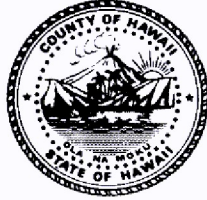


Mitchell D. Roth  
Mayor

Lee E. Lord  
Managing Director

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



## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
Director

Jeffrey W. Darrow  
Deputy Director

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

October 11, 2022

Andrew Chun  
c/o Puna Plantation Hawai'i Limited  
50 E Puainako Street  
Hilo, Hawai'i 96720  
VIA EMAIL

Dear Mr. Chun:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(PL-SAA-2022-000093)**

**Special Management Area (SMA) Minor Permit  
(PL-SMM-2022-000032)**

**Applicant: Andrew Chun**

**Landowner: K Taniguchi LTD**

**Request: Installation of Steel Pipe Barrier at KTA Downtown**

**Tax Map Keys: (3) 2-3-008:005, 006, 033, 034, South Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application received by this office on August 4, 2022. The land area of the subject parcels totals approximately 1.207 acres and are zoned Downtown Hilo Commercial District (CDH) by the County and designated as Urban by the State Land Use Commission (LUC). The subject parcels are designated as "High Density Urban" (hdu) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The subject parcels are located within the Special Management Area (SMA); however, they are not considered "shoreline parcels" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

#### **Existing Land Uses:**

Special Management Area Use Permit No. 08-31 (January 15, 2009) and Special Management Area Minor Permit No. 82-44 (November 17, 1982) were previously issued for various improvements on the subject parcel.

**Proposed Project:**

The applicant is proposing to install a 48-inch-high steel pipe barrier along the property's perimeter. The steel barrier will be constructed along the northern, eastern and southern boundary of TMK: (3) 2-3-008:034 and in the southeastern corner of TMK: (3) 2-3-008:005 and is a part of the KTA Hilo Downtown Store which extends over TMK's (3) 2-3-008:006 and 033.

**Purpose of Project:**

The purpose of the installation of the 48-inch high steel pipe barrier is to deter undesirable activities from occurring and impacting the subject properties.

**Special Management Area Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(1)(A) relating to Special Management Area (SMA), "*placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" is defined as "development". Therefore the proposed project is considered "development" however, the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. PL-SMM-2022-000032 is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code, Fire Code, Engineering Code and Building Code requirements must be satisfied. Additionally, any future development or activities not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

If you have questions regarding this document, please contact Tracie-Lee Camero of this office at (808) 961-8166 or via email at [Tracie-Lee.Camero@hawaiicounty.gov](mailto:Tracie-Lee.Camero@hawaiicounty.gov).

Sincerely,

  
Zendo Kern (Oct 11, 2022 12:19 HST)

ZENDO KERN  
Planning Director

TC:mads  
P:\wpwin60\czm\smm\2022\pl-smm-2022-0000321\_kta.doc

Andrew Chun  
c/o Puna Plantation Hawai'i Limited  
October 11, 2022  
Page 3

Enclosure: SMA Minor Permit No. PL-SMM-2022-000032

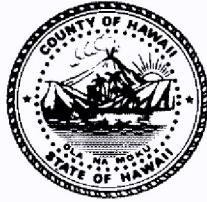
cc via email: Shichao Li, State-OPSD  
Lisa E. Webster, State-OPSD  
GIS Section



Mitchell D. Roth  
Mayor

Lee E. Lord  
Managing Director

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



## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
Director

Jeffrey W. Darrow  
Deputy Director

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

## **Special Management Area Minor Permit No. PL-SMM-2022-000032**

**Project:** Installation of Steel Pipe Barrier at KTA Downtown  
**Applicant(s):** Andrew Chun  
**Landowner(s):** K Taniguchi LTD  
**TMK(s):** (3) 2-3-008:005, 006, 033 and 034  
**Location:** South Hilo District, Island of Hawai'i  
**Land Area:** 1.207 acres

### **Applicant's Request**

- 1. Project Description:** This Special Management Area (SMA) Minor Use Permit is being pursued for the installation of a 48-inch high steel pipe barrier along the property's perimeter. The steel barrier will be constructed along the northern, eastern and southern boundary of TMK: (3) 2-3-008:034 and in the southeastern corner of TMK: (3) 2-3-008:005 and is a part of the KTA Hilo Downtown Store which extends over TMK's (3) 2-3-008:006 and 033.
- 2. Purpose of Project:** The purpose of the installation of the 48-inch high steel pipe barrier is to deter undesirable activities from occurring on the subject properties.
- 3. Project Valuation:** \$72,000.00
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1) relating to Special Management Area (SMA): "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" is defined as "development." Therefore, the proposed installation of 48-inch high steel pipe barriers is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

### **State and County Plans**

- 5. State Land Use District:** The subject parcels are within the State Land Use Urban District.



6. **General Plan:** The parcels are designated as “High Density Urban” (hdu) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcels are currently zoned as Downtown Hilo Commercial District (CDH).
8. **Special Management Area:** The project parcels are located within the Special Management Area (SMA); however, no portion of the parcels are located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** Zone VE (*Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves*).

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai‘i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
  - ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
  - ☒ 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 and Coastal Dune Protection

☒ Marine and Coastal Resources

☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

<b>Findings</b>
-----------------

1. As discussed above, the conducted activities 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.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$72,000 is not in excess of \$500,000.
4. The subject property is located within the Flood Zone VE on the Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with a 1% chance of occurring in any given year and with the velocity hazard (wave action). The Base Flood Elevation of the subject properties is approximately 15-16 feet (computed flood elevation from mean sea level).

<b>Approved Uses, Activities and Operations</b>
-------------------------------------------------

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2022-000032** is hereby approved for the installation of a 48-inch high steel pipe barrier along the property's perimeter, subject to the applicants' compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2022-000032**, **subject to the following conditions:**

1. The applicant(s), its successor(s), or assign(s) ("Applicant") 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 comply with the Hawai'i County Code, Chapter 26 (Fire Code) and 2018 Hawai'i State Fire Code, Chapter 18.
4. Any fencing below the Base Flood Elevation is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawai'i, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood in accordance with section 27-18(c)(3). Alternatively, any fencing can be designed to "breakaway", in accordance with the breakaway wall requirements in section 27-23(4).
5. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
6. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
7. All construction and maintenance activities on the subject parcels shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
8. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
9. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
10. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
11. The Planning Director may initiate procedures to revoke this permit should any of the conditions not be met or substantially complied with in a timely fashion.

Andrew Chun  
October 11, 2022  
Page 6

If you have any questions, please feel free to contact Tracie-Lee Camero at (808) 961-8166 or via email at [Tracie-Lee.Camero@hawaiicounty.gov](mailto:Tracie-Lee.Camero@hawaiicounty.gov).

APPROVED:

*Zendo Kern*  
Zendo Kern (Oct 11, 2022 12:19 HST)

October 11, 2022

---

ZENDO KERN  
Planning Director

---

Date

TC:mads  
P:\wpwin60\czm\smm\2022\pl-smm-2022-000032\_kta.doc

Enclosures:   Exhibit 1 – Department of Public Works Memo Dated September 21, 2022  
                  Exhibit 2 – Fire Department Memo Dated September 22, 2022  
                  Exhibit 3 – Site Plan

**DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII**

DATE: September 21, 2022

**Memorandum**

TO: Zendo Kern, Planning Director

FROM: <sup>FOR:</sup> Department of Public Works, Engineering Division <sup>BA.</sup>

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION  
(PL-SAA-2022-000093)**

Applicant: Andrew Chun

Request: Installation of a high steel pipe barrier along the property line.

TMK: (3) 2-3-008:005; 006; 033; 034

We have reviewed the subject request and provide the following comments for your consideration:

1. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawaii County Code.
2. All construction shall be in compliance with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code.
3. The subject work is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). The Base Flood Elevation is approximately 15 – 16 feet (computed flood elevation from mean sea level).
4. Any fencing below the Base Flood Elevation is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood in accordance with section 27-18(c)(3). Alternatively, any fencing can be designed to “breakaway”, in accordance with the breakaway wall requirements in section 27-23(4).

Questions can be directed to Bryce Harada of the Engineering Division at (808) 961-8042 or email: [bryce.harada@hawaiicounty.gov](mailto:bryce.harada@hawaiicounty.gov).



**HAWAII FIRE DEPARTMENT . COUNTY OF HAWAII .**  
**HILO, HAWAII 96720**

**DATE** September 22, 2022

**Memorandum**

**TO :** TRACIE-LEE CAMERO, PLANNING DEPARTMENT, COH  
**FROM :** CAPTAIN CLINTON BAYBAYAN, FIRE PREVENTION BRANCH  
**SUBJECT: KTA SUPER STORES DOWNTOWN, SMA USE PERMIT ASSESSMENT APPLICATION.**

In regards to the above mentioned project, Fire Department Access and Water Supply shall comply with Chapter 18 of the 2018 Hawaii State Fire Code and Chapter 26 of the Hawaii County Code. For any questions please email [Clinton.Baybayan@hawaiicounty.gov](mailto:Clinton.Baybayan@hawaiicounty.gov) or call 808-323-4761.

Respectfully Submitted,



Clinton Baybayan  
Fire Prevention Captain  
Fire Prevention Branch  
Hawaii Fire Department

