

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-9

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

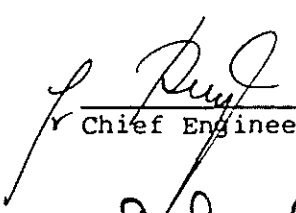
The Planning Director completed on February 17, 1988, an assessment on the application of Seiichi Sorimachi for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: the clearing of a vacant lot. The project site is located along the makai side of Kalaniana'ole Street immediately adjacent to the former Kuhio Gardens Restaurant, Waiakea, South Hilo, Hawaii, TMK: 2-1-06:16.

As indicated on the attached report, the Director finds that the proposed development is:

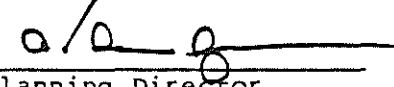
- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

See attached conditions



Chief Engineer, DPW



Planning Director

Attachment

6257A-5/84

Val: \$50,000
PT = 1 day

CONDITIONS FOR SEIICHI SORIMACHI - SMA MINOR PERMIT NO. 88-9

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a grubbing permit from the Department of Public Works, Engineering and Surveys Division, within 6 months of the effective date of this SMA Minor Use Permit.
3. A minimum 40-foot setback shall be staked out from the edge of any pond and/or shoreline prior to commencement of any grubbing.
4. Only hand clearing/cutting is to take place within the 40-foot setback area.
5. The U.S. Army Corps of Engineers must be contacted should any work be proposed within the ponds or open ocean.
6. Commence grubbing activities within 30 days from receipt of the grubbing permit and be completed within 60 days thereafter.
7. Comply with all other applicable laws, rules, regulations, and requirements.
8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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 may initiate procedures to nullify the permit.

BACKGROUND

2181Q - 2/18/88

Imata & Associates, Inc., representing Mr. Seiichi Sorimachi, is requesting a Special Management Area (SMA) Use Permit to allow the clearing of a vacant lot. the project site is located along the makai side of Kalaniana'ole Street immediately adjacent to the former Kuhio Gardens Restaurant, Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-06:16.

Specifically, the applicant proposed to clear the vegetation from a 2.2 acre shoreline property which contains some tide ponds for the purpose of conducting a topographical survey. The area within 40-feet of the shoreline and ponds will be staked and all clearing within this area will be done by hand cutting. The remainder will be cleared by machines.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Industrial uses and Open along the shoreline.

The State Land Use District classification is Urban and the County Zoning designation is Hotel-Resort with a density of 750 square feet per unit within a Safety District (V-5-.75) and Open along the shoreline.

The subject property is undeveloped land covered with vegetation. Adjacent properties contain commercial structures and uses.

The Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, denotes the property to be within the coastal high hazard area.

RECOMMENDATION

An SMA Minor Permit is hereby approved based on the following findings:

1. The total evaluation of the project will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is not expected to have any adverse environmental or ecological effects. The subject site has been evaluated by an archaeologist and no significant historic remains were encountered. As conditioned, the site preparation and construction of small boat rental facilities and their subsequent use is not expected to have any adverse historical effects.

The proposed action is consistent with the Objectives, Policies, and SMA Guidelines. 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 concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards. Due to the limited nature of the project and given the proposed conditions, it is determined that granting of this request will not impact on the identified resources.

The proposed small boat rental business is consistent with the existing zoning as well as the General Plan resort designation.

Based on the above, it is determined that the granting of the request will not create a significant adverse effect on the

environment 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 Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. The applicant shall obtain Plan Approval from the Planning Department before commencing any site preparation or construction activities.
4. The applicant shall refrain from grading and grubbing the northern portion of the parcel containing the wall segments described in the archaeological report.
5. Should any unanticipated archaeological or historic features be encountered or uncovered during the construction activities, work in the affected area shall cease immediately and the Planning Department be notified. Work shall not resume until clearance has been obtained from the Planning Department.
6. Should any unanticipated burials be encountered or uncovered, work in the affected area shall cease immediately and the Department of Land and Natural Resources, Historic Sites Section, be notified. Work shall

not resume until a clearance has been obtained from the Historic Sites Section.

7. The applicant shall complete the construction within one year.
8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).