

# **PLANNING AND SUSTAINABLE LAND USE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**May 21, 2019**

### **West Maui Senior Center**

**CONVENE:** 5:05 p.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Tamara Paltin, Chair  
Councilmember Shane M. Sinenci, Vice-Chair  
Councilmember Michael J. Molina  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Yuki Lei K. Sugimura

**EXCUSED:** VOTING MEMBERS:  
Councilmember Kelly T. King  
Councilmember Alice L. Lee

**STAFF:** David Raatz, Legislative Attorney  
Leslee Matthews, Legislative Attorney  
Julie Reed, Legislative Analyst  
Clarita Balala, Committee Secretary

Angela Lucero, Executive Assistant to Councilmember Tamara Paltin  
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

**ADMIN.:** David A. Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Michele McLean, Director, Department of Planning  
Paul Fasi, Planner, Department of Planning  
Stephen Welling, Deputy Director, Department of Public Works

**OTHERS:** Jen Mather  
Robin Ritchie  
Lyndsey Miller  
Luke Hoffseth  
Jon Wheeler  
Sheri Thibaut  
Timi Gilliom  
William Cross  
Alan Dickar  
Bill Green  
Chris Welsh  
Robin Welsh  
Dylan Payne

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Paka Tucker  
LaurieLei DeGama  
Ke`eaumoku Kapu  
Uilani Kapu  
(14) additional attendees

Christopher Ondatje, Applicant  
Rory Frampton, Rory Frampton Consulting Inc.

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**PSLU-19      CHANGE IN ZONING FOR 266 DICKENSON STREET  
APARTMENTS (LAHAINA) (CC 18-351)**

CHAIR PALTIN: . . .(*gavel*). . . The Planning and Sustainable Land Use Committee will come to order. The time is about 5:05 on May 21<sup>st</sup>, Tuesday, here at Kaunoa Senior Center in West Maui. I'm Councilmember Tamara Paltin, the Chair of the Council's Planning and Sustainable Land Use Committee, and I'd like to introduce our voting Committee members. We have the Vice-Chair of this Committee, Mr. Shane Sinenci, all the way from East Maui.

VICE-CHAIR SINENCI: Good afternoon, Chair.

CHAIR PALTIN: Good afternoon. Our Council Chair, Kelly King, is excused tonight and our Councilmember Alice Lee is also excused. And I just wanted to let everybody know this is an off-meeting week for us, yeah. Usually we meet every other week so I requested to the Council Chair if we could have an additional meeting with a site inspection on the West Side because this was a West Side issue. So for the Members that are excused it's not like this is a regularly scheduled meeting. It's a additional meeting so don't hold it against them. We also have Councilmember Michael Molina all the way from Makawao.

COUNCILMEMBER MOLINA: Aloha, Chair. Aloha, everyone.

CHAIR PALTIN: Aloha. And we have Council Vice-Chair with us, Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha. Aloha auinalā, Chair.

CHAIR PALTIN: Aloha auinalā. And Councilmember Yuki Lei Sugimura from Upcountry.

COUNCILMEMBER SUGIMURA: Good afternoon.

CHAIR PALTIN: Good afternoon. So our non-voting Members on this Committee are Riki Hokama and Tasha Kama. For Committee Staff, we have Committee Secretary, Clarita Balala, at the end over there. Our Legislative Attorney is Ms. Leslee Matthews.

MS. MATTHEWS: Aloha, Chair.

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CHAIR PALTIN: Aloha. Our Legislative Analyst is Ms. Julie Reed.

MS. REED: Aloha, Chair.

CHAIR PALTIN: Aloha. And our Supervising Legislative Attorney is Mr. David Raatz.

MR. RAATZ: Aloha.

CHAIR PALTIN: Aloha. For Corporation Counsel, we have David Galazin.

MR. GALAZIN: Aloha, Chair.

CHAIR PALTIN: Aloha. We also have the landowner's representative, Mr. Rory Frampton, out in the audience. Our Planning Director is here, Michele McLean.

MS. MCLEAN: Aloha.

CHAIR PALTIN: Aloha. And we also have Department of Planning Planner, Paul Fasi, and also here is Steve Welling, the Deputy Director of Public Works on the end over there. So at this time I would just ask everyone if they can please silence their cell phones or any other noisemaking devices at this time. We'll be accepting public testimony. It shall be limited to three minutes. Ms. Matthews will be keeping time on her phone and there'll be a notice when your three minutes is up, like a sound, and if you need, I will provide a minute to conclude upon request. Testifiers are requested to state their name and to indicate who they are representing. Paid lobbyists are requested to identify their status. Tonight we have a single item on our meeting agenda, PSLU-19, Change in Zoning for 266 Dickenson Street Apartments. This item relates to a proposed bill to grant a request from Christopher Ondatje for a Change in Zoning from D-2 Two-Family District and R-2 Residential District to A-2 Apartment District to facilitate the development of an eight-unit three-story apartment building. So the first testifier signed up to testify tonight is Ms. Jen Mather.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. MATHER: Aloha, Committee Chair Paltin. Aloha, Committee Members. My name is Jen Mather, and I live around the corner over here, and I just wanted to say thank you all for coming to West Maui because it's a wonderful opportunity to be able to voice our concerns actually in our community. So thank you for coming out. I'm here testifying in opposition to the zoning change for 266 Dickenson Street. I was the room mom for Sacred Hearts Early Learning Center for three years. I'm now the current PTO President for King Kamehameha III Elementary School. I work at Waiola Church, which is located on Wainee, which is a cross street of Dickenson Street, and I live right over here on the mauka side of Dickenson Street. So I have to cross and use that intersection of Honoapiilani Highway and Dickenson Street at least twice a day and if my kids are having a bad day and they've forgotten something at home or they've forgotten something at school, I have to cross that thing...or if there's meetings or something, I have to cross that intersection at least ten times a day. So just to clarify

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I'm not here speaking on behalf of any of those organizations, as well. I'm just here as an individual community member, but a community member who is very familiar with that intersection and how dangerous it is already, especially on that corner where this project is proposed to be built. If you can imagine on a morning when there's drop off and then on an afternoon when there's pick up for two of those large schools that are right there and trying to maneuver into a driveway that might be what, 50 yards, from that really congested intersection. It's just gonna be like implausibly dangerous to me. Also, I know that the police have weighed in and they said, you know, make it a no left turn in and a no left turn out, but a lot of people are noncompliant with our road signs. They are just gonna see the chance and take it. Also, that road is so narrow as it is right now. If we're asking these people to install a sidewalk there, I just feel like it's going to narrow it even more and make it more impassable, especially 'cause this school cafeteria has a little parking lot across from that area. You probably saw it on your site visit today. And if you ever watch the car try to navigate in and out of that, it's like hair-raisingly scary because that corner coming off of Honoapiilani Highway is a blind corner. So that's another issue. And I just think adding 16 more additional cars is gonna have a negative impact to that area. And I know that I'm talking about this in the middle of a housing crisis and we want more inventory and we want infill development and we want to, you know, maintain our open spaces, but I think we also need to reconcile the fact that this is just the wrong spot for this kind of a project if we take into account solely that, you know, safety aspects for our community. So thank you.

CHAIR PALTIN: Members, are there any questions for the testifier? Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thanks for being here, Jen. Nice seeing you.

MS. MATHER: Yeah.

COUNCILMEMBER SUGIMURA: I...we did a site visit and like you said, infill, and I like seeing that. I also wondered about because you have a traffic concern and you're very familiar with the area, I believe that we can ask Public Works for more information, but...about doing like a circulation pattern study so we can study that corner and possibly making that street a one-way. So I think that might solve some of the concerns you might have so people don't come barreling down from Honoapiilani Highway, right. That's what your concern?

MS. MATHER: Right. Yeah.

COUNCILMEMBER SUGIMURA: Anyway, more to come I think --

MS. MATHER: Okay. Mahalo.

COUNCILMEMBER SUGIMURA: --to address that.

CHAIR PALTIN: Councilmember Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Mather.

MS. MATHER: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony. I wanted to follow up on what Member Sugimura mentioned about the...turning that street into a one-way. Will you please share with us your position on turning that street into a one-way?

MS. MATHER: It would depend on which way the one-way went.

COUNCILMEMBER RAWLINS-FERNANDEZ: Give us your thoughts on either way.

MS. MATHER: Okay. Well, if we turned Prison Street into a one-way as well, it would...I mean because Prison's another area where there's like heavy traffic coming off the highway, same thing blind corner. So if you turn that into a one-way and then Dickenson into a one-way so it kind of blocks that area, that would be wonderful. But more importantly I think as well, we really need to work with Public Works to get...if we're gonna turn those things into one-way streets to get it to be walkable because the other issue is that it's just so dangerous having cars on that thing and no sidewalks for pedestrians to go up and down. You see people from Sacred Hearts like risking their lives trying to walk on that road. So, yeah, if you blocked it off and made it one-way in multiple...sorry, does that answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So you shared your thoughts with us of Dickenson being a one-way mauka, what are your thoughts on...or makai. What are your thoughts on it being a one-way mauka?

MS. MATHER: I don't know how I would get to school. It would make it harder to get my kids to school on time probably. We'd have to wake up earlier. I don't know. I think I'd have to think about it more to give you a real answer on how that would impact and how I would feel about it.

COUNCILMEMBER RAWLINS-FERNANDEZ: So mahalo.

MS. MATHER: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Members, any other questions for the testifier? Seeing none, thank you for your testimony.

MS. MATHER: Thank you. Mahalo.

CHAIR PALTIN: Up next we have a Ms. Robin Ritchie.

MS. RITCHIE: . . .*(adjusting mic)*. . .

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CHAIR PALTIN: Thank you.

MS. RITCHIE: Thank you. My name is Robin Ritchie and I'm a resident of Lahaina for 40 years. I'm testifying on my own as just a citizen and I strongly oppose the approval of the apartment complex. I've made a map of the area but my opinion is the applicant bought an empty lot. It used to have one house and some big trees and those were torn down and they bought the empty lot zoned as residential and part of it as duplex in the Historic District of Lahaina. There are different laws regarding building in the Historic District. There is no three-story apartment buildings. You can't find any information on setbacks for when it's a—what do you say—let's say they did approve it, there's no guideline because it's not. There's no three-story buildings allowed now to be built in the Historic District of Lahaina. That's why Dickenson Street is so skinny. It's in the Historic District. It's not a legal, two-lane road. It's only 25-feet wide. There are no sidewalks. I'm sorry this delays the applicant. We've all been through it when we tried to build cottages. When I tried to put up a business sign, it took two years for a legal complying sign so I'm sorry that they're getting this delay, but that's part of it. The current problems are Dickenson is 25-feet wide and you're already not allowed to have big trucks turn off of the highway onto Dickenson. There's a wall here. It's a blind corner. They go bang, bang, bang, into each other. As the delivery truck for the school is approaching from this way, which they're allowed to do, and then he's backing into this parking lot while the cars are swinging around the corner and hitting the brakes and it's had chain reaction of the accidents there. The traffic backs up onto Highway 30 now. Perhaps changing Highway 30 from 35 zone...35 mile an hour zone down to 20 'cause it is along a school. That would help the current situation. The garbage truck for the apartment building would have to enter it from this direction. Nobody could turn if there's a truck parked here loading garbage. And there's supposed to be what 14 parking spots for their cars for the apartment building, then the dumpster. I don't know where you parked when you did your site. . .

CHAIR PALTIN: If you can conclude in a minute.

MS. RITCHIE: Okay. The property next door is already saying it's for sale and it can be changed to an apartment. Solutions are on the other side. Make Dickenson one-way headed mauka, maybe add sidewalks, make it an official school zone, close the exit from Highway 30, buy the applicant's land at fair market value or whatever, add a pedestrian and bicycle overcrossing built on 266 Dickenson. That overcrossing cost about 180,000. The funding could come from the County's parking lot. The parking lot is a pay lot at the corner of Front and Shaw. It used to fund a nonprofit. The nonprofit is defunct. The last income from the parking lot was \$180,000 for the year. Do you have any questions for me?

CHAIR PALTIN: Members, any questions for the testifier? Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for your work and your illustrations.

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MS. RITCHIE: You're welcome.

COUNCILMEMBER SUGIMURA: So what is over...overcrossing? What is a overcrossing?

MS. RITCHIE: Overcrossing I looked up and it's a ramped area that would go up and over the highway and because of its. . .

COUNCILMEMBER SUGIMURA: It's a bridge?

MS. RITCHIE: It's a bridge, but it's smooth so it could take baby carriages, it could take bicycles, and it can take people. They used to call them pedestrian crossings, but now that's what they're called. So this is the applicant's property currently. So adding...you'd have room to add sidewalks and then do the big swing around and then over Highway 30, up and over.

COUNCILMEMBER SUGIMURA: Thank you.

MS. RITCHIE: Yeah.

CHAIR PALTIN: Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you for being here...for your testimony. You mentioned a nonprofit that was funded by a parking structure.

MS. RITCHIE: Right. The Friends of Mokuula for probably 20 years were given the income from the parking lot at the corner of Shaw and Front, and the last year that it was recorded...they, you know, dissolved I guess last year, but the last. . .

VICE-CHAIR SINENCI: Okay. We just need to check on it. The last I heard it was for cultural programs.

MS. RITCHIE: Right.

VICE-CHAIR SINENCI: So I just need to look into that. Thank you.

MS. RITCHIE: It's just a wild, you know, idea, but --

VICE-CHAIR SINENCI: Thank you.

MS. RITCHIE: --I'm thinking safety.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Aloha, Ms. Ritchie. Just to help clarify your position on it. So as it's currently being proposed here, you're opposed to the project, but if all of these suggestions you've made and improvements, you would then change your position on this project to want. . .

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MS. RITCHIE: No, 'cause the improvements would be made on their property so there wouldn't be room for an apartment building --

COUNCILMEMBER MOLINA: Okay. Okay. So. . .

MS. RITCHIE: --you know. The only...all the buildings around there are two stories, right, and they're applying for three and there's no room for parking. It would impact the traffic so I'd say, you know. . .

COUNCILMEMBER MOLINA: Do that instead of the --

MS. RITCHIE: Yeah.

COUNCILMEMBER MOLINA: --project itself I guess.

MS. RITCHIE: Either build a house or let the County buy it.

COUNCILMEMBER MOLINA: And you mentioned the Historic District concerns as well.

MS. RITCHIE: Yes. Yeah. The Historic District is definitely here. There are no three-story apartment buildings being approved and it's all two-story building --

COUNCILMEMBER MOLINA: Okay, thank you.

MS. RITCHIE: --in the style of, you know, Lahaina.

COUNCILMEMBER MOLINA: Alright. Thank you.

MS. RITCHIE: Yeah.

CHAIR PALTIN: Councilmember Rawlins-Fernandez, did you have a question or was it cleared up?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, she kinda cleared up my question. Mahalo, Ms. Ritchie, for your testimony. So your proposal is for that overpass...for pedestrian overpass over Honoapiilani. Does it also overpass on Dickenson or is that like a crosswalk?

MS. RITCHIE: I think that could be a normal crosswalk because with the street being one-way the pedestrians would be visible to the traffic, you know, approaching. Same with coming this way when that truck is backing into the school cafeteria. They'd have advance time to slow down and it would back up along here where there's, you know, some traffic, but it would stop it from backing up onto the highway where people are going...it's a 35 mile an hour zone. The average speed at night is about 65 so it's a major crash site.



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COUNCILMEMBER RAWLINS-FERNANDEZ: And where you have that continued double squares along Dickenson Street, is that more sidewalk?

MS. RITCHIE: You'd have the width...it it was a one-way, you know, legal road, there would be room for a sidewalk.

COUNCILMEMBER RAWLINS-FERNANDEZ: Only on one side?

MS. RITCHIE: Oh, yeah. And you really don't want them going on the other side because that side's got, you know, five driveways, this side's got two, your odds are a little better. You know, just an idea.

COUNCILMEMBER RAWLINS-FERNANDEZ: So for people taking their children to school they would have to come all the way around and go down Wainee and drop off.

MS. RITCHIE: Yeah, and I think that's where most drop off now, right? That's where the crossing guard is and everything and that's the church. The church owns the parking lot across the street so that's sort of your pick up/drop off wait for the kids area right there so that wouldn't be impacted I don't think.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. I was trying to --

MS. RITCHIE: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --the testifier before you mentioned that going one-way mauka would be difficult to get her children to school --

MS. RITCHIE: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --so I was just trying to figure out. But she goes to King --

MS. RITCHIE: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --Kamehameha III.

MS. RITCHIE: And right now on Wainee if you're trying to turn up Dickenson turn right, you can't maneuver that corner without swinging onto oncoming traffic. There's a big telephone pole there so you have to swing wide or...and basically, you wait for someone to let you turn. That would eliminate that problem too.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for your map. It's really helpful to have visual aids.

MS. RITCHIE: I don't have 16 copies but I'll leave it with you.

CHAIR PALTIN: Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Thank you, Ms. Ritchie. Any more questions for the testifier? Seeing none, thank you for your testimony. Next testifier we have, Lyndsey Miller.

MS. MILLER: Aloha, everybody. . . .*(adjusts mic)*. . .

CHAIR PALTIN: And three minutes starting now.

MS. MILLER: Aloha, everybody. I am here just speaking on behalf of myself and my family. We live in Lahaina. I've lived in Lahaina for the last ten years. And we, as you had shown earlier, we are definitely in a housing crisis and one major factor for me in every place I've lived in and most specifically Lahaina is having safe living conditions. So many places are just put together, slapped together, you know, put some plywood in somebody's garage and that's a two-bedroom ohana now. You know, all kinds of stuff. So I'm here just really advocating for safe homes being built and I think that's what Chris can do. So, especially something in town, it's really helpful. That's it.

CHAIR PALTIN: Members, any questions for the testifier?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, Chair.

CHAIR PALTIN: Council...Vice-Council *[sic]* --

COUNCILMEMBER RAWLINS-FERNANDEZ: Council Vice.

CHAIR PALTIN: --Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Miller. I just wanted to clarify. So you're in support of this?

MS. MILLER: Yes. Oh my goodness, yes. I'm in support. Thanks.

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

CHAIR PALTIN: Next testifier is Luke Hoffseth.

MR. HOFFSETH: Aloha.

CHAIR PALTIN: Aloha. If you wanted to just squeeze the bottom, yeah, there you go.

MR. HOFFSETH: Hi, guys. I've lived in Lahaina for 24 years. It seemed when I moved here you could walk around, hang out or ride your bike and not get driven over. That's 'cause there was enough places for everyone to live. There isn't anymore. So traffic's a nightmare. Everybody talks about traffic. People for it, people against it, traffic,

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traffic, traffic. Well, if we had enough places to live, we'd be walking around, you know. That's what we need. So that's all I got.

CHAIR PALTIN: Members, any questions? Mr. Sinenci.

VICE-CHAIR SINENCI: Thank you. Do you support this project?

MR. HOFFSETH: Yeah.

VICE-CHAIR SINENCI: Okay. Thank you.

MR. HOFFSETH: I support any project that brings housing to the West Side. The highway's a joke. You know, no one wants to get out there and get killed like yesterday. If they lived here, they wouldn't have been on the road.

VICE-CHAIR SINENCI: Thank you.

CHAIR PALTIN: He did live here, but different story. Mr. Molina, did you have? No? Okay. Seeing no further questions, thanks. Next up we have John Wheeler.

MR. WHEELER: Aloha, Council and Councilmembers.

CHAIR PALTIN: Aloha.

MR. WHEELER: I'm here in support of the project. Like Luke and Lyndsey, I'm in support of housing, especially in Lahaina just 'cause there's such a shortage and lack thereof. And somewhere in town that's on the ocean side of the highway where you can walk to work if you work on Front Street or ride a bike I think is beneficial to Lahaina town in general. Any questions?

CHAIR PALTIN: Councilmember Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, John, for being here. Do you feel that there are some traffic problems of the site?

MR. WHEELER: Yeah, I mean, I think everybody who lives on the West Side feels like there's traffic problems, especially whenever the highway is closed and whatnot. From my understanding on the project with the one-way street coming mauka I think that would definitely be beneficial to everyone and maybe Prison Street one way going to the ocean or whatever you guys come up with. But something to make both of those two streets a little safer for people walking. I don't live there anymore, but I lived on the corner of Prison and Wainee for a long time, and yeah, it's an interesting turn, but if it could be made one-way. And I'm pretty sure the project is gonna make everybody turning into the building come from the ocean side. As is, it's gonna be a one-way turn. Yeah, yeah. So I don't see how the project will affect travel with that right hand turn as everybody going to the apartment will be coming from the ocean side.

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VICE-CHAIR SINENCI: Alright. Thank you.

MR. WHEELER: So I feel like it's a good solution for housing with not much impact.

VICE-CHAIR SINENCI: Thank you.

MR. WHEELER: You're welcome.

CHAIR PALTIN: Seeing no further questions, thank you for your testimony.

MR. WHEELER: You bet.

CHAIR PALTIN: Next up we got Sheri Thibaut.

MS. THIBAUT: Aloha.

CHAIR PALTIN: Aloha.

MS. THIBAUT: If I can get this down . . . *(adjusting mic)*. . . there. I am definitely in favor of this project. I am part-owner of Kimo's and we need employment. It is such a problem being on, you know, in Lahaina and I feel having this project and having the housing for people and they were able to walk to work, and I think it would be so beneficial. And Chris built me a gorgeous home. He is an amazing man and I think he would build an incredible building. So I think it would be wonderful. So that's how I feel about the project.

UNIDENTIFIED SPEAKER: So are you in favor of the project?

MS. THIBAUT: Yes, I am.

CHAIR PALTIN: Members, any question for the testifier? Seeing none, thank you for your testimony.

MS. THIBAUT: You're welcome.

CHAIR PALTIN: Next up we got Timi Gilliom.

MR. GILLIOM: Hi. Aloha. I am in support of this building. Like rental is, you know, there's no, like everybody has been saying, you know, there's so little bit available. I met a bunch of guys surfing that were camping with rent-a-cars from Oahu 'cause there's just nothing and they all have work in Lahaina for like multiple different businesses. And I was surprised that they actually came from Oahu and they were like camping on the...they had tents out down on the beach at Thousand Peaks and that's how they go to work every day. They come shower in the park and shower in the afternoon. I was kind of surprised. That was kind of a new spin. But yeah, there's just nothing...there's nothing available and what little is available is so expensive and teeny for, you know, what you get. And like Lyndsey said, they're, they're kind of

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patched up, they're...everybody sharing a bathroom, a dozen people. So I'm for this and I agree with John with the one-way. I think that would be great...a great plus. And that's about it.

CHAIR PALTIN: Members, any questions for the testifier? Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Gilliom.

MR. GILLIOM: Hi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony.

MR. GILLIOM: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So there's concern shared by previous testifiers about it being Historic District and this being a three-story apartment building is that something that you would be concerned about as well or three stories would be something you support?

MR. GILLIOM: I would have to think about that one. I don't really...I don't think it's gonna be in the way of anything, you know. I don't know if that's gonna snowball into others, but I don't really see if it's only that little portion of it, I don't think it's gonna block anything. But I don't...I don't really see a concern in that actually.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR PALTIN: Members, any further questions? I got a question. Sorry. You know, like in your testimony you said you met some guys surfing from Oahu that are camping in rental cars.

MR. GILLIOM: No. They're camping on the beach in Launiupoko. If you drive back and forth as much as I do, you know, they're not like homeless and they're not like local people camping. They're actually over here working and they can't find a place to stay and they're not gonna go to the hotels and stuff—a little expensive. And I met like probably five different groups of people and if you count the cars early in the morning when you go down there, they're like nice rent-a-cars. There's like 20, 30 cars and I think that's most of the guys and they don't even know each other.

CHAIR PALTIN: So it's not rental cars, it's just regular cars?

MR. GILLIOM: No. They're...well, rentals and long-term rentals. I guess you can rent cars and that's how they go to work over here on this side.

CHAIR PALTIN: And then the other thing that you mentioned about affordability, would you be willing to venture like what you consider affordable for folks for like a one-bedroom or two-bedroom in Lahaina.

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MR. GILLIOM: Like a thousand for a single room. I've seen 'em up to twelve, fourteen hundred bucks, fifteen even.

CHAIR PALTIN: And what do you think is affordable for a two-bedroom?

MR. GILLIOM: That I couldn't say. You know, it depends on how new it is and how much bugs and cockroaches you got. A lot of 'em are...like the place next door to where he's going to build, there's people renting vans and campers. I've seen that for the last eight, nine, ten years that you see people crawling out of campers and I don't know how...there's probably not too many bathrooms in the house, but...and they all ride bikes down the beach and I've met a lot of people, you know, three, four girls in one van. You know, not really like a camping van, just a van and tents, and that's kinda what people do because there's no safe place to, you know, kitchen, shower, toilet, bathroom.

CHAIR PALTIN: And those guys that you've met that are staying in these vehicles, have you asked any of them how much they would pay for a clean, safe place to rent?

MR. GILLIOM: They just said there is...they were all trying to hui up and get a house. It's just those are kind of out of control. They're kinda super expensive, but, yeah, was pretty surprised that they were off island, and you know, clean guys, you know, local boys that all working for different companies. There's so many new companies over here, you know, for construction. So I was kind of amazed that...I was surfing with them last month when I first met a couple of the guys and they go, oh, yeah, those guys over there and these guys from Ewa Beach, these guys from downtown, and there's just not really anywhere to go. You know, they got money, they work, they got, you know, but it's just kind of hard on the West Side. Kihei there's more room, more availability.

CHAIR PALTIN: But you don't know what they would be willing to pay for the two-bedroom?

MR. GILLIOM: No, I don't know. I guess you would have to fight the traffic getting out here from there and they work up north so you gotta wake up early.

CHAIR PALTIN: Thank you. Thank you for your testimony.

MR. GILLIOM: Thanks.

CHAIR PALTIN: Next up we got William Cross.

MR. CROSS: Hello there. Long time resident. Been here since '75. Came here as a young surfer guy. I actually lived on Dickenson Street when it was the old junk stores and the parking lot across from the school were old houses and the old cemetery at Maria Lanakila was scary walking by at night. My kids went to Sacred Hearts School. They graduated from there, went on to Lahainaluna, so I understand Dickenson Street and I remember dropping my kids off for school every morning making that right turn on

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Dickenson Street, which is kind of like, whoa, okay, just missed that guy coming out. So it is a narrow street. It's a historic street. That's a fact. I also remember the old house that used to be there. So I'm familiar with the area and I'm familiar with Lahaina with its problems with growth. It is a historic area so we have to take into account how we treat that and how we make it look to people arriving. I like the idea of the one-way idea for that. It would solve a lot of problems very similar to the old Pineapple Hill Road. It became one-way. It used to be two lanes. I mean you'd pass people up on that so things can be changed to accommodate someone with a good idea. Somebody who's got foresight thinking about the future of people who work in Lahaina, who need a place to live that's affordable, who has the architectural engineering mind to create something that would work. Also, to make something that would fit in to the area that would give pertinence to the historic site. Of course, it's gonna be a new building. The Weinberg Building that is built there was quite a few years ago and that's helped a lot of people that live on the West Side. You'll see that we have a lot of traffic here. That's because the Westins and all that kind of stuff have been built. They put a lot back to the community, but at the same time most of the people that worked for these corporations, these hotels have found unless their old families that they can't live on the West Side anymore. They have to drive to Kihei where maybe things are...prices are a little cheaper and everything. I'm not gonna talk about people that are camping out in Olowalu, but he's got a good point. That is an old style of, you know, back in the days. Heck, I remember when in '75 a bunch of guys at the Chart House lived in our cars in the parking lot there. So that was fun, but that was '75. This is a little different. But anyway, if you could put something together, if you can have the foresight to see that somebody can create something with that lot that would actually fit, that would actually work, we do have to look at and have confidence in the person because you guys would look at his plans...his planning and why it's there and make your decision to approve it. Cost of living on the West Side is really, really high, and we all know that. You guys know that. You're our representatives. You know we have problems. We have growing pain problems.

CHAIR PALTIN: If you need to, one minute to conclude.

MR. CROSS: Let me read a letter from a couple of kids okay. This one is from my daughter, okay, Kendall Cross. Okay. It says, I've lived and grown up on the West Side of Maui all my life. As a young adult living in and working in Lahaina is extremely difficult to find reasonable, nice places to rent and live in the area. In order for us to stay here on this side of the island and we need rental properties that can afford...that we can afford and that are safe. If there were places closer, we would bike, walk, work, at the stores. There would be less people having to commute to and from the other side helping with our traffic. I know, personally, it's been hard to find a place that I could afford. It's disappointing since I have two jobs...two jobs in Lahaina. Most people are...have to work two jobs here. This is from Bridget Joy, another little girl from...that I've seen grow up here. My name is Bridget Joy. I'm a 24-year old college graduate working full-time West Side. Being born Maui, raised in Lahaina, I know that the West Side of the island is the most lucrative area to work, but also most expensive to live. Living in an apartment with three other people is really the only

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viable option for someone in my position, i.e. fresh out of school, first time living on my own, lots of bills. Finding a nice place...clean, safe place to live is tough.

CHAIR PALTIN: Members, any questions for the testifier?

MR. CROSS: There's another paragraph and I'll yield my time if that's what you want me to do.

CHAIR PALTIN: Thank you. Member Molina has a question.

COUNCILMEMBER MOLINA: Aloha, Mr. Cross. You mentioned you've lived here for a while and know the street real well. We had some testifiers earlier express their concerns about the safety aspect. Any suggestions how that could be addressed? You have the school on the road as well.

MR. CROSS: I totally understand what they're saying, and especially, if they live in Lahaina. And I know that's hairball walking across from that, you know, from the gas station on over. We've lost kids there. It's a dangerous place and that's the traffic. But if you...if you take this looking at the highway to adjust like I said to make it a one-way street would adjust a lot of or actually alleviate a lot of that traffic problem of people trying to get on the highway, trying to do things to get on their way because they're late for work, drop the kids off, all that kind of stuff. That's Lahaina, that what we know, you know, people got to drop the kids off, gotta go to work. They might have to work on the other side or something like that. But basically, again, what was your question again was?

COUNCILMEMBER MOLINA: Yeah. No, I just wanted to get your feedback because of the concerns from. . .

MR. CROSS: Yeah. No, but I understand what everything they said, they live right there, and like I said I'm very familiar with the area. I knew guys that lived in those houses along there when they were junk. Now they're all fixed up, but you know, I'm familiar with the area.

COUNCILMEMBER MOLINA: Okay. Thank you.

MR. CROSS: Anyone else?

CHAIR PALTIN: Members, anybody...I have a question.

MR. CROSS: Yes, Tamara.

CHAIR PALTIN: One of the previous testifiers was saying like when you drop off the kids to school at Sacred Hearts most folks don't go makai onto Dickenson or turn right from the highway, but you're saying you used to turn right from the highway onto. . .



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MR. CROSS: Sometimes. Sometimes I drive Front Street. Sometimes I do Wainee. Sometimes I go from the highway. Depends if I'm behind when I have to drop the kids off I would go that way. But everybody has to drop their kids off at the parking lot across from the church. That's what Maria Lanakila requires. So however you get there that's okay. You have to do that.

CHAIR PALTIN: The guys come from all angles.

MR. CROSS: You have to go in on Dickenson or Wainee right to Dickenson, Front Street, left to Dickenson, whatever, or Prison to Wainee, you have to go in their parking lot to drop your kids off.

CHAIR PALTIN: So guys come from --

MR. CROSS: That is what. . .

CHAIR PALTIN: --all angles --

MR. CROSS: All angles.

CHAIR PALTIN: --but they have to end up --

MR. CROSS: Yeah.

CHAIR PALTIN: --at the parking lot.

MR. CROSS: Yeah. If I got plenty of time, yeah, I drive Front Street. Get to spend more time with my kids, you know, whatever.

CHAIR PALTIN: And then the second question I had because you mentioned affordability. What is affordable for a two-bedroom or a one-bedroom rate in Lahaina for you?

MR. CROSS: . . .(sighs). . . What is it? You guys all know the answer to that question, you know what I mean.

CHAIR PALTIN: No, that's why I'm asking.

MR. CROSS: You know that answer. It's expensive and it depends on if the person who owns the house bought it for investment or whatever. I think this person is trying to do something for the community, which is gonna give back to the people who live here, and looking at and being the person...I happen to know Chris Ondatje and I happen to know that he's a really good man, he's doing this for the family in mind, and he's doing this for I believe because he feels strongly about the people of Maui.

CHAIR PALTIN: So I guess my question is like what would Kendall Cross be able to afford or what would Bridget Joy be able to afford?

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MR. CROSS: Oh, God, I'd probably say, oh, you're talking about two-bedroom?

CHAIR PALTIN: Two-bedroom, one-bedroom. I think there's one, one-bedroom, and seven, two-bedrooms. So just wondering maybe they want to live there. . .

MR. CROSS: I would probably say it's gonna be in the \$1,200 bracket or something like that.

CHAIR PALTIN: Okay.

MR. CROSS: I might be low.

CHAIR PALTIN: Is that for the one-bedroom or the two-bedroom?

MR. CROSS: I'd probably say maybe even possibly, I would say the two-bedroom. I'd rather...if you have to look at the, of course the whole economics of the whole situation. The person has to charge the right amount, but if it's done right with the thought of affordable housing and not for profit, you might have something here.

CHAIR PALTIN: So for your daughter or her friend, 1,200 two-bedroom that would be great.

MR. CROSS: Two people sharing --

CHAIR PALTIN: You could call and move in.

MR. CROSS: --a \$1,200, that's 600 bucks a month --

CHAIR PALTIN: Bring 'em back to the West Side.

MR. CROSS: --or even more. It could be 1,700. You're looking at, you know, it's still affordable 'cause these kids are working two jobs. Man, they're over here working like, you know, like restaurant days. I worked restaurants. It was a blast. Surf all day, go to work at night, paddle canoe, you know --

CHAIR PALTIN: That was the days.

MR. CROSS: --in Lahaina. But you know, they, they all work together. Heck, I had a cottage for 300 bucks with the Farden's [sic] out in Kahana. God, I wish those days were still here, but you know, the kids today have to deal with the economics of today. And this...I think this project might help a little bit.

CHAIR PALTIN: What if it were 2,500 to 2,800 for a two-bedroom? Would that still work out?

MR. CROSS: That's pretty up there.

CHAIR PALTIN: Okay. Alright. Thank you.

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MR. CROSS: You're welcome. Anybody else?

CHAIR PALTIN: Thank you for your testimony.

MR. CROSS: Thank you for listening to me.

CHAIR PALTIN: Thank you so much. Next up we have Alan Dickar.

MR. DICKAR: Aloha and thank you for having us here. I am a neighbor. I own the house two doors down from the proposed site. And first, fortunately, Councilwoman, it was only because you had posted something about this hearing and somebody else saw it and sent it to me two days ago that I'm here. I'm shocked that the people most affected by this—no one on the block knew about it. So I don't know how that happened, who was responsible for contacting us, but none of us knew. Now, the property is currently vacant, but it was bought with the intention of developing it. That was obvious. My understanding by the way is that A-2 Zoning enables five units, not eight, unless that was an old thing I read. The reason that's important is that all four houses that are in a row were A-2 and somehow got changed recently to duplex zoning without any of us knowing that either. Now, in this case this particular application is highly problematic. There is no way that this...that eight units can be put on that property safely. I have long thought that Dickenson should be one-way mauka with the sidewalk, right turn lane at that property, you know, the end property, but because of where the driveway would be, to have that many vehicles entering and exiting even if they're only allowed to go right, as it is my neighbor's property, the house in between, his driveway which is closer to mine, is regularly bottled up. Occasionally, my driveway gets bottled up. Although fortunately, you know, because I'm farther away from the highway, not nearly as frequently. The current situation is unsafe and any development I think would require some improvements in traffic flow, pedestrian safety, and whatnot. And one of the things that amazes me is that everybody here seems to have forgotten that it's not an all or nothing proposition. Eight units is simply too many. This would be a disaster. Five units I could see a thoughtful development being done still requiring changes. Also, if this is approved for eight units, I would like the people here who want more housing to know something, I am a big fan of more housing. It would actually lead to less housing. The reason is that when I bought my property three years ago, knowing it was A-2, I had planned to add two...it's a duplex, and I had planned to add two more units. The neighboring property is in the process of being sold and I believe that that person may have intention of adding one or two units. But if this becomes an eight-unit property, I don't think anymore...the street will not be able to handle anymore units or at least it will be difficult to figure out how. So ironically if this is approved, it cuts off future development on the neighboring properties which would be much safer. Much safer because we're not on the corner.

CHAIR PALTIN: Please take one minute to conclude.

MR. DICKAR: Yes. So we need sensible housing and right now this street is plenty dangerous. Adding this kind of development even with the one-way which I think is

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necessary and a sidewalk, I think it's going to be a disaster and I hope that the planning involves wheelchair accessibility because I have a feeling there's gonna be a lot of injured folks having to go home. You know, the developer here I'm sure has the best of intentions and probably a really interesting design, but I think it's overshooting the possible, you know, what's possible to be done safely and this is important. This would wreck the neighborhood. I mean it...seriously, everyone on the block is like this would...like all the people in that part of Dickenson is like this would be nuts, right. And again, thoughtful development, maybe five units. I could see that handled well. So I'm not saying I oppose development. I just cannot imagine this going well if it were built. So thank you.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for being here. So you are neighbors two lots down?

MR. DICKAR: Yes.

COUNCILMEMBER SUGIMURA: So we did a site visit today and so you're on the...across the street is the school.

MR. DICKAR: Yes.

COUNCILMEMBER SUGIMURA: Is that right? So would you be willing to give up some of your property for a sidewalk?

MR. DICKAR: Yes. If...one of the things is that I think the sidewalk would be best on the side with the housing just because of the flow of where people come and go. But the street would need to be one-way and then that would give up some...it wouldn't be two lanes so, you know, they wouldn't need that much extra easement. Down at the end of Wainee and Dickenson, there's that pole that is a major, major safety problem and it amazes me that no one has done anything to relocate that in some fashion because there is no way when you get to that intersection, there is no place to stand that is safe. Plus, making a right turn onto Dickenson from Wainee, especially with the two-way street, you regularly have to avoid wrapping yourself around the pole or hitting anyone who's coming towards Wainee. And so the sidewalk I think is absolutely necessary. I really think the one-way and sidewalk, no matter what is built, even if it's just a single-family home, we just need that on that street. But also I really want people to understand that the impact of eight units would blow away, I mean the extra...the amount of extra traffic down at the end by the highway would make it virtually impossible for anybody at certain times of day to get to navigate the street. You know, I mean right now like I said, I don't know what time you were out doing the site visit but the property in between, regularly you can't get in or out of that driveway. Occasionally, mine's gets bottled up and there's no cars going to that end lot right now.

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COUNCILMEMBER SUGIMURA: So thank you. So we did a site visit at 1:45 so we could be there at the school traffic. I think it was planned wisely that way so we could get the impact and to me it wasn't...I guess because I'm so used to seeing Wailuku Elementary, or you know, the schools in Central or Baldwin or whatever, with narrow streets also, which is Wailuku Elementary and it was very manageable to me. But you're there every day so. . .

MR. DICKAR: Yeah, it's not at 1:45. Later...later you, I mean you'll see it like 3:00, 3:30, you know, 4:00, you will regularly see that street back up.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, Mr. Dickar for being here. You know, I'm trying to...we did the site visit, but I'm trying to think on the other side of the fence there was Aina Nalu.

MR. DICKAR: Uh-huh.

VICE-CHAIR SINENCI: So there's these condominiums --

MR. DICKAR: Uh-huh.

VICE-CHAIR SINENCI: --or rentals there and then beyond that I believe is the Weinberg building.

MR. DICKAR: Yeah.

VICE-CHAIR SINENCI: So I don't know how many people live in that structure and then you have the school and the church on this side and then there's some commercial district on this side. And so this street is probably like the only residential piece surrounded by these different either commercial or zoning structures. So I'm just, I mean I'm just trying to get your input because you're a single-family property right here and then you've got all these different types of buildings or commercial different zonings around you. So I'm just trying to...can you speak to that?

MR. DICKAR: Yes. For one thing, I want to point out my house, when I bought it in 2016, was actually zoned A-2 and that is how it has been zoned for a long time. I have no idea how it got changed because I was never notified nor were any of the neighbors who were changed. That being said, my house and the neighboring house are duplexes built before the County Code, grandfathered in, built in '67. So the issue of A-2 versus duplex is whether we can have three kitchens or five kitchens. I had a plan to go to four. That would have made the house economically viable. There's plenty of room for it. I can do it safely. I can handle all the parking and at my house...my house you could handle more people than the corner lot even though the corner lot is bigger because of where it's located and I really thought five would be

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hard in my property. Doable, but hard. I wasn't even gonna approach that. I have a long-term vested interest in housing in Lahaina. The reason I started buying houses is because I have a business on Front Street. I've been there for 18 years and my employees have a hard time finding housing so I have the same sympathies that a lot of other people here have, but it has to make sense. You know, having housing...lots of housing, but we have people getting hurt doesn't make sense. And so with the zoning that's around there it is kind of an odd zoning area. And that street was originally a transitional street which is how it was A-2 I believe, and any application using the A-2 zoning would still need to pass...the Planning Department would have a lot of questions because it would still...just because you're under the kitchen limit doesn't mean it's safe, right. So in terms of the strange, you know, the mixture of zoning, it should stay housing. That I think is important. We need more of it and it is the only residential street there and it would be nice for the people who...on that street if it stayed a nice residential street with more units. That's fine, just not crazy.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So in the beginning of your testimony you mentioned that you weren't sure who was responsible for notifying you as a neighbor.

MR. DICKAR: Uh-huh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is that what you're saying?

MR. DICKAR: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So are you referring to the 500 feet requirement for notification that some permits require of the applicant?

MR. DICKAR: Well, I know that I had been notified a long time ago at the beginning of the process, but I haven't been notified of anything recently. And the fact that there was a hearing about something two doors down, I would have thought it would have been polite to let the people most affected know. I'm not sure who...if anyone was responsible for doing it, or you know, I mean fortunately a friend follows your feed and saw it and sent it to me. And I was like, whoa, there's a...I didn't know about this. So I know I appreciate you guys doing anything you can to notify the public. But I, again, I don't know if there was a requirement for me to be notified. I just figured it would have made...been common sense.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, yeah, so there wasn't any requirement to let the neighbors know that this meeting was happening. Councilmember Paltin, she does a really good job at getting information on social media to notify as many people as she can. But as far as like there being any requirement of the applicant or the Council, there wasn't, but I'm really happy that you were notified and made it here.

MR. DICKAR: I'm glad, too.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony.

MR. DICKAR: Thank you.

CHAIR PALTIN: And I just wanted to clarify I don't think this is considered a hearing. It's a committee meeting, and then, you know, pursuant to the Sunshine Laws we agendize it like six days in advance. So you can sign up or you can just follow my Facebook page and I'll let --

MR. DICKAR: Which I definitely will. It was obviously useful.

CHAIR PALTIN: --you know, Councilmember Tamara Paltin. Okay. Thank you. Any other questions for the testifier? Seeing none. Thank you for your testimony. Thank you for being here.

MR. DICKAR: Thank you very much.

CHAIR PALTIN: Next up we got Bill Green.

MR. GREEN: Thank you, Councilmembers, Staff, and community members for being here. I think one of the most valuable things about Lahaina and the community is the fact that we can come together and discuss. Known Mr. Ondatje and his family for quite a long time. All my kids were born and raised here in Lahaina. I came to Kauai when I was 17 years old. Moved to Lahaina when I was 19. I have seen all the development that's taken place in Lahaina since then. When I moved to Lahaina town, it was a two-lane highway with four-way stop signs. There were no traffic signals. When I lived in Honokowai, Mr. Mahuna still had his horse where Times Market is now today. So I've seen quite a lot of the transitions. I've served as a firefighter, I worked as a safety manager for Maui Pine, and I've also worked in the security and safety manager for a number of hotels. So a lot of the concerns resonate with me. One month ago I was rear-ended. My truck was totaled on the highway and so I understand all the traffic concerns. And I currently live in the old camp up off Aki Street at the lower end of Lahainaluna Road. So I frequent the area quite a bit. I know that sensible improvement is important. I know that we need to I know come together and hear concerns from those that live in the immediate area and for those that transit the area. All my kids went to Kam III, Intermediate, and Lahainaluna so I understand the issues of crossing the highway. Just speaking to Mr. Ondatje and his concern for the community. This is a man that went with his own money and he and his brother went to Sri Lanka after the Indonesian tsunami and they helped reconstruct an orphanage for girls on the shoreline there that was devastated by that event. And that kind of concern that he has for, you know, people that far away is the same character and concern he has for our town. And if there's any sensible changes that need to be made or accommodations that need to be made when we're talking about sidewalks, traffic, rerouting streets, and things like that, he's willing to hear that. So I hope that, you know, he gets a fair opportunity to share his ideas and then absorb what's been said here today. And listen to some of the experts and the Planning Commission. As

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far as the traffic around the area goes, it seems one of the major concerns. I really think that there needs to be an effort on the part of, you know, the County, State DOT, or whoever has jurisdiction in that area to reduce the speed of the traffic maybe by creating some speed tables or something like that. As far as the building plan goes, I have a fair idea of what's understood, I have a fair idea of what other people think would work in that area. Now I'm for the project, but I would be, you know, I would be willing to, you know, if I was in his shoes to discuss some options. So that's all I have. Do you have any questions?

CHAIR PALTIN: Members? I got a question. You know when you're talking about reduce the speed of traffic, did you mean Honoapiilani Highway which is the State, or Dickenson which is the County?

MR. GREEN: I think that as far, especially with the school there and the four-way stop that helps. There needs to be some regular maintenance with Dickenson Square and their mall because some of their trees do over grow the one stop sign for vehicles heading mauka. But my primary concern is slowing traffic down on the highway because that is a tricky...a tricky intersection and I do recall at one time one of the canoe clubs, their trailer got hung up on that right turn before it was...before trucks were prohibited in that area because of the, you know, the way it's made. And I understand that Sacred Hearts is, you know, their footprint is not going to change. So the one-way traffic mitigation I think would be good.

CHAIR PALTIN: Thank you. Members, any other questions? Seeing none, thank you for your testimony.

MR. GREEN: Alright. Thank you for your time.

CHAIR PALTIN: Thanks for coming out. Next up we got Chris Welch.

MR. WELCH: Hello. My name is Chris Welch. I am currently for this project. I have two children. Both work in Lahaina and they would love to live in Lahaina and work in Lahaina. My grandson is nine years old. And this project is gonna have sidewalks, places to park, places to live. Rent is expensive and it just seems like a sensible project. I've seen the building. It looks like a nice structure. It's not three stories the entire width of it and it's a good project. Thank you.

CHAIR PALTIN: I...if...that's finished? Members, any questions? Just wondering what's affordable to your son for a two-bedroom?

MR. WELCH: I have two daughters.

CHAIR PALTIN: Oh, sorry, daughters. Sorry.

MR. WELCH: Both work in Lahaina --

CHAIR PALTIN: Oh, sorry, to your daughters.



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MR. WELCH: --and currently they pay \$2,500 for a two-bedroom in Napili plus utilities and that's a converted garage.

CHAIR PALTIN: So 2,500 plus utilities would be?

MR. WELCH: And it's just a converted garage.

CHAIR PALTIN: And that's...that's affordable to you?

MR. WELCH: And my daughter rents a one-bedroom for 1,900. Studios are 1,900 in Kahana.

CHAIR PALTIN: Thank you.

MR. WELCH: And the affordable...things have gotten out of hand with the rent is because there's no place to rent. Everything has been converted to, you know, vacation. In—what is it?—Napili Point which is 150 units, 52 of them are now vacation rentals and that is a residential apartment complex. And because everything is now a bread and...bread and breakfast, there's nowhere to rent and this is a...we need more like this. If there was five more projects like this, it would be great. It would bring the rent down. Every time someone builds something there's more choices --

CHAIR PALTIN: Okay. Thank you.

MR. WELCH: --and then the rent comes down.

CHAIR PALTIN: Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, Chris, for being here. A question, would you...would you support affordable housing that remains in affordable rentals instead of being switched?

MR. WELCH: Yeah, it has to maintain its residential status and that's what Chris is doing here.

VICE-CHAIR SINENCI: Okay. Great. Thank you.

MR. WELCH: Any other questions?

CHAIR PALTIN: No further questions. Thank you for your testimony. Thanks for coming. Next up we got Robin Welsh.

MS. WELCH: Aloha. Thank you for having us. My name is Robin Welch. I've been in Lahaina since 1981. I love Maui. I wouldn't want to live in any other place. It is getting crowded here for sure, but the secret's out. We're...live in a beautiful place. I have the two daughters that Chris is talking about and they both work in restaurants

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on Front Street and they have other jobs also. But I remember when I first moved to Lahaina, I used to ride my bike all over this place. I never even had a car. So it would be nice to see sidewalks. We don't have any sidewalks. Our streets are dangerous. They are narrow. I think what Chris Ondatje is doing...I think he's a wonderful man by the way. He loves people. He loves children. He loves our children and he loves our community. He's a great builder and architect. Very smart man. He's thinking about what's going on here and I believe that he'll listen to whatever is being said here today and figure it all out. But I'm for it also because there is no affordable housing. What we call affordable housing here at \$650,000 and up, who can afford that? Who's affordable housing is that? It's definitely not my children.

CHAIR PALTIN: Members, any questions for the testifier? Seeing none. Thank you for your testimony. Next up we got Dylan Payne.

MR. PAYNE: Good evening, Members. First, thank you for coming to Lahaina. It's a cool initiative to have this Committee in the community where this item is happening. So I think that's a really good thing. I wanted to talk a little bit about the background of this project which you might already know the history of it a bit. But when Mr. Ondatje purchased the property, prior to purchase as part of the due diligence, he received a zoning and flood confirmation form where the Planning Department said that the zoning was A-2 apartment zoning. Subsequently, he got another zoning and flood confirmation form that said the same thing—so at two different times. And then later, kind of...there was a clerical error, a misreading of the zoning map. They said, oh, it's actually duplex zoning. So we're really just trying to get back to square one here where we thought he was initially starting out. The other thing that hasn't really been discussed this evening is if we did nothing today with no kind of changes, he could still build a duplex and there would be probably a lot of traffic from that. As he...what he's trying to do with the change in zoning and adding traffic calming measures and building a sidewalk on his property, I believe the project is doing everything it can to make that area safer. Another thing that I believe is important is narrow streets are safer in general. There's a lot of literature and research that goes into or that has studied the fact that conventional wisdom and engineers say, hey, let's make all the streets wider, but that makes them less walkable and less safe because people drive faster on wider streets. Narrower streets are safer. The thing I wanted to end with was I've attended a lot of the community plan update meetings and that's been a great initiative by the Long Range Planning department, Pam Eaton and her team. They've released some technical papers that address different pieces of the plan and one of those addressed housing. There was a section in that paper that talked about the missing middle housing and some people have talked a lot about infill, which this project definitely is. It's close to all the services and amenities of Lahaina. People can work to work. Some folks might not even have cars that live here. But the missing middle, and this is what we need, missing middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing options and affordability. They're classified as missing because very few of these housing types have been built in the last several decades due to regulatory constraints, the shift to other dependent

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development and incentives for single-family home ownership. Missing middle housing types include. . .

CHAIR PALTIN: Please take one minute to conclude.

MR. PAYNE: Okay. Missing middle housing types include ohana, duplex, fourplex, courtyard apartment, bungalow court, and live/work units. That describes this project to a "t". I think it's a great project. There's no perfect project. There's no such thing so there's always going to be issues to address, but I think the applicant has done...has gone above and beyond to try to make this a really relevant thing. I've worked for a company that builds workforce housing and we've luckily been able to do a lot of it. I think you went to a blessing yesterday for Na Hale O Maui at one of our subdivisions that we worked on and got the entitlements for. It took us 14 years to get that fast-track housing to where it was two years ago. So we're probably 16 years into the process. That's a major reason that there's such a dearth of affordable housing on Maui. He's trying to provide affordable rentals, which we have no interest in doing, but that's also --

CHAIR PALTIN: Members, any questions for the testifier?

MR. PAYNE: --something that's very needed. Thank you.

CHAIR PALTIN: I got one.

MR. PAYNE: Yeah.

CHAIR PALTIN: So the duplex would fit...also fit into that missing middle as well?

MR. PAYNE: Yeah, to a degree and the current community plan has that whole area of Dickenson Street as multi-family. So yeah, it would.

CHAIR PALTIN: So this or the duplex both would fit into the community plan?

MR. PAYNE: Yeah.

CHAIR PALTIN: Okay.

MR. PAYNE: But I think the change in zoning and doing other things as the project is designed would...he's volunteering to do more to make the project safer. Whereas, if it were just developed under the current duplex zoning, he wouldn't have to do any of that stuff.

CHAIR PALTIN: And then the sidewalk that you're referring to, is that...that's not all the way to Wainee though?

MR. PAYNE: No. He doesn't own all the way to Wainee.

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CHAIR PALTIN: So it's just fronting --

MR. PAYNE: Fronting his property.

CHAIR PALTIN: --his property. And then after you get off his property it reverts back to what it is right now.

MR. PAYNE: Yeah. I mean you'd have to talk to the other landowners or if the County wanted to get involved, you know. The gentleman who owns one of the nearby properties said he would volunteer some land so you might want to take it up with him.

CHAIR PALTIN: Thank you. Thank you. Any other questions for the testifier? Seeing none, thank you for your testimony. Thanks for coming.

MR. PAYNE: Thanks.

CHAIR PALTIN: Next up we got Paka Tucker.

MS. TUCKER: Aloha.

COUNCILMEMBERS: Aloha.

MS. TUCKER: I just came along with some friends, but I felt compelled to say a little something just 'cause I'm familiar with the area and everything like that. I'm all for affordable anything. We live in the United States of America and everything is now almost not available or too expensive to acquire. I know this is Maui. I know it's a paradise and everything, but honestly I'm not native. I'm local now, yeah, I've been here some years. But, and, so it's not about me, you know, although a lot of local people feel like it is about them or their kids or whoever, whoever. But they're coming to native land of others, you know, and I feel like the natives are the last ones to get the dibs on anything. And if it's gonna be affordable, it has to be affordable for them. It's all being taken over. Y'all know this. And honestly I could be for this, but it is so unreasonable it's a joke and I know now it's a totally different agenda going on for this particular affordable housing project as well as many others that does not make sense but yet is put up in action and are not affordable. The road on Dickenson Street is ridiculous. I ride a bicycle. It is ridiculous. I've had cars. It is ridiculous. I walk. It is insane. I bought fundraiser cookies from two boys today walking down the street. Ho, cars zooming by, I'm pulling out dollars, five dollars, yeah, the wind almost catches my ones, and they...get on, you know. Every time I'm walking down with anybody I'm protecting 'em. People that are unaware because they think we have courtesy drivers here 'cause we are in Maui. No, no, no, no, no, no. Get on, get off, wom, wom. I'm talking about and I...you guys are supposed to know what areas you're talking about. You're supposed to be familiar with everything. You guys came to do a site check and you came at a time that you thought was valid for the highest congestion of traffic and everything. No ma'am. I don't know if you live in Lahaina or you travel Lahaina town often, but no ma'am. It gets nuts from that corner of

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Honoapiilani Highway all the way down to Front Street booboo. But that congestion in between those two stop signs, Wainee and...oh, my God, I'm still surprised there's a school there honestly. All of these units, aieeee, ho, even four of 'em, the two-story, even that section. I mean the people, the tenants aren't even gonna be, you know, happy in that. But the whole thing is absolutely ludicrous. If you really concerned about affordable anything in the community and the children in the community, you will make sure your streets are up to par, you will make sure you have available walking space for everybody, you will make sure the speeds are regulated, whatever it takes, and you will make sure there's space for everybody to be okay to cram, cram, cram, when there is heck of land hoarders around in the nearby area, might I add, using and doing nothing with the land they're hoarding. This type of activity is a suspect to me and it just makes me feel like there's a different agenda going on and it has nothing to do with affordable housing. Thank you, guys. Aloha. Be blessed.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm gonna ask the question that you've been asking everyone. So what is affordable to you like for a one-bedroom and for a two-bedroom?

MS. TUCKER: What does affordable mean on average to you guys, honestly, for Lahaina town?

COUNCILMEMBER RAWLINS-FERNANDEZ: We're taking testimony from the community to hear what you feel.

CHAIR PALTIN: Yeah, we cannot...you cannot ask question to us. That's I mean. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I mean I have my own thoughts --

MS. TUCKER: I was just wondering --

COUNCILMEMBER RAWLINS-FERNANDEZ: --but I want to know what you think.

MS. TUCKER: --what the average definition, you know, what the average range would be for, I don't know, Lahaina town. I don't have all the statistics in everything or what people make, and you know, the age group.

COUNCILMEMBER RAWLINS-FERNANDEZ: What's affordable to you, and I don't care about all of that, what's affordable to you?

MS. TUCKER: One-bedroom, the range would go to meet from me for like I'd say 800 to a grand honestly, and that's for...but that's for a one-bedroom, you know, and I'm not talking about anything large or like somebody mentioned, you know, there's people...they don't know if they have bathrooms, how many bathrooms in the house, and you see people crawling here and there. If you don't know, you don't know. You

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know what I'm saying. But you don't have to have a large anything. I know you don't have to have a large anything to sustain and maintain and be satisfied. So, yeah, and that's for a one-bedroom. But who am I, you know, affordable is affordable guys. You all know what it means.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're a community member and your input is important to the Council.

MS. TUCKER: Thank you. I appreciate it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony. One last question and so I just wanted to clarify. Are you in support of this project or not and if you do, do you support a variation of this project?

MS. TUCKER: I am 100 percent not in support because I don't feel like it is being genuine with the reason it's wanting to be put up in the name of sustainable land use and affordable housing because it does not qualify to me, you know. And if it was brought correct, you know, with no risks...if it was brought tailoring to the already risks that's in the area, then I might be a little more lenient to even, you know, slicing it in half and doing a two-story, and tailoring it around that. Yeah, you still gotta go back to the drawing board and everything, but because it was brought just selfishly, you know, and bogartingly [sic], uh-uh. It was not with a genuine thought in mind that it's been presented with and that to me is a red flag, and I just cannot. And then with the planning...the whole shebang project of it, it just solidifies to me that it's another thing going on with the...with the presenters of it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony.

MS. TUCKER: You're welcome. Mahalo.

CHAIR PALTIN: Members, any further questions? Thank you so much for your testimony and thank you for coming tonight. Next up we got LaurieLei DeGama.

MS. DEGAMA: Hello there. Okay, first of all I'd like to say I am against the change of the zoning, and basically, my background is I'm born and raised in Lahaina so I've seen that property where it's always been single houses, lots of mango trees. I in fact talked to Lynn Arcangel, which are the people that owned the land previous, and part of the reason why they didn't do anything to the property was because they couldn't get rid of the mango trees, and if they did, they could only get rid of half. All the mango trees are gone. I don't know how that happened. Something about the water meter, et cetera. I'm all about affordable housing. I just don't believe that that is the right spot for it. My child does go to Sacred Hearts right across the street. In the morning there is heavy, heavy traffic coming from the highway down, and in the afternoon going up to the highway is a lot of traffic. You can even see the phone pole that is on the Wainee and Dickenson street it takes a beating 'cause cars skid it every time making the turn. And so I am not for this project because I believe it is too big for the area that it is being placed. If you wanted to build affordable housing, me and

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my husband used to have No Ka Oi Deli, we were in the old Travel Lodge. Build affordable housing there—beautiful, lots of space, there's room to make affordable housing. That's not the spot to do it. It's too busy, it's too congested, it's too small [sic] for the road itself. In regards to something was said about Napili Point, that is not affordable. It's condominium. There's no comparison for the affordable. You keep asking about affordable rates, I believe affordable rates is about a thousand-dollar range for a one-bedroom, twelve hundred for a two-bedroom. Back in the day that was like mortgage prices. These people are paying double, triple mortgage prices or paying for people's mortgages that were caught up in that huge mortgage thing that was going on where everyone was approving mortgage loans. So they're stuck trying to survive and pay for their mortgages. What else do I have to say—historic—it's a Historic District. At our school itself we just had to put a fence due to security. We had to go through hoops and bounds. We had to meet criteria to make it pass so that it looked historic. This does not look historic. So what else do I have to say, basically, I just think that it is...and then the other part is if you approve this to go on that corner, who's to say along the line that all those other units or houses don't want to do the same thing? Then you have more of a mess. And then we have to deal with more congestion. They're not going to be walking. They're going to be driving. Look at all the rent-a-cars. Do they catch the bus or the shuttle? No, they rent a car.

CHAIR PALTIN: One minute to conclude.

MS. DEGAMA: In conclusion, I am just not for this rezoning. I don't believe that it is for affordable. It is more for profit and gain and I think it's...they are trying to buy it out by offering sidewalks and accommodating whatever needs so that you guys will agree to change the zoning.

CHAIR PALTIN: Members, any questions for the testifier? Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. –

MS. DEGAMA: LaurieLei.

COUNCILMEMBER RAWLINS-FERNANDEZ: --DeGama.

MS. DEGAMA: Yeah, DeGama.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony. So you oppose the change in zoning for the current project. Would you be supportive of what Chair Paltin mentioned --

MS. DEGAMA: What is that?

COUNCILMEMBER RAWLINS-FERNANDEZ: --which is what it's currently zoned for a duplex?

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MS. DEGAMA: Yes, because that's what it's...all those other houses are pretty much duplexes and within the same type of style. Not huge to where you could rent out rooms, but more like family housing. So it would be two families that would probably live in the duplex.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And regarding to the Historic District...I'm from Molokai --

MS. DEGAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --so we're all about maintaining the character of our town. Do you have any advice as far as like what to look at for the look and feel of maintaining the historic look of Lahaina?

MS. DEGAMA: Either it would be the same as what's already kind of there or plantation style which is pretty much makai side of the highway we try to maintain. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR PALTIN: I had a question if no one else has. I just wanted to know, you know, like you seemed to know a lot and I was wondering do you have an idea about what the current community planning...any experience with community planning?

MS. DEGAMA: I was on the citizen advisory like 20 years ago, but current I have no idea what's currently on, yeah.

CHAIR PALTIN: So you were on the '96 citizen advisory?

MS. DEGAMA: Back when I was intermediate school, yeah.

CHAIR PALTIN: You were the student member.

MS. DEGAMA: Yes.

CHAIR PALTIN: Thank you so much for getting involved and coming out tonight.

MS. DEGAMA: Thank you. That's it?

CHAIR PALTIN: Yeah, that was my only question. Next up we got Ke`eaumoku Kapu.

MR. KAPU: Aloha, Council. Ke`eaumoku Kapu. Welcome to Lahaina. I hope your drive here was good. I heard started at 5:00. That's kind of new. So that subject area we talking about I think it's a bad call. You know, right across from the school and the rezoning to A-2, I think that's a bad call too. To allow this development to be put in right in its location, that property is so tiny, and it's gonna impact that school right across the street big time. So, you know, when we start looking at affordable homes I guess that's why the crowd so small inside here because you only affording what seven or



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eight homes. Is that right, eight? So it doesn't surprise me that you get one crowd this big because a lot of people really don't care. And for myself, all you doing is you're gonna perpetuate something even uglier. You get land...potential lands across the street that was just purchased from—what is that Kaanapali development corp over to West Maui Land Company I think—so if this property all of a sudden wants to be rezoned, that's the back. That's the road go straight across that stoplight. I even hear you guys going turn that into one one-way. Eventually some time down the road is it gonna better the conditions? You know, another thing I don't like to bring up and I'm a strong advocate for that, too, is anything within the Historic District that changes the character of our town, I totally disagree. There's a lot of changes that already is being happening and I don't think through the County ordinances and rules and all these guidelines that you guys have before you. You know, we've been asking for one Historic District officer to look at all these developments on how these developments literally changing the character of our town. Now this one, I believe it's still in the Historic District. I don't know whether or not it's three, two, but it's right across from Maria Lanakila, right by the cement cemetery, you know, there's a lot of things I can mention that is within that whole area, that whole complex. Doing the research on the title of this property most definitely a lot of things that gonna have to do when they start doing the ground break in that area pertaining to monitoring. Big concerns I get about this area. Huge concerns so I in last --

CHAIR PALTIN: Please conclude in one minute.

MR. KAPU: --I just say, you know, aole, I no support this development. I going be a strong advocate against it. Thank you.

CHAIR PALTIN: Members, any questions for the testifier? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Mr. Kapu. Mahalo for your testimony. So in regards to what you mentioned, the any kind of earth disturbing, what are you referring to and would be able to kind of enlighten the Council a bit more of what you would be anticipating?

MR. KAPU: Pertaining to what? Archeology and stuff like that you referring to?

COUNCILMEMBER RAWLINS-FERNANDEZ: You mentioned that there would be concerns if there was any kind of earth moving activities.

MR. KAPU: First of all, I think the—what is that—the West Maui general plan, where is it? Is that still going through the phases as pertaining to what should be implemented in there? Because if that's the case, then I think we kinda little bit in the cart before the horse. Finalize the West Maui general plan. When we start looking at...I sat on the Cultural Resources Commission for four years for the County. Also sat on the Native Hawaiian Historic Preservation Council so I know the complex issues when it comes to one Historic District and the National Historic Register guidelines and all these kinda guidelines that have sat out there I think you guys need to review those things before you guys start allowing these things to happen. When you start rezoning, yeah, you

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know, the funny part for me is how the hell all these hotels and all that all of a sudden got put up. Eh, grandfather clause. But still yet, monitoring gotta be done, yeah. You get three for three. That's on the County. The State also puts their recommendations together pertaining to what needs to be done when they start doing archaeological data recoveries and stuff like that. I don't know where the development is at this point. All I know is that area is very sensitive because it's related to...I think it's related to my wife on that Land Commission Award. So, and it's also, well, get plenty families can reflect on the area and adjoining properties as well. My whole thing is if the West Maui general plan is not set in, then I think those things need to seriously be looked at before you guys start making determinations and allowing these things to happen. Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR PALTIN: Members? I got a question, Mr. Kapu. I know we've been talking a lot about affordability, but were you under the impression that there was a requirement for this apartment complex to be affordable?

MR. KAPU: I don't think what the numbers that I heard so far, that's not even affordable.

CHAIR PALTIN: Yeah, but did you think that the apartments that were going to be build are required to be affordable by the HUD guidelines?

MR. KAPU: Uh, definitely.

CHAIR PALTIN: Why do you think that?

MR. KAPU: Well, the size for one. I mean that's...what is that? One-bedroom?

CHAIR PALTIN: One one-bedroom, seven two-bedrooms. But I don't think there's any requirement for it to be affordable. It's just an apartment complex.

MR. KAPU: Okay, so. . .

CHAIR PALTIN: We've just been talking about affordability 'cause I guess we're curious, but I don't think that this is required to be an affordable apartment complex.

MR. KAPU: Okay, but...but is that what it is? I mean that's what you guys calling it—affordable?

CHAIR PALTIN: No, it's just an apartment complex.

MR. KAPU: Okay. Well, shoot it down. We don't need it.

CHAIR PALTIN: Okay. Thank you.

MR. KAPU: Yeah.

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CHAIR PALTIN: Next up we got Ms. Uilani Kapu.

MS. KAPU: Aloha mai kakou. Uilani Kapu. I just wanted to go off of Ms. Rawlin's question. Earth moving—they're going to have to dig up to do their pipes and their sewage and everything else. That's gonna be a conflict because if I'm not mistaken, there is a burial in that area. And I did have a problem with this developer. When they bought the...when they purchased it, I thought they were gonna do a family home. As soon as we seen the mango trees come down, it was like...it was hard, you know, it's sore. Because that's all we seeing nowadays is all these trees that have been put there in place...a remembrance of the families that lived there. Some of the pikos, especially the ones on Lahainaluna Road, pikos were placed in those...in those mango trees under there. You know, and that's, that's hard for the families to have to pass it and see nothing. For this development here I don't see it affordable. Lahaina—you can't have affordability. There's no way unless it's a workforce housing which is where they're gonna have all of these people that are going to be working for that person that purchased the property to live there. This is not gonna be that case. You're gonna have people moving in and out of this complex with the school right across the street that might impact our children. This is our future. We don't want that. We're already having problems in Lahaina with people impacting our school right there with drugs, homelessness, everything. That's why they had to put the fence out. There's a complex next to this property that is a rental unit already and we have people moving in and out and doing so much things in that area that we don't like on that road. This is going to allow another development that is coming up across the street which is going to be sold into different lots. It's already breaking up, they're gonna sell individual homes, and we're gonna have problems there. We fight tooth and nail for our historical district. We are losing our historical district. As we allow new development happen, new people move in, foreign operations on Front Street.

CHAIR PALTIN: One minute, please, to conclude.

MS. KAPU: And we as residents that believe in its historical, not whaling, but the capital, the kingdom. This is what it is and for us to allow all of these foreign invasions to come into our lands and change who we are and what our history is, aole, I will fight and we always fight. You folks know us and we will keep this place in its historical significance. So I am against this project. You cannot put sustainable, you can't put nothing to this. This is not our character for our place here in Lahaina. And I have to apologize for the person that bought the property because when buy your portion, you need to learn the character and identity of our place for it to happen. Mahalo.

CHAIR PALTIN: Members, any questions for the testifier? Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Kapu. Mahalo for your testimony. Are you or do you know anyone who is a lineal or cultural descendant of the area that the property is on?

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MS. KAPU: Our family is Arcangel's, Lum Lung's, and it's a huge family here. I can bring the family forward to you folks if you guys need it. I can have them do written testimony if you need. We can have that information for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So on that property you're saying that there is a known burial?

MS. KAPU: Yeah, I just don't know where, but it was under the mango tree. But I can find out from aunty.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR PALTIN: Members, any further questions? Seeing none, thank you for your testimony. Thank you for coming tonight. At this time is there anyone else in the room who would like to testify? Seeing none, if there's no objection, I will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR PALTIN: Okay. Consider it closed. Alright, it's closed.

**. . .END OF PUBLIC TESTIMONY. . .**

CHAIR PALTIN: If it's alright with everyone, how do we feel about a ten-minute recess to... and some housekeeping I forgot to mention. The restrooms are outside so if anyone needs to use it. Ten-minute recess. We'll return at...or let's just say fifteen. We'll return at 7:00. Recess. . . .(gavel). . .

**RECESS:            6:45 p.m.**

**RECONVENE:    7:00 p.m.**

CHAIR PALTIN: . . .(gavel). . . The Planning and Sustainable Land Use Committee meeting of May 21<sup>st</sup> is back in session. The time is 7:00 and we're at Kaunoa West Maui Senior Center. So as was mentioned that we did have a site inspection that was scheduled for 1:45 p.m. at 266 Dickenson Street and that site inspection was canceled due to lack of quorum. But three Committee Members were present to receive a presentation in accordance with Section 92-2.5(d) of Hawaii Revised Statutes. Under the Sunshine Law, the Members who were present at the canceled meeting must give a brief report on the presentations that were received before any deliberations on the matter. Councilmember Sugimura, Councilmember Sinenci, and I will now provide that brief report and I'll take the liberty of beginning. The landowner's representative, Rory Frampton, gave a brief overview of the project and introduced the landowner, Chris Ondatje. We were all given instructions about the right turn, right in, right turn out, and most of the people did follow those instructions in our group. Not gonna name any names. Mr. Ondatje explained his plans for the project, a three-story apartment

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building, seven two-bedroom units, one one-bedroom unit. On the bottom makai side of the building would be the one one-bedroom unit. He also mentioned that the makai second and third story were intended to be more expensive units because of the ocean view and that would try help offset the other five units, I believe. He mentioned he intends to provide housing for workers in Lahaina, especially young adults on Front Street. He mentioned that he'd like to give a discount to single parents. He mentioned that a sidewalk was to be installed fronting his property to provide safe pedestrian access. Councilmembers asked about project specifications including square footage of the units, anticipated rental prices including AMI traffic noise and parking. Councilmember Sugimura, is there anything that you would like to add to that report?

COUNCILMEMBER SUGIMURA: I would like to add that I was glad to hear that he had spoken to the principal or connected with the community, principal, and the church. And were also talking to neighbors just about the project. So I wanted to just add that. I thought that was important.

CHAIR PALTIN: Thank you, Member Sugimura. Mr. Sinenci, is there anything that you wanted to add about the presentation that we received?

VICE-CHAIR SINENCI: Yes. Thank you, Chair. The site visit was very helpful as far as, you know, looking at the plans, or you know, a one-dimensional plan and actually being on the site. We got to witness firsthand some of the traffic impacts of the site, including the vicinity, the location to the school, the school hours. I believe school was just getting out when we were finishing. We also looked at the back of lot and the vicinity to Aina Nalu. Also, we got to experience some of the noise levels that was at the intersection of Dickenson and Honoapiilani Highway. And overall just, you know, looking at the scale and the position of where the structure and the parking, including the sidewalk would be upon the lot. That's my report, Chair.

CHAIR PALTIN: Thank you. And one other thing I forgot to add that I did ask about was visitor parking and there would be no onsite visitor parking unless one of the units had less cars and that the parking would be tandem parking for eight stalls so with the possibility of 16 cars tandem parked in 8 stalls with no real room for visitor parking onsite. That's all I really remember. There were a lot of eggs on the ground, as well, and it was very hot. So I think that sums it up. Members, I think all of us have a hard copy, as well as the Granicus copy of the presentation and at this time the developer's representative has a presentation for us and this is the hard copy and there is a slide show. Without objection, we will proceed to view the presentation.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Can somebody hit the lights? Anybody. Other lights. Thank you.

UNIDENTIFIED SPEAKER: You want that back one?

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CHAIR PALTIN: Maybe the one by the door...maybe just in case somebody has to use the restroom during the presentation or something. Thank you so much. Okay. Mr. Frampton, it's all you. Take it away.

MR. FRAMPTON: Okay. Thank you very much, Chair, and thank you to the Committee Members for traveling out to the West Side to hear this project. My name is Rory Frampton. I'm a land use planning consultant and I've been retained by Mr. Ondatje to assist with this project. So I'll try to go some of these...through some of these slides. I thought I was gonna go quickly through some of 'em, but I'm glad I have some of them in there because we can address some of the points that came up earlier. So the project description that we've heard already. It's a eight unit apartment building, seven two-bedroom units and one single bedroom unit. There's four units on the first floor, three on the second, and one on the third. As was noted, two parking stalls per unit so 16 total and four of 'em along the street will be grasscrete. And the building is designed to be safe and that's one of Chris' main objectives is to have a safe building for people to rent in Lahaina, which is not the case for a lot of our young people in Lahaina right now. And it's, you know, it's walking distance as we heard from Lahaina's commercial center and employment hub. So the required permits and approvals it's in the National Historical Landmark District. That's different than the Historic zoning districts and I'll get into that a little bit later. The Landmark District is just for the whole town, but that does trigger Chapter 343. We did go through the draft EA and the final EA was published in...on May 8<sup>th</sup> last year. It's within the Special Management Area Permit. We'll need to go back to the Planning Commission after obtaining the change in zoning. It's currently zoned D-2 Duplex and R-2 Residential by the County and the change in zoning is why we're here today to the A-2 Apartment. There's change in zoning criteria in Title 19 that I'll get into later, but it talks about meeting the intent of the General Plan needs to meet...be consistent with the Community Plan, needs to be consistent with the Zoning District. You need to...you guys need to consider impacts to basically infrastructure services and the environment...social, cultural environment, ecological character of the area. So there's a lot of criteria that I'll hit on later that we addressed thoroughly going through the environmental assessment process. Now, this is a zoning confirmation form and as one of the testifiers noted earlier, the County of Maui, this was done in 2013, this was done by the seller of the property which was the...I think it was a trust for the Arcangel family. It was the Arcangel family, yeah. And they got this and it says in that red box, A-2 Apartment. In 2016, there was another zoning confirmation firm that the buyer got. Again, it said A-2 Apartment District. So while he...before he got the property he got official, official notice from the County I think it was at least three times that said it was A-2 Apartment. He was notified after he purchased the property that it was actually D-2 Duplex. And I'll show you what the map looks like that the finding...what the Planning Department was looking at and they affectionately refer to these maps as the Dead Sea Scrolls because they're so old. And so this is the property. This is the area that was actually it was R-2 changed to A-2 Duplex by an Ordinance 410 in 1965. So when the planners looked at this...three separate planners, they only looked at the A-2. They didn't understand the other notations and they said, oh, it's A-2...A-2 Apartment. Well, historically, the D-2, the Duplex District was referred to as A-2 so it was A-2 Duplex. In 2013, the Council changed that and so

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now to not have the confusion, it's now called D-2 Duplex on all the maps. But at the time it was A-2 and apparently these planners didn't know that there was an A-2 Duplex and there was an A-2 Apartment. So anyways, Chris bought the property with three zoning confirmation forms saying it was Apartment. He went through his plans, he hired his architect, they came to the County and someone told him oh, that was a mistake, you gotta go through a zoning change. That was two years ago. It was over two years ago when he contacted me. It took a while to get the application turned into the County. I'll go through the timeline later. Anyways, it's a long process to go through a change in zoning. It was not something that Chris expected to do. The objective and the need, I think you've heard the main objective is to have safe, convenient, clean, and reliable place to live within Lahaina town. And the needs, we've heard about the needs. You know, the rental market in Lahaina is crazy. It's a...we have an employment center and all the people that commute from West Maui...from Central Maui to West Maui daily is just a burden of the highway and it's not good for anybody. This is a project timeline. We did the draft EA, went through a formal 30-day review and comment period in 2018 in March and April. The Planning Commission reviewed the draft EA in March. The Urban Design Review Board was in April and the Urban Design Review Board is board of professionals that are concerned with the architectural character of the island. They're architects, they're engineers, and there's people with cultural experience, and they reviewed this project and they gave it a unanimous approval and support. They were very supportive of the design. They liked the architecture. They like the fact that it had a three-story element. I'll get into some renderings later where we can see how it's nestled into the site as well. They liked the detail and it had a lot of residential components to it so that was our official Urban Design Review Board's comments on this. The Planning Director accepted the Final EA or the FONSI in April. There was a Planning Commission public hearing on the SMA and the change in zoning in June of last year, June 26. Prior to that hearing there was a mail out notice to everybody within 500 feet so the neighbors were notified of that public hearing. There were also notified before the application was submitted. There was notification that went out to everybody within 500 feet asking for comments or concerns or anything. Didn't get any from the neighbors really. We did have meetings with the church and the school. There was an initial meeting before the preparation of the application and then after the Planning Commission hearing, Chris and I both went and met with the school twice and with the church once. And the school's principal, Dr. Solis, is very much in support of the project. The...where we are now, it took almost a year to get the materials from the Planning Commission to you guys. It actually went to the Council in September and because of scheduling here we are now. Anyways, so after the change in zoning there will be a Planning Commission...will go back to the Planning Commission for decision making on the SMA, and then if everything works out quickly, he could be under construction within say nine months after the SMA permit is approved. And the construction will probably take about a year, maybe a year and a half. But it's about...the construction is like constructing a large residential dwelling. The total square footage is about 6,000 square feet. So here are the location maps. We know it's on the corner of Dickenson and Honoapiilani Highway. Some of the surrounding uses bordering the property to the south is the Aina Nalu Lahaina Vacation Condos. Of course, there's the school, the church, and across the street is the Aloha gas

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station. And it's just two blocks from Front Street in the center of, you know, a lot of the job centers and shopping centers and a lot of stuff nearby. That's just another picture of the other parcels that are along Dickenson Street towards Wainee. This is a historical photo from 1949. The project area is here in red and it was in sugar cane in 1949. By 1960, it's up here in this corner some residential homes had been built. I believe the Plantation subdivided off some parcels and some families were lucky enough to get some of these parcels. It was mentioned earlier it was the Arcangel family that lived here on the corner and their house was there until it was demolished by the family I want to say in the early 2000's. I could be wrong on that, but plus or minus a couple years. It's the...this is the project site right here at the corner. This map is the Urban District. Across the street everything is Ag going up the hill so the references earlier to stuff going on across the street is in the Ag District and so there would have to be entitlements or anything that would...and if they were gonna do greater development than what's allowed in Ag. This is the Community Plan map...and so here's Dickenson running down towards the ocean. In the Community Plan in the 80's and again in the 90's, they talked about having more density in Lahaina town and they specifically said in the area between Lahainaluna and Shaw along Wainee and they designated areas that are primarily residential right now, but they designated them for higher density, multi-family along Dickenson over here in this area to the north and along Prison to the south. There's three areas that went along with the text so the people that were on the Community Plan, the Citizen Advisory Committee, and the people who adopted the Community Plans back in the 80's and the 90's endorsed the concept of putting more units in Lahaina town to make it a more livable town. I have the quote from the Community Plan later that I'll refer to. It's in the Urban Growth Boundary and this is the Special Management Area highlighted in this different color below the highway. This is a map that I thought I was gonna through quicker, but this is the Historic District maps. Across the street it's in the Historic District, the church and the school. This property is not in any of the County Historic Districts...Historic Districts 1 or 2. Most of that...all those areas are along Front Street and then it goes up along by the church and down and including the shoreline properties and the park. It doesn't include a lot of the residential areas. The town is considered a National Landmark District...National Historic Landmark District and this is an inset right here shows basically the whole town from Puamana all the way over...almost to Wahikuli, being part of that...the town's designation, but again it's not in one of the Historic District's like was...that was referred to earlier. So it's just...it would be governed by the regular zoning district, either Duplex Zoning or Apartment/District Zoning, not the Historic District Zoning. This is a view of the property looking southwest. It's vacant on the corner. Looking down Dickenson Street you can see no sidewalks on the north side and limited sidewalks on the south side. This is looking back at the school and the turn that people had mentioned that was a difficult turn coming in off the highway. That's one of the reasons why we've decided, not only we, but the...our traffic consultant and consultation with the Police Department, Department of Public Works, and the State Department of Transportation have all concurred that limiting the project to right turn ins and right turn outs would avoid the situation of people coming along this turn and stopping and having maybe getting blocked and not being able to turn in there and also turning out with cars coming around the corner. All those agencies have



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concluded that with that mitigation that the traffic impacts would be minimal, mainly because of the number of units. The eight units is not going to generate a tremendous amount of cars, and again, that was concluded upon by multiple agencies. Here's looking down the project boundaries along this fence and that's what the roadway looks right now looking down that side of the street and that's looking mauka from the makai side of the property. And this is looking...this is on Honoapiilani Highway looking south and that's the corner that we were referring to which goes around right there. But the highway has been improved significantly over the years. There's a traffic signal now and there's of course sidewalks running along the street. This intersection did not always have a traffic signal. Here's the elevation of the building. As mentioned, four units on the bottom, three on the second floor, and one unit on the third floor. There's a site plan...zooming in the site plan, the tandem park...16 parking stalls in tandem and a subsurface drainage basin and this also shows the widened sidewalk. The property is gonna be...a four-foot wide strip will be dedicated to the County to build a six-foot wide sidewalk and those dimensions were all worked...we worked very closely with our traffic consultant, a civil engineer, and the County of Maui Department of Public Works. The Department of Public Works letter I transmitted to you guys and it's on the Granicus site and we're hoping that the conditions that were recommended by Department of Public Works would be attached as conditions to this project. Those conditions call for the road widening lot, the building of the sidewalk, and restriping of the lines. The lines come a little bit more to the south and there will be a new line running down Dickenson Street separated from the wall and the rock wall, new middle striping and new stop bar striping as well. The landscape planting plan would have perimeter planting along the sides to soften the building and the grasscrete parking, along the front again to soften the impacts of the project. These are the floor plans for the four downstairs units, the three two-story...second floor units, and then the top floor unit. Again, some of the elevations and renderings of the project. So this is a photo simulation. Here's what it looks like now and in the future this is what it would look like constructed. And on this side of the building, this is where I mentioned it was sort of nestled down so it's not an imposing two-story component on this side, and it softens the three-story element on this side, and I think that's one of the reasons why the Urban Design Review Board really liked it. They didn't...when they heard eight-unit apartment building, they were thinking rectangle block and this is anything but a rectangle block. A lot of variation with the roofing elements, the stairways on both sides and the decks, and it's definitely intended to be residential scale. This is looking mauka and this is what it would look like with the improvements. So you can see the six-foot sidewalk starting from roughly the edge of existing pavement now, two feet of that would be in the County right-of-way and the other four feet would be on land that would be dedicated to the County. So this intersection and this...the intersection here and the roadway strip fronting the project would be substantially improved from a pedestrian safety standpoint. I would note that if it's left as is under Duplex Zoning, at the Planning Commission meeting, the Department of Public Works Deputy Director at the time noted that there would be no requirements if you were to build duplex dwelling here, you could build it without any requirements to do any of these improvements. So I mentioned the Final Environmental Assessment and included, you know, looking at impacts on the environment, pre-consultation with agencies and

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members of the community, and engineering and drainage report, traffic impact analysis, cultural impact assessment. We looked at planning and land use policies and controls, responded to agency and public comments, and it was adopted. Just a couple points on the Maui Island Plan. You know, one of the housing goals is an objective is more livable communities that provide for mix of housing types, land uses, income levels, and age, and that's exactly what this is doing. It's providing a mix of housing types for Lahaina town. Again, the stressing of livable communities with a mix of housing types including a full range of amenities like parks, open space, recreational areas. And their land use policies encourage...ensure higher density, compact, urban communities, infill, and redevelopment of underutilized urban lots within the urban growth boundaries. That's exactly what we're doing here. The West Maui Community Plan in the 1996 version, the objectives and policies for Lahaina town said concentrate multi-family dwelling units around central, commercial district in the following locations, toward the south end of Lahaina, along Wainee generally from Lahainaluna to Shaw, and that's what went along with this map where they designated with...along with that statement they designated the three areas along Dickenson and north of Dickenson and by Prison for multi-family use. So again this...the Community Plan that a lot of people put a lot of weight and emphasis on and they say that it's an important document, well, it's again, it was specifically considered and included in those plans. Am I going the right way? Oh, the findings again...the findings of the Final Environmental Assessment was that it was an infill project supported by available infrastructure, the traffic mitigation was important and that was to prohibit the left turns entering and exiting the property. No sensitive, unique, natural, historic, or cultural resources that is under than being in Lahaina town which of course everything is important. Strongly supported by the Community Plan and Island Plan. There was a finding of no significant impact. Terms of the change in zoning criteria, the first one is that it has to meet the intent of the General Plan and objectives of the Community Plans, and yes, it does urban...it's a urban infill mixed with housing types, et cetera. It's consistent with the applicable Community Plan Land Use Map, yes; it meets the intent of the district being requested, yes; A-2 allows for multi-family units to be occupied on a long-term residential basis. It was...I think it there was mention earlier about projects being converted to short-term rentals in Napili. You would not be able to do short-term rentals on this. You would have to change the law and get hotel zoning or something to turn this into a short-term rental. That would not be allowed under the A-2 zoning. In turn, the Council needs to find that it wouldn't adversely affect or interfere with public or private schools, parks, playgrounds, water system, sewage, solid waste, et cetera, et cetera. The main thing there is I think the roadways and the school based on the EA and all the agency comments, as well as our consultation with the neighbors, we don't feel there's gonna be an adverse effect or interference with the schools or the roadway systems. The schools in particular, you know, we talked with them about keeping in close consultation. Chris has a relationship with the school and making sure that if they have any sensitive outdoor activities that they would work with the scheduling...or Chris would work with the scheduling so as he's not going to do anything that's loud or noisy when they have any sensitive outdoor activities going on. The classrooms are airconditioned so that helps a lot. And that also...the units are going to be insulated in this apartment building so that will help with the noise from the highway, the noise

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that was mentioned earlier by one of the Councilmembers. The fifth criteria is that there wouldn't be adverse impacts to the social, cultural, economic, environmental, and ecological character and quality of the surrounding area. And again, based on the EA, the answer to that is there would be no adverse impacts and it's really not in a sensitive ecological area. In terms of cultural, the site was in sugar cane so there's no real known surface deposits, I mean surface...on the surface there is no historic sites, but there will be a requirement for archaeological monitoring when they do their trenching work. There'll have to be an archaeological monitor onsite based on an approved archaeological monitoring plan. The sixth criteria is not applicable. So that's the conclusion of my slide presentation and I just wanted to make sure I didn't miss anything. Yeah, I think I've covered everything that I wanted to cover in my presentation so I'm open for any questions. And if there's no questions of me, we're gonna have the applicant, Christopher Ondatje, make a statement as well. Any questions?

CHAIR PALTIN: Can you turn on the lights?

MR. FRAMPTON: Yeah, so anything that you want me to clarify in anything that I covered in my presentation.

CHAIR PALTIN: Okay. I just have this prepared statement and then I guess you can have the questions.

MR. FRAMPTON: Or...okay.

CHAIR PALTIN: So, Mr. Frampton, you have submitted the following proposal for a zoning condition that improvements to Dickenson Street fronting the project shall consist of the following: a) provide travel lanes with a minimum width of 10 feet in both directions, b) provide a road widening lot four feet in width to be dedicated to the County, c) provide a six-inch curb, no gutter required, and six-foot wide sidewalk, d) the new six-inch curb and six-foot sidewalk shall transition back to and tie into the existing concrete sidewalk along Honoapiilani Highway, and a new American with Disability Act compliant curb ramp shall be reconstructed at the southwest corner of the intersection of Dicken Street...Dickenson Street and Honoapiilani Highway, and e) provide new edge center line and stop bar striping for the requirements of the Department of Public Works. Mr. Frampton, would you like to explain the basis for this condition?

MR. FRAMPTON: Yes, it was the...what I noted earlier, that's the requirements that came out of the Department of Public Works after meeting with our civil and our traffic consultant and their traffic specialist. And I believe along with that condition and the same e-mail I transmitted the letter from the Department of Public Works that specifically stated those exact requirements. So that's pretty much verbatim from the Department of Public Works.

CHAIR PALTIN: Okay. So any questions for Mr. Frampton before we move on to Mr. Ondatje? And I apologize, this is a Committee meeting so the questions would be

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from the Committee members. Sorry, that's just the way that it happens. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So I'm curious about the...that the Department know...let Mister...let Chris know that his zoning was...zoning confirmation form on August...of August 2013 and December 2016, that it was A-2. Do you have a comment about that? I mean that's part of why we're in this situation.

MR. FRAMPTON: That's why we're here --

COUNCILMEMBER SUGIMURA: Right.

MR. FRAMPTON: --and it's very unfortunate that he was given those three forms that were all three incorrect.

COUNCILMEMBER SUGIMURA: Three.

MR. FRAMPTON: Yeah, and we met with the Planning Department after he figured that out. The Planning Department felt very bad about it. I'll let them comment on that. But they did offer to assist us in trying to help expedite things and it was expedited through the Department for what they could do. They moved on it very quickly. There were very few delays. So we were able to get it through that process. But it was...that's a real unfortunate situation and let's say I'm not sure what...how liable the County would be if, you know, if they gave 'em that information and he bought it based on that information, then he just, you know, so maybe Planning or the. . .

COUNCILMEMBER SUGIMURA: Corp Counsel.

MR. FRAMPTON: Yeah.

CHAIR PALTIN: Mr. Galazin, would you like to weigh in on the liability comment? He's our Deputy Corporation Counsel.

MR. GALAZIN: Thank you, Chair. Not in open session though. I'd rather not. Can't do it.

CHAIR PALTIN: Okay. Sorry about that, guys. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Did Planning Director want to comment on that? No? We're gonna go executive session later? Okay. I just want to make sure I didn't cut you off. Okay. Mahalo Chair. So Mr. Frampton, we received testimony that stated that there's a known burial on the property. So now that we know that there's a burial on the property I don't think if you start doing earth disturbing activity, would it then be considered an inadvertent find because now we know that there's a burial there. And so I believe when there's a known burial on a property the proper procedure is to develop a burial plan and you would have to work with the lineal and cultural descendants. Do you have any comments on that?

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MR. FRAMPTON: You're using that statement that there is now a known burial?

COUNCILMEMBER RAWLINS-FERNANDEZ: That, that was the testimony that we received.

MR. FRAMPTON: Yeah, and you know, we don't...we've never heard of that. And Chris could comment. He bought the property from the Arcangel family. You can see that there was no one living on the property until the 60's so it would have to have been something fairly recent. It was in sugar cane use. I showed you the slide showing the property in sugar cane in '49 and then it was sometime I think in the 50's that they built a house on it. So it would have been...it would have been someone that would have been buried fairly recently, relatively, and so it should be known. If it was known and hasn't been disclosed, there's no surface evidence of anything being on the property so I think there would have to be a little more evidence provided stating to confirm whether or not there is a known burial on the property. But you're correct, if there was a known burial and you knew about it ahead of time, then you would have to go through the steps that you've mentioned before coming up with a burial preservation or burial treatment plan and go from there. But to date, I haven't seen any evidence to suggest that that's true.

COUNCILMEMBER RAWLINS-FERNANDEZ: So the testimony that we received also mentioned that this was part of a Land Commission Award.

MR. FRAMPTON: Multiple Land Commission Awards. The way it was...originally, it was...had a couple different commission awards and then I believe the plantation owned all of them and they subdivided lots. So this lot actually has pieces of a couple different Land Commission Awards.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, 'cause native people lived here before the plantation started.

MR. FRAMPTON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: So I don't know if the burial was before plantation --

MR. FRAMPTON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --activity went on in that area or after.

MR. FRAMPTON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I do know that, you know, kanaka o iwi lived in a lot of our areas long before plantations came. Okay.

MR. FRAMPTON: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And so if when going through the construction there you do find a burial and then that would be considered an inadvertent find because you're saying that there's no known burials. And in Hawaiian culture we don't disclose where we previously where we would bury our loved ones so that we can protect their mana. And so if you were to find one and it would be considered an inadvertent find, it would only have two to three days that you would be required to figure out what to now do with this iwi. But the testimony we received said that there is burial and that there will be iwi that will be found and so that there should be some kind of planning that will require more than two to three days to figure out what to do with the iwi. So that's my concern is that generally inadvertent finds iwi are then, you know, not preserved in place are then, you know, dug up and put somewhere else and that's generally what happens with inadvertent finds. And so since we received information that there is iwi on the property I think, you know, the people that came before, you know, should be respected and like some kind of like plan thought through with the ohana that said that there is iwi on the property.

MR. FRAMPTON: Chair, may I respond?

CHAIR PALTIN: Sure thing.

MR. FRAMPTON: I think it would certainly make sense to contact the family to...I believe the reference was to the Arcangel family and they lived on the property starting say in the 1960's and onwards and we could certainly contact members of those family to see if there is any...if that's true, and if so, where is it located 'cause there might be a way to preserve it in place. I know that's...it's a pretty tight fit but I have had projects that encountered iwi and they were able to adjust their plans and do stuff to protect them in place and to treat them with respect and keep the burial lowkey so that no one even knows it's there. Depends on the wishes of the family, right. So, you know, with regards to your comment about there being Land Commission Awards, yeah, Land Commission Awards are always...not always, they are oftentimes correlated with findings of iwi because a lot of times they bury their family on their own, you know, where they were living. And my only comment on that was that, you know, it had been in sugar cane use so...but the sugar cane plow zone, you know, is couple feet deep so it likely would have been encountered during that process when it was during the sugar cane cultivation. So the likelihood of anything being below that is probably unlikely but not impossible. And that's where you would probably run into something inadvertently if it was from way back then where no one can tell you where the location is. But I believe the reference was to a modern burial is what I heard so I think that can be ascertained by consulting with the family.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR PALTIN: Councilmember Molina.

COUNCILMEMBER MOLINA: Aloha, Rory. You know, tonight we had some testifiers that have ties to the school, Sacred Hearts. You mentioned that the principal gave her

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support. What about the school board? Did the school board take an official position or is this just a position of the principal?

MR. FRAMPTON: I don't think it was the school board. I've only, you know, we met with the head of the church, the Father, and the Head of School in one meeting and we discussed everything and they were very comfortable with it. And then we met with the faculty of Sacred Hearts...a number of the faculty of Sacred Hearts along with the Head of School and it was a good discussion. There were comments and concerns from some of the teachers. Most were receptive of it. There were a couple that were a little concerned, kind of similar comments that we heard today just because of the width and narrowness of Dickenson Street. But they did not take a position at that meeting. It was more of open discussion and we got a lot of good information from it and I think they did too. And I know a number of the teachers walked away from the meeting going, wow, there's a lot more to the story. We didn't realize all those things that you had done and all the things that went into the planning and the provision of the sidewalk on your property and that type of stuff. So we got good, positive feedback from a number of the teachers, but they didn't take a vote and there were a couple that were not as...not as favorable let's say.

COUNCILMEMBER MOLINA: So there was no letter from the administration or the board?

MR. FRAMPTON: No. It was the Head of School.

COUNCILMEMBER MOLINA: Just all verbal?

MR. FRAMPTON: There was an e-mail from the Head of School.

COUNCILMEMBER MOLINA: Okay. And then as far as the size of the project I presume folks who live along this area, Dickenson Street, are all duplexes or you have single-family homes. So this would be the largest, should this go through, this would be the largest I guess structure along this road then?

MR. FRAMPTON: Yes.

COUNCILMEMBER MOLINA: About drainage or runoff from flooding, does the water go down toward the street or ponds?

MR. FRAMPTON: Yeah.

COUNCILMEMBER MOLINA: Yeah, what's your mitigation plan for that?

MR. FRAMPTON: So the runoff from the property would be collected onsite, the excess runoff would be collected on site. I'm gonna flip to the engineering plan. And so there's two drain inlets, the cheat flow basically is gonna run this way. There's no offsite runoff entering the property from the highway because the highway gutter basically traps it. The concrete curb along the highway takes that and runs it down here. So any runoff from the properties just being generated from the property itself. So the law requires

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in any increase in runoff be handled onsite and so he'll be collecting the increase in runoff through these drainage inlets and then there's a perforated pipe that we wrap in filter cloth and set beneath the parking lot to handle that excess volume.

COUNCILMEMBER MOLINA: Okay. Currently, with the current zoning D-2, short-term vacation rentals would be allowable under that...this type of zoning that the applicant currently has?

MR. FRAMPTON: You would have to get some type of approval, either a BNB or a vacation rental.

COUNCILMEMBER MOLINA: But if he gets this change in zoning, then the intent of the applicant is not to do any?

MR. FRAMPTON: It definitely is not. It's for...and you'll hear it from Chris. He's very passionate about providing rental units for people working in Lahaina. And we've checked with the Department of Housing and he is able to give a preference towards people who are working in Lahaina. He's gonna probably get a pretty long waiting list for applicants wanting to rent these units and he can actually give preference to the people that live and work on Front Street and at Sacred Hearts.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR PALTIN: Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. You know, a lot of the testifiers tonight mentioned about the Historic District and Rory you said that the town is a National Historic District, but the site is outside of the historical designation.

MR. FRAMPTON: Yes.

VICE-CHAIR SINENCI: And I don't know, Chair, if I wanted to maybe have the Planning Department kind of chime in about the Maui County Code for Historic District for Lahaina, preferably in Chapter 2.88 under 19.50.010 and 19.50.020.

CHAIR PALTIN: Director McLean.

MS. MCLEAN: Thank you, Chair. The County's Historic Districts...there are three County Historic Districts and that's actually a zoning. You can rezone Historic District 1, Historic District 2, both of those are in Lahaina, or Historic District 3 is in Wailuku. That's zoning. This property is not zoned County Historic District. It's zoned, as you've heard, Duplex and Residential. So in Lahaina town you have areas that are zoned County Historic District and then you have a larger area around that's the National Historic Landmark District. That's not a County designation. That's a national designation. So within the National Historic Landmark District you have various County zonings. Some of those are County Historic District, but not this property. It has regular zoning.



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VICE-CHAIR SINENCI: So just for clarification, there is nothing about a historical building code where there is three stories or anything like that on this lot?

MS. MCLEAN: There...this property is in the National Historic Landmark District. It's not subject to the local design standards for County Historic District zoning. It has to comply with its zoning and then also fit in with the National Historic Landmark District.

VICE-CHAIR SINENCI: And for this project it does?

MS. MCLEAN: It was reviewed by the Urban Design Review Board and that is one of the things that they have to consider in their review.

VICE-CHAIR SINENCI: Okay. Thank you.

CHAIR PALTIN: I have a few questions. You know, in this last week a couple...more than one person was telling in Hawaii to look to the future, you gotta look to the past. And you know, we see on the real property tax map key that this was a Land Commission Award and from my understanding that was a product of the Mahele, which, you know, was around 1845. So my question is why do you think the burial was 1960 when there was a Land Commission Award issued in 1845, which would have been predating the plantation era? So I would imagine if there was a Land Commission Award in 1845, there's a possibility that the family that was awarded it could have a burial on the property.

MR. FRAMPTON: So two comments. First, this parcel was not or it's not...it's comprised of pieces of Land Commission Awards. So Lahaina, as you probably know, had plenty Land Commission Awards and they were all irregularly shaped. So when the plantation subdivided out these lots on Dickenson Street for residential purposes they encompassed and this parcel I think had portions of maybe three separate Land Commission Awards and they're oddly shaped. So it doesn't...it's not like it's just one Land Commission Award. And so, but my, my feeling that and it's just a feeling that there was a modern burial was one, from the testimony, that's what I thought I heard, and secondly, it was looking at this map. The 19...this is a 1949 map from the University of Hawaii and it shows that all the way up to the street right up next to the school and the church, it was in sugar cane use and so it had been actively cultivated by the plantation. So that was the basis of my statement that I thought it would be a more modern burial was that it would have been impacted by the sugar company. It doesn't mean that they could have placed the burial a lot deeper than the plow zone. However, in my limited experience of dealing with the ancient or the precontact burials, they mostly were closer to the surface. But that's just my comment.

CHAIR PALTIN: You know, I was at a Burial Council meeting last week as well and there's these new technologies. I'm not sure the exact name. I think they referenced GPR or something like where they do these LIDAR where they don't have to disturb the ground

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to see what's under, kind of like remote sensing. And I was wondering if that was something that you were looking into or would be willing to do?

MR. FRAMPTON: We hadn't looked into it because this claim had...did not surface until tonight. I think the prudent course of action would be to contact the family first to see and maybe get further clarification from Uilani Kapu about the reference that she was making. So first I think I would follow up with Uilani to hear where she heard that from and make sure that my...what I heard is correct 'cause that's what I thought she heard, but you know how that goes. So I would want to do that first and then contact the family 'cause they would know. If she heard it from the family, we'd want to go to the family and find that out first.

CHAIR PALTIN: And what about possible going to the Bureau of Conveyance and seeing who the Land Commission Awards, the various ones on that property were awarded to.

MR. FRAMPTON: We have those...that information in our cultural impact assessment. We have all the LCA's that were in the area actually. But again, that was a...there was a big break in time between when the Mahele awarded that Land Commission Awards and then at some point in...I think it was prior to the Kingdom so prior to 1893 the plantation had assembled a lot of these. We'd have to look at the detailed history, but the plantation was assembling a lot of these parcels prior to 1893 and then subsequently in the 50's subdivided them out.

CHAIR PALTIN: Prior to the overthrow, right, you meant?

MR. FRAMPTON: Correct. I meant overthrow. Sorry.

CHAIR PALTIN: Yeah. Okay. Couple more questions. How was the setback arrived at?

MR. FRAMPTON: Which setback? The building setback is from the zoning code.

CHAIR PALTIN: From the...so the zoning code is the setback from the Aina Nalu property, the setback from the road, and all that is from that?

MR. FRAMPTON: All the side yard setbacks are from the zoning code. Yeah.

CHAIR PALTIN: And let's see...so we witnessed today how the no left turn into and out of the property worked out, you know. Majority of the people followed instructions and there were some that didn't. And I wonder about that...like the enforcement of that because I mean are there gonna be like monitoring cameras and then is the owner gonna fine the people if they go in left hand in or left hand out? So that's one question. The other question is, you know, I do like the left turn in, left turn out idea if everyone were to like strictly follow it, but that doesn't...there's no way to address what the other properties on the street do. So those other properties could do a left hand turn into their property with these guys making right hand turns, and I think that us as a body need to look at the cumulative impact of all these turns going in and out of the properties along the street. So any comments on that?

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MR. FRAMPTON: Well, those are existing conditions, and you know, obviously we can't control what's happening on those properties. But the reduction of left turn lanes from this property would make a big impact. It would lessen the impacts. It would be a big positive benefit and in terms of enforcement, no, the landowner is not going to be out there writing tickets because he doesn't have the ability to enforce the traffic laws, but it will be signed. There will be signage on that and if there is a problem, then the Police Department can certainly enforce it.

CHAIR PALTIN: Would it be written into like a rental contract agreement and would there be consequences from the landowner to the tenant if caught by anything?

MR. FRAMPTON: You know, I don't know if the tenants should be policing that, but I'll defer that question to Chris.

CHAIR PALTIN: Members, anymore questions for the developer's representative at this time? Shall we hear from the owner/developer now?

MR. FRAMPTON: Yes, having sat around patiently listening to all this.

MR. ONDATJE: It's always fun when everybody's talking about stuff you're thinking and I don't get to comment on it just yet. I want to start out...thank you, everybody, for making this Lahaina and coming over here. That's really wonderful. So a few things that came up during the testimony and it was a few things that if we would've...if some of the people would have only looked at our report, looked at our presentation, you would have saw what we did. So we did something a little bit different. We went to Michele and the zoning folks and we sat down with them and we talked about all kinds of stuff and Michele at that time put together quite a few people that came and we went through and we talked about our design with everybody. The thought...there's people talking about three stories and everything like that and maybe it's important for me to mention that all of it is still below the two-story max height. So there was a few people and some of them may be my neighbors and I'm sorry that I didn't speak to you personally, but my intent was something that blends in really well with Lahaina. Rory mentioned a couple of things about different buildings in the area and if you were to just go to Dickenson Square, you'll see that that exceeds the elevation of where I'm at and that's only a two-story. But they have their towers or cooling towers up on their...up on the roof there and so that does make a difference. The design—we designed the building based on historic guidelines. My thought process was plantation. The design is supposed to be a Lahaina design. So it's horizontal siding and it is all full hip roof. I'm doing a low pitch roof so it's a 4 and 12 or less on the pitch of the roof, and what that does with the full hip it just kinda...it makes the house flow really well. When we met...it was the Urban Design Committee [sic], so the comments and the thought processes with everybody was very complimentary because we had achieved their guidelines for the area and specific to Lahaina. Not...this wasn't designed for Kihei or Makawao. This is designed specifically to comply with Lahaina and that was my thought. I wanted to come in. I wanted something that threw back to the old whaler's thing, and if by any means if I'm

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doing anything that is bad for the community, then absolutely talk to me about it. I am very open. I have never hidden from anything. I will talk to everybody about everything. So I think it's important that everybody know and the community and so on, I didn't just throw this up or say, oh, yeah, for greed reasons I'm building eight units and all this stuff. So there's a thought process here. Inventory reduces cost.

CHAIR PALTIN: Oh, please address us.

MR. ONDATJE: Oh, I'm sorry. Inventory reduce costs and that's my thought process. So if you have more units out there for rent, it will reduce the cost. What's happening in Lahaina in particular it's a trap. There we have no inventory and the inventory that we have may be substandard to most places. And so the reason why apartments are more cost effective in Kihei to rent than they are in Lahaina is because they have more. They have actually done their infill projects and they've actually done all their densities criteria and they've made those criteria and that's why their cost becomes more cost effective. My hope in Lahaina is that we do something within this area that will allow us to increase our inventory yet stay with the feel of Lahaina. I think that it's very important that we stay with historic area, the look of the property. I think it's important if you look at my design if you were to look at some of the stuff, you'd see that I incorporated native plants and the thought process as we talked earlier on the side about noise mitigation. Well, I've had really good luck with areca palms and with variegated hau. And what that does is creates a nice sound of the breeze and it actually...some of the car traffic noises, if it's not a horn, it kind of blends in with that feel. It's more like a babbling brook or a river sound that comes, and when you add the plant noise to that, it kind of solidifies that. So that was my theory of what I thought about when we were doing it. We went to all the agencies and we talked to people before we solidified the design. We came up with a preliminary and what my intent was to do everything that works good for Lahaina and that community in particular. So there was a thought about some massive apartment building that we were doing. My design criteria is just not bad. It's not bad at all. If you look at it and you think it's massive or odd, that's an interesting observation. There was some talk about rentals and that there would be some ulterior motives or anything to that. Well, that may be a little bit of an interesting thought to come from different people that have never met me before or ever spoke to me and that I think is a character...it's a character thing that you're talking to me about that I have some ulterior motive and everything like that. Let me tell you right now, I am not a complicated guy. Give me a burrito, I'm happy. So to say that I have ulterior motives or anything like that, I think if you've never met me and you have no idea who I am or where my heart is and you want to say that, I think that's wrong. But everybody's entitled to their opinion. But look at me, talk to me, come right before me. I am very open. I am very kind and I want to help. I want to help the community. I want to do something that is good for the kids. I've been blessed. I've been able to work in Lahaina a pretty good chunk of time and I've been able to work on Front Street and I got to meet a lot of young kids in the area, young adults. My two kids both went to Sacred Hearts and they both went to Lahainaluna and now they both live on the the mainland. There's a couple of things that we all here have to think about and it's aside from this and everything too, but we have to create something. We have to make the place better than where we

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found it. There's no excuse to me that in Lahaina, as long as it's been there and as much taxes that we pay, and how interested all of you are, and by the way, Public Works, Planning, all of the County agencies, I gotta say I'm very proud to be from Maui after working with you. You're professional, kind, good people and you have good intentions, and that I think is a wonderful thing. But if we don't do something to make it better for the generations to come, then I think we've let it down. It's incumbent on us to do something for the young people. It just is. We have to do something so it's not okay to not have sidewalks. It's not okay. It's not okay to live...to have our kids living in places that are substandard because we don't want to effect change. It's not okay that we don't seize the opportunity to have Lahaina stay Lahaina, but yet an improved version of Lahaina. We're not taking away from the historic value or anything like that. We could really use a couple of gutters. We could really use some sidewalks. It would be really great if you could drive everywhere on the streets where wider. It would be really great. But since we are in this district and we are where we are, I have done everything that I could possible do for this project to keep it so it fits in really well with the community. And I want it to be an asset to the community. So if everybody's telling me that the third story is the thing even though it's below the 35-foot threshold for even a two-story building, that's with three stories it's still below that, I don't understand the compliance thought process. But if that's what the community wants, then that's what we should do. It's a collective agreement on everything. On all of the people there is many people that nay say and say all these things and attack me and the project on Facebook and I don't really think that's fair. I don't believe in that. I believe if you want to talk to somebody, you come right up to them and you talk to them and you ask the question. If you talk to me and you think I have a hidden agenda, well, then, I don't blame you. You should ridicule me or you should assault my character. I have no hidden agenda. I'm a wide open book. My intent is to do everything I can to protect the culture. I love Hawaii. I've lived here because I came here for peace. We all came here for peace. We all stay here because of the peaceful part of it. This building, what I wanted to do was share that with some of the kids that work on Front Street, some of the restaurant and the hospitality workers that are on Front Street, some of the store kids. Some of them have a little bit of a lost position in their life or they're running away or coming away from something. This lot in particular was selected by me and I was very fortunate to have known the Arcangel's a little bit and kind of knew that they were bringing this up. I would...it's very important that we maintain the Lahaina look. It is very important in this particular place that we offer the kids a place that is safe, and as a parent, the most important thing is your child is safe. My intent was not ever to increase the traffic. It was to pull 16 cars out of that equation and that was my thought. My thought was to be where on the ocean side of the highway where kids could walk or ride their bikes to and from Front Street work. To be able to help subsidize and to make some of the apartments lower income is where I came up with the ocean view thought process. So if I had two units that were ocean view and they had a lanai, they would help pay for some of the other units being down at market. We talked earlier about preferences that I would give. That's...that is what I want to do. I want to help. I want to help with what I'm doing. I did pay attention to everybody. I did talk to a lot of the young people. I did go through that. We have ran into several hurdles in here, none of which were insurmountable or said anything. Today was the first I head of any sort of burial

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thing. By all means I don't want to hurt anybody's remains or do anything that would be negative towards that. If that's what it means to have ground penetrating radar and that's what I need to do, then let's try it. But let's make it a condition of zoning approval. Right now I've jumped so many hurdles for no reason. If I know where I'm going, then I could...if we all know where you want me to go, tell me so I can go there and I can comply. I want to be an asset to the community. I don't want to be a hindrance to the community. I don't want to have any legal battles with the County for any of these things, but I did buy it from a seller that their heart was this is zoned A-Apartment. They were not in the position to move in the direction of a multiple family thing. They sold it as that to me. I bought it. I checked it before I bought it. I went to the only legal format that we all have and that's to go to the County and say what is this piece of property, what does it do. And then so when it was zoned that way, that's what I thought I was buying. With that said, after talking about it and then considering the neighborhood and it had changed and everything like that. And then mostly it was our conversations with the County. They were just so appreciative of this type of project coming in and that's...so I really want to work towards that. So that's basically it. For me, my intent is to do the right thing. If the community says it's not what I'm doing here, please tell me what is. If it's not this project, what is the next project? What do we do to help our kids? We have Paul Fasi, one of our...from the Planning Department here and these...all of these folks have been really helpful. So we talked about the project several times and as Paul has mentioned before there is no perfect project. Everything has a little bit. This was the best that we could do for the...given the criteria we were given and that would help the community. Inventory does reduce pricing. By me having eight units, it makes...that I can make them more affordable to other people and that makes a difference. If we had more units in Lahaina, it would be a better market for the consumer. So let's team up. Let's do something together. Let's make it better. If we can make it better, let's do it. The negativity begets negativity and positivity begets positivity. If it's not this, what are we going to do? Where are we going to put it? Is it then somebody else's street? And their...the streets are already narrow. My intent was to give a sidewalk and a curb on my property, not on the County's. I'm not encroaching on this street. I'm not doing anything other than saying, I'll be there, I'll help you. We also have talked and I've talked to Public Works that I am there with equipment. I will help clean off the sides of the street. I will do whatever we can do to help to make it better. But if it's only me that's making it better, I don't want to make it worse. I want to make it better. Note by the way, we designed our sidewalk, we designed everything I did. I moved the building back from the street so if you're coming off of the highway, you can see. You can see in both directions. And then we went...Rory went down and talked to our neighbor at the far end of the street and they trimmed the plants around. Aina Nalu—they're willing to trim their planters over on Wainee Street. They're willing to work with me, not only on my property, but down that whole...our whole street on Dickenson and the back there and kinda clean that all up. Get rid of some of the things that are dropping debris. There was one last thing I wanted to say. There was a conversation about the the mangoes. The challenge on the mangoes. Two of the trees had actually split, split in the middle, and the reason for that is they had borer beetles in them and kind of, I'm not sure what they call it, it looks like a beetle but it drills itself into wood, but it's a really flexible beetle, which I've never really seen one

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before in a mango tree. The only one tree on the property that the beetle not attack and not cause the branches to be weak and that's a Spanish mango and that is still there against the fence. It broke my heart to cut down mangoes. Mangoes are my favorite thing, and not only that, I attempted to even try to use the wood and the woods were laden with bugs. And so the branches were falling on the...one fell on the highway and the others fell in. I went over and I talked to the County and they had said that I was liable if one of the branches falls on the highway and somebody gets hurt or somebody's car runs into it, that I am liable as the owner. So I asked what I could do and their suggestion was remove. So we removed. The mangoes were not saveable [sic]. That the trees were rotten and that's why they were falling. They were kinda imploding more than that. But the only one that was is still a Spanish mango and it's against the back fence and I plan on keeping that forever. There was also a lemon tree there and I plan on keeping that too. My hope was in the back of it on my Aina Nalu border that I would allow the people in there, I would provide or facilitate a vegetable or herb garden if you wanted in the back there. I would provide a drip line so they could do that and basically have a...I'm hoping to have a healthier lifestyle. I'd like to make it where it's walking. And if you're walking and you work on Front Street, I will give you a preference. If you're a single parent, I will give you a preference to what we can do to help. We had also had a very good conversation with the school. We talked about childcare and we talked about making a partnership, a collaboration if you were in the unit there, that they would be able to help you with...if you're a single parent and you needed help with childcare, they would be able to help with some of their fees on their end too to try to help. So it was really good the school in general. I am also a Sacred Hearts parent and I had worked on that bazaar a hundred times. I've come out of that cafeteria parking there quite a few times so I'm well aware of it. I've even asked Dr. Solis, the principal, and Father Joe, if I did it at my cost, could I cut that rock wall that's on the highway on the corner that's creating that blind spot that we've all talked about, could I cut that back a little bit. I do that, those masonry cutting and stuff all the time so I'm real aware of how that panelized system works that they used on the road and so I'd like to be able to create a better opening. And the thought was so on my side of the street, I've already done it. I've designed in to allow you to be able to see coming on to...from the highway. It would be great if they did it on the other side. On the Wainee side, the church side, it's pretty much...although it's a square corner, it is low so you can see as you're turning in. We are working on the other side of the street...my side of the street to see what we can do there. So that was the thought. Anybody have any questions for me?

CHAIR PALTIN: Thank you, Mr. Ondatje, for your presentation and for the work that you've put into this project. Members, any questions? Mr. Molina.

COUNCILMEMBER MOLINA: Good evening, sir. First, we had a testifier that's a neighboring property owner that mentioned I guess the possibility of you downsizing your project to maybe five units. Any thoughts on that?

MR. ONDATJE: Sure. I am willing to downsize. But I want to make sure that all of us, as collectively, and it's not only my decisions, it's the Council's and frankly, it's my neighbors and fellow parents in Lahaina. So remember when they said about

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inventory reducing cost factors. Okay, but my hope is is to be able to help more people and my major intent as far as the number of units, what I was looking to do was try to have as many of those restaurant young adults that I could not get on that Pali to go home after finishing their shift and maybe they have a drink or two with their friends before. I would really like them to stay in Lahaina. I would like Lahaina kids to stay in Lahaina because I think it's safer for them and creating that environment. The amount of things absolutely and absolute on the duplex it would be. But how many people are we helping? The need isn't for another duplex that nobody can afford. The need is for multiple family units. By having that density it allows us to have a more cost effective way of living. By doing the planning that we worked on, my concept was that I have two units that would pay a little bit more because it's an ocean view, nicely covered lanai, and those units would help the other people be able to afford to do it. And that...and that's what the thought was. It was an offset thought. So, yeah, if the community or all of you folks say then the only way we're going to approve it is six unit, five units, whatever that is. You want me to do a duplex, a four-plex, if that's what it'll help the community, that's great. There is this one matter is I bought the property with good intentions from sellers of the property that sold it to me with good intention. We all but went through and we all got confirmation and this wasn't a real estate or realtor confirmation. This is the only valid way and that is your confirmation from the people that are the zoning confirmations. That's where we are. That said, why can't we work together and figure something out and do what's best for the property and whatever that is I'm in. I would like to help and do something. If you...if everybody feels that the best way to help the community is put one building there, one house, then absolutely. Then I don't know what the houses would rent for, but I'm sure it won't be something affordable to help those kids. What I'm trying to do is help kids and if it's not there, then let's do it some place else, but let's help kids.

COUNCILMEMBER MOLINA: I appreciate your intentions, and you know, please understand the position we're in. We need to balance the need for affordable rentals, and of course the people that live along in that area, we have to take into consideration their concerns also. But I appreciate it. You certainly have good intentions.

MR. ONDATJE: Absolutely. Thank you.

CHAIR PALTIN: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Ogigasi [sic].

MR. ONDATJE: Ondatje.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ondatje. Okay. Mahalo.

MR. ONDATJE: Sounds Japanese.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ondatje. Mahalo for your concern and for, you know, what you shared about working with the families who may have a loved one



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buried there and for your willingness to, you know, explore using a ground penetrating radar if that's what it would take. So we received a lot of testimony regarding what the community considers affordable and you said you wanted to target, you know, the youth. The younger, I'm thinking early 20's.

MR. ONDATJE: Yeah, most of the restaurant workers are ranging. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Mid-twenties.

MR. ONDATJE: Mrs. Thibaut from Kimo's was kind enough to come to kinda validate that thought, but Kimo's is one of the restaurants I've worked in. But that said, yeah, the target is anybody that I can help and it doesn't...there is no really age group and I say kids and I say younger people and I'm sorry that...maybe that's part of my age thing showing. But my intent is to help anybody and what I found is would be really great is if we could create Lahaina to be more of a walking community. And that was that most of those kids they drive across the Pali to go someplace else to live and that's not only cost, it's also availability of something that they would feel okay living in. And that was kind of that thought. So, yeah, I am...I'm targeting anybody that I could help that wants to walk or ride to...bike to work that would be my preference.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I absolutely support a more walkable, bikeable town. So approximately how much do you think these units will go for?

MR. ONDATJE: You know, I've heard lots of testimony on different things and I certainly have lots of kids that I know and love that are paying a lot of money. So as any sort...I have no idea what I'm building here. To ask me what I'm going to charge, I don't know what I'm building. Obviously, if I'm building a...let me just give you something on a construction and it's very little money to do an eight versus a six. It's very little more. It's, it's --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, I'll help you.

MR. ONDATJE: --volume produces.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the eight, so what your current plan is...the current plan. So that way. . .

MR. ONDATJE: What my current plan is if I was doing the current plan I was doing, my thought is it would be around \$2,000, is what would be...would make me more cost effective than anybody else in the neighborhood. There will be two units that will probably be closer to \$2,300, \$2,400 and those would be the ocean views with covered lanais.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the 2,000 is the market and the 2,200/2,300 would be the oceanfront, is what you're saying?

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MR. ONDATJE: Right. So the market...that's actually 2,000 is below market. My intent is to be below market to give you more for less.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And so as a Councilmember I struggle with this question, too, but I'm gonna ask you. So you said that whatever the Committee wants is what you'll allow to guide you. How will you decide what the Committee wants?

MR. ONDATJE: What I did initially in this thought process, and actually my wife and I just had a very similar conversation, and it's where did I come up with the thought process. What I worked with with the community and the thought process so I have a couple of different people in the community that may have some relevance to your question. Aina Nalu—they only don't want me...their request of me was to make it not low income and to not have it be a community...like a center or a wayward kids home kind of thing. Those were my...their request. I thought I had spoke to most of the neighbors. We have tried to...only talked to my direct neighbor and then across the street on the school and where did I think that what the community wants, I went to the community Planning Department, where you said the Urban Development Community Planning [sic]. Anyway, so we spoke about that. What I did is I went around and where Gerard's is in Lahaina, the restaurant, I looked at that building, I looked at Dickenson Square, right at the end of that, and I went around and I looked around at the old plantation-style building and that's what we came up with.

COUNCILMEMBER RAWLINS-FERNANDEZ: So that's how you developed your current plan. In moving forward because we received testimony, you know, proposing to modify your current plan. So you said that you will modify based on what the community wants. How will you determine what the community wants moving forward?

MR. FRAMPTON: I'm sorry, I just wanted to add one thing. One of the things that we used that's the blueprint for the growth for Lahaina is our planning documents and the community. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: So my question is moving forward.

MR. FRAMPTON: So --

COUNCILMEMBER RAWLINS-FERNANDEZ: Moving forward.

MR. FRAMPTON: --yeah, so moving forward we're looking at the planning documents which call for the multi-family which call for compact urban densities in Lahaina town. And so that was...I just wanted to say that was a real important starting point. When you say what does the Committee want, you go to the planning documents, and I thought that a lot of people felt very strongly that those are the first things that guide you towards what the community wants. So I just wanted --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, no, I --

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MR. FRAMPTON: --to point that out.

COUNCILMEMBER RAWLINS-FERNANDEZ: --I totally agree with, you know, looking at the Community Plan as a foundational like to determine how you...where you are at now. But like I said, there were testimony that proposed less units, that proposed a duplex, not an apartment. That proposed other things and Mr. Odatje [sic] --

MR. ONDATJE: Ondatje.

COUNCILMEMBER RAWLINS-FERNANDEZ: --Ondatje...Mr. Ondatje said that, you know, he's willing to do whatever the community wants in modifying what the current project looks like. So if that's what's gonna happen, how is he going to determine, how are you going to determine what the community wants moving forward? And if you don't have an answer, it's okay, too. You know, we can talk story about that later.

MR. ONDATJE: Yeah, so I guess I don't know. I thought I was doing what the community wanted based on all of the conversations...the multiples that I've had. You know, I just didn't wake up one day and go, yeah, I'm gonna slap this in right now and it's gonna be this big and that's what it's gonna do and I don't care about anybody else. That isn't at all what happened. So I guess I...I guess I...it's like asking me if your friend changes their mind all the time, do you still pay attention to them and know that that's their mind and it's made up? I guess I would have to refer that to you folks and you tell me how I know what the community likes because I...my heart was to build something that works really well for the community. I spent a lot of time thinking it all the way through. I didn't just wake up and slap it, as I mentioned, and others have insinuated that I did. I went through the thought process. I have a lot of design experience with it so I kind of knew where to go and there was other people that had said, oh well, this is some monstrosity, that doesn't even look like it belongs there. Boy, I...when I drive through Lahaina maybe my eyes are drawn to other things, but I looked at all the historic buildings in the area and the roof pitch matched just about everything, the siding, the type of material I was using, the styling of the railings, everything was to the "t" of what works in Lahaina and what we have everywhere. So that's...I don't know how the community...I don't know how I would know that other than the process I've already done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Ondatje. Last question, Chair. Just a follow-up on the last...short question. Okay, so I, I was just trying to get a little more information based on what you had stated about you willing to do whatever the community wants because you're hearing different feedback. So what I'm hearing from you now is that you're willing to do whatever the community wants, and you know, via the Council. So you'll defer to the Council to then tell you what the community wants?

MR. ONDATJE: Yeah, that's what I'm saying. If you're telling me that and if it is duplex, then we do have the small matter of the value of the land, okay. So the value is paid. I didn't negotiate with the Arcangel's, I knew them, and I wanted to help them. I knew what was going on with it and it was going to be disbursed through a trust so I paid

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them their asking price and I offered to do a quick close...anything I could do to help them move in that direction. That's why we have so many zoning confirmations and it ended up going into probate, but it took a lot longer. But that said, how do I know where that comes from—I don't know—I defer to the Council to tell me. There is this small matter that it was purchased. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: It will have consequences.

MR. ONDATJE: Yeah, there are some consequences --

COUNCILMEMBER RAWLINS-FERNANDEZ: Absolutely.

MR. ONDATJE: --to that decision, but I am part of the community and I want to help so whatever we can do...I can do to help and move in that direction, I'm willing to do it. But I'd really like it to be sooner than later. Someday I am...we're all getting older. I'm getting older and there's not going to be too much longer that I'm gonna be out there with my equipment and doing this stuff. So please make it where I can do it in my lifetime...in my productive lifetime.

COUNCILMEMBER RAWLINS-FERNANDEZ: Totally the intention. So last question, Chair. This should be a quick one. So I've heard like so much concern about the right turn from Honoapiilani onto Dickenson and a truck backing up into Sacred Hearts School. Can you tell me if there's ever been any discussion about the installation of a traffic mirror that is used in other places on the opposite side of the street so that when people are making that right turn onto Dickenson they could see if there's a vehicle over there? If there's ever any discussion that you know of.

MR. ONDATJE: I think it would be...there ever any discussion? No. From my side of the street I can only effect my side of the street. I can't...I have offered to do everything I can at Sacred Hearts and at this point I think that they would be willing to do something if we all could get together and talk about it. But that said, I don't know if a two-way would help my driveway or you talking about the school?

COUNCILMEMBER RAWLINS-FERNANDEZ: The right turn from Honoapiilani Highway onto Dickenson so that, you know, the reflection would show you that there's a vehicle.

MR. ONDATJE: Absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: So that...so that it's not a blind turn.

MR. ONDATJE: I think it's a great idea and I'd like to put it on the corner of my property --

COUNCILMEMBER RAWLINS-FERNANDEZ: It would have to be on your corner, yeah.

MR. ONDATJE: --so that in, you know, again, we're talking about that same wall at Sacred Hearts --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. ONDATJE: --where you had a picture of it there. That so...one of my thought was that we also cut down part of that wall. It just extends around the corner and as it extends around the corner, it cuts your visual.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because you've seen mirrors...the traffic mirrors --

MR. ONDATJE: Oh, absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: --at other places where you --

MR. ONDATJE: Absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it allows you to see around the corner.

MR. ONDATJE: And I'm saying if we placed a mirror on my side of the corner, that, that the people coming off of the highway turning that would be against that utility parking lot. That parking area there...for Sacred Hearts was to pump their grease trap. That's a utility area and that's where that is...what that is. But nonetheless, yes, I'd be willing to put it up on...if it's on my property, I can put it up and so I'm in. I would do that in a minute.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Ondatje...Ondatje.

MR. ONDATJE: Ondatje.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I had it right the first time. Mahalo, Mr. Ondatje.

MR. ONDATJE: Thank you.

CHAIR PALTIN: Member Sugimura, you had some questions?

COUNCILMEMBER SUGIMURA: Thank you, Mr. Ondatje. I would like to just open by telling you that I appreciate what you're doing and by listening to us and our questions, I don't want you to ever think we don't want you to do this. Or I should maybe only speak for myself. But our current Council, when all of us ran to get into office, our top thing that we said we wanted to do was housing—our number one. And you see and they see the housing crisis that we're in. I will tell you I'm a returning Councilmember so I'm part of the problem. I will honestly tell you that. In terms of approving projects and opening the door so developers like yourself feel like your job is being appreciated and welcome. So I'd like to open by telling you that I appreciate what you're doing and from what I hear you have gone through a lot of trouble, personally, just to be sure that you've talked to the County departments, you've talked to your neighbors, you've been ingrained in the community for a lifetime with your children with your neighbor

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across the street, you may go to the church across the street. I'm sure you traveled along...all along Lahaina town --

MR. ONDATJE: Absolutely.

COUNCILMEMBER SUGIMURA: --a lot. Your, your...I grew up in Wailuku so Lahaina town is like Wailuku --

MR. ONDATJE: Yeah.

COUNCILMEMBER SUGIMURA: --where you have small streets, it's built long time ago for different needs. But the community came in and built along the way and all of us had to adjust which is what's happened to Lahaina.

MR. ONDATJE: Yes.

COUNCILMEMBER SUGIMURA: Having said that, I personally support you putting in the number of units that you're trying to do and I think you're saying that the view plane is not obstructive, you are willing to do preferences, and you're able to do that where other projects that come before us may not necessarily do that. And I want the community to hear this, is that you're funding this 100 percent by yourself.

MR. ONDATJE: Yes.

COUNCILMEMBER SUGIMURA: You're not...lot of people who come before us are, are...before us because they're asking us for a million dollar here or some kind of financial way that they can do affordable housing. But you're not, you're standing there with your own pocketbook, your own checkbook, to make this happen. I appreciate that. It says a lot about your character.

MR. ONDATJE: Thank you.

COUNCILMEMBER SUGIMURA: The conversations that I've heard and I think this is where I made it like a dividing part for your side possibly to consider and the County, is that we're talking about traffic and roadways and so on a short term basis I think I saw—I I could be wrong, Rory...Mr. Frampton, you can correct me—but some shoulder improvements, some paving, and striping for some short term improvements. And for long term our Public Works Department would be circulation...circulation pattern study of the roadways, which probably would include more than Dickenson Street. It probably would include...we really need to look at Lahaina I think. Just as what we're doing in Central Maui, we're doing some studies like that just because for the exact same reason. I like this idea of having a mirror and I don't know if that's your kuleana or the County's kuleana to do things like that. I'm not sure. Yeah, we can do that, right?

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MR. ONDATJE: It takes a little bit less for me to do it. Just, you know, and I'm willing to buy it and put it in and everything if that's what will make it safer, then by all means I want to make it safer.

COUNCILMEMBER SUGIMURA: Also on this side I have appreciation for you to say you'll put a sidewalk and your neighbor, Mister...who testified earlier, said he'd also put a sidewalk.

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

COUNCILMEMBER SUGIMURA: Mr. Dickar. Mr. Dickar? Yeah. So now we have sidewalks...is it two or three properties on that?

MR. DICKAR: Four.

COUNCILMEMBER SUGIMURA: There's four?

MR. DICKAR: Four and . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: So maybe there's more conversation.

CHAIR PALTIN: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: That's your property?

CHAIR PALTIN: No, it's five.

COUNCILMEMBER SUGIMURA: Oh, five properties. Okay, anyway, it's getting there. Again, you can do preferences, as you mentioned, whereas other projects that come before us cannot do that because they're getting Federal dollars or State dollars or County dollars so you have to open it up to everybody. You can say that. We can't say that as a County. I think Corp Counsel will say I'm correct. But I just wanted to thank you for putting yourself out here and putting this project forward. I would like to support you. I hear what you're saying. You want to build the number of houses or number of units you want, you know, so that you don't have to hear the stories about, you know, a neighbor who has to sleep in a garage and rent as much as you do because there's just not...it's supply and demand is what you're talking about. And shame on us, you know, for not doing more. So I support you doing what you're doing and I hope that we can walk with you and get it done. I wanted I guess the departments if they can comment on that, the things that you may think. Planning, Mr. Fasi is a excellent planner. You know, I want to hear from Public Works about this project if I could.

CHAIR PALTIN: What was the specific question?

COUNCILMEMBER SUGIMURA: Oh, I just wanted to hear what they could say about this project if people are done asking Mr. Ondatje.

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CHAIR PALTIN: Oh, I think there's couple more questions. Point of personal privilege, Mr. Sinenci, back to Member Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, for this point of personal privilege. I just wanted to go on record for myself. I ran my campaign on providing the community truly affordable housing which was more in line with what the testimony was. So I just...to clear what, you know, 'cause it was kind of spoken as all of us, truly affordable housing and not housing at all cost...at any cost. Housing that would also be respectful of the community and our culture and in line with our aina and our values. So I just wanted to go on record saying that. Mahalo.

CHAIR PALTIN: Thank you. Member Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you, Mr. Ondatje. Yes, you know, listening to the testimonies tonight, I did want to commend you for being flexible and being able to listen to the testimony. I think, you know, you asked us where should we go with this. I mean you just need to look around and look at your neighbors. I mean we're just listening to the community at large to see, you know, what are their thoughts about this project. So having said that, just kinda, you know when your neighbor talked about downsizing, I don't think it was about bringing down your affordable units, but more so just the site...the site location. It seems like there was a lot of traffic impacts, the school vicinity, the small streets, the lack of walkability, the crossing of the highway. So a lot of the things that asked to downsize wasn't about bringing down your project. I think it was...it was just of the infrastructure that was currently there. So I think, you know, if you did have a larger project, then we might have to look at the, you know, expanding the infrastructure around that site. So that was one of the issues. Also, I think if you downsized the project, I don't think you would require 16 parking lots. Is that a requirement? I mean that would be less parking, less cars. Other people talked about an affordability clause, you know, keeping the project affordable and there was a lot of different ideas about affordability. And you know, even though we don't have that inventory, you know, we don't...we just don't have affordable inventory, this affordable inventory that we don't have. So I would support, you know, an affordability clause that would keep the units affordable. Also looking at the overall Lahaina Community Plan that was brought up. This is a historical town designation so any changes, any zone changes, you know, it's gonna set precedence. There's...it sounds like there's already been set precedence for the town and so if we're changing any zoning, you know, it should reflect the overall character of the town. I don't know about the cost, you know, like Member Sugimura said this is cost out of your pocket. I don't know what makes it feasible for you to try to develop it or to, you know, that has always been the problem of keeping things affordable. But that is...that is your choice. I mean one of the testifiers asked about the County purchasing the property. I don't know what you paid for. I don't know what the property is assessed value at. So it's and, and I think your questioning was just about using the property to put more infrastructure specifically for pedestrian and walkability infrastructure. So that was...that was I believe the testifier's intent. What else? If you had a smaller project, you know you could plant more trees on 'em in the



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front where some of the parking might be, you know, in you know, just as to the families that were there who had those trees and used those trees as their piko for their children. You know, so I think it's...again, I'm just trying to surmise from what some of the residents from this place are looking at, and they've stayed here all, you know, to the end to this long to say their piece. So, I too, like you, I'm trying to look at a good project that can satisfy everybody in this community. So thanks for being open to that.

MR. ONDATJE: Thank you. Did you have a question in there? If I am open to it or. . .

VICE-CHAIR SINENCI: Yeah.

MR. ONDATJE: I do have a couple of comments. So, yeah, I'm open with everything. Cost factors are a thing for anybody and I'm not getting any younger and so I don't have that much time to recover. That said, yeah, I'm open to different options. But I wanted to address something on the trees just so we're clear in that and a few of you have talked about cultural things. I'm really aware of all of that so what I've done is I've saved some areas of those mango trees and what I did...I've been looking at them and I'm doing little carving on 'em myself and I was planning on having a couple local carvers and do something that was needed to it and I was gonna do wall art on the building because the trees came from there. Again, lots of it were destroyed by worm and kind of a...it's like a beetle that bores in.

VICE-CHAIR SINENCI: You still have the trees?

MR. ONDATJE: I still have --

VICE-CHAIR SINENCI: Remnants of the trees?

MR. ONDATJE: --yeah, everything that wasn't...that wouldn't infest the rest of my lumber storage in my shop. But, yes, I have almost all of it and that's what I plan on doing was that I was gonna...the vegetable yards that we talked about, I was going to use some of the bark and . . . *(inaudible)*. . . create planters in the back. I have a good chunk of the barks here and there that I was going to put in on the building and kind of blend in. We were going...we were talking I was thinking about maybe doing a wall or two of my...any enclosures that I have, utility enclosures, and doing those kinds of things with 'em because I think they fit in real good and I wanted to pay homage to the people that came before me in that spot. So I consider myself to be a fairly spiritual person. When I feel the land or I feel the energy in the land, that's how I come up with thoughts. I pray for guidance and I feel the energy in the land and I go there. So when I'm saying what the community wants, I'm also staying with the spiritual thought process. And then this is kind of an odd forum for me to even mention that. Rory's probably going crazy because I'm not supposed to be talking about anything like that that's personal. But I think it's important in this kind of community setting because with all these folks even if you're in opposition of what I thought and all that stuff, you're still...we're in the community together. We're in this together. I'm wanting you to know that I did think about that and I prayed on it quite a bit on that

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lot and I do respect the people that came before me. My thought was it was never one...the negative energy that I've heard a little bit and some of it...most of it came from Facebook in my direction. That's okay. Go ahead and assault my character. If that's what you gotta do, that's okay, but don't assault the spirituality of me or my thought that I paid no attention to what came before me because that's just not true. And when I go there...before I bought that land, I went there and I prayed. I prayed underneath the mango trees and I told the mangoes, I hold the tree, and I feel the energy that came. So to say that I didn't pay any attention, that's not fair. I really...I did. I know you didn't, sir, but there was a few people that did talk in that general direction and I'm really glad that everybody that wanted to stay did stay because you got to hear a little bit from me. So as far as that's concerned, I did respect all of the spiritual part of it. I continue to respect it. It is...what I'm doing for the aina, I'm doing that for the people and I'm wanting it to work out good. And if it's not this project, let's do something else. There's quite a few pieces of parcels in Lahaina. Maybe someday we should all talk about that and what we can do. And I also wanted all of you to know and all of the neighbors that contractors aren't all bad people. You guys say I'm a developer, but I'm not really a developer. I'm a contractor. I'm an artistic contractor. I feel and build. I just don't build. I feel it and then I build it. Just so you know where I'm coming from and what kind of person that I am and that if you did approve or you did decide to approve anything that I would do, note that I don't take it for granted. And I really...my heart's in the right place so I feel real comfortable with everything I say.

VICE-CHAIR SINENCI: Thank you. Thank you for that. Thank you, Chair.

CHAIR PALTIN: Thank you. Before we go second round, I just wanted to ask a couple questions before. You mentioned about meeting with the Aina Nalu people and they didn't want low income or programs and I was wondering if you asked them why they didn't want that.

MR. ONDATJE: They felt as though it would affect their values as to what they're doing and what they have come up with and their overall plan...development plan. So that was it. I have different people talking to me about different things, which...it's very interesting because we have this mixture of people in general in Lahaina. But that was their only concern is that I don't do low income and I don't do all of these things. We talked earlier about low income and the difference. So I'm providing workforce housing. That's what I'm hoping to do. We, we...there was some conversations about all of those things, but what I'm looking to do is provide workforce housing. And in fairness to everybody, I'm not looking to help people that have houses in the neighborhood. I'm hoping to help our future generations. I'm hoping to keep every Lahaina kid that wants to work on the West Side, I'm hoping to give them choices.

CHAIR PALTIN: Thank you. And just to clarify, like Councilmember Sugimura said, you're funding it all yourself so there's not any restrictions from any entity on what you can charge for the houses. So I wanted to speak towards intent versus actual as in rent. Today when we were at the site visit and here I heard different numbers. Twenty-eight hundred was a number, 2,500, then over here 23-24 and 2,000. I don't believe that

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there's any condition that we can put like saying so many units have to be rented out at 2,000. So basically, you know, depending on what the costs are if there's unforeseen circumstances that cost more there's, you know, it's just an intent and not the actual. Like we're not going to be able to hold you to saying that, oh, he said 2,000 was what his intent was. Is that true or false?

MR. FRAMPTON: If I may respond to that? I think, just first of all for clarity, the numbers that you referenced on the property when you said, I think it was 25 to 2,800, something in that range. I think that was in response to your question of what does he think the market rate is. That wasn't what he was gonna charge. So that's what he said what the market rate was and he said he would be below that.

CHAIR PALTIN: Yeah, I think he said market rate was 28 and he would be below that so about 25 at the site.

MR. ONDATJE: No, that's not what I said.

MR. FRAMPTON: Anyways, the...it's a privately funded project, as mentioned, and it's under ten units, it's just eight units so the workforce housing policy does not apply. So there's no legal triggers to comply with the workforce housing policy or to put any kind of price, rent controls on there.

CHAIR PALTIN: So realistically, regardless of your intent, these units could rent for three grand, four grand, five grand?

MR. FRAMPTON: They could rent for market, but that's obviously not a good. . .

CHAIR PALTIN: Whatever anyone's willing to pay for it, they would rent.

MR. FRAMPTON: Correct.

CHAIR PALTIN: Member Molina.

COUNCILMEMBER MOLINA: Mr. Ondatje, I had a chance to talk to the Planning Director just now. With the current zoning you have which is I guess R-2 Residential District and D-2 Two-Family Districts, sounds like something out of Star Wars, yeah, R-2, D-2. . . .(laughter). . .

MR. ONDATJE: Yes.

COUNCILMEMBER MOLINA: But the Director informed me that you could potentially build up to four, well, four homes meaning one house and an ohana, along with a duplex. So what you currently have you can already help four families. But with no approval from this body, you would only need the SMA approval from the Planning Commission and no obligation to do the improvements. And maybe it's a dumb question to ask, but if what you currently have you most likely wouldn't do the improvements for the sake of feasibility. And I understand you're in the business, you have to...the bottom

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line you have to make some money. Nobody goes into this kind of business with the thought process of losing money, especially if it's being financed. The banks are not going to finance the project where you're gonna lose money. So, you know, like I mentioned to you earlier, we have to weigh the folks who will be your neighbors and I know you mentioned that you've done some outreach with the church, with the school, and maybe a neighbor or two. But we heard from one gentleman who was not consulted with until tonight. So for all intents and purposes I'd like to ask you to continue networking with the neighbors. Maybe...I see benefit with your improvements, the sidewalks. I mean from the school's perspective we want safety in the area and maybe the changes with the one-way for Dickenson Street. So maybe have an evening meeting at the school. I know you just met with the priest and the principal and a few teachers, but have an evening PTSA meeting with the parents so everybody in the school is involved, the neighbors, and just basically simply talk story and see what kinds of compromise you could reach. Otherwise, you already have the zoning where you could help four families. But I like the aspect of doing the improvements for the area...the safety improvements. So talk story and as you mentioned earlier you're willing to work with the community and go from there. So that's just my thought. Any thoughts from you on that?

MR. ONDATJE: I wish I had known about the four units three years ago --

MR. FRAMPTON: So the --

MR. ONDATJE: --and several hundred thousands of dollars ago.

MR. FRAMPTON: --the property is allowed a duplex which has two dwellings on it? And are you saying the four because two accessory dwellings? So the residential is just a small strip along the highway. It's a remnant parcel. Two would be. . .

CHAIR PALTIN: Director McLean, would you like to --

MR. FRAMPTON: One duplex which would be --

CHAIR PALTIN: --respond?

MR. FRAMPTON: --two dwellings and then two accessory ohanas based on the new law?

CHAIR PALTIN: Director McLean?

MS. MCLEAN: Thank you. It wasn't clear to me how much R-2 there was on the property. If there was a substantial amount, then that would be where you could have a house and an ohana on the R-2 portion. But if the R-2 portion is negligible, then it's just duplex. It would just be one duplex.

MR. FRAMPTON: With two or one or two accessory ohana units?

MS. MCLEAN: I don't think ohanas are allowed in duplex. So it. . .

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MR. FRAMPTON: Two dwellings?

MS. MCLEAN: My response to Councilmember Molina was assuming that the residential portion of the property would allow a house and an ohana. And if it's not big enough for a house and a ohana, then we'd just be dealing with a duplex zone which would allow a duplex and that would be it. So it would just be two dwellings and no improvements.

CHAIR PALTIN: Okay. Before I open the floor for deliberations and motions, I wanted to offer some observations. The Maui Planning Commission for this change in zoning proposal to the Council with no recommendation. So it went through the Planning Commission, that whole thing, no recommendation. Kind of unusual, but that's what they did. I would like to point out that zoning is a policy decision for the Council. The Council is not obligated to take any particular course of action on a zoning issue even if the landowner was provided incorrect information by County staff in the past. If there are any questions on that issue, we can go into executive session and ask Mr. Galazin to comment on that. That being said, Members would you care to deliberate at this point or what's your pleasure and I can just take a roll call what you'd like to do? Member Molina.

COUNCILMEMBER MOLINA: Just my thoughts, if we do go into executive session, I'd prefer we do it at another meeting at the Council Chambers where it's more secure. Just my thoughts.

CHAIR PALTIN: Thank you, Member Molina. Member Sugimura.

COUNCILMEMBER SUGIMURA: I would prefer to defer tonight. Not necessarily make, you know, a decision but kind of do an executive session so we find out more options which may allow you to if you would like to speak to some of your neighbors and maybe call this body together again. I know you have a pretty full calendar. I don't want to impose upon your schedule so it's really your call, Chair.

CHAIR PALTIN: Member Rawlins-Fernandez, any preference or comments?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think I agree with Member Molina and Member Sugimura. I think there was a question about liability and if we wanted to get more information on that that perhaps in the Chamber, you know, we could do executive session to get that information. And you know, as Member Sugimura said to give Mr. Ondatje time with the community if that's what's necessary and time I guess to work with the family there to get more information on the burial. And you know, so I would prefer to defer tonight and depending on what results from the meeting with the Arcangel ohana regarding, you know, any burials on the property, I may want to propose an amendment to add a condition to work with the family and develop a burial treatment if that's what's necessary, and possibly use ground penetrating radar to locate the iwi, if that's also necessary. So something along those lines. Mahalo, Chair.

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CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. Member Sinenci, your pleasure?

VICE-CHAIR SINENCI: Yeah, thank you, Chair. I, too, would probably prefer to defer. I'm open to receiving more information from Corporation Counsel in executive session so that we could, you know, be better prepared to make the decision. I, too, would want to maybe give Mr. Ondatje some time to look at, you know, to consider some of the issues that was brought up tonight and to see if, you know, does he still want to continue it on this...in this direction or maybe make some changes. You know, so just want to give him that time to do so. So the will of the body, Chair.

CHAIR PALTIN: Okay. Thank you, everybody for providing input to direct me on which way we want to go. I really wanted to offer my sincere thanks to everybody and especially my colleagues for being at this since 1:45 today on your day off in a far away place. Being that it's 9:00, the Chair will entertain a motion to defer this item.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR PALTIN: Moved by Councilmember Sugimura, second by Councilmember Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Discussion.

CHAIR PALTIN: Discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: I wanted to thank Mr. Ondatje and Mr. Frampton and the community for coming out and providing the Council with testimony. And I support, you know, moving this along as quickly as, you know, we can as the Committee so that we can move on with it. Mahalo, Chair.

CHAIR PALTIN: Thank you. Any additional discussion? All in favor of deferring this item, say aye.

COUNCILMEMBERS: Aye.

CHAIR PALTIN: All opposed? Motion passes with five ayes and two excused. I will now...oh, Member...Council Chair King and Member Lee.

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**VOTE:**      **AYES:**    Chair     Paltin,           Vice-Chair     Sinenci,     and  
                 Councilmembers   Molina,   Rawlins-Fernandez,   and  
                 Sugimura.

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