

**LAND USE COMMITTEE**  
Council of the County of Maui

**MINUTES**

**May 18, 2016**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:30 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Robert Carroll, Chair  
Councilmember Michael P. Victorino, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Elle Cochran  
Councilmember Don Couch (in 1:37 p.m.)  
Councilmember Stacy Crivello (in 1:35 p.m., out 2:40 p.m.)  
Councilmember Don S. Guzman (in 1:37 p.m.)

**STAFF:**

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

**ADMIN.:**

Carol Reimann, Director, Department of Housing and Human Concerns  
Clyde "Buddy" Almeida, Housing Administrator, Department of Housing and Human Concerns  
Michele McLean, Deputy Director, Department of Planning  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works  
Tammy Yeh, District Engineer, Department of Water Supply  
Michael Miyamoto, Deputy Director, Department of Environmental Management  
Kono Davis, Lieutenant, Department of Fire and Public Safety  
Robert Halvorson, Chief of Planning and Development, Department of Parks and Recreation  
Ricky Uedoi, Police Captain, Department of Police  
Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:**

Stephen Kaneshiro, Senior Pastor, Valley Isle Fellowship  
Sean Housman, Pastor  
Del Kirth, Valley Isle Fellowship  
David Cordero, President, Pacific Century Realty  
Zandra Amaral-Crouse

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Stan Franco, Housing Co-Chair, FACE Maui  
Bruce U'u, Field Representative, Hawaii Carpenters Union  
Vince Bagoyo, V. Bagoyo Development Consulting Group, LLC  
William Frampton, Partner, Waiale Road 201, LLC  
Mark Matsuda, Civil Engineer, Otomo Engineering  
Tyler Fujiwara, Traffic Engineer, Austin, Tsutsumi and Associates, Inc.  
Lisa Rotunno-Hazuka, Archaeologist, Archaeological Services Hawaii, LLC  
Robert Hobdy, Biological Resources Survey (Flora and Fauna)  
Plus (15) Others

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

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CHAIR CARROLL:   ...*(gavel)*... This Land Use Committee meeting of May 18, 2016 will come to order. First of all, my request, if anybody has any cell phones or anything that makes noise, please turn it off. I'm Councilmember Robert Carroll, Chair of the Land Use Committee. With us this afternoon, we have our Vice-Chair Mr. Victorino.

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

CHAIR CARROLL: Good afternoon. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good afternoon, Chair.

CHAIR CARROLL: And Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR CARROLL: Good afternoon. And the rest will be joining us shortly. For our Corporation Counsel, we have Jeffrey...Jeff Ueoka. Executive Branch representatives, we have Carol Reimann, Director of Housing and Human Concerns; Buddy Almeida, Department of Housing and Human Concerns; Michele McLean, Planning Deputy Director; Rowena Dagdag-Andaya, Deputy Director of Public Works; Tammy Yeh, District Engineer, Department of Water Supply; Stewart Stant, Director, Department of Environmental Management; Mike Miyamoto, Deputy Director, Environmental Management; our Fire representative; we have a representative from Parks and Recreation; Assistant Chief, Victor Ramos, Department of Police; and Captain Ricky Uedoi, Department of Police. The landowner's representatives...landowner representatives, we have Vince Bagoyo, Bagoyo Development Consulting Group; William Frampton, Waiale group...Waiale Road 201, LLC; Mark Matsuda, Civil Engineer, Otomo Engineering; Tyler Fujiwara, Traffic Engineer; Austin, Tsutsumi Associates, Incorporated; Lisa Rotunno-Hazuka, Archaeologist, Archaeological Services Hawaii, LLC; Robert Hobdy, Biological Resources Survey (Flora and Fauna). Our Committee Staff, we have Raynette Yap, our Committee Secretary; and Scott Jensen, our Legislative Analyst. Today, we have a single item on our agenda for consideration: LU-2(3), Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) Waiale Affordable Housing Project (Wailuku).

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We will now accept public testimony. For individuals who will be testifying, you have three minutes. If you wish to testify in the Chamber, please sign up out in the lobby. In the remote sites, we have Hana, Lanai, and Molokai. Hana, are you there?

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

CHAIR CARROLL: Thank you. Molokai?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR CARROLL: Mahalo. Lanai?

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

CHAIR CARROLL: Thank you. Mr. Jensen, could you call the first testifier?

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. JENSEN: Yes, Mr. Chair. The first testifier is Stephen Kaneshiro. He's testifying on behalf of Valley Isle Fellowship. Mr. Kaneshiro will be followed by Mr. Sean Housman.

MR. KANESHIRO: Good afternoon. Mr. Chair, Members of the Council, thank you for allowing me this time. I'm Stephen Kaneshiro. I'm pastor of Valley Isle Fellowship, and we are the sellers of the property to this project. We are currently building on the mauka portion of this project our building, our church building. About two or three years ago, because of unforeseen situations, we realized that we needed more monies than what we had already raised. We realized also that we were land-rich but cash-poor, and we were trying to build debt-free. We were blessed that as a small church, we had several options in which to raise the needed funds. After much prayer, study and discussion, we made this decision, though not a unanimous decision, to accept the offer from Bill Frampton and his associates. The compelling reasons for these decisions were twofold. One, we would have the cash needed to build the building that we had anticipated. Second, we would be able to help although in a very small way, families that were needing and desiring to purchase an affordable home. Therefore we worked out a contract by which we were trying to tie the sale of this land to a 100-percent affordable housing project. We are praying that we have accomplished that. Therefore Valley Isle Fellowship is fully in support of this project and desires it to proceed as quickly as possible. In our conversations with many families, we have seen their pain as dreams for a home of their own seemed to be slipping, rapidly slipping away. We have also seen their excitement for this project as they dream of having their families grow in this convenient and centrally located site. So we encourage you to pass this motion. Thank you so much for your efforts and for giving me this time. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Thank you. Mr. Jensen?

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MR. JENSEN: Mr. Chair, the next testifier is Mr. Sean Housman. He'll be followed by Mr. Del Kirth.

MR. HOUSMAN: Members of the Council, and members of the community, aloha. My name is Sean Housman, and I've lived here with my family for the last six years. And during that six years, I've been blessed. My family has grown. I am now the father of four, my twin boys who had just made a year today. And during that time of being blessed with a growing family, I am convinced in my heart that Maui is my home. And it is a hard thing to deal with, the growing fact that you may not even be able to live in the place that you call your home. So though I've been blessed, I've also been stressed because as a, you know, the...I'm the head of my household. I'm the provider and I have to worry about my family and its needs. And I'm watching the place that I live in now which I've been renting for the last five years. As rents have gone up, my landlord has been very kind to us and hasn't raised the rent. But yet similar properties that he owns right next door to us, he's charging \$600 more a month. So I'm at his mercy, and I know that sort of the writing is on the wall. And yet when I heard this project that's coming up, my stress turned to hope and the idea that I might possibly be able to provide for my family, a permanent place where I can raise my kids, safe place for them to play and to use their imaginations, so it was exciting for me. And so I urge you as, you know, a member of the community, a pastor here in town, to please consider this project and just know that there are many people that are in my situation. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Mr. Del Kirth. Mr. Kirth will be followed by Mr. David Cordero.

CHAIR CARROLL: And let the record show Mr. Couch has joined us, and Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

COUNCILMEMBER COCHRAN: And Ms. Crivello.

CHAIR CARROLL: And Ms. Crivello. All right, everybody is here.

MR. KIRTH: Mr. Chair and Councilmembers, I wanna thank you for the opportunity to be able to express myself on this issue. I have lived on Maui since 1983 and I've certainly seen a lot of the situation and the ongoing escalation of prices. What I learned last night, we have some friends in Kihei, and it's just two elderly people and they were actually forced to buy a house way beyond their means just to have a house. And so, it seems kind of ridiculous that somebody who could afford, perhaps much more, put at the limit of their qualification. Whereas, in a situation like this, I'm sorry, maybe you couldn't hear me, in a situation like this, they don't need that much space. And I'm sure there are a lot of other people like that. And like I said over the 30-plus years that I've been here, I've seen it continually going up. There's never enough affordable

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housing. And so, whatever I can do to give credence to what's happening, I would just like it to be known. And having the opportunity to say my piece, I'm very grateful, and thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is David Cordero. He'll be...he's testifying on behalf of Pacific Century Realty, and Mr. Cordero will be followed by Zandra Amaral-Crouse.

MR. CORDERO: Good afternoon, Committee Chair and Councilmembers. My name is David Cordero. I'm the President and Principal Broker of Pacific Century Realty. I've been practicing real estate for 28 years, and I have an office on Maui and Oahu. I grew up on Maui and I specialize in residential sales and property management, so I'm very familiar with the housing market. And I'm here to ask for your support for the project. It's a much needed project so I guess I'm here on behalf of a lot my clients, friends, relatives, that are in need of housing. They are just one argument away from being homeless. I have a lot of clients that live in multigenerational households with many husband and wives and their children living in one room in a three-bedroom home shared with their parents and other families. So all you need is just one argument in the home and then they're homeless, competing with the tight rental market. So I'm here on behalf of them. And then I just wanna add that on Oahu, I worked for Herbert K. Horita Realty. He was one of the largest developers in the '70s and '80s. And so I have experience a little bit with sales for developers and I gotta add that, for someone to offer a 73-home project affordable is very generous, very kindhearted, and I recommend we take advantage of this opportunity, and that's all. Thank you very much.

CHAIR CARROLL: Ms. Baisa?

COUNCILMEMBER BAISA: Mr. Cordero, thank you very much for being here. You know --

MR. CORDERO: Yes ma'am.

COUNCILMEMBER BAISA: --we've spend a lot of time lately talking about affordable housing. It's the flavor of the day, you know. It's all we talk about when...we're very concerned. There's so many problems that we're dealing with and we're trying to find solutions. But we were talking this morning, we had another meeting this morning on this subject, and not this housing development but on affordable housing in general. And I wanted to ask you because of your background, what do you consider the price of an affordable home?

MR. CORDERO: Okay. You know, before I answer that question --

COUNCILMEMBER BAISA: Sure.

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MR. CORDERO: --my daughter is...she's a...I don't know what her title is but she's pretty close to Councilman Joey Manahan and --

COUNCILMEMBER BAISA: Oh --

MR. CORDERO: --they're addressing --

COUNCILMEMBER BAISA: --we know him.

MR. CORDERO: --the issue of housing on Oahu.

COUNCILMEMBER BAISA: Yes.

MR. CORDERO: Homelessness --

COUNCILMEMBER BAISA: Yes.

MR. CORDERO: --in Oahu. So, you know, my daughter shares all this with me 'cause she still lives at home. She's one of the ones I'm trying to get into a home also.

COUNCILMEMBER BAISA: Most people have them.

MR. CORDERO: Yes. And so she shares this problem and she has it in her heart that to help as many people and deal with homelessness. And then I'm thinking how did Oahu get it...let it get this far where we got all this tent city on Kakaako area near the multimillion-dollar condos which I'm supposed to be helping sell also, you know. Three million to \$5 million and then you drive a mile away, and you have tent city. Okay, so it's a issue that we don't have here yet, but it will eventually if we don't address that now. And that's why the...this affordable housing solutions like this, we gotta take advantage of it every chance we can.

COUNCILMEMBER BAISA: So...

MR. CORDERO: What your...back to your question, Councilmember, what is affordable? You know, that's a good question.

COUNCILMEMBER BAISA: I mean we say we're building affordable --

MR. CORDERO: It's more of a finance question.

COUNCILMEMBER BAISA: --housing but then we hear people say, I can't afford it because it's too expensive. So what can people --

MR. CORDERO: Well...

COUNCILMEMBER BAISA: --afford? We don't sell houses so we don't know.

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MR. CORDERO: Yes, from a realtor's angle, this is...Councilmember, it's like this, the interest rates are so low now, when people buy a home, it's almost like renting.

COUNCILMEMBER BAISA: Right.

MR. CORDERO: And you add the tax break of home ownership, and it almost equal to renting. So we're...we do the calculation for our renter and we show them that, you know, you could be owning a home, what you're paying in rent is the same as your mortgage when you pencil out all the tax deductions of interest, interest deductions. So to me that is what, it's affordable. If they can afford the rent of a three-bedroom home, they can afford to own a mortgage for a three-bedroom home.

COUNCILMEMBER BAISA: Thank you very much. That's good to know in looking at, you know, what we're authorizing as affordable. You know, people like you that are in the business deal with it every day so you have a lot more experience than we do. But we do want people in homes and we wanna make sure that if we're gonna give affordable tags to things, that people that can buy them.

MR. CORDERO: Yes, ma'am, yeah.

COUNCILMEMBER BAISA: Yeah.

VICE-CHAIR VICTORINO: Chair?

COUNCILMEMBER BAISA: Thank you.

MR. CORDERO: Thank you.

COUNCILMEMBER BAISA: Thank you very much. Wait. I think one more.

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Any further clarification? Mr. Victorino?

VICE-CHAIR VICTORINO: And again, I wanna thank you, Mr. Cordero, for being here. And I know who your daughter is 'cause I've been to Joey's office. No, no, I'm gonna ask you one question so...

MR. CORDERO: Okay, okay.

VICE-CHAIR VICTORINO: Yeah. No run away. Don't run away. My question to you is, you being in the business also, the biggest aspect is financing, the challenge with financing today, okay. Interest rates are low. No problem. But the requirements has gotten so difficult for our residents to be able to qualify. How do we address that as...from your perspective now? And I'm asking the question because this morning, same meeting, same question, same answer. You know, what's affordable? But I know what's affordable but if somebody cannot get the enough down payment or

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cannot qualify, see, they still end up renting. How do we help them? What is some ideas that you would say, or what should we be looking for as far as --

MR. CORDERO: I understand...

VICE-CHAIR VICTORINO: --affordable?

MR. CORDERO: Yes. Let me give you an example then. There's a young couple, a teacher, lifeguard. I just helped them get into a home because they were being kicked out of their three-bedroom home because it's being sold. And they have zero cash, okay.

VICE-CHAIR VICTORINO: Right.

MR. CORDERO: So they come to me and we say, well you know what, everybody knows about this. Well not everybody but realtors know about it. There are programs with zero down payment like USDA for example. Everybody...okay, so USDA is limited to certain districts like Waikapu, certain parts of Kihei. And so we talked to a loan officer, yes, they qualify and, you know, the work is then on us which is find the right home in that particular area where USDA approves. So luckily we found one, you know, it's all divine intervention. So we find one, they apply and they qualify and hopefully we're, you know, almost at the finish line. But programs available especially if this project is in Waikapu, it qualifies for USDA. Zero down.

VICE-CHAIR VICTORINO: I think...

MR. CORDERO: But as far as qualifying, they'd be surprised because the rates are so low. It's below 4 percent now.

VICE-CHAIR VICTORINO: Right.

MR. CORDERO: And the lenders are giving rebates. Rebates meaning, you borrow. They add the closing cost on top of the loan or they give you some cash back to help you finance your closing cost. So sometimes they'd be surprised, they just don't try 'cause they think it's so...all they see is 500,000-\$600,000 homes and they don't even try to qualify. But if they talk to certain loan officers and they examine government programs available, they can. Or even if you have cosigner, so it's just getting creative.

VICE-CHAIR VICTORINO: The other question I have for you and this is my last question, Mr. Chair, I think we have here on Maui County built a lot of affordable housing, workforce housing through the years. And we had deed restrictions where you had to live there for 10 years before you could think or contemplate about selling the home. Well, that 10 years go like that. Now, we've just changed it to 5. And the challenge we have is, we approve these projects. They build them out. People buy in, and then 5 years later, or like right here in Waikapu Gardens right now, 10 years later, they're selling it. And they're selling it market rates. So they're taking it from the 200,000 or 300,000 that they originally bought it and turn around and selling it for

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500,000-600,000 which then takes them from what was affordable and what we feel is affordable to an area where it becomes difficult at best for young families or for families to qualify. My wife and I would have a difficult time qualifying today for what we own. No way. But what I'm saying and asking you is, what kind of deed restriction would you think would be applicable if not for a land...or like a...what do you call that? Land trust, would be the only other way like what Hawaiian Homes had. You own the house but you never own the land, right? It's a trust, it's in perpetuity. Beyond that, is there any other ideas that you can come up with or that you guys are working with right now?

MR. CORDERO: The land trust might be hard to get loans on because of title issues.

VICE-CHAIR VICTORINO: That's what we hear.

MR. CORDERO: Yeah. But what a lot of developers like in Westloch Estates on Oahu --

VICE-CHAIR VICTORINO: Yes.

MR. CORDERO: --what they did was ten-year restrictions. And then even after the ten-year, they had shared equity on the gains, capital gains, so I mean the profit that...

VICE-CHAIR VICTORINO: Right.

MR. CORDERO: Yeah. So --

CHAIR CARROLL: Mr. Victorino --

MR. CORDERO: --yeah, we can make a 100...

CHAIR CARROLL: --we're getting off course on the agenda right now so it's not really appropriate.

VICE-CHAIR VICTORINO: Well I disagree with you, Mr. Chair, but I'm not gonna go any further. Thank you. I think it's very appropriate what we're talking about 'cause this is affordable. But thank you very much, I appreciate it. Thank you, Chair.

MR. CORDERO: Thank you.

CHAIR CARROLL: Thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Zandra Amaral-Crouse. She'll be followed by Mr. Stan Franco.

MS. AMARAL-CROUSE: Good afternoon, Chair and Councilmembers. And I do know all of you are very passionate about affordable housing because it's not like it's something that's away from you. It very much touches each and every one of your hearts. My name is Zandra Amaral-Crouse, and I stand here in favor of the Waiale Affordable

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Housing Project in Waikapu. And one of the concerns that was very dear to my heart because my moopuna kane is kanaka maoli, my children's, my daughter's husband and my son's wife. And I'd like to make this...give you this quotation off of *The Maui News*, "A&B attorney, Ben Matsubara, acknowledged that the project site is recognized as a culturally significant area and said plans call for setting aside 33 acres as a culture preserve, which would minimize the need to relocate burials. The preservation area will have a 50 to a 100-foot buffer marked off in landscape with Native Hawaiian vegetation. And there will be a walking path on the area's perimeter, he said. Only lineal descendants will be allowed within burial areas, he added." And I bring that up because iwi is very important to all of us. All of you that sit in this panel and everyone in government in Hawaii that I know of is very passionate about the iwi of our ancient Hawaiians who set the precedent that we could be here. So they have taken that. And I bring up the likeness of Makena. When they started developing Makena many of us trampled over the iwi when we went camping, took our dogs hunting. I grew up there when they started to implement construction there and the resorts with Seibu. Today I have the privilege of walking through these preserved areas with respect and sighting them and seeing them. As will be done here, this iwi is being tramped on right now. I know. I grew up in Paukukalo, raised in Iao Valley. We hunted many of these fields. This will only serve to preserve the iwi. Set it aside in a very dignified manner. Also, I, a real estate broker/owner, Aina Hawaii Z.S.A. Property whose license is now on ice, I, like Daniel [sic] concur. My firm dealt years with first-time homebuyers. Mr. Victorino asked about people being...what is affordable or Mrs. Baisa, affordable? Affordable is between 250,000 and \$350,000. Anything else is beyond the means of anyone that I know that works for the City, County or was a teacher like myself. Daniel [sic] brought up a very good point. While working with these owners, my son is one of 'em, he could afford the rent but he could not find the down payment. With the help of Alan Arakawa, this Council, and the money that you allocated for first-time homebuyers, we were able to help my son, and you were able to help him by furnishing that down payment. Councilmembers, affordable homes is important. We are having more children, more grandchildren. And I do know that those of you talk about...

CHAIR CARROLL: Please conclude.

MS. AMARAL-CROUSE: Oh, I'm sorry. Let me conclude with the 10-year limit. Many people in my subdivision, I was blessed to get a County housing in Ohukai many years ago, 21 years, and most of my neighbors has moved on. But what I have seen with that stipulation is they sold, but they sold to their family. Mothers and fathers moved on to either a bigger or a smaller home and was able to buy again adding to the economy of this small little island, but thereby placing and making available those homes that surround me for new young families. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Stan Franco who will be testifying on behalf of FACE Maui. Mr. Franco will be followed by Bruce U'u.

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MR. FRANCO: Mr. Chair, Members, I'm Stan Franco. I'm co-chair of FACE Maui's housing committee and we support the proposed Waiale Affordable Housing Project. We had the good fortune to have Bill and Vince come and talk to our committee to discuss the project before we give the full support. This weekend I was fortunate enough to be...to preach at a...my church in Saint Rita's on Pentecost Sunday, and Pentecost is a time of calling people to go out on mission, to send people out. I talked about Father Damien of Molokai. And in my discussion, I talked about the movie, Molokai: The Story of Father Damien. In the first scene, one of the first scenes in the movie is he goes to Honolulu and he has the prime minister, his religious superior and the bishop, and the first thing he asked for is lumber and nails so he could build shelters for the people of Molokai, the Kalaupapa, Hansen disease patients. We need lumber and nails to build a housing that people on this island need, and with the following up on Father Damien's request, a request that we started 40...approving these kinds of developments, these proposals. I also read in the paper that West Maui affordable housing project was withdrawn and Heidi Bigelow said in the paper, made a statement, and I believe this is really true. And I wanna ask everyone here, both the community and the government, this is what she said, community and the government really need to come together and decide where growth can be supported. The Maui Island Plan was intended to be that vehicle, but that apparently is failing with multiple projects supported within the Maui Island Plan not proceeding due to opposition and length of time required for approvals. We went through a process, what ten years ago, Gladys?

COUNCILMEMBER BAISA: Oh, God.

MR. FRANCO: We don't wanna even talk about it, right? We...there were recommendations made, and we still have not done anything. You know, there's a cry in this community for housing --

COUNCILMEMBER BAISA: Yeah.

MR. FRANCO: --that people can afford. I agree with Zandra, it's 250,000 to 350,000. You know, you go beyond that, it's not gonna be affordable. We talked about the Federal government has 30 percent of the total income to housing. That's the maximum. Our people are paying 50 and 60 percent. Come on. We gotta do something. I plea with you again to approve this project and ask the community out there to bring more of these projects to us. We have to do something about this. Like Father Damien, I'm pleading with you, the powers to be. Thank you.

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

MR. JENSEN: Mr. Chair, the last testifier signed up is Bruce U'u.

MR. U'U: Aloha. Good afternoon everyone, Council Chair, Councilmembers, other important people. My name is Bruce U'u. I work for the Carpenters Union but today I represent myself as being a lifelong resident here on the islands. I come before you guys in

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support of a...the Waiale Affordable Housing. Obviously we all know it's needed. Seventy homes of affordable homes in a area which is a bikeable town, walkable area, you know, kinda...and I'm bringing it up because I, myself, got bequeathed a house from the County under the term of Elmer Cravalho. So my mom gave me a house, not gave, was in trade but was cheap. It was way before what we're asking for now. But I had the privilege of owning a home through the process before everyone back in the '70s that I still have, and I in turn, I'm gonna bequeath that to my kids. And, you know, it keeps...it's a gift that keeps on giving and it's through the light that it was affordable at that time. And the difference what I see now and what it has back then, the difference is the houses were simpler, was easier. I'm sure there's no park fees, definitely no SMA. You never need do one AIS up there.

UNIDENTIFIED SPEAKER: Yeah.

MR. U'U: You know. We never have school fees. I talked to my mom, by the way, before I testified up here. And the lumber was 2x3 instead of 2x4. There were no garages. There were carports out of 2x6, way cheaper. No concrete, it was asphalt on post and pier. I estimated that value to be about one-third price difference. And then we cut out the fees that there wasn't. We cut out the paperwork. We cut out the layers of what you need to do. We...there was nobody complaining about building homes. You just did it and that's part of the problems. Right now, I think the...on this project, you pay a school fees of \$5,300 to the State. And you know what, think about it. That homeowner could use that \$5,300. I think the fees right now currently for the water meter is at 6,000. Let me check. It's about...but at the time this goes before, it's at 12. You can save \$11,000 right there. That's your down payment. The third cost that we took off prior that a house I live in now, you take the third off the material, big money you save. There was no straps back then. By the way, the houses all still standing. Everybody still smiling. We went through hurricane Iwa, Iniki and the '80 storm, and we still dealing with the salt air in Paia and still standing, every one. So I think at times, you know, everybody over think it, it's bigger. We create the roadblocks. And I'm asking you guys today to help aid and minimize the roadblocks, minimize the cost by exempting some of the rules, some of the cost, exempt the park fees. Every year we gotta go up to, we try get the TAT tax every year but we gotta owe the guys five grand, every house. Help us help us. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you.

MR. U'U: Thank you.

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

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

CHAIR CARROLL: Thank you, Dawn. Molokai, do you have anybody waiting to give testimony?

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

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CHAIR CARROLL: Thank you. Lanai, do you have anybody waiting to give testimony?

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

CHAIR CARROLL: Thank you. Anyone in the gallery wish to give testimony, please come forward. Seeing none, if there's no objection, we will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

**. . . END OF PUBLIC TESTIMONY . . .**

**ITEM NO. 2(3): AFFORDABLE HOUSING PROJECTS (CHAPTER 201H,  
HAWAII REVISED STATUTES) (WAIALE AFFORDABLE  
HOUSING PROJECT)**

CHAIR CARROLL: The Committee is in receipt of the following: correspondence dated May 6, 2016, from the Director of Housing and Human Concerns, transmitting the following: an application for the development of the proposed Waiale Affordable Housing Project on 10.365 acres identified for real property tax purposes as a portion of tax key (2) 3-5-002:012, on the mauka side of Waiale Road, Wailuku, Maui, Hawaii, pursuant to Section 201H-38, Hawaii Revised Statutes. The proposed project would provide 70 single-family residential units for individual and families with annual incomes between 80 and 140 percent of the County's median income and a neighborhood park; and a proposed resolution to approve with modifications or disapprove the proposed project, correspondence dated May 9, 2016, from Deputy Corporation Counsel, attaching 2 revised resolutions, approving the Waiale Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes, and approving with modifications the Waiale Affordable Housing Project pursuant to 201H-38, Hawaii Revised Statutes. Before we hear the presentation, I'd like to ask if Director of Housing and Human Concerns, Ms. Reimann, if you wish to provide any introductory remarks.

MS. REIMANN: Aloha, Chair, Committee Members. Thank you for the opportunity. Without repeating everything that Chair Carroll said, we just wanted to add that the property is conveniently located in Central Maui, close to shops, the bus system, adjacent to Waiale Road and directly across the street from the existing Waikapu Gardens Subdivision in Wailuku. The developer, Waiale Road 201, LLC, is proposing lot sizes that range between 3,900 and 7,000 square feet. The Department is in full support of this project as it is close to shovel-ready and is anticipated to break ground by the end of 2016. This project will bring much-needed workforce-housing to the residents of Maui County. The developer is present here today along with their consultant, Mr. Vince Bagoyo. Mr. Bagoyo has prepared a brief presentation for the Committee.

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They, along with the Department, are here to answer any questions that you may have. Thank you.

CHAIR CARROLL: Thank you. We're now going to take a very brief recess while we lower the screen for the presentation. Stand in recess. . . .(gavel). . .

**RECESS: 2:07 p.m.**

**RECONVENE: 2:09 p.m.**

CHAIR CARROLL: . . .(gavel). . . Land Use Committee meeting is now back in session, and we will turn the time over to Mr. Bagoyo. Mr. Bagoyo?

UNIDENTIFIED SPEAKER: I think we're waiting for the microphone.

CHAIR CARROLL: As soon as we get a microphone to him.

MR. BAGOYO: Testing. Good afternoon, Chair Carroll and Members of the Land Use Committee. Thank you so much for giving us the opportunity to present the project before you this afternoon. The...just to kind of give you as a brief summary of the project, the name of the project is Waiale Affordable Housing Project. I just want it to be clear that this is not the Waiale Project that A&B is proposing below. The owner is Waiale Road 201, LLC. The site is located mauka of Waiale Road, TMK: 3-5-02 [sic] and a portion of parcel 12. The total acres of the subject site is about 10.35 acres. The project is proposed to be a 100-percent affordable under the 201H-38 of the Hawaii Revised Statutes. And the project will be developed with the following sales price guidelines in compliance with 2.96.060 of the Maui County Code, namely; that 30 percent of the homes from this project will be priced to families earning 80 percent to 100 percent of the Maui's median income; and then another 30 percent will be priced to families earning 101 to 120 percent of the Maui's median income; and finally the remaining units, about 40 percent, will be priced to families earning 121 to 140 percent of the median income. The total number of lots within the subdivisions is 70 housing lots, and it will be sold in-fee as house and lot package and a neighborhood park. In your folder, the applications, we have 6 different models for those homes that the potential buyer can choose from. Again the lot sizes range from approximately 3,900 to about 7,000 square feet, and we added a neighborhood park as requested some of the community, approximately 5,366 square feet of a neighborhood park. The current existing land use designations of the subject site is State Land Use District Ag, community plan Ag, County zoning Ag, and it is within the Urban Growth Boundary of the Maui Island Plan. And just to kinda give you the location, kinda location map, it is located within the Wailuku District. This is just the...I'm now gonna give you some orientation where the project is. The subject site is here. The Valley Isle Fellowship Church, proposed church facility is located on Lot B and this is the site, which is 10.35. Immediately south of the project is the Waikapu Gardens Phase I, and then the recently completed affordable housing Phase II Waikapu Gardens is right here. And the north boundary of the property, Lot A, is owned by Emmanuel Lutheran Church. This is an aerial photo of the project site.

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The site is a...this makai portion of the property right here, this is about 10.35 acres. And this is the Valley Isle Fellowship Church facility right here. This is a site plan of the project. Again we have a total of 70 lots. As you know, this is a privately owned road, owned by the Waikapu Gardens Homeowners Association. Waiale Road is on the makai of the project site. Honoapiilani Highway is mauka of the project site. This is just kinda give you some of the preliminary conceptual landscape plan that our landscape architect put together for the project. Again the landscape plants are identified. And we also proposing based on working closely with Public Works to provide a sidewalk, kind of an upgrade sidewalk along fronting the proposed project site. Just to kinda give you some of the view photos of the project, this is a view facing northwest from the corner of this private road, right here. And this is Waiale. This is a view of facing north from south adjoining property at a Kolilio [sic] Street. This is the view facing southwest from the corner of Waiale Road and northern boundary of the property, which is the Wailuku side of the subject project. This is looking West Maui Mountain from Waiale Road. This is facing east towards Haleakala from the western boundary of the property. Again the...we have six models for home models that potential buyers can choose from. And we just wanna thank you again for the opportunity to present the project before you. And if you have any questions, we do have some of the sub-consultants here this afternoon as well. Thank you, Mr. Chairman, and Members of the Council.

CHAIR CARROLL: Thank you. We'll now stand in recess while we put out the screen.  
Recess. . . .(gavel). . .

**RECESS: 2:17 p.m.**

**RECONVENE: 2:19 p.m.**

CHAIR CARROLL: . . .(gavel). . . Land Use Committee meeting is back in session. We have various representatives from the Administration with us today and I request that certain departments be here today in case the Members need to ask them any questions. I'm gonna start off with the Department of Police. Will the Police representative come down? Oh, here. Following Police then we're gonna hear from Fire. After that, you can...everybody else can come down over here and sit down with...you're strong. Could you identify yourself at the microphone please?

MR. UEDO: My name is Captain Ricky Uedoi, the Wailuku Patrol District Commander.

CHAIR CARROLL: Thank you. Members, you have any questions for the Police Department?  
Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Thank you very much for appearing today. On the site map, it appears that there's only one entrance and exit into the subdivision. Is there a requirement or is there a concern from the Department in having an emergency access?

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MR. UEDO: For us, our concern always would be impacts to traffic. Yeah so, currently in that area, with that intersection at Kuikahi and Maui Lani and Waiale Road, we gotta take into consideration, you know, turn lanes and whatnot. Because as of right now, if a vehicle is coming out of Waiale, it's gonna make a left turn up to Honoapiilani Highway. It's enough room for approximately five or six vehicles, then after that, it's gonna start backing up traffic. So all we ask is that the developer have plans to address, you know, impacts to traffic.

COUNCILMEMBER GUZMAN: Okay. May I refer to Mr. Bagoyo to maybe if he could respond to any concerns on the traffic impact?

MR. BAGOYO: I think if I...your question is that there's only one access --

COUNCILMEMBER GUZMAN: Yeah, is there an emergency...

MR. BAGOYO: --to the project site? There is...I think if you look at your map, there is an emergency access as requested by the Fire Department on the corner, north --

COUNCILMEMBER GUZMAN: Oh yeah, I see it.

MR. BAGOYO: --corner of the project.

COUNCILMEMBER GUZMAN: I see it now.

MR. BAGOYO: Yeah.

COUNCILMEMBER GUZMAN: Okay. Thank you.

MR. BAGOYO: You're welcome.

COUNCILMEMBER GUZMAN: Thank you very much. Thank you, Chair.

CHAIR CARROLL: Any further questions for Department of Police? If none, thank you very much. We'd now like to hear from the Fire Department. Please come down. And after the Fire Department, we will be hearing from Parks and Recreation. Please identify yourself at the microphone.

MR. DAVIS: Thank you, Chair and Councilmembers. My name is Lieutenant Kono Davis, Fire Department.

CHAIR CARROLL: Any questions for the Fire Department, Members?

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Mr. Victorino?

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VICE-CHAIR VICTORINO: And I...he already asked the question but we have two exits, right? One would be a gated one, which will be used for emergency purposes, and the other one will be the normal traversing the property itself?

MR. DAVIS: Correct. They added in a second just-emergency-only access which will be probably gated off I assume. So through traffic is not gonna go back and forth in there, just be reserved for emergency access only. We're probably gonna have to talk story a little bit later about some concerns with the road and the emergency access, but that can be during the development time.

VICE-CHAIR VICTORINO: Okay.

MR. DAVIS: Yeah.

VICE-CHAIR VICTORINO: You're confident you can work it out with the developer as far as that is concerned?

MR. DAVIS: Absolutely.

VICE-CHAIR VICTORINO: Okay. Thank you. Thank you, Mr. Chair.

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

COUNCILMEMBER GUZMAN: Oh, thank you, Chair. Thank you, Fire Department, for being here. On one of their exemptions that they're requesting is from the Maui County Code, the Fire Code, 16.18B, regarding the buildings and construction, is, and also I believe Chapter 16.04C of the Fire Code as well as Section 16.04C.470. Are there any specifics within those Fire Codes that you would have concerns of exempting them, the construction and building?

MR. DAVIS: No. I don't think so. It's all concerning fees --

COUNCILMEMBER GUZMAN: Okay.

MR. DAVIS: --right now so I think we should be able to work with them as far as if it's gonna be affordable or not.

COUNCILMEMBER GUZMAN: Okay.

MR. DAVIS: Yeah.

COUNCILMEMBER GUZMAN: Very good. Thank you.

CHAIR CARROLL: Any further questions for Fire?

MR. DAVIS: Oh, sorry. Did you mention...sorry.

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CHAIR CARROLL: Oh, I'm sorry.

MR. DAVIS: Did you mention 16.04C.470, too?

COUNCILMEMBER GUZMAN: Yes.

MR. DAVIS: Oh, okay.

COUNCILMEMBER GUZMAN: It was the final one. This is the one shall be granted to exempt the project from providing fire protection for the portions of the property along Waiale Road and --

MR. DAVIS: Kololio [*sic*].

COUNCILMEMBER GUZMAN: --Kokololio --

MR. DAVIS: Oh, Kokololio. Yeah.

COUNCILMEMBER GUZMAN: --Street. And what is this exemption from --

MR. DAVIS: So...

COUNCILMEMBER GUZMAN: --providing fire protection?

MR. DAVIS: So the initial subdivision, the top portion is gonna be for the Valley Isle Fellowship site, and then the bottom portion, they're deciding to make this affordable homes. So if it was just a straight-up subdivision without doing the development on the interior of that lower portion, then we would make them put fire hydrants along Waiale Road and portions of Koko --

COUNCILMEMBER GUZMAN: Lio.

MR. DAVIS: --lolio Road because that's how the Code reads. Fire protection needs to be along the frontage. But if this subdivision is gonna be approved and in place, then it would be kinda of a moot point to put it out on the Waiale Street because there's no access to the homes there if they're gonna put interior fire protection on the inside.

COUNCILMEMBER GUZMAN: Okay.

MR. DAVIS: So one of the reasons why I'm here is to see how, you know, this is gonna go along so I can make that determination during the subdivision process.

COUNCILMEMBER GUZMAN: Okay.

MR. DAVIS: Yeah, so we are willing to exempt them from putting the fire protection there if they're putting it on the interior.

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COUNCILMEMBER GUZMAN: On the interior?

MR. DAVIS: Correct.

COUNCILMEMBER GUZMAN: Okay. Okay.

MR. DAVIS: Yeah.

COUNCILMEMBER GUZMAN: Very good. Thank you. Do we have any --

MR. DAVIS: Thank you.

COUNCILMEMBER GUZMAN: --response from the developer's side?

MR. BAGOYO: That is acceptable. Yes.

COUNCILMEMBER GUZMAN: Okay. Thank you.

CHAIR CARROLL: All right. Any further questions for Fire? Seeing none, thank you. Parks? After Parks, we'll be hearing from Environmental Management.

VICE-CHAIR VICTORINO: Thank you, Mr. Davis.

CHAIR CARROLL: Please identify yourself at the microphone.

MR. HALVORSON: My name is Robert Halvorson, the Chief of Planning and Development at the Parks Department.

CHAIR CARROLL: Members, any questions for Parks?

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: Real quickly, this is just a passive park that they're putting in there and for the community itself, right?

MR. HALVORSON: Actually I hadn't seen that. It wasn't on the application we have.

VICE-CHAIR VICTORINO: Well, maybe I can ask the developer if I may, Mr. Chair? Mr. Chair, may I ask the developer about that little park that they're putting within the property, within the subdivision?

CHAIR CARROLL: Proceed.

VICE-CHAIR VICTORINO: Mr. Bagoyo?

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MR. BAGOYO: Yeah. I think we actually...we had some discussion with the Waikapu Community Association if you recall about the --

VICE-CHAIR VICTORINO: Yes.

MR. BAGOYO: --particular park.

VICE-CHAIR VICTORINO: Yes.

MR. BAGOYO: Because we wanted to have additional house lot for rather than putting in original, I mean a neighborhood park because there's already several parks in close proximity of this project site. In response to just a couple of comments and requests by some of the residents in Waikapu, you know, the applicant and the owner decided to put in a neighborhood park. And it's probably gonna be similar to what they have. It's not so much as a passive park, maybe some play for children, equipment that can be considered.

VICE-CHAIR VICTORINO: Playground equipment?

MR. BAGOYO: Yeah.

VICE-CHAIR VICTORINO: Okay. But it won't be enough to put a baseball field or a soccer field or anything of that nature, right? Just so the public is clear on what we're trying to accomplish here.

MR. BAGOYO: The size of the neighborhood park is 5,366 square feet.

VICE-CHAIR VICTORINO: Pretty small to have that. Okay. Thank you. I appreciate that.

MR. BAGOYO: Thank you.

VICE-CHAIR VICTORINO: Thank you for the clarification. Thank you, Chair.

CHAIR CARROLL: Any further question for Parks? Mr. Couch?

COUNCILMEMBER COUCH: So the exemption from the park impact fees--I'm trying to find where it is again--that's basically that park itself isn't enough to work...to fill the --

CHAIR CARROLL: Corporation Counsel?

COUNCILMEMBER COUCH: --Park requirements?

MR. UEOKA: Thank you, Chair. Because it's a 100-percent affordable --

VICE-CHAIR VICTORINO: It's exempted.

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MR. UEOKA: --or residential workforce-housing...or units, it's exempt under 18.16.320 from park assessment requirements. The developer is just adding in this, I believe privately owned and maintained neighborhood park --

COUNCILMEMBER COUCH: Right.

MR. UEOKA: --for just to help out and do that.

COUNCILMEMBER COUCH: Okay. All right. Thank you.

CHAIR CARROLL: Any further questions for Parks? Seeing none, thank you. Environmental Management followed by Water Supply. Please identify yourself at the microphone.

MR. MIYAMOTO: Thank you, Mr. Chair. My name is Mike Miyamoto. I'm the Deputy Director for the Department of Environmental Management.

CHAIR CARROLL: Any questions for Environmental Management? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you.

CHAIR CARROLL: Ms. Cochran, followed by Mr. Guzman.

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, departments, for being here. Mr. Miyamoto, this will be on our County refuse pickup route? This project?

MR. MIYAMOTO: Chair? If the roadways are turned out to be public roadways for Public Works to accept, yes they will be added onto the system.

COUNCILMEMBER COCHRAN: Okay. Is that your...should I ask developers, is that being spoken about to do? Do you know or?

MR. BAGOYO: Yes. We have met with...

CHAIR CARROLL: Please identify yourself at the microphone before you speak.

MR. BAGOYO: Vince Bagoyo, representing the applicant. Yes, we have worked closely with the Public Works. The roadway will be constructed according to their code so it will be turned over to the County.

COUNCILMEMBER COCHRAN: Okay. Okay. Thank you, Mr. Bagoyo.

MR. BAGOYO: Thank you.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Guzman?

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COUNCILMEMBER GUZMAN: Yeah, thank you. So, Department, can you refresh my memory the difference between...let me retract. Let me back up. There's an exemption given for the applicant for the sewage disposal under Section 18.20.020, as it relates to the sewer lateral connections for residents, and we're granting them to allow them to use double laterals instead of single laterals in single-family homes. What is...is there a, you know, obviously there's a standard and we're allowing the exemption. Is there any concerns that we need to be aware of by allowing a supposedly, I would assume is a lesser standard? I'm not sure.

MR. MIYAMOTO: Chair? Yes, when we modified our standard, prior to modifying our standard, we allowed those two-to-one connections. You can imagine if you have a blockage in that connection in the roadway. Now both houses are at-risk of back, you know, being flooded. So that's why we decided to change the standard where each house had their own. So that way, you know, who's to blame when that one, that dual lateral, shared lateral gets blocked. Whereas if you have your own lateral, you're responsible for it. And so that's why we modified the standard to do it that way 'cause we had a lot of blockages and you couldn't pick which neighbor to blame but they both got impact so it just went, you know, we just had to pay both of 'em at that point.

COUNCILMEMBER GUZMAN: Okay. Is that...and...Chair, the reason why I bring this up is I have a couple cases in Committee of the Whole that have this type of backup issues where sewage has backed up into residential areas and I guess I'm satisfied with the Department's response. Does the developer has any comments on my questions?

CHAIR CARROLL: If you have a question, yes?

MR. BAGOYO: No further comment, I think we've used the same exemptions in Waikapu Gardens Phase II, similar exemptions.

COUNCILMEMBER GUZMAN: Okay.

MR. BAGOYO: Our...the cost savings I think you have. I did sent you the cost value of all of the exemptions. I think the cost savings for that is about \$725 per unit.

COUNCILMEMBER GUZMAN: Okay. Thank you.

CHAIR CARROLL: Any further questions --

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: --for Environmental...

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

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COUNCILMEMBER COCHRAN: Thank you. And, Mr. Miyamoto, I'm looking at the response from Director Stant and then, Mr. Bagoyo, your response to Director Stant's, Stant. And you agree with his points, Mr. Bagoyo, and also you're stating exemptions from wastewater assessment fees for facility expansion? Mr. Miyamoto, are you folks in agreement with that?

MR. MIYAMOTO: I guess I'd fall back to the discussion that we we're having this morning in regards to when Member Couch said, who's gonna end up paying for this infrastructure? So naturally from our Department, from our Division, they would like the revenue. From our Department, we wanna support these 100 percent affordable housing. So right now we're in support of the 100 percent affordable housing-type projects.

COUNCILMEMBER COCHRAN: Okay. So you are willing to pick up the tab on if there needs to be a --

MR. MIYAMOTO: It's about 100 --

COUNCILMEMBER COCHRAN: --. . .*(inaudible)*. . .

MR. MIYAMOTO: --and, it's about \$112,000, this one-time assessment fee that would be waived, exempted at this point.

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

CHAIR CARROLL: Any further questions for Environmental Management? Seeing none, thank you.

MR. MIYAMOTO: Mr. Chair, if I may comment --

CHAIR CARROLL: Oh, you have comment?

MR. MIYAMOTO: --on Exemption G?

CHAIR CARROLL: I'm sorry?

MR. MIYAMOTO: If I may comment on Exemption G regarding refuse collection? The exemption, previously, if it was...well, currently, we have construction waste that goes to a private landfill. Sometime, later on this year, we're gonna have all of that construction waste come to our Central Maui landfill. So the waivers that you're providing here are gonna be in, are now gonna be applying to us. The first item is not a big deal. It's only...if you're gonna do your private hauling yourself, you need to be properly permitted so we have a \$5 permit. So it's a \$5 waiver so, you know, to apply for a permit. So it's an application fee. The second one is the one for the construction waste coming to our landfill. That's the one that previously it went to a private hauler so we weren't really concerned about. But later on this year, probably when this project is under construction, it will start coming to our Central Maui landfill. And it's

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hard to gauge how much it's gonna be. Because without knowing how much construction waste is gonna be generated, we really can't assess what kind of an impact it's gonna have.

CHAIR CARROLL: Any further questions for Environmental Management? Seeing none, thank you. We'll now hear from Department of Water Supply, followed by Public Works. Please identify yourself at the microphone.

MS. YEH: Tammy Yeh, Engineer at Water Department.

CHAIR CARROLL: Members, questions for the Department of Water Supply? Miss...excuse me, Ms. Baisa?

COUNCILMEMBER BAISA: I guess I might as well ask the question. Are there any concerns from the Water Department about being able to provide water to the project?

MS. YEH: At this point, no concerns for Central District. It's a first-come, first-serve basis. We tell that to, you know, any applicant that comes in asking for water service. So if something I guess were to happen from now until, you know, we ran out of water, I guess. But at this point no, no concerns, so.

COUNCILMEMBER BAISA: Thank you very much.

MS. YEH: Yes.

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR CARROLL: Any further questions for the Department of Water Supply?

VICE-CHAIR VICTORINO: No.

CHAIR CARROLL: Seeing none, thank you so much.

MS. YEH: Thank you.

CHAIR CARROLL: Public Works, followed by Planning, Department of Planning.

MS. DAGDAG-ANDAYA: Good afternoon, Chair and Members of the Committee. My name is Rowena Dagdag-Andaya, Deputy Director of Public Works, and I just had a few opening comments.

CHAIR CARROLL: Thank you. Members...

MS. DAGDAG-ANDAYA: The Department of Public Works...

CHAIR CARROLL: Oh, excuse me. I'm sorry. Continue.

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MS. DAGDAG-ANDAYA: The Department of Public Works met with the applicant several times; the first one on September 30, 2015 to discuss the proposed project; and again on January 15, 2016 with other reviewing agencies. Comments regarding the Department's review of the project were sent to the applicant on January 20, 2016, and we noted the following, and these are just some of the overall comments that we had; internal roadways will be built to County standards, but we also noted at that time that Waiale Road fronting the project area is still under private ownership. As a side note, I wanted to inform the Committee that the owner of this section of Waiale Road has been in direct contact in communication and coordination with the Department of Public Works regarding the dedication of said road to the County of Maui. So that is currently in process. Both the Highways Division and the Engineering Division also commented that the project include road improvements along the project's frontage with Waiale Road. So that includes curb, gutter, sidewalk. Under Maui County Code, individual properties fronting Waiale Road will be responsible for the maintenance of the road shoulder from their property boundary to the edge of asphalt pavement or the edge of concrete curb. So this is in relation to maintaining your frontage areas, making sure that they're free and clear of any vegetation. So we wanted to make note of that to the applicants so that they're aware that the property owners or the homeowners association would be responsible for maintaining the vegetation. The Department's...oh, we also wanted to note that the drainage will be taken to an existing drainage retention basin located to the east of Waiale Road and south of the project site. The Department, in our letter, requested that the applicant obtain written permission from the basin owner to process grading permits. The Department's Engineering Division reviewed the project's traffic report and had general comments relating to frontage improvements along Waiale Road and improvements within the internal subdivision roadways. The Department also wants to note that the owner of the property is currently pursuing a 2-lot subdivision of the overall 25.4-acre parcel. So that's the large parcel that includes the church and the section being proposed for, for affordable housing. Currently, there's a preliminary subdivision approval and that was granted on April 4, 2016. Final approval is going to be contingent upon compliance with several conditions from a number of reviewing agencies. With respect to exemptions being sought for the project, the Department is in general, in general is in support of the exemptions relating to impact, any kind of fees. The Department however does have concerns regarding the exemptions relating to Title 18, Maui County Code Subdivisions as it relate to urban standards for curb, gutter, or sidewalks for the portions of the project adjacent to Waiale Road; exemptions to sidewalk improvements along Kokololio Street; as well as exemptions from providing sidewalks on both sides of the internal subdivision roadways. In closing, I wanted to add that the Department of Public Works is in very full support of affordable housing especially when it's built in close proximity to community services and facilities like this project, and when the built environment encourages walking and biking to these places and provides residents with a clean and safe community. I am available for any questions that you have.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CARROLL: Thank you. Mr. Guzman?

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COUNCILMEMBER GUZMAN: Thank you, Chair. Thank you, Department, for being here today. I'm referencing to your comments on the exemptions, I heard earlier during the applicant's representative that they will be building the sidewalk on the exterior of the subdivision along Waiale Road. And I believe it was stated five feet, is that correct?

MS. DAGDAG-ANDAYA: That's correct.

COUNCILMEMBER GUZMAN: Okay. And is that...would by doing so, would that also help to incorporate the 2030 Pedestrian Master Plan, Bicycle Master Plan Central Maui? Is that something that would interconnect at some point?

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: So what, what's happening at this point with the Central Maui Bike and Pedestrian Plan is, we currently have a study underway with SSFM. They're...in fact, I think they've begun their research on that Waiale corridor from the Main Street Bridge all the way to, I believe we're going past Waiko, I mean going right by Waiko Road. And what, you know, so that's being looked at right now as far as what the...that frontage would look like. But we do have concerns regarding that exemption, exempting the project from any kind of...from having to do any improvements along that...the frontage of their property.

COUNCILMEMBER GUZMAN: So and, so in the...you're referring to number three, the urban standards for curbs, gutters and sidewalks?

MS. DAGDAG-ANDAYA: That's correct.

COUNCILMEMBER GUZMAN: What specifically are your concerns that they're not...that I guess will need to be met?

MS. DAGDAG-ANDAYA: So when we see this or when we first met with the developer back in September of last year, we understood that they were seeking an exemption from curb, gutter, sidewalk. And, you know, in the past we've allowed exemptions or the County has allowed exemptions from curb, gutter, sidewalks for affordable housing projects. And I mean it happened for the first phase of Spencer Development and the second phase as well. But we also learned from those two projects that when you don't provide those types of improvements for residents, you know, typically that's the first exemption that goes, is sidewalks and that's always something that residents in any kind of housing development, they need that in order to connect to community services or retail areas, restaurants. And I know at times we think, oh well, it's only gonna be that portion but when you look at the main, the grand scale of things, you know, if you build that portion then that allows us to build another portion and then another portion after that. So it's making sure that, you know, we actually have something in place and provide walking and biking facilities to people. That's really important. I mean I see that every day when I go home. I live on that, in that area

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and I see mothers with strollers or even kids on wheelchairs. So even if it's just that one portion, it will make a big difference to anyone who walks or bikes in that area.

COUNCILMEMBER GUZMAN: Thank you. And I bring that up because there's a lot of CIP projects that we have to go back and reconvert or, you know, go back in time and try to rectify, you know, specifically in Mr. Victorino's District, you know, Vineyard Street specifically, too. I mean there are a lot of sidewalks in Central Maui that go nowhere and there's spots that should be interconnected. And the reason why I asked about whether this was gonna be an integral part of the Pedestrian Bicycle Master Plan, that Central Maui has been working on is, we don't wanna have to duplicate it. You know, go back and retrofit it later on. We want to connect something that's gonna be built and connected to the Master Plan. That's my concern. One of my major concerns is sidewalks and I understand where the Department is coming from. Families need sidewalks to walk to some place for safety reasons as well. And my other question is this, Kokololio Street, I know that's gonna be private. At some point, does that ever going to be dedicated to the County? Or is that...is there plans that we would be taking over that middle street?

MS. DAGDAG-ANDAYA: Chair?

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: At the current moment, there are no plans to have that portion dedicated. However, I believe there's a section in our Code that would require private streets as well to be developed in such a manner. I want to note that the opposite side of Kokololio Street on the Spencer Subdivision does have curb, gutter, sidewalk.

COUNCILMEMBER GUZMAN: Okay. Okay. Okay.

MS. DAGDAG-ANDAYA: So.

COUNCILMEMBER GUZMAN: And then it looks as though, is the Department okay with just the...when we're talking about the interior, just having one side of the interior having a sidewalk? That's okay with the Department?

MS. DAGDAG-ANDAYA: Chair? In other projects, we've allowed that to happen where you have one sidewalk on one side of the street. It's at, I believe in our Code, it's at the discretion of the Director. In recent projects, we have been asking that the applicant or the developer do the sidewalks on both sides of the street. And I come back to the need for it because when you're on one side of the street and then the sidewalk ends and you have to jump on the other side, you need to cross. So it does make a difference to that mom in a stroller or someone who, you know, has, you know, accessibility issues. So that's one of the reasons why we've, you know, we would like to require that or we want to maintain that requirement of having sidewalks on both sides of the street.

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COUNCILMEMBER GUZMAN: Okay. Thank you. Chair, may I have...request the applicant's representative to make any comments or responses to my questions?

CHAIR CARROLL: You can ask. Proceed.

COUNCILMEMBER GUZMAN: Thank you. Mr. Bagoyo, you're present during my questions?

MR. BAGOYO: Sure.

COUNCILMEMBER GUZMAN: Okay.

MR. BAGOYO: Thank you so much --

COUNCILMEMBER GUZMAN: Thank you.

MR. BAGOYO: --for that question. Fronting Waiale, the only exemptions because there's certain standards for sidewalks, and the only exemptions that we're asking for...we are putting in a sidewalk along Waiale. That's what we've worked with Public Works. The only thing that we're not gonna be constructing is the curbs and gutters on...the separation will be grass and then the sidewalks. That's the difference. 'Cause the standards is with curbs but the sidewalks will be built on Waiale fronting the project site.

COUNCILMEMBER GUZMAN: Okay. And the Department is...

CHAIR CARROLL: Public Works --

COUNCILMEMBER GUZMAN: Yeah.

CHAIR CARROLL: --you have comment?

MS. DAGDAG-ANDAYA: When we met with the applicant in September of last year, this was one issue that we discussed at length and, you know, we suggested that maybe the Council would consider something like an asphalt sidewalk. If you travel Puunene Avenue frequently, you'll notice that on the, I wanna say on the mauka side of Puunene Avenue, it's an asphalt sidewalk. There's no curbs or gutters there. And we thought, you know, we could work with that. We could. But again, you know, it's really up to the body here to decide if that's something that you'd like for us to pursue. I...For the Department, you know, we're, we are taking a firm stance on requiring these types of improvements but we do understand that it's also a policy decision from the Council. So that could be an alternative is to provide a an asphalt-type of sidewalk.

COUNCILMEMBER GUZMAN: So if I...Chair, may I follow up?

CHAIR CARROLL: Proceed.

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COUNCILMEMBER GUZMAN: Thank you. If we I guess, if we go ahead and proceed with an asphalt-type sidewalk, would that allow enough monies to be I guess saved over the carryover/savings to put into the gutter or the curbside where apparently the applicant said that they weren't going to construct that portion?

MS. DAGDAG-ANDAYA: Eventually...Chair? The cost will be to construct the curb and gutter will fall upon the County so I don't have a exact, you know, number but, you know, that's gonna be something that will come up as another CIP item in the future. So I would ask that you consider that as well when you're deliberating on that exemption.

COUNCILMEMBER GUZMAN: Okay.

MR. BAGOYO: Excuse me...

COUNCILMEMBER GUZMAN: May I ask Mr. Bagoyo, Chair?

CHAIR CARROLL: Proceed.

COUNCILMEMBER GUZMAN: Yeah.

MR. BAGOYO: If you...

COUNCILMEMBER GUZMAN: Regarding...

MR. BAGOYO: If you turn your, the applications on Appendix "S," it actually shows you the typical section of the sidewalk and it's not an asphalt. This is a concrete --

COUNCILMEMBER GUZMAN: Concrete?

MR. BAGOYO: --sidewalk. It's appendix...it's the last page of the application. The very last page, Appendix "S."

COUNCILMEMBER GUZMAN: Oh yeah, right here. Sorry. Yeah.

COUNCILMEMBER BAISA: Yeah.

COUNCILMEMBER GUZMAN: Yeah, Appendix "S."

COUNCILMEMBER COCHRAN: Is it in here? Oh.

COUNCILMEMBER GUZMAN: So...Chair? Mr. Bagoyo, so you're basically, what you've stated previously is that you're just gonna build the sidewalk without the --

MR. BAGOYO: Curbs.

COUNCILMEMBER GUZMAN: --curbs?

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MR. BAGOYO: That's correct.

COUNCILMEMBER GUZMAN: Okay. Would...is that going...what is the...I know you guys are all worried about penciling, you know, making sure that the houses and the units are affordable. How much more would that cost to put in the curbs or the additional I guess standard requirements that the Department is requesting?

MR. BAGOYO: I don't have the estimates in front of me.

COUNCILMEMBER GUZMAN: Is there any way I can get those numbers and how much I guess it would cost the Department to build it in retrofitting it later on?

MS. DAGDAG-ANDAYA: Chair? I think we can come up with a number.

COUNCILMEMBER GUZMAN: Okay.

MS. DAGDAG-ANDAYA: The Department can.

COUNCILMEMBER GUZMAN: Okay. Okay. Thank you.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Guzman. Those are...he's reading right off my notes.

COUNCILMEMBER GUZMAN: Do that sometimes.

COUNCILMEMBER COUCH: Yeah, it...I mean it's important that we, every time we keep exempting bikeways and we have to come back in, it's...and I'm fine with the County covering it maybe but no sense paving something over. I mean what would it cost us to go ahead and do it, and, you know, to do that portion of any potential proper sidewalks, proper curb and gutter and bikeway along with the plan. 'Cause you've got 22 feet there, that's awfully wide on Waiale. So that's one question that would like to see if you can figure out before probably first reading, or the only reading.

CHAIR CARROLL: Public Works?

COUNCILMEMBER COUCH: So potential cost there 'cause that would be what the County is subsidizing for this affordable housing project. We all want the affordable housing project but we also don't wanna mess up the Bikeway Plan. So that's one thing.

MS. DAGDAG-ANDAYA: Okay. Chair? Can I ask clarification on what the request is, information regarding?

COUNCILMEMBER COUCH: What it would cost us to put in our section...what we are planning on the Bike...Central Maui Bikeway --

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COUNCILMEMBER GUZMAN: Pedestrian...

COUNCILMEMBER COUCH: --Pedestrian Bikeway section right there? Either put nothing in there until we actually do it or do our section right there.

MS. DAGDAG-ANDAYA: Okay.

COUNCILMEMBER COUCH: Because I think it would be a waste of money if they put in their sidewalk, their five-foot concrete sidewalk and all the other stuff that they've gotta do there. And then we gotta go in and tear it out when we do the Bikeway. See what I'm saying?

MS. DAGDAG-ANDAYA: Yeah. Okay.

COUNCILMEMBER COUCH: Okay. That's one. The more important one at this point is this whole two-lot subdivision thing. If the subdivision doesn't go, all this is moot. So why are we here now without that subdivision going in?

CHAIR CARROLL: Public Works, would you like me to answer that or?

MS. DAGDAG-ANDAYA: I can. I can.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Whomever. I was just curious.

MS. DAGDAG-ANDAYA: I...Chair? So what the...what happens with that two-lot subdivision is that it allows for the church to maintain their portion and then eventually for the affordable housing to be built. At a later point when you establish the ownership, so you have the Waiale Project partners. They would have control over the makai portion and then Valley Isle Fellowship would have control over just their portion on the mauka side. At a later time, the project...this current project will need to come in for either...for further subdivision of the individual lots if that's the intent. So at that time, you're going to, that's gonna also trigger...that's another opportunity to trigger frontage improvements. So...

COUNCILMEMBER COUCH: What...but I'm talking about the two-lot subdivision. You said that it's contingent on, upon a few things. If those things don't happen, all this time will have been wasted? Is that what...am I missing something?

MS. DAGDAG-ANDAYA: No. I think maybe the applicant can explain how...I mean what their process or what their, yeah, thought process is on that.

MR. BAGOYO: Yeah. Thank you so much, Councilman Couch, for that question. The current process is...the reasons that we're going in for the two-lot subdivision and working in parallel with the 201H Project is because we wanted to expedite the

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development. The...actually the buyer is taking a risk and they are willing to take that risk 'cause the subdivision improvements that they are requiring is really a very administrative. It's not a major requirements that can be met. And the church is waiting for the remaining amount of money that they need to finish up their church. The applicant has actually kinda fronted some of the money so that they can start their church. So...but we needed to have the subdivision to be completed so the two-lot subdivision, so that the church can convey the property to the buyer which they have a legal binding purchase agreement.

COUNCILMEMBER COUCH: So it's whoever can answer, this is essentially a done deal. There's no chance that the subdivision isn't going to happen?

MR. BAGOYO: There's no turning back, pretty much.

MR. UEOKA: Chair?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. Mr. Couch, I believe the answer to your question is to fast-track it. They were willing to take the risk of putting in all the work and effort to do the 201H application without the guarantee that they have the final subdivision approval. They got preliminary subdivision approval so --

COUNCILMEMBER COUCH: Right.

MR. UEOKA: --it's like you said, small things that they're confident they can deal with. So to answer your question again, just to get the process going, they were...the developer was willing to take the chance of going through all of these hoping that their subdivision gets final subdivision approval.

COUNCILMEMBER COUCH: Right.

MR. UEOKA: Thank you.

COUNCILMEMBER COUCH: Then...Mr. Chair, if I may ask --

CHAIR CARROLL: Sure.

COUNCILMEMBER COUCH: --Mr. Ueoka, some weird thing happens and they don't get this. They get the 201H and then they don't get the subdivision, what happens to the 201H? Is it still available? I mean is it still applicable?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. What I would recommend is you guys just...if it's a concern of yours, throw in a modification if the --

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COUNCILMEMBER COUCH: That's...

MR. UEOKA: --subdivision approval isn't granted by such and such date --

COUNCILMEMBER COUCH: Yeah.

MR. UEOKA: --and granted to this developer and applicant for the subdivision, 201H automatically terminates. Thank you.

COUNCILMEMBER COUCH: Okay. Mr. Chair, I think that would be something that we need to do is...

CHAIR CARROLL: I have something proposed that might --

COUNCILMEMBER COUCH: Perfect.

CHAIR CARROLL: --when we get into that that might be all right for you.

COUNCILMEMBER COUCH: Okay.

MR. BAGOYO: If I may...

COUNCILMEMBER GUZMAN: Yeah, can we hear from the --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER GUZMAN: --applicant --

MR. BAGOYO: Yeah.

COUNCILMEMBER GUZMAN: --please?

MR. BAGOYO: And it...that's a good point, Councilman Couch. We've received the, all of their conditions and we're very confident that those conditions will be met. The only major conditions that we thought that needed to be worked on is with Fire, and Fire are very supportive of this project. And so there'll...one of the condition is putting in a, on the two-lot subdivision, fire protection along Waiale Road. Since this gonna be a 201H, the fire protection will be interior, within the project. So they're satisfied with that.

COUNCILMEMBER COUCH: Okay. All right. And I still also have the concerns that Ms. Dagdag and I think Mr. Guzman had about the internal sidewalks as well. Because having lived in a...in Waikapu Gardens, they have it that way as well and it is a pain for those that don't have the sidewalks. It's very difficult so I have a little bit of heartburn on that. One interesting thing that, for the Department since you...I don't know if you guys do the tree plan or whatever, to have Milos on Waiale Drive. Those trees drop really hard round seeds that...right in the, it would be right in the middle of

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the bike lane and the sidewalks. Is there anything...would the...are these required to be on? I know it's native plant and everything but to be on a sidewalk or even on the road, those seeds are pretty dangerous.

COUNCILMEMBER BAISA: They're dangerous...

MS. DAGDAG-ANDAYA: It would be...Chair?

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: That review is typically done by another Department.

COUNCILMEMBER COUCH: Which Department would that be?

MS. DAGDAG-ANDAYA: I believe Planning.

COUNCILMEMBER COUCH: Okay. Okay, when they come.

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. I believe Planning makes sure all of the street trees are in conformance with the Landscape Planting Plan.

COUNCILMEMBER COUCH: I understand that.

MR. UEOKA: Yeah. I'm just saying that. Thank you.

COUNCILMEMBER COUCH: Having, now living in a condo complex that has those all over the sidewalk, it's...I'm just saying. Okay.

COUNCILMEMBER BAISA: Chair?

COUNCILMEMBER COUCH: All right. Thank you, Chair, for now.

CHAIR CARROLL: Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much. I just wanna tag on to what Mr. Couch just said, you know, we had to remove a tree at Cameron Center because those nuts or whatever they are that fall down, are really dangerous. And if you're disabled or you're unsteady as an elderly person, very easy for your foot or your shoe to roll and you're gone. We had many accidents until we had to get rid of it. So I think we should be very careful before we put stuff that makes that all over the road. It's not a good idea.

CHAIR CARROLL: Thank you. Ms. Cochran?

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COUNCILMEMBER COCHRAN: Yeah. Thank you, Chair. Still trying to get a grasp in regards to...Mr. Miyamoto said he understands this project will be building all the roads and things to standard, which I was thinking curbs, gutters and sidewalks. Now I'm seeing exemptions of this and that. So what...and Mr. Bagoyo said, yes it will be built to the County standards. So with these exemptions, it is still County standard?

MS. DAGDAG-ANDAYA: Chair? For...

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: For the internal roads, they'll build it to County standards. The provision of that sidewalk on one side, in our Code, I think, I mean we're allowed to or the Department Director has discretion to allow just one sidewalk. So regardless whether or not, you know, if they're...I think they're trying to get an exemption from us telling them you gotta do two sides. But if they do one side, you can still maintain that County standard.

COUNCILMEMBER COCHRAN: Okay.

MS. DAGDAG-ANDAYA: Yeah.

COUNCILMEMBER COCHRAN: And then the fronting and all that of the property, that's has no regard to what is a County standard or not then?

MS. DAGDAG-ANDAYA: Chair? No, it's...it...because Waiale Road, I mean that's gonna be dedicated to the County anyway by another property owner. So if they are exempted from any kind of improvements along Waiale Road, it becomes, you know, it's still a County Road, I mean, when and if we acquire it. But the County would have to be the ones doing the improvements there, so.

COUNCILMEMBER COCHRAN: Okay. And, Chair, just a note, some curb cuts needed to be made on some existing sidewalks in Napili and that cost like 40,000 to \$45,000 for one curb cut in order to address wheelchair access on this sidewalk. So if it can be done ahead, that would be really nice.

VICE-CHAIR VICTORINO: Chair?

COUNCILMEMBER COCHRAN: Just a comment about that. Thank you, Chair.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CARROLL: Oh, okay.

VICE-CHAIR VICTORINO: Yeah.

CHAIR CARROLL: Mr. Victorino?

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VICE-CHAIR VICTORINO: I've been waiting very long time but that's fine. You know what I mean. 'Cause everybody is an expert in my area so --

CHAIR CARROLL: . . .*(inaudible)*. . . --

VICE-CHAIR VICTORINO: --thank you very very much.

CHAIR CARROLL: --Mr. Victorino.

VICE-CHAIR VICTORINO: First of all, Ms. Dagdag, just to get it real clear, right off the bat, Waiale from Kuikahi, all the way to Honoapiilani Highway, eventually will be a four-lane road traversing? That's part of the Master Plan? Isn't that correct?

MS. DAGDAG-ANDAYA: Chair? It's still being reviewed --

VICE-CHAIR VICTORINO: But --

MS. DAGDAG-ANDAYA: --so...

VICE-CHAIR VICTORINO: --isn't part of the Master Plan?

MS. DAGDAG-ANDAYA: It could be, yes.

VICE-CHAIR VICTORINO: Okay. And let's get it straight so that's the first thing. Because I hear curbs got it on sidewalks and when we go to four lanes, some of that would be torn up and changed?

MS. DAGDAG-ANDAYA: Chair? Perhaps.

VICE-CHAIR VICTORINO: Yeah. Not perhaps --

MS. DAGDAG-ANDAYA: But not...

VICE-CHAIR VICTORINO: --probably.

MS. DAGDAG-ANDAYA: Well --

VICE-CHAIR VICTORINO: You know --

MS. DAGDAG-ANDAYA: --it's...

VICE-CHAIR VICTORINO: --I've worked on this plan for the last ten years so I have a good understanding with you folks what this supposed to be coming out. So I'm just saying that we're making all these assumptions, again putting a sidewalk going nowhere which I get choke all over this my area. I got more sidewalks going nowhere than I have sidewalks. And so, you know, for everybody to get all excited about this is not

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really what we need at this point. The other part of it is, part of the Master Plan is to put a bikeway starting from Kuikahi which extends from Maui Lani all the way across to Honoapiilani. That was all part of that Master Plan that we all agreed upon years ago and it hasn't come to fruition. I know that. We're still waiting. First of all, we don't even own the road.

MS. DAGDAG-ANDAYA: Yes.

VICE-CHAIR VICTORINO: That road has not been ours all these years since it's been opened. And we've been able to traverse it just like Eha and all these other street because the developer allowed us. Is that correct?

MS. DAGDAG-ANDAYA: Correct. Yes.

VICE-CHAIR VICTORINO: Okay. So I think, you know, we may get into, you know, a little thesis about something. I wanna see affordable housing. I think it's done. And I can tell you there are neighborhoods that are very affluent that only have one-side sidewalks, mine in particular. So let's leave it alone, okay. Leave it alone. Because there's many neighborhoods that have one-side sidewalks and it works pretty well. Up in Wailuku Heights, we have. Almost all of our subdivision is one-sided sidewalks. One side of the road has sidewalks, right?

MS. DAGDAG-ANDAYA: I won't --

VICE-CHAIR VICTORINO: Trust me --

MS. DAGDAG-ANDAYA: --argue with that.

VICE-CHAIR VICTORINO: --I live there for 30 years almost. Yes, I got it. I got it. Okay. So anyhow, again, you know, my colleagues bring up a lot of issues. Maybe the Milo trees, I agree. If get big nuts, don't put 'em in. I don't like those big nuts. Excuse me for being honest. I'm getting a little nuts at this point. All right. Now that I've got all that off my chest, thank you very much.

CHAIR CARROLL: I'll have to call on you more often.

VICE-CHAIR VICTORINO: Yeah right, yeah, Chair.

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah. Thank you. Boy we missed him for the last two...

VICE-CHAIR VICTORINO: Yeah, yeah right.

COUNCILMEMBER GUZMAN: Just kidding. He has very good comments. But, you know, Chair, I'm still gonna stick with the, you know, I completely understand where Mr. Victorino is going with the interior. I agree with him. But the Waiale, I, you know,

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I really feel strongly about making sure that there's a sidewalk and there's gutters there, you know. We've...and the last few developments that went through, we exempted those and right now, there's nothing. I mean at least if we build it, at least there's gonna be something there, you know. Eventually, maybe we'll connect up to it but I would rather see, you know, a very up to par, up-to-standard sidewalk with gutters on Waiale. And everything else, I'm good with, all the other exemptions. So that's my two cents. Thank you.

CHAIR CARROLL: Thank you, Mr. Guzman. Any further questions, clarifications from Public Works? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The other thing was the traffic impact. Did you guys take a look at that and I know the Police Department deals with that as well but you guys as well, right?

MS. DAGDAG-ANDAYA: Yes. Chair and Councilmember Couch, we took a look at their traffic impact --

COUNCILMEMBER COUCH: Can you get --

MS. DAGDAG-ANDAYA: --report. Oh...

COUNCILMEMBER COUCH: --a little closer to the microphone please?

MS. DAGDAG-ANDAYA: We took a look at their traffic impact report and looked at base conditions, existing conditions and projected conditions. And the...with the project, the level of service would increase slightly, especially for that section on Kuikahi and Waiale Road at peak morning and afternoon hours. The level of service indicated in the traffic report shows a level of service of D, which is still acceptable. It just, the level of service letters just mean that the amount of...the kind of delay that you would have in passing through the intersection. One suggestion that we would have to mitigate any delay in that area is to, for the project applicant to review and maybe recommend any adjustments to the signal timing at the Kuikahi and Waiale Road Intersection. Other than that, you know, we didn't have any other mitigation suggestions for them but just to look at the timing of the signals at that intersection.

COUNCILMEMBER COUCH: How about anything at Waiko and Honoapiilani Highway?

MS. DAGDAG-ANDAYA: At Waiko and Honoapiilani, that would be under the jurisdiction of the State Department of Transportation.

COUNCILMEMBER COUCH: No, I understand that --

MS. DAGDAG-ANDAYA: Yeah.

COUNCILMEMBER COUCH: --but the backing up, potential backing up of traffic there?

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MS. DAGDAG-ANDAYA: Yeah, I would still defer to the State for their...

COUNCILMEMBER COUCH: Okay.

MS. DAGDAG-ANDAYA: Because they would be doing...it would be an improvement to that State intersection.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR CARROLL: Any further questions for Public Works?

VICE-CHAIR VICTORINO: Yeah.

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: One more quick question. On example number four, you know, I'm looking at your traffic, the traffic maps that they put together, number four is the Kuikahi, Waiale and Maui Lani intersection where Longs and --

UNIDENTIFIED SPEAKER: Yeah.

VICE-CHAIR VICTORINO: --Walgreens there. And then the other side, there's nothing. The turn lanes, and this is my concern, the turn lane on Waiale at this time, would that be sufficient for carry out? In other words, all these cars are being backed up, because I can tell you on Kuikahi, it backs up quite substantially in the morning. And you know what I'm talking about, yeah?

MS. DAGDAG-ANDAYA: Yes, I do.

VICE-CHAIR VICTORINO: I appreciate what the State has done up on number two, on Honoapiilani and Kuikahi, and that has helped tremendously by having the three lanes, the right, the straight and the left-turn lanes dedicated, which you don't show on this map. It still shows the old system but it's been changed. It was changed about a month ago. Anyhow with that being said, is there any plans to ask the developer or even for us to extend, well we don't own the road so that's gotta be somebody to help us with that one, extend the turn lanes especially the turn left lane? Because a lot of people wanna go to Puu Kukui and they're trying to turn right there, and trying to get on to Honoapiilani Highway. I know that's where the big back up is.

MS. DAGDAG-ANDAYA: Okay. Chair and Councilmember Victorino, that...so the question is whether or not extension of the turn lane to make it longer --

VICE-CHAIR VICTORINO: For left.

MS. DAGDAG-ANDAYA: --to allow...

VICE-CHAIR VICTORINO: Turning left. Yes, absolutely.

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MS. DAGDAG-ANDAYA: The...at the current moment, given the existing level of service, there wouldn't be any additional mitigation recommendations to that lane. But we did, in fact because it's a level of service D, it's still acceptable. And...but we did, you know, talk about in...during, in one of our staff meetings, to maybe take a look at the signal adjustments to allow for the, that turning movement, and more time for the turning movements to allow for the drivers to exit out of that turn.

VICE-CHAIR VICTORINO: Onto Kuikahi?

MS. DAGDAG-ANDAYA: Right.

VICE-CHAIR VICTORINO: Okay.

MS. DAGDAG-ANDAYA: And then maybe that would, yeah...

VICE-CHAIR VICTORINO: If that can be adjusted, yeah.

MS. DAGDAG-ANDAYA: That would alleviate any need to expand that lane or extend it out.

VICE-CHAIR VICTORINO: 'Cause that intersection in the morning is really...

MS. DAGDAG-ANDAYA: Yes.

VICE-CHAIR VICTORINO: You know, how bad it is.

MS. DAGDAG-ANDAYA: I know how bad.

VICE-CHAIR VICTORINO: Okay. Thank you, Mr. Chair.

CHAIR CARROLL: Thank you. Anything further for Public Works? Seeing none, thank you very much.

MS. DAGDAG-ANDAYA: Thank you. Chair, if I just...just one more thing. I wouldn't say it's bad. It does take a while but after a while, the traffic does subside. In fact, I had a meeting with staff this morning and we talked about that intersection and I said from 7:27 to 7:35, that's the time when it gets a little busy. But any time after that, the flow is pretty easy to go through. And I think part of is, everyone is just trying to get out at the same time. But overall I think the area, that part of Waikapu is a great place to live and, yeah.

VICE-CHAIR VICTORINO: I won't disagree with you but --

MS. DAGDAG-ANDAYA: Yeah.

VICE-CHAIR VICTORINO: --I think the timing is a little bit more extensive than what you've just put up but --

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MS. DAGDAG-ANDAYA: Yeah.

VICE-CHAIR VICTORINO: --I'm not a traffic but I go through that area and that's why I --

MS. DAGDAG-ANDAYA: Yeah.

VICE-CHAIR VICTORINO: --say at 7:15, I wait --

MS. DAGDAG-ANDAYA: Oh.

VICE-CHAIR VICTORINO: --quite a while. So excuse me. Thank you --

MS. DAGDAG-ANDAYA: Okay. Thank you.

VICE-CHAIR VICTORINO: --Ms. Andaya.

CHAIR CARROLL: Thank you. We'll now like to hear from --

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: --Planning.

COUNCILMEMBER COUCH: Whoa, whoa, Mr. Chair?

CHAIR CARROLL: Oh, I'm sorry. Oh, Mr. Couch?

COUNCILMEMBER COUCH: One more question for her.

CHAIR CARROLL: Proceed.

COUNCILMEMBER COUCH: Ms. Andaya, what I'm trying to do here is figure out how much maybe the County can share in something. As long they're building it right now, no sense go later and put something again in top. For like the second side walk, if it's something that the County wants to subsidize, if we feel that this affordable housing, which we really need and we...if we really want the sidewalks then, what's it gonna cost and can the County share in that kind of things? That would be a subsidy thing. Same with a couple of the other things, you know, potentially the sidewalks on the outside of Waiale. If we can get something like that because they can do it cheaper than we can do it. As well as, you know, they've already got the equipment there. They're doing it on one side. Just do it on both sides and...do we have the capability of contributing to that to help with the price of the houses?

MS. DAGDAG-ANDAYA: That's something that we can take --

CHAIR CARROLL: Public Works?

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MS. DAGDAG-ANDAYA: --a look at.

COUNCILMEMBER COUCH: I mean if it's something that you guys really think we need and the Members think that this is something that development should have, then let's put our money where our mouth is. Okay. So that's why I'm asking these questions is to see what can we contribute if necessary. Okay. Thank you, Chair.

CHAIR CARROLL: All right. Any further questions for Public Works? Seeing none, thank you. Planning, followed by Housing and Human Concerns, and after Housing and Human Concerns, we're gonna take a ten-minute recess. Please identify yourself at the microphone.

MS. McLEAN: Good afternoon, Chair, I'm Michele McLean, the Deputy Planning Director.

CHAIR CARROLL: Members, questions, clarifications? Mr. Couch?

COUNCILMEMBER COUCH: Thank you. Unless...I would defer to Mr. Victorino but...

VICE-CHAIR VICTORINO: Go ahead, you got a lot to ask.

COUNCILMEMBER COUCH: Okay. No, actually not too many and this one, the big one is the trees.

VICE-CHAIR VICTORINO: Well that's . . .*(inaudible)*. . .

COUNCILMEMBER COUCH: The big one is the trees on Waiale.

VICE-CHAIR VICTORINO: Milo.

COUNCILMEMBER COUCH: Are those required, it's just...we would love to have obviously native shade trees. But those, I mean having lived with...living with those now as we speak, they're pretty rough to walk on and bike on and potentially even drive on.

CHAIR CARROLL: Ms. McLean?

MS. McLEAN: Street trees are required as part of the subdivision process and we follow the guidelines in the Maui County Planting Plan, which I believe the Council reviewed not too long ago. So if the trees are in there and an applicant proposes trees that are in the Planting Plan then we wouldn't have a reason to tell them that they couldn't plant those trees.

MR. BAGOYO: Maybe, Councilman Couch, I...

COUNCILMEMBER COUCH: Yeah.

MR. BAGOYO: I think what we could do is to work with the Planning Department and see what would be acceptable trees. We're open, you know. They don't...

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MS. McLEAN: They would have to be trees...

MR. BAGYOYO: We're not...

MS. McLEAN: They would have to be trees that...

MR. BAGYOYO: Yeah, have to be trees here.

MS. McLEAN: That are in the Planting Plan.

CHAIR CARROLL: Excuse me, one moment.

MR. BAGYOYO: I'm sorry.

CHAIR CARROLL: One moment.

MR. BAGYOYO: Okay.

CHAIR CARROLL: You know what, you're driving the secretary nuts when she tries to go over there and do the minutes if everybody's just talking one time. So wait until you're called on to talk please. All right, are you finished? And please --

MR. BAGYOYO: Yes.

CHAIR CARROLL: --wait until you're called --

MR. BAGYOYO: Yeah.

CHAIR CARROLL: --on. All right.

MR. BAGYOYO: Thank you.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you. I just wanted to...he's heard our concerns. It's just, you know, when we...if we...if they go in with those trees and maybe we should consider the Planting Plan again next to sidewalks and major roads. But if he can do that for trees that don't drop the pretty dangerous things, you know, you've seen 'em. You've been around.

MR. BAGYOYO: Yes, yeah.

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

CHAIR CARROLL: Okay. Any...I'm sorry, Mr. Victorino?

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VICE-CHAIR VICTORINO: No, I thought miss...

UNIDENTIFIED SPEAKER: McLean.

VICE-CHAIR VICTORINO: Did you have anything else you wanted to add, Michele?

MS. McLEAN: No, thank you.

VICE-CHAIR VICTORINO: No.

MS. McLEAN: Just any tree that is proposed has to be in the Planting Plan's guidelines.

VICE-CHAIR VICTORINO: And thank you, that was my question. Does it have to be Milo or can it be any other type of tree that's in the Maui Island Plan or the Maui Tree Planting Program?

MS. McLEAN: Correct. If it's in the Planting Plan --

VICE-CHAIR VICTORINO: It is and you...

MS. McLEAN: --then we wouldn't have a reason to --

VICE-CHAIR VICTORINO: Okay.

MS. McLEAN: --tell the applicant they couldn't use that tree.

VICE-CHAIR VICTORINO: Okay. I'm good with that. And the developers heard our concern so I don't think I wanna have to worry about that any further. Thank you, Chair.

MR. BAGOYO: Thank you.

CHAIR CARROLL: Okay. Anything further for Planning? Seeing none, thank you very much. Housing and Human Concerns? Please identify yourself at the microphone.

MR. ALMEIDA: Thank you, Chair. Buddy Almeida, Housing Administrator for the Housing Division.

CHAIR CARROLL: Any questions for Housing and Human Concerns? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I'd...I...in this big huge application, unless I missed it, I didn't see any actual prices of the homes. Did I miss that or what are the prices of the homes gonna be? Somebody.

MR. BAGOYO: As I noted in the presentation, the guidelines and the prices are very specific in the housing guidelines for 2016. The prices are really based on four factors. One is the prevailing interest rates. For example if the interest rates goes up, the prices comes down. So it's, it depends on when that project is gonna come onboard. So

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that's one area that dictates the pricing. The other is that as noted earlier, it's gotta be 30, about 30 percentage of their gross monthly income only for housing expenses. That's the second trigger point for prices. The other is that the percentage of the down payment. And finally is the median income for the island of Maui. For 2016, the new one, the median income on Maui right now went up to 81,500. So if you...for example if you have a 4 percent, 4.5 percent interest rate and you fall within the 80 percent of the median income, for 3-bedroom, the prices will be for 4.5 percent interest rate on a 30-year mortgage, would be 338,000 maximum that you can charge if you fall within that median income.

COUNCILMEMBER COUCH: Okay. And what about...as long as you got the prices, what about 100 and 121? Hundred and one...

MR. BAGYOY: Hundred...

COUNCILMEMBER COUCH: One o one and 121?

MR. BAGYOY: One o one to 120 on a 4.5-percent interest rate on a 3-bedroom will be around 465,000 for 1/10 of the median income. On 100 of the median income, would be 423,000. If you fall under the 90 percent, it would be lower, much lower than that. Again it's gonna depend on the interest rates.

COUNCILMEMBER COUCH: Right, right.

COUNCILMEMBER COCHRAN: Yeah.

MR. BAGYOY: That dictates the prices.

COUNCILMEMBER COUCH: But you also mentioned that down payment, the size of the down payment.

MR. BAGYOY: Yeah. So the down...

COUNCILMEMBER COUCH: So if the down payment is bigger, the price is gonna be higher?

MR. BAGYOY: No, those are the four criteria for the prices based on their guideline.

CHAIR CARROLL: One moment. I think Corporation Counsel might be able to clarify this --

COUNCILMEMBER COUCH: Okay.

CHAIR CARROLL: --for us. Corporation Counsel?

MR. UEOKA: Thank you, Chair. I don't have the numbers in front of me like Mr. Bagoyo does. But generally speaking, area median income --

COUNCILMEMBER COUCH: Okay.

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MR. UEOKA: --puts you on that chart on the top.

COUNCILMEMBER COUCH: Right.

MR. UEOKA: You fall into...I believe this project is anywhere from 80 to 140 percent of Maui's median income. On the left-hand side of the chart, there's gonna be the annual percentage rate which right now I think it's 4 percent.

COUNCILMEMBER COUCH: Right.

MR. UEOKA: Mr. Almeida is indicating I'm...on that one for once. The next thing you're gonna look at is the number of bedrooms, 1, 2, 3 or 4, then you go across the chart for like a 3-bedroom, it will be X amount of dollars at 4 percent for 80 percent X amount of dollars. And it's different for, well I know we're talking about single-family homes here. It's a little different for multi-family but that's just an FYI thing. But those are the things we look at when we're setting these prices and I believe his numbers are correct. It ranges. Thank you.

COUNCILMEMBER COUCH: But not the size...he mentioned the size of the down payment so I was a little concerned about that.

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: I think he was just more referencing general qualifying for affordability, those types of things, not strictly just the price of the homes.

COUNCILMEMBER COUCH: To set the price of the homes.

MR. BAGYO: Yeah.

MR. UEOKA: Yeah. Yeah, that's my understanding.

COUNCILMEMBER COUCH: Okay.

MR. UEOKA: Thank you.

COUNCILMEMBER COUCH: And just to be clear, it sounds like the lowest, low range is 338K and the upper range is upwards of...

UNIDENTIFIED SPEAKER: Four percent.

COUNCILMEMBER COUCH: Based at 4½ percent interest, I find that hard to be affordable. But I guess they got the math figured out.

MR. UEOKA: Oh, Chair?

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CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Trying to wait for it to load but generally speaking, we follow HUD guidelines.

COUNCILMEMBER COUCH: Yeah.

MR. UEOKA: So it...for lack of a better term, it is what it is. Thank you.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR CARROLL: Further... --

COUNCILMEMBER COCHRAN: So --

CHAIR CARROLL: --Ms. Cochran?

COUNCILMEMBER COCHRAN: --Chair? Thank you. And so I was reading FACE Maui's testimony and their perfect number is 60 percent to 120. That's the number they are looking at. So that doesn't seem to fit in your project --

MR. BAGOYO: Yeah.

COUNCILMEMBER COCHRAN: --right? Your lowest is 80 to 100.

MR. BAGOYO: That's correct.

COUNCILMEMBER COCHRAN: So what would 60...so what kind of price ranges are they wanting? Like in the 200 or so price ranges or?

MR. BAGOYO: If you fall within the 60 percent of the median, to say 70 percent at 4.5 percent, you would be...on the 70 would be 296 for a 3-bedroom.

COUNCILMEMBER COCHRAN: Oh, okay. So just under 300.

VICE-CHAIR VICTORINO: That's not bad.

COUNCILMEMBER COCHRAN: Okay. Thank you. It gives a better idea, Chair. Thank you very much.

MR. BAGOYO: Thank you.

MR. UEOKA: Chair?

CHAIR CARROLL: Any...Corporation Counsel?

MR. UEOKA: Thank you, Chair. Just a quick clarification. As the prevailing interest rate goes up, the housing allowable prices go down.

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MR. BAGOYO: Down.

VICE-CHAIR VICTORINO: Yeah.

MR. UEOKA: So at 4 percent for 60 percent, it's at 269,500; at 70 percent it's 314,500; 80 percent is 359,400. So that was your question, Mr. Couch. Ninety percent is 404,300. Oh I'm sorry, 3-bedroom, these are all 3-bedroom --

UNIDENTIFIED SPEAKER: Right.

MR. UEOKA: --homes. Ninety percent, 404,300; 100, 449,200; 101, 494,200; 120, 539,100; 130, 584,000; 140, 628,900. And for the income groups, my understanding is 80 percent is 65,200; 90 percent is 73,350; 100 is 81,500; 110, 89,650; 120, 97,800; 130, 105,950; 140, 114,100. Those are the annual family gross income. Thank you, Chair.

CHAIR CARROLL: Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm a very simple person. I don't follow well this percentage of income and all this stuff. What I wanna know is more or less, what will people that buy these homes have to pay? What is their monthly mortgage look like? And what else do they pay? I have friends who live in Waikapu and I know they have to pay some kind of a maintenance fee or association fee or whatever it is. I mean, you know, what is real to people and remember, the people that are listening to us today and the people that wanna buy these homes are not realtors and they're not financial experts. And when we talk about affordable, what is affordable? What they wanna know is how much money they have to cough up every month in order to own one of these homes. And that's what I'm trying to put my finger on and I realize that it varies. It varies with interest. It varies with your 2-bedrooms, 3-bedrooms, whatever. But there's gotta be a range somewhere. Are we talking about \$2,000 a month? Three thousand dollars a month? What is it? Give me a guess. I realize it's a guess and you can preface it with that.

MR. ALMEIDA: Thank you, Chair. And thank you, Member Baisa, for that question. You're right. It's...it varies. It depends upon the income 'cause per 2.96, the developer is required to have so many homeowners in each of the different categories.

COUNCILMEMBER BAISA: Right.

MR. ALMEIDA: So the prices will vary as they go up that ladder. Every individual family is different. Some have more to put down. Some have less. Some can get gifts from families. Some can't. So it depends on what their end mortgage ends up to be. As far as a range, based on these numbers, you know, 2,500 to 3,000 is not unrealistic but it could be less. We're not talking about a multifamily project so there are no homeowner association fees to my knowledge, and Mr. Bagoyo can correct me if I'm wrong. For the park or other things, it might be minimal. I'm not sure. But it should

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basically just be your principal interest, property tax and homeowner's insurance that you have to get. And it's really hard to give a specific range just based on a lot of moving variables to their mortgage financing.

COUNCILMEMBER BAISA: Okay. Let me try again. Somebody has to know what people bought in Waikapu Gardens. What kind of mortgages are they paying? Are they paying \$3,000 a month? Four thousand dollars a month? What are they paying? We don't know?

MR. ALMEIDA: Thank you, Chair. What we verify is that the developer has met the requirements with regards to satisfying the income categories and that the sales of the homes were per the HUD guidelines. We don't get documentation with regards to their note or their mortgage as far as what they ended up paying. Again, I believe 2,000 to 2,500 is a fair average but we don't verify the personal note or mortgage information on the properties, just the income and the sales prices.

COUNCILMEMBER BAISA: Well if we don't know then I'm gonna make it my business to find out. Because when we talk about affordable, it's only affordable if I can write the check.

MR. ALMEIDA: No, absolutely I understand and if you want, I can reach out to Mr. Spencer and I can try and get those figures to see if, you know, from him if he has those, you know, with his company. And we can try and submit those to you so you can get an idea of what the end result mortgages were for the people who bought in Waikapu Gardens Phase II.

COUNCILMEMBER BAISA: Chair, I would really be interested if you don't mind. I'd like that information so that we know what is going on out there. You know, we sit here and talk about affordable. But affordable is, can I write that check? Can I meet that mortgage payment every month? And I'm sorry but I have gone through this horrible thing with family and friends who thought they were buying affordable homes who have lost them.

MR. UEOKA: Mr. Chair?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. Just generally speaking, Mrs. Baisa, 500,000...I'm just using a mortgage calculator I found --

COUNCILMEMBER BAISA: Great.

MR. UEOKA: --online. Five hundred thousand dollars, 4 percent annual interest, 30 years, 2,387, granted I don't know if there's PMI.

COUNCILMEMBER BAISA: Right.

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MR. UEOKA: I don't know all that. I don't know if it's gonna have HOA fees. But according to the Internet, \$500,000 loan, 4 percent, 2,387.

COUNCILMEMBER COCHRAN: That's something.

COUNCILMEMBER BAISA: Thank you for a straight answer because we're hearing that rents are like 2,600 a month. So if you can afford 2,600 a month rent, you can afford --

VICE-CHAIR VICTORINO: But you gotta add all the other stuff.

COUNCILMEMBER BAISA: --a mortgage payment of 2,387. That's what I'm trying to get in my mind. Thank you.

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah. And thank you, Mr. Ueoka, for getting at least the starting point. No, that's really, they talk the starting point because after that you get your real property tax.

UNIDENTIFIED SPEAKER: Yeah.

VICE-CHAIR VICTORINO: You get insurance. I'm not talking mortgage insurance. I'm talking homeowner's or whatever insurance you have. Then you also have homeowners association fees, and then you get other assessments that come on. So you could add another 400 to \$500 per unit based upon that. So...and that's fact. I'm, not pie in the sky. I work with those numbers all the time 'cause I do insurance. And that all comes to me and I have to figure it all out. So I can tell you if you got 23 and 500, you probably gonna pay 2,700-2,800. Probably 2,700-2,800 almost every month. And so that's the real number if you're talking real numbers. Okay.

COUNCILMEMBER BAISA: Thank you.

CHAIR CARROLL: All right. Anything further for Housing and Human Concerns? Mr. Couch?

COUNCILMEMBER COUCH: I don't know if this is for Housing and Human Concerns, but they're the last ones left. Mr. Ueoka might be able to answer. Are we allowed to give exemptions to State requirements?

CHAIR CARROLL: Corporation Counsel?

COUNCILMEMBER COUCH: I would love to be able to do that but it's my understanding that HRS 302A-1603, doesn't give exemptions for 100 percent affordable housing.

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And I believe that there was a one pager before, there was a case saying a 201H. No, that they don't give the exemptions?

MR. UEOKA: What...

COUNCILMEMBER COUCH: I recall reading that, 302A-1603.

MR. UEOKA: Chair?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: If I may? Thank you. I believe, well it doesn't make it right, but it's been done before. And I will say 201H-38, it's extremely broad. It...any statute, ordinance. Also, you know, the way the County gets the power is through Title 40 or Chapter 46, Hawaii Revised Statutes, which hands us over the powers as it relate to the County. So I'd really say it's a policy decision of this body if you guys wanna grant it. We feel that the support is there to defend the decision of this body. Thank you.

COUNCILMEMBER COUCH: Okay. I just...and I'm fine with that. I'm just, recall reading this year that either it's in the 201H side or in the...but I recall that they specifically say, oops, sorry we aren't allowed to do that.

CHAIR CARROLL: Corporation Counsel?

COUNCILMEMBER COUCH: Because that was another project that was coming up.

MR. UEOKA: Thank you, Chair. Maybe I could speak with Mr. Couch in the break. I need --

COUNCILMEMBER COUCH: Sure.

MR. UEOKA: --who's we, them, they, said, it. Thank you, Chair.

CHAIR CARROLL: Any further questions for Housing and Human Concerns?

COUNCILMEMBER COCHRAN: Well, I don't know. I...just to follow up on Mr. Couch's question, I'm not sure if he's \_\_\_\_\_ --

CHAIR CARROLL: Ms. Cochran, yes?

COUNCILMEMBER COCHRAN: --towards DOE's comments?

COUNCILMEMBER COUCH: Yes.

COUNCILMEMBER COCHRAN: Oh, okay. So yeah. If that's what he's talking about, I too have questions about that 'cause their letter...they would not like to see that exemption. And then at the ending it says Maui, County of Maui required to comply with the following sections of HRS, blah, blah, blah. So yeah, just...I think we need to

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get to the bottom of that 'cause I understand the applicant could stand to save around \$375,000 on this, so.

CHAIR CARROLL: Yes.

COUNCILMEMBER COCHRAN: Yeah. Thank you, Chair. It's in the letters, comments...

CHAIR CARROLL: Anything further? Are you gonna, you wanna proceed with that or...all right, anybody else have anything for Housing and Human Concerns? Okay. Seeing none, thank you. Members, we're going to take a recess. We will reconvene at 3:45. Please be here. We'd like to go home tonight.

VICE-CHAIR VICTORINO: Tonight?

CHAIR CARROLL: We now stand in recess. . . .*(gavel)*. . .

**RECESS: 3:35 p.m.**

**RECONVENE: 3:45 p.m.**

CHAIR CARROLL: . . .*(gavel)*. . . Land Use Committee is now back in session. Members, before I open the floor to further discussion, I have two things that I'd like to bring up over here. One, if you'll look in your binders, Exemptions from Title 18, MCC, Subdivisions, E-2, E-2.

COUNCILMEMBER COUCH: What page?

VICE-CHAIR VICTORINO: What page?

COUNCILMEMBER COUCH: What page? What page?

MR. JENSEN: It's in the reso.

CHAIR CARROLL: Page? This doesn't have page numbers.

UNIDENTIFIED SPEAKER: It's in the back.

COUNCILMEMBER COUCH: Oh, in the reso.

VICE-CHAIR VICTORINO: It's in the reso. Okay.

COUNCILMEMBER COUCH: I got 'em. I got 'em.

VICE-CHAIR VICTORINO: I got it.

COUNCILMEMBER COUCH: Easy.

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CHAIR CARROLL: Exemptions from Title 18, MCC, Subdivisions, and that is E-2. Let me know when everybody has that.

MS. YAP: It's all the way in the back.

COUNCILMEMBER COUCH: It's on the reso.

CHAIR CARROLL: And, yes, I wish everything had page numbers, too, Mr. Couch. All right? All right. I would like to amend that if you can follow along. Exemptions from Section 18, excuse me. Let me start it again. Exemptions from Section 18.04.030, MCC, Administration and Section 18.16.020, MCC, Compliance shall be granted to exempt the project from obtaining Change in Zoning, a community plan amendment, or a State Land Use District Boundary Amendment.

COUNCILMEMBER COUCH: Okay.

CHAIR CARROLL: Okay.

COUNCILMEMBER COUCH: No objections.

CHAIR CARROLL: Everybody got that? You want me to read it again?

COUNCILMEMBERS: No.

VICE-CHAIR VICTORINO: That's fine.

CHAIR CARROLL: All right. Could I have a motion on the floor?

VICE-CHAIR VICTORINO: So move, Mr. Chair.

COUNCILMEMBER COUCH: Second.

CHAIR CARROLL: Moved by Mr. Victorino. Do I have a second?

COUNCILMEMBER COUCH: Second.

CHAIR CARROLL: Second by Mr. Couch. Any further discussion? All in favor, signify by saying...you have discussion? I'm sorry.

COUNCILMEMBER BAISA: No, no.

CHAIR CARROLL: All in favor, signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," one excused.

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**VOTE: AYES: Chair Carroll, Vice-Chair Victorino, Councilmembers Baisa, Cochran, Couch and Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.**

**MOTION CARRIED.**

**ACTION: ADOPTION of revised resolution.**

CHAIR CARROLL: All right. I have one more thing over here. Was it distributed already?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR CARROLL: I have mine. What I'm going to...what I'm putting out before you has been a concern for every Committee Member. Of course, we've had problems from day one with projects not being completed or not --

COUNCILMEMBER COUCH: Yeah.

CHAIR CARROLL: --being completed --

COUNCILMEMBER BAISA: Yes.

CHAIR CARROLL: --on time --

COUNCILMEMBER BAISA: Yes.

CHAIR CARROLL: --asking for exemptions, et cetera. So I have drafted this up and this would go into modifications. If you would look after resolutions in your binder, you'll see modifications. And that's where it would be added. All right. I'm going to read it. Modification: construction of the project shall be initiated within two years of the adoption of this resolution and be completed within five years of the adoption of this resolution. For purposes of this modification, construction of the project shall be considered initiated if any of the following occur: any onsite or offsite improvements are constructed, a foundation permit is issued and construction of the foundation has begun, or a building permit is issued and construction of a building has begun. No time extension will be allowed. So they have five years to complete the project, two years to start, a total of five years to complete it.

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VICE-CHAIR VICTORINO: Mr. Chair?

CHAIR CARROLL: 'Cause that five years starts at the same time as the two years.

VICE-CHAIR VICTORINO: Mr. Chair, I'll make the motion but I would like to ask the applicant at the same time but I'll make the motion on your behalf.

COUNCILMEMBER COUCH: Second.

VICE-CHAIR VICTORINO: Now...

CHAIR CARROLL: Been moved and seconded, and if there's no objection, the applicant would --

VICE-CHAIR VICTORINO: Mr. Bagoyo?

CHAIR CARROLL: --comment if it's acceptable.

VICE-CHAIR VICTORINO: You've seen this modification. Do you feel that you could comply with this because the second, the last part is no time extension will be allowed. So heaven forbid, if something...and that's my only concern. I understand where you're coming from, Mr. Chair, and I agree wholeheartedly until that last sentence. And if there was an earth movement and then something really made it...anyhow, I'm asking you, Mr. Bagoyo, do you feel that you can comply with this?

MR. BAGOYO: Yeah. We've actually reviewed this recommendations and we concur with the Chairman's recommendation.

VICE-CHAIR VICTORINO: Okay. That's fine. I have no problems after that, Mr. Chair. Thank you.

CHAIR CARROLL: Thank you. Any further...

MR. BAGOYO: The only thing that...I'm sorry. The only thing that maybe not jokingly, but if we can have the same restrictions with the departments who review the construction plan would be very helpful.

VICE-CHAIR VICTORINO: Well I can't help you on that one. You have to...

CHAIR CARROLL: Thank you, Mr. Bagoyo.

VICE-CHAIR VICTORINO: But I'm glad you're okay. Okay. Thank you.

CHAIR CARROLL: All right.

MR. BAGOYO: I'm just joking. Thank you.

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CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: And thank you, Mr. Chair. That was part of my question is like, what if through no fault of his own, he can't start on the County side. That's why I'm a little concerned about the no time extension will be allowed. The other thing is, if what if through no fault of their own they don't finish in five years, what's the consequences?

CHAIR CARROLL: Are you asking Corporation Counsel?

COUNCILMEMBER COUCH: Somebody.

CHAIR CARROLL: Corporation Counsel, would you care to comment? You know all the answers.

MR. UEOKA: Thank you, Chair. Actually this one I really don't know. I can imagine if they haven't initiated within two years, it's pretty simple.

COUNCILMEMBER COUCH: Right.

MR. UEOKA: They lose all their entitlements.

COUNCILMEMBER COUCH: Right.

MR. UEOKA: If they've built 69 of the 70 homes and they've started on the 70<sup>th</sup> and 5 years passes, I really don't know what we do at that point. I understand why they want the completion time in there though because the opposite could be true where they build 1 home and they don't build anything else for 5 years. And that could be problematic also. I'm not sure. It's up to this body what you guys wanna put in as the penalty. Thank you.

CHAIR CARROLL: And again the reason I have drafted this is because we've seen affordable fast-track housing go almost 15 years.

COUNCILMEMBER COUCH: Understood.

CHAIR CARROLL: This is fast-track and I congratulate the applicant, he has agreed to this to get this done quickly where we need it. I thank him for it.

COUNCILMEMBER COUCH: So and I'm, so, fine with that. We just need a, what happens if they don't --

VICE-CHAIR VICTORINO: Chair?

COUNCILMEMBER COUCH: --five year thing.

VICE-CHAIR VICTORINO: What...

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CHAIR CARROLL: Any further discussion --

VICE-CHAIR VICTORINO: Yes, Mr. Chair?

CHAIR CARROLL: --or motion?

VICE-CHAIR VICTORINO: One more thing.

CHAIR CARROLL: Oh, Mr. Victorino?

VICE-CHAIR VICTORINO: As we well know, and hopefully not here, but we have seen it on West Side. Where a project, has that one single intervener --

COUNCILMEMBER COUCH: Oh yeah, yeah.

VICE-CHAIR VICTORINO: --that have kept the project from moving. Now what if this was to happen? Somebody off...I mean haven't come up but way after we passed it, they come running in and say, no this cannot be done and this is the reason, and they intervene. What happens then? We've said no extension. See this is my concern with the no extension. Mr. Bagoyo says fine, you know, he can accept that, but what if there is one intervener coming in?

CHAIR CARROLL: Mr. Victorino, the Chair's stand is that we want fast-track housing. Mr. Bagoyo has agreed and the applicant has agreed --

COUNCILMEMBER COUCH: Wait, wait.

CHAIR CARROLL: --to do it.

VICE-CHAIR VICTORINO: Wait, you're not answering my question, Mr. Chair, and I apologize, you know. I'm looking at if there's an intervener along the chain, and I would ask Corporation Counsel for this answer if you don't mind, Mr. Chair? If there's an intervener, would this still be applicable the way we have it written?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. Yeah. There's no exemptions. Yeah, so it would end but...thank you.

VICE-CHAIR VICTORINO: Okay. No, no, that's a concern, Mr. Chair. That is a big concern.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I move to amend this modification.

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VICE-CHAIR VICTORINO: Before we do that --

COUNCILMEMBER COUCH: Oh.

VICE-CHAIR VICTORINO: --Mr. Chair, Mr. Couch, can we finish the discussion, 'cause I think Mr. Guzman had something?

COUNCILMEMBER COUCH: Actually, no, I can make a motion when I want.

CHAIR CARROLL: Mr. Couch has the floor. He can amend.

COUNCILMEMBER COUCH: And I move to amend --

COUNCILMEMBER GUZMAN: I yield.

COUNCILMEMBER COUCH: --to strike, no time extension be allowed --

UNIDENTIFIED SPEAKER: Okay.

COUNCILMEMBER COUCH: --and it replaced by "a time extension is allowed by Council resolution."

VICE-CHAIR VICTORINO: Second. See, I was gonna do that but I wanna let you have that.

CHAIR CARROLL: Been moved by Mr. Couch, seconded by Mr. Victorino. Please repeat the wording for the Staff, Mr. Couch.

COUNCILMEMBER COUCH: Striking...

VICE-CHAIR VICTORINO: No, I'm trying to honor you.

COUNCILMEMBER GUZMAN: I know.

COUNCILMEMBER COUCH: Striking the words no time extension will be allowed and that one-time extension may be allowed by Council resolution.

CHAIR CARROLL: And this time extension would be for how long?

COUNCILMEMBER COUCH: That's up to Council resolution.

CHAIR CARROLL: Okay. So that's not specified, the length of time? Okay. That, the amendment to the motion is on the floor. It has been moved and seconded. Discussion? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Victorino has a great point, as far as if somebody comes in from the outside and intervenes on him, we need to be able to

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extend. That is, you know, we never know what's happening. We've got one that's been...how long is Kahoma now?

VICE-CHAIR VICTORINO: Four years.

COUNCILMEMBER COCHRAN: . . .*(inaudible)*. . .

COUNCILMEMBER COUCH: Four years.

COUNCILMEMBER COCHRAN: . . .*(inaudible)*. . .

COUNCILMEMBER COUCH: No, no the other one was stopped for two or three years. So that's my concern why that we gotta have an out if necessary. So that's why I put it in there.

CHAIR CARROLL: Any further discussion to the amendment of the main motion? All those in favor, signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: No? All those in...any "noes?" No "noes," Chair votes "no," so it passes five "ayes," one "no."

**VOTE: AYES: Vice-Chair Victorino, Councilmembers Baisa, Cochran, Couch, and Guzman.**

**NOES: Chair Carroll.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.**

**MOTION CARRIED.**

**ACTION: APPROVED AMENDMENT.**

CHAIR CARROLL: All right. Back to the main motion as amended. Any further discussion? All those in favor, signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," one excused, no "noes."

**VOTE: AYES: Chair Carroll, Vice-Chair Victorino,**

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**Councilmembers Baisa, Cochran, Couch, and  
Guzman.**

**NOES:           None.**

**ABSTAIN:       None.**

**ABSENT:       None.**

**EXC.:           Councilmember Crivello.**

**MOTION CARRIED.**

**ACTION:       APPROVED main motion as amended.**

CHAIR CARROLL: All right. That was all the Chair has for now. The floor is now open for discussion on anything before the Chair gives his recommendation.

COUNCILMEMBER BAISA: Recommendation?

CHAIR CARROLL: Anything further that you wanna bring up, Mr. Couch?

COUNCILMEMBER COUCH: Just a question of the subdivision. If Mr. Ueoka is okay with the subdivision thing, I'm fine. If they don't get the subdivision, what happens? I guess that will kick in and they...the --

CHAIR CARROLL: Yeah, we...

COUNCILMEMBER COUCH: --time extension...

CHAIR CARROLL: I had some extensive discussions on this with Corporation Counsel, Staff and the developer and Department of Human Concerns, Public Works, and I'm comfortable that it is appropriate action.

VICE-CHAIR VICTORINO: Yeah.

COUNCILMEMBER COUCH: Okay.

VICE-CHAIR VICTORINO: I'm good with that one.

CHAIR CARROLL: Any further discussion? Chair will give his recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: The Chair will entertain a motion to recommend adoption...let's start that again. The Chair will entertain a motion to recommend adoption of the revised

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proposed resolution entitled, Approving with Modifications the Waiale Affordable Housing Project Pursuant to Section 201H-38, Hawaii Revised Statutes; incorporating any amendments and nonsubstantive revisions and filing of the other two proposed resolutions.

VICE-CHAIR VICTORINO: Mr. Chair, I move. So move, Mr. Chair.

COUNCILMEMBER COUCH: Second.

CHAIR CARROLL: Been moved and seconded. Discussion? Mr. Couch?

COUNCILMEMBER COUCH: What?

CHAIR CARROLL: Oh, I'm sorry.

VICE-CHAIR VICTORINO: Thank you, Chair. And, you know, first of all, you know, we vented [*sic*] out a lot of issues, and I thank the Committee for their concerns. And, you know, this is one of those subdivisions knowing the people behind of it. I have a lot of confidence it will get done. Unfortunately, there are things beyond our...beyond their control that sometimes could occur and make it very difficult for them to complete this project on a timely basis. So I think we've addressed that issue. As far as the other issues, I believe all the departments, Mr. Bagoyo is willing to work with them and try to address their concerns. Is that correct, Mr. Bagoyo?

MR. BAGOYO: Yes.

VICE-CHAIR VICTORINO: Okay. So long as we have that on record, I think I can feel very comfortable. Thank you, Mr. Chair and the Staff, and you, Mr. Bagoyo, and Mr. Frampton, for working really hard on something that I think is really necessitated in, not only in my...anywhere, anywhere in this County. This is just one of many that we need to get going with. And again, as has been said many times today, let's get some affordable housing built, and then we will look at what the results will be. Thank you, Mr. Chair.

CHAIR CARROLL: Any further discussion to the motion on the floor? Ms. Baisa, followed by Mr. Couch.

COUNCILMEMBER BAISA: Thank you very much, Chair, for bringing this forward. And I think it, you know, we had a lot of good discussion today, but I think this Council is very committed to affordable housing. And our...we're in the mode of let's get it done. And so I will definitely be supporting this and I encourage the developer. Let's not have to deal with that last amendment we made. Let's get it done. Thank you.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I agree with Mr. Victorino and Ms. Baisa. Let's get this going. It's, fills in right with a project that already exists. If

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the County can work, and I know Ms. Dagdag-Andaya is not here, if the County can work with the developer to get some amenities in there that, you know, the sidewalks that we need and maybe contribute, let's bring that to the Members and see if we're interested in doing that. But I think it's a project that fits right in so I'm fine with it. Thank you.

COUNCILMEMBER GUZMAN: Chair?

CHAIR CARROLL: Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. I'd like to show my support as well for the project. It's a fabulous project, I think is gonna be built with, by a developer that really does care for the community. And I'm looking forward to seeing some affordable housing, additional affordable housing finally built on that section of the community. My only reservation as I stated earlier in the discussion was the sidewalk issue on Waiale. And so that particular section, Exemption E Item 3 and I guess, for myself is just Item 3, E-3, I'm gonna reserve my support. So in reservation, I will support this to push it out of Committee, but I'd like to see some kind of communication or with the Department, with Public Works and the applicants in trying to get more a solidified I guess plans in regards to that. So thank you, Chair.

CHAIR CARROLL: Thank you, Mr. Guzman. Any further discussion to the motion on the floor as amended? Seeing none, all in favor, signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," no "noes," one excused.

**VOTE: AYES: Chair Carroll, Vice-Chair Victorino, Councilmembers Baisa, Cochran, Couch, and Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.**

**MOTION CARRIED.**

**ACTION: ADOPTION of revised resolution to approve with modification the proposed project and FILING of the other two proposed resolutions.**

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CHAIR CARROLL: Members, that brings us to the end of the business for today. Thank you very much. Thank you for everyone that attended and those out in television land. This Land Use Committee meeting of May 18<sup>th</sup> stands adjourned. . . .(gavel). . .

**ADJOURN:** 4:03 p.m.

APPROVED:



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ROBERT CARROLL, Chair  
Land Use Committee

lu:min:160518:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

I, Ann Carmel Q. Pugh, 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 the 31<sup>st</sup> day of May, 2016, in Kula, Hawaii



Ann Carmel Q. Pugh