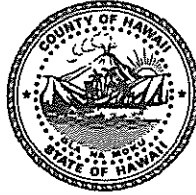


Stephen K. Yamashiro  
Mayor



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

March 17, 1995

Mr. Mike Lau  
2151 Wilder Avenue  
Honolulu, HI 96822

Dear Mr. Lau:

Special Management Area (SMA) Use Permit Assessment  
Application (SMAA 95-07) & Special Management Area  
Minor Permit No. 26 (SMM 26)  
Applicant: Mike Lau  
Proposed Steel Framed Shed to Replace Wood Shed  
Tax Map Key: 2-1-07:05, Hilo, Hawaii

We have reviewed your SMA Assessment Application of February 22, 1995, for the proposed construction of a steel framed shed to replace an existing wood shed. Under Planning Commission Rule 9, SMA Rules and Regulations, "construction, reconstruction, or alteration of the size of any structure" is considered "development" for the purposes of the SMA review. The proposed activity is not in excess of \$125,000 in valuation and will not have a significant adverse effect on the Special Management Area. Therefore, the action requires a Special Management Area Minor Permit. We hereby issue SMA Minor Permit No. 25, with the specified conditions.

#### PROJECT DESCRIPTION

- 1) Mike Lau, Architect on behalf of Gaspro Hilo, is requesting an SMA Minor Permit to allow the proposed construction of a metal framed shed as a replacement for a wood shed. This project is located at the already developed, 1.028 acre Gaspro property on the East side of Kumau Street, in Keaukaha, a portion of Waiakea ahupua'a, South Hilo, Hawaii, TMK: 2-1-07:05.
- 2) The applicant proposes to replace an existing wood "leanto" with a steel framed "leanto" to provide roof cover for Gaspro customers who are refilling portable propane tanks at the adjacent propane filling station.

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- 3) The structure will consist of a 16 foot square, structure ranges supported by four 3"x3"x1/4" steel posts spaced 8 feet apart. The height of the structure ranges from 9 feet to 9 feet 6 inches high.
- 4) The subject property presently includes an existing office, sales and warehouse building, propane storage and refill area, and oxygen and chemical mixing plants. Parking stalls already exist in a paved area.

#### STATE AND COUNTY PLANS

- 5) The State Land Use Classification for the property and the surrounding area is Urban. The General Plan Land Use Plan Allocation (LUPAG) Map designates the area for industrial use. The County zoning for the parcel is General Industrial with a minimum lot size requirement of one acre (MG-1a)
- 6) The project site is located within the Special Management Area, therefore, the applicant requires an SMA permit.

#### SITE DESCRIPTION

- 7) The project site is bounded on the West by Kumau Street and on the South by Kalaniana'ole Street.
- 8) Nearby properties are zoned General and Light Industrial, with minimum lot sizes of 20,000 square feet or 1 acre. A portion of the shoreline strip of land, North of the project site on the makai side of Banyan Drive, is zoned Open, which is about 300 feet makai of the project site.
- 9) Surrounding land uses are residential just above the shoreline and about 100 feet from the project site, and industrial and commercial surrounding the site. Hilo Harbor Piers 1 and 2 extend within 750-800 feet of the site boundaries on the Northeast.
- 10) The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA) indicates that the property falls into Zone X, outside the 500-year flood plain. Annual rainfall for the subject property is approximately 125 inches. The land surface of the parcel is either paved or of compacted material.
- 11) Due to extensive improvements on the subject property, there are no rare or endangered plant and animal species nor historic sites in the area.

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### INFRASTRUCTURE

- 12) Primary access to the property is via two driveways to Kumau Street, which has a pavement width of approximately 14 feet within a 40 foot right-of-way.
- 13) Water is available to the subject site as are all other essential utilities, services and facilities.

### ASSESSMENT

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, 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 Island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that the proposed construction is consistent with State and County SMA policies, as outlined below.

- a) **Recreational Resources:** The project will not interfere with recreational uses of the coastal area, since it will be located about 300 feet from the shoreline setback area.
- b) **Historic and Natural Resources:** The project will not have any additional adverse effect on historical or natural resources, since the site has already been extensively developed as a commercial facility and no additional vacant land will be utilized to construct the project.
- c) **Scenic and Open Space Resources:** The proposed structure will not interfere with the coastal view plane, since existing structures are located between the project and the shoreline. Plans for the proposed structure indicate that it will be approximately 9 and 1/2 feet high, well under the maximum height of the 35 feet allowed in this zone.
- d) **Coastal Ecosystems:** The proposed structure is located sufficiently distant from the shoreline so there will be no adverse effect on the coastal ecosystem.
- e) **Economic uses:** The project is consistent with the State Land Use designation, the County's General Plan, and the County Zoning Code. Filling of propane bottles is a permitted use within the General Industrial districts (MG-1a).

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- f) **Coastal Hazards:** Since the FIRM map places the subject property in Zone X, which is outside the 500 year flood plain, there are no concerns regarding coastal hazards.

**DETERMINATION**

Based on the preceding assessment, the Planning Director has determined that the proposal 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:

- 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 from the date of this permit.
- 3) Construction of the proposed structure shall be completed within two years from the date of this permit.
- 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 a 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 of 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).

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- 7) The applicant, successors, or assigns shall indemnify and hold the County of Hawaii 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.

Please feel free to contact staff members James Moulds or Alice Kawaha at 961-8288 if you have any questions.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

AGK:dmo  
smm27.3.07L

cc: GASPRO-Hilo  
Ms. Donna Kiyosaki, Chief Engineer  
Planning Commission  
SMA Section