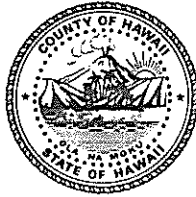


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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September 15, 1993

Mr. Ronald A. Brown
P. O. Box 2940
Kailua-Kona, HI 96745

Dear Mr. Brown:

Special Management Area (SMA) Minor Permit No. 93-17
Proposed CRM Seawall Construction On House Lot
20-Foot Shoreline Setback Determination
TMK: 7-6-17: 39; Holualoa 1 & 2, North Kona, Hawaii

We have received and reviewed a Special Management Area (SMA) Use Permit Assessment Application for the proposed construction of a CRM seawall on the subject shoreline parcel at 76-6176 Alii Drive.

BACKGROUND INFORMATION

The application includes plans to construct a reinforced concrete/CRM seawall along and mauka of the length of the minimum 20-foot shoreline setback line of the 8879 square foot subject parcel. Plans diagram the seawall to be 1.5 feet high along its length, 1.5 feet wide at grade, and two feet wide at the top cap. It is to be set upon an integral grade beam (2 feet wide and 1.2 feet thick) buried two feet below grade. The wall will extend diagonally across the 44 foot (perpendicular) width of the property in 4 angled segments totalling about 49 feet. This alignment places the wall parallel to and just outside the 20-foot shoreline setback line. The proposed seawall will start along the corner of a seawall and side boundary wall on parcel 81, run along the makai boundary line of the subject parcel for 9 feet, and then cut into the subject parcel as it progresses south. The top elevation of the wall will be at 10.5 feet elevation, as shown on the submitted plans. No backfill or soil is to be emplaced mauka of the wall. The estimated valuation of the proposed development is \$5,000.

SHORELINE. The shoreline was certified on June 23, 1992 by the Chairperson of the Board of Land and Natural Resources. This shoreline runs outside of the subject parcel (except where it meets the southwest corner). A minimum 20-foot shoreline setback has been

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determined for the subject property, pursuant to Planning Commission Rule No. 8, Section 8-5(1)(b). Utilizing the applicable 15-foot front setback, 8-foot side setbacks and a possible 40-foot shoreline setback from the certified shoreline, an aggregate setback area of 4628 square feet was calculated, reducing the buildable area to 47.9% of the 8879 square foot parcel. According to Planning Commission Rule No. 8, Section 8-5(1)(b), this qualifies the subject parcel for a 20-foot minimum shoreline setback.

A white sand and coral cobble beach overlies the mauka portion of the pahoe-hoe lava shelf which extends seaward of the subject property. Lateral public access is unimpeded across this beach and pahoe-hoe. A gently sloping portion of this beach extends into the subject parcel, grading into the level sandy yard just mauka of the makai lot boundary position.

LAND USE. The State Land Use (SLU) classification for the property is Urban. The General Plan Land Use Plan Allocation Guide (LUPAG) Map designates the area for Medium Density Urban uses. The County Zoning for the 8879 square foot parcel is Single Family Residential-15,000 square feet (RS-15). Setbacks for this small lot are 15 feet in the front, 8 feet on the sides and a rear setback of 15 feet and a calculated 20 feet from the certified shoreline on the makai side. Currently, the subject parcel contains a single family residence and modestly landscaped yard.

Immediately surrounding coastal properties are also situated within the SLU Urban District, and the General Plan LUPAG Map designation is for Medium Density Urban uses. The County Zoning is Single Family Residential-15,000 square feet (RS-15) for surrounding shoreline properties, and Double Family Residential-3750 square feet (RD-3.75) on the mauka side of Alii Drive. Nearby properties contain single family residences.

HAZARDS. The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), designates the subject area to be affected by three flood zone designations. The Coastal High Hazard or Tsunami Area ("VE") is identified to fall just makai of the seaward subject property boundaries. The Flood Fringe ("AE") occupies approximately the makai 75% of the parcel. The remainder of the lot falls within Zone X, outside the 500-year floodplain. The placement of landfill is not allowed within the "AE" zone. The subject parcel is situated on Hualalai volcano in Lava Hazard Zone 4, Zone 1 being the most hazardous zone.

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VEGETATION. Vegetation on the subject parcel consists of a lawn and a partial cover of trees and shrubs. About 6 trees exist makai of the proposed seawall location, and a few other trees and shrubs are located farther away from the project area. Species include coconut (Cocos nucifera), tree heliotrope (Messerschmidia argentea), monkeypod (Samanea saman), milo (Thespesia populnea) and Bermuda grass (Cynodon dactylon).

FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit. The proposed action is consistent with the Objectives, Policies and SMA Guidelines which 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.

The proposed construction of the low CRM seawall outside the 20-foot shoreline setback area is not expected to have any detrimental effects on the Special Management Area, as determined from the following findings and conditions.

The total valuation of the project will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

A white sand and coral cobble beach overlies much of the pahoe-hoe lava shelf which extends seaward of the subject property and the certified shoreline. Lateral public access is unimpeded across this public beach.

A gently sloping portion of this beach extends into the subject parcel, grading into the level sandy yard just mauka of the makai lot boundary position. Several trees are growing along this slope. It is anticipated that future certifications of the shoreline are not likely to occur mauka of these trees or much farther mauka to the wall location. The proposed seawall is to be located outside the 20-foot shoreline setback and mauka of the existing trees and sloping beach, so no adverse impact to the shoreline or natural shoreline processes is anticipated.

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Considering the prolonged residential use in the immediate area and the past replacement of the native vegetation with mostly introduced landscaping species, it is highly unlikely that any rare or endangered species of plant or animal exist on the site. Similarly, no historic sites were observed or are expected.

Based on the above findings, the limited nature of the project, and given the proposed conditions, it is determined that the granting of this request will not impact the identified resources. Therefore, the granting of this request 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; or the General Plan.

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

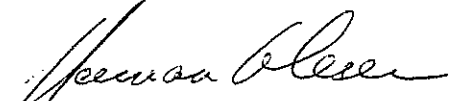
1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. The life of authorization of this permit is two years. Implementation of the proposed improvements in the manner described above shall be completed within two years.
4. Any deviations from the proposed project as explained in body of this permit will require advance approval from the Planning Department.
5. The minimum 20-foot shoreline setback line shall be measured, staked and roped by a registered land surveyor prior to any land alterations in the affected area. This stakeline should be marked with a series of colored flags and left in place for the duration of the construction of the wall. The Kona Office of the Planning Department shall be called to inspect and verify the position of the stakeline before any site alterations are initiated, and again after the project is completed.
6. All construction activities and materials, including the top cap and buried portion of the proposed seawall, shall be located outside the minimum 20-foot shoreline setback area and mauka of the measured stakeline.

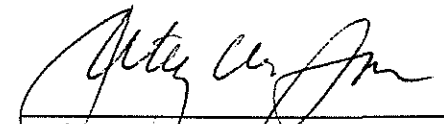
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7. No fill or other ground-elevating material shall be emplaced mauka of the permitted seawall within the "AE" flood zone.

A copy of the construction plans for the seawall will be signed and returned to you with this permit. Should you have any questions about this permit please contact Alice Kawaha or Rodney Nakano at this office.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

 9-17-93
fw Chief Engineer Date

FRW:mjh
0450D
Enclosure

xc: SMA Section
West Hawaii Office, w/plans
Mr. Galen Kuba, Department of Public Works