

# Resolution

No. 14-108

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

**Resolution No. 14-108**

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

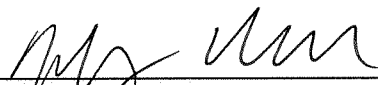
**Resolution No. 14-108**

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:

  
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JEFFREY JUEOKA  
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.

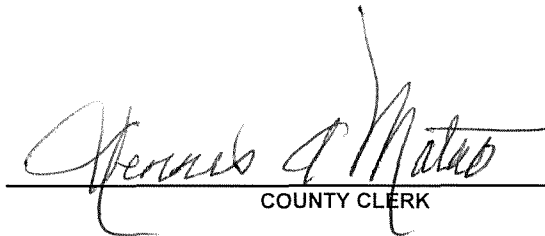
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 14-108 was adopted by the Council of the County of Maui, State of Hawaii, on the 3rd day of October, 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>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
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COUNTY CLERK