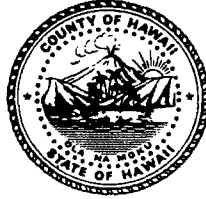


Harry Kim
Mayor

Wil Okabe
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

August 12, 2019

Ms. Charlotte Dewar
254 Boulder Street
Nevada City, CA 95959

Dear Ms. Dewar:

Subject: Request to Revoke Use Permit No. 194
Tax Map Key: (3) 2-3-015:020, Reeds Island, Hilo, Hawai'i

Thank you for your letters dated April 27, 2019 and July 16, 2019, again requesting that the subject permit be revoked because you have not been operating a B&B since purchasing the property in 2008. You have indicated that you intend to apply for a Short Term Vacation Rental (STVR) Registration and Non-Conforming Use Certificate (NUC) in order to continue operating an un-hosted vacation rental on a short-term basis.

Use Permit No. 194 was issued by the Planning Commission on September 5, 2002 to allow a four-bedroom B&B within an existing five-bedroom dwelling. Rule 7-11(a) of the Planning Commission Rules of Practice and Procedure allows the Planning Director to revoke a Use Permit if the property owner makes the request and confirms that the development approved by the permit has not been established or has been abandoned.

Based on the preceding and in accordance with Planning Commission Rule 7-11(a), Use Permit No. 194 is hereby revoked.

Please be aware that if your STVR/NUC application does not meet the criteria for approval stated in Sections 25-4-16 and 25-4-16.1 of the Zoning Code, and you wish to rent the house out to overnight guests on a short-term rental basis, you will need to apply for a new Use Permit from the Windward Planning Commission.

AUG 14 2019

Ms. Charlotte Dewar

Page 2

August 12, 2019

If you have any questions, please feel free to contact our Maija Jackson of this office at 961-8159.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Yee". The signature is fluid and cursive, with the first name "Michael" and last name "Yee" clearly distinguishable.

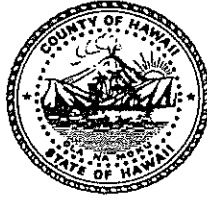
MICHAEL YEE
Planning Director

MJJ:mad

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cc: TMK: 2-3-015:020
GIS Section

Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL
7000 0600 0024 2904 0516

SEP 05 2002

George M. & Barbara J.B. Leonard
P. O. Box 1063
Hilo, Hawaii 96721

Dear Mr. and Mrs. Leonard:

Use Permit Application (USE 02-007)
Applicants: George M. & Barbara J.B. Leonard
Request: Allow a four-bedroom bed and breakfast establishment
Tax Map Key: 2-3-15:20

The Planning Commission at its duly held public hearing on August 15, 2002, voted to approve the above-referenced application. Use Permit No. 194 is hereby issued to allow a four-bedroom bed and breakfast operation within an existing dwelling within the County's Single Family Residential (RS-15) zoned district. The property is located on Reeds Island bordering Ka'iulani Street and Wailuku River, approximately ½ mile west from 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 granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan;
- (B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and

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- (C) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The applicants are proposing to establish a four-bedroom bed and breakfast operation in an existing dwelling on Reeds Island. The dwelling has five bedrooms and four and one-half baths. The applicants will reside in the dwelling on the subject property. Although the applicants originally requested to allow accessory uses - to include weddings on an occasional basis for bed and breakfast guests and house tours for the public, these uses were withdrawn due to opposition from the neighbors regarding traffic concerns. The applicants also requested to hold arts and crafts classes on a limited basis for guests and residents, however, these classes are allowable with the submittal of a home occupation notice, which the applicants have submitted. Therefore, the request to allow local arts and crafts classes on a limited basis is also not a part of this request. Therefore, the amended request is strictly to allow the establishment of a four-bedroom bed and breakfast operation.

The proposed bed and breakfast operation and accessory uses as stated, would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use shall 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 four-bedroom bed and breakfast establishment in the existing dwelling with no more than 8 guests.

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. Subsequently, Ordinance No. 00-152, adopted by the Hawaii County Council and effective on December 26, 2000, amended Section 25-4-7, whereby, plan approval is no longer required for the establishment of a bed and breakfast in the Single Family Residential (RS) zoned district within the State Land Use Urban District provided that a Use Permit is obtained. Any impacts from the proposed use can be properly addressed and mitigated through the securing of a Use Permit.

The dwelling is presently vacant and will be undergoing renovations; however, the applicants will reside in the dwelling when they operate the bed and breakfast establishment. The subject property is located within a single family residential neighborhood; as such, the proposed activity would complement and be accessory to the dwelling being used as a residence. The dwelling was originally constructed about 1915 and one of the first homes built on Reeds Island. The property was recently purchased by the Leonards. Due to its unique character, the applicants want to operate a bed and breakfast operation. The dwelling currently has five bedrooms and four and one-half baths, and over 5,000 square feet in size. The property is approximately 1.5 acres in size and extends down to Wailuku River. The parcel is fully landscaped with a variety of fruit trees, flowers and ornamental plants. Adequate utilities and services are available at the site. There is adequate space along the existing driveway to accommodate guest parking. Since the house has been maintained in its original condition, the applicants would like to share this history of Hilo with others. Thus, the proposed four (4) 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, 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 use as a single family dwelling. As such, the use will not alter the appearance or character of the neighborhood.

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 designated to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed use 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 shall 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 in an area zoned Single Family Residential (RS-15) and over 1.5 acres in size and surrounded by single family dwellings. The applicants have existing asphalt and paved areas sufficient to provide for the 5 parking stalls. The property has adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities area available to accommodate the expanded uses. The proposed use will be accessory to the main use of the property as a single-family residence, in keeping with the primary use of surrounding properties. There are currently two other approved bed and breakfast establishment in the immediate vicinity of the subject parcel. It is not anticipated that the establishment of this bed and breakfast will significantly affect other similar uses in the area. The subject property is situated on Reeds Island, which is close to downtown Hilo and has a natural setting that is attractive to tourists.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is located on Ka'iulani Street on Reeds Island which has access from a one-lane bridge. Ka'iulani Street is a two-lane roadway up to the subject property with an approximate 29-foot pavement width and 6-8 foot grassed shoulders. Immediately beyond the subject driveway, Ka'iulani Street becomes a single-lane roadway. 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. Wastewater will be disposed of in the existing cesspool. Police and fire protection are available at the site, as is County water. The applicants will be required to install the backflow preventer required by the Department of Water Supply. The

applicants have stated that only continental breakfast will be served. The applicants shall be required to abide by the Department of Health standards on guidelines for Bed and Breakfast operations. Further, the applicants shall comply with applicable agencies' requirements relating to the operation of a bed and breakfast establishment at this location.

The project site is located approximately 4,200 feet from the nearest shoreline and is in rural-residential uses. The existing operation will not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Therefore, the approval of the subject request shall not be contrary to the objectives and policies of the Coastal Zone Management Program.

Further, as no valued cultural, historical or native resources nor any traditional and customary Native Hawaiian rights were practiced in the area, it is also not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Finally, due to letters of concern from immediately surrounding residents regarding the accessory uses and impact on traffic, the applicants amended their application to exclude the request for weddings and house tours.

Approval of this request for a four-bedroom bed and breakfast establishment is approved subject to the following conditions. However, 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) The bed and breakfast shall be limited to the use of four (4) bedrooms.
- (3) The applicants shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
- (4) The applicants shall install a backflow preventer meeting with the requirements of the Department of Water Supply prior to the start of operations.

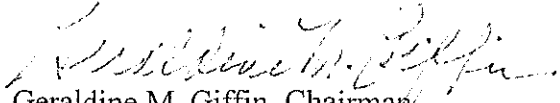
- (5) The applicants shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health, Department of Public Works and the Department of Water Supply for this use.
- (6) Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
- (7) A final status report shall be submitted to the Planning Director demonstrating compliance with all conditions of this permit and prior to the start of operations.
- (8) If the applicants fail to comply with the conditions of approval or cause 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.
- (9) An initial extension of time for the performance of conditions within the permit 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, its successors, 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 General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to 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.

George M. & Barbara J.B. Leonard
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Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Department of Health
State Land Use Commission
Brian Minaai, Director/DOT-Highways, Honolulu