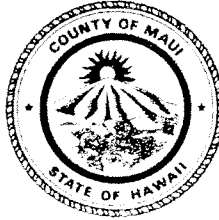


MICHAEL P. VICTORINO
Mayor

LORI TSUHAKE
Director

LINDA R. MUNSELL
Deputy Director



RECEIVED
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OFFICE OF THE MAYOR

DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

July 29, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 7/29/20
Mayor Date

For Transmittal to:

Honorable Tasha Kama, Chair
Affordable Housing Committee
Maui County Council
200 S. High Street
Wailuku, Hawaii 96793

Dear Chair Kama:

SUBJECT: DEVELOPMENT APPLICATIONS SUBMITTED UNDER MAUI COUNTY CODE, CHAPTER 2.97, RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS (AH-3)

The Department of Housing and Human Concerns is transmitting for your review and action the Maui County Code (MCC) Chapter 2.97 application for the proposed development of the Hale Kaiola Affordable Housing Project.

The applicant, Hale Kaiola LLC, proposes to develop a three acre parcel which is identified as TMK (2) 3-9-029:049 in Kihei, Maui, Hawaii pursuant to Chapter 2.97, MCC that is located at the corner of Ohukai Street and Kaiola Place in North Kihei, Maui. The proposed project consists of a 40-unit duplex project where the units will be for-sale at 100% affordability.

The proposed forty (40) units will be 100 percent affordable to qualified individuals earning within 80 percent to 140 percent of Maui's median income, as set forth by the County of Maui, Department of Housing and Human Concerns' Affordable Sales Price Guidelines.

Copies of the project's preliminary application were distributed to various federal, state and county agencies for review and comment prior to the application being finalized. Agency

Honorable Tasha Kama, Chair
Affordable Housing Committee
Maui County Council
July 29, 2020
Page 2

comments and responses to substantive comments are included in the application for your information.

Enclosed for consideration by your committee and the County Council are the following documents:

1. Nineteen (19) copies and one (1) CD containing a digital version of the Final Consolidated Application Pursuant to Chapter 2.97, Maui County Code and Section 12-202, Special Management Area Rules for the Maui Planning Commission, Hale Kaiola Affordable Housing Project, TMK (2) 3-9-029:049;
2. Proposed resolution entitled, "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE";
3. Proposed resolution entitled, "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE"; and
4. Proposed resolution entitled, "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE".

Thank you for your attention to this matter. If you have any questions or require additional information, please feel free to contact me at Ext. 7805.

Sincerely,



LORI TSUHAKE, LSW, ACSW
Director of Housing and Human Concerns

Enclosures

xc: Buddy Almeida, Housing Administrator
Will Spence, William Spence & Associates
Ray Phillips, Hale Kaiola LLC

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture (consisting of Hale Kaiola LLC and Waihe'e Regenesi LLC), proposes the development of the 100 percent affordable housing project known as Hale Kaiola (the "Project") for qualified residents on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a forty-unit duplex complex; and

WHEREAS, all forty units will be sold to individuals ranging between the eighty and the one hundred and forty per cent Area Median Income ("AMI"); and

WHEREAS, the Project will provide needed residential workforce housing lots to meet the current and growing demand for housing; and

WHEREAS, on July 29, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed pursuant to Chapter 2.97, MCC; and

WHEREAS, pursuant to Chapter 2.97, MCC, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 2.97.170, MCC, the Council shall approve, approve with modification, or disapprove the Project by resolution within sixty 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 July 29, 2020; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

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 Kaiola Joint Venture, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on July 29, 2020, pursuant to Chapter 2.97, MCC; provided that Hale Kaiola Joint Ventures 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 "A", 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. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall control; and

4. 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 Kaiola Joint Ventures.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2019-142

2020-06-24, Hale Kaiola Joint Ventures, Approving

Resolution No. _____

**Hale Kaiola Exemption List Per Maui County Code 2.97
TMK 3-9-029:049**

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

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

B. Exemptions from Title 8.04, MCC Health and Safety

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

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

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
2. If necessary, to provide flexibility, an exemption from MCC 12.24B, Landscape Planting and Beautification, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (see Appendix 5).

D. Exemptions from Title 14, Public Services

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.

Exhibit A

3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

E. Exemptions from Title 16 Building and Construction.

1. Per County Code, 2.97.150, exemptions from MCC 16.04C, Fire Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.

2. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to the undergrounding of overhead utility lines, road widening, or other improvements along Kaiola Place. The improvements proposed by the applicant are to construct curbs, gutters, a sidewalk and underground utilities on the project side of Kaiola Place only (not to include the larger transmission lines).

F. Exemptions from Title 18, Subdivision

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.

2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.

3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.

It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted.

Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.

4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

G. Exemptions from Title 19, Zoning

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.

2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.

3. An exemption from MCC 19.08.060, is requested to allow structures within the

Resolution No. _____

setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

H. Exemptions from Title 20

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.

Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF
THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING
PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture (consisting of Hale Kaiola LLC and Waihe'e Regenesi LLC), proposes the development of the 100 percent affordable housing project known as Hale Kaiola (the "Project") for qualified residents on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a forty-unit duplex complex; and

WHEREAS, all forty units will be sold to individuals ranging between the eighty and the one hundred and forty per cent Area Median Income ("AMI"); and

WHEREAS, the Project will provide needed residential workforce housing lots to meet the current and growing demand for housing; and

WHEREAS, on July 29, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed pursuant to Chapter 2.97, MCC; and

WHEREAS, pursuant to Chapter 2.97, MCC, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 2.97.170, MCC, the Council shall approve, approve with modification, or disapprove the Project by resolution within sixty 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 July 29, 2020; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

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 Kaiola Joint Venture, the Council approves the Project with the modifications specified in Exhibit "B", including the Project's preliminary plans and specifications, as submitted to the Council on July 29, 2020, pursuant to Chapter 2.97, MCC; provided that Hale Kaiola Joint Ventures 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 "A", 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. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall control; and

4. 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 Kaiola Joint Ventures.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2019-142

2020-06-24, Hale Kaiola Joint Ventures, Approving

Resolution No. _____

**Hale Kaiola Exemption List Per Maui County Code 2.97
TMK 3-9-029:049**

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

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

B. Exemptions from Title 8.04, MCC Health and Safety

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

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

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
2. If necessary, to provide flexibility, an exemption from MCC 12.24B, Landscape Planting and Beautification, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (see Appendix 5).

D. Exemptions from Title 14, Public Services

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.

Exhibit A

3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

E. Exemptions from Title 16 Building and Construction.

1. Per County Code, 2.97.150, exemptions from MCC 16.04C, Fire Code; 16.18B, Electrical Code; 16.20B, Plumbing Code; and 16.26B, Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.

2. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to the undergrounding of overhead utility lines, road widening, or other improvements along Kaiola Place. The improvements proposed by the applicant are to construct curbs, gutters, a sidewalk and underground utilities on the project side of Kaiola Place only (not to include the larger transmission lines).

F. Exemptions from Title 18, Subdivision

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.

2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.

3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.

It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted.

Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.

4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

G. Exemptions from Title 19, Zoning

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.

2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.

3. An exemption from MCC 19.08.060, is requested to allow structures within the

Resolution No. _____

setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

H. Exemptions from Title 20

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE KAIOLA WORKFORCE HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Hale Kaiola Joint Venture (consisting of Hale Kaiola LLC and Waihe'e Regenesi LLC), proposes the development of the 100 percent affordable housing project known as Hale Kaiola (the "Project") for qualified residents on approximately three acres located at the corner of Ohukai Street and Kaiola Place, Kihei, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 3-9-029:049; and

WHEREAS, the proposed Project will consist of a forty-unit duplex complex; and

WHEREAS, all forty units will be sold to individuals ranging between the eighty and the one hundred and forty per cent Area Median Income ("AMI"); and

WHEREAS, the Project will provide needed residential workforce housing lots to meet the current and growing demand for housing; and

WHEREAS, on July 29, 2020 the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 2.97, Maui County Code ("MCC"); and

WHEREAS, the Project is being independently developed pursuant to Chapter 2.97, MCC; and

WHEREAS, pursuant to Chapter 2.97, MCC, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 2.97.170, MCC, the Council shall approve, approve with modification, or disapprove the Project by resolution within sixty 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 July 29, 2020; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council disapproves the project submitted to the Council on July 29, 2020, pursuant to Section 201H-38, HRS; and
2. 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 Kaiola Joint Ventures.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2019-142

2020-06-24, Hale Kaiola Joint Ventures, Approving

Resolution No. _____

**Hale Kaiola Exemption List Per Maui County Code 2.97
TMK 3-9-029:049**

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

1. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.
2. Clarification is requested for MCC 2.97.160 to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.
3. A modification of MCC 2.97.160, Timing of completion, to allow the initiation and completion of construction to be timed with the approval of the SMA Use Permit approval by the Maui Planning Commission rather than the date of the resolution by the Maui County Council. Initiation and completion would still follow the required times, two and five years respectively.

B. Exemptions from Title 8.04, MCC Health and Safety

1. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction. This exemption will not continue once the residential units are occupied.

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

1. Per county code, 2.97.150, an exemption from MCC 12.08.050, Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
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D. Exemptions from Title 14, Public Services

1. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
2. Per County Code, 2.97.150, an exemption from MCC 14.34.080, Collection/transmission system project assessment fee, is requested to exempt the project from collection/ transmission system upgrade fees for the Kihei Regional Wastewater Treatment System.

Exhibit A

3. Per County Code, 2.97.150, an exemption from MCC 14.68, Impact Fees for Traffic and Roadway Improvements in Kihei and Makena Maui, Hawai'i, is requested to exempt the project from traffic impact fees.

E. Exemptions from Title 16 Building and Construction.

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F. Exemptions from Title 18, Subdivision

1. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.04 General Provisions and 18.16.020 Compliance, is requested as related land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment to enable subdivision approval, should subdivision for any purpose be deemed necessary.

2. Per County Code, 2.97.150, an exemption to MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from parks assessment fees.

3. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested. The project would be rendered infeasible if road widening is required as it would reduce the area available for residences on an already "tight" property.

It is notable that there will be no project access from Ohukai, only from Kaiola Place and in a one-way in, one-way out configuration. All parking will be on site; there will be no parking along Kaiola or Ohukai, and "no parking" signs will be posted.

Widening Kaiola would also trigger moving existing power transmission lines which would be cost prohibitive.

4. Should a subdivision be deemed necessary for any reason, an exemption from MCC 18.20.070 is requested to allow the applicant to construct sidewalk along project frontage on Kaiola Place only rather than both sides of the street.

G. Exemptions from Title 19, Zoning

1. An exemption from MCC 19.04.050 and MCC 19.510.010.B is requested to exempt the project from any building permit resubmittal fees.

2. An exemption from MCC 19.08.020, Permitted Uses, is requested to allow the construction of one- and two-story duplex dwellings.

3. An exemption from MCC 19.08.060, is requested to allow structures within the

Resolution No. _____

setbacks limited to at-grade sidewalks and lanais.

4. If necessary to provide flexibility, an exemption from MCC 19.36B.080, Landscaping, is requested to exempt the project from standard landscaping requirements. Landscaping will be in accordance with the Conceptual Landscape Plan provided by Hawaii Land Design dated August 1, 2019 (Please see Appendix 5 of application dated April 24, 2020).

5. An exemption from MCC 19.36B is requested to allow for 15 compact parking stalls.

Note: The project will be subject to the height regulations found in MCC 19.080.050 at 30 feet, and the yard specifications from MCC 19.08.060, with minimum front yard of fifteen feet, side yards of six feet, and rear yard of six feet.

H. Exemptions from Title 20

1. Per County Code, 2.97.150, an exemption from MCC 20.08.090, MCC, Grubbing, and Grading Permit Fees, is requested to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.