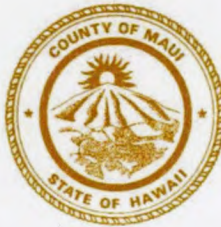


MICHAEL P. VICTORINO  
Mayor

LORI TSUHAKE  
Director

LINDA R. MUNSELL  
Deputy Director



RECEIVED  
2019 DEC 31 AM 7:17  
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

December 31, 2019

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

APPROVED FOR TRANSMITTAL

Michael P Victorino 12/31/19  
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: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII  
REVISED STATUTES (AH-1))**

The Department of Housing and Human Concerns is transmitting for your review and action the Application for Affordable Housing Development Pursuant to Section 201H-38, Hawaii Revised Statutes (HRS) for the proposed Keawe Street Apartments Project.

The applicant, Ikaika Ohana, was selected by the Hawaii Housing Finance and Development Corporation (HHFDC) to develop a 200-unit affordable multi-family, rental housing project on property identified as TMK (2) 4-5-021:003 (por.) in Lahaina, Maui, Hawaii pursuant to Section 201H-38, HRS. The project site is bordered by Keawe Street to the south, single-family residences and Honoapiilani Highway to the west, West Maui Mountains to the east, and the future extension of the Lahaina Bypass Road to the north. The project site is owned in fee simple by HHFDC and will be leased to Ikaika Ohana for 75 years at \$1 per year.

The applicant is proposing the development of 200 affordable, multi-family rental units which will include 2-, 3-, and 4-bedroom units for rent that will be affordable to households earning less than 60 percent of the Area Median Income, excluding units dedicated to providing onsite management, maintenance, and/or social services not to exceed a total of four (4) units. Rent



Honorable Tasha Kama, Chair  
Affordable Housing Committee  
Maui County Council  
December 31, 2019  
Page 2

restriction will be subject to the provisions of Section 42 of the Internal Revenue Code related to tax credits.

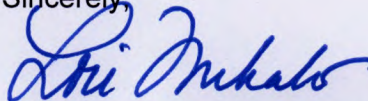
Copies of the project's preliminary HRS Chapter 201H-38 application were distributed to various federal, state and county agencies for review and comment. Agency comments and responses to substantive comments are included in the HRS Chapter 201H-38 application for your information.

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 Application for Affordable Housing Development Pursuant to Section 201H-38, Hawaii Revised Statutes, Keawe Street Apartments Project, TMK (2) 4-5-021:003 (por.);
2. Nineteen (19) copies and one (1) CD containing a digital version of the Developer Eligibility Documentation Pursuant to Section 15-307-24, Hawaii Administrative Rules, Ikaika Ohana, Developer of Proposed Keawe Street Apartments;
3. Proposed resolution entitled, "APPROVING THE KEAWE STREET APARTMENTS AT THE VILLAGES OF LEI'ALII BY IKAIKA OHANA PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES";
4. Proposed resolution entitled, "APPROVING WITH MODIFICATIONS THE KEAWE STREET APARTMENTS AT THE VILLAGES OF LEI'ALII BY IKAIKA OHANA PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES"; and
5. Proposed resolution entitled, "DISAPPROVING THE KEAWE STREET APARTMENTS AT THE VILLAGES OF LEI'ALII BY IKAIKA OHANA PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES".

Thank you for your attention to this matter. Should 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  
Munekiyo Hiraga  
Ikaika Ohana



# Resolution

No. \_\_\_\_\_

## APPROVING THE KEAWE STREET APARTMENTS AT THE VILLAGES OF LEI'ALII BY IKAIKA OHANA PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Ikaika Ohana, a Hawaii Domestic Non-Profit Corporation, proposes the development of the Keawe Street Apartments at the Villages of Lei'alii (the "Project") for qualified residents on approximately 28.5 acres located in Lahaina, West Maui, on the parcel identified for real property tax purposes as Tax Map Key No. (2) 4-5-021:003 (portion of); and

WHEREAS, the proposed Project will have a total of two hundred affordable multi-family rental housing units (including two manager units), two community centers, on-site laundry facilities, playground, community gardens and off-site parking; and

WHEREAS, the affordable multi-family housing units will be developed and rented to qualified individuals earning sixty percent or below the Housing and Urban Development (HUD) area median income (AMI); and

WHEREAS, the Project will provide needed affordable rental units to meet the current and growing demand for housing; and

WHEREAS, on December 31, 2019, 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 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, and the exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) 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 December 31, 2019; 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,

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



Resolution No. \_\_\_\_\_

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Ikaika Ohana, the Council approves the Project including the Project's preliminary plans and specifications, as submitted to the Council on December 31, 2019, pursuant to Section 201H-38, HRS; provided that Ikaika Ohana, 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 approved by 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. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Ikaika Ohana.

APPROVED AS TO FORM  
AND LEGALITY:

  
MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

2019-2000

2019-12-27 Keawe Street Apartments approving



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
1	Requirement for General Plan and Community Plan land use consistency	MCC 2.80B General Plans and Community Plans	An exemption to permit the project to proceed without obtaining a Community Plan Amendment (CPA). The project site is designated as "Agriculture" in the West Maui Community Plan Map. The appropriate land use designation for the proposed project is "Multi-Family".	The exemption would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.
2	Requirement for payment of permit and inspection fees	MCC 16.04C, 16.18B, 16.20B, 16.26B Buildings and Construction	Exemptions from the fire, electrical, plumbing, and building permit, plan review, and inspection fees.  Estimated value: \$782,746.00	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
3	Requirement for consistency with land use designations	MCC 18.04.030(A) Subdivisions, General Provisions	An exemption from the requirement for subdivisions to be consistent with the County general plan, community plan, State land use classification, and zoning. The project is designated "Urban" by the State Land Use Commission and is within the Urban Growth Boundary of the Maui Island Plan. However, the Community Plan designation is "Agriculture" and the zoning is "Agricultural". An exemption is also requested to allow the multi-family housing project to be developed on the site without the need to obtain a Community Plan Amendment and Change of Zoning (refer to No. 1 and No. 8).	Allowing the subdivision to be approved without the need for a Community Plan Amendment and Change of Zoning will expedite the delivery of affordable workforce housing.



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
4	Definition of "height"	MCC 19.04.40 Definitions	The code defines height as "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the natural or finish grade, whichever is lower." An exemption is requested from the definition of height to amend the definition to be "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the finish grade."	<p>Due to the sloping topography of the project site, cut and fill will be required to create level building pads. As such, the exemption is requested to measure height from finish grade rather than natural grade. The maximum height of structures will be 35 feet from finish grade, vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, which shall not exceed 10 feet above the maximum building height or structure whichever is less.</p> <p>It is estimated that fill of up to 20 feet may be required in some areas. However, it is noted that lands mauka of the proposed project site, which are owned by HHFDC, are vacant and undeveloped. Retaining walls will be setback from existing single-family residences by a minimum of 80 feet.</p>



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
5	Requirements of all provisions contained in the Agricultural Zoning District	MCC 19.30A Agricultural District	<p>The project site is located within the Agricultural Zoning District. An exemption from MCC 19.30A is sought to exempt the project from all provisions of the Agricultural Zoning District. Instead, the project proposes to follow the "A-1, Apartment" zoning permitted uses and development standards contained in MCC 19.12. Specifically, the following development standards are proposed:</p> <ul style="list-style-type: none"> <li>• Front and rear setbacks – 15 feet</li> <li>• Side setbacks – 10 feet</li> <li>• Height limit – 35 feet</li> <li>• Lot coverage – 25 percent of parcel area</li> <li>• Maximum Floor Area Ratio – 40 percent for lots 3 acres or more</li> </ul>	<p>The "A-1, Apartment" district zoning standards will apply to the project. However, the underlying zoning will still be "Agricultural". This exemption allows the project to proceed without obtaining a Change of Zoning.</p>
6	Requirement for off-street parking for the community center	MCC 19.36B.020 Off-Street Parking, Designated Number of Spaces	<p>The larger community center, Community Center No. 1, would require 68 parking stalls for the office and community center uses. An exemption is requested to provide 50 parking stalls for Community Center No. 1. It is noted that the smaller Community Center, Community Center No. 2, will be restricted to resident use only and, as such, will not require additional parking.</p>	<p>Community Center No. 1 is primarily intended to serve project residents. However, it may be open to hosting events and programs that can benefit and interest the larger community such as educational programs or health screenings. A reduction in the parking requirement is requested in recognition of the fact that the primary users of the Community Center will be residents, who will have parking associated with their units. Reduction in the community center parking will allow for more green/open space within the project site.</p>

**EXHIBIT "A". 201H-38 Exemptions Request**

<b>No.</b>	<b>Development Standard or Requirement</b>	<b>Code Section</b>	<b>Requested Exemption</b>	<b>Rationale for Request</b>
7	Requirement for grubbing and grading permit fees	MCC 20.080.90 Grubbing and grading permit fees	Exemption from the requirement to pay grubbing and grading permit fees.  Estimated value: \$26,675.00	The exemption provides savings to ensure the project is financially feasible.



# Resolution

No. \_\_\_\_\_

APPROVING WITH MODIFICATIONS THE  
KEAWE STREET APARTMENTS AT THE VILLAGES OF LEI'ALII BY IKAIKA  
OHANA PURSUANT TO SECTION 201H-38,  
HAWAII REVISED STATUTES

WHEREAS, Ikaika Ohana, a Hawaii Domestic Non-Profit Corporation, proposes the development of the Keawe Street Apartments at the Villages of Lei'alii (the "Project") for qualified residents on approximately 28.5 acres located in Lahaina, West Maui, on the parcel identified for real property tax purposes as Tax Map Key No. (2) 4-5-021:003 (portion of); and

WHEREAS, the proposed Project will have a total of two hundred affordable multi-family rental housing units (including two manager units), two community centers, on-site laundry facilities, playground, community gardens and off-site parking; and

WHEREAS, the affordable multi-family housing units will be developed and rented to qualified individuals earning sixty percent or below the Housing and Urban Development (HUD) area median income (AMI); and

WHEREAS, the Project will provide needed affordable rental units to meet the current and growing demand for housing; and

WHEREAS, on December 31, 2019, 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 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, and the exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) 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 December 31, 2019; 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. \_\_\_\_\_

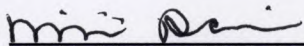
BE IT RESOLVED by the Council of the County of Maui:

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Ikaika Ohana, 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 December 31, 2019, pursuant to Section 201H-38, HRS; provided that Ikaika Ohana, 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 approved by 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. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Ikaika Ohana.

APPROVED AS TO FORM  
AND LEGALITY:



MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

2019-2000

2019-12-27 Keawe Street Apartments Approve w/ Modifications



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
1	Requirement for General Plan and Community Plan land use consistency	MCC 2.80B General Plans and Community Plans	An exemption to permit the project to proceed without obtaining a Community Plan Amendment (CPA). The project site is designated as "Agriculture" in the West Maui Community Plan Map. The appropriate land use designation for the proposed project is "Multi-Family".	The exemption would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.
2	Requirement for payment of permit and inspection fees	MCC 16.04C, 16.18B, 16.20B, 16.26B Buildings and Construction	Exemptions from the fire, electrical, plumbing, and building permit, plan review, and inspection fees.  Estimated value: \$782,746.00	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
3	Requirement for consistency with land use designations	MCC 18.04.030(A) Subdivisions, General Provisions	An exemption from the requirement for subdivisions to be consistent with the County general plan, community plan, State land use classification, and zoning. The project is designated "Urban" by the State Land Use Commission and is within the Urban Growth Boundary of the Maui Island Plan. However, the Community Plan designation is "Agriculture" and the zoning is "Agricultural". An exemption is also requested to allow the multi-family housing project to be developed on the site without the need to obtain a Community Plan Amendment and Change of Zoning (refer to No. 1 and No. 8).	Allowing the subdivision to be approved without the need for a Community Plan Amendment and Change of Zoning will expedite the delivery of affordable workforce housing.



**EXHIBIT "A". 201H-38 Exemptions Request**

<b>No.</b>	<b>Development Standard or Requirement</b>	<b>Code Section</b>	<b>Requested Exemption</b>	<b>Rationale for Request</b>
4	Definition of "height"	MCC 19.04.40 Definitions	The code defines height as "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the natural or finish grade, whichever is lower." An exemption is requested from the definition of height to amend the definition to be "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the finish grade."	<p>Due to the sloping topography of the project site, cut and fill will be required to create level building pads. As such, the exemption is requested to measure height from finish grade rather than natural grade. The maximum height of structures will be 35 feet from finish grade, vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, which shall not exceed 10 feet above the maximum building height or structure whichever is less.</p> <p>It is estimated that fill of up to 20 feet may be required in some areas. However, it is noted that lands mauka of the proposed project site, which are owned by HHFDC, are vacant and undeveloped. Retaining walls will be setback from existing single-family residences by a minimum of 80 feet.</p>



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
5	Requirements of all provisions contained in the Agricultural Zoning District	MCC 19.30A Agricultural District	<p>The project site is located within the Agricultural Zoning District. An exemption from MCC 19.30A is sought to exempt the project from all provisions of the Agricultural Zoning District. Instead, the project proposes to follow the "A-1, Apartment" zoning permitted uses and development standards contained in MCC 19.12. Specifically, the following development standards are proposed:</p> <ul style="list-style-type: none"> <li>• Front and rear setbacks – 15 feet</li> <li>• Side setbacks – 10 feet</li> <li>• Height limit – 35 feet</li> <li>• Lot coverage – 25 percent of parcel area</li> <li>• Maximum Floor Area Ratio – 40 percent for lots 3 acres or more</li> </ul>	<p>The "A-1, Apartment" district zoning standards will apply to the project. However, the underlying zoning will still be "Agricultural". This exemption allows the project to proceed without obtaining a Change of Zoning.</p>
6	Requirement for off-street parking for the community center	MCC 19.36B.020 Off-Street Parking, Designated Number of Spaces	<p>The larger community center, Community Center No. 1, would require 68 parking stalls for the office and community center uses. An exemption is requested to provide 50 parking stalls for Community Center No. 1. It is noted that the smaller Community Center, Community Center No. 2, will be restricted to resident use only and, as such, will not require additional parking.</p>	<p>Community Center No. 1 is primarily intended to serve project residents. However, it may be open to hosting events and programs that can benefit and interest the larger community such as educational programs or health screenings. A reduction in the parking requirement is requested in recognition of the fact that the primary users of the Community Center will be residents, who will have parking associated with their units. Reduction in the community center parking will allow for more green/open space within the project site.</p>



# **EXHIBIT "A". 201H-38 Exemptions Request**

<b>No.</b>	<b>Development Standard or Requirement</b>	<b>Code Section</b>	<b>Requested Exemption</b>	<b>Rationale for Request</b>
7	Requirement for grubbing and grading permit fees	MCC 20.080.90 Grubbing and grading permit fees	Exemption from the requirement to pay grubbing and grading permit fees.  Estimated value: \$26,675.00	The exemption provides savings to ensure the project is financially feasible.



# Resolution

No. \_\_\_\_\_

DISAPPROVING THE KEAWE STREET APARTMENTS AT THE VILLAGES OF  
LEI'ALII BY IKAIKA OHANA PURSUANT TO SECTION 201H-38,  
HAWAII REVISED STATUTES

WHEREAS, Ikaika Ohana, a Hawaii Domestic Non-Profit Corporation, proposes the development of the Keawe Street Apartments at the Villages of Lei'alii (the "Project") for qualified residents on approximately 28.5 acres located in Lahaina, West Maui, on the parcel identified for real property tax purposes as Tax Map Key No. (2) 4-5-021:003 (portion of); and

WHEREAS, the proposed Project will have a total of two hundred affordable multi-family rental housing units (including two manager units), two community centers, on-site laundry facilities, playground, community gardens and off-site parking; and

WHEREAS, the affordable multi-family housing units will be developed and rented to qualified individuals earning sixty percent or below the Housing and Urban Development (HUD) area median income (AMI); and

WHEREAS, the Project will provide needed affordable rental units to meet the current and growing demand for housing; and

WHEREAS, on December 31, 2019, 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 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, and the exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) 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 December 31, 2019; 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,

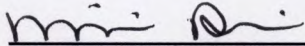


Resolution No. \_\_\_\_\_

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

1. That the Council disapproves the Project submitted to the Council on December 31, 2019, pursuant to Section 201H-38, HRS; and
2. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Ikaika Ohana.

APPROVED AS TO FORM  
AND LEGALITY:



MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui

2019-2000

2019-12-27 Keawe Street Apartments Disapprove



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
1	Requirement for General Plan and Community Plan land use consistency	MCC 2.80B General Plans and Community Plans	An exemption to permit the project to proceed without obtaining a Community Plan Amendment (CPA). The project site is designated as "Agriculture" in the West Maui Community Plan Map. The appropriate land use designation for the proposed project is "Multi-Family".	The exemption would expedite the delivery of affordable workforce housing. The project site is located within the Urban Growth Boundary of the Maui Island Plan.
2	Requirement for payment of permit and inspection fees	MCC 16.04C, 16.18B, 16.20B, 16.26B Buildings and Construction	Exemptions from the fire, electrical, plumbing, and building permit, plan review, and inspection fees.  Estimated value: \$782,746.00	These exemptions provide savings to ensure the project is financially feasible. The project intends to meet all inspection and code requirements.
3	Requirement for consistency with land use designations	MCC 18.04.030(A) Subdivisions, General Provisions	An exemption from the requirement for subdivisions to be consistent with the County general plan, community plan, State land use classification, and zoning. The project is designated "Urban" by the State Land Use Commission and is within the Urban Growth Boundary of the Maui Island Plan. However, the Community Plan designation is "Agriculture" and the zoning is "Agricultural". An exemption is also requested to allow the multi-family housing project to be developed on the site without the need to obtain a Community Plan Amendment and Change of Zoning (refer to No. 1 and No. 8).	Allowing the subdivision to be approved without the need for a Community Plan Amendment and Change of Zoning will expedite the delivery of affordable workforce housing.



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
4	Definition of "height"	MCC 19.04.40 Definitions	The code defines height as "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the natural or finish grade, whichever is lower." An exemption is requested from the definition of height to amend the definition to be "the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the finish grade."	<p>Due to the sloping topography of the project site, cut and fill will be required to create level building pads. As such, the exemption is requested to measure height from finish grade rather than natural grade. The maximum height of structures will be 35 feet from finish grade, vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs, which shall not exceed 10 feet above the maximum building height or structure whichever is less.</p> <p>It is estimated that fill of up to 20 feet may be required in some areas. However, it is noted that lands mauka of the proposed project site, which are owned by HHFDC, are vacant and undeveloped. Retaining walls will be setback from existing single-family residences by a minimum of 80 feet.</p>



### EXHIBIT "A". 201H-38 Exemptions Request

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
5	Requirements of all provisions contained in the Agricultural Zoning District	MCC 19.30A Agricultural District	<p>The project site is located within the Agricultural Zoning District. An exemption from MCC 19.30A is sought to exempt the project from all provisions of the Agricultural Zoning District. Instead, the project proposes to follow the "A-1, Apartment" zoning permitted uses and development standards contained in MCC 19.12. Specifically, the following development standards are proposed:</p> <ul style="list-style-type: none"> <li>• Front and rear setbacks – 15 feet</li> <li>• Side setbacks – 10 feet</li> <li>• Height limit – 35 feet</li> <li>• Lot coverage – 25 percent of parcel area</li> <li>• Maximum Floor Area Ratio – 40 percent for lots 3 acres or more</li> </ul>	<p>The "A-1, Apartment" district zoning standards will apply to the project. However, the underlying zoning will still be "Agricultural". This exemption allows the project to proceed without obtaining a Change of Zoning.</p>
6	Requirement for off-street parking for the community center	MCC 19.36B.020 Off-Street Parking, Designated Number of Spaces	<p>The larger community center, Community Center No. 1, would require 68 parking stalls for the office and community center uses. An exemption is requested to provide 50 parking stalls for Community Center No. 1. It is noted that the smaller Community Center, Community Center No. 2, will be restricted to resident use only and, as such, will not require additional parking.</p>	<p>Community Center No. 1 is primarily intended to serve project residents. However, it may be open to hosting events and programs that can benefit and interest the larger community such as educational programs or health screenings. A reduction in the parking requirement is requested in recognition of the fact that the primary users of the Community Center will be residents, who will have parking associated with their units. Reduction in the community center parking will allow for more green/open space within the project site.</p>



**EXHIBIT "A". 201H-38 Exemptions Request**

<b>No.</b>	<b>Development Standard or Requirement</b>	<b>Code Section</b>	<b>Requested Exemption</b>	<b>Rationale for Request</b>
7	Requirement for grubbing and grading permit fees	MCC 20.080.90 Grubbing and grading permit fees	Exemption from the requirement to pay grubbing and grading permit fees.  Estimated value: \$26,675.00	The exemption provides savings to ensure the project is financially feasible.