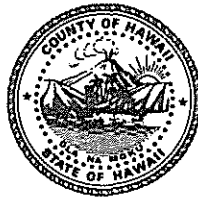


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

INTERDEPARTMENTAL MAIL

DEC 09 1999

Juliette M. Tulang, Director
County of Hawaii
Department of Parks & Recreation
25 Aupuni Street, Room 210
Hilo, HI 96720

Dear Ms. Tulang:

Special Management Area Use Permit Application (SMA 99-007)
Applicant: County of Hawaii, Department of Parks & Recreation
Request: To Allow Improvements to Handicapped-Accessible Walkways & Parking
Restroom Renovations and Other Improvements at Coconut Island, Liliuokalani
Gardens, Waiakea Docks, and Reconstruction of the Old Government Wharf
Tax Map Key: 2-1-3-1, 2, 16, 19, 22, 23, 25

The Planning Commission at its duly held public hearing on November 16, 1999, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 397 is hereby issued to allow handicapped-accessible walkways improvements, existing restroom facilities renovations, parking improvements, and other related park improvements at Liliuokalani Gardens, Coconut Island, Waiakea Docks; and reconstruction of the Old Government Wharf. The properties involved are located on the makai side of Banyan Drive, 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 Planning Commission, 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.

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The proposed project will not have any significant adverse environmental or ecological effect. The project site is situated in an area planned for open uses such as parks. The proposed request involves the construction of American Disabilities Act (ADA) compliant walkways, interior restroom renovations, parking improvements, reconstruction of the Old Government Wharf, and other related park improvements at Liliuokalani Gardens, Coconut Island and Waiakea Docks. More specifically, the proposed improvements (which are currently underway) include (a) the construction of ADA compliant pathways and interior restroom renovations, parking improvements, gateway entry improvements and landscaping at Liliuokalani Gardens, (b) the construction of ADA compliant pathways, interior restroom renovations, and access ramps to the bridge at Coconut Island, (c) the construction of ADA compliant pathways, parking improvements, and landscaping at Waiakea Docks; and (d) reconstruction of the Old Government Wharf as a scenic and fishing area. The primary purpose of the project is to provide pathways and restroom facilities that meet accessibility standards. As a public project, the project must conform with the Americans with Disabilities Act Accessibility Guidelines. The subject area is a popular site for recreational uses for both residents and visitors. Currently, there are no ADA-compliant pathways. The deteriorated condition of the Old Government Wharf is a potential public safety hazard, and parking is undefined and scattered throughout the premises. The Department of Parks & Recreation proposes to remedy the problems and regenerate the site into an attractive recreational area. The proposed improvements are part of an overall plan to create a bayfront greenway linking the cruise ship passenger terminal to the Banyan Drive resort areas, to Wailoa State Park and Downtown Hilo. These improvements will expand recreational opportunities for residents and visitors and stimulate economic activity by creating a more attractive visitor destination. Permits issued to the Department of Parks and Recreation for work within Liliuokalani Gardens include:

TMK: 2-1-3: 1

SMA Minor Use Permit No. 76-54 approved 6/14/76 for construction of a 170-foot extension to an existing stone wall.

SMA Minor Use Permit No. 76-100 approved 10/18/76 for repair of an existing parking lot and service road, paving a new 6,000 square foot gravel parking area.

Plan Approval No. 2266 approved 9/16/86 for a park shelter.

SMA Minor Use Permit No. 93-13 approved 7/14/93 for a granite monument.

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TMK: 2-1-3:23

SMA Minor Use Permit No. No. 90-16 approved 6/20/90 for construction of a boat display.

TMK: 2-1-3: 25

SMA Minor Use Permit No. 76-52 approved 6/1/76 for landscaping, including construction of a central gateway, pedestrian walkway, and rock groupings.

SMA Minor Use Permit No. 86-26 approved 9/5/86 for a shelter facility.

TMKs: 2-1-3: 1, 2, 7, 16, 23

Consolidation No. 942 approved 10/26/99 to the County of Hawaii and the State Board of Land and Natural Resources, for consolidation of Liliuokalani Gardens and the Waiakea Docks area.

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. The applicant states that they will ensure that all structures and improvements will conform to Chapter 27 of the Hawaii County Code, including variance conditions, in order to avoid impacts to the floodplain. 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. 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. The guidelines 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 hotels, a golf course, and a restaurant. No known presence of any significant historic or archaeological feature is situated in the project area. No adverse impacts on water quality are expected to be generated by the proposed project. 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 and the Department of Health. The project would not interfere with any recreational resources or natural shoreline processes, nor impact viewplanes to the coastal area.

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Activities associated with the proposed development are not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline. Potential adverse impacts to coastal waters from soil erosion and runoff during construction can be adequately mitigated through compliance with existing construction regulations. 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 are consistent with the existing Open 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 Land Use Pattern Allocation Guide (LUPAG) Map which designates the area as Open. The proposed project would complement the following goals and policies of the General Plan:

Natural Beauty:

Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.

Protect scenic vistas and view planes from becoming obstructed.

Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

Public Facilities:

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.

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Recreation:

Provide a wide variety of recreational opportunities for the residents and visitors of the County.

The County of Hawaii shall improve existing public facilities for optimum usage.

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 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. Further, 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.

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. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to commencing construction, Final Plan Approval shall be secured from the Planning Department in accordance with the Zoning Code Section 25-2-72. Plans shall identify existing and proposed structures, parking associated with the proposed uses and landscaping where appropriate.
3. All grading shall meet with the approval of the Department of Public Works.
4. Comply with all applicable laws, rules, regulations and requirements of affected agencies.
5. Should any remains of unidentified historic sites such as rock walls, terraces, platforms, or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

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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 contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Leonard S. Tanaka, Chairman
Planning Commission

LcountyP&R01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi
Mr. Jeffrey Darrow