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M I N U T E S  
LAND USE COMMITTEE  
Council of the County of Maui  
Lahaina Civic Center Social Hall  
September 5, 2007

APPROVED:  
  
\_\_\_\_\_  
Committee Chair

1     **RECONVENE:**   5:03 p.m.

2

3     **PRESENT:**     Councilmember Michael J. Molina, Chair  
4                    Councilmember Joseph Pontanilla, Vice-Chair  
5                    Councilmember Michelle Anderson, Member  
6                    Councilmember Gladys C. Baisa, Member  
7                    Councilmember Jo Anne Johnson, Member  
8                    Councilmember Danny A. Mateo, Member  
9                    Councilmember Michael P. Victorino, Member

10

11    **EXCUSED:**     Councilmember G. Riki Hokama, Member  
12                    Councilmember Bill Kauakea Medeiros, Member

13

14    **STAFF:**       Tammy M. Frias, Committee Secretary  
15                    Carla M. Nakata, Legislative Attorney  
16  
17                    Kirstin Hamman, Legislative Attorney  
18                    Jo-Ann C. Sato, Supervising Committee  
19                                Secretary  
20                    Pauline M. Martins, Committee Secretary

21

22    **ADMIN.:**     Jeffrey Hunt, Director,  
23                                Department of Planning  
24                    Clayton Yoshida, Planning Program  
25                                Administrator, Current Planning

1                   Division, Department of Planning  
2                   (Item No. 16)  
3           Ann Cua, Planner, Department of Planning  
4                   (Item No. 65)  
5           Patrick Matsui, Chief of Planning and  
6                   Development, Department of Parks  
7                   and Recreation (Item No. 16)  
8           Baron Sumida, Capital Improvement  
9                   Project (CIP) Coordinator, Planning  
10                  and Development Division,  
11                  Department of Parks and Recreation  
12                  (Item No. 16)  
13           Michael Miyamoto, Deputy Director,  
14                  Department of Public Works and  
15                  Environmental Management (Item No. 16)  
16           Vanessa Medeiros, Director, Department  
17                  of Housing and Human Concerns 1  
18                  (Item No. 16)  
19           Jo-Ann Ridao, Housing Commissioner,  
20                  Office of the Mayor (Item No. 65)  
21           Jeffrey Eng, Director, Department of  
22                  Water Supply (Item No. 65)  
23           James A. Giroux, Deputy Corporation  
24                  Counsel, Department of the  
25                  Corporation Counsel



1                   Company, Inc.  
2                   Ryan Churchill, Vice  
3                   President, Maui  
4                   Land & Pineapple  
5                   Company, Inc.  
6                   Karl Bossert, Development  
7                   Manager, Maui  
8                   Land & Pineapple  
9                   Company, Inc.  
10                  Leilani Pulamano,  
11                  Development Coordinator,  
12                  Maui Land & Pineapple  
13                  Company, Inc.  
14                  Tom Schnell, PBR Hawaii  
15                  (Applicant's land use  
16                  planner)  
17                  Stephen West, International  
18                  Longshore and Warehouse  
19                  Union (ILWU)  
20                  Megan Webster  
21                  John Roberts  
22                  Dick Mayer  
23                  Lucienne deNaie, Project  
24                  Coordinator, Maui  
25                  Tomorrow Foundation, Inc.

1 Patrice Moynihan  
2 James Ard  
3 Karen Stange  
4 Tamara Paltin  
5 Alan Akana  
6 Jose Bracerros  
7 Norm Bezane  
8 Justin Hughey  
9 Dave Rockett  
10 June Higa, Executive  
11 Assistant, Kapalua Land  
12 Company, Ltd.  
13 Ellen Levinsky  
14 Joseph Sarol  
15 Rosita Sarol  
16 John Anderson  
17 May Fujiwara, President,  
18 Lahaina - Honolulu Senior  
19 Citizens Club  
20 Anita Yamafuji, Membership  
21 Chair, Lahaina - Honolulu  
22 Senior Citizens Club  
23 June Kaaihue, Vice President  
24 Lahaina - Honolulu Senior  
25 Citizens Club

1 Charles Makekau,  
2 Na Kupuna O Maui  
3 Jerry King  
4 Debbie Revilla  
5 Mike Landes  
6 Megan Landes  
7 Greg Hansen  
8 Rodulfo Matias  
9 Darran Koyama  
10 Kahu David Kapaku  
11 Ferdinand Pascual  
12 Dina McCallion  
13 Wes Nohara, General  
14 Manager, Kapalua Farms,  
15 Maui Land & Pineapple  
16 Company, Inc.  
17 Daniel Amaya  
18 Elizabeth Santos  
19 Roy Katsuda, Vice Chair,  
20 Maui Housing Council  
21 Mike Sparling  
22 Becky Sparling  
23 Alona Yabo  
24 Troy Yabo  
25 Topuo Puteni

1 Paul Bailey  
 2 Tracey Johnson  
 3 Peg Robertson  
 4 Tom Blackburn-Rodriguez,  
 5 President, Na Hale O  
 6 Maui Community Land  
 7 Trust  
 8 Mark Jackson  
 9 Randy Bartlett, Watershed  
 10 Manager, Maui Land &  
 11 Pineapple Company, Inc.  
 12 Additional attendees (40)

13  
 14 **PRESS:** Harry Eagar, *The Maui News*  
 15 Akaku--Maui County Community Television, Inc.  
 16 Maui TV News

17 . . . . .

18 CHAIR MOLINA: Land Use Committee meeting for  
 19 Wednesday, September 5th, 2007 is now in  
 20 session. I'd like to introduce to you the  
 21 Members of the Land Use Committee. Towards my  
 22 far left, the representative from Molokai,  
 23 Mr. Danny Mateo. Next to him is the Wailuku  
 24 representative, Mr. Mike Victorino. And to my  
 25 immediate left, the representative from

1 Lahaina, Ms. Jo Anne Johnson. And over to my  
2 near right, from Kahului, we have Mr. Joseph  
3 Pontanilla. And next to Mr. Pontanilla, from  
4 South Maui, we have Michelle Anderson. And my  
5 Upcountry colleague is Gladys Baisa. And  
6 yours truly, I'm Mike Molina, representing  
7 Makawao, Paia, and Haiku.

8 Thank you very much for that very warm  
9 reception, ladies and gentlemen. Excused from  
10 our proceedings tonight is Councilmembers Bill  
11 Medeiros and Council Chairman Riki Hokama.

12 I'd like to introduce to you now our  
13 Staff. We -- our Committee Analyst over to my  
14 far left, we first have Carla Nakata, and  
15 sitting next to her is Kirstin Hamman, and  
16 next to her is Tammy Frias, our Committee  
17 Secretary, and from the -- that's right, let's  
18 give them a round of applause, folks. They're  
19 doing all the work tonight. And from the  
20 Corporation Counsel's Office we have James  
21 Giroux, and from the Planning Department we  
22 have our Planning Director and also our  
23 Planner as well, the first -- we have Director  
24 Jeff Hunt and Mr. Clayton Yoshida.

25

1     **ITEM NO. 16:    CONDITIONAL PERMIT FOR DEPARTMENT OF**  
2                   **PARKS AND RECREATION FOR A YOUTH CLUB**  
3                   **FACILITY IN WEST MAUI (LAHAINA)**  
                  (C.C. No. 07-177)

4     CHAIR MOLINA:   And thank you so much, West Maui, for  
5                    coming out tonight to hear the two items that  
6                    we have on our agenda.  We're going to start  
7                    first with Land Use Item No. 16, which is a  
8                    Conditional Permit for the Department of Parks  
9                    and Recreation for a Youth Club Facility in  
10                   West Maui.  But before we delve into the  
11                   details, we're going to give the public an  
12                   opportunity to testify first on this  
13                   particular Land Use item.

14                    I'd like to just go over a few ground  
15                    rules.  You'll have three minutes to testify,  
16                    with a minute to conclude, and please state  
17                    your name and whatever organization you may be  
18                    representing.  And please turn off all cell  
19                    phones and pagers to minimize any disruptions  
20                    that we may have here.

21                    So with that being said -- yes,  
22                    Mr. Victorino?  Oh, okay.  We also have two  
23                    additional Staff that's joined us tonight from  
24                    the Council Services Department.  We have  
25                    Pauline Martins and Jo-Ann Sato.  These ladies

1 will take care your written testimonies, so  
2 request for testimony, so please feel free to  
3 come up and sign up with them when you're  
4 ready.

5 So continuing with Land Use Item 16, for  
6 testimony, we have our first testifier,  
7 Mr. Jonathan Starr. Please come up to the  
8 lectern.

9 Thus far Mr. Starr is the only person to  
10 have signed up for this particular item. If  
11 you're interested in signing up, please go on  
12 up to the desk where Ms. Sato and Ms. Martin  
13 are both located.

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

15 MR. STARR: Aloha, Council Members, and thank you  
16 for being here. My name is Jonathan Starr.  
17 I'm current -- currently Vice President of  
18 Boys & Girls Club of Maui, and we do have just  
19 a few of our staff and kids here. We're going  
20 to kind of keep it brief, and wasn't going to  
21 ask them to testify, unless you want to ask  
22 them all questions, which you can if you want,  
23 but we did want to save you time. I know you  
24 have a long meeting tonight.

25 Anyway, this project has been in the

1 works for seven years. You know, I know I was  
2 involved in it from the beginning. I know  
3 Councilmember Johnson was involved in it way  
4 in those early days. And it's really  
5 important to rebuild the youth center for West  
6 Maui. It's not only much too small, and the  
7 program areas specifically are so small that  
8 enough -- you know, we're not able to serve  
9 the kids, but there are very, very serious  
10 security issues, and so far we've been lucky  
11 that we haven't had a problem with any of  
12 that.

13 There's a great project ready to go, and  
14 Parks is doing a great job of moving it  
15 forward. This is I believe the last step in  
16 the entitlement process. We're ready to  
17 build. We have a contract that came in on  
18 budget, which was amazing, considering the way  
19 things have been pricing. None of us really  
20 believed it, but we are ready to go. And the  
21 last one we did in Kahului that was finished,  
22 you know, we came out less than 2 percent over  
23 budget on that, which is minuscule, and that  
24 created a great facility. We're going to have  
25 a great, great facility here, and we just want

1 to thank you for your help. And I'll be here  
2 to answer any questions. We certainly are  
3 ably represented. And thank you for being  
4 here. Aloha.

5 CHAIR MOLINA: Thank you very much, Mr. Starr.

6 Members, being that we have some young  
7 people here, any objections to asking them to  
8 say a few, Members?

9 COUNCIL MEMBERS: No objections.

10 CHAIR MOLINA: Okay, we'd like to invite our young  
11 people, if they'd like to say something. Good  
12 practice. You can get extra credit from your  
13 teachers.

14 MR. STARR: Just say hi. Thanks for being here,  
15 stuff.

16 MR. ARAKAWA: Hi. I'm Jacob Arakawa. I'm Youth of  
17 the Year, at the West Maui Boys & Girls Club.

18 MR. STARR: We need a new club here, Jacob?

19 MR. ARAKAWA: Yeah, we need a new club because it's  
20 small and we have a lot of members there now,  
21 and it's really hot and -- and because we have  
22 culinary arts classes, and right now it's just  
23 basic stuff, just like making salads, and we  
24 want to do beyond that, actually cook and real  
25 stuff. That's it.

1 CHAIR MOLINA: Thank you very much, Jacob. Next?

2 MR. STARR: Anyone else? Say your name or  
3 something.

4 MS. PEARSON: Thank you.

5 CHAIR MOLINA: Thank you very much. Committee  
6 Members, any questions for Mr. Starr or anyone  
7 from the Boys & Girls Club? Okay, seeing  
8 none, thank you.

9 Staff, do we have any other sign-ups for  
10 Land Use Item No. 16? Okay.

11 MS. NAKATA: No, Mr. Chair.

12 CHAIR MOLINA: I'm sorry, Staff, no? Okay, thank  
13 you.

14 All right, Members, if there's no  
15 objections, the Chair will close public  
16 testimony for Land Use Item 16.

17 COUNCIL MEMBERS: No objections.

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

19 CHAIR MOLINA: Okay, thank you very much, Members.

20 All right, let us delve right into our  
21 business with regards to this matter. This  
22 matter relates to County Communication No.  
23 07-177 from the Planning Director,  
24 transmitting a proposed bill to grant a  
25 request from the Department of Parks and

1           Recreation for a three-year conditional permit  
2           for the expansion of the existing building  
3           occupied by the West Maui Boys & Girls Club  
4           in -- at the Lahaina Recreation Center and  
5           related improvements on approximately 2.00  
6           acres located at 280 Shaw Street in Lahaina.

7           In addition, a correspondence dated July  
8           12th, 2007 from the Corporation Counsel's  
9           Office transmitting a revised proposed bill  
10          entitled: A Bill for an Ordinance Granting  
11          the Department of Parks and Recreation County  
12          of Maui a Conditional Permit for the Expansion  
13          of a Youth Clubhouse and Related Improvements  
14          within the County Agricultural District for  
15          Property Situated at Lahaina, Maui, Hawaii.

16          The purpose of the revised proposed bill  
17          is to grant the request for a three-year  
18          Conditional Permit for the expansion of a  
19          youth clubhouse and related improvements on  
20          the subject property.

21          First, the Chair would like to call upon  
22          the Department of Planning, as well as Parks,  
23          to give comment on the matter. Who wants to  
24          go first? We'll go with Planning first.  
25          Okay, Mr. Yoshida.

1 MR. YOSHIDA: Good evening, Mr. Chair and Members of  
2 the Land Use Committee. The Maui Planning  
3 Commission conducted a public hearing on the  
4 State Special Use Permit and Conditional  
5 Permit request on December 12, 2006. There  
6 was no members from the public who testified  
7 at the meeting. At the conclusion of the  
8 meeting the Commission voted to grant the  
9 State Special Use Permit and recommended  
10 approval of the County Conditional Permit,  
11 subject to some nine conditions that's listed  
12 in the bill.

13 CHAIR MOLINA: Okay, thank you, Mr. Yoshida.

14 Committee Members, any questions for  
15 Mr. Yoshida from the Planning Department?

16 Seeing none, I'd like to ask the Parks  
17 Department to give comment on this as well.  
18 And we have Mr. Matsui from the Parks  
19 Department. Is that mike working?

20 MR. MATSUI: Okay. Hello? Yes. We recently opened  
21 bids on this, and we're in the process of  
22 awarding a contract. We've applied for  
23 building permit, and so we're ready to go on  
24 the project. The Boys & Girls Club have made  
25 arrangements to relocate during the

1 construction for the construction period, so  
2 we urge the Council's approval of this  
3 request.

4 CHAIR MOLINA: Okay, thank you very much,  
5 Mr. Matsui.

6 Okay, Members, the floor is now open for  
7 questions to the Parks Department and  
8 Planning. Start with Member Anderson.

9 COUNCILMEMBER ANDERSON: Thank you. Mr. Matsui,  
10 there we go, where are they going to go?

11 MR. MATSUI: I have Kelly Pearson, she's the  
12 operations manager for the Boys & Girls Club.

13 MS. PEARSON: Hi, I'm Kelly. I'm the Director of  
14 Operations. We're planning to move to West  
15 Maui Cultural Center. They were having the  
16 senior program there on Front Street. That's  
17 where we're moving to, and we've signed the  
18 MOA with the West Maui Cultural Center people,  
19 Theo Morrison.

20 COUNCILMEMBER ANDERSON: So you're fine for the  
21 transition? You're going to be on and going?

22 MS. PEARSON: Yes. We are scheduling some  
23 renovations to the West Maui Cultural Center,  
24 so when we're done with that place, it will  
25 look really nice too. So we're in the

1 process -- we've got about one or two months,  
2 a month and a half, I think, to do all of the  
3 renovations at that site, and we're going to  
4 do it. We're going to do some repairs, make  
5 that into a nice club for the kids, temporary  
6 site.

7 COUNCILMEMBER ANDERSON: Okay, great. Thank you.

8 MS. PEARSON: Thank you.

9 COUNCILMEMBER ANDERSON: Thank you, Chair.

10 CHAIR MOLINA: Thank you, Member Anderson.

11 Committee Members, any other questions?  
12 Member Johnson.

13 COUNCILMEMBER JOHNSON: Yes, this would be I believe  
14 in response to the correspondence that's in  
15 our binders, and I believe it's having to do  
16 with the lease. So I wanted to find out --  
17 and maybe, Kelly, if you can answer this, or  
18 Jonathan, I know that years ago we did apply  
19 and we were going through the process of  
20 engaging in a lease. Have you been able to  
21 make any progress on actually securing a  
22 long-term lease for the facility? Because  
23 this has been since was Executive Director.  
24 So we've been trying a long while.

25 MS. PEARSON: Exactly. I do know that -- and Colin

1           would know more details about this, but I do  
2           know -- I think it was last week that he did  
3           turn in the application to the appropriate  
4           department. But I know we were working on the  
5           paperwork, and I was part of it too, yeah, so  
6           the application is completed.

7   COUNCILMEMBER JOHNSON: Okay, thank you very much.  
8           And I'm assuming, then, Mr. Matsui or -- are  
9           you going to be executing that lease in  
10          cooperation with Corporation Counsel?

11   MR. MATSUI: Yeah, the lease has to go through the  
12          Department of Human Concerns' Grants Review  
13          Committee, because the lease is for less than  
14          market value. So, you know, once it goes  
15          through that, then Corp. Counsel will prepare  
16          the documents for signatures.

17   COUNCILMEMBER JOHNSON: Okay. And this did not --  
18          it's not subject to, then, request for  
19          proposal or anything of that sort, is it?

20   MS. PEARSON: No.

21   MR. MATSUI: No.

22   COUNCILMEMBER JOHNSON: Okay. Thank you very much.

23   MS. PEARSON: Thanks.

24   CHAIR MOLINA: Thank you, Member Johnson.

25                   Member Baisa.

1 MS. BAISA: Kelly, why don't you just stay up.

2 CHAIR MOLINA: If you could stay right up there.

3 MS. BAISA: Kelly or Jonathan, what is the terms of  
4 the lease? What is the length?

5 MS. PEARSON: 35 years? I'm not sure.

6 MR. STARR: I don't know if Corp. Counsel is --  
7 James, are you familiar with this? I know  
8 that the -- it's a long term, and if we don't  
9 fulfill our duties we can get kicked out, and  
10 probably should be, but, you know, so far  
11 we've -- I think we've done pretty well. But  
12 the terms, whether it was a lease or a license  
13 and the length, that was pretty much set by  
14 Corp. Counsel to meet -- to meet criteria.  
15 You know, it wasn't really at our choosing  
16 what it would be, but I know it's a  
17 long-term -- a long-term document.

18 MS. BAISA: I just have concerns about long term.  
19 For some people ten years is long term.  
20 Sometimes 25, 30, 50. What is it? We don't  
21 know. You know, when you're doing a building,  
22 you want to make sure that you have a solid,  
23 long-term lease because it's a major  
24 investment for you and for everybody. And,  
25 you know, as a former director, I certainly

1           was always aware of, you know, how much time  
2           do we have here. Thank you.

3 MR. STARR: Could -- Pat, do you know what the  
4           terms --

5 MR. MATSUI: Yeah, for Central Maui facility, they  
6           got a 35-year lease, so I imagine it would  
7           be -- that would be a long-term --

8 MS. BAISA: That's a good --

9 MR. MATSUI: -- amount.

10 MS. BAISA: That's a good lease for a building.  
11           Thank you. Thank you.

12 CHAIR MOLINA: Thank you, Member Baisa.

13           Members, I'd like to make you aware,  
14           you've been given a copy of a PowerPoint  
15           presentation from the firm of Munekiyo &  
16           Hiraga. Mark Roy from the firm is here to  
17           answer any questions with regards to the  
18           copy -- hard copy of the PowerPoint that  
19           you've been given, which provides you  
20           additional information with regards to this  
21           permit application. So, Members, at this time  
22           if you have any questions on that, Mr. Roy is  
23           available to respond to any questions that you  
24           may have.

25           And also, there are nine proposed

1 conditions for this. If you'll turn to, I  
2 guess, the first two or three pages in your  
3 binder, if you have any comments or questions  
4 on that, please feel free to do so.

5 I'd like to ask Staff, if you could just  
6 read off the conditions for the Members and  
7 the public's information as well. So, Staff,  
8 I guess you could go ahead and start.

9 MS. NAKATA: The conditions of the revised proposed  
10 bill that was transmitted July 12th, 2007 are  
11 as follows: One, "That full compliance with  
12 all applicable governmental requirements shall  
13 be rendered, including the conditions of the  
14 Special Use Permit."

15 CHAIR MOLINA: Members, any questions on the first  
16 proposed condition?

17 COUNCIL MEMBERS: No.

18 CHAIR MOLINA: Okay, moving on. Staff?

19 MS. NAKATA: Two, "That the Conditional Permit shall  
20 be valid for a period of three years from the  
21 effective date of this ordinance; provided  
22 that an extension of this Conditional Permit  
23 beyond this three-year period may be granted  
24 pursuant to Section 19.40.090, Maui County  
25 Code."

1 CHAIR MOLINA: Members, questions on proposed  
2 Condition Number 2? Member Johnson?

3 COUNCILMEMBER JOHNSON: Yes. I know that in other  
4 situations, particularly since this is for a  
5 public purpose, is there any reason why we  
6 could not go beyond the three-year period for  
7 the Conditional Permit, since this has been an  
8 operation that's been ongoing for far longer  
9 than three years?

10 CHAIR MOLINA: Member Johnson, maybe we could get a  
11 comment from the Planning Department on that.

12 MR. YOSHIDA: Mr. Chairman, Members of the  
13 Committee, I believe it's up to the discretion  
14 of the Council as to the term of the  
15 Conditional Permit.

16 COUNCILMEMBER JOHNSON: Mr. Yoshida, then would  
17 there be anything that would prevent us from  
18 going for a minimum of a ten-year period, or  
19 Corporation Counsel?

20 CHAIR MOLINA: Gentlemen?

21 MR. YOSHIDA: Not to my knowledge.

22 COUNCILMEMBER JOHNSON: Okay. And at the  
23 appropriate time, Mr. Chair, if Mr. Giroux  
24 wants to answer, I would certainly propose  
25 that.

1 CHAIR MOLINA: Mr. Giroux.

2 MR. GIROUX: I don't see a problem with that. I  
3 think in the past we've cautioned about terms  
4 that were so long that it looked like it  
5 needed to go through more of a zoning process  
6 than a Conditional Permit process.

7 COUNCILMEMBER JOHNSON: Okay, thank you very much.

8 MR. GIROUX: But I think the proposal of ten years  
9 in this situation wouldn't -- wouldn't raise  
10 that problem.

11 COUNCILMEMBER JOHNSON: All right. Thank you very  
12 much.

13 CHAIR MOLINA: Thank you, Member Johnson.  
14 Member Anderson?

15 COUNCILMEMBER ANDERSON: Yeah, I'm just wondering,  
16 you know, we don't have consistency in the  
17 land -- in the land classifications. So I'm  
18 just wondering why the Department is bringing  
19 forward a Conditional Permit instead of a  
20 Change in Zoning, since this -- this land is  
21 park land. It's been park land for some time,  
22 and I see no reason for it not to be park land  
23 in the future. And, you know, a Conditional  
24 Use Permit is just a shortcut way of  
25 permitting a use that isn't actually permitted

1           in Ag. And we have the designation as Park,  
2           so why aren't we doing a Change in Zoning? Is  
3           that to avoid a State Land Use District  
4           Boundary Amendment?

5 CHAIR MOLINA: Department?

6 COUNCILMEMBER ANDERSON: Because we're told over and  
7           over again, and every applicant that comes to  
8           the County is told you have to have all three  
9           zoning classifications in consistency in order  
10          to do any building.

11 MR. YOSHIDA: Mr. Chair, Members of the Committee, I  
12          believe the youth center is part of the  
13          Lahaina Recreation Center, and it sort of  
14          predated the park that's there. Felt that the  
15          Special Use Permit and Conditional Permit was  
16          a vehicle to try to get the building  
17          constructed, up and running as soon as  
18          possible.

19 COUNCILMEMBER ANDERSON: Well, I think, Mr. Chair,  
20          that we should leave this as a three-year  
21          Conditional Permit and then in between now and  
22          that next three-year period -- this is County  
23          land. So the County should make the land use  
24          designations right, like we ask everybody else  
25          to do. And between now and the end of the

1           three years when this Conditional Permit has  
2           to be renewed, the County should change the  
3           State land use classification and the County  
4           zoning from Agriculture and get this into Park  
5           so that they'll never have to come and get  
6           another Conditional Use Permit. It will be a  
7           done deal for now until forever. And I would  
8           like to make that a Condition of Zoning.

9 CHAIR MOLINA: Okay, thank you, Member Anderson.

10                    Committee Members, any other questions  
11           related to the proposed Condition Number 2?  
12           Okay, moving on.

13                    Staff, Condition 3.

14 MS. NAKATA: "That the Conditional Permit shall be  
15           nontransferable unless the Council approves  
16           the transfer by ordinance."

17 CHAIR MOLINA: Questions, Members, on Condition 3?  
18           Okay, moving on.

19                    Staff, Condition 4.

20 MS. NAKATA: "That the Department of Parks and  
21           Recreation, County of Maui, its successors and  
22           permitted assigns, shall exercise reasonable  
23           due care as to third parties with respect to  
24           all areas affected by the subject Conditional  
25           Permit, and shall require all permitted users

1           to acquire at their own cost and expense and  
2           maintain during the entire period of this  
3           Conditional Permit, a policy or policies of  
4           comprehensive liability insurance in the  
5           minimum amount of \$1,000,000 naming the County  
6           of Maui as a named additional insured,  
7           insuring and defending the Department of Parks  
8           and Recreation, County of Maui, against any  
9           and all claims or demand for property damage,  
10          personal injury, and/or death arising out of  
11          this Conditional Permit, including: (1)  
12          claims from any accident in connection with a  
13          permitted use, or occasioned by any act or  
14          nuisance made or suffered in connection with  
15          the permitted use exercised by the permitted  
16          user or the Department of Parks and  
17          Recreation, County of Maui of said rights; and  
18          (2) all actions, suits, damages, and claims by  
19          whomsoever brought or made by reason of the  
20          nonobservance or nonperformance of any of the  
21          terms and conditions of this Conditional  
22          Permit. A copy of the certificate of  
23          insurance naming County of Maui as a named  
24          additional insured shall be submitted to the  
25          Department of Planning prior to the permitted

1 user's occupancy of the expanded clubhouse."

2 CHAIR MOLINA: Okay, Committee Members, questions?

3 Okay, moving on.

4 Condition Number 5.

5 MS. NAKATA: "That the Department of Parks and  
6 Recreation, County of Maui, shall develop the  
7 property in substantial compliance with the  
8 representations made to the Maui County  
9 Council in obtaining the Conditional Permit.  
10 Failure to so develop the property may result  
11 in the revocation of the Conditional Permit  
12 pursuant to Section 19.40.080, Maui County  
13 Code."

14 CHAIR MOLINA: Committee Members, questions on  
15 proposed Condition Number 5?

16 Seeing none, Staff, moving on, Condition  
17 6.

18 MS. NAKATA: "That the Department of Parks and  
19 Recreation, County of Maui, shall ensure that  
20 a certificate of occupancy shall be obtained  
21 prior to the opening of the expanded clubhouse  
22 to the public."

23 CHAIR MOLINA: Questions, Members?

24 Seeing none, Condition 7.

25 MS. NAKATA: "That should any historic resources be

1 identified during the project construction,  
2 all work shall cease in the area, the find  
3 shall be protected, and the State Historic  
4 Preservation Division shall be contacted."

5 CHAIR MOLINA: Committee Members, questions on  
6 Condition 7?

7 Seeing none, Staff, continue with  
8 Condition 8.

9 MS. NAKATA: "That the Department of Parks and  
10 Recreation, County of Maui, shall obtain  
11 evidence of approval from the Department of  
12 Public Works, which shall be submitted to the  
13 Department of Planning, with regard to  
14 improving the south side of Shaw Street to  
15 provide for pedestrian access from  
16 Honoapiilani Highway to the youth clubhouse."

17 CHAIR MOLINA: Committee Members, questions on  
18 Condition 8?

19 Seeing none, Staff, Condition 9.

20 MS. NAKATA: "That the Department of Parks and  
21 Recreation" --

22 COUNCILMEMBER ANDERSON: Chair.

23 CHAIR MOLINA: Hang on, Staff. We have a question.  
24 Member Anderson.

25 COUNCILMEMBER ANDERSON: Yeah, I have a question.

1 Does that -- Number 8, does that mean that --  
2 who -- who's paying for the improvements?

3 CHAIR MOLINA: Let's see, who can we ask that  
4 question to? We could have the applicants,  
5 the Boys & Girls Club? Someone?

6 MR. MATSUI: As far as the sidewalks --

7 CHAIR MOLINA: Mr. Matsui.

8 MR. MATSUI: -- on Shaw Street, we had that in as a  
9 deductive alternate. We are proposing to put  
10 an asphalt sidewalk, but not the full curbs  
11 and gutter. And so that's what our contract  
12 reads. We're working with Public Works on  
13 deferring the actual widening and putting  
14 curbs and gutters on Shaw Street. We felt it  
15 would be -- you know, just putting a  
16 sidewalk -- an asphalt sidewalk along -- on  
17 our side of Shaw Street would be good enough  
18 so you wouldn't have to get onto the -- you  
19 know, off of the -- Shaw Street. Because the  
20 swimming pool half of Shaw Street has curbs  
21 and gutters and a sidewalk, but not the youth  
22 center side. So we're ask -- working with  
23 them trying to get a deferral.

24 COUNCILMEMBER ANDERSON: Working with Public Works  
25 to get it deferred?

1 MR. MATSUI: Yes.

2 COUNCILMEMBER ANDERSON: Deferred or just changed to  
3 the asphalt, rather than --

4 MR. MATSUI: Right.

5 COUNCILMEMBER ANDERSON: -- curbs and gutters?

6 MR. MATSUI: Either one. We have it in for an  
7 asphalt already. That's what's in the  
8 contract.

9 COUNCILMEMBER ANDERSON: And you're choosing that  
10 because it's cheaper and faster?

11 MR. MATSUI: Yeah, it's more practical too. You  
12 know, we're not increasing traffic on Shaw  
13 Street, so --

14 COUNCILMEMBER ANDERSON: It's just for pedestrian?

15 MR. MATSUI: Yeah.

16 COUNCILMEMBER ANDERSON: And so that -- okay, and so  
17 that is included in the contract that the  
18 County has put out?

19 MR. MATSUI: Right.

20 COUNCILMEMBER ANDERSON: Okay.

21 CHAIR MOLINA: Mr. Starr, would you like to add --

22 MR. STARR: Yes, I had a discussion with  
23 Mr. Miyamoto before the meeting, and I know  
24 that he feels that it should be a proper curbs  
25 and sidewalk, and frankly, I do also, and our

1 organization does. We want to find a way to  
2 help make it happen. If -- if we're able to  
3 keep costs right down in construction and we  
4 have excess from the contingency, we feel it  
5 can come out of there.

6 I believe Mike is recommending that we  
7 have it -- get a year to find funding source  
8 to get it done, and if it can come out of  
9 contingency, then we'd like to go look to CDBG  
10 or other source of funding, because it should  
11 be done and it should be done right. We agree  
12 with that.

13 COUNCILMEMBER ANDERSON: And do you know what the  
14 cost difference is, Mr. Starr?

15 MR. STARR: 200 and something.

16 Pat, do you know the number?

17 CHAIR MOLINA: Mr. Matsui?

18 MR. MATSUI: Not offhand.

19 MR. STARR: Yeah, I know it's, I believe, around  
20 \$200,000. I think that was the total cost. I  
21 think that if you deduct out the asphalt, it's  
22 less than that.

23 COUNCILMEMBER ANDERSON: So would you be satisfied  
24 temporarily, just to get things up and going,  
25 with the asphalt and then work towards the

1 curbs and gutters?

2 MR. STARR: Yeah, we would like to see it done  
3 properly from the time when it's open, if at  
4 all possible.

5 COUNCILMEMBER ANDERSON: But that means you need to  
6 find another \$200,000 in funds for that to  
7 happen, right?

8 MR. STARR: Yeah. So in other words, we'll be going  
9 out and looking for that, and trying to --  
10 finding a way to happen, because I know Public  
11 Works wants to see it done right and so do we.

12 COUNCILMEMBER ANDERSON: Okay. Could maybe we have  
13 Public Works weigh in on this, Chair?

14 CHAIR MOLINA: Okay. Mr. Miyamoto, from Public  
15 Works. And after you're completed with Member  
16 Anderson, Member Pontanilla has a question for  
17 you as well.

18 MR. MIYAMOTO: Thank you, Mr. Chair. Mike Miyamoto,  
19 Deputy Director, Department of Public Works.  
20 Yes, we have had conversations with the Parks  
21 Department, and we are looking at methods of  
22 trying to get this in. In consideration that  
23 Shaw Street has existing curb, gutters, and  
24 sidewalks on the aquatics side, you know, and  
25 there is additional traffic that comes from

1           the mauka development that just occurred for  
2           the housing that's up in that area, we felt  
3           that it would be better to have -- you know,  
4           make this roadway safe, completely safe, so  
5           that if students do decide -- or users of the  
6           park do decide to walk on the park side, they  
7           have some kind of a sidewalk and a separation  
8           between vehicular traffic and pedestrian  
9           traffic.

10                   We understand the budget constraints,  
11           and we've been discussing with Parks the  
12           possibility of delaying the improvements to  
13           possibly one year so that they can come back  
14           to the Council Members for budget and get  
15           additional funding if they have, or if they  
16           can find additional funding through other  
17           means, to try to go ahead and put it in. But  
18           the asphalt sidewalk would be as a minimum,  
19           because you wouldn't want kids walking up  
20           along the aquatics side and then having to  
21           cross the street somewhere that's not  
22           controlled by a traffic signal. The site  
23           distance on the mauka portion of that Shaw  
24           Street area has a lot of vegetation that's on  
25           other properties.

1 COUNCILMEMBER ANDERSON: And so -- Chair?

2 CHAIR MOLINA: Proceed.

3 COUNCILMEMBER ANDERSON: So, Mr. Miyamoto, you know,  
4 we're looking at a road that probably has a  
5 lot of runoff, right, because it's an uphill  
6 road, up/downhill road. So right now the  
7 drainage on the side that -- the aquatics side  
8 that has the gutters, that's probably  
9 controlled, but what about the side, the other  
10 side, what happens to that drainage currently.

11 MR. MIYAMOTO: Right now, if I'm not mistaken, I  
12 think that drainage runs down towards  
13 Honoapiilani Highway. There is some drainage  
14 along the Honoapiilani Highway that that water  
15 would then enter into and then be handled  
16 through that drainage system.

17 COUNCILMEMBER ANDERSON: But that's another reason  
18 why we need the curb and gutter, sidewalk, is  
19 to direct that drainage in the proper  
20 direction and so kids don't have to be walking  
21 through dirty water to get to their club.

22 MR. MIYAMOTO: Yes.

23 COUNCILMEMBER ANDERSON: So are you in agreement  
24 with the estimated cost, the 200,000?

25 MR. MIYAMOTO: I don't recall that number, the

1           200,000. I thought it was a lot less, but  
2           that's going to be --

3 COUNCILMEMBER ANDERSON: Let's hear, what's the lot  
4           less amount?

5 MR. MIYAMOTO: We thought it was under 50,000, if  
6           I'm not mistaken, the price variance, but  
7           that's their bidding process, so we have no  
8           control over it, but...

9 COUNCILMEMBER ANDERSON: But, I mean, if -- you  
10          know, you know the area, and you're in Public  
11          Works. You deal with sidewalks all the time.  
12          So just, you know, off the top of your head  
13          you think it's more like 50,000? Because  
14          that's much more attainable than 200.

15 MR. MIYAMOTO: If I had to guess, I would -- I'd say  
16          between 50 and 100 possibly.

17 COUNCILMEMBER ANDERSON: Okay. Thank you,  
18          Mr. Miyamoto.

19                         Thank you, Chair.

20 CHAIR MOLINA: Thank you, Member Anderson.

21                         Mr. Pontanilla?

22 VICE-CHAIR PONTANILLA: Thank you, Chair. I think  
23          my -- answered my question that I was going to  
24          ask in regards to -- I know we had budgeted  
25          some monies to improve Shaw Street, and the

1 improvements that you talk about is the upper  
2 section from the highway, am I right?

3 MR. MIYAMOTO: Mr. Chair, if I may. Actually, the  
4 Shaw Street improvements that we did have  
5 funding for the walks were actually on the  
6 makai side, makai of the church on the same  
7 side as the Friends of Moku`ula that has that  
8 parking lot, and just mauka of the parking lot  
9 area.

10 VICE-CHAIR PONTANILLA: So what's the progress on  
11 that?

12 MR. MIYAMOTO: Yeah, we are trying to get the  
13 contract design completed and get the project  
14 out to bid at this point.

15 VICE-CHAIR PONTANILLA: Okay, thank you.

16 CHAIR MOLINA: Members -- excuse me. Member  
17 Johnson?

18 COUNCILMEMBER JOHNSON: Yes, Mike, because the State  
19 Department of Transportation is widening at  
20 Honoapiilani and Shaw, they're not going to  
21 put in a dedicated right-turn lane or storage  
22 lane that would be right turn only headed up  
23 towards the park or towards the Na Hale O  
24 Wainee, so *(end of tape)* is actually going to  
25 improve the circulation.

1           I was told by Charlene Shibuya that if  
2           the County wanted to improve that intersection  
3           to create additional storage on Shaw,  
4           particularly on the mauka side, which is right  
5           adjacent to the youth center, that it would be  
6           up to us to fund that improvement and create  
7           additional storage and safer exit and entry so  
8           that Shaw would actually be wide on that side.  
9           So why would you want to go put in curb and  
10          gutter if we want to improve Shaw to be wider  
11          to create additional storage so you can do  
12          more efficient turns onto the new highway?

13       MR. MIYAMOTO: Uh-huh. The actual location of the  
14          curb, gutters, and sidewalk right now, I  
15          haven't seen a plan for it, to be honest, and,  
16          you know, there is sufficient width in that  
17          area. I think it's called an easement for  
18          some reason. It's not a dedicated roadway  
19          lot. The easement is 56 feet wide for the  
20          roadway. So there should be sufficient width.  
21          Right now without the curb, gutters, some of  
22          the park users tend to park on the park side  
23          because there's nothing prohibiting them from  
24          parking between the edge of pavement and the  
25          fence. So that's another reason why we're

1 thinking that the curb, gutters would also be  
2 good to stop some of that impediment to the  
3 pedestrian traffic on the park side.

4 COUNCILMEMBER JOHNSON: Okay, but when you're  
5 looking at this, it always puzzles me, if we  
6 have to make the improvements for Shaw on the  
7 mauka side and we're going to make the  
8 operation of that intersection more efficient,  
9 why -- is this something that's going to also  
10 be considered during, you know, the placement  
11 of the curb, gutter, and sidewalk? Because it  
12 doesn't make sense to put in a perfectly  
13 brand-new curb, gutter, and sidewalk and then  
14 have to tear it out again because you're  
15 improving the intersection.

16 MR. MIYAMOTO: If I recall -- I don't recall any of  
17 that right turn increasing the roadway width  
18 to put -- handle additional storage for the  
19 right turn. I don't think that was brought up  
20 at the Planning Commission level, and so it  
21 wasn't something that was on our radar to  
22 evaluate.

23 COUNCILMEMBER JOHNSON: And the reason that it was  
24 not brought up was because it would have added  
25 additional months to the DOT when they were

1 widening that intersection, so I was told by  
2 Department of Transportation they would really  
3 appreciate it if the County would improve that  
4 intersection, but they did not want to take  
5 the additional time, and, therefore, the  
6 dedicated lane that would have shunted traffic  
7 off to the mauka side was not put in because  
8 it would have meant involvement of park space.

9 So I think, Members, before we make a  
10 decision, we need to get some input from the  
11 State Department of Transportation, because I  
12 don't think we should be asking the Boys &  
13 Girls Club to put in curb, gutter, and  
14 sidewalk on something that we're just going to  
15 end up tearing out to improve the circulation.  
16 Thank you.

17 CHAIR MOLINA: Thank you, Member Johnson.

18 Committee Members, any other questions  
19 related to Condition Number 8?

20 Okay, seeing none, we'll move on to  
21 Condition 9, Staff.

22 MS. NAKATA: "That the Department of Parks and  
23 Recreation, County of Maui, shall obtain  
24 evidence from the Department of Health which  
25 shall be submitted to the Department of

1 Planning that a National Pollutant Discharge  
2 Elimination System (NPDES) permit has been  
3 obtained."

4 CHAIR MOLINA: Committee Members, questions related  
5 to Condition Number 9?

6 Okay, seeing none, Members, at this time  
7 the Chair will leave it open for any potential  
8 amendments Committee may want to consider. I  
9 believe Member Johnson had a proposal, and I  
10 don't know if Member Anderson had something to  
11 consider.

12 COUNCILMEMBER ANDERSON: And I had some questions  
13 and Ms. Baisa also has some questions, Chair,  
14 before we start doing conditions --

15 CHAIR MOLINA: Okay.

16 COUNCILMEMBER ANDERSON: -- if possible.

17 CHAIR MOLINA: Proceed.

18 COUNCILMEMBER ANDERSON: Who can tell me what the  
19 total -- the total cost of this project in  
20 our -- in our documents it shows 2.2 million.  
21 Is that -- is that what the Park Department is  
22 going out to bid on?

23 CHAIR MOLINA: Mr. Matsui?

24 MR. MATSUI: That's correct. We've awarded a  
25 contract for I think it's 2.1 million.

1 COUNCILMEMBER ANDERSON: You've already awarded the  
2 contract?

3 MR. MATSUI: Yes.

4 COUNCILMEMBER ANDERSON: Okay. And so there's  
5 another -- there's your hundred thousand.  
6 Because the application says that the project  
7 is going to cost 2.2 million.

8 MR. MATSUI: Okay, I'm not -- the amounts, the exact  
9 amounts, you know, I'm just talking about  
10 approximately, but we had to deduct the curbs  
11 and gutters and sidewalk. It was a deductive  
12 alternate. We had to take that out to meet  
13 the budget.

14 COUNCILMEMBER ANDERSON: To meet 2.1 or 2.2?

15 MR. MATSUI: Whatever. You know, I'm not exactly  
16 sure what the amount was, okay, 2.1 or 2.2,  
17 but I do know we did not have enough money to  
18 include the curbs and gutters along Shaw  
19 Street, so we took that out. It was a  
20 deductive alternate. We took it out and that  
21 gave us enough money to award the contract.

22 COUNCILMEMBER ANDERSON: And how much of that money  
23 is County money?

24 MR. MATSUI: 100 percent.

25 COUNCILMEMBER ANDERSON: 100 percent?

1 MR. MATSUI: Yes.

2 COUNCILMEMBER ANDERSON: I thought Boys & Girls Club  
3 raised some money towards this project.

4 MR. MATSUI: They've raised some money for some of  
5 the equipment in -- that goes into the  
6 building, but it's -- they have no money that  
7 they contributed for construction of the  
8 facility.

9 COUNCILMEMBER ANDERSON: And didn't the Council  
10 award some money to the Boys & Girls Club  
11 towards this project in our budget?

12 CHAIR MOLINA: Mr. Starr, if you'd like to respond.

13 MR. STARR: Yeah, the initial funding for design was  
14 CDBG money, and then the amount for the  
15 construction was through the County, which  
16 was, you know, put up I guess initially two  
17 years ago.

18 COUNCILMEMBER ANDERSON: You mean the 2.2 million?

19 MR. STARR: Yeah, the 2.2, and then Boys & Girls  
20 Club will raise money to outfit it with  
21 equipment and some of the furnishings and  
22 other stuff like that. I know we had a lot of  
23 concern that in the time between the design  
24 and the estimates of costs and the award of  
25 budget we've been hearing horror stories about

1           how numbers were coming in double, triple,  
2           like that, and we were really happy when we  
3           got an award that was right -- right in range.  
4           It was, you know, a little -- hundred thousand  
5           or so more -- more than the estimate and more  
6           than budgeted, and we had to move a couple of  
7           things around, and I believe the sidewalk was  
8           one of those items. But, you know, we felt  
9           really fortunate to be able to get it done  
10          without having to come back for more funds or  
11          go out and -- so that's where it stands.

12        COUNCILMEMBER ANDERSON: So the -- Jonathan, the  
13          CDBG money, that's the money that Council  
14          awarded to Boys & Girls Club for the design?

15        MR. STARR: Yeah.

16        COUNCILMEMBER ANDERSON: Yeah.

17        MR. STARR: That was three, four years ago, five  
18          years ago. It was a while back. It's been  
19          ongoing.

20        COUNCILMEMBER ANDERSON: Are you sure it's that long  
21          ago?

22        MR. STARR: Yeah. Time flies when you're having  
23          fun.

24        COUNCILMEMBER ANDERSON: Thank you.

25        CHAIR MOLINA: Okay, thank you, Member Anderson.

1 Member Baisa.

2 MS. BAISA: Member -- Member Anderson asked most of  
3 the questions. Actually, we were looking for  
4 a project budget, and we couldn't find one in  
5 the brown folder. We wanted to see, you know,  
6 what is this 2.2 million paying for, but we  
7 couldn't find it, but you've answered our  
8 questions. Thank you.

9 MR. STARR: If I might, it's paying for a wonderful  
10 state-of-the-art facility that's going to be  
11 large. I believe it's over 10,000 square feet  
12 and really beautiful, and it will serve the  
13 kids well for decades and decades to come.

14 CHAIR MOLINA: Okay, thank you, Member Baisa.

15 Committee Members, any other questions  
16 for our resource personnel or the applicant?  
17 Member Anderson.

18 COUNCILMEMBER ANDERSON: Member -- Mr. Chair, the  
19 August 28th letter from Housing and Human  
20 Concerns is in response to a request that you  
21 sent regarding the property lease, and it  
22 says, "According to our records, the West Maui  
23 Youth Center currently does not hold a lease  
24 or license with the County, nor is it  
25 operating under a CDBG program grant."

1                   So I think that we need to put a  
2                   condition in here that Boys & Girls Club will  
3                   secure a lease on this property.

4 CHAIR MOLINA:   Okay, Member Anderson.  Would you  
5                   like to go ahead and make a motion to add a  
6                   condition?  Yeah.  Yeah, I mean, at the  
7                   appropriate time we'll go ahead and -- we  
8                   don't have a motion on the floor.

9 COUNCILMEMBER ANDERSON:  I have a couple conditions  
10                  I'd like to add, Mr. Chair.

11 CHAIR MOLINA:   Sure.

12 COUNCILMEMBER ANDERSON:  And that's one of them.

13 CHAIR MOLINA:   Okay, what we'll do is once we reach  
14                  the -- we do consider a motion for the  
15                  building, we can -- you can make your  
16                  amendments at that time.

17 COUNCILMEMBER ANDERSON:  Thank you.

18 CHAIR MOLINA:   Okay, Members, any other questions  
19                  before the Chair offers a recommendation for  
20                  our resource personnel or the applicant at  
21                  this point?  Okay.  All right, Members, seeing  
22                  none, the Chair would like to ask for a motion  
23                  to consider a Bill for an Ordinance Granting  
24                  the Department of Parks and Recreation, County  
25                  of Maui, a Conditional Permit for the

1           Expansion of a Youth Clubhouse and Related  
2           Improvements within the County Agricultural  
3           District for Property Situated at Lahaina,  
4           Maui, Hawaii.

5 COUNCILMEMBER JOHNSON:   So moved.

6 COUNCILMEMBER VICTORINO:   Second.

7 CHAIR MOLINA:   Okay.  It's been moved by Member  
8           Johnson, seconded by Member Victorino.  The  
9           floor -- we have a motion on the floor, and it  
10          is now open for -- well, first, Member  
11          Johnson, as the maker of the motion, you have  
12          the floor first.

13 COUNCILMEMBER JOHNSON:   Yes, having been the  
14          Executive Director when it was West Maui Youth  
15          Center, this goes back for me and it has  
16          special meaning, in that we've tried many  
17          times to get that facility either a brand-new  
18          building built or to at least expand it.  So I  
19          am in total support of this.

20                 I agree with Member Anderson that there  
21          is a different way that this could be done,  
22          and what I would like to see done is still  
23          have some length of time beyond three years,  
24          because I've proposed other land use  
25          conditions or Council-initiated things and

1           it's taken longer, so I personally would  
2           prefer that a -- if a condition is added, that  
3           it be done in such a way that we grant the  
4           Conditional Use Permit for longer than the  
5           three years, but also stipulate in there that  
6           this will expire upon the initiation or upon  
7           the rezoning and the Community Plan Amendment  
8           District Boundary Amendment, Change in Zoning,  
9           something to that effect. Because I know how  
10          government works, and it's sometimes painfully  
11          slow, so I personally would like to see it  
12          done in that way, and I would be more than  
13          happy to work with the Boys & Girls Club to  
14          initiate a Council-initiated measure for a  
15          land use change.

16 CHAIR MOLINA: Okay, thank you, Member Johnson.

17                   Members, the floor's open. Member  
18           Anderson?

19 COUNCILMEMBER ANDERSON: Yeah, I appreciate the  
20           comments by Member Johnson. But, you know, I  
21           don't think the Council needs to initiate  
22           anything. This is County land. The Parks  
23           Department is taking the lead on this. It's  
24           only two acres. They could do a State Land  
25           Use District Boundary Amendment and a Change

1           in Zoning. You know, the onerous thing is the  
2           Community Plan Amendment, and they don't need  
3           to do that because that's already Park. So --  
4           and it's two acres, which means anything under  
5           15 acres the County processes the State Land  
6           Use District Boundary Amendment.

7                        So it seems to be a very simple thing  
8           for them to do. You know, everything they've  
9           got in here could have been processed as a  
10          Change in Zoning. And so I would like to see  
11          us make a condition that that happens within  
12          three years' time at the renewal of the  
13          Conditional Permit so that -- and the reason  
14          it's important to have, you know, a three-year  
15          time limit is because a Conditional Permit is,  
16          you know, based on conditions. And that gives  
17          the Council and also the Boys & Girls Club the  
18          opportunity to come in and make changes and,  
19          you know, adjustments that may be necessary.  
20          Because you never know until you get up and  
21          running what kind of adjustments you need to  
22          make, including the curbs and gutters and  
23          sidewalk.

24                       And so that gives them the opportunity  
25          to come back in and get all that taken care

1 of, and at the same time get permanent zoning  
2 in place so then they don't have to come back  
3 again, because it's there permanently, the  
4 zoning allows it permanently and that's --  
5 that's what I think would be helpful for  
6 everybody all the way around.

7 And I'm sorry that it's being processed  
8 as a Conditional Permit, because I don't think  
9 we'd let anybody else do this, because we're  
10 not in sync with the State District Boundary  
11 Zoning or the County zoning, which is why the  
12 Conditional Permit is necessary, but I don't  
13 know that we've ever done a Conditional Permit  
14 where all three zoning categories are not in  
15 concert. So I'm going to let that pass, but I  
16 think if we had that three-year time limit as  
17 the Conditional Permit, that would motivate  
18 the department to bring forward a Change in  
19 Zoning, especially if we make that a condition  
20 of this Conditional Permit so that -- then  
21 it's done. Then they can come back. It will  
22 be built by then. If there's any problems,  
23 any adjustments need to be made, that can be  
24 handled then. They can get their permanent  
25 zoning, and then they're done. They don't

1           have to come back for a renewal. And that's  
2           the purpose of a Conditional Permit, to come  
3           in and see if there's any problems, because  
4           you're -- you're conditioning them to use the  
5           property in a way that is not a permitted use.  
6           That's why we have Conditional Permits, and  
7           that's why they're time sensitive.

8                        So I don't see that as a problem, unless  
9           the Department has some objection to making  
10          this land all consistent as Park land. And  
11          maybe, Mr. Chair, if we could have a comment  
12          in that regard from the Department Director.

13 CHAIR MOLINA: Okay, thank you, Member Anderson.

14                        Mr. Matsui, and also the Planning  
15          Department, if you'd like to chime in, your  
16          commends with regards to Member Anderson's  
17          consideration. I guess, Mr. Matsui, we'll  
18          start with you.

19 MR. MATSUI: Well, you know, initially we -- we met  
20          with the Planning Director. Our intent was to  
21          expedite this building, and we talked about  
22          both options, what you had talked about, and,  
23          you know, we came to the conclusion that this  
24          is one way to do it and to expedite it, so  
25          here we are. You know, we've gone through all

1 of the processes, so, you know, at this point  
2 in time to change it, you know, it's kind of  
3 late.

4 COUNCILMEMBER ANDERSON: Mr. Matsui --

5 MR. MATSUI: Three years --

6 COUNCILMEMBER ANDERSON: -- I'm not talking about  
7 right now. I'm talking about in three years'  
8 time.

9 MR. MATSUI: Three years is a short time. I  
10 cannot -- you know, we're going to have to  
11 budget for -- to get a consultant to do all of  
12 those changes, you know, unless the Planning  
13 Department initiates it, but I can't speak for  
14 the Planning Director.

15 COUNCILMEMBER ANDERSON: Did you have a consultant  
16 do all this for the Conditional Use Permit?

17 MR. MATSUI: Yes.

18 COUNCILMEMBER ANDERSON: And how much did that cost?

19 MR. MATSUI: I'm not sure.

20 COUNCILMEMBER ANDERSON: Well, you know,  
21 Mr. Chairman, I appreciate cutting corners,  
22 but I -- you know -- and I -- like I said, I'm  
23 going to let this pass, but there is no  
24 private developer out there who would -- who  
25 would be able to do this. I mean, our County

1 Code says over and over again, you cannot  
2 build on property that is not consistent in  
3 its zoning, and here we are the County doing  
4 it. And of course it's for a very worthy  
5 cause, and so no one is going to stop -- stop  
6 it from happening, but I feel a bit  
7 hypocritical that the Department chose this  
8 direction, rather than -- they could have  
9 spent the same money on a Change in Zoning  
10 application and we would be done with it and  
11 not violating any of the County Code.

12 So I still think that that's the  
13 appropriate way to go, and it would be best  
14 for the County and it would be best for the  
15 Boys & Girls Club. Because a Conditional  
16 Permit is always a question mark. You know,  
17 five years down the road you got to come back  
18 and have it renewed, and then you've got to do  
19 all this again. So you might as well do it  
20 right now, and -- so I'm going to stick with  
21 that condition, if the Members support it.

22 CHAIR MOLINA: Thank you, Member Anderson.

23 Planning Department, you have any  
24 comments before I -- Chair moves on?

25 MR. HUNT: We would just note that the entire park

1 is inconsistent in regards to the Community  
2 Plan. It's an issue that does affect the park  
3 use and other issues out there, Taste of  
4 Lahaina, those kind of things, so it is an  
5 issue. I think the original intent, again,  
6 was just to expedite the process, given the  
7 fact of the application, what it was about, so  
8 it wasn't any intent to short change the  
9 process.

10 CHAIR MOLINA: Thank you, Mr. Hunt.

11 Mr. Starr, would you like to give  
12 additional comment?

13 MR. STARR: Yeah, about two years ago I went to  
14 speak with Councilmember Carroll at the time  
15 about this project, and he said that, you  
16 know, when it came before the Council he was  
17 going to ask one question and one question  
18 only, which is are you working on getting the  
19 proper zoning and consistency. And I at that  
20 time said that yes, we are and, you know, the  
21 board consensus was that we tried to push to  
22 get it done. And I happen to personally  
23 support Member Anderson, in that it should  
24 be -- it should be consistent. The whole park  
25 should be consistent. It's park. It should

1           be Park. So, you know, I do think that that's  
2           the direction it should go. I know our board  
3           feels that that's the way it should go. I  
4           feel probably it's a good idea to put a time  
5           constraint, but I think perhaps five years  
6           might be more realistic, considering the  
7           glacial way things tend to move, but I  
8           actually support the intent of this, because I  
9           think it's the right way to do it.

10   CHAIR MOLINA: Thank you, Mr. Starr. That's a nice  
11           way of saying government moves slowly. So,  
12           anyway. Okay, Members, the floor is open for  
13           any proposed conditions. Before we do that,  
14           Member Johnson?

15   COUNCILMEMBER JOHNSON: Yes, I had a question, and  
16           this would be of Corporation Counsel. Because  
17           we are prohibited by the County Charter from  
18           directing the Administration -- I know we had  
19           this issue the other day on another thing, the  
20           way the conditions are worded. We're  
21           prohibited by the County Charter from telling  
22           the Administration what to do. If I  
23           understand, you know, what we're doing,  
24           because this is a Parks application, is the  
25           condition going to be to the Parks Department

1           or is it going to be the applicant as Boys &  
2           Girls Club? And in doing what we're  
3           considering doing, you know, can we go this  
4           route?

5 CHAIR MOLINA: Mr. Giroux?

6 MR. GIROUX: As far as this application, it is the  
7           Parks Department that is requesting the  
8           Conditional Permit, but you can word -- if  
9           you're going to -- if you're going to within  
10          the Conditional Permit put a request that a  
11          zoning change be made in the future, you can  
12          word it in such a way that it merely means  
13          that the Conditional Permit expires and you're  
14          not telling the Parks Department that you have  
15          to -- you know, you have to zone it.

16                 What you're saying is that in five years  
17          the Conditional Permit will expire upon --  
18          upon renewal that there has to be either a  
19          process started or completed or in that  
20          fashion.

21                 So I would have to look at the wording  
22          and look it over and see if that's going to  
23          pass the Charter, you know, as far as what it  
24          says. But there is a way to word it and to  
25          say that the Conditional Permit would expire

1           and that there is a -- some necessity in order  
2           for you to look at continuing the -- you know,  
3           continuing any type of process.

4                        I have looked at Conditional Permits  
5           that had that type of language in it that  
6           basically required that it would -- the permit  
7           would expire and that there wouldn't be a  
8           continuance of it unless -- well, it would  
9           just expire. It would just expire, because  
10          the intent was that given the time frame that  
11          a zoning change would either start or be  
12          completed.

13   COUNCILMEMBER JOHNSON:   Okay, thank you. I just  
14          want to make sure that we're not overstepping  
15          our authority, but I would also support five  
16          years as opposed to three, because on a  
17          three-year permit, you basically have to start  
18          planning about a year prior to actual  
19          submission. So a three-year permit actually  
20          becomes closer to a year and a half and at the  
21          most two years, so I would request five years.  
22          Thank you.

23   CHAIR MOLINA:   Thank you, Member Johnson.

24                        Member Anderson, followed by Member  
25          Pontanilla.

1 COUNCILMEMBER ANDERSON: Yeah, you know, putting a  
2 condition on a Conditional Permit or on a  
3 Change in Zoning or any kind of entitlement  
4 that the Council puts conditions on, I don't  
5 think that can be interpreted as directing the  
6 Administration to do something against the  
7 Charter. We put conditions in all the time,  
8 and we could merely say that the applicant  
9 shall. And we do that all the time. It just  
10 so happens that the Parks Department happens  
11 to be the applicant.

12 And so, you know, if we want to change  
13 it to five years, make it more realistic. I  
14 thought three years was fine, since they've  
15 already got the contract. You know, they're  
16 ready to break ground the minute we say yes on  
17 this. So, you know, I don't think that that's  
18 a problem in -- in -- and I don't like the  
19 word expired. I don't want to see that  
20 anywhere in here, because it's about renewing  
21 the Conditional Permit. And I would say prior  
22 to the renewal of the Conditional Permit, the  
23 applicant shall process the two-acre parcels  
24 for consistency, for zoning consistency in  
25 accordance with the County Code. And, you

1 know, if anybody can interpret that we're  
2 directing the Administration to do something,  
3 well, gee, I guess we're directing them to  
4 follow the law. What's wrong with that?

5 So I'd like to see that -- and when the  
6 discussion finishes I have an amendment for  
7 the condition that we've been discussing,  
8 Mr. Chairman, along with another one. I think  
9 Boys & Girls Club needs to secure a lease, a  
10 15-year lease from the County.

11 CHAIR MOLINA: Thank you, Member Anderson.

12 COUNCILMEMBER ANDERSON: And I'd like to see that as  
13 a condition also.

14 CHAIR MOLINA: Okay. We'll take it up when we  
15 arrive to that point. Member.

16 Pontanilla, followed by Member Baisa.

17 VICE-CHAIR PONTANILLA: Thank you, chair. Question  
18 for Mr. Matsui. Is five years sufficient?

19 MR. MATSUI: Five years would be preferable to three  
20 years, yes.

21 VICE-CHAIR PONTANILLA: Thank you.

22 CHAIR MOLINA: Member Baisa.

23 MS. BAISA: After listening to all of this, it  
24 sounds to me like we need to do a couple of  
25 things. One is we need to find out what it

1           would cost to get somebody to take care of  
2           this zoning change for us. We need to do it  
3           to protect everybody that's involved and to  
4           comply with our own laws. And secondly, we  
5           also need to get a decent lease for this  
6           program.

7                     You know, having run a program before,  
8           nothing is harder than trying to run a program  
9           without any longevity. Because you can't hire  
10          anybody. Why would I come and work for you  
11          for a couple of years? Or why would I as a  
12          funder, like Weinberg, want to invest money in  
13          a program unless you're going to be around for  
14          a decent amount of time? Been there, done  
15          that. So we need to get a long-term lease,  
16          and we need to get somebody -- some money  
17          maybe in the next budget and hire somebody and  
18          let's fix up this paperwork and comply with  
19          the law.

20   CHAIR MOLINA:   Okay, thank you, Member Baisa. Any  
21                     other considerations before I recognize Member  
22                     Anderson with a proposed amendment? Seeing  
23                     none, Member Anderson, you have the floor.

24   COUNCILMEMBER ANDERSON:   Thank you, Mr. Chair. So I  
25                     would be proposing Condition Number 10, that

1           the Department of Parks and Recreation shall  
2           process applications for State Land Use  
3           District Boundary Amendment and Change in  
4           Zoning from Ag to Parks before the Conditional  
5           Permit renewal.

6 CHAIR MOLINA: Is there a second to the proposed  
7           condition?

8 VICE-CHAIR PONTANILLA: Second.

9 CHAIR MOLINA: It's been seconded by Member  
10          Pontanilla.

11                   Member Anderson -- Staff, did you get  
12          the language as proposed by Member Anderson?  
13          Thank you. All right, Members.

14 MR. GIROUX: Chair, can I make a comment?

15 CHAIR MOLINA: Mr. Giroux.

16 MR. GIROUX: The wording needs to be clarified as  
17          far as process. I think there needs to be  
18          discussion whether this means initiated or  
19          completed. The word process is kind of vague,  
20          and I would like a better direction as far as  
21          interpreting that condition.

22 COUNCILMEMBER ANDERSON: Okay, then let's change it  
23          to complete. That the Department of Parks and  
24          Recreation shall complete applications for  
25          State Land Use District Boundary Amendment and

1           Change in Zoning from Ag to Parks -- let's  
2           make it real clear -- for the two-acre  
3           parcel --

4 CHAIR MOLINA:   Okay.

5 COUNCILMEMBER ANDERSON:  -- before the -- before the  
6           Conditional Permit renewal date.

7 CHAIR MOLINA:   Members, is that clear?

8 MR. GIROUX:   Chair, can I --

9 CHAIR MOLINA:   Mr. Giroux, additional comments?

10 MR. GIROUX:   Just to clarify, is the intent -- is  
11           the intent to have the applications, because  
12           there's applications for these things, as far  
13           as just completed and submitted into the  
14           process, or is your language looking at them  
15           actually receiving the entitlements that you  
16           are requesting them to do?  Because that's two  
17           very different things.  It doesn't make sense  
18           for the entitlement to be completed, because  
19           they won't need a Conditional Permit after  
20           they get their zoning and their District  
21           Amendment.  So --

22 COUNCILMEMBER ANDERSON:  But that's the idea, to get  
23           it before the renewal date, so then --

24 MR. GIROUX:   So you might want to say that they  
25           submit these applications to the appropriate

1           bodies, possibly the Planning Commission, say  
2           that they get the -- get these applications to  
3           some stage that you can identify.

4   COUNCILMEMBER ANDERSON: Well, you're making it more  
5           complicated, but I appreciate your trying  
6           to -- trying to, you know, see the different  
7           ways this could be interpreted.

8                    So, Mr. Chair, if -- if maybe we could  
9           put out on the table the other condition so we  
10          can see what other problems there might be  
11          with that and then take a short five-minute  
12          recess and see if I can't write this out in a  
13          more concise language.

14   CHAIR MOLINA: Okay, I think that's a nice segue.  
15          Why don't we just take a short recess,  
16          Members, so we can work on the proposed  
17          language for the condition. We'll come back.  
18          Okay, meeting in recess, subject to the call  
19          of the Chair. (Gavel).

20                    **RECESS: 6:05 p.m.**

21                    **RECONVENE: 6:30 p.m.**

22   CHAIR MOLINA: (Gavel). Land Use Committee meeting  
23          for September 5th, 2007 is now back in  
24          session. We are on Land Use Item No. 16, and  
25          when we last left off we had a proposed

1 condition from Councilmember Anderson.

2 Member Anderson, you have the floor.

3 COUNCILMEMBER ANDERSON: Thank you, Mr. Chair. So  
4 Condition 10 would read: "That the Department  
5 of Parks and Recreation shall submit  
6 applications for State Land Use District  
7 Boundary Amendment and Change in Zoning for  
8 the property for consistency with the West  
9 Maui Community Plan prior to the expiration of  
10 the Conditional Permit."

11 CHAIR MOLINA: Okay, Members, we do already have a  
12 motion on the floor and this -- you've  
13 restructured the wording of this condition as  
14 well.

15 COUNCILMEMBER ANDERSON: We already -- we did an  
16 amendment for this condition.

17 CHAIR MOLINA: Right, right.

18 COUNCILMEMBER ANDERSON: So I guess we need to  
19 withdraw the original --

20 CHAIR MOLINA: Okay, Members --

21 COUNCILMEMBER ANDERSON: -- amendment.

22 CHAIR MOLINA: -- any objections to withdrawing the  
23 motion for the original condition?

24 COUNCIL MEMBERS: No objections.

25 CHAIR MOLINA: Okay. All right. Member Anderson

1           will go ahead and restate it as a motion and  
2           we'll need a second.

3   COUNCILMEMBER ANDERSON:   Okay, move to amend the  
4           main motion with Condition Number 10 that  
5           reads:   "That the Department of Parks and  
6           Recreation shall submit applications for State  
7           Land Use District Boundary Amendment and  
8           Change in Zoning for the property for  
9           consistency with the West Maui Community Plan  
10          prior to expiration of the Conditional  
11          Permit."

12   VICE-CHAIR PONTANILLA:   Second.

13   CHAIR MOLINA:   Okay, it's been moved by Member  
14          Anderson and seconded by Member Pontanilla.

15                   Member Anderson, discussion.

16   COUNCILMEMBER ANDERSON:   I think we've probably  
17          chewed this over enough.   This just -- this  
18          just makes -- makes the property consistent  
19          with the Community Plan and consistent with  
20          the County Code, and actually the State Land  
21          Use Commission asked that we do this, so we're  
22          just following the law here and making sure  
23          that this happens prior to the expiration of  
24          the Conditional Permit so we can end this  
25          evergreen Conditional Permit process.

1 CHAIR MOLINA: Okay. Thank you, Member Anderson.  
2 Member Johnson.

3 COUNCILMEMBER JOHNSON: Yes. And I will support  
4 that, and also I'm sure we will talk about the  
5 length of time that this Conditional Use  
6 Permit is good for, but I think also what it  
7 does is besides bringing the consistency, I  
8 think it also gives some assurance to the  
9 people that once we build the building, that  
10 they're not going to have to continuously keep  
11 coming back and there will be a certainty.

12 The other thing that I do like about  
13 this is the fact that we've been told that it  
14 doesn't conflict with anything in the County  
15 Charter, and that it is something that we, by  
16 putting the condition in, when the Parks  
17 Department comes forward for any budgetary  
18 amendments or comes forward for any money for  
19 funding, the actual implementation of this,  
20 that it's the Council's way of saying, yes, we  
21 support it, and if funds are needed, we would  
22 be there with the funding. Thank you.

23 CHAIR MOLINA: Thank you, Member Johnson.

24 Any other discussion on the proposed  
25 condition for Member Anderson?



1           ensure that the operator of the youth  
2           clubhouse obtain the appropriate license or  
3           lease agreement."

4 VICE-CHAIR PONTANILLA:   Second.

5 CHAIR MOLINA:   Okay, it's been moved by Member  
6           Anderson to add Condition 11, seconded by  
7           Member Pontanilla.

8                       Member Anderson, you have the floor.

9 COUNCILMEMBER ANDERSON:   Again, I just think that  
10           this is necessary to secure the improvements  
11           for the use of the Boys & Girls Club so that  
12           they will have some assurance that -- and I  
13           think the minimum is 15 years.

14 MR. STARR:   Twenty-five, I think.

15 COUNCILMEMBER ANDERSON:   Twenty-five?   Well, you  
16           know, we're going to leave that up to the  
17           Parks and -- Department of Parks and  
18           Recreation and Corporation Counsel.   And, you  
19           know, I think that, I'm not sure, but maybe at  
20           some point it will come back to the Council  
21           for discussion, but at least we know that the  
22           improvements that -- the expenditure of 2.1  
23           million is going towards a facility that will  
24           have a permanent user for at least 15 years,  
25           if not longer.

1                   And I think that's important when we're  
2                   expending that kind of money, Mr. Chair, that  
3                   not only for the County, but for the operators  
4                   to have some sense of security about their  
5                   use. So I think it's necessary.

6 CHAIR MOLINA: Thank you, Member Anderson.

7                   Any other discussion?

8 MS. BAISA: Chair.

9 CHAIR MOLINA: Member Johnson. Oh, I'm sorry,  
10                  Member Johnson, I believe Member Baisa had her  
11                  hand up first, so Member Baisa followed by  
12                  Member Johnson.

13 MS. BAISA: No, I'm just trying to recall, I thought  
14                  I heard Mr. Matsui say 35-year lease earlier.

15 CHAIR MOLINA: Mr. Matsui, can you comment on that?

16 MR. MATSUI: That's correct. The Central Maui  
17                  facility has a 35-year term.

18 COUNCILMEMBER ANDERSON: Okay, well, we're using the  
19                  word obtain the appropriate license or lease  
20                  agreement, so we'll leave it up to them,  
21                  whatever is appropriate.

22 CHAIR MOLINA: Thank you, Member Anderson.

23                  Member Johnson.

24 COUNCILMEMBER JOHNSON: Yes, and I don't know if it  
25                  should be added into the condition, but I

1           would also say that the Parks Department  
2           should assist the applicant in obtaining this,  
3           because I know that in the past we made every  
4           attempt to obtain it, and the difficulty came  
5           in with regard to I guess request for  
6           proposal, and that was prior to the enactment  
7           and the change in the State law for the  
8           awarding of concessions. So it was  
9           Corporation Counsel, actually, that held up  
10          the issuance of that long-term lease. So  
11          there was nothing that Boys & Girls Club could  
12          have done to obtain it, given that that was  
13          the ruling.

14                        So if a friendly amendment could be  
15          added in that Parks will -- that they shall  
16          obtain, with the assistance of the Parks  
17          Department.

18 CHAIR MOLINA: Okay, thank you, Member Johnson.

19                        Member Anderson.

20 COUNCILMEMBER ANDERSON: I don't think that we  
21          can -- excuse me, I had a grape in my mouth.  
22          I don't think that we can direct Boys & Girls  
23          Club to do anything, because this application  
24          is the Parks Department's application on  
25          behalf of Boys & Girls Club, but, you know,

1           it's the Parks Department's responsibility to  
2           get the operator a license.

3                        So -- and that's why we left it  
4           operator. Even though the title of the bill  
5           says, "A Conditional Permit for the expansion  
6           of the existing West Maui Boys & Girls Club  
7           building, related improvements within the  
8           County Ag District for property situated in  
9           Lahaina."

10                       Mr. Chair, if we could have our Analyst  
11           please explain that to the Committee.

12 CHAIR MOLINA: Ms. Nakata.

13 MS. NAKATA: Mr. Chair, I just wanted to point out  
14           that the title of the bill has been changed.  
15           It now reads: "A Conditional Permit for the  
16           expansion of a youth clubhouse and related  
17           improvements." I believe that the bill title  
18           Member Anderson was referring to was the one  
19           that came with the original County  
20           Communication.

21 CHAIR MOLINA: Okay. Thank you, Staff.

22                       Member Anderson, any additional  
23           comments?

24 COUNCILMEMBER ANDERSON: No, I appreciate that. I'm  
25           reading from the front instead of the back,

1 but I was just going to ask Ms. Nakata to  
2 explain the language, why we're using, you  
3 know, a generic language, rather than specific  
4 to the West Maui Boys & Girls Club?

5 CHAIR MOLINA: Ms. Nakata?

6 MS. NAKATA: I believe the Committee did question  
7 both the Parks Department as well as the  
8 Department of Housing and Human Concerns what  
9 existing documentation there was for an  
10 agreement with the West Maui Boys & Girls  
11 Club, and there is none currently. So it was  
12 felt that it was more appropriate to make the  
13 Conditional Permit generic in this fashion.

14 CHAIR MOLINA: Okay. Thank you, Member Anderson.

15 Okay, Member Johnson.

16 COUNCILMEMBER JOHNSON: So, Ms. Nakata, in your  
17 explanation, then the actual granting of the  
18 lease would go to the Parks Department and  
19 they're the ones that have to negotiate, is  
20 that correct, the way that Ms. Anderson has  
21 proposed the amendment, because the Parks  
22 Department is the applicant?

23 CHAIR MOLINA: Ms. Nakata.

24 MS. NAKATA: Mr. Chair, I believe that proposed  
25 condition from Member Anderson is that the

1 operator of the clubhouse obtain a license or  
2 lease agreement. But the Parks Department,  
3 whose the applicant here, is being -- the  
4 condition is being imposed on the Department  
5 who's the applicant here to ensure that that  
6 occurs.

7 COUNCILMEMBER JOHNSON: And that goes back to my  
8 original point, which is that whoever the  
9 operator is, whether it's Boys & Girls Club,  
10 my -- I guess my desire would be to give them  
11 the knowledge that the County Department will  
12 work with them to obtain that lease, and  
13 that's my only point in offering that type of  
14 amendment, because it's not certainly for lack  
15 of trying that they have sought a lease in the  
16 past and not been given one. So that was my  
17 only reason, but if we have that assurance  
18 from the Parks Department that they will  
19 assist, then so be it.

20 CHAIR MOLINA: Thank you, Member Johnson.

21 Parks Department, Mr. Matsui, comments?  
22 Can we get assurance from the Department as it  
23 relates to this condition?

24 MR. MATSUI: Yes, we're okay with it. We'll do it.

25 CHAIR MOLINA: Okay, thank you very much.



1 COUNCILMEMBER JOHNSON: Yes, I would like to make an  
2 alteration, and I believe this was -- it was  
3 to Condition Number 2, is it? The Conditional  
4 Permit shall be valid for a period of five  
5 years.

6 COUNCILMEMBER ANDERSON: Second.

7 CHAIR MOLINA: Okay, motion has been made to amend  
8 Condition 2 by Member Johnson and seconded by  
9 Member Anderson.

10 Member Johnson, you have the floor.

11 COUNCILMEMBER JOHNSON: I think we've already  
12 discussed this, and it's to give additional  
13 time because of the -- I guess the length that  
14 it does take to process this. And, hopefully,  
15 it won't really run the full five years, but  
16 at least it will give us additional time.

17 CHAIR MOLINA: Thank you, Member Johnson.

18 Any other discussion as it relates to  
19 the amendment to Condition 2?

20 MS. NAKATA: Mr. Chair.

21 CHAIR MOLINA: Staff.

22 MS. NAKATA: Staff would just note that the  
23 five-year period is called out in two places  
24 in that condition, so we would assume that it  
25 would be throughout the condition.

1 COUNCILMEMBER JOHNSON: Yes, it would be throughout  
2 the condition if it's referenced two times, so  
3 that would apply. That's the intent.

4 CHAIR MOLINA: So very simply replacing the number  
5 three two times with five years, which is, I  
6 guess, mentioned twice in the condition.  
7 Okay, is that all clear to the Members?

8 Okay, Chair will call for the vote. All  
9 those in favor of the proposed amendment to  
10 Condition 2, signify by saying "aye."

11 COUNCIL MEMBERS VOICED AYE.

12 CHAIR MOLINA: All those opposed?

13 **VOTE: AYES: Councilmembers Anderson, Baisa,**  
14 **Johnson, Mateo, Victorino,**  
15 **Vice-Chair Pontanilla, and Chair**  
16 **Molina.**

17 **NOES: None.**

18 **EXC.: Councilmembers Hokama and**  
19 **Medeiros.**

20 **ABSENT: None.**

21 **ABSTAIN: None.**

22 **MOTION CARRIED.**

23 **ACTION: APPROVE amendment to the main**  
24 **motion.**

25 CHAIR MOLINA: Okay, thank you. Chair marks it

1           seven-zero, two excusals, Members Medeiros and  
2           Members Hokama.

3                    Any other considerations before the  
4           Chair calls for the motion to be voted on, the  
5           bill as amended? Mr. Hunt.

6 MR. HUNT: I just -- going back to Condition 10, I  
7           just wanted to be sure that that applies to  
8           the entire parcel and not just the two-acre  
9           piece that was talked about previously?

10 CHAIR MOLINA: Okay, Member Anderson, I believe it  
11           would incorporate the whole parcel, right?

12 COUNCILMEMBER ANDERSON: Yeah, we left that generic  
13           for the property, for the entire property  
14           because what's before us, Mr. Chairman, is  
15           two-acre parcel that has not been subdivided  
16           out of a larger 20-acre parcel. So I'd like  
17           to just leave it generic and let them figure  
18           it out. Because, again, we're permitting  
19           something in a very unusual way here by not  
20           subdividing out the two acres.

21                    So I think it's best just to leave it  
22           generic and let you guys figure it out. I  
23           would think that you would want to do the  
24           whole 20 acres.

25 MR. HUNT: Mr. Chair.

1 CHAIR MOLINA: Mr. Hunt.

2 COUNCILMEMBER ANDERSON: That's why we used the term  
3 for the property.

4 MR. HUNT: The Planning Department will interpret  
5 that as being the entire property.

6 CHAIR MOLINA: All right, thank you, Mr. Director.  
7 Corporation Counsel, Mr. Giroux, no  
8 concerns with that as well, being that it's  
9 somewhat broad, and I guess it's been agreed  
10 upon by the Department that they'll interpret  
11 that as the whole property? No additional  
12 specificity needs to be put into Condition 10?  
13 Okay, thank you very much.

14 All right, Members, just for  
15 information, the Chair would like to  
16 incorporate the filing of the communication in  
17 this motion of the proposed bill as amended.  
18 Any objections?

19 COUNCIL MEMBERS: No objections.

20 **COUNCIL MEMBERS VOICED NO OBJECTION** (excused: RH, BM).

21 CHAIR MOLINA: All right, Members, I believe if  
22 there are no other considerations, the Chair  
23 will call for the vote for the bill as amended  
24 as it relates to Land Use Item No. 16. Okay.  
25 Any additional discussion on the main motion

1 as amended? Member Johnson.

2 COUNCILMEMBER JOHNSON: I just want to thank the  
3 Members for supporting this, because I know  
4 our community has waited a long while, and it  
5 certainly is something that will benefit the  
6 youth. And I am wholeheartedly behind this,  
7 and I look forward to the day when we can all  
8 go to the ground breaking. Thank you.

9 CHAIR MOLINA: Thank you, Member Johnson.

10 Any other discussion as it relates to  
11 the bill as amended? Seeing none, all those  
12 in favor, signify by saying "aye."

13 COUNCIL MEMBERS VOICED AYE.

14 CHAIR MOLINA: All those opposed?

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23 **VOTE: AYES: Councilmembers Anderson, Baisa,**  
24 **Johnson, Mateo, Victorino,**  
25 **Vice-Chair Pontanilla, and Chair**



1 before the presentation by the applicant. And  
2 this is in -- I guess related to some  
3 transportation issues, which has been brought  
4 to my understanding.

5 So, Members, I'd like to offer that as a  
6 consideration to you and to offer the seniors  
7 a chance to testify, and anyone else who would  
8 like to testify before the presentation by the  
9 applicant. So any objections to proceeding in  
10 that fashion, Members?

11 COUNCIL MEMBERS: No objections.

12 CHAIR MOLINA: Seeing none. Okay, now I'd like to  
13 call upon the seniors. Let's go ahead and  
14 take a quick, short recess, Members. I'd like  
15 to confer with Staff. Meeting in recess.  
16 (Gavel).

17 **RECESS: 6:45 p.m.**

18 **RECONVENE: 6:48 p.m.**

19 CHAIR MOLINA: (Gavel). Land Use Committee meeting  
20 for September 5th, 2007 is now back in  
21 session. We're in the process of taking  
22 testimony for Land Use Item 65, which is a  
23 Community Plan Amendment, Change in Zoning,  
24 and Project District Phase I approval for the  
25 Pulelehua project over here in Lahaina.

1           We are right now giving the seniors of  
2           Lahaina an opportunity to testify before the  
3           applicant's presentation, so we will start  
4           with them. And Chair would like to go over a  
5           few ground rules. Again, you will have three  
6           minutes, with one minute to conclude. Please  
7           state your name for the record and any  
8           organization that you may be representing.

9           So we will start with May Fujiwara,  
10          followed by Anita Yamafuji.

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

12   MS. FUJIWARA: Good evening, Chair Molina and  
13           Members of the County Land Use Committee.  
14           Welcome to Lahaina. My name is May Fujiwara.  
15           I'm a resident of West Maui, a retired,  
16           concerned senior citizen and also President of  
17           the Lahaina Honolua Senior Citizen's Club.

18           There's been much debate as whether --  
19           as to whether or not to allow developers to  
20           build more homes before our infrastructure  
21           problems, especially those of our highway,  
22           have been addressed. After much deliberation  
23           and talking to and listening to my senior  
24           colleagues, I feel confident that Pulelehua is  
25           a project worthy of our support.

1           We're at a critical stage where  
2           affordable housing is much needed, and it is  
3           needed now. I had read an article some time  
4           ago in *The Maui News* citing the exodus of our  
5           people to the mainland, and one of the primary  
6           reasons was the lack of affordable housing.  
7           How sad was also to learn that people who are  
8           raised in the islands have dropped from 56  
9           percent to 43 percent since 1988. This is  
10          further evidence that we need affordable  
11          housing to keep our Maui born and Maui raised  
12          here on Maui.

13                 For these young people who choose to  
14          stay, most of them have no choice but to live  
15          with their parents or grandparents. They  
16          cannot afford to purchase homes or pay high  
17          rental fees. Our senior citizens at this  
18          point in their lives should be relaxing and  
19          enjoying their golden years, their freedom,  
20          and their privacy. Without affordable  
21          housing, they're not able to do this.  
22          Unfortunately, many children, when they live  
23          with their mom and dad, think they have built  
24          in baby-sitters.

25                 Pulelehua will provide housing primarily

1           for employees who are already working in West  
2           Maui and have to commute from the other  
3           side -- from the other side of the island to  
4           get to their jobs here in West Maui.  
5           Pulelehua will alleviate some of the traffic  
6           problems, since these workers will be living  
7           in West Maui and working in West Maui. These  
8           workers then will be able to spend more time  
9           with their families.

10                   This project will provide numerous  
11           parks, wellness facility, churches, and a town  
12           center. It will provide land for much needed  
13           elementary school. Children can walk or bike  
14           to school, instead of being driven to school  
15           in Lahaina. The affordable houses will be  
16           mixed in with the market-priced houses and  
17           will be of the same quality and appearance,  
18           which I think is a plus. Another plus is the  
19           avoidance of speculation by making the  
20           affordable homes at Pulelehua affordable in  
21           perpetuity and these homes will be owner  
22           occupied.

23                   Most importantly, over 50 percent of the  
24           homes will be available to low, low moderate,  
25           and moderate income Maui residents. I urge

1           you to help our seniors regain their sanity,  
2           their privacy, and their independence --

3 MS. NAKATA: Three minutes.

4 MS. FUJIWARA: -- by getting their children and  
5           grandchildren out of their homes. You can do  
6           this by supporting Pulelehua.

7 CHAIR MOLINA: Thank you, Ms. Fujiwara.

8                   Committee Members, questions for the  
9           testifier? Seeing none. Ms. Baisa.

10 MS. BAISA: Good evening, Ms. Fujiwara. Thank you  
11           for being here.

12 MS. FUJIWARA: Good evening.

13 MS. BAISA: Thank you for your testimony. I'm  
14           beginning to understand a little bit of the  
15           motivation for the support of Pulelehua. You  
16           know, everybody is entitled to enjoy their  
17           home, and I hear from many, many parents that  
18           there are two and three generations living in  
19           a home because really it's the only way people  
20           can survive. But that being more on the light  
21           side, I have a more serious question.

22                   You know, the seniors have lived here  
23           for a very long time, much longer than even I  
24           have, although I'm a senior myself, but you  
25           know, I know that there are people in your

1 club that are almost approaching 100 years  
2 old. So, if anything, they have seen the  
3 changes, like I have. Of course you've seen  
4 more of it, and from a longer period of time.  
5 There's a lot of discussion when we have these  
6 meetings about development about quality of  
7 life and how things have changed.

8 If anybody has had to reconcile  
9 themselves to this, it's you folks. And I  
10 think it's very interesting to hear your  
11 perspective about how you're dealing with  
12 these changes in your quality of life, and,  
13 you know, things being more crowded and more  
14 traffic on the roads, and yet you still can  
15 come to terms with additional development.  
16 Can you share some of that with us?

17 MS. FUJIWARA: Yes, you know, most of our seniors  
18 own their own homes, so they could be selfish  
19 and say, no more new homes, and, you know, we  
20 have problems with the traffic, but we want to  
21 look at the future also and look at the young  
22 people, what they need. And what they need,  
23 again, is affordable housing. We know of  
24 families that have 26 people living in one  
25 house, and, you know, that's quite a few

1 people, parents, their children, and their  
2 grandchildren, and, again, because of lack of  
3 affordable housing. And we don't mind sitting  
4 in traffic for another 15 minutes or whatever,  
5 just so these young people can own homes of  
6 their own.

7 MS. BAISA: Thank you very much.

8 MS. FUJIWARA: You're welcome.

9 MS. BAISA: That's a very important testimony.

10 Thank you.

11 MS. FUJIWARA: Thank you.

12 CHAIR MOLINA: Thank you, Member Baisa. Any other  
13 questions for the testifier? Seeing none,  
14 thank you, Ms. Fujiwara.

15 Next to testify, Anita Yamafuji,  
16 followed by June Kaaihue.

17 MS. YAMAFUJI: Good evening, Members of the Council.

18 My name is Anita Yamafuji. I'm a member of  
19 the Lahaina Honolua Senior Citizen. I  
20 support -- I support Pulelehua because I  
21 support -- I support the mixed use concept of  
22 the way Maui Land & Pineapple has proposed for  
23 the Pulelehua community. My family is living  
24 example for why this concept makes sense, as  
25 I'm able to send my three children to college

1           and run profitable business in the Old Lahaina  
2           Town. My three children came back from --  
3           after college, but I want my grandchildren to  
4           come over, you know, live in Hawaii, but they  
5           can't afford to live here.

6                     For 30 years my family ran the Liberty  
7           Restaurant. If you old-time family, you will  
8           know this restaurant for fried soup. This is  
9           the local name for our homemade chow fun  
10          noodles. We had our restaurant business  
11          for -- on Front Street and my family lived  
12          upstairs of business. We owned this for 30  
13          years and closed restaurant in 1971.

14                    Pulelehua is a well-planned community.  
15          Please support Pulelehua.

16 CHAIR MOLINA: Thank you, Ms. Yamafuji.

17                    Committee Members, questions for the  
18          testifier? Seen nothing. Thank you.

19                    Next to testify, we have June Kaaihue,  
20          followed by Charles Makekau.

21 MR. MAKEKAU: Excuse me, June.

22 CHAIR MOLINA: Sorry, that's what I have in order.  
23          Ladies first.

24 MS. KAAIHUE: Aloha, Council Members, and the Land  
25          Use Committee. My name is June Kaaihue. I

1 live in Honokohau Valley, 50 miles outside of  
2 Lahaina Town. Thank you for being here and  
3 listening to us.

4 I support Pulelehua because there was an  
5 input of over 600 public participants during a  
6 week-long planning session. It meets a  
7 critical need for affordable units for mixed  
8 income community. It will provide 13 acres  
9 for an elementary school. Pulelehua will be  
10 part of the traffic solution because working  
11 families will live near their jobs in West  
12 Maui.

13 For these reasons, I respectfully ask  
14 that you vote yes in support of this new  
15 community. Thank you.

16 CHAIR MOLINA: Thank you very much, Ms. Kaaihue.

17 Questions for the testifier? Seeing  
18 none, thank you.

19 MS. KAAIHUE: Mahalo.

20 CHAIR MOLINA: Now we have Mr. Charles Makekau,  
21 followed by Dick Mayer.

22 MR. MAKEKAU: I look around, I see only women. I'm  
23 the only man. Well, anyway, good evening,  
24 Chairman Molina, Lahaina Councilwoman Jo Anne  
25 Johnson, and the rest. My name is Charles

1           Makekau, born and raised in Lahaina. The only  
2           time I went away was in the service. I never  
3           left it again.

4                    I am a father. I am a grandfather. I  
5           am a great-grandfather, and you can see the  
6           concern for housing, and that is for our  
7           future children. And not only me that is in  
8           this position, but there are many in Lahaina.  
9           I am here to represent Na Kupuna O Maui. We  
10          are in favor of Pulelehua. In fact, we want  
11          it to be built as soon as possible. Pulelehua  
12          will benefit our local community with  
13          affordable housing. There is a great need of  
14          affordable housing for our people.

15                   There are a lot of people suffering. We  
16          just heard the people in front of us make  
17          those statements. I don't want to repeat it,  
18          but I can't help it. We must help them, and  
19          Pulelehua will give us the leverage.

20                   Number two, Pulelehua will also  
21          contribute 13 acres of land for our elementary  
22          school. My family mostly live on the  
23          Honokowai, Kahana, Napili area. And early in  
24          the morning they wake up and gotta get on a  
25          bus. Some of them go to Kamehameha III

1 School, some goes to Nahienaena, and some goes  
2 to Lahaina Intermediate. That's tough.

3 Let's build Pulelehua and have that  
4 school over there so we can accommodate all  
5 those children and they can get up a little  
6 later and go home earlier.

7 MS. NAKATA: Three minutes.

8 MR. MAKEKAU: Pulelehua plans to be part of a  
9 traffic solution. One is because of the  
10 affordable housing, which will be more or less  
11 for the employees and for the rest of the  
12 community. This leaves them living on the  
13 other side. Instead -- instead they have to  
14 commute because a lot of them come from the  
15 central part too and from Lahaina coming over  
16 to work on the north side. So that will help  
17 to alleviate some of that traffic. Maybe the  
18 bypass will be in already.

19 MS. NAKATA: Four minutes.

20 MR. MAKEKAU: Number four, Pulelehua will preserve  
21 open space with 136 acres of total -- what,  
22 136 acres, plus another acreage of 310 acres  
23 in community reserve for parks. That's what  
24 we need, park and more tennis courts.

25 CHAIR MOLINA: Mr. Makekau. Mr. Makekau, I

1           apologize. I have to stop your testimony.

2           You went over the three minutes, yeah.

3 MR. MAKEKAU: Okay, wait, this is the end.

4 CHAIR MOLINA: Okay, conclude, please.

5 MR. MAKEKAU: My closing statement. Na Kupuna O  
6 Maui asks you, County Council Member, please  
7 support Pulelehua. Mahalo. God bless you,  
8 and thank you for coming to Lahaina.

9 CHAIR MOLINA: Thank you, Mr. Makekau.

10                   Committee Members, questions for the  
11 testifier? Seeing none, thank you.

12                   Okay, next to testify, prior to --  
13 before the presentation, we have Dick Mayer,  
14 followed by Justin Hughey, and, again -- and  
15 the Chair will stop and we will proceed upon  
16 the completion of Mr. Hughey and one more --  
17 two more testifiers, we will then have a  
18 presentation done by the applicant and then  
19 we'll go back to, I guess -- to the people in  
20 order of testifiers. Okay, so just so we can  
21 give the applicant a chance.

22 MR. MAYER: (Inaudible) first or ladies first?

23 CHAIR MOLINA: No, Mr. Mayer, you're next. However,  
24 if you would like to yield, but why don't we  
25 just proceed.

1 MR. MAYER: Okay. My name is Dick Mayer. Although  
2 I'm the Vice Chair of the GPAC, I'm not  
3 speaking on behalf of that group in any way  
4 tonight per se, but that experience of working  
5 with the -- on the General Plan for the County  
6 has made me very aware of all of the  
7 infrastructure issues on this island and the  
8 lack of money available, really, to really do  
9 all the things we need to do.

10 And so what I'm asking you to do is to  
11 examine very carefully this project.  
12 Affordable housing, definitely, that's the  
13 highest priority. I would urge you, make this  
14 100 percent affordable housing.

15 One of the things that happened about a  
16 year ago, maybe a little bit more now, was you  
17 passed Kapalua Mauka. This is a project right  
18 up the street. The same applicant. 690 super  
19 luxury homes up there, with a relatively small  
20 requirement for affordable housing. Some of  
21 those would be probably built on this project.  
22 I'm hoping that you don't double count and  
23 give them credit on that project at the same  
24 time included in the 50 percent requirement  
25 here. That -- the 50 percent is just for this

1 project and does not include *(end of tape)*  
2 with regard to infrastructure, West Maui, as  
3 we know and as the audience very well knows,  
4 is very short of a number of major needed  
5 facilities. First of all, medical facilities.  
6 This project would add, although they say 882  
7 units, they also say there will be probably  
8 about 300 ohanas on the project, over 1,100  
9 more units, in addition to the 690 up at  
10 Kapalua Mauka, plus several other large  
11 projects that are being proposed or have  
12 already been allowed to be built who put much  
13 greater stress on the medical system over  
14 here.

15 Schooling, the EIS for this project says  
16 that the schools already in West Maui are very  
17 crowded. They're giving the land for middle  
18 school -- excuse me, for an elementary school.  
19 What we really need is the building. We saw  
20 how long it took to get Kamehameha III  
21 improved, and this is asking for a whole new  
22 building. There's no money in this proposal  
23 to build that school, even though the land is  
24 there.

25 A middle school will also be needed,

1           since there will be many children living in  
2           this project who we know are from Central  
3           Maui. Do you want to continue crowding the  
4           middle school over here?

5                     The biggest problem, of course, is  
6           traffic and highways. To build Kapalua Mauka  
7           and to build this project will add enormous  
8           numbers of cars going back and forth across  
9           that Pali. Lahaina Bypass is only the section  
10          around Lahaina. It says nothing about  
11          Olowalu, the Ukumehame Road, and particularly  
12          the Pali Road. The Pali Road is like a bottle  
13          neck. It's like an hourglass. All the  
14          traffic over here of the workers, residents,  
15          tourists all over here will overly stress that  
16          road and make it very difficult for medical  
17          reasons to get back and forth, for tourists to  
18          get to the airport, for residents to get  
19          shopping if they want to go to Central Maui,  
20          et cetera.

21                    So I'm going to ask you, at a future  
22          meeting we'll be asking you to list certain  
23          conditions on this project, but I want to say  
24          that I'm hoping you'll go in this with open  
25          eyes, that although we want affordable housing

1 built, one possibility would be to require  
2 that this project be built before Kapalua  
3 Mauka is started.

4 MS. NAKATA: Three minutes.

5 MR. MAYER: That would allow for the residents of  
6 Maui-- everybody in this room has come here  
7 to say we want affordable housing. You'll  
8 hear that over and over again. No one is  
9 saying we need luxury homes. And so I would  
10 urge you to think -- consider what does this  
11 community need? And it's the same owner, same  
12 developer, and you can condition this because  
13 part of Kapalua's conditions related to this  
14 project with regard to affordable housing, you  
15 can say which project should be built first.  
16 And so I'm urging you to look at this as a  
17 complete package, how will it affect West  
18 Maui.

19 The EIS did not look at the highway  
20 between Lahaina and Maalaea, didn't even  
21 examine it really. It really looked only at  
22 the traffic in and around this area here and  
23 probably it will be helping it. I think with  
24 all the construction trucks, every rubbish  
25 truck from West Maui, from this area, has to

1 go to the Central Maui landfill. So the 1,500  
2 to 2,000 houses that you're going to add on  
3 here with this project in Kapalua Mauka plus  
4 the other ones and all the condos and  
5 time-shares that are going up, all those  
6 rubbish trucks are all going to have to go to  
7 Central Maui landfill.

8 MS. NAKATA: Four minutes.

9 MR. MAYER: That's an enormous load, and I hope you  
10 look at all of those issues. Thank you very  
11 much.

12 CHAIR MOLINA: Thank you, Mr. Mayer.

13 Committee Members, questions for the  
14 testifier? Member Anderson.

15 COUNCILMEMBER ANDERSON: Mr. Mayer, I'd like to ask  
16 you, you brought up the 13 acres for the  
17 school, but DOE, in their review of this,  
18 required a land component of 5.8 acres, and  
19 then a school impact fee, which would have  
20 totaled 2. -- roughly 2.4 million, and that  
21 would be a contribution to the construction of  
22 the school. And they're saying that at the  
23 build out, this is DOE, that there will be 239  
24 additional elementary students, 115 middle  
25 school students, and 136 high school students,

1           for an additional 490 students added to the  
2           area.

3                       And my question to you is: Do you think  
4           13 acres for a school site with no fair share  
5           contribution is really a fair way to go?

6 MR. MAYER: Well, the DOE, you know, has said that  
7           23 -- 2.3 million or so, which doesn't begin  
8           to pay -- the cost of an elementary school is  
9           somewhere in the order of 35 million, and so  
10          this is -- this will pay for a couple of  
11          classrooms. And then --

12 COUNCILMEMBER ANDERSON: It's a contribution.

13 MR. MAYER: It's a contribution, and I stand  
14          corrected, then, but the middle school there's  
15          nothing, no land, no finances being done for  
16          that. And the same thing goes for the  
17          highways. There will be a small highway fee,  
18          but the cost of building a highway from this  
19          point here, and they'll show on the maps the  
20          highway comes in, the Lahaina Bypass will come  
21          right into the lower end of their project,  
22          that highway from there all the way to  
23          Maalaea, over the Pali and every -- we're  
24          talking about a billion dollars, and ask how  
25          much of that they're willing to contribute,

1           because they will be adding loads and loads of  
2           vehicles to that project.

3                   I'm not saying we shouldn't build  
4           affordable housing. What I'm saying is let's  
5           make sure the developer, coupled with Kapalua  
6           Mauka's very generous provision of 690 luxury  
7           homes, that they pay their fair share of an  
8           impact fee that's going to affect everybody  
9           else in West Maui.

10   COUNCILMEMBER ANDERSON: Thank you.

11   MR. MAYER: Thank you.

12   CHAIR MOLINA: Thank you. Any other questions for  
13           the testifier? Seeing none, thank you,  
14           Mr. Mayer.

15                   Next to testify we have Justin Hughey,  
16           followed by Steven West.

17   MR. HUGHEY: Thank you. My name is Justin Hughey.

18           I am speaking in favor of Pulelehua. I'm a  
19           teacher at King Kamehameha III. I'm also on  
20           the HSTA political action. At Kam III we have  
21           720 kids, 500 of which are from Star Market up  
22           here in Kapalua, and so the school is looked  
23           at to be at around 550 kids. So right there,  
24           that's just supporting the fact that there's  
25           a -- there's land for a brand new elementary

1 is -- is a must.

2 Another thing, as a teacher, let's see,  
3 first the DOE spends \$20 million a year to  
4 train or recruit teachers to come here because  
5 of the teacher shortage, of which the majority  
6 leaves within three years. I've been here for  
7 two, and I have a master's degree and make 46,  
8 which breaks down to 1,200 every two weeks,  
9 and my rent for a one-bedroom, 500-square-foot  
10 apartment is \$1,200. I was up at Sunset  
11 Terrace and they went from, in two years,  
12 1,150 to 14.

13 So I work at Sansei as well. So just  
14 having the -- I mean, I can't do this, you  
15 know, into my 50s. So there's only a matter  
16 of time that I can, you know, be able to, you  
17 know, be here and contribute to the community,  
18 and, you know, bring that experience to the  
19 teacher and -- continued experienced teacher  
20 in a classroom.

21 As far as -- I was also on the Planning  
22 Commission too. I was overseeing that, and I  
23 walked the grounds and we looked at the  
24 airplanes that flew in, and as far as I'm  
25 concerned, I wasn't -- I didn't see a concern

1           there as far as the traffic from the planes.

2                       So I'm in favor of this as an  
3           individual, but also I would really like you  
4           to have a preference so that the people that  
5           go into the affordable housing are people that  
6           support the infrastructure, fire fighters,  
7           police officers, teachers. I know that's  
8           not -- that would take some work, but I would  
9           really like you to take a look at that. I  
10          mean, even if I don't get the house, you know,  
11          I still feel that the people that should be  
12          obtaining -- that have the right to stay here  
13          should be people that support the  
14          infrastructure.

15                       So just wanted to thank you for coming  
16          and speaking.

17   CHAIR MOLINA: Thank you, Mr. Hughey. Thank you for  
18          taking time -- for coming out on your very  
19          busy schedule. And you're currently a teacher  
20          at what school again?

21   MR. HUGHEY: King Kamehameha III.

22   CHAIR MOLINA: King Kamehameha III.

23   MR. HUGHEY: Yeah.

24   CHAIR MOLINA: And there's a lot of traffic  
25          congestion, as we all know, along Lahainaluna

1 Road?

2 MR. HUGHEY: Yes, yes, there is, but also I teach in  
3 one fourth of a trailer, that is 12 feet by  
4 six feet, of which would not be here if it  
5 wasn't for the hotels, Marriott and the two  
6 others that paid for it, and so I'm lucky to  
7 have that space, or else I would be in a --  
8 under a -- under a tent, of which -- I do have  
9 a portable that's -- I was told was on Maui  
10 and it's supposed to be coming to Kam III, but  
11 is contingent on Lingle releasing funds, but  
12 still the campus is -- the principals, their  
13 hands are tied.

14 CHAIR MOLINA: Okay.

15 MR. HUGHEY: It's a great school, and I really think  
16 that this would be excellent for the  
17 community.

18 CHAIR MOLINA: Okay, well, thank you. I can  
19 certainly appreciate, as a former teacher  
20 myself, understanding the resources -- the  
21 limited resources you have with a public  
22 school, you have quite a challenge.

23 We have a question for you from  
24 Mr. Victorino.

25 COUNCILMEMBER VICTORINO: Yes, thank you very much

1           for your testimony. I think you've hit the  
2           nail on the head for what this purpose of this  
3           development is. Because I think that's what  
4           we're trying real hard to make sure that these  
5           homes will be for the employees as well as  
6           people like yourself that live and work out  
7           here. Because that's the way we can alleviate  
8           or reduce the traffic, by keeping people in  
9           their areas --

10   MR. HUGHEY: Exactly, exactly.

11   COUNCILMEMBER VICTORINO: -- walkable communities,  
12           like you. So if you had an opportunity to buy  
13           there or even to rent there, would you look at  
14           that as an opportunity?

15   MR. HUGHEY: Definitely. Definitely. I'm  
16           already -- I mean, it's pretty much right now  
17           it seems like it's the only way that I'll be  
18           able to, you know, stay -- retire here and,  
19           you know, be able to work here and put in  
20           my -- live here and contribute to the  
21           community.

22   COUNCILMEMBER VICTORINO: Next question I have is of  
23           all that 500 or so students that you say live  
24           from Safeway that way on the other side, what  
25           is the farthest reach, the farthest student,

1           how far does that student have to come? And  
2           I'm going now to Honokohau Valley and beyond,  
3           what is the distance and how long do they take  
4           to come to school every day?

5 MR. HUGHEY: That's an excellent question, and I do  
6           not know. So I'm sorry about that. I'm sorry  
7           I don't have that answer.

8 MS. KAAIHUE (from the audience): (Inaudible).

9 COUNCILMEMBER VICTORINO: Pardon me?

10 MS. KAAIHUE (from the audience): I live in  
11           Honokohau Valley. The kids that take them --  
12           because the bus goes to Kamehameha III, then  
13           to Lahainaluna, and then to --

14 COUNCILMEMBER VICTORINO: Would you come up here so  
15           everybody can hear you, because --

16 CHAIR MOLINA: Excuse me, hang on, hang on, yeah,  
17           let me run the meeting, Mr. Victorino.

18           Ms. Kaaihue, if you want to come -- you  
19           need to talk in the microphone so we can hear.

20 COUNCILMEMBER VICTORINO: Excuse me, Mr. Chair, I  
21           didn't mean to take over your meeting. I  
22           apologize.

23 CHAIR MOLINA: No, no, no problem, but --

24 COUNCILMEMBER VICTORINO: I haven't said nothing all  
25           night. I just figured I'd ask a question.

1 CHAIR MOLINA: Okay, Mr. Victorino.

2 COUNCILMEMBER VICTORINO: Excuse me, process, you  
3 know, this is a process.

4 CHAIR MOLINA: Ms. Kaaihue.

5 MS. KAAIHUE: Okay, I did say I live in Honokohau  
6 Valley. We have approximately 25 kids in the  
7 valley, and they go to Kamehameha III school,  
8 Lahainaluna, and the intermediate school. I  
9 have two that goes to Princess Nahienaena;  
10 however, they're not able to ride the bus  
11 because we're out of district.

12 It takes them -- they leave home 6:45  
13 now, and then by the time they reach to  
14 Lahaina Intermediate it's ten to 8:00. So  
15 that -- because they go to elementary school,  
16 you know, they make their rounds, and by  
17 intermediate school it's almost 8:00, you  
18 know, and they can't change their schedule  
19 right now. Before it used to be 6:15, but  
20 this year it's 6:45 because they don't have  
21 enough buses. That's DOE.

22 COUNCILMEMBER VICTORINO: Well, thank you.

23 Thank you, Mr. Chair. That at least  
24 gets that question answered. Thank you very  
25 much.

1 CHAIR MOLINA: Thank you, Mr. Victorino.

2 Any other questions for Mr. Hughey?

3 Mr. Pontanilla?

4 VICE-CHAIR PONTANILLA: Thank you. Mr. Hughey, you  
5 mentioned about 500 kids from Star going  
6 towards Napili. How many of those kids are  
7 elementary grade levels?

8 MR. HUGHEY: Oh, all of them.

9 VICE-CHAIR PONTANILLA: All 500?

10 MR. HUGHEY: All of them that go to King Kamehameha  
11 III, none of them that are --

12 VICE-CHAIR PONTANILLA: That's quite a bit of kids.  
13 Thank you.

14 MR. HUGHEY: Yeah. Well, yeah.

15 CHAIR MOLINA: Okay, Members, any other questions  
16 for Mr. Hughey?

17 Thank you, Mr. Hughey, I know you've got  
18 to get up tomorrow morning and get to work.

19 MR. HUGHEY: Yeah, thank you.

20 CHAIR MOLINA: Thank you for all you do.

21 MR. HUGHEY: Mahalo.

22 CHAIR MOLINA: Next to testify, we have Steven West,  
23 followed by Patrice Moynihan.

24 MR. WEST: Hello, Chair Molina, Council Members. My  
25 name is Steven West. I'm here on behalf of my

1           brothers and sisters of the International  
2           Longshore Warehouse Union.

3                    You know, really thought a lot about  
4           what to say tonight, and one thing that keeps  
5           on coming back to me is we're in a state of  
6           emergency. We're losing so many of our local  
7           residents on a daily basis, and I'm seeing it  
8           firsthand, people that can't afford to live  
9           here, people that can't afford to buy a home,  
10          people that can't afford to pay rent because  
11          the rents are so high.

12                   That's why our union has really -- we  
13          really want to support this very strongly,  
14          because the affordable housing component, it's  
15          tremendous right now. And, you know, we  
16          have I can't tell you how many people that  
17          live in Kihei that commute back and forth.  
18          They work over here, can't find -- can't find  
19          a place to live. Hopefully this will give  
20          them an opportunity to live and work in the  
21          same area.

22                   I don't want to waste much of your time,  
23          but I know it's going to be a long night for  
24          you, but just really want you to support this  
25          project and let's get it off the ground, get

1           some affordable homes built quickly. Thank  
2           you.

3 CHAIR MOLINA: Thank you, Mr. West.

4                   Committee Members, questions for the  
5           testifier? Seeing none, thank you.

6 MR. WEST: Thank you.

7 CHAIR MOLINA: Next to testify, Patrice Moynihan,  
8           followed by Roy Katsuda.

9 MS. MOYNIHAN: Yes, good evening. It's Patrice  
10           Moynihan. Thank you so much for being here  
11           tonight. We really appreciate everything's  
12           been said. I was on a waiting list for an  
13           affordable rental. I'm an advocate for  
14           rental, and I was on a waiting list for one  
15           year to get into Front Street apartments.  
16           They're turning people away there daily,  
17           families, single mothers, all of them are  
18           working families.

19                   Everything that's been said here  
20           tonight, you've heard it before. You know  
21           what Pulelehua is trying to do. You know that  
22           they're trying to have a mixed use so that  
23           everybody, the grandmothers can live there,  
24           the working families can live there. You  
25           don't really need to hear this over and over

1           again. We waited a long time for something  
2           like this in our community, and I say to you  
3           there is vacant land out there. We shouldn't  
4           just be thinking about one development. We  
5           need many more than that and we need them  
6           very, very quickly.

7                     There's a piece of land adjacent to  
8           Front Street Apartments right now, Front  
9           Street Apartments, the land is owned by the  
10          Weinberg Foundation. Coincidentally, the  
11          piece of land that's adjacent to Front Street  
12          Apartments, a huge parcel of land, is also  
13          owned by the Weinberg Foundation, ready and  
14          willing to be plucked if we could just have a  
15          collective effort to approach the right  
16          people.

17                    I met with the Mayor. I met with the  
18          Housing Commissioner. I attended -- and you  
19          were there, I believe, Maui Economic  
20          Opportunity Conference, how to find affordable  
21          rentals on Maui. The answers are out there.  
22          We just need to work together to get the  
23          process moving. And we're here to work with  
24          you and to help you in any way that we can.  
25          And I very much appreciate Maui Pine -- Land &

1 Pineapple giving us an opportunity to come out  
2 and speak, and thanks again.

3 CHAIR MOLINA: Thank you, Ms. Moynihan.

4 Committee Members, questions for the  
5 testifier? Seen none, thank you.

6 Next to testify, we have Roy Katsuda,  
7 followed by Lucienne deNaie.

8 MR. KATSUDA: Good evening, Chair Molina and Council  
9 Members. My name is Roy Katsuda. I'm the  
10 Vice-Chair of the Maui Housing Council. I  
11 usually have a different hat. But tonight I'm  
12 Vice-Chair of that Council. The Maui Housing  
13 Council is made up of organizations, Lokahi  
14 Pacific, Na Hale O Maui, MEO, who am I  
15 forgetting, Hale Mahaolu, Habitat for  
16 Humanity, five, okay. We have heard the  
17 presentation on Pulelehua by Mr. Bosworth, and  
18 we just want to go on record that we're  
19 supporting the project. Thank you.

20 CHAIR MOLINA: Thank you, Mr. Katsuda.

21 Committee Members, questions for the  
22 testifier? Seeing none, thank you.

23 Next to testify, and the last person to  
24 have made the request to testify before the  
25 presentation, we have Lucienne deNaie. And

1           once Ms. deNaie is done, we will take a short  
2           recess to allow the applicant to set up their  
3           presentation for the rest of the public.

4           Ms. deNaie.

5   MS. deNaie: Thank you so much, Chairman Molina. I  
6           really appreciate a chance to testify before  
7           we have a long ride ahead of us. My name is  
8           Lucienne deNaie. I'm testifying on behalf of  
9           Maui Tomorrow. We've testified on this matter  
10          a number of times. We support the idea that  
11          affordable housing is going to come where it's  
12          needed in West Maui, and we really want the  
13          Council to consider how we can best share our  
14          future here.

15                 I heard some great things today at the  
16                 site visit, you know, really useful  
17                 information, 300,000 -- 3,000 of our ILWU  
18                 workers work here in West Maui. 35 percent of  
19                 the people who work here, whether they work  
20                 for the ILWU or not, commute. Hawaiian  
21                 Homelands hopes to provide some homes in land  
22                 adjacent to this. We really need these 500 or  
23                 so units of affordable housing, but we also  
24                 need the up to 5,000 units that Hawaiian  
25                 Homelands is looking at, the five to 700 units

1           that Kaanapali Development Corporation is  
2           proposing as affordable. And when you start  
3           adding all of these up, you're looking at  
4           maybe having five, 6,000 units of affordable  
5           housing, you know, over a period of time.

6                     So what I'm looking at is the water.  
7           Now, if each of these only use 500 gallons,  
8           like we folks in Haiku do, well, you'd need  
9           about 3 million gallons a day, but not too  
10          many places on the West side use that little  
11          water, so you're going to need more. So I  
12          really urge this Council to make sure there's  
13          going to be enough water for everybody to  
14          share, that there's going to be enough sewage  
15          capacity for everybody to share, because these  
16          are all worthwhile projects, are all going to  
17          be built over time, some faster than others,  
18          but we really want to make sure that there is  
19          like a balanced approach here.

20                    You know, I attended a briefing by the  
21          USGS, and I'm sure some of you also have heard  
22          this at the Council, where our recharge in  
23          this area is down 44 percent, and this is like  
24          a long-term view. They started out in 1926,  
25          compared the pre-agricultural years up to '76

1 with what we've had in the last four years.  
2 We're just not getting the amount of water  
3 back in here because agriculture is not  
4 putting it back in and the rain has gone down.

5 So when we're planning these things, we  
6 might need to look at planning each of them a  
7 little bit smaller and emphasize the  
8 affordable aspect of it. If we have to cut  
9 anywhere, I think, you know, we need to err on  
10 the side of allowing the affordable aspect.

11 Also, I just have a private concern  
12 here, and that is on the soil. And I urge the  
13 Council to ask the applicant if the soil has  
14 been tested, because pineapple is notorious  
15 for having a number of contaminants that drift  
16 down into the water table and sometimes  
17 they're in the soil as well, not always, so we  
18 should know. We're going to have a school.  
19 We're going to have parks here. We're going  
20 to have backyards where families live.

21 MS. NAKATA: Three minutes.

22 MS. deNAIE: It's something we really, really want  
23 to know about.

24 Also, I'm sure you would want to know  
25 how the layout is going to be. I wanted to

1 know more after the site visit today, but are  
2 the -- are all the units going to be mixed  
3 together as we've been described or are there  
4 going to be like higher end neighborhoods and  
5 lower end neighborhoods? So it would be good  
6 to make sure they're really a mix, because  
7 that would be a model for our future. Thank  
8 you very much.

9 CHAIR MOLINA: Thank you, Ms. deNaie.

10 Committee Members, questions for the  
11 testifier? Ms. Anderson.

12 COUNCILMEMBER ANDERSON: Yes, just a quick question,  
13 Lucienne. Thanks for coming all the way over  
14 here, by the way.

15 MS. DeNAIE: I've been here five times already for  
16 the Land Use Commission and the Planning  
17 Commission hearings on this.

18 COUNCILMEMBER ANDERSON: Well, we appreciate your  
19 stick-to-it-iveness. You mentioned that DHHL  
20 has lands adjacent, and I heard you say 5,000.

21 MS. deNAIE: Well, they have lands adjacent and then  
22 they have lands over by Leialii, you know,  
23 near where we are here.

24 COUNCILMEMBER ANDERSON: So that 5,000 number was  
25 for all the land?

1 MS. DeNAIE: Yeah, yeah, yeah, surrounding, but,  
2 see, the aquifers that supply water here, the  
3 most productive aquifers are not everywhere in  
4 Lahaina. They're more Honokowai to Honolulu,  
5 so they're going to have to bring water, I  
6 would guess -- I mean, I don't know the water  
7 plan for this particular development, but you  
8 guys should. That's -- I see Mr. Eng is here,  
9 so maybe he can help.

10 COUNCILMEMBER ANDERSON: Do you know how many homes  
11 DHHL plans on the parcel next to this project?

12 MS. deNAIE: I do not. I'm getting my figures from  
13 the charts they give us at GPAC, and, you  
14 know, one development is 1,500 units, another  
15 is 3,000 something, another is something,  
16 and --

17 COUNCILMEMBER ANDERSON: But the total 5,000 is West  
18 Maui.

19 MS. DeNAIE: Yes, it's West Maui itself, yeah, yeah.

20 COUNCILMEMBER ANDERSON: Okay, thank you very much.

21 CHAIR MOLINA: Thank you, Ms. deNaie.

22 Committee Members, questions for the  
23 testifier? Seeing none, thank you for your  
24 testimony, Ms. deNaie. I know you folks had a  
25 long day today joining us for the site

1 inspection as well.

2 MS. deNAIE: Thank you, Mr. Molina.

3 CHAIR MOLINA: Okay, folks, we're going to take a  
4 short recess, about -- Mr. McNatt, how much  
5 time do you need, five minutes? Okay,  
6 five-minute recess for the applicant to set up  
7 their presentation. Meeting in recess.  
8 (Gavel).

9 **RECESS: 7:28 p.m.**

10 **RECONVENE: 7:34 p.m.**

11 CHAIR MOLINA: (Gavel). The Land Use Committee  
12 meeting for September 5th, 2007 is now back in  
13 session. We have Mr. Bob McNatt from Maui  
14 Land & Pine to do a presentation.

15 Mr. McNatt.

16 **Note: Computer-generated presentation.**

17 MR. McNATT: Thank you, Mr. Chair. Good evening and  
18 aloha, Members of the Committee. I am Bob  
19 McNatt, President of Community Development for  
20 Maui Land & Pineapple Company, and thank you  
21 for setting us on your agenda. We appreciate  
22 that. We're going -- I'm going to have a very  
23 brief presentation. In fact, the Lahaina  
24 seniors have already done most of my  
25 presentation for me. I want to thank May for

1           that. I asked her to do my presentation  
2           again, but she refused to do it, so -- she's  
3           very good.

4                        This is the lands that Maui Land &  
5           Pineapple owns on the West side. If you can  
6           see this dashed line that goes up to the top  
7           of Pu`u Kukui and around from Nakalele Point  
8           down to just past the Kapalua West Maui  
9           Airport. It's about 23,000 acres, and the  
10          area on the most mauka, this area here is Pu`u  
11          Kukui Preserve. Just below that is another  
12          area of conservation land, the Pu`u Kukui is  
13          roughly about 8,000 acres, and the other  
14          conservation in this location is about roughly  
15          3,500 acres.

16                      The area here in orange, or pineapple  
17          color, is agricultural lands. That's zoned  
18          Agriculture, State designation right now. And  
19          most of our agriculture or our pineapple  
20          production is in this area here, a little over  
21          2,000 acres of Maui Gold Pineapple. The other  
22          component is the Kapalua Resort, which is  
23          about 2,000 acres. Then we have Pulelehua on  
24          the most southerly portion of our -- of our  
25          West Maui holdings.

1           Just quickly, Pulelehua is really  
2           designed -- it was designed by the West Maui  
3           citizens. In, fact all of Maui, we had over  
4           600 people show up at some meetings about  
5           three years ago, and they wanted to create  
6           something that was -- that was special that  
7           had a lot of affordable housing, had a mix of  
8           uses, included a school, parks, and was a  
9           great place to live. And that's really the  
10          theme we've been working on since the  
11          community got together to plan it.

12           And to take you back a little bit, about  
13          five years ago we at Maui Land & Pine began to  
14          realize we were losing employees because they  
15          couldn't afford to live here anymore. So we  
16          started thinking about where we could do not  
17          just an affordable housing project, but  
18          something to make a real difference. And when  
19          Mayor Arakawa came to us about -- maybe a  
20          little over three and a half years ago, he  
21          said, where can we do an affordable housing  
22          project on Maui? Because the problem was  
23          really becoming acute. Since that time, of  
24          course, since three and a half years ago when  
25          we started this process, housing has doubled

1 in West Maui. The median price now is over a  
2 million dollars. So it's gotten even -- even  
3 tougher. And at that time we also had support  
4 from now Mayor Tavares to move forward with  
5 this process and begin a community planning  
6 process to create the -- this community.

7 To put it in perspective on an aerial,  
8 we've got the Kapalua West Maui Airport here.  
9 Kapalua is located over here. Kaanapali here.  
10 This is the Honoapiilani Highway along the  
11 makai side here. And this red line here  
12 represents a hoped for final connection to the  
13 Lahaina Bypass.

14 You can see that it's adjacent to urban  
15 development now. It is State designated Urban  
16 at this point. This is the DHHL property.  
17 It's about 1,200 acres immediately adjacent to  
18 Pulelehua. We haven't heard of any detailed  
19 plans at this point. We did go through a  
20 process when we were doing the charrette to  
21 include this area here in a design process  
22 with the DHHL to basically make it an  
23 extension of Pulelehua, and you can see the  
24 roads when you see the plans that kind of go  
25 into that, and they would kind of like to do

1           that, I think, keep it -- keep it sort of a  
2           TND, or traditional neighborhood design for  
3           that area, but more rural in this area as far  
4           as we've heard, but I haven't seen any plans  
5           lately.

6                         These are the other infrastructure  
7           components that are near the site. We have  
8           the County water treatment facility just mauka  
9           and uphill. We have the County reservoir, our  
10          one reservoir here, and the west -- the West  
11          Maui water treatment plant or wastewater  
12          treatment plant is located right there. Of  
13          course we mentioned the bypass as well here,  
14          so it's right -- right in the middle of two  
15          major employment centers. It's next to or  
16          very close to infrastructure. It's a great  
17          location, and it's next to existing  
18          development.

19                        We also -- I also wanted to point out  
20          that this was probably one of our toughest  
21          sites to farm because of its location. Our  
22          base yard is over in this area here, the  
23          Honolua base yard is right about where? Right  
24          in here, I think. Maybe it's a little further  
25          this way. No, it's right there.

1           So the base yard area is where we start  
2           our Ag operations, and these are our -- these  
3           lands here are most productive for Maui Gold  
4           Pineapple. This was a little bit tougher site  
5           because of -- because of the adjacency to  
6           existing development and the access issues  
7           related to that.

8           We started this process about three and  
9           a half years ago. We went through a public  
10          charrette workshop process that took place  
11          about nine days. We invited everybody in Maui  
12          to attend. We sent out about 10,000  
13          invitations to everybody in West Maui, put it  
14          in the newspaper. We ended up having about  
15          300 people at the Ritz Carlton for the initial  
16          design discussions the first evening, and then  
17          the next -- really over the next week or the  
18          next day we had about a hundred people show up  
19          and draw up plans, multiple plans, and then  
20          over the next week we had close to 600 people  
21          show up to really create the plan for the  
22          community.

23          And they came up with these -- these  
24          principles for what they wanted to see. A  
25          compact sustainable community, meaning that it

1           would take up as little land as possible but  
2           create the most impact for affordability and  
3           the cultural things that you need in order for  
4           a community to work. Affordable housing with  
5           dignity. Mixed uses for livability. True  
6           Hawaii. Connectedness. Walkable and  
7           bike-able neighborhoods. This was the plan,  
8           refined somewhat since that community effort,  
9           but basically the same plan. I'll take you  
10          quickly through it.

11                 There are three neighborhoods, one to  
12          the north, just -- if you can see the red dot,  
13          just above Kahana Ridge. By the way, this is  
14          Kahana Ridge in here, Kahana Nui, the central  
15          neighborhood, and then the most southerly one.  
16          There is the school site. It's 13 acres, as  
17          was point out before. There's the core area,  
18          which is also -- it's a mixed use, the retail  
19          downstairs and the opportunity to do one or  
20          two stories of apartments or offices upstairs.  
21          It's only about 20,000 square feet of  
22          dedicated retail. It's just enough to serve  
23          this community. It's not intended to bring  
24          anybody from the outside, and that's why it's  
25          not located on the highway. It's located back

1 in the community where it belongs.

2 This is an example, actually, from  
3 Wailuku, a very good example of mixed use with  
4 retail and other uses upstairs. These are the  
5 sites that we would envision to have civic  
6 uses, which could be a church or community  
7 center or a Boys & Girls Club or a wellness  
8 center. Example of a church that would go in  
9 that corner. That's the green -- the green  
10 space area within the project. *(End of tape)*.

11 We do have a major gulch on -- in this  
12 location, and then it's right on the edge of  
13 this other gulch, the most northerly gulch.  
14 There's a minor one here. It's actually more  
15 of a drainage, which we're going to convert  
16 more into an active parks and a little bit of  
17 passive park. So there's great opportunities  
18 for parks. In fact, no child in this  
19 community will have to walk more than about a  
20 block and a half to get to a place to play.

21 So the land use summary is that there's  
22 about 136 acres of parks and open space, which  
23 is 44 percent of the site; 161 acres of homes  
24 and roads, that's about 52 percent; and then  
25 the 13-acre school site, which is 4 percent,

1           310 acres; 36 active play areas for the kids  
2           distributed in every neighborhood throughout  
3           the community.

4                   They also wanted affordability and  
5           affordable housing with dignity. And that  
6           really means that the affordable homes are  
7           distributed throughout the community. They  
8           look like the other homes. They look like the  
9           market-rate homes, and in fact in this  
10          community there will be more of them -- many  
11          more of them than the market-rate housing. So  
12          more than half will be affordable. There will  
13          be both rental and for sale units, and we've  
14          also included an additional 100 units that  
15          will be below market rate that sometimes is  
16          called gap -- the gap units.

17                   I wanted to mention that there are --  
18          you've seen these numbers before probably, but  
19          we're proposing 882 total units in the  
20          project. There will be 125 affordable  
21          rentals, 325 affordable for sale, and the 100  
22          gap units, so there will be 282 market-rate  
23          units of the 882, so you can see the bulk of  
24          the units will be in the affordable and the  
25          gap units.

1           We're also proposing that there be  
2           ohanas allowed, a maximum of 267 ohanas on the  
3           single family lots. Those are extremely  
4           important to this kind of a community.  
5           Density is our friend when we're talking about  
6           traditional neighborhood design. You want as  
7           many people living there as you have planned  
8           for, and the ohanas have been planned for in  
9           this project. Some cases we want them to be  
10          built right on the rear lanes to provide  
11          security for rear lanes to activate certain  
12          areas with population, and, frankly, those are  
13          pretty much all going to be affordable units,  
14          another 200 some of studio type or perhaps  
15          even one-bedroom affordables, so they're very  
16          important.

17                 This is a land use layout. It's  
18          difficult for you to see the color, but  
19          basically in the center here the red or darker  
20          colors are a little bit higher density, and  
21          then as you move out to the edge you've got  
22          fairly typical single family homes. These  
23          are -- these lots are going to range from  
24          4,000 to about 6,000 square feet. Some of  
25          them go up to -- in some locations up to about

1           7500, and then we have more of an estate  
2           product here that blends well with the Kahana  
3           nui community.

4                    But the real reason I wanted to show you  
5           this was to show you the distribution of  
6           affordables. They're distributed in pretty  
7           much every block in all the neighborhoods  
8           throughout the entire project, and that's --  
9           that's our goal, is to make sure that  
10          affordable housing is distributed so that it  
11          blends in completely within the community.  
12          It's not separated out. It's not an  
13          affordable project or housing project  
14          isolated.

15                   So there would be many housing choices,  
16          and that's one of the ways you achieve  
17          affordability. You have a lot of different  
18          kinds of products, from apartments, to  
19          townhouses, to cottages, to larger single  
20          family homes, and in this case this house here  
21          is actually a five-unit apartment building.

22                   Mixed uses for livability. So what do  
23          we really mean about -- by that? It means  
24          that people need to have a reason to walk in  
25          order to walk in a community. If it's just

1 all residential, they're not going to walk,  
2 other than for exercise, or to maybe visit a  
3 friend, but if you've got a reason to walk  
4 some place, a corner market, in this case we  
5 have a corner store, we have an apartment  
6 building here and then a single family home,  
7 but we'll have a school, parks, stores all  
8 within a quarter mile walk of every one of the  
9 neighborhoods, and that will encourage people  
10 to not get in their car, but to walk and  
11 socialize with their neighbors. So some  
12 examples of mixed use buildings and streets.

13 True Hawaii. That means that we want  
14 the architecture and the landscaping to look  
15 like -- excuse me, look like you actually are  
16 in Maui, and not anyplace else.

17 Connectedness. You can see it's a grid  
18 of streets that follows the terrain and allows  
19 for very easy circulation throughout the  
20 community and also to the highway. There  
21 isn't just one connection to Honoapiilani  
22 Highway. There are several. This case the  
23 darker color here are the streets. This brown  
24 color, the lighter color is the trail system.  
25 It goes through and around completely around

1 the entire community.

2 So an example in the core area, this is  
3 Honoapiilani Highway down here. If there's  
4 any DOT guys here, the traffic circle doesn't  
5 really exist, but maybe it's a dream that we  
6 have some day, but we have about a 200-foot  
7 setback here from Honoapiilani Highway to the  
8 first buildings, and then you'll see a grid of  
9 streets that makes circulation very easy  
10 within the community. There's also a series  
11 of rear lanes that will serve the garages and  
12 the service areas behind the commercial and  
13 the residential.

14 Then in the core area where the  
15 commercial is, which is right in here and  
16 here, this is the main street here, we have  
17 the primary parking lot. Other than street  
18 parking, we have the primary parking lot  
19 behind the buildings and hidden, and of course  
20 landscaped, and that allows you to have a  
21 great pedestrian experience along here without  
22 any missing -- missing teeth, per se, where  
23 people will walk along here to do shopping  
24 or -- or just look at the -- do some window  
25 shopping. So the parking is in the back,

1           which is the ideal situation. And that's a  
2           trail system that runs through the setback and  
3           around the project.

4                   And they're walkable and bike-able  
5           neighborhoods. This is an example of a street  
6           that's built for cars. It's wide. It's got a  
7           huge turning radius here so you can probably  
8           take that turn at about 35 miles an hour. And  
9           it's not really designed for pedestrians or  
10          people to walk, but this one is, and that's  
11          what we're intending to do in Pulelehua, is to  
12          create streets that are great streets that  
13          people will want to walk and get out of their  
14          cars.

15                   We also think that Pulelehua will  
16          provide some transportation solutions. Yes,  
17          it will increase traffic, but the numbers are  
18          nominal, believe it or not. During peak hour  
19          in the morning it's about -- it's about 50  
20          trips south of Lahaina. In the afternoon, it  
21          ranges from 50 to 100 trips with this project  
22          at build out, and that's without the Lahaina  
23          Bypass.

24                   We fully support the Lahaina Bypass now  
25          and everything it's doing. In fact we

1           incubated that, and it's really becoming a  
2           great organization and provide a tremendous  
3           support to the County and the State, and has  
4           also worked very closely with the hotels and  
5           Vanpool Hawaii to begin to get people out of  
6           their cars and into transit.

7                        We also think that the elementary school  
8           in Pulelehua is going to make a big  
9           difference. The number has been thrown around  
10          300 to 500 kids north of Kaanapali, and we  
11          think it's about 300 elementary kids right  
12          now, maybe a little bit more than that. Those  
13          kids will not have to be driven to Lahaina  
14          once the school's done. They will stay in  
15          Pulelehua.

16                       And there's also, of course, a great  
17          opportunity to have a lot of people move to  
18          the West side that are currently commuting,  
19          which has been discussed.

20                       The airport has been brought up in  
21          various places, but I just want very quickly  
22          to say that the County Council set severe  
23          restrictions on the airport when it was built.  
24          There's no jets allowed, no night flights, no  
25          helicopter flights, no private airplanes. You

1           can't expand anything. You can't expand the  
2           terminal or anything without the County  
3           Council's approval. There's only 13 flights a  
4           day. They're allowed to do 35, but that  
5           remains to be seen if that will ever happen,  
6           but 13 a day right now. And this project,  
7           within the airport area, meets all of the  
8           Federal noise and safety guidelines, and the  
9           airport has an excellent record for safety.

10                   This is the school site. I pointed out  
11           before on the master plan. It's 13 acres,  
12           which we'll be donating to the State, along  
13           with \$2 1/2 million for either design or  
14           construction, and then they will fund the  
15           school like they do all the other schools  
16           through the school funding program at the  
17           legislature, but it will be designed for 550  
18           children, about 300 of those will be from  
19           outside of Pulelehua, and the other 230 or so  
20           will come from Pulelehua.

21                   So, again, Pulelehua is for the working  
22           families of West Maui, or of Maui.  
23           Affordable. Both for sale and rental homes  
24           will be provided. Highly liveable  
25           environment. And, you know, design is very

1 important in communities. You'll notice in  
2 small towns across Hawaii and the United  
3 States, the rest of the United States, small  
4 neighborhoods and small towns have beautiful  
5 streets like that one I showed with the trees,  
6 they have houses with front porches that are  
7 closer to the street so people can sit on the  
8 front porch and say hi to their neighbor as  
9 they walk by to the store. They encourage  
10 cultural activities and social interaction,  
11 and that's what we're trying to do. We're  
12 trying to create a real liveable community.  
13 Of course the parks and the school and the mix  
14 of uses will all make a huge difference, and  
15 of course we want to create a great place at a  
16 reasonable price.

17 The community did such a great job of  
18 planning Pulelehua that they won an award in  
19 2005 from the American Planning Association  
20 at -- for planning an affordable housing.

21 So that concludes my presentation. I  
22 really appreciate your time. We thank you for  
23 coming out to West Maui, and by the way, we  
24 have here a -- this isn't pineapple. This is  
25 actually a thousand letters of support for the

1 project that we've received from supporters  
2 that I'm going to pass to your Administrative  
3 Staff.

4 CHAIR MOLINA: Okay, thank you very much,  
5 Mr. McNatt.

6 Members, we're going to take a short  
7 recess. I know you may have questions for  
8 Mr. McNatt, but out of courtesy to the public,  
9 we do have 33 people who have been waiting  
10 patiently to testify, so if there are no  
11 objections, I would like to give the public  
12 the first opportunity to testify. And once we  
13 complete public testimony, and depending on if  
14 time permits, then we'll have a  
15 question-and-answer session with the  
16 applicant.

17 So, Members, do you need a recess or do  
18 you want to just go into public testimony?  
19 What is the will of the body?

20 COUNCIL MEMBERS: Go.

21 CHAIR MOLINA: Okay, so ordered by the body, we  
22 shall continue with public testimony.

23 Megan Webster, to be followed by John  
24 Roberts. Megan Webster? And, again, just a  
25 reminder of the ground rules, three minutes

1           and one minute to conclude, and please state  
2           your name and any organization that you may be  
3           representing.

4                     Good evening, Ms. Webster.

5                             ...**CONTINUE PUBLIC TESTIMONY**...

6   MS. WEBSTER:   Good evening.  Thank you very much,  
7                     Committee Members.  Oh, thank you very much.  
8                     My name is Megan Webster.  I'm here in support  
9                     of Pulelehua.  About a year and a half ago I  
10                    got a job offer from Maui Land & Pineapple,  
11                    which I accepted.  I was living over in Haiku  
12                    and couldn't stomach the three-hour commute  
13                    back and forth, and so my family and I moved  
14                    over to the West side.

15                    When we moved over I had a really  
16                    difficult time finding housing, not a lot of  
17                    affordable units were available, actually, not  
18                    many at all.  We ended up finding housing at  
19                    45 Ala Hoku Place, which is actually the road  
20                    right next to the airport.  You might have  
21                    seen the unit today as you were out on your  
22                    site visits.  It's a large brown house on the  
23                    corner.  It is a unit that's broken up into  
24                    four units.  So we lived there for a year, and  
25                    our rent was \$2,300, which was pretty steep

1           for us, but, as I said, the cost was better  
2           than me commuting three hours a day. So we  
3           made the move.

4                        We since then have found a more  
5           affordable unit, so we've moved out of that  
6           place, but because we've lived in proximity to  
7           where Pulelehua is going in, I just wanted to  
8           provide testimony to the fact that we had no  
9           adverse problem -- or we had no problems with  
10          the proximity to the airport. I felt  
11          completely comfortable and safe having my  
12          family there, and I loved the opportunity to  
13          be close to where I work. And my family  
14          really looks forward to the opportunity to  
15          have an affordable house in the area. So  
16          thank you very much, and aloha.

17 CHAIR MOLINA: Thank you, Ms. Webster.

18                        Committee Members, any questions for the  
19          testifier? Seeing none, thank you.

20 CHAIR MOLINA: Next to testify, John Roberts,  
21          followed by James Ard.

22 MR. ROBERTS: Committee Chairman and Committee  
23          Members, my name is John Roberts and I live in  
24          North Kihei. I come to you as an individual  
25          not associated with a group or a coalition. I

1 am almost a 20-year haole here on Maui, and I  
2 have lived in Kihei all this time. I came to  
3 Maui to do work for the Maui Pineapple  
4 Company, and I worked for them throughout the  
5 1990s.

6 At Maui Pine I met a lady named Molly  
7 Barton. We enjoyed conversations together and  
8 we soon became golfing buddies. This followed  
9 with us becoming companions, and we lived  
10 together for many years. Molly had worked at  
11 the Maui Pine for 36 years when she heard  
12 about Puhuleo [sic], and we quickly got on the  
13 mailing list and we went on our -- to the  
14 first open meeting regard Puhelu [sic], and we  
15 signed up for a home and we're number seven on  
16 the list of that first shot.

17 Molly and I had great -- had a great  
18 time making long-range plans, and Molly was  
19 going to retire in February of 2007. We were  
20 going to make plans to move to Pulele [sic].  
21 At age 60 she was going to be the first-time  
22 owner of a home. I lost Molly to cancer, and  
23 she was not able to have that dream. Excuse  
24 me.

25 I previously mentioned I lived in the

1 north end of Kihei, and for the past 12 years  
2 I have lived in Kihei Villages near the  
3 intersection of Mokulele Highway and Pi'ilani  
4 Highway. This area is a tradewinds funnel for  
5 the smoke, ash, and dust where there is sugar  
6 cane burning and when there is field  
7 preparation for the next crop. Also for the  
8 past two or three years road work is being  
9 done on the Mokulele Highway with dust and  
10 dirt into the air, to the point that I've come  
11 up with a dry rough cough.

12 I want to move to a beautiful area like  
13 Pulele -- Pulelehua. I'm -- yeah, close to a  
14 beautiful area like Pulelehua where the fresh  
15 air comes off the ocean, the rain cleans the  
16 sky, and breathing is healthy. Thank you.  
17 And I talked with the personnel at Pulelehua,  
18 and they have permitted me to stay on the  
19 buyer's list, and I am looking forward to  
20 living at Pulelehua. When I move there, it is  
21 my intention to apply for light work at the  
22 Maui Land & Pineapple Company.

23 To this Committee, I ask you to please  
24 support the program.

25 MS. NAKATA: Three minutes.

1 MR. ROBERTS: I finish by saying that I have found  
2 that I live on a seven-year cycle. Pulelehua  
3 has been with us for about four years and is  
4 scheduled for the year 2010, I've been told,  
5 and for me that will be the seven years.  
6 Seeing the growth and the construction in West  
7 Maui today, Pulelehua will be welcomed with  
8 open arms in 2010. I thank you very much.

9 CHAIR MOLINA: Thank you, Mr. Roberts, and your  
10 perseverance at pronouncing Pulelehua is much  
11 appreciated.

12 Committee Members, questions? Member  
13 Anderson.

14 COUNCILMEMBER ANDERSON: Yeah, thank you, Chair.

15 Mr. Roberts, you say that you're on a  
16 waiting list. There's a buyer's list for  
17 Pulelehua?

18 MR. ROBERTS: There was originally, and now I  
19 understand it's going to go for a lottery.  
20 I've been -- I asked somebody that and that's  
21 what I found, that there -- I don't know what  
22 happened to the list, but --

23 COUNCILMEMBER ANDERSON: How did you get on the  
24 list?

25 MR. ROBERTS: Signing it. And oh, and with Molly,

1 my sweetheart, she -- with all her years at  
2 the Maui Pine, there was that ability to get  
3 on the list.

4 COUNCILMEMBER ANDERSON: Because she was an employee  
5 of Maui Land & Pine?

6 MR. ROBERTS: Yeah.

7 COUNCILMEMBER ANDERSON: And so now the list no  
8 longer exists?

9 MR. ROBERTS: What's that?

10 COUNCILMEMBER ANDERSON: You said the list no  
11 longer --

12 MR. ROBERTS: I don't know. Maybe somebody else  
13 could answer that question. I don't know  
14 about that.

15 COUNCILMEMBER ANDERSON: When did you sign up?

16 MR. ROBERTS: It's been three years ago now.

17 COUNCILMEMBER ANDERSON: Okay, thank you very much.

18 MR. ROBERTS: Certainly.

19 CHAIR MOLINA: Thank you, Mr. Roberts.

20 Seeing no other questions, we'll go to  
21 our next testifier, which is James Ard, but  
22 before we hear from Mr. Ard, I've been advised  
23 from Akaku that all testifiers, please, if you  
24 can put the microphone closer to your mouth so  
25 you can be heard loud and clear. We have a

1 live feed tonight throughout the State of  
2 Hawaii, I believe, or is it just Maui County?  
3 But a lot of folks are tuning in, so I'm sure  
4 the folks out there would love to hear your  
5 voice, and so please talk to the mike as much  
6 as possible.

7 Okay, Mr. Ard.

8 MR. ARD: Aloha, Council Members. Thank you for  
9 this opportunity to testify. My name is  
10 Dr. James Ard. I have lived and worked on  
11 this wonderful island of Maui for the -- since  
12 1995, and for the past 11 years I've had the  
13 opportunity to work as a family physician at  
14 Kaiser Permanente here in Lahaina.

15 In my -- I've been here except for the  
16 times I get called away for Army Reserve duty.  
17 In my capacity as a physician, I've had close  
18 contact and opportunity to talk personally  
19 with thousands of Maui residents, mostly here  
20 on the West side. These patients sometimes  
21 tell me not just about their medical problems,  
22 but also about other difficulties and stresses  
23 that affect their lives and health. One of  
24 the topics that comes up frequently both  
25 directly and indirectly is related to housing

1 stress.

2 Over and over again I've seen residents  
3 with medical ailments who -- who need  
4 something more than just another pill to take.  
5 For instance, adequate rest, exercise, and  
6 diet are important. When I ask -- when  
7 there's a problem in this area, a frequent  
8 answer I hear is I have two full-time jobs,  
9 which I have to work or I can't pay for my  
10 rent or for my housing payment. And then they  
11 say I don't have time to exercise because I'm  
12 exhausted after these long hours. And then I  
13 often eat when I can, which is often fast  
14 food, or not the thing that's best for their  
15 health.

16 So the average person lucky enough to  
17 buy their own modest home sacrifices life,  
18 health, and family to pay for it with multiple  
19 full-time jobs. Many others dearly wish to  
20 buy a house, simply can't afford it, and live  
21 in an expensive rental or another small room  
22 tacked onto their parents' house. This is  
23 frequently the reality of our paradise here in  
24 West Maui.

25 Pulelehua will provide an opportunity

1           for many here on the West side to finally have  
2           their own home in a well-planned community  
3           with a sense of ohana, and the presentation I  
4           think was pretty clear and shows what it can  
5           do for people.

6           I urge your approval and support for  
7           Pulelehua and our ohanas here on the West  
8           side. Thank you for this opportunity, and I'm  
9           happy to answer any questions.

10 CHAIR MOLINA: Thank you, Doctor.

11           Committee Members, questions for the  
12           testifier? Seeing none, thank you for your  
13           testimony.

14           Next to testify we have Karen Stange,  
15           followed by Tamara Paltin.

16 MS. STANGE: Hi. My name is Karen Stange. I go by  
17           Niki. And I want to thank the Committee for  
18           coming to West Maui. Thank you very much,  
19           Committee and Chair.

20           Absolutely let's have affordable  
21           housing, and let's have affordable housing  
22           that contributes to the quality of life, and  
23           also affordable housing that's safe. And I  
24           have a couple concerns around this. Oh, first  
25           of all, I wanted to say that I -- I wanted to

1 second a previous testifier's comments about  
2 having this development be done, if it is  
3 approved, in advance of Kapalua Mauka. I  
4 think that's an excellent idea. And I also  
5 think another really great idea is if you all  
6 can make it 100 percent affordable. I think a  
7 lot of people would be very happy about that.

8 But in terms of quality, the quality of  
9 life issue, I mean, I -- I just really have a  
10 hard time reconciling it being right next to  
11 the airport, actually kind of beneath the  
12 airport. And as Mr. McNatt pointed out, Maui  
13 Land & Pine does have 23,000 acres on Maui,  
14 5,800 acres currently in pineapple  
15 cultivation, and I just gotta ask the  
16 question, is this really the best that can be  
17 offered to the hard-working residents of Maui  
18 County?

19 And then also a school, you know,  
20 putting a school in that area, aside for major  
21 safety issues, which is a huge aside, the  
22 noise impact on the learning environment. As  
23 Mr. McNatt said, there's 13 flights per day.  
24 That's 26 daily take offs and landings, and I  
25 might be incorrect about this, but on page 107

1 of the FEIS, I believe it said there were 70  
2 allowable per day at that airport.

3 How loud are the planes? Well, you  
4 know, I swim once a week at Kahekili, at  
5 Airport Beach, and I can hear the planes  
6 underwater. So I have a hard time  
7 understanding what kind of educational  
8 experience that's going to be.

9 Then, you know, in terms of safety  
10 issues, I'm not an expert. I'm a mildly  
11 observant citizen. And there's several  
12 serious unresolved issues in the final EIS.  
13 Where is the water going to come from?  
14 Where's the -- is there wastewater treatment  
15 capacity? Has the soil been tested? Is the  
16 soil safe for children after years of  
17 agricultural use? So if it's going to go  
18 there, make sure it's safe for the community.  
19 Test the soil and demand that there be some  
20 sort of soil remediation if there's found to  
21 be problem chemicals there.

22 Also in the map that I just saw here I  
23 was a little concerned that it looks like the  
24 fields up above are going to continue to be in  
25 pineapple cultivation, and I'm wondering if

1 farming continues in the area how the  
2 residents and school children would be  
3 affected by pesticide drift and ag runoff.  
4 There's a lot of chemicals that are used.  
5 There's, I mean, four that I know of that can  
6 cause really serious problems, coughing,  
7 nausea, headaches, things like that. So I  
8 hate to be a downer, but I just wanted to  
9 bring up some concerns that I just --

10 MS. NAKATA: Three minutes.

11 MS. STANGE: -- in looking over the information saw  
12 and really think that these things need to be  
13 addressed, because we absolutely need  
14 affordable housing. But in our desperation  
15 for it, let's not sacrifice quality of life  
16 and safety. Thank you.

17 CHAIR MOLINA: Thank you, Ms. Stange, and my  
18 apologies for mispronouncing your last name.

19 MS. STANGE: That's okay. Just about everybody  
20 does.

21 CHAIR MOLINA: Okay. Thank you. Committee Members,  
22 questions for the testifier? Seeing -- oh,  
23 Member Anderson.

24 COUNCILMEMBER ANDERSON: You know, we've been  
25 talking all night about affordable housing,

1           it's really -- a really popular phrase, but  
2           what is affordable? What would be affordable  
3           to you? I haven't heard one mention of what  
4           affordable means in this project.

5 MS. STANGE: I think it's --

6 COUNCILMEMBER ANDERSON: And I actually haven't seen  
7           any in any of the documentation, so to you,  
8           what would be affordable?

9 MS. STANGE: Oh, I'm like a horrible person to ask  
10          with numbers like that, but when I've -- I  
11          heard a presentation previously and it sounded  
12          like there's a lot of the units that were  
13          going to be offered in -- were condos and  
14          apartments in -- I don't know. I mean, I  
15          think probably someone else would be able to  
16          answer the question better, but in terms of  
17          what's affordable to me?

18 COUNCILMEMBER ANDERSON: What do you consider  
19          affordable.

20 MS. STANGE: Well, you know, I'm a renter.

21 COUNCILMEMBER ANDERSON: And so what's affordable?

22 MS. STANGE: So I'm a renter right now, you know, so  
23          I can't afford -- I can't afford to buy here.  
24          So what's affordable to me?

25 COUNCILMEMBER ANDERSON: Yeah.

1 MS. STANGE: Oh, you know, okay, well, 240 would be  
2 affordable to me, maybe 300 might be  
3 affordable to me, you know, and would I want  
4 to have -- would I prefer to have a house and  
5 four walls around me and maybe a yard, yeah,  
6 as opposed to an apartment and a little lanai,  
7 yeah.

8 COUNCILMEMBER ANDERSON: Thank you very much.

9 CHAIR MOLINA: Thank you. Committee Members, any  
10 other questions for the testifier? Seeing  
11 none, thank you for your testimony.

12 MS. STANGE: Thank you.

13 CHAIR MOLINA: Next to testify, Tamara Paltin,  
14 followed by Alan Akana.

15 MS. PALTIN: Good evening. My name's Tamara Paltin.  
16 Thanks for coming to Lahaina in the evening to  
17 hear us take public testimony. I just wanted  
18 to say, like, from listening to everyone and  
19 my own experience, it's really clear that our  
20 community is ready for more affordable housing  
21 and just more housing for people that live  
22 here.

23 This kind of community project is really  
24 good looking on the PowerPoint, and there's a  
25 lot it has to offer to our community. So when

1 I look at this *Lahaina News* and it says, "Are  
2 you ready for Pulelehua," I think a lot of us  
3 over here are ready for it, but it's not clear  
4 to me that Maui Land & Pine, the developer, is  
5 ready to build it from looking at their Final  
6 Environmental Impact Study. There's a lot of  
7 unresolved issues from the one I looked at  
8 from the July 2005 environmental impact. I  
9 don't know if it's been updated at all since  
10 the last two years.

11 But from my understanding, the West Maui  
12 Community Plan, it's designated as Open Space,  
13 Park, and Agriculture use, and they put a lot  
14 of effort into making the community plan and  
15 in order to amend it you would have to show  
16 that there's no adverse effect to the West  
17 District community as a whole. And I think  
18 that by not fully addressing key issues, such  
19 as water, wastewater, drainage, it's kind of  
20 like avoiding the question if there's an  
21 adverse effect to the whole West district.

22 Like as far as the water, in the 2005  
23 Final Environmental Impact Statement, the plan  
24 is either to drill a well from the Honolua  
25 Aquifer or the Honokowai Aquifer. They're not

1           sure. They don't know if it's contaminated,  
2           and I don't know if there's been any study if  
3           it's contaminated. They say that they're  
4           going to treat the water. So before we go  
5           ahead and amend the community plan, I think we  
6           should find out like more specifics, you know,  
7           like in the back of the newspaper you see this  
8           big picture of these people that are ready for  
9           Pulelehua, but instead of pictures I would  
10          rather see like the specific details of the  
11          Final Environmental Impact Study that has  
12          unresolved issues, like if they resolved it in  
13          the last two years since it's been completed  
14          before we go ahead and amend the community  
15          plan to let them use it for urban development.

16                 Another thing is that teacher that was  
17          here earlier said that there's 500 kids and  
18          250 of the kids are going to come from  
19          Pulelehua project, if I understood the  
20          presentation correctly, so that's 500 plus  
21          250, so that's about 750.

22   MS. NAKATA: Three minutes.

23   MS. PALTIN: So the school looks like it's already  
24          too small for the area.

25                 Just in closing, I would like to say

1           that I feel like there's an intangible spirit  
2           that defines these islands, and keeping it  
3           alive is in all our hands, yeah. There's not  
4           one solution and not one answer. The only  
5           thing there is practice, and past practice  
6           shows that if you approve a plan that's not  
7           fully thought out with the key issues, water,  
8           wastewater and already our wastewater (*end of*  
9           *tape*) kind of planning for failure. That's  
10          all I got to say.

11 CHAIR MOLINA: Thank you, Ms. Paltin.

12                        Committee Members, questions for the  
13           testifier? Seeing none, thank you for your  
14           testimony.

15                        Next to testify, we have Alan Akana,  
16           followed by Jose Braceros.

17 UNIDENTIFIED SPEAKER: He had to leave.

18 CHAIR MOLINA: Okay, Mr. Akana left for the night,  
19           okay. Mr. Braceros, Jose Braceros, is he  
20           here? Okay, I believe this person left as  
21           well. We have Norm Bezane, followed by Dave  
22           Rockett. Mr. Bezane I guess went home. Okay.  
23           Dave Rockett? Dave Rockett, last call. Not  
24           here. June Higa?

25 MS. HIGA: I'm here.

1 CHAIR MOLINA: Okay, thank you, June, followed by  
2 Elaine [sic] Levinsky.

3 MS. HIGA: Aloha, Council Members. My name is June  
4 Higa.

5 CHAIR MOLINA: Excuse me, Ms. Higa, can you speak in  
6 the microphone. Thank you. You have a nice  
7 voice.

8 MS. HIGA: Thank you. I'm glad you think so.  
9 Aloha, Council Members. My name is June Higa,  
10 and I have been an employee with Maui Land &  
11 Pineapple Company for 18 years. I support the  
12 Pulelehua project because it is being  
13 developed especially for families like me who  
14 live in Central Maui and commute to Kapalua on  
15 a daily basis.

16 The drive has become increasingly  
17 challenging. Each day thousands of vehicles  
18 travel between Central Maui and West Maui on a  
19 primarily two-lane highway. Honoapiilani  
20 Highway is often closed due to traffic  
21 fatalities, brush fires, and extreme weather,  
22 and of course the highest gas prices in Hawaii  
23 make it even more challenging.

24 Fortunately, for me, I am now  
25 participating in a Vanpool, which providers

1           riders with a brand-new seven passenger van,  
2           insurance coverage, and service and  
3           maintenance vouchers. We split the cost for  
4           gas and it saves us a lot of money.

5           I suppose I could find a job closer to  
6           home to eliminate some of these challenges;  
7           however, I enjoy my job, my co-workers and  
8           especially the company I work for.

9           There is no other company in Hawaii that  
10          offers its employees an opportunity to  
11          purchase an affordable home in a project such  
12          as Pulelehua. Maui Land & Pineapple Company  
13          was the first company to ask the community for  
14          their input in planning a sustainable and  
15          thriving neighborhood.

16          Pulelehua will be a holistic community  
17          of affordable single-family dwellings,  
18          apartment rentals, condos, and town homes with  
19          schools, churches, a wellness center,  
20          community grocery stores, recycling centers,  
21          hiking and biking trails, all designed within  
22          walking distance.

23          Another reason I support Pulelehua is  
24          that it will provide my children an  
25          opportunity to purchase a home on Maui. A

1 couple of years ago my newlywed daughter and  
2 son-in-law moved back home to Maui from Oregon  
3 to try and make it here, only to have to move  
4 back to Oregon in four months because they  
5 realized they would never be able to afford to  
6 buy a home here.

7 It saddens me to think that some day  
8 when they decide to start a family I will not  
9 see my grandchildren grow up and they will  
10 never come to fully know and understand the  
11 beauty of this island Maui, its people, the  
12 aloha, the ono foods of blended cultures, and  
13 the extremely rich heritage that can only be  
14 experienced when one is born and raised in  
15 Hawaii.

16 Pulelehua will provide my children the  
17 opportunity to come home, to own a home, and  
18 have their children grow up in a community  
19 that meets their every need. Please vote yes.  
20 Imua Pulelehua. Thank you.

21 CHAIR MOLINA: Thank you, Ms. Higa.

22 Committee Members, questions for the  
23 testifier? Seeing none, thank you for your  
24 testimony.

25 Next to testify, Ellen Levinsky,

1 followed by Joseph Sarol.

2 MS. LEVINSKY: Good evening, Mr. Chair and Land Use  
3 Committee Members. Thank you so much for  
4 coming to the West side in the evening so that  
5 we could come and testify before you on this  
6 important issue. And, yes, we need more  
7 affordable housing here on the West side and  
8 also on Maui. I just wish there was more  
9 affordable rentals, because there's a lot of  
10 people like myself who have lived here for  
11 more than 20 years who will not be able to  
12 afford to purchase anything, but if there were  
13 more affordable rentals, it would be a lot  
14 easier for us -- for living here.

15 My big concerns are the water and the  
16 sewage from this development. I strongly  
17 support Councilmember Anderson's "Show Me the  
18 Water Bill," because it is so important that  
19 the amount of water used does not interfere  
20 with the aquifer and make it too salty or  
21 saline to allow us to continuously have  
22 potable water.

23 I know it's been mentioned in Wailea  
24 that they have their own wells, but I've also  
25 heard that that's not potable water. They can

1 use that for irrigating the golf courses, but  
2 it's not for homes' use, not for bathing or  
3 for drinking. So with all the housing from  
4 this development and also from Leialii and  
5 future Hawaiian Homelands, how much water is  
6 needed and where is it all going to come from?

7 The question of sewage also, since we  
8 have these two different treatment plants on  
9 the West side, for the past ten years, three  
10 or four times a week I drive from Lahaina up  
11 north past the sewage treatment plant, and in  
12 the last two years every time I've gone by I  
13 can smell from the treatment plant. I've been  
14 told when you smell it, that means it's close  
15 to its carrying capacity. So what's going to  
16 happen if this many more homes and this much  
17 more sewage coming in? Are there any plans  
18 for what's going to happen with that sewage?  
19 Is the current plant going to be expanded and  
20 upgraded? Is another plant needed to be built  
21 and what are the plans for that?

22 I recently obtained a copy of the West  
23 Maui Community Plan that was created in 1996,  
24 and it's a very interesting reading. They  
25 projected that there would be 22,000 people

1 living on West Maui by 2010. I don't know  
2 what the population is now, but I think we're  
3 going to exceed the estimate.

4 One of the implementing actions from the  
5 West Maui plan for government is that the  
6 government formulate and implement a directed  
7 and managed growth program consistent with the  
8 adopted Community Plans and sustainable  
9 carrying capacity. Sustainable carrying  
10 capacity. That is what is so important, so  
11 for you to consider what this will do to  
12 affect our carrying capacity.

13 And from what Dick Mayer said  
14 previously, I think that was very smart to  
15 think about having the affordable housing  
16 built before the luxury housing. Thank you  
17 again for coming up here.

18 CHAIR MOLINA: Thank you, Ms. Levinsky. Could you  
19 please state your name for the record in case.

20 MS. LEVINSKY: Ellen Levinsky.

21 CHAIR MOLINA: Levinsky, thank you. I thought I  
22 messed up your name.

23 Committee Members, questions for the  
24 testifier?

25 Thank you for your testimony.

1                   Next to testify, and there's a request  
2                   for both of them to come up together, Joseph  
3                   and Rosita Sarol? Joseph and Rosita Sarol  
4                   here in the house? Okay, they must have left.  
5                   Okay, moving on, we have John Anderson,  
6                   followed by Debbie Revilla.

7   MR. ANDERSON: Good evening. I'm John Anderson. I  
8                   go by Jack. I'm getting kind of an echo off  
9                   this. I don't know if anybody else is. My  
10                  wife and I had an opportunity to not only  
11                  attend the charrette, but we got a chance to  
12                  participate in it. And what you see on the  
13                  screen there is the result of that. We were  
14                  real impressed that Maui Land & Pine took the  
15                  time to hear us, to hear the members of the  
16                  community and what they thought, but we were  
17                  even more impressed, excuse me, that they --  
18                  they listened to what we were saying. We  
19                  couldn't believe it when we saw this design  
20                  after two days of pouring over drawings and  
21                  everybody having a different idea and why  
22                  don't we do this, why don't we do that, and  
23                  this is amazing. It really is. It tells me  
24                  that Maui Land & Pine really wanted to do it  
25                  right, and that really impressed us.

1           By the way, I am here speaking for  
2           myself. I don't work for Maui Land & Pine.  
3           One thing that I think that we all realize is  
4           that the Council has -- the affordable housing  
5           is a slam dunk, but I realize that you have  
6           your processes that you have to go through and  
7           that the process takes awhile.

8           My request to you is to please find a  
9           way to fast track this project. Let's get  
10          this affordable housing project going and get  
11          it built. Thank you.

12 CHAIR MOLINA: Thank you, Mr. Anderson.

13           Committee Members, questions for the  
14          testifier? Seeing none, thank you for your  
15          testimony.

16           Next to testify we have Debbie Revilla,  
17          followed by Mike Landes.

18 MS. REVILLA: Aloha mai, Chairman, fellow Members.  
19          It is with a heavy heart that I stand in front  
20          of you. I hope I don't get emotional. I am  
21          currently an employee with Maui Land &  
22          Pineapple, and I work out at Kapalua, and I  
23          think once we say that some of you may turn  
24          off your ears, but I plead with you to please  
25          keep them quite open.

1           I live in Waiehu. I travel on a good  
2           day for about 50 minutes. That means I woke  
3           up at 4:00 and left at 5:00 in the morning,  
4           and to also get home in 50 minutes that means  
5           I work till 6:00, 7:00, 8:00, 9:00, 10:00 or  
6           11:00 at night. If I tried to leave my house  
7           at 7:00 or 8:00 and leave work at 4:00, I  
8           probably would be on the road for an hour and  
9           a half one way. I recently, and my fellow  
10          employees behind me, some of them have not  
11          heard this, was offered a job in Kona, and for  
12          the first time I labored and belabored all  
13          weekend and I told them yes.

14                 Some of you know that I -- besides an  
15          employee, I am very committed to the community  
16          and work in a variety of non-profits and  
17          community service, because I believe in this  
18          community. It's really hard to walk away.  
19          But I have children who can't buy a home. I  
20          myself am a single-income person trying to  
21          survive, and I can't help them buy a home.  
22          And in my decision to leave and move to Kona,  
23          we have been looking at homes there and I have  
24          to tell you they're half, if not more, than  
25          what it costs to live here. The thought of

1 living in Lahaina has never been on my radar.  
2 I just can't afford it.

3 So to trudge through the drive is just  
4 crazy, because I now have a grandson and I  
5 miss him and I run home as fast as I can and  
6 he's sleeping, and I have to leave so early  
7 he's sleeping. I'm missing him. So we have  
8 decided to uproot and move, and I wish and I  
9 hope that you all make a really good decision  
10 so not too many more of us have to do that.  
11 Thank you.

12 CHAIR MOLINA: Thank you, Ms. Revilla.

13 Committee Members, questions for the  
14 testifier? Seeing none. Thank you for your  
15 testimony.

16 We have another request for a couple to  
17 speak together, Mike and Megan Landes.

18 MR. LANDES: Hi, there. Mike Landes. I'm a teacher  
19 at Lahainaluna High School.

20 MS. LANDES: And I'm Megan Landes, and I teach at  
21 Princess Nahienaena Elementary School.

22 MR. LANDES: First off, we'd just like to go on  
23 record by saying we are not usually fans of  
24 development. We've been here for four years  
25 now. This is our fourth year here on Maui,

1 fourth year teaching here, fourth year as  
2 residents, and for a long time we've kind of  
3 wondered how come there's so many condos and  
4 time-shares and shopping malls and everything  
5 else, luxury homes and all kind of stuff  
6 getting built and no affordable housing, no  
7 places that we could afford to move to on two  
8 teachers' salaries.

9 And so Pulelehua, even though it's a new  
10 development, it is something that we're very  
11 much in favor of. Right now it's difficult to  
12 pay the bills. We have four jobs between the  
13 two of us, and it's difficult to pay the rent.  
14 As you can tell, there's going to be three of  
15 us pretty soon, which means that there will be  
16 less jobs that we will be working, there will  
17 be less money coming in, so conceivably  
18 there's no way that we can continue to pay the  
19 bills, unless affordable housing comes in.  
20 And we are not the only teachers in this boat.  
21 We're not the only community members in this  
22 boat. I know there are police officers. I  
23 know there are firemen. I know there are  
24 other people around who are in a similar  
25 situation where if there is no affordable

1 place to live, we gotta go.

2 So, granted, there's -- you know, some  
3 people brought up some questions about this  
4 and some flaws about this, but I haven't seen  
5 anything better than this in the four years  
6 that I've been here. And we're putting all  
7 our chips into this. We need this. And if we  
8 don't have it, it's back to the mainland. I  
9 mean, that's really all there is to it, you  
10 know. Do you want to --

11 MS. LANDES: Just coming from the teacher's  
12 standpoint, being at Princess Nahienaena, this  
13 is my fourth year, and the turnover of  
14 teachers is quite amazing, and the number one  
15 reason is because they can't afford to stay  
16 here. A lot of them are single teachers, so  
17 they're working on a single salary and trying  
18 to rent an apartment. At least we're lucky we  
19 have two salaries to put together so we've  
20 been able to stay here, but it's really a  
21 shame for the children because they're having  
22 a constant turnover of new teachers that have  
23 just graduated from college. They come out  
24 here hoping to make it. A year or two goes  
25 by, the rent money is tough. They've got two

1 jobs and they have to leave. And so now the  
2 children are starting again with another  
3 teacher that just graduated and has no  
4 experience in the classroom. So it would  
5 really be nice for teachers to have a place  
6 that they can stay and live and we have  
7 qualified teachers that have not one or two  
8 years of experience, but ten, 15, 20 years of  
9 experience in the classroom for our children.

10 MR. LANDES: Thank you.

11 CHAIR MOLINA: Thank you very much for your  
12 testimony.

13 Committee Members, questions for our  
14 testifiers?

15 COUNCILMEMBER VICTORINO: Yeah.

16 CHAIR MOLINA: Mr. Victorino.

17 COUNCILMEMBER VICTORINO: Thank you, Chair. Between  
18 the two of you, what is -- and if it's not  
19 that difficult, what is your average gross  
20 income?

21 MR. LANDES: Yeah, it's public knowledge. I mean,  
22 it's State.

23 COUNCILMEMBER VICTORINO: Oh, yeah, I know that, but  
24 I would just prefer asking you directly.

25 MR. LANDES: No, that's fine. I think with the new

1 salary schedule, I have a master's degree,  
2 just like Justin, who was up here earlier, the  
3 first teacher, he and I are on the same step.  
4 I make 46,000 a year.

5 MS. LANDES: I have my bachelor's, so I'm at around  
6 44.

7 MR. LANDES: Right. But if you look -- I mean, it  
8 is public knowledge. You can get the -- you  
9 can get the State teacher's salary. You know,  
10 we're not quite up to the level that County  
11 Council or State Legislators or anything like  
12 that are making, you know, so even if -- and  
13 I'm not trying to say anything by that or  
14 anything, but even if -- even if we make our  
15 way up to the highest we can possibly be on  
16 the salary schedule, the reality of us buying  
17 a home that's not affordably priced is slim to  
18 none.

19 COUNCILMEMBER VICTORINO: And what is your rent  
20 right now?

21 MR. LANDES: 1,500 a month, and that's because we  
22 have family members that we're renting from.  
23 If we -- and we're getting -- we have the deal  
24 of a lifetime for that right now, but that's  
25 not going to last for long. We're going to

1           very soon outgrow that place, and comparable  
2           places nearby us are 2,500 a month, so --

3 MS. LANDES: For a two-bedroom.

4 MR. LANDES: Yeah.

5 COUNCILMEMBER VICTORINO: For a two-bedroom?

6 MR. LANDES: Yeah. So, I mean, it's not a reality  
7           for us.

8 COUNCILMEMBER VICTORINO: Thank you. Thank you,  
9           Mr. Chair.

10 CHAIR MOLINA: Thank you, Mr. Victorino. Committee  
11           Members --

12 COUNCILMEMBER MATEO: Chairman.

13 CHAIR MOLINA: -- any questions? Mr. Mateo.

14 COUNCILMEMBER MATEO: Chairman, thank you.

15           Thank you for your testimony. I really  
16           appreciate hearing from you. You both -- you  
17           have a joint income and you're looking at  
18           Pulelehua. You're looking at ownership or  
19           rental?

20 MR. LANDES: We would love to get into ownership,  
21           but, I mean, we're -- we're looking at  
22           anything affordable that we can get.

23 COUNCILMEMBER MATEO: Then tell me what affordable  
24           is to you.

25 MR. LANDES: Well, from -- from what we've seen on

1           the Pulelehua website, it looks like  
2           affordable prices are ranging somewhere  
3           between 240 and 300, I think. That certainly  
4           would be a stretch for us, but if that's the  
5           best that we can get, we'll -- you know, we'll  
6           make it work. We love -- we love Lahaina. We  
7           love our students. We love our schools. We  
8           love everything about here, and the only thing  
9           that's going to make us leave is if we can't  
10          afford to live here.

11 COUNCILMEMBER MATEO: So tell me what you consider  
12          affordable, not what you're told is  
13          affordable. What is affordable to you?

14 MR. LANDES: Yeah, I would love something in the  
15          twos.

16 COUNCILMEMBER MATEO: In the twos.

17 MR. LANDES: Yeah, I mean, that would be -- that  
18          would be great.

19 COUNCILMEMBER MATEO: Thank you very much.

20 CHAIR MOLINA: Thank you, Mr. Mateo.

21                   Committee Members, any other questions  
22                   for our testifiers? Thank you very much for  
23                   your testimony.

24                   Next to testify, we have Greg Hansen,  
25                   followed by Roberto [sic] Matias. Greg

1 Hansen? Here he comes.

2 Members, after Mr. Matias concludes his  
3 testimony, following Mr. Hansen, we'll go  
4 ahead and take a break.

5 MR. MATIAS: Aloha. Thank you for giving me the  
6 opportunity to speak tonight, and thanks for  
7 staying up so late. When I was thinking about  
8 what I was going to say to you folks tonight  
9 over the last week or so I was going to pretty  
10 much reiterate what a lot of people have been  
11 saying tonight about affordable housing, and  
12 then I get a surprise today and my testimony  
13 changed. I found out for the second time this  
14 year I'm going to have to move.

15 My housing situation just kind of  
16 disintegrated. As of last January I was  
17 paying \$800 for a bedroom in a four-bedroom  
18 house. That went up to 900, went up to 1,000.  
19 I moved. My rent went up to 1,100 for one  
20 bedroom in a two-bedroom house, and this might  
21 be something for Mr. Hunt here, but my  
22 landlord just decided to subdivide one of our  
23 common areas and turn it into another bedroom  
24 and force another roommate on us. So I'll be  
25 paying \$1,100 for my bedroom in a

1 three-bedroom house, each bedroom going for  
2 1,100.

3 So I made the painful decision. I've  
4 lived on the West side for all seven years  
5 that I've lived here. I love the West side.  
6 It's where all my friends are. It's where I  
7 work. But I'm going to have to move off of  
8 the West side and become part of the traffic  
9 problem now. I've decided I can't afford it.  
10 Wanting to get a place on my own is going to  
11 be prohibitively expensive.

12 So that's a little personal story,  
13 something that unfolded today, and I'm a  
14 little upset about it. I'm upset about having  
15 to leave the West side. I'm upset about  
16 having to spend potentially two to three hours  
17 ever day in my car just to get back and forth  
18 to work.

19 There's just -- there's an overwhelming  
20 number of reasons why this is so important.  
21 We're losing teachers. I just found out my  
22 great friend Debbie, who's a wonderful person,  
23 is going to have to leave the island, my  
24 coworker. It's very sad.

25 And I think with all the controversy

1           that's going on about affordable housing,  
2           we've got the lawsuit in Kihei, somebody who's  
3           saying I don't want to build affordable  
4           housing. It's unconstitutional for you to  
5           make me. I'd like you to bear in mind that  
6           Pulelehua was designed to have over 50 percent  
7           affordable, or about 50 percent affordable  
8           before you folks enacted the workforce housing  
9           policy, which I think was a great step towards  
10          providing what the community needs.

11                 So I would ask you, please, for the sake  
12          of everybody involved, for our quality of  
13          life, and just for future generations, please  
14          support Pulelehua. It's well past time and  
15          something really needs to be done. I won't  
16          take up any more of your time, but thank you  
17          very much.

18 CHAIR MOLINA: Thank you, Mr. Hansen.

19                 Committee Members, questions for the  
20          testifier? Member Anderson.

21 COUNCILMEMBER ANDERSON: Could I ask you where you  
22          work?

23 MR. HANSEN: Oh, I'm sorry, I do work for Maui Land  
24          & Pine, but I'm testifying as an individual.  
25          I've worked for them for the last four years.

1 I did work in their conservation department  
2 and now I do their GIS work.

3 COUNCILMEMBER ANDERSON: I'm just shocked that  
4 you're paying \$1,100 a month for a bedroom.

5 MR. HANSEN: You think you're shocked. Yeah. And  
6 that's pretty standard. I mean --

7 COUNCILMEMBER ANDERSON: And that was going to be my  
8 question.

9 MR. HANSEN: Yeah.

10 COUNCILMEMBER ANDERSON: How many people do you know  
11 on this side who do that?

12 MR. HANSEN: Pretty much everybody -- as soon as --  
13 I think we're pretty much at the mercy of  
14 speculators and absentee landlords, and they  
15 know that if I won't put up with it, they'll  
16 find somebody who will, because people are  
17 desperate. And it's ironic, because I look  
18 at -- you know, I look at my tax returns and  
19 now I'm in my 40s, I'm making more money --  
20 earning more money than I ever have, and I  
21 have less than I had when I was in my early  
22 20s fresh out of school. And it's just --  
23 it's unacceptable. People taking two and  
24 three jobs, stuff like that. So when my  
25 friends are forced to find a new place to

1 live, it's almost guaranteed you're looking at  
2 a one to 300 dollar rent increase because --  
3 just -- even in the matter of a year, or in my  
4 case a matter of a few months, I've seen an  
5 increase, like I said, from January when I was  
6 paying 800 a month for a bedroom, new guy  
7 bought it, rent went up, rent went up again,  
8 moved to another place, 1,100, so that's \$300  
9 and it's not even a calendar year yet.

10 COUNCILMEMBER ANDERSON: And you're sharing --

11 MR. HANSEN: Yeah, that's -- that's one bedroom in a  
12 two-bedroom house. Both bedrooms are \$1,100  
13 and it's about to be three bedrooms, each for  
14 \$1,100, but we're losing part of our common  
15 area.

16 COUNCILMEMBER ANDERSON: And does the owner live on  
17 property?

18 MR. HANSEN: No, he doesn't even live in State.

19 COUNCILMEMBER ANDERSON: And so he's renting out  
20 this single family home --

21 MR. HANSEN: Uh-huh.

22 COUNCILMEMBER ANDERSON: -- to two different  
23 individuals by the bedroom and then you guys  
24 share the living room?

25 MR. HANSEN: Well, originally a friend of mine who's

1           also a Maui Land & Pine employee who works in  
2           the watershed preserve, we rented it together,  
3           and there was a loft that was part of the  
4           common area, that has now been basically  
5           forced on us by the landlord that -- it used  
6           to be a common area, we could use it, and he  
7           said no, that's now a third bedroom and it's  
8           going to go for \$1,100, and guess what, I  
9           decide who's going in there, and so meet your  
10          new roommate. So it's Upcountry from me. I  
11          hate to be another person in traffic.

12        COUNCILMEMBER ANDERSON: You might want to slip your  
13          address to the Planning Director.

14        MR. HANSEN: Yeah. Well, I'm hoping that maybe the  
15          crack down on vacation rentals will give me an  
16          affordable option Upcountry at this point. So  
17          it might balance out. I don't know.

18        COUNCILMEMBER ANDERSON: Thank you.

19        MR. HANSEN: Thank you very much for your time.

20        CHAIR MOLINA: Thank you. Committee Members, any  
21          other questions for the testifier? Thank you.

22        MR. HANSEN: Thank you.

23        CHAIR MOLINA: Thanks for your testimony,  
24          Mr. Hansen.

25                        Roberto [sic] Matias? Roberto [sic]

1           Matias? Not in the house. Take another  
2           individual, Kahu David Kapaku? Kahu David  
3           Kapaku? Okay. Kahu?

4   MR. KAPAKU: Aloha. My name is Kahu Kapaku from  
5           Honokohau Valley. My family has been on Maui  
6           for 900 years. Now, that's a long time,  
7           folks, and I'm looking out here and I'm  
8           hearing people have to leave the island.  
9           Well, guess what, you see how many Hawaiians  
10          here? How many Hawaiians on Maui? Guess  
11          what, we have to leave, and you're talking  
12          about, you know -- I bleed for you.

13                 You know, Andy Bumatai said there's a  
14          statistic that says one out of three women  
15          fool around. He says that's no good. I need  
16          names. When I look at this thing here, are  
17          there names already to these houses? Are  
18          there names already in these units? Think  
19          about this. When it says working families, is  
20          it guaranteed that those of you who work for  
21          the pineapple company are going to get one of  
22          those? You're hoping, but it's not  
23          guaranteed.

24                 The Hawaiian lady earlier said to me  
25          she's hoping that her kids from California can

1           move back to Maui and live here. Wow, that's  
2           amazing. I'm all for affordable housing. I  
3           really am. I'm all for it.

4                     Do you know what the state motto is of  
5           Hawaii? Ua mau ke ea o ka aina i ka pono.

6           The life of the this land is perpetuated in?

7   THE AUDIENCE: Righteousness.

8   MR. KAPAKU: Wrong. Because Hawaiians never had a  
9           word for righteousness, you know. We never  
10          did. We never had a word that compared or had  
11          a degree of. The correct word is pono,  
12          balance. The life of this land is perpetuated  
13          in balance, and the person who said that,  
14          she's buried in Waiola Cemetery by the name of  
15          Keopuolani, the sacred wife of Kamehameha the  
16          Great, who bore the children Kamehameha II and  
17          III and Nahienaena. She had what they call  
18          the kapumoe, the highest blood of any high  
19          ranking chief or chiefess. That's why  
20          Kamehameha married her. She was his first  
21          wife, but not his favorite, because it was  
22          Kaahumanu.

23                     When she said those words, it was her  
24          son, Kamehameha III who made it into the State  
25          motto. Let me ask you something about the

1 land, the aina --

2 MS. NAKATA: Three minutes.

3 MR. KAPAKU: -- the aina that feeds us. The more  
4 houses you build, there is no land to feed.  
5 We're going to have to have a new definition,  
6 Hawaiian word for land, because it will not  
7 feed us.

8 The job of the Council is simply this,  
9 is everything in balance. This is not just  
10 the first project or the third project. You  
11 have lot of developments coming. It's your  
12 job to make sure that the motto of Hawaii  
13 remains in balance as Keopuolani once said.  
14 Thank you.

15 CHAIR MOLINA: Mahalo, Kapu.

16 Members, questions for the testifier?  
17 Seeing none. Thank you for your testimony.

18 Okay, Members, we're going to go ahead  
19 and take a ten-minute recess. (Gavel).

20 **RECESS: 8:42 p.m.**

21 **RECONVENE: 8:50 p.m.**

22 CHAIR MOLINA: (Gavel). Land Use Committee meeting  
23 for September 5th, 2007 is now back in  
24 session. We will continue with public  
25 testimony. Next signed up to testify is

1 Ferdinand Pascual, followed by Dina McCallion.  
2 Ferdinand Pascual? Did he go home? Okay.  
3 Dina McCallion, followed by Wes Nohara. Dina  
4 McCallion? Okay, she's here.

5 MS. McCALLION: Aloha. Good evening. My name is  
6 Dina McCallion, and I'm here to represent both  
7 myself as an individual and on behalf of Maui  
8 Land & Pineapple Company. I am employed with  
9 the Kapalua Villas.

10 And there's, honestly, sitting here this  
11 evening not much more I can say tonight that  
12 you haven't already heard. I just think that  
13 Pulelehua is probably the best planned for  
14 community a developer in Hawaii has ever  
15 created or submitted, and MLP's commitment to  
16 our community should be recognized and  
17 rewarded with your approval, so I'm here  
18 tonight to ask for that and ask that you do,  
19 please, support this community. Moreover, it  
20 should be used as an example for all  
21 communities in the future and as a standard  
22 for future developers and developments to  
23 come.

24 I think -- I would be so proud to know  
25 that I literally helped create and design my

1 own community, because I was there in the very  
2 first stages of design, and this is literally  
3 what we came up with, and I think it's  
4 awesome. The presentation tonight was  
5 wonderful. I guess very excited every time I  
6 see it. You know, I can't stand here and give  
7 you a reason why I should get to live there  
8 over anyone else. My family hasn't been here  
9 for 900 years, nor have I, anything close to  
10 that, other than I just think it's an amazing  
11 example of a community that works and could  
12 work so much more than the other communities  
13 that even surround it, if you can call those  
14 communities. Kaanapali Hillside, if I had a  
15 choice to live there versus Pulelehua, I'd  
16 wait for Pulelehua to be built. I mean,  
17 there's nothing really that would attract me  
18 to live there, to raise a family.

19 You know, I mean, I have a dream of  
20 raising kids and them walk to school every  
21 day. I walked to school every day. I loved  
22 it. I had some of the biggest adventures of  
23 my life to and from school, some of them  
24 shouldn't have been, but, you know, it's all  
25 about growing up and having those kinds of

1 experiences.

2 MLP cares enough to create and fund this  
3 project, and I think many other people have  
4 mentioned that they have come forward with a  
5 lot of proactive and innovative ideas and been  
6 proactive in giving you what -- the best that  
7 I think they could do to support this  
8 community. And while it's probably not  
9 perfect in your opinion, I think they're  
10 really pretty reasonable and willing to work  
11 with you to get it to the best that it  
12 possibly could be. And, again, I just think  
13 it should be -- it should become the standard  
14 for future developments. And I think it sets  
15 a great example for everyone, and I think  
16 anyone can see the positives to it. I think  
17 there's lots of infrastructure issues, and we  
18 should (*end of tape*) on the West side, but if  
19 you look at what they're presenting versus  
20 what others have presented in the past, I  
21 think they far exceed any other plans that  
22 have come before us, and, again --

23 MS. NAKATA: Three minutes.

24 MS. McCALLION: -- just really want to thank you for  
25 being here and allowing us to speak and just

1           really look forward to having your support for  
2           this project. Mahalo.

3 CHAIR MOLINA: Thank you, Ms. McCallion.

4           Committee Members, questions for the  
5           testifier? Seeing none. Thank you for your  
6           testimony.

7           Next to testify, Wes Nohara, followed by  
8           Daniel Amaya.

9 MR. NOHARA: Good evening, Chair Molina and fellow  
10          Members of the Land Use Committee. My name's  
11          Wes Nohara. I'm an employee of Maui Land &  
12          Pine. I've worked for the company 38 years  
13          and a life-time resident of Maui. Unlike  
14          Mr. Kapaku, my family has been on Maui a  
15          measly hundred years.

16          Tonight I want to testify in favor and  
17          support of Pulelehua. Starting with my  
18          grandparents, my family has worked for the  
19          company since 1921. Both my parents and I  
20          have benefited from our company's affordable  
21          housing program, and without their support, I  
22          can just tell you that it would be very tough  
23          for us as well. So we have a lot of aloha for  
24          the company and the programs that they have  
25          helped us with.

1           Many of our Maui Land & Pine employees  
2           also have benefited from this program, and  
3           I've spoken with many of them and they, too,  
4           are very grateful for the opportunity to own  
5           homes.

6           Since 1965, Maui Land & Pine has  
7           provided over 500 homes for our employees, as  
8           well as the general public. Many of our  
9           employees are long-time residents that were  
10          just waiting for the opportunity to own a  
11          home. And in fact our most recent housing  
12          projects, the average seniority of people  
13          qualifying, were about ten to 15 years. And  
14          these folks were either renting or doubling up  
15          with family. But our benefit is not just for  
16          employees. In Napilihau, where my parents  
17          live, 66 percent of the homes were made  
18          available to the community, non-employees.

19          Currently we have a list of about 259  
20          families that have signed up for Pulelehua, of  
21          which 74 percent already work and live in West  
22          Maui, and an additional 10 percent live in  
23          East Maui but work in West Maui. These are  
24          folks that, if approved, will not add to the  
25          daily traffic over the Pali.

1           Pulelehua is a well-planned community  
2           and a much needed project. At 51 percent of  
3           the total units, what we'll be proposing is  
4           more housing affordable than we made available  
5           in the last 40 years. It is a very well  
6           planned, much needed project for all of Maui.

7           Maui Land & Pine has a tremendous track  
8           record of helping our employees and the  
9           community. I ask that you look at our  
10          commitment not only in housing, but in all  
11          areas, in conservation planning, as well as  
12          working with the community. I am proud to be  
13          an employee of Maui Land & Pine and I ask for  
14          your support. Thank you.

15 CHAIR MOLINA: Thank you, Mr. Nohara.

16           Committee Members, questions for the  
17          testifier?

18 COUNCILMEMBER MATEO: Chairman.

19 CHAIR MOLINA: Okay, Mr. Mateo.

20 COUNCILMEMBER MATEO: Mr. Nohara, thank you for your  
21          testimony. You mention that there was a list  
22          of individuals who had signed up for the  
23          homes.

24 MR. NOHARA: I believe -- and Bob McNatt can speak  
25          much more accurately than I, but we did go out

1           and try and solicit to get an idea on how much  
2           people were in support and needed housing, and  
3           that was the intent.

4   COUNCILMEMBER MATEO:   So it was those that may be  
5           interested, not those who will secure homes?

6   MR. NOHARA:   No, it's not a guarantee.

7   COUNCILMEMBER MATEO:   Okay, thank you very much.

8   CHAIR MOLINA:   Thank you, Mr. Mateo.

9           Member Baisa.

10   MS. BAISA:   Thank you, Chair, but I think I'll wait  
11           until we have an opportunity to talk to  
12           Mr. McNatt.   Thank you.

13   CHAIR MOLINA:   Thank you, Member Baisa.

14           Thank you, Mr. Nohara.

15           Next to testify, we have Daniel Amaya,  
16           followed by Elizabeth Santos.   Daniel Amaya?  
17           Okay, not here.   Elizabeth Santos?   Elizabeth  
18           Santos?   Okay, next we have Mike Sparling,  
19           followed by Becky Sparling.   Mike Sparling?  
20           Okay, here he is.

21   MR. SPARLING:   Good evening.

22   COUNCIL MEMBERS:   Good evening.

23   CHAIR MOLINA:   Mr. Sparling, could you bring the  
24           microphone closer to you.

25   MR. SPARLING:   Yeah, sure.

1 CHAIR MOLINA: Thank you.

2 MR. SPARLING: I apologize for being redundant,  
3 being one of the last people to go. I'm not  
4 an expert on water, wastewater, drainage,  
5 anything like that. All that's for lawyers  
6 and you guys to figure out, so I'm going to  
7 give you my expertise on knowing that I need a  
8 bigger house.

9 Like many of my friends and many people  
10 on the West side, they do work in the  
11 evenings, so I would -- I would say I'd like  
12 to speak for them, but I know that I can't.  
13 Our situation is that we are in an apartment.  
14 We are a growing family, and we actually have  
15 to leave the West side in about three months.  
16 Just -- yeah, we are waiting -- you know,  
17 we're waiting patiently. We've been through  
18 this affordable housing thing before.

19 You know, it's -- we're kind of seeing  
20 the backlash of a lot of housing not coming  
21 around, you know, a lot of people leaving,  
22 prices are really high. And I know the past  
23 Community Plans, the projects that were  
24 scheduled for West Maui had kind of been  
25 skipped over. So, you know, we kind of lost

1 almost a generation of families that have  
2 probably had the ability to purchase a home  
3 and have kind of been left out, and, you know,  
4 we get people leaving the island, leaving West  
5 Maui, creating more traffic coming back to us  
6 now where we work.

7 So obviously we do need to limit our  
8 growth. It's -- you know, we are growing  
9 pretty fast, but -- you know, Pulelehua is  
10 part of that, but I believe this project is  
11 smart growth. We have elementary schools  
12 there, parks, a lot of areas for kids to play,  
13 which is huge here, you know. Most families  
14 here -- most families are stuck in condos here  
15 because we can't afford the houses, and most  
16 condos are very family unfriendly, and people  
17 are, you know, dying to get out of these  
18 places.

19 So obviously I am for this project. I'm  
20 for a lot of projects, any project that will  
21 get people in houses, get my friends in  
22 houses. And as for those people who are --  
23 you know, they talk about infrastructure, and  
24 I can't see Pulelehua as a burden on  
25 infrastructure, when we're looking at all

1           these hotels being built.

2           You know, Pulelehua is -- for the most  
3           part, we're keeping people on Maui. We're  
4           just relocating them on West Maui. So we're  
5           not bringing in 800 new people or 800 new  
6           cars. We're simply giving them homes and  
7           opportunities.

8           So my family and I, we have to move, and  
9           I'm scared to drive the Pali. I really am.  
10          You know, people ask me, you know, aren't you  
11          worried about the airport, aren't you worried  
12          about that? I mean, I haven't heard one thing  
13          happen since that airport's been -- you know,  
14          noise, whatever, they're small planes.

15   MS. NAKATA: Three minutes.

16   MR. SPARLING: Thank you. I haven't heard one  
17          problem with it. So -- and I hear people  
18          dying on that Pali every month, and that  
19          scares me.

20                 So I'm asking you guys to please support  
21          Pulelehua, allow these West Maui people an  
22          opportunity for home ownership to come back,  
23          to come back to the West Maui, to come back to  
24          Maui itself, and that's it. Thank you.

25   CHAIR MOLINA: Thank you, Mr. Sparling.

1                   Committee Members, questions for the  
2                   testifier?

3 COUNCILMEMBER VICTORINO: Mr. Chair.

4 CHAIR MOLINA: Mr. Victorino.

5 COUNCILMEMBER VICTORINO: Mike, where do you work?

6 MR. SPARLING: I'm a County lifeguard. I work up at  
7                   Fleming Beach.

8 COUNCILMEMBER VICTORINO: Okay. So you're one of  
9                   those that work for our government and cannot  
10                  afford to live here on this side of the  
11                  island?

12 MR. SPARLING: Right.

13 COUNCILMEMBER VICTORINO: And your lovely wife, what  
14                  does she do?

15 MR. SPARLING: She's a concierge. She's coming up  
16                  next. She'll tell you all about it.

17 COUNCILMEMBER VICTORINO: Oh, okay. I didn't  
18                  know she -- okay, good. I won't ask you more  
19                  questions. Thank you.

20                         Thank you, Mr. Chair.

21 CHAIR MOLINA: Okay, Committee Members, any other  
22                  questions for Mr. Sparling? Seeing none,  
23                  thank you for your testimony.

24                         Next to testify, we have Becky Sparling,  
25                  followed by Topuo Puteni.

1 MS. SPARLING: Good evening. My name is Becky, and  
2 I'm here to speak in support of the Pulelehua  
3 project. I was born and raised here on Maui,  
4 and I've been working and living in West Maui  
5 for about, oh, almost ten years now. My  
6 family and I support Pulelehua because it will  
7 give us and families like us an opportunity to  
8 own a single-family home with a yard and a  
9 garage and a sense of community that our  
10 little ones deserve in West Maui where we work  
11 and play.

12 It's no secret, obviously, that West  
13 Maui has been short affordable housing for  
14 many years now, yet more hotels and  
15 million-dollar homes keep popping up,  
16 community planned affordable housing keeps  
17 getting pushed to the back burner somehow.  
18 Sorry.

19 My husband and I, like he just said, we  
20 currently live in an apartment in Napili with  
21 our 17-month old daughter, and the lack of  
22 space is already a problem. So, like he said,  
23 we're going to be moving to the other side at  
24 the end of the year, expecting another baby  
25 this spring, moving in with family so that we

1           have more space. Like someone said, we have  
2           built in baby-sitters, which they probably  
3           don't necessarily look forward to, but despite  
4           the fact that we'll now have to commute to  
5           work every day and be part of the traffic  
6           problem now and, like he said, worry about the  
7           issues on the road that happen every month,  
8           aside from the fires and the accidents and  
9           wondering if I should have my daughter in  
10          school once she starts school next year on  
11          this side if something happens, so she's not  
12          stuck in school on the other side. We haven't  
13          really figured it out yet, but it's a bummer.

14                 So we're lucky to have everything we do  
15          have and know that there are West Maui  
16          families that probably have worse situations  
17          than us and need the opportunity Pulelehua  
18          will offer also.

19                 I think that's it. There's no better  
20          time than the present to start making the  
21          right decisions, and we feel that this project  
22          really is something that will help the  
23          community. We need an answer before the  
24          families -- more families are forced to leave  
25          West Maui, and I believe that if everybody

1 works together for the good of the community,  
2 that Pulelehua can be the answer for many of  
3 the hard-working families deserving homes in  
4 West Maui. And that's it. Thank you.

5 CHAIR MOLINA: Thank you, Ms. Sparling.

6 Committee Members, questions for the  
7 testifier? Seeing none. Thank you for your  
8 testimony.

9 MS. SPARLING: Thank you.

10 CHAIR MOLINA: Topuo Puteni, followed by Alona Yabo.

11 Topuo Puteni? Not here. We have Alona Yabo  
12 and Troy Yabo, who both requested to be  
13 together to provide testimony. Alona and Troy  
14 Yabo. Okay, they're not here. Next we have  
15 Paul Bailey, followed by Tracy Johnson. Paul  
16 Bailey?

17 MR. BAILEY: My name is Paul Bailey. I'm a Maui  
18 County police officer. I'm not speaking on  
19 behalf of the Police Department, though.

20 Affordable housing is something we need.  
21 You got all these hotels popping up,  
22 million-dollar houses, and I am a 13-year  
23 veteran of the Police Department and I cannot  
24 afford a house, whether it be an apartment, a  
25 house with a yard where my kids can run

1           around, where my dog can run around.

2           You heard everything tonight already  
3           about traffic. If you have housing on the  
4           West side, of course you're going to have less  
5           traffic coming on the Pali. It's inevitable.  
6           So there's really nothing much anybody else  
7           can say except I support affordable housing,  
8           whether it's Pulelehua or what other  
9           affordable housing projects come up is  
10          something we need. We have too many people  
11          that are moving away because they can't afford  
12          to live here. I want to raise my family here.  
13          I want my kids to grow up here. I want my  
14          kids to stay here. I'm from Chicago. I don't  
15          want my kids going to Chicago. It's not a  
16          safe place to be. Maui is a much safer place  
17          to be.

18          And I could go on and on about reasons  
19          why, and people could say reasons why not,  
20          water, more congestion inside Lahaina Town,  
21          but you gotta have affordable housing.  
22          There's nothing else I can say.

23 CHAIR MOLINA: Thank you, Mr. Bailey. Mr. Bailey,  
24                  you mentioned you're a 13-year veteran of the  
25                  Police Department, and you're very well aware

1 of the fact that it's been difficult to retain  
2 our police officers here in Maui County. They  
3 move off to other places. Is the lack of  
4 housing one of the major reasons why we're  
5 losing a lot of police officers in addition to  
6 pay?

7 MR. BAILEY: That would be the main reason, because  
8 even -- even if I can afford to live here on  
9 Maui, I cannot afford to retire, okay, so by  
10 the time my time comes to retire, if I don't  
11 have a house, if I'm not in a house that I can  
12 afford, I have to move. I have no choice.

13 CHAIR MOLINA: Okay, thank you.

14 Committee Members, questions for the  
15 testifier? Member Baisa.

16 MS. BAISA: Thank you for being here tonight. Thank  
17 you for being here tonight. It's been very --  
18 grabs at your heart to listen to what we've  
19 heard tonight. I just wanted to ask you, do  
20 you commute from the other side every day?

21 MR. BAILEY: Every day I work I have to come from  
22 Wailuku, and we have the fires and stuff on  
23 this side, the biggest -- the last big fire we  
24 had I was stuck here for two days. I couldn't  
25 go home.

1 MS. BAISA: Thank you very much. You know, we're  
2 very concerned about the traffic situation and  
3 getting cars off the road, so it's good to  
4 hear. Thank you.

5 CHAIR MOLINA: Thank you, Member Baisa.  
6 Mr. Victorino?

7 COUNCILMEMBER VICTORINO: Real quickly, if there was  
8 a house available on this side, would you move  
9 to this side right away with no questions  
10 asked?

11 MR. BAILEY: Most definitely.

12 COUNCILMEMBER VICTORINO: Thank you.

13 CHAIR MOLINA: Thank you, Mr. Victorino.

14 Committee Members, any other questions  
15 for the testifier?

16 Seeing none, thank you for your  
17 testimony, Mr. Bailey.

18 MR. BAILEY: Thank you.

19 CHAIR MOLINA: We have Tracy Johnson, followed by  
20 Peg Robertson. Tracy Johnson.

21 MS. JOHNSON: Aloha, Chairman and Council Members.  
22 My name is Tracy Johnson, and I am for the  
23 affordable housing at Pulelehua. I work at  
24 Maui Land & Pineapple, and for two years,  
25 approximately, I have had to commute over to

1           the Kapalua Resort. And I'm a caretaker of a  
2           house over near Paia, so I'm part of the  
3           traffic problem.

4                   And I want to thank everyone, all of  
5           you, for being out here in Lahaina so late at  
6           night, because I know some of you live on the  
7           other side too and you have to drive in the  
8           dark all the way home on the Pali. And I just  
9           wanted to say that probably just repeating  
10          what I've heard a lot tonight, is that I just  
11          want to own a home, and I can afford owning a  
12          home in Pulelehua and I want to be near work,  
13          and this is going to help me do that.

14                   And as far as I've heard some testimony  
15          about living near an airport, well, I live  
16          near an airport, Kahului Airport, and I hear  
17          those planes every night and you get used to  
18          them. I'm not worried about my kids growing  
19          up and being, I don't know, traumatized or  
20          whatever with airplane noise.

21                   And then the other thing I wanted to say  
22          is where I care take a home, it works for me  
23          right now, but I can't have a family there,  
24          and I'm getting to the age that I want to own  
25          a home so I can have a family. I have a

1 couple of Golden Retrievers. I don't want to  
2 live an apartment. I want them to be able to  
3 run free in the neighborhood and have fun, and  
4 I want to have a family there. And that's all  
5 I'm looking for.

6 And I did hear that last person testify  
7 about the fires. I too got stuck in the fires  
8 on this side in July, and I work kind of crazy  
9 hours over at Kapalua Resort, and that's  
10 tough. I got stuck over here and then even  
11 going home I think I was in the car six to  
12 eight hours and I had to come back again. And  
13 that's just not very fun, you know, so that's  
14 it. I just wanted to give my testimony and  
15 say that I am in support for this  
16 neighborhood. Thank you.

17 CHAIR MOLINA: Thank you, Ms. Johnson.

18 Committee Members, questions for the  
19 testifier? Seeing none. Thank you for your  
20 testimony.

21 MS. JOHNSON: You're welcome.

22 CHAIR MOLINA: Next to testify we'll have Peg  
23 Robertson. Peg Robertson. I saw her. There  
24 she is, and Ms. Robertson is the last person  
25 to have signed up. Chair will give the

1 members here in this building one last  
2 opportunity to sign up upon the completion of  
3 Ms. Robertson's testimony.

4 MS. ROBERTSON: Hi. My name is Peg Robertson. I  
5 live in Waikui, right next door. I'm a  
6 retired elementary and intermediate school  
7 teacher. I agree with Dick Mayer, who talked  
8 about Pulelehua being built before Kapalua  
9 Mauka, which has 690 luxury homes going in  
10 first. Now, that just doesn't seem right.  
11 They're both being built by Maui Land & Pine.  
12 I don't see why we can't tweak that a little  
13 bit.

14 And I also have a question. How much  
15 money did the County receive from the Kapalua  
16 Mauka development for school costs or land  
17 costs? I believe it was zero. So this --  
18 this 2.4 million that you're getting for this  
19 plan, which is also owned by Maui Land &  
20 Pineapple, 2.4 million, that's peanuts. I  
21 hate to say it. I was going to say nicely  
22 that it's a little too low.

23 In California, because of Melaruse, they  
24 used to ask for the total cost of the schools.  
25 I mean, when our population increased in our

1 area, I went to the school people and I said  
2 it's time to build and they took that 70  
3 million or whatever, they built the school, by  
4 the time they built it, it already had a  
5 thousand kids too -- it had a thousand kids  
6 and it was already overburdened, which this  
7 one is going to be like that I'm sure. With  
8 all this affordable housing, you're going to  
9 have a lot of children there. And it -- it  
10 really needs to be increased. I think 2.4  
11 million is cheap. They're getting off easy.

12 I'd also ask for more, at least to pay  
13 for the air conditioning that they're going to  
14 have at that school. I went to a couple of  
15 the school planning things that they're  
16 planning this little school and they said, oh,  
17 there's going to be air conditioning. So  
18 who's -- they're saying that, but who's paying  
19 for the air conditioning? They should pay for  
20 it and also for the maintenance for the next  
21 ten years or 20 years for the air  
22 conditioning.

23 If it's next to an airport, I'm sorry,  
24 they didn't pick a different site. They  
25 wouldn't get all the dust and the dirt from

1 the airplane, the exhaust and everything, so  
2 they could at least pay for that.

3 One of the rules of the buyers -- for  
4 the buyers of Pulelehua -- are real estate  
5 brokers going to be able to buy these homes  
6 and rent them out like they did for Kahana  
7 Ridge? I mean, everybody knows Kahana Ridge  
8 up here. I talk to people all the time that  
9 say, oh, I rent there. A real estate broker  
10 owns it. And she lives up in Napili. So are  
11 they going to be able to get away with that  
12 same type of thing?

13 And the last thing, before I leave, I've  
14 done -- have 150 signatures of West Maui  
15 individuals who want a direct route from West  
16 Maui to the airport and Don Medeiros knows  
17 that. I've taken it to Transportation. We  
18 want to get the transportation and the  
19 gridlock, and that's one way we can handle  
20 that if all of you would please put some  
21 pressure on to get a direct route from West  
22 Maui to the airport --

23 MS. NAKATA: Three minutes.

24 MS. ROBERTSON: -- so if you go to the hospital like  
25 my husband had to -- I mean, he's had cancer

1 the past year, and it -- we do not have to --  
2 we don't have a direct route to the airport,  
3 so please work on that. Thank you very much.

4 CHAIR MOLINA: Thank you, Ms. Robertson.

5 Committee Members, questions for the  
6 testifier? Seeing none, thank you for your  
7 testimony.

8 As I mentioned earlier, Ms. Robertson  
9 was the last person to have signed up. Chair  
10 will provide one last opportunity for those of  
11 you here tonight to testify, please come on up  
12 and, and Mr. Blackburn-Rodriguez, you can sign  
13 up after the completion of your testimony.

14 MR. BLACKBURN-RODRIGUEZ: Thank you, Mr. Chairman.

15 Thank you, Committee Members. And I should  
16 have brought a pillow tonight. So thank you  
17 very much, because it has been a long night.  
18 I only wanted to make a couple of comments in  
19 terms of the project, and I am testifying as  
20 the President of Na Hale O Maui, but it is our  
21 board's policy not to endorse specific  
22 projects, but to look at what is in the  
23 project and give our thoughts about the  
24 project as it relates to affordable housing.  
25 I will leave the other issues to you, water,

1 soil, wastewater, et cetera, which are serious  
2 issues.

3 We are in favor of the affordable  
4 housing aspect of this project. Overall the  
5 project has been described in many ways, and I  
6 won't attempt to characterize those in terms  
7 of traditional neighborhood development, smart  
8 growth, et cetera. But there are a couple of  
9 things.

10 First of all, it's my understanding that  
11 there is discussion about deed restrictions on  
12 these properties that were affordable that  
13 would be for 30 years. The reason it's being  
14 done as 30 years is because we're getting  
15 around the issue of being affordable in  
16 perpetuity. It is very difficult to enforce a  
17 deed restriction for more than 15 years, at 25  
18 years it becomes shaky, at 30 years you're  
19 looking at lawsuits, whatever, and that is why  
20 the standard kind of is around 25 years. It  
21 gets very dicy, because you're taking property  
22 rights away from a person over time that grows  
23 and provides a legal case.

24 Deed restrictions have not worked in  
25 terms of also enforcement, what will be the

1 process 30 years from now, 25 years from now,  
2 whatever, when somebody wants to go put  
3 something on the market, who's going to tell  
4 them not to put it on the market, who will  
5 enforce it?

6 So I would like to suggest to you that  
7 you at least examine with the owner the  
8 concept of housing affordable in perpetuity  
9 and working with a land trust or another  
10 entity, a non-profit entity in order to make  
11 that happen so that if in fact this project is  
12 built, that housing stays in the housing stock  
13 forever.

14 Secondly, although I do not know what  
15 the pro formas are on this particular  
16 development, it would seem that if it were  
17 possible to at least accelerate the  
18 development of the affordable housing aspect  
19 so that it was moving, if not concurrently,  
20 then maybe ahead of the development of the  
21 higher end housing, and if that could be  
22 accelerated, I think that would be a good  
23 piece.

24 And finally, I guess the land trust  
25 model or in perpetuity allows for secondary

1 preferences, employee/employer housing,  
2 police, fire, teachers, others. All of the  
3 people that came to you from those professions  
4 spoke to you today could benefit from housing  
5 in perpetuity. Working with a land trust,  
6 they would be able to do that. And then, of  
7 course, I would urge you to look very closely  
8 at your affordable housing percentages.

9 MS. NAKATA: Three minutes.

10 MR. BLACKBURN-RODRIGUEZ: And I think questions were  
11 asked by affordability. Affordability is  
12 defined under HUD guidelines as 30 percent of  
13 your gross income, not -- and that would be  
14 spent for rent or mortgage and energy. 30  
15 percent is a very unrealistic figure.  
16 Nationally it's around 40 percent, but even at  
17 30 percent the family that testified would be  
18 able -- would only be able to afford a monthly  
19 payment of \$2,250 a month, and most of us look  
20 at affordability in how much we can pay per  
21 month, and 2,250 under the HUD guidelines  
22 would be affordable.

23 So thank you very much for allowing me  
24 to testify. I hope that you look at  
25 perpetuity in terms of the housing, also

1           accelerate the affordable housing, and look  
2           carefully at the total percentage and how that  
3           is calculated in terms of affordable housing.

4           I would like to say in closing that I am  
5           a member of the Maui Housing Council and the  
6           Housing Council did vote -- the five  
7           non-profit affordable housing developers did  
8           vote to support this project --

9   MS. NAKATA: Four minutes.

10   MR. BLACKBURN-RODRIGUEZ: -- because it is a crisis  
11           on this island and we all know that. I really  
12           appreciate your time. Thank you very much.

13   CHAIR MOLINA: Thank you, Mr. Blackburn-Rodriguez.  
14           Member Anderson.

15   COUNCILMEMBER ANDERSON: Thank you, Chair.

16           Thank you, Tom, for being here.

17   MR. BLACKBURN-RODRIGUEZ: Thank you. We live kind  
18           of in the same neighborhood. I'm just down  
19           the street. You're Maui Meadows and I'm down  
20           in the Wailea right below you, so I know the  
21           drive.

22   COUNCILMEMBER ANDERSON: You said -- you said you're  
23           not speaking on behalf of Na Hale o Maui?

24   MR. BLACKBURN-RODRIGUEZ: No, I am speaking on  
25           behalf of the organization as the President,

1 but under our board guidelines we do not  
2 endorse particular projects. We comment on  
3 the project, we talk about the affordable  
4 housing aspect of it, we look to improve the  
5 project, or if we have concerns, we raise  
6 them.

7 COUNCILMEMBER ANDERSON: Okay. So my question is  
8 you're talking about in perpetuity, and I'd  
9 like to know what your organization, how they  
10 see affordable housing being kept in  
11 perpetuity and still allowing the home-owner  
12 to reap the benefits of equity.

13 MR. BLACKBURN-RODRIGUEZ: And I'll be very brief,  
14 because it's late. Under the arrange -- the  
15 agreement that we have developed for Na Hale O  
16 Maui, and any other trust may do something  
17 differently, there is equity accrues to the  
18 homeowner over a period of time until such  
19 point -- I think after 13 or 14 years it's 50  
20 percent of equity. So when they went to sell  
21 the house, the land trust would have the right  
22 to buy it and be the first buyer. If that's  
23 not happening, it would be sold to someone who  
24 was in the same income range, they would then  
25 take 50 percent of that equity, would accrue

1 to the owner, plus the funds that they had  
2 expended for home improvements as well after  
3 those were assessed. So they would walk away  
4 with equity, yes.

5 COUNCILMEMBER ANDERSON: All right. So let me just  
6 get this straight. You know, I'm just going  
7 to use round numbers here to make it really  
8 simple. If somebody bought a house for  
9 200,000 as an affordable house under your  
10 program, and they kept it for ten years and  
11 they saw an appreciation of the value of the  
12 property by let's say 200,000, so now they  
13 have \$200,000 worth of equity in the house  
14 that they paid -- that they bought ten years  
15 previously. So now they want to move up and  
16 buy another house, so when they sell this  
17 house that's now assessed at -- the assessed  
18 valuation is, say, now, 400,000 and they only  
19 have a mortgage for 200, most of which is  
20 probably paid off, to some extent in ten  
21 years, and so what happens to that extra  
22 \$200,000 in equity? They get -- they get to  
23 realize -- if, say, the house -- I don't  
24 understand how they're going to sell the house  
25 and walk away with 50 percent of that equity

1           and then still have the house be able to be  
2           resold at an affordable range.

3   MR. BLACKBURN-RODRIGUEZ:  The separation that occurs  
4           is that the land is retained -- the ownership  
5           of the land is retained by the land trust.  
6           The surface improvements are purchased or  
7           bought by the homeowner.  They have full  
8           possessory rights, and so the land and the  
9           house are evaluated separately.  Because of  
10          the subsidy that the individual or the family  
11          would get when they first come in, that  
12          subsidy then is returned to the land trust and  
13          through a formula, which is a little more  
14          complicated than I'm able to do right now, but  
15          through a formula process, which has to do  
16          with appreciation, which has to do with  
17          homeowner improvements, they would be able to  
18          -- up to 50 percent of the equity, when they  
19          sell the house, would come back to them based  
20          on a formula.

21   COUNCILMEMBER ANDERSON:  Well, all right, well, then  
22          let's just say that 100,000 of the increased  
23          valuation goes to the land, keep it simple,  
24          and 100,000 goes to the property, some of  
25          which, say, 20,000 of that they actually put

1           in improvements themselves. So of that  
2           100,000 in the building itself, the 20,000  
3           they get to keep, because that's money they  
4           invested, so that's 80,000 in equity.

5 MR. BLACKBURN-RODRIGUEZ: After it's assessed. In  
6           other words, that improvement would be  
7           assessed by a neutral party to determine the  
8           amount, right.

9 COUNCILMEMBER ANDERSON: Just to get to the idea  
10          here.

11 MR. BLACKBURN-RODRIGUEZ: Sure.

12 COUNCILMEMBER ANDERSON: So there's 80,000 in equity  
13          in the house. They get 40,000 of that when  
14          they sell?

15 MR. BLACKBURN-RODRIGUEZ: Under the example you're  
16          talking about, just to keep it very, very  
17          simple, they could receive up to 40,000. They  
18          could receive \$40,000 in equity; that's  
19          correct.

20 COUNCILMEMBER ANDERSON: Plus the 20,000  
21          they invested.

22 MR. BLACKBURN-RODRIGUEZ: That's correct (*end of*  
23          *tape*) is in fact to assist families to move  
24          up. The studies that we've looked at show  
25          that after about seven years, for example, in

1 Vermont, which has about 5,000 homes, after  
2 seven years, about 70 percent of the people  
3 moved up into a market-priced homes because  
4 they were able to save money, they were in  
5 affordable housing so they could then move  
6 into something else.

7 COUNCILMEMBER ANDERSON: And that would be ideal,  
8 because then when they move up, whatever  
9 equity that they are earning in the life of  
10 their loan and the time they're there is  
11 theirs to keep --

12 MR. BLACKBURN-RODRIGUEZ: That's right.

13 COUNCILMEMBER ANDERSON: -- into retirement.

14 MR. BLACKBURN-RODRIGUEZ: That allows them to build  
15 wealth for retirement. That is correct.

16 COUNCILMEMBER ANDERSON: Okay, thank you.

17 CHAIR MOLINA: Thank you, Member Anderson.

18 Committee Members, any other questions  
19 for the testifier? Seeing none, thank you,  
20 Mr. Blackburn-Rodriguez.

21 MR. BLACKBURN-RODRIGUEZ: Thank you, Mr. Chairman.  
22 Thank you.

23 CHAIR MOLINA: And please sign up at the desk, yeah.  
24 Gentleman back there, you wanted to come  
25 and offer your testimony? You can sign up

1           upon the completion of your testimony. Please  
2           state your name for the record.

3 MR. JACKSON: My name's Mark Jackson, and I think my  
4           concern is basically are these going to be  
5           truly affordable for the people that really  
6           need them? And if you look at the interest  
7           rates and (inaudible) now, which are a little  
8           bit higher than they were a few years ago, as  
9           the gentleman before said, you need to  
10          basically make three times what your mortgage  
11          payment is. So if you have a \$250,000  
12          mortgage, taxes and insurance, principal and  
13          interest, it's going to cost \$1,800 a month.  
14          So that means that a person has to be making  
15          \$5,400 a month to afford a \$250,000 mortgage.  
16          That doesn't include car payments, credit  
17          cards, all of that. So my concern is, number  
18          one, can Maui Land & Pine really keep these  
19          affordable for the people that really need  
20          them?

21                 Secondly, I don't know if this has been  
22          cured, but I know that there's been a little  
23          bit of a loophole in the affordable housing  
24          that was written, that if somebody falls out  
25          that goes in and gets an affordable house

1           under this affordable housing, whatever it is,  
2           contract that the County has, that basically  
3           if they fall out after 45 days and they can't  
4           qualify for the financing, and it passes this  
5           time frame, then the developer doesn't have to  
6           put this unit back into the affordable housing  
7           pool. It can go back into the open market.

8                   And so I'd like to make sure that either  
9           this loophole is closed or this isn't allowed  
10          to happen, because I know that a lot of times  
11          these developers do not want to put it back on  
12          the market as an affordable house because they  
13          can make more money as a market home. So I  
14          know that's been an issue in the past.

15                   Thirdly, just on density, is density a  
16          good thing, having four to 6,000 square foot  
17          lots? Is it possible to be able to make a  
18          quality of life, larger lots? You know, do  
19          you want your porch closer to the road? I  
20          mean, I think quality of life is you'd like to  
21          be farther from the road, not have the road  
22          noise. So is it a possibility to have it less  
23          dense, still keep some affordable housing?  
24          And I'm not sure, you know, Maui Land & Pine,  
25          had they had this land for close to a hundred

1 years in the land bank, basically my feeling  
2 is almost zero land cost. So what can they do  
3 to keep this as affordable as possible for  
4 these people?

5 And I'm one of the lucky people. I  
6 already have a home, so I'm advocating for  
7 people that really need it on this side.  
8 Thank you.

9 CHAIR MOLINA: Thank you, Mr. Jackson. Committee  
10 Members, questions for the testifier? Okay,  
11 seeing none. Thank you very much for your  
12 testimony.

13 Anyone else to testify? Come on up,  
14 sir, and sign up upon the completion of your  
15 testimony.

16 MR. BARTLETT: Aloha, Chairman Molina and Council  
17 Members. My name is Randy Bartlett. I'm the  
18 watershed manager for Maui Land & Pineapple  
19 Company, and I've been with the company now  
20 for close to 20 years. I'm fortunate in that  
21 I qualified for company housing or a company  
22 lot over 12 years ago, my wife and I, right  
23 below the Napili Park, but I have five  
24 employees in my department, in the watershed  
25 department, and we manage over half our

1           company land in West Maui, which is all  
2           conservation, including the Pu`u Kukui  
3           Preserve, which is the largest private nature  
4           preserve in Hawaii. And my fellow employees,  
5           of them, one owns a house in Napilihau and the  
6           rest are young and are having families and  
7           they're just starting out and they need  
8           housing. Two of them are local boys from  
9           Maui. One lives in Waiehu. The other lives  
10          in Maluhia. Both of them commute daily over  
11          the Pali to come to work. And the other is --  
12          was the roommate of the gentleman, Greg  
13          Hansen, who came up earlier and told you he  
14          was paying \$1,100 a month, so he's -- he's  
15          paying a lot of his income in rent, probably  
16          closer to half, not 30 percent or 40 percent.  
17          And the other employee is a woman with a young  
18          child, a nine-month old child, and she and her  
19          husband are paying rent. They were living in  
20          Kahana Nui in a rental just below Pulelehua,  
21          in a two-bedroom apartment and they were  
22          paying 2,200 a month.

23                        So we're facing some very high and  
24                        unrealistic costs here that scream out for  
25                        affordable housing on this side. So whatever

1           you can do to help make my employees stick  
2           around so I can have them working hard, as  
3           they do, I would appreciate it very much.  
4           Mahalo for your time.

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

6 CHAIR MOLINA: Thank you, Mr. Bartlett.

7                           Committee Members, questions for the  
8           testifier? Seeing none. Thank you for your  
9           testimony, Mr. Bartlett, and please sign up at  
10          the desk for your testimony.

11                          Okay, any last testifiers? Okay, seeing  
12          none, Members, Chair will close public  
13          testimony for Land Use Item 65. Any  
14          objections?

15 COUNCIL MEMBERS: No objections.

16 CHAIR MOLINA: Okay. Thank you.

17                          Members, it's been brought to my  
18          attention, we do have a Water Committee  
19          meeting at 9:00 a.m. tomorrow morning, and a  
20          couple of Members are a little bit under the  
21          weather. And being that I would like  
22          everybody to be energized as much as possible,  
23          Mr. McNatt, I apologize. I know earlier we  
24          mentioned we would possibly have a  
25          question-and-answer session, however -- so

1           regrettably, we'll not be able to have that  
2           here tonight, but needless to say we will  
3           visit this matter some -- at some point in the  
4           future.

5                        So I would like to conclude our evening  
6           by thanking all of you from West Maui for  
7           coming out tonight, taking time out of your  
8           busy schedule to share with us your manao as  
9           it relates to this proposal, as well as the  
10          earlier proposal from the Boys & Girls Club.

11                       So with that being said, Members, any  
12          objections to deferral?

13   COUNCIL MEMBERS:  No objections.

14   **COUNCIL MEMBERS VOICED NO OBJECTIONS** (excused: RH, BM).

15                       **ACTION:  DEFER pending further discussion.**

16   CHAIR MOLINA:  Okay, Land Use Item 65 is deferred.

17                       So I'd like to thank our friends from  
18          *Akaku* as well for the live feed tonight for  
19          this broadcast here on *Akaku Television*.

20                       So that being said, mahalo once again,  
21          and this meeting for the Land Use Committee,  
22          September 5th, 2007 here at the Lahaina Civic  
23          Center is now adjourned.

24   **ADJOURN:**  9:38 p.m.

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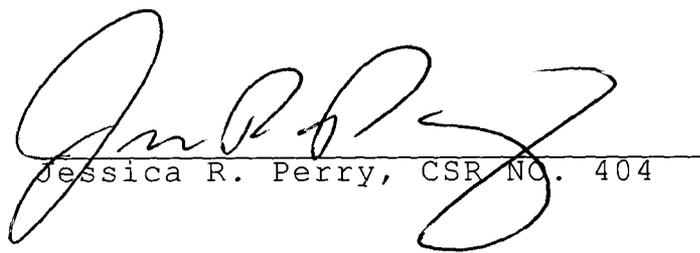
C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 2nd day of October, 2007, in Honolulu, Hawaii.

  
\_\_\_\_\_  
Jessica R. Perry, CSR No. 404