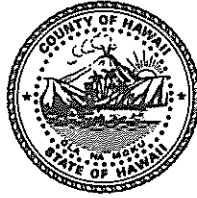


Stephen K. Yamashiro
Mayor



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

December 14, 1995

Mr. Eric Chong
BHP Hawaii, Inc.
P.O. Box 3379
Honolulu, HI 96842

Dear Mr. Chong:

Special Management Area (SMA) Use Permit Assessment

Application No. 95-49 (SMAA 95-49)

Special Management Area (SMA) Minor Use Permit No. 40 (SMM 40)

Applicant: BHP Hawaii, Inc.

Request: Demolish Existing Building & Replace with New Prefabricated Modular
Convenience Store, Replace Existing Gas Dispensers and Related Electrical
and Plumbing Work

Tax Map Key: 2-2-32: 62; Waiakea, South Hilo, Hawaii

This letter will follow-up on your submittal of the above described application on August 28, 1995, and our subsequent discussions with you, to allow for the demolition of the existing BHP Gas Express gas station building and the construction of a new prefabricated, modular gas station/convenience store on the subject property. Also proposed is the replacement of the existing gas dispensers. The proposed improvements will not exceed \$125,000 in valuation. It has been determined that the proposed improvements will not have an significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 40 to allow the replacement of the existing gas station building with a new gas station/convenience store structure and the replacement of the existing gas dispensers, for the reasons as detailed below.

APPLICANT'S REQUEST

1. **Request:** The applicant proposes the demolition of an existing gas station structure and in its place, construct a smaller 250 square-foot, prefabricated, modular gas station/convenience store building. Two existing gas dispensers will also be replaced. Pursuant to Section 9-4(10)(B)(vii) of Rule No. 9 of the Planning Commission

relating to the Special Management Area, the demolition or removal of existing structures is not considered as "development" and, therefore, the demolition of the existing gas station building is exempt from further review under the SMA Rules and Regulations.

2. **Purpose:** The applicant wishes to replace the existing gas station building, which is both visually and structurally in poor condition, with a smaller and more visually appealing gas station/convenience store building.
3. **Estimated Cost:** The cost of the entire project is estimated at \$84,000.

STATE AND COUNTY PLANS

4. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
5. **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.
6. **Hilo Community Development Plan (CDP):** The Hilo CDP and Land Use Concept Map recommends that the affected area remain Neighborhood Commercial (CN-10) designation. The Hilo CDP was adopted by Planning Commission Resolution in 1975.
7. **County Zoning:** The project site is zoned Neighborhood Commercial-10,000 square feet (CN-10) by the County.
8. **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.
9. **Chapter 343, Hawaii Revised Statutes:** By facsimile dated December 13, 1995, the Department of Land and Natural Resources, as owner of the subject property and approving agency under Chapter 343, HRS and Title 11, Chapter 200, HAR (EIS Rules and Regulations), determined the proposed improvements to be exempt from the requirements of Chapter 343, HRS pursuant to Exemption Class #2 of its approved Exemption List dated April 28, 1986. which states, in part, that the *"Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced."*

SITE DESCRIPTION

10. **Physical Description:** The subject property, consisting of approximately 20,538 square feet, is extensively developed as a gas station facility. An existing gas station building, gas dispensers, gas dispenser canopy and pavement improvements are currently located on the subject property.
11. **Archaeological/Floral/Faunal Resources:** Due to the extensive improvement of the subject property and its surrounding area for commercial and industrial uses, significant historical sites or features and the presence of endangered species of plants or animals are not anticipated to be located within the project site.
12. **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.
13. **ALISH:** The Agricultural Lands of Importance to the State of Hawaii (ALISH) map designates the affected area as Existing urban development.
14. **The Flood Insurance Rate Map (FIRM),** prepared by the Federal Emergency Management Agency (FEMA), designates the entire project site as being located within an area outside of the 500-year flood plain (Zone X).
15. **Surrounding Uses:** The subject property is bordered to the north by Kamehameha Avenue and to the west by Kalanikoa Street. Adjacent to the east is a car rental company on lands zoned CN-10. To the south is the American Trading Company building, which is currently being used as a warehouse and will soon accommodate a new church on lands zoned Limited Industrial-10,000 square feet. Naniloa Golf Course is located on the opposite (makai) side of Kamehameha Avenue. The subject property is located approximately 1,100 feet from the nearest shoreline area.

INFRASTRUCTURE

16. **Access** to the subject property is provided by Kamehameha Avenue and Kalanikoa Street.
17. **Water, electricity, and wastewater disposal** facilities are available to support the existing uses and the proposed improvements.

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 construction of a new gas station/convenience store building and the replacement of existing gas dispensers are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements will not interfere with recreational uses of the coastal area since all activities associated with the proposed improvements will be concentrated within the subject property, which is located approximately 1,100 feet from the shoreline. For similar reasons, public shoreline access to coastal areas will not be affected. Kamehameha Avenue and Banyan Drive, which provides the primary coastal access to this portion of Hilo, is located makai of the subject property.
- b) **Historical and Natural Resources:** Due to extensive improvement of the subject property and its many years of use as a gas station, adverse impacts to historical resources or to endangered species of plants or animals are not anticipated. Nevertheless, a condition of approval will be included within this permit to require the notification of the Planning Department should any 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. The proposed improvements will be limited to the construction of a new gas station/convenience store building and the replacement of existing gas dispensers. No additional improvements or structures are being proposed. The preservation of visual resources or corridors are of no concern within this area due to the existing commercial and industrial uses already located within the subject property and on adjoining properties. Since the subject property is located mauka of Kamehameha Avenue, any visual corridors provided by the Naniloa Golf Course will be preserved.
- d) **Coastal Ecosystems:** The subject property is located approximately 1,100 feet from the shoreline. Existing construction practices are sufficient to ensure that potential runoff or erosion which may be generated do not adversely impact coastal resources located some distance from the subject property. Therefore, approval of the proposed

improvements would be consistent with the intent and purpose of the State and County Special Management Area policies.

- e) **Economic Uses:** Approval of the proposed improvements is anticipated to economically benefit the applicant by offering its customers the convenience of a convenience store as well as providing for a more attractive building.
- f) **Coastal Hazards:** The subject property is not located within a region designated as a flood area nor within an area impacted by tsunamis.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the construction of a new, prefabricated, modular gas station/convenience store building, the replacement of existing gas dispensers and their related electrical and plumbing fixtures will not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Permit No. 39, 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. Construction of the subject improvements shall be completed within three (3) years from the date of approval of this permit. The applicant shall immediately notify this office, in writing, upon the completion of construction.
4. *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.
5. The applicant shall comply with all requirements of the Departments of Health and Public Works and the applicable requirements of other affected agencies.

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6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this permit. The report shall include, but not be limited to, the status of the proposed improvements and the extent to which the conditions of approval of this permit are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied 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
SMM40.dsa

xc: Ms. Donna Kiyosaki, Chief Engineer
Mr. Eric Leong-DLNR-Land Management (Honolulu)
Department of Health-Environmental Health Division (Hilo)
~~SMA Section~~