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CERTIFIED MAIL

March 18, 1983

Mr. Clifford H. F. Lum  
Attorney-At-Law  
192 Kapiolani Street  
Hilo, HI 96720

Dear Mr. Lum:

Variance Application (V83-4)  
Variance From Maximum Allowable Percentage of Compact Car Stalls  
Tax Map Key 2-2-14:10

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 the provision of 134 or 32 percent compact car stalls for the proposed office and residential conversion of the Hilo Lagoon Hotel in lieu of the maximum 40 compact stalls or 10 percent compact stalls as permitted in Waiakea, South Hilo, Hawaii.

The approval is based on the following:

The Hilo Lagoon Hotel complex was constructed in 1970. At that time the minimum parking requirements for the facility were based on the hotel and its associated uses. On March 22, 1982, the Hawaii Redevelopment Agency adopted the wording to amend the Kaiko'o Urban Renewal Plan to allow permanent residential use. On April 15, 1982, the County Planning Commission forwarded a favorable recommendation to the County Council for the proposed amendments to the plan. On September 1, 1982, the County Council adopted Resolution No. 443-82 approving the amendments to the Urban Renewal Plan Kaiko'o Project No. Hawaii R-4.

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The proposed conversion of the hotel to the office/residential development will meet with the total minimum parking requirements as determined by the Zoning Code. Therefore, although the maximum allowable number of compact stalls are being exceeded, the total number of parking stalls being provided is also being exceeded. The petitioner is providing a total of 409 parking stalls while the minimum parking required by the Zoning Code is 402 parking stalls.

Based on the governmental actions and the fact that the total minimum number of parking stalls required by the Zoning Code is being provided, it can be concluded that special circumstances exist where the denial of the variance would obviously deprive the applicant of substantial property rights which would otherwise be available.

Additionally, 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 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".

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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 33 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.

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. Any other alternative would be putting excessive demands upon the petitioner when a more reasonable solution is available.

The approval of the request to allow 33 percent of the required parking stalls to be 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 402 parking stalls are required for the conversion of the development. The petitioner intends to provide a total of 409 parking stalls with 134 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 33 percent 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. Finally, the evaluation of these foregoing issues has concurred that the granting of the variance would not be considered to be materially detrimental to the public welfare or cause substantial, adverse impact to the area's character or to adjoining properties.

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

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

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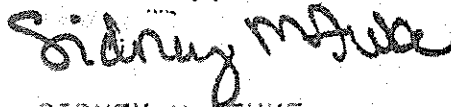
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2. The plans for the office and residential conversion of the Hotel be submitted for "Plan Approval" within one year from the effective date of approval of the Variance and that final "Plan Approval" be secured within one year thereafter.
3. The proposed parking improvements shall be completed prior to issuance of any occupancy permits for the proposed conversion. However, conversions of spaces which can be accounted for with the existing parking may be approved.
4. The Department of Public Works requirements shall be complied with.
5. The State Department of Health requirements shall also be complied with.
6. The conditions as stipulated in the approval of the County Council's Resolution No. 443-82 which includes the County Planning Commission's recommendations shall also be complied with.
7. All other applicable Federal, State and County rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be complied with, the Variance Permit shall automatically 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: County Planning Commission  
County Council  
HRA  
Al Inoue