

CERTIFIED MAIL

August 6, 1982

Oku Resort House, Inc.
c/o Hilo Realty
1690 Kamehameha Avenue
Hilo, Hawaii 96720

Gentlemen:

Variance Application (V 82-24)
Tax Map Key 7-5-09:39

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow thirty percent (30%) compact parking stalls in lieu of the maximum allowable of ten percent (10%) and a zero (0) rear yard setback in lieu of the minimum twenty (20) foot rear yard setback.

The approval is based on the following:

COMPACT STALL VARIANCE

1. That there are special or unusual circumstances which would substantiate the request. In a National study conducted under the Direction of the Urban Land Institute by Wilbur Smith and Associates, Inc., and sponsored by the International Council of Shopping Centers, 1981, the following observation was made, "As the proportion of compact cars in use increases, the design of parking facilities to accommodate these vehicles at shopping centers through a more efficient use of space becomes increasingly important. Although this is a small survey, it confirms patterns observed elsewhere in the nation, as well as trends in automobile sales. When compact cars become predominant, a parking lot can be restriped to achieve a 15 to 30 percent increase in spaces for a given area. Thus, existing centers designed with full size

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spaces can increase the number of vehicles accommodated in the same physical area or, where appropriate, can reduce the total area devoted to parking. Recent studies by the United States Department of Transportation indicate that by 1990, depending on fuel availability and prices, the percent of all automobiles in the United States that are compact could reach a high of 95 percent with the most likely proportion being somewhere between 70 to 80 percent."

"The U.S. Automobile Industry, 1980" report to the President from the Secretary of Transportation, Office of the Assistant Secretary for Policy and International Affairs, January 1981 cited that "When more than one out of three vehicles parked at a center are compacts, it is appropriate to consider special accommodation of these vehicles".

Additionally, a study conducted by Belt, Collins and Associates in 1977 found that the proportion of compact cars within the County of Hawaii is more than fifty (50) percent. Due to increasing cost of fuel, it was determined that the proportion of compact cars within the County has and will continue to increase. As such, it is felt that under these circumstances, the thirty (30) percent proportion of compact car stalls would be a reasonable request. It is further determined, based on the foregoing, that the denial of the request would obviously interfere with the best use or manner of development of the property.

2. The granting of the request will be the most reasonable alternative with the special circumstances described previously and will adequately distinguish the request from others which may be considered.
3. The approval of the request to allow up to thirty percent (30%) of the required parking stalls designated for compact cars will not be contrary to the purpose and intent of the parking provisions of the Zoning Code. The purpose of these provisions is to assure that adequate parking is provided in conjunction with any uses which are established or contemplated. According to the method of calculating the parking requirements, a minimum of 49 parking stalls are required for the development. The petitioner intends to provide a total of 49 parking stalls with 14 stalls designated for compact cars. Therefore, although the

maximum allowance for compact stalls will be exceeded, the minimum number of parking stalls required by the Zoning Code will be provided for. As such, it is felt that under these circumstances, the thirty percent (30%) proportion of compact car stalls shall be consistent with the general purpose of the requirements of the district, intent and purpose of the Zoning Code and the County General Plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to the area's character or to adjoining properties.

SETBACK VARIANCE

1. The special and unusual circumstances applying to the subject property are in reference to its origination, location, configuration and topography. The parcel which is sandwiched between two (2) larger parcels was subdivided prior to the adoption of the existing Subdivision Code, thus creating a narrow trapezoidal site. There also is an approximately 20-foot difference in grade between the front and the rear of the property. The unusual configuration and topographical constraints require special design considerations and concepts for the site development. Due to the "grandfathered" status of this subdivision, the access to the property from Alii Drive which is in a very close proximity to the Waiolu Road - Alii Drive intersection, creates an unsafe traffic circulation pattern for this area. Being partitioned prior to the Subdivision Code, also negated any review of the difference in topography in a mauka-makai direction.

These considerations along with the small size of the property in relationship to the surrounding adjacent properties, constitute a special and unusual circumstance which applies and exist to a degree which obviously interferes with the best use or manner of development of the property.

Subsequently, the design of the parking area which is being placed towards the rear of the property had to take these design constraints into consideration. The best possible design solution was to create a basement parking design which would also allow a second story parking area that would in effect follow the existing topography of the property, thereby minimizing any need to create a high

unsightly retaining wall at the rear of the property. This would have been incompatible with the character of the area as well as have a negative visual impact and be hazardous from the adjacent properties.

Although the parking structure is one which is required to meet the rear yard setback requirement, its design is one which is unusual in that it is being designed to continue the existing topography with the construction of the two story basement parking structure up to the rear property line. This design solution does provide for a smoother visual and less hazardous transition between the mauka property and the rear of the subject property. In addition, parking areas are normally permitted to be designed within the setback areas. Therefore, in this design situation, the intrusion of the parking into the rear setback area is not viewed in similarity to a typical two story parking structure. This particular design solution will have a one (1) story appearance from the surrounding properties because of the basement design.

Additionally, the existing access which is unsafe for a higher intensity of traffic usage, will be relocated to the north end of the property. This design decision also is affected by the property constraints as described previously. Consequently, there are no significant physical and visual impacts to the surrounding properties and developments if the parking structure is permitted to extend into the rear setback area.

2. The development of the property without the basement design solution in the rear of the property would require that either the proposed building be constructed to the rear and the parking to the front of the property or a taller building in the front with an excavated area in the rear with high and unsightly retaining walls for the required parking. As was pointed out, there is approximately a 20-foot difference in elevation between the front and the rear of the property. Siting the three (3) story structure towards the rear of the property would emphasize its height and make the structure more prominent and thus physically overwhelm, dominate and negatively change the development character of this area. As can be seen with the Kona Billfisher Condominium, on the parcel to the north, this development followed the natural topography and consequently, the flow of the the makai-mauka building mass

fits into the landscape. This is what the proposed design solution is attempting to do and is determined to be the only reasonable design alternative subject to the constraints of the property.

Since this design solution seems to be the most appropriate to make the development fit into the landscape, any other design alternatives in resolving this issue would not only be putting excessive demands upon the applicant, when another more reasonable solution is available.

3. The subject property was subdivided prior to the adoption of the Subdivision Code. The intent and purpose of the setback requirements is to ensure that light, air and circulatory functions would be available between structural developments and properties. This regulatory function also affords the character of a particular area to evolve as development will occur with the thought of how a building is setback from property lines.

In this particular application, the design solution will still provide for these functions, although the basement parking structure will extend into the rear yard setback. The second floor parking area is designed to be contiguous and follow the topography of the mauka and the subject parcel to Alii Drive. Therefore, the basement parking design would give one a visual perception of it being of standard surface parking as opposed to a two-story parking structure. In addition, because of this particular design, the actual three-story building setback from the rear property line is one hundred and five (105) feet. This design effect would still employ or afford the air, light and circulatory functions that is the basis of requiring setbacks.

Thus, the evaluation of these issues has concurred that the granting of the variance would not be considered to be materially detrimental to the public welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.

The variance request is approved, subject to the following conditions:

1. That the applicant or its authorized representative be responsible for complying with all the stated conditions of approval.


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2. That the Change of Zone and Special Management Area Use Permit conditions are also complied with.
3. That plans for the proposed development, along with a detailed landscaping plan, be submitted for final "Plan Approval" review within one (1) year from the date of receipt of this Variance Permit.
4. That the parking lot layout on the top parking deck be revised to incorporate planting boxes. Also, a minimum 2'-6" high rockwall fence be constructed above the retaining walls along the north and east property lines where the grade differential between the properties are greater than 3'-0".
5. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Variance Permit shall be deemed void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



SIDNEY M. FUKÉ
Planning Director

RHY:lgv

cc: Planning Commission
KVSD Commission