

HOUSING AND LAND USE COMMITTEE
Council of the County of Maui

MINUTES

March 8, 2023

Online via BlueJeans Link and Council Chamber

RECONVENE: 9:02 a.m.

PRESENT: Councilmember Tasha Kama, Chair (Out 9:08 a.m.)
Councilmember Tom Cook, Vice-Chair
Councilmember Gabe Johnson, Member (In 9:45 a.m.; Out 10:23 a.m.;
In 10:35 a.m.)
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U‘u-Hodgins, Member

STAFF: Ana Lillis, Legislative Analyst
Paige Greco, Legislative Analyst
Richard E. Mitchell, Legislative Attorney
Stacey Vinoray, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lenora “Lei” Dinneen, Council Services Assistant Clerk
Nalani M. Fujihara, Communications Specialist

Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember
Kama
Stacy N. Takahashi, Executive Assistant to Councilmember Cook
Jared Sam P. Agtunong, Executive Assistant Councilmember Cook
Michele McLean, Executive Assistant to Councilmember Lee
Susan Clements, Executive Assistant to Councilmember
U‘u-Hodgins
Laura McDowell, Executive Assistant, Councilmember U‘u-Hodgins
Sarah Sexton, Executive Assistant to Councilmember U‘u-Hodgins
Kate Griffiths, Executive Assistant, to Councilmember Johnson
Roxanne Morita, Executive Assistant to Councilmember Johnson
Axel Beers, Executive Assistant to Councilmember Johnson
Braedon Wilkerson, Executive Assistant to Councilmember
Rawlins-Fernandez
Noelani Ahia, Executive Assistant to Councilmember

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

Rawlins-Fernandez

Dawn Lono, Executive Assistant to Councilmember Sinenci
Gina Young, Executive Assistant to Councilmember Sinenci

Mavis Oliveira-Medeiros, Council Aide, Hāna Residency Area Office
Denise Fernandez, Council Aide, Lāna‘i Residency Area Office
Jade Rojas-Letisi, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Christian Balagso, Council Aide, West Maui Residency Area Office

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of
Corporation Counsel
Saumalu Mataafa, Deputy Director, Department of Housing and
Human Concerns
Linda Munsell, Housing Administrator, Department of Housing
and Human Concerns
Clyde “Buddy” Almeida, Assistant Housing Administrator,
Department of Housing and Human Concerns
Dr. Janet Six, Archaeologist, Department of the Managing Director
Jordan Molina, Acting Director, Department of Public Works
Wendy Taomoto, Deputy Director, Department of Public Works
Maria Zeilinski, Budget Director, Office of the Mayor
Kathleen Aoki, Acting Planning Director, Department of Planning
Anne Cua, Planning Program Administrator, Department of
Planning
Tara Furukawa, Planner V, Department of Planning
John Stufflebean, Acting Director, Department of Water Supply
Tammy Yeh, Civil Engineer VI, Department of Water Supply
Shayne Agawa, Acting Director, Department of Environmental
Management
Oliver Vaas, Firefighter IV, Department of Fire and Public Safety

OTHERS: Grant Chun, Executive Director, Hale Mahaolu
Debbie Cabebe, Executive Director, Maui Economic Opportunity,
Inc.
Chris Sugidono, Senior Associate, Munekiyo-Hiraga
Catherine L.M. Hall, Attorney, Carlsmith Ball
Ashley Otomo, Civil Engineer, Otomo Engineering Inc.
Trevor Yucha, Archaeologist, Cultural Surveys Hawaii
Monte Heaton, Project Manager, HighRidge Costa Development
Kelcee Fujimoto, Traffic Engineer, Austin Tsutsumi & Associates,
Inc.
David Sereda, President & Landscape Architect, Chris Hart &
Partners

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

Mark Roy, Vice-President, Munekiyo Hiraga
Craig Nakamura, Attorney Carlsmith Ball
Mohannad “Moe” Mohanna, President, HighRidge Costa
Peter Horovitz, Board Member, Maui Economic Opportunity
Lena Tamashiro, Architect, Design Partners Incorporated
Jeyan Thirugnanam, Transportation Alternatives, State of Hawaii,
Department of Transportation, Highways Division
Andrew McCallister, Maui Lead Archaeologist, State Historic
Preservation Division

Additional attendees: (71)

PRESS: Akakū: Maui Community Television, Inc.

CHAIR KAMA: . . .*(gavel)*. . . Will the Housing and Land Use Committee recessed meeting of February 28, 2023, come to order. It is March 8, 2023, and it is now 9:02 a.m. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. As a reminder, Members, when your name is called, if you are not with me in the Council Chamber, please identify by name who, if anyone, is the room, vehicle, or workspace with you today. Minors do not need to be identified. Any questions before we begin? At this time, I'd like to do a roll call. And I'd like to say aloha kakahiaka to our Committee Vice-Chair, Tom Cook.

VICE-CHAIR COOK: Good morning, Chair. Good morning, Councilmembers.

CHAIR KAMA: Good morning. Also, aloha to our Council Chair, Alice Lee. And do you have a greeting for us this morning?

COUNCILMEMBER LEE: Yes, I do, Madam Chair. And it is all the way from Jamaica. So, ello mon and womon.

CHAIR KAMA: Ello mon and womon. Okay. Aloha kakahiaka, Chair. I'd like to continue with our...the Council Vice-Chair Yuki Lei Sugimura. Aloha kakahiaka.

COUNCILMEMBER SUGIMURA: Ello mon and womon. Is that what you said? Anyway, good morning, everybody. Nice to be here in the Chambers with everyone. Looking forward to a very productive meeting to support Hale Mahaolu and Maui Economic Opportunity. Thank you.

CHAIR KAMA: Thank you. We're going to continue on with Councilmember Gabe Johnson. Aloha kakahiaka, Mr. Johnson. I don't see him or hear him. We'll probably have to come back to him. We'll also say good morning to Councilmember Tamara Paltin. Aloha kakahiaka to you, Ms. Paltin.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou, and broadcasting live and direct from the County Chambers, 8th floor. We got no testifiers at the Lāhainā District Office. Thank you.

CHAIR KAMA: Thank you. We also want to say good morning to our Councilmember from Molokaʻi, Keani Rawlins-Fernandez. Aloha kakahiaka to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Maui nui a Kama. We have...we still have our Community Outreach Specialist, Zhantell Lindo, at the Molokaʻi District Office. And she reminded everyone that it is closed testifier...testimony is closed. Mahalo, Chair.

CHAIR KAMA: Very good. Thank you so much very much. We also have Councilmember Shane Sinenci from Hāna. Good morning, and aloha to you.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, mai Maui Hikina. Here at the East Maui District Office on Uakea Road with Staff Members Dawn Lono, Mavis Medeiros, and Don Atay. Aloha.

CHAIR KAMA: Thank you. We also have with us Councilmember Nohe Uʻu-Hodgins. Aloha kakahiaka to you.

COUNCILMEMBER UʻU-HODGINS: Good morning, Chair. Good morning, everyone.

CHAIR KAMA: And we also have with us this morning from the Department of Corporation Counsel, Mimi DesJardins, our Deputy Corporation Counsel. Good morning, Mimi.

MS. DESJARDINS: Good morning, Chair. Good morning, Councilmembers.

CHAIR KAMA: And we also have...Michael Hopper is going to be with us today, the other Deputy Corporation Counsel. Good morning, Michael.

MS. LILLIS: Chair, he's not connected to the meeting at this time.

CHAIR KAMA: Okay. Well, hopefully when he comes. We also have with us from the Department of Housing and Human Concerns, Mr. Saumalu Mataafa, Deputy Director. Good morning. And we have other Administration Staff with us today, and they will be on call for this meeting, all the other Department Directors. We also have the other resources from Hale Mahaolu. We have Mr. Grant Chun, the Executive Director, will be here. Ms. Debbie Cabebe, the Executive Director of Maui Economic Opportunity, Inc., Mr. Chris Sugidono, Senior Associate of Munekiyo and Hiraga, and Technical Specialist from the Project Team will also be available today. We also have with us our Committee Staff, Ms. Ana Lillis, our Legislative Analyst. Good morning.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

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

CHAIR KAMA: We also have our Legislative Analyst, Paige Greco. Good morning.

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

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

MS. VINORAY: Aloha and good morning, Chair and Committee.

CHAIR KAMA: And we also have our Legislative Attorney, Mr. Remi Mitchell. Good morning.

MR. MITCHELL: Good morning, Chair and Members.

CHAIR KAMA: Thank you, Members, for attending today's HLU Committee meeting. And this is the meeting...is a continuation of our March 2nd, 2023 meeting, which was a recessed meeting from February 28th, 2023. As a reminder to members of the public in the Chambers and online with BlueJeans, we closed public testimony at our February 28th, 2023 meeting. No further oral testimony can be accepted, but you are welcome to provide written testimony via the eComment system on the maucounty.us website. So, Members, and members of the public, given my membership on the MEO Board of Directors, I have requested a Board of Ethics opinion on whether that membership presents an ethical issue and requires my recusal from voting on the Hale Mahaolu Ke Kahua Rental Housing Project today. And until I receive the Board of Ethics' opinion, I will recuse myself from participating, deliberating, and from voting on this issue and on this item. And therefore Members, Vice-Chair of the Committee, Mr. Tom Cook, will take care of running this meeting from this moment forth. And therefore, at this time, to give him time to come to the podium, I am calling a recess until 9:40 this morning.

COUNCILMEMBER SUGIMURA: Wait.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KAMA: 9:40 this morning. Thank you. . . .(gavel). . .

RECESS: 9:08 a.m.

RECONVENE: 9:45 a.m. (Excused: TK)

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

HLU-2(1): HOUSING PROJECTS UNDER CHAPTER 2.97, MAUI COUNTY CODE: RESOLUTIONS 23-78, 23-79, AND 23-80, RELATING TO THE HALE MAHAOLU KE KAHUA RENTAL HOUSING PROJECT (WAILUKU)

VICE-CHAIR COOK: . . .*(gavel)*. . . Members, we are continuing our deliberations on the agenda Item HLU-2(1), Housing Projects under Chapter 2.97, Maui County Code, Resolutions 23-78, 23-79, and 23-80, relating to the Hale Mahaolu Ke Kahua Rental Housing Project (Wailuku). Are there any questions before we begin?

MS. LILLIS: Chair, do you want to recognize Councilmember Johnson?

VICE-CHAIR COOK: Thank you. I want to recognize Councilmember Johnson. Thank you for joining us.

COUNCILMEMBER JOHNSON: Good morning, Chair, Committee Members, Councilmembers. I am alone in my office, and there are no testifiers at the Lānaʻi District Office. Mahalo.

VICE-CHAIR COOK: Excellent. I believe, Members, that we are the point where I can entertain a motion on this matter.

COUNCILMEMBER SUGIMURA: So move to accept the project.

VICE-CHAIR COOK: Okay. Recognizing Councilmember Sugimura.

MS. LILLIS: Chair, just to restate the motion, is it on Resolution 23-79?

COUNCILMEMBER SUGIMURA: Yes.

VICE-CHAIR COOK: Okay. Members, I will entertain a motion to recommend approval of Resolution 23-79, Approval of the Application with Modifications to the Council.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

VICE-CHAIR COOK: Okay. Motion by Member Sugimura, and seconded by Chair Lee.

COUNCILMEMBER SUGIMURA: Yes.

VICE-CHAIR COOK: Discussion?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MS. LILLIS: Call on Councilmember Sugimura as the movant.

COUNCILMEMBER SUGIMURA: Yeah.

VICE-CHAIR COOK: Yes.

COUNCILMEMBER SUGIMURA: So, Chair. Thank you very much. I believe that this is a project that's going to help many people that...in need of this level of affordable rentals. And I believe that for the last two days we've, you know, heard about the project, and I'm ready to vote to support it. Thank you.

VICE-CHAIR COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair.

VICE-CHAIR COOK: Member Lee. Okay. I recognize Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo for filling in. Okay. So, I know this is your first time facilitating discussion on a housing project before the Council, and we did a lot of Q and A at the last meeting. I don't think we completed all of it, and we also didn't get to the discussion on the exemptions. And so, generally, we go through the exemptions, and there are 12 of them. And then we entertain any proposed conditions that the Members have. I understand we have a motion on the floor now. It doesn't mean that we can't continue to do it in that way. I don't know if Members would like to go through all the exemptions as we have done so in the past in that format. I would like to. I would also like to ensure that all the Members, any proposed conditions, are considered and I guess procedurally, that could either be recognized as the motion to amend the main motion, or we could have discussion on it, and then have that be a motion to amend the main motion for that condition. But, it would be up to you because you're the facilitator. Do you have an opinion on how you would like to facilitate?

VICE-CHAIR COOK: So, Member Rawlins-Fernandez, are you proposing an amendment to the motion to review the exemptions?

MS. LILLIS: Chair, if we may? The option now would be, if chosen by the Chair, to entertain a motion to amend the Resolution 23-79 to substitute Exhibit "A" in the Resolution, with Exhibit "A" attached to the Amendment Summary Form provided by Committee Chair Kama, Granicus Item Number 7. So, Chair, you could entertain that motion now that I read off.

VICE-CHAIR COOK: I would entertain that motion.

COUNCILMEMBER SUGIMURA: So moved.

**HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui**

March 8, 2023

COUNCILMEMBER LEE: Second.

VICE-CHAIR COOK: Second. Okay. Now discussion on that? Is this for Item A on the exemptions?

MS. LILLIS: Chair? Exhibit "A."

VICE-CHAIR COOK: Exhibit "A."

MS. LILLIS: You can call on Councilmember Yuki Lei Sugimura as the movant.

COUNCILMEMBER PALTIN: Point of information. Can you repeat what the motion was?

COUNCILMEMBER SUGIMURA: Maybe Staff can do that.

VICE-CHAIR COOK: Thank you.

MS. LILLIS: Chair, if I may?

COUNCILMEMBER SUGIMURA: Yeah.

MS. LILLIS: Members, I will now entertain a motion to amend Resolution 23-79 to substitute Exhibit "A" in the Resolution 23-79 with the Exhibit "A" attached to the Amendment Summary Form provided by Committee Chair Kama, Granicus Item Number 7, available online.

COUNCILMEMBER PALTIN: Is there a hard copy of that? Just checking.

MS. LILLIS: Yes. We can provide one to you, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR COOK: Very good. Representative Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. So, according to the ASF provided by Chair Kama, which we are now getting copies of it adds...replace Exhibit "A" with attached revised version, and we just did that motion. The revised Exhibit "A" deletes an exemption from the Charter, an unnecessary waiver, and incorporates nonsubstantive revisions for accuracy and consistency.

VICE-CHAIR COOK: Representative Paltin.

COUNCILMEMBER PALTIN: Thank you. I also had an ASF, but it was distributed at

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

the previous meeting. I was wondering if that could be added to this ASF as a friendly amendment?

COUNCILMEMBER SUGIMURA: Can we see it?

MS. LILLIS: Chair, if I may?

VICE-CHAIR COOK: Yes.

MS. LILLIS: Councilmember Paltin, we can take up your Amendment Summary Form after Exhibit "A" discussion is exhausted.

COUNCILMEMBER PALTIN: Okay. Thank you.

COUNCILMEMBER LEE: Chair.

VICE-CHAIR COOK: Recognizing Member Lei...Lee.

COUNCILMEMBER LEE: Yes, Chair. Since we have this ASF, can we call the applicant down so we can go over the exemptions to see...to get comments?

VICE-CHAIR COOK: Okay. Any disagreement?

COUNCILMEMBER SUGIMURA: None.

MS. LILLIS: Chair, if we may? Chair, if we could vote on the current motion, and then invite the applicant down into the Chamber.

VICE-CHAIR COOK: Okay. Could we have a voice vote? All in favor, say "aye."

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair.

VICE-CHAIR COOK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't feel comfortable voting for this until I've gone over it. Thank you.

MS. LILLIS: Chair, we can do a roll call vote, and the motion would be to substitute, and then individually go through each exemption and have a vote on that.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR COOK: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Or procedurally, we can

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

withdraw the motion on the floor, or suspend rules and just allow for the discussion to happen.

COUNCILMEMBER SUGIMURA: Proceed. I'm going to hold my motion. I'm not going to withdraw.

VICE-CHAIR COOK: Okay, so...

COUNCILMEMBER LEE: Can we hear from our attorney please?

COUNCILMEMBER SUGIMURA: Oh, good move.

MR. MITCHELL: . . .*(inaudible)*. . . Member Rawlins-Fernandez, and thank you, Chair Lee. Either option is acceptable as long as we don't have an additional motion to amend, following a motion to substitute without having closed that motion to substitute. So, now that you have the motion, you have the second to substitute, you can have discussion, and we can take the vote after discussion, as long as we don't have another motion to amend before closing out on the motion to substitute.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, for clarification, we can do as Chair Lee requested, having the applicant come down, answer the questions before we take the vote on the motion to amend the main motion, and that would be procedurally permissible, and I would be in favor of doing that. Mahalo.

MR. MITCHELL: That's correct, Member Rawlins-Fernandez.

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

VICE-CHAIR COOK: Please. And I'm going to request everybody to speak clearly and distinctly into their microphones this evening for everyone on *Akakū* and for the Chair. Thank you.

COUNCILMEMBER SUGIMURA: Roll call.

MR. MITCHELL: We're going to discussion now, Chair?

COUNCILMEMBER LEE: Yes. We're going to bring down the applicant.

VICE-CHAIR COOK: Yeah. Will the applicants please come down.

MS. GRECO: So, Chair, for clarification. Right now we have a motion open, and we have a motion to substitute Exhibit "A" with the version posted in Granicus. So, we're having discussion on that motion to substitute.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MS. LILLIS: So, Chair, at this time you could go through the Amendment Summary Form transmitted by Committee Chair Kama line by line, and take questions and vote on the individual request.

VICE-CHAIR COOK: Chair Lee.

COUNCILMEMBER LEE: Were you going to ask the applicant to go through the ASF line by line? And then that way we don't have to ask.

VICE-CHAIR COOK: Yeah. Is that acceptable? Okay. Good morning, applicants. Welcome back to the Chambers and...on this rainy day. We're all lucky to be in here warm and dry.

COUNCILMEMBER PALTIN: Chair. Chair Cook. In addition to the applicant, can we also request the Department of Water and Department of Public Works Directors...because those were the exemptions that took issue. So, then we can have kind of a balanced discussion because of the water issue from all the previous 2.97s. And in the question and answer. Director Molina had said that he had exception to some of the exemptions that was being requested in Public Works. So, that way we can have a balanced presentation on the requested exemptions.

VICE-CHAIR COOK: That's a reasonable request. Is Director of Public Works available. and is the Director of Water Supply available?

MS. GRECO: Chair, we will contact them. We requested them as on call for this meeting. Absolutely.

VICE-CHAIR COOK: Thank you very much.

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR COOK: Representative Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Chair Cook, or Vice-Chair Cook. So, one of the other items as you go, you know, item by item for the exemptions, is on this list, N as in Nancy, Exemption from Chapter 19.68, State Land Use District Boundaries. So, could you have Corp. Counsel here on that when we get to alphabet N?

VICE-CHAIR COOK: Okay. Staff, could you confirm Corp. Counsel is available online?

MS. LILLIS: Chair, yes. Mimi DesJardins is available from the Department of the Corporation Counsel.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

VICE-CHAIR COOK: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

MS. DESJARDINS: I'm here monitoring the meeting on BlueJeans. Thank you.

COUNCILMEMBER LEE: Chair.

VICE-CH-R COOK: Yeah, Chair --

COUNCILMEMBER LEE: Yeah, you can call me that.

VICE-CHAIR COOK: Chair Lee.

COUNCILMEMBER LEE: Thank you. I would also like to request Director Tsuhako, Director of Housing and Human Concerns, primarily because as we had our discussions previously, some of the Departments were not in support of some of the exemptions, primarily because they thought the applicant could apply to the housing fund and pay for these additional conditions. So, we need to have, you know, Director Tsuhako here to explain to everyone that although the money is available, this is subject to them receiving approval of the grant, which is a separate process. So, you can't just say, oh, we'll just have the affordable housing fund pay for it. So, if we could have her here, that would be helpful as well. Thank you.

MS. LILLIS: Chair, if I may?

VICE-CHAIR COOK: Is she also available?

MS. LILLIS: We have Deputy Director Saumalu Mataafa ready to join the meeting in person in the Council Chamber at the request of the Council.

VICE-CHAIR COOK: Chair Lee, would that be...the Deputy Director be acceptable?

COUNCILMEMBER LEE: Of course. I just want to check with Saumalu that you're familiar with the affordable housing fund application process, so that, you know, people can't say, well, we'll just take the money from the affordable housing fund. It's not that easy. So, if he's familiar with the process, I'm fine with that.

MR. MATAAFA: Thank you, Chair. If I may, yes. I am familiar with the process.

COUNCILMEMBER LEE: Okay.

MR. MATAAFA: And I also have Housing Administrator Buddy Almeida, if there's any

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

real technical questions, that he can answer those.

COUNCILMEMBER LEE: Okay.

MR. MATAAFA: But, yeah, I'm familiar with the process.

COUNCILMEMBER SUGIMURA: Chair.

COUNCILMEMBER LEE: Terrific. Thank you very much.

VICE-CHAIR COOK: Okay, thank you. I'm going to recognize Member Paltin. You had a question?

COUNCILMEMBER PALTIN: I just was wondering if...for Corp. Counsel, if Member Kama was recusing herself from the meeting and the discussion, is she not recusing her ASF from the meeting in the discussion as well?

VICE-CHAIR COOK: Staff?

MS. DESJARDINS: Chair. I think either me or Mr. Mitchell can respond to that. But my...once it's uploaded on Granicus, I don't believe there's a problem with another Member sponsoring the motion on that ASF. It's just simply a document that's been posted, and somebody else chose to take that document up. And so, it didn't really come from Member Kama, or Chair Kama at that point is my understanding. So, I think it's okay.

VICE-CHAIR COOK: Thank you for that. So, Members, do we...we're going to start with the exemptions Item A and go down the list. If you have questions for the parties that...all of the resources that are available, I welcome questions. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think Chair Lee's proposal of going through them one by one, starting with A, I'm supportive of doing that. If the applicant would do that, and then when we are on Item A, if we have additional questions for our Department Directors, then we can ask at that time?

VICE-CHAIR COOK: Okay. I would like that. So, if the Members are in agreement to limit your questions to two minutes each and two rounds. There's a lot to go through. Is that acceptable?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TK)

VICE-CHAIR COOK: Thank you. Who...Chair Lee?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER LEE: They can start. The applicant can say, you know, we agree, we don't agree, or give us reasons.

VICE-CHAIR COOK: Okay. Applicants, if you could address Item A. Do you have this? Okay. If you go to exemptions from Section 8.04.040, Disposal of Permits, Application Suspension, and Exemption for the Section 8.04.040 is granted to exempt the project from the need to obtain a disposal permit during construction. If you could please make comment on that.

MR. CHUN: Thank you, Mr. Chair. Applicant is comfortable with the proposed exemption 1A as listed in Exhibit "A" of Chair Kama's summary form memo to Committee.

VICE-CHAIR COOK: Do any of the Directors have any comments pertaining to this exemption? Seeing none. Any Members have questions or comments pertaining to Item A?

COUNCILMEMBER LEE: Yes. Thank you, Chair. I just want to ask Mr. Chun, as you go down the list, could you also tell us if what we see before us is a variation of the original exemption. Thank you.

MR. CHUN: Thank you. And Mr. Chair, if I may, to answer Chair Lee's...to answer to Chair Lee's request, paragraph 1A is consistent with the original request for exemption.

VICE-CHAIR COOK: Thank you. Any further questions on Item A?

COUNCILMEMBER SUGIMURA: So, therefore, the applicant is agreeable to this A, correct? It's consistent, and you're agreeable. Okay.

MR. CHUN: Yes, Councilmember Sugimura.

VICE-CHAIR COOK: So, the applicant is agreeable to Item A. With your permission, we'll move on to Item B.

COUNCILMEMBER SUGIMURA: Okay.

VICE-CHAIR COOK: Exemption from Section...an exemption from Section 8.04.050 is granted to exempt the project from the disposal charges during construction.

COUNCILMEMBER SINENCI: Chair.

COUNCILMEMBER LEE: Chair, it looks like Mr. Sinenci has a question.

VICE-CHAIR COOK: Okay. Member Sinenci, your question.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Chair Cook, Vice-Chair Cook. For the first one, I just...can the Directors share the costs of such exemptions? I thought we were going to be receiving a cost analysis list of all the different exemptions.

VICE-CHAIR COOK: Thank you, Member Sinenci.

COUNCILMEMBER SINENCI: That would be my general question...so, that would be my general question for all the Departments.

VICE-CHAIR COOK: Okay. So, you would like to go back to get the response on Item A from the Department?

COUNCILMEMBER SINENCI: Yes, please.

VICE-CHAIR COOK: And you would like, for clarity, basically each of the Departments to weigh in on the cost on each one of these items as they're addressed; is that correct?

COUNCILMEMBER SINENCI: Yes, please. Thank you.

COUNCILMEMBER U'U-HODGINS: I believe the last time we had Director Agawa here, he was talking about the disposal permit itself was \$25. But I'm sure somebody can correct me if I'm wrong.

MS. LILLIS: Chair, if I may?

VICE-CHAIR COOK: Staff.

MS. LILLIS: We are getting in touch with the Department, and we hope that they will be joining us shortly as we requested all Departments relevant to this item on call.

VICE-CHAIR COOK: Member Sinenci, with your permission...with your agreement, we'll move forward. Thank you. Okay.

COUNCILMEMBER SINENCI: Thank you, Vice-Chair.

VICE-CHAIR COOK: So, for the applicants, if you could address the Item B, which is the disposal charges. Do you have any comments, are you in objection or in agreement with this, and do you have any comment?

MR. CHUN: Thank you, Mr. Chair. We have no objection to the exemption as outlined in paragraph 1B. And again, to answer Chair Lee's question, the language of

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

paragraph 1B is consistent with the original request for exemption.

VICE-CHAIR COOK: Do we have the Director online yet?

MS. LILLIS: Chair, we were able to get in touch with the Deputy. We believe that he will be joining us shortly. But we do not believe that he is available at this moment.

VICE-CHAIR COOK: Okay. With the Members' permission, I will proceed to Item C, unless there's any further discussion.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TK).

VICE-CHAIR COOK: Okay. Exemption from Section 14.07.030, Water System Development Fee Schedule. An exemption from Schedule 14...from Section 14.07.030 is granted to exempt the project from the water system development fees. I believe there was comment from that and the Water Director in the previous meeting. Member Paltin.

COUNCILMEMBER PALTIN: Yeah. I thought Tammy Yeh had said that, you know, because the Department of Water Supply is self-funded, that they don't do that. And previous 2.97s, even after we did approve an exemption, we had to go back and fix it after the fact. And so, this one would be a request, I guess, to the affordable housing fund, or something like that. But when we were in the question and answer phase, Tammy Yeh, I thought she had said no.

MS. LILLIS: Chair, if I may?

VICE-CHAIR COOK: Yes.

MS. LILLIS: Tammy Yeh is connected to the meeting and perhaps could speak on behalf of the Department.

VICE-CHAIR COOK: I'm sorry, could you repeat that?

MS. LILLIS: Tammy Yeh is connected to this meeting at this time, and perhaps could speak on behalf of the Department if you wanted to ask Ms. Yeh a question.

VICE-CHAIR COOK: Okay, we'll put that. I don't see you, but the Department...the representative of the Department of Water Supply, would you please comment on the exemption.

MS. YEH: Yes. This is Tammy Yeh. Yeah. Tammy Yeh from Department of Water Supply. Yes, that is correct. That is what I stated. As far as I'm aware, the Department, when I look at the Maui Planning Code, there's no ability to exempt

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

the water system development fee. I could talk to Corporation Counsel about that, but yes. In the past, on other projects similar to this, we have requested to do the affordable housing fund to be placed in that manner.

VICE-CHAIR COOK: So, for clarification, is it common practice for the Department to request from the affordable housing fund compensation for this? I will redirect my question.

MR. MATAAFA: Chair, if I may. The Department doesn't have an objection to this going through the affordable housing fund. However, we do request the applicants apply at the appropriate time, which would be after summer when we release the RFP. That would be the only suggestion from the Department.

VICE-CHAIR COOK: Okay. Representative Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. So, I'm just curious then, Saumalu Mataafa, sorry. Does it mean then...if the developer then has to wait until summer to apply, it's going to delay this project starting?

MR. MATAAFA: I would ask the developer to comment on that one regarding the timeline for their project. But...and then how the financing will work out. So, I'd defer to them first, and I can respond after if it really does affect their timeline.

COUNCILMEMBER SUGIMURA: Okay. I wonder then if Mr. Chun or --

VICE-CHAIR COOK: Mr. --

MR. CHUN: Thank you, Chair Cook. Just to...just for the record the proposed language of paragraph 1C, similarly is consistent with the original request outlined in Exhibit "A" of the Resolution. We understand the Department's position as expressed by Ms. Yeh. And we just, for Committee's consideration, put out there that Chapter 2.97 actually gives the Council the right to have the jurisdiction to consider exemptions as it deems appropriate. If you will check the language of the ordinance, it is fairly broad in terms of the Council's jurisdiction in that regard. However, understanding what's been done in the past, you know, developer is willing to work through whatever process the Council deems appropriate to ensure that this fund is replenished. Just harkening back to my comment of the other day though, I do find it a little bit inconsistent with the goal of achieving affordable housing that we would administer the transition of funds from one department to another through an applicant. I just find that to be a rather clunky process. However, again, as I understand it, this was done for another project. And so, you know, we're willing to work through that process.

VICE-CHAIR COOK: Okay.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SUGIMURA: Chair, if I could.

VICE-CHAIR COOK: Sure. Representative --

COUNCILMEMBER SUGIMURA: Well, if I could continue with the conversation with the applicant. Or are we timing? Sorry.

VICE-CHAIR COOK: Yeah.

COUNCILMEMBER SUGIMURA: Did I reach my two minutes? I'll wait for second.

VICE-CHAIR COOK: Okay. Member Rawlins-Fernandez had a question, and then Member Paltin had a question. This is your first or second? Staff?

MS. LILLIS: We're on the first round, Chair.

VICE-CHAIR COOK: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And just a reminder that there's a lot of reverb in the Chamber and if, when we're not speaking, to just please turn off your mic so that there's less reverb. Okay. So, okay. You got to turn off your mic. Okay. Thanks. All right. So, I have a question, and then I have a comment. I'll start with my comment. And mahalo, Mr. Chun, for remembering the discussion from the other meeting, the previous meeting, in that the Chair asked what was past practice, and past practice is what Deputy Director Saumalu explained, which is that the applicant would apply for the funding through the affordable housing fund, and that would be granted to the applicant, and then it would be paid to the Department so that the Departments are made whole. Previous to this practice, which is relatively new, the Departments were left without the funds as expected, and needed to figure out how to make up for that loss every time the Council decided to approve a project and waive these fees that they rely on to operate. So, that is the practice, as Deputy Director Saumalu explained. So, that's what we would follow. And my question is to...I'm sorry...our representative from the Department of Water Supply. And that is, what is the amount of the development fee schedule for this project?

MS. YEH: Yes. This is Tammy from the Water Department. As far...I don't have that number yet because this is in the preliminary stages. The only information the Department received was review of the environmental assessment report. In there, it didn't...it discussed roughly how many units. But as far as water fixture units, that is what is used to size the water meter. That was not provided. So, I can't speak to the size or how many meters they would need at this point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And then I don't...so I

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

don't know if the applicant would have that information? . . .*(timer sounds)* . . .

MR. CHUN: Mr. Chair, if I might call upon Ashley Otomo, who is on BlueJeans. She might be able to address this.

VICE-CHAIR COOK: Ms. Otomo, you are welcome.

MS. OTOMO: Hi. Thank you. I actually think that maybe Lena would be a better resource for this question, Grant, and Committee, because...but like Tammy said, I believe that the plans are not fleshed out enough to know that information at this time. But, maybe we can check if Lena has anything to add?

MR. CHUN: Thank you. For the record, Lena Tamashiro is one of the architects for the project. Lena? Oh, Lena is asking if the question could be repeated?

VICE-CHAIR COOK: Please repeat the question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Lena. The question is regarding exemption C, from the Water System Development Fee Schedule. What is the cost that it's being asked to waive? How much is that...for the number of fixtures, so that the Department can do the calculation and provide us the answer, if you don't have that amount.

MS. TAMASHIRO: Yeah. I'm sorry. We don't have that amount of fixtures right now. We could provide that and get that back to you if needed, as an estimate, of course.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. TAMASHIRO: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I will wait for that information. Mahalo, Chair.

VICE-CHAIR COOK: Councilmember Paltin. I believe you had the next question.

COUNCILMEMBER PALTIN: Thank you. I think I had my turn and my question was answered. Thank you.

VICE-CHAIR COOK: Any other Members for first round questions?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair.

VICE-CHAIR COOK: Member U'u-Hodgins.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER U‘U-HODGINS: Thank you. I'll continue with what Yuki was trying to get at. Does applying for the affordable housing fund push back your timeline regarding the water fixtures?

MR. CHUN: Mr. Chair, if I might. Assuming we get the funding through the affordable housing fund, this next round, it should be fine.

COUNCILMEMBER U‘U-HODGINS: Thank you.

VICE-CHAIR COOK: Representative Sugimura.

COUNCILMEMBER SUGIMURA: I think Saumalu looks like he wants to add to the conversation. Do you? Saumalu Mataafa? You keep looking at the Chair.

MR. MATAAFA: No. So, one of the things I'll just really briefly touch about is the process when it comes to reviewing these proposals. I'm sorry. One of the things that the Committee, the selection Committee, does look at is the readiness for the project to proceed. So, when we're looking at all the projects on the table, that's when the considerations is. Is it ready to receive the affordable housing funds to make sure that the project can go. So, in our selection committee criteria, that's one of the things that we weigh when we decide whether or not to award monies or not. So, if they're ready to go, and ready to accept that fee, then that'll be high on the criteria list.

VICE-CHAIR COOK: Further questions, Sugimura?

COUNCILMEMBER SUGIMURA: Tied to that is then therefore, the Mayor will soon be submitting to us his bill, right, his proposed bill. And are you going then be able to put it in the request for the affordable housing fund if this project gets passed?

VICE-CHAIR COOK: Answer.

MR. MATAAFA: Chair, if I may? So, the funding for this Fiscal Year '23 is over, and those proposals will be made. So, this will not be included in that proposal.

COUNCILMEMBER SUGIMURA: But I'm saying for '24, when we get the budget, because that's what we're actually looking for. . . .(timer sounds). . .

MR. MATAAFA: So, if they apply in the summer time, they would be reviewed along with a lot of other projects that were reviewed regarding affordable housing fund monies. And if the selection criteria is met, and it's tie among the selection committee, then it will be moved forward for Mayor's consideration, and ultimately, your consideration as well on the next round. Does that answer your question?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SUGIMURA: Thank you. It does.

MR. MATAAFA: Okay.

COUNCILMEMBER SUGIMURA: A little worrisome. Thank you.

VICE-CHAIR COOK: Thank you for your response. Councilmember Rawlins-Fernandez. You have an additional question? Second round.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Two things. One, I'll yield to Member Sinenci who has had his hand up for a while. And then, two, if Members can please remember to put their mic facing down and to turn it off when they're finished speaking because it really hurts my ears. Mahalo, Chair. So, I'll yield to Member Sinenci, and then I'll take my second round. Mahalo.

VICE-CHAIR COOK: Member Sinenci, I apologize for not seeing you. You have a question, please?

COUNCILMEMBER SINENCI: No worries, and mahalo, Member Rawlins-Fernandez. Yeah, just a question for Mr. Chun. It looks like last week when we were going through this, the HHFDC application was not going to be for another 11 months, hence, February? So, I mean could the Staff push back your timeline? You still have to wait until next year to apply for that HHFDC funds.

VICE-CHAIR COOK: You may answer.

MR. CHUN: That's correct, Mr. Sinenci. That is our timeline.

COUNCILMEMBER SINENCI: Okay. All right. Thank you.

MS. YEH: Hi, this is Tammy from the Department of Water. Could I add also to your conversation about timeline?

VICE-CHAIR COOK: Yes. That is welcome. Thank you.

MS. YEH: Thank you. So, I just wanted to also explain on the Department of Water Supply side, the water meter does not get installed until all of the infrastructure needed for the project is completed and accepted by the Department. So, that is also just something to keep in mind, that although the funds may not be ready or completed in the affordable housing fund by June or July, or whatever the month that was mentioned, I doubt that the construction and completion and acceptance of the water system improvements will be done by then. So, just keeping that in mind as well.

VICE-CHAIR COOK: Further questions before we move on? Councilmember

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, that was really helpful, Ms. [Yee]...Yeh?

MS. YEH: Yeh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeh. Aw, shucks. Okay, so close. Mahalo, Ms. Yeh, for that information. That was helpful. So, in looking forward to . . . *(timer sounds)*. . . I doubt that was two minutes. In looking forward to the next items on the exemption list, they all have to do with fees. So, when we take those up, if..when the applicant, Mr. Chun, explains their position on the exemption, if they could also include the amount of fees that each would be, when we go through each exemption. I think that may save us some time and be helpful. And we also...there's also...I believe there was a request last budget session for \$6 million from the affordable housing fund that was not included in the affordable housing fund yet. So, that would still need to be taken up later too. Mahalo, Chair.

VICE-CHAIR COOK: Could you clarify your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: My question was, if the applicant, in taking up the next exemptions, could include in their opening remarks how much the fees are for each, and then that way we'll have that information upfront...if that's possible. Yeah? Is that clear?

VICE-CHAIR COOK: I think it is. I believe that the fees are going to be set by the Departments, and I don't know if the applicant would be the appropriate person to be asking for the fee deferral...if I understand your question correctly. We were asking for how much each one of these accumulatively are going to add up to --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

VICE-CHAIR COOK: -- that are going to be either not paid to the Department and need to be supplemented by the affordable housing fund, or some other methodology. The Departments will be the ones who are basically be setting the fees; is that correct?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes and no. Some of them are fixed, as we've heard in remarks in previous meetings. So, if they could just say it up front. They're asking for the exemption, the applicant is. And so, I would think that they would have done their homework and understand what the fees are that they're asking to be waived. Mahalo, Chair.

VICE-CHAIR COOK: Okay. So, you're asking for clarification on what the fees...they're

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

asking to be waived. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. The amount. Okay. Thanks.

VICE-CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. I just wanted to know before we continue. On the Exhibit "A" that we're reviewing now, that we just got handed, doesn't necessarily match the Exhibit "A" that you guys provided with the list of the exemptions. So, number 2 was not mentioned. A and B was mentioned for Item Number 1, and Number 2 is regarding the requirement for payment of wastewater assessment fees, Section 14.35. So, just wanted to make sure if that was still on your guys' list, because it's not listed in this ASF we have here. So, if you need to request it, we will need to discuss that further. Yeah, it's not mentioned on this one. Or this number 2 is not mentioned on Tasha's. So, we're going to have to continue to discuss that. Unless you guys have...you don't want that exemption in there.

VICE-CHAIR COOK: Response from the applicant.

MR. SUGIDONO: Thank you, Councilmember, for the question and then catching that. I think the intention was to capture that request in the waivers in number 2. And so, I think we're...we're okay with that being reflected there, as long as it's understood that those fees would be waived as part of that section.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. And then to continue what Member Rawlins was saying, for Building Code and Fire Code, which I'm sure you guys know, but the fees are determined based on the valuation of the project. So, which is about 25 percent of the valuation. That's how the fees are calculated, which I'm sure you guys knew that.

MR. SUGIDONO: Thank you, Councilmember for the question. Yes, we've asked our consultants to calculate that for Councilmember Rawlins-Fernandez as well. Thank you.

VICE-CHAIR COOK: I would like to bring to the group's attention that the Department of Environmental Management, Director Shayne Agawa, is available on BlueJeans to answer questions. And I believe that Councilmember Sinenci had a question; is that correct? Would you like to ask your question now? Thank you.

COUNCILMEMBER SINENCI: Thank you, Vice-Chair Cook. Yeah, for number 2, the Wastewater Assessment fees for the expansion, what was the cost for that exemption? And the applicant does say reclaimed water. I know that Ms. Otomo said that there was a well, but are there access to reclaimed water in the area?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

VICE-CHAIR COOK: You may answer.

MR. AGAWA: Chair, this is Acting Director Agawa from DEM. We currently don't have any R-1 system in that immediate area. As for the assessment fee, there currently is no assessment fee for the Wailuku-Kahului treatment facility. Assessment fees are put on the developer when there is outstanding expansion for capacity. Right now, there's none for Kahului-Wailuku outstanding, only for Kihei.

COUNCILMEMBER SINENCI: Mahalo, Mr. Agawa. Mahalo, Vice-Chair Cook.

VICE-CHAIR COOK: Thank you, Director. And so, that answers your question accurately? Okay. So, with everybody's permission, I would like to move on to Item D; is that correct? We've addressed A, B, C was Water, D, Partial Exemption from Chapter 16.04C, Fire Code.

COUNCILMEMBER PALTIN: Oh, Chair. Can I ask...for C, are we removing that in light of the discussion?

VICE-CHAIR COOK: No, my apologies. Did I miss that?

COUNCILMEMBER PALTIN: Oh, because I thought the applicant was okay with applying through the affordable housing fund, and the Department said that they don't do that. So, are we still leaving it on to clean up at a later date or...because I thought everyone was in agreement that we would go that other route through the affordable housing fund, so we wouldn't give them the exemption for C.

VICE-CHAIR COOK: Thank you for that question, Member Paltin. My understanding was that we had discussed past practices, and the fact that it had been drawn from the affordable housing fund. And my understanding from the discussion that it was in flux as far as the actual . . .*(inaudible)*. . . date, to be able to quantify it at this time is difficult. And so, I thought it was left that they were going to address it as part of the continuation of this. Please ask for...give me some clarity.

COUNCILMEMBER PALTIN: Yeah. The amount wasn't the exact question, it's that if we exempt them, there's no money...I mean the Water Department doesn't have a mechanism to waive the fees per their section of the Code. And in the past, when we granted the exception...exemption, we had to come back and do like a whole 'nother day of work to un-grant them the exemption, and then apply to the affordable housing fund, and then get the money that way. So, to save time, I'm just saying can we remove C from this ASF?

MS. LILLIS: Chair? If Staff may? We don't have a motion currently to substitute or remove it. So, there is not a motion. We could not have a motion to remove this

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

exemption at this time. But under Chair's direction, we can note number C for removal when a substitution vote is taken.

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR COOK: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Paltin, for refreshing our memories on that one. So, I think perhaps in learning from our past mistakes, that a proposed solution is that those would...these would then not be exemptions, but conditions that the applicant would apply for affordable housing fund to pay for the water system development fee, Fire Code fee, Electric Code fee, and if you would like to ask our resource, and if anyone would like to opine on whether that would be a sufficient solution?

VICE-CHAIR COOK: Deputy Director, do you have a response?

MR. MATAAFA: I think that would be the preference of the Council, which way to do it. So, I'd leave that up to you. But, I would stand on my previous position that...for the Department, that we would prefer for the applicant to apply for the...for the...through the affordable housing fund. And right now, we're going through the 2.97 process. So, if it does get approved, there's still lots of things that they have to do after the fact, which this will be one of them, is making sure that when they apply for the affordable housing fund, asking for water system development fee, that they have the timeline, they have everything in a row so that they can accept that money more easily.

COUNCILMEMBER RAWLINS-FERNANDEZ: Deputy Director, right now we're exempting them, which means that they are not held to that requirement of going back to get funding to make the Department whole, which is why we're discussing how to proceed to ensure that this discussion is memorialized, and everything is clear and in writing, and we are all on the same page. So, removing this from the exemption list and instead putting it...rephrasing it as a condition, so that the applicant would understand what is expected of them if this project is approved.

MR. MATAAFA: Thank you, Chair. Yes, I understand. And if it's your will to do that, I think the Department is okay with having it as a condition too, for them to apply through the affordable housing fund.

COUNCILMEMBER RAWLINS-FERNANDEZ: May I ask our attorney as well?

MR. MITCHELL: Either option is acceptable, Member Rawlins-Fernandez...assuming the condition as you described it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MR. MITCHELL: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: But if we leave it as an exemption, they're exempted.

MR. MITCHELL: I thought you were suggesting removing it as an exemption?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. MITCHELL: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, step one, removing it as an exemption, as Member Paltin aptly pointed out.

MR. MITCHELL: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then step two, adding it as a condition so that everyone is clear on the expectations after this is completed.

MR. MITCHELL: That's acceptable, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Mitchell. Mahalo, Deputy Director Saumalu Mataafa. Mahalo, Chair.

VICE-CHAIR COOK: Staff.

MS. LILLIS: Chair, it would be a modification, not a condition. And that can be taken up when we reach the next exhibit. But Committee Staff is tracking which exemptions the Committee is deciding to move off of this Amendment Summary Form.

VICE-CHAIR COOK: Thank you. So, you're recording all this?

MS. LILLIS: Yes, Chair.

VICE-CHAIR COOK: Thank you. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. Good discussion. And yes, that's what we did by adding \$134,000 for the water use development fees for Hale Pilina Project in the affordable housing fund. But what this is telling me, Members, is that we need to fix our ordinance. Because we're asking the developer to jump hoops in our behalf so that we could save the other Department. So, there's something wrong in the...I mean when you think about it, if this project passes, then we better be sure that the Housing Department

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

puts this in the affordable housing fund so that it...you know, the right amount is in there. So, there's a problem that we have uncovered by us trying to help the Departments and hearing, you know, what we're doing, but making the developer do it in our behalf. So, I just want to make that statement, if Mr. Mataafa might have a comment.

VICE-CHAIR COOK: Could I get a comment from the Director?

MR. MATAAFA: Yes. Thank you, Chair. Yeah, the only thing I would say is for budget purposes, you wouldn't want to hold something up in the budget if they're not ready to move on it. So, with our process, we make sure that they have a project proposal and that they're ready to go with their project proposal. And like I said, there is selection criteria when it comes to that, where if they're not ready to go and move forward with the project, they would be waived on that as well in the selection committee criteria. So, that's the only thing I'll point out is, you could put it in the budget, but if they're not ready to accept the money right away, it just kind of holds up the funding. So, we're trying to make sure that they're ready to move forward with it when they do apply, and get all their ducks in a row.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR COOK: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to discuss to Member Sugimura's point, there's two aspects I think that she was talking about. What they're coming to us is approval for this project. Like, you know, you couldn't normally put 120 units on ag like that. So, that's the first step, is approval. These exemptions are...are a fraction of the cost of the total estimated development at \$33.5 million, and the County is not going to be able to fund the entire project. So, it's...one is getting the approval to be allowed to do it and move forward, and then the second issue is funding. And it feels as though we're a little bit conflating the two issues. If they get approval to develop the project, they can seek funding from any number of sources...private investors, RHRF, LIHTC, Affordable Housing Fund. But, I think the main thing for them to go on and seek those other funding is to get the approval. So, yeah, we need to fix 2.97, which allows for an exemption that the Water Department can't give by the Code. But I don't think we should conflate approval and the funding. Like if we approve the project and not give exemptions or whatever, they can still move forward with the project that they get the funding from somewhere else. Of course, us, like how Mr. Mataafa was saying, if it's ready to go, and we have the money, and it's approved, why wouldn't we give it to them? So, I think I just wanted to make that point that there's two separate issues, the funding and the approvals.

VICE-CHAIR COOK: I'm going to recognize Chair Lee.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER LEE: Thank you, Chair. I do agree with Member Sugimura on this one. I believe that...that we're putting the burden of a problem that the County has with regard to transfer of funds on the applicant, and I don't think that is fair. I also believe that as a former Housing Director, I have seen many, many projects go down into the affordable housing graveyard, primarily because applicants agree to conditions they could not fulfill. They had no idea how expensive some of these conditions were. And funding is a huge issue. In order to get financing, you can't go to the bank and say, well, we have an exemption here and there and everywhere, and you know what? Don't worry about it because we're going to apply for the money. You know what the bank is going to say? Uh, no, I don't think so. So, financing is a significant component to any affordable housing project. However, everybody has good points on both sides of this issue. And I don't know why there this reverberation, but anyway. The thing is, in order to move down the list, why don't we just let this one go for now, because we can bring it up later when we're done with the entire list, then anybody who wants to remove anything can bring it up at that time. Otherwise, if we get hung up on each item, we'll never get through the day. Thank you, Chair.

VICE-CHAIR COOK: Thank you for that comment. If the Chair is allowed, I'm in agreement that I would like to streamline this discussion and have all of the questions which are appropriate be addressed at the end. Do I have an agreement on this?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused TK)

COUNCILMEMBER SUGIMURA: Yes. Proceed.

VICE-CHAIR COOK: So, with that in mind, are we deciding not to go one by one through this, or I'm simply going to ask them for comment on each one?

COUNCILMEMBER LEE: Chair, I think how we started off was fine, and people making...Members making their comments is fine. And if they intend to, let's say, make an amendment at the very end to remove something, that's fine too. But let's not have that discussion in the middle of going down the list if possible. Thank you.

VICE-CHAIR COOK: Okay. So...

MS. LILLIS: Chair, you are on exemption 1D, Partial Exemption from Chapter 16.04C, Fire Code, and we do have a representative from the Maui Fire Department, Oliver Vaas, available to answer questions.

VICE-CHAIR COOK: Thank you, Staff. So, on Item D, Partial Exemption from Chapter 16.04C, Fire Code, does the applicants have any comments?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MR. CHUN: Thank you, Mr. Chair. The language indicated in paragraph 1D of Exhibit "A" is consistent with the original request for exemption. And just too, for the record, the request reflected in Item 1D, as well as in the original request, is actually consistent with language that is provided for in Chapter 2.97. So, just a distinction for this request versus the previous 11C (*phonetic*), which is not specifically called out in the ordinance.

VICE-CHAIR COOK: At this time, I'd like to ask the Fire Department representative, who is on the line, if he has any comments regarding this.

MR. VAAS: Chair, this is Oliver from the Fire Department. I'm not...I don't have any documents in front of me right now or know exactly what codes you're referring to, but I'm assuming it's exemption. Which...what exactly are we referring to?

VICE-CHAIR COOK: Chapter 16.04C, Granting to Exempt the Project from Fire Code Fees.

COUNCILMEMBER PALTIN: Partial.

VICE-CHAIR COOK: Thank you for that confirmation.

MR. VAAS: It's just my audio, but you're cutting in and out.

VICE-CHAIR COOK: Okay. I will re-read it. Partial...this is a partial exemption from Chapter 16.04C is granted to exempt the project from the Fire Code fees.

MR. VAAS: Okay. So, that sounds just like what you were talking about previously there. (*Audio interference*) Department. But from what I just heard, you're debating whether they would be exempt or whether we would be reimbursed . . . (*inaudible*). . . Affordable Housing Committee fund. I don't . . . (*inaudible*). . . through the Affordable Housing fund, of course, there's a better way for us to maintain our operating cost.

MS. LILLIS: Mr. Voss, if you could repeat. You're cutting out on our end, please.

MR. VAAS: Is the video not working?

MS. LILLIS: If you want to try to call in to the meeting if your audio continues to not come through for us, that might be helpful. We can provide you the call-in number. But if you could just repeat your answer for the record. Mahalo.

MR. VAAS: Maybe send me the call-in number on the chat. We're having problems over here. Maybe the storm kind of hit our satellite where we get our connection from.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MS. LILLIS: We have put it in the chat. Chair, I think it would be appropriate to give him time to connect to the meeting. It might take him a few minutes. But, if we wanted to wait, or you could move on at this time as well.

MS. DESJARDINS: Chair, this is Mimi.

VICE-CHAIR COOK: Deputy Corporation Counsel, comment?

MS. DESJARDINS: Thank you. I'm just wondering if this might help in your discussion. 2.97 only applies to 100 percent affordable projects as a baseline, which this is. But there are two types of exemptions or waivers under 2.97. Some are mandatory, shall be eligible for certain exemptions, and some are discretionary. And in looking at 2.97.150, lists all of the ones that, as the Code says, shall be eligible for waiver or partial waiver of fees. So, those seem to be by the will of past Councils, the types of waivers that I think the Departments expect are going to get waived because they are required pretty much under the Code for 100 percent affordable housing project. However, there are discretionary requests as well, and that's...those are the ones that I think you folks are having a more in-depth discussion about. But 16.04C, the Fire Code itself, is not listed as one of the sort of mandatory fee waivers under 2.97.150, and seems to be one of the more discretionary ones. And so, the Departments, on those discretionary ones, may not expect that it's going to get waived in a 100 percent affordable project. I mean, I don't know if that's helpful or not, but I know this came up in a discussion we had with--I believe it was Hale Pilina--about how to sort of rectify discretionary exemptions and mandatory exemptions. Water system development fee, definitely a discretionary exemption, not mandatory. So, I hope that's helpful. But as we go down the line, it might be helpful for Staff to point out to you which ones are sort of mandatory fee waivers, so that you're aware, you know, that that's what the code says, and then the ones that I think you're going to have a little bit more of a struggle with and . . . *(inaudible)*. . . to maybe consensus. But, just wanted to point that out.

VICE-CHAIR COOK: Thank you. That was very helpful and very appropriate at this time in the discussion. I'm grateful. I'm going to request a five-minute recess...a ten-minute recess, if that's okay with the parties, the group. We will...it is now 10:49, we will reconvene --

MS. GRECO: Excuse me, Chair. I see Councilmember Johnson's hand up.

VICE-CHAIR COOK: Okay. I apologize. Member Johnson acknowledging.

COUNCILMEMBER JOHNSON: . . . *(inaudible)*. . . to consider. Thank you, Chair. I just wanted to let you guys know, I have to leave in about an hour for my flight. Thank you.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

VICE-CHAIR COOK: Okay. Well, we're going to take a ten-minute recess. We will reconvene at 10...at 11:00. Thank you. . . .(*gavel*). . .

RECESS: 10:50 a.m.

RECONVENE: 11:13 a.m. (Excused: TK)

VICE-CHAIR COOK: . . .(*gavel*). . . (*inaudible*)

MS. LILLIS: Councilmembers connected to this meeting if you could turn on your camera. . . .(*music plays*). . .

MS. GRECO: Please gavel again.

VICE-CHAIR COOK: . . .(*gavel*). . .

MS. GRECO: The Housing and Land Use Committee meeting is now reconvened. Chair, if I may, just to further clarify where we are in the process. So, we have an open motion to substitute Exhibit "A" with the version posted as an ASF from Committee Chair Kama. So, if the Chair and the Members would like, we could take that motion to substitute, and at that time...after that, we could choose to entertain further amendments to the exemptions. So, if the Chair would like --

VICE-CHAIR COOK: So, we have a motion on the floor?

MS. GRECO: Motion to substitute is on the floor.

VICE-CHAIR COOK: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, we're not going to continue going through the exemptions?

MS. LILLIS: Chair, if I may. We can continue to go through the motions, but we want to take this vote to substitute in order to take further votes to remove exemptions, make changes to the exemptions, et cetera.

COUNCILMEMBER SUGIMURA: Oh, we never finished that?

MS. LILLIS: Yeah, yeah. The only other thing we wanted to state for the record, is that this Amendment Summary Form takes the applicant's request and deletes an exemption from the Charter and an unnecessary waiver relating to wastewater that would already be granted. So, that is removed. And also, it incorporates further nonsubstantive revisions that we feel provide accuracy and consistency for the record, but still substantively are the applicant's requests, and they can confirm that. But if we take this vote to substitute, then the meeting can proceed

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

in a way that the record will be more clear. Mahalo.

VICE-CHAIR COOK: Members, are we in agreement? Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, my understanding of what is being proposed right now (*audio interference*) --

VICE-CHAIR COOK: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- okay...is you would like for us to take action, or it would be cleaner for all of us to take action now to replace this Exhibit "A" which has two major amendments, and then some more smaller housecleaning technical amendments so that we can work off of this amendment. We'll continue to go through each exemption one at a time, I guess, returning to D or starting with E, after we take this vote to substitute. And we'll continue to go through all of them, and then we can make any motions at that time after this substitution motion.

VICE-CHAIR COOK: That is my understanding. That is correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I can be supportive of this direction. Mahalo, Chair.

VICE-CHAIR COOK: All in favor?

COUNCILMEMBER SUGIMURA: Say "aye."

VICE-CHAIR COOK: Ready for a vote? All in favor say "aye."

COUNCILMEMBERS VOICED AYE.

VICE-CHAIR COOK: Any opposed? No.

COUNCILMEMBER SUGIMURA: So, what is it, seven?

MS. LILLIS: Motion carries.

**HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui**

March 8, 2023

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

NOES: None.

ABSTAIN: Councilmember Johnson.

ABSENT: None.

EXC.: Chair Kama.

MOTION CARRIED.

ACTION: APPROVED Amendment.

COUNCILMEMBER SUGIMURA: What is the count?

VICE-CHAIR COOK: Could you say the count please?

MS. GRECO: Chair, the motion to substitute passes. You have seven ayes, one excused, Committee Chair Tasha Kama. You are now back to the main motion as amended.

COUNCILMEMBER SUGIMURA: Wait. I thought Gabe Johnson wasn't going to be voting. He recused himself?

COUNCILMEMBER JOHNSON: That's correct. I turned my camera on. I didn't vote.

COUNCILMEMBER SUGIMURA: Oh, okay.

MS. GRECO: I apologize. Let me clarify. So, there were six ayes, two recused. Motion carries.

VICE-CHAIR COOK: Thank you. Okay. Now Members, I believe we were on Item D and that we were having connectivity problems --

COUNCILMEMBER SUGIMURA: Seven ayes, right?

VICE-CHAIR COOK: -- with the --

MR. MITCHELL: Chair, could we clarify the vote one more time, please?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SUGIMURA: Yeah, seven ayes. Two excused. Oh, recused. Gabe and --

MS. GRECO: Seven ayes, one recused, one excused.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair. I know...yeah, I know this is kind of manini, but real quick...from our attorneys or whoever. Okay. So, Member Kama is not in the meeting right now. So, even if she recused herself, she's not physically here. So, she would be excused, but she did recuse herself. So, which will we say?

MR. MITCHELL: Thank you for the question, Member Rawlins-Fernandez. She is not present, so she's excused. But she did recuse, so it would be helpful to make it clear that (*audio interference*).

COUNCILMEMBER LEE: You're electric.

MR. MITCHELL: Thank you, Member Rawlins-Fernandez--oh, this mic is much stronger. She did recuse, and she is excused. So, it would be helpful for the record to reflect both. The effect is the same, but I want to make sure that because she did make a request for an ethics opinion, we're clear on the record what happened.

VICE-CHAIR COOK: Thank you, Staff. So, are we ready to move forward? Members.

MS. GRECO: Would you like me to restate the vote? So, we have seven ayes. We have one Member that has recused themselves, Councilmember Johnson. We have one Member who has recused themselves and is excused from the meeting, Committee Chair Tasha Kama.

VICE-CHAIR COOK: Thank you for the clarity, Staff. And with that, we will move forward. I believe we are on Exhibit "A" discussing item by item. And we are now on Item D, where the...we were having some connectivity problems with Representative [*sic*] Vaas. If he is online to answer questions, would we like to restate the question for him? Okay. I'll restate the question. The question is, on Item D, if the Department has a comment on a partial exemption from Chapter 16.04C, is granted to exempt the project from the Fire Code fees, and I'll emphasize fees, and that's the exemption. Any comment? Before...any comment from the Director, and then I'll take the question from Member Sinenci.

MS. LILLIS: Mr. Vaas, if you are connected to this meeting in the number ending in 4690, you are unmuted on our end and are free to answer the Chair's question, please.

MR. VAAS: Oh, okay. The Fire Code has since changed just to make a note that it's

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

now, you know, 4D, recently adopted. So, we just went to new amendments. They might make a note of that in there. As far as exemptions go, I think pretty much in every one of these I've participated in, this question comes up. In your affordable work housing policy, you have certain exemptions that if that they meet that criteria, they get exempt. We don't have any disagreement with that. But now, there's talk of possibly being reimbursed through the Affordable Housing Committee. Of course, that works out better for our operational costs. So, which way you go about it is a meeting that we probably should have between our Directors. But, in affordable housing, we previously have granted exemptions for that. Now, if this maintains an exemption or not, I think that's something that the whole Committee and the Council needs to discuss whether we make it an exemption or reimburse through the Committee.

VICE-CHAIR COOK: Okay. So, for the present time, the fees are exempt, but you would like to have further discussion on other projects. We're discussing this particular project now, if the Fire Department has any objection to the fees for the project being exempt.

MR. VAAS: We wouldn't be able to answer that right now unless we actually looked at the whole document for this project and see if they meet those exemption requirements.

VICE-CHAIR COOK: Thank you. We have a question from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair...Vice-Chair. So, Mr. Vaas, what is the amount of the Fire Code fee, the dollar amount that they're asking for an exemption from? Would you know now or do you have to wait?

MR. VAAS: I would not know. So, basically, the way this worked in the past was that the Building Permits Department figures out what the building permit fee is, and then based on that number, the fire review fees are 12 and a half percent. They've just been increased to 17 and a half percent. So, our number comes off of the building permit fee. Now, we don't necessarily have to be tied to the building permit agreement or not to be exempt, but that's how our fees are generated. So, we would have to look at their matrix to even see how...what the amount would be.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

VICE-CHAIR COOK: Any further questions for the Department, or can we move on?

COUNCILMEMBER SINENCI: Chair?

VICE-CHAIR COOK: Representative Paltin.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER PALTIN: I'll yield to Member Sinenci. Thank you.

VICE-CHAIR COOK: Okay. Thank you. I apologize, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Vice-Chair Cook. And for Mr. Vaas, I was just wondering if the Department has received the building plans, and if the Fire Department have chimed in on access for Fire to the project, as well as the water pressure for the project?

MR. VAAS: I'd have to look in to see where we're at on that review, what we previewed and what has come in. Have they actually filed for building permits yet, or would this all be under request for comment at this point?

VICE-CHAIR COOK: Applicant, could you answer that, please?

MR. CHUN: Thank you, Mr. Chair. Thank you for the question. The project is in a very preliminary phase of approval through the 2.97 process. So, no, there are no building permit plans that have been circulated amongst the Departments. I'll note for the record though, that the application for 2.97 approval has been circulated to all of the Departments, including the Fire Department.

COUNCILMEMBER SINENCI: Thank you, Mr. Chun. Thank you, Chair.

VICE-CHAIR COOK: Okay. With the Members' approval, I'm going to move on from Item D to Item E, and ask the applicant for comment on the partial exemption from Chapter 16.18B, as granted to exempt the project from the Electrical Code fees.

MR. CHUN: Thank you, Mr. Chair. Yes, for the record, the language reflected in paragraph 1E is consistent with the applicant's original request for exemption. And similar to the preceding paragraph, it is also one of those exemptions that stated in the ordinance as being eligible for exemption. And just...Mr. Chair, if I may, just...I want to just put out there that as a general proposition, there's not a single one of the requested items in Exhibit "A" that are out of the ordinary or unusual, and none that haven't been previously considered by this Council for Chapter 2.97 exemption in the context of previous affordable housing requests. Thank you.

VICE-CHAIR COOK: Thank you for that comment. Any questions? Yeah. Okay. Moving on. Item F. My question for the Members as far as how you would like to address this. Seeing that these are, for the most part, part of the 2.97 and all accepted, and we're getting into some of the nuances, which is appropriate as your right, can we address these...do you want to continue to address them one by one, asking them? Okay. I'm open to suggestion. Councilmember Paltin, of...

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER PALTIN: I'm okay in batches. For example, D, E, F, G, I believe was one batch in the original section. I did have my hand up after Member Sinenci. And I just wanted to clarify with Mr. Vaas, if he's still on the line...or Officer Vaas. I thought he said it's now 16.04D, and is that what he had said? Because they updated their Fire Code, and should we make that change so that they're exempted from the right part, or did I mishear that?

MS. LILLIS: Chair, if I may? It appears as though Mr. Vaas is no longer connected to the meeting via the phone number that he had dialed in with. However, Staff can make that change as a nonsubstantive revision considering that the Code that is listed may not actually even exist. So, that can be a nonsubstantive change. Mahalo.

COUNCILMEMBER PALTIN: Thank you. And then, you know, if we take up D, E, F, and G together, I'd also like to clarify on the wording, the partial exemption. What is meant is it would be an exemption from the fee portion, but not the safety component or the paperwork.

MS. LILLIS: Chair, if I may. That's exactly correct, Councilmember Paltin. The applicant was not requesting an exemption from safety standards, et cetera. They were just requesting the fee exemption.

COUNCILMEMBER PALTIN: Okay. And then I guess my other suggestion is if we...for the ease of the Departments, that we take up the ones all together with the chapters. Like all of 19 would probably be Planning, all of 16 and probably 18 might be Public Works. So, we take them up in those types of batches so that, you know, we have Planning for all the Chapter 19 things and we do it one time, and then...that would be my suggestion.

VICE-CHAIR COOK: Would you like to make the motion to that?

MS. LILLIS: Oh, Chair. That's just a procedural recommendation from Councilmember Paltin, and we do have the Department of Public Works. And if you choose to take up the DPW-related exemptions now, I feel like that would be fine.

VICE-CHAIR COOK: Okay. Excellent. Thank you. So, Director of Public Works.

COUNCILMEMBER PALTIN: I'm sorry. To clarify, would that be J, K, L, and M, so we're all looking at the same ones? If I missed anything, please clarify. But I believe it's J, K, L and M.

VICE-CHAIR COOK: Okay. So, to clarify it, addressing...asking the Director of Public Works to comment on exemptions J, K, L, and M. Exemption improvement to public streets, existing streets, sidewalks, curbs and gutters. Okay. Did they...Acting Director Molina, would you...are you prepared to address those four

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

conditions, exemptions. Comment, please.

MR. MOLINA: Yeah, sure. Give me a sec.

VICE-CHAIR COOK: I guess, make it those comment exemptions from the affordable housing projects. And do you have any...have there been any changes from previous exemptions?

MR. MOLINA: Can you direct me to the document you guys are referring to? I don't see the lettering for the exemptions.

MS. LILLIS: We have put the link in the chat, Director. Director Molina, are you able to access the document link?

MR. MOLINA: Yeah, yeah. Just the Internet is moving slow right now.

VICE-CHAIR COOK: So, if you refer to --

MR. MOLINA: So, starting with exemption F...or E, excuse me, for exemption from electrical code fees. This one is typical. We have no exceptions...or objections, excuse me. Same for F, and same for G. So, E, F, and G are typical, and we have no objections waiving those fees. The next one would be J, exemptions from improvements to public streets. We oppose waiving the improvement requirements. We think that, you know, the fact that it's an affordable housing should not be an excuse to not provide these facilities for the residents. And in lieu, we would recommend that we help pay for the cost of these improvements if that is the issue impacting the project. Item K is similar to J. So, the same...the same comment, that we would request that they require those improvements. Same with L, same with M. They all...they all pertain to the same type of improvements, they're just different triggers. One is a trigger under Subdivision Code, and one is a trigger under Building Permits. But again, same thing. We think those improvements should go in with the project. Otherwise your offices will get the call right after the project is done saying, I want sidewalks in front of my project.

VICE-CHAIR COOK: Thank you for your comments, Director.

MR. MOLINA: I believe that's all, yeah. Thank you.

VICE-CHAIR COOK: Okay. Comments from the applicant.

MR. CHUN: Thank you very much for the opportunity, Mr. Chair. So, as I had mentioned at our previous meeting, our design team had a chance to look at what the inclusion of these improvements at the frontage of the parcel would mean in terms of units that would have to basically not be built. And it's...the number is

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

kind of high. Actually out of the 120 units, 40 units would be impacted in such a way that they couldn't actually fit on the parcel if the improvements were accommodated for on this side of the right-of-way. Honestly, applicant's position is that, that doesn't mean that the improvements can't be accommodated for at some point. But that really, the expansion of the right-of-way should come from the opposite side of the street, where there's, you know, lot of acreage and it's not a long narrow parcel. I think the overriding goal here is to provide for as many families as we can, and in that regard, we would request consideration as far as these exemptions are concerned.

VICE-CHAIR COOK: Thank you, sir, for your request. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. For Director Molina, I understand that the standards are set. Is there any modification to the standard for exemption that you would be willing to work with the applicant on, if not a full exemption? Would you...that would fit their dimensions, I guess?

MR. MOLINA: Thank you for the question. Yeah, you know, we're open to modifying the standards to accommodate the conditions on site. You know, that's not an issue. I just want to note that, you know, in the application, the reason provided for the exemptions was purely a cost consideration. So, you know, to bring up this site constraint issue at this point in time is a little . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Thank you.

VICE-CHAIR COOK: Before I move on the next item, is there any additional questions?

COUNCILMEMBER SINENCI: Vice-Chair Cook.

VICE-CHAIR COOK: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you. And I don't know if you have the cost analysis for all of these improvements, Acting Director Molina. But would you provide that...these things for us, or would the applicant be providing this?

MR. MOLINA: I recall in the discussions from the previous meeting, there was an estimate of around 100 to 200,000 or so, it might have been a little less. But it's not...you know, I think it's a reasonable cost for us to support out of the affordable . . .*(inaudible)*. . .

COUNCILMEMBER SINENCI: Okay. Thank you, Acting Director. Thank you, Vice-Chair.

VICE-CHAIR COOK: Thank you. Member Sugimura, question?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SUGIMURA: Yeah. Thank you, Vice-Chair. So, I wanted clarification on J. So, the Department would be agreeable to...it sounds like what the applicant is asking is that this particular improvement be done across the street so it wouldn't affect the number of units in their...on their project. Did I get that correct?

MR. CHUN: Mr. Chair, if I may?

VICE-CHAIR COOK: Yes.

MR. CHUN: Essentially correct, Councilmember Sugimura. But what I was referring to in terms of the longer term and the bigger picture is that ultimately, the County has the ability to work within the right-of-way as it defines the right of way. And to the extent that there's going to be a project across the street, you know, additional frontage could be taken from that side of the street so as to accommodate infrastructure on both sides of the ultimate right-of-way, without having to undermine standards.

VICE-CHAIR COOK: Thank you for your answer, applicant.

COUNCILMEMBER SUGIMURA: If we could get the Department's comment. Did you get that, Mr. Molina?

MR. MOLINA: Yeah. Thank you. You know, one problem with that statement is these are not planned developments. Across the street is ag. We don't have any guarantees of planned developments coming through in the future to build these improvements at this point in time. And this project by itself, as a 2.97, is an unplanned project. So, I don't necessarily rely on future developments putting in these improvements at this time.

VICE-CHAIR COOK: Thank you, Director. Any other questions. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Director Molina, mahalo for joining us. Member Sinenci asked the question about how much all of this would cost. I wanted to know if you have the cost for the fees...so, E, F, and G.

MR. MOLINA: We would not have those costs at this time because those will be calculated once the detailed permit applications and construction plans are prepared and submitted to us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you have like an approximate cost? It's based...I know it's based on a formula. But for the transparency...for the public to understand what the subsidies are.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MR. MOLINA: Sure. You know what? What we did in a previous project, I believe with Hale Kaiola Project, we had asked the applicant to itemize those fees estimates because they're the ones representing these fees of such a cost to impact their project. So, you know, to me, they should have a sense of what those fees are.

COUNCILMEMBER RAWLINS-FERNANDEZ: I agree. Mr. Chun.

MR. CHUN: Thank you, Councilmember Rawlins-Fernandez. Yeah, so, we have our consultants compiling the fee numbers, and we'll submit those to you folks when they are ready. I mean, maybe not at this meeting, but as a follow up, we'll submit the calculations.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Chun. Mahalo, Chair.

VICE-CHAIR COOK: Thank you. Any other questions before we move on? And also, it's 11:45. Members, can I get a poll of who might be available if we were to recess this meeting until March 14th at 1:30 p.m., if you could check your schedules. We're scheduled to end this meeting at 12:00 today. I would like to confirm that we'd have quorum on that date.

COUNCILMEMBER LEE: What time again?

VICE-CHAIR COOK: Councilmember Lee.

COUNCILMEMBER LEE: What time again?

VICE-CHAIR COOK: 1:30 p.m. on March 14th. Okay.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair. So, your request is on the 14th at 1:30?

VICE-CHAIR COOK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because we have your Committee meeting that morning at 9:00, the WAI Committee.

VICE-CHAIR COOK: Correct. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'm still checking. Mahalo.

COUNCILMEMBER SUGIMURA: Okay.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

MS. LILLIS: Chair, they can just email Committee Staff if they are available.

VICE-CHAIR COOK: Comment from Member Lee.

COUNCILMEMBER LEE: I was just saying, that you wanted a count, and I'm in. I can attend.

VICE-CHAIR COOK: Yeah, I'm basically confirming that the Members would be available, and we would have a quorum to continue this meeting on March 14th at 1:30 p.m.

COUNCILMEMBER LEE: Chair.

VICE-CHAIR COOK: Councilmember Lee. Available?

COUNCILMEMBER LEE: Yes.

VICE-CHAIR COOK: Councilmember Rawlins-Fernandez, would you be available?

COUNCILMEMBER RAWLINS-FERNANDEZ: Still checking.

VICE-CHAIR COOK: Councilmember Paltin.

COUNCILMEMBER PALTIN: It's difficult for me. That's spring break. I'll be off island, and I have family in the hospital. So, the visiting hours are 11:00 to 7:00 and --

VICE-CHAIR COOK: Okay. Sorry.

COUNCILMEMBER PALTIN: I could come in the morning, or see how it goes. But it would be difficult to commit to the afternoon.

VICE-CHAIR COOK: Okay. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, I have your meeting down on my calendar for all day. So, maybe this is incorrect. Is it just morning, your meeting...the WAI meeting?

VICE-CHAIR COOK: We would adapt my meeting in the morning to basically be...my preference was all day --

COUNCILMEMBER SUGIMURA: Oh.

VICE-CHAIR COOK: -- but we could abbreviate my meeting because it's basically an informational meeting with the Water Department and Environmental Waste.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER SUGIMURA: Okay. So, at 1:30, I'm available then.

VICE-CHAIR COOK: Yes. Councilmember Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Generally, when we have special meetings, not on...especially during non-Committee weeks, it's because there's a time sensitivity. And then what I just heard you say is we're going to be receiving presentations. And those don't sound like it's time sensitive, or have a deadline associated, or we would be taking action?

VICE-CHAIR COOK: You're correct. They are not real...not strictly time sensitive. My intent was to be able to give the Members the opportunity to hear from the Directors pre-budget about the proposed CIP budget for the year. So, it was an informational meeting. I felt it was important, but it's not totally time sensitive. Allow me to defer to Staff for a moment.

MS. GRECO: So, Chair, the current time for the 14th is a WAI meeting starting at 10:00 a.m. until approximately noon. And then you're asking if Members are available for a 1:30 p.m. HLU meeting on the 14th.

COUNCILMEMBER RAWLINS-FERNANDEZ: No. My question is, why are we having a meeting, a special meeting, during our non-Committee week for something that is not time sensitive. Because that's generally the standard for requesting the Councilmembers...especially if it's going to be in preparation of budget, which is every day, all day in April. And we're almost there, and it's spring break. As Member Paltin stated, our children are home, and I just don't think that's an appropriate use of our time to take up something that's not time sensitive in a non-Committee week. And I'm not looking at Staff, I'm looking at all of us because it's us that make those decisions, it's not Staff.

VICE-CHAIR COOK: So, your preference would be that we need to take up this meeting, correct? Because this is...

COUNCILMEMBER RAWLINS-FERNANDEZ: This has a clock to it, yeah. There is a deadline.

VICE-CHAIR COOK: Yes. Time sensitive.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

VICE-CHAIR COOK: So, you're proposing on that day we will eliminate the WAI Committee, take this up in the morning, and address it all at both time slots. Is that...

COUNCILMEMBER RAWLINS-FERNANDEZ: Both time slots?

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

VICE-CHAIR COOK: Instead of starting at 1:30, we would start at 10:00. And I'm going to call for a recess for a moment, with your permission. This meeting is going to be in recess. Bear with me for a couple of minutes. Brief recess.

MS. LILLIS: Chair, please the time until...recess until?

VICE-CHAIR COOK: It is now 11:48, and we're going to take a two-minute recess.

MS. LILLIS: Chair, what time will you reconvene at?

VICE-CHAIR COOK: 12:05.

COUNCILMEMBER PALTIN: 11:51.

VICE-CHAIR COOK: We're going to take a five-minute recess and we will be back in at 11:54. . . .*(gavel)*. . .

RECESS: 11:49 a.m.

RECONVENE: 11:56 a.m. (Excused: TK, GJ)

VICE-CHAIR COOK: . . .*(gavel)*. . . Good afternoon [*sic*]. We are reconvening the meeting again at 11:56 p.m.--a.m.

MS. LILLIS: Chair?

VICE-CHAIR COOK: Staff, please.

MS. LILLIS: If you wish, you can now inform the Members that the March 14th WAI meeting is going to be cancelled, and that you are no longer seeking polling for recessing this meeting to March 14th, and that instead, you would like to recess this meeting to the regularly scheduled HLU meeting time of March 22nd at 9:00 a.m.

UNIDENTIFIED SPEAKER: Oh, awesome.

MS. LILLIS: And you can now ask the Members if they have any questions, and then if not, you can say that this meeting is recessed until March 22nd at 9:00 a.m.

VICE-CHAIR COOK: Any questions? Does that work for everybody? We're going to stick to the original rescheduled for this particular meeting. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just real quick. I know

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

that there are stipulations on how long we can recess for, so if we can get, for the record, that we are in compliance with what the...I think that's HRS 92...yeah, Sunshine Law? I think it's a two-week deadline, or the allowable length of time we can recess for. And then, while they are looking that up, my other question is regarding...okay. So, if we don't take action, one of the three--approve, approve with modifications, or disapprove--by April 22nd, and that's a Saturday, it will be automatically approved. And so, would that be April 21st or April 24th, since Saturday is the 22nd. Or, is it the Saturday, the 22nd?

MS. DESJARDINS: Chair. This is Mimi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. DesJardins.

MS. DESJARDINS: Thanks. I'm not going to address your Sunshine Law question, I'm going to defer to OCS on that. But the way that these 2.97s work is that if you don't approve it, it'll go to the Department of Housing and Human Concerns for the Director to approve, I think, within ten days, and she could impose additions. But a little bit different than the 201H, just FYI.

VICE-CHAIR COOK: Thank you for that comment.

MR. MATAAFA: Sorry, just to clarify, it's 14 days. Thank you.

VICE-CHAIR COOK: Assistant Director.

MR. MATAAFA: Chair. Yeah, just to clarify, it is 14 days for the Department Director to approve the project.

VICE-CHAIR COOK: Thank you.

MS. DESJARDINS: That's correct. Thank you.

VICE-CHAIR COOK: Staff.

MS. LILLIS: Chair, in regards to recess, we are confirming the HRS right now.

VICE-CHAIR COOK: You have to speak up, I didn't hear that.

MS. LILLIS: We are confirming the HRS standards for recessing to double check, but we do believe we are in compliance with the recess standards.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

VICE-CHAIR COOK: Thank you for that research.

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

March 8, 2023

COUNCILMEMBER RAWLINS-FERNANDEZ: And then, Chair. Okay. So, if we then take action on March 22nd, then we would take it up on which Council meeting?

VICE-CHAIR COOK: Staff is looking that up now.

MS. LILLIS: Mahalo, Chair, for your patience. The last meeting that this can be scheduled to meet the April 22nd deadline is the April 11th Council meeting.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Staff.

MS. LILLIS: Thank you, Chair.

VICE-CHAIR COOK: So, are we in agreement that we will recess this meeting until March 22nd at 9:00 a.m.?

COUNCILMEMBER RAWLINS-FERNANDEZ: As soon as we get on the record that we're in compliance with HRS 92. And thank you, Chair, for cancelling your recessed meeting next Tuesday at 10:00.

MR. MITCHELL: So, Chair this is Remi Mitchell. We are in compliance with the HRS, and Member Rawlins-Fernandez was referring to our Council Rules that says we cannot recess the meeting for more than 14 consecutive calendar days, and not to a date more than 60 consecutive calendar days from the date of the originally noticed meeting. I think that's what you're referring to. Okay. Thank you.

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

VICE-CHAIR COOK: So, my understanding is we would be in compliance, and we can recess this meeting until March 22nd at 9:00 a.m. in the morning. And will we have quorum? All of our Members are available? Great.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: TK, GJ).

VICE-CHAIR COOK: With that, I'd like to recess this meeting until...no?

COUNCILMEMBER RAWLINS-FERNANDEZ: Adjourn?

MS. LILLIS: Recess.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, recess.

MS. LILLIS: Recess.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, okay. Sorry, sorry. I was just making sure everyone is awake.

**HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui**

March 8, 2023

VICE-CHAIR COOK: Staff.

MS. LILLIS: Recess until March 22nd at 9:00 a.m. Gavel.

VICE-CHAIR COOK: . . .(gavel). . .

RECESS: 12:03 p.m.

APPROVED:



TOM COOK, Vice-Chair
Housing and Land Use Committee

hlu:min:230308-d:slv:ta

Transcribed by: Terianne Arreola

**HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui**

March 8, 2023

CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 48 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 April 2023, in Wailuku, Hawai'i.



Terianne Arreola