

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

February 7, 2014

Committee
Report No. _____

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

Chair and Members:

Your Land Use Committee, having met on January 8, 2014 (site inspection and meeting), January 22, 2014, and January 24, 2014 (reconvene), makes reference to County Communication 13-36, from Council Chair Gladys C. Baisa, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes (“HRS”).

By correspondence dated December 30, 2013, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Kahoma Village project on approximately 21.6 acres, identified for real property tax purposes as Tax Map Key Number (2) 4-5-008:001, in Lahaina, Maui, Hawaii, pursuant to Section 201H-38, HRS (“Application”). The project site is owned by The Harry and Jeanette Weinberg Foundation Incorporated, located on Front Street, and bordered by the Kahoma-Kai Stream Bridge, Kenui Street, and Honoapiilani Highway. The proposed project consists of 203 residential units, with 51 percent (102 multi-family units) meeting the County’s affordability criteria, and 101 single-family, market-rate units. The proposed project also includes three privately owned and maintained parks with a total area of approximately 1.75 acres, a portion of which shall also serve as a drainage retention basin.
2. A proposed resolution entitled “APPROVING THE KAHOMA VILLAGE 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 (“MCC”) relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

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3. A proposed resolution entitled "APPROVING WITH MODIFICATION THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with the modifications in Exhibit "1" and various exemptions from requirements contained in the MCC relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

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

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 February 13, 2014, to act on the Application, or it will be deemed approved as submitted.

Your Committee notes the project is proposed for development by Stanford Carr Development, LLC ("developer"), on behalf of the landowner.

According to the Application, after the Final Environmental Assessment was completed, the developer confirmed the 2.8 acres containing the Kahoma Stream Flood Control improvements had previously been subdivided from the parcel. Therefore, the 21.6-acre project site consists of the entire Tax Map Key Number (2) 4-5-008:001 ("property").

The Application further states the property has a State land use district classification of Urban, a West Maui Community Plan designation of Project District 4 and Open Space, a Maui Island Plan designation of Lahaina Infill, and County zoning of A-1 Apartment District. The property is within the Special Management Area ("SMA") and the developer will, therefore, need to obtain an SMA use permit if the Council approves the project, before development can proceed.

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Your Committee notes the site plan for the project provides for two accesses. One access is on Kenui Street, directly across from Nakeli Place. The other access is on Front Street, directly across Puunoa Place.

Your Committee received testimony from area residents, particularly those residents who live on Puunoa Place or otherwise use it as an access. They opposed the location of the project access directly across Puunoa Place because of concerns over traffic impacts. Your Committee discussed the residents' concerns and questioned the developer and Director of Public Works concerning possible alternatives, traffic counts, and mitigation measures. The Director noted the Traffic Code disallows three-leg intersections (commonly referred to as "T" intersections) that are too close to each other, which limits access options on Front Street. The other alternative across Mala Wharf Drive and Ala Moana Road had been previously considered but discarded following opposition by residents.

Your Committee found it noteworthy that development potential with the existing A-1 Apartment District zoning could allow for significantly greater density than the 203 units being proposed, in addition to a commercial component that would also increase traffic flow. Following input from County departments, the developer, and a traffic engineer, and a suggestion the developer consider the viability of limiting the Front Street access to right turns in and out, your Committee discussed the options and was satisfied with the access configuration.

Your Committee discussed drainage concerns, the County's requirement that measures be taken to mitigate any additional runoff that would result from the project, and the developer's plan to meet that requirement.

Your Committee considered each of the 15 requested exemptions individually, receiving input from applicable departmental representatives.

The Director of Public Works noted concerns with exempting the project from the requirement of a permit bond for grading, construction of drainage improvements, and implementation of erosion control measures. He also expressed concerns over exempting the project from certain fees for the market-rate units, subdivision processing fees, and grubbing and grading permit fees. The Director further noted discomfort in granting an open-ended exemption from prospective amendments to various health-and-safety-related codes, including the Fire Code, Electrical Code, Plumbing Code, and Building Code.

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The Deputy Planning Director advised the maximum building height in the A-1 Apartment District (Chapter 19.12, MCC) had recently been amended from 30 feet to 35 feet (Ordinance 4076, effective November 1, 2013). She questioned the request for an exemption from the definition of height, rather than the height provision in Chapter 19.12, MCC. With respect to the request for an exemption from application fees under Section 19.510.010(B), MCC, she informed your Committee the only fee involved would be a \$5,000 fee for an SMA application.

The Chair of your Committee noted the developer had indicated it wished to withdraw exemption E(2), relating to the definition of "lot area", from consideration. He also proposed exemption E(3), relating to permitted uses, be revised to reference the appropriate section in the MCC and for clarity.

Your Committee received revised proposed resolutions to approve the project, with or without modifications, from the Department of the Corporation Counsel, incorporating a revised list of nine proposed exemptions. According to the Department's transmittal, the revised list incorporated input from the departments and developer.

The revised list deleted previously requested exemptions from: the requirement of a permit bond; permit, plan review, and inspection fees under Title 16 as they relate to the market-rate units; subdivision filing, processing, and plan review fees; height and lot area definitions; planning application fees; and grubbing and grading permit fees.

In addition, the revised exemptions limit the time frame for which prospective amendments to the Fire Code, Residential Code, and Building Code would be exempted; clarified the parks, although privately owned and maintained, would be open to the public; clarified the exemption from placing utility lines underground would apply only to facilities along Front Street; and incorporated the revisions to permitted uses proposed by the Chair.

Your Committee was satisfied with the revised list of exemptions and made no further changes to them.

Your Committee approved a modification to require affordable units to be built at least as quickly as market-rate units. The modification would ensure at least one affordable unit has been completely constructed and is ready for occupancy for every market-rate unit completely constructed and ready for occupancy.

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Your Committee also approved a modification to establish deadlines within which construction shall be commenced and completed, allowing for an extension of these deadlines upon timely receipt of a request. As with the overall viability of the project, the deadlines for construction are contingent upon approval of an SMA use permit.

Your Committee recommended additional modifications to: require completion of specified improvements prior to the granting of a certificate of occupancy for the final building in the project; require completion of the three parks before 80 percent of the multi-family units are completed; establish a penalty for failure to develop the project in accordance with representations; and establish Council authority to amend the modifications or modified exemptions, or both, upon request by the developer.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution approving the project with modifications and filing of the two remaining resolutions. Committee Vice-Chair Guzman, and members Baisa, Cochran, Couch, Hokama, and White voted "aye". Committee Chair Carroll and members Crivello and Victorino were excused.

Your Committee is in receipt of a revised proposed resolution entitled "APPROVING WITH MODIFICATION THE KAHOMA VILLAGE 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 and nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:

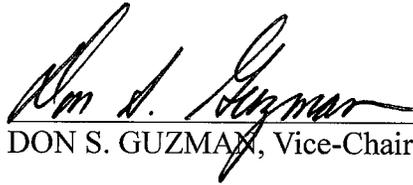
1. That Resolution _____, attached hereto, entitled "APPROVING WITH MODIFICATION THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be ADOPTED;
2. That Resolution _____, attached hereto, entitled "APPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED; and
3. That Resolution _____, attached hereto, entitled "DISAPPROVING THE KAHOMA VILLAGE PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Vice-Chair

lu:cr:14003(2)aa:cmn/scj

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 Incorporated, 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

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County of Maui ("Council"), 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, based upon the transmittals and the representations of the Department of Housing and Human Concerns and Stanford Carr Development, 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 Development, 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

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Director, the Director of Housing and Human Concerns, and
Stanford Carr Development, LLC, on behalf of The Harry and
Jeanette Weinberg Foundation Incorporated.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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EXHIBIT “1”

KAHOMA VILLAGE PROJECT

MODIFICATIONS

PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

1. The affordable multi-family units shall be built at a minimum ratio of one affordable unit for each market-rate single-family unit built.
2. Upon receiving Special Management Area use permit approval, the developer shall commence construction within three years. The developer shall complete construction within five years after commencement of construction.
 - a. A time extension to the construction commencement date shall be considered by the Council upon timely receipt of a request for time extension at least ninety days prior to the expiration of the construction commencement date. The Council may grant the time extension by resolution.
 - b. A time extension to the construction completion date shall be considered by the Council upon timely receipt of a request for time extension at least ninety days prior to the expiration of the construction completion date. The Council may grant the time extension by resolution.
3. Prior to the granting of a permanent or temporary certificate of occupancy for the final building in the project, the applicant shall have completed the improvements, deeds, and related subdivision processing requirements (“improvements”), to the satisfaction of the Department of Public Works for all road-widening lots and all Kahoma Stream Channel lots. In the event the final certificate of occupancy is requested prior to completion of these improvements, the developer shall bond the outstanding improvements to the satisfaction of the Director of Public Works.
4. The developer shall be required to complete construction of the three parks before eighty percent of the multi-family units are completed.
5. Failure to develop the project in accordance with the representations made in the Application and the requirements set forth as modifications shall result in a loss of the exemptions contained on the exemptions list.
6. The Council may, upon request by the developer, amend these modifications, the modified exemptions, or both, through the passage of a resolution within forty-five days of receipt of the request. If on the forty-sixth day, the request is not disapproved, it shall be deemed approved by the Council.

**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.

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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

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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

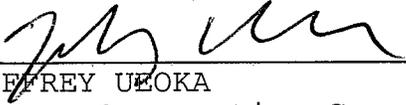
2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any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

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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

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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 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.

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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 UEOKA
Deputy Corporation Counsel
County of Maui