

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

September 3, 2014

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Don S. Guzman, Vice-Chair
Councilmember Gladys C. Baisa (arr. 1:53 p.m.; lv. 4:52 p.m.)
Councilmember Elle Cochran (arr. 1:34 p.m.)
Councilmember Donald G. Couch, Jr. (lv. 4:02 p.m.)
Councilmember Stacy Crivello
Councilmember Michael P. Victorino
Councilmember Mike White (arr. 3:11 p.m.; lv. 4:10 p.m.)

EXCUSED: Councilmember G. Riki Hokama

STAFF: Scott Jensen, Legislative Analyst
Clarita Balala, Committee Secretary
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Jo-Ann Ridao, Director, Department of Housing and Human Concerns
William Spence, Director, Department of Planning
Gina Flammer, Planner, Department of Planning
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Paul Meyer, Deputy Director, Department of Water Supply
Jase Miyabuchi, Civil Engineer, Department of Water Supply
Edith Quintero, Police Sergeant, Department of Police
Jan Pontanilla, Police Officer, Department of Police
Peter Kono Davis, Lieutenant, Department of Fire and Public Safety
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Wayde Oshiro, Housing Administrator, Department of Housing and Human Concerns

Paul Haake, Fire Captain, Department of Fire and Public Safety

OTHERS: Sandy Freeman, Executive Director, Maui Adult Day Care Center
Nalani Clark

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Michelle Del Rosario
Karlynn Fukuda, Executive Vice President, Munekiyo & Hiraga, Inc.
Roy Katsuda, Executive Director, Hale Mahaolu
Teryce Dadian, Hale Mahaolu
Earl Kono, Riecke Sunnland Kono Architects, Ltd.
Daniel Sheehan, Project Manager
Michael Ishikawa, Civil Engineer, Sato and Associates Inc.
Lisa Rotunna-Hazuka, Archaeological Services Hawaii LLC
Everett Dowling, Kulamalu LLC
(7) additional attendees

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

**ITEM NO. 3(3): AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII
REVISED STATUTES) (HALE MAHAOLU EWALU) (CC 13-36)**

CHAIR CARROLL: . . .(*gavel*). . . This Land Use Committee of September 3, 2014 is now in session. I'm Councilmember Robert Carroll, Chair of the Land Use Committee. May I please request first that everybody disable anything, cellphones or anything else, that can make noise so we do not have any disturbances during the meeting. With us this afternoon, we have Vice-Chair Guzman, --

VICE-CHAIR GUZMAN: Good afternoon, Chair. Thank you.

CHAIR CARROLL: --Councilmember Victorino, --

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR CARROLL: --Councilmember Mr. Couch, --

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CARROLL: --and Councilmember Crivello.

CHAIR CRIVELLO: Good afternoon, Chair.

CHAIR CARROLL: And the others will be joining us later. Excuse me, we have from the Executive Branch, Jo-Ann Ridao, Director of Housing and Human Concerns, Will Spence, Planning Director, Gina Flammer, Planning Department, Rowena Dagdag-Andaya, Deputy Director of Public Works, Paul Meyer, Deputy Director of Water Supply, and Jase Miyabuchi, District Engineer assigned to Upcountry, Department of Water Supply. On-call, we have Mike Miyamoto, Deputy Director of Environmental Management, Sergeant Edith Quintero, Wailuku Patrol, Maui Police Department, representing the Fire Prevention Bureau and a representative in

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public safety, Jeffrey, Department of Corporation Counsel, we have Jeff Ueoka. Developers representatives, we have Roy Katsuda, Hale Mahaolu, Karlynn Fukuda, Munekiyo & Hiraga, Inc., and if they have any other staff they will introduce them afterwards. Committee staff, we have Clarita Balala, Committee Secretary, Scott Jensen, our Legislative Attorney. Today, we have a single item on our agenda, LU-3(3), Affordable Housing Projects, Chapter 201H, Hawaii Revised Statutes, Hale Mahaolu `Ewalu. Assisting this morning from the Hana District Office is Dawn Lono. Ms. Lono, are you there?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR CARROLL: Thank you. From the Lanai Office, we have Denise Fernandez.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR CARROLL: Thank you. And from Molokai District Office, we have Ella Alcon.

MS. ALCON: Good morning, Chair. I mean good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR CARROLL: Thank you. For individuals who will be testifying in the Chamber, please sign up at the desk located in the eight floor lobby just outside the Chamber door. If you'll be testifying from the remote testimony location specified on the meeting agenda, please sign up with the Council Staff at that location. Testimony will be limited to items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up three minutes per item with one minute to conclude if requested. When testifying, please state your name and the name of any organization you are representing. Mr. Jensen?

MR. JENSEN: Mr. Chair, the only testifier thus far to sign up for testimony on today's item is Sandy Freeman. Ms. Freeman will be testifying as a representative of Maui Adult Day Care Center.

CHAIR CARROLL: And we have with us Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair. Good afternoon.

...BEGIN PUBLIC TESTIMONY...

MS. FREEMAN: My testimony is short today but there's a lot of feeling and meaning behind it because I'd really like to say this is a very exciting project and it's a project that is really needed Upcountry. And the need is immediate and yet it's also, you can see the projections for the future that there will be a future need. As for example, right now, we have over 30 clients from Upcountry that attend our Central Maui facilities and so, which means if we opened tomorrow, this would be enough to allow us to operate without a deficit in addition to what we're doing now, and I'm sure there are others that would continue to attend that are not coming because of the distance that is involved. You might ask, well then what happens to your Central Maui

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facilities? Well, it actually would be good for us because when we are full, you put a lot of wheelchairs and everything else in there, we are full and this would give us additional space by removing those clients and put them up closer to their own homes. And I just would like to re-emphasize there definitely from our perspective, there is a need. And over the years, you folks have really been so supportive for providing well, Hale Mahaolu and their housing and also supporting us to have a facility within that setting that really does promote the concept of aging in place. And so I would just really like to say that again that we really do appreciate the support that you folks have given us through the years and hope you'll continue to do so, which I'm sure you will. So thank you.

CHAIR CARROLL: Thank you. Any clarification necessary from the testifier? Seeing none, thank you. Mr. Jensen?

MR. JENSEN: The next testifier signed up to testify is Nalani Clark.

MS. CLARK: Hello. I'm a resident at the Kulamalu Cottages. I was at the site inspection this morning and first of all, I'd like to say that the Kulamalu Town Center was originally supposed to encompass a lot of stores and resources for the residents who bought homes there. That has changed and I understand that it's a done deal and, you know, I'm not objecting to that nor am I objecting to seniors having affordable living. What I am concerned about is the traffic flow there. There are, there are two, there is one site in and out of what is essentially a cul-de-sac, which accommodates 1300 Kamehameha School children who are driven to school and driven back every single day, the teachers there, the support staff, the administrators, custodians, and in addition Kam School is open to the community for various activities. So there's that traffic. There's, there are the residents who live at the Kulamalu Cottages. There are the residents that live at the Hilltop Residences. There is a football field there, which is very, very active. The Pop Warner teams practice there almost every day, not on the weekends but during the week. And now we're going to have affordable housing as well as the senior affordable housing. There are two different projects. What became apparent at the site inspection today was that there didn't seem to be a comprehensive look at the traffic flow in the neighborhood. Originally, there were supposed to be two ways in and two ways out of this cul-de-sac. Only one was ever built. So there's one lane in, one lane out. The important thing is so far only last week was a 20 mile per hour traffic speed sign put on 'A'a Pueo at my, you know, I mean I helped get that done. So far a man who was crossing the street with his dog had his dog killed by a bus coming down to Kamehameha and my neighbor, Karen Hunter, was hit by a car. She's the mother of three. She was thrown in the air, flipped over several times, landed on her head and back. She's only now able to start to walk around and drive a little bit, minimally. There are many issues. The traffic has to be looked at in this area.

CHAIR CARROLL: Thank you.

MS. CLARK: Am I running out, am I out of time?

CHAIR CARROLL: You can have one more minute, if you wish.

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MS. CLARK: Okay. The thing that concerned me today was that the senior center and the daycare center are open to the entire island of Maui so it's not just that there are seniors there who probably won't be driving very much and have low impact on the traffic. There are, you know, it's an open to the, it's open to the entire island this center, and I just think that the traffic is just untenable as it is right now, and I hope that they will consider opening up the road that was the second outlet for ingress and egress that had been planned with the original plans but was never built. Right now, there's only one way in and one way out. Okay, that's all I have to say. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, ma'am, for being here. Come back. Come back. Ms. Clark?

CHAIR CARROLL: Mr. Couch has some questions for you.

MS. CLARK: Okay, I'm sorry.

COUNCILMEMBER COUCH: Thank you. When you talk about the traffic from the Kamehameha Schools, what time of the days, what times of the day does that happen and for how long?

MS. CLARK: It's most intense in the morning. It starts at 6:30 and I would say it goes until 9:30 or 10:00, and then there's traffic during the day back and forth but not bumper to bumper. But it is from like 6:30 to 9:30 or 10:00 every morning and then in the evening it begins, I would say at 3:30 or 4:00 and goes until 6:30. And then in the evening, there is still traffic back and forth because of all the community activities there. But it's bumper to bumper from the hours, those hours in the morning and those hours in the evening, you know, when people are coming to come and get their children. And until last week, as I say, there was no speed limit sign coming from Kam to Kula Highway on 'A`a Pueo, only after we took action and requested that there be a sign was the sign put up. The other sign on the other side of 'A`a Pueo is graffiti'd out. So, you know, really people can go up until last week, they could go 100 miles an hour on that road and not even be cited.

COUNCILMEMBER COUCH: Okay. I just want to clarify. You say from 6:30 to 10:30, or 9:30 it's bumper to bumper traffic?

MS. CLARK: It is.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

MS. CLARK: It is. There are 1,300 students there and they're not allowed to be, they're not allowed to walk down 'A`a Pueo. They have to be dropped off in, on the school grounds. And they have to be picked up on the school grounds. Those are the rules. There is another ingress and egress for

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Kam School but that's only used for emergencies and that's in the town of Pukalani, the community of Pukalani. But that's never used. It's never opened.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR CARROLL: Any further questions for the testifier?

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CARROLL: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you, Chair. And I've been doing some research since you met this morning and trying to figure out what was specifically, and I have the developer giving me some information so that I can better address this situation. But from what I hear right now, you're not, you're not objective to this senior housing. You're very concerned about the service center, or the center that the County wants to build, the County facility and as well as the rentals that are being talked about for Kulamalu.

MS. CLARK: I'm concerned about the traffic impact.

COUNCILMEMBER VICTORINO: The traffic impact on all of them?

MS. CLARK: Yes. Yes.

COUNCILMEMBER VICTORINO: Okay. And how long have you lived there now?

MS. CLARK: I've been there for about a year.

COUNCILMEMBER VICTORINO: About a year. And when you bought that property, no one told you this was coming?

MS. CLARK: No, they did.

COUNCILMEMBER VICTORINO: Okay. No, I just want to --

MS. CLARK: I knew.

COUNCILMEMBER VICTORINO: --make sure that you were not misled --

MS. CLARK: No.

COUNCILMEMBER VICTORINO: --like other developers, other developments have had that problem.

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MS. CLARK: No, I knew. What I didn't know was that what had been promised in the past was stores and things like that. I didn't know about that.

COUNCILMEMBER VICTORINO: Okay.

MS. CLARK: When, the point in which I bought, I'm a second owner.

COUNCILMEMBER VICTORINO: Right.

MS. CLARK: I knew that the affordable housing and the senior center were coming.

COUNCILMEMBER VICTORINO: Okay.

MS. CLARK: What I didn't know was how much traffic there was and I didn't consider how much traffic would result.

COUNCILMEMBER VICTORINO: And finally, you are right now in the process of, with the developer, Mr. Dowling and others, putting together a traffic study. Is that correct?

MS. CLARK: I'm not doing it.

COUNCILMEMBER VICTORINO: But, but you had...

MS. CLARK: Mr. Dowling and Carl Alexander of Kam Schools --

COUNCILMEMBER VICTORINO: Right.

MS. CLARK: --has agreed to look at the traffic flow with respect to our neighbor getting struck by a car.

COUNCILMEMBER VICTORINO: Okay.

MS. CLARK: At this point, I don't think it also includes considering what's going on with the senior center and the affordable housing. I think it's just focusing on the crosswalk in which she was struck.

COUNCILMEMBER VICTORINO: Okay. Okay because I have a message in to the developer, Mr. Dowling, and...

MS. CLARK: Okay. He's been very cooperative. So I think...

COUNCILMEMBER VICTORINO: Yeah. Yeah, to find out these variables, Mr. Chair, just so that, to, but from what I've been, what I understand also, and I may be incorrect, 'A`a Pueo is owned by Kamehameha Schools. I don't think the road has been dedicated to the County of Maui.

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MS. CLARK: It has...

COUNCILMEMBER VICTORINO: But I may be wrong and we'll found that out.

MS. CLARK: As far as I know, it has not been.

COUNCILMEMBER VICTORINO: Yeah, so it's still a private road per se.

MS. CLARK: But they're hoping, right.

COUNCILMEMBER VICTORINO: Basically you and your neighbors depend, maintain that under your AOAs or HOAs or whatever it might be.

MS. CLARK: Well, we don't maintain `A`a Pueo because it belongs to Kam School.

COUNCILMEMBER VICTORINO: And Kam School then maintains it.

MS. CLARK: But I think that the Police Department told me that they have jurisdiction to stop speeders but there is no, there was no speed limit sign so they couldn't enforce anything.

COUNCILMEMBER VICTORINO: Well, I have this all over Wailuku Town, you know, that undedicated roads. The Police can enforce rules but we still have no jurisdiction on the actual road itself. So, anyhow, anyhow thank you. Thank you, Mr. Chair. And thank you very much, Ms. Clark, for being here today.

CHAIR CARROLL: Any further questions for the testifier? Seeing none, thank you. I'm now going to ask the District Offices if they have anyone. On Molokai, Ms. Alcon, do you have anyone waiting to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR CARROLL: Thank you. Lanai, Ms. Fernandez, do you have anyone waiting to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR CARROLL: Thank you. Ms. Lono, is there anyone waiting to testify in Hana?

MS. LONO: There is no one waiting to testify in Hana.

CHAIR CARROLL: Thank you. Mr. Jensen?

MR. JENSEN: The next testifier is Michelle Del Rosario.

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MS. DEL ROSARIO: Good morning, Council members. Or it's actually, actually it's afternoon now. Still at the site visit from earlier. Thank you for the opportunity to address you this afternoon. As I shared with you this morning, my primary concern as a resident of the Cottages at Kulamalu and owner there, an original owner, is traffic and the impacts that any project in Kulamalu will have on the community as a whole, all of the residences as well as the other users. Because we are aware that the County of Maui is developing the affordable renting housing project directly across the street, my concern was mitigated a little bit this morning from Hale Mahaolu sharing the low number of cars they expect to impact the road. What wasn't addressed was busses and individual users bringing adults in for the senior center location and the adult daycare facility. So I see that that portion of the project may have a larger impact than the people actually living on the property itself. There is in the original master plan a second access road, which is the road we were standing on. I think it's called `Ōhi`a Kū, that could be extended up to Kula Highway and my request is that as you look at the traffic impacts for this project and the other projects to look into if that would be a viable option to help mitigate the traffic that will impact this community. And when I say impact, there is one ingress, one egress. So we are a loop that has a lot of different parcels around it but there's one way in off the highway, the same one way out. So in an emergency situation you have all of these different residences that will be pouring into and as well as Kamehameha Schools if it's during school time this one road. And from witnessing school starting in the morning and letting out in the afternoon, it's backed up non-stop for at least 20 to 30 minutes just to evacuate the school. So with adding in the affordable rental housing and this project as well there are those concerns. There's dispute as to whether `A`a Pueo is privately owned by Dowling, privately owned by Kamehameha Schools. The representations to me has been that Kamehameha Schools still owns the property, that road, and it is a private road, but perhaps there could be some sort of a public/private partnership with the County and Dowling to extend `Ōhi`a Kū to the Highway so that there is two roads that access the highway both for everyday use and for emergency use. That concludes my remarks.

CHAIR CARROLL: Thank you. Any clarification needed for the testifier?

COUNCILMEMBER VICTORINO: Yeah, thank you.

CHAIR CARROLL: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, thank you. And thank you, Michelle, for being here. Well, first of all, as you heard earlier, if there was a big emergency, there is the other road that I know exists to go out through Pukalani, which is available in case of emergencies, fires or something like that.

MS. DEL ROSARIO: For Kamehameha, yes.

COUNCILMEMBER VICTORINO: Yeah. Well, not only Kamehameha, anyone leaving the area.

MS. DEL ROSARIO: Oh, okay.

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COUNCILMEMBER VICTORINO: Anyone leaving the area. So you can check with Mr. Alexander. He will tell you that if it is an emergency that that road becomes, they will open that road up and have them exit out through Pukalani.

MS. DEL ROSARIO: Okay.

COUNCILMEMBER VICTORINO: So there is, you know, in fact if you go up here right up this road Wailuku Elementary, there's an exact emergency road that only will open up for emergencies and nothing else. In fact, many of the subdivisions now have that. It's one of the requirements we put in. We've done that with Waiko right here for Spencer's development. So I can tell you any development that comes on they cannot just have one.

MS. DEL ROSARIO: Right, that's good to know.

COUNCILMEMBER VICTORINO: The Fire Department will tell you when they testify that we will require two exits, one for emergency and one for regular traffic.

MS. DEL ROSARIO: Okay.

COUNCILMEMBER VICTORINO: But going back to the other one, I am trying to ascertain that information as far as that second egress/ingress that you're talking about from the developer and others that have been a part of this project, so I hope to have that information, Mr. Chair, before we move on to further, too much further into it. But again, I don't think this one, this senior housing has that big an impact, but I agree with you when you're talking affordable rentals and others there I think I agree with you. There would be a major impact along with whatever is there already.

MS. DEL ROSARIO: Correct.

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

CHAIR CARROLL: Any further clarification from the testifier needed? None? Thank you very much.

MS. DEL ROSARIO: Thank you.

CHAIR CARROLL: Mr. Jensen?

MR. JENSEN: Mr. Chair, there are no other testifiers currently signed up.

CHAIR CARROLL: Thank you. Hana, do you have anybody to give, in line to give testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR CARROLL: Lanai, do you have any one waiting to give testimony?

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MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR CARROLL: Molokai, do you have anyone waiting to give testimony?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR CARROLL: Is there anybody in the gallery that wishes to give testimony at this time, please come forward. Seeing none, if there's no objection, I will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

...END OF PUBLIC TESTIMONY...

CHAIR CARROLL: The Committee is in receipt of correspondence dated August 25, 2014, from the Director of Housing and Human Concerns, transmitting an application for the development of the proposed Hale Mahaolu `Ewalu Senior Residential Housing Project on approximately 4 acres in Kulamalu, Pukalani, Maui, Hawaii, TMKs: (2) 2-3-066:019 and (2) 2-3-066:020, pursuant to Section 201H-38, Hawaii Revised Statutes. The proposed project consists of 60 affordable rental units, a resident manager's unit, a senior center, an adult daycare center, and associated improvements. The project site is owned by Hale Mahaolu and is located at the southeast corner of the `Ohi`a Kū Street and `Ohi`a Lehua Place intersection. The Director of Housing and Human Concerns also transmitted proposed resolutions to approve the project, approve the project with modifications, or disapprove the project. The proposed resolutions to approve the project with or without modification contains various requested exemptions from the requirements contained in the Maui County Code and Administrative Rules relating to planning, zoning, construction standards for subdivisions, and the development and improvement of land and construction of dwelling units. I'd like to thank everyone, to start off, that attended the site inspection this morning. Thank you for coming. And the first one I'd like to ask is comments from the Director of Housing and Human Concerns, Ms. Ridao.

MS. RIDAO: Thank you, Chair, and good afternoon Committee Members. I won't belabor giving you another description of the project. However, I do want to remind you that you do have three proposed resolutions before you to consider today. As the Chair mentioned, you have a resolution approving the Hale Mahaolu `Ewalu Senior Residential Project pursuant to Section 201H-38 of the Hawaii Revised Statutes. You have a resolution disapproving the Hale Mahaolu `Ewalu Senior Housing Project pursuant to Section 201H, Hawaii Revised Statutes, and you have a resolution approving with modifications the Hale Mahaolu `Ewalu Senior Residential Housing Project pursuant to Section 201H-38. The resolution approving with modifications lists all of the current exemptions being requested from the Maui County Code and Administrative Rules. In addition, the Land Use Committee may add further modifications to this resolution.

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The consultant for the project, Munekiyo & Hiraga, has prepared a slide presentation for us to review so that everybody can get a really good overview of what the project is about. So, Chair, if you will allow, I would ask that they be able to present at this time.

CHAIR CARROLL: Thank you. Members, we're going to receive a PowerPoint presentation today from Munekiyo & Hiraga, Incorporated. I'm going to recess for two minutes while we lower the screen. We stand in recess. . . .(gavel). . .

RECESS: 1:58 p.m.

RECONVENE: 2:00 p.m.

CHAIR CARROLL: . . .(gavel). . . This Land Use Committee meeting is now back in session. I'll now turn the time over for the presentation.

MS. FUKUDA: (*PowerPoint Presentation*). Thank you, Chair Carroll. Good afternoon, Chair and members of the Council Land Use Commission, Committee, I'm sorry. My name is Karlynn Fukuda of Munekiyo & Hiraga, Inc. We are before you today to present the proposed Hale Mahaolu `Ewalu Senior Residential Housing Project. Joining me today are members of our project team. From Hale Mahaolu, we have Mr. Roy Katsuda, the Executive Director. From Riecke Sunnland Kono Architects, we have Daniel Sheehan and Wendy Fujinaka as well as Earl Kono. Sato and Associates, our Civil Engineer, we have Michael Ishikawa, and I don't have her noted here but she is joining us today, our archeologist from Archaeological Services Hawaii, we have Lisa Rotunna-Hazuka joining us as well as myself from Munekiyo & Hiraga, Inc. The proposed project includes 61 affordable housing units, a mix of one- and two-bedroom units and one residential manager unit. The project will compose of three, two- and three-story buildings. The two- and three-story buildings, as you'll see in a bit, are done to take advantage of the elevations of the project site. There will also be a senior center included in the project. It's a one-story building approximately 7,500 square feet in size and will include all of the pertinent facilities for support of the residents of the `Ewalu Project, including offices, kitchen area, laundry facility, and a salon. Additionally, we do have the Adult Daycare Center, which will also be a one-story building, approximately 4,400 square feet in size, which will be operated by Maui Adult Daycare. There are 83 parking stalls proposed as well as two loading zones. We do note that there is a burial site of Chinese ancestry on Parcel 19 that will be preserved according to the State Historic Preservation approved plan. There will be a landscaped open-space buffer of approximately 30 feet to provide separation from the residential units to the burial site. This is a regional location map for the project area. There are two parcels as noted in the description of the project. There is Parcel 19, the smaller parcel here, and Parcel 20. The project site is State Land Use Urban. It is zoned Public/Quasi-Public, P1 Public/Quasi-Public and also Community Plan Public/Quasi-Public and it is located within the Maui Island Plan Urban Growth Boundary. To give orientation, this is Kula Highway. This would be towards Makawao and this would be towards Ulupalakua. Many of you are familiar with `A`a Pueo Parkway and the project site is actually located off of `Ōhi`a Kū Street. The Longs Drug Store is located here. There's the existing Kulamalu field as well as parking lot, the UH Institute for Astronomy as well as the

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Kulamalu Hilltop Subdivision. Kamehameha Schools is located further beyond in this location here. Sorry, this is a little dark but this is an aerial photo again to provide you with perspective of the location. So we've got King Kekaulike High School here. Again, there is a signalized intersection with Kula Highway and 'A'a Pueo Parkway. The Longs Drug Store is located here. The park is located here. Parking lot located about here and this is the proposed Hale Mahaolu 'Ewalu site. The proposed County affordable housing site I believe is located in this area here but it's really, this site here is a very appropriate site for the affordable housing. It's infill. There are some existing commercial facilities located here as well as Longs Drugs, which is, you know, always popular with the local community, so. This is our site plan for the proposed 'Ewalu project. There are two driveway entries off of 'Ōhi'a Kū Street. These are the three residential buildings that we're looking at. The Senior Center again, as I mentioned, would contain offices, a salon to support the residents in that area to have people come in and actually provide beautician services as they do at other Hale Mahaolu projects now. This area here would be a maintenance facility for the maintenance staff to maintain the site. And this is the adult daycare facility that we have here. This is the location of the existing burials, Chinese burials on the site. As I mentioned, there is an approved State Historic Preservation plan for the preservation of this area. So this darker green area here is approximately the 30 foot buffer from the nearest identified burial and then you see this other low wall area here, which is about five feet and that's within the 30 foot buffer that we have. The next few slides will show you elevations of the proposed buildings. So as I mentioned, to take advantage of the elevation of the existing parcel, we have a portion of the residential buildings that will be two stories and then we'll gradually build to three stories. This is an elevation of the Senior Center that's proposed. They are for the Upcountry climate proposing a fireplace for the residents in that building. And then we have the adult daycare facility. I would like to note that the project is located within the Kulamalu subdivision, which has design guidelines and so the project, as you'll see in a little bit, did go through design review through the committee and got approval in October of last year. The project will be designated as 100 percent affordable senior housing. It will be available for persons age 62 and older with an annual median income of less than or equal to 60 percent of the area median income. We would note that the Hawaii Housing Planning Study in 2011 that was done for the County of Maui identified the need for 412 new senior housing units between 2012 and 2016. I think the last affordable senior housing project that was developed was the Hale Mahaolu 'Ehiku Project in Kihei. Currently, there is only one affordable senior housing project located Upcountry, which is the Hale Mahaolu 'Ehā Project with 40 units, which is located next to the post office in Makawao. The 'Ewalu Project will provide for the adult daycare programs in the Upcountry area. Currently the nearest program is located in Kahului. We do have the model, again, I apologize for the darkness of this photo but we do have the model here and can bring that out as well but again this is looking at a north elevation. So to give you orientation, again Kula Highway would be up in this location here. This is the parking lot that's located adjacent to the ball field that's up there. This would be the adult daycare center, the senior center, and then the three residential building units as well as the burial site there. This next slide is just another perspective looking makai to mauka. So looking up towards the highway again, you see the two and then three-story elevations building on the site. The project will be provided with water. The project site has purchased water credits, so there will be three one-and-a-half inch meters provided on site. Sewer service will be provided by Hawaii Water Service. It will

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be a private system. Drainage improvements include installation of graded inlets and catch basins on the site, and electrical and telephone service will be provided by Maui Electric and Hawaiian Telecom respectively. We would like to note that there was a Chapter 343, Hawaii Revised Statutes, Environmental Assessment prepared for the project. The Department of Housing and Human Concerns was the approving agency for the document and the finding of no significant impact was published in July of this year in an environmental notice. We note that there were no significant comments received from agencies in the draft EA and that there was no challenge filed on the FONSI issuance. The project team met, or actually Mr. Katsuda met with the Kula Community Association back in May of 2013 to provide them with a project overview and the association was supportive of the project. And I previously mentioned, the project did undergo design review approval process for the Kulamalu Subdivision and we received our approval in October 2013. I won't go into the various exemptions that we have, that we are seeking today. I know that you all have that list in front of you, but these are the various sections of the County Code where we are seeking exemption from. Many of them are standard conditions, such as exemption from the building permit review fees because it is 100 percent affordable housing project. Also looking at an exemption from the requirements of the Community Plan because the, and the zoning because Public/Quasi-Public limits the height of buildings to 35 feet, I believe, and we are looking to go a bit higher than that. But I will be available to answer any questions the Committee may have on the various exemptions that we are seeking. So we respectfully request the Land Use Committee's support of the 201H application for the `Ewalu Affordable Senior Housing Project. This concludes my presentation and I'm available and the project team is available to answer any questions you may have. Thank you very much.

CHAIR CARROLL: This Committee will stand in recess for two minutes. . . .(gavel) . . .

RECESS: 2:11 p.m.

RECONVENE: 2:13 p.m.

CHAIR CARROLL: . . .(gavel) . . . This Land Use Committee meeting is back in session. Members, we have the following department representatives available on call. Please let the Chair know if you'd like any of them in the Chamber; otherwise, the Chair is going to excuse them. Police Department. Does anyone have any request to speak to the Police Department.

COUNCILMEMBER VICTORINO: Yes, Mr. Chair.

CHAIR CARROLL: Thank you. Department of Fire, anybody have a request for the Department of Fire?

COUNCILMEMBER VICTORINO: Yes, Mr. Chair.

CHAIR CARROLL: Okay. Mike Miyamoto, Deputy Director of Environmental Management, anybody want Mr. Miyamoto down here?

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COUNCILMEMBER VICTORINO: No.

CHAIR CARROLL: Okay, thank you. So we will hear later from Fire and the Police Department will be on call in the Chamber when they're requested. I'd like to first call the Department of Water Supply down to the floor. Please identify yourself at the microphone.

MR. MEYER: Thank you, Mr. Chair, and Members. I'm Paul Meyer, Deputy Director of the Department of Water Supply. With me is the District Engineer for Upcountry and for this project, Mr. Jase Miyabuchi.

CHAIR CARROLL: Thank you. Members, if you look at the correspondence sent to the Water Department on August 28, 2014, we'd like to go over the replies and the answers the Water Department is going to bring today on proposed exemptions applicable to the Water Department's water supply, B1, B3, and F1 along with the Department's position on each. You may proceed.

MR. MEYER: Yes, thank you. I have the letter. Item 1, the question was relating to the anticipated usage by senior residents and the capacity of water. The project has source credits from the Dowling Well for 16,767 gallons per day. This is somewhat less than the normal consumption that the Department uses for system standards for residential projects. There were a number of, Department had a number of meetings with the developer-owner and received information based upon the historical consumption for projects managed by Hale Mahaolu, and that consumption was consistently and historically below 200 gallons per day, substantially below in the case of two projects. The Department considered that and also considered the accommodations made for the Department of Housing and Human Concerns and reached a negotiation with Hale Mahaolu folks, a Memorandum of Understanding on the consumption for the project. I'd like to read two short paragraphs from that Memorandum of Understanding. I think that'll explain the decision by the Department and the Director.

CHAIR CARROLL: Thank you. I'll open the floor to questions.

COUNCILMEMBER VICTORINO: Can we have the Memorandum of Agreement?

CHAIR CARROLL: Yes.

COUNCILMEMBER VICTORINO: Could we have that read?

CHAIR CARROLL: I'm sorry? I'm opening the floor if you have any questions for the Water Department.

COUNCILMEMBER VICTORINO: Yeah. He just mentioned, I asked about a Memorandum of Agreement that was what you were just talking about, Mr....

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MR. MEYER: Yes, I can read that now if you'd like?

COUNCILMEMBER VICTORINO: Could we have that read so that both us and the public knows what that Memorandum of Agreement is? Is that okay?

CHAIR CARROLL: Yeah. That . . . *(sighs)* . . .

COUNCILMEMBER VICTORINO: I'm sorry, Mr. Chair.

CHAIR CARROLL: I'm going to ask Mr. Jensen so I don't put my foot in my mouth over here to explain that so we don't . . .

COUNCILMEMBER VICTORINO: Yeah, I apologize.

MR. JENSEN: Mr. Chair, yeah. The Council member is asking if Mr. Meyer could read it. We could also, if he's willing, make a copy available to the Members.

MR. MEYER: Yes, certainly. Of course. This is a Memorandum of Understanding. It was concluded January 13, 2014 between the Director, Dave Taylor, and Mr. Katsuda, the Executive Director of Hale Mahaolu `Ewalu. The operative paragraphs are one and two. The first paragraph says, the Department is willing to consider the request, the request being a daily demand assumed of 220 gallons per day for each of the 61 units. The Department will allow daily demand of 220 gallons per day per unit for Phase I of the project, which comprises 39 of the 61 units. Paragraph two says after one year of full occupancy of Phase I, the actual daily demand will be compared to the requested daily demand of 220 gallons per unit per day. The actual demand of the one-year period may be used for future phases of the development at the discretion and upon the approval of the Director of the Department of Water Supply. In other words, the accommodation reached with Hale Mahaolu was that because the 220 gallons per day was somewhat below the water system standards we normally require of projects, the developer agreed to phase the project and after a year of full occupancy to look at the actual demand. In other words, we'd have to, they would have to prove that this 220 gallons per day was a reasonable assumption in order to move on to Phase II of the project.

CHAIR CARROLL: Thank you.

COUNCILMEMBER VICTORINO: Thank you for that clarification, Mr. Chair. I just wanted that clarification. Thank you.

CHAIR CARROLL: Any other questions at this time for the Department of Water Supply? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Mr. Meyer, for those comments. If for some strange reason they went over those 200 a day, what would happen?

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MR. MEYER: The Director can, in his discretion, either approve or not approve the Phase II of the project based upon the existing water source credits available. If he did not approve that, the project owner could always apply for an additional meter or additional source credits subject, of course, to the Upcountry Meter Rule. So and this lot is also on the Upcountry Meter List. It's further down the list. These credits are available immediately because they were purchased from the Dowling Company.

COUNCILMEMBER COUCH: But they were higher on the list? Or I don't, how did that work with the Upcountry Meter List?

MR. MEYER: Okay, the Dowling credits are, in effect, a reserved capacity.

COUNCILMEMBER COUCH: Okay.

MR. MEYER: So that that's a long-term reliable source of supply, which is already put in place and available for the project. It is, it doesn't quite meet the normal system standards so that if the project used more than the 220 gallons per day, which it has under source credits, then the Director could say no, you're going to have to wait until you get additional source capacity from the Upcountry system before you can go ahead with Phase II.

COUNCILMEMBER COUCH: Okay. And I guess, Mr. Chair, this, is this any question on any of the exemptions requested from Water or just the one that we're talking about right now? Can I ask him about any of the exemptions from Water?

CHAIR CARROLL: Yeah, well just what we went over.

COUNCILMEMBER COUCH: Okay. Exemptions, in Exhibit 1, Exemption B2, Exemption from 14.12.040 Maui County Code requiring written verification of either County water meter or long-term reliability water supply shall be granted. If you're saying that essentially that they've got the water reliability, then why do we need the exemption from that?

MR. MEYER: Yes, the Dowling credits, the water credits consist of a long-term reliable source of supply so that when those credits are turned in for a meter, the Director will be able to write a letter to Public Works saying there is a long-term source supply here, yes.

COUNCILMEMBER COUCH: Well, I'm asking why would they need an exemption from that then if you're going to give them the long-term reliability?

MR. MEYER: I'm not aware of an exemption necessary under that long-term supply.

COUNCILMEMBER COUCH: Oh, I'll ask the applicant when they come up why they need the exemption.

CHAIR CARROLL: I'm sorry?

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COUNCILMEMBER COUCH: I said I'll ask the applicant when they come up why they need that exemption if...

CHAIR CARROLL: Would you like them to come up now?

COUNCILMEMBER COUCH: No. We can...

CHAIR CARROLL: Afterwards?

COUNCILMEMBER COUCH: Yeah, thanks.

CHAIR CARROLL: Anything else further for the Water Department?

MR. MIYABUCHI: Yeah, if I could add to that. So in the Water Availability Code, there is, there's a bunch of exemptions, one of them being the 100 percent affordable housing. However, that exemption is not applicable for this particular project because as the Code reads, it's only eligible for Central and West side developments, not...this is Upcountry, yeah. But our, what Paul was saying was our Director would be able to write that this project has a long-term reliable supply of water once they deal with the meter reservation because they've already purchased the source credits from Dowling.

COUNCILMEMBER COUCH: Alright. Thank you, Chair.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR CARROLL: Mr. Victorino?

COUNCILMEMBER VICTORINO: And I think there's a little confusion because you're absolutely right, the Water Availability Bill has nothing to do with Upcountry. It was basically designed for everywhere else. Upcountry because of the Water Meter List has kind of like been shut down and been, we don't even touch theirs as far as these are concerned, am I correct technically, by law?

MR. MIYABUCHI: The way the Code reads is for all subdivisions but again because of the exemption, the exemptions only apply to Central and West side projects.

COUNCILMEMBER VICTORINO: Exactly.

MR. MIYABUCHI: Yeah.

COUNCILMEMBER VICTORINO: Okay. So it's not something that we put in as far as Upcountry was concerned for exemptions?

MR. MIYABUCHI: Yeah, I would assume, yeah.

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COUNCILMEMBER VICTORINO: Yeah. Not so, it is that.

MR. MIYABUCHI: Yes.

COUNCILMEMBER VICTORINO: Okay, thank you. Just wanted that clarification so people are clear why, you know, this is occurring.

CHAIR CARROLL: Thank you, Mr. Victorino.

COUNCILMEMBER VICTORINO: That's okay.

CHAIR CARROLL: Anything further for the Water Department?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Deputy Director, for being here. So just to get clarification in regards to the I guess dialogue between applicant and yourselves and I guess dropping the water standard down in order to match whatever capacity or something? Is that, can you elaborate and give me better detail on what that means?

MR. MEYER: The, yes, the water system standards are normally designed to take into account the conservative approach and the amount of water used by, for example, a multi-family housing unit. In this case, as is the case with Department of Housing and Human Concerns projects, the units are for the most part fairly small, one-bedroom units. They don't have some of the appliances that would be customary in a larger unit, for example, washers, dryers, dishwashers, that sort of thing and as a result you see a pattern of much lower usage in terms of water consumption. And that was a convincing case presented by the Hale Mahaolu folks. It's similar to the case made by their County Department on its affordable housing and elderly projects so this, we looked at all those numbers and the Director made the, came to the conclusion that it was a reasonable assumption to not go the full amount and allow 61 units at this point based upon an assumed consumption of 220 gallons per day but to allow a portion of the units to be built based upon the credits available and that would be equivalent to a consumption of around 343 gallons per day. So we were a little more conservative than the applicant wanted but hopefully they will be able to prove the level of consumption at 100 percent occupancy and we'll be, we won't be overusing the allotted capacity of the Dowling credits.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you, Chair.

CHAIR CARROLL: Thank you. Anything further for water at this time? Ms. Baisa?

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COUNCILMEMBER BAISA: Chair, the reason why I'm quiet about this is I have personal water bills I can bring. We're a senior family and we don't use 600 gallons a day. Our use is closer to 200, so I'm beginning to understand why this arrangement has been crafted and I'm comfortable with it. Thank you.

CHAIR CARROLL: Thank you, Ms. Baisa. Anything further for Water? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Yeah, I'm comfortable with your calculations, et cetera and so forth, I'm just concerned that there's an, a request for an exemption from that requirement. So are you guys okay with them being exempted from that requirement?

MR. MEYER: In terms of 14.12, yes. I think the Director's in the position to be able to write the letter indicating there's a long-term source of supply here.

COUNCILMEMBER COUCH: Alright. I guess I'm getting confused. If he writes the letter, they don't need to be exempt from the Code? Is that correct?

MR. MEYER: That's my understanding, sir.

COUNCILMEMBER COUCH: Okay, so then why would we have an exemption in our list of exemptions from him writing the letter?

MR. MIYABUCHI: Again, there would be no need for the exemption because...

COUNCILMEMBER COUCH: No need for the exemption, okay.

MR. MEYER: Correct.

COUNCILMEMBER COUCH: Thank you. That's what I wanted to find out. Thank you.

CHAIR CARROLL: Thank you, Mr. Couch. Anything further for Water at this time? If not, I'm going to let Water go and call down the Police Department. Thank you very much. If the Police Department representative could come forward, please. After that, we'll hear from Fire. Please identify yourself at the microphone.

MS. QUINTERO: Good afternoon, Chair, members of the Council. I'm Sergeant Edith Quintero and this is Officer...

MS. PONTANILLA: Officer Pontanilla.

MS. QUINTERO: Yes.

CHAIR CARROLL: Mr. Victorino?

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COUNCILMEMBER VICTORINO: Thank you. And I've, you've heard some of the concerns on traffic and this morning I wish you were there to hear some of the concerns, but the real thing is, the real concern is I guess everything going up one street, school, and the claim was from 6:30 to about 10:30 that there was bumper-to-bumper traffic egress'ing and ingress'ing into this one road and that in the afternoon it's pretty much the same way when school is completed and that they felt that with, not so much this project but they're looking at others but let's put this project in the equation that a traffic study hasn't been done. You're the Police Department. You're fairly aware of what's going on. I believe the road is still not dedicated to the County of Maui so that makes it a little more difficult like a lot of other roads around this community not dedicated for which you guys have to enforce laws on undedicated roads, which really puts you in a real tenuous position and we understand that. But as far as your knowledge of the particular area and the ingress/egress onto Kula Highway, what is your, is there major concerns from the Department itself?

MS. PONTANILLA: Yes. Actually, there is a major concern. I wrote up the draft, part of the draft comments.

COUNCILMEMBER VICTORINO: Uh-huh. Right, I saw that.

MS. PONTANILLA: And the concern was vehicular and pedestrian traffic.

COUNCILMEMBER VICTORINO: Uh-huh.

MS. PONTANILLA: You know, what would it pose with, like you said, you got Kam School down there, there's events that go on throughout the weekend, you have the other housing on that side and Longs Drugs area. So we didn't have kind of a solution to it because of the private property issue.

COUNCILMEMBER VICTORINO: Uh-huh.

MS. PONTANILLA: So, and your concern, or your suggestion for opening `A`a Pueo towards the end by Pukalani?

COUNCILMEMBER VICTORINO: Right. Well, that is, again, private and --

MS. PONTANILLA: Yeah, and that's...

COUNCILMEMBER VICTORINO: --that's only an emergency exit.

MS. PONTANILLA: That's private but as far as that gate, accessibility to that gate depends on Kam School.

COUNCILMEMBER VICTORINO: Right.

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MS. PONTANILLA: And if there is an emergency I don't know if someone is there on property afterhours. So that is a concern for possibly...I'm sorry, I didn't catch her name but on `Ohi`a Kū --

COUNCILMEMBER VICTORINO: Right.

MS. PONTANILLA: --to possibly if it opened up that side.

COUNCILMEMBER VICTORINO: Now let me ask you this question since you bring that subject matter up. We have a whole mess of them all around. I got two right up here and do you guys have keys to that?

MS. PONTANILLA: We don't have keys. We usually, what dispatch does is they contact whoever is in charge in that area --

COUNCILMEMBER VICTORINO: Right.

MS. PONTANILLA: --and to see if we can get there. A lot of times if it's on County, we call Fire.

COUNCILMEMBER VICTORINO: Yeah.

MS. PONTANILLA: And they usually have a set of keys for parks or anything like that but subdivisions, I'm not sure.

COUNCILMEMBER VICTORINO: So what would you do if that was, and there's an emergency, and well, they know they're going to come, do you take those, what do you call it, infamous wire cutters and move?

MS. PONTANILLA: Well, depending on the situation.

COUNCILMEMBER VICTORINO: I mean, come on now. We gotta do something at that point, right?

MS. PONTANILLA: Yeah, I would have to notify my supervisor and see if, you know, if it's an emergency circumstance --

COUNCILMEMBER VICTORINO: Yes.

MS. PONTANILLA: --yeah, we would probably take that route.

COUNCILMEMBER VICTORINO: Yeah, 'cause I know and there's Hawaiian Homes. I mean, all around my area there is so many gates and I gotta believe that yeah, there's no master key --

MS. PONTANILLA: Yeah.

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COUNCILMEMBER VICTORINO: --that one key fits all. So I know that's a real challenge and I've heard this from the communities and I've been told time in and time out by the Police and Fire if push comes to shove, they bust the lock --

MS. PONTANILLA: Yeah, if we have to.

COUNCILMEMBER VICTORINO: --or whatever and open the gate and go because they cannot wait until somebody shows up.

MS. PONTANILLA: But as far as a daily thing, that road is not accessible --

COUNCILMEMBER VICTORINO: No, no.

MS. PONTANILLA: --to anybody.

COUNCILMEMBER VICTORINO: And that wasn't the intent. No, no. I wasn't trying to make that inference but thank you. I just wanted to get that clarification and so, and Mr. Chair, I'm going to share something else that I've been researching as I told you earlier. I did talk to Mr. Dowling by via text and he says there has never been any consideration of another ingress/egress to that area. So what was said by the, I don't know where they got that from, he's claiming there is none. So then it comes down to a fact that if we are concerned about that, the County is the one that's going to have to do something, Mr. Chair, and that's very simple. So just to let you know that I have contacted him and he has said...I made sure this information. I have it here. And he says no, there was never any plan from the beginning to have another ingress/egress to Kulamalu. It was just that one. And so as you heard from some of the testifiers, they said that there was talk about, you know, going up and connecting to the highway from 'Ōhi`a Kū, right? That's the one we were on and he says that has never been part of the plan. So just to share that all around, we only have one ingress/egress to that area and that's it. Nothing else. And thank you, Police, for sharing that with us. I think it's important for future projects. This one, I still have no, I don't have major concern on this one for the seniors but other things, that's another day and another story, so. But thank you for sharing that with us and I understand, one more thing, that we had some accidents that a speed limit sign was finally put up. I'm assuming the speed limit sign was put up by us or was it put up by the County or by the private owner?

MS. PONTANILLA: With my understanding, because it's not County, right now I was under the assumption it was Kam School.

COUNCILMEMBER VICTORINO: It was Kam School.

MS. PONTANILLA: Dowling has all the side streets.

COUNCILMEMBER VICTORINO: Right.

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MS. PONTANILLA: And they had to put up the sign because if we got involved it'll, with the construction, it'll push it back years after because County has gotten involved. I don't know how correct that is but we didn't get involved with anything on private land.

COUNCILMEMBER VICTORINO: Okay, thank you for sharing that with us and I think we have the same dilemma here in Wailuku and a lot of sections of this County and that's becoming a real challenge but that's another conversation for another day. Thank you, Mr. Chair.

CHAIR CARROLL: Thank you, Mr. Victorino. Any questions for the Police? Mr. Couch?

COUNCILMEMBER COUCH: Mr. Chair, may I request a short recess, please?

CHAIR CARROLL: I'm sorry.

COUNCILMEMBER COUCH: May I request a short recess?

CHAIR CARROLL: We stand in recess to the call of the Chair. . . .(gavel). . .

RECESS: 2:36 p.m.

RECONVENE: 2:38 p.m.

CHAIR CARROLL: . . .(gavel). . . Land Use Committee is now back in session. Any more questions for the Police Department? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And you mentioned that there's all kind of different activities going on there. Can you give me an idea of, I mean I don't know how often you guys are there at that area, but how long is the really heavy traffic and what times of the day?

MS. PONTANILLA: Early in the morning before school, there's...

COUNCILMEMBER COUCH: Couple of hours, three hours?

MS. PONTANILLA: Yeah. A couple hours. Well, actually an hour or so. A little less than an hour. After-school hours and over the weekends, they also have that farmer's market going on in the parking lot and football games, you know, that kind of stuff. But I don't know exact times, yeah.

COUNCILMEMBER COUCH: Okay. And not, as Mr. Victorino said, not necessarily with this project but we have another project that we're putting in there. It's affordable housing as well. Can you, in your experience, can you kind of give us a gauge of the, how much more traffic those two current projects...

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MS. PONTANILLA: Well it all depends how much residents live there. With the subdivision that you have that we're talking about now, I mean, I don't know how much you'll actually have there. But with the subdivision you're talking, the second subdivision, that would probably bring in a lot more vehicles because you have more traffic. When it's a housing, a residential housing, you, that is not for Hale Mahaolu elderly, you have more traffic coming and visiting than, you know, having the elderly live in one area and they have means there. So as far as the traffic, I mean, I can't give you an exact amount.

MS. QUINTERO: I think the biggest concern would be just the vehicular with that one egress/ingress as well as foot traffic, because now you have elders, you know, most of them, they may be just walking. You have Longs. So utilizing the sidewalk will be a concern just with the traffic that's going to be going in.

MS. PONTANILLA: Another concern I brought up in this area is the lighting. It's on `Ōhi`a Kū is very dark. I don't know what the lighting or the project looks like but it's very dark in those areas, especially after the hours.

COUNCILMEMBER COUCH: Okay, thank you, Chair.

CHAIR CARROLL: Any further questions for the Police Department? If not, I'm going to call down the Fire Department. Thank you very much for coming. We appreciate it. If Fire Department could come down. Please identify yourself at the microphone.

MR. DAVIS: Good afternoon, Chair and Council members. My name is Lieutenant Kono Davis of the Department of Fire and Public Safety.

CHAIR CARROLL: Thank you.

COUNCILMEMBER VICTORINO: Chair?

CHAIR CARROLL: The floor is now open. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And Mr. Davis, you've heard the discussion about the emergency access at the bottom of the project, which is really controlled by the Kamehameha Schools. But the question begs to be asked and just from your side, we have a number of those all over this County, right? And up here, Hawaiian Homes has it, right over here Kehalani has it, I think in two places if I not mistaken. I know one for sure. And I think one more will go up. How do you guys address when you have a fire call, an emergency brush fire and the gate is locked? What do you do then? How do you approach that and how do you solve the problem? One, if you can reach somebody and they come fine. If not, what do you do next?

MR. DAVIS: Well, predominately most of the gates, private property, County property, like the Police addressed earlier, we do have keys for them.

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COUNCILMEMBER VICTORINO: Okay.

MR. DAVIS: And we also have contact numbers for majority of the locked gates.

COUNCILMEMBER VICTORINO: Okay.

MR. DAVIS: And then like you mentioned earlier, if that is not accessible and depends on the emergency itself.

COUNCILMEMBER VICTORINO: Uh-huh.

MR. DAVIS: If there is a dire need, we will get through the gate regardless of a key.

COUNCILMEMBER VICTORINO: Okay, yeah. Okay. I think that's the answer that I think everybody's asking and, you know, the final question I have as far as the Fire Department is concerned, if there is an emergency and this area is heavily populated, big student population, 1,300 or so and then you have all the residents, a number of shoppers, you got football games, you got other users of the parks and so, you know, a lot of people. In your estimation with the road that exists now, if we had to move people out of there saying that the Kamehameha Schools students, if they're there, could go out that way, the upper section, would you guys think that that would be adequate enough to evacuate people out of the area? Especially if you're talking the housing, the residents, and those who might be doing shopping or other recreational events in the upper section. Not the school section, the upper section.

MR. DAVIS: That's a tough question to answer but I have been there for some events at Kamehameha Schools and the traffic is really bad.

COUNCILMEMBER VICTORINO: Uh-huh.

MR. DAVIS: And of course Police is there to access the traffic light and control traffic with Fire, I mean with Police personnel. If just so happen an incident happened when there was an event, such as a football game or something, I believe that road may be inadequate. They would probably have to open up the bottom gate.

COUNCILMEMBER VICTORINO: Okay.

MR. DAVIS: And I'm assuming that's why the bottom gate is there.

COUNCILMEMBER VICTORINO: Uh-huh. And you mention another aspect, for many of these major events that Kamehameha School puts on, such as football games, there is Police and Fire personnel that are at the game or assigned to the area, you mentioned that so I'm just asking that question.

MR. DAVIS: Not necessarily --

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COUNCILMEMBER VICTORINO: Okay.

MR. DAVIS: --Fire personnel.

COUNCILMEMBER VICTORINO: But Police?

MR. DAVIS: Police, yeah.

COUNCILMEMBER VICTORINO: Okay.

MR. DAVIS: Controlling traffic at the traffic light on the top of `A`a Pueo Parkway, yeah.

COUNCILMEMBER VICTORINO: Yeah, okay. Okay. Okay, thank you. At least that gives me some clarification with these special events that are held there, and I think there is a Code in our County Code at a certain number of people, Police are required to be at the entrance and exit, like the fair and all these other big events after a certain number of people. And I don't know. I gotta go back and look into the Code and that aspect but I think there is something that we put out years ago to protect, you know, major events. Yeah. So anyhow, thank you very, very much.

MR. DAVIS: You're welcome.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR CARROLL: Any questions for Fire Department. Anybody have any questions for Fire?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Fire Department, for being here. So maybe this is more, I'm just trying, I'm just curious about that emergency access road, I guess, on the bottom of Kamehameha Schools and you just, I guess you weren't around when it was built out or when it was going through its phases of, you know, development but I'm just wondering why it wasn't utilized as an actual ingress/egress to that site, especially now that we're looking at all this other buildout. Perhaps that wasn't on the drawing board at the time when the school was presented. I'm not sure but do you have any like history?

MR. DAVIS: I don't have any definite reason. I can give you a pretty good assumption of why. It's because Kamehameha Schools is in a dead end cul-de-sac type of road. There is no other egress other than out of `A`a Pueo Parkway. So I believe the school put that in place for their purposes and to be able to evacuate their school from a secondary egress out of the school. I don't believe

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they would be able to use that as an actual egress and ingress point because it flows into another residential area.

COUNCILMEMBER COCHRAN: Okay. Alright, thank you. Thank you, Chair.

CHAIR CARROLL: Any further questions for Fire Department? Mr. Guzman?

VICE-CHAIR GUZMAN: Thank you, Chair. I'm just I'm looking at exemption C2 and I'm just inquiring on that maybe this is an academic question but the project shall conform to Maui County Chapters, then it cites the chapter, Fire Code, and must comply with those adopted prior to the issuance of the last building permits for the project. Is this a series of permits that are given and then at the very last one they'd have to comply with the Building Codes? I'm trying to get a handle on how this actual section is applied.

CHAIR CARROLL: Can you answer the question?

MR. DAVIS: Can you clarify what you're saying? Are you talking about this C number 2?

VICE-CHAIR GUZMAN: Yes. Yeah, C2. And so basically they have to comply with all Fire Codes up to the last permit, that is the last building permit that is issued?

MR. DAVIS: I believe if what it's saying here is that if they apply for a building permit before any of the Code changes, they would conform to whatever it was at the time of the application of the permit. And say if the progression of the development happened and the Code changes, that they would be in two separate Codes basically. Right now we're kind of in limbo between our Fire Codes so they would, if they came in with a building permit today, they would fall under what we have now, and if they came in after our new Code is adopted, they would fall into the requirements, which is basically the same but there's a few things that is changed in between the Codes.

VICE-CHAIR GUZMAN: Okay.

MR. DAVIS: I believe that's what it's saying.

VICE-CHAIR GUZMAN: Okay. I only, I guess I'm questioning this is because I know that we're, we haven't adopted, or kind of, I guess, behind in terms of adopting the international code of councils or International Council of Codes [*sic*] on the Building Codes and I think we're only up to 2006 or something like that and am I referring that to the Fire Codes. Are we up to date with those being up-to-date adopted as well? And so that's kind of concerning to me to see if we aren't up-to-date on the Codes, how does this play out when we're applying this section?

MR. DAVIS: As far as I'm concerned, we're not up to date on the Codes. Right now we're still in the Uniform Fire Code 1997. The State has already adopted a 2006 --

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VICE-CHAIR GUZMAN: Right.

MR. DAVIS: --and is going to start to move forward with the 2012. County of Maui is still in the UFC 1997. So we're not current with our Codes right now.

VICE-CHAIR GUZMAN: Okay. So they could actually be issued or being exempt from outdated Codes and now when we finally update or adopt the new Codes, they wouldn't be in compliance for that?

MR. DAVIS: We would implement our new Code requirements if the permit that was applied for fell into the time that our new Code was to be enforced, and whatever permits was applied prior to that would be applied to whatever the Code was at that time. I don't see too much concern about it because like I said, the Codes are similar. There's not going to be too much variation between the two as far as Fire Department access and fire protection is concerned so I don't see a big problem with that aspect.

VICE-CHAIR GUZMAN: So you're comfortable with that?

MR. DAVIS: Absolutely.

VICE-CHAIR GUZMAN: For safety reasons and...

MR. DAVIS: Yes.

VICE-CHAIR GUZMAN: Okay. Thank you, Chair.

CHAIR CARROLL: Any further questions for Fire Department?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Guzman, for bringing up the point in regards to our being behind on adopting our Codes. So you mentioned that State has approved the 2006?

MR. DAVIS: Yes.

COUNCILMEMBER COCHRAN: And so now what, on the County level, we're waiting for that to go through our Public Works Commission to vet through and then do you know? Maybe you're...sorry, it's just, it's an item that should be in my Committee, Chair, and so I'd like to expedite it if I knew what stage it was in and the process but if we don't have that answer I can find it out.

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MR. DAVIS: Yeah. I'm not quite sure where the fire code is right now.

COUNCILMEMBER COCHRAN: Okay. Oh, okay. Or perhaps in Policy.

CHAIR CARROLL: Yeah.

COUNCILMEMBER COCHRAN: Anyways, thank you. Thank you.

CHAIR CARROLL: Anything further for Fire Department?

COUNCILMEMBER COUCH: Thank you.

CHAIR CARROLL: Oh, Mr. Couch.

COUNCILMEMBER COUCH: One last question. You're okay with the fire flow requirements? You know, we've been having issues with fire flow requirements especially Upcountry.

MR. DAVIS: What is the fire flow?

COUNCILMEMBER COUCH: I don't know.

MR. DAVIS: We haven't gotten anything as far as we haven't reviewed any plans or got any fire flows to go off of. Fire flows may change if fire sprinklers are going to be involved in the installation. I'm not sure. It could range from 600 GPMs up to a few thousand GPMs.

COUNCILMEMBER COUCH: Okay, that brings up another question. Are they going to be required to put in sprinklers or not? I can't remember if that's...

MR. DAVIS: As far as the Fire Department is concerned, probably not. Required, no. Suggested, yes.

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

CHAIR CARROLL: Thank you, Mr. Couch. Mr. Victorino?

COUNCILMEMBER VICTORINO: And just for clarification for Mr. Couch there, it's really nothing to do with discrepancies. Whatever the Fire Code exists today and fire flow exists today is what they gotta do.

COUNCILMEMBER COUCH: Right.

COUNCILMEMBER VICTORINO: Okay, so there's not, there's no, we're talking about working on it later and that's another issue and another conversation so don't get mixed up. I think that's sometimes what happens. Whatever exists as fire flow regulations today is what we have to live with today, right, Mr. Davis?

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MR. DAVIS: Yes.

COUNCILMEMBER VICTORINO: Okay, that's all we needed to know. Thank you very much.

CHAIR CARROLL: Thank you, Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Hopper has something to say.

CHAIR CARROLL: Corporation Counsel, do you have a comment?

MR. HOPPER: Yes, Mr. Chair. Maybe now is a good time to clarify. I think the intent of this section is to say the Code that's in place today is going to apply to this project even if Codes are changed subsequently. The subsequent changes are not going to affect this project even if the change enters, is applicable to, would normally be applicable to the project. This says that the Codes in place today will apply despite any subsequent amendments to the Codes. There was an issue raised on this from Mr. Carroll's letter dated August 28, 2014, that basically asked is there, you know, is there a timeframe? He said what would be a feasible number of years, in the applicant's opinion, to set as an outside limit within which the exemption would apply? To not have an exemption forever but basically saying the Codes in place at the time that the application was filed are going to apply to the project not forever but for a certain period of time, and I think the Chair Carroll suggested a 10 year period and I thought it said, there's a letter from Munekiyo & Hiraga, dated September 2nd, that said the proposed 10 year timeframe for the completion of the proposed project is acceptable. But I wanted just the Committee to kind of understand that the, I think the intent of that language is to say even if there are Code changes that come in before building permits are issued, those changes would not apply to this project. And that's what the Code, or that's what this exemption states and I think the applicant can clarify that if that's not what it states, but I think that that's something that is the intent and I presume it's to deal with increased costs that would be necessitated by changes in the Code. But that's, I just wanted that clarification there because I think that is what the intent of the exemption being requested is.

CHAIR CARROLL: Alright. Any more questions for Fire Department?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Well, I'm looking at another exemption and it pertains to public services but it mentions an exemption for fire check valves to serve the entire project site? So what does that mean?

MR. DAVIS: Where is that exemption?

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COUNCILMEMBER COCHRAN: I have it on September 2nd communication and it's under Department of Public Works. It's exemption B number 1, Page 1. I don't...

UNIDENTIFIED SPEAKER: On the exhibits.

COUNCILMEMBER COCHRAN: Exhibit, oh what is this, exhibit...oh.

CHAIR CARROLL: And we will have Public Works down here too as the next one after the break.

COUNCILMEMBER COCHRAN: But I, yeah. I wanted to find out from Fire what fire check valves...if you want me to...

MR. DAVIS: Yeah, that wouldn't be, that wouldn't be concern for us. That would be either the Water Department or Public Works.

COUNCILMEMBER COCHRAN: Oh, okay.

MR. DAVIS: Yeah.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you. Fine, thank you, Chair.

CHAIR CARROLL: Any further questions for the Fire Department? Seeing none, I'm going to let them go. Thank you very much. We appreciate you coming down.

MR. DAVIS: Thank you.

CHAIR CARROLL: And now it is about three minutes to 3:00. I'm going to take our afternoon recess. We will reconvene at 3:10. We now stand in recess. ...*(gavel)*...

RECESS: 2:57 p.m.

RECONVENE: 3:11 p.m.

CHAIR CARROLL: ...*(gavel)*... The Land Use Committee meeting will come back to order. We're now going to hear from Public Works. Please identify yourself at the microphone.

MS. DAGDAG-ANDAYA: Good afternoon, Chair and Council members. My name is Rowena Dagdag-Andaya from the Department of Public Works.

CHAIR CARROLL: Do you have any opening statement before I open the floor?

MS. DAGDAG-ANDAYA: Yes, Chair. I just have a few comments. I've heard of the, I've heard the discussion all morning at the site visit regarding traffic and also listened in on the testimony and the discussion in this afternoon's meeting so I just wanted to make a couple of points. There was

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a question regarding the ownership and maintenance of the internal roads, 'A`a Pueo for one of the roads being of concern. That is, I wanted to confirm, is still owned by Kamehameha Schools and they have all maintenance responsibilities over that road. It's also identified on Real Property Tax so I can confirm that. All other roads within the subject area are owned by Kulamalu, LLC. At this time, I don't think we're aware of any efforts in order to dedicate the roads to the County of Maui. However, one document that might help us get an understanding of what the future intent is in terms of dedication to the roads might be the CC&Rs or any kind of documents with the Homeowner's Association. So we might want to take a look at that to see what the intent is on future dedication of the roads. I did want to point out that we received a letter from the Committee Chair dated August 28, 2014, regarding the exemptions and we did provide a response yesterday, but other than that I'm available for any questions that you might have.

CHAIR CARROLL: Thank you. The floor is now open, Members. I'll give you a moment to look it over. Mr. Couch?

COUNCILMEMBER COUCH: Oh yeah, that would be...well, I wanted to ask do you guys have any concerns if that road were ever to, 'A`a Pueo, were ever to be dedicated? Do you have any concerns with the traffic that's going on? You heard the concerns this morning.

MS. DAGDAG-ANDAYA: At this time, that's something that I'd have to discuss with staff. I mean, we've heard from Police Department and also members of the community and the testimony that we received this morning so that's something that we'd want to take a look at, but yes, if there were any efforts to dedicate that's one item that we'd have to look at. There's a number of punch list concerns or items that we'd have to take a look at as well. Improvements to the road if necessary but yes, we'd have to do our research.

COUNCILMEMBER COUCH: Okay, and the other question that I have that I have some concerns about, I know we required this on the last 201H that we did, they're asking for an exemption from the permit bond, it shall be granted to exempt the project from filing a bond with the County of Maui for grading, construction of drainage improvements, and implementation of erosion control measures, and we required that of the last 201H if I recall. Do you have any comment on that exemption and whether or not...because I have concerns that that's the last thing that sometimes gets put in there and I think the Members had that concern on the last project so and I'm guessing to be consistent we should do that to all the projects.

MS. DAGDAG-ANDAYA: We didn't have any concerns regarding that exemption. I think the last 201H was the Kahoma Project.

COUNCILMEMBER COUCH: I thought it was the Spencer.

MS. DAGDAG-ANDAYA: Oh, Spencer. It could have been Spencer. Or Waikapu Gardens.

COUNCILMEMBER COUCH: Either one. I believe both of them, yeah?

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MS. DAGDAG-ANDAYA: I think so.

COUNCILMEMBER COUCH: We required that bond.

MS. DAGDAG-ANDAYA: Yeah. So we, I mean we don't have any, we wouldn't have any issues whether or not we move forward with that, so whatever, in order to be consistent, I think we'd be okay with not...

COUNCILMEMBER COUCH: Okay.

MS. DAGDAG-ANDAYA: Yeah.

COUNCILMEMBER COUCH: Okay. I'm sorry and for the Members, that's Page 3 of the exemptions, E2. Okay, those are the questions I had, Mr. Chair. Thank you.

CHAIR CARROLL: Members, the floor is open. Any questions for --

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: --Public Works?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And yeah, thank you, Mr. Couch, for bringing that up. That one I had highlighted very brightly. As in Page 1, exemption B number 3, impact fees for traffic roadway improvements, I think, I mean as all the discussion this morning and this afternoon in regards to traffic and inadequate, you know, ingress/egress capabilities there and all that, if it deems in the future that this area needs some type of additional lane or what have you, then they will be in this wording here exempted from putting in any type of funding to help assist that? Is that what this is stating?

MS. DAGDAG-ANDAYA: That's correct, Councilmember Cochran. Right now, we don't have any impact fees. I think that's still being under consideration and being studied, but because this is an affordable housing type of project, we supported this exemption and that's, I assume is probably one of the reasons why it's in here.

COUNCILMEMBER COCHRAN: Okay, thank you. And again, follow up, Chair? With the discussion, I think most people aren't truly so much concerned in regards to this particular project but when you compile all the other projects that are coming down the pipeline in this area then I think there's reason for concern. So I guess jumping up to my same area exemption B

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number 1 in regards to fire and those fire check valves. I just was, wasn't sure what they were and exactly what is this?

MS. DAGDAG-ANDAYA: That would be an issue for the Water Department.

COUNCILMEMBER COCHRAN: Oh.

MS. DAGDAG-ANDAYA: I know Water Department and Fire work hand-in-hand with fire protection so --

COUNCILMEMBER COCHRAN: Okay.

MS. DAGDAG-ANDAYA: --that should be addressed by Water.

COUNCILMEMBER COCHRAN: Okay. Alright, thank you.

CHAIR CARROLL: Any further questions for Public Works? Ms. Andaya, I requested that you review all of the exemptions. So do you have any problems with, you said that you would comment at this meeting. Do you have anything that you would, any of the exemptions that you would like to comment on, the other ones that we haven't discussed.

MS. DAGDAG-ANDAYA: Okay, Chair. Just to go briefly on exemption C1, regarding the plan review and inspection fees, that is very common with a lot of affordable housing projects that come in so we were fine with that. In regards to C2, that had been addressed already with Fire Department. I just wanted to note that our next update of the Building Code will be in the 2012 Code so we're looking at maybe about a year to two years in order for adoption of that, but again it's just to make sure that when the project comes in for their building permits or other kinds of permits that they're consistent throughout. Exemption number 3 regarding the drinking fountains within the adult daycare center and senior center, I checked with staff on this and the requirement is for I believe one drinking fountain per 100th occupant so I'm not sure exactly why the exemption is being requested. I'm assuming it's for sanitary purposes in the event that the fountains are outside but we were okay with allowing that exemption to occur. The other one relating to subdivision that we had responded on in our, or our letter dated September 2nd, we were also okay with that exemption if being requested. And that's all that I have.

CHAIR CARROLL: Thank you. Any further questions for Public Works? Mr. Guzman?

VICE-CHAIR GUZMAN: Oh, thank you, Chair. I'm a little bit concerned about the exemption for the drinking fountains. I know that we're dealing with the elderly and they get dehydrated at a much higher rate than normal aged people. And so I'm just inquiring, I don't, I'm inquiring as to why the applicant would want to have that exemption for the drinking fountains?

MS. DAGDAG-ANDAYA: Yeah, I'm sorry. I think I would, yeah, I would ask the applicant regarding that. But I could assume that the facility would provide water, purified water. So like, you

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know, in my son's preschool, they have, they don't have drinking fountains but they have their own coolers inside so.

VICE-CHAIR GUZMAN: Coolers, right.

MS. DAGDAG-ANDAYA: Yeah.

VICE-CHAIR GUZMAN: So is that what's going to happen or...

COUNCILMEMBER VICTORINO: Well, you can ask the applicant.

VICE-CHAIR GUZMAN: I'll ask, I guess, Chair, I'll ask the applicant when they, when the time is appropriate. Thank you.

CHAIR CARROLL: Is there any objection to me calling the applicant down?

VICE-CHAIR GUZMAN: When they come.

MR. JENSEN: Mr. Chair?

VICE-CHAIR GUZMAN: Thank you.

MR. JENSEN: Mr. Chair? Staff would just point out that there was a written request to the applicant and a response given that addresses that situation so when the applicant comes down there could be further questions about that. There are also copies of the Plumbing System Code specific to water fountains if at that time --

CHAIR CARROLL: So afterwards...

MR. JENSEN: --if they desire to see that.

CHAIR CARROLL: When we're finished with the Departments, if you don't mind, then we'll call down the applicant.

VICE-CHAIR GUZMAN: Okay. Thank you, Chair.

CHAIR CARROLL: Is that, and there is a written response. Basically it said the cost is about \$3,000 a fountain and usually they take care of their people over there and they make sure that they do have adequate water and they watch them and so they felt that \$3,000 for a fountain could be better used elsewhere in the budget. But afterwards we can call the applicant. They submitted that in writing.

VICE-CHAIR GUZMAN: Okay, thank you.

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CHAIR CARROLL: Any further questions for Public Works at this time? If not, I'm going to let them go. Public Works, you might want to stay around. There might be some more questions later.

MS. DAGDAG-ANDAYA: I'll stay. Yeah.

CHAIR CARROLL: Mr. Spence? If Planning could come down and join us?

COUNCILMEMBER VICTORINO: Mr. Chair, Mr. Chair, I just want to remind you that I requested and you said after Public Works. But we can do Planning first. But Mr. Dowling here is here to address some of the questions that were brought up whenever you feel it appropriate, sir.

CHAIR CARROLL: Oh, okay. Let...

COUNCILMEMBER VICTORINO: Not, after this will be fine. Thank you, sir.

CHAIR CARROLL: Please identify yourself at the microphone.

MR. SPENCE: Good afternoon, Mr. Chairman and Committee members. My name is William Spence. I am the Planning Director for the Department of Planning and with me today is Ms. Gina Flammer. She is one of our senior planners and very familiar with this project.

CHAIR CARROLL: Do you have an opening statement that you'd like to make from the request from my written request to you?

MR. SPENCE: Sure. I would say overall the Planning Department is in support of this project. We think it would be a great addition to the Upcountry area. We are in receipt of a letter from yourself, Mr. Chairman, dated August 28, 2014, in which you ask three questions. First off, you asked about some specific provisions of the Makawao-Pukalani Community Plan...Pukalani-Kula Community Plan including about enforcing a 35 foot, two-story or 35 foot height limitation in the region and limiting design standards, two stories not to exceed 35 feet above grade and a couple of other provisions. And then you ask does the Department recommend, does your Department recommend the list of exemptions provided for an exemption to these and list of exemptions provide for an exemption to these provisions of the Community Plan? I would say yes, we would support an exemption from these provisions of the Community Plan. I would also offer that we would support a broader exemption from the Community Plan than just these specifics. We have run into, as a Department, we have run into a couple situation with other projects where the Council resolution would approve standards, you know, like regular residential standards for a project that is in the agricultural district. Okay, and that, but that leaves out a whole lot of details and so we're going back with some of those things and we're going okay, does it meet this detail, does it meet that one? Does the exemption cover everything, all the exemptions from the Ag District or only the specific ones mentioned like the setbacks and all that? Well then what about the heights for the walls and, you know, where you need retaining walls higher than a certain height then somebody...so I look at things like the Community Plan. They're very complex. They can be interpreted in a number of different

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ways. I found one specifically that would apply. This is out of, and I'm just using this as an example of the kind of thing that could come up. So on Page 20, within the Land Use section, Item 16B, it says bullet point two, it says limit multi-family use located adjacent to open-space resources, which this would certainly fit, and consistent in scale and character with surrounding single-family uses. So you have some single-family uses nearby. It's certainly not surrounding. But, you know, those kind of things are, they're gray and they're arguable. So what I would do, and this is only my first glance at the Community Plan pertaining to this particular project, so I would recommend, you know, there are probably other places that could be applied to this project as well. So I would recommend just an overall general exemption from the Community Plan. I see this project as fulfilling the purpose and intent of the Community Plan to provide housing. I consider this kind of project actually more of a Public/Quasi-Public use than you would your regular apartment kind of project. So I think, well, I think it keeps in the spirit of the Community Plan and meets the intent and purpose. An exemption, a generalized exemption would cover so many of the nitpicky things in here that we haven't really examined that closely. And that's just the first question. Okay, and I see Councilmember Couch will have a question. The second question on the final Environmental Assessment regarding the final Environmental Assessment, there is a claim that there has been, regarding a condition requiring a landscaping plan, and actually the three conditions on zoning for this property. We do believe that the conditions for the zoning have been met. Particular to the landscaping plan, that landscaping plan was for the overall subdivision for the zoning of Kulamalu. Once the property was zoned, it was subdivided into the various components, whether it be Park, Public/Quasi-Public, Single-Family Residential, Open Space, and Business. At that time, they submitted a landscaping plan and it was approved through the Planning Department. So that's a requirement on overall zoning not on each particular lot. There are separate requirements as, you know, as different projects come in but for the purposes of the zoning they've met that. And then the third question is what is your position on the proposed exemptions applicable to your Department? We had sent in a comment letter to the community, or to the Environmental Assessment for the project and there, our thoughts are pretty much outlined there, but as they pertain to the exemptions from zoning or other requirements that would come through our Department, we're in support of those. So I believe that they've met, you know, to help this project move forward, I believe the exemptions are proper and, you know, we would support them.

CHAIR CARROLL: Are you through, Mr. Spence?

MR. SPENCE: Yes, Mr. Chairman.

CHAIR CARROLL: Thank you. Members, the floor is now open. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. In this, Mr. Spence brings up a good point regarding the exemptions, because usually it's on Ag land and we want to give them essentially Residential zoning, in essence Residential zoning in Community Plan. In this case, it's on Public/Quasi-Public, right?

MR. SPENCE: Right.

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COUNCILMEMBER COUCH: And we want them to have Multi-Family, essentially what is allowable in Multi-Family to a point. And I don't know, maybe this is a question for Mr. Hopper, or, you know, when we do something like this and we exempt them from the Community Plan, is it a general exemption from all Community Plan or... I think the intent of our exemption is to change it instead of to go through the whole Community Plan amendment and Change In Zoning, that they get the fast track and while we don't actually change the zoning or the Community Plan amendment, we exempt them from those requirements for that type of zoning or that type of Community Plan area but we don't exempt them from everything. But how do we get that into actual language that they can interpret? For instance, these guys want Multi-Family so whatever is required in Multi-Family Community Plan and Multi-Family Apartment zoning essentially is what we're allowing them to have. Because I can see in future, especially in future phases, that if they want to do some more adding on or whatever then are those exemptions still there? How long do these exemptions last? That's some of the concerns or kind of craziness that happens with all of these 201H processes in general and Mr. Spence brings up a good point is how to interpret it.

CHAIR CARROLL: Mr. Couch, it has already been proposed that the exemptions would have a 10-year time limit, after that they would expire.

COUNCILMEMBER COUCH: But then what happens if they want to add another, you know, little community center or add on to the kitchen or whatever? They can't do it because of the existing Community Plan, and so that's the concern that I would have is we're allowing them to do this, we're giving them the exemption and then that exemption is going away for Community Plan and Zoning.

MR. HOPPER: I think you should probably ask the developer and the Department about exempting something from the Community Plan. Apparently there's no exemption right now in the proposal in the exemption list, and so apparently that's, apparently the applicant believed that they were consistent with the Community Plan, I suppose, or at least didn't need an exemption from it. I think the Director's raising a concern now that that might not be the case, and so exempting the project from the Community Plan requirements would be something that would be worthwhile and it sounds like the Director's asking for a blanket exemption from the entire Community Plan. I know there's been exemptions to the Community Plan provided in other cases. I think Kula Ridge was one that I can think of where that was done. I'm not sure of the exact language because we don't have anything in front of us on this particular list. I would be as specific as possible. If it's going to require an exemption from the plan in its entirety, then that's something the Council does have the authority to grant and should be stated clearly. If the Director and the applicant believe there's a way to kind of carve out sections they think are problematic yet the remainder of the plan is being followed, that could be done as well. So I think you've got some options but having no exemption there with the Director's concern raised today it would probably be advisable to take a look at that as the Council has done that in other cases.

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COUNCILMEMBER COUCH: Okay. I know there was, I thought, yeah, the exemptions from zoning, okay, but not the Community Plan. That's a good point. They didn't ask for that. Okay, so that, I guess, is an overall on all these 201Hs that we're, are going to have in general but especially on this one we may need to be a little bit more exact, and I guess, Mr. Hopper, I, we'll take your suggestion and talk with the applicant as well. We probably want to leave Planning here, unfortunately, Mr. Spence. We're going to have to ask you to stay. The other one was the landscape exemption that they're just asking for the park, you know, on the parking lot? They're asking to be exempt from the one tree for five stalls, is that right? That's the exemption D6.

MS. FLAMMER: My understanding is they're asking for an exemption from the placement of the trees not the number.

COUNCILMEMBER COUCH: Okay, so it's, Mr. Chair, it's kind of ambiguous here. It says an exemption from Section 19.36A.070, Maui County Code, Walls, Fences, and Landscaping to allow for flexibility in the location of landscaping, which requires one shade tree at minimum regular intervals for every five spaces. So you're saying they're still going to need the one for five if they have, they said they were going to have 80 something parking spaces, 81 I think. So five goes into eight...

MS. FLAMMER: Seventeen.

COUNCILMEMBER COUCH: Seventeen, yeah.

MS. FLAMMER: And if you look at their landscaping plan that's in the final EA, it does have the trees, they're just not spaced out one per five stalls. They're kind of grouped in certain areas.

COUNCILMEMBER COUCH: And you're okay with that?

MS. FLAMMER: I talked to staff members and the feeling was that that's fine. The plan looked, we're comfortable with the plan. It's Upcountry. You get cloud cover in the afternoon.

COUNCILMEMBER COUCH: Right. Right. Okay. Those are the two questions I have. And then the biggest one though is the intent that we have to exempt them from Change in Zoning, well the zoning requirements and the Community Plan requirements, which, as Mr. Hopper points out, aren't there. So thank you.

CHAIR CARROLL: Questions, Members?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: In regards, so just looking at, I guess, the Ordinance 2623, the original ordinance back in, I guess, 1997 and with the condition of zonings and whatnot, how

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does that affect, how does that come into play with this, you know, since things have been, I guess, re-subdivided or whatever? And just for example, Condition 1 in regards to the landscaping plan, it also wants approval here by the Arborist Committee. You folks are deeming it fine and okay but so does it now not need to go to Arborist also?

CHAIR CARROLL: Mr. Spence?

MR. SPENCE: Thank you, Mr. Chairman. I can't say that...I have not reviewed the record to see if what happened at the time of zoning and what happened the time the entire property was subdivided into its various pieces, but this, you know, there was a landscaping plan approved. I assume it went to the Arborist Committee because the developer would not ignore that kind of request and we would not have signed off on it. But the overall landscaping plan for that larger development would have had to already be approved by now in order for anything to be built, in order for people to receive certificates of occupancy. It's not just this site. It's where Long's is. It's where the park is. It's where, you know, all the other uses, some of the office buildings that you've seen, that, all of this particular condition applies to all of that area not just to this particular site, so this condition would have had to be taken care of and fulfilled, you know, prior to us getting here today. So we count that it's been fulfilled already and therefore this would not apply to this particular site. There's other things that apply to this site, that's why they're talking about the one tree per five stalls but not this condition. What we're talking about otherwise is just a regular parking ordinance. When we do, did that make sense? When we get to the five stall, one tree per five stalls, that goes to the parking ordinance not this condition of zoning.

COUNCILMEMBER COCHRAN: Okay. Okay. It just gets like, I mean, overall it's one way and all these conditions are applied, and then you start breaking it down into smaller chunks and now there's other exemptions and what have you tossed into there. But how does it, you know, coordinate with the overall picture kind of thing so it gets a little confusing but okay.

MR. SPENCE: It goes along with all the conditions on zoning.

COUNCILMEMBER COCHRAN: Right. Okay. Thank you, Chair.

CHAIR CARROLL: Any further questions for Planning? Seeing none, thank you very much, Mr. Spence. Thank you.

MR. SPENCE: Thank you, Mr. Chairman, and we'll be available on call.

CHAIR CARROLL: I think we might need you again.

COUNCILMEMBER COUCH: Yeah.

MR. SPENCE: Okay, thank you.

COUNCILMEMBER VICTORINO: Hang around the corner.

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MR. SPENCE: Okay.

CHAIR CARROLL: Alright. And Mr. Victorino, you have a request?

COUNCILMEMBER VICTORINO: Yeah, thank you. Thank you, Mr. Chair, and as we've heard testimony and from the public in regards to the ingress/egress of Kulamalu and `A`a Pueo being the only one and there was mention by some of the testifiers that they had seen maps and were told or had or were lead to believe or understood, whatever term you want to use that another egress, ingress/egress was being planned for the project. And so I took it upon myself and I had mentioned it to you that I would contact the developer, Mr. Everett Dowling and he has come here today and I'd like to request him as a resource person because if anybody knows the project and all of what's been going on through the years, it would be him. But that's with your permission and the permission of the members of the Committee.

CHAIR CARROLL: Members, is there any objection to me bringing Mr. Dowling down as a resource person?

COUNCIL MEMBERS: No.

CHAIR CARROLL: And he will be commenting only on the project before the Committee. Mr. Dowling, could you please come to the microphone and identify yourself?

MR. DOWLING: Good afternoon, Chairman Carroll and Council members. My name is Everett Dowling and I'm with Kulamalu. I'm the developer of Kulamalu.

CHAIR CARROLL: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And Mr. Dowling, it has been brought to our attention that `Ōhi`a Kū was somehow connecting or would be connected to Kula Highway. That was the first thing that was brought to our attention and secondly that the ingress/egress of `A`a Pueo was inadequate for the project itself because of the school and we all understand the school, Kamehameha Schools, owns the road yet and you own all pertinent roads that connect to `A`a Pua`a, Pueo I should say. Excuse me. Too many Hawaiian words right here. Excuse me. I apologize. I didn't mean to butcher names. So can you tell us that was there any, I guess, from the beginning, when this project was put together, was there any discussion, plans, or idea that there would be a second egress/ingress to this project?

MR. DOWLING: There could have been some discussion about that. Some people might have had that idea that they wanted us to do that but it was not in our plans. It was not in the approved plan that was approved by the, this Committee and subsequently by the County Council in 1997.

COUNCILMEMBER VICTORINO: Okay.

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MR. DOWLING: And I don't think it would be allowed because the, it's a State Highway. I don't think there's any way in the world the State Highways Department would allow two access points that close together on a State Highway on the same side of the road.

COUNCILMEMBER VICTORINO: Well, I have to agree. I think what we found out with other projects that they, if they would allow anything it would be a right in and right out at the best and because of the close proximity, probably not even that, because we're going to be dealing with some other projects that have a similar situation. And so just so that the public hears this and, you know, and I want the people that are living there and have brought that to our attention, to the best of your knowledge, no maps, no drawings were ever presented to indicate that that was going to happen?

MR. DOWLING: Yeah, we certainly didn't present any.

COUNCILMEMBER VICTORINO: Okay.

MR. DOWLING: I mean, someone could have shown up at a public hearing saying this is what I would like to see of the project, but the project did not represent to anybody that there would be two access points on the Kula Highway.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Dowling. I just want to make sure that that's clear, because again that was what was brought to our attention this morning and I wanted to make sure that that was clarified to the Committee, you know. Because again, I think we're comfortable and I think the community's comfortable with this project, but it's the next one that may be a real challenge knowing this as we know now. So anyhow, I don't want to belabor a point and go into another subject matter that's not on the agenda today. So thank you, Mr. Chair. Maybe other Members have questions.

CHAIR CARROLL: Thank you. Does anybody else have any other questions pertaining to the project for Mr. Dowling? If not, thank you so much for coming down. We appreciate it.

MR. DOWLING: Thank you.

CHAIR CARROLL: If there's no objection, I'd like to call the applicant to the floor?

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Would the applicant or their representative please come to the floor? Please identify yourself at the microphone.

MS. FUKUDA: Karlynn Fukuda, Munekiyo & Hiraga.

MR. KATSUDA: Roy Katsuda, Hale Mahaolu.

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CHAIR CARROLL: Alright, you have my, we have your responses to my correspondence on the 28th. We'd like to go over that and your comments on the proposed exemptions.

MS. FUKUDA: Okay. Thank you very much, Chair. The first question related to the rate, the rental rates that would be charged at the Hale Mahaolu `Ewalu Project, and there was a market study that was included in the final Environmental Assessment. That market study had been prepared as part of an application package that Hale Mahaolu had submitted to the Tax Credit Program. But in there we did have rental rates for the one-bedroom units saying that it would be no higher than \$850 and for the two-bedroom units it would be no higher than \$1,000. I understand that there are other factors that may attribute to the fluctuation in what the final price or the rental cost would be for the project and at this point we don't actually have any construction bids for the project, you know, so we're, you know, we don't know for sure what the cost would be. But Hale Mahaolu felt comfortable in saying that the cost would be no higher than \$850 per unit and as Mr. Katsuda mentioned at the site visit today, I think it was 695 we were looking for the one-bedroom units at `Ewalu right now. The rental rate would include the fees for water, sewer, and trash. Residents would pay their electrical bill separately from, they'd be billed separately by Maui Electric Company so, so that was the first question that we had. The second question we had was on the cost of the project, estimated cost of the project. And right now we did have the \$25 million estimate that we had. And based on past experience from Hale Mahaolu, they are looking at various sources and as was mentioned at today's site visit, we're looking at a variety of Federal, State, County, and private sources of money for the project. Some of them that were included were the Low Income Housing Tax Credit, the Rental Housing Trust Fund, County of Maui, the HOME Funds, the County's Affordable Housing Funds, loan from the Federal Home Loan Bank as well as grants from private foundations. The third question related to whether or not we felt comfortable that the proposed project could proceed based on some of the provisions included in the warranty deed, and Hale Mahaolu's legal counsel had reviewed the warranty deed for the proposed project and we feel comfortable that the project can proceed. We would also note that the project did undergo design review approval by the Kulamalu Design Review Committee and also felt that, the Kulamalu Association felt that the project could proceed. The fourth question was related to the estimated water usage that was noted in the final Environmental Assessment, and as has been discussed earlier today in this meeting, the water calculations that were noted in that final EA are based off the standard, you know, multi-family residential units, which when Hale Mahaolu met with Department of Water Supply, they could show that their usage at other Hale Mahaolu projects here on Maui is significantly lower than what the standard actually is for a multi-family unit, and so as noted in by Mr. Meyer, there is a Memorandum of Understanding that 220, I believe, gallons per day would be allocated for Hale Mahaolu's water usage. The fifth question was related to the exemption request for the drinking fountains as we had, as been previously discussed, and Hale Mahaolu felt that, you know, both the senior center and the adult daycare facilities will have kitchenettes and staff to provide for care for the residents and users of the building, and so though the drinking fountains would cost approximately \$3,000, you know, there's the ongoing maintenance costs as well. And so they felt that they could adequately serve the residents and guests at the senior center and the adult daycare facility with their existing staff. The question number six was related to the landscaping exemption that we are seeking, so to confirm Mr. Couch's discussion earlier, the project is

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proposing to provide for the 17 trees that are required for the parking lot requirements but because of the spatial layout of the parking lot and the site itself, we're not able to provide for the tree for every five stalls as required by the Code and so we're asking for that flexibility for that. And the final question was related to the proposed 10 year timeframe for the exemption, or the 201H to be applicable to this project, and Hale Mahaolu is endeavoring to finish this project within, hopefully before 10 years is up and so the 10 year timeframe is definitely acceptable to Hale Mahaolu to have that as a time limit so. Thank you.

CHAIR CARROLL: Thank you. Members, questions for the applicant? Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And thank you guys for being here. You skipped number five but we kind of talked about it, the drinking fountain issue.

COUNCILMEMBER VICTORINO: Yeah, she did it

COUNCILMEMBER COUCH: I'm sorry, I didn't...I'm sorry. I just went, I heard Environmental Assessment and then boom into the drinking. But here's my question for that is what are you going to do to provide? Mr. Guzman had a concern about water.

MR. KATSUDA: Well, okay. For the Adult Daycare Centers, they have a lot of staff, about one to five or one to six so the staff will make sure that they are properly hydrated. For the senior center, our residents are independent and we do have a kitchenette. Also, as you grow older, one of the things that kind of go is our hearing. And we find that with a water fountain, it makes a lot of noise and we almost have to unplug it every time we have a speaker or anything like that. So it hasn't really been that helpful. We find most people don't really drink out of the water fountain and we're constantly maintaining it. I don't know why they break down so easily but they do. But we have independent folks and if necessary or if there's a big demand, we'll certainly make sure that we have some portable water, purified if you will...

COUNCILMEMBER COUCH: Why? Our County water is really good.

MR. KATSUDA: Yes, it is.

COUNCILMEMBER COUCH Hopefully, Mr. Taylor's listening.

MR. KATSUDA: But apparently that's what it is.

COUNCILMEMBER COUCH: My concern on the providing the water, you know, especially the purified water or bottled water is the cost. You would go through the cost in two years and to pay for the drinking fountain. But if your experience with the drinking fountain is because of the noise...

MR. KATSUDA: Yeah.

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COUNCILMEMBER COUCH: Yes. And...

MR. KATSUDA: But you know you can attach the devices onto the faucets themselves.

COUNCILMEMBER COUCH: Okay.

MR. KATSUDA: You turn it one way you get purified water. You go the other way, well, it's potable.

COUNCILMEMBER COUCH: Okay.

MR. KATSUDA: Yeah.

COUNCILMEMBER COUCH: That's good.

MR. KATSUDA: Sure.

COUNCILMEMBER COUCH: I just wanted to make sure because I did the calculations and it's like, it'd be cheaper to buy the --

MR. KATSUDA: Yeah.

COUNCILMEMBER COUCH: --water fountain if you're going purified water.

MR. KATSUDA: But it does make a lot of noise.

COUNCILMEMBER COUCH: Okay.

MR. KATSUDA: Yeah.

COUNCILMEMBER COUCH: That's perfect. That's a good...thank you.

COUNCILMEMBER BAISA: Chair?

COUNCILMEMBER COUCH: Sorry, Mr. Chair.

COUNCILMEMBER BAISA: Chair?

CHAIR CARROLL: Thank you. Any questions for the applicant? Ms. Baisa?

COUNCILMEMBER BAISA: As one of those dehydrated elderly, I can tell you that it's been my experience, and I'm always looking for a water fountain if I'm out. Okay, if I'm not out well I'm okay. But some places you go and there's nothing to drink but my experience is they're always not working. That's been my experience. Every building I go into the water fountain is warm if

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it works at all and that includes airports and buildings and everywhere I go, so I kind of think, Mr. Katsuda, that your idea of having staff provide water whenever it's needed will work.

MR. KATSUDA: Thank you.

COUNCILMEMBER BAISA: Thank you.

CHAIR CARROLL: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. Thank you for being here. I want to ask the obvious question. With all these exemptions that the departments are allowing, can you appreciate that so that we truly have the opportunity to provide affordable senior homes?

MR. KATSUDA: You know, affordable housing, if there's one thing I've learned, is not cheap or it's certainly not inexpensive and you really don't want to build affordable housing that's cheap. Because cheap actually means more expensive in the long run. I've seen and been witness to some developments that are re-doing their roofs, re-roofing in 10 years. Now that was a great bid, that was a great presentation but when you're re-roofing in 10 years, that's not an affordable housing project. It's really expensive. Can we appreciate exemptions from the fees and those things? Oh, absolutely. Anytime that, any help that we can receive is very much appreciated. It's so hard to find funding sources in this day and I said it this morning but the Federal government in the last four or five years has sort of been absent. I'm not sure why. Maybe the stalemate in Congress but there have been no offerings in rural development or HUD for construction monies or rental assistance that goes with development, so anything that this Council can provide we would, we appreciate very much.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR CARROLL: Any questions, further? Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And thank you for bringing this project up, Mr. Katsuda. It's much needed Upcountry. Some of the concerns I had heard, and I can't remember where I heard them but I should be an eligible for your place here pretty soon, was about, and I know it's really hard to do this for, in any project but there's concern that there's a lot of mainland residents coming over here to retire in your places and not having enough room for folks who have, were here, have been living here for a while. How do you handle that? Can you handle that or is it something that we can legally not do?

MR. KATSUDA: You know, as long as there are some attachments to Federal-type funding or Federally-related funding, we would not be able to discriminate with residency or non-residents of Hawaii or Maui. Now, if this project was completely funded by the County of Maui, that's in my dreams, I wish but if it were then, you know, Maui County could say you'd have to be a Maui resident. But at the moment one of the main sources that we will be seeking funds from

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would be the Low Income Housing Tax Credits and we would not be allowed to say someone from New Jersey can't apply. They can. Yeah.

COUNCILMEMBER COUCH: Thank you for that information and it's unfortunate because we're trying to, you know, not increase our population as much and we're going to have a lot of folks that are growing older here and so we have to figure out ways. So basically you're saying if we fund it fully through the County and don't have Federal funds then we're okay.

MR. KATSUDA: Yes.

COUNCILMEMBER COUCH: That's 25 million bucks that we would have to do.

MR. KATSUDA: I'm hoping it's not 25 million. You know, I'm hoping.

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

CHAIR CARROLL: Any further questions from the applicant at this time?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And so I believe the applicant mentioned that the archaeological, the archaeologist is here? Is there a way to, or if I can, if you want to answer. I think I presented a question earlier Upcountry. So did you get a response in reference to that?

MS. FUKUDA: So I'll defer to the archaeologist, Lisa Rotunna-Hazuka, but I would like to make a clarification to something that I said earlier. So there are actually two archaeological things going on on this project site. One is the burial preservation plan, which has received approval by State Historic Preservation Division and actually has been recorded with the Land Court, I believe it is, by Hale Mahaolu. So it's recorded document. They've got to follow it. But secondly, there's an archaeological monitoring plan that will be carried out as part of the construction of the project and that's the plan that was approved back in 2003, and Ms. Rotunna-Hazuka has had discussions with Morgan Davis, the Maui archaeologist regarding that archaeological monitoring plan, so.

MS. ROTUNNA-HAZUKA: Good afternoon, Committee and Chairperson. My name is Lisa Rotunna-Hazuka and I'm the archaeological consultant for the Hale Mahaolu Project.

COUNCILMEMBER COCHRAN: Okay, thank you for being here. And so I, yeah, I was looking through the SHPD's comments dated March 13, 2014 and then your folk's comment back to Ms. Davis July 1, 2014 and just, it didn't quite clear up the two, for me anyways. So that's why I need clarification.

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MS. ROTUNNA-HAZUKA: Okay.

COUNCILMEMBER COCHRAN: Are the two primary concerns that were brought forward by Ms. Davis in regards to the pre-contact fire pits and former irrigation ditch.

MS. ROTUNNA-HAZUKA: Okay.

COUNCILMEMBER COCHRAN: She felt or they felt it still, your plan was not yet submitted and still needed for the review and they were not comfortable in the description of where fill was to be or not be and things of that nature, and yet your, did you just say that you confirm that the 2003 AMP is still valid? So.

MS. ROTUNNA-HAZUKA: Okay, on her review, do you, do they have the burial preservation plan? Okay. I think what happened here, because in the burial preservation plan it clearly states that those two sites, 5479 and 5470 are preserved in place and it discusses it in the burial preservation plan. What I believe happened was the burial preservation plan goes to the cultural side at SHPD. You have the cultural branch and you have the archaeology branch. Cultural branch approved the burial preservation plan and I don't believe that Morgan got a copy of that when she wrote this letter. So what I'm going to do is give her a copy and show her in this plan exactly where we state that those sites are preserved within the burial preserve and I'm sure that she'll redo her letter --

COUNCILMEMBER COCHRAN: Okay.

MS. ROTUNNA-HAZUKA: --and revise it.

COUNCILMEMBER COCHRAN: Okay. Alright. Yeah, that would be sufficient. But, you know, you see where I wasn't --

MS. ROTUNNA-HAZUKA: Sure.

COUNCILMEMBER COCHRAN: --quite clear on what had occurred here, so.

MS. ROTUNNA-HAZUKA: Right.

COUNCILMEMBER COCHRAN: Okay, well thank you for that clarification and I'm looking forward to the added comments by Ms. Davis then.

MS. ROTUNNA-HAZUKA: Okay.

COUNCILMEMBER COCHRAN: Okay.

MS. ROTUNNA-HAZUKA: Thank you.

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COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you, Ms. Cochran. Any further questions for the applicant? And we will have the applicant here as we go through the, after this, I'm going to go through the conditions one by one and so at that time, especially if there are, if we approve a condition if there's no objection to a condition, we'll move to the next one. If there are modifications or if we'd like, want to delete a condition, we will be calling on the applicant for their comment if there's a change or a deletion. But any further questions for the applicant at this time right now? If not, thank you. Don't go too far.

COUNCILMEMBER COCHRAN: Wait. Sorry, Chair. Real quick. Sorry, sorry. Before they leave --

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: --the floor. In regards to the one exemption, item E number 2, the permit bond. If applicant heard our discussion, or Mr. Couch had brought it up but it was something that I was going to also highlight. So did you folks have any comments as to not allowing that? 'Cause we have on other 201Hs that's why.

MR. KATSUDA: Yeah, I'm not going to think globally. I'm just going to think myopically. Would we want that exemption for Hale Mahaolu `Ewalu? The answer would be yes but I don't have a response to your more global concern, yeah.

COUNCILMEMBER COCHRAN: Right. Okay, thank you. Thank you, applicants. Chair, I mean, for me it's an issue because I've seen things occur during grading, grubbing and what have you and no bonding and issues have occurred and then it's County's kuleana to clean it up so not quite happy with situations of that nature. Thank you, Chair.

CHAIR CARROLL: Thank you, Ms. Cochran. Any further questions for the applicant before we get into the conditions? Alright. Does everybody have before you, was distributed all of the proposed exemptions? Alright. A1, everyone have it? A1, exemption from Title 2, MCC, Administrative and Personnel. Make sure we're all on the same page and we all have the same thing. And that one is only one thing under there, an exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy shall be granted. Any comment?

COUNCILMEMBER BAISA: Consensus.

CHAIR CARROLL: If there's no comment on that, we shall move to the next one. Alright. And if any time as we're proceeding down and you think of something, we can always go back to that one. It's not like we just go over it and we cannot revisit it. Alright, B . . . *(feedback in Chamber)*. . . Do we still have sound?

COUNCILMEMBER VICTORINO: I don't think so.

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CHAIR CARROLL: Wow.

COUNCILMEMBER VICTORINO: I don't hear you. Try yours.

CHAIR CARROLL: Okay, let's try again. Somebody didn't like B. Exemption from Title 14, MCC, Public Services. Number 1, the seventh WHEREAS paragraph to read...oh, wait, wait...alright is this...this is for the Exemption from Service [sic] 14.05.060, Laterals, MCC, requiring service lateral for each lot in a subdivision shall be granted to allow one set of water meters and fire check valves to serve the entire project. Any comment on that? You know what, we're going to take a brief recess over here while I try to reshuffle these papers over here so we can get through this a little faster. Recess. ...*(gavel)*...

RECESS: 4:10 p.m.

RECONVENE: 4:18 p.m.

CHAIR CARROLL: ...*(gavel)*... The Land Use Committee is called back to order. Alright. We're on B2.

COUNCILMEMBER VICTORINO: B2.

CHAIR CARROLL: B2.

COUNCILMEMBER VICTORINO: Not B3, B2. Okay, go ahead.

CHAIR CARROLL: It's been a long day already.

COUNCILMEMBER VICTORINO: Too long.

CHAIR CARROLL: Alright, an exemption from Section 14.12.040, MCC, requiring written verification of either County water meter, and we stop it right there because we were concerned about long-term reliable water source shall be granted. So the period would end at meter. Any objection to this one?

COUNCILMEMBER BAISA: Can you repeat that, please?

COUNCILMEMBER VICTORINO: Yeah, try repeat.

COUNCILMEMBER BAISA: Can you repeat that, please?

CHAIR CARROLL: An exemption from Section 14.12.040, MCC, requiring a written verification of either County water meter. Any comment? If not, we'll move on to three. An exemption from Chapter...

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MR. HOPPER: Wait, Mr. Chair? Yeah, I think there were some...

CHAIR CARROLL: Corporation Counsel.

MR. HOPPER: Yes. Thank you, Mr. Chair. I think there was some revisions that were set and there's like a redline version that was distributed that has just a few manini changes but kind of clarifies things. I don't know if we're going by that one or I think that'd be a little bit easier. It has a few changes that I think were going to be incorporated that if we're going to look at either voting today or having the conditions read, they should probably be included. I'm not sure if you have that list or if it's been distributed.

COUNCILMEMBER BAISA: Yes, we have it.

MR. HOPPER: I think it's a little clearer.

MR. JENSEN: Mr. Chair? Mr. Chair, the redline version has been distributed to all the Members and this included largely technical nonsubstantive changes. The matter that was discussed with the Deputy Director of Water was the matter of whether that entire exemption B2 should be deleted given what he was saying about the Memorandum of Understanding. So that entire exemption, B2, the Deputy Director seemed to favor deleting, and that was going to be something that Mr. Couch was going to discuss with the applicant at the appropriate time.

CHAIR CARROLL: Alright. Any comment to deleting B2, to delete that under the consideration that we just heard.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Okay, we're deleting 2. Three, exemption from Chapter 14.74, MCC, impact fees for traffic and roadway improvements in the Makawao-Pukalani-Kula, Maui, Hawaii shall be granted to exempt from the project the payment of impact fees, which may be adopted prior to issuance of building permits for this project. Okay? Move on?

COUNCILMEMBER VICTORINO: Go ahead.

CHAIR CARROLL: C, exemption from Title 16, MCC, Buildings and Construction. One, an exemption from Chapter 16.04B, MCC, Fire Code 16.18B, MCC, Electrical Code, 16.20B, MCC, Plumbing Code, and 16.26B, MCC, Building Code shall be granted to exempt the project from Fire, Electrical, Plumbing, and Building permit fees as well as plan review and inspection fees.

COUNCILMEMBER BAISA: Consensus.

COUNCILMEMBER VICTORINO: Consensus.

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CHAIR CARROLL: Number two, excuse me, the project shall conform with MCC, Chapter 16.04B, Fire Code; 16.16A, Energy Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application and despite any subsequent amendments to Chapter 16.04B, 16.16A, 16.18B, 16.20B, and 16.26B or any updates to the Fire Code, Energy Code, Electrical Code, Plumbing Code, or Building Code adopted prior to issuance of the last building permit for the project. And that's the one the Fire Department was talking about a little while ago.

COUNCILMEMBER VICTORINO: Consensus.

CHAIR CARROLL: Yes, Mr. Guzman?

VICE-CHAIR GUZMAN: Yeah, Chair, are we working off the, off the red marked version?

CHAIR CARROLL: I'm sorry?

VICE-CHAIR GUZMAN: Is, because after application...

COUNCILMEMBER VICTORINO: He's saying no.

VICE-CHAIR GUZMAN: We're not?

COUNCILMEMBER VICTORINO: Which one are we working on? I guess, Mr. Chair, we got the redline one and that one we're not using at this time. We're using the clean copy? What are we using? I guess that's the question we're having right now.

CHAIR CARROLL: That is, I believe that's the copy you have right there.

MR. JENSEN: Again, Mr. Chair, the exemption list you're going through now is the exemption list as it's attached to the current resolution.

VICE-CHAIR GUZMAN: Okay.

MR. JENSEN: The red-marked version was one with suggested technical changes.

COUNCILMEMBER VICTORINO: Oh, okay.

MR. JENSEN: So it's not necessarily recommending some of the changes like the deletion to exemption B2 that you're discussing or what you're about to discuss, the C2 revision to include a 10-year time limit. None of those are necessarily included in the redline version.

VICE-CHAIR GUZMAN: So just procedurally, why do we make a motion to amend C2?

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CHAIR CARROLL: Well, C2 I was going to add over there and ask the Committee to add on there the following phrase.

VICE-CHAIR GUZMAN: Okay.

CHAIR CARROLL: Or within 10 years of the adoption of this resolution, whichever comes first.

VICE-CHAIR GUZMAN: Perfect.

CHAIR CARROLL: And that's what I was just going to do with that one.

VICE-CHAIR GUZMAN: Okay, thank you. That's exactly what I would request. Thank you.

CHAIR CARROLL: Yeah. Is there any objection to adding that?

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Alright. Consider that done. Number three, an exemption from Table 2902.1 of the 2006 International Building Code shall be granted to exempt the project from providing drinking fountains within the adult daycare center and senior center. Comment?

COUNCILMEMBER VICTORINO: No, we agree with that one.

CHAIR CARROLL: You have comment on that?

MR. HOPPER: Just a brief comment. I would perhaps recommend this references the International Building Code. I think that we should also reference as adopted in, as adopted as Section 16.26B and then the appropriate County Code Section that that's been adopted in just to make clear that it's being exempted as adopted by the Maui County Code. Just to be clear because the International Code is only adopted by the County Code and then there's actually County Code citations so I just suggest that that would be included for clarity's sake there.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: No objections? Alright. We shall proceed. Exemptions from Title 16 [sic], MCC, Zoning. Number one, an exemption, excuse me, from Section 19.31.020, MCC, Permitted Uses shall be granted to allow the following permitted uses: one, multi-family residential housing units; two, adult daycare center; three, community center; four, offices; five, kitchen; six, recreational uses and structures and accessory uses and structures, such as parking, storage, or accessory buildings and structures, trash enclosures, outdoor recreation, small-scale energy systems, and walls and fences. Okay?

COUNCIL MEMBERS: Okay.

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CHAIR CARROLL: Number two, an exemption from Section 19.31.050, MCC, Development Standards, to allow a maximum height of three stories not to exceed 45 feet, as measured from finished grade, and no setbacks from the common property line between the residential buildings, lot, and senior center and adult daycare center lot.

COUNCIL MEMBERS: No objections.

COUNCILMEMBER VICTORINO: Consensus.

CHAIR CARROLL: Number three, an exemption from Section 19.36A.010, MCC, Designated, Designation Number of Spaces shall be granted to allow parking of one parking space per residential housing unit and two parking spaces per 1,200 square feet of floor area for the adult daycare center and the community center.

COUNCIL MEMBERS: Consensus.

CHAIR CARROLL: Number four, an exemption from Section 19.36A.190, MCC, loading zone shall be granted to require only for two loading spaces. Number five, exemption from Section --

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: --19.36A. --

COUNCILMEMBER COCHRAN: Chair? Sorry, Chair? Chair?

CHAIR CARROLL: --030, MCC, location --

COUNCILMEMBER COCHRAN: Chair!

CHAIR CARROLL: --shall be...oh, excuse me.

COUNCILMEMBER COCHRAN: Sorry. No, I'm kind of working off your submittal with the red-marked version and you had your numbers switched around. Is there a reason on here though why you had moved just the numbers of the item around?

COUNCILMEMBER VICTORINO: Loading spaces.

MR. JENSEN: Mr. Chair?

COUNCILMEMBER COCHRAN: And are...

MR. JENSEN: That was just a suggested technical in order.

COUNCILMEMBER VICTORINO: Oh, 4, 5, 6.

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COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER VICTORINO: Yeah.

COUNCILMEMBER COCHRAN: And the little periods and, you know, are those nonsubstantive things going to be incorporated anyway so we don't need to do motions and votes on these, is that's what's going on?

MR. JENSEN: Mr. Chair, that was the purpose of the redline version not necessarily the more substantive changes that are being discussed as the Chair moves one by one through.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you.

CHAIR CARROLL: Thank you. The loading zone, okay? Number five, an exemption from Section 19.36A.030, MCC, Location, shall be granted to allow the parking spaces to be located either on the lot it serves or the adjacent lot within the project site. Number six, an exemption from Section 19.36A.070, MCC, Walls and Fences and Landscaping, to allow for flexibility in the location of landscaping, which requires one shade tree at minimum regular intervals for every five spaces. The project shall comply with Section 19.36A.070 in effect at the time of the filing of the 201H-38 application and that the project shall not be subject to any amendments to Section 19.36A.070 adopted prior to the issuance of building permit for the project until it is completed. E, Exemptions from Title 20, MCC, Environmental Protection. Number one, an exemption...

COUNCILMEMBER VICTORINO: Mr. Chair? Mr. Chair, just my colleague is bringing up that under that one it has, is required for all other requirements of this Section 19.36A.070 of the Maui County Code. You're putting is required. I would imagine that's a substantive change. Correct me if I'm wrong, you know, that's the redline.

CHAIR CARROLL: That would be a substantive change.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CARROLL: That would, yes.

COUNCILMEMBER VICTORINO: Yeah, so would we not need to vote on something like that?

CHAIR CARROLL: Yeah, well that's why we have that so you can bring that up if you wish to put it inside because it's a change from what we have over here.

COUNCILMEMBER VICTORINO: Well, I think if you want us to put it in, yeah. I think it's important.

CHAIR CARROLL: Alright. Is there any objection to adding that? Alright?

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COUNCILMEMBER VICTORINO: So you don't need a motion? Just you're going to add it?

CHAIR CARROLL: No, we'll just add it because I have no motions on the floor yet. Everything that we approve now, each one that I mark down we'll do under one motion if it's approved, if the Committee has no problems with it.

COUNCILMEMBER VICTORINO: Okay.

VICE-CHAIR GUZMAN: So, Chair, for number six, which is actually marked five in red.

UNIDENTIFIED SPEAKER: D5.

VICE-CHAIR GUZMAN: I would request that all of the redline, all of the red marks are amendments be incorporated.

CHAIR CARROLL: All red.

VICE-CHAIR GUZMAN: As follows, Chair. It would be number six.

CHAIR CARROLL: Oh, here we go.

VICE-CHAIR GUZMAN: Well, marked as number five.

COUNCILMEMBER VICTORINO: Number five.

VICE-CHAIR GUZMAN: An exemption from Section 19.36A.070 of the Maui County Code, Walls, Fences, and Landscaping, to allow for flexibility in the location of landscaping for which is required. For all other requirements of Section 19.36A.070 of the Maui County Code, one, large crown shade tree at minimum regular intervals of every five--wait, sorry, I'm getting screwed up here--of the project shall comply with Section 19.36A.070 as stated.

CHAIR CARROLL: Thank you.

VICE-CHAIR GUZMAN: And...

CHAIR CARROLL: The Chair had the wrong one in front of him.

VICE-CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR CARROLL: It happens.

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VICE-CHAIR GUZMAN: Right.

CHAIR CARROLL: Alright. You have the redline one with the proposed change, right? I had another one that we were working on before. That's the problem with too many papers. Do you want me to read that over again?

COUNCILMEMBER VICTORINO: No.

COUNCILMEMBER COCHRAN: Uh-uh.

CHAIR CARROLL: Okay, number five. That is the one that's re-numbered five, yeah.

COUNCILMEMBER VICTORINO: Yeah, re-numbered five. Yeah.

CHAIR CARROLL: Okay, an exemption from Section 19.36A.070, MCC, Walls, Fences, and Landscaping, to allow flexibility of the location of landscaping they serve for which requires, which one, large crown shade tree at minimum height regular intervals of every five spaces is required for all the requirements of Section 19.36A.070, MCC. The project shall comply with Section 19.36A.070 as stated at the time of the filing of the 201H-38 application and the project shall not be subject to any amendments to Section 19.36A.070 adopted prior to the issuance of building permits for the project until construction is completed. Okay, thank you, Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

CHAIR CARROLL: Yeah, that's why we have a Committee. Alright, moving on to Exemptions from Title 20, MCC, Environmental Protection. An exempt, number one, an exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, shall be granted to exempt the project from payment of grading, land grubbing permit fees.

COUNCILMEMBER COCHRAN: And.

CHAIR CARROLL: Number two, an exemption from Section 20.08.130, 20.08.140, and 20.08.150, MCC, Permit Bond, shall be granted to exempt the project from filing a bond with the County of Maui for grading, construction of drainage improvements, and implementation of erosion control measures.

COUNCILMEMBER COCHRAN: Chair? Do you know what the dollar amount is on this?

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER COCHRAN: Do you know what the dollar amount on this would be we're exempting them from?

CHAIR CARROLL: I, I know that --

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COUNCILMEMBER COCHRAN: Or does the applicant know?

CHAIR CARROLL: --your specific thing...Ms. Ridao, but would you happen to ...*(inaudible)*...

COUNCILMEMBER COCHRAN: Does that vary from project to project? Yes? Dependent? Are they...

CHAIR CARROLL: We have lost the other ones over here and I do not know the dollar amount.

COUNCILMEMBER COCHRAN: I mean are we talking hundreds of thousands?

MS. RIDAO: No.

COUNCILMEMBER COCHRAN: Or are we talking a grand?

MS. RIDAO: I think Karlynn can answer.

COUNCILMEMBER VICTORINO: Probably maybe Karlynn can answer.

COUNCILMEMBER COCHRAN: Oh, Karlynn, Ms. Fukuda?

CHAIR CARROLL: Yeah, if nobody objects, I'll call the applicant forward.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: They have the dollar amount.

COUNCILMEMBER COCHRAN: Oh, okay. Thank you.

CHAIR CARROLL: Yeah.

MS. FUKUDA: Karlynn Fukuda...

CHAIR CARROLL: Please identify yourself at the microphone.

MS. FUKUDA: Karlynn Fukuda of Munekiyo & Hiraga. Thank you, Chair. We did have our civil engineer take a look at just rough estimated costs, and at this point the estimated cost was \$85,000 on this particular item.

COUNCILMEMBER COCHRAN: Eighty-five thousand?

MS. FUKUDA: Correct. That's a rough estimate at this point.

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COUNCILMEMBER COCHRAN: Okay. And, okay. Well, I just, yeah. You know, I mean, there's a reason why these are pricey and because it gives added protection for construction projects.

CHAIR CARROLL: Yeah.

COUNCILMEMBER COCHRAN: So, I mean, everyone knows how I feel and Mr. Couch feels but, you know, this is far cry from the ocean where a lot of these projects have done some pretty devastating damage and so I guess I could, you know, live with it.

CHAIR CARROLL: That's one reason we've treated this project differently because it's not in the SMA area anyway.

COUNCILMEMBER COCHRAN: Right. Right but, and I think that's what happened with the other projects that are near the ocean and have inundation issues and what have you, so that's my comments right now, Chair. Thank you.

CHAIR CARROLL: Thank you, Ms. Cochran. Okay, F, exemption from MCC Administrative Rules, Subtitle 1, Title 26, Subchapter 3, Unauthorized Service. And there's a question about this administrative rule being in effect. What we have here is the exemption from Maui County Administrative Rule 16.108B, Conversion of Unauthorized Service, shall be granted to exempt the project from the requirement of having one water meter per lot to allow two water meters to serve the project. Further, waterlines would be allowed to cross the property boundary lines to serve the entire project. This over here, as we've been informed, is no longer in effect. There is something that has replaced it. I have been informed that...was Water Department or Public Works?

COUNCILMEMBER VICTORINO: Water Department, Mr. Chair.

CHAIR CARROLL: Water. Water said they would not approve this exemption and a new exemption they would not approve it. I am not really willing to go against the Department. The Department to all these other exemptions they have approved. Okay...

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR CARROLL: Not only this one but the new one that replaces this, which is substantively the same.

COUNCILMEMBER VICTORINO: The same, yeah.

CHAIR CARROLL: They have indicated they do not want to approve it. I'd like to call the applicant forward if you don't mind and hear her comment.

COUNCILMEMBER VICTORINO: Yeah. Yeah, I would like to hear from them because I would ask to remove this.

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MS. FUKUDA: Karlynn Fukuda of Munekiyo & Hiraga. It is a serious concern for the project if this exemption is removed from this list. The reason for this is is that we will be doing a subdivision and reconsolidation of the property. As we noted in the presentation, there are two tax map key parcels that are, currently make up the project site, and the plan is to consolidated them into one and re-subdivide them into two separate parcels such that the, and Mr. Katsuda can go into further detail, but the parcels, it would become two parcels where the adult daycare center and the senior center would be on one parcel and the residential units would be on another parcel. And the main reason for doing this is, and it's not because Hale Mahaolu really wants to do it but it's because of the funding concerns. Because there are various pots of money that Hale Mahaolu will seek to actually build the project, they are separating out the so-called commercial units but the senior center and the adult daycare center. The water meters as planned right now are located on the area, in the area where the adult daycare center is, and so the Water Department has a rule where you cannot have waterlines crossing property boundaries in order to serve another lot. So it's really just one project but technically there are going to be two tax map key parcels and this exemption had been requested on the `Ehiku Project in Kihei, because of the same reason they had to subdivide the property into I think three parcels in that case because of the funding sources and so, well four. Okay, four TMKs because of the funding sources but that was the only way that we could, you know, proceed with the project was being able to cross the property boundaries because they had to subdivide the property. So we would have serious concerns with the removal of that exemption, and I'll let Mr. Katsuda add if he has anything more to add.

MR. KATSUDA: Roy Katsuda from Hale Mahaolu. You know, as Karlynn explained, it really doesn't change the configuration of the property. It's just boundary lines. But if we do not have this exemption then it would make the construction of this project a lot more difficult. At `Ehiku, we were able to create easements so we can traverse property lines. The commercial piece should be separate from the residential pieces. In the event that we receive some Federal funds directly from Rural Development or Department of HUD, it's a good idea to keep it separate. So this might be a pre-emption but it's a required, not required, it's a strongly suggested or requested exemption.

COUNCILMEMBER VICTORINO: Mr. Chair? Mr. Chair?

CHAIR CARROLL: Thank you. And we have the Water Department listening in.

COUNCILMEMBER VICTORINO: Yeah, I was going say yeah, we have.

CHAIR CARROLL: If you could come down, please?

COUNCILMEMBER VICTORINO: Well, Mr. Chair, I think we, first of all, if we're going to do this, we're going to have to get the right Code because this one is obsolete so we have to make that change for sure. But I want to hear what the Department has to say because I think they brought up some significant challenges with this so if you don't mind, Mr. Chair.

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CHAIR CARROLL: Please identify yourself.

MR. MEYER: Yes, we left the brains downstairs...Mr. Miyabuchi.

CHAIR CARROLL: Alright, you've heard the comments.

MR. MEYER: I've been listening a little bit. There is no restriction on running waterlines across one parcel to another as long as they're covered by an easement. We have remote meter situations and that's not an issue. The issue, which may come into play here is that there is a restriction on using a water meter that's assigned to one parcel on a second parcel. You can only use water from a water meter that's assigned to a parcel on that parcel and that is part of the County Code so that the applicant would either have to consolidate the parcels and use, if it had one water meter, to use the water from that water meter on the whole piece of land, would have to consolidate the parcels or the applicant could get a separate meter for each parcel and that's always a possibility as well. And that could be done in this case because you're dealing with the water credits, you'd simply size the water meter based upon the credits available. So I think, you know, that it would be possible for the applicant to comply with the Code as it is right now. That's our understanding by taking one of those two approaches, i.e. either consolidate the parcel or the parcels together or have separate meters, but of course, and that would be the Department's preference, but of course the Council would be free to grant this exemption if it wants to. There is a second issue, which comes into play here, and that is fire lines. These are the lines that supply water for fire sprinklers and fire suppression and those require a device where they connect to the County system. It's called a DCDA or a Double Check Detector Assembly. It's essentially a fancy backflow preventer with a meter on it and those need to be inspected annually and that's a problem from our perspective. There is no code on this but it is our standard practice that each parcel must have a separate DCDA, because if you've got one assembly serving two parcels, theoretically the parcels could be sold separately and then you've got questions of who does the compliance? Who does the inspection? Who's responsible for maintaining them, et cetera? And those are life safety issues for the Department and for, of course, Fire Protection. So we take those things pretty seriously. Again, that's not a County Code issue so there would be no exemption necessary on that but the Department really wouldn't like it. We'd like to have separate DCDA's for each parcel.

COUNCILMEMBER VICTORINO: Mr. Chair, follow up with Mr. Meyer. Can you explain to everybody what a backflow preventer is? That was a question that had come up a couple of times because of the exemption. What does that specifically do so that everybody understands what that does?

MR. MEYER: Of course. Backflow preventer is sort of like what it sounds like. It's a check valve that allows only one-way flow for the water, and that's important when you come to potable water systems because if you have a charged fire line of water sitting in a fire system under pressure, it may sit there a month, two months, six months and become septic or stale. And if you don't have that check valve in place, if there's a loss in pressure in the County system, someone hits a

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fire hydrant or there's an excessive demand, that can regurgitate or suck that septic water back into the public system and especially with immunocompromised people, it can poison people. So it's, you wanna make very sure that you have a good backflow prevention system, a check valve in there so that it doesn't allow any bad water to mix with the good water.

COUNCILMEMBER VICTORINO: Okay, I guess now I go back to Mr. Katsuda because they're asking for that exemption in here. And Roy, after hearing that, and I'm not sure what the cost involved so this is why I'm trying to find a happy medium in all of this. Explain to us why were you asking for that exemption and what is the cost involved?

MR. KATSUDA: Okay, I'm going to make a few comments or try to explain it, but we have our engineer here that can probably do a better job at explaining. But as far as backflow prevention, you know, those would be in place even if we have just these meters to service both parcels.

COUNCILMEMBER VICTORINO: Okay.

MR. KATSUDA: That won't change. As far as fire hydrants, Fire Department would require us to have so many fire departments...fire departments, fire hydrants, and at `Ehiku, we have really have a lot of fire hydrants. We also have fire sprinkler systems in our units where the residents live. So but I'm not, you know, we just learned about this today about that particular rule no longer being around. It's being replaced by another one. We were trying to find it but we couldn't. This might be a good time for me to ask our civil engineer to explain it a little bit better than I can.

COUNCILMEMBER VICTORINO: Well that, I think, Mr. Chair, well, I'd like the Department to bring up that for Mr. Katsuda, the new Code that was changed and so that, you know, he has that there and maybe the engineer can bring it up.

COUNCILMEMBER BAISA: Chair? Chair?

CHAIR CARROLL: I'm sorry, Ms. Baisa.

COUNCILMEMBER BAISA: May we have a very brief recess?

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER BAISA: Brief recess, please.

CHAIR CARROLL: We stand in recess subject to the call of the Chair. ...*(gavel)*...

RECESS: 4:51 p.m.

RECONVENE: 4:52 p.m.

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CHAIR CARROLL: ...*(gavel)*... This Land Use Committee is now called back into session. Members, I'm not going to go after 5:00. We have gone through all the others and approved them but I want clean language and I want to make clean paper to distribute to you before I ask for a vote on that. Also, we have this last one over here that we really need to work on. We're really close to it but I'm afraid there is no time to do it tonight. I need to work with my staff and resource people, especially on this last one, and I don't want to make a motion to approve the ones that we already did because I'd like to have a clean copy to everybody before we do that. So at this time, if there is no objection, oh, excuse me. Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry. Well, I just, since we have Water Department, I had a question because I had, I was querying Public Work.

CHAIR CARROLL: Oh, proceed.

COUNCILMEMBER COCHRAN: When they said...

CHAIR CARROLL: Because we have seven more minutes.

COUNCILMEMBER COCHRAN: Okay. And they deferred to Department of Water Supply. So now that I have them here --

CHAIR CARROLL: Yeah, proceed.

COUNCILMEMBER COCHRAN: --I wanted to, if, are we through here, Chair? Are we through with the applicants and engineer?

CHAIR CARROLL: Well, does anybody have anything for the applicant more at this time? Okay, thank you very much.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR CARROLL: Yes, we're going to have to close pretty soon, so. Do you have any comments?

MS. FUKUDA: I just wanted to have the civil to explain in response to the request for the exemption but if the Chair feels that there's not a need for further explanation.

CHAIR CARROLL: I will go over there and I will post for the next meeting. I'm not going to recess. We'll post for the next meeting.

MS. FUKUDA: Okay. Okay, thank you.

CHAIR CARROLL: Thank you. Sorry for the delay but we really need to have a clean paper and do this right.

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MS. FUKUDA: Thank you.

CHAIR CARROLL: Ms. Cochran, proceed.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Meyer, for being here again. So going to, I, you got the exemption list in front of you by chance? No? It's going back to Item B number one and I had a question about fire check valves and it does have, if you want me to read it I can read it, an exemption from Section 14.05.060, Laterals, MCC, requiring a service lateral to each lot in the subdivision shall be granted to allow one set of water meters and fire check valves to serve the entire project site. So they want all that exempted and what or what's Water Departments comments to that?

MR. MEYER: We view them as two separate issues. The, I believe 14.05 doesn't address the issue of fire supply lines at all, fire check valves at all. It simply addresses water meters and what it says is you can't have a water meter serve two parcels. You can only use water from a meter on the parcel it's assigned to. And that if the Department or if the Council wants to grant an exemption there that would, it's really the Council's discretion to do so. We've never done it and we scrupulously follow the Code and we don't allow, you know, other than historical situations that we can't fix right now, we don't allow new meters to be issued that serve more than one parcel, period.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you, Director. And so, yeah. I just thought it had some type of reference to this item we just were on in a sense, and so separating out the fire check valves, I wanted clarification. I think I asked first Rowena Andaya and then also Mr. Kono from Fire Department but they both said it's more in your purview so what kind of comment do you have in regards to that and what is that?

MR. MEYER: Okay, the, this is on the fire check valve?

COUNCILMEMBER COCHRAN: Yes.

MR. MEYER: Yeah. We refer to it as a DCDA and again there is no Code on this specifically whether a DCDA can serve two parcels or one parcel. It's always been the policy of the Department and a system standard that a DCDA can only be used on in effect the parcel it's assigned to on one parcel only. And the reason for that is that if you got two parcels that's served by one valve, one DCDA, what happens if one of the parcels is sold? Who maintains it? Who's responsible for it? Where does the liability rest? Et cetera. We don't have anyone that we can rely on to maintain and inspect and certify that valve so it's operational, and as I mentioned earlier, that's an important thing because it's a protective feature for the quality of the water supply for the rest of the people of Maui.

COUNCILMEMBER COCHRAN: Okay. Thank you, Director, Deputy.

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VICE-CHAIR GUZMAN: Could, could you not, when you have two adjacent properties, just like when you have a retaining wall agreement that runs with the land, can you not have the two parcels have an agreement that would then be placed in the deeds that would run with the land, so therefore if one of them or if one of the lots were sold there is an established responsibility between the two lots?

MR. MEYER: Theoretically you could, yes, bind the two parcels together that way.

VICE-CHAIR GUZMAN: Right. So I mean...

MR. MEYER: By agreement that's recorded.

VICE-CHAIR GUZMAN: We could legislate an ordinance that could allow that to happen.

MR. MEYER: Correct.

VICE-CHAIR GUZMAN: Thank you.

CHAIR CARROLL: Members, it's almost 5:00 and we are going to adjourn at 5:00. I'm going to adjourn this meeting and then I'm going to post again for September 17th at 1:30 and that will be the only thing on the agenda. And by that time we can work with the Water Department and work on some of the other language and give you a clean copy of the ones that we have already gone over and approved. And I...we're almost there. If we had a lot of time today, we could probably have finished this up but we really don't. So I'd like to thank everybody for attending today...the Staff, the applicant. I'm sorry we couldn't get you done today, but we've just run out of time. If there's no further comment or no further questions, you have 60 seconds if there is, for request for the next meeting. If not, this Land Use Committee meeting of September 3, 2014 stands adjourned. ...*(gavel)*...

ACTION: DEFER PENDING FURTHER DISCUSSION.

ADJOURN: 4:59 p.m.

APPROVED:



ROBERT CARROLL, CHAIR
Land Use Committee


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CERTIFICATE

I, Kekai R. Robinson, hereby certify that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 24th day of September, 2014, Wailuku, Maui, Hawaii.



Kekai R. Robinson