

RESOLUTION NO. 281 14
(DRAFT 2)

RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 AND SECTION 46-15 OF THE HAWAI‘I REVISED STATUTES, FOR WEST HAWAI‘I SENIOR LIVING IN NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY (3) 7-5-017:005

WHEREAS, on June 01, 2006, Change of Zone Ordinance 06 78 became effective, changing the district classification from agricultural (A-5a) to multiple-family residential (RM-2.5) on the parcel covered by Tax Map Key (3)7-5-017:005 consisting of 14 acres (the “Property”); and

WHEREAS, the Phase 1 Market Study and Rate Analysis by Integra Realty Resources, Inc., reflects that the County of Hawai‘i has an unmet demand for skilled-nursing of 463 beds and an unmet demand for assisted living of 438 beds; and

WHEREAS, West Hawai‘i Health, LLC, the tenant on the ground lease for the Property and the developer of the West Hawai‘i Senior Living project (the “Project”) on the Property, has secured sufficient water commitments for the Project to construct 96 assisted living residences, 160 skilled nursing and long-term care residences and 35 employee housing apartments for a total of 291 housing units; and

WHEREAS, 147 of the 291 housing units of the Project will be affordable in accordance with Section 201H-38 of the Hawai‘i Revised Statutes (“HRS”); and

WHEREAS, West Hawai‘i Health, LLC members have responsibly developed and constructed assisted living facilities on Maui and Oahu; and

WHEREAS, the Project will be operated by Covenant Retirement, a 125-year old faith-based non-profit organization operating in more than 15 communities across the country; and

WHEREAS, West Hawai‘i Health, LLC will satisfy the affordable housing requirements of the Project by providing 24 units affordable to families earning less than 60% of median income, 18 units affordable to families earning below 80% of median income, and 105 units to be affordable to families earning less than 100% of median income; and

WHEREAS, HRS § 201H-38, in conjunction with HRS § 46-15, allows the County, with approval of the County Council, to exempt affordable housing projects from certain code requirements to facilitate the development of such projects; and

WHEREAS, West Hawai‘i Health, LLC has requested that the County exempt the Project from certain code requirements to help reduce the cost of producing the affordable housing; and

WHEREAS, the project will promote the goals contained in HRS § 201H-38 and Chapter 11 of the Hawai'i County Code; and

WHEREAS, if, for any reason, an affordable housing project is not constructed on the Property, all conditions of Ordinance No. 06 78 shall thereafter be in effect for the Property; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, 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.

Dated at Hilo, Hawai'i, this 7th day of March, 2014.

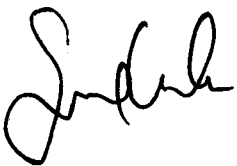
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

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 March 7, 2014

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			
	8	0	1	0

Reference: C-630.7/HSSSC

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EXHIBIT "A"

HRS § 201H-38 EXEMPTION REQUESTS

1. Application fees: Chapter 5 of the Hawai'i County Code

Exemption from the building permit fee required under Sections 5-31 and 5-35 of the Hawai'i County Code ("HCC").

2. Grubbing Permit: Chapter 10 of the Hawai'i County Code

Exemption from the requirement to obtain a new grubbing permit and instead, reinstate expired grubbing permit #091728, provided the owner/developer complies with the current HRS Chapter 6E-42 prior to the commencement of grubbing work. Condition X of Ordinance No. 06 78 shall remain in full force and effect.

3. Use Permit Submission: Section 25-2-61. Applicability; use permit required.

Exemption from the requirement for a use permit under section 25-2-61, HCC. The West Hawai'i Senior Living project is hereby considered a permitted use on the subject property.

4. Building Height: Sections 25-4-20 and 25-5-33, HCC:

Exemption from the maximum building height limit of 45 feet in the RM district to allow a maximum building height of 48 feet.

5. Ordinance 06-78 Condition W:

Exemption from the first sentence of Condition W and replaced with the following sentence: "The applicant, its successors, and assigns shall be responsible for the cost of any sound abatement measures to reduce sound within the project."

Exemption from the following language contained in Condition W: "This property was rezoned on condition that if noise abatement measures between the Parkway and adjacent residences in this project must be taken to qualify the Parkway project for federal funding, the residential owners would be required to pay for the noise abatement" and replaced with the following sentence: "This property was rezoned on condition that the development's property owner(s), successors, and assigns shall be responsible for the cost of any sound abatement measures to reduce sound within the project."

The remainder of Condition W shall remain in full force and effect.

6. Ordinance 06-78 Condition Y:

Exemption from Condition Y regarding Fair Share Contribution.

7. Ordinance 06-78 Condition Z:

Exemption from Condition Z regarding a requirement to pay impact fees should the County Council adopt a Unified Impact Fees Ordinance.

8. Ordinance 06-78 Section 1:

Exemption from the Multiple-Family Residential (RM-2.5) zoning district to allow the Multiple-Family Residential (RM-2) zoning district because of the additional cost of land to meet the 2500 square feet per unit required under the RM-2.5 zoning district.

9. Kona Community Development Plan Sept. 2008 (Kona CDP), Policy LU-2.8:

Exemption from concurrency requirements of Policy LU-2.8 of the KCDP and Section 25-2-46, HCC.

10. Ordinance 06-78 Condition H:

Exemption from Condition H and replaced with the following Condition H:

If the project is built before the portion of the Kahului to Keauhou Parkway (Parkway) is built through the subject property, the project may access Kuakini Highway at a location meeting with the approval of the Department of Public Works. Any unrestricted approach to Kuakini Highway shall include dedicated left-turn and refuge-storage lanes on Kuakini Highway.

Should the applicant choose to locate an unrestricted access on Kuakini Highway at the future intersection of the Parkway, the access driveway shall be built on the Parkway alignment and to specifications that can be used as a portion of the Parkway when the Parkway is built, meeting with the approval of the Department of Public Works. A secondary access shall be provided to Kuakini Highway and be restricted to right-out only unless otherwise approved by the Department of Public Works.

Upon completion of the Parkway, the project shall access the Parkway at location(s) and with movement restrictions meeting with the approval of the Department of Public Works and any existing approach on Kuakini Highway shall be restricted to right-out only unless otherwise approved by the Department of Public Works.

The applicant shall be required to provide a Traffic Circulation Plan meeting with the Department of Public Works, showing their future proposed access to the Parkway and Kuakini Highway, including how any required movement restrictions will be implemented, with any application for Plan Approval.

Access improvements shall be constructed at no cost to the County and may consist of but not be limited to pavement widening, drainage improvements and relocation of utilities meeting with the approval of the Department of Public Works.