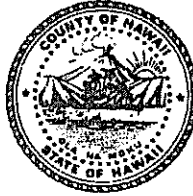


Harry Kim
Mayor



County of Hawaii
PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

JUN 11 2003

Mr. Scott Andrews
Ms. Claudia Rohr
369 Nene Street
Hilo, HI 96720

Dear Mr. Andrews and Ms. Rohr:

Use Permit Application (USE 03-001)
Applicant: Scott Andrews and Claudia Rohr
Request: 3-Bedroom Bed and Breakfast Establishment
Tax Map Key: 2-1-18:5

The Planning Commission at its duly held public hearing on May 23, 2003, voted to approve the above-referenced application. Use Permit No. 196 is hereby issued to allow the establishment of a 3-bedroom bed and breakfast establishment in an existing single family dwelling within the County Single Family Residential (RS-15) zoned district. The property is located on the north side of Nene Street approximately 390 feet west of its intersection with Oeoe Street at Waiakea, 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 unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

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The proposed 3-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 applicant proposes to have a three-bedroom bed and breakfast establishment in the existing dwelling.

The applicants are requesting that they be allowed to operate a 3-bedroom bed and breakfast operation within an existing 5-bedroom dwelling on their property. The applicants are residing within the dwelling. The subject property is located within a single-family residential neighborhood; as such, the proposed activity would complement and will be accessory to the dwelling being used as a residence. The applicants will be the only employees and do not anticipate hiring any other employees. Adequate utilities and services are available at the site. The property is approximately 52,375 square feet in size. According to the site plan submitted by the applicants, there are six (6) parking stalls for the applicants and the bed and breakfast guests. Thus, the proposed three (3) 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 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 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 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 Land Use and the Economic elements the 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

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surrounding properties. The surrounding uses in the area are vacant or in single-family residential use. The property is 52,375 square feet in size, and large enough to accommodate the bed and breakfast operation. 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.

There are currently three (3) other approved bed and breakfast establishments in the vicinity of the subject parcel. It is not anticipated that the approval of this bed and breakfast operation will affect other similar uses in the area. The subject property abuts both Kalaniana'ole Street and Nene Street and is close to several County Beach Parks. The area is within the City of Hilo and has a natural setting that is attractive to tourists.

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. The subject property is located on Nene Street, a Department of Hawaiian Home Lands (DHHL) roadway maintained by the County. Nene Street has a 10-foot 5-inch pavement, with 8-foot gravel with grass shoulders on both sides. Kalaniana'ole Street is a well-maintained and improved road with an approximate 20-foot pavement width and paved 5-foot shoulders. 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. The City of Hilo Zone Map indicates that Nene Street is proposed to be an 80-foot right-of-way from its current 50-foot right-of-way. It is not anticipated that guests of the bed and breakfast establishment will place a heavy burden on the existing roadway to substantially increase traffic to warrant road widening improvements. The subject parcel is within Flood Zone "VE" and "AE." Any new construction or substantial improvements with the property will be subject to the requirements of Chapter 27, Flood Control, of the Hawaii County Code. Further, any alteration of existing ground conditions may require a grading permit and a Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA). As guests may be affected by the possibility of a tsunami alert, a condition will be included to require the applicant to have a Tsunami Evacuation Plan in place. Police and fire protection are available to the site, as is County water. Other agencies consulted had no objections to the establishment of the bed and breakfast use at this location.

Based on the above, it is recommended that this request be 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 applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall submit a Tsunami Evacuation Plan and Emergency Plan for review and approval by the Planning Director in consultation with the Civil Defense Agency.
3. The bed and breakfast shall be limited to the use of three (3) bedrooms within the existing 5-bedroom dwelling.
4. The proposed guesthouse shall not be a part of the bed and breakfast operation.
5. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments (Section 25-4-7).
6. The applicant shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works and the Department of Health.
7. The applicant shall comply with the requirements of the Department of Water Supply relating to the provision of potable water. The applicant shall also install a backflow preventer (reduced pressure type) meeting with the requirements of the Department of Water Supply prior to the start of the operation of the bed and breakfast establishment.
8. The applicant shall comply with all conditions of Special Management Area (SMA) Minor Use Permit No. 133.
9. A written final status report shall be submitted for approval by the Planning Director demonstrating compliance with all conditions of this permit.
10. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission, if the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.

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11. An initial 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 applicant, 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 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 contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galdones, Chairman
Planning Commission

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