

# REQUEST FOR LEGAL SERVICES

**Date:** February 16, 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 revisions made by the Committee at its meeting of February 14, 2018. Please review and, if appropriate, approve as to form and legality. A hard copy is required with your response.

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

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

## 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)

lu:ltr:002(3)acc01: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 DATE  
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

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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

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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:

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JEFFREY UEOKA  
Deputy Corporation Counsel  
County of Maui

lu:misc:002(3)areso02