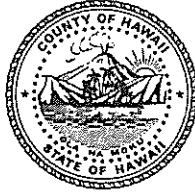


Stephen K. Yamashiro
Mayor



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

CERTIFIED MAIL

July 28, 1994

Mr. Michael J. Krochina, P.E.
Krochina Engineering
P. O. Box 4613
Kailua-Kona, HI 96745

Dear Mr. Krochina:

Special Management Area (SMA) Use Permit Assessment
Application No. 94-3
Special Management Area (SMA) Minor Permit No. 17
Applicant: Michael J. Krochina dba Krochina Engineering
Request: Construction of a New Roof and Lanai Addition and
the Repair and Modification of Existing Railings within
the Kona Magic Sands Condominium
Tax Map Key: 7-7-08: 22; Kahului 1st, North Kona, Hawaii

We have reviewed the above-described SMA Assessment Application No. 94-3, originally submitted on December 28, 1993, and accepted by this office on July 23, 1994, for the proposed construction of a new roof and lanai addition and the repair and modification of existing railings within the existing Kona Magic Sands Condominium complex. Under Planning Commission Rule No. 9, SMA Rules and Regulations, the "construction, reconstruction, or alteration of the size of any structure" is considered development for the purposes of the SMA review. The proposed improvements does not exceed \$125,000 in value, and it will not have a significant adverse impact on the SMA area; therefore, the project requires a Special Management Area Minor Permit. We hereby issue SMA Minor Permit No. 17, with the specified conditions. For your information, while the SMA Use Permit Assessment Application was originally submitted in 1993, the acceptance date of July 23, 1994, reflects the date of publication of a Final Environmental Assessment-Negative Declaration for the proposed improvements with the Office of Environmental Quality Control.

PROJECT DESCRIPTION

- 1) Michael J. Krochina, representing the Kona Magic Sands Condominium Association, has submitted an SMA Use Permit Assessment Application for the construction of a new steel framed flat roof on third level over existing second floor roof; and the repair and replacement of existing concrete block railing along makai side of existing Kona Magic Sands Condominium complex. The project site is located on the makai side of Alii Drive, Kahului 1st, North Kona, Hawaii, TMK: 7-7-08: 22.
- 2) The proposed improvements, as detailed below and in attached excerpts from the applicant's Final Environmental Assessment-Negative Declaration, will not extend beyond the exterior dimensions of the existing condominium complex. As a matter of reference, a portion of the existing complex is located 5.4 feet from the certified shoreline.
 - I. Construction of a new steel framed flat roof on third level over existing second floor roof.
 - a. Install a new steel framed flat roof and support system over existing second floor roof. The new steel framed flat roof will not extend beyond exterior dimension of existing second floor roof nor exceed existing height of condominium complex. A portion of the new roof will be located within the 40-foot shoreline setback area and will approach to within 6.5 feet from the certified shoreline.
 - b. Existing second floor roof will be converted to a lanai (third floor) upon completion of the new steel framed flat roof.
 - c. Install metal railings on new third floor lanai to replace existing wood-framed mansard.
 - d. Extend end east-end wall along Unit 301 to the new roof extension on new third floor lanai.
 - II. Repair and Replacement of Existing Concrete Block Railing along makai side of existing condominium complex.

- a. Existing concrete block railings along 31 lanai units on the first, second and third floors of the existing condominium complex to be inspected and repaired or replaced as needed. These railings and proposed improvements are located on or immediately within the 40-foot shoreline setback line.
- b. Optional glass and metal-framed enclosures to be constructed along the mauka edge of the concrete block railings.

STATE AND COUNTY PLANS

- 3) The State Land Use District classification of the subject property is Urban. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the subject area for Resort uses, which is reflected in the property's Resort-Hotel-1,250 square feet per unit (V-1.25) zoning as defined by the County.
- 4) The project site is located within the Special Management Area; therefore, the applicant requires an SMA Minor Permit. Portions of the proposed improvements will be located within the 40-foot shoreline setback area. A shoreline setback variance will be required for these improvements located within the 40-foot shoreline setback area.

SITE DESCRIPTION

- 5) The project site bounded to the west (makai) by the ocean; to the east (mauka) by Alii Drive; to the south by the County's Magic Sands Beach Park; and to the north by a State park. Both parks are located on lands zoned Open (O) by the County. Lands located immediately mauka of the project site on the opposite side of Alii Drive are also zoned V-1.25.
- 6) The project site is extensively improved as the 37-unit, 3-story Kona Magic Sands Condominium complex, which was constructed in the mid 1960's. Since that time, a number of approvals have been granted by the County for various improvements to the complex, and which are listed below:
 - a) Interim Zoning Variance No. 27 - approved on June 15, 1965, to allow the establishment of the Kona Magic Sands Condominium complex and related uses.

- b) Shoreline Setback Variance No. 432 - approved on February 13, 1975, to allow the enclosure of the open makai lanai with sliding glass doors and to improve its restroom facilities.
 - c) Shoreline Setback Variance No. 613 - approved on December 3, 1981, and Special Management Area Minor Permit No. 81-34 - approved on December 16, 1983, to allow the replacement of sheet metal roof which covers portion of makai- side second floor lanais and construction of a mansard on makai edge of the newly replaced roof.
 - d) Special Management Area Minor Permit No. 90-11 - approved on June 1, 1990, to allow the installation of reinforcing beams and posts to support existing concrete support beams and first and second floor lanai roof structures; to replace second floor CMU lanai railings, and other minor work.
- 7) The project site, a coastal parcel consisting of approximately 42,351 square feet, has a shoreline frontage of approximately 494 feet which was certified by the Chairman of the Board of Land and Natural Resources on September 13, 1993. The certified shoreline was certified along the makai face of an existing seawall which fronts the subject property.
- 8) The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), designates the makai third of the project site as being located in Zone VE-12, or within an area subject to coastal flooding with tsunami inundation hazards with a base flood elevation of 12 feet. The remaining two-thirds of the project site is located within Zone AE-12, or areas subject to a 100-year flood with base flood elevations of 12 feet.
- 9) The proposed improvements are to an existing structure. Therefore, adverse impacts to endangered species of flora and fauna are not anticipated.

INFRASTRUCTURE

- 10) Access to the project site is provided by Alii Drive, a County-maintained roadway having a pavement width of 22 feet within a 50-foot right-of-way.

- 11) Water, electricity, wastewater disposal and other utilities or facilities are available to the subject property.

ASSESSMENT

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 island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject improvements, the Planning Director finds that the proposed improvements are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements will not interfere with recreational uses of the coastal area since such improvements will be confined to the existing condominium complex and which will not demand that additional land be encumbered to accommodate these improvements. Plans indicate that the proposed roof and railing improvements will not extend beyond the existing perimeter dimensions of the condominium complex.
- b) **Historical and Natural Resources:** With extensive development of the project site already in place and proposed improvements limited to the existing complex, adverse impacts to historical or natural resources are not anticipated.
- c) **Scenic and Open Space Resources:** The proposed improvements will not interfere with the coastal view plane. All of the improvements will be located on the makai face of the condominium complex, away from the mauka to makai view plane. The extreme exterior dimensions of the complex will not be altered by the improvements, thereby alleviating any concerns regarding the overall height or massing of the proposed improvements and its potential impact on scenic resources.
- d) **Coastal Ecosystems:** As previously mentioned, the proposed improvements will be limited to an existing condominium complex which is located on lands which have been extensively improved. The proposed improvements are generally structural and cosmetic in nature and will not introduce a new use nor would it intensify any existing use. Therefore, the proposed improvements, in itself, will not adversely affect coastal ecosystems. The limited nature

of the proposed improvements would not create any concerns regarding construction activities which current standard construction practices cannot mitigate. A shoreline setback variance for improvement to be located within the 40-foot shoreline setback area must be secured from the Planning Commission prior to commencing construction.

- e) **Economic Uses:** Being purely structural and cosmetic in nature, the proposed improvements would not be contrary to the project site's State Land Use Designation, General Plan Designation, Kona Regional Plan and the County Zoning Code.
- f) **Coastal Hazards:** The project site is located within flood areas with a base flood elevation of 12 feet. The makai one-third of the property is also subject to tsunami hazards. Any construction or alteration to the existing structure are subject to the requirements of the Department of Public Works regarding construction within flood areas.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the proposed improvements will not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the proposed improvements, if required, shall be secured from the Planning Department. Plans shall identify, but not be limited to, proposed structural improvements and existing structures and their relationship to the certified shoreline. The 40-foot shoreline setback line shall also be delineated on plans submitted.
3. Construction of the proposed improvements shall be completed within 2 (two) years from the effective date of this permit.
4. The minimum 40-foot shoreline setback shall be staked and delineated with a continuous flag ribbon by a registered surveyor prior to any construction or land alterations within the subject property. Written confirmation shall be submitted in conjunction with required construction or building permits. No improvements shall be allowed within

Mr. Michael J. Krochina, P.E.

Page 7

July 28, 1994

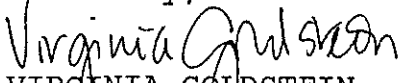
the 40-foot shoreline setback area unless approvals have been granted in accordance with Rule 8 of the Planning Commission relating to Shoreline Setback.

5. The applicant, its successors or assigns shall comply with all applicable laws, rules, regulations and requirements of the affected agencies.
6. A progress report shall be submitted to the Planning Director within six months from the date of this permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. Additional progress reports will be required every six months, until all conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
7. An extension of time for the performance of conditions within the 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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 conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

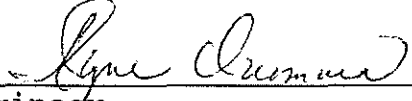
Please feel free to contact staff members Daryn Arai or Rodney Nakano at 961-8288 should you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

Mr. Michael J. Krochina, P.E.
Page 8
July 28, 1994

AUG 08 1994


Chief Engineer

Date

DSA:mjh
SMM17/Kroch07.DSA
Attachments

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