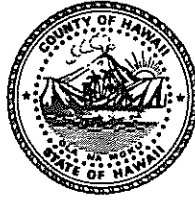


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
P 101 317 810

JUL 02 1999

Earl and Barbara Bolkan
272 Kaiulani Street
Hilo, HI 96720

Dear Mr. and Mrs. Bolkan:

Use Permit Application (USE 99-03)
Applicant: Earl and Barbara Bolkan
Request: Establish a Two-Bedroom Bed and Breakfast
Tax Map Key: 2-3-15:21

The Planning Commission at its duly held public hearing on June 18, 1999, voted to approve the above application. Use Permit No. 179 is hereby issued to allow the establishment of a two-bedroom bed and breakfast operation within an existing dwelling within the County's Single Family zoned district. The property is located on Reeds Island on the Hamakua side of Kaiulani Street and approximately a half mile above (west) the wooden bridge, Koloiki, Pi'ihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, requires that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) 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;
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

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- (D) 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.

The proposed 2-bedroom bed and breakfast operation would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

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. The applicants propose to have a two-bedroom bed and breakfast establishment in an existing dwelling located on Reeds Island.

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. Recognizing this benefit, Ordinance No. 92-104 was passed by the County Council, effective September 28, 1992, to ensure that bed and breakfast businesses remain secondary to the principal use of the residence as a single-family dwelling. Any impacts from the proposed use can be properly addressed and mitigated through the securing of a Use Permit. The applicants propose a 2-bedroom bed and breakfast establishment with three bedrooms to be located on the bottom floor of a two-story dwelling.

The applicants will reside in the main house. The subject property is located within a single family residential neighborhood, as such, the proposed activities would complement and be accessory to the dwelling being used as a residence. The applicants will be the only employees. Adequate utilities and services are available at the site. The property is approximately 15,000 square feet in size and has lanais in the rear to view the Wailuku River. There is a concrete paved driveway, and the applicants propose to pave an additional area to accommodate two additional guest parking to accommodate their bed and breakfast guests. Thus, the proposed two (2) bedroom bed and breakfast establishment 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 bed and breakfast establishment will be accessory to the single-family dwelling. As such, the use will not alter the appearance or character of the neighborhood. Although the bed and breakfast establishment would be open to the public on a daily basis, requests will be by reservations.

The proposed bed and breakfast operation would complement the following policies of the General Plan:

Economic Element

- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- * 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.

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 development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed uses would operate within the parameters of being single family residential in character, is consistent with the General Plan designation and is in keeping with the policies of the General Plan.

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 existing dwelling is located on Reeds Island which is in single family residential use. Should the request be approved, the applicants propose to pave with concrete two additional guest parking stalls. 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 uses. In addition, the applicants have secured signatures of residents who have no objections to the bed and breakfast establishment.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. The proposed uses 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 Planning Commission approved a 5-bedroom bed and breakfast establishment on Reeds Island for Gary and Barbara Anderson in the Shipman House in 1995 (USE 150). It is not anticipated that the establishment of this bed and breakfast establishment will affect other similar uses in the area.

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. Kaiulani Street is a County-maintained road that is accessed by traversing over a one-lane wooden bridge. The pavement width fronting

the subject property is approximately 9-foot wide. The Department of Public Works commented that the street is narrow and does not permit two-way traffic. However, the bed and breakfast establishment is looked upon as a use that is accessory and subordinate to the use of a residence by the owners and, therefore, not anticipated to generate any more traffic than that expected from single family dwelling uses. Guests of individual residents on Reeds Island would also be subject to using Kaiulani Road under the same conditions. To ensure, however, that bed and breakfast guests are prepared for the road conditions, it is recommended that the applicants provide clear instructions for the guests in their brochure, informing them that Kaiulani Street becomes a narrow one-lane roadway approximately 1,056 feet (two-tenths of a mile) from the property. Finally, a condition is also included that should the request create any complaints relating to safety or interference on the community, upon appropriate findings by the Planning Commission, the permit may be revoked. In regards to building permits, although the applicants secured a building permit for the subject dwelling, final building inspection has not been secured to date. Therefore, a condition will be included to require that the applicants secure final building inspection and submit such evidence to the Planning Director in conjunction with plans submitted for Final Plan Approval. Wastewater will be disposed of in the existing septic system. Police and fire protection are available at the site, as is County water. The Department of Water Supply had requested that a backflow preventer be installed. The applicants would be required to comply with applicable agencies' requirements prior to establishing the use at this location.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to the establishment of the bed and breakfast operation, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7. Plans should indicate existing structures, landscaping, fire protection measures, paved driveway and parking stalls (graveled, asphalt or, concrete) and exterior signs associated with the business. In conjunction with the plans submitted for Final Plan Approval, the applicants shall submit evidence that Final Building Inspection has been secured from the Building Division, Department of Public Works.
3. The bed and breakfast business shall be limited to the use of two (2) bedrooms.
4. The applicants shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
5. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
6. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.

7. If the applicants fail to comply with the conditions of approval or causes complaint(s) relating to safety, interference, nuisance or added off-site parking and is unable to resolved them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, should the applicants fail to comply with the conditions of approval or cause any unsafe conditions, unreasonable interference, nuisance, or added off-site parking on the surrounding community, the permit may be revoked.
8. An extension of time for the performance of conditions may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.
 - 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).

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 Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Leonard S. Tanaka, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
Department of Health