

REQUEST FOR LEGAL SERVICES

Date: February 26, 2018
From: Robert Carroll, Chair
Land Use Committee

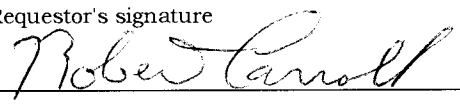
TRANSMITTAL

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

Subject: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (KAIWAHINE VILLAGE PROJECT, KIHEI) (LU-2(3))

Background Data: The attached revised proposed resolution incorporates a nonsubstantive revision to the title, to conform with the extension of the project completion date set forth in the body of the resolution. A hard copy is required with your response.

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

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|--|---|
| Requestor's signature  Robert Carroll | Contact Person <u>Carla Nakata or Alec Wagner</u> (Telephone Extension: <u>7659 or 7662, respectively</u>) |
|--|---|

- 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): Wednesday, February 28, 2018
REASON: To submit for posting on the agenda for the March 9, 2018 Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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)

lu:ltr:002(3)acc02:cmn

Attachment

Resolution

No. _____

APPROVING A VARIATION FROM THE
APPROVED PLANS AND SPECIFICATIONS TO ALLOW FOR
TWO AND THREE BEDROOM RENTAL UNITS
AND A TIME EXTENSION OF THE CONSTRUCTION INITIATION AND
COMPLETION DATES FOR THE KAIWAHINE VILLAGE 201H PROJECT

WHEREAS, Resolution 11-23 approved with modifications the Kaiwahine Village project (“Project”); and

WHEREAS, the proposed plans and specifications contemplated one hundred and twenty (120) residential workforce housing units that would be offered for sale to households earning between sixty percent (60%) and eighty percent (80%) of area median income; and

WHEREAS, the owner of the Project, Royal Main Properties, LLC, now desires for the one hundred and twenty (120) residential workforce housing units to be rental units; and

WHEREAS, the one hundred and twenty (120) residential workforce housing units will be two (2) and three (3) bedroom units; and

WHEREAS, said units shall be rented to households earning sixty percent (60%) or less of area median income; and

WHEREAS, the County acknowledges the need for rental units serving the target income group; and

WHEREAS, funding for the Project is contingent upon the residential workforce housing units being rental units for a period of sixty-five (65) years; and

WHEREAS, there are no other substantial deviations from the proposed plans and specifications; and

Resolution No. _____

WHEREAS, Resolution 16-32 approved a two-year time extension to the construction initiation date imposed by Modification 4 of Resolution 11-23, with construction to begin by March 18, 2018, and be completed by March 18, 2021; and

WHEREAS, the grading and grubbing permit for the Project has not yet been approved, and, therefore, construction has not yet started; and

WHEREAS, a further time extension to the construction initiation date has been requested, until June 30, 2018, rather than March 18, 2018; 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 the Council approves this variation from the plans and specifications approved in Resolution 11-23 to allow the one hundred and twenty (120) residential workforce housing units in the Project to be rental units; and
2. That, notwithstanding any reference in Resolution 11-23 and any related documents to the contrary, all one hundred and twenty (120) residential workforce housing units in the Project shall be two (2) and three (3) bedroom units that shall be rented to households earning sixty percent (60%) or less of area median income; and
3. That it hereby approves a time extension to the construction initiation date imposed by Resolution 16-32, which shall be until September 30, 2018; and
4. That construction of the Project shall begin by September 30, 2018, and the Project shall be completed by September 30, 2021, with completion being evidenced by the issuance of certificates of occupancy for all one hundred and twenty (120) units in the Project; and
5. That except for the variation and time extension authorized by this resolution, all other aspects of Resolution 11-23 and any related documents shall remain in full force and effect; and
6. That the Developer shall record a deed restriction on the property

Resolution No. _____

requiring that units be rented to households earning sixty percent (60%) or less of the area median income at the rates determined by the United States Department of Housing and Urban Development.

7. That certified copies of this resolution shall be transmitted to the Director of Public Works; the Planning Director; the Director of Finance; the Director of Housing and Human Concerns; and Royal Main Properties, LLC.

APPROVED AS TO FORM
AND LEGALITY:

JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

lu:misc:002(3)areso03