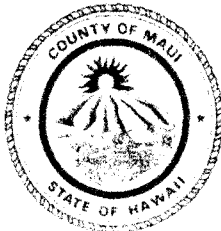


MICHAEL P. VICTORINO
Mayor

LORI TSUHAKE
Director

LINDA R. MUNSELL
Deputy Director



DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

September 13, 2021

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 9/13/21
Mayor Date

For Transmittal to:

Honorable Gabe Johnson, Chair
Affordable Housing Committee
Maui County Council
200 S. High Street
Wailuku, Hawaii 96793

Dear Chair Johnson:

SUBJECT: HOUSING PROJECTS UNDER CHAPTER 2.97, MAUI COUNTY CODE (AH-2)

The Department of Housing and Human Concerns is transmitting for your review and action the Maui County Code (MCC) Chapter 2.97 application for the proposed development of the Hale Pilina Family Affordable Rental Housing Project.

The applicant, Catholic Charities Housing Development Corporation, proposes to develop approximately 4.865 acres of land, identified as TMK (2) 3-7-013:026 in Kahului, Maui, Hawaii pursuant to Chapter 2.97, MCC. The proposed project is located in the Kahului urban core on Puunene Avenue with South Kaulawahine Street bordering the project site to the west.

The proposed project consists of 178 affordable rental units, and one unit for a resident manager. The rental units will be 100 percent affordable to qualified families earning 60 percent or less of Maui's median income, as set forth by the County of Maui, Department of Housing and Human Concerns' Affordable Sales Price Guidelines.

Copies of the project's preliminary application were distributed to various federal, state and county agencies for review and comment prior to the application being finalized. Agency

AH-2(1)

OFFICE OF THE
COUNTY CLERK

SEP 13 AM 9:48

RECEIVED

Honorable Gabe Johnson, Chair
Affordable Housing Committee
Maui County Council
September 13, 2021
Page 2

comments and responses to substantive comments are included in the application for your information.

Enclosed for consideration by your committee and the County Council are the following documents:

1. Nineteen (19) copies and one (1) CD containing a digital version of the Application for Chapter 2.97, MCC Workforce Housing Approval, Hale Pilina Family Affordable Rental Housing Project, TMK (2)3-7-013:026;
2. Proposed resolution entitled, "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE";
3. Proposed resolution entitled, "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE"; and
4. Proposed resolution entitled, "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE".

Thank you for your attention to this matter. If you have any questions or require additional information, please feel free to contact me at Ext. 7805.

Sincerely,



LORI TSUHAKE, LSW, ACSW
Director of Housing and Human Concerns

Enclosures

xc: Buddy Almeida, Housing Administrator
Kari Luna Nunokawa, Munekiyo Hiraga
Gary S. Furuta, Catholic Charities Housing Development Corporation

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Catholic Charities Housing Development Corporation, proposes the development of the 100 percent affordable housing project known as the Hale Pilina Family Affordable Rental Housing Project (the "Project") for qualified residents on approximately 4.865 acres of land, located in Kahului, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-7-013:026 (Parcel 26); and

WHEREAS, the proposed Project will consist of four (4) three-story buildings containing one hundred seventy-eight rental units, 108 units will be one-bedroom units (approximately 442 square feet), 70 units will be two-bedroom units (approximately 683 square feet), and an additional two-bedroom unit will be provided for a resident manager; and

WHEREAS, all one hundred seventy-eight for rent units will be rented to individuals in the sixty per cent or less of the HUD area median income; and

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

WHEREAS, on September 13, 2021 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 September 13, 2021; and

Resolution No. _____

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,

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 Catholic Charities Housing Development Corporation, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on September 13, 2021, pursuant to chapter 2.97, MCC; provided that Catholic Charities Housing Development Corporation 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 Catholic Charities Housing Development Corporation.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2020-1927

2021-09-07 Hale Pilina Resolution Approving

EXHIBIT "A"

LIST OF EXEMPTIONS REQUESTED

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
1. Requirement for requiring disposal permit and payment of disposal charges	Title 8, Health and Safety, Maui County Code (MCC) Chapter 8.04, Refuse Collection and Landfills	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.	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 14.35, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System	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 Wailuku/Kahului 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	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.	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
4. Requirement for General Plan, Community Plan land use consistency and Change in Zoning	MCC 2.80B General Plans and Community Plans	<u>Exemptions to permit the project to proceed without obtaining a Community Plan Amendment (CPA) and a Change of Zoning (CIZ).</u> The project site is designated as "Park" in the Wailuku-Kahului Community Plan Map and zoned "P-1, Public/Quasi-Public" in zoning. The appropriate land use designation for the proposed project is "Multi	These exemptions would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.

EXHIBIT "A"

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Family" and "A-2, Apartment", respectively.	
5. Requirement for payment of permit and inspection fees	Title 20, Environmental Protection, MCC: Chapter 20.08, Soil Erosion and Sedimentation Control Section 20.08.090, Grubbing and Grading Permit Fees	An exemption is sought to the submittal of grubbing and grading permit and inspection fees. Section 20.08.090(D) exempts developments comprised of 100% residential workforce housing units from the grubbing and grading permit fee.	This exemption provides savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
6. Requirements of all provisions relating to "Public/Quasi-Public" to allow the use of the "A-2, Apartment" district zoning standards.	Title 19, Zoning, MCC: Chapter 19.31, Public/Quasi-Public Districts	An exemption 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.	The Project site is zoned "P-1, Public/Quasi-Public". This exemption would expedite the delivery of affordable workforce housing by allowing the project to be developed in accordance with the A-2, Apartment District zoning provisions, which are more applicable to the proposed development, without the need to obtain a Change of Zoning.
7. Requirement for number of parking stalls and number and sizes of loading areas	Title 19, Zoning, MCC: Chapter 19.36B, Off-Street Parking and Loading Sections 19.36B.020 Designated Number of Off-Street Parking Spaces 19.36B.030 Designated Number of Loading Spaces	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. The Applicant is seeking an exemption to allow one (1) parking stall to be provided for each one-bedroom unit, instead of two (2) parking stalls typically required for dwelling units of 3,000 sq. ft. or less. Two (2) parking stalls will be provided for each two-bedroom unit, consistent with code.	The proposed project will provide adequate parking for residents and the exemption will enable flexibility in the number of parking stalls and number and sizes of loading areas for the project. This will further the affordability of the project.

EXHIBIT "A"

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Additional stalls will be provided for visitors.	
8. Water System Development Fees	Title 14 – Public Services, MC: Chapter 14.07 – Water System Development Fees	Exemption requested from Section 14.07.030 Water system development fee schedule as set forth in the annual budget for the water system development fee.	An exemption from the requirements to pay the water system development fees will advance the affordability objectives of the project.
9. Improvements to Public Streets	Chapter 16.26B.3600 – Improvements to Public Streets	Exemption requested from Chapter 16.26B.3600 improvements to public streets. Applicant is seeking exemption to underground overhead utilities and other improvements to adjacent public streets.	The project seeks to be exempt from the requirement within Chapter 16.26B.300 to underground utility poles. The cost estimate received to install underground utility poles on South Pu'unēnē Avenue is approximately \$887,258.00. This fee estimate is only for the electrical contractor and does not include the general contractor's overhead and fee as well as insurance and bond costs. As such, an exemption from the requirements of Chapter 16.26B.300 will advance the affordability objectives of the project.

Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT
OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY
AFFORDABLE RENTAL HOUSING PROJECT
PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Catholic Charities Housing Development Corporation, proposes the development of the 100 percent affordable housing project known as the Hale Pilina Family Affordable Rental Housing Project (the "Project") for qualified residents on approximately 4.865 acres of land, located in Kahului, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-7-013:026 (Parcel 26); and

WHEREAS, the proposed Project will consist of four (4) three-story buildings containing one hundred seventy-eight rental units, 108 units will be one-bedroom units (approximately 442 square feet), 70 units will be two-bedroom units (approximately 683 square feet), and an additional two-bedroom unit will be provided for a resident manager; and

WHEREAS, all one hundred seventy-eight for rent units will be rented to individuals in the sixty per cent or less of the HUD area median income; and

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

WHEREAS, on September 13, 2021 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 September 13, 2021; and

Resolution No. _____

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,

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 Catholic Charities Housing Development Corporation, 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 September 13, 2021, pursuant to chapter 2.97, MCC; provided that Catholic Charities Housing Development Corporation 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 Catholic Charities Housing Development Corporation.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2020-1927

2021-09-08 Hale Pilina Resolution Approving with Modifications

EXHIBIT "A"

LIST OF EXEMPTIONS REQUESTED

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
1. Requirement for requiring disposal permit and payment of disposal charges	Title 8, Health and Safety, Maui County Code (MCC) Chapter 8.04, Refuse Collection and Landfills	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.	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 14.35, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System	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 Wailuku/Kahului 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	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.	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
4. Requirement for General Plan, Community Plan land use consistency and Change in Zoning	MCC 2.80B General Plans and Community Plans	<u>Exemptions to permit the project to proceed without</u> obtaining a Community Plan Amendment (CPA) and a Change of Zoning (CiZ). The project site is designated as "Park" in the Wailuku-Kahului Community Plan Map and zoned "P-1, Public/Quasi-Public" in zoning. The appropriate land use designation for the proposed project is "Multi	These exemptions would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.

EXHIBIT "A"

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Family" and "A-2, Apartment", respectively.	
5. Requirement for payment of permit and inspection fees	Title 20, Environmental Protection, MCC: Chapter 20.08, Soil Erosion and Sedimentation Control Section 20.08.090, Grubbing and Grading Permit Fees	An exemption is sought to the submittal of grubbing and grading permit and inspection fees. Section 20.08.090(D) exempts developments comprised of 100% residential workforce housing units from the grubbing and grading permit fee.	This exemption provides savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
6. Requirements of all provisions relating to "Public/Quasi-Public" to allow the use of the "A-2, Apartment" district zoning standards.	Title 19, Zoning, MCC: Chapter 19.31, Public/Quasi-Public Districts	An exemption 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.	The Project site is zoned "P-1, Public/Quasi-Public". This exemption would expedite the delivery of affordable workforce housing by allowing the project to be developed in accordance with the A-2, Apartment District zoning provisions, which are more applicable to the proposed development, without the need to obtain a Change of Zoning.
7. Requirement for number of parking stalls and number and sizes of loading areas	Title 19, Zoning, MCC: Chapter 19.36B, Off-Street Parking and Loading Sections 19.36B.020 Designated Number of Off-Street Parking Spaces 19.36B.030 Designated Number of Loading Spaces	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. The Applicant is seeking an exemption to allow one (1) parking stall to be provided for each one-bedroom unit, instead of two (2) parking stalls typically required for dwelling units of 3,000 sq. ft. or less. Two (2) parking stalls will be provided for each two-bedroom unit, consistent with code.	The proposed project will provide adequate parking for residents and the exemption will enable flexibility in the number of parking stalls and number and sizes of loading areas for the project. This will further the affordability of the project.

EXHIBIT "A"

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Additional stalls will be provided for visitors.	
8. Water System Development Fees	Title 14 – Public Services, MC: Chapter 14.07 – Water System Development Fees	Exemption requested from Section 14.07.030 Water system development fee schedule as set forth in the annual budget for the water system development fee.	An exemption from the requirements to pay the water system development fees will advance the affordability objectives of the project.
9. Improvements to Public Streets	Chapter 16.26B.3600 – Improvements to Public Streets	Exemption requested from Chapter 16.26B.3600 improvements to public streets. Applicant is seeking exemption to underground overhead utilities and other improvements to adjacent public streets.	The project seeks to be exempt from the requirement within Chapter 16.26B.300 to underground utility poles. The cost estimate received to install underground utility poles on South Pu'unēnē Avenue is approximately \$887,258.00. This fee estimate is only for the electrical contractor and does not include the general contractor's overhead and fee as well as insurance and bond costs. As such, an exemption from the requirements of Chapter 16.26B.300 will advance the affordability objectives of the project.

EXHIBIT "B"

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Catholic Charities Housing Development Corporation, proposes the development of the 100 percent affordable housing project known as the Hale Pilina Family Affordable Rental Housing Project (the "Project") for qualified residents on approximately 4.865 acres of land, located in Kahului, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-7-013:026 (Parcel 26); and

WHEREAS, the proposed Project will consist of four (4) three-story buildings containing one hundred seventy-eight rental units, 108 units will be one-bedroom units (approximately 442 square feet), 70 units will be two-bedroom units (approximately 683 square feet), and an additional two-bedroom unit will be provided for a resident manager; and

WHEREAS, all one hundred seventy-eight for rent units will be rented to individuals in the sixty per cent or less of the HUD area median income; and

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

WHEREAS, on September 13, 2021 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 September 13, 2021; and

Resolution No. _____

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,

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

1. That the Council disapproves the Project submitted to the Council on September 13, 2021, pursuant to chapter 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 Catholic Charities Housing Development Corporation.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2020-1927

2021-09-08 Hale Pilina Resolution Disapproving

EXHIBIT "A"

LIST OF EXEMPTIONS REQUESTED

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
1. Requirement for requiring disposal permit and payment of disposal charges	Title 8, Health and Safety, Maui County Code (MCC) Chapter 8.04, Refuse Collection and Landfills	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.	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 14.35, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System	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 Wailuku/Kahului 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	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.	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
4. Requirement for General Plan, Community Plan land use consistency and Change in Zoning	MCC 2.80B General Plans and Community Plans	<u>Exemptions to permit the project to proceed without obtaining a Community Plan Amendment (CPA) and a Change of Zoning (CIZ).</u> The project site is designated as "Park" in the Wailuku-Kahului Community Plan Map and zoned "P-1, Public/Quasi-Public" in zoning. The appropriate land use designation for the proposed project is "Multi	These exemptions would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.

EXHIBIT “A”

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Family” and “A-2, Apartment”, respectively.	
5. Requirement for payment of permit and inspection fees	Title 20, Environmental Protection, MCC: Chapter 20.08, Soil Erosion and Sedimentation Control Section 20.08.090, Grubbing and Grading Permit Fees	An exemption is sought to the submittal of grubbing and grading permit and inspection fees. Section 20.08.090(D) exempts developments comprised of 100% residential workforce housing units from the grubbing and grading permit fee.	This exemption provides savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
6. Requirements of all provisions relating to “Public/Quasi-Public” to allow the use of the “A-2, Apartment” district zoning standards.	Title 19, Zoning, MCC: Chapter 19.31, Public/Quasi-Public Districts	An exemption 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.	The Project site is zoned “P-1, Public/Quasi-Public”. This exemption would expedite the delivery of affordable workforce housing by allowing the project to be developed in accordance with the A-2, Apartment District zoning provisions, which are more applicable to the proposed development, without the need to obtain a Change of Zoning.
7. Requirement for number of parking stalls and number and sizes of loading areas	Title 19, Zoning, MCC: Chapter 19.36B, Off-Street Parking and Loading Sections 19.36B.020 Designated Number of Off-Street Parking Spaces 19.36B.030 Designated Number of Loading Spaces	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. The Applicant is seeking an exemption to allow one (1) parking stall to be provided for each one-bedroom unit, instead of two (2) parking stalls typically required for dwelling units of 3,000 sq. ft. or less. Two (2) parking stalls will be provided for each two-bedroom unit, consistent with code.	The proposed project will provide adequate parking for residents and the exemption will enable flexibility in the number of parking stalls and number and sizes of loading areas for the project. This will further the affordability of the project.

EXHIBIT “A”

Development Standard or Requirement	Relevant Section/ Requirement	Requested Exemption and Estimated Value Where Appropriate	Rationale for Request
		Additional stalls will be provided for visitors.	
8. Water System Development Fees	Title 14 – Public Services, MC: Chapter 14.07 – Water System Development Fees	Exemption requested from Section 14.07.030 Water system development fee schedule as set forth in the annual budget for the water system development fee.	An exemption from the requirements to pay the water system development fees will advance the affordability objectives of the project.
9. Improvements to Public Streets	Chapter 16.26B.3600 – Improvements to Public Streets	Exemption requested from Chapter 16.26B.3600 improvements to public streets. Applicant is seeking exemption to underground overhead utilities and other improvements to adjacent public streets.	The project seeks to be exempt from the requirement within Chapter 16.26B.300 to underground utility poles. The cost estimate received to install underground utility poles on South Pu'unēnē Avenue is approximately \$887,258.00. This fee estimate is only for the electrical contractor and does not include the general contractor's overhead and fee as well as insurance and bond costs. As such, an exemption from the requirements of Chapter 16.26B.300 will advance the affordability objectives of the project.