

VAR 598

CERTIFIED MAIL

June 17, 1994

Hilo Medical Investors, Ltd. (L.P.)  
c/o Thomas L.H. Yeh, Esq.  
100 Pauahi Street, Ste. 204  
Hilo, HI 96720

Gentlemen:

VARIANCE APPLICATION (V94-34)  
PETITIONER: HILO MEDICAL INVESTORS, LTD. (L.P.)  
VARIANCE FROM THE MINIMUM OFF-STREET PARKING REQUIREMENT  
TAX MAP KEY: 2-3-31:01 POR. AND  
TAX MAP KEY: 2-3-32:01 POR., "PARCEL A-2"

FINDINGS AND RECOMMENDATION

After reviewing your variance application and the information submitted in behalf of it, the Planning Director hereby certifies the approval of a variance request to allow a 120-bed intermediate care and skilled nursing facility to be built with 60 parking stalls in lieu of 120 off-street parking spaces.

The proposed development is situated on a 9.173 acre parcel, "PARCEL A-2" created by Subdivision number 6137 on May 13, 1992, in Piihonua, South Hilo District, Island and County of Hawaii. The site is presently used as a temporary gravel parking lot for Hilo Medical Center's employees. The parcel's northern boundary fronts Waianuenue Avenue. Across the street is Hilo Medical Center, Big Island Center for Independent Living and Hospice of Hilo. The subject property is commonly referred to as tax map key parcel number 2-3-31:01 (TMK: 2-3-31:01) or designated as TMK Nos. (3) 2-3-31:portion of 1 and 2-3-32:portion of 1, Parcel A-2.

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The proposed health care facility will provide long-term intermediate care (ICF) and skilled nursing facilities (SNF). A SNF/ICF swing bed facility is defined by Hawaii Administrative Rules as a facility which may provide care for patients requiring either skilled nursing care or intermediate nursing care. The proposed 120 bed facility will be designed and operated to meet the certification standards for Medicare and Medicaid, as well as State licensure requirements. The proposed new health care facility will employ a total of 60 to 70 employees in three shifts. The applicant expects that 60 parking stalls will be more than sufficient for employees and visitors.

Hilo Medical Investors, Ltd. is owner of the existing 240-bed intermediate care and skilled nursing facility known as Life Care Center of Hilo. Life Care Center of Hilo is situated at 944 West Kawailani Street, Hilo, Hawaii. This 240-bed facility was allowed to be built in the 1970's with a total of 135 parking stalls subject to the Zoning Code and conditions stipulated by Variance No. 552. It appears that 135 stalls have been sufficient to satisfy the off-street parking requirement of Life Care Center of Hilo. In addition, the applicant is also the owner of a number of similar facilities on the U.S. mainland. The average standard facility requirements for the applicant are .50 stalls per bed.

The Planning Director has concluded that the variance request from the minimum off-street parking requirement should be approved, based on the following findings:

#### SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver from the minimum off-street parking requirement for the proposed 120 bed intermediate care and skilled nursing facility on the subject property sanctioned under Use Permit No. 93-11.

The applicant's authorized representative(s) states:

"A portion of the subject 9.173 acre parcel is within an area designated as Flood Zone "A" and subject to intermittent inundation. In order to locate the 120-bed facility on the property, the applicant is constructing a trapezoidal concrete-lined channel to contain the flow. The channel will in

essence dissect the property, leaving only the northern half of the property developable. In addition, expansive soil characteristics of the site have required the applicant to configure and locate the buildings in a certain manner. Even then, what is designated as Unit B on the attached plans is to be constructed after a "surcharge" of the ground prior to construction.

The topography of the area remaining after the siting of the buildings make it substantially impracticable to create additional parking stalls. On the eastern end of the property, just north of the inundation area, there is a substantial depression which would require substantial fill and compaction to create space for additional stalls. On the northwestern corner of the property, there is also substantial slope and a similar problem.

Given the characteristics of the property and the design requirements it imposes, it is physically impossible to create 120 parking stalls and substantially impracticable to create additional stalls. It is because of these circumstances exist to a degree which clearly interfere with the best manner of development of the property."

A portion of subject 9.173 acre parcel, created by Subdivision No. 6137, is affected by and subject to inundation by a 100-year flood. Therefore, considering the foregoing fact, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

#### ALTERNATIVES

The applicant will be required to construct a trapezoidal concrete-lined channel, acceptable to the Department of Public Works, to divert the 100-year flood around the proposed structures and off-street parking lot. The proposed channel will bisect the property, leaving the northern portion of the subject developable. The property's soil characteristics also require site specific preparation and building location(s).

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There are no reasonable alternatives in resolving the difficulty of the applicant. Alternatives available to the applicant include possible landfill and/or soil compaction to create additional stalls in areas subject to or prone to flooding.

Based on the above cited site and soil conditions and conceptual building plans submitted by the applicant, the site specific building and paved parking lot location(s) available to the applicant are limited. Therefore, there are property characteristics and circumstances which exist to a degree which clearly interferes with the best manner of development of the subject property.

#### INTENT AND PURPOSE

The intent and purpose of the parking provisions of the Zoning Code are to provide adequate parking stalls for the expected parking commensurate with a particular use permitted by the Zoning Code. The conditions affecting off-street parking requirements change from locality to locality (e.g. the building site, building type, population age, community mobility, etc.). The applicant believes that placing an intermediate care/skilled nursing facility in the same category as hospitals is inappropriate, given that hospitals require more staffing, physician parking, emergency vehicle parking, and visitor parking requirements. The applicant's existing facility operating experience here and on the mainland support the proposed building's operation.

It is felt the actual parking requirement of the facility will be satisfied with 60 parking stalls. Therefore, the granting of the variance will not result in any parking overflows and, therefore, will not be detrimental to the public welfare or cause adverse impact to the surrounding area and uses.

There were no objections from any surrounding property owners to the proposed variance request. The adjacent property owner, Hilo Medical Center, however, expressed their concern that approval of this variance request could aggravate their parking problem further if employees and visitors to the proposed facility are unable to find parking and are forced to park in the hospital parking area or elsewhere.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes and the

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County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the areas character and to adjoining properties.

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

- 1a. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of Use Permit No. 117;
- b. The approval of Variance Number 94-34 is only from the Zoning Code. The applicant, its assigns or successors shall be responsible for complying with all stated conditions of Variance Number 94-34;
2. The proposed 120 bed Long Term Intermediate Care and Skilled Nursing Facility and related building improvement shall conform to all requirements of Codes and Statutes pertaining to building construction;
4. Future building improvement shall be subject to State and County regulations pertaining to occupancy and building construction; and,
5. In the event that the Planning Director determines upon commencement of the applicant's operations that 60 parking stalls are inadequate for the 120 bed Long Term Intermediate Care and Skilled Nursing Facility, the applicant will provide 10 (ten) or more off-street parking stalls on TMK: 2-3-31:portion of 1 and 2-3-32:portion of 1, Parcel A-2 meeting with the off-street parking requirement stipulated by the Hawaii County Zoning Code.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

WRY:eti  
4129D

cc: Oda/McCarty Architects, Limited  
John H. Westerman