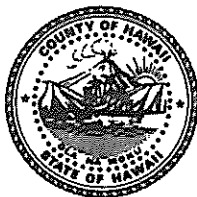


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 277

January 25, 1996

Mr. Taeyong M. Kim  
Am Partners, Inc.  
1164 Bishop Street, Suite 1000  
Honolulu, HI 96813

Dear Mr. Kim:

Special Management Area Use Permit Application (SMA 95-8)  
Applicant: BHP Petroleum Americas (Hawaii), Inc.  
Request: Interior and Exterior Renovations, New Fuel Storage  
Tanks, New Canopy and Related Improvements  
Tax Map Key: 2-2-6:27

The Planning Commission at its duly held public hearing on January 11, 1996, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 359 is hereby issued to allow interior and exterior renovations to an existing service station building which will include a convenience store, replacement of underground fuel storage tanks and other related improvements. The property is located at the southeast corner of Kamehameha Avenue and Ponahawai Street at Ponahawai, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), 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, 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 improvements 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. The proposed improvements will involve the renovations and repairs to an existing one-story service station and related improvements. The property has been improved with its existing commercial

00813

JAN 25 1996

Mr. Taeyong M. Kim  
Am Partners, Inc.  
Page 2  
January 25, 1996

uses since 1957 when the building 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. 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 project will be minimal. The proposed development would not impact the immediate adjacent properties as the surrounding areas have been extensively developed in the past and currently serve the primary commercial center in downtown Hilo.

The proposed improvements are consistent with the objectives and policies as provided by Chapter 205-A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. 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 uses and coastal hazards. The service station facility has been in existence since 1957. The presence of any significant historic or archaeological features is remote. The property is situated more than 400 feet from the shoreline. Therefore, there would be no adverse impact to recreational and visual resources, access to and along the shoreline nor coastal ecosystems. The economic use of the area will be enhanced by the proposed development.

Any potential runoff or discharge generated by the proposed project which could reach ocean waters will be handled by on-site drainage improvements. Any potential adverse impacts from soil erosion and runoff during the project construction can be adequately mitigated through compliance with existing construction regulations. With these precautionary measures in place, the proposed project is not anticipated to have any substantial adverse effects on the coastal resources or environment. The subject area is situated within the potential tsunami inundation zone area, and therefore, the construction of the proposed improvements would have to comply with the requirements of the Department of Public Works.

The proposed improvements are consistent with the County 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 uses. This designation allows for high and medium density uses which includes commercial activities such as those proposed. The property is within the General Commercial (CG-7.5) zoned district as well as the Kaiko'o Urban Renewal Plan's "Limited Commercial" zone. Therefore, approval of this request will be consistent with the general purpose of the General Plan and the Zoning Code.

Based on the above findings, it is determined that the proposed improvements 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.

Mr. Taeyong M. Kim  
Am Partners, Inc.  
Page 3  
January 25, 1996

Approval of this request is subject to the following conditions:

1. The applicant, its 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. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. This time period shall also include the securance of Final Plan Approval for the proposed improvements from the Planning Department in accordance with Section 25-243 of the Zoning Code.
4. Driveway accesses, drainage improvements and construction within flood zone shall meet with the requirements and approval of the Department of Public Works.
5. Wastewater generated by the proposed development shall be disposed of in a manner meeting with the requirements of Department of Public Works.
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 the 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).

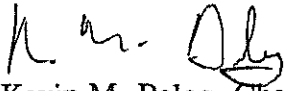
Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

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.

Mr. Taeyong M. Kim  
Am Partners, Inc.  
Page 4  
January 25, 1996

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

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LBHPPe01.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Office of State Planning, CZM Program w/background  
Department of Land and Natural Resources  
Mr. David L. Lomas