

CERTIFIED MAIL

February 6, 1985

Mr. Dennis Shigeoka, P.E.
Kuhio Garden
250 Naniakea Street
Hilo, HI 96720

Dear Mr. Shigeoka:

Special Management Area (SMA) Use Permit Application
TMK: 2-1-6:17

The Planning Commission at its duly held public hearing on January 31, 1985, voted to approve your application, Special Management Area (SMA) Use Permit No. 84-16, to allow the construction of a building for resort-type uses and related improvements at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The proposed development will not create any significant adverse impact on the environment or ecological resources of the Special Management Area (SMA). The applicant proposes the construction of a 5,000 square foot commercial building.

The subject property and surrounding areas have been extensively improved and intensively used for various purposes. As such, no rare or endangered flora or fauna are present on the site.

The proposed development also is not anticipated to have any significant adverse impacts on the coastal ecosystems since the proposed building construction will occur approximately 225 feet from the shoreline.

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

No adverse impacts on air quality are expected to be generated by the proposed development. Air pollution generated

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during the construction phase can be mitigated by existing regulation. Erosion and drainage patterns shall not be affected as a result of the construction since a larger 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 the 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 commercial use of the property which is important to the State's economy in suitable locations.

That the proposed development is consistent with 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. The subject property was involved in the proposed change of zone amendment initiated by the Planning Director as a result of conflicts between the General Plan Land Use designation and the current designation. The Planning Director had made a recommendation to the Planning Commission that the existing Hotel-Resort zoning be amended to General Industrial to conform to the existing General Plan Industrial designation. However, the Planning Commission, as well as the County Council determined that the zoning remain Hotel-Resort. Nevertheless, the proposed resort-related commercial use is consistent with the requirement of the existing Resort-Hotel zoned district and other applicable ordinances.

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 No. 9 of the Planning Commission relating to the Special Management Area or the General Plan and the Zoning Code of the County of Hawaii.

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Approval of this Special Management Area Use Permit request is subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with the stated conditions of approval.
2. Plans shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the Special Management Area Use Permit.
3. Construction of the improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. All resort-related commercial uses within the proposed building shall be approved by the Planning Director prior to issuance of an occupancy permit.
5. Provide a minimum 30-foot front yard structural setback to allow for 10-foot future road widening strip along the frontage of the property.
6. Comply with the Department of Public Works regarding the Flood Ordinance.
7. Comply with all other applicable rules, regulations and requirements.
8. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the 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,



Donald Thompson
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
DPED, Rodney Funakoshi w/background

bcc: Plan Approval Section