



County of Hawai'i

PLANNING COMMISSION

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

August 18, 2005

Ms. Carol Gay Covington
P.O. Box 102
Hilo, HI 96721

Dear Ms. Covington:

Use Permit Application (USE 05-003)
Applicant: Carol Gay Covington
Request: 4-Room Bed and Breakfast Establishment Within an
Existing Single Family Dwelling in RS-7.5 Zoned District
Tax Map Key: 2-3-21:12

The Planning Commission at its duly held public hearing on August 5, 2005, voted to approve the above-referenced application to allow a 4-unit bed and breakfast establishment within an existing dwelling situated within the Single Family Residential 7,500 square foot (RS-7.5) district. The property is located at the eastern corner of Haili Street (465 Haili Street) and Halai Street, City of Hilo, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Hawaii County Code, Chapter 25 (Zoning Code), Section 25-2-65 and 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 applicant is requesting to establish a 4-unit bed and breakfast establishment within an existing three-story dwelling on the subject property. There are seven (7) existing bedrooms, four of which will be used for guests. The four (4) guest rooms are located on the middle and upper level floors. The applicant and spouse reside on the lower floor where there are three (3) additional bedrooms.

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 applicant proposes 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 applicant 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, which is approximately 3,600 feet in size, was originally constructed in 1933. The dwelling currently has seven bedrooms and four baths. The property is approximately 11,162 square feet in size and is located on the corner of Haili Street and Halai Street. The parcel is fully landscaped with a variety of

trees, flowers and ornamental plants. Adequate utilities and services are available to the site. There is adequate space to accommodate guest parking. The applicant intends to restore and maintain the house in its original condition, which is located within one of Hilo's older residential communities. 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 Medium Density Urban, which allows village and neighborhood commercial and single family and multiple family residential and related functions (multiply family residential – up to 35 units per acre). 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:

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- Economic development and improvement shall be in balance with the physical, social and cultural environments of the island of Hawaii.
- Provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- The County of Hawaii shall encourage the development of a visitor industry that is consistent with the social, physical and economic goals of the residents of the County.

Land Use Element:

- Zone urban- types of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.
- Promote and encourage the rehabilitation and use of urban areas that are serviced by basic community facilities and utilities.

- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The operation of the bed and breakfast establishment would provide financial benefit for the applicant and provide a benefit for visiting tourists. 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-7.5) and is surrounded by single family dwellings. The applicant has existing concrete areas sufficient to provide for the 6 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 three other approved bed and breakfast establishment in the 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 or cause a substantial, adverse impact to the community's character or to surrounding properties. The subject property 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 main access to the bed and breakfast establishment is from Haili Street, which is a County maintained roadway with a 24-foot wide pavement within an existing 50-foot right-of-way. The property has a 5-foot future road-widening setback along Haili Street. The property also borders Halai Street, which is a County maintained roadway with a 20-foot wide pavement within an existing 40-foot right-of-way. 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 County's sewer system. Electricity, telephone, and other services are available at the site. There is a fire hydrant fronting the subject property on the other side of Haili Street. Police and fire protection are available to the site, as is County water. The applicant will be required to install the backflow preventer required by the Department of Water Supply. The applicant 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 4,250 feet from the nearest shoreline and is in 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.

Based on the above, this request for a four-bedroom bed and breakfast establishment is approved subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of Section 25-4-7 of the Zoning Code, as amended by Ordinance No. 00-152, relating to Bed and Breakfast Establishments.
3. The bed and breakfast shall be limited to the use of four (4) bedrooms with a maximum of eight (8) guests at any given time.
4. The applicant shall install a backflow preventer meeting with the requirements of the Department of Water Supply prior to the start of operations.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
6. 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.

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.

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.

Ms. Carol Gay Covington
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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
Department of Health