



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
 COUNTY OF MAUI

ALAN M. ARAKAWA
 Mayor

JO-ANN T. RIDAO
 Director

JAN SHISHIDO
 Deputy Director

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December 30, 2013

Honorable Alan M. Arakawa
 Mayor, County of Maui
 200 South High Street
 Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Chair
 Land Use Committee
 Maui County Council
 200 South High Street
 Wailuku, Hawaii 96793

Dear Chair Carroll:

SUBJECT: HRS CHAPTER 201H AFFORDABLE HOUSING PROJECT APPLICATION FOR THE PROPOSED KAHOMA VILLAGE PROJECT

The Department of Housing and Human Concerns is transmitting for your review and action the Hawaii Revised Statutes (HRS) Chapter 201H affordable housing project application for the Kahoma Village Project.

The applicant, Stanford Carr Development, LLC on behalf of The Harry and Jeanette Weinberg Foundation, Inc., proposes a mixed housing project on property identified as TMK (2) 4-5-008:001 (por.) in Lahaina, Maui, Hawaii pursuant to Section 201H-38, HRS.

The proposed Kahoma Village Project will consist of 203 units, including 69 single-family dwellings in clusters of two (2) to six (6) dwelling units along a common driveway, 32 single-family dwellings with a rear service alley, 102 multi-family units located in 17 two-story, six plexes. The project is located on approximately 21.6 acres of a larger 24.354-acre Parcel.

Copies of the project's preliminary HRS Section 201H-38 application were distributed to various State and County agencies for review and comment prior to the HRS Section 201H-38 application being finalized. Agency comments and responses to substantive comments are included in the HRS Section 201H-38 application for your information.

The proposed project will provide much needed affordable housing units for the residents of Maui.

APPROVED FOR TRANSMITTAL

Alan Arakawa 12/30/13
 Mayor Date

OFFICE OF THE
 COUNTY CLERK
 COUNTY OF MAUI
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Enclosed for consideration by your committee and the County Council are the following documents:

1. Sixteen (16) copies of the Application for Affordable Housing Development Pursuant to Section 201H-38, Hawaii Revised Statutes, Kahoma Village Project, (TMK (2) 4-5-008:001 (por.));
2. Proposed resolution entitled, "APPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES;"
3. Proposed resolution entitled, "APPROVING WITH MODIFICATION THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES;" and
4. Proposed resolution entitled, "DISAPPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

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,



JO-ANN T. RIDAO
Director of Housing and Human Concerns

Attachments

xc: Wayde Oshiro, Housing Administrator
Stanford Carr Development, LLC
Munekiyo & Hiraga, Inc.

Resolution

No. _____

APPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO
SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Section 201H-38, Hawaii Revised Statutes ("HRS"), provides a process for the review and development of affordable housing subdivision projects, where suitable projects can be exempted from 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, provided that such projects meet minimum requirements for health and safety and fulfill affordability criteria; and

WHEREAS, Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc., submitted an application for the development of the proposed Kahoma Village Project and related improvements (the "Project") for qualified residents on approximately 21.6 acres in Lahaina, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 4-5-008:001, pursuant to Section 201H-38, HRS, to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project will provide a total of 203 units, of which 101 will be single family dwellings and 102 will be multi-family units; and

WHEREAS, the 102 multi-family units shall be residential workforce housing units and shall be made available to the income groups in a manner consistent with the requirements of section 2.96.060.B, Maui County Code; and

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

WHEREAS, on December 30, 2013, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying Application for Affordable Housing Subdivision ("Application") to the Council of the

Resolution No. _____

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 forty-five (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 December 30, 2013; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, and Section 201H-38, HRS, 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 Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc., the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on December 30, 2013, pursuant to Section 201H-38, HRS; provided that Stanford Carr Development, Inc., LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc., 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 "1", attached hereto and made a part hereof; and

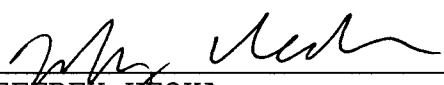
2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any 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. 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

Resolution No. _____

Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY NEOKA
Deputy Corporation Counsel
County of Maui

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**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.
2. An exemption from Chapter 2.96, Residential Workforce Housing Policy.

B. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES

1. An Exemption from Chapter 14.62, MCC, Impact Fees for Traffic and Roadway Improvements in West Maui, Hawaii, shall be granted to exempt the project from traffic impact fees which may be adopted prior to the issuance of building permits for the project.

C. EXEMPTIONS FROM TITLE 16, MCC, BUILDINGS AND CONSTRUCTION

1. An exemption from Chapters 16.04B, MCC, Fire Code, 16.18B, 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 plan review and inspection fees.
2. An exemption from any new codes that pertain to Chapters 16.04A, MCC, Fire Code, and 16.26, Building Code, adopted prior to issuance of building permits for the project. The project shall conform to the 1997 Uniform Fire Code, the 2006 International Building Code and the 2006 International Residential Code in effect at time of filing of the 201H-38 application.

D. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. An exemption 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/or 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 approximate 1.75 acres of land within the project as privately owned and maintained parks to satisfy the park dedication and assessment requirements and to exempt the project from the requirements for parking areas and a comfort station. A portion of the park shall be utilized for drainage purposes.

3. An exemption from Section 18.20.140.B., MCC, Utility Lines and Facilities, shall be granted to allow overhead utility lines for electric, telephone, street lighting, cable television services and other related facilities.
4. An exemption from Chapter 18.24, MCC, Fees, shall be granted to exempt the project from subdivision filing, processing and plan review fees.

E. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Section 19.04.040, MCC, Definitions, "Height", shall be granted and "height" shall be defined as the vertical distance as measured from a point on the top of the structure to a corresponding point directly below on the finished grade.
2. An exemption from Section 19.04.040, MCC, Definitions, "Lot Area", shall be granted and "lot area" shall be the project site which identified as ZZZ, area approximately 21.6 acres.
3. An exemption from Section 19.04.040, MCC, Permitted Uses, shall be granted to allow the following principal uses: 1) cluster single-family units, 2) alley single-family units, 3) multi-family townhouse units, and 4) parks, and playgrounds. The following accessory uses and structures shall be permitted: 1) carports and private garages, 2) parking areas, 3) energy systems, small-scale, 4) fences and walls, 5) storage sheds, 6) park recreational buildings and structures, including but not limited to gazebo, pavilions, courts and pools; and playground equipment.
4. An exemption from Section 19.510.010(B), MCC, Fees, shall be granted to waive application fees.

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 grading, grubbing, and excavation permit fees, as well as inspection fees.
2. An exemption from Sections 20.08.130, 20.08.140 and 20.08.150, MCC, Permit Bond shall be granted to exempt the project from filing a bond with the County of Maui for grading, construction of drainage improvements and implementation of erosion control measures.

Resolution

No. _____

APPROVING WITH MODIFICATION THE KAHOMA VILLAGE PROJECT
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Section 201H-38, Hawaii Revised Statutes ("HRS"), provides a process for the review and development of affordable housing subdivision projects, where suitable projects can be exempted from 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, provided that such projects meet minimum requirements for health and safety and fulfill affordability criteria; and

WHEREAS, Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc., submitted an application for the development of the proposed Kahoma Village Project and related improvements (the "Project") for qualified residents on approximately 21.6 acres in Lahaina, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 4-5-008:001, pursuant to Section 201H-38, HRS, to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project comprises 203 units, of which 101 will be single family dwellings and 102 will be multi-family units; and

WHEREAS, the 102 multi-family units shall be residential workforce housing units and shall be made available to the income groups in a manner consistent with the requirements of section 2.96.060.B, Maui County Code; and

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

WHEREAS, on December 30, 2013, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying Application for Affordable Housing Subdivision ("Application") to the Council of the County of Maui ("Council") recommending approval of the

Resolution No. _____

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 forty-five (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 December 30, 2013; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, and Section 201H-38, HRS, 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 Stanford Carr, LLC, the Council approves the Project's preliminary plans and specifications, as submitted to the Council on December 30, 2013, pursuant to Section 201H-38, HRS, subject to the modifications specified in Exhibit "1"; provided that Stanford Carr, LLC, 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

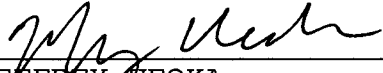
2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications and the modifications, specified in Exhibit "1", approved by the Council. Any substantial deviation from the preliminary plans and specifications and the modifications shall be submitted to the Council for final 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, the Director of Housing and Human Concerns, and

Resolution No. _____

Stanford Carr Development, LLC, on behalf of the Harry and
Jeanette Weinberg Foundation, Inc

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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MODIFICATIONS

EXHIBIT "1"

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

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3. An exemption from Section 19.04.040, MCC, Permitted Uses, shall be granted to allow the following principal uses: 1) cluster single-family units, 2) alley single-family units, 3) multi-family townhouse units, and 4) parks, and playgrounds. The following accessory uses and structures shall be permitted: 1) carports and private garages, 2) parking areas, 3) energy systems, small-scale, 4) fences and walls, 5) storage sheds, 6) park recreational buildings and structures, including but not limited to gazebo, pavilions, courts and pools; and playground equipment.
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Resolution

No. _____

DISAPPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Section 201H-38, Hawaii Revised Statutes ("HRS"), provides a process for the review and development of affordable housing subdivision projects, where suitable projects can be exempted from 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, provided that such projects meet minimum requirements for health and safety and fulfill affordability criteria; and

WHEREAS, Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc., submitted an application for the development of the proposed Kahoma Village Project and related improvements (the "Project") for qualified residents on approximately 21.6 acres in Lahaina, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 4-5-008:001, pursuant to Section 201H-38, HRS, to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project comprises 203 units, of which 101 will be single family dwellings and 102 will be multi-family units; and

WHEREAS, the 102 multi-family units shall be residential workforce housing units and shall be made available to the income groups in a manner consistent with the requirements of section 2.96.060.B, Maui County Code; and

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

WHEREAS, on December 30, 2013, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying Application for Affordable Housing Subdivision ("Application") to the

Resolution No. _____

Council of the County of Maui recommending approval of the Project pursuant to Section 201H-38, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (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 December 30, 2013; and


WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, and Section 201H-38, HRS, 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 December 30, 2013, pursuant to Section 201H-38, HRS; 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 Stanford Carr Development, LLC, on behalf of the Harry and Jeanette Weinberg Foundation, Inc.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY DEOKA
Deputy Corporation Counsel
County of Maui