

COUNCIL OF THE COUNTY OF MAUI
PUBLIC SERVICES COMMITTEE

March 5, 2010

**Committee
Report No.**

10-31

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

Chair and Members:

Your Public Services Committee, having met on February 3, 2010, February 11, 2010 (Lanai), and February 17, 2010, makes reference to County Communication No. 09-26, from the Council Chair, relating to requests for Council approval of proposed affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes (HRS).

By correspondence dated January 25, 2010, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Lanai Affordable Housing Project in Lanai City, Lanai, Hawaii, TMK: (2) 4-9-02:058 (por.), pursuant to Section 201H-38, HRS. The proposed project consists of approximately 412 residential units, (239 single-family residential lots and 173 multi-family units).
2. A proposed resolution entitled "APPROVING THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with various exemptions from requirements contained in the Maui County Code and Hawaii Administrative Rules, as described in Exhibit "1", relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.
3. A proposed resolution entitled "APPROVING WITH MODIFICATION THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with the modifications, and various exemptions from requirements contained in the Maui County Code and Hawaii Administrative Rules, as described in Exhibit "1", relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

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4. A proposed resolution entitled "DISAPPROVING THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to disapprove the proposed project.

Your Committee notes that pursuant to Section 201H-38, HRS, the Council shall approve, approve with modifications, or disapprove affordable housing projects by resolution within 45 days after the preliminary plans and specifications for the project have been submitted to the Council, or the project shall be deemed approved. The Council has until March 11, 2010 to act on this application, or it will be deemed approved.

Your Committee further notes that the Lanai Affordable Housing Project (the project) is proposed by the County of Maui (the applicant). Your Committee further notes that the applicant has authorized Munekiyo & Hiraga, Inc., to prepare, file, process, and obtain all necessary applications for the implementation of the project.

Your Committee reviewed the application and considered the comments submitted by various County departments. Your Committee met on Lanai to facilitate island residents' participation in the decision-making process and ensure that the community's comments were understood.

Your Committee recommended that five modifications be made to the application. The modifications address concerns with water availability, lot size, the need to develop a community garden, the phases in which the project will be built, and compliance reporting. The recommended modifications are detailed in Exhibit "1" of the proposed resolution attached to this report.

Your Committee voted 7-0 to recommend adoption of the proposed resolution approving the project with modifications. Committee Chair Nishiki, Vice-Chair Pontanilla, and members Johnson, Kaho'ohalahala, Mateo, Medeiros, and Victorino voted "aye".

Your Committee is in receipt of a revised proposed resolution, entitled "APPROVING WITH MODIFICATION THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

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Your Public Services Committee RECOMMENDS the following:

1. That Resolution No. 10-12, as revised herein and attached hereto, entitled "APPROVING WITH MODIFICATION THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be ADOPTED;
2. That Resolution No. _____, attached hereto, entitled "APPROVING THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED; and
3. That Resolution No. _____, attached hereto, entitled "DISAPPROVING THE LANAI AFFORDABLE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



WAYNE K. NISHIKI, Chair

ps:cr:10003(1)aa:scj/skk

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 10-31 were adopted by the Council of the County of Maui, State of Hawaii, on the 5th day of March, 2010, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

Resolution No. 10-12 was amended prior to adoption.



COUNTY CLERK

Resolution

No. 10-12

APPROVING WITH MODIFICATION THE LANAI
AFFORDABLE HOUSING PROJECT PURSUANT TO
SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, the County of Maui, Department of Housing and Human Concerns, proposes the development of the Lanai Affordable Housing Project and related improvements (the "Project") for qualified residents; and

WHEREAS, the proposed Project will provide approximately 372 residential units to Maui County's families. Specifically, approximately 199 for sale lots will be provided as affordable house lots and 173 affordable multi-family rental and for sale units will be provided; and

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

WHEREAS, on January 25, 2010, the Department of Housing and Human Concerns submitted the preliminary plans and specifications to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within 45 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 January 25, 2010; and

WHEREAS, pursuant to Section 4-1, 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, the Council approves the Project with the modification specified

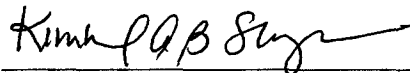
Resolution No. 10-12

in Exhibit "1", including the Project's preliminary plans and specifications, as submitted to the Council on January 25, 2010, pursuant to Section 201H-38, HRS; provided that the Department of Housing and Human Concerns 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 "2", 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 approved by 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. That certified copies of this resolution be transmitted to the Director of Public Works, the Planning Director, and the Director of Housing and Human Concerns.

APPROVED AS TO FORM AND LEGALITY:



KIMBERLY A. B. SLOPER
Deputy Corporation Counsel
County of Maui

PROJECT MODIFICATIONS SPECIFIED
BY THE MAUI COUNTY COUNCIL

1. Within 9 months of the effective date of this resolution, the Department of Housing and Human Concerns shall obtain a “will serve letter” from the Lanai Water Company to assure a long-term, reliable source of potable water for the Project.
2. The minimum lot size for a single-family home shall be at least 6,000 square feet.
3. The Department of Housing and Human Concerns shall provide land and work with the community to develop a community garden.
4. (a) In the event that the total build-out is not completed within 17 years from the effective date of this resolution, the Department of Housing and Human Concerns shall submit to the Planning Director and the Council a schedule for the Project’s completion and written verification of adequate wastewater capacity and water availability.

(b) Phase I of the development shall consist of up to 81 units comprised of a mix of single-family lots and homes, lots only, and multi-family units, as determined by the Department of Housing and Human Concerns, and a 2.83-acre park. In the event Phase I has not been substantially completed within seven years of the effective date of this resolution, the Department of Housing and Human Concerns shall submit to the Planning Director a schedule for its completion.

(c) Prior to completion of Phase I of the Project or within seven years of the effective date of this resolution (whichever is earlier), the Department of Housing and Human Concerns shall submit the following to the Planning Director for review and approval, after seeking advice from the Lanai Planning Commission: (i) a schedule for completion of the total build-out of the Project, including further phases if necessary; (ii) written verification of adequate wastewater capacity for the total build-out of the Project from the Director of Environmental Management; (iii) written verification of water availability for the total build-out of the Project from the Director of Water Supply; (iv) an updated Lanai Affordable Housing Survey that sets forth the need for single-family and multi-family units and the need for rental units compared to for-sale units; and (v) any other information to assure that the housing needs of the Lanai residents are being addressed.
5. The Department of Housing and Human Concerns shall provide annual compliance reports to the Planning Director, the Lanai Planning Commission, and the Council on the status of the Project and progress in complying with the conditions imposed by this resolution, commencing within one year of the effective date of this resolution.

6. In order to assure that the housing needs of Lanai residents are fairly and adequately addressed, the Department of Housing and Human Concerns shall follow the principles and standards of the Residential Workforce Housing Policy (Chapter 2.96, Maui County Code) to the greatest possible extent.

**PROPOSED EXEMPTIONS FOR AFFORDABLE HOUSING
PROPOSED SECTION 201H-38, HRS, EXEMPTIONS
FROM THE MAUI COUNTY CODE ("MCC")**

A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATION AND PERSONNEL

1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project without obtaining a community plan amendment for a portion of the Project.

B. EXEMPTION FROM TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES

1. Exemption from Section 12.24A.070(D), MCC, Planting of street trees, shall be granted to delete the requirement for street trees.

C. EXEMPTIONS FROM TITLE 16, MCC, PUBLIC SERVICES

1. Exemption from MCC Chapters 16.04A, Fire Code; 16.18A, Electrical Code; 16.20A, Plumbing Code; and 16.26, Building Code; shall be granted to exempt the Project from fire, electrical, plumbing, and building permit fees, as well as inspection fees.

D. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. Exemptions from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, shall be granted to exempt the project from obtaining a change in zoning and community plan amendment to enable subdivision approval.
2. An exemption from Section 18.16.320, MCC, Parks and playgrounds, shall be granted to allow the 4.91 acres of land within the Project to satisfy the park dedication and assessment requirements.
3. An exemption from Section 18.16.050, MCC, Minimum Right of way and pavement widths, shall be granted to allow the following roadway standards within the Project: 64-foot right of way with 24 feet of pavement; 50-foot right of way with 22 feet of pavement and 44-foot right of way with 22 feet of pavement. Further, the extension of Fifth Street will be a 50-foot right of way with 40 feet of pavement and 6-foot-wide shoulders along the school frontage.
4. An exemption from Section 18.20.070 MCC, Sidewalks, shall be granted to allow 5-foot-wide sidewalks on one side of the street within the Project and 4-foot-wide sidewalks on one side of Fifth Street.

5. An exemption from Section 18.20.080, MCC, Curbs and gutters, shall be granted to allow grass swales within the Project.
6. An exemption from Section 18.20.105, MCC, Traffic calming elements, shall be granted.
7. An exemption from Section 18.20.140, MCC, Utility lines and facilities, shall be granted to allow for aboveground utility lines.

E. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19, MCC, Zoning, shall be granted to permit the development and use of the parcel for single-family, multi-family, public/quasi-public, and park purposes, including supporting infrastructure requirements. Further, this exemption shall allow the subdivision of the property in the conceptual plat configuration shown in Attachment "A", which may be amended by the Director of Public Works. The following zoning standards shall apply to the proposed development:

Single-Family Use:

Minimum lot area	5,000 square feet
Height:	No building shall exceed two stories or 30 feet in height, measured from finished grade
Setback:	10 feet front yard 6 feet side and rear yard; except one zero lot line may be permitted on an adjacent property boundary.

Multi-Family Use:

Minimum lot area	10,000 square feet
Height:	No building shall exceed two stories or 30 feet in height, measured from finished grade
Setback:	15 feet front yard 10 feet side and rear yard

Public/Quasi-Public Use:

Minimum lot area: 15,000 square feet
Height: No building shall exceed two stories or 45 feet in height, measured from finished grade
Setback: 15 feet front yard
10 feet side and rear yard

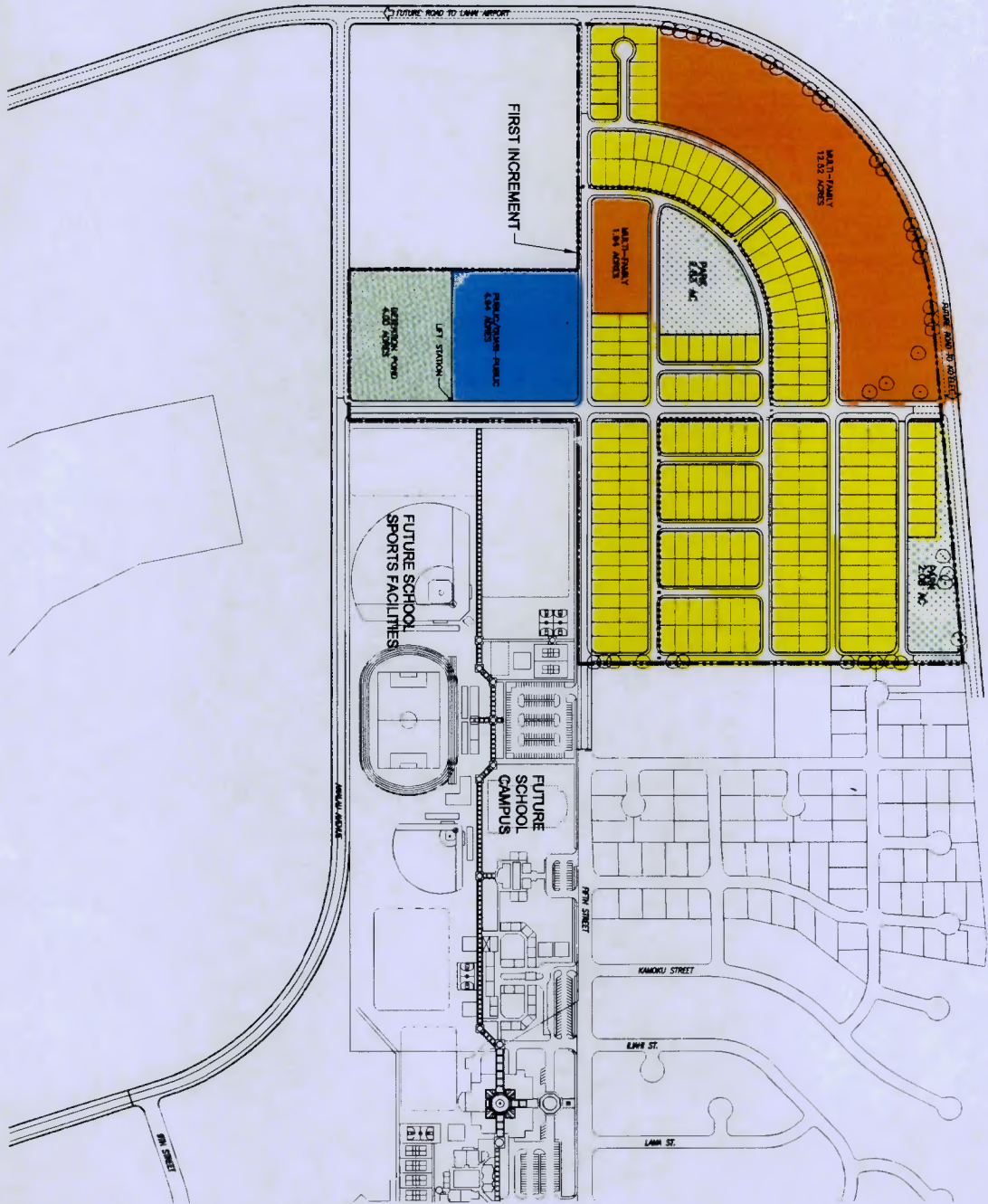
Park Use:

Minimum lot area: 1 acre
Height: No building shall exceed two stories or 45 feet in height, measured from finished grade
Setback: 15 feet front yard
10 feet side and rear yard

2. Uses permitted in Chapters 19.08, Residential Districts; 19.09, R-0 Zero Lot Line Residential District; 19.12, Apartment District; 19.31, Public/Quasi-Public Districts and 19.615, Park Districts; except PK-4 golf course park district, shall be permitted.
3. The following additional uses shall also be permitted:
 - 1) Residential care facilities
 - 2) Utility facilities, minor; and
 - 3) Utility services

F. EXEMPTIONS FROM TITLE 20, MCC, ENVIRONMENTAL PROTECTION

1. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees shall be granted to exempt the project from payment of grading, grubbing, and excavation permit fees, as well as inspection fees.



- MULTI-FAMILY
 - SINGLE FAMILY
 - PUBLIC/QUASI-PUBLIC
 - PARK
 - OPEN SPACE
- | | |
|---------------------------|-------------|
| INDIVIDUAL PLOTS (5000sf) | 239 UNITS |
| MULTI-FAMILY | 14.48 ACRES |
| QUASI-PUBLIC | 4.94 ACRES |
| PARK PROVIDED | 3.23 ACRES |
| OPEN SPACE | 4.91 ACRES |
| | 4.00 ACRES |

ATTACHMENT "A"

LANAI AFFORDABLE HOUSING PROJECT

ZONING SITE PLAN



Pacific Architects, Inc.
 2020 South King Street
 Honolulu, Hawaii 96826
 808-949-1601
 fax 808-942-0054



04-15-09

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 10-12** was adopted by the Council of the County of Maui, State of Hawaii, on the 5th day of March, 2010, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK