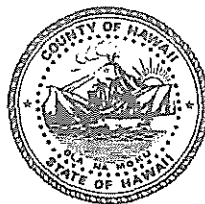


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

April 30, 2010

Mr. Andrew A.T. Chun
K. Taniguchi Ltd.
50 E Puainako St
Hilo, HI 96720

Dear Mr. Chun:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 10-000556)
Special Management Area Minor Permit No. 10-000149
Applicant(s): Andrew A.T. Chun
Land Owner: K. Taniguchi Ltd.
Request: To Pave and Fence an Employee Parking Lot
Tax Map Key: (3) 2-3-009:010, Hilo, South Hilo, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on March 16, 2010 for the proposed improvements to the existing employee parking lot. We also acknowledge your email correspondence requesting additional processing time. The applicant proposes to pave the entire lot with asphalt, construct 2 drywells, fence the entire perimeter with a chain link fence and construct a combination vehicle/bypass gate.

The subject property consists of 12,795 square feet. It is zoned CDH (Downtown Hilo Commercial District) by the County and is designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as High Density Urban.

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(10)A(i), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed paved and fenced parking lot is considered "development" and requires either a

Mr. Andrew A.T. Chun
K. Taniguchi Ltd.
Page 2
April 30, 2010

Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No.10-000149 is hereby issued to allow for the proposed improvements to the existing employee parking lot to include paving the entire lot with asphalt, constructing 2 drywells, fencing the entire perimeter with a chain link fence and constructing a combination vehicle/bypass gate on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

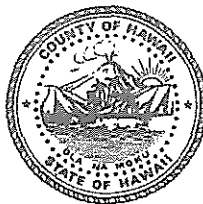
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Enclosure - SMM No. 10-000149
Department of Public Works Memorandum dated April 16, 2010

cc w/encls: Long Range Planning Division
Planning Division

cc ltr only: Mr. Abbey S. Mayer, Interim Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

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Special Management Area Minor Permit No. 10-000149

Project: Pave and Fence an Employee Parking Lot
Applicant: Andrew A.T. Chun
Land Owner: K. Taniguchi Ltd.
Location: Hilo, South Hilo, Hawai'i
TMK: (3) 2-3-009:010 **Land Area:** 12,795 square feet

Applicant's Request

1. Project Description:

The applicant proposes to pave the entire lot with asphalt, construct 2 drywells, fence the entire perimeter with a chain link fence and construct a combination vehicle/bypass gate. Currently, the lot is used as an employee parking area. It is graded and compacted with gravel. There are no existing landscaping or structures.

2. Purpose of Project:

To create an employee parking lot that is paved and fenced and which will provide a safe and secure area for the associates and their vehicles.

3. Project Valuation: \$115,000.00

4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(10)A(i), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed paved and fenced parking lot is considered "development" and requires a Special Management Area Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property High Density Urban.

3. **County Zoning:** The subject property is zoned CDH (Downtown Hilo Commercial District).
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** AE.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project area does not have frontage along the coastline and there are no public access trails on or adjacent to the subject parcel. Therefore the proposed improvements will not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
 - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
 - ☒ Stimulate public awareness, education, and participation in coastal management.

- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$115,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 16, 2010, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood plain Management, forwarded by your memo dated April 6, 2010 and have no objections to the request provided all work complies with code.

The subject parcel is in an area designated as Flood Zone AE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Questions may be referred to Kelly Gomes at ext. 8327."


Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000149** is hereby approved to allow for the proposed improvements to the existing employee parking lot to include paving the entire lot with asphalt, constructing 2 drywells, fencing the entire perimeter with a chain link fence and constructing a combination vehicle/bypass gate on the subject parcel, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 10-000149** 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 secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall secure Plan Approval from the Planning Director for the proposed development within one (1) year from the date of approval of this permit.
4. All construction activities in connection with this project shall be completed within one (1) year from the date of Final Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
5. An extension of time for the performance of the conditions contained herein 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 of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



BJ LEITHEAD TODD
Planning Director



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 16, 2010

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *sw* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 10-000556)

Applicant: Andrew A. T. Chun

Land Owner: K. Taniguchi Ltd.

Request: To Pave and Fence an Employee Parking Lot

Tax Map Key: 2-3-09: 010

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 6, 2010 and have no objections to the request provided all work complies with code.

The subject parcel is in an area designated as Flood Zone AE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Questions may be referred to Kelly Gomes at ext. 8327.

