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County of Hawai'i

LEEWARD PLANNING COMMISSION

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APR 27 2021

Ms. Ellen Garver Koizumi
73-4270 Māmalahoa Highway
Kailua-Kona, HI 96740

Dear Ms. Koizumi:

SUBJECT; Use Permit No. USE 21-000086
Applicant: Ellen Garver Koizumi
Approved Use: Operate a Two (2) Bed and Breakfast Establishment in an Existing Residence
Tax Map Key: 7-3-005:030

The Leeward Planning Commission, at its duly held public hearing on April 15, 2021 voted to approve the above-referenced request to operate a two (2) bedroom Bed and Breakfast establishment in an existing residence. The property is located at 73-4270 Hawai'i Belt Road, along the west (makai) side of Hawai'i Belt Road (Māmalahoa Highway), adjacent to and south of the Kona Coastview Subdivision at the end of Leimomi Street, Kalaoa 4th, North Kona, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant(s), its successor(s) or assign(s) shall be responsible for complying with all stated conditions of approval.
2. Construction and operation of the bed and breakfast shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application received January 15, 2021 and representations made to the Leeward Planning Commission.
3. The applicant shall comply with all requirements of Section 25-4-7 of the Zoning Code, Hawai'i County Code Chapter 25, as amended, relating to Bed and Breakfast Establishments.

4. The applicant(s), its successor(s) or assign(s), shall ensure that the number of guests at the Bed and Breakfast establishment shall not exceed a maximum of six (6) guests at all times.
5. Prior to commencement of operation of the bed and breakfast, the applicant, successors, or assigns shall comply with all requirements of the State Department of Transportation for access at Māmalahoa Highway or the Department of Public Works for access at Leimomi Street.
6. The applicant(s), its successor(s) or assign(s) shall ensure that all guests of the Bed and Breakfast establishment access the subject property via Leimomi Street only.
7. Water usage via the existing County water meter shall not exceed an average daily usage of 400 gallons for the proposed use. The Department of Water Supply may install a flow reducing device on the meter should the consumption through the existing meter exceed its rated capacity.
8. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on the private property, which must be inspected and approved by the Department of Water Supply.
9. The applicant shall comply with all applicable rules, regulations, and requirements of the affected agencies for the proposed development.

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.

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Tracie Lee Camero of the Planning Department at 961-8166.

Sincerely,


Michael Vitousek Apr 17 11:27:11 AM HST

Michael Vitousek, Chair
Leeward Planning Commission

LKoizumiUSE21-086lpc
Enclosure: PC Findings

Ms. Ellen Garver Koizumi
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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
County Fire Department
State Department of Health
State Department of Transportation
GIS Section (via email)

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

ELLEN GARVER KOIZUMI
USE PERMIT APPLICATION (USE 21-000086)

Based on the following, Use Permit No. 21-000086 is hereby issued to allow the establishment of a 2-bedroom bed and breakfast operation within an existing residence situated on approximately 3.147 acres of land within the Single-Family Residential zoning district be approved by Leeward Planning Commission. The subject property is located at 73-4270 Hawai'i Belt Road, along the west (makai) side of Hawai'i Belt Road (Māmalahoa Highway), adjacent to and south of the Kona Coastview Subdivision at the end of Leimomi Street, Kalaoa 4th, North Kona, Hawai'i, Tax Map Key: (3) 7-3-005:030.

The applicant is requesting a Use Permit to allow the establishment of a two-bedroom bed and breakfast operation within a single-family dwelling on the subject property. The single-family dwelling consists of three bedrooms and three and a half bathrooms, one of which will be used for the landowner who will also be the full-time onsite caretaker. The proposed bed and breakfast will provide overnight accommodations to a maximum of ten (10) guest in two (2) bedrooms, for a period of less than thirty days. Breakfast may be provided to registered guests only; no other meals will be provided. Paved parking will include five (5) paved parking stalls located on the subject property, which is two stalls more than the Zoning Code requires. No exterior signage is proposed. The landowner will reside onsite in the room located at the southern portion of the dwelling. The bed and breakfast operation will provide accommodations to travelers who visit the island and will provide additional income to the property owner.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permit, 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 zoning 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
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed request to operate a two-bedroom bed and breakfast establishment within an existing residential dwelling meets the guidelines for approval of a Use Permit, for the reasons listed below:

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and polices of the General Plan. According to the Zoning Code, Single-Family Residential districts "provides for lower or low and medium density residential use, for urban and suburban family life." This includes bed and breakfast operations, which are considered accessory or subordinate to the principle use of the property as a residence. The County

Zoning Code, Section 25-4-7, provides guidelines for bed and breakfast operations. Based upon the applicant's representation, the bed and breakfast operation will meet with the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments.

Bed and breakfast establishments are becoming increasingly popular with visitors to the island, who seek a quieter, more authentic experience of local life. Bed and breakfast establishments provide an economic opportunity for residents of Hawai'i County, who can supplement their incomes by sharing their homes with visitors. On residential zoned lands, impacts from bed and breakfast operations can be properly addressed and mitigated through the approval of a Use Permit.

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The General Plan designation for this property is Low Density Urban, which allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses. As the proposed bed and breakfast operation will be established within an existing single-family dwelling, the use should not alter the appearance or character of the neighborhood which is mainly made up of single-family residential dwellings.

Goals within the Economic element of the General Plan state a project should provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments, and that those developments shall be in balance with the social, physical, and cultural environments of the island of Hawai'i. Additionally, the project should strive for diversification of the economy by strengthening existing industries and attracting new endeavors.

The property is in the vicinity of a number of residential and agricultural type properties and therefore this project aligns with the Land Use policy which encourages the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment. The environment surrounding the subject property is predominately developed with residential and agricultural structures located on non-conforming residential and agricultural sized lots which include mixed residential uses and vacant lands. Furthermore, the General Plan also encourages the development of small-scale accommodations which enable visitors to take advantage of natural and cultural resources throughout the County versus large resorts that often focus on coastal or resort-type recreational activities.

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 subject property is currently improved with two single-family dwellings, a warehouse/storage building and a parking area. The dwelling to be used for the bed and breakfast is located closest to Māmalahoa Highway and was built in 2001 and consists of three bedrooms and three and a half baths. The other dwelling was built in 2003 and is currently used by the landowner's family. A warehouse/storage building also exists on the subject property. The surrounding area consists mainly of urban residential and agricultural uses along with some vacant agricultural land. The dwelling and parking areas can accommodate the bed and breakfast operations. It is not anticipated that the approval of this bed and breakfast operation will have a major impact in the community or on other similar uses in the area.

In an effort to address concerns raised by public testimony after the Planning Director's Recommendation was sent to the Commission, the applicant agreed that the maximum number of

guest allowed at the proposed bed and breakfast shall not exceed six (6) guest at all times. At the April 15, 2021 Leeward Planning Commission meeting, the Planning Commission voted to amend the number of maximum guests. Therefore, a condition requiring the applicant to ensure that the maximum number of guests at the Bed and Breakfast at one time shall not exceed six (6) guests, has been added.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. The subject parcel currently has two driveway accesses, one from Māmalahoa Highway which is a State owned and maintained highway and the other from Leimomi Street which is a County owned roadway that is not maintained. According to the applicant, they have been diligently working on paving the Leimomi Street driveway access to meet the requirements of the Department of Public Works-Engineering Division. The State Department of Transportation currently requires that the applicant widen the existing Māmalahoa Highway driveway access to meet the current standard requirements for driveways within the highway right-of-way. A condition requiring the preceding has been added. There is adequate guest parking located on site and it is not anticipated that guests of the bed and breakfast operation will substantially increase traffic on the existing roadways.

In an effort to minimize impact on surrounding infrastructure and traffic in the area, the Leeward Planning Commission voted to amend the Directors recommended conditions to limit all guests of the bed and breakfast establishment to access to the subject property via Leimomi Street only. Residents of the subject property that live on-site however, may continue to access the subject parcel through the existing Māmalahoa Highway access. A condition requiring the preceding has been added.

County water is available to the property and is currently served from an 5/8-inch meter located on Māmalahoa Highway. The Department of Water Supply (DWS) requires that the applicant understand that the average daily water usage for the proposed use shall not exceed 400 gallons. Should the average daily usage exceed its capacity, DWS may install a flow reducing device on the meter to assist with water consumption. Finally, the applicant will be required to install reduced pressure type backflow prevention assembly and any other improvements that may be required by DWS prior to operation of the bed and breakfast. A condition requiring the preceding has been added. The subject dwelling is connected to an existing septic tank and all other essential utilities are available to the property and fire and police services are available nearby in Kona. Therefore based on the above discussion, the granting of the request will not unreasonably burden public agencies to provide needed services and infrastructure.

In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The property is not located within the Special Management Area and is approximately 4.5 miles from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the project site's distance from the shoreline, the property will not impact any recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources.

The site has been cleared in the past and used residentially. The State Historic Preservation Division has determined that residential development/urbanization and previous grubbing/grading has altered the land.

The Bed and Breakfast establishment will occur within an existing dwelling, thus impacts

to flora and fauna are not to be expected.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved water systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.