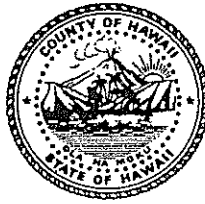


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

7000 0600 0024 2903 9428

JUN 17 2002

Ms. Maureen Goto
1896 Kalamianaole Avenue
Hilo, HI 96720-4918

Dear Ms. Goto:

Use Permit Application (USE 02-005)

Applicant: Maureen Goto

Request: To Operate a Five-Bedroom Bed and Breakfast

Tax Map Key: 2-1-17:14

The Planning Commission at its duly held public hearing on May 17, 2002, voted to approve the above-referenced application. Use Permit No. 191 is hereby issued to allow a 5-bedroom bed and breakfast operation within the existing dwelling situated in the County Single Family Residential (RS-15) zoned district. The property is located on the mauka side and at the southeast corner of Kalamianaole Street and Lokoaka Street, and to the southwest of Hale Moana Condominium complex, Keaukaha, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) The proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties;

019936 MD

JUN 18 2002

- (C) The proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The proposed 5-bedroom bed and breakfast operation would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. According to the Zoning Code, Single Family Residential districts "provide for low density residential area, for urban and suburban family life". Single-family dwellings, family care homes, neighborhood parks, and "buildings and uses normally considered directly accessory to the above permitted uses" are permitted in this district. The applicant proposes to have a five-bedroom bed and breakfast establishment in the existing dwelling.

Bed and breakfast accommodations are increasingly popular with visitors to the island who seek a quieter, more authentic experience of local life. Bed and breakfast businesses provide an economic opportunity for County residents, who can supplement their incomes by sharing their homes with visitors. Recognizing this benefit, Ordinance No. 92-104 was passed by the County Council, effective September 28, 1992, to ensure that bed and breakfast businesses remain secondary to the principal use of the residence as a single family dwelling. Subsequently, Ordinance No. 00-152, adopted by the Hawaii County Council and effective on December 26, 2000, amended Section 25-4-7 to no longer require plan approval for the establishment of a bed and breakfast in the RS district within the State Land Use Urban District provided that a Use Permit is obtained. Any impacts from the proposed use can be properly addressed and mitigated through the securing of a Use Permit. The applicant proposes a 5-bedroom bed and breakfast establishment within an existing single family dwelling.

The applicant will reside in the dwelling. The subject property is located within a single family residential neighborhood; as such, the proposed activity would complement and be accessory to the dwelling being used as a residence. The applicant will be the only employee. Adequate utilities and services are available at the site. The property is approximately 32,523 square feet in size. There is adequate space along the existing driveway to accommodate guest parking. Thus, the proposed five (5) bedroom bed and breakfast establishment will not substantially alter the character of the surrounding neighborhood, and it will be consistent with the intent of the Zoning Code for this district.

The General Plan designation for this area is Low Density Urban, which allows for single family residential uses, ancillary community and public uses, and convenience-type commercial uses. The bed and breakfast establishment will be accessory to the single family dwelling. As such, the use will not alter the appearance or character of the neighborhood. Although the bed and breakfast establishment would be open to the public on a daily basis, requests will be by reservations.

The proposed bed and breakfast operation would complement the following policies of the General Plan:

Economic Element

- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical and economic goals of the residents of the County.

Land Use Element

- The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- The development of commercial facilities should be designated to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed use would operate within the parameters of being single family residential in character, is consistent with the General Plan designation and is in keeping with the policies of the General Plan.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The existing dwelling is located in an area zoned for single family residential use. Should the request be approved, the applicant has existing asphalt and graveled areas sufficient to provide for the 5 guest parking stalls. The property has

adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities area available to accommodate the expanded uses. The applicant has obtained the written support of neighbors who supported the request. The proposed use will be accessory to the main use of the property as a single-family residence, in keeping with the primary use of surrounding properties. There is currently one other approved bed and breakfast establishment in the immediate vicinity of the subject parcel. It is not anticipated that the establishment of this bed and breakfast will affect other similar uses in the area. The subject property is situated on Kalaniana'ole Avenue close to several County Beach Parks. The area is within the City of Hilo and has a natural setting that is attractive to tourists.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Kalaniana'ole Avenue is a well-maintained and improved road with an approximate 20-foot pavement width and paved 5-foot shoulders. The bed and breakfast establishment is looked upon as a use that is accessory and subordinate to the use of a residence by the owners and therefore not anticipated to generate any more traffic than that expected from single family dwelling uses. Wastewater will be disposed of in the existing cesspool unless it is determined that hook-up to the County sewer system is feasible. Police and fire protection are available at the site, as is County water. The applicant has agreed to install the backflow preventer required by the Department of Water Supply and to abide by the Department of Health standards on guidelines for Bed and Breakfast operations. The applicant shall comply with applicable agencies' requirements relating to the operation of a bed and breakfast establishment at this location.

Based on the above, it is recommended that this request be approved subject to the following conditions. However, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The effective date of the permit shall be upon compliance with Conditions 6 and 7 below.
3. The bed and breakfast shall be limited to the use of five (5) bedrooms.
4. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.


5. The applicant shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health and the Department of Water Supply for this use.
6. The applicant shall connect to the County sewer within three (3) years from the effective date of this permit.
7. The applicant shall secure and finalize all necessary permits as required from the Department of Public Works, Building Division within six (6) months from the effective date of this permit.
8. The applicant shall comply with all conditions of Special Management Area (SMA) Minor Use Permit No. 107.
9. A final status report shall be submitted for approval by the Planning Director demonstrating compliance with all conditions of this permit.
10. An initial extension of time for the performance of conditions may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the original reasons for granting of the permit.
 - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. Maureen Goto
Page 6

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

 (VICE CHAIRMAN)

~~For~~ - Geraldine M. Giffin, Chairman
Planning Commission

Lgoto01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Brian Minaai, Director/DOT-Highways, Honolulu
Department of Health