

CERTIFIED MAIL

December 3, 1993

Mr. Joseph N. Castelli, President
The Homeowners Association of the
Keauhou-Kona Surf & Racquet Club
78-6800 Alii Drive
Kailua-Kona, HI 96740

Dear Mr. Castelli:

Special Management Area (SMA) Minor Permit No. 93-23
Applicant: Homeowners Association of the Keauhou-Kona
Surf & Racquet Club
Proposed Construction of Wave Energy Dissipators and
Related Improvements
TMK: 7-8-13:3; Keauhou 1st, North Kona, Hawaii

With regards to the above-referenced project, we had determined that a Special Management Area (SMA) Minor Permit is required for the proposed improvements on the subject property. Accordingly, based on the following background and findings, we hereby issue SMA Minor Permit No. 93-23 with conditions.

BACKGROUND

1. The Homeowners Association of the Keauhou-Kona Surf & Racquet Club is requesting a Special Management Area (SMA) Minor Permit to construct wave energy dissipators and to level an 8-foot wide pedestrian pathway within the 40-foot shoreline setback area. The property is located on the makai side of Alii Drive approximately 2,000 feet north from its intersection with Kamehameha III Road, Kahlua & Keauhou 1st, North Kona, TMK: 7-8-13:3.

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2. The applicant proposes to restore and stabilize the shoreline in order to protect condominium structures and provide the safety of the residents from potential damage by storm surf. All improvements would occur within the 40-foot shoreline setback area. The cost of the improvements is estimated to be less than \$50,000.
 - a. **Wave Energy Dissipators** in the form of eleven (11) riprap barriers will be constructed between Buildings No. 4 & 5 of the Keauhou-Kona Surf and Racquet Club, which is located at the southwestern tip of the property. In the past, these buildings have been hit by storm waves causing damage to ground floor units and hospitalization of some of its residents. These rock barriers will be placed on the top of the lava ledge oceanside, which is 16-18 feet above the mean high waterline. The barriers will be staggered between the certified shoreline and the 40-foot setback area and designed to disseminate waves by allowing waves to drain back into the sea. Piles of 2-5 feet diameter pahoehoe lava rocks will be keystone trench cemented into the existing lava ledge with black cement. The barriers will measure approximately 15-25 feet long by 8 feet wide and 6-8 feet high. The height is determined by the maximum allowable so as not to block the ocean view from the ground floor apartments.
 - b. **A Pedestrian Pathway** 8-feet wide and 300 feet long will also be levelled to allow for pedestrian passage. This unpaved walkway will connect to an existing paved walkway that was previously restored under SMA Minor Use Permit No. 90-5. There are pedestrian rights-of-passage along the subject property.
 - c. Construction materials will be transported via an opening between Building No. 4 and the Inikiwai Heiau. This area is approximately 19 feet wide. A temporary roadway will be constructed by laying coarse gravel fill several feet deep to accommodate heavy construction equipment. Fencing will be constructed along the base outcrop of the heiau, so as not to cause any damage.
3. Previous permits issued include the following:
 - a. SSV No. 265 was granted by the Planning Commission on February 25, 1972, to allow the construction of a pedestrian pathway system within the 40-foot shoreline setback area.

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- b. SMA Use Permit No. 72 was granted by the Planning Commission on September 28, 1978 to allow the construction of a 117-unit condominium development and related improvements as the second increment of the Keauhou-Kona Surf & Racquet Club project.
- c. SMA Minor Use Permit No. 90-5 was issued by the Planning Director on March 23, 1990 to allow the placement of rock riprap barriers at three locations within the 40-foot shoreline setback area in the vicinity of Buildings No. 2 and 3, and to reconstruct portions of a pedestrian walkway for public access.
- d. SSV No. 643 was granted by the Planning Commission on April 11, 1990 to allow the excavation of material and construction of rock riprap barriers within the 40-foot shoreline setback area in the vicinity of Buildings No. 2 & 3.

STATE AND COUNTY PLANS

- 4. The State Land Use District classification is Urban. The General Plan designates the Keauhou area as a Major Resort area. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map depicts the project site as Open (coastal area) and the remaining portion of the property as Medium Density Urban. The Kona Regional Plan designates the area for Resort uses. The County Zoning designation is Multiple Residential -1,500 square foot (RM-1.5).
- 5. The project site is located within the Special Management Area. The proposed improvements require an SMA Permit and a Shoreline Setback Variance Permit.
- 6. A shoreline survey was certified on June 22, 1992 by the Chairman of the Board of Land and Natural Resources. Shoreline fronting the project site delineates the makai face of the existing shoreline wall as the certified shoreline.
- 7. The applicant has also submitted an application for a Shoreline Setback Variance to allow the improvements within the 40-foot shoreline setback area. The proposed improvements are subject to the requirements of Chapter 343, Hawaii Revised Statutes, regarding Environmental Impact Statements due to its location within the Kahalu'u Historic District and within the 40-foot shoreline setback area. An Environmental Assessment-Negative Declaration for the subject improvements was established in the October 23, 1993 Bulletin of the Office of Environmental Quality Control.

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DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA

8. The subject parcel is a 15.541 acre parcel and is the site of the Keauhou Kona Surf & Racquet Club. According to maps submitted by the applicant, portions of Buildings No. 4 & 5, which would be affected by the wave energy barriers, fall within and abut the 40-foot shoreline setback line.
9. The topography consists of solid pahoehoe lava ledge from a minimum of 16 feet above mean sea level at the shoreline to and sloping inland with variable heights of rough lava to 25 feet. The project area itself is relatively level.
10. Soils are classified as A'a and Pahoehoe lava.
11. The area of the proposed improvements is void of vegetation except for naupaka on the mauka areas of the shoreline. It is not known to be inhabited by rare or endangered species of plant or animals.
12. The project site is located within the Kahalu'u Historic District, which was placed on the National Register of Historic Places in 1974. The subject property is the site for several historic sites which are being preserved by the Homeowner's Association. The proposed work area is adjacent to the Inikiwai Heiau, which has been identified in the Archaeological Survey: Kahuluu and Keauhou, North Kona, Hawaii, Report 71-4 of the Bishop Museum. According to the applicant, this heiau is a Ku'ula shrine (fish god) which fishermen prayed to before going out to sea. Upon return, the first fish caught would be place on the top of the heiau as an offering. The heiau is about 10 feet high above ground level (28 feet) and paved with hand placed 'ili 'ili pebbles (small ocean-polished stones). According to the applicant, shrines such as this one, were also used to locate fishing "hot-spots" by taking sighting and using the shrine as part of the alignment. In the design plans for the barriers, the applicant has assured that viewplane of the Inikiwai Heiau would not be blocked from the sea. According to the applicant, the cement base pad of Building No. 4 is at 25 feet elevation. The base of the heiau is approximately 2 feet higher. The top of the highest barrier is at the 27-foot elevation which is at the approximate level of the base for the heiau.
13. Public shoreline mauka-makai access and pedestrian pathway systems within the 40-foot shoreline setback area exist as a result of required conditions of approval in SMA Use Permit No. 72, Shoreline Setback Variance No. 265, and SMA Minor Use Permit No. 90-5.

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14. According to the Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency, the project site is determined to be in Zone "VE" (subject to coastal flood with velocity hazard from wave action). The base flood elevation is determined to be 13 feet. As the ground elevation ranges from 16-23 feet, the proposed barriers will be located above the base flood elevation.
15. Surrounding lands to the north are owned Resort-Hotel and to the south are zoned Open. The subject property is bound on the south and southeast by the Kona Country Club Golf Course; on the north by Kona Lagoon Hotel, and Alii Drive to the east.

PUBLIC UTILITIES AND SERVICES

16. Access to the project site is from Alii Drive via a private driveway of the Keauhou-Kona Surf and Racquet Club. Alii Drive has a 50-foot right-of-way and a 20-foot wide pavement.
17. Water, wastewater and other essential utilities and services are available to the project site.

AGENCIES - COMMENTS

18. State Department of Land and Natural Resources, Historic Preservation Division:

"KKSRC is proposing to construct a number of wave energy suppression barriers on the top of the low sea cliffs fronting Building 5 in the property. The proposed barriers will be constructed of basalt boulders and cement, and will be approximately 7 feet high by 5 feet wide at the base, and 30-40 feet long. The construction site is a rough pahoehoe lava surface on the 10-20 feet sea cliffs which are frequently washed by high surf. No significant historic sites were observed in the construction site."

"On the other hand, an access road for transporting the building materials to the construction site has potential to adversely affect Inikiwai Heiau. The heiau is located on top of a large 'a'a lava outcrop. The proposed access road will be constructed of a 3-foot coarse gravel fill and it will cross through a point that is only 17 feet wide between the Inikiwai Heiau outcrop and an adjoining structural building. An adequate and desirable buffer zone around the heiau would be impossible to enforce in such a narrow space; however, our office feels that inadvertent damages to the heiau during the project can be avoided if a temporary and durable fencing is installed along the base of the outcrop for the duration of the project. The fence and road fill would

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then be removed after the project. Also it is our understanding that Mr. Castelli, who has been responsible for the clearing, interpretation, and maintenance of the historic sites, will be monitoring the construction activity. Mr. Castelli is very familiar with the preserved historic site and should be able to anticipate and forestall any threat of damage to the heiau. Hence, with the condition that a fenced barrier be constructed along the base of the outcrop on top of which is situated Inikiwai Heiau and with the general supervisor of the construction project by Mr. Castelli, our office is able to determine that the access road construction will have 'no adverse effect' on significant historic sites."

19. State Department of Land and Natural Resources, Division of Aquatic Resources:

"No significant impact to aquatic resources values is expected from this activity."

"The rock barriers would be on fast land within the applicant's certified shoreline, on a wave washed lava ledge completely devoid of floral or faunal life. However, precautions should be taken to prevent debris, construction materials, cement and other possible contaminants from entering the aquatic environment."

20. County Department of Public Works, Engineering Division:

"Based upon the plan submitted, all 'structures' will be located above the base flood elevation of thirteen (13) feet and, therefore, are exempt from Chapter 27 requirements of the Hawaii County Code."

21. County Civil Defense Agency:

"The project is located in an area that exposes it to damaging and destructive waves during winterstorms from the north and from tropical cyclones during the summer and fall months. The last storm to impact the facility occurred during Hurricane Iniki (September 1992)."

"Other than damages caused by the waves, the major concern for property owners has been the inadequate advance warnings so as to give some time to take protective actions. Unfortunately, advanced warnings will remain a problem for some time to come. Although the wave dissipator will not protect the facility from major storm or tsunami waves, it will minimize the impact from most of the winter and tropical storm waves that impact the area on a regular basis."

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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 based on the following findings:

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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.

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 improvements would help to restore and stabilize the shoreline in areas eroded by high surf conditions, between Buildings No. 4 & 5 of the Keauhou-Kona Surf and Racquet Club. Damages have already occurred to the ground floor level of the condominium and caused the hospitalization of some tenants. In addition, existing public pathways have also been destroyed by the surf. As these buildings abut the 40-foot shoreline setback area, they are directly impacted by the Kona winter and south swell storms. Should these barriers not be constructed, further erosion of the shoreline would occur, and the safety of the residents of the condominium would be at stake. The proposed eleven (11) riprap barriers will serve as a buffer zone between the existing condominium buildings and the ocean by preventing additional property damage as well as protecting the health and safety of its residents.

The natural shoreline processes will experience minimal interference, if any, from the proposed improvements. A temporary roadway 19-feet wide will be constructed by laying coarse gravel fill several feet deep between Building No. 4 and the Inikiwai Heiau to accommodate heavy construction equipment. Fencing will be installed along the base of the outcrop of the Inikiwai Heiau so as not to cause any damage. In

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addition, Mr. Joseph Castelli, President of the Homeowners Association, will monitor and supervise the work to ensure that the Inikiwai Heiau is protected and that no construction contaminants enter the ocean water. In addition, a condition is being imposed to require that no construction or deposition of material occur seaward of the certified shoreline.

The nature of the proposed improvements are not anticipated to interfere with public access to shoreline areas or existing view planes as designed. On the contrary, these improvements, along with the existing public access pathways will enhance public shoreline access. Existing mauka-makai public access will not be affected. In addition, the limited nature of the proposed improvements are not anticipated to affect historical sites or nearby coastal and pond water quality. The barriers, by design, will be between 6-8 feet with a base elevation between 16-20 feet. The applicant states that the highest barrier will be at the 27-foot elevation. With the base elevation of the buildings being between 23-25 feet and the Inikiwai Heiau at the 27 foot elevation, existing view planes to and along the shoreline would not be adversely affected.

The proposed construction of the riprap barriers will contribute to the provision of lateral public access along the shoreline, which has been curtailed by the loss of shoreline material. Since the applicant also proposes to level a pedestrian pathway along the shoreline in the vicinity, the barriers would allow for public access along the pathways. Thus, approval of this request will enhance existing public access and is clearly in the public interest by providing safe lateral access along the shoreline.

Given the limited nature of the proposed improvements, approval of this request would allow for a reasonable use of the land which would not affect shoreline views, public access, and the environment or ecology of the shoreline area.

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 205A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

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

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. The applicant shall secure a Shoreline Setback Variance (SSV) Permit.
4. Construction shall be completed within one year from the effective date of a Shoreline Setback Variance Permit.
5. Prior to any construction-related activities, a temporary and durable fence shall be installed along the base outcrop of the Inikiwai Heiau.
6. Prior to any construction-related activity, the applicant shall clearly stake the certified shoreline as approved by the Chairman of the Board of Land and Natural Resources on July 3, 1990. The Planning Department shall be notified, in writing, of the staking. No construction or deposition of material shall occur seaward of this staked line.
7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon a archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
8. Upon compliance with all conditions of approval, and upon completion of the proposed work, the applicant shall submit a final status report, in writing, to the Planning Director.

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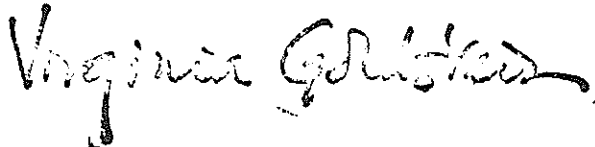
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9. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances: (a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; (b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and (c) 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 any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

Should you have any questions, please feel free to contact Alice Kawaha or Rodney Nakano of this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

Chief Engineer

Date

AGK:mjh

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xc: Ms. Donna Kiyosaki, Chief Engineer
West Hawaii Office
Planning Commission

bcc: SSV 93-1
SMA Section