

**COUNCIL OF THE COUNTY OF MAUI**

# **AFFORDABLE HOUSING COMMITTEE**

September 11, 2020

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Affordable Housing Committee, having met on August 12, 2020, and August 19, 2020 (reconvene), makes reference to County Communication 20-358, from Presiding Officer Pro Tempore Tasha Kama, relating to development applications submitted under Chapter 2.97, Maui County Code, Residential Workforce Housing Policy Incentives and Exemptions.

By correspondence dated July 29, 2020, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Hale Kaiola Residential Workforce Housing Project in Kihei, Maui, Hawaii, under Chapter 2.97, Maui County Code. The proposed project consists of a 40-unit duplex complex, with all 40 units offered for sale to qualified individuals earning between 80 and 140 percent of the area median income ("AMI"), as set forth by the Department of Housing and Human Concerns' Affordable Sales Price Guidelines. The approximately three-acre parcel to be developed is located at Ohukai Street and Kaiola Place and is identified for real property tax purposes as tax map key (2) 3-9-029:049. The project developer is Hale Kaiola Joint Venture, comprised of Waihe'e Valley Regenesi LLC and Hale Kaiola, LLC.
2. A proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE." The purpose of the proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code relating to planning, zoning, land development and

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**AFFORDABLE HOUSING COMMITTEE**

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improvement, and construction standards for subdivisions and dwelling units.

3. A proposed resolution entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE.” The purpose of the proposed resolution is to approve the proposed project with the modifications in “Exhibit B” and with various exemptions from certain requirements contained in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.
4. A proposed resolution entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE.” The purpose of the proposed resolution is to disapprove the proposed project.

Under Section 2.97.170, Maui County Code, the Council may approve, approve with modifications, or disapprove the proposed project within 60 days of receipt of the application. In the event the Council fails to approve, approve with modifications, or disapprove the proposed project by September 27, 2020, the Director of Housing and Human Concerns must approve, approve with modifications, or disapprove the proposed project by October 11, 2020, or the project will be deemed approved.

Hale Kaiola is the first residential workforce housing project to be submitted for development under Chapter 2.97, which took effect December 24, 2018. According to the application, the project will consist of two- and three-bedroom units ranging from 731 to 1,240 square feet, and priced from \$295,000 to \$650,000.

Your Committee discussed concerns relating to parking, traffic, and landscaping. The developer noted that two parking stalls per unit and

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parking for disabled persons will be provided as required by Maui County Code. In addition, eight spaces will be available for visitors, and while no parking will be allowed on Kaiola Place, there is limited street parking within walking distance to the development.

The developer also noted the following:

- The development will be one-way in and out via Kaiola Place. Moi Place will be taken into consideration as a second entry into the development but was not included in the traffic study. The study reports the traffic impact of the development will be negligible.
- Most of the mango trees on the property are dead or diseased and will be removed; however, healthy ones may be included as part of the property's park-like common area.
- The pricing of the units is expected to remain as listed in the application, with an option to purchase split air conditioning units.
- The development will be deed restricted as residential workforce housing for a period of 20 years.

Your Committee notes various exemptions are requested by the developer, including exemptions from:

- Section 2.96.050, Maui County Code, to allow 100 percent of the units to qualify for residential workforce housing credits.
- Section 2.97.160, Maui County Code, to allow construction to start within two years and finish within five years from approval of a Special Management Area permit.
- Title 19, Maui County Code, zoning provisions, to allow two-family duplex dwellings.

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# **AFFORDABLE HOUSING COMMITTEE**

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- Development standards related to certain improvements to public streets, minimum right-of-way and pavement widths, sidewalks, yards, off-street parking spaces, and landscaping.
- Development fees related to construction waste disposal, wastewater treatment system expansion, water system development, parks assessments, traffic impact, plan review and inspection, grubbing and grading, driveways, and fire, electrical, plumbing, and building permits.

Your Committee deliberated on the proposed resolution approving the project with modifications. A Deputy Corporation Counsel advised that Chapter 2.97 requires all units to be sold to individuals earning below 140 percent AMI, and suggested revising the resolution to reflect the maximum AMI as 139 percent.

Your Committee expressed support for the project, with modifications, including the Department of Public Works' suggestions to ensure the project's right-of-way and roadway improvements are, to the extent possible, aligned with current and future developments.

Your Committee voted 8-0 to recommend adoption of the proposed resolution approving with modifications the Hale Kaiola Workforce Housing project, and filing of the proposed resolutions approving the project without modifications and disapproving the project.

Committee Chair Kama, Vice-Chair Molina, and members Hokama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Councilmember Rawlins-Fernandez was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's modifications and nonsubstantive revisions.

COUNCIL OF THE COUNTY OF MAUI

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Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;
2. That the proposed resolution, attached hereto, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and
3. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



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TASHA KAMA, Chair

# Resolution

No. \_\_\_\_\_

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture—consisting of Hale Kaiola, LLC and Waihe‘e Valley Regeneration LLC—proposes the development of the residential workforce housing project known as Hale Kaiola (the “Project”) for qualified residents, on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a 40-unit duplex complex; and

WHEREAS, all 40 units will be sold to individuals ranging between the 80 and 139 percent Area Median Income; and

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

WHEREAS, on July 29, 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 July 29, 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,

Resolution No. \_\_\_\_\_

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 Hale Kaiola Joint Venture, 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 July 29, 2020, in accordance with Chapter 2.97, MCC, on the condition that Hale Kaiola Joint Ventures 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 Hale Kaiola Joint Ventures.

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Mimi Desjardins

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MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

ah:misc:003(1)ares01:ans

## Exhibit "A"

### **Hale Kaiola Exemption List Per Maui County Code 2.97 TMK 3-9-029:049**

#### **A. Exemptions from Title 2, Maui County Code (MCC), Administration and Personnel**

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

#### **B. Exemptions from Title 8.04, MCC Health and Safety**

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

#### **C. Exemptions from Title 12, Streets, Sidewalks, and Public Places**

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
2. If necessary, to provide flexibility, an exemption from MCC 12.24B, Landscape Planting and Beautification, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (see Appendix 5).

#### **D. Exemptions from Title 14, Public Services**

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.
3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for



Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

**E. Exemptions from Title 16 Building and Construction.**

1. Per County Code, 2.97.150, exemptions from MCC 16.04C, Fire Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.
2. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to the undergrounding of overhead utility lines, road widening, or other improvements along Kaiola Place. The improvements proposed by the applicant are to construct curbs, gutters, a sidewalk and underground utilities on the project side of Kaiola Place only (not to include the larger transmission lines).

**F. Exemptions from Title 18, Subdivision**

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.
2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.
3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.  
It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted. Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.
4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

**G. Exemptions from Title 19, Zoning**

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.
2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.
3. An exemption from MCC 19.08.060, is requested to allow structures within the

setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

#### **H. Exemptions from Title 20**

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.

## **EXHIBIT “B”**

### **HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING PROJECT**

#### **MODIFICATIONS**

1. **Deed-Restricted Period:**

The developer must record in the Bureau of Conveyances of the State of Hawaii deed restrictions providing for the units to remain residential workforce housing units for a period of 20 years.

2. **Revised Exemption E.2:**

Exemption E.2. listed in Exhibit “A” is revised, as recommended by the Department of Public Works, to be as follows:

E. Exemption from Title 16 Building Code and Construction.

2. The project is exempt from Section 16.26B.3600, Maui County Code, except that the following improvements must be installed:

- a. Construct curb and gutters in the existing right-of-way along the property frontage on Kaiola Place in alignment with the existing curb and gutter at the north end of Kaiola Place. Curb and gutters may also be constructed on Ohukai Road where needed to connect to the new curb and gutter to be constructed by the County.
- b. Construct sidewalks in the existing right-of-way along the property frontage on Kaiola Place. Sidewalks may also be constructed on Ohukai Road where needed to connect to the new sidewalks to be constructed by the County. The project must provide additional right-of-way where needed to ensure the sidewalks are located outside of private property.
- c. Overhead utility lines serving the project must be installed underground, except no undergrounding of the existing high-tension power transmission lines is required.

2. **Revised Exemption G.3:**

Exemption G.3. listed in Exhibit “A” is revised, as recommended by the Department of Public Works, to be as follows:

G. Exemption from Title 19 Zoning.

3. An exemption from Section 19.08.060, Maui County Code, is granted to allow structures within the setbacks, limited to at-grade sidewalks, lanais, and locations where an encroachment into the setback area is the direct result of additional right-of-way, as described in Exemption E.2, being provided to accommodate the placement of new sidewalks outside of private property.

ah:misc:003(1)a\_Exhibit B:ans

# Resolution

No. \_\_\_\_\_

APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture (consisting of Hale Kaiola LLC and Waihe'e Regensis LLC), proposes the development of the 100 percent affordable housing project known as Hale Kaiola (the "Project") for qualified residents on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a forty-unit duplex complex; and

WHEREAS, all forty units will be sold to individuals ranging between the eighty and the one hundred and forty per cent Area Median Income ("AMI"); and

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

WHEREAS, on July 29, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed pursuant to Chapter 2.97, MCC; and

WHEREAS, pursuant to Chapter 2.97, MCC, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 2.97.170, MCC, the Council shall approve, approve with modification, or disapprove the Project by resolution within sixty 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 July 29, 2020; 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,



Resolution No. \_\_\_\_\_

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 Hale Kaiola Joint Venture, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on July 29, 2020, pursuant to Chapter 2.97, MCC; provided that Hale Kaiola Joint Ventures shall 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 thereon, except for the exemptions specified in Exhibit "A", attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall 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 shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall 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 Hale Kaiola Joint Ventures.

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Mimi Desjardins

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MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

2019-142

2020-06-24, Hale Kaiola Joint Ventures, Approving



Resolution No. \_\_\_\_\_

**Hale Kaiola Exemption List Per Maui County Code 2.97  
TMK 3-9-029:049**

**A. Exemptions from Title 2, Maui County Code (MCC), Administration and Personnel**

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

**B. Exemptions from Title 8.04, MCC Health and Safety**

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

**C. Exemptions from Title 12, Streets, Sidewalks, and Public Places**

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
2. If necessary, to provide flexibility, an exemption from MCC 12.24B, Landscape Planting and Beautification, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (see Appendix 5).

**D. Exemptions from Title 14, Public Services**

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.

Exhibit A



3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

**E. Exemptions from Title 16 Building and Construction.**

1. Per County Code, 2.97.150, exemptions from MCC 16.04C, Fire Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.

2. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to the undergrounding of overhead utility lines, road widening, or other improvements along Kaiola Place. The improvements proposed by the applicant are to construct curbs, gutters, a sidewalk and underground utilities on the project side of Kaiola Place only (not to include the larger transmission lines).

**F. Exemptions from Title 18, Subdivision**

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.

2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.

3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.

It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted.

Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.

4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

**G. Exemptions from Title 19, Zoning**

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.

2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.

3. An exemption from MCC 19.08.060, is requested to allow structures within the



Resolution No. \_\_\_\_\_

setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

**H. Exemptions from Title 20**

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.

# Resolution

No. \_\_\_\_\_

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture (consisting of Hale Kaiola LLC and Waihe'e Regenesiis LLC), proposes the development of the 100 percent affordable housing project known as Hale Kaiola (the "Project") for qualified residents on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a forty-unit duplex complex; and

WHEREAS, all forty units will be sold to individuals ranging between the eighty and the one hundred and forty per cent Area Median Income ("AMI"); and

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

WHEREAS, on July 29, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed pursuant to Chapter 2.97, MCC; and

WHEREAS, pursuant to Chapter 2.97, MCC, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 2.97.170, MCC, the Council shall approve, approve with modification, or disapprove the Project by resolution within sixty 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 July 29, 2020; 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,



Resolution No. \_\_\_\_\_

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

1. That the Council disapproves the project submitted to the Council on July 29, 2020, pursuant to Section 201H-38, HRS; and
2. 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 Hale Kaiola Joint Ventures.

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Mimi Desjardins

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MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

2019-142

2020-06-24, Hale Kaiola Joint Ventures, Approving

Resolution No. \_\_\_\_\_

**Hale Kaiola Exemption List Per Maui County Code 2.97  
TMK 3-9-029:049**

**A. Exemptions from Title 2, Maui County Code (MCC), Administration and Personnel**

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

**B. Exemptions from Title 8.04, MCC Health and Safety**

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

**C. Exemptions from Title 12, Streets, Sidewalks, and Public Places**

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
2. If necessary, to provide flexibility, an exemption from MCC 12.24B, Landscape Planting and Beautification, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (see Appendix 5).

**D. Exemptions from Title 14, Public Services**

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.

Exhibit A



3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

**E. Exemptions from Title 16 Building and Construction.**

1. Per County Code, 2.97.150, exemptions from MCC 16.04C, Fire Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.

2. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to the undergrounding of overhead utility lines, road widening, or other improvements along Kaiola Place. The improvements proposed by the applicant are to construct curbs, gutters, a sidewalk and underground utilities on the project side of Kaiola Place only (not to include the larger transmission lines).

**F. Exemptions from Title 18, Subdivision**

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.

2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.

3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.

It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted.

Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.

4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

**G. Exemptions from Title 19, Zoning**

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.

2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.

3. An exemption from MCC 19.08.060, is requested to allow structures within the



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setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

**H. Exemptions from Title 20**

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.