

# **AFFORDABLE HOUSING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**October 5, 2020**

**Online Only**

**RECONVENE: 9:00 a.m.**

**PRESENT: VOTING MEMBERS:**

Councilmember Tasha Kama, Chair  
Councilmember Michael J. Molina, Vice-Chair  
Councilmember Riki Hokama (in at 9:05 a.m.)  
Councilmember Kelly T. King  
Councilmember Alice L. Lee  
Councilmember Tamara Paltin  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Shane M. Sinenci  
Councilmember Yuki Lei K. Sugimura (in at 9:25 a.m.)

**STAFF:** Alison Stewart, Legislative Analyst  
James Forrest, Legislative Attorney  
Stacey Vinoray, Committee Secretary

Evan Dust, Executive Assistant, Councilmember Tasha Kama  
Lois Whitney, Executive Assistant, Councilmember Tasha Kama  
Kate Griffiths, Executive Assistant, Councilmember Kelly Takaya King  
Michelle Del Rosario, Executive Assistant, Councilmember Kelly Takaya King  
Sarah Freistat Pajimola, Executive Assistant, Councilmember Keani N.W. Rawlins-Fernandez  
Trinette Furtado, Executive Assistant, Councilmember Keani N.W. Rawlins-Fernandez

**ADMIN.:** Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel  
Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns  
Clyde “Buddy” Almeida, Housing Administrator, Department of Housing and Human Concerns  
Jessica Crouse, Assistant Housing Administrator, Department of Housing and Human Concerns  
Michele McLean, Planning Director, Department of Planning  
  
Representatives of Lihau’ula LLC  
Kyle Ginoza, Project Manager  
Peter Martin, Developer  
Heidi Bigelow,

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**OTHERS:** (14) additional attendees

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

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**AH-1(7): AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII  
REVISED STATUTES) INDEPENDENT DEVELOPMENT OF  
LIHAU‘ULA WORKFORCE HOUSING PROJECT (LOWALU))**

CHAIR KAMA: . . .*(gavel)*. . . The Affordable Housing Committee Recess Meeting of September 23rd, 2020, further recess from September 29, 2020, 9:00 a.m., is now going to be reconvened today on October 5th, 2020 at 9:00 a.m. So I would like to ask everyone if you're not speaking to please mute your microphones. So all nine councilmembers are voting members of this Committee. I'd like to, first of all, introduce myself . . . *(inaudible)*. . . Tasha Kama. I'm the Chair of the Committee, but I'd also like to introduce the other members of the team. I'd like to welcome this morning the Vice-Chair Mr. Mike Molina. Aloha kakahiaka, Mike.

VICE-CHAIR MOLINA: Aloha kakahiaka, Madam Chair, from under the virtual bridge here in Makawao. Good morning to you, and my colleagues, and everyone else viewing in. Aloha.

CHAIR KAMA: Aloha back at you. Also like to introduce our Council Chair, Ms. Alice Lee, with the word for the morning.

COUNCILMEMBER LEE: Oh, okay. Madam Chair, I know that you all remember a few months ago when I talked about Jamaica. And when you say good morning there, you say gud mawnin, maw, mawnin. Well, in Belize, you say gud maanin, maanin, M-A-A. So gud maanin to everyone. Good to see you.

CHAIR KAMA: Gud maanin back at you, Chair Lee. Like to extend an aloha also to Ms. Tamara Paltin, all the way from Lahaina or Napili.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair. Live and direct from the Old Lahaina Center.

CHAIR KAMA: Welcome. Also, all the way from Hana, Maui, Mr. Shane Sinenci. Good morning, Shane.

COUNCILMEMBER SINENCI: Maanin, Chair and aloha kakahiaka my Maui...Maui hikina where you have to get through 54 bridges to get here.

CHAIR KAMA: Okay. Thank you. Also want to say good morning to our member all the way from Kihei, Ms. Kelly King. Good morning, Kelly.

COUNCILMEMBER KING: Gud maanin, good morning and aloha kakahiaka. It's beautiful here in Kihei.

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CHAIR KAMA: Good morning and gud maanin. Yes, wonderful. So I'd like to be able to introduce the people who are going to be with us this morning, so if you'd just bear with me. And if anyone else comes, please get my attention. I know Ms. Yuki Lei Sugimura will be late this morning, so I'm just going to assume that everyone's...it's Monday. Affordable Housing is never held on Monday. So this is something new that we're going to begin. So...but welcome, nonetheless. So we have from the Administration, the Department of Housing and Human Concerns, Ms. Linda Munsell, the Deputy Director. Aloha kakahiaka, Linda.

MS. MUNSELL: Good morning, Chair. Good morning, Committee Members. Happy Monday.

CHAIR KAMA: It's happy Monday. And we also have, from the Housing Administration, Administrator Buddy Almeida. Good morning, Buddy.

MR. ALMEIDA: Good morning, Chair and Committee Members.

CHAIR KAMA: We also have the Assistant Housing Administrator, Jessica Crouse. Aloha, Jessica.

MS. CROUSE: Aloha. Good morning, Chair. Good morning, Members.

CHAIR KAMA: We also have the Department representatives from Planning, Public Works, Environmental Management, Parks and Recreation, Transportation, and Water Supply on-call, and we also have representatives from the Fire Department and the Chief of Police on-call as well. We also have with us, from Corporation Counsel, Mimi DesJardins. Aloha, Mimi.

MS. DESJARDINS: Good morning, everybody.

CHAIR KAMA: We also have the Affordable Housing Committee Staff, Ms. Alison Stewart, our Legislative Analyst. Good morning, Alison.

MS. STEWART: Aloha, Chair, Members.

CHAIR KAMA: We also have Ms. Stacey Vinoray, the Committee Secretary. Good morning, Stacey.

MS. VINORAY: Aloha, Chair, Councilmembers.

CHAIR KAMA: We also have with us James Forrest, the Legislative Attorney. Good morning, James.

MR. FORREST: Aloha, Chair. I did spend the weekend out camping at Olowalu. I went out to the reef snorkeling for the first time. It was great experience.

CHAIR KAMA: Oh, wonderful, wonderful. We also have other resources with us this

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morning. For the applicant, Lihau'ula LLC, Mr. Kyle Ginoza, our Project Manager.

MR. GINOZA: Aloha, Chair and Members. I also have Heidi Bigelow with me as well.

MS. BIGELOW: Good morning.

CHAIR KAMA: Oh, good morning, Heidi. Thank you for being here this morning. So is Mr. Martin going to be here also, Mr. Ginoza, do you know?

MR. MARTIN: Yes, I'm...I'm available, Councilmembers.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Chair.

CHAIR KAMA: Thank you, Peter. Thank you for being here.

COUNCILMEMBER PALTIN: Chair.

CHAIR KAMA: So welcome, everyone. Yes.

COUNCILMEMBER PALTIN: Chair.

CHAIR KAMA: Somebody trying to get the Chair's attention.

COUNCILMEMBER PALTIN: Member Rawlins-Fernandez and Member Hokama.

CHAIR KAMA: Oh. Mr. Hokama. Okay. So we want to welcome Miss--our Vice--Council Vice-Chair Keani Rawlins-Fernandez. Good morning and welcome. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Moloka'i Nui A Hina.

CHAIR KAMA: Want to welcome Mr. Riki Hokama to our meeting this morning also. Aloha.

COUNCILMEMBER HOKAMA: Good morning, Chair.

CHAIR KAMA: So welcome, everyone, and thank you for returning to this recessed meeting of the Affordable Housing Committee. We have a single item on the agenda today. It is the Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) Independent Development of Lihau'ula Workforce Housing Project in Olowalu), AH-1(7)). We are continuing our deliberations regarding the application for the Lihau'ula Workforce Housing Project in Olowalu. Legislative action could be taken at this meeting since we have three proposed resolutions. One to approve Lihau'ula as proposed, one to approve with modifications, and the third to disapprove the application. We can also consider recommending filing the resolutions and related actions. As this application was made under HRS Section 201H-38, we can approve it

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as prevented...presented, approve it with modifications, or disapprove it, but as a council we must act by October 24th. If the council does not act, the project will be considered approved. Members, I would like, if possible, to get a decision today on this application. I suspect that if we are to recommend approval, it will be with additional modifications. Member Paltin had an extensive list for us to consider, and we'll do that today as we did in the last recessed meeting and had some discussion with the applicant. So we have been solicitating [sic] their opinion on the proposed modifications. Committee Staff from OCS has prepared a summary document that describes the modifications. First, those where appear to be some level of agreement before Committee Members and the applicant, and those where the applicant needed to consider the proposal modification, or could not accept the modification as proposed. So Staff, could you please advise the Committee of the availability of that summary document, do we have it, and do the members have it?

MS. VINORAY: Chair, the documents were uploaded and exported.

CHAIR KAMA: Okay. Thank you.

MS. VINORAY: And so refresh your screens...

CHAIR KAMA: So my first --

MS. VINORAY: -- if you so choose.

CHAIR KAMA: Okay. Thank you. So at our prior meeting, we closed our oral testimony, so no further oral testimony will be taking [sic] on this agenda item today. So at the end of our last meeting, there was a question remaining from Committee Vice-Chair Molina regarding the value of the requested exemptions, and I believe that the applicant's representative had that information available for us. So Kyle, could you please proceed to provide the responses to Member Molina's questions, or question?

MR. GINOZA: Aloha, Chair and Members. Yes, we provided information on the...the list of fee waivers that we're requesting. And again, these fee waivers are only for the 40 affordable homes, and not the 19 market lots. As you can see in the...the table we provided, the fee waiver per affordable home is approximately \$10,800 per our calculations, and approximately 431,000 for the project in the aggregate. As part of that submittal, I also provided a statement from Dr. Steve...Steven Dollar regarding the applicability of individual wastewater systems for the project, and a site plan rendering showing the landscaping that we are proposing. It is my hope today that we can reach agreement today to move forward with the plan to provide 59 units for our residents of Maui County. It's always been our intention to provide housing stock for our local residents. And as you know, we've made numerous attempts to reach out to the community, to this body, to the County Administration, on receiving constructive feedback on how to best craft a project that would be amendable to...to everyone. And I'd like to reassure you that I really believe that we are all on the same team, and we...we just want to be able to provide affordable housing for our residents. As...as we discussed in the previous meeting, there are some of the proposed conditions by

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Councilmember Paltin that we could not agree to because we feel that it'll lengthen the...the time for project implementation too long, or would add too much cost to the project. We pray that we can reach a compromise on...on these conditions so that we can move forward with these types of project. And, you know, through this process, we really tried to find out what this body and others could really support as...for a project that is not only desired, but also financially and practically viable. So I would hope that at the end of this, we can really have a good idea of what each Member would like to see in projects like these. Because as...as I've mentioned we...we try to take in the input to see--you know, we try to maximize the amount of affordable units but, you know, if not having fee waivers is more important, then we could adjust the mix of affordable and market. So it is my hope that each Member would advise, at the beginning of this meeting, or if you...if you so direct, Chair, you know, what it would take to vote affirmably *[sic]* on this project. Because at the end of the day we...we just want to be able to build homes for our local residents. So let's do this for the community. Thank you.

CHAIR KAMA: Thank you, Mr. Ginoza. So Members, do you have any comments that you'd like to make before we continue to proceed? Okay. So thank you. So this is what I'd like to be able to do. Given the clear time constraints of the 201H process, and to give a process consistent with our adopted procedures, I'd like to be able to have a motion on the floor to proceed with deliberations and potential action. So for purposes of the discussion, I would like to entertain a motion to recommend the resolution to approve with modifications, and then we can amend that motion with the modifications we, as a body, agree to attach to the resolution in Exhibit B.

COUNCILMEMBER LEE: So move. Move to approve.

CHAIR KAMA: It's been moved by Chair Lee and seconded by Mr. Hokama to approve the...I'm sorry, I'm getting distracted over here...to be able to...to approve the...this project with recommended modifications. So thank you very much, Members. So normally, I would go to the movant to speak to the motion, then go onto the...the second to the motion, but I believe that we need to consider the modifications as proposed by Member Paltin that we discussed at our last recessed meeting. So from the summary document...and I'm hoping that all of you have gotten the summary document...that there appears to be 16 modifications that are acceptable as proposed or with minor amendments. Mainly numbers 1 through 4, 6, 7, 11 to 13, 15, 17 to 22 and 26. So without objections or a request to separate, I'd like to entertain a motion to amend the motion on the floor to add those modifications to Exhibit B of the resolution to approve with modifications.

COUNCILMEMBER LEE: So move.

CHAIR KAMA: Thank you. It's been moved by Chair Lee and seconded by Mr. Hokama to insert into Exhibit B the modification numbers 1 to 4, 6, 7, 11 to 13, 15, 17 to 22 and 26. So is there any objection or request for separation? If not...or is there any discussion on any of those? Oh, thank you.

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COUNCILMEMBER LEE: Madam Chair.

CHAIR KAMA: Yes. Yes, Ms. Lee?

COUNCILMEMBER LEE: First of all, those are the ones that we already discussed and --

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: -- pretty much reached some kind of consensus on.

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: So now, by making these motions, we open up opportunities for more discussion, right?

CHAIR KAMA: Correct.

COUNCILMEMBER LEE: Okay. Okay. Thank you.

CHAIR KAMA: Okay. So I think we need to go to...if you have all of your summary sheets, take a look at modification number 5. And it says, the developer must receive a...number 5. I'm sorry. I'm reading the wrong one. Here. The developer agrees to extend the existing private water system in accordance with State Department of Health standards, and in accordance with Olowalu Water Company Inc., to provide necessary domestic potable and fire flow demands for the project, and Olowalu Water Company Inc. agrees to continue to service the surrounding area. The County will not grant final subdivision approval if, and for so long, as the developer is in breach of this condition. So, Mister...Mr. Ginoza? He here?

MR. GINOZA: Yes, here.

CHAIR KAMA: So this is acceptable to you; is that correct?

MR. GINOZA: So the...the issue we had with this originally was that the...we, as the landowner of . . . *(inaudible)*. . . Lihau'ula parcel do not control the...the water company. And so for...for us to agree to continue to service the surrounding area, I mean, that's something between Olowalu Water Company and the Public Utilities Commission. So that's something that the developer cannot enforce or agree to, as well as the...the other...the last line about the breach of this condition, we...we want to be able to have final subdivision before we install the improvements for extending the...the water system. The way we interpret it as written is we'd have to put in the existing private water system extension before final subdivision.

CHAIR KAMA: So, Members, comments? So Mister...Mr. Ginoza, you're saying that this particular condition is not possible for you to do?

MR GINOZA: So I had proposed some minor revisions as far as, you know, just the

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leading...the reference to the surrounding area because we don't control that. But as far as I know, there is no indication from the water company that they would...they would do anything differently than they do now as far as servicing the surrounding area. And if the body would want to amend it so that we maybe, like, we shall not grant building permits as long as the...the developer is in breach of this condition, then that'll be fine.

CHAIR KAMA: Ms. Paltin, does that sound fine to you? Members? Yes, Ms. Lee?

COUNCILMEMBER LEE: Well, I...you know, I don't think it sounds fine to us, but I...on the other hand, I don't think it...we can bind people that are not part of this application, you know, impose conditions --

CHAIR KAMA: Yup.

COUNCILMEMBER LEE: -- on people who are not part of...I mean, we...perhaps we could get a comment from Corp. Counsel, Madam Chair?

CHAIR KAMA: Yes. Ms. DesJardins? Yes.

MS. DESJARDINS: Thank you.

CHAIR KAMA: Thank you.

MS. DESJARDINS: No, I agree with Member Lee. If we...if...if they are not a party to this development or this discussion, you can't bind them. So you have to get some kind of commitment from Olowalu Water Company that they would be in agreement with this condition.

CHAIR KAMA: Who would have to get that commitment, us or the developer?

MS. DESJARDINS: Both. I mean, we...to bring them into this discussion, they would have to have a representative present who would agree to be bound by this condition. I don't...I haven't heard anything yet throughout this discussion that...that that commitment is here from Olowalu Water Company. Is that something that Mr. Ginoza can address, whether that entity is willing to be bound by this condition?

MR GINOZA: I...I...the representative was here last time. He's not here this time, but, I mean, there is no...I guess...I guess what is the...what is the real reason why we need to add this about continuing to service? Because that is the intention of the water company, to continue its PUC regulated system in the future. So I...I guess I'm not...I don't really understand what the...what the concern is.

COUNCILMEMBER PALTIN: I can --

CHAIR KAMA: Would anyone like to respond to that? Go ahead.



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COUNCILMEMBER PALTIN: My concern is that in the developing of these new . . . *(audio interference)*. . . that the people who don't get all the water that they need already, water will be taken from them to give to this new development. That's what the concern is but, you know, it is what it is.

CHAIR KAMA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. I...I hear my colleague, Ms. Paltin, loud and clear. But yet, I also know, Chair, that this is not our kuleana. This is the kuleana of the Public Utilities Commission by State law, and the Commission is tasked to ensure the...the reserves, the quality, the delivery system, and they're going to have determined whether or not the...extending the system is...is going to be a...a smart move for the aquifer, for those already on the system, and for those that it is intended to supply. So I believe that the PUC will make that determination with input from...from the County Water Department, CWRM, from the State DLNR Department, and take in public comment before they make a final determination. So I would say there's a process in place, and there are those that are tasked to make those decisions already, Chair. Thank you.

CHAIR KAMA: Thank you. So is...is there a...if there's no objections, and it's acceptable the way it is written, this particular modification, I think we'll need a motion to approve it, and then we'll go on to the next one. Yes, Ms. King?

COUNCILMEMBER KING: Yeah, I'm just a little unclear what we're doing. I thought there was a motion on the floor that hadn't been voted on yet that was made by Member Lee. So where are we at right now? Are we discussing the motion to accept the...the previous discussed conditions, or were you going on to a new motion?

CHAIR KAMA: Oh, I'm sorry. You're absolutely correct. Right. No, you're right. I skipped a beat. Thank you. So yes, so we did...so the motion to approve the first set was done. We had the motion, we had the second. I can't remember if we took the vote on that. Stacey, did we take the vote on that...that motion to approve all the previous agreed upon conditions?

MS. VINORAY: Chair, I did not record a vote yet.

CHAIR KAMA: Okay.

MS. VINORAY: Okay.

CHAIR KAMA: So that's where we're...so...yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Chair, I did get a...a couple of those, can...can you repeat those ones that were...you...you mentioned really quickly? And I also see Member Sugimura has joined us as well.

CHAIR KAMA: Yes. Thank you. Welcome, Ms. Sugimura.

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COUNCILMEMBER SUGIMURA: Morning from Kula.

CHAIR KAMA: Okay. So Mr. Sinenci, let me repeat again those...the numbers of the modifications that we're talking about in the motion. So let me go back to that. It's numbers 1 to 4, number 6, 7, 11 to 13, 15, 17 to 22 and 26.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KAMA: So the motion Chair Lee made...I beg your pardon?

COUNCILMEMBER SINENCI: Thank you.

CHAIR KAMA: Okay. So the motion that Chair Lee made, and Mr. Hokama seconded, was to approve these modifications and to put them as part of our Exhibit B in the resolution. And that's what we are voting on.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR KAMA: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I'm sorry to ask you this, but can you repeat the items again --

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: -- for the motion?

CHAIR KAMA: So you should have had the summary of the modifications on Granicus. And so the ones that we agreed that we're going to put them into Exhibit B is numbers 1 through 4, 6, 7, 11 to 13, 15, 17 to 22 and 26. So that is the motion on the floor, to approve those...to make those part of Exhibit B. So all those in favor of the motion, please raise your hand and say aye.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER LEE: Aye.

CHAIR KAMA: I see Ms. Paltin, Mr. Sinenci, Mr. Molina, Ms. Lee, Ms. Sugimura, Ms. Rawlins-Fernandez, Mr. Hokama, myself, that's who I see. Those are the two, four, six, eight, I see. All those opposed, please raise your hand or say nay. Kelly, I wasn't sure if you had your hand up or down.

COUNCILMEMBER KING: For the motions? Yeah.

CHAIR KAMA: Yes. Okay. Thank you.

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

**EXC.: None.**

**ACTION: APPROVED AMENDMENT.**

CHAIR KAMA: Okay. The developer agrees to extend the existing private water system in accordance with the State Department of Health standards and in coordination with Olowalu Water Company Inc. to provide necessary domestic potable water and fire flow demands for the project. And we deleted Olowalu Water Company agrees to

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continue to service the surrounding area. So what it says is what Mr. Ginoza couldn't commit to was Olowalu Water Company providing water to the surrounding area, and that the County will not grant final subdivision approval if, and so long as, the developer is in breach of this condition. So you...we took out the part that says agrees to continue to service the surrounding area. Is that right, Mr. Ginoza?

MR. GINOZA: Deleting everything after and? I mean, it...it is something that we...like I said, we don't intend to not...or not we, but Olowalu Water Company does not intend to not service the area.

COUNCILMEMBER PALTIN: I believe it's deleting --

CHAIR KAMA: But you don't want --

COUNCILMEMBER PALTIN: -- things after and, but retaining the last sentence.

CHAIR KAMA: Correct.

MR. GINOZA: Okay. All right. Let me --

CHAIR KAMA: So we're not going to...we're not going to force the water company --

MR. GINOZA: Okay.

CHAIR KAMA: -- to say they're going to provide, but the County...I think what Ms. Paltin was saying...wants to continue to make sure that...that all the other conditions don't get breached. Is that correct, Ms. Paltin?

COUNCILMEMBER PALTIN: [*Nodding*]

MR. GINOZA: That's fine.

CHAIR KAMA: Okay. Thank you. So that's what it is, Miss...

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

CHAIR KAMA: Yes, Ms. King?

COUNCILMEMBER KING: This to Ms. Paltin.

CHAIR KAMA: Uh-huh.

COUNCILMEMBER KING: So deleting that section, does that...does that eliminate protections for the surrounding areas or adequate water for the surrounding areas? Is that...that the concern?

COUNCILMEMBER PALTIN: Yeah, in...in my opinion, it does. I know that the PUC and

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there's other regulatory agencies charged with fulfilling that, but it would be easy, in my opinion, for Olowalu Water Company, who's working with the developer on this, to voluntarily agree to it. If they're not willing to do that, well, you know, we got to move on. It's...it's kind of telling to me what...what's going on. We had similar situations and concerns at Makila. So, you know, it is what it is. I feel like, you know, the people that are homeowners in Olowalu Mauka that came and testified to the West Maui CPAC, you know, I don't feel like it's not our kuleana to represent them as well as...you know, they are our constituents too. There are other regulatory agencies that are tasked with ensuring they have water but, you know, as we've seen on the West Side with a similar water company, run with a similar ties to the similar developer, they've been put on restriction. Sometimes they can use water Monday, Wednesday, Friday, Tuesday, Thursday, Saturday and those are all PUC Department of Health regulated companies as well. So, you know, it's just a concern for me and, you know, it is what it is, we get what we get and, you know, they can't get blood from stone, I guess.

COUNCILMEMBER KING: Well, I understand the concern, but I...I still feel like it is a developer's kuleana to work with the water company to assure those conditions. So I...I'm going to vote against this modification as it's...as it's being...the amendment as it's being modified. Thank you.

CHAIR KAMA: Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for clarifying what the motion is. So at our last meeting, I...I kind of explained my position that some of these that the developer has already said that cannot make happen are deal breakers for me, as well as what Member King pointed out with the exemption to the Community Plan, and waiting for the Community Plan that's currently in its process to being finalized at...and I know that the community had a big discussion on this, and I...you know, Mr. Ginoza asked each Councilmember to disclose what it is that would, you know, compel them to vote yes to approve this project. This is one of them, you know, that the...the testifiers that came before us, those in the community, have already described to us the...the problems that they're having with water, and the water restrictions, and it's...it's our responsibility...I...I know that water is under CWRM, and then there's other state agencies that are responsible for these things, but as a decision-making body in approving or disapproving housing projects, knowing full well that we're going to allow projects to go through, and they're going to experience similar situations because things at the state level has not improved, that we're knowingly putting people in the same situations that other people who have housing there are already experiencing with water restrictions. And so I cannot, in good conscience, approve this project for those reasons. And so ultimately, my vote is going to be no, and I think that's what you're seeing right now. And I asked for a...an informal gauge of where members would be at on the final approval of this project. The affordability is a joke. I...I don't know how anyone can say that this project is providing affordable housing at 500 to \$800,000 per house. That...that is not affordable to our community. Who are we building these houses for? Not our community. So I...you know, I...these are deal breakers. I'm not going to vote to

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approve this project, and...and it...it's hard for me to participate in discussion. And...and I see other members struggling to participate in this discussion to put conditions on a project that they're ultimately going to vote to disapprove. And so I know that you've already asked us to move forward on a motion to approve the project with modifications. What I'm requesting now is for an informal gauge on where members would be at since these conditions and the exemption to the community plan and the updated testimony that we've received, you know, where...where Members are at. Because it...it's...it's going to be a waste of everyone's time if we're going to go through all of these conditions, knowing full well that these are deal breakers for some of the members. And...and if they are, then why are we going through this exercise of, you know, futility? So that...that's where I'm at. I'm...I'm not going to approve this project with...without these conditions and with...without waiting for the Community Plan to the West Maui community and honor their time. So that...that's where I'm at, Chair. Mahalo.

CHAIR KAMA: Thank you. Anyone else? Yes, Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. If it's permissible, can I ask a question of the Planning Department?

CHAIR KAMA: Absolutely.

VICE-CHAIR MOLINA: Thank you. Thank you, Madam Chair. I guess for Director McLean, does HRS 205-4.5 prevent the County from restricting farm or accessory dwellings on ag land? And if this HRS provision restricts the additional farm or access dwelling, would that increase the number of total potential dwellings from, I guess, 59 to 69 if this project were to move forward?

MS. MCLEAN: Thank you for the question, Councilmember Molina. Let me take a look. I believe that part...I believe that part of the approval process required for this would be a district boundary amendment changing the designation of the property to urban, or at least for the...the 49 or so lots, not the ag lots on the exterior. So by getting . . . *(audio interference)*. . .the EA, then it's subject to the HRS 205 restrictions for the urban district, not the agricultural district. And that...so that would...there wouldn't be references or regulation of farm dwellings in that portion that's designated urban.

VICE-CHAIR MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR KAMA: Ms. King, you had your hand up?

COUNCILMEMBER KING: Yes, Chair. I was wondering if it would be appropriate to make another amendment to the motion at this point? And if maybe...I'm not sure of the procedure. I know we have one motion and we have one amendment on the floor already, but I kind of agree with Member Rawlins-Fernandez, that this could be an exercise in futility. And so I would like to amend it to move that we change it to disapproving the independent development of the Lihau'ula Workforce Housing Project pursuant to Section 201H-38 Hawaii Revised Statutes. And the reason for that is

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because if...if that motion fails, and we are --

COUNCILMEMBER PALTIN: Second.

COUNCILMEMBER LEE: -- moving towards approving, then we can go forward with these conditions. If the motion passes to disapprove, then we can end this exercise in futility. Let's just figure out where we're at. That will tell us exactly where we're at.

CHAIR KAMA: I think that's a great idea. Yes, Ms. Lee?

COUNCILMEMBER PALTIN: Second.

COUNCILMEMBER LEE: Before we go into that...well, part of the...the discussion then would be, I would like to ask the Director of Planning, again, what would be the developer's alternative if the 201H was...or...or this application was disapproved? What would be a developer's options? Would...could the developer...in other words, could the developer, Michele, build all market homes?

MS. MCLEAN: Right now, Chair Lee, the property is without a 201H kind of approval, the property is designated agriculture. It's zoned agriculture, it's community planned agriculture, state agriculture and, I believe...and I...I don't know this for sure, but I...I suspect, and I...I'm confident in this assumption, that because the developer has maximized the use of the...has maximized the subdivision potential of that area, that no further lots can be subdivided due to the sliding scale in the county agricultural district. So the only way to further subdivide the property would be to change the entitlements. The property could be built with two farm dwellings, which is allowed by state and county ag right now, but in terms of more intensive development potential, changes to those designations would have to be made, including county zoning, which means Community Plan and also the State District. The State District could be amended to rural, they could go for rural designations to have less density, or they could go for a residential type zoning, amending the Community Plan to single family, and the state designation to urban.

COUNCILMEMBER LEE: So if they have the designation changed through the State Land Use Commission, how many rural lots could they sell? And if they went to residential, how many residential lots could they sell?

MS. MCLEAN: It would depend on what type of residential or rural zoning they obtained. The smallest would be R-1 residential, which allows 6,000 square foot lots. So you'd take the acreage and divide it by 6,000. You'd have to remove some of that for roadways and so forth, but the residential, we have a 6,000 square foot minimum lot size, 7,500 square feet, 10,000 square feet. Then in rural, we have rural half acre, one acre, two acre, five acre. So it would depend on the zoning that was established that would dictate . . . *(inaudible)*. . .

COUNCILMEMBER LEE: Under those two scenarios...under those two scenarios, would the developer be required to build affordable homes, or could the developer build all

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market homes?

MS. MCLEAN: The Workforce Housing policy would still apply, so 25 percent would be required. Now, whether that's fulfilled by building homes on the same site or elsewhere in the region, or buying credits or whatever, there...there are options for a developer to meet those requirements. But the requirement would apply, but there would be options to how those requirements are met.

COUNCILMEMBER KING: So we run the risk of the possibility of 75 percent market and 25 percent affordable?

MS. MCLEAN: If the regular entitlement process were pursued, and there would be no additional conditions or restrictions on those approvals, then yes.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: Thank you, Ms. Lee. So Members, we...I want to go back couple of steps. Ms. Rawlins-Fernandez has asked for a temperature gauge. Ms. King has thrown out the issue of an amendment, of which I did not recognize Ms. Tamara Paltin regarding because I wanted to ask all of you is where you are at in terms of taking a temperature gauge. I think Member King and Member Rawlins-Fernandez does not want to do what they call this exercise in futility. So I don't always think that when we're trying to build housing for our local people, that it's an exercise in futility, in terms of having a discussion about whether we should or should not continue. So at this point, I just want to take a temperature gauge with all...if...if in your heart and in your mind you've already decided that this project is not what you'd want to approve, then by all means, yes. I think Ms. Rawlins-Fernandez is correct. Let's just say that outright, and not belabor this for anybody. But --

COUNCILMEMBER KING: Point or order, Chair.

CHAIR KAMA: -- that's my thought.

COUNCILMEMBER KING: Yeah, but my motion, if you recognize Member Paltin's second, that would do exactly that. We'd just take the vote and we'd...and if it's...if the vote fails, then we can continue on.

CHAIR KAMA: I'm going to call on Mr. Sinenci, and then Mr. Hokama. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just wanted to hear from Ms. DesJardins. We did receive a memorandum to the question I believe Member Paltin asked about HRS 343-5?

MS. DESJARDINS: Yes. Member Sinenci, yes, I did up...transfer to your Committee this morning a memorandum disregarding the interplay between 343 and the Department of Health, HAR Rules, regarding individual wastewater systems. And so what you have, basically, in this situation, is the Department of Health ultimately will make the



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decision about how these individual wastewater systems or a treatment plant will be required. There seems to be some flip-flop, I don't know how else to define it. In the letter submitted to the application, there was some discussion about how the IWSs would not be approved in this type of a development. There's an email sent later from the Department of Health reversing that, saying that the project is in compliance because of the fact that it has 49 10,000 square foot lots and not 50, and then the additional portion of the development is under one acre lots which, under subsection B of that HAR Rule, are not considered under that 10,000 square foot requirement. So what they've done is they've carefully come under the 50, and then added the additional lots as one acre lots, which are not charged against that 50...49. So my assessment is, is that an EA is probably not required in this project. However, that is the jurisdiction of the Department of Health, and not the County, to make that. They will be issuing the licenses and permits for this. And when you look at what the Department of Health has submitted so far, yes, there's one letter saying, looks like you're going to have to do an individual...or do a wastewater treatment plant, which would trigger an EA, but then there's an email from a personnel at Department of Health saying, no, it qualifies based on the configuration of your development. But ultimately, the Department of Health will have to make that determination, finally, when the lights...when the permits are requested.

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

CHAIR KAMA: You're welcome. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, no. I just was going to say that the...you should make a parliamentary call, Chair, whether you want Ms. King's proposed amendment or not . . . *(gavel)*. . . contrary to the main motion, and you already have one amendment to the main motion. So you can make a call. Most of us don't take to amend her main motion.

CHAIR KAMA: So I was just trying to do a temperature check to see if we...like Ms. Rawlins-Fernandez said, I mean, if you know in your heart that you're...you...you know, that the conditions are deal breakers for you, then we should just put it out there. But I wanted to do a temperature check and...before we do the...because then you...then you call for the vote on the original question, and you vote no, as opposed to having an amendment to say let's now have an amendment to amend the original, to say we're not going to approve. If you don't want to approve it, then you take the original vote, and you just vote it down. But...so anybody, temperature check? So the...okay. Yes, Mr. Molina, and Ms. Sugimura, and then Ms. Lee.

VICE-CHAIR MOLINA: No, Madam Chair. I just wanted to add, you know, you as the Committee Chair, it's your call. Committee Chairmanships' rules are flexible from that of Council. You have that option of recognizing the counter motion from Member King or not. So whichever motion we...we're going to vote on, some of us are going to vote yes and some of us are going to vote no. And if you as the Chair would like to, you know, call for the question or terminate discussions, it's your call, as Mr. Hokama

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mentioned. So just wanted to add that to the discussion. Thank you.

CHAIR KAMA: Thank you, Mr. Molina. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, I mean, I hear this...the parliamentary procedure, I guess, you know, we now have two motions on the floor, and I...I'm going to support this project because remember, we're looking for homes for our working families, those people who could afford to pay some of these prices. And it may sound insurmountable, but I think we're adding to the problem by...if we keep on not approving projects, the cost of inventory just becomes more expensive. And I think that our responsibility to our residents are to build affordable houses for working families. And I think it was said at the last...last meeting that these are for the firefighters and the police...police force and the nurses, all the people who are frontline people, teachers. Hopefully, you know, we can provide housing those people need. And I would love to live in Olowalu if I could, and I appreciate what the developer is trying to do. I...I...Chair, I...I guess I...question is, we have two motions on the floor, and I defer to you which one you want to take, your prerogative. Thank you.

CHAIR KAMA: Thank you. I think Ms. Lee, you're next.

COUNCILMEMBER LEE: I just wanted to give you my temperature. It's about 98 right now. I would say that I'm open, I'm still open to discussion. I can feel for those who have pretty much made up their minds so that it does seem like an exercise in futility, but I haven't reached that final decision yet. So I'm...I'm at the point where, depending upon more discussion, then I can make my final decision. Thank you.

CHAIR KAMA: Thank you. Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo for the opportunity to speak. Yeah, I'm swaying towards disapproval as the agricultural, and environmental, and the culture preservation, Chair. I think this area has significant historic inventory for...for further protections, that's one of the reasons. And plus, the environmental significance of the ako'ako'a coral reef system that is here provides as the Mama coral for...for all other corals along this coastline. And...and also, just to...to respect the West community's...community plans for areas of stability. So that's just some of my thoughts, Chair. Mahalo.

CHAIR KAMA: Thank you, Mr. Sinenci. Yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair, and thank you for the discussion. I know it's a difficult procedural issue but, you know, my...my goal was to try to get this to happen. This...let's just, you know, decide whether or not we're for it. My biggest --

CHAIR KAMA: Yes, yes.

COUNCILMEMBER KING: -- problem is that this project does not stall...is not aligned with the Community Plan, either the concurrent one or the revised version. Now we've

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heard that from the Chair of the CPAC, as well as a lot of people who served on the CPAC . . . *(audio interference)*. . . I'm not in favor of this project. I also see a lot of environmental issues, and...and just a sprawl. So I think there are other places that we've done...we have done an incredible amount of affordable housing approvals, I think, just in the time I've been on this Council, and we have five new projects coming into South Maui alone. We have one that just opened up in April that's affordable rentals. We have several in...in West Maui. One, the Pulelehua one, that was just renegotiated and is going forward. And so I don't feel like if we don't approve this, we're not approving affordable housing. I'm for appropriate affordable housing and this, to me, does not feel appropriate, and especially since it flies in the face of the Community Plan. So what are we asking people to do? To sit on these, you know, just these...just months long CPAC meetings, and making decisions if we're just going to vote on things that are not...they haven't...that they're against? So I would rather...that's why I'd rather just, like, you know, let's take the vote on the disapproval. But however you want to do it. I just don't want to go forward with, you know, going through all of these conditions. If the majority of Members are against this project, we can just vote and move on. Thank you for...for my opportunity to speak.

CHAIR KAMA: You're very welcome. Ms. Paltin, did you have your hand raised?

COUNCILMEMBER PALTIN: I'm just ready to vote.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: For first or second discussion, like, I don't want to blow --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- my . . . *(inaudible)*. . . before it's time.

CHAIR KAMA: Okay. So just to...just to help everybody stay on track. First, I want to thank all of you for your comments. Thank you for the...the guidance with the parliamentary procedures, all of you. I really appreciate that. It's always very helpful when Members of your Council are able to help you and support you in that manner. So...so the motion...the original motion that was on the floor was to approve this with modifications. So what I want to do right now is I want to be able to call for that motion. Because I think when you call for the motion, if we approve it, that's great, it will continue on. If we don't approve it, then we just don't approve it, and then we have to get the...the resolution to disapprove. Okay? So if that's okay with all of you. So we do have a motion on the floor. All those in favor of the motion to approve the project with modifications, please raise your hands and say aye.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER LEE: Aye.

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CHAIR KAMA: So I see...I see four hands. I see Ms. Lee, I see Mr. Hokama, I see Ms. Sugimura, and I see myself. That is four. All those opposed to the...to...to the motion, please raise your hands and say aye.

COUNCILMEMBER KING: Aye.

CHAIR KAMA: So I see, in opposition, Ms....

COUNCILMEMBER KING: Oh, a few...

CHAIR KAMA: Yes?

COUNCILMEMBER KING: I think we need to raise our hands and say no.

CHAIR KAMA: Yeah. Raise your hand and say no. I'm sorry. I know I say...sorry about that. Okay. So I see Ms. Paltin, Mr. Sinenci, Mr. Molina, Ms. King and Ms. Rawlins-Fernandez. The motion does not pass. Therefore, the project does not get approval.

**VOTE:       AYES:     Chair Kama and Councilmembers Hokama, Lee, and Sugimura.**

**NOES:       Vice-Chair Molina and Councilmembers King, Paltin, Rawlins-Fernandez and Sinenci.**

**ABSTAIN:   None.**

**ABSENT:     None.**

**EXC.:       None.**

**MOTION FAILED.**

CHAIR KAMA: Ladies and gentlemen, that was the only issue on our --

COUNCILMEMBER KING: Chair --

CHAIR KAMA: -- agenda for today.

COUNCILMEMBER KING: Chair. Chair, point of order.

CHAIR KAMA: Yes, Ms. King? Yes.

COUNCILMEMBER KING: So we...so we have...we have voted the motion to approve down. Now we have to vote on the motion to disapprove; that's the way that the 201H works. So that was my...I'll remake my --

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CHAIR KAMA: Okay.

COUNCILMEMBER KING: ...motion to disapprove. Thank you.

CHAIR KAMA: Okay. Well, let me just...I heard something...so...so the motion was five...was four to five in opposition of the...the motion. So I'm hoping that Staff got that. So go ahead, Ms. King, and make your motion. I heard somebody second. I wasn't sure who that was.

COUNCILMEMBER KING: Yeah, that was Member Paltin.

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER KING: So my motion, again, is to disapprove...to approve the resolution entitled disapproving the independent development of the Lihau'ula Workforce Housing Project pursuant to Section 201H-38 Hawaii Revised Statutes.

COUNCILMEMBER PALTIN: Second.

CHAIR KAMA: Okay. So it's been moved and seconded to approve the disapproved resolution of this project. In fact it . . . *(audio interference)*. . . and say it like that. Okay. Ms. Sugimura, you had a question?

COUNCILMEMBER SUGIMURA: No. I'll speak after the movant.

CHAIR KAMA: Okay. Okay. Okay. Thank you. So would you like to speak to your motion, Ms. King, or do you feel like we've already --

COUNCILMEMBER KING: I think --

CHAIR KAMA: -- had that discussion.

COUNCILMEMBER KING: Yeah, I think we've all spoken. And thank you for --

CHAIR KAMA: Okay.

COUNCILMEMBER KING: -- you know, doing temperature check. And, you know, I just stand by my original reasons, and think that this would be a good way to move forward and get to the meat of the issue. Thank you.

CHAIR KAMA: Thank you. Ms. Paltin...would you like to speak, Ms. Paltin --

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR KAMA: -- as a seconder.

COUNCILMEMBER PALTIN: Yes, I would like to speak in support of the motion. You know, I

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think when we're looking at these types of projects, it's really important that we don't take it out of context. And the context is we've heard this project before in our community multiple times. We've heard it before the State Land Use Commission in, I think it was 2016, and they denied it due to insufficient EA. And we've seen projects that are good, that have gone through the whole, same amount of time, Waikapu Country Town, that dotted their Is and crossed their Ts and...and they're moving forward. We...we...I think there was unanimous to move that project forward. In my Committee, Kilohana Makai, it was...it was unanimous to move that project forward. And so in the context of developing affordable and housing in Maui, we've set the standard, in my opinion, to match the value of Maui County, the value that the residents see in our reefs, in our neighborhoods, in what we expect from a developer. And this developer has had many years talking about Olowalu Town, talking about different 201Hs, and...and they consistently come up short in comparison to all the other developers around. The conditions I put on isn't any brand new conditions that I made up. They're conditions that I...I researched off of other projects. So, you know, in...in the West Side community...and just this weekend really did help me to make up my mind. The volume of calls I got, the volume of texts, the volume of messengers, the volume of people stopping me in the surf and in the beaches. Nobody that I know wants this to happen, you know. People can afford \$537,000, 845,000, but not within the earning income guidelines that they need to fit in and...and raise up a family to fit a three or a four-bedroom house. You know, the only way that that works is if you cheat the system, don't report your earned income or, you know, don't report that your...your spouse or something is part of your annual household income, if you have a trust fund. That's the only way the math of the matter works. And...and the former 100 percent affordable project at Kahoma residential, those houses that people bought that flipped to market value...Officer Tiwanga, I hope you guys all read all the testimony,...three years later, and his house is shoddy, you know. The paint is...is faded, the stairs are coming apart. He lived in plantation houses that was better than this brand new house. I mean, I bought a...a drying machine because my dryer bust, and I was able to get a five-year warranty on my dryer. These houses have one-year warranty, and it's shoddy construction. We don't have a...a designated route that's inland. Our cars are going underwater every time we go to the other side. They need to realign Highway 30, and we're going to put all these houses right in the middle? So, I mean, I don't mean to go on and on, but this developer, the reputation he has within my community, jeopardized the Kaiaulu O Kuku'ia Project because he's trenching through a known burial area at night, you know. When...when I voted to approve Kaiaulu O Kuku'ia...when I voted to approve Kaiaula O Kupuohi, it wasn't easy for me, but I said I trusted that developer because of what he said. And I continued to work with him, continued to try and get the ground lease for him, continued to advocate for him at SHPD, even though all this 440 emails are sent to SHPD in regards to this developer of this project, the things that he's doing through known burial areas. So the trust over here is not there for me. The...the deal is not good, and I can't support this project. You know, I think that --

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: -- if he would have done the right way, the long track way, back

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when he had the original idea of Olowalu Town, similar to how Mr. Atherton did, it could be a different story. But, you know, we'll never know. So thank you. Thank you, Chair.

CHAIR KAMA: Thank you, Ms. Paltin. Ms. Sugimura, did you have a comment, or?

COUNCILMEMBER SUGIMURA: So I'll defer to Mr. Hokama. I think his hand was up first.

CHAIR KAMA: Okay. Yeah.

COUNCILMEMBER SUGIMURA: Thanks.

CHAIR KAMA: Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. Yeah, I would agree. This is a tough one for all of us. I had hoped to be optimistic, and so I'm going to vote against this motion. Not because I haven't heard the community, not because I haven't heard my colleague, Ms. Paltin. I would just like to say my 40 years of experience with this type of things regarding the County. The County was always told, one, we didn't have...provide either--and I think Ms. Lee can remember this during the tenure of the late Velma Santos--Council was told there wasn't enough inventory, so we needed to zone more land for...for development. Then came the concern of price. All I can tell you in 40 years is that those two things are eternal. It'll never go away, the concern of pricing and the concern of inventory. And so I'll just say that, you know, for me, voting no is okay. It's just that we're going to be...continually be behind the eight ball, and Council has to come to terms. We cannot artificially adjust housing prices, it doesn't work. Not during market, and how we do as appraisal for assessments. We cannot artificially justify changing housing prices. We can continually [sic] to try, we're going to be continually frustrated because the market will not allow it to happen, not free enterprise, not under capitalism. See? So for me, I just . . . (*inaudible*). . . with you because I see this going to be still around next term, next decade. It ain't going to go away. Thank you, Chair.

CHAIR KAMA: Thank you. Okay. So yes, Ms. Sugimura, and then Ms. Lee.

COUNCILMEMBER SUGIMURA: Yeah, so I'm...I'm also voting against the motion. As I voted earlier, I want the project to happen. In all of the discussions and in my experience, I just want to make a comment about Mr. Peter Martin in that he is trying to fulfill the wishes of working families, of the people who drive past Olowalu to work at the hotels. I mean, we know there's so many of them and some, you know, people we know ourselves that are struggling right now, and it provides an opportunity for families. And no project is perfect. I believe that we always hear that, and it's true. And there's lot of...one of the things that impressed me about the paperwork that we got was the archeological inventory that this developer has done. It was thicker...three times, four times thicker than the project manual itself. So I believe that there's a sensitivity to the archeological and the areas that are existing in Olowalu, and they try to make it a point of sharing it with us. It was very detailed and lot more information. It probably

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belonged with the...with, you know, an archeological study that, you know, is...is more advanced than most people would...would be able to understand. So I just want to thank them for doing that. And so thank you very much for this opportunity.

CHAIR KAMA: Ms. Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I'll be voting no on this. This is to disapprove, right? I am a strong, strong advocate of affordable housing and...and reasonable housing. And a lot of times, people forget that affordable housing is really subsidized housing; housing that was not meant to be free. So when we talk about subsidized housing, where somebody else has to help pay for your housing, what we really need, to me, is a refocus and a reprioritization of better paying jobs so people can afford to...to buy homes. And with...with this new pandemic, it...it gives us an opportunity to...to look at new industries, a new economy, less reliance on visitor industry. Because the visitor industry, unfortunately, is really our competition for housing as well. So we...if we try to control that more, and...and gear our housing toward those who actually live here and who are, you know, from here, then I think at...at some point in time, if we don't ever catch up to the 10,000 figure of...that we're behind in terms of housing, we will at least make a quantum leap forward. Because we really have to help people learn to help themselves by getting better jobs, and you get that through education, through training, and through opportunities. So I have a...a bigger view of this issue, housing. I don't look at every little plus and minus per project. Believe me, every time you run for office, everybody wants housing. I don't care what...every single forum, everybody wants housing. But the minute you put it in their neighborhood, whoops, that...that...there goes the want for housing. So again, you know, we...we have to get back to a balance in terms of the economy, in terms of an environment, in terms of housing. And...and, like I said, the more we can afford our residents opportunities to lift themselves up, to be able to afford better housing, I think then that's where we need to strive, and that's where we need to really focus our efforts. Thank you, Madam Chair.

CHAIR KAMA: Yes, Mr. Molina?

VICE-CHAIR MOLINA: Thank you, Madam Chair. I guess that old saying location, location, location is applicable to...especially to this project, and also price. And as for me, you know, looking at starting affordable housing price of 500,000, and it was mentioned that this was for our police, fire, nurses, teachers and other working class. I was a teacher. And honestly, as a teacher on--the rank and file teacher--I'm not talking about an administrator or principal, I'm talking about entry level teacher, many of them who need housing but, you know, at today's prices, you know, they can forget it. 500,000, that's unrealistic. You cannot. It's...it's...very, very difficult. And same thing for a lot of rank and file firemen and police personnel as well. So it's very troubling. This is not attainable at these prices, and...and the ranges are 500 to 800,000. This Council has approved...recently approved projects 100 percent affordable, and the developers of those projects have managed to have the, I guess, low end affordables, I guess if you want to call it that, in the \$300,000 range, which is a little bit more attainable. Still a bit expensive, but at least a little bit more attainable.



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Unfortunately, with these prices...maybe because Olowalu land is a lot more expensive or...or what? I don't know. And also, this is not a 100 percent affordable housing project. I heard a...a comment earlier last term from a Councilmember or...I know...was a Councilmember or someone that said, don't come and see us unless you have a 100 percent affordable housing project. And I think that's...that's the way we got to go, or at least close to 100 percent, but...because I understand the bottom line. You know, if you're going to build houses, you got to make a little bit too. So that may be a factor here, but nonetheless, we all took this commitment to provide housing and we got to be respectful of the other side of the community. I mean, yeah, we have a need for a tremendous amount of inventory, but do we want to just keep building, building, and building and not protect, you know, the environment and the infrastructure that's not there to deal with heavy traffic? So we have to be mindful of that. And this term, you know, we've approved a lot of projects and, yes, I think we've turned down one or two, but...but we've...we've done our part. I believe all of us have made that commitment, you know, telling our constituents we're going to make housing a priority. But for this project, the question becomes for who are we building it for, as I think Member Rawlins-Fernandez had mentioned. So 500 to 800,000, I don't know if this is...the price that can meet...that our...that our...well, people in the rank and file jobs that don't make a lot of money can afford this. So...which is why, you know, it's tough for me, but I...I have to support the motion to deny this project at this time. And, you know, we...we got to come up with something better in terms of price, Madam Chair. Thank you.

CHAIR KAMA: Thank you, Mr. Molina. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just wanted to say that I do support affordable housing. In fact, I come from a family of builders and construction workers so, be remiss if I didn't. And...but I just don't support housing in this location. I am happy to be part of a Council that has approved a lot of affordable housing projects to date, so...but it's my...my votes have been toward responsible projects that...that have water infrastructure and safety for our residents. I think, you know, we're not in a housing crisis. You know, it's taken years to get to this point. So I think if we continue to do...and you, yourself, Chair, we continue to do the same things, you know, that's insanity, and...and part of it has contributed to the...to the situation that we are in right now. So I think a 28-acre mistake is still a 28-acre mistake, and so I'm going to support the motion, Chair. Mahalo.

CHAIR KAMA: Thank you. So yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ:: Mahalo, Chair. And I'll make it quick since I...I spoke earlier, and I agree with many of the points that the Councilmembers have already made, you know. I...I just...I want to reiterate that this Council has approved affordable housing projects, and that they were really affordable. This is not an affordable housing project. I want...I want...I want to correct the record on that. This is, like, workforce housing, and so I hope when the news covers that Council disapproves this, disapproved it, that they're not going to call this affordable because 500 to \$800,000 is not affordable. That's...this is workforce, and there's a difference

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because affordable, like Member Molina said, would be closer to 300,000 or less for...for for-sale housing. A lot of the houses that we did approve housing projects were rentals, and that's, unfortunately, where a lot of our community is at. And I...I agree with Chair Lee, you know, with building capacity and, you know, economic recovery and diversifying our economy so that we can build up our community through, I guess, afford more for-sale houses. But at the rate we're going, I...I, you know, approving 500 to \$800,000 housing is not helping the situation. I think it's contrary to that. I think it hurts the situation because it increases property values for that amount. Like, I agree with the earlier statement that, you know, really, there...there's limited land, there's limited resources and, you know, the...the infrastructure, you know, we haven't been able to keep up with, so that's also pretty limited. And the amount of space that we have, we...we need to be very mindful of what housing projects we are going to be approving because if they're not 100 percent affordable, then we're exacerbating the problem, we're exacerbating this already housing crisis that we're in, and we're...we're not making it better to meet the housing needs of our community. We do need to protect this reef and all its inhabitants. I've learned so much from the testifiers about what's, you know, so special there, and I...I want to do my part in protecting, you know, our environment. The reef also creates oxygen for us to breathe, and humans are known for, you know, doing...taking detrimental actions upon itself. And so, you know, collectively, we need to make better decisions in that way. I...I wanted to point out that with the AIS that...there...there were no mitigation measures, which was one of the things that OHA pointed out. And so, you know, that was very concerning for me. And with the...I lastly wanted to speak to the individual wastewater system. You know, we...we discussed this with several different projects and, you know, we have to remember the reason why we create these laws. So, you know, creating 49 and just under 50 individual wastewater systems, you know, just doesn't have that less of an impact when it comes to that one more. 49 or 50 is just one short, and it still has that...that impact to the...the environment. And so I think Department of Health should relook at the purpose and intent of that law, and make better decisions when it comes to, you know, carrying out that intent of the law. So that...that was all the points that I had, and I will be supporting the motion. Mahalo for your leadership in this, Chair. Mahalo.

CHAIR KAMA: Thank you, Members, for all of your comments regarding today's discussion and project. So at this time, I'd like to be able to call for the vote. So all those in favor of the motion to disapprove the project, please raise your hands and say aye. So I heard one aye, but I see...I see your hands. So I see Ms. Paltin, Mr. Sinenci, Mr. Molina, Ms. King, and Ms. Rawlins-Fernandez saying aye. All those opposed, please say nay.

UNIDENTIFIED SPEAKER: Nope.

CHAIR KAMA: So I say nay. I hear and I see Ms. Lee, Mr. Hokama, Ms. Sugimura and myself. Thank you very much, Members. The motion passes to disapprove the Lihau'ula LLC Project.

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

**NOES:       Chair Kama and Councilmembers Hokama, Lee, and Sugimura.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

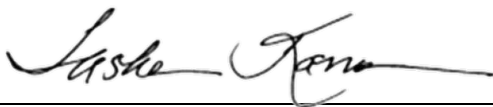
**MOTION PASSES.**

**ACTION:     Recommending ADOPTION of resolution disapproving the project; FILING of resolution approving the project; and FILING of resolution approving the project with modifications.**

CHAIR KAMA: So Members, as I said, or was beginning to say a while back, this was the only agendized item for today. I thank you all for your discussion. I thank you all for, you know, just putting your hearts out there, and allowing the developer to see those things through your eyes that they would be able to see and understand more clearly what it is this Council is looking for. This Council is looking for trust in a relationship that has not had any, and this Council is also looking for projects that can come in at 100 percent affordable. I think what I liked about this one is that we didn't have to subsidize it. So, you know, we always got to subsidize with a lot of our affordable housing funds. And that's a whole new story that we're probably going to talk about later on, but...but I want to thank you all for working hard, and for being diligent, and for being able to make the hard decision. It is not easy to make those hard decisions and to be able to put your heart out there on behalf of your community, but I commend all of you for that, and I thank you for that. So without further ado, I'd like to be able to adjourn this meeting. Meeting of the Affordable Housing Committee of October 5th is now adjourned.

**ADJOURNED:       10:23 a.m.**

APPROVED:



TASHA KAMA, Chair  
Affordable Housing Committee

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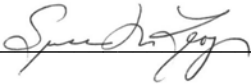
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CERTIFICATION

I, Susan Leong, hereby certify that pages 1 through 27 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 6th day of November 2020, in Wailuku, Hawai'i

  
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Susan Leong