

COUNTY OF HAWAII STATE OF HAWAII

RESOLUTION NO. 405 10

(DRAFT 3)

RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN HAWAII COUNTY CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 AND 201H-44 OF THE HAWAII REVISED STATUTES FOR THE PROPOSED KAMAKANA VILLAGES AT KEAHUOLŪ MASTER-PLANNED MIXED-USE AFFORDABLE HOUSING PROJECT.

WHEREAS, the Forest City Hawai'i Kona, LLC ("Forest City"), in collaboration with the Hawai'i Housing Finance and Development Corporation, a public body and body corporate and politic of the State of Hawai'i ("HHFDC"), has been working to develop a master-planned mixed-use affordable housing project, to be known as Kamakana Villages at Keahuolū ("Kamakana Villages") on approximately 272.063 acres of land at Keahuolū, North Kona, Hawai'i, identified by TMK Nos: (3) 7-4-021: 020, 024, 025, 026, 027; and

WHEREAS, the Office of Housing and Community Development ("OHCD") has been working in consultation with Forest City and HHFDC to develop Kamakana Villages; and

WHEREAS, the County, Forest City and HHFDC mutually support development of a master-planned mixed use affordable housing project with a maximum of 2,330 residential units, of which fifty percent (50%) of the total residential units developed, plus one (1) residential unit, shall be affordable housing units, meaning units that are offered for rent or sale to qualified residents whose incomes do not exceed one hundred forty percent (140%) of the median family income in the County of Hawai'i; and

WHEREAS, the OHCD has determined that (1) Forest City is an acceptable and eligible developer in satisfaction of the requirements of Chapter 201H of the Hawai'i Revised Statutes; and (2) the Keahuolu, North Kona area is a good and proper choice for housing development and construction; and

WHEREAS, OHCD has provided a certification to the State Land Use Commission that Kamakana Villages constitutes a 201H-38, Hawai'i Revised Statutes ("HRS"), housing project; and

WHEREAS, Forest City and HHFDC have entered into a development agreement governing the development of Kamakana Villages; and

WHEREAS, Forest City may be applying for the use of State and Federal low income housing tax credits program funds; and

WHEREAS, Sections 201H-38 and 201H-44, HRS, allow affordable housing projects, including commercial and industrial properties developed in connection with dwelling units, to be exempt from all statutes, ordinances, charter provisions and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon, provided the County Council approves the project; and

WHEREAS, Section 46-15.1 HRS grants to the County the same powers subject to applicable limitations as those granted to HHFDC under HRS Chapter 201H; and

WHEREAS, Kamakana Villages will promote the goals contained in Sections 201H-38 and 201H-44, HRS, and in Chapter 2, Article 13, of the Hawai'i County Code; and

WHEREAS, the County Council is empowered to and authorized to approve Kamakana Villages, to include exemptions from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon pursuant to Sections 46-15.1, 201H-38 and 201H-44, HRS, and Hawai'i County Code Section 11-16; and

WHEREAS, the County Council has reviewed the Kamakana Villages at Keahuolu Plans & Figures, submitted to the Council by OHCD and attached hereto as Exhibit A, and the list of exemptions attached hereto as Exhibit B (Exhibits A and B are hereinafter collectively referred to as the "preliminary plans and specifications for Kamakana Villages"); and

WHEREAS, the approval of preliminary plans and specifications for Kamakana Villages, and the granting of the exemptions, is necessary for the timely and successful implementation of Kamakana Villages; and

WHEREAS, the preliminary plans and specifications for Kamakana Villages described herein meet the minimum requirements of health and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII, that it approves Kamakana Villages, which approval includes the preliminary plans and specifications for Kamakana Villages; and

BE IT FURTHER RESOLVED, that pursuant to provisions of Section 201H-38(a)(3)(C) HRS, in consultation with OHCD, that the Planning Director of the County of Hawai'i and/or its duly authorized representative shall be the responsible County official who shall certify maps and plans of lands connected with Kamakana Villages as having complied with applicable laws and ordinances relating to the zoning, consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar; and

BE IT FURTHER RESOLVED, that the Planning Director of the County of Hawai'i and/or its duly authorized representative is hereby authorized to execute other documents required to develop Kamakana Villages; and

BE IT FURTHER RESOLVED, that as used in this Resolution,

A. References to HHFDC, OHCD and Forest City shall be deemed to include any successor agency, and any person or entity, as applicable;

B. References to specific statutes, ordinances or regulations shall be deemed to include any respective successor statutes, ordinances or regulations; and

BE IT FURTHER RESOLVED, that this Resolution shall be void unless the State Land Use Commission approves the Petition for Land Use District Boundary Amendment of approximately 271.837 acres of land from the State Land Use Agricultural District to the State Land Use Urban District;

BE IT FURTHER RESOLVED, that this Resolution shall be void unless substantial construction, meaning the actual start of construction of infrastructure under a bona fide contract, or

multiple contracts, totaling not less than five million dollars (\$5,000,000.00), of Kamakana Villages has commenced within five (5) years from the approval of this Resolution; and

BE IT FURTHER RESOLVED, that the preliminary plans and specifications for Kamakana Villages are not transferable to any other real property; and

BE IT FURTHER RESOLVED, that the final plans and specifications for Kamakana Villages shall be deemed approved if those plans and specifications do not substantially deviate from the preliminary plans and specifications for Kamakana Villages; provided that modifications to the uses, design, character or specifications of the site plans, buildings or landscaping may be approved by the Planning Director, in consultation with OHCD, if such modifications are consistent with the prevailing neighborhood character; and

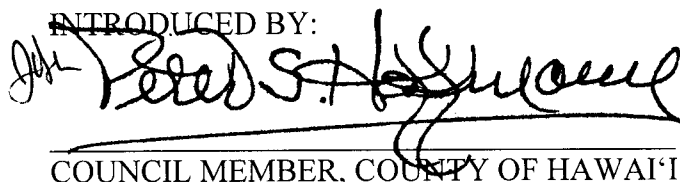
BE IT FURTHER RESOLVED, that no action shall be prosecuted or maintained against the County of Hawai'i, its officials, or employees by Forest City on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications for Kamakana Villages; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Forest City, HHFDC, OHCD and the Planning Director of the County of Hawai'i; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Dated at Kona, Hawai'i, this 17th day of November, 2010.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

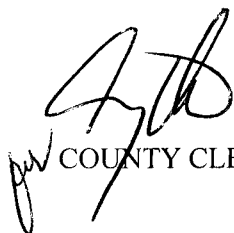
COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

ROLL CALL VOTE

	AYES	NOES	ABS	EX
ENRIQUES	X			
FORD		X		
GREENWELL	X			
HOFFMANN			X	
IKEDA	X			
NAEOLE	X			
ONISHI	X			
YAGONG	X			
YOSHIMOTO	X			
	7	1	1	0

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on November 17, 2010.

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

Reference C-977.16/CHA - 10/5/10

RESOLUTION NO. **405 10**
(DRAFT 3)

**KAMAKANA VILLAGES
AT KEAHUOLU
PLANS & FIGURES
(Updated November 2010)**

EXHIBIT A

Kamakana Villages at Keahuolu

TMK (3) 7-4-021:020, 024, 025, 026 and 027
Keahuolu, North Kona, Hawai'i



Plans & Figures

Applicant:

Forest City Hawaii Kona, LLC

Hawaii Housing Finance and Development Corporation

Prepared By:



January 2010, updated March 2010
updated November 2010

EXHIBIT A

KAMAKANA VILLAGES AT KEAHUOLU

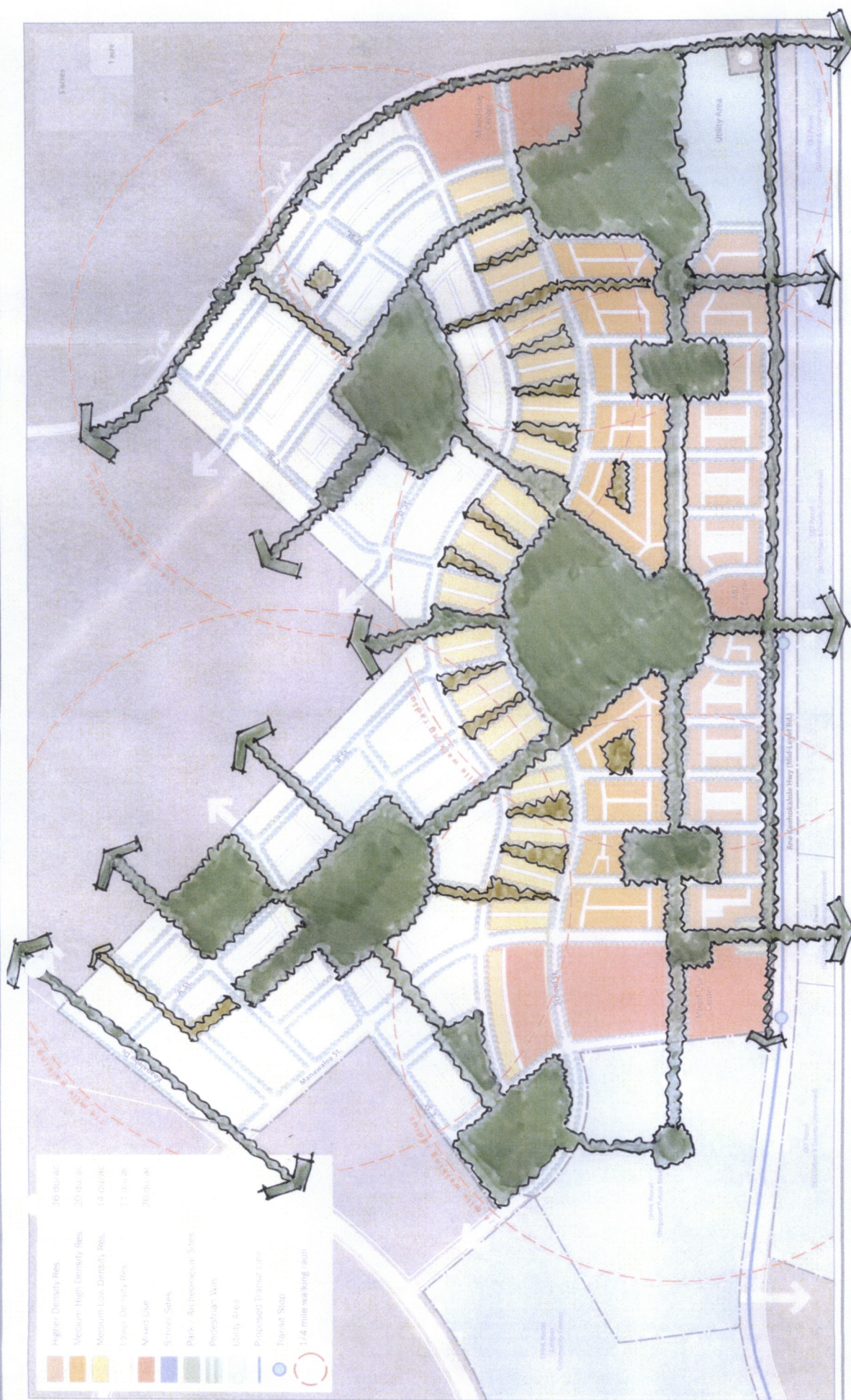
Plans and Figures

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1. CONCEPT PLANS



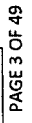
CONCEPT ILLUSTRATIVE PLAN

Forest City Hawaii Kona, LLC Honolulu, Hawaii
Group 70 International, Inc. Honolulu, Hawaii
Hawaii Housing Finance and Development Corporation Honolulu, Hawaii
Cathorpe Associates Berkeley, California

Z.1

KAMAKANA VILLAGES AT KEAHUOLU

**Herrell Housing Finance and
Development Corporation**
Hosoboth, Hawaii



DHHL Prop Line

Z.2

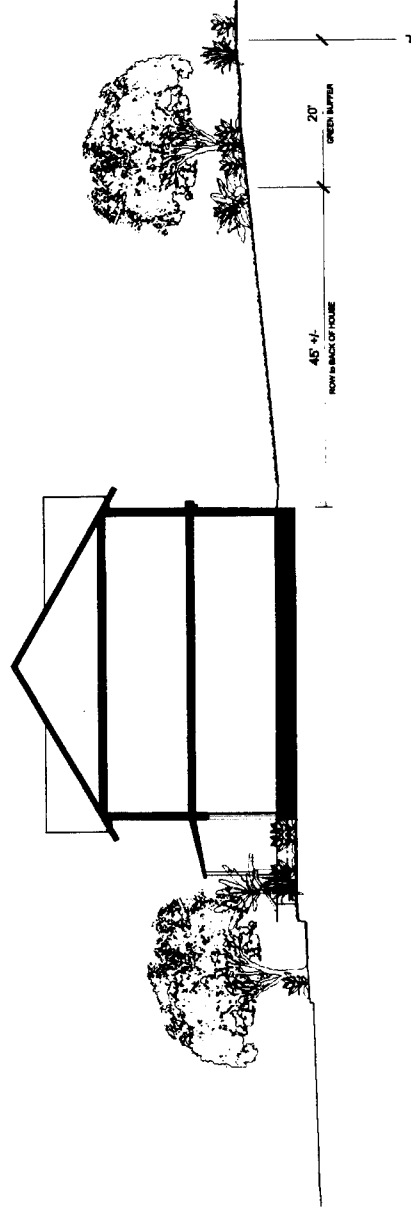
designation: Mauka Property Line

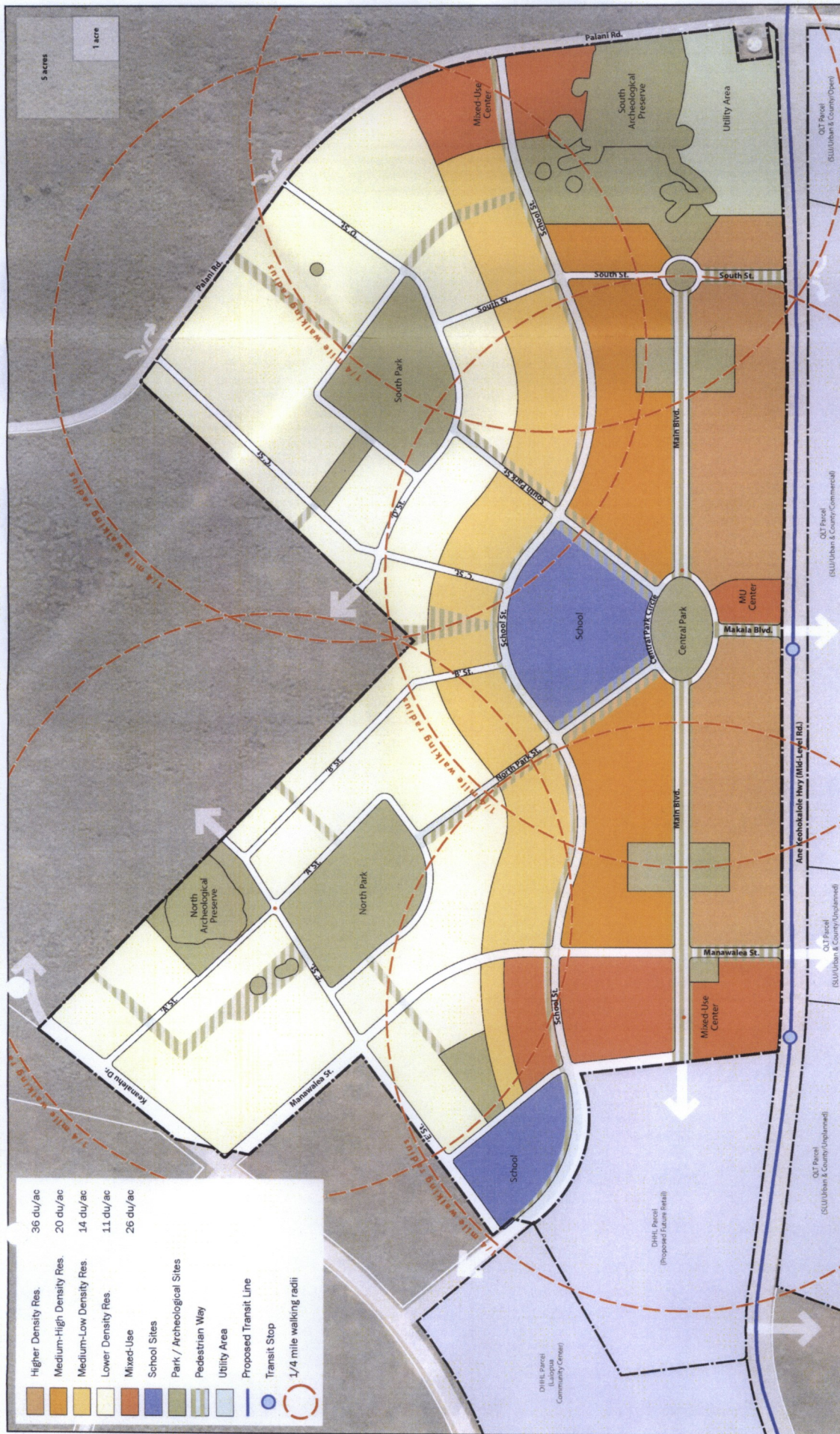
KAMAKANA VILLAGES AT KEAHOLOU
Kalihi-Kona, Hawaii

October 18, 2010



Forest City Hawaii Kona, LLC
Hawaii, Hawaii
Hawaii Planning and
Development Corporation
Hawaii, Hawaii
Group 70 International, Inc.
Hawaii, Hawaii
California Associates
Berkeley, California





CONCEPT PLAN

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

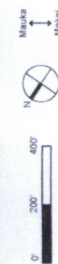
November 9, 2009

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California





- INCREMENT I**
- Phase 1
 - Phase 2
 - Phase 3a
- INCREMENT II**
- Phase 3b
 - Phase 4
 - Phase 5
 - Phase 6
- Proposed Transit Line
- Transit Stop
- 1/4 mile walking radii

PHASE and INCREMENT PLAN

KAMAKANA VILLAGES AT KEAHLUOLU Kailua-Kona, Hawaii

March 11, 2010

Forest City Hawaii Kona, LLC

Honolulu, Hawaii

Group 70 International, Inc.

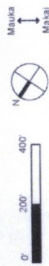
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation

Honolulu, Hawaii

Calthorpe Associates

Berkeley, California



2. PRODUCT TYPES & RENDERINGS



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MIXED-USE CENTER ALONG MAIN BLVD.

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

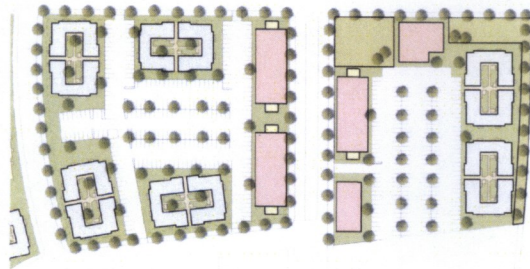
Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

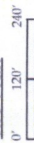
Group 70 International, Inc.
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California

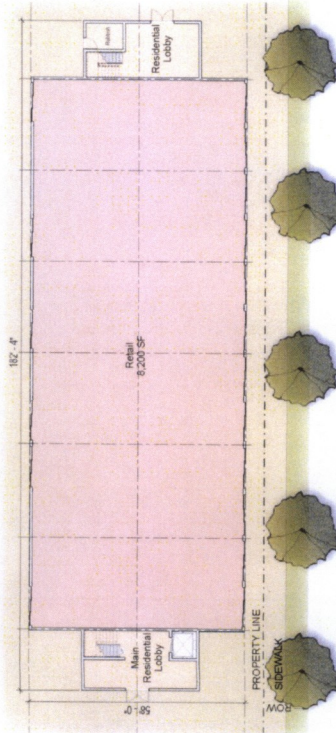
Architect's rendering, conceptual only.
Dimensions, location and product types
may vary in actual development.



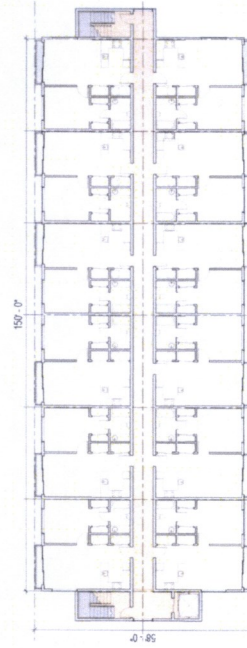
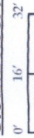
Site Plan



Elevation



Ground Floor Plan



Second and Third Level Plan

Kamakana Villages at Keahuolu

MIXED USE

DESCRIPTION:

The mixed-use buildings have a single story of ground level retail at the base. Two levels of apartments sit above the retail and are accessed by apartment lobbies at the ground level. Parking is provided on the surface parking lot.

NUMBER OF FLOORS:

3 Floors

RETAIL:

8,000 sf as shown

UNIT TYPE:

24 Units - One Bedroom (650sf)
as shown

PARKING:

Lot

FORESTCITY

GROUP 70
INTERNATIONAL

CALTHORPE ASSOCIATES
URBAN DESIGNERS, PLANNERS, ARCHITECTS

* Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakahana Villages at Keahuolu

COURTYARD RENTALS

DESCRIPTION:

Two-story walk up with studio, one bedroom and two bedroom apartments wrapped around an interior courtyard. Parking is provided on the surface parking lot.

NUMBER OF FLOORS:

2 Floors

UNIT TYPE:

Studio (425sf), One Bedroom (560-640sf), Two Bedroom (770-875sf)

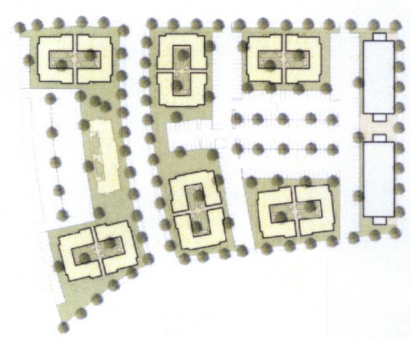
PARKING:

Alley/Lot

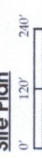
FORESTCITY

GROUP 70
INTERNATIONAL

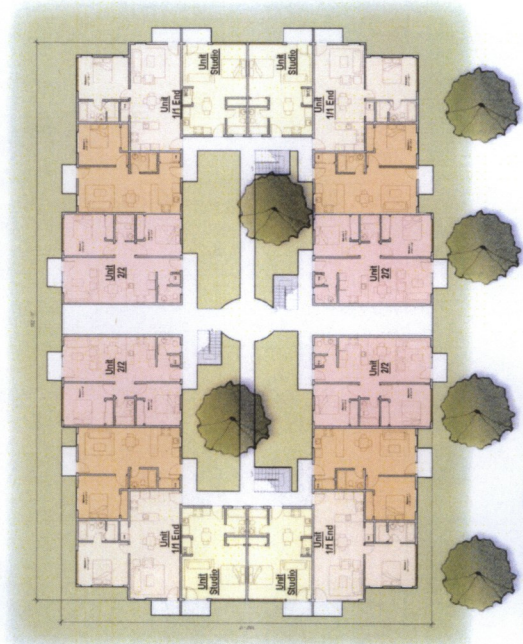
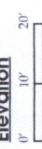
CALTHORPE ASSOCIATES
URBAN DESIGNER, PLANNER, ARCHITECTS



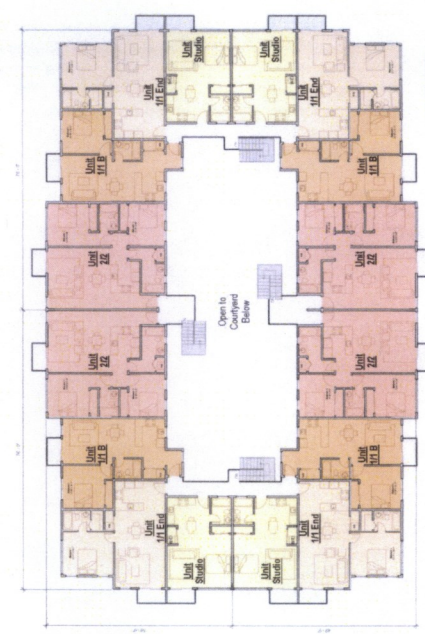
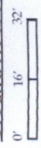
Site Plan



Elevation



Ground Floor Plan



Second Level Plan

UNIT KEY

Type Studio	425 gross sf, 8 units per block
Type 1/1 End	560 gross sf, 8 units per block
Type 1/1 Interior A	560 gross sf, 4 units per block
Type 1/1 Interior B	560 gross sf, 4 units per block
Type 2/1 S	770 gross sf, 4 units per block
Type 2/2	875 gross sf, 4 units per block

Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.



ROWHOUSE

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

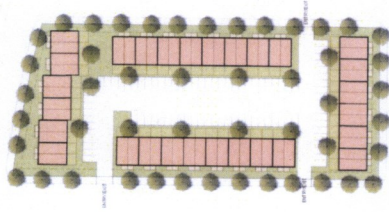
Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California

PAGE 11 OF 49 2d

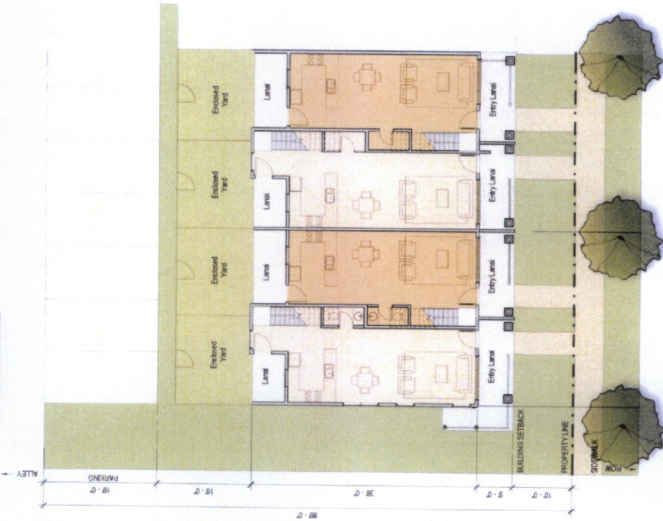
Architect's renderings, conceptual only.
Dimensions, location and product types
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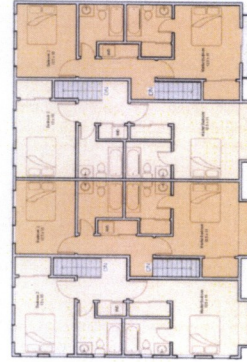
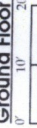
Site Plan



Elevation



Ground Floor Plan



Second Level Plan

Unit TH
 Living Area: 1050 - 1100 gross of
 Lot Area: 50-50 = 100 gross of
 Enclosed Yard: 195 sf

Unit TH-R
 Living Area: 1100 gross of
 Lot Area: 60-50 = 110 gross of
 Enclosed Yard: 195 sf

Kamakahana Villages at Keahuolu

ROWHOUSES

DESCRIPTION:

Rowhouses are inline attached 2-story units. Each unit has 2 bedrooms and 2.5 bathrooms, with a front porch along its street front access. Parking is available from the back of the house by means of an alley. Individual enclosed yards provide means of access to each Rowhouse from parking.

NUMBER OF FLOORS:

2 Floors

UNIT TYPE:

2 Bed/2.5 Bath (1100sf)

PARKING:

Alley

FORESTCITY

GROUP 70
INTERNATIONAL

CALTHORPE ASSOCIATES
URBAN DESIGNERS PLANNERS ARCHITECTS

* Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

MULTI-FAMILY 3-PLEX

DESCRIPTION:

This multi-family building is an attached 3-story building with tucked under parking. A one bedroom flats occupies the ground level with 2 bedrooms, 2.5 bathroom 2-story units on the upper floors. The 3-plex is attached to other 3-plex or 4-plex buildings.

NUMBER OF FLOORS:

3 Floors

UNIT TYPE:

One Bedroom (510sf), 2 Bed/2.5 Bath (1050sf)

AVERAGE DENSITY:

39 Units / Acre (when used with 4-plex units)

PARKING:

Tuck-Under and Tandem

FORESTCITY

GROUP 70
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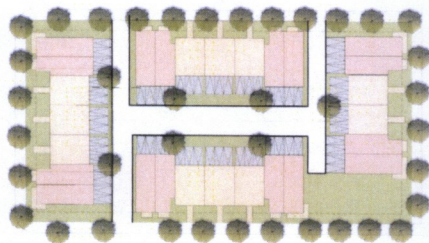
CALTHORPE ASSOCIATES
URBAN DESIGNERS PLANNERS ARCHITECTS



Scale 1" = 20'

Elevation

0' 10' 20'



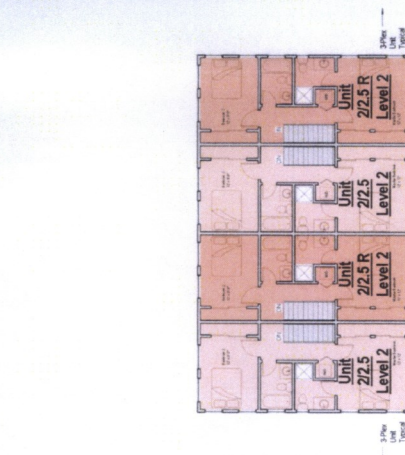
LEGEND

3-Plex

4-Plex

Site Plan

0' 60' 120'

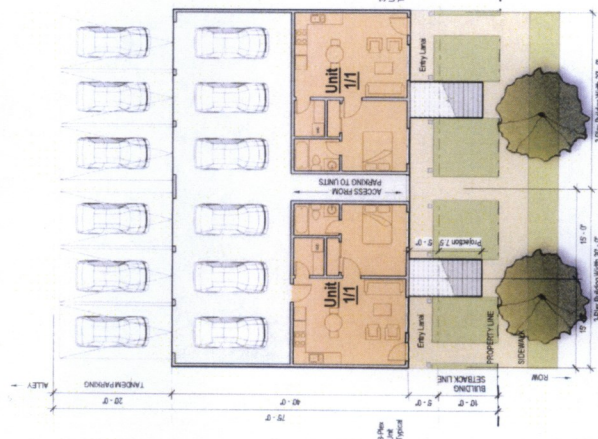


Third Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.



Second Level Plan



Ground Floor Plan

Kamakahana Villages at Keahuolu

MULTI-FAMILY 4-PLEX

DESCRIPTION:

This multi-family building is an attached 3-story building with tucked under parking. Two 1-bedroom flats occupy the ground level and two 2-bedroom, 2.5 bathroom flats on the second level. The 4-plex is attached to other 4-plex or 3-plex buildings.

NUMBER OF FLOORS:

2 Floors

UNIT TYPE:

One Bedroom (540-610sf), 2 Bed/2.5 Bath (900-1040sf)

AVERAGE DENSITY:

39 Units / Acre (when used with 4-plex units)

PARKING:

Tuck-Under and Tandem

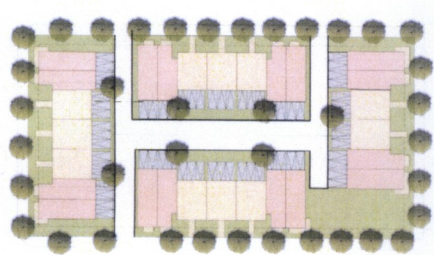
FORESTCITY

GROUP 70
INTERNATIONAL

CALTHORPE ASSOCIATES
URBAN DESIGNER PLANNERS ARCHITECTS



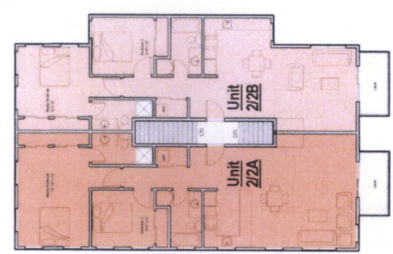
Elevation
0' 10' 20'



LEGEND

3-Plex
4-Plex

Site Plan
0' 60' 120'



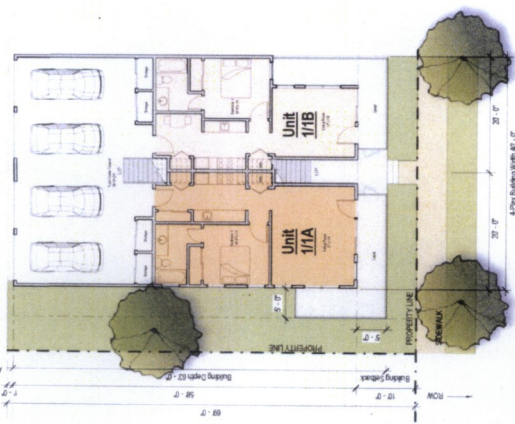
Type 1/1 A
1 unit per bldg (as shown)
Living Area: 570 gross sf
Lateral Area: 170 gross sf

Type 1/1 B
1 unit per bldg (as shown)
Living Area: 540 gross sf
Lateral Area: 170 gross sf

Type 2/2 A
1 unit per bldg (as shown)
Living Area: 1040 gross sf
Lateral Area: 35 gross sf

Type 2/2 B
1 unit per bldg (as shown)
Living Area: 900 gross sf
Lateral Area: 35 gross sf

Second Level Plan



Ground Floor Plan

0' 10' 20'

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

GREENCOURT DUPLEX

DESCRIPTION:

Duplex homes are 2 single family units attached with a shared wall, the Duplex units are alley loaded. The Greenway Duplex which are Duplex units used in combination with the Greenway homes sits at the street corners at each end of a line of the Greenway homes. Like the Greenway units views from each lot are optimized in the mauka-makai direction with the angling and terracing of lots to accommodate the slope.

LOT SIZE: 50'x 60' or 3000sf (25'x60' Per Unit or 1500sf)

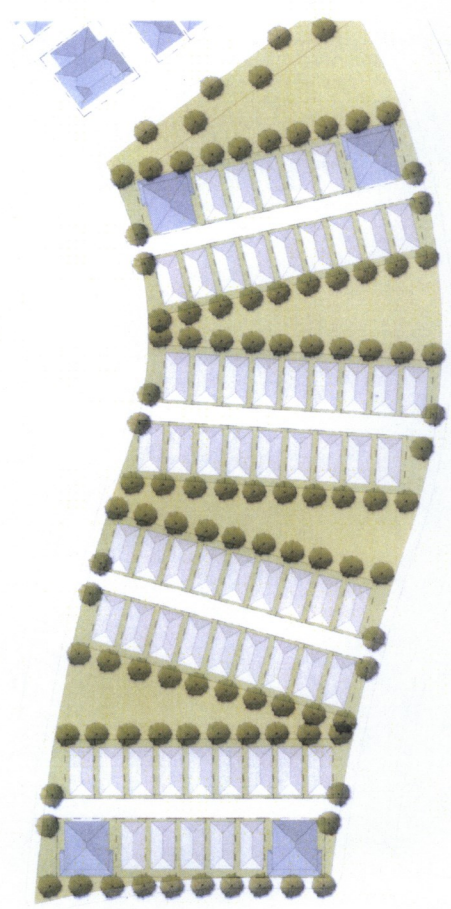
NUMBER OF FLOORS: 2 Floors

UNIT TYPE:
3 Bed/2.5 Bath (1200sf)

PARKING:
Two-car attached garage or carport accessible from alley.

FORESTCITY

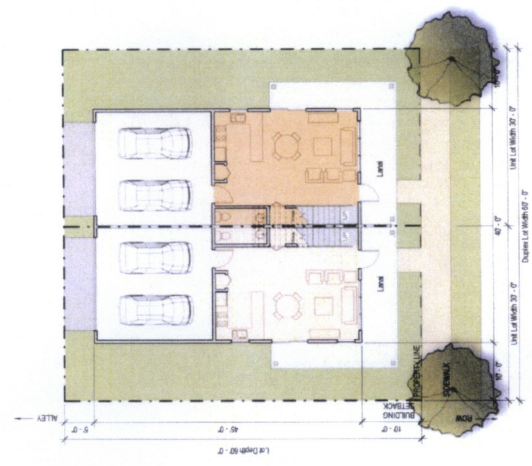
GROUP 70
INTERNATIONAL
CALTHORPE ASSOCIATES
URBAN DESIGN, PLANNING, ARCHITECTS



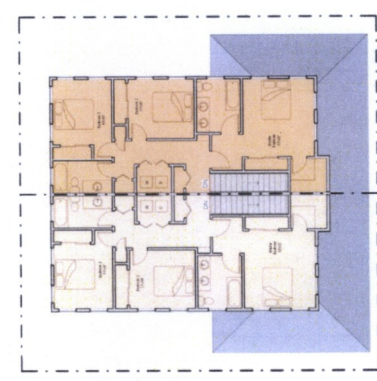
Site Plan
0' 60' 120'



Elevation
0' 8' 16'



Ground Floor Plan
0' 10' 20'



Second Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

DUPLEX (GREENWAY DUPLEX)

DESCRIPTION:

Duplex homes are 2 single family units attached with a shared wall, the Duplex units are alley loaded. The Greenway Duplex which are Duplex units used in combination with the Greenway homes sits at the street corners at each end of a line of the Greenway homes. Like the Greenway units views from each lot are optimized in the mauka-makai direction with the angling and terracing of lots to accommodate the slope.

LOT SIZE: 70'x 75' or 5250sf (35'x75' Per Unit or 2625sf)

NUMBER OF FLOORS: 2 Floors

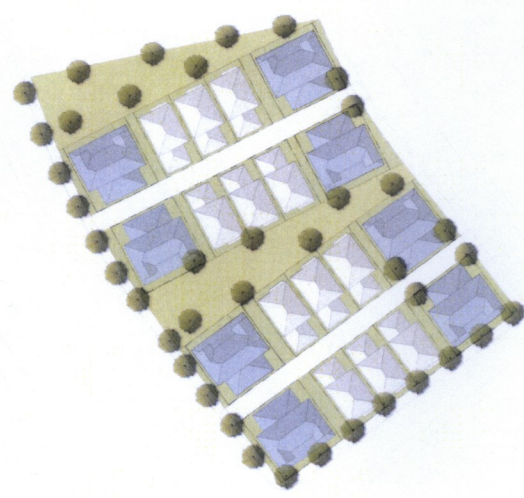
UNIT TYPE: 3 Bed/2.5 Bath (1500sf)

PARKING: Two-car attached garage or carport accessible from alley.

FORESTCITY

GROUP 70
INTERNATIONAL

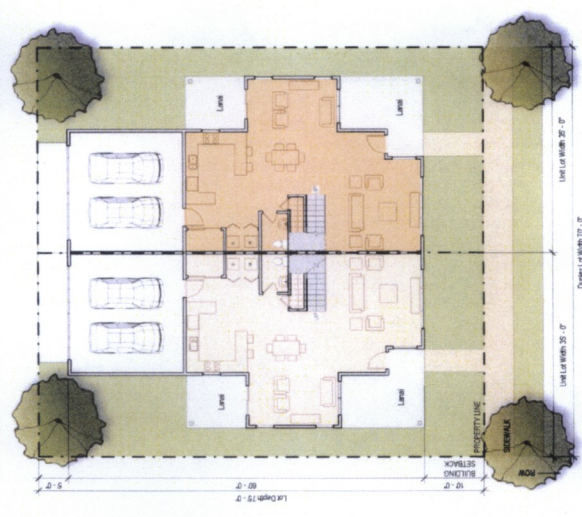
CALTHORPE ASSOCIATES
URBAN DESIGN, PLANNING, ARCHITECTS



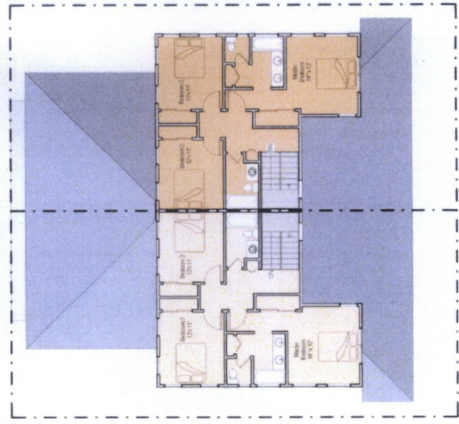
Site Plan
0' 60' 120'



Elevation
0' 8' 16'



Ground Floor Plan
0' 10' 20'



Second Level Plan

* Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

GREEN COURT HOMES

DESCRIPTION:

Small lot detached single-family homes that create a U-shaped wrap around an open space. Each home with a large front porch looks into the shared open space. Typically a 3-bedroom, 2.5 bathroom, 2-car garage or carport, the Green Court units are alley loaded.

LOT SIZE: 30'x 60' or 1800sf

NUMBER OF FLOORS: 2 Floors

UNIT TYPE:
3 Bed/2.5 Bath (1200sf)

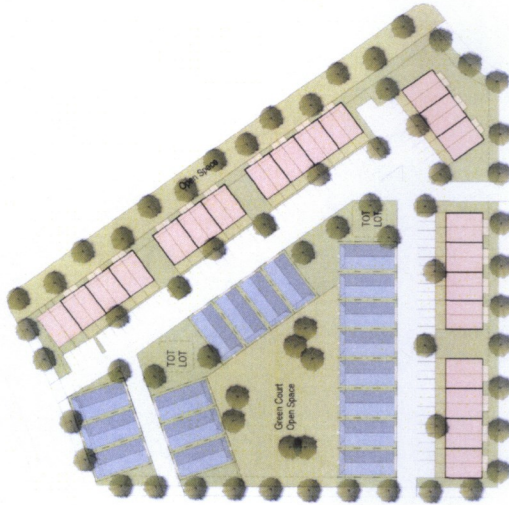
PARKING:
Two-car attached garage or carport accessible from alley.

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URBAN DESIGN, PLANNING, ARCHITECTS

PAGE 17 OF 49 2)



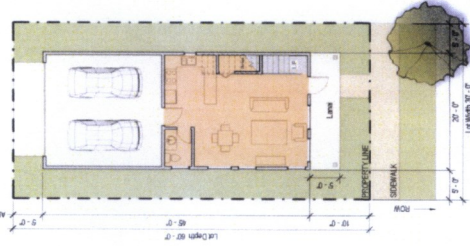
Site Plan

0' 60' 120'



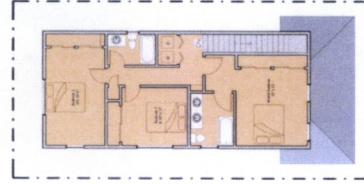
Elevation

0' 8' 16'



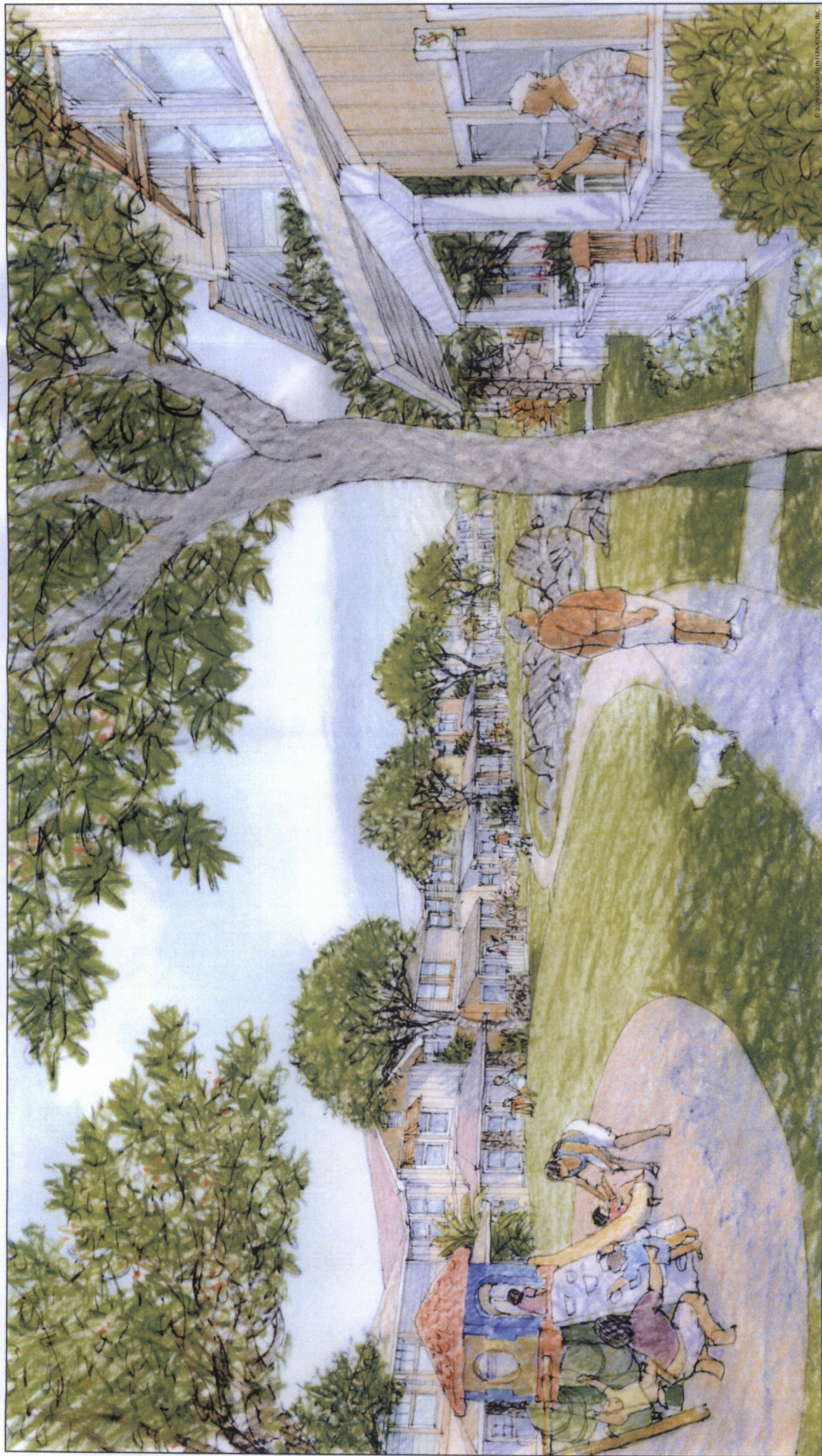
Ground Floor Plan

0' 10' 20'



Second Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.



GREENWAY

KAMAKANA VILLAGES AT KEAHUOLU

Kailua-Kona, Hawaii

November 9, 2009

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California

Architect's renderings, conceptual only.
Dimensions, location and product types
may vary in actual development.

Kamakana Villages at Keahuolu

GREENWAY HOMES

DESCRIPTION:

Small lot detached single-family homes that are aligned in a mauka-makai orientation. Views from each lot are optimized in the mauka-makai direction with the angling and terracing of lots to accommodate the slope. Typically a 3-bedroom, 2.5 bathroom, 2-car garage or carport, the Greenway Homes are alley loaded.

LOT SIZE: 40'x 75' or 3000sf

NUMBER OF FLOORS: 2 Floors

UNIT TYPE:
3 Bed/2.5 Bath (1500sf)

AVERAGE DENSITY:
13 units/acre (current configuration not including open space court)

PARKING:
Two-car attached garage or carport accessible from alley.

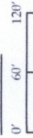
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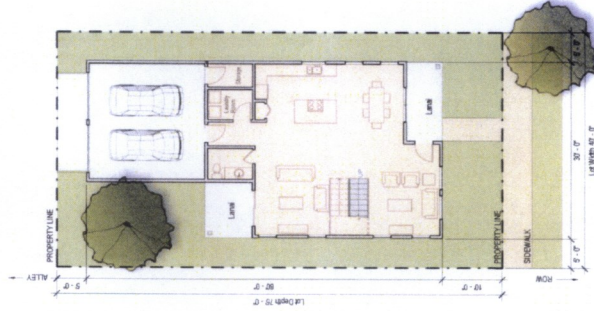
CALTHORPE ASSOCIATES
URBAN DESIGN PLANNERS ARCHITECTS



Site Plan



Elevation



Ground Floor Plan



Second Level Plan

• Architect's rendering, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

SMALL LOT ALLEY LOADED

DESCRIPTION:

Small lot detached single-family homes with alley loaded garages.

LOT SIZE: 45'x 90' or 4050sf

NUMBER OF FLOORS: 2 Floors

UNIT TYPE:

3 Bed/2.5 Bath (1700sf)

AVERAGE DENSITY:

PARKING:

Two-car attached garage accessible from alley.

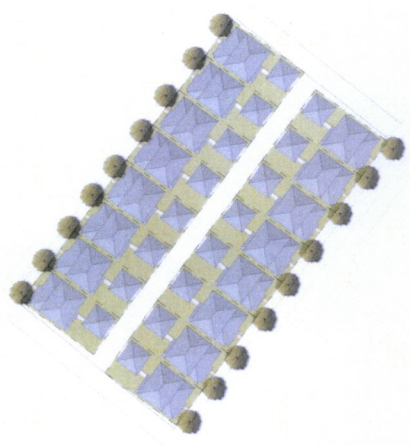
FORESTCITY

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URBAN DESIGNERS, PLANNERS, ARCHITECTS



Elevation
0' 8' 16'

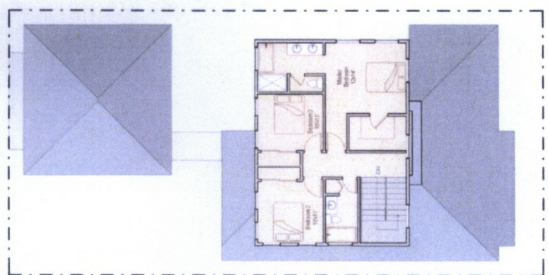


Site Plan
0' 60' 120'



Ground Floor Plan

0' 10' 20'



Second Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamākāna Villages at Keahuolu

SMALL LOT FRONT LOADED

DESCRIPTION:

Small lot detached single-family homes with front-loaded garages.

LOT SIZE: 45'x 90' or 4050sf

NUMBER OF FLOORS:

2 Floors

UNIT TYPE:

3 Bed/2.5 Bath (1700sf)

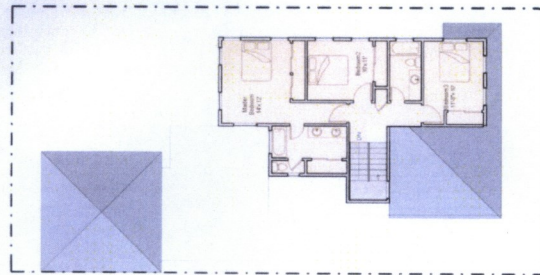
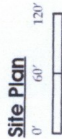
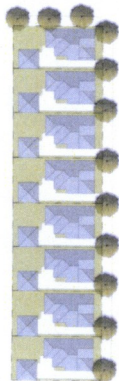
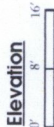
PARKING:

Two-car attached garage accessible from street.

FORESTCITY

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URBAN DESIGNERS, PLANNERS, ARCHITECTS

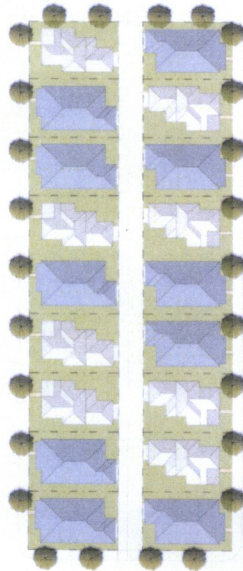


Ground Floor Plan

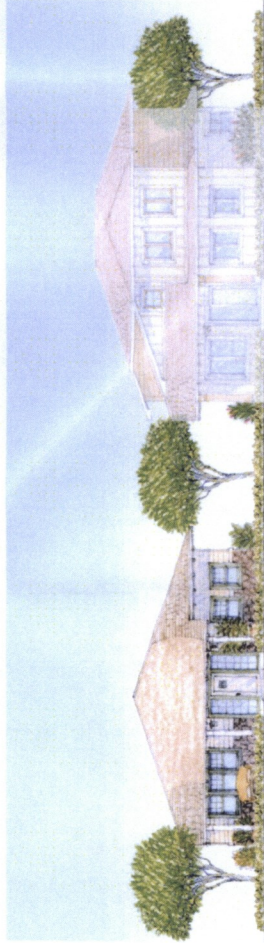


Second Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.



Site Plan
0' 60' 120'



Elevation
0' 8' 16'

Single-Story



Ground Floor Plan
0' 10' 20'

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

Kamakana Villages at Keahuolu

LARGE LOT ALLEY LOADED SINGLE-STORY

DESCRIPTION:

Single-family homes on a large lot. The single-story home have a 2-car garage accessed from the alley.

LOT SIZE: 60'x 90' or 5400sf

NUMBER OF FLOORS: 1 Floor

UNIT TYPE:
4 Bed/2.5 Bath (2000sf)

PARKING:
Two-car attached garage accessible from alley.

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*Kamakahana Villages
at Keahuolu*

LARGE LOT ALLEY LOADED TWO-STORY

DESCRIPTION:

Single-family homes on a large lot. These two-story homes have a 2-car garage accessed from the alley.

LOT SIZE: 60'x 90' or 5400sf

NUMBER OF FLOORS: 2 Floors

UNIT TYPE:

4 Bed/3 Bath (2000sf)

PARKING:

Two-car attached garage accessible from alley.

FORESTCITY

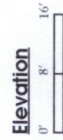
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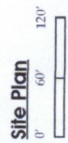
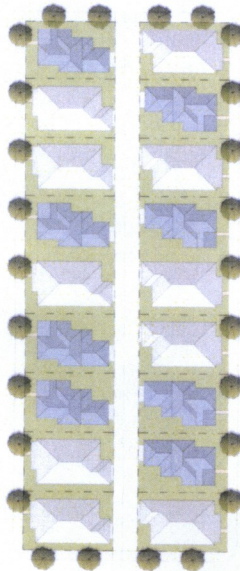
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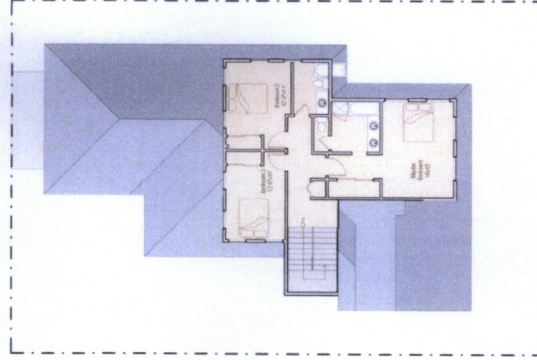
Two-Story



Elevation



Site Plan



Second Floor Plan

* Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.



Ground Floor Plan



Kamakana Villages at Keahuolu

LARGE LOT FRONT LOADED

DESCRIPTION:

Single-family homes on a large lot. These two-story homes have a 2-car garage accessed from the street.

LOT SIZE: 60'x 100' or 6000sf

NUMBER OF FLOORS: 2 Floors

UNIT TYPE:

4 Bed/3 Bath (2000sf)

PARKING:

Two-car attached garage accessible from street.

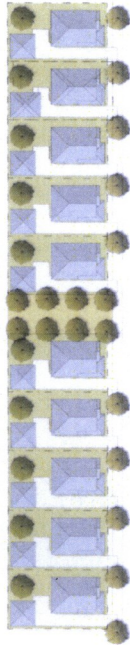
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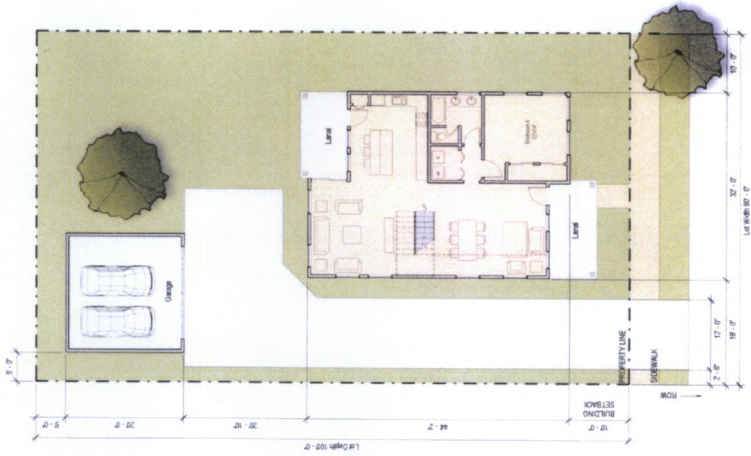
CALTHORPE ASSOCIATES
URBAN DESIGNER PLANNERS ARCHITECTS



Elevation



Site Plan



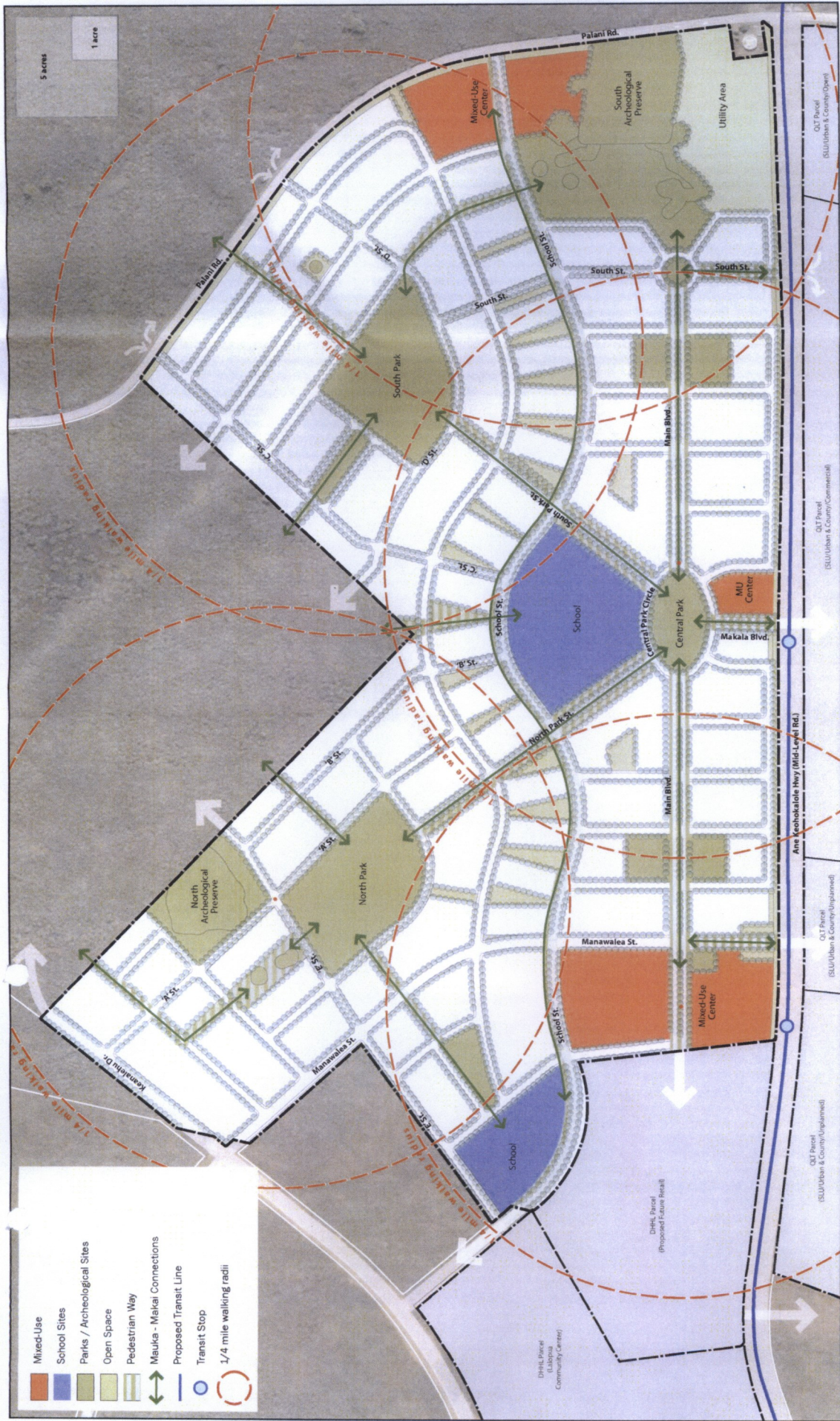
Ground Floor Plan



Second Level Plan

• Architect's renderings, conceptual only. Dimensions, location & product types may vary in actual development.

3. PARKS AND LANDSCAPING



- Mixed-Use
- School Sites
- Parks / Archeological Sites
- Open Space
- Pedestrian Way
- Mauka - Makai Connections
- Proposed Transit Line
- Transit Stop
- 1/4 mile walking radii

PARKS and OPEN SPACE PLAN

KAWAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

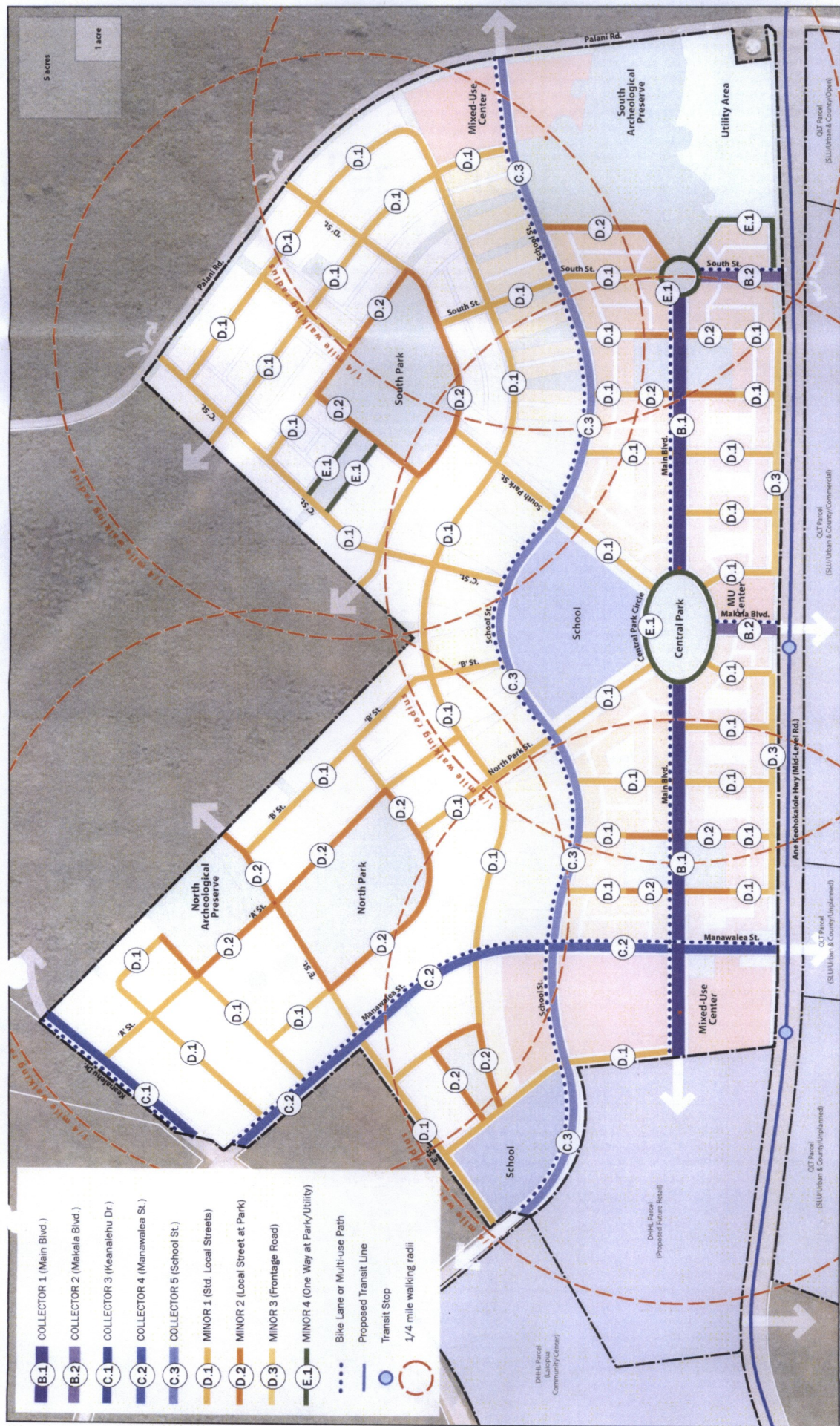
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Honolulu, Hawaii

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California

4. STREETS



STREET SECTION KEY PLAN

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

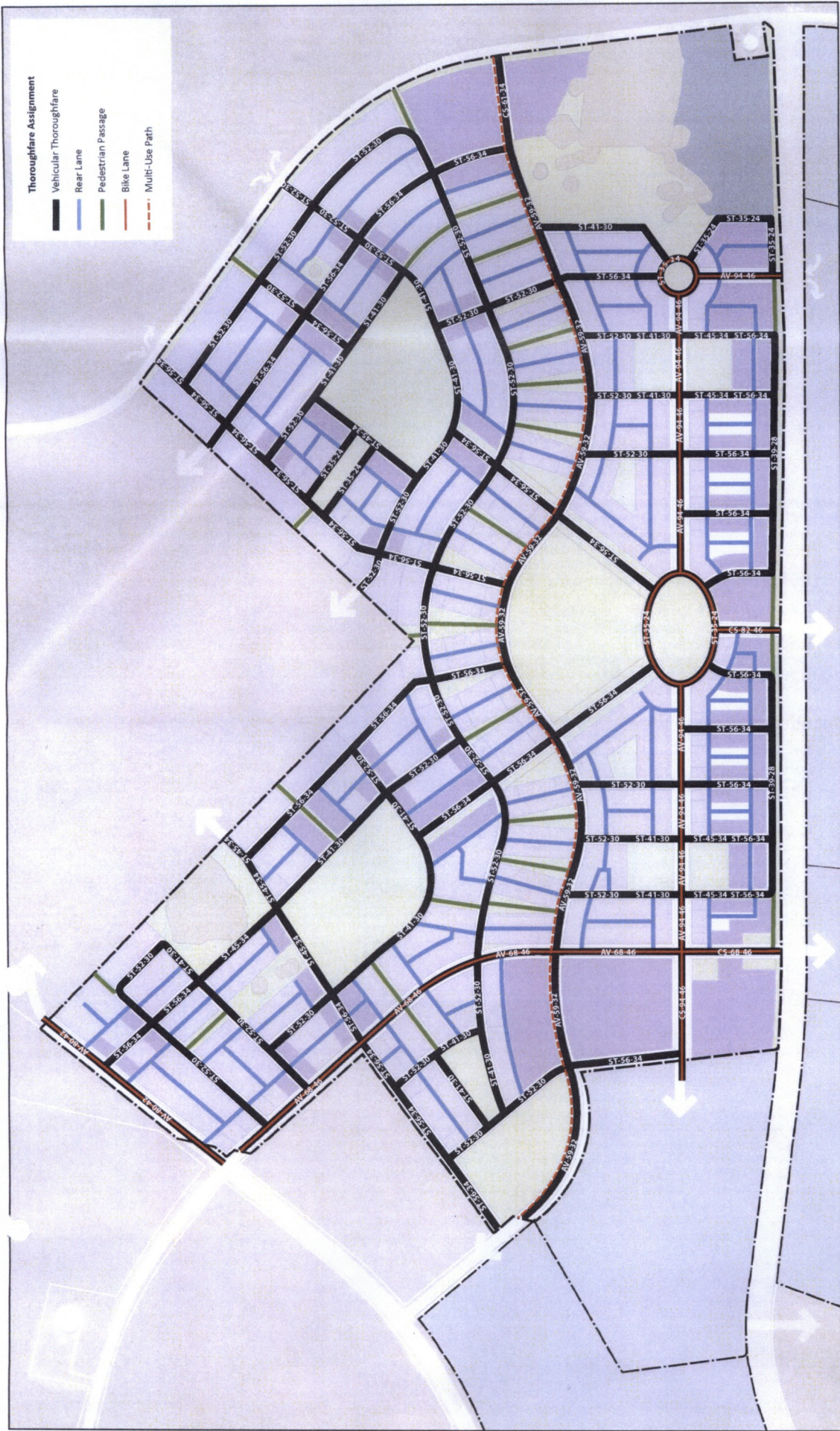
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SMARTCODE: THOROUGHFARE STANDARDS

KAMAKANA VILLAGES AT KEA'AHUOLU Kailua-Kona, Hawaii

October 29, 2010

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THOROUGHFARE STANDARDS

CS-82-46 (B.2: Makala Boulevard)

Thoroughfare Type	Commercial Street
Traverse zone Assignment	T5
Right-of-Way Width	82'
Pavement Width	46'
Movement	Two Way
Design Speed	TBD
Pedestrian Crossing Time	TBD
Traffic Lanes	Two lanes @ 10' wide
Parking Lanes	Both Sides @ 8' marked
Curb Radius	TBD
Public Frontage Type	Shopfront/Awning, Stoop, Forecourt, Terrace, Porch & Fence
Walkway Type	5' sidewalk; 11' when adjacent to storefront
Planter Type	6' continuous planter; 4' x 4' tree well when adjacent to storefront
Curb Type	Curb
Landscape Type	TBD
Transportation Provision	TBD

KAMAKANA VILLAGES AT KEAUAUOLU

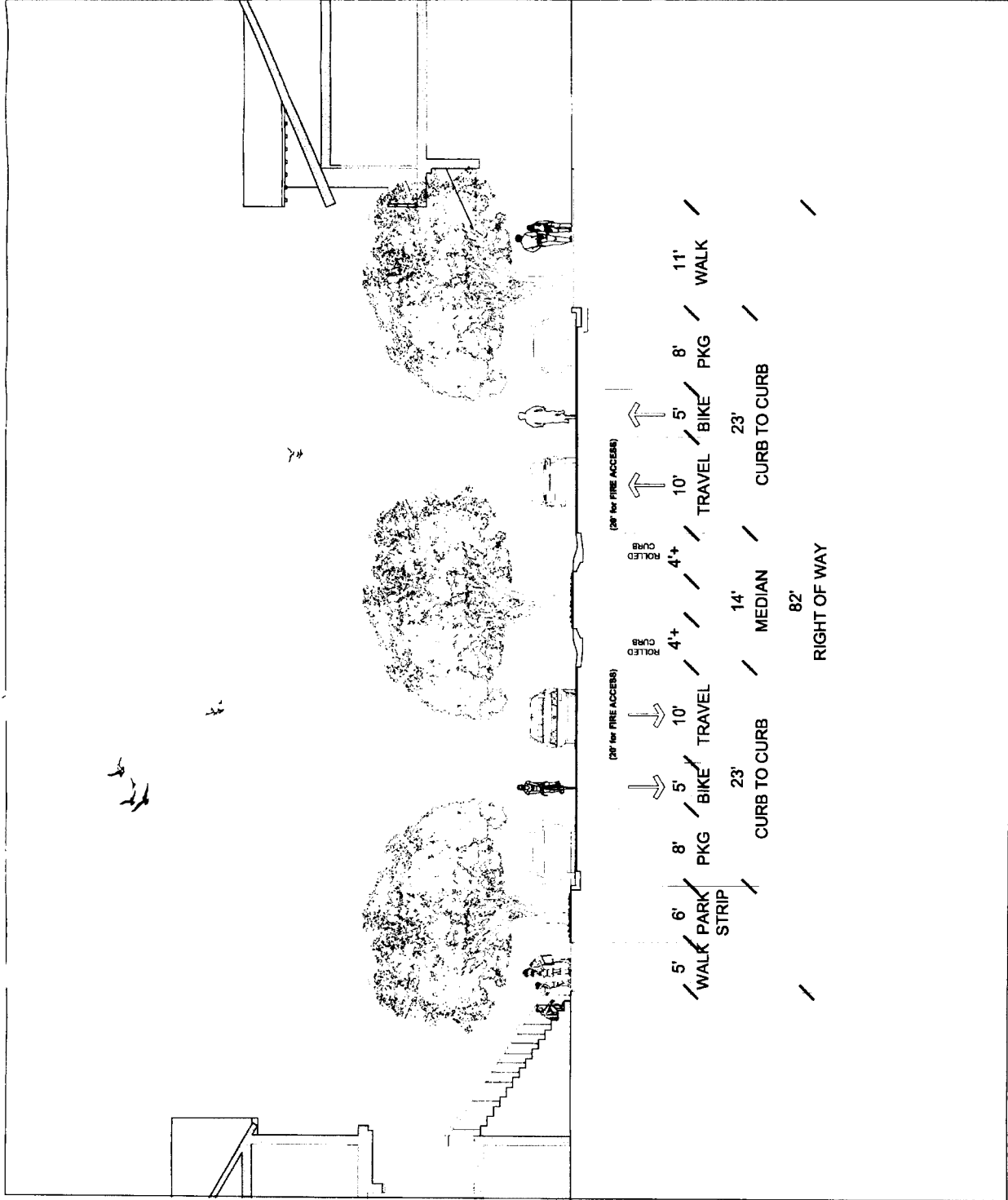
Kailua-Kona, Hawaii

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KEANALEHU DR.
(HIENALOLI RD.)

C.1b

designation: Collector Street

KAMAKANA VILLAGES AT KEAHUOLU

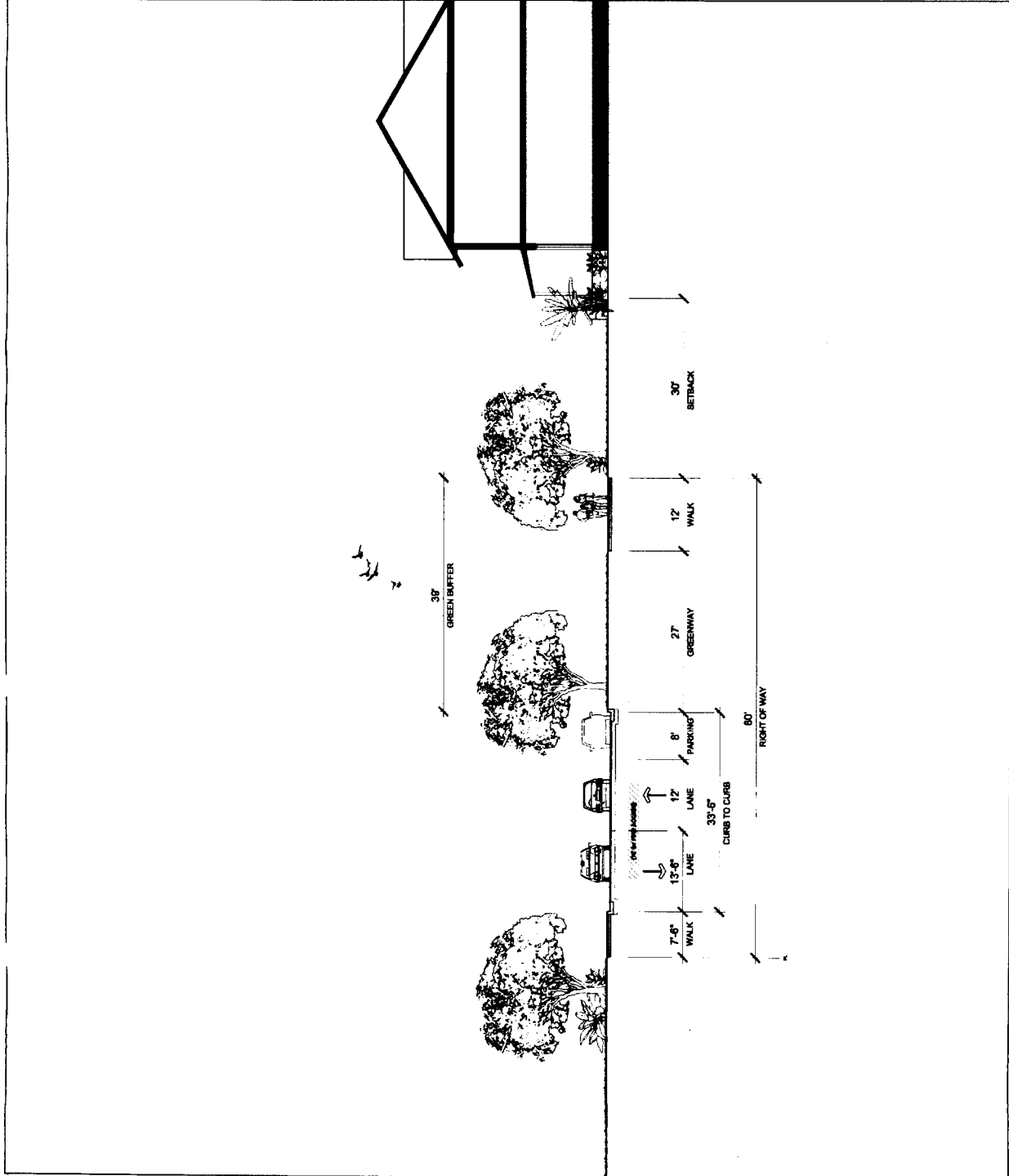
Kahala-Kahe, Hawaii

October 18, 2010



Project City: Hawaii Kai, LLC
Hawaii Kai, Hawaii
Hawaii Kai Planning and
Development Corporation
Hawaii Kai, Hawaii

Group 79 International, Inc.
Hawaii Kai, Hawaii
California Association
of Professional Engineers
Hawaii, Hawaii



THOROUGHFARE STANDARDS CS-68-46 & AV-68-46 (C.2: Manawalea Street)

Thoroughfare Type Commercial Street & Avenue
Transverse Assignment T4, T5
Right-of-Way Width 68'
Pavement Width 46'

Movement Two Way
Design Speed TBD
Pedestrian Crossing Time TBD

Traffic Lanes Two lanes @ 10' wide
Parking Lanes Both Sides @ 8' marked
Curb Radius TBD

Public Frontage Type Shopfront/Awning, Stoop,
Forecourt, Terrace,
Porch & Fence

Walkway Type 5' sidewalk; 11' when
adjacent to storefront

Planter Type 6' continuous planter;
4' x 4' tree well when
adjacent to storefront

Curb Type Curb
Landscape Type TBD

Transportation Provision TBD

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

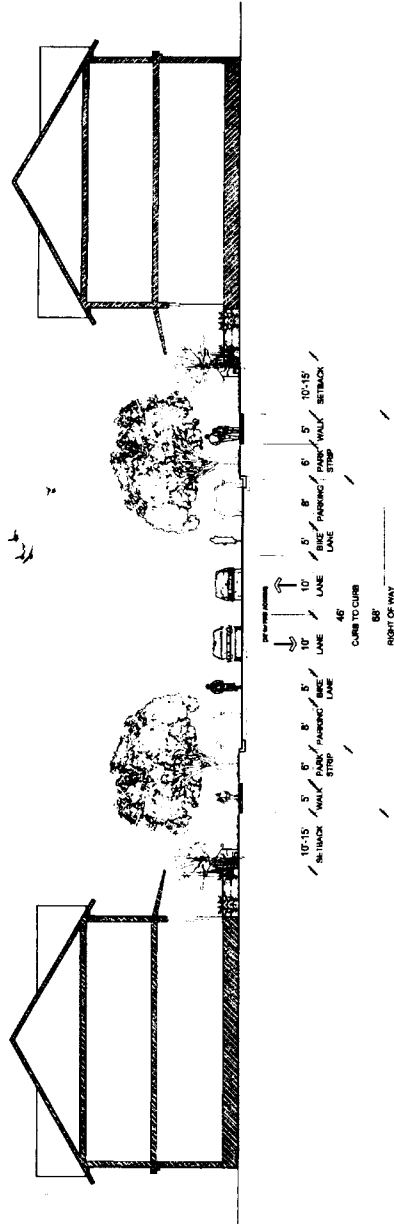
October 29, 2010



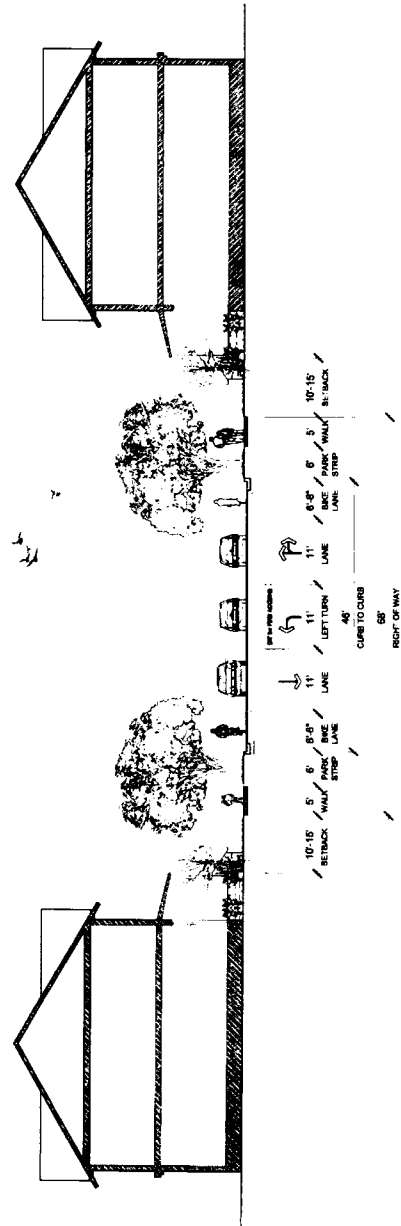
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Honolulu, Hawaii Berkeley, California

Manawalea Street at Mid-block



Manawalea Street at Intersection



**THOROUGHFARE
STANDARDS
CS-61-34 &
AV-59-32
(C.3: School Street)**

Thoroughfare Type	Avenue & Commercial Street
Transverse Assignment	T4, T5
Right-of-Way Width	59'
Pavement Width	32'
Movement	TBD
Design Speed	TBD
Pedestrian Crossing Time	TBD
Traffic Lanes (T4)	Two lanes @ 9' wide
Parking Lanes (T4)	Both Sides @ 7' marked
Traffic Lanes (T5)	Two lanes @ 10' wide
Parking Lanes (T5)	Both Sides @ 8' marked
Curb Radius	TBD
Public Frontage Type	Shopfront/Awning, Stoop, Forecourt, Terrace, Porch & Fence
Walkway Type	5' sidewalk & 10' multi-use path; 11' sidewalk & 6' sidewalk with 10' multi-use path when adjacent to storefront
Planter Type	6' continuous planter; 4 x 4' tree well when adjacent to storefront
Curb Type	Curb
Landscape Type	TBD
Transportation Provision	TBD

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010



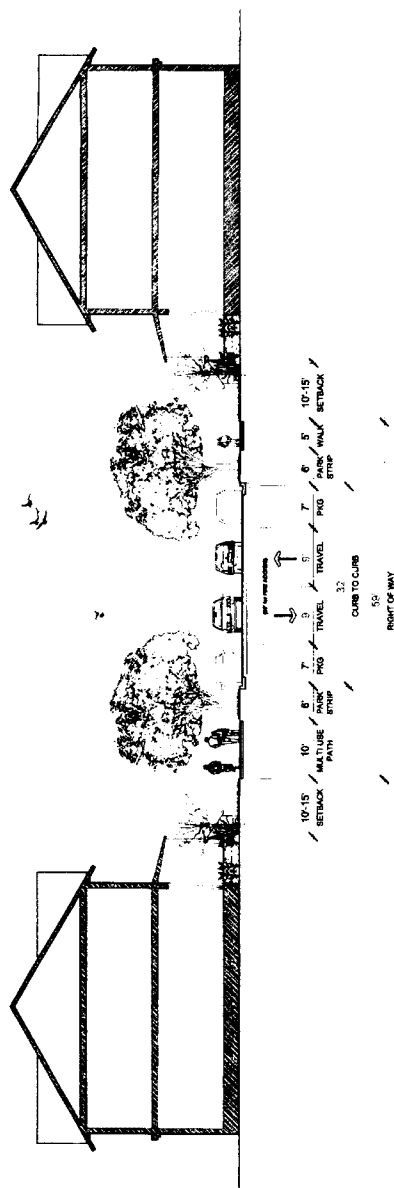
Forest City Hawaii Kona, LLC
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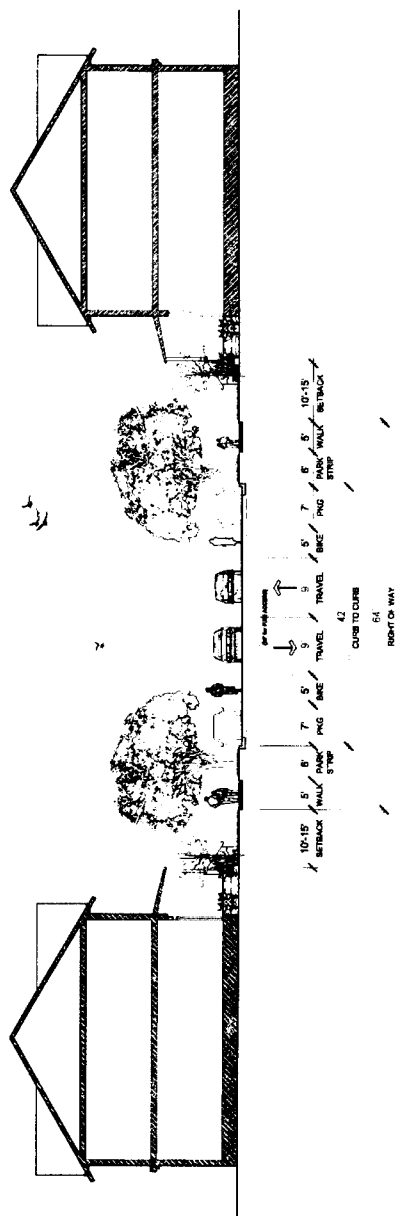
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Berkeley, California

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PAGE 36 OF 49
4g



Proposed Section



Potential Variation
(measurements not reflected in sidebar)

THOROUGHFARE STANDARDS ST-52-30 & ST-56-34

(D.1: Standard Local Street)

Thoroughfare Type	Street
Traverse zone Assignment	T4, T5
Right-of-Way Width (T4)	52'
Pavement Width (T4)	30'
Right-of-Way Width (T5)	56'
Pavement Width (T5)	34'

Movement	Two Way
Design Speed	TBD
Pedestrian Crossing Time	TBD

Traffic Lanes (T4)	Two lanes @ 8' wide
Parking Lanes (T4)	Both Sides @ 7' marked
Traffic Lanes (T5)	Two lanes @ 9' wide
Parking Lanes (T5)	Both Sides @ 8' marked
Curb Radius	TBD

Public Frontage Type	Stoop, Forecourt, Terrace, Porch & Fence
Walkway Type	5' sidewalk
Planter Type	6' continuous planter
Curb Type	Curb
Landscape Type	TBD

Transportation Provision	TBD
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KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010

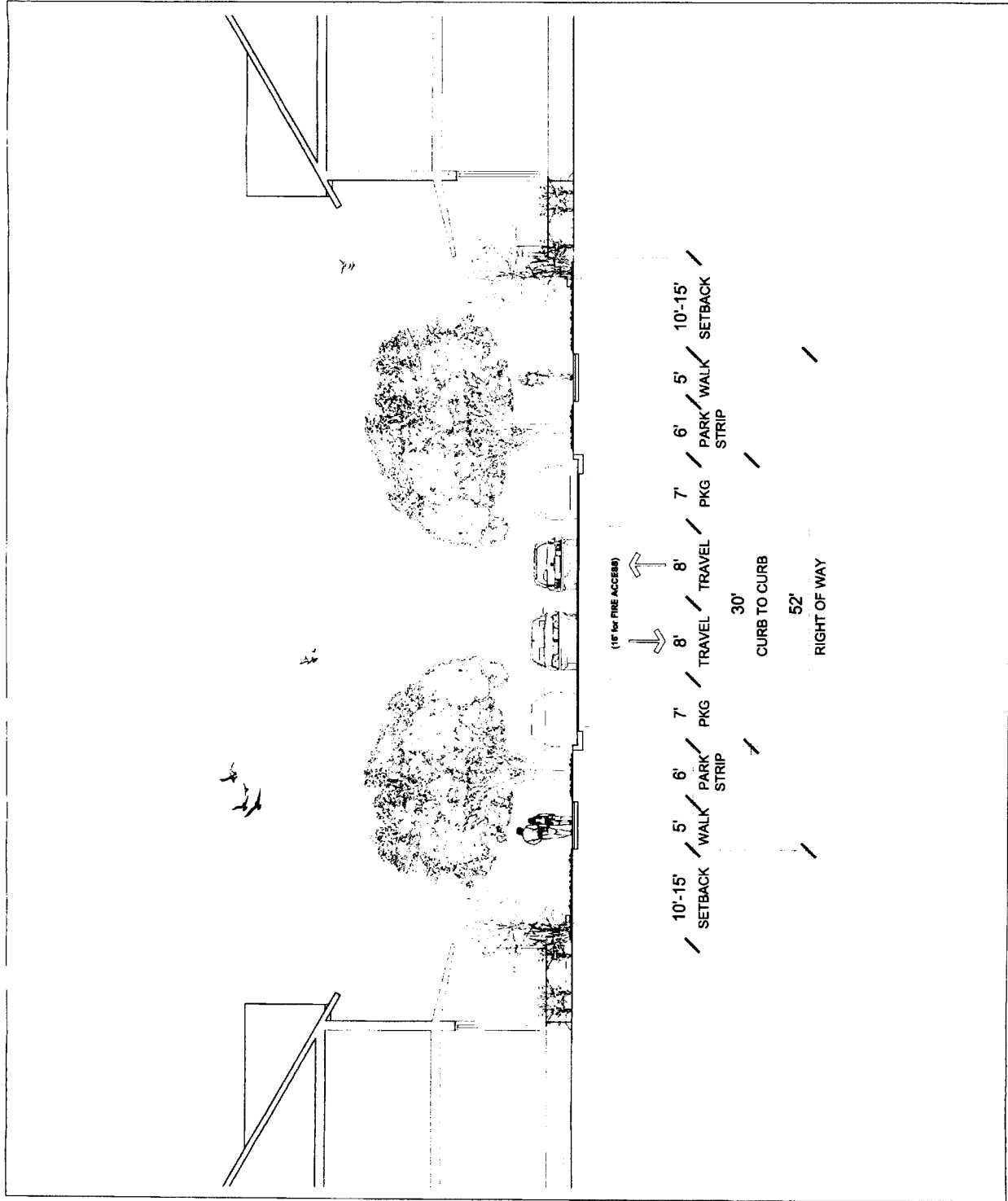


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THOROUGHFARE STANDARDS ST-41-30 & ST-45-34

(D.2: Local Street at Park)

Thoroughfare Type	Street
Transect zone Assignment	T4, T5
Right-of-Way Width (T4)	41'
Pavement Width (T4)	30'
Right-of-Way Width (T5)	45'
Pavement Width (T5)	34'

Movement	Two Way
Design Speed	TBD
Pedestrian Crossing Time	TBD

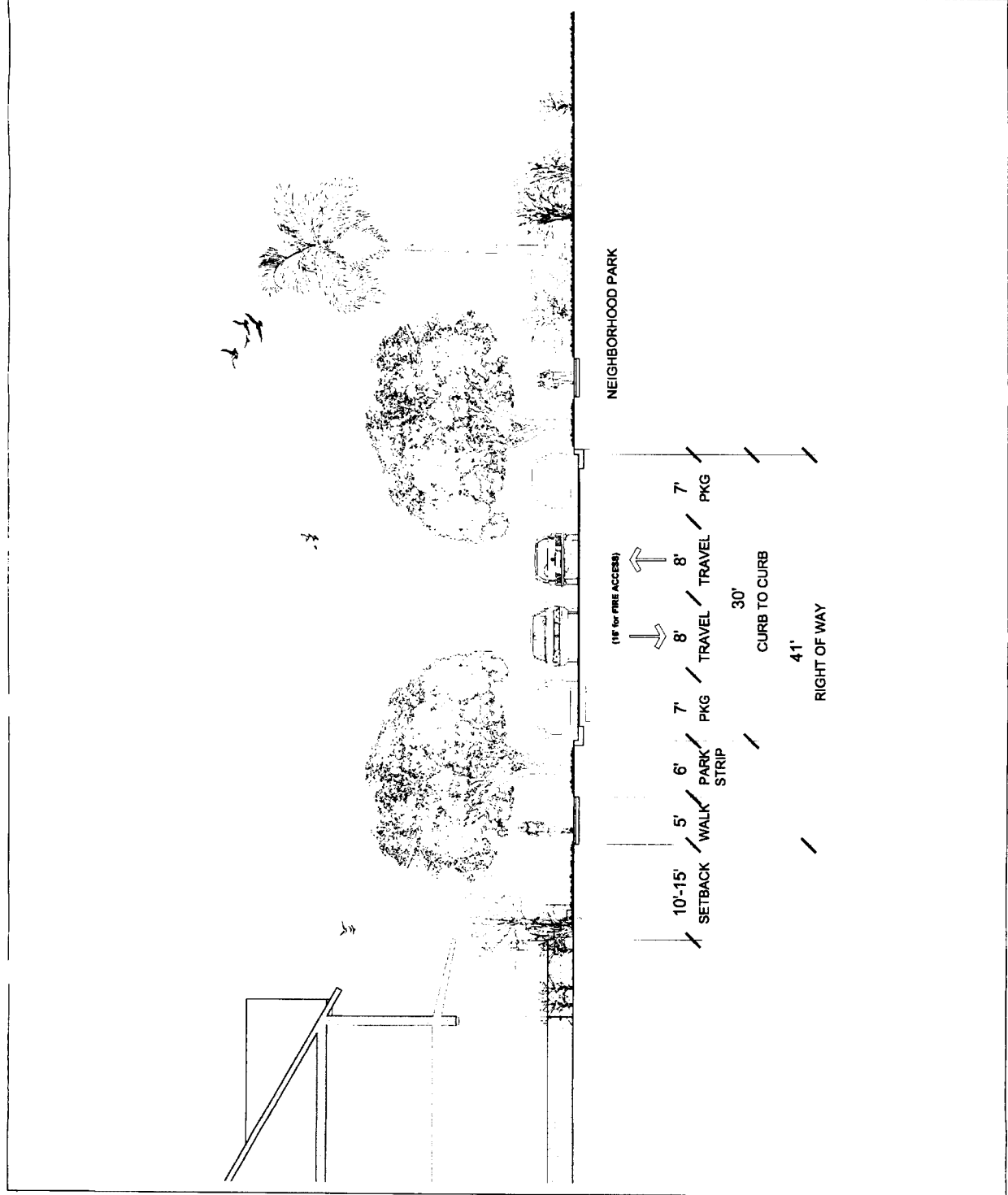
Traffic Lanes (T4)	Two lanes @ 8' wide
Parking Lanes (T4)	Both Sides @ 7' marked
Traffic Lanes (T5)	Two lanes @ 9' wide
Parking Lanes (T5)	Both Sides @ 8' marked
Curb Radius	TBD

Public Frontage Type	Stoop, Forecourt, Terrace, Porch & Fence
Walkway Type	5' sidewalk
Planter Type	6' continuous planter
Curb Type	Curb
Landscape Type	TBD

Transportation Provision	TBD
--------------------------	-----

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010



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THOROUGHFARE STANDARDS

ST-39-28 (D.3: Frontage Road)

Thoroughfare Type	Street
Transect zone Assignment	T5
Right-of-Way Width	39'
Pavement Width	28'
Movement	Two Way
Design Speed	TBD
Pedestrian Crossing Time	TBD
Traffic Lanes	Two lanes @ 9' wide
Parking Lanes	One Side @ 8' marked
Curb Radius	TBD
Public Frontage Type	Stoop, Forecourt, Terrace, Porch & Fence
Walkway Type	5' sidewalk
Planter Type	6' continuous planter
Curb Type	TBD
Landscape Type	TBD
Transportation Provision	TBD

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010



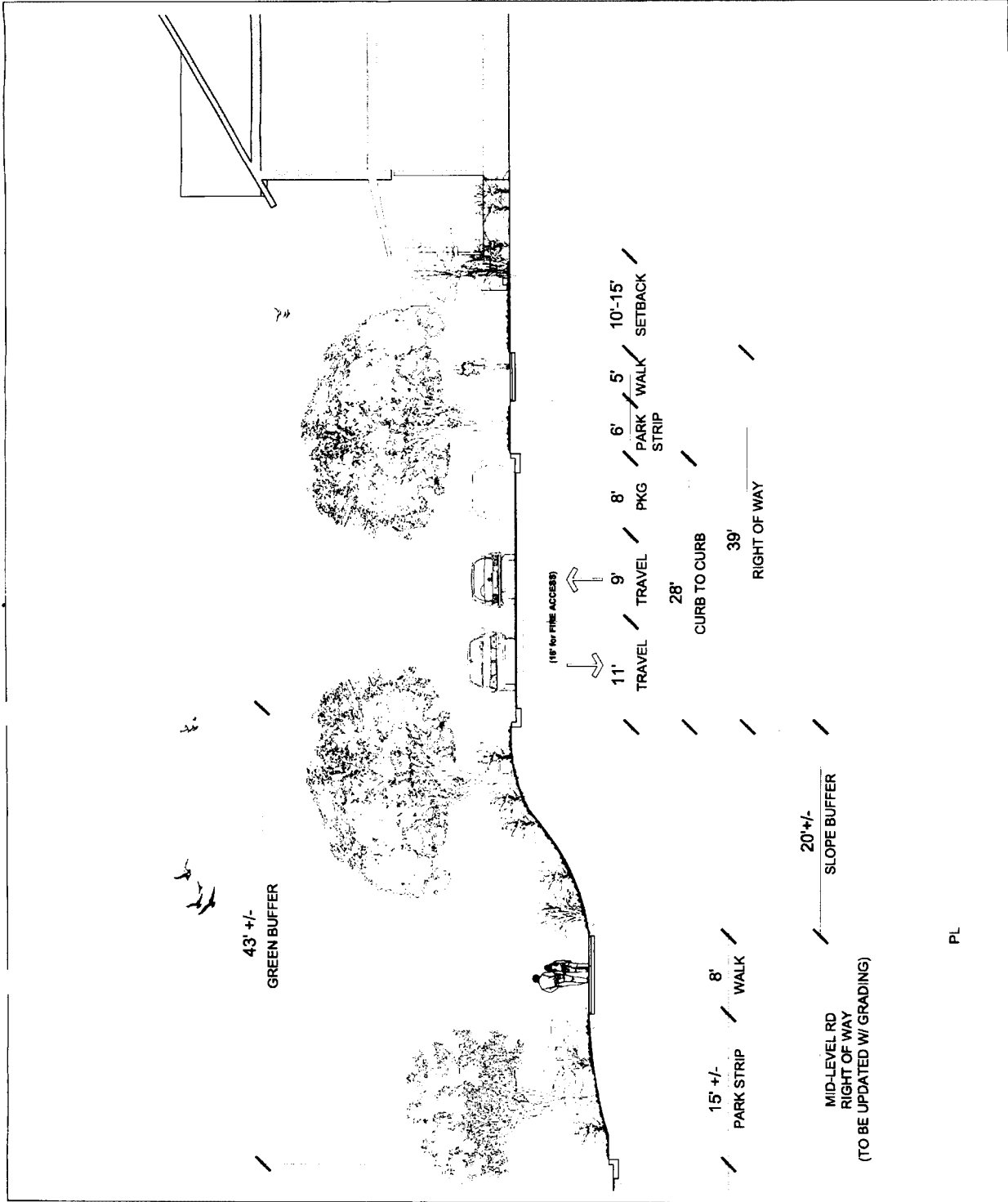
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(TO BE UPDATED W/ GRADING)

THOROUGHFARE STANDARDS

ST-35-24

(E.1: One Way at Park & Utility Area)

Thoroughfare Type Street
Traverse zone Assignment T4, T5
Right-of-Way Width 35'
Pavement Width 24'

Movement One Way
Design Speed TBD
Pedestrian Crossing Time TBD

Traffic Lanes One lane @ 11' wide
Parking Lanes One Side @ 8' marked
Curb Radius TBD

Public Frontage Type Stoop, Forecourt, Terrace,
Porch & Fence

Walkway Type 5' sidewalk
Planter Type 6' continuous planter
Curb Type Curb
Landscape Type TBD

Transportation Provision TBD

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010

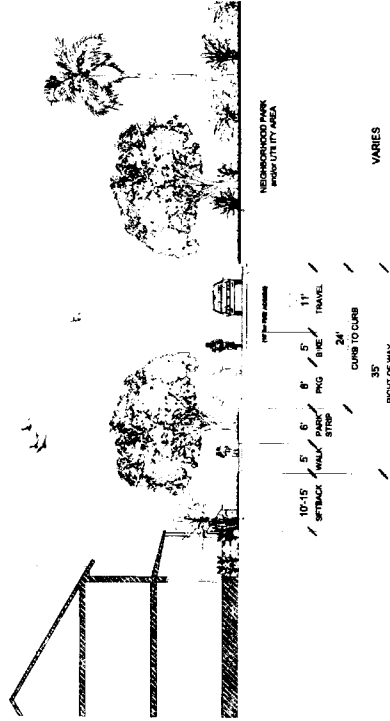


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Honolulu, Hawaii Honolulu, Hawaii

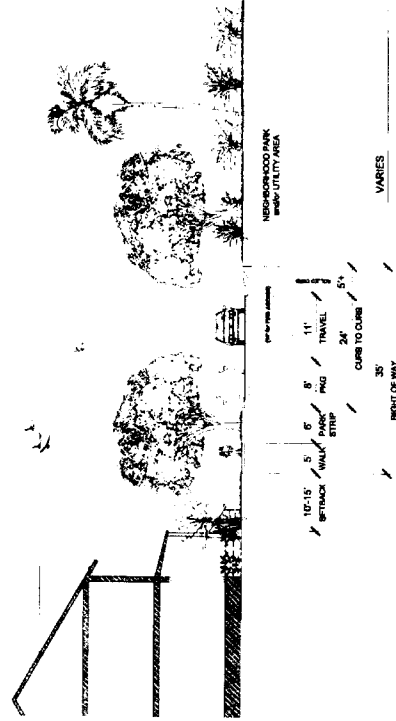
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One Way Street with Bike Lane



One Way Street without Bike Lane



THOROUGHFARE STANDARDS

RA-24-24 (F.1: Dedicable Alley)

Thoroughfare Type Rear Alley
Transect zone Assignment T4, T5
Right-of-Way Width 24'
Pavement Width 24'

Movement Two Way
Design Speed TBD
Pedestrian Crossing Time TBD

Traffic Lanes One Bi-Directional lane
@ 24' wide
Parking Lanes None
Curb Radius TBD

Public Frontage Type None
Walkway Type None
Planter Type None
Curb Type None
Landscape Type TBD

Transportation Provision N/A

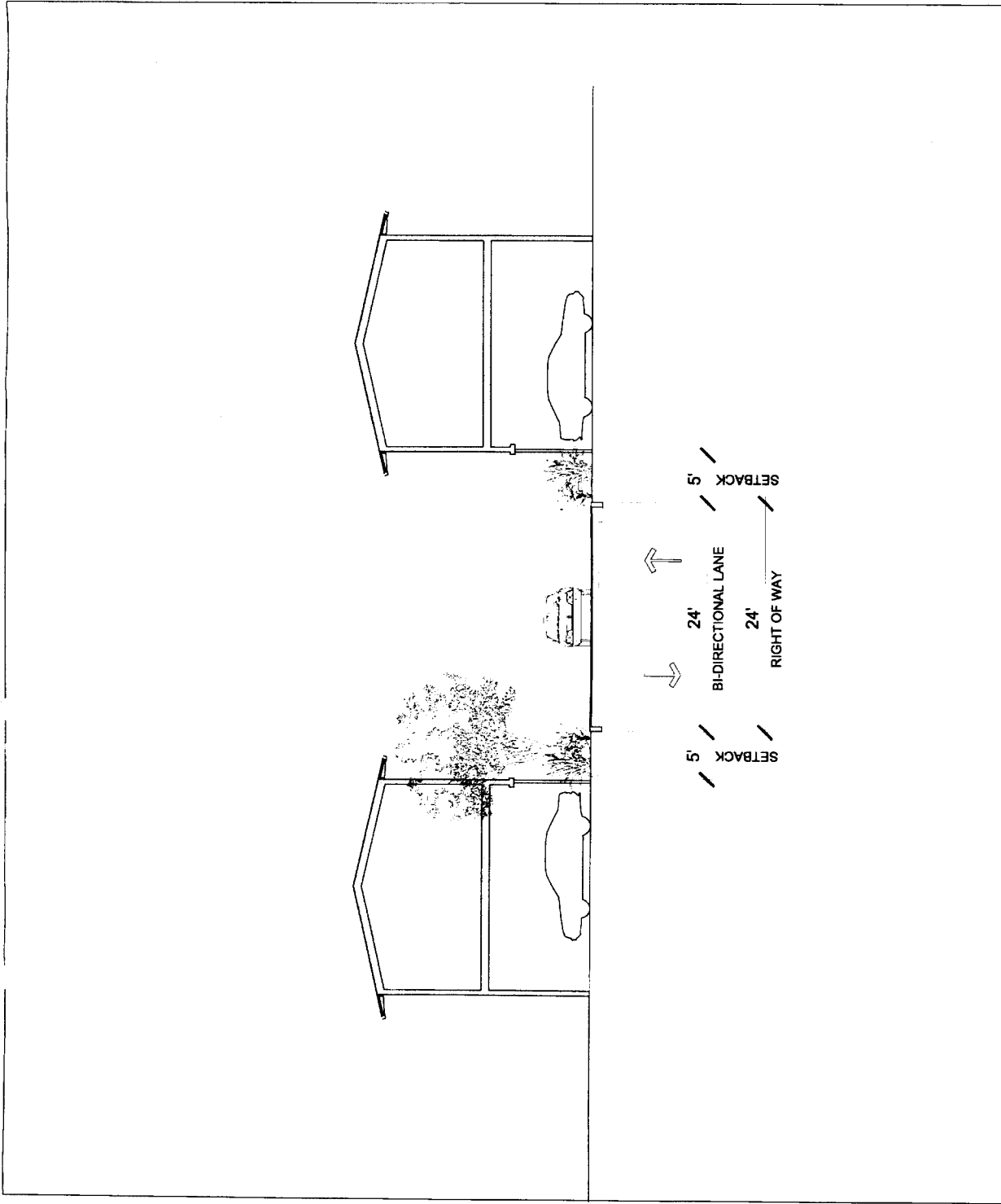
KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010



Forest City Hawaii Kona, LLC Group 70 International, Inc.
Honolulu, Hawaii Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation Calthorpe Associates
Honolulu, Hawaii Berkeley, California



THOROUGHFARE STANDARDS

RL-24-12 (F.2: Dedicable Alley)

Thoroughfare Type	Rear Lane
Transect zone Assignment	T3, T4
Right-of-Way Width	24'
Pavement Width	12'
Movement	Two Way, yield
Design Speed	TBD
Pedestrian Crossing Time	TBD
Traffic Lanes	One Bi-Directional lane @ 12' wide
Parking Lanes	None
Curb Radius	TBD
Public Frontage Type	None
Walkway Type	None
Planter Type	None
Curb Type	None
Landscape Type	TBD
Transportation Provision	N/A

KAMAKANA VILLAGES AT KEAHUOLU
Kailua-Kona, Hawaii

October 29, 2010



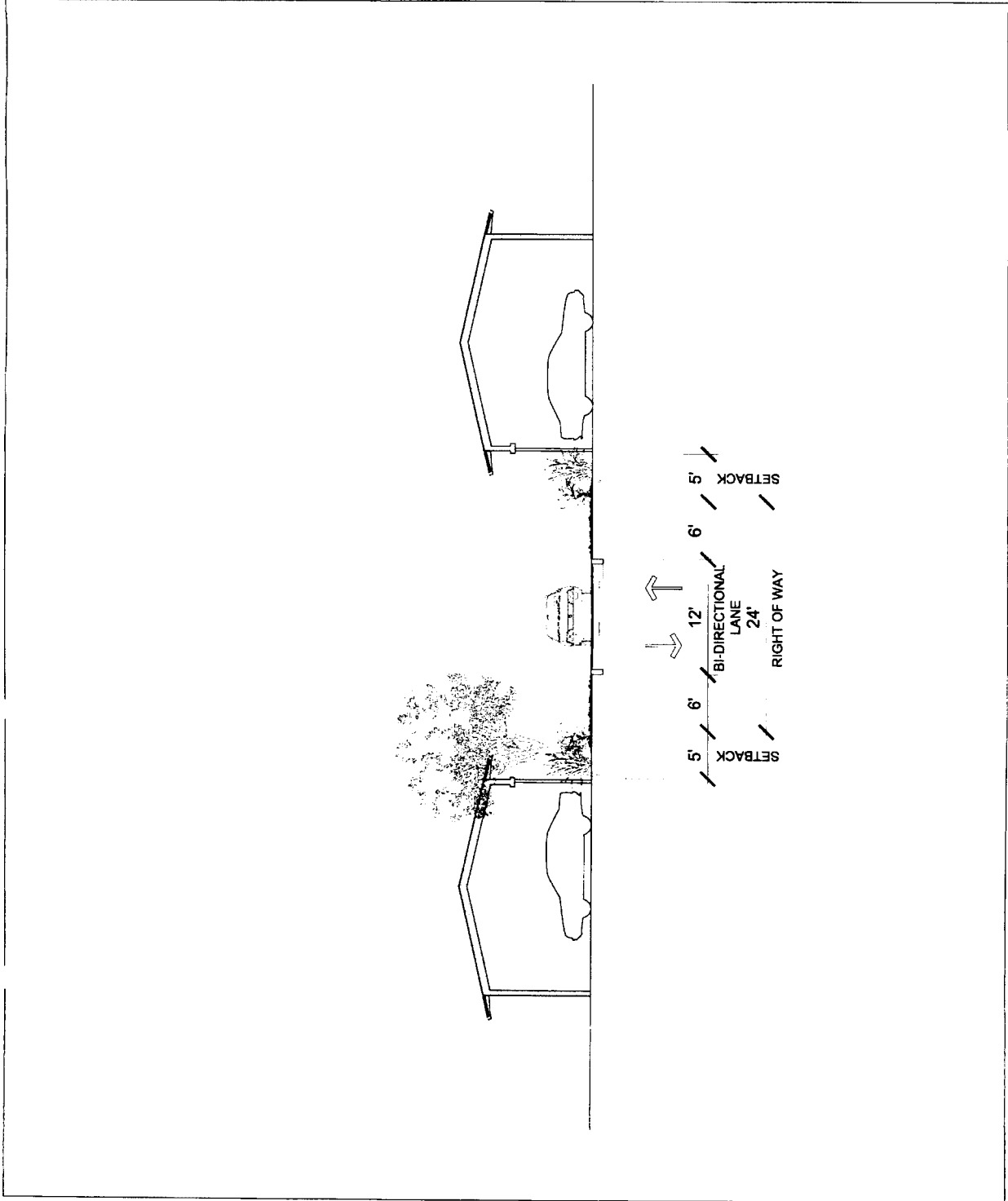
Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

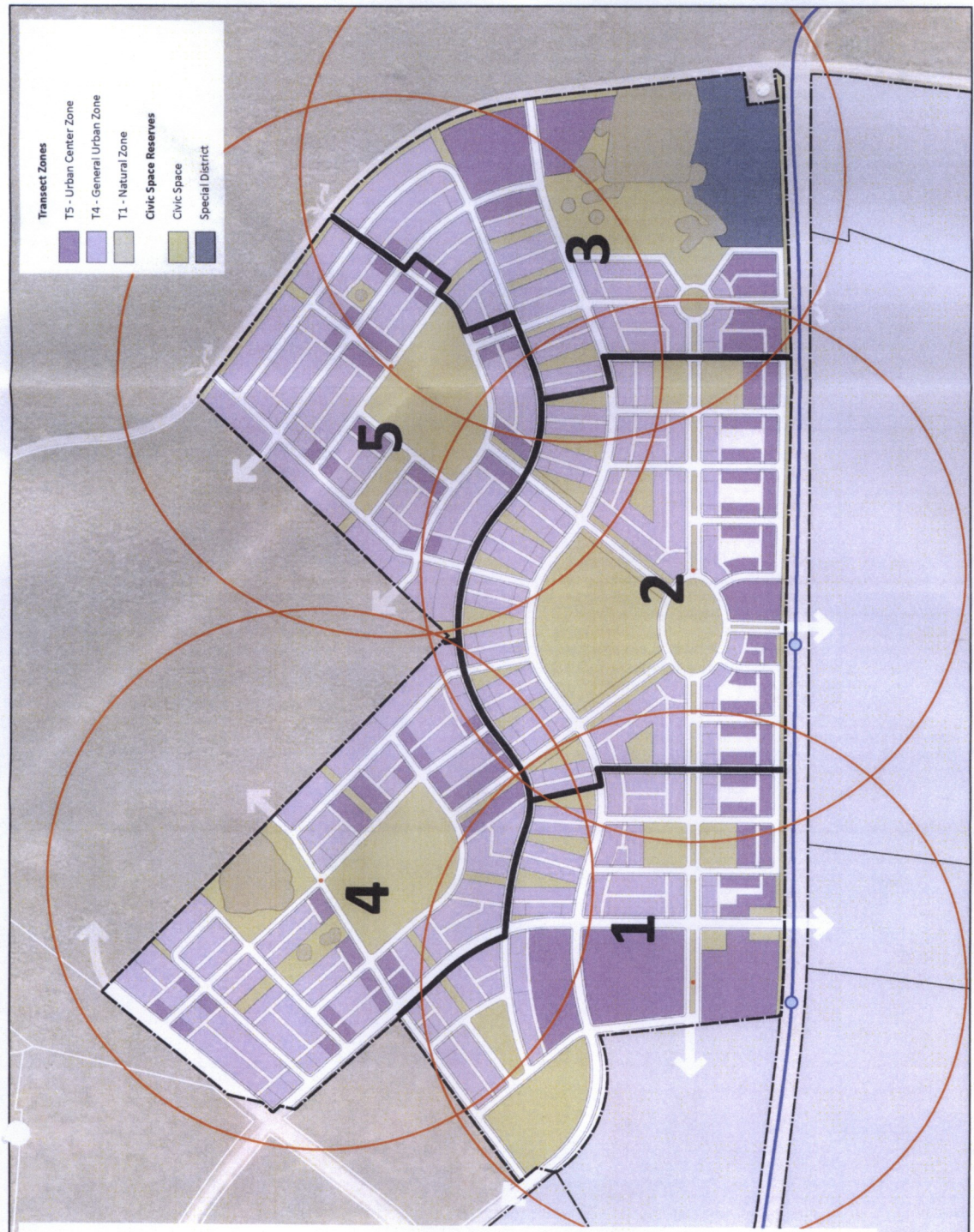
Hawaii Housing Finance and
Development Corporation
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California

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5. KONA CDP VILLAGE DESIGN GUIDELINES



Compliance with allocation of remnants of the site outside the Pedestrian Sheds as set forth in Section 3.1.8.

Transect Zones outside ped shed: none

Compliance with Pedestrian Shed requirements as set forth in Section 3.2.1.

Transect Zones inside ped shed: T4, T5

Compliance with Transect Zone Allocation requirements as set forth in Table 11a.

Kamakana SmartCode Requirements

T1 = No Minimum

T2 = Prohibited

T3 = 30% maximum

T4 = 30 - 60 %

T5 = 10 - 40 %

Neighborhood 1						
T1	T3	T4	T5	Civic Green	SD	Total
0	0	22.12	19.31	10.69	0	52.12
0%	0%	42%	37%	21%	0%	100%
Neighborhood 2						
T1	T3	T4	T5	Civic Green	SD	Total
0	0	32.93	12.87	20.42	0	66.22
0%	0%	50%	19%	31%	0%	100%
Neighborhood 3						
T1	T3	T4	T5	Civic Green	SD	Total
7.12	0	23.93	8.15	9.35	6.8	55.35
13%	0%	43%	15%	17%	12%	100%
Neighborhood 4						
T1	T3	T4	T5	Civic Green	SD	Total
2.63	0	32.98	8.79	10.88	0	55.28
5%	0%	60%	16%	20%	0%	100%
Neighborhood 5						
T1	T3	T4	T5	Civic Green	SD	Total
0.06	0	25.78	8.58	8.88	0	43.3
0%	0%	60%	20%	21%	0%	100%
Total						
T1	T3	T4	T5	Civic Green	SD	Total
9.81	0	137.74	57.7	60.22	6.8	272.27
4%	0%	51%	21%	22%	2%	100%

SMARTCODE: TRANSECT ZONE ALLOCATION

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California



Compliance with Gross Equivalent Density requirements as set forth in Section 3.7 and Table 11b.

Neighborhood 1				
Area	T1	T3	T4	T5
Max. Density	0	0	22 ac	19 ac
Max. Unit #	n/a	n/a	6 ehu/ac	30 ehu/ac
Neighborhood 2				
Area	T1	T3	T4	T5
Max. Density	0	0	33 ac	13 ac
Max. Unit #	n/a	n/a	12 ehu/ac	30 ehu/ac
Neighborhood 3				
Area	T1	T3	T4	T5
Max. Density	7.12	0	24 ac	8 ac
Max. Unit #	n/a	n/a	6 ehu/ac	12 ehu/ac
Neighborhood 4				
Area	T1	T3	T4	T5
Max. Density	2.63	0	33 ac	9 ac
Max. Unit #	n/a	n/a	6 ehu/ac	12 ehu/ac
Neighborhood 5				
Area	T1	T3	T4	T5
Max. Density	0.06	0	26 ac	9 ac
Max. Unit #	n/a	n/a	6 ehu/ac	12 ehu/ac
Total				
Area	9.81	0	138 ac	58 ac
Max. Density	n/a	n/a	6 ehu/ac	12 ehu/ac
Max. Unit #	n/a	n/a	0 ehu	1553 ehu

Variance requested to allow a maximum density of 31 units / ac, gross in T5 zones.



SMARTCODE: GROSS EQUIVALENT DENSITIES

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

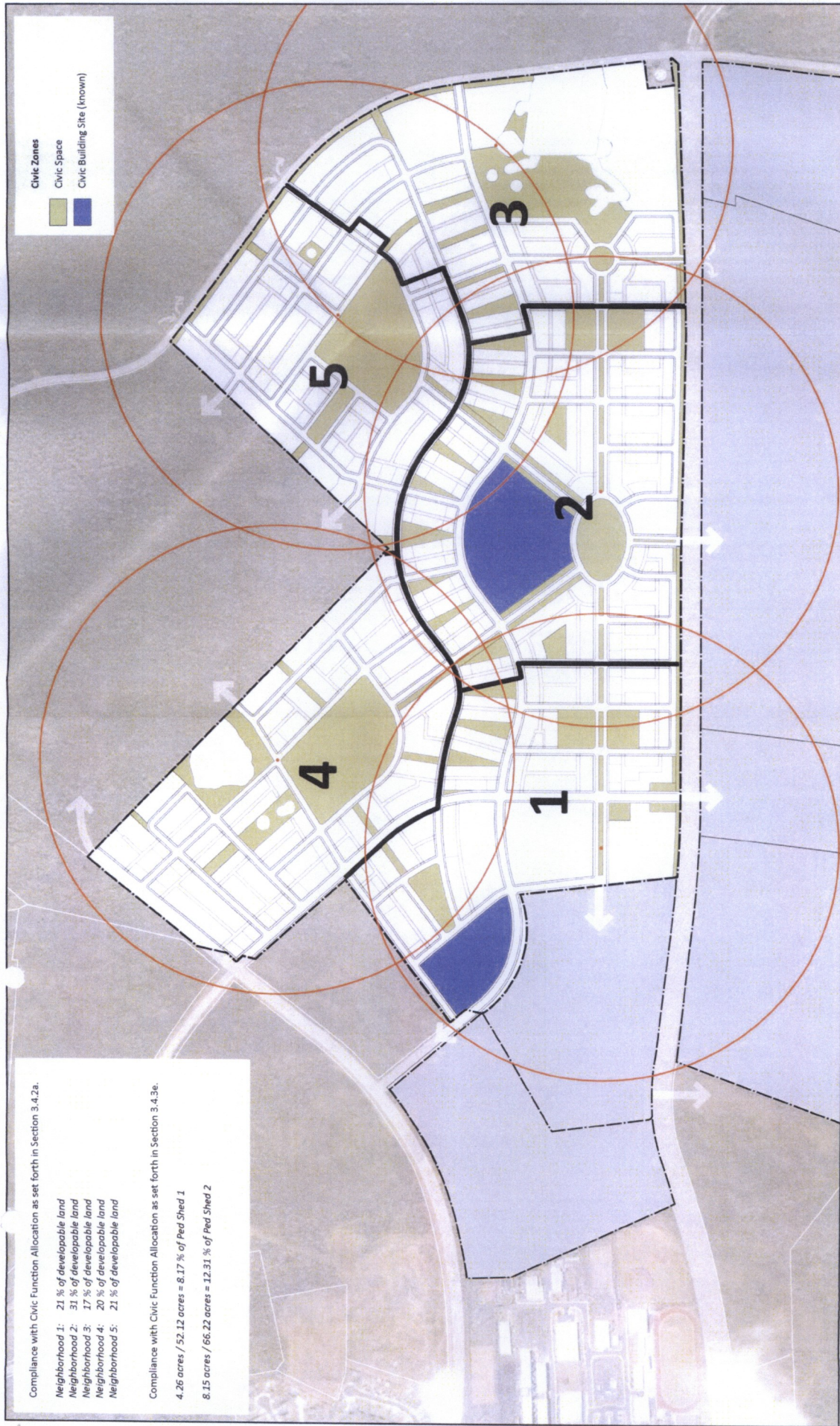
Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California





SMARTCODE: CIVIC ZONES

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

Forest City Hawaii Kona, LLC
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Berkeley, California



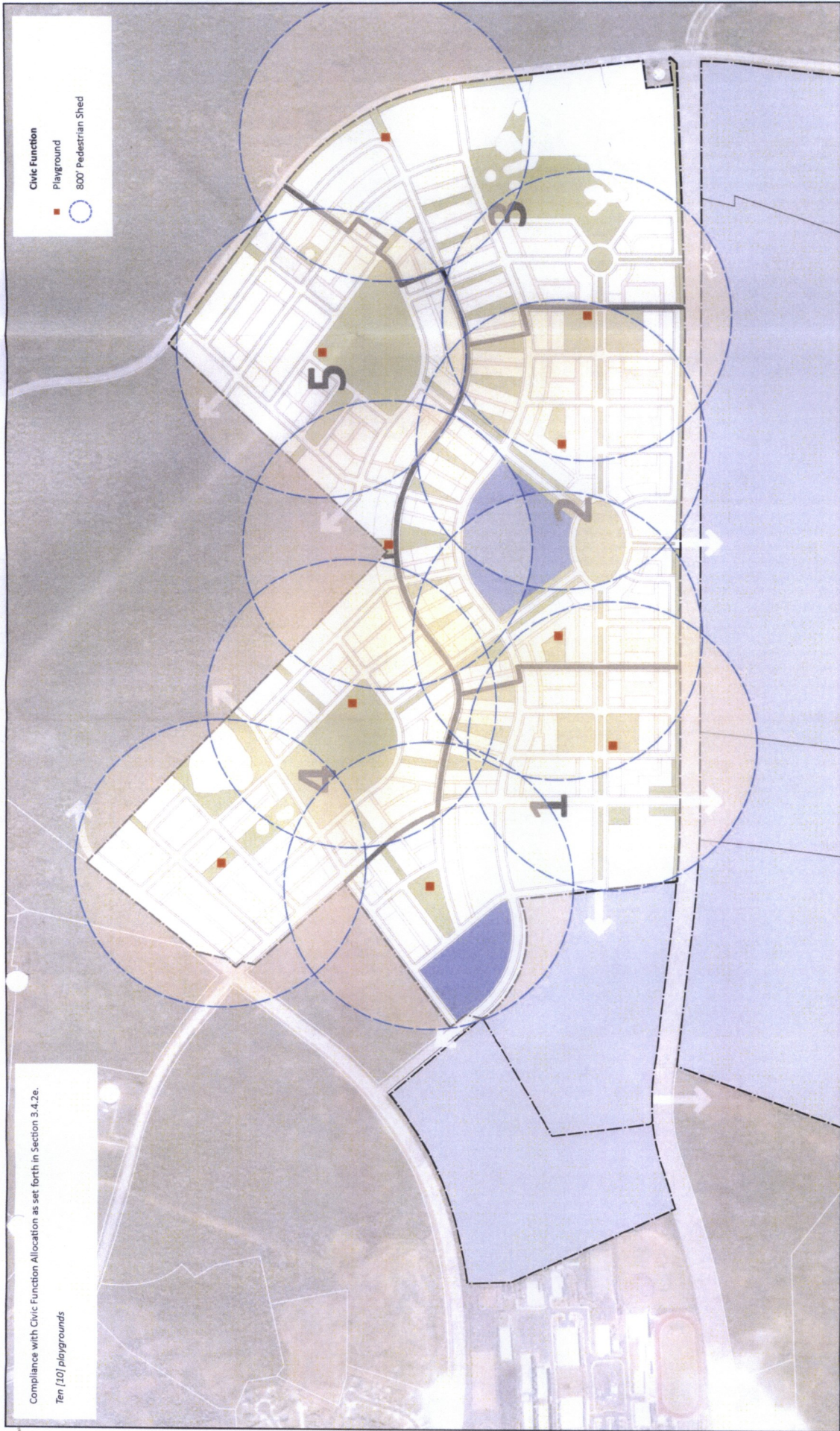
Compliance with Civic Function Allocation as set forth in Section 3.4.2e.

Ten (10) playgrounds

Civic Function

Playground

800' Pedestrian Shed



SMARTCODE: PLAYGROUNDS

KAMAKANA VILLAGES AT KEAHUOLU Kailua-Kona, Hawaii

November 9, 2009

Forest City Hawaii Kona, LLC
Honolulu, Hawaii

Group 70 International, Inc.
Honolulu, Hawaii

Hawaii Housing Finance and Development Corporation
Honolulu, Hawaii

Calthorpe Associates
Berkeley, California



KAMAKANA VILLAGES

VILLAGE DESIGN GUIDELINES – DEVIATION SUMMARY

Dated November 19, 2009
Prepared by Calthorpe Associates (for Forest City Hawaii Kona, LLC)

Through preliminary review of the Kamakana Villages Plan against the Kona Village Design Guidelinesⁱ (VDG), it has been determined that the plan conforms to all guidance set forth in the VDG, **except** as indicated below:

I. General Standards

Block Size and Placement Requirements

[Compliance with Maximum Block Size requirements as set forth in Table 11c.]

[Compliance with Elementary School Lot Size requirements as set forth in Section 3.4.3b.]

- School blocks exceed the 2400 feet maximum (per Section 3.6.1e).
- The elementary school sites will be sized through negotiation with DOE.
- Playing fields will be sited within the pedestrian shed.

Required % of Lots Enfronting Thoroughfares

[Compliance with Required % of Lots Enfronting Thoroughfare as set forth in Section 3.6.1g.]

- Up to 25% of lots in a T4 zone may enfront a thoroughfare.

Density Requirements

[Compliance with Density requirements as set forth in Section 3.7.]

[Compliance with Residential Density Maximums as set forth in Table 11b.]

- Densities are expected to reach 31-32 units / ac. gross in T5 zones.

II. Street Standards

Transportation Corridor Standards

[Compliance with Public Frontage Type standards as set forth in Tables 3A-B.]

[Compliance with Transportation Corridor standards as set forth in Table 11d.]

- Planter widths range from 6-12 feet in T4 zones.
- Rear Lanes may be utilized in T5 zones.
- Bicycle Lane may be utilized in T5 zones where necessary to meet fire-lane standards.

III. Building Standards

Lot Occupation

[Compliance with Lot Occupation standards as set forth in Table 11f.]

- Lot widths in a T4 zone may range from 15 feet to 96 feet.
- Lot widths in a T5 zone may range from 15 feet to 180 feet.
- Special considerations may be necessary to allow lot width maximums to be exceeded in T4 and T5 zones.

Setbacks – Principal Building

[Compliance with Lot Occupation standards as set forth in Table 11g.]

- Minimum front setback (secondary) may be reduced to 5 feet in a T4 zones.

Building Disposition

[Compliance with Building Disposition standards as set forth in Table 11i.]

- Courtyard typologies may be permitted in T4 zones.

Private Frontages

[Compliance with Private Frontage standards as set forth in Table 11j.]

- Lanai & Fences may be used in T5 zones.
- Minimum lanai depth may be reduced to 6 feet.

ⁱ This analysis was completed using the Kona Community Development Plan's VDG, approved and adopted on September 25th, 2008. The analysis occurred simultaneously with the "calibration" processes, led by Placemakers in October/November of 2009. Because of the nature of the calibration process, the Kamakana Villages analysis was based on the pre-calibrated VDG text and exhibits, as well as an interim version of the calibrated Table 11, provided by Placemakers.

HRS 201H EXEMPTIONS

(Final)

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Keahuolu 201H Resolution**")

HRS 201H Exemptions

Kanakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

Applicant/Master Developer - Forest City Hawaii Kona, LLC ("Forest City")
Co-Applicant - Hawaii Housing Finance and Development Corporation ("HHFDC")
Kanakana Villages at Keahuolu (the "Project")

HRS §201H-38 provides in relevant part:

- (a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that:
- (1) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;
- (2) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

HRS §201H-44 provides in relevant part:

- (a) In connection with the development of any dwelling units under this chapter, the corporation may also develop commercial, industrial, and other properties if it determines that the uses can be an integral part of the development and can help to preserve the lifestyles of the purchasers of dwelling units in the development. The corporation may designate any portions of the development for commercial, industrial, or other use and shall have all the powers granted under this chapter with respect thereto, including the power to bypass statutes, ordinances, charter provisions, and rules of any government agency pursuant to section 201H-38. For this purpose, the corporation may use any of the funds authorized under this chapter.

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos (3) 7-4-021: 020, 024, 025, 026, 027

Pursuant to HRS Chapter 201H, Kamakana Villages at Keahuolu shall be exempt from the following:

HCC Sec.		HCC Sec.		HCC Sec.	
5-1.0.11	Building Permit Fees	23-26	Reservation for parks, playgrounds, and public building sites	25-3-5	Application of district regulations
5-1.0.12	Building Permit Fees	23-29	Block sizes	25-4-2	Conditions for construction of buildings designed for human occupancy
				25-4-8	Temporary real estate offices and model homes
Table 3A	Building Permit Fees	23-32	Lot size, shape and setback line	25-4-31	Minimum building site area, minimum average width
Chapter 8	Dedication of Land, Park Dedication Code	23-35	Lot side lines	25-4-32	Reduction of building site below minimum area
9-31	Permit issuance fees	23-41	Minimum right of way and pavement widths	25-4-40	General requirements for yards and open space
9-39	Fee payment			25-4-42	Corner building sites
9-40	Fee schedule	23-45	Intersection angles, corner radius	25-4-43	Fences and accessory structures
				25-4-44	Permitted projections into yards and open space
		23-50	Grades and curves	25-4-47	Minimum distance between main buildings on same building site
		23-52	Alleys	25-4-51	Required number and location of parking spaces
17-28	Plumbing Schedule of Fees	23-54	Utilities location within streets and State highways	25-4-53	Minimum dimensions of parking spaces
				25-4-56	Off-street loading requirements
				25-4-58	Dimension of loading spaces
		23-62	Tentative approval of preliminary plat	25-4-59	Location and improvement of loading spaces
		23-76	No conveyance of land prior to approval for recordation	25-4-59.3	Landscaping and screening for parking lots and loading spaces
		23-86	Requirements for dedicable streets	25-5-72	Permitted uses
21-22	Construction specifications	23-88	Nondedicable street, private dead-end street	25-5-73	Height limit
		23-93	Street lights	25-5-74	Minimum building site area
		23-94	Street name and traffic signs	25-5-75	Minimum building site average width
		23-95	Right of way improvement	25-5-76	Minimum yards
				25-5-77	Other regulations
22-4.9	Standards for driveway approaches				
23-10	Acceptance of highways; compliance with this chapter	25-2-44	Conditions on change of zone		
23-11	Public utility or public rights-of-way subdivisions	25-2-46	Concurrency requirements	17-6	Landscaping requirements
23-22	Compliance with design standards required	25-2-61	Applicability, use permit required		
23-23	Compliance with State and County regulations required				

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Keahuolu 201H Resolution**")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 5, Hawaii County Code, Building Code		
I	Hawaii County Code Sec. 5-1.0.11 (Building Permit Fees)	Exemption from permit fees for affordable dwellings and their respective accessory occupancies (e.g. detached garage or tool shed)
	Hawaii County Code Sec. 5-1.0.12 (Permit Fees)	<i>[Exemption requested in the interest of minimizing costs in order to provide affordable housing units. This exemption equates to approximately \$300 per affordable home. Based on the project schedule averaging 67 affordable homes per year, this is approximately \$20,000 yr for 18 years, or a total of \$350,000.]</i>
	TABLE NO. 3-A BUILDING PERMIT FEES	Exemption from any otherwise applicable time periods for the processing of permits and other applications. The County of Hawaii shall expeditiously process any application for an agency approval or permit for the Project as follows: (a) the agency receiving the application shall notify the applicant within 15 business days of receipt of any deficiencies in said application and the Applicant shall complete and resubmit the revised application within 30 days, and in the absence of such notification the application shall be deemed a proper application, filed as of the date of submittal to the agency; (b) the agency shall take final action on any application no later than 60 days after filing, and in the absence of further action by the agency, all such applications shall be deemed approved no later than 120 days after submittal of said application to the applicable County agency. This exemption shall not apply to any approvals that require final action by the Planning Commission or the County Council.
		<i>[Exemption requested in order to set durations for permit processing. Applicant willing to work with Planning Department and Department of Public Works on mutually agreeable permit processing procedures for the Project. This will encourage the timely development of homes and encourage development in transit-oriented core of Kona.]</i>

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kanakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION				
Chapter 8 HCC, Dedication of Land						
2	Hawaii County Code Chapter 8, Article 1	<p>Exemption from any applicable land dedication and/or in lieu of fee requirements under Hawaii County Code Chapter 8. However, Project will contribute, subject to County approval, the following estimated fees:</p>				
		<u>Estimated fees to be paid per market homes in the Project</u>				
		<u>Per MF</u>	<u>Per SF</u>	<u>Total of 18 years</u>	<u>Average per year</u>	
		Police \$120	\$280	\$240,120	\$13,340	
		Fire \$371	\$554	\$546,021	\$30,335	
		Solid Waste \$165	\$242	\$240,075	\$13,338	
		Total \$656	\$1,076	\$1,026,216	\$57,012	
		<p>Note: Per Section 8-4(a)(9), any subdivision involving the construction of homes pursuant to chapter 359G, Hawaii Revised Statutes is exempt from the requirements under Chapter 8, Article 1. HRS chapter 359G was repealed in 1987 and replaced by HRS chapter 201E, which was repealed in 1997 and replaced by HRS chapter 201G, which was repealed in 2006 and replaced by HRS chapter 201H.</p>				
		<p>Note: There shall be no exemption from any solid waste and/or tipping fees assessed by the Department of Environmental Management.</p>				
		<p>Note: Project plans to provide roads and parks in excess of standard Fair Share requirements. County parks will be designed in consultation with County Parks & Recreation with construction approved by Parks & Recreation. <i>See</i> table below.</p>				
		<u>Public Parks and Recreation Facilities</u>				
		<u>Estimated Const. Costs</u>	<u>Estimated Acres</u>	<u>Land Value - \$/Ac</u>	<u>Estimated Land Costs</u>	<u>Estimated Total Cost</u>
		North Park - Community \$2,541,600	7.06	\$300,000	\$2,118,000	\$4,659,600
		South Park - Community \$2,772,000	7.70	\$300,000	\$2,310,000	\$5,082,000
		Neighborhood-sized parks \$4,777,500	13.65	\$300,000	\$4,095,000	\$8,872,500
			28.41 acres			\$18,614,100

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION					
Chapter 8 HCC, Dedication of Land							
Hawaii County Code Chapter 8, Article 1 (continued)		Other Land for Cultural, Recreational and Public Use					
		<u>Estimated Acres</u>	<u>Land Value - \$/Ac</u>	<u>Estimated Land Costs</u>	<u>Estimated Total Cost</u>		
Open Space & Pocket Parks	18.39	\$300,000	\$5,517,000	\$5,517,000			
Archaeological Preserves	9.02	\$300,000	\$2,706,000	\$2,706,000			
Elementary School	13.00	\$300,000	\$3,900,000	\$3,900,000			
Civic/School Sites	4.26	\$300,000	\$1,278,000	\$1,278,000			
Total	44.67				\$13,401,000		
		Estimated Key Public Road Improvements					
		<u>LF</u>	<u>ROW</u>	<u>Est Acres</u>	<u>Land - \$/Ac</u>	<u>Est Land Cost</u>	<u>Est Total Costs</u>
Ane K Hwy		N/A	N/A	1.02	\$300K/ac	\$305,400	\$305,400
Maunawalea Ext					\$300K/ac	\$1,487,603	\$7,162,603
Palani & Queen K Int.		2,700	80	4.96	\$300K/ac	N/A	\$1,220,000
Makala & Ane K Int					\$300K/ac	N/A	\$525,000
Ane K and Kealahou Pkwy Int					\$300K/ac	N/A	\$800,000
Keamalahou Dr. Ext		890	80	1.63	\$300K/ac	\$490,358	\$2,382,025
School St Ext		4,535	66	6.87	\$300K/ac	\$2,061,364	\$4,801,364
Main St		2,915	94	6.29	\$300K/ac	\$1,887,121	\$4,102,521
Total		11,040					\$21,298,913
Other - Project intersections on Palani & Ane K Hwy							\$4,200,000
Note: Public road improvements based upon TIAR submitted to DOT in 2010.							
Note: These exemptions shall in no way exempt, amend, alter or revise the terms of the October 16, 2009 Memorandum of Agreement between the County of Hawaii and HIFDC/Forest City for reimbursement for a portion of the construction costs for Phase 1 of the Ane Keohokaloie Highway/Mid-Level Road as part of the rezoning of the Property or as part of the first residential subdivision or final plan approval under these 201H exemptions, whichever is applicable.							

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION				
Chapter 8 HCC, Dedication of Land						
Hawaii County Code Chapter 8, Article 1 (continued)						
		Estimated Fees Requested to be Waived for Affordable Units Only				
			<u>Per MF</u>	<u>Per SF</u>	<u>Total of 18 years</u>	<u>Average per year</u>
Police			\$120	\$280	\$145,240	\$8,069
Fire			\$371	\$554	\$439,372	\$24,410
Solid Waste			\$165	\$242	\$195,272	\$10,848
Total			\$656	\$1,076	\$779,884	\$43,327
		<u>County Standard Fair Share Contribution Table - Provided for Comparison Purposes</u>				
			<u>Per MF</u>	<u>Per SF</u>	<u>Fee Total</u>	
Parks & Rec			\$3,800	\$5,800	\$10,176,000	
Police			\$120	\$280	\$385,360	
Fire			\$371	\$554	\$985,393	
Solid Waste			\$165	\$242	\$435,347	
Road & Traffic			\$3,260	\$5,200	\$8,878,140	
Project Total					\$20,860,240	
Chapter 9, HCC, Electricity						
Hawaii County Code Sec. 9-31 (Permit issuance; fees)		Exemption from all electrical permit fees for affordable dwellings and their respective accessory occupancies, provided, however, that this exemption shall apply only to the initial construction of the first dwelling or mixed-use complex developed on any building site, and shall not apply to penalty fees required under this Chapter.				
Hawaii County Code Sec. 9-39 (Fee payment)						
Hawaii County Code Sec. 9-40 (Fee schedule)		<i>[Exemption requested in the interest of minimizing costs for affordable housing units. This exemption equates to approximately \$120 per affordable home. Based on the project schedule averaging 67 affordable homes per year, this is approximately \$8,040 yr for 18 years, or a total of \$144,720.]</i>				
Chapter 17, HCC, Plumbing						
Hawaii County Code Sec. 17-28		Exemption from the payment of permit fees for affordable dwellings and their respective accessory occupancies, except for fees imposed pursuant to subsection (b).				
(a) (Schedule of Fees)						

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keehuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keehuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 8 HCC, Dedication of Land		
		when applicable, provided, however, that no exemption shall be provided for any penalty fees incurred under this Chapter.
		<i>[Exemption requested in the interest of minimizing costs for affordable housing units. This exemption equates to approximately \$100 per affordable home. Based on the project schedule averaging 67 affordable homes per year, this is approximately \$6,700 yr for 18 years or a total of \$120,600.]</i>
Chapter 21, HCC, Sewers		
5	Hawaii County Code Sec. 21-22 (Construction Specifications)	Subject to the approval by the Department of Environmental Management, exemption to allow for the use of cast iron or other materials, as recommended by the Project's licensed civil engineer. <i>[This exemption is intended to allow for use of other D&M-approved materials such as PVC.]</i>
Chapter 22, HCC, County Streets		
6	Hawaii County Code Sec. 22-4.9 (Standards for driveway approaches)	Exemption to allow no more than 4 driveway approaches for residential uses other than single-family residential uses, pursuant to the recommendations of the Project's licensed engineers, with the approval of the Department of Public Works. <i>[This exemption is primarily to allow CUP-based alley-loaded Traditional neighborhood designs. In some cluster designs for the project, more than 2 driveway approaches are required to the interior of a block.]</i>

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Keahuolu 201H Resolution**")
HRS 201H Exemptions
Kamakana Villages at Keahuolu
TMK Nos (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 23, HCC, Subdivision		
7	Hawaii County Code Sec. 23-10 (Acceptance of highways; compliance with chapter) The council shall not take over, receive by dedication, do any repair or construction work upon streets or pavements, water lines, street lighting systems, sewer lines, or in any way accept as public highways any street in any subdivision opened or platted in the County after December 21, 1966, except upon full compliance with the provisions of this chapter.	Exemption to allow the Council to accept for dedication all streets in the Project, provided, however that the Planning Director, in consultation with the Department of Public Works and the Department of Environmental Management, shall certify that the construction plans are in compliance with the Kona CDP Village Design Guidelines applicable at the date of the approval of the Keahuolu 201H Resolution, and meets standards accepted by the Department of Public Works.
8	Hawaii County Code Sec. 23-11 (Public utility or public rights-of-way subdivisions) The requirements, including lot sizes, and standards of this chapter shall not be applicable to public utility or public rights-of-way subdivisions and their remnant parcels; provided that the director upon conferring with the director of public works and manager of the department of water supply may require necessary improvements to further the public welfare and safety.	Exemption from Subdivision Code minimum lot sizes standards for private utilities. <i>[This exemption will allow smaller lot sizes and standards for utility purposes for private, as well as public utility companies.]</i>
9	Hawaii County Code Sec. 23-22 (Compliance with design standards required) Each subdivision and the plat thereof shall conform to the standards set forth in this article.	The design and construction of the subdivision will conform to design standards and specifications as specifically set forth in the Keahuolu 201H Resolution and as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, the Kona Community Development Plan, and construction plans prepared by the Project's licensed engineers. <i>[Exemption requested to assist with design per the Kona (1)P. Flexibility is required in the master planning and housing design to achieve this goal. In addition, smaller blocks are preferred to larger block sizes in order to create a more pedestrian friendly residential neighborhood environment in keeping with the goals of the Kona (1)P.]</i>
10	Hawaii County Code Sec. 23-23 (Compliance with State and County regulations required) Subdivisions shall conform to the County general plan and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of State law, County Department of Public Works, State Department of Health, State Department of Transportation, and County Department of Water Supply requirements and the standards established by this chapter.	Subdivisions in the Project shall conform to the County General Plan, shall be developed in consultation with the Planning Department, Department of Public Works and the Department of Environmental Management, and designed pursuant to the relevant State and County requirements, and as amended by the Keahuolu 201H Resolution. <i>[Exemption requested to assist with design per the Kona (1)P. Flexibility is required in the master planning and housing design to achieve this goal. In addition, smaller blocks are preferred to larger block sizes in order to create a more pedestrian friendly residential neighborhood environment in keeping with the goals of the Kona (1)P.]</i>
11	Hawaii County Code Sec. 23-26 (Reservation for parks, playgrounds, and public building sites) The subdivider of a parcel of land capable of supporting two hundred dwelling units shall reserve suitable areas for parks, playgrounds, schools, and other public building sites that will be required for the use of its residents. Five percent to ten percent of the land area, exclusive of streets, shall be reserved for recreational and public use, for a period of two years for acquisition by a public agency. Outstanding natural or cultural features such as scenic spots, water courses, fine groves of trees, lianas, historical sites and structures shall be preserved as provided by the director.	Forest City shall construct improved park areas for dedication to the County at no charge, and the County shall accept for dedication, no less than 20 acres of land for parks, playgrounds, schools, or other public purposes within the Project, as shown in the Plans & Figures. Forest City shall construct and open for public use one smaller neighborhood park upon completion of the 100 th residential unit, and the first large community park upon completion of the 600 th residential unit. NOTE: Per HCC 23-26, 5% to 10% of the land within the Project, exclusive of streets, equates to 10.7 acres to 21.4

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")
HRS 201H Exemptions
 Kamakana Villages at Keahuolu
 TMK Nos. (3) 7-4-021, 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION					
		acres. Parks dedicated to the County will be designed in consultation with, and construction plans approved by, the Department of Parks and Recreation. NOTE: Per HCC 8-4 Exemptions from Park Dedication Code: exempts park requirements for any subdivision by any government agency or non-profit organization, involving the construction of homes pursuant to Chapter 349G, Hawaii Revised Statutes (now known as Chapter 201H Hawaii Revised Statutes).					
		<u>Public Parks and Recreation Facilities</u>					
		Estimated Const. Costs	Estimated Acres	Land Value - \$/Ac	Estimated Land Costs	Estimated Total Cost	
North Park - Community		\$2,541,600	7.06	\$300,000	\$2,118,000	\$4,659,600	
South Park - Community		\$2,772,000	7.70	\$300,000	\$2,310,000	\$5,082,000	
Neighborhood-sized parks		\$4,777,500	13.65 28.41 acres	\$300,000	\$4,095,000	\$8,872,500 \$18,614,100	
Land as % of Project (exclusive of streets)			13%				
		<u>Other Land for Cultural, Recreational and Public Use</u>					
		Estimated Acres	Land Value - \$/Ac	Estimated Land Costs	Estimated Total Cost		
Open Space & Pocket Parks		18.39	\$300,000	\$5,517,000	\$5,517,000		
Archaeological Preserves		9.02	\$300,000	\$2,706,000	\$2,706,000		
Elementary School		13.00	\$300,000	\$3,900,000	\$3,900,000		
Civic/School Sites		4.26	\$300,000	\$1,278,000	\$1,278,000		

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	<p>Total 44.67 \$13,401,000</p> <p>Land as % of Project (exclusive of streets) 21%</p>		
12	<p>Hawaii County Code Sec. 23-29 (Block sizes)</p> <p>(a) Blocks shall not exceed two tiers of lots in width and thirteen hundred feet in length, except for:</p> <p>(1) Blocks adjacent to arterial streets; or</p> <p>(2) When the previous adjacent layout or topographical conditions justify a variation. Long blocks shall be provided adjacent to arterial streets to reduce the number of intersections. The recommended minimum distance between intersections on arterial streets is eighteen hundred feet. Longer blocks shall be used when possible.</p> <p>(b) Blocks shall not be less than four hundred feet in length.</p> <p>(c) The desired length for normal residential blocks is from eight hundred to one thousand feet. When the layout is such that sewers will be installed or easements for future sewer lines are provided along rear lot lines, the block should not exceed eight hundred feet in length.</p>	<p>Block widths may exceed 2 tiers of lots.</p> <p>Block lengths of 200 feet or more shall be permitted, subject to the approval of the Planning Director. The minimum block length of 200 feet is determined by the size of the "Small Lot Alley Loaded" single family residential unit for the project. The lot size is 45' x 90' with a rear alley of 20' so this requires a 200 foot minimum block size.</p> <p>Block lengths for layouts that include sewers or easements for future sewer lines shall be determined by the Project's engineers, in consultation with the Planning Director, the Department of Environmental Management and the DPW.</p> <p><i>[Exemption requested to assist with the development of affordable housing and design per the Kona ("LP") and L.E.E.D. ND. Smaller blocks are preferred to larger block sizes in order to create a more pedestrian friendly residential neighborhood environment in keeping with the goals of the Kona ("LP"). Flexibility is required in the master planning and housing design to achieve this goal.]</i></p>	
13	<p>Hawaii County Code Sec. 23-32 (Lot size, shape, and setback line)</p> <p>The lot size, width, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, the type of development and uses contemplated and in conformance with the provisions of chapter 25, Zoning Code.</p>	<p>Lot sizes, widths, shapes and orientations, and minimum building setback lines shall be as set forth in the Kaeaholu 201H Resolution and in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the Kona Community Development Plan. <i>See exemptions to Secs. 25-5-74 to 25-5-76.</i></p> <p>Lot sizes, shapes, setbacks will vary from that specified within the County Code to accommodate a mix of product type, increase the efficiency of the land use, and thus yield a more compact, walkable, and pedestrian oriented development. The widths, shape and setback lines for such lots will conform to specific standards approved by the County Council for the Kaeaholu 201H Resolution.</p> <p><i>[Exemption requested to assist with the development of affordable housing and design per the Kona ("LP"). Flexibility is required in the master planning and housing design to achieve this goal. In addition, smaller blocks are preferred to larger block sizes in order to create a more pedestrian friendly residential neighborhood environment in keeping with the goals of the Kona ("LP").]</i></p>	
14	<p>Hawaii County Code Sec. 23-35 (Lot side lines)</p> <p>The side lines of a lot shall run at right angles to the street upon which the lot faces, or on a curved street</p>	<p>Exemption from requirement that side lot lines run at right angles. See Plans & Figures.</p> <p><i>[In some areas, the side lines of the lots that front the curved roadways are designed to be parallel to each other to</i></p>	

EXHIBIT B

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HRS 201H Exemptions

Kamakana Villages at Kaeaholu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION																														
they shall be radial to the curve, as far as practicable.		<i>create a scene of consistency with the placement of the homes versus the side lines running at right angles to the interior curved roadways /</i>																														
15	<p>Hawaii County Code Sec. 23-41 (Minimum right-of-way and pavement widths)</p> <p>(a) Unless otherwise indicated on the County general plan, the width of a street in feet shall not be less than the minimums shown in the following table:</p> <table> <tr> <th>Type of Street</th><th>Minimum Right-of-Way</th><th>Minimum Pavement</th></tr> <tr> <td>Parkways</td><td>300 feet</td><td>24 feet</td></tr> <tr> <td>Primary arterials</td><td>120 feet</td><td>24 feet</td></tr> <tr> <td>Secondary arterials</td><td>80 feet</td><td>60 feet (urban) 24 feet (rural)</td></tr> <tr> <td>Business & industrial streets</td><td>60 feet</td><td>24 feet (agricultural) 36 feet (urban)</td></tr> <tr> <td>Collector Streets</td><td>60 feet</td><td>24 feet (agricultural) 24 feet (urban) 20 feet (rural)</td></tr> <tr> <td>Minor Streets</td><td>50 feet</td><td>20 feet (agricultural) 20 feet (rural)</td></tr> <tr> <td>Cut-de-sac and dead-end streets</td><td>50 feet</td><td>20 feet (agricultural) 20 feet (urban) 20 feet (rural)</td></tr> <tr> <td>Radius for turn-around at end of cut-de-sac</td><td>45 feet</td><td>35 feet (urban) 35 feet (rural)</td></tr> <tr> <td>Alleys</td><td>20 feet</td><td>35 feet (agricultural) 30 feet (urban) 20 feet (rural) 20 feet (agricultural)</td></tr> </table>	Type of Street	Minimum Right-of-Way	Minimum Pavement	Parkways	300 feet	24 feet	Primary arterials	120 feet	24 feet	Secondary arterials	80 feet	60 feet (urban) 24 feet (rural)	Business & industrial streets	60 feet	24 feet (agricultural) 36 feet (urban)	Collector Streets	60 feet	24 feet (agricultural) 24 feet (urban) 20 feet (rural)	Minor Streets	50 feet	20 feet (agricultural) 20 feet (rural)	Cut-de-sac and dead-end streets	50 feet	20 feet (agricultural) 20 feet (urban) 20 feet (rural)	Radius for turn-around at end of cut-de-sac	45 feet	35 feet (urban) 35 feet (rural)	Alleys	20 feet	35 feet (agricultural) 30 feet (urban) 20 feet (rural) 20 feet (agricultural)	<p>Type of Street</p> <p>Collector Streets with Median</p> <p>Collector Streets</p> <p>Minor Streets</p> <p>1-Way Minor Streets</p> <p>Cut-de-sac and dead-end streets</p> <p>Radius for turn-around at end of cut-de-sac</p> <p>Alleys</p> <p>Minimum ROW</p> <p>80 feet</p> <p>60 feet</p> <p>37 feet</p> <p>30 feet</p> <p>20 feet</p> <p>Per Fire Department regulations</p> <p>20 feet</p> <p>Minimum Travel Lane Width</p> <p>15 foot travelway per direction (not including rolled curb and shoulder)</p> <p>24 feet, curb to curb</p> <p>16 feet, curb to curb</p> <p>11 foot travelway (not including rolled curb and shoulder)</p> <p>16 feet, curb to curb</p> <p>Per Fire Department regulations</p> <p>16 feet</p>
Type of Street	Minimum Right-of-Way	Minimum Pavement																														
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16	<p>Hawaii County Code Sec. 23-45 (Intersection angles; corner radius)</p> <p>(a) Streets shall be laid out to intersect at right angles except where topography requires a lesser angle, but the angle shall not be less than sixty degrees unless there is a special intersection design.</p> <p>(b) When sidewalks, curbs, and gutters are required, pavements in collector streets in urban areas shall be thirty-six feet wide and pavements in minor and dead-end streets in urban areas shall be thirty-two feet wide.</p>	<p>Exemption to allow streets to intersect at angles of less than 90 degrees and minimum property line radius shall be established by a licensed civil engineer in compliance with ASHTO standards, having considered all life safety</p>																														

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION																					
(b) Intersections which are not at right angles shall have a minimum corner radius of twenty-five feet along the right-of-way lines of the acute angle. All other right-of-way lines at these intersections shall have a corner radius of not less than twenty feet. If unusual topographical conditions exist that will impair sight distances and create a traffic hazard, the director of public works may specify a larger corner radius.		The criteria for establishing a minimum sight distance triangle shall be subject to Department of Public Works approval. The line of sight triangle shall be within the right-of-way, within the clear area required by existing ordinance (HCC Section 22-2.2) or within a sight distance easement prohibiting sight distance obstructions as established by the adopted criteria.																					
17 Hawaii County Code Sec. 23-50 (Grades and Curves)	<p>(a) A grade of a street shall be a reasonable minimum but in no case be less than one-half of one percent and shall not exceed seven percent on major arterials, eight percent on secondary arterials, ten percent on collector streets, or twelve percent on any other street. No grade shall be less than one-half of one percent at the gutter. Vertical and horizontal curves shall be so designed as to give nonpassing distance visibility in conformance with the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Classification</th><th>Vertical Curve</th><th>Horizontal Curve</th></tr> </thead> <tbody> <tr> <td>Primary arterial</td><td>500 feet</td><td>500 feet</td></tr> <tr> <td>Secondary arterial</td><td>500 feet</td><td>500 feet</td></tr> <tr> <td>Business or industrial street</td><td>500 feet</td><td>500 feet</td></tr> <tr> <td>Collector street</td><td>300 feet</td><td>300 feet</td></tr> <tr> <td>Minor street</td><td>300 feet</td><td>300 feet</td></tr> <tr> <td>Cul-de-sac</td><td>100 feet</td><td>200 feet</td></tr> </tbody> </table> <p>(b) Variations from the required grades or curves may be permitted by the director and the director of public works where advisable to meet unusual conditions and the director of public works may specify additional standards accordingly.</p>	Classification	Vertical Curve	Horizontal Curve	Primary arterial	500 feet	500 feet	Secondary arterial	500 feet	500 feet	Business or industrial street	500 feet	500 feet	Collector street	300 feet	300 feet	Minor street	300 feet	300 feet	Cul-de-sac	100 feet	200 feet	<p>Grade limits shall meet AASHTO guidelines and may allow for grades of 10% on secondary arterials and 12% on collector streets.</p> <p>Exemption that geometric design shall meet AASHTO guidelines for an appropriate design speed, with traffic calming facilities as determined by the Project's engineers, and subject to the approval of the Department of Public Works.</p> <p><i>[Due to the steep topography of the site, flexibility is required in the street grades, particularly in the Maunaka section of the property where the slopes are most severe. This exemption request also corresponds to LEED ND (SIL Credit 6) for maximum allowable slope. The purpose of the Project is to be a major provider of affordable housing so flexibility in street design is critical to achieving this goal.]</i></p>
Classification	Vertical Curve	Horizontal Curve																					
Primary arterial	500 feet	500 feet																					
Secondary arterial	500 feet	500 feet																					
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18 Hawaii County Code Sec. 23-52 (Alleys)	Alleys shall have a minimum width of twenty feet in districts designated commercial and industrial in chapter 25, Zoning Code, unless adequate permanent provisions for access to off-street parking and loading facilities approved by the director have been provided. At street and alley intersections, ten feet corner radii shall be required.	<p>Exemption to allow alleys to have a minimum right-of-way width of 20 feet, and pavement width of 16 feet.</p> <p><i>[Exemption requested in order to reduce cost for affordable housing, and to have a more "green" project with less pavement.]</i></p> <p>Exemption to allow street and alley intersections to have 8 feet corner radii. Property line radius shall be established by a licensed civil engineer in compliance with AASHTO standards, having considered all life safety and ADA compliance issues.</p> <p>The criteria for establishing a minimum sight distance triangle shall be subject to Department Of Public Works approval. The line of sight triangle shall be within the right-of-way, within the clear area required by existing ordinance (HCC Section 22-2.2) or within a sight distance easement prohibiting sight distance obstructions as</p>																					

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<p>19 Hawaii County Code Sec. 23-54 (Utilities location within streets and State highways)</p> <p>(a) In general, all utilities shall be located within the street width, and government owned water mains shall be located in the paved areas, except that water mains of a suburban water system may be located as designated in the area between the edge of pavement and the property line when approved by the director of public works and manager. Where practicable, sewer mains shall be located in the paved area between curbs.</p> <p>(b) On State highways, all utilities shall be located in the area between the edge of pavement and the property line. Where practicable, a minimum distance of six feet shall be maintained between the edge of pavement and the location of the utilities. Utilities may be permitted to cross the highway on a line perpendicular to the centerline of the highway. Under certain conditions the utility may be permitted to deviate from the normal line but in no case shall the angle between the utility and a line perpendicular to the centerline exceed forty-five degrees.</p>	<p>established by the adopted criteria.</p> <p>Alley and street intersections shall be subject to input from the Fire Department. Alleys shall be owned and maintained by others than the County of Hawaii.</p> <p><i>[Exemption requested is consistent with goals outlined in LEED ND (SIL 8, SIL 9, GIB 4, GIB 7, GIB 8, GIB9) and the Kona CDP in creating neighborhood-scale walkable streets. Promote walking by providing safe, appealing, and comfortable street environments that support public health by reducing pedestrian injuries and encouraging daily physical activity.]</i></p> <p>Exemption to allow certain utilities to be located outside of any street widths, and within alley streets, subject to the approval of the Department of Environmental Management (when applicable), and the applicable utility provider.</p>
<p>20 Hawaii County Code Sec 23-62 (Tentative approval of preliminary plat)</p> <p>(a) Within forty-five days after submission of the preliminary plat, the director shall review the plan and may give tentative approval of the preliminary plat as submitted or as modified or may disapprove the preliminary plat, stating the reasons for disapproval in writing or shall defer action pending further review. Approval of the preliminary plat shall indicate the director's directive to prepare detailed drawings on the plat submitted, provided there is no substantial change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this chapter. The action of the director with reference to any attached documents describing any conditions shall be noted on two copies of the preliminary plat. One copy shall be returned to the subdivision and the other retained by the director.</p> <p>At such time the director shall stamp the above two preliminary plats:</p> <p>"Subdivider authorized to prepare detailed drawings on plat as submitted including corrections noted."</p> <p>"Recordation with the Bureau of Conveyances, State of Hawaii, not authorized until approved for record at a later date."</p> <p>(b) If no action (approval, disapproval, modification, or deferral) is taken by the director within forty-five days after submission of the preliminary plat, or such longer period as may have been agreed upon in writing, the preliminary plat shall be deemed approved. The approval shall be on condition that the</p>	<p>Exemption from any otherwise applicable time periods for the processing of permits and other applications. The County of Hawaii shall expeditiously process any application for an agency approval or permit for the Project as follows: (a) the agency receiving the application shall notify the applicant within 15 business days of receipt of any deficiencies in said application and the applicant shall complete and resubmit the revised application within 30 days, and in the absence of such notification the application shall be deemed a proper application, filed as of the date of submission to the agency; (b) applications for tentative approval to modify preliminary plat or disapproval of the preliminary plat to be issued no later than 90 days after filing. This exemption shall not apply to any approvals that require final action by the Planning Commission or the County Council.</p> <p><i>[Exemption requested in order to set directions for approval processing. Applicant willing to work with Planning Department, Department of Environmental Management, and Department of Public Works on mutually agreeable processing procedures for the Project. This will encourage the timely development of affordable project and encourage development in transit-oriented core of Kona.]</i></p>

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<p>subdivider construct roads to the standards required by this chapter, a water system to the standards of the department of water supply, drainage meeting with the approval of the department of public works under section 23-92, that sewage disposal shall conform with section 23-85, if applicable, and the requirements of the department of health, and that the lot sizes and dimensions must be adjusted to conform to the zoning code on the final plat. The subdivider shall comply with the provisions of this chapter in order to receive final subdivision approval.</p> <p>(c) The director shall disapprove a preliminary plat or a subdivision map where the subdivider has failed to comply with the provisions of chapter 25, zoning code.</p> <p>(d) The subdivider shall complete all requirements specified as conditions for approval of the preliminary plat (tentative approval) within three years of said approval. An extension of not more than two years may be granted by the director upon timely written request of the subdivider. At the end of said three year period or its approved extension, unless all said conditions are completed, the approval of the preliminary plat shall expire and shall be of no further force or effect, or shall be subject to the technical review of the applicable agencies for compliance with current Code and rule requirements. This subsection shall be applied to all subdivision applications which have received tentative subdivision approval and which have not completed subdivision improvements, provided the three year period, and extension, if applicable, shall be taken from December 4, 1992, and not from the date of preliminary plat (tentative) approval.</p> <p>(e) The director's deferral of a subdivision for further review under subsection (a) constitutes an acceptance of the contents of the preliminary plat as submitted, and the director's issuance of tentative and final subdivision approval is valid despite the failure of the preliminary plat to include all of the information specified in sections 23-63 to 23-66, provided that there has been actual compliance with the substantive requirements of this chapter and chapter 25, zoning code. The director may require the subdivider to submit supplementary information prior to tentative or final approval and may condition tentative or final approval on the submission of such information and on the performance of conditions attached to the tentative approval.</p>		
<p>21 Hawaii County Code Sec. 23-76 (No conveyance of land prior to approval for recordation)</p> <p>Land shall not be offered for sale, lease or rent in any subdivision, nor shall options or agreements for the purchase, sale, leasing or rental of the land be made until approval for recordation of the final plat is granted by the director.</p>	<p>Exemption from requirement that final plat must be approved for recordation prior to land being offered for sale, lease or rent. Project may be "offered for sale," via advertisement through the use of the internet, publications, mailings, public announcements, or publicizing through other agencies and organizations, prior to final plat approval.</p> <p><i>[As an affordable housing project, the income-restricted homes can only be purchased by qualified individuals. This exemption is being requested in order to provide additional time for marketing the income-restricted homes.]</i></p>	
<p>22 Hawaii County Code Sec. 23-86 (Requirements for dedicable streets)</p> <p>(a) The subdivider shall grade, drain, and surface all streets constructed after December 21, 1966 as shown on his plat, except reserved dedication for future street purposes, so as to provide access for vehicular traffic to each lot of the subdivision.</p> <p>(b) A street shall be constructed in accordance with the specifications in this section and those on file with the department of public works. A street shall be installed under the supervision of the director of public works and to permanent grades approved by him.</p>	<p>All streets within the Project shall conform to the street sections shown in the Plans & Figures attached as Exhibit A to the 201H Resolution, and in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision & Order reclassifying the Project lands to the Urban District, and shall be accepted by the County for dedication. The construction details for all roads, streets and alleys shall be subject to the approval of the Department of Public Works. The proposed Alleys as described in Exhibit A (Plans & Figures) shall not be accepted for dedication.</p>	

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HAWAII COUNTY CODE STANDARD			HRS 201H EXEMPTION																										
	<p>(c) A street shall have sufficient thickness of pavement, and compacted base course and sub-base material to support axle and wheel loads permitted under section 291-35, Hawaii Revised Statutes. In no case shall the streets be less substantial than the following minimum deductible standards of the County:</p> <p>(1) A street serving areas zoned for lots set forty-five hundred square feet to and including one acre, shall have a six-inch minimum select borrow sub-base course, a base course of four inches of compacted crusher run base with filler, and a pavement of two inches of asphaltic concrete or two and one-half inches of asphaltic macadam, applied in three separate applications. Pavement width shall conform to the urban standard as set forth under section 23-41.</p> <p>(2) A street serving areas zoned for lots of over one acre and up to and including three acres, shall have a six-inch minimum select borrow sub-base course, a base course of four inches of compacted crusher run base and a pavement of two inches of asphaltic concrete or two and one-half inches of asphaltic macadam, applied in three separate applications. Pavement width shall conform to the rural standard as set forth under section 23-41.</p> <p>(d) A street meeting the minimum requirements of this section shall be deductible.</p>			<p>Maintenance of all landscaping within the streets so dedicated to the County shall be pursuant to the terms of a landscape maintenance agreement between the County and subdivider, to be executed prior to Final Subdivision Approval for the first increment of residential lots (not to include any bulk lot subdivisions).</p> <p>Vehicle access to single-family lots shall not be from any major collector or arterial roadways.</p> <p><i>[Exemption requested to assist with design per LEED ND and Kona (TP) in creating neighborhood-scale walkable streets. Promote walking by providing safe, appealing, and comfortable street environments that support public health by reducing pedestrian injuries and encouraging daily physical activity.]</i></p>																									
23	<p>Hawaii County Code Sec. 23-88 (Nondeddicable street; private dead-end street)</p> <p>(a) A private dead-end street may be established upon approval of the director. The street shall provide access to six lots or less conforming to the minimum area requirements set forth in this chapter and shall be restricted only to residential lots and those agricultural lots zoned for less than three acres. The following shall be the minimum pavement width and right-of-way:</p> <table><tr><th>Road Access</th><th>Pavement</th><th>Right of Way</th></tr><tr><td>1 lot</td><td>8'</td><td>12'</td></tr><tr><td>2 lots</td><td>12'</td><td>16'</td></tr><tr><td>3 lots</td><td>14'</td><td>18'</td></tr><tr><td>4 to 6 lots</td><td>16'</td><td>20'</td></tr></table> <p>(b) A private street shall be constructed in conformance with standards on file at the department of public works</p> <p>(c) A private street meeting only the minimum requirements of this section shall not be deductible</p>	Road Access	Pavement	Right of Way	1 lot	8'	12'	2 lots	12'	16'	3 lots	14'	18'	4 to 6 lots	16'	20'		<p>Private dead end streets shall be permitted, and may provide access to up to 25 lots. The following shall be the minimum pavement widths and right-of-way:</p> <table><tr><th>Road Access</th><th>Pavement</th><th>Right-of-Way</th></tr><tr><td>1 - 5 lots</td><td>8 feet</td><td>12 feet</td></tr><tr><td>6 - 25 lots</td><td>16 feet</td><td>20 feet</td></tr></table>	Road Access	Pavement	Right-of-Way	1 - 5 lots	8 feet	12 feet	6 - 25 lots	16 feet	20 feet	<p>Private streets meeting the requirements above shall be accepted by the County for dedication.</p> <p><i>[This exemption is requested in order to allow connectivity to future developments per the Kona (TP) and LEED ND (NPD) 6.]</i></p>	
Road Access	Pavement	Right of Way																											
1 lot	8'	12'																											
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24	<p>Hawaii County Code 23-89 (Sidewalks)</p> <p>For the safety of pedestrians and of children at play, sidewalks on both sides of the street may be required. The director shall have the authority to recommend and the council may, when in its judgment a necessity exists for such improvements, require the construction of sidewalks which shall be constructed in accordance with specifications of the County department of public works.</p>		<p>Sidewalks on both sides of the streets shall be provided on those streets as shown in Section 4 of Exhibit A to the 201H Resolution.</p> <p><i>[Exemption requested is consistent with goals outlined in LEED ND (SL 3; NPD P1; NPD P3; NPD 1; NPD 6; NPD 9; NPD 10) and the Kona (TP) in creating neighborhood-scale walkable streets. Promote walking by providing safe, appealing, and comfortable street environments that support public health by reducing pedestrian injuries and encouraging daily physical activity]</i></p>																										
25	<p>Hawaii County Code Sec. 23-93 (Street lights)</p> <p>Street lights shall be constructed within the subdivision. The street lights shall conform to the standard</p>		<p>Project street lights may be pursuant to Forest City's designs, in compliance with AASHTO, and Forest City shall provide Department of Public Works with adequate replacement street lights, which shall be adequate for one life</p>																										

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Keahuolu 201H Resolution**")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
	specifications on file with the department of public works. The construction of street lights shall be made a part of the contract for subdivision improvement and installed coincident with other required improvements.	cycle. Street lights shall be Department of Public Works approved type only. <i>[Exemption requested to allow option to use LED. ND encouraged "Green Infrastructure" - specifically solar street lights, to achieve over a 15% annual energy reduction (till credit 13)]</i>
26	Hawaii County Code Sec. 23-94 (Street name and traffic signs) Street name signs showing the names of intersecting streets shall be erected by the subdivider at each street intersection. The type and location of street name and traffic signs which shall be created by the subdivider shall be subject to the approval of the director of public works and shall conform to the standard specifications on file at the department of public works.	The type, location and specifications of street lights, street names and traffic signs shall be at the discretion of the Project developers, in compliance with ASHTO and MUTCD (Manual on Uniform Traffic Control Devices), and with the approval of the Planning Director and the Department of Public Works. Any replacement street and traffic signage that is not Department of Public Works approved shall be provided to the County by Project developer. <i>[Exemption requested to allow for customized signage for project to assist in navigation and wayfinding]</i>
27	Hawaii County Code Sec. 23-95 (Right-of-way improvement) The subdivider shall be required to improve the entire street right-of-way. The improvements shall conform to the standard specifications on file with the department of public works.	Waiving the requirements of the sections which state that dedicable streets be designed in accordance with "standard specifications on file with the Department of Public Works." Dedicable streets and right-of-way improvements within the Project shall conform to the street sections shown in the Plans & Figures attached as Exhibit A to the 201H Resolution. The final construction plans, construction materials and specifications for all dedicable streets and right-of-way improvements developed per the above requirements shall be subject to the approval of the Department of Public Works.

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")
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Kamakana Villages at Keahuolu
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Chapter 25, HCC, Zoning		HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION																																																						
28	<p>Hawaii County Code Sec. 25-2-44 (Conditions on change of zone)</p> <p>(a) Within any ordinance for a change of zone, the council may impose conditions on the applicant's use of the property subject to the change of zone provided that the council finds that the conditions are:</p> <p>(1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or</p> <p>(2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:</p> <p>(A) Protection of the public from the potentially deleterious effects of the proposed use; or</p> <p>(B) Fulfillment of the need for public service demands created by the proposed use;</p> <p>(b) Changes or alterations of conditions of any change of zone ordinance shall be processed in the same manner as a zone change, unless the council authorizes the changes or alterations to be made by the director. A request for any change or alteration of conditions shall be submitted in writing to the director, in lieu of the application required for an applicant-initiated change of zone. The request shall be accompanied by a filing fee of \$250.</p> <p>(c) Failure to fulfill any conditions of the zone change within the specified time limitations, or any extensions thereto, may be grounds for the enactment of an ordinance making further zone changes or for rezoning the affected property back to its original zoning designation or a more appropriate zoning designation, upon initiation by either the director or the council in accordance with section 25-2-43.</p>	<p>Exemption for any fair share contribution requirement normally imposed in connection with the enactment of a rezoning and/or any impact fees imposed pursuant to HRS 46-142. The developer shall comply with all applicable governmental conditions of approval for the Project. However, the Project will contribute, subject to County approval, the following estimated fees:</p> <p>Estimated fees to be paid per market homes in the Project</p> <table><tr><th></th><th>Per MF</th><th>Per SF</th><th>Total of 18 years</th><th>Average per year</th></tr><tr><td>Police</td><td>\$120</td><td>\$280</td><td>\$240,120</td><td>\$13,340</td></tr><tr><td>Fire</td><td>\$371</td><td>\$554</td><td>\$546,021</td><td>\$30,335</td></tr><tr><td>Solid Waste</td><td>\$165</td><td>\$242</td><td>\$240,075</td><td>\$13,338</td></tr><tr><td>Total</td><td>\$656</td><td>\$1,076</td><td>\$1,026,216</td><td>\$57,012</td></tr></table> <p><i>NOTE: Project plans to provide roads and parks in excess of standard Fair Share requirements. County parks will be designed in consultation with County Parks and Recreation with construction plans approved by Parks & Recreation. See tables below.</i></p> <p>Public Parks and Recreation Facilities</p> <table><tr><th></th><th>Estimated Const Costs</th><th>Estimated Acres</th><th>Land Value - \$/Ac</th><th>Estimated Costs</th><th>Estimated Total Cost</th></tr><tr><td>North Park - Community</td><td>\$2,541,600</td><td>7.06</td><td>\$300,000</td><td>\$2,118,000</td><td>\$4,659,600</td></tr><tr><td>South Park - Community</td><td>\$2,772,000</td><td>7.70</td><td>\$300,000</td><td>\$2,310,000</td><td>\$5,082,000</td></tr><tr><td>Neighborhood-sized parks</td><td>\$4,777,500</td><td>13.65</td><td>\$300,000</td><td>\$4,095,000</td><td>\$8,872,500</td></tr><tr><td></td><td></td><td>28.41 acres</td><td></td><td></td><td>\$18,614,100</td></tr></table>		Per MF	Per SF	Total of 18 years	Average per year	Police	\$120	\$280	\$240,120	\$13,340	Fire	\$371	\$554	\$546,021	\$30,335	Solid Waste	\$165	\$242	\$240,075	\$13,338	Total	\$656	\$1,076	\$1,026,216	\$57,012		Estimated Const Costs	Estimated Acres	Land Value - \$/Ac	Estimated Costs	Estimated Total Cost	North Park - Community	\$2,541,600	7.06	\$300,000	\$2,118,000	\$4,659,600	South Park - Community	\$2,772,000	7.70	\$300,000	\$2,310,000	\$5,082,000	Neighborhood-sized parks	\$4,777,500	13.65	\$300,000	\$4,095,000	\$8,872,500			28.41 acres			\$18,614,100	
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Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Keahuolu 201H Resolution**")
HRS 201H Exemptions
Kamakana Villages at Keahuolu
TMK Nos (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION						
Chapter 25, HCC, Zoning								
		Other Land for Cultural, Recreational and Public Use						
		Estimated Acres	Land Value - \$/Ac	Estimated Land Costs	Estimated Total Cost			
	Open Space & Pocket Parks	18.39	\$300,000	\$5,517,000	\$5,517,000			
	Archeological Preserves	9.02	\$300,000	\$2,706,000	\$2,706,000			
	Elementary School	13.00	\$300,000	\$3,900,000	\$3,900,000			
	Civic/School Sites	4.26	\$300,000	\$1,278,000	\$1,278,000			
	Total	44.67			\$13,401,000			
	Estimated Key Public Road Improvements							
		Estimated Const. Cost	L.F. N/A	ROW Acres N/A	Est. \$/Ac	Land - \$/Ac	Estimated Land Cost	Estimated Total Cost
	Ane K Hwy	N/A	N/A	1.02	\$300k/ac	\$305,400	\$305,400	\$305,400
	Manawalea Ext	\$5,675,000	2.700	80	\$300k/ac	\$1,487,603	\$7,162,603	\$1,220,000
	Palani & Queen K Int.	\$1,220,000		4.96	\$300k/ac	N/A	\$525,000	
	Makala & Ane K Int	\$525,000			\$300k/ac	N/A		
	Ane K and Kealahou Pkwy Int	\$800,000			\$300k/ac	N/A	\$800,000	
	Kealahou Dr. Ext	\$1,891,667	890	80	\$300k/ac	\$490,358	\$2,382,025	
	School St Ext	\$2,740,000	4,535	66	\$300k/ac	\$2,061,364	\$4,801,364	
	Main St	\$2,215,400	2,915	94	\$300k/ac	\$1,887,121	\$4,102,521	
	Total		11.040				\$21,298,913	
	Other - Project intersections on Palani & Ane K Hwy	\$4,200,000					\$4,200,000	
NOTE: Based on TIAR submitted to DOT in 2010								
Note: These exemptions shall in no way exempt, amend, alter or revise the terms of the October 16, 2009 Memorandum of Agreement between the County of Hawaii and HHFDC/Forest City for reimbursement for a								

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")
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Chapter 25, HCC, Zoning	HAWAII COUNTY CODE STANDARD	HRS 201H EXEMPTION																																																					
		<p>portion of the construction costs for Phase I of the Aiea Keohokalele Highway/Mid-Level Road as part of the rezoning of the Property, or as part of the first residential subdivision or final plan approval under these 201H exemptions, whichever is applicable</p> <p><u>Estimated Fees Requested to be Waived for Affordable Units Only</u></p> <table><tr><th></th><th><u>Per MF</u></th><th><u>Per SF</u></th><th><u>Total of 18 years</u></th><th><u>Average per year</u></th></tr><tr><td>Police</td><td>\$120</td><td>\$280</td><td>\$145,240</td><td>\$8,069</td></tr><tr><td>Fire</td><td>\$371</td><td>\$554</td><td>\$439,372</td><td>\$24,410</td></tr><tr><td>Solid Waste</td><td>\$165</td><td>\$242</td><td>\$195,272</td><td>\$10,848</td></tr><tr><td>Total</td><td>\$656</td><td>\$1,076</td><td>\$779,884</td><td>\$43,327</td></tr></table> <p><u>County Standard Fair Share Contribution Table - Provided for Comparison Purposes</u></p> <table><tr><th></th><th><u>Per MF</u></th><th><u>Per SF</u></th><th><u>Fee Total</u></th></tr><tr><td>Parks & Rec</td><td>\$3,800</td><td>\$5,800</td><td>10,176,000</td></tr><tr><td>Police</td><td>\$120</td><td>\$280</td><td>\$385,360</td></tr><tr><td>Fire</td><td>\$371</td><td>\$554</td><td>\$985,393</td></tr><tr><td>Solid Waste</td><td>\$165</td><td>\$242</td><td>\$435,347</td></tr><tr><td>Road & Traffic</td><td>\$3,260</td><td>\$5,200</td><td>\$8,878,140</td></tr><tr><td>Project Total</td><td></td><td></td><td>\$20,860,240</td></tr></table> <p>[Exemption requested in effort recognize Project public improvements as fair share contribution. Note that over \$50M in parks, public spaces, and traffic improvements are planned as part of the Project design. Project budgeting to provide Roads and Parks to in excess of Fair Share requirements. County parks will be designed in consultation with ad construction plans approved by County Parks and Recreation.]</p>		<u>Per MF</u>	<u>Per SF</u>	<u>Total of 18 years</u>	<u>Average per year</u>	Police	\$120	\$280	\$145,240	\$8,069	Fire	\$371	\$554	\$439,372	\$24,410	Solid Waste	\$165	\$242	\$195,272	\$10,848	Total	\$656	\$1,076	\$779,884	\$43,327		<u>Per MF</u>	<u>Per SF</u>	<u>Fee Total</u>	Parks & Rec	\$3,800	\$5,800	10,176,000	Police	\$120	\$280	\$385,360	Fire	\$371	\$554	\$985,393	Solid Waste	\$165	\$242	\$435,347	Road & Traffic	\$3,260	\$5,200	\$8,878,140	Project Total			\$20,860,240
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Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keahuolu

TMK Nos. (3) 7-4-021, 020, 024, 025, 026, 027

Chapter 25, HCC, Zoning	HAWAII COUNTY CODE STANDARD	HRS 201H EXEMPTION
<p>29 Hawaii County Code Sec. 25-2-46 (Concurrency requirements)</p>		<p>Exemptions from any current or future standards or requirements under the Kona Community Development Plan (Ordinance No. 08 131) and the Village Design Guidelines attached thereto, and the Village Design Guidelines as adopted in the Planning Department Rules and Regulations, as the same may be amended from time to time, that are not consistent with the preliminary plans and specifications and the Plans & Figures booklet approved as Exhibit A of the Keahuolu 201H Resolution.</p> <p><i>[This exemption allows design and development to proceed based on the preliminary plans and specifications and the Plans & Figures booklet approved as Exhibit A of the Keahuolu 201H Resolution]</i></p> <p>TRAFFIC Except as may be alleviated by local mitigation improvements to be constructed by Project, or as required by HCC 25-2-46(h)(1), exemption from the requirement for acceptable traffic LOS prior to occupancy of Project. After initial occupancy, a Traffic Impact Analysis Report shall be updated as required by Planning or Department of Public Works and subject to Department of Public Works approval. Local regional mitigation improvements will be required as necessary.</p> <p>WATER Rezoning may occur as long as Forest City provides assurance satisfactory to the Department of Water Supply and the Planning Director that a water source of sufficient quality and quantity has been established. Such satisfactory assurance can be met by the actual drilling and testing of a well site of the water source or by the submission of a hydrological study certifying that a water source of sufficient quality and quantity can be established at the designated locations. The actual development of the water source and its water transmission and distribution system shall be constructed or bonded for completion in conjunction with the subdivision approval process. Occupancy of the residential structures shall be delayed until the approved water source is developed and its transmission and distribution system for such source to the Project has been constructed. Residential building permits may be issued for model home complexes at any time, and such model homes need not be serviced by the approved water source prior to occupancy.</p> <p>PARKS Exemption from Parks concurrency requirements for occupancy of the Project. Parks will be provided as shown on plans and with design and construction plans approved by Parks and Recreation.</p> <p>FIRE Exemption from FIRE concurrency requirements for occupancy of the Project. Fire improvements will be provided within the Project pursuant to plans approved by the Fire Department, which plans shall comply with the minimum requirements of the Fire Department for spacing of fire hydrants and fire truck turning radius.</p> <p>Exemption from requirement to obtain a Use Permit for those uses allowable with a Use Permit subject only to</p>
<p>30 Hawaii County Code Sec. 25-2-61 (Applicability: use permit required) (a) The following uses shall be permitted within designated County zoning districts only if a use permit is</p>		

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Kaeahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Kaeahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

<p>Chapter 25, HCC, Zoning</p> <p align="center">HAWAII COUNTY CODE STANDARD</p>	<p align="center">HRS 201H EXEMPTION</p>
<p>obtained for the use from the commission.</p> <p>(1) Bed and breakfast establishments in RS districts.</p> <p>(2) Crematoriums in all districts.</p> <p>(3) Churches, temples and synagogues, including meeting facilities for churches, temples, synagogues and other such institutions, in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area often thousand square feet is required within the RS, RD, RM, and RA districts.</p> <p>(4) Day care centers in RS, RD, RM, RA, FA and A districts; provided that a minimum building site area often thousand square feet shall be required within the RS, RD, RM, and RA districts.</p> <p>(5) Golf courses and related golf course uses including golf driving ranges, golf maintenance buildings, and golf club houses in the RS, RD, RM, RCX, PA, FA, A, V, CG, CV, and O districts.</p> <p>(6) Group living facilities that exceed the criteria in subsection 25-1-5(b), paragraph (b) of the definition of "group living facility" in the RS, RD, RM, RCX, RA, FA, A, CN, CG, CV, and V districts.</p> <p>(7) Hospitals, sanitariums, old age, convalescent, nursing and rest homes, and other similar uses devoted to the care or treatment of the aged, the sick, or the infirm in the RS, RD, RM, RCX, RA, FA, A, and V districts; provided that a minimum building site area often thousand square feet shall be required within the RS, RD, RM, RCX and RA districts.</p> <p>(8) Major outdoor amusement and recreation facilities in RS, RD, RM, RCX, RA, A, CN, CG, CV, MCX, ML, MG and O districts.</p> <p>(9) Mortuaries in RS, RD, RM, RCX, RA, FA and A districts.</p> <p>(10) Schools in RS, RD, RM, RA, PA and A districts; provided that a minimum building site area often thousand square feet shall be required within the RS, RD, RM, RCX, RA, FA, A, and A districts.</p> <p>(11) Telecommunication antennas and towers in RS, RD, RM, RCX, RA, FA, A, and A districts.</p> <p>(12) Yacht harbors and boating facilities in the RS, RD, RM, RCX, RA, V, CG, CV, MCX, ML, MG and O districts.</p> <p>(13) Wind energy facilities in the O district; provided that the property is within the state land use agricultural district.</p> <p>(14) Other unusual and reasonable uses which are not specifically permitted in any zoning district with the approval of the director and the concurrence of the council by resolution.</p> <p>(b) Any use which received an approval as a conditionally permitted use prior to September 25, 1984, or which received prior approval through the use permit process, is considered a legal use of the affected parcel and may be expanded or enlarged without obtaining another use permit, provided such expansion, enlargement or addition is in full compliance with this chapter and the applicable district regulations.</p> <p>(c) A use permit shall not be required for any use described in subsection (a) above, if a special permit is obtained for that use, pursuant to section 205-6, Hawaii Revised Statutes.</p>	<p>the approval of the Planning Director.</p> <p><i>[Exemption requested so that Project can be designed consistent with the Kona CDP and 201H Resolution, as approved by the County Council. All uses will be consistent with the Land Use Commission's Decision & Order reclassifying the Project lands to the Urban District.]</i></p>
<p>31 Hawaii County Code Sec. 25-3-5 (Application of district regulations)</p> <p>(a) The provisions of this chapter for each district shall apply uniformly to each class or kind of structure or</p>	<p>The Project shall be exempt from the requirements set forth under Section 25-3-5, pursuant to the applicable standards as approved in the Kaeahuolu 201H Resolution; provided however, that all uses will be consistent with</p>

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Kauahuolu 201H Resolution")
HRS 201H Exemptions
Kamakana Villages at Kauahuolu
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<p>land within the district, except as provided in this chapter:</p> <p>(b) Any building, structure, or land used or occupied after May 24, 1967, and any building or structure erected, constructed, reconstructed, moved or structurally altered after May 24, 1967, shall comply with all of the regulations specified in this chapter for the district in which such structure, land or premises is located.</p> <p>(c) Any building or other structure erected or altered after May 24, 1967 shall not:</p> <p>(1) Exceed the height;</p> <p>(2) Accommodate or house a greater number of families;</p> <p>(3) Occupy a greater percentage of lot area, if provided by the zoning district;</p> <p>(4) Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein permitted; or</p> <p>(5) In any other manner be contrary to the provisions of this chapter.</p> <p>(d) No portion of a yard, other open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other building.</p> <p>(e) Any yard or building site existing as of September 11, 1966, shall not be reduced in dimension or area below the minimum requirements set forth in this chapter. Any yard or building site created after May 24, 1967, shall meet at least the minimum requirements established by this chapter. Provided, however, that if the minimum building site in any zoning district was increased by an amendment to this chapter adopted on December 7, 1996, any parcel of land with minimum building site areas established by a zoning ordinance adopted predating December 7, 1996, may be developed utilizing yards, building site average width and minimum building site areas in accordance with the pre-existing ordinance.</p> <p>(f) If any ordinance adopted prior to December 7, 1996, amended the zoning district for any building site and provided for a future effective date for the amendment, the ordinance shall be considered to predate this chapter and the building site may be developed in accordance with the ordinance and the conditions contained in the ordinance, notwithstanding the fact that provisions of this chapter adopted on December 7, 1996, conflict with the provisions of the ordinance.</p>	<p>the Land Use Commission's Decision & Order reclassifying the Project lands to the Urban District, and provided further, that the Definitions contained in Zoning Code Section 25-1-5, and Subdivision Code Section 23-3 shall apply to the Project.</p> <p><i>[Exemption is to allow Project, as designed per (1)P, to be built with exemptions from the currently applicable A-5a zoning.]</i></p>	
<p>32. Hawaii County Code Sec. 25-4-2 (Conditions for construction of buildings designed for human occupancy)</p> <p>(a) On any building site, no building designed or intended for human occupancy shall be constructed and no permit therefor shall be issued unless:</p> <p>(1) The building site is served by a County water system or a privately owned and operated water system, or other private, individual means of providing water to the building site is demonstrated; and</p> <p>(2) A wastewater treatment system for the proposed building has been approved by the State department of health.</p> <p>(b) On any building site in any subdivision approved by the director under chapter 23 of this code, no building designed or intended for human occupancy shall be constructed and no permit issued therefor until either:</p> <p>(1) The streets, drainage improvements, water supply system, if any, and sewage disposal system, if any, have been constructed, inspected and approved by the appropriate County agencies; or</p>	<p>Construction of the Project water, streets, drainage improvements, and sewage disposal system will be constructed concurrent with the building construction. Therefore, no occupancy permits or final inspections of any dwellings shall be issued prior to such systems having been inspected and approved by the appropriate County agencies.</p>	

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<p>(2) Final subdivision approval has been secured by the subdivider in accordance with chapter 23, by posting a surety bond or other security guaranteeing the construction of all of the subdivision improvements as shown on approved construction drawings and specifications, provided that final occupancy of any dwelling unit shall not be granted until the subdivision improvements for the particular increment in which such dwelling unit is situated have been constructed, inspected and approved by the appropriate County agencies.</p>		
<p>33 Hawaii County Code Sec. 25-4-4.8 (Temporary real estate offices and model homes)</p> <p>(a) Temporary real estate offices for new developments shall be permitted in all districts except for the A, 1A and O districts, and model homes for new developments shall be permitted in all districts except for the A, 1A, MCX, ML, MG and O districts, provided that final subdivision approval of the development has been granted by the director and plan approval for any temporary real estate office and/or model home is secured from the director prior to the establishment of such use.</p> <p>(b) A temporary real estate office and model home shall also be subject to the following conditions:</p> <p>(1) The development in which the temporary real estate office and/or model home is proposed to be situated must consist of six or more lots and/or units.</p> <p>(2) The temporary real estate office and/or model home shall not be used for a period longer than twenty-four months from the date of plan approval by the director; provided that extensions may be granted by the director.</p> <p>(3) If the temporary real estate office is established in a structure not otherwise permitted in the particular zoning district, the structure shall be removed co-terminus with the expiration of the temporary real estate office use.</p> <p>(4) The temporary real estate office and/or model home shall be used exclusively for marketing of lots and/or units located within the development in which it is to be located. In multi-phased developments, a temporary real estate office or model home may be allowed for each development phase for a period not to exceed twenty-four months. Time extensions may be granted by the director.</p> <p>(5) Parking for the temporary real estate office use shall be based on a minimum of one parking stall for each employee and a minimum of one parking stall for each four hundred square feet of gross floor area. The parking requirement may be satisfied off-site, provided that approval is secured from the director.</p> <p>(6) The temporary real estate office and/or model home shall comply with the minimum setback and height requirements of the particular zoning district.</p>	<p>Real estate offices and model homes associated with the Project shall be permitted within the Project, without limitations on the locations or periods of time that such uses are maintained.</p>	
<p>34 Hawaii County Code Sec. 25-4-31 (Minimum building site area; minimum average width)</p> <p>(a) Unless otherwise specified in this chapter, each main building must be located on a building site having not less than the established zoning district minimum building site area.</p> <p>(b) Any building site which has less area or width than that required by the established zoning district, may be used as a legal building site, provided that the owner of the building site owns no adjoining property at the same time.</p> <p>(c) A building site shall be deemed to conform to the requirements for building site average width if any portion of the building site considered separately has the minimum building site area with the minimum</p>	<p>Exemption from all minimum building site area and minimum average width requirements. Minimum building site area and minimum average width requirements shall be determined by the Project's architect, in consultation with the Planning Director, and will be in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the 201H Resolution, as approved by the County Council.</p>	<p>Exemption requested to allow for flexibility in the master planning and housing design to further the development of compact mixed-use community. Smaller lot sizes also provide for the opportunity to create more</p>

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	average width.			<i>density around the Project's transit stops and mixed use commercial areas. Exemption is consistent with goals outlined in LEED ND (SIL 3; NPD 2; GIB 4) and the Kona (1P)</i>
35	Hawaii County Code Sec. 25-4-32 (Reduction of building site below minimum area) (a) A building site may not be reduced below the established zoning district minimum building site area, and an existing building site, which is below the minimum building site area, may not be further reduced in area. (b) Any legal building site reduced in area or average width by not more than twenty percent, by reason of the establishment of future width lines or plan lines for future streets or by the acquisition by a public agency for public purposes, shall be deemed to be a legal building site as to the remainder of the building site.			Exemption to allow for a minimum building site area of 3,000 SF per double family residential dwelling and a minimum building site area of 1,800 SF for a single family residential dwelling. <i>[Exemption requested to allow for flexibility in the master planning and housing design to further the development of compact mixed-use community. Smaller lot sizes also provide for the opportunity to create more density around the Project's transit stops and mixed use commercial areas. This is in compliance with LEED ND (SIL 3; NPD 2; NPD 2; GIB 4) and the Kona (1P)]</i>
36	Hawaii County Code Sec. 25-4-40 (General requirements for yards and open space) (a) On every building site, yards of the minimum width or depth as specified for the established zoning district shall be maintained open and unobstructed from the ground up, except as specified in sections 25-4-40 through 25-4-47. (b) No required yard or open space may fulfill the requirement for more than one building, building site, or use. (c) A building site shall have a front yard wherever it has a street frontage, except where the option of either a front or rear yard is allowed in CV and CG districts. (d) In CV and CG districts, where the building site is bounded by two or more streets, a minimum of one front yard shall be required. Its location shall be determined by taking into account the relationship and impact of the development to the adjoining streets. (e) Unless otherwise specified, yards, open spaces, and distances shall be measured horizontally.			Yard and open space requirements shall be determined by the Project's architect, in consultation with the Planning Director, and in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District and the 201H Resolution, as approved by the County Council. <i>[Exemption requested to allow for flexibility in the master planning and housing design to further the development of compact mixed-use community. Smaller lot sizes also provide for the opportunity to create more density around the Project's transit stops and mixed use commercial areas. Exemption is consistent with goals outlined in LEED ND (SIL 3; NPD 2; NPD 2; GIB 4) and the Kona (1P)]</i>
37	Hawaii County Code Sec. 25-4-42 (Corner building sites) (a) On any corner building site, the interior lines shall be side lot lines and all rear yard regulations shall be inapplicable. (b) On any corner building site in all zoning districts except in the CN district, within the area of a triangle formed by the street lines of such building site (ignoring any corner radius), and a line drawn between points on such street lines twenty-five feet from the intersection thereof, no fence, wall, hedge, or building shall be higher than three feet nor shall there be any obstruction to vision other than a post, column, or tree trunk clear of branches or foliage, between the height of three feet and eight feet above the level of the street or the level of the point of intersection if the streets are sloping.			For all corner building sites within the Project, there shall be 1 front and 1 side yard facing the intersecting streets and interior lot lines shall be considered side yards. For all corner building sites within the Project, for the purpose of traffic safety, a setback shall be established by a licensed civil engineer in compliance with AASHTO standards, having considered all life safety and ADA compliance issues, subject to the approval of the setback by DPW. The criteria for establishing a minimum sight distance triangle shall be subject to Department of Public Works approval. The line of sight triangle shall be within the right-of-way, within the clear area required by existing ordinance (HCC Section 22-2-2) or within a sight distance easement prohibiting sight distance obstructions as established by the adopted criteria.

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		<i>[Where safety and access concerns can be mitigated, this exemption requests to allow small setbacks to encourage walkability, community connection, an urban streetwall, as well as slower speeds and more careful turning maneuvers by motorists. Small setbacks and slow speeds are consistent with goals outlined in LEED ND (NPD 1); NPD 1; NPD 1-4]</i>
<p>38 Hawaii County Code Sec. 25-4-43 (Fences and accessory structures) (a) A perimeter boundary fence, wall or similar feature, six feet or less in height shall not be considered a structure and shall be permitted without any front, side or rear yard requirements. In addition, a fence which is constructed of strand material, such as barbed wire, hog wire, or chain link, which allows "see-through" visibility is permitted to a height of eight feet without any front, side or rear yard requirements. (b) No fence, wall, architectural feature, or other obstruction shall be placed or be without gates or openings so as to prohibit complete access around any main building at all times. (c) Any accessory structure, including any fence, or wall over six feet in height, architectural feature or water tank, which is not connected to a building, may not extend into any required front, side or rear yard, but may be located next to any building without any open space requirement.</p>	<p>Exemption to allow structures and architectural features to be constructed in compliance with Kona CDP Table 5: Private Frontages. Except where such features would conflict with building code requirements, fence and accessory structure requirements shall be determined by the Project's architect, in consultation with the Planning Director and in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District and the 201H Resolution, as approved by the County Council.</p>	
<p>39 Hawaii County Code Sec. 25-4-44 (Permitted projections into yards and open spaces) (a) Except as may otherwise be restricted, roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features may extend four feet into any required yard or open space that is less than ten feet, five feet when required yard or space is from ten up to fifteen feet, and six feet when required yard is over fifteen feet, provided that: (1) No cornice, canopy, eave, porch, balcony, terrace, fire escape, stair, ramp or other similar feature shall be enclosed above or below the extension except that there may be individual posts or beams for support and open or grill-type railings no higher than four feet. (2) No chimney may extend more than two feet into any yard. (3) No above-grade pool may extend into any required front, side or rear yard if the pool is over six feet in height. (b) The extensions permitted in this section apply separately to each building.</p>	<p>Exemption to allow for overhangs and other projections to extend any length into yards and up to the right-of-way. Structures and architectural features to be constructed in compliance with Kona CDP Table 5: Private Frontages. Exemption to subsection (a) as follows: (a) Except where such features would conflict with building code requirements, overhangs and other projections are allowed to extend into yards per standards set by the Project's architect. <i>[This provision is intended to allow features such as roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features to extend into setbacks per the building typologies studies for Kamakana Villages. For the listed features (and similar) the current designs call for encroachment into the setback up to 70% of the total setback distance in residential districts, and 100% of the total setback distance in commercial and mixed use districts.]</i> Additionally, in commercial and mixed-use districts, projections and overhangs above the first story may extend up to rights-of-way per standards set by the project's architect. No exemptions are requested from subsection (a)(1) and (b).</p>	

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<p>40) Hawaii County Code Sec. 25-4-47 (Minimum distance between main buildings on same building site) Unless otherwise specified, the minimum distance between main buildings on the same building site shall be fifteen feet, measured between the walls of the two buildings</p>	<p>The minimum distance between main buildings on the same building site shall be 10 feet, measured between the walls of the two buildings, which distance shall be set by the Project's architect in consultation with the Fire Department, and approved by the Department of Public Works.</p>	
<p>41) Hawaii County Code Sec. 25-4-51 (Required number of parking spaces) (a) The number of parking spaces for each use shall be as follows: (1) Agricultural tourism: one for each three hundred square feet of gross floor area used principally for the agricultural tourism activity, but not fewer than three spaces, plus bus parking if buses are allowed. (2) Bed and breakfast establishments: one for each guest bedroom, in addition to one for the dwelling unit. (3) Bowling alleys: four for each alley. (4) Commercial uses, including retail and office uses in RCX, CN, CG, CV, MCX, V, RA, FA, A and LA districts: one for each three hundred square feet of gross floor area. (5) Day care centers: one for each ten care recipients of design capacity or one for every two hundred square feet of gross floor area, whichever is greater. (6) Dwellings, multiple-family: one and one quarter for each dwelling unit. (7) Dwellings, single-family and double-family or duplex: two for each dwelling unit. (8) Funeral homes and mortuaries: one for each seventy-five square feet of gross floor area. (9) Golf courses: four for every hole. (10) Hospitals: one for each bed. (11) Hotels and lodges: (A) For hotel guest units without a kitchen, one for every three units; (B) For hotel guest units with a kitchen, one and one quarter for each unit. (12) Industrial uses in ML, MCG, MCX, RA, FA, A and LA districts: one for each four hundred square feet of gross floor area. (13) Laundromats, cleaners (coin operated): one for every four machines. (14) Major outdoor amusement and recreation facilities: one for each two hundred square feet of gross floor area within enclosed buildings, plus one for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity. (15) Meeting facilities, including churches: one for each seventy-five square feet of gross floor area. (16) Nursing homes, convalescent homes, rest homes and homes for the elderly: one for every two beds. (17) Parks: as determined by the director. (18) Recreation facilities, outdoor or indoor, other than herein specified: one for each two hundred square feet of gross floor area, plus three per court (racquetball, tennis or similar activities). (19) Rooming and lodging houses, religious, fraternal or social orders having sleeping accommodations: one for each two beds. (20) Schools (elementary and intermediate): one for each twenty students of design capacity, plus one for each four hundred square feet of office floor space. (21) Schools (high, language, vocational, business, technical and trade, college): one for each ten students of</p>	<p>The number of parking spaces within the Project shall be in compliance with the Kona CDP Table 7 (Table 9 reference is a typographical error), and at no time shall be less than 50% of the spaces otherwise required under Section 25-4-51. The required parking spaces may be allowed on-street, provided however, that the Planning Director, in consultation with the DPW, shall approve the specific locations of all on-street parking spaces pursuant to an On-Street Parking Plan that assigns all required on-street parking stalls to specific dwellings and/or uses, as specified in the Parking Plan. Off-street tandem parking spaces shall count toward the required number of parking spaces only where both stalls are dedicated to the same household. Shared parking spaces between building sites shall be allowed, subject to the approval of the Planning Director.</p> <p><i>[This exemption is intended to design parking to increase the pedestrian orientation of projects and minimize the adverse environmental effects of parking facilities. Reduce public health risks by encouraging daily physical activity associated with walking and bicycling. LEED ND NP1) Credit 5: Reduced Parking Footprint. Parking will be provided as the market demands, these exemptions only set the minimum dimensions.]</i></p>	

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<p>design capacity, plus one for each four hundred square feet of office floor space</p> <p>(22) Sports arenas, auditoriums, theaters, assembly halls: one for every four seats</p> <p>(23) Swimming pools (community): one for every forty square feet of pool area.</p> <p>(24) Warehouse and bulk storage establishments where there is no trade or retail traffic: one for each one thousand square feet of gross floor area</p> <p>(b) No additional parking is required for any change of use in a building as long as the previous use of the building had the required number of parking stalls for that use; provided, that additional parking may be required for a change of use in any building where the building is converted from residential to commercial use or from warehouse and manufacturing use to retail or commercial use</p> <p>(c) Where uses and activities do not occur simultaneously, parking space requirements may be shared, provided that:</p> <p>(1) The utilization of the combined parking is shown to the satisfaction of the director to be noncompeting as to time of use.</p> <p>(2) The number of parking spaces is based on the largest parking requirement of those respective facilities;</p> <p>(3) The parking areas are not more than one thousand feet from any of the buildings housing the activities; and</p> <p>(4) The parking areas are encumbered for that use for the life of the facilities being served</p> <p>Hawaii County Code Sec. 25-4-53 (Minimum dimensions of parking spaces)</p> <p>(a) Standard-sized automobile parking spaces shall be at least eighteen feet in length and eight feet six inches in width, with curbside parallel spaces at least twenty-two feet in length.</p> <p>(b) Compact spaces shall be at least sixteen feet in length and seven feet six inches in width, with curbside parallel spaces at least eighteen feet in length</p> <p>(c) Minimum aisle widths for parking bays shall be provided in accordance with the following:</p> <p>Angle of Parking to Curb Minimum Width</p> <p>to 00° (parallel) 12'</p> <p>to 45° 14'</p> <p>to 60° 18'</p> <p>to 90° (perpendicular) 24'</p> <p>(d) Parking spaces may have a three-foot unpaved car overhang area</p>		<p>Exemption to allow standard-sized automobile parking spaces to be at least 18 feet in length and 7 feet in width, and parallel spaces to be at least 19 feet in length.</p> <p>Exemption to allow compact car spaces to be at least 16 feet in length and 7 feet wide.</p> <p>Exemption to allow for a minimum aisle width of 22 ft for parking spaces that have a 90° (perpendicular) angle to curb</p> <p><i>[This exemption is intended to design parking to increase the pedestrian orientation of projects and minimize the adverse environmental effects of parking facilities. Reduce public health risks by encouraging daily physical activity associated with walking and bicycling. Exemption is consistent with goals outlined in LEED ND (v1) 5). Parking will be provided as the market demands, these exemptions only set the minimum dimensions]</i></p>

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43	Hawaii County Code Sec. 25-4-56 (Off-street loading requirements) Off-street loading requirements for all buildings having a gross floor area of at least five thousand square feet, except for single-family and double-family/duplex residential units, which shall have no off-street loading requirements, shall be as follows:		Off-street loading requirements for all buildings having a gross floor area of at least five thousand square feet, except for single-family and double-family/duplex residential units, which shall have no off-street loading requirements, shall be as follows:					
	Use or Use Category	Floor Area in Square Feet	Loading Space Requirements			Use or Use Category	Floor Area in Square Feet	Loading Space Requirements
	Commercial and industrial uses, including retail and wholesale operations, eating and drinking establishments, business services, personal services, repair, manufacturing and self storage facilities, but excluding offices	5,000 - 20,000 10,001 - 20,000 20,001 - 40,000 30,001 - 40,000 40,001 - 60,000	1 2 3 4 5			Commercial and industrial uses, including retail and wholesale operations, eating and drinking establishments, business services, personal services, repair, manufacturing and self storage facilities, but excluding offices	5,000 - 20,000 20,001 - 40,000 30,001 - 40,000 40,001 - 60,000	1 3 4 4 1
	Hotels, hospital or similar institutions, and places of public assembly	5,000 - 10,000 10,001 - 50,000 50,001 - 100,000	1 2 3			Hotels, hospital or similar institutions, and places of public assembly	5,000 - 50,000 50,001 - 100,000 or fraction thereof	1 2 1
	Offices or office buildings	20,000 - 50,000 50,001 - 100,000 or major fraction thereof Each additional 100,000 or major fraction thereof	1 2 1			Offices or office buildings	20,000 - 100,000 Each additional 50,000 or fraction thereof	1 1
	Multiple-family dwellings	20 - 150 units 151 - 300 units Each additional 200 units or major fraction thereof	1 2 1			Multiple-family dwellings	0 - 65 units 66 - 300 units Each additional 300 units or fraction thereof	0 1 1
				On-street loading stalls will be entitled to any qualified loading use that meets signage rules.				
				On-street loading spaces shall be permitted to satisfy the requirements herein, subject to the approval of the Planning Director of the width of the road right-of-way and the location of all on-street loading spaces.				
				[This exemption is intended to design parking to increase the pedestrian orientation of projects and minimize the adverse environmental effects of parking facilities. Reduce public health risks by encouraging daily physical activity associated with walking and bicycling. Exemption is consistent with goals outlined in LEEED (N) (N) 5]. Parking will be provided as the market demands, these exemptions only set the minimum. Loading stalls need to be located in street rights of way. Developer will coordinate signage and management with County.]				

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<p>44 Hawaii County Code Sec. 25-4-58 (Dimension of loading spaces)</p> <p>(a) When only one loading space is required and the total gross floor area is not more than five thousand square feet, the horizontal dimensions of the loading space shall be ten feet wide and twenty-two feet long, and the vertical clearance shall be at least fourteen feet.</p> <p>(b) When only one loading space is required and the total gross floor area is more than five thousand square feet, the horizontal dimensions of the loading space shall be twelve feet wide and fifty feet long, and the vertical clearance shall be at least fourteen feet.</p> <p>(c) When more than one loading space is required or the total gross floor area is more than five thousand square feet, the minimum horizontal dimension of at least half of the required loading spaces shall be twelve feet wide and fifty feet long, and the vertical clearance shall be at least fourteen feet. The balance of the required loading spaces may have horizontal dimensions often feet wide and twenty-two feet long.</p> <p>(d) The required apron space, or area provided for maneuvering trucks into or out of loading position, shall be forty-six feet if the loading space width is ten feet, forty-three feet if the loading space width is twelve feet, and thirty-nine feet if the loading space width is fourteen feet.</p>	<p>Dimensions of loading spaces shall be as designed by the Project's architect and approved by the Planning Director.</p>	
<p>45 Hawaii County Code Sec. 25-4-59 (Location and improvement of loading spaces)</p> <p>(a) All required loading spaces shall be located on the building site to which they are appurtenant. No loading spaces shall be permitted within any street or alley.</p> <p>(b) Each required loading space shall be identified as such and shall be reserved for loading purposes.</p> <p>(c) No loading space shall occupy required off-street parking space or restrict access.</p> <p>(d) Access to any loading space shall not be directly from or to a street but must be reached from an on-site access driveway of proper design and width to allow for passage of trucks and necessary turning movements.</p> <p>(e) All loading spaces and apron spaces or maneuvering areas shall be paved.</p>	<p>The locations and improvements for any loading spaces may be located on a separate building site and shall be pursuant to the plans provided by the Project architect and approved by the Planning Director.</p>	
<p>46 Hawaii County Code Sec. 25-4-59.3 (Landscaping and screening for parking lots and loading spaces)</p> <p>(a) To provide shade in open parking lots and minimize visibility of paved surfaces, parking lots with more than twelve parking stalls shall provide one canopy form free with a minimum of two-inch caliper for every twelve parking stalls or major fraction thereof and having a planting area or tree well no less than thirty square feet in area. If wheel stops are provided, continuous planting areas with low groundcover centered at the corner of parking stalls may be located within the three-foot overhang space of parking stalls. Hedges and other landscape elements, including planter boxes over six inches in height, are not permitted within the overhang space of the parking stalls. Trees shall be sited so as to evenly distribute shade throughout the parking lot.</p> <p>(b) Parking lots of five or more spaces shall be screened from adjoining lots in RS, RD, RM, RCX or RA districts by walls, districts by walls, continuous screening hedges, or earth berms a minimum of forty-two inches high on the adjoining property line.</p> <p>(c) All loading spaces shall be screened from adjoining lots in RS, RD, RM, RCX or RA districts by a wall six feet in height.</p>	<p>Landscaping and screening for parking lots and loading spaces shall be pursuant to the plans provided by the Project architect and approved by the Planning Director.</p>	

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<p>Chapter 25, HCC, Zoning</p> <p>(d) Xeriscape and native Hawaiian plant species shall be encouraged.</p> <p>(e) All landscaping shall be maintained by the property owner.</p>		
<p>47 Hawaii County Code Sec. 25-5-72 (Permitted Uses)</p> <p>(a) The following uses shall be permitted in the A district:</p> <ul style="list-style-type: none">(1) Agricultural parks.(2) Agricultural products processing, major and minor.(3) Agricultural tourism as permitted under section 25-4-15.(4) Animal hospitals.(5) Aquaculture.(6) Botanical gardens, nurseries and greenhouses, seed farms, plant experimental stations, arboreta, horticulture, and similar uses dealing with the growing of plants.(7) Campgrounds, parks, playgrounds, tennis courts, swimming pools, and other similar open area recreational facilities, where none of the recreational features are entirely enclosed in a building.(8) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.(9) Crop production.(10) Dwelling, single-family, as permitted under chapter 205, Hawaii Revised Statutes and as permitted under section 25-5-77(b).(11) Farm dwellings, as permitted under section 25-5-77(b) and (c).(12) Fertilizer yards utilizing only manure and soil, for commercial use.(13) Forestry.(14) Game and fish propagation.(15) Group living facilities.(16) Kennels.(17) Livestock production, provided that pigeries, apiaries, and pen feeding of livestock shall only be located on sites approved by the State department of health and the director, and must be located no closer than one thousand feet away from any major public street or from any other zoning district.(18) Public uses and structures which are necessary for agricultural practices.(19) Retention, restoration, rehabilitation, or improvement of building or sites of historic or scenic interest.(20) Riding academies, and rental or boarding stables.(21) Roadside stands for the sale of agricultural products grown on the premises.(22) Utility substations, as permitted under section 25-4-41.(23) Vehicle and equipment storage areas that are directly accessory to aquaculture, crop production, game and fish propagation, livestock grazing and livestock production.(24) Veterinary establishments.(25) Wind energy facilities. <p>(b) The following uses may be permitted in the A district, provided that a use permit is issued for each use:</p> <ul style="list-style-type: none">(1) Golf courses and related golf course uses, including golf driving ranges, golf maintenance buildings and	<p>Exemption requested to allow Project, as designed per Kona CDP, and approved in the 201H Resolution, to be built in the Agricultural A-5a district. The uses allowed in the Project shall be all permitted uses listed in the RS, RD, RM, RCX, CN, CG and CV zoned districts, to include without limitation, all buildings and uses accessory thereto, all uses that would otherwise require approval of a Use Permit, wind and solar energy facilities, self-storage facilities, private or public wastewater treatment facilities, and related infrastructure facilities. Additional permitted uses and development standards applicable within the Project may be approved by the Planning Director upon issuance of the applicable Variance, Cluster Plan Development and/or Planned Unit Development Permit.</p> <p>NOTE: This exemption on Permitted Uses shall apply only to the first dwelling, mixed-use complex and/or use developed on any building site, and shall not apply to allow subsequent different uses without the prior approval of the Planning Director.</p>	

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keanuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keanuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 25, HCC, Zoning		
<p>golf club houses.</p> <p>(2) Telecommunication antennas and towers.</p> <p>(c) The following uses may be permitted in the A district, provided that a special permit is obtained for such use if the building site is located within the State land use agricultural district:</p> <p>(1) Adult day care homes.</p> <p>(2) Airfields, heliports, and private landing strips.</p> <p>(3) Bed and breakfast establishments, as permitted under section 25-4-7.</p> <p>(4) Community buildings, as permitted under section 25-4-11.</p> <p>(5) Excavation or removal of natural building material or minerals, for commercial use.</p> <p>(6) Family child care homes.</p> <p>(7) Guest ranches.</p> <p>(8) Home occupations, as permitted under section 25-4-13.</p> <p>(9) Lodges.</p> <p>(10) Meeting facilities.</p> <p>(11) Model homes, as permitted under section 25-4-8.</p> <p>(12) Public dumps.</p> <p>(13) Public uses and structures, other than those necessary for agricultural practices, as provided under section 25-4-13.</p> <p>(14) Temporary real estate offices, as permitted under section 25-4-8.</p> <p>(15) Trailer parks with density of three thousand five hundred square feet of land area per trailer, provided that plan approval is secured prior to commencing such use.</p> <p>(16) Uses, other than those specifically listed in this section, which meet the standards for a special permit under chapter 205, Hawaii's Revised Statutes.</p> <p>(d) The following uses may be permitted in the A district, provided that a use permit is issued for each use if the building site is outside of the State land use agricultural district or a special permit is issued for each use if the building site is within the State land use agricultural district:</p> <p>(1) Crematoriums.</p> <p>(2) Churches, temples and synagogues.</p> <p>(3) Day care centers.</p> <p>(4) Hospitals, sanitariums, old age, convalescent, nursing and rest homes.</p> <p>(5) Major outdoor amusement and recreation facilities.</p> <p>(6) Mortuaries.</p> <p>(7) Schools.</p> <p>(e) Buildings and uses accessory to the uses permitted in this section shall also be permitted in the A district.</p> <p>(f) No building site shall be established after December 1, 1996 which shall in any way restrict or limit aquaculture, horticulture, production of crops, keeping of livestock, game and fish propagation, or the processing, sale or other commercial use of the products of such uses.</p>		

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Keehuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Keehuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 25, HCC, Zoning		
48	Hawaii County Code Sec. 25-5-73 (Height Limit) The height limit in the A district shall be thirty-five feet for any residential structure, including any single-family dwelling, or farm dwelling, and forty-five feet for all other structures. The director may, however, permit by plan approval, any nonresidential agricultural structures to be constructed to a height of one hundred feet, if the director determines that the additional height above the forty-five foot height limit is necessary.	Exemption requested to allow Project, as designed per Kona CDP, and approved in the 201H Resolution, to be built in the Agricultural A-5a district. The height limits within the Project shall be as follows: a. Single-family residential development: 45 feet b. Duplex or double-family residential development: 45 feet c. Multiple-family residential development: 45 feet d. Mixed-use, school, office, retail and commercial development: 45 feet e. Height limitations for all other structures shall be as approved by the Planning Director, provided however, that no structure shall exceed 45 feet in height.
49	Hawaii County Code Sec. 25-5-74 (Minimum Building Site Area) The minimum building site area in the A district shall be five acres.	<i>[Exemption requested to allow additional density consistent with goals outlined in LEEH ND (SIL 5; NPD) P1; NPD P2; NPD 2; NPD 3] and the Kona CDP.]</i> The minimum building sites within the Project shall be as follows: a. Single-family dwelling units: 1,800 square feet (excluding the area of any flag portion of a lot); b. Duplex or double-family dwelling units: 3,000 square feet; c. Multiple-family dwelling units: 1,800 square feet; and d. Mixed-use, school, office, retail and commercial: 1,000 square feet In addition, Project will be in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the 201H Resolution, as approved by the County Council.
50	Hawaii County Code Sec. 25-5-75 (Minimum Building Site Average Width) Each building site in the A district shall have a minimum average width of two hundred feet for the first five acres of required area plus twenty feet for each additional acre. Provided that no building site shall be required to have an average width greater than one thousand feet.	<i>[Exemption requested is consistent with goals outlined in LEEH ND (SIL 5; NPD) P2; NPD 2; (HB 4)]</i> The minimum building sites average width within the Project shall be as follows: a. Single-family residential development: 30 feet b. Duplex or double-family dwelling unit: 30 feet c. Multiple-family residential development: 30 feet d. Mixed-use, school, office, retail and commercial development: 30 feet In addition, Project will be in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the 201H Resolution, as approved by the County Council.
51	Hawaii County Code Sec. 25-5-76 (Minimum Yards) (a) Except as otherwise provided in this section, the minimum yards in the A district shall be thirty feet for	<i>[Exemption requested is consistent with goals outlined in LEEH ND (SIL 3; NPD) P2; NPD 2; (HB 4)]</i> The minimum yards within the Project shall be as follows:

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "Kauahuolu 201H Resolution")

HRS 201H Exemptions

Kamakana Villages at Kauahuolu

TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

Chapter 25, HCC, Zoning		HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION	
Hawaii County Code Sec. 25-5-76 (Minimum Yards)					
(a) Except as otherwise provided in this section, the minimum yards in the A district shall be thirty feet for front and rear yards, and twenty feet for side yards.				The minimum yards within the Project shall be as follows:	
(b) For accessory uses such as shade cloth structures used in controlling the amount of sunlight in the raising of plants and flowers, rear, side and front yards in the A district shall be at least ten feet, except where the A district shares common boundaries with urban zones and main government roads.		Single-family residential development.		front yards: 10 feet rear yards: 5 feet side yards: 0 feet	
(c) For accessory uses such as plastic roofed and shade cloth wooden or metal framed structures used in controlling the amount of sunlight, rainfall, wind and other elements of nature in the raising of fruits, vegetables and similar agricultural products, rear, side and front yards shall be at least ten feet except where:		Duplex or double-family residential development.		front yards: 10 feet rear yards: 5 feet side yards: 0 feet	
(1) Exterior walls of any type other than shade cloth are added to the wooden or metal framed structure.					
(2) The specific use allowed is abandoned, and					
(3) The A district shares common boundaries with urban zones and main government roads		Multiple-family residential development		front yards: 10 feet rear yards: 5 feet side yards: 0 feet	
		Mixed-use, school, office, retail and commercial development:		front yards: 5 feet rear yards: 5 feet side yards: 0 feet, except when the adjoining building site is used for residential purposes, in which case the side yard shall be 5 feet	
				Minimum yards shall be in compliance with the minimum distance between buildings established in Item 40 herein, and with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the 201H Resolution, as approved by the County Council, and the applicable provisions of the Village Design Guidelines of the Kona Community Development Plan that are consistent with the 201H Resolution.	
52 Hawaii County Code Sec. 25-5-77 (Other Regulations)				Exemption requested to allow the Project, as designed per the Kona CDP, to be built with exemptions from the current Agricultural A-3a zoning and in compliance with design standards and specifications as may be required by the State Land Use Commission's Decision and Order reclassifying the Project lands to the Urban District, and the 201H Resolution, as approved by the County Council.	
(a) If any legal building site in the A district has an area of less than five acres, then the yard, minimum building site average width and height requirements for the building site shall be the same as the yard and height requirements in the F A district.					
(b) One single-family dwelling or one farm dwelling shall be permitted on any building site in the A district. A farm dwelling is a single-family dwelling that is located on or used in connection with a farm or if the agricultural activity provides income to the family occupying the dwelling.					
(c) Additional farm dwellings may be permitted in the A district only upon the following conditions:					
(b) A farm dwelling agreement for each additional farm dwelling, on a form prepared by the director, shall be executed between the owner of the building site, any lessee having a lease on the building site with a term					

EXHIBIT B

Exhibit B to County of Hawaii Resolution No. 405-10 (the "**Kaahuolu 201H Resolution**")
HRS 201H Exemptions
Kamakana Villages at Kaahuolu
TMK Nos. (3) 7-4-021: 020, 024, 025, 026, 027

HAWAII COUNTY CODE STANDARD		HRS 201H EXEMPTION
Chapter 25, HCC, Zoning	<p>exceeding one year from the date of the farm dwelling agreement, and the County. The agreement shall require the dwelling to be used for farm-related purposes.</p> <p>(2) The applicant shall submit an agricultural development and use program, farm plan or other evidence of the applicant's continual agricultural productivity or farming operation within the County to the director. Such plan shall also show how the farm dwelling will be utilized for farm-related purposes.</p> <p>(d) An ohana dwelling may be located on any building site in the A district, as permitted under article 6, division 3 of this chapter.</p> <p>(e) Exceptions to the regulations for the A district regarding heights, building site areas, building site average widths and yards, may be approved by the director within a planned unit development.</p>	
53 Hawaii County Code Chapters 23 and 25		All design standards for roads, lots, permitted uses and other criteria not specifically listed herein shall be subject to the approval of the Planning Director, in consultation with the DPW.
Planning Department Rule 17 (Landscaping Requirements)		
54 Planning Dept Rule 17-6		<p>A minimum of 5% of any building site used for residential purposes shall have landscaping; open space shall include interior courtyards, paved walkways and other landscaping areas not visible from the perimeter of the lot.</p> <p>All landscaping requirements shall be pursuant to the plans prepared by the Project architect, subject to the approval of the Planning Director as to the plants and materials used in the landscaping.</p> <p><i>[This exemption being requested in order to allow for the compact design in accordance with the Kona (1)P.]</i></p>