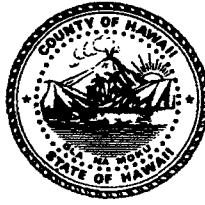


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

October 26, 2017

Mr. Ernest Matsumura, President  
American Trading Company, Limited  
113 Kuawa Street  
Hilo, HI 96720

Dear Mr. Matsumura:

**Use Permit No. 139 (to establish a church and related improvements)**

**Special Management Area (SMA) Minor Permit No. 33 (to establish a church and related improvements)**

**Subject: Request to Revoke Permits**

**Tax Map Key: (3) 2-2-032:024**

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Thank you for your letter dated October 16, 2017, requesting that the subject Use Permit No. 139 and SMA Minor Permit No. 33 be revoked as the church activities ceased several years ago when the church moved to a different property. Additionally, a recent Use Permit to allow the establishment of a public charter school for Ka 'Umeke Kā'eo was granted by the Planning Commission on October 5, 2017. The public charter school occupies the tenant space formerly occupied by the church.

Rule 7-11(a) of the Planning Commission Rules of Practice and Procedure allows the Planning Director to revoke a Use Permit if the property owner makes the request and confirms that the development approved by the permit has not been established or has been abandoned. Based on your request, Use Permit No. 139 is hereby revoked.

Rule 9-16(e) of the Planning Commission Rules of Practice and Procedure authorizes the Planning Department to adopt rules to establish the procedures for revocation of a Special Management Area Minor Permit. **Based on your request, SMA Minor Permit No. 33 is hereby revoked.**

OCT 27 2017

Mr. Ernest Matsumura, President  
American Trading Company, Limited  
Page 2 of 2  
October 26, 2017

If you have any questions, please feel free to contact Shancy Watanabe at (808) 961-8144.

Sincerely,



MICHAEL YEE  
Planning Director

SHW:mad

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cc: USE 139  
Gilbert Bailado, GIS (w/ copy of letters)

**AMERICAN TRADING COMPANY LTD.**

**113 Kuawa Street  
Hilo Hawaii 96720**

October 16, 2017

Michael Yee Director  
Planning Department  
County of Hawaii

Dear Mr. Yee:

**Applicant: American Trading Co., Ltd.**

**Subject: Initiating Revocation of Previously Issued SMA Permit No.33  
(Establish a Church and Related Activities) and Use Permit No.139  
(Establish a Church and Related Activities)**

**Tax Map Key: (3) 2-2-032:024**

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**This letter is requesting that Use Permit No. 139 and SMA Minor  
Permit No33 be revoked.**

**Sincerely,**



**Ernest Matsumura, President  
American Trading Co. Ltd.**

**Cc: Shancy Watanabe**

**SCANNED**

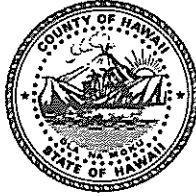
OCT 19 2017  
By: 114479

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2017 OCT 19 PM 2 22

SMA 77-009 23  
USE 95-007 129

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

August 17, 1995

Pastor George N. Kamakahi  
Thy Word Ministries  
P.O. Box 5149  
Hilo, HI 96720

Dear Pastor Kamakahi:

Special Management Area Use Permit Assessment Application  
No. 95-43 (SMAA 95-43)  
Special Management Area Minor Use Permit No. 33 (SMM 33)  
Applicant: Thy Word Ministries, Inc.  
Request: Establish Church and Related Activities within  
Portion of an Existing Structure  
Tax Map Key: 2-2-32: 24; Waiakea, South Hilo, Hawaii

We are in receipt of the above-described application on August 8, 1995, to allow the establishment of a church and its related activities within a portion of an existing structure formerly occupied by the Importers wholesale/retail operation. The proposed use would be limited to possible interior alterations to the existing structure which would not exceed \$125,000 in valuation. It has been determined that the proposed use will not have an significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 33 to allow the establishment of a church and its related activities within an existing structure, for the reasons as detailed below.

#### BACKGROUND INFORMATION

1. **Land Ownership:** The property is owned by American Trading Co. Ltd, who has consented to the submittal of this application. The owner currently operates a warehousing business within a 13,000 square-foot portion of the existing structure. The applicant would lease the remaining 9,760 square-foot retail space portion (formerly Importers) of the existing structure should the application be approved.

**APPLICANT'S REQUEST**

2. **Request:** The applicant proposes to establish a church and related activities within a vacant portion of the existing one-story retail/warehouse structure which is situated within the Limited Industrial zoned district. The applicant proposes to conduct worship services, Bible studies, prayer meetings and other activities conducive with religious institutions. The applicant also proposes to utilize the existing paved parking area which has 54 stalls.
3. **Hours of Operation:** According to the applicant, the anticipated number of members within the congregation is 250 people. Church services would be held on Sundays from 9:00 a.m. to 11:30 p.m. with mid-week services on Wednesday from 7:00 p.m. to 9:00 p.m. Children Church and Nursery would be available during normal church services. Weddings may be held when the need arise and will be scheduled in consideration of existing businesses schedules in the area.
4. **Reason for Request:** The applicant cites the "unavailability of sufficient lease space in other zoned districts in the Hilo area" as the reason for the subject request.
5. **Total Valuation:** The establishment of the proposed use within an existing structure is anticipated to cost \$6,000.

**STATE AND COUNTY PLANS**

6. **State Land Use District:** The project site is designated Urban by the State Land Use Commission.
7. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area for Medium Density Urban uses, which allows for village and neighborhood commercial and residential and related functions.
8. **Hilo Community Development Plan (CDP):** The Hilo CDP and Land Use Concept Map recommends that the affected area to remain industrial with no expansion. The Hilo CDP was adopted by Planning Commission Resolution in 1975.
9. **County Zoning:** The project site is designated Limited Industrial-20,000 square feet (ML-20) by the County Zoning Code. Effective June 23, 1995, Ordinance No. 95-80 was adopted by the County Council to allow churches and similar institutions to apply for a Use Permit in the Limited

Industrial (ML) zoned district. The applicant has filed a Use Permit Application (USE No. 95-7) with the Planning Commission to allow the proposed church use within the project site. A hearing on the subject application is scheduled for August 24, 1995.

10. **Special Management Area (SMA):** The property is located within the boundaries of the Special Management Area. Therefore, this Special Management Area Minor Use Permit is being issued in satisfaction of the Rules and Regulations of the Special Management Area.

**DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

11. **Subject Property:** The property is rectangular in shape approximately 260 feet by 201 feet. It is located at the corner of Kuawa and Kalanikoa Streets. The property also lies within the Clear Zone Easement boundary for the Hilo Airport runway field.
12. **Existing Use:** The existing retail/warehouse structure is approximately 40 years old, constructed in 1952. The structure has a building footprint of approximately 22,768 square feet. The property owner, American Trading Co. Ltd. presently utilizes the existing 13,008 square foot portion of the structure for wholesaling/warehousing purposes.
13. **USDA Soil Survey Report:** Keaukaha Series (rKFD) which consists of very dark brown muck about 8 inches thick and underlain by pahoehoe lava bedrock. The soil is strongly acid and rapidly permeable. The pahoehoe lava is very slowly permeable, but water moves rapidly through the cracks. Runoff is medium, and the erosion hazard is slight.
14. **ALISH:** The Agricultural Lands of Importance to the State of Hawaii (ALISH) map designates the affected area as Existing urban development.
15. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
16. **Archaeological/Floral/Fauna Resources:** Since 1952 the property has been used for industrial purposes. Therefore, historical sites or features or the presence of endangered species of plants or animals would not be present on the property.

17. **Surrounding Land Use Designation/Uses:** Adjacent lands to the west, north and east are zoned Neighborhood Commercial-10,000 (CN-10) and are designated as Medium Density Urban by the General Plan LUPAG Map. Existing uses are the K.K. Tei Restaurant, Waiakea Health Center, State Department of Health Office, Waiakea Recreational Center, Gas Express, Wiki Wiki Mart, Ken's House of Pancakes and Waiakea Kai Shopping Plaza which includes a Tri-plex Theater, Fun Factory, McDonald's Restaurant and other retail and dining establishments. Lands to the south and southwest are similarly zoned Limited Industrial-20,000 (ML-20) and designated in the Industrial Area by the LUPAG Map. Existing land uses in this area include restaurants, warehousing, wholesale and retail establishments, ground transportation company and parking facilities.

#### **UTILITIES AND SERVICES**

18. **Access:** Two concrete driveway accesses are provided to Kuawa Street, a County-maintained roadway having a pavement width of 30 feet with curbs, gutters and sidewalks fronting the project site within a 60-foot wide right-of-way. Gravel shoulders are located on the opposite side of Kuawa Street. Another access driveway is provided to Kalanikoa Street, also a County-maintained roadway with a pavement width of 32 feet within a 60-foot wide right-of-way. Gravel shoulders are located along Kalanikoa Street fronting the project site. Concrete curb, gutter, and sidewalk are located along the opposite (western) side of the street.
19. **Other Essential Utilities and Services,** such as water, wastewater disposal, fire, police and emergency services are available to the subject property.

#### **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 subject request, the Planning Director finds that the proposed implementation of an anchialine pond management plan are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed establishment of a church and its related activities within an existing structure will not interfere with recreational uses of the coastal area due to its distance from shoreline and established recreational areas. The project site is located on the mauka side of Kamehameha Avenue, which provides the main thoroughfare to coastal resources along Hilo Bay and Keaukaha.
- b) **Historical and Natural Resources:** The project site, similar to properties in the surrounding area, have been extensively developed for industrial and commercial uses. Therefore, adverse impacts to historical or natural resources within the project site are not anticipated. Nevertheless, a condition will be included to require the notification of the Planning Department should archaeological sites be encountered.
- c) **Scenic and Open Space Resources:** The subject property is not located within an area recognized by the General Plan as an example of natural beauty. Furthermore, this surrounding area of Waiakea has been extensively developed for industrial and commercial uses and dominated by one and two-story structures which house a variety of uses. The proposed use will not have any effect upon the County's open space and scenic resources.
- d) **Coastal Ecosystems:** As previously mentioned, the distance of the project site from the shoreline areas and the availability of County sewer systems would preclude any impact on coastal ecosystems. Since no extensive construction activities are being considered under the applicant's proposal, concerns regarding runoff, erosion and ambient dust generated by construction activities will be essentially non-existent.
- e) **Economic Uses:** Economic benefits to be derived from the establishment of the proposed use will be minimal and limited to interior alterations within the existing structure. Lease income to the landowner will also be a direct benefit. The greatest benefit the proposed church will offer to the surrounding community will be the religious and social benefits normally associated with such uses.
- f) **Coastal Hazards:** The project site is located within an area outside of the 500-year flood plain (Zone X) and is not recognized as an area affected by coastal flooding hazards.



**DETERMINATION**

Based on the preceding assessment, the Planning Director has determined that the establishment of a church and its related activities within a portion of an existing structure would not be contrary to the 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, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the 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 approval of this permit.
3. Final Plan Approval for the church and its related shall be secured from the Planning Director. The church and its related activities shall be limited to a gross floor area within the existing warehouse/retail structure of not more than 9,800 square feet.
4. The church and its related activities shall be established within the existing warehouse/retail structure within 3 years from, but not prior to, the effective date of the accompanying Use Permit Application (USE No. 95-7), should it be approved by the Planning Commission.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of this permit. The report shall include, but not be limited to, the status of the proposed use and the extent to which the conditions of approval of this permit are being complied

Pastor George N. Kamakahi  
Page 7  
August 17, 1995

with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

7. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:

- 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;
- 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).

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

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

DSA:dmo  
SMM33.dsa

cc: Ms. Donna Kiyosaki, Chief Engineer  
Use Permit Application No. 95-7 (PC Pend.)  
SMA Section