



RESOLUTION NO. 64 13
(DRAFT 3)

RESOLUTION AUTHORIZING THE EXEMPTION OF CERTAIN CODE REQUIREMENTS, PURSUANT TO SECTION 201H-38 AND SECTION 46-15 OF THE HAWAII REVISED STATUTES FOR THE HOUSING UNITS TO BE CONSTRUCTED BY KIDDS DEVELOPMENT CORPORATION AT KUMULANI GARDENS, SOUTH HILO, HAWAI‘I COVERED BY TAX MAP KEY 2-5-006:061.

WHEREAS, on September 21, 1981, Change of Zone Ordinance 716 became effective, changing the district classification from single-family residential (RS-15) to single family residential (RS-10) on the parcel covered by Tax Map Key 2-5-006:061; and

WHEREAS, the development of the original project stalled due to a lack of sufficient water which resulted in the developer being unable to meet the deadlines specified within Change of Zone Ordinance 716; and

WHEREAS, KIDDS DEVELOPMENT CORPORATION is now the current owner and developer of the 25-acre parcel and has secured sufficient water commitments for the project to move forward for the construction of eighty-three (83) housing units on 10,000 square foot single-family lots. Forty-three (43) of the housing units, equaling fifty-two percent of the total project, will be affordable in accordance with Section 201H of the HAWAII REVISED STATUTES (HRS); and

WHEREAS, KIDDS DEVELOPMENT CORPORATION entered into an agreement with the County, dated May 21, 2012, to make Kumulani Gardens an affordable housing project and satisfy the affordable housing requirements of both Kumulani Gardens and Hilo Hillside Development, a development within 15-miles of Kumulani Gardens; and

WHEREAS, KIDDS DEVELOPMENT CORPORATION will satisfy the affordable housing requirements of Kumulani Gardens and Hilo Hillside by providing (43) affordable homes, with ten (10) homes affordable to families earning less than eighty percent of median income, eleven (11) homes affordable to families earning below one-hundred percent of median income, and twenty-two (22) homes to be affordable to families earning less than one-hundred and forty percent of median income; and

WHEREAS, HRS Section 201H-38, in conjunction with HRS 46-15.1, allows the County, with approval of the County Council, to exempt low-income housing projects from certain code requirements to facilitate the development of the project; and

WHEREAS, KIDDS DEVELOPMENT CORPORATION has requested that the County exempt the property from certain code requirements to help reduce the cost of producing the affordable housing; and

WHEREAS, should the developer not complete the affordable housing development, all conditions of Ordinance 716 and conditions of Tentative Approval for Subdivision 00-000019 shall be complied with. This includes submittal of request for a time extension to both Ordinance 716 and Tentative Approval, as applicable; and

WHEREAS, the project will promote the goals contained in Section 201H-38 of the HRS, and Chapter 2, Article 13, of the Hawai'i County Code.

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, that the exemptions requested for the Property attached hereto as "Exhibit A" are hereby approved.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

BE IT FINALLY RESOLVED that the County Clerk shall forward copies of this resolution to the Honorable William P. Kenoi, Mayor, County of Hawai'i; the Director of Planning; the Director of Public Works and the Administrator of the Office of Housing and Community Development.

Dated at Kona , Hawai'i, this 28th day of March , 2013.

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 28, 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 | | | |
| | 8 | 1 | 0 | 0 |

Reference: C-148.7/Council
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Exhibit A
Exemption List

Hawai'i County Code:

1. Hawai'i County Change of Zone Ordinance, Section 1, Condition B,

Regarding increments:

- Suspend all phasing requirements on the development of the Project. This will allow the housing units to be built in 1 phase instead of 2.

2. Hawai'i County Fees

- Exempt Subdivision Inspection Fee of 0.25% of subdivision improvement costs; Building Permit Fees, and other County Fees for the 43 affordable housing units only and not for any market priced units. This will help reduce the costs of producing affordable housing.