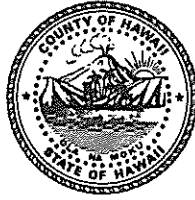


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
P 101 317 827

JUL 2 2 1999

Mr. Taeyong M. Kim
Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, HI 96813

Dear Mr. Kim:

Special Management Area Use Permit Application (SMA 99-001)
Applicant: Tesoro Hawaii Corporation
Request: To Allow Site Improvements at the Existing Fuel Terminal Facility
Tax Map Key: 2-1-7:47 and 49

The Planning Commission at its duly held public hearing on July 16, 1999, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 393 is hereby issued to allow general site improvements including the replacement of a tank truck loading rack, a new canopy roof, new vapor recovery system, new piping, and related improvements at the existing fuel terminal facility. The property is located on the makai side of Kalaniana'ole Street approximately 400 feet west of its intersection with Kuhio Street, in the vicinity of Kuhio Wharf, Waiakea, 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, 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 project will not have any significant adverse environmental or ecological effect. The project site is located in an area planned for industrial uses and harbor related activities serving the eastern half of the Island of Hawaii. Hilo Harbor was established as the primary commercial port for the Big Island in the early 1900's.

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The proposed project consists of general improvements at the existing UNOCAL Facility on Kalaniana'ole Street. The subject property is part of a designated harbor facility and is surrounded by other industrial uses including a gas company office/baseyard, warehouse facilities and other fuel terminals. Proposed improvements to the existing facility include the replacement of the existing tank truck loading rack with a new rack system and covering canopy, addition of a new vapor recovery system and protective structure, and new piping to be incorporated throughout the terminal. General maintenance such as painting, repairs and patching will also be included within the project scope. These improvements will help to improve the loading system and loading area and will result in greater loading efficiency and improve safety conditions on site. As the area is already developed, there are no known threatened or endangered species of flora or fauna or their special habitats within the project area. There will be an increase in noise levels and dust during construction activities. However, these temporary, short-term impacts generated during the construction phase can be mitigated by existing construction regulations. The applicant also proposes limited work hours and frequent watering to limit fugitive dust. Therefore, impacts to the physical environment within the immediate area will be minimal.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These objectives and policies 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 surrounding area includes existing extensive industrial uses. No known presence of any significant historic or archaeological feature is situated on the project area. The closest portion of the project area is located approximately 300 feet from the shoreline at Kuhio Bay. As such, the project would not interfere with any recreational resources, natural shoreline processes or impact viewplanes to the coastal area.

Potential adverse impacts to coastal waters from soil erosion and runoff during construction can be adequately mitigated through compliance with existing construction regulations. The location of the project area from coastal areas coupled with compliance with existing governmental regulations to control runoff, drainage and erosion 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. The proposed improvements on the subject property are consistent with the existing industrial land use designations as well as the long-range planning for the subject area. The approval of the request would conform to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Industrial uses. The proposed project would complement the following goals and policies of the Transportation - Transportation Terminals Element of the General Plan:

- * Provide transportation terminals and related facilities for the safe, efficient and comfortable movement of people and goods.

- * The State Department of Transportation should continue to implement its framework of transportation terminals and related facilities which will promote and influence desired land use.
- * The County shall encourage maximum use of the island's airport and harbor facilities.

Parcel 49 (named Olepe Street) is a private roadway lot which was adopted by the Board of Supervisors (Council) by Resolution No. 562 on July 6, 1966. A condition will be included to require the applicant to consolidate Parcels 47 and 49. According to Building Division records, there are two outstanding building permits on Parcel 47: (1) Permit No. 812162 opened on August 27, 1981 issued to Union Oil Co. for a warehouse, and (2) Permit No. 821320 opened on July 21, 1982 issued to Union Oil Co. for a storage facility. A condition will be included requiring the applicant to submit documentation that the permits have been closed. Approval of this request will be consistent with the general purpose of the General Plan and the Zoning Code as well as the State Department of Transportation's "2010 Master Plan for Hilo Harbor."

Based on the above, the proposed project 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, the General Plan and Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.


1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) for the proposed development on the subject property. Plans shall identify existing and proposed structures, parking associated with the proposed uses and landscaping where appropriate.
3. Parcels 47 and 49 shall be consolidated prior to Final Plan Approval.
4. Prior to the completion of the proposed development, the applicant shall submit documentation that final building inspection has been secured from the Building Division, Department of Public Works for all outstanding building permits.
5. The applicant shall comply with all applicable agency requirements, including the Department of Public Works and Department of Health.
6. 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. 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).

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.

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

Sincerely,



Leonard S. Tanaka, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of Planning, CZM Program (w/Background)
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi
Tesoro Hawaii Corporation