

LAND USE COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

February 16, 2011

CONVENE: 1:34 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Mike White, Vice-Chair (arrived at 1:58 p.m.)
Councilmember Gladys C. Baisa, Member
Councilmember Elle Cochran, Member
Councilmember Donald G. Couch, Jr., Member
Councilmember G. Riki Hokama, Member (arrived at 3:20 p.m.)
Councilmember Danny A. Mateo, Member (left at 4:18 p.m.)
Councilmember Joseph Pontanilla, Member (arrived at 1:36 p.m.)
Councilmember Michael P. Victorino, Member

STAFF: Kirstin Hamman, Legislative Attorney
Pauline Martins, Committee Secretary

Dana Broncheau, Executive Assistant to Councilmember Cochran
Troy Hashimoto, Executive Assistant to Councilmember White
Sarah Dyal, Executive Assistant to Councilmember Cochran

ADMIN.: James Giroux, Deputy Corporation Counsel, Department of the Corporation
Counsel
Jo-Ann Ridao, Director, Department of Housing and Human Concerns
Scott English, Lieutenant, Fire Prevention Bureau, Department of Fire and
Public Safety
Officer Alan Brown, Kihei District, Department of Police
Captain Saaumu Tivoli, Kihei District Commander, Department of Police
David Goode, Director, Department of Public Works
Patrick Matsui, Deputy Director, Department of Parks and Recreation
David Taylor, Acting Director, Department of Water Supply
Michele McLean, Deputy Director, Department of Planning
William Spence, Director, Department of Planning
Kyle Ginoza, Director, Department of Environmental Management
Edward Kushi, Jr., First Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Bill Kamai, Service Representative, Hawaii Carpenters Union
Bruce U'u, Apprenticeship Coordinator, Hawaii Carpenters Union
Christopher Hart, Chris Hart & Partners, Inc.

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Matt Slepín, Chris Hart & Partners, Inc.
John Sindoni, Royal Main Properties, LLC
Stacy Otomo, Civil Engineer, Royal Main Properties, LLC
Plus (4) other people

PRESS: *Akaku Maui Community Television, Inc.*
Matthew Thayer, The Maui News

LU-3(1) CHAPTER 201H, HAWAII REVISED STATUTES, AFFORDABLE HOUSING PROJECTS (KAIWAHINE VILLAGE) (C.C. No. 11-27)

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of February 16, 2011, will come to order. We have with us this morning...we have quorum. We have Danny...Councilmember, Chair Mateo, Councilmembers Baisa, Cochran --

COUNCILMEMBER COCHRAN: Aloha.

CHAIR CARROLL: --Couch --

COUNCILMEMBER COUCH: Aloha.

CHAIR CARROLL: --and Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR CARROLL: Joining us later will be Council Members Hokama, Mike White, and Joseph Pontanilla. We have with us this morning James Giroux, the Corporation Counsel.

MR. GIROUX: Good afternoon, Chair.

CHAIR CARROLL: We also have Jo-Ann Ridao --

MS. RIDAO: Good afternoon.

CHAIR CARROLL: --Director of Housing and Human Services...Concerns; Captain Tivoi Omantu [*sic*]. I probably pronounced that wrong, sorry. That Maui Police Department, Officer Alan Brown, Department of Police; David Goode, Director of Public Works; Lieutenant Scott English, Fire Department...Public Safety; Kyle Ginoza, Director of Environmental Management; Patrick Matsui, Director [*sic*]of Parks and Recreation; David Taylor, Director of Water Supply; and Will Spence, Planning Director. The others we have available today are Matt Slepín, Consultant for Christ Hart & Partners, Incorporated; John Sindoni, Royal Main Properties, LLC. Committee Staff, we have Pauline Martins, Committee Secretary and Kirstin Hamman, Legislative Attorney. Public testimony on agenda items will be accepted starting in a few

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moments. Those wishing to testify should sign up at the table set up in the lobby. Testimony shall be limited to three minutes with one minute to conclude if necessary. Testifiers are requested to state their name for the record and to indicate who they are representing if appropriate. Members, we have one item on the agenda today, LU-31, Chapter 201H, Hawaii Revised Statutes, Affordable Housing Projects (Kaiwahine Village). And before we accept public testimony, please, if anybody has a cell phone or any other electronic device, please turn it off. Ms. Martins, who has signed up for public testimony?

MS. HAMMAN: Mr. Chair, right now we have one person signed up to testify.

CHAIR CARROLL: We begin public testimony.

MS. HAMMAN: The first person signed up to testify is Bill Kamai representing Hawaii Carpenters Union. And, Mr. Chair, after Mr. Kamai, we also have Bruce U`u signed up to testify.

... *BEGIN PUBLIC TESTIMONY* ...

MR. KAMAI: Aloha and good afternoon, Chairman Carroll and Members of the Land Use Committee. My name is Bill Kamai. I am a Service Representative for the Hawaii Carpenters Union. I'd like to ask for your support of this Kaiwahine Project. It's 100 percent affordable housing project. It addresses the needs of people with the 70 to 80 percent median income brackets. The developer will put in an irrigation system for the nearby park that has been badly neglected over the past couple of years, at no cost to the County. The park used to have playground equipment that was vandalized by fire. The current community plan designation is a rubbish dump. Just kidding.

COUNCIL MEMBERS: ...*(Laughter)*...

MR. KAMAI: The site borders an area that was previously the scene of acts of vandalism, fire, and it's used as a rubbish dump right now. No kidding. Last but not least, we need the jobs that this project would create for our Members, and not just us in the Carpenters Union but for other trades people as well. I know of no other project that's ready to be heard by this Committee, so I humbly ask for your support.

CHAIR CARROLL: Thank you. Any questions, Members? Ms. Baisa?

COUNCILMEMBER BAISA: Yes. Thank you, Chair, and thank you, Mr. Kamai, for being here this afternoon. Approximately, and I know you can't give us a finite number, but how many of your people do you think you'll get back to work with this project?

MR. KAMAI: Given the forming of the slabs, the framing component, the roofing, the drywall, and finish work, I'd say a crew of about 70.

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COUNCILMEMBER BAISA: That's a good number. I know right now you have hundreds and hundreds of people on the bench.

MR. KAMAI: That's true.

COUNCILMEMBER BAISA: So thank you very much.

MR. KAMAI: Thank you.

CHAIR CARROLL: Any questions?

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CARROLL: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yes. Thank you. Thank you, Bill, for being here. Mr. Kamai, you know or you have assurances from the developer that we're going to be using union people?

MR. KAMAI: Yes, we have.

COUNCILMEMBER VICTORINO: Okay. Thank you. I wanted to make sure that was clear. Thank you. Thank you, Chair.

CHAIR CARROLL: Any further questions for the testifier? Seeing none, thank you.

MR. KAMAI: Thank you.

MS. HAMMAN: Mr. Chair, the last person signed up to testify is Bruce U'u, and he is also representing Hawaii Carpenters Union.

CHAIR CARROLL: *If there's anybody else that wishes to testify, please go to the table outside and sign up.*

MR. U'U: Aloha and good afternoon, Chair and Council Members. Bruce U'u, I am the Apprenticeship Coordinator for the Hawaii Carpenters Union on Maui. And right now we probably have approximately 75 percent unemployment, and it's been steady in the 75 percent for the last, I'd say, two or three years. So most of the people been out of work for over two years where they exhausted all the unemployment benefits and no longer have medical. This will help get back the membership to work. I think this would solve the problem of affordable housing. I know in the past some of the developers are owed credits or owed housing for affordable housing, and this project will consist of 100 percent affordable. So I think we're a win-win situation for the County and I think for the community. So I humbly ask for your support. Thank you.

CHAIR CARROLL: Thank you. Any questions for the testifier? Mr. Victorino?

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COUNCILMEMBER VICTORINO: Yeah. Thank you. And thank you, Bruce. When you say 75 percent, can you put a number on the bodies? Because the public is...needs...75 percent could be 50 people, 100 people, but what is the number? How many unemployed sitting on the bench right now?

MR. U`U: Two hundred...I'd say 300 right now.

COUNCILMEMBER VICTORINO: Three hundred right now here on Maui --

MR. U`U: Three hundred on the bench. Two, two...

COUNCILMEMBER VICTORINO: --and this would be Maui County, right?

MR. U`U: Maui County.

COUNCILMEMBER VICTORINO: Okay. And this is not Oahu or the Big Island?

MR. U`U: This is, this is Maui, Molokai, and Lanai.

COUNCILMEMBER VICTORINO: Maui County.

MR. U`U: Maui County.

COUNCILMEMBER VICTORINO: Thank you. That would put at least a third of our brothers back to work.

MR. U`U: Yes. We'd appreciate the support.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chair.

MR. U`U: Thank you.

CHAIR CARROLL: Any further questions to the testifier? Seeing none, thank you.

MR. U`U: Thank you.

CHAIR CARROLL: Is there anyone else that wishes to come forward? Seeing none, if there's no objection we will close public testimony.

COUNCIL MEMBERS: No objections.

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CHAIR CARROLL: Public testimony is now closed.

... END OF PUBLIC TESTIMONY ...

CHAIR CARROLL: Members, by correspondence dated February 3, 2011, Director of Housing and Human Concerns submitted an application for the development of Kaiwahine Village in Kihei, Maui, Hawaii, pursuant to Section 201H-38, Hawaii Revised Statutes. The proposed project consists of a 120-family unit subdivision. Pursuant to Section 201H-38, Hawaii Revised Statutes, the Council has 45 days or until March 21st to approve, disapprove...approve with modifications or disapprove the project. If the Council fails to act by March 21st, then the project is deemed approved. Please note that the last Council meeting before the March 21st deadline will be on March 18, 2011. Given the short timetable the Committee is working with, I have posted an agenda for a special meeting to be held on Tuesday, February 22, 2011, at 9:30 a.m., in this Chamber. We also have another regular meeting scheduled for Wednesday, March 2, 2011. Yesterday, the Committee received two revised proposed resolutions from the Department of Corporation Counsel: one approving the project and one approving the project with modifications. The revised resolution deletes the applicant's request for exemptions from Chapter 2.96, Maui County Code, also known as the Residential Workforce Housing Policy. I also understand the Director of Housing and Human Concerns, Ms. Ridao, has brought materials to supplement the 201H application that she is distributing today. First, I'm going to have Ms. Ridao explain the changes to the application today and give brief opening remarks.

MS. RIDAO: Thank you, Chair, and good afternoon, Committee Members. I would like to start by explaining to you the handouts that you've received. There are two handouts from the Department: one is a project overview, looks like this, and the other is the Appendix D amended, and those are the proposed exemptions. With the recommendation of Corporation Counsel, we have eliminated the residential workforce housing...a portion of the residential workforce housing exemption request and put it into the proposed overview. That starts on Page 7 and I've highlighted those sections for you. Those sections were originally in Appendix D, Section A, just so you know where they came from, and those are the only changes that the Department has at this time. You also have before you the affordable housing Kaiwahine proposal which is a PowerPoint that will be presented by the developer's consultant, and you also have an HRS 201H affordable housing fast track statute PowerPoint that was done for you by Corporation Counsel to hopefully give you some background and information on how the H...the Hawaii Revised Statutes 201H works. Without further delay and instead of taking time to explain the project to you, I would like to give my time to the developer's consultant to present their PowerPoint and overview of the project.

CHAIR CARROLL: Thank you. At this time, we're going to have the developer, Chris Hart & Partners, will be giving a presentation. We're going to take a short recess and lower the screen. Immediately after the presentation, Corporation Counsel James Giroux will be giving a short PowerPoint presentation hopefully answering the questions you might have about credits that are

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going to be of some concern. After that, we will take a very short recess again to raise the screen and continue. In recess, two minutes. . . .(gavel). . .

RECESS: 1:47 p.m.

RECONVENE: 1:49 p.m.

CHAIR CARROLL: . . .(gavel). . . Land Use Committee meeting of February 16, 2011, will reconvene. I will now turn the time over to Chris Hart & Partners for their presentation.

MR. HART: Thank you very much, Chairman Carroll and Members of the Land Use Committee. My name is Chris Hart, and while we're getting the PowerPoint projector warmed up, I would like to say that our client, Mr. John Sindoni is here present of Royal Main Properties and also our Civil Engineer, Mr. Stacy Otomo, is also present. So they'll be available to answer questions. And the Planner for this project has been Matt Slepkin of our office. Okay. I appreciate all the, the cooperation that the individual members of the Land Use Commission [sic] have given us in terms of being able to meet with you and to present our project before this meeting, so thank you. Huh? What?

COUNCILMEMBER VICTORINO: We're having technical difficulties.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER VICTORINO: It happens.

NOTE: Pause

CHAIR CARROLL: If the applicant's PowerPoint is not ready, maybe you can continue without using the screen and start.

MR. HART: Okay.

CHAIR CARROLL: We have no problem listening to your voice.

MR. HART: You have the PowerPoint that they have? You have the handout?

COUNCILMEMBER BAISA: Follow the handout.

NOTE: Pause

MR. HART: I call your...I call your attention to the handout that was...that each one of the Members have received. And I'd just like to say that the PowerPoint is prepared, it's...something is happening with regard to the, the equipment, so I, I apologize for that. The proposal is to create 120-unit, multi-family affordable neighborhood servicing those in the 70 percent to 80 percent

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median income brackets. A mix of one, two, and three-bedroom units will be provided. Off-street parking at 2 stalls per unit plus an additional 15 stalls for visitors, a communal recreation area and "tot lot" will be provided. This is an urban infill project. I'd like to call your attention to Slide No., No. 2, Figure, Figure 1 which shows the project. At the left-hand side of the drawing is Piilani Highway, and the road in orange that goes to the right side or the mauka side of the page is Kaiwahine Street. And Kaiwahine essentially is a collector street that was designed to service the Hale Piilani Subdivision which was done in the early 1980s. The triangular portion at the top is our project site, and the reason that it was never developed as part of the Hale Piilani Subdivision was because of a water pressure problem. You can see the water tank to the, to the right. . . .*(projector starts working)*. . . There we go.

COUNCILMEMBER COCHRAN: . . .*(projector stops working)*. . . Oh, almost.

. . .*(projector starts working)*. . .

MR. HART: Okay. Okay, the next slide. Okay. This is Kaiwahine Street and the subject's property site. Hale Piilani Park - this site was not developed because of a water pressure problem involving the elevation of the 1 million gallon tank that was provided for development within this area. The, the developer has met with the Department of Water Supply, previous Administration. It essentially going to do a booster pump and a 500,000 gallon tank at a higher elevation to cure the pressure problem. It also will improve the pressure for another workforce housing project that was done called Ohukai Village. It's a project in excess of 100 units, and currently it taps into the County's high pressure line which is a bad practice. So the high-pressure line connection will be disconnected, and the pressure in this whole area will be improved as well as the irrigation pressure for Hale Piilani Park. Okay. Next slide. This is hale...this is Kaiwahine Street which is a collector, and it actually runs into our project site which is located here. And this is the project site, and it is a derelict site at this time, undeveloped with no revenue. The site has been unused for the last 20 years. In 2009, a County Change in Zoning was approved to R-1 Residential District for a proposed 47-lot single-family subdivision, Kaiwahine Village. 2010, the County of Maui Department of Housing and Human Concerns approached the developer to convert the project into an affordably-priced neighborhood. The Community Plan designation is Single Family. The County zoning is R-1 Residential. This is a Community Plan designation, Single Family as...no, you want to go to the next slide, all right. This essentially shows our project site as R-1 Residential, and because of this proposed site by A&B and the fact that this portion of it is proposed as multi-family, the thought was to do a multi-family project and our site would actually be an infill project that would not result in a significant increase in density. Our project site, A&B project, this is Rural. This is Agriculture, which is again a prior 201G project which is a County affordable housing project. Potential impacts - the 201H application analyzes the existing environment and conditions; the potential impacts to the physical environment, socio-economic environment, public services, infrastructure, and mitigation measure, if needed, for the project. Also it cleans up a derelict lot of weeds and dust and trash; replaces with landscape planting and attractively designed structures; urban infill adjacent to affordable subdivision; there's no environmental or archaeological concerns. The socio-economic environment continues. The residents are