

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

MINUTES

September 6, 2022

Online via BlueJeans Link

RECONVENE: 10:10 a.m.

PRESENT: Councilmember Gabe Johnson, Chair
Councilmember Michael J. Molina, Vice-Chair (Out at 3:01 p.m.; In at 3:42 p.m.)
Councilmember Tasha Kama, Member
Councilmember Kelly Takaya King, Member
Councilmember Alice L. Lee, Member (Out at 12:02 p.m.; In at 1:30 p.m.)
Councilmember Tamara Paltin, Member (Out at 12:04 p.m.; In at 1:30 p.m.)
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out at 1:30 p.m.; In at 1:33 p.m.)
Councilmember Shane M. Sinenci, Member (Out at 10:53 a.m.; In at 11:03 a.m.)
Councilmember Yuki Lei K. Sugimura, Member (Out at 3:19 p.m.; In at 3:21 p.m.)

STAFF: Paige Greco, Legislative Analyst
Alison Stewart, Legislative Analyst
Richard E. Mitchell, Legislative Attorney
Stacey Vinoray, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk
Nālani Fujihara, Hawaiian Language Communications Specialist

Kate Griffiths, Executive Assistant, to Councilmember Johnson
Roxanne Morita, Executive Assistant to Councilmember Johnson
Ana Lillis, Executive Assistant to Councilmember Molina
Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Laura McDowell, Executive Assistant to Councilmember Molina
Jade Rojas-Letisi, Executive Assistant to Councilmember Molina
Sarah Freistat Pajimola, Executive Assistant to Councilmember Rawlins-Fernandez
Noelani Ahia, Executive Assistant to Councilmember Rawlins-Fernandez
Dawn Lono, Executive Assistant to Councilmember Sinenci

Mavis Oliveira-Medeiros, Council Aide, East Maui District Office
Denise Fernandez, Council Aide, Lānaʻi District Office

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Anabelle Hernandez, Council Aide, Makawao-Ha'ikū-Pā'ia District Office

Zhantell Lindo, Council Aide, Moloka'i District Office

Daniel K. Kanahele, Council Aide, South Maui District Office

Christian Balagso, Council Aide, West Maui District Office

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel

Michele Choteau McLean, Director, Department of Planning

Jordan Molina, Director, Department of Public Works

Robert Schmidt, Deputy Director, Department of Environmental Management

Oliver Vaas, Lieutenant, Department of Fire and Public Safety

Wendy Taomoto, Engineering Program Manager, Department of Water Supply

OTHERS: Alaula Builders:

Lawrence Carnicelli, Alaula Builders, Project Representative (*in Chamber*)

Doyle Betsill, Alaula Builders, President (*in Chamber*)

Ron Ped, Ronald James Ped, Architect

Stacy Otomo, Otomo Engineering, President

Charlene Shibuya, Munekiyo Hiraga, Planners

Karlynn Fukuda, Munekiyo Hiraga, Planners

Kelcee Fujimoto, Austin Tsutsumi & Associates, Traffic Engineer

Bill Mitchell, Hawaii Land Design, Landscape Architect

Additional attendees: (3)

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

ITEM AH-35: KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT (WAILUKU)

CHAIR JOHNSON: . . . (*gavel*). . . Will the recessed Affordable Housing Committee meeting of September 1st, 2022 come back into order. And it looks like we're all here and ready to go. We have a double day, so we have a lot of work ahead of us. And I just want to go around and introduce everybody today, and I'll tell...let's see, in the chat, we have the word of the day, is Živjo. So Živjo to all of the Members, and I am in my workspace with Kate Griffiths. And we'll go around to Committee Vice-Chair Mike Molina. Živjo to you, Councilmember.

VICE-CHAIR MOLINA: Aloha, and Živjo to you, Mr. Chairman, and to my colleagues on this beautiful Tuesday, September 6th, 2022. Looking forward to a very productive recessed meeting here today. And for the record, I'm transmitting out

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of the Pā'ia District Office over here at Heritage Hall, and I'm accompanied by District Office Specialist Jade Rojas-Letisi. Mahalo, Chair.

CHAIR JOHNSON: Mahalo, to you, Councilmember. And let's move on to Councilmember Tasha Kama. Živjo to you, Councilmember.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and Živjo to all of my colleagues. I am in my workspace, and I am alone today. And there are no testifiers here, either.

CHAIR JOHNSON: Okay, and let's move on to Councilmember Kelly Takaya King. Živjo to you, Councilmember.

COUNCILMEMBER KING: Aloha kakahiaka, Chair. And I see, there's a note from our Chair that says this is actually pronounced [gee-wil]. So nothing like it looks like on paper, I guess, but interesting pronunciation. And I am at my home office in South Maui. Let's see, testimony is closed, so it's a good thing there's no testifiers at our District Office. And ready to go to work. Thank you.

CHAIR JOHNSON: Okay, so I stand corrected. [Gee-wil]. All right, let's move on to Council Chair, Chair Alice Lee. Živjo to you, Council...Council Chair.

COUNCILMEMBER LEE: Good morning. Živjo, this is a tough one. The...the...the [zeev-jo] is probably an American pronunciation, but when you're in Slovenia, you would say Živjo [gee-vil] or you would say Zdravo [strah-boh] for your greeting. And I'm here in my home office in Wailuku, and there is no one here except myself and my little puppy, Pua Lei Lee. And so we're...we're ready to roll for the Affordable Housing Committee. Thank you.

CHAIR JOHNSON: Thank you, Council Chair Alice Lee. Let's move on to Councilmember Tamara Paltin. Živjo is the way we say it, I guess.

COUNCILMEMBER PALTIN: Živjo, and aloha kakahiaka kākou. Broadcasting live and direct from the West Maui District Office, where we had our first marriage license application stop by already, but they've left. We have Angela Lucero and Christian Balagso here, and testimony is closed. Thank you.

CHAIR JOHNSON: Thank you so much, Councilmember Paltin. Let's move on to Councilmember Keani Rawlins-Fernandez. Živjo to you, Councilmember.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui Ahina. I'm at the Moloka'i District Office, alone on my side of the office, and on the other side of the office, we have our Community Outreach Specialist Zhantell Lindo.

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CHAIR JOHNSON: Thank you so much. And let's move on to Councilmember Shane Sinenci. Živjo to you, Councilmember.

COUNCILMEMBER SINENCI: Živjo, Chair, and aloha kākou, mai Maui Hikina, from the Hāna Cultural Museum, with my Staff Dawn Lono. Happy to be here today. Aloha.

CHAIR JOHNSON: Aloha. Okay, and finally, we've got Councilmember Shane...or Councilmember Yuki Lei Sugimura. Živjo to you, Councilmember.

COUNCILMEMBER SUGIMURA: Živjo, everyone. I'm on the 8th Floor in my office doing this meeting, and there's no one here on the other side of the office. I...I just wanted to also say that this morning, we did a dedication for the ahupua'a signage in Kula Moku, with Vernon, as well as Luana Mahi. And I will tell you that--Kelly, there were appreciation expressed to you because they first did Kihei or, you know, that...the...that...that side of this ahu...ahu, moku. So, thank you very much for what you've done, and today we begin our journey with our signage Upcountry. So, good morning, everybody. Looking forward to a productive meeting.

COUNCILMEMBER KING: Now we're complete. We're all the way Upcountry.

CHAIR JOHNSON: That's wonderful. Okay. So, from the Administration, we have Deputy of Housing and Human Concerns, Housing Administrator Buddy Almeida; Deputy...or Department of Public Works, we're going to have Director Jordan Molina; from the Department of Water Supply, we're going to have Deputy Director Shane Agawa, and Engineering Program Manager Wendy Taomoto; Planning Department Director Michele McLean; we also have, from the Climate Change, Resiliency and Sustainability Office, Hannah Shipman; and let's see, we have Deputy Corporation Counsel Mimi DesJardins. We also have representatives from the following departments on call; that's the Department of Transportation, Department of Environmental Management, the Department of Police, the Department of Finance, the Department of Fire and Public Safety, Maui Emergency Management Agency. And our Committee Staff is Legislative Analysts Paige Greco and Wilton Leauanae, Legislative Attorney Remi Mitchell, Committee Secretary Stacey Vinoray, and Assistant Clerks Jean Pokipala and Lei Dinneen. Okay, we also have Lawrence Carnicelli as a representative, and some of his...his folks here are as...are as...here as well. And then now let's move on to our...the agenda item, it's the recessed agenda, it's AH-35, Kuikahi Village Workforce Housing Project, as well as AH-36, Bill 127 (2022), Relating to the Reclassification of the staff...the State Land Use District from the Kuikahi Village Workforce Housing Project in...in Wailuku. So, Members, if we can pick off [sic] to where we left off from the recessed meeting, I kind of want to see if Ms. Shipman is on the call, and we can have her kind of give a bit of a statement. And let's see if Hannah Shipman is on the call. Okay, there...I see Ms. Shipman, she turned her camera

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on. And I guess basically, we want to thank you for coming out and...and chatting us today. Overall, the kind of idea I'd like to hear from you, Ms. Shipman, is...you know, this is 100 percent affordable workforce housing, and we've kind of...kind of learning how...how we can make it...make the project more green. Is there any...anything you want to speak on creating a more greener project for us today? And the floor is yours, if you feel like speaking. Mahalo.

MS. SHIPMAN: Thank you, Chair. And thank you, Councilmembers, for having me today. This is a really interesting project. I didn't have a chance to read through the entire proposal, as I was asked on Friday at 3 p.m., but I was able to go through and highlight areas that I think could use improvement. I think it's really important, when looking at workforce housing, to ensure that we are able to make it both green in the infrastructure, and also resilient. And so I urge this project to really look at that green infrastructure and that resilient piece. So, some of those things I recommend are I noticed there's no commercial or mixed-use available in this project, and that the commercial areas were quite far according to the map. And so having some sort of mixed-use...use availability, so that people are able to get their basic needs close to where they're living. Also, you know, looking at, you know, the resiliency aspect, and if it's built just up to code or beyond. So, is it hurricane proof, wind resilient? What's the flood risk in that area? Is there flood plain avoidance, and then how are we going to mitigate those risks? And then onsite renewable storage would be highly recommended. I know that they've done that in other projects, and I didn't necessarily see that in the proposal for this project, so having some sort of renewable energy storage. And then on that note, solar hot water heaters, and having those be required. I saw in their proposal that they may install those, I think those should be a requirement. And then looking at, you know, fire risk, firebreaks, I saw there are some notes about putting in fire hydrants, but maybe having some of those fire breaks for resilience. And then, you know, it might be interesting for them to look in...I know they had made some comments about LEED, but maybe look into pursuing LEED For Neighborhood Development, or at least meet the criteria. It'd be great if they'd be LEED For Neighborhood Development Platinum, but I know sometimes that's a big ask, but a recommendation. And then, you know, looking into xeriscaping, walkable streets, areas that are shaded and tree lined, so that there can be a lot of recreational use. EV charging infrastructure and EV chargers onsite, and then making sure...you know, I saw they had quite a bit about, you know, water re-use and low-flow shower fixtures, and things like that, but also making sure the same requirements are there for energy efficiency and having that really optimizing building energy performance. I could go on and on with lots of other things to list, but maybe I should stop there.

CHAIR JOHNSON: Okay. Thank you. Members, do we have any questions for Ms. Shipman? We do have one from Councilmember King, followed by Chair Lee.

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COUNCILMEMBER KING: Okay. Thank you. Thank you, Chair. Aloha, Hannah, good to see you. Thanks for your input. Can you be more specific on what you would like to see as far as energy efficiency for the buildings that's not there already?

MS. SHIPMAN: Yeah. Again, I hadn't had a chance to read the entire proposal, 468 pages, I believe. But I know they had made references to energy efficiency, but I didn't see anything specifically listed out. And I'm happy to provide more comment if I can find that exact section, and really know what those look like. But making sure we're looking at...I noticed they had mentioned energy-efficient lights for outside, but also looking at, you know, what else they're doing. So I think those solar hot water heaters should be a requirement. We want to keep the electricity costs as low as possible for workforce housing. So, right, we want their ability to live to be really low cost, whether it's energy-efficient appliances, making sure that the home has good cooling, ventilation, you know, low-flow toilets and...and water fixtures...because, you know, a lot of our energy comes from heating up that water. And then just, you know, efficient building envelope.

COUNCILMEMBER KING: Okay. But...so, those weren't specific things that you didn't see in there, but that you were just suggesting to make sure that some of those things are included?

MS. SHIPMAN: Yeah. Yeah. I didn't see a list of what would be included, except for the outdoor lighting.

COUNCILMEMBER KING: Okay. All right. Thank you. Thanks so much for being here.

MS. SHIPMAN: Thank you.

CHAIR JOHNSON: Okay. And let's move on to Chair Lee next.

COUNCILMEMBER LEE: Hi, Ms. Shipman. I just wondered if you had any idea of, on your suggestions, how much it would cost? What would be the added cost to each house? And since there is...you know, it could be a substantial cost, would you be suggesting that the County subsidize those costs?

MS. SHIPMAN: Thank you, Chair Lee, for your question. Yes, I...I'm...I don't have numbers or figures on what that additional cost would be. And, you know, there will be a cost to the developer, or if the County wants to take that as a subsidy. But I think really looking at it as the cost on the individual being more important, and that them having a lower cost of living really set them up for success. And even though there might be a bigger upfront cost, that that might be worth it in the long run, to have a lower cost for our residents and those living in the workforce housing. As for the County offering a subsidy, I...I don't have a recommendation on that at this time.

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COUNCILMEMBER LEE: Okay. Thank you.

MS. SHIPMAN: Thank you.

CHAIR JOHNSON: Okay. Thank you. I...I have a question for you, Miss...oh, we have one from Councilmember Sinenci. Let's let him go first. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, and aloha, Ms. Shipman. You mentioned solar. Are...I wasn't sure, are...is the project going to include solar to go over the parking lots? Or...or...or is that your recommendation?

MS. SHIPMAN: Thank you for your question, Councilmember. I did not see any note to rooftop solar, solar over parking, solar on homes, throughout the proposal. Again, I didn't read the whole thing, but I did search keywords, and solar was one of those keywords that I did search. So I think a recommendation for covered solar parking and solar on the actual homes would be wonderful.

COUNCILMEMBER SINENCI: And Chair Lee mentioned additional costs. Would this be something like they...they could eventually in time put up? Additional solar? Could it...or all at once, just to keep costs down?

MS. SHIPMAN: Thank you for your question, Councilmember. I think...you know, having solar would be the most important. And so how they go about doing so, whether they do it in the beginning or it's something that's added on, would both be possible.

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

CHAIR JOHNSON: Okay. I saw Councilmember Paltin's hand up. So Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Following up on Member Sinenci's line of questioning, I've been told the County doesn't pay taxes, so when the County has solar, they do, like, those kind of power purchase agreements or something like that, where we don't get the tax credits, but we're using solar because it's better for the environment. And so it's like you still kind of pay a...a energy. Would that be something...that information for that...that the County does solar through? Would that be something that you could share with the developer about? Because if they're going to be paying for electricity one way or the other, if they use solar and lock in a rate, at least, you know, it...it'll be greener, would be my first question. And then my second is on page, like, 131 and 132, the comments back from CWRM, where it was talking about LEED certification being reviewed, and participation in the Hawaiian...Hawai'i Green Business Program. Do you have more details about...about those programs? Because all I saw was

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the suggestion, and that it would be forwarded on to the applicant, and then nothing else in the...the reading materials.

MS. SHIPMAN: Thank you, Councilmember, for your question. In regards to the solar and power purchasing agreement, I would need to consult with our Energy Commissioner to give you more information on that because I'm not 100 percent sure. So I can get back to you on that question. With regards to your second question, I did see a note about...you know, for water efficiency that they could pursue LEED credits. That's the only note I saw about the LEED credits. I do think it would be wonderful for them to go out for a certification of some sort, whether it's Living Building Challenge, or LEED, you know, New Construction, or...or LEED Neighborhood Development, as I think that would ensure that the facility as...is as sustainable and green as...as it could be.

COUNCILMEMBER PALTIN: And you don't know anything about that Hawai'i Green Business program?

MS. SHIPMAN: I did not see that when I was looking through this, and I can take a deeper dive into this document. Again, I only received it on Friday at 3 p.m., so I hadn't had a chance to really go through it with the three-day weekend. But I can look back and provide comments.

COUNCILMEMBER PALTIN: Okay, it's page 132 in Volume I. And then I had heard from another developer, this guy, Ebi Noctobani (*phonetic*), where he was saying not always the LEED is the way to go. Like, they have some technologies where you can use...for washing and drying, you can use, like, the...the heated water to power your thing or anything. Do you know anything about that? Like, to conserve energy for washers and dryers?

MS. SHIPMAN: Thank you so much for your question, Councilmember. Yeah, there's lots of different ways to be...conserve energy when it comes to washing and drying. Obviously, one of our biggest energy usage is heating up hot water. And so, you know, washing clothes on cold is one suggestion. The electric dryer uses quite a bit of energy, so hang drying. We live in a very windy County, and so being able to utilize those trade winds is another great resource for reducing our energy use when it comes to washing and drying.

COUNCILMEMBER PALTIN: So like HOAs that don't ban line drying might be something that helps.

MS. SHIPMAN: Yeah, definitely being able to line dry is important, so we're not always using those facilities, finding other ways to dry our clothes.

COUNCILMEMBER PALTIN: Okay. Cool. Thank you.

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MS. SHIPMAN: Thank you.

CHAIR JOHNSON: Oh, interesting conversation. Okay. Any other questions? We do have one from Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Shipman, mahalo for your suggestions and recommendations. The first, I guess, is regarding your search for solar and not finding anything. So like, with energy usage, solar water heaters have been a good way to go. So you didn't find that anywhere?

MS. SHIPMAN: Thank you for your question, Councilmember. I did see the note for solar water heaters. They said they may be considered. And so, you know, there is a policy in place that in the State of Hawai'i, we need to use solar hot water heaters, unless there's a reason otherwise. And I know that variances can be submitted, but I would recommend, for this project, requiring each of the home facilities to have a solar water heating system. Heating up water is the biggest use of energy in our homes, and so it can really make a big impact on the electricity bill of a family.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response. And then regarding the EV charging stations, to clarify, are you advocating for, like, a DC fast charger for public use, or creating the infrastructure for the individual homes to have, like, a fast charging station...to clarify?

MS. SHIPMAN: Thank you for your question, Councilmember. I think, you know, it's really important to have that infrastructure in place. It's much more affordable to put the infrastructure in at the beginning, then to go back in later and install that infrastructure. And then this would give the ability for the residents to install a charger on their lot. I'm not sure if there is an area that's for recreational use, but if there is some sort of community center or something within the facility, having an installed Level 2 charger, I think, would be wonderful to offer that availability for people to be able to charge their cars if they have them.

COUNCILMEMBER RAWLINS-FERNANDEZ: Awesome. I don't know if you...that's okay. I'll think about this, regarding rooftop solar, and financing, like with the GEMS program. I think that goes on to their individual electric bills. I don't...I don't know if the developer would be able to access that funding in order to help finance the installation of rooftop solar. Do you know?

MS. SHIPMAN: Thanks, Councilmember, for your question. I do not know, but I can consult with our Energy Commissioner about that, and he might have more information.

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

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CHAIR JOHNSON: Okay. We have a question from Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'm just wondering...great comments, Ms. Shipman, and I feel like this is...feeling...it's feeling like at the last minute, and here we are at a point of hoping to approve or disapprove this project. So, I'm not sure how you incorporate these wonderful thoughts at this point without impacting the cost to the overall project, which I think they've worked on the details already. So, at a later point, Chair, if we could hear from the developer regarding these...these thoughts because I think they're relevant and important. Thank you very much.

CHAIR JOHNSON: Yeah. I totally agree with that, Councilmember Sugimura. I figured I'd let everybody have a...you know, ask Ms. Shipman some questions, and then we can have the developer speak on it. So, Mr. Carnicelli? Now, I...I don't think I have to still designate him as a resource because this meeting was resource, and he...or was recessed, and he was a resource, so...I see everybody nodding your heads, I don't see any lawyers coming on. So, Mr. Carnicelli, can you come up and speak to what Ms. Shipman was speaking on?

MR. CARNICELLI: Aloha, Chair. Lawrence Carnicelli with Alaula Builders. I would like to defer the response to this to the President of Alaula Builders, who's also been designated as a resource, Doyle Betsill.

CHAIR JOHNSON: Okay. Mr. Betsill, is he going to come down in the Chambers and talk? Is he...

MR. BETSILL: I am present. Thank you.

CHAIR JOHNSON: Great. *(Audio feedback)* Okay, try that again. *(Audio interference)* Nope, we're not ready.

MR. BETSILL: I don't have a phone with me.

CHAIR JOHNSON: Staff, did we shut down microphones? I still hear an echo.

MR. BETSILL: Hello? Good morning.

CHAIR JOHNSON: Okay. Much better now, Mr. Betsill. Please continue.

MR. BETSILL: First of all, I want to thank Ms. Shipman, those were excellent suggestions. In an earlier iteration, in...in my first company, Betsill Brothers Construction, we were actually the first builder to commit to installing hot water solar on all our homes, and we were very proud of that at...at the present...at that time. And we still continue to try to emphasize green building in all of our

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projects. The issue here is, with...with our pro formas really on a razor's edge, we find ourselves wanting to do things that we don't have the funding to do, or the...or the resources within our organization, and...for this project. What I would...what I would entertain, and...and hope, is that with the Affordable Housing funding, the...the Affordable Housing Committee could find a way to assist us in adding any and all of the elements that she suggested that we don't already have incorporated into our project, into the project. That could be an ongoing conversation that we could have in the coming months. We don't necessarily need to try to drill down on all these items at the present time, but we're totally open to make this as green a project as we possibly can. We will commit to...to retaining a consultant for the LEEDs, and to bring that planning into our project as...as...in an overall scope under the LEEDs program.

CHAIR JOHNSON: Okay. Thank you so much, Mr. Betsill, for your answering any of these questions. We do have one from Councilmember Molina and...Councilmember.

VICE-CHAIR MOLINA: Thank you very much, Chair. Aloha, Mr. Betsill. Just...I don't know, maybe Corp. Counsel can chime in on this. Under HRS 196-7, does that...is that a mandate for all new homes, whether it be market or affordables, that they have to have solar installed for new homes? I don't know, Mr. Betsill, if you could answer that, or maybe Corp. Counsel?

CHAIR JOHNSON: Ms. DesJardins?

MS. DESJARDINS: I don't know offhand. Let me look it up while you ask Mr. Betsill. 196-7, Mr. Molina?

VICE-CHAIR MOLINA: Correct. That's...that's my understanding. I'm not sure. I may be right or wrong, but if you could verify that for me?

CHAIR JOHNSON: Maybe Mr. Betsill --

MR. BETSILL: I would be happy to give my interpretation, though I, of course, would defer to Corp. Counsel. Our interpretation is that this applies to all single-family homes, but not to multifamily homes. So obviously, there's a small component of single-family homes in this neighborhood, and those would have solar hot water.

VICE-CHAIR MOLINA: Okay. Okay, thank you. Thank you, Mr. Betsill. Thank you, Chair.

CHAIR JOHNSON: Thank you. Okay. So I have a question for Ms. Shipman, seeing no other questions from the Members. So, Ms. Shipman, are there County or State grants to help with some of those suggestions that the...that some of those options that we have. Is there funds out there that we could do, you know, help this

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developer get...get to those, you know, critically important funds, and help to make it a greener project?

MS. SHIPMAN: Thank you for your question, Chair. I did consult with some people in HUD and some other areas, so waiting to hear back on...on final information from them. But some that I would recommend is looking into the MEMA BRIC funding for the resilient housing elements. HUD, of course, has funding and different grants available. Enterprise Community Partners is another one, they do green communities, so they have funding available. They're one of the only national green building programs created for the affordable housing sector, and so that might be a good option. And then I'm not sure what elements in a bipartisan infrastructure bill apply, but that would be another recommendation to look into.

CHAIR JOHNSON: Great. Thank you for that. There...so there is...our money's out there. It's just a matter...it's on us to go out there and find them and find a way. So, great. Thank you for that answer, Ms. Shipman. Okay, Members, I think we had a...a one round robin. If any other questions with Ms. Shipman...oh, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. It's actually for Betsill Doyle [sic], I know that he left the podium, but he said he would commit to...I just wanted an explanation or a definition of what that means...commit to the LEED program or planning LEED criteria. And he knows it better than I do, and I just wondered if he could explain that with your experience, what that would do to the project?

CHAIR JOHNSON: Mr. Betsill.

MR. BETSILL: Basically...thank you, Councilmember Sugimura. Basically, the LEEDs program is a program that provides a framework for evaluating and kind of notating all the things that are being done, and they actually come up with the score. I encouraged Mr. Carnicelli to engage in that program, but he...he was overwhelmed by the depth, the details, so we would need to bring in a third-party consultant to assist us in...in the LEEDs evaluation. It doesn't really commit us to doing any certain things, it just commits us to an overall evaluation of the project, and kind of a scorecard and...and some assistance in determining what are the best things we could do for the money to...to accomplish our goals. And Ms. Shipman was mentioning some sources of revenue. We certainly would welcome any input from her or the Council on...on the appropriate agencies to contact regarding these issues because as...as I mentioned, we're committed to green building.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay, we got a follow-up question...we got two follow-up questions. Councilmember Rawlins-Fernandez, followed by Councilmember King.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just a question for Mr. Doyle [sic] Aloha, Mr. Doyle [sic]. So you've said for HRS 165...196-6.5, it...it mandates that single-family homes have solar...solar water heaters. Are what you're calling the tiny homes, the one-bedroom houses, are they considered single-family under this statute, and therefore will have solar water heaters?

MR. BETSILL: Actually, those homes are two story...there's two units. They're like duplexes, so they would...they would fall under multifamily designation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I would think that those...those homes would likely need that the most, but okay. Mahalo, Mr. Doyle.

MR. BETSILL: Thank you. But what we've found is that in this...for these very tiny homes, that sometimes the tankless water heaters are more efficient than the solar, because it's the small quantity necessary, so...and...and our intent is to use the tankless hot...solar hot...tankless hot water heaters for these tiny homes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR JOHNSON: Thank you. Let's move on to Councilmember King, followed by Councilmember Paltin.

COUNCILMEMBER KING: Thank you, Chair. I think Member Paltin had her hand up before me, so I'll go after her if she wants to go.

CHAIR JOHNSON: Okay, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just was wondering, like you said, about the razor's edge in the budget, would that affect those types of power purchase agreements, where it's...you're...they're installing the solar for whoever it is--you, the developer--and then they capitalize on the tax credits, and then you're just purchasing electricity because they're going to be producing electricity one way or another?

MR. BETSILL: A program of that nature, if structured properly, wouldn't impact our bottom lines. So...and...and we've done some preliminary research in this area. However, to date, we haven't been able to put a plan together. I mean, we have at least a couple more...a year or so of permitting and planning, and we would be...we will commit that we will investigate that type of program with a third party.

COUNCILMEMBER PALTIN: Okay. Maybe you can get together with the Energy Commissioner because I think that's how the County does it...because the County doesn't pay taxes or something like that. That the --

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MR. BETSILL: Fair enough.

COUNCILMEMBER PALTIN: -- tax credit could help. So you could maybe use our guy.

MR. BETSILL: If...if someone will provide me the resource, we'll be happy to reach out.

COUNCILMEMBER PALTIN: Okay. I think his name is Alex de Roode, but Ms. Shipman might know more contact info.

CHAIR JOHNSON: Ms. Shipman?

MS. SHIPMAN: Yes, I will provide Alex de Roode's contact information for you.

CHAIR JOHNSON: Great.

MR. BETSILL: Thank you.

CHAIR JOHNSON: Wonderful.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Okay. Seeing no other hand...no other hands, Members, I'm going to kind of...oh, we have one...oh, I'm...I'm sorry, we flipped. Go ahead, Councilmember King.

COUNCILMEMBER KING: Thank you. That's okay, Chair. Hi, Doyle, good to see you.

MR. BETSILL: Good morning.

COUNCILMEMBER KING: And thanks for committing to...I hope you could commit to the hot water heaters because I think that's really important, and we should all be doing it in all new structures. But I wanted to remind everybody too, that we have two, you know, affordable rental projects in South Maui, that are for the lowest end of the affordability, and that are both LEED certified Gold. So I don't think it's that difficult to do, and I think it, in the end, will...some of those...those actions will help save money...energy money in the future for the tenants and the homeowners. So, I hope you can follow through with not just the evaluation, but some of the recommendations in the LEED program. But then I also wanted to mention that I don't...I don't...I'm not sure what the recommendation for Alex was in the Climate Office, but he wouldn't be the...he...he could maybe refer you to some of the companies that do the PPA, the Power Purchase Agreement. But I don't think he does it...I mean, we don't do it ourselves as a County, but I think it's a...it's an excellent way for...for you to hand over, basically the electrical billing to an outside entity. I would just caution that to make sure that you are getting a discount because a lot of those are really good...sound like really good deals, but

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then there's a built-in increase in energy per year for inflation, and sometimes that increase is hard to control. Anyway, I think...I'm...I'm a big fan of solar, I just think it has to be done correctly. But I do think it's something that could fit in with...if it's done right, and we're still all trying to get to that affordability, just like we are with housing, we're trying to get to affordability with energy and making sure that there is savings built into those...to some of these big solar projects we're doing. But that's all. I just wanted to mention to you too, that if you...you might want to connect with Doug Bigley on how they were able to, you know, do the most affordable projects I've seen ever in South Maui, and make them LEED certified.

MR. BETSILL: Thank you, Kelly. One difference I could just mention is--and all your suggestions were spot on, I mean, we're...we're with you in philosophy right down the line. And...and we have investigated the third-party energy prospects, and we will continue to do so. That's the only way the...the solar energy works for this project. If you notice, some of our pricing starts in the low...in the low 200s on these for-sale homes. The rental projects, I did some rough math on one of them, it was close to \$1 million for an average two-bedroom apartment, as far as the cost they had been allocated. So, in many cases, even though they're in the lower end of the spectrum, the funding that they've been able to...to put together is...is much more per unit than what we're...we're spending on these market homes for sale. So again, that's why I want to reiterate, we'd really like to work with the County Council and your Affordable Housing Fund to...to work out some solutions whereby we could incorporate all these...these energy saving aspects into our neighborhood.

COUNCILMEMBER KING: So, you're...you...you need some kind of extra...I guess maybe they had more Federal funding for this type of thing.

MR. BETSILL: Federal, State, many levels, I think, Kelly.

COUNCILMEMBER KING: Okay. And I think we're actually hoping that a lot more Federal money is going to be available with this new Inflation Reduction Act...because it's so heavily focused on climate change and environmental mitigations, that maybe there will be some more Federal funding for this kind of thing for affordable housing.

MR. BETSILL: We're not as astute about prospecting with the...with the agencies, the State and the Federal agencies, but we'd appreciate any help. And we will promise that we'll keep our eye out. And any program that comes forth that we qualify for, we will obviously apply for.

COUNCILMEMBER KING: Okay. Well, I've been really successful in these types of appropriations, contacting Mazie Hirono's office and Brian Schatz's office. So you

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might want to...you know, if you have a relationship with either one of our State...our U.S. Senators, they're excellent resources.

MR. BETSILL: Very good. Will do.

CHAIR JOHNSON: All right. You know, I like the idea of us working together, and I see Ms. Shipman's hand up. I know that her office, the Climate Change, Resilience, Sustainability, probably has a lot to say on how...where those funds are. And we want...that's exactly what we want to have...to do is have us work with them. So Ms. Shipman, you want to add to this?

MS. SHIPMAN: Just wanted to add a few comments based on things that were brought up earlier. Thank you, Councilmember. But one, a good local for...firm you can look for consulting is Green Building Hawai'i, and there's other third parties if you're looking for that LEED consultant. And then I also wanted to recommend Community Based Renewable Energy, CBRE, that could also be a good option for this project.

MR. BETSILL: Thank you.

CHAIR JOHNSON: Great.

COUNCILMEMBER KING: And that would be John Bendon with Green Building Hawai'i.

MR. BETSILL: Lawrence said he did speak to one of the parties over the weekend, and we'd appreciate a text message or follow-up email. At my age, any information that can be written down and transmitted later would be appreciated.

CHAIR JOHNSON: Okay.

COUNCILMEMBER KING: *(Audio interference)*

CHAIR JOHNSON: Certainly. All right. Okay, Members, we...we have a follow up from Councilmember Rawlins-Fernandez. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, just a quick follow up. I should have asked instead of narrowing...just a quick follow-up question, sorry, about whether the...the single-family...or sorry, the tiny homes are considered...considered single-family. Which houses, and how many are considered single-family to get the solar water heater?

MR. BETSILL: That's a relatively small portion of the project, approximately six single-family homes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I just...I wasn't sure if the Live/Work structures were considered...considered single-family. Talking is hard this morning.

MR. BETSILL: No, the multiple...there are many duplexes in...within the neighborhood, but those are all classified as multifamily. So, we only have the six single-family homes.

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

CHAIR JOHNSON: Okay.

MR. BETSILL: Thank you.

CHAIR JOHNSON: All right. Thank you. So this is a...I'm going to give out some information for the...for the public right now. So, this is...the purpose is for the public. An application for the development of Kuikahi Village Workforce Housing Project under Chapter 2.97, Maui County Code, was submitted August 15th, 2022. Council has 60 days, or until October 14th, 2022, to approve, approve with modifications, or disapprove the project, or the project will be deemed approved. The proposed project will be located at Tax Map Key (2) 3-5-002:003 in Wailuku, Maui, on 14.97 acres owned by the Kuikahi Projects...or Kuikahi Properties, LLC. Kuikahi...Kuikahi Properties, LLC, is also the developer for this project. Kuikahi Villages consists of 202 units, including multifamily duplex, townhome, Live/Work studio, and single-family units. The deed restriction period is set as...as ten years under Section 2.97.090, Maui County Code. By using the 2.97 fast track process, the project may request exemptions from certain requirements and fees in the Maui County Code. The Council may also propose modifications to...to the project. So, Members, we are now at the section of the meeting...we will...where we will look at the exemptions. And I...I put it up on Granicus, it's Number 11 on Granicus, Members, so I'll give you a moment to pull up Granicus and take a look at Number 11. And I understand OCS has reformatted...reformatted Exhibit A, so I'd like to have Mr. Mitchell come and explain the changes. So, Mr. Mitchell, if you're on the call, and we...maybe we need to make a motion to adopt a new Exhibit A, but let's hear from Mr. Mitchell.

MR. MITCHELL: Thank you, Chair Johnson. So, Staff went over the exemptions last week, and we've identified the exemptions that are either superfluous or redundant because they're already granted under 2.97, so there's no need to ask for an exemption from an exemption that's already granted. And then in some instances, we tried to clarify what the exemption was actually asking for. And there may be one or two as we go through these where we will need further clarifications. Where we weren't exactly clear what section of the Code specific section...not just the chapter reference, what specific section the applicant was actually asking for. And so where you see a blank in the version that we've...I

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think has been recirculated to you, the blank is left there to correspond with what the applicant sent, so that you can see what we deemed to be superfluous or redundant. And that's...that's basically it in a nutshell.

CHAIR JOHNSON: Okay. Thank you, Mr. Mitchell. So do we have any questions for what this process is going to be? We're going to have...before we get going, I'm thinking we...we should take a quick five-minute break. Because what I want to have, is the...the...you know, all of the exemptions on...on the shared screen. And if Members want to bring out your big book, is it...it's in Exhibit H is where it's at. So while we get all our paperworks in order, let's take a quick five-minute recess. We'll have a share screen, you can look at it in Exhibit H in your...in the big binder. I think it's Number 1, yeah? Volume I of II. Yeah. So, let's take a quick five-minute recess as we get all our paperwork in order. So the time is now 11:56 a.m.--or I'm sorry, 10:57 a.m., at...we will come back at 11:02 a.m. The Affordable Housing meeting is in recess. . . . *(gavel)* . . .

RECESS: 10:57 a.m.

RECONVENE: 11:03 a.m.

CHAIR JOHNSON: . . . *(gavel)*. . . Will the Affordable Housing recessed meeting come back to order after our quick, short break. It's 9/6/2022. Okay, Members, we're going to start getting into our exemptions, but I wanted to ask a question to Mr. Mitchell on...on the process of, should we do...should we entertain a motion right now to put in the...to...to...so we can work on Exhibit A, or should we wait a little bit later? Mr. Mitchell? The revised version, I should say.

MR. MITCHELL: Chair, it's really your call, how you'd like to proceed. I think you...you might want to work through the exemptions as submitted by the applicant, and then cross-reference how we've revised them on the new Exhibit A. And then at the end of that process, decide whether to, by motion, accept the totality of Exhibit A, or you could do it individually. It's really your call.

CHAIR JOHNSON: Okay. I think I like the idea of we'll do it at the end.

MR. MITCHELL: Okay.

CHAIR JOHNSON: So, Members, I'll...I'll explain a little bit about the process, what we're going to do here. We're going to go through these exemptions, and then we're going to try to get consent. The...we...we ranked them in, like, the...based off of the fees and the ones that are typically more standard exemptions that we could say, okay, Members, you got consensus on this? It's a pretty standard exemption, and I'll hear you out, you say, yeah, we got consensus, but some people might not have consensus, so we'll say, okay, let's put that particular exemption down at the bottom list. So, we'll have...the further we get down,

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we'll...we'll knock out the easy ones, and then we'll kind of dig in on the more...you know, ones that we don't have consensus on, okay? And Members, you understand that? I see some nodding heads. So, let's see. And then at the very end, after we go through all of the ones that we had consensus on and the ones that we didn't have consensus on, after that, then we'll entertain, you know, amendments and you know, modifications that Members have. So, we'll...we'll do that at the end. And if you have new modifications, we can put those in at the very end as well. Okay. So, we have up here...why don't we go...Paige, if you go to the very top, where it's at...it starts with Exhibit A.

COUNCILMEMBER SINENCI: Chair?

CHAIR JOHNSON: Okay. Members, this is just to show you real quick. And I'm sorry, Paige, you're going to jump back down, but you'll see some letter or...yeah, some letters that have a blank space, like the letter E is blank. That's just us taking it out, because it was kind of redundant. So, if you see some of those, that's just us pulling them out because we were...they were kind of redundant. Yeah, there's a K and a L, and it's all already written in 2.97. So, those are the ones that were kind of in 2.97, so we just took them out because it's kind of...it's going to go with it. Okay. So that's all I wanted to show. If you don't mind going back down, Paige? Okay. So, as you see, there's a A and a (1) in the left column. The...the numbers...the number (1) right there, is actually they rank...they put it in the...in the volumes, you know, the big, thick volume books...you might see that's number (1), is the parentheses. It's not done as...as letters, it's done through numbers. So...and then in the resolution, that big old resolution, those are written by numbers, not to...I...I don't know why it's...or, I'm sorry, by letters. There's A...so...so let's take an example, the first one. It says A(1). In the resolution, it's A, but in the big book, it's (1). I know that's confusing, but we're trying...you know, that's just the way it...so if you guys can look up through...if you want to look through the book or if you want to look through the resolution. So having said that, we're going to move on to the very first, and I think if we do the first one, we'll get the hang of how...how the...the process works. Oh, I see Councilmember Sinenci's hand up. Councilmember?

COUNCILMEMBER SINENCI: Yeah. Sorry, Chair. I had a question, if the departments would...will also be available for questions as we go through this process?

CHAIR JOHNSON: Yes, of course, they are. And if you have a question --

COUNCILMEMBER SINENCI: Okay.

CHAIR JOHNSON: -- for any one of these, you know, raise your hand, we'll call up the Department, and we can have them speak to it. So, let's take a look at the very first one, A and (1) is 2.97.160, The Timing of Completion. And this is stating that the developer will use material house bond funding, and then the applicant will

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secure their own bond funding. And under 2.97.160, it's supposed to work with DPW to determine the form of bonding once construction commences. So, I think if we bring up maybe the developer, they can speak on why they want this, and then we can go through consensus if we agree. So Mr. Carnicelli, can you come and speak on this?

MR. CARNICELLI: Thank you, Chair. Again, with items related to construction, I'm going to go ahead and bring up Mr. Betsill, so he'll go ahead and talk about the...the bonding portion of this. And if...if you would allow me, I would also like to speak to Exhibit A when he's done.

CHAIR JOHNSON: Certainly. Mr. Betsill?

MR. BETSILL: Good morning, Chair.

CHAIR JOHNSON: So, we're basically just...can you explain a little bit why you want to...is...it sounds like you want to use your own bond for this, in the very first one.

MR. BETSILL: The material house bond isn't from us, it would be from our material house supplier. But the purpose of this is a cost issue. For a surety bond for...from an insurance company, there's a cost associated with the bond. The material house bonds, if we're using the materials from a particular supplier, they're willing to provide essentially the same coverage as the surety. There...there's no requirement for either type of bond in the...in the Code, but we just wanted to put clarification so everybody would understand what our preferred route was.

CHAIR JOHNSON: Okay. We have a question from [sic] you from Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. Just...what does this have to do with the timing of completion? Because that's under the first column as an exemption.

CHAIR JOHNSON: It was written in 2.97. But go ahead, Mr. Betsill.

MR. BETSILL: Typically, the surety bond, or the material house bond, are for a lender, to prove...so that the lender who's lending money on the projects, if the...if the contractor, the developer doesn't complete the project, they have a way of stepping in and...and being reimbursed for all the funds to...to fund the project. In our case, the bond's a bit of a moot point, which is why we prefer the material house bond, strictly because there is no lender associated with our construction costs.

COUNCILMEMBER KING: But how is that an issue with the timing of completion? That's what I'm asking. You're asking for an exemption --

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CHAIR JOHNSON: Okay, I can add to that, Councilmember King. So, the way the bill is...or the way 2.97 is written, the...the section is called Timing of Completion. And the very last sentence of that...of that section, it says, "Upon commencement of construction, the developer shall work with the Department of Public Works on a form of bonding, to ensure that construction is completed within the designated time frame." So, that's the way their...so that's the way the bill...you know, 2.97 is written, to have that in there.

COUNCILMEMBER KING: So, that doesn't...the exemption request is not for any kind of timing...completion of timing change or anything?

MR. BETSILL: No, ma'am, it is not. It just...all we're trying to do is just specify...because there is no specificity in the original ordinance. We're just trying to specify what type of bond we would have. We're not asking for any exemptions from the bonding requirements.

CHAIR JOHNSON: Just like a clarification.

COUNCILMEMBER KING: Oh, the *(audio interference)* is a little confusing, the way it was written.

MR. BETSILL: Yes. Thank you.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR JOHNSON: Okay. So Members, do we have consensus on this exemption?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay. All right. So, okay, we'll move on to the next one. That's...and so that's how the process will be, right? We can ask some questions to the developer. We can...and then if we're all in consensus, we can ask the departments, and then we can, you know, just keep moving it down the road as we go. All right. So this next one is D is in Delta, or number...oh, we got Mr. Mitchell. Go ahead, Mr. Mitchell.

MR. MITCHELL: Excuse me, Chair, and sorry for the interruption. I just want to make sure that we have consensus on the revised version that Staff prepared and submitted versus the applicant's version. So make sure we know which one you're referring to.

CHAIR JOHNSON: Yes, the revised one. We can put it up on a screen. I think that's what Paige is doing right now. So everybody got consensus on this one, the revised version? I'm sorry, I think I...is *(audio interference)* Okay. And as far as *(audio interference)* --

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COUNCILMEMBER LEE: Chair?

CHAIR JOHNSON: -- I see some...yeah, I'm sorry. A lot of my screens are getting...I can't see you guys' screens. So is that Staff? Go ahead.

COUNCILMEMBER LEE: This is...this is Chair Lee. I have a question.

CHAIR JOHNSON: I'm sorry, Chair Lee, I'm sorry.

COUNCILMEMBER LEE: Okay. So this one...can you...when you go through your...what's on the screen, could you just point out what's different from what we have in the resolution and in the binder? Because yours says "partial exemption." So what does that mean? The other one doesn't have "partial exemption." Or did I see...did I read it incorrectly?

CHAIR JOHNSON: No, let's...let's bring Remi up to speak on this. But before...I...I do want to do a little housekeeping thing. I want to address Mr. Carnicelli. He had asked to speak. Mr. Carnicelli, let's hold off on that discussion until we go through these. We...we'll get to that part later, Mr. Carnicelli. But having said that, Remi Mitchell, the floor is yours.

MR. MITCHELL: Thank you, Chair. And...and Chair Lee, to answer your question, you'll notice in the applicant's version of Exhibit A, the titles refer to, quote "exemption from title," and then it's a broad statement of what the exemption is. So, we read each one closely to make sure they weren't asking for an exemption of the entire title, which they weren't. So the language is incorrect. They're asking for, in most instances, a partial exemption of a portion of the title in the Chapter. So we clarified where we understood them to be asking for a very specific exemption of a very specific section, and not the entire title.

COUNCILMEMBER LEE: Okay. But substantively, there is no actual change, right?

MR. MITCHELL: In this instance, that's correct.

COUNCILMEMBER LEE: It's just clarification, right?

MR. MITCHELL: Correct.

COUNCILMEMBER LEE: Yeah. Okay.

MR. MITCHELL: Correct.

COUNCILMEMBER LEE: Thank you.

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CHAIR JOHNSON: Okay. Yeah, sorry. We...we're trying to clean up the language there. A lot of it was, you know, very nonsubstantive. But if there is substantive changes, we'll have Mr. Mitchell come and speak on that when we get to that. Okay. So, now we're going to go down to D, as in Delta, Number (4). It's eight...and Ms. Greco, can you share screen when we get to this one? So 8.04.040 and 8.04.050, the Disposable Permits And Disposal Charges. No waste disposal permit or disposal fees during construction. And standard exemption is from fees, except the exemption from getting the permits. So, that's...that's the second one, and I figure...I might as well ask this question right now. And Members, forgive me, I don't...some of your screens are not...I'm not seeing you, so you might have to speak up if your hand's raised. But to the developer or to Planning, let's...at what point is your construction determined to be complete?

MR. CARNICELLI: Chair, is that question for me, or is that for Planning?

CHAIR JOHNSON: Sure, if you want to go --

MR. CARNICELLI: I guess --

CHAIR JOHNSON: -- take that, Mr. Carnicelli.

MR. CARNICELLI: Sure. I guess it would be deemed complete when the construction is finished.

CHAIR JOHNSON: The last house being built, you mean?

MR. CARNICELLI: Correct.

CHAIR JOHNSON: Okay. And did you just mean to say that you wanted to be exempt from the fees, right?

MR. CARNICELLI: So the application process and the fees...is we...we...we were asking for an exemption from 8.04.040 and .050.

CHAIR JOHNSON: Okay. All right. Thank you. I...I have a question for me...I have a couple of questions, so let me start...let me go here. We have questions from Councilmember Paltin, Councilmember Rawlins-Fernandez, and Councilmember Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess for Mr. Carnicelli, he's saying it's complete when all the houses are finished. Just wondering, like, specifically, is that when you get your last certificate of occupancy, or who...who determines that houses are finished? Like --

MR. CARNICELLI: Yes. When the last certificate of occupancy gets issued.

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COUNCILMEMBER PALTIN: Oh, okay. All right.

MR. CARNICELLI: So it's...it's...yeah. When the CO is issued, then we're done. Construction is done.

COUNCILMEMBER PALTIN: Well, that makes sense. Okay. Thank you.

CHAIR JOHNSON: Okay. And I think it was Rawlins-Fernandez, followed by Sugimura. Yep.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Johnson. . . .*(laughing)*. . . Okay, so my question...I...I watched the recording of the meeting, and I saw that the Department of Water Supply requested funding through the Affordable Housing Fund to replace the fees that we would be waiving for this project, and then the DEM, Wastewater, Mr. Rollins said that the bonds are paid off, and are not requesting funds from Affordable Housing Fund to cover the exemption. So...but I didn't hear a discussion on this exemption, and Solid Waste is also self...a self-funded division. So, could we have a representative speak to that, on whether they would need that funding, you know, through the rates and fees, to be replaced by Affordable Housing Fund or something else?

CHAIR JOHNSON: Yeah. So we have DEM on call, so maybe Staff can...I'll call them, and we'll go to another Member, and come back...when they get on call, we'll come back to you. And...okay, so we'll be back. And let's move on to Councilmember Sugimura, followed by Chair Lee.

COUNCILMEMBER SUGIMURA: Thank you, Chair. That was going to be my question, so I'll wait for DEM to appear.

CHAIR JOHNSON: Okay. And let's move on to Chair Lee, then. Okay, let's move on to Chair Lee.

COUNCILMEMBER LEE: Just a clarification. Chair, just for clarification. With a residential project, you don't get a certificate of occupancy, you get a final inspection. The certificate of occupancy is for commercial projects. Thank you.

CHAIR JOHNSON: Oh. Okay. All right. Any other questions? Well, let's see if...Staff, have you reached out to DEM to see if we can get them on the call?

MS. GRECO: Hi, Chair, we're contacting them now.

CHAIR JOHNSON: Okay. I want to kind of bring up Mr. Carnicelli in regards to this exemption. Mr. Carnicelli, the...the disposal permit requires you to have all of your license registered to...in the permit. Is that...is that what you're asking for

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exemption? Just everything? The whole...the whole gamut? Was it 1 to 4 in the...in the section 8.04.040?

MR. CARNICELLI: Yes, sir.

CHAIR JOHNSON: Okay. So, you want to explain to the Councilmembers what...why the...okay, so let me...let me understand this, right. So, you're saying that you want the whole section 8.04.040 to be...so you guys can be exempt. And I get it where you're trying to get the fees of it all, but I wonder if there's any more...we've got to wait until DEM to come on to speak on that. So let's see. Hold on one minute. So, I'm...I'm looking at the things that they're requiring them to do. So, an applicant for a disposal permit shall file with the Director, of an...an application signed by an authorized person on behalf of the business, Federal or State agency, religious entity, or nonprofit organization, on forms furnished by the Department containing the following information. So, you would have to...you would have to give the Department names, address, telephone numbers of the business, Federal, or State agency, religious entity, or non...that would be, like, your information; make, model, and weight of the vehicle which is to be used to transport and dispose of refuse; Number 3, the vehicle license number; and such other information that may be deemed by the Director. Now, we're trying to streamline this process. So I don't...I...and just...this is just my opinion, but I don't see this as being...this is pretty standard. You know, this is...it seems like a standard exemption because...but that's my take on it. I saw Councilmember Paltin's hand up. So go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I think it's a question for the developer. And so, just clarifying. You don't want to fill out the permit, is that what you're saying? You want to not fill out the permit and not pay the fees? Or are you willing to fill out the permit, and then have like the Affordable Housing Fund pay the amount to Solid Waste or whomever?

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Thank you, Chair. And thank you for the...the question, Member Paltin. So, just from a practical standpoint, you know, is if I just look at what we're doing over at Hale Kaiola, when you look at this, the name, address, make, model, vehicle number is...in this application, we'd have to do this for every single person that is going to leave our...our project site and use the dump. So, that includes every single one of our people, it includes every single one of our subs, to go around getting, you know, make, model, weight of each vehicle, vehicle numbers, all those things, it just...it's something that you can do, but we were just asking for an exemption from that arduous process to help expedite things. That's the...the practical thought behind why it is that we're asking for this exemption. Just beyond the things --

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COUNCILMEMBER PALTIN: And then...to clarify, then, would you...like, would you get, like, some sort of placard? Like, how would the place where you're taking the rubbish know, or something? I mean, I...I don't know how it...the standard...oh, I see Ms. DesJardins. I guess I'll...I'll yield to her, because she probably has some relevant stuff.

CHAIR JOHNSON: Okay. Ms. DesJardins.

MS. DESJARDINS: Thank you, Chair. One thing to consider, when you get DEM on the line, is ask them whether not issuing a permit would in any way affect the health and safety standards. Because 8.04.040 allows for the suspension of a disposal permit in the event that folks do not comply with the disposal procedures. And under 2.97, you can waive fees and all kinds of things, so long as it doesn't affect the bottom line health and safety. So, I would just...I don't know whether this permit somehow allows them to dump, and without a permit, they'll just be able to dump, or does this exclude them from following health and safety standards. So I would just inquire with DEM --

CHAIR JOHNSON: Okay.

MS. DESJARDINS: -- about that when they get on the line.

CHAIR JOHNSON: Well, that's perfect timing. Deputy Director Schmidt is here, and we had some questions from the Members from...from you...for you. I know the time is for Councilmember Paltin. Did you want to ask Deputy Director Schmidt, and then we can go on to Councilmember Keani Rawlins-Fernandez, or has your question already been answered?

COUNCILMEMBER PALTIN: Well, I...I guess I...I would like to ask Deputy Director Schmidt if he sees a problem with...I mean, for me, I'm...I'm okay with exempting the fees, and...and if Mr. Schmidt needs the money to come from the Affordable Housing Fund to make him whole. I just was wondering if there's problems with exempting the permitting process and the paperwork on his end.

CHAIR JOHNSON: So, Mr. Schmidt, we're talking about 8.04.040, the No Waste Disposable Permits or Disposable Fees During Construction. They're trying to waive the waste disposable permit fee, and (*audio interference*) all the questions (*audio interference*) --

COUNCILMEMBER PALTIN: And the permit itself.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER PALTIN: I'm...I'm okay with the fee, if he needs the...the monies, we can figure that out. But the permit itself, the paperwork, is the question.

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CHAIR JOHNSON: Deputy Director Schmidt?

MR. SCHMIDT: Yeah. I...I know there's an application fee. I...I think it's only \$20 that gets waived as far as the application for a...for a landfill permit, so that's not really at issue. If...if the Council so...so chose to reimburse the...the Solid Waste Division for...for those fees for the disposal costs, I mean that...I guess that would be preferred. I mean, it...it'll set up a...a tracking mechanism that we don't really have in place. We'll have to...we'd have to, I guess, work on that. In general, I...I don't think there's really that big of cost that we'd need reimbursed for. I...I guess what I'm saying is, I'm not sure that the work would be worth it, and...and we are completely supportive of, you know, the housing, so...

COUNCILMEMBER PALTIN: Thank you for that --

MR. SCHMIDT: I guess *(audio interference)* --

COUNCILMEMBER PALTIN: -- but the...the main question was about filling out the permit. If they...if they get exempted the fees, and they...they don't have the permit, is it necessary for the permit itself, or is that not necessary?

MR. SCHMIDT: Oh, no. No. Very much so. The only way we are able to bill or...or...or track accounts for landfill is...is we have to attach it to a...a vehicle license. And so, a permit for a landfill is required, but what...we can waive the application fee. So it's...it's no cost, but we definitely need the...the permit, the landfill permit completed.

COUNCILMEMBER PALTIN: Okay. Because they're asking for a waiver from that...that part, the permit itself. And you're saying no can do?

MR. SCHMIDT: Yes. I mean, the way...the way that the...yeah, the way that it's written is...is kind of inaccurate, in that we've...we've always required, you know, a landfill permit. So, just...just the cost is --

COUNCILMEMBER PALTIN: Okay, I mean --

MR. SCHMIDT: -- is waived. Yeah.

COUNCILMEMBER PALTIN: You're the boss.

MR. SCHMIDT: Yeah. Yeah, we have no mechanism to...to track otherwise.

COUNCILMEMBER PALTIN: Okay. All right. Mr. Carnicelli, can you live with that?

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MR. CARNICELLI: I can...I can live with that. Yeah, we can...we can eliminate 8.04.040, as far as the permits go. It would be nice though, for...if we could not have to pay the fee, the...the application fee.

CHAIR JOHNSON: Okay. So are we clear on that? That just the fee will be exempted, and is...oh, I see Councilmember Kama's hand up. Go ahead, Councilmember.

COUNCILMEMBER KAMA: Chair, I just want to ask a question from DEM about what that...what is the fee for the...for the disposal?

MR. CARNICELLI: I believe he just said \$20.

COUNCILMEMBER KAMA: Okay. That's what I thought, and I thought, oh, my God, *(audio interference)*.

MR. SCHMIDT: Yes. For the application fee, I believe it's just \$20. Yeah.

CHAIR JOHNSON: Okay.

COUNCILMEMBER KAMA: But the disposal fee is what?

MR. SCHMIDT: Well, it's...it's the...it's the going rate. I mean, it would...it would be, I believe it's...it's in \$110 per ton range, but that...and that...that would be waived.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR JOHNSON: So we started off with Councilmember Rawlins-Fernandez asking DEM to come. Because having heard what Mr. Carnicelli said, Councilmember, do you have any more questions for DEM?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, all my questions were asked, and I mahalo Member Kama for clarifying that the permit fee is \$20, but the disposal fee is more than that, and so it's not just \$20. It's...it's more than that...that we're exempting. Mahalo. Mahalo, Chair.

CHAIR JOHNSON: Okay, Members. So do we have consensus on just the disposal fees during construction as an exemption?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Consensus. All right. Look at us, moving along. All right. Ms. Greco, will you bring up the next exemption? The one I'm looking at is E, Number (5), Driveways and Permit Fee, right? Okay. So, this exemption is already given under 12.08.050(D) as in Delta. Mr. Carnicelli, would you like to speak on this?

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MR. CARNICELLI: Thank you, Chair. I think the...Exhibit H spells it out pretty clearly as far as what we're asking for.

CHAIR JOHNSON: Okay. One moment, let me bring that up. So, this is a pretty standard exemption, driveways and permits fee. So what is the fee, Mr. Carnicelli?

UNIDENTIFIED SPEAKER: Thank you.

MR. CARNICELLI: I don't have the fee schedule in front of me, Chair, I'm sorry. I don't...I...I can --

COUNCILMEMBER KAMA: Ask DEM. Ask DEM.

CHAIR JOHNSON: I...for...it's already...okay, so it's already exempt in Section 2.97.150. It's the very first one, Drive...Number (1), Driveway Permit Fee. So, it's already in there, it's pretty standard. Did you...we want to find out what that was? I don't...I don't know, does DEM do the driveway permit fee?

COUNCILMEMBER PALTIN: On the last page, it says --

CHAIR JOHNSON: I assume it's Public Works.

COUNCILMEMBER PALTIN: -- \$150 per unit.

CHAIR JOHNSON: Oh, okay.

COUNCILMEMBER PALTIN: The last page of your thing. Says driveway fee and inspection, 12.08.050, \$150.

CHAIR JOHNSON: Okay, \$150 then. All right. Members, do we have any questions? This is a pretty standard exemption. Otherwise, we can go to consensus. Members, consensus?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: All right. Look at us, moving along. E, consensus. Consensized, if that's a word. Next we'll go on to F as in Frank, Number (6). This is 12.04.025(A), as in alpha, Street and Highway Excavations Permit fee. Once again, Members, this is a very standard fee, there's...and it's...oh, I beg your pardon, a very standard request, so there it is up on the...on the screen, and I'll see if anybody has any questions. And if we need, we can ask the developer, but pretty standard request here, Members.

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COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: We have some consensus on this one? Okay, moving right along. Thank you so much. We have consensus. Let's go to K. Next is K. Again, I beg your pardon, it's out of order, but it's in parentheses, Number (11). So, this is 2.97.150 and 14.35.080. This is under the...under 2.97 under the fee waivers. All right. So, Wailuku-Kahului Regional Wastewater Treatment System Expansion, and it's already given under the 2.97.1.50 fee. And that's the Number 3 in 2.97.150. It says Wastewater Assessment Fees for Faculty Expansion for the Wailuku-Kahului Regional Wastewater Treatment System. So it's already a standard request, once again...or I mean, I'm sorry, it's already listed in there under the fee waivers in 2.97.150. Members, do we have consensus on this one? Or any other questions?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: I see some thumbs up. All right, consensus. Moving along.

MR. CARNICELLI: Excuse me, Chair? Excuse me, Chair, this is Mr. Carnicelli.

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Thank you, Chair. So, I...I would just like some clarification as we're going through these in your...in your matrix, it does refer back to Exhibit A, right? And just as an example, K, which is what we just covered, Item Number (11) in our Exhibit H is blank. It's one of these blank ones.

CHAIR JOHNSON: Right. We'll be reviewing --

MR. CARNICELLI: And again --

CHAIR JOHNSON: -- that one later, Mr. Carnicelli. We'll...we'll go...we'll go through this, and then we'll deal with that later.

MR. CARNICELLI: Okay. Thank you, Chair.

CHAIR JOHNSON: We won't forget. You'll remind us if we do.

MR. CARNICELLI: All right.

CHAIR JOHNSON: Okay. So where were we? We're on the letter L, because we got consensus from K (11). Let's move on.

COUNCILMEMBER PALTIN: Chair.

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CHAIR JOHNSON: Oh, go ahead. I'm sorry, Councilmember Paltin.

COUNCILMEMBER PALTIN: I just had a question for K. Is that one of those that we would make the sewer fund whole with, or no need because it...it's listed in 2.97?

CHAIR JOHNSON: You mean, like, we didn't reimburse the...well, it's written in 2.97.150 under the fee waivers, right. We can ask Ms. DesJardins to bring up if you'd like to. We can have...have her speak on this. Ms. DesJardins.

COUNCILMEMBER PALTIN: Or --

CHAIR JOHNSON: Or someone else, did you say?

COUNCILMEMBER PALTIN: Mr. Rollins, maybe? Is he available?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR JOHNSON: Okay, thanks for stop sharing screen. Let's see if we can --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR JOHNSON: Go ahead, Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I thought in the last...in the first meeting on this, Mr. Rollins already said that they paid off the bonds, and so they wouldn't need to get replacement funding. Was that not what was already reported?

CHAIR JOHNSON: Let's...let's see what Mimi has to say on this. Ms. DesJardins? I think that sounds really familiar, Ms. Rawlins-Fernandez.

MS. DESJARDINS: That's my recollection as well. But what I...the bigger conversation, I think, is the question is, if it's listed as (1) through (14) under 2.97.150, which are the...the "shall be exempt." The question is, do you go ahead and reimburse for those fees versus the water system development fees are those more discretionary ones? That's entirely up to you folks, I think. I don't think that's really...you can or cannot. So, you just have to decide if you want to, and get some input, I guess, from *(audio interference)* --

CHAIR JOHNSON: And having heard what the Department said, that this was already paid off, we shouldn't need to pay with the Affordable Housing funds, if I'm understanding that correctly.

MS. DESJARDINS: I would imagine so. But since we're on this subject, let me point out something about this project that's a little bit different from some of the other

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ones that we've handled. In this one, remember, did an environmental assessment. So the use of County funds is not triggered...will not trigger an EA in this 2.97 project because they did a County...an environmental assessment. So one way to reimburse for all of these fees is, rather than go through the complicated process of having it go through the Department to...to not have it trigger an EA, you could directly reimburse the...the developer for some of these fees, and then have the developer reimburse the Departments. It's up to you, but this isn't going to trigger an EA, the use of County funds. It's just FYI.

CHAIR JOHNSON: Okay, noted. So, Members, do we have...wait, we did have consensus. We went back to K, right? So we did have consensus on it. Does that clarify your questions, Councilmember Paltin and Councilmember Rawlins-Fernandez?

COUNCILMEMBER PALTIN: Yeah. Yeah.

CHAIR JOHNSON: Okay, thank you. All right. So, let's move on to L. 2.97.150 and 14.76.120, Impact Fees for Traffic and Roadway Improvements in Wailuku and Kahului. And once again, this has already given in 14.76.0...or 120(A06). Let's see here. That is Number (8) on the fee waivers of that very same Chapter we were just talking about, 2.97.150 of the fee waivers. And I'll read the fee waiver here. It's...it says "Impact fees for traffic and roadway improvements in the Wailuku-Kahului, Maui, Hawai'i, Section 14.76.120 of this Code." So again, that's already written in the fee waiver section, and I think...Members, do we have consensus...because it's already in there?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay. All right. Moving...moving right along. Let's go to M, or Number (13). So M is...okay, this one was interesting. 16.04C, as in Charlie, the Fire Code. So there's a fee that the Fire issues. If you give them a plan, they have a review...they charge you a fee to review your plan. It's called a Plan Review fee. So I...I want to ask Ms. DesJardins, is the plan review fee eligible to be exempted?

MS. DESJARDINS: Thank you, Chair. It is not one of the exemptions that's listed in 2.97, which I would then call a discretionary. You folks would have to agree to waive it outside, but it is not one of the ones that's enumerated. The other ones, like 16.26(B108) is in there (*audio interference*) (B107), but not the actual...this particular 16 (*audio interference*).

CHAIR JOHNSON: Okay. So, this is something that is on top of what there's usually...usually is a fee waiver for, so let's ask Mr. Carnicelli...the Plan Review Fee. And I...I printed out the Plan Review Fee, and I'll read it to you real quick while Lawrence is getting his thoughts together. That's in Section 1.7.11.1.1, Plan Review Fee. When plans or documentation are required to be submitted to the

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Chief under Section 16.04C.050 of this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Mr. Carnicelli, would you like to speak on this?

MR. CARNICELLI: Yes. Thank you, Chair. We would appreciate you acknowledging our request for this exemption. Also, just while you're in discussion, our request was also for 16.18B, 16.20B, and 16.26B, included in this exemption in our exhibit. And in this iteration, this new Exhibit A that you have, doesn't include those other three items; the electrical code, plumbing code, and building code, in fees as well.

CHAIR JOHNSON: Mr. Carnicelli, do you know how much a plan review fee costs?

MR. CARNICELLI: Chair, I'm just looking at the...the fee valuations that you placed...or that...that are at the back that are part of this. So, I see here that the electrical fee would be \$630 per unit, for a total of \$128,520. The plumbing fee is \$1,500 [sic], which would be a total of \$30,600 [sic]. Building Code 16.26B is \$880 per unit, for a total of 179,520.

CHAIR JOHNSON: Okay. But we don't have a...a Fire Plan Review fee.

MR. CARNICELLI: That is correct. Chair, I do not see that we included that fee in our...in our exhibit. I will have...I'll text our team right now to see if we can find out what that dollar amount is.

CHAIR JOHNSON: Well, we could ask...we could see if we can call up the Fire Department and see what their...what the fee is because they're on call. But that's only if you guys feel like you don't...you don't have consensus over this. I'm...I'm trying to think of ways that we can make this project pencil out. So I'm inclined to give them this exemption, but if Members have questions on that about, we can...we can hold off on this one. Otherwise, do we have consensus? Or unless...oh, I see Councilmember Kama's hand up.

COUNCILMEMBER KAMA: I...I...I'd like to have a deeper discussion on this, Chair, please.

CHAIR JOHNSON: Okay. So let's put...oh, I'm sorry...Councilmember Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, yeah. I was just putting my hand up to be in line. But I agree with Pro Tem Kama. I think these are...there's a reason that Fire has a review...plumbing, electricity. I mean, these are people's safety that we're ensuring. And so, I...I...I'm curious, I guess, is the question for the developer, is it a matter of cost, or is it a matter of time that you're trying to save on this? And if it...if it is a matter of the cost, that instead of exempting them, if we could reimburse them, and just have the developer do the work of what's

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required in our Code to ensure the safety and well-being of our residents. And then if it's a matter of the cost, that it can be reimbursed at a later time.

CHAIR JOHNSON: Okay. So Mr. Carnicelli, we're talking about getting your fees exempted, not the plan. Or do you want both?

MR. CARNICELLI: No, no, Chair, we're not trying to ask for exemptions from the inspections themselves, just the...just the fees. This is solely just fees. Not...not...we're not asking for waivers from fire, electrical, plumbing, or building codes. I mean, we'll follow the Code. It's just the fee. That's...that's all that this is about.

CHAIR JOHNSON: Okay, Members. So, I know some people wanted to wait and push this down at the bottom. We can do that, I'm okay with that. So, until we get feedback from Fire, is that what you wanted to do, Councilmember Kama? Or are you guys okay with consensus? I see Councilmember Paltin's hand up. But Councilmember Kama, what...let me...I asked her first, so see what she has to say.

COUNCILMEMBER KAMA: Go ahead, Chair.

CHAIR JOHNSON: Oh, I was wondering if you would...if you want to do consensus and...after hearing that, or do you want to...do you want to hold this? We can hold this until the very end, as usual. That's another option we can do. It's just for the fees.

COUNCILMEMBER KAMA: Oh, okay. Let's just call for consensus, Chair.

CHAIR JOHNSON: Okay, before we do that, I see Councilmember Paltin's hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm okay with waiving the fees for the development, I just would like...the...the question I have is, how the monies get made up, and if we can exempt them from the fee and pay for it, or if these guys aren't self-funding anyway, then it would just come out of the General Fund, I guess is...is my...my question. I know the Fire Department comes out of the General Fund, so then we don't need to use Affordable Housing funds, it'll just be covered in that way. But is that the same for plumbing, and electrical, and all like that? It's okay that we just pull the fee money out of the General Fund? Just clarifying.

CHAIR JOHNSON: And who's that question for?

COUNCILMEMBER PALTIN: Anyone that knows the answer.

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CHAIR JOHNSON: Okay. Let me...let me read a little bit about the Plan Review fee here from the Code, okay? So this is about the Plan Review Fee for the Fire. This is hereby established and created, a fund to be known as the Plan, Review, Processing, and Inspection Revolving Fund. The fees collected shall be used for salaries, no more than two plan reviewers, contracts, materials, supplies, equipment, payment of overtime, travel expenses, and training that will facilitate plan review public education, fire investigation, permit process, and inspections. So...oh, good, we have...we have...Fire is on the call. So, it...there is a fund that this...these fees go into. Let's bring up Lieutenant Oliver Vaas. Lieutenant, are you on the call? We can speak on this issue? We're talking about the Plan and Review Fee, and this development wants to be exempt of that fee.

MR. VAAS: Sure. I just joined in, so I'm not sure what else went on today, but can you hear me okay?

CHAIR JOHNSON: We can hear you loud and clear. I think our burning question is, how much is the fee it costs, the Plan Review Fee, when...when...for the developers to submit the fire plan.

MR. VAAS: Our fee comes from a percentage of the building permit fee. So, I'm not exactly sure of the percentage off the top of my head. But should Affordable Housing, you know, go through with the application, I believe they'll be exempt from the building permit fees, and then, therefore, they're also exempt from our fire fee. We just piggyback right on that.

CHAIR JOHNSON: Oh, okay, that's great clarification. We have a question from Chair Lee for you.

COUNCILMEMBER LEE: I think this is more along the lines of clarification, and perhaps we could have the Budget Director on call, because she's most familiar with the special funds. To my knowledge, we created the revolving permit fee fund many years ago, but that was under DPS...I mean, DSA, rather...DSA. So I...I don't know that it would pay for reviews by the Fire Department or other departments. But Director Yoshimura can clarify...clarify that.

CHAIR JOHNSON: Okay, that's interesting. So, now he said...Lieutenant's saying that there isn't a fee because they're getting exempt from the building fee, so that's interesting. Do you want us to bring up --

COUNCILMEMBER LEE: Well, I think...I...I think we need to address which fees or which costs are going to be reimbursed as we go through, yeah?

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: Okay. Thank you.

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CHAIR JOHNSON: So do we...all right, I see we got some hands up. I'm thinking we can do consensus on this, but I figured...let's go through some questions. Councilmember Molina, followed by Councilmember King.

VICE-CHAIR MOLINA: Yeah. Thanks, Chair. Just as a suggestion, maybe we put this one on the side, and then we can wait to get Budget Director Yoshimura on, and then we can clarify it and move forward. Then we can go on to the next exemption to discuss whether we have consensus. So, I'll just suggest put this on the side, move on to the next one, and once we get Director Yoshimura online, then we can go back and determine whether we want consensus or not, yeah?

CHAIR JOHNSON: Okay.

VICE-CHAIR MOLINA: *(Audio interference)* that.

CHAIR JOHNSON: Yeah. Thank you for sharing that with us. Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, however you want to do it. I'm okay with...with, you know, if they're going to already be exempt from the building fees. But my question is, is this the first time that all these departments are seeing these requests for exemptions? Or don't they get these upfront and get a chance to comment?

CHAIR JOHNSON: Yeah. They, they...we have comments in the...the big binder from all the departments, yeah.

COUNCILMEMBER KING: Okay. Because it seems like we're asking them questions that they should have been...already have commented on, because these conditions were...were asked for in that document.

CHAIR JOHNSON: Well, quite often, we get from the departments they have no comments. But yeah, I don't...I don't know what to say about that. We're asking the questions, so...

COUNCILMEMBER KING: Okay. I just...I just wonder if we're just repeating ourselves, or...I mean, we're getting every department to come here and answer questions that supposedly they've already addressed in the document. So just kind of wondering what...if we're going to...it's taking a really long time.

CHAIR JOHNSON: Yeah, we do got to kind of step it up here, Members. Okay. We're...we're almost getting close to lunch, and I see a question from Councilmember Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to flag for you, because I didn't hear it earlier. But earlier in the chat, Director McLean said that Planning, "I was only requested until 12:00 today," so they're only available until 12:00. So if we have questions for them, they're...they won't...

CHAIR JOHNSON: Okay. Staff, why...did we ask for only until 12? Because I...this is a double meeting. We...we might run into some questions for the Department after...after lunch.

MS. GRECO: Chair, our Departmental requests continue with every recessed meeting, so since was recessed for an all-day meeting, the Departmental request continues.

CHAIR JOHNSON: Okay. All right, Members. So let...let's...let's hold this one off until we get back from the Department, okay? It seems to be a little bit longer. So Staff, if you don't mind holding off, this is M, Number (13), and I think we could do one more before lunch. What do you say, Members? Okay, so let's practice what we preach, and move along quickly here. We are on Q, Number (17), 2.97.150 and 18.16.320, Parks and Playgrounds. That's an exemption already given underneath the...the...the fee waiver. No, let's see, let me pull this up. Number Q, or like, that's Number (14) on the fee waivers, Park Dedication and Assessment Fee, Subsection 18.16.320(I-5) of this Code. So it's already in there. Members, do we have consensus on this one?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay. Now, I want to ask for clarification on Director McLean. Director McLean, will you be available after lunch?

MS. MCLEAN: Aloha, Chair. And I...again, I apologize. We...we just weren't aware that it was an all-day meeting. I have meetings this afternoon at 12:00, 1:30, 2:30 and 4:00. And I'll jump on in between those as best I can.

CHAIR JOHNSON: Okay. Well, we...we'll take that into consideration. We'll try to work around your schedule. If not, maybe a Deputy Director, I don't know. But if...we'll call you, we'll have the Staff reach out to you if...if there's a burning question. Does that sound all right?

MS. MCLEAN: Yeah. And like I said, I'll pop in and out. I don't think all of those meetings will take an hour.

CHAIR JOHNSON: Okay.

MS. MCLEAN: So, you know, we'll...we'll do the best we can, and I apologize.

CHAIR JOHNSON: Thank you. Chair Lee, you had your hand up?

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COUNCILMEMBER LEE: I just wanted to say I have to leave the call at 12:00. Thanks.

CHAIR JOHNSON: Yeah. Okay. I understand that, so other Members do too. So, we have consensus on this one, Q, right? Let's hear it for the record. Consensus Members?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: All right. All right, I think we can squeeze in one more before break, okay? This is W, 19.04.050 and 19.510.010B, Zoning, No Building Permit Resubmittal Fees. This, again, Members, is a standard request. Okay? Standard requests. Do we have consensus on this one, W?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Consensus. Okay, I think...okay, maybe we can do one more, and then we'll...we'll call it after this one, all right? We're going at such a good rate, I don't want to stop us. CC, that's two Cs, and Number (29) is 20.08.090, Grubbing And Grading Permit Fees. Okay, this is an exemption already given, and that is Number (10) in the 2.97.150 fee waiver. So this is a...a pretty...it's already in there. So, Members, do we have consensus on that one?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay, all right. Thank you, we have consensus on that. Members...you can stop sharing screen, Staff. I see that Michele Yoshimura is on the call right now, so why...why don't we give her these last few minutes to kind of speak on that one that we were just talking about? Director Yoshimura, will...are you on the call?

MS. YOSHIMURA: Chair.

CHAIR JOHNSON: Okay. Shall we...shall...the question is in regard to the Fire Code, right? The Plan Review Fee, and the...the...the developer is asking for an exemption of the fee for our...you know, how we have to...we...there's a fee for them that they have to pay when they...when the Fire Department reviews those plans? Is...can we exempt that, and how much is that? And that's what...what we're kind of discussing right now.

MS. YOSHIMURA: Chair, sorry, I...I apologize. I wasn't requested for the meeting, so I wasn't...I wasn't logged on earlier. I would have to look into, like, the cost of the permits. All of the permits are in the Rates and Fees or...or in Appendix B in the annual budget. So it would depend on, I guess, looking at the different types of

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permits they're requesting. I know Fire, I heard grading and grubbing earlier, and you're looking at sewer, water --

CHAIR JOHNSON: Well, this would be the plan review...the review fee for the...for the plan. But I saw that, you know, Chair Lee had a question for you. So if...Chair Lee, if you...if you want to ask her that question? Or did she just leave for the meeting? I think she left, but we have Councilmember Paltin, who had a...oh, there she is. Chair Lee.

COUNCILMEMBER LEE: Michele, we're...we're trying to also keep track of the fees so that if we have to reimburse any department with Affordable Housing Funds that we can keep...that we'll know...we'll know what that amount might be. But it was brought up earlier that the...the Plan Review fund could...funds in that account could pay for other plan reviews, such as Fire, et cetera. My recollection is that Plan Review Fund comes under DSA for DSA purposes, so Public Works. I just wanted to verify that. And...and where does the money come from, let's say, for the Fire Department's plan review. If...if...if that fee is exempted, who pays for that service? Is it the General Fund?

CHAIR JOHNSON: Director Yoshimura.

MS. YOSHIMURA: Chair, thank you. Chair Lee, so DSA does have a plan review fund, which is a revolving account. Also, there's one for fire...fire prevention. They have a plan review revolving fund. So there's all separate funds that establish different fees. And if you exempt the fees, the funds will not be able to generate their revenue to keep the fund revolving. In that case, then you would have to consider a supplemental appropriation from the General Fund to these funds.

COUNCILMEMBER LEE: Oh, okay.

MS. YOSHIMURA: Or you would have to reduce the operational costs that are associated in the revolving fund.

COUNCILMEMBER LEE: Okay. Thank you for that clarification. Thank you, Chair, I have to run.

CHAIR JOHNSON: Okay. Thank you. Chair Lee. Now, Councilmember Paltin also had to run, but she had a question. Councilmember Paltin.

COUNCILMEMBER PALTIN: Sorry, I had to 1012, but I didn't hear the answer. The money comes out of the General Fund, is that...

MS. YOSHIMURA: Yeah. So, when you apply for a permit, you are assessed fees. And for whatever plan review you go through, it goes into the appropriate fund, or a pot, right? And at that case, when you do a plan review fee for Fire, it goes into

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the Fire revolving fund. That, in turn, pays for your plan checker or your plan reviewer. If you start to exempt the funds...or the fees, and there's no revenue, then, one, the fund will not revolve-- the fund will not be able to continue to pay for its expenditures--and then you'll have to look for other sources to supplement those funds. In the past, the fund...the Fire Plan Review Fund has dwindled down, and we have had to move people...or move employees from that fund into the General Fund because they could no longer sustain the employees with the cost...or with the revenue that was being generated. So, the more you exempt fees, you've got to make it up somewhere, or you're going to have to find the money, basically.

COUNCILMEMBER PALTIN: And so you rather us get the amount, and then reimburse it from the Affordable Housing Fund, or use carryover funds, or side money someplace?

MS. YOSHIMURA: Well, okay. So, right now the Affordable Housing Fund gets its monies...or gets its revenue, from Real Property Tax, 3 percent Real Property Tax, or whatever is appropriated to be deposited into the fund. And I think the...the use of the fund was broadened, so you know, it could go for infrastructure, and that types of costs. If you put the money into the Affordable Housing Fund and it's a allowable expense to exempt the fees, or...or to pay back a special fund, then the case of Wastewater, right, Wastewater won't get their revenue. But if you intend to replace it with an appropriation from the Affordable Housing Fund, then Wastewater will become whole again. And then the appropriation...next budget cycle, if you put more money into the Affordable Housing Fund, that would keep the Affordable Housing Fund revolving.

COUNCILMEMBER PALTIN: Okay.

MS. YOSHIMURA: Does that make sense?

COUNCILMEMBER PALTIN: Yeah. I guess then it's up to us to decide what we got to do.

MS. YOSHIMURA: Yeah.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Okay. I got to go. Thank you.

CHAIR JOHNSON: Yep. Councilmember King.

COUNCILMEMBER KING: Thanks. I have a question for you, Michele, before you leave. Thanks for showing up, I know you weren't planning on being in this meeting. But when...did you tell us how much the fee usually is, or is that something you have to look up?

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MS. YOSHIMURA: No, I think that's something I'm going to have to look up. I...I know some of the fees are based on the value of the project. So if...that's something that I would have to call the Department and see what the fee is.

COUNCILMEMBER KING: Okay. Because I think we were told by Fire that it's...if the building permit is...if they're exempt from building permits, then they would automatically be exempt from the Fire Code permit...or the Fire Plan permit. But how typical is it? Is this a typical exemption for Affordable Housing projects?
(Audio interference)

CHAIR JOHNSON: Well, yeah, let me --

COUNCILMEMBER KING: -- (audio interference) this before.

CHAIR JOHNSON: Let me jump in real quick before Director answers that. So, we found the current rate of the fee sheet. The Fire Plan Review fee looks like it's about 12.5 percent of the construction valuation used for the building permits. So that's 12.5 percent of the construction value used for the building permits. So that's...that's how they do the math formula. So...

COUNCILMEMBER KING: So not (audio interference) the building permit itself, it's whatever construction value they've calculated.

CHAIR JOHNSON: Used for the...right. Right. So, Director, that's all...I just wanted to add that in. Go ahead, Director Yoshimura.

MS. YOSHIMURA: Chair, I could look into the question that Councilmember King has. I can look into that further. If you wanted to take your lunch break, and I would be able to come back at 1:30 when you reconvene, if you would like.

COUNCILMEMBER KING: Okay. That would be great because I...I...I don't remember going through all these types of...of permit fee exemptions before. So...and I don't know if it's because they were already...some of them, say, already given under another section. But it seems like...I don't...and I also don't recall us, you know, racking up a bill to reimburse all the...for all these fees, which is what we seem to be doing. Going to make for we're...we're...we're building a tab here.

MS. YOSHIMURA: I think most recently, you folks did do some for the Hale Pilina project, and I think it's in the Fiscal '23 budget. So I could look those up, and then come back --

CHAIR JOHNSON: Okay.

MS. YOSHIMURA: -- after your lunch break.

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COUNCILMEMBER KING: Okay. Thanks.

CHAIR JOHNSON: Thank you so much.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR JOHNSON: Yeah. Thank you, Councilmembers. Okay, Members, before we get into more discussion, I really want to take a lunch break because we've got a pretty busy day ahead of us, okay? So it's 12:07. I'm thinking we'll come back at 1:30, all right? So, Members, without objection, I'll take a...we are now on our lunch recess until 1:30 p.m. The recessed meeting of September 3rd--no, September 1st, yeah--the recessed meeting of September 1st is now in its lunch recess, and we'll come back at 1:30. . . .*(gavel)*. . .

RECESS: 12:07 p.m.

RECONVENE: 1:30 p.m. (Excused: KRF)

CHAIR JOHNSON: . . .*(gavel)*. . . Back to order, the time is 1:30 now, from our...back from our lunch recess. Now, Members, let me get started. Just to be clear, when I ask for consensus, I'm asking for consensus on Exhibit A on Granicus Item Number (11) under AH-35. So, just to be clear on what we're talking about, consensus. So before our lunchroom break, we had...we had Director Yoshimura come and give us a talk, and she said she was going to find us some answers. So, Director Yoshimura, are you back on the call already? If you're on the call...let's see if she pops up. Okay, I'm not seeing her on, but when she comes on, we will address the...the comments and concerns that she has. So, we left off at J, I think...yeah, J or (10). All right. Is everybody finding where they're at now? J or (10). And that is...okay, this is the water...in regards to the water, so...and this is an important one, 14.10.040 and 14.06A.060B3, Temporary Meter Charges and Stages of Water Shortages. No temporary water meter charges, and no water use restrictions of the temporary water meter. And the Department of Water Supply stated that they objected to this...they have objected to this objection [*sic*]. So, I saw...let me see, did I see Water Department come on?

MS. TAOMOTO: Hi, Chair Johnson. It's Wendy Taomoto.

CHAIR JOHNSON: Aloha, Ms. Taomoto. Would you...can you share...can you share your...your views on this because I saw that they...so go ahead and speak up on this item, please.

MS. TAOMOTO: Yeah. Deputy Agawa is not available, and not...out of office today, so he's not in the meeting. As for...as far as what I recall, he had a...we...we are agreeable to having it not necessarily exempted, but paid like the previous

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discussion before lunch, through either the Affordable Housing Fund or the General Fund.

CHAIR JOHNSON: Oh, okay.

MS. TAOMOTO: And similar to the discussion like you have with the Fire fees.

CHAIR JOHNSON: That's...that's great. Okay. Thank you for that update. So Members, I'll go right into consensus. You folks have consensus with this? If --

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay. All right. Great. That's...that's how we do it. Thank you, Ms. Taomoto, for coming out and talking to us about that. Let's go on to...oh --

COUNCILMEMBER KAMA: Chair?

CHAIR JOHNSON: Councilmember Kama, go ahead.

COUNCILMEMBER KAMA: Yeah, Chair, I have a question for you. You know, at the end, is it possible to tally up all the exemptions and what the costs would be at the end?

CHAIR JOHNSON: Yeah, that's a really important point, and hopefully Staff can bring us to that point when we get there.

COUNCILMEMBER KAMA: Okay.

CHAIR JOHNSON: But it...I think it might be in the book. Hold on, let me check.

COUNCILMEMBER KAMA: Okay.

CHAIR JOHNSON: Exhibit H, it has a list of all of the prices of the permits, and the title of that is called...let's see, oh, what page is it on? It's in Exhibit H, and there's a chart. Let me see if I can show you. It's Number (30). Sometimes it doesn't come up...yeah, look at that, it's not showing. But it...I could do it this way. Yeah, okay, it's...it's basically in there on H. I...I hate how you do the...you put a...for some reason the background makes your pages disappear for some reason.

COUNCILMEMBER KAMA: Yeah, it does.

CHAIR JOHNSON: But *(audio interference)* chart. But that's where it has all the prices. Okay? So without any other question...oh, we got one from Councilmember Sinenci.

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COUNCILMEMBER SINENCI: Thank you, Chair. Just to clarify that if we're going to be using the Affordable Housing Fund, it's something that we do during our...the budget process?

CHAIR JOHNSON: Okay. Ms. DesJardins, will you speak on how we get to that process?

MS. DESJARDINS: Sure, Chair. You know, I actually was having a discussion over lunch with Ms. Yoshimura about this. And she did suggest that it be by way of grant to the developer. So, in other words, they would submit what the...we would find out what the total amount of the exemption is, they would pay those fees, and then they would get grant money. Oh, there she is. Hi...hi, Michele. I...I'm talking for you. And then in that sense, they would get reimbursed directly. And again, because there is already an environmental assessment in this, I'm not so concerned about that triggering of County funds.

CHAIR JOHNSON: Okay, great. Then let's bring up Director Yoshimura. In regards to what Councilmember Sinenci just asked, as well as what you were talking about before the lunch break, if you want to add to that, Ms. Yoshimura?

MS. YOSHIMURA: Thank you, Chair Johnson. Yeah, I would...I would prefer that...you know, if you're going to exempt any...so, I'll...I'll take a step back here. Chapter 2.97.150, or Section 297.150 lists fee waivers, right. So, all of those fees which are anticipated to be waived by the County, I don't...I don't see us reimbursing any of the Departments for those fee waivers. Now, if you're going to make exceptions to those fee waivers, like your Water Development fees, your Fire Plan Review fee, or any other fee that's not part of this list, I would suggest that you enter into...or you appropriate monies for a grant. We enter into a grant agreement with the developer, to off...to...to help with those costs, and not do a direct transfer from, let's say, the Affordable Housing Fund to the Water Fund.

CHAIR JOHNSON: Okay. Thank you for that clarification. Now, before we took our lunch break, there was something that you wanted to add...you would come back and speak to us on. I think it was the price of the actual permit...or the review fee of the plan, the fire plan?

MS. YOSHIMURA: Yeah. And I was going to find out what the actual fee was. And I'm sorry, I couldn't get in touch with anybody over the lunch break. But on page 16 of Appendix B of the budget ordinance, it does say that it's 12.5 percent of the building...building permit fee. So I would take that to read, that if the building permit fee is \$1,000, then 15...12.5 percent of that would be what the Fire Department would charge.

CHAIR JOHNSON: And if I could follow up, if the permit...building permit fees were zero, then that would mean this would be zero?

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MS. YOSHIMURA: I don't know if...so, if it's...if the fee is being exempted by the...by DSA, I would defer that to Corporation Counsel if that would mean that the...the waiver, or it would be a zero charge to...for the Fire Permit [sic] Review fee. I don't...or if it would just be 12.5 percent of what the value of the permit would be.

CHAIR JOHNSON: Okay. I see Ms. DesJardins on. And after this, we're going to try to move on, Members. We have a pretty busy schedule, but I think we had a lot of discussion on this item. So, go ahead, Ms. DesJardins.

MS. DESJARDINS: No, just to say that there is a building permit fee, it's just that it's being exempted. But that exemption does not affect the fact that 12 percent of whatever that was...that before it got exempted, exists. And that's what should be the Fire Plan fee. So, I don't think...I disagree with Fire that it's automatically exempted. It's specifically exempted in the Code for them.

CHAIR JOHNSON: Okay.

MS. DESJARDINS: Thank you.

CHAIR JOHNSON: Okay. All right. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to back up what Director Yoshimura was saying. Whatever these fees that we're exempting, I'm...I'm all in favor of us paying the amount. But to be real on what the cost is, we reimburse the developer to...to show the partnership, the real cost of the Affordable Housing. We're...we're a partner with the developer, and so we're exempting them, but we're having to pay the...each Department what the fee would have been, so that they're not...so that they're made whole. You know what I'm saying? Because otherwise, they need to find the money from someplace else. Whether it's the General Fund or the Affordable Housing Fund, it's all taxpayers' money. And if we're not going to use the entirety of the Affordable Housing Fund this year, that's what it's there for, right, to help with the creation of affordable housing. So, I'm...I'm okay with the exemption, I just think that we need to be real at the cost of the exemption, and reimburse the Departments, so that they're made whole. So, I mean, I don't know if you'd still call that consensus. I'm...I'm consensus to not make them pay for it, but to reimburse the Departments in the way that Ms. Yoshimura explained.

CHAIR JOHNSON: Yeah, I'm...I'm in agreement of that. So let's continue along with this, because we have a lot of things to have consensus on or not. And then...but I...I understand your point 100 percent. So, thank you, Director, for speaking on that topic, and we're going to move on. So let's go -- oh, go ahead, was that...

MS. YOSHIMURA: Chair?

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CHAIR JOHNSON: Yes, go ahead, Director.

MS. YOSHIMURA: I have another meeting, but if you do need me, if someone could text me, and I can jump back on.

CHAIR JOHNSON: Okay. Thank you. You heard that first...you heard it here first, Staff. Okay, we'll get back to you. All right. So, let's move on to I or L, I don't know, Number (9), 14.07.030, Water System Development Fees, very similar to the other one. No water system development fee, DWS previously stated. So, let's bring up DWS if they're here, and we can move on to this one.

MS. TAOMOTO: Hi, Chair. I'm back. It's Wendy Taomoto.

CHAIR JOHNSON: Okay, Ms. Taomoto.

MS. TAOMOTO: Similar...similar to the separate construction meter, this fee, we are requesting Council fund this, either through the Affordable Housing Fund or the General Fund. And just for perspective, I was looking at the fee amounts, which I didn't mention, but the fee amount for the temporary construction meter is \$485, whereas the fee amount for the water system development fee, which we're discussing now, is quite significant. Before I tell you what the fee is that I'm really guessing at, the water system development fee is based on the water meter size, that is based on the number of fixture units, which is toilets, showers, et cetera, in the...on the project. At this time, after speaking with the applicant's engineer, their...the water meter size has not been determined yet. But in my estimation, looking at these types of projects...projects and in discussion with the Civil, it might be somewhere between a three-inch and a four-inch meter is what we're estimating. So, for perspective, the four-inch meter is \$496,000, and 400...\$496,460 for the domestic meter. And for the irrigation meter of a project of this size, we're thinking it might come in at a one-and-a-half to two-inch, and the two-inch meter is \$125,012. So, you can see that the fee...that the funds, the budget amendment or whatever you're going to do, needs to be somewhere around maybe \$600-something thousand is our estimate. But until the meter is finalized, size is finalized, you know, it could go up, or it could go down.

CHAIR JOHNSON: Okay. That's good to hear, because I think we're in the realm of what you mentioned. Again, on that chart that's in the...in the Volume I of...in the Section H, it...it says Water System Development Fees, Total Value \$637...or \$637,500. So it seems similar to what you just mentioned.

MS. TAOMOTO: Okay. Yeah, I don't have that Exhibit.

CHAIR JOHNSON: \$600...\$637,000 and 500. So...

MS. TAOMOTO: Yeah.

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CHAIR JOHNSON: Okay. That seems under what you were saying, so...oh, I mean, over what you're saying is where we're at.

MS. TAOMOTO: Right. And like I said, it'll be what it is based on the --

CHAIR JOHNSON: Yeah.

MS. TAOMOTO: -- actual meter size that needs to be installed to accommodate for the landscaping flow and the domestic uses on the project.

CHAIR JOHNSON: Okay. So thank you for that.

MS. TAOMOTO: *(Audio interference)*

CHAIR JOHNSON: Do we have...go ahead, go ahead.

MS. TAOMOTO: I have one more comment, Chair, sorry. This assumes that the project is just going to install one master meter for the entire 14.97 project, and one domestic and one irrigation meter. However, if the project is going to apply for multiple meters, right, to choose...for whatever reason that they choose, then those...those fees could increase again, or probably likely increase, rather than decrease.

CHAIR JOHNSON: Okay.

MS. TAOMOTO: So that would be up to the project because we are just giving ballparks anyway.

CHAIR JOHNSON: Right. Right. Okay. Thank you for that clarification. So, I guess we can call...ask the Members if we have consensus on this. Members, we have consensus on this one? Okay?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Using Affordable Housing Funds for that? Okay, consensus. All right. Let's move on to the next one. This is under soil erosion. This is like a grading permit. So 2...20.08.130, and 20.08.140, and 20.08.150 is Soil Erosion and Sedimentation Control Permit, bonds required, conditions of terms. So it's already allowed under section 20.08.130 in the last two sentences, okay? So, I think we...doesn't this...isn't this already exempt? Is this just duplicate? So should we ask Staff for this, or Ms. DesJardins? Well, let's ask Mr. Mitchell. Mr. Mitchell...this...this this came from OCS. So, this will work if we take this out because it's already in the exemptions?

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MR. MITCHELL: Thank you, Chair. I'm just pulling up the section now. Could somebody give me the reference again? It was on the share screen, then it disappeared.

CHAIR JOHNSON: 20.08.130. It says it's already allowed under that section. It also references 20.08.140 and 20.08.150.

MR. MITCHELL: 20.08.130; is that correct...the correct reference? I'm sorry.

CHAIR JOHNSON: 20.08.130. That is correct.

MR. MITCHELL: Yes. So, in the last sentence, if I'm looking at the correct section here, it says that the developer, quote, "may deposit cash in lieu of a bond guarantee by a surety company." And so it's that sentence that we saw in the section that said to us, they already have the ability to deposit cash in lieu. So there's no need to ask for the exemption.

CHAIR JOHNSON: So, there's no need to ask for the exemption. Members, I'm at...I'm willing to go...just move along, but if you want to hear from the developer, we can. Okay. I see Councilmember...or Chair Lee, so let's bring up Mr. Betsill. Or Mr. Carnicelli, whoever is willing to speak on it.

MR. CARNICELLI: Thank you, Chair. This is Mr. Carnicelli. So, this is very similar to Item (1). This is in regards to the bond. So again, from the conversation earlier, surety bond, cash, or material house bond. This requirement is what we're asking, is all three of these ordinances, 20.08.130, .140, and .150 are about the bond requirements, conditions, and terms. And that's what we're asking for. Since we will not be getting a loan, is we're just asking for a waiver of this requirement.

CHAIR JOHNSON: Mr. Mitchell?

MR. MITCHELL: So, Chair, when I look at DD, the active language in DD reads, quote, "allow applicant to provide a cash equivalent to the County of Maui for grading construction and drainage improvements, and implementation of erosion control measures." And am I correct in understanding the applicant is agreeable to providing the cash equivalent?

CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Yes, that is correct.

CHAIR JOHNSON: All right. So, Mr. Mitchell, can we just strike this? Do we have to...do...I feel like it's duplicative. Do...can we just get rid of that one, or do we

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need to have it say...say that in there? I see Ms. DesJardins on the call. Ms. DesJardins?

MS. DESJARDINS: Yeah. Just trying to speed it up just slightly here. 20.08.130 allows for a cash deposit in lieu of a bond. So I think you don't need to...he can already do that, so you don't have to exempt him.

CHAIR JOHNSON: Okay. Members, what say you? Can we just scratch this one and have it...it's already in the Code anyways? I see heads nodding. Okay, Councilmember Kama.

COUNCILMEMBER KAMA: So we're just talking about 130, right? Not 140 and 150 too?

CHAIR JOHNSON: I think it's in regards to the actual...the grading permit, the soil erosion and sediment...soil erosion and sedimentation control permit. Mr. Mitchell.

MR. MITCHELL: I'm not sure what the...the caution is here, Chair. Maybe if the applicant could pop in and explain their concern, that would be helpful. Because we're reading it the same way, but I sense there's some caution with the applicant.

CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Thank you, Chair. We're actually agreeable to go ahead and delete DD as...as you had suggested. We're okay with that.

MR. MITCHELL: Okay.

CHAIR JOHNSON: Okay. See? Problem solved. All right. Working together. All right. Let's move on to the next one. And Staff, if you don't mind sharing this one. I'm...I'm kind of...I just want to hear what you folks say about it. Okay, this is D, or Number (3), 2.96.050(A3). This is the Residential Workforce Housing Credits. So the --

COUNCILMEMBER PALTIN: No consensus.

CHAIR JOHNSON: Okay. All right. I figured as much. This is them asking...allowing for 100 percent of units to qualify for workforce housing credits, where usually they get 75 percent. So, we don't have consensus, we're just going to move this right to the bottom. Like, I'm trying to speed us up. We'll come back to this one when we get to it, okay? So let's move on to the next one, is N as in Nancy, the sidewalks. All right. This is also number (14). 16.26B.108.2(2), Building Code Fees. So, there's an exemption already in there; 16.2B.108.2(2), that is the exemption. All right. So we have consensus on making this an exemption, right?

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COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay. All right. Let's move on to the next one, O, Number (15). 16.26B as in Bravo, .360, Improvements to Public Streets. Exempt project from improvements to public streets, such as no requirement for road widening, or curbs, gutters, or sidewalks along Kuikahi Drive. The developer requests blanket exemption, but did not list out all of the possible requirements under 16.26B.3600 [sic], such as pavement widening, underground or relocation of utilities, and drainage improvements. Members, I don't see any hands, so we're going to go to consensus. Do we have consensus?

COUNCILMEMBER PALTIN: *(Audio interference)*

CHAIR JOHNSON: Oh, we do have some hands. Councilmember Paltin.

COUNCILMEMBER PALTIN: I thought that they had said they were going to go ahead and do this one, and charge the Affordable Housing Fund because Planning and Public Works objected. Is that the one?

CHAIR JOHNSON: Let's bring up Mr. Carnicelli to speak on that.

MR. CARNICELLI: Member Paltin's memory is correct. This is one of the ones that...that really, Public Works and Planning both really felt that it'd be necessary that the...the improvements be done on Kuikahi Drive. So, we agreed, and...and had discussions with a couple of Members, yourself included, Chair, about this. And so, yeah, if you guys are willing to help us out with the Affordable Housing funds, we're...we're going to go ahead and do all those road improvements.

COUNCILMEMBER PALTIN: I...I'm willing to do that.

CHAIR JOHNSON: Okay. Why don't we bring this one to the end, and then we can talk about all the Affordable Housing Fund at the end, right? If this is all right with everybody, we'll just hold off on this one. I see Councilmember Sinenci's hand up. Mr. Sinenci?

COUNCILMEMBER SINENCI: Quick question for the...Mr. Carnicelli. Were those improvements to include, like, a...a bus lane for busses to pull...for bus service? Public bus service?

MR. CARNICELLI: That's a great question, Member Sinenci. I think ultimately, the design of the road--because this is a County road--and so the designs and the features of that road will be ultimately the call of the Public Works Department. It will probably...I mean, this is sort of along the lines of the...the conversation we had about the roundabout. So this is the County's road. This...the County's

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going to decide what it is that they want, and then we'll go ahead and partner with the County and get done what it is that they would like.

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

CHAIR JOHNSON: Okay. Thank you, Councilmember Sinenci. Let's move on to R under Sidewalks, or Number (18), R. 18.16.050 and 18.16.060, Minimum Right of Way and Pavement Widths. This is along the lines of sidewalks as well. Exempt from road widths and widening requirements. Developer intends to have narrow road...narrower roadways, 20 feet wide right of way. Developer does not intend to dedicate internal roads to the County in the future. Let's confirm this with the developer. What's your story about donating this to the County afterwards, or can you clarify on that, Mr. Carnicelli?

MR. CARNICELLI: Thank you, Chair. Yeah. The internal roads will be...they will not be dedicated to the County. They will...they will ultimately remain the...the ownership of the HOA.

CHAIR JOHNSON: Okay. All right. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you. Just asking if...if it's not going to be dedicated, do we still need a...input from the Fire Department for fire access?

CHAIR JOHNSON: Okay, who would that be to? Ms. DesJardins? Fire's not here...or maybe...let me check if they're on the call still. Ms. DesJardins?

MS. DESJARDINS: I would...I would check in with Fire on that, but I would assume if it's a public road, you would want their input. This is...this is still going to be...this...this one's not private, correct?

CHAIR JOHNSON: The developer's saying they want it private. They want...the streets will be private.

MS. DESJARDINS: Okay. I would...I would defer to Fire. I think you should ask them.

CHAIR JOHNSON: Okay. Staff, will you call up Fire? They're on call, see if they can come and speak on this?

MS. GRECO: Yes, Chair.

CHAIR JOHNSON: In the meantime, we'll move on to the next one, Members. Oh, I'm sorry, we have questions. I beg your pardon. Let's move on to...did I see Molina's...Mr. Molina's hand first, followed by Chair Lee? Go ahead.

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VICE-CHAIR MOLINA: Yeah. Thank you, Chair. I guess a question for Mr. Carnicelli. So, as I understand it, you want to not have these roads dedicated to the County. So, if and when road improvements are needed, then it's going to be the homeowners that are going to foot the bill, so to speak?

MR. CARNICELLI: Thank you, Member Molina. Yes, ultimately, these roads will be...the interior roads of the project will be all part of the condominium project itself.

VICE-CHAIR MOLINA: Okay.

MR. CARNICELLI: So the homeowners association will...will be responsible. Yes.

VICE-CHAIR MOLINA: Yeah, I'm...I'm just thinking, because it's a 100 percent affordable housing project, I'm wondering what kind of resources, you know, the residents will have available. Typically, the life of these kinds of roads, internal roads, will be what, ten years before you start seeing a need for improvements?

CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Thank you. Thank you, Chair. Can I take a one-minute recess to discuss this with Mr. Betsill?

CHAIR JOHNSON: Yeah, you...you can go and speak with him, and we can go on to other Members' questions. Mister...Councilmember Molina, is it all right if we come back to you?

VICE-CHAIR MOLINA: Yeah, *(audio interference)* maybe it'd be good to get input from Public Works as well --

CHAIR JOHNSON: Sure.

VICE-CHAIR MOLINA: -- just to see what they think.

CHAIR JOHNSON: Sure.

VICE-CHAIR MOLINA: Anyway, that's it. Thank you.

CHAIR JOHNSON: Good point. Is Public Works on the call?

MR. MOLINA: Afternoon, Chair.

CHAIR JOHNSON: Director Molina, good afternoon. Did you hear the question? You need us to repeat it?

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MR. MOLINA: Yeah, so the narrow roads are...if they're going to remain private, is acceptable to Public Works, but this would not preclude Fire Department from imposing requirements they see fit for their...for their response, basically making sure that the big trucks can maneuver through the site, you know, unimpeded. As far as the maintenance question, generally, yeah, ten years is about when you need to do some initial maintenance, which we call a slurry seal...slurry treatment. If you can keep up...and that's relatively cheap, compared to resurfacing or reconstructing. So, if you have good HOA management, and they stay on top of that, you know, the costs can be relatively...is manageable. If you don't, then you get into the resurfacing and potential reconstruction need, which you know, increases. The flipside to that, if these become public roads, then that will, you know, substantially increase the costs on the project, because they'll need to be built to County standards to be turned over to the County.

CHAIR JOHNSON: Councilmember Molina?

VICE-CHAIR MOLINA: Thank you, Chair. If I could ask Director Molina. So, what about people planting trees or...or the...you know, the project having trees? Should...they should be cautioned where these trees should be planted? Because as we know, those tree roots, they get under that pavement, they can wreak havoc, and possibly having more maintenance done a lot sooner than anticipated. So would your...maybe a recommendation, I guess, advise them to be careful where trees would be planted as much as possible...not as close to the roads as possible?

MR. MOLINA: Yeah. So the County's planting plan has guidance on street trees and how to appropriately do site selection and installation for those trees to not have them be problems for the infrastructure.

VICE-CHAIR MOLINA: Okay. All right. Thank you, Mr. Director. Thank you, Chair.

CHAIR JOHNSON: Thank you. Okay. I thought I saw Chair Lee's hand up.

COUNCILMEMBER LEE: I did have a question of Fire Department because I was...well, actually Mr. Carnicelli...if I could speak to Mr. Carnicelli. Lawrence, you...why don't you want to dedicate the roads to the County?

CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Thank you, Chair Lee. We're not opposed to it at all. We're not opposed to the roads being dedicated to the County and them being public. It's really whether or not they would accept them at a width that is not normal to what it is that they would...that they would accept, right? So, there's certain standards with which the County wants roads to be built. We're also doing...we'll get to it, I guess in...in one of the future things here, we're doing grass swales

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instead of curbs. So really, if Mr. Molina's okay with it, we...we're not opposed to it at all.

COUNCILMEMBER LEE: Well, I am concerned if...if the...the road widths are too narrow. But I do know several subdivisions within Waikapu Gardens elected not to dedicate the roads to the County, because the County...the County's schedule for repaving is so far...so far out, you know, years, and years, and years, and years, that it's cheaper for the homeowners to...to maintain their roads on...on a more regular basis, so that their roads are always in good condition. But my concern is that I just want to make sure they're not too narrow for the Fire...fire engines. Thank you, Chair.

MR. CARNICELLI: Thank you, Chair Lee. Is...you know, we obviously have that same concern, and the Fire Department has reviewed our plans already. There are certain, you know, just basic requirements that you have to have by Fire that's different from Public Works, and ultimately, our plans will have to be signed off on by them as well. So, you know, I don't know if that alleviates anybody's concerns, but you know, they have to sign off on them, no matter what, for us to move forward with the project.

COUNCILMEMBER LEE: Thank you.

CHAIR JOHNSON: Okay. Let's move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: I think my question is to Ms. Shibuya. In the early consultation with Fire, they didn't have any problems. And so I just was wondering, did they have the road widths available at that time, or was that after the consultation?

MR. CARNICELLI: Yeah, thank --

CHAIR JOHNSON: Ms. Shibuya, are you on the call?

MR. CARNICELLI: Oh, sorry. Is that question for me? This is Mr. Carnicelli.

COUNCILMEMBER PALTIN: *(Audio interference)*

CHAIR JOHNSON: *(Audio interference)* Shibuya, but is...I don't see her turning her camera on. Is she here today, Lawrence?

MS. SHIBUYA: Oh, sorry, my --

CHAIR JOHNSON: There. There's Charlene.

MS. SHIBUYA: *(Audio interference)*

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COUNCILMEMBER PALTIN: We can't hear you, though.

CHAIR JOHNSON: You're muted. Staff, can we make sure she's unmuted on *(audio interference)*?

COUNCILMEMBER PALTIN: Maybe the earphones --

MS. SHIBUYA: *(Audio interference)*

MS. GRECO: Charlene is unmuted on our end. Maybe if Charlene could try taking her earphones out, maybe that could help; disconnecting them.

CHAIR JOHNSON: Okay. Maybe we can come back to you.

COUNCILMEMBER SUGIMURA: Is Karlynn on the line?

CHAIR JOHNSON: Beg your pardon?

COUNCILMEMBER SUGIMURA: Oh, is Karlynn on the line...from Munekiyo Hiraga? If Charlene cannot connect.

CHAIR JOHNSON: Well, you know, Lawrence was going to answer, so let's...Mr. Carnicelli, can you speak on this?

MR. CARNICELLI: Thank you, Chair. Yes. The...the road widths and the require *(audio interference)* for the exemption was all part of our 2.97 application. It was in our EA when we submitted that, and we got comments back from Fire. So, those were included in the EA and the application.

CHAIR JOHNSON: Okay. I see Charlene on a different camera, and is that under Ms. Fukuda's? Can you guys...want to do a mic check now? Can you speak now?

COUNCILMEMBER SUGIMURA: Karlynn Kawahara *[sic]* is on the line.

CHAIR JOHNSON: And Staff, we're not hearing them, so are...are they unmuted on our end as well?

MS. SHIBUYA: Can you hear me now?

CHAIR JOHNSON: Oh, we can hear you now. Yep.

MS. SHIBUYA: Oh, okay, sorry. I'm having technical difficulties on my side, so I just came to join in with Karlynn. But I believe the question was if Fire Department, during the early consultation stage, if they saw the road widths? Is that...is that

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what the question was? Okay, you know, during the early consultation stage, it's usually real early, yeah, so the plan...the plans might not have a lot of detail. And...and I...I don't recall specifically what the Fire Department says, but basically they're usually...their standard response is, you know, they reserve...reserve the right to comment during the...you know, the building permit plan stage, when...when you can see all the details. And I think one of the Fire guys can probably confirm, but my understanding is, usually on private sites --

CHAIR JOHNSON: I thought I saw Lieutenant Vaas sign on.

MS. SHIBUYA: Yeah, he probably will say minimum access 20 feet wide, with the proper turnarounds at the...at the cul-de-sacs, but yeah, I think he can confirm.

CHAIR JOHNSON: Lieutenant Vaas, are you on the call?

MR. VAAS: Yeah. Yeah, I didn't review this project myself initially, but I did kind of give it a look over. And I don't believe they were asking for any kind of exemptions from Fire Department standards on this. And at initial review, it looked like all the roads and turnaround requirements were met on their plan. I don't recall exactly if they gave us dimensions, but I believe we agreed that they were going to meet those standards, which are slightly different than Public Works, for the most part. So I don't think we have a problem there, unless designers want to submit something of less than our requirements, but I believe we agreed that they're going to meet those requirements.

CHAIR JOHNSON: Okay. So real quick, for Public Works. Public Works, if we do this exemption, will...will it be...will we be allowed to take over at some point as the County?

MR. MOLINA: They would have to come back to Council and you guys would have to accept it as a substandard road. And then given that it's kind of a master plan site, it would basically be a substandard road forever because there wouldn't be room to expand it to meet County standards.

CHAIR JOHNSON: Okay. So it would go back to Council. I saw Councilmember Keani Rawlins-Fernandez's hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You followed up on the question I was going to ask. So basically Fire is cool with it being narrower, but Public Works would not accept it at the narrower width, and it would always be a substandard road. And it sounds like if it remains private, that it could potentially cost the residents more in homeowner fees to maintain the roads. And so that would be part of the cons in allowing it to be narrower, and not be maintained by the County. Is that...the burden would be on the homeowner association. Mahalo, Chair.

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CHAIR JOHNSON: Okay. All right. So we...we had a pretty good discussion on this one, Members. Oh, I see Councilmember Sinenci's hand up.

COUNCILMEMBER SINENCI: Right, Chair. Real quick, for Director Molina. It looks like the plan does have, like, more major thoroughfares, like one big road that goes through, and then it goes out to the parking. The question is, can partial...like, that center roadway that goes through the project be dedicated, and not all the other ones? Or it has to be the entire project?

CHAIR JOHNSON: Director?

MR. MOLINA: So, they would need to come back and do a subdivision to show what the proposed layouts of streets would be. And just to note, for these roads, they would be considered urban minor streets with a minimum 40-foot right of way...44-foot right of way. So they'll need to cut out a 40-foot foot...44-foot wide lot through the parcel to make room for that road, so that might affect the site layout as well, if they have to do that.

COUNCILMEMBER SINENCI: Okay. All right. Thank you for that. Thank you, Chair.

CHAIR JOHNSON: Okay, Members. All right. So for this...oh, Councilmember Paltin, go ahead.

COUNCILMEMBER PALTIN: This one's for Mr. Carnicelli. Will the HOA allow on-street parking with the narrow roads, or is it not on-street parking allowed? Because then if there's the minimum standard of 20 feet that Fire Department says is okay, is that with cars parked on either side of the street, or no cars parked on the street? And will the HOA enforce that?

MR. CARNICELLI: Great...great question. Yeah, great question. No, we have tried to design the neighborhood in a way with which there's going to be ample parking for each home and for guests. And so, the intent is just to have no on-street parking whatsoever.

COUNCILMEMBER PALTIN: And would that be, like, an HOA rule that you guys enforce?

MR. CARNICELLI: That's correct. That would be part of the...the Homeowners Association Covenants and Restrictions.

COUNCILMEMBER PALTIN: And...and that would be 24/7, not just overnight or something like that?

CHAIR JOHNSON: Carnicelli?

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MR. CARNICELLI: Correct. I mean, I think we would have to make allowances for, you know, onloading and offloading, things like that, you know, people moving, putting furniture and things of that nature being temporary. But...but no, not as far as parking. No...no parking on the streets. We...again, we feel as though we've...we've really tried to make a balance between not having too much hardscape and really knowing, you know, we need a lot of extra guest parking as well. So, we (*audio interference*) as far as parking goes.

COUNCILMEMBER PALTIN: Okay. So basically, the County would never accept this because then we'd have to go in and rip up what they have, and make it to County standards, and that would be a considerable expense. So, if the decision is right now, it's always going to be a private road, then...

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Right. Okay.

CHAIR JOHNSON: Let's...all right. Members, so I just want to remind you, we are on a time crunch, and I know we can recess this meeting one more time, but I think some of our Members will be absent from that. So, I'm going to see if we have consensus on this one. On U, (21)? Members, do we have consensus?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Oh, I'm sorry, I'm on R.

COUNCILMEMBER SUGIMURA: It's R.

CHAIR JOHNSON: I beg your pardon. Yeah, my mistake. R, (18), thank you. Consensus, Members? Or should we hold off on this one?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay, consensus. All right, great. Thank you. Let's move on to...okay, so T, (20), we're going to skip. The developer does not request this anymore. And let's go to U. So, let's get Mr. Carnicelli to speak on that. So T, just for the record, the developer does not request this anymore for T or Number (20); is that correct Mr. Carnicelli?

MR. CARNICELLI: Let me just double check the ordinance before I say yes to that. Hang on a second, Chair, I do believe that is it. 18.27...that is correct, Chair.

CHAIR JOHNSON: Okay, wonderful. Thank you. Now, let's move on to U, the Curbs and Gutters. Allow grass swales within the project. So, the developer was

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speaking of grass swales instead of gutters. And does anybody need a definition of a grass swale? It's kind of like a ditch alongside of the road, right, we know what that is, yeah? So okay, pretty basic, Members. Any...any consensus? Can we move on to consensus with this?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: I see thumbs up. All right. Okay, great, consensus. Moving on to the next one, X, Number (24). This is a big one. All right, this is the 19.30A, the Agricultural District. Exempt from following the Agricultural District...District Design Standards. I'm not going to go through all of them. You see them up on the screen, you have them in front of you. Is there anybody who would like to speak on this? Otherwise we can go to consensus.

VICE-CHAIR MOLINA: Chair...Chair?

CHAIR JOHNSON: Yeah, go ahead...I'm sorry, go ahead.

VICE-CHAIR MOLINA: I just wondered, should we get comment from Planning on this?
(Audio interference).

CHAIR JOHNSON: Let's see if Director McLean is here. If not, we'll have to call her and find...if she can come in. Staff, would you mind giving a quick call to Director McLean, if she can join us? And Councilmember Molina, if she's not ready, would you mind if I move on to Councilmember Paltin's question?

VICE-CHAIR MOLINA: No, no, no problem, Chair, your call.

CHAIR JOHNSON: Okay. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I...I just was...so, my question is, like, we're letting all these exemptions from the Agricultural District, but it's kind of like a 201H or a 2.97, so it's not like...it's not like we're saying you can do this in a agricultural district, we're going through this fast track process of...of...of, like, a CIZ, or something like that. Is that...is that what...what we're doing? Because it's...it's not like we're allowing this in agricultural districts, it's a specific 2.97 project, is my question for --

CHAIR JOHNSON: Okay *(audio interference)* --

COUNCILMEMBER PALTIN: -- I guess, a lawyer?

CHAIR JOHNSON: No. Well, I think we have Director McLean come on, so she could probably answer both those questions for you. Director McLean, are you on the

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call? Well, since I don't see her coming on, but maybe we can get Mr. Mitchell to...to speak on this as far as the lawyerly side of it. Mr. Mitchell?

MR. MITCHELL: Thank you, Chair. Can you repeat the question for me, please, Chair? Just so I'm clear on what we're discussing.

CHAIR JOHNSON: Councilmember Paltin.

COUNCILMEMBER PALTIN: Just that we're going through this whole process of a 2.97, which is kind of a fast track, like, similar to a 201H, so it's not that we're just allowing this to occur in a agricultural district, it's...it's part of the 2.97 fast track project. Like, not anybody can do this in a agricultural district, what we're allowing here, it's special circumstance similar to a 201H, but 2.97, where it's 100 percent affordable, right?

MR. MITCHELL: Correct. But was there another question that you wanted me to address, though?

COUNCILMEMBER PALTIN: Mr. Molina had one, but...

VICE-CHAIR MOLINA: Yeah, actually, I just wanted to get the feedback from the Planning Department on the proposal from the applicant. So, we're just waiting until Director McLean comes on board. So, Chair, yeah, I...I guess, if you want to move on, and we can come back to this whenever Director McLean gets on line.

CHAIR JOHNSON: Okay, let's do that then. I'm just going to put a big star on this one and move on to the next one, okay, Members? All right. Moving along. Y, if Staff, you don't mind sharing screen here, Number (25). 19.30A.030F, again, Agriculture District Standards. Maximum wall height, and...okay, this is very similar. Extent...Exemption X encompasses this exemption. So, the above exemption covers the wall height, so it's kind of redundant, right, we're going to take that out, hmm? Okay, and let's move on to the next one under that because I'm going to try to compare these two. Z is 19.30A.03(E), Agriculture District Standards, maximum height. Okay. So, this is...exemption encompasses this...Exemption X encompasses this exemption. So again, it goes back to both Y and Z are already in that exemption, that big one that we...we just decided to push off. So, if you guys don't mind, we can do...we could strike this if you guys have...if we have consensus because it's redundant. All right, I see thumbs up.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: I want to bring up Mr. Carnicelli. You can stop sharing screen. Mr. Carnicelli, do you understand what we just did? Are you amenable to that?

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MR. CARNICELLI: If...thank you, Chair. If I could just go through it, I'm just seeing is...so, we have Item Y, which references 19.30A.030, as far as retaining walls, but that is included in X. I see where you're saying.

CHAIR JOHNSON: That is correct.

MR. CARNICELLI: Is it was added to X. So yeah, Y, I do get that it is a redundancy, so we can go ahead and agree to that. And then Z is 19.30A.030(E), which is maximum limits.

CHAIR JOHNSON: Building heights.

MR. CARNICELLI: Building heights, right, which we have dwellings. Hang on, Chair, I'm sorry, I'm just making sure I'm diligent here. Yeah. Understood. Understood. Agree.

CHAIR JOHNSON: Okay, great. All right. So we had consensus on those, so let's move on to G. G, (7). This is under landscaping topic. Okay. So, Staff, if you don't mind sharing screen. Okay. G, (7). Up, up. All right. 12.24A, Landscape, Planting, and Beautification. Exempt from landscape planting plan application and from the Arborist Committee review. Okay. So, basically they want to do their own conceptual landscape plan, and the request describes exemption from Arborist Committee review and Landscape Planting Plan application, but they reference the entire Chapter 12.24A, which includes provisions related parking area trees, street trees, park trees, exceptional trees, and hazardous trees and shrubs. So that's...that's kind of what we're...we're talking about right now. And let's see. Okay. You can stop sharing screen. Thank you. See if Director McLean is on the call yet. Have we gotten ahold of Director McLean, so we can ask questions about this one? Okay, still not on...on the call, Members, so should we...do you want to do consensus with this one, or you want to hold off? What do you folks say? Consensus? I see thumbs up. Okay, Members, we're going for consensus.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: All right. I don't hear anything. Oh, Councilmember Paltin.

COUNCILMEMBER PALTIN: Just had a question. Is this the plan that Director Molina was saying prevents them from putting trees in the sidewalks and stuff like that? And so just to clarify with the developer, they're going to have their own consultant that's knowledgeable in this, like they don't need to follow the County plan, which prevents them from getting trees in the right of way, and the roots pulling up, but they are going to have a specialized consultant so that that doesn't happen?

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CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Thank you Chair, and thank you for the clarification, Member Paltin. As I'm sitting here reading G in Exhibit A, it says a partial exemption from Chapter 12.24A is granted to exempt the landscaping plan from the Arborist Review Committee and the preparation of an LPP. So that's really, as I read this, is the only thing that we're getting an exemption from, is just those two items. That's...that's the partial exemption, but we'll have to follow everything else.

COUNCILMEMBER PALTIN: Just what I read was that you...you wanted the ability to put the trees not following the County plan. And Director Molina had said, like, that County plan ensures that you don't put trees where it's going to crack up the sidewalk and stuff like that, was...was what I kind of heard.

MR. CARNICELLI: Correct. And...and if you want, I can...we can have Bill Mitchell, who's our landscape architect. I don't know if he's on the line or if he's on call, but we could have him get more specific. But yes, that's...is...yeah, we don't want that any more than you do.

COUNCILMEMBER PALTIN: And so he's your expert, that's going to ensure that that won't happen?

MR. CARNICELLI: That is correct. Yeah. I mean, he's a...a professional landscape, you know, architect. That is what he does for a living. So I'm trying to send a text right now (*audio interference*) . . .(*timer sounds*) . . .

COUNCILMEMBER PALTIN: Okay, consensus.

CHAIR JOHNSON: Okay. All right. Thank you, Members. That's consensus on G, (7). Now, we're going to move on to H, (8). Staff, if you don't mind sharing screen. All right. So H, (8), 12.24A.070D as in delta, Street Trees. Exempt from street trees requirements for subdivision. The developer will follow their own conceptual land plan, or a landscaping plan. And I think Councilmember Paltin's question was timely in this. So, Members, do we have consensus on this one? Okay. I see some thumbs up.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: And consensus. Okay. Let's go on to the next one. Oh, look at us. We're almost...we're almost done. One more page, Members. Well, I should say front and back of that other page. Next one is AA, (27), more landscaping, 19.36B as in bravo .080 landscaping of...allow flexibility in location of landscaping. No Landscaping Planning Plan application, covered in Number (7), exempt from any amendments to the Code section through the end of construction. Project will provide the required amount of shade trees, but may be placed in a layout

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different than what is required. Okay. So, that's...that's more on the landscaping. And Members, I don't see any hands up, and we had this kind of discussion, so maybe we can call for discussion...or call for consensus? All right, I see nodding heads, Members. Consensus on AA, (27), thumbs up and nodding heads.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Great. Okay, let's move on to zoning. This is a...this is a...a different topic. So B, (2). B, (2), Zoning, Chapter 2.80B as in bravo. General Plans and Community...Community Plans. Okay, this is exempt from change in zoning or community plan amendments. Current State and land use designation is agriculture, the current zoning is agriculture. Current Community Plan Design is agriculture. Proposed uses is single-family, multifamily, businesses, multifamily, and park. So, I thought I saw in chat that Director McLean is on. Director McLean, are you on the call?

MS. MCLEAN: Here I am.

CHAIR JOHNSON: Okay, great. Good to see you. Sorry. Let's see. So, this is in your wheelhouse here. Would you like to speak on this right now? Thank you.

MS. MCLEAN: I don't have any comments on that...on that particular exemption.

CHAIR JOHNSON: Okay. Thank you. Now, we had some questions for some...a previous topic, but I figure we'll get through this one. Members, consensus on this? Okay. I see some nodding heads. No questions. Great.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: So we have consensus on that one, B, (2). Now, let's go back for Director McLean's...we...we'll try to respect her time. I want to say, Staff, it was the letter X, Number (24), right? X, (24)? So this was a question, oh, my goodness, who asked it? Was it Councilmember Molina? So, Councilmember Molina, the floor is yours.

VICE-CHAIR MOLINA: Yeah. Thank you, Chair. And thank you, Director. I just want to get your comments on this proposal from the applicant.

MS. MCLEAN: And I apologize, Councilmember Molina, which one is that? Which letter?

VICE-CHAIR MOLINA: It's letter X.

MS. MCLEAN: X.

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VICE-CHAIR MOLINA: This is, I guess, the applicant wants exemption from following Ag District design standards in lieu of what's written there. So, I just want to get your thoughts on it.

MS. MCLEAN: Right. I did put some language in the chat. Substantively, it's fine, but the wording should be arranged in a way that's a little more clear. So, building height, the language, measured from finished grade, should be deleted. Because there is language in the Code already about building height, and it refers to natural or finished grade. And so, this should...shouldn't make a reference only to finished grade. What's on letter F is different from the previous exemptions. I had understood that there was a 30-foot height limit for single-family dwellings, and a 40-foot height limit for multifamily dwellings. This has three stories or 42 feet for any type of dwelling. I don't know if the intent was to allow single-family dwellings that are three stories, or 42 feet. That wasn't in the original proposal. There was a differentiation between single-family and multifamily with height requirements for each. And also, with setbacks, it should refer to...the setbacks in...in the new ASF are fine the way that they're worded. That's different from how they were before, but I...those will be easier for us to administer. So, our...our...our goal in this...in this language is, when a building permit comes in, it'll be easy for our Staff to review with the standards from the exemption. We just want it to be as clear as possible, so we can review those...those building permits quickly and easily.

VICE-CHAIR MOLINA: That makes sense. Chair, can maybe we ask the applicant to respond to Director McLean's, I guess, need for clarification on the building heights?

CHAIR JOHNSON: Certainly. Mr. Carnicelli?

MR. CARNICELLI: Thank you, Chair. Thank you, Mr. Molina, for the clarification. Yeah. Director McLean and I have been in...in contact quite a bit about this. And for the most part, this is just clarifying language. You know, that, as she said, we're not going to have a three-story single-family dwelling, which is not the intent here. However, I...I...I would like for the...it to say the multifamily dwelling shall not exceed three stories or 42 feet in height, rather than 40 feet in height, because that's consistent with what we've requested from...from the start. And the setbacks, as she said, that's just clarifying language, so we're fine with that.

VICE-CHAIR MOLINA: Okay. Great. Thank you, Mr. Carnicelli. Thank you. Thank you, Mr. Chair.

CHAIR JOHNSON: Okay. Thank you. Thank you so much. We have a hand from Councilmember Sinenci.

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COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just following up on Member Molina's question for walls. So the retaining walls are up to eight feet--for Mr. Carnicelli?

MR. CARNICELLI: That is correct, Member Sinenci. That is...that is the...the request. And if you want to have Director McLean weigh in as well, that's fine.

COUNCILMEMBER SINENCI: Director?

MS. MCLEAN: The Ag District does currently have a lower limit on wall height, and retaining walls, those are...Public Works determines whether a wall is a retaining wall. But as far as the zoning standard is concerned, if there are going to be walls higher than four feet, which is what the Ag District limit is now, then that should be included in the exemption. And we don't have an objection to that for retaining walls.

COUNCILMEMBER SINENCI: Thank you, Director. So you're okay with the developer keeping the 42-foot height?

MS. MCLEAN: I think they had initially requested 40 feet, so that's more a...a call by the Council, but we don't object to it.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR JOHNSON: Okay. Members, I want to thank Director McLean for coming out and answering the questions. We...we backtracked a bit, but I think we did get our questions answered, so we can ask for consensus on this...on this particular one. I...I just...okay, I just remembered that the whole, and 42-feet. I think now that...now, in thinking about it, I want to kind of add an amendment towards that, shall exceed three stories and 42 feet in height, instead of or, because remember, we get in...you know, whichever one's higher, and next thing you know, we...we have buildings too tall. So, maybe if...I might...I might kind of...I apologize, I think maybe we can put this back when it comes time to amend it. And so I kind of say I'm calling...like, I don't want to have my consensus on this one because when it comes time to amend it, I might change the language to say exceeds three stories and 42 feet in height. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Could I get the developer to comment?

CHAIR JOHNSON: Okay. Mr. Carnicelli, can you comment on that topic that I just was talking about?

MR. CARNICELLI: Thank you, Chair. Is...I...I guess if you're going to say, new buildings shall exceed [sic] three stories and 42 feet, or I guess...you're going to go to 40 feet,

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then I guess we're also going to have to look at how we're measuring the finished grade. Because is...our buildings may not be able to comply with that.

CHAIR JOHNSON: You...42 feet, and...as in you're saying, you won't go higher than 40, right?

MR. CARNICELLI: No, we're requesting 42.

CHAIR JOHNSON: Right. So that's what we have down is 42. I'm not sure where you're seeing 40 feet, it says 42 feet.

MR. CARNICELLI: Is...I'm sorry, 40 was in Director McLean's language in the chat. That's where I...that's where I picked up on the 40, is if we were going to adopt Director McLean's language, her language said 40. I'm sorry for the circular conversation here. I apologize.

CHAIR JOHNSON: Okay. Thank you. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support what you're trying to do, Chair. Perhaps it can say not to exceed three stories or exceed 42 feet (*audio interference*).

CHAIR JOHNSON: That sounds great. I'm totally down to do that at the end when we get to the amendments. So, I'm sorry, we went through it, but I meant to say that all in the beginning. But yeah, I'm totally down to, you know, change that in a way that reflects our intent. Okay. Let's see. I got to find out where we're at. We're on P. Oh, Mr. Mitchell, your hand's up.

MR. MITCHELL: Thank you, Chair. Sorry for the interruption. Would your requested amendment also apply to park structures...two stories and 30 feet?

CHAIR JOHNSON: Yes, of course, that would be for both of them. Yes. Okay. Thanks for clarifying that. Let's move on to the next one, P, (16). Again, this is another zoning one. 18.16.020, Subdivision General Provisions and Design Standards Compliance. All right. So, this is exemption from requirement to obtain change in zoning or community plan amendment, and to allow for flexible design standards for the purposed...proposed roundabout at Kuikahi and Kehalani Mauka Parkway to enable subdivision approval. All right. So, I'd like to first, before we start with these questions, I want to kind of ask Mr. Carnicelli. Can you explain flexible design standards for the proposed roundabout?

MR. CARNICELLI: Thank you, Chair. As...as we talked about in the previous meeting, is ultimately the design standards are going to be set by Public Works on this. There are certain things that are allowed in the Agricultural District and not. As I understand it, we are going to need some flexibility for the portion of the

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roundabout that would...or potential roundabout, I guess I should say, I'm not going to make the assumption...but the potential roundabout. Part of that will be in the Ag District, and so we will need flexible design standards. But again, ultimately, Public Works is going to be the ones that, you know, decides what goes in there, and so we're just wanting to make sure that we don't have to come back to you again, once it is that we find out what it is that's going to happen there at that intersection.

CHAIR JOHNSON: Okay. Let's bring out Public Works to speak on this. Director Molina? I saw him get on the call. Would you like to speak on this?

MR. MOLINA: Thank you, Chair. I do agree that it's good to have that flexibility because it can be problematic if the Code is too tight, and you cannot accommodate site conditions that might warrant some modifications. But at this time, I'm not aware of any circumstances that really are driving the need to approve a modified roundabout design. It would be in compliance with national standards, and we would be...we would do it in a way to ensure that it remains eligible for Federal funding in the future.

CHAIR JOHNSON: Okay, great. That's great to hear. Members, I'm not seeing any other hands. We can go on to consensus if...okay, I think consensus, Members?

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: All right. Great. Let's move on to the next one, S. Thank you, Director Molina. 18.04.030 Subdivisions, General Provisions, the Administration. Exempt project from the need to obtain a change in zoning or Community Plan Amendments, and the project will be developed according to the standards as used outlined in the exemption list. So, this is another exemption on change in zoning. All right. You see that up there? Okay. Thank you. Staff, if you don't removing that? Okay, any hands up? Otherwise, we're calling for consensus. Okay. All right, Members, consensus? Thumbs up. Hands up. All right. Nodding of heads.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: All right. So...so...so it is. Consensus...consensized. All right. Let's go on to V, as in Victor, Number (22), Title 14, it's a long one. Okay. Title 14, Public Services, and Title 16, Building and Construction, and Title 18, Subdivisions. Allow the TMK to be divided into parcels. Okay. The project site is 14.97 acres, and the remaining site is 133 acres without various subdivisions, requirements, or limitations. The lots will be subject to the provisions of Title 14, 16, and 18, MCC, upon the application--and this is underlined--for further subdivision or building permits, whichever occurs first, with the understanding that certain exemptions are being requested for the project site as part of Chapter

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2.97 MCC application. So, let's put...there's a...there's a note up here, not a standard request. No examples from the previous projects. Okay. So, let's see. The...per the developer, the remaining 133 acres will be subject to a regular subdivision requirements. So, let's bring the developer...oh, wait, we have a question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. The question would be for the developer. Is this necessary to do their 14.97-acre project, or can it be done without this subdivision?

CHAIR JOHNSON: Mr. Carnicelli?

MR. CARNICELLI: Thank you, Chair. The short answer is yes, we need to have these requested exemptions. And...and if I could just briefly just say, you know, with Title 14, we don't have the water to do a regular subdivision that's required by Public Works for the balance of the 133 acres. There's also, you know, items within Title 16 and 18 that would require us to do the road improvements on the entirety of the balance of the 133 acres. So, this is just an exemption that allows this particular workforce housing, this 14.97, just to get carved out without having to go through a lot of the things that would happen in a normal subdivision. If this wasn't a 2.97, there's a lot of other things that we would have to meet within these different titles, and so we're just saying is that we're giving the discretion to...to be able to allow us to just...just to do this 2.97 subdivision to carve out this particular neighborhood.

CHAIR JOHNSON: Okay. Councilmember Paltin, follow-up question?

COUNCILMEMBER PALTIN: Yeah, just to follow up. Is there anything at all, like, once we do...if we do this subdivision, that would prevent a 201H on the other 133 acres?

CHAIR JOHNSON: Okay. We'll...we'll start with Carnicelli, and maybe have Mimi DesJardins speak on that. Mr. Carnicelli?

MR. CARNICELLI: We're not asking for any exemptions on the balance of the 133 acres. We're not saying, hey, listen, well, we want waivers, you know, for anything that might happen in the future. We're just saying, hey, listen, just this current, you know, iteration of a subdivision is all it is, just this --

COUNCILMEMBER PALTIN: Mr. Carnicelli, I understand that. But say you --

MR. CARNICELLI: Oh, okay.

COUNCILMEMBER PALTIN: -- were to sell the property to, say, West Maui Construction, or something, and they wanted a 201H. That's...that's my question. Is there

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anything preventing anyone who would possibly own this property in the future from applying for a 201H for the balance--133 acres?

MR. CARNICELLI: I wouldn't see why anyone couldn't come back and...and do something in the future. Sure, yeah, they could.

COUNCILMEMBER PALTIN: Okay. All right. Thank you.

CHAIR JOHNSON: Okay. Let's bring up Ms. DesJardins to speak on this topic.

MS. DESJARDINS: Thank you, Chair.

CHAIR JOHNSON: I think...go ahead, Ms. DesJardins.

MS. DESJARDINS: No, I think...I think Member Paltin's point is...is important. We're going to have 133 acres carved out, so you had a subdivision at...now you have two (*audio interference*) lots, okay, 133 acres and 14.97. Of that 133, potentially, someone could come in and then do a DBA, District Boundary Amendment, for another 14.97 acres, come to you folks and ask, and then again, and again, and again, for sure. But that...right now, my understanding is that what's really happening is it's just being put off to the side, and it should not...none of these exemptions, and none of the benefits or anything that you guys are applying today should apply at all to (*audio interference*). But what somebody plans to do on it is not limited in the future by what you're doing today.

CHAIR JOHNSON: Okay. Thank you so much. You know, I...I want to bring up this idea of parcelization and speak to the Water...Water Department on this. Ms. Taomoto, are you on the call...our Water Department folks?

MS. TAOMOTO: Hi, Chair. Yes, I am.

CHAIR JOHNSON: Do you have any comments on this...on this one?

MS. TAOMOTO: Oh. I thought you had a question. Sorry. I understand the applicant's concern, and as I understand, they're not able to meet the water availability rules specifically for the 133 remnant parcel, which is what they're not developing. And that's primarily the problem. So unfortunately, we haven't had a lot of discussion with the applicant on this. What I expected they was going to do is submit for a Public Works large lot subdivision, to subdivide the parcel right now in whole into the two parcels. And then in order to meet Title 18, where in the last sentence, it says they shall comply with all the water requirements, I was under the impression that they was asking Council to make an except...exception or exemption that they not have to comply with that portion of Title 18, which references meeting the Water Code. And that would be perfectly acceptable to the Water Department. And typically, an agreement would be executed for a large lot

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subdivision with Public Works, and state the standard terms that the large lot agreements state. So, at this time, it's...I'm not clear if your...the way it's formatted in your...your list is that they're asking for an exemption...two exemptions--first, to exempt all their improvements, all the subdivision requirements for Water and Public Works and Wastewater, for that matter, for the mother subdivision to be subdivided into the 133 and the 14.97, that's what I believe they're doing; and I was...like I said, I assumed it was going to be processed under large lot, where what they're requesting is an exemption from the water portion of that Title 18. And then second, a second subdivision possibly would occur on the 14.97 acres. And that's what I'm not sure about. If they're asking us what our position...or you guys are asking us what our position is on the second subdivision...or is there no second subdivision? We're not clear on that. Is the applicant able to provide clarification on that?

CHAIR JOHNSON: Let's ask Mr. Carnicelli. Would you like to speak on that, or Mr. Betsill?

MR. CARNICELLI: I'll be honest, I...I didn't follow Ms. Taomoto. She's too...too fast and smart for me. I didn't exactly follow, right, where she went with it.

MS. TAOMOTO: So --

CHAIR JOHNSON: Go ahead, Ms. Taomoto.

MS. TAOMOTO: -- there's a subdivision...yeah, sorry. There's a subdivision that you're applying for that's a...looks like a two-lot subdivision to start with. One is going to be Lot A, say, is 133, and Lot B is the 14.97. My understanding of the Code is that under that, you qualify for a large lot subdivision, under Public Works, it's Title 18. However, if you look at Title 18, the Director has the discretion to exempt you from the subdivision requirements, except for where it says water. You shall comply with the water provisions. So...

MR. CARNICELLI: Correct, it --

MS. TAOMOTO: And then my second --

MR. CARNICELLI: -- could, sorry.

MS. TAOMOTO: Sorry. My second part of the question was, do you intend to do a second subdivision with the child parcel that's 14.97 acres to...to do the project? Or is that just going to be left as one whole 14.97 acres?

CHAIR JOHNSON: Mr. Carnicelli.

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MR. CARNICELLI: Thank you, Ms. Taomoto. Yeah, so is...is...that was our understanding as well, where we...in the large lot subdivision, we would not be exempted from water. And...in the 14.97-acre parcel will not be further subdivided. I mean, I'm...there...there may have to be like a road widening subdivision or something of that nature back to the County, but within the...the actual project, the neighborhood itself, there won't be further subdivision.

MS. TAOMOTO: Okay. So...yeah, Chair Johnson. So, the issue, I guess, for Water, like the applicant stated, is meeting 18.16.270, because in 18.260.270 [sic], the last sentence states water requirements pursuant to the rules and regulations of the Department of Water Supply shall be installed. And that is what the Director of Public Works is not able to exempt for it under a large lot subdivision. And so, I agree that that would need to be done by...at the Council level, and we would no...have no objection to allowing that exemption, provided, however, the developer agrees to enter into an agreement with the Department of Water Supply and/or the County, which is...we are the County, kind of following up with some of the concerns I think some people have, that if we do this exemption, that this exemption doesn't apply to the child parcel, the larger 133 acres, so that they understand that this is an exemption for only the 14.97 acres per se. You know what I'm saying?

CHAIR JOHNSON: Okay. Yeah, that makes sense. Mr. Carnicelli, do you understand what Ms. Taomoto's saying to you guys?

MR. CARNICELLI: Yes. Yes. And that is the intent, and that's understood and agreed that, yeah, this is...this isn't an exemption that gets to be recurring. This is one time, 14.97, pau.

CHAIR JOHNSON: Okay.

MS. TAOMOTO: Sorry, Chair.

CHAIR JOHNSON: Go ahead.

MS. TAOMOTO: Sorry, Chair, I'm going to have to actually make another clarification, a disclosure. I don't believe, for health and safety reasons, or fire protection purposes, which is health and safety, that the applicants can seek an exemption for...a blanket exemption for no improvements because inherently, subdivision water system improvements need to be constructed to provide adequate fire protection for health and safety purposes. So, I want to caution you folks to tread lightly on the language and what your exemption is saying. Because if you are getting the blanket exemption on subdivision, you're exempting all subdivision requirements, including fire protection. So, going back a little, typically what happens is when we do the large lot subdivision, and we agree to that, it states, however, that further subdivision, building permit, or water service requests after

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the initial subdivision of two lots occurs, the applicant shall construct subdivision improvements for the parcel being developed. And I would say that...that the applicant would need to agree to construct minimal fire protection, and minimum water system improvements, to provide adequate fire protection, domestic, and irrigation water to the project...if that makes sense.

CHAIR JOHNSON: Okay. You know, Ms. Taomoto, what I'm thinking is, we can have Staff bring up the actual language here, and we can go through it. I mean, it's only one paragraph, but I figure this might really clear up some of this. Staff, do you know...can you get it...it's Exhibit A, I think it's called, yeah. And it's Number V...or letter V, as in Victor. Okay. Partial Exemptions from Title 14, Public Services; and 16, Building and Construction; and 18, Subdivisions. Partial exemptions from Title 14, 16, and 18 are granted to authorize the Director of Public Works to defer various subdivision requirements, or limitations, or both, approve the subdivision application for the parcel identified as TMK 2-3...2...(2) 3-5-002:003, approximately 148.01 acres, and create the approximately 14.97-acre site for the project, called the Project Site. The subject...the subdivision will be result...will result in two lots; A, the approximate 14.97 acre project site; and B, an approximately 13.04 [sic] acre lots. So, does that language help you, Ms. Taomoto, in the regards to the partial exemptions? I...I understood that you said that...you know, that the Department doesn't object, unless they do these certain things, right? Right. So...but how does that language read out to you, Ms. Taomoto?

MS. TAOMOTO: So what the applicant did was make where he said partial exemptions for Title 18, those partial exemptions are detailed in all the items we discussed previously this morning, okay? But when it comes to water, that partial exempt...exemption that they're requesting is not specific and clear to us...if you understand what I'm saying. So, everything we went through this morning is specific exemptions under this one you just read, to Title 18. But when it comes to Water Title 14, there's not a specific exemption, other than I'm going to speak for the applicant in a way, water availability, which he stated, right? You stated water availability. When it comes to infrastructure requirements for fire protection, domestic, and irrigation, it's not clear if they are seeking any exemptions or not. So, it needs to be clarified that they're only seeking an exemption from Council from Title 14.12, Water Availability, or are they seeking exemptions for other portions of the subdivision requirements under Title 14?

CHAIR JOHNSON: Okay. So before we go farther on this, it sounds to me that we need maybe to amend this with a little bit of language, and we're going to do that at the end, okay? So, Members, how about we hold off on asking for consensus for this particular one, and we can come back later on with...with motions to amend and all that, so...all right. Okay. I see thumbs up now. The very last one on the list, I do believe...thank you, Ms. Taomoto, for responding to us. Okay. The very last one on the list is BB, as in bravo and (28). This is 19.68, State Land Use District

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Boundaries, 19.510 Zoning Application Procedures. Okay, I think Mr. Mitchell wants to strike this one, and I assume the reason, but let's bring Mr. Mitchell up on the call and he can explain the reason.

MR. MITCHELL: So, Chair, I think that the challenge with this one is that Exemption BB, while under 2.97 it allows an exemption from Chapter 19.68, District Boundary Amendments, a Chapter that has very particular requirements about the process, the Charter separately requires that all land use ordinances be forwarded for consideration by the appropriate commission. So, the exemption requested, or the Code, cannot trump the Charter. So ultimately, one will have to go through the process of referring the land use ordinance to the appropriate commission under the Charter. So our recommendation here would be for the Council to consider issuing the resolution itself, so that under 19.68, it would not be an application, it would simply be a Council-initiated request to the commission by resolution to review the ordinance. And that would effectively do the same thing that the applicant is requesting, which is not having to go through all the steps required under Code section...in Chapter 19.68.

CHAIR JOHNSON: Okay. All right. I don't see anybody raising their hands, so I think we could strike this if...I...I guess I would ask for a consensus to strike this, if you've...if everybody is in agreement. All right. I...I see thumbs up, and so we're going to...okay, we have consensus to strike this BB from the resolution.

COUNCILMEMBERS: Consensus.

CHAIR JOHNSON: Okay, Members, we're at the end. Congratulations. We did all of them. Or no, I shouldn't say, we did all the ones that we could do, and we just reserved a few for later. But we went through the list, and I think it's time for an afternoon break. So it's 3:01, why don't we come back at 3:15? All right, the time is now 3:01. The Affordable Housing Committee is in recess until 3:15, September 6, 2022. . . .*(gavel)*. . .

RECESS: 3:01 p.m.

RECONVENE: 3:19 p.m. (Excused: MJM, YLS)

CHAIR JOHNSON: . . .*(gavel)*. . . Will the recessed Committee meeting of Affordable Housing come back from our short afternoon break. Members, we're going to...we're going to do this in a way...I'll tell a little bit about the process. We're going to start with a motion, and then we can go into all of the...all of the exemptions that we pulled off to the side right now. So, I move to use the attached version, or no...the Chair will entertain a motion to use the attached version of Exhibit A as the base list of exemptions for the Committee's deliberations. Okay, we got moved by Councilmember Sinenci. Do we have a seconder? Seconded by Councilmember Keani Rawlins-Fernandez. Okay. So,

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now that we have that, we can bring up all of the...the ones that we put off on the side, okay. And the one that we put off, the very first one, is D, as in delta, Number (4). Let me bring that up here and (*bell rings*)...oh, excuse me. Okay. So if you look, we...we want to amend the word, "no waste disposal permit". We want to remove the...amend to make the...to amend to made to remove waste disposal permits. That's what we want to do. So do we have a motion?

COUNCILMEMBER LEE: Moved. So moved.

CHAIR JOHNSON: Okay, motion...moved by Chair Lee. Do we have a seconder? Second by Councilmember King. Okay. Discussion now. So, that's basically us...that's it. That's really what we want to do is...let me pull that up here. Where's that, pardon me. It's just making so there's no waste disposal permit for those. So, Members, do we have any discussion on this? Okay. We're going to vote. All...all those in favor, raise your hand and say "aye." Okay.

UNIDENTIFIED SPEAKER: Aye.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR JOHNSON: Oh, you have a question? Go ahead, Councilmember Keani Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: So you said no waste disposal application? Application for the permit?

CHAIR JOHNSON: The D...okay, so the waste disposal permit.

COUNCILMEMBER RAWLINS-FERNANDEZ: I thought...I thought DEM told us that they need a permit because that's the only way for them to track when they come in...to weigh the amount of tons that they're disposing of, they need the permit. We can waive the permit fee, but not the permit application. And Mr. Carnicelli said that it wasn't too much for him to do.

CHAIR JOHNSON: We want to waive the exemption, that they're exempt from doing that permit. We want to make them do the permit, so we're waiving the exemption for them to do the permit. Or wait...waive the exemption that they would be exempt from doing the permit. Because like you said, DEM wants that. And then the...developer said, we can do that.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, Chair, that's worded in a very confusing way. You want us to exempt them from not being exempted from doing the permit application?

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CHAIR JOHNSON: There's many exemptions, and we want to take this one out of the exemptions so they're required to do it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So we would remove that exemption from their request so that exemption would no longer be there. We're going to remove it from the exemptions...from their proposed exemptions. So --

CHAIR JOHNSON: Yes, that's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay.

CHAIR JOHNSON: Yeah, I...I know, it...okay, we got some hands, but I just want to say that's what we're trying to do, is work with both folks. And that's what they said...the developer said they would be able to do it, even though they're exempted. DEM says we don't want you to be exempt. So, we're going to...we're going to...we're going to do it, we're going to require them to do that. Okay. Councilmember King.

COUNCILMEMBER KING: Okay. So, just to be super clear, we're going to...they're going to be required to get the permit, but we're exempting them from the permit fee?

CHAIR JOHNSON: Exactly. Yes.

COUNCILMEMBER KING: Okay.

CHAIR JOHNSON: Okay.

COUNCILMEMBER KING: So we just take out the words, no...no waste disposal permit, and say no disposal permit fees?

CHAIR JOHNSON: Yes, that's correct.

COUNCILMEMBER KING: Okay. Got it. Thanks.

CHAIR JOHNSON: Chair Lee.

COUNCILMEMBER LEE: Are we going to add the part about the County subsidizing or paying for the fees into this motion, or into another motion?

CHAIR JOHNSON: Not for this one, but for...yeah, later down the road, yes.

COUNCILMEMBER LEE: Down the road. Okay.

CHAIR JOHNSON: All right. And seeing no further discussion...I see your hand, Councilmember Rawlins-Fernandez, followed by Councilmember Paltin.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, in its entirety, we're going to require them to do the permit application. We're going to exempt the permit fee, which is like \$20 or something, and included in that exemption is also the fee for disposal, which is 181 per ton, or something.

CHAIR JOHNSON: Ton, yeah. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR JOHNSON: Thank you for clarifying for the record. Councilmember Paltin.

COUNCILMEMBER PALTIN: And just following up on Chair Lee's question, the money amount, the fee exemption, we're going to address all of that later, even for this item, right?

CHAIR JOHNSON: I don't think this item was asking for the Affordable Housing Funds, so that's why we'll go to the ones that were asking for the Affordable Housing Funds. That way we can...you know, we can discuss it how we're going to do it. I know they wanted it done in a grant, but we can get it all done on that one. On this particular one, they didn't ask for Affordable Housing Funds.

COUNCILMEMBER PALTIN: I guess my preference would be all of the costs associated with it would be compiled and put in one place. Because they're going to have to come up with the money one way or another, whether or not the developer is asking for the money to come out of the exemption...or the Affordable Housing Fund, the money needs to come from someplace, and I feel like the appropriate place for it to come from would be the Affordable Housing Fund. And then we'd know the true cost realistically, and...and it's all in one place coming from the right pot of money. And I thought that's what the Director was speaking to.

CHAIR JOHNSON: Oh, my goodness, so many hands. Let's...let's bring up Mr. Mitchell to speak on this. And then if not, we can have Ms. DesJardins.

MR. MITCHELL: I'm sorry, Chair, I didn't catch the question. Can you repeat the question, please, Member Paltin?

COUNCILMEMBER PALTIN: Sure.

CHAIR JOHNSON: Ms. Paltin.

COUNCILMEMBER PALTIN: Regardless of whether the developer was asking for the money to come from the Affordable Housing Fund, it needs to come from someplace. And I had thought that we...in our discussion with Director Yoshimura, her preference would be for it to come out of the Affordable Housing

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Fund in some form or another, so that we know the true cost of what the County is subsidizing, or exempting, or paying for this affordable housing project. I know we haven't done it this way in the past, but now we're funding the Affordable Housing Fund at an appropriate level, and we can see the true cost for a partnership that the County goes into with the developer by subsidizing or exempting. Because otherwise, it comes out of the Departments' funds, and they're subsidizing individually, and...and we don't have a...you know, they have to come up with the money somehow. We don't have a recordation of...of what we're paying to get these affordable housing projects from start to the finish line. So, whether the developer asked for the exemption or not, my preference would be to fund the exemption through the Affordable Housing Fund...all of them.

MR. MITCHELL: If that's an allowable use of the fund, I don't see why you can't do that, Member Paltin. I see --

COUNCILMEMBER PALTIN: Let's do it.

MR. MITCHELL: Ms. DesJardins has jumped in.

MS. DESJARDINS: Well, there's two types of exemptions. There's ones that there is no fee revenue ever expected because the Code already says if it's a 100 percent affordable project, you're exempted--playgrounds, all those ones under 150. Those are, like, automatically exempted for these projects. Then there's these special ones, like this one, that's not in 150. So, you might want to not...I mean, starting...start paying back folks who already assume they're never going to see money from a 100 percent affordable project anyways, versus the Water Use Development Fee at 638,000. That's just...might be a clearer way to do it, but that's just my thought.

CHAIR JOHNSON: Okay, let's see. Chair...Chair Lee?

COUNCILMEMBER LEE: Okay. I...I am in full support of what Member Paltin stated. And I think we have to know...you know, we have to have a running total of what we are going to pay for. And as mentioned earlier, if the revolving permit fund did not anticipate this expense, they have to be reimbursed from something. So whether it's the General Fund or the Affordable Housing Fund, we have to make a note as we go down through all the exemptions, which ones we are going to pay for. And then later on, we decide which amendment is going to come from the General Fund or from the Affordable Housing Fund. But we...we need to know what that tab is going to be at the very end. How you word this exemption is up to you...if you want to use the word delete, remove, whatever it is, you know, we all know its intent. So, if you want us to reword the...the motion, that's fine, or ask our attorney to assist with...with the motion...the proper motion...because it is a little tricky. And so, rather than us work on it, you know, and take up a lot of time, he...he can be working on it himself, and then we can move on to the next

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one. I think you have consensus here, but we just need to have clarification on exactly how we're going to pay for everything. Thank you.

CHAIR JOHNSON: Okay. So if Remi is okay...or Mr. Mitchell's okay with working on that language, and we'll come back to him, I'm okay with that. But I saw a lot of hands. And Members, I want to remind you, 4:30, we...we got to get going here. So we...we might get...you know, if we...I'm just giving you a heads up. I'm trying to keep ourselves concise. So go ahead, Councilmember King.

COUNCILMEMBER KING: Okay. Thank you, Chair. So I heard from Ms. DesJardins that we have...there's two different types of exemptions. So the ones that we need to keep track of are the ones that we intend to repay in some way. What I heard from Director Yoshimura was that the better way to...to do those repayments is to have the developer pay those fees, and then we, the County, give them a grant. And I thought she was suggesting we give the grant out of the Affordable Housing Fund, but I can't remember for certain. But that we give them one grant that covers all of those costs, rather than us giving the money directly to the Department, rather than the County giving the money to the Department. So, when we get that full tab, however it's worded, whether it's worded as a repayment, an exemption, I guess that's what Corp.--what our attorneys have to figure out--is how do we word that? Is it still an exemption if they're paying it and we're paying them back, or is it...I don't know what you would call it, if it's not an exemption, or if it's some kind of repayment grant. But is that...is that what everybody else heard? I see a lot of heads nodding that...the...the...the Director wants us to give the money to the developer for the fees that we're exempting them from. And...but they would make those payments. Then, of course, we have to keep track of them, so we know what the County is giving to the developer.

CHAIR JOHNSON: Yeah. And of course, it's all going to Committee port...the Committee report if you want the actual numbers. But we're kind of just going...you know, we're on...we're just trying to get through these...these ones that we put off to the side, and I don't want us to get sidetracked with...because I agree with a grant would be a cleaner way to do it, right. So, if you guys don't mind, we can move on and get consensus on this--well, we're going to vote on it because it's...you know, it's . . . *(inaudible)*. . . So if I can call for the question right now? No?

COUNCILMEMBER KING: On this one? Or...I thought --

CHAIR JOHNSON: Actually, I should wait...I'm sorry, I should wait for Mr. Mitchell to come back on. And then when he gives us the language, then we can go through the voting of it. But I mean, I think the grant seems to make sense with me. It's what the Director was speaking on, and I think a lot of people were nodding heads on it. It's just trying to find a way that...you know, we...we want to get through all of these pretty quick, you know? And if we stop at each one and start doing the math of it all, when we could just say, hey, there's going to be grants at the end of

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this that will cover it, and it'll be written in the Committee report, then that might be a little faster. But I'm just saying...you know, I'm just trying to get us moving along. But I see some hands. Go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Yeah, I agree, we don't need to do the math. We can just indicate this is going to be a reimbursed one, or this is not going to be a reimbursed one. I think this is a reimbursed one. I'm not sure which ones that Ms. DesJardins was referring to are expected within the Code. So, if she can...if we can just assume all of them are going to be reimbursed, and she'll let us know which ones don't need to, that'd be probably faster.

CHAIR JOHNSON: Okay. Well, when...when...Mr. Mitchell's not on, so we can go...we'll put this one aside, and we'll go on to the next one. Okay. All right. The next one is M, (16)...or M is Number (13). It's 16.04, the Fire Code. Let me pull it up here, and I'll read it out for you. Partial exemption from Chapter 16.04, the Fire Code. A partial exemption from Chapter 16.04 is granted to exempt the project from Fire Code fees. This is another one that the Affordable Housing Fund was going to pay for, so we...now, how should we do this? Should we make a motion, or which we...one minute.

COUNCILMEMBER SUGIMURA: What alphabet are you on? Excuse me.

COUNCILMEMBER RAWLINS-FERNANDEZ: M, monkey.

CHAIR JOHNSON: M. The...the Fire Code one. So we still have to wait for Remi to come up here for this one. I don't want to get...spin too many plates, so why don't we take a two-minute recess, okay? Two minutes. The time is 3:36, and we'll come back at 3:38, Members. Just a short one now, 3:38, September 6, 2022. We are in recess until 3:38 p.m. . . .*(gavel)*. . .

RECESS: 3:36 p.m.

RECONVENE: 3:42 p.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Will the Affordable Housing Committee come back from its short recess. It is now 3:42, September 6, 2022. And let's get our...let's kind of answer some of these questions that we took a recess to find out some answers for. So, we...we have Mr. Raatz on the call, and I want to kind of bring him up and speak to what some of the conversations we were having. So, Mr. Raatz, the floor is yours.

MR. RAATZ: Thank you, Chair Johnson. And I apologize, I haven't listened to the entirety of this afternoon's discussion. But from what I can understand, at the moment, there's an idea of having the fee waivers for Department of Water Supply and Department of Fire and Public Safety be reimbursed from the Affordable Housing Fund. And I think that's fine as a concept. I would just point out that

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action would require one or more budget amendments, and only the Mayor, during a fiscal year, can propose a budget amendment, and it's subject to Council approval by ordinance. So, in effect, if the project goes forward with an exemption or a modification of that nature, it appears you'd be giving--and the Council adopted that resolution--it appears that the Council would be giving, in effect, conditional approval to the project, with the condition being that the Mayor, in fact, follows suit with the necessary budget amendments, and the Council, in fact, enacts them by ordinance. So, just wanted to clarify that potential process. Thank you, Chair.

CHAIR JOHNSON: Thank you for clarifying that. Councilmember Paltin, followed by Councilmember Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. Mr. Raatz, we were also going to do, like, Sewer, and Solid Waste, and all of those things, but it was suggested by Director Yoshimura, so we're assuming that that process would happen because it was on the advice of the Director...the Budget Director that we do that. So, I think we're...we're in alignment there.

CHAIR JOHNSON: Yeah, I agree with that one. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, could...so, Mr. Raatz, then, by what he said, and if we approve this project with those conditions, are we going to meet the deadline to approve the project as required by the 2.97, or does it delay the approval process?

CHAIR JOHNSON: Mr. Raatz?

MR. RAATZ: Thank you, Chair Johnson, and Councilmember Sugimura. That...that's a good question. I think, as long as the resolution is adopted by the deadline, you will have satisfied Chapter 2.97, but the project itself could be left in limbo for some time until all the necessary ordinances would be enacted.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay, Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And as the Budget Chair, if...when Budget Director sends down that budget amendment to appropriate funding under the Affordable Housing Fund, I can take it up on the floor for everyone's consideration, and then we can expedite it that way as well. Mahalo, Chair.

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CHAIR JOHNSON: Wonderful. That's political will at its best, right? We're trying to get things done, get things made, get these homes built. All right. So, let's call up Mr. Mitchell to see if he's got that language for us. Mr. Mitchell?

MR. MITCHELL: Yes, Chair. Not just yet. I was just following up on our discussion with Member...with David Raatz.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Chair?

CHAIR JOHNSON: Councilmember Paltin.

COUNCILMEMBER PALTIN: When we do the Planning and Sustainable Land Use, a lot of times we just say the legislative intent and move on, and let them get it to us like that at first reading. Is that an option, or not so much over here?

CHAIR JOHNSON: That works for me. So legislative intent is...has been noted. So, it is to...let's see, exemptions from Section 8.04.040, Disposal Permits application and suspension, and 8.04.050, Disposal Charges, exemptions from section 8.04.040 and 8.04.050 are granted to exempt the project from obtaining construction waste permit and paying disposal fees during construction. So, we want to take out the Wastewater...or waste disposal permits, is what we were talking about. So that's the intent. And do we have consensus on that intent? No, we don't have consensus. Go ahead, Chair Lee.

COUNCILMEMBER LEE: Okay, I think the quickest way and the safest way to proceed, Mr. Chair, is just to approve all the exemptions, and not delete anything, for fear that we will make a big mistake. Even...a duplication is not a mistake. And so, my fear is if we remove, we delete an exemption, and for some reason the developer doesn't get reimbursed, then it could jeopardize the project. So, if we approve all the exemptions, then we don't have that problem, is what I'm saying.

CHAIR JOHNSON: Chair, your point's taken. But we had a lot of discussion with both parties involved. All of us have been involved, so some of them even the developer wants, so I...I...I do understand your point. We don't want to make any mistakes here, but I...I saw some other hands. But I...I hear what you're saying, but I think if we have everybody at the table, how...you know, what mistakes or...are you...are you imagining?

COUNCILMEMBER LEE: Well, I believe Mister...Mr. David Raatz mentioned that the project will...will be in limbo until we are able to make the proper amendments. I really don't think a project of this high value, in other words, millions and millions of dollars, should wait around for the Council to make amendments. I mean, we have no idea what the future holds. So, if we did...if we approved all the

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exemptions, it wouldn't be a problem because that was our intent; to pay...to pay for it. Don't forget, if there's any kind of hold up, and there is a change in the Administration, then we have a problem. We will have a problem. So, you know, you just have to think about...you know, unintended consequences, is my concern. Thank you.

CHAIR JOHNSON: You know, you have a good point, Chair, and I appreciate that. It's just...I...I don't know if I can get consensus on all of that. So, we'll just have to go through what the body decides. But thank you for that. Let's move on to C, Charlie, Number (3), which is the 100 percent of units qualify for workforce housing credits. Now, that is something that we immediately went and pulled off to the side. So, I think we'll let Councilmember Paltin speak on that real quick. Go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. The Code is pretty clear on this, and each workforce housing credit that we give is one less affordable home in the future. And...and we're talking about satisfying that with tiny homes? Like, for multifamily. So, I mean, if we got to subsidize with the Affordable Housing Fund, I'm more amenable to doing that, than to give up future affordable homes. You know what I'm saying? Like, if they need to make the project pencil out, I'm more amenable to giving them Affordable Housing Funds than taking away to allow more luxury homes in the future, you see what I'm saying? Like, this is in the Code. By doing this, we're X'ing ourself out of affordable housing, and we're allowing more luxury homes. And I'm pretty clear that everyone I know doesn't want more luxury homes. I --

CHAIR JOHNSON: Okay. Does anybody have any discussion? Go ahead, Councilmember King, followed by Councilmember Sugimura.

COUNCILMEMBER KING: I agree. I think we should go with the...what's in the Code, which is 75 percent of the units. And by the way, we don't know how this affects how it pencils out because these units are market driven. There's not, like, a set price of affordable housing credits. They go out to the market and they sell them, and sometimes they'll sell them for over \$100,000 a credit. So, you know, they could very well pencil out, depending on the market, way above, you know, what was intended in the beginning because we don't have a flat rate for housing credits. So, I agree with Member Paltin, we should keep it at 75.

CHAIR JOHNSON: Anyone else? Okay, I...I can...oh, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I believe that in a previous project, we approved for 100 percent. I wonder if we can hear from the developer. I think that's what this came from. Mr. Carnicelli, if I could, Chair?

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CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: Thanks.

MR. CARNICELLI: Thank you. Thank you very much, Member Sugimura, for allowing us to...to speak on this. Essentially, this is...this is something that isn't in 2.97. The title of 2.97 is Exemptions and Incentives, right? And this is one of the things that defers to 2.96. 2.96 is inclusionary zoning, and it's a tax, right? It's a 25 percent tax on market rate homes. That's what 2.96 is. This is 100 percent affordable. There is no market rate component to it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Workforce.

MR. CARNICELLI: So, I'm sorry, yeah, thank you. I...I thank you. I almost caught myself, Member Rawlins-Fernandez, you're right. It's...It's 100 percent workforce, not 100 percent affordable. So, it's...it's this is 100 percent workforce. So to impose the 2.96 tax on a 100 percent workforce project is...we just felt as though that that's, say, a miss in the Code that maybe could be remedied at another time. Thank you.

CHAIR JOHNSON: Okay. We have Ms. DesJardins on the call. Go ahead, Ms. DesJardins.

MS. DESJARDINS: Yeah, I just want to point out that 2.97.110 states that credits issued in 2.97 projects shall follow 2.96.050. So there was a contemplation that credits would follow the same rubric as 2.96.

CHAIR JOHNSON: Okay. I guess I'll --

MR. CARNICELLI: Chair, if I could --

CHAIR JOHNSON: Go ahead.

MR. CARNICELLI: -- just follow up. Just quickly, Chair, is, as Member Sugimura had mentioned, it's also precedence. It's, you know, the only other 100 percent workforce housing for-sale project that was approved, did get 100 percent. So, that's just why we included that in this, is...is also due to...due to precedence.

CHAIR JOHNSON: Okay. Chair Lee.

COUNCILMEMBER LEE: I think Mr. Carnicelli answered my question. He...he said he...they only did this because another project received credits. So, I'm assuming, Mr. Carnicelli, you don't need credits to...to make your project pencil out?

CHAIR JOHNSON: Mr. Carnicelli?

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MR. CARNICELLI: Thank you for the question, Chair Lee. We...there really...at this point in time, there is no market for credits. This is, as far as selling them to a luxury developer that's going to then use them to...to build luxury homes, there's zero market for that. You know, we currently have a project underway. We haven't been approached by anybody. So, we don't need this necessarily to pencil, but it is something that we feel is, you know, just important.

CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: Thank you.

CHAIR JOHNSON: All right. I...I guess I'll speak on this for now. You know, Members, I thought this is a...this is kind of a...it's a bigger carrot. They're asking for unusually-sized carrot. But I want to just say that if they're willing to follow the new affordable sales price guidelines that's going through our...our Council right now, then we could...really, imagine what these prices of these homes would...would be under those new price guidelines. I think that is...it's substantial for our...our workforce. And I think that if they were willing to do that, then I would be amicable to giving them the...the...I mean, allowing 100 percent of the units to qualify for workforce housing credits because of the new price guidelines are...they are significant. So, that's my two cents on it. I see Mr. Mitchell on the screen. So Mr. Mitchell?

MR. MITCHELL: Thank you, Chair Johnson. So the language I think we would propose is as follows, and I'll read it with the punctuation, so it's clear. For any fee waivers approved by this resolution, comma, the affordable housing fund or, comma, if necessary another fund will be used to reimburse Code. A, Any fund that would have otherwise received revenue from the waived fees; semicolon, or B, the developer, if the developer pays the fees in anticipation of being reimbursed.

CHAIR JOHNSON: I see some nodding heads and some thumbs up. Would you mind just writing that in the...in the chat, so that way we can get it in there?

MR. MITCHELL: Oh, certainly.

CHAIR JOHNSON: But I think that...I mean, that's nice, and it sounds pretty, pretty solid. Anybody want to have a talk on that...on that language? Anybody...everybody seems to agree? So, with that language, I'm looking at M, J, and L [sic] would be covered under that language...or I, I think it's I, not L, it's lowercase, so...the Water System Fee. All right, Members, you see it in the chat, right? Everybody see that? And I see Councilmember Rawlins-Fernandez's hand's up.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mr. Mitchell, is...is...I appreciate your work on this, I think it...it looks great. Is there any way to communicate a preference of B, since that is what the body is saying would be the preference of reimbursing the developer, and having the developer pay, and get...and receive a grant after? And that...that would be the Plan A, and then the Plan B would be to reimburse any fund through interfund transfer?

MR. MITCHELL: I'm sure we could find a way to communicate that preference, if we just had a little more time to draft it. We have the intent, and we can work off of that.

CHAIR JOHNSON: Okay. Well, we're going to give you a little bit more time, Mr. Mitchell, because we're still on this...the...the tax credits discussion. And I...I...I don't know, like, should we call for a vote if we don't have consensus? And they're asking for 100 percent. Some of our Members are okay with it, some of...are not. So, I'm just going to say, are you...if you don't have consensus, let me know, and we'll call for a vote. So do we have consensus? Oh, go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Based on what Mr. Carnicelli said, that there is no market for those credits right now, they don't expire, right? So, whenever people are ready to start building their luxury homes, then...then they use it. And it's...it's not a make or break of the project. Or if it is a break, I prefer to give them money, instead of give them luxury homes, is what I'm...I'm just saying.

CHAIR JOHNSON: Okay. Councilmember Paltin, if you have a motion, we can go...go that route.

COUNCILMEMBER PALTIN: I move to strike exemption request Number 3.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR JOHNSON: We have a second by...moved by Councilmember Paltin, seconded by Councilmember Sinenci [sic], and it's B, that's right...Section C, exemption from subsection residential workforce housing credits. Okay. Discussion, Members.

COUNCILMEMBER PALTIN: I think...I think this is a really bad precedent. I don't know that we did this for Kilohana Makai, which was single-family homes, much different than multifamily. If we did, I think that I didn't fully understand the concept of workforce housing credits, as I have 639 luxury homes and 196 luxury homes looming in the Kapalua area. And I'm trying to calculate all the workforce housing credits that they need. It's really a scary idea, being that they can hang on to it for forever, and we have ordinances from the '80s, '90s, with all these luxury developments on the books already totally approved, and...and they wouldn't be fulfilling any new workforce housing, affordable housing. And so that's a really scary thought that we just give them 25 extra for free. Any housing

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development requires 25 workforce housing, and so we're just holding them to that standard. And these are not single-family homes, majority of them. There's tiny homes, there's multifamily units. And...and just, you know, if you look at it in your district, whatever ordinances from the '70s, '80s, and '90s that haven't been built, the luxury homes come online, you want to see affordable housing come online. You don't want to see credits. And...and I think, you know, there is kind of a rage about that. So, I'm just saying, that's the sentiment I hear loud and clear from my community. I was just in a community meeting, and they're...they're yelling about it. So, I'm...I'm not going to go against their wishes.

CHAIR JOHNSON: Okay. Well said. Councilmember King.

COUNCILMEMBER KING: Yeah. Not to repeat everything, but we have that, of course, in South Maui as well. I think it's a...it's a symptom of being in a resort area. And there are a lot of credits for, you know, entitlements in South Maui that we're expecting to come up at some point. But, you know, the Code is pretty clear, that 25 percent of the developments have to be workforce housing. And the other thing that's always really bothered me about these credits, Chair, is that they don't have to be used in the same community that...that...where they originate. So, you know, somebody could...could get these credits in Central, and then use them in South Maui, and build no affordable housing with the luxury housing. So, you know, they're already, in my mind, a little bit out of control. They're not regulated as far as the value. The value is, you know, totally dependent on what you can negotiate with...with the buyer. So, I...I think it's a really sketchy thing to...to start allowing 100 percent, you know, which is a violation of the Code, basically, workforce credit...credits. I...I'd like to see us kind of go in the opposite way and regulate the credits, and maybe even make an ordinance that they have to be used in the community where they originated. Because if you're going to give those credits away, then you're saying in your community you're okay with that many extra market or luxury houses, which I'm not for South Maui, and it appears that Member Paltin is not for West Maui, either. So, I would be...I'm speaking in favor of the motion on the floor. Thank you.

CHAIR JOHNSON: Okay. Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and I'll make this really quick, just to also correct the record, as Member Sinenci put in the chat. I was the seconder of the motion. So, in addition to the credits not being used in the district, it's also not used in the same AMI. So, a 140 AMI credit could be used for an 80 percent AMI credit house, and I think that's really dangerous. And I agree with Member King and Member Paltin that it should be regulated much more, and it's a shame that it hasn't been. Mahalo, Chair.

CHAIR JOHNSON: Okay. You know, Members, this was a hard one. I was...I was leaning towards helping our developer build, so that way they can, you know,

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pencil out truly affordable homes. But having listened to this body's historical debate on this, and the...the past experiences we've had, and the community outrage that Councilmember Paltin has had, I...I...I'll support it. You know, I agree with what you folks are saying. So, that's my take on it. I don't see anybody else. So, I guess we can call for the question. Oh, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, just for clarification, then. If not 100 percent, the developer, are you...would you take less, or is the body saying that not...none at all?

CHAIR JOHNSON: The...the Code says, what, 75 yeah? So --

COUNCILMEMBER SUGIMURA: Right. Right.

CHAIR JOHNSON: -- wouldn't --

COUNCILMEMBER SUGIMURA: So...but you're saying striking this. So are you saying that the developer would not have --

CHAIR JOHNSON: No, we wouldn't strike --

COUNCILMEMBER SUGIMURA: -- the opportunity then?

CHAIR JOHNSON: I...I know exactly where you're leading. It's not that they would get nothing, it would just...the existing law would apply (*audio interference*).

COUNCILMEMBER SUGIMURA: Go back to 75?

CHAIR JOHNSON: Right.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR JOHNSON: That's a really important clarification, Councilmember Sugimura, thanks for bringing that up. Okay. I'll...I'll call for the question, if any...you guys will do roll call. But all those in favor, raise your hand, say "aye."

COUNCILMEMBERS: Aye.

CHAIR JOHNSON: Hey, look at this, unanimous. Okay, let it be shown, it's nine "ayes," zero "noes." Motion passes.

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COUNCILMEMBER PALTIN: And --

CHAIR JOHNSON: Okay --

COUNCILMEMBER PALTIN: Sorry, Chair, just to clarify, Director McLean says Title 19 Definition of height says from natural or finished grade, whichever is lower, and that will apply. So just...just clarifying that.

CHAIR JOHNSON: Natural or finished grade, whichever is lower. Let it be noted for the record. And the last one, Members, is V as in Victor. Let me pull that one up. So, I think Department of Water Supply had some amended language for this...V, as in Victor. Let me find that one. Okay, let's bring up Ms. Taomoto, if you're on the call still? Ms. Taomoto from Department of Water?

MS. TAOMOTO: I'm here, Chair.

CHAIR JOHNSON: Thank you. Did you write some amended language for us?

MS. TAOMOTO: I didn't get my clarification when I was done, whether the applicant was even seeking either deferral, or waiver, exemption of subdivision requirements, for fire protection, domestic water service, or irrigation. If they're not, then what I'm hearing is...or as looking when I read the documents is, all they're seeking is an exemption from water availability, Title 14.12.

CHAIR JOHNSON: Let's bring up Mr. Carnicelli, and he can answer that question. And if you have follow ups, feel free to ask him as well. Mr. Carnicelli.

MR. CARNICELLI: Thank you, Chair, and thank you, Ms. Taomoto. In just trying to go through my notes here as...as we're looking, it's...it's 14.12, but it would also be 14.05.180 as well.

CHAIR JOHNSON: Ms. Taomoto?

MS. TAOMOTO: Let me pull that...what...14.12 --

MR. CARNICELLI: Which is water availability.

MS. TAOMOTO: 14...yep --

MR. CARNICELLI: 14.12, and then 14...yeah, and then 14.05.180.

MS. TAOMOTO: Let me just make sure I read it. 180?

MR. CARNICELLI: Which is...yes, which is the deferral.

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MS. TAOMOTO: So the deferral that Mr. Carnicelli is referring to in our Code currently is only for family subdivisions. So, there is no language to defer subdivision improvements, other...unless you're a family subdivision, which means transfer to immediate family members, et cetera. So, what he's...what he...and...and I'm sorry if I'm confusing, because it's very technical. What he's asking for, is basically, like, a subdivision deferral that's not for family, but is not in our Code. So, as I said, we're agreeable to deferring subdivision improvements for the mother lot right now, parent parcel now, to be subdivided into two parcels. We're agreeable to defer waiving the requirements for water availability, Title 14.12. However, in the 2.97 rules, we cannot necessarily waive...you...you...the Council cannot necessarily waive or defer if it's a health and safety issue. So what you guys are saying is, you want me to come up with proposed language to address that 2.97 condition, where we can defer or waive, provided it's not a health and/or safety. And fire protection is somewhat a safety, so my suggested language to address the safety issue for fire protection, for the first subdivision, which is to subdivide into two parcels, is not to exempt future building permits, say, on the 133-acre parcel from an exemption from fire protection. And that language is already drafted, and it exists in our current rules under 14.13.065, which reads, the exemption from review for fire protection for the first and second dwelling unit as provided in subsection 14.04.020A of this Code shall not apply to premises that receive water service...which a building permit would trigger, right? The requirements for adequate fire protection for building permit applications for residential dwelling units and associated structures permitted in any zoning district listed in Title 19 of this Code shall be reviewed, administered, and issued by the Department of Fire and Public Safety in accordance with Section 16.04C.460 of this Code. However, the exceptions contained in Section 16.04C.460 shall not apply...which is the exemption for first and second dwelling. So, if the applicant would agree that if a building permit was applied for for water service, that they would need to obtain the approval of the Department of Fire and Public Safety, and not be able to get an exemption for first and second dwelling. That's exactly the language that Council passed when we did the exemption from fire protection for main line for the Upcountry water meter list. That's how we...you guys have that, to address the safety issue with waiving subdivision requirements.

CHAIR JOHNSON: Okay. Ms. Taomoto, do you see the...I can have it...I mean, I can have Staff pull it up on screen, but if you see the language in the...in the section V of our Exhibit A, it's what they're asking. So, is there a word that you want...is there a section of the...that you think we should strike, or do you think we should put in?

MS. TAOMOTO: Are you referring to the sentence that says the lots will be subject to the provisions of Title 14 and 18...14,16, and 18 MCC, upon application for further subdivision or building permit, whichever comes first, with the understanding that

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certain exemptions are being requested for the project site as part of this Chapter 2.97 MCC application?

CHAIR JOHNSON: How...how about I have Staff share what...the language we're looking at, so that way you can see where you...you think it should be, or should not be, okay? Staff, can you bring up Exhibit A, and show the section V, as in Victor, the one that we're on right now?

MS. GRECO: Yes, Chair. One moment, please.

CHAIR JOHNSON: Councilmember Sinenci, I'll call on you in a minute, I just don't want to lose my train of thought here. Okay, Ms. Taomoto, do you see where it says the partial exemptions from Title 14, Public Services; 16, Building And Construction; and 18, Subdivisions?

MS. TAOMOTO: Yes.

CHAIR JOHNSON: So, that's...that's the language we're discussing on, you know, how your Department feels. Is there's something in there that you feel is...like it's what you don't support, or is there...there's the language need to be amended? That's what we're talking on.

MS. TAOMOTO: But I don't...I don't believe that's the...that...what you...what I'm looking at is the exemption language, because the word partial exemptions, as I was explaining when I first came on, is specifically described for most of Title 18. But when it came to Title 14, the partial exemptions aren't described in this paragraph I'm reading. So what I'm --

CHAIR JOHNSON: Would you --

MS. TAOMOTO: -- what I was saying is, I believe that what we're agreeable to is an exemption from Title 14.12, Water Availability, and not an exemption per se, but a deferral of subdivision requirements for...from 14.05 Subdivision. So, it's an outright exemption from 14.12, Water Availability, and a deferral for 14.05 Subdivision. Which, if you look at your exhibit, the one that you have, the letter V, the amended exemption list, and it says, the second paragraph in the third column, the lots will be subject to it upon application for further subdivision building permit. That language...I think you were calling it Exhibit H [*sic*], Item V on your list.

CHAIR JOHNSON: Okay.

MS. TAOMOTO: That language is stricter than the language I just read to you, deferring it to the Fire Department. So, I guess in that sense, I would be okay with that, if that's what you're asking.

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CHAIR JOHNSON: So, Staff, do you understand what...what Ms. Taomoto was saying, so we can have that for the legislative intent?

MS. GRECO: Chair, to be clear, we are still talking about exemption V, as in Victor? Yes? Okay. Thank you.

CHAIR JOHNSON: Okay. We have a question for you from Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo, Ms. Taomoto. So, what I understood from everything that Ms. Taomoto was saying, is that it's not explicitly stated in Exemption V that the exemption is of...of 14.12, which is the water availability. So, if you could add that explicitly, an exemption to 14.12, and a deferral of 14.05.180.

MS. TAOMOTO: No, 14.05.180 is the deferral --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. TAOMOTO: -- for a family subdivision. So what the subdivider is asking is for a blanket exemption...I mean, a blanket deferral of 14.05 without the .180. 14.05. With the language I'm reading in V, in your Table V, which says...like, I'm going to read it from...with...including the water availability, they would be exempt from 14.12 water availability, and the subdivider would be approved for a deferral of subdivision requirements under 14.05 subdivision water system requirements, right, instead of that what...where it reads 14, 16, and 18, but it would say, upon application for further subdivision building permit, whichever comes first, with the understanding that certain exemptions are being requested. That...that part is muddy for me. What he needs to clarify is that future building permit, further subdivision or building permit, or water service, would require compliance with subdivision requirements. That's what it really should say.

COUNCILMEMBER RAWLINS-FERNANDEZ: So just a follow-up question for 2.97.140, water availability exemption, 2.97 states that projects developed in accordance with this Chapter and located in the Department of Water Supply's Central or West Maui water systems shall qualify for the exemption set forth in subsection 14.12.030F of this Code. So, since that's already explicitly stated in 2.97, would that...would they need to state that they're exempt from 14.12? Since --

MS. TAOMOTO: *(Audio interference)*

COUNCILMEMBER RAWLINS-FERNANDEZ: -- 2.97 already states that...2.97.140.

MS. TAOMOTO: Oh, 4-0.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yep.

MS. TAOMOTO: No, they wouldn't need the exemption then, right. I would defer to Corp. Counsel to confirm.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. Ms. DesJardins? Okay, we're getting the thumbs up. So since 2.97 already explicitly exempts them as an...100 percent...

MS. TAOMOTO: Oh, I'm sorry, yeah. But the 14...the subdivision stuff is not very clear in the language I see in table V. So it would be not an exemption, but what...the way it reads, it's a deferral, and I --

COUNCILMEMBER RAWLINS-FERNANDEZ: *(Audio interference)*

MS. TAOMOTO: -- maybe Corp. Counsel DesJardins can clarify --

COUNCILMEMBER RAWLINS-FERNANDEZ: So V --

MS. TAOMOTO: -- that it's not an exemption the way it reads in the table V, it's a deferral.

COUNCILMEMBER RAWLINS-FERNANDEZ: So deferral of 14.05. Ms. DesJardins?

MS. DESJARDINS: Yeah, that's how I read it. Yeah.

CHAIR JOHNSON: Okay.

MS. DESJARDINS: But can I...can I just though, because Ms. Taomoto brought it up? As long as the health and safety measures are covered here, I just want to be clear...I hope...she talked a lot about it, so I'm sure it's covered, but we just want to be sure that those health and safety standards are still...are not going to be deferred, and will be followed through with, correct? Is that...are you satisfied with that, Ms. Taomoto?

MS. TAOMOTO: I'm not exactly comfortable with the generic language because I don't have the...we didn't...we weren't...before this meeting that we had, we weren't able to come up with language that we could discuss with Corp. Counsel. And I wanted to say one more thing, that although you're exempting...we're okay with deferring 14.05 Subdivisions for water system, I...I want to caution the Council, I guess, that you haven't addressed Title 18 for exemption from the Fire Department's Code related to subdivisions, which is duplicative of the Water Department's Code. So, I just don't want you guys to defer our 14.05, and forget about 18...the Fire Code, 18...the Fire Code section that relates to subdivisions,

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that would also need to be deferred. Six...oh, sorry, 16.04C related to subdivisions under the Fire Code would also need to be deferred because we have identical subdivision requirements.

CHAIR JOHNSON: Okay. Well, that's a pretty complex thing that we had, but I hope everybody followed the discussion.

MS. TAOMOTO: Sorry.

CHAIR JOHNSON: I think we need...no, that...it's...it's a very important discussion we're having. So, we're only...we're running out of time, Members. Should we make...do...does anybody have language or amendment they'd like to propose? Oh, and Councilmember Shane Sinenci, I...oh...oh, I'm sorry, I skipped you before. Let me call on Councilmember Sinenci. Go ahead.

COUNCILMEMBER SINENCI: Yeah. Thank you, Chair. I just wanted to go...kind of go back a little bit for clarification. So, it looks like the exemptions can also apply to the remaining 133 acres. However, the 133 acres also involves the buffer on the Waikapu side. So, if they would...they would have to further subdivision of those areas to...to separate the buffer, then they would be, you know, held to...to all of those...of those regular subdivision requirements; is that correct?

CHAIR JOHNSON: Should we ask Ms. DesJardins on that one?

COUNCILMEMBER SINENCI: Yes, please.

MS. DESJARDINS: I...is Ms. Taomoto still on the line? Because we talked about this at lunch, and my understanding was, is that I wanted to know whether that parcel would be at all affected by these procedures that you're going through to carve out this project. And I'm not clear what her answer was on that. So, if she could respond to how that would affect a...a further subdivision of the 133 remaining acres.

MS. TAOMOTO: I'm back.

COUNCILMEMBER SINENCI: Maybe...oh, go ahead.

MS. TAOMOTO: So, if we defer the subdivision requirements--as I read it is a deferral, not an exemption or waiver--what would happen is, when the 133-acre parcel, if they were to come in for a subdivision or building permit, they would trigger the subdivision requirements at the time of the request or approval. So, they...they would --

COUNCILMEMBER SINENCI: Chair *(audio interference)* --

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MS. TAOMOTO: -- we're just deferring it.

COUNCILMEMBER SINENCI: And so...so...and we're not putting conditions on the 133 acres . . .*(inaudible)*. . .?

MS. TAOMOTO: You are putting conditions. You are putting conditions because the deferral that states in Table V that...you guys have a Table V, the 133-acre lot and the 14.97 acre lot would be subject to the provisions of our subdivision requirements upon application for further subdivision or building permit. That's what it reads in the Table V.

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

CHAIR JOHNSON: Thank you. All right, Members, before we raise any hands here, it's 4:27, and I want to do kind of a test to find out where we're at. Because I think we're not going to finish today. I know a few of our Councilmembers have to leave shortly, I have to leave at 5:00 at the latest. And I think we...we were talking about a recess date on the 15th, okay, but I want to bounce this back to the body. Members, are you available on the 15th? Or when are you available? Councilmember Sinenci.

COUNCILMEMBER SINENCI: Chair, just for your information, we were...for APT Committee meeting, made the 13th, but we were going to cancel because we haven't received our bill back from the commission. So that is available for you, the afternoon of Tuesday of next week if you're...

CHAIR JOHNSON: Councilmember Sinenci, I want to thank you for that. That is tie...kind of works in really well. Members, I see thumbs up. Can we recess until the 13th, we'll take over Councilmember Sinenci's position on that?

COUNCILMEMBERS: No objections.

CHAIR JOHNSON: Okay. So, put your calendars for 13th. Remind me the time again, Councilmember? Is it a morning one? Oh, it's a 1:30 one.

VICE-CHAIR MOLINA: 1:30.

CHAIR JOHNSON: Yeah. Okay, 1:30 on Tuesday, the 13th, and that's when we can go over Members' amendments or any other additional modifications, and we'll continue on with this...this water discussion. But Members, it's 4:39 *[sic]*. I want to respect your time, and I think we can recess it until...until the 13th. But does anybody have any last-minute comments, concerns, questions, announcements? Anybody getting married? Councilmember Paltin.

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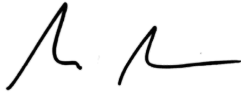
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COUNCILMEMBER PALTIN: Oh, I just was wondering if maybe our Legislative Attorney, Ms. Taomoto, and Ms. DesJardins can tighten up that V to their liking. And then I think we will be good with what they are good with because you know, we're just along for the ride here.

CHAIR JOHNSON: I agree. I think that would be a great homework assignment. When we come back on the 13th, we'll be totally ready with nice, clean...clean language that everybody has worked out on, on basically all of them too. So, that sound good to everybody? All right. Anybody else? All right, Members, the time is now 4:30, and the Affordable Housing Committee is in recess until Tuesday, the 13th. . . .*(gavel)*. . .

RECESS: 4:30 p.m.

APPROVED:



GABE JOHNSON, Chair
Affordable Housing Committee

ah:min:220906-d:slv:kr

Transcribed by: Kaliko Reed

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CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 97 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 7th day of October 2022, in Wailuku, Hawai'i



Kaliko Reed