

HOUSING AND LAND USE COMMITTEE
Council of the County of Maui

MINUTES

May 10, 2023

**Online via BlueJeans Link
Council Chamber, 8TH Floor**

CONVENE: 9:03 a.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member (Out 10:47 a.m.; In 11:05 a.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 11:05 a.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member
Councilmember Nohelani U‘u-Hodgins, Member (Out 11:22 a.m.)

STAFF: Ana Lillis, Legislative Analyst
Paige Greco, Legislative Analyst
Stacey Vinoray, Committee Secretary
David Raatz, Deputy Director, Office of Council Services
Lenora “Lei” Dinneen, Council Services Assistant Clerk

Additional Staff:

Executive Assistants to Councilmember Kama

Evan Dust
Lei Kama-Sickels
Lois Whitney

Executive Assistants to Councilmember Cook

Jared Agtunong
Stacy Takahashi

Executive Assistants to Councilmember Johnson

Axel Beers
Kate Griffiths

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Executive Assistants to Councilmember Paltin

Angela Lucero
Christi Keliikoa

Executive Assistants to Councilmember Rawlins-Fernandez

Noelani Ahia
Sarah Sexton

Executive Assistant to Councilmember Sinenci

Dawn Lono

Executive Assistant to Councilmember Sugimura

Arthur Suyama

Executive Assistants to Councilmember U'u-Hodgins

Laura McDowell
Susan Clements

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

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of Corporation Counsel (All Items)
Michael Hopper, Deputy Corporation Counsel, Department of Corporation Counsel
Lori Tshako, Director, Department of Housing and Human Concerns (Item HLU-3(2))
Kathleen Aoki, Director, Department of Planning (Item HLU-5)
Tara Furukawa, Planner V, Department of Planning (Item HLU-5)

OTHERS: Keoni Gomes, Waikapu Development Venture (Item HLU-3(2))
Jeffrey Ueoka, Attorney, Mancini, Welch & Geiger LLP (All Items)
Brett Davis, Planner, Chris Hart & Partners (Item HLU-5)
David Sereda, Chris Hart & Partners (Item HLU-5)
Anne Takabuki, Wailea Golf, LLC (Item HLU-5)
Tony Wrzosek, RDO Olson Development (Item HLU-5)

Damon Smith
Bud Pikrone, General Manager, Wailea Community Association
Additional attendees: (10)

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

CHAIR KAMA: . . .(gavel). . . Will the Housing and Land Use Committee meeting of May 10th,

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2023, now come to order. It is now 9:03 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 in the room, vehicle, or workspace with you today. Minors do not need to be identified. Are there any questions before we continue? Thank you. I'd like to say good morning and aloha kakahiaka to Committee Vice-Chair Tom Cook.

VICE-CHAIR COOK: Good morning, Chair.

CHAIR KAMA: Good morning. Also, we want to say good morning to our Council Chair, Alice Lee, with the greeting for the day.

COUNCILMEMBER LEE: Chair, the greeting for today is wah gwaan, all the way from Jamaica, mon and womon. Good morning.

CHAIR KAMA: Wah kwan [sic], is that right?

COUNCILMEMBER LEE: Wah gwaan.

CHAIR KAMA: Gwaan. How do you spell that?

COUNCILMEMBER LEE: W-A --

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: -- G-W-A-N [sic].

CHAIR KAMA: Okay. Gwaan.

COUNCILMEMBER LEE: With a happy face right after that.

CHAIR KAMA: Thank you. Okay. And wah gwaan to our Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Wah gwaan to you with a happy face right after. Good morning, everybody. Looking forward to a very interesting meeting, thank you.

CHAIR KAMA: Okay. And a happy face and a wah gwaan to Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Wah gwaan, Chair, Councilmembers, Committee Members. There are no testifiers at the Lānaʻi District Office, and I'm here and ready to work. Mahalo.

CHAIR KAMA: Thank you. And aloha kakahiaka to Keani Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou, mai Moloka'i nui a Hina. I'm at the Moloka'i District Office, alone in my side of the office. And we have our Community Outreach Specialist, Zhantell Lindo, on the other side of the office, reporting no testifiers, and a happy face to everyone. And I'd also like to extend aloha la hanau to my daughter and muli loa, Ka'ikena. Mahalo, Chair.

CHAIR KAMA: 'Ae, happy birthday. I want to say aloha kakahiaka, and wah gwaan to our Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka kākou, and Chair, and hau'oli la hanau, Ka'ikena, and wah gwaan. Here at the Hāna District office, we're here with District Staff Mavis Medeiros, and Dawn Lono, and one unnamed minor.

CHAIR KAMA: Okay. And a happy face and a wah gwaan and...to our Councilmember Nohe U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Good morning, Chair. Wah gwaan, everyone.

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

MS. DESJARDINS: Good morning, everyone.

CHAIR KAMA: Oh...oh, good morning. There you are.

MS. DESJARDINS: Good morning.

CHAIR KAMA: And we also have with us First Deputy Corporation Counsel Brian Hopper (*phonetic*).

MR. HOPPER: Good morning, Chair.

CHAIR KAMA: Good morning. And we also have, from the Department of Housing and Human Concerns, Saumalu Mataafa, the Deputy Director.

MS. TSUHAKO: Oh, good morning, Madam Chair. This is Lori Tzuhako. The Deputy Director is not able to appear this morning. So, you get stuck with me.

CHAIR KAMA: We like being stuck with you. We also have our Committee Staff, our Legislative Analyst, Ana Lillis, aloha.

MS. LILLIS: Good morning, Chair, Members.

CHAIR KAMA: And we have our other Legislative Analyst, Ms. Paige Greco.

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

CHAIR KAMA: And we have our Committee Secretary, Stacey Vinoray.

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

CHAIR KAMA: And we have our Legislative Attorney, Remi Mitchell.

MS. GRECO: Excuse me, Chair. David...David Raatz is subbing for Remi, so...

CHAIR KAMA: Okay. Thank you. Good morning, Mr. Raatz.

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

CHAIR KAMA: So, thank you, Members, for attending today's HLU Committee Meeting. And we have two items on the agenda today. Item HLU-3(2) the Status Update of the Waikapu Development Venture, LLC Affordable Workforce Housing Project. We also have HLU-5, Bill 11 (2023) Amending Ordinance 2829 (2000) to Grant Wailea Golf Course, LLC, For Wailea Tennis Club, a Conditional Permit to Develop and Operate a Parking Lot Within the A-2 Apartment District for Property Situated At Kihei, Maui, Hawai'i. So, in accordance with the Sunshine Law, as Chair, I will limit testimony for agenda items as each item is called up on the agenda. When an item is particularly in conflict, we will receive a presentation from the Administration or from resources prior to receiving testimony. Members, when we receive a presentation prior to testimony, I must ask you to hold all your questions for the presenters until after testimony has been closed.

ITEM HLU-3(2): STATUS UPDATE: WAIKAPU DEVELOPMENT VENTURE, LLC
AFFORDABLE WORKFORCE HOUSING PROJECT (Rule 7(B))

CHAIR KAMA: So, HLU-3(2) will now have a status update of the Waikapu Development Venture, LLC Affordable Workforce Housing Project. Members, during the consideration of the Mayor's Fiscal Year 2024 recommended budget, Councilmember Cook asked for your support to appropriate between \$7 million and \$10 million from the Affordable Housing Fund for this workforce housing project. Many of you, not familiar with this project, which was approved by Council in 2018 and had its deadline extended in 2020, asked for more information. As HLU Chair, I've committed to bring you this project before Committee prior to second reading of the proposed FY'24, budget. Members, prior to the presentation, I will again remind you to hold your questions until after we have received public testimony on this item. And for the developer, Waikapu Development Venture, LLC, we have Mr. Keoni Gomes, who testified before the BFED Committee Meeting regarding the appropriation from the Affordable Housing Fund. So, Mr. Gomes, would you like to please proceed with your presentation?

COUNCILMEMBER SUGIMURA: Chair?

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CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: Just wondering, did you recognize Tamara Paltin?

CHAIR KAMA: Oh, I'm so sorry. I would like to greet Ms. Paltin with an aloha kakahiaka to you, and to your ohana.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou, broadcasting live and direct from Historic Lāhainā Town. And I have with me in the room Angela Lucero and Christian Balagso, and we have no testifiers waiting to testify at this time. Thank you.

CHAIR KAMA: Thank you. Mr. Gomes, you may proceed.

. . . BEGIN PRESENTATION FOR ITEM HLU-3(2) . . .

MR. GOMES: Chair Kama, Councilmembers. I'm here (*audio interference*) this update on the Waikapu Development Venture 201H Affordable Housing Project. Again, my name is Keoni Gomes, and I'm very excited to be here again and share with you an update on my project. You know, just a few weeks ago, I thought the project was underwater and unable to move forward. But being able to come here and share with you a little bit about our project, and hopefully acquire some funding for the project from the Council, maybe it's a breath of fresh air where we can move forward and provide our people of Maui with needed affordable housing. So, I'd like to first start with--going to the next slide please--just giving an overview map of our project. It...you know, looking from here, the...the bottom blue rectangle is Waikapu Development Ventures, and it is a 12-and-a-half-acre project that we are looking to do a 201H housing project on. Next slide. So, I'm just going to briefly go over what we currently have approved. It is a 100 percent residential workforce housing project, there are 80 units on 74 lots. Like I said earlier, 12-and-a-half-acres, of which 68 single-family dwellings and 6 duplex dwellings, so 12 units total, will be on this project. Income distribution--12 duplex units will be the 70 to 80 percent AMI, 12 single-family dwelling units for 81 to 100 percent AMI, 40 single-family dwelling units will be the 101 percent to 120 percent AMI, and 16 single-family dwelling units in the 121 to 140 AMI. Next slide. So, a little bit of background. Again, Resolution 18-150 gave us approval for the 201H project with modifications, and that was basically...a Resolution was in September of 2018, our construction deadline at that time was September of 2020. Resolution 20-107 provided us an extension to start, and also an extension of completion, which gave us to September of 2024. The Resolution was approved July of 2020. Next slide please. Currently, our project is underway with our offsite water line, we had began the offsite waterline in August of 2022, and we are estimating completion in July...completion and approval in July of 2023. Currently, we are working with the Department of Water Supply on tying in the waterline, which we have installed the entire length, including seven fire hydrants which will benefit our community that is not within our project limits, but along the

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transmission line. We have a two-lot subdivision in process. The earlier slide that we looked at showing the location of Wailuku Development Ventures showed Emmanuel Lutheran's property, which is directly adjacent to the Waikapu Development Ventures property, which we are subdividing into those two lots...currently it is one lot. Our project has been on hold due to, you know, financial issues. We were unable to pencil out the project, and we put it on hold, but hopefully we will be able to receive funding to move the project forward. Next steps...on the next slide please. Our next steps is going to be a...we will meet with the State Land Use Commission requesting an amendment...to decision and order for a district boundary amendment. This will allow us to get an extension of construction, and we are going to request a completion date of July 2027, and the update commission regarding 201H plans and specifications, we are going to provide to them. We will also return to Council here and request an amendment. The amendment will be to our site plans, which we do have a slide coming up shortly, modification of exemptions, which we will also go over shortly, and the extension of construction completion deadline, which we have also proposed to ask the State Land Use Commission. We are also in the process of submitting an Affordable Housing Fund application, and we hope to accelerate the process by being within your current fiscal year's budget and not have to wait until next year. We do want to try and get the housing going. Next slide please. So, the proposed improvements to the layout, which we will be coming forth to the Council shortly is, we're going to replace 6 duplex lots with 12 single-family dwelling lots. So, we are basically going to have 80 lots instead of 74, and we are going to do all single-family units. We're going to eliminate the dead-end interior roadway, which we'll show in a future slide, and the improvements provide accessibility for the Fire Department. Roads are designed to County standards. We had some substandard roads which were narrow...more narrow than the County usually allows, but it was approved, and we're going to have to reduce some of the sidewalks in order to accommodate that. We are also going to need to eliminate a park...pocket park for room for having more lots, more single-family lots, and we're going to ask for an exemption of the park assessment per Section 18.16.320(1)(5) of the Maui County Code. And like I said earlier, this will allow for the addition of six single-family lots. These design changes will give us more efficiencies to make the project more feasible for development, and as you can see, we are requesting funding in this project. So, being as efficient as possible to provide homes to those who need it is the forefront of our operation. Next slide please. 201H modifications...exemption from Section 18.20.070 of the Maui County Code so that sidewalks may only be required on one side of the street, allow street trees in front yards instead of the County right-of-way, County maintained retention basin and greenways to eliminate the HOA fees, modification to zoning to remove duplex language. As I said earlier, we want to provide 80 single-family lots rather than 74 single-family lots and 6 duplexes. Next slide please. So, this slide shows us the...on the left-hand side, for those of you who can see it, shows the approved 201H subdivision. It is the layout plan, which you can see in the center portion, there is a large green area which is the pocket park, and the associated roads that go around the perimeter of the project, not including the homes on the extreme perimeter. And then there's an interior roadway that goes vertically, which we do want to eliminate. It is not in the Fire Department's best interest to have that road there, we had discussed that earlier. And also, the horizontal roads will

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be widened, as I discussed earlier, to County standard. We are requesting in the future that we be able to remove some of the sidewalks to accommodate these changes, remove the pocket park, and on the right-hand side of our slide, you will see our proposed layout, which includes wider roadways, less sidewalks, the elimination of the pocket park, and you can see there is now 80 single-family lots to build 80 single-family homes. Next slide please. So, we are requesting a County subsidy of 10.65 million, and with that there'll be a subsidy of \$133,125 per unit, that's for the 80 units. Homes will sell at Bill 107 prices, there'll be a 30-year owner occupancy period, and we...we have met with DHHC and their Administration, and we'd like to work with both the Administration and with Council on obtaining a restricted resale price period that will work for the community and will be in the best interest of the buyers. And I...and I do want to say this, that, you know, if we can come to some kind of agreement that would be best for the buyers, we do need to understand that our group will need to be able to explain the exact details of the sale to the buyers, and they need to know what they're getting into, and...and we want to make sure of that because we want to make sure the buyers are one, happy, and that they are able to provide housing for their families and know that, you know, there is a time frame that they need to stay there and they will not be able to sell. And having that clear explanation is critical for us, we don't want any adverse buyers coming back to us and saying we didn't know this, we didn't know that. Next slide please. So, Bill 107 sale prices. We are providing a breakdown for three-bedroom units, this is based on a \$101,100 AMI, 5 percent down, .75 percent PMI...mortgage insurance, 0 HOA, \$1,000 insurance, 6 percent interest based on current rates now, things will change, you know, probably in the future, and real property tax. So, when you look at the...I'll just go over one of these groups really quickly. The 70 to 80 percent AMI, which is a income bracket of \$70,700 to \$80,800. We will have 12 units for sale with a sales price of \$310,078, and the monthly mortgage and total housing cost that potential purchasers will need to pay is approximately \$2,054. And you can see the breakdown for different AMI groups all the way up to 140 percent, which their monthly mortgage and total housing cost will be approximately \$3,641. Next slide please. So, again, on the deed restrictions, 201H requires us years 1 to 10, that is set in stone; years 11 through 20 and 21 through 30, we'd like to work with the Council and DHHC Administration on finding a good solution for the homeowners, and making sure that we are representing our community right, and providing them with what they need. And although, you know, we do want to...we do want to sell homes, we want to make sure that everyone knows what they're getting into also. Next slide. So, our maximum resale prices, again, years 1 through 10, following Chapter 201H, original cost of purchase, cost of any improvements added by the owner, simple interest on original cost and capital improvements to purchaser at a rate of 1 percent per year, this is standard. Moving forward, again, we want to work with Council and DHHC, but the maximum resale prices or subsidy repayment in 11 to 20 years options being explored that would not impact financing or have other negative impacts on buyers or sales. Next slide please. Owner occupancy for 30 years. An owner can only sell to an individual who will be an owner occupant, Chapter 201H restrictions years 1 through 10, 10-year occupancy requirement, extended deed restrictions of 11 to 30 years, and enforcement provisions to be determined. And again, you know, looking for guidance and recommendation from both Council and DHHC. Next slide please. Reducing total

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housing costs. I talked about removing the pocket park from the project. And the HOA fees are typically around \$100 a month...that includes management fees, maintenance fees for HOA common areas, insurance for HOA common areas, and reserve fees for the common areas. Elimination of the HOA for us is to remove the park, so there will be no park, and we would request that the County will own and maintain the roads and drainage basin. Next slide please. Project timeline. This is our anticipated timeline, which is contingent on reviewing agency timelines, and also contingent on us receiving funding for the project and moving forward. But for 2023, we're going in for a 201H amendment processing with the County Council and the Land Use Commission, we are going to complete our two-lot subdivision. The subdivision infrastructure plans and permitting, we hope to have that all in place by the end of the year, and the house plan development will also be in place by the end of the year. Looking at 2024, the subdivision infrastructure improvements, we hope to have that started and going, building permit processing, simultaneously, and start home construction towards the tail end of 2024. We will also, hopefully, be in the marketing, obtaining buyer applications, and lottery and sale contracts. In 2025 to 2026, we hope to have the first homes completed in early 2025 to late 2025, and have people move into their new homes, and by 2026 wrap it all up. Next slide please. I want to thank you all for allowing me to come here and present to you (*audio interference*) update, and hopefully that we can work together on providing our families of Maui with affordable housing that is much needed. Mahalo.

. . . END PRESENTATION FOR ITEM HLU-3(2) . . .

CHAIR KAMA: Thank you for your presentation, Mr. Gomes. So, we're going to take public testimony, and then after that we'll...the Members will ask questions.

MR. GOMES: Okay.

CHAIR KAMA: So, you can have a seat for now --

MR. GOMES: Thank you.

CHAIR KAMA: -- and we'll see you here after the testifiers.

MR. GOMES: Thank you.

. . . BEGIN PUBLIC TESTIMONY FOR HLU-3(2) . . .

CHAIR KAMA: Staff?

MS. LILLIS: Yes, Chair. We have one person that we would like to ask if they would like to testify, Damon Smith, you are connected to the BlueJeans meeting. Would you like to testify at this time?

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MR. SMITH: No, I'm here for the second...I'm on the agenda...just here and available to answer questions regarding that one.

CHAIR KAMA: Thank you.

MR. SMITH: But thank you.

CHAIR KAMA: Thank you.

MS. LILLIS: Chair, there is currently no one signed up to testify for this item. If anyone would like to testify either in the Council Chamber or on BlueJeans, please let Staff know now. Chair, it appears that no one wishes to testify at this time.

CHAIR KAMA: Thank you. So, Members, seeing as how there are no testifiers wishing to testify, without objection, I would like to close public testimony for this item.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY FOR HLU-3(2) . . .

CHAIR KAMA: Thank you. So, as a reminder, written testimony will be...will be...will continue to be accepted into the record. So, now we're going to proceed with discussing...discussing our item on the agenda. So, Members, I will now call for us to ask questions of our presenter. I'm going to ask Staff to set a three-minute timer for each Member so that all Members will get their questions asked and answered. And if we need to take a few rounds to do that, we can do that. Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I was wondering when would we hear from Lori Tsuhako...the Department?

CHAIR KAMA: I think we could probably hear from her now. Let's hear from her now. Yes. Ms. Tsuhako.

MS. TSUHAKO: Hi, good morning, Madam Chair --

CHAIR KAMA: Yes.

MS. TSUHAKO: -- Members.

CHAIR KAMA: Yes. We'd like to ask if you have any comments on this project.

MS. TSUHAKO: Oh, sure. Thank you very much for the opportunity, Madam Chair. Deputy Director Saumalu Mataafa and I met with Mr. Gomes and his development team earlier

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in the week. We had a chance to review the information that was shared with the Members a few minutes ago, asked some questions, and I think that in general, you know, the Department supports the project. We know that, as Mr. Gomes explained, we have a couple of areas within the request for modifications to the formerly approved 201H that we'll have to work on. And we have made a commitment to Mr. Gomes and to his colleagues that we will be totally willing to sit with them and work some of those items out. And we hope to do that efficiently so...because we...ultimately, we share the same goal, we want families to move into those homes. So, we have given those assurances to Mr. Gomes and his colleagues, and we look forward to working on it. I think Mr. Gomes understood properly that the Department would be asking if the project was included in the budget and the allocation, that we would ask his team to provide an application so that the Department can process the funding accordingly, and that didn't seem to be a problem for him, so we look forward to receiving that as well in the near future. Thank you, Madam Chair.

CHAIR KAMA: Thank you, Ms. Tsuhako, for that. Okay. So, Mr. Gomes...oh, there you are. I'm sorry. So, this is the order that we're going to ask Mr. Gomes' questions. We'll begin with the Vice-Chair Tom Cook, and followed by Chair Lee, Vice-Chair Sugimura, and then Mr. Johnson, Ms. Paltin, Ms. Rawlins-Fernandez, Mr. Sinenci, and Ms. U'u-Hodgins, okay. So, it's pretty much after our Vice-Chair of the Committee, then we'll just go down the row, okay. So, let's begin with you, Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair.

COUNCILMEMBER PALTIN: Oh, Chair, did you say a time limit? I'm sorry, I didn't hear.

CHAIR KAMA: Yes, we all...you will all have three minutes, and as many rounds as it takes for all your questions to get answered.

COUNCILMEMBER PALTIN: Thanks. Sorry, I...I didn't...I didn't catch that.

CHAIR KAMA: That's okay. Okay.

VICE-CHAIR COOK: Thank you, Chair.

CHAIR KAMA: Mister...

VICE-CHAIR COOK: Mr. Gomes, how long is the start...when do...when was this plan started, like calendar-wise to now, and then how long will it actually start...I mean how long will it actually start to build the project for 80 homes and move people in once you start? I'm just trying to get a handle of the...the review process versus the actual building process timeline.

MR. GOMES: Okay. So, as far as the timeline, planning started in 2015, and I myself got involved in 2016 as one of the investors, and helped keep the project afloat, pay for the

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planner to...to perform his work, other consultants as well. As you know, we received approval in 2018, and we had it amended and approved in 2020 for an extension. As far as the timeline to...to construct and to move people in, we are looking to start early 2024 if...if we're able to get financing to keep the project moving, and we hope by the end...you know, basically 20 to 24 months, we'll have our first home sales and people can start moving in.

VICE-CHAIR COOK: Thank you. So, about eight years to get permission and everything to build, and then like two and a half years to actually do it.

MR. GOMES: Yeah.

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

MR. GOMES: Yeah, correct. Yeah, it's taking a while for us to, you know, move the project along to the point where we can start construction.

VICE-CHAIR COOK: Thank you, Chair. That's my first round.

CHAIR KAMA: Thank you. Okay, so, let's just continue on with Chair Lee.

COUNCILMEMBER LEE: Good morning, Keoni. Could you move your mic closer to your face? Okay, good. I...I have a question on the slide that references Bill 107, where you have the breakdown on the various prices...the income and prices. And the lowest one, I believe, is like 310,000, something like that. For that unit, what's the square footage, and what do you think the appraised value of that unit is?

MR. GOMES: So, although we don't have house plans complete yet, we anticipate the square footage to be over 1,100 square feet. And the appraised value, if you look at market value, is probably right now going to be around \$600 to \$650,000.

COUNCILMEMBER LEE: Yes. Okay, that's what I was thinking, that there's this huge subsidy involved. And then the highest priced one is what?

MR. GOMES: Highest price is 553,000, that will be the sale price, the market price will probably be in the \$900,000 range with current construction pricing.

COUNCILMEMBER LEE: Um-hum. Okay. These are lucky people to be homeowners in that project. I'm glad you doing it. One of the concerns, of course, for \$10 million, you know, we need some kind of guarantee that the project will be completed.

MR. GOMES: Yes.

COUNCILMEMBER LEE: And so, what do you think that guarantee might be?

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MR. GOMES: So, when we request funding, we will have milestones that need to be met. In order to secure funding along the way, we will not request the funding be given to us all at one time. We'll...we will present a milestone schedule, and within that milestone schedule, we will request funding at each milestone. And the County can review our progression, and make sure that we are meeting these milestones to achieve the funding to continue.

COUNCILMEMBER LEE: Okay. So, you're anticipating that this Council will approve, let's say, the \$10 million, subject to you meeting these various milestones, right. So, you...you're...you would be requesting the full amount up front with the various conditions...or are you asking for a portion of the 10 million? What is your plan?

MR. GOMES: Yes. So, the funding would come over time. So, let's say, we're requesting \$10.65 million. We may request \$2 million to start. And as we meet milestones during the progression of our construction, we will request more money as the...as we meet milestones. So, the 10.6 million...\$10.65 million will be over time, and not all upfront.
.. *(timer sounds)* ..

COUNCILMEMBER LEE: Okay. My time has expired. Thank you, Keoni.

MR. GOMES: Thank you, Councilmember.

CHAIR KAMA: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yes. Thank you, Chair. So, good morning. Nice to see you here.

MR. GOMES: Good morning.

COUNCILMEMBER SUGIMURA: Thank you for coming back. I have a statement that I want to say. It's good to hear that you're building the roads up to County standards. Because what happens with a lot of communities is, it gets built, and then after they come to us, and they want us to accept the roads, and it is hard to do because of obvious reasons, right. But I'm glad you're doing that, that's number one, that's a big star for you in my book. And then I wanted to ask Director Tsuhako, in her testimony, if you would allow me, Chairman...Chair, that you mentioned modifications that you would come...you support the project, and you would come back with them...or work with them on modifications. So, can you explain what those modifications are that you're looking to negotiate, or work with them?

CHAIR KAMA: Director.

MS. TSUHAKO: Thank you, Madam Chair. Thank you, Councilmember Sugimura. So, the modifications are really those items that Mr. Gomes posted on his...one of his earlier slides. So, those proposed changes, like the removal of the pocket park, the change in

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the sidewalk structure, and things like that, are all different from the project as it was originally approved. And so, we need to go through those, and kind of reexamine them, and see if those work. Another example would be, you know, is Public Works willing to agree to do the maintenance of the...of the...oh, I think the retention basin and things like that. So, it's those things that...those items that have changed from the original approved 201H project to the proposal that's...that Mr. Gomes is offering you now. I think not just the Department of Housing and Human Concerns, but the other departments in the County have to sit down and look at those also.

COUNCILMEMBER SUGIMURA: I see. And how long would that process take, estimate, as it would impact then for the project to come back.

MS. TSUHAKO: I can't really say that for certain. I...I think it's, you know, certainly have our commitment to doing that as efficiently as possible, but we do have to go through those because they are, you know, deemed pretty substantial deviations from the project as was originally approved. So, we'll do our due diligence, but try really hard to do it as efficiently as we can. We don't want to impose any unnecessary delays on the project, you know, if...if things are ready to go, and we can produce those housing units, we're very much in favor and appreciative of that.

COUNCILMEMBER SUGIMURA: Thank you very much. Thank you.

MR. GOMES: Thank you.

CHAIR KAMA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Before I start, I just wanted to let you know that I'm not hearing the timer at all. So, I don't know if the timer rang for anyone, but I didn't hear it.

CHAIR KAMA: It rang only once, but everybody else has been asking and answering their questions within three minutes so, yeah.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: You're good.

COUNCILMEMBER PALTIN: Thank you. I got a lot of questions, but I'll just start off easy and work my way up. First question, does it matter...anybody can request any amount of bedrooms that they want...like they win the lottery, and then they say, I want a four bedroom, a two bedroom, a three bedroom, or does it matter?

MR. GOMES: You know, I think...I think as far as the lottery, we're going to ask for the County's guidance on that. We will have homes that are set as far as, you know, the different amount of bedrooms and size of the home which they can choose from. And I don't know

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the proper procedure, if they can request that, or if we need to find one that fits their AMI. I think we...I probably want to --

COUNCILMEMBER PALTIN: Okay.

MR. GOMES: -- request help on that.

COUNCILMEMBER PALTIN: So, do...how many two bedrooms do you plan to build, how many three bedrooms do you plan to build, how many four bedrooms do you plan to build? Is that a better question?

MR. GOMES: Yeah. So, we don't have that set in stone yet. What we were going to do is come up with house designs, house plans basically, and from there get a recommendation on how many of each unit we should provide. Or based on, you know, the...the potential buyers and their AMI, what we should provide to...to those purchasing the homes. So, right now, we don't have any --

COUNCILMEMBER PALTIN: Okay.

MR. GOMES: -- set in stone.

COUNCILMEMBER PALTIN: So, wouldn't some of the affordable housing money go towards house plans, or were you going to use like stock design that is online with the Department of Housing and Human Concerns?

MR. GOMES: Good question. So, we...we plan on having our own homes designed, and not using a...a current template from another project.

COUNCILMEMBER PALTIN: Okay. And would some of the affordable housing fund go for that?

MR. GOMES: Some of it would go for the design of the homes, yes.

COUNCILMEMBER PALTIN: Okay. And then, would you be allowing on-street parking in this subdivision, or no on-street parking.

MR. GOMES: Given that the...the roads are...will be proposed to be to County standard, there can be parking on the roadways. We will need to check in with Public Works to get their opinion, we'll probably check in with Housing on their opinion. We don't have a preference that way, we'd probably want to go with what the County deems the best for the community.

COUNCILMEMBER PALTIN: Yes, I think it's illegal overnight parking in most areas, but nobody enforces it. So, I don't know, that'll be a tough one for you. The other question I had was, I don't know if you recalled what you represented to us, but based on your testimony, I put a condition on the funding based on what you said that you could allow, but what is

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being presented in . . .(timer sounds). . . in your presentation is different...and I'll come back next round. Thank you.

CHAIR KAMA: Thank you, Ms. Paltin. (*Audio interference*).

COUNCILMEMBER JOHNSON: Thank you, Chair. My first question is for Director Tsuhako. So, is the...Mr. Gomes mentioned the 10.6 million. Is the Department agreeable to that?

CHAIR KAMA: Director.

MS. TSUHAKO: Thank you, Madam Chair. Thank you, Councilmember Johnson. We haven't seen the...we haven't seen the details of how the money will be spent, Councilmember, so I cannot say with certainty. Mister...the explanation that Mr. Gomes offered to the Committee is the same that he gave to the Department earlier in the week, which is that the cost would be spread over what he needed in order to make this project successful. So, we haven't had a chance to really dive into the details yet. So, I can only speak in generalities about our support of the proposed project and the outcomes because we really like the outcomes. And we'll dive into the details of the actual funding and what it'll be used for as we move closer to getting to that final agreement.

COUNCILMEMBER JOHNSON: Okay. Well, I want to...you know, because certainly, we want to buy those homes to make them attainable [*sic*], and that's the whole point of the extra money, I think, would go towards...you know, the extra buying down of those units. So, I really hope that that works out that way. So, the next question is for you, Mr. Gomes. In regards to the HOA fees, you know, we...I was just talking to a resident in Kahoma Village, and their HOA fees are going up from \$200 to \$300. They have no recourse, that's just the way it is. How do we...I know you mentioned it was a \$100, how do we keep it low? Do you guys have a plan that...because, you know, the...they can raise them every year if they want too, so...

MR. GOMES: Um-hum. So, typically, HOA fees do go up. I...I've lived in areas where we started off, for instance, \$300, and in a matter of...of four or five years, it was up to \$500. What we are proposing is that the County maintain the roadways and the drainage basin so that homeowners will not be passed on that cost. And when you look...when...I had brought up Bill 107 sales prices. And if you look at the total housing cost, that's with zero HOA fees. It will cost a family more to live there if we got to assess those fees, which we're trying to avoid so that people can truly afford the...the units.

COUNCILMEMBER JOHNSON: All right. Well, I...you know, I would support the...you...who would be doing it, the County...the Public Works Department, I assume?

MR. GOMES: Yes.

COUNCILMEMBER JOHNSON: Yeah. So, that would be great. All right. So, my next question is about the...the lottery...they'll want...because this is a older project, it doesn't fall under

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the Bill 111, where the County would take over the lottery. But the purpose of the lottery is to make sure we have . . .*(timer sounds)*. . . a residential preference. So, as...I guess my time's up. I want a longer answer, so we'll just...I'll just hold off on that. Thank you.

CHAIR KAMA: Yeah, hold on to that, ask it again, and then you get more time. Thank you, Mr. Johnson. Ms. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Gomes, mahalo for your presentation. So, I wanted to clarify a few things. The first is the number of units that the project will now have, which is still 80, right? So, you're changing the 6 duplexes to 12 single-family homes for a total number of 80?

MR. GOMES: That is correct. Yes, it will remain 80 units, they will all be single-family units, what we'll be proposing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Would you please explain why the original project proposed had duplexes instead of single-family homes, and now you're changing that?

MR. GOMES: Yeah, sure. What we wanted to do was allow people to have their own units, we thought it would be better, rather than having duplexes where we have two families living on the same lot in the same structure. We thought it would be better for our community. When we...when we looked around at other developments that had similar duplexes, the comments that we got from homeowners was that they wished they had their own lot. And, you know, when...while we're making these decisions in providing housing to people who need it, we want to make sure that we're giving them a home that's not just a house they're living in, but a home where they can raise their family and feel secure that, you know, it's theirs, and only theirs. And so, that's where we decided...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Gomes. Real quick...sorry, I don't mean to cut you off, I just have...I am on a timer. So, the duplexes are the 70 to 80 percent AMI. Will the single-family dwellings also be 70 to 80 percent AMI?

MR. GOMES: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because I...I mean...I guess my understanding is, most times when developers go with duplexes, the intent is to bring...it's because it'll be cheaper, and then they can offer it to buyers cheaper. So, you're saying that the 12 single-family units that will be replacing the duplexes will still be offered at the 70 percent...70 to 80 percent AMI?

MR. GOMES: Yes, that is correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, great. My next line of questioning is regarding the County funding that you will now be receiving. Did you do an EIS for this project?

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MR. GOMES: The EIS was done prior to getting our...prior to getting approval on the project in 2018.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, and that was finalized...okay...okay. I was looking for it in the OEQC, and I couldn't find it, sorry. . . .*(timer sounds)*. . . Maybe we can have that put on Granicus, Staff. Mahalo, Mr. Gomes. Mahalo, Chair.

MR. GOMES: Thank you.

CHAIR KAMA: Thank you. And let's continue on with Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Hello. How far along are you guys in the subdivision process, or are you guys pau already?

MR. GOMES: In the two-lot subdivision process?

COUNCILMEMBER U'U-HODGINS: Uh-huh.

MR. GOMES: So, one of the...the major requirement is that we install a waterline that goes approximately 2,200 feet. We are ready to tie in that waterline, it is fully installed. Once we get it installed, we need approval from the Department of Water Supply, and then we can move on to getting final approval of the two-lot subdivision. So, we are almost there.

COUNCILMEMBER U'U-HODGINS: Okay. Almost there is good. And then in your presentation this morning, you were talking about additional...I guess...was it fire...fire hydrants along your roadway? Can you talk us through some of that --

MR. GOMES: Yes. So...

COUNCILMEMBER U'U-HODGINS: -- . . .*(inaudible)*. . . what you said?

MR. GOMES: Yes. So, part of that waterline that I talked about being 2,200 feet long, we did install fire hydrants, not only within our property frontage, but along the entire length of the waterline. So, it's not only a benefit for our subdivision, but also for the community in general.

COUNCILMEMBER U'U-HODGINS: Okay. And in terms of funding, because you were talking about having increments of money from the County, as far as that \$10 million go, how much money would you need sooner than later?

MR. GOMES: I don't know the exact answer to that, but I will say that we probably need \$2 million up front to get the project moving, and then there'll be milestones every three to four months, which will accumulate and add up the \$10.65 million.

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COUNCILMEMBER U'U-HODGINS: Okay. Thanks. That's all the questions I have for now, Chair. Thank you.

MR. GOMES: Thank you.

CHAIR KAMA: Thank you. Member Sinenci. Is he there, Staff? I don't see him. Okay, yeah, I think so. Oh, Member Sinenci, there you are. Questions for our presenter?

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo, Mr. Gomes, for your presentation. Yeah, just a clarifying question for Director Tsuhako. So, it looks like...did I hear that the construction deadlines start...has to be in 2024, and if changing the project plans, the road, and the different units, is that going to take us over that construction due date, and do we have to extend it?

MS. TSUHAKO: Madam Chair.

CHAIR KAMA: Yes, Director. Go ahead.

MS. TSUHAKO: Thank you, Councilmember Sinenci. I think Mr. Gomes might be better able to answer that question in terms of his own internal planning schedule.

COUNCILMEMBER SINENCI: Okay.

MS. TSUHAKO: Mr. Gomes, may I ask you, please?

MR. GOMES: Yes. So, thank you for the question. We will be requesting an extension, the start and completion date, coming up both by Land Use and by Council, but we do expect to be fully completed and sold by the end of 2026.

COUNCILMEMBER SINENCI: Okay. So, you're making the...an exemption request to the beginning construction date, yeah? Too bad you cannot . . .(inaudible). . . you cannot accommodate the changes that you're...you're making.

MR. GOMES: No. Yes. So, we are requesting a change in the start and the completion date.

COUNCILMEMBER SINENCI: Oh, okay. Thank you. And then, back to Director. For some of the exemptions that we see on this, is the County funding going to be helping to pay for these exemptions, should the Departments come back and say hey, we need additional funding to grant these exemptions?

MS. TSUHAKO: Thank you, Councilmember Sinenci. We don't know yet. We haven't had a chance to go through those details with the developer. So, after we go through all of the proposed changes, and have agreements in terms of what is being proposed, then we'll have a better idea of...of that. I think...it makes me feel better that Mr. Gomes understands that his project phasing may not require the entire almost 11 million at one

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time, which I think will help us in terms of managing the totality of the affordable housing fund. But, you know, those are...those are details that we...we will need to work out --

COUNCILMEMBER SINENCI: Okay.

MS. TSUHAKE: -- in discussions, and not here.

COUNCILMEMBER SINENCI: Okay. Thank you, Director. And then for Mr. Gomes, do you anticipate rising material costs and interest rates in this...in this first couple years, and do you...have you financially planned for . . .(timer sounds). . . anticipated rising costs?

MR. GOMES: The answer is yes to that.

COUNCILMEMBER SINENCI: Okay.

MR. GOMES: We have a plan for inflation, correct.

COUNCILMEMBER SINENCI: Thank you. Thank you Chair.

CHAIR KAMA: Welcome. So, we're going to go back to Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair. Mr. Gomes, what's the ballpark total cost of the project?

MR. GOMES: Ballpark total cost is about \$47 million.

VICE-CHAIR COOK: So, this subsidy is about 22 percent, or close to 25 percent.

MR. GOMES: It's actually a little less. It's closer to 20 percent --

VICE-CHAIR COOK: Okay.

MR. GOMES: -- little less than 20.

VICE-CHAIR COOK: My next question is approximately how much money...like purchasing the property, design, approval, all of the different costs to date, without getting anything built yet, approximately how much money has been spent?

MR. GOMES: Currently, we're...we're over \$4 million into the project, out of pocket.

VICE-CHAIR COOK: So, that includes the offsite waterline?

MR. GOMES: That...that is correct.

VICE-CHAIR COOK: Regarding the draw request, like for the funding, will there...is the balance, the County's part of it, the part of it is investor funding, do you also have bank funding?

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MR. GOMES: Yes. We will need a financial institution to support us.

VICE-CHAIR COOK: The financial institutions normally require inspections for...progress inspections to sign off for draw requests, correct?

MR. GOMES: That is correct.

VICE-CHAIR COOK: Okay. So, this is pretty standard. So, the County's draws would be incorporated into that, in that milestones would be, as far as the financial institution, third-party inspection...inspector doing the...confirming that it's built to standards, and...

MR. GOMES: Yes. That is correct.

VICE-CHAIR COOK: Okay. That's my questions for now. Thank you.

MR. GOMES: Thank you.

CHAIR KAMA: Thank you. Chair Lee.

COUNCILMEMBER LEE: Thank you, Chair. Following up along those lines, Keoni, have you worked out an agreement with a bank yet?

MR. GOMES: We have talked to several institutions, and we have not decided on going forward with one yet. I think before we did that, we wanted to make sure that we secured funding from the County before we approached them. And I think having funding from the County will give the banks more confidence in funding us.

COUNCILMEMBER LEE: Okay. Because I was wondering about the conditional funding, I'm not sure how the banks would accept that. If you were to estimate how much you would need in the next one year, from July 1st fiscal year, how much do you think you'll need in that one year?

MR. GOMES: From July 1st to July 1st, 2024, we're probably looking at about \$4-1/2 to \$5 million.

COUNCILMEMBER LEE: Okay. All right. Thank you very much.

CHAIR KAMA: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. So, Keoni, thank you very much. I'm just wondering what the cost was--if you know, and if you can get back to me--of the offsite waterline that you have had to install for us?

MR. GOMES: So, the total price to complete the offsite waterline is \$950,000.

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COUNCILMEMBER SUGIMURA: Okay. Thank you. So, that's...you're doing our work, is that what you're...you're basically...is that the...did you say fire hydrants?

MR. GOMES: Yes, there is seven fire hydrants, and a 2,200 foot 12-inch diameter waterline.

COUNCILMEMBER SUGIMURA: Okay. Thank you. That's all I have.

CHAIR KAMA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Gomes. So, when you testified before us last time, you agreed to 50-year owner occupancy, and 30-year deed restrictions, with a 25 percent value added per when the appraisal is taken at the beginning, and appraisal is taken at the end. And now you're...looks like going back on that?

MR. GOMES: So, yes, I could comment on that. So...and thank you for the question. When you had previously proposed a question to me, my response was yes, I'd like to work with the Council on that, on coming up with a solution that's within the constraints of the law. And we still want to --

COUNCILMEMBER PALTIN: Okay.

MR. GOMES: -- work with the...

COUNCILMEMBER PALTIN: And then...okay. And then, I see on your slide that it says 201H restrictions one to ten years, ten-year occupancy requirement. Does that still mean that it's going based on the 2.96, five, eight, and ten years...like the 140 percent AMI can sell at market rate after five years, is that what...what it is? So, like they get this 107 priced housing, and five years later they can sell it for 1.1 mil or whatever the median price is?

MR. GOMES: I understand the question. So, within our 201H restrictions, it requires a ten-year occupancy requirement. What we're looking for is guidance from the Council and from DHHC and its Administration to help us with moving forward from years 11 on.

COUNCILMEMBER PALTIN: Hmm. Yeah, because I mean...I think we all want to give people these houses for what they actually can afford, but it's...it's not palatable that in like five years, they can turn around and sell it for like...like they won the lottery, you know, at Vegas or something. I mean this is close to the County building, close to the State building, close to the courthouse, you know, a lot of professional people could live here, close to the fire station right there, close to the police station. So, I mean I can understand the 80 to 140 spread because there is a lot of professional people that need these kind of single-family homes, want these single-family homes, and we want to be able to give it to them in this AMI for...for mortgages that they can actually attain. But, you know, maybe it's different in Wailuku, but what...what we see a lot is that, you know, people...people

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sell it, you know, or they rent it out . . .(timer sounds). . . to somebody else. And...and we're trying to create permanency, we're trying to create like people that live and work here for more than five years, eight years or ten years. I mean, your career is like 20, 30 years, you raise your kids, you know, even...even if they sell it to the next person, sell it to the next person that's going to live there, not somebody that's looking for speculation. That's...that's the main thing is...is, we really don't want speculation, we want people to live and work here.

MR. GOMES: Chair, can I respond? Yeah. Yeah, thank you...thank you for your question. I agree with you 100 percent, it is not our intention to build homes and allow families to flip the homes, and make money, and move on that way. Our intention is strictly and primarily to provide affordable housing to those that need it, that want to have a home that they can call home for, you know, 10, 20, 30 years. We don't want...we don't want them to move out, that's why we're building really nice homes, we're hoping that they...they live in there for their career. But if they do have succession, and are able to move out, we want some guidelines put in place so that they follow a certain standard, everybody's on the same page, the County's on the same page, and they can then sell their home and move on. But I agree with you, it is not the intent to allow those who want to just flip it to get in. We want to make sure that they live there, and they need this housing. This is for people who really need it.

COUNCILMEMBER PALTIN: Main thing, we're on the same page.

MR. GOMES: Same page.

CHAIR KAMA: Member Johnson...Johnson.

COUNCILMEMBER JOHNSON: Thank you for that response, that was really good. Okay. We...we were talking about Bill 111, and giving preference to residents who live here long...for a long period of time. Do you have a plan for your lottery process?

MR. GOMES: We were hoping that the County would do the lottery process.

COUNCILMEMBER JOHNSON: Oh.

MR. GOMES: And we would be hands off on that. I think that would be much more fair, and better for the project as a whole.

COUNCILMEMBER JOHNSON: I...I...I concur. So, I guess...doing a pivot and ask Director Tsuhako. So, Director Tsuhako, are you guys going to be ready for that lottery when it comes up?

MS. TSUHAKO: Thank you, Councilmember Johnson. We did not discuss the lottery with Mr. Gomes and his development team. So, we can add that to the list of discussion topics as we move forward.

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COUNCILMEMBER JOHNSON: I really just want to emphasize that the lottery should give a preference to residents who lived there longest. So, it's kind of piggybacked to what Councilmember Paltin was saying. Okay. So, next question is in regards to the sidewalks, I'm a big fan of walkable towns, and I was...to be honest with you, Mr. Gomes, I was a little concerned about the shifting of reducing the sidewalks, I...I...my hair catches on fire when we talk about sidewalks, I'm sorry. But that being said, it seemed to me that the way...the ingress and egress was the streets that didn't have the sidewalks, you put the sidewalks in the interior. And for me, I think safety-wise, the cars are going to be going at the ingress and egress points, that's where you would want to have a sidewalk. And it sounded to me that you were just trying to do it just to make the roads in compliance with County standards. Is there a way--is it a funding issue...is there a way, or is there something we can do to make sidewalks on the ingress and egress roads? Thank you.

MR. GOMES: So, to answer your question regarding the sidewalks, as a...as a civil contractor, when you look at a roadway, a narrow roadway, if you have a sidewalk adjacent to a narrow roadway, it becomes more unsafe for pedestrians. I'd rather see a wider roadway with a sidewalk on one side so that it's safer for the public, especially with cars that are passing in both directions at the same time, it gives them more room, rather than hugging the sidewalk side to avoid an oncoming car. With that being said, the...the cost of the project becomes prohibitive when we incorporate all of the sidewalks. And when we had a designer look at the project, it was their best proposal that we put the sidewalks in a location where we are going to propose to the County, and that would...that would still provide a safe walking path for the community.

COUNCILMEMBER JOHNSON: Okay. Thank you for that response. So, my next question is in regards to the Bill 107, and the model that...that you're doing here, which is so great that you guys are incorporating Bill 107 in here. . . .*(timer sounds)*. . . I know you do other projects, will this become a model for you guys to continue doing these new price guidelines? Thank you.

CHAIR KAMA: Member Johnson, can you hold off on that for the next round? Thank you, sir. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, Mr. Gomes, I'm still looking through OEQC's library, and I cannot find it. Was it an EIS or an EA that you did, and do you remember what year?

MR. GOMES: Yes. Oh, so, I wasn't in on the planning, but it could have been an EA that was done. I'll need to go back to our planner who did it in 2015, and pull out the records. So, I will request that for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And do you know if the EA contained an archeological inventory survey and a cultural CIA?

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MR. GOMES: So --

COUNCILMEMBER RAWLINS-FERNANDEZ: Inventory.

MR. GOMES: -- I think what had happened was--and to my recollection then, this was many years ago, forgive me if I'm wrong--but we piggybacked a project that was adjacent to ours, and used theirs as far as the cultural survey. And that's how we...we...what we did. Because it's in the same location, basically the project next door.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you remember what that project name was?

MR. GOMES: I think it's called Waiale Elua, if I'm not mistaken.

COUNCILMEMBER RAWLINS-FERNANDEZ: Waiale Elua. And the reason I'm asking is because...its...there's sand over there, and so, there's likely iwi, and I want to know what the report said regarding known iwi. That's why I'm asking.

MR. GOMES: Thank you. And yes, we are very sensitive to...on the island...and I'll just tell you, being a contractor for 25 years now, the last thing I want to do is encounter or approach any iwi that's in an area where it should not be disturbed.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Sorry, I wanted to ask a follow-up question regarding what Member Paltin was talking with the owner-occupied deed restrictions. So, there's the affordability deed restriction, and then owner occupied. And I don't think we've done it here yet. But in Kaua'i Council...or sorry, Kaua'i County, they have a number of housing projects that have the owner-occupied . . . *(inaudible)*. . . at 50 years. So, you know, when we're talking about it...I think when we're talking about speculation, that's...having a deed restriction for it to be owner-occupied is one way to manage housing prices from skyrocketing.

MR. GOMES: Yeah, definitely. I . . . *(inaudible)*. . . with you on that. And, you know, I'd prefer that projects like this be all owner-occupied for as long as the term needs to be . . . *(timer sounds)*. . . but it's not...I...I don't think it's in my realm to be making the decisions. I'm going to leave it in the Council's realm and DHHC to make that decision.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So whatever we decide, you're going to go with?

MR. GOMES: I think collectively...

COUNCILMEMBER RAWLINS-FERNANDEZ: You're not going to oppose?

MR. GOMES: Thank you. I...I think collectively, between the Council, and the Administration, and Housing and Human Concerns, that should be worked out there. And you guys best represent the public, and I think that's what should be done.

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CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, you're not going to oppose whatever it is that we're going to decide?

MR. GOMES: As far as opposing anything, if...if Housing and Human Concerns and the Council agree upon something, I don't think we'd oppose it, not at all.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Gomes. Mahalo, Chair. Sorry about that.

CHAIR KAMA: Okay. We're going to continue with Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. So, to follow . . . *(inaudible)* . . . Johnson's questions about sidewalks, you were saying sidewalks on two sides of the street become cost prohibitive. Can you give a breakdown or rough estimate on what the price difference is between two sidewalks versus one?

MR. GOMES: Yeah. So, if..you know, it's basically double the cost. But I'll give you a general cost of what a sidewalk is. So for a four-foot wide sidewalk that is four inches thick with eight-inch thick edges, or the perimeter being eight inches thick, you're probably looking at about \$40 to \$45 a square foot installed, okay. It's pretty significant when you look at the overall length of the project as far as the roadway, or the walking way. So, yeah, it basically...reducing the sidewalks does allow a project to...to pencil out better.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. And considering you're asking for some County funds, do you guys plan on paying prevailing wages?

MR. GOMES: Yes, we do.

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR KAMA: Thank you. Members Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And just following up on Member Rawlins-Fernandez's questions about the cultural monitoring plan during the construction. If you had one prior to construction, I understand that...you know, we've...we've...in the past, we've put as much protections for within the County, like our County Archaeologist, not just to protect ourselves, but also to...to help developers so that should a project be stalled if you unearth some of these iwi kūpuna, you...you kind of want to do as much research the front end so that once you get all that, then your...your project will...will move forward smoothly. So, do you have plans for...for your cultural monitoring?

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MR. GOMES: Yes. We follow SHPD guidelines, which we'll have a monitoring plan. And given the...the area, we would...we will have our own strict guidelines for our employees, or the contractor, to follow to make sure that those guidelines are met and exceeded.

COUNCILMEMBER SINENCI: Okay, great. And I suspect that the Departments, through your permitting process, will...will refer to our County Archaeologist since she has firsthand of any past information about the...about the area. I see that you've also waived the...the park, and I understand to put more housing. Do you know where the...the nearest park is in the vicinity?

MR. GOMES: Yeah. So, I...I do work in the area. The park is Maui Lani Park, which is just down the road, walking distance from...from the proposed subdivision.

COUNCILMEMBER SINENCI: Oh, okay. And then access is...is kind of...are there any sidewalk accessibility to the park?

MR. GOMES: So, part of our waterline project includes a travel path for pedestrians, and it goes all the way to the intersection of Waiale and Kuikahi Road. From there, there is a paved crosswalk and sidewalks that lead down to the park.

COUNCILMEMBER SINENCI: Okay, great. And then I believe you mentioned that you have forthcoming house plans and elevation views of the...of the project soon?

MR. GOMES: Was the question of how soon that would be?

COUNCILMEMBER SINENCI: Yeah.

MR. GOMES: Oh, okay.

COUNCILMEMBER SINENCI: An estimate.

MR. GOMES: So, you know...you know, given the *(audio interference)* provided in one of the slides, we are hoping to have those in 2024. . . .*(timer sounds)*. . .

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. So, we're going to go back to Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair. Mr. Gomes, so, when you eliminate the sidewalks, what's on the edge of the pavement?

MR. GOMES: So, on the edge of this particular pavement, on a...so, one side will have sidewalks, the other side will be either a road curb, or a curb, or it will be a landscaped area, typical of any other subdivision that you see in Maui.

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VICE-CHAIR COOK: Okay. Thank you. The...part of your funding, as far as any restrictions, that's going to be dovetailing together what the...the restrictions are and the availability of financing? So, that's a component besides the Administration, the Government?

MR. GOMES: Oh, yeah. That...that is...that is a major component in...in, you know, the success of the subdivision.

VICE-CHAIR COOK: Okay. Thank you.

CHAIR KAMA: Thank you. Chair Lee, any more questions?

COUNCILMEMBER LEE: Yes, I do.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Actually, I have some advice for you. You know, I've been here a long time, and I have seen Councilmembers add a lot of conditions to projects, and I have seen the developers agree to them, and then I have seen the project not go forward. So...but I just want to let you know that this Council, whatever we ask for, we're willing to pay for, that's the difference. So, don't hold back. Because that's why we're asking you these questions. Because whatever you thought you needed at the beginning may change over time because either the Council adds to it, or the Administration, the Departments, add. So, you need to keep that in mind, so that number that you ask for may need to be revised from time to time. And secondly, on the homeowners' fee...and I know you're trying to keep the monthly payment down, okay, but the reason why you have a homeowners' association is to maintain the standards of that subdivision. And you don't want to build a beautiful subdivision, and then have certain homeowners start to add lanai's and this and decks, and whatever, and it brings the...the standard of the subdivision down. And so, like in...in our subdivision, we pay like \$88 a month. So, I don't know, you must live in a very rich neighborhood to be paying \$500 a month. But...but I'm saying that, you know, there can be moderate fees for homeowners. But I think you need an association to maintain the upkeep of the association. People have strange ideas on how to add to their homes. So, I think that's important to keep in mind. Thank you.

MR. GOMES: Thank you, Chair Lee. I appreciate the advice. Yes, the...the money that we had asked for is for our proposed plan. If we do need to make some modifications or changes, hopefully we can also request additional funding if it adds cost to the project.

COUNCILMEMBER LEE: Very good. Thank you.

MR. GOMES: Thank you.

COUNCILMEMBER LEE: That's all I ask.

CHAIR KAMA: Thank you for your question, Chair Lee. Member Sugimura.

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COUNCILMEMBER SUGIMURA: I have no questions. Thank you.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I'm on your presentation. It's not numbered, but it's the diagram of the old one and the new layout. And I was just wondering if you can tell me what the green color represents, and the kind of orange-ish-yellow color represents.

MR. GOMES: Okay. So, the orange color represents the sidewalks, and the green color is...on the bottom of each of the layouts is the drainage basin, and in the center of the left layout, it is the pocket park.

COUNCILMEMBER PALTIN: Okay, got it, got it. Thank you. And then, you know, how Chair Lee was just talking to you about the HOA and the HOA fees and whatnot. I had a bill, it's currently in the BFED master agenda that would take away property taxes for like the first five or seven years for people that buy affordable homes. So, you know, maybe if that gets heard in BFED sooner rather than later, then you could substitute the homeowner association fee for the RPT maybe.

MR. GOMES: Thank you. You know, anything that makes the homes more affordable for the people of our community is always a plus. We want to see people be able to move in and afford these houses, and be able to care for them. Thank you for that.

COUNCILMEMBER PALTIN: Yeah, because I think DHHL has it, they don't have to pay property taxes the first seven years after they move in. So I was thinking doing something similar for us for affordable single-family home sales and, you know, we hardly...we're talking about 80 right here, so it's not like it's going to be a big dent in a billion dollar budget. We're just...I proposed it a while back, just waiting for it to get a...a hearing. So maybe I could use your help on that.

MR. GOMES: Oh, definitely.

COUNCILMEMBER PALTIN: Okay. And then I just wanted to clarify. For the 201H, what we're saying is ten years the houses have to be owner-occupied regardless of what AMI it is, it's different than 2.96 where it's the five, eight, and ten year layout. They have to be owner-occupied for ten years, and deed restricted for ten years, and that each year, if they want to sell it...like say after the first year, they can only get a 1 percent more price, and they have to give the first offer to the County, the second year they want to sell it it's 2 percent . . .(timer sounds). . . more? Is that your understanding?

MR. GOMES: I don't...I don't know the 201H guidelines really well, but yes, it is my understanding of that.

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COUNCILMEMBER PALTIN: Okay. My time's up.

CHAIR KAMA: Thank you. And continue with Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. First off, I want to recognize Chair Lee for that excellent statement. You know, I love the song you're singing, Chair Lee. Boy, times have changed in this...in this Council when we're doling out large chunks of monies to our developers because we're realizing the costs are so high on our brothers and sisters out there. So, first thing...or I just want to add more to that question about the Bill 107. You know, this is like a true partnership, you know, you're telling us that this is what it would cost to buy...to buy down those homes, and we're...we're willing. So now the thing comes is like, I want this to be a sustainable model. I know you build homes throughout the island...you know, throughout Maui. There's 115 acres on Lāna'i, just letting you know that it's fully entitled. But anyways, that...that is...by following Bill 107 guidelines, and then hopefully you, in a sense, pay it forward, or maybe do this in a different project with these kinds of price lines. Do you have any intentions to continue doing this...this new way of..

MR. GOMES: Oh, yeah, most definitely. I think if...if we can form an alliance between all developers and the County to get assistance and work together towards providing our community with affordable homes, it's a plus for everybody. Not only for us to follow in the future, but other developers as well.

COUNCILMEMBER JOHNSON: Amen to that, Mr. Gomes. Thank you, Chair. No further questions.

CHAIR KAMA: Thank you, Mr. Johnson. We're going to continue with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to call on Ms. DesJardins. I just wanted to confirm the comments that Member Paltin said earlier...comments, or the questions that she asked Mr. Gomes regarding 201H's requirements about the deed restriction duration for each AMI, and then if a property owner sells their house before the expiration of the deed restriction.

MS. DESJARDINS: So, thanks for the question. The deed restriction for 201H is ten years. So, in a 201H project, we don't...would not apply the 2.96 eight, ten, five. It would be ten year across the board. However, the Council can...or the developer can agree to increase it above and beyond that and put additional, you just can't go down from the...from the ten years. And then...so, I think in the past what we've done is...however, if there is a...a request to sell within that deed restricted ten years, the 2.96 model of the first and second appraisal and 25 percent of the increased value between those appraisals would apply during that deed restricted period, whatever it is. I don't think 201H itself in its admin rules puts out any other design. I would have to check on that. Yeah, so, it's ten years.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And if...oh, mahalo for your responses. And if HRS 201H does have a guideline, a sales price guideline, if the house is sold prior to the expiration of the deed restriction, would the...we need to follow 201H, or does it give deference to County Code?

MS. DESJARDINS: I would say we would follow the more restrictive of the two if there's a conflict.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, 2.96 has that shared equity formula that would be followed prior to the expiration of the deed restriction, and I guess I understand that 201H also has a 1 percent increase of purchase price per year kind of formula.

MS. DESJARDINS: Yeah, they have a different...you're right, they have a different formula. I do know in this case...I did look through my...my old documents, and I think a residential workforce housing agreement may have already been entered into. I'd have to go back and look at that. And I suspect...it sounds like there's enough deviations from the original plans here that that residential workforce housing agreement would have to be amended. I mean, we would look carefully . . . *(timer sounds)*. . . at those appreciation models as the appropriate one to follow in a project like this.

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

CHAIR KAMA: Thank you. And we're going to continue with Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I really have no further questions, but I do have a final comment. Thank you for being here with us today, and I look forward to either reading the EIS or the EA soon. Thank you.

MR. GOMES: Thank you, Councilmember.

CHAIR KAMA: I'm going to continue with Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And I too have exhausted all of my questions, and I appreciate Mr. Gomes for answering our questions this morning. I...I...the only comment is...that was...it seems like it was great timing for you to come forth, even though your project was approved in 2018, and then coming forward now. I mean, I'm sure we're going to have a lot of developers with their projects coming before this Council. So, again, mahalo for your participation.

MR. GOMES: Mahalo, Councilmember.

CHAIR KAMA: So, let me see. I want to go back to see if there's . . . *(inaudible)*. . . others have any other questions for Mr. Gomes. I see Member Paltin, and I see Member...okay, Chair Lee, why don't you go first, and we'll go to Member Paltin after.

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COUNCILMEMBER LEE: How soon can you revise and complete your application to the...to DHHC?

MR. GOMES: So, we need to submit an application, and we...we hope to get that application in very soon, we're talking like within the next week, and try and streamline the process, and hopefully get funding in this fiscal period.

COUNCILMEMBER LEE: Okay. I doubt very much that you can get a review by all the pertinent Departments by first reading, which is May 23rd. But I think the Councilmembers, it sounds like, are generally supportive of your project. However...and would possibly consider funding your project on first reading of the Budget, okay, and then probably referring this project to Committee again for further review, yeah. But I...I suggest that you try and meet with all the Members, if you haven't already, so that we don't have a Committee...a Committee meeting at first reading. Because I anticipate a very, very long meeting on May 23, we're even talking about potluck dinners. So, you know, I've...your project alone could take several hours. So, if...if you do all of...us all a favor by contacting all the Members individually in case some Members have more questions than others, yeah. But I'd suggest that you have your application done as soon as possible because we make the decision on May 23rd, okay, for first reading.

MR. GOMES: Thank you for that advice. Again, I...I feel like a rookie in the...in the Chamber here. And I appreciate all the help I can get, and yes, I will make contact with each and every Councilmember. Thank you.

COUNCILMEMBER LEE: You're welcome. And...and I'm especially happy to work with you because I know your parents.

MR. GOMES: Thank you, yeah. My...my parents are great people.

COUNCILMEMBER LEE: I know.

MR. GOMES: Thank you for that.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Gomes. I had kind similar question as to the logistics. I had heard at one point you said that within the fiscal year '24 you would only need 5 to 6 million. So I just wanted to nail down the logistics. If you have to go to the LUC first to amend your DBA and then the County Council, or if those things could be done concurrently? Do you need to have your 201H stuff amended before you can put in an application? Just...I mean, like Chair Lee said, we're supportive, we want to give you the money, but like logistics since you're getting...you're here now, and we don't want to stay long time on the 23rd.

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MR. GOMES: Yes. Thank you for the question. The answer is, we will do everything (*audio interference*). We plan to meet with Land Use and with Council as...as quick as possible. We're having our...our update, you know, completed so that we can...we can schedule that. And yes, we hope to get into construction beginning of 2024. And prior to that, we will use, you know, some of that money to complete the revised design and to start construction. We've already put in, like I mentioned earlier for the waterline, approximately \$950,000 just for that. So, yeah, thank you for the question. And yes, we will still need that money in that time frame.

COUNCILMEMBER PALTIN: Okay. And then...so, are you currently on the Land Use Commission agenda? Do you have like your application in with them for modifications?

MR. GOMES: We have...we have not submitted the application. We are ready to submit. We wanted to make sure that we had support from the Council before we tried to move forward because basically, if we...we're unable to get funding, it's...the project sinks again. So, we do have the application ready, and we want to continue to move forward.

COUNCILMEMBER PALTIN: And then...so, then you'll put in a...I'm not sure what it is, a 201H amendment to the conditions with the Department with your application? Is that...Director Tsuhako, do you know if that's how it goes?

MS. TSUHAKO: Thank you, Member Paltin. Thank you, Madam Chair. Thank you, Member Paltin. I'm not sure exactly how it's going to be, but we will try to make as much of the work concurrent as possible. I think Mr. Gomes' team should be putting together the application, which would need to be actually the first step before we move forward anyway. So, the application will spell out how the funds are to be used, and kind of delineate all...what the County will be paying for should the decision to be made to fund the request in its entirety, a little bit over \$10 million.

COUNCILMEMBER PALTIN: So would your recommendation be to put in the whole entirety in this fiscal year, up to 10 point whatever million, or . . .(*timer sounds*). . . like you said, he probably would only use up to 6 million this fiscal year. What...what is your recommendation for May 23rd?

MS. TSUHAKO: I think if I were Mr. Gomes, I would probably like to have a commitment of the whole thing because, you know, he'd be rolling the dice, right, on what's to come in the future. So, if I were him, I would ask for the whole thing at one time, and in the application, delineate when he would need certain amounts--projected estimates of when he would need certain amounts--and the grant agreement could be crafted to reflect that payment schedule. But I would think that his...his finances would consider it much more advantageous to the stability of the project to have the entire award agreed to at this point, even if he's not going to use all of it in one fiscal year.

COUNCILMEMBER PALTIN: Okay. My time is up, but it sounds like it's out of our hands at

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this point, just vote on the 23rd.

CHAIR KAMA: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, this is a question for the Department. Based upon our experience of when an affordable housing project comes before us, and the Departments come, and their responses for exemptions that they would like to be repaid for it, I wonder if you could give us an estimate of what that might be. I know you don't have the details of the project yet. But what made me think about this is, based upon the generosity of Chair Lee saying you better ask for, or ask for all the money you need, I don't think that the Departments...well, the Departments want to be repaid for whatever the exemptions that are asked from the affordable housing...affordable housing developer. And if we know what that might be in estimates, that maybe we could add to the affordable housing fund now because the Departments are going to ask for what we heard. So, do you understand what I'm trying to say?

MS. TSUHAKO: Madam Chair?

CHAIR KAMA: Yes, Director.

MS. TSUHAKO: Thank you, Councilmember Sugimura. So, I think that those details, you know, we can, certainly the Department can huddle up with Mr. Gomes and his development team, and sort of look at all of the proposed amendments to the approved project, and see if there are any additional costs that might be associated to the...to the other Departments in the County based on...on the requests for revisions, and possibly determine whether it will mean more operational costs to the County or other things. I'm not sure exactly...I'm trying to recall all of the...the proposed changes, and I'm not sure any of them would generate necessarily a very obvious upfront cost to other Departments. But we'll need some time to look at that. I'm hoping that we can do that so that...so that at the time of first reading, the Committee...okay...oh, excuse me, the Council will have some idea of what the developer and the Departments may anticipate as being those costs.

COUNCILMEMBER SUGIMURA: Thank you.

MS. TSUHAKO: So, Mr. Gomes, we can...we can talk after the meeting is pau, and try to set something up really quickly so that we can go over those...those things with your team.

MR. GOMES: Thank you, Director.

COUNCILMEMBER SUGIMURA: Yeah, these are, these are like exemptions, whatever...Fire, fee, or different things that we would hear, or Water would object to the losses that they would take through this process. So, I'm just wondering if we could be ahead of the discussion so that we don't have to have the developer come back and say...or you come back and say we need another \$2 million or whatever. . . .(timer sounds). . . So, that's what I'm trying to understand. But thank you for working together.

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CHAIR KAMA: Thank you. I think I was trying to go down...Member Johnson...do you have any other questions, Member Johnson?

COUNCILMEMBER JOHNSON: My questions have been answered. Thank you, Chair.

CHAIR KAMA: Okay. Thank you. Member Cook.

VICE-CHAIR COOK: Thank you, Chair. Mine's more of a request. You would help the community if you could, and your team, kind of map out the process from when you started eight years ago to getting to here. I don't think...I don't think many people--I don't understand all the different steps. You hear about it...you know, it takes a long time. If instead of eight years, a project like this could've been approved in two years, and six years ago difference, I mean, nothing gets cheaper, no construction project gets cheaper over time. So, one of the things that I think the Council would really benefit from is being able to get a layman's sketch of the process, and some feedback from the developer as far as suggestions. So, thank you for your presentation and your persistence. Thank you.

MR. GOMES: Thank you, Councilmember Cook.

CHAIR KAMA: Members, are...oh, okay, there you are. Ms. Rawlins-Fernandez, questions for our presenter?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I don't know if I have a question for Mr. Gomes just yet. I actually have questions for you, Chair, and then probably for Chair Lee. So, my question is, after Mr. Gomes is finished answering all of our questions, are we going to decide here some of the proposed condition...the specifics of the condition in preparation of first reading? Is...is that your plan so that we don't do Committee work on the floor on May 23?

MS. LILLIS: Chair, if I may?

CHAIR KAMA: Yes.

MS. LILLIS: Right now, the item is scheduled for a Housing presentation update. So, we would request that the Council stick to the agenda item.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Because Chair Lee alluded to there being changes that may take a long time to discuss. And so, that's concerning for me because I thought we were kind of all on the same page when we...when we were talking about it. So, if we were no longer on the same page, I...I don't know...like I want to be able to ask Mr. Gomes the...the questions, and all the resources the questions, so that it won't take a long time when the item comes up on May 23rd. So I'm feeling concerned right now, and that's where I'm at. And I guess I can't ask Chair Lee that question since it's not really on the agenda.

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COUNCILMEMBER LEE: Oh, you can.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. That's my question, go ahead.

COUNCILMEMBER LEE: Okay. Regarding the 7(B) presentation, as our Staff has reminded us, it's...it's not time for us to be making any decisions at this point. So, as a result, I suggested that the applicant--that the...yeah, applicant--contact everybody individually if you have concerns, and if you have potential conditions, and then we can deal with this generally on May 23rd, and then back in Committee. Because, you know, we...we need to actually finalize various things in Committee anyway, the extension of the deadline, and possibly other things. So, the idea here today is to try and gather as much information as all of us can, so that we can make a decision generally on May 23rd. In other words, let's support this project, or let's not support the project, knowing that many details will need to be ironed out in the upcoming weeks and months. Does that answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, kind of. So, I'm generally supportive of this project. I think this is . . .*(timer sounds)*. . . and Chair, if you'll just indulge me for a few minutes, mahalo, and then I won't have any other questions after this. I just...the language that I had suggested when we were at Council was that they would come back, that we would have this...what we would have to amend the resolution to change the dates since they wouldn't be able to make those dates. Anyway, and we would, you know, not be making a final decision at Council, that there's still details that we would need to discuss in Committee, and that we wouldn't want to be doing that Committee work on the Council floor at first and second reading, which is why we would hold off final approval on all these details for when we do take it up in Committee. So, that's...that's my concern, is that that part of the language would be taken out, and as long as it's not, like I can be supportive of it on May 23rd. But that's what hasn't been answered. So...but I can talk to Mr. Gomes, I guess, about it. Mahalo, Chair.

CHAIR KAMA: Members, anyone else has any last dire questions to ask? Okay. Seeing none. Thank you all very much. So, I just have two questions for you, Mr. Gomes. One, have you considered who your property management team might be for the project? It's a yes or no.

MR. GOMES: Yes.

CHAIR KAMA: Okay.

MR. GOMES: Okay.

CHAIR KAMA: And then, what is...what is the elementary school that the children from the project will be attending?

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MR. GOMES: So...so, the district is actually Waikapu. So, the elementary school that the children will need to be going to, I think, is Wailuku Elementary, and not Pōmaika'i School or Pu'u Kukui. I'm not sure, but I think it's Wailuku El, maybe Pu'u Kukui.

CHAIR KAMA: Okay. Thank you so very much. That's all I wanted to ask. I'm saving the rest for later. Thank you. Okay, Members, thank you so very much for your questions and for the deep dive that we did today. So, I'm looking forward to Mr. Gomes making appointments with all of you. So, I'm hoping that you all will have time for him, and that everything that you need to regurgitate actually comes up so that on the 23rd, we'll have better direction as to where we're going. And I'm sure Chair Lee, who just left, will agree to that. So, Members, to allow us to continue our discussion in the future on this item, without objections, I would like...I will be deferring this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR KAMA: And Members, it is now 10:48, and I'd like to call for a recess...well, now it's 10:49. So, by the time I finish talking it'll probably be 10:50. So, let's take a recess until 11:00. So, the HLU Committee is now in recess until 11:00 a.m. . . .(gavel) . . .

RECESS: 10:48 a.m.

RECONVENE: 11:05 a.m. (Excused: KRF)

CHAIR KAMA: . . .(gavel) . . . And the HLU Committee of May 8--9--10, will now reconvene.

ITEM HLU-5: BILL 11 (2023), AMENDING ORDINANCE 2829 (2000) TO GRANT WAILEA GOLF, LLC, FOR WAILEA TENNIS CLUB, A CONDITIONAL PERMIT TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII

CHAIR KAMA: Members, we're now going to begin with HLU-5, Bill 11 (2023) Amending Ordinance 2829 (2000) to Grant Wailea Golf, LLC, Wailea Tennis Club, a Conditional Permit to Develop and Operate a Parking Lot Within the A-2 Apartment District for a Property Situated at Kihei, Maui, Hawai'i. Members, we have before us Bill 11, which would amend an existing conditional permit for a parking area that serves the Wailea Tennis Club. We have the applicant's representative and team members here to present on the requested conditional permit amendments. So, Members, prior to the presentation, I will again remind you to hold your questions until we have received public testimony on this item. For the applicant, Brett Davis of Chris Hart & Partners will be giving us a presentation, and I will leave it to him to introduce his applicant's team. So, I'd like to be able to invite Mr. Davis to the podium, and have you do our

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presentation...your presentation.

. . . BEGIN PRESENTATION FOR ITEM HLU-5 . . .

MR. DAVIS: Good morning, Committee Members. Can you hear me okay? Great.

CHAIR KAMA: I think everybody can hear you. Thank you.

MR. DAVIS: Thank you, Chair.

CHAIR KAMA: You may proceed.

MR. DAVIS: Thank you. All right. Good morning, Committee Members. My name is Brett Davis, I'm a Planner at Chris Hart & Partners. I'll be giving a brief presentation today on a...this is for an amendment to an existing conditional use permit to continue to operate the Wailea's Tennis Center parking lot, and add 13 parking stalls. Next slide please. Just a brief introduction of the project team that put the application together. Wailea Golf, LLC is the owner of the Tennis Center parking lot, and Chris Hart & Partners prepared the application and the landscape architecture and design. David Sereda of our office is here today as well if you have any questions. We also worked with DCI Engineering on civil engineering. Next slide please. For those of you that aren't familiar with the Wailea Tennis Center, it's located in Wailea in between Pi'ilani Highway and Wailea Alanui Drive. The parking lot is accessed by Wailea Ike Drive. Next slide please. Here's some photographs of the existing parking lot showing the conditions. It's paved with asphalt, it has lighting, landscaping, and ADA stalls as well. Next slide. So, the project, again, has been approved since 1999 as a 54-stall parking lot, and the conditional use permit allows operation of the parking lot until 2030. The proposed 13 stalls are located in between the existing stalls and the...the water well that's adjacent. Currently, bollard lighting is down shielded, and the additional stalls will be...will be lighted with a similar down shielded light. The landscaping will be included, and was approved by the Wailea Community Association. Next slide. This shows the overall landscape plan. There should be a site...a landscape site plan--there, thank you. So, this shows the existing trees, parking stalls, and the area of proposed work. The next slide is a focus of the area of proposed work, and the native Hawaiian tree species that we're proposing for the three parking lot trees. These were recommended by the Maui Planning Commission at their...at their hearing in 2022. And so, the applicant is...agrees with that condition, and would like to comply with that. Next slide please. This is a photograph of the existing lighting that is used in the parking lot, and a schematic next to show the scale and the size. And this lighting is...is existing, and...and has been approved. Next slide please. So, as part of the conditional use permit, there are...there are conditions with the project. Since we prepared this presentation in consultation with the Planning Department, it is our understanding that the first modification we requested, the condition 6, is no longer necessary, and the only condition that we were...we are now amending is the addition of new condition 10, to establish and clarify the condition that was recommended at the

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Planning Commission meeting. And you'll see that condition is provided below, that the applicant will not plant any new Geiger trees, and instead use Native Hawaiian trees listed in the Maui County Planting Plan. Next slide. I just want to say mahalo, and thank you for your time, and we're available for any questions or clarification. Thank you.

. . . END PRESENTATION FOR ITEM HLU-5 . . .

CHAIR KAMA: Thank you, Mr. Davis. Staff, do we have testifiers?

MS. LILLIS: Chair, we currently have one person that is signed up to testify. At this time, Bud Pikrone, if you would like to testify, you would have three minutes.

. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-5 . . .

MR. PIKRONE: Aloha, Chair --

CHAIR KAMA: Aloha.

MR. PIKRONE: -- Kama, and Councilmembers. My name is Bud Pikrone, I'm the General Manager of the Wailea Community Association, and I am here to testify in favor of the proposed parking additions. This is something that we've...we're always happy to get some additional parking anywhere in...in the area, and we think that this is...is absolutely a great thing. Considering that besides tennis, now pickleball has become so popular, that that...the additional parking will help with the many people who now come to the Center to...to play pickleball. But we approved this, and the landscaping, and the lighting some time ago, a couple years ago, before it went to the Council to begin with, and we still agree with that approval, and we look forward to...to seeing some new parking stalls in the community. Thank you.

CHAIR KAMA: Members, any clarifying questions for our testifier? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Pikrone. I did ask the...when I did see the presentation, and I asked them, but they didn't indicate, and I just was wondering, you know this Wailea community, you're like the...the guy. And I just was wondering, there's no request within your community for additional EV chargers, or solar roofing chargers, covers, or anything...nothing like that?

MR. PIKRONE: Not at...not at this time, no. We...we do have them in a number of the hotels...I think all of the hotels in Wailea have them. And new development would be something where we would seriously look at that. I know we're looking at that for whenever our office building comes to your...your Committee and Commission, we will present that possibility also.

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COUNCILMEMBER PALTIN: Okay. So, it's not a request from your community at all. No more EV chargers or . . .*(inaudible)*. . .

MR. PIKRONE: No. Surprisingly, no.

COUNCILMEMBER PALTIN: Okay. Nothing about permeable...nothing?

MR. PIKRONE: No, we've...we've actually have always been skeptical of pervial [*sic*]...of pavement...of that kind of pavement because it does clog easy, and that we haven't seen proof that it's...after years is sustainable.

COUNCILMEMBER PALTIN: Okay, great. Thank you so much. Thank you, Chair.

CHAIR KAMA: Thank you, Ms. Paltin. Any other Members have questions for our testifier? Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much. I actually was going to have a question regarding Bud Pikrone, if he...what he had to say, and here he popped up and answered all my questions --

UNIDENTIFIED SPEAKER: Okay.

COUNCILMEMBER SUGIMURA: -- because he was raised in the community that he manages.

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: And I wonder if the Department has any questions, because I don't have any further questions...or any questions for the...

CHAIR KAMA: Okay. Do you want to comment--okay. The Department?

MS. AOKI: Good morning, Chair.

CHAIR KAMA: Good morning.

MS. AOKI: I don't have any questions for Bud. Thank you. Nice to see you, though, Bud, haven't seen you in a while.

MR. PIKRONE: I know.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: So, basically the Department supports this, right?

CHAIR KAMA: Yeah.

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COUNCILMEMBER SUGIMURA: That's what --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: -- I was trying to get to. Thank you.

MS. AOKI: Oh. Yeah.

COUNCILMEMBER SUGIMURA: Sorry.

CHAIR KAMA: Yeah.

MS. AOKI: When we have the opportunity, though, we would like to discuss two items.

CHAIR KAMA: Okay. Any other--Member Sinenci.

COUNCILMEMBER SINENCI: Chair. Thank you, Chair. Mahalo, Mr. Pikrone, for your testimony. I know you're the unofficial mayor of Wailea, but just for clarification, you're the General Manager of where?

MR. PIKRONE: The Wailea Community Association.

COUNCILMEMBER SINENCI: Oh, okay. All right. I didn't know they had that title, but thank you. . . .(laughing). . . Thank you, Chair.

CHAIR KAMA: You're welcome. Any other Members have *(audio interference)* for our testifier? If not, thank you very much, Mr. Pikrone. Okay.

MR. PIKRONE: Thank you.

CHAIR KAMA: Oh, Mr. Davis. Okay, there are you. Come on back. So, Members, I'm going to close testimony right now because we have no other testifiers.

COUNCILMEMBER SUGIMURA: No objections.

CHAIR KAMA: And therefore, I just want you to...to let you all know that, and we're going to continue to accept written testimony on this item without your objections.

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you. Okay. So, as we did earlier, we're going to start with the Vice-Chair of the Committee to ask any questions, and then we're going to go to Chair Lee, and work our way down. But if the Vice-Chair would, I know that Member U'u-Hodgins needs to leave in a few minutes. So, if you would allow her to go first, and then you go, and then

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we'll go back around, if that's okay with the Vice-Chair, Mr. Cook. Yes, is that okay? Okay, thank you.

COUNCILMEMBER U-U-HODGINS: I'll make it quick because I don't have any questions, but thank you. . . .(laughing). . .

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

MS. LILLIS: Chair?

CHAIR KAMA: Yes.

MS. LILLIS: If I may interrupt, could...we would like to do a last call for public testimony.

CHAIR KAMA: Okay.

MS. LILLIS: Okay. If anyone either in the Council Chamber or on BlueJeans would like to testify, please let Staff know now. I will do a brief countdown. This will be the final opportunity to testify at this meeting today...three, two, one. Chair, no one has indicated that they wish to testify.

CHAIR KAMA: Thank you. So, I will now close public testimony.

. . . END PUBLIC TESTIMONY FOR ITEM HLU-5 . . .

CHAIR KAMA: Thank you for that, Staff. Okay. So, let's continue with Mr. Cook.

VICE-CHAIR COOK: Thank you, Chair. Mr. Davis, I don't know...just ballpark because I don't know. This project's...how much, approximately, does it cost to go through the process to get, like, this 13...addition for these 13 parking stalls? And the reason I'm asking that is because I'm just...the big picture, the processes that we go through, and how much Government cost.

MR. DAVIS: Hello, this Brett Davis, consultant from Chris Hart & Partners. There's...you know, the cost of hiring consultants to take you through the process is a cost. This...I've been working on this...this permit for over three years. So, you know, you figure a civil engineer, landscape architect, city planner...that's just the consultant team to get the application through. And so, as far as like...the parking lot is \$40,000, is the valuation that we...the paving work...just that we put. So, I...I honestly don't know the...the labor costs that it's taken the last three and a half years. And when you're dealing with this project in this area, it involves planned development permitting, conditional use permitting, subdivision approval. And so, there's...there's a lot of facets to this particular...particular application.

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VICE-CHAIR COOK: Thank you. Thank you for that.

CHAIR KAMA: Okay. Chair Lee.

COUNCILMEMBER LEE: Thank you. Mr. Davis, I have no questions. Thank you, Chair.

CHAIR KAMA: Member Sugimura.

COUNCILMEMBER SUGIMURA: Mr. Davis, I have no questions.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Davis. So, I heard it from Mr. Pikrone that they have no desire for EV chargers. I just was following up with you, is...is that the same thing that you had learned?

MR. DAVIS: Correct.

COUNCILMEMBER PALTIN: Okay, great. Thank you.

CHAIR KAMA: *(Audio interference)*.

COUNCILMEMBER JOHNSON: Thank you, Chair. Okay, Mr. Davis, I figure I'd throw out some questions for you since everybody passed. But...okay, the...the Geiger trees versus the native trees, only the expansion is going to have the native trees; is that correct?

MR. DAVIS: Yes, that's correct.

COUNCILMEMBER JOHNSON: So, is it just a cost issue on why you don't want to take out the Geiger trees and put back in native trees?

MR. DAVIS: I'd...I would have to...to ask the applicant and the owner about that. But I...you know, those trees were there since 1999; they're very mature --

COUNCILMEMBER JOHNSON: Yeah.

MR. DAVIS: -- and they do provide shade, which is --

COUNCILMEMBER JOHNSON: Okay.

MR. DAVIS: -- the intent.

COUNCILMEMBER JOHNSON: Yeah, the shade is key. Okay. And then the last question is the...this...the lighting. The old parking lot, will they have the new lightings, or is it just for the expansion?

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MR. DAVIS: So, the...the parking lot will comply with the new ordinance. There will be...the bulbs will need to be changed out, is my understanding, but the equipment that is there...the type of light unit fixture, is...will hold those new bulbs that comply with the new lighting ordinance.

COUNCILMEMBER JOHNSON: Okay. So, it's just a changing in the bulbs of the old fixtures. The new fixtures are going to be the short, tinier...

MR. DAVIS: That's correct.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you so much. Thank you, Chair. No further questions.

CHAIR KAMA: Thank you. And Member Rawlins-Fernandez is excused for the remainder of today's meeting. And we're going to just continue on with Member Sinenci. Okay, I don't--I think he's (*audio interference*) because I don't see him. Yeah, okay. Okay. Any other Members have questions for our presenter? Okay, seeing none. Okay. Ms. Aoki, yes.

MS. AOKI: Thank you, Chair Kama. I do have a question for the applicant. For the bollard lighting, was that approved by...Mr. Pikrone said, is that Wailea Golf, LLC that approves the lighting? Who approves the lighting for you...for them...for you? Do you know?

MR. DAVIS: To answer the question, we're...we're just copying what the existing lighting is there.

MS. AOKI: Right. No, I'm...I guess...because my question is regarding the bollard lighting, there was a suggestion to add it to number 6. We said that it probably wasn't necessary. What I'm wondering is if it would be to recognize that they have approved this lighting, and it's not 12 to 14 feet. So, we want to recognize and put the condition in with what it looks like now. That makes sense to me, and it has been approved. So, would it be prudent to just change number 6 to say, "Further, the lighting standard shall be approved by Wailea Golf, LLC," versus this 12 to 14-foot description? Take that out, because that's not what they're approving, right? They have approved this bollard lighting. Am I understanding this? Maybe Mr. Ueoka could...if that's okay, Chair?

CHAIR KAMA: Absolutely. Mr. Ueoka.

MS. AOKI: Sorry, putting you on the spot, Jeff.

MR. UEOKA: No, no worries. Thank you. Thank you, Chair.

MS. AOKI: I want to make this condition make sense for what is there, and what is approved.

MR. UEOKA: Thank you, Chair. Jeff Ueoka. I'm an attorney for one of the project developers.

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So, it's a...it's a condition placed on the permit via the Council. So, right now, it says something about 12 to 14-foot lighting standards...the existing lighting in there, which was approved by Wailea Community Association. And, you know, as Council...or I shouldn't say Council, but Planning Department has found to be compliant over the years is those little lighting bollards, not 12 to 14-foot light poles.

MS. AOKI: Right.

MR. UEOKA: So, we asked for the language...asked for clarifi...we want to just make it clear that this is what's there, it's okay. So, we'd be open to a change of the language to just say, you know, "the bollard lighting is acceptable, the existing bollard lighting, or lighting standards as approved by the Wailea Community Association."

MS. AOKI: There you go.

MR. UEOKA: Okay.

MS. AOKI: Just that --

MR. UEOKA: Lighting.

MS. AOKI: -- last piece.

MR. UEOKA: Okay.

MS. AOKI: That the lighting standards approved by, so that you're not limiting it to one or the other, or being so restrictive. Let them...if the Council is amendable to that. The Department is...whatever the standards are that apply.

MR. UEOKA: Yeah. I'm --

MS. AOKI: So, can you say that again? Do you remember what you said?

MR. UEOKA: No, I don't, actually, but something to the effect of lighting standards as approved by the Wailea Community Association.

MS. AOKI: Because the Wailea Community Association is the ultimate body that makes these decisions --

MR. UEOKA: This is --

MS. AOKI: -- that you're aware of?

MR. UEOKA: -- this is the County's condition, so we --

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MS. AOKI: I know.

MR. UEOKA: -- we also defer to you guys, of course.

MS. AOKI: Right.

MR. UEOKA: But Wailea Golf is the owner, and they had installed the bollard lighting --

MS. AOKI: Yeah.

MR. UEOKA: -- Wailea Community Association was, but I...

MS. AOKI: But they're the ones that provide that approval, as far as like CC&Rs, or something?

MR. UEOKA: Yes. Yes, that is correct.

MS. AOKI: Yes. Okay. So, that would -- can be more correct, a condition. Okay. Thank you.

CHAIR KAMA: So, we are good with that, Director, right, in terms of the condition to be...

MS. AOKI: Yes --

CHAIR KAMA: Okay.

MS. AOKI: -- Chair Kama, we do have one more condition, if...when it's...if I can do that now --

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

MS. AOKI: -- or when you ask. We have one more condition we want to --

CHAIR KAMA: Okay.

MS. AOKI: -- talk about.

CHAIR KAMA: Yeah. Okay. Well, wait until the motion comes up, and then we can bring it up at that time. Okay. Members, any other questions for our presenter? Oh, Mr. Sinenci, you're back. Do you have any questions for our presenter?

COUNCILMEMBER SINENCI: Okay. Yeah, just following up on the...the plants. Were there any more drought-tolerant plants that were offered by the Planning Commission? Just curious.

MR. DAVIS: Hello, this is Brett Davis from Chris Hart & Partners. No, this was the only...there was no specific species recommendation given.

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COUNCILMEMBER SINENCI: Oh. So...but...but they did recommend the current one that you...you chose?

MR. DAVIS: The one that we chose, they found acceptable.

CHAIR KAMA: The hau tree.

MR. DAVIS: The hau tree.

COUNCILMEMBER SINENCI: *(Audio interference)* that's all, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. So, Members, I don't see anyone asking any more questions. So, the Chair will now entertain a motion to recommend approval of this item.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Thank you. It's been moved by Councilmember Sugimura, and second by Council Chair to approve this item. Any discussion? Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I support this, and it's amazing what the applicant has to go through for 13 parking stalls. But thank you very much, and I support this wholeheartedly.

CHAIR KAMA: Council Chair.

COUNCILMEMBER LEE: Yeah. Chair, can we ask the Planning Director what was --

CHAIR KAMA: Yeah.

COUNCILMEMBER SINENCI: -- the second condition?

CHAIR KAMA: Yes. Director.

MS. FURUKAWA: Hi, I'm Staff Planner Tara Furukawa. So, when the Planning Commission approved the project, there was one additional condition that's not in the draft ordinance. And it was that the applicant not use Geiger trees, and instead use native Hawaiian trees listed in the Maui County Planting Plan, and we wanted that included in the ordinance.

COUNCILMEMBER LEE: So moved to add that conditional language.

CHAIR KAMA: *(Audio interference)* it's been moved and...moved by Chair Lee, second by Member Sugimura to add in the condition of not using Geiger trees, correct? Yes, Member...I mean Director.

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MS. AOKI: Thank you. Thank you. So, I believe the condition should read, "That the applicant will not plant any new"...new or any?

CHAIR KAMA: It has to be new, they already have Geiger, yeah?

MS. AOKI: I would recommend not any new Geiger trees, and instead use native Hawaiian trees listed in the Maui Counting [sic] Planting Plan.

CHAIR KAMA: Okay.

MS. AOKI: Thank you.

CHAIR KAMA: Okay. So, that is the second condition?

COUNCILMEMBER LEE: Yes, that's the amendment to the first motion.

CHAIR KAMA: *(Audio interference)* okay. Okay. So, Members, we have an amendment on the floor. Yeah. Oh, yes, Member --

VICE-CHAIR COOK: I was ready to vote.

CHAIR KAMA: Oh, you ready to...okay. All those in favor of --

COUNCILMEMBER SINENCI: Chair.

CHAIR KAMA: -- the amendment please raise your hand.

COUNCILMEMBER SINENCI: Chair.

CHAIR KAMA: Yes, what am I missing? Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, I was just wondering if you could consider putting drought-tolerant native plant options as a friendly amendment...friendly to the amendment?

CHAIR KAMA: Is that possible?

MR. DAVIS: Yes, the applicant's willing to agree to that.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Yeah. So, we'll accept the friendly amendment.

CHAIR KAMA: Friendly amendment has been accepted. Okay, Members, all those in favor of

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VOTE: **AYES:** **Chair Kama, Vice-Chair Cook, and Councilmembers Johnson, Lee, Paltin, Sinenci, Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Rawlins-Fernandez and U'u-Hodgins.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of revised Bill 11 (2023).**

CHAIR KAMA: Yes, Mr. Ueoka.

MR. UEOKA: I'm sorry, Chair. Was the first amendment formally taking out the amendment to item 6?

CHAIR KAMA: Addition of new condition 10, that one?

MR. UEOKA: Oh, yeah.

CHAIR KAMA: Is that what you talking about? Or you talking about the --

MR. UEOKA: What we were discussing with --

CHAIR KAMA: -- the Geiger tree?

MR. UEOKA: -- the Planning Director --

MS. AOKI: Yeah.

CHAIR KAMA: The Geiger tree?

MR. UEOKA: -- the Bollards.

MS. AOKI: No.

MR. DAVIS: The lighting.

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MR. UEOKA: The lighting standards, I'm sorry.

CHAIR KAMA: For the lighting standards.

MS. AOKI: To amend number 6, "That lighting for the parking lot shall be appropriately shielded to diminish glare and lighting impacts on the adjacent residential parcels." And we amended the last sentence to say, "Further, the lighting standard shall be as approved by the Wailea Community Association."

COUNCILMEMBER SUGIMURA: So move.

CHAIR KAMA: Okay. It's been moved by Member Sugimura, and seconded by Member--Council Lee to add in the...the modification number 1, with amendments from Director Aoki, regarding the lighting. Did we all get that? Okay. All those in favor, please say aye, raise your hand.

COUNCILMEMBERS: Aye.

CHAIR KAMA: I see seven ayes, two excused, Member Rawlins-Fernandez and Member U'u-Hodgins.

**VOTE: AYES: Chair Kama, Vice-Chair Cook, and
 Councilmembers Johnson, Lee, Paltin, Sinenci,
 Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Councilmember Rawlins-Fernandez and
 U'u-Hodgins.**

MOTION CARRIED.

ACTION: APPROVED Amendment.

CHAIR KAMA: So, all in all, your project has been approved with all those conditions. Thank you, Mr. Ueoka. Thank you, Mr. Davis. Thank you, Members. And thank you, Director. Okay, I don't have anything else on my agenda, unless you all have one. And therefore, Members, since the motion has been approved, we're going to continue to send it on to Council with our...with our recommendation to approve it when it gets to Council. But

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

May 10, 2023

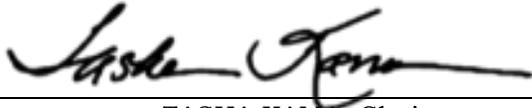
other than that, Members, there's nothing else. Eh, it's 11:33, and the HOU --

COUNCILMEMBER SUGIMURA: Good job.

CHAIR KAMA: -- Committee meeting is now adjourned. . . .(gavel). . .

ADJOURNED: 11:33 a.m.

APPROVED:



TASHA KAMA, Chair
Housing and Land Use Committee

hlu:min:230510:slv

Transcribed by: Cheryl von Kugler,
Marie Tesoro & Tricia Higa

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

May 10, 2023

CERTIFICATIONS

I, Cheryl von Kugler, hereby certify that pages 1 through 25 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 June 2023, in Wailuku, Hawai'i



Cheryl von Kugler

I, Marie Tesoro, hereby certify that pages 25 through 40 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.

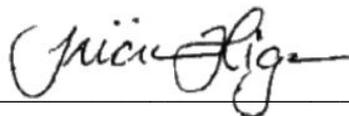
DATED the 7th day of June 2023, in Wailuku, Hawai'i



Marie Tesoro

I, Tricia Higa, hereby certify that pages 40 through 52 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 June, in Mililani, Hawai'i



Tricia Higa