

LU Committee

From: Brett Davis <BDavis@chpmaui.com>
Sent: Tuesday, October 17, 2017 8:27 AM
To: LU Committee
Subject: Hana 201H exemption List
Attachments: 201H exemption list_Hana 10.16.pdf

Attached is the updated exemption list for the Hana 201H project.

Thank you,

-Brett

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**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

1. An exemption from 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 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 from Section 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 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.

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

1. The project shall conform to Section 16.04C, MCC, Fire Code; Section 16.18B, MCC, Electrical Code; Section 16.20B, MCC, Plumbing Code; and 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 or Maui Island Plan Amendment to enable subdivision approval.
2. An exemption from Section 18.16.130, MCC, Cul-de-sacs, shall be granted to allow the project road Cul-de-sac to exceed 550 feet in length and serve more than 20 lots; provided that a truck turnaround and fire lane will be constructed to ensure that emergency access is not compromised by these exemptions.
3. An exemption from Section 18.16.220, Lots-Size and Shape, shall be granted to allow lot sizes, widths, shapes, and orientation, and minimum building setback lines with the Project that are not in conformance with the provisions of Title 19, Chapter 19.02A.030, MCC, Interim District.
4. An exemption from Section 18.16.230, Lots-Minimum Sizes, shall be granted to allow lot sizes within the Project that are not in conformance with the provisions of Title 19, Chapter 19.02A.030, MCC, Interim District.
5. An exemption from Section 18.20.030 MCC, Pavement of streets, shall be granted to allow the project to develop as follows: 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.

6. An exemption from Section 18.20.040 MCC, Existing streets, shall be granted to allow the project to be developed as follows: 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.
7. An exemption from Section 18.20.060, MCC, Street lights, shall be granted to not require streetlights within the subdivision.
8. An exemption from Section 18.20.070 MCC, Sidewalks, shall be granted to not require the construction of sidewalks. Note: A twelve (12) foot grass shoulders will be provided on both sides of internal subdivision roadways. A seven (7) foot grass shoulder will be provided at cul-de-sac locations.
9. An exemption from Section 18.20.080 MCC, Curbs and gutters, shall be granted to not require installation of curbs and gutters within the subdivision.
10. An exemption from Section 18.20.100 MCC, Pedestrian ways, shall be granted to not require pedestrian ways within the project. Note: A twelve (12) foot grass shoulders will be provided on both sides of subdivision roadways. A seven (7) foot grass shoulder will be provided at cul-de-sac locations.
11. An exemption from Section 18.20.105 MCC, Traffic calming elements, shall be granted to not require installation of traffic calming elements.
12. 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.
13. An exemption from Section 18.20.240 MCC, Zoning Restrictions, shall be granted to allow Exemption from compliance with the provisions of Title 19.
14. An exemption from Section 18.20.260 MCC, Certification, shall be granted to allow Subdivision improvements to be considered complete and acceptable for final approval after such improvements are so certified in writing to be complete and constructed to the standards described herein.
15. An exemption from Section 18.20.270 MCC, Final approval and release of surety, shall be granted to allow Final approval and release of surety shall be

based on the subdivision roadway and infrastructure improvements described herein.

16. An exemption from Section 18.40.010 MCC, Acceptance Guidelines, shall be granted for roadways and infrastructure improvements. The County of Maui will accept ownership and maintenance of the subdivision roadway and infrastructure improvements located within the subdivision right of way, as described herein.

G. Exemptions from Title 19, MCC, Zoning

1. An exemption from 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 similar to the R-3 Residential District development standards.

*Note: The minimum lot width shall be 50 feet for the project.

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 within the project. Side and rear yards for two-story structures shall be ten feet.

2. 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.
3. 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.
4. 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.

5. 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.