

## Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director

### CERTIFIED MAIL

September 13, 1989

Mr. and Mrs. David Andrews  
73-1109 Ahulani Street  
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Andrews:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 89-10  
Tax Map Key: 7-6-19:1

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 89-10 to allow the grading of portions of the lot for an after-the-fact preparation of a single family dwelling site and excavated driveway on their 9577 square foot lot. The land involved is located about 2000 feet mauka of the shoreline on Plumeria Road, between Ali'i Drive and Kuakini Highway, in a portion of Ali'i Kai Subdivision, Holualoa, North Kona, Hawaii, TMK: 7-6-19:1.

Please note that the permit approval is also 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 comply with all other applicable laws, rules, regulations, and requirements.
3. The reconstruction shall attempt to use the original wall stones as much as possible in the reconstructed segment or in repair of any other newly damaged sections of the wall on the property. The reconstruction shall follow the original construction technique. As much as possible, the original lichen-coated rocks from the original wall shall be utilized for reconstructing and repairing the outer portions to obtain a textural match.

Mr. and Mrs. David Andrews  
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4. The applicant shall complete the reconstruction within one year.
5. Upon completion, the applicant shall contact the SMA Section of the Planning Department to arrange a field inspection in order to determine compliance with the permit conditions.
6. Acknowledgement by the SMA Section that the prescribed mitigative reconstruction has been satisfactorily completed shall be required prior to issuance of any other County permits on the property.
7. 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).

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



DUANE KANUHA  
Planning Director

FRW:lv  
Enclosures

xc: Chief Engineer w/enc.  
DLNR-Historic Sites Section w/encs.  
West Hawaii Planning Coordinator w/encs.  
SMA Section w/encs.

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 89-10

SPECIAL MANAGEMENT AREA MINOR USE PERMIT


The Planning Director completed on September 13, 1989, an assessment on the application of DAVID AND CAROL ANDREWS 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: The grading of portions of the lot for an after-the-fact preparation of a single family dwelling site and excavated driveway on their 9577 square foot lot, Ali'i Kai Subd., Holualoa, North Kona, Hawaii, TMK: 7-6-19:1.

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 CONDITIONS

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 89-10  
DAVID AND CAROL ANDREWS  
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. The reconstruction shall attempt to use the original wall stones as much as possible in the reconstructed segment or in repair of any other newly damaged sections of the wall on the property. The reconstruction shall follow the original construction technique. As much as possible, the original lichen-coated rocks from the original wall shall be utilized for reconstructing and repairing the outer portions to obtain a textural match.
4. The applicant shall complete the reconstruction within one year.
5. Upon completion, the applicant shall contact the SMA Section of the Planning Department to arrange a field inspection in order to determine compliance with the permit conditions.
6. Acknowledgement by the SMA Section that the prescribed mitigative reconstruction has been satisfactorily completed shall be required prior to issuance of any other County permits on the property.
7. 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).

The applicants, Mr. and Mrs. David Andrews, are requesting a Special Management Area (SMA) Use Permit to allow the grading of portions of the lot for an after-the-fact preparation of a single family dwelling site and excavated driveway on their 9577 square foot lot. The land involved is located about 2000 feet mauka of the shoreline on Plumeria Road, between Ali'i Drive and Kuakini Highway, in a portion of Ali'i Kai Subdivision, Holualoa, North Kona, Hawaii, TMK: 7-6-19:1.

The applicant's contractor, Walter Andrade, has graded the lot for a house site and excavated a sloping driveway through a 22-foot high makai embankment to the makai access road. In order to get the heavy equipment onto the lot, the contractor entered the lot from a mauka property, breaching a portion of the Kuakini Wall which is situated along the mauka property boundary. The applicant proposes to rebuild the wall across the 12-foot breach, restoring the wall to its original condition. With the graded driveway, future access to the lot will be limited to Plumeria Street makai.

The General Plan Land Use Allocation Guide (LUPAG) Map designates the area for "alternate urban expansion." The State Land Use (SLU) District classification is "Urban." The County zoning is Single Family Residential-7,500 square feet minimum lot size (RS-7.5). The property is presently vacant.

Nearby properties are used for residences or are vacant. Land to the north, south, mauka and makai are all zoned Single Family Residential (RS-7.5 and RS-10).

The subject property has been unimproved, while most of the surrounding properties have already been developed for residence purposes. The property was vegetated with shrubs, grasses and annual weeds typical of the area and of formally grazed areas. No rare or endangered plants would be expected in this area, due to its past use and location in a highly anthropogenic landscape.

The land surface is now graded. The soil is mapped as an organically derived soil (classified as Punaluu Series, a Lithic Tropofolist, in the the 1973 "Soil Survey of Island of Hawaii," U.S. Department of Agriculture, Soil Conservation Service). The soil occurs in cracks and low-lying pockets between rock outcrops. It is rapidly permeable and has only slight erosion hazard according to the previous source.

The median annual rainfall at the parcel site is about 30 inches.

The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), designates the subject parcel to be in Zone X, outside the 500-year floodplain.

The mauka boundary of the subject parcel runs along the Great Wall of Kuakini, Archaeological Site No. 10-37-7276. While the site is eligible for the National Register of Historic Sites, it has been neither recommended nor listed in either the State or Federal Registers.

The portion of the wall on the subject property is about 5 feet high and 2 1/2 to 3 feet in thickness. The aforementioned grading activities resulted in an approximately 12-foot section of the wall being knocked down, and possibly other portions of the wall being damaged.

Mitigation for the unauthorized breaching of the Great Wall of Kuakini will require its reconstruction prior to issuance of further County permits. As much as practically possible, the reconstruction should match the materials, original construction technique, and surface textural character of the old wall.

Total cost for the grading and reconstruction of the damaged wall segment has not been finalized, but is determined to be much less than \$65,000.

#### Recommendation

An SMA Minor Permit is hereby approved based on the following findings:

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

The proposed project is not expected to have any adverse environmental or ecological effects. As conditioned, the site preparation and construction of a dwelling is not expected to have any non-reversible historical effects.

The proposed action is consistent with the Objectives, Policies, and SMA Guidelines. These were established to provide guidance for the preservation, protection, and development of coastal resources of the State and County. They identify several areas of management concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards. Due to the limited nature of the project and given the proposed conditions, it is determined that granting of this request will not permanently impact on the identified resources.

The proposed grading is consistent with the present Residential zoned district as well as the General Plan "Alternate Urban Expansion" designation.

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 comply with all other applicable laws, rules, regulations, and requirements.
3. The reconstruction shall attempt to use the original wall stones as much as possible in the reconstructed segment or in repair of any other newly damaged sections of the wall on the property. The reconstruction shall follow the original construction technique. As much as possible, the original lichen-coated rocks from the original wall shall be utilized for reconstructing and repairing the outer portions to obtain a textural match.
4. The applicant shall complete the reconstruction within one year.
5. Upon completion, the applicant shall contact the SMA Section of the Planning Department to arrange a field



inspection in order to determine compliance with the permit conditions.

6. Acknowledgement by the SMA Section that the prescribed mitigative reconstruction has been satisfactorily completed shall be required prior to issuance of any other County permits on the property.
7. 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).