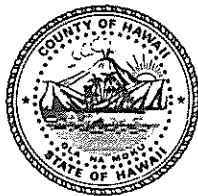


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

COPY

August 30, 1993

CERTIFIED MAIL

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

Dear Mr. Brown:

Special Management Area (SMA) Minor Permit No. 93-8
Proposed CRM Seawall Construction On Vacant Lot
20-Foot Shoreline Setback Determination
TMK: 7-6-17: 36: 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 reinforced CRM seawall and limited landscaping near the makai end of the subject shoreline parcel at 76-6180 Alii Drive.

BACKGROUND INFORMATION

The application indicates plans to construct a reinforced concrete/CRM seawall along the length of and outside the minimum 20-foot shoreline setback line of the 7943 square foot subject parcel, and also to landscape the lot with a lawn. The seawall will be 1.5-2.0 feet high above grade, 1.5 feet wide at grade, and 2 feet wide at the top cap. It is to be set upon an integral reinforced concrete grade beam (2 feet wide and 1.2 feet thick) buried two feet below grade. The wall will extend about 39 feet across the width of the property parallel to the shoreline setback line and slightly off perpendicular from the side lot boundaries. The top elevation of the wall will be at 10.5 feet elevation, as shown on the submitted topographic map and plans. The proposed seawall will meet and run nearly perpendicular to the mauka end of an existing short sideline wall on parcel 37 (this exists along the makai end of the north side lot boundary of 37, just outside the subject lot).

The landscaping will be the addition of a Bermuda grass lawn over the existing sandy soil and sparse lawn. The addition of between 2 and 6 inches of topsoil over the ground surface and working it into the loose sandy soil will proceed the establishment of the grass.

Mr. Ronald A. Brown
Page 2
August 30, 1993

However, there will not be any fill applied to raise the grade of the lot. Existing trees and shrubs will remain on the lot. 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 just outside of the subject parcel (except where it meets the northwest corner), placing 58 square feet of the shoreline setback area outside the subject parcel. A 20-foot shoreline setback has been determined for the subject property. Utilizing the 15-foot front setback, 8-foot side setbacks and a possible 40-foot shoreline setback from the certified shoreline, an aggregate setback area of 4499 square feet was calculated, reducing the buildable area to 43% of the 7943 square foot parcel. According to Planning Commission Rule No. 8, Section 8-5(1)(b), this qualifies the subject parcel for a 20-foot shoreline setback.

A white sand and coral cobble beach overlies the pahoehoe lava shelf which extends seaward of the subject property. Lateral public access is unimpeded across this public beach. A steeply sloping portion of this beach extends into the subject parcel, grading into the level sandy yard at about the shoreline setback line 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 is Single Family Residential-15,000 square feet (RS-15). Currently, the long rectangular lot is vacant of structures, except for an L-shaped retaining rock wall and raised driveway in the mauka portion of the parcel, and southern extensions of a concrete house lanai and walkway. These items are associated with a dwelling on the parcel to the north (37, same owner). They are shown on a submitted plot plan and/or were observed to extend well onto the subject parcel.

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.

Mr. Ronald R. Brown
Page 3
August 30, 1993

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 about 1 foot (north) to 20 feet (south) within the subject parcel boundaries, makai of the 20-foot shoreline setback line. Above this line, the Flood Fringe ("AE") occupies approximately the makai 80% 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 "VE" and "AE" zones. The subject parcel is situated on Hualalai volcano in Lava Hazard Zone 4, Zone 1 being the most hazardous zone.

VEGETATION. Vegetation on the subject parcel consists of a sparse lawn and a partial cover of trees and shrubs. About 5 trees exist makai of the proposed seawall location, and about 20-25 other trees and shrubs are shown on the plot plan to be in place along the southern length of the lot, mostly peripherally. Species include coconut (Cocos nucifera), tree heliotrope (Messerschmidia argentea), plumeria (Plumeria sp.), banyan (Ficus sp.), monkeypod (Samanea saman), naupaka (Scaevola sericea), Bermuda grass (Cynodon dactylon) and ironwood (Casuarina equisetifolia).

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 and landscaping are 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.

Mr. Ronald A. Brown
Page 4
August 30, 1993

A white sand and coral cobble beach overlies the pahoehoe lava shelf which extends seaward of the subject property and the certified shoreline. Lateral public access is unimpeded across this public beach and will not be adversely affected by the addition of the seawall.

A steeply sloping portion of this beach extends into the subject parcel, grading into the level sandy yard at about the shoreline setback line 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 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.

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:

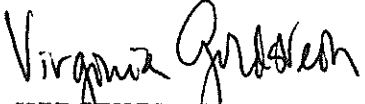
1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. The life of authorization of this permit is two years. Implementation of the proposed improvements in the manner described above shall be completed within two years.


Mr. Ronald A. Brown
Page 5
August 30, 1993

4. Any deviations from the proposed project as explained in the application materials and in the 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 the buried portion of the proposed seawall, shall be located outside the minimum 20-foot shoreline setback area and mauka of the measured stakeline.
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 requested 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 Rick Warshauer, Alice Kawaha or Rodney Nakano at this office.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director


DONNA FAY KIYOSAKI
Chief Engineer

Date: SEP 1 1993

FRW:pak
0434D
Enclosure
xc: SMA Section
West Hawaii Office, w/plans