

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 7, 2018

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on August 1, 2018, August 22, 2018, and reconvened on August 28, 2018, makes reference to County Communication 17-12, from Council Chair Mike White, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes (“HRS”).

By correspondence dated July 25, 2018, the Acting Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Waikapu Development Venture LLC Affordable Workforce Housing Project in Wailuku, Maui, Hawaii, pursuant to Section 201H-38, HRS (“Application”). The proposed 100 percent affordable housing project would provide 68 single-family units and 12 duplex residential units, with associated infrastructure and roadway access, for qualified individuals earning between 70 and 140 percent of the area median income. The property is comprised of approximately 12.5 acres identified for real property tax purposes as a portion of tax map key (2) 3-5-002:011, located on Honoapiilani Highway and bounded by Waiale Road (“property”).

2. A proposed resolution entitled “APPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE, LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.” The purpose of the proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code (“MCC”) relating to planning, zoning,

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 2

Committee
Report No. _____

construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

3. A proposed resolution entitled "APPROVING WITH MODIFICATION THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE, LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to approve the proposed project with the modifications in Exhibit "A" and various exemptions from certain requirements contained in the MCC relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

4. A proposed resolution entitled "DISAPPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE, LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to disapprove the proposed project.

Pursuant to Section 201H-38, HRS, the Council shall approve, approve with modifications, or disapprove affordable housing projects by resolution within 45 days after the preliminary plans and specifications for the project have been submitted to the Council, or the project shall be deemed approved. The Council has until September 8, 2018, to act on the Application, or it will be deemed approved as submitted.

Your Committee notes that, according to the Application, the proposed subdivided residential lots will range from approximately 3,200 square feet to 6,500 square feet, along with a 29,000-square-foot neighborhood passive park. The Application states fee-simple, house-and-lot packages will be priced as follows: 12 duplex units at 70 to 80 percent of the area median income ("AMI"), 12 single-family units at 81 to 100 percent of AMI, 40 single-family units at 101 to 120 percent of AMI, and 16 single-family units at 121 to 140 percent of AMI.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 3

Committee
Report No. _____

The entire 25.563-acre parcel is owned by Emmanuel Lutheran Church of Maui. By correspondence dated August 18, 2017, Waikapu Development Venture LLC (“Developer”) stated it is working with the landowner to subdivide the parcel into two lots of 12.5 acres and 12.763 acres each, with the landowner to retain the larger piece. By correspondence dated July 18, 2018, the landowner authorized the Developer to file the Application for the 12.5 acres.

Your Committee notes the Managing Member of Waikapu Development Venture LLC is VBP LLC. The members of VBP LLC are Peter Horovitz, William Frampton, and Vince G. Bagoyo, Jr., Trustee of the Vince G. Bagoyo Revocable Living Trust.

The Application contains a copy of a Commercial Real Property Purchase and Sale Agreement between William Frampton, et al., and Emmanuel Lutheran Church Maui, for approximately 12.5 acres of vacant land in Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-5-002:011, for \$1,150,000, effective November 23, 2016.

Your Committee notes the property has a State Land Use District classification of Urban, a Community Plan designation of Public/Quasi-Public, and County zoning of P-1 Public/Quasi-Public District. The property is located within the Maui Island Plan Urban Growth Boundary and outside the Special Management Area.

Mr. Horovitz said the State Land Use Commission (“Commission”), in about 2008, issued various findings and an order encumbering the use of the Emmanuel Lutheran Church of Maui parcel. He said the Developer must address two conditions imposed by the Commission before a portion of the property can be sold to the Developer and used for purposes other than a church and school. In June 2018, the Developer went before the Commission to discuss the project, and the Commission asked the Developer to return after the Council considered the proposed project. Mr. Horovitz said the Developer hopes to be scheduled before the Commission by January 2019. If the Commission approves the project, the Developer will be able to close the sale of the property once the two-lot subdivision is finalized.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 4

Committee
Report No. _____

A Deputy Corporation Counsel said the Department of the Corporation Counsel is comfortable with the exemptions requested. He said the Department's understanding is the various County departments have reviewed the project and its proposed exemptions and believe the project will meet health and safety standards with the exemptions requested.

Your Committee notes the project would support various strategies, objectives, and policies of the Countywide Policy Plan, including the following:

- "Expand housing opportunities for residents." (Countywide Policy Plan, Section III.E, page 41, and Section IV.E, page 57)
- "Reduce the affordable housing deficit for residents." (Objective E.1, page 57)
- "Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families." (Policy E.1.a, page 57)
- "Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle." (Policy E.1.b, page 57)
- "Increase and maintain the affordable housing inventory." (Objective E.3, page 58)

Your Committee also notes the project would support various goals, objectives, and policies of the Maui Island Plan, including the following:

- "Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community." (Maui Island Plan, Goal 5.1, page 5-6)
- "Provide affordable housing, rental or in fee, to the broad spectrum of our island community." (Objective 5.1.3, page 5-8)
- "Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income." (Objective 5.1.6, page 5-10)

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 5

Committee
Report No. _____

- “Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units; indigenous Hawaiian housing/units; and special-needs housing units.” (Policy 5.1.6.a, page 5-10)

In the Application, the Developer requested 24 exemptions from the MCC to expedite the delivery of the proposed affordable workforce housing units, including exemptions from obtaining a Community Plan Amendment and Change in Zoning. The Developer also cited 7 exemptions already allowed by the MCC for 100 percent residential workforce housing projects, relating to water availability, park assessment fees, and fees for driveway, electrical, plumbing, building, and grading and grubbing permits.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted revised proposed resolutions entitled:

1. “APPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”;
2. “APPROVING WITH MODIFICATION THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”; and
3. “DISAPPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.”

The revised proposed resolutions approving the project and approving the project with modifications incorporate a revision to the exemption relating to the maximum width of duplex driveways. The revised proposed resolution approving the project with modifications also added three proposed modifications to establish commencement and completion deadlines for construction, require the construction of a bus stop, and void approval of the

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 6

Committee
Report No. _____

project if the Developer does not receive approval for the sale of the 12.5 acres from the State Land Use Commission within six months after the effective date of the resolution. All three revised proposed resolutions also incorporate nonsubstantive revisions.

The Acting Director of Housing and Human Concerns said the Department of Housing and Human Concerns supports the project, noting 80 affordable units will be an important addition to the County's housing inventory. He said the plans show innovation and an effort to build a sense of community within the project.

The Acting Planning Director said the Department of Planning supports the project. She said the site plan is well thought out, and allows for connectivity to the properties on either side for pedestrian, bikeway, and other nonvehicular movements. She said the interior park could also be accessed by neighboring communities, and the exemptions are laid out clearly.

Mr. Bagoyo said an exemption to school impact fees is no longer permissible under Chapter 201H, HRS. The Developer will, therefore, be paying \$5,375 per unit in school impact fees to the State Department of Education.

Mr. Bagoyo said the project is in the sand-mining moratorium area established in Chapter 20.40, MCC, but there would be no extraction of sand. Therefore, the project will not be affected by the moratorium.

Your Committee discussed the adequacy of fire protection with the exemptions requested. Your Committee also discussed internal roadway circulation, interconnectivity with other projects in the area, and how this project fits within development of the region, including demands on Waiale Road.

Your Committee notes the Developer estimated the cost savings to be realized from the exemptions total \$625,019, or \$7,812.74 per unit.

Your Committee noted Ordinance 3686 (2009) granted landowner Emmanuel Lutheran Church of Maui a Change in Zoning from Agricultural

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 7

Committee
Report No. _____

District to P-1 Public/Quasi-Public District for the 25.263-acre parcel. Eleven conditions of zoning were attached to the Change in Zoning and run with the land. The Developer requested an exemption from the conditions of zoning set forth in Ordinance 3686 (2009), as they apply to the 12.5 acres for the project. Your Committee recommended the exemption be added.

Your Committee also discussed whether there should be a bus stop adjacent to the project site. The Director of Transportation said the only route that passes directly by the project is the Lahaina Islander Route 20, which travels along Honoapiilani Highway, above the project, and does not stop near it. He said there are no other routes passing through the area and to add new routes would require additional funding. Your Committee noted bus stops and related infrastructure should be planned regionally and recommended the proposed modification requiring a bus stop be removed.

The Deputy Planning Director recommended the permitted uses for the project area be restricted. Your Committee recommended the permitted uses be revised by expressly disallowing Bed and Breakfast Homes, Short-Term Rental Homes, and other rentals for periods of less than 180 days. Mr. Frampton agreed the 201H project is not intended to accommodate such uses.

At the Developer's request, your Committee recommended deleting the proposed exemption from Chapter 14.35, MCC, relating to wastewater assessment fees for facility expansion for the Wailuku/Kahului wastewater treatment system. Your Committee notes by Ordinance 4359 (2016), the Council authorized an exemption to Chapter 14.35, MCC, for developments that are comprised of 100 percent residential workforce housing units. Therefore, a further exemption is not needed, and your Committee recommended Section 14.35.080, MCC, simply be referenced under the list of already-permitted exemptions in Paragraph H.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution approving the project with modifications and filing of the other two proposed resolutions. Committee Chair Carroll, Vice-Chair Hokama, and members Atay, Cochran, Crivello, Guzman, King, Sugimura, and White voted "aye."

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 8

Committee
Report No. _____

Your Committee is in receipt of a further revised proposed resolution approving the project with modifications, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Land Use Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "APPROVING WITH MODIFICATION THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;
2. That the proposed resolution, attached hereto, entitled "APPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED; and
3. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

Page 9

**Committee
Report No.** _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

lu:cr:18002(4)aa:cmn

Resolution

No. _____

APPROVING WITH MODIFICATION THE AFFORDABLE WORKFORCE HOUSING PROJECT BY WAIKAPU DEVELOPMENT VENTURE LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Waikapu Development Venture LLC, a Hawaii Limited Liability Company (“Waikapu Development Venture LLC”), proposes the development of the Affordable Workforce Housing Project (“Project”) for qualified residents on approximately 12.5 acres of the 25.263-acre parcel identified for real property tax purposes as tax map key (2) 3-5-002:011; and

WHEREAS, the proposed Project will have a total of sixty-eight (68) single-family units and twelve (12) duplex units for a total of eighty (80) residential workforce housing units; and

WHEREAS, all units in the proposed Project will be sold to income-qualified individuals earning between seventy percent and one hundred forty percent of the County of Maui’s area median income; and

WHEREAS, the Project will provide needed residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on July 25, 2018, the Department of Housing and Human Concerns (“Department”) submitted the preliminary plans and the specifications, and accompanying Application for Affordable Housing Subdivision (“Application”) to the Maui County Council (“Council”), recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (“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 days after the Department 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,

Resolution No. _____

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

1. That, based upon the transmittals and the representations of the Department and Waikapu Development Venture LLC, the Council approves the Project, with modification, attached hereto as Exhibit "A" and made a part hereof, including the Project's preliminary plans and specifications, as submitted to the Council on July 25, 2018, pursuant to Section 201H-38, HRS; provided that Waikapu Development Venture LLC 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 Director of Housing and Human Concerns, 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 Public Works, the Planning Director, the Director of Housing and Human Concerns, and Waikapu Development Venture LLC.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel

County of Maui

2017-0095

LU-2(4) 2018-08-16 Modification

MODIFICATIONS

1. Construction of the Waikapu Development Venture LLC Affordable Workforce 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 12.5 acres upon which the 80 residential workforce housing units shall be constructed (“Property”). Waikapu Development Venture LLC shall act in good faith and with its reasonable best efforts to complete construction of the 80 residential workforce housing units, with all related roads and infrastructure, no later than four years after the effective date of this resolution.

2. Project approval shall lapse and become void if the State Land Use Commission fails to approve the sale of the Property by Emmanuel Lutheran Church of Maui to Waikapu Development Venture LLC within six months after the effective date of the resolution.

lu:misc:002(4)modifications02

EXHIBIT “A”

**WAIKAPU DEVELOPMENT VENTURE AFFORDABLE WORKFORCE HOUSING
PROJECT EXEMPTIONS PURSUANT TO SECTION 201H-38, HAWAII REVISED
STATUTES.**

A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATION AND PERSONNEL

1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the Project to proceed without obtaining a Community Plan Amendment.

B. EXEMPTIONS FROM TITLE 8, MCC, HEALTH AND SAFETY

1. An exemption from Section 8.04.040, MCC, Disposal Permits — Application and suspension, shall be granted to exempt the Project from the requirement of acquiring a *Disposal Permit*.
2. An exemption from Section 8.04.050, MCC, Disposal Charges, shall be granted to exempt the Project from *Disposal Charges*.

C. EXEMPTIONS FROM TITLE 12, MCC, STREETS, SIDEWALKS, AND PUBLIC PLACES

1. An exemption from Section 12.08.100, MCC, Standards and Specifications, shall be granted to allow driveways within the 15-foot reserve area adjacent to an intersection and allow the maximum driveway width for the duplex units to exceed twenty-two (22) feet. The new maximum driveway width for the duplex units shall be thirty-six (36) feet.
2. An exemption from Chapter 12.24A, MCC, Landscape Planting and Beautification, shall be granted to exempt the Project from compliance with the *Landscape Planting Plan* as it pertains to requiring *One (1) Tree per Residential Lot*. The Project is comprised of seventy-four (74) Residential Lots, and thus, the Landscape Planting Plan will include the planting of no less than 74 Landscape Trees. However, the Project is allowed, through this exemption, flexibility in the precise location of each tree as it may not be feasible to plant a tree in the front area of every single residential lot. Some of the trees may be planted in the Neighborhood Green or along the several pedestrian pathways leading to the Neighborhood Green.

D. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES

1. An exemption from Section 14.05.090, MCC, Fire Protection, shall be granted to exempt the Project from providing *Fire Protection* for the portions of the Property along Honoapiilani Highway.
2. An exemption from Chapter 14.76, MCC, Impact Fees for Traffic and Roadway Improvements in Wailuku-Kahului, Maui, Hawaii; shall be

granted to exempt the Project from having to pay *Traffic Impact Fees* should such fees be adopted prior to issuance of building permits for the Project.

E. EXEMPTIONS FROM TITLE 16, MCC, BUILDINGS AND CONSTRUCTION

1. Exemptions from MCC Chapters 16.04C, Fire Code, 16.18B, Electrical Code, 16.20B, Plumbing Code, and 16.26B, Building Code, shall be granted to exempt the Project from *Fire, Electrical, Plumbing, and Building* permit fees, as well as inspection fees.
2. An exemption from Chapter 16.04C.160, MCC, Fire Code, as it pertains to permit fees in Subsection 1.12.8 shall be granted to exempt the Project from permit fees required by the Fire Code.
3. An exemption from Section 16.04C.440, MCC, Fire Code, as it pertains to *dimensions* in Subsection 18.2.3.6.1 shall be granted to exempt the Project from providing an *Unobstructed Width of Twenty (20) feet* for the *Interior Subdivision Roadways* (Roadways C and D) (Please refer to Exhibit 3 — Typical Section of Roadways C and D).
4. An exemption from Section 16.04C.470, MCC, Fire Code, as it pertains to Subsection 18.4.6 shall be granted to exempt the Project from providing fire protection for the portions of the property along Honoapiilani Highway.
5. An exemption from Section 16.26B.3600, MCC, Improvements to Public Streets, as it relates to *Urban Standards for Curbs and Gutters*, shall be granted for the portion of the Project adjacent to *Waiale Road* (Please refer to Exhibit 1— Typical Section of Waiale Road).

F. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. Exemptions from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, shall be granted to exempt the Project from requirements of obtaining a *Change in Zoning, and Community Plan Amendment*.
2. Exemptions from Section 18.16.050, MCC, Minimum Right-of-Way and Pavement Widths, shall be granted to allow the *Internal Subdivision Roadways* (Roadways C and D) to have a *Minimum Right-of-Way Width of Thirty-Six (36) feet and Minimum Pavement Width of Twenty (20) feet* (Please refer to Exhibit 3 — Typical Section for Roadways C and D).
3. An exemption from Section 18.16.070(A), MCC, Intersection Angles, shall be granted to allow the right-of-way lines at intersections to have a minimum corner radii of fifteen (15) feet.
4. An exemption from Section 18.16.220, MCC, Lots Size and Shape, shall be granted to allow *Lot Sizes, Widths, Shapes, and Orientation, and Minimum Building Setback Lines*, within the Project that are not consistent with, and not in conformance with the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.

5. An exemption from Section 18.16.230, MCC, Lots — Minimum Sizes, shall be granted to allow Lot Sizes within the Project that are *not consistent with, and not in conformance with* the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
6. An exemption from Sections 18.20.040 and 18.20.080, MCC, as they relate to the *Urban Standards for Curbs, Gutters*, shall be granted for the portions of the Project adjacent to Waiale Road (Please refer to Exhibit 1- Typical Section of Waiale Road).
7. An exemption from Section 18.20.070, MCC, Sidewalks, shall be granted to allow the following exemptions as it relates to the *Construction of Sidewalks* along the Internal Subdivision Roadways A, B, C, and D (Please refer to Exhibits 2 and 3 — Typical Sections of proposed Internal Roadways).
 - **Roadway A** — Four (4) foot wide Concrete Sidewalks will be provided on both sides of portions of *Roadway A*; and the *Sidewalks will be in compliance with applicable Americans with Disabilities Act ("ADA ") requirements*.
 - **Roadway B** — Five (5) foot wide Concrete Sidewalks will be provided on one side of portions of *Roadway B*; and the *Sidewalks will be in compliance with all ADA requirements*.
 - **Roadways C and D** — The Project is exempt from constructing *Sidewalks on both sides of the Internal Subdivision Roadways C and D*.
8. An exemption from Chapter 18.40, MCC, Guidelines for Acceptance, shall be granted to allow the County to accept the subdivision roadways and utilities located within the subdivision roadways based on the exemptions granted herein, including but not limited to, exemption C.1 relating to the standards and specifications of driveways.

G. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19.31, MCC, Public/Quasi-Public District, shall be granted to permit the development and use of the subject parcel for single-family and two-family (duplex) residential purposes. Permitted uses shall be based on Chapter 19.08, MCC, Residential District, and Chapter 19.10, MCC, Two-family (Duplex) District. The Project shall be exempt from all Development Design Standards set forth in Chapter 19.31, MCC. Further, this exemption shall allow the subdivision of the property in the plat configuration as generally shown in the Project Site Plan and Exhibit 4. The following Zoning Standards shall apply to the Project:

PERMITTED USES: *Single-Family and Two-Family (Duplex) Residential Units, as well as accessory buildings located on the same lot, the use of which is customary, incidental, usual, and*

necessary to that of the main building or to the use of the land; provided that Bed and Breakfast Homes, Short-Term Rental Homes, and other rentals for a period of less than 180 days shall not be permitted.

MINIMUM LOT SIZE: 3,000 Square feet

MAXIMUM HEIGHT: No building shall exceed two (2) stories or thirty (30) feet in height.

MINIMUM LOT WIDTH: Forty (40) feet

- YARDS (BUILDING SETBACKS): Yards (building setbacks) to be as follows:
 - SINGLE-FAMILY AND TWO-FAMILY (DUPLEX) DWELLINGS:
 - Front Yard: Ten (10) feet minimum
 - Side Yard: Single-story is six (6) feet minimum; and two-story is ten (10) feet minimum; exterior stairs and landing decks accessing second story duplex units may extend to within (6) feet of the side yard property line on one side only.
 - Rear Yard: Fifteen (15) feet minimum
 - GARAGES AND CARPORTS:
 - Front Yard: Zero (0) feet – lot line
 - Side Yard: Zero (0) feet – lot line
 - Rear Yard: Zero (0) feet – lot line

and as shown in Exhibit 4.

- TOTAL NUMBER OF RESIDENTIAL LOTS IN PROJECT:
 - Single-Family Lots: 68 lots
 - Two-Family (Duplex) Lots: 6 lots
 - Total Lots: 74 lots
- TOTAL NUMBER OF UNITS IN PROJECT:
 - Single-Family Units: 68 units
 - Two-Family (Duplex) Units: 12 units
 - Total Units: 80 units

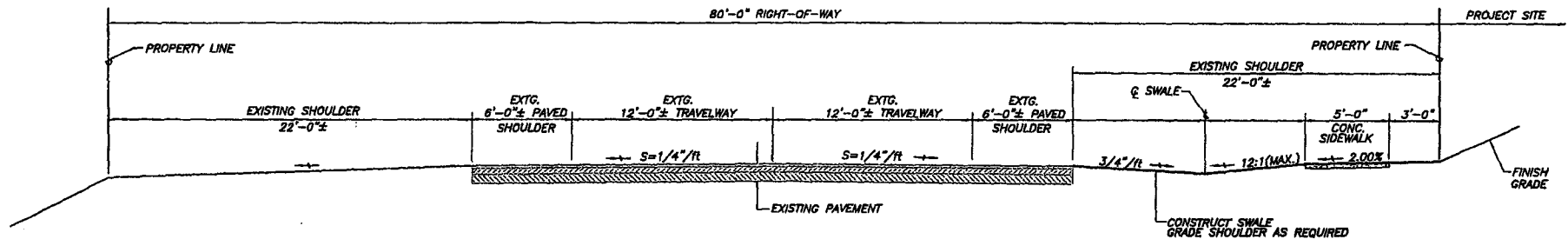
H. EXEMPTIONS PURSUANT TO MAUI COUNTY CODE REGARDING PROJECTS COMPRISED OF 100 PERCENT RESIDENTIAL WORKFORCE HOUSING UNITS

1. Section 12.08.050(D), MCC, as it pertains to *Driveway Permit Fees*.
2. Section 14.12.030, MCC, as it pertains to *Water Availability*.

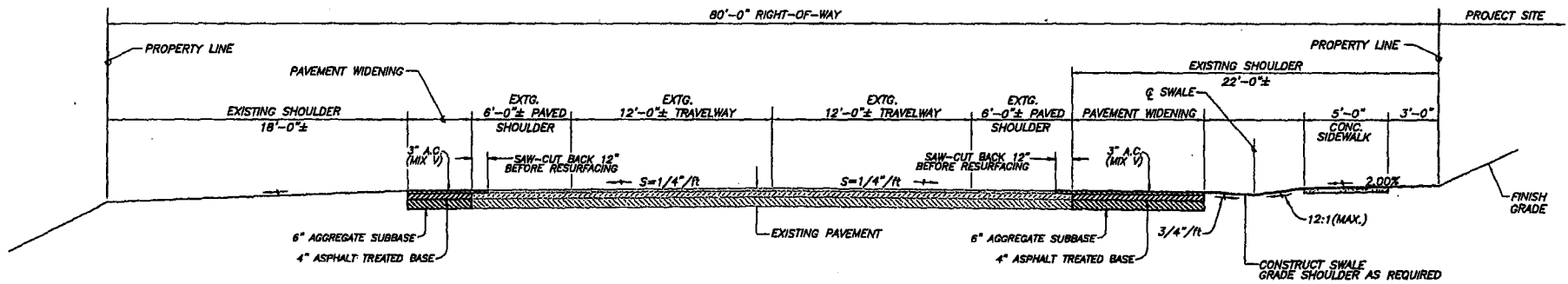
3. Section 14.35.080, MCC, as it pertains to wastewater assessment fees for facility expansion for the Wailuku/Kahului Wastewater Treatment System.
4. Section 16.18B.107, MCC, as it pertains to the *Electrical Permit Fee* in Section 107.1C.
5. Section 16.20B.103.4, MCC, as it pertains to the *Plumbing Permit Fee* in Section 103.4.1.3.
6. Section 16.26B.108, MCC, as it pertains to the *Building Permit Fee* in Section 108.2.
7. Section 18.16.320 (I) (5), MCC, as it pertains to the *Park Assessment Fee*.
8. Section 20.08.090(D), MCC, as it pertains to *Grading and Grubbing Permit Fee*.

I. EXEMPTION FROM ORDINANCE 3686 (2009)

1. An exemption from the Conditions of Zoning set forth in Exhibit "B" and Exhibit "2" to Exhibit "C" of Ordinance 3686 (2009) shall be granted to exempt the Project from the conditions imposed therein.

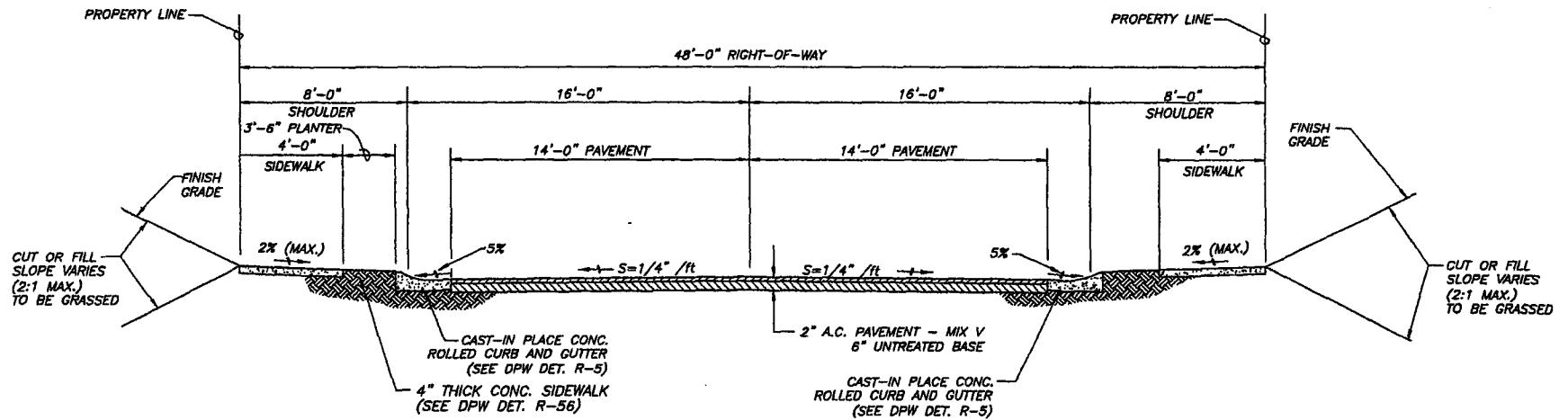


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY)
NOT TO SCALE

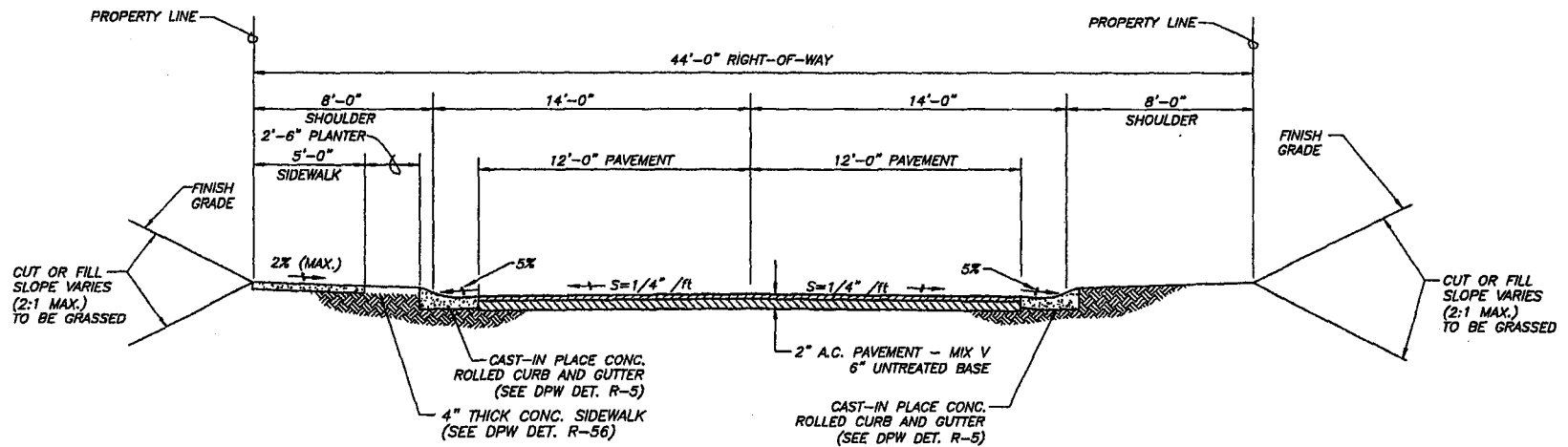


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY) W/ PAVEMENT WIDENING
NOT TO SCALE

TYPICAL SECTION
EXHIBIT 1



TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "A" (48 FT. RIGHT-OF-WAY)
NOT TO SCALE

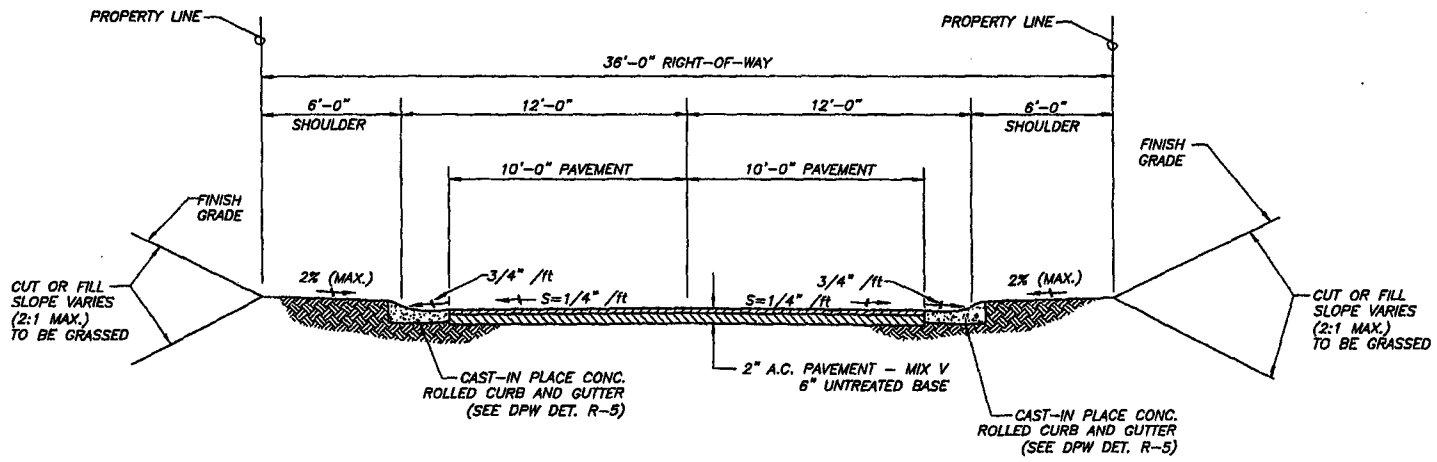


TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "B" (44 FT. RIGHT-OF-WAY)
NOT TO SCALE

NOTES:

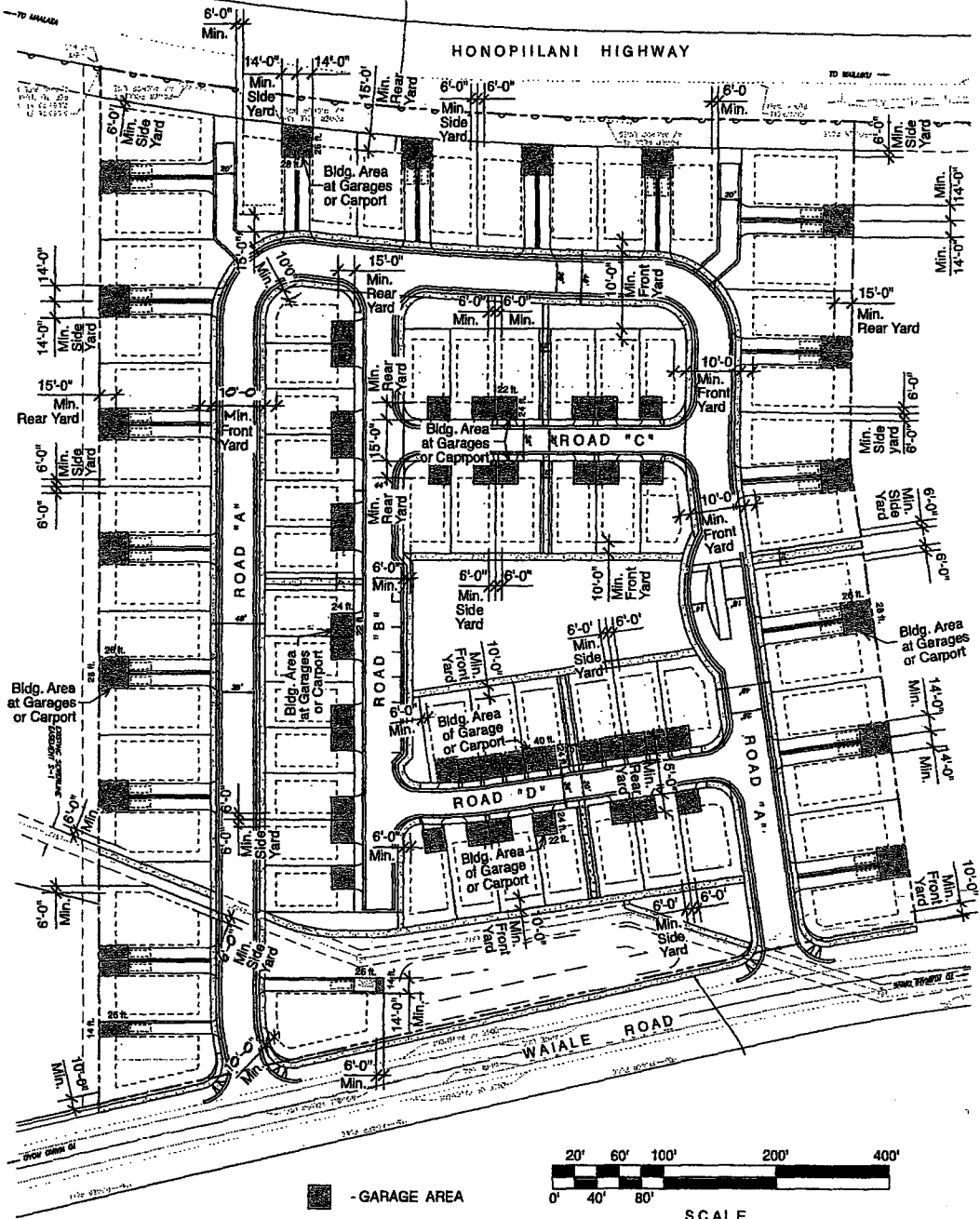
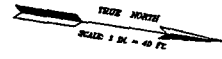
1. ROAD "B" ROW SHALL INCLUDE ON STREET PARALLEL PARKING STALLS, WHERE OCCURS.



TYPICAL SECTION
EXHIBIT 2

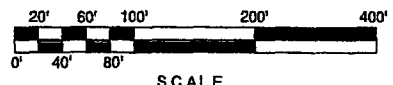


TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "C" & "D" (36 FT. RIGHT-OF-WAY)
 NOT TO SCALE

TYPICAL SECTION
 EXHIBIT 3



-  - GARAGE AREA
-  - BUILDING AREA



SCALE
EXHIBIT 4

YARD AREA DIAGRAM FOR BUILDINGS & GARAGES / CARPORTS

Resolution

No. _____

APPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY
WAIKAPU DEVELOPMENT VENTURE LLC,
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Waikapu Development Venture LLC, a Hawaii Limited Liability Company (“Waikapu Development Venture LLC”), proposes the development of the Affordable Workforce Housing Project (“Project”) for qualified residents on approximately 12.5 acres of the 25.263-acre parcel identified for real property tax purposes as tax map key (2) 3-5-002:011; and

WHEREAS, the proposed Project will have a total of sixty-eight single-family units and twelve duplex units for a total of eighty residential workforce housing units; and

WHEREAS, all units in the proposed Project will be sold to income-qualified individuals earning between seventy percent and one hundred forty percent of the County of Maui’s area median income; and

WHEREAS, the Project will provide needed residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on July 25, 2018, the Department of Housing and Human Concerns (“Department”) submitted the preliminary plans and specifications, and accompanying Application for Affordable Housing Subdivision (“Application”) to the Maui County Council (“Council”) recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (“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 days after the Department 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,

Resolution No. _____

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

1. That based upon the transmittals and the representations of the Department and Waikapu Development Venture LLC, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on July 25, 2018, pursuant to Section 201H-38, HRS; provided that Waikapu Development Venture LLC, 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 "A" 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 Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to 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 be transmitted to the Director of Public Works, the Planning Director, Director of Housing and Human Concerns, and Waikapu Development Venture LLC.

APPROVED AS TO FORM AND
LEGALITY



Deputy Corporation Counsel
County of Maui

2017-0095
LU-2(4) 2018-07-06 Approving

**WAIKAPU DEVELOPMENT VENTURE AFFORDABLE WORKFORCE HOUSING
PROJECT EXEMPTIONS PURSUANT TO SECTION 201H-38, HAWAII REVISED
STATUTES.**

A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATION AND PERSONNEL

1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the Project to proceed without obtaining a Community Plan Amendment.

B. EXEMPTIONS FROM TITLE 8, MCC, HEALTH AND SAFETY

1. An exemption from Section 8.04.040, MCC, Disposal Permits — Application and suspension, shall be granted to exempt the Project from the requirement of acquiring a *Disposal Permit*.
2. An exemption from Section 8.04.050, MCC, Disposal Charges, shall be granted to exempt the Project from *Disposal Charges*.

C. EXEMPTIONS FROM TITLE 12, MCC, STREETS, SIDEWALKS, AND PUBLIC PLACES

1. An exemption from Section 12.08.100, MCC, Standards and Specifications, shall be granted to allow driveways within the 15-foot reserve area adjacent to an intersection and allow the maximum driveway width for the duplex units to exceed twenty-two (22) feet. The new maximum driveway width for the duplex units shall be thirty-six (36) feet.
2. An exemption from Chapter 12.24A, MCC, Landscape Planting and Beautification, shall be granted to exempt the Project from compliance with the *Landscape Planting Plan* as it pertains to requiring *One (1) Tree per Residential Lot*. The Project is comprised of seventy-four (74) Residential Lots, and thus, the Landscape Planting Plan will include the planting of no less than 74 Landscape Trees. However, the Project is allowed, through this exemption, flexibility in the precise location of each tree as it may not be feasible to plant a tree in the front area of every single residential lot. Some of the trees may be planted in the Neighborhood Green or along the several pedestrian pathways leading to the Neighborhood Green.

D. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES

1. An exemption from Section 14.05.090, MCC, Fire Protection, shall be granted to exempt the Project from providing *Fire Protection* for the portions of the Property along Honoapiilani Highway.
2. An exemption from Chapter 14.35, MCC, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment

System, shall be granted to exempt the Project from having to pay *Wastewater Assessment Fees*.

3. An exemption from Chapter 14.76, MCC, Impact Fees for Traffic and Roadway Improvements in Wailuku-Kahului, Maui, Hawaii; shall be granted to exempt the Project from having to pay *Traffic Impact Fees* should such fees be adopted prior to issuance of building permits for the Project.

E. EXEMPTIONS FROM TITLE 16, MCC, BUILDINGS AND CONSTRUCTION

1. Exemptions from MCC Chapters 16.04C, Fire Code, 16.18B, Electrical Code, 16.20B, Plumbing Code, and 16.26B, Building Code, shall be granted to exempt the Project from *Fire, Electrical, Plumbing, and Building* permit fees, as well as inspection fees.
2. An exemption from Chapter 16.04C.160, MCC, Fire Code, as it pertains to permit fees in Subsection 1.12.8 shall be granted to exempt the Project from permit fees required by the Fire Code.
3. An exemption from Section 16.04C.440, MCC, Fire Code, as it pertains to *dimensions* in Subsection 18.2.3.6.1 shall be granted to exempt the Project from providing an *Unobstructed Width of Twenty (20) feet* for the *Interior Subdivision Roadways* (Roadways C and D) (Please refer to Exhibit 3 — Typical Section of Roadways C and D).
4. An exemption from Section 16.04C.470, MCC, Fire Code, as it pertains to Subsection 18.4.6 shall be granted to exempt the Project from providing fire protection for the portions of the property along Honoapiilani Highway.
5. An exemption from Section 16.26B.3600, MCC, Improvements to Public Streets, as it relates to *Urban Standards for Curbs and Gutters*, shall be granted for the portion of the Project adjacent to *Waiale Road* (Please refer to Exhibit 1— Typical Section of Waiale Road).

F. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. Exemptions from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, shall be granted to exempt the Project from requirements of obtaining a *Change in Zoning, and Community Plan Amendment*.
2. Exemptions from Section 18.16.050, MCC, Minimum Right-of-Way and Pavement Widths, shall be granted to allow the *Internal Subdivision Roadways* (Roadways C and D) to have a *Minimum Right-of-Way Width of Thirty-Six (36) feet and Minimum Pavement Width of Twenty (20) feet* (Please refer to Exhibit 3 — Typical Section for Roadways C and D).
3. An exemption from Section 18.16.070(A), MCC, Intersection Angles, shall be granted to allow the right-of-way lines at intersections to have a minimum corner radii of fifteen (15) feet.

4. An exemption from Section 18.16.220, MCC, Lots Size and Shape, shall be granted to allow *Lot Sizes, Widths, Shapes, and Orientation, and Minimum Building Setback Lines*, within the Project that are not consistent with, and not in conformance with the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
5. An exemption from Section 18.16.230, MCC, Lots — Minimum Sizes, shall be granted to allow Lot Sizes within the Project that are *not consistent with, and not in conformance with* the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
6. An exemption from Sections 18.20.040 and 18.20.080, MCC, as they relate to the *Urban Standards for Curbs, Gutters*, shall be granted for the portions of the Project adjacent to Waiale Road (Please refer to Exhibit 1- Typical Section of Waiale Road).
7. An exemption from Section 18.20.070, MCC, Sidewalks, shall be granted to allow the following exemptions as it relates to the *Construction of Sidewalks* along the Internal Subdivision Roadways A, B, C, and D (Please refer to Exhibits 2 and 3 — Typical Sections of proposed Internal Roadways).
 - **Roadway A** — Four (4) foot wide Concrete Sidewalks will be provided on both sides of portions of *Roadway A*; and the *Sidewalks will be in compliance with applicable Americans with Disabilities Act ("ADA ") requirements*.
 - **Roadway B** — Five (5) foot wide Concrete Sidewalks will be provided on one side of portions of *Roadway B*; and the *Sidewalks will be in compliance with all ADA requirements*.
 - **Roadways C and D** — The Project is exempt from constructing *Sidewalks on both sides of the Internal Subdivision Roadways C and D*.
8. An exemption from Chapter 18.40, MCC, Guidelines for Acceptance, shall be granted to allow the County to accept the subdivision roadways and utilities located within the subdivision roadways based on the exemptions granted herein, including but not limited to, exemption C.1 relating to the standards and specifications of driveways.

G. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19.31, MCC, Public/Quasi-Public District, shall be granted to permit the development and use of the subject parcel for single-family and two-family (duplex) residential purposes. Permitted uses shall be based on Chapter 19.08, MCC, Residential District, and Chapter 19.10, MCC, Two-family (Duplex) District. The Project shall be exempt from all Development Design Standards set forth in Chapter 19.31, MCC. Further, this exemption shall allow the subdivision of the property in the plat configuration as generally shown in the Project Site Plan and Exhibit 4. The following Zoning Standards shall apply to the Project:

PERMITTED USES: *Single-Family and Two-Family (Duplex) Residential Units, as well as accessory buildings located on the same lot, the use of which is customary, incidental, usual, and necessary to that of the main building or to the use of the land.*

MINIMUM LOT SIZE: 3,000 Square feet

MAXIMUM HEIGHT: No building shall exceed two (2) stories or thirty (30) feet in height.

MINIMUM LOT WIDTH: Forty (40) feet

- YARDS (BUILDING SETBACKS): Yards (building setbacks) to be as follows:
 - SINGLE-FAMILY AND TWO-FAMILY (DUPLEX) DWELLINGS:
 - Front Yard: Ten (10) feet minimum
 - Side Yard: Single-story is six (6) feet minimum; and two-story is ten (10) feet minimum; exterior stairs and landing decks accessing second story duplex units may extend to within (6) feet of the side yard property line on one side only.
 - Rear Yard: Fifteen (15) feet minimum
 - GARAGES AND CARPORTS:
 - Front Yard: Zero (0) feet – lot line
 - Side Yard: Zero (0) feet – lot line
 - Rear Yard: Zero (0) feet – lot line

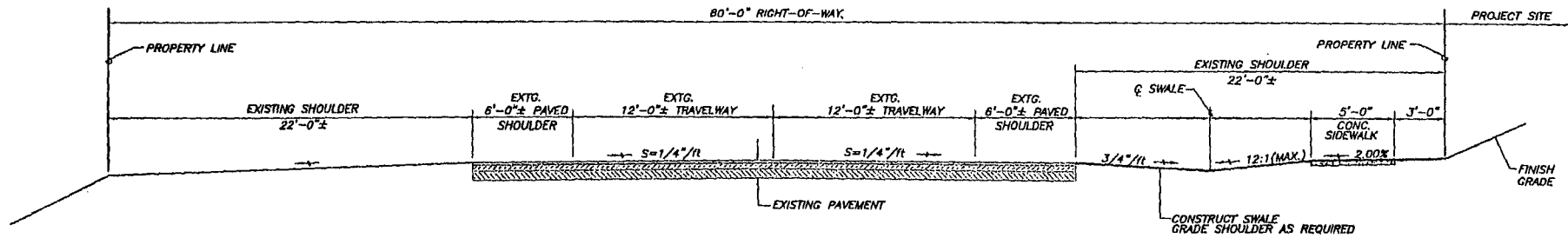
and as shown in Exhibit 4.

- TOTAL NUMBER OF RESIDENTIAL LOTS IN PROJECT:
 - Single-Family Lots: 68 lots
 - Two-Family (Duplex) Lots: 6 lots
 - Total Lots: 74 lots
- TOTAL NUMBER OF UNITS IN PROJECT:
 - Single-Family Units: 68 units
 - Two-Family (Duplex) Units: 12 units
 - Total Units: 80 units

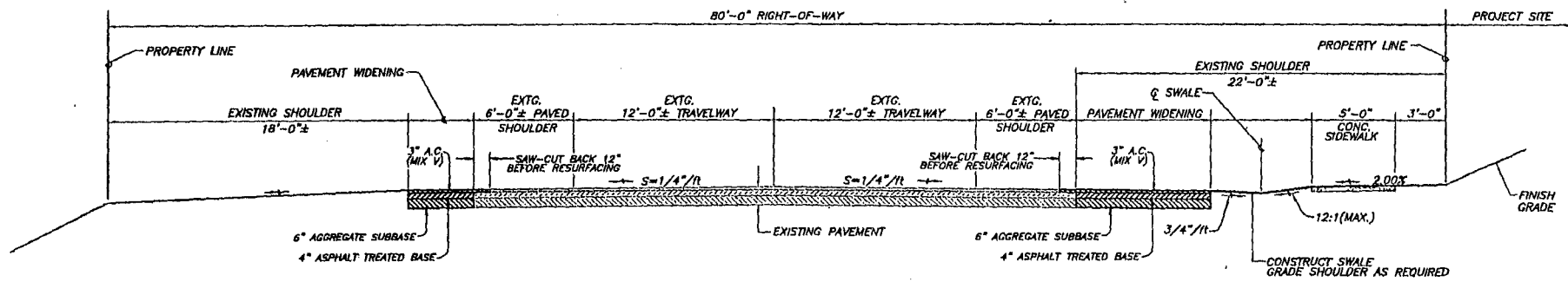
H. EXEMPTIONS PURSUANT TO MAUI COUNTY CODE REGARDING PROJECTS COMPRISED OF 100 PERCENT RESIDENTIAL WORKFORCE HOUSING UNITS

1. Section 12.08.050(D), MCC, as it pertains to *Driveway Permit Fees*.
2. Section 14.12.030, MCC, as it pertains to *Water Availability*.

3. Section 16.18B.107, MCC, as it pertains to the *Electrical Permit Fee* in Section 107.1C.
4. Section 16.20B.103.4, MCC, as it pertains to the *Plumbing Permit Fee* in Section 103.4.1.3.
5. Section 16.26B.108, MCC, as it pertains to the *Building Permit Fee* in Section 108.2.
6. Section 18.16.320 (I) (5), MCC, as it pertains to the *Park Assessment Fee*.
7. Section 20.08.090(D), MCC, as it pertains to *Grading and Grubbing Permit Fee*.

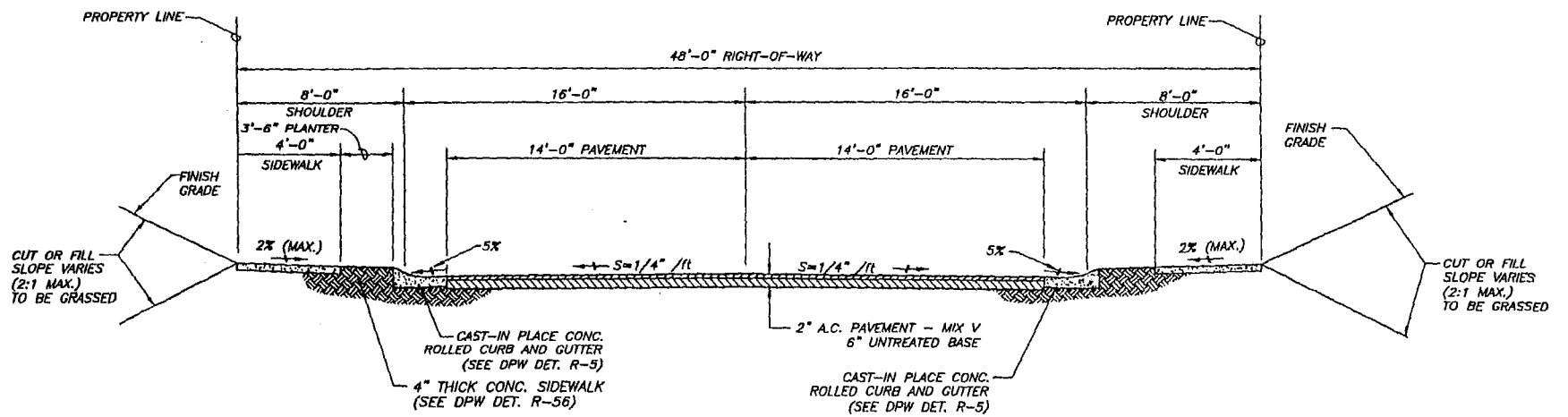


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY)
NOT TO SCALE

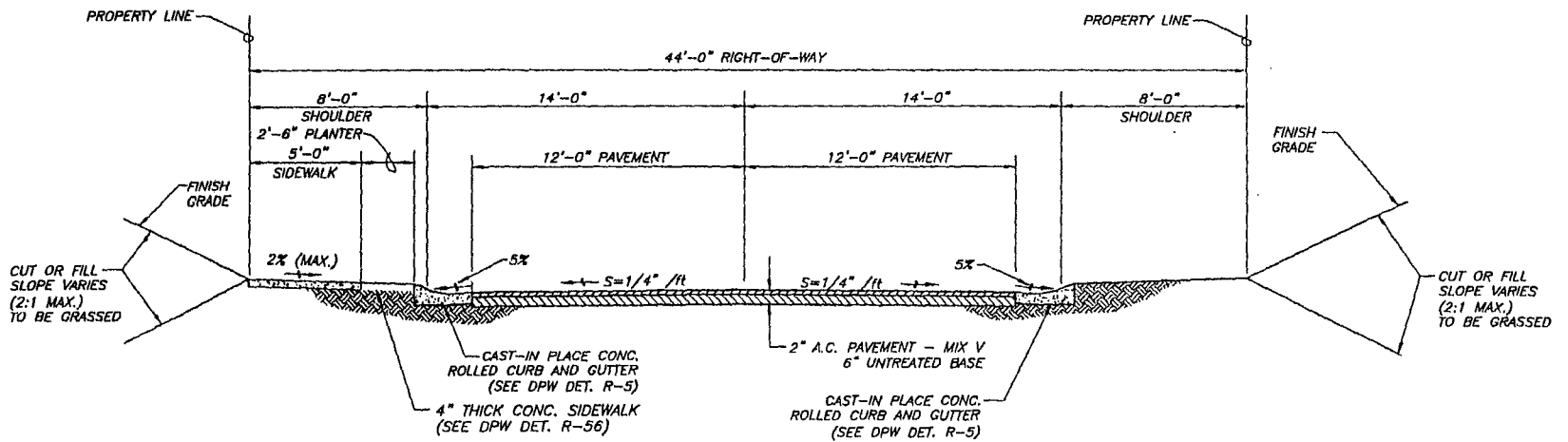


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY) W/ PAVEMENT WIDENING
NOT TO SCALE

TYPICAL SECTION
EXHIBIT 1



TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "A" (48 FT. RIGHT-OF-WAY)
NOT TO SCALE

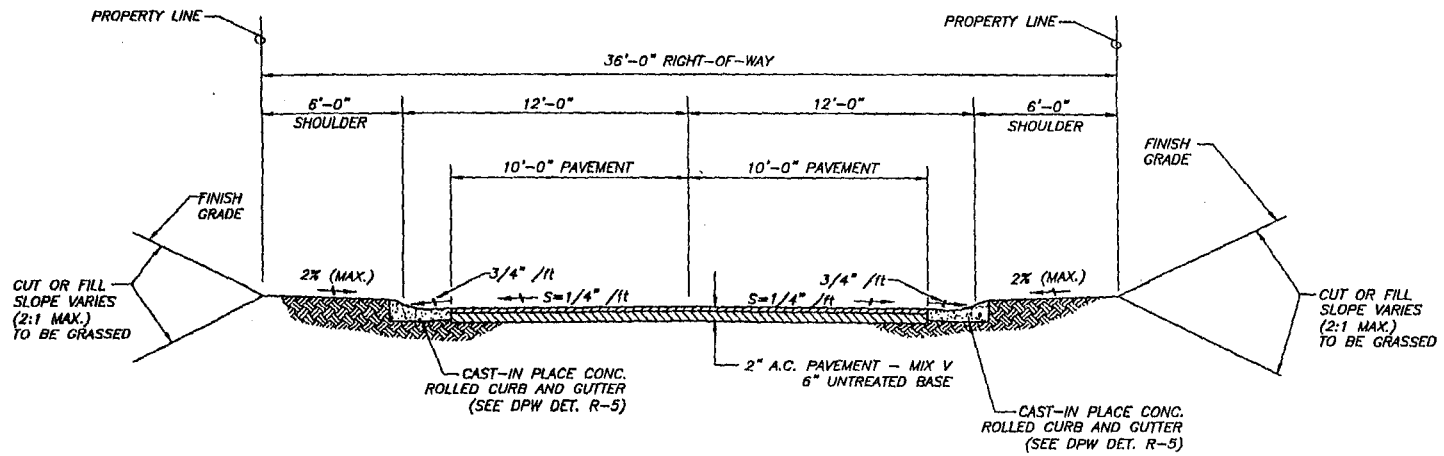


TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "B" (44 FT. RIGHT-OF-WAY)
NOT TO SCALE

NOTES:

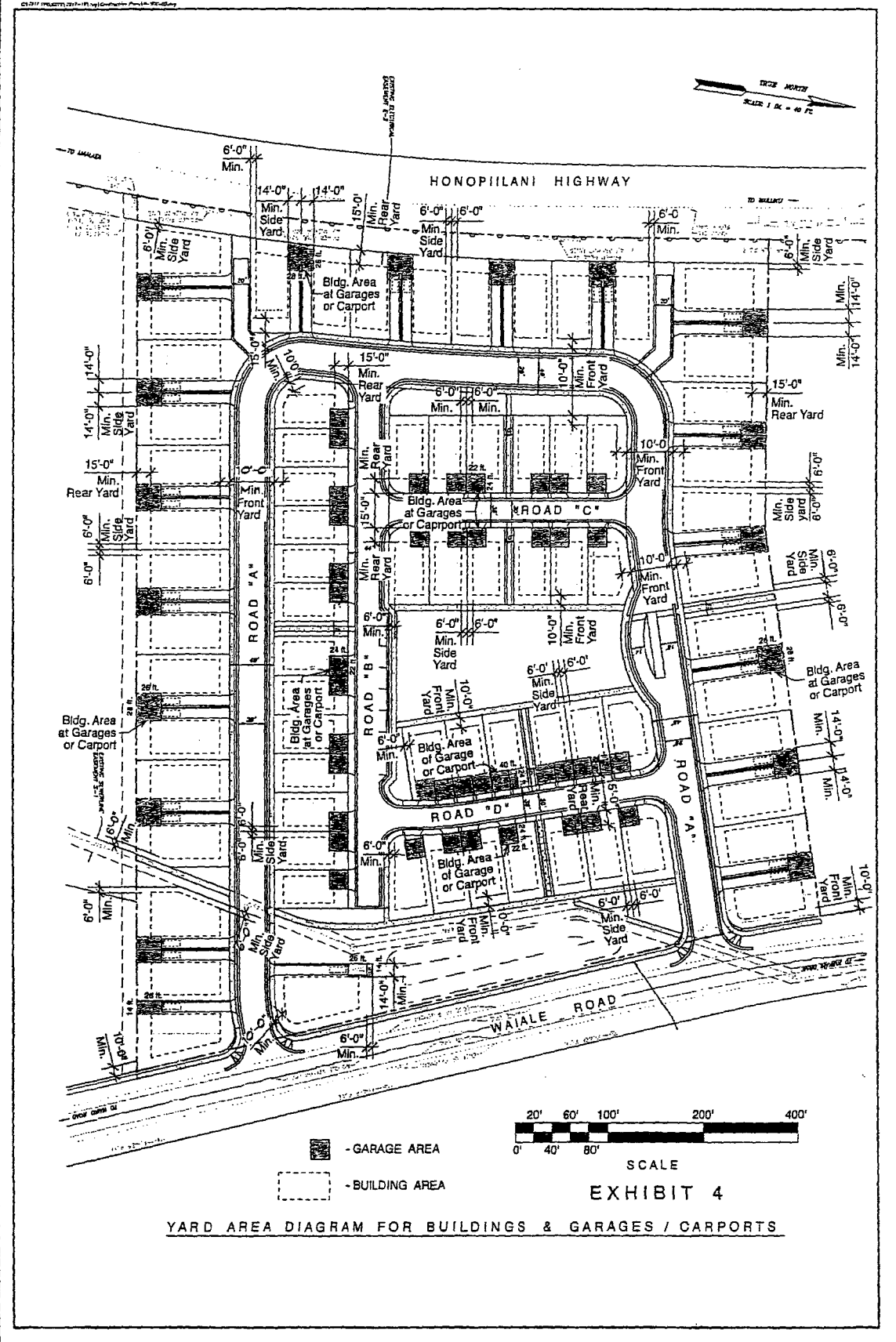
1. ROAD "B" ROW SHALL INCLUDE ON STREET PARALLEL PARKING STALLS, WHERE OCCURS.

TYPICAL SECTION
EXHIBIT 2



TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "C" & "D" (36 FT. RIGHT-OF-WAY)
 NOT TO SCALE

TYPICAL SECTION
 EXHIBIT 3



Resolution

No. _____

DISAPPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY
WAIKAPU DEVELOPMENT VENTURE LLC,
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Waikapu Development Venture LLC, a Hawaii Limited Liability Company (“Waikapu Development Venture LLC”), proposes the development of the Affordable Workforce Housing Project (“Project”) for qualified residents on approximately 12.5 acres of the 25.263-acre parcel identified for real property tax purposes as tax map key (2) 3-5-002:011; and

WHEREAS, the proposed Project will have a total of sixty-eight single-family units and twelve duplex units for a total of eighty residential workforce housing units; and

WHEREAS, all units in the proposed Project will be sold to income-qualified individuals earning between seventy percent and one hundred forty percent of the County of Maui’s area median income; and

WHEREAS, the Project will provide needed residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on July 25, 2018, the Department of Housing and Human Concerns (“Department”) submitted the preliminary plans and specifications, and the accompanying Application for Affordable Housing Subdivision (“Application”) to the Maui County Council (“Council”) recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (“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 days after the Department 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:

Resolution No. _____

1. That the Council disapproves the Project submitted to the Council on July 25, 2018, pursuant to Section 201H-38, HRS; and

2. That certified copies of this resolution be transmitted to the Director of Public Works, the Planning Director, the Director of Housing and Human Concerns, and Waikapu Development Venture LLC.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui

2017-0095
LU-2(4) 2018-07-06 Disapproving