

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
RECOMMENDATION

CORREA OHANA LLC
CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000071

Upon careful review of the request against the guidelines for granting a change of zone, the Planning Director is recommending that **a favorable recommendation of the Change of Zone request be forwarded to the County Council.** Since this recommendation is made without the benefit of public testimony, the Planning Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing. This favorable recommendation is based on the following findings:

The applicant is requesting a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a General Commercial-10,000 square feet (CG-10) zoning district for 33,180 square feet of land. The CG zoning district, with a minimum area required for each building site of 10,000 square feet, would allow a maximum density of 3 building sites (lots) and 26 double-family or multiple-family residential units. In addition, although the applicant plans to construct a multi-family apartment building on the property, any permitted use in the CG zoning district can be established on the property should the change of zone request be approved.

The applicant proposes to demolish the existing single-family dwelling and garage and construct a multi-family apartment complex. The project will consist of two separate two-story buildings, each containing 12 residential units, for a total of 24 units. The unit mix includes two one-bedroom units and ten two-bedroom units per building, with the downstairs one-bedroom units meeting ADA compliance. The design incorporates 40 parking stalls, including two handicapped-accessible stalls, and a 24-foot-wide driveway with a turnaround area. The front yard will be landscaped, and a screening hedge will be planted along the property boundaries.

The applicant plans to finalize construction plans and apply for permits within 12 months and construction is expected to begin within two years of rezoning approval and take approximately 1.5 to 2 years to complete. However, due to potential delays from

permitting, labor availability, and financing, the applicant requests a 10-year timeframe to complete the project, which is estimated to cost around \$900,000.

To consider an area for any type of zoning designation, the applicable goals, policies, and standards of the General Plan must be adequately addressed. It is only through such a comprehensive policy analysis approach that evaluations and decisions can be made to better time and stage developments to achieve growth determined by the General Plan and related planning documents. The implications of these evaluations and decisions must also be considered as they may have an impact on similar areas in the County.

The change of zone request from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a General Commercial-10,000 square feet (CG-10) zoning district conforms to applicable goals, policies, and standards of the General Plan. The subject, 33,180-square foot parcel is generally rectangular in shape and has been improved with a single-family dwelling and detached garage since 1931. The remainder of the property is landscaped and vacant of other structures or improvements.

Properties directly to the north and south of the subject parcel are similarly zoned RS-10, however, the properties beyond those, and two parcels across Kino‘ole Street within the same block are zoned General Commercial (CG-20). The property directly to the west is zoned RS-10 and is the site of ‘Hale Olaloa’ which is a public housing facility managed by the Hawai‘i Public Housing Authority (HPHA). The surrounding areas are transitioning from primarily single-family residential uses to a mix of multiple-family residential and retail, office and service commercial uses.

The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards, and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture, and open space, and to coordinate these uses with the County’s service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island’s residents. Land Use is one of the principal focal points of public concern and policy. The Land Use Element provides the primary basis for direct control and guidance of publicly and

privately owned resources. The request conforms to the following goals and policies of the General Plan Land Use Element:

- *Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.*
- *Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.*
- *Achieve a broader diversification of local industries by providing opportunities for new industries and strengthening existing industries.*
- *Appropriately zoned lands shall be allocated as the demand for multiple residential dwellings increases. These areas shall be allocated with respect to places of employment, shopping facilities, educational, recreational and cultural facilities, and public facilities and utilities.*
- *Require developers to provide basic infrastructure necessary for development.*

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The subject property is designated High Density Urban (hdu) by the LUPAG Map which includes uses such general commercial, multiple family residential and related services (multiple family residential - up to 87 units per acre). The proposed 24-unit apartment building will be consistent with the hdu designation.

The Hilo Community Development Plan (CDP) identifies the area as "RM-4 (multi-family residential)," which is consistent with the applicant's proposed multi-family development.

Based on the preceding, the proposed CG-10 zoning would be consistent with the General Plan.

All essential utilities and services are available to the site. Access to the subject property is from Kino'ole Street, a County-owned and maintained minor arterial road with an approximately 42-foot-wide pavement within a 60-foot-wide right-of-way. The

roadway in front of the property consists of two travel lanes and a central two-way left-turn lane with no on-street parking available. The parcel's frontage is also improved with curb, gutters, and sidewalks with grass strips (landscaping planter) between the concrete sidewalk and curb. The applicant proposes to construct a 24-foot-wide driveway to accommodate two-way ingress/egress and 40 parking stalls, two of which will be handicapped accessible spaces.

Based on the proposed zoning, the Department of Public Works (DPW) recommends that the applicant provide improvements to the property's Kino'ole Street frontage consisting of, but not limited to, updating the landscape planter within the concrete sidewalk by filling it with concrete in conformance with the current County standard, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act. The current utility pole should not be impacted by the location of the proposed driveway as stated in HCC Section 22-4.9. These improvements should be at no cost to the County. Conditions of approval will be included to address the preceding.

The proposed development is expected to generate fewer than 50 peak-hour vehicle trips, so a Traffic Impact Analysis Report (TIAR) is not required. However, since a zoning change does not compel the applicant to proceed with the proposed development, a condition will be added requiring a TIAR if the property is developed with a different permitted land use that exceeds 50 peak-hour trips.

County water is available to the property from an existing 8-inch waterline within the Kino'ole Street and the subject parcel is currently serviced by an existing 5/8-inch meter, which is limited to an average daily usage of 400 gallons per day. Conditions of approval will require the applicant to secure and maintain water commitments for the additional 23 units of water and construct and dedicate necessary water system improvements to provide for potable and fire suppression water to the property for the project.

The subject property is serviced by the County's sewer system with an existing connection to the sewer main located within Kino'ole Street and the existing dwelling is connected to it. A condition of approval will require that wastewater disposal for any new development on the property to connect to the County sewer system in compliance with Section 21-5 of Hawai'i County Code.

Solid waste will be handled by a commercial hauler and disposed of at authorized landfill sites or transfer stations, all essential utilities are available to the property and police, fire and medical facilities are located nearby in Hilo. A condition of approval will require the applicant to meet all applicable County, State and Federal laws, rules, regulations, and requirements.

There are no severe geological or topographical problems for the property that cannot be properly rectified, or which would render the land unusable. The subject property is in an area designated as Zone “X”, an area determined to be outside the 500-year flood plain, on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). A condition of approval will be added to require that all development generated runoff will be disposed of on-site and not directed toward any adjacent properties and all earthwork activity, including grading, grubbing, and stockpiling, and the project will conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai‘i County Code. Thus, the proposed change of zone meets this criterion.

The request is not contrary to Chapter 205A, Hawai‘i Revised Statutes, relating to Coastal Zone Management Area. The subject property is located approximately 1 mile from the nearest shoreline, it is not situated within the Special Management Area and will not be impacted by coastal hazards and beach erosion. There is no designated public access to the mountains or the shoreline that runs through the property. The proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Therefore, the proposed use is not contrary to the objectives of Chapter 205A, Hawai‘i Revised Statutes.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai‘i State Supreme Court’s “PASH” and “*Ka Pa‘akai O Ka‘Aina*” decisions, the issue relative to Native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

- Investigation of valued resources: As the subject property has been impacted by ground-disturbing activities associated with previous residential development since 1931, no formal archaeological reconnaissance survey, oral history of

kama'āina accounts of the area, historical survey of documentary records, or floral/faunal studies were included in the application or found in Planning Department records.

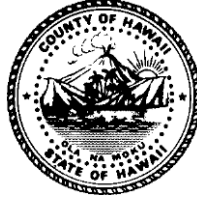
- The valued cultural, historical, and natural resources found in the rezoning area: No known archeological or historical features exist on the subject property nor is the property listed as a historic site on the State or National Register of Historic Places. According to the applicant, it is not known whether the subject property or immediate surrounding area has been used in the recent past for the gathering of plants by Native Hawaiians.
Finally, the likelihood of any rare or endangered animal species, habitat or flora on the property is remote given the long developed, urban nature of the property and surrounding area.
- Possible adverse effect or impairment of valued resources: Native plants and/or endangered species are unlikely to be impacted by the proposed development due to the already impacted property and surrounding urban environment.
- Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, the request to rezone the property from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a General Commercial-10,000 square feet (CG-10) zoning district would result in an appropriate land use pattern that would further benefit the general public.

The accompanying draft bill to amend Section 25-8-33 (City of Hilo District Zone Map), Article 8, Chapter 25 (Zoning) of the Hawai‘i County Code, is provided for your favorable consideration. Please note the proposed conditions of approval attached to the draft bill.

COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. _____

ORDINANCE NO. _____

(Planning Department)

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE ZONE MAP CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL -10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL-10,000 SQUARE FEET. (CG-10) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-022:022.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at, Waiākea, South Hilo Hawai'i, shall be General Commercial – 10,000 square feet (CG-10):

Beginning at a point at the north corner of this parcel of land, being also the east corner of Lot 5, portion of Grant 8836 to Mrs. Mary F. Soares and the westerly side of Kinoole Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 2,398.33 feet South and 5,893.83 feet East, and thence running by azimuths measured clockwise from True South:

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|----|----------|--------|---|
| 1. | 328° 10' | 140.00 | feet along the westerly side of Kinoole Street; |
| 2. | 58° 10' | 237.00 | feet along Lot B, being a portion of Lot 3, Grant 9358 to Gustavus D. Supe and a portion of Lot 2, Grant 9138 to William H. Chun; |

- | | | | |
|----|----------|--------|---|
| 3. | 148° 10' | 140.00 | feet along Lot A-1, portion of Grant 15102 to Hawai'i Housing Authority; |
| 4. | 238° 10' | 237.00 | feet along Lot 5, portion of Grant 8836 to Mrs. Mary F. Soares to the point of beginning and containing an area of 33,180 Square Feet more or less. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2016 Edition, as amended), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

SEE ATTACHED CONDITIONS

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i

Date of Introduction:

Date of 1st Reading:

Date of 2nd Reading:

Effective Date:

CORREA OHANA LLC
CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000071
CONDITIONS OF APPROVAL

- A. The applicant(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all the stated conditions of approval.
- B. A water commitment deposit shall be paid to the Department of Water Supply (DWS) within 180 days from the effective date of this ordinance in accordance with Rule 5 of DWS’s Rules and Regulations. The Applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
- C. The Applicant shall construct necessary water system improvements as required by the Department of Water Supply (DWS), which includes, but may not be limited to, the installation of a service lateral that will accommodate a 1/2-inch meter, installation of a reduced pressure type backflow prevention assembly within 5 feet of the meter on private property, meeting with the approval of DWS, cut and plug the existing 1-inch service lateral at the main, and the installation of a fire hydrant spaced no more than 300 feet apart and within 150 feet of the driveway or access to the lot.
- D. Construction of the proposed development shall be as substantially represented by the Applicants, or as permitted by the zoning district classification, and shall be completed within ten (10) years from the effective date of this ordinance. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not count towards the deadline established in the ordinance. To justify this tolling, the Applicant shall provide evidence of the excluded time period to the planning department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.

- E. Prior to construction, the Applicant shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.
- F. The applicant shall provide improvements to the property's Kino'ole Street frontage meeting with the approval of the Department of Public Works, consisting of but not limited to updating the landscape planter within the concrete sidewalk by filling it with concrete in conformance with the current County standard, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act. All improvements shall be at no cost to the County and shall occur prior to the issuance of a Certificate of Occupancy.
- G. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawai'i County Code.
- H. All driveway connections and construction within Kino'ole Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- I. Should the Applicant develop a land use which the Planning Department, in consultation with the Department of Public Works, determines will generate over 50 peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The Applicant shall implement, when required by the Department of Public Works, at no cost to the County, any transportation system improvements to Kino'ole Street that may be deemed necessary by the Department of Public Works.
- J. All development-generated runoff shall be disposed of onsite and shall not be directed toward any adjacent properties.

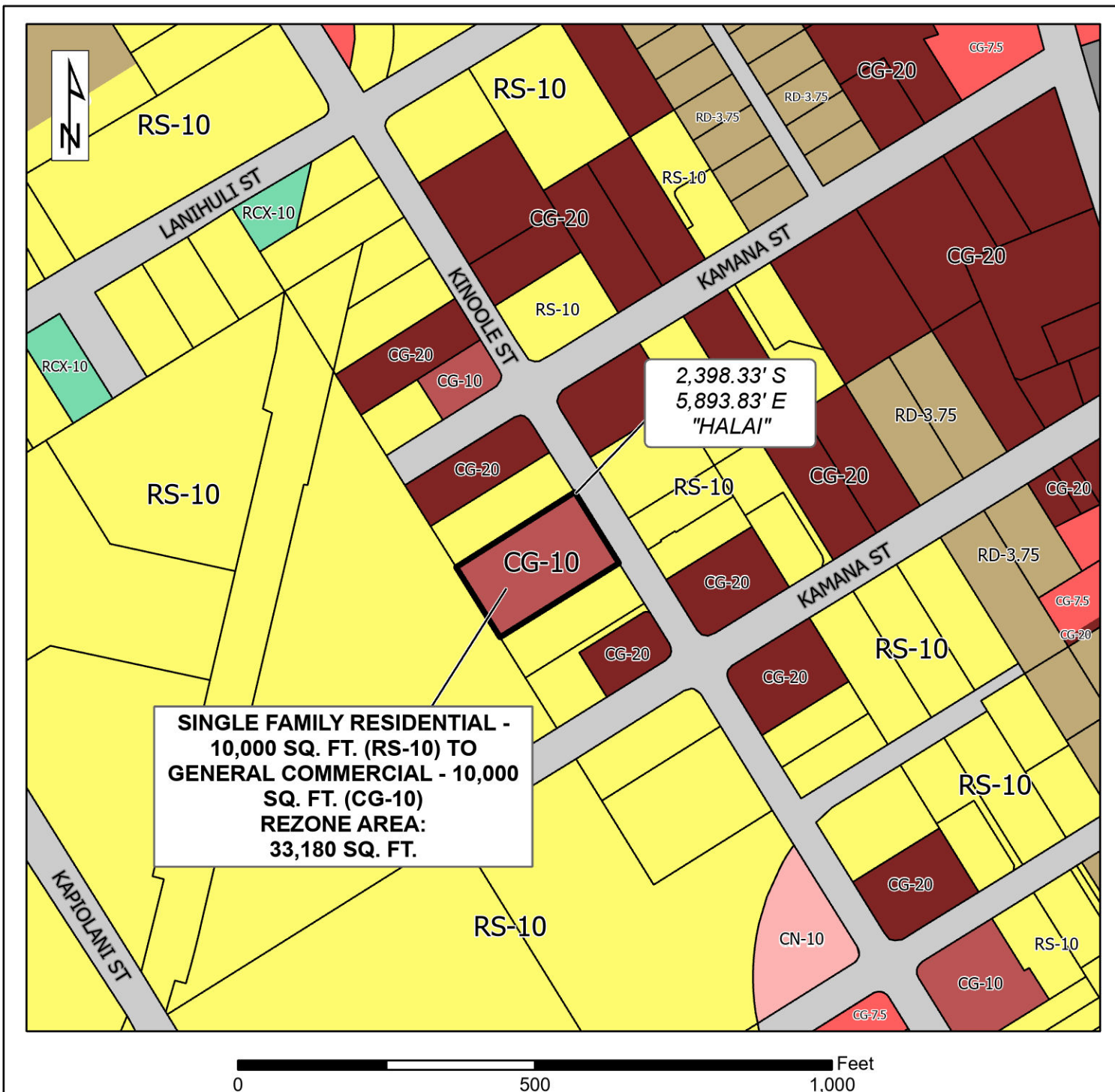
- K. All uses on the subject property shall be served by the public sewer in accordance with Section 21-5 of the Hawai'i County Code prior to the issuance of a Certificate of Occupancy.
- L. Should the Applicant develop residential units on the subject property, the Applicant shall make its fair share contribution to mitigate the potential regional impacts of the development with respect to parks and recreation, fire, police, solid waste disposal facilities and roads for the additional residential units to be created. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval and shall be based on the actual number of additional residential units created. The fair share contribution in the form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **\$17,171.48** per single family residential unit and **\$11,018.76** per multiple family residential unit. The total amount shall be determined with the actual number of residential units according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit shall be allocated as follows:
1. **\$8,280.39** per single family residential unit and **\$5,435.24** per multiple family residential unit to the County to support park and recreational improvements and facilities;
 2. **\$399.45** per single family residential unit and **\$171.78** per multiple family residential unit to the County to support police facilities;
 3. **\$788.96** per single family residential unit and **\$528.42** per multiple family residential unit to the County to support fire facilities;
 4. **\$345.41** per single family residential unit and **\$235.52** per multiple family residential unit to the County to support solid waste facilities; and

5. **\$7,357.27** per single family residential unit and **\$4,647.80** per multiple family residential unit to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the Applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council pursuant to Section 2-162.1(a) of Hawai‘i County Code.

- M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- N. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the Applicant shall comply with the requirements of Chapter 11, Article 1, Hawai‘i County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development and evidence of this approval shall be provided to the Planning Department by the Applicant prior to Final Plan Approval.
- O. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources- State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- P. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements.

- Q. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.
- R. If any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c), the Planning Department shall inform the Applicant that the ordinance is null and void without further action by the County. In that event, the zoning designation of the property(s) affected by the ordinance shall automatically revert to its immediate prior zoning designation.



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE ZONE MAP CLASSIFICATION FROM
SINGLE FAMILY RESIDENTIAL - 10,000 SQ. FT. (RS-10) TO
GENERAL COMMERCIAL - 10,000 SQ. FT. (CG-10)
AT WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-2-022:022

DATE: January 6, 2025

EXHIBIT "A"

Correa Ohana, LLC
Map: