



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
 COUNTY OF MAUI

ALAN M. ARAKAWA  
 Mayor  
 JO-ANN T. RIDAO  
 Director  
 JAN SHISHIDO  
 Deputy Director

RECEIVED

2014 AUG 25 AM 7:44

2200 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165  
 MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL: director.hhc@mauicounty.gov

August 25, 2014

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

For Transmittal to:

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

Dear Chair Carroll:

**SUBJECT: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT) (LU-3(3))**

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 Hale Mahaolu Ewalu Senior Residential Housing Project.

The applicant, Hale Mahaolu proposes a 61-unit housing project on property identified as TMK (2)2-3-066:019 and 020 in Kulamalu, Pukalani, Maui, Hawaii pursuant to Section 201H-38, HRS. The project is located on approximately 4.0 acres. The subject properties are located at the southeast corner of the Ohia Ku Street and Ohia Lehua Place intersection. Access to the project site will be from Ohia Ku Street.

The proposed Hale Mahaolu Ewalu Senior Residential Housing Project will consist of 61 housing units, a one-story 7,518, sq. ft. senior center, one-story 4,428 sq. ft. adult day care center, 83 parking stalls, two (2) loading zones and landscaping. Comments from the various federal, state and county agencies were received during the Chapter 343, HRS, process. Agency comments and responses to substantive comments are included in the Final Environmental Assessment included in Section 3 of the attached HRS Section 201H-38 application for your information.

APPROVED FOR TRANSMITTAL

*Alan Arakawa*  
 Mayor  
 Date 8/25/14

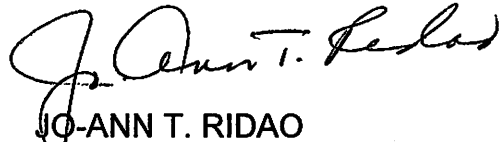
2014 AUG 25 AM 9:00  
 OFFICE OF THE CLERK  
 COUNTY OF MAUI  
 RECEIVED

Enclosed for consideration by your committee and the County Council are the following documents:

1. Sixteen (16) copies and one (1) pdf copy of the Application for Affordable Housing Development Pursuant to Section 201H-38, Hawaii Revised Statutes, Hale Mahaolu Ewalu Senior Residential Housing Project, (TMK (2) 2-3-066:019 and 020);
2. Proposed resolution entitled, "APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES;"
3. Proposed resolution entitled, "APPROVING WITH MODIFICATION THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES;" and
4. Proposed resolution entitled, "DISAPPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING 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 270-7805.

Sincerely,



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

Enclosure

xc: Wayde Oshiro, Department of Housing and Human Concerns (w/enclosure)  
Roy Katsuda, Hale Mahaolu (w/enclosure)  
Colleen Suyama, Munekiyo & Hiraga, Inc. (w/enclosure)

# Resolution

No. \_\_\_\_\_

APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL  
HOUSING 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, Hale Mahaolu submitted an Application for Affordable Housing Development pursuant to 201H-38, HRS, for the development of the proposed Hale Mahaolu Ewalu Senior Residential Housing Project on approximately 4.0 acres in Pukalani, Maui, Hawaii, identified for real property tax purposes as Tax Map Key Nos. (2) 2-3-066:019 and (2) 2-3-066:020 ("Application"), to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project proposes the construction of three (3) multi-level buildings containing fifty-eight (58) one-bedroom and two (2) two-bedroom units for seniors, and a three-bedroom unit for a resident manager, totaling sixty-one (61) housing units; and

WHEREAS, in addition to the housing units a senior center, an adult day care center, eighty-three (83) parking stalls, and two (2) loading zones are also proposed; and

WHEREAS, the sixty (60) senior housing units shall be made available for rental to individuals that are 62 years of age or older, with income equal or less than 60% of the area median income as established by HUD; and

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

WHEREAS, on August 25, 2014, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and the Application to the Council of the 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 August 25, 2014; 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 Munekiyo & Hiraga, Inc., on behalf of Hale Mahaolu, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on August 25, 2014, pursuant to Section 201H-38, HRS; provided that Munekiyo & Hiraga, Inc., on behalf of Hale Mahaolu, 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

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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 Munekiyo & Hiraga, Inc., on behalf of Hale Mahaolu.

APPROVED AS TO FORM  
AND LEGALITY:



\_\_\_\_\_  
JEFFREY DEOKA  
Deputy Corporation Counsel  
County of Maui

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**HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT  
PROPOSED 201H-38 EXEMPTIONS FROM THE MAUI COUNTY  
CODE (MCC) AND ADMINISTRATIVE RULES**

**A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATIVE AND PERSONNEL**

1. An exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy shall be granted.

**B. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES**

1. An exemption from Section 14.05.060, Laterals, MCC, requiring a service lateral to each lot in the subdivision shall be granted to allow one set of water meters and fire check valves to serve the entire project site.
2. An exemption from Section 14.12.040, MCC, requiring written verification of either county water meter or long term reliable water supply shall be granted.
3. An exemption from Chapter 14.74, MCC, Impact Fees for Traffic and Roadway Improvements in Makawao-Pukalani-Kula, Maui, Hawaii, shall be granted to exempt the project from the payment of impact fees, which may be adopted prior to 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, MCC, Electrical Code, 16.20B, MCC, Plumbing Code, and 16.26B, MCC, 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. The project shall conform with the MCC Chapters 16.04B, Fire Code; 16.16A, Energy Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application and despite any subsequent amendments to Chapters 16.04B, 16.16A, 16.18B, 16.20B, and 16.26B, or any updates to the Fire Code, Energy Code, Electrical Code, Plumbing Code, or Building Code adopted prior to the issuance of the last building permits for the project.
3. An exemption from Table 2902.1 of the 2006 International Building Code, shall be granted to exempt the project from providing drinking fountains within the Adult Day Care Center and Senior Center.

**D. EXEMPTIONS FROM TITLE 19, MCC, ZONING**

1. An exemption from Section 19.31.020, MCC, Permitted Uses, shall be granted to allow the following permitted uses: 1) multi-family residential housing units; 2) adult day care center; 3) community center, 4) offices; 5) kitchen; 6) recreational uses and structures; and accessory uses and structures such as parking, storage or accessory buildings and structures, trash enclosures, outdoor recreation, small-scale energy systems, and walls and fences.
2. An exemption from Section 19.31.050, MCC, Development Standards, to allow a maximum height of three-stories not to exceed 45 feet, as measured from finished grade, and no setbacks from the common property line between the residential buildings lot and senior center and adult day care center lot.
3. An exemption from Section 19.36A.010, MCC, Designation Number of Spaces, shall be granted to allow a parking ratio of one (1) parking space per residential housing unit; and two (2) parking spaces per 1,200 sq. ft. of floor area for the adult day care center and the community center.
4. An exemption from Section 19.36A.190, MCC, Loading Zone, shall be granted to require only for two (2) loading spaces.
5. An exemption from Section 19.36A.030, MCC, Location, shall be granted to allow the parking spaces to be located either on the lot it serves or on the adjacent lot within the project site.
6. An exemption from Section 19.36A.070, MCC, Walls, Fences, and Landscaping, to allow for flexibility in the location of landscaping, which requires one (1) shade tree at minimum regular intervals for every five (5) spaces. The project shall comply with Section 19.36A.070 in effect at the time of the filing of the 201H-38 application, and that the project shall not be subject to any amendments to Section 19.36A.070 adopted prior to the issuance of building permits for the project until construction is completed.

**E. 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.
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.

**F. EXEMPTION FROM MCC, ADMINISTRATIVE RULE, SUBTITLE 1, TITLE 16, CHAPTER 108 WATER SYSTEM – WATER SYSTEM DEVELOPMENT FEES, SUBCHAPTER 3 UNAUTHORIZED SERVICE**

1. An exemption from Maui County Administrative Rules, 16-108-B Conversion of Unauthorized Service, shall be granted to exempt the project from the requirement of having one (1) water meter per lot to allow the two (2) water meters to serve the project. Further, waterlines will be allowed to cross property boundaries to serve the entire project.



# Resolution

No. \_\_\_\_\_

DISAPPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL  
HOUSING 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, Hale Mahaolu submitted an Application for Affordable Housing Development pursuant to 201H-38, HRS, for the development of the proposed Hale Mahaolu Ewalu Senior Residential Housing Project on approximately 4.0 acres in Pukalani, Maui, Hawaii, identified for real property tax purposes as Tax Map Key Nos. (2) 2-3-066:019 and (2) 2-3-066:020 ("Application"), to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project proposes the construction of three (3) multi-level buildings containing fifty-eight (58) one-bedroom and two (2) two-bedroom units for seniors, and a three-bedroom unit for a resident manager, totaling sixty-one (61) housing units; and

WHEREAS, in addition to the housing units a senior center, an adult day care center, eighty-three (83) parking stalls, and two (2) loading zones are also proposed; and

WHEREAS, the sixty (60) senior housing units shall be made available for rental to individuals that are 62 years of age or older, with income equal or less than 60% of the area median income as established by HUD; and

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



# Resolution

No. \_\_\_\_\_

APPROVING WITH MODIFICATION THE HALE MAHAOLU EWALU  
SENIOR RESIDENTIAL HOUSING 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, Hale Mahaolu submitted an Application for Affordable Housing Development pursuant to 201H-38, HRS, for the development of the proposed Hale Mahaolu Ewalu Senior Residential Housing Project on approximately 4.0 acres in Pukalani, Maui, Hawaii, identified for real property tax purposes as Tax Map Key Nos. (2) 2-3-066:019 and (2) 2-3-066:020 ("Application"), to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, the proposed Project proposes the construction of three (3) multi-level buildings containing fifty-eight (58) one-bedroom and two (2) two-bedroom units for seniors, and a three-bedroom unit for a resident manager, totaling sixty-one (61) housing units; and

WHEREAS, in addition to the housing units a senior center, an adult day care center, eighty-three (83) parking stalls, and two (2) loading zones are also proposed; and

WHEREAS, the sixty (60) senior housing units shall be made available for rental to individuals that are 62 years of age or older, with income equal or less than 60% of the area median income as established by HUD; and

**Resolution No. \_\_\_\_\_**

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

WHEREAS, on August 25, 2014, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and the Application to the Council of the 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 August 25, 2014; 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 Hale Mahaolu, the Council approves the Project's preliminary plans and specifications, as submitted to the Council on August 25, 2014, pursuant to Section 201H-38, HRS, subject to the modifications specified in Exhibit "1"; provided that Hale Mahaolu, 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

**Resolution No. \_\_\_\_\_**

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 Munekiyo & Hiraga, Inc., on behalf of Hale Mahaolu.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFFREY UEOKA  
Deputy Corporation Counsel  
County of Maui

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# MODIFICATIONS

EXHIBIT "1"

**HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT  
PROPOSED 201H-38 EXEMPTIONS FROM THE MAUI COUNTY  
CODE (MCC) AND ADMINISTRATIVE RULES**

**A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATIVE AND PERSONNEL**

1. An exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy shall be granted.

**B. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES**

1. An exemption from Section 14.05.060, Laterals, MCC, requiring a service lateral to each lot in the subdivision shall be granted to allow one set of water meters and fire check valves to serve the entire project site.
2. An exemption from Section 14.12.040, MCC, requiring written verification of either county water meter or long term reliable water supply shall be granted.
3. An exemption from Chapter 14.74, MCC, Impact Fees for Traffic and Roadway Improvements in Makawao-Pukalani-Kula, Maui, Hawaii, shall be granted to exempt the project from the payment of impact fees, which may be adopted prior to 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, MCC, Electrical Code, 16.20B, MCC, Plumbing Code, and 16.26B, MCC, 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. The project shall conform with the MCC Chapters 16.04B, Fire Code; 16.16A, Energy Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application and despite any subsequent amendments to Chapters 16.04B, 16.16A, 16.18B, 16.20B, and 16.26B, or any updates to the Fire Code, Energy Code, Electrical Code, Plumbing Code, or Building Code adopted prior to the issuance of the last building permits for the project.
3. An exemption from Table 2902.1 of the 2006 International Building Code, shall be granted to exempt the project from providing drinking fountains within the Adult Day Care Center and Senior Center.

**D. EXEMPTIONS FROM TITLE 19, MCC, ZONING**

1. An exemption from Section 19.31.020, MCC, Permitted Uses, shall be granted to allow the following permitted uses: 1) multi-family residential housing units; 2) adult day care center; 3) community center, 4) offices; 5) kitchen; 6) recreational uses and structures; and accessory uses and structures such as parking, storage or accessory buildings and structures, trash enclosures, outdoor recreation, small-scale energy systems, and walls and fences.
2. An exemption from Section 19.31.050, MCC, Development Standards, to allow a maximum height of three-stories not to exceed 45 feet, as measured from finished grade, and no setbacks from the common property line between the residential buildings lot and senior center and adult day care center lot.
3. An exemption from Section 19.36A.010, MCC, Designation Number of Spaces, shall be granted to allow a parking ratio of one (1) parking space per residential housing unit; and two (2) parking spaces per 1,200 sq. ft. of floor area for the adult day care center and the community center.
4. An exemption from Section 19.36A.190, MCC, Loading Zone, shall be granted to require only for two (2) loading spaces.
5. An exemption from Section 19.36A.030, MCC, Location, shall be granted to allow the parking spaces to be located either on the lot it serves or on the adjacent lot within the project site.
6. An exemption from Section 19.36A.070, MCC, Walls, Fences, and Landscaping, to allow for flexibility in the location of landscaping, which requires one (1) shade tree at minimum regular intervals for every five (5) spaces. The project shall comply with Section 19.36A.070 in effect at the time of the filing of the 201H-38 application, and that the project shall not be subject to any amendments to Section 19.36A.070 adopted prior to the issuance of building permits for the project until construction is completed.



**E. 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.
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.

**F. EXEMPTION FROM MCC, ADMINISTRATIVE RULE, SUBTITLE 1, TITLE 16, CHAPTER 108 WATER SYSTEM – WATER SYSTEM DEVELOPMENT FEES, SUBCHAPTER 3 UNAUTHORIZED SERVICE**

1. An exemption from Maui County Administrative Rules, 16-108-B Conversion of Unauthorized Service, shall be granted to exempt the project from the requirement of having one (1) water meter per lot to allow the two (2) water meters to serve the project. Further, waterlines will be allowed to cross property boundaries to serve the entire project.

**HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT  
PROPOSED 201H-38 EXEMPTIONS FROM THE MAUI COUNTY  
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2. The project shall conform with the MCC Chapters 16.04B, Fire Code; 16.16A, Energy Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, as stated at the time of the filing of the 201H-38 application and despite any subsequent amendments to Chapters 16.04B, 16.16A, 16.18B, 16.20B, and 16.26B, or any updates to the Fire Code, Energy Code, Electrical Code, Plumbing Code, or Building Code adopted prior to the issuance of the last building permits for the project.
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1. An exemption from Section 19.31.020(A), MCC, Permitted Uses, shall be granted to allow the following permitted uses: 1) multi-family residential housing units; 2) adult day care center; 3) community center, 4) offices; 5) kitchen; 6) recreational uses and structures; and accessory uses and structures such as parking, storage or accessory buildings and structures, trash enclosures, outdoor recreation, small-scale energy systems, and walls and fences.
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E. **EXEMPTIONS FROM TITLE 20, MCC, ENVIRONMENTAL PROTECTION**

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