

County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

August 23, 2006

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area Use Permit Application (SMA 06-000014)
Request: Expansion of Existing Vehicle Sales Operation and Construction
Of an Auto Sales and Service Facility
Applicant: I. Kitagawa & Co., Ltd.
Tax Map Key: 2-1-7:7

The Planning Commission at its duly held public hearing on August 4, 2006, voted to approve the above-referenced application to allow the expansion of an existing pre-owned vehicles sales operation and the construction of an automobile sales and service facility. The property is located at the western corner of the Kalaniana'ole Avenue-Kumau Street intersection, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and 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.

The proposed 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. The applicant requests a Special Management Area Use Permit to allow the expansion of an existing pre-owned vehicle sales operation and the expansion of an automobile showroom and parts and service facility. The proposed development, which will be a full-service auto dealership with an auto showroom and a parts and service area, includes:

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- A single-story, 7,500-square foot structure for a showroom, parts and service department, with a 2,200-square foot mezzanine for storage. The height of the structure will be less than 25 feet.
- New service parking area
- Vehicle display and storage of cars
- Landscaping and security fencing.

The applicant proposes to relocate the current outlet for its Nissan automobile dealership (Kamaaina Nissan). The principal dealership would still remain at its current Kawili Street location. The cost of the improvements is approximately \$950,000.00.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. The project site is located makai of Kalaniana'ole Street, on the northwest corner of Kalaniana'ole Street and Kumau Street. The property is fully improved as an automobile sales lot. The applicant has leased the property as a pre-owned automobile sales lot for over three years, and the tenant is on a month-to-month basis. Prior to leasing the site, the property was used as an automobile dealership. There is an existing automobile showroom and an approximately 80-square foot structure used as a sales office, which will be retained. A portion of the site has also been used intermittently to temporarily store new vehicles for the applicant's automobile dealership on Kawili Street. The existing new car storage and pre-owned vehicles display area will be retained.

Surrounding properties are zoned MG-20, MG-1a and ML-20 and include a self-storage facility and apartment/condominium complex to the west and a State-owned parcel to the north. There are retail and industrial uses and an automotive dealership mauka or south of Kalaniana'ole Street on lands zoned MG-1a.

While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. With the proposed conditions, the development will not substantially affect scenic vistas or viewplanes of nearby properties nor have a significant adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems. The property is located on Kalaniana'ole Street approximately 300 feet mauka of the shoreline and will not restrict access to coastal recreational resources along the shoreline nor will it restrict existing visual viewplanes. As the project site is fully developed, the coastal view plane is absent from Kalaniana'ole Street. The existing vegetation on Ocean View Drive and the State-owned parcel makai of the subject site already impedes any view. The renovated structure will be less than 25 feet tall, much less than the height of a typical residential structure. Likewise, the viewplane from the shoreline towards the project site will not be impacted due to the existing vegetation.

Air quality in the area is predominantly affected by emissions from natural and vehicular sources. Both short-term air and noise quality impacts associated with the construction of the proposed improvements are expected during construction, especially during grubbing and grading activities. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. County water is available to the property, and the project will connect to the existing sewerline along Kalaniana'ole Street. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized.

As the project site is fully improved, no commissioned archaeological inventory survey, cultural assessment study or flora or faunal studies were conducted for the area. However, a condition will be included to require the applicant to cease work and notify the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) should any unanticipated archaeological features or sites be uncovered during construction on the parcel. There are no traditional and customary native Hawaiian rights being exercised on the site.

The proposed development is consistent with the County General Plan and the Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The subject area is designated Industrial. This designation includes uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. Thus, the proposed development is consistent with the LUPAG Map designation. The property is zoned General Industrial 20,000 square feet (MG-20).

The existing access to the project site is from Kalaniana'ole Street, a County roadway with a pavement width of approximately 20 feet. There is a secondary access

from Kumau Street, which has an approximately pavement width of 20 feet with a right-of-way of approximately 50 feet. There is a rolled curb sidewalk fronting the project site. A future road widening of the adjacent State-owned parcel makai of the site would require an additional 5-foot road widening setback along the property's rear boundary. This proposed road widening is identified on the City of Hilo Zone Map. Although issues such as traffic are valid and important concerns, in *Topliss vs. Planning Commission*, the Third Circuit Court concluded that if the proposed development does not result in substantial adverse environmental or ecological effect, or is not inconsistent with the objectives, policies, and guidelines of the Coastal Zone Management Act, the Planning Commission's finding that the development would have significant adverse effects and impact on the existing roadway system in the area of the development is not a sufficient basis for denying the application. Traffic concerns can be a basis for denying an application, or for conditions that mitigate a traffic problem, if traffic from the proposed project would be inconsistent with the goals and policies of the Coastal Zone Management Act, for example, if the traffic would hamper the ability to evacuate a tsunami hazard or interfere with the public's ability to use the road for convenient access to coastal recreational areas.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed improvements from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). The landscaping shall include trees and/or other plant material what would visually shield the subject site from those properties with homes fronting Ocean View Drive and located immediately makai or north

- of the subject property. Furthermore, said landscaping shall be implemented prior to the issuance of a Certificate of Occupancy for the proposed development.
3. A 5-foot wide future road widening setback along the makai property boundary shall be delineated on plans.
 4. The driveway(s) shall conform to Chapter 22, Streets and Sidewalks of the Hawaii County Code and County Standards Details.
 5. To mitigate potential interference with viewplanes from the Kalaniana'ole Street, structure(s) shall be limited to a maximum height of twenty-five (25) feet, measured according to Chapter 25, Hawaii County Code.
 6. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
 7. If required by the Department of Public Works, a drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. If required, the drainage improvements shall be constructed, meeting with the approval of the Department of Public Works, prior to the receipt of a Certificate of Occupancy.
 8. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
 9. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
 10. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
 11. The project shall connect to the County sewerline, prior to the issuance of a Certificate of Occupancy.
 12. An Emergency Response Plan shall be submitted to the Hawaii County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.

13. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations 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 mitigation measures have been taken.
14. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
15. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.
16. An initial extension of time for the performance of conditions within this 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 this 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).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

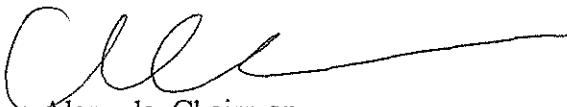
Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

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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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



C. Kimio Alameda, Chairman
Planning Commission

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cc: Mr. Brian Kitagawa
Department of Public Works
Department of Water Supply
County Real Property Tax Division
~~Planning Department - Kona~~
Department of Land and Natural Resources/HPD-Kona
Rodney Haraga, Director/DOT-Highways, Honolulu
Ms. Alice Kawaha
Mr. Robert Usagawa
Plan Approval Section