

Resolution

No. 22-164

AMENDING RESOLUTION 20-123 TO INCLUDE DEADLINES FOR THE
COMMENCEMENT AND COMPLETION OF THE 100 PERCENT
AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT IN
ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, on September 11, 2020, the Maui County Council adopted Resolution 20-123 (Exhibit “1”), approving with modifications the independent development of the 100 Percent Affordable Liloa Hale Senior Rental Housing Project (“Project”) under Chapter 2.97, Maui County Code (“MCC”); and

WHEREAS, Resolution 20-123 does not establish deadlines for the commencement or the completion of the Project; however, Section 2.97.160, MCC, does require that a project be commenced within two years of the adoption of the resolution approving the project, and that the project must be completed no later than five years after the adoption of the resolution approving the project. Section 2.97.160, MCC, also provides that “Extensions may be allowed by Council by resolutions”; and

WHEREAS, the commencement of construction has been unexpectedly delayed; and

WHEREAS, in light of the ongoing COVID-19 pandemic, it may take additional time to commence construction of the much-needed Project; now, therefore,

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

1. That it amends Resolution 20-123’s Exhibit “B” by including a number four, to read as follows:
 4. The exemptions and modifications herein will automatically terminate if the project has not commenced construction by September 11, 2024, with completion of the project no later than September 11, 2027. Further extensions may be allowed by Council by Resolution; and

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2. That certified copies of this Resolution be transmitted to the Director of Housing and Human Concerns, the Planning Director, the Director of Public Works, and Liloa Senior Housing, LP.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui
2019-1598

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

Resolution

No. 20-123

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Liloa Senior Housing, LP, proposes the development of the affordable housing project known as Liloa Hale Senior Rental Housing Project (the "Project") for qualified residents, on approximately 4.9 acres located adjacent to Hope Chapel, makai of Pi'ilani Highway, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 2-2-002:072 (por.); and

WHEREAS, the proposed Project will consist of 117 affordable apartments for seniors in a three-story elevator-served building; and

WHEREAS, all 117 units will be rented to individuals in the 60 percent or less Area Median Income; and

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

WHEREAS, on August 12, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council, recommending approval of the Project in accordance with Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed in accordance with Chapter 2.97, MCC; and

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

WHEREAS, under section 2.97.170, MCC, the Council must approve, approve with modifications, or disapprove the Project by resolution within 60 days after the Department of Housing and Human Concerns submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on August 12, 2020; 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,

EXHIBIT "1"

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 Liloa Senior 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 August 12, 2020, in accordance with Chapter 2.97, MCC, on the condition that Liloa Senior Housing, LP 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, except for the exemptions specified in Exhibit "A";

2. That the final plans and specifications for the Project will 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; any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval; the final plans and specifications will constitute the zoning, building, construction, and subdivision standards for the Project;

3. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution will control; and

4. 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 Liloa Senior Housing, LP.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

ah:misc:003(1)ares02:ans

The following is a list of requested exemptions for the Liloa Hale Senior Affordable Housing Project for review and consideration for approval by the Maui County Council.

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
1. Requirement for acquiring disposal permit and payment of disposal charges	Title 8, Health and Safety, Maui County Code (MCC) Chapter 8.04, Refuse Collection and Landfills	<u>MCC 8.04.040 Disposal Permits – Application and Suspension; 8.04.050, Disposal Charges.</u> 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. Estimated value of exemption - \$95,000.00	An exemption from the requirements to apply for a disposal permit and pay associated charges will provide cost savings.
2. Requirement for payment of wastewater assessment fees	Title 14, Public Services, MCC Section 14.34, Wastewater Assessment Fees for Facility Expansion for the Kihei Regional Wastewater Treatment System	<u>MCC 14.34 Wastewater Assessment Fees for Facility Expansion for the Kihei Regional Wastewater Treatment System.</u> Exemption to allow the project to receive its building permits without the need to pay wastewater assessment fees. Section 14.34.080, Exemptions, exempts developments comprised of 100% residential workforce housing units from the provisions of this chapter.	An exemption from the requirements to pay the wastewater assessment fee for the Kihei Regional Wastewater Treatment System will advance the affordability objectives of the project.
3. Requirement 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	<u>MCC Title 16 Building and Construction.</u> Exemptions from MCC Chapters: <ul style="list-style-type: none"> • 16.04C, <u>Fire Code</u>, • 16.18B, <u>Electrical Code</u>, • 16.20B, <u>Plumbing Code</u>, and • 16.26B, <u>Building Code</u> to exempt the project from fire, electrical, plumbing, and building permit, plan review, and inspection fees. Estimated value of exemption - \$338,101	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.

EXH. A
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EXHIBIT A

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
4. Requirement for payment of permit and inspection fees	<p>Title 20, Environmental Protection, MCC: Chapter 20.08, Soil Erosion and Sedimentation Control</p> <p>Section 20.08.090, Grubbing and Grading Permit Fees</p>	<p><u>MCC Section 20.08.090, Grubbing and Grading Permit Fees.</u> An exemption is sought to the submittal of grubbing and grading permit and inspection fees.</p> <p>Section 20.08.090(D) exempts developments comprised of 100% residential workforce housing units from the grubbing and grading permit fee.</p> <p>Estimated value of exemption - \$2,000.00</p>	<p>This exemption provides savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.</p>
5. Requirement for payment of park assessment fee	<p>Title 18, Subdivisions, MCC: Chapter 18.16, Design Standards</p> <p>Section 18.16.320, Parks and Playgrounds</p>	<p><u>MCC18.16.320 Parks and Playgrounds.</u> An exemption is sought from the provision to submit a park assessment fee.</p> <p>Pursuant to Section 18.16.320(1)(5) Park Assessment Fees are exempt for workforce housing projects.</p> <p>Estimated value of exemption - \$770,000.00</p>	<p>This exemption provides savings to ensure the project is financially feasible. Onsite amenities (such as a club room, fitness center, common room, landscaped courtyard, and exterior walking paths) will be incorporated into the project design to serve the recreational needs of the senior residents living within the facility.</p>
6. Requirements of all provisions relating to Project District Processing Regulations and Kihei-Makena Project District 5, and, to allow the use of the "A-2, Apartment" district zoning standards.	<p>Title 19, Zoning, MCC: Chapter 19.12, Apartment District</p> <p>Chapter 19.45, Project District Processing Regulations</p> <p>Chapter 19.74, Kihei-Makena Project District 5</p>	<p><u>MCC 19.45 – Project District Processing Regulations.</u> <u>MCC 19.74 – Kihei-Makena Project District 5.</u> Exemptions from MCC 19.45 and 19.74 are sought to exempt the project from all provisions of these chapters, including application processing requirements.</p> <p><u>MCC 19.12, Zoning.</u> An exemption from Chapter 19, MCC, is sought 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-2, Apartment District pursuant to the provisions set forth in Chapter 19.12, Apartment District.</p>	<p>The project site is located within Piilani Village Project District (Project District 5) and is split zoned Residential (Single-Family/Multi-Family). This exemption would allow the project to be developed in accordance with the A-2, Apartment District zoning provisions, which are more applicable to the proposed development program.</p>

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
<p>7. Requirement for number of parking stalls and number and sizes of loading areas</p>	<p>Title 19, Zoning, MCC:</p> <p>Chapter 19.36B, Off-Street Parking and Loading</p> <p>Sections 19.36B.020 Designated Number of Off-Street Parking Spaces 19.36B.030 Designated Number of Loading Spaces</p>	<p><u>MCC 19.36B, Off-Street Parking and Loading.</u> An exemption from Section 19.36B.020 (Designated Number of Off-Street Parking Spaces) and Section 19.36B.030 (Designated Number of Loading Spaces) to allow for the flexibility in the number of parking stalls and number and sizes of loading areas required.</p> <p>The Applicant is seeking an exemption from the foregoing provisions of the code for a reduction in the number of parking stalls required for the project such that one (1) stall would be provided per one-bedroom unit, two (2) stalls be provided for each two-bedroom unit, and a minimum of 10 additional stalls provided for guests and employees, as well as for the community room/common areas of the facility (which will be private and utilized by the residents of the facility). In addition an exemption is being requested to the number and/or sizes of loading stalls to allow flexibility for either one (1) large loading stall at 12' x 35' to be provided or alternatively two (2) small loading at 8.5' x 19').</p>	<p>Reflects the lower parking demand and delivery characteristics associated with senior housing facilities and enables flexibility in the number of parking stalls and number and sizes of loading areas for the project.</p>
<p>8. Urban standards relating to curb, gutters, and sidewalks</p>	<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><u>MCC 16.26B.3600, Improvements to Public Streets</u> <u>MCC 18.20.040, 18.20.070, and 18.20.080, Existing Streets, Sidewalks, Curbs and Gutters.</u> An exemption from these provisions are sought for the portion of the parcel adjacent to Liloa Drive, not fronting the project site.</p> <p>Estimated value of exemption: \$82,000</p>	<p>The project site will be condominiumized and purchased from Hope Chapel. This exemption will allow the Applicant to install curb, gutters, and sidewalks along the portion of Liloa Drive fronting the project site only, but not the portion fronting Hope Chapel.</p>

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
9. Requirement for Community Plan Consistency Given Project's Use of "A-2" Zoning Standards	Title 2, Administration and personnel, MCC: Chapter 2.80B, General Plan and Community Plans	<u>MCC 2.80B, General Plan and Community Plans.</u> An exemption from 2.80B to allow project to be implemented without a Community Plan Amendment given project's use of "A-2" zoning standards and Planning Department's requirement for consistency between land use designations.	As project will be requesting to be developed in accordance with the "A-2" zoning standards, this exemption will be needed to allow project to proceed without amending the Kihei-Makena Community Plan to a "Multi-family" designation (from "Project District").

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EXHIBIT "B"

LILoa HALE SENIOR RENTAL HOUSING PROJECT

MODIFICATIONS

1. **Streets and Sidewalks:** The project will be exempt from Section 16.26B.3600, Improvements to Public Streets, Section 18.20.040 Existing Streets, Section 18.20.070 Sidewalks, and Section 18.20.080 Curbs and Gutters, as listed in Exhibit "A" (No. 8), except that:
 - a) the developer will construct sidewalks, curbs, and gutters fronting the project site; and
 - b) the developer will construct additional right-of-way as required by the Department of Public Works, to the extent that providing the additional right-of-way does not cause delays that would jeopardize the project's financing, as determined by the developer.
2. **Landscape Plan:** The developer must use only native Hawaiian species in landscaping the project property.
3. **Final Cost Certificate Package:** The developer must submit the final cost certificate issued by the Hawaii Housing Finance and Development Corporation to the Department of Housing and Human Concerns, for subsequent submittal by the Department to the Council upon receipt.

ah:misc:003(2)b_Exhibit B

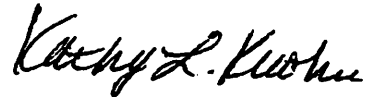
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 20-123 was adopted by the Council of the County of Maui, State of Hawaii, on the 11th day of September, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK