

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

October 3, 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 September 3, 2014 (site inspection and meeting) and September 17, 2014, 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 August 25, 2014, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Hale Mahaolu Ewalu Senior Residential Housing Project on approximately four acres identified as TMKs: (2) 2-3-066:019 and (2) 2-3-066:020, Kulamalu, Pukalani, Maui, Hawaii, pursuant to Section 201H-38, HRS (“Application”). The proposed project consists of 60 affordable rental residential units, a resident manager unit, a senior center, an adult day care center, and associated improvements (“proposed project”). The project site is owned by Hale Mahaolu and located at the southeast corner of the Ohia Ku Street and Ohia Lehua Place intersection.
2. A proposed resolution entitled “APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”. The purpose of the proposed resolution is to approve the proposed project with various exemptions from requirements contained in the Maui County Code (“MCC”) and administrative rules relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.
3. A proposed resolution entitled “APPROVING WITH MODIFICATION THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”. The purpose of the proposed resolution is to approve the

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proposed project with the modifications in Exhibit "1" and various exemptions from requirements contained in the MCC and administrative rules 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 HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING 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 October 9, 2014, to act on the application, or it will be deemed approved as submitted.

Your Committee notes the property is located within the State Urban District, is designated as Public/Quasi-Public by the Makawao-Pukalani-Kula Community Plan, and is zoned P-1 Public/Quasi-Public District. The project comports with the Maui Island Plan, particularly Policy 5.1.5.a, which supports fast-track processing of affordable housing projects for special needs housing, including complexes for seniors.

Your Committee further notes the affordable units in the project will be available to individuals age 62 and older with an annual income equal to or less than 60 percent of adjusted median income. The applicant proposes to seek funding through the County of Maui and, therefore, an environmental assessment in accordance with Chapter 343, HRS, was required. The estimated project cost is \$25 million, and if all approvals are received, construction may start as early as April 2015.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted two revised proposed resolutions entitled "APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTIONS 201H-38 AND 201H-44, HAWAII REVISED STATUTES" and "APPROVING WITH MODIFICATION THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTIONS 201H-38 AND 201H-44, HAWAII REVISED STATUTES". The revised proposed resolutions

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incorporate your Committee's revisions and nonsubstantive revisions. Your Committee revised both resolutions to refer to Section 201H-44, HRS, in acknowledgement of the non-residential components of the project. According to the Director of Housing and Human Concerns, both the senior center and adult day care center are considered an integral part of the development and an aid to preserving the lifestyles of the purchasers of the dwelling units.

Your Committee considered each of the 16 requested exemptions individually, receiving input from applicable departmental representatives.

Your Committee acknowledged potable water supply is a critical issue in the Upcountry service area. Your Committee questioned how water demands for the project would be met, noting the Application left the issue unresolved.

The Deputy Director of Water Supply informed your Committee that comparisons with other Hale Mahaolu projects support projected water usage levels for the proposed project that fall within available water credits Hale Mahaolu purchased from Dowling Company Inc. Such levels are significantly below the average water use estimates typically used by the Department. Your Committee debated whether the requested exemption from the requirement of providing written verification of a long-term reliable water supply is necessary. Your Committee ultimately agreed with the applicant's request to allow the exemption, to provide flexibility for future phases of project development should water use projections change.

Your Committee recommended adding an exemption from Chapter 2.80B, MCC, to allow the project to proceed without obtaining a Community Plan Amendment. Absent the exemption, planning policies and objectives such as the two-story or 35-foot building height limitation in the Community Plan may be problematic. In light of the public purpose associated with the project, the Planning Director supported providing a broad exemption from the Community Plan to alleviate these concerns.

Your Committee noted the need for an exemption from Section 18.04.030(A), MCC, relating to consistency with the County General Plan, community plans, State land use classification, and zoning. This section was referenced on page 53 of the Final Environmental Assessment for the project, but was not included in the list of proposed exemptions. The project will require approval of a subdivision into two lots, one for each development phase. The Deputy Director of Public Works explained the section prohibits the Director of Public Works from approving any subdivision that is not

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consistent with the County General Plan, community plans, State land use classification, and zoning.

Your Committee revised the list of exemptions to include an exemption from Section 18.04.030(A), MCC, and noted the exemption is not intended to grant additional exemptions from Title 19, MCC, other than those listed as Exemptions E.1-6.

Your Committee noted Section 16-108-13 of the Maui County Administrative Rules is no longer in effect and the requested exemption should, therefore, be removed. The previous administrative rule required one water meter per lot, and prevented waterlines from crossing property boundaries. Section 14.10.010(E), MCC, imposes the penalty of water meter removal for providing water service to lots other than the lot to which the service is assigned, and is the provision the Department of Water Supply relies upon to require service to be restricted to a particular lot. Accordingly, your Committee revised the requested exemption to an exemption from Section 14.10.010(E), MCC.

Your Committee considered adding a modification to require a bus stop in the project area. Your Committee decided against the modification when the Director of Housing and Human Concerns stated she would work with the Department of Transportation to ensure project residents are provided transportation alternatives.

Your Committee recognized the acute need for affordable housing for the elderly Upcountry and voiced support for this project. Your Committee found the past success of the applicant influential in providing 100 per cent affordable rental units.

Your Committee voted 8-0 to recommend adoption of the revised proposed resolution approving the project and filing of the two remaining resolutions. Committee Chair Carroll, Vice-Chair Guzman, and members Baisa, Cochran, Couch, Crivello, Hokama, and Victorino voted "aye". Committee member White was excused.

Your Committee is in receipt of a revised proposed resolution entitled "APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTIONS 201H-38 AND 201H-44, 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.

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Your Land Use Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTIONS 201H-38 AND 201H-44, HAWAII REVISED STATUTES", be ADOPTED;
2. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING WITH MODIFICATION THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO SECTIONS 201H-38 AND 201H-44, HAWAII REVISED STATUTES", be FILED;  
and
3. That Resolution \_\_\_\_\_, attached hereto, entitled "DISAPPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL HOUSING 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.

  
\_\_\_\_\_  
ROBERT CARROLL, Chair

lu:cr:14003(3)aa:scj

# Resolution

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

APPROVING THE HALE MAHAOLU EWALU SENIOR RESIDENTIAL  
HOUSING PROJECT PURSUANT TO  
SECTIONS 201H-38 AND 201H-44, 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 Section 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 who are 62 years of age or older, with income equal or less than 60 per cent of the area median income as established by the U.S. Department of Housing and Urban Development; 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, Section 201H-44, HRS, provides that in connection with the development of any dwelling units under Chapter 201H, HRS, commercial, industrial, and other properties may also be developed if it is determined that the uses can be an integral part of the development and help to preserve the lifestyles of the purchasers of dwelling units in the development; 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, the Department of Housing and Human Concerns also recommends approval of the resident manager's unit, senior center, adult day care center, and associated improvements detailed in the Application pursuant to Section 201H-44; 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, including the Project's preliminary plans and specifications, as submitted to the Council on August 25, 2014, pursuant to Sections 201H-38 and 201H-44, HRS; provided that Hale Mahaolu



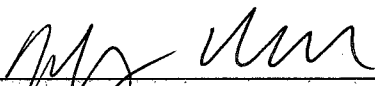
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shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning, and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, 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 Hale Mahaolu.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFFREY UEOKA  
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. EXEMPTIONS 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.

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

1. An exemption from Section 14.05.060, MCC, Laterals, 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 shall be granted from Section 14.10.010(E), MCC, Water Service Rates, which imposes the penalty of water meter removal for providing water service to lots other than the lot to which the service is assigned.
3. An exemption shall be granted from Section 14.12.040, MCC, Written Verification of Long-Term, Reliable Supply of Water, requiring written verification of either a county water meter or a long-term reliable water supply.
4. 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 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 (August 25, 2014) 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 permit for the project, or within 10 years of the adoption of the resolution, whichever occurs first.

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. EXEMPTION FROM TITLE 18, MCC, SUBDIVISIONS**

1. An exemption from Section 18.04.030(A), MCC, Administration, shall be granted to exempt the project from the requirement of consistency with the county general plan, community plans, State land use classification, and zoning. This is not intended to grant any additional exemptions from Title 19, MCC, other than those listed in Section E of these exemptions.

**E. 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, Designated 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.030, MCC, Location, shall be granted to allow the parking spaces to be located either on the lot they serve or on the adjacent lot within the project site.
5. An exemption from Section 19.36A.070, MCC, Walls, Fences, and Landscaping, to allow for flexibility in the location of landscaping, for which one (1) large crown shade tree at minimum regular intervals of every five (5) spaces is required. For all other requirements of Section 19.36A.070, MCC, the project shall comply with Section 19.36A.070 as stated at the time of the filing of the 201H-38 application, and 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.

6. An exemption from Section 19.36A.190, MCC, Loading Space, shall be granted to require only for two (2) loading spaces.

**F. EXEMPTIONS FROM TITLE 20, MCC, ENVIRONMENTAL PROTECTION**

1. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, shall be granted to exempt the project from payment of grading and grubbing permit 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 HALE MAHAOLU EWALU  
SENIOR RESIDENTIAL HOUSING PROJECT PURSUANT TO  
SECTIONS 201H-38 AND 201H-44, 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 Section 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 who are 62 years of age or older, with income equal or less than 60 per cent of the area median income as established by the U.S. Department of Housing and Urban Development; 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, Section 201H-44, HRS, provides that in connection with the development of any dwelling units under Chapter 201H, HRS, commercial, industrial, and other properties may also be developed if it is determined that the uses can be an integral part of the development and help to preserve the lifestyles of the purchasers of dwelling units in the development; 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, the Department of Housing and Human Concerns also recommends approval of the resident manager's unit, senior center, adult day care center, and associated improvements detailed in the Application pursuant to Section 201H-44; 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 Sections 201H-38 and

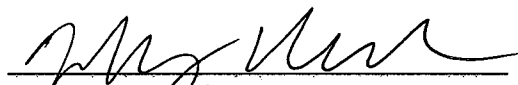
**Resolution No. \_\_\_\_\_**

201H-44, 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 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 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, 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.

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

1. An exemption from Section 14.05.060, MCC, Laterals, 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 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 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 (August 25, 2014) 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 permit for the project, or within 10 years of the adoption of the resolution, whichever occurs first.
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, Designated 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.030, MCC, Location, shall be granted to allow the parking spaces to be located either on the lot they serve or on the adjacent lot within the project site.
5. An exemption from Section 19.36A.070, MCC, Walls, Fences, and Landscaping, to allow for flexibility in the location of landscaping, for which one (1) large crown shade tree at minimum regular intervals of every five (5) spaces is required. For all other requirements of Section 19.36A.070, MCC, the project shall comply with Section 19.36A.070 as stated at the time of the filing of the 201H-38 application, and 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.
6. An exemption from Section 19.36A.190, MCC, Loading Space, shall be granted to require only for two (2) loading spaces.

**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 and grubbing permit 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. \_\_\_\_\_

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. \_\_\_\_\_**

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 the Council disapproves the Project submitted to the Council on August 25, 2014, 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 Hale Mahaolu.

APPROVED AS TO FORM  
AND LEGALITY:

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

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