

# Resolution

No. 14-14

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:



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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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**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 14-14 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of February, 2014, by the following vote:**

<b>MEMBERS</b>	<b>Gladys C. BAISA Chair</b>	<b>Robert CARROLL Vice-Chair</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>Donald S. GUZMAN</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>	<b>Michael B. WHITE</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Excused</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Excused</b>	<b>Aye</b>

  
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COUNTY CLERK