

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

January 23, 2003

Mr. Steven S.C. Lim  
Carlsmith Ball LLC  
121 Waianuenue Avenue  
Hilo, HI 96720

Dear Mr. Lim:

Special Management Area Use Permit Assessment No. 02-50

Special Management Area Minor Use Permit No. 130

Applicant: Daniel J. Mardones

Request: Construction of a rock wall less than 6-ft. in height, grading & backfill

Tax Map Key: 1-2-30: 05 & 06 Kehena Beach Estates Unit 1, Puna, Hawaii

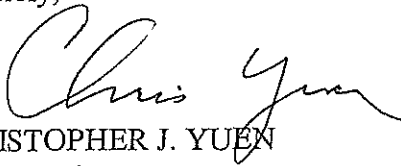
This is to acknowledge receipt of your Special Management Area Assessment Application. The proposed improvement will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. Therefore, Special Management Area Minor Use Permit No. 130 (with conditions) is hereby issued to allow the proposed improvement within the County's Special Management Area. Please be aware that this permit is issued solely for the construction of the rock walls and related grading and backfill. The completed rock wall shall not exceed 6-ft. in height. Should the rock wall exceed 6-feet in height, a building permit will be required from the Department of Public Works, Building Division.

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Mr. Steven S.C. Lim  
Carlsmith Ball LLC  
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Please comply with all of the terms and conditions of approval of SMA Minor Use Permit No. 130. Should you have any questions, please contact us at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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Enclosure: SMM 130

cc: Long Range Planning Division  
Department of Public Works

# SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 130

**Approved Development** (describe in detail):

Construction of oceanside and boundary rock walls less than 6-ft. in height, grading and backfill. The walls will be located approximately 21-feet inland from the boundary pin/shoreline, exceeding the mandatory 20-foot shoreline setback requirement.

**Applicant's Name:** Daniel J. Mardones

**TMK:** 1-2-030: 05 & 06

**Land Area:** Parcel 5 – 13,235 sq. feet  
Parcel 6 – 8,889 sq. feet

## **Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes  
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, Hawaii Revised Statutes to:
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
  - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - ☒ Stimulate public awareness, education, and participation in coastal management.
  - ☒ Protect beaches for public use and recreation.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, Hawaii Revised Statutes relating to:
  - ☒ Recreational resources
  - ☒ Historic resources
  - ☒ Scenic and Open Space resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
- ☒ Beach Protection
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact

## Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 130 is granted for the construction of the rock walls not to exceed 6-ft. in height, grading and backfill.
3. The construction shall be completed within one year from the date of approval of this permit.
4. Although the property is located on a cliff, the applicant shall provide a 10-foot wide lateral pedestrian access corridor along the shoreline edge of the property for access to surrounding shoreline areas that may be used by the general public and practitioners of traditional and customary native Hawaiian gathering practices.
5. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works. Should the rock walls exceed 6-foot in height, a building permit shall be secured from the Department of Public Works, Building Division.
6. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
7. The Planning Director may grant an extension of time upon the following circumstances:
  - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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).
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN  
Planning Director

JAN 23 2003

Date

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