

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

August 1, 2018

Council Chamber, 8th Floor

CONVENE: 1:37 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Riki Hokama, Vice-Chair (in 2:05 p.m.)
Councilmember Alika Atay
Councilmember Elle Cochran
Councilmember Stacy Crivello (out 2:56 p.m.)
Councilmember Yuki Lei K. Sugimura

EXCUSED: Councilmember Don Guzman
Councilmember Kelly T. King
Councilmember Mike White

STAFF: Alec Wagner, Legislative Analyst
Rayna Yap, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: William Spence, Acting Director, Department of Housing and Human Concerns
Clyde "Buddy" Almeida, Department of Housing and Human Concerns
Michele Chouteau McLean, Acting Planning Director, Department of Planning
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Kim Willenbrink, Planner, Department of Planning

OTHERS: Sean Housman
Stephen Kealoha
Thelma Akita-Kealoha
Stan Franco
Albert Perez, Executive Director, Maui Tomorrow Foundation
Stephen Fox
Zandra Amaral Crouse

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Lawrence Carnicelli
Vince Bagoyo, Bagoyo Development Consulting Group and
member of VBP LLC, managing member of Waikapu
Development Venture LLC
William Frampton, member of VBP LLC, managing member of
Waikapu Development Venture, LLC
Peter Horovitz, Esq., Merchant Horovitz & Tilley, also a member
of VBP LLC
George Rixey, Rixey Architects
(12) additional attendees

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

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of August 1, 2018 will come to order. I'm Councilmember Robert Carroll, Chair of the Land Use Committee. First, may I request if anybody has anything that makes noise, please put it on the silent mode or turn it off. With us this afternoon we have Stacy Crivello --

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR CARROLL: --Alika Atay --

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR CARROLL: --Yuki Lei Sugimura --

COUNCILMEMBER SUGIMURA: Aloha, Chair.

CHAIR CARROLL: --and Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR CARROLL: Excused is Don Guzman, Kelly King, and Mike White. And we were supposed to have one more person, yeah?

COUNCILMEMBER SUGIMURA: Riki.

CHAIR CARROLL: Mr. Hokama, our Vice-Chair, will be joining us later.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR CARROLL: Thank you. For our Department of Corporation Counsel, we have Jeff Ueoka, Deputy Corporation Counsel.

MR. UEOKA: Good afternoon, Chair.

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CHAIR CARROLL: Administrative representatives, we have Will Spence, Acting Director of Housing and Human Concerns.

MR. SPENCE: Good afternoon, Chair.

CHAIR CARROLL: Buddy Almeida, Department of Housing and Human Concerns.

MR. ALMEIDA: Good afternoon, Chair.

CHAIR CARROLL: Michelle McLean, Acting Planning Director; Kim Willenbrink, Planner, Department of Planning; Rowena Dagdag-Andaya, Department of Public Works.

MS. DAGDAG-ANDAYA: Aloha, Chair.

CHAIR CARROLL: Committee Secretary Rayna Yap; Legislative Analyst Alec Wagner; and our District Offices we have Dawn Lono, Hana District Office; and on Molokai we have Ella Alcon. Lanai is not available today. Applicant's representatives, we have Vince Bagoyo, Bagoyo Development and Consulting Group, and member of VBP LLC, managing member of Waikapu Development Venture LLC; William Frampton, member of VBP LLC, managing member of Wailuku Department...Waikapu Development Venture, LLC; Peter Horovitz, Esquire, Merchant Horovitz & Tilley, also a member of VBP LLC. We have one item on the agenda today, LU-2(4), Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes) (Waikapu Development Venture, Affordable Housing Project, Wailuku). For individuals testifying today in the Chamber, you have three minutes to give, to testify. When your name is called when you come to the podium please give your name and any organization you might be representing. Mr. Wagner?

. . .BEGIN PUBLIC TESTIMONY. . .

MR. WAGNER: Chair, our first testifier is Sean Housman, testifying on agenda item LU-2(4), followed by Stephen Kealoha.

MR. HOUSMAN: Alright, hey, thank you guys for having me. I don't have anything prepared. I'm not used to doing this sort of thing except for this is an issue that is important to me. I am a father of four children. My family has been blessed and we've grown, and as we've grown, so has our financial obligations. I currently rent and I'm watching everything around me and the rent price is going up and up and up. And my landlord has been very kind me. He jokingly calls me the mayor 'cause I kind of oversee that little area that he's in and I know that I'm at his mercy which is really stressful as a father because I'm trying to provide for my family and making sure that my kids have a stable place to live. And I'd love to be able to buy something someday. But in, you know, that race to try to, you know, scrounge together the money to qualify, I'm watching the housing prices go through the roof. People that have a lot of money are able to buy houses and then rent them out to people that are in my situation and then

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make money off of it when I'm just trying to save enough to even get out of the hole that I'm in. So, with that, I'm just here to like plead with you guys. You know, do whatever you can. I am so appreciative every time I hear of one of these affordable housing projects that are coming available. And with that it kind of gives me a sense of hope, like maybe this time. Maybe this time I will finally be able to get out of the situation that I am and actually better the situation for my family. And so, with that, I also, I pastor a church here in town, Cavalry Chapel Central Maui, and with that, there's so many people in our church that are in a similar situation. I've wept with people and prayed with people on this similar situation. And so, I'm just here to plead with you to just please do what you can. Another thing that I've noticed is that right here in front of where our church is at, there's soon to be a big parking structure that's being built. And I appreciate that, I think that's great. I've talked with Erin Wade and the people that are planning all that. And in discussing that, it's amazing that there's room for in a budget for there to be finances for people to be able to park to have a better dining experience, to be able to park to have a better, you know, shopping experience, and yet I'm, to revitalize a town for better parking and better dining and better shopping. And yet, I'm in a situation where I just want to live in the town that they want me to park, shop, and eat. So, with that, please --

MR. WAGNER: Two-and-a-half minutes.

MR. HOUSMAN: --do what you can so that I can live in the town that there will be, you know, I just want to call this my home and not be worried about it suddenly not being my home because my landlord changed his mind. So, thank you so much again. My name is Sean Housman and I appreciate you hearing my testimony.

CHAIR CARROLL: Any clarification needed from the testifier? One moment, sir. Excuse me, could you come back?

MR. HOUSMAN: Oh yeah, yeah, absolutely.

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you very much. So, if I could ask you, what about, what is the range of your rent?

MR. HOUSMAN: Right now, my rent for a two-bedroom place where I rent I'm paying 1,650 and that is way below market. My friends that have been...and that's two bedroom and he even includes the utilities and I know he's giving me a steal. The problem is, I live in a two bedroom with my family of six. So, it's full-on little house on the prairie. And that's all we can afford. You know, with that, I'm currently getting ready to take on a second job so that I can change my situation. My wife, I have twin boys that are three years old and it's actually cheaper for her to be there with the children than it would be to put them into some kind of a daycare. You know what I mean, it's kind of like you choose your luxuries. But, so rent for me is right there and I know that that is, that's the rates that were eight years ago. That's just, I have a very kind and merciful landlord.

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COUNCILMEMBER SUGIMURA: Thank you.

MR. HOUSMAN: So, yeah.

COUNCILMEMBER SUGIMURA: Thank you.

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

MR. HOUSMAN: Thank you.

CHAIR CARROLL: Mr. Wagner?

MR. WAGNER: Chair, our next testifier is Stephen Kealoha, testifying on agenda item LU-2(4), followed by Thelma Akita-Kealoha.

MR. KEALOHA: Good afternoon, Chair Carroll and Members of the Land Use Committee. I'm Stephen Kealoha, and I'm testifying in favor of this particular project at Waikapu. I testify on my own behalf. I have testified in other situations, in other venues regarding the need for affordable housing. And so, today again I feel like I'm preaching to the choir but, you know, it's important for the community to come out and testify in favor of these projects to make sure that the, our voices are heard. Like the testifier who preceded me, there are many other stories around Maui County that you have probably heard about how people are struggling to find housing and moving away because they can't afford to live here. So, anything you as a Council can do to improve the situation here on Maui would be very much appreciated. So, thank you for this opportunity to come to testify before you. And I look forward to your favorable recommendation of approval. Thank you.

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

MR. WAGNER: Chair, our next testifier is Thelma Akita-Kealoha, testifying on agenda item LU-2(4), followed by Mr. Stan Franco.

MS. AKITA-KEALOHA: Aloha, and good afternoon, Chair and County Councilmembers. I also am here for the Waikapu development affordable workforce housing project. And I am also asking that you approve the 201H because, you know, we're, most of us here all really care about the people on Maui and we all really feel that we need more affordable housing. Of course, you have heard me talk before about affordable housing, affordable senior housing and this is no different today. And, you know, I really applaud Bill Frampton for trying to go even lower with the 70 percent AMI, you know. He knows that the people here really are struggling, and they want to be homeowners, but they can't afford it. You know, I was just hearing one of my colleagues say that, oh yeah, somebody was trying to qualify for housing. She works full time, she's a single person and she cannot even qualify for the 80 percent. She's

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hoping to qualify for this project at 70 percent. So, you know, we're keeping our fingers crossed. We have worked with Bill before. He has tried to get local people prequalified. Give him credit 'cause he goes all out in trying to bring people in and get them qualified, you know, he's not waiting around for anything. He's going out there and recruiting people and trying to get local people in, especially the people who can't afford to buy housing because it's so expensive. And Stephen is right, you know, our children can't afford to live here, relatives can't afford to live here. More people are moving away from here. What are we doing to keep them in the islands? You know, I don't want to have to go to the mainland all the time to visit my relatives. I would like them to be here. And I'm getting older, I'm a senior now, you know. So, it's important for me to have them around me if possible. So, I ask for your support for this and I thank you for all the work that you folks have done and in caring for Maui County. Thank you.

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

MS. AKITA-KEALOHA: Sorry, I didn't introduce myself. But you guys all know me.

MR. WAGNER: Chair, our next testifier is Stan Franco, testifying on agenda item LU-2(4), followed by Albert Perez.

MR. FRANCO: Good afternoon, Chair and Members of the Land Use Committee. That was Thelma Akita-Kealoha by the way. I'm speaking in support. Bill Frampton came to our committee and talked about this a couple of times. We did not take any formal action on his proposal. But I want to speak on his behalf on my own. You know that I'm, this is dear to my heart. We need to build housing for our people. We need to build housing that people can have a home and grass around the home, so the kids can play in the yard, they can build their equity in their home, so at some point in time, like I had the opportunity, they will have the opportunity to use the money. In my case I went, I bought another home with the equity in the first home. Some people use the equity to educate their children, my brother in law did that. So, you know, the asset that is given to a person, a home, is a major asset for most people and we're not providing that. You know, Thelma is correct. We are losing our children. I don't have any of my kids here. I have one grandkid out of four living on this island. I mean, this is crazy. I'm getting old. I'm older than Thelma by the way. You know, we cannot keep on doing this. And, you know, we have asked the Council for a plan. You know, we cannot just do piecemeal actions like this. We have to have a general plan on how we're going to provide affordable housing across these islands of Maui, Molokai, and Lanai because if we don't, we're going to continue just hoping that Bill Frampton's come up with projects like this. This is really interesting. He has gone down to 70 percent. We're hoping that people start looking at that level, that maybe we can build smaller homes, do different kinds of construction techniques and methods so that we can build housing that our people can get into. Our people want, they're longing for this, you've heard it so many times that there, our people want this to happen. And we cannot continue to neglect that need. We cannot have our kids --

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MR. WAGNER: Two-and-a-half minutes.

MR. FRANCO: --moving away. So, anyway, thank you so much for listening, and again, I support the project. Thank you.

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

MR. WAGNER: Chair, our next testifier is Albert Perez, testifying on agenda item LU-2(4), followed by Stephen Fox.

MR. PEREZ: Aloha, Chair Carroll, Committee Members, Albert Perez, Maui Tomorrow Foundation. This project looks pretty good. Bill Frampton came to the FACE Maui Affordable Housing Committee and presented to us. I believe I expressed to him at that time that I did have concerns about...let me talk about what I liked. This project as far as I know is 100 percent affordable, that's great. It's not just the minimum 51 percent which you can do with a 201H. So, we really liked that. What I am concerned about is some of the exemptions. And as you know, the 201H process allows for exemptions but not any that would violate minimum requirements for health and safety. So, what I would like to see is if there is anything like that, or anything that would affect the quality of life of our community, that the County could kick in and help keep those prices low. So, I don't know if you can use the Affordable Housing Fund to help a project like this. But if you cannot, you should be able to, maybe you can modify that ordinance. But some examples that I saw, and I don't know if this is a safety issue or not, allowing driveways within the 15-foot reserve area adjacent to an intersection. Does that create a traffic safety issue? I don't know, I'm not a traffic expert. I haven't looked at the 700-page report. I've just looked at your exemptions. Exempting the project from providing fire protection for the portions of the property along Honoapiilani Highway. Is that going to create a safety issue? And I think there's a similar provision along Waiale Road. Minimum corner radius near intersections of 15 feet instead of whatever else the standard is, again, traffic safety question. I talked to Mr. Frampton, he said he is going to be providing sidewalks. So, I'm not sure what the sidewalk exemption really means. As I said, I haven't had a lot of time to look at this. One thing that I am concerned about, it appears in the exemption from Title 19, where you're talking about, I think you're talking about reducing the setbacks between buildings. If you do that, one of the reasons you have setbacks between the buildings --

MR. WAGNER: Two-and-a-half minutes.

MR. PEREZ: --is to prevent the spread of fire. So, if we're doing something that would increase the likelihood of spreading fire from building to building, to me, that's a safety concern. If the County can kick in and do whatever it takes to make it so that these buildings can be meeting that standard, I would like to see that done. But overall, we support it, but not at the expense of health and safety. Thank you.

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

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MR. PEREZ: Thank you.

CHAIR CARROLL: Mr. Wagner?

MR. WAGNER: Chair, our next testifier is Stephen Fox, testifying on agenda item LU-2(4), followed by Zandra Amaral Crouse.

MR. FOX: Hi, Stephen Fox. I'm testifying as an individual, but I should say that I'm Secretary of the Board of Directors of Kehalani Community Association and I served for the first three years of Puu Kukui Elementary's existence as the Chair of their School Community Council. Okay. So, I think the developers have done a really good job. We've seen at Kehalani we've seen a couple of presentations from them and it seems like they're really trying to address concerns. The sight lines of the development look really good now and they are trying to address the traffic and walking issues. But there's still a couple of things that remain. One is the overcrowding at Puu Kukui School. It was built for about 550 students. As of last year, it was over 800 and I don't know where it's going to now. But they are absolutely using --

CHAIR CARROLL: Please address the Chair.

MR. FOX: --every bit of space.

CHAIR CARROLL: Excuse me, please address the Chair, not the audience.

MR. FOX: Oh, sorry.

CHAIR CARROLL: Thank you.

MR. FOX: I have never done this. So, my apologies for that. Okay. So, Puu Kukui is massively overcrowded already. I think that we really need the affordable housing. But my concern is that it's being done without addressing the infrastructure needs as it goes. So, I would like to see that the County and the State are trying to make some steps to take care of these people and not cause problems for the people who already are in a particular area. So, somebody needs to add school space here. The other issue is about the traffic. I'm very concerned that the congestion around Waiale and then going across Maui Lani, particularly because this is an area where ambulances come through all the time trying to get to the hospital. When that gets choked, I mean, it already gets really badly backed up, and anything further seems to me like we're going to cause some real health risks. So, if the Council can take a look at how to expand the infrastructure sufficiently to support these new developments, I think that's really important before something with this kind of density gets approved. Okay. So, I think that's it. So, school and road infrastructure I would like to see fixed as part of a greater plan to eventually provide enough housing.

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

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MR. FOX: Thank you.

CHAIR CARROLL: Mr. Wagner?

MR. WAGNER: Chair, our next testifier is Zandra Amaral Crouse, testifying on LU-2(4), followed by Lawrence Carnicelli.

MS. CROUSE: Aloha, Committee Chair Carroll and Committee Members. Thank you for being here. My name is Zandra Amaral Crouse and I'm testifying on LU-2(4), Affordable Housing Projects. I'm in support of the approval of Waikapu Development Venture workforce housing. We have been talking affordable housing for our children for decades. We must move forward with full resolve. It's about our people, not about legislators. I humbly ask you to keep in mind, you may know somebody, a young professional in your own family, or your children's teacher who is in need of a home to call their own. I see it daily in my job. When we stop seeing the workforce housing shortage as something that affects only other people and start noticing it in our own communities, we become more receptive and give more urgency to moving forward with affordable housing for our communities, for our teachers, firefighters, police officers to name just a few. These are all respected professionals that most people would love to have as neighbors in their communities. But starting salaries in these fields are relatively low. So, young professionals may need some financial assistance in their first few years as they're gathering and getting established and paying off student loans. But before they can purchase with or without assistance, these units, I humbly say, must be built. I thank the Department of Housing and Human Concerns for this transmittal, and I thank you, Chair Carroll, for bringing it to the floor so the public may contribute with their testimonies. And to you, Committee Members that showed up, I want to thank you for being here. Mahalo.

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

MR. WAGNER: Chair, our next testifier is Lawrence Carnicelli, testifying on agenda item LU-2(4).

MR. CARNICELLI: Good afternoon, Chair. Lawrence Carnicelli, speaking on my own behalf. And I'm going to start off by just saying, oh on LU-2(4), and I'm going to say this may be a historic day because Albert Perez and I are on the same side of an issue. Alright, Albert, me and you, bro. I'm sorry. You know, Barack Obama was once quoted as saying, don't let perfect be the enemy of good. Are there issues? You're always going to be able to find something. Every single development, every single project's going to have impacts. We can always nitpick and say we would like this or that, or whatever it might be. But the bottom line is, we have a housing shortage on Maui. That's the reality of just where we are. And not everybody agrees about the number that we're short, and that's fine. But we all agree that we're short. Do we need 1,400 a year? Do we need 800 a year? Well, we're building about 200 or 300 a year at most, which we've rebounded to. And that's still below what we, you know, the worst of what we

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used to do. So, we still need to increase inventory. I mean, that's just the reality of where we are. I've personally have looked at this project. I think it's a good project. It's infill, you know, anyways, you guys all know the issues with it. I basically, I'll just cut myself short and just saying that I am here to support the project. So, thank you, Chair. Thank you, Members.

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, I have a question. You normally speak on behalf of RAM or REALTORS® Association of Maui. So --

MR. CARNICELLI: Correct.

COUNCILMEMBER SUGIMURA: --why, what is the REALTORS® Association, I would think that they would say exactly what you just said.

MR. CARNICELLI: RAM doesn't take a position on individual projects. If you notice, when anytime an individual project comes, I don't come and testify in favor or against as a registered lobbyist. So, I'm here on my own behalf just saying that Lawrence Carnicelli supports this project.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

MR. CARNICELLI: Thanks.

CHAIR CARROLL: Any further clarification needed from the testifier? Seeing none, Mr. Wagner?

MR. WAGNER: Chair, there are no other individuals in the Chamber signed up to testify.

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

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

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

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR CARROLL: Thank you. Seeing none in the Chamber coming forward and none in the remote sites, if there's no objection, we will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Public testimony, now closed.

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. . .END OF PUBLIC TESTIMONY. . .

ITEM LU-2(4): AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (WAIKAPU DEVELOPMENT VENTURE AFFORDABLE HOUSING PROJECT, WAILUKU)

CHAIR CARROLL: We have LU-2(4), Affordable Housing Projects (Chapter 201H, HRS) (Waikapu Development Venture Affordable Housing Project, Wailuku). We are here to consider a proposed application transmitted by the Acting Director of Housing and Human Concerns by correspondence dated July 25, 2018. The application is for the development of the proposed Waikapu Development Venture Affordable Housing Project in Wailuku, Maui, Hawaii, pursuant to Section 201H-38, Hawaii Revised Statutes. The proposed 100 percent affordable housing project would provide 68 single-family units and 12 duplex residential units, with associated infrastructure and roadway access, on approximately 12.5 acres identified for real property tax purposes as tax key [sic] map (2) 3-5-002:011, located on Honoapiilani Highway with Waiale Road as its boundary, for the qualified individuals earning between 70 and 140 percent of area median income. The Committee has received three proposed resolutions, one to approve the project, one to approve the project with modifications, and one to disapprove the project. The developer is seeking various exemptions from certain legal requirements relating to planning, land use designations, construction standards for subdivisions, the development improvement of land, and of infrastructure requirements as authorized by Section 201H-38 HRS. In preparation for this meeting, I've prepared a revised list of exemptions to replace the current list. The revised list, which has been distributed by Staff, will replace the exemptions in the proposed resolution to approve the project and approve the project with modifications. It incorporates non-substantive revisions and clarifications in exemption C.1, relating to the maximum width of duplex driveways. The change is based on correspondence dated July 30, 2018, from Peter A. Horovitz, which requests a maximum width of driveways of duplex units to be 36 feet, rather than the codified maximum of 22 feet, pursuant to Section 12.08.011 of the Maui County Code. We will be working from the exemption list in the meeting today, rather than the one attached to the resolution. This version is cleaner. The Council's 45-day deadline to act on the project is September 8, 2018. If the Council fails to act by that deadline, the project will be deemed approved as submitted. The Committee will first be receiving a PowerPoint presentation on the applications. Members, the Chair would like to request that Vince Bagoyo of Bagoyo Development Consulting Group be designated a resource person pursuant to Rule 18(A) of the Rules of the Council. Mr. Bagoyo is the project consultant and a member of VBP LLC, and managing member of the developer, Wailuku Development Venture, LLC. The Chair would also like to designate Peter A. Horovitz of the office of Merchant Horovitz & Tilley--he is the development team's legal counsel--and Bill Frampton who is representing the development partners in Waikapu Development Venture LLC. Mr. Bagoyo and Mr. Horovitz, along with Mr. Frampton are all members of the project's development team. Each of them has specialized knowledge about the project and the exemptions being sought and are in a unique position to respond to questions concerning any modifications that the Committee

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may wish to discuss. If there are no objections, the Chair will designate these individuals as resource persons, pursuant to Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Thank you.

VICE-CHAIR HOKAMA: With reservations.

CHAIR CARROLL: So be it. Oh, and excuse me, and Vice-Chair of the Committee, Mr. Hokama is with us.

VICE-CHAIR HOKAMA: Chairman, thank you.

CHAIR CARROLL: Housing, Director Spence, do you have any opening comments on this application?

MR. SPENCE: Thank you, Mr. Chairman, Committee Members. We...I'll just keep my comments brief and let the applicants speak for the project. But we are in support of this. I'm, you know, 80 affordable units available to our residents, that's going to be a very important addition to our inventory. I'm really pleased, we met with the applicants within the Housing Department, and I'm really pleased with the creativity that they're showing on this property. It shows a lot of innovation, internal circulation. So, it's not just a subdivision, but they're working really hard to make, to build kind of a sense of community within this project. And so, I think this is a good addition. It shows a good direction that we could go in the future and we're happy to support this project. Thank you.

CHAIR CARROLL: Thank you. Members, I jumped the gun a little bit over there. We're going to have a presentation now from the applicant. If the applicant could come forward? And after that, we will go to Planning.

MR. BAGOYO: (*PowerPoint Presentation*): Good afternoon, Chair Carroll and Members of the Committee. Thank you so much for allowing us to present the project before your Committee. My name is Vince Bagoyo and I'm the project consultant for this project. Just to kind of give you some, a brief project summary. The name of the project is Waikapu Development Venture Affordable Workforce Housing Project. The applicant is Waikapu Development Venture LLC, which is a Maui local-based development partnership. It's, the location of the project is on 3-5-002 parcel 11, portion of parcel 11 along Waiale Road in Wailuku. The total number of acreage is approximately 12.5 acres. As noted earlier, the project is 100 percent workforce housing project under the 201H-38 of the Hawaii Revised Statutes. The proposed project will be developed within the following sales price guidelines in compliance with 2.96.060 of the Maui County Code. Fifteen percent of the homes will be priced to families earning 70 percent of, to 80 percent of Maui's median income. This is actually lower than what the 2.96 calls for which is a minimum of 80 percent. And then 15 percent will be priced at 81 to 100 of the Maui's AMI. Fifty percent of the total project will be priced

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to families earning 101 to 120 of Maui's AMI. And then, the remaining, which is 20 percent, will be priced at 121 to 140 of Maui's AMI. The proposed project is about 68 single-family units and 12 duplex units, and also a neighborhood passive park and will be sold in fee. Lot sizes would range from 3,000 to about 6,500 square feet, and the park is approximately 29,000 square feet. The existing land use designation is the State Land Use District Urban, community plan Public/Quasi-Public, County zoning is P/QP, and Maui Island Plan is within the Urban Growth boundary. The approval required per 201H-38 would be by the Maui County Council. Just to kind of give you some area, the...I don't know if they can get this...we have...sorry, oh it doesn't show, I'm sorry. The location, it's half of the Emmanuel Lutheran Church property which is lot A, and immediately south of the proposed project, if you could see lot eight there, it's the existing Valley Isle Fellowship Church, and the bottom portion of that property on lot eight is, oh on lot B, I'm sorry, is the 70 workforce affordable housing unit that the County Council approved I believe in 2016 that I also worked on. And it's currently under construction. Okay. Thank you. The project vision and goal by the applicant is guided by the vision of, and goal to build and develop 100 percent affordable workforce housing community which provides quality, solid, dependable, attainable housing for local families and residents in a nice community with a unique sense of place. This is the preliminary site plan for the project. Again, it's a total of 74 lots, 6 of those lots will be for duplex units. Again, the lot sizes range from 3,000 to 6,000, approximately 6,500 square feet. This is the landscape plan for the project. As you can see, the...thank you. As you can see, the, kind of the center of the project is this green area which is the park. And this is the drainage along Waiale Road. The property is actually bounded by Waiale on the makai side and then Honoapiilani Highway on the mauka side of the project. This is an aerial photo of the project site. Again, the 70 affordable workforce housing that's currently under construction, this is the Valley Isle Fellowship, this is the Spencer Waikapu Garden Phase I, and then the Phase II is on the most southern part which is the corner of Waiko Road and Waiale Road. This is Kuikahi Street and on the right side, north side of Kuikahi is of course the commercial center. I think the developer really looking at some innovative ways to develop the homes that will address some of the needs for Maui's family. And the project consists of two bedrooms up to I believe four bedrooms, three and four bedrooms, one stories and two stories. We did attended several community and government agency meetings to present the project and we have received several comments in terms of how we can make it better. And the applicant responded to those comments. And so, we're very pleased that the final plan really addresses some of their comments and concerns. We do have resource people here, or technical consultants. Stacy Otomo from Otomo Engineering is our Civil Engineer. We also have Tyler Fujiwara from Austin, Tsutsumi and Associates, our traffic engineer. We have Robert Spangler who did our market demand analysis for this project. And we have George Rixey who's really done a pretty good job in designing the model homes and also the subdivision, proposed subdivision. And I believe Lisa was supposed to be here. Oh, Lisa is here, our archaeologist from Archaeological Survey of Hawaii if you have any specific questions regarding the project. With that, Mr. Chair, and Members of the County Council, thank you so much.

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CHAIR CARROLL: Thank you. And now I would like to ask Planning, do you have any opening comments?

MS. CHOUTEAU McLEAN: Thank you, Chair. Good afternoon, Committee Members. The Planning Department supports the project. We did spend some time with the applicant reviewing the site plan and making some suggestions. The site plan is very well thought out. It allows for connectivity to the properties on either side for pedestrian, bikeway, and other non-vehicular movements. That was part of the site plan originally and we encouraged them to flesh that out a bit more which they did. There's a large park in the interior which again, the other communities can connect to that as well as the commercial areas in, just down the road. I don't really have any more to add. There is one suggested additional exemption that the Department would offer. We can do that now or we can do that later on. It's just a very simple addition for a Title 19 exemption. But we did also work with the applicant on the exemptions. They're laid out very clearly. So, it will be easy for the department to administer building permits as they come in. That can sometimes be a challenge with 201H exemptions. We often see what the property is exempt from, but we're not sure what to apply. So, this makes it very clear what this project will look like. So, we appreciate that. Thank you, Chair.

CHAIR CARROLL: Thank you. Members...oh, could you please inform us about the exemption, what the exemption is you were speaking about?

MS. CHOUTEAU McLEAN: Sure, as the Council may recall, we recently added a provision at the beginning of Title 19 that allows the Planning Department to collect fees for permits that we review but do not administer. And in the annual budget we are allowed to charge fees for follow-up reviews of building permits. And so, we would suggest an exemption for this project for those fees. So, the exemption would read something to the effect of, an exemption from Section 19.04.050, Maui County Code, relating to fees, shall be granted to exempt the project from Planning Department process and review fees.

CHAIR CARROLL: Thank you. Members, I'm going to open the floor for questions to Planning before we go to the next department since I think that's one that there's going to be more questions on. So, the floor is now open. Mr. Hokama?

VICE-CHAIR HOKAMA: Chair, so, as the Director brought up regarding these fees on our I guess review, plan reviews, the exemption, we're talking about just the initial review or the plans that has to come and come back for revision and additional reviews?

CHAIR CARROLL: Planning?

VICE-CHAIR HOKAMA: What are we talking about?

MS. CHOUTEAU McLEAN: Thank you. As the budget Ordinance currently states, the first time...let me back up, building permits get sent to the Planning Department to review for zoning compliance. And actually, that's why it's important for these exemptions to

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be clear of what the new zoning compliance would be for this project. Our initial review of a building permit, we have no charge. If there are changes that need to be made and we redline the plan, send it back, ask for changes, when they come back the second time, we're able to charge \$250.

VICE-CHAIR HOKAMA: Correct.

MS. CHOUTEAU McLEAN: They come back a third time, it's \$500, comes back a fourth time --

VICE-CHAIR HOKAMA: Correct.

MS. CHOUTEAU McLEAN: --and any additional it's 1,000. So, because the project is receiving exemptions from other permit fees, we would suggest, we're offering that those review fees be waived.

VICE-CHAIR HOKAMA: Why? When you gotta come back for that many revisions it means you're not building one just standard affordable unit now. You're asking for certain adjustments, you know. Wouldn't we just go with planned...units that have, already have plan review approvals to get the exemptions?

MS. CHOUTEAU McLEAN: This would be the, if there is follow-up review needed for the building permits because we don't charge the initial building permit fee, that's another exemption that's in here is to be exempt from the building permit fee. And just in that same spirit, we're suggesting that our follow-up review fees also be waived.

VICE-CHAIR HOKAMA: You guys pushing it on the line with me. And, Chairman, I need this to be quantified in dollars and cents, all these exemptions. What does it mean to this County? 'Cause I can tell you, from our experience, down the road, this same subdivision is going to come back and ask for improvements that the regular General Fund may have to consider to pay for eventually. We've gone through this many times whether it's Makawao Highlands or other subdivisions that went affordable, once it gets matured and they want additional subdivision improvements, who pays for it? Okay. So, quantify the exemptions for this Committee 'cause I need to know what we're talking about as far as granting exemptions and what kind of values 'cause I'm not agreeing to some of the proposed exemptions. Not with your Department, but on others. So, I think that's something important for this Committee, Chairman, to be able to quantify and value the exemptions. Thank you.

CHAIR CARROLL: And just for your information, Mr. Hokama, I did ask them to come forward with the dollar amounts that each exemption would allow them to save. So, we do have that letter.

VICE-CHAIR HOKAMA: Thank you so much, Chairman.

COUNCILMEMBER COCHRAN: Thank...

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CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Bagoyo and Department. So, the Mister...I forget his name, but he came in to talk about the school impacts. And so, are they already, they're willing to put in money for that? Or they're not, that's not on their radar to have to assist with school impact fees type thing? Is that for Mr. Bagoyo?

CHAIR CARROLL: If there's no objection, I'll call Mr. Bagoyo down.

COUNCILMEMBER COCHRAN: Okay. No objections.

CHAIR CARROLL: Mr. Bagoyo, please identify yourself at the microphone.

MR. BAGOYO: Vince Bagoyo, thank you so much for that question. Yeah, the school impact fee, it was amended by the State Legislature that we cannot waive that exemption anymore. And so, we're going to be paying I believe per unit 5,375 per unit. The other question I think it was raised by Mr. Fox in his testimony about the overcrowding on Puu Kukui. Yeah, there is some overcrowding and when talking to the Department of Education, there's actually a lot of openings on Wailuku El. And so, it's up to the superintendent complex area, complex superintendent to distribute those students according...everybody wants to go to the new school, new cafeteria. So, what we have suggested to the Department of Education is to come to Maui and really educate the general public as to where we are. And so, yeah Puu Kukui I think I've noted the number of students in the application as given to me by the DOE. But on the elementary school, Wailuku El, they do have some openings. But they just need to distribute the students accordingly.

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

MR. BAGOYO: Thank you.

COUNCILMEMBER COCHRAN: And, Chair, maybe, I don't know if it's Mr. Bagoyo, but it's, there's other projects being proposed along this Waiale Road. And we also have an item, Waiale Extension. So, what part is this developer going to play in assisting with that extension and improvements to Waiale Road if at all? 'Cause I'm seeing an exempt, I think this traffic exemption from the traffic impact and roadway improvements. So, it's something that's definitely on the front line to look into right now is the Waiale Extension and if this developer, project, has any responsibility in it.

CHAIR CARROLL: . . .*(inaudible)*. . . Mr. Bagoyo?

MR. BAGOYO: I think one of the exemptions, as you noted, right now there's really no impact fee that is codified for Central Maui. And this is why we're asking that exemption that in the future when the project is finished, that we will not going to be assessed after the project is completed. And that's one of the reasons for that

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exemption...just to preempt potential ordinances that's going to come, you know, a few years down the road. Yeah, that was the intent though.

COUNCILMEMBER COCHRAN: Okay.

MS. DAGDAG-ANDAYA: Chair, this is Rowena from Public Works.

COUNCILMEMBER COCHRAN: Public Works?

CHAIR CARROLL: Public Works, please comment?

MS. DAGDAG-ANDAYA: May I? You know, in addition to improvements on Waiale Road, there are other regional improvements from, let's see, from Maui Lani, they have some additional improvements in their area that might kind of alleviate some of that congestion within our traffic network. So, with expanded networks that Maui Lani is obligated to provide, you know, that might alleviate some of the traffic congestion in the area during the peak hours. According to the applicant's traffic impact assessment report, you have that peak period between 7:15 and 7:45. And I'm very familiar with that peak period because I live in the area as well. And it's anticipated that once the roadway network gets expanded through those developer obligations, that might alleviate some of that congestion. And as the applicant did mention, currently, there are no traffic impact fees that the County has for this area. A lot of it has to do with developer obligations for existing projects.

COUNCILMEMBER COCHRAN: Okay.

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, well I think everybody should share in the pain here. And the other, another testifier brought up the fire exemption from fire protection. I know Fire Department is not here, but does anyone have, or, Mr. Bagoyo, you have a little more insight to that part?

MR. BAGOYO: Yeah, I think that exemption deals with Honoapiilani Highway. We did, we met with the Fire and the Department of Water Supply. The reason that we're asking, in the Subdivision Code, you need to provide fire protections on all sides of your project. The Honoapiilani Highway, there's no systems in there. That's why you don't see any fire hydrants along the highway from Waiko Road all the way down to Kuikahi because the State Department of Transportation, they don't allow us to access to Honoapiilani Highway. So, the Department of Water Supply have asked us to provide the fire protection on Waiale Road instead 'cause that's fronting the project. So, we are going to be doing fire protections on Waiale Road.

COUNCILMEMBER COCHRAN: Okay. I have a couple more, Chair. But if you want to come...do another round?

CHAIR CARROLL: Thank you. We'll go down, and then we'll come back to you.

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COUNCILMEMBER COCHRAN: Fine.

CHAIR CARROLL: Thank you. Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Pass for now.

CHAIR CARROLL: Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I think a couple of the Members have asked similar questions that I already had. In particular, one as what Mister, Member Hokama expressed, you know, I count something like close to, or more than, 30 exemptions. And so, I wanted to get a quantifiable number or value in number is what is the, what's the total amount of exemptions that we're giving up in dollars in exchange? And so, if we can get that figure. Member Cochran brought up the question of fire protection. And I did have questions in regards to fire line protection, specifically to the lots that are adjacent to Honoapiilani Highway. These are lots 12 through 21. You know, and so, I wanted Fire's input as to all of these homes, I think there's like about, I counted was either nine or ten homes along the highway side. You know, I question if those homes are going to be adequately protected in fire response. And so, what does that mean to the rest of the community there? Other exemptions I was questioning was like this one, what is exemption from disposal charges? Is that Planning or Public Works charges?

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: Chair, that's the Environmental Management, I believe it's for disposal fees. But then again, I defer to the applicant.

MR. BAGOYO: This is just during the construction portion of the project. That's the exemption that we're asking for just doing the, during the...

COUNCILMEMBER ATAY: So, like when you take your trash to the landfill?

MR. BAGOYO: During the construction part of it only, yeah.

COUNCILMEMBER ATAY: Okay.

MR. BAGOYO: I think it amounts to about \$30 per lot if I recall.

CHAIR CARROLL: Mr. Atay?

COUNCILMEMBER ATAY: Yeah, 'cause I wasn't clear on that 'cause one of my questions is, are the residents going to be responsible for their own trash service? Or would you have County trash service in there?

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MR. BAGOYO: The, all the roadway network within the subdivision will be designed and constructed according to the Code. And so, there will be, the road, unlike Waikapu Garden Phase I, it's planned to be dedicated to the County. So, the resident will have trash pickup by the County Environmental Management.

COUNCILMEMBER ATAY: Okay. And just one more area of concern, Chair, that I had. I think Member Cochran inquired about that, for me, this is a project out of several projects. If you go from Kuikahi Drive, which is on the corner by Longs, all the way towards Waiko, I think we have something like more than 1,000 housing units that will be filled in, in that corridor. The concern I have is, all of those 1,000-plus homes only have one ingress and egress to their subdivisions and that all comes off of Waiale Road. No, there is no, any of those subdivisions can enter or exit from Honoapiilani Highway. So, with concern, I would also want the County to be aware of addressing the entire Waiale connector road corridor in, you know, not just for this project because there's several projects that are all lined up. So, I don't know, Planning, Public Works, how we're going to make sure that, for me, we're not going to be allowing a bigger problem down the road to be occurring. But how do we plan ahead of avoiding this and addressing this Waiale Road situation?

CHAIR CARROLL: Alright, we can inquire on that. I don't know if that has a direct impact on this particular project being a smaller project. But definitely, we need to look at the overall impacts of all the projects. And we, as I told Mr. Hokama, I already asked for the cost estimates on all of those. And we'll get those out there. And Fire Department at the next meeting because we're not going to be able to finish this at this meeting. I'll have the Fire Department present at the next meeting.

COUNCILMEMBER ATAY: Okay. Thank you, Chair.

CHAIR CARROLL: Okay. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Mr. Bagoyo, for being here. First of all, I'd like to say I really appreciate the efforts and innovative attempts to provide for 80 residential units. You know, the only way I think we can meet for it to be affordable is with the requested exemptions. However, I do see some point where we look at, will there be requests for improvements? I think how Mr. Hokama asked, or made mention down the road. But in my opinion, as we're starting, you know, with the Council's and some of the research that we've outsourced to do what is an affordable housing implementation plan, or policy, looking at it. And many of the consideration for 100 percent affordable is to recognize possibility of these kind of requests for exemptions. And I realize that, first of all, we do have public safety to definitely address. And thank you, I think, you mentioned that the Fire Department will be there at our next meeting. But, you know, just looking at it on the surface of it without going into all the details that I don't think we have time to do that today. I look forward for the passage. And with the exemptions of the necessary permits we can exempt the permits, but we cannot exempt what is necessary for us to meet the safety of us meeting the codes. Also, too, I just want to make mention that we've, through this study, and my legislative staff and myself have been meeting with the

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consultant that's doing this. You know, Maui County has been noted as the most stringent regulated codes or conditions that we have. And every other county is more or less building and we're moving at a, what you would call a snail kind of movement, very slow. But we have progressions. We do have homes that are being built. So, I think if this is an opportunity for us to offer our local residents, our Maui residents, the opportunity to purchase a house that they can call home. I hope we will be able to meet whatever concerns we have without so much barriers and delays. Yes, you're looking at the clock, I do have a plane to catch, yeah. Thank you. Thank you, Chair.

CHAIR CARROLL: And after the recess at three o'clock, then we'll distribute the cost values of the exemptions.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR CARROLL: Mr. Hokama? Oh, I'm sorry, are you...okay. Mr. Hokama, do you have anything further at this time?

VICE-CHAIR HOKAMA: Chairman, since Mr. Bagoyo is there, one of the adjacent projects next to this proposal is I believe another affordable project that got approved in 2016, which is 70 affordable single-family units, and my understanding is that within three years, or June 2019, those 70 units would be completed. So, I would ask for, what is the status of that adjacent affordable project?

CHAIR CARROLL: Mr. Bagoyo?

MR. BAGOYO: The, my understanding 'cause that's West Maui Land that owns that project is currently under construction and I believe they're hoping to get people to move in sometime in the summer of 2019. And that's my understanding. They're in the process of getting all the names on the waitlist and I think they are required for at least once under the Code 2.96 to advertise one time before they can make those lottery selection. And there's actually just by the word of mouth 'cause I'm involved in the, 'cause they're calling me about the applications and I believe there's already over 300 on the waitlist for that project prequalified to do it. So, that's, thank you for that question. Yeah, it's currently under construction. They're really working very hard in moving that project along.

VICE-CHAIR HOKAMA: Okay. So, Mr. Bagoyo, so, for the Committee's understanding or record, the Waiale Affordable Project is not your project, per se?

MR. BAGOYO: No.

VICE-CHAIR HOKAMA: That is, who owns this project now?

MR. BAGOYO: It's West Maui Land and Hope Construction [sic] which is part of West Maui Land I believe.

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VICE-CHAIR HOKAMA: Okay. Thank you. Since you participated with that project and assisting on this project before us this afternoon, are there any differences in the exemptions received by the previous project that is being requested from this, for this project?

MR. BAGOYO: There's one I think big difference. That project got exempt from providing hydrants along Waiale Road. Instead, those hydrants is within the subdivision. For this project when we met with the Department of Water Supply and Fire Department, they have asked us to put in fire protection and hydrants along Waiale Road fronting the property. And we said we will. So, we took that exemption request from the original request. And they have asked us not to put anything on Honoapiilani Highway 'cause there's no systems over there on Honoapiilani Highway.

VICE-CHAIR HOKAMA: Okay. I understood then, your response to that. So, thank you for that. Chairman, thank you for this round. I appreciate my opportunity. Happy to allow the next Members their opportunity.

CHAIR CARROLL: Thank you, Mr. Hokama. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Yeah, I was looking at the location map and I don't know, it just seems like a big piecemeal'ing thing again. We always get everything in chunks when it'd be nice to see everything in a more, you know, bigger bird's eye view to really take in all the impacts. So, I'm trying to follow-up with the refuse pickup comments. So, you are saying this project will be dedicating the roads, the infrastructure so, thus, to the County, Public Works? And thereby we'll be able to, as County, do refuse pickup in this project?

MR. BAGOYO: Correct, the roads within the subdivision will be constructed up to Code. And so, the Department, the plan is to dedicate the roads to the Department so that the residents will be, have the opportunity to have their trash pickup by the County, unlike Waikapu Gardens Phase I, which the roads are not dedicated to the County.

COUNCILMEMBER COCHRAN: Okay. And so, even with all these exemptions I haven't been able to vet through exactly what this means as in angles, and sizes, and things. It still is built to our County standards? These exemptions are not dropping down the standards?

MR. BAGOYO: Yeah, the only exemptions on the sidewalk is that we're asking that, and we met with Public Works, the Code calls for five-foot sidewalk. We're asking that sidewalk would be four. It still meets the ADA standards. That's one of the exemptions that we're asking for that particular sidewalk.

COUNCILMEMBER COCHRAN: Okay. Yeah, I see your exemptions for roadways A, B, C, and D.

MR. BAGOYO: Correct.

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COUNCILMEMBER COCHRAN: And it seems that, one, you're willing to do sidewalks on both sides, a couple of the roadways you're only willing to do on one side, and I think connectivity sake it should be, you know, I mean, I think that's the issue in a lot of areas on Maui currently is that the sidewalks just kind of end or you need to cross here to get over there and especially for ADA, or, you know, it's just there's lack of connectivity.

MR. BAGOYO: Maybe I can, maybe Stacy Otomo can maybe respond to that question more adequately than I am. You want to take that on? Or, I'm sorry, George Rixey, yeah.

CHAIR CARROLL: Please identify yourself at the microphone.

MR. RIXEY: Aloha, my name is George Rixey. I'm the, did the plan design and house designs. So, what we were trying to do with the interior roads, call 'em B, C, and D, if you look at it carefully, I don't know if you, well, I don't know if you guys have the plan of, there's a plan that was with houses and garages shown on it. I don't know if you guys have that. But those three roads, they're really designed in a way to be like alleyways. So, if you noticed, the houses are all fronting on the park spaces or the adjacent spaces. And the garages are backed up to roads B, C, and D. So, the idea there, one reason why the radiuses on the curbs is narrower is actually for traffic calming. So, when you have a bigger, wider radius, it's really designed for easier flow of cars. But we want to do it for easier...slower pace of cars. And the, so that, really the idea is that we don't need sidewalks in the alleyways because if you notice too, their garages are all backed up in there. So, it's driveway aprons mostly throughout those areas if you can see that.

COUNCILMEMBER COCHRAN: Yeah, no, I'm not looking at that. But I --

MR. RIXEY: Okay.

COUNCILMEMBER COCHRAN: --just, you can explain more.

MR. RIXEY: Yeah.

COUNCILMEMBER COCHRAN: We've seen the roadways and the whole lot layout.

MR. RIXEY: Yeah, so, really if you look at road A, which is, you know, circular with the two entrances in and out and going around the whole property, those are the ones that have the two sidewalks. So, you can walk completely around road A which kind of circulates the whole property. And then, coming off of that are those inner paths that come into the central park and then, they go both vertically and horizontally. Yeah, the greenways. So, you can come off road A and you can go directly into the park area and you can go...so, I don't know if you can say there's horizontal and vertical pedestrian pathways that come off the sidewalks. So, really you can get to all the public areas without having to be on the streets of road B, C, and D, which are designed to be alleyways.

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COUNCILMEMBER COCHRAN: Okay. Where's the trash cans going?

MR. RIXEY: They'll be on C, they'll be on those interior roads.

COUNCILMEMBER COCHRAN: C, and they look extremely narrow.

MR. RIXEY: Well, they're, okay, so, they're 20-feet wide which is, I would've made them narrower, but we made them 20-feet wide because we want to meet all the fire requirements. So, those roads are big enough for the fire trucks, they're big enough for the trash trucks, all the County requirements for health and safety, they're big enough for that. But at the same time trying to narrow them down, you know, just to calm the traffic, have it be more sort of pedestrian oriented.

COUNCILMEMBER COCHRAN: Okay. Okay. Thank you.

MR. RIXEY: Yeah, thank you.

COUNCILMEMBER COCHRAN: Thank you. And then, I think, is this project in the sand moratorium map?

MR. BAGOYO: Yes, it's within the moratorium map, yeah.

COUNCILMEMBER COCHRAN: Okay.

MR. BAGOYO: And we're actually not extracting any sand. So, we're probably, you know, our lawyer look at the, did review the bill and we're not going to be affected by it.

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

MR. BAGOYO: Thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR CARROLL: Thank you. Alright, Members, I'm going to ask Public Works, now, if they have any opening comments, and then I will open the floor to Public Works [sic].

MS. DAGDAG-ANDAYA: Okay. Chair, thank you for the opportunity to provide our comments this afternoon. As similar to the Planning Department, the Department of Public Works did have several meetings with the applicant and hashed out different ideas and appreciate the willingness of the applicant to make changes to their proposal. One of the changes that we had...you had discussed earlier was the provision of sidewalks on both sides of the street. Initially, they came in wanting an exemption to just have sidewalk on one side of the street. And, you know, we said that that wasn't in line with our complete streets efforts. So, we worked with them to come up with a four-foot sidewalk, which is still within the ADA guidelines. So, we are amenable to that exemption. If, Chair, I don't know if you want to go through the list of exemptions at this time. Maybe that would be...

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CHAIR CARROLL: I'd like to distribute them first after the break --

MS. DAGDAG-ANDAYA: Okay.

CHAIR CARROLL: --and then we'll go back, we'll go right through them.

MS. DAGDAG-ANDAYA: Alright, well, overall, at this point in the meeting we don't have any additional comments. But once we get into the exemptions we would like to discuss them a little bit further with the Committee.

CHAIR CARROLL: Thank you. Members, the floor is open. Corporation Counsel, any questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Oh, wait, sorry, for Corporation Counsel?

CHAIR CARROLL: Oh.

COUNCILMEMBER COCHRAN: No?

CHAIR CARROLL: Anybody have anything for Planning first?

COUNCILMEMBER COCHRAN: I...so, just jogging my recollection from this morning about the Wellhead Protection District, is this part of it? Is this within the Wellhead Protection area for Waikapu?

MS. DAGDAG-ANDAYA: Chair?

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

MS. DAGDAG-ANDAYA: I can't speak for Water. But I've seen the signs --

COUNCILMEMBER COCHRAN: Right.

MS. DAGDAG-ANDAYA: --up there. So, I believe it is.

COUNCILMEMBER COCHRAN: Okay. Maybe does the planner know?

CHAIR CARROLL: Mr. Bagoyo?

COUNCILMEMBER COCHRAN: Does Mr. Bagoyo know?

MR. BAGOYO: We did not receive any comments like that from the Department of Water Supply. We did receive comments from the Department of Water Supply about conservation and stuff like that, yeah.

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COUNCILMEMBER COCHRAN: Okay. Maybe if we can double-check on that. And then, the other is I guess for developer, are you folks going to be asking for Affordable Housing Funds to help assist with this?

MR. BAGYOYO: No, we're...if you could give it to the developer that would be nice. But no, we're not asking. Thank you so much, yeah.

COUNCILMEMBER COCHRAN: Okay. And then, deed restriction on the affordability of this? Do you have a...

MR. BAGYOYO: It's, yeah it is in compliance with 2.96 Code in terms of the deed restrictions.

COUNCILMEMBER COCHRAN: So, perpetuity?

MR. UEOKA: Chair?

CHAIR CARROLL: Corporation Counsel?

MR. UEOKA: Thank you, Chair. This is a 201H project. So, you'll comply with the 201H deed restrictions. I believe it's ten years --

MR. BAGYOYO: Correct.

MR. UEOKA: --I could be mistaken. Thank you.

COUNCILMEMBER COCHRAN: Okay. Well, yeah, that's not enough. Okay. Thank you.

CHAIR CARROLL: Okay. Anybody want to, anything else for Public Works at this time? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I have a question that ties to the width of the streets being able to be accessed by Fire for emergency and I'm thinking about parked cars. So, if you have all the parked cars like I see in Kahului where, you know, on a regular-sized street, not Kamehameha Avenue which is pretty big, but the other streets where you have a lot of parked cars, I wonder if it's still, will there be community rules against having, you know, cars on both sides of the street? Or is that not a concern with the width of the street? Maybe this is a Mr. Rixey question?

MR. BAGYOYO: Yeah, there will be an association. I think if you could, on Waikapu Gardens Phase I and II, you can't park your cars along the streets at all. They will tow it away. They're very strict. It's probably going to apply the same with this project, yeah.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

MR. BAGYOYO: And it will probably in the deed restrictions as well, yeah, in the CC&Rs, yeah.

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CHAIR CARROLL: Anything else for Public Works at this time? And they're going to be here of course if something comes up afterwards. We're going to get back to them. There's another bite at the apple. Anything at this time for Public Works? If not, Members, it's five to 3:00. I'm going to take a ten-minute recess. Could everybody please be back at five after 3:00? We stand in recess. . . .(gavel). . .

RECESS: 2:56 p.m.

RECONVENE: 3:10 p.m.

CHAIR CARROLL: . . .(gavel). . . This Land Use Committee meeting is called back to order. Members, Ms. Crivello had to leave. We are down to bare quorum and this is how we're going to proceed. I have some questions for the applicant, new questions and some clarification over what was transpired so far. After that, I'm going to ask Corporation Counsel _____ anything, and then we're going to go through the exemptions. And that's probably all we're going to go through today and then we will be adjourning the meeting. Mr. Bagoyo, in your notarized letter of authorization dated August 18, 2017, you state Emmanuel Lutheran Church of Maui holds the title and full ownership of Lot A, which is an approximate area of 25.263 acres which contains both Lot A1, and the 12.5-acre area designated for this project, and Lot A2, the 12.763 area where the development of a church and school is proposed. You go on to state by way of the real estate purchase and sales agreement, Emmanuel Lutheran and Waikapu Development Ventures are working together to file a two-lot subdivision to subdivide Lot A into Lot A1 and Lot A2. Emmanuel Lutheran also has a related pending docket at the State Land Use Commission to extend the amount of time needed to complete the project by ten years. Could you please explain the relationship between the 201H project and the matter before the State Land Use Commission, and what steps will be required for you to begin construction?

MR. BAGOYO: Thank you, Mr. Chairman. If I may, I'd like to ask Peter Horovitz, our legal counsel to respond. Thank you.

MR. HOROVITZ: Good afternoon, Chair. Thank you, and thank you, Members of the Committee. My name is Peter Horovitz, I'm with the development team. As the Chair noted, the property right now is a 25-acre piece. We're seeking to subdivide off 12½ acres. When Emmanuel Lutheran originally bought the property and started to develop it, they had to go to the Land Use Commission of the State for various permissions to do what they wanted to do. And so, that is...so, they're under the Land Use Commission jurisdiction. The Commission back in, I think it was 2008 came out with various findings which encumber the property, or encumber their use of the property and there were a couple of provisions that we need the Land Use Commission to address, one is the ability to actually to sell the property to us or a portion of the property to us, and the second they had obviously approved the use of the property for a school and church. And so, we need to ask them to allow a 201H project on the portion of the property we're going to be purchasing. We've already been before the Land Use Commission once. We were there I think it was in June of this year and we, you know, to educate them as to what our project was and also to allow our

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development group to be a party to Emmanuel Lutheran's docket before the Land Use Commission. At that time, the Land Use Commission, they seemed supportive of the project. They were supportive of us coming before the Council and processing the 201H, and before the Council, which frankly is our preference just 'cause we would like, you know, the Council and the folks who live here to be able to weigh in on the project. And then, they gave us, they asked us to come back before the Land Use Commission within about six to nine months, or six months with a six months extension if we needed more time to then seek the further permissions. And so, what we're intending to do, assuming this Committee and ultimately the Council acts favorably, is we then go back before the Land Use Commission and say, okay, here we have a, you know, an approved 201H project, we're asking that they approve the sale to us and approve our use of our portion of the property for 201H purposes. Emmanuel Lutheran Church still has its project and they'll be able to decide how best to proceed, whether they seek additional time to build their school and church on the property. That's, that will be up to them at that point. But our intent, you know, again, if all goes well is to get back before the Land Use Commission before the end of the year and then they, you know, would, you know, they would then, we'd be seeking permission for them to sell and to purchase and then we'd be done.

CHAIR CARROLL: What's your expected timeline to get the Land Use Commission to approve this?

MR. HOROVITZ: So, my...they'll need to hold the meeting on Maui. They like to hold their meetings in the jurisdictions where the properties are. So, it's subject to when they have a meeting here. They generally meet here two, or three, or four times a year, depending on the projects. My hope, and what we talked with the department previously was to be back before them before the end of the year or by January. It always gets a little bit hectic around the holidays. But I'm expecting by the end of the year or by January to have a meeting before them. And then, at that point, assuming they approve what I'm hoping the Council or the Committee and the Council approves, we would be done with that process by say February or so of next year. And then, it's just a matter of when the two-lot subdivision occurs and then we can close on the property and move forward.

CHAIR CARROLL: What would be your projected time to start this project and finish this project?

MR. HOROVITZ: Start construction of this project? That I need to defer to Bill or to Vince. Construction timelines?

UNIDENTIFIED SPEAKER: Last year.

MR. HOROVITZ: Last year.

MR. BAGOYO: I think the 70-lot subdivision that you guys approved in 2016, there's actually a condition that we need, the developer needs to start the project within two years I believe. And then, completion, total completion is total five years. So, I think

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probably that's the timetable that we're looking at in terms of constructions of the site work. 'Cause it takes about, pretty close to about a year to review the construction plans for the project. So, I would suspect that if things goes well, site work may start at the end of 2019 I would suspect, or earlier, yeah.

CHAIR CARROLL: Thank you. Members, do you have any questions for the developer at this time? If not, thank you. Mr. Bagoyo, you can sit down. You stood up enough. Corporation Counsel, do you have any comment at this time?

MR. UEOKA: Thank you, Chair. Just generally in regards to these exemptions, I know there's some issues regarding the exposure for the County. Just a quick statement on that, our office is comfortable with them. Our understanding is the various subject matter departments have reviewed them and feel that the exemptions granted in this document meets safety standards and requirements. So, it will not be creating an unsafe condition. And that is my understanding and I trust the experts in these certain areas. As a fallback, of course it's Legislative immunity, so, I can't tell you for sure how it really works until it's tested. But it does say no action shall be prosecuted or maintained against any County, its officials, or employees on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications. This is in regards to 201H projects. So, I hope that helps you guys rest a little more assured. But again, it's Legislative immunity. So, as you all are aware, anyone can sue anyone. So, you know, we'll, naturally Corporation Counsel will do our best to defend. So, thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Spence, do you have any comment on the feedback from the discussion we've had from Planning, and Public Works, and Corporation Counsel? Do you have any additional comments before we get into the exemptions?

MR. SPENCE: No, Mr. Chairman, I don't have any additional comments other than we continue to support this project. I think it provides a real opportunity for our residents and...

CHAIR CARROLL: Thank you.

MR. SPENCE: Thank you.

CHAIR CARROLL: Alright, does everybody have the, what we have for the exemptions, the proposed exemptions? The floor is open. Public Works, you indicated that we could go through that, you'd like to go through that item by item?

MS. DAGDAG-ANDAYA: Yes, Chair. So, my understanding is the Committee is in receipt of the exemptions and I believe our, the exemptions that we would have oversight on start on letter C, exemptions from Title 12, Maui County Code, street sidewalks and public spaces. So, the first one was regarding an exemption from Section 12.08.100, standards and specifications, to allow driveways within the 15-foot reserve area adjacent to an intersection and allow the maximum driveway width for the duplex units to exceed 22 feet. The new maximum driveway width for the duplex units shall

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be 36 feet. And the Department is okay with that exemption. The driveways are connected to the project's internal road and my understanding from talking with the staff is it would be an issue if it was, this was in connection with a collector type of road. So, with that, our office is okay with exemption number one, C1. The next exemption, number two, an exemption from Chapter 12.24A, Maui County Code. landscape planting and beautification. shall be granted to exempt the project from compliance with the landscape planting plan as it pertains to requiring one tree per residential lot. Now, this is a requirement in our Countywide Planting Plan for street trees. And what the applicant is proposing is that they do indeed want to plant the 74 required trees, but have, they want to have the flexibility to plant them in locations or areas where the site is a little bit more suitable and would allow the trees to grow. I think earlier in Mr. Bagoyo's presentation, he did have a graphic up on the TV that showed the location of the trees. And we are, we're in support of that. I believe some of the trees will also be lining up the greenway and the neighborhood park space. So, we have a new certified arborist working with our Department and he will be working directly with applicants on this particular issue moving forward. So, I think this particular exemption would give us the flexibility to determine which areas would be more suitable for the trees to be planted in.

CHAIR CARROLL: Anything for Public Works, what she has gone over? Mr. Hokama?

VICE-CHAIR HOKAMA: Chairman, thank you. So, C1, we're talking about again, the 15 feet, let's say, from the stop sign along the roadway, correct? This 15-foot reserve area adjacent to the intersection?

MS. DAGDAG-ANDAYA: Yeah.

VICE-CHAIR HOKAMA: Okay. I get one issue with this.

MS. DAGDAG-ANDAYA: Okay.

VICE-CHAIR HOKAMA: Just on current streets people park between the 15 feet and the stop sign now. Okay. So, where is our line of sight, and where is the protection for the pedestrians since now we tend to even park cars around the intersections on the curbing? Okay. So, Police has to shape up, Public Works you gotta shape up because that is all against the current Code. They should be cited as violations. And now you're asking us to allow a 36-foot wide driveway to be within that 15-foot area? Is this what this is asking us?

MS. DAGDAG-ANDAYA: Chair, may I? Yeah, I believe the duplex units are in an area where you have very little, the traffic volume is very minimal, and I understand the concern with the radiuses because we've had instances where we've actually put no parking signs in these areas and have worked with MPD to enforce problematic areas. But for this particular area I think it's a very low volume. So, the Department, our engineering staff felt that this was supportable.

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VICE-CHAIR HOKAMA: I don't know what is low volume for your Department, Director, but we all get eyes. We all see what's happening in Waikapu on off Waiale, you know, the streets around this civic complex. Okay. There's still an ordinance, no overnight parking in the County of Maui. You know how many overnight cars we have parking in this County that is in violation of Code? Okay. Yet, we don't do enforcement. So, okay, and we go back again as the Members have always brought up the lack of enforcement on the County's part. So, I'm just trying to understand some of these exemptions because it really irks me about street safety. You brought up complete streets and whatnot, so, this exemption is to allow more onsite parking and take it off the streets? Is that the purpose of this exemption? 'Cause you're asking us to increase it from 22 feet to 36 feet.

MS. DAGDAG-ANDAYA: Chair? I think I would defer to the applicant to respond to that question.

CHAIR CARROLL: With no objection I will call the applicant to the podium.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Please identify yourself at the podium.

MR. RIXEY: Thank you, Chair. My name is George Rixey. So, maybe I can help define it a little bit. Where the 15-foot radiuses are, there's two, they're at the end of road C and road D where they meet road B. And so, there's the 15-foot radius, and then the exemption for the apron is within the next 15 feet, not within the 15 feet of the radius but the next 15 feet. And so, there's a couple of them where the driveway apron would be, I think the closest is just within a couple of feet within that radius turn. And so, the point of those is, first there's no parking on those roads, and then, the point of those is to keep cars off the street. If you notice, the aprons are wide enough that cars could park on them and that was the intent.

VICE-CHAIR HOKAMA: Okay. Would it be an issue if the County chose not to accept the roads for dedication under this exempted standards?

MR. RIXEY: Well, I'm probably not the person to make that assessment, but I would say it would be a hardship for the owners.

VICE-CHAIR HOKAMA: It would be a hardship for the General Fund too down the road. No, I appreciate your role in the project, Mr. Rixey, I know you're the architect and I know you do good work in your professional area. So, I appreciate your comments. Thank you.

MR. RIXEY: Okay. Thank you.

CHAIR CARROLL: Anything further to the exemptions that they've asked for?

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COUNCILMEMBER COCHRAN: Wait, sorry, so, just questions to Public Works, what she's already shared? Is that what we're asking?

CHAIR CARROLL: Well, to what she went over and if there are any other exemptions that you have questions on, bring it up now. I'm sorry, were you finished, Mr. Hokama?

VICE-CHAIR HOKAMA: Chairman, just one last one before Ms. Cochran's opportunity, please, as a follow-up? I appreciate what was handed out to us. But I would like a comment under every single request. So, under A, B, C, D, give us a notation. Either we cannot quantify or does not apply to dollar values. But I need a comment from the applicant on every single exemption being requested and what is the quantifiable value for this Committee. Because what they sent to us is, starts with E4. So, there's no mention from A, B, but we know if they are required to do it, there is a value because there's time and money involved to process these procedural requirements if they went through zoning. We know that, the Department knows that, the applicant knows that. So, let's be up front and put those values before this body. Thank you.

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Is Ms. Andaya going to go for, is she, you're vetting more of the exemptions through?

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

MS. DAGDAG-ANDAYA: Chair, if you're ready to move on --

COUNCILMEMBER COCHRAN: Yeah, I'm...

MS. DAGDAG-ANDAYA: --to the next set of exemptions I can. Chair, okay?

CHAIR CARROLL: Yeah, proceed.

MS. DAGDAG-ANDAYA: So, C1 and 2 we've gone over. If you look at D3 on the second page, an exemption from Chapter 14.76, Maui County Code, Impact Fees for Traffic and Roadway Improvements in Wailuku-Kahului, Maui shall be granted to exempt the project from having to pay traffic impact fees, should fees be adopted prior to issuance of building permits for the project. In the past, we have, including this body, have exempted, or approved, and supported this exemption for other 201H projects. So, we're just being consistent and supporting this particular one as well. Chair, any, if anyone has any questions about that? Okay. Taking a look at letter E, exemptions from...

VICE-CHAIR HOKAMA: Chair, Chair?

MS. DAGDAG-ANDAYA: Oh, sorry.

VICE-CHAIR HOKAMA: Mr. Chairman?

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CHAIR CARROLL: Yes?

VICE-CHAIR HOKAMA: Yeah, just a quick question for Director, Public Works Director since she's kind enough to take time for Committee concerns. So, you already saw the TIAR for this project?

MS. DAGDAG-ANDAYA: That's correct.

VICE-CHAIR HOKAMA: They had to submit some assessment regardless, right? Was there anything in that assessment that would have caused this Committee to be concerned about the request?

MS. DAGDAG-ANDAYA: Chair? So, the TIAR, they analyzed for conditions with project and without project. And the results did indicate that there is impact operations in specific areas, especially in Waiale and Kuikahi where operations are at LOS D. I think that's the highest for this particular, the project, what it's reflecting. Other LOS' that go beyond are E and F. And that's when it would trigger a really major improvement. But D is normally acceptable. One of the recommendations from the TIAR was to optimize the traffic signalization. So, that's something that we could monitor. In fact, that's something that we currently do, is optimize the traffic signals. Another, I think another improvement for the developer is to provide those left-turn pockets at the project entrances to allow for vehicles to enter into the project. So, right now, like with the Spencer Homes, Waikapu Gardens, there is no left-turn pocket when you're coming off of Waiale. But for this project, they would be required to do that. It's very similar to the other project, I think it's called Waiale Elua, the one that was recently approved and is currently in construction, they're also doing the same improvements along Waiale Road. So, those are the kinds of improvements that the applicant is proposing to do.

VICE-CHAIR HOKAMA: The project you just mentioned is the one adjacent to this proposed project, correct?

MS. DAGDAG-ANDAYA: Yes, it's between this current project that we're reviewing right now and the Spencer Homes one.

VICE-CHAIR HOKAMA: Okay. 'Cause when I review this road system, my concern is more about the current Waiale-Kuikahi intersection and, you know, to me, already the holding, or stacking lanes is not that well thought out, especially the left turn off Waiale into Maui Lani Parkway. I mean, you guys, you should know what it is pau hana and early morning. People that want to do the left is stuck in that straightway, right?

MS. DAGDAG-ANDAYA: Yes.

VICE-CHAIR HOKAMA: And so, that's one of my issues, already it's not good enough. Okay. We're going to add more density of road, vehicles and everything. So, my thing is, let's

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make smart adjustments. And so, this is the kinds of things that I think is fair for us to review as part of the project review. Is this something that needs to be considered, though? And if it's not the applicant's responsibility, when does the County, or the State consider it to make sure that the traffic situation is reasonable and acceptable from a safety and use standpoint?

MS. DAGDAG-ANDAYA: No, you're right, Councilmember. You know, in order to solve traffic congestion, you know, there are very, many different ways. You look at land use, you look at driving patterns of people in the area, you also look at multimodal solutions. So, one of the things that our Department has been working on is a complete streets redo of Waiale Road, which would involve a network of bike paths and pedestrian paths. Transit is also another big factor 'cause right now we don't have public transportation on this side of Waiale Road. It all, I think public transportation just ends at that intersection of Kuikahi, where the prison and Ka Hale A Ke Ola is located. But nothing, I don't think there's any bus stops beyond. So, that would be very helpful in this area because you have a lot of working families who need access to transportation. In addition, you have developer obligations for additional roadway network, and that might help alleviate some of the traffic in the area because you have folks who are coming from Kehalani, Spencer Homes, Maui Lani, that need to get to Baldwin High School, the hospital area. But right now, they're funneling through Waiale, onto Waiinu Road, or going down Kuikahi, Maui Lani Parkway, and coming back up again. So, having that additional roadway network, which is developer obligation, will be helpful in the future. We're also looking at the traffic improvement at Waiale and Waiinu where currently it's a three-way stop. So, that's another project in our Statewide transportation plan. They're also other, I think there's also other developer obligations in that Kehalani Makai area next to the, fronting the prison that need to also be made as well. So, once all of that comes into play, then the roadway network, you know, improves a little bit more. But they're all...there's also other factors that need to be considered. This area really needs to be looked at in, from a long-term perspective. So, but this is just one part of it. This one affordable housing project.

VICE-CHAIR HOKAMA: Thank you, Director. I appreciate your candid comments. And Chairman, I think she hit something very pertinent for our Committee's consideration, because we have Planning, Ms. McLean, we've got Mr. Spence, Housing and Human Concerns, we've got Mr. Almeida, Specialist, Housing, Public Works, I think the Public Works Director brought up something very important for us. This is one component of a lot of projects in a small area, especially with Tropical Plantation, or Waikapu Plantation's couple of thousand-unit project. Okay. So, I think we need to be smart and look at all of these factors that will be potentially on the General Fund's requirements on road infrastructural improvements to make all of these projects coordinated and work. 'Cause it cannot be non-connected and independent of each other. It's going to impact this whole community area, existing and future. Okay. Whether it's the road system, with the Waiale expansions, the connections, whether it's our waterline, sewer line, I think we need to be real smart about it and not do a piecemeal approach 'cause we have a good opportunity with open space to make right land use designations and a right road system instead of some of the other issues that

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we all deal with on a daily basis. So, I think we have a good opportunity, departments. And I need you to chime in and tell us what role does this project should have as a fair responsibility. Affordable is affordable, but just like the previous affordable, the other one I'm looking at, 338,000 to 465,000, that's affordable. Okay. So, if that's the affordable and they're not going to participate in wastewater expansion, water system improvements, roads, who's going to help us fund the build in? 'Cause development of this type of subdivision costs the County more money than it receives in taxes. Okay. Per unit, each property owner in this proposed project is going to get a far more subsidy benefit than what they're paying taxes to this County. Okay. So, saying the development is going to give us more money, that's not true. It's going to cost us more money to provide the services for this affordable project. That's the reality of this financing program. And I think we need to make people aware of that, Chairman. This affordable project is going to cost the tax base more than it receives in benefits. That's just the reality of where we are today. Thank you.

CHAIR CARROLL: Members, anything further with the exemptions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, just for what Ms. Andaya is talking about, right? You have more, Ms. Andaya?

MS. DAGDAG-ANDAYA: Yes, I do.

COUNCILMEMBER COCHRAN: Okay, alright.

MS. DAGDAG-ANDAYA: So, exemptions from Title 16, the first one is regarding exemption from fire, electrical, plumbing, and building permit fees, as well as inspection fees. So, again, this is a monetary type of exemption. This doesn't exempt them from the actual inspection itself. But in the past, we have allowed, or supported this. And, you know, we are fine with it. Going to exemption E5, an exemption from Section 16.26B.3600, Improvements to Public Streets, as it relates to Urban Standards for Curbs and Gutters, shall be granted for the portion of the project adjacent to Waiale Road, refer to Exhibit 1, the typical section of Waiale Road. The, generally we, you know, stick to the Code. And, but can be flexible with this particular exemption because their proposed plan for design is, aligns with the, what the project next door is doing, Waiale Elua is doing with their frontage of Waiale Road. So, they're being consistent with the project next door. So, we, you know, we don't have any issues with that exemption. If you take a look at your handout. This would be under Typical Section Exhibit 1. So, you see two sections, and this is exactly what Waiale Elua, the project next door, has for their project. So, it's basically, you know, being in alignment with what they had proposed. Their, this project's proposal is to add pavement widening where the intersection is located, and also to provide a concrete sidewalk. So, we do have sidewalks that are fronting the project with...yeah. So, that's all that I have if you have any questions about that.

CHAIR CARROLL: Ms. Cochran?

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COUNCILMEMBER COCHRAN: Yeah, I hear the concern of Mr. Hokama, too because as I mentioned in my opening comments about the piecemeal'ing aspect and wanting to get the bigger picture view, especially with this Waiale Road which will connect all the way down by the Tropical Plantation and everything. So, but I'm hearing, and again, the Elua project, you're referencing it a lot here in exemptions because we gave them that, we're just being consistent to give them that. And then, the other project will come, and we'll give them that because, so, next thing you know, the entire stretch, we're just being consistent across the board. And no one's pitching in to pay for the infrastructure at this point. So, that's what's bothersome. So, E4, I'm looking at the breakdown. Thank you for the breakdown of the cost value which I think Mr. Hokama also brought up and it looks like E4, \$90,000 is being saved on behalf of the developer. And I think the State, I mean that road could, is that right, E4, the fire protection efforts along Honoapiilani Highway? Isn't that what I'm looking on the engineer estimate? So, they're saving 90,000 there for that which sounds like if there's a way to tally it, there's...could be done. And it's possibly should be needed.

CHAIR CARROLL: Public Works?

COUNCILMEMBER COCHRAN: Or I don't, is that what I'm reading?

MS. DAGDAG-ANDAYA: Chair, I would defer to either Water Department or Fire Department for E4.

COUNCILMEMBER COCHRAN: Okay. Well, they're not here. So, we'll just --

CHAIR CARROLL: Ms. Cochran --

COUNCILMEMBER COCHRAN: --move on.

CHAIR CARROLL: --when the Fire Department, when we have the Fire Department at the next meeting we will bring that up then.

COUNCILMEMBER COCHRAN: Okay. And yeah, I just, maybe, I mean, when it's time to take a look at all the exemptions and the total, which if I'm adding it up correctly it's almost \$600,000 worth of stuff. And it comes down to price per unit almost \$7,000 per unit that we're exempting them from taking care of. So, how much in the end is Real Property Tax garnering out of each unit, as Mr. Hokama eluded to here? You know, and then the biggest issue I have with all the 201H projects is the affordability timeframe. Ten years, after ten years gone out of affordability after all of this we're talking about, that's the true key part for all of these that I take issue with. 'Cause then we're starting from square one all over again, trying to get affordable units. So, they want to talk the talk, let's keep it for multiple families, not just one, partially one. After ten years it's gone. So, that's my whole hardship with all of these types of projects that come before us, Chair. Thank you.

CHAIR CARROLL: Alright, Members, anything further under exemptions at this time? Of course, we're going to do this the next meeting too, also. Mr. Atay?

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COUNCILMEMBER ATAY: Thank you, Chair. I think I ditto the request from Member Hokama is that if we go down the various exemptions list, and each category if there is a dollar value of the, of what's requested of being exempted that'd be aligned because the exemption estimates from the engineers that I got, I got only from E4, F2, F6, F7. Earlier, Deputy...Director of Public Works mentioned exemptions in E1. But there's no, you know, so, I think in our next meeting, by our next meeting if each of these exemptions, there's an alignment of what is it that we, the County, is giving up, yeah, in a dollar figure. At the same time, I think I too agree, like I mentioned earlier, this is one of several projects all along Waiale Road where none of these subdivisions have the capability or ability to ingress and egress their subdivision from Honoapiilani Highway, which means 100 percent of all of these total homes will be entering and exit Waiale Road. And so, the consideration of looking at the bigger, it's not just about the piecemeal of this one project, it's looking at the whole area and the impact. But because of the 201H, we're under the clock. We gotta make a decision on this particular project by September. But yet, we need to be able to see the interconnectedness of all of the different projects that we have approved and will soon be addressing very shortly. And so, this goes from Longs at Kuikahi, along Waiale, that takes it all the way through to Waiko Road, and beyond Waiko Road to the future of Waiale's collector feeder road onto Honoapiilani Highway. I mean, this is just one project. But the problem, we gotta get all the departments addressing this as a whole. So, I look forward for your next meeting.

CHAIR CARROLL: And it's not until September. We have to finish by the end of the month because we have to get it ready for the last hearing in September. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Just a quick clarification on Member Atay's initial question. I think your statement was a little different from what Mr. Hokama said, he just wanted to know what the savings to the developer that, for the homeowner would be on the exemptions of A1, and F1. I think for, your statement was what the County's missing out on, on those. I can say we're not really missing out on anything 'cause those are just more review processes. You're not missing out on anything monetarily, I should say. There's no savings or loss of money to the County on those as it's just a review process. It's the community plan amendment and the exemption, for I know it says Change in Zoning but it's an exemption from zoning and community plan stuff. So, the County is not really missing out on any money there. But the developer does recognize a savings by not having to go through those processes. I just wanted that clarification. Thank you, Chair.

COUNCILMEMBER ATAY: Thank you for that. If, Chair, if I...so, on E1, exemption from Title 16, when it says exemption shall be granted to exempt the project from fire, electrical, plumbing, and building permit fees, as well as inspection fees, these are fees that I interpret as we could collect. So, there is a value.

CHAIR CARROLL: Mr. Ueoka?

MR. UEOKA: Chair, I was responding to F1.

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COUNCILMEMBER ATAY: Oh, ok.

MR. UEOKA: Thank you, Chair. E1, you are correct, Member Atay, there are savings there.

CHAIR CARROLL: Alright, Members, anything else pertaining to the exemptions?
Mr. Spence?

MR. SPENCE: Thank you, Mr. Chairman. The whole idea behind giving exemptions from fees is to save that ultimately for the people who are going to buy these units. And so, they're, they can charge less for the homes and saving that for the people who are going to live there. It's...part of making affordable housing is reducing the cost all the way across the board. If you can reduce the cost for inspections, if you can reduce the cost for this and that, all those things are going to add up to get to the 70 percent price range. I mean, the, you know, the, you asked about particularly the Change in Zoning, the district...the community plan amendment. Yeah, there are fees associated with that and you can quantify that. But what you're really doing by exempting that process, you are saving three or four years of process time, and you're saving several hundred thousand dollars of cost to do that process that's ultimately passed on to the buyer. So, by not charging, by not having to go through that process, you are saving that ultimately for the people who are going to occupy these affordable homes. That's the whole idea behind giving these exemptions and cutting out process, et cetera.

MS. DAGDAG-ANDAYA: Chair? May I? Chair, this is, it's Rowena from Public Works.

CHAIR CARROLL: Oh, I'm sorry.

MS. DAGDAG-ANDAYA: You know, may I also add for exemption, let's see, exemption E5, the difference from what they're required to do and what they propose to do is that they're constructing a swale instead of a, like curb and gutter. And that's something that, you know, the Department supports. You know, it's also a green feature and helps with drainage when you construct a swale, a grass swale. So, in a way, you know, this to the Department, you know, we are amenable to this proposal because that's something that we're also kind of looking at for our, for other projects as well. And, you know, developing a standard for, you know, including swales in lieu of curbs and gutters. The project also provides a five-foot sidewalk fronting their, you know, fronting the project. So, we're in support of that as well 'cause it provides for the pedestrian network.

CHAIR CARROLL: Anything further, Members? Ms. Cochran?

COUNCILMEMBER COCHRAN: So, along, so, this is forgoing, I guess, some improvements on Waiale Road. So, using grass swales which are great, but so, no sidewalk along that road? I mean, I'm hearing so much projects are going to be building out and we want connectivity, we want bikeability, walkability, all that kind of stuff. But yet, I guess on this portion there's going to be a swale off the main road of Waiale, and no type of, you know, curb, gutter, sidewalk-type infrastructure.

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MS. DAGDAG-ANDAYA: Chair? There is a five-foot sidewalk. It's, if you take a look at typical section exhibit number 1, you have the existing pavement. So, they have a 12-foot travel way, and then, a 6-foot paved shoulder, and then they're going to widen just a little bit more, they're going to construct a swale, and then, there's also that 5-foot concrete sidewalk.

COUNCILMEMBER COCHRAN: Okay. And...

MS. DAGDAG-ANDAYA: But the, again, the difference is curb gutter versus --

COUNCILMEMBER COCHRAN: Yeah.

MS. DAGDAG-ANDAYA: --a swale.

COUNCILMEMBER COCHRAN: Okay. Alright, yeah. I have other questions but not for Ms. Andaya. I have...it was mentioned about bus stops, would the developer be open, or did you folks discuss possibility of a bus stop or something in this area?

MR. BAGOYO: Thank you for that question. Yes, actually, we have been in discussions that we're open to having a bus stop, definitely, yeah.

COUNCILMEMBER COCHRAN: Okay.

MR. BAGOYO: 'Cause I think the other projects that are on the corner of Kuikahi and Waiale, the proposed apartment complex, they have been asked to provide a bus stop as well. So, what we're working with them, you know, rather than multiple bus stop in, within 100 yards away, you know, can we just have one, you know in between. So, we're open to that and we're going to participate in that bus stop. Thank you.

COUNCILMEMBER COCHRAN: Okay, excellent. Thank you for that.

MR. BAGOYO: Maybe if I may, I think there was a question about not only if you have the cost estimates on the other fees, I think if you look at exhibit, I mean, H, it's not actually an exemption. Those exemptions are already automatically exempt from the current Code. But I did provide a cost estimate on those fees, those building permit, sewer, wastewater connections, and so forth. And that amounts to about 4,150 in addition to the 2,778 on those other exemptions that are not automatically exempt from the Code. I don't know if you have it 'cause I gave a copy to the Staff.

CHAIR CARROLL: Everyone has a copy.

MR. BAGOYO: Okay. Thank you.

CHAIR CARROLL: Alright, Members, it is four o'clock. I'm going to close by saying that we have this 201H process to try to get affordable housing to our people. You might notice that there's nothing else out there. As much, as hard as it is for us to put this

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together, we need to do the best we can to try to make this a viable project. And that's why we have this oversight, and that's why we go over there and work to try to make it to where it is a viable project, so we can get some housing out there to our people. And again, you don't see anybody else coming out unless it's through a 201H. And the reason they made that is, so government is actually subsidizing this housing. And this is 100 percent affordable housing, it's just like Hana. So, we do the best we can, we review it, we make sure that we have the best deal while we're getting affordable housing out for our people. We consider everything, we need to go over it really well and make sure it's appropriate. But make no mistake, we are subsidizing this housing. And we're subsidizing it with tax money that we use. Is it worth it or not? Well, that's for the Committee Members to determine. And there's a lot of things that have come up, suggestions that we use affordable housing money to pay these fees and other things to bring the price down. There are a lot of things out there, but we don't have that before us now. We have to deal with what we have here.
Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR CARROLL: Ms. Cochran, followed by Ms. Sugimura.

COUNCILMEMBER COCHRAN: Oh sorry. Yeah, and thank you for your comments, Mr. Chair. And I'm definitely for it. What I get bothered by though, and why we see this lack of affordable inventory is because it doesn't stay in perpetuity. We don't have a managed appreciation formula, which we should be in order to beef up and build up that affordable housing inventory. This is not going to help. It's going to help it for a very short time. And then, we subsidized, we're subsidizing for people for the possibility to flip it in to market rates, and boom, off the affordable inventory. We start again from scratch. And that's why we're in this predicament. I've studied other municipalities. This is what happened and we're in it. And to me, this is not, this hasn't been fixing, and this isn't going to fix. For yeah, one family, but another way there could be three to four families under one roof, we keep it in affordability in perpetuity. And that word always scares our Corporation Counsel. But anyhow, so, Chair, just moving on to the next meeting coming up, are we, can we please request arborist, our new arborist to be present?

CHAIR CARROLL: Pardon?

COUNCILMEMBER COCHRAN: Our new arborist to be present, arborist. The arborist I think with, is that out of Public Works or Plan...who --

MS. DAGDAG-ANDAYA: Chair?

CHAIR CARROLL: I will request.

COUNCILMEMBER COCHRAN: Yeah.

MS. DAGDAG-ANDAYA: We can make arrange --

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CHAIR CARROLL: I cannot guarantee, but I will request.

MS. DAGDAG-ANDAYA: --make arrangements.

COUNCILMEMBER COCHRAN: Okay. And I guess, and you're also going to have the Fire Department present? Okay. Fire and Water? I guess...

CHAIR CARROLL: We already have.

COUNCILMEMBER COCHRAN: Okay, yes.

CHAIR CARROLL: Okay. And again, it's up to us to try to make it work. Ms. Sugimura?

COUNCILMEMBER COCHRAN: Thank you.

COUNCILMEMBER SUGIMURA: Chair, important that we keep on schedule. So, what are your future meeting plans?

CHAIR CARROLL: Yeah, I'm sorry?

COUNCILMEMBER SUGIMURA: What is your future meeting plans? Or when are we going to meet again, just so we can keep on schedule to pass this?

CHAIR CARROLL: Right now what's our next meeting date, Mr. Wagner?

MR. WAGNER: Chair, the next meeting date that we have scheduled for this item, we're looking at August 22, that's the next Land Use meeting. After that, we'll have to look to report out to Council.

COUNCILMEMBER SUGIMURA: So, that's, that will be the last meeting, basically? We have to get it done be August 27th, is that what you're saying?

MR. WAGNER: Yes, currently.

COUNCILMEMBER SUGIMURA: Okay, very good.

CHAIR CARROLL: Yeah, that would be it. And it's interesting, although we complain about the 45 days, it's a short period of time and allowing them to cut years off that brings them forward. If it wasn't for that, they wouldn't come forward. Alright, Members, we are at the end. It's almost five after. I told you four o'clock. Alright, I'm going to adjourn this meeting. We have all of the requests that have been made. We shall work on getting all of those answers and get that information forward. If anybody has anything else they can go over there and any requests for anybody, anything else, e-mail the Committee. Okay. No more business before the Council...before the Committee, this Land Use Committee meeting of August 1st stands adjourned.

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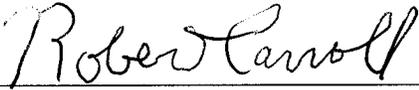
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG, KK, MW)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR CARROLL: . . .*(gavel)*. . .

ADJOURN: 4:02 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

lu:min:180801:mt

Transcribed by: Marie Tesoro

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CERTIFICATE

I, Marie Tesoro, 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 27th day of August 2018, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro