

REQUEST FOR LEGAL SERVICES

Date: September 3, 2020
From: Tasha Kama, Chair
Affordable Housing Committee

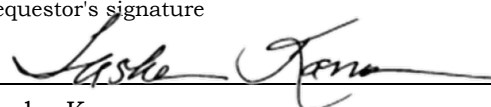
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi DesJardins

Subject: APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE (AH-3(2))

Background Data: Please review the revised proposed resolution and revised modifications, and if appropriate, approve as to form and legality. A hard copy of the revised proposed resolution with revised modifications is requested with your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Tasha Kama	Contact Person <u>Alison Stewart</u> (Telephone Extension: <u>7661</u>)
---	--

☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☒ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 3, 2020.
REASON: To submit for posting on September 4 for the September 11 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

ah:ltr:003(2)acc02:ans

Attachments

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:

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

ah:misc:003(1)ares02:ans

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