

# Resolution

**No. 23-79**

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT  
OF THE HALE MAHAOLU KE KAHUA AFFORDABLE HOUSING COMMUNITY  
WORKFORCE HOUSING PROJECT  
UNDER CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Waiehu Housing, LP, proposes the development of the workforce housing project known as the Hale Mahaolu Ke Kahua Affordable Housing Community ("Project") on 11.476 acres of land, located in Waiehu, Maui, Hawai'i, and identified for real property tax purposes as Tax Map Key (2) 3-3-001:106;

WHEREAS, the proposed Project is for 100% affordable rentals, consisting of 120 units, including one exempt manager's unit;

WHEREAS, all affordable units will be marketed to households earning at or below 60 percent of the Area Median Income, as established by the U.S. Department of Housing and Urban Development;

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

WHEREAS, the Project is being independently developed under Chapter 2.97, Maui County Code ("MCC");

WHEREAS, under Chapter 2.97, MCC, the Council of the County of Maui ("Council") may approve certain exemptions for the Project, and the requested exemption list is attached as Exhibit "A";

WHEREAS, under Section 2.97.170, MCC, the Council must approve, approve with modification(s), or disapprove the Project by resolution within 60 days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on February 21, 2023; and

WHEREAS, under 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 the Department of Housing and Human Concerns and Waiehu Housing, LP, the Council approves the Project with the modifications specified in Exhibit "B", including the Project's preliminary plans and specifications, as submitted to the Council on February 21, 2023, under Chapter 2.97, MCC; except that Waiehu Housing, LP, must 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, unless exempted as specified in Exhibit "A";

2. The final plans and specifications for the Project will be 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;

3. Any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval;

4. The final plans and specifications constitute the zoning, building, construction, and subdivision standards for the Project;

5. In the event of any conflict between the plans and specifications of the Project and this resolution, terms of this resolution and any exhibits will control; and

6. 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 Waiehu Housing, LP.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

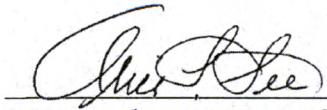
MIMI DESJARDINS

Deputy Corporation Counsel  
County of Maui

2021-1056

2023-02-10 Hale Mahaolu Ke Kahua Resolution approving  
with modifications

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Chen P. Lee".

Upon the request of the Mayor.

# Exhibit "A"

## Chapter 2.97 Exemption List

Development Standard or Requirement	Relevant Section/Requirement	Requested Exemption	Rationale for Request
1. Requirements for acquiring disposal permit and payment of disposal charges	<p>Title 8, Health and Safety, Maui County Code (MCC):</p> <p>Chapter 8.04, Refuse Collection and Landfills</p>	<p><b><u>MCC 8.04.040 Disposal Permits – Application and Suspension; MCC 8.04.050, Disposal Charges</u></b></p> <p>Exemption for project to dispose of construction waste during the construction of the project without the need to apply for a disposal permit and pay for disposal charges.</p>	<p>An exemption from the requirements to apply for a disposal permit and pay associated charges will provide cost savings and ensure that the project is financially feasible.</p>
2. Requirement for payment of wastewater assessment fees	<p>Title 14, Public Services, MCC:</p> <p>Section 14.35, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System</p>	<p><b><u>MCC 14.35 Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System</u></b></p> <p>Exemption to allow the project to receive its building permits without the need to pay wastewater assessment fees.</p> <p>Section 14.35.080, Exemptions, exempts developments comprised of <b>100%</b> residential workforce housing units from the provisions of this chapter.</p>	<p>An exemption from the requirements to pay the wastewater assessment fee for the Wailuku/Kahului Wastewater Treatment System will advance the affordability objectives of the project.</p>
3. Requirement for payment of water system development fees	<p>Title 14 – Public Services, MCC:</p> <p>Chapter 14.07 – Water System Development Fees</p>	<p><b><u>MCC 14.07 Water System Development Fees</u></b></p> <p>Exemption requested from Section 14.07 water system development fees to allow the project to receive its building permits without the need to pay water system development fees.</p>	<p>An exemption from the requirements to pay the water system development fees will advance the affordability objectives of the project.</p>

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4. Requirement to demonstrate water availability	Title 14 – Public Services, MCC: Chapter 14.12 – Water Availability	<p><b><u>MCC 14.12 Water Availability</u></b></p> <p>Exemption requested from Section 14.12 Water Availability.</p> <p>Section 14.12.030, Exemptions, exempts developments comprised of <b>100%</b> residential workforce housing units from the provisions of this chapter.</p>	
5. Requirements for payment of permit and inspection fees	Title 16, Buildings and Construction, MCC: Sections 16.04C, Fire Code 16.18B, Electrical Code 16.20B, Plumbing Code 16.26B, Building Code	<p><b><u>MCC Title 16 Building and Construction</u></b></p> <p>Exemptions from MCC Chapters:</p> <ul style="list-style-type: none"> <li>• 16.04C, <u>Fire Code</u>,</li> <li>• 16.18B, <u>Electrical Code</u>,</li> <li>• 16.20B, <u>Plumbing Code</u>, and</li> <li>• 16.26B, <u>Building Code</u>.</li> </ul> <p>To exempt the project from payment of the fire, electrical, plumbing, and building permit, plan review, and inspection fees.</p>	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
6. Requirements for payment of permit and inspection fees	Title 20, Environmental Protection, MCC: Chapter 20.08, Soil Erosion and Sedimentation Control  Section 20.08.090, Grubbing and Grading Permit Fees	<p><b><u>MCC 20.08.090, Grubbing and Grading Permit Fees</u></b></p> <p>An exemption is sought to payment of grubbing and grading permit and inspection fees.</p> <p>Section 20.08.090(D) exempts developments comprised of <b>100%</b> residential workforce housing units from grubbing and grading permit fees.</p>	This exemption provides savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.

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7. Requirement for payment of park assessment fee	Title 18, Subdivisions, MCC: Chapter 18.16, Design Standards  Section 18.16.320, Parks and Playgrounds	<p><b><u>MCC, 18.16.320 Parks and Playgrounds</u></b></p> <p>An exemption is sought from the provision to pay park assessment fees.</p> <p>Pursuant to Section 18.16.320(I)(5) Park Assessment Fees are exempt for workforce housing projects.</p>	<p>This exemption provides savings to ensure the project is financially feasible. The project will provide two (2) play areas designed to serve the recreational needs of the residents living within the housing community. One play area will be centrally located near the clubhouse and the second located near a common laundry room.</p>
8. Requirements for number of parking stalls and number and sizes of loading areas	Title 19, Zoning, MCC: Chapter 19.36B, Off-Street Parking and Loading  Sections  19.36B.020 Designated Number of Off-Street Parking Spaces 19.36B.030 Designated Number of Loading Spaces	<p><b><u>MCC 19.36B, Off-Street Parking and Loading</u></b></p> <p>An exemption from Section 19.36B.020 (Designated Number of Off-Street Parking Spaces) for off-street parking requirements for the proposed clubhouse, which will only be used by onsite residents and is not open to the public.</p> <p>An exemption from Section 19.36B.020 (Designated number of off-street parking spaces) for off-street parking for the proposed residential units to require only one stall per unit for the proposed 28 one bedroom units planned for the project.</p> <p>An exemption from Section 19.36B.030 to allow for reduced dimensions (8.5 ft. x 19 ft.) of the two (2) required loading spaces.</p>	<p>The proposed project will provide adequate parking for residents and the exemptions will enable flexibility in the number of parking stalls and dimensions of loading spaces. The requested exemptions would also minimize potential queuing issues by reducing the number of stalls near driveway entrances. This will further the affordability of the project. Smaller loading stalls, which can be used for moving vans and furniture delivery, would also improve the flexibility as to where they are located and make them more useful to the housing community. Larger stalls would require them to be located in areas that may not be as useful due to them requiring turning areas and back up space.</p>

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Development Standard or Requirement	Relevant Section/Requirement	Requested Exemption	Rationale for Request
9. Urban standards relating to curb, gutters and sidewalks	<p>Title 16.26B, Building and Construction MCC:</p> <p>Chapter 16.20B Building Code</p> <p>Title 18, Subdivision, MCC:</p> <p>Chapter 18.20 – Improvements</p>	<p><b><u>MCC 16.26B.3600, Improvements to Public Streets</u></b></p> <p><b><u>MCC 18.20.040, 18.20.070, and 18.20.080, Existing Streets, Sidewalks, Curbs, and Gutters.</u></b></p> <p>Exemption from constructing curbs, gutters, and sidewalks for the frontage of the project adjacent to Kahekili Highway.</p>	<p>This exemption will allow the Applicant to implement the project without providing improvements to public streets and ensuring the project is financially feasible. The exemption would also allow the provision of a northbound right-turn lane into the project at the central access, which would provide a safeguard from traffic spilling out onto Kahekili Highway.</p>
10. Requirement for State Land Use District Boundary Amendment for Agricultural portion of Subject Property	<p>Title 19, Zoning, MCC:</p> <p>Chapter 19.68 – State Land Use District Boundaries</p> <p>Chapter 19.510 - Application and Procedures</p> <p>Article 8, Chapter 8, Revised Charter of the County of Maui (1983), as amended</p>	<p><b><u>MCC 19.68 State Land Use District Boundaries</u></b></p> <p><b><u>MCC 19.510 Application and Procedures Article 8, Chapter 8, Revised Charter of the County of Maui (1983), as amended</u></b></p> <p>Exemptions from these provisions are sought to enable the District Boundary Amendment (DBA) request to proceed directly to the Maui County Council, without requiring the preparation of a DBA application and subsequent processing through the Maui Planning Commission. An ordinance for a DBA will be reviewed by the County Council concurrently with the MCC 2.97 application.</p>	<p>The project site is 11.476 acres and located within the State "Urban" and "Agricultural" Districts. This exemption would expedite the delivery of affordable workforce housing.</p>

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11. Requirements of Change of Zoning and all provisions relating to "Agricultural" and "Interim" development standards to allow the use of the "A-1" district zoning standards.	Title 19, Zoning, MCC:  Chapter 19.02A, Interim Zoning Provisions and 19.30A, Agricultural District Chapter 19.12, Apartment District	<u><b>MCC 19.510.040 Change of Zoning</b></u>  <u><b>MCC 19.02A Interim Zoning Provisions</b></u>  <u><b>MCC 19.30A Agricultural District</b></u>  Exemptions from these provisions to allow the project to proceed without obtaining a Change of Zoning approval and to permit the development and use of the property for multi-family residential use according to the permitted uses, accessory uses and buildings, and development standards of the "A-1" District pursuant to the provisions set forth in Chapter 19.12, Apartment District.	The project site is zoned "Agricultural" and "Interim". These exemptions would expedite the delivery of affordable workforce housing by allowing the project to be developed in accordance with the "A-1" District zoning provisions, which are more applicable to the proposed development, without the need to obtain a Change of Zoning.
12. Requirement for General Plan, Community Plan Consistency	Title 2, Administration and personnel, MCC:  Chapter 2.80B, General Plan and Community Plans	<u><b>MCC 2.80B, General Plan and Community Plans</b></u>  An exemption from MCC 2.80B to allow the project to be implemented (1) without a Community Plan Amendment; and (2) without the need for consistency to be demonstrated between the community plan and zoning designations.	These exemptions would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.

Exhibit "B"

**Modifications**