

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

MINUTES

August 5, 2021

Online Only Via BlueJeans

CONVENE: 9:01 a.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Kelly Takaya King, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Tasha Kama, Member

STAFF: Wilton Leauanae, Legislative Analyst
Shelly Espeleta, Supervising Legislative Analyst
Richard Mitchell, Legislative Attorney
David Raatz, Deputy Director
Clarita Balala, Committee Secretary
Kristeena Locke, Council Services Assistant Clerk

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Christi Keliikoa, Executive Assistant to Councilmember Tamara Paltin
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez

ADMIN.: Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel
Michele McLean, Director, Department of Planning
Tara Furukawa, Planner, Department of Planning
David Yamashita, Planner, Department of Parks and Recreation

OTHERS: Grant Chun, Executive Officer, Hale Mahaolu
Wesley Lo, Chief Executive Officer, Hale Makua Health Services
Ashley Takitani Leahy, Director of Development and Communications, Hale Makua Health Services
Michael Munekiyo, Senior Advisor, Munekiyo Hiraga
Lisa Gruebner
Crichton Lind

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

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use meeting...Committee meeting of August 5th come to order. The time is now 9:01 a.m., and I will be your Chair for today's meeting. My name is Tamara Paltin. And if I can ask everyone to please silence their cell phones or any other noise-making devices at this time. With us today we have Committee Vice-Chair Kelly King. Bonjour ami. Comment ça va?

VICE-CHAIR KING: Comment ça va, Chair? Bon matin and aloha kakahiaka.

CHAIR PALTIN: Aloha kakahiaka. We also have Councilmember Gabe Johnson, comment ça va? Bon matin.

COUNCILMEMBER JOHNSON: Bonjour. Comment ça va? How is everyone doing today? Aloha.

COUNCILMEMBER LEE: Very good.

CHAIR PALTIN: Bien, bien, très bien. And we have Councilmember Kama is on leave and excused. We have our Council Chair Alice Lee, bon matin and comment ça va.

COUNCILMEMBER LEE: Madam Chair, bonjour. Comment ça va?

CHAIR PALTIN: Très bien. We have also Councilmember Mike Molina. He needs to leave a little early, so maybe we can finish up at 11:30 so he doesn't skip a beat. Comment ça va?

COUNCILMEMBER MOLINA: Comment ça va and good morning to you, Madam Chair and to my colleagues and everyone else. Blessings and mahalo for joining us this morning.

CHAIR PALTIN: And we also have Councilmember Keani Rawlins-Fernandez, bon matin, comment ça va, aloha kakahiaka...or not kākou, just to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka to you, Chair. Let's see, what did you say? Comment ça va, bon matin, ça va, ça va, merci et toi.

CHAIR PALTIN: Merci.

COUNCILMEMBER RAWLINS-FERNANDEZ: And you, and you.

CHAIR PALTIN: And we also have Councilmember Shane Sinenci, bon matin. Comment ça va?

COUNCILMEMBER SINENCI: Bonjour, comment ça, Madam Chair, and comment ça va.

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CHAIR PALTIN: Très bien. And we also have Councilmember Yuki Lei Sugimura, bon matin. Comment ça va?

COUNCILMEMBER SUGIMURA: Bonjour, comment ça va, good morning, and aloha, everybody.

CHAIR PALTIN: Aloha. Okay and with us we have Corporation Counsel, Deputy Corp. Counsel, Michael Hopper. From the Department of Planning, we have Director Michele McLean. From the Department of Parks and Recreation, we have Director Karla Peters. And our other resources today, we have Grant Chun, the Executive Director of Hale Mahaolu; Wes Lo, CEO of Hale Makua Health Services; and Mike Munekiyo of Munekiyo and Hiraga. Our Committee Staff, we have Clarita Balala, Committee Secretary; Assistant Clerk Kristeena Locke; Legislative Analyst Wilton Leauanae; Legislative Attorney Richard Mitchell. I got a message. Oh, subbing for Deputy Corp. Counsel, Mike Hopper, we have Jennifer Oana today. Sorry about that, folks. And on the agenda we have two items, PSLU-9 Change in Zoning for Hale Mahaolu (Kahului) (CC 20-599), and PSLU-8 Community Plan Amendment and Change in Zoning for County of Maui and Hale Makua Health Services (Kahului) (CC 20-598). Committee Vice-Chair King, did you have a question or a comment?

VICE-CHAIR KING: No, I was just going to point out that Jennifer Oana was here instead of Mike Hopper, but you got that message.

CHAIR PALTIN: Okay, yeah. She direct messaged me. Okay. So this online meeting is being conducted in accordance with the Governor's most recent Emergency Proclamation on COVID-19. Please see the last page of the agenda for information on meeting connectivity. Testimony. We do have a testifier today...so couple testifiers. Let's begin with public testimony. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans link as noted on today's agenda. Testifiers wanting to provide audio testimony should call 1-408-915-6290 and enter meeting code 149341846, also noted on today's agenda. Written testimony is encouraged and can be sent at any time via the eComment feature on mauicounty.us/agendas. Oral testimony is limited to three minutes per agenda item. When your name is called, please unmute yourself by clicking the microphone icon or, if calling in, please press star four to unmute yourself. Please be courteous to others by muting your microphone while waiting for your turn. When testifying, please state your name. Please also state if you are testifying on behalf of an organization or are a paid lobbyist. Okay. Can you hear me? Okay. Sorry, my computer blanked out for a moment. If you have joined this online meeting, Staff will assume you wish to provide testimony and will add you to the list of testifiers. Once you are done testifying, or if you wish to view the meeting without providing testimony, please disconnect from the BlueJeans meeting. You are welcomed to continue viewing on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Once oral testimony concludes, only Councilmembers, Staff, and designated resources will remain online, and all others will be dropped from the BlueJeans connection. A link to the list of testifiers is posted in the chat. However, please be mindful that chat should not be used to provide testimony or to chat with others during the meeting. Members, I would like to proceed with oral testimony.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: And our first testifier today is Lisa Gruebner. Lisa, if you can hear us, if you can unmute your video and microphone, we're ready for your three-minute testimony.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. GRUEBNER: Sorry. I am actually just viewing and I'm trying to get on to the other website now. I actually am with Hale Makua with Wes Lo, but Wes Lo will be doing the testimony for Hale Makua, so I apologize for coming onto this website. I'm trying to connect to the other one.

CHAIR PALTIN: Oh, no problem, no problem. It looks like our other testifier, Crichton Lind, also left the call...maybe wasn't intending to provide testimony. So at this time, if there is anyone wanting to provide oral testimony, now would be the time, please unmute yourself and begin your three-minute testimony. This kind of like a record for PSLU. Okay, so seeing no one else or at all coming forward to give public testimony, without objection, I will now close oral testimony. Written testimony can be sent at any time, and we're going to be receiving the written testimony into the record at this time. I think the second item had some eComments, and so we will receive that at this time.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END OF PUBLIC TESTIMONY . . .

PSLU-9 CHANGE IN ZONING FOR HALE MAHAOLU (KAHULUI) (CC 20-599)

CHAIR PALTIN: Okay. So our first item on the agenda is PSLU-9 Change in Zoning for Hale Mahaolu (Kahului). The Committee is in receipt of County Communication 20-599 from the Planning Director, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM RESIDENTIAL R-3 DISTRICT AND R-2 RESIDENTIAL TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, HAWAI'I, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095, AND (2) 3-8-007:096." The purpose of the proposed bill is for land use and zoning consistency. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 20-599 and other related action. Okay, Members, we have with us here today Director McLean from the Planning Department, who will provide opening comments. Director McLean.

MS. MCLEAN: Bonjour, comment ça va?

CHAIR PALTIN: Bonjour, très bien.

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MS. MCLEAN: Thank you, Chair. Just really briefly because I know Hale Mahaolu has more extensive comments. The Planning Department initiated the land use changes to establish consistency between the existing uses and the community plan designation of multi-family. Some of this came to light...has come to light over various years when they've come in for different renovations, and we realized, okay, wait, the zoning is residential for this. These are multi-family structures, so it just makes sense to get it all consistent. Hale Mahaolu doesn't have any development plans at this time, just maintaining their existing facilities. And the Planning Commission recommended approval without any conditions on the zoning because the properties are built out. And we would ask for the Committee's support. Thank you, Chair.

CHAIR PALTIN: Thank you, Director. And I just wanted to clear up one thing before we start the presentation from Mr. Chun. Although these buildings were built before 1989, and we're changing the zoning to A-2 District, that doesn't mean that they would be able to be used for short-term rental use, correct?

MS. MCLEAN: Gosh, we'd have to...my gut reaction is no, they would not be allowed to, but we'd have to look into that with much greater detail to make sure that's the case. I can't imagine that Hale Mahaolu or the County would want that to happen, but we can look into that and confirm it.

CHAIR PALTIN: Okay. And then maybe we can just do a conditional change in zoning if nobody objects to not having short-term rental use there. Okay. Just wanted to confirm on that. We also have Mr. Grant Chun here today. He is currently the Executive Director of Hale Mahaolu since 2017. He was formerly the Vice-President of A&B Properties, and Managing Director for the County before that. And so I'd like to designate him as a resource person for us today, with no objection?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Thank you. Thank you. And we also have Mr. Mike Munekiyo, who will be assisting Mr. Chun with the presentation and...for this item and the second item later this morning. Mr. Munekiyo is the Senior Advisor for Munekiyo Hiraga, and has a master's of urban regional planning degree from University of Hawai'i, and he has many years of experience in this field. So I'd like to designate both Mr. Chun and Mr. Munekiyo as resource persons in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. Mr. Chun and Mr. Munekiyo, we're ready for your presentation.

MR. CHUN: Thank you, Madam Chair. Can everyone hear me?

CHAIR PALTIN: Yes, we can.

MR. CHUN: Great. Good morning and thank you very much. I'd just like to open by expressing

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our appreciation to Director McLean and the Planning Department for initiating this request. It's been kind of a long time coming. Of course our properties were developed...the first one in 1969; and the second one, Hale Mahaolu Elua, in 1980. So they've been with us and with the community for many, many years, and bringing the existing use into conformity with the community plan...bring the zoning into conformity with the community plan will be very helpful for us going forward as we continue to maintain and improve the properties. Director McLean gave a fine sort of summation of our situation. While already fully developed, there's no specific plans before you today, except to bring the mapping into a conformity. To make sure that everyone has a common understanding of the request, we have a very brief few slides which Mr. Munekiyo is prepared to present, Madam Chair, if you'd like.

CHAIR PALTIN: Yes. I think we would like the presentation. Mr. Munekiyo, if you would like to share screen with your presentation, we'd be happy to receive it.

MR. MUNEKIYO: I will, Madam Chair. Let me share my screen. Is everyone able to see the PowerPoint?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? You're muted, Chair.

CHAIR PALTIN: Thank you. We can see it. I'm not sure if you can press the slideshow button so that it shows up as the whole screen.

MR. MUNEKIYO: Right. Okay.

CHAIR PALTIN: Perfect. Thanks.

MR. MUNEKIYO: All right. Thank you, Chair. Again, thank you, Madam Chair and Members of the Planning and Sustainable Land Use Committee. My name is Michael Munekiyo. I'm assisting Hale Mahaolu and Mr. Chun in the processing of this Director-Initiated Land Use Request. So we do have a few slides just to give some background, which will hopefully provide the good context for your deliberations which follow. All right. So as Director McLean mentioned, this is a Director-Initiated Request to establish appropriate zoning for the Elua and Ekahi Projects. Both the Ekahi and Elua Projects are in a multi-family format, and the zoning change to the A-2 Apartment District would bring the existing housing products at these areas in alignment with zoning standards, as well as provide consistency with the Wailuku-Kahului Community Plans Multi-Family land use designation. And as Director mentioned, there is no...there are no development access proposed in connection with this land use request. Sorry, there appears to be a delay in advancing of my slides here.

CHAIR PALTIN: No problem. We didn't have any testimony, so we're ahead of schedule.

MR. MUNEKIYO: Yeah, okay. I'm going to go back to...okay. So as Director mentioned, Maui Planning Commission did have its public hearing on the matter on June 23rd, 2020, and they voted unanimously to recommend approval without conditions. Just a little bit of background, I think most of you are familiar with Hale Mahaolu, but it does

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provide affordable housing options for individuals, families, seniors and disabled individuals in Maui County. Senior housing projects, of course, are found across the County, Central Maui, Upcountry Maui, South Maui, West Maui, Moloka'i, and Lāna'i. Family housing projects you will find in Central Maui, Upcountry Maui, and West Maui. And of course, the organization does provide housing counseling, personal care services for the frail elderly and disabled or chronically ill, and meals preparation and delivery. Just a little bit more about the land use request in summary form, again, we have the Hale Mahaolu Ekahi Project and the Elua Project. Both are designated multi-family by the Wailuku-Kahului Community Plan. The Ekahi Project underlying zoning is R-3 Residential, Elua R-2 Residential, and both are proposed under this request for the A-2 Apartment District. So the Ekahi Project was built in 1970. It encompasses about 8.9 acres, and there are 111 units in Ekahi. Hale Mahaolu Elua was built in 1980 on about 12.4 acres of land, and that project has 180 units. So this is a map which shows the two project areas. My cursor on this pie shaped area along Wakea, that is Hale Mahaolu Ekahi. Off of Hina Avenue here is one portion of the Elua Project, and at the corner of Wakea and Onehee, another portion of the Elua Project. So these areas constitute the areas proposed for rezoning. Just a closer up view via this aerial; again, the Ekahi Project on the right side in that pie shaped area, Elua across the street and at the corner of Wakea and Onehee Street. Just a few photos, I think most of you are familiar with the Hale Mahaolu Projects, but this is Ekahi from Wakea Avenue. Another view of Ekahi typical units. This is looking at Elua from Hina Avenue looking towards the driveway entering the Elua Project. And another view of the Elua Project, kind of typical units that constitute that project. So real briefly, things that...criteria which are considered in the decision-making process for zoning. First of all, let me go through these real briefly. Number one, does the request meet the intent of and is consistent with the Wailuku-Kahului Community Plan? Again, these projects are existing affordable senior housing projects, and they do advance the objectives and policies of the Wailuku-Kahului Community Plan. The proposed A-2 Zoning District would be consistent with the Wailuku-Kahului Community Plan's Multi-Family land use designation as well. Second, the projects, do they meet the intent and purpose of the A-2 Apartment District? Again, both Ekahi and Elua are developed in conformance with the A-2 zoning standards and permitted use provisions. Third, the project shall not adversely affect or interfere with public services and infrastructure. As mentioned earlier, no new development is proposed in connection with the land use request; hence, no adverse impacts to existing services and infrastructure systems would result. And finally, the request does not adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area. Again, these are existing projects. No new developments are proposed in connection with the request, and no adverse impacts to surrounding environments would therefore result. So Committee Members, just a summary. We are asking for the Committee's support in recommending approval of the Director's-Initiated change in zoning request for the Ekahi and Elua properties to the A-2 Apartment Zoning District. And at this time, Madam Chair, Mr. Chun and I would be happy to answer any questions that Committee Members may have.

CHAIR PALTIN: Thank you for that very thorough presentation, Mr. Munekiyo. At this time, if Members had questions, I wanted to give each...go through a round of three minutes each. Don't feel that you need to ask questions or you need to use the full three minutes,

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but that's what's being allotted at this time. I'll start off with Committee Vice-Chair Member King. Any questions for the applicant or the presenter?

VICE-CHAIR KING: Thank you, Chair. Yeah, I think it sounds pretty much like housekeeping, Mr. Chun. And the only question I have is when is that Central Maui Community Plan up for...and maybe it's a question for Alice Lee, when is that up for review?

CHAIR PALTIN: It's right after you folks, South Maui.

VICE-CHAIR KING: Oh, great. Oh, okay. For some reason I thought that was a different one. Okay. So...but this is in line with the current community plan, correct, this zoning request?

MR. CHUN: That's correct.

VICE-CHAIR KING: Okay. So we're just trying to align those two. All right. I don't really have any detail questions. Seems pretty cut and dry.

CHAIR PALTIN: Thank you. Chair Lee, any questions for the applicant or testifier?

COUNCILMEMBER LEE: No questions, Madam Chair. I'm satisfied with the presentation. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. Member Molina, any questions for the applicant or presenter?

COUNCILMEMBER MOLINA: I got about several, but I'll keep it to just one, a simple one. In the...I guess your letter on page 51 of the Planning Department's transmittal, the Department of Water Supply was supposed to do an inspection of the backflow preventers. Did everything go okay with that inspection? I don't think we have anybody from Water, but...I'm sorry, Mr. Chun, go ahead.

MR. CHUN: Oh, yes. Department of Water Supply came to our premises and recommended the installation of several additional backflow preventers. So we've since done that, and provided additional preventers on the property.

COUNCILMEMBER MOLINA: Okay. All right. Thank you for that response. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Member Sugimura, any questions for the applicant or the presenter?

COUNCILMEMBER SUGIMURA: No, I don't have any questions, but I just want to thank Grant Chun and Mike Munekiyo for all the good work you do with our community. And I hope you come before us to build more housing for seniors or to help us in many different ways like what you're doing. I think you're doing one with MEO also, so it's not only seniors. But thank you very much. I support this, everybody. Thank you.

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CHAIR PALTIN: Thank you, Member Sugimura. Member Johnson, any questions?

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a quick clarifying question, I guess, for Director McLean. What's the height limit or story limit for A-2 Apartment zoning?

CHAIR PALTIN: Director McLean?

MS. MCLEAN: Let me see. A-2...excuse me, A-2 Apartment is 60 feet, A-1 is 45 feet.

COUNCILMEMBER JOHNSON: 60 feet. Okay. So my next question is for Mr. Chun, do you guys have any intentions to build anything at 60 feet in that new zone?

CHAIR PALTIN: Mr. Chun.

MR. CHUN: Thanks for the question, Member Johnson. We don't have any current plans, but the flexibility that the zoning designation affords would allow us to, you know, look to the future and accommodate for potentially hopefully, you know, more units for seniors in the coming years.

COUNCILMEMBER JOHNSON: Yeah. Yeah. I definitely am for that, that you guys build more homes for seniors. Obviously it's a huge need, especially over here on Lānaʻi, that's what I'm hearing, but I'm sure it's across the County. Okay. Thank you so much for answering my questions. Thank you, Chair. I have no further questions.

CHAIR PALTIN: Thank you.

MS. MCLEAN: Chair, may I make an additional comment on that?

CHAIR PALTIN: Sure thing, go ahead.

MS. MCLEAN: On A-1 versus A-2, there's also a difference in maximum lot coverage and maximum floor area ratio, so that's another reason that we recommended or we initiated the proposal for A-2, to allow that greater density. Thank you, Chair.

CHAIR PALTIN: Member Johnson, any follow up on that comment with the Director?

COUNCILMEMBER JOHNSON: No. I am in full support. Thank you for, you know, clarifying that, Director McLean.

CHAIR PALTIN: Okay, thanks. Member Sinenci, any questions for the applicant, Director, or presenter?

COUNCILMEMBER SINENCI: Yeah. No questions for the presenter, but yeah, following the lines of Member Johnson for the Director. I was just wondering, yeah, what was some of the significant differences between R-2 and the A-2 Apartments. So it looks like there's height, there's square footage for area ratio, and any significant other changes,

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Director?

MS. MCLEAN: Just for your comfort level and for other's information, the setbacks get larger as buildings get taller, so that if there is additional height proposed, that would need to be done in concert with greater setbacks. So that's another difference from the residential districts. And then the residential districts actually don't have lot coverage or floor area limitations, and that's why you see, you know, some residential lots built out to the max. But those are more regulated by the number of dwellings and also the height. But here you can have multi-family, so you have that greater density. But there is lot coverage in floor area restriction just so that it doesn't get too dense. You still have some allowance for open space and setbacks.

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

CHAIR PALTIN: Thank you, Member Sinenci. Member Rawlins-Fernandez, any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just have one question for Mr. Chun probably. Do you get complaints about any of the smells from the industrial area across the street?

MR. CHUN: No, it hasn't been a problem. Actually, I think we had more concerns raised when the cannery was still there. But, yeah. No, not currently.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. That's all the questions I have, Chair.

CHAIR PALTIN: Oh, Chair Lee, second round. Oh no, first round because you didn't have questions. Go ahead.

COUNCILMEMBER LEE: I just have a quick question to Mr. Chun. Is Ekahi still designated a Section 8, you know, project, or did that expire?

MR. CHUN: It's...we have residents there who have Section 8 vouchers, but it's not a subsidized property. I think you're referring to...when you say a Section 8, you're referring to properties that have vouchers for all residents and subsidies for all residents, and it's not one of those, no.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. I just had a couple questions. This is...this property is a 99-year lease from the County; is that correct?

MR. CHUN: Hale Mahaolu Ekahi is owned by Hale Mahaolu; but Hale Mahaolu Elua, yes, is on a 99-year lease from the County of Maui.

CHAIR PALTIN: And how far into that are we...the 99 years?

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MR. CHUN: I think the lease was executed in or around 1980, we're about 40 years into it. Another 60...another 59 years or so.

CHAIR PALTIN: Okay, so we're pretty well favored. And then these wouldn't be able to be condominiumized, I think they said in the public hearing, right, because they're...because of the HUD financing; is that correct?

MR. CHUN: Right. Occasionally, HUD will have you do not individual unit condos, but within the project they'll...because of the way financing works, they'll have certain portions of the project condominiumized out of other portions so that the HUD financing can apply to only certain portions of the property, but that's the only kind of condominium work that really occurs for us. Not for individual units.

CHAIR PALTIN: Okay. And there's no intent to do like a short-term rental senior home whatsoever, even if it was possible.

MR. CHUN: No, that's not our mission, nor intent.

CHAIR PALTIN: Okay. So there wouldn't be any objection to a condition not allowing short-term rental on this property?

MR. CHUN: No objection.

CHAIR PALTIN: Okay. All right. Member...oh, Director McLean.

MS. MCLEAN: Thank you, Chair. To that issue, the way that the apartment zoning district reads, it says, transient vacation rentals and buildings and structures is an allowed use if they meet the following three criteria. One, as you pointed out, the building was built or permitted before 1989. The second criteria is, transient vacation rental use was conducted in any lawfully existing dwelling unit within the building or structure prior to September 24th, 2020, as determined by real property tax class and GET or TAT. So that would not be applicable to this property. And the third criteria talks about, you know, reconstruction cannot expand. So under the zoning district right now, short-term rental would not be allowed there because that was what we called the loophole bill, where properties that had never done vacation rental could not start, even if they met the time criteria. So that loophole bill was passed last year, and so this property and many other properties can never convert to short-term rental.

CHAIR PALTIN: Okay. Thank you for clarifying that. So no need for any condition on that. It'll be addressed . . .*(inaudible)*. . .

MS. MCLEAN: I panicked a little bit when you asked that.

CHAIR PALTIN: Oh, sorry.

MS. MCLEAN: But we all took care of it last year with the loophole bill.

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CHAIR PALTIN: Okay, nice. All right. Any further questions for anyone of our resources? Seeing none.

COUNCILMEMBER MOLINA: Recommendation?

CHAIR PALTIN: The Chair will entertain...huh? Oh, recommendation. The Chair will entertain a motion to recommend passage on first reading of the proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095, AND (2) 3-8-007:096" as amended, and incorporating nonsubstantive revisions, and filing of County Communication 20-599.

VICE-CHAIR KING: So moved.

CHAIR PALTIN: Moved by Member King. And seconded by --

COUNCILMEMBER MOLINA: Second.

CHAIR PALTIN: -- Member Molina. Member King, as the movant, do you have any discussion?

VICE-CHAIR KING: No. Thank you, Chair. Not really. I think it's pretty cut and dried and, you know, I want to thank Grant for the presentation and for bringing us up to speed and in line with the community plan.

CHAIR PALTIN: Thank you. Member Molina as the seconder, any discussion?

COUNCILMEMBER MOLINA: Nope. Just ditto to what my colleague, Ms. King, said. And I thank Mr. Munekiyo and Mr. Chun also. Thank you, Madam Chair.

CHAIR PALTIN: Thank you. Members, any further discussion? Seeing none. All those in favor of the motion, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: We have eight "ayes" and one excused. Motion passes.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Kama.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of bill and FILING of communication.**

CHAIR PALTIN: Thank you so much, Mr. Chun, Mr. Munekiyo, for your time today.

MR. CHUN: Thank you very much.

CHAIR PALTIN: We'll let you get back to the Charter Commission.

MR. CHUN: Thank you.

CHAIR PALTIN: A hui hou.

**PSLU-8 COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR
COUNTY OF MAUI AND HALE MAKUA HEALTH SERVICES
(KAHULUI) (CC 20-598)**

CHAIR PALTIN: Okay, flowing right along, we'll move onto PSLU-8. That went even faster than I anticipated, always nice. Okay. PSLU-8 is a Community Plan Amendment and Change in Zoning for County of Maui and Hale Makua Health Services (Kahului) (CC 20-598). The Committee is in receipt of the following County Communication 20-598 from the Planning Director, transmitting the following: A proposed bill entitled, "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO PUBLIC/QUASI PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAI'I, TAX MAP KEY (2) 3-8-007:097." The purpose of this proposed bill is for land use and zoning consistency. A proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC-QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAI'I, TAX MAP KEY (2) 3-8-007:097." The purpose of the proposed bill is for land use and zoning consistency; (2) Correspondence dated July 30th, 2021 from Committee Chair myself, transmitting an Amendment Summary Form proposing amendments to the

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proposed bills to grant a Community Plan Amendment and Change in Zoning for only the portion of the premises identified as Phase 1 and Phase 2 in Resolution 18-163. The Phase 1 portion contains the gateball field with field house, comprised of 2.831 acres, and the Phase 2 portion contains the Kahului Community Center annex (also referred to as the Performing Arts building), and surrounding areas, comprised of 4.570 acres. The Committee may consider whether to recommend passage of the proposed bills on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 20-598 and other related action. Okay. At this time, can we have opening comments from Director Michele McLean?

MS. MCLEAN: Yes. Thank you, Chair. Wes Lo and I coordinated, and he has a slide set that has a couple of introductory slides that I will present. Oh, he's quick. So if we can proceed with that, if that's okay, Chair.

CHAIR PALTIN: Okay. Sure.

MS. MCLEAN: Okay. So just giving some background on this initiative. The Planning Department initiated the change back in 2018. We'll note that the community plan designation for the site is Public/Quasi Public, so the proposed zoning is also Public/Quasi Public to change it from the current R-2 designation. This says designated park in the Community Plan. The proposal is to change both to Public/Quasi Public, excuse me. This would allow for long-term master planning, and the master planning would include expansion of some services and facilities that Hale Makua currently provides on the adjacent site. But it is also intended to allow the existing soccer fields, tennis courts, playground to continue. And just with Hale Mahaolu having its two facilities and three sites there, Hale Makua being there, it's a logical place for those kinds of facilities to expand into. The Planning Commission held its public hearing in June of last year. The Staff report, which was transmitted to the Committee, talks about the initial lease of 2.8 acres, and then a later lease of 4.5 acres, and that second phase would have to be coordinated with the Department of Parks and Recreation. And then the balance of this site, 26.68 acres, would remain for the existing park uses, and those existing park uses include the pool. Phase 1 and Phase 2 do not include the pool. The existing designations allow for most typical park uses, but the Public/Quasi Public designations allow for broader uses, including the park uses, but also community and senior centers. And as I mentioned, this was initiated back in 2018 when the County and Hale Makua were planning for what Hale Makua at the time termed the "senior tsunami" where facilities and services for our kūpuna are going to have to expand beyond where they are now because the demand is going to be there. And one last slide for me, just comparing the permitted uses in the R-2 Residential district, which is what it's zoned now; the Public/Quasi Public district, which is what is being proposed. And just for your information, some of the uses allowed in the park district, which go beyond what I think everyone thinks would be appropriate for that site for park uses. So the existing R-2 Residential district does allow parks and playgrounds and government facilities. So if there were a County Community Center, that could be built with the R-2 zoning. But Public/Quasi Public goes a little bit beyond that, allowing kinds of educational facilities, community centers, and other Quasi Public facilities like the kind Hale Mahaolu is proposing. Then the Park designation allows things like archery

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ranges, go-carts and motor bikes, gun ranges, paintball...so those things go beyond what you would typically want to see at this location. And so that's why we didn't propose a Park zoning for the balance of this site. And with that, I believe Wes Lo will proceed, unless there are questions for me, Chair.

CHAIR PALTIN: Director McLean, that PQP uses that you listed, that's not an exhaustive list right? I see...

MS. MCLEAN: Right. None of these are exhaustive lists.

CHAIR PALTIN: Yeah. So I mean, 19.31 also principal uses and structures allows for cemeteries, crematoriums, wastewater treatment facilities, water treatment facilities, public utility substations, and other things including, like I think, do allow 90 feet; is that correct? 90 feet height...maximum height.

MS. MCLEAN: The...let me see. In the P-2 district is 90 feet, the P-1 district is 40 feet.

CHAIR PALTIN: Okay. And you guys are asking for a P-2, right?

MS. MCLEAN: Yes, yes.

CHAIR PALTIN: Okay. So these aren't exhaustive lists of either the principal uses and structures or accessory uses and structures?

MS. MCLEAN: Oh, right. I didn't list any accessory uses or structures, and these...none of these lists are exhaustive. Correct.

CHAIR PALTIN: Okay. And before we move on to Mr. Wes Lo, he is currently the CEO for Hale Makua Health Services. Prior to that he was the CEO of Hawai'i Health Care Systems, Maui Region for 13 years. Given his experience, along with Mr. Mike Munekiyo, I would like to designate, Mr. Lo and Mr. Munekiyo as resource persons in accordance with Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS VOICED NO OBJECTIONS.

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

MR. LO: Thank you, Madam Chair. I suppose you can hear me okay?

CHAIR PALTIN: Yes, we can hear you.

MR. LO: I'm going to punt, I guess, the first part of this presentation to one of our board members, Mr. Munekiyo. So if I could ask him to proceed with the next few slides. Thank you.

MR. MUNEKIYO: Thank you.

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CHAIR PALTIN: Go ahead, Mr. Munekiyo.

MR. MUNEKIYO: Committee Members, you can hear me?

CHAIR PALTIN: Yes, we can.

MR. MUNEKIYO: Okay. Thank you. I'm Mike Munekiyo. I'm a member of the Hale Makua Board. So we'll begin with the overall location map, and that area highlighted within the dashed red line includes the Hale Makua's Kahului Campus, as well as the surrounding Kahului Community Center Park. So this just gives you a reference as to where the project area is with respect to the rest of the urbanized Kahului area. So we'll go to the next slide. This shows in greater detail the area that we're talking about. The area outlined in solid red is the existing Kahului facility. The area outlined in the dashed red is the Kahului Community Center Park. And the areas outlined in yellow are the Hale Mahaolu Elua and Ekahi Projects that we just talked about. And so with these facilities, you can see the potential for creating a so-called senior services epicenter, and that's one of the reasons I think this location provides some benefits. So we'll go to the next slide. So we did talk about...Director did talk about the...or I think Chair talked about the previous lease pursuant to Resolution 18-163. It covers an area of 7.4 acres roughly. But there are two areas within this 7.4 acre area, and I'd like to first of all focus on the area below the orange line, the bottom orange dashed line, and that is a 2.8 acre area, which is currently proposed for our new rehab facility. The area above that 2.8 acre area, that 4.5 acre area between the two orange dashed lines are the other part of the lease that was referenced in Resolution 18-163. It does not include the Kokua pool, but that lease, of course, has not been executed because there are funding encumbrances associated with the Kahului Community Center portion back there in between the two orange dashed lines. So that's just a more geographic reference of the two areas that were highlighted with respect to a potential lease under 18-163. So we'll go to the next slide. So current lease efforts therefore focuses on the 2.8 acre area, that existing gateball area just next to the entry as you enter Hale Makua Kahului. And again, this area is proposed for our new rehab center. Lease negotiations are continuing with the County. And with respect to the rehab center, we are progressing quite rapidly. We are in the State's environmental assessment process, and we hope to conclude that EA process by the end of the year. We'll also need to engage with the State Department of Health to secure a certificate of need. And our goal is to initiate design development in the early part of 2022 with a goal of getting construction started in the spring of 2023. And again, this is just for that 2.8 acre area for our rehab center. So at this point, I'll turn the presentation over to Wes to discuss our community engagement and master planning processes.

MR. LO: Thanks, Mike. Madam Chair, Councilmembers, I wanted to just give an update of, you know, talking about some of the community efforts and master planning process. I want to distinguish real quickly that there is a 2.8 acre site that we were talking about we're working on a lease. Separately, back in 2018, there was a separate resolution, if you may recall, which quickly stated that it encouraged the Mayor to develop a master plan on the entire 34-acre park to provide healthcare facilities and other services and programs for kūpuna, and this was urging the Mayor to do this in conjunction with Hale

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Makua. So we have started that process. And, you know, you may recall we did a health impact assessment which we presented to the prior Council on, and we have started moving on in a little bit different path on our master plan. Not necessarily a traditional path, we wanted to do an iterative process focused on the community driving this project. I just want to state, we do not have a master plan on this in place right now, so there is no presumption of what's going on there at this point in time. The vision for the plan is that it will be led by the community, for the community, based on the resolution. So although there will be a master plan, and we'll talk about it shortly, we did also want to create a process and structure to make sure that this...whatever the community decides can be sustainable and can be seen to completion. So it is not a traditional point in time community meeting that has come to stand for community engagement. Our process is to bring up more voices, including those who are sometimes...or maybe I should say more inclusive process to get discussions going on with the community. And really, the goal is that...of our community engagement process to do community building and inclusive for future needs. So anyway, it's a little bit different so, you know, we are moving forward on that. Next slide please. So I won't read through these every item, but we did provide to the Council and to the Administration the Health Impact Assessment which Islander Institute did last year, and Andrew Aoki led this Health Impact Assessment. And so you can see some of the potential focus areas, and it really was meant to be a road map for the master planning effort. And it created...it suggested that we do a core planning team and steering committee to inform the master planning process to provide [sic] feedback, you know, on the community building and engagement process. Next slide. So after we did the Health Impact Assessment, we also did actually do a community survey. And this was over 400 residents, a telephonic survey. And I would just like to add that actually...our Planning Director actually got randomly called on this survey too, so she may remember that. But we did have this survey done. And I'm not going to read through this in its entirety, but what the survey found was that improving services and care for our kūpuna is a top priority for the County. The residents almost unanimously want to see efforts to expand kūpuna services and housing on Maui. And importantly, the last bullet point, which is bolded, is that the residents prefer that whatever the vision is for the park, that it include areas and space for community use in addition to the services for housing for kūpuna, so it would not be exclusively for kūpuna. So that is...part of our process is just trying to inform as we move forward. Next slide. So, you know, again, we did form our Steering Committee that was proposed by Islander Institute, and it's being led by Andrew to the formative stages as we do this. It's a small Steering Committee made up of key stakeholders throughout the community, including the park...some park users, residents who live in the area, so on, so forth, and it's really...the goal is to let them sort of run forward with this project. And again, really reach out to the community on more qualitative basis as opposed to a quantitative basis, although we will be keeping statistics on the outreach process on this. So, you know, we are moving forward on this community outreach, but we also do need to finish a master plan. So we separated the community engagement piece from the master plan piece, and we have also retained a WCIT architecture to do the master plan. Their community outreach, which is going to be adjunct to our Steering Committee, is planned in September, and we anticipate completion in October, November. I just want to make sure it's clear is that when this master plan is completed, it is really going to be just diagrammed options for uses of the

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park for the County's consideration. Next slide. So, you know, I just want to make just a sort of a fast comment about the opportunity of this park and this community driven process. We think it's got some tremendous potential. Again, as Michele had said about...you know, that Mike had said about, you know, our forefathers have sort of really done a great job of planning this area. We think that, you know, there's opportunity to diversity the economy here, potentially away from tourism. We are working with Workforce Development. We are trying to create a new healthcare delivery system which is around home and community-based services as opposed to the institutionalization, and we want to include wellness at the park, et cetera, and intergenerational uses. We think there's tremendous opportunities for things like affordable housing, some transit-oriented development ideas, complete streets, which are all in that area. And we have been looking at trying to create some kind of comprehensive funding strategy where Federal, State, County and private resources come together with community support to really impact maybe the future of Kahului. So with that as the last slide is, I'd be happy to answer any questions. Thank you.

CHAIR PALTIN: Thank you, Mr. Lo. If...thank you. Can you stop sharing screen? Thank you. Okay. We did request for Director Peters, but I see she's not on the call yet. So at this time, any questions for our resources that we do have available? Chair Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair.

CHAIR PALTIN: Oh, sorry. We'll do the three-minute clock again and, you know, we can have more than one round, but just to keep things moving. Go ahead, Chair Lee, three minutes.

COUNCILMEMBER LEE: Thank you. Hello, Mr. Lo. I just...I was intrigued with your presentation when it came to economic diversification. Do you want to expand on that? Is that in regard to healthcare or what?

MR. LO: Yes, Madam Chair, Councilmember Lee. Absolutely. So our theory on the expansion is...a couple things is, one is from a living wage standpoint, we are sort of the entry level into healthcare, so we are working with Maui High and UH Maui College to try to deliver pathways in healthcare. We are short workers right now, and as we all know, the baby boomers are moving through the system, and we don't have very many...the population is not supporting that right now. So we want to do that. And the diversification aspect is in healthcare, but it goes beyond the traditional healthcare. We are doing the things where the nurse aide can become the nurse and...or a licensed nurse, and the licensed nurse can be the RN, which is really very well-paid positions. But we also are moving into something related to what we call social determinants of health, and having people that are non-clinical in healthcare called community health workers, and develop that so that they can start working with people in the community and making sure that they are having the right diets, that they have the right, you know, grab bars in the house, that they...that, you know, they're checking their medications, et cetera. And this is actually getting a lot of traction with insurance companies because it saves insurance companies a lot of money by not having them go into the emergency room for help. So we have started this progress, and we are getting...insurance companies are starting to

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now consider paying for some of these services, so that we think that this is going to be a good solid economic diversification, and then it also supports the kūpuna at the same time. So in our development, we are looking for workforce development so that we can get our youth involved and get them on a pathway. We're actually calling it the 16 to 26 pathway so that they can move from an entry level position up to, you know, potentially a nurse or a social worker, or a case manager. But it's still developing right now. I hope that answers your question.

COUNCILMEMBER LEE: It does. Thank you.

CHAIR PALTIN: Thank you, Chair Lee. Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. So I have three questions, hopefully I can get this all in. But the first one was just related to your presentation, Wes. And you've made several presentations on this, so I'm kind of familiar with your...where you're going with healthcare, but are you also working with UHMC on this so you can, you know, develop a program that's going to feed into these positions?

MR. LO: Madam Chair, Councilmember King, absolutely. Actually, they are a key partner for us right now, not only at the local level with Chancellor Hokoana, but also at the system level. We are partnering with them on many grants with the Weinberg Foundation, Castle Foundation, with Maui High, Maui Economic Development Board, and we actually have a healthcare collaborative right now that is...the State is actually looking to get some of the learnings on how we develop this, what we call licensed practical nurse to RN program, and they are looking for us to develop the CNA, or the high school student level CNA to LPN. So we are working very closely with them. I think we have monthly meetings with them right now.

VICE-CHAIR KING: Oh, that's excellent. Okay. Great, great to hear. My other two questions are kind of related. One is, can you just tell us who is on the Steering Committee for your master plan? You don't have to say by name, but what sectors of the community are included?

MR. LO: Yeah, I'm just pulling up my list here, if you can bear with me for...

VICE-CHAIR KING: And part of this is because I wanted to ask about, you know, the community sector, and we had some concerns about, you know, the park space sent to us in advance of this Committee meeting, and...I saw on your engagement list that there was nothing mentioned about parks. So how does that fit in?

MR. LO: So we're doing kind of a two-step process. The Steering Committee is the first part, and the Steering Committee is one, two, three, four, five, six, seven...approximately eight people. They include...well, we have some people from UH Maui College. We have some park users, some large park user representative on there. We have teachers. We have community members that represent, let's say, you know, community organizations. And we have some labor. And we have...just as much as we can, we have community residents and some seniors in that. So the Steering Committee is the formative part

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right now. We also are working on...because we wanted that to be sort of apolitical, and then we are...our strategy is to have stakeholder groups that we will interface with, and that will include County Departments, Maui High, MEO, Hale Mahaolu. We actually are trying to engage the State leaders, so Senator Keith-Agaran, Representative Woodson, and also the Councilmembers, obviously, for sure. And we are engaging with Senator Schatz's office and Senator Hirono's office also, to be...serve on this periodic update and get their input so we can make this a very community driven process. But we wanted the Steering Committee to be community members, as opposed to, you know, representing institutions more so. So yeah, we've just started those meetings. We've had our first meeting, and our second meeting is scheduled for next week, Wednesday.

VICE-CHAIR KING: Okay. And then your plan...I know you said it was a two-step process, but under your community engagement goals there, the different goals . . . *(timer sounds)*. . . you have for the area, you are including Parks, because I didn't see that mentioned.

MR. LO: Oh, Parks is part of the County Department, so we have a stakeholder group, which would be all the, you know, Public Works, Planning...

VICE-CHAIR KING: No, I wasn't talking about the stakeholders, but I just mean that you're planning to reserve some of the park space and that's one of the goals . . . *(inaudible)*. . .

MR. LO: Oh, yeah. Well, to tell you the truth is, we actually want the community to drive the process. If you...Hale Makua is facilitating the Steering Committee, we are not actually even on the Steering Committee. So we are facilitating the process to have the community driven, but it's pretty clear, based on our early work, that it still needs to have open space and parks there, for sure.

VICE-CHAIR KING: Okay.

MR. LO: And I think...yeah, yeah. We really want this to be a much more community driven process.

VICE-CHAIR KING: Okay. Thank you. I went over my time. Thank you, Chair.

CHAIR PALTIN: Thank you. Member Molina. Oh, and I just saw Mr. Yamashita joined the call and he will be representing the Parks Department. And I'd like to designate him as a resource person in accordance with Rule 18(A) of the Rules of the Council, so you can also ask questions of Mr. Yamashita, and he represents the Parks Department.

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. Just one quick question for Mr. Lo. Good morning. With Phase 1, what is it...will be the fate again for the gateball field and the fieldhouse? Because I know you had mentioned in your presentation that...I guess for the master plan, the sentiment in, I guess, the people surveyed was that they want a lot more emphasis for community use of the site. So can you comment

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on the gateball field and the fieldhouse?

MR. LO: Madam Chair, Councilmember Molina, so it's a little complicated. Our initial ask, if you remember back in 2018, was to expand Hale Makua Kahului because of the aging community and demographics we're facing. So we did move forward on that, and we would like to develop a new rehab center with additional beds, as well as potentially some physician's offices, and possibly home health so that we can support the outlying community around us, which is predominantly Hale Mahaolu and a lot of the aging population in the area around us. So that is there. We also have been considering things like workforce development on that site also. So that's separate. Now, the...related to the master plan and the other community uses, that's why we're no longer looking at the Kahului Community Center site. We are saying that, you know, just let's do this master plan, and let's just allow the community to see what it wants to do. And that will be part of the master planning process that through conversations and the survey and the Steering Committee, we're hoping that there is some ability to try to see...there will be some choices, but at least there will be something that is community informed. We do think there is some opportunity to continue to have the parks, as well as some affordable housing and maybe some kind of, you know, community center there, et cetera. But it's more just trying to get the community to have its input and present back to the County.

COUNCILMEMBER MOLINA: Okay. All right. Thank you for your response, Mr. Lo. Thank you, Madam Chair.

CHAIR PALTIN: Thank you, Member Molina. Anyone else...questions for our resources? No. Okay. Oh, Member Johnson.

COUNCILMEMBER JOHNSON: Just a quick question for Mr. Lo. Thank you, Chair. Any plans to build a pool in that area?

MR. LO: Actually, I don't think that we are looking at building a pool. We had considered in early stages is if there was an ability to have a joint use of the pool for some therapeutic purposes for some of our aging community. I think we'd like to work with Parks Department. I think Mr. Yamashita once told me, probably a year ago or so, that there's probably some kind of master plan around the pools. But if there is a way that we could jointly use that, that would be great. Or we believe, again, that this...the pool is not part of the area that's being leased, but I think it would be good that the community sort of speak, and the Council and the Mayor make their decisions around there. But I do think there's opportunities to do some therapeutic work around pools --

COUNCILMEMBER JOHNSON: Right.

MR. LO: -- and especially as we move towards home and community-based services, that it could actually be a gathering area and, you know, something like that. But that's sort of our early thoughts on that.

COUNCILMEMBER JOHNSON: So if your master plan committee suggested pools, you

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wouldn't be against it, you'd look into it?

MR. LO: Absolutely. You know, again, I want to just reiterate, we're viewing ourselves as not the developer of the 34 acres. We are viewing ourself as the steward that --

COUNCILMEMBER JOHNSON: Okay.

MR. LO: -- you know, through the thing. So I don't have any issue around it. I think that...I love that park. I think that we can probably just plan it a little bit so that we can start taking care, as we move forward, as our community progresses. And I do think that some quick commentary is that, I think if we plan this well, and we consolidate our funding efforts, this could be an effort to revitalize Kahului and provide more affordable housing also.

COUNCILMEMBER JOHNSON: Okay. Thank you, Mr. Lo. I just...you know, quite oftentimes our pool here is full of seniors, it's such a high demand. And I often hear, you know, well, we want to keep our seniors healthy. And I think pools are very safe for them, you know, it's not so hard on the knees to stay in shape, you can swim. But anyway, that's a different topic. Thank you for your answer. Okay. Aloha. Thank you, Chair. I have no further questions.

CHAIR PALTIN: Thank you, Member Johnson. Member Sugimura, followed by Member Sinenci.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice seeing you, Mr. Lo. I wonder how you are doing...I know you did a presentation at the MACC regarding opportunity zones, and it was kind of tied to this big community vision, and I just wonder where we are. Are you able to utilize some of those tax benefits that were presented for this project?

MR. LO: Madam Chair, Councilmember Sugimura. Unfortunately, the opportunity zone as currently defined ends at Kamehameha. So we are not actually in the opportunity zone. Having said that, we actually are looking at Federal and State resources, or Federal resources on what's available. And there's a tremendous amount of money through the infrastructure bill, and we actually just got word of six different grants with millions and millions across the nation, but it will require collaboration with the County and other members. And so we are...we will be wanting to pursue this. We actually are making effort to pursue this to see if, you know, we can look at things like frankly, complete streets, transit-oriented development, outdoor recreation, and workforce development. But they are competitive, so we...there is a lot of funding out there that's not opportunity zones, and we are trying to...we actually have retained a company to assist us in trying to identify those resources, and we will be, if applicable, bringing them back to the County to see if there is any opportunity to capitalize on that funding.

COUNCILMEMBER SUGIMURA: Exciting. Yeah, keep us posted. That was an interesting opportunity, and I thought it was connected to this project. Chair, I wonder, are you going to have Mr. Yamashita also speak because...from Park's perspective?

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CHAIR PALTIN: Yeah, yeah. That was the plan. He just logged on, so I was giving Members an opportunity to talk to these resources, and then we can hear from him.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR PALTIN: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, and aloha, Mr. Lo. Just a clarifying question from Member Molina's line of questioning. So for the Kahului Community Center, it will be part of your Phase 2 and included in, but it's still not decided upon if you're going to keep it as a community center; is that correct?

MR. LO: Madam Chair, Councilmember Sinenci. So...sorry, this is a little confusing. So the original lease, there was a Phase 1 and a Phase 2, which totaled 7.4 acres and included the Kahului Community Center. Because there are some encumbrances on the Kahului Community Center that was funded by National Parks back in 1978, we have opted to...we will be coming back to Council with a lease that does not include the Kahului Center, so it will only be the 2.8 acre site. So at this point in time, we don't...we were going to allow...I mean, not that we would have any control over it, but...I mean, it's not part of our process. We are just looking at developing on the 2.8 acre site right now.

COUNCILMEMBER SINENCI: Okay.

MR. LO: Our hope is that there is...as we plan it, there is some relationship between as...you know, the rest of the park and the healthcare around it though, that's all.

COUNCILMEMBER SINENCI: Mahalo for that clarification. Thank you, Chair.

CHAIR PALTIN: And I just wanted to add, that's part of the reason that I felt safe in my Amendment Summary Form to include those because of the National Park encumbrances, and then it would just be aligning the zoning with the current usage. And so if, during the master planning process, there is suggestion to make improvements there, the zoning would be in alignment. So that was part of the reason that I felt safer in including the community center and the annex in the change in zoning Amendment Summary Form. So that's just an FYI because of the National Park encumbrances. Any further questions from the Members from the resources before we let Mr. Yamashita speak? No? I had a couple questions, or maybe just one for Mr. Lo. In response to Member Sugimura's question, when you indicated that you may be going for some Federal funding sources, would that then open up applicants to Hale Makua Services throughout the United States of America, and not limit it to just our Maui County residents?

MR. LO: Madam Chair, so Hale Makua, we basically accept from the hospital, you know, we are not like a Hale Mahaolu. So we are...obviously, we do see people from the mainland here. But, you know, our goal is to service our community, you know, we are here for healthcare reasons, et cetera. The funding that we were considering is more related to if there's ability to develop the park. And, you know, for example, it's already happening

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is, the Department of Public Works is doing a complete streets on Onehee Street right now through Federal highways monies. And if...that money, and we could plan that appropriately, maybe there is some additional roadway improvements that if we all knew what we were going to do with the park, then we could probably plan our infrastructure and potentially make it cheaper for all of us combined. So we were looking more from that perspective around the park. Our Federal funding for healthcare services is from the Centers of Medicare and Medicaid services. And, you know, we choose people as they are being discharged...typically discharged from the hospital or have community needs, so it's not really a...it's not exactly the same as like a Hale Mahaolu, which is open to all. You know, we're just here to provide healthcare services for the island. So a little bit different, if I'm understanding the question correctly.

CHAIR PALTIN: Okay. And before the County does sign the lease on any of the property, is that something that's planned to come back for the...before the Council, or is it purely an administrative function?

MR. LO: Madam Chair, it is. We will need to come back...it's our understanding we need to come back in front of Council, so we have been negotiating with Parks Department and a wise advice from Parks and Corporation Counsel is that we wanted to make sure that we have appropriate community outreach before we present that there. And we do have some changes to the language because we don't want to tie up a park while we're doing design development. So we are looking at just some options to lease or some time so it could continue to be a park as long as it's available. So we are hoping to have that done by...you know, before the end of the year. Again, we...frankly we would rather have more community outreach to show you before we come back, and that was advice...wise advice from Parks and Counsel on that too, so...

CHAIR PALTIN: Thank you, Mr. Lo. That satisfies my questions. Any further questions from the Members? Seeing none. Mr. Yamashita, you have any comments on this agenda item for Hale Makua Health Services from the Parks Department?

MR. YAMASHITA: I can only add that we did send a letter in April...April 4th, 2019, about the community plan amendment. And what the Department said is that it's in support of the transition to allow the expansion of the Hale Makua facility onto the Kahului Community Park property.

CHAIR PALTIN: Okay.

MR. YAMASHITA: And yeah, if there are...I mean, I...if there are questions about the lease, other people are working on it with Wes. I haven't been involved in that at all.

CHAIR PALTIN: Okay. Thank you. I was wondering...I know pre-pandemic that the gateball field had been used for I've heard Little League and flag football practices. Are you aware if any effort has been made to alert them of this change in zoning and the future plans for the gateball field?

MR. YAMASHITA: I don't know. I think Karla is the one who typically deals with any kind of

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contact with the groups. And she gave me a list of uses in the park, but I don't know if she's been in contact with them.

CHAIR PALTIN: Okay. And do you know if there are any alternative areas, if the kids that play Little League or flag football, that they could utilize instead of the gateball field if we lease the gateball field to become this nursing facility?

MR. YAMASHITA: I don't have specific information, Councilmember Paltin, on that. But I will say--and this is something I've talked to Karla about is--there's a great demand for our parks for facilities, and we are short on fields. I mean, I think you all received emails about the shortage of fields. So it's a constant battle, and it's...in some ways it's a zero sum game where the removal of fields or facilities affects everybody else, but that's the nature of the situation.

CHAIR PALTIN: Okay. Thank you, Mr. Yamashita. Members, any further questions for Mr. Yamashita? Seeing none. At this time, I'd like to take our 15-minute morning recess. Mr. Yamashita, if it's possible, would you be able to reach out to Director Peters and see if any of the gateball field users have been made aware of the impending change during our recess?

MR. YAMASHITA: Yes. I can ask...I can ask Karla. She also just mentioned that...I mean, I just got a...she's been monitoring this. But she said we could find areas for them.

CHAIR PALTIN: Okay. I guess also, just the question is, have they been notified of this impending change. And then I think this item has about 21 eComments as well, so I'm not sure if Members did notice that. But if there's no objection, I'd like to entertain a 15-minute recess, to return at 10:40.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR PALTIN: Okay. We'll be in recess until 10:40. . . .*(gavel)*. . .

RECESS: 10:25 a.m.

RECONVENE: 10:43 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . Will the Planning and Sustainable Land Use Committee meeting of August 5th return to order. The time is now 10:43. And I think we left off with a question for Mr. Yamashita, if the users of the gateball field had been notified about the impending change. Mr. Yamashita, are you available?

MR. YAMASHITA: Yes, I am here. And I did have a chance to speak with Karla in the break and she...by the way, there's a...she's out of the office. I don't know if she...so yeah. She had some issue that she had to deal with off island, so...anyway, so...

CHAIR PALTIN: Oh, no problem.

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MR. YAMASHITA: But we did...yeah. We did talk about the gateball community, and what she said is that we're going to work with Wes on contacting the groups, and we...because we have a list of all the different groups of the users in the park, so we will be working with them to contact these people.

CHAIR PALTIN: Okay. That's great. I guess I just was wondering, you know, if the plans have been in the works since 2018, why we haven't contacted them before this point. But are you aware or not aware why?

MR. YAMASHITA: Well, it might be spelled out in the agreement. And I just...I don't have it in front of me.

CHAIR PALTIN: Okay. And by agreement, you mean the agreement with the gateball field users, or the...

MR. YAMASHITA: Oh, no, I think...no, we had some conversations with Wes when this was being...when this started. And I think we figured out who was going to be doing what and yeah, you know, we were working on the lease...really namely the lease right now, or have been.

CHAIR PALTIN: Okay. And so you think that before the lease is brought to us that you will have touched bases with the gateball field users.

MR. YAMASHITA: Yes. That's the intent. That was clear from my conversation with Karla.

CHAIR PALTIN: Okay. Members, any further questions for Mr. Yamashita? Ms. Rawlins-Fernandez.

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

MR. YAMASHITA: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: So my question is along the same lines as the Chair's. Since the community will be losing a park, does the Parks Department have any plans to replace that park with another park?

MR. YAMASHITA: Right. The short answer is, not right now. We...yeah, I mean, we just...we're not quite sure how this is going to turn out because as...I think as Wes mentioned, there were several options for use of the park. And I think we just have to wait and see what their plan calls for, and then I think we're going to have to react to that.

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

CHAIR PALTIN: Thank you. Committee Vice-Chair King, followed by Member Sinenci.

VICE-CHAIR KING: Thank you, Chair. Just a follow up on the point about the parks. I think...well, because we've been discussing this issue, I think, since I first got on the

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Council. And one of the earlier comments that was made about having the Hale Makua integrate with the park system was how beneficial it would be for both the youth and the kūpuna to be, you know, interacting, and to be kind of creating that kind of community, that family community feeling on those park areas. So I just kind of wanted to mention that, and that was one of the things that I think made a lot of us feel really good about this project from day one. And that I believe our Committee Chair has an Amendment Summary Form attached to this item that it will kind of help guide us in that direction. But I just wanted to make that point that I don't want to lose that initial concept of how beneficial it is for the kūpuna to be around the children and how...you know, how beneficial it is for the keiki to be...to have the kūpuna in their lives and how, you know, everybody lives longer that way because it's such a...it's a healthy relationship building opportunity. So that's all I had to say.

CHAIR PALTIN: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, I was just going through some of the eComments, and a lot of it is toward the soccer fields. This project is not addressing the soccer fields, yeah?

CHAIR PALTIN: Well, the proposed bills that came from the Department was to rezone the entire 34 acres of the Kahului community complex area. So my interpretation of the eComments was in opposition of rezoning the entire 34 acres. I'm not sure if the eCommenters had a chance to look at my Amendment Summary Form. But based on the way that the bill was posted, my interpretation is the testimony was against the entire rezoning without some sort of consultation or plan of where they would go or that kind of thing.

COUNCILMEMBER SINENCI: Okay. Thank you for that, Chair, because you're right, your amendment would address some of these comments. Thank you.

CHAIR PALTIN: Thank you. Chair Lee, did you have your hand up?

COUNCILMEMBER LEE: Yes, I did. My understanding is that we are focusing on the...primarily, yes, the entire area, but primarily the gateball field, which is right adjacent to Hale Makua. It's not the soccer field, as far as I know. Yeah. Thank you.

CHAIR PALTIN: Yeah. So the Director's proposal is for the 34 acres. My amendment is just for the gateball field. And if I could take this opportunity to explain the amendment. When I first received the bill and learned about our Charter mandated deadline, which we may have...be a little bit over the 180 days, depending on how you count, it was kind of like a red flag. You know, I don't feel like we give anybody else that type of latitude of upzoning a parcel without concrete plans in place, you know, any other developer would like to know what they intend for the upzoning of land. And I kind of feel like, you know, we can't, as the County, upzone our own property without having plans that we run by the community. Especially with the Wailuku-Kahului Community Plan being next up on deck, it kind of feels like we're taking that opportunity for community planning away if we were to upzone it when they're close to getting started with the

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process. But it did seem as though Hale Makua had concrete plans for the gateball field. And I believe, you know, it is economic diversity, and so nursing is an economic opportunity to diversify our economy, and it's something that we definitely need. And so I felt comfortable zoning that. You know, I would like the users to be informed of what is happening, and it sounds like before we issue the lease, there will be that opportunity. So in that way, I felt comfortable to rezone it because it fulfills this community need of economic diversification, nursing, and all the great things that Mr. Lo mentioned, and the same reason I felt comfortable including the Kahului Community Center complex and the annex space on Mr. Sinenci's earlier question. I am not against the rezoning of the entire park...the entire 34 acres. I just feel that we're a little bit...if we were to do it today is putting the cart before the horse. And I don't want, you know, to give Mr. Lo's master planning process the impression that the decision is already made, you know. He said that it is the community driven decision, and so if...I feel personally if we were to rezone it today without hearing the outcome of the master plan, then the community may feel like why are we going through the master plan process, you already rezoned it, you know, or that there may be a predetermined outcome or whatever. So I just wanted to give them the opportunity to do their planning process and then, you know, we can come back with either a Council initiated change in zoning or a Director-Initiated change in zoning. In those cases, there's not the requirement of the...I think it's the 500 radius notification...500-foot radius notification. But I would hope during their master planning outreach that, you know, everybody would know what's going on, maybe there would be some media coverage, and people that who do have opinions...strong opinions about this area would get a chance to weigh in. And so basically, that's the reason I proposed the amendment. It's kind of a compromise, you know. I feel comfortable that, you know, we have another shot when the lease comes back to Council, if that's correct...the process that the lease will come before us before being granted. And so this is, I guess, just my offering of a compromise and a wait and see approach. I don't want to come off as for it or against it, I just want to give the community time to weigh in and come to their own conclusions. And then, you know, once they finish their process, then we can take action based on the outcome, hopefully...you know, and we'll cross that bridge when we come to it. So any further discussion, questions for me, questions for our resources.

VICE-CHAIR KING: Call for the question.

CHAIR PALTIN: Oh, okay. Sure.

VICE-CHAIR KING: Oh, we have...Director McLean has a comment.

CHAIR PALTIN: Oh, Director McLean, go ahead.

MS. MCLEAN: Thank you, Chair. We did transmit revised maps to the Committee. I don't see that you've gotten them yet. But per your request, Chair, revised change in zoning and committee plan amendment maps just for the 7.4 acres. I would request, though, that if you proceed with zoning for just that portion, because the timing is really around the corner for the master plan process, if you would be able to defer consideration on the balance of the site so that we don't have to go through the process all over again. If it

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ends up being a protracted amount of time, then that probably would be appropriate, to go through the process to get, you know, fresh input from public testimony from the Planning Commission. But if it is within, let's say, this Council term, I'd ask for you to consider deferring the rest so that maybe you could pick it up later after the master plan. Thank you, Chair.

CHAIR PALTIN: Okay. If we do that, I want it to be everybody's decision that we are going to violate the Charter together and not just me. And if we get fined \$1,000, everybody chip in a hundred bucks, right...or however much.

MS. MCLEAN: I'll chip in to make it ten people.

CHAIR PALTIN: Perfect. Okay. So I'm not opposed to that, but I'm trying my best not to violate the Charter here. Yes, Chair Lee.

COUNCILMEMBER LEE: Can you go over why we would be violating the Charter again?

CHAIR PALTIN: Okay. This is a Director-Initiated change in zoning. Page 28, I believe...29...says that, you know, we have 28 days...

COUNCILMEMBER RAWLINS-FERNANDEZ: 27.

CHAIR PALTIN: Oh, sorry, 180 days. Okay. Somewhere...somebody told me Director-Initiated change in zoning, we have 180 days.

COUNCILMEMBER LEE: Rather than go on somebody told you, can we check with Corp. Counsel?

CHAIR PALTIN: Oh, good idea. Corp. Counsel, can you please advise us if we have 180 days to move this out?

MS. OANA: I'm looking at the Charter...thank you for the page number.

COUNCILMEMBER RAWLINS-FERNANDEZ: Page 27, part 3.

MS. OANA: So I see that it's under...

CHAIR PALTIN: Are you in the yellow book or the purple book?

MS. OANA: Sorry about that.

CHAIR PALTIN: Oh, it's page 24 on the purple book. The top four, not the bottom four.

COUNCILMEMBER LEE: And how many days has it been?

CHAIR PALTIN: So depending on if you count from November or the start of this term...I think this was one of the ones that we got referred on like the January 15th meeting, but it's

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possible that it came in November of the previous term, and I wasn't aware of the Charter deadlines until recently.

VICE-CHAIR KING: Chair?

CHAIR PALTIN: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, Chair...oh, sorry Vice-Chair. Okay.

CHAIR PALTIN: Vice...Committee Vice-Chair King.

VICE-CHAIR KING: So the part in the Charter says revisions to zoning and land use ordinance proposed by the Planning Director shall be reviewed and acted upon by the Council no later than 180 days after receipt of the transmittal. So if we defer it, aren't we still acting on it? You know, if we have...whatever action we take is still acting on it.

CHAIR PALTIN: Okay. Ms. Oana, is that your legal interpretation? If we defer it, we're still acting on it?

MS. OANA: Yes. That would be my interpretation. You still have to act upon it within 180 days. So I'm not sure where we are within those 180 days.

CHAIR PALTIN: I think we're past the 180 days, but deferral would count as acting upon it?

MS. OANA: Yes.

CHAIR PALTIN: Oh, okay. All right. Thanks. She said...all right. So then, Committee Members, the Chair will entertain a motion to recommend passage on first reading of the proposed bills entitled, "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO PUBLIC/QUASI PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097" and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097."

VICE-CHAIR KING: So moved.

COUNCILMEMBER LEE: Second.

CHAIR PALTIN: Okay. It's been moved by Member King and seconded by Chair Lee to pass those bills. At this time I will entertain a motion to amend the proposed bills to grant a community plan amendment and change in zoning for only the following: the portion of the premises identified as Phase 1 in Resolution 18-163, containing the gateball field with field house comprised of 2.831 acres, and the portion of the premises identified as Phase 2 in Resolution 18-163, containing the Kahului Community Center annex (also referred to as the Performing Arts building) and surrounding areas, comprised of 4.570 acres.

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VICE-CHAIR KING: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR PALTIN: It's been moved by Committee Vice-Chair King, seconded by Member Sinenci. Any discussion, Members? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support the amendment for, you know, the explanation that you gave earlier. But I would like Corporation Counsel to clarify her decision that deferral is an action, and if that is her legal advice, that deferral is an action limited to this section, and not other actions that are required by Council.

CHAIR PALTIN: Okay. Yeah, we can ask...

MS. OANA: Thank you, Councilmember Rawlins-Fernandez. Thank you, Chair. I do thank you for that question, because I do want to clarify my answer. What I meant was that you have to take action on it, final action on it, within the time period. So deferral is an action, but you have to take action on what you deferred within that time period. But it doesn't extend the time period if you defer.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I see Members making furrow brows and I also see Member Molina with his hand up for a follow up. I'm happy to yield the floor at this time, but I would like to speak a little bit more after. Okay. Mahalo, Chair.

CHAIR PALTIN: Member Molina, we're figuring your hand up is germane to this subject, so I think Member Rawlins-Fernandez yielded.

COUNCILMEMBER MOLINA: Yes, definitely. Yeah, thank you, Madam Chair. It relates to the proposed amendment and actually, just more for clarification from Corporation Counsel Oana. So if we exceed the deadline given, then the community plan, the director driven community plan amendment proposal is deemed approved as is, right?

VICE-CHAIR KING: You're muted, Ms. Oana. You're muted.

MS. OANA: I asked if Director McLean can answer that question, I'm not sure.

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: Oh, we should have our attorney, Mr. Mitchell, on the call. And I think that was a Charter amendment Ms. McLean requested, so I'm thinking that we don't currently have that as in the Charter. I think the reason that people have been violating the Charter is because nobody has been assessing the \$1,000 fine maybe? But that's pretty much how it goes, is there is no other penalty than the penalty for violating the Charter, and maybe that's why no one told me about this? I don't know. Mr. Mitchell, do you have an interpretation of page 28, number 4?

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MR. MITCHELL: Yeah. Thank you, Chair, for the question. Page 28 of the Charter, you're looking at...

CHAIR PALTIN: The top number 4, not the bottom number 4 on the purple Charter.

MR. MITCHELL: Revisions to zoning and land use ordinances proposed by the Planning Director shall be reviewed and acted upon by the Council no later than 180 days after receipt of the transmittal from the Planning Director. I haven't researched this specifically, Chair, but the plain reading of this, in my opinion, means you must take final action within that 180 days. I think the advice you got from Corporation Counsel, that deferral does not extend, seems logical; but again, I have not researched this particular portion of the Charter, but that would be my understanding of it in terms of the plain language interpretation.

CHAIR PALTIN: So you're saying that deferral doesn't count as final action?

MR. MITCHELL: Correct.

CHAIR PALTIN: Even though it doesn't specifically say final action, it just says reviewed and acted upon.

MR. MITCHELL: That's correct.

CHAIR PALTIN: Okay. I guess at this time, let's go back to Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Mr. Mitchell. Really quickly. So what we're considering today is action on a portion of it and deferral on a portion of it. So would final action on a portion of it qualify for acting on it under the Charter?

MR. MITCHELL: Again, Councilmember Rawlins-Fernandez, I haven't researched this particular section, and it sounds logical to me that to the extent you're partially taking final action on what is proposed today and deferring the remainder, the portion that you are taking action on is consistent with the Charter within the 180 days if we are within that time frame, and then we'll have to keep our eyes on the calendar for the remainder to make sure we're also within that time period...if that's still possible. I'm not sure where we are on the calendaring on this.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think we may have passed the 180.

MR. MITCHELL: Yeah, I believe the deadline was July 14th, so we're past it either way.

COUNCILMEMBER LEE: Yeah. Exactly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

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MR. MITCHELL: Yeah. I think we're past it either way.

CHAIR PALTIN: Yeah, but I had ignorance of it until recently.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: If I knew, I would have tried harder. Chair Lee.

COUNCILMEMBER LEE: Yeah. So Remi, the pertinent question here is, what is the consequence of us not taking action on this item within 180 days?

MR. MITCHELL: I think the consequence is if this is a willful violation--and willful obviously is subject to interpretation--there is a fine, but it appears to me this is not willful.

COUNCILMEMBER LEE: Okay.

MR. MITCHELL: There is an effort here to meet the deadline. And when Member Paltin, Chair Paltin became aware of it, she has been trying to move this along. So it doesn't appear willful to me.

COUNCILMEMBER LEE: So what does that mean? Do we have...does that mean we have to take action today...because now we know that we've exceeded the deadline. So now we're taking action today, but in your interpretation...what if your interpretation is deferral is not an action, and in our interpretation it is an action? What happens? How do we settle that?

MR. MITCHELL: Well, I think the bigger point here, Chair Lee, if I may suggest, is that we're trying to move this along, and it appears the Council is diligently scheduling this to take action on it, so you're already past the deadline as it is. If you can take action on a portion of it, and then take action on the remainder as soon as reasonable, I think we will avoid having to face any suggestion that there is a willful violation of the Charter amendment.

COUNCILMEMBER LEE: Thank you. That makes sense. Thank you.

CHAIR PALTIN: I had a question, Mr. Mitchell.

MR. MITCHELL: Yes, Chair.

CHAIR PALTIN: So if we take action on it, then we don't file, and we do it the way that all these folks want to do it...we don't file the County Communication, we vote on it and then we defer the rest of it, the 34 acres, and then adjourn the meeting?

MR. MITCHELL: You would vote on the portion that you intend to take action on today, and defer the remainder to the next...in my recommendation, the next PSLU meeting, and take action then.

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CHAIR PALTIN: Oh, the very next PSLU meeting?

MR. MITCHELL: I would encourage that just so that you're moving it along.

CHAIR PALTIN: I don't know if that would help. I don't know if that would help to defer it...

MR. MITCHELL: You're still beyond the deadline. You're still beyond the deadline.

CHAIR PALTIN: Yeah. Because I think they wanted us to defer it until the end of this term. So any legal opinion on that?

MR. MITCHELL: That's sufficiently nuanced that I would recommend that we take the time to research the issue and collaborate with Corporation Counsel on it as well.

CHAIR PALTIN: Okay. Committee Vice-Chair King.

VICE-CHAIR KING: Thank you, Chair. So it sounds like the safest course of action is to just take this...you know, if we're going to vote on this amendment, vote on the bill, we've taken action, they can come back to us at some later point for the other portions, and then the 180 days on the rest will start then, whenever they come back whenever they submit another one. But the whole idea, Mr. Mitchell, was to defer it so that we could wait until the community has time to discuss it. And so that's not going to happen by the next PSLU meeting. So it just seems like the best way to address all of our concerns is just to vote on what we have in front of us, and then it's done. We've taken final action, we've said no to the entire property. And then when they have plans for the other portions, they can come back to us with another request.

MR. MITCHELL: But Member King, that would not start the 180-day clock again. If I...I think I heard you say...

VICE-CHAIR KING: No, whenever they come back to us with their new request, then the 180-day clock starts at that point for the second...for the new request. Because we're dealing with the original request today. We're saying...we're taking action, we're saying we're going to change the zoning for a portion of it, and we're not to change it for the whole thing, that's our action. And then we're just...then we're done with this communication, and then they can come back to us with an additional communication at the point where they figure out, you know, what the community wants to do with the rest of the park.

MR. MITCHELL: Understood.

VICE-CHAIR KING: Right? Does that make sense?

MR. MITCHELL: It makes sense.

VICE-CHAIR KING: Okay. Thank you.

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CHAIR PALTIN: Chair Lee, followed by Member Sinenci.

COUNCILMEMBER LEE: Madam Chair, perhaps we could also consider instead of the Planning Department initiating the balance of it, that the Council initiates, so that we don't have this kind of deadline, and it'll be cleaner, I think, that way.

CHAIR PALTIN: Okay. Yeah. All right. Member Sinenci...oh, and then Member Rawlins-Fernandez after Member Sinenci. Go ahead.

COUNCILMEMBER SINENCI: Thank you, Chair. I guess my question was for Mr. Mitchell. Do we have to defer the remaining balance, or can we just say today that we keep the remaining balance in park?

MR. MITCHELL: Member Sinenci, I don't think I quite heard the question, could you repeat it please?

COUNCILMEMBER SINENCI: We're just doing action on 7.401 acres, and we not defer the remainder and just keep it in park.

MR. MITCHELL: What would be the benefit of not deferring it?

COUNCILMEMBER SINENCI: Extending it to the next meeting, that we'll just take action today for the entirety.

MR. MITCHELL: Does that...is what you defer different from what Member King was referring to that...it's not. So I don't see the benefit in doing it that way.

CHAIR PALTIN: Yeah. I think the action that we would be taking is to leave it as it is. So that would be the action. Changing the zoning for the 7.4, and leaving the balance as it is.

COUNCILMEMBER SINENCI: As an...as an...instead of deferring the remaining section?

CHAIR PALTIN: Yeah. Okay. Member Rawlins-Fernandez, followed by Member Molina.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to add that if Council were to initiate it, it would still need to...because it's a land use proposal, it would need to go to Commission again. So it would still...oh, okay, okay, okay. Yeah. So I just wanted to add that, that it would still need to...that the process would still...I think Director was asking us to defer it so that it wouldn't have to go through the whole process again. And so even...regardless of whether the Director initiates it or the Council initiates it, there would still be a process that they would have to go through.

CHAIR PALTIN: I guess the difference would be like we could start that process immediately, and then whenever they finish it, we won't be held to a 180-day clock. Because the Charter only says proposed by the Planning Director, and not proposed by the Council. So...

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COUNCILMEMBER RAWLINS-FERNANDEZ: But if it's proposed by the Council, it would still need to go the Planning Commission, and then that...and when it comes back from the Planning Commission, then that's when the clock would start again.

CHAIR PALTIN: Correct. Or no, there wouldn't be a clock because if the Council proposes it...it doesn't say if the Council proposes it, it says only if the Planning Director proposes it, there's a 180-day clock. If the Council proposes it, there's no clock, and so we can take it up at the time when they finish their master planning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Would you read that section?

CHAIR PALTIN: Sure. Revisions to zoning and land use ordinance proposed by the Planning Director shall be reviewed and acted upon by the Council no later than 180 days after receipt of the transmittal from the Planning Director.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR PALTIN: So the difference is they'll still have to go through the process, but we won't have to act on it within 180 days, but we can act on it when they are through with their planning process. And it could give also the Planning Commission time to review the outcome of the planning process as well, I mean...okay. Member Molina, you had a question?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. I'm still trying to figure this thing out. It's become quite complex. I never thought it would get so complex. But...so by taking partial action today, everything still remains in Committee, or this action we're taking now, will this move forward to Council?

CHAIR PALTIN: That would be my preference. I'm trying to comply with the Charter to the best of my ability being that I learned late about what it says.

COUNCILMEMBER MOLINA: Okay. Then Committee report has to be issued and so forth so, okay. Whereas the remaining portion of this...which we're not taking action on that will come back to you at a future date in Committee upon, I guess, getting input for their master plan, yeah?

CHAIR PALTIN: That's...yeah. That's the plan of action I prefer.

COUNCILMEMBER MOLINA: Yeah. Okay.

CHAIR PALTIN: To try and set us right with the Charter.

COUNCILMEMBER MOLINA: All right. Okay. Thank you.

CHAIR PALTIN: Okay. So we're on the amendment to the main motion. Any further discussion on the amendment? All those in favor, raise your hand and say "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Okay. That passes, eight “ayes,” one excused, Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR PALTIN: Now we are back to the main motion, as amended, incorporating nonsubstantive revisions and filing of County Communication 20-598. Any discussion, Members? Okay. All those in favor of the main motion as amended, raise your hand and say “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR PALTIN: Okay. Main motion passes, eight “ayes,” one excused, Member Kama.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Kama.

MOTION CARRIED.

**ACTION: Recommending FIRST READING of revised bills and
 FILING of communication.**

CHAIR PALTIN: Okay. This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Committee Members. The time is now 11:20, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 11:20 a.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 38 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 9th day of September 2021, in Wailuku, Hawai'i.



Terianne Arreola