



Planning Commission

Bernard K. Akana
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

April 5, 1990

Samuel Ruben, M.D.
State of Hawaii
Department of Health
75 Aupuni Street
Hilo, HI 96720

Dear Dr. Ruben:

Special Management Area (SMA) Use Permit Application
State of Hawaii, Department of Health
TMK: 2-2-32:30

The Planning Commission at its duly held public hearing on March 21, 1990, voted to approve your application, Special Management Area (SMA) Use Permit No. 293, to allow the construction of an environmental health facility (office building) and related improvements along the south side of Kamehameha Avenue, adjacent to and east of KK Tei Restaurant, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and zoning designation which designate the area as Medium Density Urban and Neighborhood Commercial - 10,000 square foot (CN-10). The

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Public Facilities element of the General Plan states as a goal to, "Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community." The proposed Environmental Health facility would centralize the State Department of Health Environmental Health staff, who are currently located in the State Building on Aupuni Street and the Waiakea Health Center on Kuawa Street. The proposed facility would also accommodate further expansion of environmental program services and personnel. Therefore, the establishment of an Environmental Health Service facility would be consistent with the intent and purpose of the Zoning Code and the General Plan.

Another criteria in reviewing an SMA Use Permit application is that, "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The property, which is located within an area that has been extensively developed, is not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur, they can be adequately mitigated through compliance with existing regulations.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline due to the project's considerable distance from the coastal waters. The combination of

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landscaping, County sewage disposal, and drainage improvements as may be required by the Department of Public Works will effectively inhibit erosion, water runoff, and potential pollutants from entering into coastal areas.

No archaeological resources are known to exist on the property. This approval recommendation is conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities.

There are no major identified scenic resources and viewplanes from or around the subject property. The one-story, 20-foot tall structure will not intensify the visual or structural impact of the area due to the project site being located within an extensively developed area. The proposed landscaping will further alleviate the visual and structural impacts of this one-story building. The height of the proposed Environmental Health facility would be well below the maximum height limit of 40 to 45 feet for those properties surrounding the subject property zoned Neighborhood Commercial or Limited Industrial.

The greatest concern regarding this request was that of reduced effective emergency response of a critical response agency during a tsunami. According to the FIRM Map, the subject property is located just outside of the tsunami inundation zone; however, it is located within a tsunami evacuation area. Thus, during a tsunami warning, this agency will be forced to evacuate to its designated base as is currently done from its Aupuni Street office. We would agree with the Civil Defense Agency that critical response agencies should be located out of known hazard zones in order to improve its effectiveness. One of the policies of Rule No. 9 (Special Management Area) is to "Encourage those developments which are not coastal dependent to locate in inland areas." Following an overall analysis of this request with respect to goals, policies, and objectives of the SMA and the General Plan, it is felt that a denial is not warranted under the circumstances. However, the Planning Director will impose as a condition of approval that an emergency preparedness and response plan be submitted to the Hawaii County Civil Defense Agency to address these concerns.

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Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, interior driveway circulation, and parking stalls associated with the proposed development.
3. Construction of the environmental health service facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
5. Access to the subject property from Kamehameha Avenue shall meet with the approval of the Department of Transportation-Highways Division.
6. An emergency preparedness and response plan shall be filed with the Hawaii County Civil Defense Agency and the Planning Department prior to issuance of a certificate of occupancy for the environmental health services facility.

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7. Comply with all other applicable laws, rules, regulations, and requirements including those of the Department of Public Works.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall 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.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Harold Matsuura/DOH
Department of Public Works
Department of Water Supply
County Real Property Tax Division
DBED, CZM Program w/background

Ecc: Plan Approval Section