RESOLUTION NO. 100 13**RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 OF THE HAWAI‘I REVISED STATUTES FOR THE PROPOSED HILO ADULT DAY CENTER AT MOHOULI HEIGHTS SENIOR HOUSING PROGRAM IN SOUTH HILO, HAWAI‘I**

WHEREAS, the Hawai‘i Island Community Development Corporation (“HICDC”) commenced construction on the Mohouli Heights Senior Housing Program, the (“Project”), an affordable housing program for seniors, on land dedicated for that purpose and transferred to the County of Hawai‘i by Gubernatorial Executive Order 4224 in South Hilo, Hawai‘i, identified as Tax Map Key (3)2-4-001:177, to provide decent, safe and affordable housing for qualified seniors in the County of Hawai‘i (“County”); and

WHEREAS, the County Council approved Resolution No. 328-10 on April 20, 2010 authorizing the exemption of certain code requirements, pursuant to section 201H-38 of the Hawai‘i Revised Statutes (“HRS”) for the Project; and

WHEREAS, the Project was subsequently subdivided by the County into two parcels to separate the Phase I portion of the Project, identified as Tax Map Key (3)2-4-001:177, and the Phase II portion of the Project, identified as Tax Map Key (3)2-4-001:184, for financing purposes; and

WHEREAS, the HICDC is working with Hawai‘i Island Adult Care, Inc. to relocate the existing Hilo Adult Day Center from the former Hilo Hospital Building to Phase II of the Project identified as Tax Map Key (3)2-4-001:184,

WHEREAS, the requested exemptions in Resolution No. 328-10 did not include an exemption to permit an adult day care center in the Project’s Multiple-Family Residential Zoning without a use permit; and

WHEREAS, the Hilo Adult Day Center offers a safe and supportive environment for elders and adults who are frail, physically and/or mentally challenged and for persons with Alzheimer’s disease; and

WHEREAS, the Hilo Adult Day Center is open from Monday through Friday, 7:00 A.M. to 5:00 P.M. and Saturdays, 8:00 A.M to 4:00 P.M. to provide supervised, structured group activities designed to promote independence, mental stimulation, physical activity and enjoyment; and

WHEREAS, the Hilo Adult Day Center and the Project will be enhanced by their close proximity on the same project site by the sharing of facilities and amenities which is beneficial to both projects; and

WHEREAS, on November 23, 2012, the Office of Environment Quality Control published the final environmental assessment with a Finding Of No Significant Impact for the Hilo Adult Day Center by the Office of Housing and Community Development (“OHCD”); and

WHEREAS, Section 201H-38, HRS, in conjunction with Section 46-15.1, HRS, allows the County to exempt the Project “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 ...” contingent on County Council approval; and

WHEREAS, the Hilo Adult Day Center will help promote the goals contained in Section 201H-38, HRS, and Section 2-67, of the Hawai‘i County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII, that the exemptions requested for the Project attached hereto as “Exhibit A” are hereby approved.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Planning Director and Housing Administrator of the County.

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

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to the Office of Housing and Community Development.

Dated at Kona , Hawai‘i, this 1st day of May , 2013.

INTRODUCED BY:




COUNCIL MEMBER, COUNTY OF HAWAII

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

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 May 1, 2013 .

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	9	0	0	0

Reference: C-237/Council

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EXHIBIT A

EXEMPTIONS REQUESTED

1. Zoning Code, Division 3, Multiple-Family Residential District: Existing requirement – Section 25-5-32 (b) (4), Permitted Uses - Day care centers may be permitted in the RM district provided that a use permit is issued.

Exemption requested: Waiving the requirement for a use permit for the Hilo Adult Day Center Project.

2. Zoning Code, Division 5, Off-Street Parking and Loading: Existing requirement – Section 25-4-51 (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.

Exemption requested: Allow a reduction in the parking requirement from one for every two hundred square feet to one for every three hundred square feet of gross floor area.