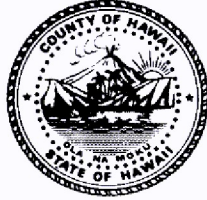


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County of Hawai'i

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February 22, 2023

Steve Marlette, AIA
1044 Nuuanu Ave.
Honolulu, HI 96817
VIA EMAIL

Dear Mr. Marlette:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2023-000143)**

Applicant(s): Na Hoku, Inc.
Landowner(s): G & I Watumull Partnership
Project: Renovation of Existing Na Hoku Store
Tax Map Key: (3) 7-5-007:016
Location: 75-5719 Ali'i Dr., North Kona District, Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000143), submitted to this office on January 9, 2023. The 9,720 square foot (sf) subject parcel is zoned Resort-Hotel (V-0.75) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The parcel is within the Special Management Area (SMA) but is not considered a shoreline parcel as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) since the project site is mauka of Ali'i Drive.

The property is located within the Kona Urban Area and Kailua Village Redevelopment TOD Area as shown in the Kona Community Development Plan (KCDP) and is located outside of any concurrency zone.

Proposed Project:

A review of our files indicates that the subject property includes the existing Na Hoku jewelry store within the larger Kona Marketplace retail development. The applicant (Na Hoku) would like to bring an updated, modern appearance to their business. The store was last renovated 20

years ago and is in need of repair and renovation. The following lists the proposed activities to be conducted:

Project details (Interior): Demolition of all existing interior improvements, and construction of new interior finishes, new display cases, and new interior lightning.

Project details (Exterior): Demolition of existing storefront doors and display cases and constructing new storefront doors and display cases as well as new exterior tile finish.

There is no proposed increase in floor area and the existing use will continue as a jewelry store. No other activities are proposed other than what is described above.

Shoreline Area Determination:

The project parcel is located within the Special Management Area (SMA); however, no portion of the parcel is located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS). Therefore, as the project is not located in a “shoreline area” there is no requirement to submit a certified shoreline survey. Staff notes the project parcel is located within the FEMA flood zones X and XS.

Special Management Area Determination:

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1) relating to the Special Management Area: *Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.* According to the application, the following definitions of “Development” can be applied to the proposed use:

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
- *Construction, reconstruction, demolition, or alteration of the size of any structure.*

Pursuant to Planning Commission Rule 9-4(e)(3): *Any proposed use, activity, or operation listed in Section 9-4(e)(1) shall be deemed to be “Development” until the Director has determined it to be exempted from the definition of “Development.”* According to 9-4(e)(2) “Development” does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of “Development”:

- *Repair, maintenance, or interior alterations to existing structures or relating to existing uses.*
- *Non-structural improvements to existing commercial structures.*

Pursuant to Planning Commission Rule 9-4(e)(4):

Whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as "Development" for the purposes of this rule.

Based on the information provided, the Director finds that the proposed project is exempt from the definition of "development" and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

Future Special Management Area Determinations:

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

Additionally, pursuant to Planning Commission Rule 9-10(g), *"the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area."* The Planning Director has added the following conditions for the proposed project:

Planning Director's Conditions:

1. The applicant(s), its successor(s) or assign(s) (Applicant) shall be responsible for complying with all stated conditions.
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, including, but not limited to, County of Hawai'i Department of Public Works.
3. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. The Applicant shall secure building permits for the proposed project within two (2) years from the date of the determination or permit. If Building Permits have not been secured within that two (2) year period, the determination is automatically null and void, and a

Steve Marlette, AIA

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new Special Management Area Assessment Application must be submitted for review and approval.

5. 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.
6. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Zendo Kern

Zendo Kern (Feb 22, 2023 12:52 HST)

ZENDO KERN

Planning Director

AJR:mads

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cc via email: Andrea Dolera, Na Hoku, Inc.
G & I Watumull Limited Partnership
GIS Section