Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
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OCT 2 1 1996

Douglas and Piper McKern
2262 Kalanianaole Street
Hilo, HI 96720

Dear Mr. and Mrs. McKern:

Use Permit Application (USE 96-8)
Applicant: Douglas and Piper McKern
Request: Bed and Breakfast Establishment
Tax Map Key: 2-1-18:1

The Planning Commission at its duly held public hearing on October 10, 1996, voted to approve the above-referenced application. Use Permit No. 149 is hereby issued to allow a three-bedroom Bed and Breakfast establishment within an existing dwelling situated within the County's Single Family Residential (RS-15) zoned district. The property is located on the west side of Oeoe Street, approximately 200 feet from the Kalanianaole Street and Oeoe Street intersection at Waiakea, 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;

(C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

(D) 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.

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The proposed three (3) bedroom bed and breakfast operation meets 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.

Bed and breakfast accommodations are becoming 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. On Residential zoned lands within a State Land Use Urban district, impacts from the proposed use can be properly addressed and mitigated through the securance of a Use Permit.

The applicants will reside within the existing dwelling which is located within a residential neighborhood. The proposed activities would complement and be accessory to the use of the dwelling as a residence. No employees are anticipated to be hired. Adequate utilities and services are available at the site. The property is approximately 26,307 square feet with a 2,616 square foot house that can accommodate guests. There is also a large driveway that can accommodate a designated paved parking area for guests. Thus, the proposed three (3) 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 Development, which allows for single-family residential uses, ancillary community and public uses and convenience-type commercial uses. As the proposed bed and breakfast facility will be established in an existing dwelling, the uses should 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, reservations will be taken for guests. The applicant will also place signage on the subject property to assist in directing guests.

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 designed to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed uses 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 surrounding uses in the area are in single-family residential use. The property has a large home to accommodate the proposed activity. To accommodate the increased traffic to their home, the applicants will need to provide three dedicated paved parking stalls on site for their bed and breakfast guests. The property has adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities are available to accommodate the proposed use.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed uses will be accessory to the main use of the property as a single-family residence, and in keeping with the primary use of surrounding properties. There are no other approved bed and breakfast establishments in the immediate vicinity. It is not anticipated that the establishment of the bed and breakfast operation will affect other similar uses in the area.

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. The subject property is located on Oeoe Street which is a County-maintained road with an approximate 13-foot wide pavement. The subject property is the second lot on the right from Kalanianaole Street, and adequate guest parking will be made available on site. There are six lots with frontage on Oeoe Street. Real Property records indicate that structures have been constructed on all lots. The Department of Public Works recommended that the applicant widen the road to 16 feet. However, due to the fact that the bed and breakfast establishment is accessory to the main residential uses on the property, it not believed that the 3-bedroom establishment will substantially increase traffic to warrant road widening and improvements. It is not anticipated that guests of the bed and breakfast establishment will place a heavy burden on the existing roadway. The subject property is within a zone designated as the Safety District (S) and in Flood Zones VE and AE. It is located approximately 200 feet from Kalanianaole Street (makai side of Kalanianaole Street is Leleiwi Beach Park). For this particular area, it means that the subject property may be subject to tsunami (tidal waves) or flooding. Any new structures would be subject to Chapter 27, Flood Control, of the

Hawaii County Code. As guests may be affected by the possibility of a tsunami alert, a condition will be included to require the applicant to have a Tsunami Evacuation Plan in place. This plan shall be submitted for review and approval by the Planning Director in conjunction with securing Final Plan Approval. Wastewater will be disposed of in an existing cesspool. Police and fire protection are available at the site, as is County water. Other agencies consulted had no objections to the establishment of the proposed uses at this location.

Approval of this request is subject to the following conditions:

1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.

2. The applicants, successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury or death arising out of any act or omission of the applicants, their successors or assigns, officers, employees, contractors or agents under this permit or relating to or connected with the granting of this permit.

3. The proposed business shall be established within two (2) years from the effective date of this permit. Prior to the establishment of any of the uses, Final Plan Approval shall be secured from the Planning Director. Plans should indicate existing and proposed structures, landscaping, fire protection measures and evacuation plan, paved driveway and paved parking stalls (asphalt or concrete) and exterior signs associated with the business.

4. The applicant shall submit a Tsunami Evacuation Plan, for review and approval by the Planning Director in consultation with Civil Defense, concurrently with plans submitted for Final Plan Approval.

5. The bed and breakfast business shall be limited to the use of three (3) bedrooms.

6. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.

7. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.

8. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.

9. An 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 applicant, successor 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 does not 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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Kevin M. Balog, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division