

June 15, 2020

MEMO TO: PSLU - 56

FROM: MICHAEL J. MOLINA
COUNCILMEMBER

A handwritten signature in black ink, appearing to read "Michael J. Molina".

SUBJECT: TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
CHANGE IN ZONING FOR THE PROPOSED KILOHANA MAKAI WORKFORCE
HOUSING PROJECT (KIHEI) (PSLU-56)

The attached informational document relating to *UPDATED* Conditions of
Zoning pertaining to Item PSLU-56 on the Committee's agenda.

Attachment

CHANGE IN ZONING FOR THE PROPOSED KILOHANA MAKAI WORKFORCE HOUSING PROJECT (KIHEI) (PSLU-56)-

CONDITIONS TO ZONING-

1. The Developer shall record in the Bureau of Conveyances of the State of Hawaii restrictions permanently providing for the following:
 - a. The residential workforce housing units shall by deed restriction be owner occupied for a period of 30 years; however, if no loans are approved due to the 30-year deed restriction, the Developer may request of the Council, via resolution, an adjustment of the deed restriction. The Developer shall not sell the workforce housing units at market rate.
 - b. An owner of a workforce unit that is being resold:
 - (i) must sell the unit to an income-qualified household in the same AMI category as the original homebuyer.
 - (ii) may retain a maximum three percent appreciation per year.
 - c. The use or operation of any dwelling in the Project for transient or short-term rentals, including any rental for a term of less than 180 days, is prohibited.
 - d. Condominium conversion or further subdivision of any of the lots in the Project is prohibited.
 - e. Accessory dwellings shall be rented consistent with requirements of set forth in Chapter 2.96, Maui County Code, in perpetuity.
2. The property located in the tsunami zone shall not be developed and shall be used as open space or park.
3. The Department of Housing and Human Concerns shall oversee the waitlist and distribution of all residential workforce housing units via lottery. No residential workforce housing units shall be promised or pledged to any applicant prior to such lottery.
4. There shall be no restrictions placed on workforce unit homebuyers in their choice of lenders, including in the pre-qualification process.
5. To the extent legally permissible, the residential workforce housing units shall be restricted to residents of Maui County, with preference given to residents currently employed or residing in the greater South Maui area.

6. The Developer shall contribute to a homebuyer financial education program that includes an individual development account (IDA) component, for residential workforce housing unit applicants.
7. The Project shall comply will all applicable requirements of Chapter 2.96, MCC, and Chapter 201H, HRS.
8. The Project shall be developed in substantial compliance with the representations made to the Council in obtaining approval of this Resolution. The County of Maui has the right to deny the issuance of building permits for any unit on any lot in the Project if, and as long as, the Developer is in breach of any of these modifications.
9. To lessen the traffic burden on Wela Street a second ingress or egress shall be developed.