

PLANNING AND SUSTAINABLE LAND USE COMMITTEE
Council of the County of Maui

MINUTES

June 3, 2020

Online Only via BlueJeans Link

CONVENE: 9:01 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Kelly Takaya King
Councilmember Alice L. Lee (in 9:09 a.m.)
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Yuki Lei K. Sugimura

NON-VOTING MEMBER:

Councilmember Tasha Kama (in 9:54 a.m.)

STAFF: Ana Lillis, Legislative Analyst
Alison Stewart, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Richard Mitchell, Legislative Attorney
Clarita Balala, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk

Christi Keliikoa, Executive Assistant to Councilmember Tamara Paltin
Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya King
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Lei Kama Sickels, Executive Assistant to Councilmember Tasha Kama

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Michele McLean, Director, Department of Planning
Tara Furukawa, Planner, Department of Planning
Linda Munsell, Deputy Director, Department of Housing and Human Concerns
Clyde "Buddy" Almeida, Housing Administrator, Department of Housing and Human Concerns
Jordan Molina, Deputy Director, Department of Public Works

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OTHERS: Mike Wysocki
Kawika Freitas
Lawrence Carnicelli
Keaka Robinson
Tina Wildberger
Mark Joiner
Scott Shapiro
Kai Nishiki
Bruce Purvis
Troy Jones

Howard Kihune, Aina Lani Pacific, LLC
Jeff Kihune, Aina Lani Pacific, LLC
Sandra Duvauchelle, Lehua Builders, Inc.
(4) additional attendees

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

**PSLU-56 CHANGE IN ZONING FOR THE PROPOSED KILOHANA MAKAI
WORKFORCE HOUSING PROJECT (KIHEI) (CC 20-191)**

CHAIR PALTIN: . . . *(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of June 3, 2020 come to order. The time is 9:01 a.m. If everybody can please silence their cell phones or any noise-making devices. And if you're not a speaker if you could mute yourself that would help us out a lot. I'd like to introduce myself; my name is Tamara Paltin, I'm the Chair of the Planning and Sustainable Land Use Committee meeting. With us today we have my Vice-Chair Shane Sinenci. Good morning.

VICE-CHAIR SINENCI: Aloha kakahiaka kākou mai Maui hikina.

CHAIR PALTIN: Aloha kakahiaka. And we also have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and blessings to you, Madam Chair, and everyone and from the wonderful, beautiful place called Makawao. Thank you.

CHAIR PALTIN: Aloha. And let's see if we have . . . Chair Alice Lee. Okay. She's probably coming along.

UNIDENTIFIED SPEAKER: Ten thirty, yeah?

CHAIR PALTIN: Next we have Council Vice-Chair Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou mai Molokai nui a hina.

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CHAIR PALTIN: Aloha kakahiaka. And we also have Councilmember Kelly King.

COUNCILMEMBER KING: Aloha, Chair.

CHAIR PALTIN: Aloha. And also Councilmember Yuki Lei Sugimura. I don't see her but she's probably on her way as well. Our non-voting Committee members are Riki Hokama, and Tasha Kama and they're welcome to join us. I see Councilmember Yuki Lei Sugimura just joined us.

COUNCILMEMBER SUGIMURA: Yeah. Good morning. Sorry I'm late. Thank you.

CHAIR PALTIN: No problem, no problem. We just got started with introductions. Today with us we're . . . yeah, we do have Corporation Counsel Michael Hopper. Good morning.

MR. HOPPER: Good morning, Chair.

CHAIR PALTIN: Good morning. And from the Administration from the Department of Planning, I did see Director Michele McLean. Good morning.

MS. MCLEAN: Aloha, Chair. Good morning.

CHAIR PALTIN: Aloha. And also with us we have Planner Tara Furukawa. Good morning.

MS. FURUKAWA: Aloha, Chair. Good morning.

CHAIR PALTIN: Aloha. And from the Department of Housing and Human Concerns we got Deputy Director Linda Munsell. Good morning.

MS. MUNSELL: Aloha, Chair. Good morning.

CHAIR PALTIN: Aloha. From Public Works we have Deputy Director Jordan Molina. And he might be joining us a little bit later on after testimony maybe. Kilohana Makai representatives we have, Sandra Duvauchelle. Good morning.

MS. DUVAUCHELLE: Good morning, Chair. Thank you.

CHAIR PALTIN: Good morning. Howie and Jeff Kihune, on the line but they appear to be muted. Let me see. Good morning.

MR. KIHUNE: Good morning, Chair.

CHAIR PALTIN: Okay. And for Committee Staff we have Clarita Balala. The Assistant Clerk we got Jean Pokipala.

MS. POKIPALA: Good morning.

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CHAIR PALTIN: Good morning. Legislative Attorney Richard Mitchell. Good morning. Our Legislative Analyst Ana Lillis.

MS. LILLIS: Good morning, Chair.

CHAIR PALTIN: Sorry about that. Legislative Analyst Nicole Stewart. Good morning. And Legislative Analyst Laksmi Abraham. And with us we have also Chair Lee. Good morning.

COUNCILMEMBER LEE: Oh, Madam Chair. I'm sorry I'm a little late. But for all of our friends who are of Polish decent dzień dobry, dzień dobry. Good morning.

CHAIR PALTIN: Dzień dobry to you too.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: So, today we have one item on the agenda PSLU-56, Change in Zoning for the Proposed Kilohana Makai Workforce Housing Project (Kihei). The Committee is in receipt of County Communication 20-191, from the Planning Director, transmitting a proposed bill entitled "A Bill for an Ordinance to Change the Zoning from Open Zone to R-1 Residential District for 6.943 Acres in Kihei, Maui, Hawaii, Identified as Tax Map Key (2) 3-9-004:141." And it says the purpose of the proposed bill is to change zoning from Open Zone to R-1 Residential District (Conditional Zoning) for approximately 6.943 acres at South Kihei Road and Kilohana Drive, Kihei, Maui, Hawaii. And then it says the tax map key again. So, at this time I would like to open testimony and if there's no objection, Members, I'd like to be able to take testimony before as well as after the presentation. Some folks might not know exactly what they're testifying on. Is there any objection to that?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Thank you, Members. So, Public testimony can be taken now or after the applicant's presentation. If you're unable to stay until after the presentation please identify yourself in the chat now. If you are calling by phone and cannot stay, please unmute yourself by pressing star 4 and request to testify before the presentation. Testifiers wanting to provide video testimony should join the online meeting via the BlueJeans meeting link <https://bluejeans.com/597785199> [sic] as noted on today's agenda. Testifiers wanting to provide audio testimony should dial 1-408-915-6290 and enter the meeting code 944 504 421 [sic] also noted on today's agenda. When it's your turn to testify, please unmute yourself by pressing star 4. Written testimony is encouraged by sending your comments to pslu.committee@mauicounty.us referencing PSLU-56. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I'll kindly ask you to complete your testimony. When testifying please state your name. If you are testifying on behalf of an organization or a paid lobbyist, please inform the Committee. Staff will post a link to the testifiers log in the chat so testifiers will be able to see where they are on the list. Please be mindful of the use of chat during the meeting.

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Chat should be limited to items on the agenda and should not be used to provide testimony or chat with other testifiers. If providing testimony, please be courteous to others by muting your microphone while waiting for your turn to testify. Participants who wish to view the meeting only without providing testimony please view a live cablecast on *Akakū* Channel 53. You can also visit mauicounty.us to access live and archived meeting videos. Respectfully request Committee Members, Administration, and the public to please be patient with us as we continue to navigate through this new platform. Staff has been monitoring people joining today's meeting by phone and by video and we will do our best to take each person up in an orderly fashion. Will Staff please call up the first testifier who can't wait until after the presentation.

. . . BEGIN PUBLIC TESTIMONY. . .

MS. LILLIS: The first person signed up to testify is Mike Wysocki. Please identify yourself for the record. You'll have three minutes to testify. Please unmute yourself, Mike.

MR. WYSOCKI: Mike Wysocki. Mike Wysocki, just unmuted. So, can you guys hear me?

CHAIR PALTIN: Yes, we can. Thank you. Please go ahead.

MR. WYSOCKI: Excellent. Well, thank you very much. My point for today on the call is the zone changes of South Kihei Road. These are just some things that I've noticed. I was in the Planning meeting a few months back, I went to the Council meeting . . . I think it was a month or two back obviously, and here's some points I would like to make. The development will change . . . this development will be changing the landscape of the area. There's at least four homeowners associations that I know that would like to meet with the developer and we'd like to know if that could happen. We'd like to get a chance to sit down and talk with him, conference call with him, Webex with him, BlueJeans with him. Whatever it takes so we can actually get a chance to talk to the person that will be building this complex. You know, because in the past I've been in these situations and the developer has met with the community, but for some reason this developer is not meeting with anybody. So, if you guys could help that out that would be excellent. The second point I'd like to make would be will this complex have an HOA to enforce the rules of the area or will there be no rules? Could a buyer, you know, park on their front lawn or could they park on Wela Street, which is by the way full of cars as it is and the Police Department come there constantly to ticket up and down the street anyways. So we're already having problems on Wela Street. So, if you guys want to address that one that'd be great. The density of the complex is a little expansive in the amount of cars that we expect to be in there will really flow into the area extensively, so if it could flow into South Kihei Road instead of Wela Street that would be great. Or it would be great to open up Wela Street by the way to Kilohana. But during the Planning Commission the developer nixed that quickly and . . . so he just wants to, you know, go wherever he wants to go actually. So, if you guys could help us out on that that would be excellent by the way. Ohanas were a big issue too at the planning meeting and all like that. And people were like well if it's going to be ohanas there's going to be more and more cars and more and more people down there

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and they were pro-ohana. And if you guys could, you know, check into that because it's only more density and more people and it was also mentioned that the ohanas are a great way for the people who win these lottery houses to pay the mortgages of that. So, then they get stressed out about Airbnb and so if they have an HOA or not or will it be Airbnb, is it all . . . you know. So we just . . . we need a really nice development, we just don't want anything that's running amuck or anarchy which we're seeing on the streets these days. Beach access and walkways, that was a big issue too. Will the people in the houses in the areas like . . . I live in Hoolapa Street at the bottom of it. Oh, I'm just shot down. So, anyway but the point about it is we'd like a beach road access if you guys could help us out. Developer said it was a liability. All we want is a successful project and a nice complex. So, we're here to work, we just don't want an eyesore, whatever can be done right. Anything you guys could help us out with we thoroughly appreciate. So thank you for the time, have a great day, good luck and I can be on here for an hour so I'm dying to listen. Aloha.

CHAIR PALTIN: Thank you, Mr. Wysocki. I see that Vice-Chair Sinenci has a question for you. Can you stay on the line?

MR. WYSOCKI: Sure, yes. I can't see the person, but I will be more than happy to answer the question of the Councilperson. Yes.

CHAIR PALTIN: Okay. Go ahead, Mr. Sinenci.

VICE-CHAIR SINENCI: Thank you, Chair. Thank you for your testimony today. I just wanted to . . . did you mention which Homeowners association you are with?

MR. WYSOCKI: Yeah, it's called Kilohana Waena. So, Mr. Sinenci, there's homeowners' association like on the four or five streets. Each street is basically a homeowners' association. So if you look at a street it's a homeowners' association. Some have like two streets it's a homeowners' association, some are one street. So there's a few of them.

VICE-CHAIR SINENCI: Okay. Thank you.

CHAIR PALTIN: Any further questions? Council Vice-Chair Rawlins-Fernandez, followed by Councilmember King, followed by Councilmember Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so you're part of . . . aloha, Mr. Wysocki. Mahalo for your testimony this morning. So, you're part of Kilohana Waena, HOA.

MR. WYSOCKI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And has Kilohana Waena and the other three homeowners' association reached out to the developer of this project?

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MR. WYSOCKI: Not to my . . . I mean I don't . . . actually I don't even know who the developer is, how about that. So, I couldn't reach out to him. But I'll be more than happy to call the guy right after this if you can give me his name and number. Smile and dial I'll get him on the phone and talk to him. And I'll get everybody to talk to him.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. WYSOCKI: We'll do whatever we can do to talk to this guy, whoever he is.

CHAIR PALTIN: Okay.

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

MR. WYSOCKI: Aloha.

CHAIR PALTIN: Thank you. Member King?

COUNCILMEMBER KING: Thank you. Thank you for being here, Mr. Wysocki. And have you guys . . . I wondered if your association is also members of the Kihei Community Association. Have you been working . . .

MR. WYSOCKI: Not to my knowledge. Ms. King, the only thing I've heard about the Kihei Association was when we went to the Planning Committee and they did speak about the Kihei Association and I was not familiar with it. So, I never heard about that until that day.

COUNCILMEMBER KING: Okay. The Kihei Community Association is our main community association in South Maui. And they've spoken out with cautions about this same project. But what you were . . . you were talking about beach access when you got cut off, and where would you . . . I was just wondering about the . . . what you were proposing because this project is on the opposite side of the street from where the beach is. So, where would you be requesting beach access?

MR. WYSOCKI: Well, there's two ingress and egress points that people use. One is at the bottom of Hoolapa, which I live at, is a street access we . . . they're being . . . you know, we could cut through and it's been used for years. And then there's another one at the street, like two streets away from me. I'm just not good at memorizing names of streets but I could dig it up for you and it's just a constant road in and out. Basically, you can walk to 5 Palms from there, how about that.

COUNCILMEMBER KING: Okay.

MR. WYSOCKI: So, if you're at 5 Palms you walk across the street. It's just a constant so if the developer could open that up I think that would please a lot of people.

COUNCILMEMBER KING: Okay. Thank you, Mr. Wysocki.

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CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Yes. Thank you, Madam Chair. Good morning, Mr. Wysocki. Just a quick question. How close do you live in proximity to the proposed project? And I know you mentioned in testimony you wanted to know if there's going to be a homeowners' association. And I think you mentioned something else, I probably missed it, could you clarify that for me?

MR. WYSOCKI: Sure, Mr. Molina. I live . . . oh God, say feet-wise 250 feet. I can easily throw a baseball right into the complex right now.

COUNCILMEMBER MOLINA: Okay. Great. And then what else were you planning on asking the developer about the project besides the homeowners' association?

MR. WYSOCKI: Well, actually when I kind of cut off that was basically the . . . my points were, beach access was a big issue, ohanas were a big issue, density is a big issue, if they're going to have a HOA in rule to enforce rules was a big issue. And also partnering with us is a big issue as well. So, we'd like to have him or her understand, you know, our area and, you know, so we can probably agree upon what would fit into the area. Because who knows what he can or can't build or what could he do and it could turn out really nice. It could be some of the nicest homes in the area or, of course we fear it could turn out to be god-awful. And it would just, you know, decimate the area. It's a beautiful area South Maui down here and putting up a nice complex, go for it guys. Putting up a--

COUNCILMEMBER MOLINA: Okay.

MR. WYSOCKI: --bad complex, block it.

COUNCILMEMBER MOLINA: Okay. Okay, thank you, Mr. Wysocki. I appreciate your responses. Thank you, Madam Chair.

MR. WYSOCKI: Thank you, sir.

CHAIR PALTIN: Thank you. Mr. Wysocki, I had a couple questions. The first one when you had said that you wanted either a connection to South Kihei Road or to continue Wela onto Kilohana Drive. The South Kihei Road connection, were you thinking of Ponana Street extending onto South Kihei Road, is that what you meant?

MR. WYSOCKI: No. I was thinking on the South Kihei Road would be . . . some way where there would be an egress . . . an ingress on South Kihei Road for the people at this new complex. Because if I can recall when they had the diagrams before there was no egress and ingress of that. So, if there were . . . that could be . . . if that could occur that would be great. It would increase the traffic on South Kihei Road, but it might pull the traffic off of Wela Street. But as you know people want to go the easiest route and Wela Street goes up through the residential area, which we believe the traffic will

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increase. So, I mean people take the easier route, but if there was a Wela Street connection that went right into Kilohana that would be great as well so.

CHAIR PALTIN: So, you're not in favor of a Ponana to South Kihei Road?

MR. WYSOCKI: I got to say off the top of my head I don't . . . I'm not . . . again even though I live in this area for three-plus years I don't remember every streets name. So, sadly I can't remember where Ponana Street is.

CHAIR PALTIN: Is . . . you said there's a walking path from Hoolapa Street through to South Kihei Road, is that what you're saying?

MR. WYSOCKI: That is correct.

CHAIR PALTIN: And then where . . . so then people jaywalk across South Kihei Road or do they go . . .

MR. WYSOCKI: No, it's . . . I didn't want to interrupt you, but right across from Kilohana there is a walkway so we can walk across there. There's no jaywalking, yeah.

CHAIR PALTIN: Okay. So, I mean if they do connect Wela to Kilohana you could've actually just continue walking on Wela down to Kilohana and not go through the subdivision.

MR. WYSOCKI: Correct. That's a great, good . . . excellent and legitimately in one argument. Thank you, that was good one.

CHAIR PALTIN: Okay. Okay, right on. Thank you so much for your input, and yeah, hopefully you can meet up with the developer. Just to let you know it's the Kihune Aina Lani LLC and Lehua Builders, who I mentioned at the beginning of the meeting.

MR. WYSOCKI: Great. I'll try to track these people down.

CHAIR PALTIN: Okay. And, Ms. Lillis, would you please call the next . . . or sorry.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: Ms. Sugimura, did you have a question?

COUNCILMEMBER SUGIMURA: Yeah, I did for the testifier. So, in his testimony he said, and I could have gotten it wrong. My notes says that he said that he would like to talk to the developer and if they were going to have an HOA maybe they could work together. So, what does that mean to him? I'm curious.

CHAIR PALTIN: Mr. Wysocki, are--

MR. WYSOCKI: Oh, no . . .

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CHAIR PALTIN: --you still on the phone?

COUNCILMEMBER SUGIMURA: Did I misinterpret you?

MR. WYSOCKI: Yes, I'm still on the . . . yes, I'm still on the phone. We'd just like to find out if they're going to have an HOA over there. From the meetings I do not recall if he mentioned if there was a HOA or not.

COUNCILMEMBER SUGIMURA: Okay. So, you just wondered that. Okay. Not that you would have a problem with them.

MR. WYSOCKI: Yeah.

COUNCILMEMBER SUGIMURA: Thank you. Thank you. Thank you, Chair.

MR. WYSOCKI: Thank you.

CHAIR PALTIN: Thank you. Anybody else have any questions for the testifier? Seeing none, thank you so much for your testimony. Ms. Lillis, will you please call the next testifier who would like to testify before the presentation?

MS. LILLIS: The last person signed up to testify before the presentation is Kawika Freitas. You will have three minutes to testify. Please unmute yourself, Kawika Freitas.

CHAIR PALTIN: Good morning, Mr. Freitas. Thank you for your service on the Planning Commission.

MR. FREITAS: Good morning, Chair. Good morning Committee Members. And thank you for allowing me to share my manao in support of this application to change the zoning. In a presentation last year by Mr. Frank De Rego, as a member of the Maui Economic Development Board he stated that in the next ten years Maui needs 14,000 homes to be built to meet the housing needs of this County. I feel this project will help to reach that goal. The developer of this affordable housing project has had success in other affordable home projects on Maui, most recently about 30 homes on Kaanapali Hill on the West Side. I have been in and have seen homes in this development as I have some friends and family who were chosen through the lottery system to become homeowners. And all are very pleased with the quality and affordability of their new home. This developer could easily choose to develop multi-million dollar homes, commercial development where the profit margins are much higher, but humbly chose to provide affordable homes because that is the priority for the Maui community. As a current Maui Planning Commissioner I would like to remind you that the commissioners heard this case and we unanimously approve it to be sent to your . . . for your decision. Again, I support changing this zoning and I thank you all for your time.

CHAIR PALTIN: Thank you, Mr. Freitas. Members, any questions for the testifier? Member King?

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COUNCILMEMBER KING: Thank you, Chair. Aloha, Kawika.

MR. FREITAS: Aloha, Ms. King.

COUNCILMEMBER KING: I haven't seen a lot of commissioners, Planning Commissioners testifying on projects that come out of the Planning Commission, so I just wondered if you had . . . do you have a connection to this particular project?

MR. FREITAS: One of the main things that I prefer or as a Planning Commissioner, what I would like to see are things like affordable housing for Maui. We hear a lot of politicians stating this and when it comes through I will be an advocate to push it through as much as I can. I do know Mr. Kihune, our children went to school together. Other than that if that was your question, I do know him in that way but was not the reason so much that . . .

COUNCILMEMBER KING: I was just curious because I hadn't seen anybody from the commission testifying on any of the other affordable housing projects that we have in Kihei. But did the commission have any concerns that the community has not had any meetings with the developer?

MR. FREITAS: When we had our meeting I was not aware at that time about meetings not being conducted. There were a lot of . . . to tell you the truth there were a lot of opposition letters and mostly it was from people that live around the area that was concerned about this development and how it affected them. It sounded more like they thought it was a low-income and it was going to bring down their value of their property. We did bring up some concern that people were cutting through the property, the existing property. And yet they were against us putting . . . or not us but against the developer trying to put this together, yeah.

COUNCILMEMBER KING: Okay. Well, a lot of the concerns . . . because I did read some of that testimony had to do with the fact that we didn't . . . nobody in Kihei knew anything about this until it was proposed by a Councilmember from the last term who doesn't live in the community. So, that's, I'm sure a lot of that concern come up with the Planning Commissioner. I was just curious that the Planning Commission would not advise the developer to meet with the community.

MR. FREITAS: Okay.

COUNCILMEMBER KING: You didn't advise that?

MR. FREITAS: No.

COUNCILMEMBER KING: Okay. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Sugimura, question for the testifier?

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COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you, Kawika, for being here. And I want to commend you as a brand new commissioner for testifying because I think you are our cultural heritage person. And I know you from Old Lahaina Luau and you always give 200 percent from what I could remember. So, thank you for being here, thank you for testifying. I do appreciate having a voice from the Planning Commission so we can hear, you know, what you heard and what the vote was. So, thank you very much.

MR. FREITAS: Thank you. Yeah, and I'd like to also add that I appreciate your words. I've only been on for about four months so maybe back to Ms. King's statement I'm not sure why previous ones there wasn't . . . any of the commissioners come and speak. I don't think I was involved with any others before this one, this is my first. Thank you.

CHAIR PALTIN: Members, any further questions for the testifier? None. Next up we have another Planning Commissioner, the Chair actually. We have Lawrence Carnicelli.

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

UNIDENTIFIED SPEAKER: Yeah, we . . . *(inaudible)* . . . we met with the KCA. They supported us and Vernon Kalanikau.

CHAIR PALTIN: Your mic is on. If you can mute yourself that would be awesome. Okay, Mr. Carnicelli, are you there? You're next up.

MR. CARNICELLI: Good morning, Chair.

CHAIR PALTIN: Good morning. Thank you.

MR. CARNICELLI: I appreciate . . .

CHAIR PALTIN: This must be a record, we got two Planning Commissioners.

MR. CARNICELLI: Yeah. I pulled over to . . . so I'm coming to you from my car. I like . . . it's the first time I've done the BlueJeans thing with you guys. So, I appreciate your time and effort and it's pretty interesting doing it from this side. So as Kawika said, you know, we unanimously passed this and recommended to you guys for passing. And this is exactly everything that you guys are going to talk about until November. This is a local homebuilder building local, you know, for local families. That is what this is, 28 families. The landowner cut a deal with them specifically saying, listen this is local families only. You know they've owned this property for generations or however long it is if I recall, I don't have the notes in front of me. But they said, listen we want local families coming here. And so unfortunately, when it came to us as it does with every project the neighbors showed up against it. You know, I mean and that's just what happens right, every single time and they're going to talk about traffic and they're going to talk about property values. That was the number one thing that they talked about in the Planning Commission. You know, they're going to talk about density, they're going to talk about view, they're going to talk about water, they're going to talk

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about infrastructure. It's the same thing that you guys hear with every project right, I mean it's the same thing. They even tried to bring up sea-level rise, oh, the line is close, it's not there. And the part that was kind of in a way a little bit disheartening in that meeting was . . . it became kind of like a conversation about the haves and have-nots. You know, as the first testifier said there's four associations up there. Well, the first association opposed the second association. Those two associations opposed the third association and those three opposed the fourth one. Now all four of them are opposing this one. So, it's just the same thing happening. You know, I mean that's just kind of . . . you know, you guys see this over and over again. So, there's couple things I do want to address. One would be, you know, oftentimes you guys want to put restrictions on things. Those restrictions most of the time affect the buyer, not the homebuilder, you know. I know that, you know, to a certain extent like, you know, you guys are probably going to have a conversation about, you know, 15 years versus 30 years restrictions. But that affects those local families, right. That affects those local families' ability to have equity in their home. You take it to 30 years they have no equity in their home. You basically you're making rentals. So, what you should do is have them build them, the County buys them and then rents them out. You know, and really what we should do is create a policy decision and change that, you know, have that conversation rather than every developer having to talk about how long the restrictions are.

CHAIR PALTIN: Oh, Mister. . .

MR. CARNICELLI: My phone rang. Sorry, my phone rang. I had to hit deny real quick. But is to maybe . . . you know, we change the ordinance so it's consistent. So, every project and every group of homebuyers doesn't have to go through a whole new thing. So, ingress/egress ironically enough the ingress/egress from makai-mauka to those subdivisions, those four or five streets, actually they don't have access there. I guess my time's up . . . obviously, there's a lot more. But they're worried about their own access when they technically don't even have access there themselves. So, there's a couple other things that were obviously very concerning for us. But in three minutes you can only get to so much. So, thank you, Chair.

CHAIR PALTIN: Thank you. Members, questions for the testifier? I see Ms. Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: So, Chair, if you would allow him to finish off his last couple of points from the Planning Commission. He said there were other points if you would allow.

CHAIR PALTIN: Can you put that in the form of a question to the testifier?

COUNCILMEMBER SUGIMURA: Please finish off your last two points from the Planning Commission that you'd like to share with us about this project?

MR. CARNICELLI: I'll tell her . . . I'll be succinct. Is one was the ohanas, we had conversations about the ohanas. You know, just by ordinance they're allowed. I think

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that it's actually very . . . I don't know, I think it's pretty cool that the builders actually want to leave that to the homeowner. They're not trying to maximize density, you know, they could say, like oh, okay instead of 28 houses and 28 ohanas we're going to let that local family have the ability to build that ohana themselves to be able to build equity to be able to then move forward with their family in the future. So, I actually personally thought that that was really cool that they didn't try to maximize it, but they left that option for those local families. So, that's . . . I'll leave it at that.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thank you very much.

CHAIR PALTIN: Thank you. Member Sinenci, followed by Member Rawlins-Fernandez.

VICE-CHAIR SINENCI: Mahalo, Chair. Mahalo, Mr. Carnicelli, for being here today. I just had a question. Did the Commission have any recommendations for the builder?

MR. CARNICELLI: Gosh, I'm trying to remember off the top of my head right now is . . .

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

MR. CARNICELLI: I think it would be in . . .

CHAIR PALTIN: --2.96.040, they have to abide by Chapter 2.96.040 workforce housing policy was the condition.

MR. CARNICELLI: And as I recall . . . as I recall they actually have signed a workforce housing agreement with Department of Housing and Human concerns. So, they've actually executed that contract, I believe. I mean they can probably address that in the presentation.

VICE-CHAIR SINENCI: Is this a 201H project?

MR. CARNICELLI: I don't believe so. No.

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

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Carnicelli. Mahalo for joining us. I have one question. Were you told or was the Planning Commission told by Corporation Counsel that there are certain exempted processes that are not conducted for the Council to initiate the Change in Zoning?

MR. CARNICELLI: That's a great question. I don't recall the answer specifically right now sitting here in my truck. I believe that might be the case. I mean it sounds . . . it sounds probably that that may have happened. But again through the process they may be allowed to be exempt by certain things. But I mean, sure if it's something that concerns you guys, you know, whatever that thing might be exempted from. If I was

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sitting in your shoes I would bring that up. I mean I didn't have . . . we didn't . . . the Commission didn't have the ability to address those things but you guys do I'm sure.

CHAIR PALTIN: Yeah. I think it was the notification of . . . *(inaudible)*. . . homeowners 500. The . . .

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

CHAIR PALTIN: Okay. Any further questions? Member Molina?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. Good morning, Mr. Carnicelli, thanks for being here. Just clarifying one of your statements, how you mentioned it became . . . I guess in the discussions and the interactions between the commissioners and the developer and the residents. You said it became more like a have versus the have-nots. Can you cite some examples of what made you feel that way?

MR. CARNICELLI: I think in the testimony, a lot of the testimony that came forth was about property values and it was about the type of people that would be coming into that neighborhood. You know, and the type of person, the type of house that would be built there. And so that was really what gave the flavor of that in the room. And to Ms. King's point we did ask the, you know, as far as reaching out to each other, right. We asked the homeowners and say, hey listen, you know, there's a process here. You may not have known about it prior to this but there is a process. And, you know, they had every opportunity to reach out to the developer between then and now.

COUNCILMEMBER MOLINA: Okay. Thank you very much. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Member King, question for the testifier?

COUNCILMEMBER KING: Thank you. Hi, Lawrence, how are you doing? You pulled over right?

MR. CARNICELLI: Good morning. Yes. Yes, yes, not driving.

COUNCILMEMBER KING: Thanks for being here. Hey, I have a question for you about the . . . I mean I've seen testimony from people outside that area. So, I don't think it's just the residents in the area. The KCA has come out with their concerns because we're at the beginning of the community plan, I've heard from people who frequent that area because of the beach that don't live in that area. So, I don't think it's just those homeowners. But do you see it . . . because this came to the community totally unawares from outside the community. Do you see this as the residents' responsibility to find out who the developer is and contact them when a lot of them didn't even know it was happening until it was dropped in our laps? I mean do you . . . or do you see this as the developer's responsibility to reach out and contact the people in the community?

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MR. CARNICELLI: I'd put the onus on both. You know, personally I think that, you know, it's not like . . . you know, I mean I don't know when the Planning Commission meeting was but I know that it was months, plural, ago. You know, and so I think that yeah, it could have been both sides absolutely. You know, could be . . . the homebuilders have said, okay listen I need to reach out for the concerns for the community and then the community says hey listen we've got some concerns we should reach out to the developer as well. I put it on both. I put it on both.

COUNCILMEMBER KING: Well, a lot of people didn't even know about this until it was, you know, sent over to the Planning Commission. But . . .

MR. CARNICELLI: And I think that that's true. So, but between then and now is what I'm saying.

COUNCILMEMBER KING: You don't know when the meeting was. Were you in that meeting?

MR. CARNICELLI: I was but I don't recall the date off the top of my head right now.

COUNCILMEMBER KING: But it was before the lockdown so you guys . . . you had a physical meeting?

MR. CARNICELLI: Yeah.

COUNCILMEMBER KING: Okay. So, because that's . . .

MR. CARNICELLI: Yeah. Yeah. It was a physical meeting the room. I almost want to say it might even . . . yeah, it was in, physically in the room.

COUNCILMEMBER KING: Okay. But you did not request the developer to reach out and meet with the community at that time?

MR. CARNICELLI: You know what I can't recall if I, you know, if it was one of those, you know, you side mentions or mandates or, I mean I guess we can't mandate anything. But as I recall it was one of those things, you know, we typically try to do it any time there's discrepancies, right. Just like you guys do. Saying, hey listen there's time between now because we're not the decision maker and when the decision's going to be made by you guys. So, between then and now you all need to get together, and we often times do that, you know, in many different things that come before us. So is that what you guys --

COUNCILMEMBER KING: I . . .

MR. CARNICELLI: --you need to try to do that.

COUNCILMEMBER KING: Yeah. It's a concern for me because we have other projects that have been supported by the community. But they came to the community first. So,

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that's what I'm hoping that you guys will kind of start leaning in that direction. Thank you, Chair.

MR. CARNICELLI: Yeah. And unfortunately we don't . . . unfortunately, we don't get a lot of housing projects, right. There's only certain things that trigger to come to us. And so, a lot of those . . . actually the ones that you're talking about didn't come to us first, they just come to you guys. So, this was triggered in a different way for us. So, I appreciate that, Chair, and yes we will do better at trying to promote that for yourself.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR PALTIN: It looks like Member Sugimura has additional questions.

COUNCILMEMBER SUGIMURA: Just for clarification, Chair, and all of you. The Planning Department sent to us a letter February 25, 2020 and it states here the public hearing that you're all wondering about with Mr. Carnicelli as the Chair, held by Maui Planning Commission. A meeting was held on November 26, 2019 in Wailuku, Maui, Hawaii. So, that's the date. So, from November 19th till today, I guess is the discussion. So, thank you, Lawrence.

CHAIR PALTIN: Thank you. Any further . . .

MR. CARNICELLI: Thank you, Chair.

COUNCILMEMBER KING: Is that . . . is that the date? That was correct, that meeting was in November of last year?

CHAIR PALTIN: Correct.

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: Any further questions for the testifier? Seeing none, thank you for your testimony and thank you for your service on the Planning Commission. We're breaking records.

MR. CARNICELLI: Thanks guys. Aloha.

CHAIR PALTIN: We got former commissioner Keaka Robinson, also like to testify before the presentation. Mr. Robinson, if you can unmute yourself and unmute your video.

MR. ROBINSON: Am I on?

CHAIR PALTIN: Yes. Thank you for your service.

MR. ROBINSON: Okay. All right, thank you. It's . . . thank you, Councilmembers. Thank you guys for having us in front of you. I'll try to be as succinct and take the three weeks. I just want to . . . I mean three minutes. I want to support this project. I want

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to support affordable housing. I was also at that the meeting and there was a little bit of concerns of the people around there. Their concerns were, a couple comments were, well we're gonna probably have to put up a gate because we don't want those people driving through our neighborhood. And I was one of the commissioners that said they should be ashamed of themselves to make a comment like that. Because policemen, firemen, they are the people that you don't want in your neighborhood, teachers. I mean this isn't, you know, this is affordable housing this isn't low income tract housing, or you know, poverty housing. This is, this is people of Hawaii and of Maui that are just trying to find a house to live in that are first-time homebuyers. And instead of trying to find obstacles on why we shouldn't have affordable housing I want us to look at of trying to find ways that we can make it work no matter what. And you know, I'm gonna take a phrase and kind of state it from a different thing where, you know, affordable housing delayed is affordable housing denied. And at the Planning Commission again and again is affordable housing projects that came in front of us got beaten up a lot more than these huge projects that had maybe a percentage of affordable housing. You know, we could go to . . . we could go to the Kahului and the A&B project, you know that was Dream City, which was no dream because affordable housing wasn't affordable. We can go to the Waikapu project, which is a huge project, but the affordable housing was going to build last but yet all these things are going for it. This is less than a 30-house development, it's 100 percent affordable, it's not percentage. These people aren't trying to pull tricks. Everything that we're going to add on for the expense of these homes are going to go back to the homeowners, it's not, you know, this isn't a sliding scale, this is going to be what it is. You know, people talk about open space, well the homeowners are . . . everything was open space before we put housing. And there's going to be a lot more open space that's going to be eaten up because we need local people to stay in Hawaii. And with what's going on now and what's going on in Las Vegas families are going to come home. People are losing their jobs and we need people that don't make the big money to qualify and to be at affordable housing. And I hope that you guys support that. I know there's different things regarding . . . we talk about 10-year limits, 15-year limits, 20-year limits, I think that's great points to look at. But then we have to look at where we're keeping the equity in the house, are we saying local people at affordable housing you cannot generate wealth, which is why people get homes. We want the wealth to stay in the house which is, you know, which is a decision that you folks make. And that's fine but then that becomes rental housing because you can't invest your money into something that you can't sell, you know. Affordable, you know, Hawaiian Home Lands is limited as well, and you know and these are all tough decisions that the Councilmembers are going to have to look at and I know it's not an easy thing. But I'm of the thought of, if you buy a home we're trying to encourage homeownership so that they can get that equity so they can use that equity. You know, you may limit the amount of growth that they can sell it for or if they flip it they can't flip it to something, you know, that's another story. But I'd hate to do 20, 30 years and limit the amount of equity that a family can build from homeownership, you know. This is . . . again, you know, it's like it's similar to the one the project that was in Lahaina. We have every single race, Hawaiian, Haole, Japanese, Chinese, Filipino, they're all in there, they're all mixed families. This isn't a Hawaiian Housing, this isn't a non-Hawaiian housing. This is local people that work in our hotels that work in our

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schools that are able to qualify. Now, this isn't a lottery and just because you win the lottery you get it no matter what you make. All these people are there need and they're there to qualify. And I'm of the, of we should support and find any way we can to push forward affordable housing and vote for the passage as soon as possible. Thank you, Chair.

CHAIR PALTIN: Thank you, Mr. Robinson. Members, any questions for the testifier? Member King?

COUNCILMEMBER KING: Thank you, Chair. Aloha, Keaka, thank you for being here. I agree with the need to . . . and I've been an advocate for putting affordable housing across the community not just in this section. I'm sort of in the low-rent district but I think it needs to be spread out so I appreciate your advocacy for that. What I think the community concern is we have not . . . I have yet to see a plan for this project, so I'm just wondering why the Planning Commission didn't . . . I don't see in Granicus a map or a diagram or a drawing or anything of what this is supposed to look like. So, how do you know that you have the commitments to keep it affordable below a certain level, how do you know that it's only going to go to local people? How do you know these things and, you know, how can you . . . that's part of the conversation that the community is asking for. Is that how can you descend upon the community without these . . . without even a conversation with the community?

CHAIR PALTIN: Member King, point of information, you might need to refresh your Granicus.

COUNCILMEMBER KING: Okay.

CHAIR PALTIN: There is some documents in there under the presentation from Howard Kihune. There is diagrams as well as the packet that we printed out and put it in your box.

COUNCILMEMBER KING: Okay. Well, of course we're not in the office. So, okay let me go through that. But this is what I was getting from the community is that they haven't seen any diagrams or any drawings or any plans and so I think people are supportive and I know that the KCA is supportive of affordable housing. We just don't have any comfort level with this project yet because of the lack of communication.

MR. ROBINSON: Thanks for the question. It's . . . I remember seeing a diagram and I'm not sure if I saw it at the Planning Commission meeting or not. But I know that which is in front of you folks now depends on lot sizes and depends on what they have to do. So, I know that there can be a complete rendering. But when we hear . . . when we hear that the developer is descending upon a community, it's not . . . these developers are part of the community, I mean they live in Kihei, right. So, I mean but it's that type of . . . is I heard a testifier say, oh my God, I'm worried about something being built god-awful. You know, it's this type of . . .

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COUNCILMEMBER KING: Well, it wasn't . . . let me just correct you. Because I didn't say the developer, I said the development is descended upon the community. Because this came from outside of the community.

MR. ROBINSON: Yes, I . . .

COUNCILMEMBER KING: That's why I used that term because nobody knew anything about it for a couple of years until we got to this point.

MR. ROBINSON: I don't think there was a development for a couple years.

COUNCILMEMBER KING: Well, but the request has been there. The request for zoning has been there without having any development.

MR. ROBINSON: Okay.

COUNCILMEMBER KING: So, we were--

MR. ROBINSON: I'm . . .

COUNCILMEMBER KING: -- . . . there's nothing to look at with this request.

MR. ROBINSON: As what I've had at the November meeting as far as what's before it's . . . I think each community . . .

COUNCILMEMBER KING: No, I'm seeing it now. I'm seeing now the presentations so I'll wait until after the presentation.

MR. ROBINSON: Okay.

CHAIR PALTIN: Okay. Member Lee followed by Member Sugimura.

COUNCILMEMBER LEE: Good morning. My question has to do with something you said about a previous project where there's a variety of different kinds of people of different ethnicities. And so can you tell me what project was that?

MR. ROBINSON: This is the . . . this current developer's project in Kaanapali across from the Roy's restaurant.

COUNCILMEMBER LEE: And that was an affordable housing project, right?

MR. ROBINSON: That's correct.

COUNCILMEMBER LEE: Can you tell me how many people tried to sign up for that project? What kind of waitlist did you have?

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MR. ROBINSON: I'm not the developer but I know that it was . . . there was over 100 on the waitlist after the people that got accepted.

COUNCILMEMBER LEE: Over 100.

MR. ROBINSON: Yes.

COUNCILMEMBER LEE: And how many units were available?

MR. ROBINSON: I believe it's about the same size as this project. I believe 30, I'm sure the developer can, you know . . .

COUNCILMEMBER LEE: Thirty or so.

MR. ROBINSON: Yes.

COUNCILMEMBER LEE: Okay. All right.

CHAIR PALTIN: Thirty, Chair Lee.

MR. ROBINSON: And I've met a few people in that project that were lucky enough to get the houses. And they spoke to me of, you know, how fortunate they feel and how . . . and how, you know, how happy they are that they can stay in Lahaina and they can stay close to work and they don't have to do the commute. And they're glad that, you know, that it ain't a mainland dream to live close to where you work. It's, you know, it's something they're happy the locals can do. And you know Lahaina, Lahaina is in so much need of housing, it's scary. You know, actually the whole Maui. So --

COUNCILMEMBER LEE: Okay.

MR. ROBINSON: --we need to . . .

COUNCILMEMBER LEE: Thank you for the clarification. Thank you.

MR. ROBINSON: Thank you, Councilmember.

CHAIR PALTIN: Chair Lee, I just wanted to clarify it's 33 units and the name of the project is Kaiaulu o Maui.

COUNCILMEMBER LEE: Thank you.

CHAIR PALTIN: Member Sugimura, you had a question to clarify?

COUNCILMEMBER SUGIMURA: No. No question. Thank you. Nice to see you, Keaka.

CHAIR PALTIN: Anybody --

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MR. ROBINSON: Aloha.

CHAIR PALTIN: --has further questions?

COUNCILMEMBER SUGIMURA: Aloha.

CHAIR PALTIN: Seeing none, thank you for your testimony.

MR. ROBINSON: Okay. Aloha.

CHAIR PALTIN: Would anyone else like to provide testimony before the presentation? Please unmute yourself if you'd like to provide testimony before the presentation.

MS. WILDBERGER: Oh. Aloha, Chair. Tamara Paltin, it's Tina Wildberger. I did ask to wait till after the presentation, but I have to go do Keiki Meals, I only have 15 minutes. May I have a moment?

CHAIR PALTIN: Sure thing, Representative Wildberger. You have three minutes actually.

MS. WILDBERGER: Okay. I appreciate everyone's time and I want to express my support for this project. Our teachers, our nurses, our firefighters should belong in our community. They should not have to commute into our community. This project is in my neighborhood, it's actually around my block. So, there are some considerations that I feel like should be taken into account. Many of the concerns that I'm receiving from homeowners that are directly adjacent to that parcel and they do have legitimate concerns are the entrance and exit off of Wela Street exclusively. I did send in testimony with map and diagram showing that it's very important that we examine density of this project. Perhaps reduce the number of units that are intended to be put there so that we don't have congestion and safety issues on South Kihei Road. Entrance right-hand turn into and right-hand turn out off at the most southern end of the parcel adjacent to the pump station that is existing there on South Kihei Road would go a long way to encouraging people that are coming into the community can use Kilohana Road [sic], which is not a neighborhood road but a road that is used to connect our--

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

MS. WILDBERGER: --more makai community. And so that would be a really great improvement in access and traffic mitigation for that area. So, obviously putting an entrance there is going to eliminate a couple of parcels of buildability. And so, this is where we start taking into consideration smart development and all of the community's needs, protecting the neighbors that are going to be adjacent and making sure that they can also get into and out of their community. And then discouraging access to this new development via residential streets that might be tempting to use if it's difficult to get in and out of that one entrance where on the north end where Maui Lu is. Thank you very much.

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CHAIR PALTIN: Thank you. Members, questions for Representative Wildberger? Member King?

COUNCILMEMBER KING: Aloha, Tina. Thanks for being here, and --

MS. WILDBERGER: Thanks, Kelly.

COUNCILMEMBER KING: --things you're doing in our community. Have you been a part of any community meetings on this?

MS. WILDBERGER: No, I haven't. My, my . . . basically my experience with this project is solely contact to my office by concerned neighbors. Ranging from people who would prefer to have development there to eliminate the fire hazard to people who are concerned about traffic and access through their community streets. And then some people sadly who just don't want to see "local people" in quotes living near their higher end development. So, I would like to see this . . . whoever's representing the family that's developing this parcel perhaps present to Kihei Community Association so that they can assuage the concerns of people that are concerned about the development and answer questions that the community might have.

COUNCILMEMBER KING: Okay. Yeah, I just wondered . . . I talked to like KCA and I don't think they have any meetings coming up until July 1st. But I'm putting together a town hall meeting for a couple other projects and this sounds like we . . . would your office be willing to participate if we could kind of take a look and get the community involved in discussing? Kind of like what they did with Pulelehua up in West Maui, and they ended up with a project--

MS. WILDBERGER: Of course.

COUNCILMEMBER KING: --that everyone could support. Okay. Thank you.

MS. WILDBERGER: Of course.

COUNCILMEMBER KING: Yeah, thank you for testifying and for your input.

CHAIR PALTIN: Thank you, Representative Wildberger. We have questions from Committee Vice-Chair Shane Sinenci, followed by Member Yuki Lei Sugimura.

VICE-CHAIR SINENCI: Mahalo, Chair. And mahalo, Representative Wildberger, for being here. I just had a . . . I'm looking at the map and is this project across of Keawakapu Park parking lot?

MS. WILDBERGER: It is just across the street, just mauka of the Mana Kai, Kihei Surfside and Keawakapu State beach access, yes.

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VICE-CHAIR SINENCI: Okay. All right. I was just up for clarification because if . . . I'm looking if you go towards Wailea side those are probably like million-dollar homes right next to it, right?

MS. WILDBERGER: Even the homes mauka of the parcel are also million-dollar homes. They're all luxury home development.

VICE-CHAIR SINENCI: Okay. Thank you. Thank you for your testimony.

MS. WILDBERGER: Thank you.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Nice seeing you, Tina.

MS. WILDBERGER: Aloha.

COUNCILMEMBER SUGIMURA: So, you're saying you support this project, right? That's how you opened.

MS. WILDBERGER: I do support this project. I would like to see it modified also.

COUNCILMEMBER SUGIMURA: Okay. So, with modifications so it's not really 100 percent, you just . . .

MS. WILDBERGER: Well, I'm a . . . like Councilmember King, I haven't seen any detail. I think that as I mentioned the density may be a little too high and we may need to examine density. And the entrance and egress and ingress needs to be examined because it's not okay as is if the development is trying to dump onto Wela exclusively without another way to get in or out. Also for safety, if there was a fire or some kind of emergency in that neighborhood the addition to that neighborhood it would be very difficult without an additional way to exit, in my opinion.

COUNCILMEMBER SUGIMURA: Okay. And I think that you . . . community or and you might have said you haven't heard about this project before. But before it came to Council, because they did present . . . they were before KCA and spoke to some of the cultural people, my recollection. So, just to let you know. Thank you.

CHAIR PALTIN: Thank you, Member Sugimura. Representative Wildberger, I had a couple questions.

MS. WILDBERGER: Sure.

CHAIR PALTIN: So, as it is you're not in support of Wela Street being the only entrance and exit and so then to me the alternatives would be either South Kihei Road or Kilohana Drive. Kilohana Drive is a County road and South Kihei Road is a State road, is that what you're saying or did you want to . . .

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MS. WILDBERGER: I don't know that South Kihei Road is a State road. Is it a State road or County road, I thought it was a County road.

CHAIR PALTIN: It's a County road?

MS. WILDBERGER: South Kihei Road is a County road if I'm not mistaken.

CHAIR PALTIN: Okay.

MS. WILDBERGER: I . . . the parcel does not connect, it's not contingent to Kilohana. There are private property parcels between the pump station and Kilohana. My point about Kilohana is that it's a good road for people coming to and from that development for people to access. If they put an entrance and an exit, right-hand turns only, right-hand turn in from the pumping station heading North. And right-hand turn out to Kihei Road also heading North, and so the only southbound access for the Development would still be that Wela and I forget what the little driveway road's name is offhand. It's on my map on the written testimony that I provided everyone. That would provide two ways to get out to the north and a way to get in if people are coming from town to discourage them from using neighborhood cut-through roads. Like we have a problem with my street being a cut-through road for people going to their jobs in Wailea and instead of taking the highway they zoom down my residential street at well above the speed limit. And I know that these concerns are shared by the adjacent properties, all that happen to access off of Kauhale Street. So, if we discourage neighborhood road traversing to access that parcel and make an entrance and exit that encourages Kilohana's use. That would be better and safer I think for the surrounding communities.

CHAIR PALTIN: So, you think if they have a connection from Wela Street to Kilohana Drive that would mitigate the traffic concerns?

MS. WILDBERGER: No, no. Do you see my map, the map on my written testimony and there's two little yellow arrows? So, I don't know . . . I have no idea if Wela could go to Kilohana. If Wela could go to Kilohana that would be great but that's an awful lot of infrastructure that . . . I don't know, is the County willing to pony-up for an entire road development behind the parcels that are there? That's not what I'm asking for. I'm asking for a right-hand turn in lane heading north coming from Kilohana making a right-hand turn on South Kihei Road and then making a right-hand turn into the development after the pump station.

CHAIR PALTIN: I don't see the yellow arrows on your testimony, I see the pictures.

MS. WILDBERGER: Okay. There's several pictures. That's an actual picture and then one of the pictures I sent was a map, a satellite map of the entire parcel showing the Wela access and the edge of the parcel where the pump station is. It might have been the last . . .

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CHAIR PALTIN: I never got the satellite picture.

MS. WILDBERGER: Oh, shoot. Do you want me to send it?

CHAIR PALTIN: Sure, sure.

MS. WILDBERGER: Send it to you.

CHAIR PALTIN: On their diagram it kind of does look like they could go through . . .

MS. WILDBERGER: Right. See they would, they would . . . yes, thank you. They would have to eliminate probably those two parcels there that they, you know, I understand the developer wants to maximize their profitability by having the maximum number of units developed on their parcel. But sometimes that doesn't necessarily serve the needs of the greater community and eliminating some of that density to offer safer in and out at . . . right there where you showed the pump station would really make for a big improvement of traffic flow.

CHAIR PALTIN: So, I guess my other question is this is proposed for an R-1. You wouldn't support an R-0 if the road could go through to Kilohana Drive, R-0 zoning as opposed to an R-1?

MS. WILDBERGER: I would want to examine that before I would want to make a commitment about it. That is the first time I've heard someone talk about taking the road out to Kilohana, I did not know that was a possibility.

CHAIR PALTIN: Oh, okay. All right, thank you. Any further questions for the testifier? Seeing none it looks like we have Mr. Mark Joiner, and I also wanted to recognize non-voting Committee Member Tasha Kama.

MS. WILDBERGER: Thank you all.

CHAIR PALTIN: Thank you.

COUNCILMEMBER KAMA: Good morning, Chair.

CHAIR PALTIN: Good morning, Member Kama, welcome. We haven't had the presentation yet so we're still--

COUNCILMEMBER KAMA: Thank you.

CHAIR PALTIN: --on public testimony.

COUNCILMEMBER KAMA: Perfect.

CHAIR PALTIN: Okay. I've gotten word that Mr. Joiner would like to testify before the presentation as well. Mr. Joiner --

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MR. JOINER: Yes, please.

CHAIR PALTIN: --can you unmute yourself. Okay. Thank you. Go ahead.

MR. JOINER: Yeah. Yeah, no worries. Good morning, Chair. Good morning, Tamara. And good morning, Council. This . . . as several of you know I'm the head of the Facebook page Save Mana Kai Parking which is the parking lot which is directly makai of this particular development. And I have several concerns. I think Representative Wildberger was able to encapsulate most of my concerns. As the COVID restrictions have been taken off, I'm down at Keawakapu every single day. And I can tell you that the traffic has increased considerably. Whatever we can do to minimize this development to me would be in terms of the actual number of people and the actual number of cars and usage of South Kihei Road in that particular area, I think would be excellent. There are children that live in the area, there's many children that kind of walk to and from the . . . to the beach access, which is right there next to the Maui Oceanfront Inn and which is the dirt parking lot right directly through to Keawakapu Beach and the beach area that's included in the grass area. And also the mile-long beach, as I'm sure that most of you are aware. I also wanted to encourage the Council to take a . . . or I should say the Committee, sorry, to take a good look at that access road into Kilohana because I feel that Kilohana would probably be the best access for this project if possible. This would take a lot of the . . . first of all Kilohana is a major east-west road in Kihei as you're well aware. And this would also take pressure off of South Kihei which is as you know overburdened right now. I actually used to live in this area, so I'm well aware of Wela Street and the connection with Ponana Street. I feel that this whole area is an area that really can't stand the additional traffic you're talking about without additional infrastructure especially out to Kilohana. Other than that I wanted to echo what Representative Wildberger had to say in terms of most of her testimony. Thank you so much, Chair.

CHAIR PALTIN: Thank you, Mr. Joiner. Members, questions for the testifier? Member King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mark. Good to hear from you. So, I just wanted to . . . I wanted to express my mahalo for, you know, for you and other testifiers who are expressing their concerns. I think there's a . . . I just wanted to get from you that you feel that there's a way to support the project if it could be . . . if some of the concerns could be worked out within the community which is what we hope to do before rezoning. Is that what I'm hearing from you?

MR. JOINER: Yeah, absolutely. You know obviously we need more housing in South Maui there's no question about that. Whatever we can do to minimize it to whatever extent possible I would definitely be in favor of. And like I said whatever we can do to . . . especially minimize the traffic concerns because there are children that live both mauka . . . I mean I'm very familiar with this neighborhood. I'm probably the testifier with as much knowledge of this neighborhood, besides the gentleman that's been there for three years, of anyone that you've heard from. And the importance of moving that road out to Kilohana I can't even begin to tell you is so important in terms

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of safety, in terms of transit . . . by transit I mean moving through. And in terms of just the overall sanity for the area. Thank you, Kelly.

COUNCILMEMBER KING: Okay. Thank you. And so, you'd be willing to be . . . I mean you haven't had an opportunity, I don't think, nor have any of the other concerned testifiers to hear from the developers directly in the community. There hasn't been any outreach as far as you know?

MR. JOINER: Not as far as I know because believe me I would be there, you know that.

COUNCILMEMBER KING: Yeah. I mean that's what I'm assuming. Okay. Thank you so much.

MR. JOINER: You bet.

CHAIR PALTIN: Any further questions for the testifier? Seeing none, oh, Member Sugimura?

COUNCILMEMBER SUGIMURA: Could I have his name again? I'm sorry I missed it.

CHAIR PALTIN: Mr. Mark Joiner.

COUNCILMEMBER SUGIMURA: Oh, okay. I put down Buck Joiner but it's Mark Joiner. Thank you.

MR. JOINER: Oh, no, no, no. It's Mark Joiner.

COUNCILMEMBER KING: No relation.

CHAIR PALTIN: Okay. Next up Mr. Scott Shapiro would also like to testify prior to the presentation. Mr. Shapiro?

MR. JOINER: Mahalo, Committee.

CHAIR PALTIN: Mahalo. If you can unmute yourself.

COUNCILMEMBER KING: Scott, you're muted. You need to . . . oh, there you go.

MR. SHAPIRO: How's that?

CHAIR PALTIN: Yeah, we can see you --

MR. SHAPIRO: Can you hear me?

CHAIR PALTIN: --and hear you.

MR. SHAPIRO: You can hear me?

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CHAIR PALTIN: Yes.

MR. SHAPIRO: Great. So, I'd like to just start off by saying I was at that Maui Planning Commission meeting and I would urge you guys all to watch the video. It . . . to me it's entirely misrepresented by the Commission members. The people that were there were testifying . . . I was testifying . . . I was the guy testifying on sea-level rise. So . . . which is what I want to talk about today but just check it out yourselves. My concern here is that South Kihei Road in the future, you know we talk about sea-level rise all the time. On Monday, the CAR meeting was about sea-level rise and shoreline erosion, it's such an important piece to planning for the future. My concern here is that we need to look at that in relation to South Kihei Road, where South Kihei Road meets up with Kilohana Drive at the 3.2 feet of sea-level rise projection that will be the new vegetation line. So, I want to know if we build houses here are they always going to be here or do we need to put South Kihei Road through this neighborhood taking away all these houses? So, I'm asking that we take a look at, you know, talking to sea-level rise experts, is this a problem here? Could this be a potential problem down the road? And so, I'd like those questions answered before anything takes place here, any answers or, you know, any definite decisions are made. One of my other concerns here is the designation of this land as Single-Family and what the developer and the Planning Department are basing their, you know, kind of their reasons for developing here. That was designated as Single-Family in 1998 in the Kihei Community Plan. Just 22 years old, long before sea-level rise became a concern. I'd like to also have the community plan take a look at this in the next year when it's updated to see if that piece of land or part of Wela Street may need to be part of South Kihei Road in the future. So, I'm hoping you guys can defer this item today so we can take a look at . . . there's some major issues. Also with just general ecological concerns of a development so close to the ocean. So, I just ask that we spend a little bit more time with these big areas of concern before jumping in. I also agree that, you know, the developer should be talking to the neighborhood and people who are interested. I know, Tamara, you were going to try to have a meeting a week or so ago and that was canceled, so I appreciate that. But I think we need to have that, you know, some kind of a forum.

CHAIR PALTIN: Thank you, Mr. Shapiro. Members, any questions for the testifier? Member King?

COUNCILMEMBER KING: Thank you, Chair. Thank you, Mr. Shapiro, for being here. Two questions, one is do you have . . . you have an expertise of information about the sea-level rise in that area?

MR. SHAPIRO: Do I have expertise myself?

COUNCILMEMBER KING: No, not you but that you've been talking to about the sea-level rise.

MR. SHAPIRO: Actually, I spoke to Tara Owens about it the other day and she had concerns. She, you know, she's kind of an independent resource. But she had concerns with the

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southern half of the property that there may be, you know, that it should be looked at. So, I would consider her somewhat of an expert in sea-level rise and shoreline erosion.

COUNCILMEMBER KING: Okay. Thank you.

MR. SHAPIRO: . . . *(inaudible)*. . . Oh, go ahead.

COUNCILMEMBER KING: My second question is if we . . . if we could have meetings with the developer and look at some of these issues and find ways to make this project fit in to that area, would you be supportive, you know, if we could bring these concerns to the forefront. Kind of like what Kai Nishiki did with the Pulelehua project up in West Maui that looked like it was dead and then, you know, people got together with their concerns and they were able to mitigate that project and turn it around so that the community was in full support. Would you support that? I mean if we can have that dialog and work out some of these issues, would you see a pathway to being able to support that project?

MR. SHAPIRO: I support affordable housing 100 percent. So, if the question is if we can meet and talk about these things, 100 percent. It's a great place for housing besides my issue with sea-level rise. It's . . . there's the infrastructure's there, the community's . . . there's a bus stop right there. There's a lot of infrastructure that's there that's perfect to build affordable housing. It's right across the street from the beach, it's beautiful. And so, I would support that, but you guys spend a lot of time on sea-level rise and shoreline erosion so we can't just, you know, gloss over that right now. We need to take a look at that is my position, that we need to study that and make sure that there's not going to be anybody in harm's way in the future really. But yes.

COUNCILMEMBER KING: Thank you.

CHAIR PALTIN: Thank you. Vice-Chair . . . Council Vice-Chair Keani Rawlins-Fernandez, followed by Member Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Shapiro, mahalo for your testimony this morning. So, I hear your recommendation on deferring until the South Maui has an opportunity to update their community plan. Would you recommend even further that to have some kind of comprehensive policy on building so close to the shoreline, period, Countywide and not just taking each project individually? Because as we sit here now and we discuss housing and hotel development right along the shoreline and we look back at those decision makers, you know, 50-60 years ago and say, oh shucks, you know, they should've, you know, knew better, and like looked further ahead that we're islands and of course islands erode. We look at our kupuna islands and Papahānaumokuākea and they once looked like these main Hawaiian Islands where we live on. We will . . . all these islands will eventually become atolls. So, that is the life cycle of an island regardless of whether there's sea-level rise or climate change crisis, that is the life cycle of islands. And as we allow projects being built so close to the shoreline it's like kicking the can, you

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know, down the road for others to figure out now will they have to build seawalls in 50 years. So, do you support some kind of a . . . like more of a comprehensive policy for our Council to use as a guide?

MR. SHAPIRO: Well, you answered the question quite nicely. I would . . . yes, all those things that you said I agree with. Kicking the can down the road is something we know we can't do anymore. You know, with certain things. And we don't want to kick the can down the road with affordable housing either, right. So, we have to weigh all the options. So, in this particular case aside from your question we need to look at that, you know, this particular project because it's here right now. So, let's look at the details of it with good consideration to the one thing. And yes, so there are many places on Maui that are similar to this that a Countywide plan or policy of development so close to the ocean or a certain, you know, Director McLean talked about a new redline that's being created for shoreline setbacks of about, you know, no less than 200 feet to the redline. So, that's a policy that's going in the right direction. So, we do need to look at this overall for the island so we don't have to look at particular properties that might be, you know, endangering future residents or future infrastructure. You know, Riki Hokama, I listened to a Council meeting about six months ago. So, Councilman Hokama said that in his view affordable housing is not the number one priority, it's infrastructure especially in the face of climate change and it's so important. So, affordable housing is a priority but it's not always the number one priority. So, putting people in danger and harm's way we can't do that anymore, you know, we know so much more than we did 22 years ago when the last Kihei Community Plan was updated. So, we need to use that.

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

CHAIR PALTIN: Thank you, Member Rawlins-Fernandez. Member Sugimura, did you have a clarifying question?

COUNCILMEMBER SUGIMURA: Yeah. So, Mr. Shapiro, nice to see you here. And --

MR. SHAPIRO: Thank you.

COUNCILMEMBER SUGIMURA: --you mentioned 3.2 sea-level rise in relationship to this project, did you?

MR. SHAPIRO: Yes.

COUNCILMEMBER SUGIMURA: Can you explain?

MR. SHAPIRO: Sure. So, what's happening here is this parcel is outside of that 3.2 sea-level rise . . . I don't know how to say it, the SLR-XA, you know, line. So, it's not, it's not, it . . . kind of the box was checked, yeah right. We don't have to worry about that sea-level rise. My concern is South Kihei Road which that line goes up to the edge of South Kihei Road, that becomes the new vegetation line where Kilohana Drive and

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South Kihei Road come together, where they join. And so, if something happens there we're at like, you know, the road to Lahaina --

COUNCILMEMBER SUGIMURA: Uncheck the box.

MR. SHAPIRO: --where . . . so, uncheck that box and let's look at . . . so, one of my points was going to be the Planning Department didn't need to also look at South Kihei Road because it's not part of this build. We need to look at the structure around these developments.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thanks for the clarification. Nice to see you.

MR. SHAPIRO: You too.

CHAIR PALTIN: Thank you, Members. Any further questions for the testifier? Seeing none, I believe that's our last testifier that wants to testify before the presentation. Thank you, Mr. Shapiro.

MR. SHAPIRO: Thank you.

CHAIR PALTIN: If there's no objections we can have the presentation now. That would be . . . because testimony is still open we're not going to really discuss it or anything like that. Just if you have a real, real clarifying question and then we'll let the testifiers continue testifying and then we can discuss it. We can hear from the Planning Department, Department of Housing and Human Concerns, Public Works, and all of that. So, if there's no objection I'd like to hear the presentation at this time. Maybe we can take a five-minute recess and let them get all started. Any objections?

COUNCILMEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR PALTIN: All right. I got the hammer. Calling a five-minute recess. We'll come back at 10:30. . . .*(gavel)*. . .

RECESS: 10:24 a.m.

RECONVENE: 10:31 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . All right. Will the Planning and Sustainable Land Use Committee meeting of June 3, 2020 come to order. The time is 10:31 and at this time we have a presentation from Aina Lani with Mr. Howard Kihune. Mr. Kihune, if you could start your presentation please, and, Members, remember it's only clarifying questions. Mr. Kihune, would you prefer the questions at the end or during the presentation?

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MR. KIHUNE: During is fine. Not a problem. As I go through the presentation if something pops up I'd be happy to answer your questions.

CHAIR PALTIN: Okay. Remember, Members, no discussion, just clarifying questions. Okay.

MR. KIHUNE: Great.

CHAIR PALTIN: Go ahead, Mr. Kihune.

MR. KIHUNE: Aloha and good morning everybody. Thank you very much, Chair Paltin and Committee Members, for allowing us to make our presentation. The 28 residences that we're planning to develop on this parcel, again is a 100 percent workforce housing project. We're looking at three bedroom/two bath, four bedroom/two-and-a-half bath. We are currently working on some drawings and designs which I do have some samples of as part of this presentation. You know, I think the biggest thing for us is as a developer of workforce housing is how fast can we get homes delivered to our local families and that's the key for us. You know we've been doing this; we've got a couple projects under our belt. We only develop 100 percent workforce housing, we don't look at developing market project, and again we're a local developer. The goal is to try and get as many local families in homes as quick as we can. Some of you have seen our product on the West Side and I can tell you right now you will not be disappointed. What we plan . . . what we brought to that project on the West Side we are planning to bring to this project on the South Side. I know there was a lot of discussion and comments about the . . . about us not meeting with the community, I need to advise the fact that we did meet with the KCA. We spent about an hour, hour and a half with them in their office in Kihei and they were supportive of the project. We met with Vernon Kalanikau, who's a cultural advisor for the South Side to some degree and he was very supportive of the project. So, with that being said let me continue on. So, with regards to our project, sorry, I'm kind of new to this stuff so give me a break, yeah. There we go. So, you know, our goal is to provide housing for, as you can see, firemen, policemen, nurses, hotel employees, hotel managers, lifeguards, County employees, teachers, and more. You know, we in our Kaanapali project we've got two firemen, we've got nurses, we've got . . . we've got teacher, we've got lifeguard, we've got a bunch of hotel employees from the Kaanapali area. And it really, really blends in with what's going on in the upper neighborhoods. I don't think anybody would probably, you know, criticize for what we've developed there as far as the look, the feel and everything that's going on. And that's the same feel and what we want to do with this project here. You know, we're going to develop in the 80 to 100, the below moderate, the moderate and above, 100 to 120 and 120 to 140. We're not, we're not looking at doing this as a 201H, 2.96 serves this project very well. And sorry, let me try and find this button here. Here we go. You know the current zoning on this project is Single-Family community plan, County zone is Open Zone and R-3. There's a sliver in there that's zoned R-3. And this was done back in August of 2019. This is the current of the topo of the area, of the parcel in relation to Ala Koa Street and Wela here and then the upper neighborhoods. As you can see we're looking at developing 28 homes on this particular parcel. Our square footages as far as lot sizes range from

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about a little over 6,000 up to about, the biggest lot here in 14 is 14,000. The average square footage is a little over 7,000 or about 7 . . . 69 to 7,000 per lot. This parcel includes a sliver that moves out to the right to Kilohana, that was not gonna be developed. I know there was some mention here of possibly using that as an egress/ingress and if the County was willing to jump in and help develop that I think that would be probably satisfactory to where we're going and what we're doing. I also want to remind everybody that Wela Street was part of this property originally, the Ferreira's gave this up to help assist with these neighborhoods up above. So this property ran all the way on the . . . I want to say the north side/east side was all part of this property. And the Ferreira's back in the day were gracious enough to help out and assist with all of these neighbors that are up here. So, that without that particular street these projects probably never would have got developed. Currently the Ferreira's are paying taxes on this property as Residential. So, they've been doing that for the last 20 years and they continue to do that right now even though it's zoned Open Zone. The 1998 community plan as you can all have been discussed, this property was designated as Single-Family Residential. Our goal, well, not our goal but our plan is to just meet the community plan. We're not asking for R-0. I think the density is too high if you try to squeeze in 30, 33, 34 homes in there. The lot sizes are perfect, our streets will be County standards, and someone asked a question about HOA. There will be an HOA, the street will probably end up being private even though we'll be at County standards. This is an aerial picture of the location. As you can see South Kihei Road here and then the neighboring homes above. This is the sea-level rise based on the location of the property. And if you can see my cursor this is the current property right here. There's a waste lift station in this corner down here. And then Wela Street, I don't know if it's clear, but Wela Street stops here and then this property is a 60-foot-wide strip that runs all the way to Kilohana. Flood hazard assessment report, this property is not in the flood inundation area whatsoever. This was the recommendation from Planning Commission, the only condition that they wanted was that we develop workforce housing based on our workforce housing agreement that we have, and we do have that in place. And what we're developing is as the Code calls for 2.96, 30 percent will be below moderate, 50 percent will be moderate, and 20 percent will be above moderate. So, what that equates to is basically 9 homes in the below, 14 homes in the moderate, and 5 homes in the above moderate. So, I will bring up . . .

CHAIR PALTIN: Mr. Kihune, can you clarify the AMI for the below, moderate, and above?

MR. KIHUNE: Yeah. Let me . . . yeah, I can do that for you, give me one sec. I got to pull up my other . . . my other one. Hang on for one sec. So, the AMI is based on . . . the AMI right now for below moderate is 87,750, the moderate is 107,250, and this is household income now, yeah, and above moderate is 126,750.

CHAIR PALTIN: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

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MR. KIHUNE: So, with that being said I'm going to pull something else up real quick; I apologize.

CHAIR PALTIN: Council Vice-Chair Rawlins-Fernandez has a question.

MR. KIHUNE: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Just along the lines of what Chair asked. So, how much would the houses be?

MR. KIHUNE: Based on . . . we will start in the low 400,000. And probably someplace around for the above moderate right around 640. And this is all based on the guidelines.

CHAIR PALTIN: Thank you. Was that your only question, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. Mahalo, Mr. Kihune.

CHAIR PALTIN: Okay. Thank you. Please proceed, Mr. Kihune.

MR. KIHUNE: Okay. So, real quick . . . oh, wrong one. Sorry. I'm learning, I'm kind of new at this. I'm used to Zoom, I'm not quite used to this. Sorry about that. Let's see. See if I can share this. Uh-oh. Give me a sec. Ana, sorry. I was trying to show the current floor plans that we have. We have three and four-bedroom units that we've designed, both one story and two-story units and then we have some renderings. But I can't seem to pull it up like I want to, I apologize.

MS. LILLIS: Do you have it open in a PDF?

MR. KIHUNE: I do. I do, yes. So, would I just click on them?

MS. LILLIS: Yes. You should be able to just select that.

MR. KIHUNE: Do you see it now?

MS. LILLIS: We do not.

MR. KIHUNE: Okay. So, let me close my . . . I should close my PowerPoint then, right?

MS. LILLIS: Yes.

MR. KIHUNE: Okay. Close that, close this, and for a sec. Bear with me guys, I . . . no, I can't get it to change, Ana, it's stuck in the PowerPoint for some reason.

MS. LILLIS: Chair, can we request a short recess?

CHAIR PALTIN: Sure thing. Let's recess . . .

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MR. KIHUNE: Hang on, I think I got it now. Let me check. Let me check.

CHAIR PALTIN: Okay. Got something.

MR. KIHUNE: How's that?

CHAIR PALTIN: Yeah, you got it.

MS. LILLIS: Very good, sir.

CHAIR PALTIN: Awesome.

MR. KIHUNE: Yay. Okay. I apologize. So this is one of our models, this is a four bedroom. What we're putting together, one story. And we have a couple other models here. This is another layout; another three/four bedroom unit is what we've got. These are all designed by, Dennis Harmon, from Mag. Let's see. Where are you? Where are you? Right here. So, this is . . . can you see the rendering?

CHAIR PALTIN: Not yet.

MR. KIHUNE: Not yet. Okay.

CHAIR PALTIN: It's grey. A grey screen.

MR. KIHUNE: Let me . . . let me bring this up. Hang on. Oh, I know why. I know why.

CHAIR PALTIN: Okay. We can see something.

MR. KIHUNE: Let me try this again. I got something here. There we go. How's that?

COUNCILMEMBER KING: Grey screen.

CHAIR PALTIN: Still grey screen.

MR. KIHUNE: Sorry. How's that better, no? All right, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Short recess?

MR. KIHUNE: Yeah. Can you recess for a couple . . . let me try to figure this out. I know you all want to see what it looks like, so.

CHAIR PALTIN: Call a recess at the call of the Chair. . . .(gavel). . .

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RECESS: 10:45 a.m.

RECONVENE: 10:47 a.m.

CHAIR PALTIN: . . . *(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of June 3rd return to order. The time is 10:47 and we're continuing on with the presentation. Go ahead, Mr. Kihune.

MR. KIHUNE: Thank you, Madam Chair. So, this is a rendering of one of our floor plans, it's a single-family home floor plan. This is the rear of the house, this would be the back of the house, and then this would be . . . no, there's another one right here. And then do we see this one here?

CHAIR PALTIN: Yeah.

MR. KIHUNE: The other one. Okay. So, this one if I can move stuff over. This would be the front of the house. So, again these are all preliminary. You know, we build something that's going to be of quality, we're not a . . . we don't build cracker boxes. We use all stainless steel, we use all quartz countertops, we use hardwood cabinets, we do nine-foot ceilings. We, basically to be honest we're building a market home to be sold at an affordable workforce housing sales guideline. And we continue to do that in our project at Pailolo, and we will continue to do this should we move this project forward. So, you know, our whole goal is to build workforce housing. I mean ifs, ands, or buts, you know, I think 2.96 is a good ordinance. Yes, there may be some tweaks that need to be made. But, you know, until the ordinance is changed we're following what 2.96 allows us to do. And I think . . . I know there was some discussion here at some point that you were looking at changing it. You know, the laws . . . the ordinance was set by Council and it is set to a point that, you know, again that's what we follow. So, if there's going to be some changes I, you know, my suggestion would be to really take a look at it and make those changes as soon as possible. So that, you know, we have guidance, everybody has guidance. Right now we get in the a position where we're moving forward on something and then oops, we want to throw a condition on this, throw a condition on that, you know. But we're following what the ordinance, what the law requires us to do. And it's not a bad ordinance, we have no problem with it. I know some people may differ but we like working at 2.96. 201H for us we haven't attempted it and probably will not go that direction, only because I think, you know, it actually . . . it actually hinders what could happen for the buyers going forward. Regards to some of the conditions that may come forward and want to come up. You know, one of the talks here is about trying to get perpetuity or 30 years and, you know, we're very conscious of the buyer. You're not . . . changing the . . . the actual deed restriction doesn't hurt us, it hurts the buyer. The lenders will not do perpetuity, the lenders have a difficult time if even the ability to lend on 30 years. What you're doing is if that's a discussion for discussion, you know, 15 years is a really good term. That allows me as a homeowner after 15 years my kids are going to go college, I want to get, take equity out so I can send them to college, send them to school. Being something that's longer, 30 years or longer, doesn't allow that ability. You know, that's the single largest asset any local person will have in their life. And why are we

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trying to subject our local people to living in or being under a condition that we don't do for our market buyers? You know, the question here is we want more affordability in a longer term but you know how you answer that is allow and build more affordable workforce housing projects. That's the bottom line. There is no other way to do this unless we allow and move forward projects of affordability and workforce housing. But to put something on buyers, you're taking their, you know, their right as a homeowner to move forward with their life. I'm stuck in a high-end rental now if I got to do perpetuity for 30 years. I don't want to put money back into the house because I really don't own it. So, you know, we really got to think about this issue about perpetuity or long-term affordability, the answer to that just build more homes, allow us to build more affordable homes, workforce housing. You know, 85 percent of our buyers want a single-family home. And what was said earlier, a comment, was that oh, you know, we need 14,000 units within the next 10 years. Well, let's start with 28, let's start with 50, let's start with a 100. But the longer we delay this the longer our local people struggle to buy a home, first-time homebuyers. You know, there's talk about possibly even making the resident requirement to be three years, five years, whatever that is. That's fine. It's an ordinance that I don't have any say in. I don't want to discriminate because someone lives here only for one year. But I'd like to see more local people that born and raised here or at least lived here for five or six years or ten years have the opportunity. If that's what the Council and that's what the . . . want to make a decision and change the ordinance then more power to you. Because I'd love to see more local people. You know, one of the issues or one of the questions that came up to me was, you know, my son's in college, he just graduated, he's working a great job but he wants to move home. But he can't get on your list, because he's . . . is he no longer considered a resident? Because he went to college and moved away, took a job for a couple year in his . . . with his degree but wants to come home, he wants to get married and raise kids. That's a question, you know. But you guys, you know, the bottom line is that we're here to build homes for local people, that's it. There's no circumventing the rules, we're not trying to pull the wool over anybody's eyes, which I think people think the developer, oh bad guy. We're not bad guys, we're good people trying to develop for local people. So, in closing, you know, I know there's going to be a bunch of questions. You know, we have no control over to some degree cost, okay. We know what our fixed cost is but if labor goes up, if materials go up then guess what. If more conditions are put on the project, guess what, the homeowner the one that loses . . . the homeowners are the ones that lose out. Because now we got to build a lesser quality home because we're stuck in this box because we have to work backwards. We can only sell the house for so much, we can only . . . the civil work cost so much, the vertical construction cost so much, we can only sell it so much. And that's the way we work. People complain that developers we're making so much money. You guys . . . if you guys have been in . . . I've been doing this for five years now --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I have a question.

MR. KIHUNE: --if I can go ahead and make enough money and live a decent life that's fine. But we're not buying an island someplace in the Pacific because --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

MR. KIHUNE: --we make so much money. Sorry. So, anyway.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, how long . . . I get that Mr. Kihune is passionate about this project. But that was a really long monologue on a soapbox. And I . . . and we agree with you on a lot of points. But I just . . . the time, you know, we--

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

COUNCILMEMBER RAWLINS-FERNANDEZ: --only have till 12:00. So we want to try to keep, you know, comments concise. So, I have a question.

MR. KIHUNE: Sure, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if someone wants to move back, and that's what I really want, you know, our keiki and our opio to move back home. Will he be able to afford a \$600,000 house?

MR. KIHUNE: If you fall into that gap with regards to . . . in other words into that level of above moderate and you're bringing in \$126,000, yes you are.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, I'm asking about your son.

MR. KIHUNE: My son?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. You talked about --

MR. KIHUNE: I don't know.

COUNCILMEMBER RAWLINS-FERNANDEZ: --you used your son as an example. So, we're talking about real people and not --

MR. KIHUNE: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --just statistics and AMI and you know, data and numbers on a paper. We're talking about real people. So, your son. Can he afford . . .

MR. KIHUNE: So, if he gets home . . . if he comes home, he wants to raise his child, his wife is pregnant now, okay. And they're going to be home probably hopefully in May, they want to get on a list, he'll be on our list just like anybody else. Now, whether he can qualify for below moderate, moderate, or above moderate I don't quite know. But I know he's definitely going to sign up if he's allowed to do so.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

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CHAIR PALTIN: Any further questions? Is that . . . does that conclude your presentation, Mr. Kihune?

MR. KIHUNE: Yes, it does. Thank you.

CHAIR PALTIN: Thank you. If you can stop sharing your screen right now.

MR. KIHUNE: Okay.

COUNCILMEMBER KING: Chair, I have a question, too.

CHAIR PALTIN: Member King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for your presentation, Mr. Kihune. It's nice to see that level of house, that's a really nice looking unit. I have two questions. One, are you applying for any of the affordable housing funds for your project?

MR. KIHUNE: No, we're not. It's --

COUNCILMEMBER KING: Okay. So . . .

MR. KIHUNE: --all private money. It's all a financed project.

COUNCILMEMBER KING: And do you own the property right now?

MR. KIHUNE: We are in contract for acquisition right now. We'll close the property sometime here before the end of the year.

COUNCILMEMBER KING: Okay. But this will be all private funding, so nothing from the State or Federal governments. So, you actually would be able designate . . . if that holds true, you would be able to designate who you sell the houses to. So, you could keep it all local, is that the intent of doing the project?

MR. KIHUNE: Well, that's . . . I hear what you're saying, Councilwoman King. I don't . . . I'm only . . . I'm obligated by ordinance and law. I cannot discriminate. So, yes, the ordinance allows us to sell to residents only based on 2.96 and that's what we have.

COUNCILMEMBER KING: Okay. I was just asking because I know if you take Federal funding you can't do that. But it sounds like you're not looking for --

MR. KIHUNE: Correct. Correct.

COUNCILMEMBER KING: --any . . . okay.

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MR. KIHUNE: And that's the only reason why we use 2.96. We take government money we have a hard time with that to some degree.

COUNCILMEMBER KING: Okay. Those are my clarifying questions. Thank you, Chair.

CHAIR PALTIN: Thank you, Member King. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Kihune. Just quickly with regards to the property, the purchase has already been made by yourselves, you own the property now or is it still kind of in transition? That was formerly the Ferreira property, yeah?

MR. KIHUNE: That is correct. And we are in contract with them, they asked us to develop this as a workforce housing project otherwise they wouldn't . . . they wouldn't do the acquisition. And we are in contract, we've been in contract with them since we started this process. It's been over a year and a half now. So, we are looking to close this hopefully before the end of the year.

COUNCILMEMBER MOLINA: And you have like a letter authorization from them to proceed, yeah?

MR. KIHUNE: Correct, yes.

COUNCILMEMBER MOLINA: All right. Thank you.

MR. KIHUNE: You're welcome.

CHAIR PALTIN: Members, any further clarifying questions? We can ask questions also after the testimony is closed. Is it . . . any objection to proceeding with the public testimony?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Staff, would you like to call the first testifier for after the presentation please?

MS. LILLIS: The first testifier signed up to testify for testimony after the presentation is Kai Nishiki. You will have three minutes to testify. Please unmute yourself, Kai Nishiki.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. NISHIKI: Thank you, Committee Chair. While I . . . mahalo, while I support affordable housing projects and applaud and thank the Ferreira family for their intent for this to house local families, I think that just when we're supporting affordable housing projects it's good to support the project but it's not always in the right place, and I

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think a good example is Makila. These are supposed to be affordable houses but it was just in the wrong location. So, I think that this might be the case for this development. I know that through the process of going through the County Council and Planning Commission there's been a lot of concerns brought up. And I know some of the Commissioners have dismissed them because they're just saying that they're NIMBYs. But I think that these are actually legitimate concerns and I would urge the Committee Members to please look at the Planning Commission documents and the public testimony that was submitted. There is a lot of information in there, I know it's like over 200 pages but there's a lot of good information in there. I'd like to just touch on a few things, this project is in the tsunami zone. So, once again we're putting affordable housing in harm's way. And even if the developer, you know, they're saying they really want to benefit the community, there's other ways to benefit the community. Let's look at the community plan, we just finished the community plan in West Maui and number one from the community and the Parks Department is that we need more beach parks. And there's been this real parcel by parcel look at this area, Keawakapu, and even DLNR has said that this area would benefit from a master plan. There has been a huge controversy regarding Days Inn and Keawakapu's parking. Kahoolawe Island Reserve Council [sic] is slated to start a huge development around the boat harbor. And I just think that there should be a few things . . . we need to take a little pause perhaps. The community plan for South Maui is just beginning, perhaps that we just need to look at this area from the macro instead of just this parcel by parcel and really look at what the community wants in this area. And also look at sea-level rise, South Kihei Road will be inundated, and look at Honoapiilani Highway. You guys don't want to be in that position. So, I have a lot more to say on this issue, please defer this or file it, it's just not the right time.

CHAIR PALTIN: Thank you, Ms. Nishiki. Members, any questions for the testifier? Member King?

COUNCILMEMBER KING: Aloha, Kai. Thanks for being here. I appreciate your input. And I mentioned earlier about your negotiations on the Pulelehua project up in West Maui that many of us thought was dead and you were able to . . . and I just wondered how when you did those negotiations with the developer was that with a . . . in a community group setting or was that like a small group? And how were . . . how was the community represented in those negotiations when you guys were able to re . . . kind of reconfigure that project so that it got . . . it seemed like it got full support when you guys got done with it.

CHAIR PALTIN: Member King, do you mind reaching out to Ms. Nishiki in private time? That wasn't a clarifying to her testimony.

COUNCILMEMBER KING: Okay. Well, she was asking to defer it until we get some of these other things answered so I was just wondering if she can give us an idea of what timeframe that she's talking about.

CHAIR PALTIN: Ms. Nishiki, can you do a fast one under a minute? We do have a lot more testifiers I believe.

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MS. NISHIKI: Yes, Chair. Thank you for the question, Councilmember King. Yes, I do believe that it's important to involve the community in projects such as these and I do believe that the South Maui community could benefit from further discussion with the developer. I don't think that he's reached out enough within the community and so I think that's a good starting point and I'd be happy to discuss this with you offline.

COUNCILMEMBER KING: Okay. Thank you. Thanks for being here.

CHAIR PALTIN: Any further clarifying questions? Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Nishiki. Mahalo for your testimony this morning. So, quick question along the same lines as Chair . . . Member King regarding the deferral recommendation. So, would you be willing to reach out to this developer to see if this project is salvageable for the people?

MS. NISHIKI: Yes, absolutely. I met briefly with him when this came up before the Council. And I would look forward to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nishiki. Mahalo, Chair.

CHAIR PALTIN: Thank you. Any further questions for the testifier? Seeing none, Ms. Lillis, will you please call the next person waiting to testify?

MS. LILLIS: The next testifier is last four digits 0530, to be followed by Eric Romerdahl. Please identify yourself for the record. You will have three minutes to testify. Please unmute yourself last four digits 0530, by pressing star 4.

CHAIR PALTIN: Hello?

MR. PURVIS: Hello. I'm the testifier, can you hear me?

CHAIR PALTIN: Yes, we can hear you. You got three minutes, please identify yourself and proceed.

MR. PURVIS: Okay. Thank you and good morning to everyone. Aloha. My name is Dr. Bruce Purvis. I live at 42 Ponana Street, just four houses up the road from Wela Street. I had three minutes of testifying materials to share with you but after having listening . . . after having listened to some of the other testifiers and the presentation I may devote most of my three minutes to just that. First of all, with respect to the presentation that was just done a comment was made that the KCA was approving of this project. I have an e-mail dated yesterday from Mike Moran, because I had sent the KCA my objection letter that I had sent to you the Committee on Friday. And he responded to me and I will quote it, he says "Mahalo, Bruce. KCA has been in opposition continuously. Aloha, Mike for KCA." So based on that e-mail I got yesterday KCA is not in favor of this development project. The other two comments I'd like to make, and my voice may be quivering a bit because I really got upset and took

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personal offense to two of the testifiers before Representative Wildberger. They characterized our street as being occupied by people who are basically racist, who don't want . . . to paraphrase, those people, or "locals" living in that area. I can't deny that there might be some people that feel that way. But as a former president of the Ponana Street Association and having many friends on these four streets mauka of the project, I take offense to the implication that I don't want those people living next to me. That's not the case at all, I'm not opposed to affordable housing, I'm not opposed to having affordable housing put on that plot of land, even though I would prefer it be made into some sort of park. But I'm not opposed to it, what I'm opposed to is the traffic that is going to result, and the safety. The other comment that was made by one of those two testifiers was very dismissive and I didn't appreciate that either. Very dismissive of our complaints or concerns about traffic. If there are going to be 28 houses that's 56 cars that are going to be coming out onto Wela Street. That's a lot of cars. There was also concern about how to cross Kihei Road. There are three crosswalks . . . is that my time up? Is that my time up?

COUNCILMEMBER KING: Chair, you're muted.

CHAIR PALTIN: Can you please conclude in a few sentences, Mr. Purvis.

MR. PURVIS: Okay. So, there has already been an adult hit by a car in the crosswalk right in front of Kihei Surfside and on Sorrento's. That adult was in the crosswalk with the lights flashing and he was hit. My concern is not only the increased traffic around that area but also the safety of children who are going to be crossing Kihei Road to get over to the beach. So, I'm wondering if the County is willing to be paying for streetlights which are inevitably going to be needed to improve safety of this area. My final comment would be the additional traffic if it's all going out to Ala Koa Street to get to Kihei Road then there are going to be a lot of people coming up the four streets. These four streets are private streets and I'm wondering if the builder and/or the County is going to even consider reimbursing the private street HOA's. At least something for the increased additional traffic that's to be expected. So, I would request that everyone on the Committee read the e-mail I sent to you on Friday, that goes into more detail. But like I say I wanted to reserve my time to comment on some of the things I had heard in the last, what, almost three hours. Thank you very much.

CHAIR PALTIN: Thank you, Mr. Purvis. Members, any questions for the testifier? Seeing none. Thank you, Mr. Purvis.

MR. PURVIS: Thank you.

CHAIR PALTIN: Staff, will you please call the next testifier.

MS. LILLIS: The next testifier is Eric Romerdahl to be followed by the person signed in as Kalei. Please identify yourself for the record. You will have three minutes to testify. Please unmute yourself, Eric Romerdahl.

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

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CHAIR PALTIN: Mr. Romerdahl? Are you there?

UNIDENTIFIED SPEAKER: It's been raining off and on this whole day. It's been nonstop.

CHAIR PALTIN: Hello? Okay, let's move on to, Mr. Kalei. Are you there? Is there a Kalei waiting to testify?

MS. LILLIS: I see they're still connected to the meeting but it's up to you if you want to call them again, Chair.

CHAIR PALTIN: Okay. Last call for Kalei, and then we can come back to you if you want to unmute yourself and unmute your video. We'll take your testimony at this time. All right. Let's move ahead for the next testifier.

MS. LILLIS: The next testifier is Linda and Rob Bartholomew, that's the name they're signed in as. To be followed by last four digits 6929. Please identify yourself for the record. You'll have three minutes to testify. Please unmute yourself, Linda and Rob Bartholomew. I've been informed that they've . . .

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

MS. LILLIS: I've been informed that they've been disconnected, I apologize. The --

CHAIR PALTIN: Okay.

MS. LILLIS: --individual signed in under that last four digits 6929, is still connected to the meeting. Please unmute yourself by pressing star 4.

CHAIR PALTIN: Hello? You have three minutes. Can you please identify yourself?

UNIDENTIFIED SPEAKER: Okay. I don't think you're doing it . . .

UNIDENTIFIED SPEAKER: Yeah, this is not . . .

CHAIR PALTIN: We can hear you. Six nine two nine, we can hear you.

UNIDENTIFIED SPEAKER: Unmute . . .

CHAIR PALTIN: You're unmuted. Testifier with the last four digits 6929, we can hear you. You're unmuted if you want to start talking and provide your testimony. Okay. We can come back to that testifier.

MS. LILLIS: The next person signed . . .

CHAIR PALTIN: Can we have the next one?

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MS. LILLIS: Yes. The next testifier is signed up as . . . is Mariana [sic]. You will have three minutes to testify. Please unmute yourself, Mariana [sic].

UNIDENTIFIED SPEAKER: . . .(inaudible). . . Well, I'm in agreement with that person and this whole area needs to be looked at as a whole rather than . . .

MS. LILLIS: Chair, I see that Marlayna is not unmuted, but they are still connected to the meeting. We can come back to them.

CHAIR PALTIN: Okay. Let's come back to them.

MS. LILLIS: The next person signed up to testify is Adam Hicks. You will have three minutes to testify. Please identify yourself for the record. Adam Hicks. I've been informed that they've also disconnected from the meeting. The next person signed up to testify is Troy Jones.

UNIDENTIFIED SPEAKER: People are intimidated. That's so funny when I saw that number I thought I bet you that's Bruce. Just had a feeling.

CHAIR PALTIN: Mr. 6929, you're unmuted. We can hear you. If you want to provide your testimony. Last four digits 6929.

MR. JONES: This is Troy Jones, can you hear me?

CHAIR PALTIN: Yes, we can hear Troy Jones. You got three minutes. Right on.

MR. JONES: Thank you. Mahalo and thanks for listening today. Really I just wanted to echo some of the earlier comments and really push for transparency and communication between the developers and the neighbors. I live in Kilohana Ridge which is right up the street from the proposed development. Support affordable housing, support having those brothers and sisters as our friends and neighbors. One thing that's a more personal perspective that I think should really be considered here is the sea-level rise and the climate change. I know when we were able to purchase a home here, our single largest asset, biggest investment that we ever made in our life, one of our key considerations was staying out of the extreme tsunami zone and staying out of the areas of sea-level rise. Honestly, we would not purchase a home where these are going to be built. We're quite a bit up the hill to provide that kind of safety buffer if you will. We talked about people building equity and this is their primary chance to do that in their life but if they're wet that equity turns into a loss. So, I really think that needs to be considered on this location. Also I wanted to echo the comments on beach access, Ahakolo which I live on goes directly down to the vacant lot and there's literally dozens if not a hundred people a day that cross that lot. It puts them right into the pedestrian crosswalk that goes into the road for the Mana Kai and starts with the Keawakapu Beach. So, I'm down there five o'clock every morning doing the walk, we got the grandkids going there. It's a safe way for us to enter and exit the beach area without having to walk down South Kihei Road for a good distance. The associations up here as I understand it and I've been told the

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history, I wasn't . . . didn't experience it as an owner. But Ponana had . . . as somebody had mentioned earlier had, I think, kind of refuted Kilohana Ridge coming in with one of the concessions that was made is we have a greenbelt through three of the associations here. It starts at Ponana that provides pedestrian walkway, beautiful walkway for people to come through each of these associations. So, I'd heard that the developer was concerned about liability with the walkway, obviously these associations have been able to get over that. So, hopefully there's something that can be done there that could keep the access. It's not just our associations, it's all the people up on the hill behind us that walk through the neighborhoods in the morning and walk with the safe access through that flashing pedestrian walkway down to the beach. And then again would just like to echo the comments on traffic and safety issues with kids and grandkids and all South Kihei is kind of a scary place and having more traffic through the neighborhood in my view would be problematic. But, again would like to have the neighborhoods sit down with the developer and work through these issues. Thank you.

VICE-CHAIR SINENCI: Chair, you're mute.

CHAIR PALTIN: Thank you, Mr. Jones. Any questions for the testifier, Members? I had a quick question, Mr. Jones, if you're still there.

MR. JONES: Yes, please.

CHAIR PALTIN: I just was wondering from Ala Koa Street to Kilohana Drive is that a sidewalk on the side of South Kihei Road or no?

MR. JONES: I'm not . . . what was the first street you mentioned? I'm sorry I'm not that familiar with the street names.

CHAIR PALTIN: Ala Koa, it's the street that Ponana uses to get to South Kihei Road.

MR. JONES: Okay.

CHAIR PALTIN: Is there a sidewalk on South Kihei Road from Ala Koa to Kilohana Drive?

MR. JONES: Hang on I was muted . . . I was muted there by the moderator, I'm back now. I'm sorry could you repeat the question?

CHAIR PALTIN: Is there a sidewalk on South Kihei Road from Ala Koa Street to Kilohana Drive?

MR. JONES: I believe there is, but again it's a very busy road and it's very concerning to walk that road with small children and dogs. We take our pup down to walk the beach every morning. Just with the level of traffic and the speed that the cars go down that road. The greenway is through the middle of the development . . . like I say it starts in Ponana and crosses through Kilohana Ridge and the next two associations.

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And I believe that was part of the concessions with the developers for these later developments in keeping the folks in Ponana comfortable with their access.

CHAIR PALTIN: Okay. And so, you've never encountered any issue with trespassing on private property or anything on that . . .

MR. JONES: No. To my knowledge for years everyone's used that. There's no signage, nothing says private property, nothing says don't . . . it's a thoroughfare from . . . it's been worn down from everybody walking through there, like I say from all of the surrounding neighborhoods, ours, and the ones up behind us. So, I've never had a personal concern about it because it's not posted.

CHAIR PALTIN: Thank you.

MR. JONES: Thank you.

CHAIR PALTIN: Staff, will you please call the next testifier?

MS. LILLIS: The next testifier signed up to testify is last four digits 6044. To be followed by the individual signed up as K. Please unmute yourself last four digits 6044 by pressing star 4 on your telephone.

CHAIR PALTIN: Staff, you might need to unmute 6044.

MS. LILLIS: Thank you. We have.

CHAIR PALTIN: Okay, thanks. Six zero four four, it's your turn. Are you ready to testify? Oh, that was Mike Wysocki, and he has already testified. Can we call --

MS. LILLIS: Thank you, Chair.

CHAIR PALTIN: --the next testifier?

MS. LILLIS: The next testifier is the individual signed into the meeting as K. Please identify yourself for the record and unmute yourself, individual signed up as K.

CHAIR PALTIN: Hello? K, will you please unmute yourself. All right. Let's move on to the next testifier.

MS. LILLIS: Chair, we've exhausted the list. But there are individuals that may still want to testify. You can call for a last chance on testimony.

CHAIR PALTIN: Okay. Let's go back to Eric Romerdahl, Romerdahl, are you able to unmute yourself? We'd like to hear your testimony at this time. Mr. Romerdahl? And if not, I know we did receive some written testimony from you as well. Mr. Romerdahl, can you unmute yourself please? Okay. Let's see. I don't see a Kalei on the list anymore.

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MS. LILLIS: The next number would be . . . the number ending in 6929.

CHAIR PALTIN: Okay, 6929, are you ready to testify?

UNIDENTIFIED SPEAKER: That's your phone number.

UNIDENTIFIED SPEAKER: Do you want to say anything?

UNIDENTIFIED SPEAKER: I don't think it's connected to you though.

CHAIR PALTIN: We can hear you. Is there a testimony that you'd like to provide?

UNIDENTIFIED SPEAKER: Oh, no thanks. Not at this time.

UNIDENTIFIED SPEAKER: Oh, you can . . .

CHAIR PALTIN: Okay. Next time. Let's proceed.

MS. LILLIS: The next person is Marie, Marina. If they're still connected to the meeting, you would have three minutes to testify. Please unmute yourself, Marina.

CHAIR PALTIN: I don't see them connected anymore.

MS. LILLIS: Adam Hicks, you're the next person signed up to testify. Adam Hicks.

CHAIR PALTIN: I don't see them testify . . . or signed up either.

MS. LILLIS: All right. Then the list is exhausted. Thank you, Chair.

CHAIR PALTIN: Okay. Thank you so much. At this time I would like to read into the record the written testimony that we received from Mark Del Frate. Sorry about the pronunciation folks. Gloria Woodhead, Bruce Purvis, Roger Pleski, Barbara and Michael Gach, Eric and Renee Romerdahl, Scott Shapiro, Tina Wildberger, Kono Davis, Dennis Harmon, Greg Jenkins, Shaun Pederson, Ryan McLaughlin, Michael Devers, Bill Curtis, Anna Enomoto, Chris Vierra, Cindy Fisher, Tim Mead, James Doran, Kalei Fisher, Angela and Renato Domingo, Debbi Perez, and Gregg Hessel. If there's no objection.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. So, that will conclude public testimony. We have about half an hour left to go. If there's no objection, if Planning is still on the line can we get opening remarks from Planning? I closed public testimony, right? Public testimony's closed.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Thank you.

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. . .END OF PUBLIC TESTIMONY. . .

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

MS. MCLEAN: Good morning, Chair and Committee Members. Thank you for scheduling this item. The Planning Department is in support of the project. And we do recognize it is a little bit of an unusual situation where the "applicant" is not the landowner. Typically going through the entitlement process that's not the case. When all of this started I don't believe the project or the property was under contract. Mr. Kihune earlier stated that the property is under contract now but that wasn't the case when all of this started. Also because it's a Council-initiated process that is true that the neighbor notification did not have to occur when the public hearing was held before the Planning Commission; however, the property is in the SMA and so the development will have to go before the Planning Commission for an SMA major permit. And at that time more detailed studies would be done; neighbor notification would be done. Certainly, we would insist upon community engagement and seeking community support. So, that was done at a, you know, some preliminary studies were done at this earlier stage. But a lot more detail will be needed before the project goes before the Planning Commission. The property is designated Single-Family in the community plan and it's amusing to me how the community plan is . . . is held up as the bible to some people when the community plan supports their position. But when it doesn't support their position they say, oh, it's old and outdated and we shouldn't follow it. The South Maui Community Plan we are under contract with a consultant to help us proceed with that plan. The community engagement phase alone will take us to about this time next year. So, that plan is still quite a few years away from being adopted. So, just for you to be aware of that if you are considering putting this project on hold until the community plan is updated, that's probably three years away at least. And lastly just on the sea-level rise and tsunami evacuation areas mentioned by some of the testifiers, if you want to . . . and we can wait till another meeting or now if you want, I have the sea-level rise viewer up on my screen as well as the tsunami zone just so you can see what those look like if you want to. I have those available. Thank you, Chair. That concludes our opening remarks.

CHAIR PALTIN: Thank you. If I may have some opening remarks from Director Munsell. I don't think we're going to have time for everybody to get a clear chance to ask the questions that they want. So, just getting the opening remarks and then we're going to have to take this up probably at the next meeting as well. So, Director Munsell, do you have any opening comments?

MS. MUNSELL: Good morning, Chair. Thank you for having us and for hearing this project. I'm Linda Munsell, the Deputy Director for the Department of Housing and Human Concerns. Also with me is Buddy Almeida who is our Housing Administrator. Kilohana Makai project is a very much needed affordable housing project in an area where most of workforce could never afford to live. You all heard the presentation that we made on the 2019 Hawaii Housing Planning Study which was completed just a few

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months ago, which showed a very clear need for housing in this income level. That study also showed that most homebuyers are very much interested in owning single-family homes, which is what this project is, as already mentioned by the developer as well. They have entered into a workforce housing agreement with the Department. And we really would like to see this project go forward based on this body's decision. Thank you.

CHAIR PALTIN: Thank you, Ms. Munsell. Deputy Director Molina, any opening comments from Public Works? I see that he just joined on. If you can unmute yourself and unmute your video, we'd love to hear some opening comments from you. Sorry for the wait. Let me see if I can text him real quick. He did mention at one point he had another meeting.

MR. MOLINA: Good morning, PSLU Committee. Jordan Molina, Deputy Director with Public Works.

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

MR. MOLINA: Yeah. We had . . .

CHAIR PALTIN: Can you unmute yourself and unmute your video. We'd love to hear some opening comments from you. Sorry for the wait.

MR. MOLINA: Okay. Sorry. My Granicus was running at the same time. Yeah, so Public Works did get submit comments requesting some traffic information. But otherwise we have no . . . nothing further to add. And like the Planning Director mentioned there'll be much more extensive information that comes out during the SMA process. So, otherwise there's no objections to the proposed Change in Zoning at this time.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR PALTIN: Thank you, Member King and Deputy Director Molina. At this time, Ms. Duvauchelle, are you still on the call?

MS. DUVAUCHELLE: Yes. I'm here.

CHAIR PALTIN: Hi. I was wondering based on public testimony if we recess this meeting until . . . I think the next available slot I have is June 17th. Do you think that you might be able to get together either an online meeting with the neighbors or the community or an in-person meeting? I'm not sure about social distancing guidelines and whatnot. But I did see the Haiku Community Association conduct an online town hall setup. Do you think that's a possibility before June 17th?

MS. DUVAUCHELLE: Absolutely. I'm not sure how to do it but we can figure that out. But we will definitely reach out. I did want to add that after the Planning Commission meeting I spoke to several of the owners from Kilohana, maybe five or six people in the lobby, and I did give them my business card at the time and asked them to call me

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with any questions or concerns. And to date I haven't heard from any of them. So, I do think it would be a good idea to reach out. We can try to get that done before the 17th and we'll figure out what that venue looks like in this world. Thank you, Chair.

CHAIR PALTIN: Okay. Awesome, that would be great. One of the main concerns that I'm hearing is ingress/egress to Kilohana Drive and personally I think, you know, if the sea-level rise happens and South Kihei Road should need to be moved back that would be an excellent alternative. If people can go up Kilohana Drive come across Wela Street. But that's just me. I see Member King, the area representative did have something that she wanted to add as well.

COUNCILMEMBER KING: Yeah. Thank you, Chair. No, I just wanted to say that I am trying to put together a town hall meeting for two other projects. So, I don't know if we can add this one onto that, but I'm happy to do a second one. Because I think the greater community . . . the meeting that was talked about earlier by Mr. Kihune was just with the KCA board. So, it wasn't with the greater community. But I do think we're going to need more time because in order to get this done for the next meeting it has to be done the next week. And that's . . . it's not that easy to put together a town hall like this with their schedules and my schedule. I had tried to . . . I met with Ms. Duvauchelle one time last year and asked her to get together with the greater community. I tried to get together with Mr. Kihune and our schedules didn't match up, we tried three or four different dates. So, I would request that, you know, that you give us a little more time to get the community involved and to have that discussion. And it may be more than one discussion, it may be a couple of discussions just to get to . . . I'd like to get to the point where we can all support this project and everybody feels good about it instead of having this multitude of concerns and pushback because that doesn't serve anybody well in the community.

CHAIR PALTIN: Okay. So, let's see. My next meeting after the 17th. Ms. Lillis, would that be July 1st?

MS. LILLIS: That is correct, Chair. July 1st.

CHAIR PALTIN: Okay. Ms. Duvauchelle, is that appropriate for you? Do you think that having a little bit . . . couple more weeks would help out or . . .

MS. DUVAUCHELLE: Thank you, Chair. Yes, I mean we will make ourselves available for whatever date that you folks . . . but I am confused. I mean are we . . . I would like to take the opportunity hearing the concerns today to reach out to the three associations and schedule a kind of . . . a meeting with them at this point. I think maybe Councilmember King is talking about a much larger group. So, I'm a little confused but we will make ourselves available, yes.

COUNCILMEMBER KING: Yeah, I think that . . . if I may, Chair? I just I think that we probably need to do both because that area is well traveled by other people in the community. That area is used on a daily basis. And so, the issue of the . . . that you heard brought up several times today about having a master plan for that area is

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something that's been talked about for the last couple of years in South Maui, and I think if we can engage a little bit broader stakeholders than just those immediate neighbors, then we can . . . we can get the community support behind it. But I do appreciate your willingness to also reach out directly to those neighborhoods.

CHAIR PALTIN: Ms. Lillis, I was wondering is it possible to recess this meeting till July 1st?

MS. LILLIS: Yes it is, Chair.

CHAIR PALTIN: Okay. And, Members, is there any objection to recessing till July 1st?

COUNCILMEMBER KING: Chair? I would rather see this deferred and brought back up. Because if there are changes made to the plans, then people should have a chance to testify on those changes. If we recess, there's no more testimony.

CHAIR PALTIN: Okay. Well, I mean, there's always e-mail testimony and if we listen to testimony for three hours there's no discussion. You know what I would like to do is I'll recess this meeting till June 17th, and I'll post it for discussion only, no decision making on the 17th. And that'll give the developer a chance to reach out to some people and then we can hear more about the presentation and some feedback. And then we can adjourn and then schedule the next meeting July 1st for oral testimony and decision making. How does that sound to the Members?

COUNCILMEMBER KING: Sounds good. I would support that.

MR. HOPPER: Madam Chair? Madam Chair?

CHAIR PALTIN: Yes.

MR. HOPPER: I just wanted to clarify, I thought in general recessed meetings couldn't be . . . go beyond six days after the meeting unless, I don't know, if OCS has a different take on that. But I thought if you recessed a meeting the date would be six days after the meeting and this would bring us into . . . today's the 3rd, this would be more than that. So, I want to get clarification from OCS. I know they've been in more direct contact with OIP on this issue in general. But before doing that I'd want to confirm that's allowed because that's going to go beyond the six days that I think we normally take to recess meetings.

CHAIR PALTIN: Thank you, Mr. Hopper. Mr. Mitchell, are you available to clarify for us?

MR. MITCHELL: I am, Chair. I think the rule is actually 14 consecutive days, not 6 days. So, we're well within that.

CHAIR PALTIN: Fourteen consecutive.

COUNCILMEMBER LEE: Madam Chair?

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CHAIR PALTIN: Yes?

COUNCILMEMBER LEE: Can you take a recess? Can you take a recess and get that number confirmed because I believe we were following six days previously. So, let's try and stay within the law and get that number confirmed, okay?

CHAIR PALTIN: Okay. Let's have a recess at the call of the Chair. . . .(gavel). . .

RECESS: 11:43 a.m.

RECONVENE: 11:48 a.m.

CHAIR PALTIN: . . .(gavel). . . Will the Planning and Sustainable Land Use Committee meeting of June 3, 2020 return to order. The time is 11:48. So, we have clarified that 14 days to recess a meeting is okay. Mr. Mitchell, if you wanted to read off the rule.

MR. MITCHELL: Thank you, Chair. Rule 20 reads, "A Council meeting, public hearing, or committee meeting may be recessed to a reasonable date, time, and place but not more than 14 consecutive calendar days. And not to a date more than 60 consecutive calendar days from the date of the original noticed meeting. The date, time, and place for the reconvened meeting or hearing shall be publicly announced by the presiding officer prior to the recess." That's the end of the rule, Chair.

CHAIR PALTIN: Thank you, Mr. Mitchell. So, my recommendation would be to recess this meeting till June 17th so that we can have a more in-depth discussion with our resources as well as the applicant developer. And you know, we won't be making decisions on the 17th and then from there we can schedule another meeting where we can have decision making. Hopefully, it'll be the next scheduled meeting, whatever that is. But, you know, it's kind of tentative because we do not post the meeting agenda until six days before. So, it's all tentative but I'll give my word for the next regularly scheduled meeting which is June 17th to be a recess of this meeting so we can get more information from the Planning Department, Public Works, Human Concerns, the developer. Council Chair King . . . I mean, sorry, Council Chair Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I just wanted to check if you were going to include other items on the June 17th meeting as well. Or is it just this one, only this one? Only this item?

CHAIR PALTIN: Yeah. I think we got quite a bit to talk about. I don't know.

COUNCILMEMBER LEE: Okay. No, no, no, I just . . .

CHAIR PALTIN: You wanted more?

COUNCILMEMBER LEE: No, I'm not asking for more time or less time. I just needed to know if you're going to have other items or just this one. Just this one, right?

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CHAIR PALTIN: That was my plan, yeah.

COUNCILMEMBER LEE: Okay. Okay. Thank you. Thank you.

CHAIR PALTIN: Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. When Director McLean was speaking to us she said she had the sea-level rise maps that she wanted to share with us. And since that's come up with a couple of testifiers I wonder if you would allow her to show the maps just to be sure that, you know, this project is okay. It looked like from the presentation, but I want to get confirmation from her, if possible.

CHAIR PALTIN: Is it okay if she sends that to us before our June 17th meeting so we can look that over? Because we're going to have the whole time on June 17th to --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: --discuss this.

COUNCILMEMBER SUGIMURA: And then I have one more question. So, this is about zoning and --

CHAIR PALTIN: Yes.

COUNCILMEMBER SUGIMURA: --getting the zoning corrected, right? So, as far as approving the project as an affordable housing project, are you going to refer this to Tasha Kama's Committee so we can talk about it from an affordable housing perspective?

CHAIR PALTIN: No, because Member Kama's Committee is for 201H and I don't believe that this has to come back to Council once we change the zoning. It would go to the Planning Commission because it's in the SMA area. But it won't come back to the Council after we change . . . after if we change the zoning it doesn't come back to us. It goes instead to the Planning Commission, is my understanding.

COUNCILMEMBER SUGIMURA: Oh, it doesn't even go to . . . is that correct? It doesn't even go to full Council? It just goes to change the zoning and then it'll be sent back to Planning Commission and that's it.

CHAIR PALTIN: Correct. Yes.

COUNCILMEMBER SUGIMURA: I see Michele nodding her head. Oh, Mr. Hopper.

MR. HOPPER: If the Change in Zoning is granted by this Committee, it would have to go to full Council for approval of the Change in Zoning, correct. And then after that the, an SMA permit would be required by the Planning Commission, and so it would go there. Just to clarify that process. It's not a 201H because they're not seeking exemptions

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for . . . from County ordinances, so they'd have to comply with the County ordinances once the Change in Zoning is . . . if it's granted, they would have to comply with that. So, that's the difference I think.

CHAIR PALTIN: Okay. I'll take . . .

UNIDENTIFIED SPEAKER: They're the same.

CHAIR PALTIN: Council Vice . . . well, we'll discuss that all next meeting. I'll take Council Vice-Chair Rawlins-Fernandez, followed by Member Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. This is regarding scheduling. So, at the last Chair's meeting we discussed having an all-day meeting in July. I'm not sure if we finalized that decision. But I think if you're aiming for having this discussion and would like to complete it in July, then that would be a good opportunity to use that entire day. Mahalo, Chair.

CHAIR PALTIN: Thank you. So, yeah, I just was going to do June 17th. One item on the agenda just to discuss this, no decision making. And then we'll take it from there.

COUNCILMEMBER RAWLINS-FERNANDEZ: In July. Oh, yeah. Okay.

CHAIR PALTIN: Yeah. So, June . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: We're not touching the June's calendar. We're looking at changing July's calendar in the Chair's meeting --

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --that was the discussion, yeah?

CHAIR PALTIN: Yeah. We'll take July as it comes. But I think three hours should be sufficient to vet this project hopefully.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, their concern was that there would be a lot of testimony. And that testimony would take up a lot time and that we wouldn't have time to deliberate. So, if we have more than three hours then we would have sufficient time for testimony and deliberation. Mahalo, Chair.

CHAIR PALTIN: Okay. Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just more of a request related to a question that I asked Mr. Kihune earlier about that authorization letter from the property owners. If we could have that for the record. Because I don't think it was in our Granicus or anything like that today. So, just a request if we could have that prior to our next meeting. For review . . . for us to review. Thank you.

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CHAIR PALTIN: Mr. Kihune, do you think you can get that? I can have Staff follow up on the authorization letter from the Ferreira family partners. Staff, you got that?

MS. LILLIS: Yes. We have that in our notes. We will follow up with the applicant.

CHAIR PALTIN: Okay. So, yeah, my hope is that the applicant and the community can have sufficient time to meet and iron out their differences before July. We can further ask questions and whatnot on our next meeting on June 17th. So, my recommendation would be to have this meeting recessed until June 17th at 9:00 a.m., online only, at <https://bluejeans.com/994504421>. Any objections?

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Then in that case, I will recess this meeting. ...*(gavel)*...

RECESS: 11:56 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:min:200603:aj

Transcribed by: Ashley Joan

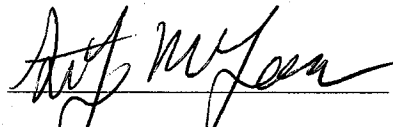
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CERTIFICATE

I, Ashley Joan, 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 22nd day of June, 2020, in Pukalani, Hawaii



Ashley Joan