

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

**MINUTES**

**May 10, 2023**

**Online via BlueJeans Link  
Council Chamber, 8<sup>TH</sup> 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.*

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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































































































