

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

November 5, 2021

**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 September 27, 2021, and reconvened on October 5, 2021, makes reference to County Communication 21-18, from Council Chair Alice L. Lee, relating to affordable housing projects under Chapter 2.97, Maui County Code.

By correspondence dated September 13, 2021, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the Hale Pilina Family Affordable Rental Housing Project (“Project”) in Kahului, Maui, Hawai‘i, under Chapter 2.97, Maui County Code. The Project consists of four three-story buildings containing 178 rental units for qualified households earning 60 percent and below area median income (“AMI”), as set by the U.S. Department of Housing and Urban Development (“HUD”). The Project is to be developed by Catholic Charities Housing Development Corporation on a 4.865-acre parcel owned by A&B Properties Hawaii, LLC, identified for real property tax purposes as tax map key (2) 3-7-013:026. The Project site is located at 150 South Pu‘unēnē Avenue, Kahului, Maui, Hawai‘i, and is bordered by South Kaulawahine Street to the west, Alehela Place to the south, and Kamehameha Avenue to the north. Property management would be provided by Hale Mahaolu.

2. A 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.”

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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 HALE PILINA FAMILY AFFORDABLE RENTAL 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 PILINA FAMILY AFFORDABLE RENTAL 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, Maui County Code, the Council must approve, approve with modifications, or disapprove the proposed Project within 60 days after the preliminary plans and specifications have been submitted to the Council, which submittal took place on September 13, 2021. The Council has until November 12, 2021, to act on the Project application, or it will be deemed approved.

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Your Committee received a presentation from Project consultants and representatives of the developer (“Representative”), Catholic Charities Housing Development Corporation (“CCHDC”).

Your Committee notes CCHDC is a nonprofit subsidiary of Catholic Charities Hawai‘i, and was established in 1999 to address challenges faced by clients transitioning from shelters to permanent housing. CCHDC’s mission is to develop affordable housing for the elderly, individuals with special needs, and those who are socially or economically disadvantaged. To date, CCHDC has undertaken 22 housing projects, for a total of 1,799 affordable housing units.

According to the Representative, the maximum income and monthly rent calculations for the proposed Project are based on HUD guidelines, which differ slightly from the County’s guidelines established by the Department of Housing and Human Concerns. For example, under HUD guidelines, maximum monthly rent and utility allowance for households earning 60 percent AMI is \$1,153 for a one-bedroom unit with a \$129 utility allowance; and \$1,384 for a two-bedroom unit with a \$179 utility allowance. Under County guidelines, at 60 percent AMI, maximum monthly rent including utilities is \$1,079 for a one-bedroom unit, and \$1,295 for a two-bedroom unit.

Your Committee notes various exemptions from the Maui County Code have been requested for the proposed Project, including exemptions from obtaining community plan amendments and changes in zoning; exemptions from certain development standards; and exemptions from payment of construction-related fees totaling approximately \$1,728,600. According to the Representative, the pro forma development cost for all phases of the proposed Project is approximately \$85 million.

Your Committee received public testimony, the vast majority of which was in support of the proposed Project.

Your Committee also received comments from various County agency representatives, including written comments included in the Project’s application materials.

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Department of Housing and Human Concerns

The Deputy Director expressed support for the Project, noting it would be infill development in an urban center, and located close to existing services, amenities, and infrastructure. She also said the Project would have a deed-restricted affordability period of 61 years.

Department of Planning

The Deputy Director expressed support for the Project, and recommended sufficient and secure bicycle storage, fencing for the Project's park, and gated park access for residents in the neighboring community. The Representative expressed concerns about opening the park to the public, including possible liability and security issues.

Your Committee notes written comments from the Department of Planning include the following recommendations:

- Pedestrian walkways between buildings, raised crosswalks or speed bumps, measures to prevent left turns onto South Pu'unēnē Avenue, and security cameras for elevators;
- Photovoltaic carports and rooftops, and solar lighting for the parking lot and park, where possible; and
- Increased parking, including possibly slanted stalls and tandem parking.

Your Committee also notes written comments from the Urban Design Review Board that include recommendations for awnings or window shadings; removal of dormers for future rooftop solar water heater panels; and enclosed bicycle storage.

The Representative responded to various planning and design comments as follows:

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- The Project will strive for LEED certification, and will provide ENERGY STAR light fixtures, appliances, and roofing products for at least 50 percent of roof surface area.
- Dormers were designed for the roof for aesthetic reasons and possible ventilation, but could be eliminated to make room for photovoltaic panels.
- Awnings and window shadings that are economical and low-maintenance are being considered.
- Sidewalks, ramps, traffic safety measures, and bicycle racks would be provided; and the park may include benches, but not a playground or multigenerational park structures.

Your Committee discussed the Project's plan to accommodate persons with disabilities. The Representative said the Project would provide 23 units as ADA-accessible housing, and at least eight ADA-accessible parking spaces with access aisles. The Representative also said the Project would be subject to review by the State Department of Health, Disability and Communication Access Board, for compliance with State and Federal laws.

Department of Public Works

The Director expressed support for the Project, but mentioned the pros and cons of exempting the Project from underground utility lines, noting the requirement of undergrounding is standard for new developments, but is significantly more expensive.

The Director confirmed the Project would require review of engineering and drainage studies to address drainage conditions, especially along South Pu'unēnē, Kamehameha, and Wakea Avenues.

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Department of Water Supply

A representative of the Department expressed support for the Project, except for the requested exemption from water system development fees, which support an enterprise fund and which could range from \$125,000 to \$496,000, depending on the water meter size.

Your Committee supported the fee exemption and noted the Department's shortfall would be addressed in the Fiscal Year 2023 Budget.

Your Committee notes written comments from the Department estimate the Project's potable demand, including irrigation, at 104,260 gallons per day ("gpd"), with the water source being the Mokuhau tank and wells in Happy Valley.

The Department's written comments also recommend the Project use water-conserving plumbing fixtures and irrigation practices, and use best practices to prevent pollution from infiltration and runoff.

Department of Environmental Management

The Director said there is sufficient sewer capacity for the Project, which will connect to the County's wastewater system via South Pu'unēne Avenue. He also said the Project would require a property service manhole to perform its own maintenance. He requested clarification that the requested exemption from fees is for the entire Project, and not only the residential units.

The Director noted the County is developing a large R-1 recycled water line in the area, which is expected to be available in three years, pending an environmental impact statement, design, and construction. He also confirmed a stub out for connection to a future R-1 water line could be incorporated into the Project's irrigation system with minimal effort and cost.

Your Committee notes written comments from the Department estimate the Project's wastewater flow at 51,730 gpd, and a plant capacity

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of 7.9 mgd, of which 340,000 gpd is allocated for affordable housing projects.

Department of Transportation

The Deputy Director said the Project would be served by existing sidewalks, bicycle lanes, and six bus routes, including the nearby Central Maui Bus Transit Hub.

Your Committee notes written comments from the Department recommended connecting sidewalks and walking paths, ample exterior lighting for walkability and safety, and sufficient parking lot space to accommodate small paratransit buses.

Other County Agencies

Your Committee also received oral and written testimony from the Department of Police, Department of Fire and Public Safety, and Department of Parks and Recreation. Your Committee notes there were no departmental objections to the proposed Project as a whole.

Your Committee expressed concerns over traffic hazards at South Pu'unēnē Avenue. The Representative said the main entrance to the Project will be at South Kaulawahine Street, and the entrance and exit at South Pu'unēnē Avenue will be right turn only with design features, such as a raised concrete curb, to prevent left turns.

Your Committee also expressed concerns over increased traffic congestion in the area. The Representative said the Project's traffic impact assessment report estimated an increase of 25 to 30 vehicles in each direction during peak a.m. and p.m. hours, for an additional delay of one to four seconds.

Your Committee expressed further concerns about sufficient off-street parking for Project residents and visitors, and possible overflow

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parking on South Kaulawahine Street. The Representative said the Project will provide visitor parking spaces, loading spaces, and one resident parking space per unit, including the two-bedroom units; however, residents may apply for an additional space on a first-come, first-served basis, and for a nominal monthly fee.

Your Committee discussed the Project's design aesthetics and how its overall look and feel could impact the residents and the neighborhood. The Representative noted the Project's design was approved by the Urban Design Review Board, and agreed to consider further improvements, including adding more color and cultural murals to the exterior design.

According to the Project application, two community meetings were held by the developer, resulting in changes to the Project to address concerns related to safety and security. The community feedback also included concerns about overcrowded schools. Your Committee noted the construction of Kihei High School will help alleviate overcrowding, as Kihei students will no longer need to attend Maui High School.

Your Committee discussed and approved the Project's requested exemptions from various Maui County Code provisions to expedite the delivery of the housing units.

Your Committee also discussed and approved a number of proposed modifications to the Project, including provisions to achieve the following objectives:

- Set start and completion times for the Project.
- Provide a stub out for recycled water; fencing for the Project's park; additional renewable energy measures; and native Hawaiian climate-adapted landscaping.
- Promote "Vision Zero Maui" and "Complete Streets" principles; and further enhance the Project's exterior design.

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Your Committee notes the Project could support various goals, objectives, and policies of the Countywide Policy Plan, including the following:

- “Expand housing opportunities for residents.” (Page 57)
- “Reduce the affordable housing deficit for residents.” (Page 57)
- “Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.” (Page 57)
- “Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.” (Page 57)
- “Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.” (Page 58)
- “Develop workforce housing in proximity to job centers and transit facilities.” (Page 58)
- “Increase and maintain the affordable housing inventory.” (Page 58)
- “Strengthen the local economy.” (Page 60)
- “Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.” (Page 72)

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- Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.” (Page 74)

Your Committee also notes the Project could support various goals, objectives, and policies of the Wailuku-Kahului Community Plan, including the following:

- “Seek alternative residential growth areas within the planning region, with high priority given to the Wailuku and Kahului areas.” (Page 19)
- “Promote efficient housing designs in order to reduce residential home energy and water consumption.” (Page 20)

Your Committee determined the proposed Project would provide much-needed, well-located, attainable housing for Maui County residents in the “very low” and “low” AMI categories, which have been identified by the Comprehensive Affordable Housing Plan and other recent studies as having high housing demand.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution approving with modifications the Hale Pilina Rental Housing Project; filing of the proposed resolution approving the Project; and filing of the proposed resolution disapproving the Project.

Committee Chair Johnson, and members Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.” Committee Vice-Chair Molina, and members Kama and King were excused.

Your Committee is in receipt of a revised proposed resolution, entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE PILINA RENTAL HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE,” approved as to form and

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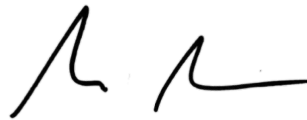
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legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution _____, as revised herein and attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE PILINA RENTAL HOUSING PROJECT UNDER 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 PILINA FAMILY AFFORDABLE 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 HALE PILINA FAMILY AFFORDABLE 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.



GABE JOHNSON, Chair

Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT
OF THE HALE PILINA RENTAL HOUSING PROJECT
UNDER CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Catholic Charities Housing Development Corporation, a nonprofit subsidiary of Catholic Charities Hawai'i, proposes the development of the residential workforce housing project known as the Hale Pilina Family Affordable Rental Housing Project ("Project"), on approximately 4.865 acres of land located in Kahului, Maui, Hawai'i, identified for real property tax purposes as Tax Map Key (2) 3-7-013:026 (Parcel 26); and

WHEREAS, the proposed Project will consist of four three-story buildings containing 178 rental units, including 108 one-bedroom units of approximately 442 square feet, 70 two-bedroom units of approximately 683 square feet, and an additional two-bedroom unit for a resident manager; and

WHEREAS, the proposed Project is a 100 percent workforce housing project, and all 178 units will be rented to households earning 60 percent or less of area median income, as established by the U.S. Department of Housing and Urban Development; and

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

WHEREAS, the Project is being independently developed under Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, under Chapter 2.97, MCC, the Council of the County of Maui ("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 modification, or disapprove the Project by resolution within 60 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

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,

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

Resolution No. _____

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, under Chapter 2.97, MCC; except that Catholic Charities Housing Development Corporation must 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, unless exempted as specified in Exhibit “A”;

2. The final plans and specifications for the Project will be 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;

3. Any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval;

4. The final plans and specifications 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 and any Exhibits 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 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

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EXHIBIT A
HALE PILINA RENTAL HOUSING PROJECT
EXEMPTIONS

The following exemptions from Maui County Code (“MCC”) provisions are approved for the Hale Pilina Rental Housing Project (“Project”):

1. Exemption from Chapter 2.80B – General Plan and Community Plans

An exemption is granted from Chapter 2.80B, MCC, to allow the Project to proceed without obtaining a Community Plan Amendment or Change in Zoning. The Project site is designated as “Park” in the Wailuku-Kahului Community Plan, and is zoned “P-1, Public/Quasi-Public”. The Project will follow “A-2 Apartment” development standards and permitted uses, as proposed in the Project plan and specifications.

2. Exemptions from Sections 8.04.040 and 8.04.050 – Disposal Permits and Charges

An exemption is granted from Sections 8.04.040 and 8.04.050, MCC, to allow the Project to proceed without obtaining a disposal permit for construction related waste.

3. Exemption from Section 14.07.030 – Waster System Development Fees

An exemption is granted from Section 14.07.030, MCC, to exempt the Project from water system development fees.

4. Exemption from Chapter 14.12 – Water Availability

An exemption from water availability policy is provided under Section 14.12.030(F), MCC, for developments comprised of 100 percent workforce housing units that are within the central water system service area.

5. Exemption from Chapter 14.35 – Wastewater Assessment Fees

An exemption from wastewater assessment fees for facility expansion of the Wailuku/Kahului Wastewater Treatment Center is provided under Section 14.35.080(B), MCC, for developments comprised of 100 percent workforce housing units.

6. Exemptions from Chapters 16.04C, 16.18B, 16.20B, and 16.26B – Fire Code, Electrical Code, Plumbing Code, and Building Code

An exemption is granted from Chapters 16.04C, 16.18B, 16.20B, and 16.26B, MCC, to exempt the Project from fire, electrical, plumbing, and building permit fees, including plan review and inspection fees.

7. Exemption from Section 16.26B.3600 – Improvements to Public Streets

An exemption is granted from Section 16.26B.3600, MCC, to allow the Project to proceed without undergrounding existing overhead utility lines.

8. Exemption from 18.16.320 – Parks and Playgrounds

An exemption from park requirements is provided under Section 18.16.320(i)(5), for developments comprised of 100 percent workforce housing units. The Project will provide a privately owned and maintained park for Project residents.

9. Exemption from Chapter 19.31 – Public/Quasi-Public Districts

An exemption is granted from Chapter 19.31, MCC, to allow the Project to follow A-2, Apartment District development standards and permitted uses, as provided in Chapter 19.12, MCC, and as proposed in the Project plan and specifications.

10. Exemptions from Sections 19.36B.020 and 19.36B.030 – Designated Number of Off-Street Parking and Loading Spaces

An exemption is granted from Sections 19.36B.020 and 19.36B.030, MCC, to allow the Project to provide only one parking space per unit, including two-bedroom units. The Project will provide additional parking spaces for a monthly fee on a first-come, first-served basis. The Project will also provide additional stalls for visitors, loading, and ADA-compliant stalls and access aisles.

11. Exemption from Chapter 20.08 – Soil Erosion and Sedimentation Control

An exemption from grubbing and grading permit and inspection fees is provided under Section 20.08.090(D) for developments comprised of 100 percent workforce housing units.

EXHIBIT B

HALE PILINA RENTAL HOUSING PROJECT

MODIFICATIONS

1. The resolution and exemptions will lapse and become void if construction has not started within two years of receiving approved building permits, except that an extension may be granted by Council approval by resolution.
2. Developer must complete construction of all units, with related infrastructure, within five years of receiving the first building permit, except that an extension may be granted by Council approval by resolution.
3. Developer must develop and manage the Project in substantial compliance with all representations made to the Council and its Affordable Housing Committee, and to the community, to obtain approval of this resolution. The County has the right to deny the issuance of permits if, and as long as, the Developer is in breach of any of these modifications.
4. Developer must provide a stub out for recycled water before Project completion, in consultation with the Department of Environmental Management.
5. Developer must provide energy-saving window treatments, photovoltaic carports, and solar water heating, or sufficient space on all building rooftops for future photovoltaic installation, as well as solar lighting for the Project's parking lots and park, if possible.
6. Developer must provide fencing for the Project's park area, with a gate to be managed by the Project for additional ingress and egress in case of emergency.
7. Developer must make best efforts to ensure internal roads, sidewalks, and pathways interconnect and promote safety, accessibility, multimodal transportation, and "Vision Zero Maui" and "Complete Streets" principles.
8. The Project's landscaping plan must include native Hawaiian climate-adapted plants or fruit-bearing trees, such as avocado, fig, or ulu.

9. In the interest of further enhancing the Project's visual and neighborhood aesthetics, the Developer must consider using a more vibrant color scheme, cultural murals, and other improvements to the building facades.

ah:misc:002(1)areso01a_Exhibit B

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	<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>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>	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.	<p>Title 19, Zoning, MCC: Chapter 19.31, Public/Quasi-Public Districts</p>	<p>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.</p>	<p>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.</p>
7. Requirement for number of parking stalls and number and sizes of loading areas	<p>Title 19, Zoning, MCC: 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>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 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.</p>	<p>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.</p>

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. _____

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"

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		Family" and "A-2, Apartment", respectively.	
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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.

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