

HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE

Council of the County of Maui

MINUTES

November 1, 2018

Council Chamber, 8th Floor

CONVENE: 1:36 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Stacy Crivello, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Alika Atay
Councilmember Don S. Guzman (out 4:00 p.m.)
Councilmember Riki Hokama (in 1:40 p.m.)
Councilmember Kelly T. King
Councilmember Mike White (in 1:52 p.m.)

NON-VOTING MEMBERS:

Councilmember Elle Cochran

STAFF: Saumalu Mataafa, Legislative Analyst
Leslee Matthews, Legislative Analyst
Clarita Balala, Committee Secretary

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

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

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

ADMIN.: Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel
William R. Spence, Director, Department of Housing and Human Concerns
John Buck, Deputy Director, Department of Transportation
Michele N. McLean, Director, Department of Planning
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works

Seated in the gallery:

Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Tom Blackburn-Rodriguez, Executive Consultant, Go Maui, Inc.

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Craig Hirai, Executive Director, Hawaii Housing Finance and
Development Corporation

Dora Choy, Planning Branch, Department of Accounting and
General Services

(3) additional attendees

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

CHAIR CRIVELLO: ...*(gavel)*... The meeting of the Housing, Human Services, and Transportation Committee will now come to order. It's about 1:36 p.m. on Thursday, November 1, 2018. Before we begin, may I please request that we all turn off or silence our cell phones or other noisemaking devices, and that includes me. Excuse me. Thank you. At this time, I'd like to introduce our Committee voting Members. I'm your Chair, Stacy Helm Crivello. And at this time, I'd like to introduce our Committee Vice-Chair, Robert Carroll

VICE-CHAIR CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. Thank you for being here. Councilmember Alika Atay.

COUNCILMEMBER ATAY: Good afternoon, Chair.

CHAIR CRIVELLO: Good afternoon. Councilmember Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you for being here. And Councilmember Kelly King. Thank you for being here. Joining us in a little bit will be--they're excused at the moment--Councilmember Riki Hokama and Councilmember Mike White. With us today also is non-voting Committee Member --

COUNCILMEMBER COCHRAN: Aloha. Thank...

CHAIR CRIVELLO: --Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR CRIVELLO: Thank you for being here. I'd like to introduce at this time our Corporation Counsel, Jeff Ueoka.

MR. UEOKA: Good afternoon, Chair.

CHAIR CRIVELLO: And he's with us to handle our HHT-52 and HHT-2 [sic]. Also with us from our respective Administration departments, Rowena Dagdag-Andaya, Deputy Director --

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MS. DAGDAG-ANDAYA: Good afternoon, Chair.

CHAIR CRIVELLO: --of Public Works.

MS. DAGDAG-ANDAYA: Aloha.

CHAIR CRIVELLO: Aloha and mahalo for being here. Director of Planning, Michelle McLean.

MS. McLEAN: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you. And with us also will join us...is joining us is Director of Housing and Human Concerns, Mr. Will Spence --

MR. SPENCE: Good afternoon, Chair.

CHAIR CRIVELLO: --and Director...Deputy Director of Transportation, Mr. John Buck. Also we have our resource people from the Hawaii Housing Finance and Development, Executive Director Craig Hirai. Thank you for being here, Mr. Hirai. And from the Planning Branch, Department of Accounting and General Services, Dora Choy. Thank you. And thank you my Committee Staff, Clarita Balala, Committee Secretary and Saumalu Mataafa, Legislative Analyst. Members, thank you for being here. Before we get into the discussion, we'll get started with public testimony. And assisting us this afternoon from the Lanai District Office is Denise Fernandez.

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

CHAIR CRIVELLO: Thank you, Denise. And from the Molokai District Office is Ella Alcon.

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

CHAIR CRIVELLO: Thank you, Ella. And from the Hana District Office, Dawn Lono.

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

CHAIR CRIVELLO: Thank you, ladies. Should we have any testifiers, please e-mail Staff here. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8th floor lobby just outside the Chamber door. If you will be testifying from the remote testimony location specified on the meeting agenda, please sign up with the Council Staff at that location. Testimony will be limited to the items listed on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item, and at two-and-a-half minutes, the light will turn yellow signaling 30 seconds remaining. At three minutes, the light will blink red which is signal for you to end your testimony. When testifying, please state your

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name and the name of any organization you are representing. But before we call on our first testifier, I'd like to recognize Councilmember Riki Hokama. Thank you for being here. Staff, I would like to ask if you can call our first testifier?

MS. MATTHEWS: Yes, Madam Chair. Our first testifier is Will Spence testifying on HHT-54, to be followed by Tom Blackburn-Rodriguez.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. SPENCE: Thank you, Madam Chair. I was not called to this meeting as Housing Director for this particular item so I'm testifying as an individual. But I thought the input was important. Over the years as Planning Director, I've...well, I know for this particular item the post office site is of importance to all of the Councilmembers and how that's handled and what, you know, in decision making on what to do with that property. Over the years as Planning Director, I've sat in a number of meetings where...with State officials both in DLNR and at least one of our Legislators, I'm trying to remember, there might have been a couple of them. And the discussion was centered around their need for additional space here in Wailuku both for the Judiciary and for the State Office Building. A lot of the discussion was centered around moving these offices elsewhere, out of Wailuku. The topic of the Judiciary was to move the entire process out to Pulehunui out by the drag strip and to the DLNR's lands located there. The State Office Building perhaps to Kahului. And I just think it's important for the Councilmembers to consider how much time and energy and money we have poured into this town to make this a viable town once again. And to lose those hundreds of jobs and I'm not just talking State workers but also all the attorneys, they have...if the Judiciary moved there would be no reason for the attorneys to remain in this town. All their support staff, all of the small businesses that, you know, go to supporting all those personnel. Same with the State workers, if we remove all those jobs from this town, I think about the impact it would take to our small businesses here in Wailuku, what other support services would then also move elsewhere. So, I think our...I'm not saying what you should or shouldn't do, but the loss of jobs in this town could have a severe impact if the State decides to move these services. So, thank you, Madam Chair.

CHAIR CRIVELLO: Thank you, Mr. Spence. Members, any questions, clarification, or to further the discussion with the testifier? Councilmember King?

COUNCILMEMBER KING: Yeah, I'm just confused on what item you're testifying on.

MR. SPENCE: HHT-54.

CHAIR CRIVELLO: The bus hub.

MR. SPENCE: Bus hub.

COUNCILMEMBER KING: Okay.

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MR. SPENCE: Because that's been the topic as I think everybody's in agreement the bus hub site is probably okay, at least that's what I've been told. But it's what to do with the post office in --

COUNCILMEMBER KING: Okay.

MR. SPENCE: --conjunction with that.

COUNCILMEMBER KING: Okay. So, you're talking about the other half of that --

MR. SPENCE: Yes.

CHAIR CRIVELLO: The intergovernment...

COUNCILMEMBER KING: Okay.

MR. SPENCE: Correct.

COUNCILMEMBER KING: Okay.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER KING: I was getting all confused there. Thank you.

CHAIR CRIVELLO: Thank you. Thank you, Mr. Spence.

MR. SPENCE: Okay.

CHAIR CRIVELLO: Our next testifier?

MS. MATTHEWS: Our next testifier, Madam Chair, will be Tom Blackburn-Rodriguez testifying on HHT-52 and HHT-2(3).

CHAIR CRIVELLO: Thank you.

MR. BLACKBURN-RODRIGUEZ: Good afternoon, Madam Chair, Members of the Committee.

CHAIR CRIVELLO: Good afternoon.

MR. BLACKBURN-RODRIGUEZ: My name is Tom Blackburn-Rodriguez and I live in Kihei. I'm testifying today on behalf of Go Maui, Inc. And additional information about Go Maui can be found at www.gomaiiinc.org. I'm testifying on HHT-52 and HHT-2(3). HHT-2 [sic] is an Amendment to Chapter 2.96 of the Maui County Code Relating to Residential Workforce Housing Fast Track Permitting. The purpose of HHT-52 and I quote "is to amend the Maui County Code to support the fast track development of residential workforce housing by codifying the County's expedited permit process and

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giving priority to qualified residential workforce housing projects.” HHT-2(3) are Amendments to the Residential Workforce Housing Policy, (Proposed Amendments Relating to Incentives and Exemptions). The purpose of the revised proposed bill I’ve just described is to amend the Maui County Code to establish a process in which developers of 100 percent residential workforce housing projects may seek to fast track development of their projects by applying for County exemptions from the County Code. Go Maui supports Committee approval of both proposals and passage to the full Council for action. Go Maui does not support continued delay and consideration and action due to the election season. The crisis in affordable housing was here before the election and sadly it will be here afterwards unless we take strong action now. It is not fair to ask those who look to having this problem solved to wait for election results. It is clear that all candidates running strongly support building affordable housing. Affordable housing has become an issue of justice for Maui County residents. And as Dr. Martin Luther King once said, justice delayed is justice denied. Public Works has weighed in, the Planning Department has weighed in, and Corporation Counsel has made comments. After reviewing the proposed legislation in HHT-52, our request would be that while it sets out a fast track permit processing, it says departments must begin work on these items within two days, it does not say when they must be finished. So, while it may mean that an application does not sit for a long time before it gets reviewed, it does not guarantee that the review will be complete in a certain amount of time. In closing, Go Maui supports both Legislative proposals being considered today, and we sincerely thank the Committee for its continued efforts in this continued, critical arena which affects us all. Thank you very much.

CHAIR CRIVELLO: Thank you. Any clarification or comments for the testifier? Thank you.

MR. BLACKBURN-RODRIGUEZ: Thank you very much. And a belated happy Halloween.

CHAIR CRIVELLO: Thank you. Any further testifiers?

MS. MATHEWS: Madam Chair, that’s all the testifiers that we have signed up in the Chamber.

CHAIR CRIVELLO: Thank you. And I am on the understanding that the outer districts there are no testifiers. And, Members, since there are no more testifiers, if there are no objections, public testimony is closed.

COUNCILMEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

HHT-52: AMENDMENT TO CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING FAST TRACK PERMITTING (CC 18-330)

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CHAIR CRIVELLO: So, we begin on our first agenda item but, you know, I may have overlooked, I'm not sure if I introduced Mister...I did, Mr. Ueoka. But I overlooked introducing--did I introduce you, Mr. Ueoka?--Mimi Desjardins from also our Deputy Corporation Counsel. Mimi, thank you for being here. HHT-52, Amendment to Chapter 2.96, Maui County Code, Relating to Residential Workforce Housing Fast Tracking [sic] Permitting. So, the agenda reads Amendment to Chapter 2.96, Maui County Code, Relating to Residential Workforce Housing. The Committee is in receipt of the following: County Communication 18-330, from myself, the Committee Chair Stacy Crivello, relating to amendments to the Maui County Code to expedite the permitting process for workforce housing projects; Correspondence dated October 24, 2018, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled A Bill for an Ordinance Amending Chapter 2.96, Maui County Code, Relating to Residential Workforce Housing Fast Track Permitting. The purpose of the revised proposed bill is to amend the Maui County Code to support the fast track development of residential workforce housing by codifying the County's expedited permit process and giving priority to qualified residential workforce housing projects. The Committee may consider whether to recommend passage of the revised proposed bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication 18-330 and other related action. Members, we last discussed this item and possible revisions to the proposed bill on October 4. Today, we have before us a revised bill which incorporates the Committee's concerns as well as comments from the Planning and Public Works Departments. The purpose of the proposed bill is to support the development of residential workforce housing by codifying the process. Major revisions to the bill include one, specifying that the fast track permitting process will only be available to 100 percent residential workforce housing projects; seeking an initial comment period for departmental reviews to 15 working days; mandating the Council to set an initial meeting for fast-track applications within 30 days of the referral to the Committee; and requiring the Council to vote on a permit application within 60 days. Again, Committee, I remind you of the recent policy analysis by SMS Hawaii, which points out that developers believe it takes too long to get through the necessary permitting processes which almost always takes more time than scheduled and adds to development costs and increased uncertainty for funders. Although many departments already give higher priority to residential workforce housing projects, some still use the first come, first served priority system. By streamlining the permit review process for 100 percent residential workforce housing projects, we hope to see projects being built faster and at a lower cost for our Maui County residents. Members, it's my intent as Chair today to discuss the revised proposed bill and receive comments from the Planning and Public Works Department. So, I'd like to first turn it over to Housing Director, Mr. Spence, for any opening comments on the bill.

MR. SPENCE: Thank you, Madam Chair. The origination of this bill pretty much started with a directive that the Mayor issued for all departments to prioritize the processing of your permits for affordable housing projects. The...in discussions with your Chair, we thought, you know, this would be a good thing to codify. So, it's gone through a couple of iterations. We strongly support this. We, you know, this mentions the recognizing of affordable housing projects through certificates and whatnot so it stays

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at the top of everybody's list. The...it has been effective in helping affordable housing projects along. I know Kaiwahine in Kihei has been helped considerably with this, as has Kahului Lani, the senior housing project by Catholic Charities. So, it has benefitted affordable housing projects, and I look forward to this going forward and helping others in the future. Just a couple of comments, Madam Chair. The...under 2.96.160B, project comprised of 100 percent residential workforce housing units, the Committee might want to consider lowering that to like more than 50 percent so like 51 percent. Then, you know, give an incentive for more units to be built. We need units not only that are workforce, we need them across the board. So, getting more units constructed would be a benefit to our residents as a whole. The second comment would be under item D, applicable departments shall begin permit review process for fast track projects no later than two working days following submission of all required applications. The two working days is going to be kind of difficult for most departments to comply with. Certainly, this bill would put the permits at the top of the heap, but two working days is, you know, I'll let the other line agencies comment but that seems pretty short. We might consider, you know, five working days or something like that. So, thank you, Madam Chair. I think this is a very good bill and it should go forward. Thank you.

CHAIR CRIVELLO: Thank you, Director. I'm going to allow the Directors from the Planning and Public Works and Mr. Ueoka, then we'll open up for discussion. So, at this time I'd like to go to Director Michele McLean, Planning Department.

MS. McLEAN: Thank you, Chair. We submitted comments in writing dated October 15th, saying that we support the proposed bill. And then there were two areas where we suggested that the bill use the word "shall" rather than "will," and the latest proposed bill incorporates those changes so we appreciate your consideration of that suggestion. And we remain in support of the bill and are available for questions. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Department of Public Works, Rowena Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Thank you, Chair. The Department of Public Works did respond to your request for comments to the proposed bill that was originally drafted back in the later part of September. Our understanding is that the bill has, there had been modifications since then, but our comments at the time were that we noted that there was a review of qualified projects within two days of submittal but also noted that even if the County department starts reviewing within two days, that the proposed bill didn't indicate a timeframe for completing the review or approval of a project. So, in our comments, we had suggested some additional language that would require that County departments provide substantive written comments on construction documents and permit applications no later than 15 calendar days from the time they receive the application. So, I believe that was also included in the latest iteration of the proposed bill for an ordinance, and we're supportive of that change and also supportive of the bill overall. So, again, the Department of Public Works is here if you have any questions.

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CHAIR CRIVELLO: Thank you. Thank you, Directors. Mr. Ueoka, I'd like to open the floor for you and then we're going to have our Committee discussion and...

MR. UEOKA: Thank you, Chair. I have no comments on this bill. I believe it will work in the form it's in. I'm available for questions if anyone has any legal questions. Thank you, Chair.

CHAIR CRIVELLO: So, does the Department of Public Works, their comments, is it already noted in...

MR. UEOKA: Yes, Chair. I believe the 15-day completion deadline is addressed in Section D.

CHAIR CRIVELLO: Thank you.

MR. UEOKA: Thank you.

CHAIR CRIVELLO: Members...thank you. I'd like to open the floor up for discussion for any of our departments as well as for Corporation Counsel. Ms. King?

COUNCILMEMBER KING: Well, I'm just trying to figure out which document, because there's a revised bill dated 10/24, then there's a correspondence dated 10/25 which is...

CHAIR CRIVELLO: We're on HHT-52. Mr. Ueoka?

MR. UEOKA: Thank you, Chair. Yeah, Member King, that confused me also. I believe it's the 10/23/18 bill. The other one was just me returning a, another request so I returned it and it was --

COUNCILMEMBER KING: Okay.

MR. UEOKA: --put on Granicus. But we're working off the 10/23, and I believe I signed the 10/23 one, I did not sign the other one.

COUNCILMEMBER KING: Okay.

MR. UEOKA: Thank you.

COUNCILMEMBER KING: So, that's the one that's...it's...on our Granicus is dated 10/24 but the PAF is dated 10/23? Okay. Thank you.

CHAIR CRIVELLO: Thank you. Any further discussion, questions or comments? Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, my comments is more about what we need besides this for the fast tracking. One, I'm open to giving the departments, so I'm just trying to understand. The 15 days they're talking about for departmental review, is that part

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of the overall time clock that you want to set for this application for decision making? So, the 15 is within that total of what, the 60-day review and decision-making window? Is that how you...

CHAIR CRIVELLO: I believe we're looking at 60 days when it comes to Council for us to complete and the 15 days for the department.

COUNCILMEMBER HOKAMA: Okay. Then my comments as it regards for the departmental requirements, Chairman, I'm willing to give them maybe even double, 30 days for their comprehensive review. Because unlike the other application we're dealing with that also had like district boundary amendments, I need better analysis and better reporting for us to base decisions on. Okay. 'Cause the one thing that I did not agree with Planning's comment is they did not foresee any necessitation of impact, financial impact. Okay. I don't agree. If we are going to make this fast tracking projects work, then other components need to be considered. Okay. And we...and I'm going to bring up Wailuku/Waikapu. Okay. Waikapu for me will retain its identity, it will not be Wailuku. Okay. It is Waikapu, period. It has its issues. Okay. There's a lot of things that going to have to pass that community. We can take into account fast-track projects, but if that to work, then the department needs to come back and tell me what we are going to necessitate accelerating projects to make this bloody project work. Okay. So, you want us to fast track 300 units, well, you should be telling us we expect you to also then take in account Waiale improvements, Kamehameha Avenue improvements, Waiinu improvements, Kuikahi Drive improvements, Maui Lani Drive improvements. Okay. And this is our anticipated costs that it will take to make this project work. That's what I expect from the department in 30 days, Chair.

CHAIR CRIVELLO: So, for that reason you feel that 15 days is not sufficient to give us a comprehensive review of...

COUNCILMEMBER HOKAMA: Not for the departments to give a smart --

CHAIR CRIVELLO: Right.

COUNCILMEMBER HOKAMA: --response, Chairman.

CHAIR CRIVELLO: Right.

COUNCILMEMBER HOKAMA: Because again as I stated yesterday, I don't have a problem putting County resources to help us move regional planning forward, including the road system, the sewer system, the water system, because in the future, I want the applicants to implement our plan. I'm tired of implementing their plan. Because their plan only takes in account the need of their project as a primary priority. That's not good enough for us anymore, Chair.

CHAIR CRIVELLO: I hear you.

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COUNCILMEMBER HOKAMA: Yeah, so for me the way we can assist the Waikapu's, the Paukukalo's, the Waiehu's, Waihee, Piihana, Mokuhaul areas is we gotta think about it regionally and what we're going to demand of the components to work. I have no problem approving certain exemptions and whatnot, it has a dollar value. And for me, Chair, when it comes to this kind of money, I will only consider 100 percent projects, nothing...anything less I won't be supportive on fast tracking.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR CRIVELLO: Department, any comments to follow up on Mr. Hokama's discussion?

MS. DAGDAG-ANDAYA: Thank you, Chair, and thank you, Councilmember Hokama. We actually have a 30-day requirement in 16.26B that all departments provide initial written substantive comments within the first 30 days. So, you know, trying to make sure all of the departments get their reviews completed within that timeframe, you know, is a little challenging. I know for our Department, for Public Works in particular, we've set that as a performance measure and in fact have lowered it to making sure that we review our projects in less than 30 days, and we've been able to manage that. But I just wanted to point out that the 30 days also appears in 16.26B. And, you know, we're open to including that as well in this ordinance or this proposed bill for an ordinance.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR CRIVELLO: Thank you. Anyone else, any comments? Oh, Planning, do you have any comments to Mr. Hokama's...

MS. McLEAN: Thank you, Chair. And this is for my clarification and it might assist others. The purpose of the bill is for, it is for 100 percent residential workforce housing units so this only applies to 100 percent projects. And the original administrative directive was that if there's a 100 percent workforce housing project, whether it comes in through a regular process or whether it comes in through a 201H process, as soon as that workforce housing agreement is executed, the Housing Department would call out to all departments, this is a priority, put this, put reviews for this project on top of the pile. So, whether it's building permits, whether it's water connections, whatever it may be, those get priority. So, that's what this ordinance is seeking to put into the Code requirement. So, as Public Works said, the current Code requirement is 30 days. We're saying okay, for these projects it's going to be 15 days instead. And when the Administration put forward this policy, that was for projects that already had their land use entitlements, but we suggested well if there's a project that's going through the regular entitlement process we should give that priority too. And so that's why there's the component that relates to Council. It's not the 201H process but it's one where that gets priority. The staff who gets assigned that gets working on that straight away. It gets scheduled as soon as it can. So, that's what the intent was, to look at if there are times already in the Code, to make them faster for these, and if

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there aren't times in the Code, then let's establish times so that these become a priority. So, if this were to pass, then it would really be up to the Housing Department, as soon as they execute an agreement, to let the other departments know this is going to be coming your way and make it a priority. That's how I understand it to be, and if I'm wrong in that, then please correct me because that's what we would be prepared to do. Thank you, Chair.

CHAIR CRIVELLO: Mr. Spence?

MR. SPENCE: Yeah, thank you, Madam Chair. The original administrative directive from the Mayor was for any project with a workforce housing agreement with the County. It wasn't just any 100 percent project. The reason that the...in discussion with Council Staff and with the Housing Chair, they came up with this idea of doing...making this applicable to only 100 percent affordable housing projects. But the idea...and you'll see at the very end of this, the Housing Director may promulgate administrative rules. So, what Director McLean is referring to is when they execute a workforce housing agreement with the County, we would notify all of the different departments, hey, this comes first, that it's given a priority. Whether it's a Change in Zoning or whatever, the...or just simple building permits, what we...what this process is intended to do is, you know, there's been discussion from the Committee before that we oftentimes, the Administration oftentimes gets applications that are incomplete. So, the idea is we review them, these projects very quickly. There are going to be necessary changes. We get those back to the applicant very quickly. Rather than when those...when the proper information and the changes come back, instead of these projects going to the bottom of the pile, because these are affordable housing projects, they stay at the top of the pile and the review is expedited again. I hope that makes sense. We see a lot of very incomplete applications and the thing is, is we're trying to help them, whatever the County process may be, whether it's building permit, wastewater, subdivision, grading, Change in Zoning, SMA, whatever, we want those projects to stay at the top of the heap and be given priority. We can do that through administrative rules and...thank you, Madam Chair.

CHAIR CRIVELLO: Thank you. Mr. Ueoka? Oh okay, just a moment. Ms. King and then Mr. Hokama. Thank you.

COUNCILMEMBER KING: Thank you, Chair. So, yeah, I had concerns about the 15 days, Chair, because we did review in Planning Committee about the 30 days, and we looked at the different departments and some of them aren't meeting 30 days. So, the thing that makes me nervous about this is the automatic approval after 15 days. And so if we can't get to the point where we're doing...where the departments are on track every time in the 30 days, how are we going to get the...how are we going to do this within 15 days? And then things are just going to be, start passing though automatically without review. But what is the date deemed the start of that, you know, as it's proposed in this bill, what is the start of that 15 days? Because you're talking about how permits go back and forth and you probably work with the applicants on, you know, massaging the permit. So, at what point does that 30-day period start? The current, in the current?

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CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Thank you, Chair. I don't actually...I'm not involved in the permit processing, but however the rule does read from Public Works that applicable department shall submit initial comments to the applicant within 15 working days following submission of all required application and forms deemed complete. So, when they submit it, it'll be given to the Department. If it's deemed complete, then the 15-day window starts. But that is only for initial comments. If the departments don't say even initial comments in the 15 days, then it does go for automatic approval but it's just initial comments. So, it's not saying that it's going to be done after 15 days, it's just initial comments are due within 15 days. So, that's when the thing will start, when they get it submitted and it's deemed complete. I'm assuming it's deemed complete by the Department, and I guess it's --

COUNCILMEMBER KING: Okay, but the...

MR. UEOKA: --the permit review process has to start two working days following submission.

COUNCILMEMBER KING: Okay, but the...this...if I'm looking at the same version that you directed me to, it says all applicable departments shall submit initial comments to the applicant within 15 working days following submission of all required applications and forms deemed complete. So, is that, the deeming complete, is that one department that deems it complete or is that deemed complete by each of these departments?

MR. UEOKA: Chair?

CHAIR CRIVELLO: Yes.

MR. UEOKA: Thank you. My understanding is I believe the applications will go to Public Works typically and then they'll look at it, and then they send it out to the various departments for comments.

COUNCILMEMBER KING: Okay. So, at the point that they send it out, that's when...it gets deemed complete and then they send it out and then everybody has 15 days? Is that how that works?

MS. DAGDAG-ANDAYA: Chair?

CHAIR CRIVELLO: Yes.

MS. DAGDAG-ANDAYA: I just wanted to note too that for Public Works, Development Services Administration, when somebody brings their permit in, we're reviewing for just overall, just completeness according to what we need in...for accepting building permits. When it goes to Wastewater or Water Department, Planning Department, they have their own requirements that would tell them whether or not an application

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is complete. So, we, Public Works doesn't make that determination for the other departments. We are just the central processing agency where we take...we do the intake of the permit and we, you know, we work with the other departments to determine which applications go to them. And then we'll send it to Planning, Water Department, Wastewater all at one time for their review and comment.

COUNCILMEMBER KING: Okay. So, the way you read this then is from the time you send it out to the different departments, each department has 15 days to make comments?

MS. DAGDAG-ANDAYA: Yeah, I'm reading it for just, for Public Works. So, once we receive it and we deem it complete then we're reviewing it for our Building Code requirements.

COUNCILMEMBER KING: Okay. So, then, Chair...

CHAIR CRIVELLO: Maybe Mr. Ueoka can answer that --

COUNCILMEMBER KING: Yeah, so...

CHAIR CRIVELLO: --as to how it's --

COUNCILMEMBER KING: Yeah.

CHAIR CRIVELLO: --stated in this to your question. Mr. Ueoka, are we saying that each department has 15 days or all departments have 15 days?

MR. UEOKA: Thank you, Chair. I believe it's going to be a concurrent review, because it's, as Deputy Director Andaya said it gets sent out at the same time. And the sentence before does talk about they have two days to begin the permit review process. So, I would...my understanding of it is it gets submitted, Public Works will look at their portions, deem it complete, and then they have 15 days from there to give initial comments, and it would be the same for all of the other departments. Upon receipt, they'll have two days to begin review and then they have to give initial comments within 15 days. And I, my assumption would be since this is, the idea of this is to just get the ball rolling quickly, the initial comments could be something along the lines of, you know, you need work here and there and giving it back to the developer again or, you know, the applicant I should say. So, that's my understanding. It would be a 15 concurrent day time for each reviewing agency. That's my understanding. Thank you, Chair.

COUNCILMEMBER KING: Okay. So, they need to get back with comments; otherwise, it's just deemed approved? That's kind of what this document is saying.

CHAIR CRIVELLO: Mr. Ueoka?

MR. UEOKA: Yes. If they hear nothing in 15 days, no initial comments. It's similar to your 201H applications, if you guys don't do anything in 45 days, the application is deemed --

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COUNCILMEMBER KING: Right.

MR. UEOKA: --approved. That's policy decision by this body of course though. Thank you.

COUNCILMEMBER KING: So, I guess...thank you. I guess, Chair, my question would be is that going to...is this going to require extra personnel? 'Cause when we looked at the review, there was one month of review and then we asked for an update because one of our Committee Members wanted it, not all departments were able to get to...with the 30-day requirement. And so there was a report, there's a report I guess monthly on which departments are able to...what percentage of the permits they're doing within 30 days. And so in order to get to this level of review, are we going to need extra people or do you feel like, you know, do the departments feel like this is doable within 15 days --

CHAIR CRIVELLO: Department?

COUNCILMEMBER KING: --for initial comments?

MS. McLEAN: Thank you, Chair. For the past few months, we've been one of the lower performing departments when it comes to the percentage of building permits reviewed within 30 days, and I won't go into the reasons for that. We are improving, we will get our percentage up into the 90s again before too long. If it's clear to us that we get a building permit that is subject to this bill, we would have no problem meeting this timeframe. It's an issue of workload and other things that we're...have not been able to get through all permits within 30 days. But if...anytime something is placed as a priority then we should be able to get through it within a day or two. But keep it in mind as Rowena referred, our comments may be you need an SMA permit or you need a flood development permit or you need something else that could take time. But as long as we provide that comment within that timeframe then...and I don't think we would have a problem complying with the timeframe.

COUNCILMEMBER KING: Okay.

MS. McLEAN: Thank you.

COUNCILMEMBER KING: And Public Works is...

MS. DAGDAG-ANDAYA: Chair, may I?

CHAIR CRIVELLO: Thank you.

MS. DAGDAG-ANDAYA: And I agree with Deputy Director...I mean Director McLean. So, and it's been a...we made it a priority in our Department. We made it into a performance measure for our Department. And moving forward depending on who the next Administration is, that's going to be the priority for that department as well, making sure that their, the staff receives...the permit is told that this is a priority,

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move it up to the top, and get the review done within a specified time period. One more thing that the Department added, we added in our letter was that any other subsequent reviews that, you know, say, you get an initial comment within 15 days, it doesn't stop right there. Because there's also that back and forth with the applicant, they may have some revisions to make. So, what we suggested is that the second submittal, that be done within ten days and any subsequent reviews or back and forth that we have with the applicant, then you have like a five-day review. So, it goes 15 for the first review, if there's a second submittal that we review it within ten, and then anything after that we review within five days.

COUNCILMEMBER KING: Okay. And then there's that understanding that after your initial comment then if you give them something to do then you're waiting for that to come back --

MS. DAGDAG-ANDAYA: Right.

COUNCILMEMBER KING: --so the next period of time starts after they get it back to you?

MS. DAGDAG-ANDAYA: Yeah.

COUNCILMEMBER KING: Okay.

MS. DAGDAG-ANDAYA: But the...what's good about this bill is that it does place a priority on affordable housing projects which is something that we've been discussing for many months now, making sure that permitting is not only expedited but also made efficient when you're reviewing affordable housing projects. So, this places those projects to the top of the priority list. It signals the departments, hey, you gotta do your review within this specified time period. And we're still subject to our Building Code, 16.26B where we have the 30 days as well, so.

COUNCILMEMBER KING: Okay.

MS. DAGDAG-ANDAYA: But again it's about priorities.

COUNCILMEMBER KING: Okay.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR CRIVELLO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, my...I appreciate that questions. My concern is about what I had heard earlier from Director Spence regarding incomplete or applications that are not acceptable as presented. I only...I know of one entity that continually has issues of competence in applying for affordable project processing. So,

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what is the situation, are those that applying so incompetent they cannot send us full applications?

CHAIR CRIVELLO: Mr. Spence?

MR. SPENCE: Thank you, Madam Chair. It's not just affordable housing projects, but it would be, there are many permits that go into a project. So, let's say just for instance if the Council grants a 201H, that applicant can then go apply for grading permits, subdivision permits, I mean it...subdivision approvals, whatever the case may be. If they're so fortunate to be in the SMA, they can then go get their SMA permit.

COUNCILMEMBER HOKAMA: No, what is the issue for your Department when they submit that it's deemed incomplete?

MR. SPENCE: For my...my Department does not have the responsibility for looking at the details of the various permits that go into a project. We look at the workforce housing agreement, but the other agencies, Planning and Public Works they'll look at the grading permit, they'll look at the, you know, all the other things that go into it that...SMA. The idea behind this or the original idea behind this was to keep...to review those applications very quickly, get the comments back to the engineer or the planning consultant, whatever the case may be, gather the information back in. As soon as it comes in, you process that. So, instead of going to the bottom of the pile, it always stays at the top of the heap, therefore turning these permits around quicker. So, it's not so much my Department, it'll be like Public Works doing building permits, grading, subdivision. Planning, it's SMA.

COUNCILMEMBER HOKAMA: So, when we hear the issue of incomplete applications, what are we talking about? A deficiency from a specific department like Public Works or Planning?

MR. SPENCE: Yeah.

COUNCILMEMBER HOKAMA: So, until they review it, we don't know if it's a complete application or not?

MR. SPENCE: Well, you have your very skilled workers in all these different departments. If they look at an application or a set of plans and it doesn't give them the information that they need to be able to approve those plans, then it's deemed incomplete and they need to turn it around and get some more info.

COUNCILMEMBER HOKAMA: Do we make the applicant aware prior to submittal of what they need to submit? Because if we are making them aware and they don't, well shame on them, but we shouldn't be --

MR. SPENCE: Yeah.

COUNCILMEMBER HOKAMA: --doing their bloody work.

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MR. SPENCE: Yes, correct. And that does happen.

COUNCILMEMBER HOKAMA: And that irritates me.

MS. DAGDAG-ANDAYA: Chair, may I?

CHAIR CRIVELLO: Thank you.

MS. DAGDAG-ANDAYA: So, we have a checklist of all the requirements at the onset and we provide that checklist on our website and at the office so that applicants are aware of what they need in order to submit their application. Sometimes we just receive things like say a stamp is missing or the drawing is not done to scale, that's when we'll say, you know, you haven't...this is incomplete. There have been times where a form is missing or they just need a signature, and, you know, we'll let those types of I guess incompleteness, you know, move forward because it's kind of non-substantive. But sometimes incomplete plans may be that they're missing like a whole...say it's a renovation project and they didn't include another structure on the property or, you know, another structure or just those kinds of things. I mean there's various types of reasons for incomplete...

COUNCILMEMBER HOKAMA: Are these licensed professionals that doing the work?

MS. DAGDAG-ANDAYA: Yes.

COUNCILMEMBER HOKAMA: Well, so much for the license, yeah?

MS. DAGDAG-ANDAYA: And, Chair and Councilmember, we've been, you know, we've initially in the first couple of years of the Administration we were holding workshops for these licensed professionals. Sometimes you have a licensed professional who is from the mainland who's submitting work here.

COUNCILMEMBER HOKAMA: No excuses.

MS. DAGDAG-ANDAYA: Exactly. So, we continue, you know, we will meet with applicants ahead of time. We've kind of initiated those kinds of strategies. And meet with other...with landowners and their architect at the same time so that both parties understand what's missing or what needs to be completed. But there are times when we get, you know, incompleteness or incomplete applications, but we always work with the applicant and now we're working with the owner, both, you know, the landowner and whoever their consultant is to address those issues.

COUNCILMEMBER HOKAMA: Okay. Maybe we should make a public list, Chair, of all those places and professionals that don't know how to do their work so new companies don't have to use those type of companies for better work. Because I don't expect our employees to do what high-priced consultants get paid for do. Okay. That's not our job.

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CHAIR CRIVELLO: Director McLean?

MS. McLEAN: Chair, if I may add, the Planning Department faced that challenge and because we were getting behind in our 30-day reviews, we were trying to figure out ways to make it easier for us. And one of our plans reviewers' concerns was these repeated resubmittals. And so we actually did a budget amendment this fiscal year to enable us to charge increasingly greater fees for resubmittals. So, our first round of review is free, the first resubmittal is \$250, the third is 500, and the fourth and any subsequent are 1,000. And so we've taken the responsibility that if we can't review it on the first go-around, we make sure that we provide very detailed information for everything that we need so that they should be able to complete everything on the second review. And it has been a very significant difference in the number that we can approve after one or two reviews versus those that require three or more. And so it's been that financial incentive or penalty that if you have to come back a third time, it's going to cost you more and more. And so that's been one way that we've approached it to eliminate the repeated back and forth is we'll review it the first time and hopefully no more than twice. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Are you okay?

COUNCILMEMBER HOKAMA: Yeah, Chair, my point is we're trying to do our part to fast track, but if the application side, the applicant side is the one that holding up the review...

CHAIR CRIVELLO: We have no control.

COUNCILMEMBER HOKAMA: I mean, you know it's not to point fingers but let's go try figure out what's the problem then. But I expect licensed professionals to be just that, professionals --

CHAIR CRIVELLO: Right.

COUNCILMEMBER HOKAMA: --you know. And if they cannot be the professional, then don't do the work or you screw up in this County three times, I got no problem debarring these people from doing work in this County.

CHAIR CRIVELLO: Yeah, it does delay our work and takes up a lot of manpower, right.

COUNCILMEMBER HOKAMA: And I think we need to consider that as a tool for enforcement is debarring entities from doing County government work in this County for five consecutive years.

CHAIR CRIVELLO: Okay, we'll make that notation, Staff. Okay, Members, any...Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I do fully support fast tracking process especially for and only for 100 percent. Yeah. And I also kind of worry about the time,

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you know, if we're processing and we don't meet that time of 15 days and then they automatically pass then why are we penalizing ourselves? You know if we're trying to process it, I'd like to keep, you know, the longest date that we can keep the window open to process it. I really don't know the details of the permitting process, especially for like house, housing, but one of the comments I got from the construction people is that one avenue that can speed up the process of permitting is if they had like a project of say 40 homes and they're only offering two or three different models and it's the same home, same kind of house, and they already go through and get the stamp. Yeah. So, can pre-approved stamped housing plans, do you guys have that already in that...so, that was one that was shared with me last week that maybe that process could be added into the permitting process.

CHAIR CRIVELLO: Other than this fast tracking because --

COUNCILMEMBER ATAY: Well, it's part of --

CHAIR CRIVELLO: --that would be separate...

COUNCILMEMBER ATAY: --fast tracking --

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER ATAY: --'cause they gotta submit plans. But if they have a project and you only have two or three models that the guys can build --

CHAIR CRIVELLO: Yeah --

COUNCILMEMBER ATAY: --I don't know --

CHAIR CRIVELLO: --I hear you.

COUNCILMEMBER ATAY: --what takes place, yeah.

CHAIR CRIVELLO: We've had that discussion.

MS. DAGDAG-ANDAYA: Chair?

CHAIR CRIVELLO: Director?

MS. DAGDAG-ANDAYA: Yes. So, for our Building Code, we have something called design registration where if you have a set number of models and it's just repeated then you can have that model, you know, kind of like a pre-approval.

COUNCILMEMBER ATAY: Right.

MS. DAGDAG-ANDAYA: And then, you know, designate which lot and, you know, and each one would get a building permit. But it's already approved ahead of time.

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COUNCILMEMBER ATAY: Right.

MS. DAGDAG-ANDAYA: But even with that, you still gotta get your, you know, zoning compliance --

COUNCILMEMBER ATAY: Right.

MS. DAGDAG-ANDAYA: --Water Department still wants to review, Wastewater, and all that. But we do have that design registration process.

COUNCILMEMBER ATAY: Okay.

MS. DAGDAG-ANDAYA: We also have a plan review waiver process as well where...and that one, you know, it's...it...you tell the County that yes, we're going to build according to the Code and then before they move into the house, the County comes in and does their inspections. And if it's not according to Code or not built according to plan, then the tenants or the residents cannot move in, they have to make adjustments or change or fix some of the issues. But we have those types of processes in place to allow for like pre-approval or plan review waiver.

COUNCILMEMBER ATAY: Okay.

MS. DAGDAG-ANDAYA: That's all in 16.26B.

CHAIR CRIVELLO: Good question.

COUNCILMEMBER ATAY: Thank you, Chair. But that's...

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER ATAY: I'm all for --

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER ATAY: --100 percent fast track.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER ATAY: Put it at the top.

CHAIR CRIVELLO: Thank you. So, in respond to your inquiry, they already have it in the --

COUNCILMEMBER ATAY: Yeah.

CHAIR CRIVELLO: --books. Yeah, thank you. But that's good to know, he was not aware. Any further discussion, Members? I see green light, Mr. White?

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COUNCILMEMBER WHITE: Thank you, Chair. You know the only caveat that I would have, when we're talking the review of plans, a lot of what is requested from the County is fairly straightforward, but at the same time, there are things in our Codes that are subject to interpretation. And it's the interpretations by various individuals in various departments that are often the crux of what ties people and projects up. So, it's very simple to sit here and say well, we ought to debar the people that don't know what the County is, you know, what is required, but I can tell you having dealt with some departments, there's some individuals that I would like to see debarred because they're coming up with their own interpretations. And right or wrong, they're making things very difficult when there's nothing in the Code that says that this has to be done, but you run into that roadblock when it gets into the departments. And so there are times when developers have to go to the head of the department and ask for clarification, if not ask for significant assistance to move beyond an interpretation that you can't see coming. Because some of those interpretations are done by individuals and not necessarily with the understanding or approval of the department heads. So, thank you, Chair.

CHAIR CRIVELLO: Thank you. Any other comments, questions, or further clarification? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Everyone, voting Members spoke already? Okay. First off, I'm just curious because there already currently sits a fast tracking type process, albeit through the State, why are we...why is this here?

CHAIR CRIVELLO: I can answer that.

COUNCILMEMBER COCHRAN: What is the...yeah.

CHAIR CRIVELLO: That's part of your recommendation from your TIG, came out of a recommendation from SMS --

COUNCILMEMBER COCHRAN: Okay.

CHAIR CRIVELLO: --from the policy and implementation plan. So, we're looking at how we can, accordingly, how we can elimit [sic] the many hurdles and the delay that comes from the State. And according to most of the recommendations, County can deal with it faster.

COUNCILMEMBER COCHRAN: 'Cause I'm...okay. Oh sorry, Mr. Spence?

CHAIR CRIVELLO: Yes.

MR. SPENCE: Yes. And I would also throw in that the State does not process building permits, grading permits, SMA permits, all of those. Those are directly under us, so we're talking about fast tracking our side, our administrative side of things.

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COUNCILMEMBER COCHRAN: Okay. And then are there certain projects online to be utilizing this process right now?

CHAIR CRIVELLO: Not right now.

COUNCILMEMBER COCHRAN: Are there any specifically named entities right now that we know of?

MR. SPENCE: We...well, with the, I'll just say with the Administrative side, the directive that we received from the Mayor, we've issued certificates, fast tracking certificates for two projects that I mentioned before, Kaiwahine and for Kahului Lani which is the Catholic Charities' project, project right there on Vevau Street. So, they've already been benefitted by this directive. The idea is to try to codify it.

CHAIR CRIVELLO: So, more like an --

MR. SPENCE: I've had...

CHAIR CRIVELLO: --administrative kind of or executive request.

MR. SPENCE: Correct. And I've had --

CHAIR CRIVELLO: Not necessary...

MR. SPENCE: --inquiries from other projects as well.

COUNCILMEMBER COCHRAN: Okay. So, this is put into practice somewhat currently for those two projects you just mentioned?

MR. SPENCE: Since...

COUNCILMEMBER COCHRAN: And you're --

MR. SPENCE: Yeah.

COUNCILMEMBER COCHRAN: --we're trying to codify it here?

MR. SPENCE: Since I've been Housing Director we've been putting this into practice.

CHAIR CRIVELLO: So --

COUNCILMEMBER COCHRAN: Okay.

CHAIR CRIVELLO: --Ms. Cochran, this, passage of this will codify that no matter who's in Administration, we have all this in place.

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COUNCILMEMBER COCHRAN: Okay. And so I'm looking at...well, I'm looking at...let's see, I'm kind of looking at two different versions here 'cause I didn't this latest version we're working off of. Was that just downloaded onto Granicus this afternoon?

CHAIR CRIVELLO: I believe it's in Granicus. It's not in Granicus?

COUNCILMEMBER COCHRAN: No, it is in... 'cause anyway --

CHAIR CRIVELLO: Staff, I'll ask that --

COUNCILMEMBER COCHRAN: --I got --

CHAIR CRIVELLO: --to clarify that, Saumalu?

COUNCILMEMBER COCHRAN: --an older version here 'cause I don't believe my office had this in Granicus prior to this meeting.

CHAIR CRIVELLO: Mr. Mataafa?

MR. MATAAFA: Chair, it's on the meeting agenda that was sent out last Friday.

COUNCILMEMBER COCHRAN: Yeah, sorry, Chair, but I think we have three versions, two are unsigned by Mr. Ueoka, one is signed which we obviously are working off today, now. But I don't think that was downloaded into Granicus prior to this meeting. Or just prior, something very...

CHAIR CRIVELLO: I'm going to refer that to Staff.

MR. MATAAFA: Chair, the revised bill should be from Corp. Counsel on 10/24/2018.

CHAIR CRIVELLO: In Granicus?

MR. MATAAFA: In Granicus.

COUNCILMEMBER COCHRAN: Right, but when was that downloaded?

MR. MATAAFA: It was downloaded last Friday.

COUNCILMEMBER COCHRAN: Okay. So, I'm looking at, I guess it's item...the fast-track application requiring Council review, it's not F so I think is it E now? On Page 2. Is that...am I referring...and this has to do with the initial meeting for such application within six months, and then the other timeline in there says Council will vote, approve or deny application within one year.

CHAIR CRIVELLO: No, it's within 60 days.

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COUNCILMEMBER COCHRAN: So, that was...so now it's 30 days, refer to Committee, and then within 60 days from referral, on the 61st day if not approved or not approved or sorry, denied, it is considered approved. That's currently the new version --

CHAIR CRIVELLO: Right.

COUNCILMEMBER COCHRAN: --is stating that?

CHAIR CRIVELLO: Item E, right. You're reading it right.

COUNCILMEMBER COCHRAN: Okay. And then because if I jump over and sorry if I'm going to...the other...the item coming up has a different timeline that's why on a Council approval for projects. If Mister...I don't know who here may be understanding. In the incentives bill, the timeline for Council approvals contradict, they do not match up with timelines.

CHAIR CRIVELLO: So...

COUNCILMEMBER COCHRAN: Is that going to be a...

CHAIR CRIVELLO: Mr. Ueoka, would you like to do some brief clarification for Ms. Cochran?

MR. UEOKA: Thank you, Chair. They are separate bills so each stands alone of course and neither have passed, so. But yeah, my understanding is the two...the proposed 2.97 section gives the Council 60 days to make a decision and I believe E in the version I'm looking at of the permitting bill, Council shall vote to approve or deny the application within 60 days of the referral to the Committee. So, I think that's kind of similar. They have to take action within 30...I'm sorry, schedule the initial meeting for such application within 30 days and take action within 60. So, I think they're similar.

MS. McLEAN: Chair, may I comment?

CHAIR CRIVELLO: Yes, Director.

MS. McLEAN: Thank you. The bill to amend Chapter 2...or to add or amend Chapter 2.96 involves projects that have either already...that already have their zoning, community plan, they already have their entitlement so it deals mostly with building permits. And then this paragraph E, the one that requires Council review, that would be if they need a Change in Zoning or community plan change, this would be the timeline for Council to review them. But they have gone through the regular process already, they've gone to the Planning Commissions, they've done the neighbor notification. All of that process is followed. We prioritize it in terms of staff work and in terms of scheduling with the Commission, but it follows the regular process up until it gets to Council, then you have an expedited review time. The other bill is similar to the 201H process where it doesn't go through the Planning Commissions, it doesn't go through Planning, those go through Housing and those come straight to Council. So, they both involve expediting and fast tracking, and both contemplate Council review, but

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one of them has gone through Planning Commission and has gone through the regular process up to the point it comes to Council whereas the other one has not gone through that process. Does that help clarify the difference between the two?

COUNCILMEMBER COCHRAN: Yeah. So, the timelines are...it's okay that they're different? 'Cause one's forcing us 14 days.

MS. McLEAN: This is, you know, this...

COUNCILMEMBER COCHRAN: So, I mean and that's another...this is...

MS. McLEAN: These are in front of you folks to decide what --

COUNCILMEMBER COCHRAN: Right.

MS. McLEAN: --timeframe works for you but they are different processes so if you feel that they --

COUNCILMEMBER COCHRAN: Yeah.

MS. McLEAN: --should have different times then it's because --

COUNCILMEMBER COCHRAN: Right.

MS. McLEAN: --they follow a different process to get to you.

CHAIR CRIVELLO: One is fast --

COUNCILMEMBER COCHRAN: Okay.

CHAIR CRIVELLO: --tracking and the other is incentives and exemptions.

MR. SPENCE: Right.

COUNCILMEMBER COCHRAN: Right.

MR. SPENCE: And...

CHAIR CRIVELLO: So, now we're on the --

COUNCILMEMBER COCHRAN: But we...right.

CHAIR CRIVELLO: --fast tracking. I'd like to stick to that agenda item.

COUNCILMEMBER COCHRAN: Yeah. No, I mean I just was looking at the two different timeframes and...

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CHAIR CRIVELLO: Okay. Councilmember King?

COUNCILMEMBER KING: Yeah, Chair, I just wanted to add another thought here because, you know, when we...we just went through this at, in the Land Use Committee yesterday, when we are looking at some of these affordable housing projects and we want to say five years. Then we give them an extension opportunity just in case something happens. But we don't have that in here for the Council. I mean what if something happens on the Council within that 60 days that doesn't allow us to put it on the agenda in 60 days and get it out of Council? So, we don't give ourselves any act of God out or any potential for, you know, maybe if there's a couple --

CHAIR CRIVELLO: I can only...

COUNCILMEMBER KING: --hurricanes in one month and, you know, everything gets approved because we're 61 days. So, I just kind of wanted to throw that out there to the body that we're hamstringing ourselves, and we're saying that we're going to fast track this but we're not expecting the developer necessarily to meet their deadlines.

CHAIR CRIVELLO: Well, the developer would have to meet all its fast tracking requirements and by the time it comes to us, we have just within that parameter.

COUNCILMEMBER KING: No, no, I know, but I'm saying once we approve it, we just did this yesterday where we said we give them five years, but something may happen that's out of their control so we're going to allow them an extension. Now, I mean I think the...I think we should just consider that something may happen that's out of the Council's control, but we have no extension opportunity in here. It just gets approved at --

CHAIR CRIVELLO: I think at the time we can.

COUNCILMEMBER KING: --61 days.

CHAIR CRIVELLO: Mr. Ueoka, you want to comment on that please?

MR. UEOKA: Thank you, Chair. I do understand Member King's concerns regarding...even for the 15-day initial review if something happens and it's automatically approved; however, for the Council one what I have seen the Council do on different applications is when they have a time deadline and they don't have enough time to review it, they convene and they deny it. You know that's also...it's approve or deny within the 60 days. So, that's an out for the Council to...if they're running out of time, but I do understand your concern that it is a rather harsh reality to have it on the 61st day be automatically approved. But I've seen it the other way too where there wasn't enough time so --

COUNCILMEMBER KING: Yeah, I mean --

MR. UEOKA: --brought it up for a vote and denied.

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COUNCILMEMBER KING: --both of those options don't seem like the best. And I just think, you know, maybe we should look at the fact --

CHAIR CRIVELLO: Well, you know, I think the applicant has --

COUNCILMEMBER KING: --that we might...

CHAIR CRIVELLO: --an option if they want to go through the fast tracking process or not --

COUNCILMEMBER KING: The Council has that option?

CHAIR CRIVELLO: --you know. Right.

COUNCILMEMBER KING: I don't think so. I think if it's in fast tracking --

CHAIR CRIVELLO: No, I think we...

COUNCILMEMBER KING: --we don't have an option.

CHAIR CRIVELLO: They do have options when they put in their application.

COUNCILMEMBER KING: Well, for the Council though, Chair.

CHAIR CRIVELLO: I see.

COUNCILMEMBER KING: So, once it comes to us we have no option. If it's a fast track --

CHAIR CRIVELLO: We have 60 days.

COUNCILMEMBER KING: --we have 60 days, if something happens it's out of our control. There's nothing in here that gives us an extension. We just have to either...we have to deny it which is probably not even fair to the developer. But anyway, I just wanted to throw that out there, because I, you know, as much as we like to give the developer the option of maybe something happens that's out of their control, we haven't done that for the Council.

CHAIR CRIVELLO: Mr. Ueoka, do you see us having to add that in there or...

MR. UEOKA: Thank you, Chair. Again, that's up to you. You could add something like that in if the body sees fit, but at the same time too if you're...theoretically speaking, if you're going to get more time, the Council would have to meet to pass some sort of resolution to allow for it to give more time also whereas a denial and they could just reapply would be a meeting also. So, it's up to you guys of course but it...

CHAIR CRIVELLO: So, Mr. Ueoka, what I'm hearing is that we do have the opportunity to pass a resolution for an extension at the time of reviewing the application if we're not ready to make that 60 days?

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MR. UEOKA: Thank you, Chair. Not as currently worded, it doesn't address it. We'd have to add in that language.

CHAIR CRIVELLO: Perhaps...

MR. UEOKA: But you could add that language in if you wanted to. Thank you.

CHAIR CRIVELLO: More comments on that particular? Mr. Atay?

COUNCILMEMBER ATAY: No, no, not on that topic.

CHAIR CRIVELLO: Okay. Anyone...do you want to add that in the language?

COUNCILMEMBER KING: Well, you know, Chair, I think it would be prudent. I mean I'm just kind of frustrated because if we're going to fast track, let's fast track and let's put stipulations on the developer too. But if we're going to give the developer the opportunity to extend because of extenuating circumstances then, you know, there could be extenuating...I'm just concerned that we're rushing to decisions because of this deadline. And I don't like the idea any more of rushing to a decision of no because there's a deadline than I do, you know, just kind of passing over some of the issues.

CHAIR CRIVELLO: Mr. Ueoka, please comment.

MR. UEOKA: Thank you, Chair. You know, Member King, if your concern is the extensions for the developers, I will say from a legal standpoint for certain approvals granted, even though there's an end deadline for completion of the project, it would probably be a lawsuit if you were to just automatically terminate their right. So, it'll be complicated. So, it's nice to have those extension language put in for the developer because you...like Mr. Welch mentioned yesterday, you'd hate to have a project that's two days late getting its final CO and then having the land use designation revert back to Ag and having to tear all the buildings down for, you know, a short period like that. So, it's understandable on that end. If you are looking for the Council to have the right to extend and everything, I would just recommend taking out the 61st day automatic approval. Then it's just the Council shall try to get it done by 60 days, but there won't be any automatic approval language.

COUNCILMEMBER KING: Okay.

MR. UEOKA: And you may want to put in the language you guys disliked yesterday about Council shall make its reasonable best efforts to get it done in 60 days. But again that's Council's decision. Thank you, Chair.

CHAIR CRIVELLO: I think your recommendation on best efforts and reasonable, however that's worded, I mean I think it encompasses just about the opportunity. Can you kind of say that so we can add that on?

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MR. UEOKA: Thank you, Chair. I guess my recommendation would be to remove the last sentence that reads if on the 61st day an application is not defined [sic] it shall be deemed approved by the Council. And on the sentence before, the Council shall make its reasonable best efforts to approve or deny the application within 60 days of the referral to the Committee. Thank you, Chair.

CHAIR CRIVELLO: Thank you. So, we'll add that amendment.

COUNCILMEMBER KING: Okay, thank you, Chair.

CHAIR CRIVELLO: Yeah, thank you, Councilmember King. Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. I just wanted to go back and revisit my earlier inquiry just for clarification.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER ATAY: In the process of building housing plans...

CHAIR CRIVELLO: Approve.

COUNCILMEMBER ATAY: Approvals. Just for the construction guys to understand. You know I got some guys that, you know, they're small, they want to build "X" amount of homes, they only have two or three models. But maybe one project is in Haiku and then later on in the year the project is in Lahaina and then later on in the year there's a project in Wailuku. When you say they would approve these models, is that applicable or is it only under that one housing development?

MS. DAGDAG-ANDAYA: Actually, I'll...I'd need to take a look at the Code.

COUNCILMEMBER ATAY: Okay.

MS. DAGDAG-ANDAYA: I think you could register it for that design registration across the board. That's what I'm kind of thinking right now, and that you could apply it in another area. Because I have this feeling that for Spencer Homes in particular, some of their, the homes that are built in the first phase, that design was used in another subdivision and I think it was also initially used somewhere in Kihei many, many years ago. So, I think you could do that. I know on the mainland they've...the, some of the municipalities have had that kind of registration process where you can take a design and use it in any other area which is good; however, you still have to do all the zoning compliance, SMA, and water usage. So, those kinds of reviews might take long. It's not like instantly you get your permit because it's already registered. So, you still have to review for compliance with other codes.

COUNCILMEMBER ATAY: Thank you for that. Because my inquiry is primarily for the guys in the trades. You know you get a work crew, you bang out 20 homes, then you move

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to the next 20 homes. By that time you're already maa, you're already accustomed. That whole team is, you know, banging out the homes. And they're looking at okay, we finished this housing project, let's move to the next one. Let's use the same plans and build, you know, another set of housing projects. And if those already pre-stamped approved plans, that should streamline and expedite this process of building homes. Okay, Chair. Thank you.

CHAIR CRIVELLO: Thank you, Mr. Atay. Any other comments before I make our recommendation?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CRIVELLO: Yes.

COUNCILMEMBER COCHRAN: If everyone...I'm trying to figure out when...how did the change occur? 'Cause I am cross-referencing a past written version which was Council schedule initial meeting for the application within six months of the referral, and then Council will have...will vote to approve or deny application within a year. That gives us this Council, this body a much broader timeline rather than stick this 30...61-day clock, 30-day/61-day clock on us. You know I think we already...I've heard it via this body just for the State 201H process that 45 days is pushing it for us. In a lot of ways we feel very rushed. We feel we cannot vet through as thoroughly as the applicant was able to provide all that information of years of work. They slam it on us and we gotta, you know, vote it up or down in 45 days. So, this is even cutting our time down quicker. So, on our own selves. I'm just like kind of flabbergasted actually.

CHAIR CRIVELLO: Mr. Ueoka, do you wish to respond?

MR. UEOKA: Thank you, Chair. I...my understanding was the 60 days was long, well, longer than 45 days obviously but it's often what the, this body had requested of, through HSAC for the amendments to 201H was moving it from 45 to 60. That was my understanding why it was given a 60-day timeframe. And I believe at the last meeting...I don't remember...one of the Councilmembers did state that six months and a year is not fast tracking, it should be faster. So, that's why the amendment was made from my understanding 'cause they...I cannot remember who said it but I remember it was brought up that, you know, do it faster, it's supposed to be fast track. So, that is my understanding of why the amendments were made to this bill. Thank you, Chair.

COUNCILMEMBER COCHRAN: And, Chair, a follow-up. Is, does this timeframe to apply to the Planning...the approval and all the work that goes through the Commissions and anything else that may --

CHAIR CRIVELLO: Mr. Ueoka?

COUNCILMEMBER COCHRAN: --apply to the applicant?

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MR. UEOKA: Thank you, Chair. No, this is just for the...those process will...initial comments 15 days, the way it's reading right now, but those other processes will have to run their proper course. Sometimes if...things just take time, they...you know, my understanding is they need to take the time they need to do it properly. So, if it needs to go through Planning Commission and everything, it will have to go through. There's no rush on the Planning...or no timeline on the Planning Commission through this bill. That is my understanding. So, it's just for the Council approval, after you...as Mr. Hokama brought up the DBAs, after that process is done you'll get your findings and recommendations from that body and the Council can make their decision. Thank you, Chair.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER COCHRAN: Okay.

CHAIR CRIVELLO: Members...

COUNCILMEMBER COCHRAN: I just...

CHAIR CRIVELLO: Mr. Hokama?

COUNCILMEMBER HOKAMA: I heard Mr. White clearly and I would agree with him. We wouldn't want...some of our issues is employee interpretations. So, for the departments, is there areas of the proposed legislation that you feel we need to provide better clarity to eliminate the need of interpretation?

CHAIR CRIVELLO: Director?

COUNCILMEMBER HOKAMA: 'Cause I would agree with that, you know, we want it to be easy to administer.

MS. McLEAN: Thank you, Chair. When the Mayor initiated the administrative directive, the departments all had a chance to comment, and we tightened it up pretty well and then I believe this bill was modeled on some of the final language that came out of that. So, I think it's quite straightforward and we didn't make any comments to try to clear it up. So, we're comfortable with meeting the timelines imposed on us.

CHAIR CRIVELLO: Mr. Ueoka, do you have a comment? No, I keep...I see your head popping.

MR. UEOKA: Oh. Oh no, no. I'm good. Thank you, Chair.

CHAIR CRIVELLO: Thank you.

MS. DAGDAG-ANDAYA: Chair?

CHAIR CRIVELLO: Yes, Miss...

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MS. DAGDAG-ANDAYA: Yeah, we would agree to the, to what Director McLean had said as well. But also wanted to note that here at this meeting we don't have Water Department, Wastewater, perhaps Parks, Fire, and they're also reviewing agencies as well. So, they would be subject to this ordinance, and we only spoke on behalf of our Department. So, I don't know if you want to have them comment but yeah, I just wanted to make that note. Also, this would only apply to County departments.

COUNCILMEMBER HOKAMA: Correct.

MS. DAGDAG-ANDAYA: There are State agencies that do reviews on our permits, SHPD, Department of Health, and but I just wanted to make note of that as well.

COUNCILMEMBER HOKAMA: No, we appreciate that. I'm more concerned about the County side of the aisle, our kuleana. I would just say that, Chair, that maybe under Section C on Page 2 of your legislation, on the certification part, maybe we just add a sentence that the Mayor shall...is...shall inform the Council of all departments and department heads that he has authorized to expedite this program.

CHAIR CRIVELLO: Okay. Or the application or the actual --

COUNCILMEMBER HOKAMA: Well --

CHAIR CRIVELLO: --permitting?

COUNCILMEMBER HOKAMA: --our legislation is authorizing him to put this group of department heads to expedite the process. I'm just asking that he be required to inform us who these departments and who the heads are that he's authorizing to make this decisions for us.

CHAIR CRIVELLO: Okay. So, Mr. Hokama, do you...Mr. Ueoka, do you see where we can place that?

MR. UEOKA: I guess it would be a more specific definition of "permit" then. And then as to which --

COUNCILMEMBER HOKAMA: That's under C.

MR. UEOKA: --exactly which permits...

COUNCILMEMBER HOKAMA: Is under your proposal for C.

CHAIR CRIVELLO: Building permits for workforce --

COUNCILMEMBER HOKAMA: Right?

CHAIR CRIVELLO: --housing and...

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COUNCILMEMBER HOKAMA: Fast-track permitting certification.

CHAIR CRIVELLO: I'll call a brief recess. . . .(gavel). . .

RECESS: 3:02 p.m.

RECONVENE: 3:10 p.m.

CHAIR CRIVELLO: . . .(gavel). . . The Housing, Human Services, and Transportation Committee will reconvene. So, Members, we have before you HHT-52 to amend Chapter 2.96. Any other discussion? If not...oh yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh, thank you, Chair. You know I have a little bit of an issue in terms of the de facto approval. When the department on the...obviously they have 15 days to make comments, but on the 16th day if they aren't...if they don't produce a comment then it automatically becomes approved. I guess my issue there is what is the consequences to the department itself if they don't make a comment? I see the advantage on the applicant, they get it approved, but if a department is slow and then it suddenly becomes an internal policy to let things slide, what is the guy...what...it's not like they have a governing body that oversees them and says look, you're ODC'd, you know, there's a disciplinary action that goes on if you don't do it properly. I want to know what is the consequences of a department that may slack and not get it done? And then...and what are the liabilities if we don't do it? Like for instance if Fire doesn't do it on the appropriate time period and it approves and then later on there's something that could have been caught in the Fire Code...I mean these are just things that pop in my mind.

CHAIR CRIVELLO: That's okay.

COUNCILMEMBER GUZMAN: But what exactly is the consequence here? 'Cause I see the advantage for the applicant. What is the --

CHAIR CRIVELLO: Mr. Ueoka?

COUNCILMEMBER GUZMAN: --hammer that makes the department move within 15 days, meet that deadline? What's the incentive for the department to meet that deadline?

CHAIR CRIVELLO: I would think responsive --

COUNCILMEMBER GUZMAN: Oh yeah.

CHAIR CRIVELLO: --to us. I would think --

COUNCILMEMBER GUZMAN: Yeah, well, no, I mean but what...

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CHAIR CRIVELLO: --responsive to the Council because we're putting more authority for the Council to come up with meeting that deadline. But that's just my personal.

COUNCILMEMBER GUZMAN: Yeah, yeah.

CHAIR CRIVELLO: I think that we'll have more say and then the Administration will have to deal with us wonderful people...

COUNCILMEMBER GUZMAN: Yeah, I see that on the backend when we...

CHAIR CRIVELLO: Because do they have any consequences, the department today?

COUNCILMEMBER GUZMAN: Right, right. But then --

CHAIR CRIVELLO: Will they have any tomorrow?

COUNCILMEMBER GUZMAN: --like what you're saying it will come back to the Council, we're the final voting when we'll have 60 days to decide that. And so when the department comes up, we can drill them and then at that point, what, threaten that we're going to cut their budget next time around? I don't know.

CHAIR CRIVELLO: No. . .

COUNCILMEMBER GUZMAN: I mean what is the...because at that point on the backend of it when it comes down to our...to the floor when we have that 60-day period, we're going to be under a lot of pressure, we're going to be saying hey, how come we didn't have that initial review from you guys so that we can make a sound decision on the floor right at that very moment.

CHAIR CRIVELLO: Okay. I'm going to ask...

COUNCILMEMBER GUZMAN: So, what is the hammer? I mean can we punish them or I mean like...and how? 'Cause we can't --

CHAIR CRIVELLO: Okay.

COUNCILMEMBER GUZMAN: --we don't have any authority to punish the departments except for cut their budgets.

CHAIR CRIVELLO: Thank you. Mr. Ueoka, answer Mr. Guzman on that please.

MR. UEOKA: Thank you, Chair.

COUNCILMEMBER GUZMAN: . . .*(inaudible)*. . .

MR. UEOKA: Very impassioned argument there. Just first of all, to address the...if the permit's automatically approved, I don't like that either, that's...but again it's initial

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comments, hopefully they can get that done. And, you know, it would be, liability-wise naturally it would be on a case-by-case basis, but I think typically we have a little bit of protection on when we approve projects because ultimately we're just signing off for your meeting codes and stuff. Whether or not...it's still the obligation of the builder to make sure things are done properly. So, we'd have some, you know, we'd have a defensible position in that case, but I would prefer it was adequately reviewed and commented on in a timely manner. As far as your hammer, that's more of a policy issue, but I can say that, you know, you guys recently changed the Code to allow for approval of directors. I would hope that the directors as running departments would make sure things are run properly. The mayor is elected every four years, the people can speak if things aren't done properly. It's a democratic process, I'm...I would hope that. And at the end of the day also, I'd like to think my fellow County employees are all trying to do their best to do their job properly in a timely manner and make things...make sure things are done efficiently and again properly. So, but that's a policy issue more than a legal issue but I do understand your concern. Thank you.

CHAIR CRIVELLO: Thank you. I'd like to ask the Director, she wants to respond to you.

MS. DAGDAG-ANDAYA: Chair and Councilmember Guzman, we have language in our Building Code, 16.26B, Section 105.3.1, Action on Application, this is in relation to the concern that, you know, after the 15th day, it just gets automatic approval. But what we have in here is it's stated in this section and in another section relating to emergency permits that if reviewing departments do not provide comments within the required time period, the building official shall consider the department as having no comment. But the failure of any reviewing department to comment within the specified time period, shall not relieve the applicant of the responsibility to comply with applicable laws whether required by the County, State, or United States governments which may include obtaining other required permits prior to construction. And then it goes on, neither the building official in issuing a permit nor the County of Maui shall be responsible for the applicant's failure to comply with any applicable laws. So, you know, they're still subject to compliance, even if the Department isn't able to render a decision within a specified time period.

COUNCILMEMBER GUZMAN: Okay. That's very good.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER GUZMAN: Yeah, that...

CHAIR CRIVELLO: It's already in the books.

COUNCILMEMBER GUZMAN: That's a missing component right there.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER GUZMAN: Thank you.

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CHAIR CRIVELLO: Thank you. Thank you. So, Members, throughout the discussion with this resolution, if I may ask your consensus, we have a few amendments to that. So, before I ask for passage or recommendation, I'd like to ask Staff to read off the considered amendments or wordings that we've add to this resolution [sic]. Mr. Mataafa?

MR. MATAAFA: Thank you, Chair. On Page 2, Subsection E of the revised proposed bill shall be amended to read as follows: Fast-track applications requiring Council review for qualified projects subject to fast-track permitting, the Council shall schedule the initial meeting for such application within 30 days of the referral to the Committee. The Council shall vote to make its reasonable best efforts to approve or deny the application within 60 days of referral to the Committee.

CHAIR CRIVELLO: Is that the only amendment that we have?

MR. MATAAFA: Yes, Chair.

CHAIR CRIVELLO: Yes?

MR. UEOKA: Quick clarification, I believe the word "vote" needs to be stricken. It's just the Council shall make its reasonable best efforts to approve or deny the application.

CHAIR CRIVELLO: Do you have that?

MR. UEOKA: Thank you.

CHAIR CRIVELLO: Okay.

MR. MATAAFA: Yes, Chair.

CHAIR CRIVELLO: Members...okay. So, Members, if there are no objections and if you are in consensus, I'm just going to add these amendments to this resolution and ask for my recommendation.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR CRIVELLO: Members, do you have no further discussion? Okay, so I would like to entertain a motion to recommend passage of the revised proposed bill entitled A Bill for an Ordinance Amending Chapter 2.96, Maui County Code, Relating to Residential Workforce Housing Fast Track Permitting; and incorporating any amendments made at today's meeting; and any other nonsubstantive revisions that may be needed; and filing of County Communication 18-330. Do I have a motion?

COUNCILMEMBER HOKAMA: . . .(inaudible) . . .

COUNCILMEMBER KING: So moved.

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CHAIR CRIVELLO: Mr. Hokama.

COUNCILMEMBER KING: Second.

CHAIR CRIVELLO: Moved by Mr. Hokama and second by Councilmember King. We'll open up for further discussion. If not, all...

COUNCILMEMBER COCHRAN: Chair?

CHAIR CRIVELLO: Yes.

COUNCILMEMBER COCHRAN: Thank you, Chair. So, yeah, I'm kind of trying to put all this together because the 201H process comes in, they go through that, we're fast tracking forcibly in 45 days. They're getting all sorts of exemptions and everything. Then they come in and bring that to us for this process. Then we're being slammed with the 31...61-day approval and another step to fast track it. And Mr. Spence on our break said in order to get costs down for the developer 'cause I'm looking at 140 AMI way too high still, I'm not deeming that affordable one bit. I'm looking more at our 60 percent to 100 in that range. So, if this is what these fast tracking processes are aiming to get homes built at, that's awesome. But I don't see anything here that's going to help us get it to that price range one bit. Because if I'm looking at the project we talked about the other day over on Kuikahi and Waiale, they already have their price ranges in that application. Comes out of 201H, comes to us. This fast track is not dropping those prices down. So, I don't have a vote here but I am here to speak my piece and share my concerns at this time. So, thank you. And I guess I can share that --

CHAIR CRIVELLO: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: --at full Council.

CHAIR CRIVELLO: Thank you. So, Members, so we have a motion and second, and any further discussion? If not, I'd like to call for the vote. All those in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR CRIVELLO: All those opposed? So, we have seven "ayes" and no "noes" so motion passes.

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VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and Councilmembers Atay, Guzman, Hokama, King, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised bill and FILING of communication.

CHAIR CRIVELLO: Thank you. I'd like to change the agenda a bit, Members, because our resource people have flights to return back to Honolulu. So, I am going to take a brief recess as we get ready for...I'm going to move on to agenda HHT-54 if there's no objections.

COUNCILMEMBERS: No objections.

CHAIR CRIVELLO: And then we'll move back to the item as...so we'll take a brief recess so that they can set up their presentation. . . .(gavel). . .

RECESS: 3:21 p.m.

RECONVENE: 3:24 p.m.

CHAIR CRIVELLO: . . .(gavel). . . We'll return to our meeting of the...the Housing, Human Services, and Transportation Committee will now reconvene.

HHT-54: AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (CC 18-350)

CHAIR CRIVELLO: Members, I'd like to move on to the agenda item that we have listed here, HHT-54, Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the Hawaii Housing Finance and Development Corporation and Department of Accounting and General Services. The Committee is in receipt of County Communication 18-350, from the Managing Director, transmitting a proposed bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of

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Maui to Enter into an Intergovernmental Agreement with the State of Hawaii, Hawaii Housing Finance and Development Corporation and Department of Accounting and General Services. The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Hawaii Housing Finance and Development Corporation and Department of Accounting and General Services, relating to the construction and lease of land for the new Maui Bus Hub. The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication 18-350 and other related action. So, Members, the State of Hawaii and the County of Maui propose entering into an intergovernmental agreement. The State has made available...I'm sorry. So, this is to move the Maui Bus Hub from Kaahumanu Center to a portion of a parcel located in Kahului in exchange for the State's use of County property adjacent to the State Office Building in Wailuku. The State has made available \$2.5 million for the construction of new central bus...Maui Bus Hub. The County has also appropriated \$650,000 for design of the new hub. HHFDC is also proposing to add in another 1.5 million for the bus hub if the proposal passes their board of directors. The Transportation Department is here today to talk about the proposed transaction. Additionally, we have Executive Director from HHFDC Corporation, Craig Hirai and from the Department of Accounting and General Services, Planning Branch, Dora Choy. They're here to answer any questions that we may have. Transportation Director...Deputy Director John Buck is here today and would like to proceed with a short, short presentation on the Central Maui Bus Hub. Mr. Buck?

MR. BUCK: Thank you, Chair and Committee. I'm going to try to go through this pretty fast but there's...I feel on this presentation there's some important information in regards to the background, where we're at today, and then some questions that came up at the last meeting that I would like to clarify or just provide additional information for the Council to make a better decision. So, as we know, this is part of an overall larger project by the State of Hawaii to develop affordable and low-income rental units. I'm going to go through some of these slides real fast. As we know, Queen Kaahumanu Center is the current transit site. In October 5, 2017, the Department received a letter from Queen Kaahumanu Center that they were not going to renew the lease, that we need to vacate the premises by January 30, 2020; however, in 2016, there was various meetings that took place with Queen Kaahumanu Center that they were not going to review or renew the lease. So, in 2016, Maui Department of Transportation began to search for suitable sites, and in consideration for the sites they needed to know, look at to the relative location to the current hub site. This was key to prevent changes or disruption of current services. Was the site immediately available and the financial impact, if the land needed to be purchased or what additional infrastructure was needed. First possible site was 40 West Kamehameha Avenue. This parcel is located across the street from Salvation Army and it's owned by Alexander and Baldwin. The next possible site is 11 South Puunene Avenue which most of us know as the old swap meet site. On July 20, 2017, HHFDC offered the Vevau Street location as part of the Transit-Oriented Development initiative. The site MDOT is proposing is to occupy the general area of where MEO Human Service Transportation operation was once located. So, reviewing the sites, 11 South Puunene Avenue, the site was...is slated for...oh I'm

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sorry, back up. I went too far. Forty West Kamehameha Avenue is part of the A&B master plan. We did meet with the Alexander and Baldwin in regards to these two sites in March 17, 2016. Forty West Kamehameha Avenue is part of an A&B overall master plan. Some of the negative aspects of this was the elimination of the Waikapu and Wailuku stops of the Lahaina Islander, that's because due to the time constraints of moving the transit hub out that far. Also, for us the continued service with the Wailuku routes we would have to add two additional routes due to current time constraints at a cost of about \$1.0 million. We are just...and these are just estimates. We do know we may have to purchase the land so we figured it was about 1.5 million. Construction costs based on what it's costing us...or the money that we received from HHFDC was 2.5 so the total cost of, to County of Maui is \$5 million. With 11 South Puunene Avenue, the swap meet site, is slated for low-income rentals. Again, it has the similar constraints as the other site on Kamehameha Avenue. Why Vevau Street? Its approximate location to the current transit hub site, there would be no disruption or changes in service. It's going to...location of places of employment, the library is there, you got the shopping centers on both sides, close to the grocery stores, it's close to the affordable housing with the waterfront currently adjacent to the transit hub. It's got the Catholic Charities' project which is supposed to break ground soon with 150 units. And then of course HHFDC on that parcel is going to do approximately 40 units. It's also part of the State of Hawaii's Strategic Plan for Transit-Oriented Development. They do mention the, that being the ideal site for this location. I'm not going to quote it for now because of time constraints. What's good about this is that the State Legislature has committed \$2.5 million for the construction of the facility. We do not have to purchase this land, all we have to do is to...we would be leasing it from the State dollar a year for 65 years. And HHFDC has another 1.5 million in DURF available for a project if needed, if...for infrastructure upgrades. In the last meeting, there was concerns about rising sea levels so we went back and did...asked GIS to provide a five-foot sea level rise. And as you can see where the blue line sits there, see that our transit hub or the subject property is well above the five-foot sea level inundation line. On the figure on the left is showing elevations basically of where on the site. So, the transit hub would be around nine feet above sea level. We talked about potential tsunami danger. So, we did go talk to the Maui Beach Hotel General Manager and he said at that time where the tsunami or the wave or the water went up to Wakea Street, there was no impact to the hotel. Just to let everybody know, our Department protocol for a tsunami is if there is a warning, all the buses are moved to the War Memorial Stadium parking lot and no services until the warning is lifted, roads are clear. So, nobody should be in the transit hub and there should be no danger to bus riders. Talking about the exchange of land, it's an assessed value for the old post office site is 880,000 [sic] or it comes out to \$43.70 a square foot. Department of Accounting and General Services, DAGS, would like to lease the land for 65 years, 'cause they're looking for land for the courthouse expansion and additional office space for the State office functions. DAGS does not have any additional property in Wailuku. It's zoned B3, Central Business District. Transit hub site we figured it out, the entire parcel is 5.572 acres with an assessed value of \$12 million. It comes out to about \$51 a square foot. We're looking at 6.57 [sic] acres, 28,618 square feet and it's zoned B2. Did a comparison between the two sites. The Old Wailuku Post Office is 4.25 [sic] acres, Vevau Street site for the bus hub is 6.57

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[sic], assessed value is at 43 for the post office, 51.60 for Vevau Street. So, the value of the land for post office site is 808,000 or 1.4 million on Vevau Street. The County wants...the County would issue a lease to DAGS for \$65 [sic] a year at \$1 a year, and then on the Vevau Street side, HHFDC leases, issues the lease to MDOT, 65 years at \$1 a year. Comparison between the two. County of Maui's investment is at 650,000 where...and State of Hawaii's commitment to this project is 668,000 in the land value difference, 2.5 million construction, and 1.5 in basic funding. So, basically over \$4 million is what the State is committed to providing this project. The State...the County does have additional land and I'm not going to go through all that but there's three parcels. You have the parking lot, the Miyahara house and then what's called the yellow building, and that comes out to a little over an acre. Plus, you have the additional parking sites over here. So --

CHAIR CRIVELLO: Thank you.

MR. BUCK: --there's basically about 2 million...2 acres of land that's available for construction, the expansion of the campus without using the post office site. So, I'm going to take the time to thank...I hope that answers some of the questions. And I wanted to make it real short 'cause we've been here for a long time.

CHAIR CRIVELLO: Thank you, Mr. Buck. I'm sorry if I'm kind of pressing the pedal for us to get through, but our representatives from the State has a airline schedule that has to be met. And also some of our Members have other obligations so hopefully we'll be able to conclude this. Members, we've had early discussion at our previous meeting on this particular item and the concerns that Members had. So, I'd like to open the floor for discussion, but before I do that, I'd like to ask Mr. Hirai, Dora Choy to join us here in the Chamber. Thank you. So, Members, the floor is open for discussion. Mr. Hokama and then Ms. King.

COUNCILMEMBER HOKAMA: I appreciate you bringing this forward, Chair. I think this is something we should consider. I was in a discussion with the Chief Justice himself and our Mayor, we sat together, we had a very candid face-to-face conversation about his views of the Judiciary in Wailuku in the near and long-term future. The CJ in my understanding of our meeting was very open. He...my understanding from our conversation was he still very much wanted a presence in Wailuku. He understood our history of our civic center. He is very much aware of the financial challenges the State Legislature has and he understands he just came in not too long ago for a large capital improvement request for Big Island Judiciary so he knows that he may have to wait till he can get additional support for a large appropriation. But when the Mayor and I discussed, compared to the cost of some State leaders talking about relocating, I told him if you cannot to afford to invest in Wailuku, how will you ever pay to relocate to another area like Puunene? And he said that was of course a very good comment, a very good question. And I told him people like me will not support the State in getting zoning or entitlements for land use. Okay. I'm a Wailuku supporter so I'm not going to abandon this community and our history. So, they want to move, good luck, but they won't have my support or cooperation. But I think the deal before us today is worthy for us to consider. I'm going to support it. I think it's reasonable, taking into

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account the factors which the driver for me is Kaahumanu Center's unwillingness to keep talking to the County for a public benefit. Because I think our residents are a benefit to them that want to shop at their facility so I don't understand their mentality. But the clock is ticking, Chair.

CHAIR CRIVELLO: Yes.

COUNCILMEMBER HOKAMA: Okay. The clock is ticking, it will not wait for us, it won't wait for the State, it will not wait for Kaahumanu Center. But the key people that needs to know an answer is our riders and our community that's going to have to deal with this temporary disturbance. My point is we have the time, let's move forward, let's get our transportation program squared away and then we can deal with some of the site residuals. In the meantime, I have no problem for the State to recommit its investment back into Wailuku Town. And if this is one way to get the State to recommit and show that they are serious about the reinvestment of Wailuku civic center for government services then I think this is a good opportunity for us to assist the State. And I think the State is showing good faith by putting up a value of \$4.6 million. Okay. That is very solid, visible support of what the State is willing to contribute back to this County. So, this is one time I am, I'm going to say I think collaboration can work. This is one time I think timing-wise it makes sense for us and the State to work together, because other than that, I don't know what we can in the time remaining find a new site, process it, get it squared away on land use and build something within--

CHAIR CRIVELLO: You're right.

COUNCILMEMBER HOKAMA: --in the two-year period. Okay. My estimation experience is it will not happen so what happens to ridership in that period of time? I rather not deal with that, Chairman. Thank you.

CHAIR CRIVELLO: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I agree wholeheartedly with everything that Mr. Hokama said. I think this is a timely...this is the only thing we can do in a timely fashion to take care of the relocation of the hub. I also feel that it will help us secure the State's continued support of infrastructure into the Wailuku area, whether it's Judiciary or DAGS or some other function. So, I think this is a very good move for us. I think the State is being...maybe it's because we're working with HHFDC that we're seeing such a pleasant and helpful response. We don't always get that from the Legislature but --

CHAIR CRIVELLO: Right.

COUNCILMEMBER WHITE: --I think this is a great project and I'm happy that you've brought it forward, and let's get going.

CHAIR CRIVELLO: Thank you. Mr. Carroll and then Ms. King?

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VICE-CHAIR CARROLL: Thank you, Chair. I agree with Mr. Hokama and Mr. White, and, but my real concern is the bus stop over there. I think that's really, really important to have a viable bus service on Maui. It's going to be one of the key points over there. And we want to develop that service even more and that site is going to be more important than ever as we expand the system to serve our people more. So, I support what's before us today. Thank you, Chair.

CHAIR CRIVELLO: Thank you. Kelly King?

COUNCILMEMBER KING: Thank you, Chair. I think one of the biggest concerns and why this got held over to another meeting was the exchange of property and it was brought up I think by Mr. Guzman that one doesn't have anything to do with the other except that when you read this ordinance, what we're allowing the County to do is to make that exchange. So, this is what we're approving today. You know it is linked in so if we approve this then we are giving up that Wailuku site to the State. So, I was just kind of curious about the values, you know, that was one of the issues that came up last time was the value of property. And you're showing a higher value for where that hub is going, where the transit hub is going--can you go back to that slide--than the post office. So, what is, you know, we talked about the zoning and I thought it was mentioned that the zoning was a higher zoning at the post office site than where the transit hub is supposed to go.

CHAIR CRIVELLO: Mr. Buck, can you respond?

MR. BUCK: Chair, my figures was based, my figures were based on what's available on the website. Anybody in the public can go onto the community, I mean on the County of Maui website online services and can pull up the assessed values of the properties. So, what I did was, it was the Old Wailuku Post Office based on the assessed value that was posted on the website is \$108,500 [sic] divided by the 18,000...there...you gotta figure out by the acreage and then the square foot. It comes out to \$43.70 per square foot. That's the assessed value. When you go over to the proposed bus transit hub and I'm not counting the assessed values of the buildings that are there, the land value itself is \$2 million an acre. So, when you divide the 43,000, "X" amount of feet, square feet per acre comes out to 51.60 per square foot. The old post office basically is smaller than what the Vevau Street site is going to be. So, that's why the values are higher. I'm just basing it on what's posted online.

COUNCILMEMBER KING: Okay. So, assessed values, not appraised values. But what is the zoning difference between the two?

CHAIR CRIVELLO: Do you have that information about the zoning?

MR. BUCK: Zonings, transit site is zoning B2, Community Business District, Business/Commercial on a community plan land use, and then the post office is zoning B3, Central Business District, Public/Quasi-Public on community plan land use map.

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CHAIR CRIVELLO: Thank you, Mr. Buck.

COUNCILMEMBER KING: Okay. So, yeah, I'm just...but we don't have appraised values? Okay. I think that was one of the issues that came up last time and just as far as the difference. But those figures that you gave us, they're both less than an acre but those are the amount of the land that we would be using and then the amount of the land that we would be exchanging for. Okay.

MR. BUCK: Correct. That's why the figures are in square feet.

COUNCILMEMBER KING: Okay.

CHAIR CRIVELLO: Thank you.

COUNCILMEMBER KING: Okay, thank you.

CHAIR CRIVELLO: Anyone else? Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair. I guess I did raise the issue about the values of the, both properties. And then I believe that the Staff had, did some research on the State's appropriation and the exchange of the properties is not really tied into the --

CHAIR CRIVELLO: That's correct.

COUNCILMEMBER GUZMAN: --monies that's being appropriated to the State...to us. So, but my factor or at least my concern was if it did come out that the Wailuku, Old Wailuku Post Office value was more than the hub site, then I didn't think that would be a fair transaction, considering the fact that the State was going to build office buildings...I mean office space at the Old Wailuku Post Office site and we're in need of office space. So, I was trying to parlay that into accommodating, you know, having the State accommodate some portions of the office space that they were going to build to at least be open to, you know, sharing portions of that space to kind of offset the difference of values. But it appears though according to the stats here, the assessed value is not what I anticipated it. But although the assessed value is not appraisal, appraised value. I still would be, you know, curious or at least like to advocate for office space in the State Building, office space for our County. You know if they're willing to put that in the mutual agreement as well, I would support this bill.

CHAIR CRIVELLO: I guess I would ask the Department of Accounting and General Services, because the Kahului portion is part of our HHFDC portion that the lease, that we'll be leasing from them. And then DAGS comes in to ask if they could utilize that. Yes, that's not in the bill, but perhaps your recommendation will be put into consideration on behalf, because there's still the planning and designs and the effects of all what we're expecting...what they expect to do. So, would you care to comment on that, Mr. Hirai? And then Mister...

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COUNCILMEMBER GUZMAN: May I add one more thing? I mean considering, I mean a lot of us have been on this Council during the time period of the incident with the Old Wailuku Post Office. We've gone through a lot and then seeing the plans of the expansion of the campus and to now at this point say okay, exchange it out and we're not going to have an expansion of the campus when clearly the Administration was showing us stats that we do need office space. And all I'm asking for is consideration if they're going to build office space to allow us to have an opportunity to be included in that office space.

CHAIR CRIVELLO: That's the question I'm asking them --

COUNCILMEMBER GUZMAN: Yes, yes, yes, thank you.

CHAIR CRIVELLO: --and presenting to them --

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair.

CHAIR CRIVELLO: --from what you're recommending --

COUNCILMEMBER GUZMAN: Yes, yes, yes, thank you.

CHAIR CRIVELLO: --Mr. Guzman.

MR. HIRAI: Chair, if I could make a --

CHAIR CRIVELLO: Mr. Hirai?

MR. HIRAI: --comment before DAGS? The origination of some of this which I didn't explain the last time was Senate Concurrent Resolution 145 which was passed in 19...2017, and in part it says be it resolved that the Hawaii Housing Finance and Development Corporation, Department of Accounting and General Services and County of Maui are requested to work together to explore the feasibility of transferring a parcel of land located at 153 West Kaahumanu Avenue, Kahului, Hawaii, to the Hawaii Housing Finance and Development Corporation for the purpose of developing a mixed use rental housing project that includes consideration of the Department of Accounting and General Services' civic center needs in Kahului and Wailuku and enter into an memorandum of understanding if appropriate to execute the transfer to us. I think we have demonstrated, at least the Kahului civic center, our willingness to work with the County on mutual development there in witness of the bus hub itself. We would also be more than happy to work with the County on assisting, you know, County office needs at that site with DAGS as part of that plan. And I would strongly encourage DAGS to work with the County on the Wailuku campus in general.

MS. CHOY: I agree with Mr. Hirai on this. So, we have not done any planning or design yet, but we do, we would support working with the County on this and see where that goes. Yeah.

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COUNCILMEMBER GUZMAN: Would you be willing to enter into a mutual understanding, agreement to solidify that understanding or...

MS. CHOY: We have not thought that far. That was never brought up at, up to this point, so we would probably need to look into that and see what happens. But we are willing to work with the County.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair.

CHAIR CRIVELLO: Okay. Mister...anyone else? Mr. Hokama, Mr. Atay?

COUNCILMEMBER HOKAMA: I'm happy to allow Mr. Atay his opportunity.

CHAIR CRIVELLO: Mr. Atay?

COUNCILMEMBER ATAY: Chair, you know, at the close of the previous meeting, we were to visit or Staff was to visit and come back with recorded minutes, what Mr. Hirai had just shared earlier about Senate appropriation 2017. What was clear in the earlier discussions and agreements was only an appropriation to accommodate the bus hub. Okay. So, that's the deal for that, for the bus hub and to get that going. And the question was where in the line of communication meetings and minutes that we the County gotta give up the Wailuku post office property? I have not received that in this meeting. And so to me it seems like this is two separate deals. One deal should be passing and approving the bus hub project, at the same time agreeing that yes, the County will agree with the State to have an agreement of exchange of the use of the Wailuku post office location. And the bargaining chip that what Mr. Guzman was sharing was that if we do that exchange, all we want is one floor or two floors of County offices. Because we're all going to be located here in Wailuku Town, we all...we're the County, we're spending, I don't know, well over \$1 million in office rentals, and this is our land and we're giving up this opportunity. So, it's...I don't know how it's come to we gotta buy all into this and it's a, all of a sudden we got, it's two separate deals under this one proposal. You know I'm not...there's no minute...I mean where did this discussion come in and where did this approval come in?

CHAIR CRIVELLO: This is coming before us now.

COUNCILMEMBER ATAY: Yeah, now. You know somebody's pushing it. And so with that, it's not clear and I'm going we're giving up...it's two separate things. One is let's agree that we need the bus hub, let's pay the rental, let's do the deal. The second deal is we still gotta negotiate. The exchange of this Wailuku land in exchange and turning it over to the State, can we get office space too? Office space and parking, that's our problem here.

CHAIR CRIVELLO: So, we have this memorandum of understanding that's also attached to this bill. So, Mr. Hokama, you had a comment?

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COUNCILMEMBER HOKAMA: No, Chair, my comment would be I appreciate the discussions, I think it's been healthy. But I would say we need to look at this in the context of even our civic center complex project. Okay. With our potential project we will have excess space, and the State already knows, we talked to the State, we talked to the Judiciary and the CJ, parking at Wailuku municipal parking lot will change. Okay. They've been notified, they will have no stalls in our parking lot. They are going to need to be a user of our facility, but they...we give them no guarantees and nothing free. They already have their limitations and challenges within the Judiciary, the CJ knows that for security requirements they're going to ban public parking at their buildings. So, they are going to need to create and fulfill their public parking requirements, especially for jury duty. Okay. And their jury duty people will not be able to use the County's municipal parking lot, 'cause we are going to go construction. So, I would say in the future, I'm looking at the State staying here, improving, reinvesting, because that was part of the concept of our economic development project. But at the same time, the State is going to need to find how they're going to deal with their other requirements of operational needs. And unless they work with us, I don't know what other lands they have in Wailuku that could make it work. So, for me I think we're in a good position, the County, to work out beneficial agreements with the State. And I am just pleased that this Chief Justice Recktenwald understands the situation, is open and is willing to support the County's efforts, because he understands the need of the Judiciary in this County. Okay. I appreciate DAGS' comments today too, because if the Chief had his choice, the CJ, he would have gone after the Bank of Hawaii lot. Okay. He couldn't get the financial support from the Legislature. He understood that we both had opportunities for land acquisition in Wailuku, okay, we both passed for various reasons. But I think the CJ's challenge right now is the Legislature and convincing them that this is a smart investment for the long term of the State position in Wailuku Town. So, I consider this, you know, a reasonable proposal. Could we get something better? Potentially. But I would say my issue is the hub too. Okay. But this is part of what I anticipated, Chair, as the reinvestment back in Wailuku because of our civic complex project. Okay. And we're going to get that \$100 million of reinvestment in the next three years back into Wailuku if we are open to this type of proposals. Okay. Whether we accept it or not is something different. But at least the CJ in my understanding of why he was open to this was because he knew if he didn't move now, how much more the State would have to pay to dig up our roads a second time. Fix the pipes the second time. Okay. He doesn't want to go through that issue either so I think the CJ has some good foresight and I commend the CJ for at least making the effort. Thank you.

CHAIR CRIVELLO: Thank you. If you would look at the communication that we have up for you and what the bill refers to, Exhibit "1" on the inter...on the bill. It refers to this memorandum of understanding for us to work on this Wailuku lease. For us at this time, it's...and I think Mr. Hokama will agree that this is a very, I think, starlight kind of opportunity that we have with the State of Hawaii. Being able to appropriate for us just about \$4 million, and even the next phase is the 400 units that may be built on that Kahului property for us to provide housing for our residents. And more important if we do not want to accept something like this, then we have to find where we're going to house our bus, buses for our ridership. And, you know, we talk about

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utilizing less cars on the road and hopefully we'll make use, better use of our public transit. So, I think for us this is an opportunity of yes, the 650,000 and we receive \$4 million, and the \$1 lease exchange and a \$1 lease exchange for Wailuku. So, I encourage us, this Committee to support passage of the proposed bill, because if there is no further discussion, Members, I would like to entertain a motion to recommendation passage of the proposed bill entitled A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the State of Hawaii, Hawaii Housing Finance and Development Corporation and Department of Accounting and General Services; and any non-substantive revisions that may be needed, and filing of County Communication 18-350.

COUNCILMEMBER WHITE: So moved.

CHAIR CRIVELLO: There's a motion to pass, do I hear a second?

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . .

CHAIR CRIVELLO: Mr. Hokama. Motion by Member Mike White, Chair, and member by...and seconded by Member Riki Hokama. Any further discussion, Members?

COUNCILMEMBER KING: Chair?

CHAIR CRIVELLO: Ms. King and then Ms. Cochran?

COUNCILMEMBER KING: Yeah, I think that the discussion last time made it clear that we could enter into an agreement for the hub without the Wailuku post office. We don't have another option, I guess that was one of the options I was hoping to see added for this meeting. Because...and that was the question that was asked by Member Guzman that one does not necessarily require the other and that was what we were told. So, you know, I mean my preference would be to deal with the one, you know, make an agreement for the transit hub and then do a separate agreement for the post office.

CHAIR CRIVELLO: I think if you read the bill in the second paragraph, it says the State and County have identified specific properties to accommodate the needs as set forth in the proposed memorandum of understanding ("MOU") attached hereto as Exhibit "1" and...

COUNCILMEMBER KING: I have read it.

CHAIR CRIVELLO: Yeah.

COUNCILMEMBER KING: Yeah, I have read it but I'm saying that what we agreed to last time which we did ask, you know, all of our resources this, does...was one dependent on the other, and the answer was no. So, I understand what's before us, you're not

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giving us an option, it's either all or nothing, but I don't think that's what...the way it has to be based on what we --

CHAIR CRIVELLO: So, your...that's...

COUNCILMEMBER KING: --were told last time.

CHAIR CRIVELLO: Your recommendation is, what I'm hearing from you is you would like to have this separated?

COUNCILMEMBER KING: Well, that's what discussed last time so...

CHAIR CRIVELLO: Right but we did not come to any kind of agreement.

COUNCILMEMBER KING: Right.

CHAIR CRIVELLO: Right.

COUNCILMEMBER KING: No, I understand that but I'm just saying that, you know, we...it would have been nice to have that option to look at --

CHAIR CRIVELLO: Right.

COUNCILMEMBER KING: --which I think was, you know, the point made by several people here.

CHAIR CRIVELLO: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Again, I'm not a voting Member but I'm hearing Ms. King and Mr. Atay discussion, and I so for the transit bus hub, we definitely need to do that. But I recall the sordid meetings we had, detailed meetings we had with the Old Wailuku Post Office and that whole teardown, demolition, rehab, what is it, and our improvements to this campus. We are in dire need, this is an old building and that property next door was a key component of improvements to this County and to alleviate leases and monies that we're expending right now. And now we're going to do this trade whatever thing, I'm...I'll vote during my full Council opportunity, but if we...this could have been separated out and dealt with separately, I see that as a better option. But you folks are here doing what you're doing, and I'm just stating my point that I'm not in support of it currently and my reasons. But yeah, I'd like to see that Wailuku post office property next door kept to improve the campus that we sit on. Thank you.

CHAIR CRIVELLO: Are there...do you know if there are plans in place to do something with the actual post office at this time? What have we come up with, budgets and funding for us to even do planning --

COUNCILMEMBER COCHRAN: We've...

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CHAIR CRIVELLO: --from the County's perspective?

COUNCILMEMBER COCHRAN: Thank you, Chair. We've expended multimillions of dollars in planning for it. G70, Group 70 has drafted a lot of pages of potential uses and plans and dimensions and everything, so we've already expended money on trying to plan out our campus here.

CHAIR CRIVELLO: Okay.

COUNCILMEMBER COCHRAN: Monies appropriated, no, not yet but it...we sure put a lot of time, energy, and money into it already. So, now that's wiped out off the table.

CHAIR CRIVELLO: Thank you. So, Members, again, I hear you about the memorandum of understanding, Exhibit "1" is wants the separation. If you want to put in some sort of amendment to it, I'm open to that, but I will be calling for passage of this bill. Mr. Atay?

COUNCILMEMBER ATAY: Chair, I just want to go on record that I oppose this bill. Primarily I support the bus hub, the transit hub. I support housing. For me, I see it as it was a project for Kahului, and then now it's a separate deal about giving up land that we have which I'm okay with that too, yeah, if we can negotiate a deal so that we get some office space. But to put it and package it together and force me to agree on half that I don't agree with, I just have to stand not in support of the current bill because, you know, what...I understand the funding. How the funding came to this was a discussion only about the hub and future housing and I support that, I fully support that. I don't support a deal coming in later about us losing property unless I'm okay with the deal, unless we have a better position with if they build their building, we get office space.

CHAIR CRIVELLO: I think that's...I believe that was a recommendation that was proposed to DAGS and they will take that...cannot speak for them legally but I understand they will take that into consideration with their planning in accordance to what you're saying. Yeah. So, Members, any further discussion? If not, I'd like to call for the vote. All those in favor say...

COUNCILMEMBERS: Aye.

CHAIR CRIVELLO: Okay, so there's four "ayes." Any noes?

COUNCILMEMBER ATAY: No.

COUNCILMEMBER KING: No.

CHAIR CRIVELLO: And two "noes." So, we have a total of four "ayes" with my vote and two "noes." So, Members, motion passes.

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VOTE: AYES: Chair Crivello, Vice-Chair Carroll, and Councilmembers Hokama, and White.

NOES: Councilmembers Atay and King.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Guzman.

MOTION CARRIED.

ACTION: Recommending FIRST READING of bill and FILING of communication.

CHAIR CRIVELLO: Thank you.

HHT-2(3): AMENDMENTS TO THE RESIDENTIAL WORKFORCE HOUSING POLICY (PROPOSED AMENDMENTS RELATING TO INCENTIVES AND EXEMPTIONS) (CC 16-132)

CHAIR CRIVELLO: So, Members, we have another item on the agenda; however, because of our time and other...we may be losing quorum. I'm going to ask for deferment of HHT-2(3) on this bill for the Residential Workforce Housing Policy. I'd like to defer this if there's no objection?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG)

ACTION: DEFER PENDING FURTHER DISCUSSION.

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CHAIR CRIVELLO: Thank you, Members, for being here this afternoon. I appreciate the discussion and your full participation. Departments, thank you for being with us today. I especially want to thank my Staff, Saumalu Mataafa and Leslee and Clarita. Thank you very much for being here today with your diligent work. No further discussion on the agenda, meeting's adjourned. Thank you. . . .(gavel). . .

ADJOURN: 4:11 p.m.

APPROVED:



Stacy Crivello, Chair
Housing, Human Services, and
Transportation Committee

hht:min:181101: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 14th day of March, 2018, in Kula, Hawaii



Daniel Schoenbeck