

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

October 13, 2017

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OFFICE OF THE MAYOR

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Stacy Crivello, Chair  
and Members of the Housing, Human Services, and  
Transportation Committee  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
 10/13/17  
Mayor Date

Dear Chair Crivello and Members:

**SUBJECT: COUNTY-OWNED PARCEL ON NORTH PAPA AVENUE  
(KAHULUI) (HHT-14) (RFC 2017/0098)**

The Department of Planning (Department) has received your correspondence dated September 27, 2017, on the above-mentioned subject. In the correspondence, you requested the Department's response to the following questions:

1. According to your correspondence dated August 2, 2017, zoning for the parcel changed from R-2 Residential to Maui Central Park (now, Park) in 1986. The college dormitories were built in 1981 when the parcel was zoned residential (see, Section 19.08.020(C), Maui County Code ("MCC")). Residential zoning permits on-campus dormitories for public or privately owned colleges. Therefore, the dormitory use appears to be an existing, nonconforming use under Section 19.500.110(C), MCC. The buildings may also be existing, nonconforming structures under Section 19.500.110(8), MCC. Current Park District zoning, Chapter 19.27A, MCC, does not include residential uses. Given the limitations of zoning and considering the "grandfathering" of uses and structures, please address the following:
  - a. Is the use of the structures on the parcel as a dormitory a nonconforming use under Section 19.500.110, MCC?

**Department Response:** No. The structures ceased operating as dormitories when the new dormitories on Vevau Street were constructed in 2006.

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- b. The Housing Director has indicated that the buildings "have sat vacant and unused for a length of time." Has dormitory use been discontinued for a period of twelve consecutive months at any time since 1986? If so, may dormitory use be resumed consistent with Section 19.500.1 10(C)(2), MCC?

**Department Response:** Please see response to question 1.a.

- c. If dormitory use may be resumed, must it only be conducted by a school or college for on-campus dormitories (*see*, Section 19.08.020(C), MCC)?

**Department Response:** Dormitory use may not be resumed.

- d. Are any other residential uses grandfathered for the parcel? What are they?

**Department Response:** The Department is not aware of any other residential uses on the property operating as nonconforming uses.

- e. May the structures be used for affordable housing as either a permitted or nonconforming use?

**Department Response:** The parcel would require a change in zoning to Apartment District to be utilized for residential housing.

2. Proposed plans for the parcel include affordable housing. As stated above, the parcel is currently zoned Park. Will zoning need to be amended to permit affordable housing? What would be the most appropriate zoning for this use? Please identify options other than a change in zoning that would allow for affordable housing such as a conditional permit, 201H exemption, or other process.

**Department Response:** Please see response to 1.e.

Section 19.40.010, Maui County Code, reads as follows:

The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those

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permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

The second part of your question could be better answered by the Hawaii Housing Finance and Development Corporation.

3. The parcel is owned by the County, and currently leased to the University of Hawaii Maui College. Pending results of a structural assessment, the County may consider renovating, rather than demolishing the existing structures. What actions to develop the property would trigger the need for an environmental assessment?

**Department Response:** Attached please find a copy of the Chapter 343, Hawaii Revised Statutes, Compliance Checklist. Proposed action A-1 "Use of state or county lands or funds" would trigger the need for and environmental assessment. However, depending on the results of the structural assessment, the project may be exempt under either B-1 or B-8.

4. Identify the land use applications and permits that would be required to rebuild or rehabilitate the current structures for affordable housing.

**Department Response:** A building permit, a special management area assessment, and a community plan amendment from Public/Quasi Public to Multi-Family would be required. There may be additional requirements.

5. Identify the land use applications and permits that would be required to demolish the existing structures and to construct a new affordable housing facility.

**Department Response:** Please see response number 4.

6. The existing parcel has an area of 8.8 acres, of which the current structures occupy only a portion. Confirm whether the entire parcel is suitable for development, and if not, identify the conditions that limit development such as slope, grade, required setbacks, location of easements, soil conditions, etc. Please provide an estimate of the developable portion of the lot.

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**Department Response:** The response to this question may best be answered by the Department of Public Works, Development Services Administration.

Should you have additional questions, please feel free to transmit them to the Department of Planning through the Office of the Mayor.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Spence', written in a cursive style.

WILLIAM SPENCE  
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kimberley C. Willenbrink, Staff Planner (PDF)  
Carol Reimann, Director, Department of Housing and Human Concerns

WRS:KCW:lak

Project File  
General File

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