

REQUEST FOR LEGAL SERVICES

Date: November 5, 2018
From: Robert Carroll, Chair
Land Use Committee

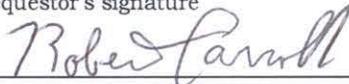
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

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

Background Data: At its meeting of October 31, 2018, reconvened on November 2, 2018, the Committee requested the revisions shown on the attached mark-up of Exhibits "A" (Modifications) and "B" (Exemptions) be incorporated into the revised proposed resolution approving the project with modifications, a copy of which is also attached. A clean original with the revisions incorporated is attached for your review and approval. Please review it and, if appropriate, approve it as to form and legality. A hard copy of the revised proposed resolution is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Robert Carroll	Contact Person <u>Carla Nakata or Saumalu Mataafa</u> (Telephone Extension: 7659 or 7665, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): November 7, 2018
REASON: To submit for posting on November 9, 2018, for the special Council meeting of November 15, 2018.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)



MODIFICATIONS

1. Construction of the Wailuku Apartment Rental Housing Project ("Project") shall commence within two years of the effective date of this resolution. Commencement of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the property. Legacy Wailuku LLC shall act in good faith and with its reasonable best efforts to complete construction of the 195 residential workforce housing units, with all related roads and infrastructure, no later than five years after the effective date of this resolution.
2. Project approval shall lapse and become void if by the end of 180 days from the effective date of this resolution, Legacy Wailuku LLC has failed to receive the Maui County Council's approval of a State Land Use District Boundary Amendment from Agricultural to Urban for the property.
3. Legacy Wailuku LLC shall prepare a Transportation Demand Management plan and report ("TDM") for the project for review by the Department of Public Works ("Department"). The TDM shall be submitted to the Department prior to the issuance of the Project's first Certificate of Occupancy.
4. Legacy Wailuku LLC shall analyze and evaluate the Waiale Road-Kuikahi Drive signalized intersection and submit a preliminary optimized timing plan for review and implementation by the Department when the development reaches the threshold of 50 percent occupancy. The parameters for the traffic data collection needed to perform the optimization study shall be provided by the Department.
5. A final optimized timing plan based on final Project trip generation shall be submitted within 180 days after the issuance of a temporary Certificate of Occupancy for the final (ninth) apartment building to be constructed on the property.
6. Legacy Wailuku LLC shall provide an updated traffic assessment report to the Department for review prior to the issuance of the final Certificate of Occupancy for the final (ninth) apartment building to be constructed on the property. This report shall provide information on the development's actual motorized and non-motorized traffic generation versus projections in the original traffic report, level of service at the Project's access points and adjacent intersection, mitigation

EXHIBIT "A"

RECEIVED AT LU MEETING ON 11/2/18
from Committee Chair Carroll

recommendations having a rational nexus to the Project, and outcomes of the TDM after implementation, and recommend any additional transportation improvements for future Capital Improvement Program and planning purposes.

lu:misc:002(5)modifications012

EXHIBIT "A"

EXHIBIT "B"

**WAILUKU APARTMENT RENTAL HOUSING PROJECT -
EXEMPTIONS PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES**

1. **Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining a Community Plan Amendment.

2. **Chapter 12.24A, MCC, Landscape Planting and Beautification.** An exemption is granted from to allow flexibility in the required number, species, and location of street trees along Honoapiilani Highway, Waiale Road, and Kuikahi Drive required by Chapter 12.24A, MCC, Landscape Planting and Beautification. Landscaping will be provided in accordance with the Conceptual Landscape Plan prepared by a licensed landscape architect, attached hereto as Exhibit "1," shall be reviewed by the Department of Public Works prior to approval.

3. **Chapter 14.35, MCC, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System.** An exemption is granted to allow the project to receive its building permits without paying wastewater assessment fees for facility expansion for the Wailuku/Kahului wastewater treatment system.

4. **Title 16, MCC, Buildings and Construction.** Exemptions are granted from Chapters 16.04C, Fire Code, 16.18B, Electrical Code, 16.20B, Plumbing Code, and 16.26B, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review, and inspection fees.

5. **Section 16.26B.3600, MCC, Improvements to Public Streets.** An exemption is granted from the requirement, pursuant to Section 16.26B.3600, MCC, that curbs and gutters be constructed along Kuikahi Drive, Waiale Road, and Honoapiilani Highway. Improvements shall be provided as shown on Exhibits "2A" and "2B," attached hereto. Exemptions are granted from this section to allow:
 - a. Overhead utility lines;
 - b. Sidewalks, bicycle lanes, swales (in lieu of curbs and gutters) along Kuikahi Drive and Waiale Road, as indicated on Exhibits "2A" and "2B";
 - c. Pavement widening along Kuikahi Drive and Waiale Road as indicated on Exhibits "2A" and "2B"; and

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from Committee Chair Carroll

d. Land dedication to widen the Kuikahi Drive right-of-way as indicated on Exhibit "2A."

6. **Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance.** An exemption is granted from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, to exempt the project from obtaining a Change in Zoning or Community Plan Amendment. An exemption from Section 18.16.020, MCC, Compliance is granted to exempt the project from General Plan conformity requirements.
7. **Section 18.16.320, MCC, Parks and Playgrounds.** The project includes four small parks and playgrounds improvements that vary between 1,200 square feet and 2,000 square feet in size, as shown on Exhibit "3," attached hereto. An exemption from Section 18.16.320, MCC, shall be granted to exempt the project from any park dedication requirements in excess of these improvements.
8. **Chapter 18.20, MCC, Subdivision Improvements.** Exemptions are granted from Sections 18.20.040, 18.20.070, and 18.20.080, MCC, as they relate to the urban standards for curbs, gutters, and sidewalks for the portions of the project adjacent to Waiale Road and Kuikahi Drive. The project will provide an at-grade sidewalk and bike path along Waiale Road and Kuikahi Drive with a raised asphalt curb painted white to delineate the pedestrian safety zone, as shown on Exhibits "2A" and "2B," attached hereto.
9. **Chapter 19.30A, MCC, Agricultural District.** An exemption from Chapter 19.30A, MCC, is granted to permit the development and use of the property for multi-family residential use, recreational uses and structures, and accessory uses according to the permitted uses, accessory uses and buildings, and development standards of the A-2 Apartment District pursuant to the provisions set forth in Chapter 19.12, with one exception: a utility shed will be located within the setback area, in the location shown on the plans submitted with the 201H application, approximately ten (10) feet from the property boundary.
10. **Section 19.36A.070, MCC, Walls, Fences, and Landscaping.** An exemption is granted from Section 19.36A.070, MCC, Walls, Fences and Landscaping, to allow for flexibility in the placement of fences and shade trees as set out in the proposed conceptual site plan.
11. **Chapter 19.68, MCC, State Land Use District Boundaries; Chapter 19.510, MCC, Application and Procedures; Article 8, Chapter 8, Revised Charter of the County of Maui (1983), as amended.** Exemptions are granted from Chapters 19.68 and 19.510, MCC, and

Article 8, Chapter 8, of the Revised Charter of the County of Maui (1983), as amended, to enable the District Boundary Amendment request to proceed directly to the Maui County Council. The District Boundary Amendment request will not require the preparation of a District Boundary Amendment application and will not require processing through the Maui Planning Commission.

LU-2(5)

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL
2018 OCT 25 PM 2:02

Date: **October 25, 2018**
From: **Robert Carroll, Chair**
Land Use Committee

TRANSMITTAL
Memo to: **DEPARTMENT OF THE CORPORATION COUNSEL**
Attention: Jeffrey Ueoka, Esq.

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

Background Data: Please review and, if appropriate, approve as to form and legality the attached revised proposed resolution approving the project with modification, incorporating revisions made by the Committee at its meeting of October 17, 2018, a new Exhibit "A" with two proposed modifications, and nonsubstantive revisions. An approved hard copy of the resolution is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

RECEIVED
OFFICE OF THE
COUNTY COUNCIL
2018 OCT 25 PM 8:34

Requestor's signature <i>Marie Johnson</i> Robert Carroll	Contact Person <u>Carla Nakata or Saumalu Mataafa</u> (Telephone Extension: 7659 or 7665)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 29, 2018
REASON: For discussion at the October 31, 2018 Land Use Committee Meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JTU</u>	ASSIGNMENT NO. <u>2017-0096</u>	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/25/18

By JTU

(Rev. 7/03)

Resolution

No. _____

APPROVING WITH MODIFICATION THE
WAILUKU APARTMENT RENTAL HOUSING
PROJECT BY LEGACY WAILUKU LLC,
PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES

WHEREAS, Legacy Wailuku LLC, a Delaware limited liability company, proposes the development of the Wailuku Apartment Rental Housing Project (“Project”), pursuant to Section 201H-38, Hawaii Revised Statutes (“HRS”) for qualified residents on land identified for real property tax purposes as tax map key (2) 3-5-001:064, Wailuku, Maui, Hawaii; and

WHEREAS, the Project will have 195 residential workforce housing rental units and 129 market-rate rental units, for a total of 324 rental units; and

WHEREAS, on October 4, 2018, the Hawaii Housing Finance and Development Corporation (“HHFDC”) submitted the preliminary plans and specifications and the accompanying Application (“Application”) to the Maui County Council, recommending approval of the Project pursuant to Chapter 201H, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after HHFDC submits the preliminary plans and specifications for the Project to the Council, or the Project shall be deemed approved; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That based upon the transmittals and the representations of HHFDC and Legacy Wailuku LLC, the Council approves the Project with the modifications attached hereto as Exhibit “A” and made a part hereof, including the Project’s preliminary

Resolution No. _____

plans and specifications as submitted to the Council on October 4, 2018, pursuant to Section 201H-38, HRS; provided that the Project shall comply with all statutes, ordinances, Charter provisions, and rules of governmental agencies relating to planning, zoning, and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit B," attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Executive Director of HHFDC, from the preliminary plans and specifications approved by the Council; and
3. That any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval; and
4. That the final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and
5. That certified copies of this resolution shall be transmitted to the Director of Housing and Human Concerns, Planning Director, Director of Public Works; Executive Director of HHFDC, and Legacy Wailuku LLC.

APPROVED AS TO FORM AND LEGALITY



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

MODIFICATIONS

1. Construction of the Wailuku Apartment Rental Housing Project ("Project") shall commence within two years of the effective date of this resolution. Commencement of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the property. Legacy Wailuku LLC shall act in good faith and with its reasonable best efforts to complete construction of the 195 residential workforce housing units, with all related roads and infrastructure, no later than five years after the effective date of this resolution.
2. Project approval shall lapse and become void if by the end of 180 days from the effective date of this resolution, Legacy Wailuku LLC has failed to receive the Maui County Council's approval of a State Land Use District Boundary Amendment from Agricultural to Urban for the property.

lu:misc:002(5)modifications01

EXHIBIT "A"

EXHIBIT "B"

WAILUKU APARTMENT RENTAL HOUSING PROJECT - EXEMPTIONS PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

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EXHIBIT "1"



NOTE: ALL LANDSCAPE PLANTING AREAS SHALL BE INSTALLED WITH AN AUTOMATIC IRRIGATION SYSTEM (AS PER THE STANDARD SPECIFICATIONS AND PRACTICES)

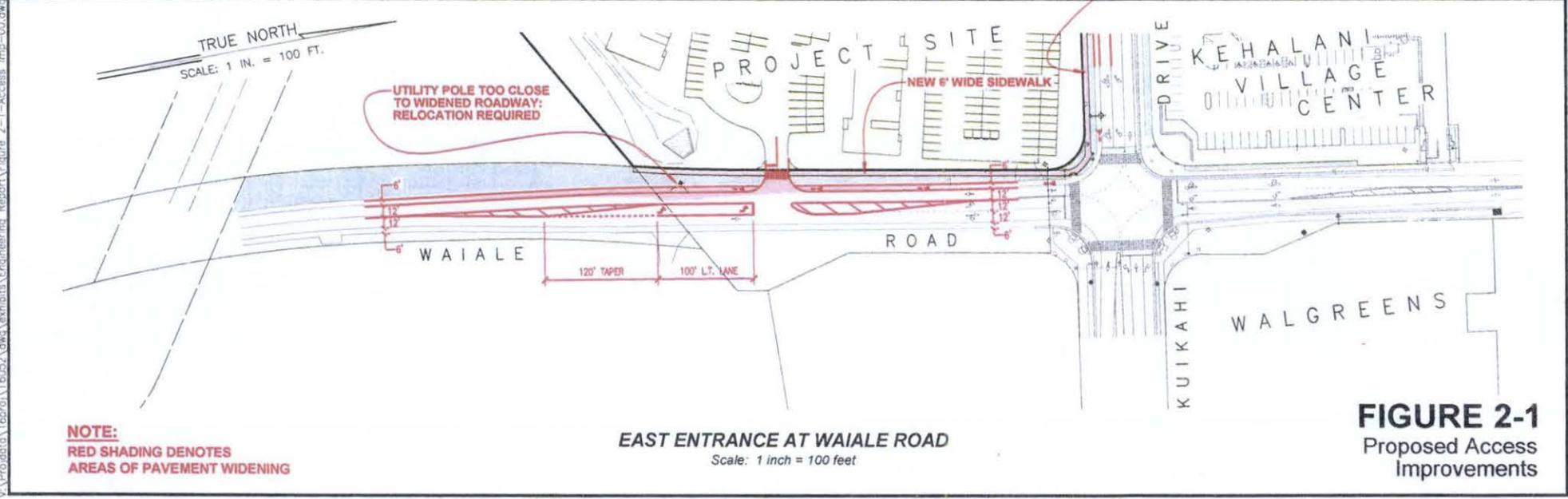
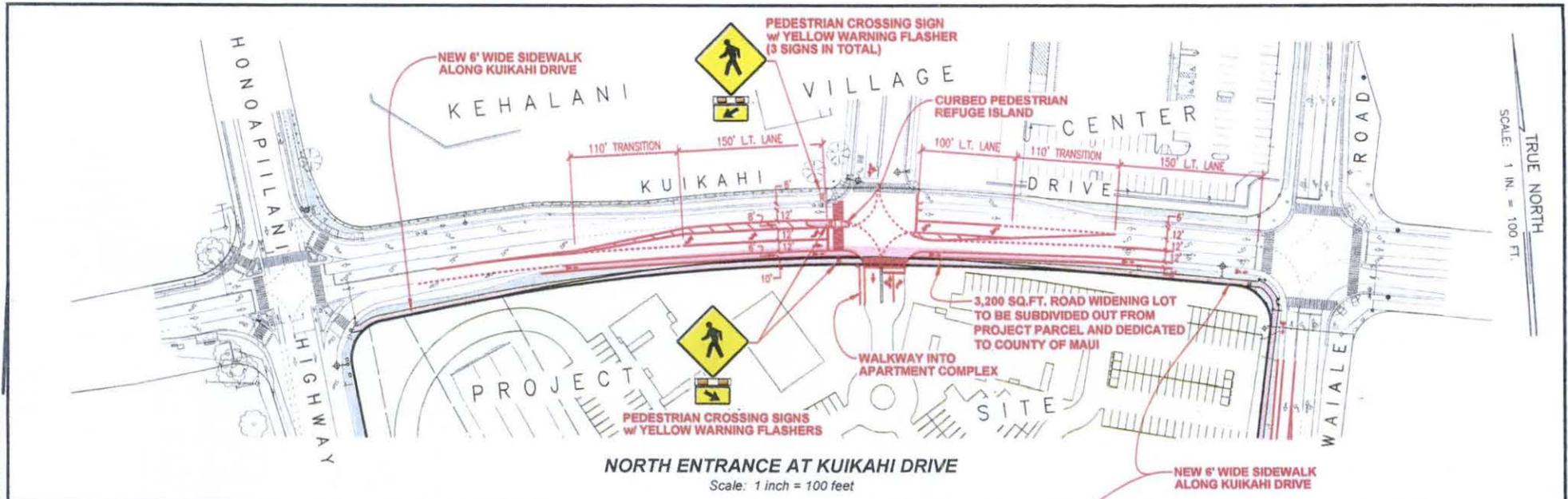
PRELIMINARY PLANT LIST

1. LARGE SHADE TREES (20' canopy or larger)
 01 - Kanihoi
 02 - Kanihoi
2. MEDIUM SIZED SHADE TREES (10' canopy max.)
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
3. SMALL TREES (10' canopy max.)
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
4. LARGE SPECIALTY SHADE TREE (10' canopy or larger)
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
5. SINGLE STRANDED PALMS
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
6. MULTISTRANDED PALMS
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
7. SHRUBS
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi
8. GRASSES
 01 - Kanihoi
 02 - Kanihoi
 03 - Kanihoi
 04 - Kanihoi
 05 - Kanihoi
 06 - Kanihoi
 07 - Kanihoi
 08 - Kanihoi
 09 - Kanihoi
 10 - Kanihoi



PRELIMINARY LANDSCAPE PLAN

WAILUKU WORKFORCE APARTMENTS 30K (2) 3-5-001-004 EAST KUPUNA DRIVE & WAIALE ROAD WAILUKU, MAUI HAWAII		RUSSELL Y. GLUSH P.O. BOX 2084 1001 W. MAIN STREET WAILUKU, MAUI HAWAII	
PRELIMINARY LANDSCAPE PLAN PROJECT NO. 17-00 DATE: JAN. 2017 DRAWING NO.		SHEET LP-1 OF	



NOTE:
 RED SHADING DENOTES
 AREAS OF PAVEMENT WIDENING

FIGURE 2-1
 Proposed Access
 Improvements

TRUE NORTH
 SCALE: 1 IN. = 100 FT.

TRUE NORTH
 SCALE: 1 IN. = 100 FT.

EXHIBIT 2B

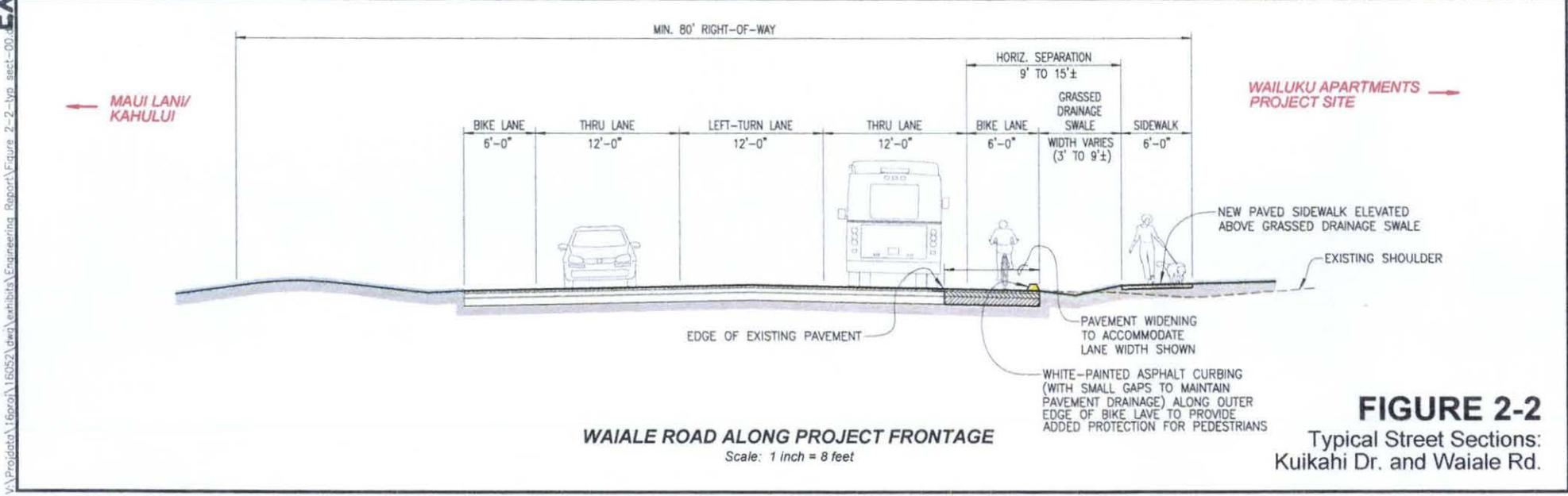
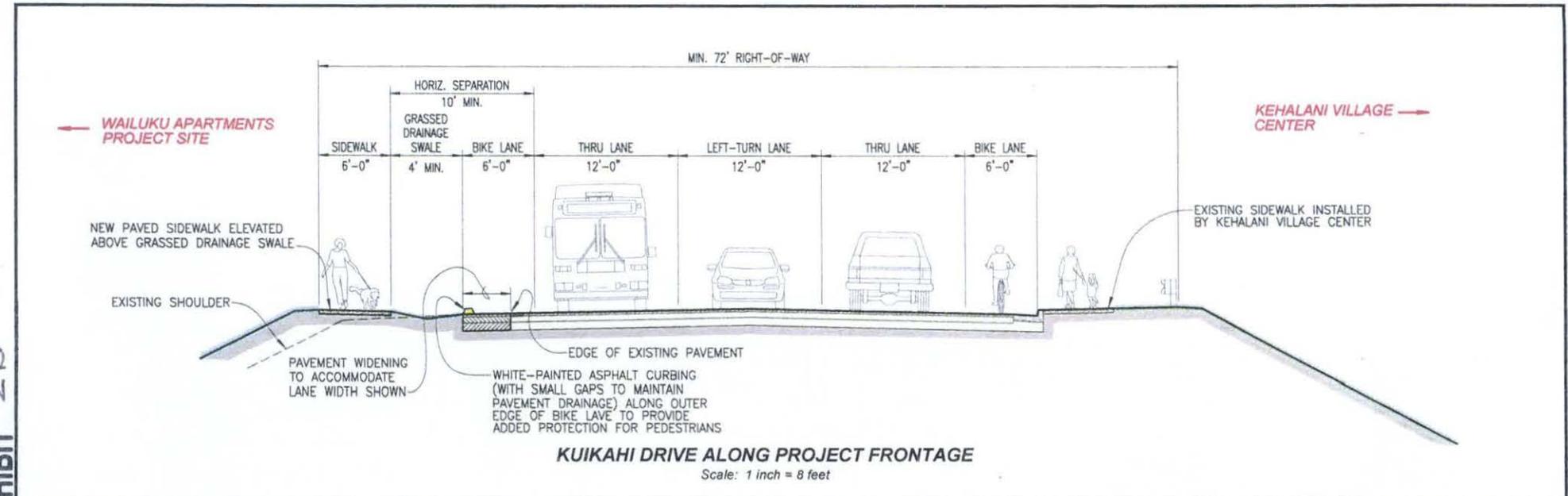
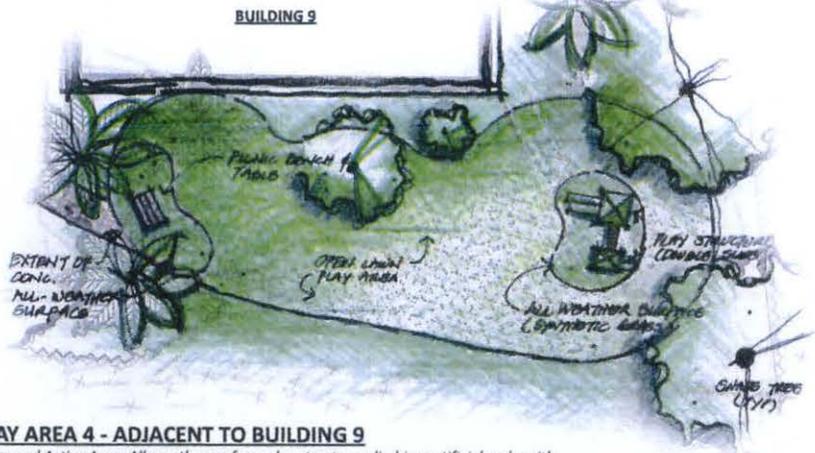


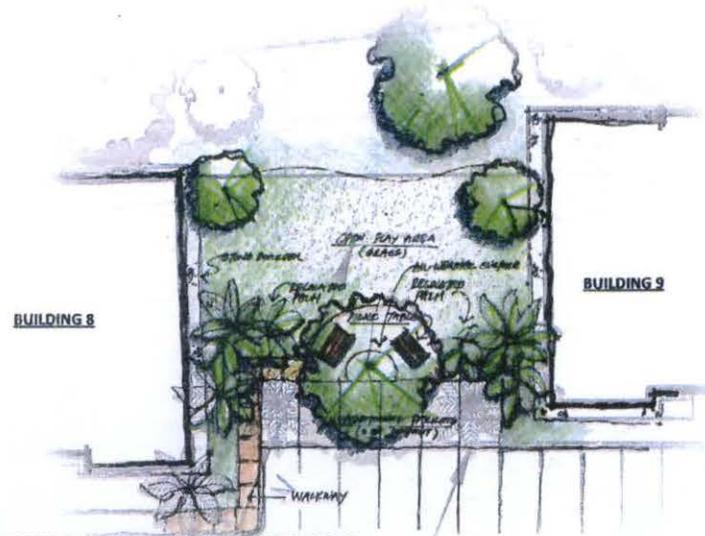
FIGURE 2-2
 Typical Street Sections:
 Kuikahi Dr. and Waiale Rd.

V:\Projdata\16052\dwg\exhibits\Engineering_Report\Figure 2-2 typ sect-00.dwg



PLAY AREA 4 - ADJACENT TO BUILDING 9

(Proposed Active Area: All-weather surface, play structure, climbing artificial rocks with picnic table & bench in proposed open grassed play area.)



PLAY AREA 3 - BETWEEN BUILDINGS 8 & 9

(Proposed Passive Area: All-weather surface, picnic tables & bench in proposed open smaller grassed play area. Additional tandem parking provided.)



PLAY AREA 1&2 - ADJACENT TO COMMUNITY CENTER & POOL

(Proposed Active Area: PA 1: All-weather surface, play structure, climbing artificial rocks and benches in proposed open grassed play area. PA 2: All-weather surface, climbing rocks & cargo nets w/ 3ea putting holes.)



OPEN LAWN PLAY AREA CONCEPTS

WAILUKU APARTMENTS

NOVEMBER 13, 2017

Resolution

No. _____

APPROVING WITH MODIFICATION THE
WAILUKU APARTMENT RENTAL HOUSING
PROJECT BY LEGACY WAILUKU LLC,
PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES

WHEREAS, Legacy Wailuku LLC, a Delaware limited liability company, proposes the development of the Wailuku Apartment Rental Housing Project (“Project”), pursuant to Section 201H-38, Hawaii Revised Statutes (“HRS”) for qualified residents on land identified for real property tax purposes as tax map key (2) 3-5-001:064, Wailuku, Maui, Hawaii; and

WHEREAS, the Project will have 195 residential workforce housing rental units and 129 market-rate rental units, for a total of 324 rental units; and

WHEREAS, on October 4, 2018, the Hawaii Housing Finance and Development Corporation (“HHFDC”) submitted the preliminary plans and specifications and the accompanying Application (“Application”) to the Maui County Council, recommending approval of the Project pursuant to Chapter 201H, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after HHFDC submits the preliminary plans and specifications for the Project to the Council, or the Project shall be deemed approved; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That based upon the transmittals and the representations of HHFDC and Legacy Wailuku LLC, the Council approves the Project with the modifications attached hereto as Exhibit “A” and made a part hereof, including the Project’s preliminary

Resolution No. _____

plans and specifications as submitted to the Council on October 4, 2018, pursuant to Section 201H-38, HRS; provided that the Project shall comply with all statutes, ordinances, Charter provisions, and rules of governmental agencies relating to planning, zoning, and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit B,” attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Executive Director of HHFDC, from the preliminary plans and specifications approved by the Council; and
3. That any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval; and
4. That the final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and
5. That certified copies of this resolution shall be transmitted to the Director of Housing and Human Concerns, Planning Director, Director of Public Works; Executive Director of HHFDC, and Legacy Wailuku LLC.

APPROVED AS TO FORM AND LEGALITY

JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

lu:misc:002(5)aresomodification01

MODIFICATIONS

1. Construction of the Wailuku Apartment Rental Housing Project (“Project”) shall commence within two years of the effective date of this resolution. Commencement of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the property. Legacy Wailuku LLC shall act in good faith and with its reasonable best efforts to complete construction of the 195 residential workforce housing units, with all related roads and infrastructure, no later than five years after the effective date of this resolution.
2. Project approval shall lapse and become void if by the end of 180 days from the effective date of this resolution, Legacy Wailuku LLC has failed to receive the Maui County Council’s approval of a State Land Use District Boundary Amendment from Agricultural to Urban for the property.
3. Legacy Wailuku LLC shall prepare a Transportation Demand Management plan and report (“TDM”) for the project for review by the Department of Public Works (“Department”). The TDM shall be submitted to the Department prior to the issuance of the Project’s first Certificate of Occupancy.
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5. A final optimized timing plan based on final Project trip generation shall be submitted within 180 days after the issuance of a temporary Certificate of Occupancy for the final (ninth) apartment building to be constructed on the property.
6. Legacy Wailuku LLC shall provide an updated traffic assessment report to the Department for review prior to the issuance of the final Certificate of Occupancy for the final (ninth) apartment building to be constructed on the property. This report shall provide information on the development’s actual motorized and non-motorized traffic generation versus projections in the original traffic report, level of service at the Project’s access points and adjacent intersection, mitigation

EXHIBIT “A”

recommendations having a rational nexus to the Project, and outcomes of the TDM after implementation, and recommend any additional transportation improvements for future Capital Improvement Program and planning purposes.

lu:misc:002(5)modifications02

EXHIBIT "B"

**WAILUKU APARTMENT RENTAL HOUSING PROJECT -
EXEMPTIONS PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES**

1. **Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining a Community Plan Amendment.
2. **Chapter 12.24A, MCC, Landscape Planting and Beautification.** An exemption is granted to allow flexibility in the required number, species, and location of street trees along Waiale Road and Kuikahi Drive. The Conceptual Landscape Plan prepared by a licensed landscape architect, attached hereto as Exhibit "1," shall be reviewed by the Department of Public Works prior to approval.
3. **Chapter 14.35, MCC, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System.** An exemption is granted to allow the project to receive its building permits without paying wastewater assessment fees for facility expansion for the Wailuku/Kahului wastewater treatment system.
4. **Title 16, MCC, Buildings and Construction.** Exemptions are granted from Chapters 16.04C, Fire Code, 16.18B, Electrical Code, 16.20B, Plumbing Code, and 16.26B, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review, and inspection fees.
5. **Section 16.26B.3600, MCC, Improvements to Public Streets.** Exemptions are granted from this section to allow:
 - a. Overhead utility lines;
 - b. Sidewalks, bicycle lanes, swales (in lieu of curbs and gutters) along Kuikahi Drive and Waiale Road, as indicated on Exhibits "2A" and "2B";
 - c. Pavement widening along Kuikahi Drive and Waiale Road as indicated on Exhibits "2A" and "2B"; and
 - d. Land dedication to widen the Kuikahi Drive right-of-way as indicated on Exhibit "2A."
6. **Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance.** An exemption is granted from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, to exempt the project from obtaining a Change in Zoning or Community Plan Amendment. An exemption from Section

18.16.020, MCC, Compliance is granted to exempt the project from General Plan conformity requirements.

7. **Section 18.16.320, MCC, Parks and Playgrounds.** The project includes four small parks and playgrounds improvements that vary between 1,200 square feet and 2,000 square feet in size, as shown on Exhibit "3," attached hereto. An exemption from Section 18.16.320, MCC, shall be granted to exempt the project from any park dedication requirements in excess of these improvements.
8. **Chapter 18.20, MCC, Subdivision Improvements.** Exemptions are granted from Sections 18.20.040, 18.20.070, and 18.20.080, MCC, as they relate to the urban standards for curbs, gutters, and sidewalks for the portions of the project adjacent to Waiale Road and Kuikahi Drive. The project will provide an at-grade sidewalk and bike path along Waiale Road and Kuikahi Drive with a raised asphalt curb painted white to delineate the pedestrian safety zone, as shown on Exhibits "2A" and "2B," attached hereto.
9. **Chapter 19.30A, MCC, Agricultural District.** An exemption from Chapter 19.30A, MCC, is granted to permit the development and use of the property for multi-family residential use, recreational uses and structures, and accessory uses according to the permitted uses, accessory uses and buildings, and development standards of the A-2 Apartment District pursuant to the provisions set forth in Chapter 19.12, with one exception: a utility shed will be located within the setback area, in the location shown on the plans submitted with the 201H application, approximately ten (10) feet from the property boundary.
10. **Section 19.36A.070, MCC, Walls, Fences, and Landscaping.** An exemption is granted from Section 19.36A.070, MCC, Walls, Fences and Landscaping, to allow for flexibility in the placement of fences and shade trees as set out in the proposed conceptual site plan.
11. **Chapter 19.68, MCC, State Land Use District Boundaries; Chapter 19.510, MCC, Application and Procedures; Article 8, Chapter 8, Revised Charter of the County of Maui (1983), as amended.** Exemptions are granted from Chapters 19.68 and 19.510, MCC, and Article 8, Chapter 8, of the Revised Charter of the County of Maui (1983), as amended, to enable the District Boundary Amendment request to proceed directly to the Maui County Council. The District Boundary Amendment request will not require the preparation of a District Boundary Amendment application and will not require processing through the Maui Planning Commission.

EXHIBIT "1"



NOTE: ALL LANDSCAPE PLANTING AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM AND SHALL BE MAINTAINED AND OPERATED USING EQUIPMENT AND PERSONNEL.

PROPERTY LINE - 1"=50'-0" EXISTING NATURAL VEGETATION TO REMAIN - 1"=50'-0" EXISTING DRAINAGE CHANNEL, TO REMAIN

- ### PRELIMINARY PLANT LIST
- 1. LARGE SHADE TREES
(See Quantity Schedule)
 - 2. MEDIUM SIZED SHADE TREES
(See Quantity Schedule)
 - 3. SMALL TREES
(See Quantity Schedule)
 - 4. LARGE ACCENT SHRUBS
(See Quantity Schedule)
 - 5. SINGLE TRUNKED PALM
(See Quantity Schedule)
 - 6. SHRUBS
(See Quantity Schedule)
 - 7. GRASSES
(See Quantity Schedule)
 - 8. OPEN LAWN PLANTING
(See Quantity Schedule)
 - 9. COMMUNITY CENTER PLANTING
(See Quantity Schedule)
 - 10. COMMUNITY CENTER PLANTING
(See Quantity Schedule)



NO.	DATE	REVISIONS

PROJECT NO. 1126
DATE: MAY 2011
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN

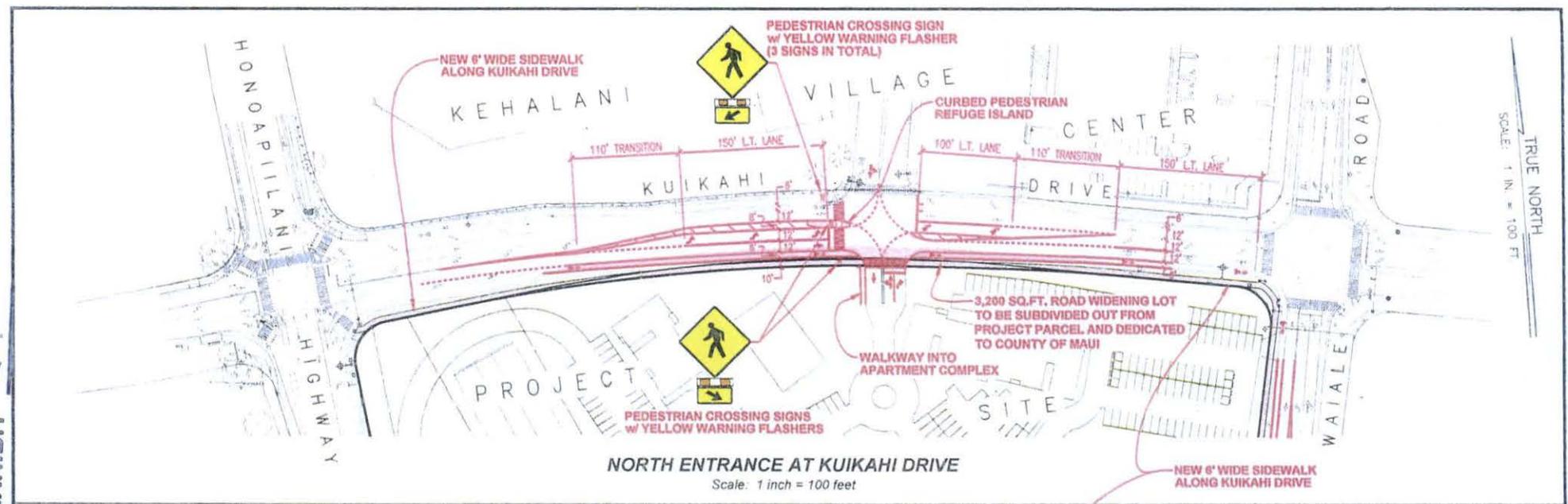
LP-1

WAILUKU WORKFORCE APARTMENTS
 2000 W. WAILUKU ROAD
 WAILUKU, HAWAII 96793

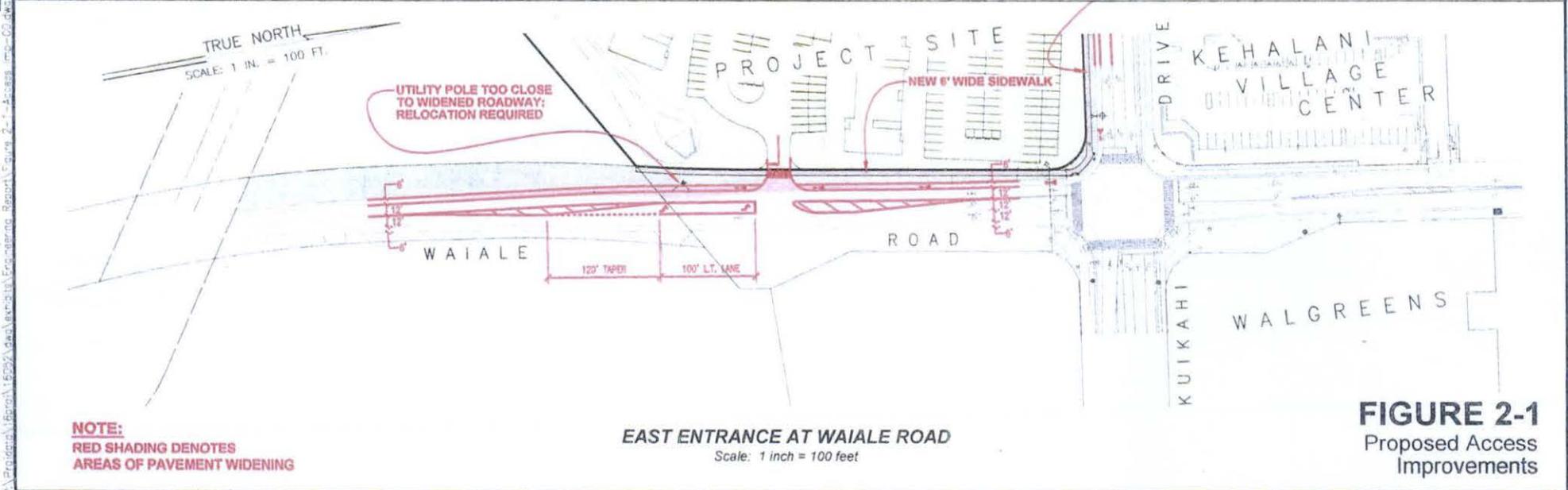
PRELIMINARY LANDSCAPE PLAN

RUSSELL V. GUSHI

215 S. WILSON WAY
 SUITE 100
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 FAX: (808) 255-1112
 WWW: WWW.RUSSELLV.GUSHI.COM



NORTH ENTRANCE AT KUIKAHI DRIVE
Scale: 1 inch = 100 feet

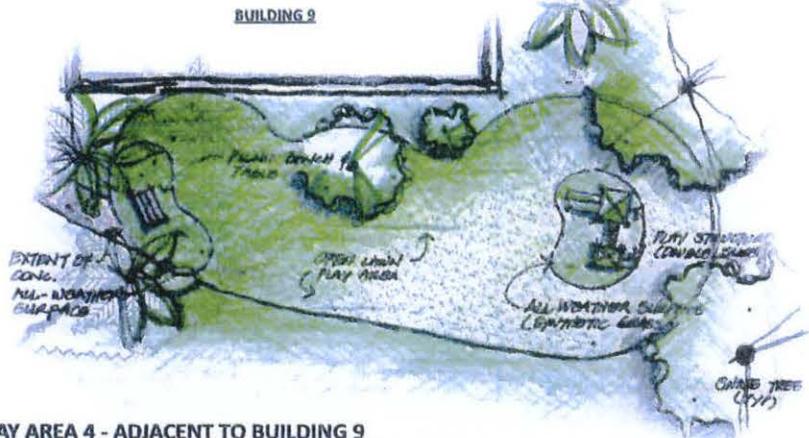


EAST ENTRANCE AT WAIALE ROAD
Scale: 1 inch = 100 feet

NOTE:
RED SHADING DENOTES
AREAS OF PAVEMENT WIDENING

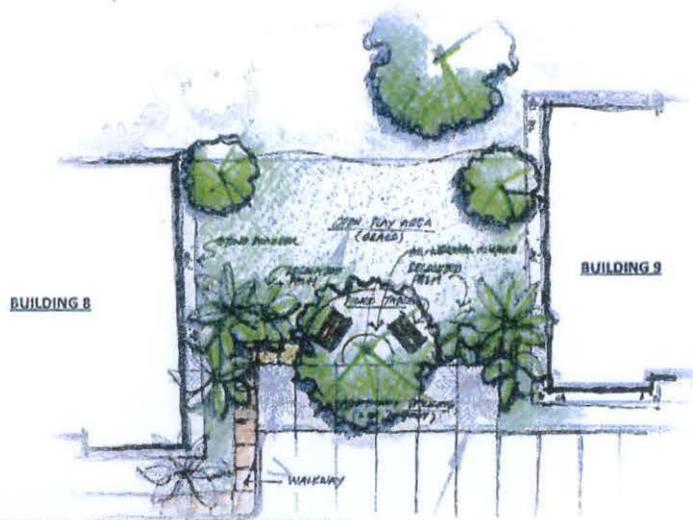
FIGURE 2-1
Proposed Access
Improvements

I:\Projects\160901\160901.dwg\exhibit\Exhibit 2-1 - Access.mxd-00.dwg



PLAY AREA 4 - ADJACENT TO BUILDING 9

(Proposed Active Area: All-weather surface, play structure, climbing artificial rocks with picnic table & bench in proposed open grassed play area.)



PLAY AREA 3 - BETWEEN BUILDINGS 8 & 9

(Proposed Passive Area: All-weather surface, picnic tables & bench in proposed open smaller grassed play area. Additional tandem parking provided.)



PLAY AREA 1&2 - ADJACENT TO COMMUNITY CENTER & POOL

(Proposed Active Area: PA 1: All-weather surface, play structure, climbing artificial rocks and benches in proposed open grassed play area. PA 2: All-weather surface, climbing rocks & cargo nets w/ 3ea putting holes.)



OPEN LAWN PLAY AREA CONCEPTS

WAILUKU APARTMENTS

NOVEMBER 13, 2017