

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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COUNTY OF MAUI

DEPARTMENT OF PLANNING

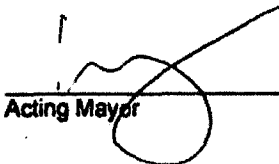
October 13, 2017

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

For Transmittal to:

Honorable Robert Carroll, Chair
and Members of the Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL



Acting Mayor 10/13/17 Date

Dear Chair Carroll and Members:

**SUBJECT: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H,
HAWAII REVISED STATUTES) (INDEPENDENT
DEVELOPMENT OF AFFORDABLE HANA HOUSING
PROJECT) (HANA) (LU-22)**

The Department of Planning (Department) is in receipt of your letter dated October 11, 2017, regarding the above-referenced application, located at TMK (2) 1-3-004:001.

Question #1, as stated in your letter reads, "Please confirm the Community Plan designation for the Property." The Department's response is as follows:

The Community Plan for the Property is RURAL, except for portions of Lots 12, 13, and 14 which is AGRICULTURE.

Question #2, as stated in your letter reads, "It appears the 25th lot was added into the project area after the Draft EA was routed for review and comment. According to the Final EA, at page 3, Lot 25 is located outside the Rural Growth Boundary in the Maui Island Plan.

- a. *Is an amendment to the Maui Island Plan required for the portion of the Property within the Rural Growth Boundary (the 24 lots)? Please explain.* The Department's response is as follows:

Yes, an amendment would be required for the portion of the project encompassing the 24 lots which is outside the Maui Island Plan (MIP) Rural Growth Boundary, which is a portion of Lots 12, 13, and 14. However, the Applicant may request an exemption to the MIP and if granted no amendment to the MIP would be needed.

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 13, 2017
Page 2

- b. *"Is an amendment to the MIP required for Lot 25? Please identify the MIP designation for Lot 25 and explain?"* The Department's response is as follows:

Yes, Lot 25 is outside the MIP Rural Growth Boundary designation. It has a designation of 'Outside Growth Boundary' and development as proposed would require a MIP Amendment. However, the Applicant may request an exemption to the MIP and if granted no amendment to the MIP would be needed.

"If one or more amendments to the MIP are needed for the Project, then the request will be added to the list of exemptions to Chapter 2.80B, which currently refers to an exemption from obtaining a Community Plan Amendment only."

Question #3, as stated in your letter reads, *"Does the inclusion of Lot 25 affect any other land use designations for the Property?"* The Department's response is as follows:

No, it does not.

Question #4, as stated in your letter reads, *"The developer seeks various exemptions to Chapter 19.68 HRS to allow the Project to proceed without adhering to the procedural requirements associated with a District Boundary Amendment. The developer is separately seeking a DBA from Agricultural District to Rural District. Because the developer is seeking an exemption from the requirements that a public hearing be held before the Maui Planning Commission, and findings and recommendations from the Maui Planning Commission be transmitted to the Council, does your Department recommend an exemption also be required from Sections 8-8.4 and 8-8.6 of Revised Charter of the County of Maui (1983), as amended?"* The Department's response is as follows:

Exemptions from the Charter and or procedural matters need to be considered in light of the particular unique qualities of the 201H, HRS, Affordable Housing Process. The Department supports the accelerated review of these important Projects, but also wants to ensure the public has sufficient input regarding impacts of these Projects. The Applicant did prepare an Environmental Assessment, which is a public process, regarding the potential impacts of this affordable housing application.

Question #5, as stated in your letter reads, *"The Developer is seeking an exemption from Chapter 19.02A, MCC so that the property need not be developed in accordance with Interim District standards. The Developer proceeds to state the project will be built in accordance with lot area, height, and yard requirements applicable to the R-3 Residential District. The Developer also seeks an exemption from Rural District Standards, although there is no indication the Property is zoned Rural."*

- a. *Is an exemption to the Rural District lot size development standard required for this Project?"* The Department's response is as follows:

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 13, 2017
Page 3

As the Applicant is requesting a State District Boundary Amendment from Agriculture to Rural, an exemption from the State standard of half-acre Rural lots would be required for the minimum 10,000 square foot lots proposed for this Project. The Department recommends inquiring with Corporation Counsel as to the ability of the County Council to grant exemptions from the Rural State District Boundary standard of half-acre residential lots. The Department offers another option to the Applicant that they consider a District Boundary Amendment to Urban.

- b. *"Are there development standards apart from lot area, height, and yard requirements that should be identified in connection with the zoning exemption? If so, please identify them."* The Department's response is as follows:

The Applicant will identify additional exemptions under separate cover if requested.

- c. *"With respect to proposed exemption G.1, please advise whether the language below is clear and please revise or supplement it as needed to cover the areas of concern relating to development standards for the proposed affordable lots:*

G.1. An exemption from Title 19, Article 1, MCC, Interim Zoning Provisions shall be granted to exempt the Project from Interim District development standards. The following development standards shall apply to the Project:

Minimum lot area shall be 10,000 square feet.

No building shall exceed two stories or 30 feet in height.

Minimum yard setbacks shall be:

- 15 feet for front yard*
- 6 feet for side and rear yards for one-story buildings, and*
- 10 feet for side and rear yards for two-story buildings."*

The Department's response is as follows:

The Applicant will identify additional exemptions requested under separate cover. However, the Department would like the Applicant to follow the standards and uses of R-3 Residential Zoning so that the County Departments know precisely what can be built and what uses would be allowed in the Project.

Question #6 as stated in your letters reads, *"Does your Department recommend an exemption from the application and procedural requirements of Chapter 19.510, MCC?"* The Department's response is as follows:

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Chair
October 13, 2017
Page 4


Exemptions from the MCC and or procedural matters need to be considered in light of the particular unique qualities of the 201H, HRS, Affordable Housing Process. The Department supports the accelerated review of these important Projects, but also wants to ensure the public has sufficient input regarding impacts of these Projects. The Applicant did prepare an EA, which is a public process, regarding the potential impacts of this affordable housing application and has prepared documents for an accelerated District Boundary Amendment process in light of comments from the State Office of Planning.

Question #7 as stated in your letter reads, *"Please provide any other comments your Department may have that would assist the Committee in its consideration of this Project and the required exemptions."* The Department's response is as follows:

The Department has no further comments regarding this Project.

Thank you for the opportunity to respond. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely, _



WILLIAM SPENCE
Planning Director

xc: Michele Chouteau McLean, Deputy Director (PDF)
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Maui Planning Commission Members (PDF)
Corporation Counsel
Department of Housing and Human Concerns
Project File
General File

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