

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

MINUTES

September 19, 2019

Council Chamber, 8th Floor

CONVENE: 10:10 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Tasha Kama, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember Alice Lee
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura
Councilmember Riki Hokama
Councilmember Keani N. W. Rawlins-Fernandez

NON-VOTING MEMBERS:

Councilmember Tamara Paltin *(in at 10:31 a.m.)*

STAFF:

Alison Stewart, Legislative Analyst
John Rapacz, Legislative Attorney
Clarita Balala, Committee Secretary *(out at 11:03 a.m.)*
Stacey Vinoray, Committee Secretary *(in at 11:23 a.m.)*

Don Atay, Executive Assistant to Councilmember Shane Sinenci

ADMIN.:

Edward Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel
Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns
Clyde "Buddy" Almeida, Housing Administrator, Department of Housing and Human Concerns
Jordan Hart, Deputy Planning Director, Department of Planning

Makila Kai, LLC:

Greg Brown, Greg Brown Development
Tom Schnell, PBR Hawaii

Seated in gallery:

Darren Unemori, Civil Engineer, Warren S. Unemori Engineering, Inc.
Shyloh Stafford Jones, SJ Ag Operations

OTHERS: Attendees: (3)

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

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**ITEM AH-1(3): INDEPENDENT DEVELOPMENT OF THE MAKILA FARMS PROJECT
(LAHAINA) (MISC)**

CHAIR KAMA: . . .*(gavel)*. . . The recessed Affordable Housing Committee meeting of September 4th, September 10th, September 18th, is now going to reconvene today on September 19, 2019 at 10:10 a.m. My name is Tasha Kama and I'm the Chair of the Affordable Housing Committee. And with us today we have, good morning, I wanna say good morning all of you, again. Good morning, Mr. Sinenci.

COUNCILMEMBER SINENCI: Aloha, Chair, good morning.

CHAIR KAMA: Good morning, Mr. Molina.

VICE-CHAIR MOLINA: Good morning, Madam Chair.

CHAIR KAMA: Good morning, Ms. Lee.

COUNCILMEMBER LEE: Morning.

CHAIR KAMA: Good morning, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR KAMA: Good morning, Mr. Hokama.

COUNCILMEMBER HOKAMA: We pray that it is.

CHAIR KAMA: I did, I did, I prayed today would be a good day for us. Ms. Sugimura, good morning.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR KAMA: And, so, we have with us our Staff from the Department of Housing and Human Concerns, Ms. Linda Munsell and Mr. Buddy Almeida, good morning.

MR. ALMEIDA and MS. MUNSELL: Good morning, Chair.

CHAIR KAMA: We also have from the Department of Planning, Mr. Jordan Hart. Thank you for coming back again. We also have with us, Ms. Stacey Vinoray will be joining us shortly, but we have Ms. Clarita Balala taking notes for us. Good morning, Clarita and thank you for joining us. We also have with our Legislative Analyst, Ms. Alison Stewart. Thank you for working hard last night in putting together all the modifications. We do appreciate it. Also, we have with us Mr. John Rapacz, our Attorney for the Affordable Housing Committee. Thank you, John, for being so diligent and working hard into the night. And, we have with us also our Corp. Counsel, Mr. Ed Kushi. Thank you for being here again, Mr. Kushi.

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MR. KUSHI: Good evening.

CHAIR KAMA: Good evening. . . . *(laughter)* . . . And we have with us the developers, Mr. Greg Brown. Good morning, Greg.

MR. BROWN: Good morning, Chair, thank you.

CHAIR KAMA: And Mr. Tom Schnell. Good morning, Tom.

MR. SCHNELL: Good morning, Chair and Councilmembers.

CHAIR KAMA: And, so, with everyone here being present we have Ms. Tamara Paltin and Ms. Kelly King who are not Voting Members but who are nonetheless always invited to participate in this Committee. So, last night we left off with our parking lot modifications. So you all should have been handed out a paper like says, Exhibit B, Makila Farms Modifications. Do you folks all have that?

COUNCILMEMBERS: Yes.

CHAIR KAMA: Okay. So what they did last night, they took and put together all of the modifications that we had consensus upon and they put it together in printed form because that was the request of Mr. Hokama. So where we're at right now is we are at in the parking lot. So in the parking lot we had four modifications and then Ms. Keani Rawlins [*sic*] added two more to the parking lot. So that's what we have before us this morning. So, Alison, did you get...did you get Keani's last two conditions...modifications?

MS. STEWART: I did, but my apologies. I placed them in the consensus section.

CHAIR KAMA: Oh, they're in the consensus. Okay, would you identify them for us so that we can look at it real quick and make sure?

MS. STEWART: Yes.

CHAIR KAMA: Okay.

MS. STEWART: They are No. 16 and 17.

CHAIR KAMA: Number 16 and 17. So if we go real quick to that then, if you don't mind, Members, that we're not going to go to the parking lot. We're gonna go to the consensus and take a look at Ms. Rawlins-Fernandez' No. 16 and No. 17. So you don't mind, let's take those two up first. Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Would you mind if we go to the parking lot first? I'm sorry. I was finishing our TIG Final Report late into the night --

CHAIR KAMA: Oh, not at all.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and didn't get to --

CHAIR KAMA: So, okay. No --

COUNCILMEMBER RAWLINS-FERNANDEZ: --wordsmith the condition as I promised I would.

CHAIR KAMA: I was doing that report, too, so thank you very much. Yeah, so let's go back to the parking lot.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: So we're back into the parking lot and so the first modification to the parking lot, and the parking lot is on page 4 for those of you it says right on the park...on the plot...on the top part, parking lot in red. Okay, so the exemption from 19-...19.30A.030G and 19.30A.040 to amend any existing allocation agreements restricting the further subdivision of subject lots. This should also go to the exemption on Exhibit A, TK, mine, Tasha Kama, 6B. So that was one of the modifications that we had that we need to probably go into further discussion with unless there's consensus on this. Yes, Ms. Lee.

COUNCILMEMBER LEE: I'm not sure what the need is for this. Can you explain?

CHAIR KAMA: Technically, this has to do with the allocation of the lots. So this...okay, Mr. Brown, why don't you explain it real quick to Ms. Lee.

MR. BROWN: So there was an odd...a sliding scale that only allowed a certain number of lots to be subdivided. Once that number was reached there's an allocation agreement that's a recorded document that's completed and then recorded on each of these lots not allowing them to be subdivided further. When the Makila Kai resolution was passed, we had the current exemption that we have in there without this and the attorneys felt that was fine, but there was a question brought up by a nearby resident about this specific number in the Code. So we thought to clarify this even more and to give extreme clarity on how the allocation agreement would get revised we would add this exemption as well. So that's why we've added it to the original application.

COUNCILMEMBER LEE: So further subdivision of subject lots would include the affordable lots as well? Can they further subdivide?

MR. BROWN: None of the lots in the project would be able to be further subdivided. There's three 25-acre lots in the current allocation agreement and this exemption would allow

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us to take that current allocation agreement, revise it, and remove those three 25 lots...acre lots and then re-record it on all the other lots in the area that were on that original allocation agreement. So somebody couldn't come in with one of those and try to subdivide it in the future without your approval.

COUNCILMEMBER LEE: Okay. No, 'cause we had a long discussion on farm dwellings...second farm dwellings and so I wasn't clear whether those farm dwellings would be on a subdivided lot or just the main lot. So therefore, those farm dwellings seem to be optional.

MR. SCHNELL: If I can explain. So on this map or as you see here, there are three approximately 25-acre lots. If you see...I don't know if you could see the lots, but there are three separate TMKs. There are about a little bit over 25 acres. Total 76 acres. These lots are subject to an agreement that says they cannot be further subdivided. In order to move forward we need to be able to subdivide these into two-acre lots and two farm dwellings are allowed on two-acre lots and two-acre lots is the minimum size in the Ag District, notwithstanding the sliding scale.

COUNCILMEMBER LEE: So are you saying that this No. 1 parking lot item is needed? Okay. Alright. Thanks.

MR. SCHNELL: It is needed.

CHAIR KAMA: Mr. Hokama, and then Ms. Rawlins-Fernandez, and then Ms. Sugimura.

COUNCILMEMBER HOKAMA: I appreciate Ms. Lee's questions to bring clarity, Chair, and to also assist the Committee's intent that it is very clear that in your Committee Report it states exactly what our understanding is. That we're granting this to allow the two-acre lots but that no further subdivision is allowed. No further subdivision of lots are allowed unless it goes through a appropriate legislative process by Council. Because the sliding rule is already established in Code.

CHAIR KAMA: Under Ag. Thank you, Mr. Hokama. Mr. Kushi, did you have something to say?

MR. KUSHI: Yes, yes, for clarification, Madam Chair and Member Hokama, I recall discussion last night that not only no further subdivision which you cannot do because minimum two-acre, but no also, no further CPRs.

COUNCILMEMBER HOKAMA: Correct, and again in our previous meeting under Chair Rawlins-Fernandez, that is one of the --

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: --recommendations we are looking at enacting is to repeal --

CHAIR KAMA: Yes. Correct.

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COUNCILMEMBER HOKAMA: --the condominium law. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Kushi. Yes, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was basically going to say what Member Hokama just said. . . . *(chuckles)*. . . Long night, early morning.

CHAIR KAMA: Yes, it was.

COUNCILMEMBER RAWLINS-FERNANDEZ: But, yeah, so . . . there wouldn't be any further subdivision unless, for example, one of those parcels wanted to go through a 201H process, for example. So, that's one way they could further subdivide regardless of what we say in this because as we know that this project here is being exempted from a law that we, you know, intended to protect agricultural land and our saying it's okay to not in this case because affordable housing is more important. And so, I just wanted to use that as an example for Members for their clarification that the larger lots, you know, could potentially go through a 201H project and further subdivide. Mahalo, Chair.

CHAIR KAMA: Thank you, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, I just have a question on process. So, we're going through the parking lot items --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: --and then we're gonna take everything up and vote on it, or are we gonna vote on it now, or what?

CHAIR KAMA: No, no, we're gonna take up all of the parking lot, we're gonna try to get to consensus, and then once we're done with the parking lot then we're gonna go back to those that we have already received consensus upon and we have to look at Item 16 and 17 in the consensus. This because the Staff inadvertently put them there which they probably do belong anyway, but we're gonna visit that anyway. And then once all the, we have received consensus on all the modifications, then I'm going to entertain a motion to approve the resolution. And then once that's done then I'm going to entertain a motion to amend the resolution to include the modifications, and then we're going to read them off one by one.

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

CHAIR KAMA: That's the process. Is there another one in there that someone would like to have?

COUNCILMEMBER LEE: Well, I was looking for the opportunity to . . . before we get too far, after we're done with the parking lot, go over each one --

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CHAIR KAMA: Yes.

COUNCILMEMBER LEE: --and, first before we. . .

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: Oh, okay.

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: Okay. I mean because. . .

CHAIR KAMA: Review all the consensus to make sure --

COUNCILMEMBER LEE: Yes.

CHAIR KAMA: --we understood what we said.

COUNCILMEMBER LEE: You know, you know, like last night when consensus meant, you know, oh, I guess --

CHAIR KAMA: We kinda get an idea, yeah.

COUNCILMEMBER LEE: --you know, you know it's not a vote, you know.

CHAIR KAMA: Right.

COUNCILMEMBER LEE: Okay, thanks.

CHAIR KAMA: Right. Probably that's an idea is to take a look at those that we already received consensus on and maybe just vote as we go through it. Up to you folks but let's wait till we get there.

COUNCILMEMBER LEE: That's what I was hoping we would do and then that way, you know, we --

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: -it'll be faster.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: And then, just to let you know, Mr. Molina and I have difficulty staying in the afternoon, coming back in the afternoon.

CHAIR KAMA: Okay.

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COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Thank you for sharing that. Is there anyone else that will probably not make it back for Mr. Hokama's – oh no, you'll be here for Mr. Hokama but not Ms. – oh, you're not in his Committee? And you're not either?

VICE-CHAIR MOLINA: I'll be here for Mr. Hokama's, but I won't be able to stay after the meeting.

CHAIR KAMA: Okay, thank you. Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, if Mr. Hokama's meeting ends at four, would. . .

COUNCILMEMBER HOKAMA: It won't.

COUNCILMEMBER SUGIMURA: It will?

COUNCILMEMBER HOKAMA: It won't.

COUNCILMEMBER SUGIMURA: It won't.

CHAIR KAMA: It won't.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER HOKAMA: Not under my Chairmanship.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER HOKAMA: It will be done before then.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Okay. Okay, so we can get to . . . *(inaudible)*. . ., but yes. Okay. So thank you. Okay, so do we have consensus on No. 1?

COUNCILMEMBER SUGIMURA: Yes, definitely.

CHAIR KAMA: Thank you. So let's go to Modification No. 2 on the parking lot. This was Tamara's No. 7, if you still have her...so it says, construction of farm dwellings is as allowed by Maui County Code 19.30A.050.B.1 for the entire project. The developer will construct a farm dwelling on each of the 19 workforce lots and will sell each lot farm dwelling package to an HRS 201H qualified owner occupant. If the owner occupant wishes to construct another farm dwelling on the workforce lot, that farm

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dwelling must be sold, if possible, or rented as an HRS 201H qualified unit (per MM, Developer). Okay. The number of second farm dwellings on market lots will not at any time exceed the number of existing second farm dwellings on workforce lots. The total number of farm dwellings, first and second, on workforce lots shall at all times remain over 50% of the total number of farm dwellings, first and second, in the Project area. Discussion? Questions? Consensus? Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. So the second bullet, the developer will construct the farm dwelling on each of the 19 workforce lots so it will be a total of 38 at the very beginning or this is for later?

MR. BROWN: That's...we're just referring to the first farm dwelling there, the 19, and then the second farm dwelling, or referred to as incorrectly sometimes as the ohana, the second farm dwelling would be constructed at a later date by a workforce buyer if they chose to. We're only going to build 19 in the beginning.

COUNCILMEMBER SINENCI: Oh, so the farm dwelling is just the actual, the first?

MR. BROWN: Yeah.

COUNCILMEMBER SINENCI: Okay. Thank you.

MR. BROWN: Yes.

CHAIR KAMA: Ms. Lee.

COUNCILMEMBER LEE: So what about the market farm dwellings? When are they going to come online?

MR. BROWN: So I believe the way this...that you all crafted this yesterday was that market can't build a farm dwelling...a market owner cannot build one unless the count for it is over 51 percent of the total amount of units on the project so...second farm dwelling. So if all of the 19 workforce add one home, the first home on it, as soon as one builds a second farm dwelling, then a market would be able to build a second farm dwelling. And because the current count is 15 market to 19 workforce, three of the market homes would be able to build an ohana right away, but then they'd have to wait until a market owner built his second farm dwelling. And we were able. . .

MR. SCHNELL: In other words, the ratio of workforce homes to market homes must always remain so that there's more than 50 percent --

COUNCILMEMBER LEE: Yeah.

MR. SCHNELL: --workforce homes.

COUNCILMEMBER LEE: Yeah, so the opposite could happen also. There could be more farm dwellings for the workforce houses. I just can't imagine...like we've never done

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this before in the past where we anticipating that somebody might do something. We've always taken the initial amounts of units first, but, you know, this is a different Council and we have different Staff. So things are different. But I can't imagine somebody building a \$4 million home and wanting a cottage, but that's okay. Thank you.

CHAIR KAMA: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: You know, I thought the discussion last night...I really value the department's input because they're gonna have to monitor, which is Planning, they're gonna have to monitor as the projects come in for approval what we decide to do. And we do such a horrible job with enforcement and then we're gonna have to guess, or I don't know how they would keep track of what we're saying here. I thought we left it, and I look towards the rest of the Members because you gotta have to vote on it, but I thought we left it last night to say that the projects that are presented today, which is 19 workforce, 15 market, is a formula for the 201H application. And what happens after the approval, I don't know how that would be monitored. You know, we're trying to guess what the future will entail. I would rather we just look at what the facts are today and not try to anticipate what a future buyer will try to do, and Department can comment on that. I thought that's where we left it.

CHAIR KAMA: Mr. Hart, would you like to comment? Please do, thank you.

MR. HART: Sure, thank you. To reiterate my statements last night, you know, there's gonna be a little battle between Housing and Human Concerns about who's supposed to be responsible to keep the tally, but, Planning Department will be responsible for reviewing building permit applications so there will be various iterations in time. If you were to do it this way where we'll be telling people from the market-rate lots that no, you can't build your house right now and it's gonna be problematic. Basically, these people are going to be hiring an architect, drawing up their plans, submitting their building permit applications, gonna go to all the agencies and Planning's comment is going to be you gotta wait until somebody from the market, or the affordable lots builds an ohana and you know, we cannot approve you right now. It's going to be problematic and difficult to manage and it would be the most convenient, I believe, for everyone involved if you just look at the mix that's proposed today as the 201H package and if the lots further evolve in the future which they are permitted to do by zoning then that's what happens. Thank you.

COUNCILMEMBER SUGIMURA: Chair, one last comment.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: And I think it was mentioned, you know, your modifications, you rightfully gave us what the income levels would be. So somebody for the very low, low income household is \$41,900 and then the highest goes to \$83,800, and these people are going to be working really hard just to kind of get them through this purchase and day-to-day living and taking care of their family. I not too

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sure if they're gonna be the ones who are gonna be jumping as, you know, to build the second farm dwelling. So, we're creating a traffic jam in the permitting process as we're talking about its kind of confusing and you know, we not clear it just creates problems for the Departments who have to implement it. So, I just wanna say all of that. I value a person who's been in, you know, a Director for this Department for eight years understanding the, you know, what's out there in the community which is all of us who talk to people but we gotta get it all to come together. I'm grateful the developer is willing to do it, but, you know, I think he understands the needs of the community because he heard that people wanted the ohana unit or the second farm dwelling so he was trying to accommodate that because people were asking for it in the community. I say we'll just, I suggest we just keep with what we have on the table within the application which is the 19 and 15 market and take it from there so that we don't cause a traffic jam when it goes to Planning, Housing and Human Concerns.

CHAIR KAMA: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. I would say I'm not into listening to lame excuses of why we cannot do things, okay? If that's the case leave this County. I need people who want to figure out how to do it better and get the job done not excuses why we cannot do things. Get out of this County government, okay? So, listening to all the excuses I would say that is one of the issues we have that Mayor Victorino is dedicated to dealing with. He's breaking down the silos of independent divisions and departments of not working together. Okay, we've expended hundreds of thousands of dollars to upgrade our system in real property, okay? We are now the global leader in 3D geospatial gamma technology as it regards to assessment and real property taxation. We are also being recognized with our certificate of excellence in the ability for us to use drones to re-verify information and data on property. So to hear that how would we do this? Go and check your base layer [sic] finance. If it's not on the TMK then that structure shouldn't be there. It's easy to verify through satellite imagery what is on the property, okay? So, comments from the Planning Department I dismiss, okay, with the thing that we've invested in we can get it done, Chair, okay? We can get it done. I don't want to hear excuses. We are investing millions of dollars on upgrading our technology systems and I'll be figuring things with what we cannot do? We've gotta fire some people who cannot get the job done. I'm tired of excuses, we can get this done, Chair. We have the technology, we have the basic foundations. We just need the departments to say we will not stop because we feel there's a silo wall between departments. The Mayor won't tolerate it we shouldn't tolerate it either, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER HOKAMA: Okay.

CHAIR KAMA: Miss -

COUNCILMEMBER HOKAMA: So, I would say I am in consensus with No. 2.

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CHAIR KAMA: Yes, okay, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I am in total agreement with Member Hokama. Let's not refrain from doing something because it's too hard. As Member Hokama said, we have the technology. We have, if we don't have the people, like, we can talk about it. If we don't have the resources we can discuss that and we can help. We're willing to help.

CHAIR KAMA: Mm-hmm.

COUNCILMEMBER RAWLINS-FERNANDEZ: And we shouldn't just not do it because it – we don't see the path right now. We can create the path.

CHAIR KAMA: And that's more EDB, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And, so, I also just wanted to say so, like Member Hokama I am in consensus with this condition and that while, you know, Deputy Director Hart, said that building more luxury houses is permitted, that we cannot forget the purpose of this project. The reason that we are – would be willing to allow them to be exempted from laws. And it's to help advance, to help construct more affordable housing for our residents.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: We don't need anymore luxury homes that our residents cannot afford.

CHAIR KAMA: Yes. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, yeah, mahalo, Chair.

CHAIR KAMA: Mr. Molina.

VICE-CHAIR MOLINA: Thank you, Madam Chair. And, you know, I echo the sentiments of Mr. Hokama and Ms. Rawlins-Fernandez. Not the first time this County has had problems with processing and dealing with customers. I mean, that's the challenges. That's, you know, this job is not easy but we voluntarily took – we took our own initiative to take on this job so just like all of our people working in these various departments --

CHAIR KAMA: Yes.

VICE-CHAIR MOLINA: --it's the responsibility of the Directors and the Supervisors to crack down on any inefficiencies. So, to me that's not a, in my opinion –

CHAIR KAMA: Yes.

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VICE-CHAIR MOLINA: --that's an excuse. Let's just deal -- we are in an unprecedented housing crisis, unprecedented in Maui County. So, let's not forget about that. And, all of these people who buying market homes and if they're gonna come and complain, they know what they getting into, too, and I trust that should this project move forward that the developer will educate his customers telling them this is what you're getting into and this is what you could face. So, never mind those guys complaining to the department, you know. You knew what you were getting into. So, no excuses from the property owners, I mean, this is rules so it's, you know, it's the responsibility of the developer and his associates to educate all potential customers. This is what you face. So, they should know this going in already and so they should not even complain to the County cause they knew what they were getting into. So, thank you.

CHAIR KAMA: Thank you, Mr. Molina. Ms. Lee.

COUNCILMEMBER LEE: Thank you. I just want to remind the Members, I mean, I don't care how they vote but just remind the Members we are really -- there's a huge deficit in affordable housing and affordable housing doesn't fall from the sky. It's generally paid for by market homes. That's a fact of life. So, you know, we have to remember that. We have to of course balance that, we don't want to have a proliferation of market homes, but, just remember who pays for the affordable homes, And at the same time I want to remind the Members that we're going like, we're adding like 25 conditions to this project, you know, so, please be mindful of that. It's just hindering the project. Every time you add a condition you're gonna hinder the project. Thank you.

CHAIR KAMA: Thank you, Ms. Lee. Okay, Members, do we have consensus?

COUNCILMEMBERS: Consensus.

CHAIR KAMA: Yes, Mr. Kushi.

MR. KUSHI: Madam Chair, for me, a comment or clarify, and for the record, you know, whenever I ask a question or discuss I'm doing it on behalf of this Committee, okay. I'm not doing it on behalf of the developer nor the department. I want to make sure that whatever comes out of this Committee is clear for the record.

CHAIR KAMA: Thank you.

MR. KUSHI: So, on bullet point No. 2 on the parking lot. Two, No. 2 --

CHAIR KAMA: Yes.

MR. KUSHI: --about the second farm dwelling on the workforce housing lot. Where it says farm dwelling must be sold if possible. It can't, it's not possible because there's no CPR, and they cannot further subdivide. They gonna be sold, you sell a whole lot with two farm dwellings on it . . . or rent it as a 201H qualified unit. Is the intent of this to

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be a rent controlled on the second farm dwelling on the workforce housing lots? As I read it and who's going to enforce that?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

MR. KUSHI: I guess it's from Mr. Molina.

CHAIR KAMA: So, this was Tamara's No. 7. So if you want to look at that. Or Tamara do we want to – okay, so, we're on the modifications. The modification sheet, page four, on the very top it says parking lot in red. We're on No., Item 2 and Mr. Kushi just referenced the third to the last statement that farm dwelling must be sold if possible or rented. And he said cannot.

MR. KUSHI: Madam Chair.

CHAIR KAMA: Yes, Mr. Kushi.

MR. KUSHI: My question or query is that if they rent it out, the tenant, does the tenant must be a qualified 201H qualified person or family? And who's gonna monitor that.

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: No, I think it's Mr. Molina first, Chair.

CHAIR KAMA: Oh, Mr. Molina, I'm sorry.

VICE-CHAIR MOLINA: I guess we, our voices sound the same almost yeah? Anyway.

CHAIR KAMA: It does from up here. Thank you.

COUNCILMEMBER HOKAMA: Gee, thanks, ah for saying I get one radio voice.

VICE-CHAIR MOLINA: You speak with much more eloquence than I do. But, yeah, again in response to Mr. Kushi's question as far as who would enforce I would expect that maybe the Department of Housing and Human Concerns if we were considering this condition.

CHAIR KAMA: Okay, and then Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, and that's part of my continued comments. Let's not look at the silos, Chair, okay. This is one County government. I think Finance can assist Housing and Human Concerns. Every year Finance can send out any stack notices on other *(inaudible)* . . . that says are you in compliance with duh, duh, duh, duh, duh. Just like we send it to those associations that have to verify the ownership's use of a, the various ownership's use of units within their association. We

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already have a system in place to double check annually whether or not there's compliance. So, I would say Human Concerns [sic] can work with Finance, Finance can include in their regularly billing cycle of assessments and what not, then there is a way, Chair –

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: --Okay, that our existing systems in place and if we knock down this silos and they work together they can get it done, Chair.

CHAIR KAMA: Thank you. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, first of all, I want to apologize to Planning because I didn't mean to start this flurry of silo discussion based upon my memory from last night. But, because I think the intention is that, you know, the Department's just trying to do the best they can for us and the residents. I really believe that. So, I just wanna start with that. On this second point, I thought we decided or spoke last night that we were not gonna do CPR so if you own, if you are in the workforce housing allocation that you can build a second farm dwelling, but we were not going to sell it. I thought that's where we decided on this that is was going to be a rental of some sort. Or maybe we didn't decide?

CHAIR KAMA: But Mr. Kushi just said we couldn't. Right, Mr. Kushi?

COUNCILMEMBER SUGIMURA: Well, that's . . .

CHAIR KAMA: Didn't you just say that?

COUNCILMEMBER SUGIMURA: That's what we – I think we were saying no CPRs.

CHAIR KAMA: So, no(inaudible) . . . Right, cannot sell so it'll be rented.

COUNCILMEMBER SUGIMURA: You cannot sell it.

CHAIR KAMA: It'll have to be rented. So you would delete the word sell and just look to where it says rented as an HRS 201H qualified unit.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Thank you. That was an easy quick – yes, Mr. Brown.

MR. BROWN: Not to complicate but could we say rented or owner-occupied by the existing workforce buyer?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Is there consensus on that?

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VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes, Mr. Molina.

VICE-CHAIR MOLINA: Yeah, so, we'll delete the words sold and parentheses if possible parentheses, and or . . . and then to read, rented as Mr. Brown had stated. Rented or owner-occupied.

CHAIR KAMA: Owner-occupied. Yeah.

MR. BROWN: Owner-occupied by the workforce owner.

VICE-CHAIR MOLINA: Owner-occupied.

COUNCILMEMBER SUGIMURA: Can I ask a question?

VICE-CHAIR MOLINA: Thank you.

CHAIR KAMA: Sure.

COUNCILMEMBER SUGIMURA: So based upon the last sentence, wait, let me see . . . if the owner-occupant wishes to construct another farm dwelling on the workforce lot that farm dwelling must be rented if possible. So delete or rented as a HRS 201H qualified unit. So what does that mean? They have to qualify based on income? You only can rent it out to a person that is in that same income level? What does this mean? Just for my clarification.

CHAIR KAMA: Miss . . . oh yes, I'm sorry, Ms. Paltin.

COUNCILMEMBER PALTIN: Maybe you could amend that and put 201H qualified or 201H rate within the same, like, maybe 80 percent of AMI rate?

CHAIR KAMA: That's what you're trying to, you're trying to keep it in the AMI, right? In which it was purchased.

COUNCILMEMBER PALTIN: Oh, I think this was actually Councilmember Molina's one –

CHAIR KAMA: Molina's.

COUNCILMEMBER PALTIN: But, um I just was offering a suggestion to Miss . . . Member Sugimura's question. About if the person had to be qualified. I think when were working in the TIG and we're talking about rentals and stuff like that. We kind of discussed about having the rental be at a, like a rate that an 80 percent AMI person could afford but then not need to check if the person meets that AMI but just talking about affordable rentals, you know. I mean some people make 150 AMI and they can only pay 80 percent AMI rent because of, you know, they got family living with them

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with health issues or they get plenty kids and preschool costs a lot of money. So, I mean, to me I'm not so concerned if they qualify for the 80 percent AMI but we need more affordable rentals so if we just say at a rate, at a 80 AMI percent HUD rate for rental and not have to worry about what kind of income is person is making and then thereby create more affordable rentals.

CHAIR KAMA: Well you wanted to keep the rental in the workforce housing, in workforce housing? I mean, I'm trying to figure out what are we trying – I don't know what you're trying to say. So, I don't know if anybody knows what you're trying to say.

COUNCILMEMBER RAWLINS-FERNANDEZ: I do.

CHAIR KAMA: Okay, thank you, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Okay.

CHAIR KAMA: So.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so I been trying to wordsmith it. I understand what Member Paltin is trying to accomplish here –

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -in amending the proposal –

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -offered by Member Molina. And as the Tax Reform TIG Chair, that's why I know she's talking about. So, what we wrote up in there in one of the proposals . . . okay, I'm not –

CHAIR KAMA: Yeah, so –

COUNCILMEMBER RAWLINS-FERNANDEZ: --I'm not deliberating, I'm – everyone has it now so they can see it (I not violating Sunshine Law) that it would be rented at a rate and, sorry, I was trying to look it up. But, basically the U. S. Housing and Urban Development HOME Program, affordable market – affordable housing rate. And I can get you the exact language, sorry that's kind of from memory. So, it would scratch as and HRS 201H qualified unit.

CHAIR KAMA: So, you're wanting to make this rental HUD available? I mean –

COUNCILMEMBER RAWLINS-FERNANDEZ: No, just the rate.

CHAIR KAMA: Just the – okay the rate, the tax rate.

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COUNCILMEMBER RAWLINS-FERNANDEZ: --that the rent would be at, just the amount it would be rented at.

CHAIR KAMA: Miss . . . okay, go ahead, Ms. Munsell --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: --did you want to say something?

MS. MUNSELL: Yes, thank you, thank you for that. The HOME Program isn't actually a very specific HUD Program. We do have affordable rental rates that are include in the County that is specific to the County of Maui, it's not necessarily determined by HUD, it's a calculation that we do so, if you . . . I would prefer if we were going to do something like that to divorce it from a particular program that may or may not exist in the furniture and stick to something that we use consistently across County.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, may I ask --

CHAIR KAMA: Absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: --Ms. Munsell what would that be, what would the title of that be? Like the County Affordable Rate Sheet [sic]?

MS. MUNSELL: So, every year we update the affordable sales price guidelines and it's published online and on Page 9 of that is the income limits for rental units as well as the affordable rent guidelines by unit size and percentage of median family income. So that's all part of that package that we update every year.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER LEE: Can I say something.

CHAIR KAMA: Well, I don't think this --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, so instead of, you know, I would just strike the HUD HOME Program and --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --insert the title --

CHAIR KAMA: Insert the language?

COUNCILMEMBER RAWLINS-FERNANDEZ: --of our County, yeah.

COUNCILMEMBER LEE: Well, I was gonna say, Madam Chair.

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CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Per her --

CHAIR KAMA: Per her.

COUNCILMEMBER LEE: --that we, we normally use the HUD recommended rental guidelines adjusted according to area and that would be the answer to that question, I believe, Ms. Munsell.

CHAIR KAMA: Is that correct. Ms. Munsell? Is that okay with you? Is that okay, ask Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Can she give us an example like what does it actually say or how do you use that?

CHAIR KAMA: Go ahead, Ms. Munsell.

MS. MUNSELL: Chair. So, for instance for Maui, except for Hana, let's say for instance you've got a one-bedroom unit at 50 percent the rent on that would be \$786 per month including utilities. For an 80 percent it would be 1257 for a one-bedroom including utilities.

COUNCILMEMBER LEE: And it changes every year?

MS. MUNSELL: It changes very year, yes.

CHAIR KAMA: Do we have consensus on No.2?

COUNCILMEMBERS: Yeah.

CHAIR KAMA: Thank you, shall we proceed with No. 3? So this was Tamara's No. 9. Tamara, do you want to read that?

COUNCILMEMBER PALTIN: Sure, thank you. No. 3, emergency exit No. 5. The State Department of Transportation must approve exit No. 5 ingress and egress from and to Honoapiilani Highway.

CHAIR KAMA: Okay, so, who can talk to us about this? Yes, Mr. Brown.

MR. BROWN: So, you want to put that back up, Tom.

MR. SCHNELL: It didn't come up on this side it's over there.

MR. BROWN: So, you know, I appreciate your comments on your modification, Councilmembers. Tom and I drove up there this morning just to really try to get a good handle on the access situation. And so, we, we first went to (show them where it

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is on the map, Tom) to route No. 6, the one that goes out to the south. Where I had been telling you all along that they're locking all the balusters, well it appears since the fire they are not locking anything. You don't need a key anymore. As you can see, the pipe comes right out and on the opposite side of this when you drive home tonight if you look on the bypass you can see it is not blocked by any boulders or anything it goes straight out to the bypass. So, it's really an unfettered access, all you have to do is pull that pipe and drive out. For all the years I've lived up there they've always locked it cause they wanted to make sure no one drove on it. I think now they're leaving them open so that if there's an emergency you can go right out. The other side's the same. Tom, if you, so he, show 'em where it is on the map. So, this is the other side of the subdivision going north. Up here where I had been incorrectly assuming again that there was a locked baluster. They've removed the baluster in the boulders. This is actually their evacuation route and you can see my truck there and this is paved going all the way up north. So, you've got four accesses that are wide open right now to . . . it's, no, no that's asphalt. Yeah, it's asphalt all way.

MR. SCHNELL: . . .*(inaudible)* . . .

MR. BROWN: So you've got four going out, two to the south and two to the north that are not obstructed at all and so, I would like to ask you to please reconsider your consideration of having us to have to have another one permanently on five being -

MR. SCHNELL: . . .*(inaudible)* . . .

MR. BROWN: -or having to ask DOT right away. And we will ask them right away, but, before the resolution could move forward. I'd be happy to show you those accesses later as well if you wanted to see them.

COUNCILMEMBER PALTIN: Thank you, Chair. I think I would need more than a picture of one day. Is there a sort of written commitment that these would remain open in perpetuity, I mean, seeing a picture today doesn't mean tomorrow they cannot lock it or put a boulder there and same thing about the fire coming from the north and the affordables.

MR. BROWN: I've emailed the property manager asking him if - will this remain open? I tell him it's wonderful, it's open, I sent him the pictures and said can you confirm for me this will remain open. So, they haven't emailed me back yet, they're not always the quickest but they're trying to figure that out.

COUNCILMEMBER PALTIN: I mean, if we can get that written as a condition that all of the exit routes listed here would remain open.

MR. BROWN: Does the County have any kind of authority over private subdivisions where they could mandate that evacuation routes have to remain open and unlocked?

COUNCILMEMBER PALTIN: I believe during this process that we're going through and putting conditions on that would be the way to do it. I mean, we're not talking about

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any situation, we're talking about an area with extreme fire hazard. We're talking about a 201H project that's creating sprawl on our infrastructure. We're looking at the whole picture of the effects on our entire community and we're making a policy decision right now. So, I don't know what they do in other cases but that's what I need for me to ensure that the people over here have a chance of safety.

MR. BROWN: I understand and I'm doing my best to put 19 greater Lahaina area residents in your district on the land instead of 6 millionaires especially after I heard the fire department say that it was of minimal concern to them and the access was great.

COUNCILMEMBER PALTIN: Mr. Brown, you know, you can put those 6 millionaires on but where are they gonna get their water from? If you're gonna put them on start digging your well now, why are you waiting for your well?

MR. BROWN: So, I don't have to dig a well they have access to West Maui Land's current water system. I'm -

COUNCILMEMBER PALTIN: We've heard about how their current water system is.

CHAIR KAMA: Okay, hey people, I just have a question to ask. So, Ms. Paltin, would it be sufficient for him to get that in writing from the homeowner association or property manager? And put it in writing and put that as one of the stipulations.

COUNCILMEMBER PALTIN: If that's the way we're gonna do. I'd say a condition of the project should be that all of the exit routes listed should remain unlocked in perpetuity.

COUNCILMEMBER SUGIMURA: I have . . .

CHAIR KAMA: So -

COUNCILMEMBER HOKAMA: No consensus.

COUNCILMEMBER LEE: No consensus.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: Okay, thank you.

VICE-CHAIR MOLINA: Madam Chair.

CHAIR KAMA: Somebody, yes, Mr. Molina.

VICE-CHAIR MOLINA: Sorry to be so selfish on mic but I'm kinda monitoring the time at, as mentioned myself and Ms. Lee cannot stay till the afternoon. But, I'd like to hope we get to a vote today. Maybe to help maybe move things along here, if we take a recess, all of us go look at which of these modifications we have concerns with rather than

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going through the whole whatever, three, four pages of this stuff. Come back with the ones, you know, we wanna specifically talk about and then I think things might move a little.

CHAIR KAMA: So, my understanding is that there is no consensus on No. 3. I just want to get that clear.

UNIDENTIFIED SPEAKER: Correct.

CHAIR KAMA: Okay. Yes, Ms. Lee.

VICE-CHAIR MOLINA: And after that is a suggestion.

CHAIR KAMA: Yes, Ms. Lee.

COUNCILMEMBER LEE: Yeah, I like Mr. Molina's suggestion but rather than just assume consensus, I think we gotta just vote on each one after –

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: -after the recess.

CHAIR KAMA: Well, we're on No. 3 right now, okay. So, if you wanna do it now because after three we have four.

COUNCILMEMBER LEE: Up to you, I mean, what we want to do is not merely reaching consensus –

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: --which is a real loose way of saying yes, maybe, you know?

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: So, you know, we wanna vote.

CHAIR KAMA: You wanna get to the vote. Okay. So, that's – so we have three and four. We'll put them on the modification list. When we get there you're gonna vote 'em up or down. So, okay I'm gonna – how long do you folks need?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR KAMA: Twenty what, twenty minutes?

VICE-CHAIR MOLINA: Not for me, I'm fine with ten.

CHAIR KAMA: Ten?

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COUNCILMEMBER SUGIMURA: Eleven fifteen.

COUNCILMEMBER LEE: Yeah, ten.

CHAIR KAMA: Ten, ten minutes to review? Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I just had a question and it might be like the one that it's already covered before like that other question. But, what is the mechanism that enforces the modifications or the conditions? Is there any language, like, the County of Maui has the right to deny the issuance of building permits for any unit on any lot in the project then as long as the developer is breach of any of these modifications, or like, what's our enforcement arm on these conditions?

CHAIR KAMA: Let me refer that to Mr. Hart. Do we know that?

MR. HART: The conditions that are ultimately adopted is generally what we use.

COUNCILMEMBER PALTIN: I mean what is the consequences when they're not met?

MR. HART: I guess it would depend on what we're talking about as far as not met. Like, if they're proposing to do something like get a building permit and they haven't met something then we would just not approve their building permit. If there was something else we'd really have to look into it further and consult with Council about what you'd do if the project's down the road but not fulfilling an ongoing obligation let's say.

COUNCILMEMBER PALTIN: So, that's not like a standard condition language that if they're not – the conditions aren't being met the County has the right to deny issuance of building permits for any unit on any lot in the project, if and as long as the developer is in breach of any of these modifications.

CHAIR KAMA: Mr. Hart?

MR. HART: That is standard. That's, yeah.

COUNCILMEMBER PALTIN: Oh, it's already in there?

MR. HART: It's within our authority. Yeah, you have to be complying with your land use obligation, you have rights and obligations and you have to be complying with your obligations before we're going to give you a building permit for something.

COUNCILMEMBER PALTIN: Would it help if we had that explicitly written? Attached to the

MR. HART: If it makes you feel more comfortable you can put that in there. It wouldn't, we would be able to take the action and would regardless of it being in there.

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COUNCILMEMBER PALTIN: Okay, thanks.

CHAIR KAMA: Okay, thank you. Yes, Mr. Brown.

MR. BROWN: There was one item put in the modifications that was supposed not in there. Which one was it Tom? This No. 14, we should point out that that wasn't supposed to be in the accepted ones that's one your asking exemption to.

MR. SCHNELL: So, No. 14 refers to 18.16.050, MCC. This is the subdivision code and street widths. We have asked for an exemption to this. This is specifically regarding Punakea Street, which is already in. Punakea Street is here. Ag standards require 20 feet pavement width. However, our engineer tells us if this would be classified as a collector road with the street coming in for the workforce homes and it should be widened to 22 feet. So we are asking for an exemption to keep it at 20 feet and not widen Punakea Street that was just put in to 22 feet.

MR. BROWN: Fire Department was fine with that?

MR. SCHNELL: Yeah, the Fire Department was okay with that, yeah.

CHAIR KAMA: Okay, so we'll put that in. Okay, Members, so we're going to recess until –

COUNCILMEMBER PALTIN: Chair, I had a question about that one.

CHAIR KAMA: Yes . . . yes.

COUNCILMEMBER PALTIN: Is it also that on-street parking will be prohibited?

CHAIR KAMA: Is it, go ahead Mr. –

MR. BROWN: Yes, on-street parking prohibited.

COUNCILMEMBER PALTIN: Should we, put that as a condition, Punakea – there shall be no on-street parking at Punakea.

CHAIR KAMA: Okay. I wrote it in mine. I'm hoping everybody wrote in theirs. We're gonna take a break from now 'till 11:20 so please review all your modifications and come back prepared to vote either up or down. Okay. Thank you. Recess. . . .(gavel). . .

RECESS: 10:27 a.m.

RECONVENE: 11:23 a.m.

CHAIR KAMA: . . .(gavel). . . The Affordable Housing Committee of September 19th will now reconvene at 11:23 p.m.—a.m. Sorry, it just feels like p.m.

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UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR KAMA: Yeah, and you're gonna be here. I'm looking forward to this afternoon's session with Mr. Hokama's Healthy Families. Okay. So, Members, as I said before the break we're gonna have time to read the modifications and all I want to do is just to take a vote either up or down. I don't want to have a whole lot of discussion about any of these unless it's minute, minute, minute, but I would like to just see an up or down. So, I'll call out the numbers and you all say either up or down, and up meaning you approve, down meaning you don't approve. Yes?

COUNCILMEMBER LEE: Yeah, I'll take a vote on them.

CHAIR KAMA: You want to do roll call vote?

COUNCILMEMBER LEE: Yeah, yeah, yeah. Well, not --

CHAIR KAMA: Okay, we can do roll call.

COUNCILMEMBER LEE: --not necessarily roll call, but just vote.

CHAIR KAMA: Okay, voice, voice.

COUNCILMEMBER LEE: Yeah, voice.

CHAIR KAMA: Then speak loud, please. Thank you. Okay. Number one, up or down?

COUNCILMEMBER LEE: Aye. You're gonna say. . .

CHAIR KAMA: Aye. Oh, you want aye now?

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: I said up or down three times and now you want to say aye?

COUNCILMEMBER LEE: Okay, up, up.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: That's a vote?

CHAIR KAMA: Okay. Let's all agree. You guys want aye or you want no?

COUNCILMEMBER LEE: All in favor.

CHAIR KAMA: And you want up or you want down?

COUNCILMEMBER LEE: Just aye.

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CHAIR KAMA: Okay. This is No. 1. Aye?

COUNCILMEMBERS: Aye.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry. Sorry I walked in late. There are some that I will vote down to if an amendment isn't made.

CHAIR KAMA: Okay, so let's go. No. 2? Aye.

COUNCILMEMBERS: Aye.

CHAIR KAMA: No. 3?

UNIDENTIFIED SPEAKER: No.

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER SUGIMURA: Aye.

CHAIR KAMA: Okay. Let's do roll call vote on this one. No. 3 --

UNIDENTIFIED SPEAKER: Aye.

CHAIR KAMA: --the developer shall develop all residential workforce housing units before or concurrently with the sale of the market rate lots. Mr. Sinenci?

COUNCILMEMBER SINENCI: Aye.

CHAIR KAMA: Mr. Molina?

VICE-CHAIR MOLINA: Aye.

CHAIR KAMA: Ms. Lee?

COUNCILMEMBER LEE: Aye.

CHAIR KAMA: Ms. Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

CHAIR KAMA: Mr. Hokama?

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COUNCILMEMBER HOKAMA: My apologies, Chair. I thought I was voting on your parking lot 3, so I vote aye.

CHAIR KAMA: Thank you. Ms. Yuki Lei Sugimura?

COUNCILMEMBER SUGIMURA: Aye.

CHAIR KAMA: Thank you. Okay. No. 4? Aye. Mister...ayes?

COUNCILMEMBER SINENCI: Aye.

VICE-CHAIR MOLINA: Aye.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER LEE: No, because those numbers have changed. Right?

CHAIR KAMA: We are on the modification page. . .

VICE-CHAIR MOLINA: . . .*(inaudible)*. . .

COUNCILMEMBER LEE: Oh, she changed it back?

VICE-CHAIR MOLINA: Yeah.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: You should be...you should be looking. . .

COUNCILMEMBER LEE: Okay. Aye. I just thought the numbers were...okay.

CHAIR KAMA: Okay. Now you got me confused. Now I gotta look for my numbers.

COUNCILMEMBER LEE: I'm assuming there was a revised . . .*(inaudible)*. . .

CHAIR KAMA: Well, the ones that you should be looking at says at the very top, parking...it says. . .

COUNCILMEMBER HOKAMA: Exhibit B, right, Chair?

CHAIR KAMA: Right.

COUNCILMEMBER LEE: Exhibit B, right.

CHAIR KAMA: Exhibit B.

COUNCILMEMBER LEE: Modification...Makila Farms Modifications.

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CHAIR KAMA: Correct.

COUNCILMEMBER HOKAMA: Yeah.

CHAIR KAMA: Okay. Here we are.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: We're on...okay, so we're on No. --

COUNCILMEMBER LEE: Four.

CHAIR KAMA: --four.

COUNCILMEMBER LEE: Okay. Change my vote to aye.

CHAIR KAMA: Okay. Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: I'm voting aye. I just wanted to ask you, Chair. Again, I have no problem with the number of units. I don't have a problem with the percentages. I just wanted to know if you still felt it appropriate to include as in your original proposal the income ranges?

CHAIR KAMA: Yes. So. . .

COUNCILMEMBER HOKAMA: Is that...if that's your intent, then that's all I ask.

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: Just a clarification question, Chair.

CHAIR KAMA: Yeah.

COUNCILMEMBER HOKAMA: That's all.

CHAIR KAMA: Yeah. So can you remember to put that in—the income ranges? Thank you.

MR. RAPACZ: Thank you, Chair. There are two different income ranges. One is the 201H income range, which is slightly different from the 2.96, and given that this is a 201H project we would use those ranges.

COUNCILMEMBER LEE: Oh.

CHAIR KAMA: Okay. As long as they come up with the AMI --

MR. RAPACZ: Yes.

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CHAIR KAMA: --household. Okay.

COUNCILMEMBER LEE: Okay. Madam Chair, I don't think that's correct. Shall we have Housing answer that question?

CHAIR KAMA: Housing? Yes, Ms. Munsell?

MR. ALMEIDA: Thank you, Chair. Just wanted to clarify, is Mr. Rapacz referring to following HHFDC's sales guidelines or the County's guidelines?

CHAIR KAMA: Go ahead, Mr. Rapacz.

MR. RAPACZ: Thank you, Chair. I'm referring to the Hawaii Administrative Rules for the two...for HRS 201H, Part 15-307-26C, which lists...says that the application will specify the number of units for very low, low, low moderate, and moderate income, and then in a different section it defines those income categories in terms of percentages.

MR. ALMEIDA: Thank you. So just to, again, be certain we're on the same page, so we'll be following...we'll be following those income categories, but we'll be using the County's affordable sales price guidelines as far as the numbers. Correct?

COUNCILMEMBER HOKAMA: That's what we want.

MR. ALMEIDA: Okay. Thank you.

CHAIR KAMA: Thank you. No. 5?

VICE-CHAIR MOLINA: Aye.

MR. HART: Chair? Planning.

CHAIR KAMA: Yes, Mr. Hart.

MR. HART: I'm not certain...I don't understand what this means in the context of maybe needing to review or enforce this at building permit review. Could there be some level of clarification, please?

CHAIR KAMA: No. 5?

COUNCILMEMBER LEE: Madam Chair? I, too, I was gonna vote no because I have in my notes here vague. So, you know, anything that's vague it's hard to implement or enforce.

CHAIR KAMA: So No. 5 says the developer shall provide housing plans for the residential workforce housing units that are consistent with the AMI distribution. Yes, Mr. Brown?

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MR. BROWN: We provided those plans to you all yesterday. Those are the ones that we're referring to that were designed specifically for the project. So that's what we're talking about.

COUNCILMEMBER LEE: So is this --

MR. HART: Chair?

COUNCILMEMBER LEE: --needed?

CHAIR KAMA: Mr. Hart.

MR. HART: That would be my same question.

MR. BROWN: Typically, there's plans and applications so these are just the plans that we'd be including in the application.

COUNCILMEMBER LEE: The problem of being overly specific is if a department wants, you know, some changes and it's beyond their control. So No. 5 would be a hindrance. It wouldn't be a help.

CHAIR KAMA: Mr. Hart, can you respond to that?

MR. HART: Yeah, it would just be confusing for us because we would be reading this and saying, you know, at a future date which plans are these intended to refer to. Now there is an item number....uh, excuse me, Item No. 23, that is proposed that I believe will accommodate the same issue. So, you know, from our perspective if this was intended to cause the developer to make a submittal to Council for your review and that's completed, I would prefer that we delete that No. 5 --

CHAIR KAMA: Okay.

MR. HART: --and then the Planning Department can rely on No. 23 to make certain that that submittal is the same as we're seeing in the future.

CHAIR KAMA: Okay. Members?

COUNCILMEMBER LEE: Five should be no.

CHAIR KAMA: So 5 should be no and then to...you would already say yes to 23 when we get there. Yes, Miss...when we get there. Okay. So 5 is no, Members?

COUNCILMEMBER SUGIMURA: Five is no cause unnecessary.

COUNCILMEMBER HOKAMA: I'm good.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair. . .

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: The...this item was something that you had proposed so I just...I wanted to see if you...you're --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --satisfied?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Thank you. Thank you, Ms. Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: Yeah, Chair, hopefully this will eventually become part of the plan review --

CHAIR KAMA: Yes.

COUNCILMEMBER HOKAMA: --units that we can quickly see it in the future once we get it done.

CHAIR KAMA: No. 6?

COUNCILMEMBERS: Aye.

COUNCILMEMBER HOKAMA: Okay. Great.

CHAIR KAMA: Aye.

COUNCILMEMBER HOKAMA: Yes.

CHAIR KAMA: No. 7?

COUNCILMEMBERS: Aye.

COUNCILMEMBER HOKAMA: Okay. Good.

CHAIR KAMA: No. 8?

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER HOKAMA: That's fine.

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CHAIR KAMA: No. 9?

COUNCILMEMBER HOKAMA: Good.

COUNCILMEMBER LEE: Aye.

CHAIR KAMA: No. 10?

COUNCILMEMBER HOKAMA: One question for clarification, Chair, please.

CHAIR KAMA: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Is three percent max your number or the Department's of Housing number regarding appreciation or equity consideration?

CHAIR KAMA: That was my number. I was...I just wanted them to be able to recoup something if this ever happened.

COUNCILMEMBER HOKAMA: No, no, I have no problem, especially if they made some what I consider permanent improvements.

CHAIR KAMA: Yeah.

COUNCILMEMBER HOKAMA: Like a stone wall that they have a receipt for that says it's a \$10,000 improvement. I have no reason why they shouldn't be able to recapture that with appreciation because they have reinvested into the equity component. The three percent though, yeah, because I just ask how we came...I don't have a problem with a fair return for those under the affordables. But we have agreements in the past, like on Lanai with our first . . . *(inaudible)* . . . We agreed to seven percent returns. Okay, so I just wanted to make sure we have a rationale on how we justified three percent. If that is the current returns of investment for general savings or one-year treasury notes, we're basing on something that we can rely on to justify the percent, I'm solid. I just want...not people accuse us of arbitrarily just picking a number because it felt right. We need to justify the number for financial purposes.

CHAIR KAMA: Do we know what that number is, Mr. Greg Brown?

MR. BROWN: You know, it kind of calculates at three percent per year over the 30 years gives 'em 100 percent back. So that's where some of the thinking from that came. It balances out over the 30-year restriction.

CHAIR KAMA: Yeah.

COUNCILMEMBER HOKAMA: And I agree, yeah, if you hold it for the 30-year note, yeah. So I can see your point on that one, Mr. Brown. Again, I just wanted to make it clear, Chair --

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CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER HOKAMA: --we have some basis of rationale to support the three percent. Thank you.

CHAIR KAMA: Thank you. Ms. Lee?

COUNCILMEMBER LEE: I totally agree with the three percent. I've been working on this along with Ms. Keani Rawlins-Fernandez on, you know, revisiting some of these issues with regard to perpetuity and length of . . .

CHAIR KAMA: So does that mean we can go on to No. 11?

COUNCILMEMBER LEE: No. What I was going to say that there is a basis for the three percent --

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: --and other nonprofit's use it such as, I believe, Habitat for Humanity and Na Hale. And then the other thing is it's possible for them to...after the end of 30 years move on with their equity and there would still be enough in that house to resell it. Thank you.

CHAIR KAMA: Yes, Ms. Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So am I to read b(2) may retain the maximum three year percent appreciation per year after the 30-year deed restriction?

CHAIR KAMA: Yes, it's after 30 years.

COUNCILMEMBER RAWLINS-FERNANDEZ: Should we include that so that it's clear?

CHAIR KAMA: Yes, Mr. Brown?

MR. BROWN: No, they get that each year. They don't have to wait 'till after so they appreciates --

CHAIR KAMA: Oh, yeah, every year.

MR. BROWN: --three percent each year.

CHAIR KAMA: It's always three percent.

MR. BROWN: So if they needed a sale, so say it's a \$200,000 home, make it 6,000 a year. So if they had it for five years, they could keep \$30,000 when they sold.

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CHAIR KAMA: Sorry about that. Yes, it's every year. Ms. Lee?

COUNCILMEMBER LEE: Yeah, the reason for that is they can't only...they can't collect it --

CHAIR KAMA: Annual.

COUNCILMEMBER LEE: --after thirty years if, you know, somebody dies...one of 'em dies or divorces or whatever. So things happen, yeah.

CHAIR KAMA: Every year. Annually. Thank you. Thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just had a question about where it says the affordable workforce...or the owner of the workforce unit that is being resold and how that 2.96 about the County's right of first refusal plays into that condition.

CHAIR KAMA: Ms. Munsell?

MS. MUNSELL: So both in 201H, as well as in 2.96, there is the County's first right to repurchase if we choose to do so. We have in the past purchased units in other 201H projects so it all depends on the circumstance or the situation or the value of that property at the time that it's offered to us for repurchase.

COUNCILMEMBER PALTIN: Would it be more clear then if we put upon the County's refusal must sell the unit or something like that to make it clear that the County has the right of first refusal?

MS. MUNSELL: I think in our typical workforce housing agreement we make it really clear on what that process is. So I don't know that we need specific clarification here.

CHAIR KAMA: Thank you. Ms. Lee.

COUNCILMEMBER LEE: Yeah, I think referencing 2.96 is much better than putting one of those items in here, 2.96 covers the entire contract, the entire unilateral agreement.

CHAIR KAMA: Okay, thank you. Can we go on to No. 11? Yes, Mr. Kushi.

MR. KUSHI: Madam Chair, for clarification, No. 10(d), as in dog.

CHAIR KAMA: Yes.

MR. KUSHI: The use or operation of any dwellings in the entire Project for transient or short term-rentals, including any rentals for a term of less than 180 days, is prohibited. I did check with the Deputy Planning Director and by the type of language this would include bed and breakfast operations. So, just for the record.

UNIDENTIFIED SPEAKER: . . .(inaudible) . . .

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CHAIR KAMA: Okay, thank you, Mr. Kushi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, Ms. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. So under 10b(1).

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know who proposed that, but, I think that wasn't super clear for me and I think the intention of this, and you can tell me if I'm wrong, the owner of a workforce unit that is being resold must sell the unit to an income qualified household in the same AMI as was the original buyer at the time of purchase.

CHAIR KAMA: That makes it clear.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER HOKAMA: Good.

CHAIR KAMA: Up or down?

COUNCILMEMBER LEE: That's fine, it's in every standard agreement.

CHAIR KAMA: Yes, okay. Thank you for that. May we go on to 11, Members?

COUNCILMEMBERS: Sure.

CHAIR KAMA: Thank you. Up or down, yes or no? Aye or no?

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBERS: Aye.

CHAIR KAMA: Thank you, 12?

COUNCILMEMBER HOKAMA: Aye, I'm good.

COUNCILMEMBER SINENCI: Aye.

COUNCILMEMBER SUGIMURA: That was agreed, yeah.

CHAIR KAMA: 13?

COUNCILMEMBERS: Aye.

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COUNCILMEMBER SUGIMURA: I have a comment.

COUNCILMEMBER HOKAMA: Chair? Question.

CHAIR KAMA: Yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: I understand your request for gravel versus asphalt. My only concern again if it's on the makai side where the improvements going to be then I would just caution that the engineers should be very cognizant about how water flows and that gravel it starts spreading becomes part of the erosion problem. Okay cause I've seen good intentions become a major cost item for the County afterwards when the gravel disappears for whatever reasons, Chair. So I just would say that make sure that your engineers engineered property because I don't need additional either street erosion gut ways on the side or other items that the General Fund would eventually have to take care from your subdivision so that's my only concern, Chair, other than that I agree with the aesthetics and the agricultural context. So, I'll be voting aye but I have my reservations.

CHAIR KAMA: Thank you. Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So I got a concern from a handicap person about gravel. I don't know if there's different kinds of grades of gravel that may be easier. I understand the intention of this 'cause it probably serves several purposes but I just want to put that thought out there. I rather have gravel or something that has that kind of permeable surface rather than cement or asphalt but, I would look towards you to kind of be sensitive to the handicap people.

CHAIR KAMA: Mr. Kushi?

MR. KUSHI: You know, Madam Chair, if I may, I'm sorry if I didn't bring this up. No. 12 you could revisit that?

CHAIR KAMA: Yes.

MR. KUSHI: Yes, this says the maximum height of any dwelling shall be 25 feet. The district standards for the ag zonings list the maximum height as 30 feet except that vents, pipes, fans, chimneys and antennae and solar roofs shall not exceed 40 feet. So is it the intent of the Committee to just say 25 feet regardless of vents, pipes, chimneys, antennae?

CHAIR KAMA: I think that was the intent when we discussed it; was it not the intent to keep it at 25? Mr. Hokama?

COUNCILMEMBER HOKAMA: For me, Chair, yeah, I have no problem with the 25 lower cap for a residential. But, if it's for a true agricultural structure that assists in the agricultural operations –

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CHAIR KAMA: You need the 40 feet.

COUNCILMEMBER HOKAMA: -whether it be a silo for our storage capacity or whether it be - I'm open to that, that will assist the agricultural operations not about another dwelling unit. But to prove that they are legitimate 50 percent commercial agricultural operations to justify either their tax rate or zoning I would like to give them that opportunity under the current agricultural standards to make that business viable, Chair.

UNIDENTIFIED SPEAKER: . . .*(inaudible)* . . .

COUNCILMEMBER LEE: Maybe we can have Staff work on the -

CHAIR KAMA: Twelve?

COUNCILMEMBER LEE: --language and you know --

CHAIR KAMA: For 12?

COUNCILMEMBER LEE: --25 feet except ag structures or something like that.

CHAIR KAMA: Okay, so 25 feet for the living quarters and 40 feet for the farm dwelling.

MR. HART: Chair, if I could.

CHAIR KAMA: Yes, Mr. Hart.

MR. HART: I think that there might be a little, some lost in translation. I think that Corporation Counsel is asking a good question. There's basically, you have your roof which has a height limitation. Then there's the appurtenance, additions that can be on top of a roof, antennas and things like that. Do you want to tinker with that additional layer or do you want to leave it as is which is 40? It wasn't necessarily talking about the agricultural structures but, do you also want to artificially lower the antenna and chimney heights.

CHAIR KAMA: Mr. Hokama.

COUNCILMEMBER HOKAMA: You know, for enforcement that's where I would agree with Ms. Sugimura, I think we should try and be as unified with certain standards regarding agriculture. Again, yeah, Mr. Hart, if our intent is to preserve Ag land then we should at least allow the agricultural, true agricultural practitioner the ability to be a viable practitioner, yeah. So if the case be I don't have a problem with even the house being 30 feet maximum height especially if Mr. Brown is saying I'm not gonna go and grade this whole bloody 76 acres and put cement slabs all over the place because I'm willing to give him 30 feet so he can site housing on a lot appropriately maximizing trade winds and everything. So if he needs an attic and an underground

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post and pier component with the current grade, the slope, I can be open to the 30 feet max because he's telling me a couple things. I'm willing to reduce energy requirements. I'm willing to use natural environmental advantages like trades by allowing attic and appropriate post and pier space under the building for natural air flow and cooling and for people like me, free storage, potential storage. I'm open to allowing that 30 feet because I prefer that than you masquerading everything on that 76 acres. Thank you, Chair.

CHAIR KAMA: So, yes, Mr. Hart.

MR. HART: So, there would be a reduction in the height for the residence but then the antennas and chimneys which may occur on top of the residence can be as high as the standard in the existing zoning code.

COUNCILMEMBER HOKAMA: No, my new position is I'm not going to support the 12, I'm willing to keep 30 feet.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

MR. HART: Thank you.

COUNCILMEMBER SUGIMURA: Chair?

CHAIR KAMA: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So I think the important part of this discussion or this insight is to keep the 1-story.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: Right? So, I think a feet in whatever will satisfy as long as it's 1-story but keep with the agricultural use.

CHAIR KAMA: Keep it ag use.

COUNCILMEMBER SUGIMURA: So you can adjust the heights and not have to be 25 feet.

CHAIR KAMA: Right. Yes, Mr. Brown.

MR. BROWN: I'd be fine with the 1-story but then sticking with the 30 feet like Councilmember Hokama suggested but they'll all be 1-story, the farm dwellings would be 1-story. We stick with the height limits allowed in ag zone.

CHAIR KAMA: Right. Yeah, okay. So, we said yes before and we're saying yes again.

COUNCILMEMBER SUGIMURA: Aye.

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COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, Chair.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, are we leaving with a maximum of 30 feet or are we scrapping that last part of this condition. Shall we put a period after 1-story or do we put a 30 feet there? But, if we put a 30 feet there I still think the whole antenna and all that stuff, chimneys, would still not be addressed.

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

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: Can you reference as allowed in the ag district or whatever Mr. Hart referenced?

CHAIR KAMA: I think what Ms. Keani Rawlins-Fernandez said was after 1-story, yes, we should put reference the ag. s, Mr. Hart?

MR. HART: If you just made it 1-story and ended at that then we would look to the zoning code for the heights for the structure itself and any appurtenant fixtures.

CHAIR KAMA: Okay, okay, that makes it easier. Thank you.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER KAMA: Thank you, Ms. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, I'm sold, Chair. Then it'll read, Condition 12 all dwellings in the entire project shall be limited to 1-story period. Okay, mahalo for that clarification.

COUNCILMEMBER KAMA: Right. Okay, for the third time we said yes to this?

COUNCILMEMBERS: Yes.

COUNCILMEMBER KAMA: Okay, no, that's fine. Okay, so we going back now to No. 14.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thirteen.

COUNCILMEMBER KAMA: Thirteen. And we had that conversation about the gravel. So Mr. Brown, is the – is it loose gravel or is it combined gravel and would it be accessible for those in wheelchairs?

MR. BROWN: So yeah they would, as Councilmember Hokama suggested, it would be drawn by an engineer and it would be compacted. You know, I don't know if gravel paths are acceptable to ADA compliance or not. I know that there are no other paths at all on

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any of the lots up there period right now so it would be a benefit for the other buyers and the I guess the ADA folks would have to do the same as everybody else does up there. We can certainly compact as good as we can so it could be used but I don't know if I'm qualified to answer to that question.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I really appreciate this conversation, this discussion. We discussed this last night. I brought up the issue with people with all abilities and so instead of saying gravel, the developer shall provide a walking path traversable by people with all abilities.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Not that strict yeah.

COUNCILMEMBER LEE: Not that strict.

CHAIR KAMA: It's too strict so, I like that, traversable.

COUNCILMEMBER RAWLINS-FERNANDEZ: No . . . yeah, I didn't say ADA compliant. It's just traversable by.

CHAIR KAMA: Thank you. Yes, traversable. Did we get that Alison? Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: To address Member Sugimura's concern too.

COUNCILMEMBER HOKAMA: Good.

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Yes, good.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Yes. Okay, thank you. So 14 was an aye, 15?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

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CHAIR KAMA: Oh 14, I'm sorry.

COUNCILMEMBER PALTIN: Did you change that No. 14 to there shall be no on-street parking at Punakea?

CHAIR KAMA: I got it in my notes.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER LEE: Okay and then –

CHAIR KAMA: Did you all were supposed to write them in your notes, right?

COUNCILMEMBER LEE:: -also that we were keeping it with 22 feet.

CHAIR KAMA: Twenty.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

COUNCILMEMBER LEE:: Oh 20 feet, okay.

COUNCILMEMBER SUGIMURA: Chair?

MR. SCHNELL: I need a –

CHAIR KAMA: Yes, Mr. Schnell?

MR. SCHNELL: If you don't mind, clarification. So in our Exhibit List in Exhibit A that's in the resolution, we had asked for the exemption to Section 18.16.050. So, I'm not clear if what the Counsel is proposing is to go with our exemption with the except – to say that there should be no parking on Punakea Street or if you're saying that Punakea Street is not exempt.

COUNCILMEMBER LEE: No, we're saying it is exempt.

MR. SCHNELL: Good.

CHAIR KAMA: We're saying no on-street parking on Punakea, that's what we're saying. Yeah. That's my understanding.

MR. SCHNELL: Okay, I understand.

CHAIR KAMA: Okay.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR KAMA: Okay, okay.

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MR. BROWN: We just wanted to make sure there's clarification because it says no, it will be constructed to the design standards of 18.16.050 and that's what we need an exemption.

CHAIR KAMA: Yeah. Okay.

MS. STEWART: Chair?

MR. BROWN: Thank you.

MS. STEWART: Chair?

CHAIR KAMA: Yes, Alison.

MS. STEWART: One suggestion would be to in the exemption included provided that no parking shall be on that street so that it goes with the exemption.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Yeah we can just. . . .*(inaudible)* . . .

CHAIR KAMA: Oh okay, provided that, that's what you're saying, right?

MS. STEWART: Yes.

CHAIR KAMA: Provided that no other on-street parking on Punakea.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: Is that what you're saying. Yes, Mr. Kushi.

MR. KUSHI: Madam Chair, clarification and mind this stupid question but this, who owns Punakea Street? Is it the developer or is it somebody else or is it a County Road, or?

CHAIR KAMA: Mr. Brown, who owns the street?

MR. BROWN: I believe they're owned by Makila Land Company and then they're given an access agreement to the, they give the different area subdivisions an access agreement over them.

MR. KUSHI: Chair, that being the case who would enforce the no parking? He says he has no ownership of the road.

MR. BROWN: It's already enforced within the current HOAs you're not allowed to park on any of the roads there it's in all the HOA docs and it would be in ours as well.

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COUNCILMEMBER PALTIN: So, would a better condition be no on-street parking throughout the entire project.

MR. BROWN: Yes, that'd be fine so 14 should actually be no 'cause we don't wanna build to these design standards but we would just be adding a new condition you're discussing saying no parking on any of the streets.

COUNCILMEMBER PALTIN: Yeah, I think for the recess –

CHAIR KAMA: Okay, so 14 . . .

COUNCILMEMBER PALTIN: - we had changed it so 14 should just say like from –

CHAIR KAMA: No parking.

COUNCILMEMBER PALTIN: - yeah there shall be no on-street parking through the entire project. That's all it says. It doesn't say anything else about roadways or anything. There shall be no on-street parking throughout the entire project.

CHAIR KAMA: Okay.

MR. BROWN: Good.

CHAIR KAMA: Good. Aye?

COUNCILMEMBERS: Aye.

CHAIR KAMA: Okay, thank you, 15? Yes, Mr. Schnell?

MR. SCHNELL: So on No. 15 if you recall that we discussed last night we do need the exemption from the agricultural district zoning requirements for the lot widths for the lower lots and we specified that they would be a minimum of a, the minimum would be 100 feet but the ag districts standards require 200 feet. So that is in our exemption list if you want to modify that somehow.

MR. BROWN: Can we just strike that first sentence and then keep the rest of the modification that they'd have to go for a special use for the utility or the energy facility?

CHAIR KAMA: So what does it say, what are you saying it should read?

MR. BROWN: So it would that first sentence in 15 would be gone so it would start where it says relating to minor utilities all energy facilities shall require a special use permit as set forth in 19.30A.060 the rest of the previous language would be gone.

CHAIR KAMA: Oh, okay.

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COUNCILMEMBER PALTIN: Starting with Section, Section 19.30A.050?

COUNCILMEMBER LEE: No, starting with relating, yeah?

CHAIR KAMA: Starting with relating.

MR. BROWN: Starting with relating.

COUNCILMEMBER LEE: Starting with relating. Okay, aye.

COUNCILMEMBER PALTIN: Can we check in with the Deputy Planning [sic] if that makes sense?

CHAIR KAMA: Sure, Mr. Hart.

MR. HART: Regarding No. 16, excuse me, I'm sorry.

CHAIR KAMA: Fifteen, fifteen.

COUNCILMEMBER PALTIN: Relating to minor utility and solar energy facilities shall require special use permits as set forth in 19.30A.060, is that clear enough for you to understand?

MR. HART: I believe it is, yes.

COUNCILMEMBER PALTIN: Thank you.

COUNCILMEMBER LEE: Next.

CHAIR KAMA: Is that an "aye" everyone?

COUNCILMEMBERS: Aye.

CHAIR KAMA: Sixteen?

COUNCILMEMBERS: AYE.

MR. HART: Excuse me, Chair, I did have an issue I'd like to ask about this. There was a side discussion last night prior to the addition of item No. 23 and I'm curious if this will be . . . the nature of the discussion seemed to be that you'd like them to be able to comply in some fashion, you know, if let's say they weren't able to get a halau or something like that. I'd like to discuss the language used in 23, but generally item No. 23 is intended to accommodate that. I would prefer that foreseeing a Planner trying to establish how the project is in compliance leaning on 23 rather than having a 26 included in there.

COUNCILMEMBER SUGIMURA: Substantial.

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MR. HART: Yeah.

COUNCILMEMBER SUGIMURA: Instead of strict, right?

MR. HART: Well, I mean I would like to address 23 should be substantial. It should say substantial compliance but since we're on 16 I would like to say –

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. HART: - I don't think that 16 is necessary provided that a workable 23 is in the condition list.

CHAIR KAMA: You're talking about 15 is related to 23? 15?

MR. HART: Sixteen.

COUNCILMEMBER LEE: Sixteen.

CHAIR KAMA: Sixteen.

COUNCILMEMBER LEE: Sixteen.

CHAIR KAMA: Okay.

MR. HART: It basically relates to specific performance that the –

CHAIR KAMA: Okay.

MR. HART: --the applicant would have.

COUNCILMEMBER LEE: Okay.

MR. HART: But, the intent of 23 is intended to be that. I think that 23 is too rigid because of the reality of how projects come from the conceptual level to the actual on the ground existing level. But 23 is generally how the Department establishes substantial compliance with the representations made to the Community.

CHAIR KAMA: Okay, I see that.

COUNCILMEMBER LEE: Okay.

MR. HART: Okay.

CHAIR KAMA: Yes, Ms. Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So Item 16 is my proposal and I hear what Deputy Director Hart is saying and he's jumping ahead to 23 urging substantial instead of strict. Strict would be like a hundred percent compliance, substantial compliance would be less than a hundred percent and so my concern is that what is being represented in the Exhibits where, you know, it sounds great halau resource cultivation area, cattle pasture in these areas. Basically giving us some kind of guarantee that these lands will be used for ag purposes and if it's less than 100 percent, you know, in compliance with what was represented to us what will be the items that will be cut off? Will the halau resource cultivation or something substantially similar be cut? The cattle pasture? So, there's no guarantees for us to know of what will be the percentage that doesn't make the cut in substantial compliance.

MR. BROWN: We're willing I think as a good suggestion in case the HOA wants to switch what they're doing but we're definitely wanting to say that there will be a permitted agricultural use in compliance with the ag zoned district if it's not the halau cultivation center or the cattle farm.

MR. HART: Chair, if I might?

CHAIR KAMA: Yes, Mr. Hart.

MR. HART: No. 23 relates to all facets of the project not just this item so I think that you're right on, you're hitting it right on the nose. If Council wants to be the body to make sure that 100 percent anytime there's any sort of deviation from the representations that you review and confirm and then renew your resolution then you should have it say strict. But if you would like to assign this to the Planning Department to administer what you improve it then you should put substantial.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hart. I'm not disagreeing about striking strict and replacing it with substantial. What my point is, is that when we change it to substantial what will not make it in because 100 percent will guarantee this is in. Less than 100 percent doesn't guarantee this makes it in and so that's my point. Mr. Brown said that you had a proposal to amend condition 16 or I'm sorry, what was your proposal?

MR. BROWN: I was just suggesting that if it wasn't - I thought you had suggested that which I thought was a good suggestion that if it wasn't a halau cultivation center or a cattle farm and the HOA or the Board decided they wanted something different that it could be changed as long as it was in compliance within the ag zoning and an agricultural use on that land that it must continue to be maintained and farmed.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so here's how I amended it. As represented by the developer a halau resource cultivation area or something substantially similar shall be created and maintained on lots 13 through 19, and an animal pasture or something substantially similar on lots 1 through 12 as designed in the project site plan.

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MR. BROWN: That sounds great.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER KAMA: Aye?

COUNCILMEMBERS VOICED "AYE."

CHAIR KAMA: Okay, I didn't hear a no so must mean "aye." Okay, 17.

COUNCILMEMBERS VOICED "AYE."

COUNCILMEMBER LEE: I'd like to get some feed from the, Mr. Brown.

MR. BROWN: So I did have a couple people contact me last night who are workforce buyers and they were concerned because they felt it would add \$10 a month to their HOA fees and that they didn't think a workforce buyer should be burdened with having to make a donation so I'm definitely open to it. I'm open to it.

MR. SCHNELL: There's two things to that. The first one is board membership.

MR. BROWN: Oh, the board membership, yeah, 100 percent that's great. And the, at 50 percent of the membership, yes. I completely agree with that. In the second one I'll leave up to you Council I'm open to it if you want to ask the HOA to make a donation then that would be fine with me. Express the concerns I had from some people.

CHAIR KAMA: Aye? Yes?

COUNCILMEMBER SUGIMURA: So what if the HOA decides they do not want to do it. What rights do they have? I'm not really familiar with that kind of board or authority.

COUNCILMEMBER HOKAMA: It's a condition. They don't have a choice.

COUNCILMEMBER SUGIMURA: So they would have to regardless.

COUNCILMEMBER PALTIN: Substantial compliance.

UNIDENTIFIED SPEAKER: . . .*(inaudible)* . . .

CHAIR KAMA: Okay, 18?

COUNCILMEMBER LEE: I don't agree with that.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: But I'm only one person so I don't – No. 17.

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CHAIR KAMA: So, okay, so we have 1, 2, 3, 4, 5, 6 “ayes” and 1 “no”. Thank you, 18.

COUNCILMEMBERS VOICED AYE.

COUNCILMEMBER SUGIMURA: Aye, I think they do it anyway.

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: Okay, aye. Nineteen?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, 19.

COUNCILMEMBER RAWLINS-FERNANDEZ: I’d like to clarify to include prequalification process at the end.

CHAIR KAMA: So you want it to read . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, to include or including the --

CHAIR KAMA: So, what is it?

COUNCILMEMBER RAWLINS-FERNANDEZ: - qualification process.

CHAIR KAMA: So, it’s lenders, and what does the rest say?

COUNCILMEMBER RAWLINS-FERNANDEZ: Including the prequalification process.

CHAIR KAMA: Okay. That’s it. Members, aye?

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: Okay, thank you, 20?

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: 21?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, 21.

COUNCILMEMBER RAWLINS-FERNANDEZ: The developer shall, there . . . for clarification –

CHAIR KAMA: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: - who the onus would be on as far as like requiring this program which I know can be pricey whether the affordable, whether the applicant would be responsible for paying for this or where the program . . . *(inaudible)* . . . or whether the developer so I put in the developer shall provide a free homebuyer financial education program.

MR. BROWN: So, you know, what we did last time and what always typically happens with these programs is I would make a donation to the program that provides the class but we don't pay for the fees for the applicants. Sometimes there's like 500 or 1000 applicants who go to the class and majority of them may go to a different project or they may not end up getting qualified. So we would help provide, make sure that our class is provided through one of the different community programs that are provided but the fee for the cost is paid for by the workforce buyer.

COUNCILMEMBER RAWLINS-FERNANDEZ: And how much are these classes?

MR. BROWN: They were \$75 is what they were charging the workforce buyer and they can do it online or there and it's good for a year. It's good for any program, any project not one specific project. This is a great program that teaches 'em all how to buy a home even if they don't do it in the future.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, if that's the practice.

CHAIR KAMA: There's a homebuyer's education program out there that is free so you just need to go and call them up. So we're gonna keep the word "free" in or we're not using the word free?

COUNCILMEMBER HOKAMA: Chair, I don't see a problem of having those that apply do their fair share of getting a qualifications and their education squared away or they have no business buying what they don't know.

CHAIR KAMA: Okay, okay, just was wanting to clear that up. Okay so we're saying their developer shall provide a homebuyer financial education program for residential workforce housing and the applicants, and we all said yes to that. Just making sure.

COUNCILMEMBER SUGIMURA: Aye.

CHAIR KAMA: Twenty-two.

COUNCILMEMBER LEE: Two. Okay.

CHAIR KAMA: Twenty-three.

COUNCILMEMBER LEE: And the last one we adding the words "substantial compliance."

CHAIR KAMA: So we deleting "strict" and we adding "substantial?"

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COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER PALTIN: This was my amendment. I was wondering if I could also add on that standard language, the County of Maui has the right to deny the issuance of building permits for any unit on any lot in the project if and as long as the developer is in breach of any of these modifications.

CHAIR KAMA: Mr. Hart, oh yes, is that okay to add that standard language? I mean are you okay, I'm okay.

MR. HART: It's fine I stated earlier I believe we already have it but it's fine to add.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: It's -

COUNCILMEMBER PALTIN: You want me to read the whole thing?

CHAIR KAMA: --It's 23, no you don't have to read the whole thing. I think we got the gist of that. You got it? Okay. So 23, aye?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR KAMA: What's that change that the Staff has already done. Okay, so those were our, the ones we had consensus on we said yes to. So, we're gonna go to the parking lot No. 1, we had consensus on that. So "aye" or "no."

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: So, No. 2.

COUNCILMEMBER HOKAMA: Good.

CHAIR KAMA: Members, when you ready.

COUNCILMEMBER LEE: We made the change from sold to occupied, rented or occupied.

COUNCILMEMBER SUGIMURA: Yeah, with sell to rent.

MR. BROWN: I think it should say sold or owner-occupied or occupied by owner or owner's family cause the owner can occupy both.

COUNCILMEMBER LEE: Well, why does it have to be family?

MR. BROWN: Or it was - I guess it was suggested to me just to make it comply better cause to make sure it was there. Does the, I guess you would know, does the family . . . the

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owner requirements for occupancy have to be family with the . . . whoever's on the deed with the workforce

COUNCILMEMBER PALTIN: Whoever's on the deed it doesn't need to be family. The owner-occupied is whoever's on the deed, right?

MR. BROWN: As long as it's the work – I guess we're trying to say as long as it was the original workforce buyer occupying it so they're not renting it to someone else if they're not –

COUNCILMEMBER LEE: Can I have a comment from Planning, please?

CHAIR KAMA: Mr. Hart.

COUNCILMEMBER LEE: Does it really matter who occupies the ohana unit?

MR. HART: Are we talking about affordable housing regulations or land use regulations?

COUNCILMEMBER PALTIN: Or tax.

COUNCILMEMBER LEE: We're talking about that second farm dwelling.

COUNCILMEMBER PALTIN: Tax break.

COUNCILMEMBER LEE: Yeah.

MR. HART: Right, but I guess what I'm trying – are you asking if the Planning Department has any opinions about whether or not a, you have a farm and you have a main dwelling where the family is residing and then they've built an accessory or a second farm dwelling? Does the Planning Department have any requirements about who should be able to live in that second dwelling?

COUNCILMEMBER LEE: Right.

MR. HART: We do not.

CHAIR KAMA: Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think I get where Member Lee and the discussion is going. So I have something to offer, an amendment. Since we already took out sold that, so here. Okay, if the owner occupant wishes to construct another farm dwelling on the workforce lot that is . . . rented, the farm dwelling must be rented at or below affordable sales guideline income rate whatever the County thing is.

MR. BROWN: That's fine.

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COUNCILMEMBER LEE: Yeah . . .*(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I think that was the bigger concern.

CHAIR KAMA: Right. I like that. Members?

UNIDENTIFIED SPEAKERS: . . .*(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: We'll get it to you after.

CHAIR KAMA: You going?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, I'll give the language to Staff after.

CHAIR KAMA: Okay, thank you. Okay. So that's, Members, an "aye" for 2?

COUNCILMEMBERS VOICED AYE.

CHAIR KAMA: And we're on to 3? So, oh, No. 3 we didn't get consensus.

COUNCILMEMBER SUGIMURA: Three is no.

COUNCILMEMBER LEE: No, I don't, I'm not . . .*(inaudible)* . . .

CHAIR KAMA: Okay so is – that's a no? That's a no?

UNIDENTIFIED SPEAKER: That's a no.

CHAIR KAMA: That's a no. It's a no, okay.

COUNCILMEMBER SUGIMURA: That's a no.

CHAIR KAMA: No. 4?

COUNCILMEMBER LEE: I think we discussed this last night and said it was difficult for everybody to get a key and we just saw it's all open anyway.

COUNCILMEMBER SUGIMURA: Yeah.

UNIDENTIFIED SPEAKER: No.

COUNCILMEMBER SUGIMURA: So, no.

CHAIR KAMA: It's a no?

COUNCILMEMBER LEE: No.

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CHAIR KAMA: Okay. Okay, Members. Thank you for your hard work. So we have all of these, we have 23, 24, 25 modifications.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, Chair.

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: The parking lot No. 4 we voted no?

CHAIR KAMA: Just now.

COUNCILMEMBER SUGIMURA: Just now.

COUNCILMEMBER RAWLINS-FERNANDEZ: On the whole thing?

COUNCILMEMBER HOKAMA: Yep.

CHAIR KAMA: Yeah, on 4.

COUNCILMEMBER RAWLINS-FERNANDEZ: Uh, because we did – there was consensus on each residential unit having a map and including all the exits and that first part of it.

COUNCILMEMBER LEE: Oh maps . . . *(inaudible)* . . .

CHAIR KAMA: Maps? Okay. Thank you, Ms. . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I know you guys never like the key used, but ...

CHAIR KAMA: So, 4 is two parts, right. The first part is they get the maps, they don't get the keys.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: Right?

COUNCILMEMBER SUGIMURA: Yes, okay.

COUNCILMEMBER LEE: Right.

CHAIR KAMA: So yes to the maps and no to the keys.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KAMA: Alison, did you get that?

MS. STEWART: . . . *(inaudible)* . . .

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CHAIR KAMA: And, so, okay, I just want to make sure that okay, so 4(a) is yes to the maps and 4(b) is no to the keys. Did we all get that?

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBERS: Yeah.

CHAIR KAMA: Thank you. Alison, did you get that? John? Okay, Members, thank you so very much. We're now, so now we have 23, 24, and 25 modifications. So at this time, I'd like to be able to entertain a motion to recommend adoption of the proposed resolution entitled, Approving with Modifications the Independent Development of the Makila Farms Workforce Agricultural Community by Makila Kai LLC, pursuant to Section 201H-38, Hawaii Revised Statutes.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: So it's been moved by Member Sugimura and seconded by Member Lee. Do you want to have a, yes, Ms. Lee.

COUNCILMEMBER LEE: I just needed for clarification on the exemptions on page 4.

CHAIR KAMA: On page 4.

COUNCILMEMBER LEE: This was handled already.

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: So they automatically will be included into wherever sections they need to be inserted into.

COUNCILMEMBER LEE: Oh, okay. All right, that's all.

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes?

VICE-CHAIR MOLINA: Just one clarification on the motion, it included the modifications or do we now need to amend to include the modifications as approved by?

CHAIR KAMA: We have to do the main motion and then the amendment to include all the 25 modifications.

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VICE-CHAIR MOLINA: Okay. So therefore, Madam Chair, then I move to add the, what is, 26 modifications.

CHAIR KAMA: You want to add it to the main motion?

VICE-CHAIR MOLINA: Yeah, to the main motion.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Okay, so it's been moved and seconded that we add the 25 modifications that we just approved onto the resolution approving the development. All those in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: All those oppose?

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

CHAIR KAMA: Hearing one.

COUNCILMEMBER SINENCI: No.

CHAIR KAMA: Hearing two. Motion passes and it goes forward to Council. . . . *(applause)* . . .

VOTE: AYES: Chair Kama, Vice-Chair Molina, and Councilmembers Hokama, Lee and Sugimura.

NOES: Councilmembers Rawlins-Fernandez and Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Approve Amendment.

CHAIR KAMA: Yes?

COUNCILMEMBER HOKAMA: You need to now vote on the motion as amended.

CHAIR KAMA: So, all those in favor say of the motion as amended please say "aye" or do you want to do roll call vote?

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COUNCILMEMBER HOKAMA: Doesn't matter, Chair.

CHAIR KAMA: Aye. All those in favor.

COUNCILMEMBERS VOICED AYE. *(RH, MM, YS, AL)*

CHAIR KAMA: Okay, all those oppose?

COUNCILMEMBER SINENCI: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: No.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Wait, wait, wait. Was there a motion made for that?

CHAIR KAMA: Yes, we just did.

COUNCILMEMBER LEE: Oh, okay.

CHAIR KAMA: So, four "ayes" and two "noes", is that correct? Mr. Sinenci and Ms. Rawlins said no. And Mr. Molina, Mr. Hokama, Ms. Lee, Ms. Sugimura, and myself. Oh sorry, aye. Okay, said yes.

VOTE: AYES: Chair Kama, Vice-Chair Molina, and Councilmembers Hokama, Lee and Sugimura.

NOES: Councilmembers Rawlins-Fernandez and Sinenci.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

AMENDMENT PASSES.

ACTION: Recommending ADOPTION of revised proposed resolution approving the project with modifications, as amended.

CHAIR KAMA: And then so we'll move forward, the motion passes so we move forward to this report to the Council when it meets. Okay, Members, yes Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Good job, Chair.

CHAIR KAMA: Good job, Members.

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COUNCILMEMBER SUGIMURA: Thank you very much for working us through this --

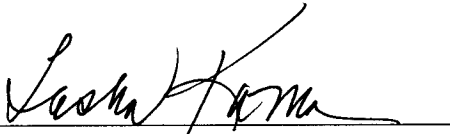
CHAIR KAMA: So let's do this --

COUNCILMEMBER SUGIMURA: --numerous meetings.

CHAIR KAMA: --at the Council level and this meeting for today is adjourned. Thank you all very much. . . .(gavel). . .

ADJOURNED: 12:15 p.m.

APPROVED:



TASHA KAMA, Chair
Affordable Housing Committee

ah:min:190919r-min

Transcribed by: Stacey Vinoray