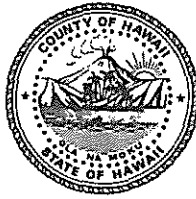


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

DEC - 5 1994

Mr. John A. Holmes
107 Koula Street
Hilo, HI 96720-1625

Dear Mr. Holmes:

Use Permit Application (USE 94-6)

Applicant: John A. and Charlotte Holmes

Request: Establish a 2-Bedroom Bed and Breakfast within an
existing 4-Bedroom Single-Family Dwelling

Tax Map Key: 2-5-24:35

The Planning Commission at its duly held public hearing on November 17, 1994, voted to approve your application. Use Permit No. 130 is hereby issued to establish a bed and breakfast operation on approximately 23,633 square feet of land situated within the Single Family Residential 15,000 square foot (RS-15) zoned district. The project site is located on the mauka side of Koula Street approximately 400 feet from its intersection with Ainako Avenue, Ainako Subdivision, Punahoa 2nd, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan: According to the Zoning Code, Single Family Residential districts "provide for low density residential area, for urban and suburban family life." Single-family dwellings, family care homes, neighborhood parks, and "buildings and uses normally considered directly accessory to the above permitted uses" are permitted in this district. Ordinance No. 92-104 was intended to ensure that bed and breakfast businesses remain secondary to the principal use of the residence as a single-family dwelling. The proposed bed and breakfast will be contained entirely within an existing single-family residence, and the applicants will continue to reside in the home. No additional employees will be hired to

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run the business, and no more than 2 bedrooms will be rented at one time. Adequate utilities and services are available at the site to service the expanded use of the home, and the applicants will provide ample paved parking to accommodate their guests. Thus, the proposed bed and breakfast will not substantially alter the character of the surrounding neighborhood, and it will be consistent with the intent of the Zoning Code for this district.

The General Plan designation for this area is Low Density Urban Development, which allows for single family residential uses, ancillary community and public uses, and convenience type commercial uses. The proposed bed and breakfast is a public use which is single family residential in character, and it is therefore consistent with the General Plan designation for the area.

The proposed bed and breakfast complements the following policies of the General Plan:

- a) Economic Element: "The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents of the County." Bed and breakfast accommodations are increasingly popular with visitors to the island, who seek a quieter, more authentic experience of local life. Bed and breakfast businesses provide an economic opportunity for County residents, who can supplement their incomes by sharing their homes with visitors.
- b) Land Use Element: "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The applicants claim that their business caters to visitors to Hilo's university, hospital, and religious institutions. Their location provides a convenient place for these individuals to stay, because of its proximity to these institutions and its quiet neighborhood setting.
- c) Land Use Element: "The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments." The proposed bed and breakfast will be contained entirely within an existing single-family residence, and should not alter the appearance or character of the neighborhood. Adequate facilities and services are available at the site to service the proposed business, and none of the agencies

consulted had any significant concerns regarding the proposed use.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties: The applicants will only be renting two (2) bedrooms to overnight guests; the remaining two bedrooms will be retained for their personal use. In order to minimize noise and dust generated by increased traffic to their home, the applicants will provide five paved parking stalls to accommodate their guests. The property has adequate landscaping to mitigate any possible visual impacts on the neighbors, and adequate public services and utilities are available to accommodate the expanded use. The applicants have also established a comprehensive list of house rules, which are intended to minimize disturbances to the neighbors and to ensure the safety of their guests and the surrounding community.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region: The limited commercial nature of the proposed bed and breakfast should not adversely affect the surrounding community. The business will be limited to two bedrooms, adequate parking and landscaping buffers will be provided, the existing infrastructure can accommodate the proposed use, and the applicants plan to enforce house rules to limit noise and other potential impacts of the bed and breakfast business. The business will be accessory to the main use of the property as a single-family residence, in keeping with the primary use of surrounding properties.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure: Koula Street is a County-maintained road with a 16-foot pavement width. Wastewater will be disposed of in the existing private cesspool. Police and fire protection are available at the site, as is County water. None of the agencies consulted had any objections to the establishment of the proposed bed and breakfast at this location.

Approval of this request is subject to the following conditions:

1. The applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants, successors, or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage,

personal injury, or death arising out of any act or omission of the applicants, their successors or assigns, officers, employees, contractors, or agents under this permit or relating to or connected with the granting of this permit.

3. The applicants, successors, or assigns shall secure Final Plan Approval from the Planning Department, as specified in Section 25-242 of the Zoning Code, within one year from the effective date of this Special Permit. Plans should indicate existing and proposed structures, landscaping, fire protection measures, paved driveway and paved parking stalls (asphalt, concrete, or chip-seal), and exterior signs associated with the bed and breakfast business.
4. The applicants, successors, or assigns shall establish the bed and breakfast business within one year from the receipt of Final Plan Approval. The applicants, successors, or assigns shall notify the Planning Department in writing of compliance with the conditions of approval prior to the establishment of the bed and breakfast business.
5. The bed and breakfast business shall be limited to the use of two (2) bedrooms. No more than four (4) guests are permitted at the facility at one time, and the maximum length of stay for any one guest at the facility must be less than thirty (30) days.
6. The applicants, successors, or assigns must reside in the single-family dwelling which houses the bed and breakfast business in order to operate this business.
7. Breakfast service for the bed and breakfast facility shall meet with the approval of the Department of Health. Only continental breakfasts may be served to registered guests. A statement of compliance with this condition shall be submitted to the Planning Director prior to the establishment of the bed and breakfast business.
8. The wastewater disposal system for the proposed bed and breakfast shall meet with the approval of the Department of Health. Such approval shall be secured prior to the establishment of the bed and breakfast business.
9. Exterior signs must comply with Section 3-26 of the Hawai'i County Code, regarding signs permitted in residential districts, and Section 3-32 (5) regarding directional signs.

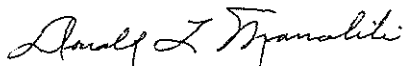
Mr. John A. Holmes
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10. Any structural expansion to the proposed bed and breakfast shall be submitted to the Planning Commission as an amendment to this Use Permit.
11. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
12. An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the original reasons for granting of the permit; c) granting of the time extension would not be contrary to the General Plan or Zoning Code; and d) the time extension granted does not exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). If any of the conditions are not met or substantially complied with in a timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Rodney Nakano or Linda Copeman of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk

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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
Department of Health
County Real Property Tax Division
Plan Approval Section