

CERTIFIED MAIL

April 19, 1982

Mr. Dennis Shigeoka
Okanara, Shigeoka & Associates
200 Kohola Street
Hilo, Hawaii 96720

Dear Mr. Shigeoka:

Special Management Area Use Permit Application
Petitioner: Kuhio Gardens
TMK: 2-1-06:17

The Planning Commission at its duly held public hearing on April 15, 1982, voted to approve the above application, SMA Use Permit No. 177, to allow exterior renovations to the existing building, installation of sewerline connection, and related improvements at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

That the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the request is to allow the renovation of an existing dilapidated structure for commercial use as a restaurant/lounge, installation of sewerline connection, lot grubbing and other related improvements.

The subject property and the surrounding area has been extensively improved and intensively used for various purposes. Under these surroundings, rare or endangered flora or fauna are not known to exist. The proposed development also is not anticipated to have any significant adverse impacts on the coastal ecosystems since the reconstruction to the existing structure and sewerline installation will occur approximately seventy-five (75) feet from the shoreline.

The subject land is situated within the potential tsunami inundation area. As such, the petitioner shall comply with the construction requirements of the Department of Public Works for developments within these districts.

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No adverse impacts on air quality are expected to be generated by the proposed development. Air pollution generated during the construction phase can be mitigated by existing regulations. Erosion and drainage patterns shall not be affected as a result of the construction since a large portion of the area has already been extensively improved with a paved surface.

The proposed development is consistent with the Objectives, Policies and Special Management Area Guidelines as established by Chapter 205-A, Hawaii Revised Statutes. These objectives and policies provide guidance for the preservation, protection and development of coastal resources of the State and County. Because of the prior development of the subject and surrounding areas, the granting of this request will not impact on the historic, recreational and scenic resources. In addition, as previously discussed, coastal ecosystems and hazardous concerns should not be affected.

Furthermore, the proposed development is consistent with the economic element by increasing the use of a facility important to the State's economy in suitable locations.

That the proposed development is consistent with the General Plan, the Zoning Code and other applicable ordinances. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map identifies the area for industrial and industrial-related uses, although the existing zoning designation is for Resort-Hotel activities. Furthermore, the proposed restaurant use is consistent with the requirement of both the proposed Industrial and existing Resort-Hotel zoned districts.

Based on the foregoing, it is therefore determined that the proposed development will not have any substantial adverse environmental or ecological impacts on the surrounding area. Furthermore, its approval will be consistent with the objectives and policies of Chapter 205-A, HRS, Relating to Coastal Zone Management and Rule 9 of the County of Hawaii Relating to the Special Management Area, Chapter 8 of the Hawaii County Code, and the General Plan of the County of Hawaii.

Approval of this SMA Use Permit request is subject to the following conditions:

1. That the petitioner or its authorized representative shall be responsible for complying with all of the stated conditions of approval.

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2. That the petitioner shall be responsible to secure Variances, if necessary, from the requirements of the Zoning Code in accordance with Section 7 of Chapter 8 (Zoning Code) of the Hawaii County Code Relating to Variance. Should the variance not be granted, the proposed improvements shall conform to all applicable setback requirements.
3. That plans shall be submitted and final Plan Approval in accordance with Chapter 8 (Zoning Code), Hawaii County Code, be received within one (1) year from the effective date of the granting of any variance, should variances be required; or within one (1) year from the effective date of the Special Management Area Use Permit, if variances are not required.
4. That construction shall commence within one (1) year from receipt of final Plan Approval and shall be completed within one (1) year thereafter.
5. That the requirements for construction within the tsunami inundation area of the Department of Public Works shall be complied with.
6. That the petitioner or its authorized representative comply with all other applicable rules, regulations and requirements.

Should any of the following conditions not be met, this Special Management Area Use Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



ALFREDO ORITA
CHAIRMAN, PLANNING COMMISSION

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cc: Department of Public Works
Department of Water Supply

bcc: Plan Approval Section