

MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

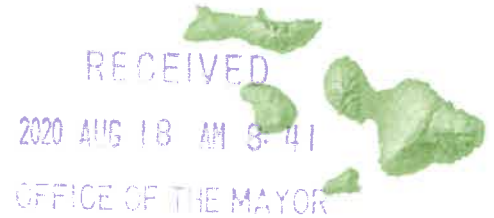
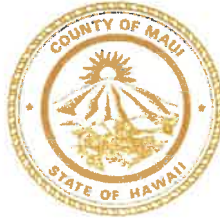
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COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

August 18, 2020

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino

Mayor Date 8/18/20

For Transmittal to:

Honorable Tasha Kama, Chair
and Members of the Affordable Housing Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Kama and Committee Members:

**SUBJECT: HALE KAIOLA RESIDENTIAL WORKFORCE HOUSING
PROJECT (AH-3(1))**

The Department of Public Works requests an amendment to Exemption E.2. to clarify the scope of frontage improvements so that the community is provided with facilities that make sense. Exemption E.2. currently reads as follows:

E. Exemptions from Title 16 Building Code and Construction.

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).*

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The Department proposes a new Exemption E.2. to read as follows:

E. Exemption from Title 16 Building Code and Construction.

2. The project shall be exempt from Section 16.26B.3600 of the Maui County Code, except that the following improvements shall be installed:

- a. Construct curb and gutters in the existing right-of-way along the property frontage on Kaiola Place in alignment with the existing curb and gutter at the North end of Kaiola Place. Curb and gutters may also be constructed on Ohukai Road where needed to connect to the new curb and gutter to be constructed by the County.**
- b. Construct sidewalks in the existing right-of-way along the property frontage on Kaiola Place. Sidewalks may also be constructed on Ohukai Road where needed to connect to the new sidewalks to be constructed by the County. The project shall provide additional right-of-way where needed to ensure the sidewalks are located outside of private property.**
- c. Overhead utility lines serving the project shall be installed underground, except no undergrounding of the existing high-tension power transmission lines is required.**

In conjunction with the new Exemption E.2., the Department is also requesting to expand Exemption G.3. to allow structures in the setback when the additional right-of-way as described in the new Exemption E.2. causes a structure to encroach into the setback area. The amended Exemption G.3. would read as follows:

G. Exemption from Title 19 Zoning.

- 3. An exemption from MCC 19.08.060, is requested to allow structures within the setbacks limited to [at-grade sidewalks and lanais.] at-grade sidewalks, lanais, and at locations where**

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an encroachment into the setback area is the direct result of additional right-of-way as described in Exemption E.2. being provided to accommodate the placement of new sidewalks outside of private property.

The Department requests this amended exemptions for the following reasons:

1. The project proposes to construct sidewalks within their property which would cause it to be a private facility. This raises concerns about whether public use of these private sidewalks will be restricted. The Department prefers that the sidewalks be constructed in the existing right-of-way if they are intended for public use.
2. The project proposes to construct curb and gutters within their property. This will cause the new improvements to be offset by up to six (6) feet from the existing curb and gutter at the North end of Kaiola Place. The Department prefers the new facilities be in alignment with the existing facilities when road widening is not being provided.
3. Because the high-tension power transmission poles will not be relocated, there is likely situations where the new sidewalks will encroach into the project parcel which will require a boundary adjustment to ensure that the sidewalks are outside of private property. These boundary adjustments may cause the project's structures to encroach into the setback. The Department supports allowing these setback encroachments to accommodate the new sidewalks.

Lastly, the Department also requests an amendment to Exemption F.4. to eliminate conflicts with the proposed new Exemption E.2. Exemption F.4. currently reads as follows:

F. Exemptions from Title 18 Subdivision.

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.*

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The Department proposes a new Exemption F.4. to read as follows:

F. Exemptions from Title 18 Subdivision.

- 4. Should a subdivision be deemed necessary for any reason, the project shall be exempt from the requirements of MCC 18.20.070, except that the improvements as described in Exemption E.2. shall be required.**

Thank you for your consideration of these amendments. If there are any questions regarding this letter, please call Jordan Molina at Ext. 7845.

Sincerely,



JORDAN MOLINA
Deputy Director of Public Works

JM:jso

xc: Michele McLean, AICP, Planning Director
William R. Spence, Hale Kaiola

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