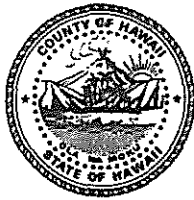


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED LETTER
P 364 320 360

November 29, 1995

Mr. Brian Nishimura
101 Aupuni Street, Suite 217
Hilo, HI 96720

Dear Mr. Nishimura:

Special Management Area Use Permit Application (SMA 95-7)
Applicant: Hilo House, Inc.
Request: Renovation and Addition to an Existing Seven
Bedroom/Two Bathroom Dwelling
Tax Map Key: 2-6-4:15

The Planning Commission at its duly held public hearing on November 22, 1995, voted to approve the above application. Special Management Area Use (SMA) Permit No. 357 is hereby issued for the renovation and addition to an existing seven (7) bedroom/two bathroom dwelling and related improvements. The property is located on the makai side of Wainaku Street, directly across of Dodo Mortuary, Puueo, 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

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management options, and to insure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves by dedication or other means.

The proposed development will not have any significant adverse environmental or ecological effect. The proposed project consists of the renovation and addition to an existing dwelling and related improvements. The property has been improved with its existing residential uses since 1935 when the dwelling was constructed. Therefore, there should not be any impacts to any endangered species of flora or fauna or their special habitats within the project site. Wastewater generated by the project will be disposed of in accordance with the requirements of the Department of Public Works, Wastewater Division. Air emissions generated during the construction phase can be mitigated by existing construction regulations. Therefore, impacts to the physical environment within the immediate area which may be generated by the proposed development will be minimal.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational, scenic resources, coastal ecosystems, economic use and coastal hazards. The property has been used for residential purposes since 1935 and the presence of any significant historic or archaeological feature is remote. The property is located more than 1,000 feet from the shoreline and mauka of the Hawaii Belt Highway. Therefore, the project will not interfere with any recreational resources, with the natural shoreline processes nor impact viewplanes to the coastal area.

Runoff or discharge generated by the proposed development will be handled by on-site drainage improvements meeting with the approval of the Department of Public Works. Potential adverse impacts to coastal waters from soil erosion and runoff during site preparation and construction can be adequately mitigated through compliance with existing construction regulations. The location of the project site far from coastal areas coupled with the provision of on-site drainage improvements and compliance with existing governmental regulations to control runoff, drainage,

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erosion and wastewater disposal would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters.

The proposed project within the Special Management Area is consistent with the General Plan and Zoning Code. Approval of the amendment request would conform to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Medium Density Urban Development uses. The property is currently zoned Multiple Family Residential (RM-1). Approval of this request will be consistent with the general purpose of the General Plan and the Zoning Code.

Based on the above, the proposed development of renovation and addition to the existing dwelling will not have any substantial adverse impacts to the subject or surrounding area; and therefore will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management, Rule 9 of the Planning Commission relating to the Special Management Area and the General Plan and Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. Final Plan Approval for the development and related improvements shall be secured from the Planning Department in accordance with Section 25-243 (Application for Plan Approval) of the Zoning Code. Plans shall identify existing and proposed structures, paved driveway access and paved parking associated with the proposed uses. Landscaping shall also be indicated on the plans and be provided for accordingly.

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4. Construction of the development and related improvements shall be completed within five (5) years from the effective date of this permit.
5. Wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health or Department of Public Works, whichever is applicable.
6. 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 granting of the permit.
 - 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).

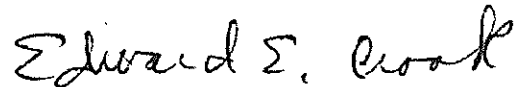
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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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Should you have any questions, please feel free to contact Alice Kawaha the Planning Department at 961-8288.

Sincerely,



Edward E. Crook, Chairman
Planning Commission

AK:smn

LHilo

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of State Planning, CZM Program w/background
Department of Health
Hilo House, Inc.