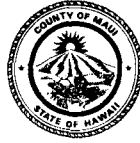


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

August 2, 2018

Mr. Vince Bagoyo
Bagoyo Development Consulting Group
1500 Kilinoe Place
Wailuku, Hawaii 96793

Dear Mr. Bagoyo:

**SUBJECT: WAIKAPU DEVELOPMENT VENTURE AFFORDABLE
HOUSING PROJECT (LU-2(4))**

At the Land Use Committee's meeting of August 1, 2018, Committee members requested a breakdown of the projected values of each of the exemptions requested by the applicant. As you know, this list of exemptions was revised by me to incorporate nonsubstantive changes. I have attached the revised list of exemptions to this letter for your reference.

In your response, please provide a tabular breakdown of the projected values (dollars) of each of the exemptions. In your table, please reference which costs are being factored into your projection for each exemption and a total projected value figure.

I would appreciate your response by **August 15, 2018**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Mr. Vince Bagoyo
August 2, 2018
Page 2

Should you have any questions, please contact me or the Committee staff (Alec Wagner at ext. 7662, or Rayna Yap at ext. 8007).

Sincerely,


ROBERT CARROLL, Chair
Land Use Committee

Lu:ltr:002(4)a01:ajw

Attachment

cc: William Frampton, William Frampton Consulting, LLC
Peter Horovitz, Esq., Merchant Horovitz, LLP

**WAIKAPU DEVELOPMENT VENTURE AFFORDABLE WORKFORCE HOUSING
PROJECT EXEMPTIONS PURSUANT TO SECTION 201H-38, HAWAII REVISED
STATUTES.**

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.

B. EXEMPTIONS FROM TITLE 8, MCC, HEALTH AND SAFETY

1. An exemption from Section 8.04.040, MCC, Disposal Permits — Application and suspension, shall be granted to exempt the Project from the requirement of acquiring a *Disposal Permit*.
2. An exemption from Section 8.04.050, MCC, Disposal Charges, shall be granted to exempt the Project from *Disposal Charges*.

C. EXEMPTIONS FROM TITLE 12, MCC, STREETS, SIDEWALKS, AND PUBLIC PLACES

1. An exemption from Section 12.08.100, MCC, Standards and Specifications, shall be granted to allow driveways within the 15-foot reserve area adjacent to an intersection and allow the maximum driveway width for the duplex units to exceed twenty-two (22) feet. The new maximum driveway width for the duplex units shall be thirty-six (36) feet.
2. An exemption from Chapter 12.24A, MCC, Landscape Planting and Beautification, shall be granted to exempt the Project from compliance with the *Landscape Planting Plan* as it pertains to requiring *One (1) Tree per Residential Lot*. The Project is comprised of seventy-four (74) Residential Lots, and thus, the Landscape Planting Plan will include the planting of no less than 74 Landscape Trees. However, the Project is allowed, through this exemption, flexibility in the precise location of each tree as it may not be feasible to plant a tree in the front area of every single residential lot. Some of the trees may be planted in the Neighborhood Green or along the several pedestrian pathways leading to the Neighborhood Green.

D. EXEMPTIONS FROM TITLE 14, MCC, PUBLIC SERVICES

1. An exemption from Section 14.05.090, MCC, Fire Protection, shall be granted to exempt the Project from providing *Fire Protection* for the portions of the Property along Honoapiilani Highway.
2. An exemption from Chapter 14.35, MCC, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment

- System, shall be granted to exempt the Project from having to pay *Wastewater Assessment Fees*.
3. An exemption from Chapter 14.76, MCC, Impact Fees for Traffic and Roadway Improvements in Wailuku-Kahului, Maui, Hawaii; shall be granted to exempt the Project from having to pay *Traffic Impact Fees* should such fees be adopted prior to issuance of building permits for the Project.

E. EXEMPTIONS FROM TITLE 16, MCC, BUILDINGS AND CONSTRUCTION

1. Exemptions from MCC Chapters 16.04C, Fire Code, 16.18B, Electrical Code, 16.20B, Plumbing Code, and 16.26B, Building Code, shall be granted to exempt the Project from *Fire, Electrical, Plumbing, and Building* permit fees, as well as inspection fees.
2. An exemption from Chapter 16.04C.160, MCC, Fire Code, as it pertains to permit fees in Subsection 1.12.8 shall be granted to exempt the Project from permit fees required by the Fire Code.
3. An exemption from Section 16.04C.440, MCC, Fire Code, as it pertains to *dimensions* in Subsection 18.2.3.6.1 shall be granted to exempt the Project from providing an *Unobstructed Width of Twenty (20) feet* for the *Interior Subdivision Roadways* (Roadways C and D) (Please refer to Exhibit 3 —Typical Section of Roadways C and D).
4. An exemption from Section 16.04C.470, MCC, Fire Code, as it pertains to Subsection 18.4.6 shall be granted to exempt the Project from providing fire protection for the portions of the property along Honoapiilani Highway.
5. An exemption from Section 16.26B.3600, MCC, Improvements to Public Streets, as it relates to *Urban Standards for Curbs and Gutters*, shall be granted for the portion of the Project adjacent to *Waiale Road* (Please refer to Exhibit 1— Typical Section of Waiale Road).

F. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. Exemptions from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, shall be granted to exempt the Project from requirements of obtaining a *Change in Zoning, and Community Plan Amendment*.
2. Exemptions from Section 18.16.050, MCC, Minimum Right-of-Way and Pavement Widths, shall be granted to allow the *Internal Subdivision Roadways* (Roadways C and D) to have a *Minimum Right-of-Way Width of Thirty-Six (36) feet and Minimum Pavement Width of Twenty (20) feet* (Please refer to Exhibit 3 — Typical Section for Roadways C and D).
3. An exemption from Section 18.16.070(A), MCC, Intersection Angles, shall be granted to allow the right-of-way lines at intersections to have a minimum corner radii of fifteen (15) feet.

4. An exemption from Section 18.16.220, MCC, Lots Size and Shape, shall be granted to allow *Lot Sizes, Widths, Shapes, and Orientation, and Minimum Building Setback Lines*, within the Project that are not consistent with, and not in conformance with the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
5. An exemption from Section 18.16.230, MCC, Lots — Minimum Sizes, shall be granted to allow Lot Sizes within the Project that are *not consistent with, and not in conformance with* the provisions of Chapter 19.31, MCC, Public/Quasi-Public District.
6. An exemption from Sections 18.20.040 and 18.20.080, MCC, as they relate to the *Urban Standards for Curbs, Gutters*, shall be granted for the portions of the Project adjacent to Waiale Road (Please refer to Exhibit 1- Typical Section of Waiale Road).
7. An exemption from Section 18.20.070, MCC, Sidewalks, shall be granted to allow the following exemptions as it relates to the *Construction of Sidewalks* along the Internal Subdivision Roadways A, B, C, and D (Please refer to Exhibits 2 and 3 — Typical Sections of proposed Internal Roadways).
 - **Roadway A** — Four (4) foot wide Concrete Sidewalks will be provided on both sides of portions of *Roadway A*; and the *Sidewalks will be in compliance with applicable Americans with Disabilities Act ("ADA ") requirements*.
 - **Roadway B** — Five (5) foot wide Concrete Sidewalks will be provided on one side of portions of *Roadway B*; and the *Sidewalks will be in compliance with all ADA requirements*.
 - **Roadways C and D** — The Project is exempt from constructing *Sidewalks on both sides of the Internal Subdivision Roadways C and D*.
8. An exemption from Chapter 18.40, MCC, Guidelines for Acceptance, shall be granted to allow the County to accept the subdivision roadways and utilities located within the subdivision roadways based on the exemptions granted herein, including but not limited to, exemption C.1 relating to the standards and specifications of driveways.

G. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19.31, MCC, Public/Quasi-Public District, shall be granted to permit the development and use of the subject parcel for single-family and two-family (duplex) residential purposes. Permitted uses shall be based on Chapter 19.08, MCC, Residential District, and Chapter 19.10, MCC, Two-family (Duplex) District. The Project shall be exempt from all Development Design Standards set forth in Chapter 19.31, MCC. Further, this exemption shall allow the subdivision of the property in the plat configuration as generally shown in the Project Site Plan and Exhibit 4. The following Zoning Standards shall apply to the Project:

PERMITTED USES: *Single-Family and Two-Family (Duplex) Residential Units, as well as accessory buildings located on the same lot, the use of which is customary, incidental, usual, and necessary to that of the main building or to the use of the land.*

MINIMUM LOT SIZE: 3,000 Square feet

MAXIMUM HEIGHT: No building shall exceed two (2) stories or thirty (30) feet in height.

MINIMUM LOT WIDTH: Forty (40) feet

- YARDS (BUILDING SETBACKS): Yards (building setbacks) to be as follows:
 - SINGLE-FAMILY AND TWO-FAMILY (DUPLEX) DWELLINGS:
 - Front Yard: Ten (10) feet minimum
 - Side Yard: Single-story is six (6) feet minimum; and two-story is ten (10) feet minimum; exterior stairs and landing decks accessing second story duplex units may extend to within (6) feet of the side yard property line on one side only.
 - Rear Yard: Fifteen (15) feet minimum
 - GARAGES AND CARPORTS:
 - Front Yard: Zero (0) feet – lot line
 - Side Yard: Zero (0) feet – lot line
 - Rear Yard: Zero (0) feet – lot line

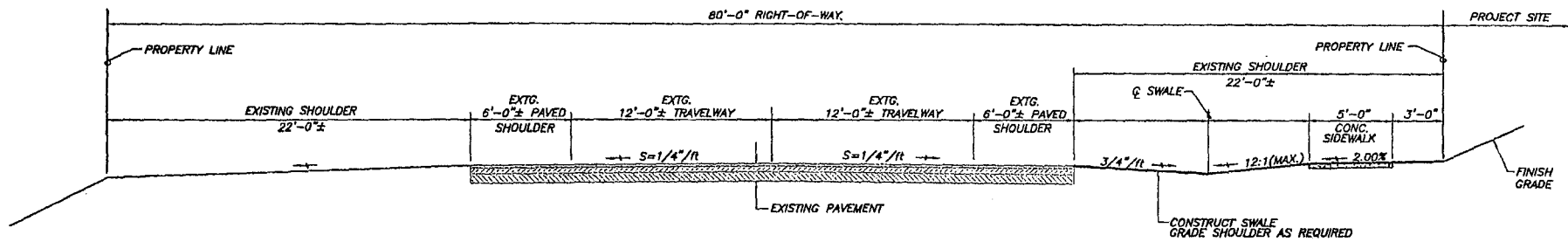
and as shown in Exhibit 4.

- TOTAL NUMBER OF RESIDENTIAL LOTS IN PROJECT:
 - Single-Family Lots: 68 lots
 - Two-Family (Duplex) Lots: 6 lots
 - Total Lots: 74 lots
- TOTAL NUMBER OF UNITS IN PROJECT:
 - Single-Family Units: 68 units
 - Two-Family (Duplex) Units: 12 units
 - Total Units: 80 units

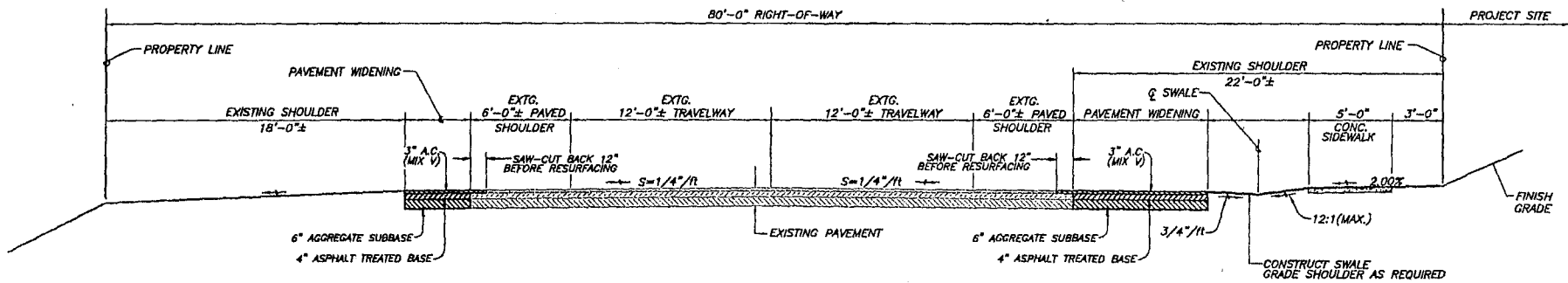
H. EXEMPTIONS PURSUANT TO MAUI COUNTY CODE REGARDING PROJECTS COMPRISED OF 100 PERCENT RESIDENTIAL WORKFORCE HOUSING UNITS

1. Section 12.08.050(D), MCC, as it pertains to *Driveway Permit Fees*.
2. Section 14.12.030, MCC, as it pertains to *Water Availability*.

3. Section 16.18B.107, MCC, as it pertains to the *Electrical Permit Fee* in Section 107.1C.
4. Section 16.20B.103.4, MCC, as it pertains to the *Plumbing Permit Fee* in Section 103.4.1.3.
5. Section 16.26B.108, MCC, as it pertains to the *Building Permit Fee* in Section 108.2.
6. Section 18.16.320 (I) (5), MCC, as it pertains to the *Park Assessment Fee*.
7. Section 20.08.090(D), MCC, as it pertains to *Grading and Grubbing Permit Fee*.

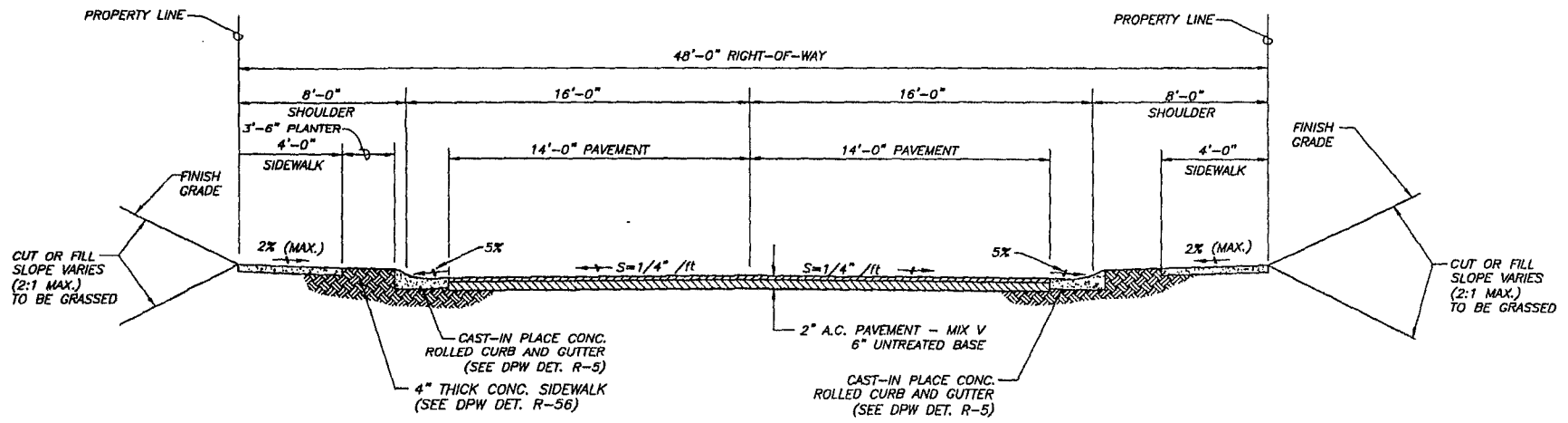


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY)
NOT TO SCALE

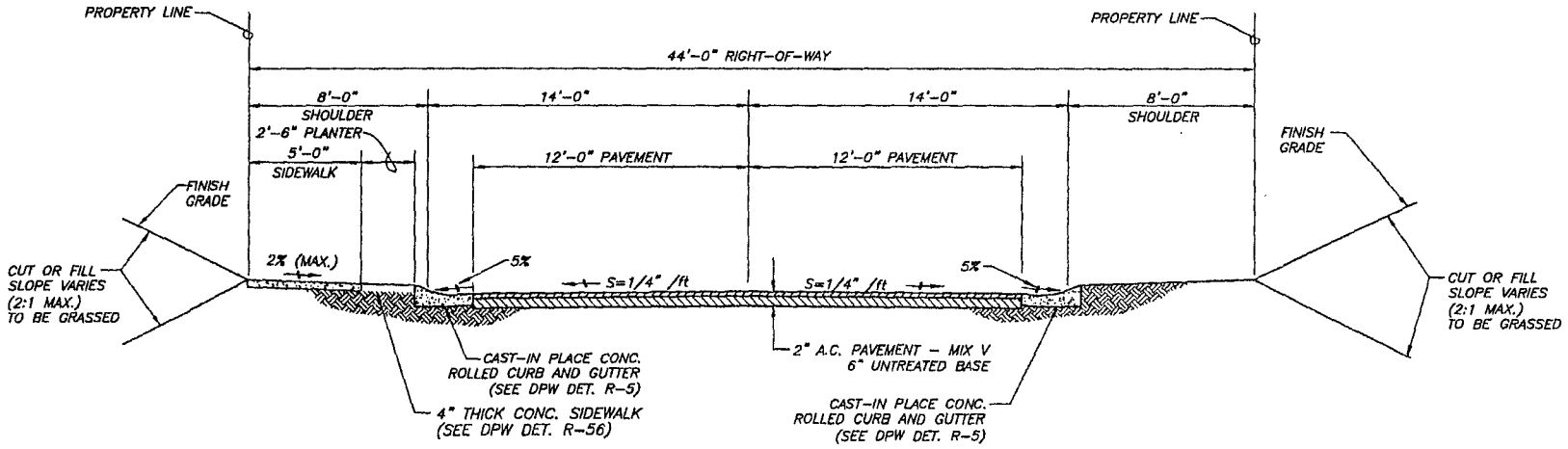


TYPICAL SECTION - WAIALE ROAD (80 FT. RIGHT-OF-WAY) W/ PAVEMENT WIDENING
NOT TO SCALE

TYPICAL SECTION
EXHIBIT 1

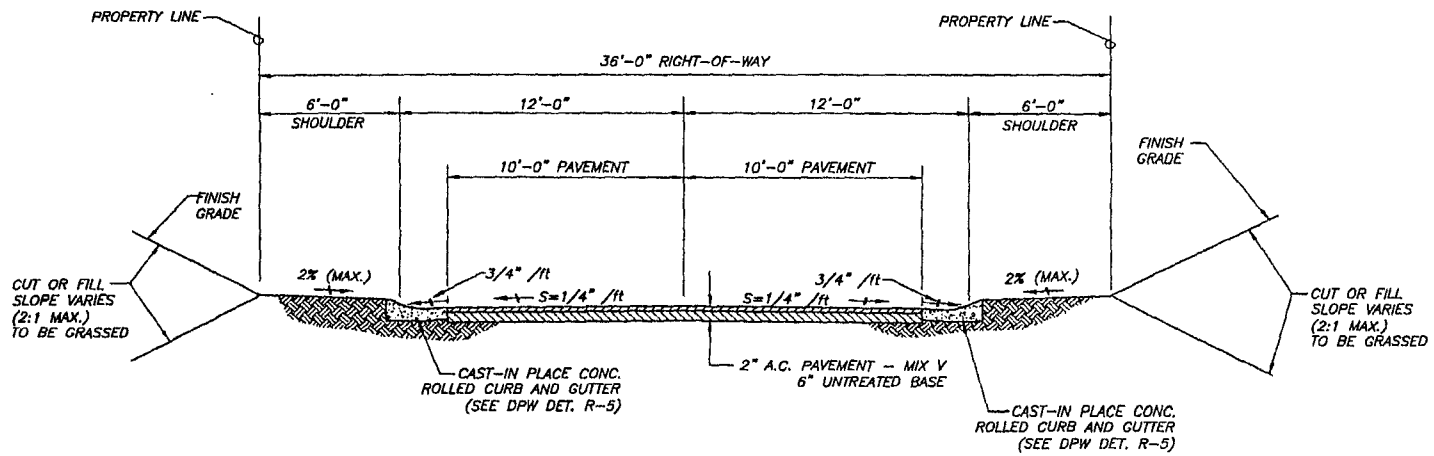


TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "A" (48 FT. RIGHT-OF-WAY)
NOT TO SCALE



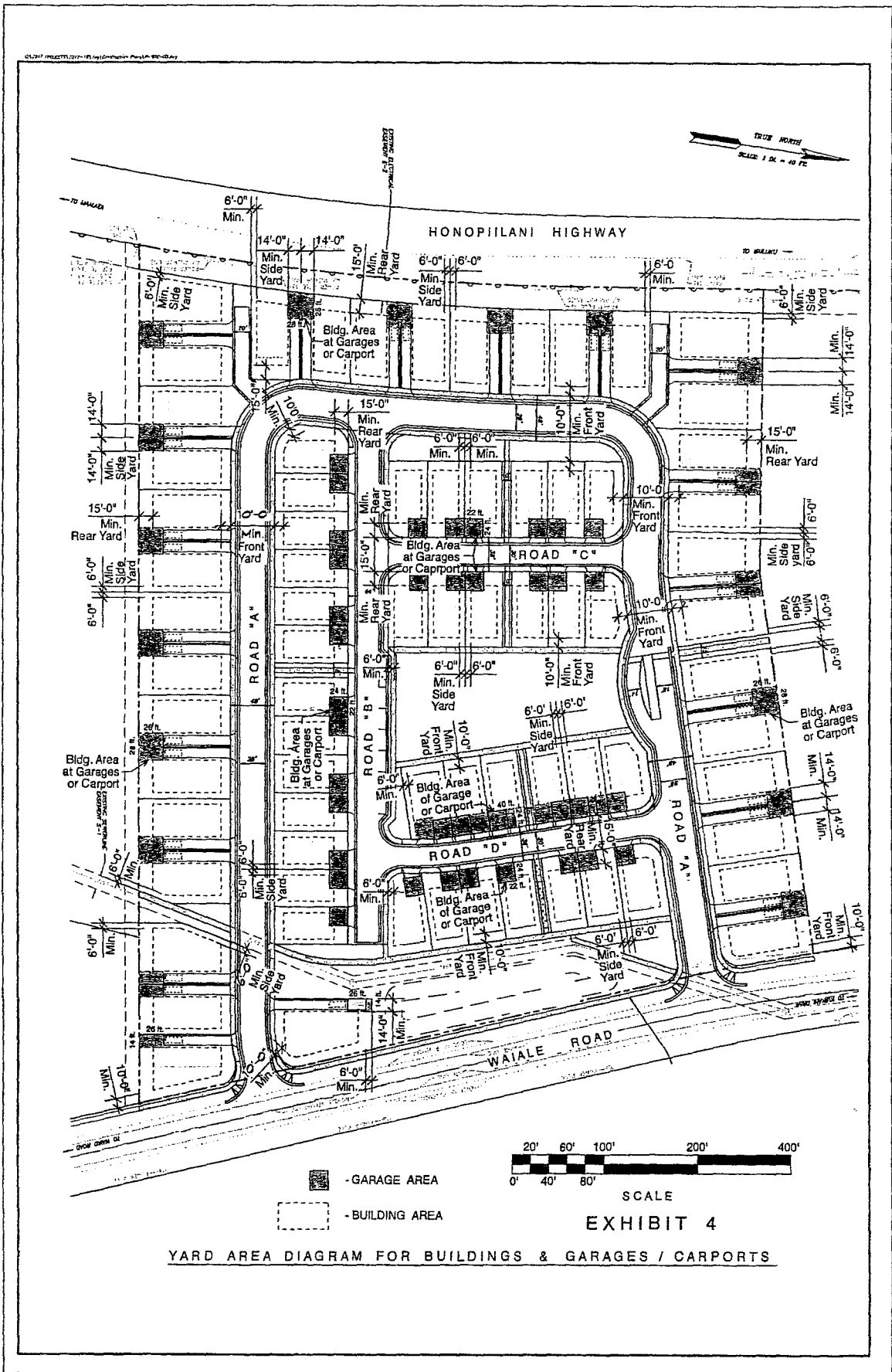
TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "B" (44 FT. RIGHT-OF-WAY)
NOT TO SCALE

NOTES:
1. ROAD "B" ROW SHALL INCLUDE ON STREET PARALLEL PARKING STALLS, WHERE OCCURS.



TYPICAL SECTION - SUBDIVISION INTERIOR ROAD "C" & "D" (36 FT. RIGHT-OF-WAY)
 NOT TO SCALE

TYPICAL SECTION
 EXHIBIT 3



YARD AREA DIAGRAM FOR BUILDINGS & GARAGES / CARPOTS