

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-21

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

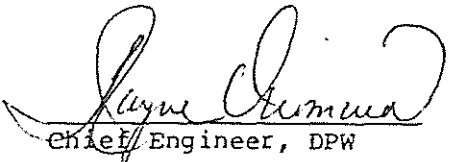
The Planning Director completed on October 14, 1988, an assessment on the application of Phyllis Ahmadia and Gerard Lee Lov for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: to change the use of a residence to that of a law office and to make minor structural changes and parking space for this conversion. The building is located on a 17,546 square foot parcel along the makai side of Kalaniani'ole St. (near Onekahakaha Beach County Park) in the Keokea Houselots, Keaukaha, South Hilo, Hawaii. TMK: 2-1-14: 9

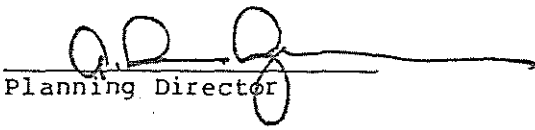
As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

See attached


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall secure Plan Approval before construction and paving activities are commenced.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

BACKGROUND

Phyllis Ahmadia and Gerard Lee Loy, law partners, are requesting a Special Management Area (SMA) Permit to allow them to change the use of a residence to that of a law office and to make minor structural changes and parking space necessary for this conversion. The building is located on a 17,546 square foot parcel along the makai side of Kalaniana'ole Street (near Keokea Loop Road and Onukahakaha Beach County Park) in the Keokea House Lots, Keaukaha, South Hilo, TMK: 2-1-14:9.

More specifically, the applicant proposes to repair the plumbing, move an internal wall and construct additional paved parking stalls for six cars which will access the lot from a new driveway from Kalaniana'ole Street. Total cost of these improvements is expected to be \$5000.

The State Land Use Commission classification for the property is Urban. The General Plan Land Use Plan Allocation Guide (LUPAG) map designates the area for resort uses. County Zoning for the property is Resort-Hotel-Safety with a minimum lot size of 750 square feet per unit (V-S-.75).

The subject Property has been used for single family residence purposes, as have the properties near it. Also nearby are developed and unimproved Open-zoned park lands of Onukahakaha and Lihikai County Parks, a bar and a neighborhood store.

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers (September 16, 1988, edition) indicates that the subject property falls into zone VE, or Coastal Flooding with

Velocity Hazard, and shows a base flood elevation of 16 feet. The U.S. Geological Survey Tsunami Inundation Map depicts the 100-year Tsunami Inundation Line to extend inland nearly a quarter mile from the subject property.

While the neighborhood's wastewater disposal needs are presently served by cesspools, a sewer main runs alongside the front of the subject property. The existing dwelling has been utilizing a cesspool on the parcel. Sewer laterals were not installed in this portion of the main, and connection costs could run up to \$3000-6000 according to the County Public Works Department, Wastewater and Solid Waste Division.

The property contains two approximately equal-sized terrace levels, (1) the front yard (fronting Kalaniana'ole Street) which lies about four feet above (2) the rear yard and house location. Each terrace is level and smooth. The division between them is a stone-faced retaining wall.

The property is mapped as containing Keaukaha Series soil, a Lithic Tropofolist. These soils are of organic derivation (Histosols) overlying pahoehoe lava and are considered well-drained.

The median annual rainfall at the parcel is 125-130 inches, as interpolated from an isohyet map in "Median Rainfall: State of Hawaii", Circular C-88, Department of Land and Natural Resources, State of Hawaii (1982).

The front yard of the property was occupied by a lawn, shrub hedges and several trees (according to a very recent photo), but now is scraped and barren, except for a mango tree (Mangifera indica; about 14 inches in trunk diameter), a lychee tree (Litchi chinensis;

about 14 inches in trunk diameter) and another 18-inch diameter tree which appears to remain anonymous.

The neighborhood reflects considerable recent historic development, consequently it is highly unlikely that either endangered species or historical sites remain on the subject parcel.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed construction is not anticipated to have any adverse environmental or ecological effects.

The proposed action is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the project, it is determined that the granting of this request will not impact on the identified resources.

The proposed construction is consistent with the present Urban district and Resort-Hotel-Safety zoning.

Based on the above, it is determined that the granting of the request will not create a significant adverse effect on the

environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall secure Plan Approval before construction and paving activities are commenced.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).