

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 26, 2020, 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 August 12, 2020, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Liloa Hale Senior Affordable Housing Project in Kihei, Maui, Hawaii, under Chapter 2.97, Maui County Code. The proposed project consists of a three-story residential apartment building containing 117 units for rent to qualified seniors earning 60 percent and below of the area median income ("AMI"), as set forth by Department of Housing and Human Concerns guidelines. The approximately 3.6 acres to be developed is bounded by Hope Chapel to the north, Piilani Highway to the west, Liloa Drive to the east, and Hale Mahaolu Ehiku senior housing development to the south. The parcel is identified for real property tax purposes as tax map key (2) 2-2-002:072 (por.) and is part of a 17.9-acre parcel owned by Hope Chapel. The project developer, Liloa Senior Housing, LP, intends to purchase a total of 4.9 acres from Hope Chapel under a condominium property regime.
2. A proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR AFFORDABLE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE."

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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 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 LILOA HALE SENIOR AFFORDABLE 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 LILOA HALE SENIOR AFFORDABLE 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 (“MCC”), 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 October 11, 2020, the Director of Housing and Human Concerns must approve, approve with modifications, or disapprove the proposed project by October 25, 2020, or the project will be deemed approved.

According to the application, Liloa Hale will consist of 101 one-bedroom apartments, including five ADA-compliant units, and 16

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two-bedroom apartments, including one ADA-compliant unit, contained in a single three-story elevator-served building. The project will have a deed-restricted affordability period of 60 years.

Your Committee received testimony on the proposed development, which included concerns relating to safety, sidewalks, landscaping, and cross-ventilation within the units.

The developer informed your Committee that, to maximize the number of units and available green space, a double-loaded corridor design was used. This design does not allow for units with windows on both sides. The developer also noted the closed corridors will be environmentally controlled and mechanically ventilated, and all apartments will have a lanai and window air-conditioning units.

The developer further noted that rental rates will include a deduction for utility allowance, including electricity. Also, a photovoltaic system is being considered for the common areas, but this will not offset electricity costs for individual units. A backup generator will also be provided for emergency lights and functions in the common areas.

Members of your Committee expressed concern about evacuations in the case of emergencies. A representative of the developer pointed out two proposed evacuation routes that have not yet been reviewed by the State Department of Transportation. A representative from the Department of Fire and Public Safety did not have specific data at this time, but stated the project currently meets Maui County Code requirements and will be further reviewed when the final plans are received.

Members of your Committee also expressed concern about sidewalks and road improvements. The developer proposes constructing a sidewalk only along the project's portion of Liloa Drive. Constructing a sidewalk connecting to the existing Hale Mahaolu Ehiku development may be prevented by a drainage site. The Deputy Director of Public Works stated the Department's preference to have sidewalks developed during project construction and in coordination with the Department.

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Your Committee also discussed concerns relating to landscaping, in particular the type of canopy trees to be used in the property's parking and common areas. The developer's design representative proposed only native Hawaiian species be used, which would exclude monkey pod trees and include canoe crops.

A member of your Committee noted the project's exemptions from parks and playgrounds could negatively impact the residents' quality of life.

Your Committee discussed financing for the project, with the developer noting funds from the Affordable Housing Fund will be used to offset the total project costs. The developer also stated it was under contract to purchase the subject parcel from Hope Chapel, which will not be involved in developing the project. Liloa Hale will be managed by Hale Mahaolu, which also manages the adjacent senior affordable housing project, Hale Mahaolu Ehiku.

A member of your Committee asked about preferences for long-term residents applying for Liloa Hale housing. Your Committee notes the eligibility criteria for workforce housing are provided in Chapter 2.96, which does not include a durational residency requirement or preference.

The developer informed your Committee that County approval of this project will help secure funding from the State Hawaii Housing Finance and Development Corporation, which awards maximum application points to projects that are "shovel-ready" with their entitlements, discretionary approvals, and County financial participation in place.

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

- Title 19 and Chapter 2.80B, MCC, to allow the project to follow A-2 Apartment District standards without a Change in Zoning or Community Plan Amendment.

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- Development standards related to sidewalks, curbs and gutters, improvements to public streets, and off-street parking spaces.
- 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. Your Committee amended the resolution to specify the project is for rental units, and to include modifications requiring coordination with the Department of Public Works on streets and sidewalks, landscaping with native Hawaiian species, and submission of the final cost certification to the County Council. Your Committee expressed support for the project, with these modifications.

Your Committee voted 9-0 to recommend adoption of the proposed resolution approving with modifications the Liloa Hale project, as revised, 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, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Committee is in receipt of a revised proposed resolution, entitled “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,” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s modifications and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT

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DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA
HALE SENIOR RENTAL 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 LILOA HALE SENIOR RENTAL
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 LILOA HALE SENIOR
RENTAL 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.



TASHA KAMA, Chair

Resolution

No. _____

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,

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 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.

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(I)(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
7. Requirement for number of parking stalls and number and sizes of loading areas	<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>
8. 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><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

Resolution

No. _____

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

WHEREAS, Liloa Senior Housing LP, proposes the development of the 100 percent affordable housing project known as Liloa Hale Senior Affordable 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 No. (2) 2-2-002:072 (por.); and

WHEREAS, the proposed Project will consist of one hundred seventeen affordable senior apartments in a three-story-elevator-served building; and

WHEREAS, all one hundred seventeen units will be sold to individuals in the sixty per cent or less area median income; and

WHEREAS, the Project will provide needed residential senior housing to meet the current and growing demand for housing; 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 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 August 12, 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 Liloa Senior Housing, LP, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on August 12, 2020, pursuant to chapter 2.97, MCC; provided that Liloa Senior Housing, LP 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 Liloa Senior Housing, LP.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS

Deputy Corporation Counsel
County of Maui

2019-1598

2020-08-06, Liloa Hale, Approving

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.

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(I)(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
7. Requirement for number of parking stalls and number and sizes of loading areas	<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>
8. 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><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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Resolution

No. _____

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

WHEREAS, Liloa Senior Housing LP, proposes the development of the 100 percent affordable housing project known as Liloa Hale Senior Affordable 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 No. (2) 2-2-002:072 (por.); and

WHEREAS, the proposed Project will consist of one hundred seventeen affordable senior apartments in a three-story-elevator-served building; and

WHEREAS, all one hundred seventeen units will be sold to individuals in the sixty percent or less area median income; and

WHEREAS, the Project will provide needed residential senior housing to meet the current and growing demand for housing; 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 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 August 12, 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 August 12, 2020, pursuant to section 2.97.170, MCC; 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 Liloa Senior Housing, LP.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins
MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui
2019-1598
2020-08-06, Liloa Hale, disapproving

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.

EXHIBIT A

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
<p>4. Requirement for payment of permit and inspection fees</p>	<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>
<p>5. Requirement for payment of park assessment fee</p>	<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(I)(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>
<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>	<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>

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