

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
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February 11, 2015

Mr. Denis Dunn
P.O. Box 492874
Kea'au, HI 96749

Dear Mr. Dunn:

Subject: Special Management Area Use Permit Assessment Application
(SAA 14-001233)
Special Management Area Minor Permit No. 15-000326
Applicant: Sai Baba Hawai'i LLC, Mohan Magora
Land Owner: Sai Baba Hawai'i LLC
Request: Repair and Alteration of the Existing Building
TMK: (3) 2-3-004:015, Hilo, Hawai'i

This is to follow up on our January 26, 2015 letter relating to the above-referenced Special Management Area assessment for the proposed repair and alteration of the existing building on the subject property.

Proposed is to repair or replace gutters, valley flashings and existing exterior walls as well as repair existing steel pipe columns of the building. Also, the roof will be raised from 21'-8" to a maximum height of 25'-5" with new metal purlins installed between existing purlins to support the new metal roofing, the addition of height to the existing steel pipe columns and enclosure of the new openings in the exterior walls caused by the increase in the building height. The front roof portion will be raised 6'-9" and the rear portion raised 4' in height.

The subject 12,100 square feet parcel is designated Urban by the State Land Use Commission and designated Downtown Hilo Commercial District (CDH) by the County. Although it is in the Special Management Area (SMA), it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41. Therefore, the requirement to submit a current certified shoreline survey is waived.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(e)(2)(F) relating to Special Management Area, "Repair, maintenance, or interior alterations to existing structures or relating to existing uses" may be determined by the Planning Director to

Mr. Denis Dunn
February 11, 2015
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be exempt from the definition of "development". The proposal to repair or replace gutters, valley flashings and existing exterior walls as well as repair existing steel pipe columns will not have a substantial adverse effect on the environment. Therefore, we have determined that these items are exempt from the definition of "development".

However, according to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and PC Rule No.; 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, raising the roof from 21'-8" to 25'-5" and installing new metal purlins between existing purlins to support the new metal roofing, adding height to the steel pipe columns and enclosing the new openings in the exterior walls caused by the increase in the building height will require a review against the Special Management Area rules and regulations. For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.: 15-000326 is hereby issued for the SMA approval of the alteration of the existing building on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Copies of the approved plans are enclosed for your reference.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,


for DUANE KANUHA
Planning Director

ETI:cs

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Enclosures; SMM No.:15-000326
 DPW Memorandum dated February 2, 2015
 Copies of Approved Plans

cc w/Encls.: Long Range Planning
 Planning Division

cc ltr. only: Mr. Leo Asuncion, Acting 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. 15-000326

Project: Alteration of the Existing Building
Applicant: Sai Baba Hawai'i LLC, Mohan Magotra
Owner: Sai Baba Hawai'i, LLC
Location: Hilo, Hawai'i
TMK: (3) 2-3-004:015 **Land Area:** 12,100 square feet

Applicant's Request

1. Project Description:

The roof will be raised from 21'-8" to a maximum height of 25'-5". It will require new metal purlins installed between existing purlins to support the new metal roofing, the addition of height to the existing steel pipe columns and enclosure of the new openings in the exterior walls caused by the increase in the building height. The front roof portion will be raised 6'-9" and the rear portion raised 4' in height.

2. Purpose of Project:

The existing metal building is in need of significant repairs and the new roof will improve the appearance of the building and the neighborhood.

3. Project Valuation: \$95,500

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area (SMA), "Construction, reconstruction, demolition or alteration of the size of any structure" is defined as "development". Therefore, as the proposed project increases the size of the building by raising the height, it is considered "development" and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is designated Urban by the State Land Use Commission.

2. **Department of Land and Natural Resources, State Historic Preservation Division (SHPD):** A “No historic property affected” determination was issued by letter dated January 2, 2014 (sic).
3. **General Plan:** The parcel is designated as High Density Urban by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
4. **County Zoning:** The parcel is zoned Downtown Hilo Commercial District (CDH).
5. **Special Management Area:** The subject property is located within the SMA, but is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
6. **Flood Zone:** “X”

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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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 Hawai‘i 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 tsunami, 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 Hawai'i 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 \$95,500 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated February 2, 2015, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 23, 2014 (sic) and have no objections to the request."

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000326** is hereby approved for the alteration of the existing building on the parcel, subject to the applicant's compliance with the conditions of approval as specified below. Copies of the approved plans are enclosed for your reference.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 15-000326**, **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. All improvements required as conditions of other agencies with jurisdiction over the proposed alteration of the existing building such as, but not limited to, the County Department of Public Works, shall be summarized and presented to this department as part of a revised scope of work and valuation for this determination prior to issuance of a building permit. Should the valuation of the project exceed \$500,000, this permit will be deemed void and a Special Management Area "Major" Use Permit will be required for the proposal. Should the scope of work be substantially different than that presented within SAA 15-001233, then the applicant may be required to submit a new Special Management Area Use Permit Assessment Application for review by this Department.
4. The applicant shall secure a Building Permit and complete construction of the improvements within two (2) years from the date of approval of this permit.
5. The disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawaii County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division. We also highly recommend the recycling of all reusable materials. For information on recycling programs in Hawai'i County, the Department of Environmental Management, Recycling Section can be contacted at (808) 961-8942.
6. Best Management Practices must be followed to ensure the grounds surrounding the building is kept clear of any rubbish or debris resulting from construction activities at all times.

7. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure.
8. 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).
9. 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.

If you have questions, please feel free to contact Esther Imamura at 961-8138.

APPROVED:


DUANE KANUHA
Planning Director

FEB 11 2015

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

2015 FEB -4 PM 9: 52

DATE: February 2, 2015

Memorandum

TO: Duane Kanuha, Planning Director

FROM:  Department of Public Works, Engineering Division

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 14-001233)

Applicant: Sai Baba Hawaii LLC, Mohan Magotra

Land Owner: Sai Baba Hawaii LLC

Request: Repair and Alteration of the Existing Building

Tax Map Key: 2-3-04: 015

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 23, 2014 and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

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

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