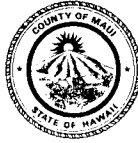


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 9, 2017

Mr. David Goode, Director
Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Goode:

SUBJECT: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF 100 PERCENT AFFORDABLE HANA HOUSING PROJECT) (LU-2(2))

The Land Use Committee is in receipt of correspondence dated October 5, 2017, from the Director of Housing and Human Concerns, transmitting the above-referenced project application for consideration. The Council's deadline for consideration is November 19, 2017.

The proposed project will consist of 25 single-family lots with the potential for an ohana unit on 22 of those lots. According to the application, the lots will be a minimum of 10,000 square feet in size.

It appears the existing land use designations for the 7.226-acre portion of the parcel are as follows: Agricultural State Land Use District classification, Rural Maui Island Plan growth boundary, either Rural or Agriculture Community Plan designation,¹ and Interim zoning district.

Enclosed is the list of exemptions requested by the project developer.

On page 2 of the application (attached), the developer states:

¹ The correspondence dated August 28, 2014 from the Planning Director varies in this regard from his April 26, 2016 correspondence (see attached).

Mr. David Goode
October 9, 2017
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Associated infrastructure improvements include paved roadways, grassed swales, driveways and graded building pads and landscape planting. The right of way width for the access driveway will be forty-four (44) feet wide with twenty (20) feet of pavement. The road shoulders will be grassed and there are no concrete curbs, gutters and sidewalks proposed with this project. All utilities will be overhead for electrical, telephone and cable TV.

Under requested Exemption C.2, the developer states:

*Note: The proposed project site road will be connected to Hana Highway. The right-of-way width will be 44 feet wide and 20 feet of pavement. Within the project site there will be no curb, gutters, or sidewalks and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.

In addition, please see the attached correspondence dated September 6, 2016, from Jordan Hart, President, Chris Hart & Partners, Inc. to you, indicating various exemptions the developer is seeking in response to your comments 1 and 2.

May I please request the following:

1. The "Note" does not appear sufficient to exempt the project from requirements that would otherwise apply. What specific exemptions would be required to accommodate the standards the developer has set forth under the "Note"? For example, would the developer need an exemption from Section 18.20.070, Maui County Code ("MCC"), relating to Sidewalks, or Section 18.20.040, relating to Existing Streets? What exemption, if any, would be needed to exempt the project from the requirement of constructing curbs and gutters? Please identify any other exemptions that would be needed to accommodate the standards identified in the "Note."
2. Based on the exemptions being requested from Title 19, MCC, do you believe an exemption from Section 18.20.240, MCC, relating to Zoning restrictions, is needed?
3. Please provide any other comments your Department has on the project or requested exemptions.

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October 9, 2017
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I would appreciate receiving your response by **Monday, October 16, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Carroll", written over a horizontal line.

ROBERT CARROLL, Chair
Land Use Committee

lu:ltr:002(2)apw01:cmn

Attachments

cc: Mayor Alan M. Arakawa
Jeffrey Ueoka, Deputy Corporation Counsel
Brett Davis, Chris Hart & Partners, Inc.

**201H Exemption Requests
for the proposed
100% Affordable Hana Housing Project**

The project is 100% affordable single family housing. The project is seeking the following exemptions pursuant to Section 201H-38, Hawaii Revised Statutes.

These exemptions will automatically terminate if the Hana Affordable Housing project has not commenced construction within four (4) years of the date of the 201H Approval. For this purpose construction commencement will be defined as when the owner has obtained grading permits and has executed a construction contract for the project. Extensions to this termination will be granted at the discretion of the County Council and passed by Resolution.

As a 100% affordable housing project the project will seek to reduce fees as per ~~Section~~ ^{Chapter} 2.96.20 of the Maui County Code.

A. Exemption from Title 2, Maui County Code (MCC) Administration and Personnel

1. An exemption from ^{Chapter} ~~Section~~ 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project without obtaining a Community Plan Amendment.

B. Exemption from Title 8, MCC, Health and Safety

1. An exemption from ^{Chapter} ~~Section~~ 8.04, MCC, Refuse Collection and Landfills, shall be granted to exempt the project from construction waste disposal permit and fees during the construction phase of the project but not long term ongoing operations.

C. Exemption from Title 12, Streets, Sidewalks and Public Places

1. An exemption form Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from driveway permit and inspection fees.
2. Exemption from Section 12.24A.070D MCC, Planting of street trees, shall be granted to delete the requirement for street trees.

*Note: The proposed project site road will be connected to Hana Highway. The right-of-way width will be 44 feet wide and 20 feet of pavement. Within the project site there will be no curb, gutters, or sidewalks and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.

D. Exemption from Title 14, MCC, Public Services

1. An exemption from ^{Chapter} ~~Section~~ 14.70, MCC, Impact Fees for Traffic and Roadway Improvements in Hana Maui, Hawaii, shall be granted to exempt the project from traffic impact fees; *should such fees be adopted prior to the issuance of building permits for the project.*

E. Exemptions from Title 16, MCC, Buildings and Construction

1. The project shall conform to ^{Chapter} ~~Section~~ 16.04C, MCC, Fire Code; ^{Chapter} ~~Section~~ 16.18B, MCC, Electrical Code; ^{Chapter} ~~Section~~ 16.20B, MCC, Plumbing Code; and ^{Chapter} ~~Section~~ 16.26B, MCC, Building Code; as stated at the time of the filing of the 201H-38 application, despite any subsequent amendments to these sections, or any updates to these sections adopted prior to the issuance of the last building permit for the project. This does not pertain to future renovations of buildings or units, only to new construction.

F. 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 or Community Plan Amendment to enable subdivision approval.
2. An exemption from Section 18.20.140 MCC, Utility lines and facilities, shall be granted to allow for proposed above ground utility lines (electric, telephone, street lighting, cable television, and other utilities, if any) on the project site to be installed above ground.

G. Exemptions from Title 19, MCC, Zoning

1. An exemption from ^{Chapter} ~~Section~~ 19.02A, MCC, Interim Zoning Provisions, shall be granted to exempt the project from the Interim District development standards. The project will be built in accordance with the R-3 Residential District development standards.

*Note: The project will comply with the following sections of Chapter 19.08, MCC, Residential Districts:

Section 19.08.040A - Area Regulations. The minimum lot area shall be ten thousand square feet in R-3 Residential Districts.

Section 19.08.050 - Height Regulations. No buildings shall exceed two stories nor thirty feet in height.

Section 19.08.060A - Yards. There shall be a front yard of fifteen feet, sideyard of six feet, and rear yard of six feet for all residential districts. Side and rear yards for two-story structures shall be ten feet in all residential districts.

2. An exemption from Section 19.29.020, MCC, Rural District standards, shall be granted to exempt the project from the Rural District's ½ acre minimum lot size. The project will be built in accordance with the R-3 Residential District development standards.
3. An exemption from Section 19.68.020, MCC, State Land Use District Boundaries, Applications, B.8 shall be granted to exempt the project from the filing fee requirements.
4. An exemption from Section 19.68.020, MCC, State Land Use District Boundaries, Applications, C.2 shall be granted to exempt the project from the notification and timing requirements.
5. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, A shall be granted to exempt the project from the Maui Planning Commission public hearing requirements.
6. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, B shall be granted to exempt the project from the timing requirement for newspaper notification.

H. 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, grubbing, and excavation permit fees, as well as inspection fees.

I. Exemption from the State General Excise Tax

1. The County of Maui does not object to the Developer seeking an exemption for the State of Hawaii's General Excise Tax in accordance with Section 201H-37, HRS.

During the preparation of the Hana Community Plan Key problems and were formulated by the 1992 Citizens Advisory Committee and the number 1 problem identified in the Hana community plan is **Affordable Housing**. The proposed project is providing 25 lots at affordable prices determined by the Maui of County department of Housing and Human Concerns. The project directly helps solve the problem of affordable housing in Hana.

4. Proposed Improvements

The proposed project is a 100% affordable single family residential development that will include construction of a total of 25 single family lots with necessary supporting infrastructure and roadway access to Hana Highway. The 25 lots are a minimum of 10,000 square feet in size and therefore will allow for ohana units.

Associated infrastructure improvements include paved roadways, grassed swales, driveways and graded building pads and landscape planting. The right of way width for the access driveway will be forty four (44) feet wide with twenty (20) feet of pavement. The road shoulders will be grassed and there are no concrete curbs, gutters and sidewalks proposed with this project. All utilities will be overhead for electrical, telephone and cable TV.

5. Requested Waivers and Exemptions

The following exemption requests are proposed for the project.

**201H Exemption Requests
for the proposed
100% Affordable Hana Housing Project**

The project is 100% affordable single family housing. The project is seeking the following exemptions pursuant to Section 201H-38, Hawaii Revised Statutes.

These exemptions will automatically terminate if the Hana Affordable Housing project has not commenced construction within four (4) years of the date of the 201H Approval. For this purpose construction commencement will be defined as when the owner has obtained grading permits and has executed a construction contract for the project. Extensions to this termination will be granted at the discretion of the County Council and passed by Resolution.

As a 100% affordable housing project the project will seek to reduce fees as per Chapter 2.96.20 of the Maui County Code.

- A. Exemption from Title 2, Maui County Code (MCC) Administration and Personnel



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning
September 6, 2016

Mr. David Goode, Director
County of Maui, Department of Public Works
200 South High Street Room No. 434
Wailuku, HI 96793

Dear Mr. Goode,

RE: Comments on the Draft Environmental Assessment (DEA) for proposed 100%
affordable single family residential project, Hana, Hawaii;
TMK: (2) 1-3-004: portion of 001

Thank you for your letter of June 2, 2016. The responses to your comments are as follows.

Comment 1. A road-widening lot may be required for the adjoining half of Hana Highway to provide for future 50-foot wide right-of-way and improved to County standards to include, but not be limited to pavement widening, construction of curb, gutter and sidewalk, street lights and relocation of utilities underground. Development Services Administration shall determine whether the aforementioned are enforceable by Maui County Code. If applicable, said lot shall be dedicated to the County upon completion of the improvements.

Response 1. The Applicant acknowledges that they are responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code and rules and regulations. As part of the Draft EA, and 201H application the Applicant is requesting exemption from providing for future 50-foot wide right-of-way and improved to County standards to include, but not be limited to pavement widening, construction of curb, gutter and sidewalk, street lights and relocation of utilities underground. This request is included in Appendix I of the Final EA.

Comment 2. The applicant shall be responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code and rules and regulations.

Response 2. The Applicant acknowledges that they are responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code and rules and regulations. As part of the Draft EA, and 201H application a list of proposed exemptions was included in Appendix I.

Comment 3. As applicable, construction plans shall be designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standard Detail for Public Works Construction, 1984, as amended.

Response 3. The Applicant's civil engineer will provide construction plan designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standard Detail for Public Works Construction, 1984, as amended.

Comment 4. As applicable, worksite traffic-control plans/devices shall conform to "Manual on Uniform Traffic Control Devices for Streets and Highways", 2003.

Response 4. Worksite traffic control plans/devices will conform to "Manual on Uniform Traffic Control Devices for Streets and Highways", 2003.

Comment 5. The applicant shall provide a comprehensive Storm Water Management plan for the development for review during the subdivision process. The plan shall conform to County of Maui Municipal Separate Stormwater System (MS4) regulations.

Response 5. The Applicant's civil engineer has prepared the attached conceptual drainage plan for the proposed project and will provide a detailed Storm Water Management plan for the proposed development during the subdivision review process.

Comment 6. TIAR, Page 2, C. Study Approach, Item 1: Remove trip generation estimates from this section.

Response 6. The paragraph in the TIAR has been revised. The Traffic Engineer has noted in Attachment F of the TIAR that a trip generation estimated at the start of a traffic impact study is required to define the scope of the study.

Comment 7. TIAR, Page 6, J. Project Trip Generation: Use "Single-Family Detached Housing" (Land Use Code 210) in the estimation for "ohana" units.

Mr. David Goode, Director
DPW Response Letter
DEA Hana Affordable Housing project
September 6, 2016
Page 3 of 3

Response 7. Table 3 of the TIAR has been updated to include the Trip Generation use for "single-family detached housing" (Land Use Code 210) units.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email Brett at bdavis@chpmaui.com should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", is written over a horizontal line.

Jordan E. Hart, President

CC: Gabe Hoeffken, Project Manager
Project File 13-062

Enclosure: (2)

1. Conceptual Drainage Plan
2. Traffic Impact Assessment Report dated July 28, 2016