

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

October 17, 2018

Council Chamber, 8th Floor

CONVENE: 1:34 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Riki Hokama, Vice-Chair (out 4:30 p.m.)
Councilmember Alika Atay (out 3:02 p.m.)
Councilmember Elle Cochran
Councilmember Stacy Crivello (in 1:38 p.m.)
Councilmember Don S. Guzman (out 4:35 p.m.)
Councilmember Kelly T. King
Councilmember Yuki Lei K. Sugimura (in 1:38 p.m.)

EXCUSED: Councilmember Mike White

STAFF: Carla Nakata, Legislative Attorney
Saumalu Mataafa, Legislative Analyst
Leslee Matthews, Legislative Analyst
Rayna Yap, Committee Secretary

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

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

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

ADMIN.: William Spence, Director, Department of Housing and Human Concerns
Michele Chouteau-McLean, Planning Director, Department of Planning
Tara Furukawa, Planner, Department of Planning
John Buck, Deputy Director, Department of Transportation
Michael Miyamoto, Deputy Director, Department of Environmental Management
Robert Halvorson, Division Chief, Department of Parks and Recreation
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Tammy Yeh, Civil Engineer VI, Department of Water Supply
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
(*Seated in the gallery*):

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Clyde “Buddy” Almeida, Housing Administrator, Department of
Housing and Human Concerns

OTHERS: Emmanuel A. Baltazar, PAC Chairman - ILWU (LU-2(5))
Sharon Banaag (LU-2(5))
Zenaida Barut, ILWU (LU-2(5))
Tom Cook (LU-2(5), LU-64)
Dick Mayer (LU-2(5), LU-64)
Mark Finucane, Director of Operations, Moss (LU-2(5))
Jonathan Kam, Project Director, Moss (LU-2(5))
Matt Jun, Preconstruction Chief, Moss (LU-2(5))
Mike Neubauer, Vice President, Waikapu Community
Association (LU-2(5))
Glenn Adolpho, Board Vice President, Waikapu Gardens HOA
(LU-2(5))
Chris Barut, ILWU Local 142 (LU-2(5))
Autumn Ness (LU-2(5))
Bruce U`u, Field Representative, Hawaii Carpenters Union
(LU-2(5))
Douglas Rogers, Vice President, Moss Construction (LU-2(5))
Livit Callentine (LU-2(5)), LU-64)
Albert Perez, Executive Director, Maui Tomorrow (LU-2(5))
Ivan Lay (LU-2(5))
Lucienne de Naie (LU-2(5), LU-64)
Mitchell Skagerberg (LU-64)
Craig Hirai, Executive Director, Hawaii Housing Finance and
Development Corporation
Ken Takahashi, Housing Development Specialist, Hawaii
Housing Finance and Development Corporation
Linda Schatz, Principal, Schatz Collaborative
Janine Clifford, President, Clifford Planning and Architecture
Darren Unemori, Warren S. Unemori Engineering
Vince Bagoyo, Vince Bagoyo Development Consulting Group
Michael Munekiyo, Munekiyo Hiraga
Erin Mukai, Munekiyo Hiraga
Lisa Rutondo, ASH Maui
Tyler Fujiwara, Traffic Engineer, Austin, Tsutsumi and
Associates
Tom Welch, Attorney, Mancini, Welch and Geiger LLP
(10) additional attendees

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

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of October 17, 2018 will
come to order. I’m Councilmember Robert Carroll, Chair of the Land Use Committee.

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First, may I request if anything has...anything that makes noise please put it on the silent mode or turn it off. We have with us this afternoon the Vice-Chair of the Committee, Mr. Hokama. Ms. King.

COUNCILMEMBER KING: Good afternoon, Chair.

CHAIR CARROLL: Mr. Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Mr. Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR CARROLL: And joining us later will be Ms. Sugimura and Ms. Crivello. Mr. White is excused for today's meeting. Corporation Counsel we have Jeffrey Ueoka. Administrative representative we have Will Spence, Director of Housing and Human Concerns; Buddy Alameida [sic], Department of Housing and Human Concerns; Michele McLean, Planning Director; Ted [sic] Furukawa, Planning...Department of Planning; representative of Parks and Recreation; we have Rowena Dagwood-Andaya [sic], Director of Public Works; Wendy Tamomoto [sic] and Tammy Yeh, Department of Water Supply. On call is John Buck, Deputy Director of Transportation. Others, we have Crad Hiraki [sic], the Executive Director of Hawaii Housing Finance and Development Corporation. He will be present to respond for questions if needed. Ken Takahashi, Manager, HHFDC. Staff, we have Rayna Yap, Committee Secretary; Legislative Analyst Samuel [sic] Mavaafa [sic]; Legislative Attorney Carla Nakata; Dawn Lono, Hana District Office Staff; Denise Fernandez, Lanai District Office Staff; and Ella Alcon, Molokai District Staff. We have on the agenda today LU-2(5), Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Wailuku Apartment Rental...Project). LU-64, District Boundary Amendment for Wailuku Apartment District [sic] Housing Project. For people giving testimony in the Chamber, please sign up in the lobby outside. If you are in a District Office, please sign up with the Staff over there. Testimony will be limited to items on the agenda today. Pursuant to the Rules of the Council, each testifier will get three minutes to testify. When testifying, please state your name when you reach the podium and any organization you might be representing. Proceed.

MS. MATTHEWS: Thank you, Chair.

COUNCILMEMBER COCHRAN: Sorry. Chair? Chair? Chair?

CHAIR CARROLL: Yes?

COUNCILMEMBER COCHRAN: Can I be on record that I'm here? You didn't call me.

CHAIR CARROLL: Oh.

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COUNCILMEMBER COCHRAN: Elle Cochran. Thank you.

CHAIR CARROLL: I'm sorry. And Councilmember Elle Cochran is with us today.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR CARROLL: All right. Proceed.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. MATTHEWS: Thank you, Chair. Our first testifier will be Emmanuel Baltazar on LU-2(5), to be followed by Sharon Banaag.

MR. BALTAZAR: Emmanuel Baltazar, PAC Chair, ILWU Local 142, Maui Division representing working men and women. Honorable Robert Carroll, Chairperson for Land Use Committee, Maui County, distinguished and respected Members of the Maui County Council, greetings of a blessed day. I rise and stand before you this afternoon to give and state my unconditional support for the Wailuku Apartment Rental Housing Project located at TMK 3-5-001.064 [sic]. Maui County has a big shortage of affordable rental housing and we wish to offer our full support for this proposed project. Especially for us working men and women, pensioners, retirees, who really need, for this 324 rental units, 195 affordable workforce housing. This is located in Wailuku within walking distance Puu Kukui Elementary School, nearby Iao Intermediate School, Maui Waena Intermediate School, and high school as well. It's close to Kehalani Village Center, and furthermore it is centrally located to all services like medical and dental and the County services as well. This is a good, ideal, and most appropriate location to move and rent while many saving our money for our home. Representing the working men and women and holding meetings with our membership, we really need of affordable rentals housing for our membership. We have more than 7,000 members in ILWU 142 and thousands of more than for the considerance [sic] of the Maui. I personally ask to this respected and elected Members of the Council headed by Council Chair Robert Carroll for the Land Use Commission [sic] to take a look on this. I'm knocking your empathetic heart to listen to us. Take a look what we need in our concerns. We the working men and women of the County of Maui really need of affordable rental and housing so I stand to support for this. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, next testifier?

MS. MATTHEWS: Our next testifier will be Sharon Banaag on LU-2(5), to be followed by Barut.

MS. BANAAG: Aloha, Chair. Ladies and gentlemen of the Council, aloha. I'm Sharon Banaag, resident of Haiku. I've also lived in Wailuku, Pukalani, Makawao, everywhere and anywhere that there is affordable rentals. You know I'm taking time off from my full-time employment because I believe in this project. Housing is in desperate need

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as we all know. Community, you know, is in dire need of housing for purchase or for rental. It's all too familiar with our families, no matter the background you have two, three, four jobs and still not be able to either afford an actual house, let alone rental. So, either way, you know, there is really no, not much choice for our kids. And we would really love to keep our talents right here in our community. We desperately need our talents to stay, our kids to stay. I urge each and every one of you to, you know, to support and pass this project. It's right...housing is just within our grasp. This favor, you know, I mean this vote of yours in favor of this project will mean 324 more families will at least have some form of housing rental to begin with. Thank you.

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

MS. MATTHEWS: Our next testifier will be Zenaida Barut on LU-2(5), to be followed by Tom Cook.

MS. BARUT: Hi, Zenaida Barut, representing working men and women. I come here to support Wailuku Apartment Rental Housing Project. With the high cost of a home it is often very difficult at the Maui median home price. We are saving up but we still need a quality place to rent for working men and women of Maui County where our children are safe and comfortable. We need the rental housing facility with quality amenities that _____ the demands of our family. It is very difficult to find a rental in Maui that is not old, in disrepair, and most of all safe for the kids. Working men and women deserve a better place these days. Please, I personally ask, support this project. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? . . .*(inaudible)*. . .

MS. MATTHEWS: Our next testifier will be Tom Cook who's testifying on LU-64 and LU-2(5), followed by Dick Mayer.

MR. COOK: Good day, County Council. My name is Tom Cook, I'm here today as an individual, contractor, parent, grandparent. I'm in support of the Wailuku affordable rental project. I'm in support of virtually any affordable project. Organic doesn't demonstrate or prove that a food is nutritious. Labeling a project affordable does not necessarily mean that is like totally worthy. But either...under both of those labels it must meet a certain criteria. I have here and I can't distribute it to you but I'll send it later, 2001, November 2001, building industry, a very young Dave Goode, Kimo Apana, and John Min. Maui construction and controversy was the deal. I'm going to be 64 the day after Christmas, I've been at this a while. You folks have seen me how many times. I've built homes in Waiohuli, I've built mega-homes in Makena. I'm just like, I've told you before we can build affordable. We need to please come together as a community and start pushing forward. Affordable in perpetuity is a goal. If we can get something that's even affordable for like five to seven years then maybe we can get like a little bit of a head start. We need, please, we need to get out of our own way and start saying yes, and start enabling people in the community who have the willingness, the capacity, the desire to do this, build affordable rentals, build

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affordable homes, do the infrastructure. So, I'm begging you, Council, I'm asking please we desperately need it, man. We...it's not like oh, I need food, I need water, I'm telling you we need air. Okay. This is as bad as it gets. I'm renting. My landlord just jacked the rent 1,000 bucks. Okay. I'm like I can't imagine all the people who work at Walmart and all the service industry jobs. I feel for them. Please feel for us. Aloha.

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

MS. MATTHEWS: Our next testifier will be Dick Mayer testifying on LU-2(5) and LU-64.

MR. MAYER: Council Chair Carroll, Members, could you please take out the green item, the green thing that was handed out to you? I'm going to be using that as notes. Thank you. I'm not opposed to the project but I want to ask that you do it right. There are two different bills here, I'm going to talk first about the State land use boundary change. That requires an Environmental Assessment or an Environmental Impact Statement. They did only an EA on this, not an EIS, and one of the unfortunate things is the applicant themselves who submitted you, HFDC [sic], they were the ones who also approved the EA, in other words they didn't require an EIS. So, it's the agency that's applying for this grant, this thing is the one actually saying it's okay. And if they had done it right and a neutral agency had done it, they would have seen that there are actually many impacts and probably a FONSI would not have been issued and we would be back at a different stage in this process. And it's just something I want you to be very aware of. I'm not necessarily opposed to it but it...their...an EIS would point out many things, would allow for certain mitigations to be done, et cetera, and you would be able to hold them to the mitigations that are needed in an EIS. Now with regard to the other item on your agenda, there are a number of problems here. The major one is the sheer number of units which are not affordable. This is a rental project, this is not for residents to buy a home so we're actually looking at people who are at the lowest end of the income spectrum. The County has passed an excellent Ordinance 2.96 which requires that one-third of the housing be at a certain level, one-third at another, one-third at another. And if you look at the chart that I have there at the bottom of that first page, you will see that in the lowest category they're providing 55 houses, the next category 55, and the next one 55. That's not one-third, that's lower than one-third. One-third would be 65, 65, 65. And they then have some houses that are above that income level, between 121 and 140. The 2.96 doesn't talk about that, those 30 units that are there should be reallocated into the lower income groups to make them available for the people who will probably be wanting these houses the most, those who cannot afford to buy a house. And I would urge you to consider that aspect of it. And that means modifying the ordinance that you have in front of you to comply. They have not asked for an exception...exemption on 2.96, they've asked for many, many other exemptions, 18 of them but not, originally not...a little bit less now but not that one. Go and turn to the next page. The ordinance should be modified to require the project to implement the needed mitigations. I hope that you'll put in there a strong statement that the mitigations that have been suggested either in the application, in the Environmental Assessment, and in any oral testimony they give today that those be implemented and

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be required and be part of the record as well. A major problem with infrastructure are the roads. The roads in the area are inadequate. As you all know Waiale and the other roads above it and below it and next to it, et cetera, they are building right up to the edge of that road and therefore those roads cannot be widened any further. And now I have here the number of other units that are expected in that area and we're talking about Waikapu Town, 100...1,440, Waiale 2,550, Maui Lani still has 900-plus, Kehalani has 900-plus. You've just recently approve a project on Waiale for 146...that will have a total of 146, the 2 projects. And now there's just above the project across the street from Piilani, Puunoa, their...they...the owner there wanted to put in a low density but the Planning Department is insisting that they build several hundreds of houses on that lot. Those roads like Kuikahi and Waiale cannot handle that traffic. You will need a larger setback. One way of getting that would be to take out the market-unit houses out of this project and make it a truly 100 percent affordable project. That's what would be needed rather being built. I had two...the two items. Do I have six minutes total?

CHAIR CARROLL: Make it short.

MR. MAYER: As you'll see here that the...I'll try to go quickly through this. I would hope that you will require the Maui, the project to have a condition in there that a traffic study be done along with all of the others. So each project, A&B and Waikapu Town all go together to have a Central Maui traffic study, and then each one pay their fair share based on the number of units in that project. And that once a decision is made that traffic improvements need to be made, each of those projects will pay their fair share. This is a smaller project, the amount would not be as great, but they should all be contributing because this will be a gridlock situation in Central Maui if we don't have that. And lastly, on the last page, schools. They make the statement in there that all the schools already overcrowded, Puu Kukui, Maui Waena, Maui High School. Where will the children in this project go to school? We know that we can't even get a school in Kihei, a high school. There is no money for an additional high school in that area. Somehow the State will have to come up with the money or the County will have to start building schools to provide for these children who will be in this project. There will be 1,000 residents in the project, several hundred children, and there's no school space for them in the area at all. Not to mention the fact that it's distant from several of these schools. And lastly, and the very lastly, the...

CHAIR CARROLL: The last one was lastly.

MR. MAYER: Okay. The very last item, the cul-de-sac, there's a 300-foot cul-de-sac in this project with no turnaround. Fire trucks, rubbish trucks, et cetera, if you look at the map of the project, how will that truck and how will the fire trucks or rubbish trucks get out? They'll have to back out and if that's during the nighttime, with 600 cars parked in the parking lot, there will be great difficulties transiting that property. I would urge you to get rid of the market houses in that project and do it right for...and increase the number of affordable units. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier?

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COUNCILMEMBER ATAY: Chair?

CHAIR CARROLL: Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Mr. Mayer. So, you mentioned the issue is traffic, especially along Waiale Road. And your recommendation would be to be...to allow the County to widen Waiale Road and but by doing that, the developer must eliminate some of the housing that's adjacent to the road?

MR. MAYER: And I would urge the market housing that be eliminated, reduce the scale of the project to allow affordable housing, make it 100 percent affordable and get rid of the 110 or was it 130...124 units I think it is, I'm not sure, 124 units I think it is of market housing, and that would allow them to have both on Kuikahi as well as Waiale to have more space along the roads there for widening. Because once the Waiale extension is put in down the road, that will become the major thoroughfare for people coming from West Maui into Wailuku and out.

COUNCILMEMBER ATAY: Yeah. Okay.

MR. MAYER: And Kuikahi it's even worse as a potential problem.

COUNCILMEMBER ATAY: Okay, thank you.

CHAIR CARROLL: Thank you. Anything further? Hearing none, thank you.

MR. MAYER: Thank you.

CHAIR CARROLL: Next testifier?

MS. MATTHEWS: The next testifier is Mark Finucane, to be followed by Jonathan Kam. Mark will be testifying on LU-2(5).

CHAIR CARROLL: If you know you're going to be next, please move over to the ramp over there. Thank you.

MR. FINUCANE: Good afternoon. Good afternoon and aloha. I came to...in favor of the project and I didn't realize that I was going to speak so I took a moment to think about what I was going to speak about. I'm actually from the US Virgin Islands, I grew up in Saint Croix. I lived there my entire life and I've been in Hawaii for the past 15 years. And I truly love the people and all that it offers. And I say that as I come from the US Virgin Islands. And I definitely have seen a lack of housing and affordable housing for the people here that need it, families, loved ones, so they can build communities and can continue to build and cherish and as the lady said prior to that was to keep people here and not let them move off the islands. And I mean this with all my heart. As a representative hopefully on the contracting side, this job will open up anywhere from 200 to 250 workers that need the work, that can be out there building a beautiful

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place for the next 18 months. So, I'm very proud of having to work with the, one of the representatives of the owner on another project in Hawaii on Oahu, and I can tell you I've been involved in many, many meetings with their design, their quality of work, and what they're going to put into this neighborhood. And I'm extremely proud to come up here and speak for a minute and tell you all that I'm in very in favor of it. Aloha and mahalo.

CHAIR CARROLL: Your name please?

MR. FINUCANE: Mark Finucane.

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

MS. MATTHEWS: Our next testifier will be Jonathan Kam testifying on LU-2(5), to be followed by Matt Jun.

MR. KAM: Hi. Hi, my name is Jonathan Kam. I'm testifying in support of the project. Representing Moss, a Hawaii contractor here. Moss has constructed several large projects affordable. Four hundred ninety units in Kapolei and it's a combination of market and affordable homes, as well as we're currently doing a 120-unit development here as well. And it's been apparent to me in going to a lot of these hearings and talks with representatives of the State and City that there's a need for this. As a father of four, three of them adult children, they're finding it a tough time to find housing on Oahu so I imagine it's the same here on Maui. So, I just want to reach out to you and tell you that we support it, I support it, this project, and hopefully you do as well. Thank you.

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

MS. MATTHEWS: Our next testifier will be Matt Jun testifying on LU-2(5), to be followed by Mike Neubauer.

MR. JUN: Aloha. My name is Matthew Jun, representing Moss, the general contractor, but more importantly my eight-month-old son and my wife who was born and raised on Maui. I wanted to come today to show my full support for the Wailuku affordable housing project. I think everybody knows it's a fact there's an affordable housing crisis here in Hawaii, and to repeat, I strongly support this project. Thank you.

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

MS. MATTHEWS: Next testifier is Mike Neubauer, followed...testifying on LU-64 and LU-2(5), followed by Glenn Adolpho.

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MR. NEUBAUER: Aloha, Councilmembers. My name is Mike Neubauer and I represent Waikapu Community Association Board. As an association we have prided ourselves on not opposing every project that comes across the table but instead working together with the County and the developers to find solutions to any issues our community may have with proposed projects. This particular project has brought forth a lot of concerns, particularly with regards to traffic density, public safety, and environmental impact. One item that was made aware to us recently was the drainage system that runs through the middle of this property. On less than 15 acres of land, the project calls for 324 units, 661 parking stalls, 4 play areas, and 1 swimming pool, and a drainage system that is rated adequate to handle a ten-year storm. A drainage system that also brings runoff from Kehalani Mauka areas and we've had several 100-year storms in the last couple of years. So, what will happen to the units and the residents of this project when it gets built? I believe an EIS was never actually done for this project. And with that said and with all the other issues that have been brought up by members of our community, we've been working to find solutions that we can present to mitigate everyone's concerns. Here are three suggestions that could make this project a win-win for Waikapu and for our island. One, the County of Maui owns a lot of land, including 310 acres off Waiko Road, perhaps they can acquire this parcel from the developers in exchange for a similar parcel in a location better suited for this project. Two, this project is asking for a lot of exemptions. If it were to be approved, we should require it to be truly affordable housing, not workforce housing. Three, in order to be sure the units are being rented to those they are designed to help, a qualification should be made that to be eligible to rent a unit in this development, a tenant must provide proof that they currently work at least 30 hours per week for an employer of the island of Maui. Thank you for listening and taking into consideration our concerns. We believe together our Councilmembers, the developers, and our community can work together to make this project beneficial for our island.

CHAIR CARROLL: Any...

COUNCILMEMBER ATAY: Chair?

CHAIR CARROLL: Mr. Atay?

COUNCILMEMBER ATAY: Mr. Neubauer --

MR. NEUBAUER: Yes, sir?

COUNCILMEMBER ATAY: --can...would I...we be able to receive a copy of your recent testimony?

MR. NEUBAUER: I will send it to you.

COUNCILMEMBER ATAY: Okay, thank you.

CHAIR CARROLL: Any further clarification needed from the testifier? Ms. King?

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COUNCILMEMBER KING: Chair, thank you. Thanks for being here, Mike.

MR. NEUBAUER: Thank you.

COUNCILMEMBER KING: So, is your...the suggestion you had for the land exchange on Waiko, was that...you looked at that and that was something that you thought would be...would mitigate the traffic issues?

MR. NEUBAUER: The traffic issues, the drainage issues, the pedestrian safety in the area. I think it would mitigate a lot of situations that this project...look, we're not opposed to this project, what we're opposed to is mainly the location of the project. And, you know, honestly I'd love it to be all affordable housing and not workforce housing, but this would be a huge step in the right direction for our community and for the island really.

COUNCILMEMBER KING: Okay, thank you.

CHAIR CARROLL: Any further clarification? And I would like to note that Ms. Sugimura and Ms. Crivello have joined us for quite a while.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR CARROLL: Thank you.

COUNCILMEMBER SUGIMURA: Hi, thank you for being here. So, can you explain your third point?

MR. NEUBAUER: My third point.

COUNCILMEMBER SUGIMURA: Which is the work...did you say 30 hours --

MR. NEUBAUER: Yeah. So --

COUNCILMEMBER SUGIMURA: --a week?

MR. NEUBAUER: --you know, we get these rental complexes that are built and what is to stop anyone from renting them if they come here from the mainland or on vacation or whatnot? There needs to be some kind of rules in place, and if we were able to put some kind of a stipulation on it such as you're employed by the County, we know that, we know it's going to the right people, right? I mean otherwise who's it going to? Who's to say it's not going to someone that comes out here for six months from California? I mean we need to really take care of the residents of our community, and I think that this is an option that we can make this real, it could be legit. Just my two cents.

COUNCILMEMBER SUGIMURA: Okay, thank you.

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MR. NEUBAUER: You're welcome.

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

MR. NEUBAUER: Thank you.

CHAIR CARROLL: Next?

MS. MATTHEWS: Our next testifier will be Glenn Adolpho on LU-2(5), followed by Chris Barut.

MR. ADOLPHO: Aloha, Chair Carroll, Committee Members. My name is Glenn Adolpho. I'm a resident of Waikapu. I'm also an active member of the Waikapu Community Association, but today I'm here as a representative for our subdivision which is the Waikapu Gardens Homeowners Association which I sit on the board for. After review of this project, the Waikapu Gardens would like to submit a few comments for your consideration. First of all, we are very concerned about the location. We are not opposed, first of all, to affordable housing. We embrace that being an affordable housing subdivision but what we have a concern about is that location. The proposed location for this project is located at the corner of a very busy intersection. It will include three...I mean it will include nine three-story buildings on 14.4 acres of land with 324 units. This will be adding a very dense population of residents to an already congested intersection which is very concerning. Second, the traffic. The project will be built in the intersection of Kuikahi Drive, Maui Lani Parkway, and Waiale Road. During peak traffic hours there already exists a gridlock of traffic from these surrounding communities of Wailuku, Waikapu, and Kahului. Traffic is backed up, sometimes cars cannot even get through the stop lights, and just the other day the ambulance came down and couldn't get through. So, that's a concern is the location. Looking down the future, Waikapu has couple big projects coming up, projects like the A&B Waiale project which will include 200...2,550 units. The Waikapu Country Town which will include 1,400 units. Currently next to our Waikapu Gardens is our neighbors that started groundbreaking, that's the Waiale Elua Project that will have 70 homes. And then recently the Waikapu Development Venture project which is proposing 80 units. Total units for these combined projects will be 4,100 units, and they will all use Waiale Road. Eventually Waiale Road is planned to become the main thoroughfare for traffic in and out of Wailuku. And right at that busy corner you have this project. Again, I'd like to state for the record that we are not opposed to affordable housing, we want it done right. We think this a great project but we have an issue with the location of where it's at, and we think possibly scaling it back or swapping to a different area that would be more suitable and more spacious so that they can include parks and other things and not be crammed into a busy intersection which is going to be a challenge for residents living in that area to get out. Okay, thank you.

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

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MS. MATTHEWS: Our next testifier will be Chris Barut testifying on LU-2(5), followed by Autumn Ness.

MR. BARUT: Aloha, Chair, Council. I'm Chris Barut representing ILWU and working men and women of Maui County. I rise in support for this project LU-2(5). Being born and raised here on Maui I've seen, you know, cost of living on homes and rentals go up, driving men and women of Maui County out of our County ourselves. And as mentioned earlier, we would love to keep our working families here in Maui County. Sometimes they...I've known friends and families trying to make ends meet with two to three jobs and still not making ends meet, trying to afford a home, a place to stay or even food on table. So, again, I rise in support of this project, LU-2(5) and I ask for your consideration. Mahalo.

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

MS. MATTHEWS: Our next testifier will be Autumn Ness, followed by Bruce U'u.

MS. NESS: Aloha, Committee. My name is Autumn Ness, I am not...I'm testifying on...I forget the number, 2(5) maybe? I'm not for or against this project. I wanted to just give a little reality check to the Committee and ask the Committee to keep in mind for this and any project in front of you two questions, who are we building for and who are we asking to bear the burden of problems created when we grant exemptions? That's, we're weighing things, right? So, if we are building real affordable units and in return we're asking our community members to deal without sidewalks or to sit in traffic for an extra ten minutes each morning then maybe that's okay. Then maybe that's up to you and the community members to decide. If we're asking the community to deal with ramifications of a project that they will not be able to afford then that's a different story. I'd like to use myself as an example of who this project will serve. I'm giving my income details so I'm a little embarrassed but anyway. As three-quarter-time employee with an hourly wage that's pretty darn good, I'm about 80 percent of the area median income as defined by HUD. I pick up part-time gigs when I can but as a single mom that's hard. So, according to HUD, rent for someone like me at 80 percent of AMI is \$1,140 for a studio, \$1,221 for a 1-bedroom, and 1,465 for a 2-bedroom. I get two \$1,300 paychecks a month. At HUD rates, one of my full paychecks goes to rent for a one-bedroom. The catch is, landlords don't like to rent a studio or a one-bedroom to a parent and a child, they want one person per room. So, at HUD rates I'm expected to pay 1,465 for rent which is one whole paycheck plus another \$165 out of my second paycheck, leaving me with 1,150 of income for the rest of the month for my car payment, gas, electric, phone, food, and school stuff for my daughter. Even if I were able to rent a one-bedroom at HUD rates, I'm still paying 50 percent of my income to rent which the Federal government classifies officially as severely cost burdened. That's not affordable, let's be real. If I can't afford an apartment here on the lowest rent bracket of affordable units that are on offer, how is our hospitality industry workforce supposed to afford anything in this complex? And incidentally, I think there's only 33 units in this whole complex that are reserved for someone like me at 80 percent, the rest are more expensive. So, also the lower income

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end of the workforce who can't afford these is a huge part of the community that will be impacted by traffic problems. So, if all these exemptions are going to be granted then these units should be affordable to 60 to 100 percent of AMI residents so that the community members who shoulder the traffic problems can also reap the benefits of the project. As it stands right now, I don't care what HUD says, this is not affordable. And whether the County has to pitch in for some traffic improvements or however it has to happen, making these units cheaper is the only way this is really affordable. We need rentals desperately, what we don't need is rentals that are called affordable that no one that I know can afford. It's disingenuous unless this project comes down to, for example, 60 to 100 percent of AMI. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none --

MS. NESS: Thank you.

CHAIR CARROLL: --thank you.

MS. MATTHEWS: Our next testifier will be Bruce U`u testifying on LU-2(5), followed by Douglas Rogers.

MR. U`U: Good morning, all. Thank you for allowing me to testify. My name is Bruce U`u, a lifelong resident. I'm a Field Representative for Hawaii Carpenters Union, also I was a board member in Na Hale O Maui for eight years which a nonprofit organization, community land trust which builds affordable homes and manages affordable homes in perpetuity. I am for this project. I have my reasons for being, again, for this project. My son currently resides in the Kulamalu affordable housing up in Kulamalu and he's suffering. He is getting a hard time but he's making it. And I think what you get out of that part, you get the dignity. He was in my house until he was 29. And I don't know if it affects everybody the same equally as it does me. We get three generations in my house, seven grandkids, all six live with me at one time. That's the difference we feeling. So, there's a cost burden for anywhere and you can compare market to affordable, but the other burden is the social burden on raising kids among kids in a house. And that's what we gotta take into consideration. My mom had the hardest time having a check at \$200, low-income housing, every 2 weeks and the rent was 200. But because you have that pride of ownership and you get dignity instilled in you, by having ownership that gives you the drive and the compassion. You cannot be one man under your father's roof. That was my son. Tried, it's hard. Magnify that by four. I get four nephews in my house. If you are in traffic in your car, you the problem. I had a problem in Paia, traffic, I'm part of the problem so I cannot go against people by saying we going get one traffic situation or potential traffic situation as I sit in my car 'cause I get one option for bike or walk. I cannot use that as one scapegoat to say traffic is an issue. I never would succumb to hearing or listening to people say that the inconvenience of traffic, yeah, surpasses that of the need for affordable homes. I never think that should be...we should never step back from saying what is a necessity and what is an inconvenience. In leaving I'd like to say, in ending, simple, don't let good get in the way of perfect. Approve this project. Thank you very much.

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

MS. MATTHEWS: Next, we have Douglas Rogers testifying on LU-2(5), followed by Livit Callentine.

MR. ROGERS: Good afternoon. I'm Douglas Rogers, I'm with Moss Construction. You've heard three of my folks here today, Jonathan Kam, Mark Finucane, and Matt Jun. And respect to the Council and the Chair, Mr. Craig Hirai. Moss Construction is a builder of affordable housing, and we build on this island, on the Big Island, in Hilo, and believe it or not on the Kona side, and obviously on Oahu. And I can tell you that it's easy for folks to come up and say I love affordable housing, but this is not the right location and you need more of the affordable ones. And we work very, very hard with all of the developers that want to do that. And I can tell you that the majority of the developers that we sit down with and try to budget a project are not able to pencil the project out. So, there is give and take. And in this particular case and the number crunchers can debate, there's a third, a third, and a third. Now, it's very, very difficult to achieve those goals. And I don't know what the magic bullet is. If I was I might be a developer. But from our side, what our commitment is and we're not the builder of this project, we're a potential builder, we're working with the developers. But our commitment is we go into a community, yes, we're not from that community but we work with all of the union contractors, subcontractors in each of the areas. We know that we're...by doing that we're going to get well trained local workers. And these developers have been very honest and open and honorable people. So, I'm asking you to support this project, and we would welcome the opportunity for any questions or any other comments. Thank you.

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

MS. MATTHEWS: Next we have Ms. Callentine testifying on LU-2(5) and LU-64, to be followed by Albert Perez.

MS. CALLENTINE: Good afternoon, Mr. Chair, and welcome back. And good afternoon, Members. Thank you for allowing me to testify today. My name is Livit Callentine. Wailuku has been my home for over 15 years and I own and live in a workforce unit near this project in Kehalani Gardens. I'm also a certified land use planner and I'm a Senior Planner with the County of Maui, Planning Department, and I am testifying here today on my time because I feel strongly about certain aspects of this project as proposed. I'm in favor of this project and affordable housing of course, but I do have some concerns about the impacts this project as proposed will have on the surrounding communities. Traffic impacts have been brought up, let me give some context. Traffic backs up along Kuikahi during the morning and afternoon rushes and on weekends. Usually different populations but it really backs up. I've heard tell that it takes two to three cycles of the traffic signal to actually make a left turn from Kuikahi traveling east and you, making a left turn onto Waiale which many people do to get to town or to get to childcare or to shopping, to the hospital. Waiting three or four signals of a light on Maui is just, to me is just unheard of. With the addition of at

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least 300 cars from this project, coupled with the thousands and thousands and thousands of projects that are already entitled in the surrounding area, I'm very concerned that our roads will be completely overwhelmed and it will exacerbate the congestion on both Kuikahi and Waiale Road. The project proponents should consider establishing the main entrance to the project as a fifth leg going onto the Kuikahi-Waiale Intersection. This could be accomplished by changing the existing traffic signal at Waiale and Kuikahi to a roundabout. Many roundabouts are created in other parts of the world with multiple...more than just four roadways entering into the roundabout. Once you start the roundabout movement, you can really put in as many legs as you wish to. At the very least if you don't want to find a way to fund a roundabout, limit egress and ingress on Waiale Road to Waiale Road or limit access off of Kuikahi to right-turn exits only. That's, it's just going to be a nightmare where it is. There's no signal at the current entrance. It's absolutely going to be impossible with traffic, and people walking across the street to go to the store is terrible. Visual impacts, the County has of late established a...so that's my first testimony.

CHAIR CARROLL: Please conclude.

MS. CALLENTINE: Well, I have the other testimony so I'm going to just continue with my other three minutes.

CHAIR CARROLL: Oh okay, you're going to give the other ____ now on the other item.

MS. CALLENTINE: Yes.

CHAIR CARROLL: Proceed.

MS. CALLENTINE: Thank you. Maui County as of late has established a disturbing trend to approve projects that provide only partial views seaward and towards the mountain. View corridors are not the preferred means of preserving views. Preserving the views is the preserved...the preferred means of preserving views. The project proponents could easily preserve views and provide the proposed number of units if rather than reducing the number of stories, they grade the site to lower the overall building heights. As areas become denser as in the case with Wailuku, views, parks, and open spaces become extremely important for relieving social pressures from living so close together. A previous testifier alluded to that in his own home. When you start putting people closer together, pressure builds up, crime builds up. These things can be mitigated but they need to have...we need to have open space, parks, and views to mitigate some of that pressure. Internal and external connectivity, this project should provide sidewalks and pathways within the project, and I don't see that it does at all on the plans I've reviewed. Sidewalks and bike paths should be provided around the perimeter of the project. Walking and bike paths should be provided to connect this project to adjacent neighborhoods. At the very least if this Committee doesn't seek to recommend a redesign of the project, please require the applicant to provide a lighted crosswalk signal at the proposed entrance to the project across from the Longs and Foodland center on Kuikahi. Lighting in the area, the applicant has said they're going to be putting lighting within the project, but Kuikahi at night is pitch black. There

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has to be lighting on Kuikahi. I don't know who provides it, whether this project will provide some it, but that's got to be taken into account 'cause we're going to have a lot more walkers in the neighborhood. Fifthly, this project doesn't provide any elevators. It's a third floor...three floors, you need to have elevators to get up to the third, second and third floor. How you move a couch up to the third floor without an elevator? It's going to be hard. And the, and then number six and the schools right now are overloaded. Just, I just learned that Puu Kukui School has just added portable trailers to its site to accommodate too many students overflowing. I don't know where these students are going to go, but that's a problem that if we don't address it now we'll not...we'll...I don't know when it'll be addressed. You know every project leaves...built, that we build leaves a lasting impression. Please help this project's impacts be all good, not just partially good. Not just solve the money problem, put it into the context of the entire community. It's dense...and that's my time. Thank you very, very much, Mr. Chair and Members.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Ms. Callentina [sic].

MS. CALLENTINE: You're welcome.

COUNCILMEMBER KING: Do you...did you attend, were there any community meetings that you were able to attend to bring these ideas forward to the developers?

MS. CALLENTINE: I was not able...I was not aware of any community meetings but I do understand they have been held.

COUNCILMEMBER KING: Okay.

MS. CALLENTINE: Actually, I take that back. I did attend a meeting at the Kehalani Community Association, there was a meeting. And the circumstances were a little bit less than ideal for receiving comments, no one's fault, but the screen was far away, you could barely see it. There was no pre-advance notice of, I mean like information about the project. So, we just got a really brief overview and it was kind of like one agenda item among many and it really didn't get comments from the Kehalani Community Association, nothing significant, certainly not to the extent that I've just commented because I wasn't aware of all these components. If you just see the project, looking at the plan and looking at the specifications, you see okay, great, 324 units, let's go, and I support the creation of these units but only in the context of the greater community and the impacts.

COUNCILMEMBER KING: Okay, thank you.

MS. CALLENTINE: Thank you.

CHAIR CARROLL: Thank you.

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MS. MATTHEWS: Next testifier will be Albert Perez testifying on LU-2(5), followed by Ivan Lay on LU-2(5).

MR. PEREZ: Good afternoon, Chair, Councilmembers. Albert Perez, Maui Tomorrow, testifying on LU-2(5). I really liked the previous testifier's points. I just wanted to comment on one of them. Actually, I really like the solutions for the traffic because I don't know...I didn't know how people were going to get out of the Waiale exit and turn left to go over towards Kuikahi if it's all the way backed up. It's already a big problem, so I like the solutions that were proposed by Ms. Callentine. Maui Tomorrow supports truly affordable housing. But Maui County citizens deserve better than what is being offered here. We urge you to place additional conditions on any approval. The other proposal for the views that Ms. Callentine made, I would have an issue with it because if you're lowering the grade of this project, you're going to be running into the fact that this is already a drainage parcel for many other parcels up mauka. And if you go to the last page of the testimony I submitted, it shows you that there are drainageways coming all through the project. And with the 100-year storms which are happening much more frequently now than 100 years, the developer has actually proposed to put up some kind of a wall or a levy or a combination thereof that would just barely take care of that 100-year storm. If we get more than a 100-year storm, you're going to have flooded apartments and undermining of some of these buildings. So, I'm very concerned about that. Mr. Mayer talked about the percentage of these that are truly affordable, and we define truly affordable as median income or less. So, a family that makes \$84,000 or less which is actually quite a bit of money for most of the people who need this housing, there's only 34 percent of the homes in this project that are going to be providing...that are offered at that price. So, Maui County has a public interest in providing truly affordable housing, and we feel that the County should be helping out with monies from the Affordable Housing Fund to make it pencil out for the developer. We keep hearing it doesn't pencil out, let's help them do that. That's in the public interest. Some of these conditions that were deleted we would...we were hoping that the County would kick in for. The one that bothers me, I don't know why you would build a sidewalk without curbs but that is what appears to be the proposal. And that's going to place our children at risk. The other thing as far as our keiki is that it has four small play areas ranging in size from 1,200 to 2,000 square feet. That's really insufficient. For a project this size you should be having at least 36,000 square feet of play areas. So, if they don't have a place to play, they're going to play on the sidewalks, into the drainage ditches, or in the street. Anyway, let's commit to giving Maui residents a truly affordable neighborhood in which they will want to live and raise a family and not just make them live in some leftover place that was left for flooding. Thank you.

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

MR. PEREZ: Thank you.

MS. MATTHEWS: Our next testifier will be Ivan Lay on LU-2(5), to be followed by de Naie.

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MR. LAY: Good afternoon, Councilmembers and distinguished Chairman Carroll. Thank you very much for letting me testify this afternoon. Couple of issues here. Well, I'll give you a little history about myself. After I graduated from school, I ran away...I mean I moved out of my house and I moved into an affordable rental. This helped me to grow, it helped me to learn about paying bills, helped me to learn how to share time with your partner fully. It's a time when you become the person that you are. This cannot happen when it...you got children, grandchildren all living in the same house and that's what's happening nowadays. We have to help to make this affordable housing or apartments available. Traffic, the big, big thing, big issue right? I live in Haiku and I work in Wailuku, that means I drive from Haiku all the way to Wailuku so I'm a traffic problem from Haiku all the way to Wailuku. If I live in Wailuku, I'm just a traffic problem in Wailuku, that's it. That's the only traffic problem I am. All the rest of the way I'm not there, I'm not the traffic problem. If we can get the people in Wailuku where there's schools, there's churches, there's stores, there's hospitals, there's doctors all in an area that they can reach very easily, it's called smart growth and that's what we're working on, smart growth. Where people have the choice to walk, bicycle, catch a bus and not have to drive there. I mean traffic is not the issue because you're relocating people on Maui into this area that they want to live where they have their work, they have their school, they have everything available to them. It's an important issue because that would solve it. You're taking away all that traffic that's out there, put it in an area that has everything that they need so they can walk and go and take care of it. Okay. The people that we moving into this apartments are not the people from the mainland, they probably won't be, they'll be our local people. You're supporting our local people here by making affordable apartments for them. The law of economics, the more we have, the more the pricing come down. We have to start somewhere. We can't just say no, no, no, no and the price always stays high. We have to start building so we can bring affordable housing down or apartments, affordable rental apartments. And for me when I was on my own, it gave me a chance to save money too, to work and strive for my goal. If I can save money to build my house that I dream of and I have to live in affordable apartments, I'm going to do that to reach my goal. We have to give this chance to our children. Right now they have no chance. They're with us, they're in the house, they're comfortable, why move right? Stay at home. But if they have a chance to move out from the lordship Ivan Lay, I think they would. Okay. But let's give our children a chance to get affordable rentals out there. we have to start somewhere and this is a good start. And like I said, the more we have out there, the more availability it is for everyone and to bring the price down. I urge you to push this project forward, it's the...it's one of the first, it's a good step. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier?

MR. LAY: Thanks.

CHAIR CARROLL: Seeing none...

MS. MATTHEWS: Our next testifier will be Lucienne de Naie testifying on LU-2(5) and LU-64, to be followed by Mitchell Skagerberg.

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MS. de NAIE: Good afternoon, Committee Members and Chair Carroll. My name is Lucienne de Naie, I'm testifying as a private individual. I'd like to begin on the LU-64, the community...the district boundary amendment. Of course as you all know there are criteria for district boundary amendments even if they're being processed on small parcels by the Council, the criteria do need to be met. And one of those criteria is looking at impacts to cultural resources. I'm not sure if folks had a chance to read the OHA comments that were in the Environmental Assessment for this project, but they had concerns that a portion of this site is sand dunes. As we know sand dunes are places that are very commonly inhabited by pre-contact burials. In fact burials were found right across the street at the homeless resource center when it was being built. Hundreds of burials were found in Maui Lani across the street, especially in the center of Kuikahi Drive as it was being extended. So, this is an area known for burials. OHA did not get their comments very well satisfied. They asked to know if trenches were dug in that area and, you know, more information. They were told that they'd get that information bumbye when there was a monitoring report. It just seems that if the project is going to, you know, be in conformance with the criteria for district boundary amendments, even though our State Historic has signed off on the archaeological survey, that says nothing here, they sign off on lots of surveys that say there's nothing and then we find that not to be true. That's just unfortunately a fact of life. So, there probably should be a little bit more done here before the bulldozers show up so that there aren't surprises, and that could be a condition of the boundary amendment that there just be specific testing in the sand dune area in order to determine if there's going to be any impacts to burials. Then switching to the general agenda item, LU-2(5), once again returning to the OHA comments. OHA was extremely concerned as many in this room are with just a very, you know, clear metric, and that is that our research shows that 91 percent of the rental housing demand on Maui is for rental units at or below 80 percent AMI. And 80 percent of that rental housing demand is at 60 percent of AMI. So, OHA is saying they're concerned the proposed project does not adequately address the need for affordable housing that's really affordable to real people in Maui. I noticed when I read the original EA, there was a report in there that said, you know, if these units don't rent, you know, you can always use them for the vacation market because they're small and they're in a good location. And of course in the subsequent iterations of this document, it was said like oh well, that's never going to happen. Oh, we don't know why that consultant said that. Well, maybe it was an economic truth that's being put out but it's something that I think is really food for thought. If the majority of people cannot afford the majority of the units, even though they're built is it helping the majority of people that need affordable rentals here on Maui? And if not, what can this Council do to make it better? I'm also concerned about the drainage. This lot was Ag in the community plan because it has all the drainages from this mountain coming down through it from two other subdivisions, large subdivisions. And I don't think any plan was ever put in place to calculate the drainage from a high-impact project on this site into the basin where it goes, if there's no capacity in that basin for large storms from hardened surfaces that were probably never anticipated on this site when Kehalani designed its drainage basins. And this drainage has to go to the Kehalani drainage basins along with all the drainage from

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Kehalani. If it overflows, it goes to the Wailuku River. So, really, we should think this through. Thank you.

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

MS. MATTHEWS: Our next testifier here is Mitchell Skagerberg testifying on LU-64.

MR. SKAGERBERG: Good afternoon, Chairman, Councilmembers. It's good to be back here. I live in Waikapu and I remember three years ago, we had all of you were with us, most of us had a meeting about keeping the unique character of Waikapu there, you know, here. And what I've heard recently is there's a lot of moving more traffic towards Waikapu. And so that's a concern that I would like you to look at. Secondly, I'm up early in the morning and I've noticed in the last five weeks or five months the incredible problems the kids are having getting to school. I taught here for some years. And I know when it starts getting the students to the schools late, it creates a lot of anxiety for the teachers and for the parents and but most importantly for the students themselves. It seems to me I am...I got affordable housing. Thank God for the climate of that six, seven, eight years ago. So, I am for affordable housing. But so much has been shown, there's other locations. We're a pretty big island and I would ask you to really start looking at other locations. Also, I know a lot of the land that we're looking at in the future development is A&B. At some point, we're going to have to form a coalition and sort of a consensus with A&B so that really we can put affordable housing, thousands of affordable housing to our up-and-coming children and uncles. And I would like to see if you could do that more effectively rather than saying well, A&B won't do it. The other thing is we were...we have a lane from Waikapu Gardens all the way here, and we were supposed to do a path there, a bike path and a walking path. That would add to getting some of the cars off the, you know, of the main drag right now. The kids all have bicycles. They're old enough to go so we might complete that 'cause that was supposed to go to Wailuku Town, and I don't think it would cost much money. But as the way the housing request is now I would ask you to reject it, go back to the driving board. And thank you again.

CHAIR CARROLL: Any clarification needed --

MR. SKAGERBERG: Any questions?

CHAIR CARROLL: --from the testifier? Seeing none, thank you.

MR. SKAGERBERG: Mahalo.

CHAIR CARROLL: We're going to now check with the remote sites. Hana, do you have anybody waiting to give testimony? Hana?

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

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

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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 waiting here waiting to testify.

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

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Proceed.

MS. MATTHEWS: That's all, Chair.

CHAIR CARROLL: Yeah. Do we have anybody else waiting to give testimony?

MS. MATTHEWS: No, sir.

CHAIR CARROLL: Alright, we have no one waiting...signed up in the Chamber or on remote sites. Is there anybody wishing to give testimony now that has not given testimony? Please come forward. Seeing none if there's no objection, we will close public testimony.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

. . .END OF PUBLIC TESTIMONY. . .

ITEM LU-2(5): AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (WAILUKU APARTMENT RENTAL HOUSING PROJECT)

ITEM LU-64: DISTRICT BOUNDARY AMENDMENT FOR WAILUKU APARTMENT RENTAL HOUSING PROJECT (CC 18-303)

CHAIR CARROLL: We have the two items that we'll be hearing, LU-2(5), Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Wailuku Apartment Rental Housing Project) and LU-64, District Boundary Amendment for Wailuku Apartment Rental Housing Project. We're here to consider a proposed application for the development of the proposed Wailuku Apartment Rental Housing Project, pursuant to 201H-38,

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Hawaii Revised Statutes, on property identified for real property tax purposes as tax map key (2) 3-5-001:064. The application, prepared for Legacy Wailuku LLC, is for the development of 195 affordable units and 129 market-rate units on approximately 14.4 acres bordered by Waialae [sic] Road, East Kuiahi [sic] Drive, and Honoapiilani Highway, Wailuku, Maui, Hawaii. As proposed, the development will include nine residential structures, one recreational and leasing center, four outdoor play areas, a pool, and a community center. The community has received three proposed...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 related to planning, land use designations, construction standards for subdivisions, and development and improvement of land, and infrastructural requirements, authorized by Section 201H-38, HRS. The Council's 45-day deadline to act on the project is November 18, 2018. If the Council fails to act by that deadline, the project will be deemed approved as submitted. The Committee will first receive a PowerPoint presentation on the application. Members, the Chair would like to request that Linda Schultz [sic] of Schultz [sic] Collaborative and design [sic] be a resource person pursuant to Rule 201(A) [sic] of the Rules of the Council. She is a principal of the consultant of the developer. She has a number of consultants here with her this morning including the project's development planning consultants, architects, engineers, landscape architects, archaeological, and attorney. I would like to ask that she...first of all is there any objection to having her as...

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Thank you, so be it. I'd like to ask that she identify them for the record and the Members have no objection that they all be designated as resource persons pursuant to Rule 18(A) of the Rules of the Council, having special expertise in the various aspects of this project.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Alright, so be it. Alright, please come forward. And can you identify all the ones that I...for the record?

MS. SCHATZ: Yes. My name is Linda Schatz and I'm a principal of Schatz Collaborative, a representative of Legacy Wailuku LLC.

CHAIR CARROLL: And those that, the people that I named that you brought that we have recognized as being...

MS. SCHATZ: We have Janine Clifford today from Clifford Planning and Architecture; Darren Unemori from Warren S. Unemori Engineering; Vince Bagoyo, from Bagoyo Development Consulting Group; Michael Munekiyo and Erin Mukai from Munekiyo Hiraga; Lisa Rutondo from ASH Maui; Tyler Fujiwara from Austin, Tsutsumi and Associates. We also have today Ken Hirai [sic] from HHFDC. And Tom Welch from Mancini, Welch and Geiger.

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CHAIR CARROLL: You may proceed with the presentation.

MS. SCHATZ (*PowerPoint Presentation*): Good afternoon, Chair Carroll and Members of the Committee. We are very excited today to present this project before you. I think it's been the last 18 to 20 months of work with the community to try to make our initial proposal even better. And so today's a culmination of that. The project is located near Waiale and Kuikahi right across from Foodland. It is on 14.4 acres with 324 units, 661 parking stalls. Sixty percent of the project is proposed to be affordable. As you know 201H projects are required to be 50 percent plus 1 unit affordable. We are committing to a 30-year deed restriction as required by 2.96. State land use district, County zoning, community plan are all Agricultural designations. And the Maui Island Plan, we are under...within the urban growth boundary. You can see here and actually let me point this...pointer...hold on. Oh, I guess the . . .(*inaudible*). . . You can see here where the star is located, this is where our parcel is, and I just wanted to give you a larger overview of the area. The urban growth boundary is marked by this red dotted line here, and we are flanked by our neighbors, the Waikapu community as well as Wailuku and Kehalani and Maui Lani. Some of the project highlights that I want to share with you is that if this project is approved, it's going to be Maui's first privately financed workforce rental project in almost 30 years. Forty-three percent of Maui's households are renters. Maui needs roughly about 3,000 housing units in seven years that are within the 80 to 140 percent AMI bracket which is the workforce bracket. Our project would meet only 10 percent of that current housing demand. Three hundred twenty-four percent of our units are a mix of studios, one-bedrooms, twos, and three-bedrooms. We do not require, we're not asking for any direct funds from County, State, or the Federal government. The State agency, Hawaii Housing Finance Development Corporation who's here today with me is the agency that processed our Environmental Assessment. They issued us a findings of no significant impact on July 3, 2018. And on August 15, the HHFDC board approved us to move forward for submittal to Maui County Council. Our project vision is very simple, and it's really to bring the workforce housing for essential workers, that's your firefighters, your policemen, your teachers, your nurses that ought to be better rewarded in our community. They're really the community's backbone and they should live in our town because they service us with our most dire needs of health and education. We need to meet 22,000 renter households in the area, and we have to also look at fighting the hidden cost of the lack of housing in our society. Maui County has one in five households that are overcrowded and oftentimes as you've heard before from testifiers, these conditions actually affect children. And it's been known, there's a lot of data showing that secondary educational attainment drops significantly in crowded households. And the other vision we have is that through this project we have to give representation and voice to renters, to our future residents, because many of them are working very hard on two or three jobs just to make it work. So, to take time here today to speak is very tough for them just because they're making ends meet. We do want to share with you the proposed distribution of the AMI rent ranges. They are in the three categories here 50 to 80...51 to 80 percent AMI as required by 2.96, the low-income category which are 55 units; fifty-five units at the below-moderate income, 81 to 100 percent to area median; sorry. and the third being 101 to 120 as required by

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2.96. So, that 201H is 50 percent plus 1 unit that's required by State statute, and those three income categories are divided one-third, one-third between that 51 percent. The remaining 9 percent here under the above-moderate income category is 30 units and that totals 195 units of affordable restricted for 30 years at 60 percent of the units. We are leaving 40 percent of the units, that's 129 units market rate, open to the market. We are committed to doing long-term rentals so a minimum of six-month lease. We are not interested or nor want to do short-term rentals at all because this is homes for local families. We have this mix to help cross-subsidize our affordable units, so we do need the 40 percent market-rate rents to cross-subsidize our lower rental units that we're promising in this project. We are also because of HHFDC is a _____ project, we will be following their rent protocols, their rent guidelines, and their qualification rules as well too. They follow HUD income guideline limits. We do want to share with you, I think this project is a little unique in that most 201H projects go through the Department of Housing and Human Concerns. We did go to HHFDC because of a very specific reason, there are two HUD income guidelines that exists, one is Section 8 which DHHC follows. And then there's what HHFDC follows is the Multifamily Tax Subsidy Program Limits. They're both by HUD. They're two different HUD programs. From a private sector standpoint, we...using the HHFDC rent income guidelines helped to make the project feasible. And so Maui County guidelines are appropriate for targeting different market segments such as affordable for-sale housing. But under consultation with HHFDC and DHHC, it was best to follow the HHFDC rent guidelines and income qualification process which still according to 2.96 we have to follow HUD income guidelines and we do. Just to talk a little bit about the location again. We are located right at that star here. I think what I'm going to do is come up for a second and shut this off. So, we are located right here and as you can see these are quarter-mile radiuses from the site. Five, 10, and 15 minute walking distances from services such as the grocery store, the Maui Bus stop which is less than ten minute away, Puu Kukui Elementary School. And so and a lot of other job centers are within the five or ten-minute distance from this area. So, in terms of location and efficiency, it's a great place to have a multifamily project because a lot of our renters will actually take the bus. A lot of our renters, their families or kids will walk to school rather than get in a car and drive their kids to school. And so when you look at a multimodal system to avoid having people get into their cars early in that morning, this is a great location 'cause they can walk to work, walk to school, and access public transportation as well. They have choices. And when you're at that rental income range, having choices makes a world of a difference in terms of quality of life. I do want to bring out that because we're near these larger employment centers, I visited with UH Maui College, Hale Makua, Maui Memorial. They all told me that they have a hard time hiring people right now and to have them stay. So, teachers, nurses, healthcare professionals, certified nurses for Hale Makua to treat our seniors, they have a hard time staying in Maui, because they can't find a place to live and the cost of living. And so when I shared this project with them, they thought that it would really help to retain talent. And again, those are the hidden costs that we pay when we don't have affordable adequate workforce housing just for the essential workers in our community. Our project has as someone had mentioned nine buildings, three stories tall. We have two parking stalls per unit which follows the A-2 zoning design standard codes. So, we're following building codes. We have a

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community center with a small leasing office, recreation room for the community, and a pool, and four scattered play areas throughout. This is that drainage area that was mentioned earlier, and we have our expert witness is Darren Unemori who can just talk a little bit more about our drainage features on the site and how we're adequately meeting those requirements. We also importantly have two access points, one located on Waiale and one located on Kuikahi which is really important for dispersing ingress and egress traffic through the site knowing that the community is very concerned about traffic. This is the play areas here, just to give you a rendering, and of course we have, our architect here can give you a little bit more information if you're interested in knowing a little bit more about these play areas. This is a building floor plate showing the typical floor plate for a building. And the height, we're 36 feet and 7 inches tall. We're not even as tall as the Foodland across the street. We are also, took much care in thinking through the grades on the site and following the sloping grades to make sure that we took the highest buildings at Honoapiilani Highway and actually set them in one floor into the ground to minimize obstruction of views. This exists today on Honoapiilani Highway looking towards Kuikahi, and this is what will...you'll see once our project is...if our project gets to be built. It is...on the highway you'll only see two stories popping up, very similar to the many of the two-story homes in the neighborhood that you see if you drive around the area. This is on the corner of Kuikahi and Honoapiilani Highway looking at Haleakala as it looks today. And this is what it looks when our project is built. And again you can still see the mountains in the back. We will...we do understand, we've heard over the last 18 to 20 months so much concern about traffic, and we took it to heart to really try to address the traffic increases that we create on our site. So, here's a diagram of the regional traffic and again we'll have Darren and Tyler answer the questions specifically, and we can bring this chart back up to go over the specifics on the regional improvements in the area and then also what we're going to be proposing. Traffic mitigation, this is a site plan that shows what we will...what we'd like to do. I think that we heard a little bit about whether or not we were doing sidewalks or not. We are proposing an at-street, at-grade sidewalk. Exemptions 5 and 8 are required to allow us to create this design on Waiale Road and Kuikahi. We have an at-grade sidewalk and bike lane and a pretty large buffer from 9 to 15 feet depending on which side of the street you're on, away from the traffic to the edge of the at-grade sidewalk. So, the buffer distance is actually further than if you were to do a typical standard that County requires which is only five feet. We are also offering because we heard pedestrian safety is important, we took it to heart, we actually know that this cross here to Kehalani Village Center is really critical. Kids cross here and we don't want them flying across Kuikahi. So, we would like to propose a flashing pedestrian yellow beacon here. When someone wants to cross, they press the button and these flashing lights will slow down cars flying down Kuikahi so pedestrian can walk across safely. Adding a traffic light here was not possible just because the other two intersections have traffic lights, and we also want to address the fact that we didn't want to slow traffic down. So, this is a typical cross section. And again we can share that in more detail with all of you with our expert resources who can speak to the design. We have actually done a lot of drone video studies of the area. The tensivity of the traffic is really around 30 to 40 minutes in the morning, and we're sharing some screenshots to show you that, you know, we're not trying to say there isn't any traffic, there is, but it is this short duration of time when

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everybody is going to work and going to school. So, from 7:00 to 7:30 it looks like this. We're at Honoapiilani and Kuikahi, Waiale is in the background there. At 7:30, after 7:30 roughly, traffic starts to back up and you can see it on Kuikahi going to, through Waiale Road. And then 7:40 to 7:50 this is what it looks like . . .*(inaudible)*. . . We understand and we acknowledge it. We've been trying to meet with the community and trying to understand what the issues are. We have increased traffic from our project and Tyler can talk a little bit about that. It's roughly...the TIAR notes that it's roughly 2.5 percent increase on the intersection at Waiale and Kuikahi and 1.5 on the highway and Kuikahi here. We are mitigating for the increase that we create. And because we're an affordable project, we can mitigate what we put into the community because of our project, but we cannot solve all of the regional issues that are out there because we are just one project. We did want to also make sure that we shared a-- just to remind everybody it's that morning peak period--little drone shot of what it looks like 7:15 to 8:10. And so roughly this is sort of the, a typical school day where you happen to have that intensity of traffic on Kuikahi. And we do know that in the afternoon during after work when people are getting off of work it's on the Waiale side. So, this is towards the middle and then you can see cars queuing up at around 7:40 or so. And then as we reach towards the end of the video, it kind of starts to lighten up around, right before eight o'clock or so. So, and then, Councilmembers, you have a link to the website if you want to take and study this a little bit more, but we did offer to have this available for you folks. So, lastly, we do want to tell you about all the community outreach we've done. We've done over 60 meetings for the last 18 months with different agencies and different individual stakeholders. These are just the community stakeholders that we met with. There's a very, very long list that I can share with you. But it's been a long list. And the EA that we have we actually submitted twice and had two public documents published and out into the community for comments twice. And we also had an early consultation on the Environmental Assessment to grab as much early consultation as we can. So, we've been trying to do as much listening and balance the needs of our future residents and balance the needs of the existing community as well. And then lastly, just to share you, share with you the project timeline in terms of if we receive the approvals in December, we could start construction as early as April if permitting and design goes all on time. And first move-ins could happen in November of 2020. And what's important to note is that we would be offering the affordable units first. We're delivering that first affordable units of 36 units first, then we would deliver a ____ set of market-rate units, and then again another set of 36 affordable units. So, the affordable units will always comes first in terms delivery and lease up. Thank you.

CHAIR CARROLL: Thank you. Members, it's just a few minutes after 3:00. We're going to take our afternoon recess. Please try to be back in ten minutes. Okay. For those who only have digital, ten minutes is when the big hands goes a little bit pass the two. Thank you. We now stand in recess. . . .*(gavel)*. . .

RECESS: 3:02 p.m.

RECONVENE: 3:22 p.m.

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CHAIR CARROLL: . . .*(gavel)*. . . This Land use Committee meeting will come back to order. Alright, Members, first of all I would like to...our Executive Director of the Hawaii Housing and Finance Corporation [*sic*] and our manager of HHFDC to comment if they have any comments they would like to bring up at this time.

MR. HIRAI: Thank you, Chair. I'm glad to be here. This...we...the reason we're moving this project forward on Maui is...or bring it to you for your approval is because this particular income group is particularly difficult to build for and service. The low-income housing tax credits I think which some of you may be aware of target the 60 percent AMI group and less. And we have currently 158 low-income housing tax credit units under construction, 38 senior units at Hale Mahaolu Ewalu at Kulamalu, 120 family units at the Kaiwahine Village project in Kihei. We are pending closing on 186 family units at Kenolio Apartments in Kihei. And we have...are pending 82 senior units at Kahului Lani. Also, as some of you were here...well, all of you were here yesterday, the Front Street Apartments is targeted toward low-income, the same income group, 60 percent AMI or less because that's a former low-income housing tax credit project. And the proposed, our proposed Keawe Street Apartments would also be 200, proposed at 200 family units at 60 percent AMI or less. That's another low-income housing tax credit project. So, I'd just like to reemphasize that this 80 to 100 percent AMI group or actually 50 to 100 percent AMI group, especially 60 to 100 is a relatively, well, it's a very difficult income group to service and to build rentals for because most of the subsidies are targeted for 60 percent AMI or less. Thank you.

CHAIR CARROLL: Alright, Members, do you have any clarification or any questions that you would like to ask them at this time? And they will be here so as we go through the other things that might be pertinent that you needed answers for, they will be available. But I just wanted to go through that right now in case anybody has any questions at this time. Seeing none, we shall proceed with Water now. Thank you. Could Water please come down? Yeah, Wendy. Alright, Water, do you have any opening comments about this application?

MS. TAOMOTO: Let me scoot over. Hi, Chair, good morning or good afternoon. Sorry, we don't have any comments, we're just available to answer any questions. I'm Wendy Taomoto, Engineering Program Manager, and with me is Tammy Yeh, District Engineer for this area. Thank you.

CHAIR CARROLL: Alright, Members, is there any questions for Water, water availability?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And so this project does have adequate water, County supply?

MS. TAOMOTO: Thank you. Thank you, Chair.

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CHAIR CARROLL: Yes.

MS. TAOMOTO: For the current 2018 year based on the water demand they need...let me just back up a little. Based on our current admin rules that we passed, you know, this past year, I mean the other year, and the current status of the 2018 request, they have water for 2018 analysis. In 2019 another analysis gets done on the three-year projection, so based on the Council's approval happening before the end of this year is my understanding that they will meet the requirements under our admin rules which requires the project to secure their land entitlements before the end of December say. If they secure it before the end of December of this year, the current admin rules, our current maximum reliable capacity determination would allow this project to make a meter reservation for this project, securing water for this project for three years.

COUNCILMEMBER COCHRAN: Wait, sorry. Securing water for this project for three years, what do you mean?

MS. TAOMOTO: A meter reservation means that the...before a meter is installed, the project needs to be constructed, the waterlines need to go in, the fire hydrants, everything needs to be inspected, tested. Once all that occurs and any land...actually not land dedication, just final inspection, the water...we're going to determine that the project is ready for water service and we will then approve a water meter installation. Once the water meter installation is approved and the paperwork is done, the reservation turns into a water service request and the project isn't subject to the three-year termination clause for the two-year with two six-months on the meter reservation extensions. So, it's secured. Otherwise, if you recall, water meter reservations have a life expectancy of two years with two six-month extensions that can...is approvable by the Director under the current Maui County Code. So, they would have to, if they take a reservation, complete the construction and get final inspection on anything related to water within two years with two six-month extensions approved.

COUNCILMEMBER COCHRAN: Okay. I'm trying to figure out what their timeline is. So, but you said they need to get all entitlements by the end of this year?

MS. TAOMOTO: The 2018 water availability determination allows projects that have a water demand 120,000 gallons or less to apply for a water meter reservation or obtain water service if they're ready. In 2019 on January 1st, another analysis will be done based on the 12-month average of the 2018 consumption. And at this time, it's only October and I'm not going to be able to speculate or willing to speculate what the status of the...of the status or the analysis of water availability will be on January 1, 2019, because we have three more months to add to the 12-month moving average.

COUNCILMEMBER COCHRAN: Okay.

MS. TAOMOTO: So, if you guys recall, so some of you may be familiar with our water availability and have reviewed it, there's tiers and this is the current tier they're in which is the 120,000 gallons tier, gallons per day tier.

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COUNCILMEMBER COCHRAN: Okay.

MS. TAOMOTO: The current system.

COUNCILMEMBER COCHRAN: Okay. And we...I saw comments from previous director utilizing, you know, of course water conservation measures, permeable surfaces. I guess, I don't...that's probably to the applicant but are you aware if all those points have been agreed to? Have been, you know, I'm trying to figure out right now if the comments back from applicant took those into consideration and agreed, which did they, which didn't they at this time?

MS. TAOMOTO: While Tammy is looking for the letter, those conservation recommendations are just recommendations, they're not requirements.

COUNCILMEMBER COCHRAN: Right. But I mean they're good recommendations --

MS. TAOMOTO: Yes.

COUNCILMEMBER COCHRAN: --so I'm just wondering if --

MS. TAOMOTO: Oh.

COUNCILMEMBER COCHRAN: --applicant said yeah, we agree to or not.

MS. TAOMOTO: I wouldn't be able to speak to that at this time, because unfortunately I wasn't prepared to answer for that question and engineering review doesn't encompass the conservation questions you're asking. We would need to get back to you on that matter. Or the applicant --

COUNCILMEMBER COCHRAN: Yeah, _____ the applicant.

MS. TAOMOTO: --or engineer for the applicant could answer how they address the conservation water-saving comments. And...

COUNCILMEMBER COCHRAN: Yeah, I was thinking the entire list. I think there was at least three pages from your Department that put in recommendations and suggestions. So, I just...those are just two that I recall off the top of my head. And one was also permeable surfaces.

MS. TAOMOTO: I believe you're referring to a letter dated October 23, 2017, is that the one you're referring to?

COUNCILMEMBER COCHRAN: Probably.

MS. TAOMOTO: Or are you...

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COUNCILMEMBER COCHRAN: Whatever letter that they...questions you submitted to them and then whatever your response has been back.

MS. TAOMOTO: In the context of the draft EA?

COUNCILMEMBER COCHRAN: Their response back. Yes.

MS. TAOMOTO: Yeah, the first or second paragraph addresses source availability, system infrastructure, and consumption. Under the...and that would fall under Engineering and we are in review of the plans and have made the Department's minimum requirements for this project, and we expect they will, the plans will reflect the...meet the requirements. The water availability Code is what I just explained. Based on the current process we're in for land entitlements, it's expected that they would come in for water meter reservations before December 31st which would allow them to secure the water meters they need for their project as we are in a position to issue that as of, for 2018. The aquifer...next paragraph addresses aquifer protection and best management practices, discussing types of plants and stuff. And like I said I'm sorry but I would need to defer to the applicant to describe how they met those requirements as Engineering Division doesn't review that. And the construction BMPs that we are recommending or suggesting, the applicant could address that.

COUNCILMEMBER COCHRAN: Okay.

MS. TAOMOTO: Thank you.

COUNCILMEMBER COCHRAN: Okay, thank you, Ms. Taomoto.

CHAIR CARROLL: You know you used the 120,000 gallons a day was cutoff. The applicant has requested one hundred and...well 189 gallons a day.

MS. TAOMOTO: Thank you, Chair. Under the water availability rules, admin rules the applicant's request, total request you're correct is more than the 120,000, but if you...our rules allows the applicant to get an exemption for the portion of their project that is either residential or workforce housing. So, once you minus that out and Tammy can correct me if I get the number wrong, that leaves them with 79,740 gallons per day that would need to be verified against the 120,000 gallons per day. So, they are well within the 120,000 gallons per day for their market units.

CHAIR CARROLL: Okay. Any further questions for Water? If not, thank you very much.

COUNCILMEMBER KING: Chair? I have a question.

CHAIR CARROLL: Oh, I'm sorry. Ms. King?

COUNCILMEMBER KING: Thank you. So, no, I just wanted to address the, you know, the, what you're calling the water availability year by year and you base it on the previous year's median usage or something. So, if you're...if this year's based on last year's and

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we have new projects coming up, do, does your figure for 2018 take into account new projects, or you wait until they actually get on the ground and then put the, that water usage in there? How do you address the projects that have been, you know, we just approved I think it's Wailuku Development that we just approved that has 70 units or something like that. So, if we approve a project, when does that water usage go into your calculation?

MS. TAOMOTO: As an example for this project, when this project uses the water meter reservation route, what that does is it doesn't go into the 2018 calculation 'cause the determination made on January 1, 2018 holds for the entire year of 2018 and the current which is the three-year estimated demand based on our water availability rules is 87.7 percent. That 87 percent is maintained for the duration of 2018. It's established on January 1, 2018 and is good and valid for the entire 2018. And that 87.7 relates to the 120,000 gallons.

COUNCILMEMBER KING: So, then if we approve something this year does that go into 2019's calculation?

MS. TAOMOTO: So, when you say approve, I assume you're meaning land entitlements like some kind --

COUNCILMEMBER KING: Right.

MS. TAOMOTO: --of Change in Zoning.

COUNCILMEMBER KING: Right.

MS. TAOMOTO: No, it doesn't. Only...a 12-month moving average is actual customer demand for January, February, March, through December --

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: --averaged over 12 months.

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: We get an average demand. That goes into the January 1st number.

COUNCILMEMBER KING: Okay, so it we don't have any --

MS. TAOMOTO: So, it's actual demand.

COUNCILMEMBER KING: --like advance planning to say okay, it looks like these three projects are coming up that's going to have this amount of demand on whatever year, and then we don't pre-calculate those in, we wait till they're actually built and the water is being used?

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MS. TAOMOTO: Right. Actual demand versus built demand is completely separate. There are water meters out there that are not being used and we're not...it's just not being used. So, what we're doing is taking the actual demand which is the customer demand and estimating that out for three years and checking that against our maximum reliable system capacity.

COUNCILMEMBER KING: Okay. Yeah, I'm just a little concerned because if we end up, you know, there's a lot of projects coming up in this one area and if we end up approving those and it's...and we don't have all the water 'cause we don't know, you know, at some point we run out of water because we've approved too many projects because we were saying we have water based on what's actually being used. But we, we're not pre...so is there somewhere a build calculation that...

MS. TAOMOTO: Yeah, I think I know...we have another internal worksheet where we're making sure that we're not over-allocating.

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: And then I would...I don't want to use the word but the Department would then put the public on notice that we actually ran out of water regardless of the rules.

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: But we have this other worksheet that we're actually tracking what you're asking me if I'm tracking --

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: --to make sure that we're not over-allocating.

COUNCILMEMBER KING: Okay. That's what I wanted --

MS. TAOMOTO: Yeah, we're looking --

COUNCILMEMBER KING: --to know. Thank you.

MS. TAOMOTO: --at that as we issue water meter reservations and water service.

COUNCILMEMBER KING: Okay.

MS. TAOMOTO: So, this...but it's an internal check to just make sure.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR CARROLL: Okay, anything further for Water? If not, thank you very much. The next one, if Planning could come down. And as they're coming down, is there anybody...I

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have Department of Transportation on-call, is there any request for, to hear from the Department of Transportation? Okay, thank you.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR CARROLL: Yes?

COUNCILMEMBER SUGIMURA: So, that's regarding the bus systems right? Are they...

CHAIR CARROLL: You would like to...

COUNCILMEMBER SUGIMURA: For buses, yeah. Any plans for...

CHAIR CARROLL: Okay, they don't really have to do with the bus but okay. Could you please notify Department of Transportation that we would like them here? Alright. Planning, do you have any opening remarks?

MS. CHOUTEAU-McLEAN: Thank you, Chair. Yes. I'm Michele McLean, the Planning Director, and with me is Tara Furukawa who is the project planner for this project. There were just a couple of items that we wanted to note. We are supportive of the project and submitted a number of comments during the draft EA process. I would like to clarify that what's being asked is that the standards of the A-2 Apartment District will apply to the property with one exception, setback exception for a utility shed that's going to be in the setback on the Waiale Road side. I also wanted to confirm the landscaping requirements for the parking areas. The landscaping requirements are one tree for every five parking spaces and I believe that all they requested was flexibility in where those trees be located and we would be supportive of that. We don't want to see a reduction in the number of trees but just how they're located to make it more practical. There...you recently reviewed the adjacent Waiale affordable project, and that project really took an effort to make it pedestrian friendly and walkable to the properties on either side of it, one being this one. And we haven't seen a site plan that shows us how that pedestrian friendly walkability concept is being shown. We've seen some nice looking site plans but it's not clear where the sidewalks are going to be, where the pedestrian walkways are going to be, and how it would connect to the adjacent property that made the effort to provide that connection. So, we would just like to see that. Also, relating to walkability, it ties into the traffic. We commented on the draft EA about the access off of Kuikahi, and we are concerned about having full vehicular access. We would suggest right-turn in and right-turn out to reduce the conflicts on that roadway. And if that were achieved then we would suggest that the sidewalks that we were just talking about go to the two corners at Kuikahi and Honoapiilani Highway and Kuikahi and Waiale so that pedestrians wanting to cross Kuikahi could cross at those intersections rather than crossing at that entrance where they indicated they'd have a flashing light which would disrupt traffic. It's just not a, it doesn't seem particularly safe and doesn't seem to do the best with the traffic situation as it is there now. So, those would be our suggestions. Those were the main points that we wanted to bring up. Thank you, Chair.

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

COUNCILMEMBER SUGIMURA: Your mic.

UNIDENTIFIED SPEAKER: Microphone.

CHAIR CARROLL: That helps. I'd like to call the developer down to give comment. I'm going to go through the exemptions over here and their rationale for asking for these Exemptions while we have Planning over here. Ms. Schultz [*sic*], start with Exemption 1. Please take the Committee through the exemption and explain the rationale for it.

MS. SCHATZ: I need to grab my exemptions list. I must have...

COUNCILMEMBER KING: Chair, what document are you reading off of?

MS. SCHATZ: I must have misplaced it --

CHAIR CARROLL: Okay.

MS. SCHATZ: --up there.

COUNCILMEMBER SUGIMURA: Exhibit "B."

MS. SCHATZ: I apologize.

COUNCILMEMBER KING: Chair, could you tell us what document you're reading off?
'Cause I have several documents that have different numbers of exemptions.

CHAIR CARROLL: Would be...

COUNCILMEMBER SUGIMURA: Exhibit "B."

COUNCILMEMBER KING: What's the date in Granicus?

COUNCILMEMBER SUGIMURA: September 14th.

MS. NAKATA: Mr. Chair, it's part of the original submittal. It's Exhibit "B" to the resolution approving the project with modifications.

COUNCILMEMBER KING: The date on that document in Granicus?

COUNCILMEMBER SUGIMURA: Is it September 14th?

MS. NAKATA: Mr. Chair, I believe the application and the resolutions were submitted on October 4.

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COUNCILMEMBER KING: Do you have a page number?

MS. NAKATA: It's Exhibit "B" to the resolution.

COUNCILMEMBER KING: Oh.

VICE-CHAIR HOKAMA: Chairman, recess.

CHAIR CARROLL: Short recess to the call of the Chair. . . .(gavel). . .

RECESS: 3:45 p.m.

RECONVENE: 3:48 p.m.

CHAIR CARROLL: . . .(gavel). . . Land Use Committee meeting is called back to order. Alright, does everybody have that? Okay. Now, starting...oh, Schultz [sic]. Alright, we're going to start with Exemption 1 and finish and then it jumps around over here and we get to 11. Alright, Ms. Schultz [sic], Exemption 1.

MS. SCHATZ: Okay. Exemption 1 is to allow us to...because we're Agriculture now in the General Plan and community plan it would allow us to be able to build multifamily housing under a A-2 design standard. Should I review all of the exemptions and go through or would you like to attack one by one? Oh, okay.

CHAIR CARROLL: We're going to go through them. After Exemption 1...one moment. The next one I'd like to look at is Exemption 9.

MS. SCHATZ: Exemption 9. Yes. Exemption 9 allows us...we are currently a Agriculture designation. Exemption 9 allows us to follow A-2 development standards with an exemption, one exemption which is that we have a utility shed located within a setback area and will be approximately ten feet away from the property boundary. And I would like to if you want a little bit more specific information to be able to bring up Janine Clifford our design resource, our architecture resource to be able to give specifics on that exemption.

CHAIR CARROLL: Planning, do you have any comment on Exemption 9 or Exemption 1? I should have asked you earlier.

MS. CHOUTEAU-McLEAN: We have...we're...we have no concerns with Exemption 1 or Exemption 9 as stated.

CHAIR CARROLL: Thank you. Exemption 10.

MS. SCHATZ: Okay. Exemption 10. Exemption 10, MCC 19.36A, Off-Street Parking. This allows us to find flexibility in placing primarily our shade trees within the project. We are looking at providing canopies, PV canopies in our parking area and so we would

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like to have some flexibility in placing those shade trees in order to meet this requirement.

CHAIR CARROLL: Planning, do you have any comment on Exemption 10?

MS. CHOUTEAU-McLEAN: Thank you, Chair. I just wanted to be certain that the number of spaces will not be subject to an exemption and that the number of trees will not be subject to an exemption. We have no opposition to the flexibility that's being requested just as long as those basic standards are still met and it does appear that that's what the applicant's intent is.

CHAIR CARROLL: Thank you. Exemption 11.

MS. SCHATZ: Exemption 11, actually I would like to if it would be alright--this allows us to--bring Tom Welch up here to explain this piece. But this does allow us to process a district boundary amendment directly with Maui County Council.

CHAIR CARROLL: Planning, do you have any comment on that before we proceed further?

MS. CHOUTEAU-McLEAN: We have no objections, that's been the process for the last few 201H's that the Council has reviewed. We have no objections.

CHAIR CARROLL: Does anyone have any comment on 11? Mr. Hokama?

VICE-CHAIR HOKAMA: Not for the applicant, Chairman, for the Department. Okay.

CHAIR CARROLL: Yeah.

VICE-CHAIR HOKAMA: Now is the time. Thank you, Chairman. Regarding proposed Exemption 11 and that is on the resolution with modifications and then the request is of course to exempt the district boundary amendment, that's a State process yeah. So, normally I would...what I would expect from at least Planning is some kind of departmental report telling me about your Department's review of this application, your findings, what is factual, just like the commission gets, findings of fact, and what would be our conclusions of law. Okay. To say that this is just part of the 201H is not good enough for me to grant a district boundary amendment approval. Okay. I expect something for us to be able to verify and understand what the review was, what you went through, and why are you recommending us to exempt this process. Okay. I think that's a fair request on the Councilor's part, Department. And, you know, we don't have it today, I understand it. But, you know, if I had a chance to express my comments before this meeting I would say that is one of the things that for me is hindering my support of the project as proposed. Okay. I would agree with you regarding Kuikahi, I'm not going to support any ingress, egress or ingress out of that Kuikahi thing. I know what it's like, our employees know what it's like, my family knows what it's like. So, I don't need a outside consultant telling me what it is when it isn't. And part of the DBA that I had hoped we would get is a comment about the regional relationship within the region. Okay. 'Cause I'm going to tell you now, I hear

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Waikapu, my family lives in Waikapu so I hear it about the traffic. Yeah. I think we can find a way to make this work. Not the way it's proposed but I think there's a way to make this work. And part of it is in part of a DBA's analysis of the regional, because I expect Kamehameha Avenue to eventually connect with Waiale, with Honoapiilani, with Waiko to make it a very smart multi-option road system for this Central area. Okay. The other part I would bring up in this DBA portion is I don't know about others but what we looking at to me is Waikapu, not Wailuku. So, to bastardize again and not take into account the uniqueness of Waikapu and try and absorb it into a grey of just a Wailuku extension, I'm not going to support that either. Okay. That is not our view of what we expected this area from Piihana, Paukukalo, Wailuku proper, Wailuku Heights, Waiale, yeah, to just absorb other portions including Waikapu. We want Waikapu to have its identity and remain so as an independent community. Okay. So, that's what I expect out of a regional DBA analysis that you would give us comment on, because I think it is a reasonable request of the existing community. Okay. I understand we need to plan for our future community, but hell if I will not take into account the existing community who has to live there. And I understand some of the testimony, okay, but for us we're conflicted. We have union members who are working members now telling us they need a home. We get it. We also have retirees of the various same unions who's telling us we have a traffic issue going through my community. Okay. So, do we disregard one component to take care of the other component? I think we're better people than that. I think we can find a better option and solution to address. But the way it is now doesn't show me the sensitivity to Waikapu or how we're going to address this on a regional terms. Because I think we can make this work, Planning. Okay. And I appreciate you allowing me to speak up at this time, Chairman, because I think it is important for us to stop looking at only little snapshots of a big picture. Okay. We gotta know how it fits in the big picture. Okay. We're a County, we're not just looking at one small project. This is going to impact a lot of people for a long time, Chairman, and if we want Wailuku revitalization to work, it's gotta be part of a well thought-out plan and we cannot take this type of projects independent of where we want to take Wailuku in the future with our economic development requirements to make our civic center hub a success. You know for me it's all part of a major component of where we're going to take this County in the next 20 years, Chairman. And I need projects like this to work and make sense and not give us more problems down the road. Because yes, they're not asking us for dollar subsidies currently, but I going tell you, whether it was Makawao Highlands or now with the Waikapu Gardens, people going want services that they getting exemptions from today. Okay. They're going to want that park for their kids. They're going to want that sidewalk down the road for kupuna requirements. Whatever it be it's going to cost us a hell of a lot more money than what we're being told to in today's terms. So, let's be real and let's be upfront with the money please because we're going to have to find it. And the project will not pay for itself, Chairman, we know that. We're going to have to have it subsidized from other tax categories. So, that is what I would like to us have in a district boundary amendment review, because I think that is the purpose and why the Land Use Commission has a staff report that deals again with findings of fact, conclusion of law, and we have none before us to assist us this afternoon. Thank you, Chairman.

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CHAIR CARROLL: Thank you, Mr. Hokama. And that is why we're here to determine if the exemptions are appropriate for this application. Alright, any other questions? That was the last one I had. Anybody have anything else as far as exemptions? If not, is Transportation here? Oh, Transportation was hiding. If not, I'd like to ask Transportation to come down as they were requested. Planning, thank you very much. We appreciate it. Mr. John Buck, identify yourself as Mr. John Buck.

MR. BUCK: John Buck, Deputy Director, Department of Transportation, Maui County.

CHAIR CARROLL: Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. When we went through the Waikapu Garden project, the bus transportation or buses along Waiale Road came up. So, I was just wondering for the Department to have any comments as it would affect this project.

CHAIR CARROLL: Mr. Buck?

MR. BUCK: We really did not have any comments reviewing for the staff, 'cause the comments went out before I came onboard. It was that we would use the...the project would use a current bus stop in front of the homeless shelter, and the only thing that we ask is to have a safe sidewalk and with proper lighting so people can go walk to and from the bus stop.

COUNCILMEMBER SUGIMURA: Thank you. And so that would be the County expense, not the developer expense. I think that's what we discussed. I just want to confirm that we're applying the same principles for this project as we did for the Waikapu Garden.

CHAIR CARROLL: Any comment, Mr. Buck, to her question?

MR. BUCK: Are you talking about the sidewalk itself?

COUNCILMEMBER SUGIMURA: And the bus stop. If...for future planning. I guess right now you're saying as you did for the Waikapu Gardens that there's a bus stop at Hui No Ke Ola Pono, at the...

MR. BUCK: Resource center, yes.

COUNCILMEMBER SUGIMURA: Yeah. And so if it was due...if we needed with this additional residents along Waiale Road and if we needed another...I just wanted to confirm that we're going to be consistent with what we said for the Waikapu Gardens. Wouldn't be any requirements. I guess there's no change then.

MR. BUCK: There's no change, no.

COUNCILMEMBER SUGIMURA: Okay.

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CHAIR CARROLL: I believe the last time when we were asked about the bus stops that Department said they couldn't say, because they did not know if they were, ever put a bus stop over there because of the way the route runs and comes around so they couldn't say yes, we wanted a bus stop or no, there were difficulties because of the loop to make. And if you're going to make on the other side of the road and other things, so.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR CARROLL: Yeah, it was nothing really from them. Alright, thank you. Anything for Mr. Buck, Transportation? Ms. King?

COUNCILMEMBER KING: Yeah, I don't know if you can answer but since you mentioned safe sidewalks, there's...they're requesting an exemption from curbs so it looks like they want to put in at-grade sidewalks. Are those considered safe? I mean they have no curb, they're just right on the grade so, you know, not preventing vehicles from...

MR. BUCK: I'd prefer not to answer that question 'cause I'm not an expert on sidewalks, but we want to be sure that it's walkable. And I mean that'd be something that you may have to ask Public Works as far as --

COUNCILMEMBER KING: Okay.

MR. BUCK: --with the design. But --

COUNCILMEMBER KING: Okay.

MR. BUCK: --our --

COUNCILMEMBER KING: I just mentioned...

MR. BUCK: --yeah, our concern is to be able to walk from the development to the bus stop and do it in a safe manner.

COUNCILMEMBER KING: Safely, that's what's I'm saying. So, yeah, that's my concern is what constitutes a safe sidewalk that you were referring to?

MR. BUCK: I would leave that up to maybe somebody from Public Works to define that.

COUNCILMEMBER KING: Okay.

CHAIR CARROLL: Okay, anything else for Transportation? If not, thank you, Mr. Buck. We'd now like to call down Environmental Management. Do you have any opening remarks?

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

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with the applicant and I think we had a meeting in May and discussed some offsite improvements that would be required to accommodate the wastewater from this facility. As far as refuse collection, since it's a multifamily development, it would all be private so we don't have any concerns there. Thank you, Mr. Chair.

CHAIR CARROLL: Alright, at this point, I'd like to ask the applicant, Exemption 3, wastewater assessment facility fee expansion for the Wailuku-Kahului water system, that exemption. Could you please go through that and the rationale?

MS. SCHATZ: We are asking for this wastewater exemption for the entire project as it would allow us to provide an indirect savings to the project for the 195 affordable units. And yeah, and that's essentially what it is. We are asking for an exemption from those fees for this project.

CHAIR CARROLL: Any comment?

MR. MIYAMOTO: Mr. Chair? Yes. The fees, the assessment fees for the Wailuku-Kahului service area have been fulfilled so we're in the process of working with Corporation Counsel to eliminate that assessment fee for the Wailuku-Kahului facility. So, at this time, that exemption really isn't necessary. Thank you, Mr. Chair.

CHAIR CARROLL: Alright, Members, on this one over here, this first sentence, that the language after the first sentence be deleted as unnecessary. The first sentence is actually covered, the rest doesn't really say anything that's not already in there or necessary. Can look at it. If there's any objection?

COUNCILMEMBER SUGIMURA: So, Chair --

COUNCILMEMBER KING: Chair?

COUNCILMEMBER SUGIMURA: --so you're asking, you're saying for Exemption 3 --

CHAIR CARROLL: Three.

COUNCILMEMBER SUGIMURA: --to eliminate...

CHAIR CARROLL: Three. You'll notice it is quite lengthy over there. First sentence, exemption is granted to allow the project to receive building permits without the need to pay wastewater assessment fees for the project in its entirety. And the rest over there is really --

COUNCILMEMBER SUGIMURA: To delete.

CHAIR CARROLL: --unnecessary as far as...

COUNCILMEMBER SUGIMURA: Okay, so you're deleting from "although" till the last word "project?"

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CHAIR CARROLL: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER KING: Chair?

CHAIR CARROLL: Any objection?

COUNCILMEMBER KING: Yeah, I would rather have...if we're...if the Department of Environmental Management is telling us that there are no assessment fees necessary for Kahului waste and Wailuku, I'd rather have a letter from the Department telling us that this is not necessary rather than to put this exemption in here. You know and then if it's not necessary then we can...

CHAIR CARROLL: If you want to leave in the rest, we can. It's just that it's kind of redundant.

VICE-CHAIR HOKAMA: Chairman?

CHAIR CARROLL: Yes, Mister...

VICE-CHAIR HOKAMA: Chairman, until the ordinance is revised or amended, the law is the law. Okay. So, departments, you do what is required according to the Code. Until we change it, just follow the Code.

COUNCILMEMBER KING: Right. But if I'm going to approve an exemption, I would like to see if it's based on the fact that they, they're going to try to change the Code. I'd like to see a letter saying that that's where we're at and there will be no more assessment fees.

CHAIR CARROLL: Like I said we can leave...

COUNCILMEMBER KING: That lays the groundwork for additional projects in that area, in the Kahului-Wailuku area so that we're treating everybody fairly.

CHAIR CARROLL: Alright, we'll leave that as it is then. Okay. Anything else for Environmental Management?

COUNCILMEMBER COCHRAN: Chair? And --

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: --I know it's being asked to not have County services such as refuse pickup. As you know, we're going through this issue with Waikapu Gardens down the road. So, how do we make that stick? You know I mean supposedly everyone agreed, this is...we're going to build it to substandard in order to create

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affordable units, but now here we are years later with the residents. I think Mr. Hokama alluded to the fact that people are going to want services in the end. So, in your years of being here, how are we going to avoid being in this situation again with this project?

MR. MIYAMOTO: Mr. Chair? Yes, this is multifamily unit and our services do not extend to multifamily units. For example like Iao Parkside where I live we still have private refuse collection, and so we will not...there's no way they can get into the County system because we currently don't service multifamily residential households.

COUNCILMEMBER COCHRAN: Thank you. But, Mr. Miyamoto...sorry, but, Mr. Miyamoto, we have 5,000 accounts that already are out of Code that we're not supposed to be servicing but we are.

MR. MIYAMOTO: But those are single-family --

COUNCILMEMBER COCHRAN: And we're also having...

MR. MIYAMOTO: --households.

COUNCILMEMBER COCHRAN: Sorry.

MR. MIYAMOTO: Those are single-family households.

COUNCILMEMBER COCHRAN: Regardless, I'm just saying we're in gated communities, we're on private property, we're all over the place giving services. This is just another project which possibly down the road they're going to come to us and say we want the County services, but here they want to be exempted. So, I'm just asking, I mean how are we going to make that exemption stick if we're, you know, if they won't...so that's all. Because we have 5,000 other accounts that don't follow suit and the law actually as you know.

MR. MIYAMOTO: Yes. Oh, so you want a response? I'm sorry.

COUNCILMEMBER COCHRAN: Yeah. I mean...

MR. MIYAMOTO: Typical multifamily unit developments, they use a dumpster. We do not have any equipment to empty a dumpster. We don't even have our own dumpsters. So, there's no way we can provide the type of service that they're going to get right now which is the dumpster-type service. We have roll-offs that we can certainly utilize but currently our roll-offs are stationed at the landfill. So, there's no way that we, you know, we would have to give individual apartment dweller their own can. So, how do the people on the second and third floor store their can? So, then it becomes a bigger problem for the developer in trying to store individual cans instead of having a community dumpster that they can dispose of, very similar to like Iao Parkside.

COUNCILMEMBER COCHRAN: Alright, we'll cross that when we get to it if we do.

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CHAIR CARROLL: Thank you. Anything else for Environmental Management before we go to Parks? If not, thank you very much. We appreciate you being here. Parks? Do you have any opening comments?

MR. HALVORSON: Good afternoon, Chair. No, not really. I mean this is a 201H project, it is exempted from park assessment fees be our only comment.

CHAIR CARROLL: Ms. Schatz, can you please go over there and explain your rationale for Exemption 6?

MS. SCHATZ: We are seeking to get a park fee exemption for the project to be able to subsidize the, indirectly subsidize the 195 affordable units for Exemption 6.

CHAIR CARROLL: Thank you. Members, I just passed out, had passed out a paper over there and the revised Exemption 6 over here just makes it very clear that exemption from 18.16.30 [sic] of Maui Code shall be granted to exempt the project from any park dedication requirements in excess of those improvements because they have four small areas inside there. So, it's very clear that they will have to implement the four small parks. It just makes it a little bit clearer to make sure that they do implement those four small parks. Any objections to...

COUNCILMEMBER KING: I have a question.

CHAIR CARROLL: Yes?

COUNCILMEMBER KING: So, the square footage of the parks that you're putting in, does that meet requirements of the market units?

MS. SCHATZ: I'd like to have our architect Janine Clifford come up and answer that question.

MS. CLIFFORD: Our intent...Janine Clifford. Our intention is that it will at the end of the day. And we're also including the community center with the swimming pool and so that outlying area around it. And we'll provide that calculation at the very end to assure that we do meet the minimum square footage requirements.

COUNCILMEMBER KING: Okay. But you're asking us to grant you an exemption...

MS. CLIFFORD: From the fees related to it.

CHAIR CARROLL: Alright, Members...

MS. CLIFFORD: But not from the area, just from the fees...

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CHAIR CARROLL: Again, this is just to make it very clear that there's no...it's the understanding is they are going to put in those four small parks and that the exemption is for anything over that.

COUNCILMEMBER KING: Right. I'm just asking if those four parks meet the requirements for the market units --

MS. CLIFFORD: Yes, they will.

COUNCILMEMBER KING: --that will be required. Okay.

MS. CLIFFORD: Yes.

COUNCILMEMBER KING: Okay, thank you.

MS. CLIFFORD: So, any related fees.

CHAIR CARROLL: Any objection to replacing that language?

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Alright, Members, moving on. Parks, thank you very much. We appreciate your coming down.

MR. HALVORSON: Thank you, Chair.

CHAIR CARROLL: Public Works, do we have Public...Ms. Rowena Dagdag-Andaya. Do you have any opening remarks before we go into Exemption 2?

MS. DAGDAG-ANDAYA: Thank you, Chair. Again for the record my name is Rowena Dagdag-Andaya, Deputy Director of Public Works. And, Chair, I just wanted to note that back in September of 2017, the Department was made aware of the project via a request for comments to their draft EA, and we subsequently provided them with our comments on November 9, 2017. I'm not sure if that's in your files but we did express concerns over the exemptions that they were requesting, especially with respect to the requested exemptions for Subdivision or Building Code requirements for curb, gutter, sidewalks. At the time, they, you know, they requested those types of exemptions. They asked for an exemption I think from street lighting standards. I'm just reading off of our comment letter here. There were some, at the time again there were some requested exemptions from our MS4 requirements. We also noted some concerns over their traffic report and asked for some recommendations and additional information. And then also had some comments with respect to multimodal transportation options and identifying any improvements for safely getting future residents to different services in and around the area. We touched briefly upon a transportation demand management program as well. Let's see, you know, since then back...since about a year ago that...our comments were back in November 9, 2017, we did understand that the applicant revised their list of exemptions and reduced them and have since put in

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provisions for an at-grade sidewalk. They also added an improvement at the intersection or across from, on Kuikahi Road from their ingress/egress to the shopping area and put in a pedestrian light which was an improvement from what we have seen before. They did have in their revised plans, again like I mentioned before at-grade sidewalks. And also reduced some of the exemptions that they were requesting. So, at this time the Department is neither, you know, in support or recommend...we don't also recommend denial of the project either. But we do want to work with the applicant to ensure that traffic is mitigated in the area. There are a number of us in our Department who do...and I want to say this on record that we do express concern over the process, because when you have a 201H project, it's, it presents a very, a challenge when we're planning for traffic mitigation because you're provided such a limited amount of time. And I appreciate the comments from Councilmember Hokama earlier because when you're looking at an area and at a region, you want to see, you want to plan out for the entire project area. You want to see what issues are there that affect one side and the other. You want to see everything in its totality. And, you know, as a, you know, disclosure, full disclosure, I do live in the area. I live in the first phase of Waikapu Garden subdivision and I love living in Waikapu. And over the years I've seen the amount of traffic in the area as well. I drop my kids off at school in the morning and most of the time we're kind of late. We leave at 7:30 and we get at Puu Kukui by 7:40 and the kids get to school on time. And that kind of showed my husband and I that we need to make some changes to the way, to our driving patterns as well. Maybe waking up a little bit earlier so that we can get the kids to school on time or taking just one car so that we minimize the impacts that we have to traffic in the area. So, you know, those kinds of changes are what, you know, as a Department we kind of hope we'd be able to work with the community on. So, again, at this time, I think for us we want to continue working with the developer to see if there are ways to make the project work. We understand that affordable housing is desperately needed in our community and, you know, we want to explore different types of options. That's one thing that we'd like to propose is, you know, some conditions on, you know, with asking the developer to come up with additional, I guess, mitigation measures for transportation options in the area. It could be a transportation demand management program or some type of infrastructure improvement. But, you know, I do have some suggestions that I can present later. I'm not sure if we're going to have enough time today. But if it's the intent of the Chair to maybe, you know, come back in the next couple weeks, I'd like to prepare some additional conditions for this body to review.

CHAIR CARROLL: Thank you. We are going to be going over all of the exemptions now. Exemption Number 2...

COUNCILMEMBER CRIVELLO: Chair? Chair?

CHAIR CARROLL: Oh, sorry, we didn't see you down there, Ms. Crivello. Yes?

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair. So, Department, thank you for being here. So, this seems to be the major concern is traffic impact and coming from Department of Public Works as far as needing the mitigation measures. So,

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coming from the Department and looking down the road, what kind of mitigation measures that you have overall for that whole area? And more especially since you are a user of all this traffic problems that is so saying, because yeah, on one hand we're saying we need affordable housing, and yet there's the struggle for us to say that we want it to be built because we've recognized all these other major problems with traffic. And, you know, people like you who live there already experience the impact of traffic which probably came about from that particular development that you are a part of today. So, from the Department of Public Works, how do you see us doing mitigation measures so that we respond to our local residents who need affordable homes? You know and I think one of the testifiers said earlier, maybe a lot of these cars are already on the highway or are they not? I mean what kind of studies can we do or how can we plan something like this even together with the MPO or your Department? I'm just looking down the road.

MS. DAGDAG-ANDAYA: Yes, Chair and Councilmember, thank you for that question. Some of these mitigation measures I think are still obligated on. So, Maui Lani has some improvements that they still need to complete that would help with some of the regional traffic there and some intersection, the way the intersections operate. Kehalani also has some improvements, I believe some improvements that they still need to complete. But one of the things that we'd like to know are just some alternatives and to help with the congestion issue. I mean working with developers and in the area to get a better understanding of how their projects impact regional transportation, and seeing if there are any transportation demand fixes that we can implement in the area. We also want to know more about what kind of intersection treatments we can implement to help with this congestion. I know earlier one of the testifiers had mentioned putting in a roundabout which is good and fine, but if you have congestion in another intersection and you got a roundabout here, it's not going to flow well. So, again, you kind of need to get a more comprehensive look at all of the different intersections, how they all operate, at what times all of this is happening. And, you know, sometimes just having that discussion really does help. And that would help our traffic engineers as well and especially with the planning for this area. There's a lot of plans out there but when, you know, when you have such a short amount of time to plan, yeah, it presents a really big challenge to the Department. But like as I mentioned before, it's, I know there's solutions out there, it's just we need to be able to find them, 'cause otherwise we're going to look at projects like this and say, you know, we can't do it because it's high density, but we kind of need that at the same time. This is a good, I think this is a good project, we just need to find a way to make it work, so.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

COUNCILMEMBER KING: Chair?

CHAIR CARROLL: Alright, and --

COUNCILMEMBER KING: Chair, I have a question.

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CHAIR CARROLL: --like I said the first time Ms. Andaya that coming back and she would have something. Right now it's very difficult, only verbal over here and for her to present any possible modifications, because we won't be able to get through that today. We want to get through the exemptions first. So, if we can hold anything for her like she said, when we have the next meeting she can come back with some specific recommendations.

COUNCILMEMBER KING: Yeah.

CHAIR CARROLL: Ms. King?

COUNCILMEMBER KING: Thank you. I have some questions about the, not just the exemptions but the situation because I know you mentioned that the process, and so I'm a little concerned about the process and how many of these, how much of what the community wanted was actually put into the plan and what mitigations address the community's concerns, 'cause we've heard a lot today that haven't been addressed. But one of them that I've been hearing about is the potential, the need for Waiale Road to be four lane, to be two lanes each way because of all of the housing that's going on there. And if this project goes to the very edge of the road, that's not going to be possible. So, I just wanted to get your input on that as well as the safety of basically flat sidewalks which are just like, you know, a concreted part of the road. So, you know, what are the...what's your opinion as Public Works on those two issues?

MS. DAGDAG-ANDAYA: Okay, Chair and Councilmember, as for the at-grade sidewalks, we see them in many different places on the island. We see them on Puunene Avenue, there's an asphalt sidewalk right by, you know, near Papa Avenue and Puunene. So, there's those kinds of sidewalks. A lot of the, I think Kamehameha Avenue has at-grade sidewalks. And sometimes, you know, you have these at-grade sidewalks in areas that don't necessarily have drainage, you know, like...or, you know, just minimal drainage improvements and you have swales instead to kind of provide that buffer from the vehicular traffic. For this project, I see in their plan that they've included a six-foot-wide sidewalk which is to ADA code. And then they have a buffer and then they have a bicycle lane which is, you know, it's an improvement. Our standards basically provide that you do give, you know, you provide curb, gutter, sidewalk. And for the Department and we've told this to the developer as well that, you know, because of our stance on complete streets we, you know, we don't generally support exemptions, requested exemptions from curb, gutter, sidewalk. But, you know, that, providing on an on-grade, at-grade sidewalk was basically the compromise. So, that's something that they wanted to present to this, to the Council to see if that's something that you'd be willing to support. I think, you know, at a minimum we can support that. We, you know, we'd actually like to see a curb, gutter, sidewalk because that's Code, but at a minimum we can support that at-grade sidewalk.

COUNCILMEMBER KING: Okay. So, you don't have any information that, safety information that tells you that they're a risk?

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MS. DAGDAG-ANDAYA: Well, we use...the at-grade sidewalks are used in other areas as well, so.

COUNCILMEMBER KING: I understand that but I mean --

MS. DAGDAG-ANDAYA: Yeah.

COUNCILMEMBER KING: --you know, there's a reason why it's code so that's why I just want to make sure that --

MS. DAGDAG-ANDAYA: Yeah, I don't have any data --

COUNCILMEMBER KING: --they're safe.

MS. DAGDAG-ANDAYA: --on that right now.

COUNCILMEMBER KING: Okay. Oh, you don't have any data.

MS. DAGDAG-ANDAYA: And with respect to Waiale Road, I guess I can't remember what the question was now but you were asking about whether or not...

COUNCILMEMBER KING: Well, you know, I've just been hearing from some of the folks in those, in the subdivisions that are there now and knowing what's coming that's already been approved, that they anticipate that that would be a four-lane at some point because there's so many, there's so much development along that road. And that this would preclude it from going to four-lane if this project goes in and goes to the edge of the road, to the edge of their...

MS. DAGDAG-ANDAYA: Yeah, you know, listening to other communities and some of the consultants that we've been talking to from the mainland, conventional thinking is if you build a bigger road, it'll be safer or it'll alleviate traffic, but that's not necessarily true. Some of the things you need to look at are the way you plan your community, the type of multimodal options that you provide. So, if you're providing sidewalks and bike lanes and mass transit or, you know, bus transportation, those are things that can help alleviate some of the traffic congestion issues that we're experiencing today. It's a big cultural shift which is why I mentioned earlier if we can look at traffic or transportation demand management or create a program like that through our MPO, maybe that's one way we can tackle this.

COUNCILMEMBER KING: Well, you know, and that's why I'm bringing it up because I think that was mentioned earlier, you know, when Mr. Hokama said we've got to stop piecemealing these together, because we talk about needing a plan but we keep passing things without having a plan. So, we can speculate all we want on, you know, what other communities are doing or what this means in the grand scheme of multimodal, but we don't have a grand scheme of multimodal yet.

MS. DAGDAG-ANDAYA: Yeah.

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COUNCILMEMBER KING: So, that's where the concern comes in.

MS. DAGDAG-ANDAYA: But there's an opportunity to start so that's one thing, I mean that's one of the things that we'd like to explore.

COUNCILMEMBER KING: Right but if we start and we've already done some things that are counter to the multimodal plan then we have to go back and redo things. So, that's where a lot of the concern comes in. Thank you, Chair.

CHAIR CARROLL: And of course when we get to Exemption 5, that's what is going to be discussed, what you've been talking about all this time. Okay? So, we will continue the discussion.

COUNCILMEMBER KING: Are we actually voting on these exemptions now?

CHAIR CARROLL: Pardon?

COUNCILMEMBER KING: We're not actually voting on these exemptions, right, we're just kind of reviewing?

CHAIR CARROLL: We're just going over them right now.

COUNCILMEMBER KING: Okay.

CHAIR CARROLL: And then so far if there's been no problem or if there is --

COUNCILMEMBER KING: Yeah, no that's what I was addressing.

CHAIR CARROLL: --a problem then we'll go address it. Alright, we're going to begin that over there with Exemption 2.

MS. SCHATZ: Exemption 2 is MCC 12.24A, Landscape Planting and Beautification. This rule requires us to plant a certain amount of street trees on the facing sides of our property on Honoapiilani Highway, Kuikahi, and Waiale outside of our property line. What we are asking for is that we, because of space needs and flexibility, we're asking to plant those trees inside our property line for our project which would be good, because from a maintenance, County maintenance standpoint, we shoulder that burden and not the County. So, that's the exemption we're asking for.

CHAIR CARROLL: Alright, and the Chair would note that there's a typographical error that needs to be addressed. It's SP should be species. If there's no objection, we'll change that from SP to species.

COUNCILMEMBERS: No objections.

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CHAIR CARROLL: Alright, do you have any comments on the applicant's comments on Condition 2?

MS. DAGDAG-ANDAYA: Thank you, Chair. The way the, this exemption is written, the second sentence read instead landscaping to be provided in accordance with the conceptual landscape plan prepared by landscape architect Russel Y. Gushi and attached hereto as Exhibit "1." That we're just wondering if that meant that whatever is in this conceptual plan stands as is without a review. Because we'd like our arborist to review the plan first before it receives final approval. So, if there's a way to revise that exemption to ensure that the landscape, conceptual landscape plan is reviewed by the Department of Public Works and State Department of Transportation prior to final approval, because you also have trees along Honoapiilani Highway. So, we just want to make sure that State DOT also gets to review the plan.

CHAIR CARROLL: Are you finished?

MS. DAGDAG-ANDAYA: Yeah. Yes. Yes, Chair.

CHAIR CARROLL: Okay. Alright, and incidentally of course we're going to go back over these but we want to at least review all of these conditions. Alright next, Condition 4.

MS. SCHATZ: This is a typical one that many projects have been asking for. It's an exemption from the Fire, Electrical, Plumbing, and Building Code as it relates to permit fees, plan review and inspection fees. So, we would like to be exempt from having to pay the fees for the project.

MS. DAGDAG-ANDAYA: Chair?

CHAIR CARROLL: Ms. Andaya?

MS. DAGDAG-ANDAYA: As mentioned by the applicant, this is something that other 201H projects have requested in the past, and I can only speak for the Electrical Code, Plumbing Code, and Building Code that the Department is, you know, doesn't have any concerns about that. However, with respect to the Fire Code and getting exempted from Fire plan review and inspection fees, I think that's something I would defer to the Fire Department.

CHAIR CARROLL: Alright, Exemption 5.

MS. SCHATZ: Exemption 5 is MCC 16.26B, Building Code, Section 3600. Again, this is to allow us to be exempted from the curb, gutter, and sidewalk to allow us to build the designed street profile that Rowena was referring to in the, in our proposal. And I...it would be I think helpful to address maybe asking Darren Unemori to come down and address the design as it relates to the safety aspect and also the distances between the street and the edge of the sidewalk if you will allow me to call him down.

CHAIR CARROLL: Ms. Andaya?

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MS. DAGDAG-ANDAYA: Yes, Chair, no objections.

CHAIR CARROLL: Oh, okay.

MR. UNEMORI: Good afternoon, Mr. Chair and Members of the Council. I'm Darren Unemori, I'm the project civil engineer. Let's see, where should I start? Do you want to me to address the exemption first? Okay. So, as Ms. Schatz had explained, the project itself is actually a Building Code project rather than a subdivision. The portion of the Code being referenced for exemption is basically the portion which gives the Department of Public Works authority to impose street frontage improvements on existing County streets as well as State highways. And in this particular case, the objective is to gain an exemption from the curb and gutter requirement. With regard to the street section and the question of safety, the way safety is usually viewed between vehicles and pedestrians, the principal separator that seems to help the most is a reduction in speed of vehicles and separation between the pedestrian path and the vehicle travel lane. So, here we've got a separation of not only the planter, the swale between the sidewalk and the active, the nearest vehicle lane, but we've also the got bike lane there so we're showing separations on the order of 9 to 15 feet along Kuikahi Drive and...I'm sorry, Waiale Road and about ten feet on Waiale Drive. I know there's from a psychological standpoint having that curb there, that little six-inch hard curb seems to impart a lot of safety. Actually it does not really but we do propose also to construct an asphalt-type raised curb along the outer bike lane. So, basically along the edge of the main vehicle pavement, we will have a projecting asphalt curb separating pedestrians from vehicles. But again, I would tell you that the, having a little projection like that is not the principal element of safety, it's really speed and separation that is, I guess, the thing you want to look for. This particular configuration, is actually by those standards is actually safer than the urban side of the street where the sidewalk is basically right up against the curb. So, there's actually more separation on the Wailuku apartment side than there is on the Kehalani side in its urban configuration.

CHAIR CARROLL: Alright, do you have any comment?

MS. DAGDAG-ANDAYA: Chair, yes. Again, as I mentioned earlier, you know, typically we don't, generally we don't support requests for exemption from curb, gutter, sidewalk, but again this is the minimum to which we can support. I do however want to make a recommendation to revising some of the language in Number 5, MCC 16.26B, Building Code, where you have a period after the word "streets." Improvements to public streets, period. And then striking out "allows the Director of Public Works to require certain improvements such as undergrounding of overhead utility lines, bicycle lanes, curbs, gutters, sidewalks, street lighting improvements when public streets are adjacent to the property on which any new structures will be situated." So, striking that part out and then going on to stating what the exemption is, that the exemption is granted for construction of curbs and gutters along Kuikahi Drive, Waiale Road, and Honoapiilani Highway, provided that improvements shall be provided as shown on Exhibits "2A" and "2B" attached hereto. I think the exemption that they're requesting

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here is from just generally curbs and gutters. So, I don't want to confuse it with that additional language in this, in Number 5.

CHAIR CARROLL: Alright, Members, we have a few more of the conditions that affect Public Works we'd like to go through, and then we're going to be adjourning the meeting. Number 7.

MS. SCHATZ: Number 7 is MCC 18.04, General Provisions, and 18.16.020, Compliance. Again, because we are doing...going...we are asking to build an A-2 design _____ multifamily project on this, we are asking for an exemption from the requirements on conforming with the General Plan.

CHAIR CARROLL: Public Works?

MS. DAGDAG-ANDAYA: Chair, the Department doesn't have any comments to this particular request. I think this is more of an issue for Planning Department and --

CHAIR CARROLL: Oh, yeah. Okay.

MS. DAGDAG-ANDAYA: --this is something that we've, that has been requested in previous 201H projects.

CHAIR CARROLL: Yes, I'm sorry. It's more appropriate on that side. Thank you. Number 8, Subdivision Improvements.

MS. SCHATZ: Okay. Number 8 again also relates to allowing us to...there are improvements that have to be done with subdivisions. Because we are asking for an approval on the at-grade sidewalk and bike path design on Waiale and Kuikahi, we are also asking for this particular exemption. And I can also ask Darren to come forward to provide additional technical explanation on this one as well if you guys need it.

CHAIR CARROLL: I believe we've discussed this quite a bit already.

MS. DAGDAG-ANDAYA: Chair? Yes.

CHAIR CARROLL: . . . *(inaudible)*. . . further comment?

MS. DAGDAG-ANDAYA: Yes, Chair, just to, you know, just for further clarification. So, Number 5 was with respect to 16.26, the Building Code, and then this particular one is in 18.20, Subdivision Improvements, so it's kind of a duplicated Code requirement. So, if it's not caught during subdivision then it'll get caught during the building permit or Building Code review phase. So, it's pretty much the same, it's the same kind of language.

CHAIR CARROLL: Alright, Members, I think everybody should have at least a good idea of the exemptions and what they cover, and what they like and don't like about them. Ms. Andaya has said that she could come back with some proposals for amendments

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over there that Public Works feels is appropriate at the next meeting. And this gives you some time to go over what we went over today, if you have anything to bring forward. We have only one more meeting that we have for this, so I would hope that everybody could take what they've learned today and all their concerns and be prepared to present them or if any modifications that they feel is appropriate. And of course when Ms. Andaya comes back, hopefully we can address some of that. And if you do have concerns after this, please go over there and e-mail Carla with the concerns so that we can over there and try to do any research we would need to address your concerns before the next meeting. Because it is time sensitive and we need to try to do everything we can to get the answers so we can expedite the floor time over here by being as prepared as possible. Anybody have anything they'd like to bring up now? Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, one of the testifiers brought up about the land area being susceptible to flooding. So, that question as well as...

CHAIR CARROLL: I don't think so. I'm sorry.

COUNCILMEMBER SUGIMURA: Oh. One of the testifiers brought up that the Wailuku apartment project area, land area is susceptible to flooding and talks about three storm drainage systems that run through and along the perimeter of the parcel, including two that handle storm runoff from existing neighborhoods and one that handles runoff from other lands mauka of Honoapiilani Highway. So, I wonder if Department might have something to say about that in the next meeting or...

CHAIR CARROLL: Okay. Ms. Andaya?

MS. DAGDAG-ANDAYA: Chair, I...the Department didn't have any concerns relating to drainage. We...our requirement basically comes through our drainage rules. However, I do want to defer to the applicant to explain with their drainage system will look like. I think that's something that you should get an understanding of in your discussion.

CHAIR CARROLL: Anything else?

COUNCILMEMBER COCHRAN: Chair? Sorry. Chair?

COUNCILMEMBER SUGIMURA: One last question --

COUNCILMEMBER COCHRAN: Oh.

COUNCILMEMBER SUGIMURA: --before I turn it over. So, Chair, so because of the 45-day time limit for Section 201H --

CHAIR CARROLL: Yes.

COUNCILMEMBER SUGIMURA: --what is our next, when is our next meeting so we can --

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CHAIR CARROLL: Our next meeting is...

COUNCILMEMBER SUGIMURA: --be sure we meet the deadlines.

CHAIR CARROLL: What's the date? . . .*(inaudible)*. . .

MS. NAKATA: Mr. Chair, I believe the next time you plan to schedule this is October 31st.

COUNCILMEMBER COCHRAN: Halloween.

CHAIR CARROLL: When we can have it. But hopefully...if you want to...if you do want to continue some more until five o'clock, we do have the modifications, the proposal for those ready. Would you like to continue another ten minutes and go over that modifications or you want to adjourn now?

COUNCILMEMBER SUGIMURA: Might as well. I'm fine.

CHAIR CARROLL: Okay, was that...pass out the modifications. There's only two of them over here, and at least that way you get a chance to see what --

COUNCILMEMBER KING: Chair?

CHAIR CARROLL: --it is.

COUNCILMEMBER KING: Chair?

CHAIR CARROLL: And we should...oh I have.

COUNCILMEMBER KING: Can I just ask a question before we...

CHAIR CARROLL: And then at least...

UNIDENTIFIED SPEAKER: Cannot hear.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR CARROLL: This is for the start and stop.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR CARROLL: Yes?

COUNCILMEMBER KING: Thank you.

CHAIR CARROLL: Oh, yes?

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COUNCILMEMBER KING: No, I just wanted to know what, when is the 45 days up? What is our deadline?

CHAIR CARROLL: I'm sorry?

COUNCILMEMBER KING: What is the actual date of the deadline for the 45 days?

MS. NAKATA: November 18.

COUNCILMEMBER KING: Okay.

CHAIR CARROLL: Eighteen.

MS. NAKATA: So, we'd be looking at the November 2nd...excuse me, the November 16th Council meeting.

COUNCILMEMBER SUGIMURA: On Molokai.

CHAIR CARROLL: Alright, everybody have that?

COUNCILMEMBER KING: We have no quorum.

COUNCILMEMBER CRIVELLO: Why, we have bare quorum? Oh.

CHAIR CARROLL: Ms. Crivello, you now see that you're invaluable.

COUNCILMEMBER CRIVELLO: Sorry, Chair.

CHAIR CARROLL: Alright, we shall try to be quick. The modifications, one, construction of the Wailuku Apartment Rental Housing Project shall commence within two years of the effective date of this resolution. Commencement of construction shall mean visible start of grading pursuant to valid grading permit as needed for the development property. Legacy Wailuku LLC shall act in good faith and with reasonable best effort to complete construction of the 195 residential workforce housing units with all related roads and infrastructure no later than five years after the effective date of this resolution. The project approval shall lapse and become void by the end of 180 days from the effective date of this resolution, the Legacy Wailuku LLC has failed to receive the Maui County Council's approval of State Land Use District Boundary Amendment from Agricultural to Urban for the property. Everybody got that? And when we meet next time, we shall do this by vote, put it on top after we get a motion on the floor for the modifications. But I wanted to bring that up now because that was a concern of everybody, the start and the stop. Okay. Public Works have any comment before we...since we had you over here all this time?

MS. DAGDAG-ANDAYA: Chair, the only comment that I had was something that you already mentioned that if any of the Councilmembers have...or Committee Members have any

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questions prior to October 31st to, it would be helpful if we could get them in writing and we can have our staff review.

CHAIR CARROLL: Thank you. Having no further business this day...

COUNCILMEMBER COCHRAN: Chair? Chair? Chair? Before we close --

CHAIR CARROLL: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: --and Ms. Andaya is done, there was a comment in the draft EA and just wondering if it's not a, if it's a non-issue at this time and it was in reference to the MS4 guidelines. And at the time it was stated we would be in non-compliance and put the County as risk. So, is this comment still an issue or not?

MS. DAGDAG-ANDAYA: Chair, the...according to the revised list of exemptions, it's a non-issue because --

COUNCILMEMBER COCHRAN: Okay.

MS. DAGDAG-ANDAYA: --they took out that exemption that, relating to that comment. So, it's not in their list of exemptions right now.

COUNCILMEMBER COCHRAN: Okay. Okay. No, just wanted to double check. Thank you, Chair. Thank you.

CHAIR CARROLL: Alright, Ms. Nakata, do you have anything before we adjourn the meeting?

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

ACTION: DEFER LU-2(5) and LU-64 PENDING FURTHER DISCUSSION.

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CHAIR CARROLL: Having no further business, thank you all, it's ten to 5:00. Thank you for staying with us. We appreciate it. And this Land Use Committee meeting stands adjourned. . . .(gavel) . . .

ADJOURN: 4:51 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

lu:min:181017:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATE

I, Daniel Schoenbeck, 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 1st day of November, 2018, in Kula, Hawaii



Daniel Schoenbeck