



## Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director

### CERTIFIED MAIL

December 18, 1989

Hilo Downtown Improvement Association  
252 Kamehameha Avenue  
Hilo, HI 96720

Gentlemen:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 89-13  
Applicant: Hilo Downtown Improvement Association  
Tax Map Key: 2-3-01:2

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 89-13 to allow the construction of a small information kiosk in the medial strip just makai of Kamehameha Avenue near the County Bus Terminal. The land is a portion of the Mooheau Park, TMK: 2-3-01:2.

Please note that the permit approval is also 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, including obtaining Plan Approval prior to initiating construction.
3. The applicant shall complete the construction within one year.
4. 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

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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).

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.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



DUANE KANUHA  
Planning Director

FRW:syw

Enclosures

cc: Kona Office (w/Background and Recommendation)  
SMA Section (w/Background and Recommendation)  
Hawaii Redevelopment Agency  
P & R

BACKGROUND (SMA MINOR 89-13)

The Hilo Downtown Improvement Association through Mr. Alan Okinaka is requesting a Special Management Area (SMA) Use Permit to allow the construction of a small information kiosk in the medial strip separating the makai public parking lot from Kamehameha Avenue, just north of the Hilo bus terminal at Mooheau Park, South Hilo, Hawaii, TMK: 2-3-01: 2.

Specifically, the applicant proposes to construct a 14-foot high kiosk having approximately 64 square feet of floor area and resting flush on a lava stone-paved platform a little over 200 square feet in area. Two park benches and existing lawn and tree landscaping will complement the structure. The cost of construction is projected to be about \$15,000.

The kiosk will be used to house displays of information centering on downtown Hilo. Existing parking is available immediately adjacent to the site. The property is owned by the State of Hawaii and is administered by the Hawaii County Department of Parks and Recreation. The kiosk will be dedicated to the County, but the maintenance will be provided by the applicant. Access to the site is from Kamehameha Avenue and from the County parking lot just makai and next to the bus terminal.

The State Land Use Classification for the site is Urban. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the site as Open Area. The County zoning is Open. Land

use control in this area is also under the jurisdiction of the Hawaii Redevelopment Agency which has reviewed the proposal and approved it. Nearby properties on the makai side of Kamehameha Avenue share the same land use designations and have been left in open space, except for the nearby Mooheau Bus Terminal, old County Bandstand, and parking lot area. Mauka of Kamehameha Avenue, the land is zoned Commercial Downtown Hilo and is used by a number of small businesses of various types.

According to the Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), the site is designated to be in the Zone VE hazard area, coastal flood with velocity (wave action), and shows a base flood elevation of 17-18 feet. The applicant intends to obtain flood insurance for the structure. The building is not designed to be a habitable structure, thus, will not be occupied except by volunteer guides during weekday hours.

#### 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 land is highly modified and does not contain endangered plants or animals nor do historic sites occur on it..

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.

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, including obtaining Plan Approval prior to initiating construction.

3. The applicant shall complete the construction within one year.
4. 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).

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.