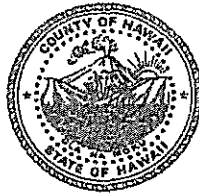


Harry Kim
Mayor



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

August 1, 2003

Paul Bleck AIA, Ltd.
P. O. Box 4771
Kailua-Kona HI 96745

Dear Mr. Bleck:

Special Management Area Use Permit Assessment Application (03-030)
Special Management Area Minor Permit No. 139
Applicant: Paul Bleck AIA, Ltd.
Owner: Garret Wykowski
Request: Construction of a Second Single Family Dwelling
Tax Map Key: 7-8-14:24, Kahaluu Beach Lots, North Kona, Hawaii

This is to follow up on our May 29, 2003 letter relating to the above-referenced Special Management Area Assessment for the construction of a second single family dwelling on the subject parcel.

This parcel is designated Urban by the State Land Use Commission and zoned Resort-Hotel (V-1.25) by the County. The General Plan designation is Medium Density Urban.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, a second single family dwelling is considered "Construction, reconstruction, or alteration of the size of any structure" and defined as "development". Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 139 is hereby issued to allow for the construction of a second single family dwelling, approximately 1,657 square feet in size, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Paul Bleck AIA, Ltd.

Page 2

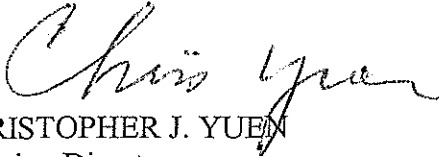
August 1, 2003

Regarding comments from the Department of Public Works, Building Permit No. 015875 for the detached garage was not finalized. The Department of Public Works, Building Division should be contacted regarding this open permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:pak

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Enclosures - SMM No. 139

Department of Public Works July 23, 2003 Memo

xc w/encls: Long Range Planning - Susan Gagorik
Planning - Norman Hayashi
Planning Department - Kona
DPW, Building Division - Kona

**SPECIAL MANAGEMENT AREA MINOR PERMIT
NO. 139**

Approved Development:

Construction of a second single family dwelling consisting of one bedroom with a studio/loft, approximately 1,657 square feet in size (960 square feet living area and 697 square feet accessory area), situated above the existing parking area.

Applicant's Name: Paul Bleck AIA, Ltd.

Landowner's Name: Garret Wykowski

TMK: 7-8-14:24

Land Area: 6,603 Square Feet

Kahaluu Beach Lots, North Kona, Hawai'i

**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 Permit requires that activity be consistent with all objectives & policies.

An SMA Minor Permit No. 139 is issued for a second single family dwelling consisting of one bedroom with a studio/loft, approximately 1,657 square feet in size (960 square feet living area and 697 square feet accessory area), situated above the existing parking area, which will not be in excess of \$125,000 in valuation; and after reviewed by the Chief Engineer for compliance with Chapter 27, Flood Control, of the Hawai'i County Code will not have a substantial adverse effect on the Special Management Area. The proposed development is consistent with the following objectives and 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 Hawai'i County General Plan and Zoning Code.

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

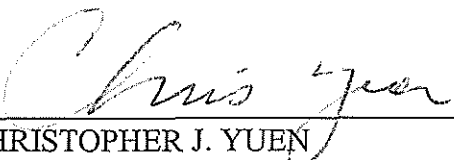
Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

- ☒ 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 tsunami, 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
- ☒ Marine Resources
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact Statements.

Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All improvements shall be completed within three years of the permit's date of approval.
3. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls, will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigation measures are taken for the discovery, with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
4. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
5. Off-street parking spaces required for the two single family dwellings are two spaces for each dwelling unit or a total of four off-street parking spaces. Per Final Plan Approval dated March 7, 2000 and amended Special Management Area Minor Permit No. 85, one stall is required for the 285 square feet retail store (132 square feet interior office space and 153 square feet storage space in rear yard parking area). Therefore, a total of five (5) off-street parking spaces is required on the subject property.
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director

8/6/03
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


JUL 25 PM 12 23

DATE: July 23, 2003

RECEIVED
COUNTY OF HAWAII
PLANNING
DEPT.

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : SMA Use Permit Assessment Application (03-030)
Applicant: Paul Bleck, AIA for Garret Wykowski
Location: Kahaluu, N. Kona, HI
TMK: 3 / 7-8-014:024

We reviewed the subject application and our comments are as follows:

BUILDING

Buildings shall conform to all requirements of code and statutes pertaining to building construction, (see attached memorandum from our Building Division).

DRAINAGE

All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. The proposed project is not located in a Special Flood Hazard Area regulated under Chapter 27 of the Hawaii County Code.

ROADWAYS

The applicant should remove any encroachments or obstructions within the County right-of-way.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE
copy: ENG-HILO/KONA
PLNG-KONA

74-50



BUILDING DIVISION

Department of Public Works – County of Hawaii
101 Pauahi St., Suite 7 – Hilo, Hawaii 96720

Hilo (808) 961-8331 – Fax (808) 961-8410
Kona (808) 327-3520 – Fax (808) 327-3509

July 18, 2003

Memorandum

TO: KIRAN EMLER, Engineering Division

FROM: *Brian Kajikawa*
BRIAN KAJIKAWA, Acting Building Division Chief

SUBJECT: SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT APPLICATION No. 03-30

Applicant: Paul Bleck, AIA

Owner: Garret Wykowski

TMK: 7-8-14:24

Location: 78-6685 Alii Drive. Kailua-Kona, Hawaii

Our comments on the subject application are as follows:

- ☐ We have no comments or objections to the application.
- ☒ Approval of the application shall be conditioned on the comments as noted below.
- ☐ We oppose the approval of the application for the reasons noted below.
 - ☒ All new building construction shall conform to current code requirements.
 - ☐ The subject dwelling/structure currently has outstanding violations which shall be corrected.
 - ☐ The building permit for the subject dwelling was never finalized.
 - ☐ The minimum setbacks shall be maintained as follows:
 - Residential structures - 3 ft. side, 3 ft. rear
 - Commercial structures - 5 ft. side, 5 ft. rear
 - ☐ The projections do not meet setback requirements and should be corrected.
 - ☐ No openings in the exterior wall are permitted less than _____ ft. from the property line.
 - ☐ The exterior wall or projections shall be constructed to provide a _____ hour fire resistive occupancy separation.
 - ☐ An approved automatic sprinkler system is required/to substitute.
 - ☐ The common wall shall be constructed to provide a _____ hour fire resistive area separation. -
 - ☒ Others: The building permit No. 015875 for the subject detached garage was not finalized.