




REQUESTED EXEMPTIONS  
PURSUANT TO SECTION  
201H-38, HRS

IV





## IV. REQUESTED EXEMPTIONS PURSUANT TO SECTION 201H-38, HRS

### A. EXEMPTIONS TO BE REQUESTED

As a 100 percent affordable housing project, Ikaika Ohana is seeking an affordable housing project approval from the Maui County Council pursuant to Chapter 201H, Hawai'i Revised Statutes (HRS). Ikaika Ohana requests exemptions from certain conditions relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon. The specific exemptions requested are presented in **Table 6** below.



**Table 6. 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.



**Table 6. 201H-38 Exemptions Request**  
(continued)

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
4	Definition of "height"	MCC 19.04.40 Definitions	<p>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>	<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>



**Table 6. 201H-38 Exemptions Request**  
(continued)

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>	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.
6	Requirement for off-street parking for the community center	MCC 19.36B.020 Off-Street Parking, Designated Number of Spaces	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.	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.



**Table 6. 201H-38 Exemptions Request**  
(continued)

No.	Development Standard or Requirement	Code Section	Requested Exemption	Rationale for Request
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.





ALTERNATIVES TO THE  
PROPOSED ACTION

