

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 90-2


SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on February 12, 1990, an assessment on
the application of TOYAMA GARDEN HAWAII CORP. dba
HILO BAY INN AND HOSTEL 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: Site preparation, routine pruning and maintenance of
vegetation, landscape and garden plantings, and an along-road wooden fence on Parcels 16
and 17, and on Parcel 17 the construction of a nursery/storage/carport building, a
lightweight greenhouse, a carport, a composting structure, additional paved parking,
an illuminated roadside sign and two internal security fences as improvements to an
existing structure being renovated as a hostel & restaurant, Waiakea, South Hilo,
TMK: 281-06:16, 17
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

SMA Minor Permit No. 90-2

Toyama Garden Hawaii Corp. dba Hilo Bay Inn and Hostel
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 before initiating any construction.
3. The applicant shall complete the construction within one year.
4. Should the applicant desire to add any use or construction not covered in this permit he is required to submit an additional Special Management Area Use Permit Assessment Application for prior review and permission.
5. 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).

July 17, 1990

Mr. David R. Larson
Hilo Bay AYH Hostel
311 Kalaniana'ole Avenue
Hilo, HI 96720

Dear Mr. Larson:

Special Management Area (SMA) Request to
Amend SMA Minor Permit No. 90-2
For Hand Maintenance and Landscaping, Public Access
Hilo Bay AYH Hostel
TMK: 2-1-06:16, 17; Waiakea, Hilo, South Hawaii

We have received and reviewed a Special Management Area (SMA) request for an amendment of SMA Minor Permit No. 90-2 issued to you for Parcels 16 and 17. The subject request is limited to landscaping and maintenance activities, and these will be primarily located on Parcel 16.

Specifically, the proposed activities include: (1) the maintenance of grasses, weeds and other herbaceous and shrubby vegetation throughout the parcel by means of handheld equipment and without the use of chemicals; (2) the planting of several species of tropical plants (exclusive of the 40-foot shoreline setback area); and (3) identifying and improving the public access to and along the shoreline across the subject parcel. The estimated cost of the proposed improvements is \$3000. This brings the total improvement cost of SMA Minor Permit No. 90-2 to \$29,400.

The proposed activities are consistent with the intent of SMA Minor Permit No. 90-2, and differ from what was previously permitted as noted in the provisions below.

- (1) Enhancing public access to and along the shoreline was not addressed in SMA Minor Permit No. 90-2, but is appropriate to add now that the applicant has been granted approval by the County Department of Parks and Recreation to utilize adjacent, makai property and to improve public shoreline access thereon and thereto via the applicant's Parcels 16 and 17.

Planning Dept.
Exhibit _____

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Mr. David R. Larson

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- (2) This amendment addresses the maintenance of vegetation (utilizing handheld equipment and no chemicals) within the 20-foot shoreline setback area, which is a minor but necessary periodic activity. No other activities requiring a Shoreline Setback Variance (SSV) will be allowed under this amendment without first obtaining such a variance. The applicant shall make written inquiry of this department should there be any question as to whether a SSV would be necessary.
- (3) SMA Minor Permit No. 90-2 also addressed various construction activities, mostly on Parcel 17, and contains references to time of completion. This amendment clarifies this aspect in that routine and minor low-level vegetation removal (not trees) and landscape plantings, as conditioned herein, are allowed on Parcels 16 and 17 on a continuous basis unless notice is given otherwise by this department.

In consideration of the above, SMA Minor Permit No. 90-2 is hereby amended to include the activities outlined and conditioned above.

Should you have any questions on this matter, please contact Rick Warshauer at this department.

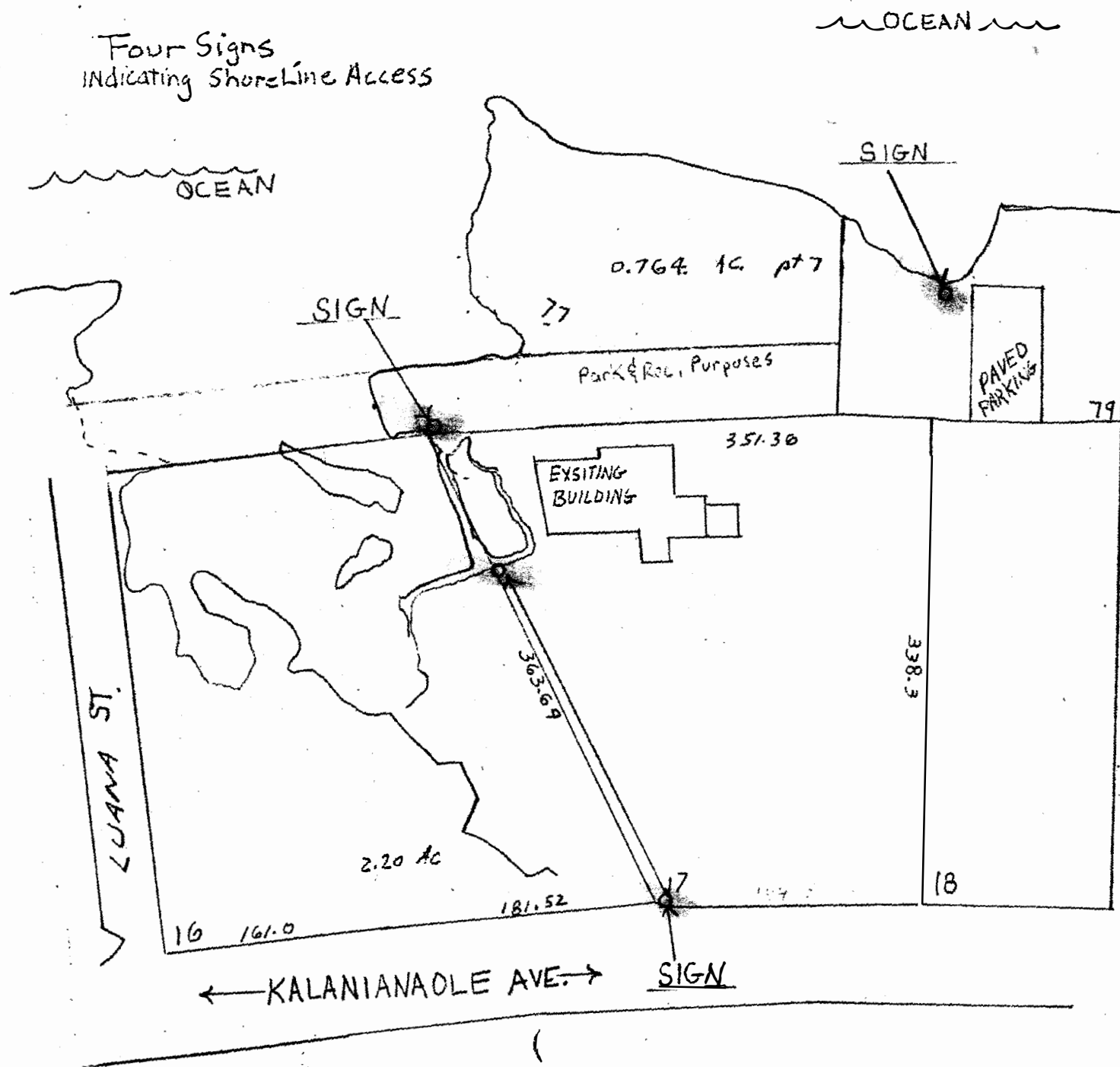
Sincerely,


DUANE KANUHA
Planning Director

FFW/CRK:lm

bcc: SMA Section
Plan Approval Section

Four Signs
Indicating ShoreLine Access



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lightweight greenhouse, a carport, a composting structure, additional paved parking,
an illuminated roadside sign and two internal security fences as improvements to an.
existing structure being renovated as a hostel & restaurant, Waiakea, South Hilo,
IMK: 281-0615, 17
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

SMA Minor Permit No. 90-2

Toyama Garden Hawaii Corp. dba Hilo Bay Inn and Hostel
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 before initiating any construction.
3. The applicant shall complete the construction within one year.
4. Should the applicant desire to add any use or construction not covered in this permit he is required to submit an additional Special Management Area Use Permit Assessment Application for prior review and permission.
5. 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).

BACKGROUND (SMA MINOR 90-2)

Applicant Toyama Garden Hawaii Corporation, dba Hilo Bay Inn and Hostel, through its representative David Larson, is requesting a Special Management Area (SMA) Use Permit to allow site preparation, routine pruning and maintenance of vegetation, landscape and garden plantings, and an along-road wooden fence on parcels 16 and 17, and on parcel 17 the construction of a nursery/storage/carport building, a lightweight greenhouse, a carport, a composting structure, additional paved parking, an illuminated roadside sign and two internal security fences as improvements to an existing structure being renovated as a hostel and restaurant. The land involved consists of a 2.2 acre parcel 16 and 2.08 acre parcel 17, located along the makai side of Kalaniana'ole Street adjacent to and including the former Kuhio Gardens Restaurant, Waiakea, South Hilo, Hawaii, TMK: 2-1-06: 16, 17.

The applicant proposes to confine all structures and activities to the portions of property which are over 40 feet from the edge of a wetland intergrade of anchialine ponds and a lobe of Reed's Bay which occupies portions of each parcel. The pruning, routine vegetation maintenance, landscaping and gardening are planned to be ongoing manual activities that will not require significant alteration of the land surface or major removal of vegetative material. Initially, some minor earth moving and fill work will require machinery, but it will be confined to parcel 17. The post and rail fence will span the mauka length of both properties. A 4-foot high chain link fence and a 5-foot high wooden fence will surround the vegetable garden and sewerage lift tank, respectively.

The 3-foot high compost structure will be constructed of wood and be about 50 square feet in area. The aforementioned structures will all be on parcel 17. Cost of the project is estimated to be about \$26,400.

The General Plan Land Use Allocation Guide (LUPAG) Map designates the area as Industrial and Open (an approximately 40+-foot wide strip surrounding the wetland).

The State Land Use Classification is Urban. The County zoning designations are Hotel-Resort with a density of 750 square feet per unit within a Safety District (V-S-.75) and Open, respectively. The present permit area includes only the Urban/V-S-.75 classifications.

The subject property is undeveloped land on parcel 16 and contains a former restaurant structure and landscaped grounds on parcel 17. Adjacent properties contain undeveloped land, apartments, residences and commercial structures.

The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), designates the subject site to be in Zones VE and AE, both 100-year flood areas with 12-foot base flood elevations.

Vegetation on the subject site is composed mostly of introduced plants, including California grass (Brachiaria mutica), honohono (Commelina diffusa), bananas (Musa sp.), and fleabane (Pluchia odorata). No rare or endangered species of plants or animals were seen to exist on the parcels. There are no sites of archaeological or historic significance known from the property.

RECOMMENDATION (SMA MINOR 90-2)

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 proposed actions and uses are 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 before initiating any construction.
3. The applicant shall complete the construction within one year.
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