



RESOLUTION

AMENDING RESOLUTION 10-245, CD1, FD1, AS AMENDED BY RESOLUTION 10-310, TO ALLOW A REDUCTION IN THE NUMBER OF UNITS SUBJECT TO THE AFFORDABILITY RESTRICTIONS FOR GREEN HOMES AT LUALUALEI, A TWENTY-FIVE UNIT SINGLE-FAMILY AFFORDABLE HOUSING PROJECT AT LUALUALEI, WAIANAE, OAHU, HAWAII, TAX MAP KEYS 8-7-033:011 AND 022.

WHEREAS, on August 12, 2010, the Board of Directors of the Hawaii Housing Finance and Development Corporation ("HHFDC") approved Green Homes at Lualualei, LLC ("Owner & Developer") as an eligible developer and the project for processing under the provisions of Chapter 201H of the Hawaii Revised Statutes ("HRS"); and

WHEREAS, on September 22, 2010 the Council adopted Resolution 10-245, CD1, FD1, approving the 25 single-family dwellings to be developed on 25 Condominium Property Regime lots ("Project"), including certain exemptions from planning, zoning and construction standards pursuant to Chapter 201H-38, HRS, and finding that the Project was consistent with the housing and community development goals of the HHFDC; and

WHEREAS, the Council subsequently adopted Resolution 10-310 amending Resolution 10-245 CD1, FD1, relating to park dedication requirements; and

WHEREAS, under the Project proposal one hundred percent (100%) of the units are now subject to certain buyer restrictions, specifically the HHFDC Buy Back and Shared Appreciation Equity Program pursuant to the Declaration of Land Use Restrictive Covenants recorded in the Bureau of Conveyances, State of Hawaii; and

WHEREAS, the Project has faced prolonged construction delays and significant financial hardship for the Owner & Developer for well over three years; and

WHEREAS, on March 13, 2014, the HHFDC Board approved an amendment to the Project Proposal previously approved under Chapter 201H of the HRS to allow a reduction in the number of units subject to affordability restrictions, subject to (i) requiring thirteen (13) of the units satisfying all affordability restrictions currently in place, (ii) the remaining twelve (12) units (or lots) being priced at or below the 140% average median income, but not subject to certain buyer restrictions (i.e., Buy Back and Shared Appreciation Equity restrictions); provided, however, that each of the twelve (12) units (or lots) be offered first to qualified residents for a minimum of thirty (30) calendar days pursuant to Subchapter 5 of Chapter 15-307 of the Hawaii Administrative Rules, and (iii) Owner & Developer's entire sales program shall be subject to HHFDC's review and approval to ensure compliance with HHFDC's Affordable Sales Program Guidelines, as applicable; and



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WHEREAS, the Council has reviewed the requested amendment to the previously approved Project Proposal, transmitted by letter dated April 11, 2014 to the Council from the HHFDC; and

WHEREAS, the granting of this amendment to the previously approved Project Proposal is consistent with the purpose and intent of Chapter 201H, HRS, meets the minimum health and safety requirements, and does not contravene any safety standards, tariffs, or rates and fees approved by the Public Utilities Commission for public utilities or the Board of Water Supply authorized under Chapter 54, HRS; and

WHEREAS, the exemptions meet minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves an amendment to the previously approved Project Proposal to allow a reduction in the affordability restrictions subject to the following:

1. Requiring thirteen (13) of the units satisfying all affordability restrictions currently in place.
2. Allowing the remaining twelve (12) units (or lots) being priced at or below the 140% average median income, but not subject to certain buyer restrictions (i.e., Buy Back and Shared Appreciation Equity restrictions); provided, however, that each of the twelve (12) units (or lots) be offered first to qualified residents for a minimum of thirty (30) calendar days pursuant to Subchapter 5 of Chapter 15-307 of the Hawaii Administrative Rules.
3. Requiring that the Owner & Developer's entire sales program be subject to Hawaii Housing Finance and Development Corporation's review and approval to ensure compliance with its Affordable Sales Program Guidelines, as applicable.

; and

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City and County of Honolulu, its officials or employees, on account of actions taken by them in reviewing, approving, or in granting this amendment; and



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BE IT FURTHER RESOLVED that in all other respects Resolution 10-245, CD1, FD1, and Resolution 10-310 are hereby ratified and confirmed and will continue in full force and effect; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Hawaii Housing Finance and Development Corporation, 677 Queen Street, Suite 300, Honolulu, Hawaii 96813 and Green Homes at Lualualei, LLC at 1054 Green Street, #503, Honolulu, Hawaii, 96822.

INTRODUCED BY:

Hyunbae Park
Alan Kobayashi

DATE OF INTRODUCTION:

APR 17 2014

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 14-86

Introduced: 04/17/14 By: KYMBERLY PINE

Committee: ZONING AND PLANNING

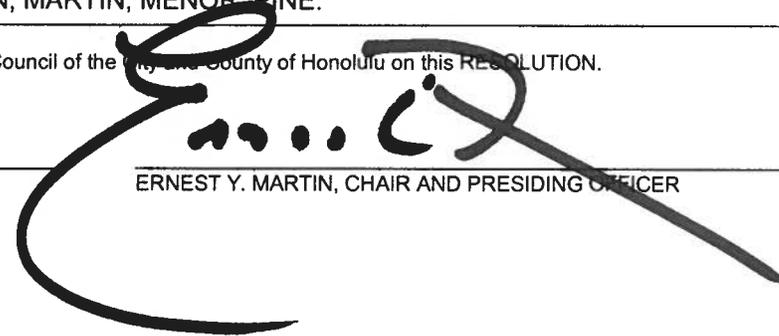
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Voting Legend: * = Aye w/Reservations

04/24/14	ZONING AND PLANNING	CR-128 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
05/07/14	COUNCIL	CR-128 AND RESOLUTION 14-86 WERE ADOPTED. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. Y. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER