

Adm var No. 93  
Denial

CERTIFIED MAIL

May 10, 1982

Pacific Asian Christian  
University  
P. O. Box YWAM  
Kailua-Kona, HI 96740

Gentlemen:

Variance Application (V 82-4)  
Parking Requirement  
Tax Map Key 7-5-10:3 and 51, 7-5-09:52

We regret to inform you that after reviewing your application, the Planning Director is hereby denying your variance request. The reasons for the denial are as follows:

1. The subject real property contains no special or unusual circumstances which deprive the applicant of substantial property rights nor which interfere with the best use or manner of developing the property. There are no topographic or structural limitations on the development of this property except for the self-imposed operation of the proposed college development on the property which cause it to be unable to contain the required number of parking spaces. Although the well-expressed intent of the applicant is to invoke strict on-campus regulations with regard to vehicles on-site, the campus staff, students and visitors cannot practically be forbidden to obtain the use or ownership of autos. Additionally, the degree of the request, to permit 338 spaces rather than the full, calculated requirement of 1,703 is less than 20% of the current parking standards. Other than various assurances that full compliance with the parking requirements are not necessary, there are no distinctive features about the property itself which preclude the applicant from reasonable development of this property in accordance with applicable parking criteria.

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2. There are reasonable alternatives available to the developer which would resolve the difficulty, a difficulty which is wholly self-imposed by virtue of the intensity of the proposed development. A scale of development more fully able to contain necessary ancillary needs such as vital off-street parking, could be planned. Further, allowing for off-street parking commensurate with implementable development plans would not prevent the applicant from establishing a long range master plan for the future development of this property. Such parking requirements in today's communities as well as future ones must be able to accommodate the full traffic load which the respective land uses generate.

It is recognized that specific phases of campus development may, as they occur in phases, warrant the waiving of the specific requirement. The avenue of phased variance requests is thus left available for the applicant in the future.

Additionally, master plans are especially prone to variations, as development time nears. By their very nature, such plans are essentially "guidelines," and subject to alteration. Granting a variance based on a master plan would prohibit any building area change or specific use change without a resultant review of the total parking requirement.

3. Granting of the variance request would be harmful to the adjacent and nearby community, as the traffic generated by the proposed campus use cannot help but adversely affect the roadways and nearby private property developments, and cause substantial negative impacts in the area. It must be considered that campus-destination cars, if not permitted to park on-site, would spill over onto the surrounding private developments and the adjacent and nearby roadways causing an unacceptable burden on those owners and the general public. To allow such a large disparity in parking accommodations to occur would negate the intent of both the general plan and the zoning code. Furthermore, any ownership changes or policy changes could well supersede the intent of the applicant's sincere but tenuous principle of limited on-site parking.

However, since this request was distinctly for approval of the entire master plan, the discrepancy between the proposed 338 parking spaces and the required 1,703 is much

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too large to approve, given the generally undisputed need for off-street parking which this request does not fulfill. The goals of the General Plan and intent of the parking requirement in the zoning code would be severely abrogated by granting a request of this magnitude.

Please be informed that the final denial order will be forthcoming under separate cover.


The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

1. Non-refundable filing fee of one hundred dollars (100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

Should you have any questions on the matter, please feel free to contact us at 961-8288.

Sincerely,

*for*   
SIDNEY FUKÉ  
Planning Director

DT:lrp

cc: Planning Commission

see M.O.