



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

September 1, 1992

Mr. George Hotniansky
258 Kamehameha Avenue
Hilo, HI 96720

Dear Mr. Hotniansky:

Special Management Area Use Permit Application (SMA 92-5)

Applicant: George Hotniansky

Request: Construction of a Retail/Office Building,
Parking Lot & Related Improvements

Tax Map Key: 2-3-14:33 & 1

The Planning Commission at its duly held public hearing on August 20, 1992, voted to approve your application, Special Management Area (SMA) Use Permit No. 333, to allow the construction of a commercial (retail and office) building, parking and related improvements. The property is located at the northern corner of the Waianuenue Avenue-Ululani Street intersection, Piihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area 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 an 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 be consistent with the General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates this area for High Density Urban development. Further, the CDH zoning designation allows for the proposed use.

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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 substantial adverse 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 habitats 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.

The property is located approximately 1,300 feet from the nearest shoreline. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Negative impacts on the local water resulting from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations. Municipal treatment of wastewater will be provided as required to avoid impacts to coastal ecosystems. Therefore, no significant adverse impact to coastal ecosystems is anticipated.

The proposed development is not expected to have adverse impact on public access to or along the shoreline since the development is located approximately 1,300 feet from the nearest shoreline.

Viewplanes will not be significantly affected by the proposed development. Surrounding uses are either one- or two-story structures with little view of the ocean.

There will be no impacts to any archaeological resources or endangered species.

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Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply 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 approval of the 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. The plans to be submitted for Plan Approval review shall identify structures, landscaping, and parking.
3. Construction 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 Director shall be immediately notified. Subsequent work shall not resume until clearance is obtained from the Planning Director.
5. Access to the property shall meet with the approval of the Department of Public Works.
6. Comply with all other applicable laws, rules, regulations and requirements.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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.

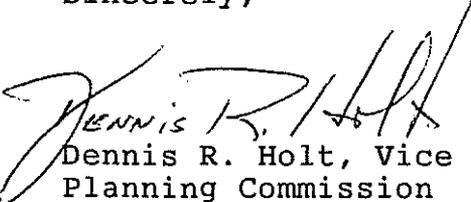
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8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: (a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; (b) the 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.

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

Sincerely,


Dennis R. Holt, Vice Chairman
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
OSP, CZM Program w/background
DLNR
Mayor
Planning Director
Plan Approval Section