

**AFFORDABLE HOUSING COMMITTEE**  
**Council of the County of Maui**

**MINUTES**

**January 8, 2020**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember Tasha Kama, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Riki Hokama  
Councilmember Kelly T. King (in at 1:33 p.m.)  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin  
Councilmember Keani N.W. Rawlins-Fernandez (in at 1:41 p.m.)  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura

**STAFF:** Alison Stewart, Legislative Analyst  
Ana Lillis, Legislative Analyst  
Stacey Vinoray, Committee Secretary  
Rayna Yap, Substitute Committee Secretary (in at 4:07 p.m.; out at 4:23 p.m.)

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel  
Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns  
Rowena Dagdag-Andaya, Director, Department of Public Works  
Eric Nakagawa, Director, Department of Environmental Management  
Jordan Hart, Deputy Director, Department of Planning  
Lieutenant Oliver Vaas, Maui Fire Department

**OTHERS:** Doug Bigley, Developer, Ikaika Ohana  
Tom Fischer, Developer, Ikaika Ohana  
Delene Osorio, Ikaika Ohana  
Dean Minakami, Hawaii Housing Finance & Development Corporation  
Stan Fujimoto, Hawaii Housing Finance & Development Corporation  
Tessa Munekiyo-Ng, Planner, Munekiyo Hiraga

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Malia Molina, Planner, Munekiyo Hiraga  
Lena Tamashiro, Architect, Design Partners Incorporated  
Eric Tamashiro, Engineer, Belt Collins Hawaii  
Mike Silva, Engineer/Land Surveyor, Fukumoto Engineering  
Andrew Scher, Traffic Engineer, Fehr & Peers  
Tanya Lee-Greig, Archaeologist, `Aina Archaeology  
Mike Dega, Archaeologist, Scientific Consultant Services, Inc.  
Stan Franco  
Michael Williams  
Blossom Feiteira  
Albert Perez

(17) additional attendees

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

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CHAIR KAMA: . . .*(gavel)*. . . .*(inaudible)*. . . Today is January 8, 2020 and it is 1:32 pm. I'd like to ask everyone to please silence their noisemakers, whatever that might be. Good afternoon, my name is Tasha Kama and I'm the Chair of the Affordable Housing Committee. I'd like to introduce starting with my left, Mr. Mike Molina, the Vice-Chair, aloha.

VICE-CHAIR MOLINA: Aloha, Madam Chair, aloha.

CHAIR KAMA: And to the far left of Mr. Molina, Mr. Shane Sinenci, aloha.

COUNCILMEMBER SINENCI: Aloha auinala, Chair.

CHAIR KAMA: And then, coming to my right, Mr. Riki Hokama, aloha. And if you didn't already know, the Affordable Housing Committee is now comprised of nine members instead of seven. Therefore, Ms. Tamara Paltin is now a full-fledged member of this Committee with all the rights afforded her. So, welcome.

COUNCILMEMBER PALTIN: Aloha auinala, Chair. Glad to have graduated to the big league.

CHAIR KAMA: And, oh, and also, okay, so Ms. Kelly King has just walked in too, and again, welcome to the Affordable Housing Committee --

COUNCILMEMBER KING: Aloha.

CHAIR KAMA: --and you too are now a full-fledged member.

COUNCILMEMBER KING: It's nice to be a voting member. Thank you.

CHAIR KAMA: Thank you. And also, to my far right is our current Chair, Ms. Alice Lee. Aloha, Alice. What is the word for today?

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COUNCILMEMBER LEE: The word comes all the way from Russia --

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: --and dobry den means good afternoon.

CHAIR KAMA: Good afternoon. Thank you. And also joining us today is the Department of Housing and Human Concerns Deputy Director Linda Munsell. Aloha, Linda.

MS. MUNSELL: Aloha, Chair.

CHAIR KAMA: And with us we have from the Corporation Counsel, Mimi DesJardins. Aloha, Mimi.

MS. DESJARDINS: Aloha.

CHAIR KAMA: Also, we have the other departments monitoring the meeting and who are going to be on-call today is our Planning Department, our Public Works Department, Environmental Management, Fire and Public Safety, the Police, Parks and Recreation, and Transportation, and Water. So, if sometime you'd have questions for them, they will be here later on. Also, we have our Committee Staff, Ms. Alison Stewart, our Legislative Analyst.

MS. STEWART: . . .*(inaudible)*. . .

CHAIR KAMA: And she, oh, there she is to my far left. And Ms. Ana Lillis, I thought I saw her. She's probably in the back. Okay. Thank you. And Stacey Vinoray, the Committee Secretary. Aloha, Stacey. So, we have seated in the front of you and I Mr. Dean Minakami from Hawaii Housing Finance & Development Corp. Aloha, Dean.

MR. MINAKAMI: Good afternoon.

CHAIR KAMA: And we have Mr. Stan Fujimoto, also from HHFDC, aloha. And then, also Mr. Doug Bigley with Ikaika Ohana, and also, we have with us Tom Fischer with Ikaika Ohana. And to my far right, Ms. Tessa Munekiyo-Ng of Munekiyo Hiraga. And seated in the gallery later on we're going to have other members of the Ikaika Ohana team that will be joining us later. So, welcome to today's meeting everyone. And there's only one item on the agenda, the Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) Independent Development of Keawe Street Apartments (Lahaina), or AH-1(5). So, the Committee has received from the Department of Housing and Human Concerns, the application for the proposed Keawe Street Apartments for consideration by Council under Section 201H-38, Hawaii Revised Statutes. Under the State law, Council has 45 calendar days to make its determination of this application. Since the application was received on December 31, 2019, the 45-day clock will expire at the end of the day, February 14, 2020. The application proposes to create 200 affordable rental housing units for 60

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percent AMI. As Committee Members, you have received the application packet along with the three standard resolutions to approve the application as presented in the application, to approve the application with modifications, or to deny the application. There are two non-substantive procedural issues that I'd like to raise at this time for the record. The resolution begins, approving the Keawe Street Apartments, but in the agenda, it states Approving the Independent Development of the Keawe Street Apartments. The development is clearly independent, and this isn't being developed by the County. The extra words are not necessary but were deleted from the resolutions. The second one is the okina in the resolution misplaces Villages of Lei`alii, when it should be Villages of Leiali`i. Staff can make that non-substantive correction in the resolution when we move forward, when we forward them to Council. So, as with the 201H projects, I would like to have the project proponents present first, followed by public testimony. And as such, out of the abundance of caution with respect to the Sunshine Law, I'm asking you, Members, to hold your questions for the project proponents and the Administration until after the completion of public testimony. So, without objection, I would like to call upon Tom Fischer with Ikaika Ohana for the presentation. Mr. Fischer? Thank you, Tom. So, again, we'll hold questions until after the presentations. Thank you.

### **. . . BEGIN PRESENTATION . . .**

MR. FISCHER: Thank you, Tasha. We're going to start with Dean and Stan to give a brief presentation about the history of the project.

MR. MINAKAMI: Good afternoon, Committee Chair Kama, and Members of the --

CHAIR KAMA: Aloha.

MR. MINAKAMI: --Council. My name is Dean Minakami, and I'm the Development Section Chief for the Hawaii Housing Finance & Development Corporation. We'd like to thank you for rescheduling this 201H application and providing the opportunity to move this application forward. Also, I'd like to thank the Mayor and the Administration. They've been very helpful to the project team in redoing the 201H application in a very expeditious manner. Keawe Street Apartments is a very high priority project for the Legislature and HHFDC due to the critical shortage of housing in West Maui. As I'm sure you're aware, last year the Legislature appropriated \$37 million for the project through this Rental Housing Revolving Fund. Keawe Street Apartments will be the first HHFDC project in the Villages of Leiali`i. And the Villages of Leiali`i was first conceived and is still intended to be a mixed use master planned community that will be primarily affordable and is intended to address the shortage of housing in West Maui. HHFDC holds title to roughly 540 acres of land makai of the proposed bypass road extension. And this initial site within the Villages of Leiali`i was selected for Keawe Street Apartments for several factors. One is that it has ready access to a roadway which is mainly Keawe Street, it does not possess any archaeological resources, environmental resources, or other site constraints that would hamper its ability to be developed. And it is also within an existing DWS water service zone. So, we selected the developer Ikaika Ohana through an RFP process. To review the RFP

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process and our requirements of Ikaika Ohana and the project I want to introduce Stan Fujimoto who is a Housing Development Specialist with HHFDC.

MR. FUJIMOTO: Thank you, Dean. Good afternoon, Councilmembers. In June 2018, HHFDC Board approved the \$5 million DURF pre-development and interim loan in an RFP for a proposed 200-unit affordable family rental project north of the Keawe Street extension at the Villages of Leialii. In August 2018, HHFDC issued an RFP for the proposed Keawe Street Apartments Affordable Family Rental Project. Some of the major RFP requirements were as follows, the project will consist of approximately 200 units affordable to families at 60 percent or below the area median income. The project will include subdivision and dedication of a public access road to access the project. Conveyance of the project site will be by a ground lease, 75 years at \$1 a year lease rent, and the project shall remain affordable for the term of the ground lease. RFP proposals were received in October 2018, and on January 10, 2019 HHFDC's Board approved Ikaika Ohana and its proposal to develop, own, and operate the Keawe Street Apartments Affordable Family Rental Project. Doug Bigley and Thomas Fischer of Ikaika Ohana will summarize the proposed project.

MR. BIGLEY: Thank you. Can I get up? Or do I have to...

CHAIR KAMA: Yes, you may get up.

MR. BIGLEY: Sorry, I'm just going to go over to the screen here. Hello, most of you know me, I think. My name is Doug Bigley and I'm with Ikaika Ohana and with Urban Housing Communities. We work together on these projects. One is really the, kind of the developer, the other one does a lot of the guarantees that we're required to do. Just to give you a background, we've done approximately 2,500 units. Of those 2,500 units, about 1,000 of those units are either operating or under development here in Hawaii, and of those, approximately 500 units are under some form, either under construction or in development on Maui, and of the 2,500 units we have about 200 units of those that we've done in connection with DHHL. This will give you an idea of what we're, our target rents are and the income levels, what we're trying to achieve, somewhere between 29,000 and 58,000 would be the income levels. And we have two, three, and four-bedroom units. The rents run from for a two -bedroom you can kind of see on the schedule here, so I probably don't have to repeat it. But that's kind of the rent levels that we're achieving. And this bottom row here will give you some idea of what we can accommodate in those units and how we figured that out. This is probably no news to you. I just thought I'd throw it in here. These are the types of, this is the, our base, you know, what our tenant base might look like. This slide I thought was just kind of an interesting slide 'cause it gives you some kind of idea of how this project is being financed. So, 46 percent of the financing comes from the State of Hawaii, 38 percent is from the Federal government, we have 14 percent from the private sector, and about 2 percent is what we're going to, that 2 percent is part of what we're going to discuss today. It will be involved with fee deferrals and things like that. So, this is the financing structure. Okay. Since the, I wanted to talk about community outreach because that's a significant part of the development process as you are all aware. It takes us at least a year usually just to do the community

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outreach. You know, I know everybody a lot of times will race into the major community meetings. But usually for us it's a lot of door-to-door, small group works, and things like that. So, it takes a long time. So, this just gives some representation. We had two major meetings, we had five group meetings with local organizations and its members, eight meetings one to three people, we handed out 120 fliers and went door to door, and then it resulted, we kind of looked at it as resulting about 120 in person contact. And those were with people that were actually out in the community 'cause a lot of times you have community meetings, but some of you guys show up, you're off the list 'cause you don't count, you don't count either. So, it's great to have everybody, but when you're talking about just meeting with the community members that's what we've kind of, when looking at all the lists and things what we've think we've done. This gives you some idea of how we think about a community and how vital kind of the home is to reach the community. So, we start with these healthy homes, and then when we design a community, we're looking about how the relationships between the home and the cluster that they exist in, the clusters and the neighborhoods they exist in, and then how those neighborhoods relate to the full community. That gives us the overall site plan. I'm going to turn this over to Tom in just one minute 'cause he's going to get to do some of the technical issues here. But this gives you an idea of what this neighborhood approach is. And so, we'll have three kind of distinct neighborhoods that'll be set off by colors and roof lines and things like that. And then, we'll have gathering opportunities in each one of those neighborhoods and we'll have community gardens and all these onsite amenities, and then those will all feed into the broader community center which will be in the center here. Tom, do you want to take over here and...

MR. FISCHER: Sure. Thank you. Good afternoon, again. Whenever we start with a project, the site selection is very critical because that's where we're going to develop homes for the next, in this case, over 75 years. So, as Doug said, we've really started with a piece of dirt that was about 18 acres in the RFP. Because of some site challenges, very steep coming down Keawe Street, we actually sort of expanded the site. We're about 28½ acres now. And as Doug said, we've got three sort of neighborhood clusters where you'll have different architectural appeal to the exterior of the units. We have two community centers, having one here and one over there. The larger one's about 10,000 square feet. We'll use that for some community activities for both residents and just members of the Lahaina community in general. Kind of starting from the top, the sort of the bypass road turns and comes down Keawe Street. The project is actually going to develop a new public road and we'll dedicate that to the County of Maui, and we are paying for that road in our project's budget. There is a gate access for a kind of a pathway--thank you--for a pathway that goes up to burial grounds. So, we want to make sure that we're, you know, being very understanding and responsible to make sure those folks still have access. That road kind of is there today. It starts lower in the project but goes right through the parcel. Traffic, which Doug will talk about in more detail soon, but we are going to initially, we've met with the Department of Transportation, we have our consultants here that can talk later, but in general, we're going to have a right in and a right out to the project in this area here. We are also going to extend the sidewalk down along Keawe Street, and you'll see there at the bottom of the site we'll have a pedestrian access point to Keawe Street

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as well. So, folks living here will actually be able to get to that sidewalk to be able to travel down to Gateway Center and all the commercial activities at the bottom of Keawe Street. The other thing that we looked at with the site plan was, and it kind of dovetailed for us, we needed to find a utility easement but below that, the tension basin and you'll see a blue line and a red line. And what we were able to do, that's a separate private property owner that owns that parcel and we've acquired...in the process of acquiring an easement. And that easement will be used to eventually connect the sewer for the project down to Kapunakea Street. In addition, we also are getting the surface rights so we can have pedestrian walking paths that will get from our project down to Kapunakea Street and further down to the services at the bottom of the hill. So, we thought again from a site standpoint, a lot of other technical things going on here, but this will give you kind of an overview of how we approached it and we think we've done a, our team, particularly our civil engineers and architects have done a great job at developing a site that's very, going to be very tenant friendly and also encourage people that can stay onsite. We have a lot of green spaces you can see. And again, Doug will talk more about that. We'll talk briefly about infrastructure. We've worked, spent a significant amount of time with Department of Water Supply and we have determined that there is enough water from the existing water system to service the property. The development is actually going to pay for the green line extension of the water service. And that water is sufficient below the 130-foot elevation line for the project. We will incur those costs through the project. We're going to develop about 1,000 square feet of the water main which will go up Keawe Street and then about 1,400 feet of, along the private road. Okay. Again, we've worked with Water, so we've completed our demand study and we're in compliance and we'll be filing an application shortly. We will, the project in general will be LEED Gold. So, we'll have low flow on the water supply side as well as the toilets in the individual units and community center. So, as respects, sewer, as I mentioned briefly earlier, we're going to be extending the sewer line, which is going across a private property owner's parcel, and will also go through the Maui, there's a Maui County parcel as well. So, once we go through those two parcels, easement on the private parcel and we're still working with the County to determine the best way to access it through their parcel. This will require us to develop about 325 feet of sewer line to connect to the County system. We're also going to develop, or construct about almost 1,200 feet going up the highway there for the connection point. It's also important that as we do this, the recycled water initiative I know that we're on the island considering improving, we're going to as we lay the sewer pipe, we're also going to lay additional pipe, it's not there now, but when it's ready the pipe will already be in place. You won't have to tear the street up to install it. Okay. And I'll turn it back to Doug now. Thanks.

MR. BIGLEY: Okay. Traffic, all right, a couple of things I want to just say about traffic are, number one is that we've had a traffic study done and that's in your packages and there's been some, you know, as one can imagine there'll be some increase in traffic on that, along that street. But one of the things that I wanted to emphasize here today was a few things. One is that the relationship between this traffic study and affordable housing is pretty unique. And by that I mean that the traffic study I believe a lot of times doesn't adequately reflect the traffic mitigation that occurs when you can

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get people closer to where they work and closer to where they go to their, you know, for the amenities and schools and things like that. So, one of the things that affordable housing does...but there's no really quantitative data that you can really put together to kind of analyze that. That's not really within the purview of a traffic study but it's been our, you know, experience that getting people closer in because people are commuting some pretty good distances to get down to where they work down to that street. So, I think that when you look at the traffic study, you're probably looking at the high end of the additional load on that, on Keawe Street. The other thing is just that we have a focus obviously of keeping people off the road and Tom spoke about that earlier with the site plan. We're offering a number of ways to exit, enter and exit the site by walking or biking. And we're offering other, you know, other connectivity to the neighborhood because that's really important when people have the opportunity options. But when they're coming from long distances to get down to their shopping they've got to get in that car. But if they, if we can find easier access paths and roads, and other forms of non-traffic type of transportation, that's what we're going to be encouraging onsite. And then, also public transportation and ride sharing, what we do there, what's going to be unique on this site also is we're actually going to have unlike...I think we're going to have a property manager that lives onsite, but we're also going to have a social services coordinator. That's been something we added to Kaiwahine Street. And I think it's a, it's going to work out really well because you'll have that just touch point actually onsite instead of going out and seeking them. The idea of the social service coordinator is to take on things like, you know, the services that we want to interface with the community. We talked, we've had several community meetings and one of the things that came out is there's a lot of service providers in the area, there's a lot of opportunity. But we have to coordinate with what they do, with what, how, what we can offer them. So, a lot of times, and I'll get into that when we, well I'll just bump up here, so, Tom kind of mentioned that we have two large community centers and one of the things we're going to talk about today is how to, you know, get some additional, you know, what's the appropriate, of some additional parking slots because the large community center. One of our programs is what we, or one of the things that we try to do is realize that that footprint can live beyond its borders. So, we can go out into the neighborhood and offer those services not just to exclusively our community. So, if I have an immunization program or if I have maybe a, we run a lot of these bridge programs for kids that maybe are in high school and they're going to go to college and we might run a bridge program at that, on our site. But we'll make that opportunity available to the surrounding community. We don't have to limit it to the, you know, just our tenant base. And that's why we're, you know, there's parking conditions, all those we're talking about today, but the point here is, is that we are going to offer a bunch of services in there. So, the more services we add and the more activities we add, that reduces travel. Okay. So, if we can bring more, if we can bring that service that they often exit the site to receive to the site, then that's less travel. So, that's just, I mean, that's just math, right? So, and also with the, so that's one, but the other thing is, is that a lot of times people don't use or coordinate transportation because they, it's too hard to access. So, they don't know that there's van pools that occur from their work and they don't really understand how the programs work. But we'll assign that to somebody to research all of the ride sharing opportunities so we can post those so we

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encourage people to use a van pool, use a...and again when you're closer to the, maybe a resort that has a van pool opportunity or one that we can say hey, can you bring a van over we've got five people that work at your hotel can you, you know, can we work out a deal. Then, we can put people off the roads. So, you're putting five in one instead. So, there's strategies that we're going to use to mitigate what you see even in the report that you're reading now. When you have to use the car, we have to manage flows. So, that's what Tom talked about, the right in, and right out though inconvenient for the tenant, helps the flow of the entire traffic pattern. And we also have some deceleration lanes out there too. And then, the last one I'll talk about, this one is very, we're not there yet on this one but I've done it on another site here. But there's also cost sharing opportunities and ways that we can match funding with Federal dollars to work on traffic issues in neighborhoods. So, that would mean like it doesn't, it's not necessarily a housing dollar, but if you have dollars that you know about that are in Public Works or someplace else that we can talk to and say hey, can we jointly cost share with you because a lot of times I have matching programs at maybe the Federal level or even State level that if we get \$1 here, I can make that \$2, maybe that makes \$4 and then we can grow those dollars up and we can make a meaningful run at helping get the bigger issue resolved in that community which I know everybody knows about, you know, the issues with the bypass and things like that. But a lot of these things come down to dollars and that's, we can help in our project with dollars. Let's see, this is going to give you some idea of what the exterior will look like. And actually, when you see it come alive I encourage all of you when we open Kaiwahine to take a look at it. It's a, it looks, it's really looking fine out there. This will give you an idea of what the interior looks like. And the idea, and I've talked to a few of you, you I've talked to, about the idea that these are homes. This is where people live. So, we're not, this isn't a shelter opportunity that we're just trying to, you know, get people in and whatever is fine. This is a home. These are, you know, two-bedroom, two bath, you know, apartments. They have, you know, they have a lot of amenities in them for, you know, people that are working. And this is what they do for a living and so, what we're doing is providing them a home. Just to give you another idea of just a project over on the Big Island. This just gives you an idea of we basically have half of our units are going to be two-bedrooms, then we have, and the other half is three's and four's. So, community gardens, all that kind of stuff, open space, native vegetation. Tom spoke about, you know, we commit to, you kind of let the cat out of the bag here, but we commit to LEED Silver, but he's just, but we often come in at Gold. So, I'm just going to give that to Kelly over there for her Kaiwahine project. But the cat's out of the bag now, Tom. Okay. Anyway, normally we commit to silver, but often we get to Gold. On-site services, I talked a little bit that, the importance of I think an on-site service coordinator. We set service goals, we work with the local community, the providers, and then we do outreach to the neighborhoods. And the last thing I didn't mention before was we have an evaluation process to try to figure out if we're making headway. So, if you're trying to teach someone to read, we want them to read. So, if they're, if after they get done with our program they can't read, we have a problem. So, we, what I'm saying is a lot of times there's no evaluation loop. So, we try to get in there early and see if, are we making headway or are we not. Okay. And I'll add one more feature here is that the reason this is important is because affordable housing oftentimes, you know, has a stigma associated with it.

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And the idea behind it is, is that if I can make this stuff also be appealing to everybody, when you're at school, you are asking your friends to come to your place versus that's the outreach we have. So, instead of they oftentimes will go to your place because maybe they're living in overcrowded situations. In fact, I was just talking to somebody yesterday in this, right in this neighborhood and they have, I think they care take over six kids, them, his wife, and they live in a two-bedroom for \$3,500 right near this site. So, anyway, we need to fix it 'cause that's not a good quality of life. And we can talk a little bit about critical path, this is, we left you this, but this is important is that this is what we're doing today. So, when we receive the funding from the State, it came with some really definitive deadlines. They wanted to have the, basically the entitlement work, which is the 20...which is the 201H done by I think it's April 1. And this is the legislation that we already have that funding in place now, it, we just have to make it. And if all goes well, we'd like to actually be in the ground on this site this year. Let's see, okay, now we're going to talk about the 201H. So, a lot of detail in it about, you know, the, what waivers and things we're asking for. So, which, it's my pleasure to pass this off to Tessa to take care of that. Thank you very much.

MS. MUNEKIYO-NG: Thank you, Doug. Good afternoon, Councilmembers. I'd like to conclude our presentation today by talking about the exemptions that are being requested as part of this 201H approval. There are seven exemptions that I'll go through now. Before I do that, I just want to state that the land, state the land use designations for the property just to give you some context. The State land use district is Urban, the property is in the Maui Island Plan's urban growth boundary. The community plan designation is Agriculture, and the zoning is Agricultural. So, just to keep that in mind as we go through these exemption requests. As I said there's seven, the first is with respect to the requirement for General Plan and community plan land use consistency. The project is consistent with the General Plan. However, as I mentioned, the community plan is Agriculture. So, the request is to allow the project to proceed without obtaining a community plan amendment to Multi-Family. And this exemption will allow for the expediting of the delivery of affordable workforce housing. The second exemption pertains to the requirement for payment of permit and inspection fees for fire, electrical, plumbing, building permit, plan review, and inspection fees. The estimated value of this exemption is approximately \$782,700. And again, this exemption will provide savings to ensure that the project is financially feasible, and the rents can be provided at affordable levels. I do want to note that the project will still meet all inspection and Code requirements. The third exemption is related to land use, consistency with land use designations as it pertains to subdivisions. So, the project is currently in the process of subdividing the 28.5-acre site for the project from the larger TMK that's owned by HHFDC and one of the requirements of subdivision process is that there is land use consistency. So, as I mentioned earlier, the project is consistent with the State land use designation and the Maui Island Plan's urban growth boundary. However, for this specific exemption we're requesting an exemption from the requirement for the community plan and land use, community plan and zoning designations and allow, to allow the subdivision to proceed without needing to obtain a community plan amendment or Change in Zoning. And again, this expedites the delivery of affordable workforce housing. The fourth exemption relates to the definition of height in the Zoning Ordinance. The

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height...height is defined as the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the natural or finished grade, whichever is lower. And the exemption that we are requesting is to amend the definition of height to the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the finished grade. So, we're removing the natural grade portion of that definition. And the reason for this is the site has a sloping topography and will require cut and fill to create level building pads. I do want to note that the maximum height of the structures will be no more than 35 feet from the finished grade and the maximum amount of fill that's anticipated would be about 20 feet in some areas. However, the most mauka portion of the site, the top row of homes, that finished grade would be below the public road. So, there wouldn't be significant fill at the top portion of the site. The fifth exemption pertains to the requirements of the Agricultural Zoning District and what is being requested is to follow the A1 Apartment permitted uses and development standards. And those development standards are listed on the slide here. This removes the need for obtaining a change of zoning from A1, from Agricultural to A1 Apartment. But the underlining zoning will still remain Agricultural. And again, this will expedite the delivery of affordable housing. The sixth exemption pertains to offsite parking for the community center. As Tom and Doug mentioned, there will be two community centers. The larger community center, community center number one, will be available to the general public though it will still primarily serve residents. And because of this, we're requesting a reduction in the parking requirement from 68 stalls to 50 stalls because residents will have onsite parking already. And this parking reduction will allow for more green and open space to be provided on the property. The seventh and final exemption is related to the requirement for paying grading and grubbing fees. The estimated value of this exemption is \$26,675 and this provides savings to ensure that the project is financially feasible. So, those are the seven exemptions that are being requested as part of the 201H approval. This concludes our presentation. Thank you very much for your time. And I do want to note that we have members from the project team in the audience today. Besides the representatives from HHFDC and Ikaika Ohana, we have the architect, engineers, and various consultants available to answer any questions you may have. Thank you very much.

**. . .END PRESENTATION. . .**

CHAIR KAMA: Yes, Ms. Lee?

COUNCILMEMBER LEE: Oh, I thought you were ready for questions, no?

CHAIR KAMA: No.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: We're going to go with testimony.

COUNCILMEMBER LEE: Oh, okay. Not too long now.

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CHAIR KAMA: So, thank you for your presentation from everyone. So, at this time I want to be able to open up our Chambers for testimonies. You want to do that now or later? You want to do the District Offices now or later? Or do you want to check? You want to take a break?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Okay. We're going to take a break. And it's 2:08, we're going to break until 2:15. . . .*(gavel)*. . .

**RECESS: 2:08 p.m.**

**RECONVENE: 2:15 p.m.**

CHAIR KAMA: . . .*(gavel)*. . . The Affordable Housing Committee of January 8, 2020 will now come back to order. Thank you, everyone, for being here. So, at this time I would like to open up our public testimony on this agenda item.

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

CHAIR KAMA: If you would like to testify, please sign up with our Staff. Your testimony will be limited to three minutes. You will receive a notification when you have reached two and a half minutes and when you have run out of time. When testifying, please note, state your name for the record, identify if you are testifying for a group, a business, or organization, and please state if you are a paid lobbyist. So, Ms. Stewart, would you please call our first testifier please?

MS. STEWART: Our first testifier is Stan Franco, testifying on behalf of himself, to be followed by Michael Williams.

MR. FRANCO: Thank you, Chair, Members of the Affordable Housing Committee. It's nice to see all nine of you. We got nine, or are we missing one? I follow two in principles when looking at our housing crisis. The first principle is, we need to build housing to the incomes that people earn on this island. We're not doing that. The second thing I look at is where's the community, what is their voice in the concerns about any kind of development that we have? So, the that's two important things that I look at. So, let's talk about the first one. At the Maui Nui Attainable Housing Forum, the Department of Housing and Human Concerns stated following the DBEDT findings, Maui County needs to build 14,000 homes by 2025. Ninety-five hundred of these units are for people earning 80 percent, around 67,000 or below of AMI. The Keawe Street Apartment help us to meet the greatest housing need for our population, those under 80 percent. On the issue of community participation, seeing the record that was presented by Doug about all the community meetings, I understand because of Keawe Street and the heavy traffic in that area that there'll be more questions probably on how to mitigate the traffic concerns there. So, I think we need to listen to the community and their concerns. I encourage the developer and the community to work

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on those issues. Simply stated, we need Doug Bigley and others like him to build the housing that the majority of our people need, and we should applaud him, and we should encourage him and others like him to build housing for those that earn 80 percent or less in our community. Thank you.

CHAIR KAMA: Members, does anyone have any clarifying questions for our testifier? Seeing none, thank you, Mr. Franco. Alison, our next testifier please?

MS. STEWART: Our next testifier is Michael Williams, testifying on behalf of Maui Tomorrow and Stand Up Maui, to be followed by Blossom Feiteira.

MR. WILLIAMS: Aloha, Chair. Aloha, Councilmembers. I'm Michael Williams and I'm pleased to tell you that both Stand Up Maui and Maui Tomorrow support this project. We like this project a lot. We wish we had 25 or 30 more of them ready to go. And we're going to help you try to figure out how to do that. Maui Tomorrow had two concerns that our planning committee wanted me to present today. One of them I think has probably already been answered and that is just make sure that there's an adequacy of freshwater that won't diminish the amount of freshwater available to everybody else that already has it. I hear they're hooking up to the DWS system and we'd just like to hear assurances that there's plenty. And the other is that there's no Federal tax loophole like the one that almost killed the Front Street Apartments that's buried in here somewhere. We'd like assurances from some of the lawyers that that's not going to happen. But we really like this project and we hope you approve it. Thank you.

CHAIR KAMA: Members, any clarifying questions for Mr. Williams? Seeing none, thank you so much, sir. Alison, our next testifier please?

MS. STEWART: Our next testifier is Blossom Feiteira testifying on behalf of herself, to be followed by Albert Perez.

MS. FEITEIRA: Aloha mai kakou, County Councilmembers, Members of the Committee, Madam Chair.

CHAIR KAMA: Aloha.

MS. FEITEIRA: Happy New Year.

CHAIR KAMA: Hauoli Makahiki Hou.

MS. FEITEIRA: New year, new start we hope right? So, for the record, my name is Blossom Feiteira and I was born and raised on Maui. I'm actually born and raised in Lahaina. And I'm here to provide my unending support for this project. And just as a brief note, you know, the overall project components begins to address affordable housing needs for West Maui which I really appreciate. It's 100 percent affordable, the price points are in line with current rate of pay in West Maui. But most importantly to me, it reestablishes the family's ability to truly respond to the quality of life issues that we

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have in West Maui, time with family, time to raise our children, time to build and keep community, community. I had the privilege of spending a lot of time this past year in Lahaina taking care of my sister and it appalled me to hear the conversation surrounding people visiting her about how high the cost of living was on the West Maui. Children, grandchildren, nieces, nephews, cousins all having a common theme in their conversation in that they were truly seriously looking to leave Hawaii because they couldn't afford it. So, to have a project like Keawe Street Apartments come on the horizon and being able to talk to my family members about it gives them some real hope in that they may be able to get a piece of paradise and be able to keep it. When you're talking to about 200 or 300 people in the community that are all directly related to you 'cause you know, we have a big family, it brings to mind conversations that we used to have with our elders at home about how we need to malama everybody and everything. So, to HHFDC, thank you very much for putting out this proposal 'cause I think it's much needed and it's in a timely manner. To Ikaika Ohana for coming up with such a great project and for truly meeting the economic needs of our community in West Maui. You know, the first step starts with safe living environment. We need to begin somewhere and I'm going to ask you, Members of the Committee, to vote yes on this project so that we can start someplace. Thank you.

CHAIR KAMA: Thank you. Members, any questions for our testifier? Seeing none, thank you. Ms. Stewart?

MS. STEWART: The final testifier we have signed up in the Chambers is Albert Perez, testifying on behalf of Maui Tomorrow.

MR. PEREZ: Aloha, Chair, Happy New Year.

CHAIR KAMA: Same to you.

MR. PEREZ: Aloha, Councilmembers, Happy New Year to you as well. As you've heard, Maui Tomorrow definitely supports this proposed 201H project. And this is the kind of the project that 201H should be used for. Although it's not consistent with the current community plan, it's contiguous to existing urban development. It's not out in the middle of what should be preserved for open space and agriculture and this location also minimizes the expense for infrastructure and makes much more sense for transit. It's within walking distance to a major shopping center and Lahaina Town so people won't have to have the expense of a car if they don't want to. The location is also within the service area for the Lahaina Wastewater Treatment Facility. And although we are not in support of adding additional effluent to the ejection wells, we believe that 100 percent affordable housing should receive priority for all infrastructure capacity until we have enough housing for our residents. Let's be clear, serious development in Maui is seriously out of balance and it has been for some time, especially in West Maui. Maui County has been allowing the wrong type of development, and Maui's people are hurting as a result. We need to catch up. But half of the homes that are sold are being sold to people from outside Hawaii. Our people cannot compete with millionaires from around the world who come here to visit and decide to stay. We need to catch up. We need to stop approving 201H projects that barely meet the 51

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percent minimum for affordable housing and only provide a fraction of that 51 percent in the truly affordable range. The other 49 percent are market homes that are being sold at astronomical prices. Huge profit is the motivation of those developers. On the other hand, Ikaika Ohana and Mr. Doug Bigley have impressed us greatly. We're talking about 100 percent affordable rental units at less than 60 percent AMI, that's outstanding. And this is targeting the people who need the most help, not offshore millionaires. That should be the bar that other developers have to reach in order to earn exemptions from our community plans. And so, we urge you to recommend approval of this project. Mahalo.

CHAIR KAMA: Members, questions from the testifier? Seeing none, thank you very much, Mr. Perez.

MR. PEREZ: Thank you.

CHAIR KAMA: Alison?

MS. STEWART: There are no more testifiers signed up in the Chambers and --

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

MS. STEWART: --no testifiers in the District Offices.

CHAIR KAMA: Thank you. So, Members, without objections I'd like to be able to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you.

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

**AH-1(5)      AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII  
REVISED STATUTES) INDEPENDENT DEVELOPMENT OF KEAWE  
STREET APARTMENTS (LAHAINA)**

CHAIR KAMA: Okay. So, should we just continue to press on? Okay. So, we're not going to have a break until probably 3:30-ish. But if we can finish, then we don't probably need one. I know we have one Member that needs to leave at 3:30. So, I think if we rock and roll the way we can with nine of us now, I think we can get this done. Thank you.

COUNCILMEMBER HOKAMA: Chair?

CHAIR KAMA: Okay. So, Members...yes, Mr. Hokama?

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COUNCILMEMBER HOKAMA: Chair, yeah, if I may suggest, I'm sure every Member would like their chance to ask questions --

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: --so maybe if we just limit us to two questions per round and everyone have their turns and we going multiple rounds I think we can get it done.

CHAIR KAMA: Okay. So, that was Mr. Hokama's recommendation, the Chair will take that. So, two questions per round. I'd like to be able to start with the Vice-Chair of the Committee, Mr. Mike Molina.

VICE-CHAIR MOLINA: That was fast, Madam Chair. I guess for right now, any, there was talk of maybe having specific departments up first. I know one of the pressing issues is the traffic question. So, I guess I'll, maybe I'll ask the representatives.

CHAIR KAMA: So, I know the Fire Department's in the Chambers, and Planning, and Public Works were, oh, Planning is here. Transportation, oh see.

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

CHAIR KAMA: You all must've been thinking about them 'cause they just walked in. Okay. So, I think we want to have, Transportation, you wanted Transportation?

VICE-CHAIR MOLINA: Yeah, anybody who can answer my two questions related to traffic.

CHAIR KAMA: Traffic, okay, Transportation, can we all come on down here and Public Works? Okay. Thank you, Mr. Molina.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: Can I go ahead and ask? Okay. For whomever, the traffic has been, you know, certainly a big concern for the community with regards to this project. So, the proposal includes a new public road. Is the new road to be opened prior to the occupancy of the project? Do you have any time estimation as to when the new road will be open?

CHAIR KAMA: Someone and just, and I'll introduce, Ms. Rowena Dagdag with the Department of Public Works. Thank you for being here this afternoon.

MS. DAGDAG-ANDAYA: Thank you. Thank you, Chair. I think I could defer that to the applicant as far as when they would open up the public, or the road to public use.

CHAIR KAMA: Mr. Bigley?

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MR. BIGLEY: The short answer is yes because that will be our access point. So, we'll have to have that road open.

VICE-CHAIR MOLINA: Okay. And, you know, there's supposed to be a signal at the intersection of Kupuohi Street and Keawe Street. But I was just kind of curious, instead of, you know, creating a new road on the mauka side of the development for access, was there any consideration to continue Kupuohi Street to run along the makai side of the development?

MR. MINAKAMI: We gotta look at that specifically. The, we left it up to the developer to determine where the best access point was for the project would be.

VICE-CHAIR MOLINA: Okay.

MR. BIGLEY: . . . *(inaudible)* . . . hold on, hold on.

MR. FISCHER: Yeah sorry, so there's a private parcel between the HHFDC parcel and Kapunakea Street. So, we couldn't get access through there. We looked at it, and I was able to work out a surface easement for pedestrian traffic as well as access for the sewer connection. But that's, we certainly, you know, we'd love to have two access points.

VICE-CHAIR MOLINA: Right.

MR. FISCHER: But we just couldn't make that happen.

VICE-CHAIR MOLINA: Okay. Yeah, thank you. It's about what I, I had a burning desire to find out why. So, but I thank you for that response, so.

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: So, I guess that's my two questions, Madam Chair.

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: I'll have more on the next round.

CHAIR KAMA: And so, we're going to go back to Mr. Sinenci.

COUNCILMEMBER SINENCI: Oh, thank you, Chair. Yeah, just dovetailing off of Member Molina's questioning. I guess this would be for fire mitigation and if the Fire Department is okay with, you know, he mentioned some different exits and access to the site. So, is this following Fire regulations as far as getting in and out of the site?

CHAIR KAMA: Do we want to get the Fire Department down here to answer that? Lieutenant Vaas, you can take a seat next to Public Works. Thank you.

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MR. VAAS: If I understand your question correctly, you wanted to know if there's adequate access for Fire Department?

COUNCILMEMBER SINENCI: Yes.

MR. VAAS: So, our office, and I'm not the point person on this, but our office has been working with the developer on looking at access requirements. And I believe we have discussed a second access point, still discussing whether that's for emergency use only, or public right where he was showing the hand in the top left corner there. So, that is on some of the drawings that we received from them. We're still working out the details on that.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you for that response. And then, it looks like Ikaika Ohana is also involved in the Kupuohi projects that are close by. So, is Ikaika Ohana just having separate projects going on at the same time, would they be simultaneously going on?

MR. BIGLEY: Pretty close. They, we, there's luck involved there 'cause it was a, they managed to, we managed to get both of those projects funded. So, both projects are fully funded.

COUNCILMEMBER SINENCI: And so, those projects will be an RFP out to construction firms for bidding?

MR. BIGLEY: Yeah, they're, we're working with the contractors now. I think with this one we submitted with a contractor. The other one we're looking at that now.

COUNCILMEMBER SINENCI: Right, and I know some of the construction companies like the Kihei one had, I believe it was Moss or another --

MR. BIGLEY: Correct.

COUNCILMEMBER SINENCI: --construction. But just looking at hiring local...

MR. BIGLEY: They do that, they're signed up with the unions. I mean, we've looked at that pretty carefully and that actually limits, it kind of limits the pool that we can select, you know, select from obviously. But that's all on our priority list to do. So --

COUNCILMEMBER SINENCI: Awesome.

MR. BIGLEY: --yeah, and in fact, one of the, Moss, one of Moss' things is they are, they actually have a contract with the union. So, it's, we're tied, you know, when we go with them, we're tied to that as well.

COUNCILMEMBER SINENCI: Okay, great. Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Now we're going to go to Ms. Kelly King. Kelly?

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COUNCILMEMBER KING: Thank you. Thank you, Chair. I actually just have one question, and that was brought up the issue of the tax loophole from the Front Street Apartments. And I know when we did, I believe it was your company when we did the Kihei one you signed an agreement not to exercise anything, and can you just explain because I don't have that in front of me and I can't remember what exactly that tax loophole was.

MR. BIGLEY: Yeah, that goes back, there was a, there was actually a Federal tax loophole.

COUNCILMEMBER KING: Right.

MR. BIGLEY: It's kind of complicated. But if you offered it to the agency and the agency didn't acquire it, then in theory, you could take it to market. But that loophole is...I wouldn't get...you've done two things to cover it, one is the State's made adjustments in their program to get it covered because essentially you get allocated, you have to check a box that doesn't allow you to do, take advantage of that loophole. But the other thing in this case is you have leased land. So, that's another situation. And then, also you have a third thing, and that's your, you've now instituted a housing agreement. And I think you've done a great job of weeding out the issues. I mean, that was a big issue on Kaiwahine of course, and it was a big issue on the other one we're doing.

COUNCILMEMBER KING: Yeah, I remember it came --

MR. BIGLEY: Yeah.

COUNCILMEMBER KING: --because it came up in Front Street when you were, when we were approving your extension --

MR. BIGLEY: Yeah.

COUNCILMEMBER KING: --for Kaiwahine you agreed to sign off on that, so.

MR. BIGLEY: You can't get there. You can't get there anymore.

COUNCILMEMBER KING: Okay.

MR. BIGLEY: And you can't get there three ways. In this one you can't get there three ways, most times it's two. But you actually control, one of the things I was saying too is in your, when you provide money, that's, really never should be an issue because you can actually lock it down another way when you provide your own resources. But even at the State level now, they've, you know, they've taken care of it, so.

COUNCILMEMBER KING: Okay. Good to know. All right, thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Ms. Keani Rawlins-Fernandez, questions?

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

MR. BIGLEY: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Nice to see you again.

MR. BIGLEY: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: There's so many things I really love about this project. So, I don't really have too many questions. One question I guess, I don't know if I missed it and I'm sorry if I did regarding water. With the full build out of, was it Leiali'i and how will there be enough water for everybody?

MR. BIGLEY: Well I don't, as far as the full build out I don't know now. What I do know is to comment on somebody else's comment was that they are prioritizing now, they're trying to get water to affordable housing. So, the first phase of this project, this development that we're doing has adequate water. So, they...just because of the fact that it's affordable housing. I think that's what it comes down to.

MR. FISCHER: And just to add on to that, we've submitted our demand analysis to the Department of Water Supply and we're in agreement with, there is enough volume and capacity for water for this project. And as soon as we complete the workforce housing agreement, we'll be able to actually go and make a water reservation application.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And I really like that you will be installing extra pipe to accept water reuse later when we're ready to do that.

MR. BIGLEY: I just want to give a shout out to the Mayor's Office on that. . . .*(inaudible)*. . . yesterday. We just met with him and he said, oh, by the way, I didn't know you were doing that, but that was a condition he said you really need to do this also. So, we, it seems easy to do. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Awesome, thank you. And I guess some concerns that the community had about overflow of the schools and I'm not sure what your commitment's exactly, or support of that. If you can comment on that a bit.

MR. BIGLEY: Hello. Okay. I can comment on it. But as far as the, we're providing the funding to the school, that's one thing we're doing.

CHAIR KAMA: Impact fees.

MR. BIGLEY: And other than that, I mean, one of the things that we do is we have a tremendous amount of support that we provide to the schools going the other way, not that that solves the classroom issues. But we do provide support at the site to, in fact, just, and this is a little side note, I'm just going to run over it. But we are working with three schools right now in Kihei on an art project that we're doing for the

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Kaiwahine project right now. So, we're actually going into each classroom teaching art. And then, those art, the tiles that we create, they will be used actually at the Kaiwahine site when you, hopefully you'll get down there and see it. But we do work very closely with the schools. It's a big part of what we do. But in terms of the over, you know, we're providing the funding. But they, you know, the schools, you know, we, we're not doing anything specifically to make them larger.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And I love the community gardens and onsite community centers. Mahalo. Okay. Those are my two questions for now. Mahalo, Chair.

CHAIR KAMA: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, you're going to deal with the exemptions, later right?

CHAIR KAMA: Yes, yes.

COUNCILMEMBER HOKAMA: Okay. Thank you. So, I'll just stay on the traffic at this time --

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: --to make it easier on the Department and our presenters. One of the things that is interesting in reading your traffic comments to us is your faith in the State Department of Transportation to do their projects in a timely manner too, such as the bypass. Because if not, everything is right in, right out of your only one entry, exit of one project which is of a concern to me. How assured is DOT going to present this, present us with their timing of implementation of their requirements for road improvements?

MS. DAGDAG-ANDAYA: I will, I want to preface something. So, thank you for that question, Councilmember Hokama, because that was one of our comments or questions to their application, just the timing of the future extension of the bypass and if so, how it would affect connectivity to Keawe Street. So, those were one of our concerns.

COUNCILMEMBER HOKAMA: I'm sure it would be Fire's concern too.

MS. DAGDAG-ANDAYA: Yeah, and so, I think, I mean, that's, that was one comment that we had for this project.

COUNCILMEMBER HOKAMA: And, Mr. Bigley, can you tell us what is State DOT's comment back to you? Depends on the Legislature, that's a great excuse.

MR. BIGLEY: Yeah, no, and I think we, you know, again, we stand in your, we're somewhat in the same position on that because we've been told, I heard all kinds of different timelines and I've heard that it's going in and their promises. But I know it's been delayed a lot. So, we're not counting on that. I do think the right in, right out, it's not

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ideal in any, even, you know, for our residents because they gotta go right out and you've gotta do the shopping and then you've got to come all the way in and you gotta come back. So, that's not, and I'm not sure, this is just me talking, but I'm not sure that's a great mitigator because you gotta come all the way around. But...

COUNCILMEMBER HOKAMA: Well, that's why we're here to --

MR. BIGLEY: Yeah.

COUNCILMEMBER HOKAMA: --see if there's smart modifications we could ask all of us to consider to make it a better project, Mr. Bigley.

MR. BIGLEY: Yeah, but --

COUNCILMEMBER HOKAMA: That's why we're talking about it.

MR. BIGLEY: --having said that, my thinking is that, a couple of things, is number one is that what I mentioned to you earlier is that the development itself, the goal is obviously to be a mitigator, meaning that because people are traveling down that road that bypass needs to be done with or without our project, it just, it has to get done. Now, the other things we talked about earlier that I've, we're doing, we're constantly investigating is can we provide or assist in providing some form of financing so we can earmark dollars from here for them to get the financing piece done. It doesn't have to go too much further to hit another connecting road to come down 'cause they only have, it's like a three phaser, right? They just need to get one more, just even one more street over. But what I'm saying to you is, is that, I guess my appeal I'm trying to get across is just that is that our project on the surface will give urgent, more urgency to the issue because otherwise you're not going to be able to continue to build out affordable housing in that area. But the second thing is, is I still think there'll be a good number of people that now that could live where they work. That road is used to get to work regardless of whether they live here or whether they live in Kihei or wherever they live. So, I'm not sure that our, that we're going to cause as much I guess additional traffic that's even represented in our report. We've had a lot of discussions on this and we just can't get you a number that shows that, you know, it's not going to be as draconian. But I agree, I mean, it's, you know, we'd like the bypass to go in too. We're on your side.

COUNCILMEMBER HOKAMA: Well, again yeah, at a minimum it's at least one year minimum, right, from the time you start allowing people to move into your units and whenever the State starts moving dirt on, this is like one phase 1C. So, you know, this is the third phase. This is nothing new for the State. But...

MR. BIGLEY: . . .*(inaudible)*. . . goal here would be to get to the right people because we are still three years, I mean, you know, we've got the 11<sup>th</sup> and you've got, you've got to build it. So, we're good three years out, you know, before we complete, and people are actually moving into that site. I'd like to see it move up the priority for sure.

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COUNCILMEMBER HOKAMA: No, no, I'm, I understand what you're saying, Mr. Bigley. The other, my second question is about this, again, concern for the project site, have you thought about one secondary component either with my colleague, Ms. Paltin, from the west side on whether or not they're, it makes sense especially when we look at your diagrams on your infrastructure like your sewer where the County departments is looking at additional projects down the road? There's a Fleming Road on the more Kapalua side of the project.

MR. FISCHER: Well, we looked at the...even though it says sewer, we did give consideration in going up with our sewer line and coming down Fleming Road. And yeah, you could look at that as a potential, another path of travel on the back side of the property. That would be outside of the current, you know, parcel that we're working with. And I don't know, you know, the cost in that would be pretty I think, you know, I'm not sure we could do that. But perhaps, I don't know, if . . .*(inaudible)*. . .

COUNCILMEMBER HOKAMA: Isn't the State owns it and the State's going to build the bypass along it anyway?

MR. FISCHER: Yeah, well that's again, I'll let Stan and Dean, you guys have any thoughts on that?

MR. BIGLEY: We think it's a great idea. We'll just hand it over to the State here.

MR. MINAKAMI: We have, we've looked at possible access points to the site. One of the concerns we would have with Fleming Road is impact to the residents in that area. You know, no one likes to have a new roadway coming through their neighborhood. So, Fleming Road is quite a long ways to the site. So, it would, it's possible but you know, community impact to those residents is something we would have to consider.

COUNCILMEMBER HOKAMA: Well, if you look how we've laid out that subdivision and the road system, it was geared for future expansion. That's why the road is the way it is. I don't know why we don't look at the old plans and the old reasons why we did certain development in areas. There's a reason and that's one of the reasons. Thank you, Chair, for this opportunity.

CHAIR KAMA: Thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Thanks for asking one of my questions so I could get more questions. And just a comment before I start my questions. Like if you look at the Real Property Tax Map Key, there is kind of an existing road that belongs to the State of Hawaii along the top side of the residences. It's not paved. But, you know, you can drive it and there's kind of a gate at the top of Fleming Road. And so, it would be perfect, another entrance and exit to the site, I think. And, you know, the State of Hawaii is dumping on West Maui, everything on to Keawe Street. They need to take some responsibility for the safety of our pedestrians and our drivers. Keawe Street is already one of the most dangerous streets in West Maui. So, my office gets calls every day about what we're going to do about pedestrian safety in Keawe Street and

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Honoapiilani Highway intersection. So, I think that, you know, adding this second access to the site is a great idea and I would urge the State to do it for these guys and for our community. But going on to our questions, my first question is, the offsite improvements, is it going to be dual lines to the wastewater treatment R-1 water that you're taking back in?

MR. BIGLEY: Well, the idea was is they don't have the capacity to use the line yet. But we're going to, you know, the suggestion was is that we lay the line now as we, there's dual lines, there'll be dual lines. They call it the purple pipe.

COUNCILMEMBER PALTIN: So, your, what I'm trying to ask is your project is going to be using R-1 water for the landscaping?

MR. BIGLEY: No, it's not, because they don't have that capacity yet in that particular stretch. It hasn't gotten down that far yet. It's not down that far, that's my understanding.

COUNCILMEMBER PALTIN: But how is the sewage getting from your site to the wastewater treatment plant?

MR. FISCHER: So, the green line as I understand it, the green line represents the sewer, right? So, there is a sewer capacity by putting in the sewer pipe. The R-1 pipe, which would go in the same trench, and by the way, we still need to talk to Wastewater. I don't know if we have them here yet or not. But...

UNIDENTIFIED SPEAKER: They're here.

MR. FISCHER: Okay. 'Cause I--

UNIDENTIFIED SPEAKER: Yeah, they're here.

MR. FISCHER: --and they could probably answer this far better than me. But it's new to us, we just found this, we heard this yesterday. But the goal would be to lay the R-1 pipe along that green route as we're digging the trench and putting in the sewer connection.

COUNCILMEMBER PALTIN: On the green route you're saying?

MR. FISCHER: Yes, the green route, that's where we'll connect the sewer. And we're paying for the green line for the sewer, and we're also, we need to talk to Wastewater, but our understanding is we could lay in the R-1 pipe along that same area. But I did find out just recently that that area in Lahaina does not have the capacity right now for us to connect the R-1 pipe to the bigger system.

CHAIR KAMA: So, Ms. Paltin, if you'd like, we'd like to bring down Environmental Management now if you'd like?

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MR. FISCHER: Yeah.

CHAIR KAMA: So, Eric, could you come down, Eric?

COUNCILMEMBER PALTIN: Yeah, to help supplement the answer maybe.

CHAIR KAMA: Thank you.

MR. BIGLEY: They'd like to bring down somebody that knows what they're doing.

CHAIR KAMA: Go ahead.

MR. NAKAGAWA: All right, Happy New Year.

CHAIR KAMA: Happy New Year.

MR. NAKAGAWA: Okay. So, I think what Member Tamara Paltin is trying to get at is kind of mimicking Pulelehua, right? I mean, there's infrastructure coming to us and then infrastructure going back go get rid of the water. With this particular project, I think kind of everybody maybe needs to understand is, so, with this affordable housing unit, they're entering into a memorandum of agreement with us. So, basically, they're going to build infrastructure to us in our existing collection system. So, they're just tying into our system. Any, our memorandum of agreement is really any more units in the future, they're actually going to develop their own treatment plant. So, this was just a, I guess a temporary means of they need to get sewer capacity, it's not enough units to build a treatment plant. So, what the kind of I guess, how we were going to help them because it's the 200 affordable units is really, they can temporarily tie in 200 units, they would build infrastructure to us to get us the wastewater. And then, at a certain point in the future, when HHFDC wants to continue building, they'll master plan their treatment plant in the future and then build out the rest of the, I guess, project or development, or whatever it's called, yeah.

COUNCILMEMBER PALTIN: So, just to follow up on that, then, I don't understand what the red lines are about.

MR. NAKAGAWA: Okay. So, I believe...oh sorry. Chair?

CHAIR KAMA: Go ahead, Mister...

MR. NAKAGAWA: So, basically, their consultants, their civil engineers are just trying to figure out a way, how can we, how can they build infrastructure to us so that their sewer can come, so that we can collect the sewer and then treat it. So, these are two different types of options that they're looking at figuring out, okay, I can either build a green line that's a gravity sewer line, or we can go around and build a pump station with a force main to come around. So, the connection point is still the same. It's them figuring out, okay, what is the most economical and most easy way to get the sewer to us.

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MR. BIGLEY: Excuse me, hello? If I could just answer that too? At the time that we prepared this submittal, we didn't have a, there was no way to do the green line because we had, that, we'd have to go through private property. So, we had not secured the agreement at the time to be able to do that. So, we left two options. Now, it looks like we're going to be able to go through, the same issue with the street and everything, we don't, again, that isn't even State property. We have a private landowner between us. So, we're going to go with the green line because we were able to secure the property that we need.

COUNCILMEMBER PALTIN: Okay. So, that would definitely be my preference. I have some concerns about the red dot and archaeological, being an archaeological area. So, when would we know that the red line is out? Or could that be a condition?

MR. BIGLEY: Right now, we have the agreement. So, we're going green unless something...since we're talking green, but unless something unusual happens in the process, we're going to go with the green line.

COUNCILMEMBER PALTIN: Okay. And my second question?

CHAIR KAMA: Go for it.

COUNCILMEMBER PALTIN: Okay. Thank you. So, the second question is, it goes to the archaeological monitoring, and is there a monitoring plan for us to, archaeological monitoring plan for us to review?

CHAIR KAMA: You want to call your archaeologist?

MR. BIGLEY: . . .*(inaudible)*. . . look at these things so many times. We don't have a monitoring plan right now in place. We're going to...

CHAIR KAMA: You want to call your archaeologist?

MR. BIGLEY: Is, I don't know, it...

CHAIR KAMA: Mike, there you go.

MR. BIGLEY: Okay. But I suspect, I was going to say I suspect people are . . .*(inaudible)*. . . we're probably going to end up with one. We'll see, because, you know, when we put the green line, I think we hit some railroad tracks and stuff. So, hold on a sec.

CHAIR KAMA: So, Mike, would you please introduce yourself?

MR. DEGA: I'm Mike Dega, and dobry den. Archaeological monitoring will be done and that requires a monitoring plan, but we need to do one step first. There's one historic property with three features in the project area we have to document. That's two large rock mounds and one cistern. These are historic properties. Anything over 50 years

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old, structure, objects, cultural materials. I'm over 50 but I'm not a historic property. So, we have to document these things to AIS level first, send it back to the SHPD with significant assessments and recommendations. And at that point, they can come back to us and say we require archaeological monitoring, please produce an archaeological monitoring plan which we'll do later.

COUNCILMEMBER PALTIN: So, I have, I don't know if it's a concern, or a condition, or what you call, what you would call it, but because of the burials mauka of the site, can part of the monitoring plan be that those families are notified in the event of any iwi discoveries and that they have more than 14 days?

MR. DEGA: Oh, absolutely, 'cause if we find a burial during monitoring, we have to stop work in the area and it goes straight to SHPD, that's Hinano. Hinano reaches out to the cultural descendants in that area to get their manao before it goes anywhere else from there.

COUNCILMEMBER PALTIN: For more than two or three days does the work stop?

MR. DEGA: Oh, it stops as long as they need it to. They usually make a decision within 72 hours or longer, depending on working with the consulting team and they talk to the Burial Council rep for the area as well.

COUNCILMEMBER PALTIN: So, part of the monitoring plan is the families in the, with the burials above will be notified?

MR. DEGA: Absolutely, yes.

COUNCILMEMBER PALTIN: Okay. I'll yield for now. But that was my two questions.

CHAIR KAMA: We can count. Thank you. Ms. Yuki Lei Sugimura?

COUNCILMEMBER SUGIMURA: Maybe we should defer all our questions to her.

CHAIR KAMA: You could if you wanted, I mean, if you didn't have enough then sure.

COUNCILMEMBER SUGIMURA: Yeah, I know you would take mine.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: So, I just want to say that by the presentation that you did in Lahaina, it was amazing I think that you got the rental housing revolving funds, HHFDC, thank you, the \$36.8 million and there's a lot of things that we love about this project. Are you asking...there's no County funding, right, for this? Or is this the one that it was like 6 million, is this the one? The other one is? None? Okay. Amazing right? So, thank you, HHFDC, for what you're giving back to Maui County. And probably the surprising bit of information that I learned today by your presentation is that you have a social coordinator onsite. So, what does that mean,

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and I think you were just offering another good idea for community living in development projects. So, I wonder if you could just share that?

MR. BIGLEY: Yeah, the, what we're just finding out on most of our sites that it just makes good sense. You know, we have a lot of able groups in the various communities to provide a level of service and we just need an ability, we needed a mechanism that we can depend on that's dedicated to finding those services and making them readily available. 'Cause a lot of times too we're finding that these families are, and this is the same thing for transportation, I'm just going to throw it in there because it falls under the same category is that these are, most of these families are busy families. They've got two to three jobs, they don't have the time, they need the resources but they don't have time to access the resources. So, what we're doing now is just adding a social services coordinator to that site so that they have ready access to that individual. That individual will collect data for us. That individual will reach out to the community and then find the services that they need so they don't have to resource that themselves. And then, at the end of the process we'll also, they'll be the people that are doing some type of feedback loop or evaluation to say we're meeting the needs of that particular site because when you're living there, you know, and I'll just give this last thing is that we help people through proximity. If I'm close to you I'm going to help you. The more remote you are, that's why I think bringing people into this site is important too from the surrounding communities because we found medical issues in the surrounding community of people that didn't know they had a medical problem because now we can see them. And I'm talking about the professionals that can do this kind of stuff. So, we've just added that feature now to this site. And so, you know, you have a site that has all the assistant managers and stuff like that. We said, you know, we should add somebody with a specialty in that particular niche so that they can take care of those types of things that happen on these sites. There'll be how many families will be living there, lots of kids which usually leads to lots of help. So, there you go.

COUNCILMEMBER SUGIMURA: Interesting, and then, your manager onsite is going to be a local company that you're using?

MR. BIGLEY: Yeah, they'll be, and they'll be hired, you know, the person that's hired will be obviously, you know, a local person, you know, here, so.

COUNCILMEMBER SUGIMURA: Okay. Good. Thank you.

CHAIR KAMA: Thank you. Ms. Lee?

COUNCILMEMBER LEE: Madam Chair, I have two questions, one on your financial plan, and then one on land. So, the first question has to do with the total cost of your construction development and secondly, I mean, as part of the first question, is cost, revenue, and balance you have to borrow. Or do you have to borrow?

MR. BIGLEY: . . . *(inaudible)*. . . I mean, but I think the total cost that represents about 100 and --

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COUNCILMEMBER LEE: Twelve million?

MR. BIGLEY: --about 120 to 112 million.

COUNCILMEMBER LEE: Well, it says 112 million.

MR. BIGLEY: One hundred twelve, yeah, and...

COUNCILMEMBER LEE: Okay. And then your grants --

MR. BIGLEY: Pardon me?

COUNCILMEMBER LEE: --and tax revenues?

MR. BIGLEY: I can't see that. One more time?

COUNCILMEMBER LEE: Okay. The revenue part, like grants, tax proceeds, you know, other proceeds...

MR. BIGLEY: You mean the tax credits?

COUNCILMEMBER LEE: Tax credits.

MR. BIGLEY: Let me grab the source and uses for you. Okay. I have some age-related issues here.

COUNCILMEMBER SUGIMURA: I think it's this. The book is falling apart.

MR. BIGLEY: Is that the, okay, it's in there. Yeah, so, there's the, there's your breakdown. So, yeah, so, you've got the...well ultimately, there's two, these are the permanent sources. So, we've got the borrowing is 11.5, that's the private sector borrowing. You have Federal credits of 43.3, State tax credits of 14.6...

COUNCILMEMBER LEE: Okay. I don't need the individual breakdown. I just wondered, what was your cost, 112 million --

MR. BIGLEY: One hundred twelve...

COUNCILMEMBER LEE: --right?

MR. BIGLEY: One hundred twelve eight, point eight.

COUNCILMEMBER LEE: Yeah, and then, so, of that 112, how much do you have covered in, with Federal, State, County grants, tax proceeds, tax credits?

MR. BIGLEY: Well, the...

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COUNCILMEMBER LEE: So, everything but 11.5 million, is that what you're saying?

MR. BIGLEY: Yeah, everything but, everything is covered but 11.5 million, yeah.

COUNCILMEMBER LEE: Yeah.

MR. BIGLEY: All of that is also, all of, well, we have deferred fees in there of our own, of 2.8. So, we've got 11...

COUNCILMEMBER LEE: See, that's the part that was confusing 'cause your deferred fees is not, you know, actual dollars.

MR. BIGLEY: Right.

COUNCILMEMBER LEE: That's what I, I just wanted to know what your, what you had to borrow --

MR. BIGLEY: Eleven...

COUNCILMEMBER LEE: --at the end of the day.

MR. BIGLEY: Eleven four.

COUNCILMEMBER LEE: Eleven four? Okay.

MR. BIGLEY: Eleven five.

COUNCILMEMBER LEE: Eleven four, and then, no, because your gross revenues would be 240,000 a month, yeah? That's what I have looking at the breakdown of your rents.

MR. BIGLEY: Right.

COUNCILMEMBER LEE: So, I'm just wondering if it was in line with what you were borrowing. So, you're borrowing \$11 million and your proceeds per month is, well, it's 240,000. So, that's quite a bit of money, that's quite a bit of revenue, so many millions per year.

MR. BIGLEY: Yeah, what happens on these sites though is because of the, I had another slide we, that we didn't present here. But basically, what happens on these sites is because they're affordable, the gap between the revenues and expenses isn't that great like you have a market-rate deal. It might be like the difference might be in a market-rate deal where expenses might make up 40 percent of the revenue. But in these cases, it doesn't, the expenses make up a much larger chunk of the revenue. And what I'll do is I'll provide you with a slide of it. But there's very little money left. I think we have about a, probably a 30 or 40 percent debt service coverage ratio. And then, what happens over the longevity of the loan, so, you have a, you take out like a

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30-year loan, what happens on an affordable deal is your expenses are rising quicker than they, and eating up your revenue. So, actually you're a lot of times on the trending curve your debt service coverage ratio is actually going down, it's actually going down. Like normally on a normal project you see your debt service coverage ratio every year go up. But a lot of times your expenses are exceeding your revenue growth and you get a declining revenue, you get a declining revenue stream. So, when you look out into the future, you actually can borrow less today to make sure that you're not, you know, you're not underwater in the future. And what happens a lot of times I've seen in these affordable housing deals is they end up feeding the deal, you know, you see these dilapidated projects like out into the future, it's because people end up feeding these deals down the road.

COUNCILMEMBER LEE: Okay. Maybe it's just easier if you could provide us with your financial projection --

MR. BIGLEY: Sure.

COUNCILMEMBER LEE: --because it seems like --

MR. BIGLEY: Oh absolutely.

COUNCILMEMBER LEE: --a large amount of money to be generating per month. And it's kind of hard for me to understand that your revenues would be going down when people's revenues go up.

MR. BIGLEY: Yeah, but we're...

COUNCILMEMBER LEE: You know, you're 30 percent today is not your 30 percent tomorrow of the area median income.

MR. BIGLEY: But you're adding, but like when you mix the income, the only thing I'm saying is, as your rents grow, the base that you're growing off of might be a 30, 40, or 60 percent base, and if your income, if your expenses are growing at, you know, 3 or 4 percent at over time they just, they erode the income. The other thing is, is that gets underwritten. Like when we go into HHFDC that gets, we have to hit certain targets that they require us to hit to be able to get that funding, you know what I'm saying? So, it's not like we're kind of have to operate within a regulatory band. This isn't like a normal project where we just go out and we get what we can get. We actually have to hit a band that they have to certify that that looks like a project that we normally see, and it's competitive.

COUNCILMEMBER LEE: Yeah, and I'm sure all of that is correct. But I just feel that we need to have, you know, like reassurances and one reassurance is a financial projection.

MR. BIGLEY: Oh sure. And those are, and actually, it's probably someplace in here because we have a for action approval --

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COUNCILMEMBER LEE: Okay.

MR. BIGLEY: --and I'll dig that up for you --

COUNCILMEMBER LEE: I appreciate it.

MR. BIGLEY: --as we finish the questions.

COUNCILMEMBER LEE: Okay. Thank you. And then, my second question has to do with, I think you've dealt with this matter, but I just want to be absolutely sure. There was controversy on this project before, before you came along, and it had to do with ceded lands. So, maybe you can clarify how, or maybe HHFDC can clarify how you have dealt with that issue.

CHAIR KAMA: Dean, could you do that?

MR. MINAKAMI: Yes, for ceded lands, Section 5F of the Admissions Act specifies what ceded lands can be used for. So, among the five uses is development of farm and home ownership on an as widespread basis as possible. So, the Admissions Act does allow for housing development, whether it's affordable or market on ceded lands. And it doesn't specify it has to be used for Native Hawaiians only. It's on an as widespread a basis as possible. So, Leiali'i was involved in litigation and that was settled with passage in 2009 with, I think it was Act 176 which now requires a two-thirds vote of Legislature for any sale of land, whether it's ceded or not. So, yes, it has a long history, Leiali'i does have a long history with ceded lands and the litigation surrounding that. But it has been resolved.

COUNCILMEMBER LEE: 'Cause, a follow-up question would be, you have a seven, a dollar a year for 75 years, right? So, what happens in 75 years?

MR. MINAKAMI: In 75 years, then we will review the project and I think we also have to consider whether or not the project will be at the end of its useful life in 75 years in which case we might issue another lease for another development at that time.

COUNCILMEMBER LEE: So, it's really not for sale then?

CHAIR KAMA: No.

MR. MINAKAMI: No, the --

COUNCILMEMBER LEE: You mentioned something about sales.

MR. MINAKAMI: --the land's...

COUNCILMEMBER LEE: It's really not. That land is forever going to be under your control.

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MR. MINAKAMI: Yes, we have no intention of selling land at Leiali'i.

COUNCILMEMBER LEE: Okay. Thank you. And I yield my last questions in the next round to the Member from the Lahaina District because I have to leave and I look forward to getting the information from you, Doug. Okay. Thank you.

CHAIR KAMA: Okay. Thank you. So, before we continue, so we have I know two Members who are leaving. So, does that leave us...oh, that leaves us with quorum. Okay. Just gotta remember to count, it's five now, right? Thank you. Okay. So, we're going to go back to Member Molina and then we'll start again with you, Ms. Lee. After Mr. Molina, then we're going to come back. You don't have any more questions?

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

CHAIR KAMA: Okay. Okay. Okay. Okay. So, go ahead, Mr. Molina.

VICE-CHAIR MOLINA: Thank you very much, Madam Chair. We have such very kind and considerate Councilmembers. . . .*(inaudible)*. . .

CHAIR KAMA: It's a new year.

VICE-CHAIR MOLINA: It's a new year.

CHAIR KAMA: It's a new group of people.

VICE-CHAIR MOLINA: Looking through your application, which is a really thick binder, I was looking at Page 45 of the project overview section regarding non-vehicular access. It states, to encourage non-automobile travel and to provide a dedicated path for project residents to walk and/or bicycle to adjacent land uses. The TIAR, Traffic Impact Analysis Report, recommends that the project install an approximately 350-foot-long, shared-use path on the north side of Keawe Street from the southwest corner of the site to the existing sidewalk that currently terminates at the Kupuohi Street intersection. Being that the path is shared-use, you know, you're combining vehicles and cycles, bicycles, whatever, and pedestrians which, you know, could create potentially a hazardous situation. Should, I'm just wondering if this access should be, you know, should be separating vehicular traffic from cyclists and pedestrians. Is there going, has it been talked about maybe considering a barrier between pedestrians and traffic on this path?

MR. BIGLEY: . . .*(inaudible)*. . .

VICE-CHAIR MOLINA: Yeah.

MR. BIGLEY: . . .*(inaudible)*. . .

VICE-CHAIR MOLINA: Oh yeah.

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MR. BIGLEY: . . .*(inaudible)*. . . yeah, I, I'm sorry. Hello, yeah, I think it's a sidewalk and a bike, and I mean, I assume there's a bike path that comes down here. I don't know if, where's, can you speak to that, Lena,, or you, anybody? You? What, oh great, Andrew, can Andrew...

CHAIR KAMA: Sure.

MR. BIGLEY: If Andrew can come up maybe...

CHAIR KAMA: If Andrew could come and go to the podium and --

MR. BIGLEY: Thank you.

CHAIR KAMA: --state your name please?

MR. BIGLEY: Thanks.

MR. SCHER: Aloha, everyone. I'm Andrew Scher with Fehr & Peers. We're the transportation consultants on the project. I can look at our traffic study. I don't think there are any existing bicycle facilities along Keawe Street. But the intention of the proposed sidewalk, or whatever, is to accommodate bicycle and pedestrian traffic between the site and the existing land uses to the west. Is that clear enough? Or are you looking for a little more detail?

VICE-CHAIR MOLINA: Yeah, I guess it's more because it's a shared-use path, you're mixing vehicles, I assume, vehicles with pedestrians and bicycles. So, is, would there be consideration for some type of barrier between the, you know, motorists and pedestrians and . . .*(inaudible)*. . .

MR. SCHER: Right, so, well, so the, I mean, vehicles wouldn't be allowed on the sidewalk or path.

VICE-CHAIR MOLINA: Okay. So, this is a...okay.

MR. SCHER: Right, it would be bicycles, pedestrians.

VICE-CHAIR MOLINA: So, there's some distance between...

MR. SCHER: Right, I believe our, I mean, in our mind what we're proposing is more of like a sidewalk essentially.

VICE-CHAIR MOLINA: Oh, okay.

MR. SCHER: Or something similar to that.

VICE-CHAIR MOLINA: Okay. Okay. That's, I wanted some clarification on that, so.

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MR. SCHER: Right.

VICE-CHAIR MOLINA: Okay. Thank you. And then, my last question, or second question was, maybe last go-around, simple question, a waitlist, you currently have a waitlist already for the project and...no waiting list yet?

MR. BIGLEY: . . .*(inaudible)*. . .

VICE-CHAIR MOLINA: Yeah . . .*(inaudible)*. . . lottery. Okay.

MR. BIGLEY: . . .*(inaudible)*. . . extensive process that we have to go through, we will have a waitlist, I guarantee it, but what we have to do is we have to go through, there's a, and actually Linda could probably answer this better. But we have a, we'll go through a lottery process. And then, that'll establish, you know, who, how we rank everybody and how they get in. So, there's a really defined process here in Maui for doing that. So, we'll do a lottery and then create the waiting list after we identify who actually qualifies to go into the site.

VICE-CHAIR MOLINA: Okay. Yeah, that's for sure you'll have a waitlist.

MR. BIGLEY: Yeah, we'll have a healthy waiting list, yeah.

VICE-CHAIR MOLINA: Yeah, thank you. Okay. Thank you, thank you very much.

CHAIR KAMA: Mr. Sinenci, you have any questions?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just a couple. On the last page of the Administrative Rules it has, there's a letter from Moss, the Vice President Douglas Rogers, and he, I guess, you're using Moss' bonding capacity? And so, he states that he anticipates the project value at approximately \$80 million and he'd be able to provide the payment and performance bonds for the project. Is there, can you explain the discrepancy between the 80 and the 112?

MR. BIGLEY: There's, that is just the amount of his vertical construction and there'll be a lot of other costs. We have them, I can give you that information as well. Don't leave here. I'll give you the rest of that. But yeah, that's a stack that goes on that. There's like other, there'll be some other offsite stuff. There'll be, we have the new construction, let's see, we have architecture and engineering, we have interim costs which is like interest and, you know, fees and costs for that. We've got soft costs which is all the consulting and there's a whole litany of stuff that goes. We have certain syndication costs, we have a developer fee in there. I don't know if anybody cares about that, but that goes to us if you need to know. So, I can give you, but I can give you a defined breakdown 'cause the whole breakdown...is this part of the, is this part of the 201H?

COUNCILMEMBER SINENCI: I think it was the...

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MR. BIGLEY: In your 201H you should have the full breakdown, I mean, in the, yeah in the...but I'll tag it for you. I just don't know where in your package it is --

COUNCILMEMBER SINENCI: I believe it's Exhibit E.

MR. BIGLEY: --but it's in there. Yeah.

COUNCILMEMBER SINENCI: Exhibit E has as breakdown --

MR. BIGLEY: Pardon me?

COUNCILMEMBER SINENCI: --of the project costs, or estimated project budget.

MR. BIGLEY: Yeah, but I'm wondering if I could just get this. Can, I'm just going to hand this to you at some point. Could I do that?

COUNCILMEMBER SINENCI: I have...

MR. BIGLEY: Do you have that, but I mean, I have this page right here, so I'll get that to you.

COUNCILMEMBER SINENCI: Okay. Thanks, Doug.

MR. BIGLEY: It's easier to do, yeah.

CHAIR KAMA: If you give it to the Committee, they can make sure everybody gets it.

MR. BIGLEY: Pardon me?

CHAIR KAMA: Give it to the Secretary of the Committee later --

MR. BIGLEY: Oh perfect.

CHAIR KAMA: --to make sure that everybody gets it.

MR. BIGLEY: Okay. Hold on.

COUNCILMEMBER SINENCI: Thank you, Chair. And then my...

MR. BIGLEY: We're going to get you the detail.

COUNCILMEMBER SINENCI: Okay. And then my final question was just about, you know, we had Hawaiian Electric, Maui Division in my Committee yesterday. And so, they have a project and they're moving towards 100 percent renewable energies by 2045. And so, they're looking at solar PV, you know, as RFP those projects out. Do you have, are you going to have any solar panels on the project?

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MR. BIGLEY: We have, the requirement that we have now is the, I'm just, it's nuanced because it has to do with water heating system which is a panel. But we're looking at integrating solar with the heating panel and there's some difference in what they do. But because of the requirement to get the LEED certification, we're going to be going deep into that area and we're not quite there yet. You know what I'm...and then there's a way to heat the water, there's some people that, on this panel that know a lot better about this than I do. But there's another, there's systems that integrate it but then you get inefficiencies in one or the other. We're evaluating that now. So, something will have a solar component, whether it's just the water heater or the entire site, we're not sure yet. Is that right? Is that pretty good? I think that's right.

COUNCILMEMBER SINENCI: Because they did have a program where, you know, that would help to keep projects in the affordable range by, I forget the name of the project, but just to help with costs, right. They have their own programs that would help with affordable housing projects.

MR. BIGLEY: Yeah, and we'll take any of that. But I will, we will deep dive that area. Let me just tell you, that will not be, when we come back, that will not be a concern of yours because --

COUNCILMEMBER SINENCI: Thank you.

MR. BIGLEY: --we're going to go deep down into the --

COUNCILMEMBER SINENCI: Mahalo.

MR. BIGLEY: --all the energy efficiencies and the whole bit because the certifications that A, we'll require, but just B, because that's what we do. I think it lightens the load for everybody.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Ms. Kelly King?

COUNCILMEMBER KING: Thank you, Chair.

CHAIR KAMA: Yes.

COUNCILMEMBER KING: Yeah, that's, it's good to hear about the, yeah, the solar water heater is different from the PV panels. So, solar water heater I think is required on everything, but PV is not. But I just wanted to follow up on a couple of things, the, one was the previous statement about sidewalks and having, just to clarify, you can't have bicycles and pedestrians on the sidewalk, you know, they don't allow you to ride your bike on the sidewalk. So, if it's a sidewalk it's for pedestrians. If it's a --

CHAIR KAMA: Bicycle.

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COUNCILMEMBER KING: --bike path it's a bike path. So, I don't think you'd have them on the same...my kids actually got removed off the sidewalk when they were little for roller skating. They were told to roller skate on the street. So, I don't even know if we even understand our own laws here. But I wanted to follow up on the lottery issue because we went through that with Kaiwahine. And when we were going through the lottery which was, you know, it's a great system, but the lower end units always have a longer waitlist than the higher end, the ones that are closer to the 60 percent. And so, when I was talking to your manager, and I just wanted to kind of verify this with you and see if it's going to hold true for these other projects, he told me that it usually takes about three applications to fill a unit. So, that if you have say ten of the very lowest end two-bedroom units and you have 30 people on the waitlist there's a good chance that most of those people are going to come off the waitlist. If you have 47 or something like we did, probably some won't. But the top end that was closer to the 60 percent had more units at that level and I think the waitlist was really short. So, I'm assuming that all those people probably got in?

MR. BIGLEY: Yeah, and it's, I just want to clarify it's that the, there's two issues here. One is the issue of who qualifies, right? Because --

COUNCILMEMBER KING: Right.

MR. BIGLEY: --when you go through the list you have to go through a lot of residents to try to get to a qualified tenant, right? So, sometimes on the lower end you don't have, you know, people just simply don't qualify for that unit. But on the upper end because it covers more people right, so, if you're below 60 there's a lot more people that are kind of below 60 so more of those applications are relevant right? But then when you get down to the lower, they, but in terms of the turnover of the waitlist there's two issues. The turnover of the waitlist is about the same, you know, how many, there's just people on the waitlist, you know, that qualify and they, you know, they get in about the same rate, if that makes sense. But just because you have to go through so many applications, you're going to qualify the applicant for the lower ranges actually.

COUNCILMEMBER KING: Okay. So, the ratio of people of getting in is the same because --

MR. BIGLEY: Yeah, right.

COUNCILMEMBER KING: --I think on the Kaiwahine project --

MR. BIGLEY: Right.

COUNCILMEMBER KING: --at the 60 percent three-bedroom there were only like 7 people on that waitlist and there were 39 units available or something.

MR. BIGLEY: Right.

COUNCILMEMBER KING: So, I'm assuming all those people probably got in. But yeah, I was kind of surprised when I started looking into what, you know, what they have to

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go through to find somebody who's qualified because you can get knocked off for having a record, and you . . . *(inaudible)* . . .

MR. BIGLEY: Well, you know, but we try to, yeah, we do look at that. The other thing you always look at is how much people can afford because, you know, the issue is, I want to just, that a lot of times a tenant, you can select anybody below 60, but they have to have the ability to pay. This is the hardest thing here we do on this island is because you have to make a judgment about whether that person can actually afford that unit. But any unit that they get in that we give them is less than what they're paying now.

COUNCILMEMBER KING: Right.

MR. BIGLEY: You know what I'm saying?

COUNCILMEMBER KING: Right, no, the rents are great.

MR. BIGLEY: So, they're...

COUNCILMEMBER KING: I mean, the --

MR. BIGLEY: Yeah.

COUNCILMEMBER KING: --rents to me looked very affordable compared to what people are paying right now.

MR. BIGLEY: Yeah, and they're saying well, yeah, I don't look like on paper that I can pay it. But my rent's 3,500 bucks that I'm paying now.

COUNCILMEMBER KING: Right.

MR. BIGLEY: So, it's hard to make that judgment call about how, whether you can allow that person to go in knowing that you say well, you know, I don't see, you're really stretching it 'cause you might be up to 50 percent. So, say, I don't want to belabor this too much, and you and me will have many dialogues on this --

COUNCILMEMBER KING: Yeah.

MR. BIGLEY: --but like if you're at a 40, say I don't have a unit at 40 and Delene's here, she could probably even do a better job, but if I don't have a unit at 40 percent but somebody comes in to me at 60 and says I want to rent that unit, and I have to say well, now you're, that's 50 percent of your income or 60 percent which we don't want to have them stress out over income. But their alternative is like 80 percent going to rent. You know what I'm saying?

COUNCILMEMBER KING: Right, right.

MR. BIGLEY: It's just better --

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COUNCILMEMBER KING: Right.

MR. BIGLEY: --if I can figure out how to get somebody into a unit for them, even if they're stressing their income in my, you know, the units that we're providing rather than letting them go to the market and have to, you know, doubly stress over there. So, we face this every day.

COUNCILMEMBER KING: Yeah, I just wanted to clarify the issue of, you know, whether people, about the size of the waitlist and whether people are getting in because when I heard that one-to-three ratio, I figured okay, that actually gives a lot of people on the waitlist hope --

MR. BIGLEY: Yes.

COUNCILMEMBER KING: --that they're going to actually get a unit because you have to go through so many people to get one unit filled.

MR. BIGLEY: Right, but if we're successful today and in the future, we're going to give me more hope.

COUNCILMEMBER KING: Well, we're, yeah, we're hoping --

MR. BIGLEY: You need to, you know, once you mitigate --

COUNCILMEMBER KING: --to get enough units in the next five years --

MR. BIGLEY: --the shortage, yeah.

COUNCILMEMBER KING: --you take care of all the needs.

MR. BIGLEY: I just thought I'd throw that in there for, that was a bit self-serving, sorry.

COUNCILMEMBER KING: All right, thank you. Thanks, Doug.

CHAIR KAMA: Thank you. Ms. Keani Rawlins-Fernandez, your questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, I have a question for HHFDC. So, one of our testifiers asked about any chances of loopholes being taken advantage of the way that the Front Street Apartments happened. And I think Mr. Bigley is a really awesome person. But 75 years is a long time, so.

MR. MINAKAMI: Yes, it is a requirement that the project will have to be affordable for 75 years. So, that is a commitment and they're not going to be let off the hook for that.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, you're giving us an assurance that the loopholes that were taken advantage of during the Front Street Apartments situation have been...

MR. MINAKAMI: Yes, it will be affordable for at least 75 years.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. BIGLEY: But I just want to clarify that it's not really just the affordability of 75, that's our lease term. That is the expiration of the lease. So, when we, it's kind of a misnomer to say it's affordable for 75 because if it has 10 years of life, I don't have the right to that. Do you know what I'm saying? My lease term ends in 75 years.

MR. FUJIMOTO: I guess saying it in another way, Front Street had a problem because of the financing requirement, there was something that had to do with the financing requirement. In this situation, our ground lease requires the project be affordable for the term of the ground lease. So, even though they pay off their financing, they cannot convert that project to a market project because our ground lease says it has to be affordable for the term of the ground lease. If they don't comply, we can claim it default and take the project back.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay. But what Mr. Bigley said, it sounds relevant too, as far as if the housing is...

MR. BIGLEY: I'm just merely stating that the lease term also ends in 75 years.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. BIGLEY: That's the only nuance I was making is that my lease is over in 75 years with that. So, I can never, I mean, unless they go back to the State and say, you know, I'm going to take all these things to market, do you mind, and give me another lease term. I'm done at that, at 75 years unless I extend it and they say okay, we'll extend the lease but under the same terms as we had it before. So, if I got ten more, if I say hey, can you guys, the project looks great, it's in good condition, can I continue to operate it for 25 years? It's unlikely they're going to say take it to market.

MR. MINAKAMI: Right, so the improvements revert back to HHFDC. So, it's not, it wouldn't be Ikaika Ohana's to sell at that point.

MR. BIGLEY: Right, that's the point I was trying to make is that not only is the affordability term ending, the lease term is ending. You know, so, the lease is over.

MR. MINAKAMI: It's a different situation from Front Street --

CHAIR KAMA: Yeah.

MR. MINAKAMI: --Apartments.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. I guess what I was understanding was different and, but I think is also a good point because whenever we, whenever I try to advocate for affordable in perpetuity, the pushback I get is that the life of a house, or a home, or project is like close to 30 years, and then it becomes, what's the word that Member Lee, Chair Lee likes to use, like dilapidated.

MR. BIGLEY: . . . *(inaudible)*. . . 'cause I've dealt with this a lot. The issue that I've always had is the following is that these deals get old after a number of years. So, you go out, and I wouldn't say today it's 30 years, I'd say it's probably longer 'cause we're all building for a longer horizon because the requirements are longer. So, if somebody's asking me to build out for 65 years, I'm now getting steel and concrete versus wood framing or whatever. So, keep that in the back of your mind. But the other thing is, is this, and I think I made this point to you is there's a lot of dilapidated projects, there's a lot of dilapidated projects that agencies own and there's a criteria in most funding sources that if projects aren't in jeopardy of going to market, there's no priority for funding. So, that's the irony of this whole thing is that even if you want to update your project, they'll pass on it because oh, we've already got affordable stock there even though it's run down. That's how you get this dilapidated stock. So, when you were asking for into perpetuity, I always tell people be careful because the funding sources will overlook that project for a priority because they say well, that's going to be affordable into perpetuity. So, we don't really need to do anything with that like, you know, put money into it, right? So, there's a fine line between saying there's a cutoff point here where, you know, in their case it's really the 75-year cutoff point because I'm going to be saying if you're not going to fund...well, I won't be saying anything at that point. I won't even know anybody here but we can just, well, let's put that aside for a minute, but the point I'm trying to make is, is there's a lot of risk associated with into perpetuity that people do not consider. And I just want to say that because we live in a world that it takes a long time for projects to run down, now I remember KPT, and I don't know how many of you know that project. But, you do, okay, that development was running like with, like one or two elevators right, it's these . . . *(inaudible)*. . . and nobody, because there's no sense of urgency to solve it, and I, you know, because it's been existing, it, first they lost one elevator, then they lost two elevators, and then all of a sudden, you know, everybody said well, I'll just let it go a little bit longer right? We have that thing, if I can kick the can just one more time 'cause there's no triggering point that says we gotta fix it now. And then, when the point came along where there's, they had to, you know, really do something dramatic and actually fix it, which they have done a lot too it. But the point I'm trying to make is, in perpetuity, there's no such thing as in perpetuity, first of all, everything has a life expectancy. And so, we don't want to nurse these things along and let people live in those conditions. That's what I, that's the argument I think you and me have been having, it's not an argument, it's a discussion, it's a discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Discussion, friendly discussion.

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MR. BIGLEY: But the point is, my sense is that we've got to get, we should have a separate breakout to say what makes sense. Because I think 75 years, you're getting pretty far down the road there on any structure. So, we just have to think about that. Thanks.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thank you. So, there's a plan to prevent it from becoming that way?

MR. BIGLEY: We're building more, again this will be kind of a steel...I encourage all of you to go out to Kaiwahine because what I'm going to say here, I say, we're not like, you know, when you look at the old like cement buildings, I mean, this stuff looks like, you know, wood but it's made out of concrete materials, right? And so, it's going to last a lot longer, that's number one, and then, we have to be careful to do the reserve requirements so that you can make the thing last for, you know, as long as you can. So, we're, I think the market's doing a better job of getting you what you want.

COUNCILMEMBER RAWLINS-FERNANDEZ: Awesome, mahalo. And then, my second question for HHFDC, can someone please explain what possible scenarios could play out upon the expiration of the ground lease in 75 years?

MR. MINAKAMI: Well, Stan has more experience with these kinds of a deal, so, I'll pass it on to him.

MR. FUJIMOTO: Well, at the end of the ground lease term the project reverts back to the State and we make an assessment of whether the project can last another x number of years. One scenario is we can do another RFP, a rehab, acquisition rehab type RFP, or we can demolish it and rebuild. But basically, the land still is with HHFDC, so we have options to reassess what needs to be done. Prior to that, if it looks like the developer is operating the project satisfactorily, we can negotiate an extension. But our interest, our agency mission is affordable housing. So, I'm pretty sure we're going to extend it with the requirement that the project stay affordable for the term of the extension.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR KAMA: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: I'm going to need Public Works or Environmental Management, Chair, come down.

CHAIR KAMA: So, if Eric and Rowena could come back down please?

COUNCILMEMBER HOKAMA: But one --

CHAIR KAMA: Yes?

COUNCILMEMBER HOKAMA: --question for clarification for the Committee, please, Chair?

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CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: Hearing the discussion, Corporation Counsel, are we just giving a 75-year approval only? And at the end of 75 years, anything else has to come back to Council?

MS. DESJARDINS: Chair?

CHAIR KAMA: Go ahead, Ms. DesJardins.

MS. DESJARDINS: I think in reviewing this, to me, the most important thing is that this is not a for-sale property. It is, it belongs to HHFDC, period. So, what they, they are, these folks are committing to affordable housing for 75 years. And if HHFDC, if they breach that agreement between those two that's on them. I mean, we are approving the 201H project, or you're approving a 201H project, these are the folks that are signing up, right, for a very-long-term commitment without any ability to sell this property. That's to me, you know, interesting and...

COUNCILMEMBER HOKAMA: I, no I, we get that, yeah.

MS. DESJARDINS: Yeah, yeah.

COUNCILMEMBER HOKAMA: I'm just trying to figure out what they're actually asking me for, a 75-year approval only?

MS. DESJARDINS: Well, I mean, you know, 75 years is a long time.

COUNCILMEMBER HOKAMA: Because we're not changing zoning --

MS. DESJARDINS: I don't, I'm trying to envision what happens...

COUNCILMEMBER HOKAMA: --we're not changing underlining zoning; we're not changing none of these things. That still stays the same. So --

MS. DESJARDINS: Right.

COUNCILMEMBER HOKAMA: --I don't have a problem giving an approval for 75 years.

MS. DESJARDINS: I suppose if, let's just say for example if in 20 years something goes wrong, okay, 20 years down the road and HHFDC comes back, they would, I suppose if this lease is broken because they didn't fulfill their obligation, then HHFDC's going to come back with another affordable project which will have to be reviewed. So, what you're approving is this 201H. They're signing up for these long-term commitments. But if those long-term commitments aren't met, then they're going to come back with another project. You're not...

COUNCILMEMBER HOKAMA: So, there is, then, there is no approved project?

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MS. DESJARDINS: Right, you're approving this project --

COUNCILMEMBER HOKAMA: Only.

MS. DESJARDINS: --Ikaika Ohana only, not projects for 75 years.

COUNCILMEMBER HOKAMA: No, I just need that on the record.

MS. DESJARDINS: But it's a good question. And I don't believe that that's what's happening here, and especially since this is HHFDC's property.

COUNCILMEMBER HOKAMA: No, that's the peoples' property. So, my question, Chair, for our Department, upon hearing some of my colleagues, is about the drainage and some of the other things. If you look at their scheme, they have a big, wide on the western side, left side, a drainage easement and access proposal, 50-feet wide, and I am assuming that's going to take inflow from the mauka portion basins above the project as well as direct and flow to the makai side basin. And so, my question was whether there's any MS4 issues that we need to be made aware of, or potential MS4 issues regarding drainage and sheet flow. So, that would be to start it off please, departments?

MS. DAGDAG-ANDAYA: Sure, and, Chair, so --

CHAIR KAMA: Yes?

MS. DAGDAG-ANDAYA: --relating to MS4 issues, that usually gets reviewed during the, when the construction plans go in. Right now, with the 201H review there is, when the Department is reviewing for it they'll, you know, they'll comment on, you know, any drainage rules or stormwater quality rules that need to be adhered to at time of construction. But we would have a more in-depth review once the construction plans are provided. And then, at that time we would also work with the developer to even consider things like low impact development and, you know, other types of green infrastructure that can be considered for the project. I think that was one of our comments to the developer was to consider that as well.

COUNCILMEMBER HOKAMA: Mr. Nakagawa, any issues or points you want to bring up under your Department jurisdiction regarding sewers or collection systems and whatnot?

MR. NAKAGAWA: Chair?

CHAIR KAMA: Yes.

MR. NAKAGAWA: DEM, we don't have any comments at the time. Our real bigger picture was trying to figure, okay, it's all your guys' stuff, how are you going to tie in to us,

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how do we set up this system to where you guys will tie into us temporarily and then build you guys' own treatment plant later in the future.

COUNCILMEMBER HOKAMA: Is your division that's going to be responsible, do you have to expend any public dollars to accommodate this project?

MR. NAKAGAWA: Chair? Yeah...

COUNCILMEMBER HOKAMA: Whether it be positions, or facility expansion, or equipment, or filters, carbon filters?

MR. NAKAGAWA: No. So, basically, they'll be developing their own system --

COUNCILMEMBER HOKAMA: Okay.

MR. NAKAGAWA: --building it, maintaining it. The only, I mean, I guess if you want to be technical, I mean, there's a small amount of wastewater that we'll be treating. So, really, I mean, but it's super minor so it's nothing. So, historically, I mean, not to drag this on, but --

CHAIR KAMA: Yeah.

MR. NAKAGAWA: --historically, this development was back in the day, probably you can recall, was already included in this, in our treatment plan expansion. So, as far as that goes, I mean, that's why I'm not really bothered, yeah.

COUNCILMEMBER HOKAMA: No, that's why I'm just concerned about timing. A lot of things is dependent on things dovetailing one another.

MR. NAKAGAWA: Yeah, and Chair, yeah and so, the best timing is now right, we're finishing up our \$50 million facility rehabilitation.

COUNCILMEMBER HOKAMA: I know, we put up a big investment.

MR. NAKAGAWA: Right, so, this should be fine, yeah.

COUNCILMEMBER HOKAMA: Okay. For Public Works, a couple things yeah, that kind of stood out in their reports from agencies. So, with this drainage collection basins and whatnot, you know, Kapalua's airport is kind of far away, but they have issues with birds and basins attracting wildlife and again, you know, it impacts us on Lanai, the damn egrets. So, any issues that you, we need to be aware of regarding DOT's comments and any other environmental issues, whether it be with our native species, hoary bats in the area, petrel's, is there any issues we need to be aware of?

MS. DAGDAG-ANDAYA: Chair?

CHAIR KAMA: Yes, go ahead, Miss...

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MS. DAGDAG-ANDAYA: I can't speak for the agencies like any Federal agencies, Fish and Wildlife, EPA with respect to those kinds of environmental concerns or anything to do with Fish and Wildlife. Generally...

COUNCILMEMBER HOKAMA: Yeah, I just found it interesting that was in DOT's comments that's why.

MS. DAGDAG-ANDAYA: Oh, okay.

COUNCILMEMBER HOKAMA: Airports, airports.

MS. DAGDAG-ANDAYA: Yeah, and I can't speak for them, I'm sorry. That would...I would defer to them on any kind of clarification on that comment.

COUNCILMEMBER HOKAMA: Okay. How are you folks going to address because part of that 50-foot wide potential drainage easement is also to take care the future mauka project. So, are we already limiting the size of the mauka project by what is going to go through this drainage channel?

MS. DAGDAG-ANDAYA: Chair, I don't, you know, I don't have any...

COUNCILMEMBER HOKAMA: And the size of the basins being constructed for this?

MS. DAGDAG-ANDAYA: Yeah, the only comment that we provided, well, one of the comments that we provided to the applicant with respect to the mauka drainage facilities was to ensure that they have overflow measures in place and that they wouldn't impact any of the residents below those mauka drainage facilities. So, again, it says please ensure proper overflow measures are implemented in the construction plans and described in the final drainage report. Now, for a long-term kind of planning, that's something that I'll need to discuss with staff. But I'm sorry, I don't have that information right now.

COUNCILMEMBER HOKAMA: Okay. Are you folks requiring any type of security measures like we do for reservoirs since this is going to be a neighborhood with kids I assume?

MS. DAGDAG-ANDAYA: I think, you know, whatever...

COUNCILMEMBER HOKAMA: I mean, again, I don't know what is 25 acres of water in, you know, certain amount of space. So, you know, if you tell me it's going to be 50-feet deep, I can figure that out --

MS. DAGDAG-ANDAYA: Right.

COUNCILMEMBER HOKAMA: --I know people can drown in that.

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MS. DAGDAG-ANDAYA: And I think, I mean, we, like we have standards on file, you know, in the development of these types of, these facilities, or these stormwater facilities. Otherwise, we can also maybe refer that question to the applicant on what other safety measures that they would have, or additional safety measures that they would have in place to protect.

COUNCILMEMBER HOKAMA: Have you folks requested for compliance, I mean, not compliance, but conditions for mitigative --

MS. DAGDAG-ANDAYA: I don't think --

COUNCILMEMBER HOKAMA: --practices?

MS. DAGDAG-ANDAYA: --you know, it wouldn't, it would not...to my understanding, our discussions with the applicant probably are just general, you know, standard type of conditions. So, whatever standard conditions there are related to developing drainage facilities, you know, we would require the applicant to do that. Now, if the...

COUNCILMEMBER HOKAMA: You know, because if you look yeah, mauka, makai, this whole section --

MS. DAGDAG-ANDAYA: Right.

COUNCILMEMBER HOKAMA: --piece of the pie is going to get housing, right? There's the lower one already by Front Street, right? We're going to have this; we're going to have the one above this --

MS. DAGDAG-ANDAYA: Right.

COUNCILMEMBER HOKAMA: --yeah. So, you know, for me, I'm just trying to project and see, make sure we, for this middle portion we do it right.

MS. DAGDAG-ANDAYA: Sure.

COUNCILMEMBER HOKAMA: 'Cause if not, I don't see the top portion happening.

MS. DAGDAG-ANDAYA: Okay. So noted, yes.

COUNCILMEMBER HOKAMA: Chairman?

CHAIR KAMA: Yes?

COUNCILMEMBER HOKAMA: Thank you for this round.

CHAIR KAMA: Thank you. Ms. Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Going off of my colleague to the right's questions, I'm wondering and kind of also goes to Mr. Nakagawa's situation where he thinks that it's a temporary hookup, by approving this 201H, will we then be also changing the General Plan, and the community plan, and all that for the whole 400 acres? Or is it only the 28 acres that this project is cited on?

CHAIR KAMA: Mr. Fischer, Mr. Bigley?

MR. BIGLEY: . . .*(inaudible)*. . . we have a, we'll have an agreement with, okay, HHFDC will have an agreement, I guess, with...the fact is, is that there'll, if they go to 201 units, they have to build out a facility...

COUNCILMEMBER PALTIN: They have to, or you have to?

MR. BIGLEY: They have to --

COUNCILMEMBER PALTIN: Okay.

MR. BIGLEY: --build out a facility for the next, you know, kind of go for a development. We have a, we'll be able to hook up our 200 units, and then, we'll have an agreement between us that if the, that new facility is sufficient, then we'll be able to hook into that new facility as well, you know. So, we'll either stay hooked up, or hook into the, I mean, we'll, they'll build a facility that will accommodate us as well. Does that make sense? They're going to, if they build a new facility, the goal is just to hook into the new facility.

COUNCILMEMBER PALTIN: Yeah, but I don't think that was my question.

MR. BIGLEY: Okay. What, maybe should give another shot.

COUNCILMEMBER PALTIN: My question is, if we approve this 201H, are we changing the community plan and General Plan land use designations for the whole 400 acres of Leiali'i, or is it just apply to your 28 acres? And so, when they want to build their 201<sup>st</sup> unit, would they then need to come back to us to change the community plan and the General Plan?

CHAIR KAMA: Mr. Mina *[sic]*?

MR. MINAKAMI: Just to clarify, the 201H does not change the community plan amendment, community plan or zoning for the site. The site will still be zoned agriculture and community plan designation Agriculture. So, it's just allows an exemption to allow the project to be built on Agriculture designated land and the entirety of HHFDC's land will remain Agricultural. So, we would have to come back for separate approval for any subsequent development at Leiali'i.

COUNCILMEMBER PALTIN: So, then, I mean, going along with that venue is for Mr. Nakagawa?

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MR. MINAKAMI: And for the sewer MOU we have to come back to you also to approve that sewer MOU also.

COUNCILMEMBER PALTIN: So, it sounds like the 201<sup>st</sup> unit is a little bit, might or might not happen. And so, are you prepared, like you keep speaking about it as a temporary hookup, but kind of like how it took us 50 years to get the bypass, maybe the 201<sup>st</sup> unit would --

CHAIR KAMA: So, Mr. DesJardins, did you want to comment?

COUNCILMEMBER PALTIN: --take 50 to 100 years to get to. So, are you prepared for like a long-term temporary situation?

CHAIR KAMA: So, we're going to let Ms. DesJardins comment.

MS. DESJARDINS: Thank you, Chair. I just want to clarify; the MOU doesn't need to be approved. But what does need to be approved if they exercise this option is they're going to have to come back to you folks for a little bit of an easement across County property. If they choose the option in the Memorandum of Understanding to go across that private property, there's a portion of Maui County property that also has to be crossed. And that would come back to you folks would approve that easement section. But that's separate from the 201H. You can...

COUNCILMEMBER PALTIN: Are you talking about the 201<sup>st</sup> unit, like if...

MS. DESJARDINS: No, I'm talking about the options for the sewage, sewer line. There's two options being --

CHAIR KAMA: The red and green.

MS. DESJARDINS: --considered, and there is an MOU that is being drafted between the County and the developer.

COUNCILMEMBER PALTIN: Are you referring to the red line or the green line?

MS. DESJARDINS: The sewer line. It's the, yeah, I'm sorry, it's the green line. So, right in that little area there, there's a, I believe you've secured the private folks? Okay. And then, there's the County, a little bit of County property. We would come back and there would be a, you know, a request for acceptance of an easement. So, I just wanted to clarify, it's not the MOU that has to be reviewed and that's just an internal...

COUNCILMEMBER PALTIN: Yeah, I'm supportive of the green line. My question is, at this time, it doesn't seem like at any time the rest of Leialii is going to get built out because we don't do anything with this 201H for the whole rest of the acreage, there's over 400 acreage. So, it doesn't look likely to me maybe within our lifetime we're going

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to build out to the 201<sup>st</sup> unit so it doesn't look likely that there's going to, the State's going to build a wastewater treatment facility. So, my question to Mr. Nakagawa is, we keep saying that this is a temporary hookup. But it might be temporary that lasts your whole lifetime. So --

CHAIR KAMA: Seventy-five years.

COUNCILMEMBER PALTIN: --are we still okay --

MR. NAKAGAWA: Chair?

COUNCILMEMBER PALTIN: --with a temporary permanent hookup?

MR. NAKAGAWA: Yeah, Chair, it'll definitely last past my lifetime. But yeah, no I mean, we're totally fine. It's 200 units times the, whatever it is, 350, whatever the normal multiplying factor. So, it's a small amount of wastewater that...our main concern was just them building enough infrastructure to get it to us. And then, other than that, at the treatment plant it shouldn't be a problem.

COUNCILMEMBER PALTIN: And is there a timeframe for the R-1 to get back to them?

MR. NAKAGAWA: Yeah, Chair, so, as far as the R-1, I'll, I can discuss with them exactly where we want to put it, how we want to do it because it has to fit with my scheme that I presented to you guys before, right, about how we want to come up, create the amount. So, if they just put in a dual line on this green line and it's, I'm never going to tie in, I mean, it's not even close to our main line, then it's kind of for nothing, right? But I think when they have more detail, when they have their construction plans, they gotta come through us anyway. So, at that time we can kind of talk to them. We'll be further along with our design as far as the reservoir and all that kind of stuff so then we can figure out exactly what is the best way to get them R-1 water.

COUNCILMEMBER PALTIN: So, it might not be feasible for them to do a dual line along the green path?

MR. NAKAGAWA: Yeah, and so, basically, if they're going to put it there, I mean, we'll figure out when there's more details later on, and we'll figure out whether or not that's the best location or not. But it sounds like they're already committed to doing it, which means I can tell them I want it there or along the red, or somewhere else, as long as it...

COUNCILMEMBER PALTIN: No, we don't want it along the red.

MR. NAKAGAWA: Yeah, oh, my point, yeah, yeah, my point is just more that it sounds like they're committed. So, we'll kind of let them...guide them to say hey, this is probably the best location for it, yeah.

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COUNCILMEMBER PALTIN: Okay. And my second question, for Public Works, I have concerns, you're probably familiar with the Palama Drive situation. And I think that was about the natural grade versus the finished grade. And do you foresee any type of similar issues that we had with Palama Drive and exempting them from doing the natural grade to the finished grade, and then now you walk the land and you see like, you know, the residents below are...any of those types of problems and like what the fill grade material would be and like what we would be doing to ensure that that doesn't turn into a Palama Drive situation?

MS. DAGDAG-ANDAYA: Thank you, Chair. Staff didn't indicate any concerns relating to that or anything similar to what Palama Drive, you know, the issues that are being experienced there. So, I, yeah, we didn't, they didn't express any concerns about that.

COUNCILMEMBER PALTIN: So, what makes this be a different that it's not a concern here but it's a concern in Palama Drive?

MS. DAGDAG-ANDAYA: Sorry, I can't answer that right now. I'll need to confer with staff. But with respect to our review, yeah, it wasn't, I didn't think...there wasn't any indication from Staff that they had those kinds of concerns.

COUNCILMEMBER PALTIN: What was the fill material going to be? Do you know?

MR. SILVA: Hello, Chair, Councilmembers, Mike Silva, Civil Engineer. The site actually has quite a bit of material that they're going to be needing to take away from the site. So, any kind of fill material will be likely just excavated material from the site. So, it'll just be moved around onsite.

COUNCILMEMBER PALTIN: Okay. Thank you. I'll yield until I get to Alice Lee's questions.

CHAIR KAMA: Thank you so much for being so considerate. So, Chair's going to call for a recess right now until 4:05. Recess. . . .(gavel). . .

**RECESS: 3:55 p.m.**

**RECONVENE: 4:07 p.m.**

CHAIR KAMA: . . .(gavel). . . The Affordable Housing Committee of January 8, 2020 will now reconvene at 4:07 pm. And we're back at Ms. Tamara Paltin for Ms. Alice Lee's questions. Ms. Sugimura has already told me she has no questions to ask.

COUNCILMEMBER PALTIN: Oh, she wanted me to give me her questions?

COUNCILMEMBER SUGIMURA: No, no, no, no, no, no. I call for the question.

COUNCILMEMBER PALTIN: Okay. So, I just wanted to get on the record that I was speaking with the developer and we're going to work together on modifying the

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landscaping and possibly the name of the project to something more appropriate of ceded lands just so that's on the record.

UNIDENTIFIED SPEAKER: What does that mean?

CHAIR KAMA: So, we come back, will you come back and let us all know what that is on the record?

COUNCILMEMBER PALTIN: Yeah, once we work it out. But, you know, just Singapore Plumeria and like that didn't sit well with some of my constituents. So, then, that was one question answered during the break.

UNIDENTIFIED SPEAKER: Okay. You have one more.

COUNCILMEMBER PALTIN: If I can go back to the other subject matter of the height, definition of height? I guess my question is, and my reference to Palama Drive is, what would be the reason that the height definition needs to be changed, and what areas would be up to 20 feet? Is it, would it be like some areas where it's abutting existing neighborhoods kind of question?

MS. MUNEKIYO-NG: Thank you for that question. So, a couple things to note. The reason, the 20-foot fill would be limited to specific areas. And we have the civil engineer who could provide a little bit more detail on that. But I can just give you a high-level overview. There will be a setback, so there will be no significant fill right, or retaining walls on the makai side of the property abutting the existing single-family neighborhood. So, I understand that concern and that would not be...

COUNCILMEMBER PALTIN: No significant fill abutting the existing properties?

MS. MUNEKIYO-NG: Correct.

COUNCILMEMBER PALTIN: Okay.

MS. MUNEKIYO-NG: And a major area where, or the primary area where there would be significant fill is to build a, the public road. Because of the sloping terrain, there needs to be fill to establish a level roadway. So, in this area in particular there would be some fill. But for a lot of the other areas it's actually cut rather than fill. But I, maybe I would hand it over to the civil engineer to provide more details on the locations of where that fill would be.

MR. SILVA: Okay. Thank you.

CHAIR KAMA: Mr. Silva?

MR. SILVA: Yes, thank you. Mike Silva again, so, just to clarify about the fill near the property, so, there is, you know, if you're looking at the existing neighborhoods, the back of those properties, there is an old cane road that's still on the property. There's

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still going to be actually, access, there's the private property that's also there as well. But once you get on the property, there will be some fill at the bottom of those slopes...

COUNCILMEMBER PALTIN: Can, sorry, can you clarify which is the back of the property, the mauka or the makai?

MR. SILVA: The mauka --

COUNCILMEMBER PALTIN: Okay.

MR. SILVA: --mauka portion. Yeah, and the, there aren't going to be any retaining walls like you're, I think you're referring to the old Sandhill, or the Maui Lani projects. There's not going to be a retaining wall I think with over 110 feet distance ways, you know, it's not going to be right at the property line. So, the retaining walls are going to be quite a distance away. And...

COUNCILMEMBER PALTIN: A distance away from --

MR. SILVA: The mauka --

COUNCILMEMBER PALTIN: --the homes?

MR. SILVA: --mauka property line, yeah, of the neighborhood.

COUNCILMEMBER PALTIN: So, it's quite a distance away from the homes that you will be building?

MR. SILVA: A retaining wall. But there will be some fill, I mean, there's going to be a slope near there. But there's still going to, again, be the access, the cane road, which is off of this property. But there is that small State property too in between, I think you had mentioned before in that one. Yeah, so, the larger fill areas, if you're looking at the site if, you know, if you're driving down Keawe Street, right, there's a big drop off from the road. So, there's going to be a lot of fill and raising the grades adjacent to Keawe Street. And that's going to be where the largest fill and the largest 20-foot fill above existing ground would be. And that's probably only going to be like maybe one or two units. The other, the rest of the site is mostly going to be on cut, you know, lower in the grade.

COUNCILMEMBER PALTIN: So, you're building on top of that 20-foot fill?

MR. SILVA: Yes, and in certain areas next to Keawe Street. So, the row, yeah, so those, maybe those three going up the road, yeah, where the hand is, is going up and down, just because, again, if you see from Keawe Street there's a big drop off. So, the road itself, the public road on the top maybe gets, you know, 25 feet of fill because it, you know, you gotta connect to the Keawe Street.

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COUNCILMEMBER PALTIN: Twenty, oh, it says up to 20 feet, and now you're saying 25?

MR. SILVA: And I think that one's specifically for the building height. So, outside of the building footprint there might be a little more. I don't have the exact numbers, but it's around, it's definitely under 25 on the exhibit I have. So, not under the building footprint though.

COUNCILMEMBER PALTIN: And the purpose of raising up that portion is a place that you need to put the material that you're cutting? Or you're raising it because you don't want runoff from the road?

MR. SILVA: No, it's more for just general site grading. So, if we have a vehicle coming off of Keawe Street they'll have to, you know, on the new public road they'll have to come and drive down at some comfortable grade. It's still going to come down at some percentage. And then, the road would connect down into, in front of the community center, and then, again, it's just the site layouts and how the existing topography is because there's such a big drop-off from Keawe Street.

COUNCILMEMBER PALTIN: And then, I noticed in one of your pages that it said that the miles per hour, or the speed limit coming down Keawe Street is like 25 to 30 miles an hour and I just was wondering, have you ever seen anyone driving that speed down Keawe Street?

MR. SILVA: I don't know, is that in maybe the traffic report? I'm not sure what that references, the miles per hour.

COUNCILMEMBER PALTIN: 'Cause I mean, you can write down what the miles per hour is, but nobody drives that. So, I think that should be included in the analysis that regardless of what the speed limit is, that's not followed 'cause you would have to step brakes the whole time. Thanks, yield.

CHAIR KAMA: Okay. Members, thank you very much, Mr. Silva. Thank you, Ms. Paltin. So, at this time I'd like to be able to entertain a motion to recommend approval of the resolution entitled, Approving with Modifications...

COUNCILMEMBER PALTIN: Oh, can I ask --

CHAIR KAMA: Yes?

COUNCILMEMBER PALTIN: --one more question then if we're going to do a motion?

CHAIR KAMA: Of course, you can.

COUNCILMEMBER PALTIN: Okay. May I ask for Ms. Lee-Greig?

CHAIR KAMA: Who do you want to talk to, the archaeologist?

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COUNCILMEMBER PALTIN: Yes.

CHAIR KAMA: Okay. The archaeologist here is Mr. Mike Bega, Dega.

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

CHAIR KAMA: Oh, sorry, I didn't know you were here.

COUNCILMEMBER PALTIN: I'd like to speak to Ms. Lee-Greig.

CHAIR KAMA: Come on down. I'm sorry. Tony *[sic]* Lee. Sorry I'm trying to talk with candy in my mouth.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, while she makes her way down --

CHAIR KAMA: Yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: --I thought we were going to go over the conditions or...

CHAIR KAMA: . . .*(inaudible)*. . . make the motion we talk about the conditions. . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER PALTIN: Thank you, thank you for...

CHAIR KAMA: Okay. Ms. Paltin? You want to identify yourself please?

MS. LEE-GREIG: Tanya Lee-Greig, with Aina Archaeology.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Thank you. I just, in your preliminary report of the project I was wondering if you could explain to us any areas of possible concern with the whole area that you've looked at?

MS. LEE-GREIG: Sure. So, can we have the...so, within the project footprint itself there are, as Dr. Dega had explained, there are two, well, three features associated with the former Pioneer Mill Plantation, right? So, two large stone piles, those are post World War II field clearing, as a result of post-World War II field clearing activities and a cistern, which is associated with the irrigation system constructed by Pioneer Mill early 20<sup>th</sup> Century. So, those are the two, or three features that are within the project footprint. With regard to the offsite utilities, or the proposed offsite utilities, the concern there is proximity to the old coconut grove of Mala, just, which is just makai of Honoapiilani Highway, right? So, that was a concern where there might be some potential monitoring issues. Within the project site itself, I was involved in a former

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capacity with the Lahaina Bypass project, when we did subsurface testing in that area, we noted that there is some fairly shallow soils. And so, what that means is, if we have shallow soils overlying bedrock, then the possibility of encountering subsurface deposits, significant deposits are relatively lower, yeah? There have been, when we were doing the bypass project there were concerns about the stone piles themselves, and whether or not there were features or sites within the stone piles. So, we did take apart the two stone piles that were nearest to the bypass alignment. Within the stone piles themselves there are, there, we did not identify any features within the stone piles themselves. A lot of really big boulders in the piles, and then, old plantation type materials, cables, steel cables, things like that. And then, we did dig below, and there was some soil deposition but relative to outside of the stone piles because they kind of pushed everything in that one area. And we did get some concern about well, what if there's things underneath the stone pile, right? So, potentially that may be a monitoring issue for this. And I was reminded of that from Blossom, so.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair. That was very helpful to me.

CHAIR KAMA: Thank you. Okay. So, I do want to entertain a motion to approve the resolution entitled, Approving with Modifications, the Keawe Street Apartments at the Villages of Leialii by Ikaika Ohana, pursuant to Section 201H-38 of the Hawaii Revised Statutes. So...

COUNCILMEMBER SINENCI: So moved.

VICE-CHAIR MOLINA: Second.

CHAIR KAMA: Thank you. So, Ms. Rawlins-Fernandez, you had a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I just --

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: --I wanted to understand your process, the process that we're doing right now.

CHAIR KAMA: So, we're going to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Hokama asked if we were going to go over the conditions later --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and you said we are.

CHAIR KAMA: Yes, and we can do that during the motion now.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. 'Cause after you take a motion, then we have two opportunities to speak?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know if...

CHAIR KAMA: You also have opportunities to pass it on. That's what people have been doing this morning, this afternoon.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I don't know if, you know, if people want to introduce other conditions or anything.

CHAIR KAMA: Yes, this is the time to introduce those conditions too.

COUNCILMEMBER RAWLINS-FERNANDEZ: But if we only have two opportunities to speak?

COUNCILMEMBER PALTIN: Are we voting in the next nine minutes?

CHAIR KAMA: I'm sorry, Ms. Paltin?

COUNCILMEMBER PALTIN: Are we voting in the next nine minutes?

CHAIR KAMA: No, we're not voting in the next nine minutes.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: We're deliberating in the next however long it takes us to.

COUNCILMEMBER RAWLINS-FERNANDEZ: But we have a motion on the floor.

CHAIR KAMA: Right, and you can in that...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, we're going to have to vote on that motion because there's a motion.

CHAIR KAMA: Well, we can, before you...okay, there's a vote on the motion, there was a second, right? So, right now, now we have to talk whether, we don't know if we're going to pass it or not unless we talk about what it is that we're going to be speaking about. We're not going to take the vote now. We're going to talk about it.

COUNCILMEMBER RAWLINS-FERNANDEZ: But we're going to take the vote before we end this meeting at 4:30?

CHAIR KAMA: Well, that would be nice. But I don't think we're going to end this meeting at 4:30.

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COUNCILMEMBER RAWLINS-FERNANDEZ: But we're going to have to do something about the motion.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I want to vote for this project, like I support this project.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I think a more prudent way to have done this is go over the conditions first, see if we had any amendments to the conditions first before taking a motion.

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

CHAIR KAMA: Yes. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry?

CHAIR KAMA: So, let me...so, the idea was to try to get through this today, to get the vote done. So, are you here to stay, Ms. King, because I know you had to leave earlier, but you're back?

COUNCILMEMBER KING: Yeah, I'm actually in the middle of a meeting --

CHAIR KAMA: Okay.

COUNCILMEMBER KING: --but I wanted to be here for the vote so I --

CHAIR KAMA: Okay.

COUNCILMEMBER KING: --if you're not going to take the vote I can, I'm meeting with the...

CHAIR KAMA: Well, not exactly at this moment. But I'm sure in a few minutes. So, we're still in conversation regarding the amendments, or the exemptions, or the modifications. So, Mr. Hokama, had some concerns about the exemptions. Okay. So, if you want to talk about that, we could. Yes, Ms. Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, are we sticking to the, our rule about having two opportunities to speak after the motion has been made?

CHAIR KAMA: Yes, yes. Do you think that's not enough, or it's insufficient?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know.

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . until we know what we want to do.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, that's why I thought we would kind of like have everything set before a motion is made.

VICE-CHAIR MOLINA: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Usually we kind of like get everything setup first so that we know what we're going to be voting on, and then we make the motion and we vote.

CHAIR KAMA: So, let me, Mr. Molina...

COUNCILMEMBER RAWLINS-FERNANDEZ: I understand that the Chair is leading this meeting.

UNIDENTIFIED SPEAKER: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I just, we're --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --going to be sticking to, you know, two opportunities to speak, that may not be enough --

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --that's all.

CHAIR KAMA: That's why I just asked.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: Correct. Mr. Molina?

VICE-CHAIR MOLINA: Yeah, thank you, Madam Chair. In consultation with my colleague from Hana who made the motion --

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: --and I made the second, we're both okay with withdrawing.

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CHAIR KAMA: Okay. Okay.

VICE-CHAIR MOLINA: And that way, we can, you know, spend the time going through the conditions without having to be concerned with the parliamentary procedure technicalities --

CHAIR KAMA: Yes, thank you.

VICE-CHAIR MOLINA: --and so forth. So, I'll withdraw my second.

CHAIR KAMA: Thank you, Mister --

COUNCILMEMBER SINENCI: I'll withdraw the motion, Chair.

CHAIR KAMA: --Councilmember from Hana, and Upcountry, I mean, Makawao. So, Ms. Rawlins-Fernandez...okay, well maybe, okay, let me just ask you this. Peoples, we're not going to get out of here at 4:30. I think we know that, right? So, we can decide today to go until maybe five o'clock, or six o'clock. What is the pleasure of this --

COUNCILMEMBER SUGIMURA: That's fine.

CHAIR KAMA: --Council? Yes?

COUNCILMEMBER HOKAMA: Chair, if I may?

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: My suggestion would be allow the Members to state their concerns or proposed modifications, recess the meeting to a date that we can agree upon, allow Mr. Bigley and Mr. Fischer time to discuss the proposed modifications, whether they can agree to it or not, and then, at the resumption of the recessed meeting we can hear their comments and make a decision. Because I think that would give us all time to think about it, especially on any proposed modifications.

CHAIR KAMA: Mr. Molina, comment?

VICE-CHAIR MOLINA: Madam Chair, I'm good until 5:00-ish for today.

CHAIR KAMA: Okay. Ms. Rawlins?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm open to staying past 4:30 --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --I cancelled my flight home and I'm willing to stay as long as it takes.

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CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I just, and I really don't have any conditions to propose. I just have one idea --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --that I wanted to discuss.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I don't know if the other Members had other conditions --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and I just wanted to --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --make sure that that was deliberated first.

CHAIR KAMA: Ms. Paltin?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

COUNCILMEMBER PALTIN: I'm actually supposed to be at the West Maui Taxpayers Association meeting in five minutes. But, you know, this is for West Maui as well --

CHAIR KAMA: Right.

COUNCILMEMBER PALTIN: --but I'm the fourth speaker --

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER PALTIN: --after the Mayor.

CHAIR KAMA: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I'll stay as long as you need us.

CHAIR KAMA: Okay. That's one, two, you're leaving at 5:00, you're suggest...okay, Mr. Sinenci?

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . . I can stay 'till 5:00.

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CHAIR KAMA: Okay. So, we've got a few people can stay until 5:00. So, the recommendation from Mr. Hokama was that we should discuss the modifications now, and then, I guess allow it to percolate, and then, come back on the 14<sup>th</sup>, which is our recess date, and then, do the vote? Is that correct, Mr. Hokama?

COUNCILMEMBER HOKAMA: If that's the, the Members can agree on that date that's fine with me, Chair.

CHAIR KAMA: So, does that work for...yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I won't be here on the 14<sup>th</sup>.

CHAIR KAMA: Right. 'Cause you're going to be, I need to write...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, and Member Molina won't be here.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: What is 14<sup>th</sup>, Tuesday?

COUNCILMEMBER RAWLINS-FERNANDEZ: The day before opening day.

CHAIR KAMA: Yeah, the opening...

COUNCILMEMBER HOKAMA: What about Monday?

COUNCILMEMBER SUGIMURA: Oh, Monday.

CHAIR KAMA: I don't know, I only when poll for Tuesday. I never poll for Monday.

COUNCILMEMBER SUGIMURA: Ask us now.

COUNCILMEMBER HOKAMA: Well, it's a recess, it needs a recess, yeah, so...

CHAIR KAMA: Gotta ask the Chair's permission too, right? Or you're all going to override the Chair?

COUNCILMEMBER HOKAMA: I'm sure you can text her.

COUNCILMEMBER SUGIMURA: Yeah, go text her.

COUNCILMEMBER RAWLINS-FERNANDEZ: Override the Chair.

CHAIR KAMA: Okay. So...

COUNCILMEMBER HOKAMA: But, Chair?

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CHAIR KAMA: Yes?

COUNCILMEMBER HOKAMA: I know time's running, yeah. So, let me run through my --

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: --quick points on the exemptions yeah...

CHAIR KAMA: Okay. So, that's what we're going to do, going through the modifications and see where we go, and we'll end up at 5:00.

COUNCILMEMBER HOKAMA: Yeah.

CHAIR KAMA: Does that work?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER HOKAMA: Okay. So, Chair, thank you, yeah. Real quickly, my first area of concern is number two in general, yeah, for all our projects regarding the exemptions. I understand it, Chair, and so, for me, part of the thing that I'm going to be asking the Legislature is why wouldn't the State then if they want to expedite it, they want to save money on their projects, then why wouldn't the State tell us we'll certify the inspection requirements? Because they licensed the contractors through the State Licensing Board and that any work done by licensed contractors, the State will certify and sign off, relieving the County of any liability and responsibility for those inspections on State projects. I don't know why would they... 'cause it's hard for me, Chair, to be asked to always waive or go against permanent policies we've put in the Code for specific purposes. Okay. The other one I had is like my colleague, I have an issue with the number four, definition of height. For me, it's a 45-year-old issue with this County. We went through multiple lawsuits regarding this definition, Maui Lani, Lanai. Okay. So, for me, I don't agree with this request for an exemption. I think they should be asking us for a variance from the Code. But I will not agree to an amending our definition.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: They have another route; it's called the variance. I can support the variance of the height --

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: --especially if they can justify the fill, because that was part of the whole lawsuit and argument of 45 years on where we should start the height. And we've all came to the conclusion, original grade, original natural grade. Okay. The other one I wanted to double check was number five. And maybe Mr. Hart as the

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Planning Department, because, you know, they telling us we gonna keep the zoning underlining static which is Agriculture. Okay. That's fine with me. I got no problem with that, especially since half of the land we considered for the project is prime ag land. So, my question is going to be, if one of the tenants say, since zoning is still Ag and I want to raise x animal or whatnot, is that going to be permitted or nonpermitted because of the underlining zoning still remains Agriculture? I know they're going to ask for A1 Apartment, Chair, as a way to circumvent our zoning. But can we do it another better way, I mean, upfront?

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: And again, I understand what the developer is doing. I don't have an issue. They're doing something very legal and allowable. I'm just saying for us as policy people we should find a better way than, because why then retain underlining zoning if we never going to allow them to use permitted practices under that zoning. My other one that I have concern is number six, reducing of the stalls for the community center. Again, the stated use is for the residents as well as the general public. I don't know about other people experiences, Chair, but even on Lanai, that is one of our issues of gathering places. For whatever reason, government always under sizes parking. Look at UH, look at all our other schools, insufficient public parking for public facilities. If these people are going to have a one-year-old birthday party in this facility, don't tell me the ohana is not going to come for that party.

CHAIR KAMA: Yeah, they will.

COUNCILMEMBER HOKAMA: Okay. We know our people. They're going to show up and they're going to need the stalls in my opinion and experience, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: Open space and the other things, I can forego that, because if that's part of the CAM and increased overhead, I can live without it.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: So, that would be my thing, and the seventh, the last one I want to bring up is, if Public Works, and they're gone already, can work out with Planning, Environmental Management, then I don't know why we not looking at, because with the County, assist these guys with Kapunakea as another potential secondary entry/exit because that makes better sense to get to the shopping center at Cannery Mall and everything else instead of hitting Keawe Street. Okay. I'm not a Lahaina person, but I know enough about Lahaina and local practice of how we're going to get to and from. I think Kapunakea makes pretty good sense to me, Chair. So, that would be one of my modifications that the developer work with the Department, the Department work with the developer to find a way to make this secondary entry/exit work. 'Cause I have a hard time with right in, right out on

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Keawe Street. And I know even nighttime how fast guys come down that road. Okay. 'Cause I've been leaving Star Noodle at night and it's busy over there. Okay.

CHAIR KAMA: It's going to get busier.

COUNCILMEMBER HOKAMA: What is that, Teddy's Burgers and all those other good stuff in that general, off that road. So, that's my areas of concern, Chair. Thank you.

CHAIR KAMA: Thank you. Okay. Ms. Paltin, 'cause you have to...

COUNCILMEMBER PALTIN: I share a lot of Member Hokama's concerns. I'd also like to scratch the red line in light of Ms. Lee-Greig's --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: --as an option. I have concerns about the archaeological sites over there. So, I'd like us to commit to the green line. You know, Kapunakea and Fleming, and Keawe, the more the better. I'm okay with either Kapunakea or Fleming being the secondary entrance/exit to the project. I think a verbal commitment to work on the landscaping and naming issues to something different than what's written is sufficient. And I just think that we need to recognize somehow formally that these are ceded lands and, you know, if the occupation should end after the 75 years, that it reverts back to the Kingdom.

CHAIR KAMA: So, you want that somehow mentioned somewhere, someplace? Okay.

COUNCILMEMBER PALTIN: Maybe with the name of the building, on the buildings or, you know, that these are --

CHAIR KAMA: So, you can work with them on that then, right?

COUNCILMEMBER PALTIN: --ceded crown lands, yeah.

CHAIR KAMA: Yeah, okay. So, work with...

COUNCILMEMBER PALTIN: Or unceded lands, however you want to state it.

CHAIR KAMA: Thank you. Ms. Sugimura? Ms. Lee? Mr. Sinenci?

COUNCILMEMBER SINENCI: I believe my colleagues have raised some of my concerns. So, thank you, Chair.

CHAIR KAMA: Thank you. Mr. Molina?

VICE-CHAIR MOLINA: Madam Chair, you're considering potential amendments or additional conditions?

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CHAIR KAMA: Yes, modifications, yes.

VICE-CHAIR MOLINA: One I have would be access shall be maintained to Native Hawaiian lineal descendent family burial sites mauka of the project lands. Would you like me to repeat that or put that in writing? Okay. Access shall be maintained to Native Hawaiian lineal descendent family burial sites mauka of the project lands.

CHAIR KAMA: Stacey, did you get that? Okay. Is that the only one you had in terms of the archaeology?

VICE-CHAIR MOLINA: Yeah.

CHAIR KAMA: Okay.

VICE-CHAIR MOLINA: And for what it's worth, this is a, this is another one, safe pedestrian access shall be provided to shopping areas across Keawe Street. 'Cause I know we're trying to minimize the use of using vehicles to, for short distances. So, you know, something to consider. It sounds somewhat broad but...

CHAIR KAMA: No, but you could have...

VICE-CHAIR MOLINA: I'll just put it out there for the Committee's consideration.

CHAIR KAMA: . . .*(inaudible)*. . . right? It's a form. Okay. Think about that.

VICE-CHAIR MOLINA: Thank you.

CHAIR KAMA: Thank you. Yes, Ms. Paltin?

COUNCILMEMBER PALTIN: I had one more that I missed. I know that the monitoring plan isn't ready yet. But when it is ready, do we, can we look at it and add comment to it? Is, at what point, like how would that be made into a condition, like when the monitoring plan is ready, we can review it for approval or something like that in addition to SHPD or whatever other entity approves it?

CHAIR KAMA: Okay. So, I think what's going to happen is that the developer's going to take a look at what we're talking about in terms of modifications and they can come up with some verbiage. But if you wanted to, so that we actually finalize the modifications, we come back next week we should have that down. But by all means, please feel free to add in whatever you think the verbiage could or might be. Ms. Keani Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, okay, for exemption number four with the height limit, what would be the height of the highest structure from natural grade?

CHAIR KAMA: Tessa?

MS. MUNEKIYO-NG: Fifty-five feet.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, as Member Hokama was saying, instead of asking for a different definition, we would grant the variance, or the exemption to Code, Maui County Code 19.04.40 [sic] to allow the structure to be 55 feet above natural grade?

MS. MUNEKIYO-NG: I think we would amend a different section of the Code.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. MUNEKIYO-NG: But I understand where you're going is to, instead of amending the definition, amending the height limit from 35 feet to 55 feet.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. MUNEKIYO-NG: Yes, we can do that, I think.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, for this project. So, we would say exemption to that part of, that section of the Code?

MS. MUNEKIYO-NG: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Sorry, I want to try to, I do want to try to vote today. So, I want to try to make sure everyone's...

CHAIR KAMA: Get all the exemptions on the table and get them all lined up to include in the reso?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, yes.

CHAIR KAMA: Okay. So, we'll probably have to take a break so that they can work on this.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then, my...okay, so, we were talking story earlier about, you know, 75 years being a long time. Chair Lee's favorite word she likes to use is obsolescence.

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CHAIR KAMA: Obsolescence.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . . And so, Mr. Bigley and I have had pretty lengthy discussions about how, you know, the County could partner with Ikaika Ohana, or have some kind of, you know, commitment before the structures become dilapidated because after it's, you know, reaches the point of the end of life, it costs more than it would've if we had just maintained the structures. And I would like to support that kind of an effort to allow for these affordable units to remain affordable for a long time. I understand that the materials that are going to be used will be longer lasting than some of the materials used in other affordable projects. But I also want to make sure that we, you know, are doing our part to see that it lasts, you know, for the 75 years and beyond if possible. I'm not sure how we would put that in, I don't know if that, this would be appropriate for this project. I don't know, Mr. Bigley? Yeah.

MR. BIGLEY: . . .*(inaudible)*. . . couple of things is one, is the issue is it's always hard to agree to agree at some future date, you know what I mean? I mean, I think the better approach...I don't disagree with the concept but I think we have to have a different outbreak on that. There's a couple of issues that we should go over in a separate kind of working, you know, working session 'cause we have a lot of ideas globally that I'd like to share in a different forum. You know, this is a, you know, probably can't resolve that particular one here because we have, it's too, we can't get concrete quick enough because it's so out in the future. The concept good, but the path difficult to get. So, it'd be hard to do here. But I don't...do you want me to help on any of these other ones? Or are we done with the... I have a couple of comments when you're ready.

COUNCILMEMBER RAWLINS-FERNANDEZ: I would like to hear comments on the proposed conditions that the Members...

MR. BIGLEY: Because I can just kind of go down real quick and give you our quick comments. Number one, I think we, nobody commented on one, right?

CHAIR KAMA: No, no comments on one.

MR. BIGLEY: Pardon me?

CHAIR KAMA: No comments on one. Start with two.

MR. BIGLEY: Okay. On two, is that even a, is that, that two isn't really even doable by the...

MR. FUJIMOTO: . . .*(inaudible)*. . .

MR. BIGLEY: They don't have the ability to do it. So, the question on two is simply...

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

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MR. BIGLEY: Pardon me?

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

MR. BIGLEY: Yeah, no I understand the issue. But what I'm saying is, is on that particular issue it comes down to whether you want to grant it or...

COUNCILMEMBER HOKAMA: Then the Leg needs to staff up DAGS and everything else.

MR. BIGLEY: Yeah.

COUNCILMEMBER HOKAMA: Hawaii Housing Authority, whatever it be.

MR. BIGLEY: Okay. Anyway, I, that's something that they can't do. What was, it was three was the...

CHAIR KAMA: It was four.

MR. BIGLEY: Didn't he make comment on three?

CHAIR KAMA: No, was four.

MR. BIGLEY: Four was the height.

CHAIR KAMA: The height, yeah.

MR. BIGLEY: And what did we say about height?

CHAIR KAMA: The variance.

MR. BIGLEY: Could we limit the...

MS. MUNEKIYO-NG: So, with respect to height I think maybe what we would propose is to remove this exemption request. And then, when we get to number five, we're requesting to follow the A1 Apartment permitted uses and development standards as listed below, with the exception, instead of 35 feet, we would say with the exception of the A1 height limit of 35 feet and propose a height limit of 55 feet.

CHAIR KAMA: So, you're deleting the exemption four from the request and looking at five and putting it in there. Is that correct, Tessa?

MS. MUNEKIYO-NG: Yes.

CHAIR KAMA: So, we're good?

MR. BIGLEY: Let's see, on the stalls the issue there is, I'll just point out that the reason we're asking for that, and I'm not saying we can't get more than that, but the birthday

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party example doesn't apply I don't believe. And somebody can check on that. But that's, the reason we're doing it is if I said that this community room is only going to be used by residents, I wouldn't be required to add any additional stalls. The minute I say that the community room is going, we're going to offer programs outside of the project, meaning so, if I have a school program then some people might drive cars. Then, I have to add 68 units. You see what I'm saying? So, I, we still have the two, you know, the two-to-one parking ratio we already have. What I'm saying is, is we could make it a private facility and then just do away with the additional parking stalls. Does that make sense? And I think I can add, Lena do...we might have space to add from, you know, I don't know if there can be a best effort clause. But we have 50 that we could fit in there right now if we want to make the community center a public facility. Does that make sense? So, if somebody wanted to use the facility for a birthday party, I don't know what I'd do about that. You know, people would be parking on the street or, you know, somehow, they'd get there. You know what I'm saying? So, I was just trying to say, we want to add, we have 2-to-1 parking plus 50 stalls is what we're adding, and I was asking for relief between 50 and 18. I wasn't reducing any stalls, any stalls for the tenants. So, I just want to point that out. I think we only have 50 stalls right now. So, what I'd like to do is make it public, go with the 50 stalls. And if we can squeeze a few more stalls in there, we'll squeeze them in there. I'd rather not make it a private facility. And then, did anybody have anything on seven?

COUNCILMEMBER HOKAMA: You can do that with public monies?

MR. BIGLEY: I can do what with public monies?

COUNCILMEMBER HOKAMA: Make that facility private using public monies?

MR. BIGLEY: Yeah, I can make it, it's normally you have a private facility. That's normally what they do. They're only for the residents. I was trying to get a little relief on it if I can. Okay. So, quickly here, 'cause I don't want to go overtime. So, nobody had anything on seven, is that right? Okay. So, then, we had the, scratch the red line question. I think we're probably okay scratching the red line right now.

CHAIR KAMA: Yeah.

MR. BIGLEY: Yeah.

CHAIR KAMA: 'Cause you already have...

MR. BIGLEY: So, we'll scratch that red line. What's this one? Oh, Kapunakea Street access, the issue there is we don't own that land that we have to get over and they're not too happy about, unless we want to buy the parcel, the privately-owned parcel. The problem isn't between just us and the...

COUNCILMEMBER HOKAMA: Oh, it's between a private and the County too. There's a County portion.

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MR. BIGLEY: There's a County, we'd have to, and I think we could probably, I'm not going to speak for the County, but we'd hope we could get through that, the County parcel. The problem is, is it was a 3 million, it was about a \$3 million delta to get the whole parcel. And I will tell you this, we would be happy to have a best effort. We want that access point. But what I'm saying to you is I haven't been able to get the access point. If you condition it here for the development, I'll never get that access point. If you let me go and I don't know how you craft it to use a best effort to try to bring it back to Council with some kind of offer from the seller, I could do that. Do you know what I'm saying? Like because I, if I'm allowed to build, I just don't want to be held hostage to that access point. You know what I'm saying?

COUNCILMEMBER HOKAMA: Yeah.

MR. BIGLEY: So, that's my comment there.

MR. FISCHER: . . . *(inaudible)* . . .

MR. BIGLEY: Well that's what I mean. I mean, but we'd bring it back and say we're using our best effort. Here's the best we could do, it's a million and a half, 2 million, 3 million...

COUNCILMEMBER HOKAMA: But that's why we want this discussion now, yeah?

MR. BIGLEY: Pardon me?

COUNCILMEMBER HOKAMA: You know, we're going to decide whether it should be you or our Department that leads the efforts --

MR. BIGLEY: Right.

COUNCILMEMBER HOKAMA: --regarding this option.

MR. BIGLEY: Well, you don't want the Department to...you're not talking about HHFDC?

COUNCILMEMBER HOKAMA: I don't know.

MR. BIGLEY: 'Cause that'll be 150 percent more because the way it works is the public groups...

COUNCILMEMBER HOKAMA: No, no, I need...

MR. BIGLEY: My experience has been when public groups go after something it's more expensive.

COUNCILMEMBER HOKAMA: No, I think that our Public Works --

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MR. BIGLEY: I mean, we were the...

COUNCILMEMBER HOKAMA: --Director would put a little bit more priority to it.

MR. BIGLEY: Yeah, yeah, I know, right. Anyway, what I'm saying is I don't think we can get that one done. But I don't mind, we're all in agreement, and we originally, you know, showed that. I mean, that was our original, is to have that secondary access and we would like to get it. We haven't been able to get it. That's what's happened there.

COUNCILMEMBER PALTIN: What about Fleming Road?

MR. BIGLEY: Well Fleming, what about, I mean --

COUNCILMEMBER PALTIN: If Kapunakea doesn't work.

MR. BIGLEY: --you know, it's a, you mean, to get to Fleming Road it's a cost issue.

COUNCILMEMBER PALTIN: But it's a dirt road right now. So, could --

MR. BIGLEY: Right.

COUNCILMEMBER PALTIN: --it be used as an exit as a dirt road because it's, belongs to the State?

MR. BIGLEY: . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: I mean, Fleming Road is not, but --

COUNCILMEMBER HOKAMA: That's County road.

COUNCILMEMBER PALTIN: --the access to get to Fleming Road off of that parcel belongs to the State and then just...

MR. BIGLEY: Does that come down? I guess it does come down to Fleming. You drove that right, Tom?

MR. FISCHER: So, I think the issue would be, what would the County require? Let's for conversation's sake, if you follow the red line from our project site up to, I think that's the road you were talking about, Tamara, right? And then you come down and you connect back into Fleming Road, the question becomes, can we utilize kind of a, call it like an unimproved road that's there today? Or are we going to be required to put in a, to County standards just like we're dedicating the public road at the top of the property, right? So, really, it just becomes a cost issue. I mean, you could, we could conceivably take the red route to get down to Fleming Road because the State, to your point, they own that land. I don't have an issue. I'm telling you I have a big issue on the private piece. I mean, it's just I don't have the funding and I don't have the timing to get it done.

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COUNCILMEMBER PALTIN: I wouldn't follow the red line.

MR. FISCHER: Well, yeah.

COUNCILMEMBER PALTIN: I would follow the thin line which is the dirt road.

MR. FISCHER: Yeah, right.

COUNCILMEMBER PALTIN: And I think, you know, whether it's improved or unimproved, we need that second access.

MR. BIGLEY: Yeah, let me point, because this is a problem that we ran into also with the other access point is that it, and Stan can maybe speak to this. But it, none of this is in the EIS. So, we would have to redo, you know, the EIS to get to that execution. Yeah, and I didn't think about Fleming, but I did think about, you know, we've been trying to get your road. We were going to name it kind of your, after you. But we, that road we really wanted. We just haven't been able to get it yet.

COUNCILMEMBER HOKAMA: There's no road named the grouch.

MR. BIGLEY: We want that...

MR. FISCHER: . . .*(inaudible)*. . .

MR. BIGLEY: Yeah, the, we, so, you know, and if we do better than that that'd be great. But I think the issue is a delay, but is there some kind of global, I don't know if there's again these kind of best effort kinds of things you can put in because we would continue to try to negotiate, we can...

COUNCILMEMBER PALTIN: Like even as some kind of an emergency exits so there's not just that one way in and one way out?

MR. BIGLEY: Well, you mean, there's one way in on to our road?

COUNCILMEMBER PALTIN: Yeah.

MR. BIGLEY: Because, I mean, we have a secondary, you know, we could do the secondary like Fire was discussing to get a secondary access point into the site that way right along that, that's what we're talking to them right now to put a secondary off the main road.

COUNCILMEMBER PALTIN: But how do they get to that point?

MR. BIGLEY: How do, what do you mean?

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COUNCILMEMBER PALTIN: So, I understand that could be a secondary access onto your project --

MR. BIGLEY: Right.

COUNCILMEMBER PALTIN: --but how do they get to that site?

MR. BIGLEY: Off the public, off the new public road. That's all going to be improved, all the way to the end.

COUNCILMEMBER PALTIN: So, I'm saying that's, that new public road is the only way in and out --

MR. BIGLEY: Right.

COUNCILMEMBER PALTIN: --right hand in, right hand out.

MR. BIGLEY: Correct.

COUNCILMEMBER PALTIN: We need another way out. And if it's the dirt emergency access, I mean, that works for me, the bottom Fleming Road.

MR. BIGLEY: I just, no, what I'm saying to you, is if we tie it into a, what I'm saying at this point though is if we tie it into a condition I think that would trigger an EIS right, if we're required or we don't know?

COUNCILMEMBER PALTIN: Can we --

MR. BIGLEY: We don't know yet.

COUNCILMEMBER PALTIN: --find out by the next meeting?

MR. BIGLEY: I mean, I guess we could. Does anybody speak EIS language here? Tessa, do you know about the EIS?

MS. DESJARDINS: I just know that there was a letter in your packet that said that the EIS was originally done in 2012 for the much larger parcel, and that, I guess, the Governor said that it was, it satisfied this smaller parcel. You didn't have to redo the EIS. So, I'm not, I guess I'm not clear why legally adding a road would trigger the EIS because you're already, you've already triggered it through the use of County and Federal funds, and all that. So, I'm not clear why you think that would.

MR. BIGLEY: I'm sorry, maybe not Fleming, but you understand why it would trigger it down on the bottom half of the road, right?

MS. DESJARDINS: Well, I guess I, where are you talking about?

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MR. BIGLEY: Well, the other smaller access down there we would right, because that, we checked that out and that's because it goes on to the private property was not included.

MS. DESJARDINS: Was not part of the EIS?

MR. BIGLEY: Right.

MS. DESJARDINS: Okay.

MR. BIGLEY: But now Fleming is a different story.

MS. DESJARDINS: So, I just have one question, sorry, for HHFDC then, when you say that's State property, is that part of your 400-and-some-odd acres, HHFDC, that we're talking about the red line? Or is that State of Hawaii, some other --

MR. FUJIMOTO: We'd have to look at that.

MS. DESJARDINS: --part of the State?

MR. FUJIMOTO: We'd have to look at the actual lines. I can't say for sure.

COUNCILMEMBER PALTIN: Could it like informally be an exit route? Like, I mean, if there's a fire coming from Keawe Street direction, people are going to just run out the way that they need to go, or drive out the way they need to go, open up the Fleming Road gate and it's an exit.

MR. FUJIMOTO: . . . *(inaudible)*. . . there's nothing preventing them from, well, I cannot say based on memory whether there's a gate there or not, I don't know, but...

MR. FISCHER: Well, I think, Stan, I think the, could you put the site slide back up for a minute? So, in the, where the road is along the bottom, right? Right down in there, that's where the road you're talking about, right? So, what we would, what we could conceivably do is try to adjust the apartment lane, or apartment road, to some, we'd have to get in from that point down to the road you're talking about, right? And again, that road I'm told is covered by private owners with various easements across it. We haven't looked that far down. I know the owner of the lot we've talked to about the sewer easement, their counsel is very convinced that that road is limited access covered by easements to certain other beneficiaries. But that, I'm just going by what they have said. So, but to your point, we would have to create some way to get down as a emergency exit to get down to that...it exists today, but, you know, they have a gate there that they can, remember she keeps locked off of Keawe Street.

MR. MINAKAMI: Regarding the EIS requirement, well first we have to look at an alignment and see if we have site control for an alignment to Fleming Road. And for the EIS, we published a determination that this project is in compliance with the 2012 EIS, that the project site, which is being contemplated now for residential use, is in compliance

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with the land use plan that was reviewed in 2012. I'm not sure if there was a connection to Fleming Road that was contemplated in the 2012 EIS. If it was not, we would have to check with our Attorney General to see if either a permanent road, or a temporary emergency road could be built, you know, and not trigger another EIS.

COUNCILMEMBER PALTIN: Can you please do that?

MR. MINAKAMI: But we can check on that.

COUNCILMEMBER PALTIN: Yeah, 'cause I mean, one way in, one way out, right hand both ways, busy highway northern terminus, right, now that's, I mean, that's kind of crazy for my community. And you guys got all the land, you guys have the control of the bypass terminus, you guys have control of Honoapiilani Highway. You're kind of backing us into a corner here in Lahaina. So, help us out.

MR. BIGLEY: So, we only have a few more minutes. But I was going to say, the access point, we'll call that, we'll, I think it will, if you don't mind on the access point for the, it's maintained mauka of burial access. That one we'll change just slightly to, we'll create access 'cause we, we're not really, we're, when we put the side in, they won't be able to get all the way from the top. But we'll provide an access point off the new road. The hardest one here on this one is the safe pedestrian access to the other side, 'cause I don't know how to address that one. You know, I don't know how to do that one. So, I'd have, I'd have to give that some thought, you know. It's, they're going to use crosswalks and stuff. But I don't think we have any, added features, I don't know what we can do with that really. Tessa, I don't, it's kind of...pardon me?

MR. FISCHER: . . . *(inaudible)* . . .

MR. BIGLEY: Traffic, I don't know what to do with that one yet. In other words --

COUNCILMEMBER PALTIN: Public Works is working on that right now.

MR. BIGLEY: --the one thing I'm saying about it is it's open ended and we have to close it to be, I'd prefer it to be an actionable item. Do you know what I'm saying? It's not actionable in this statement. So, we, I mean we'll work with traffic and I'll give it some thought. On the monitoring plan, I'm going to take a shot at that one...

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick...

COUNCILMEMBER PALTIN: The updates that, from Keawe Street for Member Rawlins-Fernandez is the options that they're looking at is either a stoplight or a "dog bone" roundabout. But they're still in the study phase of it. So, it might be a long way off. Currently, you know, there's some sorts of traffic calming measures. But I wouldn't call them safe.

MR. BIGLEY: Is there any, they don't have any resources put aside for that at all yet?

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COUNCILMEMBER PALTIN: They do, they do have some resources.

MR. BIGLEY: They have resources, because the other way of doing it is to, I mentioned this before, but they, if they ran it through the development, you know, if we could figure out a way to link the two then we could match dollars and up the, you know, that's what I'm talking, I'm looking for another...

COUNCILMEMBER PALTIN: We have your 1.75 from Kupuohi right?

MR. BIGLEY: That's right. But in all seriousness, you do that a few times and then you'd probably make --

COUNCILMEMBER PALTIN: More.

MR. BIGLEY: --you know, you'll make a difference. But what I'm saying is if they have, I'd like to talk to who's, you know, has the resources and --

COUNCILMEMBER PALTIN: Rowena.

MR. BIGLEY: --maybe we can work out something that again will be actionable that we can actually, you know, say this is what we're doing to meet that condition.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, then, would that satisfy Member Molina's proposed condition in leaving it in or taking it out?

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

MR. BIGLEY: Well, I, my thing is --

COUNCILMEMBER RAWLINS-FERNANDEZ: Best effort.

MR. BIGLEY: --we can't put it in as it's stated because it's not --

COUNCILMEMBER SUGIMURA: Not in your control.

MR. BIGLEY: --there's no way to meet it, you know, without...there...I, we have to close the loop on it. So, my thing would be that, I'll, let me think about that one a minute, let me circle that one 'cause that one's a little bit difficult for me right now. The monitoring plan seems like that would be an easy one to me because if I'm not mistaken, can't we forward the monitoring plan here first, and then...is that possible? They want to have input on the monitoring plan.

MR. DEGA: . . .*(inaudible)*. . .

CHAIR KAMA: You want to come down here, Mike?

MR. DEGA: I'm still awake back here.

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UNIDENTIFIED SPEAKER: Oh good.

MR. DEGA: I would say submit concurrently to SHPD and the Council for review. And the limitation's 45 days for both. Then, that way we can keep it parallel.

COUNCILMEMBER PALTIN: Awesome.

MR. DEGA: 'Cause I know you guys are busy too, so.

COUNCILMEMBER PALTIN: Awesome. And then, one other point that I wanted to bring up from the Deputy Planning Director, that the County can connect the 100 feet from Kapunakea, and if you can be prepared to connect within your site after County brings Kapunakea up to their makai property boundary.

MR. BIGLEY: One more, what was that? I think I liked it. But it went so fast.

COUNCILMEMBER RAWLINS-FERNANDEZ: Where the County owns the land that connects to Kapunakea --

MR. BIGLEY: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --that Public Works can maintain, like construct access to meet you halfway.

MR. BIGLEY: Okay.

MR. FISCHER: . . . *(inaudible)* . . .

CHAIR KAMA: Tom, can you use the mic please, Tom?

MR. FISCHER: Sorry, he's got my mic this whole time. No, as long as, if you control the County piece and the private piece to our property line, we can configure an access through our property to meet that Kapunakea Street.

MR. BIGLEY: But I think we just have to shape it because what I'm trying to do is we, again, we want the access point. We're not in any disagreement with the access point, it'd be great. And also, but we'll have to talk to the neighbors, because as odd as it seems, it seems like a great idea until you actually talk to the people who are impacted. So, we'll have to also do that because, you know, you're bringing people down through their neighborhoods now so it's not...it sounds good for us, which it is, but I'd just have to be careful.

COUNCILMEMBER PALTIN: Yeah, Kapunakea's a busy light as well. But...

MR. BIGLEY: Yeah, but I, we would just, it's good because we have coverage 'cause we'll just tell them you told us to do it. We wouldn't, it's not us, but they told...okay. So, we

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talked about height limit and then, we talked about I think we have to have a breakout for that perpetuity, you know, just more conceptual. So, the real, so, we'll come back with a, I just want to give you an idea of where we landed on all this. But I'm going to circle the safe pedestrian issue because that isn't actionable and we need to come up with a better kind of way of, you know, thinking about how to make it...

COUNCILMEMBER RAWLINS-FERNANDEZ: What about work with the County to provide safe access, safe pedestrian access on Keawe Street?

MR. BIGLEY: Well, we could do that because I'm still looking for this matching program.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Molina said that he's okay with that amendment.

MR. BIGLEY: I like it, yeah. And so, and then, so, the only ones I think that we're --

CHAIR KAMA: Not in agreement.

MR. BIGLEY: --not in agreement right now, or we haven't found anything on this is number two, the 782 because that's the State...

COUNCILMEMBER HOKAMA: Chair?

CHAIR KAMA: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: You know, I know Mr. Bigley . . . *(inaudible)*. . . Mr. Bigley but can the Committee hear from Mr. Hart --

CHAIR KAMA: Absolutely.

COUNCILMEMBER HOKAMA: --and Planning regarding this underlying Ag zoning?

CHAIR KAMA: Mr. Hart, would you please come down?

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR KAMA: You're welcome.

COUNCILMEMBER HOKAMA: Thanks for being here, Mr. Hart. Do we need to repeat the question regarding that underlying Ag zoning for the project and what can be permitted and not permitted?

MR. HART: No, I was in the gallery when you asked the initial question. I believe that the request is to substitute the standards for the Apartment District, that would be the initial answer. And then, the second option, not option, but scenario that would probably occur is that it's a apartment complex so, you know, it's...not really any

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areas for any of these people to carry out these kinds of uses like farming on a common area or something like that.

COUNCILMEMBER HOKAMA: No, I understand what, you're comment. I just, it always gets my why we keeping the underlying zoning then?

MR. HART: Oh, okay, well, that's just how the 201H process works. And so, you know, it's an existing mechanism and it is attractive to developers because of its speed and its ability to cut through a bunch of different layers like height...

COUNCILMEMBER HOKAMA: Yeah, but the . . . *(inaudible)* . . . controls classification. So, you know, if they really wanted to do what they talk a lot about without putting the action, they would have adjusted those classifications that we wouldn't have to deal with this underlining zoning that remains on the property --

MR. HART: Well, I mean...

COUNCILMEMBER HOKAMA: --with potential conflict of permitted uses.

MR. HART: In the context of the uses, you know, the Planning Department's position would be that, you know, if this 201H is approved as it's presented. Then the uses that they're proposing would be appropriate and that the typical, you know, I don't want to call them noxious, but noxious type agricultural uses that are normally allowed in a normal agricultural parcel wouldn't any longer be permitted here. If you wanted to talk to HHFDC about why they didn't complete a Change in Zoning or community plan amendment for these areas prior to Ikaika Ohana presenting this project or selecting the 201H process, you know, that's not really for the Department of Planning to respond to.

COUNCILMEMBER HOKAMA: Did the State ever try to get all these things squared away for the whole large parcel that you're aware of from the, to the County Department? On the original application?

MR. HART: You know, I'm not familiar enough with the history to respond to that.

MS. DESJARDINS: Chair? Chair?

CHAIR KAMA: Yes, Ms. Desjardins?

MS. DESJARDINS: So, if the entire parcel is, the district boundary amendment was to make it Urban and we exempt this project so that you can do hotel-type structure in an Ag Zone, I guess the, I'm not sure legally whether Mr. Hokama's question's been answered about what if somebody comes in and says I don't care what you're saying, I'm going to keep my chickens and goats in your community garden area because this is ag. I mean, I guess I'm just a little bit worried that if the underlining zoning's going to remain Ag, are we going, how are we legally going to tell people you can't do ag?

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Sorry, I mean, I'm just, I didn't think about it until you raised it. It's the district boundary amendment is Urban for State purposes, but it is still Ag.

MR. FISCHER: If the lease that the tenant enters into specifically prohibits that activity, does that meet a threshold?

MS. DESJARDINS: Well, I guess my concern then would be under the Right to Farm Bill which says that you can farm in ag property, which is a Hawaii Revised Statute, are we falling too far away from HRS 205 which is the purpose of ag property by doing this because if this went before the State Land Use Commission, which it's not going to, they would look at the use of this land to determine whether, how far you're getting away from ag use. So, I just think we need to flush it out a little bit better before just saying it's going to be okay. 'Cause I don't think you can put restrictive covenants in to prohibit ag in a place where it's still actually Ag zoned.

COUNCILMEMBER HOKAMA: Well, it's classified as prime ag land, half of the properties at least prime ag land. But my, part of my problem with, you know, don't get me wrong, this component of this overall thing, like my problem is, the State hasn't come forward to us in being upfront with us on how they plan to develop this whole big parcel so we can understand how all of this fits together and why you would eventually want your own private sewer system. 'Cause I cannot figure out the life of me financially why you want to do that and not be part of the County system. But if you figure you can make it work with your unit count, you can teach our Department...

MR. BIGLEY: Just to be clear is, we don't want the sewer system. That was the agreement, the original agreement between the State and the County regarding the sewer system. We did not, believe me when we say, we do not want. In fact, we found it hard to try to sell the affordable plus, by the way, we're going to put this sewer system here too. It just, it doesn't make any sense. And I'm not really sure of the wisdom of that anyway because they're so much better at it, and it's a scaled development, you know, sewer's a scaled thing right? So, when you do it individually it really is a cost prohibitive exercise really. So, we're lucky to be hooked up. This other issue though is a bigger issue and I don't know how we solve that.

COUNCILMEMBER HOKAMA: Well, if we knew what was happening above you and whatnot, then we, you know, we can maybe understand the road alignments and everything else, the connecting points. But I have no clue what mauka of your project is going to be. I just know there's acreage designated for development and housing. But, you know, whether it's going to be a big project or what, we don't know how they're going to approach the balance of the acreage. All we know is it's designated.

MR. MINAKAMI: Right, there are...

COUNCILMEMBER HOKAMA: Because for us, I'm going to be upfront, yeah, part of Ms. Sugimura's problem for us is moving from one project to a regional perspective so we can make the smart move on the Kapunakea's and the Fleming Roads and everything else. You know, we're trying to project and find ways to pay the bill for sea

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level rise too at the same time. So, it's hard for us to just look at one dot. We need to look at the whole page and how this dot fit on the page. That's my problem with this. Thank you, Chair.

CHAIR KAMA: You're welcome.

MR. MINAKAMI: Councilmember, we understand your concern and your wanting to know what else is being planned at Leiali'i, and there are, the primary constraint to development at Leiali'i is the cost. The only reason why Keawe Street Apartments is feasible is because of the amount of funding that is being provided by the Legislature for the project. For any master planned community there are very large upfront costs. There are water, sewer, drainage systems that need to be put in, roadways, and even for this project, those costs, even just for this one increment those costs are very large. So, that is one, for the next project at Leiali'i we would need at least a similar amount of funding plus additional funding to cover the cost of a sewer treatment plant. And beyond the cost issue, we are also concerned about how the community feels about additional development at Leiali'i. So, those are two factors that we have to evaluate.

COUNCILMEMBER HOKAMA: And we appreciate that. It's just frustrating for I think, well, for at least Ms. Lee and I 'cause we were on Council, earlier Councils where Leiali'i was being constructed and then it got slammed shut by the courts and years the roadway, everything sat vacant and your asset was deteriorating. Okay. So, we went through this part of our history with this project. Okay. So, there's some frustration on our side too, yeah, if you can appreciate that. But for us yeah, we're trying to figure out how this is going to work out, or work in to...

MR. BIGLEY: . . .*(inaudible)*. . . just so you know...

COUNCILMEMBER HOKAMA: Because one of the things I wanted to bring up is Kauai County has a project called Koa'e, K-O-A-E, it's 30 to 60 percent I think of income, median income, project that Kauai County is doing. But they found a way that a percentage of Koloa residents where the project's at will be for Koloa people only. So, I'm trying to make sure that West Maui people, if we can like Kauai County, find a way that West Maui residents get a percentage of first crack of West Maui units. So, I don't know if we can put that in. But I don't know if Kauai County found a way to make it work for their project.

MR. BIGLEY: That's, we will look at that. We've been working with I think Linda will, we've been working with her on that to find out what the limits of the Fair Housing and whether or not we can do those types of things. And I think we concur that there's certain things we can do. When we did the Kaiwahine, we did things to just narrow the scope. But we, that one is, there's three issues here we've just discussed I think. One was the, going back to ag because that one's then more difficult and I, we have to come to some either risk or resolution on that because that's not an easy thing to solve.

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MS. DESJARDINS: So, can I just suggest since this is, oh I don't know if you folks will vote today or not, but if for some chance you don't, I'm happy to look at it a little bit more before the next meeting. But otherwise, I just have to raise it 'cause I honestly don't know the answer to that.

MR. BIGLEY: Okay. Then the, your, the issue regarding the tenants and who can live there we'll, that one we're, again, we're in alignment on that. We don't have an issue looking at how we can limit, or at least prioritize. USDA goes under...without...they...you advertise to certain zip codes. But they won't allow you to restrict residency. There's certain things we can do. We follow that, whatever that is. But, and then, the access points, we just don't have, that's going to be a long-term thing. I'm not sure how we...you're going to come back with some information?

MR. FUJIMOTO: Yeah, thinking a little bit about the Fleming Road secondary option, it's not included in the EIS, but Wahikuli Road is. So, I'm thinking maybe we can use Wahikuli as the emergency secondary access, no improvements required. Maybe that's the way to address that concern?

MR. BIGLEY: Okay. These are meaty issues. Okay. So, how do you want to proceed 'cause we can, we'll have to get all these more formally addressed I think is the way to do it because we can't answer the ag one today. We've got to, there's other ones we just have to come back on.

COUNCILMEMBER PALTIN: I just got a message from Director Dagdag-Andaya and she says that she thinks Kapunakea is more doable than Fleming Road. Nolly Yagin has been working with the landowner sandwiched between HHFDC and the County property. It's a weird shaped lot but can be used for the West Maui Greenway, and maybe open space. So, maybe on our end we can get to you, if you get to us.

MR. BIGLEY: No, okay, but let me just leave you with this particular thought because we're all in agreement on that, right? We all agree that getting access to that particular point is desirable. But it will take a lot of work and effort. We just can't commit. There has to be some wiggle room in there because we want to get to it, but we can't get to it yet. We haven't been able to get to it and that one will trigger the EIS, right? We've determined that.

MR. FUJIMOTO: No, but if they get the road up to your property line, why would you need to do...*(inaudible)*...

MR. BIGLEY: Well, but they'd have to buy the property, the private property?

MR. FUJIMOTO: ...*(inaudible)*...

MR. BIGLEY: That would be spectacular.

UNIDENTIFIED SPEAKER: Chair? Chair?

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MR. BIGLEY: We're all in on that one.

CHAIR KAMA: Yeah?

MR. BIGLEY: So, if we, if you can solve that, that'd be great.

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

CHAIR KAMA: Mr. Jordan Hart wants to say something.

MR. BIGLEY: Yeah, I'm sorry.

MR. HART: Chair, if I just, I just wanted to ask HHFDC, you know, there was a basically a determination that the existing EIS is sufficient to cover the proposed project. And I wanted to ask if that included the proposed project that was presented in the site plan from 2018, which did show the connection through the offsite parcel. Now, I understand the EIS is not included, that offsite parcel is owned by others and not included in the EIS. But the configuration is shown in the October 31, 2018 site plan.

CHAIR KAMA: So, did you get that, Dean?

COUNCILMEMBER PALTIN: They were talking.

MR. BIGLEY: Let me, I can do the...the reason that was in there is because whatever you're looking at was the original plan that we had for secondary access. And the reason we didn't do it is because of the EIS issue and the fact that it was a private owner. So, what...it wasn't that we didn't look at it.

MR. HART: That was deleted...

MR. BIGLEY: In fact, it's on there because we did.

MR. HART: It was deleted and that needed to be deleted in order for the EIS to hold?

MR. BIGLEY: The EIS and the fact that it was a private owner.

MR. HART: Right, and that's fine. I think that what was being brought up by the Councilmembers was the County acquiring --

MR. BIGLEY: Yeah.

MR. HART: --or providing the access up to you guys. And then, your project reflecting that connection in order to bring people down through Kapunakea.

MR. BIGLEY: We'd be, we'd love that.

CHAIR KAMA: Resolution?

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MR. BIGLEY: That'd be fantastic.

CHAIR KAMA: Okay.

MR. BIGLEY: I mean, we'd like to do that. The only other issue that I would bring up to the group is that it also includes, we'll have to do that additional outreach. So, it will take us time 'cause even before you close, you know, we've got to go down through the street and talk to people about it, you know, because that's not, you know, when we couldn't obtain the access we didn't do that additional outreach.

MR. FISCHER: . . . *(inaudible)*. . . County does it.

MR. BIGLEY: Well, I know, but, okay, you know what we have to do.

COUNCILMEMBER PALTIN: Being good citizens.

MR. BIGLEY: Yeah, you know what we have to do.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. And we can also look in, as Member Hokama mentioned earlier, the way that the streets are designed historically look like it was meant to feed in to mauka development.

MR. BIGLEY: It does, it does, it dead ends right there. It looks exactly like it should've gone --

COUNCILMEMBER RAWLINS-FERNANDEZ: Continued.

MR. BIGLEY: --you know, all the way through, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. BIGLEY: It's, it wouldn't take a lot of effort in terms of logistics to make it happen. We'd have to do a few things for the retention basins.

CHAIR KAMA: Thank you, Miss . . . *(inaudible)*. . .

MR. BIGLEY: But we know we can get over there. That's not the issue. It's the, if we can get these last few pieces done, we can get there.

CHAIR KAMA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Just quick clarification. So, as we were told about the sewer, the green line now, they're not going to do the red line, we're talking about the green line?

CHAIR KAMA: Right, doing the green line.

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COUNCILMEMBER HOKAMA: As we understand it now on the Committee, Chair, the green line would need an EIS component since that wasn't part of your original since that's how you came up with the red line 'cause you're going through private property now for the green line?

MR. FUJIMOTO: Testing. No, we did get the clarification that this project with the green line was acceptable under the 2012 EIS.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: Including those that go over the private property?

MR. FUJIMOTO: Including, right, it was, that's what we get, that's what we did the clarification for, particularly with this sewer line alignment through, to Kapunakea.

COUNCILMEMBER HOKAMA: So, that was the only opportunity for those private property owners to --

CHAIR KAMA: Weigh in.

COUNCILMEMBER HOKAMA: --provide comment or objections to the proposed line then?

MR. FUJIMOTO: Yes, yes. Yes, the real reason why it...well anyway, that was the reason we did it because our EIS did not include this sewer line alignment.

COUNCILMEMBER HOKAMA: Right, right. That going be harder than the road, I think.

MR. BIGLEY: . . .*(inaudible)*. . . sort of one more wrench in here is that, so, what we'd like to do is distill these conditions into actionable items which I don't think we're there yet on one of them which you're not, I'm not talking about the farming one, I'm talking about the safe pedestrian access 'cause it's not quite actionable yet. We're trying to get a new, an actionable thing. So, we have to do a little work on that. But the other thing I wanted to remind you is we have to do it in a way, because we do have that April 1 deadline we're trying to meet. So, we have to do it in a way that they're actionable items that we'd have to meet, or we'll do our best efforts or whatever, I don't know how you craft it. But we'd have to do it in some fashion that we can still get the 201H approved, anyway, so.

MS. MUNEKIYO-NG: Clarification --

CHAIR KAMA: Yes?

MS. MUNEKIYO-NG: --I think Councilmember Rawlins-Fernandez had recommended for the safe pedestrian access, and I believe Councilmember Molina agreed that the condition could be to work with the County to provide safe access So, is...

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MR. BIGLEY: Saying is that, I'll defer it to...

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

MR. BIGLEY: How you've met it.

MS. MUNEKIYO-NG: Yeah, okay. That would be, yeah, like a best effort kind of condition.

CHAIR KAMA: Okay. Best effort conditions?

MS. MUNEKIYO-NG: Perhaps something along the lines of the developer will work in its best effort with the County to provide safe pedestrian access.

CHAIR KAMA: That sounds right. That sounds good, to work with the County to provide...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm okay with that and --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: --finessing it more by first reading.

CHAIR KAMA: Thank you. Okay. Okay. Members, it is the end of the day and Mr. Bigley has responded to all of your concerns. So, we have a recess date for the 14<sup>th</sup> of which we don't, we may not...

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

CHAIR KAMA: The 13<sup>th</sup>, the 13<sup>th</sup> that's right. So, Chair said yes for the 13<sup>th</sup>. So, are you all able to meet on the 13<sup>th</sup>? Okay. So, Mr. Molina is not. Mr. Sinenci, yes. Ms. Rawlins-Fernandez on the Monday the 13<sup>th</sup>?

COUNCILMEMBER RAWLINS-FERNANDEZ: Monday the 13<sup>th</sup> in the morning I could. Why are we not voting?

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . written out.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because we want it in writing? Okay.

CHAIR KAMA: Do want it in writing or do you just want to just by what you heard today vote?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm okay with voting today.

CHAIR KAMA: You want to vote, you guys want to vote?

COUNCILMEMBER SUGIMURA: Let's vote.

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CHAIR KAMA: Everybody ready? Okay. I need a motion please.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: I moved. Second.

CHAIR KAMA: Okay. Thank you. So, it's been moved by Yuki Lei Sugimura to approve the, what did I say --

COUNCILMEMBER LEE: Adopt the resolution.

COUNCILMEMBER SUGIMURA: Adopt the resolution.

CHAIR KAMA: --it says right here, to approve with modifications, the Keawe Street Apartments at the Villages of Leialii and seconded by Member Keani Rawlins-Fernandez. Thank you, ladies, very much, to the punch. Oh, welcome back, Kelly King. Thank you. Is anybody else coming back? I guess not. Okay. So, it is moved and seconded. All those in favor please say "aye."

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes?

VICE-CHAIR MOLINA: Sorry, I just want to disclose something to the body.

CHAIR KAMA: Oh, disclose your way.

VICE-CHAIR MOLINA: Yes, I have a near and dear relative that works for Munekiyo and Hiraga, just for informational purposes. But as far as myself, I don't have any financial stake in, you know, the company or the applicant as well. So, I wanted to make sure that everybody knows that. And if anybody has a problem with my participation with voting on this please let me know now. I will be getting an advisory opinion from the Ethics Board for any future involvement with the company for applicants for other projects in the future. So, I'd just like to disclose that.

CHAIR KAMA: Thank you for that disclosure, Mr. Molina.

COUNCILMEMBER LEE: Yeah, no problem.

CHAIR KAMA: And it's not as if we all did not know the near and dear to your heart is also near and dear to our hearts.

COUNCILMEMBER SUGIMURA: Yes, true.

CHAIR KAMA: So, all those in favor of the motion please say "aye."

COUNCILMEMBERS: Aye.

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CHAIR KAMA: All those opposed?

COUNCILMEMBER HOKAMA: No.

CHAIR KAMA: So, we have, let me see, two, four, six, seven, eight...no seven.

COUNCILMEMBER KING: Seven

COUNCILMEMBER SUGIMURA: Seven.

CHAIR KAMA: Oh, I'd like to count Tamara. We can't do that, can we?

COUNCILMEMBER SUGIMURA: Cannot.

CHAIR KAMA: Okay. Seven "ayes," one no, and one excused. So, motion passes.

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

**NOES:       Councilmember Hokama.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Paltin.**

**MOTION PASSES.**

**ACTION:       Recommending ADOPTION of revised proposed  
resolution approving the project with modifications  
and FILING of resolutions to approve the project and  
disapprove the project.**

CHAIR KAMA: Thank you very much, everyone. So, it is the end of the day and we do not need...oh, we do need to meet, right? Oh no, we don't.

COUNCILMEMBER SUGIMURA: First reading.

COUNCILMEMBER LEE: No, we don't.

CHAIR KAMA: Oh, this meeting is adjourned. Thank you, everyone. . . .*(gavel)*. . .

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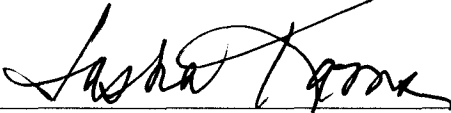
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**ADJOURN:** 5:26 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read 'Tasha Kama', written over a horizontal line.

TASHA KAMA, Chair  
Affordable Housing Committee

ah:min:200108:min

Transcribed by: Marie Tesoro

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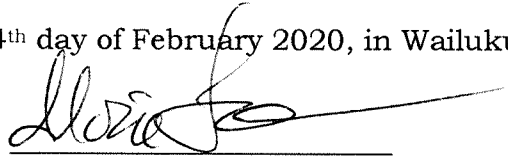
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CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 4<sup>th</sup> day of February 2020, in Wailuku, Hawaii

A handwritten signature in black ink, appearing to read 'Marie Tesoro', is written over a horizontal line.

Marie Tesoro