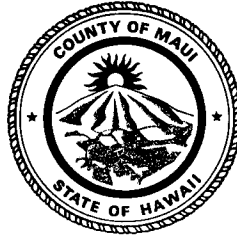


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

OFFICE OF THE
COUNTY COUNCIL

2014 JAN 14 PM 12:01

RECEIVED

January 14, 2014

T O: Robert Carroll, Chair
Land Use Committee

F R O M: Jeffrey Ueoka, Deputy Corporation Counsel

S U B J E C T: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII
REVISED STATUTES) (KAHOMA RESIDENTIAL SUBDIVISION)
(LU-3(2))

Transmitted are the following:

1. "RESOLUTION APPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES";
2. "RESOLUTION APPROVING WITH MODIFICATION THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES"; and
3. "RESOLUTION DISAPPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The revisions to the exemption list were revised with the Departments and Developer's representative.

If you have any questions, please contact me.

Enclosures

S:\CLERICAL\EK\MEMO\carrollkahomavillage(LU-3(2)).wpd

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

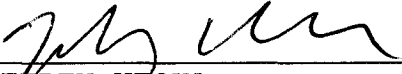
2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any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

Resolution No. _____

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 UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\TU\HOUSING\201H\Kahoma Village\Resos\Kahoma Village_201H_Reso-Approval.wpd

**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 to proceed without obtaining a community plan amendment.
2. An exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy, shall be granted to ensure the requirements do not apply to the project.

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, 16.20B, Plumbing Code, and 16.26B, Building Code, shall be granted to exempt the 102 affordable housing units from fire, electrical, plumbing, and building permit fees, as well as plan review and inspection fees. This exemption shall not apply to the market-rate units in the project.
2. The project shall conform to Chapters 16.04B, MCC, Fire Code, 16.08A, Residential Code, and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application (December 30, 2013), despite any subsequent amendments to Chapters 16.04B, 16.08A, or 16.26B, MCC, or any updates to the Fire Code, Residential Code, or Building Code adopted prior to the issuance of the last building permit for the project, or within eight years of the granting of the Special Management Area Use Permit, whichever occurs first.

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. The project shall contain three (3) privately owned and maintained parks

consisting of approximately 1.75 acres. The parks shall be open to the public. A portion of one of the parks shall be utilized for drainage purposes.

3. An exemption from Subsection 18.20.140(B), MCC, shall be granted to allow overhead utility lines for electric, telephone, street lighting, cable television services and other related facilities along Front Street.

E. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Section 19.12.020, MCC, Permitted Uses, shall be granted to allow the following permitted uses: (1) cluster single-family units; (2) alley single-family units; (3) multi-family townhouse units; and (4) accessory structures such as carports and private garages; parking areas; energy systems, small-scale; fences and walls; storage sheds; and park recreational buildings and structures, including but not limited to gazebos, pavilions, courts, and pools.

\\Mh03\drive_p\Colleen\Weinberg Lahaina Site\201H\2014 1.10 Revised 201H Exemptions.doc

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

S:\ALL\TUI\HOUSING\201H\Kahoma Village\Resos\Kahoma Village_201H_Reso-Modification.wpd

MODIFICATIONS

EXHIBIT "1"

**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 to proceed without obtaining a community plan amendment.
2. An exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy, shall be granted to ensure the requirements do not apply to the project.

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, 16.20B, Plumbing Code, and 16.26B, Building Code, shall be granted to exempt the 102 affordable housing units from fire, electrical, plumbing, and building permit fees, as well as plan review and inspection fees. This exemption shall not apply to the market-rate units in the project.
2. The project shall conform to Chapters 16.04B, MCC, Fire Code, 16.08A, Residential Code, and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application (December 30, 2013), despite any subsequent amendments to Chapters 16.04B, 16.08A, or 16.26B, MCC, or any updates to the Fire Code, Residential Code, or Building Code adopted prior to the issuance of the last building permit for the project, or within eight years of the granting of the Special Management Area Use Permit, whichever occurs first.

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. The project shall contain three (3) privately owned and maintained parks

consisting of approximately 1.75 acres. The parks shall be open to the public. A portion of one of the parks shall be utilized for drainage purposes.

3. An exemption from Subsection 18.20.140(B), MCC, shall be granted to allow overhead utility lines for electric, telephone, street lighting, cable television services and other related facilities along Front Street.

E. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Section 19.12.020, MCC, Permitted Uses, shall be granted to allow the following permitted uses: (1) cluster single-family units; (2) alley single-family units; (3) multi-family townhouse units; and (4) accessory structures such as carports and private garages; parking areas; energy systems, small-scale; fences and walls; storage sheds; and park recreational buildings and structures, including but not limited to gazebos, pavilions, courts, and pools.

\\Mh03\drive_p\Colleen\Weinberg Lahaina Site\201H\2014 1.10 Revised 201H Exemptions.doc

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 UEOKA
Deputy Corporation Counsel
County of Maui