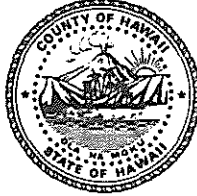


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

CERTIFIED MAIL

June 1, 1994

Mr. Kirk Soares
Westley & Associates
P. O. Box 667
Hilo, HI 96721

Dear Mr. Soares:

Special Management Area Minor Permit No. 10
Applicant: Westley & Associates for Wah Kan Chock Trust
Proposed Demolition and Reconstruction of Existing Foundation, Perimeter Walls,
and Sewer Utility Hook-Ups
Tax Map Key: 2-3-8: 24; Punahoa, South Hilo, Hawai'i

Enclosed please find Special Management Area Minor Permit No. 10 with conditions, to allow the proposed demolition and reconstruction project.

PROJECT DESCRIPTION

- 1) Westley & Associates on behalf of the Wah Kan Chock Trust has requested an SMA Minor Permit to allow the clearing of the existing concrete slabs and retaining walls at the site. In May of 1993, a fire destroyed the Paramount Grill and Chock Pharmacy Building (which housed the Home Place furniture store) which were located on this parcel. In October of 1993, the site was cleared of debris, excluding the concrete slab and perimeter walls. At this time, the applicant wishes to remove the slab and the walls, portions of which are leaning into the adjoining property. The applicant then proposes to reestablish a level grade at the site, prepare a new building pad, and rebuild the perimeter walls to conform to the requirements of the 1991 Uniform Building Code. The applicant will also upgrade the underground utility lines which service the site and replace the public sidewalk and curbs along the Haili Street frontage of the property. These improvements will prepare the site for the

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construction of a new building there in the near future. The parcel is located on the south side of Haili Street between Keawe Street and Kamehameha Avenue, on approximately 5,985 square feet of land, in Punahoa, South Hilo, Hawai'i, TMK: 2-3-8:24.

- 2) The applicant proposes to remove 1,200 cubic feet of dirt from the site and replace it with a compacted gravel aggregate. The existing substandard walls will be removed and replaced with a CMU block wall which skirts three sides of the property. The sidewalk and existing sewerage pipes, water, and wastewater lines will be removed and replaced. Existing parking meters will be removed and replaced with new sidewalk parking meters. According to the applicant's plans, "the contractor shall repair all damages sustained during the course of his work and leave completed work in its original condition." The estimated cost of the project is \$120,000.
- 3) The parcel is located approximately 600 feet from the shoreline at its nearest point, in the Special Management Area. The site is currently a vacant lot. The owner has recently submitted an application to the Planning Department to consolidate TMK: 2-3-8:24 with TMK: 2-3-8:25, which is located immediately to the east. Existing uses on parcel 25 are a restaurant, a bento shop, and the Hilo Gymnastics Club.

STATE AND COUNTY PLANS

- 4) The State Land Use designation is Urban, the County zoning is Downtown Hilo Commercial District (CDH), and the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is High-Density Urban Development.
- 5) The General Plan specifies the following course of action for the South Hilo district: "rehabilitation, renewal, and redevelopment of downtown Hilo must be undertaken." the Hilo Community Development Plan recommends a two-fold policy for commercial development in Hilo: "1) to reinforce the existing commercial structure by encouraging it to fill in to become ... a unified City Center, rather than further disassemble to other parts of Hilo, and 2) to encourage revitalization of the downtown."
- 6) The parcel is located within the Special Management Area; therefore, the applicant requires an SMA permit.

SITE DESCRIPTION

- 7) The parcel is situated in the middle of the Downtown Hilo Commercial District. Surrounding buildings include the old Empire Theater building to the east, which houses a restaurant, a bento shop, and the Hilo Gymnastics Club; the Palace Theater and the old Woolworth building on the north side of Haili Street, and the restaurant *Pescatori* to the west. To the rear of the parcel is a parking lot, which is used by residents and patrons of surrounding properties. The existing perimeter wall adjoining this parking lot leans precariously, and the applicant is concerned about his liability should this wall collapse.
- 8) There is no vegetation on the site, aside from a few volunteer weeds. The site has been extensively developed for commercial uses, and the likelihood of finding any intact historic sites is negligible. The reconstruction of the concrete slab, perimeter walls, and utility lines should not have any additional impact on any rare or endangered species.
- 9) The applicant states that the building proposed for future construction at this site will conform to guidelines established for historic downtown Hilo.
- 10) The base flood elevation of the parcel is fourteen (14) feet. The majority of the parcel is in clear Zone X, or outside the 500-year flood plain. A small portion in the southeastern corner of the parcel is within Zone AE, or within the 100-year flood plain, and shaded Zone X or within the 100-year flood plain with a maximum flood depth of one (1) foot. The Hilo Community Development Plan recommends the following course of action for areas within the 100-year flood plain: "Earth platforms to gain foundation elevation should be encouraged."

INFRASTRUCTURE

- 11) Access to the property is via Haili Street or via the parking lot off Furneaux Street to the rear of the parcel. Both Haili and Furneaux Streets are County-maintained roads with asphalt paved surfaces.
- 12) Water, sewers, electricity and other essential utilities and services are available at the site.

ASSESSMENT

The purpose of Chapter 205A, Hawai'i Revised Statutes, and Planning Commission Rule 9, Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone area.

Special controls on development within these areas have been enacted, to prevent permanent loss of valuable resources. After reviewing the applicant's request for a Special Management Area Minor Permit, the Planning Director finds that the proposed construction will not have any significant adverse environmental effect and that the development is consistent with State and County SMA policies, as outlined below:

- a) **Recreational Resources:** The proposed construction will not interfere with recreational uses of the coastal area, since it will be located well inland of the shoreline setback area, in the center of the Downtown Hilo Commercial District.
- b) **Historic and Natural Resources:** The reconstruction of the foundation and retaining walls at this site should have no further impact on historic and natural resources, since the area has been extensively altered in the past.
- c) **Scenic and Open Space Resources:** The proposed construction should have no appreciable effect on the coastal view plane, since existing commercial buildings block the view of the ocean from this site.
- d) **Coastal Ecosystems:** The proposed construction should not have any additional adverse effect on the coastal ecosystem, since the parcel is located in an existing high-density commercial district. No previously undeveloped land will be affected by the applicant's proposal.
- e) **Economic Uses:** The project is consistent with the State Land Use designation, the County General Plan, the Hilo Community Development Plan, and the County Zoning Code. The project will enhance the appearance and safety of the site, by stabilizing the perimeter walls and replacing the public sidewalk along Haili Street. The applicant plans to construct a building on the site in the near future, which would add to the vitality of downtown Hilo's commercial core.
- f) **Coastal Hazards:** A portion of this parcel is located within the 100-year flood plain. Any building proposed for this site should conform to the Department of Public Works regulations governing construction in this area.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the proposed demolition and reconstruction project will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, subject to the following conditions:

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- 1) The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- 2) Pursuant to Chapter 25 of the County Code, concerning zoning, the applicant, successors, or assigns shall secure **Final Plan Approval** for the project within **one year** of the date of this permit.
- 3) The proposed demolition and reconstruction of the foundation, perimeter walls, utility lines, and sidewalk frontage shall be completed within **two years** from the date of this permit. As specified on the applicant's plans, "all {public} areas damaged by the contractor during construction shall be repaired in accordance with Department of Public Works standards at no cost to the County."
- 4) The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
- 5) A **progress report** shall be submitted to the Planning Director within **six months** from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional progress reports will be required every six months, until all of the conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.
- 6) An extension of time for the performance of conditions may be granted by the Planning Director only when 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; and b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and c) 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).
- 7) The applicant, successors, or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

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

Mr. Kirk Soares

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Please feel free to contact staff members Linda Copman or Alice Kawaha at 961-8288 if you have any questions. For questions regarding **Final Plan Approval**, contact William Yamanoha at the same number.

Sincerely,

Virginia Goldstein
VIRGINIA GOLDSTEIN
Planning Director

One 22 Ph 6/6/94
Chief Engineer Date

LC:mjh
SMM10

xc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section *adw*
PA Section