmember Sinenci. Motion passes.

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

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE Amendment.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I have a question for --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. Hopper --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- our Corp. Counsel --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Deputy Corp. Counsel. Mr. Hopper, in the Charter --

MR. HOPPER: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- change in zoning or any amendments to it would be initiated by either the Council or the Planning Department. Isn't their presence, the Planning Department, like therefore required if it's being initiated by the Planning Department on behalf of the applicants?

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MR. HOPPER: Chair. I think this one was initiated by...by the applicant. I...I do understand that they're generally the staff that's going to be making that presentation. So, I mean, I...I don't know their situation and what they've communicated to you. I...I mean, you know, it...it...it's generally...they are, you know, supposed to be the presenter. They sent you the correspondence, they communicated the Planning Commission's recommendation to you. So, yeah, typically they would...would...would be there. But I don't think their...their...their not being there legally prevents the Council from taking action. But, you know, I...I...I can't speak for the Department as to, you know, what--why it's not here right now.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hopper. I understand you're saying that your interpretation is that it doesn't violate the Charter, their presence not being here. Is that...is that what you're saying?

MR. HOPPER: Yes. I mean, they provided...they provided the communication as required by the Code and, you know, by the Charter. They've provided the communication to you. Their...their physical presence to answer questions at the meetings, I can...I can reread those sections, but I don't know of anything that...that talks about something like that, that they have to be physically present at...at the meeting. But yeah, I...I don't know of any reason why that would prohibit the Council from taking its legislative action to make a recommendation today.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, it doesn't prohibit it, but it...it's not appropriate?

MR. HOPPER: I mean, I will say...I...I will say that...listen, I will say that if the...the Council needs its questions answered and can't get them without the Department, it's certainly within your purview to get those...those answers before proceeding. I'm not saying you legally have to do that, but it's...it's certainly within your purview to do that.

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

CHAIR KAMA: So, Member --

COUNCILMEMBER PALTIN: And --

CHAIR KAMA: Did we--you...

COUNCILMEMBER PALTIN: -- for my next amendment --

CHAIR KAMA: Okay. This is the one you're going to try to get before you leave. Okay.

COUNCILMEMBER PALTIN: I would amend...I would move to amend the for-sale affordable units, however many that is, to have a deed restriction...affordable deed restriction of 15 years across the board.

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COUNCILMEMBER JOHNSON: Second.

CHAIR KAMA: Okay. Mr. Chipchase.

MR. CHIPCHASE: Yes, Chair. That would be a substantial impairment of the applicant's ability to conduct sales and operations, impossible to track, and likely unconstitutional, at least in my view. So, it wouldn't be something that...that we would ask the Council to do or be supportive of.

CHAIR KAMA: Chair Lee.

COUNCILMEMBER PALTIN: Oh, discussion?

CHAIR KAMA: Oh, I'm sorry. Yeah. Go ahead.

COUNCILMEMBER PALTIN: This is something that we've already done with Kilohana Makai and other affordable housing projects, so I don't know about the lawyer here.

MR. CHIPCHASE: Didn't you say for market?

COUNCILMEMBER PALTIN: No, affordable.

CHAIR KAMA: Affordable. Yeah.

MR. CHIPCHASE: I'm sorry, I...I thought you said for the market. I...I'm sorry, affordable for-sale. Then I misheard you, and I'm sorry about that. For the affordable for-sale, a deed restriction requiring owner occupancy for 15 years is acceptable. That...that certainly is something we could live with and is consonant with the goal of making sure local families have it. They would be able to convey it, I would understand, but...but it would have to be to another owner-occupant; is that correct?

COUNCILMEMBER PALTIN: At...at the affordable price guideline.

MR. CHIPCHASE: Right, under 2.96. I...I...I think that makes sense.

COUNCILMEMBER RAWLINS-FERNANDEZ: And Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order. If you can request that Mr. Chipchase please refrain...refrain from giving us any of his legal opinions. He is not our attorney. Mahalo, Chair.

CHAIR KAMA: Thank you. I think...Chair Lee, did you have your hand up?

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COUNCILMEMBER LEE: Yes. I just wanted to get a clarification from Mr. Chipchase. Can you repeat the--you are fine with the 15-year deed restriction on the affordable for-sale units?

MR. CHIPCHASE: I understood that the restriction was for owner-occupancy, not the affordability period. If I misunderstood that too, then...then that would be a further departure from 2.96, and I...I don't think that that would be appropriate. So, if I --

COUNCILMEMBER PALTIN: Man, you really got to clean your ears, man.

MR. CHIPCHASE: Yeah.

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

MR. CHIPCHASE: I'm sure it's my fault. So...

COUNCILMEMBER LEE: So, why don't you just say what is acceptable of --

MR. CHIPCHASE: Sure.

MR. HOPPER: -- of what was being proposed?

MR. CHIPCHASE: As I was writing it down, clearly wrongly, I understood that it applied to the owner-occupant...an owner-occupant requirement for 15 years. That is something that would be acceptable. If the intent was to restrict the affordability period for 15 years, despite 2.96 having the separate provisions for five, eight, and ten, that would be very difficult for the project to sustain.

COUNCILMEMBER PALTIN: Member Cook had a question.

CHAIR KAMA: Oh, I'm sorry. Member Cook.

VICE-CHAIR COOK: My question was, you would be willing to accept the five-, eight-, and ten-year affordability aspect, and include 15 years owner-occupied restrictions, and that would be for...and that would be--is it 30 years for the rentals?

MR. CHIPCHASE: It is 30 years for the rentals.

VICE-CHAIR COOK: Okay.

MR. CHIPCHASE: But yes, correct.

VICE-CHAIR COOK: Okay. Thank you for the clarification. I could support that.

COUNCILMEMBER PALTIN: If it's going to change to what he said, I'd like it to be 20 years owner-occupied.

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CHAIR KAMA: So, you're amending your motion...your amendment? So, okay.

VICE-CHAIR COOK: If they're...if they're willing, I would think 20 years owner-occupied and maintaining the five-, eight-, and ten-year deed restrictions.

COUNCILMEMBER PALTIN: Well --

VICE-CHAIR COOK: They...they --

COUNCILMEMBER PALTIN: We can come back to the five, eight, and ten, but if we're talking about owner-occupied right now, I would say 20 years. We can talk about the five, eight, and ten later, but if we're talking about owner-occupied, as Mr. Chipchase wrongly heard, I'm okay with 20 years owner-occupied.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Mr. Chipchase?

MR. KRUEGER: Chair?

CHAIR KAMA: Do it again. Yes?

MR. KRUEGER: Apologies. If the...at...at this stage though, before the body is an amendment to the amendment. So, if possible, perhaps the best course of action--so, what's...to be clear --

COUNCILMEMBER PALTIN: I'll withdraw.

MR. KRUEGER: -- on what's on the floor is to withdraw. Yes. . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: I'll withdraw the original --

COUNCILMEMBER JOHNSON: And I'll withdraw my second.

COUNCILMEMBER PALTIN: -- and change it to 20 years owner-occupied. My...I move to amend that the affordable for-sale units would be owner-occupied for a period of 20 years.

VICE-CHAIR COOK: I can second that for discussion.

CHAIR KAMA: Okay. Mr. Chipchase, did you respond to the 20 years?

MR. CHIPCHASE: Well, I...I...I'm happy that poor comprehension led to a positive place. So, with clean ears, I think on the amendment, we could...we could support 20 years for the owner-occupancy period for the for-sale units.

COUNCILMEMBER PALTIN: How generous. I'm going to give you Q-Tips for Christmas.

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

MR. CHIPCHASE: I...I look forward to it. That's only a few weeks away.

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

CHAIR KAMA: Okay. So, discussion, Member Cook?

VICE-CHAIR COOK: Are we going to be able to make an amendment to this amendment?

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: We'd be three amendments deep?

CHAIR KAMA: Well, no --

VICE-CHAIR COOK: Anyway --

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

VICE-CHAIR COOK: For discussion, I'm in agreement with this.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: I would like to clarify so that we're not just like making a lot of...lots of little pieces--that the deed restrictions are included into this portion of it, and that we're not--we don't have all day, and I'd like to basically clarify that aspect along with this owner-occupied portion. I think it's fair to have...

COUNCILMEMBER PALTIN: What are you proposing?

VICE-CHAIR COOK: I'm proposing the five, eight, and ten years that go with the project. And the...and my justification, or my thought, is that the owner-occupied aspect minimizes the...my concern about speculation, real estate speculation. That the owner-occupied portion of it keeps it that if someone sells it, they're going to be selling it to someone who is also a worker within that parameter. I'd...I would like to mitigate speculation without hamstringing ownership, the people who own the homes, from basically being able to get a second mortgage for the kids, or for health, and for all those other kind of stuff. Trying to find a balance, not speculative, limiting it, but also enabling people to participate and us not deviating too much from the norm. So, it--that's my thoughts, so I'm open to your feedback.

COUNCILMEMBER PALTIN: My feedback is if somebody's going to buy a 120 to 140 percent AMI house and only stay in there for five years, that's really pohō. I could be okay with ten years across the board, treating everybody the same equitably regardless of their AMI, but five years is just simply unacceptable.

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VICE-CHAIR COOK: So, are you saying that ten years across the board would be acceptable?

COUNCILMEMBER PALTIN: If that's the best I can get.

CHAIR KAMA: Member Lee.

COUNCILMEMBER LEE: Okay. So, I'm hoping that we're not going to, let's say, pass this, and then something else is attached to that, and something else is attached to that. So, assuming nothing else is attached to this, what were you thinking, Mr. Cook, as an alternative, or as an addition?

VICE-CHAIR COOK: Well, I already stated mine was the five, eight, and ten. I think 10 years across the board proposed to the developer...it's like, if there are no other changes and it's 20-year owner-occupied and 10-year deed restriction, if they could pencil that out, which is basically their discretion.

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

COUNCILMEMBER LEE: So, Mr. Chipchase, can you pencil that out?

COUNCILMEMBER PALTIN: Don't see how that costs them any money.

MR. CHIPCHASE: Yes, Chair. If --

UNIDENTIFIED SPEAKER: Oh, so . . .*(inaudible)*. . .

MR. CHIPCHASE: -- we otherwise follow 2.96, and the...the guidelines for the sale of those units, we could accept a 10-year affordable restriction for all categories, rather than only the...the designated category in Chapter 2.96 with a 20-year owner-occupant restriction rather than the standard restriction in 2.96.

CHAIR KAMA: So, we're going to ask Carla to comment on...on what she's just heard. Carla?

MS. NAKATA: Thank you, Chair. Staff just wanted to point out that we're currently considering the Project District bill, not the change-in-zoning bill. So, we just wanted to make sure the amendments that are being made are amendments appropriate for the Project District bill, as opposed to a condition of zoning, which is with Bill 172. Thank you, Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Thank you. Member Rawlins --

COUNCILMEMBER RAWLINS-FERNANDEZ: Just a quick one for Ms. Nakata, if she could restate the main motion on the floor because I thought I heard both. Or --

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CHAIR KAMA: The amendment. The amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: The main motion.

MS. NAKATA: The main motion on the floor is to recommend passage of Bill 171 --

CHAIR KAMA: Oh, yes.

MS. NAKATA: -- in first reading. And there was a motion to substitute with the proposed CD1 version of Bill 171. And what we're entertaining now is a motion to amend to insert a deed restriction.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nakata.

CHAIR KAMA: . . .*(inaudible)*. . . Okay. Member Lee.

COUNCILMEMBER LEE: Yeah. Okay. Before we take the vote, I think we need to get clarification from Mr. Hopper or Corp. Counsel whether or not it's appropriate in the first place. Because if we are not...if this is considered a zoning condition --

CHAIR KAMA: Then that's in the next bill, 172.

COUNCILMEMBER LEE: Yeah. Right.

CHAIR KAMA: Yeah. So, do you want to hold on to that, Member Paltin? I mean, I think you're in a good space right now, you just got to hold on to it, and then probably bring it back at--when we talk about 172.

COUNCILMEMBER PALTIN: Because I'm so brilliant?

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

COUNCILMEMBER PALTIN: Okay. So, table that until 172 is what you're saying?

CHAIR KAMA: Is that the right thing to do, Carla? Or should she just withdraw, but then bring it back up at 172?

MS. NAKATA: Chair, if the intention is that this be made a condition of zoning, then it's probably more appropriate for Bill 172.

CHAIR KAMA: Yeah.

MS. NAKATA: You could withdraw it, and then make the motion again when Bill 172 is considered.

COUNCILMEMBER PALTIN: Okay. Withdrawing.

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CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Would this be a...would this bill be appropriate for my laundry facilities one?

CHAIR KAMA: Carla, could you answer that? Well, did you tell...why don't you...

MS. NAKATA: I'm sorry, what is the --

CHAIR KAMA: Why don't you tell us what your intent is.

MS. NAKATA: -- laundry facilities one?

COUNCILMEMBER PALTIN: I move to require the affordable for rentals to have at least two laundry facilities.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second. Perhaps 19.90A.030.A.1.

CHAIR KAMA: So, I think what...what Member Paltin is asking is, is it...does it belong in 171 or 172?

COUNCILMEMBER RAWLINS-FERNANDEZ: And I just answered that it could be --

CHAIR KAMA: It's 19?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- on Bill 171 under Section 3, under 19.90A.030.A.1. Sorry, that's existing...existing natural drainways.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: That would be C, sorry, infrastructure.

COUNCILMEMBER PALTIN: Not less than two laundry facilities.

COUNCILMEMBER RAWLINS-FERNANDEZ: Infrastructure.

COUNCILMEMBER LEE: It falls under infrastructure?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. . . *(laughing)*. . .

COUNCILMEMBER LEE: That's more amenities.

CHAIR KAMA: Okay. Let's--Mr. Chipchase.

MR. CHIPCHASE: Aside from not thinking that laundry facilities are...should be regulated through the Project District, I...I...we wouldn't support something as detailed as specifying how many laundry facilities a structure needs to have as part of these

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conditions. It doesn't relate to anything that we've asked to do, and it's...it's not something that...that we would support doing through...certainly through this bill, but also through the conditions.

COUNCILMEMBER PALTIN: Can you clarify if each unit--affordable rental will have its own laundry facilities?

MR. CHIPCHASE: Those...those kinds of designs haven't been finalized yet.

COUNCILMEMBER PALTIN: So, you're saying that there will be 125 units, and nobody knows how they're going to do their laundry?

MR. CHIPCHASE: All...all I'm saying is that those designs haven't been done yet.

COUNCILMEMBER PALTIN: I think it's important to clarify that there be at least two laundry facilities. Because these are our people, and they need clean clothes.

CHAIR KAMA: True.

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

COUNCILMEMBER LEE: Wait, if you have to go...

CHAIR KAMA: Oh, wait. So...okay. So, Member Paltin, so that was your amendment, right? I'm sorry, did somebody second that?

VICE-CHAIR COOK: No.

CHAIR KAMA: Just want to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay. Thank you. Yes, Member Lee.

COUNCILMEMBER LEE: Lee.

CHAIR KAMA: Yes.

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

COUNCILMEMBER LEE: And so, Member...Member Paltin, when do you have to leave? I'm so concerned about your mother going home.

COUNCILMEMBER PALTIN: Yeah, I'm...I'm...I'm transferring to virtual right now. I got to take her down.

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COUNCILMEMBER LEE: Well, take her down. And can we put some of these on the side until she gets to a place where she can rejoin the meeting?

CHAIR KAMA: Sure. Member Paltin, if you don't mind?

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER LEE: Okay. You're making me nervous. Your mom must be anxious. . . .(laughing) . . .

COUNCILMEMBER PALTIN: I don't mind if she stays another day.

COUNCILMEMBER LEE: . . .(laughing) . . .

CHAIR KAMA: That is sweet.

COUNCILMEMBER LEE: Okay. Chair --

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: -- are there other things we can take up right now?

CHAIR KAMA: Yeah. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, we have a motion on the floor, and the movant is leaving. . . .(laughing) . . .

CHAIR KAMA: I know.

COUNCILMEMBER LEE: Defer it. Just defer it. She's coming back.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: So, why don't we just --

COUNCILMEMBER RAWLINS-FERNANDEZ: Table.

CHAIR KAMA: -- table it until she comes back.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, while it's being tabled, perhaps Ms. Nakata can see if it would be more appropriate under 060 to...oh.

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COUNCILMEMBER LEE: Miss...does Ms. Nakata --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, 70, where it says like the comfort and shelter stations, greenhouse, maintenance and storage facilities, off-street parking...

COUNCILMEMBER LEE: Does she need time to read it over?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, for the --

COUNCILMEMBER LEE: Ten minutes?

CHAIR KAMA: I don't know.

COUNCILMEMBER LEE: Recess?

CHAIR KAMA: Carla, do you need time? Do we need a recess?

UNIDENTIFIED SPEAKER: I would assume.

CHAIR KAMA: Should we take a five-minute recess?

MS. NAKATA: Sorry, Chair. If you're putting this one on the side, does that mean you're withdrawing it until a later time?

CHAIR KAMA: No, we're just putting it on the table.

COUNCILMEMBER RAWLINS-FERNANDEZ: Postpone.

CHAIR KAMA: But --

MS. NAKATA: Okay. Okay.

CHAIR KAMA: But what Member Rawlins is saying, is this an appropriate venue for what Member --

MS. NAKATA: So, if we're postponing this, then perhaps we can move on to another issue and I can take it up --

CHAIR KAMA: Okay. Well, you--you know, okay. In the...in the meantime, she'll go ahead and look at that. Okay. Member Cook, I'm sorry. I know you had your hand up.

VICE-CHAIR COOK: I'd like to be brought up this...I'd like to clarify where we are with the main motion and amendments --

CHAIR KAMA: Okay. Okay.

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VICE-CHAIR COOK: -- so that I don't get any more confused.

CHAIR KAMA: Okay. So, the main motion was to pass Bill 171, and then there was an amendment to 171, which was a CD1 version. And then, Member Paltin started her amendments. And the current amendment that is on the table right now is the one regarding the...the laundry facilities, that she wants these laundry facilities, and that's where it's at right now. So, we're going to leave all of that discussion until she comes back. And in the meantime, Carla's going to do some research to see if the laundry facilities actually belongs in 171 or 172, and we'll have more discussion about that when Member Paltin returns. That's where we are right now.

VICE-CHAIR COOK: Okay.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: You good...you good, Mr. Cook? You're all right? Okay.

COUNCILMEMBER LEE: What you could do is review your CD1 version.

CHAIR KAMA: Well, actually, I have an ASF that I'd like you all to take a look at, and Staff will pass it out. But I would need someone to...to move...yeah, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes? Oh, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, right now, the motion on the floor is the main motion to adopt...or recommend passage on first reading Bill 171, and then we have a motion to amend by substituting your ASF that was posted to Granicus, and I believe we made another motion just now. But --

CHAIR KAMA: You mean Member Paltin's?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Yeah. So, that, we're just tabling, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: But now, we're going to...correct.

CHAIR KAMA: Oh, I hear what you're saying.

COUNCILMEMBER RAWLINS-FERNANDEZ: However, if you were asking --

CHAIR KAMA: We haven't disposed of it.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- us to consider this --

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CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- new substituted bill --

CHAIR KAMA: So...well, it's not a substitute, it's just an ASF.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, you would do them individually, not substitute?

CHAIR KAMA: The ASF needs . . .*(inaudible)*. . .

COUNCILMEMBER LEE: Chair? I'm not asking that we take action on this, I just wanted to review it, you know? And besides --

CHAIR KAMA: Oh, I see.

COUNCILMEMBER LEE: -- besides, Member Paltin's motions --

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: -- could be...is probably more appropriate for the next bill anyway.

CHAIR KAMA: Oh, okay. I hear . . .*(inaudible)*. . .

COUNCILMEMBER LEE: But I'm not suggesting we take action on this, just maybe --

CHAIR KAMA: Oh, I...I --

COUNCILMEMBER LEE: -- explain what...what you're proposing.

CHAIR KAMA: Carla, were you going to say something, or no--regarding the ASF?

MS. NAKATA: Thank you, Chair. No, I was just going to explain that the intention was not, through this ASF, to have another substitution motion.

CHAIR KAMA: Yeah.

MS. NAKATA: There are two specific motions laid out to make individual amendments to the proposed CD1 version of Bill 171.

CHAIR KAMA: So, basically...basically, I'm...we're going to look for--to entertain a motion to amend Section 2 of the bill as described on this ASF. And if we get a motion --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: And if we--yes?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I'll do your number 2, striking 1,400 and inserting 1,150. That was a motion that I had prepared after Member Paltin was finished with all hers.

CHAIR KAMA: Right. So, the idea of presenting this ASF was to make sure that we all were looking at the...the right numbers, the same numbers, what Mr. Chipchase had said in his presentation and in his explanation to us. And as the numbers were flying all over the place, I just wanted to make sure that we're looking at the right numbers and that we all are looking at the same ones. That's why this ASF is here. So, if I--yes, Member Rawlins --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Well, I...I made a motion, and I didn't get a second. . . .*(laughing)*. . . But if...if you want, perhaps we can do like it section by section because I...I also have amendments to Section 2.

CHAIR KAMA: Okay. So, Carla, question. So, would we take this amendment, and then Member Rawlins-Fernandez has other amendments for the same section. Can we take it section by section?

COUNCILMEMBER RAWLINS-FERNANDEZ: We can dissect it. We can do it however we want. We're the Councilmembers.

COUNCILMEMBER LEE: James? James?

CHAIR KAMA: What are we doing?

COUNCILMEMBER RAWLINS-FERNANDEZ: And...and my proposal is just so that it's organized, and then we can take up, you know, whoever wants to make your motions for Section 3, one, two, three, four, then we can consider those.

CHAIR KAMA: Add them on the bottom? Is that what you're looking at?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: Okay. So, okay. So, it's--yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: I'm trying to do what you want us to do.

CHAIR KAMA: Yeah, she does.

COUNCILMEMBER SUGIMURA: So, you want us to take this whole --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- your whole ASF?

CHAIR KAMA: Yes.

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COUNCILMEMBER SUGIMURA: First motion, to amend Section 2 of the bill by --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- and one, two, and then it's --

CHAIR KAMA: One and two.

COUNCILMEMBER SUGIMURA: And then the second, you want us...you want us to go --

CHAIR KAMA: And then move to amend Section 3.

COUNCILMEMBER SUGIMURA: -- section by section?

CHAIR KAMA: Right.

COUNCILMEMBER SUGIMURA: Take it orderly?

CHAIR KAMA: So...right. So, what Member Rawlins-Fernandez is saying is that she's in agreement, but she also has other things that she'd like to list under Section 2, right? And Section 3. So, I'm trying to make sure that if we're all good with this, then we should okey-dokey this the way it is, and then add Member Rawlins-Fernandez's amendments too.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: Right? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, I move for your number 2 in Section 2, and Member U'u-Hodgins seconded.

CHAIR KAMA: Okay. So, any discussion?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Okay. So --

COUNCILMEMBER RAWLINS-FERNANDEZ: No. Mahalo, Chair, for--it cleans it up really well. That was something that I caught too, the discrepancy. So, mahalo for proposing this amendment to clean up the bill and make it clear.

CHAIR KAMA: That's our Staff. You're so good at that, but thank you anyway.

MS. NAKATA: Chair?

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CHAIR KAMA: Yes?

MS. NAKATA: Could Staff just clarify when she...Member Rawlins-Fernandez --

CHAIR KAMA: Yes.

MS. NAKATA: -- said number 2 of Section 2, this would be to strike 1,400 and insert 1,150 --

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

MS. NAKATA: -- in its place? Thank you.

CHAIR KAMA: Okay. So --

UNIDENTIFIED SPEAKER: And there's a number --

CHAIR KAMA: Do you have the...

COUNCILMEMBER SUGIMURA: Chair?

CHAIR KAMA: Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Can...can we keep in your order? So --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: -- first is to do number 1, what you wanted.

COUNCILMEMBER RAWLINS-FERNANDEZ: We already have a motion on the floor. Point of order.

COUNCILMEMBER SUGIMURA: I'm...I'm just saying, can we keep what you want to do? We can vote on it or whatever, but can we stick to what you are proposing --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: -- and not jump around?

CHAIR KAMA: So, let's make sure where I understand what we're all doing. So, this document has been moved and seconded by Member Rawlins-Fernandez and Member U'u-Hodgins. Is that correct, or no? . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: My motion was to --

CHAIR KAMA: To --

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- to do your number 2 --

CHAIR KAMA: -- just do number 2?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- in Section 2 --

CHAIR KAMA: I see. I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- striking 1,400 and inserting 1,150 in its place.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And my rationale was that I had that as a motion to amend as well. And so, it didn't require me going into the bill and looking into it.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That would be an easy one for us to get through without too much discussion.

CHAIR KAMA: Okay. But this ASF in its entirety is what I was wanting to pass out today. So...so, your motion was only for number 2, but I was looking for a motion for the entire document. That's what I was looking for.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I understand, Chair.

CHAIR KAMA: So --

COUNCILMEMBER RAWLINS-FERNANDEZ: And I understand that you --

CHAIR KAMA: And I'm okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- have the majority of the votes. And the procedures dictate that there's a main motion, there's a motion to substitute.

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if you lump all --

CHAIR KAMA: We can call for the vote and --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- all of these proposals, all six of these proposals together, there is no opportunity for further amendments. There--you cannot do more motions after that, which is why I'm asking for it to be a fairer process, to enable everyone to have an opportunity to discuss, and so that I can support some of your proposals.

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CHAIR KAMA: I get that. So, thank you. Okay. I got these two notes. Okay. Thank you. Thank you. Okay. So, Member Rawlins-Fernandez's--oh, wait. Brief...can I help you two? So, if Member Rawlins-Fernandez, her motion is for Section 2, number 2, here is what she's looking to amend. Okay. So, if...and...and I'm okay with that. So, once we do that, then we can do the rest of the bill? Call--okay. So, let's do that.

UNIDENTIFIED SPEAKER: Okay.

CHAIR KAMA: Let's just do that. So, any other discussion regarding Member Rawlins-Fernandez's amendment?

UNIDENTIFIED SPEAKER: No.

CHAIR KAMA: So, hearing none. Okay. Mr. Cook, do you have questions?

VICE-CHAIR COOK: So, that's on page 2?

CHAIR KAMA: No, it's on page 1. And, you know, on the ASF? You should have gotten the ASF.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: It says proposed CD1 version --

VICE-CHAIR COOK: Right. Let me see...

CHAIR KAMA: -- of Bill 171 (2024). Staff just passed it out to you. It has a picture like this on the back, Member Cook.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Right here.

UNIDENTIFIED SPEAKER: I go...I'll highlight.

MS. NAKATA: So, I'm not sure if Member Cook is referring to --

VICE-CHAIR COOK: Yeah, isn't...isn't that what that...isn't that --

MS. NAKATA: -- where it is in the bill itself.

VICE-CHAIR COOK: -- isn't that what that does right there?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

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VICE-CHAIR COOK: Same thing?

MS. NAKATA: It is on page 2 of the bill in Section 2 --

COUNCILMEMBER RAWLINS-FERNANDEZ: This is what --

CHAIR KAMA: Oh, I see. I see.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . amendments as a list, and then --

MS. NAKATA: -- line 5 of Subsection B.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- shows amendments on the --

VICE-CHAIR COOK: All right. But that's the only thing you'll change right now?

COUNCILMEMBER RAWLINS-FERNANDEZ: In the motion, yeah. So, Chair --

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that...that's why I'm asking that we take them one at a time and not all six together. Because you just handed it to us --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and we're not being given much time to find those amendments, like --

CHAIR KAMA: okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Member Cook just demonstrated. That we're not asking for a recess right now --

CHAIR KAMA: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but if you force us to vote on all six one time --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- then I will ask for a recess.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Member Cook?

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VICE-CHAIR COOK: My only confusion was because it was redundant in there, but it's fine. I don't have a problem with this particular thing if you want to move --

CHAIR KAMA: Okay.

VICE-CHAIR COOK: -- forward with this.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: So, the motion on the floor is to amend Section 2 of the bill by striking 1,400 and inserting 1,150 in its place, correct? I...

COUNCILMEMBER RAWLINS-FERNANDEZ: Number 2, yeah.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, just replacing 1,400 --

CHAIR KAMA: Striking 14 --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and putting 1,150.

CHAIR KAMA: -- and inserting 1,150 in its place.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then Member U'u-Hodgins and I cannot find number 1. We're...we're looking, but that's not this motion right now.

CHAIR KAMA: I see. Okay. I think Carla's going to come and help you folks. But can I call for the vote on Member Rawlins-Fernandez's --

COUNCILMEMBER RAWLINS-FERNANDEZ: Voice vote.

CHAIR KAMA: You sure?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I support.

CHAIR KAMA: Okay. Voice vote. All those in favor, please raise their hands, say "aye."

COUNCILMEMBERS: Aye.

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

CHAIR KAMA: Okay. That was her? So, it's eight "ayes," and one excused, Member...Member Sinenci is excused.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

ACTION: APPROVE Amendment.

CHAIR KAMA: Okay. Okay. So, back to Member Rawlins-Fernandez's dis...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: I move to amend...make your first motion --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- striking...in Section 2, striking, together with any associated offsite residential workforce housing units.

CHAIR KAMA: Okay. Thank you very much. Any discussion? No...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Could you explain that...that motion, please, since it's your proposal?

CHAIR KAMA: Okay. Let's do this, Carla, together. She's looking at number 1, striking the --

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MS. NAKATA: Excuse me, Chair. Staff just noticed that this shall should also be stricken. Apologies for the error.

CHAIR KAMA: Where's this...what shall?

MS. NAKATA: It would be --

UNIDENTIFIED SPEAKER: Okay.

MS. NAKATA: -- together with any associated offsite residential workforce housing units, comma, shall. That entire phrase should be stricken.

CHAIR KAMA: I don't...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, can I withdraw my motion? I'm going to withdraw my motion so I can read it all together.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: So, Ms. Nakata, you said to leave the shall, or...

CHAIR KAMA: I don't see a shall.

COUNCILMEMBER RAWLINS-FERNANDEZ: But shall is in there.

CHAIR KAMA: Is there a shall?

COUNCILMEMBER SUGIMURA: It's in the...it's in the bill.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Chair, can --

UNIDENTIFIED SPEAKER: It's in the bill.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- maybe can we call for a recess, please?
. . .*(laughing)*. . .

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because it...yeah.

CHAIR KAMA: You know what? It's 2:48.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: It's almost the 3:00 hour. Why don't we take our ten-minute break, and hopefully Member Paltin will return.

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COUNCILMEMBER SUGIMURA: And we can look at the--your ASF.

CHAIR KAMA: And we can look at the ASFs, please. It's only one. So, it's 2:48, we're in recess --

COUNCILMEMBER SUGIMURA: No, same one.

CHAIR KAMA: -- until 2:58. . . .*(gavel)*. . .

RECESS: 2:48 p.m.

RECONVENE: 3:01 p.m.

CHAIR KAMA: . . .*(gavel)*. . . The HLU recessed meeting of November 25th, 2024, will now reconvene. And I think we left off with striking together with any associated offsite residential workforce housing units, and; is that correct, Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I withdrew the motion because I was --

CHAIR KAMA: Oh, you withdrew that motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was trying to under...we were working out the language.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I did have a question about the offsite units after.

CHAIR KAMA: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, this is part of your ASF?

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: Amend Section 2 on the bill by number 1, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: And it says, striking together with any associated --

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CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- offsite residential work...workforce housing units, and.

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: Carla mentioned that there was a word missing, and that word is?

CHAIR KAMA: They took it out.

MS. NAKATA: Apologies, Chair. I was mistaken. It's fine as is. Thank you.

COUNCILMEMBER SUGIMURA: Oh, it's fine as it is?

CHAIR KAMA: Yeah. Yeah.

COUNCILMEMBER SUGIMURA: So, you don't need the motion?

CHAIR KAMA: Did you make the motion to --

COUNCILMEMBER SUGIMURA: Just leave it like that?

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: Good. Did you--are you making the motion?

COUNCILMEMBER SUGIMURA: So, number 1--yeah, that's your motion?

CHAIR KAMA: Did you...okay. Who's your second?

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR KAMA: I heard a second, but I didn't...okay. Thank you. So, it's been moved and seconded to amend Section 2 of the bill, and to amend Section 3 of the bill as described in this ASF. Discussion, Member Sugimura? Any discussion?

COUNCILMEMBER SUGIMURA: So, we're on number 3 of...of your sec...

CHAIR KAMA: We're on this --

COUNCILMEMBER SUGIMURA: Move to amend Section 3.

CHAIR KAMA: We're on the ASF.

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COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Any discussion?

COUNCILMEMBER SUGIMURA: In Section G, do all the edits as...as mentioned on your bill...on your ASF? So, that is --

UNIDENTIFIED SPEAKER: Should have asked.

COUNCILMEMBER U‘U-HODGINS: I believe the discussion should probably be on the motion on the floor right now, which is striking the words, together with any associated offsite residential workforce housing units.

COUNCILMEMBER SUGIMURA: Oh, I thought they said Carla was mistaken?

COUNCILMEMBER U‘U-HODGINS: No.

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER U‘U-HODGINS: She was mistaken on whether or not --

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

COUNCILMEMBER U‘U-HODGINS: -- we needed to add the word shall --

CHAIR KAMA: Yeah.

COUNCILMEMBER U‘U-HODGINS: -- but it was already included in the original CD1 in the substituted bill, so that language needed to not be added, but --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER U‘U-HODGINS: -- together with...together with any associated offsite residential workforce housing needed to be stricken.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER U‘U-HODGINS: I don’t if...that --

COUNCILMEMBER SUGIMURA: I misunderstood.

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COUNCILMEMBER U‘U-HODGINS: Actually, that’s quite self-explanatory, but I’m assuming it’s because we’re no longer doing any offsite housing.

CHAIR KAMA: Well...so, we said on the Section 3, is to revise the Item G, like Member Sugimura said, by inserting develop a lease for the 88 workforce housing units, right? And then number 2, striking affordable and inserting residential workforce in its place, and inserting unit before requirements, and then inserting whichever is greater after County of Maui.

COUNCILMEMBER U‘U-HODGINS: Okay.

CHAIR KAMA: That’s in Section G.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Point?

COUNCILMEMBER SUGIMURA: What page number?

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: The motion that was made was Section 2, motion number 1, and then Member U‘u-Hodgins seconded it. That’s the motion that’s on the floor right now.

CHAIR KAMA: Is that the motion?

COUNCILMEMBER SUGIMURA: Yeah, I was corrected --

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER SUGIMURA: -- off of what I thought Carla had said.

CHAIR KAMA: Okay. Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: You’re welcome, Chair.

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: Okay. Let’s vote.

CHAIR KAMA: Okay. Yes, Member Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And so, where we left off before we took our recess--mahalo for that recess--was, I had asked the purpose for removing the section.

CHAIR KAMA: Why we're removing --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, because this is your ASF.

CHAIR KAMA: -- number 1, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: What--yeah. Why are we moving...removing together with any associated offsite residential workforce housing units?

COUNCILMEMBER SUGIMURA: Because there isn't any --

CHAIR KAMA: Why did we say we're going to do that?

COUNCILMEMBER SUGIMURA: There isn't any.

CHAIR KAMA: Because the--all the housing is going to be onsite?

COUNCILMEMBER SUGIMURA: Right.

CHAIR KAMA: Right? There's no offsite housing. All the houses are going to be onsite.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, then --

CHAIR KAMA: So, that's what Mr. Chipchase said in his presentation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: So, we're just writing it in to say that together with any associated offsite residential workforce housing units. So, it stays, all the units are onsite.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, in Bill 172, Section --

CHAIR KAMA: Well, we're on 171.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- 5...well, they go together, yeah? There's, like, things that go together.

CHAIR KAMA: Accepting that the motion on the floor, right, was to...to...the main motion on the floor is 171, with the CD version 1 of 171, right? And then all the amendments after that. So, we don't even have 172 as a motion or anything like that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I understand that.

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CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I was referencing though --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- 172, Section 5, because it does reference the option to also build the 250 units offsite. So, in removing this section in the motion that's on the floor right now, would that prohibit them from working with an associate offsite residential workforce housing unit developer, or if they felt like being belelov...benevolent developers?

CHAIR KAMA: Belevent [sic] developer?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I know. . . .(laughing). . . What a tongue twister.

CHAIR KAMA: What...what did...developers, did you say?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Not benevolent?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, together.

CHAIR KAMA: Oh, you did?

COUNCILMEMBER RAWLINS-FERNANDEZ: I know, it's an oxymoron. . . .(laughing). . .

CHAIR KAMA: Okay. Mr. Chipchase?

MR. CHIPCHASE: Yes, Chair. All right.

CHAIR KAMA: Would you like to respond as a benevolent developer?

MR. CHIPCHASE: I...I will respond benevolently, in fact. So...so, as Chair explained, this--and I believe Carla explained too--this just relates to the...the fact that there is no offsite workforce housing associated with this project. That doesn't preclude other projects or other developments, but with this project, it's...it's...all the workforce housing is onsite. As originally contemplated, a portion was offsite. And so, our site plan through Phase II approval confirms it's all onsite, and the recommendation from OCS was simply to conform the bill to the...the commitments now, that the project will develop the units onsite. (pause)

CHAIR KAMA: I--Member --

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COUNCILMEMBER RAWLINS-FERNANDEZ: So, Chair? As...as I was saying, that...that didn't really answer my question. Christmas Q-Tips to come. Together with any offsite...associated offsite residential workforce housing units. So, would that prohibit the developer from being benevolent--can't say it still--and building offsite, Chair?

CHAIR KAMA: So, you're asking that would...can...would that allow him to actually build offsite?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR KAMA: So, what you're asking --

COUNCILMEMBER RAWLINS-FERNANDEZ: I understand the intent of removing it because that's not the plan today. But as we know, plans change from year to year, from 2008 to now. So, by leaving it there, does...does it do any harm?

CHAIR KAMA: Member Cook?

VICE-CHAIR COOK: For discussion? My perspective is, removing it from this--what we're focusing on now for this project, I can't see how it would prohibit any other offsite work. But by removing it from here, it clarifies and solidifies that all of the affordable homes...all the affordable workforce housing are going to be onsite. That's how I interpret it.

CHAIR KAMA: Yeah.

VICE-CHAIR COOK: And then we can avidly work to get more offsite work by this developer or other developers, but this project, all of them are going to be onsite.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Member Cook. I understand that they're all going to be onsite, I'm just saying that if it's not removed, is there any harm that's caused?

CHAIR KAMA: Let's ask Mr. Hopper that, shall we? Mr. Hopper? *(pause)* Chair Lee.

COUNCILMEMBER LEE: Yeah. Why don't we just take the vote on this? You know, some people want it on, some people want it off. So, why don't we just vote so that we can move on?

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: It's holding up the train.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I'm not a fan of stifling discussion, especially when we are not representing ourselves and the things that we want to see only. We're representatives of the community, and there are information...there's information that we're asking for the public so that the public can hear the answer. And so, as you were doing, if Mr. Hopper can speak to that --

CHAIR KAMA: Um-hum.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and not just force one's--you know, impose a process on someone just because they're in the minority. Mahalo, Chair.

CHAIR KAMA: You're welcome. Mr. Hopper, are you there? *(pause)* Okay. It doesn't sound like he's there.

COUNCILMEMBER LEE: Discussion?

CHAIR KAMA: Yes, we are.

COUNCILMEMBER LEE: Okay. So...so --

CHAIR KAMA: I'm just going to --

COUNCILMEMBER LEE: -- my discussion on this is that I am going to vote no for a couple of reasons. Number one, it'll clear the record from the previous record that no longer exists because the previous Council wanted some units to be offsite. So, it's not going to be that way, so that'll make it very clear now.

CHAIR KAMA: Um-hum.

COUNCILMEMBER LEE: Secondly, I think a lot of local people should have a choice to live in Wailea, and not be put in Kihei. And third, I believe that, you know, having choices in where...where people want to live is something that we support--strongly support. And for those...those reasons, I would not like to see that other language remain in...in the--as...as one of the conditions. Thank you.

CHAIR KAMA: Thank you. So, Carla, can you answer the question that Member --

MS. NAKATA: Just...just to clarify, Chair, the motion is to strike that language.

COUNCILMEMBER LEE: Oh, to strike? Oh, I'm sorry. Then...then I...I will be voting for it.

MS. NAKATA: Okay.

CHAIR KAMA: But Member Rawlins-Fernandez is asking the harm that will be imparted by not keeping it in, correct?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, that's correct. And it does say that 288 residential workforce unit...units must be developed onsite. So, it wouldn't all be in Kīhei. Ms. Nakata?

MS. NAKATA: Thank you, Chair. So, the Committee has already voted to recommend that the total number of units be changed from 1,400 to 1,150. If that language remains in, it's difficult to understand exactly how we would calculate. See, I'm trying to understand how that would work in terms of the total unit, market unit, and affordable unit count because it's been represented that all workforce housing units would be built onsite. If that does, in fact, occur, then my understanding is that leaving this language in should not affect the total number of affordables and market rates equaling 1,150 in the Project District. However, it just sort of muddies the waters because we've already been told that there's no longer an intention to build offsite. With regard to Condition 5 in Bill 172, Chair does have an ASF that she'll be proposing at the appropriate time.

CHAIR KAMA: Okay. Thank you, Ms. Nakata, for that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Nakata. That...that actually answers my question. Appreciate that.

CHAIR KAMA: Thank you. Okay. Are we ready to vote, Members?

COUNCILMEMBER LEE: Yes.

CHAIR KAMA: Okay. Are we doing roll call vote or...okay. Roll call. Are...are you doing the roll call, Ellen, or is...okay. Thank you.

COUNCILMEMBER LEE: Motion is to strike, right? Okay.

MS. MCKINLEY: Yes, as per the ASF for Section 2, number 1. Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: No.

MS. MCKINLEY: She's online.

CHAIR KAMA: No, she's online.

COUNCILMEMBER PALTIN: No.

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MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

MS. MCKINLEY: Councilmember U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: Yes.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

MS. MCKINLEY: Councilmember Sinenci.

CHAIR KAMA: Excused.

MS. MCKINLEY: Committee Chair Kama.

CHAIR KAMA: Yes.

MS. MCKINLEY: Chair, that’s five “ayes,” three “noes,” one excused, Councilmember Sinenci.
Mos...motion passes.

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

**NOES: Councilmember Johnson, Paltin, and
 Rawlins-Fernandez.**

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE Amendment.

CHAIR KAMA: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: For Section 2, I have my...my amendment.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And that's after...okay. So, it says, Section 2.B, page 2, the number of dwelling units that may be constructed. Bah, bah, bah, bah. And we changed it to 1,150. No more than 100 market-rate units per year, cumulatively commencing from Project District Phase I approval, may be constructed within the Project District, and then it says, with no limitations on the number of affordable housing units that can be constructed each year. And so, my amendment--oh, sorry, I move to add a minimum of 50 affordable housing units per year, with no limitation on the number of affordable housing units that can be constructed per year...each year.

COUNCILMEMBER JOHNSON: Second.

CHAIR KAMA: I'm sorry, what...what number was that section?

COUNCILMEMBER RAWLINS-FERNANDEZ: The...the section that we were in, Section 2 on page 2 in B. So, where the 1,400 number was that we changed to 1,150.

CHAIR KAMA: I got it.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then it says that 100 market rate...up to 100 market rate. And so, if they're doing up to 100 market rate, then at least half of that--I...I'm trying to be reasonable--so a minimum of 50 affordable units per year. And then Member Johnson seconded my motion.

CHAIR KAMA: Okay. Mr. Chipchase?

MR. CHIPCHASE: Yes, Chair. Under the existing conditions, all the affordable must be built before any market. And so, that...that change wouldn't --

COUNCILMEMBER LEE: Yeah, that's what I thought.

MR. CHIPCHASE: -- make sense with that context.

COUNCILMEMBER RAWLINS-FERNANDEZ: Withdraw.

COUNCILMEMBER JOHNSON: I withdraw my second, Chair.

CHAIR KAMA: Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: I don't have any more amendments for Section 2. I just have one for Section 3.

CHAIR KAMA: Okay. Okay. So, for Section 3, somebody remind me, did we--oh no, we...we didn't do the motion for Section 3, did we?

UNIDENTIFIED SPEAKER: No.

CHAIR KAMA: Okay. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, for Section 3, I move to amend Section 3 of the bill by re...revisiting --

CHAIR KAMA: Revising.

COUNCILMEMBER SUGIMURA: -- revising them...Item G as follows, and it states: number 1, inserting develop at least 288 residential workfoss...workforce housing units, or, after must, number 1; number 2 is, striking affordable and insorting...inserting residential workforce in its place; and number 3, inserting unit before requirements; and number 4, inserting whichever is greater after County of Maui.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: So, this is on page 4 of the bill.

CHAIR KAMA: Yeah. Discussion?

COUNCILMEMBER SUGIMURA: So, I think that it explains what you want.

CHAIR KAMA: Um-hum.

COUNCILMEMBER SUGIMURA: Develop at least 288 residential workforce housing units, and comply with the residential workforce housing unit requirements duly adopted by the County of Maui, whichever is greater.

CHAIR KAMA: Okay. Any other discussion? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Will you please explain your motions...your amendments?

CHAIR KAMA: So, by...by inserting this, it makes the language clear that we're looking at 288 residential workforce housing units, and that we're going to take out the word affordable and insert residential workforce in its place. And inserting units before requirements,

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because that's what they are. And inserting whichever is greater after County of Maui. So, I think that this is the amendments that makes it a lot more clear as to what it is that...what our expectations are...at least, my expectations are.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. And so, number 2, affordable instead of --

COUNCILMEMBER SUGIMURA: Residential.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- or striking affordable instead of resi...residential, and inserting --

CHAIR KAMA: And inserting --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- residential workforce?

CHAIR KAMA: Is this what it is?

COUNCILMEMBER RAWLINS-FERNANDEZ: And your definition...which definition are you using for...for that?

CHAIR KAMA: Residential workforce?

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: The definition that we've always used.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I just --

COUNCILMEMBER SUGIMURA: 2.96.

COUNCILMEMBER RAWLINS-FERNANDEZ: Like, the difference...for the public. We're in an open meeting, so if you can explain--so that when I'm asked why the Chair proposed this, then I'll be able to explain to our constituents why residential workforce --

COUNCILMEMBER PALTIN: I know the answer.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: If you want . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you want to call on Member Paltin?
. . .*(laughing)*. . .

CHAIR KAMA: Member Paltin, are you there?

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COUNCILMEMBER PALTIN: So, for the rental--yeah. For the rental units, it's one-third, one-third, one-third of 80 to 100 percent...100...80 to 100 percent AMI, 100 to 120 percent AMI, 120 to 140 percent AMI for 30 years is what 2.96 says. And for the for-sale units, I believe it's thir...30 percent of the total --

CHAIR KAMA: 30 percent.

COUNCILMEMBER PALTIN: -- 80 to 100 percent; 50 percent of the total 100 to 120 percent AMI; and 20 percent of the total 120 to 140 percent AMI. In 2.96 --

CHAIR KAMA: 2.96.

COUNCILMEMBER PALTIN: -- it says 5, 8, and 10 years...or sorry, 10, 8, and 5 years, but I thought we agreed to 10 years across the board, and 20 years owner-occupied. So, I don't know if--how that jives --

COUNCILMEMBER SUGIMURA: I don't think we voted on that. Did we vote?

COUNCILMEMBER PALTIN: -- with the residential workforce housing policy.

COUNCILMEMBER LEE: Not yet.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, my question is, why are we removing affordable when affordable is less than 100 percent AMI? Is it because workforce encompasses all of it, including the affordable?

CHAIR KAMA: My assumption is yes, that it does. When we say workforce, it's affordable for the workforce. That's what my assumption is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then number 4, whichever is greater. During the recess, we got a good explanation, so if you could explain that for the record.

CHAIR KAMA: Oh, why don't you explain it for the record since you went and got the answer.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . I don't want to misspeak.

CHAIR KAMA: Well, who did you talk to?

COUNCILMEMBER SUGIMURA: Carla.

COUNCILMEMBER RAWLINS-FERNANDEZ: Staff.

COUNCILMEMBER SUGIMURA: Oh, James.

CHAIR KAMA: Oh, James.

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COUNCILMEMBER SUGIMURA: James.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . .

CHAIR KAMA: Staff. She's looking at Staff.

MR. KRUEGER: Chair. So, that last edition, whichever is greater, would cover the situation. It's because currently, the 288 units that the...the...the developer is proposing, it's...it's greater than what is would be required by Chapter 2.96. So, that language, whichever is greater, covers the situation in which Chapter 2.96 changes for whatever reason, and the units that would be required would exceed 288. So, it just ensures that it's going to be 288, but if 2.96 requires something greater, it'll be that greater number.

CHAIR KAMA: See? You're smart.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo, Mr. Krueger. And then for the number 1, develop at least 288 residential workforce units or...was onsite inadvertently missed in this section?

CHAIR KAMA: I don't...no, I don't think so because that's the assumption, that we're talking about all of these --

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: -- units --

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

CHAIR KAMA: -- being onsite.

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

CHAIR KAMA: That's the assumption.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if...if that is what is happening, then shouldn't it be clarified here if we're making these clarifications, so that it's not an assumption and it's in writing?

CHAIR KAMA: So, are you saying you'd like to just add like --

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

CHAIR KAMA: -- develop at least 288 workforce housing units onsite?

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

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CHAIR KAMA: Is that what you want to say?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. But I --

CHAIR KAMA: That's not a hard ask.

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I wanted to make sure that it wasn't intentionally missed for a reason that I don't know.

CHAIR KAMA: It wasn't, it was just assumed that we're talking about onsite. But if you'd like to put onsite --

COUNCILMEMBER RAWLINS-FERNANDEZ: Or if it said somewhere else.

CHAIR KAMA: -- insert onsite --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: -- I don't have a problem with that. Does anybody else have a problem with that? Consensus. Mr. Johnson, thank you so much.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(laughing)*. . .

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: Was that the first consensus of the meeting so far?

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

CHAIR KAMA: That's the first consensus that we --

COUNCILMEMBER RAWLINS-FERNANDEZ: We had this one.

COUNCILMEMBER JOHNSON: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: This one, the 1,400 to 1,150.

COUNCILMEMBER JOHNSON: All right. We got a couple, see?

CHAIR KAMA: Yeah, we're working. We're working. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Miss --

CHAIR KAMA: So, are you --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Ms. Nakata got that?

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CHAIR KAMA: Yes, Ms. Nakata?

MS. NAKATA: Yes, Chair. Technically, we're down to the second level of amendments currently, so I know we don't typically recognize friendly amendments, but is that what's being considered?

CHAIR KAMA: It's friendly, right?

MS. NAKATA: To add --

CHAIR KAMA: We're all friends, right? . . .*(laughing)* . . .

MS. NAKATA: -- to add the word onsite after 288 residential workforce housing units. And Staff's understanding is that that means it would be built within the Project District.

CHAIR KAMA: Correct. Thank you for that, Carla.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then real...real quick. Mahalo, Chair. The placement of onsite right before or, does that change where the placement of...because the...the or comply with the residential workforce housing unit requirements adopted by County of Maui, whichever is greater. It doesn't change like that second part after the or?

CHAIR KAMA: It doesn't change it, Carla, does it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Maybe...oh, okay.

MS. NAKATA: It...it may actually clearer to say, or comply with the number of residential workforce housing units required.

UNIDENTIFIED SPEAKER: Or comply with --

MS. NAKATA: Because I think what we're talking about here is that...is the number of units.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Friendly.

MS. NAKATA: And, you know, if we can flesh out that language a little...a little better, that...that might be truer to the intent of the motion.

CHAIR KAMA: So, Carla, you're saying that adding those two words, on site?

COUNCILMEMBER RAWLINS-FERNANDEZ: And the number of residential workforce units.

CHAIR KAMA: So, are we going to have to change the wording?

COUNCILMEMBER LEE: Are those considered substantive changes, or --

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CHAIR KAMA: That's...that's what I'm --

COUNCILMEMBER LEE: -- can you do it yourself?

MS. NAKATA: I...I think if Chair authorizes it, we'll be able to take care of it.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Can we authorize the Chair to do that, Members? Consensus?

UNIDENTIFIED SPEAKER: Consensus.

CHAIR KAMA: Okay. Thank you. Okay. Okay. So, we have a motion on the floor, right?...and then we had a second. Okay. So, can we vote on this, Members? Okay. Are...are we doing roll call or are we doing...okay. All those in favor, please raise your hand, say "aye." I can't see Tamara. Tamara?

COUNCILMEMBER LEE: Tamara, can you hear? Oh, she --

CHAIR KAMA: Yeah, there she is.

COUNCILMEMBER LEE: She rose her hand.

CHAIR KAMA: Okay. Okay. Thank you. So, eight --

UNIDENTIFIED SPEAKER: Aye.

CHAIR KAMA: -- with one excused, Member Sinenci.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE Amendment.

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CHAIR KAMA: Thank you. Okay. So, that's...Tamara, are you getting close to the County building?

COUNCILMEMBER PALTIN: Yeah, I'm at the --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- the white...the pull-off off of Ka'ahumanu, right before--by the Ba-Le sandwich and plate lunch. By the Coffee Attic.

CHAIR KAMA: Okay. Pick us up plate lunches then when you're done. Okay. Members, is there anyone else that has any other amendments to Bill 171? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, if no one else has any amendments, then we can go back to Member Paltin's question about the laundry facilities, if it's appropriate here and in Bill 172.

CHAIR KAMA: I think --

COUNCILMEMBER RAWLINS-FERNANDEZ: On page 6 --

CHAIR KAMA: Of 171?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- of 171, yeah--19.90A.070, village miss...mixed-use subdistrict, A, number 1, and then it lists different permitted uses and structures. And so, at the bottom, there's like a utility facilities, minor, other uses and structures as determined by the Director as meeting the intent of this section. So, it has like a whole --

CHAIR KAMA: So, where's the laundry facilities?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- bunch of things. No more. That's why it looked like perhaps it could fit here.

CHAIR KAMA: So, it was 172?

COUNCILMEMBER RAWLINS-FERNANDEZ: Daycare facilities, education--I don't know how to say that word--general merchandising, medical center, personal and business services, private clubs and fraternal organizations, public facilities. Fraternal organizations. . . .*(inaudible)*. . . Recreation, outdoor. So, if Member Paltin thinks that that could be a location for laundry facilities. Oh, but I think...so, I don't know if it would go together, like put laundry facilities here. And then in Bill 172, Member Paltin...Member Paltin's proposal was to require at least two laundry facilities. So, I think that proposal would be more appropriate for Bill 172. But in Bill 171, to enable that use as a permitted use and structure.

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CHAIR KAMA: So, where did you...where did you think that it would fit?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, like maybe under V, like maybe the last thing or something before W. So, like laundry facilities, or whatever the --

CHAIR KAMA: You mean where it says...where it says, utility facilities, minor?

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum. Yeah. And then after that.

CHAIR KAMA: Maybe --

COUNCILMEMBER RAWLINS-FERNANDEZ: So, like T, U, V...that...that would be under W, and then the W would be an X.

CHAIR KAMA: The W becomes an X.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then the X would capture --

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- everything else.

CHAIR KAMA: Let's ask. Carla, does that work over here?

COUNCILMEMBER RAWLINS-FERNANDEZ: Make that a W.

CHAIR KAMA: For Member Paltin's laundry facilities, if it had to...

MS. NAKATA: Chair, I think it's up to the body, if it feels it's an appropriate place to allow the use and structure.

COUNCILMEMBER RAWLINS-FERNANDEZ: And what's a eleesomosynaryn (*phonetic*)?

COUNCILMEMBER LEE: Charitable --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER LEE: -- groups.

COUNCILMEMBER RAWLINS-FERNANDEZ: A nonprofit?

COUNCILMEMBER LEE: You mean you didn't know that word?

COUNCILMEMBER RAWLINS-FERNANDEZ: No. How do you say it? Should I say it into the mic?

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COUNCILMEMBER LEE: Elees...well, where was it...eleesomos...

CHAIR KAMA: Eleeo...eleemosynary [sic].

COUNCILMEMBER LEE: Eleemosynary.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .(laughing). . .

COUNCILMEMBER LEE: Eleemosynary.

CHAIR KAMA: Yeah. It's...yeah.

COUNCILMEMBER LEE: It's charitable organizations. But can we move on, please?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, charitable organizations.

CHAIR KAMA: Just --

COUNCILMEMBER LEE: Do we have a motion and --

UNIDENTIFIED SPEAKER: Why do we have that?

COUNCILMEMBER LEE: -- and...and do we have the applicant agreeing to it? Go ahead.

MR. CHIPCHASE: I...I don't see any harm in adding laundry facilities. You certainly don't need to add it as a permitted use since --

COUNCILMEMBER LEE: Yeah.

MR. CHIPCHASE: -- it would fall within existing --

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

MR. CHIPCHASE: -- uses, but --

COUNCILMEMBER LEE: Because that way, we can get home before the 6:00 News.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER LEE: Member Pal...I mean, Member Rawlins-Fernandez, did you make a motion on this, to add it under V?

COUNCILMEMBER RAWLINS-FERNANDEZ: I think we...we tabled it to the end when we...we're going to take up other motions --

CHAIR KAMA: This is Member Paltin's --

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- for Bill 171. And Ms. Nakata --

COUNCILMEMBER PALTIN: I'm going to go in the elevator, so I might lose you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Ms. Nakata had asked if it would be appropriate...more approp...because Member Paltin's requirement was--or proposed condition was to require at least two laundry facilities, that may be...or it'd be more appropriate under Bill 172, and I agree. But since there's like a list of all the things that are, you know, specifically outlined, if we're going to propose a condition for laundry facilities, then perhaps the Bill 172 and 171 should match since we have an eleemosynary [*sic*].

COUNCILMEMBER LEE: Okay. So, why don't we --

CHAIR KAMA: Wait. Wait. Wait.

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: So, eleemosynary [*sic*] means it's...it's a charitable organization? That's what it is?

COUNCILMEMBER LEE: Yeah, we got that one.

CHAIR KAMA: So, your churches and stuff.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .(*laughing*). . .

COUNCILMEMBER LEE: Okay. No, but --

CHAIR KAMA: I don't think...I don't think your laundry facilities would fit there. I thought --

COUNCILMEMBER LEE: No, no, no, no. Under...un...there's another list --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER LEE: -- further down that are more --

CHAIR KAMA: Utility facilities. Utility facilities. I thought that's what...we're going to put it under that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Comma.

CHAIR KAMA: Right? Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: We can.

CHAIR KAMA: I thought you said --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I was going to make --

CHAIR KAMA: I was just trying to --

COUNCILMEMBER RAWLINS-FERNANDEZ: I was going to make a new W.

CHAIR KAMA: I was just trying to agree with what you wanted.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was going to do a new W.

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: But if you wanted to add --

CHAIR KAMA: Yes. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- utility facilities, comma, laundry facilities, but I don't--I wasn't sure if laundry --

CHAIR KAMA: Is a utility, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- is considered a utility. So, I wasn't going to put them together --

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

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I was just going to...since we have this whole long list of all kind of things, then what --

CHAIR KAMA: What's one more alphabet?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Precisely.

CHAIR KAMA: Right. So, we were going to make...I thought we were going to do the laundry facilities, the W, and then make other uses the X?

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct. Yes.

CHAIR KAMA: That's what I said...you said.

COUNCILMEMBER RAWLINS-FERNANDEZ: I move to do that.

COUNCILMEMBER LEE: Second to do that.

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

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CHAIR KAMA: Okay.

COUNCILMEMBER LEE: To add laundry facilities under the new W. . . .(echoing). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER LEE: And then other uses would be X.

CHAIR KAMA: It would be X.

COUNCILMEMBER LEE: Why is this thing...

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin was still on her mobile device.

CHAIR KAMA: Oh, she's here now. She's here. Yeah. Okay. Member Johnson?

COUNCILMEMBER LEE: Show her where we are.

COUNCILMEMBER JOHNSON: Chair --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR KAMA: She's in the laundry room.

COUNCILMEMBER JOHNSON: Yeah, you --

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I mean, you can't . . .(inaudible). . .

CHAIR KAMA: It's page 5. Page 5 of 171. Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. So, in this section--it's 19.90A.070, Village mixed-use subdistrict--I'm looking at the map, and I'm wondering where that is if it's on the map. And maybe Mr. Chipchase can mention. Because when we're talking about doing laundry, and this is such a big parcel, would...are these folks going to have to drive to the laundromat? Is it...or do you plan to put in, within the residential areas, little huts for laundry? I mean, that's kind of where I'm curious.

MR. CHIPCHASE: No.

COUNCILMEMBER JOHNSON: If you can explain?

MR. CHIPCHASE: No, I didn't think the addition of the facilities was necessary because it's...it's clearly an accessory use to a residential facility. I don't have any problem with adding it, but there's no intent to have little laundromats around the facility. If you look at the map, just to get right to your question, Councilmember, the Village mixed-use area is the neighborhood-center --

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COUNCILMEMBER JOHNSON: Oh, okay.

MR. CHIPCHASE: -- portion of the property.

COUNCILMEMBER JOHNSON: So, in this...by making this amendment, we would say that that's where laundromats...like a laundromats...laundry facilities would be --

MR. CHIPCHASE: A permitted use.

CHAIR KAMA: A permitted use.

COUNCILMEMBER JOHNSON: -- permitted in there.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: But you...do you have plans to put it within the residential?

MR. CHIPCHASE: The...there's no plans to have stand-alone laundromats --

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: -- throughout the residential facilities.

COUNCILMEMBER JOHNSON: Would the houses have washer/dryers?

MR. CHIPCHASE: As I explained earlier, I...I don't...I'm not aware of any final site plans --

COUNCILMEMBER JOHNSON: You're not there yet?

MR. CHIPCHASE: -- with that level of detail for either multifamily or residential structures, so I...I couldn't answer that in terms of the facility design. I could simply say that certainly, laundry...doing your laundry is associated with a residential structure.

COUNCILMEMBER JOHNSON: Right.

MR. CHIPCHASE: And so, it would be permitted without this change. It's...but if you want to add it as an expressly permitted use in the Village mixed-use, I mean, that's fine.

COUNCILMEMBER JOHNSON: Yeah. I just...that's...that's what we're discussing now, I just wondered if you guys had plans. And you say you're not there yet on providing washers and dryers in each unit for a single-family home, and maybe mixed--or the...the apartment section--multifamilies might have it one per every other building or something like that.

MR. CHIPCHASE: Correct.

COUNCILMEMBER JOHNSON: I don't know.

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MR. CHIPCHASE: Those designs are not --

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: -- not complete.

COUNCILMEMBER JOHNSON: Got you. Thank you, Chair.

CHAIR KAMA: Okay. Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Could we make it be like an if-then? If there's no laundry washer/dryer in each rental unit, then they would provide it.

CHAIR KAMA: So, I'm glad you're back. Because I think...I think two of the...two of your amendments actually belong in our conditions of zoning. So, that's in 172. But what we're doing right here, we're actually allowing laundry facilities to be part of the use in Bill 171. So, we have the use, that's here...and I think 172 is where you condition.

COUNCILMEMBER PALTIN: Is there market multi-families, or is all the multifamily affordable?

MR. CHIPCHASE: All...all affordable.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: Oh, yeah. Okay. So, I want to...I want to take care of this vote that Keani moved and Chair Lee seconded, to include the laundry --

COUNCILMEMBER PALTIN: Oh, so we're not --

CHAIR KAMA: -- facilities as the new W, and move alphabet X to other uses, right? So, we all know where we're at?

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Okay. Is it a --

UNIDENTIFIED SPEAKER: Voice vote.

CHAIR KAMA: -- voice vote. Is --

COUNCILMEMBER PALTIN: Can we restate what we're voting on, please?

CHAIR KAMA: Oh, okay. So, on page 5 of Bill 171, under Item 1, we're going to come all the way down to Item V, where it says utility facilities, minor. And we're trying to look for a space to include laundry facilities. So, we just figured, well, after utilities, we'll put it

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there, and we'll give laundry facilities the...the W, and then we'll just give the X to other uses. And that's what we're voting on right now, just to allow that use to take place.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Good? Okay. Okay. Voice vote? Okay. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Okay. Thank you. I see eight and one excused, Member Sinenci.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE Amendment.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Any --

COUNCILMEMBER PALTIN: Would we need to specifically allow EV chargers?

CHAIR KAMA: I...I mean, is that one of the...well, there's infrastructure, right?

COUNCILMEMBER PALTIN: Right. I guess maybe that's a question for Ms. Nakata.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or Planning, if they were here.

COUNCILMEMBER PALTIN: Or Mr. Hopper.

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MR. HOPPER: Chair, this is...this is Michael Hopper. If we're talking about substations as part of the parking...as part of parking spaces, I...I don't know of anything that would restrict that. I would...I would also note that for the...for...looking at all of the permitted uses overall, you can look at Bill 171, but you can also go right to the County Code Section, which is 19.90A in the Maui County Code directly, and you get a little bit more of a broader overview. Because there's a...there's other districts that, since they're not being amended, don't necessarily appear in the bill. I mean, if you're talking about facilities that are part of...part of the parking, I think there's State law requirements that require that to...to an...an extent. As far as substations, you may--again, this is a good question for Planning, I agree with that--but you...you could be looking at those if not expressly listed, depending on the district you're in, there are accessory uses and structures listed that are accessory to those homes. They include...they include parking lots, for example, small-scale energy systems, or incidental and subordinate to a principal use or structure --

CHAIR KAMA: Yeah. Yeah.

MR. HOPPER: -- and then uses and structures that are similar to and compatible with the principal uses or structures, and which conform to the intent of this Chapter may be approved by the Planning Commission. So, there's...there's different sections there.

CHAIR KAMA: Oh, okay.

MR. HOPPER: And...and so, I think...depending on your district, you would go to the district and look there to see. But if it's part of the parking requirements, it could be dictated by 19.36A. If you're talking about, you know, substations that are...that are more...you know, that are separate, then, you know, you would...you could potentially check those as accessory uses if that's something that would be considered accessory to the...to the...the dwelling uses. If you're looking at other districts, Village mixed-use, you would want to look there as far as principal or categorized as an accessory use. The Village mixed-use allows other uses and structures as determined by the Director as meeting the intent of this section, as...as an example.

COUNCILMEMBER PALTIN: Mr. Hopper, can you explain it to me like I'm in the second grade? That was a lot of words, and I didn't understand what you said.

MR. HOPPER: Well, I guess...let's start. Where do you want these to be permitted? Because there's multiple districts. There's single-family residential, multifamily residential, recreation and open space, Village mixed-use. . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Multifamily residential, please.

MR. HOPPER: Multifamily residential. This accessory...principal uses and structures. Any use or structure permitted in the single-family residential subdistrict--this is 19.90A.050--two-family or duplex dwelling units and multifamily dwelling units. Accessory uses and structures are located on the same lot, and incidental and customarily found in connection with the principal uses including, but not limited to,

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any of the accessory uses or structures permitted in the single-family residential, and other uses and structures as determined by the Planning Director as meeting the intent of this section. And then there's a list of special uses. So, that's where you'd be looking for...for that type of requirement. So, I mean, I...I think it would be useful to get the Planning Director's determination on that, but that would be, in that district, the uses that would be allowed.

COUNCILMEMBER PALTIN: Okay. I don't know if that was a second-grade explanation, but I guess I move to amend 19.90A.0701, adding an X to say EV charging substations.

COUNCILMEMBER JOHNSON: Second?

MR. HOPPER: Chair, that's the Village mixed-use subdistrict. Was the intent to do that, or the multifamily residential subdistrict?

CHAIR KAMA: I think you want multifamily, right?

COUNCILMEMBER PALTIN: Multifamily residential. Sorry.

CHAIR KAMA: So, that's further up on the top. I think it's A.

MR. HOPPER: That'd be 19.90A.050?

COUNCILMEMBER PALTIN: Yeah, that's what I meant.

MR. HOPPER: Okay. Sorry, just for the clarification.

COUNCILMEMBER RAWLINS-FERNANDEZ: We are trying our best with the little time that we had to review all these documents.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Yes, Ms. Alice Lee? Chair Lee?

COUNCILMEMBER LEE: I'm wondering if...for every amendment, can you ask the developer if this is going to add to the cost of the units?

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Okay? Because that's something--I think it's important to know.

MR. CHIPCHASE: Thank you, Chair. And Chair, this...this amendment wouldn't add to the cost of development.

CHAIR KAMA: Yeah.

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MR. CHIPCHASE: And State law already provides that it, you know, is...is required, Section 196-7.5. So, it's not a necessary amendment. If you want to add it as a permitted use, that's fine.

COUNCILMEMBER PALTIN: I thought he said 050, but...

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

COUNCILMEMBER LEE: If it's already permitted by State law, I don't think we should be duplicating.

COUNCILMEMBER PALTIN: There's a loophole in the State Code that if they want to put it only on one island, they can. They don't have to put it on every island. I don't know if this developer has more than one development on multiple islands. And so I think it is important to call it out in the face of climate change and the affordability for residents.

CHAIR KAMA: So --

COUNCILMEMBER PALTIN: It wouldn't cost anything to add this amendment to allow EV substation chargers.

CHAIR KAMA: So, can you restate your amendment?

COUNCILMEMBER PALTIN: I move --

CHAIR KAMA: And this is in what section?

COUNCILMEMBER PALTIN: -- to amend 19.90A.050.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: Can Mr. Hopper tell us where 050 is? Because it goes from 030 to 060...so there isn't a 040 or a 050, as far as we can see.

MS. NAKATA: Chair?

CHAIR KAMA: Oh, yes. I'm sorry.

MS. NAKATA: So, only the sections in Chapter 19.90A that are being amended are in the bill. So, there are some sections --

CHAIR KAMA: Oh, I see.

MS. NAKATA: -- that are in the County Code --

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CHAIR KAMA: Um-hum.

MS. NAKATA: -- that are not included in the bill --

CHAIR KAMA: Oh, I see.

MS. NAKATA: -- because amendments weren't proposed for those sections.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, then the follow-up question is, can we amend that? Can we add that to that in this bill?

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

COUNCILMEMBER PALTIN: Could we put it in 19.90A...A.070.B.3?

MS. NAKATA: I...I think it would be within the realm to add in 19.90A.050, but I'll defer to Deputy Corporation Counsel Hopper.

CHAIR KAMA: Okay. Back to Mr. Hopper.

MR. HOPPER: Again, you're adding this as a permitted use. You're not requiring this to be done. And...and in my reading, I think it's probably already a permitted use. I don't recommend necessarily going to all the sections that haven't been amended and adding amendments to it, but I think in this case, you're...you're putting in a use that, in...in...in --

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

MR. HOPPER: -- my opinion, is redundant with what's already most likely allowed there. And it's saying it's permitted, it's not saying it has to be done, so I think it's okay. But, I mean, again, you got the bills before you. I think to the extent possible, let's stay with...within what the...the amendments are. But I...and I think this okay because you're...you're stating that this...this use...clarifying, I guess, that this is something that is allowed in this district, consistent with State law requirements.

COUNCILMEMBER PALTIN: So, you said can?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: That's what he said.

COUNCILMEMBER PALTIN: Okay. Did I get a second?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

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

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CHAIR KAMA: Okay.

MS. NAKATA: Could Staff clarify where, within that section...is it as an accessory use and structure under A.2 that you're wanting to add it?

CHAIR KAMA: Where's the amendment?

COUNCILMEMBER PALTIN: Oh, was she asking me or Mr. Hopper? Me?

MR. HOPPER: I think that's up to the maker of the motion, if you wanted this --

CHAIR KAMA: Yeah.

MR. HOPPER: -- as a permitted use, accessory use, et cetera. I think they would most likely be considered accessory use in the subdistricts. Again, I think this could be a Planning question, but that would appear--you know, I don't want to put on my Planning Director hat with that--but I think they would typically most likely be accessory to the...to the...to the structure--to the...to the...to the housing.

COUNCILMEMBER PALTIN: Accessory use to the --

CHAIR KAMA: So --

COUNCILMEMBER PALTIN: -- multifamily housing?

CHAIR KAMA: So, Mr. Hopper, so you're...you're saying that maybe a better place would be on page 5 of the bill, number 2, where it says accessory uses and structures, and just put the EV stations there?

MR. HOPPER: If you want to do that for the...the...the Village mixed-use, which is 070, then perhaps. But again, it's...it's...it's sort of up to you, if you want to make this an accessory use or an outright permitted use. An outright permitted use can just be constructed without anything else. An accessory use, you would need to show, this is...this...this station's being done as an accessory to the...to the housing that you provided. I mean, I will say, in the Village mixed-use subdistrict, you can do things like automobile service stations --

COUNCILMEMBER PALTIN: I thought --

MR. HOPPER: -- restaurants --

COUNCILMEMBER PALTIN: -- we were saying 060, not 070, on page 5 is --

MR. HOPPER: Yeah, I...I...yes. Let's clarify that, yes.

COUNCILMEMBER PALTIN: What is 060?

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MR. HOPPER: What do we want, 050 or 060, which is recreation and open space/utility subdistrict?

COUNCILMEMBER PALTIN: Oh, okay.

MR. HOPPER: 050 is the multifamily, which I thought is where we were --

COUNCILMEMBER PALTIN: So, I would like to --

MR. HOPPER: -- discussing this.

COUNCILMEMBER PALTIN: -- add another section that says Section 9...or nonsubstantive changes, Section 19.90A.050, Maui County Code, Subsection A, allows EV sub-chargers in multifamily residential.

COUNCILMEMBER RAWLINS-FERNANDEZ: In...in the permitted, or in the accessory, or a totally new section?

COUNCILMEMBER PALTIN: In the permitted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Permitted. Okay. So, I guess that would be A1...

MS. NAKATA: If you're going to add it --

MR. HOPPER: A.1.d., I guess.

COUNCILMEMBER PALTIN: A.1.d.

MS. NAKATA: So, right now, under A1, principal uses and structures, you have any use or structure permitted in the single-family residential subdistrict, two-family or duplex dwelling units, and multifamily dwelling units. So, you want to add it after multifamily dwelling units?

COUNCILMEMBER PALTIN: Yes, please.

MS. NAKATA: Okay. Thank you.

COUNCILMEMBER PALTIN: Thank you. *(pause)*

CHAIR KAMA: Okay. So, Members, did we all get that, that we're...we're amending Section 19.90A.050, Section A, to include EV stations; is that right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: Did we get that right, everybody?

COUNCILMEMBER RAWLINS-FERNANDEZ: A.1.d.

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COUNCILMEMBER PALTIN: A.1.d, EV --

CHAIR KAMA: A.1.d.

COUNCILMEMBER PALTIN: -- EV --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- station sub-charge things for--what is that called?--nonsubstantive revisions allowed.

COUNCILMEMBER LEE: Roll call?

CHAIR KAMA: Okay. Members, did you hear the motion?

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: Okay. Roll call --

COUNCILMEMBER LEE: Excuse me.

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: I'd like to say something --

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: -- before we vote, okay...as part of the discussion.

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: Okay. Part of the discussion. I'll be voting no on this, primarily because it's already permitted. And I'll be voting no on everything that's already permitted because the duplication is not doing anything...any good to any...for anybody. Okay. Thank you.

CHAIR KAMA: Thank you. Okay. Any other discussion? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I understand how it can be perceived as redundant, as something that's already approved. But as Member Paltin explained earlier when first making the motion was that there are loopholes. So, to try to close up some of those loopholes that exist in the laws, that...that's why I'll be voting yes. Mahalo, Chair.

CHAIR KAMA: Any other discussion? Member Sugimura.

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COUNCILMEMBER SUGIMURA: So, I think now, if you have a parking lot that has 100 or more parking stalls, you need to have electric charging stations. And I think the developer would follow whatever the State law is and not, you know, try to circumvent what is. And I kind of agree with, you know, Chair Lee. It makes sense to me. We're not going to...we're not going to think the developer's not going to follow State law if we don't put it in our County law in the layers of bureaucracy.

CHAIR KAMA: Any other discussion, Members? Member Cook.

VICE-CHAIR COOK: I think it's already acceptable. It...I also don't want to make things redundant. With...with EVs, the way that they're growing in popularity and use, it would be--and I don't think we need to tell people to put them in. It's in people's best interest to supply the infrastructure. We've had a...there's been a discussion previously about they can put in all the doc work, et cetera, and don't have to put in the chargers, but being able to do the preliminary work. I trust that a developer that is going to try and sell their product is going to be prudent, and not be cutting corners like this. I don't think it's necessary, and I think that we're kind of burning a lot of time on duplication. I'd like to...I'm not going to vote yes on this. I'd like to move on.

CHAIR KAMA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: I would just remind Members that we've been--well, not two full years because we spent a year on the fire--but we haven't even gotten the EV bill to the Planning Commission, you know? I tried at least four meetings to get the EV bill to the Planning Commission, and we haven't even got to the Planning Commission to get back to Council to be able to like make that be the law. So, I think it's important that it is. I...I personally don't trust the developers because of the years and years of bait-and-switch with this particular project. And all the things that the previous guy, Charlie Jencks, said is just blatant lies at this point. So, I think it does need to be put in here. Because if we trusted what Charlie Jenks said, look at what a fool we are.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You know, one of the things that the 2008 Council assumed likely, based on their comments, was that 2.96 would remain 50 percent affordable units. And then in 2014, it changed to 25 percent. And so, if they had put a redundant safeguard in there to say, 700 units and 2.96, as it's written in 2008, 50 percent, then there would be no loophole for this particular development to have ripped off the community affordable housing units. So, I don't think that it's, you know, overly cautious to state our intent, the 2024 Council, that this is something that's important to us, so if these other laws change, that this intent of ours, to have EV charging stations, substations in 0 point--0.050, then if those other laws change, then this is saying that we want this to be permitted use. Because we want to promote this, and to not wait until later on to find out ah, shucks, we should have put that in writing after all, and now we can't because then the developer would stop us because it wasn't the law at that time. So, that's why I don't think it's too much, you know, for us to ensure that it's in writing, and that our intent is very clear.

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CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then there's no...and we're already saying that there's foreseeable loophole. So, let's not, you know, like let that be a loophole stand.

CHAIR KAMA: So, because Council is the lawmakers, right?...10 years down the road, 20 years down the road, this whole thing could change because we don't know what the future is going to hold. We don't know what new technologies they're going to beholden...behold [*sic*] us, right? So...so, my sense is, we got to go with what we got to know. So, roll call vote, Mr. Cruz...I'm sorry, James Krueger.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

MS. MCKINLEY: Councilmember Sinenci, excused?

CHAIR KAMA: Excused.

MS. MCKINLEY: Committee Chair Kama.

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COUNCILMEMBER SUGIMURA: Let's have a fight.

CHAIR KAMA: Let's --

COUNCILMEMBER PALTIN: Take it in the parking lot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Let's go.

COUNCILMEMBER SUGIMURA: Let's go.

CHAIR KAMA: Member Paltin, you had a question for --

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: -- Ms. Nakata?

COUNCILMEMBER PALTIN: I wanted to...I think that --

COUNCILMEMBER SUGIMURA: Sickening.

COUNCILMEMBER PALTIN: -- what I want to do is amend 19.90(a).030(g) to say, anything above what is required by 2.96 will not receive housing credits. Page 4, letter G.

COUNCILMEMBER JOHNSON: Second.

COUNCILMEMBER PALTIN: Page 4, letter G. I move to amend or there (*phonetic*) to say that anything above what is required by 2.96 shall not receive housing credits.

COUNCILMEMBER LEE: Discuss...oh, is there a second? Okay. Discussion.

CHAIR KAMA: Discussion, Member Paltin?

COUNCILMEMBER SUGIMURA: You have to wait for her to call on you.

COUNCILMEMBER PALTIN: Wait? Okay, I'll wait.

CHAIR KAMA: Member Paltin, did you have discussion?

COUNCILMEMBER PALTIN: I did, but she told me to wait for you to call on me.

CHAIR KAMA: Oh, I did. Go ahead.

COUNCILMEMBER PALTIN: Okay. So, you know, we've been over the bait-and-switch. We...we thought we were getting 700 affordable. I don't think we will get back to 700 affordable, but I don't think that credits should be given for anything up to 700 because we already had that deal. And it's like that movie, I don't know, Oliver Twist or something, like please, can I have some more? When we already had 700, then we

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already had 450, and I don't think they should be given credit for like, oh, we're going to do you a favor, here's some more, you know? So that's, I guess, my discussion.

CHAIR KAMA: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to ask Mr. Chipchase, what...are the housing credits spoken for right now?

MR. CHIPCHASE: There's no...no housing credits have been spoken for because none have been generated yet.

COUNCILMEMBER JOHNSON: Do you have plans for them?

MR. CHIPCHASE: There are no set plans for the housing credits, though I will say that the ability to generate and sell housing credits for other projects is an essential component of --

COUNCILMEMBER JOHNSON: Right.

MR. CHIPCHASE: -- the ability to advance affordable housing, so...

COUNCILMEMBER JOHNSON: So, you haven't...have any? You...I know you're expecting them, I figured you would want to do...you'd have a plan to do something, but nothing yet?

MR. CHIPCHASE: There's no plan to use --

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: -- them yet, although my expectation is they will be necessary to underwrite the affordable housing project.

COUNCILMEMBER JOHNSON: So, can you give us an example of some projects that you guys have done, and what you use your credits on?

MR. CHIPCHASE: Sure. For this particular developer, this is their only project. They have the 13 acres in Kihei as well, but nothing has been developed on them. So, this developer has not done anything with housing credits, either purchasing them or selling them. Other projects that I've worked on have used the housing credits, or the ability to generate them, sold them to other projects that needed to satisfy an affordable housing requirement, and without the ability to sell those credits, could not have developed the affordable housing.

COUNCILMEMBER JOHNSON: Sure. I'm curious, what is the output of what happens, right? So, you say you use it to subsidize the affordable housing with, you know, housing credits. Have you ever done them--besides affordable housing fund--have you used housing credits on market-rate houses?

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MR. CHIPCHASE: I don't follow the question, I'm sorry. It might be an ear thing, but I think this one's more just of my comprehension thing.

COUNCILMEMBER JOHNSON: So, like I...I wanted to know. I get that housing credits can be used as a capital stack. But I wonder, has it...do they...are they ever used for luxury houses or any other type?

MR. CHIPCHASE: You mean are...do developers of other types of housing sometimes use credits consistent with Chapter 2.96 --

COUNCILMEMBER JOHNSON: Okay --

MR. CHIPCHASE: -- to meet their affordable obligation? I don't want to put words in your mouth. I just want to make sure I understand the question. Is that...

COUNCILMEMBER JOHNSON: I wanted to know what your experience is in how you guys use them.

MR. CHIPCHASE: So, this developer hasn't.

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: And so, you guys wouldn't be . . .*(inaudible)*. . .

COUNCILMEMBER JOHNSON: I didn't...that's...that's an important point you make. But...okay. So, he hasn't gotten these before, and he...and we don't have a plan on what he does when he gets them?

MR. CHIPCHASE: Correct. Other than I am certain that the ability to sell credits will be an important component of financing the affordable housing, and that without that --

COUNCILMEMBER JOHNSON: Can you give us a value of what they're...they'd...they'd be worth?

MR. CHIPCHASE: I can give you a range. I'll look Dave Ward's way to make sure I don't overstate the range, but approximately 20,000 to \$30,000?

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

MR. CHIPCHASE: Yeah, that would be my value range today.

COUNCILMEMBER JOHNSON: Is it...is that per unit?

MR. CHIPCHASE: Per credit.

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COUNCILMEMBER JOHNSON: Okay. Can you explain that in...what you mean by that? Like, it's not...it's 20 per house, or 20 per multifamily, or how does that...what is a credit equal for housing?

MR. CHIPCHASE: So, it varies. I guess I'll turn your way, Dave, since this is...this is technical. Please?

MR. WARD: Okay. So, I think it's important that we're not talking about this specific developer, but --

COUNCILMEMBER JOHNSON: Okay, tell me why. Because he's never done them?

MR. WARD: Because they've never done it.

COUNCILMEMBER JOHNSON: Okay.

MR. WARD: Okay. So, that's important.

COUNCILMEMBER JOHNSON: Great.

MR. WARD: From my experience, I have personally, in other developments, bought housing credits as high as \$70,000, and have sold housing credits as low as \$20,000. So, there is a huge range here. So...and that credit is per unit.

COUNCILMEMBER JOHNSON: Per unit. Thank you.

MR. WARD: So, if a...for every house that is built in excess of your requirement for 2.96, you can receive a housing credit.

COUNCILMEMBER JOHNSON: Thank you. Thank you for that clarity. So, as far as the amendment, what's your...I'd like to hear you --

MR. CHIPCHASE: Sure. Happy to, Member. We couldn't support the amendment because I think it will make it materially more difficult to develop the affordable housing. And the more difficult that becomes, the more likely it becomes nothing gets developed.

COUNCILMEMBER JOHNSON: You're...you're open to receiving other streams of revenue, I assume? Affordable Housing Fund?

MR. CHIPCHASE: Well, I think we talked about this maybe last meeting, if not the meeting before, but that...that...there's no expectation to use the Affordable Housing Fund for the committed 288 units. If there were other units that were converted to affordable housing and supported by the Affordable Housing Fund in the future, we would be open to that.

COUNCILMEMBER JOHNSON: Okay.

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MR. CHIPCHASE: But I...I can't depend on a discretionary approval to fund the affordable housing. I can depend on the credits as part of the funding mechanism.

COUNCILMEMBER JOHNSON: It's the...it's the...it's the...what's the term?...like, the unknown of not knowing if you're going to actually get the Affordable Housing Fund, whereas credits are just guarans?

MR. CHIPCHASE: Certainly.

COUNCILMEMBER JOHNSON: Okay. All right. Thanks so much. Thank you, Chair.

MR. CHIPCHASE: You're welcome.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: For every affordable housing credit that we give, that's even more less affordable housing that the community receives. This project was sold on 700 affordable, 700 market-rate. At 388 affordable, which is not guaranteed, they have an additional, above their 700 market-rate, they're doing another 112 market-rate. At 288, which is the bare minimum, they're doing an additional 162 market-rate. So, their commitment to affordable housing keeps dropping. And...and every extra thing that they give is one less affordable housing that we're going to get from another development. Somebody could come in and buy these affordable housing credits, which is nowhere near what it costs to actually build an affordable housing, and...and not provide that for our community. So, they make as though they're doing something great by giving us more, but the truth is, it robs us on the back end of more affordable housing from our community from another developer. And...and it's just more of the bait-and-switch. And things that people that don't swim in affordable housing policy see because, you know, if you're just thinking affordable housing policy--like before I came into this job, I didn't know that they'll flip out of affordable housing if they don't get bought every time. I didn't know that they flip out of affordable housing in 5, 8, and 10 until you start reading these pages. Like, your average person on the street, that's why they're so disenfranchised...because they don't know all these little words that developers and developer allies put in here to make it be less than what it looks like, and to give more to the developers. So, putting credits on something that was previously required, credits for something that was previously required, is just more, and more, and more of the bait-and-switch to the general public who we, you know, are supposed to be representing.

CHAIR KAMA: Mr. Cook. Mr. Cook?

VICE-CHAIR COOK: I have a question for the developer. Are you going to build 288 units?

MR. CHIPCHASE: Yes.

VICE-CHAIR COOK: And if the DOT aspect of it works, would you build an additional 50 units?

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MR. CHIPCHASE: Yes, Member Cook.

VICE-CHAIR COOK: So, no credits are going to be used for that, it's going to actually be people living in the units?

MR. CHIPCHASE: Correct.

VICE-CHAIR COOK: Okay. I just wanted to make that clear for people. And thank you very much.

CHAIR KAMA: Any other discussion, Members? Seeing none. Yes?

COUNCILMEMBER JOHNSON: I don't think I can ask the developer another question, but I think this makes the point that we really need the Department of Housing here. I know their money is...their money's not here, but they could really explain a lot of this process, you know, with the 2.96, the housing credits. To have that, the expertise of the Housing Department, not be here doesn't really...I don't feel the conversation would be, you know, fully fleshed out as it...as it ought to be. So, I just wanted to make that point for the record. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. Any other discussion, Members? If not, Ellen, can you do a roll call vote, I think?

MS. MCKINLEY: Yes, Chair. Chair Lee?

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Yes.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: No.

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MS. NAKATA: Could Staff request a short recess?

CHAIR KAMA: Yes.

MS. NAKATA: Two minutes.

COUNCILMEMBER LEE: I thought we voted on them already, one-by-one.

CHAIR KAMA: No. Okay, we're going to take a short recess, and we're going to do four minutes, to 4:20. HLU in recess. . . .*(gavel)*. . .

RECESS: 4:16 p.m.

RECONVENE: 4:22 p.m.

CHAIR KAMA: . . .*(gavel)*. . . The HLU recessed Committee meeting of November 25th will now reconvene. So, Members, I have to entertain a motion to reconsider the amendment that Member Paltin made regarding the breakdown of the units, the one that we did, one-third, one-third, one-third, where everybody voted in support of that and the parking lot issue. And I think only Member Sugimura voted no. So, I would like to...a motion to reconsider that at this point.

COUNCILMEMBER PALTIN: Is it because it belongs in 172?

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay. If...I'll do a quid pro quo. If everyone keeps their votes for 172, I'll reconsider.

COUNCILMEMBER LEE: Yeah, sure.

CHAIR KAMA: Yeah. Okay.

COUNCILMEMBER PALTIN: Okay. I move to reconsider that.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Okay. So, it's been moved by Member Paltin, seconded by Chair Lee, to reconsider the motion regarding...what was that...what was the --

COUNCILMEMBER PALTIN: The breakdown of rental...the housing distribution of AMIs and the no parking fees.

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CHAIR KAMA: Yes, that. Did you get that, Staff? Because I don't want to repeat it. Okay. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Okay. I see eight, and one excused, Member Sinenci. Thank you. Okay.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

CHAIR KAMA: So, I'm going to make a big assumption that we don't have any more amendments to --

MR. KRUEGER: Chair?

UNIDENTIFIED SPEAKER: Chair?

CHAIR KAMA: -- once...oh, yes? Do I --

MR. KRUEGER: Apologies, Chair.

CHAIR KAMA: Yeah?

MR. KRUEGER: As a result of the reconsideration motion, the...the motion is now...that motion to amend is now back on the floor.

CHAIR KAMA: Yeah.

MR. KRUEGER: So, the body needs to dispose of it some way --

CHAIR KAMA: Oh --

MR. KRUEGER: -- which, the easiest --

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CHAIR KAMA: -- so withdraw?

MR. KRUEGER: -- way might be to withdraw.

CHAIR KAMA: Okay, Member Paltin.

COUNCILMEMBER PALTIN: Quid pro quo, right, guys?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: I'll withdraw.

CHAIR KAMA: Who was the seconder?

COUNCILMEMBER U'U-HODGINS: Me.

CHAIR KAMA: Does the seconder have to withdraw?

COUNCILMEMBER LEE: I...I did. I withdraw.

CHAIR KAMA: Oh, no, on the...on the...yeah, on the original vote, right? The original vote, I think, was Member --

COUNCILMEMBERS: . . .*(inaudible)*. . .

COUNCILMEMBER LEE: I did.

CHAIR KAMA: Okay, we all...we're all going to second the...the...the withdrawal. Okay, fine. Okay. So, which is...so, Member Paltin, this is going to take us right into Bill 172. So, Members, if --

COUNCILMEMBER PALTIN: Did we already vote on the substitution?

CHAIR KAMA: -- we...oh, wait, no. We got to vote on the CD1 version, right?

MR. KRUEGER: Yes, Chair. Before the body right now is the motion to substitute as amended.

CHAIR KAMA: Sorry. He was talking to you.

COUNCILMEMBER LEE: Who was it?

COUNCILMEMBER PALTIN: Siri.

CHAIR KAMA: Siri. Yeah. Sorry. Member Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm not voting. I will support this CD1...amended CD1 version because I know you have the votes, and it's a better version that'll move forward. But I will vote no on the main motion as amended. Mahalo, Chair.

CHAIR KAMA: Thank you. Thank you.

MS. NAKATA: Apologies, Chair, could you please restate who was the movant and who seconded? We didn't catch it.

CHAIR KAMA: The movant was Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: For what?

CHAIR KAMA: -- Paltin. With...for your --

COUNCILMEMBER RAWLINS-FERNANDEZ: For my --

MS. NAKATA: Oh, apologies, we're back to the motion to substitute as amended. Thank you.

CHAIR KAMA: Oh, I'm sorry.

MS. NAKATA: Sorry.

CHAIR KAMA: I'm sorry.

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

CHAIR KAMA: Oh, yeah, okay. So...

COUNCILMEMBER LEE: So, James, who...who is it? Tell us.

MR. KRUEGER: Chair. So, we currently have noted the...the motion-maker for the motion to substitute was Councilmember Sugimura, and seconded by Council Chair Lee.

CHAIR KAMA: Yeah. So, it's both of you. Okay. So, all those in favor of the CD1 version of 171 as amended, please say "aye," raise your hands. Oh, is this a roll call vote? No, we're good? Tamara?

COUNCILMEMBER LEE: I thought you were going to vote no?

CHAIR KAMA: No, she's going to vote yes on this, and no on the main. That's correct, right?

COUNCILMEMBER LEE: Oh, okay.

CHAIR KAMA: Aunty Alice? Thank you.

COUNCILMEMBERS: Aye.

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CHAIR KAMA: So, is that...am I correct in my assumption? It's eight "yes," and one excused, Mr. Sinenci.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

CHAIR KAMA: Okay. So, we're back to the main motion, right, of 171, right, as amended.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: Roll call vote, right?

COUNCILMEMBER LEE: Roll call.

CHAIR KAMA: Yes. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yes, discussion, and then...and then, roll call. For Section 2.B, I had to...again, we...we had very limited time to go through all the documents. And so, I...I did find that section in Bill 172, in Condition 5, that states that provided each workforce housing unit shall have a certificate of occupancy prior to the sale of any market-rate dwelling unit. So, if that's the section...because I tried to amend Section 2.B by requiring the--I mean, I guess it accomplishes the same thing--but is there a reason why it doesn't reference that concept here? Because in (b), it just says that no more than 100 market rate units per year can be constructed, and then there will be no limitation on the number of affordable units that can be constructed. But it doesn't say, as Mr. Chipchase said when I made my motion, that...he said that none of the market or luxury units would be constructed before the affordable housing units are constructed. But after I found it, it said that none of them would --

COUNCILMEMBER LEE: Be sold.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- can be sold before a certificate of occupancy. So, was that...did I misunderstand you?...I need Q-tips myself...or did you misspeak?

CHAIR KAMA: Mr. Chipchase?

MR. CHIPCHASE: I don't view them as distinct. We're not going to build units, and then leave them to sit there for decades when they can't be sold. So, that seems to me to be saying the same thing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is there a reason that it's not clear...clearly stated what the intention is in Section (b), as it is in Condition 5?

MR. CHIPCHASE: Having not drafted the original bills, I have no idea why they were done that way. But as I understand, either as amended...the section that was amended today, or Condition 5, the certificates of occupancy for the residential units need to be completed first, and the highway also needs to be completed even as proposed to be amended before the market units can be sold. And so, as we would, as I said, not develop 20 years' worth of market units to let them sit and sell at 100 a year, to me, they say the same thing. I don't...there's no functional difference to me.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know. It...it doesn't align to me, and it should be clear. I don't have a proposal to fix it right now, but --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I just...it took me a minute to, like, find it. Does that make sense to you, Chair? I mean, is that something that you would be able to explain to our constituents if they asked you?

CHAIR KAMA: I probably will, after I go home and study all that we've done today, I will tell you. Because we've done a lot today, and we're not even half done. We still have in the front of us, Bill 172, and a CD1 for 172 also. So, at this time, Chair would like to entertain a motion to recommend on first reading passage, incorporating nonsubstantive revisions and to record the unilateral agreement --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes? That is the change in zoning.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think we have a main motion, and we're on discussion for the main motion as amended.

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Oh, we're still on that? Oh, I'm sorry.

COUNCILMEMBER LEE: Yeah.

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CHAIR KAMA: Thank you.

COUNCILMEMBER LEE: . . .*(inaudible)*. . . you have to do.

CHAIR KAMA: . . .*(inaudible)*. . . Okay. Look at that, it's 4:33. And what happens after 4:30? Okay. Nonetheless. Roll...is this a roll call vote? Right?

COUNCILMEMBER LEE: Yes.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Discussion.

CHAIR KAMA: Oh, discussion. Member Johnson.

COUNCILMEMBER JOHNSON: Chair, before I get into discussion, real quick, are we going on another bill after this? You're not recessing, or...

CHAIR KAMA: No.

COUNCILMEMBER JOHNSON: We're...okay, we're going --

CHAIR KAMA: We're going.

COUNCILMEMBER JOHNSON: -- through this. Okay.

CHAIR KAMA: We've had. How long do you want to stay on this? I mean, I want to be able to get this out, and I want to be able to go home. And I want to be able to not have to deal with HLU, at least for the next week or two. Anyway, thank you --

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: -- for the question.

COUNCILMEMBER JOHNSON: Well, I'll...I'll discuss this, you know, and then we'll go on to the next one. But basically, it's going to be my same discussion I'll have for many, many points that I'll make, but I might make some different ones in the second bill. But for this one, 172 [*sic*].

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: I...I beg your pardon, 171, thank you. I...I counted the votes when we did have public discussion on this. It was 36 against the project, 9 for it. That was the numbers that I had. In my opinion, the people's voice comes first...first, and their voice holds water in my book. When we think about the market rates in Wailea, they're just...they're not for us. They...they're...I don't...there's...I know more people

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who need affordables than I know who need market-rate homes. A whole ter...a whole town burned down, and I don't want to support homes built for people who aren't even on island yet. Our working class should come first, and that's where my priorities have been. I...you know, before the fire, there was an expression I used a lot when I was Chair of Affordable Housing--if your hair is on fire, you'd best act like it. And I felt like that's kind of...didn't age well. Well, right now, it's not our hair that's on fire, it's a whole town that caught on fire and burned down. And we...we're thinking about building market-rate homes? That...that's...that's shameful. That...that breaks my heart, that we're focusing on homes in Wailea when a whole town burned down. You know, I would support a public-private partnership if affordable housing was the focus. In fact, I think that's kind of what is...is needed in these times, you know? Those homes down in Wailea, I only see luxury homes down there. I...it's really...doesn't seem a place that I think we...I know there's jobs down there, large hotels are down there, and people want to work close...live close to where they work, but that's a luxury home area. Let's face the facts. You know, I...before I got in this job, I ran, and I remember I didn't agree with my predecessor, Councilmember Hokama, on many, many items. But on this one, when you look back at what he said, he said this County could get a better deal. And I really feel that we could get a better deal out of this. So, those are my points, and I won't be supporting this bill. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. You know what I...what I think is shameful is that when the original bill came, and...and that 2.96 was 50/50, even still, there were 34 meetings over the course of at least one year to hammer it out. The vote was still close, 5-4, and that was when it was 700 luxury, 700 affordable. And, you know, the developers at that time said, oh, there's nothing special here. And then people came out and they said this is a native dry land wiliwili forest, like we don't see this very much anymore. It's not the kind wiliwili that people plant to like block wind...it's a real-life, native dry land wiliwili. And then there were all these rock structures, and we found out that these were astroarchaeology structures that indigenous or aboriginal, depending on if you believe we're colonized or occupied, people used to study the stars. And it's like so beyond what Western culture even could recognize, that wealth of knowledge that the original peoples here had that they couldn't even identify, it just looked like rocks to them. And, you know, I said it before. I was there 2007-ish when they had a public hearing in Kihei, and it lasted until 2:00 in the morning, and person after person talked about it. I think that our Planning Commission, who are volunteers, not even paid, spent more time than we did on this bill. I think there was some shady maneuvers, you know, like an off-meeting week during Thanksgiving with no Council referral. So, I mean, you really had to be paying attention to know this was coming down. It could have very easily slipped under the radar. We don't have Planning Department here. We got like two rounds of questions. There was no Planning Department here when we had...like, you know, we're working on crafting conditions, amendments, whatever. We're just kind of shooting in the dark, asking Mr. Hopper to wear some hat that he doesn't even have head space for. No Housing Department. This is really like a three-ring circus going on because it is a serious project. It is supposed to be a benefit to our people, but the way that it was handled was like, you know, a bake

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sale or something, where what I heard, the folks that Member Johnson said, the numbers that he said, was asking us to negotiate a better deal. And I think...like the deal that we got is everything that the developer asked for, we said yes. Everything that was supposed to make it better, the developer just says no, that's going to be too much money. And I think that at some point in the conditions, we do need to say if we're so concerned about the developer's profitability of the project over residents' needs for affordability, that that info should be fair game. And we must ask to see the whole projection of the developer's costs, and likely revenue, and financial analysis. And that when the whole project, if, it is ever completed, we need to see what the profit margin is. Because I think this is a grave mistake. And the only way that we can learn from these grave mistakes is to see the facts and the details at the end. So, you know, if they said it could pencil out in 2008 with 700 affordable, 700 luxury, and now they're getting, like, 800-something--it's easy math, but we don't like public math--they're getting over 700. They're getting over 800 luxury--862 if you go with one figure--and they're providing 288 or 238, which is much less. And anything over 230, it looks as though they're going to get credits for, which...I mean, I don't really think that 20,000 to 30,000 per credit is today's numbers, based on information from other projects. But I mean, I think that we should have that be required in the final report of condition...certificate of occupancies or whatever...like what...report back to us what the credits actually sold for. We shouldn't be flying blind on those numbers. Report back to us what the profitability is because I think it's...they can say anything because we're...we don't have that information. And if they're being true, then why not give us that information at the end of the build-out, at the end of the sale? What is the profitability? Because I don't think these 800-plus luxury units are going to go for 800,000. There's affordable houses that sell for 800,000. I know some people that bought them, and I'm like whoa, how many jobs you got, like four jobs per person? So, that's my discussion. I think this is a grave disservice to the general public. And, you know, even in looking at--well, I'll save 172 until we get to 172, but we don't...like, yeah. Thank you.

VICE-CHAIR COOK: I hear my colleagues, and I'd like to make...I am the South Maui representative. I live in Kihei. I've been, for years, familiar with this project. I've also, for years, seen different projects that committed affordable housing that didn't get built. The fact that this is not using any public funds, it is supplying their own water, and supplying their own sewer. The 288 guaranteed units with a potential of additional 50 are going to be built before anything else is built, and the road work is going to be done. I did a...just for people to understand the benefit of "the luxury homes"--and it's not always a subtraction--the 880 units, which is a little more basically owner-occupied, one-third; non-owner-occupied, one third; long-term rental exemption, one-third generates \$27 million a year. This is, granted, many years from now when it's completely built out. \$27 million a year tax dollars to the community, which will substantially pay for needed infrastructure, would be an additional, unrecognized source of revenue for affordable housing. Our responsibility of legislators is--besides making policy--is also managing the public funds. I just wanted to point out to the general public that that is the benefit--880 homes in Kahului at \$1.5 million apiece, generates 2 point...\$2.4 million. This project, this home--and if they're empty, then that's just that much less traffic--generates \$24 million more than that many homes. And I'm just...it isn't just about the money. It isn't about the money. I want to see these

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affordable houses in Kihei get developed in Wailea for the workers that are there. I think that the conditions that are being placed on there for the increased deed restriction for the owner occupancy is looking out for our local working residents. I just want to share with the public, it's going to take 20 years for all of this to get built, but the affordable housing is going to get built first, and to me, that is the big deal. That's my major support for this. No public funds being expended, the affordable housing is going to get built first, and get a certificate of occupancy, and then they're going to be able to build the rest. So, thank you for the...Chair and the Members, for the opportunity for me to state publicly why I'm supporting this amendment, this bill.

COUNCILMEMBER LEE: Thank you, Chair Kama. On the plus side, continuing on with the good points that Member Cook made, the 288 workforce housing units will house about 900 families...900 individuals. And this is something that we absolutely need everywhere in our County. The market homes will pay for the infrastructure. The affordable homes will not generate that kind of money to pay for infrastructure. The market homes will not only subsidize the workforce housing units, they will pay for the expansion of the highway, pay for acres of preserved cultural lands, and many other amenities and advantages for the whole community, not to mention create many jobs, as well as tens of millions of dollars in real property taxes and GET taxes. So, those are some of the reasons why I support this project. Thank you.

CHAIR KAMA: Thank you, Chair Lee. So, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I don't know how 288 equals 900 families, unless it were continuing to overcrowd units with multiple families. I...I...I don't...I was trying to look to see because again, we just got this paper, and I didn't have time to like look through to see how that math works out. And if...and if it is overcrowding families into the units, then our community deserves better than that. I hear what my colleague is saying, that we want luxury development so that we can tax it, but when we, you know, get to budget session and we propose increasing the taxes, then it's the same colleagues that vote against those proposals. So, I don't understand how we're going to say we want to build these luxury units so that we can tax them, and then when come time to create the taxes, the tax rate, to really generate the revenue to subsidize the housing that we're saying that we want to build as a result of these luxury houses being built before our residents get housing, then...then that...that math also doesn't add up. Because we're not taxing the luxury houses the way that we should be, in order to generate enough revenue to create a better quality of life for our community. What I've seen these luxury developments do is increase disparity, economic disparity, within our communities, within Maui, and it's heartbreaking. I see constant displacement, especially of Kānaka. So, really, building more luxury houses, mansions, whatever, is just continuing to create a Maui where if you are not part of the uber-wealth hoarders, 1 percent, then you won't be able to live here. And that's not a Maui that our constituents, our residents, are telling me that they want. And so, that's why I can't support this project. I can't support this bill. I'm not going to support the next bill. But, to make this a little better, and to align with the things that we promised our community when we were running for election this year, we tried to keep in the 450 units, and the majority voted against us. We tried to make affordable housing in

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perpetuity, and the majority of you voted against us. And we just...we know that five, eight, ten years guaranteeing affordability and deed restriction is just delaying what will ultimately be more luxury houses. We tried to work with the developers to offer County subsidies so that we can ensure more of these units are for our residents. And again, the majority on the Council voted against these amendments that would actually make it better for our residents. What Member Johnson was saying about the County and the community getting a better deal, at the time, 700 units, as many stated, was a pretty good deal...and here we are at 288. The developer, in 2008, made all kind of promises to get their land entitlements. They got...they got what they wanted, they got what they needed, and then it was a bait-and-switch. The developer, throughout this process, whenever...you know, Member Paltin suggested having laundry facilities, and the developer is saying that it...it won't pencil out. But...but yet, they...that they don't know if it'll...if it'll work because they don't have the details of whether there's going to be washer/dryer in the units, and how it'll look. But yet, they're confident that the proposals that...the proposals that we're offering or, you know, suggesting this Council consider--because we are the decision-makers, not the developer--that perhaps they should show how it won't pencil out. We shouldn't be begging for scraps, and I don't trust the developer. Why would we take their word? Our community deserves better.

CHAIR KAMA: Any more discussion, Members? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thanks. I will be supporting this project, and I think, like many people in the community, we didn't expect Wailea 670, you know, to keep on invigorating and coming back through the years. \$43 million they've spent so far of their own money, just to keep this project moving forward, is a commitment that not many can...can, you know, take those steps. 288 units is...is what happens after all these years of the contested cases, and whatever challenges that the...the developer had to go through in order to take us to this point of saying okay, this is...this is where we are, after the concessions that were made through the lawsuits, is what I gather. I think that it's significant that they were able to come to an agreement to have a cultural component--get rid of the golf course, right? The...finding their own water, which is...which is going to be a huge step forward, and I would imagine that through water comes life. And this life is going to be affordable housing, different roads, different things that we just need infrastructure-wise for any developer...any development project to survive. So, I appreciate this. We are talking about the future. Unfortunately, you know, we are...we...we can't go back to the past and hope that whatever laws didn't work, we can still hold them to, you know, those laws at 50 percent versus 25 percent affordable housing. But things change, and I, you know, commend the Council for trying to amend this in different ways that will make it amenable to the future. But I stand by the fact that we need more housing. Three...three people per house, I think, is how Chair Lee got the 900 units [sic]...is a little closer to 800-something, but the math is pretty close. So, whatever it will be, we're inviting, you know, a new family, a new community to come and be part of this community project, and I look forward to voting yes on it, and seeing how we go...pass through 172, get this moving. And I hope that, you know, we can be invited to groundbreaking. Thank you.

CHAIR KAMA: Thank you. James, I think we're doing roll call vote.

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COUNCILMEMBER LEE: Please restate the motion.

CHAIR KAMA: It's the main motion to recommend passage of Bill 171 with amendments.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: No.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: A'ole.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

MS. MCKINLEY: Councilmember Sinenci, excused. Committee Chair Kama.

CHAIR KAMA: I just had a thought came into my head, as I think...I forget who was speaking. But to see 288 families that may have three or four children, all running up and down Wailea, thrills me. It thrills me to have brownies (*phonetic*) running around Wailea.

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

CHAIR KAMA: So, I cast my vote for yes. Thank you. Thank you, Members.

MS. MCKINLEY: Chair, that's five "ayes," three "noes," one excused, Councilmember Sinenci. Motion passes.

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

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

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 171, CD1 (2024), by C.R.

CHAIR KAMA: So, Members, now we're on --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, point of clarification?

CHAIR KAMA: -- to 172.

COUNCILMEMBER RAWLINS-FERNANDEZ: In...in your discussion, how are you so sure they're going to be brown?

CHAIR KAMA: Because the way we are all intermarrying, they're going to be brown, one way or another, even if they get tanned by the sun. So, Members, I'd like to entertain a motion to recommend passage of Bill 172 on first reading, and incorporating nonsubstantive revisions, and to record the unilateral agreement...and this is the Change in Zoning bill. Members, as noted earlier, before we recessed this meeting last Monday, Staff also distributed an ASF attaching a proposed CDF1...CD1 version of this bill. The CD version of Bill 172 contains nonsubstantive changes, and this is item 10 on Granicus. I will entertain a motion to substitute --

MR. KRUEGER: Chair?

MS. NAKATA: Excuse me, Chair?

CHAIR KAMA: Yes? Where are we at?

MS. NAKATA: Oh. Apologies, I don't think we had a maker of the motion and a second.

CHAIR KAMA: Oh, I'm sorry. My bad. Okay. So, we...was moved by Member Sugimura, second by Chair Lee. That was the main motion. So, I now have to entertain a motion

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to substitute Bill 172 with the CD1 version of the bill as attached to my ASF. So, the CD1 version incorporates the full set of conditions into the attached exhibit, and makes revisions for clarity, consistency, and style. And again, this is Item 10 in Granicus. Do I have a maker of a motion?

COUNCILMEMBER SUGIMURA: So moved.

VICE-CHAIR COOK: Second.

CHAIR KAMA: Moved by Member Sugimura, seconded by Member Cook. I would like to now ask the applicant if you want a brief comment on the motion to substitute...less than a minute.

MR. CHIPCHASE: . . .*(inaudible)*. . . to a few seconds. No comment on the motion to substitute, Chair.

CHAIR KAMA: Thank you. Okay, Members, the Staff has...has two ASFs that they're going to distribute from me. One of them is--well, if you can hand it out right now to them, please? The first is to amend Bill 172 to...to update the number of units, and number of affordable units, as represented by Honua'ula Partners, LLC, the presentation that was given to us on November 25th, 2024. The revisions are being requested to make clear the total number of units to be constructed, and the minimum number of affordable units required for the project. So, it's...it's a proposed CD, thank you. So, Members, do you want to take a recess to read the three pages that were just handed out to you?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Okay. Recess. It is 5:01 --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Oh, I think you have to wait until they finish distributing.

CHAIR KAMA: Yeah. Yeah. So, it is 5:01. We're going to take a recess for seven minutes. So, 5:01 plus seven. So, we reconvene at 5:08 p.m. That's the...the recess time to reconvene.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Can I request longer, so that --

CHAIR KAMA: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we can also --

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CHAIR KAMA: Ten? You want ten minutes?

COUNCILMEMBER RAWLINS-FERNANDEZ: I think it takes me a little longer than that. You know, wash my hands, and stuff like that. So, 15?

CHAIR KAMA: Oh okay, yeah, all right. Sorry. 5:15. HLU is now in recess until 5:15. . . *(gavel)* . . .

RECESS: 5:02 p.m.

RECONVENE: 5:35 p.m.

CHAIR KAMA: . . . *(gavel)* . . . HLU reconvened meeting...the recessed meeting will now reconvene. It is 5:35 p.m. We left off where we had made the motion...we did the motion, and the second for the...Bill 172 as well as the CD1 version. So, before we go any further, I want to entertain any amendments, and Member Paltin has seven of them. But we're going to start with the one that we all agreed to say yes to when we all said yes. And then...then she'll go ahead and...and do each one individually, right? And my understanding is that Staff has some idea of what those amendments are. So, I think even if it's seven of them, we should get through them relatively quickly. And then after her seven, I'm going to do my two, and anyone else after that. Okay. So, Member --

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

CHAIR KAMA: Yeah, we did the motion. You guys did the motion though...and then also for the CD1 version. So, now we're doing amendments, and Member Paltin is going to begin with her one of seven.

COUNCILMEMBER PALTIN: Okay. At the appropriate location, and subject to nonsubstantive revisions, I would like to clarify that the breakdown for affordable rentals would be 42 units in the 80 to 100 percent AMI category, 42 units in the 100 to 120 AMI category, and 41 units in the 120 to 140 AMI category, and that for the for-sale units, they would be subject to 10 years deed-restricted affordability across the board, as well as 20 years owner-occupied deed-restricted, and that all of the affordables, for-sale and rentals, will not be subject to any parking fees for their allotted parking stalls. Second?

COUNCILMEMBER LEE: Second, if that's...that was the original, right? That was the original? You didn't add anything, yeah?

COUNCILMEMBER PALTIN: Not yet.

COUNCILMEMBER LEE: Okay. Just checking. Just checking.

CHAIR KAMA: Not yet.

COUNCILMEMBER LEE: Okay.

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

COUNCILMEMBER LEE: Second for discussion.

CHAIR KAMA: Okay. Member Paltin, discussion?

COUNCILMEMBER PALTIN: So, this is the...pretty much what was previously withdrawn, and everyone said they would still support it, except for Member Sugimura, who didn't originally support it. *(Audio interference)* That wasn't me.

CHAIR KAMA: Okay. We all know it wasn't us. Continue, Member Paltin.

COUNCILMEMBER PALTIN: That concludes my discussion on this amendment.

CHAIR KAMA: Okay. Any other discussion on Member Paltin...yes, Member Cook?

VICE-CHAIR COOK: I thought that it was 15 years on the owner-occupied one?

COUNCILMEMBER PALTIN: I thought it was...it was going to be 15 years if it was deed-restricted, and then I asked for 20 years, owner-occupied. And then, he seconded it.

VICE-CHAIR COOK: By going --

COUNCILMEMBER PALTIN: But we can check with Staff. I'm...I'm cool with that.

CHAIR KAMA: Yeah, we could do that. Staff?

VICE-CHAIR COOK: And that's where the ten...ten years across the board deed restriction? Okay, I remember that. I just thought it was 15 on the other one.

MR. KRUEGER: Chair?

COUNCILMEMBER PALTIN: Started at 15.

CHAIR KAMA: I hear...yes?

MR. KRUEGER: So, for Bill 171, the Committee did vote on a motion to do the 42, 42, 41 split for the rental --

CHAIR KAMA: Yeah.

MR. KRUEGER: -- the...the rental units.

CHAIR KAMA: Yeah.

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MR. KRUEGER: And for the parking fees, to not subject any parking fees for any affordable unit, rental or for-sale. The Committee did vote on that. The Committee did not vote on the...the deed aspects, the 20-year owner-occupied and the 10-year deed-restriction aspect.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: Are you saying that that wasn't in this motion, but it was in a late...latter [*sic*] motion, right?

UNIDENTIFIED SPEAKER: No.

COUNCILMEMBER PALTIN: Oh, we said to table it. Yeah, sorry. Because...because that's when she said it wasn't 171, it was 172.

CHAIR KAMA: What do you want --

COUNCILMEMBER PALTIN: Okay. Do we want to just take that by itself, or...

CHAIR KAMA: Yeah. Just take that by itself.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Right, James? Okay.

COUNCILMEMBER PALTIN: I'll amend it to that, if that's okay with folks, on a friendly.

CHAIR KAMA: Yeah, so.

COUNCILMEMBER LEE: Okay. That's fine.

CHAIR KAMA: Are we good? So, we understand what we're doing here? Okay. Because we're going to come back and revisit that later, I'm sure. Okay. If no discussion...any discussion on the amendment?

VICE-CHAIR COOK: Is this on the --

CHAIR KAMA: This is on the 42, 42, 41.

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: No parking fees --

VICE-CHAIR COOK: No discussion.

CHAIR KAMA: -- for rental and for-sales.

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COUNCILMEMBER LEE: Okay.

CHAIR KAMA: Okay.

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

COUNCILMEMBER PALTIN: It doesn't matter because we quid pro quo'd it.

CHAIR KAMA: Yeah. And he was okay with it, when he talked about it earlier.

COUNCILMEMBER LEE: Yeah, he was.

CHAIR KAMA: Okay. So, if there is...there's no other discussion, hand vote, or...hand vote.

COUNCILMEMBERS: Aye.

CHAIR KAMA: Okay. Eight "ayes" and one excused, Mr. Sinenci. Okay.

MR. KRUEGER: Chair, we're not sure how Councilmember Sugimura is voting?

CHAIR KAMA: Oh, she raised her hand. I saw that.

MR. KRUEGER: Okay.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

ACTION: **APPROVE amendment.**

CHAIR KAMA: Okay. Member Paltin, back to you.

COUNCILMEMBER PALTIN: Okay. And for my next trick--I mean amendment...

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

COUNCILMEMBER PALTIN: Okay. For the balance of the 288 guaranteed for-sale, the amount is 163, and the for-sale residential workforce housing policy doesn't come out to round numbers, like the 50 that would be contributed. That breaks down to 15, 25, 10. 163, I would like it to break down to...and at the appropriate location, incorporating any nonsubstantive revisions, I would like the 163 guaranteed for-sale affordable housing breakdown to be 48 units in the 80 to 100 percent AMI, 83 units in the 100 to 120 percent AMI range, and 32 units in the 120 to 140 percent AMI range. And if I get a second, I can elaborate.

COUNCILMEMBER LEE: Second. And if you can see, does it follow 2.96?

CHAIR KAMA: Yeah, pretty much.

COUNCILMEMBER PALTIN: It doesn't follow 2.96 exactly because 163 --

CHAIR KAMA: It has such an odd number.

COUNCILMEMBER PALTIN: -- doesn't break down like how 50 does. So, there's points, and you can't build like less than one house in any category.

COUNCILMEMBER LEE: Okay, you're rounding it out.

COUNCILMEMBER PALTIN: Yeah, I'm rounding it the way I'd like it to be.

CHAIR KAMA: Where the lower...where the lower numbers are higher.

COUNCILMEMBER LEE: Yeah, okay.

CHAIR KAMA: Okay. So, it's been moved --

COUNCILMEMBER PALTIN: It's...it's...I just want to clarify. It's not necessarily rounding up.

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: I put the extra one, I think, in the middle one. So, it's not necessarily rounding up, it's just rounding.

CHAIR KAMA: Okay. So, did we get all those numbers, everyone? 48 units, 83 units, 32 units? Okay, we got that? Okay. Any other discussion on Member Paltin's amendment? Seeing none. Is this a roll call vote, or is this hand raise vote? Hand raise?

COUNCILMEMBER LEE: Yeah. Sure.

CHAIR KAMA: Okay. Is that a hand...okay.

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COUNCILMEMBERS: Aye.

CHAIR KAMA: Eight, and Member Sinenci's excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: And for my next trick...my next amendment...okay. I'll go for this one. In Councilmember Kama's...oh, maybe I have to wait for her to do the ASF, but...shoot.

CHAIR KAMA: Yeah, we can wait. We can do that --

COUNCILMEMBER PALTIN: That one when you do the ASF?

CHAIR KAMA: Yeah. Okay.

COUNCILMEMBER PALTIN: Okay. This one...then I'll move on to this next one. On our ASF substitution for Bill 172, on page 7, Condition 13 --

COUNCILMEMBER LEE: Uh-oh, I don't have page 7.

COUNCILMEMBER PALTIN: -- of Amended Conditions of Zoning, Exhibit A, I move to add, in the correct place, including any nonsubstantive revisions, that one of the consultation parties shall...must be the Department of 'Ōiwi Resources.

CHAIR KAMA: Member Paltin, what page is that on?

COUNCILMEMBER PALTIN: 7, Condition 13, Exhibit A.

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CHAIR KAMA: So, you're asking for one of the consultants to be the Office of 'Ōiwi Resources?

COUNCILMEMBER PALTIN: No, I'm saying it must be.

CHAIR KAMA: It must be. Okay. Discussion?

COUNCILMEMBER PALTIN: When the Department of 'Ōiwi Resources was here, they appeared to want to be one of the consultants consulted, and I think that's important, that they are amongst these parties.

CHAIR KAMA: Any other discussion on Member Paltin's amendment to have Office of 'Ōiwi Resources as part of the consultation team? Any others?

MR. HOPPER: Chair?

CHAIR KAMA: I hear --

MR. HOPPER: Chair, this is Michael Hopper.

CHAIR KAMA: Yes?

MR. HOPPER: Just something for consideration. The timing on the condition does seem to say this all has to be done prior to Phase II Project District approval. So, I don't know if the intention is to say, for 'Ōiwi Resources, that they can be consulted after Project District approval. That's sort of a substantive amendment, but I mean, I'm assuming that since the Project District approval happened, that...that you would be okay with the phrasing of the condition to say they would have to consult with them, and that can be done after Project District approval. So, it looks like the timing for the other ones are...are...are supposed to be prior to the approval...unless I misheard Member Paltin's proposal.

COUNCILMEMBER PALTIN: Thank you. Yeah, that's what I meant. From now until the end of time...nah, from now until the last certificate of occupancy, I guess...or the last sale of the house, whichever people prefer.

CHAIR KAMA: So, you're saying...so, you're saying to the...the consultation will continue until the sale of the last house...any house?

COUNCILMEMBER PALTIN: Maybe we should say dwelling unit.

CHAIR KAMA: Oh, no, I was just thinking, if you were looking at all of the houses in the project area?

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Okay. I just wanted to ask that. Any other --

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COUNCILMEMBER PALTIN: Or, I mean, I guess it could be beyond if they're creating a nonprofit kind of thing. So, I mean, as long as...just have the Department of 'Ōiwi Resources be consulted until the end of time.

CHAIR KAMA: And...oh, Member Sugimura.

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

CHAIR KAMA: Oh, yeah, Mr. Chipchase?

MR. CHIPCHASE: No...no problem consulting with the Department of 'Ōiwi Resources. I might suggest that Condition 13, which deals with the Cultural Resources Preservation Plan that's already been completed, and this condition satisfied, that the more appropriate place to put it would be Condition 10, which is the section that is, as we propose to amend it, would...would provide for the Cultural Center.

COUNCILMEMBER PALTIN: Okay, I'm amenable to Condition 10. Does Condition 10 say that instead of 5 million to the parks, you're going to use 5 million to buy your own land?

MR. CHIPCHASE: It says that there will be a donation of land and funds equivalent to \$5 million.

COUNCILMEMBER PALTIN: Finds?

MR. CHIPCHASE: Funds.

CHAIR KAMA: Funds.

MR. CHIPCHASE: Looks like we both need Q-tips.

COUNCILMEMBER PALTIN: It sounded like finds.

CHAIR KAMA: Okay. You can leave the Q-tips alone. Okay. So...so, Member Paltin, are you saying that opposed to Condition 13, you'd want to have your amendment to Condition 10?

COUNCILMEMBER PALTIN: Yeah. In the appropriate place in Condition 10, with the appropriate verbiage, that Department of 'Ōiwi Resources be consulted with.

CHAIR KAMA: Okay. Okay. So, Members, any other discussion?

UNIDENTIFIED SPEAKER: No.

CHAIR KAMA: Okay.

MS. NAKATA: Excuse me, Chair?

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CHAIR KAMA: Yes?

MS. NAKATA: So, is the consultation in Condition 10 to be in connection with identification of the land, or where is it that...where is it that the consultation would be inserted, please?

CHAIR KAMA: I think that's what Member Paltin was saying, wherever...wherever it would fit. And so, because Mr. Chipchase suggested it, maybe we should ask him where does he think it should fit?

COUNCILMEMBER PALTIN: Like, I mean, for me, it...it doesn't name a nonprofit organization. So, I think that the Department of 'Ōiwi Resources should be consulted in choosing who the nonprofit organization would be, and that, you know, the 5 million land value should be assessed by like a third-party assessor.

CHAIR KAMA: Okay. You're in the middle of your...your amendment, and so we're just looking at Condition 10 to get the Office of 'Ōiwi Resources --

COUNCILMEMBER PALTIN: And then --

CHAIR KAMA: -- as a consultant, so...

COUNCILMEMBER PALTIN: -- yeah, and that the nonprofit organization should continue to consult with the Department of 'Ōiwi Resources, not just like willy-nilly --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- do what they want.

CHAIR KAMA: Is that helpful to you, Carla? *(pause)*

MR. HOPPER: Chair?

CHAIR KAMA: Yes, Mr. Hopper?

MR. HOPPER: This is Mr. Hopper. Were you thinking of putting in Department...currently, it says the land for the facility shall be conveyed in fee simple to a nonprofit organization selected by Honua'ula Partners, LLC, and approved by the Office of the Mayor. Is...is that maybe the place you want to put that in there, to say approved by the Office of the Mayor, and then mention the 'Ōiwi Resources in there? I think that...I mean, for me, that seems to be the most obvious place in the condition, where they talk about approval by a County agency there, but there...you know, it's sort of up to you, how you want to incorporate them, I think.

COUNCILMEMBER PALTIN: Yeah, that sounds okay. Approval with the Mayor, with consultation to the Department of 'Ōiwi Resources. But I'd like the...whoever the

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nonprofit organization is that's selected to continue to collaborate and meet with the Department of 'Ōiwi Resources, not just, okay, it's you, and then don't ever check in again.

CHAIR KAMA: Okay. *(pause)* So, where did you want to insert the Office of 'Ōiwi Resources?

COUNCILMEMBER PALTIN: And approve --

CHAIR KAMA: Of that...somewhere in that sentence?

COUNCILMEMBER PALTIN: At approved by the Office of the Mayor, with consultation to the Department of 'Ōiwi Resources. A covenant running with the land shall require that...shall require continued consultation with the Department of 'Ōiwi Resources, and that the land be used only for blah, blah, blah.

CHAIR KAMA: So, you're saying to insert the Office of 'Ōiwi Resources after the Office of the Mayor? Like Office of Mayor, comma, and Office --

COUNCILMEMBER PALTIN: With consultation --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- with the Department of 'Ōiwi Resources.

CHAIR KAMA: Oh, and in consultation with...okay. . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: And a covenant running with the land shall require continued consultation with the Department of 'Ōiwi Resources, and that the land be used only for a cultural education and community facility, and the...the assessed fair market value be done by a third-party assessor.

CHAIR KAMA: So, where's that part about the fair market value assessor?

COUNCILMEMBER PALTIN: If the land conveyed to the nonprofit --

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

COUNCILMEMBER PALTIN: -- has a fair market value of less than 5 million as appraised by a third-party assessor at the time of dedication, Honua'ula Partners, LLC, shall satisfy the rest of the contribution required by this condition by a cash donation, blah, blah, blah.

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER PALTIN: Mr. Chipchase looks like he'd like to say something.

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

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MR. CHIPCHASE: I was just going to offer, Member, if you...the preceding sentence requires an appraisal and a value approved by the Mayor. So, maybe if you wanted to make sure the appraisal was a third-party appraisal, which was intended, if you just between buy and appraisal insert third-party?

COUNCILMEMBER PALTIN: I'm amenable to that. Thank you.

CHAIR KAMA: So, Mr. Chipchase, you saying between the word buy and appraisal, you insert the word third-party?

MR. CHIPCHASE: Yes. And the sentence that would read the fair market value of the land conveyed to the nonprofit organization as determined by--insert third-party, end insertion--appraisal and approved by the Office of the Mayor.

COUNCILMEMBER PALTIN: Yeah, I'm okay with that.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: And that concludes the amendment.

CHAIR KAMA: That particular...okay. So, Members, did we get that? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, the proposal started off in Condition 13, which deals with the cultural resource preservation plan, and adding 'Ōiwi Resources to this list. Does that...does this amendment still include that?

COUNCILMEMBER PALTIN: No, sorry. Because the Phase II approval already occurred.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER PALTIN: I put it in the wrong place.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it.

COUNCILMEMBER PALTIN: I just was --

CHAIR KAMA: So, going back to 10.

COUNCILMEMBER PALTIN: All this, you know, legalese and English, it's not digestible to me.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Okay, so we're in Section 10. Now, all the amendments that...that Member Tamara Paltin wanted are all in this section. Do we need to repeat it for anybody, or is it clear to everybody that it is the Office of 'Ōiwi Resources that will, and

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need to be, consulted, and the continuing...continuation of that consultation will continue, and that when it comes to the appraisal, by a third-party appraisal. Okay. Member Paltin's shaking her head. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, is the Cultural Resources Preservation Plan on Granicus, or is it available to us somewhere? Is it part of the transmittal that we received from the --

CHAIR KAMA: I think so. Mr. Chipchase?

MR. CHIPCHASE: I'll ask Karlynn whether it was part of the transmittal. I know it was part of the record before the Planning Commission, and so it'd be available --

CHAIR KAMA: Ms. Fukuda?

MR. CHIPCHASE: -- part of that record.

UNIDENTIFIED SPEAKERS: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I do carry around the County Code with me too, on my phone.

UNIDENTIFIED SPEAKERS: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: She does weight training.

CHAIR KAMA: Ms. Fukuda, you may answer.

MS. FUKUDA: Thank you, Chair. So, the plan that is being discussed as the...that was part of Condition 13 was not part of the record necessarily because it was not part of the amendments that were being proposed as part of this request. But it is available, and we can provide a copy to the Committee.

CHAIR KAMA: Well, thank you. Ms. Fukuda, when do you think you could transmit that?

MS. FUKUDA: By tomorrow morning.

CHAIR KAMA: Oh, okay, that's fine. Okay. Thank you. Any other discussion, Members? If not, everybody understands Member Paltin's third condition [*sic*]? Okay. But did you...you want it to be repeated?

COUNCILMEMBER LEE: No.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER LEE: I'm just checking that it's third of six --

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CHAIR KAMA: Just want to make sure.

COUNCILMEMBER LEE: -- that there's an end to this, you know?

CHAIR KAMA: Yeah, seven is the end. Okay. So, Members, is this a roll call vote, or is this all in favor and everybody . . . *(inaudible)* . . .

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

CHAIR KAMA: Oh, okay. Voice vote. Okay. All those in favor of the amendment for the Office of 'Ōiwi Resources to be consulted and have a third-party appraiser, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Eight-one, Member Sinenci's excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Member Paltin, we're back to you.

COUNCILMEMBER PALTIN: Thank you. And for my next amendment, this was the resolution that we haven't been able to get to the Planning Commission yet, but in the appropriate place, including any nonsubstantive revisions, for every...at least for every 50 parking spaces in the multifamily residential parking lot, there will be required two EV chargers.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay. So, your motion is for every 50 spaces, two EV chargers. Is that what you said?

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COUNCILMEMBER PALTIN: Are required, incorporating any nonsubstantive changes, and to be placed in the appropriate place in this bill. And there was a second, so can I do a discussion?

CHAIR KAMA: Yes, discussion.

COUNCILMEMBER PALTIN: This is...this is something that we've been working on since last term, and I was going to bring it up right before the fire, like it was my next agenda before the fire. And then we took like a one-year break because we were dealing with the fire things. And then I brought it up again, and then it...we had to do some work, and we did some work, and we brought it up again, and just...there was a conflicting section, I think, in Chapter 16 that Dr. Dancil brought up, that was passed by Member Cook's predecessor and didn't have Corp. Counsel's signature on it, and so that kind of messed it up a little. And so, we're trying to repeal that and make it into like one thing. And so, that's why it's been taking like three years. But we haven't gotten to the Planning Commission yet, but that's the intention.

CHAIR KAMA: Okay. Any other discussion, Members? Mr. Chipchase, do you want to use your one minute?

MR. CHIPCHASE: Yes, Chair. As I understand it, two EV chargers per 50 stalls in the multifamily area? No objection to that.

CHAIR KAMA: Okay, thank you. Any other discussion, Members? Seeing none. Can we just do a voice...yes, Mister... oh, you're voting? Voice vote.

COUNCILMEMBERS: Aye.

CHAIR KAMA: Oh, I see eight "ayes," and one excused, Mr. Sinenci.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Member Paltin, you're on a roll. Go for broke.

COUNCILMEMBER PALTIN: The 50 additional units that are in exchange for the Hawai'i State Department of Transportation completing the upgrade to Pi'ilani Highway are not subject to workforce housing credits.

COUNCILMEMBER JOHNSON: Second.

CHAIR KAMA: Mr. Chipchase?

MR. CHIPCHASE: Consistent with our discussion earlier, I do believe that workforce housing credits should be earned for excess units. It's still a real cost to us. The cost that we used to estimate in terms of the lost revenue substantially exceeds the estimated cost of our share for the highway. And so, I do think that earning credits on that additional 50 units would be appropriate.

COUNCILMEMBER PALTIN: Discussion.

VICE-CHAIR COOK: Discussion?

COUNCILMEMBER PALTIN: Me first?

CHAIR KAMA: You first, and then, we'll go to Mr. Johnson [sic].

COUNCILMEMBER PALTIN: Oh, okay. So, my discussion is, this is a negotiation that instead of the project building the highway is being shifted to the State Department of Transportation, and it's a deal that you do one of our conditions for us, regardless of the expense, whatever...and it's not yet a done deal because we're waiting on the Attorney General and these things. But that is a fair negotiation to our residents and

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our taxpayers, that if the State, through our taxpayer dollars, is satisfying a condition of the developer in exchange for 50 residential workforce housing, the credits that the developer would get from the 50 residential workforce housing units are paid for by the development of the highway, not to double dip. That's a big saying that FEMA is giving to the fire survivors. No double dipping. So, if it's good for the horse, it's good for the donkey.

CHAIR KAMA: Member Johnson?

COUNCILMEMBER JOHNSON: Yeah, Thank you, Chair. Mr. Chipchase, you...you...one of your points in countering the amendment is that...the loss of revenue. Do you have a number?

MR. CHIPCHASE: Yes. I mean, we conservatively estimated the loss of revenue at about \$50 million against a cost of about \$42 million.

COUNCILMEMBER JOHNSON: Okay.

MR. CHIPCHASE: But...but the loss of revenue, as I emphasize, is a conservative estimate. And so, the ability to earn credits for that won't make up even that difference with the conservative estimate.

COUNCILMEMBER JOHNSON: Right. Do you...do you consider...do you take into account, when you talk about lost revenue, the consistently increasing of value of our homes? Back when this was before the Council, the homes weren't 1.3 million, and now they are. So, the...the value, even affordable housing, you know, we...we hear from Councilmember Paltin's community that never, ever, has it ever...an affordable housing lost in value. But because they got burned down, they were in some kind of conundrum because that's never happened before...because the houses always gain value. So, don't you think that that lost revenue point is...is not fully looking at the scope? Because homes keep going up in value. We...we don't...we...for many years, the Council never raised property taxes because the values kept going up and we kept getting more in the coffers. Don't you think that's part of this consideration?

MR. CHIPCHASE: It...it...it is, and was, part of our consideration. But to go back to 2008, in 2008 the project hadn't spent \$43 million on entitlements and lost 16 years to litigation and approvals either. And so, the time value of...the time value lost substantially exceeds the time value gained through inflation of...or increase in property values.

COUNCILMEMBER JOHNSON: Wailea homes right now are, what, 2 or 3 million? Isn't that the price?

MR. CHIPCHASE: Your guess is better than mine.

COUNCILMEMBER JOHNSON: It's...it's bananas.

MR. CHIPCHASE: I'll go with your number.

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COUNCILMEMBER JOHNSON: It's way...it's...it's gone so far...far up. That's my point, is like I...I hear you're saying, you know, oh, you know, this might hurt us, but come on. This is one of the best values that investors look at, is housing. You know, you can make more money here in Wailea than you can in the stock market.

MR. CHIPCHASE: I don't know whether that's true either, but I --

COUNCILMEMBER JOHNSON: . . .*(inaudible)*. . . percent.

MR. CHIPCHASE: -- I won't argue with you about it. All I would say is that the ability to earn credits on those additional units are part of how we balanced out \$50 million against the 42.

COUNCILMEMBER JOHNSON: All right, thank you. Thank you, Chair.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Some history. Previous Councils tried various ways to generate affordable housing by providing incentives to developers, and one of the main incentives was to provide the opportunity for them to get credits for building more affordable units than was required of their project. So, all these excessive units were eligible for credits, and that's how we got...we were able to get more affordable homes than originally planned. So, this was the purpose of that. And so, if...if this is going to impact this project, and by trying to negotiate that, and not give them credits, and...and not--for which they already apparently assigned those monies to...to subsidize the...the affordables--I think...I think in this case, I...I don't really believe--I think I should support the motion only because I think what we want to do is try and get as many affordables as possible. So, thank you.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I completely, 100 percent, agree with Chair Lee, what she was saying, that this is an incentive for people to provide more affordables. They're not just coming along and saying, hey, let us provide 50 more affordables, and you give us workforce housing credits. They're saying, we'll give you 50 for...50 more affordable units if you or the Government satisfies our condition of doing the road work. It's not, we'll give you 50 more units and you give us credits...that's not what the deal is, like how she said it was supposed to be, the idea. They're already getting their trade-off with the State fulfilling their commitment to the people. And when she said that our job is to get as many affordable units as possible, this cuts out 50 affordable units for the next luxury development. Because instead of them satisfying their requirement, they're going to pay these guys for the credits and not build the affordable units. So, it's not your standard we'll give you more affordable housing for credits, it's like we'll give you more affordable housing for credits and satisfy our condition at taxpayers' expense. So, in terms of negotiating on behalf of the people, on behalf of the taxpayers, on behalf of more affordable housing, this is a bad deal for the people. And

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I believe Mister...somebody was saying, oh, well, the State can qualify for Federal monies. That's no guarantee. You know, we got somebody new in office. Even without somebody new in office, there's no guarantee that there's Federal monies in the pipe, there's no guarantee, like, where it'll be on the stip. Like, I don't know if you remember the group, probably back in the '90's, called Lāhainā Bypass Now. We're still waiting. We're still waiting for the bypass to go out to bypass Lāhainā Town. It...it bypasses Lahainaluna Road. It...luckily was our only way in and out, and it looks like now Lāhainā Bypass is going to be bypassed for Pi'ilani Highway on the State project, instead of what all the folks in West Maui want. But I don't think this is the same kind of deal, where someone comes along and just says, I'll give you more affordable housing, you give me credits. That's not what's going on. It's I'll give you more affordable housing, you give me credits, and build my road that's required as part of the original deal, which was like 34 meetings over the course of a year, so that this whole thing is unrecognizable. So, that's my discussion.

CHAIR KAMA: Thank you. Chair Lee?

COUNCILMEMBER LEE: Yeah, one of the reasons why we don't have as many affordable units as we should in Maui County is because we have policymakers who continually add conditions to every single project. And that creates a huge cost. And add time to that. Add the County taking years, and years, and years for approval processes and permits. That sometimes drives projects to the affordable housing graveyard. And it...and you'll never see...they'll never see daylight. In this particular case, 50 units is 50 units. And if...if they're going...if they can build an additional 50, then I think this is a plus, you know, regardless of so-called negotiations. We need...we need housing. Thank you.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. When projects like this come before the Council--and this is like luxury housing, this isn't like--like Ikaika 'Ohana comes to Council, boom, their project gets built...two of their projects got built. One in Lāhainā that got burned, and then one Liloa...Liloa Hale or...I can't remember that project, but it got it got built within, I don't know, five years or something. So, when an affordable housing developer comes and says, I want to build housing for the residents, those projects go through. That is not why we don't have housing for residents. The reason that we don't have housing for residents is because these kind of projects that are more about being profit-driven are more of the projects that come to Council. And good on those Councilmembers for putting conditions that would maximize the benefit for the community. And if those developers who promised the moon and the stars could not deliver, then that's on the developers because those Councilmembers were trying their best to provide benefit for the community, to improve the quality of life here. Because they knew that these developers were just trying to make as much money as they could. They're not the affordable housing developers. And I think we're all on the same page as far as shifting the County back to trying to build housing for our people instead of begging developers because then that puts us in a very precarious situation where we just become--I'm trying to think of professional words to use. But it's unfair for the community, especially if what ends up happening is developers then, you know,

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donate to candidates so that they can get onto this Council, so that they can just rubber stamp through the projects and...and then, won't approve anything that...that our community is asking us to...to put in here for them unless the developer gives their...their blessing. Like, that is not how we as policymakers should be behaving. That's shameful. Like no one's fooled. Like Wailea 670, Honua'ula, whatever equity...private equity firm-funded investors...like they're here to make money. . . .*(laughing)*. . . They're...they're here to make profit. They're not here to benefit the community. That's not what they're here for. They're here to make money to the detriment of the community. Like, screw the community. It doesn't matter. Like they're here to make money. Mahalo, Chair.

CHAIR KAMA: You're welcome. Member Cook.

VICE-CHAIR COOK: We do the budget...we do the budget every year. It costs money to build anything--to pay people, to buy equipment, to pay for fuel, to pay for insurance, to, you know, hopefully be able to build a hospital in West Maui--and that's going to be through tax dollars, and that's going to be through the efforts of people who have the ability to build major projects. My question for the development team is, what is the agreement? Could you help clarify the agreement with the DOT and the 50 additional houses? You said that 42 million was the estimated contribution for the road work, and then it was 50 estimated for the benefit. Could you clarify that some for our benefit?

MR. CHIPCHASE: I'd be happy to, Member Cook. So, as I'd mentioned, three landowners have an obligation to contribute to the development of the highway. Looking only at Honua'ula's estimated obligation based on its share of the work, it's about 40 to --

COUNCILMEMBER LEE: Can you turn your mic on?

MR. CHIPCHASE: I think the mic is on, but...but it's...I'm too far away from it, so I'll restart. The estimated cost for just Honua'ula's share is about \$42 million. We were able to provide an additional 50 units in the affordable units if DOT takes that share. And so, if DOT does the entire highway, then we will provide all 50 units. If DOT does a portion of it, then we will provide a comparable portion of the affordable units. So, even if DOT only gets funding for \$20 million for the highway, then we'll provide a proportional share of...of workforce housing. So, matter...no matter what DOT is able to do, we'll do additional workforce housing commensurate with that contribution. If we didn't consider the value of the credits, we would have...we would have negotiated a lower number with DOT. So, it was built into the structure that we contemplated with DOT.

VICE-CHAIR COOK: So, Chair, if I may ask, as far as...like when you're building 50 units, that's not just 50 vertical units. That's the component of doing the underground infrastructure, the dirt, the improvements, the whole aspect of it. So, it isn't just like building a house on a lot. I just want to clarify that to people who are questioning like how much it costs to build something, not just the value of it when it's done. The fact that it is going to be limited in its sale price, and it's going to be built before the market. So, anyway, I understand the mechanics of it. Thanks for explaining it. I also

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understand my colleague's concern, and I don't paint as bleak a picture on it, but I do understand and respect the question. Thank you for answering it.

MR. CHIPCHASE: You're welcome.

CHAIR KAMA: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, our responsibility is our constituents and our residents. Affordable housing is...yeah, we all ran on that we want to have affordable housing, workforce housing, for our residents. The comparisons being to this development project, some of the others that were mentioned--the projects that one was built in Kihei, Bigley's project, and one or two, I guess, in West Maui--I do know that those projects were highly subsidized by HHFDC, State, Federal funding, and very little from ours. And I was...I didn't...at that point when we first approved his projects, I didn't really understand how that worked. But he's so good...I mean really, very, very good at, you know, finding matching funds, major funds, that those projects that were mentioned were highly subsidized. And then another one, right? So, we have Pulelehua. We, the Council, gave them money, 18 million from the Victorino Administration, for a private-public partnership. We still haven't seen anything. Then they came back in this last Council meeting, this last budget, and we gave him more money, right, for the project? We still have no housing. This project has gone through trials and tribulations with Intervenors, whatever, whatever, and has not come to us for any funding, and is...and basically walking this project forward. So, it's kind of hard for me to compare those examples because of different situations and circumstances that make every development project different. So, I haven't said anything about the other projects because we're not talking about them, but since, you know, it's being brought up as why one is better than the other, I just want to...what I see, and maybe I'm not correct, but I don't see them asking us for a lot of millions of dollars to make up shortfalls. I do know that what was brought up today with State DOT talking about the highway that has to get built, it is something that's going to have to come before the MPO if it's already on the stip, and...and to elevate it so that it can receive the Federal funds and the support that it needs, but that's a process that all major state highways go through in order to have this become a reality. But...yeah, thank you.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. The difference with those projects that receive subsidy, I think, to me, is not luxury homes in Wailea. Market rentals, they say, is like maybe 10 percent over 140, or something like that. We're not doing luxury homes. Bigley's things, where he has all these subsidies, is like 100 percent affordable, low-income...people making 60 percent and below. So, I think it's not me that formulated those projects need subsidies because without subsidies, no one would build for the 60 percent and below AMI. These guys aren't building nothing for the 60 percent and below, it's 81 to 140, which is a much different demographic. Rentals, market-rate rentals in Upper West Side, much different demographic than for-sale luxury homes in Wailea. And, you know, as we just seen this morning about cost overruns, you can say today 43 million to make the whatever, but we all know that as time goes on, the cost

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goes up, unforeseen things, you might encounter iwi kūpuna, whatever. So, their estimate, the State's estimate is not the same. And the other thing is that with the money that was given to Pulelehua or those other projects, they offered to open their books and to show all costs and profits, which is, you know, what I would like to ask. I guess, you know, I should have included that in this amendment, you know, what I was saying earlier. Because if it's true what you're saying, at the end of this project for future generations to make decision...informed decisions, we should see how much the credits are sold for...like a...a report card, so to speak. How much the credits sold for, how much the profits were, how much all the costs were. Because otherwise, we're just taking folks' word for it, which has shown and shown...I mean, look at Charlie Jenks. He was supposed to show up and give his annual report, and he quit, and never told nobody. So, I mean, not...not...not a believable guy who...who made all these promises, walked away, bait-and-switch, and now here we are. So, I think you're right. The comparison isn't a good comparison, but Pulelehua wasn't offered any workforce housing credits for developing 50 percent affordable...zero workforce housing credits. And here, we're giving workforce housing credits and satisfying a major condition? And, you know, you can say right now what the cost is, but we've seen enough budget amendments to see that the estimate is usually not the final cost. Thank you.

CHAIR KAMA: Okay, Members, I think we've had enough discussion on this. So, Member Paltin's fifth --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, I'm supporting this motion because, like Member Paltin said, and I want to say it again, this is double-dipping, and I don't support that for luxury developments. Credits, these housing credits, are just like subsidies, so I don't...I don't know how my colleagues are differentiating them. That where these subsidies are supposed to come from to build affordable housing, I mean, my colleague over here is saying that we want to build the luxury housing so that we can get the real property tax revenue so that we can build affordable housing. But then, my colleague on the other side is saying oh, no, look at all the subsidies that we're giving to Ikaika 'Ohana to build affordable housing. Like we...we can't talk...the County cannot talk on...out of two sides of its mouth. We can't say yes, build the luxury housing, so we can get the revenue, so we can build the affordable housing, and then criticize the developers that come to say okay, I'm here to build those affordable housing, less than 100 percent AMI for very low, not just moderate, but very low, and...and then we're going to...we're going to criticize them for taking the subsidies that we said that we're building the luxury houses to get the revenue from to have the subsidies? It makes no sense. Bigley's projects were supported by the community, supported by this Council, was supported in testimony, didn't have any opposition, didn't have any...any...any lawsuits. So, it didn't take 16 years because they were supported. We didn't...we didn't have to spend hours, and hours, and hours, and hours talking about conditions. Why? Because the community doesn't support luxury development. They're over it. There's too much luxury development on this island already. We...I've said it, and I'll say it

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again, Maui is becoming a place for only the rich, the uber-wealth hoarders. And that's not the Maui I...I...I want to see, that the community wants to see in the future. That's why it's so hard. Because we don't want this project at all, and so we're trying to make it the best that we can because I know they have the votes. It's going to go through. We know that already. But we're trying very hard for the community. And I...and I can't imagine that you aren't getting the same emails that I'm getting, asking them to hold the developers accountable, asking them to be sure to please be my voice in this decision making, to please fight for me.

CHAIR KAMA: Member Cook?

COUNCILMEMBER RAWLINS-FERNANDEZ: And Bigleys did not lie to the Council, to the County, nor did they renege. And that's why those projects went through quickly. Mahalo, Chair.

VICE-CHAIR COOK: Thank you, Chair. I'm looking forward to voting. For a minute, I just want to clarify something. That...without getting into it, the Bigley projects were State-funded, different types of subsidies. The tax revenues that we're talking about are...they're different. I understand the passion. I actually feel a lot of the passion. I don't want to argue or disagree. I just wanted to clarify, those two tax revenues and tax things are just like separate-separate. So, I hope that --

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

VICE-CHAIR COOK: Yeah.

COUNCILMEMBER LEE: Let him talk.

COUNCILMEMBER RAWLINS-FERNANDEZ: I am letting him talk.

VICE-CHAIR COOK: I believe that --

CHAIR KAMA: Okay, Members.

VICE-CHAIR COOK: Okay.

CHAIR KAMA: We're going to take --

VICE-CHAIR COOK: A vote.

CHAIR KAMA: -- take a vote on this, okay. And then, we're going to take a 20-minute break --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: -- and eat pizza. Okay? So, roll call.

MS. MCKINLEY: Chair Lee.

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COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: You said I was on a roll, so I went big. Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: That wasn't even that big. I thought that was very reasonable. Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: No.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

MS. MCKINLEY: Councilmember Sinenci's excused. Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, that's three "ayes," five "noes," one excused, Councilmember Sinenci, motion fails.

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COUNCILMEMBER PALTIN: Is that a constellation?

COUNCILMEMBERS: . . .*(inaudible)*. . .

CHAIR KAMA: Sorry. It was moved by Member Paltin, seconded by Member Johnson, that we amend Bill 172 to say for-sale have 10-year deed restrictions, and owner-occupied units are 20-year deed restrictions; is that correct, Member Paltin?

COUNCILMEMBER PALTIN: Yes.

CHAIR KAMA: Okay. Discussion, Member Paltin?

MS. NAKATA: Oh, Chair, just to clarify, it's the for-sale affordables?

COUNCILMEMBER LEE: Yeah.

MS. NAKATA: Thank you.

COUNCILMEMBER PALTIN: Yes. So, we talked about this earlier with the 171. Of course, I'd love it to be much higher, but I think this is where we landed on.

CHAIR KAMA: Yeah. Any other discussion, Members?

COUNCILMEMBER PALTIN: So, if anyone wants to up it, it's totally fine with me.

VICE-CHAIR COOK: So, could you repeat it one more time?

COUNCILMEMBER PALTIN: And feel free to up it.

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

COUNCILMEMBER PALTIN: At the appropriate place, including any nonsubstantive revisions, I move to amend that the for-sale affordable housing units would be deed-restricted affordable 10 years across the board, and deed-restricted 20 years owner-occupied. This is for the for-sale units.

COUNCILMEMBER LEE: This was no discussion.

VICE-CHAIR COOK: Second.

CHAIR KAMA: Yeah, it's been moved and seconded. She was just repeating the motion. Okay, thank you. Discussion? Mr. Chipchase?

MR. CHIPCHASE: Yes, Chair. I believe this is one that we talked about in connection with 171, and we're just moving it to the appropriate place, and I had committed that the project would make that work.

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CHAIR KAMA: Thank you. Any other discussion?

COUNCILMEMBER LEE: Voice vote.

CHAIR KAMA: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think...I have written down, and I think that's why Member Paltin was making those comments, and then Member Cook reminded me, that we were talking about it being 15 years. That was the one, yeah...you were saying?

VICE-CHAIR COOK: That was my understanding, and I stand corrected. I am agreeing to the 20 years because --

COUNCILMEMBER RAWLINS-FERNANDEZ: The...oh, the 15 years for affordability across the board?

VICE-CHAIR COOK: No.

COUNCILMEMBER PALTIN: I'm okay with that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay, go ahead.

VICE-CHAIR COOK: It was ten...ten years affordable...ten-year deed restriction across the board.

COUNCILMEMBER RAWLINS-FERNANDEZ: For affordability.

VICE-CHAIR COOK: For the...for the affordable units, affordable for-sale units. I was under the impression that we said 15 years owner-occupied. I stand corrected, that that was part of the dialogue, and we had settled on 20 years owner-occupied.

COUNCILMEMBER RAWLINS-FERNANDEZ: Owner-occupied.

VICE-CHAIR COOK: And so, I am in support of that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thank you.

CHAIR KAMA: Any other discussion?

COUNCILMEMBER PALTIN: Chair, do we need to clarify if this is concurrent or consecutive?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, I think like for the...how 2.96, as it's written in the Code is, if it sells before the deed restriction expires, then there's a shared equity model, and I think the County gets first right of refusal. And then for the owner-occupied, it's...it'll be 20 consecutive years, even if the owner at that time sells

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before the deed restriction be...expires. So, before the 20 years is up, it will remain with the deed restriction to be owner-occupied. So, that owner would have to sell to another...to a buyer that intends to be owner-occupied.

CHAIR KAMA: So...okay. So, let me see if I get this. First buyer buys the home, stays there 12 years, wants to sell, sells it to somebody. The 20-year deed restriction is still in play. So, that second owner --

COUNCILMEMBER RAWLINS-FERNANDEZ: For owner-occupied, not --

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- affordability.

CHAIR KAMA: Right, owner-occupied. So, that homeowner, who's now occupied 12 years, is now leaving. The next new owner comes in, going to be a owner-occupied, so he has to live out the last eight years?

COUNCILMEMBER RAWLINS-FERNANDEZ: Or she.

CHAIR KAMA: Or he or she. Okay. So, is...that's...that's what this is saying, right?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Okay. Just wanted to be clear about that.

COUNCILMEMBER PALTIN: And they can sell it for whatever they want at the 12-year mark.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right --

CHAIR KAMA: Got it.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- because the ten-year deed restriction will have expired.

CHAIR KAMA: Yes. Right. Okay. I'm...got that. Any other discussion, Members? Yes, Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: Either for our Legislative Attorney or for Mr. Hopper, would it be clear if we added the word consecutive? I don't think it's necessary, but if...for the attorneys...our attorneys?

CHAIR KAMA: Carla, can you answer that, and we'll see if Mister --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, 20 consecutive years owner-occupied...so that it's not like ten and then...I don't know, it's...it's not being owner-occupied and another ten. Because the intention is for the first 20 years after it's constructed.

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MS. NAKATA: Chair, I may not be understanding fully what the ten-year deed restricted across the board refers to. So, the owner-occupied is 20, and the 10 years deed-restricted across the board --

COUNCILMEMBER RAWLINS-FERNANDEZ: Uh-huh.

MS. NAKATA: -- refers to --

COUNCILMEMBER RAWLINS-FERNANDEZ: The below-moderate, moderate, and above-moderate. So, the hundred --

MS. NAKATA: So, the sale price --

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

MS. NAKATA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But for the 20-year owner-occupied deed restriction, would it be necessary for the word consecutive requirement? Sure, whatever you want to call it. . . .*(laughing)*. . .

CHAIR KAMA: So, the question is...the question is, should the 20-year owner-occupied be consecutive? Is that what you're asking?

COUNCILMEMBER RAWLINS-FERNANDEZ: It...it is consecutive. But --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- do you...would it help anyone in the future if we add the word consecutive...20 consecutive years.

CHAIR KAMA: Carla?

MS. NAKATA: I don't think so.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR KAMA: Okay. So, are we good, Members?

COUNCILMEMBER LEE: Yes.

CHAIR KAMA: So, we're going to do the motion for the 10-year deed restriction across the board, 20-year owner-occupied, and the word consecutive does not have to be in there.

COUNCILMEMBER PALTIN: And this is for the for-sale affordable units.

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CHAIR KAMA: Of the for-sale affordables. Okay. We got that, Members? Voice vote. Oh, okay. Yes. Oh, Mr. Johnson, are you there?

COUNCILMEMBER JOHNSON: Yes, I am, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: I vote yes.

CHAIR KAMA: . Okay. Thank you. So, there's an eight-one, Member Sinenci excused. Correct?

COUNCILMEMBER LEE: Right.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: Approve amendment.

CHAIR KAMA: Okay. Thank you. Member Paltin, we're back at you again.

COUNCILMEMBER PALTIN: Okay. I'm open to other Members, but I'd really love to see the affordable rentals' deed restriction to be 50 years. I move...I...in the appropriate place, including any nonsubstantive revisions, that the affordable rental component be deed restricted affordable for 50 years.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER PALTIN: 5-0.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second, 5-0.

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CHAIR KAMA: Okay. So, did we all get that? But did we understand these are for the rentals, right?...and the deed restriction being 50 years. Okay.

VICE-CHAIR COOK: Yeah.

CHAIR KAMA: Discussion.

VICE-CHAIR COOK: My preference is to stay with 30 years. That's an awfully long time.

CHAIR KAMA: Okay. Thank you for that. Member Lee?

COUNCILMEMBER LEE: Have to agree with Mr. Cook because at 50 years, you're approaching economic obsolescence. But I'd like to hear from the applicant, please.

CHAIR KAMA: Mr. Chipchase.

MR. CHIPCHASE: Yes, Chair. Yes, with respect that that would be a difficult condition for us to agree to. The...the period is 30 years under the Code. I think that's the period under the Code for a reason. It makes it much more difficult to finance the project, among other things, if the period is longer. So, we would ask that...that we be held to what the law is, which is 2.96.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN Can you give me --

CHAIR KAMA: Any other --

COUNCILMEMBER PALTIN: -- five years?

MR. CHIPCHASE: You mean 35 years? I...I...again, that...that period of 30 years, I think, was in the Code for a reason. That has to do with how you can finance and build these projects. And I would fear the unintended consequences if we extended that.

COUNCILMEMBER PALTIN: I thought we were negotiating.

MR. CHIPCHASE: We are, but there...there...you know, there's turnips and blood, and sometimes they...they...they don't go together. This is a...this is a point that would be very difficult for me to...to give on. I mean, where I can, I have, even, you know, despite what I think we've done on the project, and if...if I could, I would.

COUNCILMEMBER PALTIN: So, what can you --

MR. CHIPCHASE: Well, if...if you wanted to increase the number of affordable rentals versus for-sale, we could talk about some adjustment there. If you thought that more should be in the rental pool versus the for-sale pool, I could probably do a little bit there. In

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terms of the...the year though, I...I don't think that...the...the period of restriction that is, I don't think I can do it without potentially impacting the ability to build them.

COUNCILMEMBER PALTIN: Oh, shoot. Well, in that case, can I withdraw that and offer my laundry amendment? Forgot about that one.

CHAIR KAMA: So, you want to...so...so, Member Johnson seconded your motion, right? So, Member Johnson --

COUNCILMEMBER RAWLINS-FERNANDEZ: I think I seconded it.

CHAIR KAMA: Okay. Well, let's ask Staff. Staff --

COUNCILMEMBER RAWLINS-FERNANDEZ: I seconded this one.

CHAIR KAMA: -- did Member Johnson second this, or did Member Rawlins? Okay. You did. You're right.

MR. KRUEGER: Chair? Yeah.

CHAIR KAMA: You're right.

MR. KRUEGER: We have Councilmember --

CHAIR KAMA: Okay.

MR. KRUEGER: -- Rawlins-Fernandez noted.

CHAIR KAMA: Okay. So, Member Paltin is going to withdraw her motion, and you're going to withdraw your second, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Why am I withdrawing?

CHAIR KAMA: Because she's withdrawing.

COUNCILMEMBER PALTIN: Because it's not going to pass, and I forgot about the laundry one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yes. . . .*(inaudible)*. . . do what you want you to do. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I can't let my second just float out there, I guess.

CHAIR KAMA: You can second the next one.

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COUNCILMEMBER PALTIN: So, at the appropriate place, incorporating any nonsubstantive changes, I move to add the condition that if the units do not include washer/dryers, there shall be at least two...for the rentals, at least two laundry facilities for the multifamily units...rentals.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER PALTIN: And my discussion is, you know, it's really inappropriate, in this kind of high-end luxury development, to have the affordable people have to drive outside, far away, to do their laundry. Like nearly every other affordable rental project has laundry facilities in the project. It's ridiculous to make our workforce have to go outside of their project district to do their laundry.

CHAIR KAMA: So, just for my clarification, can you repeat your motion?

COUNCILMEMBER PALTIN: If the affordable rental units do not include washer/dryer units, there shall be at least two laundry facilities located near to the affordable multifamily rentals.

CHAIR KAMA: Okay. Discussion, Members.

COUNCILMEMBER U'U-HODGINS: I have a question.

CHAIR KAMA: Yes.

COUNCILMEMBER U'U-HODGINS: Member Paltin, can I clarify? If the laundry facilities are not provided in the unit, yeah. And then do you want communal laundry facilities, two of them for the entire complex, or all...two per building? . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Minimum for the multifamily.

COUNCILMEMBER U'U-HODGINS: Two minimum.

COUNCILMEMBER PALTIN: Two minimum communal for the 125 multifamily units. I'm not saying they can't do more, but minimum.

COUNCILMEMBER U'U-HODGINS: Okay.

CHAIR KAMA: So...okay. Mr. Cook, and then I have a question to you, Member Paltin.

VICE-CHAIR COOK: So, for clarification, if there was a stack washer/dryer in the unit, that would satisfy the requirement for . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Correct.

VICE-CHAIR COOK: Thank you.

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CHAIR KAMA: So, then --

COUNCILMEMBER PALTIN: Since he said he didn't know. We asked several time.

CHAIR KAMA: And my question to you, Member Paltin, is, so two facilities...or laundry facilities is what you're asking for.

COUNCILMEMBER PALTIN: I believe Member U'u-Hodgins called it communal.

CHAIR KAMA: Okay, communal. So...and then my question is, what's...so, Member U'u-Hodgins, 125 rental units, two communal facilities. How many washers and dryers are we actually talking about?

COUNCILMEMBER PALTIN: Like ten.

CHAIR KAMA: Ten washer, ten dryers? Or is it five, five? I mean, you have two facilities, right, on the property, wherever. And so, one facility with five washers, five dryers; another one, five washers, five dryers; serves the whole 125 complex?

COUNCILMEMBER PALTIN: I'm open to suggestions. I was thinking ten-ten for one facility, ten-ten for another facility, but I'm...I'm open to negotiation. *(pause)*

COUNCILMEMBER LEE: And if you start talking about the color of the washer/dryers, I am leaving.

CHAIR KAMA: No...okay. I'm not...I just...I...I just...I live in apartment [*sic*] complex with 400 units, and all we have is 12 washers and 20 dryers. That's what we've got. It's always packed. I'm washing clothes at 2:00 in the morning.

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

CHAIR KAMA: I'm say --

COUNCILMEMBER RAWLINS-FERNANDEZ: So, you're saying more than ten?

CHAIR KAMA: Well, that's why I'm asking Member Paltin, when she thought about a laundry room, what are you thinking about?

COUNCILMEMBER RAWLINS-FERNANDEZ: Twenty and twenty, is that your recommendation?

CHAIR KAMA: Oh, I don't know. That's why I'm ask...I'm just asking, what would --

COUNCILMEMBER PALTIN: Given what you said, maybe 8 washers, 12 dryers in...per facility.

CHAIR KAMA: Okay.

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COUNCILMEMBER PALTIN: This is going to be 125 rentals.

CHAIR KAMA: Units.

COUNCILMEMBER PALTIN: The for-sale, they can do whatever they want --

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

COUNCILMEMBER PALTIN: -- I imagine. But if they're not included in the rental unit as an appliance, it's important to me that, you know, they not have to drive to Kihei to do their laundry. That's a --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- a lot of extra.

CHAIR KAMA: So, 8-12.

COUNCILMEMBER PALTIN: Per facility.

CHAIR KAMA: Okay. So, that's what it is, Members. Any other discussion?

MS. NAKATA: Chair?

CHAIR KAMA: Yes.

MS. NAKATA: Could --

CHAIR KAMA: Carla.

MS. NAKATA: -- Staff just clarify, when you say, located near the multifamily rentals, are you talking about within the multifamily residential subdistrict... *(pause)* or not necessarily?

COUNCILMEMBER PALTIN: On this item, I'm willing to trust the developer to place it appropriately. Because it doesn't help anyone like if they put it where they were going to put the golf course or something, you know. It...it should be close to the multifamily rentals so that, you know...I...I think we can kind of trust them on that, if they think that they're trustworthy enough to appropriately place the laundry facilities. Can you be trusted?

MR. CHIPCHASE: Yes. I would ask that instead of two facilities, it be...we have the opportunity to do one facility if it still meets the number of units that you propose.

COUNCILMEMBER PALTIN: If you can, with a straight face, say that it is appropriately placed, I'll be okay with that.

MR. CHIPCHASE: I can say that.

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COUNCILMEMBER PALTIN: Okay. So, if it's too...if...so, then the condition would read, if there are not washer/dryers in each affordable rental unit, there must be either two facilities, each with 8 washers and 12 dryers, or one facility with 16 washers and 24 dryers.

MR. CHIPCHASE: If I could say at least one, then that would give the option of three if it were more appropriate, depending on how the units were laid out.

COUNCILMEMBER PALTIN: Yeah, let's put "at least" in front of the two and the one. At least two blah, blah, blah, or at least one blah, blah, blah.

CHAIR KAMA: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...I looked through all the conditions. I think it's just going to have to be like a new Condition 31.

CHAIR KAMA: It would be a new condition?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I...I...you know, I looked through them all, and there isn't really a place to like...that kind of fits.

CHAIR KAMA: But these are all Member Paltin's, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, yeah, the laundry.

COUNCILMEMBER PALTIN: I'm okay with it being its own condition.

CHAIR KAMA: Yeah. Okay. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Instead of trying to, you know --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- square peg, round hole.

CHAIR KAMA: Yeah. So...so, did we all understand the conversation that went on between Mr. Chipchase and Member Paltin, that it's at least two, or one with 16 washers and 24 dryers; is that right?

COUNCILMEMBER PALTIN: At least two...if...if they're not going to be in each individual unit, at least two with 8 washers and 12 dryers or --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- at least one with --

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CHAIR KAMA: Sixteen, twenty-four.

COUNCILMEMBER PALTIN: -- 16 washers and 24 dryers.

CHAIR KAMA: Okay. Okay, very good. Any other discussion, Members? Okay. Seeing none. Okay. Is this a voice vote, or is this roll call? Voice.

COUNCILMEMBER RAWLINS-FERNANDEZ: Upon...oh, upon occupancy.

CHAIR KAMA: What?

COUNCILMEMBER RAWLINS-FERNANDEZ: Just so that there's a timeline and not like a good-faith effort being made to construct --

CHAIR KAMA: Oh, so the washer/dryer got to be there when the units are there. Is that what you're saying?

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct. So --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- upon certificate of occupancy, if there is...if a washer/dryer unit are not...is not provided for the rental units, then at least one --

COUNCILMEMBER PALTIN: Eight, twelve...upon the first certificate of occupancy.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER LEE: I have a question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got that, Ms. Nakata? Okay.

COUNCILMEMBER LEE: Question for our permitting expert, Member Nohe U'u-Hodgins. Generally, the certificate of occupancy is for commercial buildings, as opposed to residential, would be the final inspection. But what --

COUNCILMEMBER U'U-HODGINS: This one will have a certificate of occupancy.

COUNCILMEMBER LEE: -- but...but a multifamily is considered commercial.

COUNCILMEMBER U'U-HODGINS: It is.

COUNCILMEMBER LEE: Okay. That's just what I needed to know. Thanks.

COUNCILMEMBER U'U-HODGINS: It is. Yeah.

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

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COUNCILMEMBER LEE: No.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER LEE: Because you folks just went --

CHAIR KAMA: Voice vote.

COUNCILMEMBER LEE: -- move in in Moloka'i. We need --

CHAIR KAMA: Voice --

COUNCILMEMBER LEE: -- a certificate.

CHAIR KAMA: -- voice vote.

CHAIR KAMA: Okay. All those in favor of the...Member Paltin's amendment, please raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Thank you very much. Eight--Mr. John...

COUNCILMEMBER JOHNSON: Aye.

CHAIR KAMA: Okay. Thank you. So, it's eight-one. Mr. Johnson's voice. I can't see in the dark, but I trust he's there. I heard his voice.

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

UNIDENTIFIED SPEAKER: Oh, there's his face.

CHAIR KAMA: Okay. Okay. You were in the dark for a while. Okay. Okay. Walk into the light.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Okay. So, Member Paltin, is that done for you...for your amendments?

COUNCILMEMBER PALTIN: At this time. I'll see if any of your guys' amendment spurs another amendment for me, but I'm done.

CHAIR KAMA: Okay. Thank you. Okay. So, Members, you...I'm going to take a look at my --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're going to do mine?

CHAIR KAMA: No, we're going to do mine.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. And then mine?

CHAIR KAMA: And then yours.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: You said yours was easy, that's why.

COUNCILMEMBER RAWLINS-FERNANDEZ: But --

CHAIR KAMA: Did you lie?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Member Paltin inspired two more, so I have three now.

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CHAIR KAMA: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But they're easy.

CHAIR KAMA: So you say. Okay. Yeah. Hey, there's supposed to be . . . *(inaudible)* . . .

COUNCILMEMBER LEE: Chair, we should...we should set a time that we're...finalize everything and conclude business for tonight.

CHAIR KAMA: You mean end of business?

COUNCILMEMBER LEE: Yeah, how about that?

CHAIR KAMA: Okay, peeps, I've got--hey, at the end of the night when I'm home with my kids --

COUNCILMEMBER LEE: Are you talking to my chickadees? . . . *(laughing)* . . .

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

CHAIR KAMA: I feel like I am. Well, I...I've had them for what, two straight days, right? Okay. Okay. Peeps...Members, so, Chairs [*sic*] Lee is asking for a time for when we're going to done [*sic*]. We can commit to saying, we're going to be out of here by this time. That's what Chair Lee is asking. Do you all have a...have a sense that you'd like to be out of here by 8:30, 9:00, 10:00? That's what she's asking.

COUNCILMEMBER PALTIN: I'd like to be out of here by 8:30.

CHAIR KAMA: 8:30?

COUNCILMEMBER PALTIN: I would.

CHAIR KAMA: 8:30 going once, 8:30 going twice, 8:30. Okay. That means you all either rapid talk or no talk. That's what it comes down to. Okay, so, thank you. Okay. So, Chair Lee, I'm sure you're going to be watching that clock. Thank you. Okay. And just so that...I wanted to just remind you because I wasn't keeping track, that earlier...way this morning, I said, in accordance with Robert's Rules of Order, each Member will be allowed to speak up to two times per amendment, and/or motion. And I wasn't sticking to that, and we were...all were just talk. So, because --

COUNCILMEMBER PALTIN: I'm okay with that.

CHAIR KAMA: -- we're on this time frame, can we make sure that we help each other. If you know that somebody's talked more than twice, or they're on their third round, say so, keep us all on track. Thank you.

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COUNCILMEMBER LEE: I...I appoint Keani for that.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(inaudible)*. . . I can do that.

CHAIR KAMA: So...thank you. Okay. So...so, what I would like for the...so you have my second ASF. It's found on Granicus 37, Member Johnson, if you're there. So, this actually incorporates amendments to conditions 2.a and 5 for consistency with what was made...what was represented to this Committee. So, I'd like to entertain a motion to move to amend Condition 2.a to read--and you have it with you right there--let's see, upgrade Pi'ilani Highway from Kilohana Drive to Wailea Ike Drive to four lanes of traffic. That's...the improvement must be completed prior to the commencement of any construction on the site, with the exception of grading work within the Project District and vertical construction, including all necessary infrastructure to allow for occupancy of Chapter 2.96, Maui County Code, residential workforce housing. Alternatively, Honua'ula Partners, LLC, its successor, and permitted assigns may, subject to an agreement with the Hawai'i State Department of Transportation, provide 50 additional residential workforce housing units in the Project District above the minimum number required in Condition 5 in exchange for the Hawai'i State Department of Transportation completing the upgrade to Pi'ilani Highway. The agreement must be executed prior to any vertical construction of the 50 additional residential workforce housing. It's been moved by Member Yuki Lei Sugimura, seconded by Member U'u-Hodgins. Before we continue, Mr. Chipchase.

MR. CHIPCHASE: Yes, Chair. Thank you. With respect that...I think the amendment aims at the intent that...that we are going for. I would suggest some technical changes to it.

CHAIR KAMA: Okay.

MR. CHIPCHASE: At the sentence that begins alternatively, the way that it reads now is that the alternative is to the preceding sentence, which is to the construction of workforce housing sooner, when it's, in fact, meant to be an alternative to Honua'ula doing the improvement itself. So, I would propose to insert before the word alternatively, the phrase, for the upgrade to Pi'ilani Highway, comma. And then it would read, "for the upgrade to Pi'ilani Highway, alternatively Honua'ula" and then the sentence would continue from there. The second change that I would propose is in the same sentence, after the reference to the Hawai'i State Department of Transportation, comma, provide there is the number 50 additional residential workforce housing units. The total trade is if the State takes all of the highway, we will do 50 additional units. The agreement contemplates that it's possible the State only receives a portion of its funding, or it's not able to complete the highway as quickly as we would need it or want it to be completed, in which case we would have the option of taking over either the balance or all of it. If the State nevertheless contributed some funding, even if not the full amount, we would construct a proportional number of housing units. So, if the State, say, for example, was able to contribute half of the construction of Pi'ilani Highway, we would build 25 additional workforce housing units. And so, I would propose to delete the reference to 50 so that that structure remains in place, and we're assured of the maximum benefit that the State is able to produce in terms of funding for the highway. For the same

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reason, in the...at the end of the sentence, where it reads completing the upgrade to Pi'ilani Highway, I would propose to reference...or to swap...instead of that language, delete that language and replace it with "performing the work." And that ensures that the...the State is able or that we're able to do the affordable housing, even if the...the State doesn't complete all of the work. And I just have one more, if...if I may, and then happy to discuss them. In the...in the...in the final sentence, it also references 50. For the reasons expressed earlier, I would delete that. Thank you.

CHAIR KAMA: Okay. So, Member Paltin.

COUNCILMEMBER PALTIN: In addition to what Mr. Chipchase said, the breakdown for 50 is whole numbers. If the State pays half, the breakdown for 25 on the 50 and 30 is not whole numbers. And I would like any .5 to go in the moderate. So, if it's 12.5 and 7.5, I want it to be 13 in the moderate.

MR. CHIPCHASE: I understand. Certainly.

COUNCILMEMBER PALTIN: I'll let folks wordsmith how that works.

CHAIR KAMA: Okay. But the understanding...Members, are you understanding what Member Paltin is saying regarding those 50 units? That she wants the breakdown to be more in the moderates; is that correct, Member Paltin?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR KAMA: Okay. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. What section dictates that proportion that that would be? Is it A, B, C, D? Like where...where in Exhibit "A" of the conditions?

CHAIR KAMA: What do you --

COUNCILMEMBER RAWLINS-FERNANDEZ: Does...does it talk about the proportion of the State funding? If it's 100 percent, then it's 50. If it's 50 percent, then it's 25.

CHAIR KAMA: Mr. Chipchase.

MR. CHIPCHASE: So, I...I would suggest that that go in Condition 5, which is the condition that addresses 2.96 and workforce housing in general. And then it could more broadly say that for any...any uneven number or any...any .5...less than whole number, that the allocation be made to the--I believe, Member Paltin, you said to the moderate-income group. I think we could...we could fit it into that condition so that it would apply to the...the entire provision of workforce housing.

CHAIR KAMA: So, in answer to Member Rawlins-Fernandez's question, Mr. Chipchase, you're referring it to the Condition 5?

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MR. CHIPCHASE: Proposing that section or that condition because it...it deals with affordable housing.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: 5.c?

CHAIR KAMA: So, is that...yeah, it's on...on the bottom where it says move to amend Condition 5 . . .*(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: 5.c. *(pause)*

COUNCILMEMBER PALTIN: After her I had a clarification --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- question. *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then instead of like striking the 50 then it...if the section is 5.c, then it should be in accordance with...I don't know if we want to say by 5.c but... *(pause)* let me think about that. I don't want to just strike 50 though, Chair.

CHAIR KAMA: You don't want to strike 50 in --

COUNCILMEMBER RAWLINS-FERNANDEZ: I...I...I just...I want it to reference that section, or have the language that is...that explains the agreement.

CHAIR KAMA: Mr. Chipchase?

MR. CHIPCHASE: I think that it would be difficult to articulate the full scope of the multi-page agreement in a...in...in a condition. And I think that the reference to the agreement is consistent with the Waikapu Country Town ordinance that I...I based this proposed revision on. So, I think there's precedent in the Council for it. For the...for the section that...it would include Member Paltin's request, I actually think it's 5.d, makes the most sense to me. And...and we could...we could specifically reference the additional affordable housing provided under 2.a, or however you wanted to do that. It shall be allocated as follows.

COUNCILMEMBER PALTIN: With as follows being any rounding needs to go to the moderate category.

MR. CHIPCHASE: Less than whole number, yep, absolutely.

CHAIR KAMA: Member Rawlins-Fernandez, did that answer your question, or you still had some thoughts?

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COUNCILMEMBER RAWLINS-FERNANDEZ: No, I just...I would like to know how it would then be worded...how it would read completely, I guess. So, we just...we just strike the word...the number 50, is that what's being proposed?

CHAIR KAMA: That's what Mr. Chipchase is proposing. And the language that he proposed was what he took from Waikapu Tropical Plantation [*sic*] language. (*pause*) So, yes, I...Miss...Chair Lee.

COUNCILMEMBER LEE: Because...since Member Rawlins-Fernandez is not being the time keeper, I have to be the time keeper.

CHAIR KAMA: Oh.

COUNCILMEMBER LEE: So, if we have to kind of move it along, you know, in...in another --

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: -- in order to reach...to abide by our 8:30 deadline.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Otherwise we're going to have to extend it to 9:00.

CHAIR KAMA: Okay. We're still looking at 8:30. So, Carla, is there language, or is that...or is Condition 5 supportive of what Member Rawlins-Fernandez is asking for? Basically she's asking to leave the 50 additional residential workforce...she wants to leave the number 50 in--in --

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no, that's not--I was just saying that instead of striking it.

CHAIR KAMA: The explanation.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the agreement is what's going to dictate the number. So, it'll have --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- the details of...so if it's like three-quarters, then it'll be...oh, I can't do that math right now.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I have a clarification.

CHAIR KAMA: Clarification question, Member --

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COUNCILMEMBER PALTIN: For probably --

CHAIR KAMA: -- Paltin.

COUNCILMEMBER PALTIN: -- Mr. Chipchase. When it says, the improvements must be completed prior to the commencement of any construction on the site with the exception of grading work within the Project District, and vertical construction, including all necessary infrastructure to allow for occupancy of Chapter 2.96, Maui County Code, residential workforce housing. So, that means that the only construction on the site is for the affordable portion. But when you put in the infrastructure, do you only put in the infrastructure for the affordable portion, and then go vertical, and then you're going to start the other areas? Is that what that means?

MR. CHIPCHASE: It depends on what the infrastructure is. So, for example, we have to build a water system. You couldn't only build a water system for the affordable units, you'd build the entire water system. The same is...is true of the wastewater, though. You wouldn't scale it to the full size needed for the wastewater when it's...you're in Phase I, you'd scale it in future phases. But it wouldn't be...you wouldn't build it solely with 288 workforce housing units, you just couldn't scale it that way. Same with the roadway. You'd install the roadways in a sufficient width to service the affordable housing, but you wouldn't build them smaller than you would need for the entire project.

COUNCILMEMBER PALTIN: So, basically, what this says is, the only construction that's going to go on is for the affordable housing unless it's like a road that the affordable housing needs that the luxury would also utilize.

MR. CHIPCHASE: Right. The infrastructure would need to be necessary for the affordable housing. The existing condition, that we don't propose to change--and you can see the...it on the next page where they underline the additions--it currently allows grading on any portion of project [sic]. So, that would apply anywhere, the...the grading allowance would continue. But the...the infrastructure and the vertical construction would only be as necessary for the workforce housing component.

COUNCILMEMBER PALTIN: If you grade it for the luxury and you're only building 100 a year, are you just going to leave acres graded with no cover?

MR. CHIPCHASE: I don't know what the grading plan is, so I...I couldn't comment on...on that component of it. But whatever grading we did would need to be consistent with County standards and BMPs.

COUNCILMEMBER PALTIN: Okay. I think that clarifies my question.

CHAIR KAMA: Okay. Thank you, Members. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, the percentage that will be used to determine the number of workforce housing units built is going to be the total

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number...so, we're...we're estimating today that it's going to cost \$40 million--I think...I think that's what I heard--43 million? And then whatever it ends up being...so if it is like...is it going to be like...like if it's, you know, 57 percent, is it going to be, like, 57 percent to the number of units?

MR. CHIPCHASE: You mean if the State funding came --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. CHIPCHASE: -- in at some lower percentage? Then yes, there'd be a proportional number --

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, not like a clean 50 percent, 20 percent.

MR. CHIPCHASE: There's...there's a true-up provision so that even if it varied by, you know, 55 percent or some number, that --

COUNCILMEMBER RAWLINS-FERNANDEZ: 57.

MR. CHIPCHASE: -- 57, it...it would have to realistically translate into a number of affordable units. I don't know what that would be. That would end up at a .5 somehow, for sure. And so...so, you know, we would need to true that up with the State, but in general, that's how it would work.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the State is going to say whether that .5 is going to translate into a unit or not?

MR. CHIPCHASE: The State would say whether, pursuant to the terms of the agreement, how many number...how many units equal the...its contribution to the construction of the highway.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do we find out again?

MR. CHIPCHASE: I'm sorry, I --

COUNCILMEMBER RAWLINS-FERNANDEZ: Like after.

MR. CHIPCHASE: How many units were constructed?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. CHIPCHASE: We...we can certainly provide that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, that...that's going to be reported pursuant to...I think that's number 29?

MR. CHIPCHASE: Our annual report?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. CHIPCHASE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER PALTIN: Is your question, like, if it's 57 percent, and then that translates to 28.5 houses --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER PALTIN: -- how does the rounding work?

UNIDENTIFIED SPEAKER: Correct.

COUNCILMEMBER PALTIN: Round-up.

CHAIR KAMA: Round-up.

COUNCILMEMBER PALTIN: What if it's 28.3? Still round-up?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER PALTIN: Okay. Always round-up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, what...what Mr. Chipchase said is, it's...the details of the agreement will make that determination.

COUNCILMEMBER PALTIN: About rounding up? Does the details say rounding up?

MR. CHIPCHASE: I...I...I don't believe we got into that level of detail, rounding up or rounding down. It's possible, though, I just don't remember whether we dealt with less than a whole number or not.

COUNCILMEMBER PALTIN: I'd like to round up in this case. Because if you're responsible for 28.1 houses...

MR. CHIPCHASE: So...so...and...and then it would read something to the effect of if...if the State does not complete the entire highway, or fund the entire highway, and a...and a comparable portion of the affordable housing is constructed, if that portion ends in any less than a whole number, it will be rounded up to the next whole number.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Bingo.

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MR. CHIPCHASE: That's fine.

CHAIR KAMA: Okay. Okay. Okay. We good? Okay.

MR. NAKATA: Chair, I think --

CHAIR KAMA: Yeah.

MS. NAKATA: -- we still have the original motion to amend pending, without any of the adjustments --

CHAIR KAMA: The motion was to --

MS. NAKATA: -- suggested by Mr. Chipchase.

CHAIR KAMA: Oh, okay. So, then the motion to amend Condition 5 to read is now going --

MS. NAKATA: Condition 2.a.

CHAIR KAMA: Condition 2.a. So...so, right. So --

COUNCILMEMBER PALTIN: Have Mr. Chipchase repeat what...all the things he said for...for Ms. Nakata.

COUNCILMEMBER RAWLINS-FERNANDEZ: Read it in its entirety.

MR. CHIPCHASE: Yes, can do.

CHAIR KAMA: Thank you.

MR. CHIPCHASE: So --

MS. NAKATA: So, will the original motion be withdrawn first? And then we can make a new motion to amend.

CHAIR KAMA: Oh.

COUNCILMEMBER PALTIN: She's not here.

CHAIR KAMA: Oh. Yuki made the original motion and then Nohe --

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

CHAIR KAMA: Yeah --

UNIDENTIFIED SPEAKER: -- while we wait . . .*(inaudible)*. . .

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COUNCILMEMBER PALTIN: Table it and then we'll do a different one. Can we do that?

CHAIR KAMA: Peeps, nobody leaves here until 8:30 --

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

CHAIR KAMA: -- and we all leave together. Okay.

COUNCILMEMBER PALTIN: We need an...we need --

CHAIR KAMA: We all leave together. Okay.

COUNCILMEMBER PALTIN: Okay. Here's one. I move to amend and add another condition to say no STRs within the Project District.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

MR. CHIPCHASE: I believe that's in there already.

COUNCILMEMBER PALTIN: Okay, cool.

COUNCILMEMBER RAWLINS-FERNANDEZ: Including the market?

MR. CHIPCHASE: I believe so. I can verify that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because I did see it. I thought it was only for affordable or workforce.

MR. CHIPCHASE: Keola will...will verify.

COUNCILMEMBER PALTIN: No STRs anywhere within the project.

MS. NAKATA: It's Condition 25, that no transient vacation rentals or timeshares shall be allowed within Kihei-Mākena Project District 9 (Wailea 670). And further, no special use permit or conditional permit for such accommodations shall be accepted by the Department of Planning.

COUNCILMEMBER PALTIN: Okay. Yuki, you need to come back.

CHAIR KAMA: Yuki, we need...Yuki, we need you. But you have to withdraw your motion.

COUNCILMEMBER PALTIN: We had a fun exercise in who read their homework.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . what did you say?

COUNCILMEMBER PALTIN: Withdraw your motion.

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COUNCILMEMBER RAWLINS-FERNANDEZ: So, Ms. Nakata, that means all of it? Just to be very, very, very clear.

MS. NAKATA: There was no reference to affordables or market in that condition.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great.

CHAIR KAMA: Okay. So, Yuki, we're going to be asking you to withdraw your motion and...okay.

COUNCILMEMBER SUGIMURA: Withdraw my motion.

CHAIR KAMA: Okay. And the new motion to amend would be Mr. Chipchase's amendment. Right, Carla?

COUNCILMEMBER PALTIN: He can say it, and then Member Sugi...motion can say, I move that.

CHAIR KAMA: Okay. Mr. Chipchase, could you please repeat the amendment so that Member Yukimura...Sugimura could make the motion and Member Hodgins [sic] could second it.

MR. CHIPCHASE: Yes, Chair, will do. So, with respect to Section 2.a, we revised the language beginning at the word alternatively to state, "for the upgrade to Pi'ilani Highway, alternatively..." At that point, the sentence would continue until the clause, "the Hawai'i State Department of Transportation, provide..." There, the reference to 50 would be deleted. At the end of the sentence, the phrase, "completing the upgrade to Pi'ilani Highway" would be deleted, and would be replaced by the phrase, "performing the work." In the next sentence, the reference to 50 following "construction of the" would be deleted.

COUNCILMEMBER SUGIMURA: Moved.

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR KAMA: Okay. So, it's been moved and second...moved by Member Sugimura, seconded by Member U'u-Hodgins, to move --

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: -- what Mr. Chipchase said.

COUNCILMEMBER PALTIN: What about the part about rounding up?

MR. CHIPCHASE: I'll put that at...that's the next section, Member --

COUNCILMEMBER PALTIN: Oh, okay.

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MR. CHIPCHASE: -- at...at 5 . . .(inaudible) . . .

CHAIR KAMA: . . .(inaudible). . . it's Condition 5.

MR. CHIPCHASE: -- so I'm writing that out right now.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Okay. So, Members, did we get all of that? Okay. Voice vote?

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: All those in favor. Mr. Johnson, are you still with us?

COUNCILMEMBER JOHNSON: Yes, I am, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: Aye.

CHAIR KAMA: Okay. Thank you. Eight "ayes," one excused, Mr. Sinenci.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Okay. So, I want...I'd like to entertain now a motion to amend Condition 5 to read--and you have Condition 5 in your ASF that has 5.a, .b, .c, and .d.

COUNCILMEMBER SUGIMURA: So move.

CHAIR KAMA: Thank you. So, Ms. Sugimura moved. Chair Lee, was that your second?

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COUNCILMEMBER LEE: Second.

CHAIR KAMA: To amend Condition 5 to read as stated in this ASF. Discussion. Oh, Mr. Chipchase.

MR. CHIPCHASE: Yes, Chair. So, at...at 5.d, to capture the colloquy between Member Paltin and myself, I would add at the end of the sentence, "if the number of affordable housing"...or I'm sorry, "if the number of workforce housing units provided pursuant to any agreement with the State as expressed in Section 2.a, results in a"...or in condition 2.a..."as expressed in condition 2.a, results in a total number of workforce housing units that is less than a whole number, the total number of workforce housing units provided will be rounded up to the next whole number."

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Okay. Thank you all. Okay.

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

MR. KRUEGER: So...so, technically, the...Councilmember Sugimura made...made the motion with Chair Lee as the second?

CHAIR KAMA: Yes.

MR. KRUEGER: So...so, maybe just to be clear, does Councilmember Sugimura accept that as also part of...being part of the motion?

UNIDENTIFIED SPEAKER: Yes.

CHAIR KAMA: What Mr. Chipchase said, would you accept that as part of --

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, he read something different.

COUNCILMEMBER SUGIMURA: -- second, yeah. That's fine.

CHAIR KAMA: Okay. Member Rawlins-Fernandez, did you have something?

COUNCILMEMBER RAWLINS-FERNANDEZ: I support. But I also...like in Bill 171, the word onsite, I think, we added. And Ms. Nakata was figuring out where would be the best place to put the word onsite...yeah?

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CHAIR KAMA: Okay. So, with on...so, are you asking it for it to be placed right on here too?

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

CHAIR KAMA: In 5.d?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR KAMA: Or --

COUNCILMEMBER RAWLINS-FERNANDEZ: In 5.

CHAIR KAMA: A.5?

COUNCILMEMBER RAWLINS-FERNANDEZ: Uh-huh. 5.

CHAIR KAMA: All required . . .*(inaudible)*. . . are located...and that's where you wanted it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Must provide at least 288 residential workforce housing units consistent with his representation to provide in excess of Chapter 2.96...so over there. So, must provide at least 288 residential workforce housing units onsite . . .*(inaudible)*. . .

CHAIR KAMA: Okay. So, onsite...so, what Member Rawlins-Fernandez is asking for is maybe a friendly amendment. Because we've talked about all these units being onsite, onsite, onsite. And so, she just wants it into the record to make sure it's onsite. Is that clear, Member Rawlins-Fernandez? Okay. Member Sugimura, are you okay with the friendly amendment?

MS. NAKATA: Excuse me, Chair?

CHAIR KAMA: Yes.

MS. NAKATA: So, 5.a does say, all required workforce housing units are located within Kihei-Mākena Project District 9 (Wailea 670).

CHAIR KAMA: Right.

MS. NAKATA: Do you --

CHAIR KAMA: And --

MS. NAKATA: -- still want to insert the onsite reference?

CHAIR KAMA: Member Rawlins-Fernandez? So, you wanted to put onsite on...in 5 following the word units, but it also encapsulates that in .a.

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COUNCILMEMBER RAWLINS-FERNANDEZ: That's just redundant is what Ms. Nakata is saying. And so, if it's just redundant, then I don't think it causes any harm. It just clarifies it immediately if someone is skimming, you know --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- like, I've --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I've had to do.

CHAIR KAMA: Okay. So, Member Sugimura, onsite is good on 5?

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

CHAIR KAMA: Okay. Anything else...any other discussion, Members? Okay. Is this a voice vote?

COUNCILMEMBER SUGIMURA: Voice vote.

UNIDENTIFIED SPEAKER: Yes, voice vote.

CHAIR KAMA: Voice, okay. Member Johnson, we're doing a voice vote for the amendment on --

COUNCILMEMBER JOHNSON: Aye, Chair.

CHAIR KAMA: Okay. Thank you. Voice vote --

COUNCILMEMBER JOHNSON: Thank you.

CHAIR KAMA: -- "aye," raise your hands everybody. Don't go to sleep yet, it's not that time for you to sleep. So, we have eight "ayes" and one excused, Member Sinenci.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Sinenci.**

MOTION CARRIED.

ACTION: APPROVE amendment.

COUNCILMEMBER LEE: Chair, how many more?

CHAIR KAMA: I have one more, and Member Rawlins-Fernandez has one more.

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

CHAIR KAMA: So...so, real quick, Members. So, you were handed out a Amendment Summary Form that proposed CD1 version of Bill 172 (2024). And if you look at the bottom, it has hlu:ltr:036aasf06. But we...I want you to ignore that, and take a look at the most recent one that's passed out to you earlier that has a 7 at the bottom. So, it...so, it just replaces the one I sent out to you earlier with this one at the bottom that says almost the same thing. And basically what this does is it amends the first sentence of Condition 11 to read that Honua'ula Partners, LLC is proposing to provide a cumulative total of approximately 120 acres for parks and open space, with a minimum of 6 acres of private parks and 84 acres of open space to be developed within the development. That's --

COUNCILMEMBER SUGIMURA: So move.

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR KAMA: And --

COUNCILMEMBER PALTIN: Can I clarify?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: On Maui County Code 19.07.020, there is OS-1 and OS-2, where OS-1 is passive and OS-2 is active. Is there a clarification on which open space you mean?

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CHAIR KAMA: Mr. Chipchase?

MR. CHIPCHASE: I...I...I don't recall offhand from the Project District. I'd...I'd need to look at that. And Ms. Nakata can confirm, but the purpose in this is not to...not to change the uses that are allowed, but to update the acreages because more is being provided in general than was stated in the original Project District.

COUNCILMEMBER PALTIN: Can you get that to us, which one it is, before first reading?

MR. CHIPCHASE: Yes, I can.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Okay. And then it also asked to move...to amend that last sentence in the second paragraph of Condition 27 by striking 130 and inserting 140 in its place. So, it's just increasing the acreages. So, I heard somebody move on...okay. Who second?

COUNCILMEMBER U'U-HODGINS: I did.

CHAIR KAMA: Oh, thank you. So, Member Sugimura moved, Member U'u-Hodgins seconded to amend the first sentence of Condition 11 to read as the ASF says, and to amend the last sentence in the second paragraph of Condition 27. So, voice vote, Members, or is this --

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

CHAIR KAMA: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Aye.

CHAIR KAMA: Oh, thank you. Okay. So, Members --

COUNCILMEMBER PALTIN: Wait.

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: I'm still figuring it out.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: The easement is not more than 140 acres. Is that what you're saying?

MR. CHIPCHASE: Yes, Member Paltin. So, that particular condition relates to what is also known as the South Preserve Area or the Native Plant Preservation Area. It states a maximum easement size of 130 acres. It's actually about 134 now. There is a separate

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North Preservation Area, it is not subject to the condition that is also under a conservation easement...or will be under a conservation easement, but it's not covered by that condition. So, if this is amended to allow a maximum conservation easement in the...the Native Plant Preservation Area of 140 acres, then it will cover the maximum realistic size of...of that portion of the property.

COUNCILMEMBER PALTIN: Okay. I'm ready.

CHAIR KAMA: Okay. Members, all those in favor, please raise your right hand, say "aye."

COUNCILMEMBER JOHNSON: Aye.

CHAIR KAMA: Yes, it's fine. Okay. Eight "ayes," one excused, Member Sinenci.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR KAMA: Okay. Thank you, Members. I think now we're going to go to Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. All right. Okay. So, this is to Condition 10. We amended it to add with consultation. This is regarding the...the nonprofit organization selection.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Okay. Go ahead.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And we amended it to Member Paltin...Member Paltin's proposal was to amend with consultation with Department of 'Ōiwi Resources, approved --

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- by the Mayor. And all of this is...does not give the community a opportunity to have input --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and to be transparent.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, my...I move to add, "and approved by the Office of the Mayor with consultation of the Department of 'Ōiwi Resources and the County Council by resolution."

CHAIR KAMA: Okay. Mr. Chipchase.

MR. CHIPCHASE: I...I...I suppose it would ultimately be up to the Council whether they also want to have a voice in deciding which nonprofit will take the...take the property and take the...the money. I...I would say that to reach a three-way agreement could mean nothing happens because the three people...three entities don't agree on...on which entity should take the area. But I...I suppose ultimately I leave that to the Council.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, if the issue is there's too many parties, then I move to strike the Office of the Mayor and have the County Council...approved by the County Council by resolution with consultation of Department of 'Ōiwi Resources --

COUNCILMEMBER PALTIN: Second.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and then it's two.

CHAIR KAMA: So --

COUNCILMEMBER PALTIN: Second.

CHAIR KAMA: Okay. So, we're going to discuss Member Rawlins-Fernandez's amendment, okay, to remove the Office of the Mayor, and just to continue the consultation with the nonprofit and Office of 'Ōiwi Resources. Is that right, Member Rawlins-Fernandez?

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COUNCILMEMBER PALTIN: Council --

CHAIR KAMA: The Council.

COUNCILMEMBER PALTIN: -- not 'Ōiwi . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: County Council --

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, by resolution. So, just...it would just be one reading.

CHAIR KAMA: One.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then with consultation from the Department of 'Ōiwi Resources.

CHAIR KAMA: Okay. Member Lee...Chair Lee.

COUNCILMEMBER LEE: I just want to check with Carla if that's okay. Seems like an Administrative function, but --

VICE-CHAIR COOK: I concur.

COUNCILMEMBER LEE: -- it's...Carla, do you know? Or Keola, since you're Corp. Counsel. . . . *(laughing)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I believe it's a policy decision.

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And we're the policy makers.

CHAIR KAMA: Hip, hip, hooray. No, you're right.

MS. NAKATA: Chair, offhand I'm not seeing any obstacles with that, other than, I guess, the time that would be required to do the review. So, Staff's understanding is the sentence would read, "the land for the facility shall be conveyed in fee simple to a nonprofit organization selected by Honua'ula Partners, LLC, and approved by the County Council by resolution in consultation with the Department of 'Ōiwi Resources."

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

CHAIR KAMA: Okay. Member Cook.

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VICE-CHAIR COOK: Thank you, Chair. From...for my discussion, I won't support this. I feel that the Administration would be the appropriate entity to negotiate, and to agree with, and manage, and oversee that. There might be more continuity to it. Thank you.

CHAIR KAMA: Okay. Any other discussion, Members? Member...Chair Lee.

COUNCILMEMBER LEE: Yeah, thank you. Seeing that we're not going to be here, you know, in perpetuity --

CHAIR KAMA: . . .*(laughing)*. . . I don't know about that.

COUNCILMEMBER LEE: -- maybe tonight. But anyway --

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

COUNCILMEMBER LEE: -- I...I'm thinking . . .*(laughing)*. . . I was thinking, you know, all the good intentions that this body has may not carry over to the future. And so, I'd be more comfortable with the Administration handling that. But thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So...so, the selection process, through whatever Mayor will be Mayor at the time that this selection process is happening, is a closed-door process, generally speaking, which is why I'm asking for it to be in an open process so that the public can understand the rationale behind why the nonprofit organization was selected, to ensure that...that the community will be able to have an opportunity to work together with this nonprofit organization, to better understand what their...you know, their plans are in carrying out and executing whatever the cultural plan is, et cetera, et cetera, but...but that's why. Because we are the venue that provides that open forum to hear back from the community, so that the...when the decision is made, it's made fully informed. The other thing that it's...it's not...so, if this nonprofit that's selected in this process were to dissolve, there...there isn't, I...I don't think, a process in which that would then...you know, what...what happens after that, basically. So, I...I...I think even that needs to be part of an open process so that we can enable our community members to take part in that.

CHAIR KAMA: Okay. Any other discussion, Members?

COUNCILMEMBER RAWLINS-FERNANDEZ: Is there a process if this...if the nonprofit that's selected here to receive the...the land conveyed in fee simple were to dissolve, what happens?

CHAIR KAMA: Mr. Chipchase?

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MR. CHIPCHASE: It's not stated in the condition. A nonprofit that has assets would have to dissolve in accordance with HRS Chapter 414D. And so, there would be a succession process for...for purposes of the assets of the nonprofit, which would include --

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

MR. CHIPCHASE: -- fee simple title.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, they would then choose who would get the fee simple land after that.

MR. CHIPCHASE: It...it...it's not quite that simple, but I suppose that's a possibility.

COUNCILMEMBER RAWLINS-FERNANDEZ: Doesn't say it's not a possibility, so that's why I'm advocating for this process to be transparent. We talk about how important it is to, you know, be open, inclusive, and transparent for the benefit of our community, and this is part of it, when we make laws to not make those decisions behind closed doors without the opportunity for input. Mahalo, Chair.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: I guess I just have one example. You know, Director Nishita, in good-faith effort, selected Haleakalā Waldorf to be the caretaker of the Von Tempsky property. He didn't feel comfortable just not having a person to caretake it. And then the whole community was like, not Haleakalā Waldorf, private school...or not all. A lot of people were upset, Mr. Balthazar, and all those guys. And so then Mr. Nishita is like, I think we need to focus on if we want this to be public or private. And so, that's just one example. You know, you could have good intentions, but a lot of people were upset and reached out to us. I mean, Mr. Balthazar was like, what does this private school know about ranching, and nuh, nuh, nuh, nuh. And so, that's just an example.

CHAIR KAMA: Mr. Cook?

VICE-CHAIR COOK: Thank you, Chair. I was at that meeting, and I think what Director Nishita said was they needed...he almost said it like a placeholder and that the \$100,000 that was going to be the support funding was not committed to Haleakalā School, it was pending approvals and...and conditions. So, I...I just...anyway --

COUNCILMEMBER PALTIN: Yeah, but then we amended the budget and named Haleakalā Waldorf. So, the pending turned it into --

VICE-CHAIR COOK: I...anyway, I think Corp. Counsel can see it's not...that isn't fixed in stone. I would...I would propose, as an alternate, if the Administration was required to have two public meetings during the process to meet the transparency aspect of it, but it would still remain in the direct...in Management's arena and directive instead of the Council's.

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COUNCILMEMBER PALTIN: Like a public hearing?

VICE-CHAIR COOK: Correct.

CHAIR KAMA: Okay. So, I...I just want to ask Corp. Counsel, I think...Mr. Nunokawa, are you on the line?

COUNCILMEMBER PALTIN: Oh, now it's Nunokawa. I thought it was Hopper.

MR. NUNOKAWA: Yes, I'm on. I'm here.

CHAIR KAMA: Hopper had to leave at 7:00.

MR. NUNOKAWA: Yeah.

CHAIR KAMA: So, did you hear Member Rawlins-Fernandez's amendment?

MR. NUNOKAWA: Yes, I did.

CHAIR KAMA: Okay. So, I think the question that we're--at least I wanted to ask you was--in the deletion of the Mayor...Office of the Mayor in the...in the bill, would that be problematic? *(pause)*

MR. NUNOKAWA: I would need more time to look more into it, but on its...on its face, I think that it's sort of a policy decision on your...your folks' part, whether you want it to be something that is done in a managerial way, or whether you want it something that is done in more of a --

CHAIR KAMA: Legislative --

MR. NUNOKAWA: -- legislative manner, where it comes back in front of you to deal with again.

CHAIR KAMA: Okay. Thank you. Okay, for my peace of mind. Thank you so much. Any other discussion, Members? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, Mr. Nunokawa said one or the other...and Member Cook blended it, requiring two public hearings, and I can support that. I don't know what it would sound like because the Mayor's Office doesn't have public hearings, so I don't know.

COUNCILMEMBER PALTIN: I'll withdraw my second.

COUNCILMEMBER RAWLINS-FERNANDEZ: Friendly amendment?

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR KAMA: What are we doing now? I mean --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Leave the Mayor --

COUNCILMEMBER PALTIN: Taking Mr. Cook up on his offer.

CHAIR KAMA: Okay. Mr. Cook.

COUNCILMEMBER RAWLINS-FERNANDEZ: Leave with the Mayor, require two public hearings.

CHAIR KAMA: Okay.

VICE-CHAIR COOK: My proposal was basically to strive to acknowledge the fact that what my colleague wants is it to be transparent, and not something done without people under...people having input, but it remain in Management, and Finance, and the Administration which would basically be the Finance Department and the Management Department, et cetera, that...that they would be dealing with the developer and with their --

CHAIR KAMA: The nonprofit.

VICE-CHAIR COOK: -- cultural oversight. And the Council, I feel, would be cumbersome in that regard.

COUNCILMEMBER LEE: Yeah. Sounds good. Sounds good.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Mic.

CHAIR KAMA: Mic.

COUNCILMEMBER SUGIMURA: -- and no way that Josiah said we're going to require two public hearings. I didn't even...he didn't say that, he said --

CHAIR KAMA: No. No, no, no, no.

COUNCILMEMBER PALTIN: That was Mr. Cook's proposal.

CHAIR KAMA: No, that was his proposal.

COUNCILMEMBER SUGIMURA: Oh, your proposal.

UNIDENTIFIED SPEAKER: Yeah.

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CHAIR KAMA: That's his...that's --

COUNCILMEMBER SUGIMURA: Oh.

CHAIR KAMA: Yeah.

VICE-CHAIR COOK: My proposal for this issue that we're dealing with now. That was not in reference to the meeting.

COUNCILMEMBER SUGIMURA: Oh.

VICE-CHAIR COOK: My other...that was a previous comment about Haleakalā School not having been cast in stone, selected. This is regarding this particular issue and whether the Council would be part of the selection process for the nonprofit and oversight, or whether it would remain within the Administration for their selection and oversight, but providing the transparency that would be appropriate.

CHAIR KAMA: Member Sugimura.

COUNCILMEMBER SUGIMURA: Oh, you want to say something?

COUNCILMEMBER LEE: No.

COUNCILMEMBER SUGIMURA: So, just for clarification, what Member Cook is saying is that will stay in Management, and that a public hearing would be required.

COUNCILMEMBER PALTIN: Two.

COUNCILMEMBER SUGIMURA: Two.

COUNCILMEMBER RAWLINS-FERNANDEZ: Office of the Mayor, not Management.

COUNCILMEMBER SUGIMURA: Office . . .*(inaudible)*. . .

CHAIR KAMA: Yeah, the . . .*(inaudible)*. . .

MS. NAKATA: Excuse me, Chair. I think Staff heard public meetings, and not public hearings, if it's staying with Administration.

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know what the difference would be. Do they have the same kind of legal requirements for a public hearing versus a community meeting?

COUNCILMEMBER SUGIMURA: No.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Go ahead.

MS. NAKATA: Chair, Staff's not aware of the Office of the Mayor having a similar public hearing type of format that the Council does, so it may be safer just to provide for public meetings.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: All right. So, Members, do we all understand Member Rawlins-Fernandez's proposal...amendment? And that because of Member Cook's proposal that Member Paltin had seconded, that she withdrew her second. So, Member Cook, your...your motion...

COUNCILMEMBER RAWLINS-FERNANDEZ: No, just friendly amend them in.

CHAIR KAMA: What is that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Just...we're just going to friendly amend it because we're supposed to leave in like a minute.

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

CHAIR KAMA: Well, actually, no...not even done, we still got to do the amendment to the CD1 and the main motion, so...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, that's why I'm trying to save time.

CHAIR KAMA: Yes. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin said she's cool with that. So, we're leaving it to be approved by the Mayor...Office of the Mayor with consultation of Department of 'Ōiwi Resources after the completion of two community meetings.

CHAIR KAMA: Okay. So, does everybody understand Member Rawlins-Fernandez's amendment?

COUNCILMEMBER PALTIN: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

COUNCILMEMBER PALTIN: And it's understood --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- the community meetings would be in a public location.

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CHAIR KAMA: Right.

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Public meeting...I mean --

COUNCILMEMBER RAWLINS-FERNANDEZ: And then --

CHAIR KAMA: -- this is a public place. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and then the community facilities are open to the community?

CHAIR KAMA: Should be, community facility.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can the developer say that?

COUNCILMEMBER SUGIMURA: 8:30. *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: Like open to the public, or is it only for the nonprofit organization that's selected?

MR. CHIPCHASE: The...the use of the facility?

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

MR. CHIPCHASE: The...I believe in...in the description of it, it includes a community facility.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's open to the public.

MR. CHIPCHASE: That would be the intent of it being a community facility, Member, absolutely.

CHAIR KAMA: Okay. Did we all get that, Members? Is it a voice vote or is it roll call?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Voice. Member Johnson, are you there?

COUNCILMEMBER JOHNSON: Aye, Chair.

CHAIR KAMA: Okay. Thank you. So, all those in favor of Member Rawlins-Fernandez's amendment, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

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CHAIR KAMA: Eight “ayes,” and one excused, Member Sinenci.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Same...same condition, the 5 million. What we heard in testimony was that it should be adjusted for inflation. So, the 5 million --

CHAIR KAMA: Is this a new proposal?

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I move to amend the 5 million to 7.5 million, or adjusted for inflation from 2022 to when the funding is granted.

COUNCILMEMBER PALTIN: Second.

CHAIR KAMA: Mr. Chipchase.

MR. CHIPCHASE: With respect, that's...the costs that we have endured just in the carrying the property for 16 years has exceeded the inflationary rate. And so, I...I don't...I don't believe that that change would be fair unless many other changes were made to account for those losses over the years. So, with respect, we would suggest that it remain at 5 million.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: Good.

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COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Yes, Member Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Oh, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. The time that it's taken to get to this point or any construction is self-inflicted of the...from the developer. There's a...there's a lot of opportunities that the developer could have provided...you know, better concessions or, you know, like sticking to the promises made in 2008, a number...a laundry list of items that would have prevented, you know, this from taking 16 years. So, I think when the community asks for it to be adjusted for inflation, I support that. Mahalo, Chair.

CHAIR KAMA: Okay. Any other discussion?

UNIDENTIFIED SPEAKER: Roll call.

CHAIR KAMA: Roll call. Okay. Ms. McKinley, are you going to call the roll, please?

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER SUGIMURA: Excused.

CHAIR KAMA: Let's...let's...let's go on and we'll circle back.

MS. MCKINLEY: Oh, okay. Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: No.

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COUNCILMEMBER PALTIN: Second.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the rationale for this is the Pulelehua rentals are affordable in perpetuity. And the Bigley projects were more than 60. I think it was 62 and 65 years --

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

COUNCILMEMBER RAWLINS-FERNANDEZ: -- or 75, but it...it's much, much longer. And then I have a question for the developer regarding what happens after the 30-years deed restriction.

CHAIR KAMA: You want him to answer that now?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Yes, please.

CHAIR KAMA: Mr. Chipchase?

MR. CHIPCHASE: I'll do my best. After any deed-restricted period, then the covenant that is contained in that here to limit the rental rates that can be charged per unit would be lifted, and so it would be rentable at market rates. I...I would note that those other two projects received substantial public funding, and...and this project, by contrast, has substantial public contributions. So, we...we did discuss this earlier, and...and with respect, I would ask that we be held to the standard in 2.96, which is 30 years. Thank you.

CHAIR KAMA: Any other discussion? Member Cook.

VICE-CHAIR COOK: I believe during the discussions, those other projects, it was basically part of the whole structure. It was part of the entire structure of the funding and whatnot that they had. It was that long of [sic] conditions, and it didn't even...they even were providing management. So, it was a different...different deal. So, I don't think that things are...I don't think that there is enough of a parallel, so I'm not supportive. I think the idea is great, but I don't want to burden the project anymore...and I thought we'd kind of already been there already. So, respectfully, I won't support it.

CHAIR KAMA: Any other discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: I saw Member Johnson put his hand.

CHAIR KAMA: Oh. Member Johnson.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know if he was trying to talk.

COUNCILMEMBER JOHNSON: Yes, Chair.

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CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: Thank you. Thank you for recognize me. Yeah. I want to speak to the motion. You know, I...many of us have...have been to presentations about affordable housing. And I don't know if you folks remember the ones we had from people in Colorado, like Aspen and Vail, and how important it is to have long deed restrictions. One of the terms that I learned was having islands of affordability. And having a long-term deed restriction on rentals, for-sale, any of the workforce housing, and the affordable housing...the longer we can keep them in affordable, the longer our folks can stay on those islands of affordability. The market is going to go up and down, so let's please keep these people in...in affordable housing for as long as we can. That's why I support it. Thank you, Chair.

CHAIR KAMA: Any other discussion, Members?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Oh.

CHAIR KAMA: Yes. Go ahead, Member Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, after the 30 years, if they put the 60-year deed restriction...like, I believe, with the Bigley project we did put in language that invited the developer to return to the County for further subsidies to perpetuate these islands of affordability, like Member Johnson just explained. Because once it's gone...like Mr. Chipchase just said, it's going to go to market, and that's it, it's gone. We're never going to get it back again. So, I think it's important to protect whatever housing we can get for our residents, and keep it as long as possible, even if it requires subsidies from these luxury developments that we're going to be taxing--right, Member Cook?--that's what we're going to be doing. We're going to be generating revenue for subsidies to mālama these apartments, and then provide them for residents, and not whatever happens after 30 years. Mahalo, Chair.

CHAIR KAMA: Thank you. Members, any other discussion as we're approaching the 9:00 hour?

COUNCILMEMBER LEE: Ready to vote.

CHAIR KAMA: Okay. Yeah, ready to vote. Is this a voice vote or is this a --

COUNCILMEMBER LEE: A roll call. Roll call.

CHAIR KAMA: Ms. McKinley?

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

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COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: No.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

MS. MCKINLEY: Councilmember Sinenci is excused.

CHAIR KAMA: Excused.

MS. MCKINLEY: Councilmember...I'm sorry, Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, that's three "ayes," five "noes," one excused, Councilmember Sinenci.
Motion fails.

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CHAIR KAMA: -- doesn't have it on the top of their head? *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, looks like Mr. Whittaker may have found it.

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

MR. CHIPCHASE: It is part of 2.96.

MS. NAKATA: It's...yes, Chair, it's under 2.96.070(B)(3), which states within 90 days of the expiration of the 30-year deed-restricted period, the owner shall--sorry, Chair, my vision--the owner shall offer the County the right to purchase the property at market value as determined by the owner.

COUNCILMEMBER PALTIN: How about a third-party appraiser?

COUNCILMEMBER RAWLINS-FERNANDEZ: Second. . . *(laughing)*. . . *(pause)*

CHAIR KAMA: What about --

COUNCILMEMBER PALTIN: Discussion?

CHAIR KAMA: -- what about the third-party appraiser?

COUNCILMEMBER PALTIN: 2.96 says that within the...the right to purchase the property at market value as determined by the owners. So, the owner could say, well, this is worth \$20 million to me. I think we should leave it up to a third-party appraiser.

CHAIR KAMA: So, are you amending...are you doing a friendly amendment to her amendment to add it?

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Or you're...okay.

MR. KRUEGER: Chair?

CHAIR KAMA: Is that--yes?

MR. KRUEGER: The amendment to add in the first right of refusal --

CHAIR KAMA: Yeah.

MR. KRUEGER: -- is still on the floor.

CHAIR KAMA: Oh, okay. But --

COUNCILMEMBER RAWLINS-FERNANDEZ: Withdraw and second Member Paltin's.

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COUNCILMEMBER LEE: Withdraw?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, because it's in 2.96.

COUNCILMEMBER JOHNSON: I'll remove my second.

CHAIR KAMA: Yeah, it's already in there.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I heard Member Johnson say he withdrew his second.

CHAIR KAMA: Okay. So, then...that yours becomes the standalone amendment. Okay. So...

COUNCILMEMBER PALTIN: The motion would be to follow 2.96.070 number 3, except for the market value would be determined by a third-party appraiser.

CHAIR KAMA: Mr. Chipchase. *(pause)*

MR. CHIPCHASE: I...oh, sorry, looking at 2-3, says as market value...at market value, as determined by the owner. I don't know why that was...2.96 was written that way, or...or why we would depart from it here. So, I would suggest that we remain obligated under 2.96.

CHAIR KAMA: Okay. Yes, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know why either, but I know that a lot of Councilmembers get a lot funds from developers for their campaigns. So, we are the policymakers of today. We have deviated many times from the Code if what we need today for our residents is...is the policy that we're setting here and now, today, at 8:43 p.m. And so, I agree with Member Paltin that that is a better route to go, and third-party appraisal would probably arrive at around the same market rate anyway.

MR. CHIPCHASE: If I may, I...I actually am persuaded by that explanation, and we would agree to that change.

COUNCILMEMBER LEE: Call for the vote.

CHAIR KAMA: Call for the vote. Voice vote...voice...voice vote.

COUNCILMEMBER LEE: Yeah, voice.

COUNCILMEMBER JOHNSON: Aye, Chair.

CHAIR KAMA: Thank you.

COUNCILMEMBER LEE: Aye.

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CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, and then the last one. I never say that.

CHAIR KAMA: Wait, wait, wait. Wait. Eight --

COUNCILMEMBER LEE: How many last ones do you have?

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Johnson said --

CHAIR KAMA: I know, but --

COUNCILMEMBER RAWLINS-FERNANDEZ: You want him . . . *(inaudible)*. . . --

CHAIR KAMA: -- let's call eight-one --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR KAMA: -- Member Sinenci excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Sinenci.

MOTION CARRIED.

ACTION: APPROVE amendment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Okay. Last one. I move to add the residential workforce housing units must be offered to residents in the order in which their names were drawn in the lottery, and to the extent permitted by law, the applicant selected by lottery must then be ranked by the total length of time each has been a resident of the County. The workforce housing units must then be offered in the order of the ranking, provided that there is a unit available in the income group for which they

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qualify. Nonresidents will be offered residential workforce housing units in the order in which their name were drawn in the lottery.

COUNCILMEMBER JOHNSON: Second.

CHAIR KAMA: Is there a second to that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Johnson.

CHAIR KAMA: Okay. Member Johnson.

COUNCILMEMBER LEE: Okay. Where did you get that from?

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I...yeah...Chair? And this language comes straight from the law that...that we have in our Code. We...we passed this. This is in our law. So, the developer wants to follow the law, this is part of our law. This was, I think, Bill 107 that we passed when we were figuring out the ranking. This is also a condition that we put on Pulelehua, and they were going to be the first that we were going to test this. So, it's something that we put into our Code, so it's part of our...our Maui County Code.

CHAIR KAMA: Member Cook.

VICE-CHAIR COOK: Thank you, Chair. For...for discussion, I think under the circumstances, that would be counterproductive and counterintuitive to providing workforce housing close to work. And the fact that, you know, a lot of the...the hotels, et cetera, are at the end of the Pi'ilani Highway...the closer the people are, the less traffic it would be. If we followed that criteria that my colleague just outlined, it could be from people all over the...all over the island.

COUNCILMEMBER RAWLINS-FERNANDEZ: What section are you referencing, Member Cook? What section are you referencing? Maybe Mr. Whittaker knows.

VICE-CHAIR COOK: I'm referencing your proposal that you just did.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I know. But if...is it restricted...the applications are restricted to the location or the workforce in the area? Do...is there a requirement to work in the area in order to apply for a housing unit? Because I support that.

VICE-CHAIR COOK: Okay. My understanding is, it's not restrictive, but what the proposal, as...as just stated, would basically prevent it from being preferred in the area.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't understand.

VICE-CHAIR COOK: The criteria that...from what, Bill 107?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

VICE-CHAIR COOK: Throws the net really wide. It's great, but it wouldn't necessarily help with the employee housing for that particular area.

COUNCILMEMBER RAWLINS-FERNANDEZ: Why?

VICE-CHAIR COOK: Because it could be people from Wailuku that met that criteria, that qualified for the house.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then what if they end up working there?

VICE-CHAIR COOK: Anyway, I'm just...I'm...I understand the intent. I'm not supportive. I would not...I...I don't know how anybody else feels. Having preference for people who work in that area would be fine with me. I don't want to make it overcomplicated, but I think that that is part of the benefit of having the workforce housing onsite in this development, that is in South Maui, that is close to a...kind of a dense employment area, or ILWU and our other people, who have come and given testimony, and there are some other workers. So, my...that's my heartfelt intent. I don't know how to write that, if we need to write it out, but I was hoping that's who would get to be living in these affordable rentals.

COUNCILMEMBER RAWLINS-FERNANDEZ: I fully support what Member Cook is saying, and I...I would support that in writing as a condition.

COUNCILMEMBER LEE: Can we hear from the applicant?

COUNCILMEMBER RAWLINS-FERNANDEZ: But...but...but I want it in writing. I don't want to just cross my fingers and hope because that doesn't work --

CHAIR KAMA: Mr. Chipchase?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and it's...it's not binding.

MR. CHIPCHASE: Yes, Chair. Thank you. I don't know to...to the extent that...that language that Ms. Rawlins-Fernandez...or Councilmember Rawlins-Fernandez read duplicates 2.96. I just couldn't follow it quickly enough. If it does entirely duplicate it, then that's already law and it's in our affordable housing agreement, it shouldn't be put into our condition. To the extent that there is a deviation from 2.96, I have two concerns. One, except for the minor changes we've made, like a third-party appraisal versus the developer's evaluation, the sections work together. And so, you start to make changes to one part, you impact other components of it. The second, of course, is...is constitutional issues. And if someone challenges it, you know, even if we put in the clause to the extent allowed by law, that doesn't immunize it from a challenge. And a challenge would substantially delay the development and delivery of that housing. And so, with respect, I would ask us to stick to 2.96.

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CHAIR KAMA: Okay. Member Johnson.

VICE-CHAIR COOK: I have no problem with that.

COUNCILMEMBER JOHNSON: Thank you, Chair. I would support this amendment, and just some corrections. It's...it's really Bill 111, which gave the residential preference, is what we're...we're trying to do with this amendment, and I support it. You know, the...the...the scenario that Councilmember Cook brought up about folks in Wailea from ILWU want to live and work close, exactly...exactly what that is, is a bill...a residential preference list. Because let's say, for example, in your district, the Four Seasons Wailea. They bring in plenty of mainland folks who are just going to work there for a year or two, you know, they're...they...they might stay. But they've only been on island for a little bit, where the folks who been living there the longest and ILWU members, they get higher priority because you're pulling four names out of lottery, and you're ranking those four names by how many years you been a resident. That's legally been done in Washington, D.C. That's their motto. It's a little bit different, but like they said, when it was...when we passed this bill, there's a layer on every corner in D.C., and if it was illegal, they probably would have got sued by now. So, I support that. And I think it does get to the...the idea of giving our residents preference over folks who just got here. That's...you know, that is such a common issue that people say when you talk about affordable housing. They first off say, how...what do you mean by affordable, and who's it really for? And a lot people see these units go for off-island folks. This is a way to give preference to residents who lived here longest. Full support, Chair.

CHAIR KAMA: Thank you. Any other discussions?

COUNCILMEMBER U'U-HODGINS: I have a question.

CHAIR KAMA: Yes.

COUNCILMEMBER U'U-HODGINS: Okay. Now, I'm confused what we're talking about because we just talked about two separate things...on that table. So, is Bill 111 already in 2.96, if somebody could answer? Is that language of Bill 111 already in 2.96? Can Carla...can...I mean, Ms. Nakata, can you please answer that for me?

MS. NAKATA: We'd have to look a little further, but we don't think Bill 111 ever took effect.

CHAIR KAMA: Yeah.

COUNCILMEMBER U'U-HODGINS: Okay. I don't see it either, but it was roughly discussed. And to limit who can live in there by location wouldn't make sense for me. I understand that it helps with traffic, but if that's the case, then I would have to live in town...and I live in Makawao. So, are...we're not throwing your location requirement in there right now?

UNIDENTIFIED SPEAKER: No.

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COUNCILMEMBER U'U-HODGINS: Okay, great. Thank you.

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

COUNCILMEMBER U'U-HODGINS: Thank you. Walk that back. Okay. And then 111 is not in 2.96. Okay.

COUNCILMEMBER SUGIMURA: Call for the question.

CHAIR KAMA: Were you finished, Member U'u-Hodgins? I felt like she was trying to --

COUNCILMEMBER U'U-HODGINS: I was trying to get --

CHAIR KAMA: -- digest and then regurgitate.

COUNCILMEMBER U'U-HODGINS: -- get ahold of what we've been discussing. Because we've been talking about all kinds of amendments for the last seven-ish hours, so I have very little brain cells left. And I'm not just speaking for myself. So, if not 111...I understand what it says in 2.96, how people are selected to live in for-sale units and resident...oh, and rentals. But if you could please just--you...you folks--if you could please just give us a real quick synopsis so we can understand the difference of what we're discussing. Cal?

MR. CHIPCHASE: I can --

CHAIR KAMA: Yes, Mr. Chipchase.

MR. CHIPCHASE: Yes, I...I can read to you from the 2.96, so that we don't get it wrong. Selection priority is at Section D., in (D)(1). Residents on the waitlist shall receive first priority for the available units. Nonresidents on the waitlist may rent a residential workforce housing unit once the waitlist has been exhausted of all residents. If we go down to item 3, the residential workforce housing unit shall be offered to residents in the order in which their names were drawn in the lottery, provided that there is a unit available in the income group for which they qualify. Nonresidents will then be offered residential workforce housing units in the order in which their names were drawn in the lottery, provided that there is a unit available in the income group for which they qualify. So, that would be the normal process, in...in brief, under 2.96. And all of that would be reflected in our housing agreement with the County, which must be put in place prior to subdivision or the approval of the first building permit.

COUNCILMEMBER U'U-HODGINS: Okay. And when we have 2.969...or 090, when it says Department or its designee must establish a project waitlist of interested applicants in...by the development project. Is that not basically what we're talking about now --

MR. CHIPCHASE: Yes.

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COUNCILMEMBER U'U-HODGINS: -- how 111 is the County's list, and yes, it's ranked by how many years people lived here. But is that not how we already do our list?

MR. CHIPCHASE: I...I believe --

COUNCILMEMBER U'U-HODGINS: Probably...if you don't answer, if somebody can answer that.

MR. CHIPCHASE: I believe there are some differences in 111, what it would propose to amend in...in Chapter 2.96. And...and they may be good ideas or not, but I think that for our project, we should follow what the law is, whether that law is amended in the future or not.

COUNCILMEMBER U'U-HODGINS: Okay.

CHAIR KAMA: Member Cook.

MR. CHIPCHASE: Right, the law that's in the place at the time we signed the agreement.

VICE-CHAIR COOK: Am I...it...does this resonate...is this correct, that one of the ways that we, as a community, have been striving to prioritize our local residents be...getting first priority is not advertising it in the mainland or other places, and making people come in and personally apply? And so, that is being preferential without being prejudicial.

MR. CHIPCHASE: It's a...a practical mechanism to limit the applicant pool.

CHAIR KAMA: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 111 was not my bill; it was Member Johnson's bill. So, if he could explain. Because it would come in...there...there's a trigger to it being enacted, he can explain that portion of it. And if...when the housing agreement is signed, and that is law at the time, then it will be the law that they...the developer will have to follow. Member Johnson.

COUNCILMEMBER JOHNSON: Sure, thank you. Chair...thank you, Councilmember Rawlins-Fernandez. Basically, Bill 111 was passed, but then the Department came back and asked...Department of Housing came back and asked if they...we could give...give them more time to create a portal...the website. It...it ballooned up to about \$3 million, the price for this website. So, we gave them that time, and we said that this bill would take effect upon, you know, the completion of the portal...the website. But the...the...the spirit of the law stands. We passed it. It's...now, we're waiting on the Department to come back and give us that...that website. But really...it really does give us residential preference that's legal. And then I don't...I don't...I know you guys aren't taking LIHTC money, so you're not taking Federal money. So, what...what are you...why would you not want to give preference for folks who live here? Those folks that are going to be living in those affordable housing probably will be servicing those luxury homes. So, I don't...I can't imagine them not wanting those folks to be in there, and then...and

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giving preference for people who lived there the longest. That just doesn't make any sense that you wouldn't want that. *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I believe Member Johnson was posing the question to the developers.

CHAIR KAMA: Oh. Mr. Chipchase.

MR. CHIPCHASE: Happy to answer, Member Johnson. I...I don't...I don't believe I ever said I didn't want to give preference to the folks who live in the area. I think what I said is that I want to follow the law that's in place.

COUNCILMEMBER JOHNSON: But you did say you wanted to follow the spirit of the law...or, I mean, follow the law as it is. I mean, this is...sure, okay, maybe it's not in there now because we got to wait on Admin, but you certainly could just see the...the benefits of it, right? I mean, it's...I don't...I don't see what your logic is. You're saying, well, it's not written in the law so we don't got to follow it. Why...why wouldn't you want to just follow it? I mean, it's helping people who live here the longest.

MR. CHIPCHASE: I...I...I believe...I believe what I said was that I...I wanted to follow the law that's in place at the time that we sign our affordable housing agreement because that gives me the most confidence that the law is integrated in a way that all the sections work together, and that it is as defensible as possible in court. And I understand your confidence in it, and I'm not expressing any doubt in it. But I would prefer to follow that law when it has been implemented as part of Chapter 2.96. If that happens before I sign the affordable housing agreement, then you're quite right. It'll be part of it, and...and it'll be in our agreement, and we will certainly honor it. But until that point, I would prefer to follow 2.96 as written.

COUNCILMEMBER JOHNSON: Okay.

COUNCILMEMBER LEE: Okay. Can we take the vote?

CHAIR KAMA: I think so. Members --

COUNCILMEMBER LEE: Okay. Roll call.

CHAIR KAMA: -- is this--oh, okay. Thank you. Ms. McKinley.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

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CHAIR KAMA: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Main motion as amended.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: No.

COUNCILMEMBER SUGIMURA: No. One more?

COUNCILMEMBER PALTIN: I got one more amendment.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR KAMA: You've got how many more?

COUNCILMEMBER PALTIN: One.

CHAIR KAMA: Okay. Your one...your last one. It's 9:00.

COUNCILMEMBER PALTIN: This is the one --

CHAIR KAMA: Go ahead.

COUNCILMEMBER PALTIN: -- I kind of spoke to earlier. I move to add another condition, including nonsubstantive revisions, to require a final reporting to the Council of that time, like what the workforce housing credits were sold for. You know, they said the carrying cost up to this point was however many million. I want to know...I want to see the books at the end of this. Open the books and find out what the final profit is, so future Councils can make educated decisions. Because right now, it's just based on like hearsay.

CHAIR KAMA: Mr. Chipchase.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

MR. CHIPCHASE: I mean, that's a requirement that I'm not aware of any public...or private project being subject to, and...and we couldn't. Well, that's a project that receiving substantial public funds. But a privately-funded project being subject to such a requirement, and I couldn't possibly agree, on behalf of the ownership, that we would open up the books at the end of the project.

COUNCILMEMBER PALTIN: So, my discussion?

CHAIR KAMA: Yes, discussion.

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COUNCILMEMBER PALTIN: So many things have been said over the past 16, 20 years about this and that, and a lot of them turned out to be lies and bait-and-switch. And, you know, that guy, Charlie Jencks, is pretty shady. And, you know, who knows what the next people are? But I think that if you expect us to believe the things that is being said, like credits will go for 10,000, 20,000, whatever, I say put your money where your mouth is.

CHAIR KAMA: Any other discussion?

COUNCILMEMBER LEE: Roll call.

CHAIR KAMA: Roll call.

COUNCILMEMBER RAWLINS-FERNANDEZ: I support this motion, Chair.

CHAIR KAMA: I beg your pardon?

COUNCILMEMBER RAWLINS-FERNANDEZ: I support this motion.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I said it before I turned my mic on, but the Pulelehua project is...is being willing to open its books.

CHAIR KAMA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: And to correct the record earlier, the County did not give the Pulelehua project \$18 million. The Budget Chair should know that. That funding was allocated, not given. We don't give cash out like that. We don't give hundreds of millions of dollars cash. It...work is done, and then it's reimbursed by the County to protect taxpayer dollars. So, I think it's irresponsible to continue to say that we gave \$18 million to Pulelehua. Mahalo, Chair.

CHAIR KAMA: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I stand corrected with that word. But \$18 million was allocated in the agreement, and we have still yet to see anything for it. So, that sounds like something strange. Let's vote.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Water Department...we...we heard about that in DRIP Committee --

CHAIR KAMA: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- and we kind of battled about that
. . .(inaudible). . .

CHAIR KAMA: Is this roll call vote? Ms. McKinley.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: No.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: I think we need to step into the light, so I'm going to vote yes.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U‘u-Hodgins.

COUNCILMEMBER U‘U-HODGINS: No.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: No.

MS. MCKINLEY: Councilmember Sinenci.

CHAIR KAMA: Excused.

MS. MCKINLEY: And Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, it's three "ayes," five "noes," one excused, Councilmember Sinenci.
Motion fails.

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MR. KRUEGER: -- on first reading, and to record the unilateral agreement that had made a motion to substitute --

CHAIR KAMA: Yes.

MR. KRUEGER: -- with the proposed CD1 version.

CHAIR KAMA: So, that's where we're at right now, at the substitution.

MR. KRUEGER: Uh-uh, as amended.

CHAIR KAMA: Yeah. Okay. Members, voice vote. Ms. McKinley? Yes.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: Aye.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Can you restate the motion?

MR. KRUEGER: Councilmember Johnson, the motion before the body right now is the motion to substitute Bill 172 with the proposed CD1 version as amended.

COUNCILMEMBER JOHNSON: Thank you. Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

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CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- motion --

CHAIR KAMA: Roll call.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- because I don't want to sell out my community, and I don't want to...I want to...I wanted to prevent double dipping that...but that motion failed. So --

CHAIR KAMA: Ms. McKinley.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we're in discussion.

CHAIR KAMA: Oh. We are in discussion? Oh, I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Oh, yeah, because the motion to substitute --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you called for a voice vote --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but we did roll call --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but it passed unanimously.

CHAIR KAMA: Okay. But this one, you want a discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Main motion as amended --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- correct. And it's...I'm...I'm not going to support --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- the...the main motion as amended.

CHAIR KAMA: Correct.

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COUNCILMEMBER RAWLINS-FERNANDEZ: I...I think that some of the amendments that were made to --

CHAIR KAMA: Were good.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- clean it up are good, some of the motions that did pass improved it. But overall, this is not a good project for the community. And there's not enough safeguards and assurances for the community that this developer will be held accountable to what they say. I think in your ASF, Chair, where it says that everything that's being represented here and now, as the law is being stated, is...is good. And that way, it...you know, the developer won't be able to weasel out in 16 years, and go back on their word, and we get no workforce housing, which I...you know, I...I don't think is a farfetched thing that could happen. Anyway, I won't keep us here too much longer. I'll...I'll just...you know, when this comes up for first reading, I'll...I'll make my...my...my longer monologue then for you, Chair Lee.

COUNCILMEMBER LEE: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER LEE: I may not be here.

CHAIR KAMA: Any other discussion, Members? I see Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. For my discussion, it goes similar to what I mentioned on why I didn't support the bill previously. But I will add a little bit more to the discussion that we had on this one about property taxes, right? I...I heard that hey, these...these units will create more property taxes for our...our coffers that we can go and use to build affordable housing. Luxury homeowner...the...the luxury homeowner...or luxury properties are not my priority right now, I'm sorry. Affordable housing for people who live...who are living check to check, those are the guys that are my priority. I want to remind everybody we have the lowest...one of the lowest property taxes in the nations, lower than Texas--and we know Texans hate their taxes--and yet we're building home...luxury homes that are...have very light taxes, and that people look for great investments on. So, they come over here, and the...it's an investment, and that's all it is...when we need to be looking at this issue and investing into our community members, into our people, into our children, those are the people we need to be investing in. And the more affordable housing we can get for them, then I think we're doing our job. I know this bill's going to pass. And I know this...you know, there's not much I can do. But I still...I...one thing I won't do is give up and fight for the folks that...that need this the most. So, I won't be supporting this. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson. Any other discussion? If not...roll call.

MS. MCKINLEY: Chair Lee.

COUNCILMEMBER LEE: Aye.

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MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Aye.

MS. MCKINLEY: Councilmember Paltin.

CHAIR KAMA: Oh, excused.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: No.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

MS. MCKINLEY: Councilmember Uʻu-Hodgins.

COUNCILMEMBER UʻU-HODGINS: Aye.

MS. MCKINLEY: Committee Vice-Chair Cook.

VICE-CHAIR COOK: Aye.

MS. MCKINLEY: Councilmember Sinenci.

CHAIR KAMA: Excused.

MS. MCKINLEY: Committee Chair Kama.

CHAIR KAMA: Yes.

MS. MCKINLEY: Chair, that's five "ayes," two "noes," and two excused, Members Sinenci and Paltin. Motion passes.

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CERTIFICATIONS

I, Logan Tsuji, hereby certify that pages 1 through 75 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 7th day of January 2025, in Wailuku, Hawai'i



Logan Tsuji

I, Kaliko Reed, hereby certify that pages 75 through 125 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 7th day of January 2025, in Wailuku, Hawai'i



Kaliko Reed

I, Tricia Higa, hereby certify that pages 126 through 191 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 7th day of January 2025, in Mililani, Hawai'i.



Tricia Higa