

RESOLUTION NO. 427 2A

A RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 OF THE HAWAI‘I REVISED STATUTES, FOR THE KUAKINI HEIGHTS AFFORDABLE HOUSING PROJECT IN KAILUA KONA, HAWAI‘I, COVERED BY TAX MAP KEY (3) 7-5-003:007.

WHEREAS, Kuakini Heights Housing Partners LP (“DEVELOPER”) has proposed to build Affordable Housing and wish to continue the development of this project; and

WHEREAS, the DEVELOPER is proposing to build the Kuakini Heights Affordable Dwelling Development (“AFFORDABLE PROJECT”) at Tax Map Key (3) 7-5-003:007, consisting of 10.529 acres of land; and

WHEREAS, the AFFORDABLE PROJECT is proposed to consist of an affordable multi-family housing development containing 100 affordable residential rental units for local families earning a household income of no more than 60% AMI; and

WHEREAS, the AFFORDABLE PROJECT shall remain affordable for no fewer than 61 years after initial occupancy; and

WHEREAS, abutting the AFFORDABLE PROJECT, SCD Kona 108 LLC plans on developing 97 market rate units on Tax Map Key (3) 7-5-003:008, and 009; and

WHEREAS, the proposed AFFORDABLE PROJECT and market rate residential development are impacted by rezoning Ordinance 06-152, which covers a total of 106.259 acres which includes Tax Map Key (3) 7-5-003:007 and two adjacent parcels located at TMK’s (3)7-5-007:008 and :009 (“PROJECT SITE”); and

WHEREAS, the AFFORDABLE PROJECT is also impacted by Land Use Commission Docket Number A94-705 Decision & Order (D&O), which includes various other parcels that include TMK’s (3) 7-4-008:001; 7-5-003:006, :007, :023; 7-5-10:005; 7-5-017:001, :019; 7-6-013:009; 7-7-004:002, :056; 7-7-007:041; 7-7-008:027, :099, :105; 7-8-10:029 and :030; and

WHEREAS, the DEVELOPER is requesting certain exemptions to the Hawai‘i County Code and Ordinance conditions to assist in the production of the AFFORDABLE PROJECT, in accordance with HRS Section 201H-38; and

WHEREAS, the AFFORDABLE PROJECT will promote the goals contained in HRS Section 201H-38 and Chapter 11 of the Hawai‘i County Code, which relate to affordable housing; and

WHEREAS, the majority of developed residential units of the PROJECT SITE shall serve as affordable housing, as approved by the County of Hawai'i Office of Housing & Community Development, and the market rate residential development may not exceed 49% of the overall development of the PROJECT SITE; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that it hereby authorizes the exemption of certain requirements of the County Code and Ordinance 06-152, as provided in the attached Exhibit "A", pursuant to HRS Section 201H-38, for the Kuakini Heights affordable housing project.

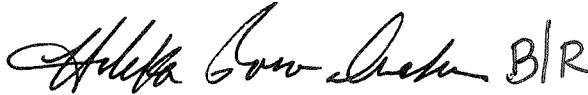
BE IT FURTHER RESOLVED that all covered parcels shall remain responsible for complying with the conditions of the Findings of Fact, Conclusions of Law and Decision and Order issued on June 22, 1998 Land Use Commission Docket No. A94-705, as well as any conditions of Ordinance 06-152 that have not been explicitly excluded in Exhibit "A".

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 Planning Director and Housing Administrator of the County.

Dated at _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:

AM 
 for 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 _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EVANS				
GALIMBA				
INABA				
KAGIWADA				
KANEALI'I-KLEINFELDER				
KIERKIEWICZ				
KIMBALL				
LEE LOY				
VILLEGAS				

Reference: _____ G-698/LAAC

RESOLUTION NO. 427 24

EXHIBIT A

KUAKINI HEIGHTS

Exhibit 24
Exemptions Requested

Development Standard Applicable only to TMK (3) 7-5-003: 007	Applicable Code
Setback (10 foot rear setback in lieu of 20 foot required rear setback)	Section 25-5-36, Hawaii County Code (HCC)
Exemption from Grading Permit Fees for the affordable rental housing project to be developed on TMK (3) 7-5-003: 007.	Section 10-11, HCC
Exemption from Building Permit Fees for the affordable rental housing project to be developed on TMK (3) 7-5-003: 007.	Section 5-7-3, HCC
Exemption to permit a 12' x 22' X 14' high loading zone stall in lieu of a required 12' x 50' x 14' high loading zone stall.	Section 25-4-58(B), HCC
Exemptions from Provisions of Ordinance 06-152:	
1. Exemption from requirement C relating to final subdivision approval.	
2. Exemption to amend requirement D by removing the first sentence that states, "Construction of the proposed affordable housing project shall be completed within five (5) years from the effective date of this ordinance.	
3. Exemption from requirement E. The referenced Salvation Army Complex will no longer be developed on the project site.	
4. Exemption to amend requirement S by the addition of the following paragraph: "The fair share contribution requirements shall not apply to affordable rental units developed on TMK (3) 7-5-003: 007.	
5. Amendment to requirement V by the addition of the following "Such impact fees shall not be applicable to affordable rental units developed on TMK (3) 7-5-003: 007.	