

CERTIFIED MAIL

August 19, 1982

Mr. Hisashi Ueda
Hilo Trading Co., Ltd.
500 Ka'anini Circle
Hilo, Hawaii 96720

Dear Mr. Ueda:

Special Management Area Use Permit Application
TMK: 2-1-03:Portion of 8

The Planning Commission at its duly held public hearing on August 17, 1982, voted to approve your application, Special Management Area (SMA) Use Permit No. 185, to allow the construction of a restaurant and related improvements at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The petitioner proposes to construct a Japanese-style restaurant, cultural center and related improvements which include paved parking. The proposed development is not anticipated to have any significant adverse environmental or ecological effects.

No rare or endangered flora or fauna are known to exist in the area nor are any sites of historical significance located on the property. Soil erosion shall be kept at a minimum as the entire project site, exclusive of pavement and building, shall be landscaped. The retention of the trees and the construction of the building should provide a harmonious setting with the surrounding area and should help to reduce any potential adverse visual impact created by this development.

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That the proposed development is consistent with the Objectives, Policies and Special Management Area Guidelines as established pursuant to Chapter 205-A, HRS. These objectives and policies provide guidance for the preservation, protection and development of coastal resources of the State and County. Because of the location and its distance to the shoreline, the granting of this request will not create any adverse impact on the recreational resources nor should the coastal ecosystems be affected by this action.

The improvement and maintenance of the existing Happiness Garden Park will further enhance the aesthetic qualities of the coastal area as well as provide improved shoreline access opportunities to the public.

The petitioner has also proposed to conduct a pedestrian walkway from the parking lot to Happiness Garden. In addition, the area east of the parking area will be landscaped and the public will be allowed to use this area as an access to the shoreline and Happiness Garden.

The subject area is within a potential tsunami inundation zone, however, compliance with the requirements of the Department of Public Works for construction within a Coastal High Hazard Area should mitigate any potential substantial adverse impacts. In addition, this project will further the economic resources by providing employment to members of the community.

The project will provide a Japanese-style restaurant and cultural center and is designed to blend with Happiness Garden and Liliuokalani Gardens Parks, both with Japanese-theme designs. In addition, Japanese cultural programs and demonstrations will also reflect its theme and will be open to the general public.

The industrial designation of the General Plan and the existing Limited Industrial zoning designation allow the development for restaurant purposes. As such, it is determined that the subject request is consistent with the General Plan, Zoning Code, and other applicable land use regulations.

Based on the foregoing, it is therefore determined that the proposed development will not have any substantial adverse impacts on the surrounding area. Furthermore, its approval will be consistent with the Objectives and Policies of Chapter 205-A,

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HRS, Relating to Coastal Zone Management, Rule 9 of the County of Hawaii Relating to the Special Management Area, the General Plan of the County of Hawaii, and the Zoning Code.

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 the stated conditions of approval.
2. That plans shall be submitted and Final Plan Approval pursuant to Chapter 8 (Zoning Code), County of Hawaii shall be secured within one (1) year from the effective date of the Special Management Area Use Permit.
3. That the petitioner shall comply with all restrictions and requirements stipulated within the URP and deed covenants. Further plans shall be submitted to HRA for approval prior to the issuances of Final Plan Approval.
4. That construction of improvements shall commence within one (1) year from receipt of Final Plan Approval and shall be completed within two (2) years thereafter.
5. That the petitioner or authorized representative shall provide underground cable from the existing deadman anchor location to the makai property and install safety measures surrounding the deadman site area, or the petitioner or authorized representative shall relocate the deadman anchor to the makai property in the event relocation is necessary. In either case these improvements shall be completed prior to the issuance of occupancy permit for the restaurant.
6. That the requirements of the Building Code regarding construction within Coastal High Hazard Areas shall be complied with.
7. That public shoreline access to and along the shoreline areas of the subject parcel meeting with the approval of the Planning Director shall be provided prior to the issuance of final occupancy permit and such access shall be maintained by the petitioner. Said access shall also include the construction and maintenance of a pedestrian walkway from the parking area to Lot B.

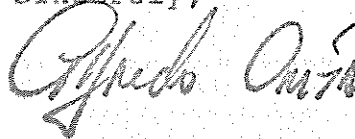
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8. That vehicular accesses to the proposed development shall meet with the approval of the Department of Public Works. Adequate lighting shall also be provided at the entrance(s) to the property meeting with the approval of the Department of Public Works.
9. That all other applicable rules, regulations and requirements, including those of the State Department of Health, shall be complied with.

Should any of the foregoing conditions not be met, this Special Management Area (SMA) Use Permit shall be deemed automatically 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: Imata & Associates, Inc.
Department of Public Works
Department of Water Supply

bcc: Plan Approval Section