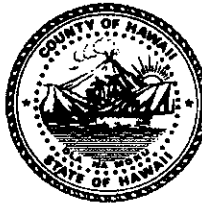


William P. Kenoi
Mayor



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

August 5, 2010

Mr. Tom Brown
County of Hawai'i, Mass Transit Agency
1266 Kamehameha Avenue, Suite A-2
Hilo, HI 96720

Dear Mr. Brown:

Subject: Special Management Area Use Permit Assessment Application (SAA 10-000585)
Special Management Area Minor Permit No. 10-000155
Applicant: County of Hawai'i, Mass Transit Agency
Land Owner: State of Hawaii
Request: Construction of a Bus Shelter
Tax Map Key: 2-2-5:2, South Hilo, Hawaii

This is to follow up on our July 22, 2010 letter relating to the above-referenced Special Management Area assessment for the construction of a bus shelter on the subject parcel.

This 5.1407 acre parcel is designated Urban by the State Land Use Commission and is zoned Open by the County. Although it is in the Special Management Area, this parcel is mauka of the Bayfront Highway and does not have frontage along the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(E) relating to Special Management Area, the construction of a bus shelter is considered "*Construction, reconstruction, demolition or alteration of the size of any structure*" and defined as "development". Therefore, a Special Management Area Minor Permit is required.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 10-000155 is hereby issued to allow for the construction of a bus shelter, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Mr. Tom Brown
County of Hawai'i, Mass Transit Agency
Page 2
August 5, 2010

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,



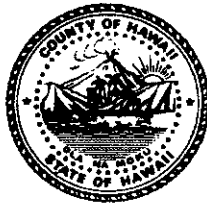
BJ LEITHEAD TODD
Planning Director

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Enclosures - SMM No. 10-000155
Department of Public Works August 3, 2010 Memo

cc w/Encls: Long Range Planning
Planning
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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Phone (808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 10-000155

Project: Construction of a Bus Shelter
Applicant: County of Hawai'i, Mass Transit Agency
Land Owner: State of Hawaii
Location: South Hilo, Hawai'i
TMK: 2-2-5:2 **Land Area:** 5.1407 acres

Applicant's Request

1. Project Description:

The proposed bus shelter will service the Hilo Park and Ride Lot, Stop No. 0210, which is used primarily by people commuting to and from jobs located in West Hawai'i.

The bus shelter will have a concrete slab floor and be approximately 10' long, 5' wide and 9' tall. It will have an aluminum frame with tempered glass walls and aluminum roof panels. A bench accommodating 5-6 people will be included within the shelter. Also installed will be two new 6' long concrete wheel stops for the two parking spaces adjacent to the proposed bus stop.

This structure will be situated within a grassed planting strip between the existing sidewalk along Kamehameha Avenue and the paved parking lot. No trees in the vicinity will be disturbed.

2. Purpose of Project:

The proposed project will provide shelter from the elements for the high volume of bus riders utilizing this stop.

3. Project Valuation:

\$21,972.50

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **Landowner:** Although the parcel is owned by the State of Hawai'i, it is under the control and management of the County of Hawai'i via Executive Order No. 1541, issued on December 12, 1952. This order set aside the subject property, among others, for the following public purposes: "Tidal Wave Safety Zone, Off-Street Parking and Public Park and Recreational Grounds..."
2. **State Land Use District:** The subject parcel is designated Urban by the State Land Use Commission.
3. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
4. **County Zoning:** This parcel is zoned Open. According to the Hawai'i County Code, Section 25-5-162(a)(12), permitted uses includes "*Public uses and structures, as permitted under section 25-4-11*". Section 25-4-11(c) states that "*Public uses, structures and buildings and community buildings are permitted uses in any district, provided that the director has issued plan approval for such use.*"
5. **Special Management Area (SMA):** Although the subject parcel is located in the SMA, it does not have frontage along the coastline.
6. **Flood Zone:** Flood Zone "VE".

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

This property does not have frontage along the coastline and is located mauka of the Bayfront Highway. Therefore, the proposed improvements will not affect lateral public access or coastal 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 \$21,972.50 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 3, 2010 states the following:

"We have reviewed the subject application and provide you with our comments as follows:

- 1. The subject bus shelter structure will require a building permit, which can be applied for and processed through our Building Division.*
- 2. The subject improvements will be constructed within Flood Zone "VE", according to the current Flood Insurance Rate Map. We will address this issue when the applicant applies for a building permit."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000155** is hereby approved for the construction of a bus shelter on the subject parcel. This approval is 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. 10-000155 subject to the following conditions:

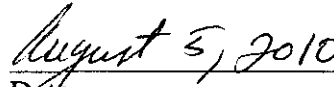
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The construction of the bus shelter shall be completed within two (2) years from the date of approval of this permit.
4. 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).
5. 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

PLANNING DEPARTMENT
COUNTY OF HAWAII

COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
AUPUNI CENTER

2010 AUG -4 AM 10: 58

101 PAUAAHI STREET, SUITE 7

HILO HI 96720-4224


TELEPHONE: (808) 961-8321 FAX: (808) 961-8630

MEMORANDUM

DATE: August 3, 2010

TO: BJ Leithead Todd, Planning Director

FROM: Warren H. W. Lee, Director of Public Works



RE: SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT
APPLICATION (SAA 10-000585)
Bus Stop and Shelter
TMK: 2-2-05: 02

We have reviewed the subject application, and provide you with our comments as follows:

1. The subject bus shelter structure will require a building permit, which can be applied for and processed through our Building Division.
2. The subject improvements will be constructed within Flood Zone "VE", according to the current Flood Insurance Rate Map. We will address this issue when the applicant applies for a building permit.

Should there be any questions, please feel free to contact Mr. Casey Yanagihara in our Engineering Division at 961-8004.

cky

copy: DPW-ENG
Mass Transit Agency
Hilo Engineering, Inc.

SCANNED

AUG 04 2010

By:

065418